Application for MDOT Traffic Movement Permit for the Proposed Plaza Project Phase II Day Care Facility

Route 302, North Windham, Maine

Prepared for:

Planning/Design Associates 9 Alexander Drive Windham, Maine 207/ 892-2640

Prepared by:

Eaton Traffic Engineering 67 Winter Street Ste 1 Topsham, ME 04086 207/ 725-9805

1/2000 Department of Transportation FOR MDOT USE Traffic Engineering Division ID # 16 State House Station Augusta, Maine 04333 Total Fees: Telephone: 207-287-3775 Date: Received ***** **PERMIT APPLICATION - TRAFFIC** TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. § 704 - A Please type or print: This application is for: Traffic 100-200 PCE's Traffic 200+ PCE's _____ Name of Applicant: JAMAR, INC. ATTN: MARTIN LIPPMAN Address: 71 STUART SHORES RD, STANDISH, ME 04084 Telephone: (207) 893 - 1267 Name of local contact or agent: _____DUSTIN ROMA, DM ROMA CONSULTING ENGINEERS Address: 59 HARVEST HILL RD, WINDHAM, ME 04062 Telephone: (207) 310 - 0506 Name and type of development: THE PLAZA - RETAIL & DAYCARE CENTER Location of development including road, street, or nearest route number: 881 - 885 ROOSEVELT TRAIL (ROUTE 302) City/Town/Plantation: WINDHAM , County: CUMBERLAND , Tax Map # 18 , Lot # 19-A & 20 Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? Yes X No Was this development started prior to obtaining a traffic permit? YES - SITEWORK ONLY - NO BUILDINGS Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30 - A, chapter 187)? Yes X No Is this project located within a compact area of an urban compact municipality? Yes X No Is this development or any portion of the site currently subject to state or municipal enforcement action? NO Existing DEP or MDOT permit number (if applicable): NONE KNOWN Name(s) of DOT staff person(s) contacted concerning this application: NONE

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applications: _____

1/2000

CERTIFICATION

The traffic engineer responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the application for traffic approval is complete and accurate to the best of his/her knowledge

THE SE MANTH	
Signature: Re/Cert/Lic No.: 3715	
Name (pring William C. Eaton, P.E.	-
Date: 1/733/10Ng 3715	
CENSED ONAL ENGLISH	

If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

Signature of applicant

2-3-17

Date

February 2, 2017

Re: Agent Authorization

I authorize Dustin Roma, DM Roma Consulting Engineers to act as my agent to apply for land use permits associated with the development of my property located at 875 Roosevelt Trail, 881 Roosevelt Trail and 885 Roosevelt Trail in Windham, Maine.

Sincerely,

Han

Martin A Lippman

JAMAR, INC

NOTICE OF INTENT TO FILE

Please take notice that JAMAR, INC, 71 Stuart Shores Rd, Standish, ME 04084 is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704 - A on or about February 3, 2017.

The application is for **Phase II of the Plaza Project consisting of a 100 student day care facility.** Estimated peak hour trip generation, including traffic from Plaza Project Phase 1 (already approved as a stand-alone project) over and above existing traffic is 106 vehicle trips during the weekday PM peak hour. The project, if approved, is expected to be complete in **2017** at the following location:

Easterly side of Route 302, 800 +/- feet south of Whites Bridge Road in North Windham, Maine.

A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Transportation Division office in **Scarborough, Maine** during normal working hours. A copy of the application may also be seen at the municipal offices in Windham, Maine.

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

<u>Section 1</u> Site and Traffic Information

1.0 Overview

Eaton Traffic Engineering has been retained to prepare a TMP application for a proposed day-care center to be located on the easterly side of Route 302, approximately 800 feet south of Whites Bridge Road, in North Windham, Maine. Direct access to the site will be via an existing two-way driveway located on Route 302 which serves an existing hearing aid sales/service facility and the recently approved (and under construction) Phase I of the Plaza Project.

<u>1.1</u> Site Description

The project site is a generally level lot located on the easterly side of Route 302 and is currently occupied by a hearing aid sales/service facility and the un-built Phase I of the Plaza Project.

<u>1.2</u> Existing and Proposed Uses

Existing land uses on the site are as noted in 1.1 above; proposed land use consists of a day care center which will serve 100 students.

<u>1.3</u> Site and Vicinity Boundaries

Figure 1, following this page, shows the project location and the vicinity of the site.

1.4 Proposed Uses in Vicinity of the Proposed Development

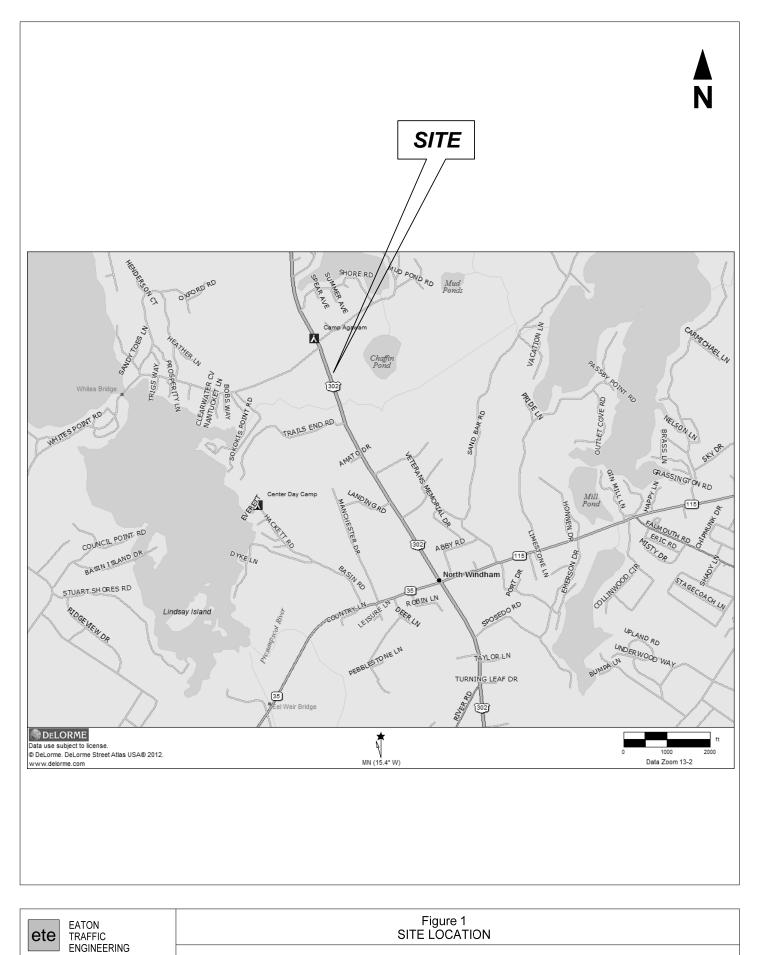
The Applicant is not aware of any proposed development in the vicinity of the site.

