# MACLEAN HOLLOWAY DOHERTY & SHEEHAN, P.C.

ATTORNEYS AT LAW

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MAY 0 9 2018

Newburyport Planning Dept.

ALEX J. HARRINGTON
Direct Dial: (978) 762-5866
Email: aharrington@mhdpc.com

May 9, 2018

Planning Board of the City of Newburyport Attn: Bonnie Sontag, Chair Newburyport City Hall 60 Pleasant Street Newburyport, MA 01950

Re: Timeline of Events Concerning Lot 4B on Donahue Court

Dear Chair Sontag and Members of the Board:

This office is counsel to Stephen J. McConnell ("McConnell"), who is the owner in his capacity as Trustee of the Stephen J. McConnell Revocable Trust of Lot 4B on Donahue Court (the "Property"). Mr. McConnell hereby submits the following timeline of events concerning the Property for the Planning Board's consideration at its May 16, 2018 meeting:

# April 15, 2015

Planning Board meeting, wherein the Property is proposed as a 36,000+/- square foot lot with a house footprint of 3,200-4,200 square feet, similar in style to the cottage style homes by James Bourque, and priced around \$1.5-2M

# May 20, 2015

Approval of Special Permit to allow a private court for a two lot residential subdivision

# Mary 20, 2015

Approval of Definitive Subdivision Plan for two lot residential subdivision

#### November 17, 2016

Approval by Building Department of building plans and site plan

# November 17, 2016

Issuance by Building Department of Foundation-Only Permit for the Property

## November 18, 2016

Mark A. DePiero and DePiero, LLC begin site work at the Property

# December 1, 2016

Letter of Attorney Lisa Mead, counsel for neighbors Virginia and Thomas Eramo, requesting from the Building Commissioner "appropriate enforcement action(s)" with regard to the site work undertaken at the Property

# **December 8, 2016**

Issuance by Building Commissioner to McConnell of "Stop Work Order"

## December 20, 2016

Issuance by Department of Public Services to McConnell of "Stormwater Violation Notice"

# February 7, 2017

Approval by Department of Public Services of McConnell's Stormwater Application

#### March 28, 2017

Filing by the Eramos of a five-count Verified Complaint against McConnell and DePiero, LLC

## March 28, 2017

Denial by Superior Court (Lang, J.) of the Eramos' Ex Parte Application for Temporary Restraining Order against McConnell prohibiting the sale of the Property

## April 25, 2017

Denial by Superior Court (Lang, J.) of the Eramos' Motion for Real Estate Attachment on the Property

## June 26 and 27, 2017

Gatchell & Sons Excavation Inc. performs excavation and remedial site work at the Property to address concerns raised by the Eramos

# December 29, 2017

Dismissal by the Eramos of claims against DePiero, LLC for undisclosed sum

# January 25, 2018 ·

Soil testing performed at the Property by Alexander F. Parker, a Massachusetts Title V Certified Soil Evaluator

# February 21, 2018

Submission by McConnell to Planning Board of "Modification of Approved Special Permit and Definitive Subdivision Plan at Donahue Court"

# March 21, 2018

Planning Board hearing on McConnell's request for modification of special permit and definitive subdivision plan

# March 28, 2018

Submission by McConnell to Planning Board of "Memorandum Addressing Special Permit Criteria for Modification of Approved Special Permit and Definitive Subdivision Plan at Donahue Court"

# March 28, 2018

Filing by McConnell with Planning Board of "Application for Modification of Special Permit" (including reference to adjoining Lot 4A on Donahue Court)

## April 9, 2018

Filing by McConnell with Planning Board of "Application for Modification of Definitive Subdivision Plan" (including reference to adjoining Lot 4A on Donahue Court)

# April 9, 2018

Written request of McConnell to Planning Board for consolidation of matters and continuance to May 16, 2018 meeting

# April 19, 2018

Dismissal by the Eramos of claims against McConnell for no consideration

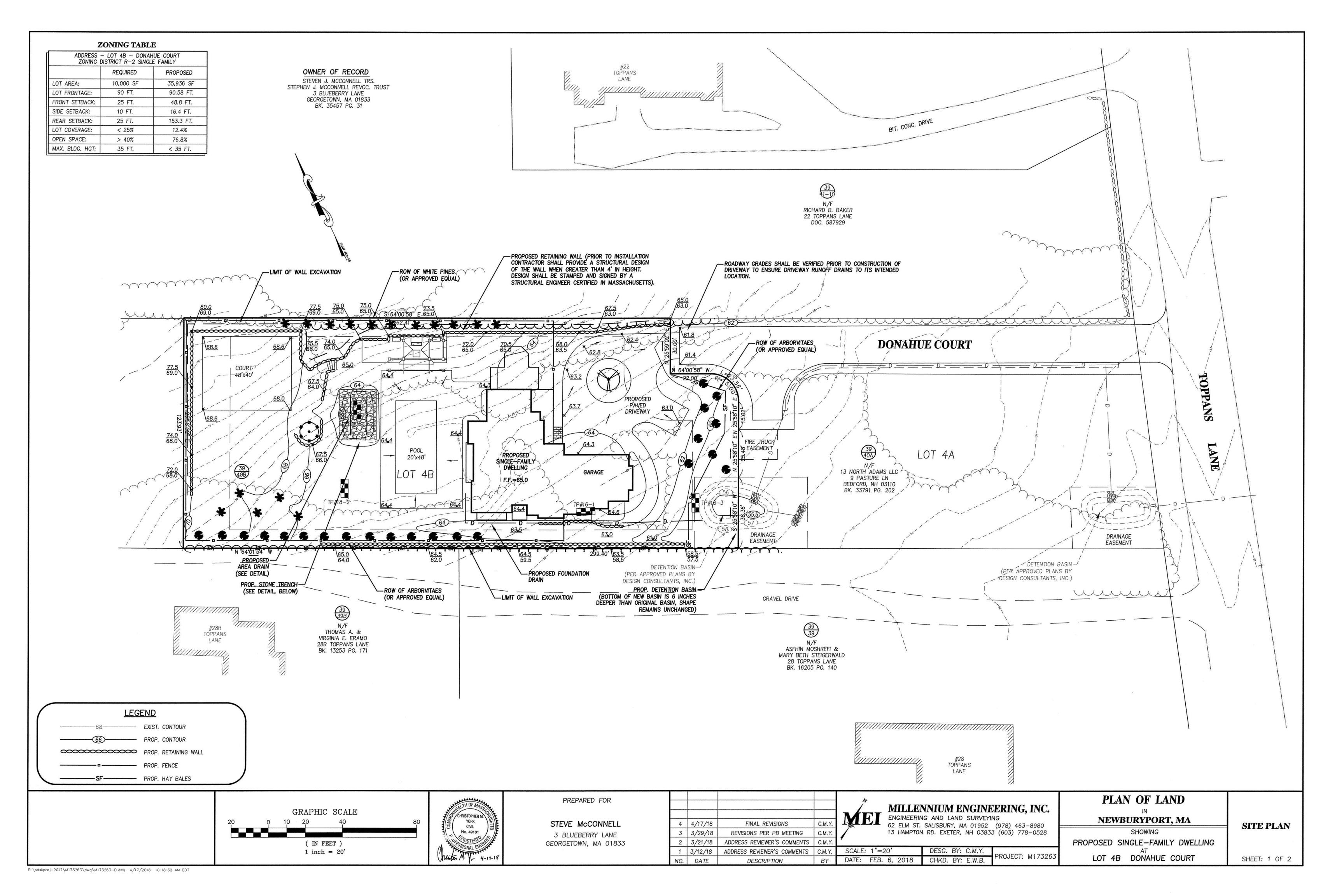
# May 9, 2018

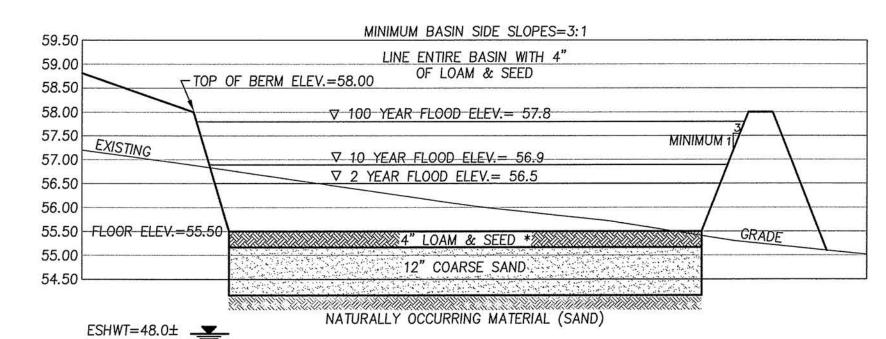
Filing by McConnell of updated plans for consideration by the Planning Board at its May 16, 2018 hearing

Please do not hesitate to contact me with any questions. Thank you for your attention.

