

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 06-0444	Issue Date: PERMIT ISSUED APR 10 2006	CBL: 429 007001
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Location of Construction: 500 WASHINGTON AVE	Owner Name: SCARKS MICHAEL	Owner Address: 120 EXCHANGE ST	Phone:
Business Name:	Contractor Name: Simplex / Grinnell	Contractor Address: 20 Thomas Dr Westbrook	Phone: 3078426440
Lessee/Buyer's Name: Steve & Renee's Diner	Phone:	Permit Type: Hood Systems, Commerical	Zone:

Past Use: Commercial/ Restaurant/ Steve & Renee's Diner	Proposed Use: Restaurant/ Steve & Renee's Diner/ Upgrade range guard Kitchen Hood System to a Pyro-Chem system	Permit Fee: \$48.00	Cost of Work: \$2,775.00	CEO District: 4
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Proposed Project Description: Upgrade range guard Kitchen Hood System to a Pyro-Chem system	FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied NFPA 96	INSPECTION: Use Group: N/A Type: SUPPRESSION ONLY 4/7/06
	Signature: Greg Cox	Signature: [Handwritten Signature]

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action: Approved Approved w/Conditions Denied

Signature: _____ Date: _____

Permit Taken By: Idobson	Date Applied For: 04/03/2006	Zoning Approval
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<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. 	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: _____	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: _____
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

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Permit No: 06-0444	Date Applied For: 04/03/2006	CBL: 429 I007001
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Location of Construction: 500 WASHINGTON AVE	Owner Name: SCARKS MICHAEL	Owner Address: 120 EXCHANGE ST	Phone:
Business Name:	Contractor Name: Simplex / Grinnell	Contractor Address: 20 Thomas Drive Westbrook	Phone (207) 842-6440
Lessee/Buyer's Name Steve & Renee's Diner	Phone:	Permit Type: Hood Systems, Commerical	

Proposed Use: Restaurant/ Steve & Renee's Diner/ Upgrade range guard Kitchen Hood System to a Pyro-Chem system	Proposed Project Description: Upgrade range guard Kitchen Hood System to a Pyro-Chem system
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Dept: Building	Status: Approved	Reviewer: Mike Nugent	Approval Date: 04/07/2006
Note:			Ok to Issue: <input checked="" type="checkbox"/>

Dept: Fire	Status: Approved with Conditions	Reviewer: Cptn Greg Cass	Approval Date: 04/04/2006
Note:			Ok to Issue: <input checked="" type="checkbox"/>
1) Entire system shall comply with NFPA 96 Certification letter required.			



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>500 Washington Ave. Portland</u>		
Total Square Footage of Proposed Structure		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>429 I 007</u>	Owner:	Telephone:
Lessee/Buyer's Name (If Applicable) <u>Steve + Renee's Diner Stephen Wright or Renee LaChance</u>	Applicant name, address & telephone: <u>Simplex Grinnell 20 Thomas Drive Westbrook, ME 04092 207-842-6440</u>	Cost Of Work: \$ <u>2,775.00</u> Fee: \$ <u>48.00</u> C of O Fee: \$ _____
Current Specific use: <u>Restaurant</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>(same)</u>		
Project description: <u>Upgrade of older Range Guard Kitchen hood Fire suppression system to a new 6-gallon Pyro-Chem system per NFPA 17A + NFPA 96 + UL 300</u>		
Contractor's name, address & telephone: <u>(same as applicant)</u>		
Who should we contact when the permit is ready: <u>Tim Hinman</u> Mailing address: _____ Phone: <u>207-482-2335</u>		

Please submit all of the information outlined in the Commercial Application Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information visit us on-line at www.portlandmaine.gov, stop by the Building Inspections office, room 315 City Hall or call 874-8703.

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

Signature of applicant: <u>Tilly E. Hinman</u> For <u>Simplex Grinnell</u>	Date: <u>4-3-06</u>
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This is not a permit; you may not commence ANY work until the permit is issued.

