

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 8/24/15

Project Name: Mixed use Retail & Residential Building

Project Address: 185 Fore Str.

Site Plan ID Number: # 2014-0660

Planning ~~Board~~ Authority Approval Date: 5/26/15

Site Plan Approval Date: 5/26/15

* Performance Guarantee Accepted: 11/4/15 #302 \$187,499.00

Inspection Fee Paid: 9/8/15 w/ #3723 \$3,748.98

Infrastructure Contributions Paid: 9/11/15

Amount of Disturbed Area in SF or Acres: 6,947 SF

MCGP/Chapter 500 Stormwater PBR: City Permit

Plans/CADD Drawings Submitted: ?

Pre-Construction Meeting: 11/9/15

Conditions of Approval Met: 12/14/16

As-Builts Submitted: _____

Public Services Sign Off: 12/14/16

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) 12/14/16

Performance Guarantee to Defect Guarantee: 12/17/16

Defect Guarantee Released: _____

* LOC for site stabilization accepted 9/11/15, #300, \$10,000.00 - Expires 9/15/16

CITY OF PORTLAND, MAINE

PLANNING BOARD

Stuart O'Brien, Chair
Elizabeth Boepple, Vice Chair
Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley
Dave Eaton

May 27, 2015

Bateman Partners, LLC
Attention: Nathan Bateman
86 Newbury Street
Portland, ME 04101

Fay, Spofford & Thorndike- FST
Attention: Joseph Lavarriere
778 Main Street, Suite 8
South Portland, ME 04106

Project Name:	Mixed Use Retail and Residential Building	Project ID:	2014-066
Address:	185 Fore Street	CBL:	020 F023001
Applicant:	Nathan Bateman		
Planner:	Shukria Wiar		

Dear Mr. Bateman:

On May 26, 2015, the Planning Board considered the mixed use retail and residential building for a four story mixed use building that contains 4,085 square feet of office/retail use on the first floor and eight residential units on the second through fourth floors. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance, Site Plan Ordinance and Traffic Movement Permit. The project was also reviewed against the B5-b Urban Commercial Business Zone and Multiple-Family Housing standards of the Design Manual. The Planning Board voted unanimously (6-0, Boepple absent) to approve the application with the following waivers and conditions as presented below.

WAIVERS

1. Street Trees

The Planning Board finds that the applicant has demonstrated that due to site constraints preventing the planting of required street trees in the right of way, the requirements of Section 14-526(2)(b)(iii) of the Site Plan Ordinance cannot be met; and the Board finds that the applicant has satisfied the waiver criteria set out in Section 14-526(2)(b)(iii)(b) with the monetary contribution to the tree fund of \$200 per tree for six (6) trees for a total of \$1200. The Planning Board therefore voted unanimously (6-0, Boepple absent) to waive Section 14-526 (b)(2)(b)(iii) Street Trees of the Site Plan Ordinance.

2. Site Lighting:

The Planning Board voted unanimously (6-0, Boepple absent) to waive the Technical Standard, Sections 12.2.3 Illumination Levels and 12.2.5 Light Trespass, to allow four locations near the building where maximum light levels are exceeded by up to 7.7 foot candles, and to allow some minor trespass at the property boundaries that benefit the pedestrian areas.

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Portland Planning Board voted unanimously (6-0, Boepple absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, subject to the following condition:

*done
9/11/15*

ok

- done
11/8/15
1. That the applicant shall contribute \$5,000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at India/Middle Street.

SUBDIVISION REVIEW

The Planning Board voted unanimously (6-0, Boepple absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

- done
1. The final plat and/or condominium plat, along with accompanying condominium documents, shall be submitted for review and approval by the Planning Authority, Department of Public Services, and Associate Corporation Counsel prior to recording.
 2. The following shall be finalized to the satisfaction of the Corporation Counsel prior to the issuance of a Certificate of Occupancy:
 - a. Building foundation easements
 - b. Utility easement for the street light pole on private property
 - c. Stormwater management agreement
 3. The recording plat shall depict the building foundation and utility easements.
 4. The four property corners shall have property pins set by a registered land surveyor prior to issuance to the certificate of occupancy.
 5. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.
- done
done
12/12/16
done

SITE PLAN REVIEW

The Planning Board voted unanimously (6-0, Boepple absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- done
9/8/15
1. The applicant shall conduct a traffic monitoring study following project occupancy at the subject intersection as it relates installation of an All-Way STOP controlled intersection at India and Fore Streets. The applicant shall also contribute \$5,000.00 towards future multi-modal improvements at the subject intersection prior to the issuance of a building permit.
 2. The applicant has noted that a pattern of angle collisions was identified. The applicant shall provide recommendations as it relates to mitigating the noted crash pattern prior to the issuance of a certificate of occupancy. The applicant shall be responsible for all costs associated with implementation of the mitigation strategy, if identified.
 3. The Construction Management Plan shall include the final details of the temporary barrier protected sidewalk to be approved by the Department of Public Services prior to issuance of a building permit. This temporary sidewalk shall be ADA compliant and shall have MUTCD compliant signage.
 4. The applicant shall address David Margolis-Pineo comments in his memorandum dated 05.21.2015.
 5. All HVAC systems and external mechanical equipment shall meet the maximum allowable noise requirements of the zone; each unit shall submit documentation of dBA output to confirm compliance of both the unit and the building in respect of rated noise levels and cumulative noise levels, to the satisfaction of the Zoning Administrator prior to the issuance of a Building Permit for that unit.
- done
12/14/16
done
11/6/15
dc

