

Comments  
Submitted



**To:** Dan Goyette; David Margolis-Pineo; Marge Schmuckal; Tom Errico; Keith Gautreau; Jeff Tarling

**From:** Jean Fraser

**Date:** May 20, 2009

5/20/09

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Additional information submitted for the following project:

**Application ID #:** 2009-0010

**Project Name:** Northgate Plaza/CVS Expansion/H&R Block Refurbishment

**Project Address:** 91 and 125 Auburn Street

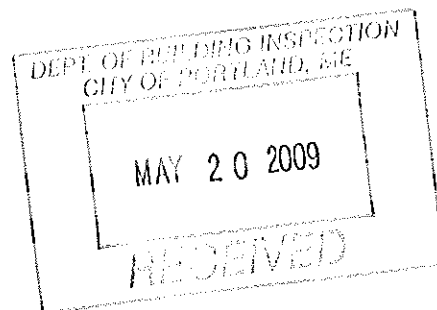
**Preliminary Comments required by: May 27, 2009 Dev Rev**  
**FINAL comments required by: JUNE 3, 2009 Dev Rev**

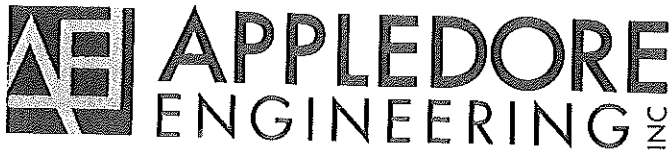
**THIS GOES TO HEARING JUNE 9th**

Received this morning- I understand these address all staff and PB comments.

Please note that we advised them to keep the rain garden nearest to Auburn as linear.

Tom liaising direct with applicant re drive thru traffic data.



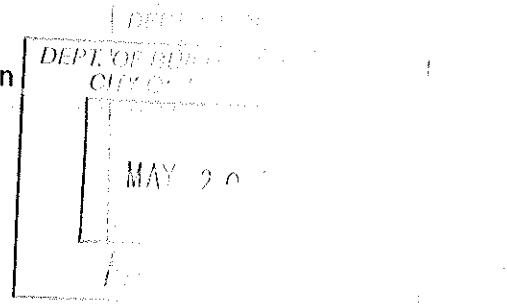


177 Corporate Drive  
Portsmouth, NH 03801  
tel 603.433.8818  
fax 603.433.8988  
aei@appledoreeng.com  
www.appledoreeng.com

May 19, 2009

Ms. Jean Fraser  
City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine 04104

Re: Site Plan Review/Conditional Use Application  
Northgate Plaza Redevelopment  
Auburn Street  
Portland, Maine  
AEI/2042C



Dear Ms. Fraser:

On behalf of A & D, Realty Inc., Appledore Engineering submitted a Site Plan Review and Conditional Use Application for the above referenced project on January 30, 2009 with revisions dated March 13, 2009 and May 1, 2009. We have made additional revisions to the submission based on feedback from the Planning Board received during the May 12<sup>th</sup> workshop. Enclosed please find the following information relative to the Site Plan Review/Conditional Use Application:

- Cover Letter dated May 19, 2009
- Seven (7) 24x36 sets of Site Plans dated May 19, 2009
- One 11x17 set of Site Plans dated May 19, 2009

The following are responses to comments from Woodard & Curran dated March 26, 2009 and the Workshop Memorandum dated May 8, 2009 which included a section of "Issues to be addressed". Comments are in *italics* followed by our responses in **bold**:

Woodard & Curran Comments:

*Comment: The catch basins and manholes on the grading, drainage and erosion control plan only show one invert in elevation regardless of the number of pipes entering the structure. It is not clear if this is meant to indicate that all invert ins are to be at the same elevation.*

**Response: In the cases where only one (1) invert in is shown, all inverts ins are to be at that same elevation.**

*Comment: It is not clear from the plans what is happening in terms of drainage in front of the UPS store. No grading information is shown and there appears to be a drain line leaving CB #5304 heading towards that area but it is not clear what it connects to. A curb bump out is being installed that will stop the runoff from following the curb line and flowing towards the rear of the property. Please clarify what is happening in this area.*

**Response:** The elevation drawings have since been provided. Bollards will be used along the top of the proposed retaining wall to prevent vehicles from falling into the stairwell.

Issues to be addressed:

*Comment :* Identify the designated parking easement for the H&R Block building

**Response:** The proposed location for the parking easement has been identified on the Overall Site Plan, Sheet C-2.

*Comment:* Revise the H&R Block proposal to ensure safe pedestrian connections with the designated parking for this building.

**Response:** After discussions with Tom Errico, which was also discussed during the May 12<sup>th</sup> workshop, it was determined that the best access from the five (5) parking spaces is along the existing crosswalk at the entrance of the shopping plaza. A concrete sidewalk has been included to provide a direct connection from the five (5) parking spaces to this crosswalk.

*Comment:* Submit revised landscaping plans for the H&R Block building.

**Response:** The revised Landscaping Plan for this area has been included as part of this plan set.

*Comment:* Provide drive-thru trip data and revised drive-thru signage to the satisfaction of the Traffic Engineer Review.

**Response:** The applicant is working with CVS to obtain drive-thru trip data and will provide this information upon receipt. Tom Errico, City Traffic Engineer Reviewer, mentioned during the May 12<sup>th</sup> workshop meeting that there may be additional signage that could be included at the drive-thru cross walk location. The applicant agrees to include this signage once the traffic engineer indicates what may be needed in this area.

*Comment:* Consider the Board's guidance regarding the request to narrow the drive aisle nearest Auburn Street.

**Response:** The revised plans include the narrowing of this aisle.

*Comment:* Address detailed Engineering Review comments.

**Response:** The comments from Woodard & Curran have been addressed in the beginning of this cover letter.

*Comment:* Provide Photometric Plans for the exterior lighting and confirm that the proposal meets City Standards.

**CERTIFICATION**  
**CONSTRUCTION CONTROL**

In accordance with Section 109 INSPECTIONS of the 2003 International Building Code

I, Thomas P. Grafe, being a registered professional engineer, certify that I shall perform the necessary professional services for the portion of the engineering work (Structural) for which I or my designated representative are directly responsible as identified in Section 109.

1. Review for conformance to the design concept, shop drawings, samples and other submittals that are submitted by the contractor in accordance with the requirements of the construction control documents.
2. Review and approve the quality control procedures for all code-required controlled materials.
3. Be present at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the work and to determine, in general, if the work is being performed in a manner consistent with the construction documents.

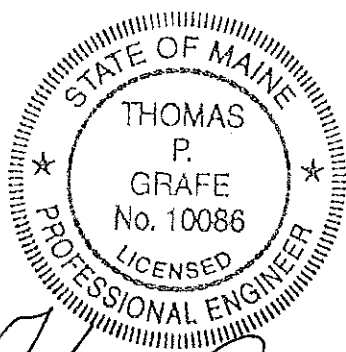
At completion of the construction and prior to the request of a Certificate of Occupancy, I shall file a final report to the Building Inspector that the work has been performed in accordance with the approved plans and the 2003 International Building Code and all requirements of Section 110 CERTIFICATE OF OCCUPANCY have been satisfied.

Project: CVS/pharmacy Store #329

Location: 91 Auburn Street, Portland, ME

Date on Plans and Specifications submitted for approval and issuance of the Building Permit:

August 31, 2009



Thomas P. Grafe  
Professional Engineer (Original) Seal

Structural  
Discipline – Area of Responsibility

Date

8/31/09

Jensen J. Marchant 8/31/09  
NOTARY PUBLIC  
My commission expires 4/3/2010

# Statement of Special Inspections

Project: CVS: Portland, ME #329

Location: 91 Auburn Street, Portland, ME

Owner: A & D Realty, L.L.C.

Owners Address: 5 Militia Drive

Lexington, MA 02421

Architect of Record: BKA Architects, Inc., Brockton, MA

Structural Engineer of Record: C.A. Pretzer Associates, Inc. Cranston, RI

This State of Special Inspections is submitted as a condition for permit issuance in accordance with the special inspection requirements of the International Building Code (IBC 2003). It includes a Schedule of Special Inspections applicable to this project as well as the name of the Special Inspector and the certainty of other approved agencies intended to be retained for conducting these inspections.

The Special Inspector shall keep records of all inspections, and shall furnish inspection reports to the code official and to the structural engineer and architect of record. Discovered discrepancies shall be brought to the immediate attention of the contractor for correction. If such discrepancies are not corrected the discrepancies shall be brought to the attention of the code official and the structural engineer and architect of record. The special inspection program does not relieve the contractor of his or her responsibilities.

Interim reports shall be submitted to the code official, owner, structural engineer and architect of record. A schedule of interim reports shall be approved by the Code Official prior to permit issuance.

A final report of inspections documenting completion of all required special inspections and correction of any discrepancies noted in the inspections shall be submitted prior to the issuance of a certificate of use and occupancy.

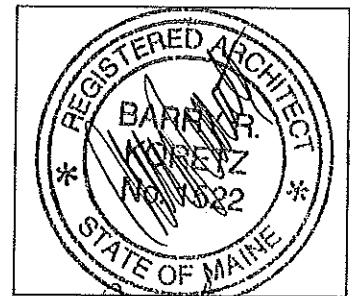
Interim Report Frequency: Monthly or  per attached schedule.

Prepared by Design Professional

Barry Koretz  
(Type or print name)

Signature

Date



Owner's Authorization

Barry R. Pretzer  
Building Official's Acceptance



## Schedule of Special Inspection Services

The following sheets comprise the required schedule of special inspections for the subject project. Special inspections are required for the following construction divisions which are checked:

### Division 2

X      Soils and Foundations

### Division 3

X      Cast-in-Place Concrete                      ACI 318-02

### Division 5

X      Structural Steel                                      AISC

	Firm	Address
<i>1. Special Inspector</i>	BKA Architects, Inc.	142 Crescent Street Brockton, MA 02302
<i>2. Testing Laboratory</i>	To be contracted by Owner	
<i>3. Geotechnical Engineer</i>	Ransom Environmental Consultants	400 Commercial Street, Portland, ME 04101
<i>4. Other (Structural Eng.)</i>	Thomas P. Grafe, P.E. C.A. Pretzer Associates, Inc.	50 Freeway Drive Cranston, RI 02920

Note: The qualifications of all personnel performing Special Inspection activities are subject to the Building Official's approval.

## Division 2 – Earthwork

### Section – Excavation and Backfill

Item	Agent No.	Inspection Scope
1. Shallow Foundations – Concrete beams and pile caps- Yes	2	Review excavations for suitability prior to placing concrete beams and pile caps.
2. Controlled Structural Fill Yes	2	Perform field density tests on compacted fills within the building perimeter as required; provide reports and test results.
3. Deep Foundations	2,3	Provide full time monitoring of steel pile installation including reviewing method of installation with contractor prior to commencing work and load testing as required by the local building official. <span style="float: right;">7</span>
4. Other	N/A	



## Division 3 – Concrete

### Section – Cast-in-Place Concrete

Item	Agent No.	Inspection Scope
1. Concrete Mix Design Yes	4	Review and approve concrete mix designs submitted by the contractor.
2. Material Certification Yes	4	Review data submitted by the contractor.
3. Reinforcement Installation Yes	2	Field review the following in accordance with cited ACI 318-02 Sections: Section 7.4 – Surface Conditions of Reinforcement Section 7.5 – Placing Reinforcement Section 7.6 – Spacing Limits for Reinforcement Section 7.7 – Concrete Protection for Reinforcement
4. Post Tensioning Operations N/A	N/A	
5. Batching Plant Yes	2	Visit batching plant and verify conformance with pertinent requirements of Chapter 3 “Materials” and Chapter 5 “Concrete Quality, Mixing, and Placing” of ACI 318-02.
6. Formwork Geometry Yes	2	Field review the following in accordance with cited ACI 318-02 Sections: Section 6.1 – Design of Formwork Section 6.2 – Removal of Forms and Shores
7. Concrete Placement Yes	2	Inspect for proper application techniques in accordance with ACI 318-02, Sections 5.9 and 5.10.
8. Evaluation of Concrete Strength – Yes	2	Obtain concrete cylinders & test for compressive strength, provide reports. Provide one (1) set of cylinders for each 30 c.y. or single day pour if less than 30 c.y.
	4	Review lab reports.
9. Curing and Protection Yes	2	Review placement of approved curing method. Inspect for maintenance of curing temperatures and techniques specified in ACI 318-02, Sections 5.11, 5.12, and 5.13.

## Division 4 – Masonry

### Section – Unit Masonry

Item	Agent No.	Inspection Scope
1. Material Certification - Yes	2	Review material certificates for all products listed in Article 2.2 of ACI 530 1-88/ASCE 6-88 required by the Contract Documents
2. Mixing of Mortar Yes	2	Verify that proportioning, mixing and consistency of mortar complies with applicable provisions of Articles 2.3, and 4.2 of ACI 530 1-88/ACSE 6-88
3. Installation of Masonry - Yes	2	Verify that installation of masonry units and mortar conform with applicable provisions of Article 2.3 of ACI 530 1-88/ASCE 6-88
4. Reinforcement Installation – Yes	2	Verify that the condition, size, location and spacing of reinforcement complies with applicable provisions of ACI 530-88/ASCE 5-88 chapter 8
5. Weather Protection – Yes	2	Verify that cold weather construction complies with ACI 530 1-88 ASCE 6-88 Article 2.3 2.2 and ACI 530.1-88/ASCE 6-88 Article 2.3 2.3
7. Other	N/A	

## Division 5 – Structural Steel

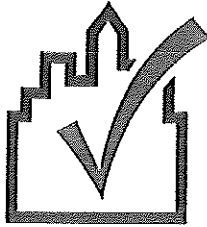
### Section – Structural

Item	Agent No.	Inspection Scope
1. Fabrication Certification/Quality Control Procedures - Yes	2	Verify that the fabricator maintains detailed fabrication and quality control procedures in accordance with section 1308 3.2 of the New Hampshire State Building Code
2. Material Certification Yes	2	<p>All main stress-carrying elements, welding material, and bolting material shall be inspected for conformance with the following standards.</p> <p>Material: Bolts, Nuts, Washers</p> <p>Inspection Required:</p> <ol style="list-style-type: none"> <li>1. Material identification markings</li> <li>2. Conformance to ASTM standards specified by the design engineer. Manufacturer's certificate of compliance is required.</li> </ol> <p>Reference for Criteria:</p> <p>Applicable ASTM material specification. AISC specification for Structural Steel Buildings-Allowable Stress Design and Plastic Design, Section A3.4.</p> <p>Material: Structural Steel.</p> <p>Inspection Required:</p> <ol style="list-style-type: none"> <li>1. Material identification markings</li> <li>2. Conformance to ASTM standards specified in the approved plans and specifications.</li> </ol> <p>Reference for Criteria: ASRM A6 or ASTM A.468. Provide certified test reports in accordance with ASTM A6 or ASTM A568.</p> <p>Material: Weld filler material</p> <p>Inspection Required: Conformance to AWS specification as specified in the approved plans and specifications.</p> <p>Reference for Criteria:AISC Specifications for Structural Steel Building – Allowable Stress Design and Plastic Design, Section A3.6.</p>

3. Open Web Steel Joists - Yes	2	Similar to item 2 above.
4. Bolting – Yes	2	Visual Inspection of all anchors bolts.  Installation of high-strength bolts shall be inspected in accordance with requirement of Section 8 of the AISC “Specification for Structural Joints Using A.325 or A490.
5. Welding - Yes	2	Weld inspection shall comply with AWS D1.1 Section 6. Verify that welders qualifications are in compliance with AWS D1.1  Visually inspect all field welds.  Perform ultrasonic testing on 100 percent of full and partial penetration welds. The percentage of welds may be modified by the Structural Engineer of Record, as the work progresses, depending on initial results/  Base metal exceeding 1.5 inches in thickness and subject to through-thickness weld shrinkage strains shall be ultrasonically tested for discontinuities behind and adjacent to the welds after joint welding.
6. Shear Connectors – Yes	2	Field Inspection
7. Structural Details – Yes	2,4	1. Field review for general fit-up  2. Inspect the steel frame to verify compliance with construction details on the Contract Documents and approved Shop Drawings including bracing, stiffening, member locations, proper application of joint details at every connection, column plumbness, and general fit-up.

## Section – Metal Trusses

Item	Agent No.	Inspection Scope
1. Fabrication Certification Quality Control Procedures - Yes	2	Verify that the fabricator maintains detailed fabrication and quality control procedures in accordance with AISI and industry standards
2. Material Certification Yes	4	Review data submitted by Truss manufacturer for compliance with project specifications.
3. Installation, Connections/Bracing-Yes	4/2	Field review for compliance with the project specifications and truss manufacturer’s requirements.
4. Prefabricated Trusses	2	Designed in accordance with AISI Specifications for Cold-Formed Steel Structural Members and project specifications.



# COMcheck Software Version 3.6.1 Envelope Compliance Certificate

## 2006 IECC

### Section 1: Project Information

Project Type: **New Construction**

Project Title : **Portland, ME CVS**

Construction Site:

91 Auburn St  
Portland , ME

Owner/Agent:

Mark Andrews  
CVS  
One CVS Drive  
Woonsocket , RI 02895  
401-770-7263

Designer/Contractor:

Rob Kuhn  
BKA Architects  
142 Crescent St  
Brockton , MA 02302  
508-583-5603  
rkuhn@bkaarchs.com

### Section 2: General Information

Building Location (for weather data): **Portland, Maine**  
Climate Zone: **6a**  
Heating Degree Days (base 65 degrees F): **7378**  
Cooling Degree Days (base 50 degrees F): **1943**  
Vertical Glazing / Wall Area Pct.: **13%**

Activity Type(s)

Retail

Floor Area

12468

### Section 3: Requirements Checklist

**Envelope PASSES Design 2% better than code.**

#### Climate-Specific Requirements:

Component Name/Description	Gross Area or Perimeter	Cavity R-Value	Cont. R-Value	Proposed U-Factor	Budget U-Factor
Exterior Wall 1: Steel-Framed, 16" o.c.	1395	21.0	0.0	0.106	0.085
Window 1: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	162	---	---	0.650	0.550
Window 2: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	99	---	---	0.650	0.550
Exterior Wall 2: Steel-Framed, 16" o.c.	2047	21.0	0.0	0.106	0.085
Door 1: Insulated Metal, Swinging	23	---	---	0.600	0.700
Exterior Wall 3: Steel-Framed, 16" o.c.	291	21.0	0.0	0.106	0.085
Window 3: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	29	---	---	0.650	0.550
Exterior Wall 4: Steel-Framed, 16" o.c.	1372	21.0	0.0	0.106	0.085
Door 2: Uninsulated Single-Layer Metal, Non-Swinging	37	---	---	1.200	0.500
Exterior Wall 5: Steel-Framed, 16" o.c.	2071	21.0	0.0	0.106	0.085
Window 4: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	99	---	---	0.650	0.550
Window 5: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	99	---	---	0.650	0.550
Window 6: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	99	---	---	0.650	0.550
Window 7: Metal Frame with Thermal Break:Double Pane, Clear, SHGC 0.70	219	---	---	0.650	0.550

Door 3: Insulated Metal, Swinging	27	---	---	0.600	0.700
Exterior Wall 6: Steel-Framed, 16" o.c.	258	21.0	0.0	0.106	0.085
Window 8: Metal Frame with Thermal Break:Single Pane, Clear, SHGC 0.80	48	---	---	1.100	0.550
Door 4: Glass (> 50% glazing), Entrance Door, SHGC 0.40	107	---	---	0.350	0.800
Roof 1: Insulation Entirely Above Deck	3322	---	25.0	0.039	0.048
Roof 2: Attic Roof with Steel Joists	10206	0.0	38.0	0.026	0.041
Floor 1: Slab-On-Grade:Unheated, Horizontal with vertical 3 ft.	12938	---	10.0	---	---

(a) Budget U-factors are used for software baseline calculations ONLY, and are not code requirements.

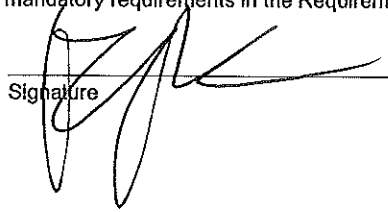
**Air Leakage, Component Certification, and Vapor Retarder Requirements:**

- 1. All joints and penetrations are caulked, gasketed or covered with a moisture vapor-permeable wrapping material installed in accordance with the manufacturer's installation instructions.
- 2. Windows, doors, and skylights certified as meeting leakage requirements.
- 3. Component R-values & U-factors labeled as certified.
- 4. Insulation installed according to manufacturer's instructions, in substantial contact with the surface being insulated, and in a manner that achieves the rated R-value without compressing the insulation.
- 5. No roof insulation is installed on a suspended ceiling with removable ceiling panels.
- 6. Stair, elevator shaft vents, and other outdoor air intake and exhaust openings in the building envelope are equipped with motorized dampers.
- 7. Cargo doors and loading dock doors are weather sealed.
- 8. Recessed lighting fixtures are: (i) Type IC rated and sealed or gasketed; or (ii) installed inside an appropriate air-tight assembly with a 0.5 inch clearance from combustible materials and with 3 inches clearance from insulation material.
- 9. Building entrance doors have a vestibule equipped with closing devices.  
*Exceptions:*  
 Building entrances with revolving doors.  
 Doors that open directly from a space less than 3000 sq. ft. in area.
- 10. Vapor retarder installed.

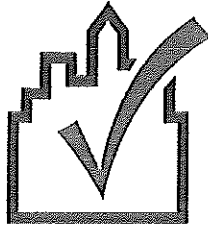
**Section 4: Compliance Statement**

*Compliance Statement:* The proposed envelope design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed envelope system has been designed to meet the 2006 IECC requirements in COMcheck Version 3.6.1 and to comply with the mandatory requirements in the Requirements Checklist.

Name: KEVIN KEITH  
 Title: CONSTRUCTION ADMINISTRATOR

Signature: 

Date: 8/31/09



# COMcheck Software Version 3.6.1 Interior Lighting Compliance Certificate

## 2006 IECC

### Section 1: Project Information

Project Type: **New Construction**  
Project Title : Portland, ME CVS

Construction Site:  
91 Auburn St  
Portland , ME

Owner/Agent:  
Mark Andrews  
CVS  
One CVS Drive  
Woonsocket , RI 02895  
401-770-7263

Designer/Contractor:  
Rob Kuhn  
BKA Architects  
142 Crescent St  
Brockton , MA 02302  
508-583-5603  
rkuhn@bkaarchs.com

### Section 2: General Information

Building Use Description by: **Activity Type**

<u>Activity Type(s)</u>	<u>Floor Area</u>
Retail	12468

### Section 3: Requirements Checklist

#### Interior Lighting:

1. Total proposed watts must be less than or equal to total allowed watts.

<u>Allowed Watts</u>	<u>Proposed Watts</u>	<u>Complies</u>
18702	13734	YES

#### Controls, Switching, and Wiring:

2. Independent controls for each space (switch/occupancy sensor).

*Exceptions:*

Areas designated as security or emergency areas that must be continuously illuminated.

Lighting in stairways or corridors that are elements of the means of egress.

3. Master switch at entry to hotel/motel guest room.  
 4. Individual dwelling units separately metered.  
 5. Each space provided with a manual control to provide uniform light reduction by at least 50%.

*Exceptions:*

Only one luminaire in space;

An occupant-sensing device controls the area;

The area is a corridor, storeroom, restroom, public lobby or sleeping unit.

Areas that use less than 0.6 Watts/sq.ft.

6. Automatic lighting shutoff control in buildings larger than 5,000 sq.ft.

*Exceptions:*

Sleeping units, patient care areas; and spaces where automatic shutoff would endanger safety or security.

7. Photocell/astronomical time switch on exterior lights.

*Exceptions:*

Lighting intended for 24 hour use.

8. Tandem wired one-lamp and three-lamp ballasted luminaires (No single-lamp ballasts).

*Exceptions:*

Electronic high-frequency ballasts; Luminaires on emergency circuits or with no available pair.

## Section 4: Compliance Statement

*Compliance Statement:* The proposed lighting design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed lighting system has been designed to meet the 2006 IECC requirements in COMcheck Version 3.6.1 and to comply with the mandatory requirements in the Requirements Checklist.

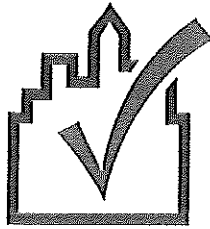
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Name - Title

Signature

Date





# COMcheck Software Version 3.6.1 Interior Lighting Application Worksheet

## 2006 IECC

### Section 1: Allowed Lighting Power Calculation

A Area Category	B Floor Area (ft <sup>2</sup> )	C Allowed Watts / ft <sup>2</sup>	D Allowed Watts (B x C)
Retail	12468	1.5	18702
Total Allowed Watts =			18702

### Section 2: Proposed Lighting Power Calculation

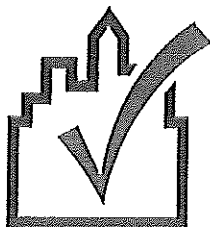
A Fixture ID : Description / Lamp / Wattage Per Lamp / Ballast	B Lamps/ Fixture	C # of Fixtures	D Fixture Watt.	E (C X D)
Retail (12468 sq.ft.)				
Linear Fluorescent 1: A: 2'X4' RECESSED PARABOLIC / 48" T8 32W / Electronic	2	163	63	10269
Linear Fluorescent 2: A1: 2'X4' RECESSED EMERGENCPARABOLI / 48" T8 32W / Electronic	2	24	63	1512
Linear Fluorescent 3: B: 4' RECESSED WALL WASH / 48" T8 32W / Electronic	2	4	63	252
Linear Fluorescent 4: C: 8' STRIP / 48" T8 32W / Electronic	2	20	63	1260
Linear Fluorescent 5: C1: 4' STRIP / 48" T8 32W / Electronic	2	7	63	441
Total Proposed Watts =			13734	

### Section 3: Compliance Calculation

If the Total Allowed Watts minus the Total Proposed Watts is greater than or equal to zero, the building complies.

