

425-I-4

2003-0104

142 Presumpscot St.

Warehouse Addition

142 Presumpscot Limited



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

2003-0104

Application I. D. Number

05/27/2003

Application Date

Warehouse Addition

Project Name/Description

142 Presumpscot Limited

Applicant

142 Presumpscot St, Portland, ME 04103

Applicant's Mailing Address

Consultant/Agent

Applicant Ph: (207) 775-1100 Applicant Fax: (207) 775-1139

Applicant or Agent Daytime Telephone, Fax

142 - 142 Presumpscot St, Portland, Maine

Address of Proposed Site

425 1004001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

9,865 s.f. IL/R5

Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

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

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 06/05/2003

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

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

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

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

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
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Att. 8

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Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 06/05/2003

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW....7/03/03

I have reviewed the submittal dated 5/27/03 and offer the following comments:
 1. Public Works is requesting the applicant install granite curbing and building a 5 feet wide paved sidewalk along the site frontage on Grafton Street.
 2. The plans must identify the proposed trench excavation limits within Grafton Street.
 3. The applicant is advised to contact Carol Merrit, at Public Works, regarding the permits and fees associated with this development.
 4. The abutting residential properties on Providence Street, currently experience significant rear yard flooding problems. Therefore, we are requesting the applicant divert all rear site runoff to a site drainage collection system that is piped to Grafton Street. The existing site catch basin will need to be connected to the proposed catch basin, proposed at the westerly side of the new building. In addition, the outlet to Providence Street, within the existing catch basin, must be sealed permanently.

PUBLIC WORKS ENGINEERING REVIEW...2/11/04

The submittal dated 1/27/04 has addressed all of Public Works issues.

Performance Guarantee	<input type="checkbox"/> Required*	<input type="checkbox"/> Not Required
* No building permit may be issued until a performance guarantee has been submitted as indicated below		
<input type="checkbox"/> Performance Guarantee Accepted	_____ date	_____ amount
<input type="checkbox"/> Inspection Fee Paid	_____ date	_____ expiration date
<input type="checkbox"/> Building Permit Issue	_____ date	

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DEVELOPMENT REVIEW APPLICATION
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|--|---|--|--|
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(major/minor) | <input type="checkbox"/> Subdivision
of lots _____ | <input type="checkbox"/> PAD Review | <input type="checkbox"/> 14-403 Streets Review |
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Use (ZBA/PB) | <input type="checkbox"/> Zoning Variance | <input type="checkbox"/> Other _____ | |

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	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date

Performance Guarantee Reduced

date

remaining balance

signature

Temporary Certificate of Occupancy

date

Conditions (See Attached)

expiration date

Final Inspection

date

signature

Certificate Of Occupancy

date

Performance Guarantee Released

date

signature

Defect Guarantee Submitted

submitted date

amount

expiration date

Defect Guarantee Released

date

signature

SUMMARY OF DRAKE OPPOSITION TO RE-APPROVAL OF ADDITION TO WAREHOUSE AT 142 PRESUMPCOT STREET

SPECIFIC SITE PLAN ISSUES:

1. Proposed Rear Loading Bay Condition

There still appear to be two overhead doors at 4' height, and a pass door at rear per elevation drawings. Under the zoning ordinance, each overhead (loading) door needs its own loading bay.

Staff is proposing a condition that trailer trucks at the rear (two) doors share one loading bay. Such a condition, *in lieu of compliance* with the requirements of the zoning ordinance would amount to an illegal waiver of a zoning ordinance requirement.

Moreover, such a condition will also be unenforceable in practice, as there will be no way to effectively police such transient use.

2. Proposed Grafton Street Loading Bay Condition

There still appear to be two overhead doors at 4' height, and two pass doors on the Grafton Street side? Paved areas are also shown in the vicinity of these overhead doors. Under the zoning ordinance, each loading door needs a legally sized loading bay, capable of handling *any* truck.

Staff is proposing that these overhead doors not be required to be served by ordinance-sized loading bays. This is to be accomplished by a condition imposed by the Board purporting to limit their use to small delivery trucks. This purported "condition" is actually an illegal waiver of the ordinance requirement that all truck delivery doors be serviced by the loading bay specified in the zoning ordinance.

Moreover, the Staff recommendation as to condition on Grafton Street delivery doors is nonsensical, as it speaks to future approval of alteration, where no alteration will be required for these doors to be used for loading of large trucks. All that a future owner will have to do, is to back a tractor trailer truck up to one of the 4' high overhead doors that are shown on the Grafton Street side elevation plan already! As in the case of the condition proposed for the rear loading bay, the proposed condition limiting the use to small vans will be unenforceable, as there will be

no way to effectively police such transient use.

3. Parking.

Existing parking areas in the front of the building appear to be eliminated in favor of grassed areas. Where is the replacement parking for the portion of the site previously treated as being grandfathered as to parking?

ZONING VIOLATIONS IN SITE PLAN:

I. Violations of Loading Bay Requirements

1. The final approved plan by the Owner proposed a delivery door at loading platform height for receiving deliveries on the Grafton Street side of the property and a single loading bay at the rear, although two delivery doors appear still to be proposed.
2. PCC §14-352 states that:

“Each loading bay shall have minimum dimensions of fifty (50) feet by fourteen (14) feet and may be located either within a building or outside and adjoining an opening in the building, except that in the case of hospitals and nursing homes and convalescent homes, the off-street loading area provided for ambulance and other emergency vehicles shall be exempt from the minimum dimension requirement but shall be of sufficient width and depth to permit expeditious access and egress from the loading area. Every part of such loading bay shall be located completely off the street. In case trucks, trailers, or other motor vehicles larger than the dimensions of the minimum loading bay habitually serve the building in question, additional space shall be provided so that such vehicle shall park or stand completely off the street.”
3. The approved delivery door on Grafton Street does not meet the loading bay requirements of PCC §14-352.
4. The approval subject of the “delivery door” on Grafton Street upon condition of use limited to small trucks is an invalid exercise of the variance power which is exclusively vested in the Board of Appeals.
5. The approval of two delivery doors at the rear upon condition of use limited to one tractor trailer truck at a time will be an invalid exercise of the variance power which is exclusively vested in the Board of Appeals, as two delivery doors require two loading

bays under the zoning ordinance.

6. Any loading bay at the rear does not meet loading bay requirements of PCC §14-352 within the I-2 zone, as the 30-foot extension provision is not applicable, and the extension of the industrial use into the R-5 zone is prohibited. (See, III below.)

II. Minimum Setback Violation

7. PCC §14-234 (d) states the following requirement:

“Minimum side yards: Principal and accessory structures in the I-L zone: Twenty-five (25) feet, except that the minimum side yard shall be forty (40) feet when the side property line abuts a residential zone.” and (e) states *“Minimum rear yards:* Principal and accessory structures in the I-L zone: Twenty-five (25) feet, except that the minimum rear yard shall be forty (40) feet when the rear property line abuts a residential zone.”

8. PCC § 14-47 defines *Yard* as:

“A space on a lot which is required by this article to be maintained open, unoccupied and unobstructed between lot lines and any structure, except as permitted in this article. In determining the front, rear or side of any accessory building, the orientation of the principal building shall be controlling.

9. PCC § 14-47 defines *Yard, rear* as:

“A yard adjoining the rear lot line, extending between side lot lines, the depth of which shall be the least distance between the rear lot line and any structure.”

10. PCC § 14-47 defines *Yard, side* as:

“A yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the least distance between the side lot line and any structure.

11. Whether regarded as “rear yard” or as “side yard”, the *least distance* between the Owner’s proposed addition and the property lines of abutting properties in the R-5 zone will be less than the 40’ minimum yard width.

III. The Extension into the R-5 Zone is Illegal

12. A portion of the site is located in the R-5 residential zone.
13. The R-5 Residential zone portion of the property is proposed to be used for the required loading bay, and for the maneuvering of large tractor trailer trucks into the rear loading

dock(s).

14. PCC §14-119 provides that uses not listed as permitted uses or as conditional uses in the R-5 zone are prohibited.
15. Mr. Drake has appealed the decision permitting the intrusion of the *required* loading bay into the R-3 zone (approved in mistaken reliance upon PCC §14-51) which states that:
“Where a zone boundary line divides a lot in single or joint ownership of record **at the time such line is established**, the provisions of this article for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has at least twenty (20) feet of street frontage in the less restricted zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residence zone, no frontage on a street other than the principal business street in the less restricted zone may be taken into consideration in connection with the right herein granted.”
16. The zone boundary line between the I-L zoned property of the Owner from the R-5 zoned area did *not* divide a lot in single or joint ownership of record at the time the line was established, as the Owner acquired the land zoned I-L from Ashley W. & Dianne J. Pike on May 7, 1996, and separately acquired the land in the R-5 from Dominic Dorazio and Rita M. Pramis on December 30, 1997 - both conveyances occurring *after* the creation of the present zoning map division line between industrial and residential zones in that area. (See boundary survey in Planning Board Report)
17. §14-51 is inapplicable, and the Owner therefore cannot locate his required loading bay, nor can it use the R-5 portion of the property for maneuvering of trucks as an extension of its industrial use, as §14-52 requires that all of this R-5 property be used in conformity with the R-5 requirements.

IV. The Proposed Use Extends
More than 30' into the R-5 Zone

18. Even if the Board determines that the Owner does have the benefit of the 30' extension, the truck maneuvering area associated with the I-L use extends more than 30' into the R-5 zoning district in violation of §15-51 and 14-52.
19. Although the Owner requested conditional use approval of parking in the R-5 portion of

its property from the Board of Appeals, that approval specifically limited the use of the R-5 parcel to the parking of passenger vehicles.

20. The use of the parking lot in the R-5 zone for maneuvering of trucks into the loading bays located in the I-2 zone violates Portland Zoning Ordinance §14-119 and 14-52.

V. The Development Violates the Minimum
Street Construction Requirements PCC §14-403(b)

21. Grafton Street is an unaccepted street which has been improved, but remains unpaved.
22. Grafton Street provides the principal access to Owner's new access. The memorandum from the zoning administrator speaks only of the requirements of PCC §14-403(a), which she determined to be inapplicable.
23. PCC §14-403(b) requires that this Applicant pave the portion of Grafton Street between Presumpscot Street and the principal access to the lot and install curbs and drains in accordance with the minimum technical standards promulgated by the public works authority.
24. Grafton Street is not being upgraded from Presumpscot Street to the entrance to the Addition to the extent required by PCC §14-403(b).

WHEREFORE, Francis Drake respectfully requests that the Planning Board deny approval of the site plan and decline to grant the waivers of zoning requirements proposed as conditions.

Dated: September 14, 2004

s/s David A. Lourie, Maine Bar #1041
Attorney for Abutter Francis Drake

189 Spurwink Avenue
Cape Elizabeth, Maine 04107
(207) 799-4922 (FAX) 799-7865

142 Presumpscot Street, LLC

Tuesday, August 03, 2004

Francis P. Drake
Drake Equipment Co.
160 Presumpscot Street
Portland, ME 04103

Dear Mr. Drake:

This letter is to advise you and your tenants that construction of a warehouse addition will begin on August 9, 2004 at 142 Presumpscot Street and that any vehicles parked on the south side of the street need to be moved to allow utility access.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Goldstein". The signature is fluid and cursive, with a large, stylized initial "M".

Mark Goldstein

Cc: Brenda M. Buchanan, Esq.
Kandi Talbot, Portland Planning Office
Penny Littell, Esq., Portland Corporation Counsel

I. INTRODUCTION

F.P. Drake is proposing to construct a 21,231 square foot addition to the existing building at 160 Presumpscot Street. Besides frontage on Presumpscot Street the site is bounded by Grafton, East Kidder and True Streets. East Kidder and Grafton are unbuilt. The site is 89,000 sq. ft. and is zoned IL.

A legal ad appeared in the May 4th and 5th editions of the Portland Press Herald. 121 notices have been sent to area property owners in the vicinity of the project.

II. FINDINGS

Zoning:	I-L Low-Impact Industrial
Land Area:	2.04 acres
Proposed Use:	Warehouse Facility
Floor Area:	21,231 sq. ft.
Proposed Parking:	26 parking spaces
Required Parking:	21 parking spaces

III. STAFF REVIEW

The proposed development has been reviewed for compliance with the standards of the Site Plan Ordinance of the Land Use Code. Review of the proposal has been completed by Planning, Building Inspections, Public Works, Parks and Recreation and Fire Prevention staff.

IV. SITE PLAN REVIEW

1. Traffic/Circulation/Parking

Access to the site will be from Presumpscot Street and Grafton Street. During the review process, the Board had questioned the need to improve Grafton Street to City standards. *Grafton Street is undeveloped*
The applicant is not required to improve Grafton Street because the lot's frontage requirement is met on Presumpscot Street.

There was a concern with circulation of tractor trailer trucks in the rear parking lot. The applicant has put a note on the plan that the proposed loading docks will be for up to 26 ft. dual axle trucks and states that larger trucks will unload at the existing building. The Traffic Engineer has reviewed and approved the site plan.

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

The building will measure approximately 21,231 sq. ft. The building exterior will be steel siding with concrete along the bottom. An elevation drawing is included as Attachment 9.

3. Utilities/Easements/Solid Wastes

Utilities including electric, water and sewer will be connected to existing lines in Presumpscot Street. The applicant is currently obtaining letters from Utility companies verifying capacity. A potential condition of approval is:

2
3/7



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

June 14, 2004

Jim Drake
Drake Equipment
160 Presumpscot Street
P.O. Box 1378
Portland, ME 04104

RE: Drake Equipment Addition, 160 Presumpscot Street
ID #2004-0101, CBL #425-K-001

Dear Mr. Drake:

On June 4, 2004, the Portland Planning Authority approved a 1,300 sq. ft. connector building to be located at 160 Presumpscot Street as shown on the approved plan with the following conditions:

- i. Since the plan shows access through the site from Presumpscot Street, staff is requiring that a steel guardrail, shall be installed along the Grafton Street entrance of the site. If the applicant does not wish to close off the Grafton Street access, then the applicant must pave a driveway over Grafton Street to the site and revised plans shall be submitted to staff.
- ii. The applicant shall install five (5) street trees, species and spacing to be approved by the City Arborist, within the esplanade along the Presumpscot Street frontage.

Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven sets of final plans.

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

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

1. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 2.0% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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.
5. 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. 8822. (Only excavators licensed by the City of Portland are eligible.)
6. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven sets of final plans.
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please note that no Certificates of Occupancy will be issued until all site improvements have been completed and inspected in the field by the Development Review Coordinator.

If there are any questions, please contact Kandice Talbot at 874-8901.

Sincerely,



Alexander Jaegerman
Planning Division Director

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

39

Memorandum
Department of Planning and Development
Building Inspections Division



To: Kandi Talbot, Planner
From: Marge Schmuckal, Zoning Administrator
Date: September 10, 2004
Re: Coastal Equipment, 142 Presumpscot Street

I have reviewed the plans for the Coastal Equipment expansion located at 142 Presumpscot Street and find that they meet zoning requirements. As you are aware, this has been reviewed extensively as it went to the Board of Appeals twice for a Miscellaneous Appeal to allow parking in a residential zone. Outlined below are discussions of my review regarding some of the zoning concerns raised by the Planning Board and Mr. Drake.

Setbacks

The side and rear setback requirement when a building abuts a residential zone is 40 ft., which the proposed structure meets on the south and west sides. On the north side, the setback is 25 ft., which the structure meets.

There is a requirement in Section 14-234(h) that paved parking areas be set back 15 ft. from the lot boundary. The proposal is meeting the 15 ft. pavement setback requirement.

When measuring setbacks, the setbacks are measured perpendicular to the boundary line, not at a diagonal. The ordinance definitions under "yard" talk about the orientation of the building. There is nothing in the ordinance that states that the setback has to swing an arc when measuring setbacks. These issues have been reviewed several times before the Zoning Board of Appeals and have been upheld.

A setback is also measured from the building, not a parking use such as the loading docks. So although the trucks are parked within 40 ft. of the setback, the measurement is from the building, which meets the setback requirement.

It is my belief that this is the way setbacks have been determined since at least 1957. Attached is a section of the 1957 ordinance discussing setbacks.

40

Residential Zone

The Board of Appeals granted a miscellaneous appeal for parking in a residential zone for this proposal. The Board of Appeals was aware at that time that truck traffic would be accessing the site within the Residential zone. As you may recall, when the Board of Appeals first granted the appeal, the access entrance was closer to the residential properties than what is proposed at this time. There is nothing in the ordinance that restricts truck traffic within that area. These issues were discussed by the Zoning Board and they concluded that the plan was meeting the ordinance.

Mr. Drake states that the trucks are parked within the residential zone while they are unloading. Section 14-51 allows a less restrictive zone (IL) to extend 30 ft. into a more restrictive zone (R-5). Based on Section 14-51, the trucks are unloading within the 30 ft. extension area, and are located completely within the IL zone.

Unimproved Grafton Street

It is my zoning opinion that Coastal Equipment does not have to put in the South Grafton Street under 14-403. Coastal Equipment does not need to put South Grafton Street up to 14-403 standards because his frontage on Presumpscot Street meets the standards.

The Planning Board did not require Mr. Drake to build Grafton Street up to City standards when his site plan was approved in 1998.

Loading Docks

Your plans are now showing only one loading dock in the rear of the building. This loading dock shall be no less than 14' x 50'. This area shall only accommodate one truck at any time. Any additional loading dock shall meet the same dimensional requirements as outlined under section 14-353. Please note that this office recognizes the delivery door off Grafton Street not to meet the definition of a loading bay. This door shall not be altered to allow tractor trailers or a permanent loading dock without further review by this office.

41

**160 PRESUMPCOT STREET
INDUSTRIAL BUILDING ADDITION**

SITE PLAN REVIEW

DRAKE EQUIPMENT CO., APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

May 12, 1998

36

Story which exceeds eighteen feet in height shall be counted as stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the City of Portland.

Street

The line of demarcation between a street and the abutting land.

Street line

Anything constructed or erected, of more than one member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Structure

A building in which more than one but not more than nine guest rooms are used to provide or offer overnight accommodations for transient guests.

Tourist home

A building and premises devoted to handling and temporary warehousing of goods, which may include facilities for the maintenance and repair (except body repairs, frame straightening, and painting) fueling, and storage of trucks or tractor-trailer combinations.

Truck terminal

The purpose for which land or structures thereon is designed, arranged or intended to be occupied or used, or for which it is occupied, maintained, rented or leased.

Use

The storage of goods, wares, and merchandise in a warehouse.

Warehousing

Sale for resale, not for direct consumption.

Wholesale

A space on a lot which is required by this Ordinance to be maintained open, unoccupied and unobstructed between lot lines and any structure, except as permitted in this Ordinance. In determining the front, rear, or side of any accessory building, the orientation of the principal building shall be controlling.

Yard

A yard adjoining the front lot line, extending between side lot lines, the depth of which shall be the least distance between the front lot line and the front of any structure.

Yard, front

A yard adjoining the rear lot line, extending between side lot lines the depth of which shall be the least distance between the rear lot line and the rear of any structure.

Yard, rear

A yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the least distance between the side lot line and any structure.

Yard, side

30

1957
Zoning Ordinance

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



INTERPRETATION APPEAL APPLICATION

Applicant's name and address: Mark & Cherylann Pulsoni
9 Adams St Portland Me 04101

Applicant's interest in property (e.g., owner, purchaser, etc.):
Abutting property

Owner's name and address (if different): Johanna Pulkkinen
28 Waterville St Portland Me 04101

Address of property and Assessor's chart, block and lot number:
17-E-34

Zone: R 6 Present Use: Single Family Dwelling

Order, decision, determination, or interpretation under dispute:

Interpretation of measuring setbacks of abutters property
Structure previously denied for not meeting necessary setbacks 19/119
Disputed provision: Section 14- 432 & 14-433;

Type of relief requested: porch structure removed.

The undersigned hereby makes application for the relief above described, and certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge and belief.

Date: 9/28/99

Mark J. Pulsoni
Signature of Applicant
Cherylann B Pulsoni

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CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing at 7:00 p.m. in Room 209, City Hall, Portland, Maine on Thursday, November 18, 1999 to hear the following appeals:

1. Unfinished Business:

INTERPRETATION APPEAL

28 Waterville Street, Johanna Pulkkinen, owner of the property. Mark & Cherylann Pulsoni abutters to 28 Waterville Street, hereby respectfully petitions the Board of Appeals to overturn the interpretation of the Code Enforcement Officer's measuring of setbacks of the new porch structure, on the left hand side of the property, as outlined in the letter dated August 31, 1999 concerning Section 14-472 of the Zoning Ordinance, R-6 Zone.

2. New Business:

INTERPRETATION APPEAL

6-8 Walker Street, Thomas Jewell, Esq. Attorney for Dubois Real Estate, owner of the property. Attorney Jewell respectfully petitions the Board of Appeals to Reconsider hearing an Interpretation Appeal at 6-8 Walker Street and allow relief from Section 14-139(2) to overturn the Zoning Administrator's interpretation regarding the current number of non-confirming units that are permitted at this premises, R-6 Zone.

CONDITIONAL USE APPEAL

75 Allen Ave., Matthew Israelson, owner of the property. Ms. McIlwain, prospective tenant of the property, respectfully petitions the Board of Appeals to grant a childcare facility for up to 12 children, changing from 2 units to 1 unit and daycare, as outlined under Section 118(3) d, R-5 Zone.

3. Adjournment:

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Elizabeth Bordowitz, Chair
Lee Lowry III, Secretary
William Neleski, Jr.
Andrew Braceras
Sam Sivovlos
Julie Brady
Peter Clifford

November 22, 1999

Mark & Cherylann Pulsoni
9 Adams Street
Portland, ME 04101

RE: 28 Waterville Street
CBL: 017-E-034
ZONE: R-6 Zone

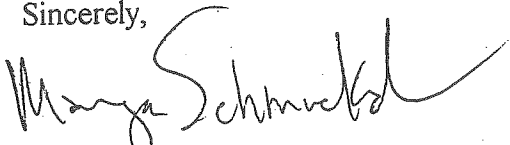
Dear Mr. & Mrs. Pulsoni;

As you know, at its November 18, 1999 meeting, **the Board of Appeals voted 5-0 to deny overturning the interpretation of the Code Enforcement Officer's measuring of setbacks of the new porch structure, on the left hand side of the property, as outlined in the letter dated August 31, 1999 concerning Section 14-473 of the Zoning Ordinance, R-6 Zone.**

Enclosed please find a copy's of the Board's decision.

Should you have any questions regarding this matter, please do not hesitate to contact either myself or Nadine Williamson, Office Manager.

Sincerely,



Marge Schmuckal
Zoning Administrator

MS/nbg
Enclosure

CC: Area 1 (Arthur Rowe, David Caddell, and Jeannie Bourke)

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CITY OF PORTLAND
INTERPRETATION APPEAL

DECISION

Applicant's name and address: MARK + CHERYAN W. PUSKOWI
9 ADAMS ST PORT

Applicant's interest in property (e.g. owner, purchaser, etc.):
ABUTOR

Owner's name and address if different JOHANNA PULKINEN
Address of property: 38 WATERVILLE ST
17-E-34

For the Record

Names of witnesses (proponents, opponents and others):
David Louie for Puskow _____
JOHANNA PULKINEN _____
JANET KANTZ for Puskow _____

Exhibits admitted (e.g., renderings, reports, etc.):
case Kenedontz ; survey for Pulkainen

Findings of Fact

1. The Board finds as fact that: _____

2. The finding(s) of fact above-stated is(are) based on the following reasons: _____

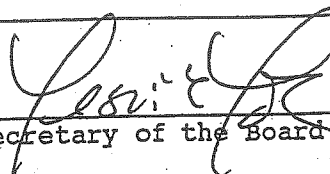
Motion:

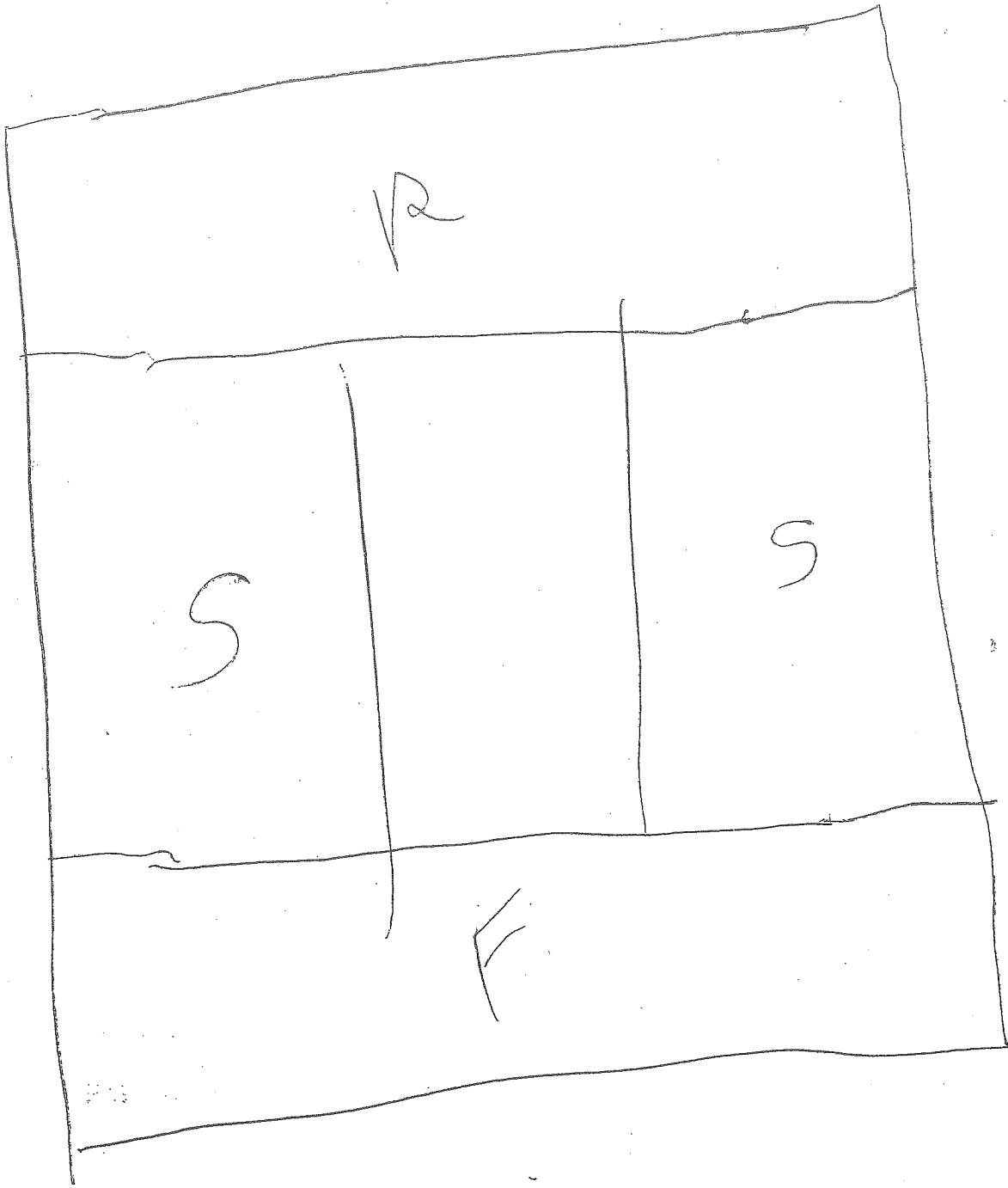
To deny application on the basis that the appeal is not brought timely under 14-472 (b) (1).

Determinations

The Board determines that: to uphold motion
5-0

Dated: 11/18, 1999


Secretary of the Board




Copy from A 1957 zoning Ordinance

1e

as general contractor and construction manager if approval is granted. Bids will be solicited for the site work, electrical work and installation of mechanical systems. The construction plan is for the site work to be done first, the building to be put up second, and for landscaping, paving and signage to be completed while the interior framing and finish work is done.

Submitted on behalf of 142 PRESUMPCOT LLC, this twenty-third day of May, 2003.

By: 

Brenda M. Buchanan, Esq.
Attorney for Applicant
WARREN, CURRIER & BUCHANAN
57 Exchange Street
Portland, Maine 04101
Tel. 772-1262

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EXHIBIT B

Property of 142 Presumpscot Street Limited Liability Company

The following real property, all located in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

PARCEL ONE:

Five (5) certain lots or parcels of land with the buildings thereon situated in the City of Portland, and being lots numbered one hundred forty-three (143), one hundred forty-four (144), one hundred forty-five (145), one hundred forty-six (146), and one hundred forty-seven (147) as shown on a plan of lots titled "Washington Avenue Gardens Annex" by Ernest W. Branch, Surveyor, dated October 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 49.

Said lots taken together measure one hundred sixty-two and seventy-six one hundredths (162.76) feet on Grafton Street; one hundred ten and sixty one hundredths (110.60) feet on Presumpscot Street; two hundred ten (210) feet on land plotted as Washington Avenue Gardens (see plan of lots titled "Washington Avenue Gardens" by Ernest W. Branch, Surveyor, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46), and one hundred (100) feet on Lot #148 on plan of Washington Avenue Gardens Annex, referenced above. Taken together, according to said plan, containing eighteen thousand six hundred thirty-seven (18,637) square feet, more or less.

ALSO, another lot or parcel of land with the buildings thereon situated on Presumpscot Street in said Portland and being lot numbered eighty-seven (87) as shown on a plan of lots titled "Washington Avenue Gardens" by Ernest W. Branch, Surveyor, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46.

Said lot numbered eighty-seven (87) measures thirty-three and eighteen one hundredths (33.18) feet on Presumpscot Street, one hundred four and seventeen one hundredths (104.17) feet on Lot #86 as shown on plan of Washington Avenue Gardens, referenced above, thirty (30) feet on Lot #88 as shown on said plan and ninety (90) feet on Lot #143 as shown on the plan titled "Washington Avenue Gardens Annex," referenced above.

Together with the fee, insofar as [Grantor Ashley W. Pike and Dianne J. Pike] had the right to convey the same, of all streets and ways shown on said plan(s) in common with the owners of the other lots shown on said plan(s) and subject to the right of all said lot owners to make any customary use of said streets and ways. Subject also to any restrictions of record.

MEANING AND INTENDING to describe all those premises conveyed by Ashley W. Pike and Dianne J. Pike to 142 Presumpscot Limited Liability Company in a deed dated April 25, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13047, Page 243.

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PARCEL TWO:

Parcel I

Two (2) certain lots or parcels of land situated on Grafton Street in Portland in the County of Cumberland and State of Maine, being lots numbered One Hundred Fifty-five (155) and One Hundred Fifty-six (156) as shown on plan of lots at Washington Avenue Gardens Annex, said plan being made by Ernest W. Branch, Surveyor, dated October, 1920, and recorded with Cumberland County Deeds, Book of Plans 14, Page 49.

Said lots measure each thirty (30) feet in width by one hundred (100) feet in depth and contain, each, according to said plan, three thousand (3,000) square feet, more or less.

Together with the fee, insofar as [the Grantor Estate of Dominic Dorazio, Sr.] had the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

Parcel II

Real Estate Portland, Maine W. Side Grafton Street, lots 152, 153, 154
Plan Washington Avenue Gardens Annex
Plan 425, Block I, Lots 35, 36, 37, Area 9,000 feet

MEANING AND INTENDING to describe all those same premises described in a deed from Dominic Dorazio, Jr. and Rita M. Pramis, Co-Personal Representatives of the Estate of Dominic Dorazio, Sr. to 142 Presumpscot Limited Liability Company dated December 29, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13525, Page 161.

PARCEL THREE:

Two certain lots or parcels of land situated on Providence Street in Portland in the County of Cumberland and State of Maine, being lots numbered ninety-three (93) and ninety-four (94), as shown on plan of lots at Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, Surveyor, dated September, 1920 and recorded in the Cumberland County Registry of Deeds in Book of Plans 14, Page 26.

Said lots measure each thirty (30) feet in width by one hundred twenty-five (125) feet in depth and contain each, according to said plan, three thousand seven hundred fifty (3750) square feet, more or less.

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Together with the fee, in so far as [Grantor Eulah V. Napolitano] had the right to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

All buildings shall be set back at least ten (10) feet from the street on which they front, except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

MEANING AND INTENDING to describe all those same premises conveyed by Eulah V. Napolitano to 142 Presumpscot Limited Liability Company by Warranty Deed dated July 20, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15617, Page 157.

EXCEPTING AND RESERVING therefrom the following portion of the above-described parcel, which was conveyed by 142 Presumpscot Limited Liability Company to Buy-The-Sea Properties, Inc. in a Warranty deed dated April 10, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16199, Page 9.:

Beginning on the northeasterly sideline of Providence Street, at the westerly corner of Lot Ninety-Two (92) shown on said plan; thence northwesterly along the sideline of Providence Street a distance of sixty feet (60') to the southerly corner of Lot Ninety-Five (95); thence northeasterly along the boundary line between Lots Ninety-Four (94) and Ninety-Five (95) on said plan a distance of one hundred feet (100') to a point; thence southeasterly and parallel with the sideline of Providence Street a distance of sixty feet (60') to the boundary line between Lots Ninety-Three (93) and Ninety-Two (92) as shown on said plan; thence southwesterly along said boundary line a distance of one hundred feet (100') to the place of beginning. Containing six thousand (6,000) square feet, more or less, and measuring thirty (30) feet in width by one hundred (100) feet in depth.

PARCEL FOUR:

Parcel I:

A certain lot or parcel of land, together with any buildings thereon, situated Northerly of, but not adjacent to, Providence Street, in said Portland, bounded as follows:

Beginning at the Northeasterly corner of Lot 90 as shown on Plan entitled "Washington Avenue Garden," recorded in Plan Book 14, Page 46 in the Cumberland County Registry of Deeds; thence in a Westerly direction along the Northerly line of said Lot 90 and along the Northerly lines of Lots 91 and 92 as shown on said Plan for a distance of Ninety (90') feet to a point and the Northwesterly corner of said Lot 92; thence in a Southerly direction along the Westerly line of said Lot 92 for a distance of Twenty-Five (25') feet to a point; thence in an Easterly direction on a course parallel with said Northerly lines for a distance of Ninety (90') feet to a point and the Easterly line of said Lot 90; thence in a Northerly direction

along said Easterly line for a distance of Twenty-Five (25') feet to the point and place of beginning.

Parcel II:

Beginning at a point along the easterly sideline a distance of ten (10') feet from the northeasterly corner of Lot numbered 88 as shown on a plan of lots entitled Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46; thence N 60° 0' 00" W a distance of sixty (60') feet along land now or formerly of Donald E. Neuts, to an iron rod set; thence N 30° E a distance of ten (10') feet to an iron rod set and land now or formerly of Ashley W. Pike et al; thence S 60° 0' 00" E a distance of sixty (60') feet to a point; thence S 29° 59' 49" W a distance of ten (10') feet to an iron rod set and point of beginning.

Meaning and intending to describe all those same premises conveyed by Ashley W. Pike and Dianne J. Pike to Coastal Equipment Corporation by deed dated April 17, 1996, which is recorded in the Cumberland County Registry of Deeds in Book 12491, Page 15, and corrected by a deed dated November 14, 2000 and recorded in the same Registry, Book 16956, Page 237.

Parcel III:

A certain lot or parcel of land, together with any buildings thereon, situated on the westerly side of Grafton Street, in said Portland, County of Cumberland, State of Maine, and being identified as Lots 148, 149, 150 and 151, as shown on plan of Washington Avenue Gardens Annex, recorded in Plan Book 14, Page 49, in the Cumberland County Registry of Deeds, reference to which is made for further details and particulars.

MEANING AND INTENDING to describe those three parcels conveyed by Coastal Equipment Corporation to 142 Presumpscot LLC by deed dated November 1, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16956, Page 241.

PARCEL FIVE:

Beginning at a set iron pin marked 1313 at the southwesterly corner of a 10' x 60' strip of land conveyed by the Grantors herein to Ashley W. Pike et al in a deed dated January 27, 1998 and recorded in the Cumberland County Registry of Deeds in Book 8960, Page 302, as corrected by subsequent deeds recorded in Book 12464, Page 294 and Book 13743, Page 132; thence South 60° 00' 00" East, a distance of four (4) feet; thence South 30° 00' 00" West a distance of fifteen (15) feet; thence North 60° 00' 00" West, a distance of four (4) feet to a set iron pin marked 1313; thence North 30° 00' 00" East, a distance of fifteen (15) feet, to the place of beginning.

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MEANING AND INTENDING to describe those same premises conveyed by Donald E. Neuts and Joan N. Neuts to 142 Presumpscot LLC by deed dated November 1, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16956, Page 239.

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STATE OF MAINE
CUMBERLAND, ss.

April 25 1997

Personally appeared the above-named Ashley W. Pike ^{and Diane J. Pike} and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/Attorney at Law

DAVID E. CURRIER

pike.wd/2/B

RECEIVED
RECORDED REGISTRY OF DEEDS

97 APR 25 PM 4:00

CUMBERLAND COUNTY

John B O'Brien

IN

BK13525PG161

078157

DEED OF SALE BY PERSONAL REPRESENTATIVE
(Testate)
Maine Statutory Short Form

Know all Persons by these Presents.

MAINE REAL ESTATE TAX PAID

That DOMINIC DORAZIO, JR. AND RITA M. PRAHIS,
of Portland County of Cumberland State of Maine
duly appointed and acting ~~personal~~ representative of the estate of DOMINIC DORAZIO, SR.
deceased (testate), as shown by the probate records of the County of Cumberland, Maine,
(and having given notice to each person succeeding to an interest in the real property described below at least
ten (10) days prior to the sale) ~~at his last will and testament in which he gave power to the executor of his will to sell~~
~~the real property described below at least ten (10) days prior to the sale to the person succeeding to an interest in the real~~
~~property described below (to-wit), by the power conferred by the Probate Code, and every other power, for consideration~~
paid, grants to 142 PRESUMPCOT LIMITED LIABILITY COMPANY,
a Maine limited liability company of Portland,
County of Cumberland, State of Maine
whose mailing address is 142 Presumpscot Street
Portland, Maine 04103
the real property in Portland, County of Cumberland
State of Maine, described as follows:
See attached Exhibit A for legal description.



EXHIBIT A

PARCEL I

Two (2) certain lots or parcels of land situated on Grafton Street in Portland in the County of Cumberland and State of Maine, being lots numbered One Hundred Fifty-Five (155) and One Hundred Fifty-Six (156) as shown on plan of lots at Washington Avenue Gardens Annex; said plan being made by Ernest W. Branch, Surveyor, dated October, 1920, and recorded with Cumberland County Deeds, Book of Plans 14, Page 49.

Said lots measure each thirty (30) feet in width by one hundred (100) feet in depth and contain each, according to said plan, three thousand (3,000) square feet, more or less.

Together with the fee, insofar as we have the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

Being the same premises conveyed to Jimmie Dorazio by deed from Everett C. Wells dated April 4, 1928, and recorded in Cumberland County Registry of Deeds in Book 1296, Page 460, and this conveyance is made subject to all restrictions and reservations therein contained.

PARCEL II

The following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz.:

Real Estate Portland, Maine Land W. Side Grafton St., Lots 152, 153, 154
Plan Washington Ave. Gardens Annex
Map 425, Blk. 1, Lots 35, 36, 37, Area 9000 sq. ft.

lp

BK 13525PG 163

Witness our hands and seal this 29th day of December, 1997

Signed, Sealed and Delivered in presence of,

Paul J. Green

ESTATE OF DOMINIC DORAZIO, SR.

By: *[Signature]*
By: Dominic Dorazio, Jr., Co Pers. Rep.
By: *Rita M. Pramis*, Co Pers. Rep.

State of Maine, County of Cumberland ss. December 29, 1997

Then personally appeared the above named Dominic Dorazio, Jr. and Rita M. Pramis, Co Personal Representatives of the Estate of Dominic Dorazio, Sr. said capacity and acknowledged the foregoing instrument to be their free act and

deed.

Before me,

[Signature]
Notary Public
Attorney at Law
Printed Name: *DAVID E. CURRIER*

RECEIVED
COUNTY OF DEEDS
1997 DEC 30 PM 3:33
SUNDERLAND COUNTY
John B. O'Brien



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0040792

BK 5617PG1571

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that EULAH V. NAPOLITANO, of Portland, Maine, for consideration paid, grant to 142 PRESUMPCOT LIMITED LIABILITY COMPANY, a Maine limited liability company with a mailing address of 142 Presumpscot Street, Portland, Maine 04103, with WARRANTY COVENANTS, the land in Portland, County of Cumberland and State of Maine, described in Exhibit A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Eulah V. Napolitano has set her hand this 20 day of July, 2000.

Patricia Cole
Witness

Eulah V. Napolitano
Eulah V. Napolitano

MAINE REAL ESTATE TAX PAID

STATE OF MAINE
COUNTY OF CUMBERLAND

July 20, 2000

Then personally appeared Eulah V. Napolitano, and acknowledged the foregoing instrument to be her free act and deed.

Before me,
Christine Strickland
Notary Public/Attorney at Law

CHRISTINE STRICKLAND
Notary Public, Maine
My Commission Expires November 1, 2005
Typed or printed name of Notary

SEAL

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EXHIBIT A

BK 15617 PG 158

Two certain lots or parcels of land situated on Providence Street in Portland in the County of Cumberland and State of Maine, being lots numbered ninety-three (93) and ninety-four (94), as shown on plan of lots at Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, Surveyor, dated September, 1920 and recorded in the Cumberland County Registry of Deeds in Book of Plans 14, Page 26.

Said lots measure each thirty (30) feet in width by one hundred twenty-five (125) feet in depth and contain each, according to said plan, three thousand seven hundred fifty (3750) square feet, more or less.

Together with the fee, in so far as I have the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

All buildings shall be set back at least ten (10) feet from the street on which they front, except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

Being the same premises conveyed by deeds dated and recorded as follows: Edward F. Marlowe, April 20, 2000, Book 15434, Page 70; Daniel P. Marlowe, April 18, 2000, Book 15429, Page 325; Nancy Nelson, December 15, 1999, Book 15284, Page 15; Peter P. Marlowe, December 22, 1999, Book 15284, Page 17; Maryann Stillman, December 22, 1999, Book 15284, Page 19; Maynard T. Marlowe, Jr., December 30, 1999, Book 15284, Page 21; Kathleen A. Marlowe, December 30, 1999, Book 15284, Page 23; and Eulah V. Napolitano, Personal Representative of the Estate of Samuel C. Napolitano, dated September 21, 1999, Book 15072, Page 257.

RECEIVED
RECORDED REGISTRY OF DEEDS

2000 JUL 26 PM 1:27

CUMBERLAND COUNTY

John B. O'Brien

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BK16199PG009

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS THAT 142 PRESUMPCOT LIMITED LIABILITY COMPANY, a Maine limited liability company with a mailing address of 142 Presumpscot Street, Portland, Maine 04103, for consideration paid, grants to BUY-THE-SEA PROPERTIES, INC., a Maine corporation with a principal place of business in Scarborough, County of Cumberland and State of Maine, and a mailing address of 174 Highland Avenue, Scarborough, Maine 04074, with WARRANTY COVENANTS, the land in Portland, County of Cumberland and State of Maine, more particularly bounded and described as follows, to wit:

MAINE REAL ESTATE TAX PAID

A certain lot or parcel of land situated on Providence Street in Portland, County of Cumberland and State of Maine, being a portion of Lot Ninety-Three (93) and a portion of Lot Ninety-Four (94) as shown on a plan titled "Washington Avenue Gardens, Portland, Cumberland County, Maine" by Ernest W. Branch, Civil Engineer dated September, 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 26.

On such plan, said lots measure each thirty (30) feet in width by one hundred twenty-five (125) feet in depth. The portion of such lots conveyed herein measure thirty (30) feet in width by one hundred (100) feet in depth, and are more particularly described as follows:

Beginning on the northeasterly sideline of Providence Street, at the westerly corner of Lot Ninety-Two (92) shown on said plan; thence northwesterly along the sideline of Providence Street a distance of sixty feet (60') to the southerly corner of Lot Ninety-Five (95); thence northeasterly along the boundary line between Lots Ninety-Four (94) and Ninety-Five (95) on said plan a distance of one hundred feet (100') to a point; thence southeasterly and parallel with the sideline of Providence Street a distance of sixty feet (60') to the boundary line between Lots Ninety Three (93) and Ninety-Two (92) as shown on said plan; thence southwesterly along said boundary line a distance of one hundred feet (100') to the place of beginning. Containing six thousand (6,000) square feet, more or less.

Together with the fee, insofar as the Grantor has the right to convey the same, of all the streets and ways shown on said plan, in common with the owners of other lots shown on said plan, and subject to the rights of all of said lots owners to make any customary use of said streets and ways.

All buildings shall be set back at least ten (10) feet from the street on which they front, except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

MEANING AND INTENDING to describe and convey a portion of those premises conveyed to the Grantor herein by Eulah V. Napolitano by Warranty Deed dated July 20, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15617, Page 157.

IT

BK16199PG010

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed this tenth day of April, 2001 by its duly authorized manager.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Brenda M. Buchan

142 PRESUMPCOT
LIMITED LIABILITY COMPANY

Mark C. Goldstein
Mark C. Goldstein, Manager

STATE OF MAINE
CUMBERLAND, ss

Date: 4/10/01

Then personally appeared the above-named Mark C. Goldstein, in his capacity as Manager of 142 Presumpscot Limited Liability Company, and acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

Brenda M. Buchan

Notary Public/Attorney at Law

BRENDA M. BUCHANAN
Printed Name

Commission Expires: N/A

RECEIVED
RECORDED REGISTRY OF DEEDS:

2001 APR 17 AM 10:00

CUMBERLAND COUNTY

John B. Rubin

RELEASE DEED
MAINE STATUTORY SHORT FORM

KNOW ALL BY THESE PRESENTS THAT COASTAL EQUIPMENT CORPORATION, a Maine corporation with a principal place of business in Portland, County of Cumberland, State of Maine, and a mailing address of 142 Presumpscot Street, Portland, Maine 04103, for consideration paid, hereby RELEASES to 142 PRESUMPCOT LIMITED LIABILITY COMPANY, a limited liability company organized under and in accordance with the laws of the State of Maine, which has a mailing address of 142 Presumpscot Street, Portland, Maine 04103, the property in Portland, County of Cumberland and State of Maine described as follows, to wit:

PARCEL ONE:

A certain lot or parcel of land, together with any buildings thereon, situated Northerly of, but not adjacent to, Providence Street, in said Portland, bounded as follows:

Beginning at the Northeasterly corner of Lot 90 as shown on Plan entitled "Washington Avenue Garden," recorded in Plan Book 14, Page 46 in the Cumberland County Registry of Deeds; thence in a Westerly direction along the Northerly line of said Lot 90 and along the Northerly lines of Lots 91 and 92 as shown on said Plan for a distance of Ninety (90') feet to a point and the Northwesterly corner of said Lot 92; thence in a Southerly direction along the Westerly line of said Lot 92 for a distance of Twenty-Five (25') feet to a point; thence in an Easterly direction on a course parallel with said Northerly lines for a distance of Ninety (90') feet to a point and the Easterly line of said Lot 90; thence in a Northerly direction along said Easterly line for a distance of Twenty-Five (25') feet to the point and place of beginning.

MEANING AND INTENDING to describe and release and hereby releasing all right, title, and interest the Grantor may have in the above-described property, which was conveyed to the Grantor by deed of Carnu, Inc. dated February 29, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12491; Page 14.

PARCEL TWO:

Beginning at a point along the easterly sideline a distance of ten (10') feet from the northeasterly corner of Lot numbered 88 as shown on a plan of lots entitled Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46; thence N 60° 0' 00" W a distance of sixty (60') feet along land now or formerly of Donald E. Neuts, to an iron rod set; thence N 30° E a distance of ten (10') feet to an iron rod set and land now or formerly of Ashley W. Pike et al; thence S 60° 0' 00" E a distance of sixty (60') feet to a point; thence S 29° 59' 49" W a distance of ten (10') feet to an iron rod set and point of beginning.

MEANING AND INTENDING to describe and release and hereby releasing all right, title, and interest the Grantor may have in the above-described property, which was conveyed to the Grantor by deed of Ashley W. Pike and Dianne J. Pike dated April 17, 1996, which is recorded in the

Cumberland County Registry of Deeds in Book 12491, Page 15, and corrected by a deed of substantially even date to be recorded herewith.

PARCEL THREE:

A certain lot or parcel of land, together with any buildings thereon, situated on the westerly side of Grafton Street, in said Portland, County of Cumberland, State of Maine, and being identified as Lots 148, 149, 150 and 151, as shown on plan of Washington Avenue Gardens Annex, recorded in Plan Book 14, Page 49, in the Cumberland County Registry of Deeds, reference to which is made for further details and particulars.

MEANING AND INTENDING to describe and release and hereby releasing all right, title and interest the Grantor may have in the above-described property, which was conveyed to the Grantor by deed of Pike Bros. Inc, dated February 29, 1996, which is recorded in the Cumberland County Registry of Deeds in Book 12491, Page 16.

IN WITNESS WHEREOF, Mark C. Goldstein, President of Coastal Equipment Corporation, has hereunto set his hand and seal this 1st day of ~~October, 2000~~

NOVEMBER 2001

SIGNED, SEALED and DELIVERED

in presence of

[Signature]

[Signature]

Mark C. Goldstein, President
Coastal Equipment Corporation

STATE OF MAINE
CUMBERLAND, ss

Date: 11/1/01

Then personally appeared the above named Mark C. Goldstein, in his capacity as President of Coastal Equipment Corporation, who acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

[Signature]

Notary Public ATTORNEY AT LAW

BRENDA M. BUCHANAN
Printed Name

Commission Expires: N/A

RECEIVED
RECORDED REGISTRY OF DEED

2001 NOV 14 PM 1:46

CUMBERLAND COUNTY

lw

**QUITCLAIM DEED WITHOUT COVENANT
(RELEASE DEED)
MAINE STATUTORY SHORT FORM**

KNOW ALL PERSONS BY THESE PRESENTS, THAT we, **DONALD E. NEUTS** and **JOAN N. NEUTS**, of Falmouth, County of Cumberland and State of Maine, with a mailing address of 27 Rebecca Way, Falmouth, Maine 04015, for consideration paid, **RELEASE** to **142 PRESUMPCOT LLC**, a Maine limited liability company with a principal place of business in Portland, County of Cumberland, State of Maine, and a mailing address of 142 Presumpscot Street, Portland, Maine 04103, the land in Portland, County of Cumberland and State of Maine, with any improvements thereon, bounded and described as follows:

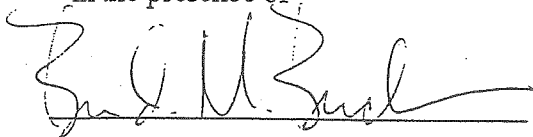
Beginning at a set iron pin marked 1313 at the southwesterly corner of a 10' x 60' strip of land conveyed by the Grantors herein to Ashley W. Pike et al in a deed dated January 27, 1998 and recorded in the Cumberland County Registry of Deeds in Book 8960, Page 302, as corrected by subsequent deeds recorded in Book 12464, Page 294 and Book 13743, Page 132; thence South 60° 00' 00" East, a distance of four (4) feet; thence South 30° 00' 00" West a distance of fifteen (15) feet; thence North 60° 00' 00" West, a distance of four (4) feet to a set iron pin marked 1313; thence North 30° 00' 00" East, a distance of fifteen (15) feet, to the place of beginning.