Alex J. Harrington

cc: Stephen J. McConnell
Gary Beaulieu
Andrew R. Port, Planning Director
Peter Binette, Building Commissioner
planning@cityofnewburyport.com





\* LOAM SHALL MEET THE FOLLOWING SPECIFICATIONS: 60% SAND, 30% SILT, AND 10% CLAY.

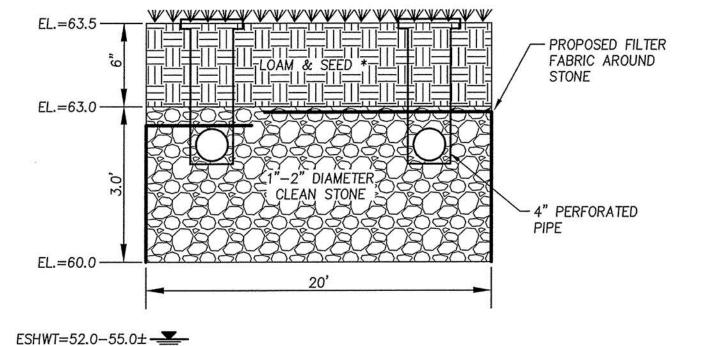
INFILTRATION BASIN

HORIZ. SCALE: N.T.S.

VERT. SCALE: 1"=2" TYP. CROSS-SECTION

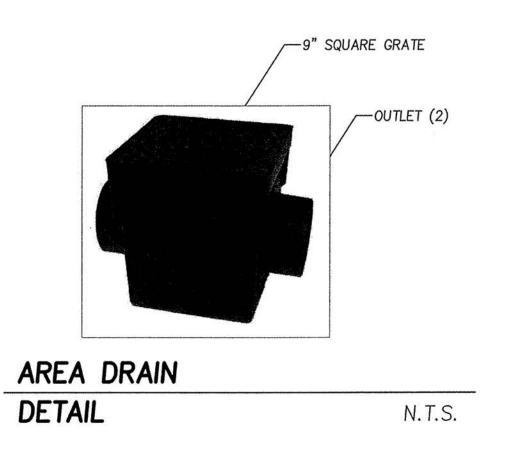
# CONSTRUCTION SPECIFICATIONS

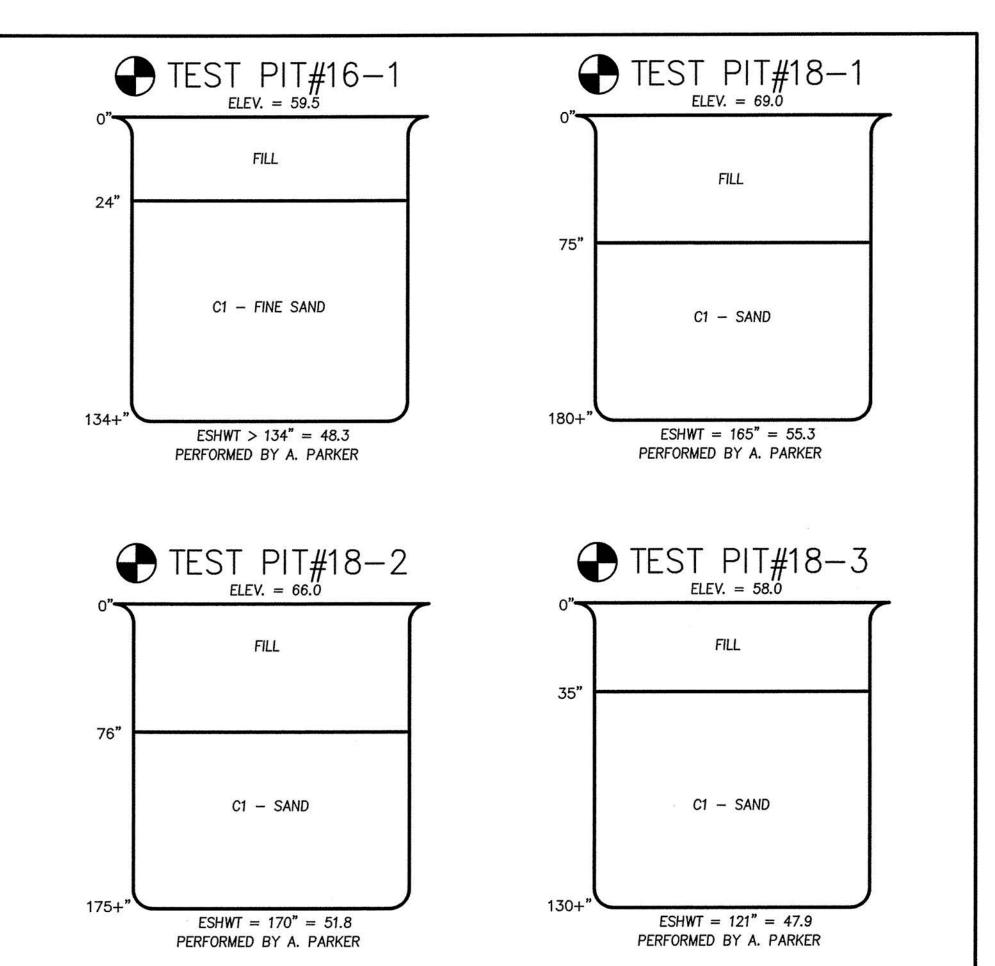
- 1. BERMS SHALL BE CONSTRUCTED OF FILL MATERIAL FREE OF ROOTS, STUMPS, WOOD, RUBBISH, STONES GREATER THAN 6", OR OTHER OBJECTIONABLE MATERIALS. FILL MATERIAL FOR THE CENTER OF THE BERM SHALL CONFORM TO UNIFIED SOIL CLASSIFICATION GC, SC, CH, OR CL AND HAVE AT LEAST 30% PASSING THE #200 SIEVE. MATERIALS USED IN THE OUTER SHELL OF THE BERMS SHALL BE CAPABLE OF SUPPORTING THE VEGETATION SPECIFIED ON THE PLANS.
- 2. FILL MATERIALS SHALL BE PLACED IN MAXIMUM 8-INCH LIFTS AND COMPACTED WITH A MINIMUM REQUIRED DENSITY OF NOT LESS THAN 95% OF MAXIMUM DRY DENSITY.
- 3. PRIOR TO FILL MATERIAL INSTALLATION, ALL TOPSOIL, SUBSOIL, AND UNSUITABLE MATERIAL SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL.
- 4. AFTER THE INFILTRATION BASIN IS EXCAVATED TO THE FINAL DESIGN ELEVATION, THE FLOOR SHALL BE DEEPLY TILLED WITH A ROTARY TILLER OR DISC HARROW TO RESTORE INFILTRATION RATES, FOLLOWED BY A PASS WITH A LEVELING DRAG.
- 5. EROSION CONTROL MATTING SHALL BE INSTALLED ON ALL OUTSIDE SLOPES OF STORMWATER BASINS. MATTING SHALL BE A WOVEN JUTE MESH MANUFACTURED BY
- MACCAFERRI COMPANY, OR APPROVED EQUAL. 6. THE INFILTRATION BASIN BOTTOM SHALL BE CONSTRUCTED OF 4" LOAM & SEED OVER A 12" LAYER OF COARSE SAND.

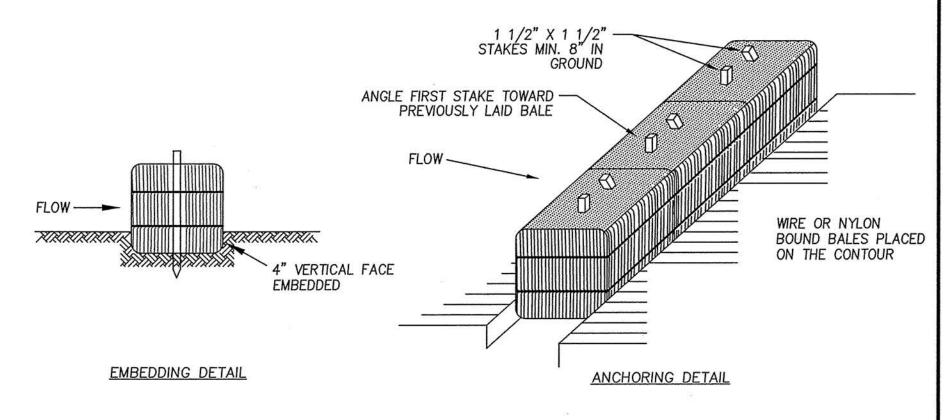


- \* LOAM SHALL MEET THE FOLLOWING SPECIFICATIONS:
- 60% SAND, 30% SILT, AND 10% CLAY. \*\* ANY FILL ENCOUNTERED DURING CONSTRUCTION OF TRENCH SHALL BE REMOVED AND REPLACED WITH SUITABLE MATERIAL (i.e. SAND)

STONE TRENCH DETAIL N.T.S.







STRAW OR HAY BALE BARRIER N.T.S.

