Subject:

ORDER #89-16/17 – Authorizing the Interim City Manager to accept delivery of an access/turnaround access and a pedestrian easement from STJ, Inc. for property at 131 Sunset Avenue (a portion of Assessor’s Map 62, Lot 9). Passage requires majority vote.

Position:

This item is brought forward to authorize the Interim City Manager to accept delivery of a vehicle easement and pedestrian easement from STJ, Inc. to the City.

The developer wants to construct two (2) apartment buildings on an undeveloped lot located at the south terminus of Sunset Avenue. The applicant is proposing to construct a duplex and a three (3) unit building for a total of five (5) units.

As part of the Sunset Avenue Apartments Subdivision, the Planning Board established a condition of subdivision approval that the applicant would grant the city the ability to clear, plow, sand and salt any included roadway (but without the obligation to do so), over and across the proposed turnaround easement location situated at the terminus of Sunset Avenue and southeasterly, but not contiguous, with Carignan Avenue.

I have attached minutes of the December 8, 2015 Planning Board meeting regarding this subdivision approval.

The easement will be recorded in the Cumberland County Registry of Deeds once it is accepted by the City Council.

Requested Action:

Council passage of ORDER 89#-16/17.
CITY OF SOUTH PORTLAND

Name of Body: Planning Board
Minutes for Meeting of: December 8, 2015
Meeting Begins: 7:00 p.m.
Meeting Location: Council Chambers, City Hall

Members Present
William Laidley, Chairperson
Linda Boudreau
Fred Hagan
Kevin Carr
Isaac Misiuk
Taylor Neff

Staff Present
Tex Haeuser, Planning & Develop. Director
Steve Puleo, Community Planner

Absent
Kathleen Phillips

MINUTES

Pledge of Allegiance

Chairperson William Laidley opened the meeting at 7:00 p.m. and welcomed all in attendance. He reviewed the meeting’s agenda and reminded the audience and Board of policies regarding a Planning Board Meeting and Public Hearings. He read into the record Planning Board Regulation #5, standard condition of approval: This approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. No project, plan or development previously approved by the Planning Board may be altered or modified without securing prior approval of the Planning Board in the form of an amended approval; provided however, that, if at any time it becomes necessary or desirable to make modifications to the project, plan or development, the Planning Director may approve modifications determined by the Planning Director to be de minimis in that they (i) do not amount to a waiver or substantial alteration of any condition or requirement set by the Planning Board; (ii) do not affect any approval standard; (iii) meet all applicable ordinances and laws; (iv) are reviewed and approved by all appropriate City staff and consultants; and (v) do not involve any changes to lot lines. De minimis changes include only the modifications listed in Section 24-27 of the Subdivision Ordinance and Section 27-140 of the Zoning Ordinance.

Agenda Item #1. Approval of the November 10, 2015, Planning Board minutes
F. Hagan motioned to approve the November 10, 2015, Planning Board Minutes. T. Neff seconded; (6-0) (K. Phillips absent).

Agenda Item #2. Consent Calendar
None

Filomena R. & Michael S. Troiano are requesting a third amendment to the Grandview 5 Subdivision development located at 15 & 23 Colchester Drive. The applicants are proposing to relocate the side yard property boundary line of Lots 9 and 10. The proposal will convey a triangle shaped piece of land 3,636 SF in size from Lot 9 to Lot 10. The purpose is to provide more consistent property boundaries between the two lots. The property is further identified in mention is Assessor’s Map 57, Lot 509 & 510, located within the Residential District AA.

Public hearing legal advertisements were published in the Portland Press Herald Newspaper on December 1 and 7, 2015. Public hearing notices were mailed on November 27, 2015, to the 51 South Portland property owners within 500 feet and the applicants. Notices were sent via email to the Conservation Commission, Planning Board, and City Council.

W. Laidley said that this falls under changing of lot lines, as he mentioned in his opening.

T. Haeuser introduced the item, showed the location on a map, and explained that the applicant wants to straighten out a lot line between their two properties. He noted that staff has no concerns and recommend approval.