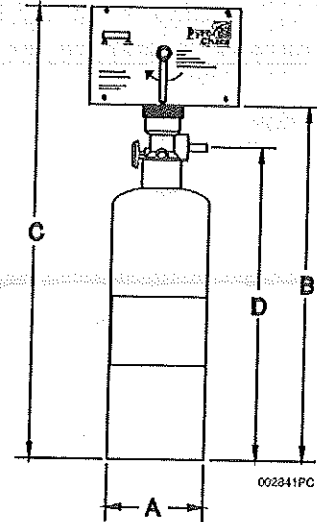
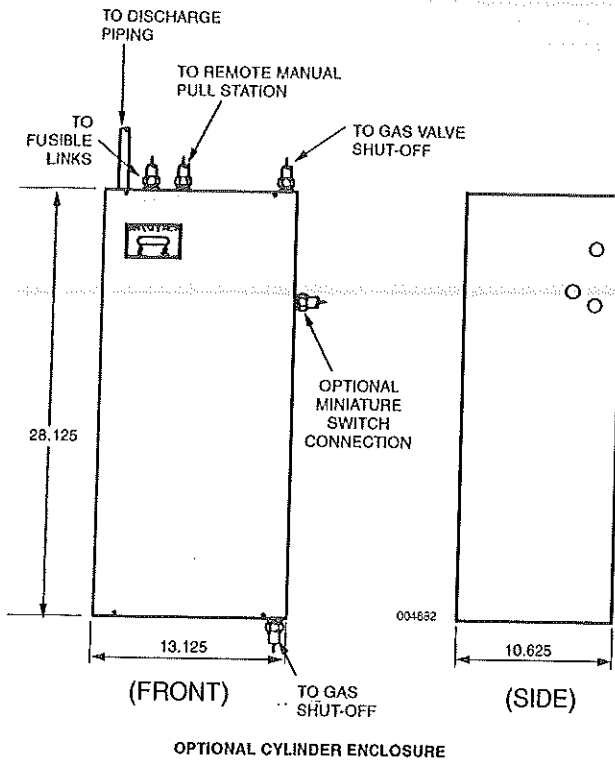
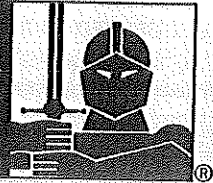
SimplexGrinnell
20 Thomas Dr.
Westbrook, ME 04092
Tel: 207-842-6440

CERTIFICATE OF INSTALLATION

Customer Address	Steve & Renee's 500 Washington Ave. Portland, ME 04103
Property inspected	(same)
Hazard location	12-6" long kitchen hood (2 sections)
System location	Cylinder and controls mounted on top of the left side of the hood above the ceiling.
System Type	Pyro-Chem model PCL600, UL300 wet chemical per NFPA 17A & 96
System size	6-gallon (1 cylinder)
Remarks	A. System includes: (1) 6-gallon cylinder, (12) discharge nozzles, (5) fusible link detectors, (1) pull station and (1) mechanical gas shutoff valve (above the hood and drop ceiling). B. System nozzles include: (1) 1H nozzle for each plenum, (1) 2D nozzle for each for duct, (1) 2H nozzle each for the fryer and 4' griddle, (1) 1H nozzle each for the 2-burner range and 30" griddle and (4) 1L nozzles for the 8-burner range. C. A single micro-switch is connected to the solenoid gas valve and a 2 nd micro-switch would need to be installed to facilitate an alarm system connection.
Installation date	March , 2006 April
Next inspection due	Semi-annual: Sept. 2006, March. 2007 etc.
Installed by	Installation/inspection by Tom Zielinski