# CONSTRUCTION SPECIFICATIONS

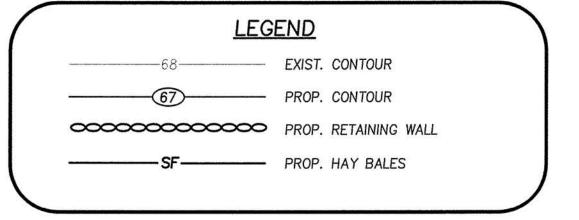
- 1. BALES SHALL BE PLACED IN A ROW WITH ENDS TIGHTLY ABUTTING ADJACENT BALES.
- 2. BALED HAY AND STRAW SHALL BE TYPICALLY EMBEDDED 4" TO 6" BELOW EXISTING GRADE OR FINISHED GRADE. ADDITIONALLY, PLACE 4" TO 6" OF LOOSE HAY BELOW ALL BALES.
- 3. BALES SHALL BE SECURELY ANCHORED IN PLACE BY STAKES OR RE-BARS DRIVEN THROUGH THE BALES. THE FIRST STAKE IN EACH BALE SHALL BE ANGLED TOWARDS THE PREVIOUSLY LAID BALE TO FORCE BALES TOGETHER.
- 4. INSPECTIONS SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
- 5. BALES SHALL BE REMOVED WHEN THEY HAVE SERVED THEIR USEFULNESS SO AS NOT TO BLOCK

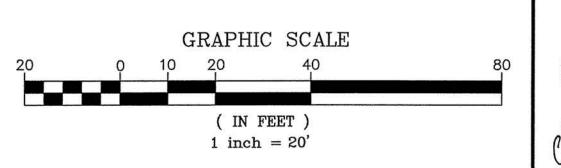
OR IMPEDE STORM FLOW OR DRAINAGE.

HAY BALE INSTALLATION

PROJECT: M173263

N.T.S.





STEVE McCONNELL 3 BLUEBERRY LANE

GEORGETOWN, MA 01833

PREPARED FOR

4 4/17/18 C.M.Y. FINAL REVISIONS 3 3/29/18 REVISIONS PER PB MEETING 2 3/21/18 ADDRESS REVIEWER'S COMMENTS 3/12/18 ADDRESS REVIEWER'S COMMENTS DATE: FEB. 6, 2018 DATE DESCRIPTION

MILLENNIUM ENGINEERING, INC. ENGINEERING AND LAND SURVEYING 62 ELM ST. SALISBURY, MA 01952 (978) 463-8980 13 HAMPTON RD. EXETER, NH 03833 (603) 778-0528 DESG. BY: C.M.Y. SCALE: 1"=20'

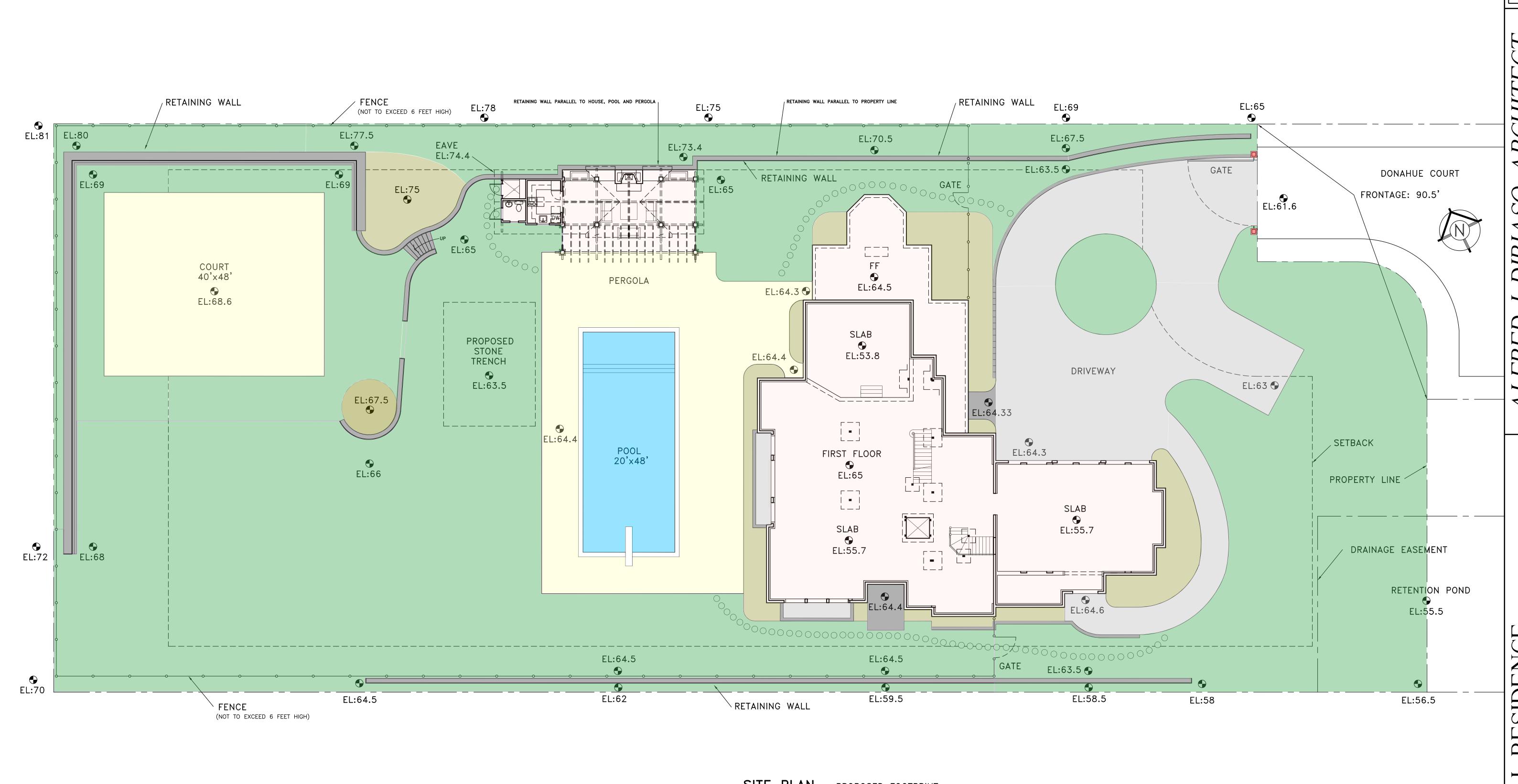
CHKD. BY: E.W.B.