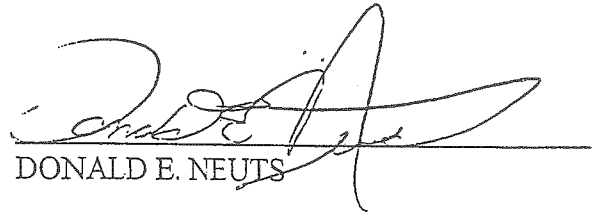
MEANING AND INTENDING to describe and release and hereby releasing all right, title, and interest the Grantors may have in the above-described 15' x 4' foot parcel, which is a portion of the premises conveyed to the Grantors herein by Arthur C. Dudley by deed dated August 10, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6533, Page 7.

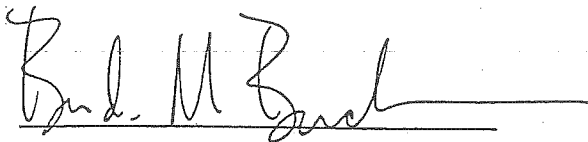
MAINE REAL ESTATE TAX PAID

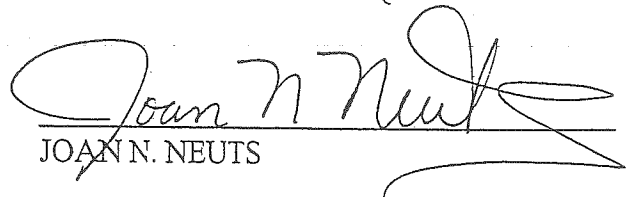
SIGNED, SEALED AND DELIVERED
in the presence of

November 1, 2001




DONALD E. NEUTS




JOAN N. NEUTS

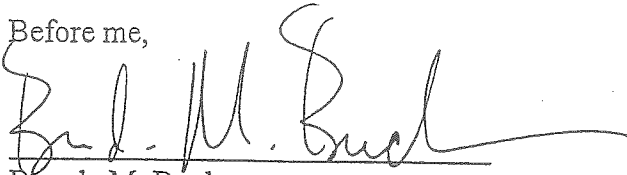
17

STATE OF MAINE
CUMBERLAND, ss

November 1, 2001

Then personally appeared the above-named DONALD E. NEUTS and JOAN N. NEUTS who acknowledged the foregoing instrument to be their free act and deed.

Before me,



Brenda M. Buchanan
Attorney at Law

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 NOV 14 PH 1:45

CUMBERLAND COUNTY

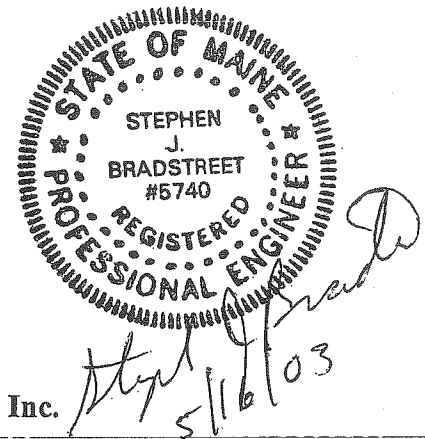
John R. [unclear]

Exhibit E

**STORMWATER MANAGEMENT REPORT
FOR
COASTAL EQUIPMENT CORPORATION
WAREHOUSE ADDITION**

Submitted to:

**City of Portland
389 Congress Street
Portland, Maine 04101**



Submitted by:

**Environmental Engineering & Remediation, Inc.
222 St. John Street
Suite 314
Portland, Maine 04102**

May 16, 2003

Stormwater Management Report for Coastal Equipment Corporation Warehouse Addition Portland, Maine

PROJECT'S HYDROLOGICAL LOCATION

The Coastal Equipment Corporation Warehouse is located at 142 Presumpscot Street off of Washington Avenue in Portland. The site is located approximately 1000 feet west of the Presumpscot River, where the stormwater ultimately flows. At this point, the Presumpscot River quickly runs into the Atlantic Ocean. There is no surface water abutting the site.

PRE-DEVELOPMENT CONDITIONS

The project parcel consists of scrub trees, and impervious area such as pavement, building, and gravel area. The site consists primarily of three watershed areas. Flow from Subarea 1 flows from a high point at the northwest corner of the site across the northern portion of the property, and into a catch basin situated next to the site at the intersection of Presumpscot Street and Grafton Street. Subarea 2 sheet flows from the western end of the property, through the scrub trees and gravel areas, into a catch basin at the southern end of the site. Subarea 3 contains a small flow that sheet flows straight offsite towards Presumpscot Street.

POST-DEVELOPMENT CONDITIONS

Conditions in post-development change fairly significantly. The 9,865 square foot warehouse addition, along with additional parking area, occupy a large portion of impervious area that existed as mostly gravel and woods area in pre-development. In post-development, the site consists primarily of four watershed areas. Flow from Subarea 1 runs from the western corner of the site, across the parking lot and into a catch basin approximately 130 feet away. Flow from Subarea 2 sheet flows off the roof of the proposed warehouse addition, onto the parking lot located to the northeast, and into a catch basin at the northeast corner of the site. Flow from Subarea 3 sheet flows from the edge of the parking lot pavement into a catch basin positioned at the southern portion of the site. Subarea 4 is comprised of a small flow path that sheet flows straight offsite towards Presumpscot Street.

STORMWATER RUNOFF CALCULATIONS

Stormwater runoff calculations for this project were made using the Hydro CAD computer program, which is based on the Soil Conservation Service's TR-20 methodology. Runoff was predicted based on the type III storm. Three storms were modeled; the two-year storm (3.0 inches in 24 hours); 10-year storm (4.7 inches in 24 hours); and the 25-year storm (5.5 inches in 24 hours). The drainage areas were planimetered off the plans. Rainfall intensities

were determined based on the rainfall intensity curves for Portland for each storm event. With this information the peak discharge in CFS was determined for the three different storm events.

Curve numbers (CN's) were developed based on the soils, site topography, existing and proposed conditions. Times of concentration were developed based on runoff flow paths for each watershed with knowledge of existing conditions.

Based on the calculations presented in Appendix A, the stormwater results are tabulated below.

Subarea	Pre-Development (cfs)		
	2 Year	10 Year	25 Year
1	0.32	0.68	0.87
2	0.70	1.23	1.49
3	0.44	0.70	0.82
Total Offsite Flow	1.46	2.61	3.18

Subarea	Post-Development (cfs)		
	2 Year	10 Year	25 Year
1	1.10	1.91	2.29
2	1.26	2.00	2.35
3	0.53	1.03	1.27
4	0.37	0.60	0.70
Total Offsite Flow	3.26	5.54	6.61

Analysis Point	Pre-Development (cfs)			Post-Development (cfs)		
	2 Year	10 Year	25 Year	2 Year	10 Year	25 Year
1	0.32	0.68	0.87	0.53	1.03	1.27
2	0.70	1.23	1.49	2.22	3.74	4.45
3	0.44	0.70	0.82	0.37	0.60	0.70
Total Offsite Flow	1.46	2.61	3.18	3.12	5.37	6.42

SUMMARY AND CONCLUSIONS

The total offsite flow from pre-development to post-development has increased within the new addition and paved parking lot. However, approximately 70% of the site drains to a 36" stormdrain within Grafton Street. The increase of approximately 2.50 CFS during a 10-year storm will peak before the upstream watershed runoff reaches the same analysis point. Therefore it is expected that there will be insignificant impact to the existing stormdrain system and will not present an adverse affect to this property or the abutting properties.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Decker, Secretary
Nan Sawyer
Julie Brady
Joe Lewis
Kimberly Boggialto
William Hall

EXHIBIT I

April 28, 2003

Brenda M. Buchanan
Warren Currier & Buchanan
57 Exchange Street
Portland, Maine 04101-5020

RE: 142 Presumpscot St.
CBL: 425-I-4-7, 33-35, 37, 38-44
ZONE: R-5 and I-L

Dear Ms. Buchanan,

As you know, at its April 17, 2003 meeting, the Board of Appeals voted 5-1 to grant the Miscellaneous Appeal to allow parking in the R-5 Zone for a proposed addition in the I-L Zone.

Enclosed you will find a copy of the Board's decision.

Sincerely,



Karen Dunfey
Inspection Services



CITY OF PORTLAND

MISCELLANEOUS APPEAL

DECISION

For The Record

Names and addresses of witnesses (proponents, opponents and others):

<u>Barry Hosner</u>	} for applicant	<u>Jim Drake 160 Presumpscot</u>
<u>Mark Goldstein</u>		
<u>Leo Gagnon 104 Providence St</u>		

Exhibits admitted (e.g. renderings, reports, etc.):

Applicant: 142 Presumpscot LLC
Address: 142 Presumpscot St

Findings of Fact Request - parking in RS zone pursuant to 14-344

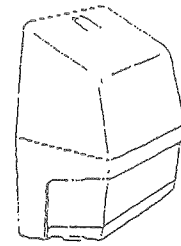
- The Board finds as fact that: parking will be limited to passenger
accessory to the industrial
- lot where the parking is proposed is under the control of the owner
- lot is located within 300 feet of the principal building
- The finding(s) of fact above-stated is (are) based on the following reasons:

Determination of Law

- The Board concludes that:
- The conclusion (s) above-stated is (are) based on the following reasons:



WLC-CUTOFF WALL LIGHT-H.I.D.
 50-70 watt Metal Halide
 35-70 watt High Pressure Sodium



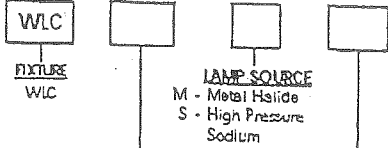
Day-Brite Lighting

JOB NAME _____
 TYPE _____

The Cutoff wall light features a lens trim that eliminates uplight, making it ideal for installations where keeping the sky dark, light pollution and light trespass are a primary concern.

ORDERING MATRIX

SAMPLE CATALOG NUMBER: WLC070MDT-IP



WATTAGE
 035 - 35 MED²
 050 - 50 MED²
 070 - 70 MED

VOLTAGE
 12 - 120
 20 - 208
 24 - 240
 27 - 277
 34 - 347
 48 - 480²
 DT - 120/277
 MT - 120/208
 240/277²
 TT - 120/277/347²
 1N - 120V Reactor
 Normal Power
 Factor HPS only

OPTIONS (add as suffix)
 CUL - UL listing to meet
 CSA standards
 LP - Lamp with fixture
 PE - Photo Control (not
 available in 480V)

Footnotes:
¹DT only.
²120V High Pressure Sodium only.
³70-150W only.
⁴Not available in standard Metal Halide.
⁵Not available in 70 watt Metal Halide.

General Notes:
 All options are factory installed.
 H.I.D. lamps are Medium Base.
 All accessories are field installed.

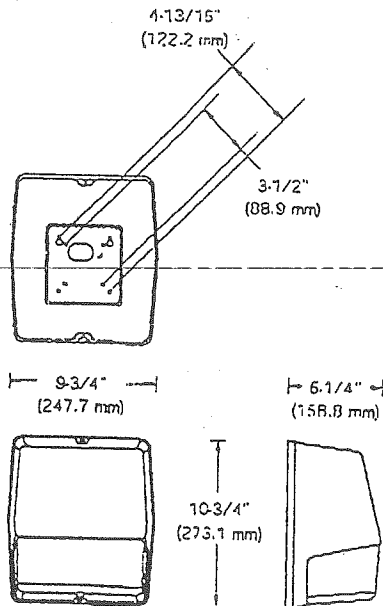
Warning: Refer to and follow lamp manufacturer's warnings and instructions.

ACCESSORIES (order separately)

- WLS-SB - Die cast aluminum surface mounting box
- WLS-PEC12 - Photo control 120 volt
- WLS-PEC27 - Photo Control 208-277 volt
- WLS-TP - Tamper proof screws

(For additional descriptions of Wall Light accessories refer to sheet number OA-50030.)

DIMENSIONS



ENERGY DATA

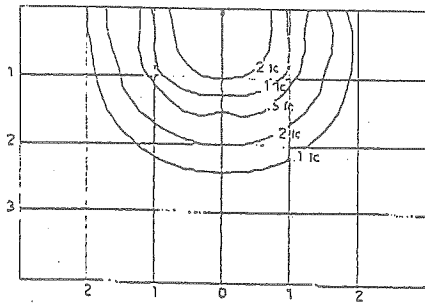
HIGH PRESSURE SODIUM	
REACTOR BALLAST INPUT WATTS	35 watt-46 watts
HX-HPF BALLAST INPUT WATTS	50 watt-66 watts
	70 watt-91 watts
METAL HALIDE	
HX-HPF BALLAST INPUT WATTS	50 watt-72 watts
	70 watt-90 watts

WEIGHT = 12 lbs. (max.)

WL-43120

WLC - CUTOFF WALL LIGHT-H.I.D.

PHOTOMETRICS

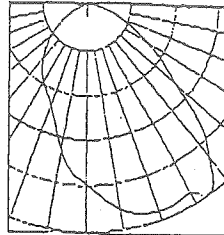


UNITS SHOWN IN TERMS OF MOUNTING HEIGHT
INITIAL FOOTCANDLES SHOWN

CATALOG NUMBER: WLC050M
 TEST NUMBER: 23260
 LAMP: METAL HALIDE
 WATTAGE: 50
 LUMENS: 3,100
 TILT ANGLE: 0°
 MOUNTING HEIGHT: 10 FEET

LIGHT LEVEL MULTIPLYING FACTORS	
MOUNTING HEIGHT	MULTIPLIER
20'	0.25
15'	0.44
12'	0.69
10'	1.00
8'	1.56

POLAR GRAPH



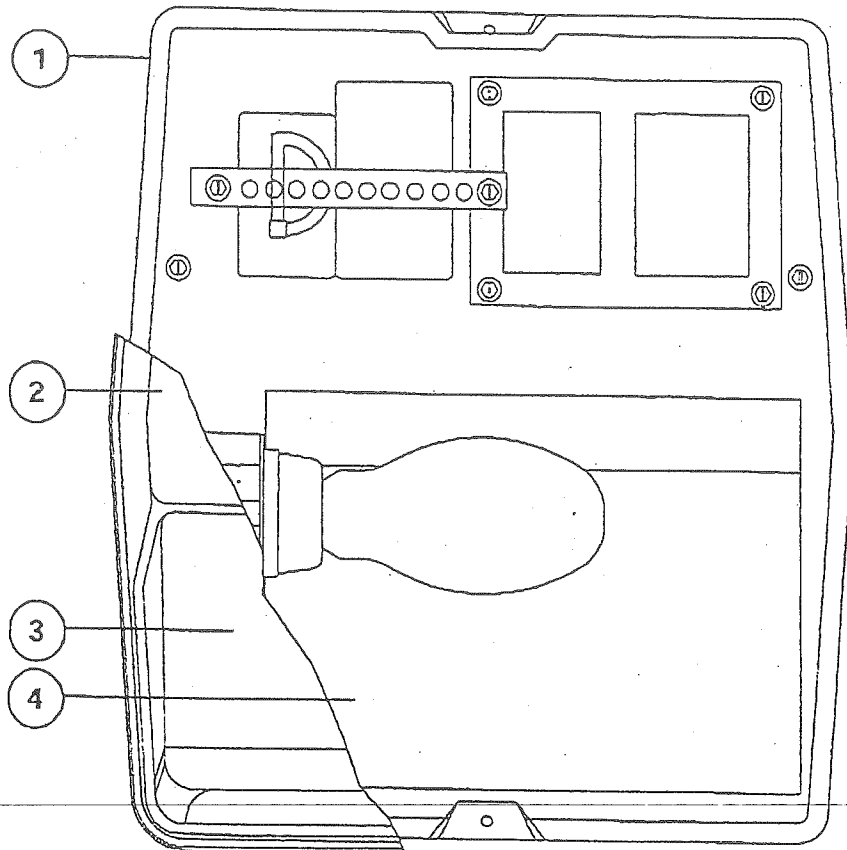
ADDITIONAL TEST NUMBERS

DESCRIPTION/CATALOG NUMBER	TEST NUMBER
WLC070M	23260-1P

PRODUCT FEATURES

UL 1598 Listed wet location and 25°C ambient for all lamp wattages listed. Optional NSF Certification for Non Food Zone areas.

1. Mounts directly to 3-1/2" octagon or 4" square outlet box or can be surface mounted with WLS-SB (ordered separately).
2. Decorative one piece injection molded front housing is a UV stabilized polycarbonate for vandal resistance and long life.
3. Lens is painted dark bronze and exposes only the bottom portion of the clear lens, helping to eliminate uplight that leads to unwanted light pollution and light trespass.
4. Formed, diffuse-white reflector provides smooth light distribution.



Visit our web site at www.daybritelighting.com

776 South Green Street Tupelo, MS 39604 Phone: 662-842-7212 Fax: 662-841-5501

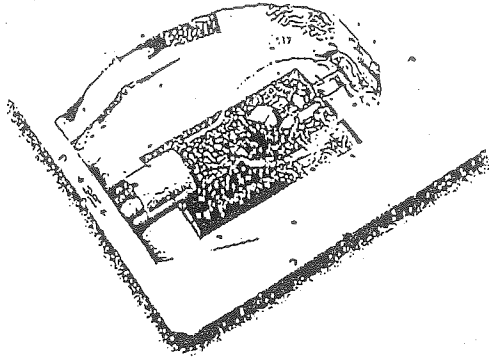
WL-43120

189 Bullock Drive Mertham, Ontario Canada L3P 1W4 Phone: 905-294-9570 Fax: 905-294-6511
 Day-Brite Lighting reserves the right to make changes without notice. ©February 2003. DL2.5M0203
 Day-Brite Lighting is a Genlyte Thomas Group.



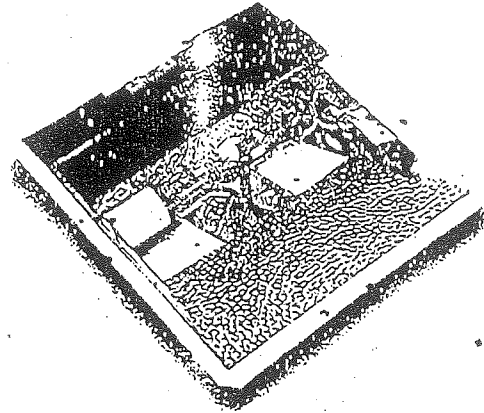
OPTICS AND PHOTOMETRICS

The quality of a cutoff luminaire is measured by how well it controls and distributes light. Ecolume/Decolume features a segmented optical system consisting of two levels of highly specular facets precisely aligned to distribute light in controlled patterns. This sophisticated optical system provides high efficiencies, uniform distribution and superior brightness control.



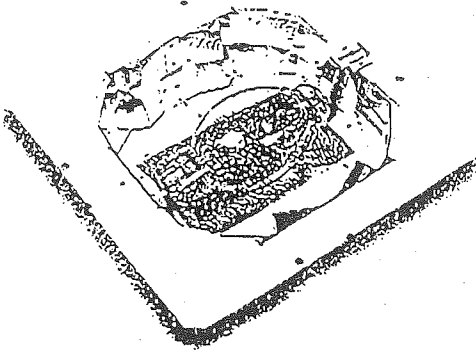
TYPE II (2H) & III (3H)

These reflector systems create an asymmetric distribution pattern with wide lateral throw. Type II and Type III distributions work well in walkway and roadway applications where more light is required "street side" than "house side."



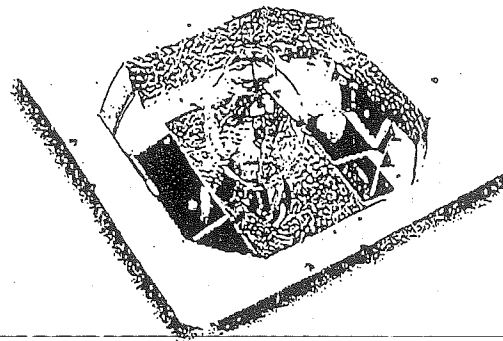
* FORWARD THROW (FH)

The Type IV Forward Throw reflector is suitable for applications where light is primarily required in one direction with minimal backlight. Typical installations include perimeter lighting, auto dealerships and tennis courts.



TYPE V HORIZONTAL (QH)

The Type V square creates a symmetrical pattern for efficiently illuminating large areas. Good spacings are combined with excellent glare control with the horizontal lamp Type V reflector.



VERTICAL LAMP (3V)(FV)(QV)

A vertical lamp position makes this the most efficient optical system available for uniform illumination of large parking areas without pattern overlap. The two-position socket offers remarkable design flexibility. The standard lamp socket position provides superior spacings while meeting IES criteria for cutoff of high angle brightness. A lower socket position creates a system for the widest spacings available while still meeting IES semi-cutoff criteria.

For more information about vertical lamp choices, please turn to pages 8-9.

STATISTICS

Description	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #4	1.3 fc	8.9 fc	0.0 fc	N/A	N/A

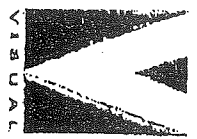
LUMINAIRE SCHEDULE

Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts
■	A	2	ECOLUME ECA 101FH/230MS W/INTERNAL H.S.S.	STANDARD FLOOD (FH) OPTICS (18°) W/INTERNAL H.S.S. IN BACK POSITION CLEAR FLAT TEMPERED GLASS IN EIMCO ECOLUME DOOR FRAME	MH250U	ECFH25M.IES	23000	0.72	292

LUMINAIRE LOCATIONS

No.	Label	X	Y	Z	RH	Orientation	Tilt	X	Y	Z
1	A	101.0	80.0	20.0	20.0	180.0	0.0	101.0	87.2	0.0
2	A	57.0	80.0	20.0	20.0	180.0	0.0	57.0	87.2	0.0

PARKING LOT

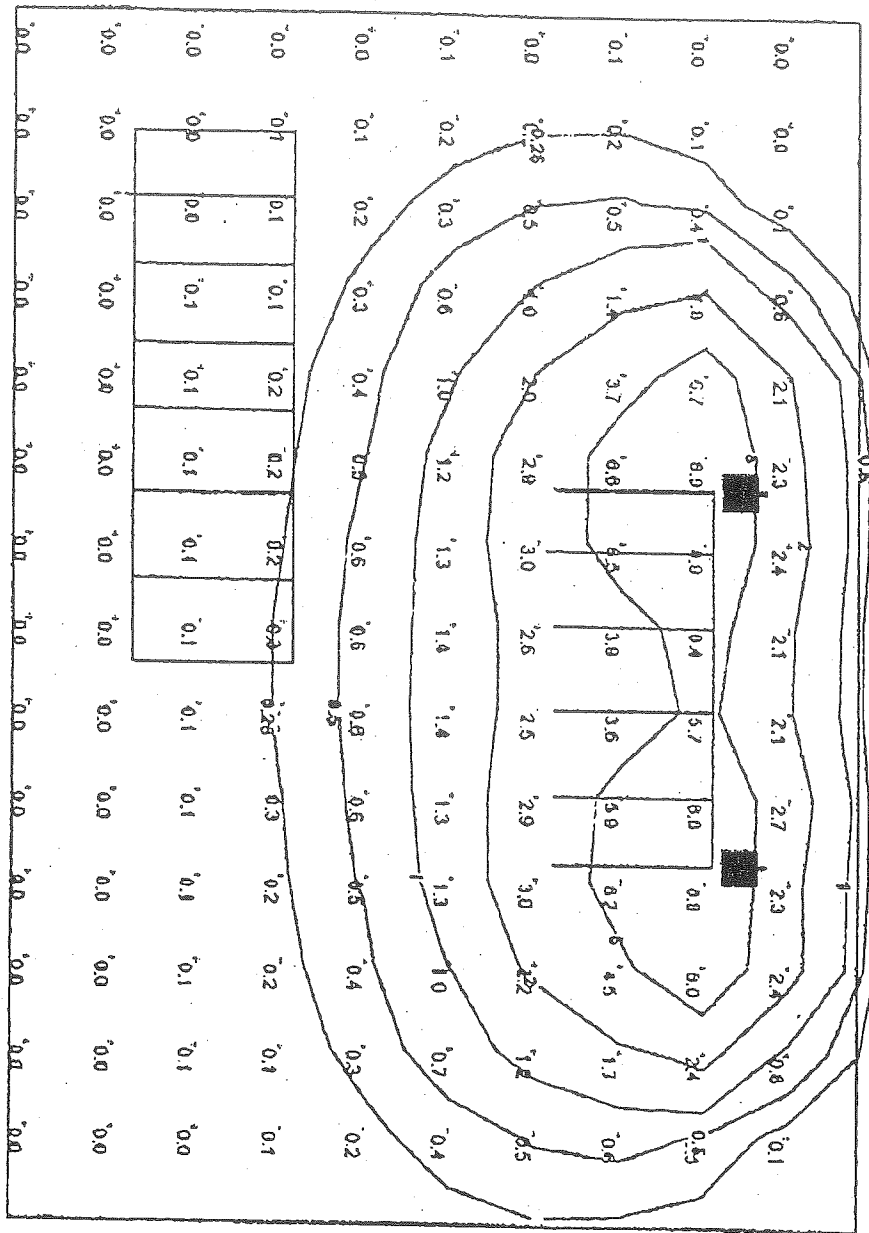


Designer
J.BYRNE

Date
Apr 30 2003

Scale

Drawing No.



Plan View
Scale 1" = 20'



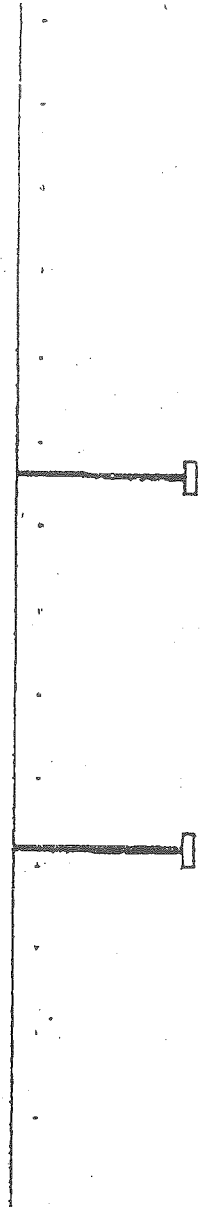
PARKING LOT

Designer
J. BYRNE

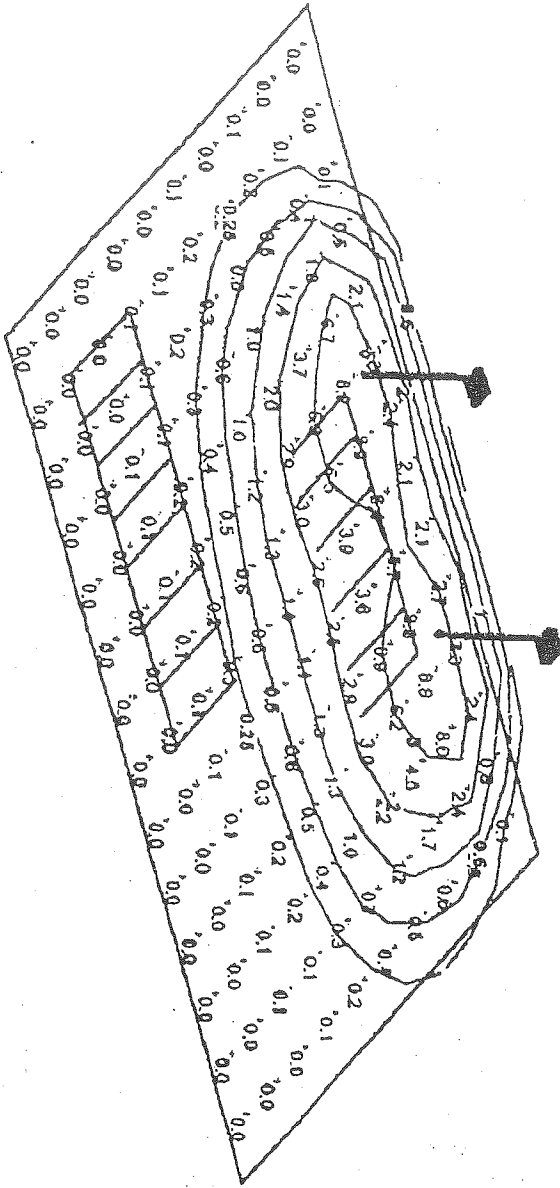
Date
Apr 30 2003

Scale

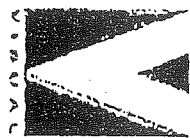
Drawing No.



South Elevation
Scale 1" = 20'



Southwest View
Not to Scale



PARKING LOT

Designer
JBYRNE

Date
Apr 30 2003

Scale

Drawing No.

3 of 3



A division of Banknorth, N.A.

Exhibit K

April 7, 2003

Mark C. Goldstein
142 Presumpscot Limited Liability Company
P.O. Box 1118
Portland, ME 04104

Dear Mark:

Banknorth, N. A. ("Bank") is pleased to advise you of its commitment to make a loan (the "Loan") on the following terms and conditions:

BORROWER: 142 Presumpscot Limited Liability Company

GUARANTOR: Mark C. Goldstein

PURPOSE: The proceeds of the Loan will be used by Borrower to fund the construction of an addition to the building situated at 142 Presumpscot Street, Portland, Maine. The land and the improvements situated at 142 Presumpscot Street, Portland, Maine are hereinafter collectively referred to as the "Project".

AMOUNT: \$420,000.00

TERM: The term of the Loan is ten (10) years and six (6) months, with a construction period of six (6) months, and a permanent loan period of ten (10) years with amortization based on a twenty (20) year schedule.

INTEREST RATE: For the initial six (6) months of the term of the Loan, the Loan shall bear interest at a variable rate in which the interest rate will fluctuate in accordance with the Prime Rate as published in the Money rates section of the Wall Street Journal (the "Base rate"). The interest rate shall be the variable Base rate plus one percent (1.00%) per annum. The current Wall Street Journal Prime Rate is four and one-quarter percent (4.25%).

After the initial six (6) months of the Loan term, the Loan shall bear interest at a fixed rate of Bank's cost of borrowing funds from the Federal Home Loan Bank as of the day of conversion plus two and one-half percent (2.50 %) for a term of five (5) years. The current Federal Home Loan Bank advance rate is three and fifty-two hundredths percent (3.52%).

Should the term of the initial or subsequent fixed rate period be less than the term of the Loan, then upon expiration of the fixed rate period the interest rate on the Loan will be renewed for another fixed rate term of five (5) years at the then current cost of borrowing from the Federal Home Loan Bank plus two and one-half percent (2.50%) or revert to a variable rate of interest at the Wall Street Journal Prime Rate plus one percent (1.00%) adjusted daily at Borrower's option.

All interest hereunder shall be computed on the basis of the actual number of days elapsed over a 360-day year.

DEFAULT INTEREST RATE. Bank shall have the right to charge interest, payable on demand, on the unpaid principal balance of the Loan at an interest rate of six percent (6%) per annum in excess of the rate of interest otherwise payable for any period during which the Borrower shall be in default under any document governing or securing the Loan.

PAYMENT:

Payments of interest only shall be due monthly commencing one month after closing for six (6) months. Commencing with the seventh (7th) payment, regular monthly payments of principal and interest shall commence in accordance with the interest rate alternative selected. Any unpaid principal and accrued interest shall be due and payable at maturity.

PREPAYMENT:

For any prepayments made while a fixed rate of interest is in effect, this Loan is subject to a prepayment premium for any unscheduled partial or full prepayment equal to the greater of one percent (1%) of the amount prepaid or one hundred percent (100%) of the present value of the lost cash flow on the Loan based upon the contract rate at the Federal Home Loan Bank as of the day of closing, or the day of conversion to a fixed rate, less the contract rate as of the day of prepayment for a new advance of the same remaining maturity, discounted at the new advance rate.

**LATE
CHARGE:**

Borrower shall pay to Bank a late charge of six percent (6%) of any scheduled payment of principal and/or interest which is not paid within fifteen (15) days of the date when due.

**COMMITMENT
FEE:**

Bank shall be paid a commitment fee of one-quarter of one percent (.25%) of the Loan amount payable at closing.

SECURITY:

Collateral for the Loan shall consist of the following:

A second priority mortgage lien on the Project.

A second priority security interest in personal property, fixtures, furnishings and equipment necessary for operation of the Project.

A second priority assignment of leases and rentals, and of all income realized under the leases. All leases shall be subordinate to Bank's mortgage, and shall be subject to Bank's review and acceptance.

An assignment of the fixed price contract and all other agreements between Borrower and its general contractor, subcontractors, architects, engineers and other such contracting parties along with a consent of all contracting parties to such assignment.

An assignment of all plans, specifications, documents, approvals, licenses and permits necessary for the construction, use and operation of the Project and any additional property which is to serve as collateral for the Loan.

This Loan and the collateral for the Loan will be cross-defaulted and cross-collateralized with all other loans and all collateral securing said loans of Borrower with Bank.

Borrower hereby authorizes the Bank to file, in advance of closing, financing statements evidencing any security interests described above.

At closing, Bank may require that Borrower establish a tax escrow account for the purpose of funding upcoming tax payments. Such an account shall be established and maintained pursuant to a Tax Escrow Agreement satisfactory to Bank. Likewise, the Mortgage shall provide that Bank may require the maintenance of a tax escrow account so that such accounts may be established in the future, should Bank elect not to require the establishment of such accounts at closing.

GUARANTY:

Unlimited Guaranty:

Mark C. Goldstein ("Guarantor") shall unconditionally (and jointly and severally if there is more than one Guarantor) guarantee the payment and performance of all obligations of Borrower under the Loan documents.

COVENANTS OF BORROWER:

Debt Service Coverage:

Borrower will maintain a debt service coverage ratio of at least 1.10 to 1.00. The calculation for this ratio will be (Net Income after Tax + Depreciation/Amortization + Interest +/- Non-Recurring Items-Distributions) divided by required (Annual Principal & Interest Payments). Non-Recurring items will include other income/expenses that are not part of the normal ongoing operations of the company, as determined by the Bank.

The Loan covenant will be tested annually beginning fiscal year ending December 31, 2004.

TENANT ESTOPPEL CERTIFICATES:

Bank will be provided with current estoppel certificates or other like agreement signed by all tenants, acknowledging that the leases are in full force and effect, that the tenants are in occupancy, doing business and paying rent on a current basis with no rental offsets or claims, that there has been no prepayment of rent other than that provided for in the leases, and that there are no actions pending against any of the tenants under applicable bankruptcy laws.

CONSTRUCTION LOAN REQUIREMENTS:

The Loan proceeds shall be advanced under Bank's standard Construction Loan Agreement and in accordance with such other terms as Bank or its counsel shall require. To assist you in planning for the closing on this Loan, be advised that, among other things, the Bank will require the following:

A detailed budget for the cost of constructing the Project, together with copies of executed bids and contracts with the general contractor and any subcontractors or suppliers which must be approved by Bank.

A schedule of the estimated dates of commencement and completion of the construction of the Project, prepared by the general contractor and approved by Borrower.

Two complete sets of the final plans and specifications for the construction of the Project, together with a certificate from a qualified architect that the final plans and specifications were prepared in accordance with good architectural and engineering practices and comply with all applicable federal, state and local laws, ordinances, codes, rules and regulations, including but not limited to those relating to zoning, building, fire prevention, health, safety, handicap access, historic preservation, wetlands and flood control.

Evidence satisfactory to Bank and Bank's counsel that all permits, licenses and approvals required for the construction and use of the Project under applicable laws, ordinances, codes, rules and regulations and under the terms of any restriction, easement or covenant affecting the Land have been obtained, together with a legal opinion to such effect from Borrower's counsel.

Inspection Fees:

Bank shall be paid an inspection fee of \$275.00 for each inspection made by Bank's inspection staff or independent inspector. Bank, or any of its officers or employees, or any inspector retained by Bank will not assume any obligations to Borrower or any other party concerning the quality of the construction of the Project as a result of any such inspection activities.

Borrower will require its general contractor to obtain and maintain at all times during the construction of the Project the insurance required by the general contractor's contract approved by Bank and such other insurance as may be reasonably required by Bank, including, without limitation, commercial general liability insurance, contractor's liability insurance, comprehensive automobile liability insurance, all-risk contractor's equipment floater insurance, employer liability insurance, and worker's compensation insurance.

At the time of Loan closing, Borrower will deposit with Bank funds in an amount equal to the difference between the amount of the Loan and total Project costs shown on the Project budget approved by Bank. Any required funds will be disbursed in the same manner as advances of the Loan and will be disbursed prior to any advances of the Loan. In addition, if Bank at any time determines, in its sole discretion, that the remaining undisbursed portion of the Loan is or will be

insufficient to pay for all Project costs, Borrower will, within five (5) days after written notice of such determination by Bank, deposit with Bank such funds as Bank may require, in an amount sufficient to remedy the condition described in such notice, and until so deposited Bank shall have no obligation to make any further advances of the Loan.

COMPLIANCE WITH LAW

This commitment is subject to the Project's compliance with all applicable federal, state and local laws, regulations, and ordinances pertaining to, without limitation, land use, the environment and equal access to public accommodations. If required by Bank or its counsel, Borrower's counsel shall provide written opinions regarding these issues.

SURVEY:

Prior to Loan closing, Borrower shall submit to Bank for its approval a current instrument survey of the land which shall be certified to Bank and the title insurance company. The survey shall be prepared by a Registered Land Surveyor and shall show dimensions of any improvements, easements, rights-of-way, encroachments, established building and street lines and such other details as Bank may require. If the proceeds of the Loan are to be for the construction of the Project, Borrower shall provide to Bank additional surveys as required by Bank, including but not limited to a survey showing the location of the foundations of the Project when completed, and an as-built survey upon completion of construction of the Project.

TITLE REQUIREMENTS:

Borrower shall provide to Bank prior to Loan closing a commitment for a mortgagee's title insurance policy with respect to the Project from a title insurer acceptable to Bank in the face amount of \$420,000.00 for a policy in standard ALTA form insuring Bank that Borrower holds marketable fee simple title and that the mortgage securing the Loan will create a valid, enforceable and second priority lien on Borrower's title to such property, subject only to such exceptions as Bank may approve in writing. The policy shall further contain such endorsements or affirmative insurance as Bank in its discretion may require. The cost of the title insurance shall be paid by Borrower.

ENVIRONMENTAL:

Borrower shall acknowledge that the Project was previously operated as an auto body shop under a MAACO franchise by a prior occupant ("MAACO Operator") and that the MAACO Operator failed to obtain closure confirmation from federal and state regulators when the MAACO Operator ceased operation at the Project. Borrower agrees that they will cause the MAACO Operator to obtain such closure confirmations, or shall obtain such closure confirmations directly, in either case to the satisfaction of Bank, within six (6) months from the date hereof. Failure to do so within six (6) months of the date hereof shall constitute a default under the Loan.

The Loan documents shall contain the agreement of Borrower and any Guarantor to indemnify and hold Bank harmless with respect to the release of any hazardous materials or waste and noncompliance with environmental laws, which agreement shall survive the repayment of the Loan and the exercise by Bank of any of its rights and remedies under the Mortgage

FINANCIAL STATEMENTS:

Ongoing Financial Reporting:

Annual

During the term of the Loan, Borrower shall submit to Bank balance sheets and operating statements with respect to Coastal Equipment Corporation within ninety (90) days after the closing of Coastal Equipment Corporation's fiscal year. Such information is to include the following:

Aging of accounts receivable and accounts payable.

Management prepared financial statements prepared in accordance with generally accepted accounting principles to include a detailed balance sheet and profit and loss statement.

Detailed personal financial statement of Borrower and any Guarantor signed by Borrower or any Guarantor.

Management prepared financial statements on any privately held partnership, corporation or other entities in which any Borrower or Guarantor has an ownership interest.

Complete Federal income tax returns of Borrower and any Guarantor, including complete tax returns on any partnerships, corporations or other entities in which Borrower or any Guarantor has an interest.

Interim

Additionally, Bank shall have the right to require Borrower to submit other financial information within thirty (30) days following the end of each quarter of Coastal Equipment Corporation's fiscal year to include the following:

Management prepared financial statements to include a detailed balance sheet and profit and loss statement.

Aging of accounts receivable and accounts payable.

The Loan documents shall provide that a failure to provide such information shall be a default under the Loan, and Borrower shall thereupon be obligated to pay interest at the Default Interest Rate.

LIFE INSURANCE:

Borrower shall provide and maintain throughout the term of the Loan a life insurance policy in a face amount equal to \$200,000.00, payable to Bank on the life of Mark C. Goldstein. Bank shall further require an assignment of the Borrower's rights in the policy for the Loan and the Bank's loans to Coastal Equipment Corporation, together with an acknowledgment by the life insurance company of receipt of the assignment and an indication by the company that the assignment is a first lien on the policy.

INSURANCE:

Borrower shall obtain and maintain with respect to the Project and any additional property which is to serve as collateral for the Loan and its operations such insurance as Bank may require, including, during the course of construction of the Improvements:

"all risks" property insurance on the Project written on a builder's risk, completed value, non-reporting form and in compliance with any co-insurance clause;

flood insurance, if the Project is located in any federally designated "special hazard area";

general liability insurance and owner's contingent or protective liability insurance in an amount not less than \$1,000,000.00;
employer's liability insurance;

business interruption and loss of rents coverage from the date of closing.

adequate hazard insurance on all business assets securing the Loan naming Bank as loss payee.

The property and flood insurance policies shall name Bank as mortgagee and loss payee and shall be first payable in case of loss to Bank pursuant to standard non-contributory mortgage clauses and lender's loss payable endorsements. The liability insurance policies shall name Bank as an additional insured. For the purpose of insurance, the Bank shall be named as Banknorth, N. A. its successors and assigns, ATIMA, P.O. Box 9540, Portland, Maine 04112.

Banknorth, N. A. offers a broad array of insurance and other financial products* through its wholly owned subsidiary, Morse, Payson & Noyes. If you are interested, I would be happy to introduce you to the appropriate representative. You are NOT required to use Morse, Payson & Noyes as a condition for the approval of your loan. (*Please be advised that these insurance and other financial products are neither products of, nor guaranteed by, the Bank, nor are they insured by the FDIC.)

There are frequently other insurance providers available with similar services. You are free to shop around to determine that you are receiving the best services and the best rate for these services.

All insurance referred to in this commitment shall be in such amounts and form, shall include such coverage, endorsements and deductibles, and shall be issued by such insurers as shall be approved by Bank, and shall provide for written notice to Bank at least **thirty (30) days** prior to notice of cancellation, nonrenewal, modification or expiration. Duplicate originals or certified copies of the insurance required by above, "all risk", (together with proof of payment of premiums) shall be delivered to Bank prior to the closing of the Loan.

AUTHORITY TO ACT:

Borrower and any Guarantor shall provide such evidence of its organization, existence, legal good standing, and authority to enter into the transaction contemplated by this commitment letter as may be required by Bank and its counsel.

LEGAL OPINIONS:

Borrower shall provide to Bank at closing a legal opinion from counsel satisfactory to Bank with respect to Borrower, any Guarantor and/or their assets as Bank or its counsel shall require.

DEPOSIT RELATIONSHIP:

Borrower and Guarantor shall maintain a comprehensive deposit relationship with the Bank.

MISCELLANEOUS:

Borrower acknowledges that construction and renovation of the Project occurred at the Project pursuant to a 1995 Building Permit issued by the City of Portland but that no Certificate of Occupancy ("CO") was issued by the City following completion of said construction and renovation. Borrower agrees that they will obtain a CO from the City of Portland for the Project within sixty (60) days of the date hereof. The CO shall be unconditional or, if conditioned, such conditions shall be acceptable to Bank. Failure to obtain the CO within sixty (60) days hereof shall constitute a default under the Loan.

The parties hereto agree that this commitment shall survive the Loan closing and that each of the obligations and undertakings of the Borrower hereunder shall continue until the entire Loan, together with interest and fees, is paid in full.

This commitment represents the entire agreement of the parties and supersedes all prior agreements with respect to the Loan.

This commitment is conditioned upon the completeness and accuracy of the information contained in the financial statements, loan applications and all other documents submitted to Bank by or on behalf of Borrower, and upon the absence of any adverse change in the information as of the date of the Loan closing, and upon the absence of any omission from the documents of any fact relating to the Borrower, any Guarantor, the Project, the Loan contemplated herein or the security for the Loan. Borrower shall furnish Bank promptly with any documentation reasonably requested hereunder.

142 Presumpscot Limited Liability Company

April 7, 2003

Page 11

The Loan shall be made without cost to Bank. Acceptance of this letter shall constitute your agreement to pay all fees, commissions, costs, charges, taxes and other expenses incurred by Bank in connection with this commitment and the making, administration or enforcement of the Loan, whether or not the Loan closes.

All documents executed and delivered in connection with the closing of the Loan and all other material documents shall be in form and substance satisfactory to Bank's counsel. All other legal matters shall be to such counsel's satisfaction.

This commitment shall not be assigned by Borrower without the prior written consent of Bank.

The transactions contemplated by this letter shall be governed by the laws of the State of Maine.

Bank may terminate this commitment prior to the Loan closing if (a) Borrower or any Guarantor shall fail or refuse to comply with any of the terms and conditions set forth herein, (b) any adverse change in the opinion of Bank shall occur with respect to the Project, Borrower, any general partner of Borrower, any Guarantor, any permanent lender, or any other person or entity (including tenants) connected with the Loan or any collateral for the Loan or other source of repayment of the Loan at any time prior to the Loan closing, (c) any part of the Project shall have been taken in condemnation or other like proceeding, or any such proceeding is pending or threatened at the time of the Loan closing, or (d) Borrower, any general partner of Borrower, any Guarantor, any permanent lender, or any other person or entity (including tenants) connected with the Loan or any collateral for the Loan or other source of repayment shall be insolvent or involved as debtor in any arrangement, bankruptcy, reorganization or insolvency proceeding. In the event of such termination, Bank shall be entitled to collect and retain all commitment fees required herein of Borrower. Such termination shall become effective upon the mailing of notice to Borrower at the address of Borrower shown on this commitment.

AS A FURTHER CONDITION OF THIS COMMITMENT, AND IN ORDER TO OBTAIN A PROMPT DETERMINATION OF RIGHTS AND REDUCE COSTS, THE BANK, BORROWER AND EACH GUARANTOR, FOR THEMSELVES AND THEIR RESPECTIVE HEIRS, SUCCESSORS AND ASSIGNS, HEREBY KNOWINGLY, VOLUNTARILY AND MUTUALLY WAIVE ANY AND ALL RIGHTS THAT SUCH PARTY MAY HAVE TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING BASED UPON OR RELATED TO THE LOAN OR ANY LOAN DOCUMENTS, THE COLLATERAL GIVEN AS SECURITY FOR THE LOAN, OR IN ANY WAY RELATED TO THE ADMINISTRATION OF THE LOAN OR THE EXERCISE OF RIGHTS OR REMEDIES RELATED THERETO.

142 Presumpscot Limited Liability Company
April 7, 2003
Page 12

The terms of this commitment cannot be waived or modified except in writing and signed by the parties to this commitment.

This is notification to you that under Maine law, no promise, contract, or agreement to lend money, extend credit, forbear from collection of a debt or make any other accommodations for the repayment of a debt for more than \$250,000 may be enforced against Bank unless the promise, contract, or agreement is in writing and signed by Bank, nor can any change, forbearance or other accommodation relating to the Loan be enforced against Bank unless it is in writing and signed by Bank.

Unless this Loan is closed by May 30, 2003, this commitment will expire. Any extensions of this commitment will be at the sole option of Bank and must be in writing.

If these terms and conditions are satisfactory, please sign and return the enclosed copy of this letter to us not later than our close of business on April 30, 2003. Unless we receive a signed copy of this commitment, by that date, this commitment will expire.

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

BANKNORTH, N. A.

By: 

Patricia L. Camelio
Senior Vice President

Accepted and agreed to this _____ day of April, 2003.

BORROWER: 142 PRESUMPCOT LIMITED LIABILITY COMPANY

By: _____

Mark C. Goldstein
Member

142 Presumpscot Limited Liability Company
April 7, 2003
Page 13

GUARANTOR:

Mark C. Goldstein

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

AH. 2

2003-0104
Application I. D. Number
05/27/2003
Application Date

142 Presumpscot Limited
Applicant
42 Presumpscot St, Portland, ME 04103
Applicant's Mailing Address

Warehouse Addition
Project Name/Description

Consultant/Agent
Applicant Ph: (207) 775-1100 Applicant Fax: (207) 775-1139
Applicant or Agent Daytime Telephone, Fax

142 - 142 Presumpscot St, Portland, Maine
Address of Proposed Site
425 1004001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

1,865 s.f.
Proposed Building square Feet or # of Units
Acreage of Site
IL/R5
Zoning

Check Review Required:

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

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 06/05/2003

Fire Approval Status:

Reviewer Lt. MacDougal

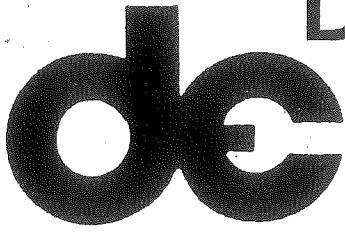
- Approved Approved w/Conditions
See Attached Denied

Approval Date 06/11/2003 Approval Expiration 06/11/2004 Extension to _____ Additional Sheets
Attached
 Condition Compliance Lt. MacDougal 06/11/2003
signature date

Performance Guarantee Required* Not Required

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

- | | | | |
|---|----------------|--|-----------------|
| <input type="checkbox"/> Performance Guarantee Accepted | _____ | _____ | _____ |
| | date | amount | expiration date |
| <input type="checkbox"/> Inspection Fee Paid | _____ | _____ | |
| | date | amount | |
| <input type="checkbox"/> Building Permit Issue | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Reduced | _____ | _____ | _____ |
| | date | remaining balance | signature |
| <input type="checkbox"/> Temporary Certificate of Occupancy | _____ | <input type="checkbox"/> Conditions (See Attached) | _____ |
| | date | | expiration date |
| <input type="checkbox"/> Final Inspection | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Certificate Of Occupancy | _____ | | |
| | date | | |
| <input type="checkbox"/> Performance Guarantee Released | _____ | _____ | |
| | date | signature | |
| <input type="checkbox"/> Defect Guarantee Submitted | _____ | _____ | _____ |
| | submitted date | amount | expiration date |
| <input type="checkbox"/> Defect Guarantee Released | _____ | _____ | |
| | date | signature | |



DRAKE EQUIPMENT Co.

