

From: Jean Fraser
To: Federle, Tom
CC: Thompson, Jennifer
Date: 4/9/2014 4:03 PM
Subject: Re: 118 condo documents- City comments

Tom

I have referred your two versions of the revised condo declaration to Legal (Jen Thompson) and will get back to you.

I was wondering who is responsible for the lights on the front of the commercial units, particularly the ones that are the subject of the last condition of approval:

i. That the two adjustable "flood" lights on the front of the building over the commercial unit windows shall be adjusted in accordance with the City's Technical Standard 12 "Site Lighting" Section 12.4.

These lights do not appear to be included in 11A ii and I would like to have the condition added in to the Condo Declaration where-ever these lights are mentioned- as presumably it is a restriction on the lights and needs to be on the record for future owners.

Or maybe you or Jen Thompson can suggest another way to address this?

Thanks
Jean

>>> Tom Federle <tom@federlemahoney.com> 4/8/2014 5:09 PM >>>
Jean:

Attached is a redlined and clean version of the revised Declaration addressing Corporation Counsel comments on paragraphs 6(c) and 6(d). Please let me know if these revisions meet with your approval.

Thank you,

Thomas B. Federle

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From: Jean Fraser <JF@portlandmaine.gov>
Date: Monday, April 7, 2014 10:59 AM
To: Tom Federle <tom@federlemahoney.com>
Cc: 'Ed Theriault' <etheriault@e-tla.com>, <chip@newheightgroup.com>
Subject: 118 condo documents- City comments

Tom

I refer to the ""Public Offering Statement" and various sections and exhibits that you sent to us on March 26, 2014. These are generally fine but we have a couple of comments from the Associate Corporation Counsel:

Declaration 6 (d) Paras (iv) and (v): The requirements re: maintenance and stormwater seem o.k. except that the provisions relating to the balconies and snow removal need to be beefed up. Here's what the license agreement says about the association's responsibility. I think paragraphs iv and v should more closely track this so that it's clear that unit owners must promptly clear balconies and do it in a safe manner, etc.:

At all times during the Term of this License Agreement, Licensee, its agents and assigns, specifically including, but not limited to any condominium association as soon as any unit is transferred, shall exclusively be responsible for repairing, keeping and maintaining the Licensed Areas in a safe condition generally, by, among other things: ensuring prompt removal of, or otherwise eliminating snow and ice from all encroachments and in a manner that does not endanger pedestrians; preventing, by design and rules and supervision, objects stored or otherwise present on the encroachments from falling or being dropped or thrown onto the City's sidewalk; repairing, replacing or removing all encroachments as necessary for public safety; taking any and all other measures necessary to protect pedestrians in the sidewalk from injury or other harm arising out of the presence of the encroachments.

Declaration 6 (c) Para (vii): Please add that the installation of vehicle lifts in the parking area would also be subject to the receipt of a building permit (or confirmation that one is not needed) from the City of Portland Inspections Division (Department of Planning and Urban Development), as there may be code issues that would need to be addressed.

Exhibit A: PI note earlier comment that this Subdivision Plat is a draft and should not be labelled as 'approved'. We have a number of substantive comments on the draft Plat which will be forwarded later today to Tom Greer.

Please send the revised version of the Condo Docs to me for a final "sign off".

thank you
Jean

*Jean Fraser, Planner
City of Portland
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