Data/ Specification Sheet

Kitchen Knight II Wet Chemical Restaurant Kitchen Fire Suppression System



Model No.	A	B	C	D	Flow Point Capacity	Weight	Mounting Bracket Used
PCL-160	7.00	19.62	25.37	17.31	5	33 lbs.	MB-15
PCL-300	8.00	25.06	30.81	22.75	10	53 lbs.	MB-15
PCL-460	10.00	25.06	30.81	22.75	15	83 lbs.	MB-15
PCL-600	10.00	35.81	41.56	33.50	20	108 lbs.	MB-1

ALL DIMENSIONS IN INCHES

FEATURES

- UL and ULC Approved
- Complies with NFPA Standard 17A and 96
- Meets the requirements of the Building Officials and Code Administrators (BOCA)
- Approved by the City of New York Material and Equipment Acceptance Division (MEA)

GENERAL

The KITCHEN KNIGHT® II Restaurant Kitchen Fire Suppression System is a pre-engineered solution to appliance and ventilating hood and duct grease fires. The system is designed to maximize hazard protection, reliability, and installation efficiency. Automatic or manual system activation releases a throttle discharge of potassium carbonate solution on the protected area in the form of fine droplets to suppress the fire and help prevent reignition after the discharge is complete.

SYSTEM OPERATION

The KITCHEN KNIGHT II Restaurant Kitchen Fire Suppression System has been designed for protecting kitchen hood, plenum, exhaust duct, grease filters, and cooking appliances (such as fryers, griddles, rangetops, upright broilers, charbroilers and woks) from grease fires. The versatile state-of-the-art wet chemical distribution technique, combined with dual, independent activation capability – automatic fusible link or manual release – provides efficient, reliable protection the moment a fire is detected. Once initiated, the pressurized wet chemical extinguishing agent cylinder discharges a potassium carbonate solution through a pre-engineered piping network and out the discharge nozzles. The wet chemical discharge pattern is maintained for a duration of time to ensure suppression and inhibit reignition. Expanded capability provides remote manual actuation, gas equipment shutdown, and electrical system shutdown. This optional equipment will enhance the basic system functions and be applicable when designing custom configurations to suit a particular customer's needs and/or comply with local codes.

The operating temperature range of the Pyro-Chem KITCHEN KNIGHT II System is 32 °F to 120 °F (0 °C to 49 °C).



Tyco Safety Products
One Stanton Street
Marinette, WI 54143

PYRO-CHEM is a trademark of Tyco International Services AG or its affiliates.

THIS IS TO CERTIFY THAT



Thomas Zielinski

while a current employee of the Authorized Pyro-chem Distributor:

SimplexGrinnell

has attended a requisite training class to install, maintain, test, inspect, and service Kitchen Knight II Restaurant Systems as outlined in the Installation, Maintenance, and Service Technical Manual.

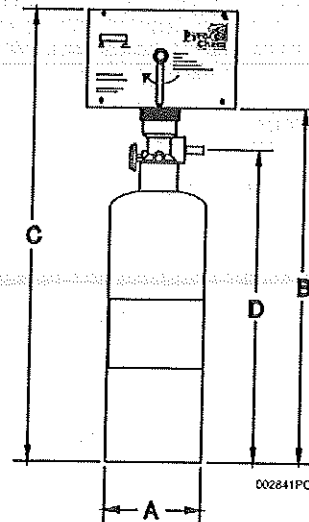
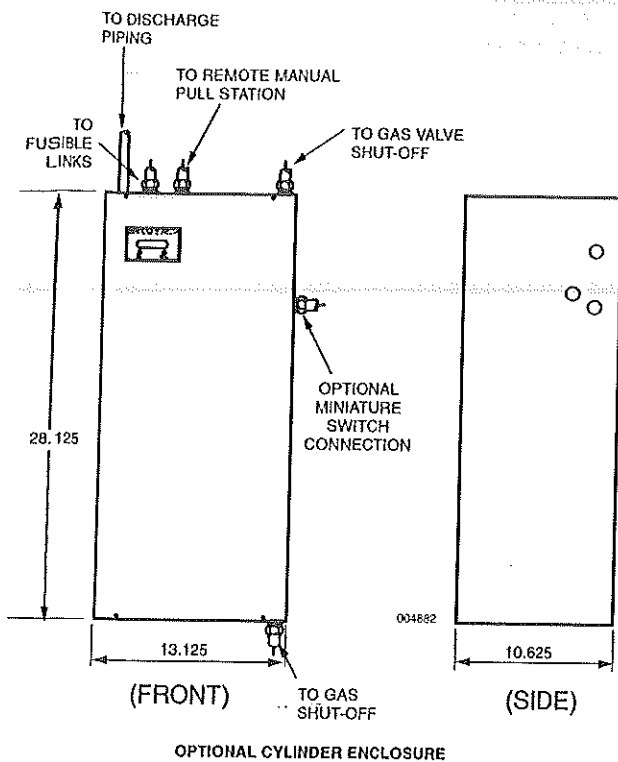
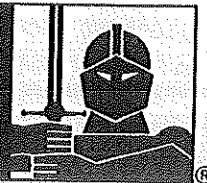
April 13, 2009
Expires