PLAN OF LAND NEWBURYPORT, MA SHOWING

**DETAILS** 

SHEET: 2 OF 2

PROPOSED SINGLE-FAMILY DWELLING LOT 4B DONAHUE COURT



SITE PLAN PROPOSED FOOTPRINT

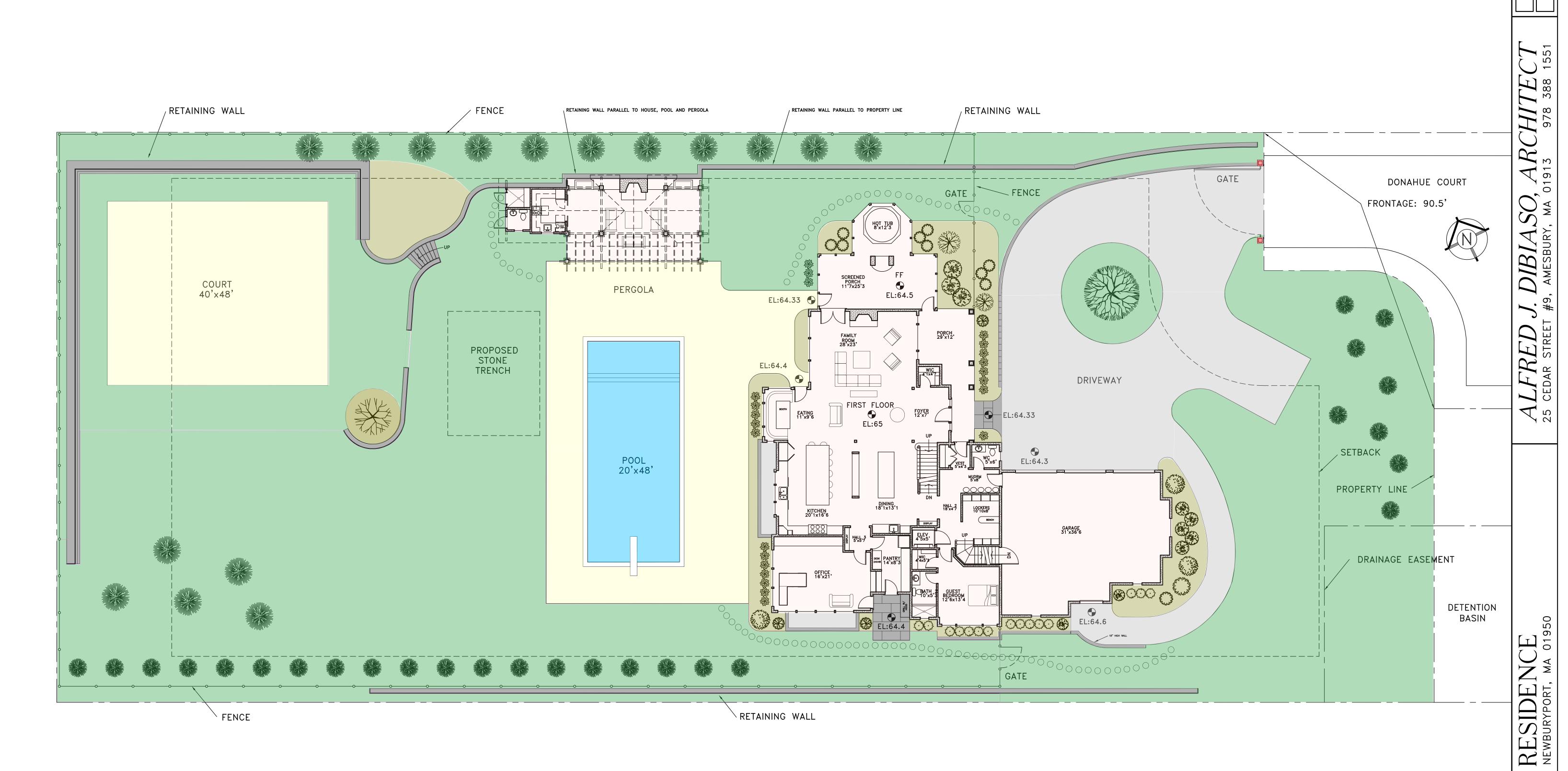
NOTE: THIS PLAN IS A GRAPHIC REPRESENTATION OF THE REVISED FOOTPRINT LOCATION, BASEMENT SLAB ELEVATION, RETAINING WALLS, TARGETED GRADE ELEVATIONS, COURT, FENCING AND PATHWAYS ACCORDING TO 'PLAN OF LAND IN NEWBURYPORT, MA SHOWING PROPOSED SINGLE—FAMILY DWELLING AT LOT 4B DONAHUE COURT' BY MILLENNIUM ENGINEERING, INC.

62 ELM STREET, SALISBURY, MA 01952 13 HAMPTON ROAD, EXETER, NH 03833 DATED: 6 FEBRUARY 2018 — REVISED 17 APRIL 2018 5 MAY 2018

PROPERTY LINES, SETBACKS, ELEVATIONS, DRAINAGE EASEMENT AND PROPOSED ROAD TAKEN FROM 'RESIDENTIAL DEVELOPMENT DEFINITIVE SUBDIVISION DONAHUE LANE' BY DESIGN CONSULTANTS, INC. DATED MARCH 18, 2015

JOB NUMBER M1608D

C1



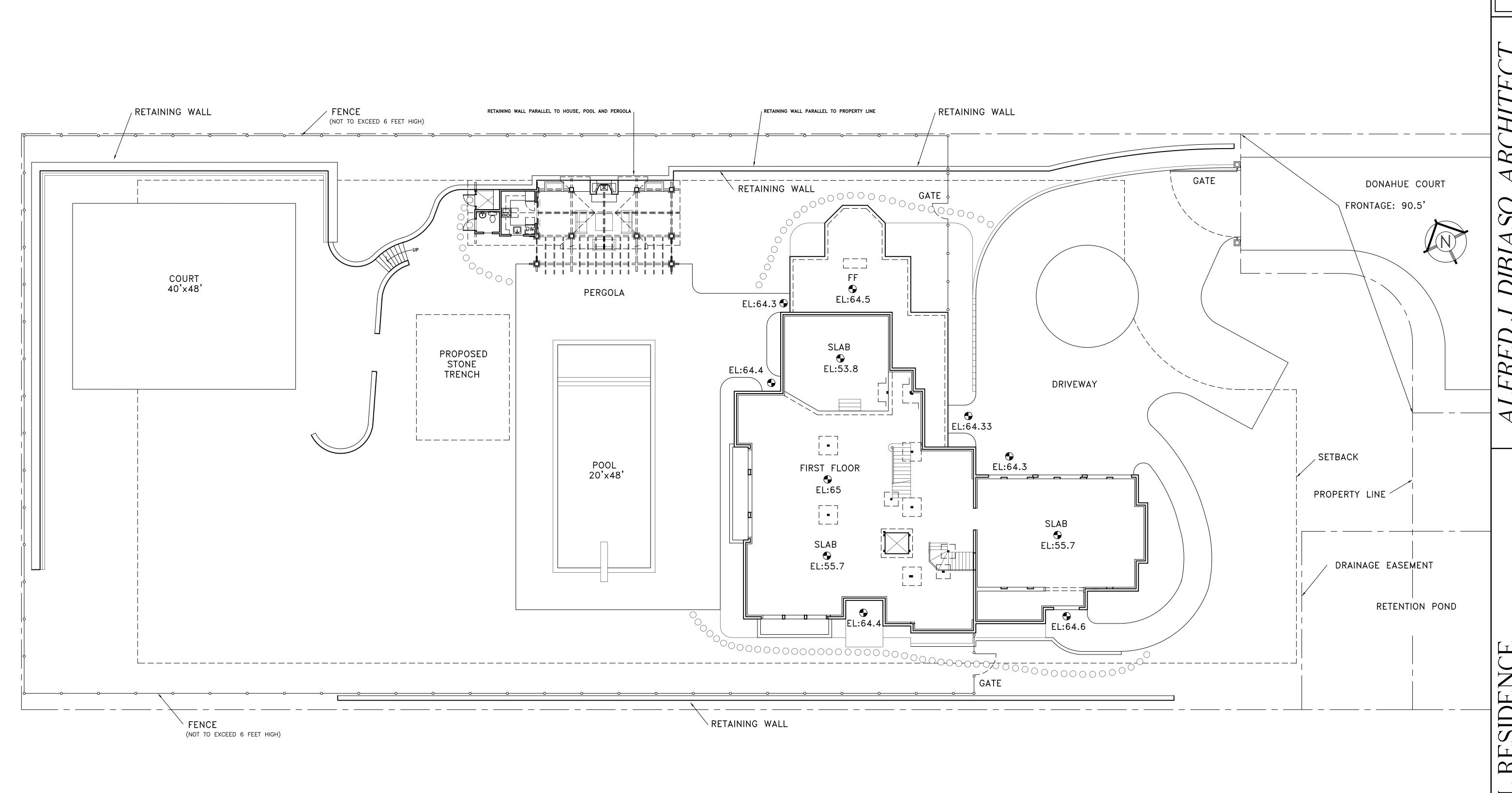
SITE PLAN PROPOSED LANDSCAPING SCALE: 1"=10"

NOTE: THIS PLAN IS A GRAPHIC REPRESENTATION OF THE REVISED FOOTPRINT LOCATION, BASEMENT SLAB ELEVATION, RETAINING WALLS, TARGETED GRADE ELEVATIONS, COURT, FENCING AND PATHWAYS ACCORDING TO 'PLAN OF LAND IN NEWBURYPORT, MA SHOWING PROPOSED SINGLE—FAMILY DWELLING AT LOT 4B DONAHUE COURT' BY MILLENNIUM ENGINEERING, INC.

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# SITE PLAN SCALE: 1"=10'

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62 ELM STREET, SALISBURY, MA 01952 13 HAMPTON ROAD, EXETER, NH 03833 DATED: 6 FEBRUARY 2018 — REVISED 17 APRIL 2018