<u>1.5</u> Trip Generation

See Attachment by Eaton Traffic Engineering.

1.6 Trip Distribution and Assignment

See Attachment by Eaton Traffic Engineering.



67 Winter Street Ste.1 - Topsham, Maine Plaza Proje

Plaza Project Phase II / North Windham, Maine

Trip Generation - Plaza Project Phase II - Windham, Maine

The Plaza Project Phase II is the second phase of an expansion of an existing business on the easterly side of US Route 302 approximately 850 feet south of White's Bridge Road in North Windham. The existing building has 4.000 square feet of floor area and houses a hearing aid sales/service business. Phase I, a 4,800 square foot building located adjacent to and just south of the existing building, was recently approved by local officials and will be either offices or some type of retail. Phase II will be a day care center serving 100 students located behind (east of) the existing building on the site. Both Phase I and Phase II will use the driveway to the existing building as their access as well.

Because Phase I is not yet built and operational, and is in effect part of a common scheme of development, trip generation for the purposes of an MDOT Traffic Movement Permit must include both land uses in calculating net new traffic generated. For Phase I office space and Phase II day care students the data contained in the publication <u>Trip Generation</u> (Institute of Transportation Engineers, 2008) was utilized for land uses 710 "General Office" and land use 565 "Day Care Center. For retail land uses the publication contains many specific land uses ranging from shopping centers to specialty retail which have varying rates. In this case a "generic" retail rate, which has generally been accepted by MDOT in the past, of 5.0 trips per 1000 square feet of floor area for the weekday PM peak hour (generally the AM peak hour for most retail land uses is negligible), and 6.0 trips per 1000 square feet for the Saturday peak hour (typically occurring between 11:00 AM and 1:00 PM). Because the day care facility is not expected to be significant on Saturday, only the weekday peak hours were considered. A summary of the peak hour trip generation estimates is presented in the table below:

Time Period	Day Care (100 students)	Office (4,800 sf)	Day Care + Office	Retail (4,800 sf)	Day Care + Retail
AM Peak Hour	80	7	87	-	-
PM Peak Hour	82	7	89	24	106

The highest peak hour is the weekday PM peak hour with Retail land use in Phase I at 106 vehicle trips, thus triggering the need for a Traffic Movement Permit. For the traffic impact analysis, the weekday PM peak hour will be used.

There is no data in ITE data on the level of pass-by trips (i.e. trips drawn from traffic already passing the site on Route 302) since "generic" retail is not a category in that data. For most retail land uses the level of pass-by traffic is generally around 50 percent and this will be used in distributing and assigning trips to/from the site. Likewise there is no pass-by trip data for day care centers, however is seems likely that much traffic would involve parents picking up/ dropping off children on the way to/from work. No credit will be taken for pass-by trips due to the lack of any support data, but the likelihood of the phenomenon regarding trips to/from work will be factored in directional distribution of new trips.

Accordingly, the net trip generation associated with Phases I and II is summarized as follows:

	All Trips	Enter	Exit
Total	106	51	55
Primary	94	45	49
Pass-By	12	6	6

Directional distribution of PM peak hour trips entering the site was estimated based upon the distribution of traffic on Route 302 determined from the manual traffic count conducted at the site drive on November 10, 2016. For trips exiting the site the factors noted previously regarding likely trip patterns was utilized Figure 2 on the following page presents trip generation for the weekday PM peak hour.

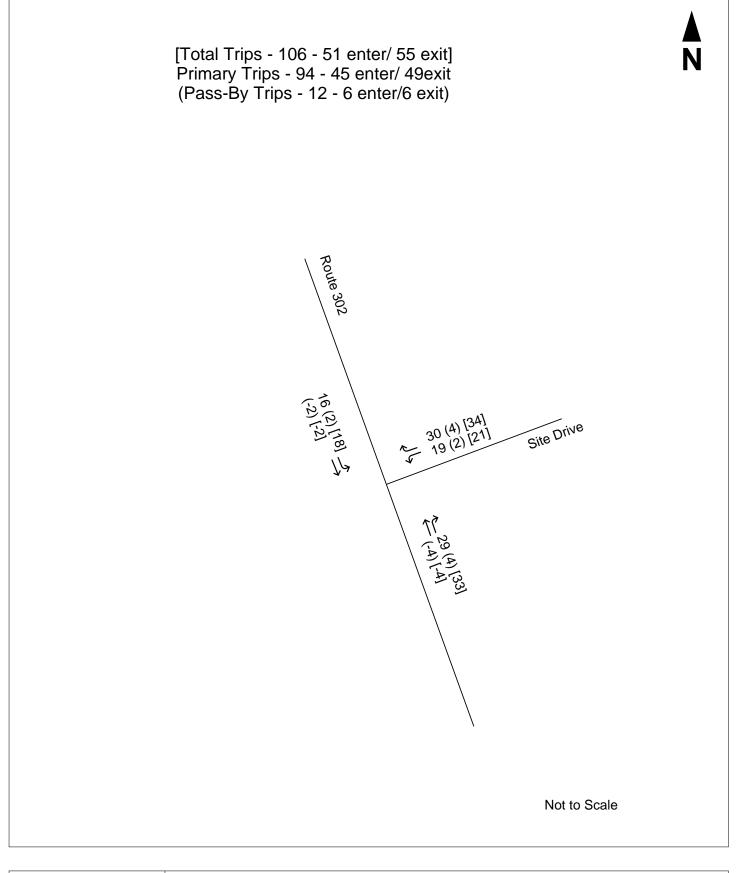


Figure 2 SITE GENERATED WEEKDAY PM PEAK HOUR TRAFFIC EATON TRAFFIC ENGINEERING Plaza Project Phase II / North Windham, Maine 67 Winter Street Ste.1 - Topsham, Maine

ete

<u>Section 2</u> <u>Traffic Accidents</u>

2.1 Accident Analysis

See Attachment by Eaton Traffic Engineering.

Safety Assessment - Plaza Project Phase II - Windham, Maine

LOCATION	2013-15 ACCIDENTS	ANNUAL AVERAGE	CRITICAL RATE FACTOR ¹
Route 302 / White's Bridge Rd. to Chaffin Pond Rd.	14	4.67	0.56

2013-15 Accident History in Site Vicinity

MDOT guidelines for identification of a High Crash Location (HCL - indicating a potential safety deficiency) is that a location must experience both 8 or more accidents in a 3 year period and have a Critical Rate Factor of 1.00 or greater. The location does not satisfy the criteria.

¹ The Critical Rate Factor is a statistical measure which compares the accident frequency at a location to similar locations throughout the State. A Critical Rate Factor of 1.00 or greater indicates that the location has a higher frequency of accidents than would be expected due to random occurrence, with a 99 percent level of confidence.