PUBLIC HEARING OPEN

Ellen Rathbone, St. Germain Collins, introduced herself and said that she can answer any questions. She did not have anything to add to Mr. Haeuser’s introduction.

PUBLIC HEARING CLOSED

W. Laidley said that there aren’t many issues in this situation. The applicant has gone through the formal process. It’s a clear cut situation in his opinion. I. Misiuk agreed.

K. Carr motioned to approve the amended subdivision application of Filomena R. & Michael S. Troiano dated November 5, 2015, and drawings dated August 24, 2015, for Fourth Amendment Subdivision Plan – Boundary Line Change located 15 & 23 Colchester Drive, with the following conditions:
1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting
I. Misiuk seconded; (6-0) (K. Phillips absent).

FINDINGS

F. Hagan motioned to accept the findings. T. Neff seconded; (6-0) (K. Phillips absent).
Agenda Item #4. PUBLIC HEARING – Special Exception Review – ABC Special Purpose Private School – 81 Westbrook Street – Congregation Bet Ha’am – FINDINGS

Congregation Bet Ha’am is requesting a special exception approval to add a private educational facility at Bet Ha’am Synagogue located at 81 Westbrook Street. In 2008, the Planning Board approved a 12,000 SF addition to the existing 12,519 SF Synagogue and private educational facility. The site improvement included improved parking and traffic flow. The applicant is proposing to lease space to Applied Behavior Consultants (ABC) to open a Special Purpose Private School. The program will start with one classroom, 10 students, and 11 staff members, and will eventually expand up to 40 students with 20 staff members. The property is further identified in mention is Assessor’s Map 63, Lot 164, located within the Residential District A.

Public hearing notices were mailed on November 27, 2015, to the 84 property owners within 500 feet of the proposed project and the applicant. Notices were sent via email to the Conservation Commission, Planning Board, and City Council.

T. Haeuser introduced the item and showed the location on a map. He reviewed traffic, noting the following: The site has existing access from Braeburn Avenue. The proposed private school will be operating during weekdays and will not conflict with the weekend service schedule. The access driveway leads to two-way travel lanes to a parking facility. At the drive entrance, a one-way travel lane exists next to the building for a safe child drop-zone.

He said that there is adequate Legal, Technical, and Financial Capability provided. Hours of operation will typically be Monday through Friday from 8:00 AM to 5:00 PM.

He noted that fire department concerns were addressed, including what floors children of certain ages can be on. In the response, the Congregation’s Executive Director indicated that she’s communicated with the interim Fire Chief. He suggested that it would be appropriate for the Board to ask for an update on that issue.

PUBLIC HEARING OPEN

Kris Dorer, Executive Director of Congregation Bet Ha’am, introduced herself. She stated that interim Fire Chief Haskell did come through and reviewed the way the floors are laid out. The school would do best on second floor; there’s a half-story stairwell to the first floor exit. She said that in the review that was sent to her, there was terminology if the egress is specific to the school. That might be a consideration to allow the half story egress. No one else uses the school at that time and it would be exclusive.

S. Puleo said that he had a conversation with Chief Haskell this afternoon. His position is that the school will need approval from the State Fire Marshall and he will defer to that determination. This typically happens at the time of occupancy. He indicated that he’s not too concerned about the code but it has to be a determination from the state.

K. Dorer said that she’s expecting a visit through the Fire Marshall. That’s part of the routine process and they can come at any time.
**T. Haeuser** asked if it’s a requirement for occupancy. **S. Puleo** said yes, they have to meet City and state standards. It’s up to the applicant to make that happen. He said that Ms. Dorer makes valid points about who is using the school exclusively. It could be operated through a safe procedure. The Fire Chief is fine with the way he sees it set up.

**W. Laidley** asked if it will be pending on that inspection and approval. **S. Puleo** said that occupancy is dependent upon state Fire Marshall’s approval.

**L. Boudreau** asked if they need to put that in as a condition or if it has to happen anyway.

**S. Puleo** said it has to happen anyway. He doesn’t think it’s something the Board needs to be concerned about. It has been looked at through all of their departments; the fire department will be involved with inspections. The key things are things like, does the school lend itself to safety dropping off children? Will it disturb neighbors? The mechanics of the operation of the school is above the Board in the approval process. They need a special exception first before they can go to occupancy inspection.