Total Allowed Watts = 18702  
 Total Proposed Watts = 13734  
 Project Compliance = 4968

**Interior Lighting PASSES: Design 27% better than code.**



# COMcheck Software Version 3.6.1 Mechanical Compliance Certificate

## 2006 IECC

### Section 1: Project Information

Project Type: **New Construction**

Project Title : Portland, ME CVS

**Construction Site:**

91 Auburn St  
Portland , ME

**Owner/Agent:**

Mark Andrews  
CVS  
One CVS Drive  
Woonsocket , RI 02895  
401-770-7263

**Designer/Contractor:**

Rob Kuhn  
BKA Architects  
142 Crescent St  
Brockton , MA 02302  
508-583-5603  
rkuhn@bkaarchs.com

### Section 2: General Information

Building Location (for weather data): **Portland, Maine**  
Climate Zone: **6a**  
Heating Degree Days (base 65 degrees F): **7378**  
Cooling Degree Days (base 50 degrees F): **1943**

### Section 3: Mechanical Systems List

<u>Quantity</u>	<u>System Type &amp; Description</u>
2	RTU-1 & 2: Heating: Central Furnace, Gas, Capacity 240 kBtu/h / Cooling: Rooftop Package Unit, Capacity 122 kBtu/h, Air-Cooled Condenser / Single Zone
1	RTU-3: Heating: Central Furnace, Gas, Capacity 100 kBtu/h / Cooling: Rooftop Package Unit, Capacity 43 kBtu/h, Air-Cooled Condenser / Single Zone
1	RTU-4: Heating: Central Furnace, Gas, Capacity 180 kBtu/h / Cooling: Rooftop Package Unit, Capacity 90 kBtu/h, Air-Cooled Condenser / Single Zone
1	RTU-5: Heating: Central Furnace, Gas, Capacity 125 kBtu/h / Cooling: Rooftop Package Unit, Capacity 60 kBtu/h, Air-Cooled Condenser / Single Zone
1	AHU-1/CU-2: Cooling: Split System, Capacity 9 kBtu/h, Air-Cooled Condenser / Single Zone
1	UH-1: Heating: Unit Heater, Gas, Capacity 75 kBtu/h

### Section 4: Requirements Checklist

**Requirements Specific To: RTU-1 & 2 :**

- 1. Newly purchased heating equipment meets the heating efficiency requirements
- 2. Equipment minimum efficiency: Rooftop Package Unit: 10.1 EER

**Requirements Specific To: RTU-3 :**

- 1. Newly purchased heating equipment meets the heating efficiency requirements
- 2. Equipment minimum efficiency: Rooftop Package Unit: 9.7 SEER

**Requirements Specific To: RTU-4 :**

- 1. Newly purchased heating equipment meets the heating efficiency requirements
- 2. Equipment minimum efficiency: Rooftop Package Unit: 10.1 EER

**Requirements Specific To: RTU-5 :**

- 1. Newly purchased heating equipment meets the heating efficiency requirements
- 2. Equipment minimum efficiency: Rooftop Package Unit: 9.7 SEER

**Requirements Specific To: AHU-1/CU-2 :**

- 1. Equipment minimum efficiency: Split System: 10.0 SEER

**Requirements Specific To: UH-1 :**

- 1. Equipment minimum efficiency: Unit Heater (Gas): 80.0 % Ec

**Generic Requirements: Must be met by all systems to which the requirement is applicable:**

- 1. Load calculations per 2001 ASHRAE Fundamentals
- 2. Plant equipment and system capacity no greater than needed to meet loads
  - Exception: Standby equipment automatically off when primary system is operating
  - Exception: Multiple units controlled to sequence operation as a function of load
- 3. Minimum one temperature control device per system
- 4. Minimum one humidity control device per installed humidification/dehumidification system
- 5. Automatic Controls: Setback to 55 degrees F (heat) and 85 degrees F (cool); 7-day clock, 2-hour occupant override, 10-hour backup
  - Exception: Continuously operating zones
  - Exception: 2 kW demand or less, submit calculations
- 6. Outside-air source for ventilation; system capable of reducing OSA to required minimum
- 7. R-5 supply and return air duct insulation in unconditioned spaces R-8 supply and return air duct insulation outside the building R-8 insulation between ducts and the building exterior when ducts are part of a building assembly
  - Exception: Ducts located within equipment
  - Exception: Ducts with interior and exterior temperature difference not exceeding 15 degrees F.
  - Exception: Continuously welded and locking-type longitudinal joints and seams on ducts operating at static pressures less than 2 inches w.g. pressure classification
- 8. Mechanical fasteners and sealants used to connect ducts and air distribution equipment
- 9. Ducts sealed - longitudinal seams on rigid ducts; transverse seams on all ducts; UL 181A or 181B tapes and mastics
- 10. Hot water pipe insulation: 1 in. for pipes <=1.5 in. and 2 in. for pipes >1.5 in. Chilled water/refrigerant/brine pipe insulation: 1 in. for pipes <=1.5 in. and 1.5 in. for pipes >1.5 in. Steam pipe insulation: 1.5 in. for pipes <=1.5 in. and 3 in. for pipes >1.5 in.
  - Exception: Piping within HVAC equipment.
  - Exception: Fluid temperatures between 55 and 105 degrees F.
  - Exception: Fluid not heated or cooled.
  - Exception: Runouts <4 ft in length.
- 11. Operation and maintenance manual provided to building owner
- 12. Thermostatic controls have 5 degrees F deadband
  - Exception: Thermostats requiring manual changeover between heating and cooling
  - Exception: Special occupancy or special applications where wide temperature ranges are not acceptable and are approved by the authority having jurisdiction.
- 13. Balancing devices provided in accordance with IMC (2006) 603.17
- 14. Motorized, automatic shutoff dampers required on exhaust and outdoor air supply openings
  - Exception: Gravity dampers acceptable in buildings <3 stories
  - Exception: Gravity dampers acceptable in systems with outside or exhaust air flow rates less than 300 cfm where dampers are interlocked with fan
- 15. Stair and elevator shaft vents are equipped with motorized dampers

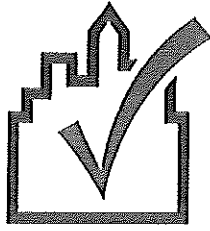
**Section 5: Compliance Statement**

*Compliance Statement:* The proposed mechanical design represented in this document is consistent with the building plans, specifications and other calculations submitted with this permit application. The proposed mechanical systems have been designed to meet the 2006 IECC requirements in COMcheck Version 3.6.1 and to comply with the mandatory requirements in the Requirements Checklist.

\_\_\_\_\_  
Name - Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



# COMcheck Software Version 3.6.1

## Mechanical Requirements Description

### 2006 IECC

The following list provides more detailed descriptions of the requirements in Section 4 of the Mechanical Compliance Certificate.

#### Requirements Specific To: RTU-1 & 2 :

1. The specified heating equipment is covered by Federal minimum efficiency requirements. New equipment of this type can be assumed to meet or exceed ASHRAE 90.1 Code requirements for equipment efficiency.
2. The specified heating and/or cooling equipment is covered by ASHRAE 90.1 Code and must meet the following minimum efficiency:  
Rooftop Package Unit: 10.1 EER

#### Requirements Specific To: RTU-3 :

1. The specified heating equipment is covered by Federal minimum efficiency requirements. New equipment of this type can be assumed to meet or exceed ASHRAE 90.1 Code requirements for equipment efficiency.
2. The specified heating and/or cooling equipment is covered by ASHRAE 90.1 Code and must meet the following minimum efficiency:  
Rooftop Package Unit: 9.7 SEER

#### Requirements Specific To: RTU-4 :

1. The specified heating equipment is covered by Federal minimum efficiency requirements. New equipment of this type can be assumed to meet or exceed ASHRAE 90.1 Code requirements for equipment efficiency.
2. The specified heating and/or cooling equipment is covered by ASHRAE 90.1 Code and must meet the following minimum efficiency:  
Rooftop Package Unit: 10.1 EER

#### Requirements Specific To: RTU-5 :

1. The specified heating equipment is covered by Federal minimum efficiency requirements. New equipment of this type can be assumed to meet or exceed ASHRAE 90.1 Code requirements for equipment efficiency.
2. The specified heating and/or cooling equipment is covered by ASHRAE 90.1 Code and must meet the following minimum efficiency:  
Rooftop Package Unit: 9.7 SEER

#### Requirements Specific To: AHU-1/CU-2 :

1. The specified heating and/or cooling equipment is covered by ASHRAE 90.1 Code and must meet the following minimum efficiency: Split System: 10.0 SEER

#### Requirements Specific To: UH-1 :

1. The specified heating and/or cooling equipment is covered by the ASHRAE 90.1 Code and must meet the following minimum efficiency:  
Unit Heater (Gas): 80.0 % Ec

#### Generic Requirements: Must be met by all systems to which the requirement is applicable:

1. Design heating and cooling loads for the building must be determined using procedures in the ASHRAE Handbook of Fundamentals or an approved equivalent calculation procedure.
2. All equipment and systems must be sized to be no greater than needed to meet calculated loads. A single piece of equipment providing both heating and cooling must satisfy this provision for one function with the capacity for the other function as small as possible, within available equipment options.
  - Exception: The equipment and/or system capacity may be greater than calculated loads for standby purposes. Standby equipment must be automatically controlled to be off when the primary equipment and/or system is operating.
  - Exception: Multiple units of the same equipment type whose combined capacities exceed the calculated load are allowed if they are provided with controls to sequence operation of the units as the load increases or decreases.
3. Each heating or cooling system serving a single zone must have its own temperature control device.
4. Each humidification system must have its own humidity control device.
5. The system or zone control must be a programmable thermostat or other automatic control meeting the following criteria: a) capable of setting back temperature to 55 degrees F during heating and setting up to 85 degrees F during cooling, b) capable of automatically setting back or shutting down systems during unoccupied hours using 7 different day schedules, c) have an accessible 2-hour occupant override, d) have a battery back-up capable of maintaining programmed settings for at least 10 hours without power.

- Exception: A setback or shutoff control is not required on thermostats that control systems serving areas that operate continuously.
  - Exception: A setback or shutoff control is not required on systems with total energy demand of 2 kW (6,826 Btu/h) or less.
6. The system must supply outside ventilation air as required by Chapter 4 of the International Mechanical Code. If the ventilation system is designed to supply outdoor-air quantities exceeding minimum required levels, the system must be capable of reducing outdoor-air flow to the minimum required levels.
  7. Air ducts must be insulated to the following levels: a) Supply and return air ducts for conditioned air located in unconditioned spaces (spaces neither heated nor cooled) must be insulated with a minimum of R-5. Unconditioned spaces include attics, crawl spaces, unheated basements, and unheated garages. b) Supply and return air ducts and plenums must be insulated to a minimum of R-8 when located outside the building. c) When ducts are located within exterior components (e.g., floors or roofs), minimum R-8 insulation is required only between the duct and the building exterior.
    - Exception: Duct insulation is not required on ducts located within equipment.
    - Exception: Duct insulation is not required when the design temperature difference between the interior and exterior of the duct or plenum does not exceed 15 degrees F.
    - Exception: Continuously welded and locking-type longitudinal joints and seams on ducts operating at static pressures less than 2 inches w.g. pressure classification.
  8. Mechanical fasteners and seals, mastics, or gaskets must be used when connecting ducts to fans and other air distribution equipment, including multiple-zone terminal units.
  9. All joints, longitudinal and transverse seams, and connections in ductwork must be securely sealed using weldments; mechanical fasteners with seals, gaskets, or mastics; mesh and mastic sealing systems; or tapes. Tapes and mastics must be listed and labeled in accordance with UL 181A and shall be marked '181A-P' for pressure sensitive tape, '181A-M' for mastic or '181A-H' for heat-sensitive tape. Tapes and mastics used to seal flexible air ducts and flexible air connectors shall comply with UL 181B and shall be marked '181B-FX' for pressure-sensitive tape or '181B-M' for mastic. Unlisted duct tape is not permitted as a sealant on any metal ducts.
  10. All pipes serving space-conditioning systems must be insulated as follows: Hot water piping for heating systems: 1 in. for pipes <=1 1/2-in. nominal diameter, 2 in. for pipes >1 1/2-in. nominal diameter. Chilled water, refrigerant, and brine piping systems: 1 in. insulation for pipes <=1 1/2-in. nominal diameter, 1 1/2 in. insulation for pipes >1 1/2-in. nominal diameter. Steam piping: 1 1/2 in. insulation for pipes <=1 1/2-in. nominal diameter, 3 in. insulation for pipes >1 1/2-in. nominal diameter.
    - Exception: Pipe insulation is not required for factory-installed piping within HVAC equipment.
    - Exception: Pipe insulation is not required for piping that conveys fluids having a design operating temperature range between 55 degrees F and 105 degrees F.
    - Exception: Pipe insulation is not required for piping that conveys fluids that have not been heated or cooled through the use of fossil fuels or electric power.
    - Exception: Pipe insulation is not required for runout piping not exceeding 4 ft in length and 1 in. in diameter between the control valve and HVAC coil.
  11. Operation and maintenance documentation must be provided to the owner that includes at least the following information: a) equipment capacity (input and output) and required maintenance actions b) equipment operation and maintenance manuals c) HVAC system control maintenance and calibration information, including wiring diagrams, schematics, and control sequence descriptions; desired or field-determined set points must be permanently recorded on control drawings, at control devices, or, for digital control systems, in programming comments d) complete narrative of how each system is intended to operate.
  12. Thermostats controlling both heating and cooling must be capable of maintaining a 5 degrees F deadband (a range of temperature where no heating or cooling is provided).
    - Exception: Deadband capability is not required if the thermostat does not have automatic changeover capability between heating and cooling.
    - Exception: Special occupancy or special applications where wide temperature ranges are not acceptable and are approved by the authority having jurisdiction.
  13. Replaced with
  14. Outdoor air supply and exhaust systems must have motorized dampers that automatically shut when the systems or spaces served are not in use. Dampers must be capable of automatically shutting off during pre-occupancy building warm-up, cool-down, and setback, except when ventilation reduces energy costs (e.g., night purge) or when ventilation must be supplied to meet code requirements. Both outdoor air supply and exhaust air dampers must have a maximum leakage rate of 3 cfm/ft<sup>2</sup> at 1.0 in w.g. when tested in accordance with AMCA Standard 500.
    - Exception: Gravity (non-motorized) dampers are acceptable in buildings less than three stories in height.
    - Exception: Systems with a design outside air intake or exhaust capacity of 300 cfm (140 L/s) or less that are equipped with motor operated dampers that open and close when the unit is energized and de-energized, respectively.
  15. Stair and elevator shaft vents must be equipped with motorized dampers capable of being automatically closed during normal building operation and interlocked to open as required by fire and smoke detection systems. All gravity outdoor air supply and exhaust hoods, vents, and ventilators must be equipped with motorized dampers that will automatically shut when the spaces served are not in use.
    - Exception: Gravity (non-motorized) dampers are acceptable in buildings less than three stories in height above grade.
    - Exception: Ventilation systems serving unconditioned spaces.

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

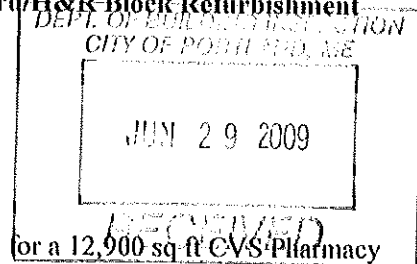
David Silk, Chair  
Shalom Odokara, Vice Chair  
Bill Hall  
Joe Lewis  
Lee Lowry, III  
Janice Tevanian  
Michael J. Patterson

June 23, 2009

A & D Realty LLC  
c/o Frank Normandin  
Winslow Property Management  
5 Militia Drive  
Lexington, MA 02421

Bradlee Mezquita  
Appledore Engineering, Inc  
177 Corporate Drive  
Portsmouth, NH 03801

**RE: Northgate Plaza/CVS Expansion with Pharmacy Drive-thru/H&R Block Refurbishment  
Vicinity of 125 Auburn Street  
Application # 2009-0010  
CBL 325 C001 and C023**



Dear Mr. Normandin and Mr. Mezquita:

On June 9, 2009, the Portland Planning Board considered the proposal for a 12,900 sq. ft. CVS Pharmacy with drive-thru service at the north end of Northgate Plaza, and the refurbishment of the existing building at 125 Auburn Street for H&R Block. The Planning Board reviewed the proposal for conformance with the B2 Conditional Use Standards and Site Plan Ordinance. The Planning Board voted 4-0 (Odokara, Lewis and Tevanian absent) to approve the application with the following motions and conditions as presented below.

### CONDITIONAL USE AND SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 24-09, relevant to Portland's Site Plan Ordinance, Conditional Use Standards and other regulations, and the testimony presented at the Planning Board and other findings, the Planning Board voted 4-0 (Odokara, Lewis and Tevanian absent):

A. Re Lot C-1 Northgate Plaza/CVS Expansion/Drive thru:

That the plan is in conformance with the site plan standards of the land use code, and the proposed conditional use for a drive-thru adjacent to a residential use or zone is in conformance with the standards of the Land Use Code, Section 14-183 for the B2 zone, subject to the following conditions:

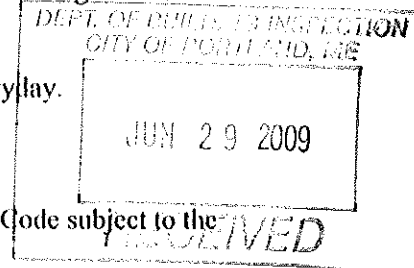
- i. That the applicant shall submit copies of the required permits from the MDEP prior to the issuance of a building permit; and
- ii. The applicant shall provide documentation, prior to the issuance of a building permit, that the submitted *Maine Traffic Resources Drive Through Survey* took place during a peak month in terms of seasonal activity and traffic activity at the drive-through. If the supporting documentation indicates that the reported queue estimate is insufficient, the applicant shall submit revised proposals to mitigate or provide adequate stacking, to be reviewed and approved by the Planning Authority prior to the issuance of a building permit; and

- iii. That the final plan set shall incorporate the submitted Plan of the Drive-thru/Crosswalk Details, dated June 8, 2009 which confirms details of measures and design elements (e.g. signage, sidewalk material, bollards, etc.) along the frontage of the shopping center that would warn pedestrians of potential vehicle conflict; and
- iv. The applicant shall be responsible for contributing \$2,500.00 towards the installation of pedestrian "count-down" signal heads for the shopping center driveway at the Auburn Street/Site Drive intersection, prior to the issuance of a Certificate of Occupancy; and
- v. That the Landscape Plan shall be revised and submitted for review and approval prior to the issuance of a building permit; such revisions to include raising the fence along the rear of the site to 8 feet and extending it 60-75 feet in an easterly direction to screen the Cyr property; tree and other planting along the proposed fencing; and two to three trees in the linear rain garden if compatible with the storm water plan; and
- vi. That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and
- vii. That the applicant shall install wooden guard rails around the rain gardens. The wooden guard rails may allow a reasonable number of openings to allow pedestrian access; and
- viii. All signage, whether included in the approved plan set or not (both free standing and wall mounted) shall be subject to separate sign permits and approvals; and
- ix. That the pharmacy drive-thru hours shall be limited to 7am to 11pm every day.

**B. Re Lot C-23 Refurbishment of existing building for H&R Block:**

That the plan is in conformance with the site plan standards of the Land Use Code subject to the following conditions:

- i. That in the event the applicant or his successor sell Lot C-23, a permanent easement that secures additional parking spaces (the number being as necessary to meet zoning requirements in place at that time) located in the Plaza for the dedicated use of Lot C-23, shall be submitted for the City's Associate Corporation Counsel review and approval prior to the sale; and
- ii. That the applicant shall submit a revised lighting proposal, including catalog cuts, pole heights and associated photometric plan, for review and approval by the Planning Authority prior to issuance of a building permit; and
- iii. All signage (both free standing and wall mounted), whether included in the approved plan set or not, shall be subject to separate sign permits and approvals.



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

- I. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation

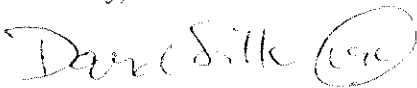
and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. 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.
5. Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater, prior to the issuance of a building permit. At the conclusion of the project, the digital as built plans shall be submitted prior to the issuance of a certificate of occupancy.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

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

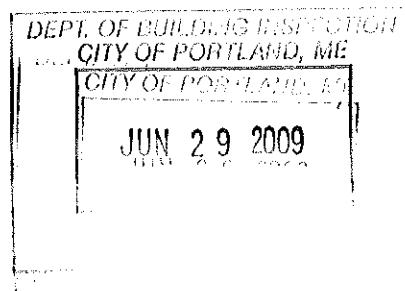
If there are any questions, please contact Jean Fraser, Planner at (207) 874- 8728.

Sincerely,



David Silk, Chair  
Portland Planning Board

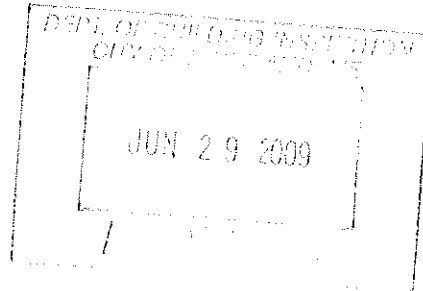
Attachments:  
Performance Guarantee Packet





**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Bahydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPietro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
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Keith Gautreau, Fire  
Jeff Farling, City Arborist  
Tom Errico, Wilbur Smith Consulting Engineers  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
Hard Copy: Project File



February 16, 2009

Department of Planning and Development  
Portland Planning Board  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Attn: Ms. Barbara Barhydt, *Development Review Services Manager*

*Can you give me a response, for me to send in PB memo*

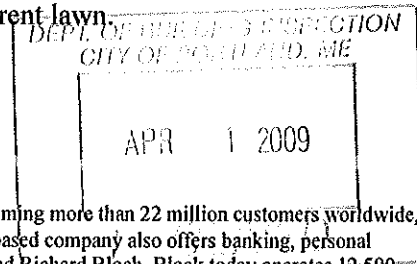
Dear Ms. Barhydt:

We have visited your offices and viewed the major site plan application and other accompanying documents submitted on behalf of A & D Realty LLC for the redevelopment of the Northgate Plaza (Lot C-1; tax map 375; Zone B-2) on Auburn Street and the redevelopment of their adjacent property on Lot C-23 (Zone R-P). We ask that this letter be provided to the Planning Board Members and also to be included in the site plan application file.

We are the owners of the lot directly adjacent to Lot-23 (Lot B-4; tax map 374; Zone C-3), located at 137 Auburn Street. We oppose the planned redevelopment of Lot-23 on the basis that the redevelopment as described in the major site plan application will result in substantial diminution of the value and utility of our property.

The following are our objections and concerns:

- I. **H & R Block<sup>1</sup> is a commercial retail operation that does not conform to the intended use and permitted business of the Residential-Professional Zone.**
  - a) Open seven days per week:  
Hours according to their website are 8 a.m.-10 p.m., Monday through Friday, 9 a.m. - 9 p.m. on Saturday and 9 a.m. - 5 p.m. on Sunday.
  - b) Customer volume exceeds that of similar sized professional offices and the business goals of this corporation and its franchises is to further increase their customer volume.
  - c) H & R Block offices are "storefronts" with large neon corporate logos and signs and posters on their façade and windows advertising their services and special offers similar to those found on the storefronts of supermarkets, pet stores and other retail establishments.
  
- II. **Proposed plans will significantly change the topography of the lot.**
  - a) Plans suggest that all of the existing trees, bushes and shrubs and at least some of the lawn (if not all) will be removed.
  - b) A paved 13 space parking lot and associated driveway will be added.
  - c) Additional impervious materials in the form of concrete walkways, pads, retaining walls and stairs will be added in place of the current lawn.



<sup>1</sup>H&R Block (NYSE: HRB) is a tax preparation company in the United States, claiming more than 22 million customers worldwide, with offices in Canada, Australia and the United Kingdom. The Kansas City, Mo.-based company also offers banking, personal finance and business consulting services. Founded in 1955 by brothers Henry W. and Richard Bloch, Block today operates 12,500 retail tax offices in the United States, plus another 1,400 abroad. In addition to Block's retail stores, they offer their own consumer tax software called TaxCut, as well as online tax preparation and electronic filing from their website.

**III. Proposed plans will significantly alter the visual esthetics of the lot.**

- a) The addition of a 13 space parking lot, driveway and concrete walkways.
- b) The parking lot will be visually exposed to Auburn Street.
- c) The loss of mature trees, shrubs and lawn area.
- d) The addition of a commercial waste dumpster.
- e) The addition of outdoor lighting and neon signage with the corporate logo.
- f) We assume that changes to the building façade will result in more of a retail store look.
- g) It is proposed that that the snow storage for this lot will be on the front setback facing Auburn Street.

**IV. Proposed plans will significantly impact the enjoyment and value of our property.**

- a) The removal of the trees, shrubs and bushes on Lot C-23 will remove the visual and noise barrier and expose us to the Lot C-1 plaza, the plaza entrance, the intersection and the other businesses located on Auburn Street across from the plaza. The removal of the mature trees will expose us to additional wind and dust and remove the natural shading and cooling they provide.
- b) The plaza entrance on Auburn Street is currently overused for its size and close proximity to a residential zone, especially by large and noisy trucks - including 18 wheeler tractor trailers - that deliver to the plaza businesses continually throughout the night and early morning hours. Accidents at this intersection are frequent.
- c) The CVS expansion, with the addition of a drive-thru and the proposed pattern of travel for cars exiting, combined with the absence of trees, shrubs and other natural screens, will expose us to even more direct car noise and headlights shining directly into our windows and continually moving across our property in a sweeping motion.
- d) The addition of a parking lot directly on our property line and so close to our home will further expose us to noise aggravation, outdoor lighting spilling over onto our property and house, pollution from car emissions and headlights seven days a week possibly as late as 11:00 p.m. on weekdays. In the winter months, there will also be snowplowing.
- e) The addition of a commercial dumpster directly on our property line and so close to our home will expose us to further noise aggravation as a result of the opening and closing of the dumpster and emptying of the dumpster by a commercial waste service.
- f) The addition and the grading of a parking lot, driveway and other impervious materials directly on our property line and so close to our home could cause water run-off and/or flooding.
- g) The additional proposed paved materials on this lot will encourage and aid trespassers on foot and bicycle going to and from the plaza and Auburn Street. This property and a portion of ours will become a new "cut-thru."
- h) Due to the sloping nature of the properties, the proposed 6 foot screening fence will not conceal the Lot C-23 parking lot, driveway, dumpster or the Lot C-1 plaza from the direct view out our 1<sup>st</sup> floor windows. The benefits of the proposed screening fence will be minimal and will in no way recreate the lost privacy or sufficiently shield us from noise and light pollution.
- i) Our property value will be significantly diminished by the proposed changes. When we purchased the property in August 2007, it was assessed at \$211,000. With the poor economy and the proposed changes and use of Lot C-23, (which essentially changes the use from Residential-Professional to a Business Zone), it is estimated that the market value of our property could drop to as low as \$100,000.

We would also like the Board to know of our objection to the manner in which A & D Realty and their representation has bundled two proposed redevelopments into one application thus placing the focus on the CVS building and other alleged improvements to the plaza. We consider this an attempt to circumvent the laws of the R-P zone and to draw the Board's attention away from this and the damages A & D Realty's plans will inflict on our well-being and property value.

The proposed redevelopment of Lot C-1 will offer little or no value to the community and could possibly impact negatively on the neighborhood due to the over-saturation of "Big-Box" pharmacies with a drive-thru, and the addition and redirection of traffic. Many homes on Brook Road will be exposed to additional and more direct car noise, headlights, dust and pollution.

The proposed redevelopment of Lot C-23 will result in the lack of a transition or buffer between our property located in a residential zone and the more intensive nonresidential zones. In addition to the above outlined objections and concerns, we will suffer a major loss of enjoyment of our yard, gardens and deck. These amenities are the reasons why we purchased this particular property.

The proposed redevelopment of Lot C-23 will inflict a disastrous financial hardship and burden on us. Our property will be significantly devalued. We will not be able to re-finance our mortgage due to a lowered assessed value. We will not be able to sell the property in the current or future market for the amount we paid for it and/or for the amount of our mortgage balance. We will be required to continue to pay a mortgage that could be almost twice the amount of the market value.