Section 3 Entrances and Exits

3.1 Location of Driveways

See Attached Site Plan and Survey

3.2 <u>Plan View</u>

See Attached Site Plan and Survey

<u>Section 4</u> <u>Title, Right or Interest</u>

4.1 <u>Title, Right or Interest</u>

See Attached document(s)

Doct: 96876 Ek:18438 Pg: 256

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that OCSAP, LTD., a Maine

corporation with a place of business at 71 Railroad Avenue, Dexter, Maine 04930, for

consideration paid, grants to JAMAR, Inc., a Maine corporation with a place of business

at 95 White's Bridge Road, Windham, Maine 04062, with WARRANTY

COVENANTS, the land in Windham, County of Cumberland and State of Maine, more

particularly described as follows, to wit:

Certain real estate, land and buildings, situate on the easterly side of the Roosevelt Trail, also known as Route 302, in that part of Windham in the County of Cumberland and State of Maine known as North Windham and bounded and described as follows:

Beginning on the easterly side of said Roosevelt Trail at the most northwesterly corner of land formerly of Jepson; thence in a northerly direction along said easterly side of said Roosevelt Trail to a point ten feet (10') beyond the northerly edge of the building on said premises hereby conveyed on March 24, 1980; thence in an easterly direction at right angles to said Roosevelt Trail and ten feet (10') northerly of said northerly edge of such existing building to the westerly boundary of land now or formerly of Portland Water District; thence south thirty-eight degrees east (S38°E) along said westerly boundary of said land of said Portland Water District to a point one hundred feet (100') northerly from the line of land formerly of Earle C. Mains and taken by said Portland Water District by right of eminent domain; thence southwesterly at right angles to said westerly boundary of said land of said Portland Water District to land formerly of said Jepson; thence northwesterly along said land formerly of said Jepson five hundred fifty feet (550') to the most northerly corner of said land formerly of said Jepson; thence southwesterly along said land formerly of said Jepson to the point of beginning.

This conveyance is made subject to the terms of a memorandum of agreement between Portland Water District and Pine Tree Terrace Development Co., dated July 10, 1978, and recorded in Cumberland Registry of Deeds in Vol. 4265, Page 321, which provides that no waste shall be deposited on said premises hereby conveyed except for normal sanitary waste deposited into the septic system, that no materials shall be stored or brought onto said premises which could contaminate the wellfields of said Portland Water District or the waters of Chaffin Pond, and that said Portland Water District shall have the right to enter upon said premises to perform inspections and to determine compliance with said agreement.

1

Excepting and reserving, however, the easements granted Central Maine Power Company and New England Telephone and Telegraph Company by instrument of Ernest F. Sparre, dated December 18, 1962, and recorded in Cumberland Registry of Deeds in Vol. 2978, Page 25.

Excepting and reserving, moreover, the rights reserved by Pine Tree Terrace Development Co. in its warranty deed to Dexter Shoe Company, dated March 24, 1980, and recorded in Cumberland Registry of Deeds in Vol. 4579, Page 223, until a public sewer system shall be established and operating for the benefit of the real estate in the immediate area of said premises and no longer, to construct and maintain a pipe line, septic tank and leach field for the purpose of removing liquid waste and surface water on land on the northerly side of said premises hereby conveyed and to enter said premises for the purpose of constructing and maintaining such pipe line, septic tank and leach

For Grantor's source of title reference may be had to deed from Dexter Shoe Company to OCSAP LTD. dated April 25, 1985, recorded in Cumberland Registry of Deeds, Volume

IN WITNESS WHEREOF, the said OCSAP LTD. has caused this instrument to

be signed and sealed by the undersigned, hereunto duly authorized, this _ 14th

day of November 2002.

Signed, Sealed and Delivered in presence of

Recorded Register of Deeds Nov 25,2002 10:46:15A Cumberland County John B. O Brien

OCSAP LTD. By: ** Harry W. Tierney Its Président Duly authorized

STATE OF MAINE enobscot SS.

Nov 14 ,2002

Personally appeared the above named Harry W. Tierney and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and

Before me,

Attorney at Law

Notary Public Printed name Commission expires: SEAL

STEPHEN C. LEWIS Notary Public, Maine My Commission Expires March 22, 2006

2

QUITCLAIM DEED WITHOUT COVENANT Release Deed

KNOW ALL MEN BY THESE PRESENTS, that KeyBank National Association, 100 Gannett Drive, Suite 101, South Portland, ME 04106 ("Grantor"), in consideration of One Dollar (\$1.00) and other valuable consideration paid by Jamar, Inc., a corporation established and existing within the laws of the State of Maine, having a mailing address of 71 Stewart Shores, Standish, Maine, ("Grantee"), the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey, and forever quitclaim unto the said Grantee, its successors and assigns forever, all of its right, title and interest, if any, in and to the real estate situated in the Town of Windham, County of Cumberland, and State of Maine and being more particularly bounded and described on the Exhibit A attached hereto and incorporated herein by reference (the "Property").

TO HAVE AND TO HOLD the same, together with all of the privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns forever.

THE PROPERTY HEREBY CONVEYED IS SOLD "AS IS, WHERE IS AND WITH ALL FAULTS." GRANTOR, AND ITS AGENTS, MAKE NO REPRESENTATIONS OR WARRANTIES WITH RESPECT TO THE ACCURACY OF ANY STATEMENT AS TO THE BOUNDARIES OR ACREAGE OF THE PROPERTY, OR AS TO ANY OF THE MATTERS CONTAINED IN ANY DESCRIPTION OF THE PROPERTY, OR AS TO THE FITNESS OF THE PROPERTY FOR A PARTICULAR PURPOSE, OR AS TO DEVELOPMENT RIGHTS, MERCHANTABILITY, HABITABILITY, OR AS TO ANY OTHER MATTER, INCLUDING WITHOUT LIMITATION, LAND USE, ZONING AND SUBDIVISION ISSUES.

Grantor is transferring the Property in its capacity as foreclosing mortgagee pursuant to a statutory power of sale foreclosure provided for in the Mortgage pursuant to 14 M.R.S.A. § 6203-A et seq., of a mortgage given by Fairlie-Gunville, LLC ("LLC") to the Grantor dated January 31, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22280, Page 166, (the "Mortgage").

Conveyance of the Property is also subject to all unpaid real estate taxes, if any, due to the Town of Windham, Maine, together with interest, fees and costs thereon, and all other assessments and charges including, but not limited to, sewer and water charges, now or hereafter due.

Evidence of compliance with 14 M.R.S.A. §6323 sub-§1 is attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed and delivered it its name by Richard P. Bernard, Assistant Vice President, KeyBank National Association, hereunto duly authorized this $\frac{\partial S^{1/2}}{\partial t}$ day of $A \cup G \cup S^{1/2}$, 2008.