**W. Laidley** asked what a Knox Box is. **S. Puleo** said it’s a directly-wired alarm system to the central fire station. When something is triggered, it relays a signal to the City’s fire department.

**T. Haeuser** said that’s required for most commercial buildings. **S. Puleo** agreed. **F. Hagan** asked if it’s a state regulation and **S. Puleo** said yes.

**Russ Lunt, Brigham St.,** asked if this is the old Sawyer School. **T. Haeuser** said yes.

PUBLIC HEARING CLOSED

**T. Haeuser:** Could we have Ms. Dorer talk about other education going on at the facility?

**K. Dorer** said that religious school operates on Sundays, otherwise it’s not in use. There are occasional meetings. That part of the building is not used Monday through Friday. She’s excited for this opportunity.

**T. Haeuser** said the main concern is if there will be tons of cars overflowing onto side streets, and it doesn’t sound like it.

**L. Boudreau** thinks it’s a great proposal. The only question she has is that staff doesn’t have concern about signs. She read language from the lease. She asked where the Board comes into play with the original approval and if is there the ability for the tenant to have a sign.

**T. Haeuser:** This would be eligible for a de minimis change approval. He may not take it on himself and bring it to the Planning Board if necessary.

**L. Boudreau** clarified that once the applicant decides what they want, they bring it back to Mr. Haeuser. She expects it will be classy. Other than that, she thinks it’s a great proposal.
L. Boudreau motioned to approve the special exception application Congregation Bet’Haam, dated October 20, 2015, through December 1, 2015, for an Applied Behavior Consultants (ABC) Special Purpose Private School located at 81 Westbrook Street, with the following conditions:
1. Planning Board Regulation #5, standard condition of approval, as read by the Chair at the opening of the meeting.
2. This Special Exception is dependent upon all Findings of Fact and Conditions of Approval dated May 27, 2008.
K. Carr seconded; (6-0) (K. Phillips absent).

FINDINGS

I. Misiuk motioned to accept the findings. T. Neff seconded; (6-0) (K. Phillips absent).

Agenda Item #5. PUBLIC HEARING – Final Major Subdivision and Site Plan Review – Sunset Avenue Apartments – 131 Sunset Ave. – STJ, Inc. – FINDINGS

STJ, Inc. is requesting a final major subdivision and site plan review to construct two (2) apartment buildings on an undeveloped lot located at the south terminus of Sunset Avenue. The applicant is proposing to construct a duplex and a three (3) unit building for a total of five (5) units. Access will be provided by a 20-foot wide driveway from Sunset Avenue. The applicant is proposing twelve (12) parking spaces for the residences. Utilities will be extended from Sunset Ave. The property is further identified in mention is Assessor’s Map 62, Lot 9, located within the Residential District A.

Public hearing legal advertisements were published in the Portland Press Herald on December 1st and 7, 2015, and public hearing notices were mailed on November 27, 2015, to the 80 South Portland property owners within 500 feet and the applicant. Notices were sent via email to the Conservation Commission, Planning Board, and City Council.

T. Haeuser introduced the item and showed the location on the map. He said the Board is familiar with the project having given the preliminary subdivision plan approval this past August. He had a suggestion for an additional condition to the pedestrian easement, which the applicant is providing to the City to allow for continued public use and enjoyment. The easement is on the plan but it’s not recorded yet. The condition would be, “Prior to the issuance of the building permit the applicant shall provide to the Director of Planning and Development evidence that an easement corresponding to the pedestrian easement shown on the Subdivision & Site Plan has been recorded in the Cumberland County Registry of Deeds.” He stated that a draft of this easement is in the works and has been sent to Sally Daggett for review. They have approved these in the past but then it never gets recorded and it’s a question in the future. He suggests making this certain and thanked the applicant again for the offer.

PUBLIC HEARING OPEN

Sean Frank, Sebago Technics, introduced himself and Thomas Shaw of STJ, Inc. He explained that this site was used as a laydown area for Phase 1 of the sewer separation of the Thornton
He referred to the map Mr. Haeuser had on the screen, stating it shows a perfect representation of the area.