In conclusion, we are vehemently opposed to all of the proposed changes and redevelopment of Lot C-23 and we have concerns about the redevelopment of Lot C-1.

Respectfully,

Pamela S. Scott  
Charles M. Scott

137 Auburn Street  
Portland, ME 04103  
781-710-4469  
781-710-4450

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2009-0010

**Date:** 3/4/2009

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This project consists of two separate developments: 1) The H & R Block building on lot 375-C-23 and 2) The demolition of a couple of the existing buildings with the addition of a new CVS drive-thru building.

H&R Block Bldg located in the R-P Zone: The submittal shows a survey plan configuration and lot size which is different than what is shown on the site plan. The applicant stated that they will submit confirming information supporting what is shown on the site plan. This will change my final analysis. However, the H&R use is considered to be a professional office use and not a retail use. The professional office use is allowable in the R-P Zone. This lot is not located within a Stream Protection Zone. There is only superficial exterior work to the building that does not increase the existing floor area. There is a new 13 space parking lot which abuts a residential use. There is no parking within the required 20' front yard area. There is a 6' fence that is being proposed between the parking and the adjoining residential lot as required under 14-339. The impervious surface and floor area ratio is apparently being met. I await the revised plans.

Northgate Plaza - new CVS drive-thru: This project is within the B-2 Business Zone. The Northgate Plaza was originally building in 1970, prior to many current regulations. Because a double drive-thru is proposed, and the property abuts a residential zone in the rear, a conditional use approval by the Planning Board is required. All regular setbacks are being met. The applicant states that 78.6% of impervious surface will be created compared to 80% required in the B-2 Zone. The biggest concern is the location of this project abutting an Urban Impaired Stream (Fallbrook) in the rear. Currently the existing pavement abuts the stream. Currently part of their building is within the 75' required setback from the Stream. Currently 19 parking spaces are located within 75' of the stream. The new proposal reduces those 19 parking spaces to 13 parking spaces within 75' of the stream. The new building will have a smaller portion of their building within 75' of the stream. Under 14-453 The planning board may approve alterations to structures inexistence as of June 15, 1992. They may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent. The applicant has not submitted all this information at this time. The area of this portion of the lot is not located within a floodplain. (panel 2). The applicant has been asked to further mitigate influences on the impaired stream by not storing snow adjacent to the stream before trucking it out. The applicant has also been asked to consider a raingarden to reduce sheeting run-off to the stream.

Marge Schmuckal  
Zoning Administrator

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2009-0010

**Date:** 3/30/2009

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I have reviewed new plans dated March 13, 2009 and received on March 18, 2009.

Regarding the H & R lot: The survey has been revised to show the lot to be 23,478 square feet. This is the figure I have used instead of the rounded up figure that the applicant has used. The new submittal, by my measuring and calculation shows an impervious surface of 62% (38% pervious) which is under the maximum 70% allowed based upon the adjoining R-3 Zone. Section 14-339 States: Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the project shall provide and maintain a fence not less than 48" height between such off-street parking and that part of the lot line involved. The applicant is proposing a 6' screened fence to meet this requirement as shown on the submitted plans. Any artificial lighting shall be shaded or screened. I am not seeing any such lighting proposed. The revised plans meet the R-P Zone requirements.

Northgate Plaza: The current submittal reduces the double drive-thru to a single drive-thru. The applicant is also stating that snow storage will no longer be stored along the edge of the Fallbrook, but instead will be stored elsewhere before trucking it from the site. The new submittal also addresses the square footage and volume pre and post development. Predevelopment shows an area of 519 sq feet and 10,380 cubic feet 59' from the edge of wetlands of the Fallbrook. The postdevelopment shows a reduction to 430 sq feet and 10,169 cubic feet which is 63 feet from the edge of wetlands of the Fallbrook. The new development has reduced the impact on the Fallbrook.

Marge Schmuckal  
Zoning Administrator

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**MEMORANDUM**

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**To:** FILE

**From:** Marge Schmuckal

**Dept:** Zoning

**Subject:** Application ID: 2009-0010

**Date:** 6/8/2009

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I have again reviewed the revised submitted plans received on May 20, 2009. The section of the lot which will house H & R Block is meeting all the R-P residential zone requirements. Please remember that the H & R Block building and Northgate shopping center is all one lot. There is no proposal to divide the lot with this project. Parking as required under Zoning is being met for H & R Block and Northgate. The Northgate portion of the property is meeting all the Zoning requirements of the B-2 Zone.

Separate permits shall be required for any new signage.

Marge Schmuckal  
Zoning Administrator



**To:** Dan Goyette; David Margolis-Pineo; Marge Schmuckal; Tom Errico; KeithGautreau; Jeff Tarling

**From:** Jean Fraser

**Date:** May 4, 2009

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Additional information submitted for the following project:

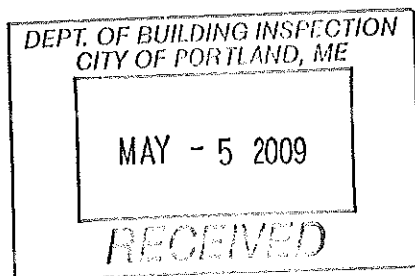
**Application ID #:** 2009-0010

**Project Name:** Northgate Plaza/CVS Expansion/H&R Block Refurbishment

**Project Address:** 91 and 125 Auburn Street

This is going to the Planning Board Workshop May 12<sup>th</sup>, 2009 to review just the drive-thru (impact on ped route and traffic issues) and the area between the H&R Block Building and the abutters. Tom Errico will be attending the PB Workshop re the traffic and pedestrian safety issues; any other comments are welcome but not essential.

*Marge - these are the same as sent  
to you by e-mail on May 1, 2009  
Jean*





May 1, 2009

Ms. Jean Fraser  
City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine 04104

Re: Site Plan Review/Conditional Use Application  
Northgate Plaza Redevelopment  
Auburn Street  
Portland, Maine  
AEI/2042C

Dear Ms. Fraser:

On behalf of A & D, Realty Inc., Appledore Engineering submitted a Site Plan Review and Conditional Use Application for the above referenced project on January 30, 2009 with revisions dated March 13, 2009. We have made additional revisions to the submission based on feedback from the Planning Board received during the April 14<sup>th</sup> workshop. Enclosed please find the following information relative to the Site Plan Review/Conditional Use Applications:

- Seven (7) complete packets including:
  - Cover Letter dated May 1, 2009
  - Drive Thru/Crosswalk Plan dated May 1, 2009
  - Drive Aisle Reconfiguration Plan dated May 1, 2009
  - 125 Auburn Street Site Revisions Plan dated May 1, 2009

The following are responses to an e-mail sent on April 15, 2009 and the Comment Letter dated April 16, 2009, which summarized the Planning Board's comments. Comments are in *italics* followed by our responses in **bold**:

**Comment:** *Reconsider proposals for the area between the Boy Scout building and the abutter at 137 Auburn Street, including a reduction in the number of parking spaces (the Board indicated some options for this) to reduce the impact on the existing buffer and to achieve an adequate buffer along the boundary between the R-P zone and the abutting residential zone.*

**Response:** The proposed site has been revised to include a wider buffer between the proposed development and the adjacent property. The parking on the lot has been reduced from thirteen (13) spaces (as required by zoning) down to eight (8) spaces. This reduction will require a parking easement for five (5) spaces on the Northgate Plaza property (see the enclosed 125 Auburn Street Site Revisions Plan). The abutter has reviewed the proposed revisions and is satisfied with the changes.

*Comment:* Provide information on the volume of drive thru vehicles; confirmation re the stacking area; explanation for its location; and submission of details to illustrate the proposed traffic management and how it is designed to ensure safety/protection for pedestrians/children using the principal route along the front of the Plaza.

**Response:** The maximum anticipated stacking for this CVS drive-thru is four (4) cars; the drive-thru lane has been designed to accommodate five (5) cars before interfering with the pedestrian crosswalk. The only vehicles crossing the pedestrian crosswalk will be those entering the drive-thru. The crosswalk has been identified to pedestrians with tip-down ramps, which include detectable warning surfaces and painted striping indicating a cross-walk. In addition, the proposed trees in this area have been removed to ensure adequate visibility for pedestrians (see the enclosed Drive-Thru/Crosswalk Plan).

*Comment:* It might be helpful if you submitted... a blow-up drawing of the drive-thru area so the signs, markings etc. are clear and you could label the different aspects of the drive-thru including showing the car space stacking areas and the loading arrangements.

**Response:** Please see the enclosed Drive-Thru/Crosswalk Plan. Tom Ericco, city traffic consultant, has had the opportunity to review this plan and agreed that no additional signage or markings were necessary.

*Comment:* I note that you highlighted that cars exiting the drive-thru will see in front of them a "one-way left" sign as they pull out - but I believe they will be pulling out into a 2-way drive aisle that could have a tractor-trailer bearing down on them as it goes to the Shaw's loading bay.

**Response:** The signage provided across from the drive-thru exit includes an "Exit Left" sign and a "Trucks Entering" sign. These are intended to direct vehicles away from the Shaw's loading area and alert drivers that there may be trucks coming from either direction. Based on a recommendation from Tom Ericco, we have also provided a stop sign and stop bar for the traffic exiting the drive-thru and a single white lane line along the rear drive to delineate the two-way drive.

*Comment:* Regarding the aisle nearest to Auburn Street (and the scope to narrow it and widen the rain garden) it was my understanding from Tom that while the concept plan... may raise safety questions, that does not mean that it could not be designed somewhat differently and achieve a safe way of narrowing the drive aisle - and that is what I understood was still under discussion.

**Response:** We still believe that this lane shift could cause a safety issue. We would like the opportunity to discuss this item with the Planning Board and Tom during the up coming workshop.

Below are the specific standards regarding a drive-thru in *italics*, with an explanation of how we meet the standard showing in **bold**.

**Standard:** *Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services or goods available on the premises.*

**Response:** **No new pylon signage is proposed; wall signs will meet the B-2 architectural standards.**

**Standard:** *No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.*

**Response:** **No new driveways are proposed.**

**Standard:** *Features, such as windows, vacuum cleaners and menu/order boards, stacking lanes, must be placed, where practicable, to the side and rear of the principal building except where such placement will be detrimental to an adjacent residential zone or use, and shall be located no nearer than forty (40) feet from any residential zone. This distance shall be measured from the outermost edge of the outside drive-through feature to any property line. In addition, drive-through features shall not extend nearer than twenty-five (25) feet to the street line. The site must have adequate stacking capacity for vehicles waiting to use these service features without impeding vehicular circulation or creating hazards to vehicular circulation on adjoining streets.*

**Response:**

- **Drive-thru is located at the side/rear of the building.**
- **The proposed drive-thru is greater than forty (40) feet from the nearest residential zone.**
- **The proposed drive-thru is greater than twenty-five (25) feet from a street line.**
- **The maximum anticipated stacking for this CVS drive-thru is four (4) cars; the drive-thru lane has been designed to accommodate five (5) cars before interfering with the pedestrian crosswalk and will not interfere with vehicular circulation on the site.**

**Standard:** *Any speakers, intercom systems, or other audible means of communication shall not play prerecorded messages. Any speakers, intercom systems, audible signals, computer prompts, or other noises generated by the drive-through services or fixtures shall not exceed 55 dB or shall be undetectable above the ambient noise level as measured by a noise meter at the property line, whichever is greater.*

**Response:** **The applicant agrees to provide all audible services at a level not to exceed 55 dB and agrees not to play a prerecorded message.**

**Standard:** *Drive-through facilities shall be designed so that site and vehicular light sources shall not unreasonably spill over or be directed onto adjacent residential properties and shall otherwise conform to the lighting standards set forth in 14-526.*

**Response:** A six (6) foot tall fence has been provided to prevent any vehicular light sources from the adjacent residential property. In addition, an existing wooded buffer between the shopping plaza and the adjacent residential property has been maintained.

**Standard:** *Where automobiles may queue, waiting for drive-through services, their impacts must be substantially mitigated to protect adjacent residential properties from headlight glare, exhaust fumes, noise, etc. As deemed necessary by the reviewing authority, mitigation measures shall consist of installation of solid fencing with landscaping along any residential property line which is exposed to the drive-through or the enclosure of the drive-through fixtures and lanes so as to buffer abutting residential properties and to further contain all associated impacts.*

**Response:** A six (6) foot tall fence has been provided to separate the drive-thru from the adjacent residential property.

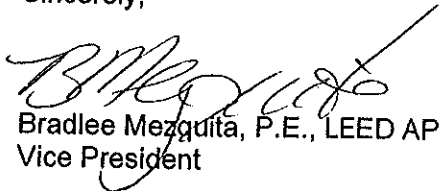
**Standard:** *Drive-through lanes shall be designed and placed to minimize crossing principal pedestrian access-ways or otherwise impeding pedestrian access.*

**Response:** The pedestrian circulation, with regards to the proposed drive-thru, has been designed to minimize pedestrian conflicts (see the enclosed Drive-Thru/Crosswalk Plan).

We realize that a Photometrics Plan is still pending and have asked the electrical engineer to prepare one based on the revised layout; we will provide this information to you as soon as it becomes available. We respectfully request to be put on the agenda for the May 12, 2009 Planning Board Workshop.

Please feel free to call me if you have any questions.

Sincerely,



Bradley Mezquita, P.E., LEED AP  
Vice President

GY/maa  
(2042c-011(comment response letter2).doc)

Enclosures

Cc: Frank Normandin, A & D Realty, Inc.

CVS only

Applicant: Northgate Plaza

Date: 2/9/09

Address: ~~21~~ Auburn St

C.B.L.: 375-C-~~21~~

originally built

CHECK-LIST AGAINST ZONING ORDINANCE

375-C-1, 15, 17

Date - 1970

Zone Location - B-2

~~Bay Scouts old Bldg~~

Interior of corner lot -

Proposed Use/Work - Demo bldgs - Add A drive thru CVS -

Sewage Disposal -

Add parking lot to old Bay Scout Bldg - Block

Lot Street Frontage - 50' min - well over

conditional use triggered - adjacent to residential in REAR

Front Yard - Existing Development

Rear Yard - 20' req (abuts A res. zone) - 50' + shown

Side Yard - 10' req (map shows it abuts res) - well over 10'

Projections -

Width of Lot - None req

Specified  $\approx 31.5'$  from floor elevation to truss peak

Height - Bldg Elevation Needed

Lot Area - 10,000<sup>sq</sup> min 575,009<sup>sq</sup> ft given in survey

Lot Coverage/Impervious Surface -

B-2  $\rightarrow$  80% max - The Existing Development is over the 80% - is reducing the percentage by Rain Gardens

Area per Family - N/A

Off-street Parking - 19 pks in stream Protection reduced to 13 in stream Prot.

Loading Bays - 1 shown in drive thru area - PB Conditional use approved 6/9/09

Site Plan - 2009-0010

Shoreland Zoning/Stream Protection -

abuts - Need PB approval oked 6/9/09

Flood Plains - Panel 2 - modifications are in Zone X - shown on plans w/ Bldg elevations

Comments Submitted

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

2009-0010  
Application I. D. Number  
2/9/2009  
Application Date  
Northgate Plaza  
Project Name/Description

A & D Realty Lic  
Applicant  
5 Militia Dr , Lexington, MA 02421  
Applicant's Mailing Address

125 - 125 Auburn St, Portland, Maine  
Address of Proposed Site  
375 C023001  
Assessor's Reference: Chart-Block-Lot

Consultant/Agent  
Agent Ph: \_\_\_\_\_ Agent Fax: \_\_\_\_\_  
Applicant or Agent Daytime Telephone, Fax

Proposed Development (check all that apply):  New Building  Building Addition  Change Of Use  Residential  Office  Retail  
 Manufacturing  Warehouse/Distribution  Parking Lot  Apt 0  Condo 0  Other (specify) \_\_\_\_\_

Proposed Building square Feet or # of Units 498489 Acreage of Site 0 Proposed Total Disturbed Area of the Site 0 Zoning B-2/ R-P

Check Review Required:

- Site Plan (major/minor)
- Amendment to Plan - Board Review
- Amendment to Plan - Staff Review
- After the Fact - Major
- After the Fact - Minor
- Zoning Conditional - PB
- Zoning Conditional - ZBA
- Subdivision # of lots \_\_\_\_\_
- Shoreland
- Zoning Variance
- Stormwater
- PAD Review
- Design Review
- DEP Local Certification
- Site Location
- Housing Replacement
- Other \_\_\_\_\_
- Historic Preservation
- Flood Hazard
- Traffic Movement
- 14-403 Streets Review

Fees Paid: Site Plan \$600.00 Subdivision \_\_\_\_\_ Engineer Review \_\_\_\_\_ Date 2/9/2009

Zoning Approval Status:

Approved  Approved w/Conditions See Attached  Denied

Approval Date \_\_\_\_\_ Approval Expiration \_\_\_\_\_ Extension to \_\_\_\_\_

Condition Compliance \_\_\_\_\_ signature \_\_\_\_\_ date \_\_\_\_\_

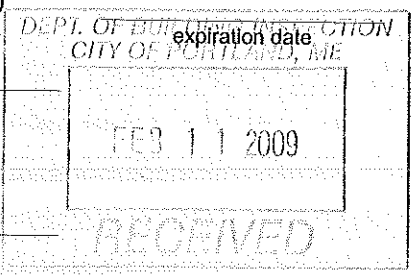
Additional Sheets Attached

2/11/09

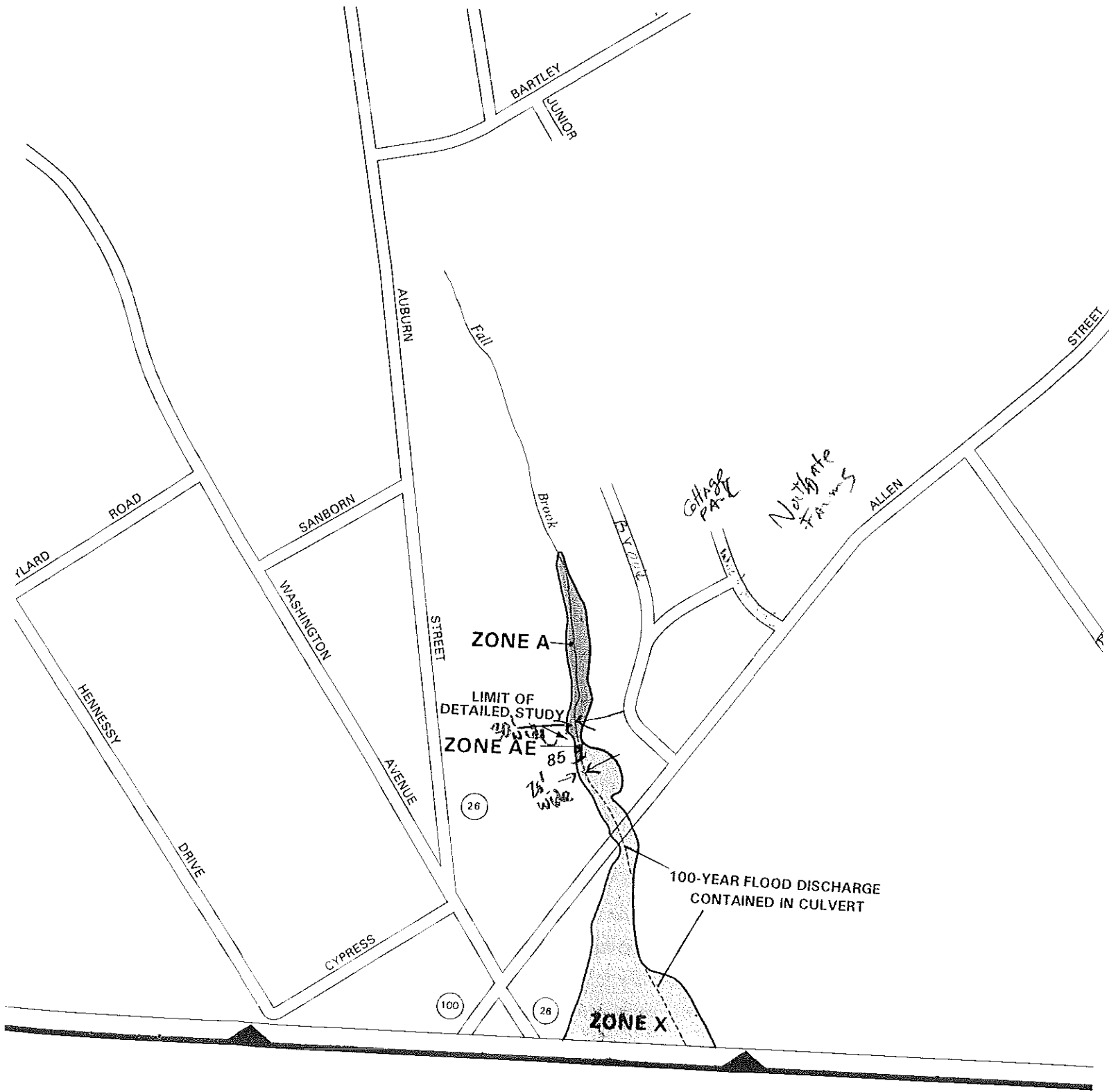
Performance Guarantee  Required\*  Not Required

\* 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	date	<input type="checkbox"/> Conditions (See Attached)	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	



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BARTLEY  
JUNIOR

AUBURN

Fall

Brock

Gilgus  
Park

Northgate  
Farms

ALLEN

STREET

ROAD

SANBORN

WASHINGTON

AVENUE

ZONE A

LIMIT OF  
DETAILED STUDY

ZONE AE

85

26

100-YEAR FLOOD DISCHARGE  
CONTAINED IN CULVERT

100

26

ZONE X

LARD

HENNESSY

DRIVE

CYPRESS





# PORTLAND MAINE

Strengthening a Remarkable City. Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Penny St. Louis Littell, Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

## Meeting Information

DATE: 3/4/09 ZONE: B-2 / R-P

LOCATION: 125 Auburn St

PEOPLE PRESENT: Gretchen Young - Frank Normandin - Bradlee M  
Barbara B - Marge S - DAVID M-P - DAN Goyette - Jean - Alex

### DISCUSSION:

Portland Water District easement - will get us a copy.  
 Explained differences in submitted survey & the site plan for the old Boy Scouts Bldg.  
 Discussed loading area under the needs to submit ANRPA permit.  
 Will make copies of stream protection exhibit for AS.  
 Zoning parking vs parking demand - (contractually obligated).  
 Discussed snow removal - Marge wanted the snow storage prior to trucking. It is trucked off site & offsite away from the stream.  
 Treatment currently has Auburn stream defender in tent - sheet drainage talked about rain gardens - roof drainage.  
 H&R Block - 2 full floors inside (one is a lower level) sheet flows along the back (is curbed).  
 Discussed the need of the dumpster in the rear.  
 Discussed narrowing of the aisle width for more buffering to abutting stone owner.

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).

GNVR hand out of the Stream protection regs to applicant

We need a copy of NPRA approvals

Room 315 - 389 Congress Street - Portland, Maine 04101. (207) 874-8695 - FAX: (207) 874-8716 - TTY: (207) 874-3936

Discussed time & meeting schedule  
Bike waiver question - utility waivers

Sec. 14-453. Development standards.

(a) *Minimum building setback from normal high water line of stream:* Seventy-five (75) feet. Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the planning board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28) feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent.

(b) *Filling of material within a stream protection zone:* Filling of material within a stream protection zone shall require site plan review as a minor development in accordance with article V of this chapter.

(c) *Minimum parking setback from normal high water line of stream:* Seventy-five (75) feet. Notwithstanding this requirement, the planning board may reduce the parking setback where the required setback cannot be met to the least extent necessary, provided that such setback shall not be less than the setback of the principal structure from the stream.

(Ord. No. 15-92, § 30, 6-15-92)

Sec. 14-454. Reserved.

Sec. 14-455. Reserved.

Sec. 14-456. Reserved.

Sec. 14-457. Reserved.

Sec. 14-458. Reserved.

Sec. 14-459. Reserved.

Sec. 14-460. Reserved.

DIVISION 27. ADMINISTRATION AND ENFORCEMENT\*

\*Cross reference(s)--Administration, Ch.2.

**NORTHGATE PLAZA/ CVS MEETING**  
**March 4, 2009 2pm**

*Latest Version*  
*3/4/09*

Attendees from the Applicant:

Frank Normandin from A&D Realty  
Bradlee Mezquita, Appledore Engineering  
Gretchen Young, Appledore Engineering

Attendees from the City:

Alex Jaegerman, Director of Planning  
Barbara Barhydt, Development Services Review Manager  
David Margolis-Pineo, Deputy City Engineer  
Marge Schmuckal, Zoning Administrator  
Dan Goyette, Peer Reviewing Engineer (from Woodard & Curran)  
Jean Fraser, Planner

Suggested discussion topics:

1. **Summary/clarification of proposals by applicant** (it would be helpful to have confirmation of loading areas, further parking demand information, and drive thru trip generation available for the meeting - Traffic Engineering comments were forwarded to you last week and included a request for this and other information; also please confirm size of existing plaza as stated to be 105,940SF in one place and 109,204SF in another)
2. **Review issues re CVS building and drive thru:**
  - a. Clarification re the framework for the review: MeDEP and Chapter 500 interpretations and applicability;
  - b. Drainage into Fall Brook - Parking, travel lane, building and snow storage are within the 75' stream protection zone and require a waiver from city requirements. By constructing a building and adding a drive through lane, the land use within the 75' stream setback is intensified. Significant improvements re impervious surface area and treatment of storm water are needed eg LID techniques;
  - c. The Downstream Defender is not recognized as an acceptable stormwater treatment by the MeDEP. An alternative stormwater treatment approach is required;
  - d. There appear to be 63 more parking spaces than what is required by code; why can't the parking within the 75 foot setback be eliminated so that this area can be vegetated; snow storage area could be relocated so that drive lanes can be pulled away from Fall Brook;
  - e. Pedestrian footpath (from Brook Rd to Plaza which comes out in travel lanes from drive-thru) and proposed relocation/safety treatment (currently uses existing sidewalk along side of existing Plaza building);
  - f. Landscaping and Lighting; Sanitary waste flow calculations and lighting photometrics need to be submitted; also details of the ATM.
3. **Review issues re 125 Auburn (Boy Scout Building)**
  - a. Site boundaries not consistent (as between survey and site plan);
  - b. Impacts of the newly proposed (not shown in pre-application plans) parking area at side of the building, including loss of trees; absence of buffer; topography and drainage; impact on residential abutter re noise, glare, loss of trees etc (see letter from Scotts forwarded previously);
  - c. Alternative ways to provide parking? Some in Plaza parking area?
  - d. If this scale of parking remains part of proposal, need information for Planning Board on lighting levels, location of parking in relation to steep slope across site and in relation to abutter's property; plans showing trees to be removed; details of landscaped buffer etc.
4. **Other issues not covered above**
5. **Way forward**
  - a. Confirm information and revisions to be submitted;
  - b. Timetable vis a vis Planning Board.

Sec. 14-453. Development standards.