Henry Lamer
Trained By

Richard A. Lamer
Manager of Training

Data/ Specification Sheet

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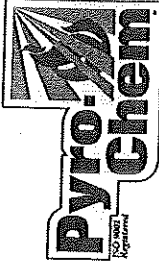
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Henry Lamm
Trained By

Richard Schmidt
Manager of Training

SimplexGrinnell
20 Thomas Dr.
Westbrook, ME 04092
Tel: 207-842-6440

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Installed by	Installation/inspection by Tom Zielinski

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING INSPECTION

PERMIT

PERMIT ISSUED

Permit Number: 060444

APR 10 2006

CITY OF PORTLAND

This is to certify that SCARKS MICHAEL /Simple /Grinnell
has permission to Upgrade range guard Kitchen Hood System to a Power Chem system
AT 500 WASHINGTON AVE L 429 100700

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of the State and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission procured before this building or part thereof is altered or closed-in.
24 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. Greg King 4-4-06
Health Dept. _____
Appeal Board _____
Other _____
Department Name

[Signature]
Director - Building & Inspection Services
4/7/06

PENALTY FOR REMOVING THIS CARD



CITY OF PORTLAND

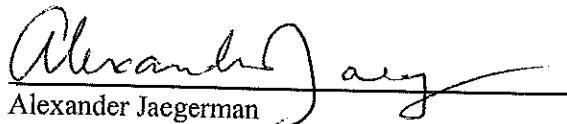
TO: Duane Kline, Finance Department
FROM: Alexander Jaegerman, Chief Planner
DATE: October 12, 2001
SUBJECT: Request for Reduction in Performance Guarantee
500 Washington Avenue
ID# 2000-0046 Lead CBL #429-I-007

A request by Michael Scarks has been made for a reduction of Letter of Credit Account #232 for #500 Washington Avenue.

Original Sum	\$ 65,855.00
First Reduction	\$ 40,594.50
This Reduction Amount	<u>\$ 18,675.00</u>
Remaining Sum	\$ 6,585.50

This is the second reduction for the project.

Approved:


Alexander Jaegerman
Chief Planner

cc: Sarah Hopkins, Development Review Services Manager
Development Review Coordinator
Tony Lombardo, Public Works
✓ Code Enforcement

O:\PLAN\CORRESP\DRC\PERFORM\500WASHINGTONI.DOC

CITY OF PORTLAND, MAINE
PLANNING BOARD

429-I-007

Jaimey Caron, Chair
Deborah Krichels, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Erin Rodriguez
Mark Malone
Orlando E. Delogu

May 31, 2000

Mr. Lou Wood
120 Exchange Street
Portland, ME 04101

RE: 500 Washington Avenue, Office Expansion

Dear Mr. Wood:

On May 30, 2000 the Portland Planning Board voted 6-0 (Hagge absent) on the following motions regarding the office expansion located at 500 Washington Avenue:

1. That the Board recommended to the City Council that Bates Court be discontinued.
2. That the plan is in conformance with the Shoreland Zoning of the Land Use Code.
3. That the Board does grant the waiver of the sidewalk requirements between Bates Court and Baxter Boulevard.
4. That the plan is in conformance with the Site Plan Ordinance of the Land Use Code with the following conditions:
 - i. that the applicant repair the existing sidewalk along Bates Street, running from Washington Avenue to Bates Court and that the two existing driveway entrances along Bates Street on the existing developed site be upgraded and a note added to the plan indicating that these areas shall be repaired.
 - ii. that Corporation Counsel review and approve the access and utility easement deed and once approved the applicant provide an executed deed to staff.
 - iii. that the applicant revise the landscape plan in accordance with the City Arborist's memo dated May 24, 2000 regarding three Lindens along the MDOT right-of-way.
 - iv. that the applicant revise the plan in accordance with the DRC's memo dated 5/24/00 regarding a water quality treatment device, revision of geometric plan, storm drain pipe size, and concrete wheel stops.

- v. that the height of the light fixtures not exceed twenty feet above grade.

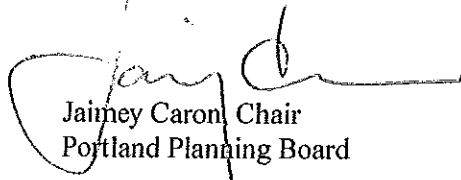
The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Report #18-00, which is attached.

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

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
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 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.
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. 8828. (Only excavators licensed by the City of Portland are eligible.)
6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

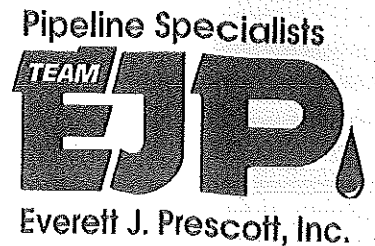
If there are any questions regarding the Board's actions, please contact the planning staff.

Sincerely,



Jaimey Caron, Chair
Portland Planning Board

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



August 1, 2000

Rick Knowland, Sr. Planner
Planning Dept.
City of Portland
City Hall
389 Congress Street
Portland, ME 04101

Home Office
P.O. Box 600
191 Central Street
Gardiner, Maine 04345

Telephone (207) 582-1851
FAX (207) 582-5637

Website: <http://www.EJPrescott.com>
E-mail: ejp@EJPrescott.com

**Subject: Site Plan – Gravel Storage Area
Rear 530 Warren Avenue
Portland, ME**

Dear Rick:

Thank you for reviewing with me the City's requirements for minor site development approval. The enclosed site plan package (one original and six copies) shows both existing and finish contours, existing and proposed drainage patterns, erosion control measures (silt fence) during construction, proposed fencing and limits of gravel storage area.

E.J. Prescott, Inc. purchased Parcel "A" from MJC, LLP, to expand its outside product storage capability. Our plan is to clear, grub, and place compacted gravel fill on Parcel "A": as shown on the enclosed property/site Plan.

Per Section 14-525, ¶ (C) of the Portland Planning Board Regulations the following written statements, accompany our application. Owner of Parcel "A" (and the original out-parcel) is Everett J. Prescott, Inc., P.O. Box 600, Gardiner, ME 04345 a Maine registered corporation. Owners of E. J. Prescott are Peter E. Prescott, Stan McCurdy and Steven E. Prescott.

Estimated construction cost of the gravel storage area is \$70,000.

1. Proposed use of the site is for outside storage of water, sewer, drain and gas products. There are no residential units proposed.
2. Total land area is 0.7 Acres. There are no proposed buildings or structures on this site.