He showed his drawings, noting the discussion at the previous meeting. He showed the wetland line and the City’s 50’ easement. He showed where the applicant agreed to pedestrian access. He added that the applicant is proposing a hammerhead to provide plows, etc., to turn around. He reviewed utilities and stormwater management. He referenced the map again, stating that anything outside of the light-colored area will be left alone. The applicant will own the apartments and maintain everything. He reviewed the building structure.

**Russ Lunt, Brigham St.,** said this is wonderful to use part of the land as an easement. It is good to put it on the tax roll; it’s a good thing.

**PUBLIC HEARING CLOSED**

**F. Hagan** said no adjacent neighbors seem to have issues; the land isn’t utilized. It will increase the tax base and it’s a win-win.

**K. Carr** recalled the conversation with the neighbors from the prior meeting, stating that their concerns mostly related to post-traumatic stress from construction. As he remembers, there were a number of steps offered by the applicant.

**S. Frank** agreed and said there’s no extension to the drive; you cannot access more property from there.

**W. Laidley** asked how many cluster developments have been seen in the City. **S. Puleo** said between seven and nine. He and **T. Haeuser** discussed this; **T. Haeuser** thought there was more, and **S. Puleo** said it’s not any more than 10.

**W. Laidley** asked if this is what was anticipated back then. **T. Haeuser** said it’s an old provision. **S. Puleo** said that, from the City’s perspective, they don’t have that kind of available land for small, compact pocket neighborhood developments. **T. Haeuser** said this is a good example of how land is staying undisturbed.

**S. Frank** added that the impact of five single family house lots is substantially more than two buildings containing five units.

**S. Puleo** and **T. Haeuser** discussed cluster developments. **T. Haesuer** said the Dow’s Woods project would be a cluster development. **W. Laidley** said there’s energy savings by having the units attached.

**L. Boudreaux** asked about the letter needed from the Director of Public Works for recycling. **S. Puleo** noted that it hasn’t been received but he doesn’t think it will be a problem since it’s eight units or less.
L. Boudreau said that there has been trouble in other areas with truck going in over the road and asked if this will this be an issue.

S. Frank said no, it’s seen construction vehicles enough. They will have the hammerhead to turn around. This is more like residential where they will roll the bin down. He has talked to the Director and he saw no issue, they just need him to write the letter.

L. Boudreau clarified that the truck won’t pick up at the front door but that residents will move their bins to the end. S. Frank said they will move them to the hammerhead.

L. Boudreau said that the new Condition #7 relates to the easement and asked if it takes into consideration the other easements.

S. Frank said that the City owns the stormwater easement. There will be another one with the hammerhead turnaround, and he said they can add it to the new condition if necessary.

T. Haeuser said to put that language before the pedestrian language, and everything will go into the new Condition #7.

T. Neff asked Mr. Frank to point out the parking spaces.

S. Frank clarified that it’s 10 spaces. He showed them on the drawing.

T. Neff asked if the two in the middle are tandem. S. Frank said yes.

S. Puleo asked about travel ways. S. Frank said 20’ wide except in the parking lot where it’s 24’.

T. Neff motioned to approve the waiver request of Section 27-1536 (h) (2) to modify the post-construction stormwater management provision by waiving Section 27-1536(c)(1)(b), allowing untreated off-site stormwater runoff from abutting properties and the side slope cut north of the driveway to be directed around the detention basin;

to approve the waiver request of Section 24-26 (a), requiring recording of the approved plan within 90 days to allow an extension of two (2) filing periods of 90 days, expiring September 8, 2016;

to approve the waiver request of Section 27-1428 (a) Time limitation, to allow for an extension of twelve (12) months approval period, expiring June 8, 2017;

to approve the final major subdivision and site plan application of STJ, Inc., dated October 21, 2015 through December 1, 2015, and drawings dated July 10, 2015 through December 1, 2015, for the Sunset Avenue Apartments project located at 131 Sunset Ave., with the following proposed conditions:

1. Prior to the release of the recording mylar and pre-construction meeting with the City, the applicant shall pay all outstanding review escrow account fees and post the necessary performance guarantee(s) in such amount(s) as established by the City.