(a) *Minimum building setback from normal high water line of stream:* Seventy-five (75) feet. Notwithstanding this requirement, when a lot is a lot of record as defined in section 14-433 or cannot otherwise meet the setback requirement of this section due to physical limitations of the site, the planning board may approve a reduction of the setback requirement for a principal structure to the least amount necessary to achieve a building dimension of twenty-eight (28) feet, provided that the setback is not reduced to less than forty (40) feet. Structures in existence on June 15, 1992, may be expanded once during the lifetime of the structure up to twenty-five (25) feet toward a stream or tributary stream, provided that the setback is not reduced to less than forty (40) feet and the floor area or volume is not increased by more than thirty (30) percent.

(b) *Filling of material within a stream protection zone:* Filling of material within a stream protection zone shall require site plan review as a minor development in accordance with article V of this chapter.

(c) *Minimum parking setback from normal high water line of stream:* Seventy-five (75) feet. Notwithstanding this requirement, the planning board may reduce the parking setback where the required setback cannot be met to the least extent necessary, provided that such setback shall not be less than the setback of the principal structure from the stream.  
(Ord. No. 15-92, § 30, 6-15-92)

- Sec. 14-454. Reserved.
- Sec. 14-455. Reserved.
- Sec. 14-456. Reserved.
- Sec. 14-457. Reserved.
- Sec. 14-458. Reserved.
- Sec. 14-459. Reserved.
- Sec. 14-460. Reserved.

DIVISION 27. ADMINISTRATION AND ENFORCEMENT\*

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\*Cross reference(s)--Administration, Ch.2.  
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January 30, 2009

Ms. Barbara Barhydt  
City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine 04104

Re: Site Plan Review/Conditional Use Application  
Northgate Plaza Redevelopment  
Auburn Street  
Portland, Maine  
AEI/2042C

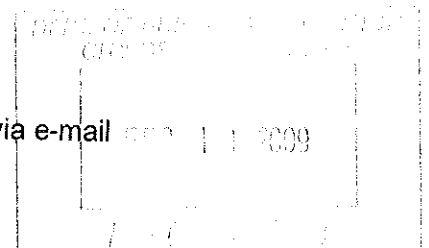
Dear Ms. Barhydt:

On behalf of A & D, Realty Inc., we are pleased to submit the following information relative to the Site Plan Review and Conditional Use Application for the above referenced development:

- A check in the amount of \$800 to cover Application for Major Site Plan Review and Conditional Use Application
- Seven (7) complete packets including:
  - Development Review Application
  - Conditional Use Application
  - Site Plan Checklist
  - Site Plan Written Statement
  - Ability to Serve with PWD water letter dated December 12, 2008
  - Initial Capacity Letter from New England Realty Resources, LLC dated January 23, 2009
  - Copy of Deeds and Descriptions
  - 24" x 36" Site Plan set dated January 30, 2009 including standard Boundary Survey provided by Doucet Survey dated December 29, 2008
- Three (3) copies of the Drainage Study dated January 30, 2009
- One (1) 11" x 17" Site Plan set dated January 30, 2009
- Electronic PDF of the proposed Site Plan will be provided to you via e-mail

As part of this submission we are requesting the following waivers:

1. A waiver from the requirements of Section 14-499 (h) that all utilities be placed underground for Lot C-1.




2/11/09

- It is the intent to place all new or disturbed utilities underground; however, a large portion of this lot is not included in the scope of this project so we are requesting that the existing overhead utilities in this area remain.
- 2. A waiver from the requirements of 14-526 (c) (2) minimum off-street bicycle parking for non-residential structures for Lot C-1.
  - Based on the parking for the overall shopping plaza a total of forty-two (42) bicycle parking spaces are required. Twenty-two (22) bicycle parking spaces have been provided within the limit of work.
- 3. A waiver from the requirements of 14-453 (a) minimum building setback from normal high water line of stream: seventy-five (75) feet.
  - As part of the redevelopment of this plaza a portion of the existing building, including 519 sf within the setback, will be removed. In its place a new CVS building is proposed, this building would include 430 sf within the setback. This is the first time this structure has been expanded into the setback.
- 4. A waiver from the requirements of 14-453 (c) minimum parking setback from normal high water line of stream: seventy-five (75) feet.
  - Currently parking exists within the setback. The proposed redevelopment will reduce the impervious area within the setback but will include some parking within this setback. The proposed condition will be an improvement over the existing condition.

We respectfully request to be put on the agenda for the earliest available Planning Board workshop. We are available to meet with you and/or the Planning Board staff prior to the meeting to review the plans and address any questions.

We appreciate your input so far and look forward to continuing to work with you and the Planning Board staff on this project. Please call me if you have any questions.

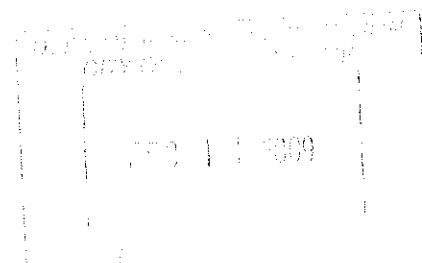
Sincerely,

  
Bradlee Mezquita, P.E., LEED AP  
Vice President

BM/maa  
(2042c-001(site plan review-conditional use.doc))

Enclosures

Cc: Frank Normandin, A & D Realty, Inc.



# Northgate Plaza Auburn Street

## Site Plan Written Statement

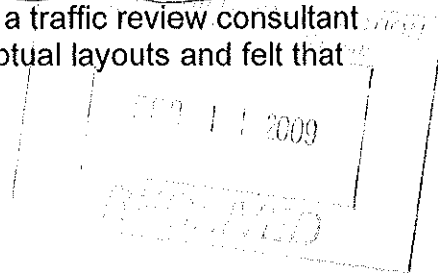
### 1. Project Description/Proposed Use

The proposed projects involve the redevelopment of the Northgate Shopping Center (Lot C-1) and adjacent Lot C-23. The two (2) projects are located on Auburn Street in Portland, Maine. The shopping center's property (Lot C-1) is approximately 13.20 acres located in the Community Business District (B-2). The adjacent Lot C-23 is approximately 0.54 acres located in the Residential Professional District (R-P). The overall project site (includes both lots) is bound by Auburn Street to the south, Allen Avenue to the east, the Mercy Care property to the northwest and Fall Brook with jurisdictional wetlands to the north (see Figure 1 – Site Location Map). The existing developed plaza consists of approximately 105,940 sf of retail and restaurant area. The property also supports a 3,030 sf Town and Country Credit Union, as well as parking (by easement) for Mercy Care. The adjacent property includes a 5,200 sf building to be redeveloped.

The proposed redevelopment within Lot C-1 will include the demolition of approximately 12,715 sf of the existing shopping center at the northern end of the plaza. The existing portion of the building that will be demolished includes a bakery, office and retail spaces. The project will also include the construction of a new 12,900 sf stand-alone CVS building within the limits of the existing pavement. The new CVS building will have a drive-thru facility covered by a building overhang that will connect to the existing building. The purpose of the overhang is to visually connect the CVS building with the adjacent shopping plaza by providing a continuous roofline through the entire plaza. Parking, landscaping and utility improvements are also proposed throughout the existing center (see Sheet C-3 Overall Site Plan). Approximately 2.65 acres of the previously developed site will be disturbed.

Lot C-23 houses the former ~~Boy Scouts of America~~ <sup>no Addition</sup> building and is currently vacant. No parking for this facility exists on the lot. The redevelopment of this lot includes facade improvements and the construction of a 13-space parking lot with associated drive aisle to meet the requirements for an office building of this size.

The proposed location of the CVS building has come about after much analysis and numerous discussions with staff members from the City of Portland. We have worked with city staff to analyze several different optional layouts for this center. At the request of planning staff we looked at moving the proposed CVS building closer to the front of the site. It was initially thought this would better meet the intentions of the zoning regulations and bring the proposed building out of the Stream Protections Zone. Jim Carmody from the Public Works Department and Tom Errico, a traffic review consultant for the city have also had the opportunity to look at the conceptual layouts and felt that from a traffic standpoint these options were not practical.



Based on the analysis of different configurations and options for the site we felt that the proposed layout is the most suitable. Some of the benefits of the proposed layout include:

- The proposed building will be inline with the rest of the shopping center, connected with an overhead canopy keeping one continuous roofline.
- The front drive aisle will not directly intersect with the entrance drive. Customers exiting the plaza will be directed to the second drive aisle and cross the main drive approximately 100 feet from the signal.
- The layout maximizes open space and landscaped areas.
- Adequate parking is provided for the adjacent medical building within the existing easement area.

## 2. Project Area

### Total land area of the site:

Tax Map 375 Lot C-1: ±13.20 acres

Tax Map 375 Lot C-23: ±0.54 acres

### Total Floor Area:

Tax Map 375 Lot C-1: ± 109,204 sf

Tax Map 375 Lot C-23: ±5,200 acres *sf*

### Total Disturbed Area:

± 2.65 acres (includes both lots)

### Total Ground Coverage of proposed Building:

The proposed CVS will be ±12,900 sf

## 3. Existing or Proposed Easements or Other Burdens

There are a number of easements and restrictions on the property including three (3) sewer easements; a drainage easement; a number of electrical easements; a 25-foot ROW; a common area agreement; a grading, access, landscaping and drainage easement; an access, utility and parking easement and a notice of layout and taking by the MEDOT. See the boundary survey for locations and information regarding these easements and restrictions.

## 4. Solid Waste

At present the facility is under contract with Trojano Waste Services to haul away all solid waste. This contract covers any additional solid waste generated as a result of the new construction on both lots. Currently there are a number of dumpsters and one (1) compactor serving the shopping plaza. There is no waste receptacle existing on the former Boy Scout lot. One (1) enclosed dumpster and one (1) vertical compactor are proposed for the new CVS, and one (1) enclosed dumpster is proposed for on Lot C-23.



## 5. Availability of Off-Site Facilities

Water, sewer, gas, electric and telephone are available to the existing plaza. These utilities will continue to be available to all existing and proposed buildings on site.

See enclosed Ability to Serve letter from the Portland Water District. Frank Brancely from the City of Portland, Department of Public Services has been provided with information on the proposed redevelopment. We have not yet received a letter regarding the sewer capacity for this project.

## 6. Surface Drainage and Stormwater Management

The site drains from the south along Auburn Street towards Fall Brook and the jurisdictional wetlands located at the rear of the existing parking lot. Fall Brook has been designated as an Urban Impaired Stream by the Maine Department of Environmental Protection. As part of the redevelopment of this site we have reduced the existing impervious area on the site, which will in turn reduce the contributing stormwater runoff and potential for pollutants entering Fall Brook. In addition we are proposing an upgrade of the existing closed drainage system, including catchbasins with sumps and grease hoods as well as a new water quality unit to treat the stormwater prior to discharging to the brook.

Based on the Flood Insurance Rate Map for this area, the portion of Fall Brook directly down stream of the site appears to have flooding concerns and is designated within the 100-year flood zone. The reduction on impervious area on this site will help to reduce the contributing volume of runoff entering Fall Brook and help to minimize flooding down stream.

The proposed redevelopment has been designed to meet the regulations and principles as outlined in the Stormwater Management for Maine: Best Management Practices and Maine Erosion and Sediment Control Handbook for Construction to the maximum extent practical. A full analysis of the existing and proposed stormwater conditions can be found in the Drainage Study Dated January 30, 2009.

## 7. Construction Plan

The following outlines the proposed construction sequencing for this project:

- A. Cut and clear trees.
- B. Construct temporary and permanent sediment, erosion and detention control facilities. Erosion, sediment and detention measures shall be installed prior to any earth moving operations that will influence stormwater runoff such as:
  - new construction
  - stream channel modifications
  - control of dust
  - construction of access road
  - nearness of construction site to receiving waters
  - construction during late winter and early spring

- C. All permanent ditches, swales, detention, retention and sedimentation basins to be stabilized using the vegetative and non-structural BMPs prior to directing runoff to them.
- D. Clear and dispose of debris.
- E. Construct temporary culverts and diversion channels as required.
- F. Grade parking areas – all parking areas shall be paved immediately after their construction.
- G. Begin permanent and temporary seeding and mulching. All cut and fill slopes shall be seeded and mulched immediately after their construction.
- H. Daily, or as required, construct temporary berms, drains, ditches, silt fences, sediment traps, etc.; mulch and seed as required.
- I. Finish paving all roadways and parking lots.
- J. Inspect and maintain all erosion and sediment control measures.
- K. Complete permanent seeding and landscaping.
- L. First remove trapped sediments from collector devices as appropriate and then remove temporary erosion control measures.

Construction is estimated to begin in June 2009 and be completed by November 2009.

## **8. State and Federal Agency Approvals**

This project will be subject to the Maine Department of Environmental Protection Stormwater Permit By Rule. We will file for this permit pending approval from the City of Portland Planning Board.

## **9. Evidence of Financial and Technical Capacity**

See enclosed letter from New England Realty Resources, LLC regarding financial capacity.

Appledore Engineering, Inc (AEI) has the technical capacity to assist A&D Realty, LLC to undertake the design and permitting for this redevelopment. Appledore has worked successfully throughout Maine and specifically in Portland on several large scale projects. Appledore has fourteen (14) civil engineers on our staff, of which eight (8) are licensed Professional Civil Engineers and has been in business since 1987.

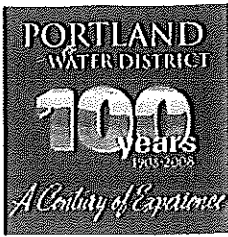
## **10. Title, Right or Interest**

See attached deeds and descriptions.

## **11. Unusual Natural Areas**

There are no unusual natural areas, wildlife or fisheries habitats or archaeological sites located on or near the project site.

11/11/09



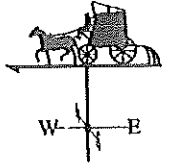
225 DOUGLASS STREET  
 P.O. BOX 3553  
 PORTLAND, ME 04104-3553  
 P: 207.774.5961  
 F: 207.761.8307  
 WWW.PWD.ORG

RECEIVED  
 DEC 17 2008

*20 20426*

BY: .....

PORTLAND  
 WATER DISTRICT



December 12, 2008

Appledore Engineering  
 177 Corporate Drive  
 Portsmouth, NH 03801

Attn: Gretchen Young, P.E.  
 Re: 91 Auburn Street, Portland – Northgate Plaza CVS  
 Ability to serve with PWD water

Dear Ms. Young:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed CVS store at 91 Auburn Street in Portland. According to District records, there is a 12-inch cast iron water main on the east side of Auburn Street as well as two hydrants located adjacent to the site.

The current data from the nearest hydrant with valid flow test data indicates there should be adequate capacity of water to serve the needs of your proposed project, as stated in your e-mail, dated December 2, 2008.

Hydrant Location: Auburn Street, 200' north of Washington Avenue  
 Hydrant Number: POD-HYD01011  
 Static Pressure: 72 psi                      Residual Pressure: 71 psi  
 Flow: 963 gpm  
 Last Tested: 9/8/2003

Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Please consult with the Portland Fire Department to determine if the fire service capacity is sufficient for your needs. Also, please note that we will require a calculation of the peak water demand in gallons per minute or a fixture count tabulation at the time of the service application. With regard to plan review, PWD is in the process of reviewing your site plan and will be sending comments to your attention. If the District can be of further assistance in this matter, please let us know.

Sincerely,  
 Portland Water District

Rico Spugnardi, P.E.  
 Business Development Engineer  
[rspugnardi@pwd.org](mailto:rspugnardi@pwd.org)



**NEW ENGLAND REALTY  
RESOURCES, LLC**

A Q10 CAPITAL LLC PARTNER

January 23, 2009

Mr. Frank Normandin  
Winslow Property Management, Inc  
5 Militia Drive  
Lexington, MA 02421

RE: Proposed 12,900 square foot CVS building, 91 Auburn Street, Portland, ME

Dear Frank:

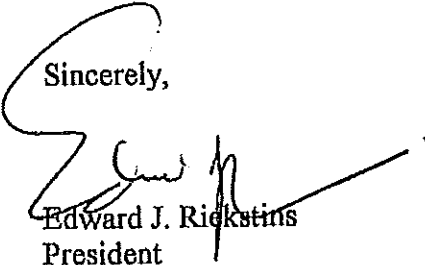
I am writing to follow up on your request to secure financing for your CVS project at the Northgate Shopping Center, 91 Auburn Street, Portland, ME.

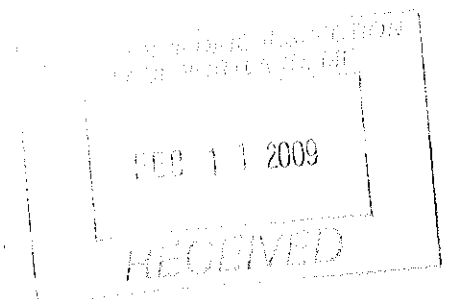
As servicing agent for the current lender, ING Insurance Company, we would look forward to and anticipate looking favorably upon your formal loan request application. Based upon the current mortgage amount and the creditworthiness of your proposed Tenant, we feel confident financing could be obtained.

This letter cannot be considered a loan commitment of any kind and only an expression of interest based upon the plans and lease submitted.

We look forward to working with you on this project.

Sincerely,

  
Edward J. Rickstins  
President  
Q10|New England Realty Resources, LLC

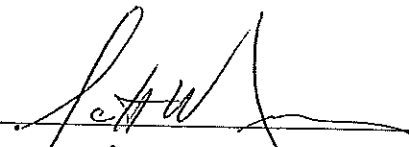


WARRANTY DEED – Short Deeds Act  
33 M.R.S.A. S Section 761 et seq.

KNOW ALL MEN BY THESE PRESENTS that Shaw's Realty Co., a Maine corporation with an address c/o Shaw's Supermarkets, Inc., 750 West Center Street, West Bridgewater, Massachusetts 02379, for consideration of Nine Million Four Hundred Thousand and 00/100 Dollars (\$9,400,000.000) paid grants to A&D Realty, LLC, a Maine limited liability company whose address is 1739 Massachusetts Avenue  
Lexington, MA, with warranty covenants, that certain lot or parcel of land 02421 located in the City of Portland, in the County of Cumberland and State of Maine, as more fully described on Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Shaw's Realty Co. has signed this instrument on this 7<sup>th</sup> day of October, 2002.

SHAW'S REALTY CO.

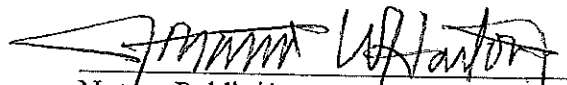
By:   
Name: SCOTT W. RAMSEY  
Title: VICE PRESIDENT

COMMONWEALTH OF MASSACHUSETTS

County of Plymouth, ss.

October 7<sup>th</sup>, 2002

Then personally appeared the above-named SCOTT W. RAMSEY the VICE PRESIDENT of Shaw's Realty Co., and acknowledged the foregoing instrument to be his/her free act in said capacity and the free act and deed of Shaw's Realty Co., before me,

  
Notary Public/Attorney at Law

Jonathan W. Harlow, Jr.  
Notary Public  
My Commission Expires Feb. 21, 2008

EXHIBIT A  
LEGAL DESCRIPTION  
Northgate Shopping Center  
Portland, Maine

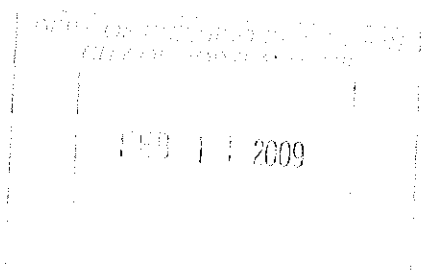
Certain lots or parcels of land, with the any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Parcel One (Tax map 375-C-1)

1. A certain lot or parcel of land situated in said Portland and bounded and described as follows:

Beginning on the northwesterly side of Allen Avenue at the Easterly corner of land conveyed by Mary S. Burnham to Cornerstone Masonic Corporation by deed, dated November 25, 1947 and recorded in Cumberland County Registry of Deeds in Book 1897, Page 54; thence running Northeasterly by Allen Avenue to the thread of Fall Brook, so called, and land of George P. Merrill; thence running Northerly by the thread of said Brook and by land of said Merrill, land now or formerly of Deering Village Corporation and land now or formerly of Addie M. Lane to the Southeasterly corner of land conveyed by said Burnham to Addie M. Lane by deed, dated November 16, 1942 and recorded in said Registry of Deeds in Book 1700, Page 227; thence Westerly by said Lane land three hundred sixty-two and five tenths (362.5) feet, more or less, to Auburn Street; thence Southerly by Auburn Street to the Northwesterly corner of land conveyed by said Burnham to Claire W. Vintinner, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 100; thence Easterly by said Vintinner land one hundred (100) feet; thence Southerly by said Vintinner land and land conveyed by said Burnham to Margaret L. Profenno, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 101, two hundred five (205) feet; thence Westerly by said Profenno land one hundred (100) feet to Auburn Street; Thence Southerly by Auburn Street one hundred (100) feet to the Northwesterly corner of land conveyed by said Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence Easterly said Beal land one hundred (100) feet; thence Southerly by said Beal land, by land conveyed by said Burnham to said Beal by deed, dated October 26, 1949 and recorded in said Registry of Deeds in Book 1976, Page 447 and to Frederick D. Call, et al, by deed, dated September 5, 1950 and recorded in said Registry of Deeds in Book 2014, Page 226, two hundred seven and seventy-eight hundredths (207.78) feet; thence Westerly by said Call land seven and sixty-five hundredths (7.65) feet to land conveyed by said Burnham to Nellie S. Cohen by deed, dated June 15, 1940 and recorded in said Registry of Deeds in Book 1609, Page 124; thence Southerly by said Cohen land and by land conveyed by said Burnham to Community Oil Company, Inc. by deed, dated March 23, 1939 and recorded in said Registry of Deeds in Book 1573, Page 162, two hundred eighty-seven and forty-one hundredths (287.41) feet to the westerly corner of said Cornerstone Masonic Corporation land; thence Northeasterly by said Corporation's land one hundred fifty (150) feet; thence Southeasterly by said Corporation's land two hundred forty-seven and five tenths (267.5) feet to the point of beginning.

2. Intentionally omitted.



3. A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at a point distant one hundred (100) feet Northerly from the Northwesterly corner of a lot of land conveyed by Mary E. Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence Easterly parallel with the Northerly line of the lot conveyed to said Beal one hundred (100) feet to an iron set in the ground; thence Northerly parallel with said Easterly side line of Auburn Street seventy (70) feet to a stake; thence Westerly parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence Southerly by said side line of Auburn Street seventy (70) feet to the point of beginning.

4. A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at the Northwesterly corner of lot of land conveyed by Mary E. Burnham to Margaret L. Profenno and Anthony J. Profenno by deed duly recorded in the Cumberland County Registry of Deeds; thence Easterly by the Northerly line of said Profenno lot one hundred (100) feet to the Northeasterly corner thereof and a stake set in the ground; thence Northerly, parallel with the Easterly side line of Auburn Street, one hundred thirty-five (135) feet to an iron set in the ground; thence Westerly parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence Southerly by said side line of Auburn Street one hundred thirty-five (135) feet to the point of beginning.

Also, a certain lot or parcel of land situated in Portland, County of Cumberland and State of Maine, northerly of Allen Avenue, bounded and described as follows:

Beginning at an iron pipe at the northeasterly corner of land conveyed by Lyneous J. Smith to Deering Village Corporation by deed dated April 24, 1941, recorded in the Cumberland County Registry of Deeds Book 1631, Page 305; thence running N 3°15' W eight hundred sixty eight and one-tenths (868.1) feet to a stone wall; thence by said stone wall westerly six hundred forty (640) feet more or less to a brook; thence southerly by said brook eight hundred sixty five (865) feet more or less to the northwesterly corner of said Deering Village Corporation land; thence easterly by said Deering Village Corporation land six hundred (600) feet to the point of beginning. Being the same premises conveyed to me by Addie M. Lane by deed dated October 3, 1942, recorded in said Registry of Deeds Book 1693, Page 261.

Also a certain lot or parcel of land situated in said Portland on the easterly side of Auburn Street bounded and described as follows:

Commencing at the southwesterly corner of land now formerly of Willey; thence southerly by said easterly side line of Auburn Street two hundred twenty six (226) feet to a stake; thence easterly on a line at right angles to a line on said Auburn Street three hundred sixty two and five-tenths (362.5) feet to the center of Fall Brook; thence northerly by the center of Fall Brook two hundred seventy five (275) feet more or less to said Willey Land and a stone wall; thence westerly by a stone wall and fence marking the southerly line of said Willey land three hundred fifty (350) feet more or less to said Auburn Street and point of beginning. Being the same premises conveyed to me by said Addie M. Lane by deed dated September 23, 1943 and recorded in said Registry of Deeds Book 1728, Page 90.

EXCEPTING from Parcel One such portions thereof as were conveyed by virtue of the following deeds from Shaw's Realty Co.:

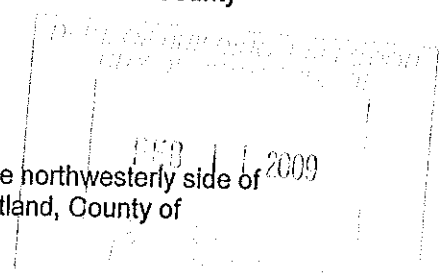
1. To Pine Tree Council, Inc., dated March 18, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2462, Page 8;
2. To E. Woodard Payne, dated January 2, 1963 and recorded in the Cumberland County Registry of Deeds in Book 2728, Page 115;
3. To E. Woodard Payne, dated January 29, 1964 and recorded in the Cumberland County Registry of Deeds in Book 2835, Page 499;
4. To E. Woodard Payne, dated May 8, 1964 and recorded in the Cumberland County Registry of Deeds in Book 2920, Page 203 and rerecorded in Book 2929, Page 559;
5. To Pine Tree Council, Inc., dated November 1, 1968 and recorded in the Cumberland County Registry of Deeds in Book 3067, Page 292;
6. Stratos G. Demakis and Sharon A. Demakis, dated October 21, 1971 and recorded in the Cumberland County Registry of Deeds in Book 3197, Page 584;
7. To Carmine W. DiFilippo and Gertrude DiFilippo, dated October 7, 1971 and recorded in the Cumberland County Registry of Deeds in Book 3200, Page 110;
8. To Richard S. Harris, Jr. and Arnold Y. Brynes, dated June 18, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6481, Page 207;
9. To Fall Brook Realty Co., dated July 14, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7270, Page 165.