Rick Knowland, Sr. Planner
August 1, 2000
Page Two

3. *Central Maine Power Co. has a power line easement with right of access onto the site for power line maintenance purposes.*
4. *This development will not create any solid waste.*
5. *This development does not require any water, sewer or street facilities.*
6. *Existing surface drainage on Parcel "A" flows northerly along the CMP power-line and then into the Capisic Brook watershed. Once the gravel storage area is complete, the same drainage pattern will exist. If Jokers Two's proposed Go-Cart Track is built, surface drainage from Parcel "A" will flow through a new culvert at the southwest corner of the track and then into a new detention basin, then into the Capisic Brook watershed.*
7. *Proposed construction sequence consists of the following items:*
 - a) *Clear small growth on site.*
 - b) *Grub and remove all organic material on site.*
 - c) *Replace with clean gravel, compacted in place to finish grades shown on the site plan. Maximum gravel fill will be approximately 3 feet.*
 - d) *During construction, silt fence will be placed around the perimeter of the work site.*
 - e) *After the gravel surface is complete, 8' chain link fencing will be installed around the perimeter, including 2, 14' wide swing gates for CMP access for power line maintenance. No pollution abatement measures are required. Approximate date for commencement and completion of construction are August 2000 and October 2000.*
8. *This project is not subject to State or Federal regulatory approval.*

Rick Knowland, Sr. Planner
August 1, 2000
Page Three

9. *Payment for construction services, permits and approvals will be made from current resources @ E.J. Prescott.*
10. *A Quitclaim Deed for Parcel "A" is attached as evidence that E.J. Prescott has title to Parcel "A".*
11. *There are no unusual natural areas, wildlife or fisheries habitat or archeological sites located on or near the project site.*
12. *EJP does not have any available electronic CADD. DXF files.*
13. *There will be no recyclable material generated on-site.*

Rick, after extensive review of the information in your files on the Jokers project plus additional time spent in Marge Schmuckle's office I was unable to find any information concerning decisions regarding parking requirements for Jokers.

I then contacted Bill Latvis at Jokers and he provided me the attached additional Trip And Traffic Data Memo from November, 1996 which gives pretty solid information on parking requirements for their facility on Warren Avenue.

Simply said, the current Jokers parking lot contains 213 spaces including 24 spaces behind E.J. Prescott. This total does not include the original 58 spaces now occupied by miniature golf. Referring to the 11/2/96 memo, the Trip And Traffic Data was gathered from their Portsmouth facility which is the same size and concept as the Portland facility. Using the rainy Saturday customer volume of 438 people and the associated traffic data the maximum number of parking spaces that would have been used totals 176. Deleting the 24 spaces at the rear of our property still leaves 189 available parking spaces or 13 over the maximum number projected. Also, experience at Portsmouth indicates that the maximum number of spaces ever used on any one day was 98.

Rick Knowland, Sr. Planner
August 1, 2000
Page Four

It appears that deleting the 24 spaces at the rear of our property will not impact the parking requirements for Jokers II.

Please review this material and I will be available to answer any questions you may have.

Sincerely,
EVERETT J. PRESCOTT, INC.



David G. Gardner, P.E.
Senior Vice President

DGG/mls
Enclosures

TROUBH, HEISLER & PIAMPIANO, P. A.

Attorneys at Law
511 Congress Street
P.O. Box 9711

Portland, Maine 04104-5011

Telephone: 207-780-6789

Fax: 207-774-2339

E-mail: info@thplaw.com

PAUL S. BULGER, ESQ.

Sender's Direct E-Mail:
pbulger@thplaw.com

In reply refer to: 15591.5752

Lewiston Office:
HARK • ANDRUCKI
179 Lisbon Street
P.O. Box 7120
Centreville Plaza
Lewiston, Maine 04243-7120
Telephone: 207-777-4600

February 15, 2000

David Gardner

Everett J. Prescott, Inc.