[SIGNATURE PAGE TO FOLLOW]

EXHIBIT A Legal Description of Property

A certain lot or parcel of land, with the building thereon, situated in the Town of Windham, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL 1

Beginning at the point where Sucker Brook, so-called, intersects the easterly sideline of State Highway Route # 302 as described in deed by Ada F. Jepson to the State of Maine dated January 11, 1956, and recorded in the Cumberland County Registry of Deeds in Book 2271, Page 202 and as delineated on plan recorded in said Registry of Deeds in Plan Book 49, Page 62; thence northerly along said easterly sideline of said Route 302 two hundred seventy-five and three tenths (275.3) feet, more or less, to an iron; thence North 83° 30' East two hundred two and sixty-eight hundredths (202.68) feet, more or less, to an iron; thence southeasterly along the original check line of the lot four hundred ninety-five (495) feet, more or less, to an iron at land now or formerly of the Prince Estate, now said to be owned by Portland Water District; thence southwesterly by said land now or formerly of said Prince Estate seventy (70) feet, more or less, to said Brook; thence in a general westerly direction along said Brook to the Point of beginning.

Also hereby conveying a small parcel of land situated in said Town of Windham and being the same premises conveyed to Ada F. Jopson by the State of Maine by deed dated June 21, 1961, and recorded in said Registry of Deeds in Book 2612, Page 314.

Meaning and intending to convey and hereby conveying the same property in Warranty Deed from Jon W. Lowell and Sandra A. Lowell to Rodney D. Jordan and Ann W. Jordan dated November 12, 1985 and recorded in the Cumberland County Registry of Deeds in Book 6993, Page 89.

PARCEL 2

Beginning at a point located on the easterly sideline of Route 302, also known as Roosevelt Trail, said point being the northwest corner of land of Rodney D. Jordan and Ann W. Jordan as described in deed recorded in Cumberland County Registry of Deeds in Book 6993, Page 89;

Thence North 03° 56' 40" West along the easterly sideline of said Route 302 a distance of 38.65 feet to a no. 5 rebar;

Thence North 66° 35' 36" East across land of the Grantor herein a distance of 61.96 feet to a no. 5 rebar;

Thence North 80° 47' 48" East continuing across land of the Grantor herein a distance of 107.25 feet to a no. 5 rebar at land now or formerly of Jamar, Inc. as described in deed recorded in Cumberland County Registry of Deeds in Book 18438, Page 256;

Thence South 40° 52' 43" East along the land now or formerly of said Jamar a distance of 59.84 feet to a 3/4" iron pipe; said pipe marks the northeast corner of land now or formerly of

said Rodney and Ann Jordan as previously described;

Thence South 80° 00' 41" West along the northerly sideline of land of said Rodney and Ann Jordan a distance of 202.30 feet to the point of beginning. Bearings are magnetic of the year 1986.

Meaning and intending to convey and hereby conveying the same property in Warranty Deed from Rodney D. Jordan to Rodney D. Jordan and Ann W. Jordan dated July 1, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19695, Page 46. Doct

49463 Bk:26308 Fg: 96

SIGNED, SEALED AND DELIVERED

KeyBank National Association 0 By:

Printed Name: Richard P. Bernard Its: Assistant Vice President

STATE OF MAINE Cumberland, ss.

....

augent, 28th, 2008

Personally appeared the above-named Richard P. Bernard in his representative capacity as Assistant Vice President of KeyBank National Association and acknowledged the foregoing instrument to be his free act and deed in his capacity, and the duly authorized act of KeyBank National Association.

Before me,

Notary Public/Attorney at-Law Printed Name:

NANCY LEE LEGROW Notary Public, Maine My Commission Expires November 18, 2012



EVIDENCE OF COMPLIANCE WITH 14 M.R.S.A §6323 SUB-§1 QUITCLAIM DEED WITHOUT COVENANT DATED AUGUST 28, 2008 FROM KEYBANK NATIONAL ASSOCAITION TO JAMAR, INC.

Grantor has acquired its title in property known as 875 Roosevelt Trail, Town of Windham, Cumberland County, Maine (the "Premises") by virtue of the institution and completion of statutory power of sale foreclosure proceedings in connection with a certain mortgage given Fairlie-Gunville, LLC to Grantor dated January 31, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22280, Page 166 (the "Mortgage").

Subsequently, and pursuant to the terms of the Statute under which Grantor proceeded, a public sale was held on July 22, 2008, after notification by newspaper publication in the *Portland Press Herald* on June 18, 2008; June 25, 2008; and July 2, 2008. Grantee was assigned the rights of Martin Lippman, who was the highest bidder at the public sale, and the Notice of Report of Sale will be filed with the Cumberland County Superior Court in accordance with the terms of the Statute under which Grantor has proceeded.

Received Recorded Resister of Deeds Aus 29,2008 03:13:20P Cumberland Counts Pamela E. Lovley

DOC :56080 BK:33539 PG:242

DLN: 1001640010526 QUITCLAIM DEED Maine Statutory Short Form

KNOW ALL PERSONS BY THESE PRESENTS. That Jamar, Inc., a Maine corporation with a place of business in Windham, County of Cumberland and State of Maine, with a mailing address of 71 Stuart Shores Road, Standish, Maine 04084, grants to Martin A. Lippman, Trustee of the Martin A. Lippman Living Trust u/t/d/ November 21, 1996, with a mailing address of 71 Stuart Shores Road, Standish, Maine 04084, with QUITCLAIM COVENANT, the real property situated in the Town of Windham, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this <u>/9</u>th day of October, 2016.

Jamar, Inc.

Martin A. Lippman, Président

State of Maine County of Cumberland

October 19th 2016

Personally appeared before me the above named Martin A. Lippman, President of Jamar, Inc. and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of Jamar, Inc.

Toscal Print Nane: Commission Expires:

EXHIBIT A

(DEED)

A certain parcel of land situated on the easterly side of Route 302, also known as Roosevelt Trail, in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the easterly sideline of Route 302 at land of Martin A. Lippman Living Trust as described in a deed recorded in Book 19695 Page 44 in the Cumberland County Registry of Deeds;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 11.82 feet;

Thence N 88° 15' 17" E, by and along the southerly sideline of Route 302, a distance of 10.00 feet;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 40.80;

Thence N 87° 02' 31" E a distance of 165.26 feet;

Thence S 1° 44' 43" E a distance of 155.64 feet;

Thence N 38° 40' 47" W a distance of 152.89 feet;

Thence S 73° 01' 23" W a distance of 86.38 feet to the Point of Beginning.

The parcel contains approximately 11,685 square feet.

Bearings are Magnetic 1986.

Being a portion of the land described in a deed to Jamar, Inc. in Book 18438 Page 256.

Reference is made to a plan entitled "Boundary Survey for: Rodney D. Jordan and Ann W. Jordan Roosevelt Trail Windham, ME." Dated May 2, 2003 by Survey, Inc. The above described parcel is also depicted on the sketch dated October 2016 and entitled "Boundary Sketch of 881 Roosevelt Trail, Windham, Maine for Martin A. Lippman Living Trust," a reduced size copy of which is attached hereto as Exhibit B.