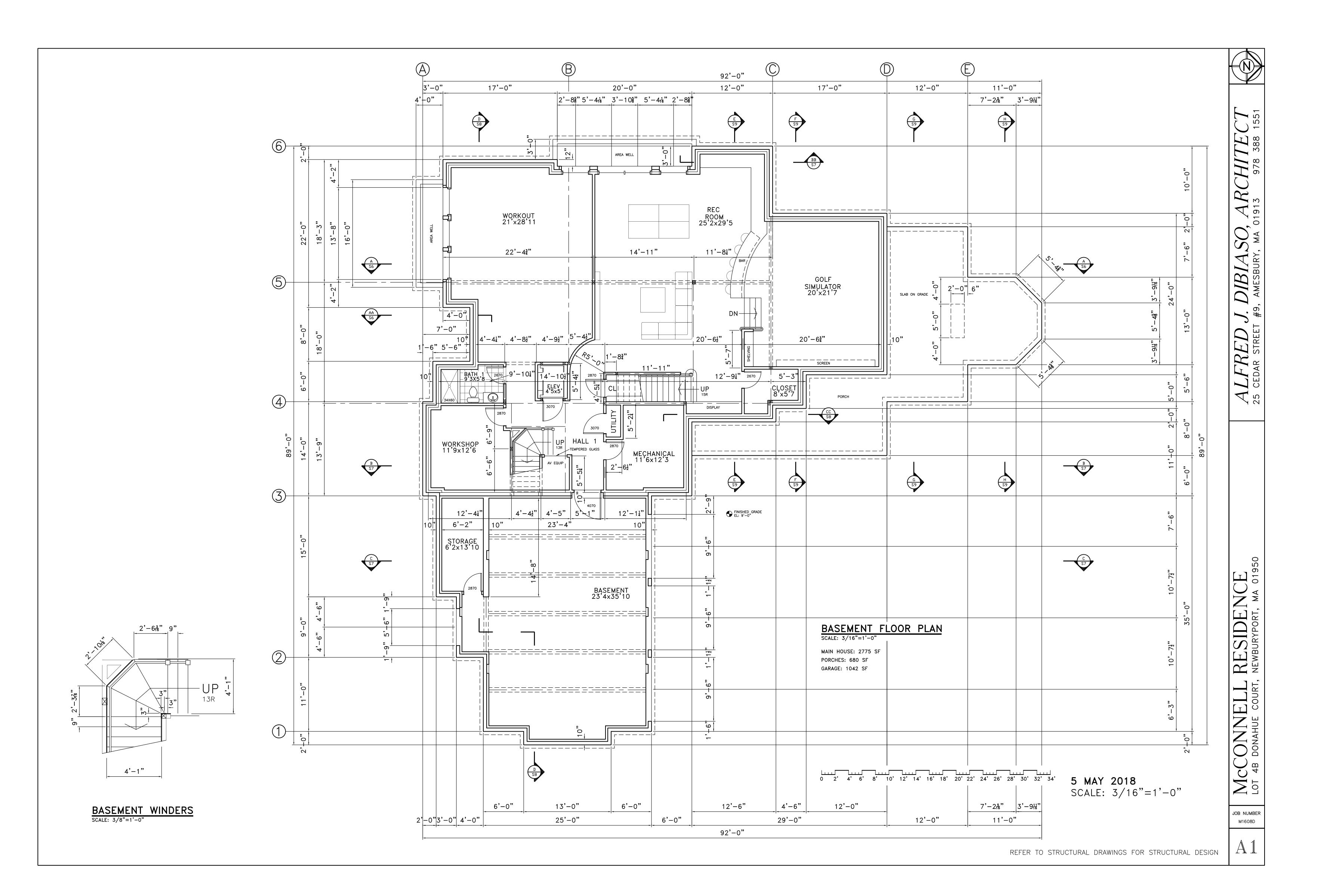
# 0 4' 8' 12' 16' 20' 24' 28' 32' 36' 40' 4 APRIL 2018

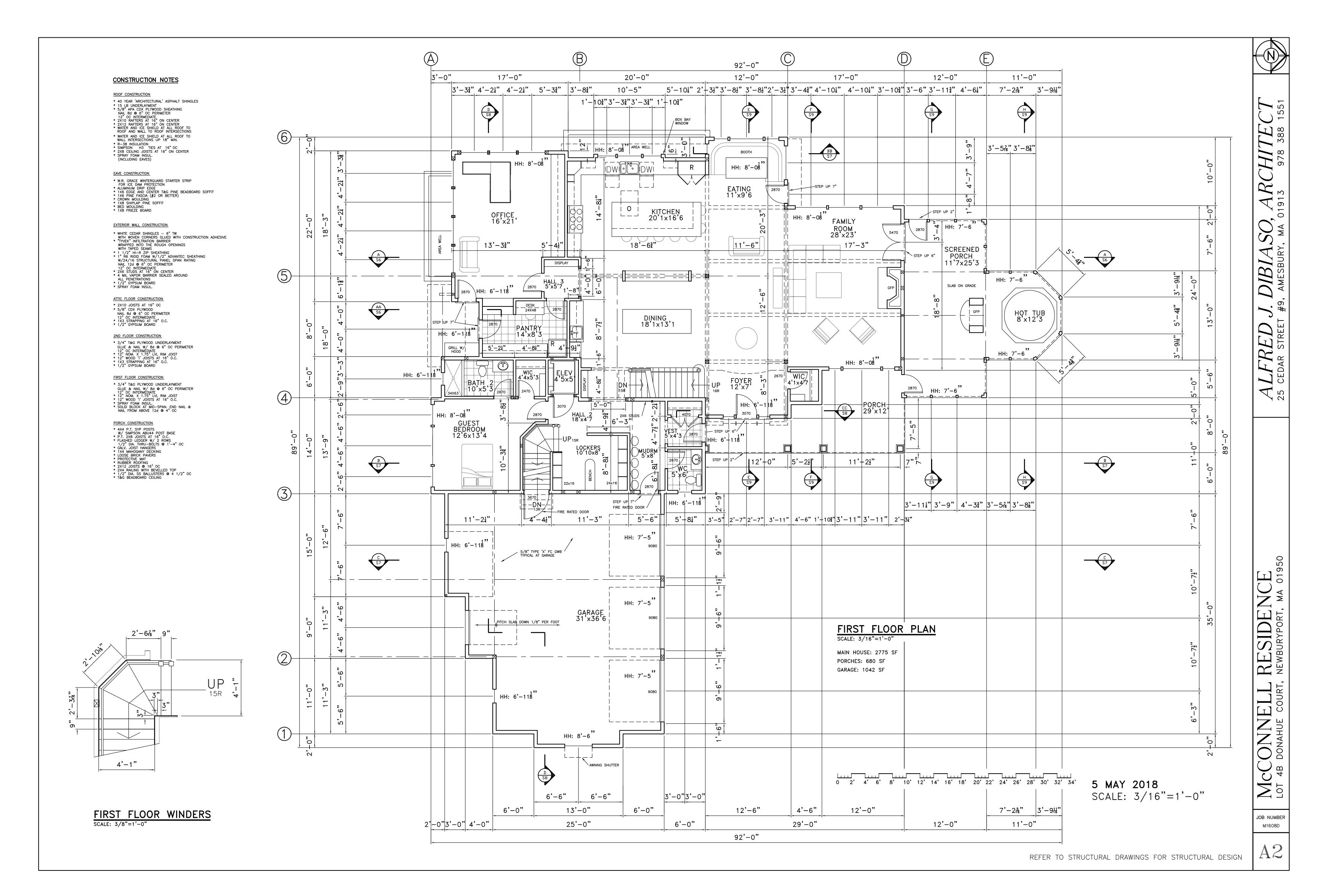
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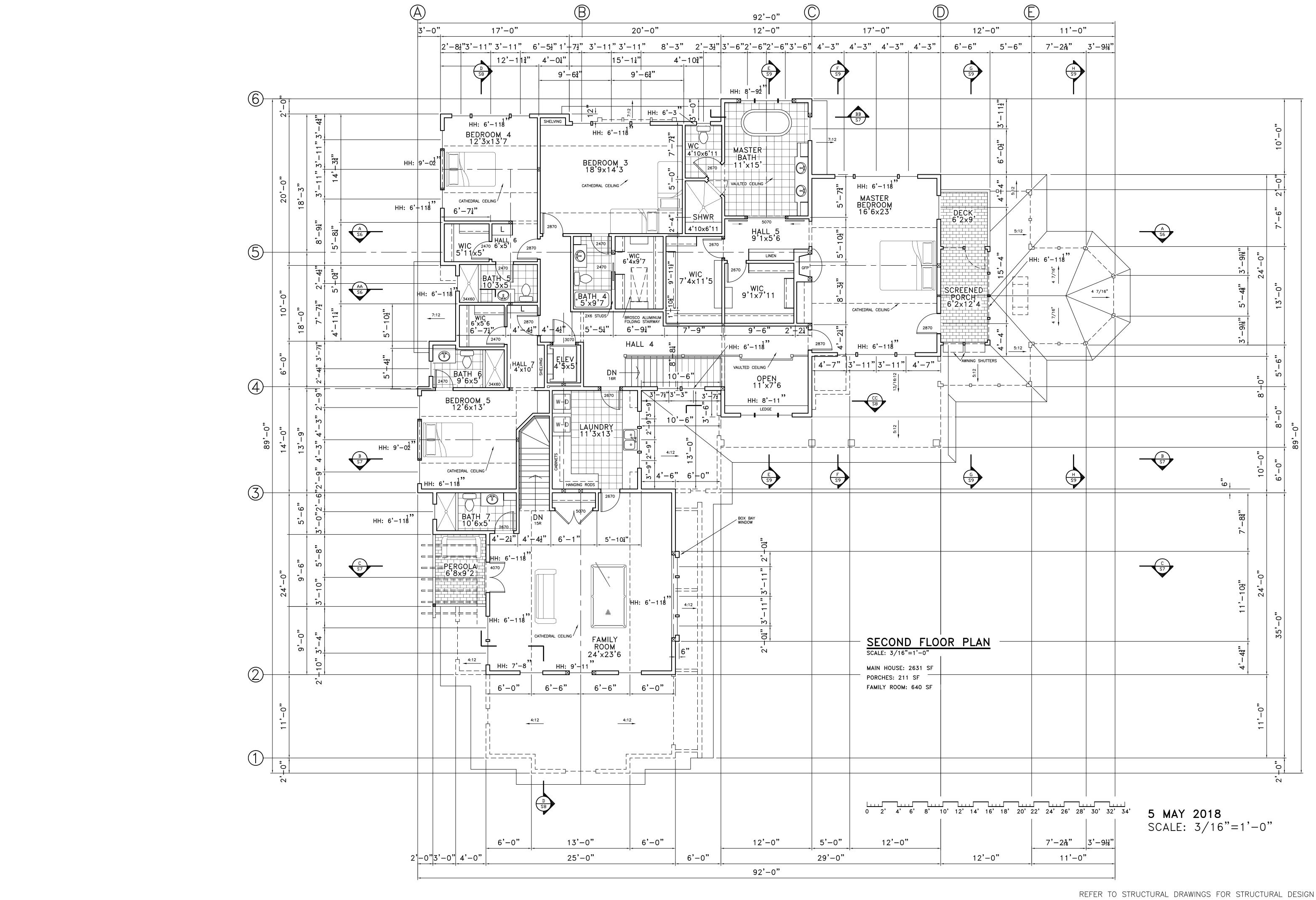
# **REVISED:**