2. Planning Board Regulation #5, Standard Condition of Approval, as read by the Chair at the opening of the meeting.
3. The property is subject to a Stormwater Management System Maintenance Agreement that runs with the land and is binding upon the property owner and its successors and assigns as their interests may change from time to time. Prior to the scheduling of a pre-construction meeting, said agreement shall be duly executed and recorded by the applicant at the Cumberland County Registry of Deeds, with a copy of the recorded instrument contemporaneously provided to the Director of Planning and Development.

4. Prior to the issuance of a Certificate of Occupancy for the project, the applicant must submit an inspection report to the Code Enforcement Officer documenting that the stormwater facilities have been installed, are functioning as designed and approved, and are fully operational. This inspection report must be prepared by a qualified inspector as defined in Section 27-1536 (c)(3)(e) of the South Portland Code of Ordinances, as may be amended.

5. On or by July 15th of each year, a completed and signed certification shall be provided by each property owner, homeowner association, or applicant to the City’s Director of Water Resource Protection in a form provided by that Department, certifying that a qualified inspection employed by the property owner or applicant has inspected, cleaned, and maintained the stormwater management facilities, describing any deficiencies found during inspection of the stormwater management facilities and certifying that the person has repaired any deficiencies in the stormwater management facilities noted.

6. Prior to the issuance of a building permit, the applicant shall provide the Planning and Development Director with satisfactory evidence that one of the first six methods set forth in Section#3(B) of the City’s Site Plan application form relating to the applicant’s financial capacity is in place.

7. Prior to the issuance of a building permit, the applicant shall provide the Director of Planning & Development with evidence that easements corresponding to the vehicle access and pedestrian easements as shown on the Subdivision & Site Plan has been recorded at the Cumberland County Registry of Deeds.

I. Misiuk seconded; (6-0) (K. Phillips absent).

T. Haesuer asked why they need the extra period for the filing of recording of the plan. S. Frank said that it’s springtime construction and it made sense to ask for the extension.

FINDINGS

K. Carr asked if the approval of the findings will include the correction of the number of parking spaces. It says 12 but Mr. Frank said 10. S. Puleo said yes.

K. Carr motioned to accept the findings. F. Hagan seconded; (6-0) (K. Phillips absent).

Agenda Item #6. Public Comment on Items Not on the Agenda
None

Agenda Item #7. Comments from the Planning Board and Planning Director
S. Puleo asked if anyone has seen the Meetinghouse Lofts. L. Boudreau said yes; there were only two left of 19. The Board discussed the views and design of the buildings.
S. Puleo asked what they thought of the parking structure. L. Boudreau said it’s more attractive than she originally thought. She can’t wait to see what happens if we get snow. Overall, the site is extremely attractive. S. Puleo said the carports add buffering. L. Boudreau added that even though they’re single level, the scale of the building to the carports comes down nicely. They blend very well.

W. Laidley said the developer got emotional in his presentation. One of the hurdles they had was the day before putting the siding on, the supplier went bankrupt. He said it’s a nice project.

L. Boudreau asked when the next meeting is and what’s on the agenda.

S. Puleo said January 12th. One item is the Phase 3, second gravel detention basin by Memorial Middle School. He suggested a workshop beforehand that would be advertised to the neighbors. He explained some of the logistics of the project.

The Board discussed the idea of a workshop or changing the start time of the meeting from 7:00 PM to 6:30 PM. T. Haeuser said that things explained at the workshop would need to be repeated during the Public Hearing.

I. Misiuk asked if Board members object to starting the January 12th meeting at 6:30 PM. The Board agreed that that would be fine.

K. Carr mentioned that this time, there will be someone there to answer the questions. Many questions were repeated because they weren’t being answered. The Public Hearing may not be as long as everyone thinks, but he thinks a 6:30 PM start time is a great idea.

Agenda Item #8. Election of the Planning Board Chair

W. Laidley didn’t hear from anyone about this. He noted that some have more time than others because they’re retired, not that that should sway anyone either way. He would like to hear from anyone who is interested in the position. Sometimes the public sees the same cast of characters.