Also, another certain parcel of land situated on the easterly side of Route 302, also known as Roosevelt Trail, in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the easterly sideline of Route 302 at land of Martin A. Lippman Living Trust as described in a deed recorded in Book 19695 Page 44 in the Cumberland County Registry of Deeds;

Thence N 77° 48' 13" E, by and along land of Martin A. Lippman Living Trust, a distance of 168.01 feet;

Thence S 38° 40' 47" E a distance of 69.40 feet;

Thence S 88° 15' 17" W a distance of 206.92 feet to the easterly sideline of Route 302;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 25.00 to the Point of Beginning.

The parcel contains approximately 7,804 square feet.

Bearings are Magnetic 1986.

Being a portion of the land described in a deed to Jamar, Inc. in Book 26308 Page 93 and Book 19695 Page 46.

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Reference is made to a plan entitled "Boundary Survey for: Rodney D. Jordan and Ann W. Jordan Roosevelt Trail Windham, ME." Dated May 2, 2003 by Survey, Inc. The above described parcel is also depicted on the sketch dated October 2016 and entitled "Boundary Sketch of 881 Roosevelt Trail, Windham, Maine for Martin A. Lippman Living Trust," a reduced size copy of which is attached hereto as Exhibit B.

Following the above refrenced conveyance, the Grantee shall own the fee interest in the following described parcel of land:

A certain parcel of land situated on the easterly side of Route 302, also known as Roosevelt Trail, in the Town of Windham, County of Cumberland, State of Maine being bounded and described as follows:

Beginning on the easterly sideline of Route 302 at land of Jamar, Inc. as described in a deed recorded in Book 26308 Page 93 in the Cumberland County Registry of Deeds;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 41.81 feet;

Thence S 88° 15' 17" W, by and along the southerly sideline of Route 302, a distance of 10.00 feet;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 88.18 feet to land of Jamar, Inc. as described in a deed recorded in Book 18438 Page 256 of the Registry of Deeds;

Thence continuing N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 11.82 feet;

Thence N 88° 15' 17" E, by and along the northerly sideline of Route 302, a distance of 10.00 feet;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 40.80 feet;

Thence N 87° 02' 31" E a distance of 165.26 feet;

Thence S 1° 44' 43" E a distance of 155.64 feet;

Thence S 38° 40' 47" E a distance of 69.40 feet;

Thence S 88° 15' 17" W a distance of 206.92 feet to the easterly sideline of Route 302;

Thence N 1° 44' 43" W, by and along the easterly sideline of Route 302, a distance of 25.00 feet to the Point of Beginning.

The parcel contains approximately 36,748 square feet.

Bearings are Magnetic 1986.

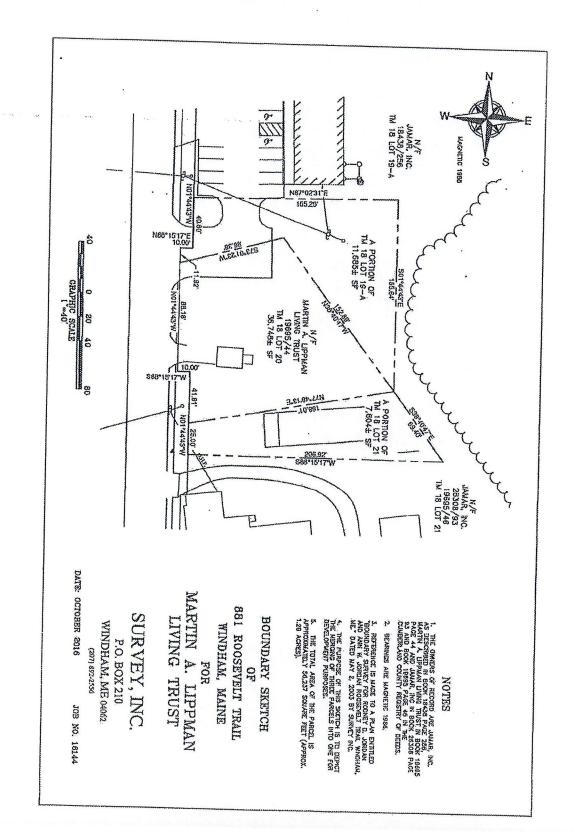
Being all of the land described in a deed to Martin A. Lippman Living Trust in Book 19695 Page 44, a portion of the land described in a deed to Jamar, Inc. in Book 19695 Page 45 and a portion of the land described in a deed to Jamar, Inc. in Book 18438 Page 256.

Reference is made to a plan entitled "Boundary Survey for: Rodney D. Jordan and Ann W. Jordan Roosevelt Trail Windham, ME." Dated May 2, 2003 by Survey, Inc. The above described parcel is also depicted on the sketch dated October 2016 and entitled "Boundary Sketch of 881 Roosevelt Trail, Windham, Maine for Martin A. Lippman Living Trust," a reduced size copy of which is attached hereto as Exhibit B.

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DOC :56080 BK:33539 PG:245 RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS 10/21/2016, 09:29:25A Register of Deeds Nancy A. Lane E-RECORDED

Ex. B.



<u>Section 5</u> <u>Public or Private Rights of Way</u>

5.1 <u>Public/Private Rights of Way</u>

No new private or public rights of way will be created as a result of this project.

Section 6 Schedule

6.1 <u>Schedule</u>

The project will be initiated as soon as all permits are received and expected to be completed and operational no later than 2017.

<u>Section 7</u> <u>Plaza Project Phase II</u> <u>Pre- and Post-Development LOS Analysis</u>

Pre-Development PM Peak Hour Traffic

Traffic impact analysis is typically performed for traffic conditions that occur during a weekday peak hour, as this is usually the time of heaviest traffic flow that occurs on a roadway. As part of the process of estimating weekday PM peak hour traffic volumes in the vicinity of the site, a manual turning movement count was conducted at the intersection of Route 302 @ Site Access Drive on Thursday, November 10, 2016 (copy of raw count data attached). The counted volumes were adjusted using MDOT traffic count data to reflect peak seasonal flows. This adjustment amounted to an increase of 15 percent over the November 10th count, and an additional 1 percent to account for regional background growth from 2016 to 2017 (when the project is expected to be completed and operational). Figure 3 presents the projected predevelopment PM peak hour volumes in the vicinity of the site.

Post-Development 2017 PM Peak Hour Traffic Volumes

Post-development 2017 weekday PM peak hour volumes are the combination of predevelopment volumes presented in Figure 3, and site generated traffic presented in Figure 2 (Section 1). Figure 4 (attached) presents projected 2017 weekday PM peak hour postdevelopment traffic volumes.