5 MAY 2018 UPDATED RETAINING WALLS, FENCING AND PATHWAYS

JOB NUMBER M1608D



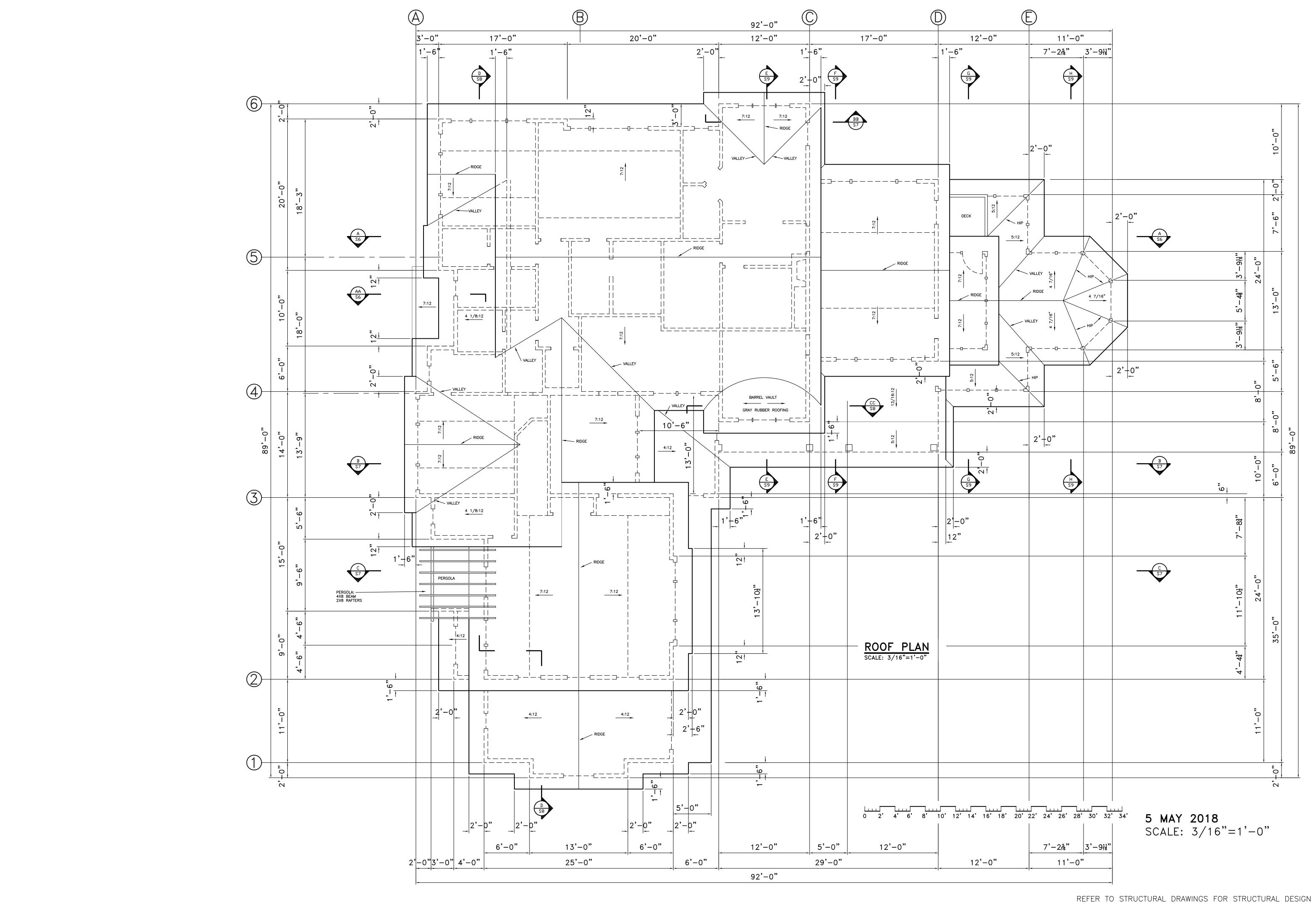




RESIDENCE
NEWBURYPORT, MA 01950 McCONNELL
LOT 4B DONAHUE COURT,

JOB NUMBER M1608D

A3



) J. DIBIASO, ARCHITECT. ET #9, AMESBURY, MA 01913 978 388 1551

MCCONNELL RESIDENCE
LOT 4B DONAHUE COURT, NEWBURYPORT, MA 01950

JOB NUMBER M1608D

JOB NUMBER M1608D

A5

5 MAY 2018

SCALE: 1/4"=1'-0"

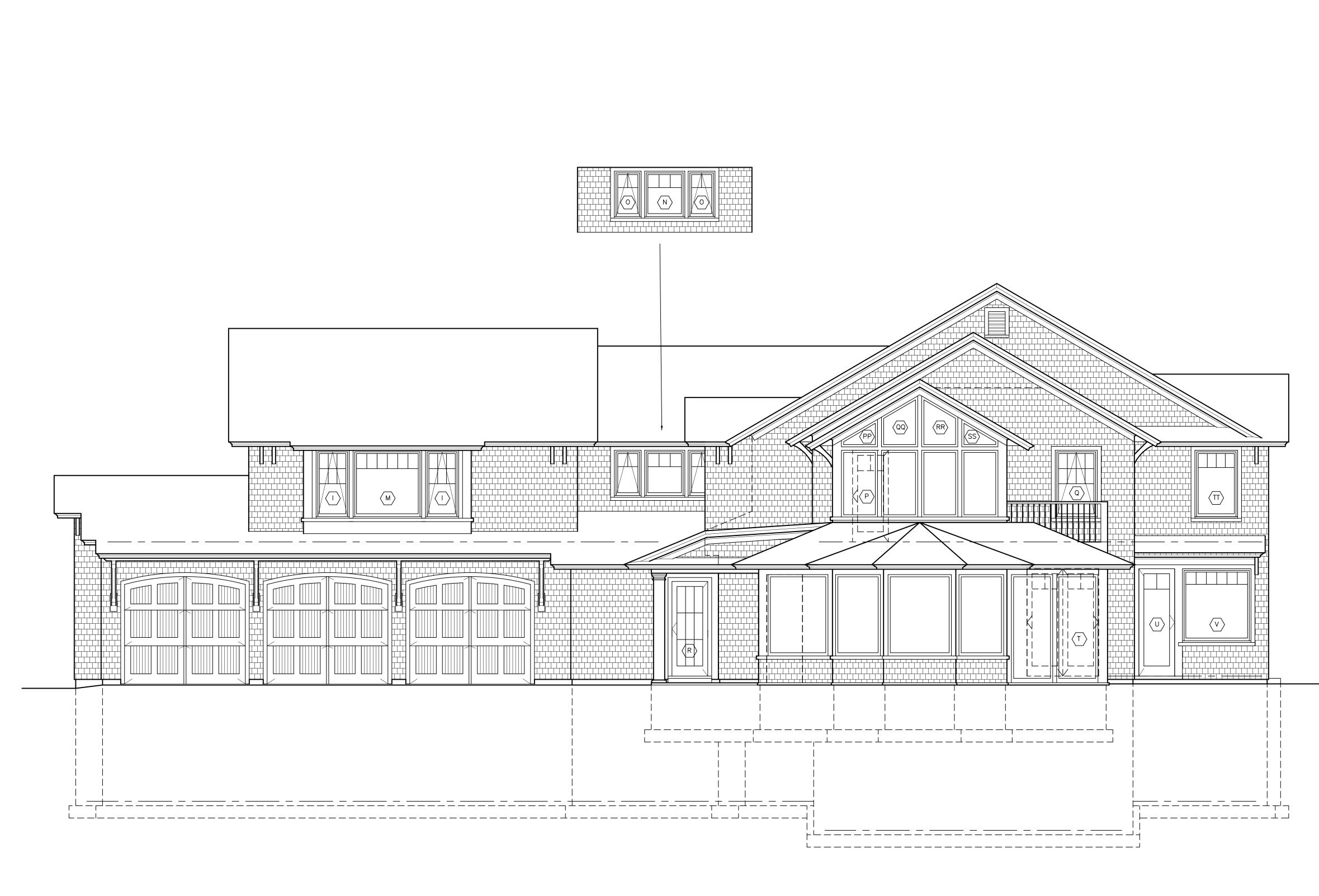
0 2' 4' 6' 8' 10' 12' 14' 16' 18' 20' 22' 24' 26' 28' 30' 32' 34'