**Parcel Two** (Tax Map 375 - C - 15)

**Lot 1**

A certain lot or parcel of land with the buildings thereon situated on the northwesterly side of Allen Avenue and the easterly side of Auburn Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the northwesterly side of Allen Avenue at the easterly corner of land conveyed by Shaw's Realty Co. to the City of Portland by deed dated February 17, 1966, recorded in the Cumberland County Registry of Deeds, Book 2946, Page 450, said corner being distant five hundred twenty-eight and fifty-six hundredths (528.56) feet on a bearing of N 53° 29' 30" E from the intersection of the northwesterly side line of said Allen Avenue and the easterly side line of Washington Avenue; thence N 53° 29' 30" E by the northwesterly side of said Allen Avenue sixty-three and twenty-one hundredths (63.21) feet to the southerly corner of land now or formerly of Georgia P. Merrill; thence N 36° 30' 30" W by said Georgia P. Merrill land one hundred twelve and eighty-nine hundredths (112.89) feet to an iron pipe; thence N 53° 29' 30" E by said Georgia P. Merrill land ninety and sixty-eight hundredths (90.68) feet to an iron pipe on the southwesterly boundary of Lot 3 as shown on Plan of Deering Village made by Nisbet and Griffin Inc. for Deering Village Corp. dated February, 1941, and recorded in said Registry of Deeds in Plan Book 27, Page 12; thence N 36° 30' 30" W by said Deering Village one hundred thirty-seven and eleven hundredths (137.11) feet, more or less, to the former location of Fall Brook; thence northerly by the westerly boundary of said Deering Village, said boundary being the former meander course of said Fall Brook three hundred eighty-one (381) feet, more or less, to a point; thence N 83° 00' W by other land of Shaw's Realty Co. one hundred eighty-nine (189) feet to the southeasterly corner of the building now occupied by Wellwood Co.; thence continuing N 83° 00' W by said land of Shaw's Realty Co. and along the south face of said building now occupied by Wellwood Co. one hundred and five hundredths (100.05) feet to the southwesterly corner of said building; thence S 52° 39' 30" W by said land of Shaw's Realty Co. seventeen and thirty-four hundredths (17.34) feet to a drill hole in a corner





of a granite sidewalk curb; thence S 47° 54' 30" W by said land of Shaw's Realty Co. two hundred twenty-three and thirty-eight hundredths (223.38) feet to an iron pipe on the easterly side of Auburn Street, said iron pipe being in the center of an existing paved entrance drive from Auburn Street, thence S 6° 29' 30" W by said Auburn Street thirty-four and forty-seven hundredths (34.47) feet to the northwesterly corner of land now or formerly of Dy Dee Service, Inc.; thence S 83° 38' 30" E by said Dy Dee Service, Inc. land one hundred and no hundredths (100.00) feet to a point; thence S 6° 29' 30" W by said Dy Dee Service, Inc. land one hundred and no hundredths (100.00) feet to a point; thence N 83° 38' 30" W along said Dy Dee Service, Inc. land one hundred and no hundredths (100.00) feet to said Auburn Street; thence S 6° 29' 30" W by said Auburn Street twenty-one and twelve hundredths (21.12) feet to an angle point; thence S 7° 00' W by said Auburn Street eighty-one and fifty-nine hundredths (81.59) feet to the northwesterly corner of land formerly of Nellie S. Cohen; thence S 83° 00' E by said Nellie S. Cohen land ninety-two and thirty-five hundredths (92.35) feet to an iron pipe; thence S 7° 00' W by said Nellie S. Cohen land and land now or formerly of Community Oil Company, Inc. two hundred eighty-seven and forty-one hundredths (287.41) feet to the northwesterly corner of the premises conveyed by Shaw's Realty Co. to the Portland Associates, Inc. by deed dated May 26, 1959, recorded in said Registry of Deeds in Book 2474, Page 164, thence N 73° 28' 30" E by said Portland Associates, Inc. land two hundred eleven and forty-six hundredths (211.46) feet to the northwest corner of said City of Portland land; thence N 53° 29' 30" E by said City of Portland land one hundred thirty and six hundredths (130.06) feet to an iron pipe; thence S 30° 30' 30" E along said City of Portland land one hundred sixty-one and twenty-one hundredths (161.21) feet to Allen Avenue and the point of beginning;

Lot 2

A certain lot or parcel of land, with any buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, on the Easterly side of the new Gray Road, so-called, leading from Allen's Corner, also known as North Deering to Gray, now known as Auburn Street, and bounded and described as follows:

Commencing at a point on said Easterly side of Auburn Street, at the Northwesterly corner of land conveyed to Community Oil Company, Inc., by deed dated March 23, 1939 and recorded in the Cumberland County Registry of Deeds in Book 1573, Page 162; thence Northerly by said Easterly side of Auburn Street one hundred and forty (140) feet to a point; thence Easterly at right angles to said last course ninety-two and thirty-five hundredths (92.35) feet to a point; thence Southerly at right angles to the last course and parallel with the Easterly side line of Auburn Street one hundred and forty (140) feet to the Northeasterly corner of said land conveyed to said Community Oil Company, Inc.; thence Westerly by said Community Oil Company, Inc. land, ninety-two and thirty-five hundredths (92.35) feet to the point of beginning.

EXCEPTING from Parcel Two such portion thereof as was conveyed to Maine Savings Bank by deed dated April 25, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4205, page 261.

Parcel Three (Tax Map 375 - C - 17)

A certain lot or parcel of land, together with all buildings and improvements located on it, on the west side of Auburn Street in the City of Portland, Cumberland County, Maine, further described as follows:

Beginning on the east side of Auburn Avenue near its intersection with Washington Avenue, at the northwest corner of land now or formerly of Mobil Oil Corp. 2.06 feet from a 5/8" rebar with cap E.C. Jordan S 09", 2" underground:

Thence north, along Auburn Avenue, by a curve having a radius of 623 feet, 91.51 feet;

Thence along Auburn Avenue, North  $09^{\circ} 21' 46''$  West, 126.62 feet land formerly of Merrill Carlton 1.73 feet from a 1" iron pipe, 6" under pavement, bent loc. Base;

Thence N  $89^{\circ} 38' 14''$  E, along the land formerly of Carlton, 81.26 feet to a nail in pavement under 1" coat of pavement;

Thence S  $09^{\circ} 21' 46''$  E along the land formerly of Carlton, 147.15 feet to a 5/8 rebar with damaged cap in pavement at the land now or formerly of Mobil Oil Corp.;

Thence S  $37^{\circ} 11' 03''$  W, along the land now or formerly of Mobil Oil Corporation, 102.70 feet to the point of beginning.

SAID PARCELS ONE, TWO AND THREE MAY ALSO COLLECTIVELY BE DESCRIBED AS FOLLOWS:

Beginning at a PK nail on the Easterly sideline of Auburn Street, in the City of Portland, County of Cumberland, and State of Maine, said point being at the Southwest corner of land now or formerly of the Pine Tree Council Inc., Boy Scouts of America;

thence running perpendicular to the aforementioned Auburn street, along the lines of said Pine Tree Council, and land now or formerly belonging to Owen B. Pinkus, and passing over a 5/8" rebar found flush with the ground, North  $80^{\circ} 36' 52''$  East, a distance of 338.47' to a point in the southwesterly property line of land now or formerly belonging to Rose D. Loscarso;

thence along the land of said Loscarso, and continuing along the lands now or formerly of Thelma Diphilippo, Caron, and Abildgaard, South  $30^{\circ} 21' 33''$  East, a distance of 317.00' to a point in the land of said Abildgaard;

thence continuing along the land of said Abildgaard, and continuing along the lands now or formerly of Cyr, Drummet, and O'Donnell, South  $09^{\circ} 28' 33''$  East, a distance of 368.97' to a point in the property line of said O'Donnell and Drisco;

thence along the land of said Drisco South  $69^{\circ} 21' 27''$  West, a distance of 10.49' to a point in a stream;

thence along the centerline of said stream to a point in the land now or formerly of Gauvin, as shown on the hereinafter referenced plan;

thence South  $52^{\circ} 46' 54''$  East along the land of said Gauvin and passing over a 1" diameter pipe, and continuing along the land now or formerly of Nelson, a distance of 149.64' to another 1" diameter iron pipe at the corner of said Nelson and land now or formerly of North Gate Plaza Associates, L.L.C.;

thence along the land of said North Gate Plaza Associates, L.L.C., South  $37^{\circ} 08' 35''$  West, a distance of 90.18' to a 1" diameter galvanized pipe;

thence, along the land of said North Gate Plaza Associates, L.L.C. South  $52^{\circ} 43' 42''$  East, a distance of 112.81' to a in the westerly sideline of Allen Avenue;

thence continuing along the westerly sideline of said Allen Avenue South  $37^{\circ} 08' 27''$  West, a distance of 63.14' to a 1" diameter iron pipe in the corner of land now or formerly of the City of Portland;

1100 1 1 2009

thence continuing along the land of said City of Portland, North 46°51'28" West, a distance of 161.15' to a P-K nail found, in the corner of land of said City of Portland;

thence continuing along the land of said City of Portland, South 37°09'32" West, a distance of 130.46' to a re-bar at the corner of land of said City of Portland and land now or formerly of Citibank;

thence along the land of said Citibank South 57°08'44" West, a distance of 211.16' to a 5/8" re-bar at the corner of said Citibank and land now or formerly of Mobil Oil Corporation;

thence along the land of said Mobil Oil Corporation, South 37°08'24" West, a distance of 101.25' to a point in the Easterly sideline of the above mentioned Auburn Street;

thence along the Easterly sideline of said Auburn Street, a curve with a radius of 623.00', an arc length of 94.09', a delta of 08°39'13", a chord bearing of North 14°05'39" West, and a chord distance of 94.00' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 09°21'50" West, a distance of 123.15' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 09°21'50" West, a distance of 131.62' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 12°31'39" West, a distance of 90.48' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 12°42'26" West, a distance of 0.98' to a point, said point being the South Westerly corner of land now or formerly of Fleet Bank of Maine;

thence along the land of said Fleet Bank of Maine, North 80°07'52" East, a distance of 94.01' to a point;

thence continuing along the land of said Fleet Bank of Maine, North 09°52'08" West, a distance of 135.00' to a point;

thence continuing along the land of said Fleet Bank of Maine, South 80°07'52" West, a distance of 100.00' to a point in the Easterly Sideline of the aforementioned Auburn Street;

thence along the said sideline, North 09°52'08" West, a distance of 0.21' to a point in the same sideline;

thence continuing along said sideline, North 09°52'08" West, a distance of 482.43' to a point;

thence continuing along said sideline, North 09°23'08" West, a distance of 417.43' to the POINT OF BEGINNING.

Containing 570,534 square feet or 13.098 acres, more or less.

FEB 11 2009

SAID PROPERTY ALSO INCLUDES THE FOLLOWING APPURTENANT RIGHTS:

1. Terms and conditions and rights and easements as set forth in a Common Area, Land Use and Restriction Agreement, dated April 25, 1978, recorded at Book 4205, Page 301;

2. Sewer easement recorded with said Registry of Deeds in Book 2002, Page 156, insofar as the same may now be in force and effect.

O:\JCW\Inet\MEVA & D Realty\1LegalDescription.c11doc.doc

11/1/2009

MAINE REAL ESTATE TAX PAID

**QUITCLAIM DEED**  
(With Covenant)

KNOW ALL PERSONS BY THESE PRESENTS, that **PINE TREE COUNCIL, INC., BOY SCOUTS OF AMERICA**, a Maine corporation with a place of business at Portland, County of Cumberland and State of Maine, in consideration of One Dollar and other valuable consideration paid by **125 AUBURN STREET, LLC**, a Maine limited liability company, whose mailing address is 133 Massachusetts Avenue, Lexington, MA 02420, the receipt whereof is hereby acknowledged, do hereby **REMISE, RELEASE, BARGAIN, SELL AND CONVEY** and forever **QUITCLAIM** unto the said **125 AUBURN STREET, LLC**, its successors and assigns forever, the following described real estate:

**Certain lots or parcels of land with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, as more fully described on Exhibit A attached hereto and incorporated herein by reference.**

The aforesaid premises are conveyed subject to real estate taxes which the Grantee assumes and agrees to pay.

**TO HAVE AND TO HOLD**, the same, together with all the privileges and appurtenances thereunto belonging, to the said **125 AUBURN STREET, LLC**, its successors and assigns forever, to use and behoof forever.

**AND it COVENANTS** with the said Grantee, its successors and assigns forever, that it will **WARRANT AND FOREVER DEFEND** the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

**IN WITNESS WHEREOF**, the said **PINE TREE COUNCIL, INC., BOY SCOUTS**

*[Faint, illegible text and a date stamp "11 2009" are visible at the bottom of the page.]*

OF AMERICA, has caused this instrument to be signed and sealed in its corporate name by J. T. Dabbs III, its Scout Executive, thereunto duly authorized, this 15 day of JUN, 2005.

WITNESS

PINE TREE COUNCIL, INC.,  
BOY SCOUTS OF AMERICA

[Signature]

By: [Signature]  
J. T. Dabbs III  
Its Scout Executive

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

June 15, 2005

Then personally appeared the above-named J. T. Dabbs III, Executive Director of said PINE TREE COUNCIL, INC., BOY SCOUTS OF AMERICA, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Corporation.

Before me,

[Signature]  
Notary Public/Attorney-at-Law  
Print Name: ACORN ATKINS  
My commission expires: \_\_\_\_\_

2005

EXHIBIT A  
TO DEED FROM PINE TREE COUNCIL, BOY SCOUTS OF AMERICA  
TO A & D REALTY, LLC

Certain lots or parcels of land with the building thereon situated in the City of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described as follows:

PARCEL ONE:

A certain lot or parcel of land with the building situated thereon on the easterly side of Auburn Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at an iron on the easterly side of Auburn Street marking the southwest corner of the lot of land conveyed by Fred E. Lovejoy to Maurice E. Willey, et al. by deed dated August 2, 1938 and recorded in Cumberland County Registry of Deeds in Book 1556, Page 394; thence by Auburn Street South  $7^{\circ} 23'$  West one hundred sixty (160) feet to an iron; thence by other land now or formerly of Shaw's Realty Co. South  $52^{\circ} 37'$  East one hundred twenty-five (125) feet to a point; thence by other land now or formerly of Shaw's Realty Co. parallel with Auburn Street North  $7^{\circ} 23'$  East one hundred eight-six and fifty-nine hundredths (186.59) feet to said Willey land; thence by said Willey land South  $85^{\circ} 22 \frac{1}{2}'$  West one hundred twenty-seven and eight tenths (127.8) feet to the point of beginning.

The above-described courses are magnetic and of the date of 1950.

Being the same premises conveyed to the Grantor herein by Shaw's Realty Co. by warranty deed dated March 18, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2462, Page 8.

PARCEL TWO:

A certain triangular parcel of land located on the easterly side of Auburn Street, in Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a point marked by an iron pipe on the Easterly side of Auburn Street at the Northwesterly corner of land conveyed by Shaw's Realty Co. to Pine Tree Council, Inc., Boy Scouts of America by deed dated March 18, 1959 as recorded in the Cumberland County Registry of Deeds in Book 2462, Page 8; thence N  $84^{\circ} 57'$  E one hundred twenty-seven (127) feet, more or less, along the Northerly sideline of said land of Pine Tree Council, Inc., Boy Scouts of America to the Northeasterly (previously referred to as northwesterly) corner thereof as described in said deed; thence Westerly in a straight line one hundred twenty-five (125) feet, more or less, to Auburn Street at a point thirty (30) feet Northerly along the Easterly sideline of Auburn Street from the iron pipe at the point of beginning; thence Southerly along said Auburn Street thirty (30) feet to the point of beginning.

Said premises are hereby conveyed subject to a 25 foot wide water pipeline utility easement that runs along the southerly sideline of said parcel as conveyed to the Portland Water District by a deed dated December 2, 1953 and recorded in said Registry of Deeds in Book 2163, Page 274.

Being the same premises conveyed to the Grantor herein by Fall Brook Realty Co. by warranty deed dated November 18, 1987 and recorded in said Registry of Deeds in Book 8085, Page 39.

Also conveying all Grantor's right, title and interest in the right to construct and maintain a sewer under and across land now or formerly of Shaw's Realty Co. situated on the easterly side of Auburn Street, in the City of Portland, County of Cumberland and State of Maine, from land conveyed by Shaw's Realty Co. to Pine Tree Council, Inc. Boy Scouts of America to the sewer right of way of the City of Portland, commonly called the Fall Brook Interceptor, said land being described as follows: Beginning at the southeast corner of land conveyed by Shaw's Realty Co. to the Pine Tree Council, Inc. Boy Scouts of America by deed dated March 18, 1959, and recorded in Cumberland County Registry of Deeds in Book 2462, Page 8, said corner being distant South 82° 37' East one hundred twenty-five (125) feet from the easterly sideline of Auburn Street; thence continuing said course of South 82° 37' East one hundred five (105) feet, more or less, to said City of Portland Sewer right of way; thence northwesterly by said sewer right of way about ten (10) feet to a point which is ten (10) feet from, when measured at right angles with the last described course; thence North 82° 37' West about one hundred (100) feet to said land of the Pine Tree Council, Inc. Boy Scouts of America; thence by said Boy Scouts' land South 7° 23' West ten (10) feet to the point of beginning.

The above-described courses are magnetic and of the date of 1950.

Being the same premises conveyed to the Grantor herein by Shaw's Realty Co. by deed dated July 23, 1959 and recorded in said Registry of Deeds in Book 2486, Page 204.

Also conveying all Grantor's right, title and interest, if any, whether by license or otherwise, to use other property owned by Grantee abutting the premises herein conveyed for purposes of ingress, egress and the parking of motor vehicles as said rights were obtained from Shaw's Supermarkets, Inc. and the Grantee.

Received  
Recorded Register of Deeds  
Jun 15, 2005 10:33:37A  
Cumberland County  
John B OBrien

JUN 15 2005



**APPLEDORE ENGINEERING INC.**  
 PH. (603) 433-8818  
 177 CORPORATE DRIVE  
 PORTSMOUTH, NH 03801

**CENTRIX BANK & TRUST**  
 BEDFORD, NH  
 54-202/114

CHECK DATE January 29, 2009

PAY Eight Hundred and 00/100 Dollars

TO CITY OF PORTLAND, ME

AMOUNT \$800.00

⑈020588⑈ ⑆011402024⑆ 1010047388⑈

**APPLEDORE ENGINEERING INC.**  
 PORTSMOUTH, NH 03801

20588

Invoice Number	Date	Voucher	Amount	Discounts	Previous Pay	Net Amount
Site Plan fee 2042C	1/29/09	0023981	800.00			800.00
PORTLAND, ME, CITY OF						
3		Totals	800.00			800.00



**Major Development (more than 10,000 sq. ft.)**

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

**Minor Site Plan Review**

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

**Plan Amendments**

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

**Billing Address: (name, address and contact information)**

A & D Realty, LLC  
c/o Frank Normandin  
Winslow Property Management  
5 Militia Drive  
Lexington, MA 02421

Submittals shall include seven (7) folded packets containing of the following materials:

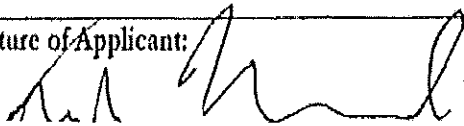
- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

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

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

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

Signature of Applicant:



Date:

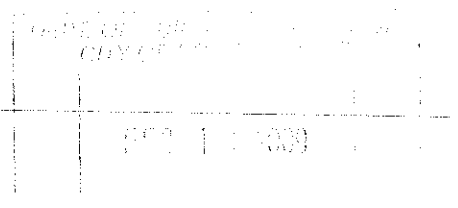
05/14/2010



# Conditional Use Application

Department of Planning and Development  
Portland Planning Board

- 
1. **Applicant Information:**
- A & D Realty, LLC  
Name
- c/o Frank Normandin, Winslow Property Management  
Address
- 5 Militia Drive, Lexington, MA 02421
- (781) 862-9700 (781) 862-9070  
Phone Fax
2. **Subject Property:**
- 91 Auburn Street  
Address
- Portland, ME 04103
- Map 375, Lot C-1  
Assessor's Reference (Chart-Block-Lot)
3. **Property Owner:**  Applicant  Other
- Name
- Address
- Phone Fax
4. **Current Zoning Designation(s):**
- B-2 Zone
5. **Right, Title, or Interest:** Please identify the status of the applicant's right, title, or interest in the subject property:  
Owner, Deed
- Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)
6. **Vicinity Map:** Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)  
See Existing Conditions Plan.
7. **Existing Use:**
- Describe the existing use of the subject property: Shopping Center
8. **Type of Conditional Use Proposed:**
- Drive thru window at proposed CVS.



9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.)

10. **Conditional Use Authorized by:** Section 14- 183 (a) 4

11. **Standards - Criteria for Conditional Use Appeal**

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

12. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

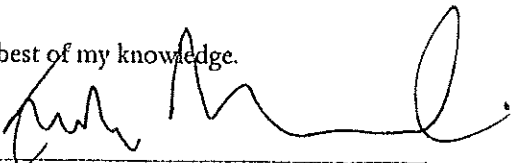
  X   Fee for Service Deposit (\$200.00) (included with development review)  
(Required for all applications in addition to the applicable application fee listed below)

<u>  X  </u> Conditional Use	\$100.00
Legal Advertisements	percent of total bill
Notices (workshop and public hearing)	.55 cents each

**NOTE:** Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all Newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

13. **Signature:** The above information is true and accurate to the best of my knowledge.

January 9, 2009  
Date of Filing

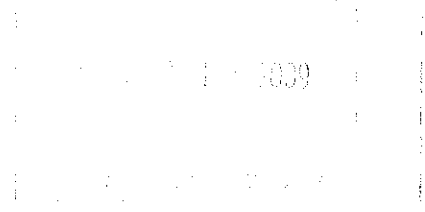
  
Signature of Applicant

**Further Information:** Please contact the Planning Division for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the conditional use application which can provide additional background or contextual information, and describe the proposed conditional use and reasons for the request in a manner that best suits the situation.

Portland Planning Board, Portland, Maine- Effective: July 6, 1998

Department of Planning and Development ~ Portland City Hall ~ 389 Congress Street ~ Portland, Maine 04101 ~ Ph (207)874-8720





# Site Plan Checklist Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Northgate Plaza, 91 & 125 Auburn Street

**Project Name, Address of Project**

**Application Number**

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

Check Submitted	Site Plan Item	Required Information	Section 14-525 (b,c)
<u>  X  </u>	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
<u>  X  </u>	(2)	Name and address of applicant and name of proposed development	a
<u>  X  </u>	(3)	Scale and north points	b
<u>  X  </u>	(4)	Boundaries of the site	c
<u>  X  </u>	(5)	Total land area of site	d
<u>  X  </u>	(6)	Topography - existing and proposed (2 feet intervals or less)	e
<u>  X  </u>	(7)	Plans based on the boundary survey including:	2
<u>  X  </u>	(8)	Existing soil conditions	a
<u>  X  </u>	(9)	Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
<u>  X  </u>	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
<u>  X  </u>	(11)	Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 9 of packet)	d
<u>  X  </u>	(12)	Location of on-site waste receptacles	e
<u>  X  </u>	(13)	Public utilities	e
<u>  X  </u>	(14)	Water and sewer mains	e
<u>  X  </u>	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
<u>  X  </u>	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
<u>  X  </u>	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
<u>  X  </u>	(18)	Parking areas	g
<u>  X  </u>	(19)	Loading facilities	g
<u>  X  </u>	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
<u>  X  </u>	(21)	Curb and sidewalks	g
<u>  X  </u>	(22)	Landscape plan showing:	h
<u>  X  </u>	(23)	Location of existing vegetation and proposed vegetation	h
<u>  X  </u>	(24)	Type of vegetation	h
<u>  X  </u>	(25)	Quantity of plantings	h
<u>  X  </u>	(26)	Size of proposed landscaping	h
<u>  X  </u>	(27)	Existing areas to be preserved	h
<u>  X  </u>	(28)	Preservation measures to be employed	h
<u>  X  </u>	(29)	Details of planting and preservation specifications	h
<u>  X  </u>	(30)	Location and dimensions of all fencing and screening	i
<u>  Pending  </u>	(31)	Location and intensity of outdoor lighting system	j
<u>  *  </u>	(32)	Location of fire hydrants, existing and proposed (refer to Fire Department checklist)	k
<u>  X  </u>	(33)	Written statements to include:	c
<u>  X  </u>	(34)	Description of proposed uses to be located on site	cl
<u>  N/A  </u>	(35)	Quantity and type of residential, if any	cl
<u>  X  </u>	(36)	Total land area of the site	c2
<u>  X  </u>	(37)	Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
<u>  X  </u>	(38)	General summary of existing and proposed easements or other burdens	c3
<u>  X  </u>	(39)	Type, quantity and method of handling solid waste disposal	c4
<u>  X  </u>	(40)	Applicant's evaluation or evidence of availability of off-site public facilities,	c5

\*Has been provided to Captain Greg Cass for review.

(Sewer is pending)			
<u>X</u>	(41)	including sewer, water and streets	
<u>X</u>	(42)	Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6
<u>X</u>	(43)	An estimate of the time period required for completion of the development	7
<u>X</u>	(47)	A list of all state and federal regulatory approvals to which the development may be subject to. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.	8
<u>X</u>	(48)	Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	h8
<u>X</u>	(49)	Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
<u>X</u>	(49)	A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
<u>Via Email</u>	(50)	A jpeg or pdf of the proposed site plan, if available.	
<u>Upon Approval</u>	(51)	Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.	

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

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study

Other comments:

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**To:** Dan Goyette; David Margolis-Pineo; Marge Schmuckal; Tom Errico; Keith Gautreau ;  
Jeff Tarling

**From:** Jean Fraser

**Date:** Feb 25, 2009

2/25/09

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Additional information submitted for the following project:

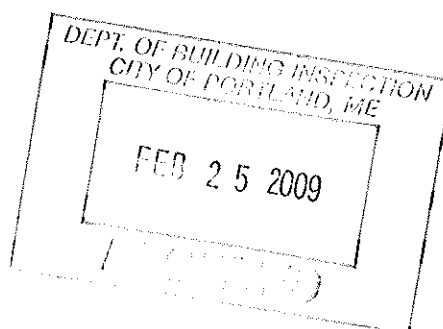
**Application ID #:** 2009-0010

**Project Name:** Northgate plaza: CVS Relocation and H&R Block Refurbishment

**Project Address:** 125 Auburn Street (for H&R, in former Boy Scout offices); [91  
Auburn is the Plaza with CVS relocation/expansion]

**FINAL Written Comments (for Workshop) needed by:** March 4, 2009 (these revisions are not substantive and do not change any aspect of the proposals)

Please see cover letter from applicant (dated 2.23.2009) explaining that these are the elevations (not submitted with the original submission) and a corrected Survey (they added the topography).





February 23, 2009

Ms. Barbara Barhydt  
City of Portland  
Planning Department  
389 Congress Street  
Portland, Maine 04104

Re: Site Plan Review/Conditional Use Application  
Additional Information  
Northgate Plaza Redevelopment  
Auburn Street  
Portland, Maine  
AEI/2042C

Dear Ms. Barhydt:

On January 30, 2009, Appledore Engineering submitted a Site Plan Review and Conditional Use Application for the above referenced development. Per your request we have enclosed the following information regarding the building elevations:

- Seven (7) 24"x36" copies of the CVS/pharmacy Exterior Elevations Plan provided by BKA Architects, dated February 19, 2009
- One (1) 11"x17" copy of the CVS/Pharmacy Exterior Elevations Plan provided by BKA Architects, dated February 19, 2009
- Eight (8) 11"x17" copies of the Schematic Design for Commercial Building at 125 Auburn Street, Proposed Front Elevation & Proposed Side Elevation, provided by DeStefano Architects, dated January 30, 2009

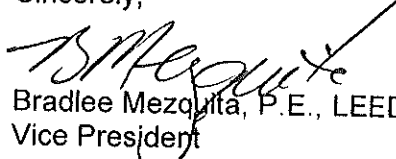
In addition we are submitting a revised boundary survey, which includes a correction to a typo that was found. Please replace previously issued plans with the enclosed information:

- Seven (7) 24"x36" copies of the revised Existing Conditions Plans, Sheets 1, 2 and 3 of 3 provided by Doucet Survey dated February 19, 2009
- One (1) 11"x17" copy of the revised Existing Conditions Plans, Sheets 1, 2 and 3 of 3 provided by Doucet Survey dated February 19, 2009

We hope that this information will be useful for your review and we would like to request to be put on the agenda for the earliest available Planning Board workshop. We are available to meet with you and/or the Planning Board staff prior to the meeting to review the plans and address any questions.