PORTLAND DOOR • FORE RIVER BOAT
MATERIALS HANDLING EQUIPMENT

Att. 3

160 PRESUMPCOT ST. • P.O. BOX 1378
PORTLAND, MAINE 04104

TELEPHONE: 207-775-1832 • 800-789-9717 • FAX: 207-775-7139

6/16/03

MR. LEE URBAN
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME. 04101

REF. PROJECT: # 2003-0104

142 PRESUMPCOT ST.

DEAR SIR:

A MINOR SITE PLAN HAS BEEN SUBMITTED FOR THIS PROJECT.
I FEEL IT SHOULD BE REVIEWED BY THE PLANNING BOARD AS A MAJOR SITE
PLAN, FOR SEVERAL REASONS.

1. THE PLAN DOES NOT ADDRESS THE PROBLEMS OF USING S. GRAFTON ST. A STREET THAT IS NOT IMPROVED, FOR MUCH OF ITS LENGTH.
2. THE PLANNED ADDITION IS 1 ½ TIMES AS LARGE AS THE EXISTING BUILDING.

SINCERELY

JIM DRAKE

C/C SARAH HOPKINS

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Att. 4
Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

June 27, 2003

Jim Drake
Drake Equipment Co.
160 Presumpscot St.
P.O. Box 1378
Portland, ME 04104

RE: Coastal Equipment Application, 142 Presumpscot Street

CBL: 425 1004001

Dear Mr. Drake:

I have received your letter dated June 16, 2003 requesting that the Coastal Equipment application be reviewed by the Planning Board as a major site plan.

As you know, Coastal Equipment proposes to construct a 9,865 sq. ft. addition to its existing building on Presumpscot Street. According to the Site Plan Ordinance, construction under 20,000 sq.ft. in an IL zone is considered a minor site plan and is reviewed administratively.

In my capacity as Director of Planning and Development, I am authorized to forward a minor site plan to the Planning Board "due to its nature or location". I do not find that there are unusual or unique aspects regarding the Coastal Equipment's plan that would warrant such a review.

Nonetheless, I encourage you to contact Kandi Talbot, the Planner reviewing the project, to keep appraised of the status of the application and to share with her your concerns about the application before we render our administrative decision.

Sincerely,

Lee D. Urban

Director of Planning and Development

Cc.: Alexander Jaegerman, Planning Division Director
✓ Sarah Hopkins, Development Review Services Manager
✓ Kandice Talbot, Planner

no curb or sidewalk. Since the street is undeveloped, the potential for development may be in the future. The Site Plan Ordinance requires frontages to be curbed in granite with sidewalks. If a waiver is requested, Public Works and Planning will need to determine their position on the requirement.

- D. All radius entrances shall be curbed with granite, and the section of driveway in Grafton Street shall be constructed to Industrial Road Cross-section standards.

3. **Grading/Erosion Control**

- A. It appears that the roof of the proposed building will be pitched to sheet runoff. A drip edge or roof drain pad shall be shown to divert water away from the building.
- B. All driveways shall be constructed with a 1" lip to promote gutter flow.
- C. Will the building have a foundation drain?
- D. How will the old and new sections of pavement match? Please show limits of work in each existing parking area and the street.

4. **Utility Installation/Location**

- A. Limits of trench work in Grafton Street shall be shown. Also, all structures to be modified shall have all inverts identified.
- B. Have the depths of the existing 8-inch sanitary and 36-inch storm sewer lines been coordinated with the proposed utility grades to provide adequate ground cover, or will they conflict?

5. **General**

- A. Coordinate the placement and intensity of lighting with the staff planner.
- B. Plans show the proposed addition of building structure connecting to the existing structure, which is 3.5 feet lower. How will the two function if tied together? Stairs or ramps?
- C. ~~Will a pre-loading be needed on the site, or a geotechnical report be needed for the soil loading? The site is sitting on soft saturated clay and could be subject to settlement or frost action.~~
- D. Some landscaping may interfere with the drainage system to the Pompeo lot.
- E. Letters of available capacity are needed from the Portland Water District and Sewer Division of Public Works.
- F. Will a dumpster be needed for solid waste on site?

6. **Details**

- A. Provide a trench section detail for parking lot lighting pole.
- B. Show details for street repair.
- C. Given the load on the parking lot and use, the typical cross-section should be deeper and more like a typical industrial course.
- D. A detail for typical loam and seeding is needed.

Please contact our office with any questions.

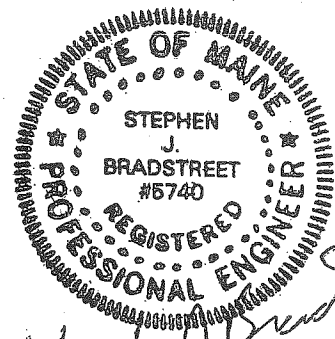
JRS:jrs/jc

Att. 6

**STORMWATER MANAGEMENT REPORT
FOR
COASTAL EQUIPMENT CORPORATION
WAREHOUSE ADDITION**

Submitted to:

**City of Portland
389 Congress Street
Portland, Maine 04101**



Submitted by:

**Environmental Engineering & Remediation, Inc.
222 St. John Street
Suite 314
Portland, Maine 04102**

*Step J Bradstreet
1/26/04*

**May 16, 2003
Revised January 26, 2004**

6a

Stormwater Management Report for Coastal Equipment Corporation Warehouse Addition Portland, Maine

PROJECT'S HYDROLOGICAL LOCATION

The Coastal Equipment Corporation Warehouse is located at 142 Presumpscot Street off of Washington Avenue in Portland. The site is located approximately 1000 feet west of the Presumpscot River, where the stormwater ultimately flows. At this point, the Presumpscot River quickly runs into the Atlantic Ocean. There is no surface water abutting the site.

PRE-DEVELOPMENT CONDITIONS

The project parcel consists of scrub trees, and impervious area such as pavement, building, and gravel area. The site consists primarily of three watershed areas. Flow from Subarea 1 flows from a high point at the northwest corner of the site across the northern portion of the property, and into a catch basin situated next to the site at the intersection of Presumpscot Street and Grafton Street. Subarea 2 sheet flows from the western end of the property, through the scrub trees and gravel areas, into a catch basin at the southern end of the site, which flows into a storm sewer system in Providence Street. Subarea 3 contains a small flow that sheet flows straight offsite towards Presumpscot Street.

POST-DEVELOPMENT CONDITIONS

Conditions in post-development change fairly significantly. The 9,865 square foot warehouse addition, along with additional parking area, occupy a large portion of impervious area that existed as mostly gravel and woods area in pre-development. In post-development, the site consists primarily of four watershed areas. Flow from Subarea 1 runs from the western corner of the site, across the parking lot and into a catch basin approximately 130 feet away. Flow from Subarea 2 sheet flows off the roof of the proposed warehouse addition, onto the parking lot located to the northeast, and into a catch basin at the northeast corner of the site. Flow from Subarea 1A sheet flows from the back edge of the front parking lot pavement into the existing catch basin located at the southern portion of the site on the property line and flows into Subarea 1. Subarea 3 is comprised of a small flow path that sheet flows straight offsite towards Presumpscot Street.

STORMWATER RUNOFF CALCULATIONS

Stormwater runoff calculations for this project were made using the Hydro CAD computer program, which is based on the Soil Conservation Service's TR-20 methodology. Runoff was predicted based on the type III storm. Three storms were modeled; the two-year storm (3.0 inches in 24 hours); 10-year storm (4.7 inches in 24 hours); and the 25-year storm (5.5

leb

inches in 24 hours). The drainage areas were planimeted off the plans. Rainfall intensities were determined based on the rainfall intensity curves for Portland for each storm event. With this information the peak discharge in CFS was determined for the three different storm events.

Curve numbers (CN's) were developed based on the soils, site topography, existing and proposed conditions. Times of concentration were developed based on runoff flow paths for each watershed with knowledge of existing conditions.

Based on the calculations presented in Appendix A, the stormwater results are tabulated below.

Subarea	Pre-Development (cfs)		
	2 Year	10 Year	25 Year
1	0.32	0.68	0.87
2	0.70	1.23	1.49
3	0.44	0.70	0.82
Total Offsite Flow	1.46	2.61	3.18

Subarea	Post-Development (cfs)		
	2 Year	10 Year	25 Year
1	1.10	1.91	2.29
1A	.53	1.03	1.27
2	1.23	2.00	2.35
3	0.37	0.60	0.70
Total Offsite Flow	3.26	5.54	6.61

Analysis Point	Pre-Development (cfs)			Post-Development (cfs)		
	2 Year	10 Year	25 Year	2 Year	10 Year	25 Year
1	0.32	0.68	0.87	*	*	*
2	0.70	1.23	1.49	1.26	2.00	2.35
3	0.44	0.70	0.82	0.37	0.60	0.70
Reach 3	0.70	1.23	1.49	2.62	4.56	5.47
Total Offsite Flow**	1.46	2.61	3.18	2.99	5.16	6.17

* Only in Pre-Development

** Sum of Analysis Points 1 and 3 and Reach 3 for Pre-Development. Sum of Analysis Point 3 and Reach 3 for Post-Development.

6c

SUMMARY AND CONCLUSIONS

The total offsite flow from pre-development to post-development has increased with the addition of the new building and paved parking lot. During discussions with the City, they indicated that the catch basin on the southern property line was connected to a system in Providence Street that had capacity problems and requested that it be re-routed through the site and into the stormdrain system in Grafton Street. While there is an increase in stormwater exiting the site, the City has indicated that the re-routing from the Providence Street system to the Grafton Street system would be a positive change and acceptable. Therefore it is expected that there will be a positive impact to the existing stormdrain systems and to this property and the abutting properties.

222 St. John Street, Suite 314, Portland, Maine 04102
Tel 207/828-1272 Fax 207/774-6907
WWW.EERINC.COM

January 27, 2004

Ms. Kandice Talbot, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Subject: 142 Presumpscot Street

Dear Kandi:

In response to Sebago Technics' review comments dated July 1, 2003 and the City's Engineering Department comments dated July 3, 2003, Environmental Engineering & Remediation, Inc. (EER) has revised the plans and/or provided documentation included herein to address those comments. Those comments are addressed in the same format as presented in their memorandums.

Sebago Technics, Inc.

1. Stormwater Management

The site has been redesigned to eliminate one parking lot entrance and to address other design elements that have been discussed separately with the City through Brenda Buchanan. These changes have had a minor effect on the stormwater. The site design has been modified per the City's Engineering Department comments and the existing catch basin on the Pompeo's property line will be routed through the 142 Presumpscot Street site and out to Grafton Street. This will eliminate any flow to Providence Street.

Based on discussions with the City, connection to the City's drainage system within Grafton Street is acceptable without detention.

2. Road Access/Circulation

- A. The parking lot and entrance has been redesigned to accommodate a WB-50 truck without the vehicle leaving the paved surface.
- B. The site design does not require curbing to control drainage, therefore, curbing is not proposed simply to maintain vehicles on the paved surface.

- C. The applicant has had many discussions with the City in regard to the use of Grafton Street and at one time contemplated the possibility of applying to terminate public rights to the street. However, the applicant and the Planning Department recently reached agreement on an access arrangement that will not involve Grafton Street being vacated after all. Under this plan, the applicant will be allowed to pave access to its property using only a portion of the 50-foot-wide Grafton Street corridor. This is shown on the attached plan, where the proposed paved area is located on the portion of the right-of-way abutting the applicant's property. The public will be free to traverse this paved area to the same extent as the public has historically had rights to use Grafton Street. There will be no need for granite curbing and a sidewalk.
- D. This no longer applies. (see 2.C. above)

3. **Grading/Erosion Control**

- A. In areas that are not paved to drain away from the building, a roof drain splash pad or drip edge pad will be provided to direct water away from the building.
- B. This no longer applies. (see 2.C. above)
- C. The Contractor shall be responsible for the building design and whether a perimeter drain is required. If they determine that a perimeter drain is required, one will be installed draining to the site catch basin.
- D. The limits of work have been shown and a detail of the pavement joint has been provided.

4. **Utility Installation/Location**

- A. The trench limits have been shown on the detail. All structures that are being modified have the inverts identified.
- B. The inverts of the existing 8" sanitary sewer and 36" storm sewer have been coordinated with the proposed utilities, so to maintain adequate cover.

5. **General**

- A. The lighting has been coordinated with the City's planning department.

- B. To the extent that the buildings will be connected internally, stairs will be provided.
- C. The applicant's building contractor will be responsible for coordinating structural design issues.
- D. The landscaping adjacent to the Pompeo lot will be field adjusted to accommodate the proposed drainage.
- E. Letters from the Portland Water District and the Sewer Division of Public Works have been requested.
- F. The existing dumpster, located adjacent to the building on the Grafton Street side will be used for the existing and proposed facility.

6. **Details**

- A. A trench detail has been provided.
- B. Trench repair details have been provided.
- C. The typical pavement section has been modified to reflect an industrial use.
- D. Loaming and seeding requirements have been noted.

City's Engineering Department

- 1. This no longer applies. (see 2.C. above)
- 2. Trench repair details have been provided.
- 3. The applicant's contractor will contact Carol Merrit at Public Works, regarding permits and fees.
- 4. Flow from the catch basin on the Pompeo's rear property line has been diverted to the new site catch basin which flows to Grafton Street. The existing outlet to Providence Street will be plugged.

Ms. Kandice Talbot
January 27, 2004
Page 4

7c

I trust this addresses the comments presented to date. If you have any questions, please feel free to give me a call at 828-1272, extension 12.

Very truly,

ENVIRONMENTAL ENGINEERING
& REMEDIATION, INC.



Stephen J. Bradstreet, P.E.

Cc: Mark Goldstein
Brenda Buchanan
Barry Hosmer

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

Att. 8

2003-0104
Application I. D. Number
05/27/2003
Application Date
Warehouse Addition
Project Name/Description

142 Presumpscot Limited
Applicant
142 Presumpscot St, Portland, ME 04103
Applicant's Mailing Address

Consultant/Agent
Applicant Ph: (207) 775-1100 Applicant Fax: (207) 775-1139
Applicant or Agent Daytime Telephone, Fax

142 - 142 Presumpscot St, Portland, Maine
Address of Proposed Site
425 1004001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply):
 New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Other (specify) _____

3,865 s.f. IL/R5
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

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

Fees Paid: Site Plan \$400.00 Subdivision _____ Engineer Review _____ Date 06/05/2003

Engineering Comments

PUBLIC WORKS ENGINEERING REVIEW....7/03/03

I have reviewed the submittal dated 5/27/03 and offer the following comments:
 1. Public Works is requesting the applicant install granite curbing and building a 5 feet wide paved sidewalk along the site frontage on Grafton Street.
 2. The plans must identify the proposed trench excavation limits within Grafton Street.
 3. The applicant is advised to contact Carol Merrit, at Public Works, regarding the permits and fees associated with this development.
 4. The abutting residential properties on Providence Street, currently experience significant rear yard flooding problems. Therefore, we are requesting the applicant divert all rear site runoff to a site drainage collection system that is piped to Grafton Street. The existing site catch basin will need to be connected to the proposed catch basin, proposed at the westerly side of the new building. In addition, the outlet to Providence Street, within the existing catch basin, must be sealed permanently.

PUBLIC WORKS ENGINEERING REVIEW...2/11/04

The submittal dated 1/27/04 has addressed all of Public Works issues.

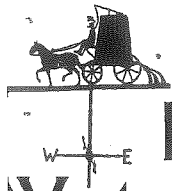
Performance Guarantee Required* Not Required

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

Performance Guarantee Accepted _____ date _____ amount _____ expiration date

Inspection Fee Paid _____ date _____ amount

Building Permit Issue _____ date



Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

AH.9

Customer Service Hotline (207) 761-8310

(207) 774-5961

FAX (207) 879-5837

January 20, 2004

Stephen J. Bradstreet, P.E.
EER
222 St. John St., suite 314
Portland, me. 04102

Re: 142 Presumpscot St.-Portland

Steve:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed expansion of Coastal Equipment Corporation located at 142 Presumpscot St. in Portland. Checking District records, I find there is a 8" water main on the south side of the street in Grafton St. as well as a water hydrant located with 400' of the property.

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

Hydrant Location: Grafton St. @East Kidder St.

Hydrant # 1572

Static pressure = 88 PSI

Flow = 1403GPM

Last Tested = 10/6/89

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

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator



propose expansion site

BERKSHIRE RD
DI 6 1858

GRAYSON ST
DI 7 1825

GRAYSON ST
DI 8 1825

GRAYSON ST
DI 12 1874

1469

KIDDER ST

1572

GRAYSON ST
DI 8 1825

TRICE ST

PRESUMPCOT ST

1245

1242

9a

Att. 10

Michael J. Bobinsky
Director

Department of Public Works



CITY OF PORTLAND

25 February 2004

Mr. Stephen J. Bradstreet, P.E.,
Environmental Engineering & Remediation, Inc.,
222 St. John Street, Suite 314,
Portland, Maine 04102

**RE: The Capacity to Handle Wastewater Flows for a 9,865 S. F.
Building Expansion to Coastal Equipment Corporation**

Dear Mr. Bradstreet:

The existing eight inch diameter sewer pipe, located in Grafton Street, has **adequate capacity to transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have **adequate capacity to treat** the anticipated increased wastewater flows of **75 GPD**, from your proposed project.....

Anticipated Wastewater Flows from the Proposed Expansion:

5 Proposed Employees @ 15 GPD/Employee	= <u>75 GPD</u>
Total Proposed Increase in Wastewater Flows for this Project	= 75 GPD

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

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

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

FJB

- cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
- Kandice Talbot, Planner, Department of Planning, and Urban Development, City of Portland
- Eric Labelle, P.E., City Engineer, City of Portland
- Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
- Anthony W. Lombardo, P.E., Project Engineer, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- Desk file

Att. 11

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Alexander, Secretary
Nan Sawyer
Joe Lewis
William Hall
Derek Gamble

March 1, 2004

Brenda Buchanan
Warren, Currier & Buchanan
57 Exchange Street
Portland, ME 04101-5020

RE: 142 Presumpscot Street
CBL: 425-I-004, 033-037, 044; 425-I-005-007, 038-043
ZONE: R-5 and I-L Zones

Dear Ms. Buchanan:

As you know, at its February 19th, 2004, meeting, **the Board of Appeals voted 4-0 to approve your Miscellaneous Appeal**, to allow an extension of the Variance Appeal granted on April 17, 2003, for six months from February 19th, 2004.

Enclosed please find the billing for the Zoning Board of Appeals legal ad and abutters' notification, along with a copy of the Board's decision.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

Karen Dunfey
Inspection Services



03P104

TO: Kandi Talbot – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: 142 Presumpscot Street – Coastal Equipment Corp. Addition
DATE: March 9, 2004

Sebago Technics made a site visit and has reviewed the latest revised Site Plan Package and submittals for the Warehouse Expansion at 142 Presumpscot Street for Coastal Equipment Corporation. The following comments are submitted in outline format matching the sequence of our initial comments in July 2003:

1. **Stormwater Management**

The applicant has requested that the stormwater quantity control standard be exceeded. A statement that the stormwater impacts to the existing drain system will not be significant in Grafton Street shall be verified by Public Works and should be documented in writing by Public Works that they will except the increase in runoff to their storm drain system without impact to adjacent or down steam properties. The existing property currently drains to the drainage infrastructure in Grafton and Presumpscot Street and also across a private drainage system over the Pompeo lot into Providence Street this has been greatly alleviated and will assist the impact to these abutters. The applicant has provided no means of detention, or outlet control by means of hydro-brakes, but if Public Works feels that the street system can handle this excessive runoff, then the design may be acceptable for discharge in Grafton Street. At a minimum the applicant shall install a Casco trap in each private catch basin that immediately precedes a discharge into a City Drainage structure, and acquire a drainage maintenance agreement from the City Public Works. One error was found with the modeling regarding the invert out of the CB proposed was modeled 1.5 feet higher than designed (modeled as 24.0 instead of 22.5) Please verify the no adverse effects occur with the model corrected.

2. **Road Access/Circulation**

- A. The truck maneuvers have been addressed with the newest layout.
- B. The areas of the bituminous improvements adjacent to the Grafton St. ROW should be curbed were islands/esplanades are located discourage parking on grass

12b

- E. Letters of available capacity are needed from the Portland Water District and Sewer Division of Public Works prior to final approval, and may be a condition of the approval.
- F. The existing dumpster will handle solid waste on site. However it shall be properly screened and enclosed. A detail is needed.

6. Details

- A. All details previously requested have been provided. Addition details for dumpster enclosure and the Casco Trap are needed.

7. Plan Notes

It appears that the site plan is noticeably lacking many of the standard notes regarding tax map & lot #, record owner, all zoning bulk and spacing requirements, standard approval language & plan revision/amendments notices, construction permit requirements, construction notification for dig safe, pre-construction meetings, inspections. Planning shall work with the applicant's designer to assure proper notes are on the Site Plan approved, due the fact they will likely serve as the construction plans and documents.

Please contact our office with any questions.

JRS:jrs/jc

AH. 13

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

March 19, 2004

Mr. Steve Bradstreet
EER
222 St. John Street, Suite 314
Portland, ME 04102

RE: Coastal Equipment Corp. Expansion, 142 Presumpscot Street
ID #2003-0104, CBL #425-I-004

Dear Steve:

After review of the Coastal Equipment Expansion proposal the following comments have been generated:

1. Your letter stated that lighting has been coordinated with planning staff. My information doesn't indicate that lighting catalogue cuts or a lighting photometric plan has been submitted. Could you please address this issue?
2. Development Review Coordinator's Comments

Stormwater Management

- a. The applicant has requested that the stormwater quality control standard be exceeded. A statement that the stormwater impacts to the existing drain system will not be significant in Grafton Street shall be verified by Public Works and should be documented in writing by Public Works that they will except the increase in runoff to their storm drain system without impact to adjacent or down stream properties. The existing property currently drains to the drainage infrastructure in Grafton and Presumpscot Street and also across a private drainage system over the Pompeo lot into Providence Street this has been greatly alleviated and will assist the impact to these abutters. The applicant has provided no means of detention, or outlet control by means of hydro-brakes, but if Public Works feels that the street system can handle this excessive runoff, then the design may be acceptable for discharge into Grafton Street. At a minimum the applicant shall install a casco trap in each private catch basin that immediately precedes a discharge into a City drainage structure, and acquire a drainage maintenance agreement from the City Public Works. One error was found with the modeling regarding the invert out of the CB proposed was modeled 1.5 feet higher than designed (modeled as 24.0 instead of 22.5). Please verify the no adverse effects occur with the model corrected.

Road Access/Circulation

- a. The truck maneuvers have been addressed with the newest layout.

13a

- b. The areas of the bituminous improvements adjacent to the Grafton St. ROW should be curbed where islands/esplanades are located discouraging parking on grass areas and protecting pedestrian/customer walkways. If these areas are contained on private land the curb may be bituminous.
- c. The site issues, regarding the Grafton Street access and curb cuts, have been addressed internally with Planning and Public Works.
- d. Historically all radius entrances off Industrial zoned lots have been curbed with granite or heavy duty curbing, to protect the pavement edge of the street and entrance from damage of large trucks turning. Please verify with Public Works that this will not be a requirement.

Grading/Erosion Control

- a. It appears that the roof of the proposed building will be pitched to sheet runoff. A drip edge or roof drain pad has been addressed.
- b. We still feel that all driveways shall be constructed with a 1" lip to promote gutter flow. Additionally how will the improvements in Grafton Street be conducted? How will grades sheet the new street runoff? Will this be coordinated through Public Works inspectors or engineers?
- c. The building will have a foundation drain as shown.
- d. A detail shows how the old and new sections of pavement will match. Please indicate who will be responsible to construct, verify pavement depth matches, and review final paving decisions.

Utility Installation/Location

- a. Limits of trench work in Grafton Street have been shown and all structures to be modified have all inverts identified.
- b. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.

General

- a. Plans show the proposed addition of building structure connecting to the existing structure, which is 3.5 feet lower to be connected with stairs, acceptable.
- b. Prior to issuance, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying this condition.
- c. Landscaping appears to be acceptable and not interfere with drainage.
- d. The existing dumpster will handle solid waste on site. However, it shall be properly screened and enclosed. A detail is needed.

Details

- a. All details previously requested have been provided. Additional details for dumpster enclosure and the casco trap are needed.

13b

Plan Notes

- a. It appears that the site plan is noticeably lacking many of the standard notes regarding tax map and lot #, record owner, all zoning bulk and spacing requirements, standard approval language and plan revision/amendment notices, construction permit requirements, construction notification for dig safe, pre-construction meetings, inspections. Please revise the site to assure proper notes are on the site plan, due to the fact they will likely serve as the construction plans and documents.

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

Sincerely,



Kandice Talbot
Planner



222 ST. JOHN STREET, SUITE 314, PORTLAND, MAINE 04102

AH. 14

FAX

Date: March 25, 2004

Number of pages including cover sheet: 3

To:

Sarah Hopkins

Phone:

Fax phone: 756-8258

CC:

From:

Stephen J. Bradstreet, P.E.

Phone: 207-828-1272

Fax phone: 207-774-6907

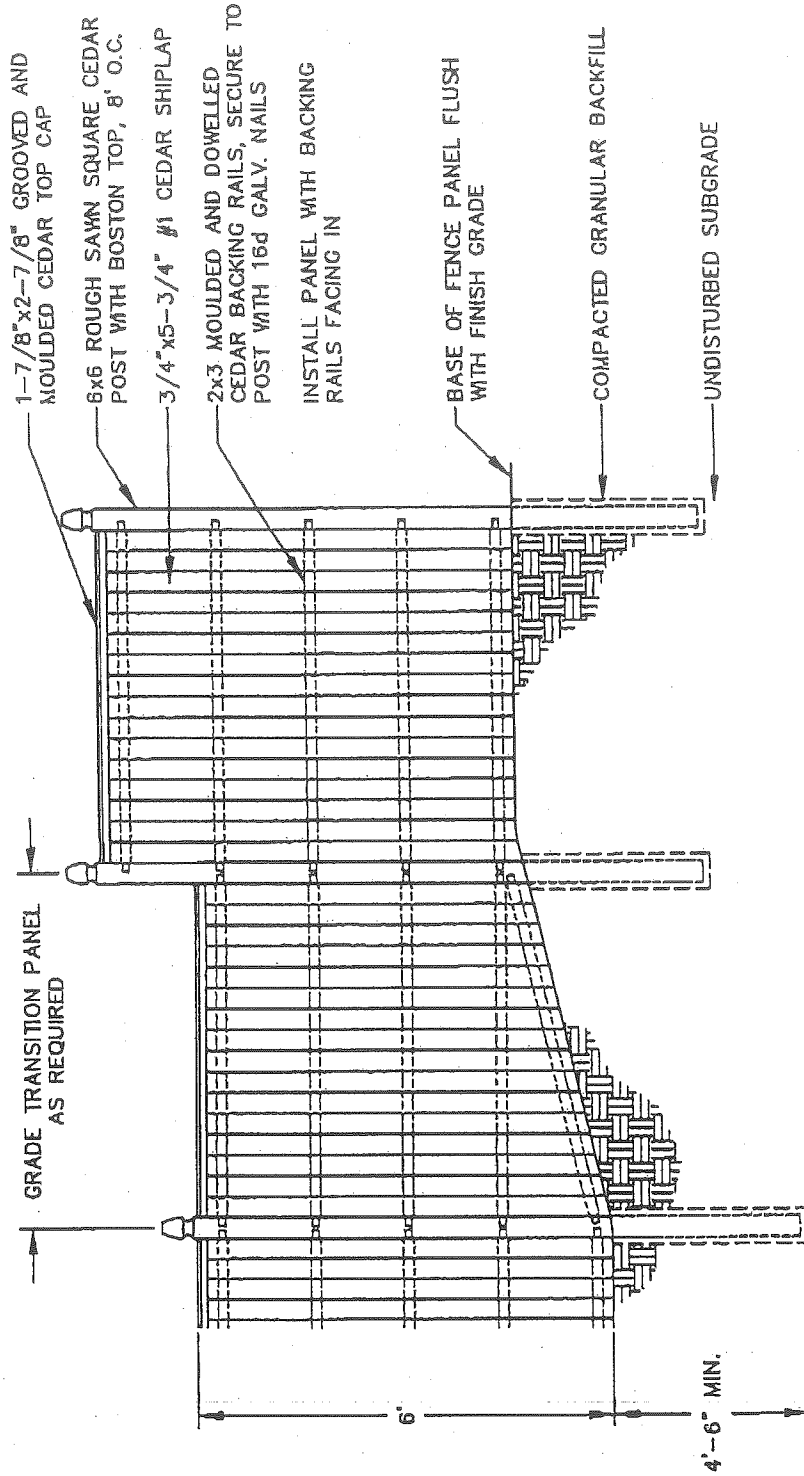
REMARKS: Urgent For your review Reply ASAP Please comment

Sarah:

The attached details are what we would add to the plans to address the dumpster screening and the Casco Trap. The Casco Trap detail is straight from the City's Technical and Design Standards and if we can refer to the standard rather than creating the detail on the plans, it would save us time and money.

Steve

14a



STOCKADE FENCE DETAIL
 NOT TO SCALE

STOCKADE FENCE DETAIL

SCALE: N.T.S.

DATE: 05/16/00

DRAWN BY: JAR

CHECKED BY:

EER ENVIRONMENTAL
 ENGINEERING &
 REMEDIATION, INC.

DETAIL

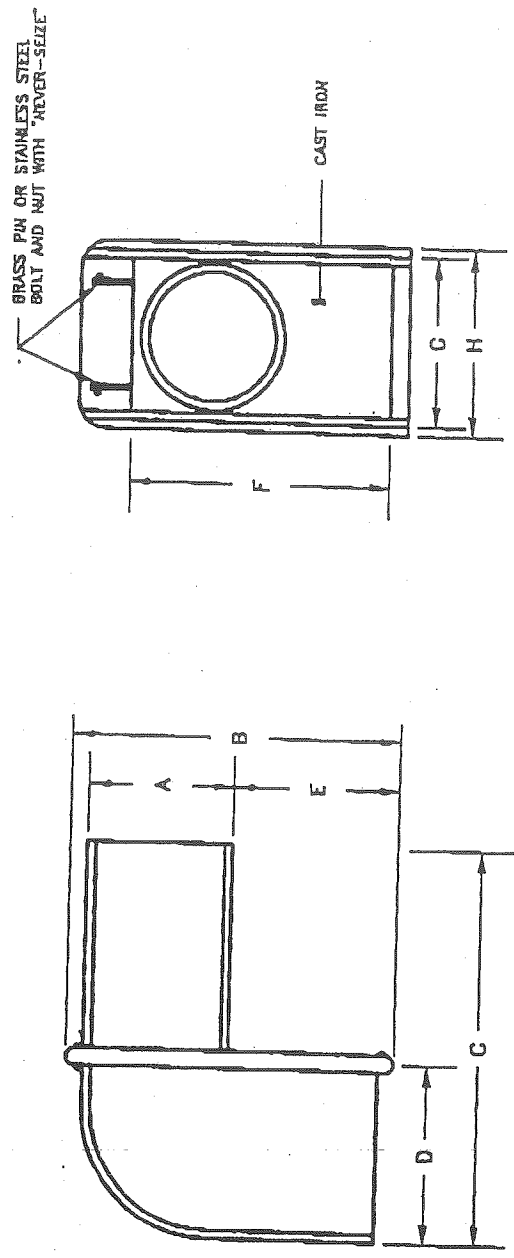
cf-007

222 ST. JOHN STREET, SUITE 314 PORTLAND, MAINE 04102

SECTION II -- SANITARY SEWER AND STORM DRAIN DESIGN STANDARDS

146

NOTE:
BOLT AND NUT REQUIRED WHERE
HOOD WILL NOT OPEN COMPLETELY



SIZE	A	B	C	D	E	F	G	H
6 in.	5 1/2"	13 3/8"	13 3/4"	5 3/8"	5 7/8"	11 5/8"	6 1/2"	7 1/4"
8 in.	7 1/2"	15"	15 3/8"	5 1/2"	5 3/8"	13 3/4"	8 3/4"	9 3/8"
10 in.	9 1/2"	16"	16 1/4"	6"	4 1/2"	14 1/8"	11 1/2"	12 3/8"
12 in.	11 1/2"	17"	22"	8"	3 1/2"	17"	12 1/2"	13 3/8"

CASCO TRAP DETAIL
NOT TO SCALE

FIGURE II - 10
CASCO TRAP DETAIL

WARREN
CURRIER &
BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren
David E. Currier
Brenda M. Buchanan

AH. 15

April 16, 2004

Ms. Kandi Talbot
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Site Plan Review Application
142 Presumpscot Limited Liability Company Warehouse Addition

Dear Kandi:

Please find enclosed additional specifications for the exterior lighting to be used at 142 Presumpscot LLC's warehouse addition. In its letter of March 31, 2004 approving this application, the city conditioned its approval on a revised lighting plan being submitted. I do not believe there was a problem with the actual location of lights shown on the plan, but with the completeness of the specifications that we had provided previously.

If the enclosed specs are not sufficient to bring the lighting plan into compliance with the city's standards, please let me know immediately and I will get you whatever additional information you need.

Thank you for your assistance.

Best regards,



Brenda M. Buchanan

Cc: 142 Presumpscot LLC

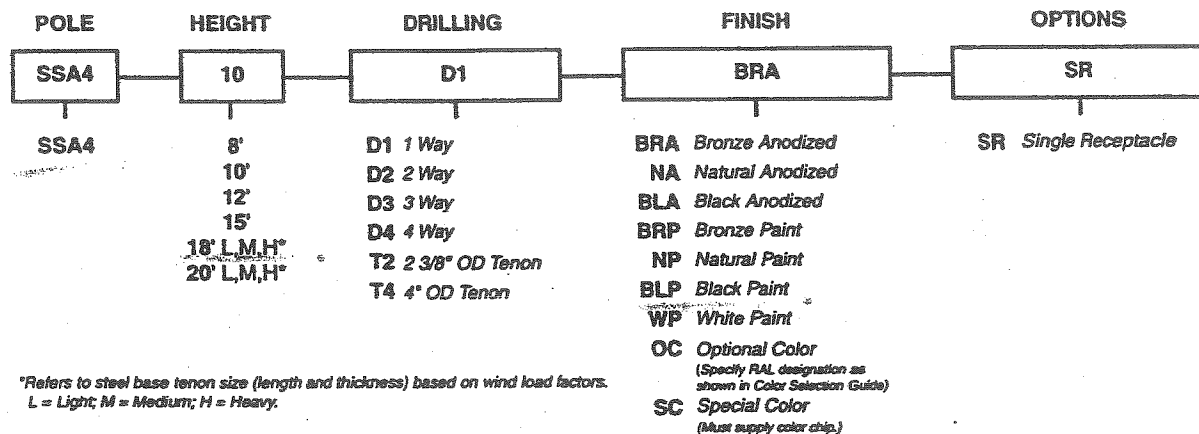
15a

POLES

4" STRAIGHT SQUARE ALUMINUM

GENERAL DESCRIPTION: The Gardco/Emco Lighting SSA4 straight aluminum pole consists of a one-piece 4" square extruded aluminum lighting standard mounted to a structural quality carbon galvanized steel base tenon. This construction offers the corrosion resistance and flexibility of aluminum with the strength and integrity of steel. The poles are finished with either Architectural Class 1 anodizing or electrostatically applied TGIC polyester powdercoat. All poles include anchor bolts, full base cover, hand hole, ground lug and top cap.

ORDERING



*Refers to steel base tenon size (length and thickness) based on wind load factors.
L = Light; M = Medium; H = Heavy.

CATALOG NUMBER	POLE SIZE	MAXIMUM LUMINAIRE LOADING*					ANCHOR BOLT DATA**		
		ACTUAL HEIGHT	BASE TENON HEIGHT (R.)	WALL THICKNESS (Inches)	100 MPH EPA-FT ²	90 MPH EPA-FT ²	80 MPH EPA-FT ²	BOLT CIRCLE (Inches)	BOLT SIZE (Inches)
SSA4-8	7' 8"	1.25	.100	14.0	17.3	22.5	7.0	1/2 x 18 x 4	3.0
SSA4-10	9' 8"	1.25	.100	9.6	12.1	15.8	7.0	1/2 x 18 x 4	3.0
SSA4-12	11' 8"	1.25	.100	6.8	8.5	11.5	7.0	1/2 x 18 x 4	3.0
SSA4-15	14' 9"	2	.100	3.4	6.1	8.5	7.0	1/2 x 18 x 4	3.0
SSA4-18L	17' 9"	2	.100	-	2.0	3.3	7.0	1/2 x 18 x 4	3.0
SSA4-18M	17' 9"	4	.100	2.5	3.3	4.9	7.0	5/8 x 18 x 3	3.0
SSA4-18H	17' 9"	6	.100	3.1	3.9	6.0	7.0	5/8 x 18 x 3	3.0
SSA4-20L	19' 9"	2	.100	-	1.5	3.0	7.0	1/2 x 18 x 4	3.0
SSA4-20M	19' 9"	4	.100	1.4	3.0	4.8	7.0	5/8 x 18 x 3	3.0
SSA4-20H	19' 9"	6	.100	1.8	4.7	6.8	7.0	5/8 x 18 x 3	3.0

*Warning: Additional wind loading, in terms of EPA, from banners, cameras, floodlights and other accessories attached to the pole, must be added to the luminaire(s) EPA before selecting the pole with the appropriate wind load capability.

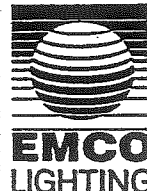
**Factory supplied template must be used when setting anchor bolts.
Gardco/Emco Lighting will not honor any claim for incorrect anchorage placement resulting from failure to use factory supplied templates.

TYPE	POLE	HEIGHT	DRILLING	FINISH	OPTIONS

Gardco Lighting/EMCO Lighting reserves the right to change materials or modify the design of its product without notification as part of the company's continuing product improvement program.

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All Rights Reserved. International Copyright Secured.

2661 Alvarado Street
San Leandro, CA 94577
800/227-0758
510/357-6900 in California
Fax: 510/357-3088
sitelighting.com



Genlyte Thomas Group LLC

POLES

4" STRAIGHT SQUARE ALUMINUM

15b

SPECIFICATIONS

POLE SHAFT: The pole shaft is a one-piece, 4" square, seamless 6000 series extruded aluminum tubing and is heat treated to achieve a T6 temper with a guaranteed minimum yield strength of 31 KSI. Pole wall thickness is .100".

BASE TENON ASSEMBLY: The tenon anchor base assembly consists of structural quality A53 carbon steel tubing welded to an A36 structural steel base with a guaranteed minimum yield strength of 36 KSI. The base plate telescopes the pole shaft and is circumferentially welded on both top and bottom. The base is provided with slotted bolt holes to accommodate a $\pm .5^\circ$ variation in the rotational flexibility. The entire assembly is hot-dipped galvanized. Four (4) mechanically galvanized fasteners secure the aluminum pole shaft to the base tenon assembly.

ANCHOR BOLTS: Anchor bolts are fabricated from a commercial quality hot rolled carbon steel bar that meets or exceeds a minimum guaranteed yield strength of 50,000 psi. Bolts have an "L" bend on one end and threaded on the opposite end. Anchor bolts are completely hot dipped galvanized. Four (4) properly sized bolts, each furnished with two (2) regular hex nuts, two (2) flat washers and one (1) lock washer are provided per pole, unless otherwise specified.

BASE COVER: A two-piece, fabricated aluminum cover completely conceals the entire base plate and anchorage. The base cover is secured to the base assembly with four (4) stainless steel fasteners.

HANDHOLE: The handhole has a nominal rectangular 2" X 4" inside opening in the pole shaft and tenon assembly. Included is an

aluminum cover plate with attachment screws. The handhole is located 18" above the base and 180° clockwise with respect to the luminaire arm when viewed from the top of the pole for one arm. For two arms the handhole is located directly under one arm.

POLE TOP CAP: Each pole assembly is provided with a removable cast aluminum pole top cap. The pole top cap is secured with two (2) stainless steel allen head set screws.

FINISH: Poles are available with bronze, natural or black Aluminum Association Architectural Class 1 anodized finish. Electrostatically applied, thermally cured TGIC polyester powdercoat finish is also available.

DESIGN: The poles as charted are designed to withstand dead loads and predicted dynamic loads developed by variable wind speeds with an additional 30% gust factor under the following conditions:

The charted weights include luminaire(s) and/or mounting bracket(s).

The wind velocities are based on 10 mph increments from 80 mph through 100 mph. Poles to be located in areas of known abnormal conditions may require special consideration. For example: coastal areas, airports and areas of special winds.

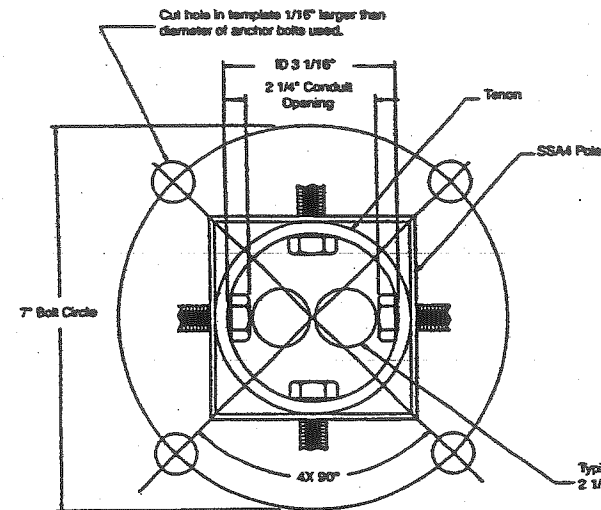
Poles are designed for ground mounted applications. Poles mounted on structures (such as buildings and bridges) may also necessitate special consideration requiring Gardco/Emco Lighting's recommendation.

Height correction factors and drag coefficients are applied to the entire structure. An appropriate safety factor is maintained based on the minimum yield strength of the material incorporated in the pole.

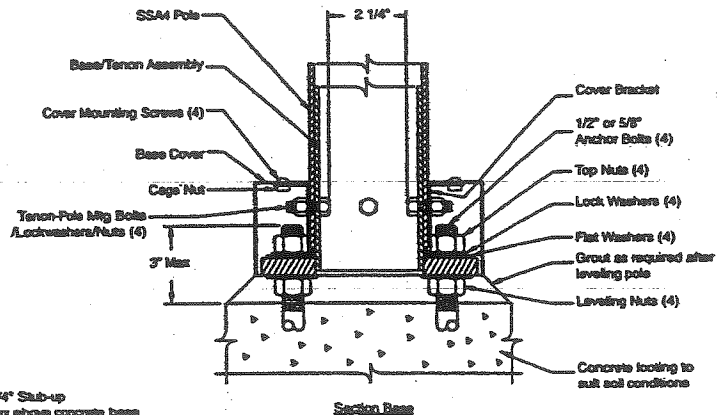
WARNING: This design information is intended as a general guideline only. The customer is solely responsible for proper selection of pole, luminaire, accessory and foundation under the given site conditions and intended usage. The addition of any items to the pole, in addition to the luminaire, will dramatically impact the EPA load on that pole. It is strongly recommended that a qualified professional be consulted to analyze the loads given the user's specific needs to ensure proper selection of the pole, luminaire, accessories, and foundation. Gardco/Emco Lighting and Genlyte Thomas Group, LLC assume no responsibility for such proper analysis or product selections. Failure to insure proper site analysis, pole selection, loads and installation can result in pole failure, leading to serious injury or property damage.

GENERAL INFORMATION: Mounting height is the vertical distance from the base of the lighting pole to the center of the luminaire arm at the point of luminaire attachment.

Twin arms as charted are oriented at 180° with respect to each other. For applications of two (2) arms at 90° or other multiple arm applications, consult the factory.



NOTE: Internal clearance of tenon/pole mounting bolts dictates allowable area for stub-ups.

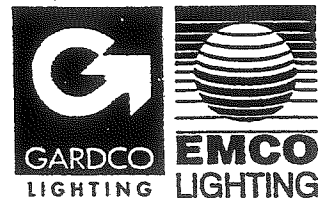


Gardco Lighting/EMCO Lighting reserves the right to change materials or modify the design of its product without notification as part of the company's continuing product improvement program.

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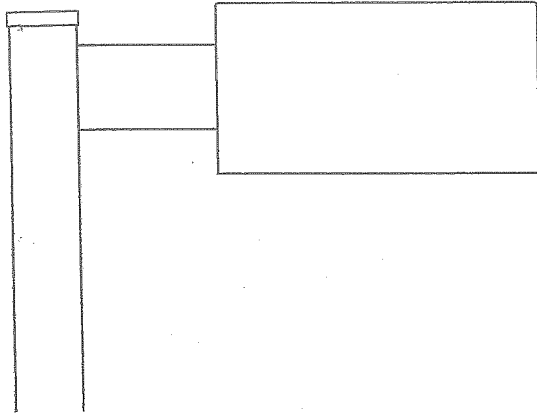
2661 Alvarado Street
San Leandro, CA 94577
800/227-0758
510/357-6900 in California
Fax: 510/357-3088
sitelighting.com

Genlyte Thomas Group LLC



79415-1/102

15c



ECOLUME ECA/ECW

The Ecolume ECA/ECW is a rectilinear arm-mounted area luminaire. The precision segmented optical systems provide required light levels, even illumination, wide pole spacings and glare control. The housing is die-formed and the door frame is extruded aluminum. The Ecolume luminaire is completely sealed and gasketed, preventing intrusion from moisture, insects and contaminants.

ORDERING

PREFIX	MOUNTING	SIZE	CONFIGURATION	DISTRIBUTION	WATTAGE			VOLTAGE	FINISH	OPTIONS	
EC	A	23	1	3H	175MH			120	BRP	LF	
EC	A Arm Mount	14" 18" 23"	1 Single	14"/18" 23"	14"	18"	23"	120	BRP	HS	MF
	W Wall Mount		2 Twin @ 90°	2H 2H 3H 3H FH FH	70 HPS	250 HPS	750 MH	208	BLP	F	AP
	WA Wall Mount w/arm		2@180 Twin @ 180°	QH QH 3V 3V	150 HPS	250 MH	1000 HPS	240	WP	LF	AT
			3 Triple @ 90°	FV FV QV QV	100 MH	400 MH	1000 MH	277	NP	PCT	PTF2
			3@120 Triple @ 120°	3V-RNC QV-RNC	150 MH	250 PSMH	750 PSMH	347	OC	PCR	PTF3
			4 Quad	3SV QSV	175 MH	320 PSMH	1000 PSMH	480	SC	PCB	PTF4
					200 MH	350 PSMH		QUAD 120/208/240/277 factory tied to 277V		PTR4	ACR
					175PSMH	400 PSMH				PTR5	POLY
											QS

Arm mounting on round poles is designed to mount to poles measuring 3.5" OD or larger.

Use "1" for ECW(A) wall mounted units

Refer below for notes and exclusions

1. 100HPS and 150 HPS units require medium base lamp. N/A w/480V
 2. 14" 200MH w/vertical lamp optics is available in medium base only.
 3. Vertical Lamp Only
 4. Medium base lamp.

DISTRIBUTIONS

2H	Type II Horizontal Lamp
3H	Type III Horizontal Lamp
FH	Type IV Forward Throw Horizontal Lamp
QH	Type V Horizontal Lamp
3V ^{4,5,6}	Type III Vertical Lamp
FV ^{4,6}	Type IV Forward Throw Vertical Lamp
QV ^{4,6}	Type V Vertical Lamp
3V-RNC ^{4,5}	Type III Vertical Lamp, Reduced Nadir Candlepower
QV-RNC ^{4,5}	Type V Vertical Lamp, Reduced Nadir Candlepower

RNC (Reduced Nadir Candlepower) option should be specified only in applications requiring extreme maximum to minimum uniformity ratios (5 to 1 or lower). Reduced luminaire efficiency will result in lower average footcandle levels.

3SV ⁴	Type III Vertical Lamp Mallmaster Semi-cutoff
QSV ⁴	Type V Vertical Lamp Mallmaster Semi-cutoff

4. 14"/18" vertical lamp optics are supplied standard w/high temperature resistant thermoplastic sag lens. 23" vertical lamp optics are supplied standard with sag glass.

5. 18" and 23" 3V/QV optical systems feature an upper (factory set) sharp cutoff socket position. For wider spacings, a lower (field adjustable) semi-cutoff socket position may be set.

6. 14" vertical lamp optics require a medium base lamp. N/A with 480V.

FINISH

BRP	Bronze Paint
BLP	Black Paint
WP	White Paint
NP	Natural Aluminum Paint
OC	Optional Color Paint Specify RAL designation as shown in Color Selection Guide.
SC	Special Color Paint (Specify. Must supply color chip)

OPTIONS

HS	Internal House Side Shield (Supplied standard for FH/FV)
F	Fusing
LF	In-Pole/In-Line Fusing (Kit includes In-Line Fuses)
PCT*	Locking Type Photocontrol Receptacle w/Photocontrol Not available with 480V
PCR*	Locking Type Photocontrol Receptacle
PCB*	Button Photocontrol
PTR4*	4" Pole cap with Photocontrol receptacle for SSS4 pole
PTR5*	5" Pole cap with Photocontrol receptacle for SSS5 pole *Limited to 1000w maximum combined luminaire wattage.
MF	Mast Arm Fitter (18" & 23" units only)
AP	Adjustable Knuckle - Pole Mount Only available with single and twin luminaires @ 180°
AT	Adjustable Knuckle - Tenon Mount (N/A w/23" units)
PTF2	Pole Top Filter 2 3/4" X 4"
PTF3	Pole Top Filter 3" - 3 1/2" X 6"
PTF4	Pole Top Filter 3 1/2" - 4" X 6"
ACR	Acrylic Sag Lens (in lieu of glass - N/A w/23" units)
POLY	Polycarbonate Sag Lens (in lieu of glass - N/A w/23" units)
QS	Quartz Standby

TYPE	PREFIX	MOUNTING	SIZE	CONFIGURATION	DISTRIBUTION	WATTAGE	VOLTAGE	FINISH	OPTIONS
	EC								
	EC								
	EC								
	EC								



2661 Alvarado Street, San Leandro, CA 94577
 800.227.0758 (CA) 510.357.6900 FAX 510.357.3088 <http://www.sitelighting.com>

15d

ECOLUME ECA/DECW

SPECIFICATIONS

GENERAL DESCRIPTION: Each EMCO Ecolume is a sharp cutoff luminaire for high intensity discharge lamps. Internal components are totally enclosed, rain-tight, dust-tight, and corrosion resistant. No venting of the optical system or electrical components is required or permitted. Lamping requires no lifting or hinging of the luminaire housing, disturbing wiring or exposing uninsulated live parts.

HOUSING: The housing wrapper is one-piece dieformed aluminum with 3 integral ribs permanently rolled into the housing. The housing has an integral reinforcing spine and no welded corners. Silicone seals provide a weathertight seal at all points of material transition.