JOB NUMBER M1608D

A6

5 MAY 2018

SCALE: 1/4"=1'-0"



NORTH ELEVATION
SCALE: 1/4"=1'-0"

JOB NUMBER M1608D

5 MAY 2018 SCALE: 1/4"=1'-0"

0 2' 4' 6' 8' 10' 12' 14' 16' 18' 20' 22' 24' 26' 28' 30' 32' 34'

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WEST ELEVATION
SCALE: 1/4"=1'-0"

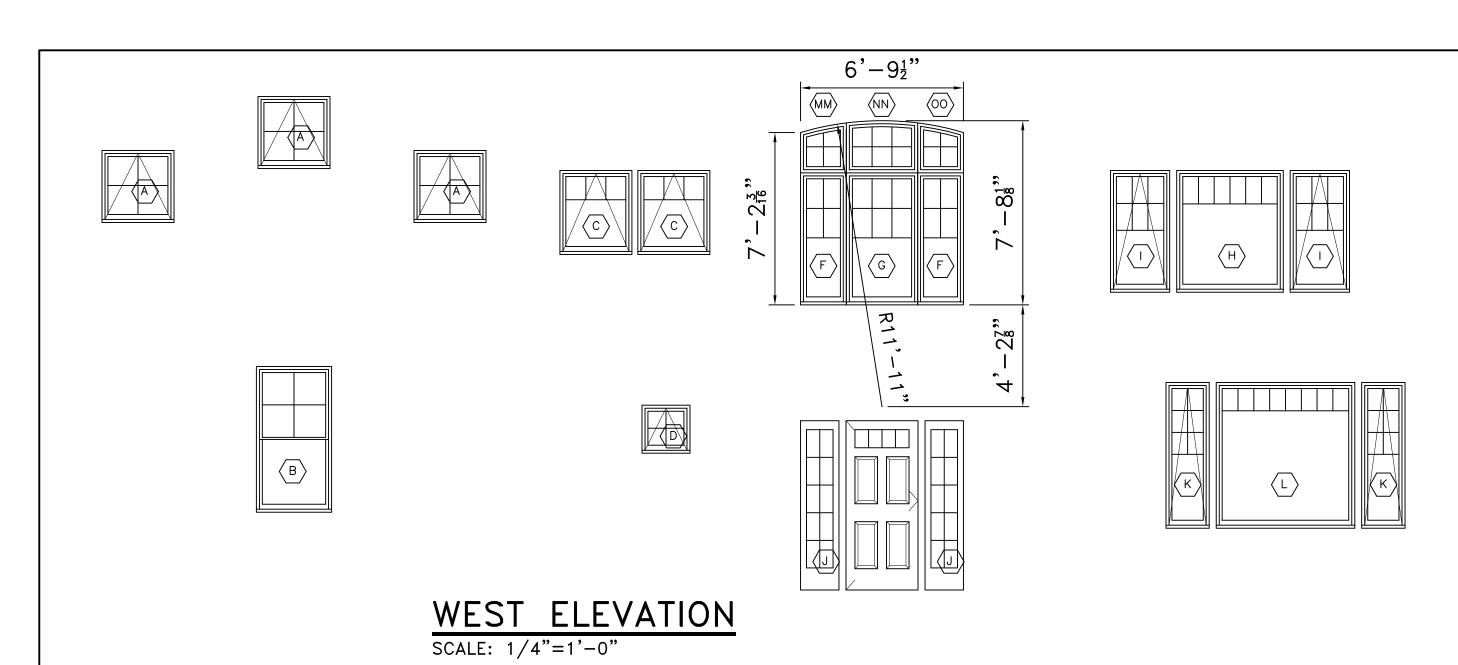
A8

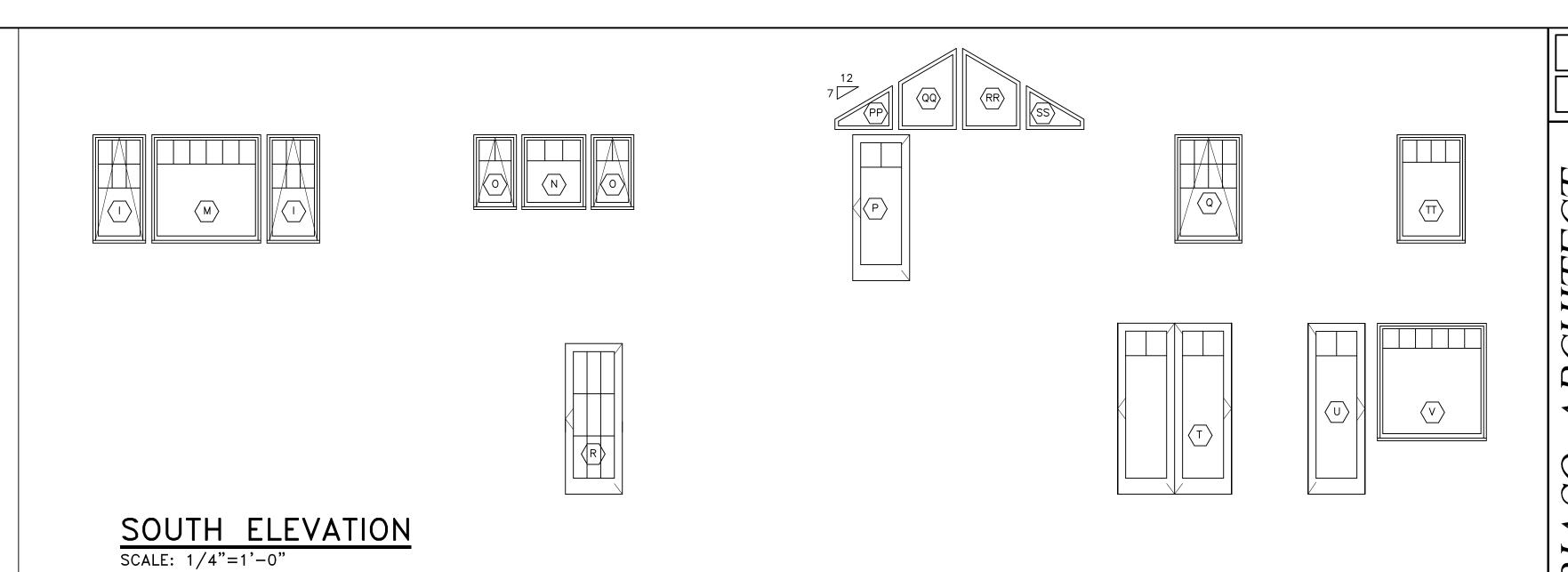
0 2' 4' 6' 8' 10' 12' 14' 16' 18' 20' 22' 24' 26' 28' 30' 32' 34' 5 MAY 2018

SCALE: 1/4"=1'-0"



SOUTH ELEVATION
SCALE: 1/4"=1'-0"