Operational Assessment Pre/ Post-Development Traffic Volumes

Capacity analysis was performed for the pre- and post-development PM peak hour traffic projections for the intersection of Route 3002 @ Site Drive using the procedures outlined in the Highway Capacity Manual¹. Capacity analysis provides a quantitative assessment of the quality of traffic flow at an intersection, and "rates" this quality in terms of its Level of Service (LOS). LOS ratings range from A to F, and much like a school rank card, A indicates very good conditions, and F indicates extremely congested conditions with long delays.

LOS for unsignalized intersections such as the intersection of Route 302 @ Site Drive is based upon average <u>control</u> delay, which takes into account the delay involved in entering a vehicle queue, waiting in a vehicle queue and start-up delay. The relationship between LOS and average total delay is shown below:

Level of Service	Average Total Delay Per Vehicle
А	≤ 10 Seconds
В	>10 - 15 Seconds
С	>15 - 25 Seconds
D	>25 - 35 Seconds
Е	>35 - 50 Seconds
F	> 50 Seconds

Level of Service Measurement for Unsignalized Intersections

¹, Highway Capacity Manual, HCM2010, Transportation Research Board, 2010

Capacity analysis was conducted using the computer program Synchro/SimTraffic, which replicates the procedures contained in the Highway Capacity Manual. Consistent with MDOT procedures, LOS was also based upon the average total vehicle delay recorded on 5 iterations of the SimTraffic Model. The results of the analysis are as follows (output summaries of the HCM and SimTraffic summaries attached):

Street -	Pre-Developm	ent PM HCS	Post-Developm	nent PM HCS	Post-Dev PM SimTraffic						
Movement	Delay (sec)	LOS	Delay (sec)	LOS	Delay (sec)	LOS					
Route 302 @ Site Drive											
WBL (Site	0	٨	196.5	F	59.3	Б					
Drive)	0	A	190.5	Г	39.5	Г					
WBR	13.6	В	17.9	С	7.7	А					
NBT (Rt. 302)	0	А	0	А	0.9	А					
NBR	0	А	0	А	0.7	А					
SBL (Rt. 302)	0	А	13.8	С	13.2	С					
SBT	0	А	0	А	0.4	А					
ALL	-	-	-	-	1.4	Α					

As can be seen in the tables above, the overall Level of Service based upon the SimTraffic is very good (LOS A), with all major (Route 302) movements operating with very low average delays during the PM peak hour. As would be expected, side street left turn movements from the Site Driveway operate with long delays and low levels of service. The high delays on the side street(s) involve relatively low volumes, so when total intersection delay for all vehicles passing through the intersection are averaged, overall average delays are not significant. The SimTraffic program is a microscopic model which models individual vehicles and records data for each vehicle (including delay) passing through the intersection for the one hour modeling period. Typical Highway Capacity Manual analyses procedures are more macroscopic in nature and evaluate the entire one hour of vehicle flow from an overall rather than individual vehicle basis. As can be seen, the Unsignalized Intersection analyses using the Highway Capacity Manual procedures (which are generated by the Synchro software) indicate higher delays for the Route 302 @Site Drive intersection.

Neither the HCS nor the SimTraffic procedures can reflect the presence of a two-way left turn lane, which is present on Route 302 at the site driveway. With this design, vehicles turning left from the site drive can perform this left turn when there is no traffic approaching from the left and simply occupy the center two-way left turn lane until traffic from the right reduces to the point that a merge into the southbound lane can be made safely. To try and mimic this, the HCS analysis was repeated first for scenario with only northbound traffic (which would model the left turn from the site drive into the center two-way left turn lane), then with only southbound traffic (to model the merge into the southbound lane). This resulted in a delay of 60.5 seconds for the left turn from the site, and a delay of 13.5 seconds for the merge into the southbound lane, for a total of 71 seconds of delay, still LOS F, but clearly indicating the benefit of the two-way left turn lane.

Appendix

Eaton Traffic Engineering 67 Winter Street Suite 1, Topsham, ME 207/841-4200 bill.eaton@eatontrafficente Name : 16009_WindhamPhase2

Site Code : 16900901 Start Date : 11/10/2016

From West

Thr Rig Tru

1.0 1.0

ht cks

u

1.0

App.

Total

Int.

Total

Left

1.0

Page No : 1

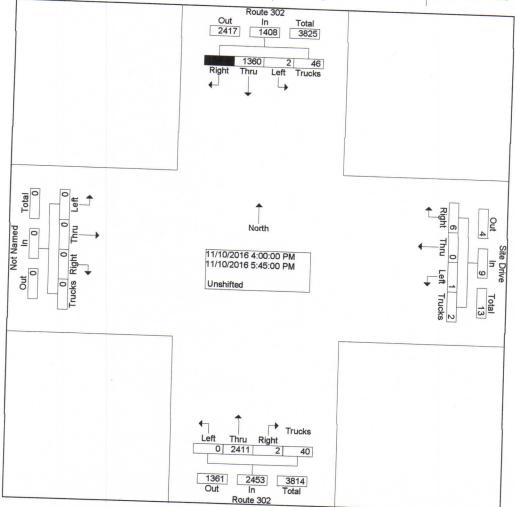
App.

Total

cks

Rt. 302 @ Site Drive Groups Printed- Unshifted Route 302 Site Drive Route 302 From North From East From South Start Thr Rig Tru App. Thr Rig Tru Left App. Time Left Thr Rig Tru u ht cks Total Left u ht cks Factor Total 1.0 u 1.0 ht 1.0 1.0 1.0 1.0 1.0 1.0 1.0 04:00 PM 1 1.0 1.0 1.0 194 205 0 10 1 0 1 0 2 04:15 PM 0 288 1 158 0 5 0