LENS: A mitered, extruded anodized aluminum door frame retains the optically clear, heat and impact resistant tempered flat glass in a sealed manner using hollow section, high compliance, memory retentive extruded silicone rubber. A non-yellowing drop acrylic lens is provided standard on 14" and 18" vertical lamp and a sag glass lens is provided on 23" vertical lamp luminaires. A single flush 1/4 turn captive fastener permits easy access to the luminaire.

OPTICAL SYSTEMS: The segmented reflector system consists of two levels of highly specular aluminum facets precisely aligned to achieve specified photometric distributions. The entire optical system is field rotatable in 90° increments. The position-oriented mogul base socket is glazed porcelain with a nickel plated screw shell. A lamp stabilizer is standard on 3H and QH 400W MH units.

ELECTRICAL: Each high power factor ballast is the separate component type, capable of providing reliable lamp starting down to -20° F. The ballast is mounted on a unitized tray and secured within the luminaire, above the reflector system. Component-to-component wiring within the luminaire will carry no more than 80% of rated current and is listed by UL for use at 600 VAC at 150°C or higher. Plug disconnects are listed by UL for use at 600 VAC, 15A or higher.

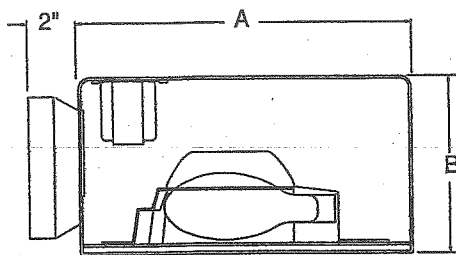
FINISH: Each luminaire receives a fade and abrasion resistant, electrostatically applied, thermally-cured polyester powder finish after fabrication.

LABELS: All fixtures bear UL or CSA/CUL (where applicable) Wet Location labels.

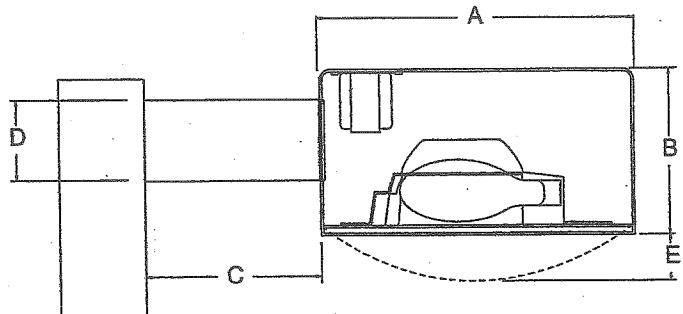
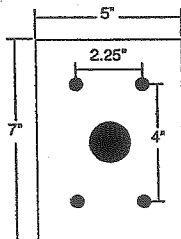
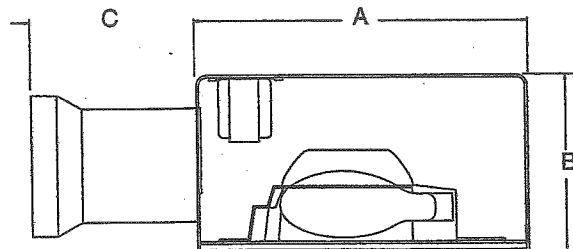
DIMENSIONS, EPA'S AND WEIGHTS

Ecolume EPA (Effective Projected Area) Ft²

	Single Arm	Twin 18°	Quad	Single Fixture Weight
14" units	1.1	2.2	2.7	30 lbs
18" units	1.9	3.8	4.8	50 lbs
23" units	3.6	7.3	8.8	90 lbs



WALL MOUNT		
	ECW14	ECW18
A	14" sq	18" sq
B	7"	10"
C	8"	11"



ARM MOUNT			
	ECA14	ECA18	ECA23
A	14" sq	18" sq	23" sq
B	7"	10"	14.5"
C Arm Length	6"	9"	12"
D Arm Height	5"	5"	8"
E Drop Lens	2"	4"	6.5"

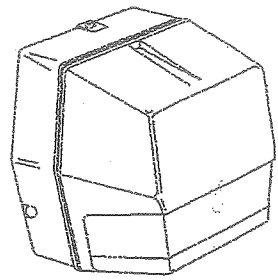
EMCO Lighting reserves the right to change materials or modify the design of its product without notification, as part of the company's continuing product improvement program.



15e

NITE BRITES

WLB-DIE CAST CUTOFF WALL LIGHT-H.I.D. 50-100 watt Metal Halide 35-150 watt High Pressure Sodium



Day-Brite Lighting

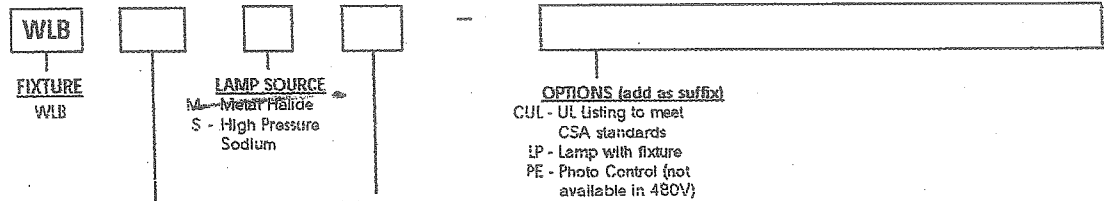
JOB NAME _____

TYPE _____

The Cutoff wall light features a lens trim that eliminates uplight, making it ideal for installations where keeping the sky dark, light pollution and light trespass are a primary concern.

ORDERING MATRIX

SAMPLE CATALOG NUMBER: WLB150S12-IP



WLB
FIXTURE
WLB

LAMP SOURCE
M - Metal Halide
S - High Pressure Sodium

WATTAGE
035 - 35 MED²³
050 - 50 MED²³
~~070 - 70 MED²³~~
100 - 100 MED²³
150 - 150 MED²³

VOLTAGE
12 - 120
20 - 208
24 - 240
27 - 277
34 - 347
48 - 480²⁴
DT - 120/277
MT - 120/208
240/277²⁴
TT - 120/277/347²⁴
TN - 120V Reactor
Normal Power
Factor HPS only

OPTIONS (add as suffix)
CUL - UL listing to meet CSA standards
IP - Lamp with fixture
PE - Photo Control (not available in 480V)

Footnotes:
²³DT only.
²³120V High Pressure Sodium only.
²³70 - 150W only.
²⁴Not available in standard Metal Halide.
²⁴Not available in 70 watt Metal Halide.

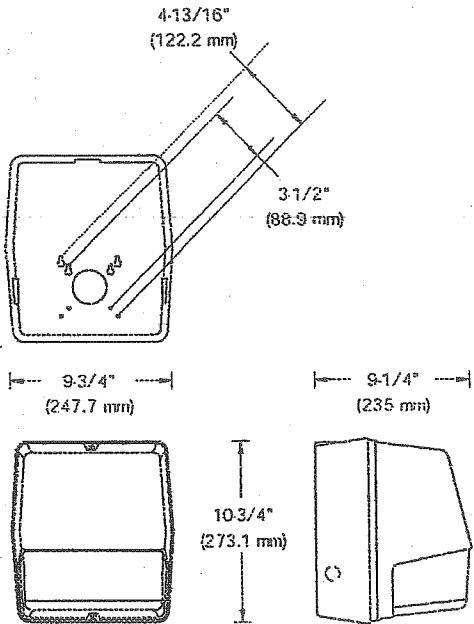
General Notes:
All options are factory installed.
H.I.D. lamps are Medium Base.
All accessories are field installed.

Warning: Refer to and follow lamp manufacturer's warnings and instructions.

ACCESSORIES (order separately)

- WLS-PEC12 - Photo control 120 volt
 - WLS-PEC27 - Photo Control 208-277 volt
 - WLS-D-TP - Tamper proof screws
 - PEC-MT - Photo Control multi-volt
 - PEC-48 - Photo Control 480 volt
- (For additional descriptions of Wall Light accessories refer to sheet number OA-50030.)

DIMENSIONS



ENERGY DATA

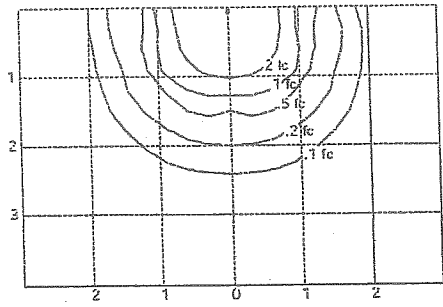
HIGH PRESSURE SODIUM	
REACTOR BALLAST INPUT WATTS	35 watt-46 watts
HX-HPF BALLAST INPUT WATTS	50 watt-66 watts
	70 watt-91 watts
	100 watt-130 watts
	150 watt-188 watts
METAL HALIDE	
HX-HPF BALLAST INPUT WATTS	50 watt-72 watts
	70 watt-90 watts
	100 watt-129 watts
	150 watt-189 watts

WEIGHT = 17 lbs. (max.)

WLB-DIE CAST CUTOFF WALL LIGHT-H.I.D.

WL-43130

PHOTOMETRICS

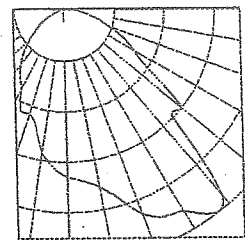


UNITS SHOWN IN TERMS OF MOUNTING HEIGHT
INITIAL FOOTCANDLES SHOWN

CATALOG NUMBER: WLB050M
 TEST NUMBER: 23260
 LAMP: METAL HALIDE
 WATTAGE: 50
 LUMENS: 3,100
 TILT ANGLE: 0°
 MOUNTING HEIGHT: 10 FEET

LIGHT LEVEL MULTIPLYING FACTORS	
MOUNTING HEIGHT	MULTIPLIER
20'	0.25
15'	0.44
12'	0.59
10'	1.00
8'	1.56

POLAR GRAPH



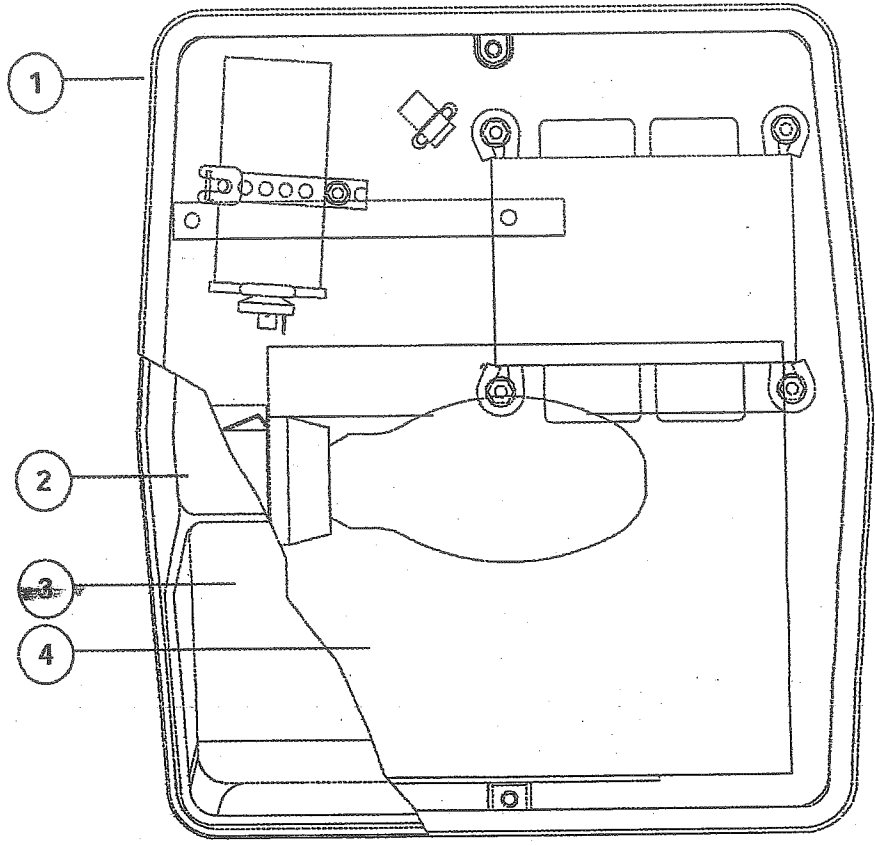
ADDITIONAL TEST NUMBERS

DESCRIPTION/CATALOG NUMBER	TEST NUMBER
WL8070M	23260-1P

PRODUCT FEATURES

UL 1598 Listed wet location and 25°C ambient for all lamp wattages listed.
 Optional NSF Certification for Non Food Zone areas.

1. Back housing is die cast aluminum and mounts easily to 3-1/2" or 4" outlet box. 3/4" threaded conduit top entry with plug and 3/4" knockouts on each side for surface conduit entry.
2. Decorative one piece injection molded front housing is a UV stabilized polycarbonate for vandal resistance and long life.
3. Lens is painted dark bronze and exposes only the bottom portion of the clear lens, helping to eliminate uplight that leads to unwanted light pollution and light trespass.
4. Formed diffuse-white reflector provides smooth light distribution.



Visit our web site at www.daybriteighting.com

776 South Green Street Tupelo, MS 38804 Phone: 662-842-7212 Fax: 662-641-5501

WL-43130

189 Bullock Drive Markham, Ontario Canada L3P 1W4 Phone: 905-294-9570 Fax: 905-294-8911
 Day-Brite Lighting reserves the right to make changes without notice. ©February 2003. DL2.5M0203
 Day-Brite Lighting is a Genlyte Thomas Group.



Att-16

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

May 3, 2004

Ms. Brenda M. Buchanan
Warren Currier & Buchanan
57 Exchange Street
Portland, ME 04101-5020

RE: Coastal Equipment Expansion, 142 Presumpscot Street
ID #2003-0104, CBL #425-I-004

Dear Brenda:

I have reviewed the lighting specifications proposed for the Coastal Equipment Expansion project. The proposed light fixture is not a full cut-off light fixture and does not meet our lighting standard. The lighting standard states that "all fixtures, including wall packs, shall be a "cut-off" type where lenses, refractors or lamp sources do not extend below the surface of the fixture housing and no direct light shall be directed at or above the horizontal plane."

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

Sincerely,

Kandice Talbot
Planner

CC: Sarah Hopkins, Development Review Services Manager

Att. 17

From: <LAURIEJGAGNON@aol.com>
To: <kcote@portlandmaine.gov>
Date: Fri, May 21, 2004 11:33 AM
Subject: 142 presumpscot street

My name is Laurie Gagnon and I live at 104 Providence Street. I am very concerned about a commercial building going behind me and a parking lot. I was at a meeting about this last year and was told there would be a fence put in and some trees to buffer any noise.

After thinking about this, I went out in my back yard and listened. There are many trees there now, but all will be cut down, and these don't even stop the noise of trucks backing up and workers over in the building at 160 Presumpscot Street.

I feel if this goes through that the noise level will be a lot louder and the value of my property will go down.

Another concern of mine is what will be put in the parking lot. In the fenced in property behind 142 Presumpscot street is all kinds of equipment and other things just laying around, It looks very dumpy. If this ends up behind my house it will make the neighborhood look dumpy also.

Concerned homeowner

Laurie Gagnon/104 Providence St. Portland, Maine 04103/ 775-2734

334 Forest Avenue
Portland, Maine 04101
Phone: (207) 773-3356
Fax: (207) 773-3991

17a

5-20-04

Pier 1 imports®

RE: 142 Presumpscot LLC 5-25 meeting
TO The Planning Board -

I have no objections to the proposed
expansion of 9,865 sq. ft. proposed gym/
weights at 142 Presumpscot.

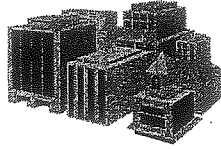
Regards -

Wyatt Godfield

145 Presumpscot

176

FRANCIS P. DRAKE



P. O. BOX 1378 ♦ PORTLAND, ME 04104
(207) 775-1832

5/31/04

KANDIE TALBOT
PLANNING DEPARTMENT
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME. 04101

RE: 142 PRESUMPCOT ST.

DEAR KANDIE:

CONFIRMING THE CONCERNS I EXPRESSED AT THE PLANNING BOARD'S 5/25/04 MEETING, THE APPLICANT'S SITE PLAN IS LACKING INFORMATION AND DETAILS, NEEDED TO EVALUATE THE PROJECT. BOTH PRE DEVELOPMENT AND POST DEVELOPMENT

THE GRAFTON ST. SIDE LINES AND ELEVATIONS ARE NOT COMPLETE. THE EXISTING CATCH BASINS AND FIELD DRAINS ARE NOT SHOWN. THE POWER POLES AND ANCHOR LINES ARE IN THE PAVED AREA OF THE STREET BUT ARE NOT SHOWN. THE DIMENSIONS OF SEWER PIPES AND CATCH BASINS ARE NOT SHOWN.

THE BUILDING AND LAND ABUTTING THE FAR SIDE OF GRAFTON ST. ARE NOT SHOWN. THE STORM WATER THAT RUNS FROM DRAKE'S LOT TO THE DRAINS ON THE APPLICANT'S SIDE OF THE STREET ARE NOT SHOWN ON THE STORM WATER ANALYSIS.

THE APPLICANT'S EXISTING BUILDING IS NOT SHOWN CLEARLY. NOR ARE ITS SETBACKS FROM PRESUMPCOT ST. AND GRAFTON ST. SHOWN.. EXISTING PARKING SPACES ARE NOT DEFINED.

THE IMPERVIOUS SURFACE FIGURES FROM THE APPLICATION, ON PAGE 5, ADD UP TO 72% IMPERVIOUS COVERAGE.

THE EXISTING OUTSIDE STORAGE TENTS ARE NOT SHOWN, EITHER PRE OR POST DEVELOPMENT.

THE PRE AND POST DEVELOPMENT STORM DRAINAGE PLANS ARE INCORRECT IN THAT, SUBAREA # 2 DOES NOT FLOW FROM THE NORTH END OF THE PROPERTY TO ANALYSIS POINT # 2. ON PRESUMPCOT ST. THE NORTHERN HALF OF SUBAREA # 2 AND RUNOFF FROM THE EAST SIDE OF GRAFTON ST. FLOW TO A 15" FIELD DRAIN ON THE WEST SIDE OF GRAFTON ST. JUST PAST THE EXISTING CHAIN LINK FENCE..

THE LITES ON THE OUTSIDE OF THE WEST SIDE OF THE BUILDING, ARE CALLED " FORWARD THROW " IN THE APPLICANTS SUBMITTAL. THIS WOULD SHINE LITE IN THE ABUTTING YARDS.

SECTION 14-47 DEFINES

SETBACK; THE DISTANCE FROM THE STREET TO THE CLOSEST POSSIBLE STRUCTURE.

SIDE YARD; WIDTH, AS THE LEAST DISTANCE, BETWEEN THE LINE AND THE STRUCTURE.

THE SETBACK FOR A BUILDING IN THE IL ZONE IS 40' WHERE IT ABUTS A R-5 ZONE,

THE DISTANCE BETWEEN THE BUILDING . AT THE LOADING DOCK, APPEARS TO BE LESS THAN 30' FROM THE R-5 ZONE.

17c

ROAD ACCESS - TRAFFIC CIRCULATION - PARKING

THE APPLICANTS TRUCK LOADING AND UNLOADING IS NOW NORMALLY DONE IN GRAFTON ST. THE TRUCKS DRIVE INTO GRAFTON ST. AND MAKE A " U " TURN IN DRAKE EQUIPMENT'S REAR OR SIDE YARD. OVER TIME THEY HAVE DAMAGED THE PAVEMENT IN BOTH AREAS.

THE SITE PLAN DOES NOT MAKE ANY PROVISION FOR YARD UNLOADING OR THE ELIMINATION OF THE PRESENT STREET UNLOADING AREA.

WELDING FLASH IS CLEARLY VISIBLE FROM THE APPLICANTS SHOP, WITH THE DOOR OPEN OR CLOSED, FROM PRESUMPCOT ST. GRAFTON ST. AND ABUTTER,S LAND OR BUILDINGS. THIS CONDITION IS NOT ADDRESSED BY THE APPLICANT.

THE PARKING LOT, THE LOADING DOCK, AND THE TRUCK MANEUVERING AREA HAVE BEEN COMBINED, ON THE SITE PLAN,. A VARIANCE TO ALLOW PARKING IN ZONE #5 IS FOR PASSENGER CAR ONLY, THE SITE PLAN SHOWS 11 CAR PARKING SPACES AND 2 TRACTOR PARKING SPACES AT THE LOADING DOCK, THAT EXTEND INTO THE R-5 ZONE. THE MANEUVERING AREA FOR THE TRUCKS IS SHOWN AS BEING IN THE R-5 ZONE

THE PREPOSED SERVICE DELIVERY LOADING DOCK THAT FACES GRAFTON ST. IS SHOWN AS 50" HIGH, MOST UPS OR FEDEX TRUCKS ARE 24" - 36" BED HIGHT. A TRUCK BACKED INTO THIS DOOR WOULD BLOCK GRAFTON ST. AND NOT BE 65' FROM THE STREET.

THE KELLEY CO. AND THE RITE-HITE CORP. ARE SPECIALISTS IN LOADING AREA DESIGN. THEY HAVE PUBLISHED RECCOMENDED STANDARDS FOR ROADWAY AND DOCK DESIGN. SEE ATTACHED.

BOTH RECCOMEND A 34' WIDE ROADWAY IF PEDESTRIAN TRAFFIC IS INVOLVED AND 35' - 50' RADIUS FOR TURNS.

GRAFTON ST. IS SHOWN ON THE SITE PLAN AS THE PRINCIPAL ACCESS TO THIS BUILDING, IT SHOULD BE IMPROVED TO CITY STANDARDS. INCLUDING PAVEMENT, GRANITE CURBS, AND SIDEWALKS. THE SEWERS AND WATER HAVE ALREADY BEEN INSTALLED. THE SIDEWALKS WILL BE NEEDED BY CHILDREN, FROM THE OCEAN EAST DEVELOPMENT, WHO WILL USE GRAFTON ST AS AN ALTERNATE TO TRUE ST.

THIS SITE PLAN APPEARS TO BE PUTTING A BUILDING THAT IS TOO BIG, ON THIS LOT.

IF THE BUILDING WERE SHORTENED BY 80 TO 100 FT. THE PARKING LOT WOULD NOT BE CONGESTED OR USED FOR ANY OTHER PURPOSE, TRUCKS OF ALL SIZES COULD PULL DOWN GRAFTON ST. AND BACK INTO A LOADING DOCK, WITH GOOD VISIBILITY. SEE ATTACHED SKETCH.
A RAMP COULD BE ADDED TO ALLOW FOR YARD UNLOADING RAMP WOULD ACT AS A NOISE BUFFER TO THE ABUTTERS

SINCERELY



F.P. DRAKE

WAITING, MANEUVERING, AND LOADING AREAS

Kelly 17d

WAITING AREA

Unless you design your facility to accommodate peak loads, you must make provisions for a truck "waiting area." It should be adjacent to the dock approach, and large enough to accommodate as many trucks as you feel will arrive before dock positions are available. It doesn't matter how long they are to be held. Even if the wait is only five minutes, you must provide a "waiting area." The area must be designed and placed so trucks in the area will not interfere with trucks maneuvering into or pulling away from the docks.

THE MANEUVERING AREA

In planning new or remodeling existing docks, consideration should be given to changes in carrier size. Today all states allow over-all tractor-trailer dimensions of 55' in length (Fig. 1). Four years ago the average length was 50'. Some states now permit 70' and even 75' length combinations. Predictions are that 65' with 70' quite common could be the average within the next five to ten years. If you cannot restrict the size of the trucks to be serviced, your layout should anticipate maximum size units. The length of the waiting and maneuvering area is determined by the traffic flow. If traffic flow is counterclockwise (solid green arrows in Fig. 9) the maneuvering room must extend a minimum of 40' beyond the loading area. If traffic flow is clockwise (outline green arrow in Fig. 9) the maneuvering area must extend at least 100' beyond the loading area. The figures assume a 65' loading area and 65' tractor-trailer combination. Longer or shorter trucks will need proportionately more or less room. Width of berths have little bearing on the maneuvering area needed.

THE LOADING AREA

The loading area directly in front of the dock should extend a minimum of 65' forward from the dock face and extend at least 3' on either side of the dock itself. If the loading area is asphalted, a "landing strip" of concrete should be laid parallel to the dock to support small steel wheel landing gear. This strip should be as long as the dock and 6' wide and cover an area from 26' to 32' from the face of the dock.

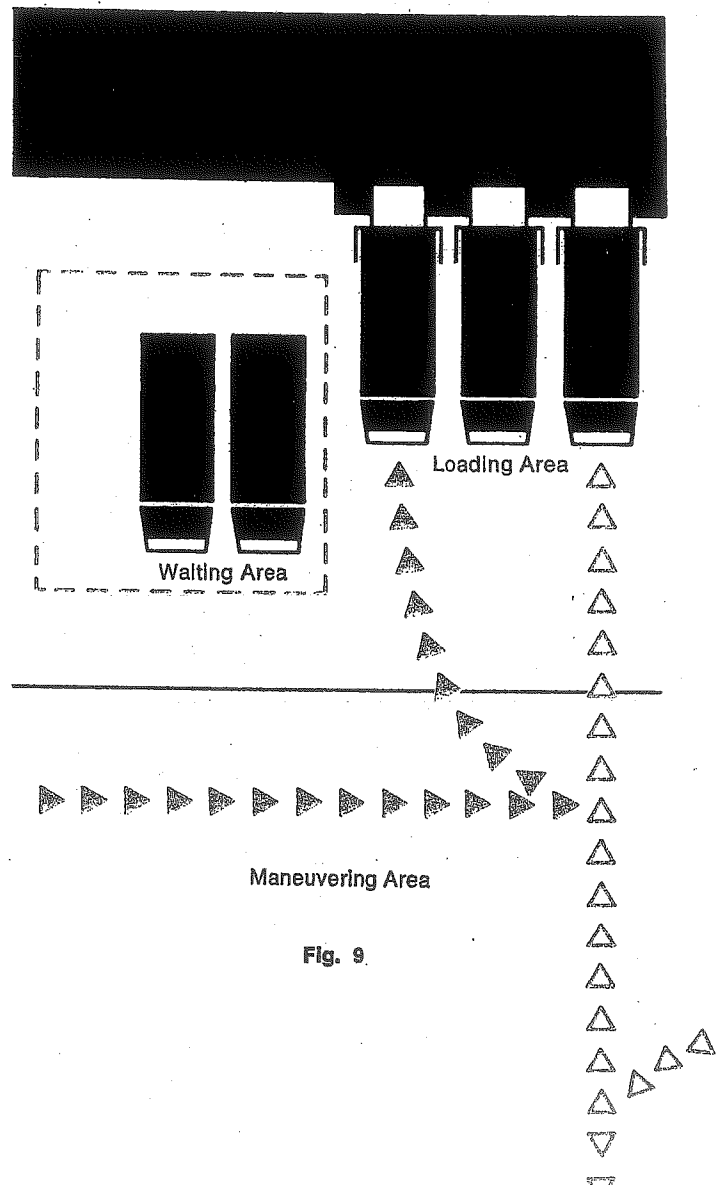


Fig. 9

DESIGN RESPONSIBILITY BEGINS AT THE BOUNDARY LINE OF THE PROPERTY

17e

APPROACH GATES AND SERVICE ROADS

Getting trucks to and from the dock is as important as the dock itself. Your responsibility begins when the vehicle reaches the boundary line of the property. However, before laying out the road or approach estimate the amount of car, truck, and pedestrian traffic which will be using the road or roads.

APPROACHES

Whatever road or gate configuration you settle upon your primary consideration is to get the trucks off the public highway quickly with a minimum of maneuvering. If at all possible, the trucks should drive into your plant, not back in. This is especially true if your plant abuts a boulevard or a one-way street. Here the driver must make a blind right-hand back, which usually results in blocked traffic in both lanes. If your property abuts a narrow street you must reduce the angle of access and exit to permit up to 65' long tractor trailers (70' to 75' in Nevada and Wyoming) to turn into and off the street. This can be done with a "Y" or angle approach (Fig. 5) or a recessed approach (65' minimum, 130' optimum) to accommodate two vehicles as in Fig. 6.

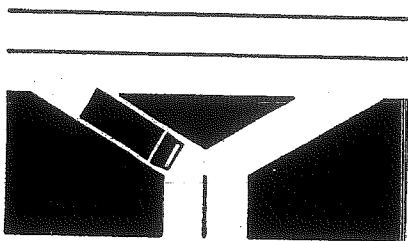


Fig. 5

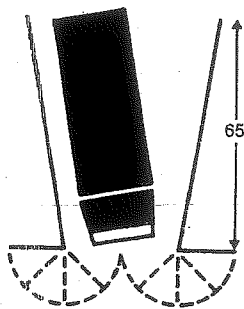


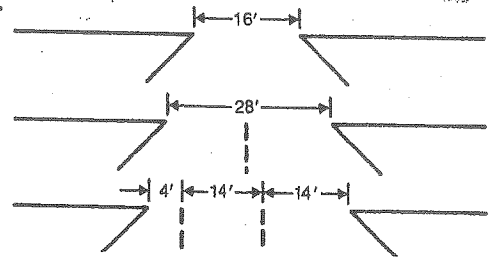
Fig. 6

If your estimates establish a high volume of truck, car, and pedestrian traffic, the best solution is to establish a "private" passenger car and pedestrian road, under the truck road where the two cross. This is a logical solution when it is realized that truck traffic may continue for a full eight hours, while pedestrian and passenger traffic is a twice-a-day, short time movement.

RECOMMENDED STANDARDS

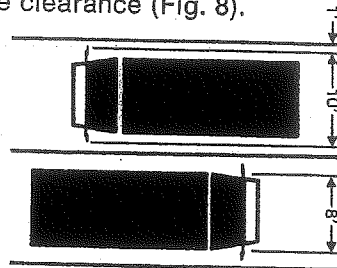
- A. Gate and Approach Roadways. Recommended minimum width at gates are 16' for 1-way, 28' for 2-way, 34' if pedestrian traffic is involved (Fig. 7).

Fig. 7



- B. Service Roads, over which 10' wide vehicles must operate in two directions (rear view mirrors add approximately 2' to over-all vehicle width), should be no less than 24' wide to permit 2' clearance between passing vehicles with a 2' side clearance (Fig. 8).

Fig. 8



- C. One-Way Service Roads should be a minimum of 12' wide.
- D. Mixed Traffic Service Roads also used by pedestrians should be a minimum of 28' wide and have 4' pedestrian lane separated from the roadway by a physical barrier.
- E. Right-Angle Roadway Intersection. A 50' radius is considered a desirable minimum for most commercial vehicles. A 35' radius is satisfactory when intersecting a road 20' or more in width.
- F. Traffic Circulation. Ideally, traffic should circulate counterclockwise... since it is easier for drivers to make left-hand turns with large vehicles. Also, it is easier to back a trailer into the dock from a counterclockwise position.

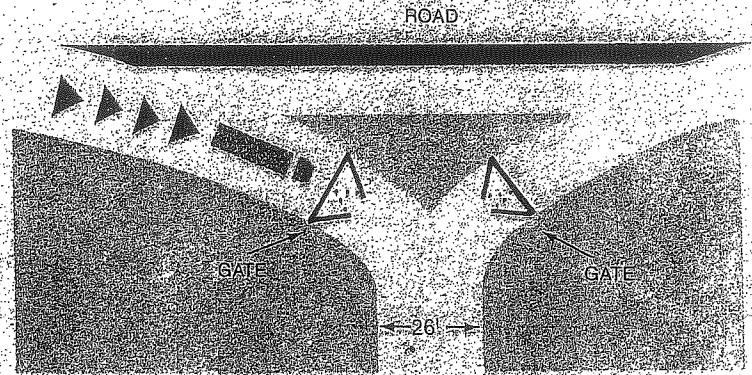
- G. Traffic Control. Speed limit regulations should be posted. Strict parking prohibitions should be maintained at points of minimum width. Proper installation of wide angle mirrors at blind corners will substantially reduce hazards.
- H. Roadway Surfaces should be evenly laid and structurally sound for heavy wheel loads (40,000 lbs. on tandem axles is legal in some states). All roadways should be slightly crowned and properly equipped with drainage outlets. Scheduled, periodic maintenance is of prime importance, since ruts and pot holes can easily cause damage to merchandise as well as trucks.

General Access

Well-planned access roads minimize the chance of accidents and reduce conflict with pedestrian and employee vehicle traffic.

The Y-type entrance offers several advantages. Incoming vehicles can quickly leave the street without blocking traffic. Also, outgoing trucks can get back on the street more easily. The access road—from street to gate—should ideally be twice the length of the longest truck.

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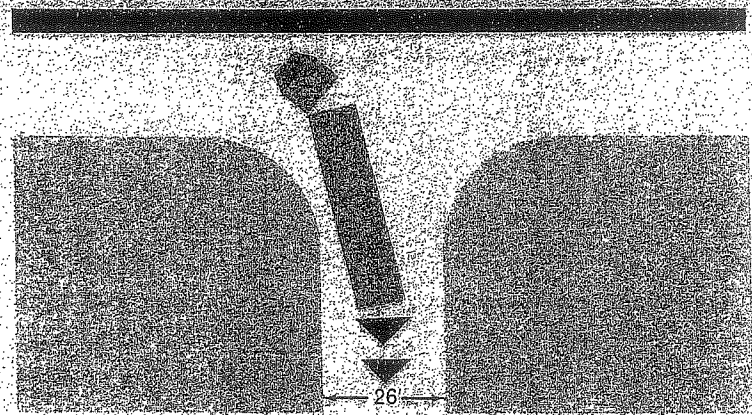


Service Roads (Two-way)

Two-way service roads should be no less than 26' in width. This will give drivers at least 2' clearance between passing vehicles, and a 1½' to 2' side clearance.

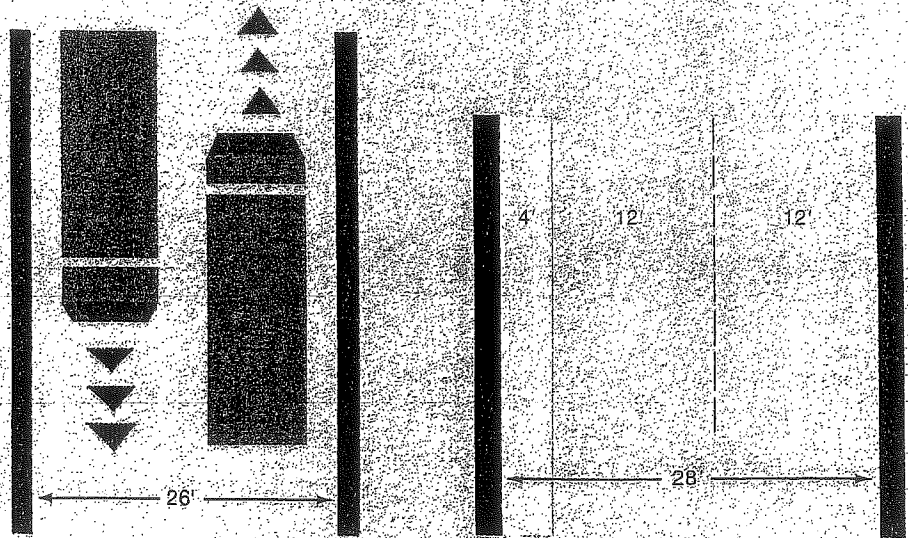
One-way Service Roads

If funds and space permit, one-way service roads are preferred. They provide better traffic circulation and are far safer. They should be a minimum of 12' wide.



Mixed Traffic and Pedestrian Roads

If the roadway will also serve pedestrian traffic, add 4' to the width and provide lane marking or a 4' high barrier.



Surface and Construction

With present total maximum vehicle loads ranging from 40,000 lbs. to 140,000 lbs., your service road should be constructed to accommodate these weights. In areas where frost depths will be more than 2', the following construction is recommended: a well compacted sub-base, topped with 9" crushed gravel, overlaid with 9" of reinforced concrete. This will provide a 20-year roadway requiring minimum maintenance. Where less severe weather conditions are encountered, a compact sub-base, topped with 9" crushed gravel and overlaid with a 5" asphalt top will provide a suitable surface.

Traffic Circulation

Make every effort to establish a counter-clockwise traffic pattern. It affords the best visibility, safety and efficiency. It permits drivers to maneuver and back into docks with a direct view of the dock and the trailer. The backing driver should always be looking into the mirror on the left side of the truck while backing.

Gates

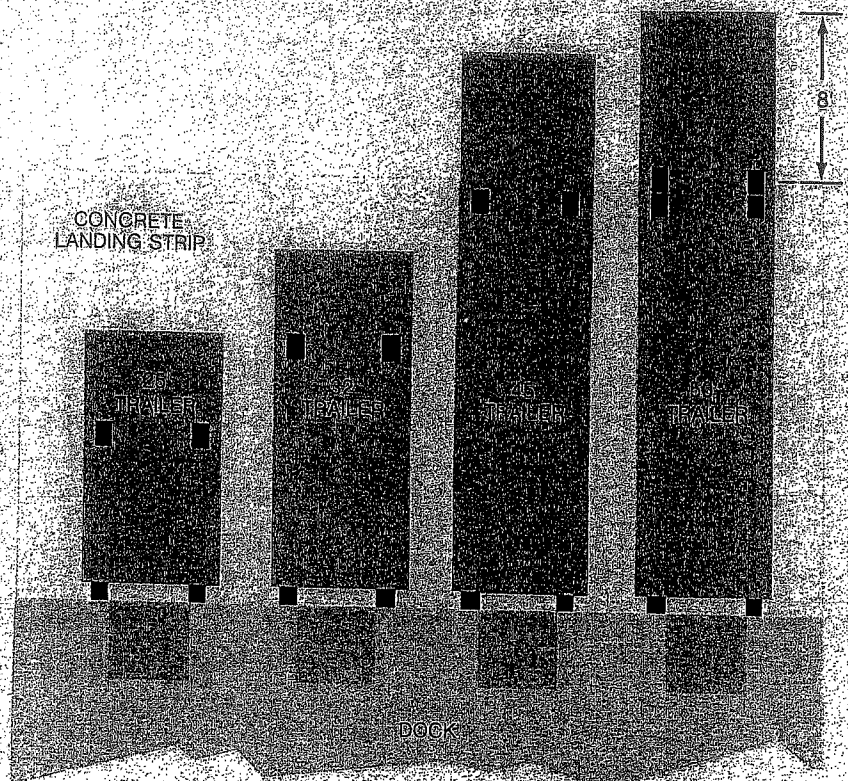
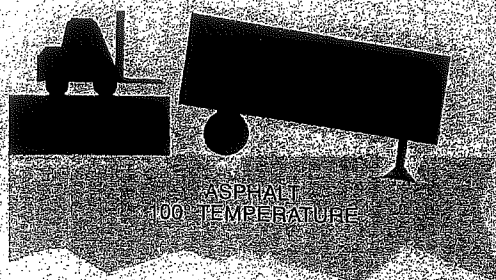
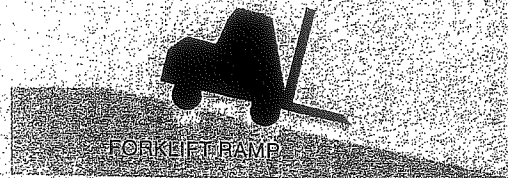
Separate pedestrian and vehicle gates are recommended—both for safety and security. For one-way vehicular traffic using a 12' roadway, the gate should be 16' wide. For two-way traffic on a 26' roadway, the gate should be 30' wide.

Loading Area

If you plan an asphalt surface, a concrete strip must be poured in the dock approach to support the trailer from sinking into the asphalt while resting on landing gear when a tractor is not attached. The length of the concrete strip will be dependent upon the different lengths of trailers being dropped off at the dock, and can be calculated simply by taking the longest trailer length minus 8' as shown. The drawing below gives a sampling of the landing gear locations on different trucks.

Forklift Ramp

Don't forget about providing a means for forklifts to get from the building to the driveway. This can be a fairly common requirement, and provision to do this can be accomplished with either a concrete ramp or dock lift.



*In some states trailers in excess of 50' are permissible. Consult your local representative for maximum allowable trailer lengths in your state.

Grafton Street

EXIST

17:

IL ZONE
R5 ZONE



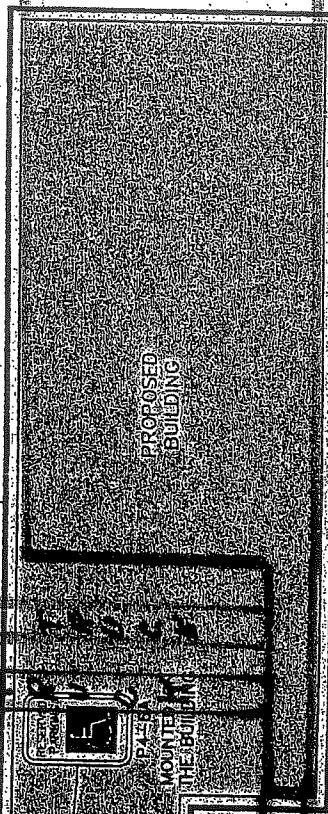
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SERVICE/
DELIVERY
ENTRANCE
ONLY

GRAVEL

UTILITY
POLE
CLOSET

FLOOR
ELEV.



PROPOSED
BUILDING

LOADING
DOOR

LOADING
RAMP

SERVICE/
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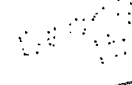
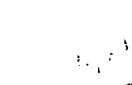
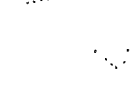
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6/9/04

D.
Lee Urban
Director of Planning & Development
City of Portland
Re: Coastal Equipment Corp. Expansion, 142 Presumpscot Street
ID # 2003-0104, CBL # 425-I-004

17j

Joseph B. Wodjenski
Property Owner
118-122 Providence Street

Dear Mr. Urban:

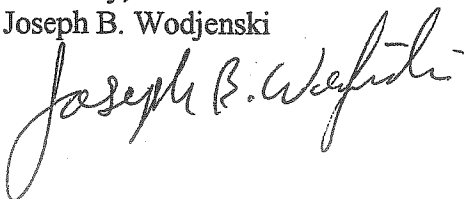
I am writing to you to document my concerns about the proposed Coastal Equipment Corp expansion at 142 Presumpscot St. My apartment building, 188-122 Providence St., abuts the proposed project. My main concerns are the long-term affects this new structure and business will have on the value of my property, my ability to retain tenants and to charge fair market value for my apartments. There are certain issues about this project that have led to these concerns. They are;

- 1) The noise level brought on by trucking in and out.
 - Backing up to loading docks very early in the morning
 - What will be the trucking schedule?
 - How many trucks per day?
 - Will there be weekend operations?
- 2) The proposed 20' lighting poles.
 - 20' is TOO HIGH!!
 - When will the light be turned on an off?
 - Which direction will they be facing?
- 3) The hours and description of operation.
 - What kind(s) of business will be conducted at the proposed site?
 - What will the hours of operation be?
- 4) The drainage plans are not clear. I DO NOT want run off draining into my back yard.

As an abutting property owner, I feel I have the right to have all the above questions and concerns answered in a clear, concise and timely manner. I do not feel that I, nor or any property owner or resident that abuts this proposed project should suffer lower property values, lower attainable rents, reduced ability to retain tenants, or lower quality of living due to excessive noise, activity, drainage problems or bright lights after dark.

Sincerely,

Joseph B. Wodjenski



17K

From: "Jeffrey and Ellen Lowery" <loweryportland@hotmail.com>
To: <kcote@portlandmaine.gov>
Date: Thu, Jun 3, 2004 2:55 PM
Subject: proposed expansion of Coastal Equipment property on Presumpscot St

Dear Kandice:

I am writing to you in regards to the above project which is being opposed by myself and Jim Drake. We are two adjoining neighbors to Mr. Goldsteins property. I was unable to attend the workshop on Tuesday of last week (may 25 I think). Anyway I wanted to convey that my opposition to the project has not changed. I am very very concerned that Mr. Goldstien is not being entirely forthcoming about his true uses for the "parking lot" that he recieved permission to build. First from studying the proposal it seems clear that the parking lot is really a driveway for large trucks entering, leaving, turning around and idling thier engines at all hours of the day and night. Secondly, the construction of the lot and huge addition to his warehouse will destroy a thick grove of old growth trees that currently act as a natural barrier between industrial properties and residential properties. The result will be a clear view of the back of a large unattractive warehouse with excessive light, noise and air pollution reflected onto what is currently a quiet residential street. The former zoning administrators had the foresight to determine that area as undevelopable for industrial use, but the current guardians of zoning laws saw fit to override that wisdom. I am very upset because when I researched the future available uses for that land with the zoning department before purchasing my home one year ago, I was told that it was residential and could not be used for industrial purposes. This was told to me at the very time that Mr. Goldstein's proposal was being considered, but since I didn't own the property yet I was not informed about the proposal. Had I known, I would have not bought this property. If this project is allowed to be completed it will seriously lower the value of my property. I am a realtor and it is my opinion that it could diminish the value by \$100,000. It is my intention to do everything possible, up to and including filing a lawsuit against the project, and if I cannot stop it I will be forced to sell my home. Please convey my concern to whomever is considering this project in a positive light. Would you please also forward me the names and e-mail addresses of other decision makers in this matter so that I may contact them appropriately.

Thank you very much.
Jeffrey J. Lowery
123 E. Kidder Street/ 0000 South Grafton st.
Portland

Watch the online reality show Mixed Messages with a friend and enter to win a trip to NY
<http://www.msnmessenger-download.click-url.com/go/onm00200497ave/direct/01/>

Att. 18

From: "Tom Errico" <terrigo@wilbursmith.com>
To: "Kandi Talbot" <kcote@ci.portland.me.us>
Date: Thu, Feb 19, 2004 3:46 PM
Subject: Coastal Equipment Corporation

Kandi--

I have reviewed the plans provided dated January 16, 2004 and have no comments.

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

CC: "Katherine Earley" <KAS@ci.portland.me.us>

Att. 19

From: "Tom Errico" <terrico@wilbursmith.com>
To: "Kandi Talbot" <kcote@ci.portland.me.us>
Date: 06/16/2004 10:00:04 PM
Subject: Coastal Equipment - Presumpscot Street

Kandi--

Per your request I have reviewed the on-site turning movement provisions for trucks at the above project site. As specified in the City of Portland Technical and Design Standards and Guidelines publication, "the area within the site to which a driveway provides access shall be of sufficient size to allow all necessary functions for loading, unloading and parking maneuvers to be carried out on the site and completely off the street right-of-way. AASHTO Standard WB-50 design vehicle shall be used for purposes of design". Based upon the use of a WB-50 turning template, turning movements can be accomplished within the proposed pavement area. I would note this assumes using all of the proposed new pavement area on Grafton Street and therefore may be in conflict with other vehicles. However, because traffic volumes will be very low, I do not find this to be problematic. Additionally, I would note that if larger vehicles are anticipated (WB-62 or larger), the exiting movement for trucks will be difficult.

If you have any questions please contact me.

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

CC: "Katherine Earley" <KAS@ci.portland.me.us>

AH 20

MEMORANDUM

Application of 142 Presumpscot Street LLC for Warehouse Addition Appeal by Francis P. Drake

A. Planning Board Comments and Questions

1. Lighting. The photometric plan was prepared by Barry Hosmer, ASLA who will be available at the meeting on June 22 to answer questions. The plan calculates the illumination limits of each fixture. In every case, care has been taken to comply with the City standards, which require adequate illumination of the Applicant's property through the use of fully cut-off fixtures that cause the light to diminish to a virtually imperceptible level at the property boundaries. A question was raised as to whether 20-foot poles were necessary, given the proximity to residences. The pole height complies with the City of Portland Technical Standards Section XV (4) (c). Mr. Hosmer reports that if shorter poles were used, more lighting fixtures would be required to achieve the same illumination level. The Applicant is willing to set the lights on a timer so that they will not be on all night. If the Planning Board wishes to impose such a condition, the Applicant requests that the Planning staff be authorized to rescind it should vandalism or other security problems arise when the lights are off.

2. Use of Building. The existing building is occupied by Coastal Equipment Corporation ("CEC"), which fabricates various products from steel, stainless steel and aluminum. Examples of products fabricated by CEC are racks, carts, conveyors and other materials handling equipment. Welding and grinding occur inside the building. It does not house large manufacturing equipment. The 6,209 square foot building is divided into a shop, warehouse and small office. The proposed building is designed so it can be partitioned similarly. CEC may move its operation to the new addition, which would allow a tenant who desires street visibility to use the existing structure. That decision will be determined by market forces once construction is complete. To date, inquiries about renting space have come from retail businesses looking for retail space near downtown Portland and small businesspeople engaged in products assembly or occupations such as carpentry.

3. Traffic. CEC is an 8 a.m. – 5 p.m. operation. The Applicant anticipates renting space to tenants with similar hours. Currently, the property gets less than one truck delivery a day, always during the 8 – 5 time period. The Applicant anticipates the truck traffic might increase to one or two trucks each day, also during the daytime. The traffic flow on the site was designed by Stephen J. Bradstreet, P.E., who will be present at the June 22 public hearing to respond to questions. During the staff review, at the suggestion of Sebago Technics, the city's engineering consultant on this project, the original plan was modified to improve the flow of truck traffic.

4. Building Height; Relationship with Existing Structure. Questions were raised by the board about building heights and the relationship between the existing building and the proposed addition. The existing structure is 19' high. The proposed addition will be 25'6" above the finish floor. From the outside, its maximum height above finish grade will be 29'6." The addition will be connected to the existing building by a doorway and short stairway. The location of existing building in relation to the proposed addition is shown on the survey by Bruce Bowman, on the EER plan and on the RTB plans.

5. Buffering. At the workshop, Providence Street property owner Joseph Wodjenski asked about the impact this project may have on his tenants, and the Board asked the Applicant to respond to his concerns. Mr. Wodjenski specifically mentioned drainage, which the city indicates is currently over capacity on Providence Street. The drainage work that will be done as part of this project will redirect the flows from the Applicant's property to Grafton Street, which should improve the situation for the Providence Street abutters. Mr. Wodjenski also asked about buffering. Currently, the Property is fenced with a variety of fencing materials, as shown on the Bruce Bowman survey. It varies from a 5' chain link fence across the rear of the Property to a 4' picket fence, 5' stockade fence and 6' stockade fence on the Providence Street side. The portion of the Property where the addition will be constructed is vegetated irregularly with various "field invader" species. The site plan calls for a new, uniform 6' cedar stockade fence along the perimeter and landscaping with deciduous shrubs and trees. Species to be planted include Birch, Dogwood, Lilac, Serviceberry and Summersweet. City Arborist Jeff Tarling has been consulted during the design of the landscape plan. Mr. Wodjenski also asked about light migration. That issue is addressed in #1, above.