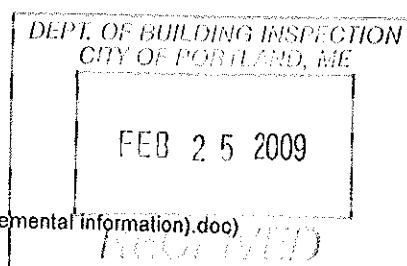
Thank you again for your cooperation through this process and please feel free to contact me if you have any additional questions.

Sincerely,

  
Bradlee Mezquita, P.E., LEED AP  
Vice President

BM/maa

(2042c-003 (site plan review-conditional use)(supplemental information).doc)



RECEIVED

FEB 24 2009

City of Portland  
Planning Division



# PORTLAND MAINE

Strengthening a Remarkable City. Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Penny St. Louis Littell, Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

## Meeting Information

DATE: 11/14/08 ZONE: B-2

12,800#  
New party  
↑ lot w/ 15  
old new  
Boy Scouts S

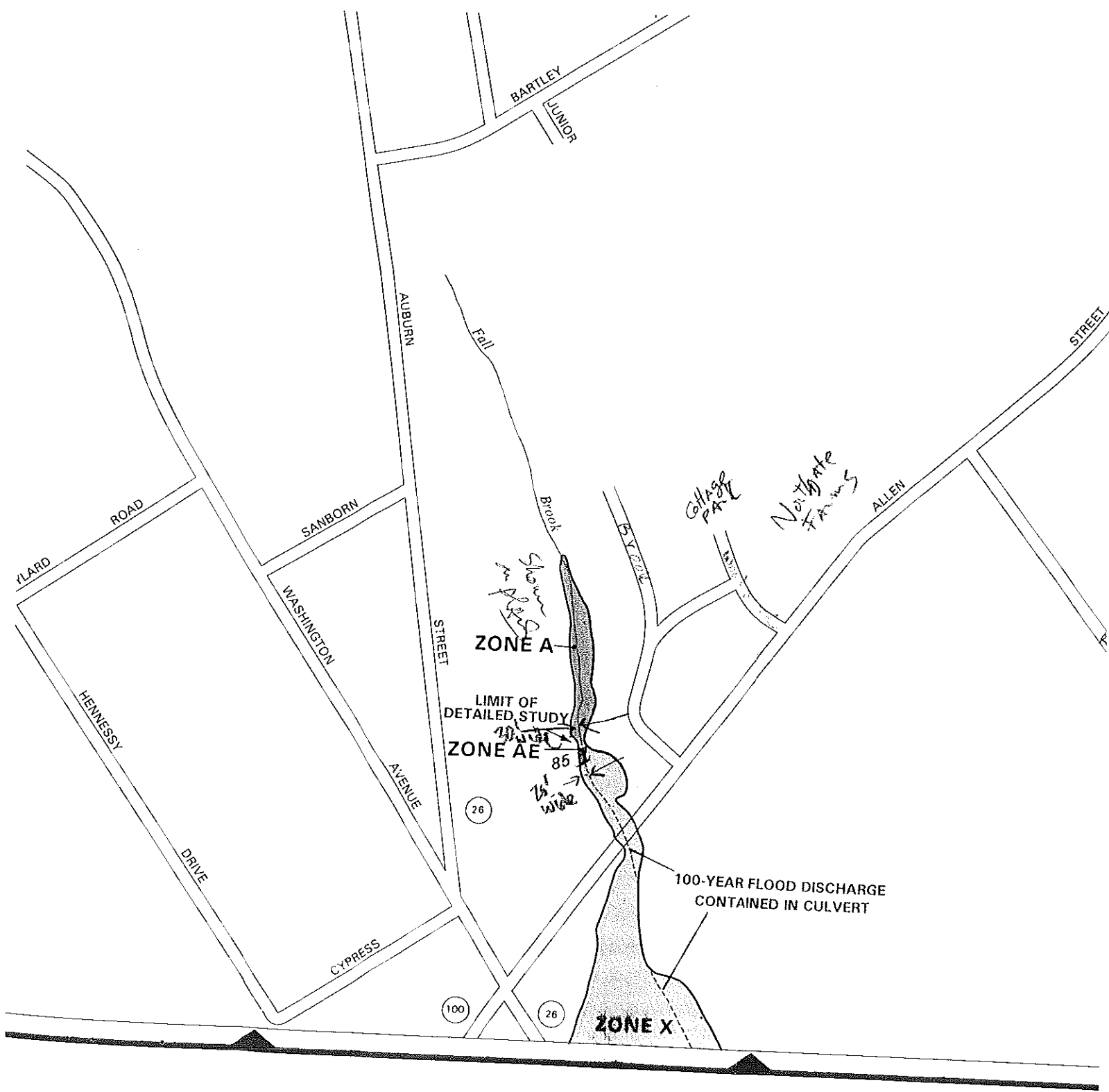
LOCATION: 91 Auburn St - Northgate - CVS

PEOPLE PRESENT: Barbara Brehydt - Alex - Marge

Brad & Meez with (Apple) (Apple)  
Jack Mettelle - Frank Normandy - Gretchen Young

DISCUSSION: old Boy Scouts bldg → RP for N & R block  
tear down & rebuild a New CVS - Now a canopy connecting CVS  
with a canopy - a portion of the rear left Bldg is in stream protection  
small ATM up front - 1 462# to 430# encroachment  
→ pre-1992 bldg allowed 14-453  
Fall brook is an urban impaired stream  
Will send info to me; Barbara showing existing vs New.  
A & D are the property owners.  
New roof & face work for the Boy Scouts bldg  
Questions on the ATM setback up front  
talked about existing non conformities vs. completely brought  
up to codes -  
Bike racks discussion

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).



BARTLEY JUNIOR

AUBURN

Fall

Brook

CULVERT

College Park

Northgate Farms

ALLEN

STREET

FLARD

ROAD

SANBORN

WASHINGTON

STREET

ZONE A

LIMIT OF DETAILED STUDY

ZONE AE

85

26

26' wide

100-YEAR FLOOD DISCHARGE CONTAINED IN CULVERT

100

26

ZONE X

HENNESSY

DRIVE

CYPRESS

AVENUE



# PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Lee Urban - Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

## Meeting Information

DATE: 8/15/07

LOCATION: 91 Auburn St - Northgate - CVS

PEOPLE PRESENT: Jack Mettee Frank Normandy -  
Marge - Alex - Carrie - BARBARA

ZONE: B-2 -

### NEXT STEPS:

- provided 3 alternatives & discussed - i preferred plan - nothing is perfect
- site plan design standards (B-2)
- still needs good pedestrian access <sup>connections</sup> from the rest of the PLAZA and from the Auburn St side walks
- <sup>pre</sup> Existing lease does not allow moving the bldg up close to the front - Does not <sup>allow</sup> block the existing aisles. It is a constraint → showed plan dated 4/23/02
- Preliminary discussion with the PB would be good
- To bring in newer plans to show to Wednesday's site plan meeting

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).





# PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Lee Urban - Director of Planning and Development  
Marge Schrumckal, Zoning Administrator

## Meeting Information

DATE: 12/10/06

LOCATION: Auburn - Northgate

PEOPLE PRESENT: Jack Mettee, Appladore, Frank Normandin, Barbara Bahydt, Eric Labelle, Marge

ZONE: B-2

NEXT STEPS: x13,000<sup>(5,000<sup>new</sup>)</sup> bldg - for CVS - drive thru  
Has stream protection - 75' conditional use  
to PB's strip  
Want a parking analysis based on use  
went over conditions listed within the B2 conditional use.  
Eric L. talked about signals - New one by School &  
Added traffic impact  
sidewalks & curbs discussed  
Eric L. discussed storm water - checking with DEP  
on their regs.

Fallbrook discussion -  
Impervious Surface - B2 - 80% - will provide  
hours of operation?  
FEMA - he will ~~discuss~~ check it out

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at [www.portlandmaine.gov](http://www.portlandmaine.gov).

1/12/07

H&R Block into The Boy Scouts old bldg which is in B-P -  
Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX: (207) 874-8716 - CITY: (207) 874-3936  
would that use be allowed?

Jack Mettee





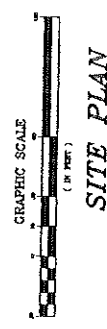


**Appdore**  
 Pease International Tradeport  
 15 Pease Street, Box 505  
 Portland, New Hampshire 04101  
 appdore@pease.com

**NORTHGATE PLAZA  
 PORTLAND, MAINE**

DATE: APRIL 23, 2007  
 SCALE: AS SHOWN  
 DESIGNED BY: DKS  
 DRAWN BY: DKS  
 APPROVED BY: DKS  
 PROJECT NO.: 20429  
 FILE NO.: 20429-SITE-DWG

No.	REVISIONS	App'd	Date



- LEGEND:**
- PROPERTY LINE
  - APPROXIMATE ZONE LINE
  - RAILROAD RIGHT-OF-WAY
  - PROPOSED CONCRETE CURB
  - PROPOSED CURB MARKS
  - PROPOSED SIDEWALK
  - PROPOSED CONCRETE PAV./SIGNAL
  - PROPOSED 4" X 10" MARKING STALLS
  - PROPOSED HURDLES/ PARKING STALL
  - PROPOSED HURDLES/ PARKING STALL WITH HURDLE BOARD
  - PROPOSED LIGHT POLE BASE
  - PROPOSED TRAFFIC LIGHT ARMOR

**PARKING SUMMARY**

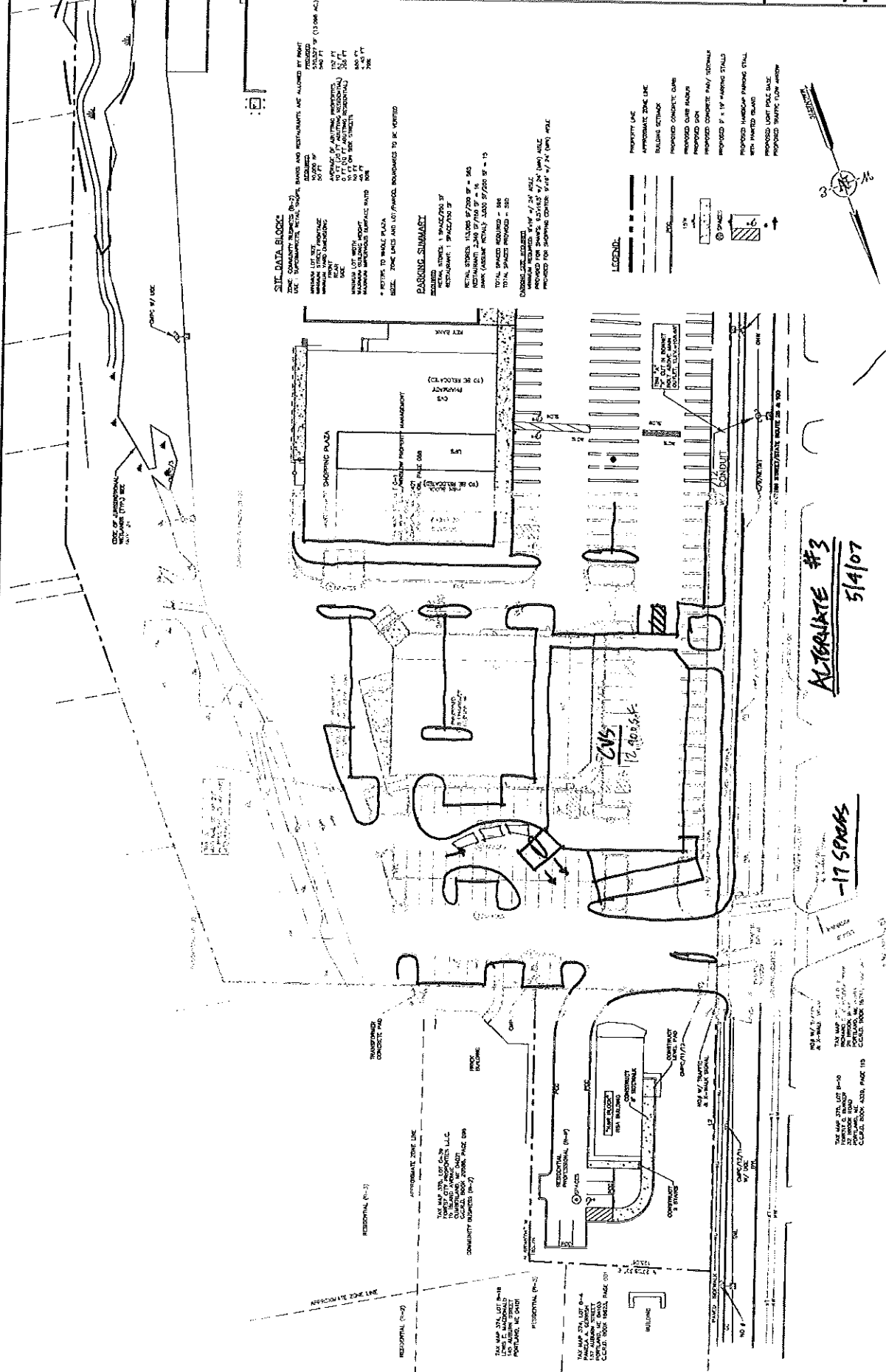
REQUIREMENTS: 11 SPACES @ 315' x 18' = 3510 SQ. FT.  
 AVAILABLE: 11 SPACES @ 315' x 18' = 3510 SQ. FT.  
 TOTAL SPACES PROVIDED = 11

**CONCRETE SUMMARY**

REQUIREMENTS: 11 SPACES @ 315' x 18' = 3510 SQ. FT.  
 AVAILABLE: 11 SPACES @ 315' x 18' = 3510 SQ. FT.  
 TOTAL SPACES PROVIDED = 11

**SITE DATA BLOCK**

DATE: APRIL 23, 2007  
 SCALE: AS SHOWN  
 DESIGNED BY: DKS  
 DRAWN BY: DKS  
 APPROVED BY: DKS  
 PROJECT NO.: 20429  
 FILE NO.: 20429-SITE-DWG



**ALTERNATE #3  
 5/4/07**

**-17 SPACES**

8/15/07

) neighborhoods; or

(b) To serve as a transition or buffer zone between residential and more intensive nonresidential zones.  
(Ord. No. 291-88, 4-4-88)

Sec. 14-147. Permitted uses.

The following uses are permitted in the R-P district:

(a) *Residential*: Any residential use is permitted in the residential zone abutting the lot. If there is no abutting residential zone, the nearest residential zone to the lot. In the case of two (2) or more abutting residential zones, the most restrictive such zone.

(b) *Business*:

1. Professional offices, as defined in section 14-47, but excluding personal services, retail establishments and veterinarians.
2. Business services, as defined in section 14-47, except copy services.

(c) *Other*:

1. Utility substations, as defined in section 14-47, subject to the requirements of article V (site plan).
2. Accessory uses as provided in section 14-404.  
(Ord. No. 291-88, 4-4-88)

Sec. 14-147.5. Conditional uses.

The following uses are permitted as provided in section 14-474 (conditional uses) if they meet the following requirements:

(a) Such other offices which have characteristics similar to but no more objectionable than those generally associated with professional offices. In determining appropriateness, the zoning board shall consider the quality of building design and materials, signage, and landscaping, and their general compatibility with the

site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and

- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(c) Other:

1. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
2. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections a., b., c. and d. of this section 14-137(c)2 shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a

rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups--upland grasses, aster, lady slipper, wintergreen, partridge berry, sasparilla, pines, cedars, oaks, ashes, alders, elms and maples). In places where the shore or bank is of such character that the high water mark cannot be easily determined (rockslides, ledges, rapidly eroding or sloping banks), the normal high water mark shall be estimated, from places where it can be determined by the above method.

*Office complex:* Separate office buildings planned, constructed or managed on an integrated coordinated basis.

*On-peninsula:* Includes all land located south of I-295.

*Off-peninsula:* Includes all land located north of I-295.

Personal service: Establishments engaged in providing services involving the care of the person or his apparel, such as laundries, dry cleaning establishments, photographic studios, beauty and barber shops but not including commercial or industrial laundries.

*Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high water line or within a wetland:*

- (a) *Temporary:* Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.
- (b) *Permanent:* Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

*Pre-development grade.* Pre-development grade is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.

*Principal building:* The building occupied by the chief or principal use on the premises. When a garage is attached to the principal building in a substantial manner as by a roof or common wall, it shall be considered as a part of the principal building.

*Private club:* Private club, or nonprofit social and recreational facility: A private club, or nonprofit social and recreational facility, is open exclusively to members and to their

bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this article and other applicable codes and ordinances.

*Processing:* Any operation changing the nature of material or materials such as chemical composition or physical qualities. Does not include operations described as fabrication.

*Professional office:* The office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

*Recent flood plain soils:* Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey:

Alluvial	Medomak
Charles	Ondawa
Cornish	Podunk
Fryeburg	Rumney
Hadley	Saco
Limerick	Suncook
Lovewell	Winooski

*Recreation facilities:* Any establishment designed or equipped for the conduct of sports or indoor leisure-time recreational activities.

*Restaurant:* Any food service establishment, as defined by section 11-16 of this Code, with indoor seating capacity for ten (10) or more patrons.

Printed 5/9/06

economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the City, unless such a facility is authorized, under the applicable provisions of Portland's Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

*Billboard:* A structure, either freestanding or attached to a building, the surface of which is available for hire for advertising purposes.

*Building, height of:* The vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of the roof beams in flat roofs; to the highest point of the roof beams or the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gambrel roofs. For this purpose the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

Business service Establishments primarily engaged in rendering services to other (business establishments) on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar businesses.

*Chemical-free night club:* An alcohol-free commercial establishment that offers live entertainment, amplified music, and/or dancing, where the primary source of income for such alcohol-free commercial establishment is derived from the entertainment and/or any admission or cover charge.

*Clinics:* Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists or social workers.

*Coastal wetland:* All tidal and subtidal lands; all lands below

**From:** "Gretchen Young, P.E." <GYoung@appledoreeng.com>  
**To:** "Barbara Barhydt" <BAB@portlandmaine.gov>, "Marge Schmuckal" <MES@portlandmaine.gov>, "Alex Jaegerman " <AQJ@portlandmaine.gov>  
**Date:** 11/17/2008 5:27:09 PM  
**Subject:** Northgate Plaza redevelopment

Barbara, Marge and Alex,

Thank you all again for meeting with us last Friday.

Attached is a plan showing the existing and proposed encroachments into the Stream Protection Zone for your review and discussions with the members of the Planning Board.

Please let me know if there is anything else I can get to you that would be helpful or if you have any questions.

-Gretchen

Gretchen Young, P.E.  
APPLEDORE ENGINEERING, Inc.  
177 Corporate Drive, Portsmouth, NH 03801  
(P): 603.433.8818 [www.appledoreeng.com](http://www.appledoreeng.com) <<http://www.appledoreeng.com/>>  
[gyoung@appledoreeng.com](mailto:gyoung@appledoreeng.com)  
~ Best Small Civil Engineering Firm to Work For in the Country - CE News, Oct. 2008 ~

<<2042B-SITE\_ENCROCHMENT EXHIBIT.pdf>>

**CC:** "Frank Normandin" <[frankn@summitrealtypartners.com](mailto:frankn@summitrealtypartners.com)>, "Bradlee Mezquita, P.E." <[BMezquita@appledoreeng.com](mailto:BMezquita@appledoreeng.com)>





February 16, 2009

2/18/09

Department of Planning and Development  
Portland Planning Board  
Portland City Hall  
389 Congress Street  
Portland, ME 04101

Jean's project

Attn: Ms. Barbara Barhydt, *Development Review Services Manager*

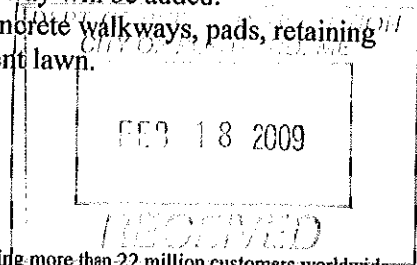
Dear Ms. Barhydt:

We have visited your offices and viewed the major site plan application and other accompanying documents submitted on behalf of A & D Realty LLC for the redevelopment of the Northgate Plaza (Lot C-1; tax map 375; Zone B-2) on Auburn Street and the redevelopment of their adjacent property on Lot C-23 (Zone R-P). We ask that this letter be provided to the Planning Board Members and also to be included in the site plan application file.

We are the owners of the lot directly adjacent to Lot-23 (Lot B-4; tax map 374; Zone C-3), located at 137 Auburn Street. We oppose the planned redevelopment of Lot-23 on the basis that the redevelopment as described in the major site plan application will result in substantial diminution of the value and utility of our property.

The following are our objections and concerns:

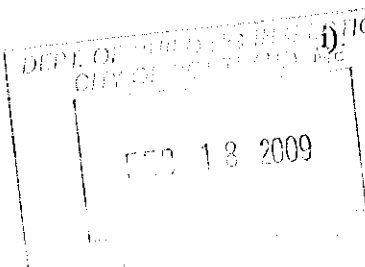
- I. **H & R Block<sup>1</sup> is a commercial retail operation that does not conform to the intended use and permitted business of the Residential-Professional Zone.**
  - a) Open seven days per week:  
Hours according to their website are 8 a.m.-10 p.m., Monday through Friday, 9 a.m. - 9 p.m. on Saturday and 9 a.m. - 5 p.m. on Sunday.
  - b) Customer volume exceeds that of similar sized professional offices and the business goals of this corporation and its franchises is to further increase their customer volume.
  - c) H & R Block offices are "storefronts" with large neon corporate logos and signs and posters on their façade and windows advertising their services and special offers similar to those found on the storefronts of supermarkets, pet stores and other retail establishments.
  
- II. **Proposed plans will significantly change the topography of the lot.**
  - a) Plans suggest that all of the existing trees, bushes and shrubs and at least some of the lawn (if not all) will be removed.
  - b) A paved 13 space parking lot and associated driveway will be added.
  - c) Additional impervious materials in the form of concrete walkways, pads, retaining walls and stairs will be added in place of the current lawn.



<sup>1</sup>H&R Block (NYSE: HRB) is a tax preparation company in the United States, claiming more than 22 million customers worldwide, with offices in Canada, Australia and the United Kingdom. The Kansas City, Mo.-based company also offers banking, personal finance and business consulting services. Founded in 1955 by brothers Henry W. and Richard Bloch, Block today operates 12,500 retail tax offices in the United States, plus another 1,400 abroad. In addition to Block's retail stores, they offer their own consumer tax software called TaxCut, as well as online tax preparation and electronic filing from their website.

- III. Proposed plans will significantly alter the visual esthetics of the lot.**
- a) The addition of a 13 space parking lot, driveway and concrete walkways.
  - b) The parking lot will be visually exposed to Auburn Street.
  - c) The loss of mature trees, shrubs and lawn area.
  - d) The addition of a commercial waste dumpster.
  - e) The addition of outdoor lighting and neon signage with the corporate logo.
  - f) We assume that changes to the building façade will result in more of a retail store look.
  - g) It is proposed that that the snow storage for this lot will be on the front setback facing Auburn Street.

- IV. Proposed plans will significantly impact the enjoyment and value of our property.**
- a) The removal of the trees, shrubs and bushes on Lot C-23 will remove the visual and noise barrier and expose us to the Lot C-1 plaza, the plaza entrance, the intersection and the other businesses located on Auburn Street across from the plaza. The removal of the mature trees will expose us to additional wind and dust and remove the natural shading and cooling they provide.
  - b) The plaza entrance on Auburn Street is currently overused for its size and close proximity to a residential zone, especially by large and noisy trucks - including 18 wheeler tractor trailers - that deliver to the plaza businesses continually throughout the night and early morning hours. Accidents at this intersection are frequent.
  - c) The CVS expansion, with the addition of a drive-thru and the proposed pattern of travel for cars exiting, combined with the absence of trees, shrubs and other natural screens, will expose us to even more direct car noise and headlights shining directly into our windows and continually moving across our property in a sweeping motion.
  - d) The addition of a parking lot directly on our property line and so close to our home will further expose us to noise aggravation, outdoor lighting spilling over onto our property and house, pollution from car emissions and headlights seven days a week possibly as late as 11:00 p.m. on weekdays. In the winter months, there will also be snowplowing.
  - e) The addition of a commercial dumpster directly on our property line and so close to our home will expose us to further noise aggravation as a result of the opening and closing of the dumpster and emptying of the dumpster by a commercial waste service.
  - f) The addition and the grading of a parking lot, driveway and other impervious materials directly on our property line and so close to our home could cause water run-off and/or flooding.
  - g) The additional proposed paved materials on this lot will encourage and aid trespassers on foot and bicycle going to and from the plaza and Auburn Street. This property and a portion of ours will become a new "cut-thru."
  - h) Due to the sloping nature of the properties, the proposed 6 foot screening fence will not conceal the Lot C-23 parking lot, driveway, dumpster or the Lot C-1 plaza from the direct view out our 1<sup>st</sup> floor windows. The benefits of the proposed screening fence will be minimal and will in no way recreate the lost privacy or sufficiently shield us from noise and light pollution.
  - i) Our property value will be significantly diminished by the proposed changes. When we purchased the property in August 2007, it was assessed at \$211,000. With the poor economy and the proposed changes and use of Lot C-23, (which essentially changes the use from Residential-Professional to a Business Zone), it is estimated that the market value of our property could drop to as low as \$100,000.



We would also like the Board to know of our objection to the manner in which A & D Realty and their representation has bundled two proposed redevelopments into one application thus placing the focus on the CVS building and other alleged improvements to the plaza. We consider this an attempt to circumvent the laws of the R-P zone and to draw the Board's attention away from this and the damages A & D Realty's plans will inflict on our well-being and property value.

The proposed redevelopment of Lot C-1 will offer little or no value to the community and could possibly impact negatively on the neighborhood due to the over-saturation of "Big-Box" pharmacies with a drive-thru, and the addition and redirection of traffic. Many homes on Brook Road will be exposed to additional and more direct car noise, headlights, dust and pollution.

The proposed redevelopment of Lot C-23 will result in the lack of a transition or buffer between our property located in a residential zone and the more intensive nonresidential zones. In addition to the above outlined objections and concerns, we will suffer a major loss of enjoyment of our yard, gardens and deck. These amenities are the reasons why we purchased this particular property.