T. Haeuser encouraged members to nominate each other.

I. Misiuk said that he hasn’t been here as long as some other members, but Mr. Laidley has done a great job.

I. Misiuk motioned to reelect William Laidley as Planning Board Chair. L. Boudreau seconded; (6-0) (K. Phillips absent).

L. Boudreau said that Mr. Laidley does a very good job at this. She has a concern that she speaks too much and is always the first to react; it puts a slant on things. She never wants it to reflect on the rest of the Board, taking them down “her” path. She has experience, but she would like it if other members took more opportunity to get the first questions in if there’s a direction or area of concern.
K. Carr said that he can assure other members that once he’s been there for long enough, they will hear from him more.

T. Neff said that she finds Ms. Boudreau’s comments helpful as a newcomer to the City.

W. Laidley said that everyone brings a certain view.

I. Misiuk asked if Mr. Laidley accepts the nomination. W. Laidley said yes.

T. Haeuser thanked him from the staff perspective and gave him a gift.

W. Laidley wished everyone a Merry Christmas and happy New Year.

Agenda Item #9. Adjournment

8:30pm L. Boudreau motioned to adjourn. I. Misiuk seconded; (6-0) (K. Phillips absent).

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Please Note: No new agenda items will be begun after 11:00 p.m. If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board may, prior to its 11:00 p.m. cut-off, offer to the proponents of such items the opportunity to have their items tabled immediately to the beginning of the next regularly scheduled meeting. Agenda items remaining after the 11:00 p.m. cut-off time will automatically be tabled to the next regularly scheduled meeting.
IN CITY COUNCIL

ORDER #89-16/17

ORDERED, that the Interim City Manager be, and hereby is, authorized and directed to accept delivery on behalf of the City of the following two deeds from STJ, Inc.: (i) an access/turnaround easement located at the southerly terminus of Sunset Avenue as more particularly shown on the attached; and (ii) a pedestrian easement over and across a generally triangular shaped parcel of land that is a portion of Assessor’s Tax Map 62, Lot 9 as more particularly shown on the attached.

Fiscal Note: Less than $1,000

November 21, 2016
Access Easement

Know all men by these presents that, STJ, Inc., also known as S.T.J., Inc., a Maine corporation with an office at Buxton, York County, Maine and a mailing address of 939 Parker Farm Road, Buxton, Maine 04093 (the Grantor herein), for consideration but without claim for money damages, grants to the City of South Portland, a municipal corporation of South Portland, Cumberland County, Maine, whose mailing address is South Portland Municipal Building, 25 Cottage Road, South Portland, Maine 04106 (the Grantee herein), with warranty covenants, the real property located in South Portland, Cumberland County, Maine, described as follows:

A perpetual easement, in common with others granted similar rights previously or subsequently, to pass and repass on foot and with vehicles at any and all times, and to clear, plow, sand and salt any included roadway (but without the obligation to do so), over and across a certain turnaround easement location situated at the terminus of Sunset Avenue and southeasterly, but not contiguous, with Carignan Avenue in the City of South Portland, County of Cumberland, and State of Maine, as shown on a certain plan entitled “Subdivision and Site Plan of Sunset Avenue Apartments”, prepared by Sebago Technics, Inc. for STJ, Inc. (Project Number 14148), dated July 10, 2015 and revised through December 11, 2015, approved by the South Portland Planning Board on January 12, 2016 and recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 37, said easement location being more particularly bounded and described as follows:

Beginning at a point near the westerly termination of Sunset Avenue and the southerly corner of land now or formerly of Sunset Gardens Condominium as shown on a Standard Boundary Survey for Arthur W. Libby by Paul P. Gadbois, and being North 49° - 55'- 20" West a distance of one and 72/100 (1.72) feet from a found 5/8" rebar;

Thence along a non-tangent curve to the right with a radius of ten and 00/100 (10.00) feet, having a chord direction of South 89° - 14'- 59" West and chord length of fourteen and 14/100 (14.14) feet, an arc length distance of fifteen and 71/100 (15.71) feet to a point;