A Planning Board member asked about installing a berm at the rear of the property to buffer noise. Mr. Hosmer indicates that only a one-foot berm would be possible under the Code, and it would not be as effective a buffer as the proposed 6' fence and landscaping, which along the back line will be 13 Lilac bushes and three Siberian Crab trees. Mr. Bradstreet also indicated that installing a berm would impact the drainage system in a negative manner.

6. Setbacks. At the workshop, Mr. Drake alleged that the proposed structure does not meet setback requirements. That statement is incorrect.

Section 14-234 of the Land Use Code (the "Code") sets forth setback requirements in the IL zone. The front setback requirement is 25,' but that is immaterial to this application. The existing building is legally non-conforming as to front setback. The addition will not increase that non-conformity. The side and rear setback requirement when a building abuts a residential zone is 40,' and the proposed structure has been sited to meet that setback on the south and west sides. On the north (Grafton Street) side, the Code requires only a 25-foot setback, because that side abuts the I-L zone. In addition, the parking lot has been designed to meet the requirement of §14-234(h) that paved parking areas be set back 15' from the lot boundary.

Mr. Drake's statement about setback requirements not being met apparently is derived by measuring setbacks on a diagonal, rather than perpendicular to the lot line. This issue was raised when the Applicant appeared before the Zoning Board of Appeals seeking a variance to allow parking for an industrial use in the R-5 zone. At that time, City Zoning Administrator Marge Schmuckal confirmed that setbacks are measured perpendicular to the boundary line, not diagonally.

B. Francis P. Drake Comments

My notes of Mr. Drake's comments at the May 25, 2004 workshop and the content of his letter of May 31, 2004 appear to cover the same ground. In the interest of keeping this response focused, I will address each point he raised in the letter, in order.

1. Mr. Drake alleges that "the Applicant's site plan is lacking information and details needed to evaluate the project, both pre-development and post-development."

In fact, all information on the Planning Department's site plan review checklist has been provided.

2. Mr. Drake indicates the Grafton Street sidelines and elevations are not complete, in that existing catch basins and field drains are not shown.

There is no requirement in the ordinance that street elevations be shown. All relevant catch basins are shown on the Plans. Mr. Drake may be referring to an old culvert from the Applicant's property that runs into a storm drain on Grafton Street. The site post-development will be graded and paved in such a manner as to render that culvert unnecessary, so it will be filled. In other words, it is not shown on the drainage plan because it is not part of the post-development drainage scheme.

3. Mr. Drake said there are utility poles and anchor lines in the paved area of Grafton Street, but they are not shown on the Plan.

There is in fact a utility pole in the street. It was installed by Central Maine Power at Mr. Drake's request and provides power to his building. An existing pole, still standing on the southerly edge of the road, apparently was not tall enough so that trucks using Mr. Drake's property could pass beneath without catching the wires. The pole in the roadway is not shown on the plan as it does not provide power to the Applicant's property.

4. Mr. Drake states that the dimensions of the sewer pipes and catch basins are not shown on the Plans.

All sewer pipes and catch basins are shown on the survey plan and their sizes are specified thereon.

5. Mr. Drake states that the building and land abutting the far side of Grafton Street are not shown.

My client understands this to mean the Drake property, which is on the northerly side of Grafton Street. Because it is not a directly abutting parcel, it is not shown on the survey plan. The Site Plan Review standards do not require it to be.

6. Mr. Drake states that the storm water that runs from his lot to the drains on the Applicant's side of the street are not shown on the storm water analysis.

Storm water from Mr. Drake's property is supposed to run into the existing storm drain system on Grafton Street, and not to flow southerly across Grafton Street to the Applicant's property. However, some time ago, Mr. Drake filled one of the culverts with rocks, which may have disrupted the storm water drainage from his lot. In any event, the storm water analysis that is required by the ordinance does not require an applicant to take into account the storm flows from abutting parcels.

7. Mr. Drake states that the Applicant's building is not shown clearly, its setbacks from Presumpscot and Grafton Street are not shown and the existing parking spaces are not defined.

The dimensions of the existing building are not shown, only those for the proposed addition, as that is all that is required. However, to provide context to the drawings for the proposed development, the Applicant's existing building is shown on the survey by Bruce Bowman, on the EER plan and on the RTB plans that show the elevations of the proposed addition. The setbacks for the existing building are not shown for the same reason. The building exists and its footprint will not change if this application is approved. The parking for the existing building is not striped on the face of the earth, so it is shown only as "paved surface" on the survey plan. The existing building contains 6,209 square feet. There is adequate paved parking area for approximately 8 cars. No changes are proposed to this paved area as part of this project, so those spaces will be preserved for the use of the tenant of the existing structure.

8. Mr. Drake states that the impervious surface figures from the application add up to 72% impervious surface.

It appears Mr. Drake may be confusing the storm water analysis figures, which must take into account the asphalt and gravel surface on abutting streets, with the calculations of impervious surface on the Applicant's parcel. The storm water analysis has been approved by Sebago Technics, the city's engineering consultant.

9. Mr. Drake states that the "outside storage tents" are not shown, either pre- or post-development.

There are two "car tent garages" currently on the site to shield various stored equipment and materials from view. Those temporary structures will be removed as part of this project.

10. Mr. Drake takes issue with the pre- and post-development storm drainage plans, again saying, essentially, that the storm water that flows from his property northerly of Grafton Street is not taken into account.

Please see response #6, above.

11. Mr. Drake says the lights on the west side of the building are called "forward throw" in the documents that support the application, and that would cause light to shine into abutting yards.

The term "forward throw" does not mean what Mr. Drake implies. Rather, it is a term that explains how the reflector in a light fixture distributes the light. "Forward throw" means that the lights primarily illuminate the area in front of the fixture. The light flow is sharply cut off in the rear. It has nothing to do with how far the light is visible. All fixtures on the photometric plan are fully cut-off. For further discussion, see response to A (1), above.

20d

12. Mr. Drake states that the distance between the building at the loading dock appears to be less than 30 feet from the R-5 zone.

The proposed building meets all setback requirements from boundary lines in both the I-L and R-5 zones. As discussed above, it appears Mr. Drake is measuring on the diagonal.

13. Mr. Drake states that the current truck loading and unloading procedure used by the Applicant caused Grafton Street to be blocked at times, and has caused damage to payment.

The plan provides for adequate truck turnaround. Mr. Drake's concerns will be eliminated by this proposed site plan.

14. Mr. Drake said the site plan makes no provision for eliminating the current streetside loading.

A full loading dock in the rear, and all large trucks will be directed to use that dock to load or unload. The Grafton Street entrance is designed as a service entrance for UPS vehicles and pickup-sized trucks only.

15. Mr. Drake says welding flash is now visible from the Applicant's shop with the door open or closed, and this condition is not addressed by the site plan.

"Welding flash" is a term for damage to vision sustained by looking directly at a welding torch from a close distance without proper eye protection. The Applicant does not agree that any such condition now exists. If the door is closed, the activity inside is not visible unless someone peers through a high window in the door. Even if the door is open, a person standing at the property boundary would be distant enough from the welding activity to be safe from danger.

16. Mr. Drake takes issue with the design of the parking lot, and categorizes a portion of it as a "truck maneuvering area." He alleges this should not occur in the R-5 zone, where only parking for passenger cars related to an industrial use is permitted.

This issue was discussed at length at two hearings held by the Zoning Board of Appeals on this matter. The ZBA ultimately did not accept this argument, and granted a miscellaneous variance to allow the parking area in its current design. That variance was renewed this year. Relevant documentation is in the Applicant's packet.

17. Again, Mr. Drake expresses concern about large trucks continuing to load and unload from Grafton Street.

See response to #14, above.

18. Mr. Drake states that published standards he has consulted require a wider roadway than what is shown on the plan.

The Applicant's project engineer has relied upon the Institute of Traffic Engineers (ITE) manual, which is the industry standard, in designing the driveway and parking area.

20e

19. Mr. Drake asserts that Grafton Street should be improved to city standards, including curbing and sidewalks, to protect pedestrians.

There is no pedestrian traffic on Grafton Street, nor is any foreseeable. Mr. Drake quite simply is asking for the Applicant to be required to invest significant sums into improving Grafton Street so that Mr. Drake's own property would be enhanced. As Mr. Jaegerman explained at the workshop session, the Planning Staff and the Public Works staff spent months discussing the appropriate level of improvement to Grafton Street that should be required. The design shown on the site plan reflects the balance that ultimately was reached on this issue.

20. Mr. Drake says the proposed building is too large for the lot, and suggests that it be shortened by 100 feet.

The Code permits a building of this size on this lot.

C. Jeffrey and Ellen Lowery Comments

1. The Lowerys state that they believe the Applicant is "not being entirely forthcoming" about the true uses of the parking lot, and they essentially restate the argument made by Mr. Drake that the ZBA was wrong to grant a variance to permit parking in the R-5 zone because trucks will be using a part of the parking area to maneuver into the loading docks. The Lowerys also express concern that trucks will be idling in the parking area at all hours of the day and night.

Again, this issue was discussed extensively by the ZBA at two hearings. The board rejected the argument that the parking area was somehow not a parking area if trucks headed for the loading dock cross into it while backing up. The concerns about truck noise disrupting the abutting residential neighborhood are without basis. See I(A)(3), above.

2. The Lowerys state that construction of the addition will destroy a "thick grove of old growth trees that currently act as a natural barrier between industrial properties and residential properties." They allege this warehouse addition will result in "excessive light, noise and air pollution reflected onto what is currently a quiet residential street."

The existing trees on the lot are "volunteers," field invader species such as poplar, sumac and gray birch. It is not a thick grove of old growth trees by any reasonable description. More importantly, the Lowerys do not take into account the landscaping plan, which involves the planting of numerous, higher-value trees along the perimeter of the lot and a uniform six-foot stockade fence to buffer the site from its residential neighbors. This is a property that is on the division line between an industrial and a residential zone and there is no question that such areas present certain issues that are not present in wholly industrial zones. But this area has been zoned in this manner for many years, long before the Lowerys bought their property on East Kidder Street in 2002. The site plan review requirements – with their extensive buffering provisions -- strike the right balance in such neighborhoods. The site plan meets all of these standards.

3. The Lowerys indicate that they are upset by the ZBA decision to allow parking to support this warehouse in the R-5 zone, and that when they were planning to buy their property, they were not informed about this proposal.

The parking in R-5 already has been addressed. The Lowerys' predecessor in title was notified of the variance application and the hearing. If she failed to inform the Lowerys, they should direct their concern to her, not to the city, which has properly informed all abutters throughout this process. The Lowerys' estimate regarding diminution of value of their property are unsupported by independent evidence. It is the Applicant's view that development of this parcel with appropriate screening and landscaping will actually result in increased value to abutting residential properties, which now look out on a poorly-fenced vacant lot choked with scrubby trees.

Memorandum
Department of Planning and Development
Building Inspections Division



To: Kandi Talbot, Planner
From: Marge Schmuckal, Zoning Administrator
Date: June 18, 2004
Re: Coastal Equipment, 142 Presumpscot Street

I have reviewed the plans for the Coastal Equipment expansion located at 142 Presumpscot Street and find that they meet zoning requirements. As you are aware, this has been reviewed extensively as it went to the Board of Appeals twice for a Miscellaneous Appeal to allow parking in a residential zone. Outlined below are discussions of my review regarding some of the zoning concerns raised by the Planning Board and Mr. Drake.

Setbacks

The side and rear setback requirement when a building abuts a residential zone is 40 ft., which the proposed structure meets on the south and west sides. On the north side, the setback is 25 ft., which the structure meets.

There is a requirement in Section 14-234(h) that paved parking areas be set back 15 ft. from the lot boundary. The proposal is meeting the 15 ft. pavement setback requirement.

When measuring setbacks, the setbacks are measured perpendicular to the boundary line, not at a diagonal. The ordinance definitions under "yard" talk about the orientation of the building. There is nothing in the ordinance that states that the setback has to swing an arc when measuring setbacks. These issues have been reviewed several times before the Zoning Board of Appeals and have been upheld.

A setback is also measured from the building, not a parking use such as the loading docks. So although the trucks are parked within 40 ft. of the setback, the measurement is from the building, which meets the setback requirement.

Residential Zone

The Board of Appeals granted a miscellaneous appeal for parking in a residential zone for this proposal. The Board of Appeals was aware at that time that truck traffic would be accessing the site within the Residential zone. As you may recall, when the Board of Appeals first granted the appeal, the access entrance was closer to the residential properties than what is proposed at this time. There is nothing in the ordinance that restricts truck traffic within that area. These issues were discussed by the Zoning Board and they concluded that the plan was meeting the ordinance.

Mr. Drake states that the trucks are parked within the residential zone while they are unloading. Section 14-51 allows a less restrictive zone (IL) to extend 30 ft. into a more restrictive zone (R-5). Based on Section 14-51, the trucks are unloading within the 30 ft. extension area, and are located completely within the IL zone.

Unimproved Grafton Street

It is my zoning opinion that Coastal Equipment does not have to put in the South Grafton Street under 14-403. Coastal Equipment does not need to put South Grafton Street up to 14-403 standards because his frontage on Presumpscot Street meets the standards.

**COASTAL EQUIPMENT EXPANSION
VICINITY OF 142 PRESUMPCOT STREET
SITE PLAN REVIEW (APPEAL OF ADMINISTRATIVE APPROVAL)
142 PRESUMPCOT LLC, APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine
June 22, 2004 Public Hearing

Submitted by:
Kandice Talbot, Planner
June 18, 2004

I. INTRODUCTION

On March 31, 2004, pursuant to City Code Section 14-525(d), the Planning Authority approved a minor site plan application for a 9,865 sq. ft. expansion to the existing building located at 142 Presumpscot Street. The approval was based on the following conditions:

- i. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.
- iii. A revised lighting plan will need to be submitted that meets our lighting standards.

The conditions still have to be met, but are minor in nature. The Planning Authority approval letter is included as Attachment A.

On April 2, 2004, the Planning Board Authority received an appeal of the approved minor site plan for the expansion at 142 Presumpscot Street. Francis Drake, who is an abutting property owner at 160 Presumpscot Street made the appeal, which is included as Attachment B. With the appeal of an administrative approval, the Planning Board conducts a de novo review.

There were a number of questions raised by the Planning Board at the previous workshop meeting. The applicant has answered those questions in Attachment 20. The Zoning Administrator has also submitted a memo, which is included as Attachment 24.

221 notices were sent to area residents. A notice also appeared in the June 14th edition of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

Zoning:	I-L/R-5 Zones
Parcel Size:	51,461 sq. ft.
Parking Spaces:	
Proposed:	12 spaces
Required:	10 spaces
Building Floor Area:	
Existing:	6,209 sq. ft.
Proposed:	9,865 sq. ft.
Building Height:	
Existing:	19 ft. high
Proposed:	29.6 ft. high maximum
Uses:	Warehouse
Impervious Surface:	We have requested a revised impervious surface ratio calculation, not including the Grafton Street pavement.

III. PROPOSED DEVELOPMENT

142 Presumpscot LLC is proposing a 9,856 sq. ft. expansion of their existing business. The expansion also includes a parking area. The site is approximately 51,461 sq. ft. and is zoned IL Low Impact Industrial and R-5 Residential. The Board of Appeals granted a miscellaneous appeal to allow parking in a residential zone on February 19, 2004. The Board of Appeals decision is included as Attachment 11.

IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the site plan ordinance. Staff comments are highlighted in this report.

V. SITE PLAN REVIEW

1/2. Traffic

Grafton Street will provide access to the site. South Grafton Street is an unimproved street with utilities running through it. Because South Grafton Street will be used for the site for access, there was a question as to what extent Grafton Street would need to be improved and whether or not it needed to be improved to City standards. The applicant also has frontage along Presumpscot Street.

In 1998, the abutting property owner received approval for an approximately 21,000 sq. ft. warehouse expansion. The question was raised at that time as to whether Mr. Drake would have to improve South Grafton Street. It was determined that the applicant would not be required to improve South Grafton Street because the lot's frontage requirement (60 feet) was met on Presumpscot Street.

As stated previously, the applicant has the required street frontage along Presumpscot Street. Although it was determined that the applicant was not required to improve South Grafton Street to City standards, staff required that the applicant should at a minimum pave the portion of South Grafton Street that would be used as a driveway, which the applicant has shown on the plans.

Staff strongly recommended that the applicant and the abutter work together and submit an application to vacate a portion of South Grafton Street, a solution that staff feels is a reasonable solution. South Grafton Street is abutted by the Coastal Equipment property, Mr. Drake's property and a couple of residential properties further down South Grafton Street. If a portion of Grafton Street were to be vacated to the end of Coastal Equipment's property, no other properties would be landlocked. The lots to the northwest of these properties are zoned Residential, however if the northwesterly portion of South Grafton Street is retained, the residential lots could access that portion. It is possible to vacate a portion of the street as long as the City gets a utility easement for this section of South Grafton Street.

Access to the site will be from South Grafton Street to a parking lot and loading dock at the rear of the building. The applicant is proposing twelve (12) parking spaces, each space sized 9 feet wide by 19 feet deep. The spaces meet current zoning and technical design standards. Granite curb and sidewalk currently exist along the Presumpscot Street frontage.

The Traffic Engineer has reviewed the plans for access and truck turning radius and does not have any issues with the proposed plans. The Traffic Engineer's memos are included as Attachments 18 and 19.

3. Bulk, Location, Height of Proposed Buildings

142 Presumpscot LLC is proposing a 9,856 sq. ft. expansion of their existing business. The building façade will consist of metal siding. The proposed addition height will be 25.6 ft. above the finish floor and from the outside, its maximum height above finish grade will be 29.6 ft. high. Elevations of the proposed expansion are included as Attachment 23.

4. Sewers, Stormdrains, Water

There is currently water, sewer, stormdrain and electrical lines running through South Grafton Street. The applicant is proposing to connect to the existing lines. A water capacity letter is included as Attachment 9. A sewer capacity letter is included as Attachment 10.

5. Landscaping and Existing Vegetation

There is currently a fence, which runs along the southerly edge and westerly edge of the site. The height and material of the fence ranges from a 6 ft. high cedar stockade fence to a 4 ft. high picket fence and also a 5 ft. high chain link fence. The applicant is replacing portions of the existing fencing to make the fencing consistent, with a 6 ft. high cedar stockade fence.

The applicant is proposing to provide vegetation along the southerly and westerly property line. The landscaping will include Robin Hill Serviceberry, Heritage River Birch, Ruby Spice Summersweet, Dogwood, Siberian Crab and Lilac. The City Arborist has reviewed and approved the plan.

At the workshop meeting, a Board member had suggested a berm at the rear property line to provide additional buffering. The applicant has looked into this request and has stated that installing a berm would impact the drainage system in a negative manner.

6. Soils and Drainage

Drainage will sheetflow to two catch-basins on the site, one being an existing catch basin, the other one will be installed during construction. The applicant is proposing to grade the southerly edge of the property to drain to an existing catch basin on the southerly property line, which currently drains to Providence Street. The proposal is to connect the existing catch basin to the new catch basin and connect it to the existing storm drain in South Grafton Street. Public Works has reviewed the plans and find them acceptable. The Development Review Coordinator reviewed the plans and requested the following:

1. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
2. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.

Potential conditions of approval are:

- the depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.

And

- prior to issuance of a building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.

7. Exterior Lighting

The applicant is proposing five (5) additional wall mounted light fixtures. The fixtures are proposed as 70-watt fixtures. There is also a proposal for an 18 ft. (with a 2 ft. base) 250 watt light pole within the parking lot. As stated previously, a lighting photometric plan is necessary to determine if the lighting meets the City's lighting standards. A potential condition of approval is:

- that a lighting photometric plan that meets the City's lighting standards shall be provided to staff for review and approval.

At the workshop, a concern was raised that the pole height nearest the residential abutter should be reduced. While the pole height meets the technical standards, the Board has recommended that pole heights within residential zones be reduced to 12 – 14 ft. A potential condition of approval is:

- that the light pole height be reduced to 14 ft. for review and approval by planning staff.

Also, at the workshop meeting, the applicant stated that he would be willing to turn the lights off at night and would not be against a condition of approval, however if the Board conditions that the lights be turned off at night, the applicant also requests that the planning staff be authorized to rescind it should vandalism or other security problems arise when the lights are off. A potential condition of approval is:

- that the lights be turned off at 9:00 p.m. If vandalism or other security problems arise because of this condition, the applicant may submit to planning staff a security lighting plan that addresses the problem for review and approval by planning staff.

8. Fire

The Fire Department has approved the proposed development.

9. Financial Capability

A letter of financial capability is included as Attachment 1.

VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #25-04 relevant to standards for site plan regulations, and other findings as follows:

1. That the plan is in conformance with the site plan standards of the land use code.

Potential Conditions of Approval

- i. the depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. prior to issuance of a building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.
- iii. that a lighting photometric plan that meets the City's lighting standards shall be provided to staff for review and approval.
- iv. that the light pole height be reduced to 14 ft. for review and approval by planning staff.
- v. that the lights be turned off at 9:00 p.m. If vandalism or other security problems arise because of this condition, the applicant may submit to planning staff a security lighting plan that addresses the problem for review and approval by planning staff.

Attachments:

- A. Approval Letter dated March 3, 2004
- B. Appeal Letter from Mr. Drake dated April 2, 2004

Site Plan Attachments

- 1. Applicant's Submittal dated May 27, 2003 including Deed, Financial Capacity, Stormwater Management Report, etc.
- 2. Fire Approval dated June 11, 2003
- 3. Letter from Mr. Drake regarding Planning Board Review dated June 16, 2003
- 4. Response to Mr. Drake's Letter from the Director of Planning and Development dated June 27, 2003
- 5. DRC's Memo dated July 1, 2003
- 6. Revised Stormwater Management Report dated January 26, 2004
- 7. Applicant's Letter dated January 27, 2004
- 8. Public Works' Memo dated July 3, 2003 and February 11, 2004
- 9. Water Capacity Letter
- 10. Sewer Capacity Letter
- 11. Miscellaneous Appeal Approval
- 12. DRC's Memo dated March 9, 2004
- 13. Staff Letter dated March 19, 2004
- 14. Applicant's Submittal dated March 25, 2004
- 15. Lighting Information
- 16. Staff Letter dated May 3, 2004
- 17. Abutter's Letters
- 18. Traffic Engineer's Memo dated February 19, 2004
- 19. Traffic Engineer's Memo dated June 16, 2004 regarding turn turning
- 20. Applicant's Submittal addressing Planning Board questions
- 21. Boundary Survey
- 22. Plans
- 23. Elevations
- 24. Zoning Administrator's Memo dated June 18, 2004

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

A.H. A

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

March 31, 2004

Brenda Buchanan, Esq.
Warren Currier & Buchanan
57 Exchange St.
Portland, ME 04101-5020

Mr. Steve Bradstreet
EER
222 St. John Street, Suite 314
Portland, ME 04102

RE: Coastal Equipment Corp. Expansion, 142 Presumpscot Street
ID #2003-0104, CBL #425-I-004

Dear Ms. Buchanan and Mr. Bradstreet:

On March 31, 2004, the Portland Planning Authority approved the site plan for the expansion of the Coastal Equipment facility at 142 Presumpscot Street, as shown on the approved plan with the following conditions:

- i. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying this condition.
- iii. A revised lighting plan will need to be submitted that meets our lighting standards.

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

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

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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 preconstruction meeting.
6. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

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

If there are any questions, please contact Kandice Talbot at 874-8901.

Sincerely,

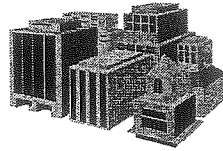


Alexander Jaegerman
Planning Division Director

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

FRANCIS P. DRAKE

Att. B



P. O. BOX 1378 ♦ PORTLAND, ME 04104
(207) 775-1832

4/2/2004

LEE URBAN
DIRECTOR OF PLANNING AND DEVELOPMENT
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, MAINE 04101

RE: COASTAL EQUIPMENT APPLICATION, 142 PRESUMPCOT ST.

CBL 425 1004001

DEAR MR. URBAN:

I WOULD LIKE TO APPEAL THE , MARCH 31 2004, PLANNING DEPARTMENTS APPROVAL OF OF THIS APPLICATION.

SINCERELY,

F. P. Drake Equipment

CC: KANDICE TALBOT
SARAH HOPKINS

Site Plan Review Application of
142 Presumpscot Limited Liability Company
Property at 142 Presumpscot Street, Portland

Name of Applicant: 142 Presumpscot Limited Liability Company,
Mark C. Goldstein, Member

Mailing Address: P.O. Box 1118, Portland, Maine 04104

Address of Proposed Site: 142 Presumpscot Street, Portland,

Applicant 142 Presumpscot Limited Liability Company seeks site plan review approval to build a 9,865 square foot addition onto an existing 6,209 square foot structure on a 51,460 square foot parcel located at 142 Presumpscot Street, Portland (the "Parcel"). The tenant in the existing structure is Coastal Equipment Corporation ("CEC")¹, which designs, fabricates and distributes materials handling products.

The Parcel straddles two zones – I-L and R-5. The existing structure is wholly in the I-L zone, and the entire addition will be as well. Most of the area on the Parcel that is not covered by the existing building and will not be covered by the addition is located in the R-5 zone. For a visual depiction of the I-L and R-5 zone lines, see Exhibit A.

The Parcel is bounded on the east by Presumpscot Street, on which it has 143.77 feet of frontage. This portion of the parcel is in the IL zone. The existing structure faces Presumpscot Street.

The southerly side of the parcel backs up to several house lots that front on Providence Street, which is in the R-5 zone.

The Parcel is bounded on the west by house lots that front on East Kidder Street, which is in the R-5 zone. The R-5 zone line bisects the parcel westerly of the proposed addition.

The parcel is bounded on the north by South Grafton Street, a dedicated but unaccepted street² that lies in the IL zone. South Grafton Street is unpaved. It currently is used for access to a business on the north side of Grafton Street, Drake Equipment Company.

¹ Coastal Equipment Corporation's president is Mark C. Goldstein, who is the sole member of 142 Presumpscot Street, LLC.

² There are two portions of Grafton Street. The end abutting the Parcel (commonly called "South Grafton Street") dead ends approximately 500 feet westerly of Presumpscot Street, just past the rear boundary of the Parcel. The other end (called simply "Grafton Street") runs westerly from Ocean Avenue and also dead ends after approximately 500 feet.

The Applicant's sources of title are the following deeds:

1. Ashley W. Pike and Dianne J. Pike to 142 Presumpscot Limited Liability Company dated April 25, 1997 and recorded in the Cumberland County Registry of Deeds ("CCRD") in Book 13047, Page 243.

2. Dominic Dorazio, Jr. and Rita Pramis, as Personal Representatives of the Estate of Dominic Dorazio, Sr., to 142 Presumpscot Limited Liability Company, dated December 29, 1997 and recorded in the CCRD, Book 13525, Page 161.

3. Eulah V. Napolitano to 142 Presumpscot Limited Liability Company, dated July 20, 2000 and recorded in the CCRD, Book 15617, Page 157.

4. Coastal Equipment Corporation to 142 Presumpscot Limited Liability Company, dated November 1, 2001 and recorded in the CCRD, Book 16956, Page 241.

5. Donald E. Neuts and Joan N. Neuts to 142 Presumpscot Limited Liability Company, dated November 1, 2001 and recorded in the CCRD, Book 16956, Page 239.

Copies of a legal description of the entire Parcel and of the above-referenced deeds are attached hereto, marked as Exhibit B.

The property is designated on city tax maps as Map 425, Block I, Lots 4 -7, 33,43 and portions of 8 -12.

CHECKLIST ITEMS:

1-6. A standard boundary survey by Bruce R. Bowman, Inc. is attached hereto, marked as Exhibit C. It shows that the Applicant is 142 Presumpscot Limited Liability Company, that the name of the project is "142 Presumpscot Warehouse Addition," the scale and north points, and the boundaries of the site. Exhibit C also shows that the total land area of the site is 51,460.8 square feet. The topographic features of the site also are shown.

7. Plans based on the boundary survey also are enclosed. A three-page Site Plan prepared by Environmental Engineering & Remediation, Inc. ("EER") is attached and marked as Exhibits D 1-3. Exhibit D-1 is the site layout, utility, grading and erosion control plan. Exhibit D-2 is the landscaping, striping and signage plan. Exhibit D-3 depicts construction details.

8. The existing soil conditions are set forth in the Stormwater Analysis performed by EER dated May 16, 2003, which is enclosed herewith, marked as Exhibit E.

9. The Parcel does not contain any watercourses, marshes, rock outcroppings or wooded areas of note. The currently undeveloped portion of the parcel is basically overgrown with scrub trees and undergrowth. There are no existing or proposed

easements or rights-of-way. Existing drainage infrastructure is shown on the enclosed plan marked as Exhibit F. Proposed drainage infrastructure is shown on the enclosed plan marked as Exhibit G.

10. Enclosed and marked as Exhibit H is a two-page set of drawings by RTB Enterprises, Ronald T. Beauchesne, P.E. of Cumberland, Maine. Exhibit H-1 shows the floor plan of the proposed addition including exterior stairs and loading dock areas. Exhibit H-2 shows the building elevations and facades. The addition is to be a corrugated steel structure, as noted on Exhibit H-2.

11. The approximate location of buildings or other structures on lots abutting the Parcel is shown on Exhibits C and D-1.

12. A dumpster currently is located on the North side of the existing structure, in the location shown on Exhibit C. The Applicant does not propose to change this location.

13. Existing and proposed electricity and telecommunications lines are shown on Exhibit C and D-1.

14. Existing water and sewer lines serve the Parcel. They are clearly delineated on Exhibit D-1. The capacity of the catch basins and storm sewer is discussed in Exhibit E.

15. As noted above, a drawing showing existing drainage conditions is enclosed, marked as Exhibit F and a drawing showing the proposed drainage plan is enclosed, marked as Exhibit G. The storm water analysis (Exhibit E) concludes that total offsite flow will increase due to construction of the addition, but the overall impact to the existing storm drain system will be insignificant, and storm water runoff will not present an adverse affect to the lot or abutting lots.

16. The site is not subject to any existing easements or rights-of-way of record or other burdens, and none are proposed.

17. Trucks bound for the loading docks at the rear of the addition will enter via the easterly of the two driveways that will open onto South Grafton Street. Trucks will be directed to exit via the westerly of the two driveways. As minimal pedestrian passage is anticipated, no separate walkways have been planned.

18. As can be seen on Exhibit D-2, a parking area with 12 marked spaces is located west of the addition and adequate distance from the entranceway and loading dock bays so as not to interfere with truck turnaround.³

³ A miscellaneous appeal was needed because parking is not a permitted use in the R-5 zone. That appeal was granted by the Zoning Board of Appeals on April 17, 2003. A copy of the ZBA's order is attached, marked as Exhibit I.

1'e

19. A loading dock area 28 feet wide is proposed at the rear of the warehouse. The area will contain two truck bays served by separate overhead doors at loading dock height. An 8-foot receiving door at loading dock height for city delivery trucks (UPS, FedEx,) will be located on the on the north side of the addition. Note that on Exhibit H-2, this door was shown at an angle. The Applicant's current plan is not to angle the door, as there is adequate area for such delivery trucks to back in perpendicular to the building.

20. Ingress and egress will be from Presumpscot Street to the parking area via to South Grafton Street. South Grafton Street is lightly used. Drake Equipment also uses Grafton Street to access its business. Essentially, there is no other traffic on Grafton Street because it dead ends just past the rear property lines of the Applicant and Drake.

21. There is an existing sidewalk in front of the existing structure on Presumpscot Street. See Exhibit D-1. No additional sidewalks are planned.

22 -29. The landscaping plan is set forth on Exhibit D-2. No existing landscape growth is to be preserved. The undeveloped portion of the parcel currently is overgrown with scrub trees and mixed undergrowth. Shown on Exhibit D-2 is the location of existing proposed vegetation, the type of vegetation, quantity of plantings, size of proposed landscaping, the details of planting specifications.

30. The Applicant proposes extensive landscaping to screen and buffer the existing building and addition from its residential neighbors. The specific landscaping measures are shown on Exhibit D-2. A uniform 6' stockade fence is proposed to replace the existing fencing along the south and west sides of the Parcel, which is mix-and-match in terms of materials and heights. Detail of the fencing is shown on Exhibit D-3.

31. The lighting plan calls for fully cut-off fixtures. The locations are shown on Exhibit D-1 and the specifications are attached hereto, marked as Exhibit J.

32. There is an existing fire hydrant across Presumpscot Street from the existing structure. This is shown on Exhibit C. No additional hydrants are proposed.

33. The Applicant, 142 Presumpscot, LLC, is a single-member limited liability company with Mark Goldstein as its sole member. The applicant's address is 142 Presumpscot Street, Portland, Maine 04103. The estimated cost of the development is \$360,000.

34. The Applicant proposes to use the addition as the existing building is used, primarily as a warehouse with some floor space set aside for an office and/or product assembly. As can be seen on Exhibit H-1, the addition could be configured into as many as three separate spaces or used as a single warehouse. The demand of the market will dictate how it is divided. CEC may relocate into the new addition if a prospective tenant wishes to have visibility from Presumpscot Street. If not, CEC will likely stay where it is and allow new tenants to occupy the addition.

1d

35. There is no residential use on the site. The abutting residential areas are described above.

36. The total land area of the site is 51,460.8 square feet.

37. The total floor area of the existing building is 6,209 square feet. Total ground coverage on the Parcel is 13,437 square feet. The total floor area of the proposed addition is 9,865 square feet, including landings and stairways. Once the addition is built, total ground coverage on the Parcel will be 36,937 square feet.

38. There are no existing or proposed easements or other burdens.

39. Solid waste removal is by a private contractor on an on-call basis. There is one dumpster on site. The contractor is called to remove it once it is full. Recyclable materials for the existing business – cardboard and scrap metal – are stored inside. Pickup by private recycling contractors is done on an on-call basis. These arrangements will be continued once the new addition is build unless a pattern of pick-up calls emerges that requires a different arrangement such as regularly scheduled pick up.

40. A letter from the Portland Water District regarding the adequacy of the sewer and water lines to service the proposed addition will be coming under separate cover. The Applicant believes that Presumpscot Street, as a major industrial thoroughfare, is adequate to handle traffic generated by the businesses on the site once the addition is built.⁴

41. No problems with drainage or topography exist. See Exhibits E, F and G for further discussion.

42. The Applicant estimates it will take five (5) months to complete construction of the addition and all site improvements.

43. The only state permit needed is a storm water permit (i.e. MEPDES permit), for which the City has been delegated authority to grant on behalf of the Maine Department of Environmental Protection. No federal regulatory approvals are required.

44 -46. N/A

47. Attached and marked as Exhibit K is a commitment letter from Peoples Heritage Bank as evidence of the Applicant's financial capability to undertake and complete this project. The Applicant has entered into an agreement to hire SME Corporation to serve

⁴ Applicant's counsel has confirmed via a telephone conversation with Marge Schmuckal, the Portland Zoning Administrator, that no upgrading of South Grafton Street will be required under Section 14-403 of the Portland Zoning Ordinance because the proposal is simply to build an addition to an existing structure that has adequate frontage on Presumpscot Street.

Memorandum
Department of Planning and Development
Planning Division



To: Chair Delogu and Members of the Portland Planning Board

From: Kandice Talbot, Planner

Date: May 21, 2004

Re: May 25, 2004 Planning Board Workshop Meeting
Coastal Equipment Expansion, 142 Presumpscot Street
Appeal of Administrative Approval of Minor Site Plan Application
142 Presumpscot LLC, Applicant

Introduction

On March 31, 2004, pursuant to City Code Section 14-525(d), the Planning Authority approved a minor site plan application for a 9,865 sq. ft. expansion to the existing building located at 142 Presumpscot Street. The approval was based on the following conditions:

- i. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying this condition.
- iii. A revised lighting plan will need to be submitted that meets our lighting standards.

The conditions still have to be met, but are minor in nature. The Planning Authority approval letter is included as Attachment A.

On April 2, 2004, the Portland Planning Authority received an appeal of the approved minor site plan for the expansion at 142 Presumpscot Street. Francis Drake, who is an abutting property owner at 160 Presumpscot Street, made the appeal, which is included as Attachment B. With the appeal of an administrative approval, the Planning Board conducts a de novo review.

Proposal

142 Presumpscot LLC is proposing a 9,856 sq. ft. expansion of their existing business. The expansion also includes a parking area. The site is approximately 51,461 sq. ft. and is zoned IL Low Impact Industrial and R-5 Residential. The Board of Appeals granted a miscellaneous appeal to allow parking in a residential zone on February 19, 2004. The Board of Appeals decision is included as Attachment 11.

Access/Circulation

Grafton Street would provide access to the site. Grafton Street is an unimproved street with utilities running through it. Because Grafton Street will be used for the site for access, there was a question as to what extent Grafton Street would need to be improved and whether or not it needed to be improved to City standards. The applicant also has frontage along Presumpscot Street.

In 1998, the abutting property owner received approval for an approximately 21,000 sq. ft. warehouse expansion. The question was raised at that time as to whether Mr. Drake would have to improve Grafton Street. It was determined that the applicant would not be required to improve Grafton Street because the lot's frontage requirement (60 feet) was met on Presumpscot Street. However, it was obvious from a site visit that vehicle access to the side of the building was being served from Grafton Street.

As stated previously, the applicant has the required street frontage along Presumpscot Street. Although it was determined that the applicant was not required to improve Grafton Street to City standards, staff felt that the applicant should at a minimum pave the portion of Grafton Street that would be used as a driveway, which the applicant has shown on the plans.

Staff strongly recommended that the applicant and the abutter work together and submit an application to vacate Grafton Street, a solution that staff feels is a reasonable solution. Grafton Street is abutted by the Coastal Equipment property, Mr. Drake's property and a couple of residential properties further down Grafton Street. If a portion of Grafton Street were to be vacated to the end of Coastal Equipment's property and Mr. Drake's property, no other properties would be landlocked. The lots to the northwest of these properties are zoned Residential, however if the northwesterly portion of Grafton Street is retained, the residential lots could access that portion. It is possible to vacate a portion of the street as long as the City gets a utility easement for this section of Grafton Street.

Access to the site will be from Grafton Street to a parking lot and loading dock at the rear of the building. The applicant is proposing twelve (12) parking spaces, each space sized 9 feet wide by 19 feet deep. The spaces meet current zoning and technical design standards.

Fire

The Fire Department has approved the proposed development.

Utilities

There is currently water, sewer, stormdrain and electrical lines running through Grafton Street. The applicant is proposing to connect to the existing lines. A water capacity letter is included as Attachment 9. A sewer capacity letter is included as Attachment 10.

Drainage/Grading/Stormwater Management

Drainage will sheetflow to two catch basins on the site, one being an existing catch basin, the other one will be installed during construction. The applicant is proposing to grade the southerly edge of the property to drain to an existing catch basin on the southerly property line, which currently drains to Providence Street. The proposal is to connect the existing catch basin to the new catch basin and connect it to the existing storm drain in Grafton Street. Public Works and the Development Review Coordinator have reviewed the plans and find them acceptable.

Landscaping

There is currently a fence, which runs along the southerly and westerly edge of the site. The height and material of the fence ranges from a 6 ft. high cedar stockade fence to a 4 ft. high picket fence and also a 5 ft. high chain link fence. The applicant is replacing portions of the existing fencing to make the fencing consistent, with a 6 ft. high cedar stockade fence.

The applicant is proposing to provide vegetation along the southerly and westerly property line. The landscaping will include Robin Hill Serviceberry, Heritage River Birch, Ruby Spice Summersweet, Dogwood, Siberian Crab and Lilac. The City Arborist has reviewed and approved the plan.

Lighting

The applicant is proposing five (5) additional wall mounted light fixtures. The fixtures are proposed as 70-watt fixtures. There is also a proposal for an 18 ft. 250 watt light pole within the parking lot. As stated previously, a lighting photometric plan is necessary to determine if the lighting meets the City's lighting standards.

Financial Capacity

A letter of financial capacity is included as Attachment 1.

Attachments:

- A. Approval Letter dated March 3, 2004
- B. Appeal Letter from Mr. Drake dated April 2, 2004

Site Plan Attachments

- 1. Applicant's Submittal dated May 27, 2003 including Deed, Financial Capacity, Stormwater Management Report, etc.
- 2. Fire Approval dated June 11, 2003
- 3. Letter from Mr. Drake regarding Planning Board Review dated June 16, 2003
- 4. Response to Mr. Drake's Letter from the Director of Planning and Development dated June 27, 2003
- 5. DRC's Memo dated July 1, 2003
- 6. Revised Stormwater Management Report dated January 26, 2004
- 7. Applicant's Letter dated January 27, 2004
- 8. Public Works' Memo dated July 3, 2003 and February 11, 2004
- 9. Water Capacity Letter
- 10. Sewer Capacity Letter
- 11. Miscellaneous Appeal Approval
- 12. DRC's Memo dated March 9, 2004
- 13. Staff Letter dated March 19, 2004
- 14. Applicant's Submittal dated March 25, 2004
- 15. Lighting Information
- 16. Staff Letter dated May 3, 2004
- 17. Abutter's Letter
- 18. Boundary Survey
- 19. Plans



MOTIONS FOR THE BOARD TO CONSIDER – June 22, 2004
Coastal Equipment, 142 Presumpscot Street

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #25-04 relevant to standards for site plan regulations, and other findings as follows:

1. That the plan is in conformance with the site plan standards of the land use code.

Potential Conditions of Approval

- i. the depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. prior to issuance of a building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.
- iii. that the Zoning Administrator review and approve the dimensions of the proposed loading docks.
- iv. that the light pole height be reduced to 14 ft. for review and approval by planning staff.
- v. that the lights be turned off at 9:00 p.m. If vandalism or other security problems arise because of this condition, the applicant may submit to planning staff a security lighting plan that addresses the problem for review and approval by planning staff.
- vi. that a note be added to the plan that the developer will coordinate with CMP to relocate the utility pole, which is located within Grafton Street.

MEMORANDUM

Application of 142 Presumpscot Street LLC for Warehouse Addition Appeal by Francis P. Drake

A. Planning Board Comments and Questions

1. Lighting. The photometric plan was prepared by Barry Hosmer, ASLA who will be available at the meeting on June 22 to answer questions. The plan calculates the illumination limits of each fixture. In every case, care has been taken to comply with the City standards, which require adequate illumination of the Applicant's property through the use of fully cut-off fixtures that cause the light to diminish to a virtually imperceptible level at the property boundaries. A question was raised as to whether 20-foot poles were necessary, given the proximity to residences. The pole height complies with the City of Portland Technical Standards Section XV (4) (c). Mr. Hosmer reports that if shorter poles were used, more lighting fixtures would be required to achieve the same illumination level. The Applicant is willing to set the lights on a timer so that they will not be on all night. If the Planning Board wishes to impose such a condition, the Applicant requests that the Planning staff be authorized to rescind it should vandalism or other security problems arise when the lights are off.

2. Use of Building. The existing building is occupied by Coastal Equipment Corporation ("CEC"), which fabricates various products from steel, stainless steel and aluminum. Examples of products fabricated by CEC are racks, carts, conveyors and other materials handling equipment. Welding and grinding occur inside the building. It does not house large manufacturing equipment. The 6,209 square foot building is divided into a shop, warehouse and small office. The proposed building is designed so it can be partitioned similarly. CEC may move its operation to the new addition, which would allow a tenant who desires street visibility to use the existing structure. That decision will be determined by market forces once construction is complete. To date, inquiries about renting space have come from retail businesses looking for retail space near downtown Portland and small businesspeople engaged in products assembly or occupations such as carpentry.

3. Traffic. CEC is an 8 a.m. – 5 p.m. operation. The Applicant anticipates renting space to tenants with similar hours. Currently, the property gets less than one truck delivery a day, always during the 8 – 5 time period. The Applicant anticipates the truck traffic might increase to one or two trucks each day, also during the daytime. The traffic flow on the site was designed by Stephen J. Bradstreet, P.E., who will be present at the June 22 public hearing to respond to questions. During the staff review, at the suggestion of Sebago Technics, the city's engineering consultant on this project, the original plan was modified to improve the flow of truck traffic.

4. Building Height; Relationship with Existing Structure. Questions were raised by the board about building heights and the relationship between the existing building and the proposed addition. The existing structure is 19' high. The proposed addition will be 25'6" above the finish floor. From the outside, its maximum height above finish grade will be 29'6." The addition will be connected to the existing building by a doorway and short stairway. The location of existing building in relation to the proposed addition is shown on the survey by Bruce Bowman, on the EER plan and on the RTB plans.

5. Buffering. At the workshop, Providence Street property owner Joseph Wodjenski asked about the impact this project may have on his tenants, and the Board asked the Applicant to respond to his concerns. Mr. Wodjenski specifically mentioned drainage, which the city indicates is currently over capacity on Providence Street. The drainage work that will be done as part of this project will redirect the flows from the Applicant's property to Grafton Street, which should improve the situation for the Providence Street abutters. Mr. Wodjenski also asked about buffering. Currently, the Property is fenced with a variety of fencing materials, as shown on the Bruce Bowman survey. It varies from a 5' chain link fence across the rear of the Property to a 4' picket fence, 5' stockade fence and 6' stockade fence on the Providence Street side. The portion of the Property where the addition will be constructed is vegetated irregularly with various "field invader" species. The site plan calls for a new, uniform 6' cedar stockade fence along the perimeter and landscaping with deciduous shrubs and trees. Species to be planted include Birch, Dogwood, Lilac, Serviceberry and Summersweet. City Arborist Jeff Tarling has been consulted during the design of the landscape plan. Mr. Wodjenski also asked about light migration. That issue is addressed in #1, above.

A Planning Board member asked about installing a berm at the rear of the property to buffer noise. Mr. Hosmer indicates that only a one-foot berm would be possible under the Code, and it would not be as effective a buffer as the proposed 6' fence and landscaping, which along the back line will be 13 Lilac bushes and three Siberian Crab trees. Mr. Bradstreet also indicated that installing a berm would impact the drainage system in a negative manner.

6. Setbacks. At the workshop, Mr. Drake alleged that the proposed structure does not meet setback requirements. That statement is incorrect.

Section 14-234 of the Land Use Code (the "Code") sets forth setback requirements in the IL zone. The front setback requirement is 25,' but that is immaterial to this application. The existing building is legally non-conforming as to front setback. The addition will not increase that non-conformity. The side and rear setback requirement when a building abuts a residential zone is 40,' and the proposed structure has been sited to meet that setback on the south and west sides. On the north (Grafton Street) side, the Code requires only a 25-foot setback, because that side abuts the I-L zone. In addition, the parking lot has been designed to meet the requirement of §14-234(h) that paved parking areas be set back 15' from the lot boundary.

Mr. Drake's statement about setback requirements not being met apparently is derived by measuring setbacks on a diagonal, rather than perpendicular to the lot line. This issue was raised when the Applicant appeared before the Zoning Board of Appeals seeking a variance to allow parking for an industrial use in the R-5 zone. At that time, City Zoning Administrator Marge Schmuckal confirmed that setbacks are measured perpendicular to the boundary line, not diagonally.

B. Francis P. Drake Comments

My notes of Mr. Drake's comments at the May 25, 2004 workshop and the content of his letter of May 31, 2004 appear to cover the same ground. In the interest of keeping this response focused, I will address each point he raised in the letter, in order.

1. Mr. Drake alleges that "the Applicant's site plan is lacking information and details needed to evaluate the project, both pre-development and post-development."

In fact, all information on the Planning Department's site plan review checklist has been provided.

2. Mr. Drake indicates the Grafton Street sidelines and elevations are not complete, in that existing catch basins and field drains are not shown.

There is no requirement in the ordinance that street elevations be shown. All relevant catch basins are shown on the Plans. Mr. Drake may be referring to an old culvert from the Applicant's property that runs into a storm drain on Grafton Street. The site post-development will be graded and paved in such a manner as to render that culvert unnecessary, so it will be filled. In other words, it is not shown on the drainage plan because it is not part of the post-development drainage scheme.

3. Mr. Drake said there are utility poles and anchor lines in the paved area of Grafton Street, but they are not shown on the Plan.

There is in fact a utility pole in the street. It was installed by Central Maine Power at Mr. Drake's request and provides power to his building. An existing pole, still standing on the southerly edge of the road, apparently was not tall enough so that trucks using Mr. Drake's property could pass beneath without catching the wires. The pole in the roadway is not shown on the plan as it does not provide power to the Applicant's property.

4. Mr. Drake states that the dimensions of the sewer pipes and catch basins are not shown on the Plans.

All sewer pipes and catch basis are shown on the survey plan and their sizes are specified thereon.

5. Mr. Drake states that the building and land abutting the far side of Grafton Street are not shown.

My client understands this to mean the Drake property, which is on the northerly side of Grafton Street. Because it is not a directly abutting parcel, it is not shown on the survey plan. The Site Plan Review standards do not require it to be.

6. Mr. Drake states that the storm water that runs from his lot to the drains on the Applicant's side of the street are not shown on the storm water analysis.

Storm water from Mr. Drake's property is supposed to run into the existing storm drain system on Grafton Street, and not to flow southerly across Grafton Street to the Applicant's property. However, some time ago, Mr. Drake filled one of the culverts with rocks, which may have disrupted the storm water drainage from his lot. In any event, the storm water analysis that is required by the ordinance does not require an applicant to take into account the storm flows from abutting parcels.

7. Mr. Drake states that the Applicant's building is not shown clearly, its setbacks from Presumpscot and Grafton Street are not shown and the existing parking spaces are not defined.

The dimensions of the existing building are not shown, only those for the proposed addition, as that is all that is required. However, to provide context to the drawings for the proposed development, the Applicant's existing building is shown on the survey by Bruce Bowman, on the EER plan and on the RTB plans that show the elevations of the proposed addition. The setbacks for the existing building are not shown for the same reason. The building exists and its footprint will not change if this application is approved. The parking for the existing building is not striped on the face of the earth, so it is shown only as "paved surface" on the survey plan. The existing building contains 6,209 square feet. There is adequate paved parking area for approximately 8 cars. No changes are proposed to this paved area as part of this project, so those spaces will be preserved for the use of the tenant of the existing structure.

8. Mr. Drake states that the impervious surface figures from the application add up to 72% impervious surface.

It appears Mr. Drake may be confusing the storm water analysis figures, which must take into account the asphalt and gravel surface on abutting streets, with the calculations of impervious surface on the Applicant's parcel. The storm water analysis has been approved by Sebago Technics, the city's engineering consultant.

9. Mr. Drake states that the "outside storage tents" are not shown, either pre- or post-development.

There are two "car tent garages" currently on the site to shield various stored equipment and materials from view. Those temporary structures will be removed as part of this project.

10. Mr. Drake takes issue with the pre- and post-development storm drainage plans, again saying, essentially, that the storm water that flows from his property northerly of Grafton Street is not taken into account.

Please see response #6, above.

11. Mr. Drake says the lights on the west side of the building are called "forward throw" in the documents that support the application, and that would cause light to shine into abutting yards.