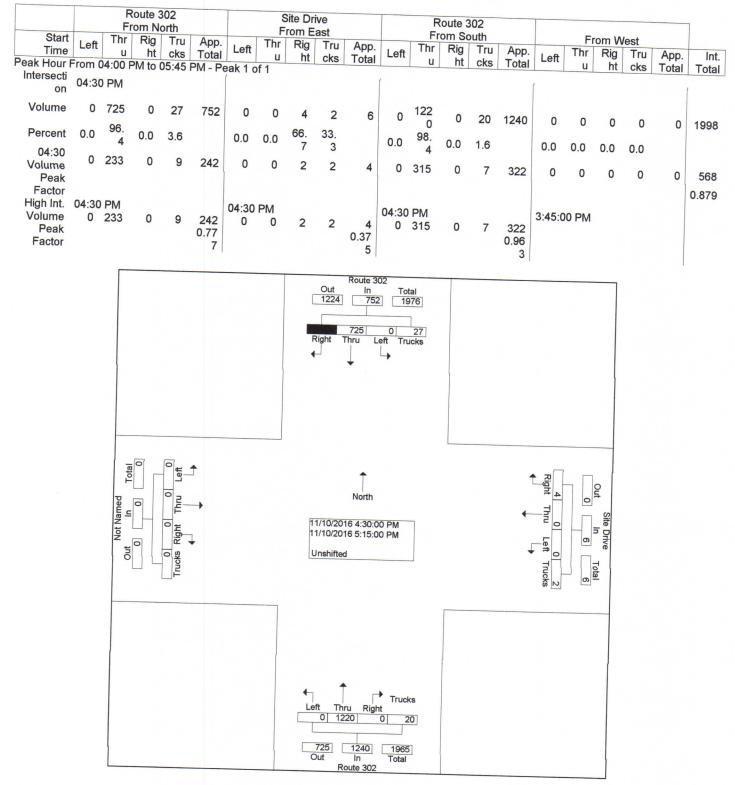
04:15 PM	4	450		10			0	1	0	2	0	288	0			1.0	1.0	1.0	1.0		
	1	158	-		164	0	0	0	0	ō		-00	0	6		-	0	0	0	0	501
04:30 PM	0	233	0	9	242	0	0	2	2		-		1	7	296	0	0	0	ō	õ	
04:45 PM	0	168	0	5		-	ő	2		4	0	315	0	7	322	0	0	Ő			460
Tatal	-				170	0	0	1	0	1	0	283	0	7	290	0	ő	0	0	0	568
Total	2	753	0	29	784	1	0	4	2	7		117			200	0	0	0	0	0	464
						1		-	2	7	0	4	1	27	1202	0	0	0	0	0	1993
05:00 PM	0	161	0	7	400	1 -										1				•	1000
05:15 PM	õ	163	0	7	168	0	0	1	0	1	0	315	0	2	247	1					
05:30 PM	-		-	6	169	0	0	0	0	0	0	307	0		317	0	0	0	0	0	486
05.45 PM	0	159	0	2	161	0	0	0	0	ŏ			U	4	311	0	0	0	0	0	480
05:45 PM	0	124	0	2	126	0	0	1	ŏ	0	0	335	1	4	340	0	0	0	0	õ	
Total	0	607	0			-			0	1	0	280	0	3	283	0	0	õ	0		501
i otai	0	007	0	17	624	0	0	2	0	2	0	123	4	4.0				0	0	0	410
						1				~	0	7	1	13	1251	0	0	0	0	0	1877
Grand		136				1										1			-		10/1
Total	2	150	0	46	1408	1	0	6	~			241									
1 Otar		0					0	0	2	9	0	4	2	40	2453	0	0	0	~	-	
Apprch %	0.1	96.	0.0	3.3		11.		66.	22.			~				0	0	0	0	0	3870
		6	0.0	5.5		1	0.0	7	2		0.0	98.	0.1	1.6		~ ~		-			
Total %	0.1	35.	~ ~					'	2			3	0.1	1.0		0.0	0.0	0.0	0.0		
i otai 70	0.1	1	0.0	1.2	36.4	0.0	0.0	0.2	0.1	0.2	0.0	62.	0.4								
					1				0.1	0.2	0.0	3	0.1	1.0	63.4	0.0	0.0	0.0	0.0	0.0	



Windham Plaza Phase 2 PM Peak Period

Eaton Traffic Engineering 67 Winter Street Suite 1, Topsham, ME 207/841-4200 bill.eaton@eatontraffi**File** Name : 16009_WindhamPhase2

Site Code : 16009_WindhamPhase2 Site Code : 16900901 Start Date : 11/10/2016 Page No : 2



Route 302
Site Drive
Site Drive
Not to Scale

 EATON TRAFFIC ENGINEERING
 Figure 3 ESTIMATED 2017 PM PEAK HOUR TRAFFIC - PRE-DEVELOPMENT

 67 Winter Street Ste.1 - Topsham, Maine
 Plaza Project Phase II / North Windham, Maine

Route 302
38 Site Drive
1433
Not to Scale

 EATON TRAFFIC ENGINEERING
 Figure 4 PROJECTED 2017 PM PEAK HOUR TRAFFIC - POST-DEVELOPMENT

 67 Winter Street Ste.1 - Topsham, Maine
 Plaza Project Phase II / North Windham, Maine

In		(SE	20	ti	n	n
	iCI	30	5	u	υ	

Int Delay, s/veh

Int Delay, s/veh	0						
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations	٦	۴	⋪ኈ		٦	^	
Traffic Vol, veh/h	0	4	1145	0	0	841	
Future Vol, veh/h	0	4	1145	0	0	841	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	50	0	-	-	100	-	
Veh in Median Storage, #	0	-	0	-	-	0	
Grade, %	0	-	0	-	-	0	
Peak Hour Factor	67	67	96	96	85	85	
Heavy Vehicles, %	10	10	2	2	4	4	
Mvmt Flow	0	6	1193	0	0	989	

Major/Minor	Minor1		Major1		Major2		
Conflicting Flow All	1688	596	0	0	1193	0	
Stage 1	1193	-	-	-	-	-	
Stage 2	495	-	-	-	-	-	
Critical Hdwy	7.7	7.1	-	-	4.18	-	
Critical Hdwy Stg 1	6.7	-	-	-	-	-	
Critical Hdwy Stg 2	6.7	-	-	-	-	-	
Follow-up Hdwy	3.6	3.4	-	-	2.24	-	
Pot Cap-1 Maneuver	56	427	-	-	570	-	
Stage 1	186	-	-	-	-	-	
Stage 2	505	-	-	-	-	-	
Platoon blocked, %			-	-		-	
Mov Cap-1 Maneuver	56	427	-	-	570	-	
Mov Cap-2 Maneuver	56	-	-	-	-	-	
Stage 1	186	-	-	-	-	-	
Stage 2	505	-	-	-	-	-	
Approach	WB		NB		SB		
HCM Control Delay, s	13.6		0		0		
HCMLOS	В						

HCM LOS	В

Minor Lane/Major Mvmt	NBT	NBRWB	Ln1V	VBLn2	SBL	SBT	
Capacity (veh/h)	-	-	-	427	570	-	
HCM Lane V/C Ratio	-	-	-	0.014	-	-	
HCM Control Delay (s)	-	-	0	13.6	0	-	
HCM Lane LOS	-	-	А	В	А	-	
HCM 95th %tile Q(veh)	-	-	-	0	0	-	