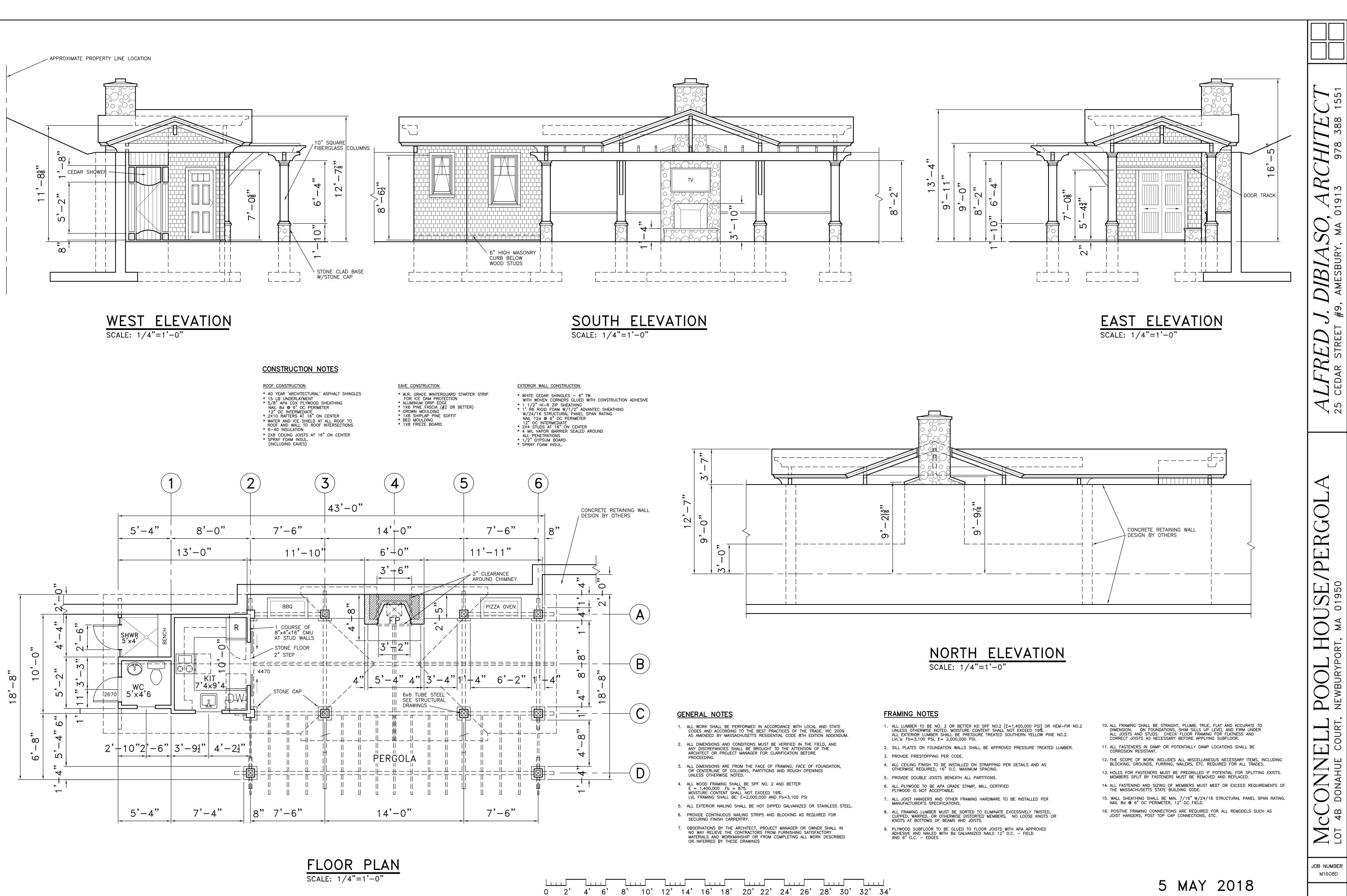


		GLA	AZING SCHEDUI	_E LEPA	AGE	
<u>_</u>	TYPE	UNIT	ROUGH OPENING	UNIT SIZE	LIGHTS	REMARKS
Α	AWNING	3030	37" x 36 1/2"	_	4	_
В	DOUBLE HUNG	3232	38 5/8" x 73 3/8"	_	4/1	_
С	AWNING	3034	37" x 40 1/2"	_	3/1	SEE ELEV
D	AWNING	1818	25" x 24 1/2"	_	4	_
E	EXT. SEGMENTAL	7819	82 1/2" WIDE	81 1/2" x 22"	7	NOTE 1
F	FIXED	_	-	22" × 66"	4/1	SEE ELEV
G	FIXED	_	_	37 1/2" x 66"	6/1	NOTES 1 & 3
Н	PICTURE	5254	59" x 60 1/2"	58" x 60"	6/1	SEE ELEV
ı	AWNING	2254	29" x 60 1/2"	28" × 60"	6/1	_
J	SIDELIGHT	1679	19 5/8" x 83 1/8"	_	10	TEMP. GL.
K	AWNING	1466	21" x 72 1/2"	20" × 72"	6/1	_
L	PICTURE	6066	67" x 72 1/2"	66" × 72"	8/1	SEE ELEV
M	PICTURE	5254	59" x 60 1/2"	58" × 60"	6/1	NOTE 2
N	FIXED	3034	37" x 40 1/2"		3/1	SEE ELEV
0	AWNING	1834	25" x 40 1/2"	_	2/1	SEE ELEV
P	FRENCH DOOR	3279	35 5/8" x 83 1/8"	_	2/1	SEE ELEV
Q	AWNING	3054	37" x 60 1/2"	36" × 60"	8/1	_
R	FRENCH DOOR	3279	35 5/8" x 83 1/8"		9	SEE ELEV
S	AWNING	3066	37" x 72 1/2"	36" × 72"	12/1	† <u>-</u>
T	FRENCH DOOR	3092	64 1/2" x 96 1/8"	_	PR 2/1	SEE ELEV
U	FRENCH DOOR	3292	35 5/8" x 96 1/8"		2/1	SEE ELEV
V	PICTURE	5260	59" x 66 1/2"	58" × 66"	6/1	TEMP. GL.
W	PICTURE	6054	67" x 60 1/2"	66' x 60"	8/1	SEE ELEV
X	PICTURE	_		37 1/2" × 60"	1	NOTES 1,2 & 3
Y	PICTURE	_	_	54 3/4" x 72"	6/1	SEE ELEV
Z	AWNING	_	_	54 3/4" × 24"	1	SEE ELEV
AA	AWNING	1860	25" x 66 1/2"	24" × 66"	2/1	SEE ELEV
BB	PICTURE	5260	59" x 66 1/2"	58" x 66"	6/1	SEE ELEV
CC	AWNING	2654	33" x 60 1/2"	32" × 60"	3/1	SEE ELEV
DD	PICTURE	4454	51" x 60 1/2"	50" × 60"	5/1	SEE ELEV
EE	PICTURE	_		46 3/4" x 72"	4/1	_
FF	AWNING	_	_	46 3/4" × 24"	1	_
GG	DOUBLE HUNG	4020	46 5/8" x 49 3/8"		8/1	_
HH	CSMT TRANSOM	5214	59" × 20 1/2"	58" × 20"	6	_
 	FRENCH DOOR	2279	48 1/2" x 83 1/8"		PR 2/1	SEE ELEV
JJ	AWNING	1260	19" x 66 1/2"	18" × 66"	1/1	SEE ELEV
KK	AWNING	_		22" × 60"	4/1	NOTES 1,2 & 3
LL	CASEMENT	2254	29" x 60 1/2"	28" × 60"	6/1	3L & 3R (EGRE
MM	FIXED TRANSOM	RADIUS TOP		22" × 25"	4	SEE ELEV
NN	FIXED TRANSOM	RADIUS TOP	_	37 1/2" x 26"	6	SEE ELEV
00	FIXED TRANSOM	RADIUS TOP		22" × 25"	4	SEE ELEV
PP	FIXED TRANSOM	TRAPEZOID	FIELD VERIFY	32 3/8" × 24 5/8"	1	SEE ELEV
QQ	FIXED TRANSOM	TRAPEZOID	FIELD VERIFY	32 3/8" x 45 1/2"	1	SEE ELEV
RR	FIXED TRANSOM	TRAPEZOID	FIELD VERIFY	32 3/8" x 45 1/2"	1	SEE ELEV
SS	FIXED TRANSOM	TRAPEZOID	FIELD VERIFY	32 3/8" x 43 1/2 32 3/8" x 24 5/8"	1	SEE ELEV
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М	PICTURE	5254	59" x 60 1/2"	58" × 60"	6/1	NOTE 2
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Υ	PICTURE	_	-	54 3/4" x 72"	6/1	SEE ELEV
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AA	AWNING	1860	25" x 66 1/2"	24" × 66"	2/1	SEE ELEV
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FF	AWNING	_	_	46 3/4" x 24"	1	_
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НН	CSMT TRANSOM	5214	59" x 20 1/2"	58" × 20"	6	_
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SS	FIXED TRANSOM	TRAPEZOID	FIELD VERIFY	32 3/8" x 24 5/8"	1	SEE ELEV
TT	PICTURE	_	_	37 1/2" x 60"	4/1	SEE ELEV

NOTES:
1- CEILING/ROOF RADIUS @ FOYER & MASTER BEDROOM PROJECTED FROM 11'-11" WINDOW RADIUS. VERIFY TOTAL UNIT SIZE AND RADIUS
2- TEMPERED GLASS AT MASTER BATHROOM
3- TYPICAL: 3" VERTICAL STRUCTURAL MULLION BETWEEN WINDOWS EXCEPT AT EXTENDED SEGMENTAL (WINDOWS 'E', 'F' & 'G')
4- HEADER HEIGHTS SHOWN ON FLOOR PLANS AND CROSS SECTIONS FROM TOP OF SUBFLOOR. VERIFY UNIT MANUFACTURER'S DIMENSION FOR DOOR R.O.'s





REFER TO STRUCTURAL DRAWINGS FOR STRUCTURAL DESIGN

M1608D

SCALE: 1/4"=1'-0"