The term "forward throw" does not mean what Mr. Drake implies. Rather, it is a term that explains how the reflector in a light fixture distributes the light. "Forward throw" means that the lights primarily illuminate the area in front of the fixture. The light flow is sharply cut-off in the rear. It has nothing to do with how far the light is visible. All fixtures on the photometric plan are fully cut-off. For further discussion, see response to A (1), above.

12. Mr. Drake states that the distance between the building at the loading dock appears to be less than 30 feet from the R-5 zone.

The proposed building meets all setback requirements from boundary lines in both the I-L and R-5 zones. As discussed above, it appears Mr. Drake is measuring on the diagonal.

13. Mr. Drake states that the current truck loading and unloading procedure used by the Applicant caused Grafton Street to be blocked at times, and has caused damage to payment.

The plan provides for adequate truck turnaround. Mr. Drake's concerns will be eliminated by this proposed site plan.

14. Mr. Drake said the site plan makes no provision for eliminating the current streetside loading.

A full loading dock in the rear, and all large trucks will be directed to use that dock to load or unload. The Grafton Street entrance is designed as a service entrance for UPS vehicles and pickup-sized trucks only.

15. Mr. Drake says welding flash is now visible from the Applicant's shop with the door open or closed, and this condition is not addressed by the site plan.

"Welding flash" is a term for damage to vision sustained by looking directly at a welding torch from a close distance without proper eye protection. The Applicant does not agree that any such condition now exists. If the door is closed, the activity inside is not visible unless someone peers through a high window in the door. Even if the door is open, a person standing at the property boundary would be distant enough from the welding activity to be safe from danger.

16. Mr. Drake takes issue with the design of the parking lot, and categorizes a portion of it as a "truck maneuvering area." He alleges this should not occur in the R-5 zone, where only parking for passenger cars related to an industrial use is permitted.

This issue was discussed at length at two hearings held by the Zoning Board of Appeals on this matter. The ZBA ultimately did not accept this argument, and granted a miscellaneous variance to allow the parking area in its current design. That variance was renewed this year. Relevant documentation is in the Applicant's packet.

17. Again, Mr. Drake expresses concern about large trucks continuing to load and unload from Grafton Street.

See response to #14, above.

18. Mr. Drake states that published standards he has consulted require a wider roadway than what is shown on the plan.

The Applicant's project engineer has relied upon the Institute of Traffic Engineers (ITE) manual, which is the industry standard, in designing the driveway and parking area.

19. Mr. Drake asserts that Grafton Street should be improved to city standards, including curbing and sidewalks, to protect pedestrians.

There is no pedestrian traffic on Grafton Street, nor is any foreseeable. Mr. Drake quite simply is asking for the Applicant to be required to invest significant sums into improving Grafton Street so that Mr. Drake's own property would be enhanced. As Mr. Jaegerman explained at the workshop session, the Planning Staff and the Public Works staff spent months discussing the appropriate level of improvement to Grafton Street that should be required. The design shown on the site plan reflects the balance that ultimately was reached on this issue.

20. Mr. Drake says the proposed building is too large for the lot, and suggests that it be shortened by 100 feet.

The Code permits a building of this size on this lot.

C. Jeffrey and Ellen Lowery Comments

1. The Lowerys state that they believe the Applicant is "not being entirely forthcoming" about the true uses of the parking lot, and they essentially restate the argument made by Mr. Drake that the ZBA was wrong to grant a variance to permit parking in the R-5 zone because trucks will be using a part of the parking area to maneuver into the loading docks. The Lowerys also express concern that trucks will be idling in the parking area at all hours of the day and night.

Again, this issue was discussed extensively by the ZBA at two hearings. The board rejected the argument that the parking area was somehow not a parking area if trucks headed for the loading dock cross into it while backing up. The concerns about truck noise disrupting the abutting residential neighborhood are without basis. See I(A)(3), above.

2. The Lowerys state that construction of the addition will destroy a "thick grove of old growth trees that currently act as a natural barrier between industrial properties and residential properties." They allege this warehouse addition will result in "excessive light, noise and air pollution reflected onto what is currently a quiet residential street."

The existing trees on the lot are "volunteers," field invader species such as poplar, sumac and gray birch. It is not a thick grove of old growth trees by any reasonable description. More importantly, the Lowerys do not take into account the landscaping plan, which involves the planting of numerous, higher-value trees along the perimeter of the lot and a uniform six-foot stockade fence to buffer the site from its residential neighbors. This is a property that is on the division line between an industrial and a residential zone and there is no question that such areas present certain issues that are not present in wholly industrial zones. But this area has been zoned in this manner for many years, long before the Lowerys bought their property on East Kidder Street in 2002. The site plan review requirements -- with their extensive buffering provisions -- strike the right balance in such neighborhoods. The site plan meets all of these standards.

3. The Lowerys indicate that they are upset by the ZBA decision to allow parking to support this warehouse in the R-5 zone, and that when they were planning to buy their property, they were not informed about this proposal.

The parking in R-5 already has been addressed. The Lowerys' predecessor in title was notified of the variance application and the hearing. If she failed to inform the Lowerys, they should direct their concern to her, not to the city, which has properly informed all abutters throughout this process. The Lowerys' estimate regarding diminution of value of their property are unsupported by independent evidence. It is the Applicant's view that development of this parcel with appropriate screening and landscaping will actually result in increased value to abutting residential properties, which now look out on a poorly-fenced vacant lot choked with scrubby trees.

COASTAL EQUIPMENT EXPANSION
VICINITY OF 142 PRESUMPSCOT STREET
SITE PLAN REVIEW (APPEAL OF ADMINISTRATIVE APPROVAL)
142 PRESUMPSCOT LLC, APPLICANT

Submitted to:
Portland Planning Board
Portland, Maine
June 22, 2004 Public Hearing

Submitted by:
Kandice Talbot, Planner
June 18, 2004

I. INTRODUCTION

On March 31, 2004, pursuant to City Code Section 14-525(d), the Planning Authority approved a minor site plan application for a 9,865 sq. ft. expansion to the existing building located at 142 Presumpscot Street. The approval was based on the following conditions:

- i. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.
- iii. A revised lighting plan will need to be submitted that meets our lighting standards.

The conditions still have to be met, but are minor in nature. The Planning Authority approval letter is included as Attachment A.

On April 2, 2004, the Planning Board Authority received an appeal of the approved minor site plan for the expansion at 142 Presumpscot Street. Francis Drake, who is an abutting property owner at 160 Presumpscot Street made the appeal, which is included as Attachment B. With the appeal of an administrative approval, the Planning Board conducts a de novo review.

There were a number of questions raised by the Planning Board at the previous workshop meeting. The applicant has answered those questions in Attachment 20. The Zoning Administrator has also submitted a memo, which is included as Attachment 24.

221 notices were sent to area residents. A notice also appeared in the June 14th edition of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

Zoning:	I-L/R-5 Zones
Parcel Size:	51,461 sq. ft.
Parking Spaces:	Proposed: 12 spaces Required: 10 spaces
Building Floor Area:	Existing: 6,209 sq. ft. Proposed: 9,865 sq. ft.
Building Height:	Existing: 19 ft. high Proposed: 29.6 ft. high maximum
Uses:	Warehouse

Impervious Surface: We have requested a revised impervious surface ratio calculation, not including the Gratton Street pavement.

III. PROPOSED DEVELOPMENT

142 Presumpscot LLC is proposing a 9,856 sq. ft. expansion of their existing business. The expansion also includes a parking area. The site is approximately 51,461 sq. ft. and is zoned IL Low Impact Industrial and R-5 Residential. The Board of Appeals granted a miscellaneous appeal to allow parking in a residential zone on February 19, 2004. The Board of Appeals decision is included as Attachment 11.

IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the site plan ordinance. Staff comments are highlighted in this report.

V. SITE PLAN REVIEW

1/2. Traffic

Grafton Street will provide access to the site. South Grafton Street is an unimproved street with utilities running through it. Because South Grafton Street will be used for the site for access, there was a question as to what extent Grafton Street would need to be improved and whether or not it needed to be improved to City standards. The applicant also has frontage along Presumpscot Street.

In 1998, the abutting property owner received approval for an approximately 21,000 sq. ft. warehouse expansion. The question was raised at that time as to whether Mr. Drake would have to improve South Grafton Street. It was determined that the applicant would not be required to improve South Grafton Street because the lot's frontage requirement (60 feet) was met on Presumpscot Street.

Land access

As stated previously, the applicant has the required street frontage along Presumpscot Street. Although it was determined that the applicant was not required to improve South Grafton Street to City standards, staff required that the applicant should at a minimum pave the portion of South Grafton Street that would be used as a driveway, which the applicant has shown on the plans.

Staff strongly recommended that the applicant and the abutter work together and submit an application to vacate a portion of South Grafton Street, a solution that staff feels is a reasonable solution. South Grafton Street is abutted by the Coastal Equipment property, Mr. Drake's property and a couple of residential properties further down South Grafton Street. If a portion of Grafton Street were to be vacated to the end of Coastal Equipment's property, no other properties would be landlocked. The lots to the northwest of these properties are zoned Residential, however if the northwesterly portion of South Grafton Street is retained, the residential lots could access that portion. It is possible to vacate a portion of the street as long as the City gets a utility easement for this section of South Grafton Street.

Access to the site will be from South Gratton Street to a parking lot and loading dock at the rear of the building. The applicant is proposing twelve (12) parking spaces, each space sized 9 feet wide by 19 feet deep. The spaces meet current zoning and technical design standards. Granite curb and sidewalk currently exist along the Presumpscot Street frontage.

The Traffic Engineer has reviewed the plans for access and truck turning radius and does not have any issues with the proposed plans. The Traffic Engineer's memos are included as Attachments 18 and 19.

3. Bulk, Location, Height of Proposed Buildings

142 Presumpscot LLC is proposing a 9,856 sq. ft. expansion of their existing business. The building facade will consist of metal siding. The proposed addition height will be 25.6 ft. above the finish floor and from the outside, its maximum height above finish grade will be 29.6 ft. high. Elevations of the proposed expansion are included as Attachment 23.

4. Sewers, Stormdrains, Water

There is currently water, sewer, stormdrain and electrical lines running through South Gratton Street. The applicant is proposing to connect to the existing lines. A water capacity letter is included as Attachment 9. A sewer capacity letter is included as Attachment 10.

5. Landscaping and Existing Vegetation

There is currently a fence, which runs along the southerly edge and westerly edge of the site. The height and material of the fence ranges from a 6 ft. high cedar stockade fence to a 4 ft. high picket fence and also a 5 ft. high chain link fence. The applicant is replacing portions of the existing fencing to make the fencing consistent, with a 6 ft. high cedar stockade fence.

The applicant is proposing to provide vegetation along the southerly and westerly property line. The landscaping will include Robin Hill Serviceberry, Heritage River Birch, Ruby Spice Summersweet, Dogwood, Siberian Crab and Lilac. The City Arborist has reviewed and approved the plan.

At the workshop meeting, a Board member had suggested a berm at the rear property line to provide additional buffering. The applicant has looked into this request and has stated that installing a berm would impact the drainage system in a negative manner.

6. Soils and Drainage

Drainage will sheetflow to two catch basins on the site, one being an existing catch basin, the other one will be installed during construction. The applicant is proposing to grade the southerly edge of the property to drain to an existing catch basin on the southerly property line, which currently drains to Providence Street. The proposal is to connect the existing catch basin to the new catch basin and connect it to the existing storm drain in South Gratton Street. Public Works has reviewed the plans and find them acceptable. The Development Review Coordinator reviewed the plans and requested the following:

- that the lights be turned off at 9:00 p.m. If vandalism or other security problems arise because of this condition, the applicant may submit to planning staff a security lighting plan that addresses the problem for review and approval by planning staff.

- that the light pole height be reduced to 14 ft. for review and approval by planning staff. Also, at the workshop meeting, the applicant stated that he would be willing to turn the lights off at night and would not be against a condition of approval, however if the Board conditions that the lights be turned off at night, the applicant also requests that the planning staff be authorized to rescind it should vandalism or other security problems arise when the lights are off. A potential condition of approval is:

At the workshop, a concern was raised that the pole height nearest the residential abutter should be reduced. While the pole height meets the technical standards, the Board has recommended that pole heights within residential zones be reduced to 12 - 14 ft. A potential condition of approval is:

- that a lighting photometric plan that meets the City's lighting standards shall be provided to staff for review and approval.

The applicant is proposing five (5) additional wall mounted light fixtures. The fixtures are proposed as 70-watt fixtures. There is also a proposal for an 18 ft. (with a 2 ft. base) 250 watt light pole within the parking lot. As stated previously, a lighting photometric plan is necessary to determine if the lighting meets the City's lighting standards. A potential condition of approval is:

7. Exterior Lighting

- prior to issuance of a building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.

And

- the depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.

Potential conditions of approval are:

1. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
2. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.

- v. that the lights be turned off at 9:00 p.m. If vandalism or other security problems arise because of this condition, the applicant may submit to planning staff a security lighting plan that addresses the problem for review and approval by planning staff.
- iv. that the light pole height be reduced to 14 ft. for review and approval by planning staff.
- iii. that a lighting photometric plan that meets the City's lighting standards shall be provided to staff for review and approval.
- ii. prior to issuance of a building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying the condition.
- i. the depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.

Potential Conditions of Approval

- 1. That the plan is in conformance with the site plan standards of the land use code.

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #25-04 relevant to standards for site plan regulations, and other findings as follows:

VI. MOTIONS FOR THE BOARD TO CONSIDER

A letter of financial capability is included as Attachment 1.

9. Financial Capability

The Fire Department has approved the proposed development.

8. Fire

Attachments:

- A. Approval Letter dated March 3, 2004
- B. Appeal Letter from Mr. Drake dated April 2, 2004
- Site Plan Attachments
- 1. Applicant's Submittal dated May 27, 2003 including Deed, Financial Capacity, Stormwater Management Report, etc.
- 2. Fire Approval dated June 11, 2003
- 3. Letter from Mr. Drake regarding Planning Board Review dated June 16, 2003
- 4. Response to Mr. Drake's Letter from the Director of Planning and Development dated June 27, 2003
- 5. DRC's Memo dated July 1, 2003
- 6. Revised Stormwater Management Report dated January 26, 2004
- 7. Applicant's Letter dated January 27, 2004
- 8. Public Works' Memo dated July 3, 2003 and February 11, 2004
- 9. Water Capacity Letter
- 10. Sewer Capacity Letter
- 11. Miscellaneous Appeal Approval
- 12. DRC's Memo dated March 9, 2004
- 13. Staff Letter dated March 19, 2004
- 14. Applicant's Submittal dated March 25, 2004
- 15. Lighting Information
- 16. Staff Letter dated May 3, 2004
- 17. Abutter's Letters
- 18. Traffic Engineer's Memo dated February 19, 2004
- 19. Traffic Engineer's Memo dated June 16, 2004 regarding turn turning
- 20. Applicant's Submittal addressing Planning Board questions
- 21. Boundary Survey
- 22. Plans
- 23. Elevations
- 24. Zoning Administrator's Memo dated June 18, 2004

Att. A

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lurkin
Economic Development

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

March 31, 2004

Brenda Buchanan, Esq.
Warren Currier & Buchanan
57 Exchange St.
Portland, ME 04101-5020

Mr. Steve Bradstreet
EER
222 St. John Street, Suite 314
Portland, ME 04102

RE: Coastal Equipment Corp. Expansion, 142 Presumpscot Street
ID #2003-0104, CBL #425-I-004

Dear Ms. Buchanan and Mr. Bradstreet:

On March 31, 2004, the Portland Planning Authority approved the site plan for the expansion of the Coastal Equipment facility at 142 Presumpscot Street, as shown on the approved plan with the following conditions:

- i. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.
- ii. Prior to issuance of the building permit, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying this condition.
- iii. A revised lighting plan will need to be submitted that meets our lighting standards.

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

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

- 1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven (7) sets of the final plans.
- 2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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

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

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

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

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

If there are any questions, please contact Kandice Talbot at 874-8901.

Sincerely,


Alexander Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director

Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Kandice Talbot, Planner

Jay Reynolds, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Karen Dumfey, Inspections

Michael Bobinsky, Public Works Director

Traffic Division

Tony Lombardo, Project Engineer

Eric Labelle, City Engineer

Jeff Tarling, City Arborist

Penny Littell, Associate Corporation Counsel

Lt. Gaylen McDougall, Fire Prevention

Don Hall, Appraiser, Assessor's Office

Approval Letter File

CC: KANDICE TALBOT
SARAH HOPKINS

F. P. Drake Equipment



SINCERELY,

I WOULD LIKE TO APPEAL THE, MARCH 31 2004, PLANNING DEPARTMENTS APPROVAL OF THIS APPLICATION.

DEAR MR. URBAN:

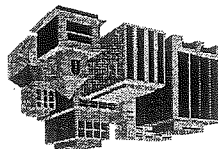
CBL 425 1004001

RE: COASTAL EQUIPMENT APPLICATION, 142 PRESUMPSCOT ST.

LEE URBAN
DIRECTOR OF PLANNING AND DEVELOPMENT
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, MAINE 04101

4/2/2004

P. O. BOX 1378 ♦ PORTLAND, ME 04104
(207) 775-1832



FRANCIS P. DRAKE

Att. B

Site Plan Review Application of
142 Presumpscot Limited Liability Company
Property at 142 Presumpscot Street, Portland

Name of Applicant: 142 Presumpscot Limited Liability Company,
Mark C. Goldstein, Member

Mailing Address: P.O. Box 1118, Portland, Maine 04104

Address of Proposed Site: 142 Presumpscot Street, Portland,

Applicant 142 Presumpscot Limited Liability Company seeks site plan review approval to build a 9,865 square foot addition onto an existing 6,209 square foot structure on a 51,460 square foot parcel located at 142 Presumpscot Street, Portland (the "Parcel"). The tenant in the existing structure is Coastal Equipment Corporation ("CEC"),¹ which designs, fabricates and distributes materials handling products.

The Parcel straddles two zones - I-L and R-5. The existing structure is wholly in the I-L zone, and the entire addition will be as well. Most of the area on the Parcel that is not covered by the existing building and will not be covered by the addition is located in the R-5 zone. For a visual depiction of the I-L and R-5 zone lines, see Exhibit A.

The Parcel is bounded on the east by Presumpscot Street, on which it has 143.77 feet of frontage. This portion of the parcel is in the II zone. The existing structure faces Presumpscot Street.

The southerly side of the parcel backs up to several house lots that front on Providence Street, which is in the R-5 zone.

The Parcel is bounded on the west by house lots that front on East Kidder Street, which is in the R-5 zone. The R-5 zone line bisects the parcel westerly of the proposed addition. The parcel is bounded on the north by South Grafton Street, a dedicated but unaccepted street² that lies in the II zone. South Grafton Street is unpaved. It currently is used for access to a business on the north side of Grafton Street, Drake Equipment Company.

¹ Coastal Equipment Corporation's president is Mark C. Goldstein, who is the sole member of 142 Presumpscot Street, LLC.

² There are two portions of Grafton Street. The end abutting the Parcel (commonly called "South Grafton Street") dead ends approximately 500 feet westerly of Presumpscot Street, just past the rear boundary of the Parcel. The other end (called simply "Grafton Street") runs westerly from Ocean Avenue and also dead ends after approximately 500 feet.

Att. 1

- 1-6. A standard boundary survey by Bruce R. Bowman, Inc. is attached hereto, marked as Exhibit C. It shows that the Applicant is 142 Presumpscot Warehouse Addition, the scale and north points, and the boundaries of the site. Exhibit C also shows that the total land area of the site is 51,460.8 square feet. The topographic features of the site also are shown.
7. Plans based on the boundary survey also are enclosed. A three-page Site Plan prepared by Environmental Engineering & Remediation, Inc. ("EER") is attached and marked as Exhibits D-1-3. Exhibit D-1 is the site layout, utility, grading and erosion control plan. Exhibit D-2 is the landscaping, striping and signage plan. Exhibit D-3 depicts construction details.
8. The existing soil conditions are set forth in the Stormwater Analysis performed by EER dated May 16, 2003, which is enclosed herewith, marked as Exhibit E.
9. The Parcel does not contain any watercourses, marshes, rock outcroppings or wooded areas of note. The currently undeveloped portion of the parcel is basically overgrown with scrub trees and undergrowth. There are no existing or proposed

CHECKLIST ITEMS:

- The property is designated on city tax maps as Map 425, Block I, Lots 4-7, 33,43 and portions of 8-12.
1. Ashley W. Pike and Dianne J. Pike to 142 Presumpscot Limited Liability Company dated April 25, 1997 and recorded in the Cumberland County Registry of Deeds ("CCRD") in Book 13047, Page 243.
 2. Dominic Dorazio, Jr. and Rita Pramis, as Personal Representatives of the Estate of Dominic Dorazio, Sr., to 142 Presumpscot Limited Liability Company, dated December 29, 1997 and recorded in the CCRD, Book 13525, Page 161.
 3. Eulah V. Napolitano to 142 Presumpscot Limited Liability Company, dated July 20, 2000 and recorded in the CCRD, Book 15617, Page 157.
 4. Coastal Equipment Corporation to 142 Presumpscot Limited Liability Company, dated November 1, 2001 and recorded in the CCRD, Book 16956, Page 241.
 5. Donald E. Neuts and Joan N. Neuts to 142 Presumpscot Limited Liability Company, dated November 1, 2001 and recorded in the CCRD, Book 16956, Page 239.
- Copies of a legal description of the entire Parcel and of the above-referenced deeds are attached hereto, marked as Exhibit B.
- The property is designated on city tax maps as Map 425, Block I, Lots 4-7, 33,43 and portions of 8-12.

1a

easements or rights-of-way. Existing drainage infrastructure is shown on the enclosed plan marked as Exhibit F. Proposed drainage infrastructure is shown on the enclosed plan marked as Exhibit G.

10. Enclosed and marked as Exhibit H is a two-page set of drawings by RTB Enterprises, Ronald T. Beauchesne, P.E. of Cumberland, Maine. Exhibit H-1 shows the floor plan of the proposed addition including exterior stairs and loading dock areas. Exhibit H-2 shows the building elevations and facades. The addition is to be a corrugated steel structure, as noted on Exhibit H-2.

11. The approximate location of buildings or other structures on lots abutting the Parcel is shown on Exhibits C and D-1.

12. A dumpster currently is located on the North side of the existing structure, in the location shown on Exhibit C. The Applicant does not propose to change this location.

13. Existing and proposed electricity and telecommunications lines are shown on Exhibit C and D-1.

14. Existing water and sewer lines serve the Parcel. They are clearly delineated on Exhibit D-1. The capacity of the catch basins and storm sewer is discussed in Exhibit E.

15. As noted above, a drawing showing existing drainage conditions is enclosed, marked as Exhibit F and a drawing showing the proposed drainage plan is enclosed, marked as Exhibit G. The storm water analysis (Exhibit E) concludes that total offsite flow will increase due to construction of the addition, but the overall impact to the existing storm drain system will be insignificant, and storm water runoff will not present an adverse affect to the lot or abutting lots.

16. The site is not subject to any existing easements or rights-of-way of record or other burdens, and none are proposed.

17. Trucks bound for the loading docks at the rear of the addition will enter via the easterly of the two driveways that will open onto South Gratton Street. Trucks will be directed to exit via the westerly of the two driveways. As minimal pedestrian passage is anticipated, no separate walkways have been planned.

18. As can be seen on Exhibit D-2, a parking area with 12 marked spaces is located west of the addition and adequate distance from the entranceway and loading dock bays so as not to interfere with truck turnaround.

³ A miscellaneous appeal was needed because parking is not a permitted use in the R-5 zone. That appeal was granted by the Zoning Board of Appeals on April 17, 2003. A copy of the ZBA's order is attached, marked as Exhibit I.

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19. A loading dock area 28 feet wide is proposed at the rear of the warehouse. The area will contain two truck bays served by separate overhead doors at loading dock height. An 8-foot receiving door at loading dock height for city delivery trucks (UPS, FedEx) will be located on the north side of the addition. Note that on Exhibit H-2, this door was shown at an angle. The Applicant's current plan is not to angle the door, as there is adequate area for such delivery trucks to back in perpendicular to the building.

20. Ingress and egress will be from Presumpscot Street to the parking area via to South Gratton Street. South Gratton Street is highly used. Drake Equipment also uses Gratton Street to access its business. Essentially, there is no other traffic on Gratton Street because it dead ends just past the rear property lines of the Applicant and Drake. 21. There is an existing sidewalk in front of the existing structure on Presumpscot Street. See Exhibit D-1. No additional sidewalks are planned.

22-29. The landscaping plan is set forth on Exhibit D-2. No existing landscape growth is to be preserved. The undeveloped portion of the parcel currently is overgrown with scrub trees and mixed undergrowth. Shown on Exhibit D-2 is the location of existing proposed vegetation, the type of vegetation, quantity of plantings, size of proposed landscaping, the details of planting specifications.

30. The Applicant proposes extensive landscaping to screen and buffer the existing building and addition from its residential neighbors. The specific landscaping measures are shown on Exhibit D-2. A uniform 6' stockade fence is proposed to replace the existing fencing along the south and west sides of the Parcel, which is mix-and-match in terms of materials and heights. Detail of the fencing is shown on Exhibit D-3. 31. The lighting plan calls for fully cut-off fixtures. The locations are shown on Exhibit D-1 and the specifications are attached hereto, marked as Exhibit J.

32. There is an existing fire hydrant across Presumpscot Street from the existing structure. This is shown on Exhibit C. No additional hydrants are proposed. 33. The Applicant, 142 Presumpscot, LLC, is a single-member limited liability company with Mark Goldstein as its sole member. The applicant's address is 142 Presumpscot Street, Portland, Maine 04103. The estimated cost of the development is \$360,000.

34. The Applicant proposes to use the addition as the existing building is used, primarily as a warehouse with some floor space set aside for an office and/or product assembly. As can be seen on Exhibit H-1, the addition could be configured into as many as three separate spaces or used as a single warehouse. The demand of the market will dictate how it is divided. CFC may relocate into the new addition if a prospective tenant wishes to have visibility from Presumpscot Street. If not, CFC will likely stay where it is and allow new tenants to occupy the addition.

⁴ Applicant's counsel has confirmed via a telephone conversation with Marge Schmuckal, the Portland Zoning Administrator, that no upgrading of South Gratton Street will be required under Section 14-403 of the Portland Zoning Ordinance because the proposal is simply to build an addition to an existing structure that has adequate frontage on Presumpscot Street.

47. Attached and marked as Exhibit K is a commitment letter from Peoples Heritage Bank as evidence of the Applicant's financial capability to undertake and complete this project. The Applicant has entered into an agreement to hire SME Corporation to serve

44 -46. N/A

43. The only state permit needed is a storm water permit (i.e. MBPDES permit), for which the City has been delegated authority to grant on behalf of the Maine Department of Environmental Protection. No federal regulatory approvals are required.

42. The Applicant estimates it will take five (5) months to complete construction of the addition and all site improvements.

41. No problems with drainage or topography exist. See Exhibits E, F and G for further discussion.

40. A letter from the Portland Water District regarding the adequacy of the sewer and water lines to service the proposed addition will be coming under separate cover. The Applicant believes that Presumpscot Street, as a major industrial thoroughfare, is adequate to handle traffic generated by the businesses on the site once the addition is built.⁴

39. Solid waste removal is by a private contractor on an on-call basis. There is one dumpster on site. The contractor is called to remove it once it is full. Recyclable materials for the existing business - cardboard and scrap metal - are stored inside. Pickup by private recycling contractors is done on an on-call basis. These arrangements will be continued once the new addition is built unless a pattern of pick-up calls emerges that requires a different arrangement such as regularly scheduled pick up.

38. There are no existing or proposed easements or other burdens.
37. The total floor area of the existing building is 6,209 square feet. Total ground coverage on the Parcel is 13,437 square feet. The total floor area of the proposed addition is 9,865 square feet, including landings and stairways. Once the addition is built, total ground coverage on the Parcel will be 36,937 square feet.

36. The total land area of the site is 51,460.8 square feet.

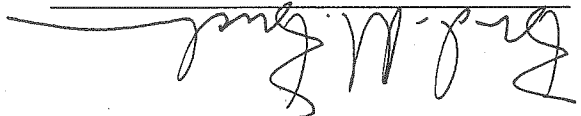
35. There is no residential use on the site. The abutting residential areas are described above.

10

as general contractor and construction manager if approval is granted. Bids will be solicited for the site work, electrical work and installation of mechanical systems. The construction plan is for the site work to be done first, the building to be put up second, and for landscaping, paving and signage to be completed while the interior framing and finish work is done.

Submitted on behalf of 142 PRESUMPSCOT LLC, this twenty-third day of May, 2003.

By:



Brenda M. Buchanan, Esq.

Attorney for Applicant

WARREN, CURRIER & BUCHANAN

57 Exchange Street

Portland, Maine 04101

Tel. 772-1262

12

19

EXHIBIT B
Property of 142 Presumpscot Street Limited Liability Company

The following real property, all located in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

PARCEL ONE:

Five (5) certain lots or parcels of land with the buildings thereon situated in the City of Portland, and being lots numbered one hundred forty-three (143), one hundred forty-four (144), one hundred forty-five (145), one hundred forty-six (146), and one hundred forty-seven (147) as shown on a plan of lots titled "Washington Avenue Gardens Annex" by Ernest W. Branch, Surveyor, dated October 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 49.

Said lots taken together measure one hundred sixty-two and seventy-six one hundredths (162.76) feet on Gratton Street; one hundred ten and sixty one hundredths (110.60) feet on Presumpscot Street; two hundred ten (210) feet on land plotted as Washington Avenue Gardens (see plan of lots titled "Washington Avenue Gardens" by Ernest W. Branch, Surveyor, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46), and one hundred (100) feet on Lot #148 on plan of Washington Avenue Gardens Annex, referenced above. Taken together, according to said plan, containing eighteen thousand six hundred thirty-seven (18,637) square feet, more or less.

ALSO, another lot or parcel of land with the buildings thereon situated on Presumpscot Street in said Portland and being lot numbered eighty-seven (87) as shown on a plan of lots titled "Washington Avenue Gardens" by Ernest W. Branch, Surveyor, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46.

Said lot numbered eighty-seven (87) measures thirty-three and eighteen one hundredths (33.18) feet on Presumpscot Street, one hundred four and seventeen one hundredths (104.17) feet on Lot #86 as shown on plan of Washington Avenue Gardens, referenced above, thirty (30) feet on Lot #88 as shown on said plan and ninety (90) feet on Lot #143 as shown on the plan titled "Washington Avenue Gardens Annex," referenced above.

Together with the fee, insofar as [Grantor Ashley W. Pike and Dianne J. Pike] had the right to convey the same, of all streets and ways shown on said plan(s) in common with the owners of the other lots shown on said plan(s) and subject to the right of all said lot owners to make any customary use of said streets and ways. Subject also to any restrictions of record.

MEANING AND INTENDING to describe all those premises conveyed by Ashley W. Pike and Dianne J. Pike to 142 Presumpscot Limited Liability Company in a deed dated April 25, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13047, Page 243.

14

PARCEL TWO:

Parcel I

Two (2) certain lots or parcels of land situated on Grafton Street in Portland in the County of Cumberland and State of Maine, being lots numbered One Hundred Fifty-five (155) and One Hundred Fifty-six (156) as shown on plan of lots at Washington Avenue Gardens Annex, said plan being made by Ernest W. Branch, Surveyor, dated October, 1920, and recorded with Cumberland County Deeds, Book of Plans 14, Page 49.

Said lots measure each thirty (30) feet in width by one hundred (100) feet in depth and contain, each, according to said plan, three thousand (3,000) square feet, more or less.

Together with the fee, insofar as [the Grantor Estate of Dominic Dorazio, Sr.] had the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

Parcel II

Real Estate Portland, Maine W. Side Grafton Street, lots 152, 153, 154
Plan Washington Avenue Gardens Annex
Plan 425, Block I, Lots 35, 36, 37, Area 9,000 feet

MEANING AND INTENDING to describe all those same premises described in a deed from Dominic Dorazio, Jr. and Rita M. Pramis, Co-Personal Representatives of the Estate of Dominic Dorazio, Sr. to 142 Presumpscot Limited Liability Company dated December 29, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13525, Page 161.

PARCEL THREE:

Two certain lots or parcels of land situated on Providence Street in Portland in the County of Cumberland and State of Maine, being lots numbered ninety-three (93) and ninety-four (94), as shown on plan of lots at Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, Surveyor, dated September, 1920 and recorded in the Cumberland County Registry of Deeds in Book of Plans 14, Page 26.

Said lots measure each thirty (30) feet in width by one hundred twenty-five (125) feet in depth and contain each, according to said plan, three thousand seven hundred fifty (3750) square feet, more or less.

Together with the fee, in so far as [Grantor Eulah V. Napolitano] had the right to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

All buildings shall be set back at least ten (10) feet from the street on which they front, except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

MEANING AND INTENDING to describe all those same premises conveyed by Eulah V. Napolitano to 142 Presumpscot Limited Liability Company by Warranty Deed dated July 20, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15617, Page 157.

EXCEPTING AND RESERVING therefrom the following portion of the above-described parcel, which was conveyed by 142 Presumpscot Limited Liability Company to Buy-The-Sea Properties, Inc. in a Warranty deed dated April 10, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16199, Page 9.:

Beginning on the northeasterly sideline of Providence Street, at the westerly corner of Lot Ninety-Two (92) shown on said plan; thence northwesterly along the sideline of Providence Street a distance of sixty feet (60') to the southerly corner of Lot Ninety-Five (95); thence northeasterly along the boundary line between Lots Ninety-Four (94) and Ninety-Five (95) on said plan a distance of one hundred feet (100') to a point; thence southeasterly and parallel with the sideline of Providence Street a distance of sixty feet (60') to the boundary line between Lots Ninety-Three (93) and Ninety-Two (92) as shown on said plan; thence southwesterly along said boundary line a distance of one hundred feet (100') to the place of beginning. Containing six thousand (6,000) square feet, more or less, and measuring thirty (30) feet in width by one hundred (100) feet in depth.

PARCEL FOUR:

Parcel I:

A certain lot or parcel of land, together with any buildings thereon, situated Northerly of, but not adjacent to, Providence Street, in said Portland, bounded as follows:

Beginning at the Northeasterly corner of Lot 90 as shown on Plan entitled "Washington Avenue Garden," recorded in Plan Book 14, Page 46 in the Cumberland County Registry of Deeds; thence in a Westerly direction along the Northerly line of said Lot 90 and along the Northerly lines of Lots 91 and 92 as shown on said Plan for a distance of Ninety (90') feet to a point and the Northwesterly corner of said Lot 92; thence in a Southerly direction along the Westerly line of said Lot 92 for a distance of Twenty-Five (25') feet to a point; thence in an Easterly direction on a course parallel with said Northerly lines for a distance of Ninety (90') feet to a point and the Easterly line of said Lot 90; thence in a Northerly direction

15
along said Easterly line for a distance of Twenty-Five (25') feet to the point and place of beginning.

Parcel II:

Beginning at a point along the easterly sideline a distance of ten (10') feet from the northeasterly corner of Lot numbered 88 as shown on a plan of lots entitled Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46; thence N 60° 0' 00" W a distance of sixty (60') feet along land now or formerly of Donald E. Neuts, to an iron rod set; thence N 30° E a distance of ten (10') feet to an iron rod set and land now or formerly of Ashley W. Pike et al; thence S 60° 0' 00" E a distance of sixty (60') feet to a point; thence S 29° 59' 49" W a distance of ten (10') feet to an iron rod set and point of beginning.

Meaning and intending to describe all those same premises conveyed by Ashley W. Pike and Dianne J. Pike to Coastal Equipment Corporation by deed dated April 17, 1996, which is recorded in the Cumberland County Registry of Deeds in Book 12491, Page 15, and corrected by a deed dated November 14, 2000 and recorded in the same Registry, Book 16956, Page 237.

Parcel III:

A certain lot or parcel of land, together with any buildings thereon, situated on the westerly side of Grafton Street, in said Portland, County of Cumberland, State of Maine, and being identified as Lots 148, 149, 150 and 151, as shown on plan of Washington Avenue Gardens Annex, recorded in Plan Book 14, Page 49, in the Cumberland County Registry of Deeds, reference to which is made for further details and particulars.

MEANING AND INTENDING to describe those three parcels conveyed by Coastal Equipment Corporation to 142 Presumpscot LLC by deed dated November 1, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16956, Page 241.

PARCEL FIVE:

Beginning at a set iron pin marked 1313 at the southwesterly corner of a 10' x 60' strip of land conveyed by the Grantors herein to Ashley W. Pike et al in a deed dated January 27, 1998 and recorded in the Cumberland County Registry of Deeds in Book 8960, Page 302, as corrected by subsequent deeds recorded in Book 12464, Page 294 and Book 13743, Page 132; thence South 60° 00' 00" East, a distance of four (4) feet; thence South 30° 00' 00" West a distance of fifteen (15) feet; thence North 60° 00' 00" West, a distance of four (4) feet to a set iron pin marked 1313; thence North 30° 00' 00" East, a distance of fifteen (15) feet, to the place of beginning.

1K

MEANING AND INTENDING to describe those same premises conveyed by Donald E. Neuts and Joan N. Neuts to 142 Presumpscot LLC by deed dated November 1, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16956, Page 239.


1m

STATE OF MAINE
CUMBERLAND, ss.

April 25 1997

Personally appeared the above-named Ashley W. Pike ^{and Diane J. Pike} and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public/Attorney at Law
DAVID E. CURRIER

pike.wd/2/B

RECEIVED
RECORDED REGISTRY OF DEEDS
97 APR 25 PM 4:00
CUMBERLAND COUNTY
John B O'Brien

IN

DK13525PG161

078157

DEED OF SALE BY PERSONAL REPRESENTATIVE
(Testate)
Maine Statutory Short Form

Know all Persons by these Presents,

MAINE REAL ESTATE TAX PAID

That DOMINIC DORAZIO, JR. AND RITA M. PRAMIS,
of Portland County of Cumberland State of Maine
duly appointed and acting ~~personal~~ representative of the estate of DOMINIC DORAZIO, SR.
deceased (testate), as shown by the probate records of the County of Cumberland Maine,
(and having given notice to each person succeeding to an interest in the real property described below at least
ten (10) days prior to the sale) ~~(as his executor and in accordance with the will of the said~~
~~deceased testator)~~ by the power conferred by the Probate Code, and every other power, for consideration
paid, grants to 142 PRESUMPCOT LIMITED LIABILITY COMPANY,
a Maine limited liability company of Portland,

County of Cumberland State of Maine
whose mailing address is 142 Presumpscot Street
Portland, Maine 04103

the real property in Portland County of Cumberland
State of Maine, described as follows:

See attached Exhibit A for legal description.



EXHIBIT A

PARCEL I

Two (2) certain lots or parcels of land situated on Grafton Street in Portland in the County of Cumberland and State of Maine, being lots numbered One Hundred Fifty-Five (155) and One Hundred Fifty-Six (156) as shown on plan of lots at Washington Avenue Gardens Annex; said plan being made by Ernest W. Branch, Surveyor, dated October, 1920, and recorded with Cumberland County Deeds, Book of Plans 14, Page 49.

Said lots measure each thirty (30) feet in width by one hundred (100) feet in depth and contain each, according to said plan, three thousand (3,000) square feet, more or less.

Together with the fee, insofar as we have the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

Being the same premises conveyed to Jimmie Dorazio by deed from Everett C. Wells dated April 4, 1928, and recorded in Cumberland County Registry of Deeds in Book 1296, Page 460, and this conveyance is made subject to all restrictions and reservations therein contained.

PARCEL II

The following described real estate situated in Portland in the County of Cumberland and State of Maine and more particularly described as, viz.:

Real Estate Portland, Maine Land W. Side Grafton St., Lots 152, 153, 154
Plan Washington Ave. Gardens Annex
Map 425, Blk. 1, Lots 35, 36, 37, Area 9000 sq. ft.

1p

BK13525PG163

Witness our hands and seal this 29th day of December, 19 97 .

Signed, Sealed and Delivered in presence of *Paul J. O'Connell*

ESTATE OF DOMINIC DORAZIO, SR.

By: *[Signature]* Dominic Dorazio, Jr., Co Pers. Rep.
By: *Rita M. Pramis* Rita M. Pramis, Co Pers. Rep.

State of Maine, County of Cumberland ss. December 29, 1997

Then personally appeared the above named Dominic Dorazio, Jr. and Rita M. Pramis, Co Personal Representatives of the Estate of Dominic Dorazio, SR. said capacity and acknowledged the foregoing instrument to be their free act and their

deed.

Before me,

RECEIVED
COUNTY OF DEEDS

1997 DEC 30 PM 3:33

CUMBERLAND COUNTY

John B. O'Brien

[Signature]

Notary Public
Attorney at Law

Printed Name:

David E. Currier

0040792

BK 5617PG 57

19

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that EULAH V. NAPOLITANO, of Portland, Maine, for consideration paid, grant to 142 PRESUMPCOT LIMITED LIABILITY COMPANY, a Maine limited liability company with a mailing address of 142 Presumpscot Street, Portland, Maine 04103, with WARRANTY COVENANTS, the land in Portland, County of Cumberland and State of Maine, described in Exhibit A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Eulah V. Napolitano has set her hand this 30 day of July, 2000.

Pattie - Coe
Witness

Eulah V. Napolitano
Eulah V. Napolitano

MAINE REAL ESTATE TAX PAID

STATE OF MAINE
COUNTY OF CUMBERLAND

July 20, 2000

Then personally appeared Eulah V. Napolitano, and acknowledged the foregoing instrument to be her free act and deed.

Before me,
Christine Strickland
Notary Public/Attorney at Law

CHRISTINE STRICKLAND
Notary Public, Maine
My Commission Expires September 2005
Typed or printed name of Notary

SEAL

1R

EXHIBIT A

BK 5617 PG 158

Two certain lots or parcels of land situated on Providence Street in Portland in the County of Cumberland and State of Maine, being lots numbered ninety-three (93) and ninety-four (94), as shown on plan of lots at Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, Surveyor, dated September, 1920 and recorded in the Cumberland County Registry of Deeds in Book of Plans 14, Page 26.

Said lots measure each thirty (30) feet in width by one hundred twenty-five (125) feet in depth and contain each, according to said plan, three thousand seven hundred fifty (3750) square feet, more or less.

Together with the fee, in so far as I have the right so to convey the same, of all the streets and ways shown on said plan, in common with the owners of the other lots shown on said plan, and subject to the right of all of said lot owners to make any customary use of said streets and ways.

All buildings shall be set back at least ten (10) feet from the street on which they front, except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

Being the same premises conveyed by deeds dated and recorded as follows: Edward F. Marlowe, April 20, 2000, Book 15434, Page 70; Daniel P. Marlowe, April 18, 2000, Book 15429, Page 325; Nancy Nelson, December 15, 1999, Book 15284, Page 15; Peter P. Marlowe, December 22, 1999, Book 15284, Page 17; Maryann Stillman, December 22, 1999, Book 15284, Page 19; Maynard T. Marlowe, Jr., December 30, 1999, Book 15284, Page 21; Kathleen A. Marlowe, December 30, 1999, Book 15284, Page 23; and Eulah V. Napolitano, Personal Representative of the Estate of Samuel C. Napolitano, dated September 21, 1999, Book 15072, Page 257.

RECEIVED
RECORDED REGISTRY OF DEEDS

2000 JUL 26 PM 1:27

CUMBERLAND COUNTY

John B. O'Brien

OUTSALE

15

0025491

BK16199PG009

WARRANTY DEED

MAINE REAL ESTATE TAX PAID

KNOW ALL PERSONS BY THESE PRESENTS THAT 142 PRESUMPCOT LIMITED LIABILITY COMPANY, a Maine limited liability company with a mailing address of 142 Presumpscot Street, Portland, Maine 04103, for consideration paid, grants to BUY-THE-SEA PROPERTIES, INC., a Maine corporation with a principal place of business in Scarborough, County of Cumberland and State of Maine, and a mailing address of 174 Highland Avenue, Scarborough, Maine 04074, with WARRANTY COVENANTS, the land in Portland, County of Cumberland and State of Maine, more particularly bounded and described as follows, to wit:

A certain lot or parcel of land situated on Providence Street in Portland, County of Cumberland and State of Maine, being a portion of Lot Ninety-Three (93) and a portion of Lot Ninety-Four (94) as shown on a plan titled "Washington Avenue Gardens, Portland, Cumberland County, Maine" by Ernest W. Brunch, Civil Engineer dated September, 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 26.

On such plan, said lots measure each thirty (30) feet in width by one hundred twenty-five (125) feet in depth. The portion of such lots conveyed herein measure thirty (30) feet in width by one hundred (100) feet in depth, and are more particularly described as follows:

Beginning on the northeasterly sideline of Providence Street, at the westerly corner of Lot Ninety-Two (92) shown on said plan; thence northwesterly along the sideline of Providence Street a distance of sixty feet (60') to the southerly corner of Lot Ninety-Five (95); thence northeasterly along the boundary line between Lots Ninety-Four (94) and Ninety-Five (95) on said plan a distance of one hundred feet (100') to a point; thence southeasterly and parallel with the sideline of Providence Street a distance of sixty feet (60') to the boundary line between Lots Ninety Three (93) and Ninety-Two (92) as shown on said plan; thence southwesterly along said boundary line a distance of one hundred feet (100') to the place of beginning. Containing six thousand (6,000) square feet, more or less.

Together with the fee, insofar as the Grantor has the right to convey the same, of all the streets and ways shown on said plan, in common with the owners of other lots shown on said plan, and subject to the rights of all of said lots owners to make any customary use of said streets and ways.

All buildings shall be set back at least ten (10) feet from the street on which they front, except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

MEANING AND INTENDING to describe and convey a portion of those premises conveyed to the Grantor herein by Eulah V. Napolitano by Warranty Deed dated July 20, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15617, Page 157.

IT

BK 16199PG010

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed this tenth day of April, 2001 by its duly authorized manager.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

142 PRESUMPCOT
LIMITED LIABILITY COMPANY

[Signature]

[Signature]
Mark C. Goldstein, Manager

STATE OF MAINE
CUMBERLAND, ss

Date: 4/10/01

Then personally appeared the above-named Mark C. Goldstein, in his capacity as Manager of 142 Presumpscot Limited Liability Company, and acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

[Signature]

Notary Public/Attorney at Law

BRENDA M. BUCHANAN

Printed Name

Commission Expires: N/A

RECEIVED
RECORDED REGISTRY OF DEED:

2001 APR 17 AM 10: 00

CUMBERLAND COUNTY

[Signature]

RELEASE DEED
MAINE STATUTORY SHORT FORM

KNOW ALL BY THESE PRESENTS THAT COASTAL EQUIPMENT CORPORATION, a Maine corporation with a principal place of business in Portland, County of Cumberland, State of Maine, and a mailing address of 142 Presumpscot Street, Portland, Maine 04103, for consideration paid, hereby **RELEASES** to 142 PRESUMPSCOT LIMITED LIABILITY COMPANY, a limited liability company organized under and in accordance with the laws of the State of Maine, which has a mailing address of 142 Presumpscot Street, Portland, Maine 04103, the property in Portland, County of Cumberland and State of Maine described as follows, to wit:

PARCEL ONE:

A certain lot or parcel of land, together with any buildings thereon, situated Northerly of, but not adjacent to, Providence Street, in said Portland, bounded as follows:

Beginning at the Northeasterly corner of Lot 90 as shown on Plan entitled "Washington Avenue Garden," recorded in Plan Book 14, Page 46 in the Cumberland County Registry of Deeds; thence in a Westerly direction along the Northerly line of said Lot 90 and along the Northerly lines of Lots 91 and 92 as shown on said Plan for a distance of Ninety (90') feet to a point and the Northwesterly corner of said Lot 92; thence in a Southerly direction along the Westerly line of said Lot 92 for a distance of Twenty-Five (25') feet to a point; thence in an Easterly direction on a course parallel with said Northerly lines for a distance of Ninety (90') feet to a point and the Easterly line of said Lot 90; thence in a Northerly direction along said Easterly line for a distance of Twenty-Five (25') feet to the point and place of beginning.

MEANING AND INTENDING to describe and release and hereby releasing all right, title, and interest the Grantor may have in the above-described property, which was conveyed to the Grantor by deed of Carnu, Inc. dated February 29, 1996 and recorded in the Cumberland County Registry of Deeds in Book 12491; Page 14.

PARCEL TWO:

Beginning at a point along the easterly sideline a distance of ten (10') feet from the northeasterly corner of Lot numbered 88 as shown on a plan of lots entitled Washington Avenue Gardens belonging to Everett C. Wells, said plan being made by Ernest W. Branch, dated September 1920 and recorded in the Cumberland County Registry of Deeds in Plan Book 14, Page 46; thence N 60° 0' 00" W a distance of sixty (60') feet along land now or formerly of Donald E. Neuts, to an iron rod set; thence N 30° E a distance of ten (10') feet to an iron rod set and land now or formerly of Ashley W. Pike et al; thence S 60° 0' 00" E a distance of sixty (60') feet to a point; thence S 29° 59' 49" W a distance of ten (10') feet to an iron rod set and point of beginning.

MEANING AND INTENDING to describe and release and hereby releasing all right, title, and interest the Grantor may have in the above-described property, which was conveyed to the Grantor by deed of Ashley W. Pike and Dianne J. Pike dated April 17, 1996, which is recorded in the

12

Cumberland County Registry of Deeds in Book 12491, Page 15, and corrected by a deed of substantially even date to be recorded herewith.

PARCEL THREE:

A certain lot or parcel of land, together with any buildings thereon, situated on the westerly side of Grafton Street, in said Portland, County of Cumberland, State of Maine, and being identified as Lots 148, 149, 150 and 151, as shown on plan of Washington Avenue Gardens Annex, recorded in Plan Book 14, Page 49, in the Cumberland County Registry of Deeds, reference to which is made for further details and particulars.

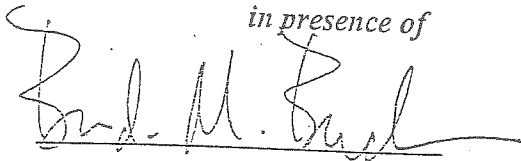
MEANING AND INTENDING to describe and release and hereby releasing all right, title and interest the Grantor may have in the above-described property, which was conveyed to the Grantor by deed of Pike Bros. Inc, dated February 29, 1996, which is recorded in the Cumberland County Registry of Deeds in Book 12491, Page 16.

IN WITNESS WHEREOF, Mark C. Goldstein, President of Coastal Equipment Corporation, has hereunto set his hand and seal this 1st day of ~~October, 2000~~

NOVEMBER 2001

SIGNED, SEALED and DELIVERED

in presence of



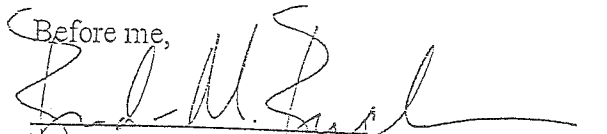


Mark C. Goldstein, President
Coastal Equipment Corporation

STATE OF MAINE
CUMBERLAND, ss

Date: 11/1/01

Then personally appeared the above named Mark C. Goldstein, in his capacity as President of Coastal Equipment Corporation, who acknowledged the foregoing instrument to be his free act and deed in said capacity.