2.9						
WBL	WBR	NBT	NBR	SBL	SBT	
ኘ	۴	⋪ኈ		ሻ	- † †	
21	38	1411	33	18	839	
21	38	1411	33	18	839	
0	0	0	0	0	0	
Stop	Stop	Free	Free	Free	Free	
-	None	-	None	-	None	
50	0	-	-	100	-	
0	-	0	-	-	0	
0	-	0	-	-	0	
67	67	96	96	85	85	
10	10	2	2	4	4	
31	57	1470	34	21	987	
	WBL 21 21 0 Stop - 50 0 0 0 67 10	WBL WBR 1 1 21 38 21 38 0 0 Stop Stop - None 50 0 0 - 67 67 10 10	WBL WBR NBT 1 </td <td>WBL WBR NBT NBR 1 1 1 33 21 38 1411 33 21 38 1411 33 0 0 0 0 0 0 0 0 0 Stop Stop Free Free - None - None 50 0 - - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 67 67 96 96 10 10 2 2</td> <td>WBL WBR NBT NBR SBL * <td< td=""><td>WBL WBR NBT NBR SBL SBT 1 <</td></td<></td>	WBL WBR NBT NBR 1 1 1 33 21 38 1411 33 21 38 1411 33 0 0 0 0 0 0 0 0 0 Stop Stop Free Free - None - None 50 0 - - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 0 - 67 67 96 96 10 10 2 2	WBL WBR NBT NBR SBL * <td< td=""><td>WBL WBR NBT NBR SBL SBT 1 <</td></td<>	WBL WBR NBT NBR SBL SBT 1 <

Major/Minor	Minor1		Major1		Major2		
Conflicting Flow All	2023	752	0	0	1504	0	
Stage 1	1487	-	-	-	-	-	
Stage 2	536	-	-	-	-	-	
Critical Hdwy	7	7.1	-	-	4.18	-	
Critical Hdwy Stg 1	6	-	-	-	-	-	
Critical Hdwy Stg 2	6	-	-	-	-	-	
Follow-up Hdwy	3.6	3.4	-	-	2.24	-	
Pot Cap-1 Maneuver	46	336	-	-	432	-	
Stage 1	161	-	-	-	-	-	
Stage 2	529	-	-	-	-	-	
Platoon blocked, %			-	-		-	
Mov Cap-1 Maneuver	44	336	-	-	432	-	
Mov Cap-2 Maneuver	44	-	-	-	-	-	
Stage 1	161	-	-	-	-	-	
Stage 2	503	-	-	-	-	-	
Approach	WB		NB		SB		
HCM Control Delay, s	81.5		0		0.3		
HCM LOS	F						

Minor Lane/Major Mvmt	NBT	NBRWBLn1	NBLn2	SBL	SBT	
Capacity (veh/h)	-	- 44	336	432	-	
HCM Lane V/C Ratio	-	- 0.712	0.169	0.049	-	
HCM Control Delay (s)	-	- 196.5	17.9	13.8	-	
HCM Lane LOS	-	- F	С	В	-	
HCM 95th %tile Q(veh)	-	- 2.7	0.6	0.2	-	

3: Route 302 & Site Drive Performance by movement

Movement	WBL	WBR	NBT	NBR	SBL	SBT	All
Denied Del/Veh (s)	3.5	0.2	0.2	0.4	2.8	0.1	0.2
Total Del/Veh (s)	59.3	7.7	0.9	0.7	13.2	0.4	1.4

Total Network Performance

Denied Del/Veh (s)	0.2	
Total Del/Veh (s)	2.1	

Intersection							
Int Delay, s/veh	0						
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations	٦	1	≜ t≽		٦	^	
Traffic Vol, veh/h	21	38	0	0	18	839	
Future Vol, veh/h	21	38	0	0	18	839	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	50	0	-	-	100	-	
Veh in Median Storage, #	0	-	0	-	-	0	
Grade, %	0	-	0	-	-	0	
Peak Hour Factor	67	67	96	96	85	85	
Heavy Vehicles, %	10	10	2	2	4	4	
Mvmt Flow	31	57	0	0	21	987	

Major/Minor	Minor1		Major1		Major2		
Conflicting Flow All	536	0	0	0	0	0	
Stage 1	0	-	-	-	-	-	
Stage 2	536	-	-	-	-	-	
Critical Hdwy	7	7.1	-	-	4.18	-	
Critical Hdwy Stg 1	6	-	-	-	-	-	
Critical Hdwy Stg 2	6	-	-	-	-	-	
Follow-up Hdwy	3.6	3.4	-	-	2.24	-	
Pot Cap-1 Maneuver	456	-	-	-	-	-	
Stage 1	-	-	-	-	-	-	
Stage 2	529	-	-	-	-	-	
Platoon blocked, %			-	-		-	
Mov Cap-1 Maneuver	456	-	-	-	-	-	
Mov Cap-2 Maneuver	456	-	-	-	-	-	
Stage 1	-	-	-	-	-	-	
Stage 2	529	-	-	-	-	-	
Approach	WB		NB		SB		
HCM Control Delay, s			0				
HCM LOS	-						

Minor Lane/Major Mvmt	NBT	NBRWBLn1WBLn2	SBL	SBT	
Capacity (veh/h)	-	- 456 -	-	-	
HCM Lane V/C Ratio	-	- 0.069 -	-	-	
HCM Control Delay (s)	-	- 13.5 -	-	-	
HCM Lane LOS	-	- B -	-	-	
HCM 95th %tile Q(veh)	-	- 0.2 -	-	-	

Intersection							
Int Delay, s/veh	2						
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations	٦	۴	<u></u> †î≽		ሻ	- • • •	
Traffic Vol, veh/h	21	38	1411	33	18	1	
Future Vol, veh/h	21	38	1411	33	18	1	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	50	0	-	-	100	-	
Veh in Median Storage, #	0	-	0	-	-	0	
Grade, %	0	-	0	-	-	0	
Peak Hour Factor	67	67	96	96	85	85	
Heavy Vehicles, %	10	10	2	2	4	4	
Mvmt Flow	31	57	1470	34	21	1	

Major/Minor	Minor1		Major1		Major2		
Conflicting Flow All	1530	752	0	0	1504	0	
Stage 1	1487	-	-	-	-	-	
Stage 2	43	-	-	-	-	-	
Critical Hdwy	7	7.1	-	-	4.18	-	
Critical Hdwy Stg 1	6	-	-	-	-	-	
Critical Hdwy Stg 2	6	-	-	-	-	-	
Follow-up Hdwy	3.6	3.4	-	-	2.24	-	
Pot Cap-1 Maneuver	100	336	-	-	432	-	
Stage 1	161	-	-	-	-	-	
Stage 2	951	-	-	-	-	-	
Platoon blocked, %			-	-		-	
Mov Cap-1 Maneuver	95	336	-	-	432	-	
Mov Cap-2 Maneuver	95	-	-	-	-	-	
Stage 1	161	-	-	-	-	-	
Stage 2	905	-	-	-	-	-	
Approach	WB		NB		SB		
HCM Control Delay, s	33.1		0		13		
HCM LOS	D						

Minor Lane/Major Mvmt	NBT	NBRWBLn1WBLn2			SBL	SBT	
Capacity (veh/h)	-	-	95	336	432	-	
HCM Lane V/C Ratio	-	-	0.33	0.169	0.049	-	
HCM Control Delay (s)	-	-	60.5	17.9	13.8	-	
HCM Lane LOS	-	-	F	С	В	-	
HCM 95th %tile Q(veh)	-	-	1.3	0.6	0.2	-	