191 Central Street

Gardiner, ME 04345

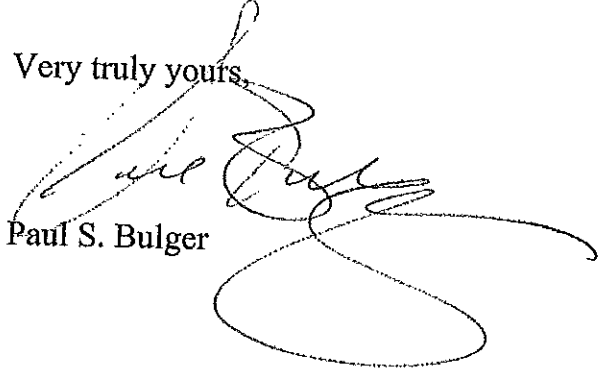
RE: M.T.S., LLC / Everett J. Prescott, Inc. / Additional Warren Avenue Real Estate

Dear Dave:

Enclosed please find for your safekeeping the original Quitclaim Deed from M.T.S., LLC to Everett J. Prescott, Inc., now recorded at the Cumberland County Registry of Deeds in Book 15251, Page 274. I have retained a copy for our file.

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

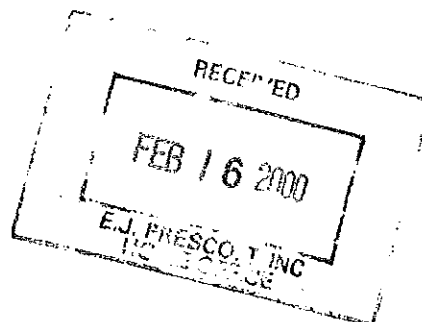
Very truly yours,


Paul S. Bulger

PSB/ts/157571

Enclosure

cc: Michael Savage (w/ encl.)



QUITCLAIM DEED

M.T.S., LLC, a Maine limited liability company with a mailing address of 21
Coveside Road, Cumberland Foreside, Maine 04110, for consideration paid, GRANTS to
EVERETT J. PRESCOTT, INC., a Maine corporation with a mailing address of 191
Central Street, Gardiner, Maine 04345, with QUITCLAIM COVENANTS, that certain lot
or parcel of land situated in the City of PORTLAND, County of CUMBERLAND and State
of MAINE, and more particularly described on EXHIBIT A attached hereto and made a part
hereof.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said M.T.S., LLC has caused this instrument to be
signed on its behalf by Michael T. Savage, its duly authorized Member, on this 24th day of
December, 1999.

[Signature]
Witness

M.T.S., LLC
By: Michael T. Savage
Michael T. Savage, its Member, Duly
Authorized

STATE OF MAINE
COUNTY OF CUMBERLAND

December 24, 1999

Then personally appeared the above-named Michael T. Savage in his capacity as
Member of M.T.S., LLC and acknowledged the foregoing instrument to be his free act and
deed in his said capacity and the free act and deed of said M.T.S., LLC.

Before me,

[Signature]
Notary Public/Attorney-at-Law

Printed Name: Paul S. Bussard
Commission Expires: _____

EXHIBIT A

(M.T.S., LLC to Everett J. Prescott, Inc.)

A certain lot or parcel of land situated southerly of the southerly side of Warren Avenue in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a rod marking the southeasterly corner of land conveyed to said Grantee by deed recorded in the Cumberland County Registry of Deeds in Book 12,825 Page 252, said rod being located on a course of S 10° 27' 00" W a distance of 407.02' from a rod on the southerly side of said Warren Avenue which also marks the northwesterly corner of land now or formerly of Georgia Pacific Corp. recorded in Book 2942 Page 580;

Thence continuing by said Georgia Pacific Corp. on the following courses:

S 10° 27' 00" W a distance of 108.15' to a rod;
S 60° 37' 30" E a distance of 156.49' to a rod on the northerly line of land now or formerly of Portland Terminal Company;

Thence by the northerly line of said Portland Terminal Company N 88° 51' 00" W a distance of 276.75' to remaining land of the Grantor;

Thence by said Grantor land N 08° 57' 35" E, a distance of 200.53' to the southwesterly corner of said Grantee land;

Thence by said Grantee land S 80° 56' 30" E a distance of 130.33' to the point of beginning, comprising 30,072 square feet.