Before me,

Notary Public ATTORNEY AT LAW

BRENDA M. BUCHANAN
Printed Name

Commission Expires: N/A

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 NOV 14 PM 1:46

CUMBERLAND COUNTY

QUITCLAIM DEED WITHOUT COVENANT
(RELEASE DEED)
MAINE STATUTORY SHORT FORM

KNOW ALL PERSONS BY THESE PRESENTS, THAT we, DONALD E. NEUTS and JOAN N. NEUTS, of Falmouth, County of Cumberland and State of Maine, with a mailing address of 27 Rebecca Way, Falmouth, Maine 04015, for consideration paid, RELEASE to 142 PRESUMPCOT LLC, a Maine limited liability company with a principal place of business in Portland, County of Cumberland, State of Maine, and a mailing address of 142 Presumpscot Street, Portland, Maine 04103, the land in Portland, County of Cumberland and State of Maine, with any improvements thereon, bounded and described as follows:

Beginning at a set iron pin marked 1313 at the southwesterly corner of a 10' x 60' strip of land conveyed by the Grantors herein to Ashley W. Pike et al in a deed dated January 27, 1998 and recorded in the Cumberland County Registry of Deeds in Book 8960, Page 302, as corrected by subsequent deeds recorded in Book 12464, Page 294 and Book 13743, Page 132; thence South 60° 00' 00" East, a distance of four (4) feet; thence South 30° 00' 00" West a distance of fifteen (15) feet; thence North 60° 00' 00" West, a distance of four (4) feet to a set iron pin marked 1313; thence North 30° 00' 00" East, a distance of fifteen (15) feet, to the place of beginning.

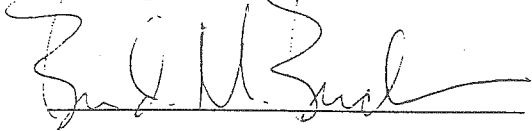
MEANING AND INTENDING to describe and release and hereby releasing all right, title, and interest the Grantors may have in the above-described 15' x 4' foot parcel, which is a portion of the premises conveyed to the Grantors herein by Arthur C. Dudley by deed dated August 10, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6533, Page 7.

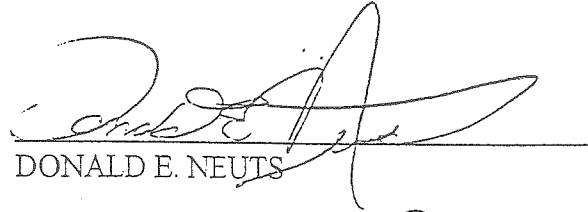
MAINE REAL ESTATE TAX PAID

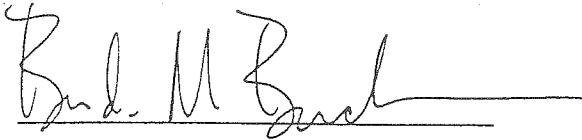
SIGNED, SEALED AND DELIVERED

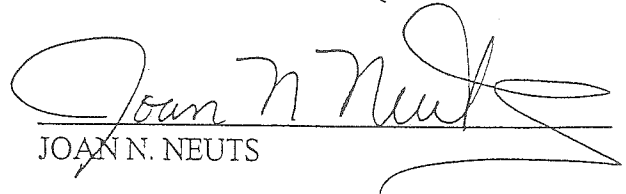
November 1, 2001

in the presence of




DONALD E. NEUTS




JOAN N. NEUTS

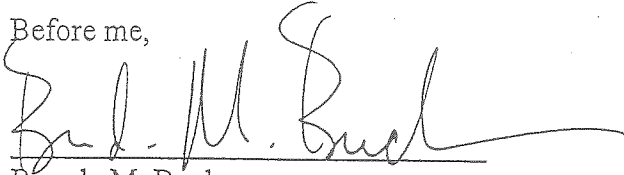
IX

STATE OF MAINE
CUMBERLAND, ss

November 1, 2001

Then personally appeared the above-named DONALD E. NEUTS and JOAN N. NEUTS who acknowledged the foregoing instrument to be their free act and deed.

Before me,



Brenda M. Buchanan
Attorney at Law

RECEIVED
RECORDED REGISTRY OF DEEDS

2001 NOV 14 PM 1:45

CUMBERLAND COUNTY

John B. [Signature]

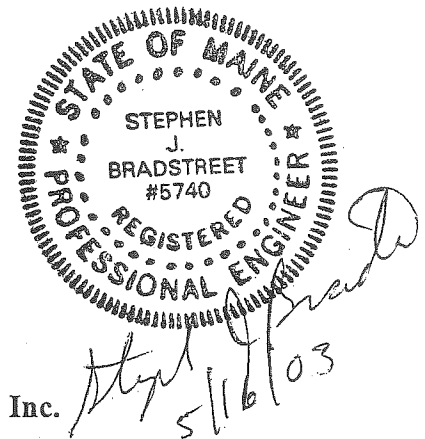
**STORMWATER MANAGEMENT REPORT
FOR
COASTAL EQUIPMENT CORPORATION
WAREHOUSE ADDITION**

Submitted to:

**City of Portland
389 Congress Street
Portland, Maine 04101**

Submitted by:

**Environmental Engineering & Remediation, Inc.
222 St. John Street
Suite 314
Portland, Maine 04102**



May 16, 2003

Stormwater Management Report
for
Coastal Equipment Corporation Warehouse Addition
Portland, Maine

PROJECT'S HYDROLOGICAL LOCATION

The Coastal Equipment Corporation Warehouse is located at 142 Presumpscot Street off of Washington Avenue in Portland. The site is located approximately 1000 feet west of the Presumpscot River, where the stormwater ultimately flows. At this point, the Presumpscot River quickly runs into the Atlantic Ocean. There is no surface water abutting the site.

PRE-DEVELOPMENT CONDITIONS

The project parcel consists of scrub trees, and impervious area such as pavement, building, and gravel area. The site consists primarily of three watershed areas. Flow from Subarea 1 flows from a high point at the northwest corner of the site across the northern portion of the property, and into a catch basin situated next to the site at the intersection of Presumpscot Street and Grafton Street. Subarea 2 sheet flows from the western end of the property, through the scrub trees and gravel areas, into a catch basin at the southern end of the site. Subarea 3 contains a small flow that sheet flows straight offsite towards Presumpscot Street.

POST-DEVELOPMENT CONDITIONS

Conditions in post-development change fairly significantly. The 9,865 square foot warehouse addition, along with additional parking area, occupy a large portion of impervious area that existed as mostly gravel and woods area in pre-development. In post-development, the site consists primarily of four watershed areas. Flow from Subarea 1 runs from the western corner of the site, across the parking lot and into a catch basin approximately 130 feet away. Flow from Subarea 2 sheet flows off the roof of the proposed warehouse addition, onto the parking lot located to the northeast, and into a catch basin at the northeast corner of the site. Flow from Subarea 3 sheet flows from the edge of the parking lot pavement into a catch basin positioned at the southern portion of the site. Subarea 4 is comprised of a small flow path that sheet flows straight offsite towards Presumpscot Street.

STORMWATER RUNOFF CALCULATIONS

Stormwater runoff calculations for this project were made using the Hydro CAD computer program, which is based on the Soil Conservation Service's TR-20 methodology. Runoff was predicted based on the type III storm. Three storms were modeled; the two-year storm (3.0 inches in 24 hours); 10-year storm (4.7 inches in 24 hours); and the 25-year storm (5.5 inches in 24 hours). The drainage areas were planimetered off the plans. Rainfall intensities

were determined based on the rainfall intensity curves for Portland for each storm event. With this information the peak discharge in CFS was determined for the three different storm events.

Curve numbers (CN's) were developed based on the soils, site topography, existing and proposed conditions. Times of concentration were developed based on runoff flow paths for each watershed with knowledge of existing conditions.

Based on the calculations presented in Appendix A, the stormwater results are tabulated below.

Subarea	Pre-Development (cfs)		
	2 Year	10 Year	25 Year
1	0.32	0.68	0.87
2	0.70	1.23	1.49
3	0.44	0.70	0.82
Total Offsite Flow	1.46	2.61	3.18

Subarea	Post-Development (cfs)		
	2 Year	10 Year	25 Year
1	1.10	1.91	2.29
2	1.26	2.00	2.35
3	0.53	1.03	1.27
4	0.37	0.60	0.70
Total Offsite Flow	3.26	5.54	6.61

Analysis Point	Pre-Development (cfs)			Post-Development (cfs)		
	2 Year	10 Year	25 Year	2 Year	10 Year	25 Year
1	0.32	0.68	0.87	0.53	1.03	1.27
2	0.70	1.23	1.49	2.22	3.74	4.45
3	0.44	0.70	0.82	0.37	0.60	0.70
Total Offsite Flow	1.46	2.61	3.18	3.12	5.37	6.42

SUMMARY AND CONCLUSIONS

The total offsite flow from pre-development to post-development has increased within the new addition and paved parking lot. However, approximately 70% of the site drains to a 36" stormdrain within Grafton Street. The increase of approximately 2.50 CFS during a 10-year storm will peak before the upstream watershed runoff reaches the same analysis point. Therefore it is expected that there will be insignificant impact to the existing stormdrain system and will not present an adverse affect to this property or the abutting properties.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Decker, Secretary
Nan Sawyer
Julie Brady
Joe Lewis
Kimberly Boggiatto
William Hall

EXHIBIT I

April 28, 2003

Brenda M. Buchanan
Warren Currier & Buchanan
57 Exchange Street
Portland, Maine 04101-5020

RE: 142 Presumpscot St.
CBL: 425-I-4-7, 33-35, 37, 38-44
ZONE: R-5 and I-L

Dear Ms. Buchanan,

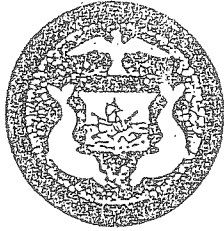
As you know, at its April 17, 2003 meeting, the Board of Appeals voted 5-1 to grant the Miscellaneous Appeal to allow parking in the R-5 Zone for a proposed addition in the I-L Zone.

Enclosed you will find a copy of the Board's decision.

Sincerely,



Karen Dunfey
Inspection Services



CITY OF PORTLAND

MISCELLANEOUS APPEAL

DECISION

For The Record

Names and addresses of witnesses (proponents, opponents and others):

<u>Barry Hosmer</u>	} for applicant	<u>Jim Drake 160 Presumpscot</u>
<u>Mark Goldstein</u>		
<u>Leo Gagnon 107 Providence St</u>		

Exhibits admitted (e.g. renderings, reports, etc.):

Applicant: 142 Presumpscot LLC
Address: 142 Presumpscot St

Findings of Fact Request - parking in R5 zone pursuant to 14-344

- The Board finds as fact that: parking will be limited to passenger
accessory to the industrial
- lot where the parking is proposed is under the control of the owner
- lot is located within 300 feet of the principal building
- The finding(s) of fact above-stated is (are) based on the following reasons:

Determination of Law

- The Board concludes that:
- The conclusion (s) above-stated is (are) based on the following reasons:

Conclusion.

After public hearing on April 17, ²⁰⁰³ ~~49~~, and for the reasons above-stated, the accompanying application is hereby (check one).

X granted. 6 in favor 1 against

 granted subject to the following condition(s):

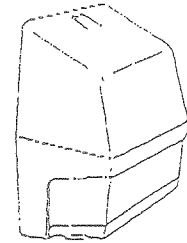
 denied.

Dated: April 17, 2003

Cathy E. Dunn
Secretary of the Board

NITE BRITES

WLC-CUTOFF WALL LIGHT-H.I.D. 50-70 watt Metal Halide 35-70 watt High Pressure Sodium



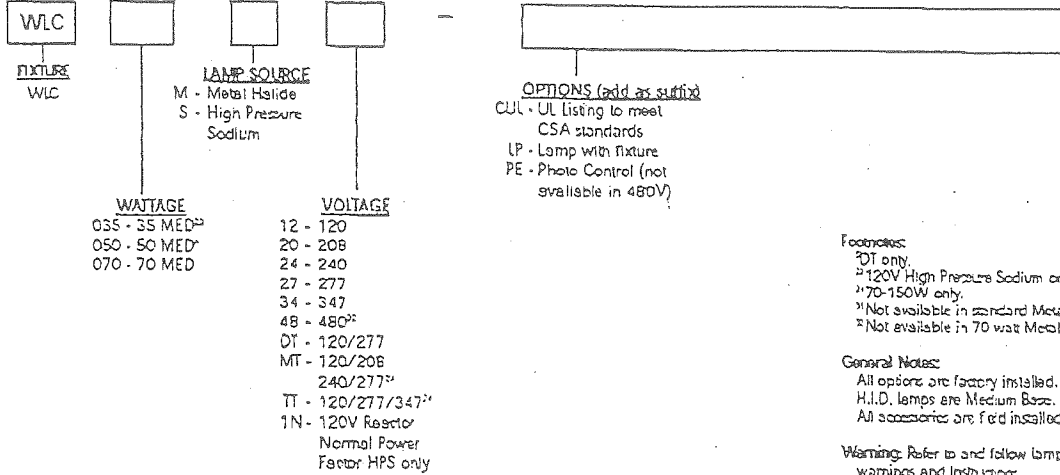
JOB NAME _____

TYPE _____

The Cutoff wall light features a lens trim that eliminates uplight, making it ideal for installations where keeping the sky dark, light pollution and light trespass are a primary concern.

ORDERING MATRIX

SAMPLE CATALOG NUMBER: WLC070MDT-IP



Footnotes:
¹DT only.
²120V High Pressure Sodium only.
³70-150W only.
⁴Not available in standard Metal Halide.
⁵Not available in 70 watt Metal Halide.

General Notes:
 All options are factory installed.
 H.I.D. lamps are Medium Base.
 All accessories are field installed.

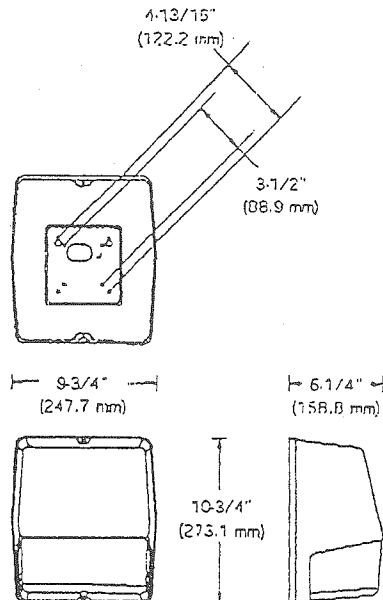
Warning: Refer to and follow lamp manufacturer's warnings and instructions.

ACCESSORIES (order separately)

- WLS-SB - Die cast aluminum surface mounting box
- WLS-PEC12 - Photo control 120 volt
- WLS-PEC27 - Photo Control 208-277 volt
- WLS-TP - Tamper proof screws

(For additional descriptions of Wall Light accessories refer to sheet number OA-50030.)

DIMENSIONS



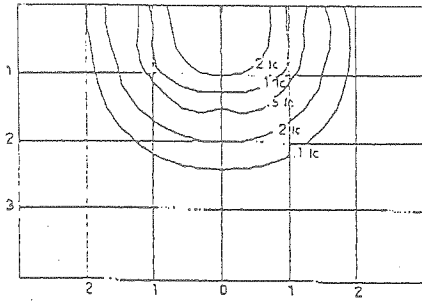
ENERGY DATA

HIGH PRESSURE SODIUM	
REACTOR BALLAST INPUT WATTS	35 watt-46 watts
HX-HPF BALLAST INPUT WATTS	50 watt-66 watts
	70 watt-91 watts
METAL HALIDE	
HX-HPF BALLAST INPUT WATTS	50 watt-72 watts
	70 watt-90 watts

WEIGHT = 12 lbs. (max.)

WL-43120

PHOTOMETRICS

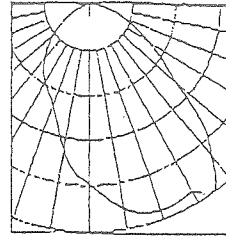


UNITS SHOWN IN TERMS OF MOUNTING HEIGHT
INITIAL FOOTCANDLES SHOWN

CATALOG NUMBER: WLC050M
 TEST NUMBER: 23260
 LAMP: METAL HALIDE
 WATTAGE: 50
 LUMENS: 3,100
 TILT ANGLE: 0°
 MOUNTING HEIGHT: 10 FEET

LIGHT LEVEL MULTIPLYING FACTORS	
MOUNTING HEIGHT	MULTIPLIER
20'	0.25
15'	0.44
12'	0.69
10'	1.00
8'	1.56

POLAR GRAPH



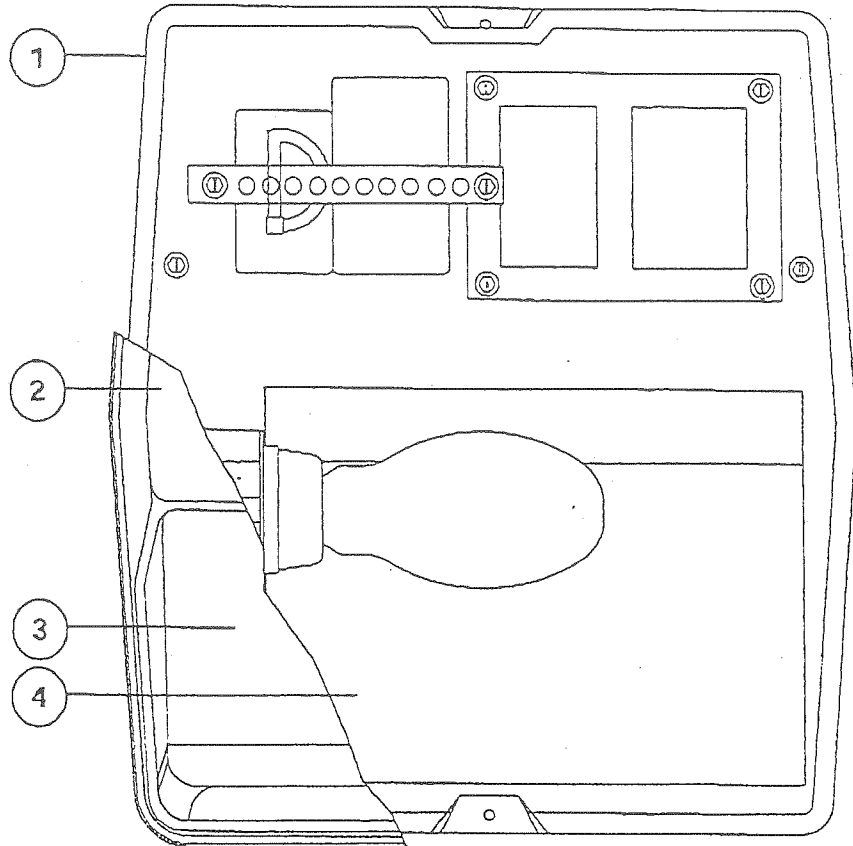
ADDITIONAL TEST NUMBERS

DESCRIPTION/CATALOG NUMBER	TEST NUMBER
WLC070M	23260-1P

PRODUCT FEATURES

UL 1598 Listed wet location and 25°C ambient for all lamp wattages listed. Optional NSF Certification for Non Food Zone areas.

1. Mounts directly to 3-1/2" octagon or 4" square outlet box or can be surface mounted with WLS-SB (ordered separately).
2. Decorative one piece injection molded front housing is a UV stabilized polycarbonate for vandal resistance and long life.
3. Lens is painted dark bronze and exposes only the bottom portion of the clear lens, helping to eliminate uplight that leads to unwanted light pollution and light trespass.
4. Formed, diffuse-white reflector provides smooth light distribution.



Visit our web site at www.daybritelighting.com

776 South Green Street Tupelo, MS 38804 Phone: 662-842-7212 Fax: 662-841-5501

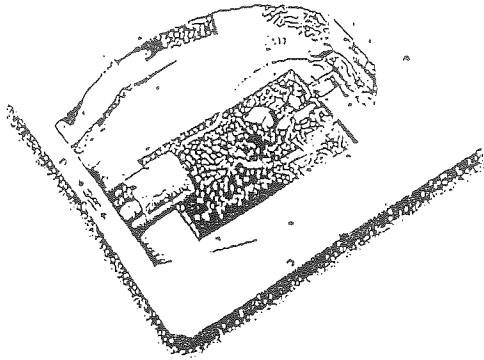
WL-43120

189 Bullock Drive Markham, Ontario Canada L3P 1W4 Phone: 905-294-9570 Fax: 905-294-6511
 Day-Brite Lighting reserves the right to make changes without notice. ©February 2003. DL2.SMO203
 Day-Brite Lighting is a Genlyte Thomas Group.



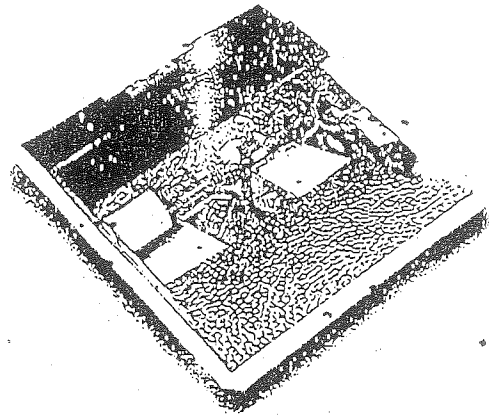
OPTICS AND PHOTOMETRICS

The quality of a cutoff luminaire is measured by how well it controls and distributes light. Ecolume/Decolume features a segmented optical system consisting of two levels of highly specular facets precisely aligned to distribute light in controlled patterns. This sophisticated optical system provides high efficiencies, uniform distribution and superior brightness control.



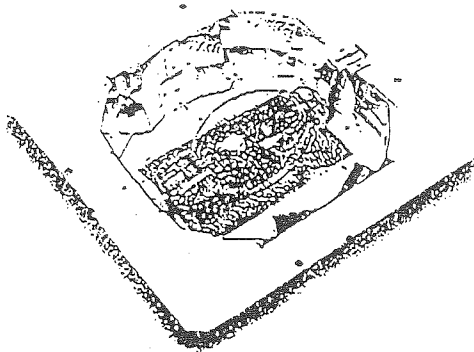
TYPE II (2H) & III (3H)

These reflector systems create an asymmetric distribution pattern with wide lateral throw. Type II and Type III distributions work well in walkway and roadway applications where more light is required "street side" than "house side."



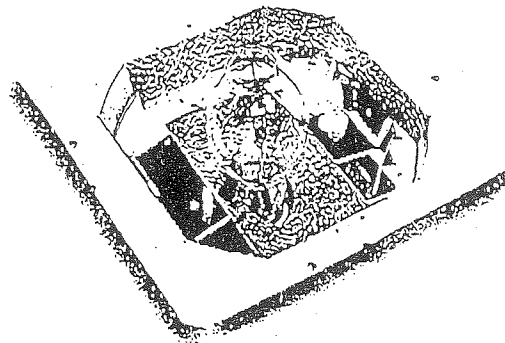
* FORWARD THROW (FH)

The Type IV Forward Throw reflector is suitable for applications where light is primarily required in one direction with minimal backlight. Typical installations include perimeter lighting, auto dealerships and tennis courts.



TYPE V HORIZONTAL (QH)

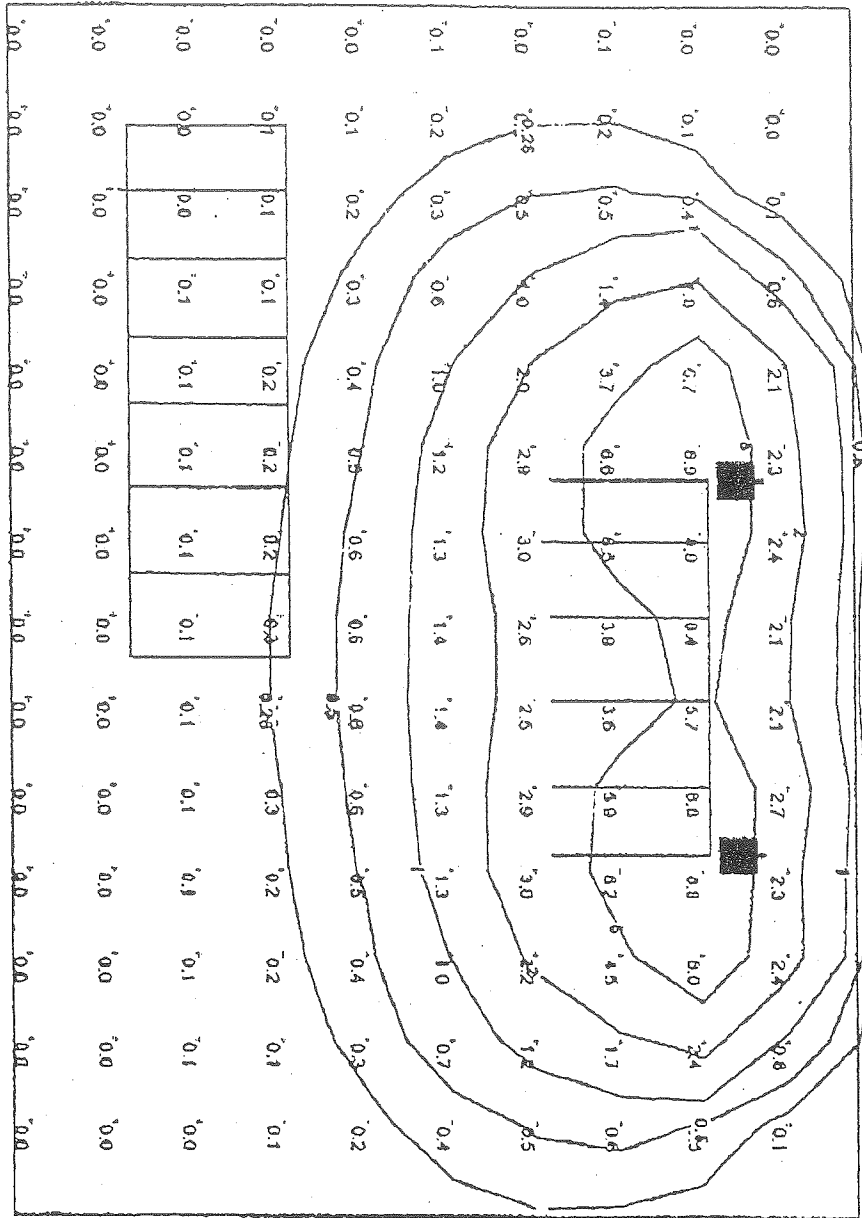
The Type V square creates a symmetrical pattern for efficiently illuminating large areas. Good spacings are combined with excellent glare control with the horizontal lamp Type V reflector.



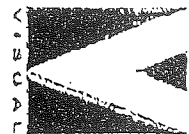
VERTICAL LAMP(3V)(FV)(QV)

A vertical lamp position makes this the most efficient optical system available for uniform illumination of large parking areas without pattern overlap. The two-position socket offers remarkable design flexibility. The standard lamp socket position provides superior spacings while meeting IES criteria for cutoff of high angle brightness. A lower socket position creates a system for the widest spacings available while still meeting IES semi-cutoff criteria.

For more information about vertical lamp choices, please turn to pages 8-9.



Plan View
 Scale 1" = 20'



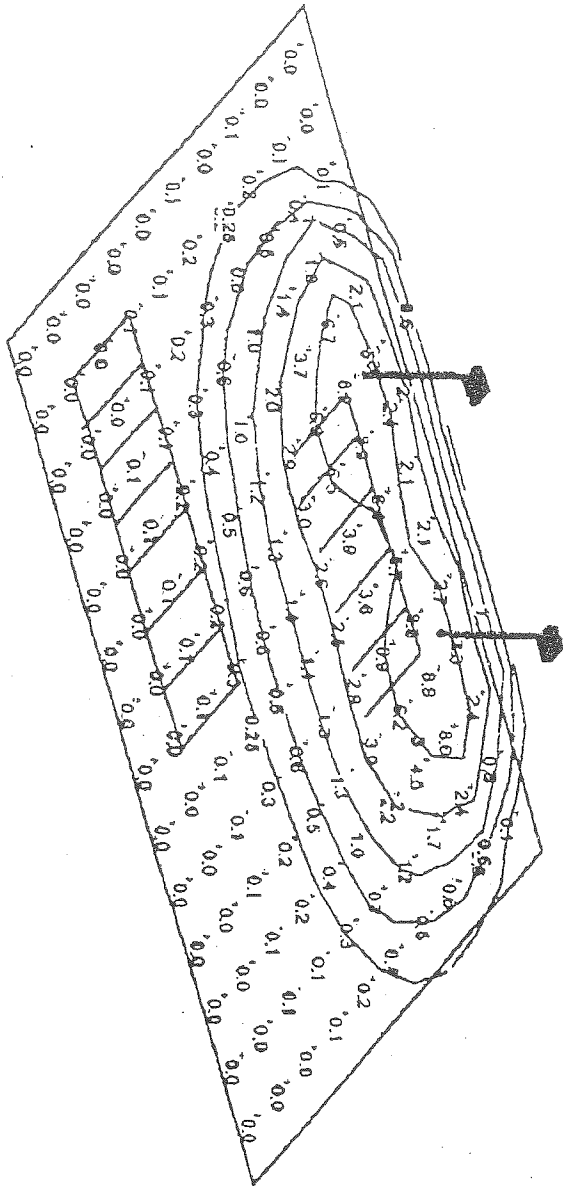
PARKING LOT

Designer
 J.BYRNE

Date
 Apr 30 2003

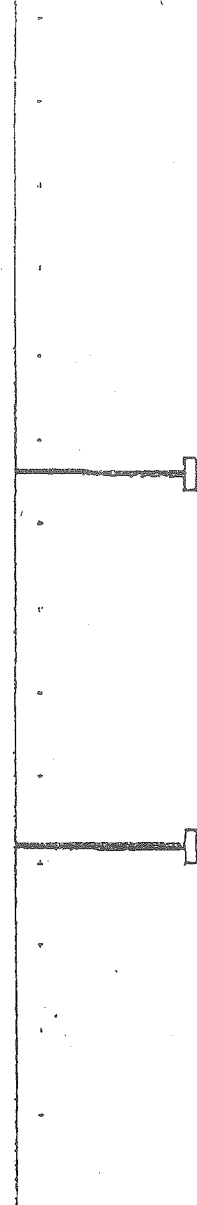
Scale

Drawing No.

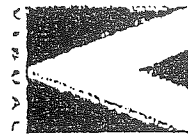


Southwest View
Not to Scale

South Elevation
Scale 1" = 20'



PARKING LOT



Designer
JBYRNE

Date
Apr 30 2003

Scale

Drawing No.

3 of 3

Exhibit K



A division of Banknorth, N.A.

April 7, 2003

Mark C. Goldstein
142 Presumpscot Limited Liability Company
P.O. Box 1118
Portland, ME 04104

Dear Mark:

Banknorth, N. A. ("Bank") is pleased to advise you of its commitment to make a loan (the "Loan") on the following terms and conditions:

BORROWER: 142 Presumpscot Limited Liability Company

GUARANTOR: Mark C. Goldstein

PURPOSE: The proceeds of the Loan will be used by Borrower to fund the construction of an addition to the building situated at 142 Presumpscot Street, Portland, Maine. The land and the improvements situated at 142 Presumpscot Street, Portland, Maine are hereinafter collectively referred to as the "Project".

AMOUNT: \$420,000.00

TERM: The term of the Loan is ten (10) years and six (6) months, with a construction period of six (6) months, and a permanent loan period of ten (10) years with amortization based on a twenty (20) year schedule.

INTEREST RATE: For the initial six (6) months of the term of the Loan, the Loan shall bear interest at a variable rate in which the interest rate will fluctuate in accordance with the Prime Rate as published in the Money rates section of the Wall Street Journal (the "Base rate"). The interest rate shall be the variable Base rate plus one percent (1.00%) per annum. The current Wall Street Journal Prime Rate is four and one-quarter percent (4.25%).

After the initial six (6) months of the Loan term, the Loan shall bear interest at a fixed rate of Bank's cost of borrowing funds from the Federal Home Loan Bank as of the day of conversion plus two and one-half percent (2.50 %) for a term of five (5) years. The current Federal Home Loan Bank advance rate is three and fifty-two hundredths percent (3.52%).

Should the term of the initial or subsequent fixed rate period be less than the term of the Loan, then upon expiration of the fixed rate period the interest rate on the Loan will be renewed for another fixed rate term of five (5) years at the then current cost of borrowing from the Federal Home Loan Bank plus two and one-half percent (2.50%) or revert to a variable rate of interest at the Wall Street Journal Prime Rate plus one percent (1.00%) adjusted daily at Borrower's option.

All interest hereunder shall be computed on the basis of the actual number of days elapsed over a 360-day year.

DEFAULT INTEREST RATE. Bank shall have the right to charge interest, payable on demand, on the unpaid principal balance of the Loan at an interest rate of six percent (6%) per annum in excess of the rate of interest otherwise payable for any period during which the Borrower shall be in default under any document governing or securing the Loan.

PAYMENT:

Payments of interest only shall be due monthly commencing one month after closing for six (6) months. Commencing with the seventh (7th) payment, regular monthly payments of principal and interest shall commence in accordance with the interest rate alternative selected. Any unpaid principal and accrued interest shall be due and payable at maturity.

PREPAYMENT:

For any prepayments made while a fixed rate of interest is in effect, this Loan is subject to a prepayment premium for any unscheduled partial or full prepayment equal to the greater of one percent (1%) of the amount prepaid or one hundred percent (100%) of the present value of the lost cash flow on the Loan based upon the contract rate at the Federal Home Loan Bank as of the day of closing, or the day of conversion to a fixed rate, less the contract rate as of the day of prepayment for a new advance of the same remaining maturity, discounted at the new advance rate.

**LATE
CHARGE:**

Borrower shall pay to Bank a late charge of six percent (6%) of any scheduled payment of principal and/or interest which is not paid within fifteen (15) days of the date when due.

COMMITMENT

FEE:

Bank shall be paid a commitment fee of one-quarter of one percent (.25%) of the Loan amount payable at closing.

SECURITY:

Collateral for the Loan shall consist of the following:

A second priority mortgage lien on the Project.

A second priority security interest in personal property, fixtures, furnishings and equipment necessary for operation of the Project.

A second priority assignment of leases and rentals, and of all income realized under the leases. All leases shall be subordinate to Bank's mortgage, and shall be subject to Bank's review and acceptance.

An assignment of the fixed price contract and all other agreements between Borrower and its general contractor, subcontractors, architects, engineers and other such contracting parties along with a consent of all contracting parties to such assignment.

An assignment of all plans, specifications, documents, approvals, licenses and permits necessary for the construction, use and operation of the Project and any additional property which is to serve as collateral for the Loan.

This Loan and the collateral for the Loan will be cross-defaulted and cross-collateralized with all other loans and all collateral securing said loans of Borrower with Bank.

Borrower hereby authorizes the Bank to file, in advance of closing, financing statements evidencing any security interests described above.

At closing, Bank may require that Borrower establish a tax escrow account for the purpose of funding upcoming tax payments. Such an account shall be established and maintained pursuant to a Tax Escrow Agreement satisfactory to Bank. Likewise, the Mortgage shall provide that Bank may require the maintenance of a tax escrow account so that such accounts may be established in the future, should Bank elect not to require the establishment of such accounts at closing.

142 Presumpscot Limited Liability Company

April 7, 2003

Page 4

GUARANTY:

Unlimited Guaranty:

Mark C. Goldstein ("Guarantor") shall unconditionally (and jointly and severally if there is more than one Guarantor) guarantee the payment and performance of all obligations of Borrower under the Loan documents.

COVENANTS OF BORROWER:

Debt Service Coverage:

Borrower will maintain a debt service coverage ratio of at least 1.10 to 1.00. The calculation for this ratio will be (Net Income after Tax + Depreciation/Amortization + Interest +/- Non-Recurring Items-Distributions) divided by required (Annual Principal & Interest Payments). Non-Recurring items will include other income/expenses that are not part of the normal ongoing operations of the company, as determined by the Bank.

The Loan covenant will be tested annually beginning fiscal year ending December 31, 2004.

TENANT ESTOPPEL CERTIFICATES:

Bank will be provided with current estoppel certificates or other like agreement signed by all tenants, acknowledging that the leases are in full force and effect, that the tenants are in occupancy, doing business and paying rent on a current basis with no rental offsets or claims, that there has been no prepayment of rent other than that provided for in the leases, and that there are no actions pending against any of the tenants under applicable bankruptcy laws.

CONSTRUCTION LOAN REQUIREMENTS:

The Loan proceeds shall be advanced under Bank's standard Construction Loan Agreement and in accordance with such other terms as Bank or its counsel shall require. To assist you in planning for the closing on this Loan, be advised that, among other things, the Bank will require the following:

A detailed budget for the cost of constructing the Project, together with copies of executed bids and contracts with the general contractor and any subcontractors or suppliers which must be approved by Bank.

A schedule of the estimated dates of commencement and completion of the construction of the Project, prepared by the general contractor and approved by Borrower.

Two complete sets of the final plans and specifications for the construction of the Project, together with a certificate from a qualified architect that the final plans and specifications were prepared in accordance with good architectural and engineering practices and comply with all applicable federal, state and local laws, ordinances, codes, rules and regulations, including but not limited to those relating to zoning, building, fire prevention, health, safety, handicap access, historic preservation, wetlands and flood control.

Evidence satisfactory to Bank and Bank's counsel that all permits, licenses and approvals required for the construction and use of the Project under applicable laws, ordinances, codes, rules and regulations and under the terms of any restriction, easement or covenant affecting the Land have been obtained, together with a legal opinion to such effect from Borrower's counsel.

Inspection Fees:

Bank shall be paid an inspection fee of \$275.00 for each inspection made by Bank's inspection staff or independent inspector. Bank, or any of its officers or employees, or any inspector retained by Bank will not assume any obligations to Borrower or any other party concerning the quality of the construction of the Project as a result of any such inspection activities.

Borrower will require its general contractor to obtain and maintain at all times during the construction of the Project the insurance required by the general contractor's contract approved by Bank and such other insurance as may be reasonably required by Bank, including, without limitation, commercial general liability insurance, contractor's liability insurance, comprehensive automobile liability insurance, all-risk contractor's equipment floater insurance, employer liability insurance, and worker's compensation insurance.

At the time of Loan closing, Borrower will deposit with Bank funds in an amount equal to the difference between the amount of the Loan and total Project costs shown on the Project budget approved by Bank. Any required funds will be disbursed in the same manner as advances of the Loan and will be disbursed prior to any advances of the Loan. In addition, if Bank at any time determines, in its sole discretion, that the remaining undisbursed portion of the Loan is or will be

insufficient to pay for all Project costs, Borrower will, within five (5) days after written notice of such determination by Bank, deposit with Bank such funds as Bank may require, in an amount sufficient to remedy the condition described in such notice, and until so deposited Bank shall have no obligation to make any further advances of the Loan.

COMPLIANCE WITH LAW

This commitment is subject to the Project's compliance with all applicable federal, state and local laws, regulations, and ordinances pertaining to, without limitation, land use, the environment and equal access to public accommodations. If required by Bank or its counsel, Borrower's counsel shall provide written opinions regarding these issues.

SURVEY:

Prior to Loan closing, Borrower shall submit to Bank for its approval a current instrument survey of the land which shall be certified to Bank and the title insurance company. The survey shall be prepared by a Registered Land Surveyor and shall show dimensions of any improvements, easements, rights-of-way, encroachments, established building and street lines and such other details as Bank may require. If the proceeds of the Loan are to be for the construction of the Project, Borrower shall provide to Bank additional surveys as required by Bank, including but not limited to a survey showing the location of the foundations of the Project when completed, and an as-built survey upon completion of construction of the Project.

TITLE REQUIREMENTS:

Borrower shall provide to Bank prior to Loan closing a commitment for a mortgagee's title insurance policy with respect to the Project from a title insurer acceptable to Bank in the face amount of \$420,000.00 for a policy in standard ALTA form insuring Bank that Borrower holds marketable fee simple title and that the mortgage securing the Loan will create a valid, enforceable and second priority lien on Borrower's title to such property, subject only to such exceptions as Bank may approve in writing. The policy shall further contain such endorsements or affirmative insurance as Bank in its discretion may require. The cost of the title insurance shall be paid by Borrower.

ENVIRONMENTAL:

Borrower shall acknowledge that the Project was previously operated as an auto body shop under a MAACO franchise by a prior occupant ("MAACO Operator") and that the MAACO Operator failed to obtain closure confirmation from federal and state regulators when the MAACO Operator ceased operation at the Project. Borrower agrees that they will cause the MAACO Operator to obtain such closure confirmations, or shall obtain such closure confirmations directly, in either case to the satisfaction of Bank, within six (6) months from the date hereof. Failure to do so within six (6) months of the date hereof shall constitute a default under the Loan.

The Loan documents shall contain the agreement of Borrower and any Guarantor to indemnify and hold Bank harmless with respect to the release of any hazardous materials or waste and noncompliance with environmental laws, which agreement shall survive the repayment of the Loan and the exercise by Bank of any of its rights and remedies under the Mortgage

FINANCIAL STATEMENTS:

Ongoing Financial Reporting:

Annual

During the term of the Loan, Borrower shall submit to Bank balance sheets and operating statements with respect to Coastal Equipment Corporation within ninety (90) days after the closing of Coastal Equipment Corporation's fiscal year. Such information is to include the following:

Aging of accounts receivable and accounts payable.

Management prepared financial statements prepared in accordance with generally accepted accounting principles to include a detailed balance sheet and profit and loss statement.

Detailed personal financial statement of Borrower and any Guarantor signed by Borrower or any Guarantor.

Management prepared financial statements on any privately held partnership, corporation or other entities in which any Borrower or Guarantor has an ownership interest.

Complete Federal income tax returns of Borrower and any Guarantor, including complete tax returns on any partnerships, corporations or other entities in which Borrower or any Guarantor has an interest.

Interim

Additionally, Bank shall have the right to require Borrower to submit other financial information within thirty (30) days following the end of each quarter of Coastal Equipment Corporation's fiscal year to include the following:

Management prepared financial statements to include a detailed balance sheet and profit and loss statement.

Aging of accounts receivable and accounts payable.

The Loan documents shall provide that a failure to provide such information shall be a default under the Loan, and Borrower shall thereupon be obligated to pay interest at the Default Interest Rate.

LIFE INSURANCE:

Borrower shall provide and maintain throughout the term of the Loan a life insurance policy in a face amount equal to \$200,000.00, payable to Bank on the life of Mark C. Goldstein. Bank shall further require an assignment of the Borrower's rights in the policy for the Loan and the Bank's loans to Coastal Equipment Corporation, together with an acknowledgment by the life insurance company of receipt of the assignment and an indication by the company that the assignment is a first lien on the policy.

INSURANCE:

Borrower shall obtain and maintain with respect to the Project and any additional property which is to serve as collateral for the Loan and its operations such insurance as Bank may require, including, during the course of construction of the Improvements:

"all risks" property insurance on the Project written on a builder's risk, completed value, non-reporting form and in compliance with any co-insurance clause;

flood insurance, if the Project is located in any federally designated "special hazard area";

general liability insurance and owner's contingent or protective liability insurance in an amount not less than \$1,000,000.00;
employer's liability insurance;

business interruption and loss of rents coverage from the date of closing.

adequate hazard insurance on all business assets securing the Loan naming Bank as loss payee.

The property and flood insurance policies shall name Bank as mortgagee and loss payee and shall be first payable in case of loss to Bank pursuant to standard non-contributory mortgage clauses and lender's loss payable endorsements. The liability insurance policies shall name Bank as an additional insured. For the purpose of insurance, the Bank shall be named as Banknorth, N. A. its successors and assigns, ATIMA, P.O. Box 9540, Portland, Maine 04112.

Banknorth, N. A. offers a broad array of insurance and other financial products* through its wholly owned subsidiary, Morse, Payson & Noyes. If you are interested, I would be happy to introduce you to the appropriate representative. You are NOT required to use Morse, Payson & Noyes as a condition for the approval of your loan. (*Please be advised that these insurance and other financial products are neither products of, nor guaranteed by, the Bank, nor are they insured by the FDIC.)

There are frequently other insurance providers available with similar services. You are free to shop around to determine that you are receiving the best services and the best rate for these services.

All insurance referred to in this commitment shall be in such amounts and form, shall include such coverage, endorsements and deductibles, and shall be issued by such insurers as shall be approved by Bank, and shall provide for written notice to Bank at least **thirty (30) days** prior to notice of cancellation, nonrenewal, modification or expiration. Duplicate originals or certified copies of the insurance required by above, "all risk", (together with proof of payment of premiums) shall be delivered to Bank prior to the closing of the Loan.

AUTHORITY TO ACT:

Borrower and any Guarantor shall provide such evidence of its organization, existence, legal good standing, and authority to enter into the transaction contemplated by this commitment letter as may be required by Bank and its counsel.

LEGAL OPINIONS:

Borrower shall provide to Bank at closing a legal opinion from counsel satisfactory to Bank with respect to Borrower, any Guarantor and/or their assets as Bank or its counsel shall require.

DEPOSIT RELATIONSHIP:

Borrower and Guarantor shall maintain a comprehensive deposit relationship with the Bank.

MISCELLANEOUS:

Borrower acknowledges that construction and renovation of the Project occurred at the Project pursuant to a 1995 Building Permit issued by the City of Portland but that no Certificate of Occupancy ("CO") was issued by the City following completion of said construction and renovation. Borrower agrees that they will obtain a CO from the City of Portland for the Project within sixty (60) days of the date hereof. The CO shall be unconditional or, if conditioned, such conditions shall be acceptable to Bank. Failure to obtain the CO within sixty (60) days hereof shall constitute a default under the Loan.

The parties hereto agree that this commitment shall survive the Loan closing and that each of the obligations and undertakings of the Borrower hereunder shall continue until the entire Loan, together with interest and fees, is paid in full.

This commitment represents the entire agreement of the parties and supersedes all prior agreements with respect to the Loan.

This commitment is conditioned upon the completeness and accuracy of the information contained in the financial statements, loan applications and all other documents submitted to Bank by or on behalf of Borrower, and upon the absence of any adverse change in the information as of the date of the Loan closing, and upon the absence of any omission from the documents of any fact relating to the Borrower, any Guarantor, the Project, the Loan contemplated herein or the security for the Loan. Borrower shall furnish Bank promptly with any documentation reasonably requested hereunder.

142 Presumpscot Limited Liability Company

April 7, 2003

Page 11

The Loan shall be made without cost to Bank. Acceptance of this letter shall constitute your agreement to pay all fees, commissions, costs, charges, taxes and other expenses incurred by Bank in connection with this commitment and the making, administration or enforcement of the Loan, whether or not the Loan closes.

All documents executed and delivered in connection with the closing of the Loan and all other material documents shall be in form and substance satisfactory to Bank's counsel. All other legal matters shall be to such counsel's satisfaction.

This commitment shall not be assigned by Borrower without the prior written consent of Bank.

The transactions contemplated by this letter shall be governed by the laws of the State of Maine.

Bank may terminate this commitment prior to the Loan closing if (a) Borrower or any Guarantor shall fail or refuse to comply with any of the terms and conditions set forth herein, (b) any adverse change in the opinion of Bank shall occur with respect to the Project, Borrower, any general partner of Borrower, any Guarantor, any permanent lender, or any other person or entity (including tenants) connected with the Loan or any collateral for the Loan or other source of repayment of the Loan at any time prior to the Loan closing, (c) any part of the Project shall have been taken in condemnation or other like proceeding, or any such proceeding is pending or threatened at the time of the Loan closing, or (d) Borrower, any general partner of Borrower, any Guarantor, any permanent lender, or any other person or entity (including tenants) connected with the Loan or any collateral for the Loan or other source of repayment shall be insolvent or involved as debtor in any arrangement, bankruptcy, reorganization or insolvency proceeding. In the event of such termination, Bank shall be entitled to collect and retain all commitment fees required herein of Borrower. Such termination shall become effective upon the mailing of notice to Borrower at the address of Borrower shown on this commitment.

AS A FURTHER CONDITION OF THIS COMMITMENT, AND IN ORDER TO OBTAIN A PROMPT DETERMINATION OF RIGHTS AND REDUCE COSTS, THE BANK, BORROWER AND EACH GUARANTOR, FOR THEMSELVES AND THEIR RESPECTIVE HEIRS, SUCCESSORS AND ASSIGNS, HEREBY KNOWINGLY, VOLUNTARILY AND MUTUALLY WAIVE ANY AND ALL RIGHTS THAT SUCH PARTY MAY HAVE TO A TRIAL BY JURY IN ANY ACTION OR PROCEEDING BASED UPON OR RELATED TO THE LOAN OR ANY LOAN DOCUMENTS, THE COLLATERAL GIVEN AS SECURITY FOR THE LOAN, OR IN ANY WAY RELATED TO THE ADMINISTRATION OF THE LOAN OR THE EXERCISE OF RIGHTS OR REMEDIES RELATED THERETO.

142 Presumpscot Limited Liability Company
April 7, 2003
Page 12

The terms of this commitment cannot be waived or modified except in writing and signed by the parties to this commitment.

This is notification to you that under Maine law, no promise, contract, or agreement to lend money, extend credit, forbear from collection of a debt or make any other accommodations for the repayment of a debt for more than \$250,000 may be enforced against Bank unless the promise, contract, or agreement is in writing and signed by Bank, nor can any change, forbearance or other accommodation relating to the Loan be enforced against Bank unless it is in writing and signed by Bank.

Unless this Loan is closed by May 30, 2003, this commitment will expire. Any extensions of this commitment will be at the sole option of Bank and must be in writing.

If these terms and conditions are satisfactory, please sign and return the enclosed copy of this letter to us not later than our close of business on April 30, 2003. Unless we receive a signed copy of this commitment, by that date, this commitment will expire.

Should you have any questions or comments, please do not hesitate to call.

Very truly yours,

BANKNORTH, N. A.

By: 

Patricia L. Camelio
Senior Vice President

Accepted and agreed to this _____ day of April, 2003.

BORROWER: 142 PRESUMPCOT LIMITED LIABILITY COMPANY

By: _____

Mark C. Goldstein
Member

142 Presumpscot Limited Liability Company
April 7, 2003
Page 13

GUARANTOR:

Mark C. Goldstein

de DRAKE EQUIPMENT Co.