Thence North 45° - 45'- 01" West a distance of twenty-three and 62/100 (23.62) feet to a point;

Thence South 44° - 14'- 59" West a distance of thirty and 00/100 (30.00) feet to a point;

Thence South 45° - 45'- 01" East a distance of eighteen and 75/100 (18.75) feet to a point;

Thence along a curve to the right with a radius of forty-one and 66/100 (41.66) feet, having a chord direction of North 82° - 00'- 26" West and chord length of four and
38/100 (4.38) feet, an arc length distance of four and 38/100 (4.38) feet to a point;

Thence South 11° - 00' - 17" West a distance of thirty and 00/100 (30.00) feet to a point;

Thence along a curve to the left with a radius of seventy-one and 66/100 (71.66) feet, having a chord direction of North 69° - 31' - 26" East and a chord length of seventy-four and 84/100 (74.84) feet, an arc length distance of seventy-eight and 75/100 (78.75) feet to a point;

Thence North 45° - 45' - 01" West a distance of thirty and 00/100 (30.00) feet by and along the terminus of Sunset Avenue and said Sunset Gardens Condominiums to the point of beginning.

Bearings herein are referenced to Grid North on the Maine State Coordinate Grid System Maine West Zone 1802.

Meaning and intending to describe an easement area to be used as a turnaround at the terminus of Sunset Avenue at the entrance to the driveway for Sunset Avenue Apartments, and further described and shown as “Access Easement for Use of Turn Around to City of South Portland” on said plan entitled “Subdivision and Site Plan of Sunset Avenue Apartments”, prepared by Sebago Technics, Inc. for STJ, Inc. (Project Number 14148), dated July 10, 2015 and revised through December 11, 2015, approved by the South Portland Planning Board on January 12, 2016 and recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 37.

Subject to any and all existing easements previously granted, and any utility easements subsequently granted, across, over or under said property in such easement location.

Meaning and intending to describe an easement over a portion of the premises described in a warranty deed from Thelma P. Dipierro to STJ, Inc. dated June 25, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31595, Page 96.

This conveyance is made subject to municipal zoning and land use ordinances, utility easements of record, and real estate taxes payable to the local municipality for the current tax year.

In witness whereof, I, Thomas P. Shaw, duly authorized President of STJ, Inc., have hereunto set my hand and seal this November 9, 2016.
Signed, sealed and delivered
in presence of

Witness

By Thomas P. Shaw
Its President

STJ, Inc.

State of Maine
Cumberland, ss.

November 9, 2016

Then personally appeared before me the above named Thomas P. Shaw, duly
authorized President of STJ, Inc., and acknowledged the foregoing instrument to be his
or her free act and deed in his or her said capacity and the free act and deed of said
Grantor corporation.

My commission expires:

__________________________

Notary Public/Maine Attorney at Law

John W. Sawyer - Attorney at Law
Maine Bar No. 2806

Printed name:

AFFIX NOTARIAL SEAL
Pedestrian Easement

Know all men by these presents that, STJ, Inc., also known as S.T.J., Inc., a Maine corporation with an office at Buxton, York County, Maine and a mailing address of 939 Parker Farm Road, Buxton, Maine 04093 (the Grantor herein), for consideration but without claim for money damages, grants to the City of South Portland, a municipal corporation of South Portland, Cumberland County, Maine, whose mailing address is South Portland Municipal Building, 25 Cottage Road, South Portland, Maine 04106 (the Grantee herein), with warranty covenants, the real property located in South Portland, Cumberland County, Maine, described as follows:

A perpetual easement for pedestrian access, including the right to install, improve and maintain a sidewalk, walkway or path, over and across a certain pedestrian easement location situated southerly of, but not adjacent to, Sunset Avenue in the City of South Portland, County of Cumberland, State of Maine as shown on Exhibit A of the Pedestrian Easement for Sunset Avenue Apartments for STJ, Inc. by Sebago Technics Inc (Project number 14148) dated August 19, 2015, which Exhibit A is attached hereto, said easement location being more particularly bounded and described as follows:

Beginning at a 5/8 inch iron rebar with cap marked S. Ross PLS #2205 at the southerly corner of land now or formerly of the City of South Portland as described in a deed recorded in the Cumberland County Registry of Deed in Book 1635, Page 466, and on the westerly sideline of land of the Portland Terminal Company as described in a deed recorded in the Cumberland County Registry of Deed in Book 1133, Page 171;

Thence South 13° - 47' - 36" West along the westerly sideline of said Portland Terminal Company land, a distance of two hundred ten and 00/100 (210.00) feet to a point;

Thence South 16° - 19' - 55" West, continuing along the westerly sideline of said Portland Terminal Company, a distance of two hundred fourteen and 90/100 (214.90) feet to a point at the northeasterly corner of land now or formerly of Olde English Village, LLC as described in a deed recorded in the Cumberland County Registry of Deed in Book 7598, Page 95, and Book 27455, Page 235;

Thence North 47° - 59' - 35" West, along the northerly sideline of said Olde English Village LLC land, a distance of three hundred seventy-five and 96/100 (375.96) feet to a point;

Thence North 40° - 09' - 50" East, through the land of the grantor, a distance of forty and 91/100 (40.91) feet to a point;

Thence North 70° - 56' - 28" East, through the land of the grantor, a distance of one hundred forty and 91/100 (140.91) feet to a point;
Thence North 53° - 46' - 19" East, through the land of the grantor, a distance of one hundred two and 24/100 (102.24) feet to a point;

Thence North 73° - 45' - 21" East, through the land of the grantor, a distance of eighty-three and 47/100 (83.47) feet to a point;

Thence North 65° - 52' - 37" East, through the land of the grantor, a distance of forth-eight and 89/100 (48.89) feet to a point in the southerly sideline of land of the said City of South Portland;

Thence South 45° - 45' - 01" East, along the southerly sideline of said City of South Portland land, a distance of thirty-two and 19/100 (32.19) feet to the point of beginning.

Bearings herein are based on a Grid North.

The above described pedestrian easement location is also shown as the area designated as “Pedestrian Access Easement to the City of South Portland” on a certain plan entitled “Subdivision and Site Plan of Sunset Avenue Apartments”, prepared by Sebago Technics, Inc. for STJ, Inc. (Project Number 14148), dated July 16, 2015 and revised through December 11, 2015, approved by the South Portland Planning Board on January 12, 2016 and recorded in the Cumberland County Registry of Deeds in Plan Book 216, Page 37.

The easement rights granted herein shall include, a right of access to clear snow and debris from, and to maintain, service and repair any sidewalk, walkway or path in the easement location. In the event that it is necessary to maintain, service or repair any sidewalk, walkway or path located on land of the Grantee, then after the completion of such work, the Grantee shall return the remaining disturbed or affected surface of the real property of Grantor to its state prior to said work being done.

It shall be a condition of this easement grant that neither the Grantor nor the Grantee, their successors and assigns, shall be permitted to pave over the location of, or otherwise interfere with, the 50' wide sewer and storm drain easement rights of the City of South Portland located within the limits of the above described pedestrian easement area.

Subject to any and all existing easements previously granted across, over or under said property in such easement location.

Meaning and intending to describe a pedestrian easement over a portion of the premises described in a warranty deed from Thelma P. Dipierro to STJ, Inc. dated June 25, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31595, Page 96, and as further shown on Exhibit A attached hereto.
This conveyance is made subject to municipal zoning and land use ordinances, utility easements of record, and real estate taxes payable to the local municipality for the current tax year.

In witness whereof, I, Thomas P. Shaw, duly authorized President of STJ, Inc., have hereunto set my hand and seal this November 9, 2016.

Signed, sealed and delivered
in presence of

[Signature]
Witness

[Signature]
By Thomas P. Shaw
Its President

State of Maine
Cumberland, ss.

November 9, 2016

Then personally appeared before me the above named Thomas P. Shaw, duly authorized President of STJ, Inc., and acknowledged the foregoing instrument to be his or her free act and deed in his or her said capacity and the free act and deed of said Grantor corporation.

My commission expires:

[Signature]
Notary Public/Maine Attorney at Law

[Signature]
Printed name

AFFIX SEAL