Above courses are magnetic 1926.

Being a portion of the premises described in deed to M.T.S. LLC recorded in said registry in Book 12,753 Page 131.

Said parcel being subject to an easement conveyed to Central Maine Power Co. recorded in Book 2070 Page 256.

File: 96278-02-JPC.LWP

RECEIVED
RECORDED REGISTRY OF DEEDS
1999 DEC 29 PM 1:02
CUMBERLAND COUNTY
John B. O'Brien

Additional Trip & Traffic Data

11/2/96

In response to Tom Errico's request for additional data regarding trip generation we submit the following:

- O Joker's in Portsmouth is the same size and concept and has the same demographics as the Portland location. Both locations are projected to produce the same annual sales volume and customer traffic. Although Portland will have outdoor amusement activities, Portsmouth is a high traffic summer tourist area and therefore, volumes for the summer will be the same for both locations. Portsmouth has 186 parking spaces and we have never filled the entire parking lot at any one time. The City of Portsmouth has already admitted that they required too many parking spaces.
- O The traffic counts previously submitted were done at Bonker's in Weymouth and Peabody MA where the demographics including population, traffic, trips etc. are significantly higher overall. These are competitors of Joker's with the same concept. As you can understand, they are not willing to share competitive information regarding sales, cash receipts or customer volume as Tom Errico requested.

Instead, more relevant customer volume and sales information for the same time period at our Portsmouth location is provided below:

	Customer Volume	Sales
Rainy Saturday	438 people	\$7400
Sunny Saturday	288 people	\$5100
Rainy Sunday*	311 people	\$4400
Sunny Sunday*	182 people	\$3300

* Open only until 8:00pm

The average # of people per car that arrives is approximately 2.7 in the summer. As you can see, rainy day volumes are 1.5 to 1.7 times sunny days. If June represents 80 to 85 % of higher volume months then it appears that the trip generations, traffic and parking is not a problem.

- O To add validity to the above data, an additional traffic study was done at Portsmouth on Saturday 11/2/96 from 11:00 am to 5:00pm which is the peak day of the week and the peak time period of the day. It was a partially cloudy day November is a slightly higher volume month as compared with June.

Attached are the results of the study. The maximum number of parking spaces used was 98. The average number of people per car was 2.84. Had this been a rainy day a multiple of 1.5 applied would mean that 147 spaces would have been used. During our higher volume months, a multiple of 1.2 would mean that 176 spaces would be used.

We hope that this data sufficiently puts to rest any concerns regarding traffic or parking.

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

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

NOTE* If you or the property owner owes real estate or personal property taxes or user charges on ANY PROPERTY within the City, payment arrangements must be made before permits of any kind are accepted.

Everett J. Prescott, Inc.

7/27/2000

Applicant

P.O. Box 600

Application Date

Gravel Outside Storage Area

Applicant's Mailing Address

Gardiner, ME 04345

Project Name/Description

(Rear) 530 Warren Ave., Portland

~~Cook's~~

None

Address Of Proposed Site

Tax Map #271, Block A, Lot 8

Applicant/Agent Daytime telephone and FAX Phone: (207) 582-1851
Fas: (207) 582-5637

Assessor's Reference, Chart#, Block, Lot#

Proposed Development (Check all that apply) New Building Building Addition Change of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Other(Specify) Constr. of gravel area for outside storage of water, sewer, drain and gas materials.

No building proposed

7/10 acres

Business 2

Proposed Building Square Footage and /or # of Units

Acreeage of Site

Zoning

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) 7 sets of Site Plan packages containing the information found in the attached sample plans and checklist.

(Section 14-522 of the Zoning Ordinance outlines the process, copies are available for review at the counter, photocopies are \$ 0.25 per page)

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

Signature of applicant:

David G. Gardner

Date: July 27, 2000

Site Review Fee: Major \$500.00 Minor 400.00

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