PORTLAND DOOR • FORE RIVER BOAT
MATERIALS HANDLING EQUIPMENT

Att. 3

160 PRESUMPCOT ST. • P.O. BOX 1378
PORTLAND, MAINE 04104

TELEPHONE: 207-775-1832 • 800-789-9717 • FAX: 207-775-7139

6/16/03

MR. LEE URBAN
CITY OF PORTLAND
389 CONGRESS ST.
PORTLAND, ME. 04101

REF. PROJECT: # 2003-0104

142 PRESUMPCOT ST.

DEAR SIR:

A MINOR SITE PLAN HAS BEEN SUBMITTED FOR THIS PROJECT.
I FEEL IT SHOULD BE REVIEWED BY THE PLANNING BOARD AS A MAJOR SITE
PLAN, FOR SEVERAL REASONS.

1. THE PLAN DOES NOT ADDRESS THE PROBLEMS OF USING S. GRAFTON ST. A
STREET THAT IS NOT IMPROVED, FOR MUCH OF ITS LENGTH.
2. THE PLANNED ADDITION IS 1 ½ TIMES AS LARGE AS THE EXISTING
BUILDING.

SINCERELY



JIM DRAKE

C/C SARAH HOPKINS

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

AH. 4
Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

June 27, 2003

Jim Drake
Drake Equipment Co.
160 Presumpscot St.
P.O. Box 1378
Portland, ME 04104

RE: Coastal Equipment Application, 142 Presumpscot Street

CBL: 425 1004001

Dear Mr. Drake:

I have received your letter dated June 16, 2003 requesting that the Coastal Equipment application be reviewed by the Planning Board as a major site plan.

As you know, Coastal Equipment proposes to construct a 9,865 sq. ft. addition to its existing building on Presumpscot Street. According to the Site Plan Ordinance, construction under 20,000 sq.ft. in an IL zone is considered a minor site plan and is reviewed administratively.

In my capacity as Director of Planning and Development, I am authorized to forward a minor site plan to the Planning Board "due to its nature or location". I do not find that there are unusual or unique aspects regarding the Coastal Equipment's plan that would warrant such a review.

Nonetheless, I encourage you to contact Kandi Talbot, the Planner reviewing the project, to keep apprised of the status of the application and to share with her your concerns about the application before we render our administrative decision.

Sincerely,

Lee D. Urban
Director of Planning and Development

Cc.: Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
✓ Kandice Talbot, Planner



03P104

TO: Kandi Talbot – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: 142 Presumpscot Street – 142 Presumpscot Building Addition
DATE: July 1, 2003

Sebago Technics made a site visit and has reviewed the Site Plan Package and 142 Presumpscot Street for 142 Presumpscot Limited Liability Company. The following comments are submitted in outline format:

1. **Stormwater Management**

The applicant is requesting that the stormwater quantity control standard be exceeded. A statement that the stormwater impacts to the existing drain system will not be significant is false. The existing property currently drains to the drainage infrastructure in Grafton and Presumpscot Street and also across a private drainage system over the Pompeo lot into Providence Street. The increases to study points 1 and 2 increase discharges by 50% and almost 300%, respectively. The applicant has provided no means of detention. If Public Works feels that the street system can handle this excessive runoff, then the design may be acceptable for discharge in Grafton Street. However, the increase to the private drainage system over the Pompeo lot is not acceptable. Drainage easements and rights should be obtained to access the system, and the runoff rate shall not exceed the pre-developed rate at this location. Additional information regarding the structure type and outlet pipe size shall be provided.

2. **Road Access/Circulation**

- A. The truck maneuvers appear difficult to access the loading dock area. A turning template shall be placed on the drawing to prove the circulation can work without driving off the pavement.
- B. The perimeter of the parking lot shall be constructed with curbing or wheel stops to discourage parking on grass areas.
- C. The site currently has two curb cuts, and two more are proposed. The applicant should discuss with the City Traffic Engineer the possibility of closing a curb cut. One curb cut on Grafton Street will be approximately 185 feet. Grafton Street has

no curb or sidewalk. Since the street is undeveloped, the potential for development may be in the future. The Site Plan Ordinance requires frontages to be curbed in granite with sidewalks. If a waiver is requested, Public Works and Planning will need to determine their position on the requirement.

- D. All radius entrances shall be curbed with granite, and the section of driveway in Grafton Street shall be constructed to Industrial Road Cross-section standards.

3. **Grading/Erosion Control**

- A. It appears that the roof of the proposed building will be pitched to sheet runoff. A drip edge or roof drain pad shall be shown to divert water away from the building.
- B. All driveways shall be constructed with a 1" lip to promote gutter flow.
- C. Will the building have a foundation drain?
- D. How will the old and new sections of pavement match? Please show limits of work in each existing parking area and the street.

4. **Utility Installation/Location**

- A. Limits of trench work in Grafton Street shall be shown. Also, all structures to be modified shall have all inverts identified.
- B. Have the depths of the existing 8-inch sanitary and 36-inch storm sewer lines been coordinated with the proposed utility grades to provide adequate ground cover, or will they conflict?

5. **General**

- A. Coordinate the placement and intensity of lighting with the staff planner.
- B. Plans show the proposed addition of building structure connecting to the existing structure, which is 3.5 feet lower. How will the two function if tied together? Stairs or ramps?
- C. Will a pre-loading be needed on the site, or a geotechnical report be needed for the soil loading? The site is sitting on soft saturated clay and could be subject to settlement or frost action. *
- D. Some landscaping may interfere with the drainage system to the Pompeo lot.
- E. Letters of available capacity are needed from the Portland Water District and Sewer Division of Public Works.
- F. Will a dumpster be needed for solid waste on site?

6. **Details**

- A. Provide a trench section detail for parking lot lighting pole.
- B. Show details for street repair.
- C. Given the load on the parking lot and use, the typical cross-section should be deeper and more like a typical industrial course.
- D. A detail for typical loam and seeding is needed.

Please contact our office with any questions.

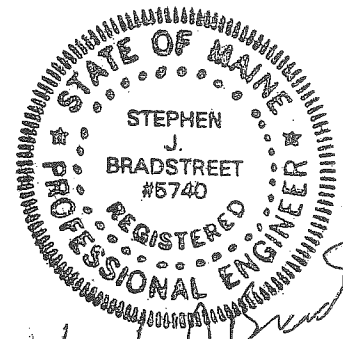
JRS:jrs/jc

Att. 6

**STORMWATER MANAGEMENT REPORT
FOR
COASTAL EQUIPMENT CORPORATION
WAREHOUSE ADDITION**

Submitted to:

**City of Portland
389 Congress Street
Portland, Maine 04101**



Submitted by:

**Environmental Engineering & Remediation, Inc.
222 St. John Street
Suite 314
Portland, Maine 04102**

Steph J. Bradstreet
1/26/04

**May 16, 2003
Revised January 26, 2004**

6a

Stormwater Management Report for Coastal Equipment Corporation Warehouse Addition Portland, Maine

PROJECT'S HYDROLOGICAL LOCATION

The Coastal Equipment Corporation Warehouse is located at 142 Presumpscot Street off of Washington Avenue in Portland. The site is located approximately 1000 feet west of the Presumpscot River, where the stormwater ultimately flows. At this point, the Presumpscot River quickly runs into the Atlantic Ocean. There is no surface water abutting the site.

PRE-DEVELOPMENT CONDITIONS

The project parcel consists of scrub trees, and impervious area such as pavement, building, and gravel area. The site consists primarily of three watershed areas. Flow from Subarea 1 flows from a high point at the northwest corner of the site across the northern portion of the property, and into a catch basin situated next to the site at the intersection of Presumpscot Street and Grafton Street. Subarea 2 sheet flows from the western end of the property, through the scrub trees and gravel areas, into a catch basin at the southern end of the site, which flows into a storm sewer system in Providence Street. Subarea 3 contains a small flow that sheet flows straight offsite towards Presumpscot Street.

POST-DEVELOPMENT CONDITIONS

Conditions in post-development change fairly significantly. The 9,865 square foot warehouse addition, along with additional parking area, occupy a large portion of impervious area that existed as mostly gravel and woods area in pre-development. In post-development, the site consists primarily of four watershed areas. Flow from Subarea 1 runs from the western corner of the site, across the parking lot and into a catch basin approximately 130 feet away. Flow from Subarea 2 sheet flows off the roof of the proposed warehouse addition, onto the parking lot located to the northeast, and into a catch basin at the northeast corner of the site. Flow from Subarea 1A sheet flows from the back edge of the front parking lot pavement into the existing catch basin located at the southern portion of the site on the property line and flows into Subarea 1. Subarea 3 is comprised of a small flow path that sheet flows straight offsite towards Presumpscot Street.

STORMWATER RUNOFF CALCULATIONS

Stormwater runoff calculations for this project were made using the Hydro CAD computer program, which is based on the Soil Conservation Service's TR-20 methodology. Runoff was predicted based on the type III storm. Three storms were modeled; the two-year storm (3.0 inches in 24 hours); 10-year storm (4.7 inches in 24 hours); and the 25-year storm (5.5

leb

inches in 24 hours). The drainage areas were planimetered off the plans. Rainfall intensities were determined based on the rainfall intensity curves for Portland for each storm event. With this information the peak discharge in CFS was determined for the three different storm events.

Curve numbers (CN's) were developed based on the soils, site topography, existing and proposed conditions. Times of concentration were developed based on runoff flow paths for each watershed with knowledge of existing conditions.

Based on the calculations presented in Appendix A, the stormwater results are tabulated below.

Subarea	Pre-Development (cfs)		
	2 Year	10 Year	25 Year
1	0.32	0.68	0.87
2	0.70	1.23	1.49
3	0.44	0.70	0.82
Total Offsite Flow	1.46	2.61	3.18

Subarea	Post-Development (cfs)		
	2 Year	10 Year	25 Year
1	1.10	1.91	2.29
1A	.53	1.03	1.27
2	1.23	2.00	2.35
3	0.37	0.60	0.70
Total Offsite Flow	3.26	5.54	6.61

Analysis Point	Pre-Development (cfs)			Post-Development (cfs)		
	2 Year	10 Year	25 Year	2 Year	10 Year	25 Year
1	0.32	0.68	0.87	*	*	*
2	0.70	1.23	1.49	1.26	2.00	2.35
3	0.44	0.70	0.82	0.37	0.60	0.70
Reach 3	0.70	1.23	1.49	2.62	4.56	5.47
Total Offsite Flow**	1.46	2.61	3.18	2.99	5.16	6.17

* Only in Pre-Development

** Sum of Analysis Points 1 and 3 and Reach 3 for Pre-Development. Sum of Analysis Point 3 and Reach 3 for Post-Development.

6c

SUMMARY AND CONCLUSIONS

The total offsite flow from pre-development to post-development has increased with the addition of the new building and paved parking lot. During discussions with the City, they indicated that the catch basin on the southern property line was connected to a system in Providence Street that had capacity problems and requested that it be re-routed through the site and into the stormdrain system in Grafton Street. While there is an increase in stormwater exiting the site, the City has indicated that the re-routing from the Providence Street system to the Grafton Street system would be a positive change and acceptable. Therefore it is expected that there will be a positive impact to the existing stormdrain systems and to this property and the abutting properties.

222 ST. JOHN STREET, SUITE 314 , PORTLAND, MAINE 04102
Tel 207/828-1272 Fax 207/774-6907
WWW.EERINC.COM

January 27, 2004

Ms. Kandice Talbot, Planner
City of Portland
389 Congress Street
Portland, ME 04101

Subject: 142 Presumpscot Street

Dear Kandi:

In response to Sebago Technics' review comments dated July 1, 2003 and the City's Engineering Department comments dated July 3, 2003, Environmental Engineering & Remediation, Inc. (EER) has revised the plans and/or provided documentation included herein to address those comments. Those comments are addressed in the same format as presented in their memorandums.

Sebago Technics, Inc.

1. **Stormwater Management**

The site has been redesigned to eliminate one parking lot entrance and to address other design elements that have been discussed separately with the City through Brenda Buchanan. These changes have had a minor effect on the stormwater. The site design has been modified per the City's Engineering Department comments and the existing catch basin on the Pompeo's property line will be routed through the 142 Presumpscot Street site and out to Grafton Street. This will eliminate any flow to Providence Street.

Based on discussions with the City, connection to the City's drainage system within Grafton Street is acceptable without detention.

2. **Road Access/Circulation**

- A. The parking lot and entrance has been redesigned to accommodate a WB-50 truck without the vehicle leaving the paved surface.
- B. The site design does not require curbing to control drainage, therefore, curbing is not proposed simply to maintain vehicles on the paved surface.

7a

- C. The applicant has had many discussions with the City in regard to the use of Grafton Street and at one time contemplated the possibility of applying to terminate public rights to the street. However, the applicant and the Planning Department recently reached agreement on an access arrangement that will not involve Grafton Street being vacated after all. Under this plan, the applicant will be allowed to pave access to its property using only a portion of the 50-foot-wide Grafton Street corridor. This is shown on the attached plan, where the proposed paved area is located on the portion of the right-of-way abutting the applicant's property. The public will be free to traverse this paved area to the same extent as the public has historically had rights to use Grafton Street. There will be no need for granite curbing and a sidewalk.
- D. This no longer applies. (see 2.C. above)

3. **Grading/Erosion Control**

- A. In areas that are not paved to drain away from the building, a roof drain splash pad or drip edge pad will be provided to direct water away from the building.
- B. This no longer applies. (see 2.C. above)
- C. The Contractor shall be responsible for the building design and whether a perimeter drain is required. If they determine that a perimeter drain is required, one will be installed draining to the site catch basin.
- D. The limits of work have been shown and a detail of the pavement joint has been provided.

4. **Utility Installation/Location**

- A. The trench limits have been shown on the detail. All structures that are being modified have the inverts identified.
- B. The inverts of the existing 8" sanitary sewer and 36" storm sewer have been coordinated with the proposed utilities, so to maintain adequate cover.

5. **General**

- A. The lighting has been coordinated with the City's planning department.

- B. To the extent that the buildings will be connected internally, stairs will be provided.
- C. The applicant's building contractor will be responsible for coordinating structural design issues.
- D. The landscaping adjacent to the Pompeo lot will be field adjusted to accommodate the proposed drainage.
- E. Letters from the Portland Water District and the Sewer Division of Public Works have been requested.
- F. The existing dumpster, located adjacent to the building on the Grafton Street side will be used for the existing and proposed facility.

6. **Details**

- A. A trench detail has been provided.
- B. Trench repair details have been provided.
- C. The typical pavement section has been modified to reflect an industrial use.
- D. Loaming and seeding requirements have been noted.

City's Engineering Department

- 1. This no longer applies. (see 2.C. above)
- 2. Trench repair details have been provided.
- 3. The applicant's contractor will contact Carol Merrit at Public Works, regarding permits and fees.
- 4. Flow from the catch basin on the Pompeo's rear property line has been diverted to the new site catch basin which flows to Grafton Street. The existing outlet to Providence Street will be plugged.

Ms. Kandice Talbot
January 27, 2004
Page 4

7c

I trust this addresses the comments presented to date. If you have any questions, please feel free to give me a call at 828-1272, extension 12.

Very truly,

ENVIRONMENTAL ENGINEERING
& REMEDIATION, INC.



Stephen J. Bradstreet, P.E.

Cc: Mark Goldstein
Brenda Buchanan
Barry Hosmer



Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

Att. 9

Customer Service Hotline (207) 761-8310

(207) 774-5961

FAX (207) 879-5837

January 20, 2004

Stephen J. Bradstreet, P.E.
EER
222 St. John St., suite 314
Portland, me. 04102

Re: 142 Presumpscot St.-Portland

Steve:

This letter is to confirm there should be an adequate supply of clean and healthful water to serve the needs of the proposed expansion of Coastal Equipment Corporation located at 142 Presumpscot St. in Portland. Checking District records, I find there is a 8" water main on the south side of the street in Grafton St. as well as a water hydrant located with 400' of the property.

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

Hydrant Location: Grafton St. @East Kidder St.

Hydrant # 1572

Static pressure = 88 PSI

Flow = 1403GPM

Last Tested = 10/6/89

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

Sincerely,
Portland Water District

Jim Pandiscio
Means Coordinator

propose expansion site

BRISTOL ST

7179 & 1582

DI 8 1535

DI 8 1588

DI 8 1586

DI 8 1469

KEDDER ST

GRANTON ST

DI 8 1480

DI 8 1572

PROVIDENCE ST

DI 12 1571

GRANTON ST

DI 8 1974

PRIDE ST

DI 8 1595

DI 12 1874

PRESUMSCOT ST

DI 12 1215

DI 8 1242

9a





CITY OF PORTLAND

25 February 2004

Mr. Stephen J. Bradstreet, P.E.,
Environmental Engineering & Remediation, Inc.,
222 St. John Street, Suite 314,
Portland, Maine 04102

**RE: The Capacity to Handle Wastewater Flows for a 9,865 S. F.
Building Expansion to Coastal Equipment Corporation**

Dear Mr. Bradstreet:

The existing eight inch diameter sewer pipe, located in Grafton Street, has **adequate capacity to transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have **adequate capacity to treat** the anticipated increased wastewater flows of **75 GPD**, from your proposed project.

Anticipated Wastewater Flows from the Proposed Expansion:	
5 Proposed Employees @ 15 GPD/Employee	= 75 GPD
Total Proposed Increase in Wastewater Flows for this Project	= 75 GPD

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

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

Sincerely,
CITY OF PORTLAND

Frank Brancely
Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

- cc: Alexander Q. Jaegerman, Director, Planning Division, Department of Planning, and Urban Development, City of Portland
- Kandice Talbot, Planner, Department of Planning, and Urban Development, City of Portland
- Eric Labelle, P.E., City Engineer, City of Portland
- Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
- Anthony W. Lombardo, P.E., Project Engineer, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- Desk file

Att. 11

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Alexander, Secretary
Nan Sawyer
Joe Lewis
William Hall
Derek Gamble

March 1, 2004

Brenda Buchanan
Warren, Currier & Buchanan
57 Exchange Street
Portland, ME 04101-5020

RE: 142 Presumpscot Street
CBL: 425-I-004, 033-037, 044; 425-I-005-007, 038-043
ZONE: R-5 and I-L Zones

Dear Ms. Buchanan:

As you know, at its February 19th, 2004, meeting, **the Board of Appeals voted 4-0 to approve your Miscellaneous Appeal**, to allow an extension of the Variance Appeal granted on April 17, 2003, for six months from February 19th, 2004.

Enclosed please find the billing for the Zoning Board of Appeals legal ad and abutters' notification, along with a copy of the Board's decision.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

Karen Dunfey
Inspection Services



03P104

TO: Kandi Talbot – Planner
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: 142 Presumpscot Street – Coastal Equipment Corp. Addition
DATE: March 9, 2004

Sebago Technics made a site visit and has reviewed the latest revised Site Plan Package and submittals for the Warehouse Expansion at 142 Presumpscot Street for Coastal Equipment Corporation. The following comments are submitted in outline format matching the sequence of our initial comments in July 2003:

1. **Stormwater Management**

The applicant has requested that the stormwater quantity control standard be exceeded. A statement that the stormwater impacts to the existing drain system will not be significant in Grafton Street shall be verified by Public Works and should be documented in writing by Public Works that they will except the increase in runoff to their storm drain system without impact to adjacent or down steam properties. The existing property currently drains to the drainage infrastructure in Grafton and Presumpscot Street and also across a private drainage system over the Pompeo lot into Providence Street this has been greatly alleviated and will assist the impact to these abutters. The applicant has provided no means of detention, or outlet control by means of hydro-brakes, but if Public Works feels that the street system can handle this excessive runoff, then the design may be acceptable for discharge in Grafton Street. At a minimum the applicant shall install a Casco trap in each private catch basin that immediately precedes a discharge into a City Drainage structure, and acquire a drainage maintenance agreement from the City Public Works. One error was found with the modeling regarding the invert out of the CB proposed was modeled 1.5 feet higher than designed (modeled as 24.0 instead of 22.5) Please verify the no adverse effects occur with the model corrected.

2. **Road Access/Circulation**

- A. The truck maneuvers have been addressed with the newest layout.
- B. The areas of the bituminous improvements adjacent to the Grafton St. ROW should be curbed were islands/esplanades are located discourage parking on grass

areas and protecting pedestrian/customer walkways. If these areas are contained on private land the curb may be bituminous.

- C. The site issues, regarding the Grafton Street access and curb cuts, have been addressed internally with Planning and Public Works.
- D. Historically all radius entrances off Industrial Zoned lots have been curbed with granite or heavy duty curbing, to protect the pavement edge of the street and entrance from damage of large trucks turning. We are not certain that this was agreed to as part of the Grafton Street improvements. If they have been please dismiss, but we are unaware of the terms agreed by Public Works.

3. **Grading/Erosion Control**

- A. It appears that the roof of the proposed building will be pitched to sheet runoff. A drip edge or roof drain pad has been addressed.
- B. We still feel that all driveways shall be constructed with a 1" lip to promote gutter flow. Additionally how will the improvements in Grafton Street be conducted? How will grades sheet the new street runoff? Will this be coordinated through Public Works inspectors or engineers?
- C. The building will have a foundation drain as shown.
- D. A detail shows how the old and new sections of pavement will match. Please indicate who will be responsible to construct, verify pavement depth matches, and review final paving decisions.

4. **Utility Installation/Location**

- A. Limits of trench work in Grafton Street have been shown and all structures to be modified have all inverts identified.
- B. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.

5. **General**

- A. The planning staff has addressed lighting.
- B. Plans show the proposed addition of building structure connecting to the existing structure, which is 3.5 feet lower to be connected with stairs, acceptable.
- C. Prior to issuance a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying this condition.
- D. Landscaping appears to be acceptable and not interfere with drainage.

12b

E. Letters of available capacity are needed from the Portland Water District and Sewer Division of Public Works prior to final approval, and may be a condition of the approval.

F. The existing dumpster will handle solid waste on site. However it shall be properly screened and enclosed. A detail is needed.

6. Details

A. All details previously requested have been provided. Addition details for dumpster enclosure and the Casco Trap are needed.

7. Plan Notes

It appears that the site plan is noticeably lacking many of the standard notes regarding tax map & lot #, record owner, all zoning bulk and spacing requirements, standard approval language & plan revision/amendments notices, construction permit requirements, construction notification for dig safe, pre-construction meetings, inspections. Planning shall work with the applicant's designer to assure proper notes are on the Site Plan approved, due the fact they will likely serve as the construction plans and documents.

Please contact our office with any questions.

JRS:jrs/jc

AH. 13

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

March 19, 2004

Mr. Steve Bradstreet
EER
222 St. John Street, Suite 314
Portland, ME 04102

RE: Coastal Equipment Corp. Expansion, 142 Presumpscot Street
ID #2003-0104, CBL #425-I-004

Dear Steve:

After review of the Coastal Equipment Expansion proposal the following comments have been generated:

1. Your letter stated that lighting has been coordinated with planning staff. My information doesn't indicate that lighting catalogue cuts or a lighting photometric plan has been submitted. Could you please address this issue?
2. Development Review Coordinator's Comments

Stormwater Management

- a. The applicant has requested that the stormwater quality control standard be exceeded. A statement that the stormwater impacts to the existing drain system will not be significant in Grafton Street shall be verified by Public Works and should be documented in writing by Public Works that they will except the increase in runoff to their storm drain system without impact to adjacent or down stream properties. The existing property currently drains to the drainage infrastructure in Grafton and Presumpscot Street and also across a private drainage system over the Pompeo lot into Providence Street this has been greatly alleviated and will assist the impact to these abutters. The applicant has provided no means of detention, or outlet control by means of hydro-brakes, but if Public Works feels that the street system can handle this excessive runoff, then the design may be acceptable for discharge into Grafton Street. At a minimum the applicant shall install a casco trap in each private catch basin that immediately precedes a discharge into a City drainage structure, and acquire a drainage maintenance agreement from the City Public Works. One error was found with the modeling regarding the invert out of the CB proposed was modeled 1.5 feet higher than designed (modeled as 24.0 instead of 22.5). Please verify the no adverse effects occur with the model corrected.

Road Access/Circulation

- a. The truck maneuvers have been addressed with the newest layout.

13a

- b. The areas of the bituminous improvements adjacent to the Grafton St. ROW should be curbed where islands/esplanades are located discouraging parking on grass areas and protecting pedestrian/customer walkways. If these areas are contained on private land the curb may be bituminous.
- c. The site issues, regarding the Grafton Street access and curb cuts, have been addressed internally with Planning and Public Works.
- d. Historically all radius entrances off Industrial zoned lots have been curbed with granite or heavy duty curbing, to protect the pavement edge of the street and entrance from damage of large trucks turning. Please verify with Public Works that this will not be a requirement.

Grading/Erosion Control

- a. It appears that the roof the proposed building will be pitched to sheet runoff. A drip edge or roof drain pad has been addressed.
- b. We still feel that all driveways shall be constructed with a 1" lip to promote gutter flow. Additionally how will the improvements in Grafton Street be conducted? How will grades sheet the new street runoff? Will this be coordinated through Public Works inspectors or engineers?
- c. The building will have a foundation drain as shown.
- d. A detail shows how the old and new sections of pavement will match. Please indicate who will be responsible to construct, verify pavement depth matches, and review final paving decisions.

Utility Installation/Location

- a. Limits of trench work in Grafton Street have been shown and all structures to be modified have all inverts identified.
- b. The depths of the existing 8-inch sanitary and 36-inch storm sewer lines will be coordinated with the proposed utility companies to provide adequate ground cover.

General

- a. Plans show the proposed addition of building structure connecting to the existing structure, which is 3.5 feet lower to be connected with stairs, acceptable.
- b. Prior to issuance, a geotechnical report will be required for the soil loading. The site is sitting on soft saturated clay and could be subject to settlement or frost action. A note shall be added identifying this condition.
- c. Landscaping appears to be acceptable and not interfere with drainage.
- d. The existing dumpster will handle solid waste on site. However, it shall be properly screened and enclosed. A detail is needed.

Details

- a. All details previously requested have been provided. Additional details for dumpster enclosure and the casco trap are needed.

13b

Plan Notes

- a. It appears that the site plan is noticeably lacking many of the standard notes regarding tax map and lot #, record owner, all zoning bulk and spacing requirements, standard approval language and plan revision/amendment notices, construction permit requirements, construction notification for dig safe, pre-construction meetings, inspections. Please revise the site to assure proper notes are on the site plan, due to the fact they will likely serve as the construction plans and documents.

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

Sincerely,



Kandice Talbot
Planner



222 ST. JOHN STREET, SUITE 314, PORTLAND, MAINE 04102

AH. 14

FAX

Date: March 25, 2004

Number of pages including cover sheet: 3

To:

Sarah Hopkins

Phone:

Fax phone: 756-8258

CC:

From:

Stephen J. Bradstreet, P.E.

Phone: 207-828-1272

Fax phone: 207-774-6907

REMARKS: Urgent For your review Reply ASAP Please comment

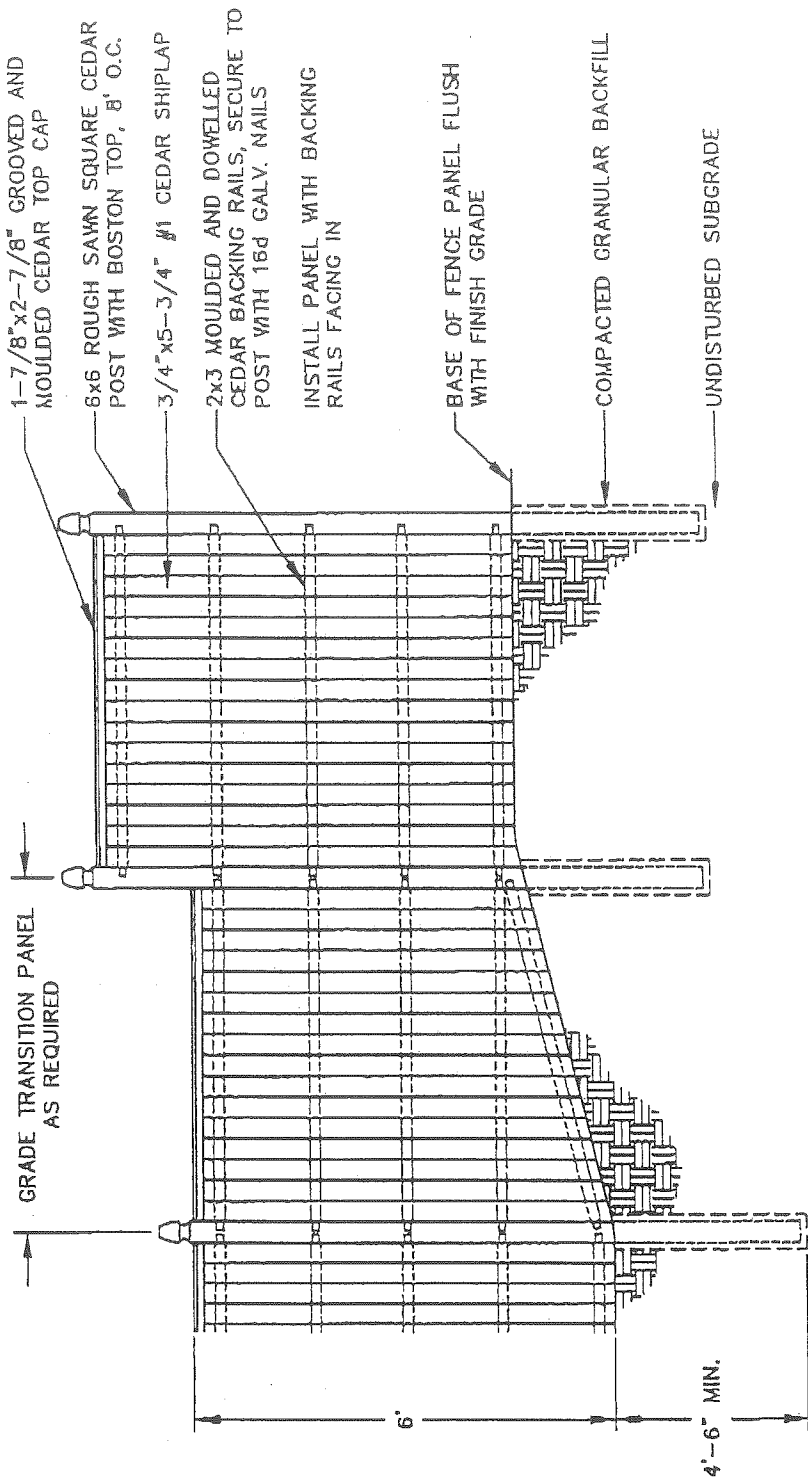
Sarah:

The attached details are what we would add to the plans to address the dumpster screening and the Casco Trap. The Casco Trap detail is straight from the City's Technical and Design Standards and if we can refer to the standard rather than creating the detail on the plans, it would save us time and money.

Steve

The Information contained in this facsimile message is privileged and confidential information intended only for the use of the individual or entity named above. If the reader is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this facsimile in error, please immediately notify EER by telephone and return the original message to EER at the above address via the U.S. Postal Service. Thank You.

14a



STOCKADE FENCE DETAIL

NOT TO SCALE

STOCKADE FENCE DETAIL

SCALE: N.T.S.

DATE: 05/16/00

DRAWN BY: JAR

CHECKED BY:

EER ENVIRONMENTAL
ENGINEERING &
REMEDIALTION, INC.

DETAIL

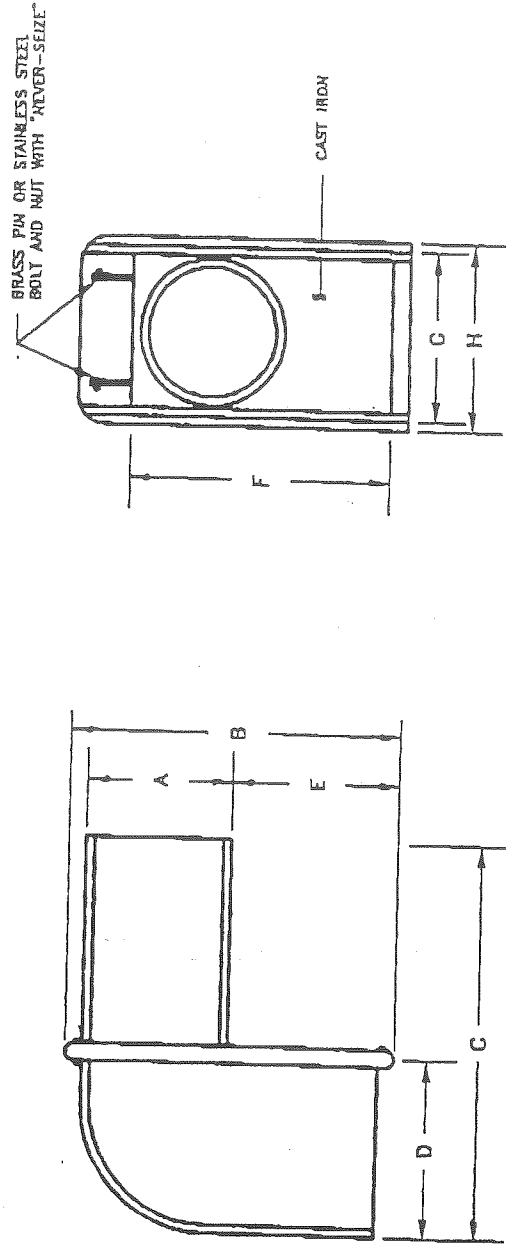
cf-007

222 ST. JOHN STREET, SUITE 314 PORTLAND, MAINE 04102

SECTION II -- SANITARY SEWER AND STORM DRAIN DESIGN STANDARDS

146

NOTE:
BOLT AND NUT REQUIRED WHERE
HOOD WILL NOT OPEN COMPLETELY



SIZE	A	B	C	D	E	F	G	H
6 in.	5 1/2"	13 3/8"	13 3/4"	5 3/8"	5 7/8"	11 5/8"	6 1/2"	7 1/4"
8 in.	7 1/2"	15"	15 3/8"	5 1/2"	5 3/8"	13 3/4"	8 3/4"	9 3/8"
10 in.	9 1/2"	16"	16 1/4"	6"	4 1/2"	14 1/8"	11 1/2"	12 3/8"
12 in.	11 1/2"	17"	22"	8"	3 1/2"	17"	12 1/2"	13 3/8"

CASCO TRAP DETAIL
NOT TO SCALE

FIGURE II - 10
CASCO TRAP DETAIL

AH. 15

**WARREN
CURRIER &
BUCHANAN**

Limited Liability Company, P.A.

Carol Godfrey Warren
David E. Currier
Brenda M. Buchanan

April 16, 2004

Ms. Kandi Talbot
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Site Plan Review Application
142 Presumpscot Limited Liability Company Warehouse Addition

Dear Kandi:

Please find enclosed additional specifications for the exterior lighting to be used at 142 Presumpscot LLC's warehouse addition. In its letter of March 31, 2004 approving this application, the city conditioned its approval on a revised lighting plan being submitted. I do not believe there was a problem with the actual location of lights shown on the plan, but with the completeness of the specifications that we had provided previously.

If the enclosed specs are not sufficient to bring the lighting plan into compliance with the city's standards, please let me know immediately and I will get you whatever additional information you need.

Thank you for your assistance.

Best regards,



Brenda M. Buchanan

Cc: 142 Presumpscot LLC

POLES

4" STRAIGHT SQUARE ALUMINUM

GENERAL DESCRIPTION: The Gardco/Emco Lighting SSA4 straight aluminum pole consists of a one-piece 4" square extruded aluminum lighting standard mounted to a structural quality carbon galvanized steel base tenon. This construction offers the corrosion resistance and flexibility of aluminum with the strength and integrity of steel. The poles are finished with either Architectural Class 1 anodizing or electrostatically applied TGIC polyester powdercoat. All poles include anchor bolts, full base cover, hand hole, ground lug and top cap.

ORDERING

POLE	HEIGHT	DRILLING	FINISH	OPTIONS
SSA4	10	D1	BRA	SR
SSA4	8' 10' 12' 15' 18' L,M,H* 20' L,M,H*	D1 1 Way D2 2 Way D3 3 Way D4 4 Way T2 2 3/8" OD Tenon T4 4" OD Tenon	BRA Bronze Anodized NA Natural Anodized BLA Black Anodized BRP Bronze Paint NP Natural Paint BLP Black Paint WP White Paint OC Optional Color <small>(Specify RAL designation as shown in Color Selection Guide)</small> SC Special Color <small>(Must supply color chip.)</small>	SR Single Receptacle

*Refers to steel base tenon size (length and thickness) based on wind load factors.
L = Light; M = Medium; H = Heavy.

CATALOG NUMBER	POLE SIZE	MAXIMUM LUMINAIRE LOADING*					ANCHOR BOLT DATA**		
		BASE TENON HEIGHT (ft.)	WALL THICKNESS (Inches)	100 MPH EPA-FT ²	90 MPH EPA-FT ²	80 MPH EPA-FT ²	BOLT CIRCLE (Inches)	BOLT SIZE (Inches)	MAX PROJ. (Inches)
SSA4-8	7' 8"	1.25	.100	14.0	17.3	22.5	7.0	1/2 x 18 x 4	3.0
SSA4-10	9' 8"	1.25	.100	9.6	12.1	15.8	7.0	1/2 x 18 x 4	3.0
SSA4-12	11' 8"	1.25	.100	6.8	8.5	11.5	7.0	1/2 x 18 x 4	3.0
SSA4-15	14' 9"	2	.100	3.4	6.1	8.5	7.0	1/2 x 18 x 4	3.0
SSA4-18L	17' 9"	2	.100	-	2.0	3.3	7.0	1/2 x 18 x 4	3.0
SSA4-18M	17' 9"	4	.100	2.5	3.3	4.9	7.0	5/8 x 18 x 3	3.0
SSA4-18H	17' 9"	6	.100	3.1	3.9	6.0	7.0	5/8 x 18 x 3	3.0
SSA4-20L	19' 9"	2	.100	-	1.5	3.0	7.0	1/2 x 18 x 4	3.0
SSA4-20M	19' 9"	4	.100	1.4	3.0	4.8	7.0	5/8 x 18 x 3	3.0
SSA4-20H	19' 9"	6	.100	1.8	4.7	6.8	7.0	5/8 x 18 x 3	3.0

*Warning: Additional wind loading, in terms of EPA, from banners, cameras, floodlights and other accessories attached to the pole, must be added to the luminaire(s) EPA before selecting the pole with the appropriate wind load capability.

**Factory supplied template must be used when setting anchor bolts.
Gardco/Emco Lighting will not honor any claim for incorrect anchorage placement resulting from failure to use factory supplied templates.

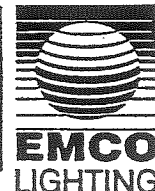
TYPE	POLE	HEIGHT	DRILLING	FINISH	OPTIONS

Gardco Lighting/EMCO Lighting reserves the right to change materials or modify the design of its product without notification as part of the company's continuing product improvement program.

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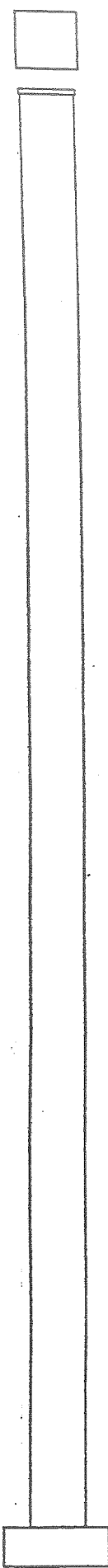
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Genlyte Thomas Group LLC



79415-1/102

15a



POLES

4" STRAIGHT SQUARE ALUMINUM

15b

SPECIFICATIONS

POLE SHAFT: The pole shaft is a one-piece, 4" square, seamless 6000 series extruded aluminum tubing and is heat treated to achieve a T6 temper with a guaranteed minimum yield strength of 31 KSI. Pole wall thickness is .100".

BASE TENON ASSEMBLY: The tenon anchor base assembly consists of structural quality A53 carbon steel tubing welded to an A36 structural steel base with a guaranteed minimum yield strength of 36 KSI. The base plate telescopes the pole shaft and is circumferentially welded on both top and bottom. The base is provided with slotted bolt holes to accommodate a $\pm .5^\circ$ variation in the rotational flexibility. The entire assembly is hot-dipped galvanized. Four (4) mechanically galvanized fasteners secure the aluminum pole shaft to the base tenon assembly.

ANCHOR BOLTS: Anchor bolts are fabricated from a commercial quality hot rolled carbon steel bar that meets or exceeds a minimum guaranteed yield strength of 50,000 psi. Bolts have an "L" bend on one end and threaded on the opposite end. Anchor bolts are completely hot dipped galvanized. Four (4) properly sized bolts, each furnished with two (2) regular hex nuts, two (2) flat washers and one (1) lock washer are provided per pole, unless otherwise specified.

BASE COVER: A two-piece, fabricated aluminum cover completely conceals the entire base plate and anchorage. The base cover is secured to the base assembly with four (4) stainless steel fasteners.

HANDHOLE: The handhole has a nominal rectangular 2" X 4" inside opening in the pole shaft and tenon assembly. Included is an

aluminum cover plate with attachment screws. The handhole is located 18" above the base and 180° clockwise with respect to the luminaire arm when viewed from the top of the pole for one arm. For two arms the handhole is located directly under one arm.

POLE TOP CAP: Each pole assembly is provided with a removable cast aluminum pole top cap. The pole top cap is secured with two (2) stainless steel allen head set screws.

FINISH: Poles are available with bronze, natural or black Aluminum Association Architectural Class 1 anodized finish. Electrostatically applied, thermally cured TGIC polyester powdercoat finish is also available.

DESIGN: The poles as charted are designed to withstand dead loads and predicted dynamic loads developed by variable wind speeds with an additional 30% gust factor under the following conditions:

The charted weights include luminaire(s) and/or mounting bracket(s).

The wind velocities are based on 10 mph increments from 80 mph through 100 mph. Poles to be located in areas of known abnormal conditions may require special consideration. For example: coastal areas, airports and areas of special winds.

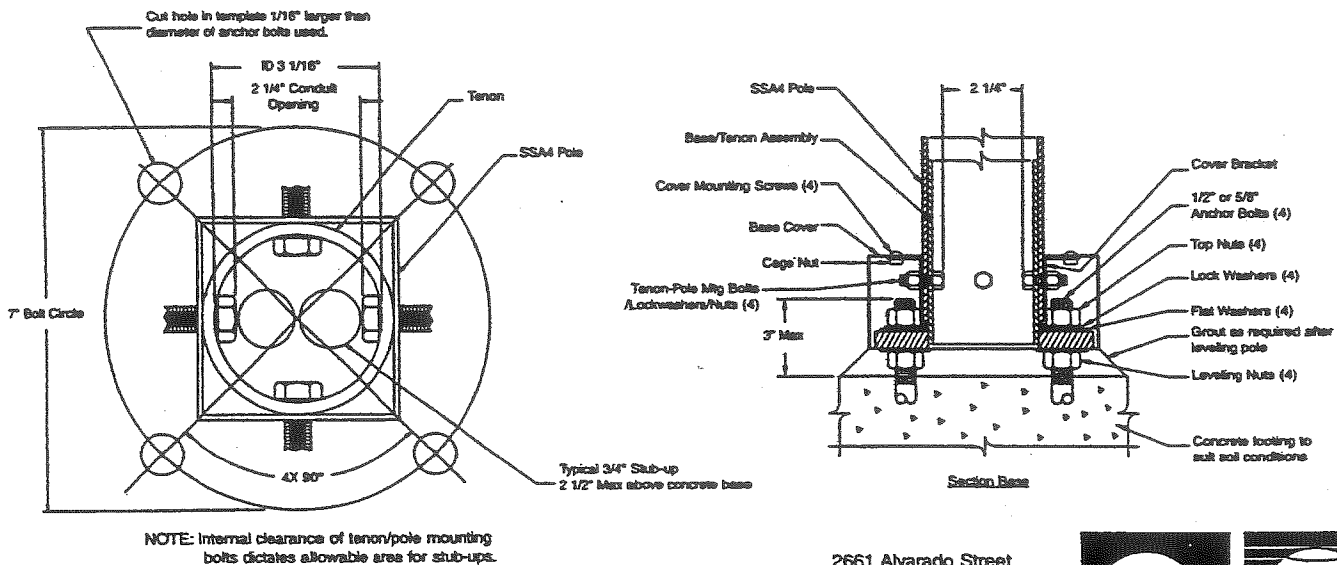
Poles are designed for ground mounted applications. Poles mounted on structures (such as buildings and bridges) may also necessitate special consideration requiring Gardco/Emco Lighting's recommendation.

Height correction factors and drag coefficients are applied to the entire structure. An appropriate safety factor is maintained based on the minimum yield strength of the material incorporated in the pole.

WARNING: This design information is intended as a general guideline only. The customer is solely responsible for proper selection of pole, luminaire, accessory and foundation under the given site conditions and intended usage. The addition of any items to the pole, in addition to the luminaire, will dramatically impact the EPA load on that pole. It is strongly recommended that a qualified professional be consulted to analyze the loads given the user's specific needs to ensure proper selection of the pole, luminaire, accessories, and foundation. Gardco/Emco Lighting and Genlyte Thomas Group, LLC assume no responsibility for such proper analysis or product selections. **Failure to insure proper site analysis, pole selection, loads and installation can result in pole failure, leading to serious injury or property damage.**

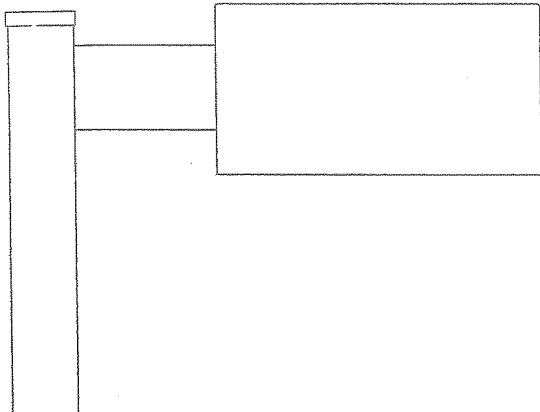
GENERAL INFORMATION: Mounting height is the vertical distance from the base of the lighting pole to the center of the luminaire arm at the point of luminaire attachment.

Twin arms as charted are oriented at 180° with respect to each other. For applications of two (2) arms at 90° or other multiple arm applications, consult the factory.



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ECOLUME ECA/ECW

150

The Ecolume ECA/ECW is a rectilinear arm-mounted area luminaire. The precision segmented optical systems provide required light levels, even illumination, wide pole spacings and glare control. The housing is die-formed and the door frame is extruded aluminum. The Ecolume luminaire is completely sealed and gasketed, preventing intrusion from moisture, insects and contaminants.

ORDERING

PREFIX	MOUNTING	SIZE	CONFIGURATION	DISTRIBUTION	WATTAGE	VOLTAGE	FINISH	OPTIONS
EC	A	23	1	3H	175MH	120	BRP	LF
EC	A Arm Mount	14" 18" 23"	1 Single 2 Twin @ 90° 2@180 Twin @ 180° 3 Triple @ 90° 3@120 Triple @ 120° 4 Quad	14"/18" 23" 2H 2H 3H 3H FH FH QH QH 3V 3V FV FV QV QV 3V-RNC QV-RNC 3SV QSV	14" 18" 23" 70 HPS 250 HPS 750 MH 100 HPS 400 HPS 750 HPS 150 HPS 250 MH 1000 HPS 100 MH 400 MH 1000 MH 150 MH 250 PSMH 750 PSMH 175 MH 320 PSMH 1000 PSMH 200 MH 350 PSMH 175PSMH 400 PSMH	120 208 240 277 347 480 QUAD 120/208/240/277 factory tied to 277V	BRP BLP WP NP OC SC	HS MF F AP LF AT PCT PTF2 PCR PTF3 PCB PTF4 PTR4 ACR PTR5 POLY QS

Arm mounting on round poles is designed to mount to poles measuring 3.5" OD or larger.

Use "1" for ECW(A) wall mounted units

Refer below for notes and exclusions

1. 100HPS and 150 HPS units require medium base lamp. N/A w/480V
 2. 14" 200MH w/vertical lamp optics is available in medium base only.
 3. Vertical Lamp Only
 4. Medium base lamp.

DISTRIBUTIONS

2H	Type II Horizontal Lamp
3H	Type III Horizontal Lamp
FH	Type IV Forward Throw Horizontal Lamp
QH	Type V Horizontal Lamp
3V ^{4,5,6}	Type III Vertical Lamp
FV ^{4,6}	Type IV Forward Throw Vertical Lamp
QV ^{4,5,6}	Type V Vertical Lamp
3V-RNC ^{4,5}	Type III Vertical Lamp, Reduced Nadir Candlepower
QV-RNC ^{4,5}	Type V Vertical Lamp, Reduced Nadir Candlepower
3SV ⁴	Type III Vertical Lamp Mallmaster Semi-cutoff
QSV ⁴	Type V Vertical Lamp Mallmaster Semi-cutoff

RNC (Reduced Nadir Candlepower) option should be specified only in applications requiring extreme maximum to minimum uniformity ratios (5 to 1 or lower). Reduced luminaire efficiency will result in lower average footcandle levels.

FINISH

BRP	Bronze Paint
BLP	Black Paint
WP	White Paint
NP	Natural Aluminum Paint
OC	Optional Color Paint Specify RAL designation as shown in Color Selection Guide.
SC	Special Color Paint (Specify. Must supply color chip)

OPTIONS

HS	Internal House Side Shield (Supplied standard for FH/FV)
F	Fusing
LF	In-Pole/In-Line Fusing (Kit includes In-Line Fuses)
PCT*	Locking Type Photocontrol Receptacle w/Photocontrol Not available with 480V
PCR*	Locking Type Photocontrol Receptacle
PCB*	Button Photocontrol
PTR4*	4" Pole cap with Photocontrol receptacle for SSS4 pole
PTR5*	5" Pole cap with Photocontrol receptacle for SSS5 pole *Limited to 1000w maximum combined luminaire wattage.
MF	Mast Arm Fitter (18" & 23" units only)
AP	Adjustable Knuckle - Pole Mount Only available with single and twin luminaires @ 180°
AT	Adjustable Knuckle - Tenon Mount (N/A w/23" units)
PTF2	Pole Top Filter 2 3/4" X 4"
PTF3	Pole Top Filter 3" - 3 1/2" X 6"
PTF4	Pole Top Filter 3 1/2" - 4" X 6"
ACR	Acrylic Sag Lens (in lieu of glass - N/A w/23" units)
POLY	Polycarbonate Sag Lens (in lieu of glass - N/A w/23" units)
QS	Quartz Standby

4. 14"/18" vertical lamp optics are supplied standard w/high temperature resistant thermoplastic sag lens. 23" vertical lamp optics are supplied standard with sag glass.
 5. 18" and 23" 3V/QV optical systems feature an upper (factory set) sharp cutoff socket position. For wider spacings, a lower (field adjustable) semi-cutoff socket position may be set.
 6. 14" vertical lamp optics require a medium base lamp. N/A with 480V.

TYPE	PREFIX	MOUNTING	SIZE	CONFIGURATION	DISTRIBUTION	WATTAGE	VOLTAGE	FINISH	OPTIONS
	EC								
	EC								
	EC								
	EC								



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