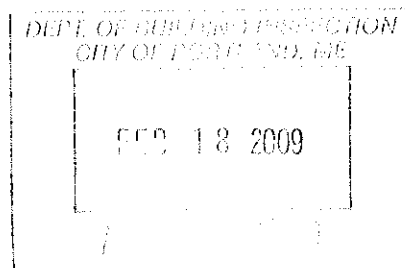
The proposed redevelopment of Lot C-23 will inflict a disastrous financial hardship and burden on us. Our property will be significantly devalued. We will not be able to re-finance our mortgage due to a lowered assessed value. We will not be able to sell the property in the current or future market for the amount we paid for it and/or for the amount of our mortgage balance. We will be required to continue to pay a mortgage that could be almost twice the amount of the market value.

In conclusion, we are vehemently opposed to all of the proposed changes and redevelopment of Lot C-23 and we have concerns about the redevelopment of Lot C-1.

Respectfully,

Pamela S. Scott  
Charles M. Scott

137 Auburn Street  
Portland, ME 04103  
781-710-4469  
781-710-4450





**Major Development (more than 10,000 sq. ft.)**

- Under 50,000 sq. ft. (\$500.00)  
 50,000 - 100,000 sq. ft. (\$1,000.00)  
 Parking Lots over 100 spaces (\$1,000.00)  
 100,000 - 200,000 sq. ft. (\$2,000.00)  
 200,000 - 300,000 sq. ft. (\$3,000.00)  
 Over 300,000 sq. ft. (\$5,000.00)  
 After-the-fact Review (\$1,000.00 + applicable application fee)

**Minor Site Plan Review**

- Less than 10,000 sq. ft. (\$400.00)  
 After-the-fact Review (\$1,000.00 + applicable application fee)

**Plan Amendments**

- Planning Staff Review (\$250.00)  
 Planning Board Review (\$500.00)

**Billing Address: (name, address and contact information)**

A & D Realty, LLC  
c/o Frank Normandin  
Winslow Property Management  
5 Militia Drive  
Lexington, MA 02421

Submittals shall include seven (7) folded packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

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

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

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

Signature of Applicant: \_\_\_\_\_



January 9, 2009

13 March 2009

Ms. Gretchen Young,  
Appledore Engineering, Incorporated,  
177 Corporate Drive,  
Portsmouth, New Hampshire 03801

**RE: The Capacity to Handle Wastewater Flows, from the Proposed CVS Stand Alone Pharmacy, at 91 Auburn Street.**

Dear Ms. Young:

The existing forty-two inch diameter reinforced concrete cross country sewer pipe, known as the Fall Brook Sewer, located to the rear of the proposed pharmacy, has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat**, the total decreased wastewater flows of **(4,496) GPD**, from the proposed pharmacy building.

<b>Anticipated Wastewater Flows from the Proposed CVS/Pharmacy Building:</b>	
10 Proposed Employees @ 15 GPD/Employee	= 150 GPD
65 Proposed Parking Spaces @ 1 GPD/Space	= 65 GPD
Less Flows, From Hollywood Video (Scheduled for demolition)	= (568) GPD
Less Flows, From H & R Block (Scheduled for demolition)	= (30) GPD
Less Flows, From Baker's Ice Cream (Scheduled for demolition)	= (4,113) GPD
<b>Total Proposed Net Decrease in Wastewater Flows for this Project</b>	<b>= (4,496) GPD</b>

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

Sincerely,  
**CITY OF PORTLAND**

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  
Jean Fraser, Planner, Department of Planning, and Urban Development, City of Portland  
David Margolis-Pineo, Deputy City Engineer, City of Portland  
Michael Farmer, P.E., Project Engineer, City of Portland  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
Stephen K. Harris, Assistant Engineer, City of Portland  
John Emerson, Waste Water Coordinator, City of Portland  
Harold L. Downs, Senior Wastewater Technician, City of Portland  
Jane Ward, Administrative Assistant, City of Portland

13 March 2009

Ms. Gretchen Young,  
Appledore Engineering, Incorporated,  
177 Corporate Drive,  
Portsmouth, New Hampshire 03801

**RE: The Capacity to Handle Wastewater Flows, from the Proposed H & R Block Stand Alone Building, at 125 Auburn Street.**

Dear Ms. Young:

The existing forty-two inch diameter reinforced concrete cross country sewer pipe, known as the Fall Brook Sewer, located to the rear of the proposed H & R Block building, has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat**, the total decreased wastewater flows of **(36) GPD**, from the proposed building.

**Anticipated Wastewater Flows from the Proposed H & R Block Building:**

20 Proposed Employees @ 15 GPD/Employee	=	300 GPD
13 Proposed Parking Spaces @ 1 GPD/Space	=	13 GPD
Less Flows, From Previous Tenant (Boy Scouts of America)	=	<u>(349) GPD</u>
Total Proposed Net Decrease in Wastewater Flows for this Project	=	<b>(36) GPD</b>

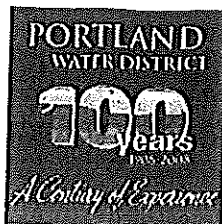
If the City can be of further assistance, please call 874-8832.

Sincerely,  
**CITY OF PORTLAND**

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  
Jean Fraser, Planner, Department of Planning, and Urban Development, City of Portland  
David Margolis-Pineo, Deputy City Engineer, City of Portland  
Michael Farmer, P.E., Project Engineer, City of Portland  
Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland  
Stephen K. Harris, Assistant Engineer, City of Portland  
John Emerson, Waste Water Coordinator, City of Portland  
Harold L. Downs, Senior Wastewater Technician, City of Portland  
Jane Ward, Administrative Assistant, City of Portland



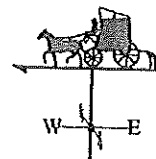
225 DOUGLASS STREET  
R.O. BOX 3553  
PORTLAND, ME 04104-3553  
P: 207.774.5961  
F: 207.761.8307  
WWW.PWD.ORG

RECEIVED  
DEC 17 2008

20 20426

BY:.....

PORTLAND  
WATER DISTRICT



December 12, 2008

Appledore Engineering  
177 Corporate Drive  
Portsmouth, NH 03801

Attn: Gretchen Young, P.E.  
Re: 91 Auburn Street, Portland – Northgate Plaza CVS  
Ability to serve with PWD water

Dear Ms. Young:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed CVS store at 91 Auburn Street in Portland. According to District records, there is a 12-inch cast iron water main on the east side of Auburn Street as well as two hydrants located adjacent to the site.

The current data from the nearest hydrant with valid flow test data indicates there should be adequate capacity of water to serve the needs of your proposed project, as stated in your e-mail, dated December 2, 2008.

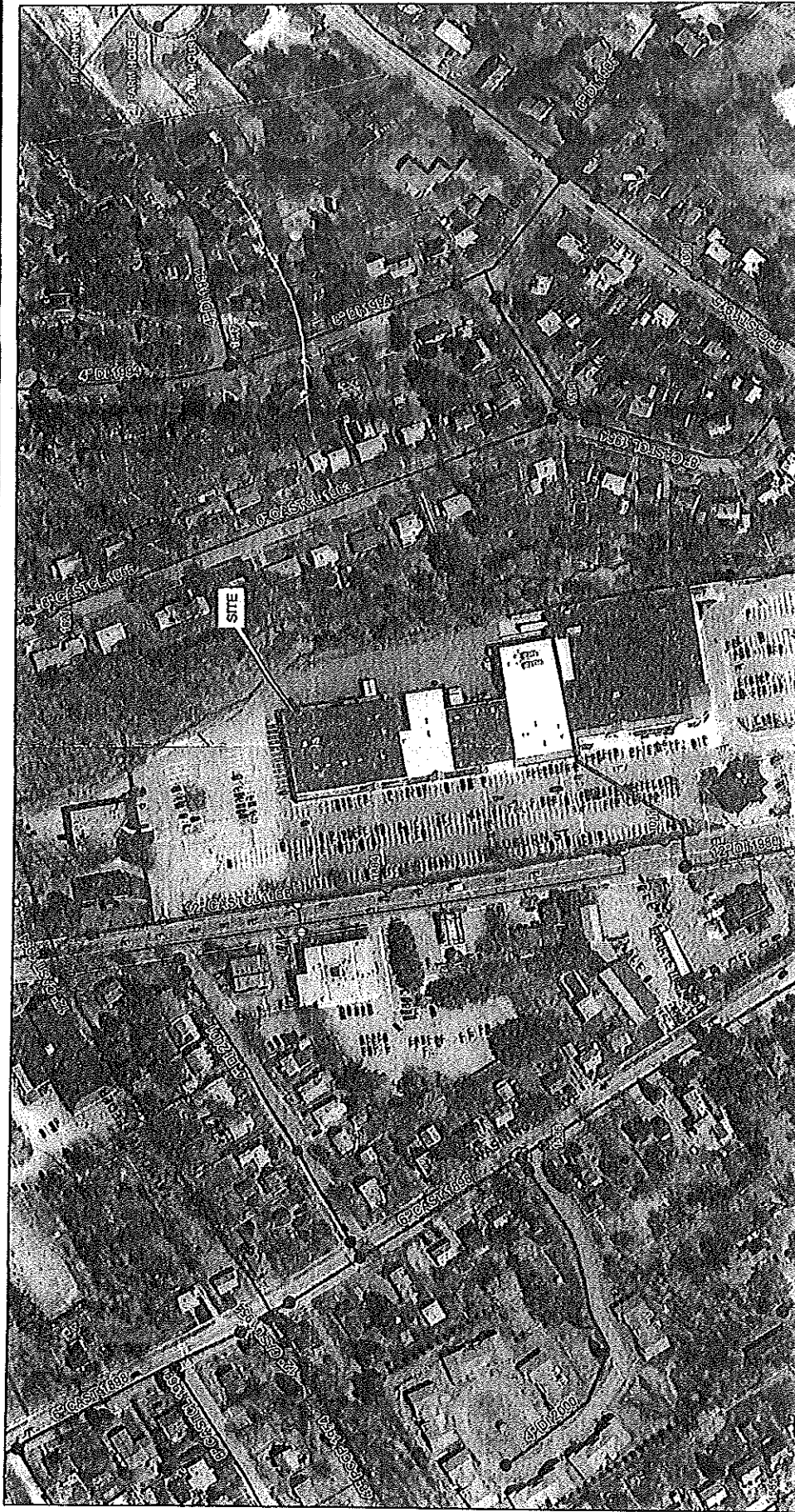
Hydrant Location: Auburn Street, 200' north of Washington Avenue  
Hydrant Number: POD-HYD01011  
Static Pressure: 72 psi                      Residual Pressure: 71 psi  
Flow: 963 gpm  
Last Tested: 9/8/2003

Please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Please consult with the Portland Fire Department to determine if the fire service capacity is sufficient for your needs. Also, please note that we will require a calculation of the peak water demand in gallons per minute or a fixture count tabulation at the time of the service application. With regard to plan review, PWD is in the process of reviewing your site plan and will be sending comments to your attention. If the District can be of further assistance in this matter, please let us know.

Sincerely,  
Portland Water District

Rico Spugnardi, P.E.  
Business Development Engineer  
[rspugnardi@pwd.org](mailto:rspugnardi@pwd.org)





1 inch equals 150 feet



**PORTLAND WATER DISTRICT**  
 225 Douglass Street  
 Portland, ME 04104

- Legend**
- Sewer
  - Hydrant
  - Distribution
  - End of Main
  - Fire Service
  - Public Cistern
  - Service
  - Transmission
  - Air Valve
  - Date Change
  - Hand Change
  - A
  - Valve
  - Hydrant
  - Transformer

**91 Auburn Street**  
**Portland**

Drawn By: J. Prasad  
 S. K. A. Model

Disclaimer: This map is suitable for preliminary study and analysis and is based on PWD record information. PWD is not liable for any damages whatsoever resulting from inaccurate data or from errors made in the location and marking of the infrastructure.  
 Prepared For: AgriSystems Engineering  
 Date: December 14, 2002



**NEW ENGLAND REALTY  
RESOURCES, LLC**

A Q10 CAPITAL LLC PARTNER

January 23, 2009

Mr. Frank Normandin  
Winslow Property Management, Inc  
5 Militia Drive  
Lexington, MA 02421

RE: Proposed 12,900 square foot CVS building, 91 Auburn Street, Portland, ME

Dear Frank:

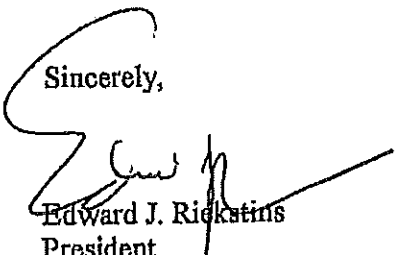
I am writing to follow up on your request to secure financing for your CVS project at the Northgate Shopping Center, 91 Auburn Street, Portland, ME.

As servicing agent for the current lender, ING Insurance Company, we would look forward to and anticipate looking favorably upon your formal loan request application. Based upon the current mortgage amount and the creditworthiness of your proposed Tenant, we feel confident financing could be obtained.

This letter cannot be considered a loan commitment of any kind and only an expression of interest based upon the plans and lease submitted.

We look forward to working with you on this project.

Sincerely,

  
Edward J. Rickatins  
President  
Q10|New England Realty Resources, LLC



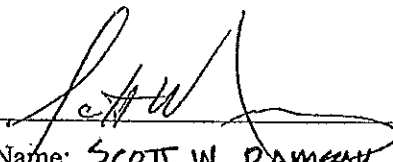
Ten Winthrop Square, Suite 100 • Boston, MA 02110-1264  
617-426-4464 • Fax: 617-426-8938 • [www.Q10capital.com](http://www.Q10capital.com)

WARRANTY DEED – Short Deeds Act  
33 M.R.S.A. S Section 761 et seq.

KNOW ALL MEN BY THESE PRESENTS that Shaw's Realty Co., a Maine corporation with an address c/o Shaw's Supermarkets, Inc., 750 West Center Street, West Bridgewater, Massachusetts 02379, for consideration of Nine Million Four Hundred Thousand and 00/100 Dollars (\$9,400,000.000) paid grants to A&D Realty, LLC, a Maine limited liability company whose address is 1739 Massachusetts Avenue  
Lexington, MA, with warranty covenants, that certain lot or parcel of land 02421 located in the City of Portland, in the County of Cumberland and State of Maine, as more fully described on Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said Shaw's Realty Co. has signed this instrument on this 7<sup>th</sup> day of October, 2002.

SHAW'S REALTY CO.


By:   
Name: SCOTT W. RAMSEY  
Title: VICE PRESIDENT

COMMONWEALTH OF MASSACHUSETTS

County of Plymouth, ss.

October 7<sup>th</sup>, 2002

Then personally appeared the above-named SCOTT W. RAMSEY the VICE PRESIDENT of Shaw's Realty Co., and acknowledged the foregoing instrument to be his/her free act in said capacity and the free act and deed of Shaw's Realty Co., before me,

  
Notary Public/Attorney at Law

Jonathan W. Harlow, Jr.  
Notary Public  
My Commission Expires Feb. 21, 2008

EXHIBIT A  
LEGAL DESCRIPTION  
Northgate Shopping Center  
Portland, Maine

Certain lots or parcels of land, with the any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Parcel One (Tax map 375-C-1)

1. A certain lot or parcel of land situated in said Portland and bounded and described as follows:

Beginning on the northwesterly side of Allen Avenue at the Easterly corner of land conveyed by Mary S. Burnham to Cornerstone Masonic Corporation by deed, dated November 25, 1947 and recorded in Cumberland County Registry of Deeds in Book 1897, Page 54; thence running Northeasterly by Allen Avenue to the thread of Fall Brook, so called, and land of George P. Merrill; thence running Northerly by the thread of said Brook and by land of said Merrill, land now or formerly of Deering Village Corporation and land now or formerly of Addie M. Lane to the Southeasterly corner of land conveyed by said Burnham to Addie M. Lane by deed, dated November 16, 1942 and recorded in said Registry of Deeds in Book 1700, Page 227; thence Westerly by said Lane land three hundred sixty-two and five tenths (362.5) feet, more or less, to Auburn Street; thence Southerly by Auburn Street to the Northwesterly corner of land conveyed by said Burnham to Claire W. Vintinner, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 100; thence Easterly by said Vintinner land one hundred (100) feet; thence Southerly by said Vintinner land and land conveyed by said Burnham to Margaret L. Profenno, et al by deed, dated May 24, 1950 and recorded in said Registry of Deeds in Book 2001, Page 101, two hundred five (205) feet; thence Westerly by said Profenno land one hundred (100) feet to Auburn Street; Thence Southerly by Auburn Street one hundred (100) feet to the Northwesterly corner of land conveyed by said Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence Easterly said Beal land one hundred (100) feet; thence Southerly by said Beal land, by land conveyed by said Burnham to said Beal by deed, dated October 26, 1949 and recorded in said Registry of Deeds in Book 1976, Page 447 and to Frederick D. Call, et al, by deed, dated September 5, 1950 and recorded in said Registry of Deeds in Book 2014, Page 226, two hundred seven and seventy-eight hundredths (207.78) feet; thence Westerly by said Call land seven and sixty-five hundredths (7.65) feet to land conveyed by said Burnham to Nellie S. Cohen by deed, dated June 15, 1940 and recorded in said Registry of Deeds in Book 1609, Page 124; thence Southerly by said Cohen land and by land conveyed by said Burnham to Community Oil Company, Inc. by deed, dated March 23, 1939 and recorded in said Registry of Deeds in Book 1573, Page 162, two hundred eighty-seven and forty-one hundredths (287.41) feet to the westerly corner of said Cornerstone Masonic Corporation land; thence Northeasterly by said Corporation's land one hundred fifty (150) feet; thence Southeasterly by said Corporation's land two hundred forty-seven and five tenths (267.5) feet to the point of beginning.

2. Intentionally omitted.

3. A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at a point distant one hundred (100) feet Northerly from the Northwesterly corner of a lot of land conveyed by Mary E. Burnham to Leroy W. Beal by deed, dated March 22, 1950 and recorded in said Registry of Deeds in Book 1990, Page 313; thence Easterly parallel with the Northerly line of the lot conveyed to said Beal one hundred (100) feet to an iron set in the ground; thence Northerly parallel with said Easterly side line of Auburn Street seventy (70) feet to a stake; thence Westerly parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence Southerly by said side line of Auburn Street seventy (70) feet to the point of beginning.

4. A certain lot or parcel of land situated on the Easterly side of Auburn Street in said Portland, bounded and described as follows:

Beginning at a stake on said Easterly side of Auburn Street at the Northwesterly corner of lot of land conveyed by Mary E. Burnham to Margaret L. Profenno and Anthony J. Profenno by deed duly recorded in the Cumberland County Registry of Deeds; thence Easterly by the Northerly line of said Profenno lot one hundred (100) feet to the Northeasterly corner thereof and a stake set in the ground; thence Northerly, parallel with the Easterly side line of Auburn Street, one hundred thirty-five (135) feet to an iron set in the ground; thence Westerly parallel with the first course one hundred (100) feet to said side line of Auburn Street and a stake set in the ground; thence Southerly by said side line of Auburn Street one hundred thirty-five (135) feet to the point of beginning.

Also, a certain lot or parcel of land situated in Portland, County of Cumberland and State of Maine, northerly of Allen Avenue, bounded and described as follows:

Beginning at an iron pipe at the northeasterly corner of land conveyed by Lyneous J. Smith to Deering Village Corporation by deed dated April 24, 1941, recorded in the Cumberland County Registry of Deeds Book 1631, Page 305; thence running N 3°15' W eight hundred sixty eight and one-tenths (868.1) feet to a stone wall; thence by said stone wall westerly six hundred forty (640) feet more or less to a brook; thence southerly by said brook eight hundred sixty five (865) feet more or less to the northwesterly corner of said Deering Village Corporation land; thence easterly by said Deering Village Corporation land six hundred (600) feet to the point of beginning. Being the same premises conveyed to me by Addie M. Lane by deed dated October 3, 1942, recorded in said Registry of Deeds Book 1693, Page 261.

Also a certain lot or parcel of land situated in said Portland on the easterly side of Auburn Street bounded and described as follows:

Commencing at the southwesterly corner of land now formerly of Willey; thence southerly by said easterly side line of Auburn Street two hundred twenty six (226) feet to a stake; thence easterly on a line at right angles to a line on said Auburn Street three hundred sixty two and five-tenths (362.5) feet to the center of Fall Brook; thence northerly by the center of Fall Brook two hundred seventy five (275) feet more or less to said Willey Land and a stone wall; thence westerly by a stone wall and fence marking the southerly line of said Willey land three hundred fifty (350) feet more or less to said Auburn Street and point of beginning. Being the same premises conveyed to me by said Addie M. Lane by deed dated September 23, 1943 and recorded in said Registry of Deeds Book 1728, Page 90.

EXCEPTING from Parcel One such portions thereof as were conveyed by virtue of the following deeds from Shaw's Realty Co.:

1. To Pine Tree Council, Inc., dated March 18, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2462, Page 8;
2. To E. Woodard Payne, dated January 2, 1963 and recorded in the Cumberland County Registry of Deeds in Book 2728, Page 115;
3. To E. Woodard Payne, dated January 29, 1964 and recorded in the Cumberland County Registry of Deeds in Book 2835, Page 499;
4. To E. Woodard Payne, dated May 8, 1964 and recorded in the Cumberland County Registry of Deeds in Book 2920, Page 203 and rerecorded in Book 2929, Page 559;
5. To Pine Tree Council, Inc., dated November 1, 1968 and recorded in the Cumberland County Registry of Deeds in Book 3067, Page 292;
6. Stratos G. Demakis and Sharon A. Demakis, dated October 21, 1971 and recorded in the Cumberland County Registry of Deeds in Book 3197, Page 584;
7. To Carmine W. DiFilippo and Gertrude DiFilippo, dated October 7, 1971 and recorded in the Cumberland County Registry of Deeds in Book 3200, Page 110;
8. To Richard S. Harris, Jr. and Arnold Y. Brynes, dated June 18, 1984 and recorded in the Cumberland County Registry of Deeds in Book 6481, Page 207;
9. To Fall Brook Realty Co., dated July 14, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7270, Page 165.

Parcel Two (Tax Map 375 - C - 15)

Lot 1

A certain lot or parcel of land with the buildings thereon situated on the northwesterly side of Allen Avenue and the easterly side of Auburn Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the northwesterly side of Allen Avenue at the easterly corner of land conveyed by Shaw's Realty Co. to the City of Portland by deed dated February 17, 1966, recorded in the Cumberland County Registry of Deeds, Book 2946, Page 450, said corner being distant five hundred twenty-eight and fifty-six hundredths (528.56) feet on a bearing of N 53° 29' 30" E from the intersection of the northwesterly side line of said Allen Avenue and the easterly side line of Washington Avenue; thence N 53° 29' 30" E by the northwesterly side of said Allen Avenue sixty-three and twenty-one hundredths (63.21) feet to the southerly corner of land now or formerly of Georgia P. Merrill; thence N 36° 30' 30" W by said Georgia P. Merrill land one hundred twelve and eighty-nine hundredths (112.89) feet to an iron pipe; thence N 53° 29' 30" E by said Georgia P. Merrill land ninety and sixty-eight hundredths (90.68) feet to an iron pipe on the southwesterly boundary of Lot 3 as shown on Plan of Deering Village made by Nisbet and Griffin Inc. for Deering Village Corp. dated February, 1941, and recorded in said Registry of Deeds in Plan Book 27, Page 12; thence N 36° 30' 30" W by said Deering Village one hundred thirty-seven and eleven hundredths (137.11) feet, more or less, to the former location of Fall Brook; thence northerly by the westerly boundary of said Deering Village, said boundary being the former meander course of said Fall Brook three hundred eighty-one (381) feet, more or less, to a point; thence N 83° 00' W by other land of Shaw's Realty Co. one hundred eighty-nine (189) feet to the southeasterly corner of the building now occupied by Wellwood Co.; thence continuing N 83° 00' W by said land of Shaw's Realty Co. and along the south face of said building now occupied by Wellwood Co. one hundred and five hundredths (100.05) feet to the southwesterly corner of said building; thence S 52° 39' 30" W by said land of Shaw's Realty Co. seventeen and thirty-four hundredths (17.34) feet to a drill hole in a corner

of a granite sidewalk curb; thence S 47° 54' 30" W by said land of Shaw's Realty Co. two hundred twenty-three and thirty-eight hundredths (223.38) feet to an iron pipe on the easterly side of Auburn Street, said iron pipe being in the center of an existing paved entrance drive from Auburn Street, thence S 6° 29' 30" W by said Auburn Street thirty-four and forty-seven hundredths (34.47) feet to the northwesterly corner of land now or formerly of Dy Dee Service, Inc.; thence S 83° 38' 30" E by said Dy Dee Service, Inc. land one hundred and no hundredths (100.00) feet to a point; thence S 6° 29' 30" W by said Dy Dee Service, Inc. land one hundred and no hundredths (100.00) feet to a point; thence N 83° 38' 30" W along said Dy Dee Service, Inc. land one hundred and no hundredths (100.00) feet to said Auburn Street; thence S 6° 29' 30" W by said Auburn Street twenty-one and twelve hundredths (21.12) feet to an angle point; thence S 7° 00' W by said Auburn Street eighty-one and fifty-nine hundredths (81.59) feet to the northwesterly corner of land formerly of Nellie S. Cohen; thence S 83° 00' E by said Nellie S. Cohen land ninety-two and thirty-five hundredths (92.35) feet to an iron pipe; thence S 7° 00' W by said Nellie S. Cohen land and land now or formerly of Community Oil Company, Inc. two hundred eighty-seven and forty-one hundredths (287.41) feet to the northwesterly corner of the premises conveyed by Shaw's Realty Co. to the Portland Associates, Inc. by deed dated May 26, 1959, recorded in said Registry of Deeds in Book 2474, Page 164, thence N 73° 28' 30" E by said Portland Associates, Inc. land two hundred eleven and forty-six hundredths (211.46) feet to the northwest corner of said City of Portland land; thence N 53° 29' 30" E by said City of Portland land one hundred thirty and six hundredths (130.06) feet to an iron pipe; thence S 30° 30' 30" E along said City of Portland land one hundred sixty-one and twenty-one hundredths (161.21) feet to Allen Avenue and the point of beginning;

Lot 2

A certain lot or parcel of land, with any buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, on the Easterly side of the new Gray Road, so-called, leading from Allen's Corner, also known as North Deering to Gray, now known as Auburn Street, and bounded and described as follows:

Commencing at a point on said Easterly side of Auburn Street, at the Northwesterly corner of land conveyed to Community Oil Company, Inc., by deed dated March 23, 1939 and recorded in the Cumberland County Registry of Deeds in Book 1573, Page 162; thence Northerly by said Easterly side of Auburn Street one hundred and forty (140) feet to a point; thence Easterly at right angles to said last course ninety-two and thirty-five hundredths (92.35) feet to a point; thence Southerly at right angles to the last course and parallel with the Easterly side line of Auburn Street one hundred and forty (140) feet to the Northeasterly corner of said land conveyed to said Community Oil Company, Inc.; thence Westerly by said Community Oil Company, Inc. land, ninety-two and thirty-five hundredths (92.35) feet to the point of beginning.

EXCEPTING from Parcel Two such portion thereof as was conveyed to Maine Savings Bank by deed dated April 25, 1979 and recorded in the Cumberland County Registry of Deeds in Book 4205, page 261.

Parcel Three (Tax Map 375 - C - 17)

A certain lot of parcel of land, together with all buildings and improvements located on it, on the west side of Auburn Street in the City of Portland, Cumberland County, Maine, further described as follows:

Beginning on the east side of Auburn Avenue near its intersection with Washington Avenue, at the northwest corner of land now or formerly of Mobil Oil Corp. 2.06 feet from a 5/8" rebar with cap E.C. Jordan S 09", 2" underground:

Thence north, along Auburn Avenue, by a curve having a radius of 623 feet, 91.51 feet;

Thence along Auburn Avenue, North 09° 21' 46" West, 126.62 feet land formerly of Merrill Carlton 1.73 feet from a 1" Iron pipe, 6" under pavement, bent loc. Base;

Thence N 89° 38' 14" E, along the land formerly of Carlton, 81.26 feet to a nail in pavement under 1" coat of pavement;

Thence S 09° 21' 46" E along the land formerly of Carlton, 147.15 feet to a 5/8 rebar with damaged cap in pavement at the land now or formerly of Mobil Oil Corp.;

Thence S 37° 11' 03" W, along the land now or formerly of Mobil Oil Corporation, 102.70 feet to the point of beginning.

SAID PARCELS ONE, TWO AND THREE MAY ALSO COLLECTIVELY BE DESCRIBED AS FOLLOWS:

Beginning at a PK nail on the Easterly sideline of Auburn Street, in the City of Portland, County of Cumberland, and State of Maine, said point being at the Southwest corner of land now or formerly of the Pine Tree Council Inc., Boy Scouts of America;

thence running perpendicular to the aforementioned Auburn street, along the lines of said Pine Tree Council, and land now or formerly belonging to Owen B. Pinkus, and passing over a 5/8" rebar found flush with the ground, North 80°36'52" East, a distance of 338.47' to a point in the southwesterly property line of land now or formerly belonging to Rose D. Loscarso;

thence along the land of said Loscarso, and continuing along the lands now or formerly of Theilma Diphilippo, Caron, and Abildgaard, South 30°21'33" East, a distance of 317.00' to a point in the land of said Abildgaard;

thence continuing along the land of said Abildgaard, and continuing along the lands now or formerly of Cyr, Drummet, and O'Donnell, South 09°28'33" East, a distance of 368.97' to a point in the property line of said O'Donnell and Drisco;

thence along the land of said Drisco South 69°21'27" West, a distance of 10.49' to a point in a stream;

thence along the centerline of said stream to a point in the land now or formerly of Gauvin, as shown on the hereinafter referenced plan;

thence South 52°46'54" East along the land of said Gauvin and passing over a 1" diameter pipe, and continuing along the land now or formerly of Nelson, a distance of 149.64' to another 1" diameter iron pipe at the corner of said Nelson and land now or formerly of North Gate Plaza Associates, L.L.C.;

thence along the land of said North Gate Plaza Associates, L.L.C., South 37°08'36" West, a distance of 90.18' to a 1" diameter galvanized pipe;

thence, along the land of said North Gate Plaza Associates, L.L.C. South 52°43'42" East, a distance of 112.81' to a in the westerly sideline of Allen Avenue;

thence continuing along the westerly sideline of said Allen Avenue South 37°08'27" West, a distance of 63.14' to a 1" diameter iron pipe in the corner of land now or formerly of the City of Portland;



thence continuing along the land of said City of Portland, North 46°51'28" West, a distance of 161.15' to a P-K nail found, in the corner of land of said City of Portland;

thence continuing along the land of said City of Portland, South 37°09'32" West, a distance of 130.46' to a re-bar at the corner of land of said City of Portland and land now or formerly of Citibank;

thence along the land of said Citibank South 57°08'44" West, a distance of 211.16' to a 5/8" re-bar at the corner of said Citibank and land now or formerly of Mobil Oil Corporation;

thence along the land of said Mobil Oil Corporation, South 37°08'24" West, a distance of 101.25' to a point in the Easterly sideline of the above mentioned Auburn Street;

thence along the Easterly sideline of said Auburn Street, a curve with a radius of 623.00', an arc length of 94.09', a delta of 08°39'13", a chord bearing of North 14°05'39" West, and a chord distance of 94.00' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 09°21'50" West, a distance of 123.15' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 09°21'50" West, a distance of 131.62' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 12°31'39" West, a distance of 90.48' to a point;

thence continuing along the Easterly sideline of said Auburn Street, North 12°42'26" West, a distance of 0.98' to a point, said point being the South Westerly corner of land now or formerly of Fleet Bank of Maine;

thence along the land of said Fleet Bank of Maine, North 80°07'52" East, a distance of 94.01' to a point;

thence continuing along the land of said Fleet Bank of Maine, North 09°52'08" West, a distance of 135.00' to a point;

thence continuing along the land of said Fleet Bank of Maine, South 80°07'52" West, a distance of 100.00' to a point in the Easterly Sideline of the aforementioned Auburn Street;

thence along the said sideline, North 09°52'08" West, a distance of 0.21' to a point in the same sideline;

thence continuing along said sideline, North 09°52'08" West, a distance of 482.43' to a point;

thence continuing along said sideline, North 09°23'08" West, a distance of 417.43' to the POINT OF BEGINNING.

Containing 570,534 square feet or 13.098 acres, more or less.

SAID PROPERTY ALSO INCLUDES THE FOLLOWING APPURTENANT RIGHTS:

1. Terms and conditions and rights and easements as set forth in a Common Area, Land Use and Restriction Agreement, dated April 25, 1978, recorded at Book 4205, Page 301;

2. Sewer easement recorded with said Registry of Deeds in Book 2002, Page 156, insofar as the same may now be in force and effect.

O:\JCWine\Ing\MEVA & D Realty\1LegalDescription.cl1doc.doc

**QUITCLAIM DEED**  
(With Covenant)

MAINE REAL ESTATE TAX PAID

KNOW ALL PERSONS BY THESE PRESENTS, that **PINE TREE COUNCIL, INC., BOY SCOUTS OF AMERICA**, a Maine corporation with a place of business at Portland, County of Cumberland and State of Maine, in consideration of One Dollar and other valuable consideration paid by **125 AUBURN STREET, LLC**, a Maine limited liability company, whose mailing address is 133 Massachusetts Avenue, Lexington, MA 02420, the receipt whereof is hereby acknowledged, do hereby **REMISE, RELEASE, BARGAIN, SELL AND CONVEY** and forever **QUITCLAIM** unto the said **125 AUBURN STREET, LLC**, its successors and assigns forever, the following described real estate:

**Certain lots or parcels of land with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, as more fully described on Exhibit A attached hereto and incorporated herein by reference.**

The aforesaid premises are conveyed subject to real estate taxes which the Grantee assumes and agrees to pay.

**TO HAVE AND TO HOLD**, the same, together with all the privileges and appurtenances thereunto belonging, to the said **125 AUBURN STREET, LLC**, its successors and assigns forever, to use and behoof forever.

**AND it COVENANTS** with the said Grantee, its successors and assigns forever, that it will **WARRANT AND FOREVER DEFEND** the premises to the said Grantee, its successors and assigns forever, against the lawful claims and demands of all persons claiming by, through, or under it.

**IN WITNESS WHEREOF**, the said **PINE TREE COUNCIL, INC., BOY SCOUTS**

OF AMERICA, has caused this instrument to be signed and sealed in its corporate name by J. T. Dabbs III, its Scout Executive, thereunto duly authorized, this 15 day of JUN, 2005.

WITNESS

PINE TREE COUNCIL, INC.,  
BOY SCOUTS OF AMERICA

[Signature]

By: [Signature]  
J. T. Dabbs III  
Its Scout Executive

STATE OF MAINE  
COUNTY OF CUMBERLAND, ss.

June 15, 2005

Then personally appeared the above-named J. T. Dabbs III, Executive Director of said PINE TREE COUNCIL, INC., BOY SCOUTS OF AMERICA, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Corporation.

Before me,

[Signature]  
Notary Public/Attorney-at-Law  
Print Name: ACAR ATKINS  
My commission expires: \_\_\_\_\_

EXHIBIT A  
TO DEED FROM PINE TREE COUNCIL, BOY SCOUTS OF AMERICA  
TO A & D REALTY, LLC

Certain lots or parcels of land with the building thereon situated in the City of Portland, County of Cumberland and State of Maine, and being more particularly bounded and described as follows:

PARCEL ONE:

A certain lot or parcel of land with the building situated thereon on the easterly side of Auburn Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows: Beginning at an iron on the easterly side of Auburn Street marking the southwest corner of the lot of land conveyed by Fred E. Lovejoy to Maurice E. Willey, et al. by deed dated August 2, 1938 and recorded in Cumberland County Registry of Deeds in Book 1556, Page 394; thence by Auburn Street South  $7^{\circ} 23'$  West one hundred sixty (160) feet to an iron; thence by other land now or formerly of Shaw's Realty Co. South  $52^{\circ} 37'$  East one hundred twenty-five (125) feet to a point; thence by other land now or formerly of Shaw's Realty Co. parallel with Auburn Street North  $7^{\circ} 23'$  East one hundred eight-six and fifty-nine hundredths (186.59) feet to said Willey land; thence by said Willey land South  $85^{\circ} 22 \frac{1}{2}'$  West one hundred twenty-seven and eight tenths (127.8) feet to the point of beginning.

The above-described courses are magnetic and of the date of 1950.

Being the same premises conveyed to the Grantor herein by Shaw's Realty Co. by warranty deed dated March 18, 1959 and recorded in the Cumberland County Registry of Deeds in Book 2462, Page 8.

PARCEL TWO:

A certain triangular parcel of land located on the easterly side of Auburn Street, in Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a point marked by an iron pipe on the Easterly side of Auburn Street at the Northwestern corner of land conveyed by Shaw's Realty Co. to Pine Tree Council, Inc., Boy Scouts of America by deed dated March 18, 1959 as recorded in the Cumberland County Registry of Deeds in Book 2462, Page 8; thence N  $84^{\circ} 57'$  E one hundred twenty-seven (127) feet, more or less, along the Northerly sideline of said land of Pine Tree Council, Inc., Boy Scouts of America to the Northeasterly (previously referred to as northwesterly) corner thereof as described in said deed; thence Westerly in a straight line one hundred twenty-five (125) feet, more or less, to Auburn Street at a point thirty (30) feet Northerly along the Easterly sideline of Auburn Street from the iron pipe at the point of beginning; thence Southerly along said Auburn Street thirty (30) feet to the point of beginning.

Said premises are hereby conveyed subject to a 25 foot wide water pipeline utility easement that runs along the southerly sideline of said parcel as conveyed to the Portland Water District by a deed dated December 2, 1953 and recorded in said Registry of Deeds in Book 2163, Page 274.

Being the same premises conveyed to the Grantor herein by Fall Brook Realty Co. by warranty deed dated November 18, 1987 and recorded in said Registry of Deeds in Book 8085, Page 39.

Also conveying all Grantor's right, title and interest in the right to construct and maintain a sewer under and across land now or formerly of Shaw's Realty Co. situated on the easterly side of Auburn Street, in the City of Portland, County of Cumberland and State of Maine, from land conveyed by Shaw's Realty Co. to Pine Tree Council, Inc. Boy Scouts of America to the sewer right of way of the City of Portland, commonly called the Fall Brook Interceptor, said land being described as follows: Beginning at the southeast corner of land conveyed by Shaw's Realty Co. to the Pine Tree Council, Inc. Boy Scouts of America by deed dated March 18, 1959, and recorded in Cumberland County Registry of Deeds in Book 2462, Page 8, said corner being distant South 82° 37' East one hundred twenty-five (125) feet from the easterly sideline of Auburn Street; thence continuing said course of South 82° 37' East one hundred five (105) feet, more or less, to said City of Portland Sewer right of way; thence northwesterly by said sewer right of way about ten (10) feet to a point which is ten (10) feet from, when measured at right angles with the last described course; thence North 82° 37' West about one hundred (100) feet to said land of the Pine Tree Council, Inc. Boy Scouts of America; thence by said Boy Scouts' land South 7° 23' West ten (10) feet to the point of beginning.

The above-described courses are magnetic and of the date of 1950.

Being the same premises conveyed to the Grantor herein by Shaw's Realty Co. by deed dated July 23, 1959 and recorded in said Registry of Deeds in Book 2486, Page 204.

Also conveying all Grantor's right, title and interest, if any, whether by license or otherwise, to use other property owned by Grantee abutting the premises herein conveyed for purposes of ingress, egress and the parking of motor vehicles as said rights were obtained from Shaw's Supermarkets, Inc. and the Grantee.

Received  
Recorded Register of Deeds  
Jun 15, 2005 10:33:37A  
Cumberland County  
John B OBrien

**Northgate Plaza  
Auburn Street**

**Exhibit 5: Recap of Alternate CVS Plans**

The proposed location of the CVS building has come about after much analysis and numerous discussions with staff members from the City of Portland. We have worked with city staff to analyze several different layouts for this center. At the request of planning staff we looked at moving the proposed CVS building closer to the front of the site. It was initially thought this would better meet the intentions of the zoning regulations and bring the proposed building out of the Stream Protections Zone. Jim Carmody from the Public Works Department and Tom Errico, a traffic review consultant for the city have also had the opportunity to look at the conceptual layouts and felt that from a traffic standpoint these options were not practical. Below is a description of each layout that was explored; corresponding plans have been provided:

**Exhibit 5a: Conceptual Site Plan (April 2007)**

- This conceptual site layout locates the 12,900 sf CVS building, which is separated from the remainder of the shopping center.
- The concept provides two (2) drive-thru windows with loading in rear and adjacent to the building.
- Building is not in the Stream Protection Zone.
- This layout would maintain the main entrance from Auburn Street and the drive aisle along the front of the shopping center.
  - This is not ideal as the front drive aisle intersects the main entrance approximately thirty-five (35) feet from the road. Customers exiting the plaza are forced to cross oncoming traffic and get into the appropriate exit lane.
- The drive aisle in front of the existing tenants would dead end at the drive-thru lanes, causing conflict.

**Exhibit 5b: Alternate #1**

- This alternative brings the stand-alone building to the front of the property.
  - This may require a variance as it is not further from the road than the two (2) adjacent properties.
- Building is not in the Stream Protection Zone.
- Provides two (2) drive-thru windows with loading in rear.
- Eliminates a portion of the parking that is currently located within exclusive and non-exclusive easements for the use of the medical building on the adjacent property.
- Creates barrier to traffic flow within the plaza. Incoming and outgoing traffic using the north plaza entrance will need to circulate to the rear of CVS and then double back. The width and configuration of the access lane between the rear of CVS and the last plaza building is narrow and awkward for plaza thru traffic.
- Elimination of additional spaces may be required to allow for proper truck turning movements.
- Access to the drive-thru requires an awkward turning movement for customers.

#### Exhibit 5c: Alternate #2:

- This alternative reverses the building orientation keeping the building at the front of the site.
  - This may require a variance as it is not further from the road than the two (2) adjacent properties.
- Building is not in the Stream Protection Zone.
- Customers entering from the north would need to do a 180 degree turn to get to the drive-thru.
- Eliminates a large portion of the parking that is currently located within exclusive and non-exclusive easements for the use of the medical building on the adjacent property.
- Still creates barrier to traffic flow within the plaza. Incoming and outgoing traffic using the north plaza entrance will need to circulate to the rear of CVS and then double back.
- Access to the drive-thru requires an awkward turning movement for customers with little queuing distance.

#### Exhibit 5d: Alternate 3:

- This alternative orients the long side of the building to the street keeping the building at the front of the site. The store entrance is located on the right side.
  - This may require a variance as it is not further from the road than the two (2) adjacent properties.
- Building is not in the Stream Protection Zone.
- Customers entering from the north would need to do a 180 degree turn to get to the drive-thru.
- Eliminates a large portion of the parking that is currently located within exclusive and non-exclusive easements for the use of the medical building on the adjacent property.
- Still creates barrier to traffic flow within the plaza. Incoming and outgoing traffic using the north plaza entrance will need to circulate to the rear of CVS and then double back.
- CVS delivery vehicles will have little room to maneuver and will conflict with customer traffic. In order to screen the loading area a vegetative barrier/solid screen would be necessary. Does not provide an attractive entrance to the plaza.
- Access to the drive-thru would also require an awkward turning movement for customers with little queuing distance.

Based on the analysis of different configurations and options for the site we feel that the proposed layout is the most suitable. Some of the benefits of the proposed layout include:

- The proposed building will be inline with the rest of the shopping center, connected with an overhead canopy keeping one (1) continuous roofline.
- The front drive aisle will not directly intersect with the entrance drive. Customers exiting the plaza will be directed to the second drive aisle and cross the main drive approximately 100 feet from the signal.
- With the exception of customers using the CVS drive-thru, customers will stay in the front of the plaza, minimizing conflicts with large delivery trucks.
- Maximizes open space and landscaped areas.
- Adequate parking is provided for the adjacent medical building within the existing easement.



**PRE-APPLICATION MEETING  
CITY OF PORTLAND, DEPARTMENT OF PLANNING AND DEVELOPMENT**

Project Name: Nathgate Shopping Date: 12/18/06

People in attendance: Jack Mettee, Frank Namadiri -  
Morse Schmeckel, Eric Laballe, Barbara Barlypt

Address of development: \_\_\_\_\_ Zone: B-2

Lot Size: \_\_\_\_\_ Proposed Building Size: 13000<sup>sq</sup> sq. ft

Existing Use of site: shopping ctr Proposed Use of site: CVS pharmacy

Description of Proposed Project: 13,000<sup>sq</sup> CVS pharmacy - demolition of 7,000<sup>sq</sup>  
videotape - adding  $\approx$  5,000<sup>sq</sup> - meeting parking by code -  
E/L - Light improvements @ school - coordination w/ school - interconnected signalized  
be this spring - evaluating - will

Potential Reviews Required<sup>1</sup>:

	Shoreland Zoning Stream Protection	Condi-tional use	Flood Plains	Design Review	Historic Preser-vation	Replace-ment Housing	Site Plan	Sub-division	Zone Change Request	Street Extension 14-403	Site Location of Develop-ment	Traffic Permit DEP	Storm water Manage-ment DEP
Yes		X					X						
Possible													

- Next Steps:
1. Parking analysis - uses - req +  $\Delta$  - drive through
  2. Traffic study - improvements - (email - study from J.C. + T.R)
  3. assessment of sidewalk + curbing
  4. final overlay in the spring - any  $\Delta$ 's at entrance - curb in place
  5. stormwater - treatment - check w/ DEP regarding stormwater. review a net - stormwater quality unit - 5420 out
  6. stream protection ok - recognized to enclose stream - may need easements for drainage work - Bldg is out

<sup>1</sup> Please note: this meeting is not a pre-approval of any ordinances. Any project must go through the appropriate reviews and receive permits from Portland before construction or reuse can begin. The meeting and notes are intended to outline the City processes that may apply to a proposal based upon the information provided at the meeting. Any changes to the information or proposal may change the development review requirements. Please check on-line for Portland's Land Use Ordinance and other information at [www.portlandmaine.gov](http://www.portlandmaine.gov).

- 5(a) - not require study re: stormwater - pre + post - talk w/ Dan - statement to that effect - Brad Roland will be the contact - design reflect what city wants to do - shallow - remove from stormwater combined sys - some sheet flow - roof drain
7. Floodplain - need to check

March 12, 2009

Mr. Bradlee Mezquita, P.E.  
Appledore Engineering, Inc.  
177 Corporate Drive  
Portsmouth, NH 03801

RE: Proposed CVS Store in Northgate Plaza, Portland

Dear Brad,

This letter is written to summarize the trip generation analysis for a proposed new CVS store at the existing Northgate Plaza on Auburn Street in Portland and to determine any related traffic permit requirements. Current plans call for 12,712 square feet of the existing plaza to be removed. A freestanding 12,900 CVS store with drive-though facility will be constructed for a net increase of 188 square feet of space. It is understood that the plaza was previously expanded when a 10,910 square foot addition was constructed to the Shaw's store. Based upon the "Traffic Impact Study, Proposed Expansion of Northgate Plaza", prepared by Eaton Traffic Engineering and dated March 2000, this expansion generated 46 additional PM peak hour trips. This trip generation was determined using the Institute of Transportation Engineers (ITE) "Trip Generation, 6<sup>th</sup> Edition" report. Land Use Code 820 – Shopping Center was used on the basis of the additional square footage.

### *Trip Generation Analysis*

The traffic to be generated by the proposed new CVS store, and the previous Shaw's expansion, were determined using the Institute of Transportation Engineers (ITE) "Trip Generation, 7<sup>th</sup> Edition" report. The 8<sup>th</sup> edition report has recently become available but the Maine Department of Transportation is still requiring use of the 7<sup>th</sup> edition for traffic permitting purposes. It is important to note that the rates in the 8<sup>th</sup> edition are slightly less than the rates in the 7<sup>th</sup> edition so use of the most current edition would yield lesser trip generation. Both the proposed CVS store and the existing retail uses generate the greatest number of trips during the PM and Saturday peak hour periods. Land use code (LUC) 820 – Shopping Center was used as the basis for the trip generation, as this was the approach used for the previous Shaw's expansion for the City of Portland approval process. The results are summarized in the following table:

<u>Time Period</u>	<u>Projected Trip Generation (trip-ends)</u>		
	<u>Previous Shaw's Exp.</u>	<u>Proposed CVS Exp.</u>	<u>Total New</u>
PM Peak Hour - Generator	41	1	42
Entering	20	0	20
Exiting	21	1	22
Saturday Peak Hour - Generator	54	1	55
Entering	28	1	29
Exiting	26	0	26

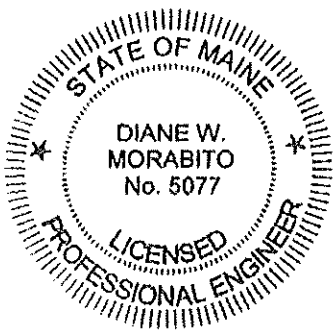
As can be seen above, based upon the newer 7<sup>th</sup> edition ITE report, the previous Shaw's expansion would be expected to generate 41 one-way trips during the PM peak hour and 54 during the Saturday peak hour. The currently proposed increase in square footage, to provide for the new CVS store, is expected to generate only 1 additional trip during both the PM and Saturday peak hours. This increase in trip generation is negligible and will have no impact on existing conditions. Since total trip generation for both projects is far less than the 100 trip threshold, a Traffic Movement Permit should not be required.

Please do not hesitate to contact me if you or the City of Portland have any questions or need any additional information.

Sincerely,

*Diane W. Morabito*

Diane W. Morabito, P.E. PTOE  
President



rec 3/18/09



**To:** Dan Goyette; David Margolis-Pineo; Marge Schmuckal; Tom Errico; KeithGautreau; Jeff Tarling  
**From:** Jean Fraser  
**Date:** March 18, 2009

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Additional information submitted for the following project:

**Application ID #:** 2009-0010

**Project Name:** Northgate Plaza/CVS Expansion/H&R Block Refurbishment

**Project Address:** 91 and 125 Auburn Street

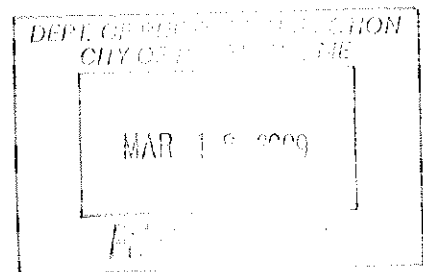
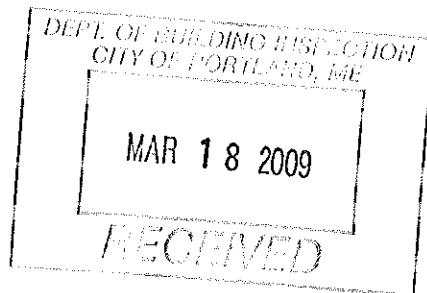
**Preliminary Comments needed by:** Wed, March 25<sup>th</sup> Dev Rev meeting

**Written Comments needed by:** Wed, April 1<sup>st</sup> Dev Rev Meeting  
[Planning Board Workshop April 14th, 2009]

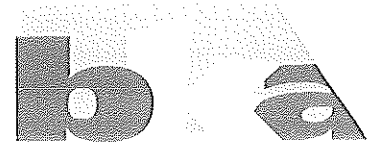
These revisions were submitted 3.17.09 in response to the meeting of 3.4.09; telephone discussions with Tom Errico on 3.6.09 and review letter dated 3.11.09.

They arrived late yesterday so I have not had a chance to summarize all of the revisions, but they have reduced the drive thru to one lane and have introduced rain gardens (which reduce the excessive aisle widths).

However, they have retained all of the parking by the Boy Scout building and the area behind the CVS remains though not clear regarding its purpose (snow storage but not identified as such?)



BKA Architects, Inc.  
142 Crescent Street  
Brockton, MA 02302

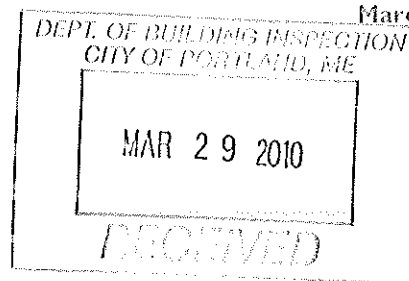


Architecture + Interiors

tel: 508.583.5603  
fax: 508.584.2914  
email: [bka@bkaarchs.com](mailto:bka@bkaarchs.com)  
www.bkaarchs.com

Ms. Jean Fraser, Planner  
Planning & Development Department  
389 Congress Street  
Portland, ME 04101

RE: CVS/pharmacy #326  
Northgate Plaza



Dear Ms. Fraser,

On behalf of A&D Realty, LLC, BKA Architects, Inc. is submitting a revised drive through access sketch that reflects the field changes.

The approved site plan indicates a clear width of 42'-0" between the existing plaza and the new CVS/pharmacy as shown on sheet 1of2. This space is comprised of a 6'-0" wide sidewalk along the existing plaza, a 16'-0" wide truck loading area, a 15'-0" wide vehicular driveway, and a 5'-0" wide buffer along the CVS wall.

The proposed plan sheet 2of2 reflects the built condition of 38'-0" clear between the two buildings. The sidewalk along the plaza was reduced to 5'-0" wide, the truck loading area was reduced to 14'-0" wide, the 15'-0" driveway was maintained and the 5'-0" buffer along CVS was reduced to 4'-0" wide.

**Summary Chart**

	<b>As Permitted</b>	<b>Proposed</b>	<b>Difference</b>
Buffer along CVS	5'-0"	4'-0"	1'-0"
Driveway	15'-0"	15'-0"	No Change
Truck Loading area	16'-0"	14'-0"	2'-0"
Sidewalk along plaza	6'-0"	5'-0"	1'-0"
<b>Total</b>	<b>42'-0"</b>	<b>38'-0"</b>	<b>4'-0"</b>

In addition to the dimensional changes we are also proposing an architectural change to the canopy design of the proposed connecting roof to tie into a new sloped roof on the existing plaza flat roof canopy.

Very truly yours,

Kevin L. Paton  
Senior Associate  
BKA Architects, Inc.