- done ⑥ ?
- done
- done
- done
6. The applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted Stormwater Management and Stormwater Pollution Prevention Plans (dated July 2014 and revised April 2015) and the approved plans, and meet City standards and state guidelines.
 7. The applicant shall submit a sanitary sewer capacity letter from the Department of Public Services confirming that the sewer system has sufficient capacity, prior to the issuance of building permit.
 8. The bicycle racks shall meet City's Technical Standards to be located in the right-of way.
 9. That the cornice of the building be revised to achieve more articulation, relief, and shadow line, for Planning Authority review and approval prior to the issuance of a building permit.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2014-066 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.

7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
10. **Department of Public Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or via email at shukriaw@portlandmaine.gov

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. Department of Public Services Review, David Margolis-Pineo, dated May 21, 2015
2. Planning Board Report
3. City Code, Chapter 32
4. Sample Stormwater Maintenance Agreement
5. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPiero, Development Review Coordinator, Planning
Ann Machado, Acting Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

From: David Margolis-Pineo
To: Barbara Barhydt; Shukria Wiar
CC: DEVELOPMENT REVIEW GROUP
Date: 5/21/2015 2:21 PM
Subject: Review comment for 185 Fore St.

The following comments have been added to Urban Insight.

February 26, 2015
May 21, 2015

Memo To: Shukria Wiar
Barbara Barhydt
From: David Margolis-Pineo
Re: 167-185 Fore Street – Review Comments 2014-066
Department of Public Services

1. If the first floor retail area will be serving prepared food products, a grease removal unit may be necessary. If so, the applicant should contact Frank Brancely for guidance. 854-8832. Applicant states food services is not proposed.

2. The applicant is requested to place additional bike parking on Fore St in the proximity to office/retail door and to locate towards the back of the sidewalk and away from the curb line.

Bike rack spacing guidelines:

· If bike racks are located next to and parallel to the building, they shall be a minimum of 30" from the building (36" preferred). The minimum spacing between racks (on center) shall be 6'.

· If bike racks are located next to and perpendicular to the building, they shall be a minimum of 48" (on center) from the building (60" preferred). The minimum spacing between racks (on center) shall be 36" (48" preferred).

· If bike racks are placed at the curb and parallel to the curb, they shall be located a minimum of 24" from the back of curb (36" preferred). The minimum spacing between racks (on center) shall be 6'. They should be placed/spaced to avoid car doors opening based upon expected parking spacing.

Bike racks be may not be placed when bicycles are parked to reduce the clear sidewalk width below 5'.

A bike rack has been added. Thank you

3. If the proposed build's footings encroaches the street right of way, an easement from the City will be required. A license is proposed.

It appears the applicant is implying that an easement will not be required. We would like the applicant to confirm that this is in fact the cast that the foundation of the proposed building with not encroach the City's street right of way.

4. The four property corners shall have property pins set by a registered land surveyor prior to issuance of an occupancy permit.

The applicant has assured the pins will be set prior to occupancy.

5. It is the City's intent to acquire ownership of all proposed street lights. Therefore a meter is necessary for power billing purposes. The applicant should verify that the light specified for this location meets City of Portland lighting standards.

Bennett Engineering has been in touch with Kevin Thomas. This issue has been addressed.

6. All proposed sidewalk crossing ramps shall be constructed to be ADA compliant.

I'm not convinced that the ramp and landing area on the North side of the Fore Street crosswalk has an adequate landing ramp. I am asking Bruce Hyman to further review.

7. The proposed planter along India Street encroaches the road right of way. A license with the City of Portland will be required. A license is proposed.

The planter is no longer proposed.

8. Please be aware that the City of Portland requires concrete encasement around electrical conduits within the road right of way. Depth to top of encasement shall be 30". Encasement of street lighting conduit is not required. A note has been added to the plans to cover this requirement. Thank you

9. Sheet E1.01 shows an eight inch roof connection to the 18" sewer in the street. Sheet C4.0 shows this connection into a catchbasin. Please delete connection on Sheet E1.01.

Correction made.

10. Cross walk marking in detail on Sheet C6.2 is incorrect. Please refer to Figure I-22 in the City's Technical Manual.

Crosswalk markings currently show City standard. Thank you



Planning & Urban Development Department

Planning & Urban Development Department

Jeffrey Levine, Director

Nathan Bateman
185 Fore Street Associates, LLC
P.O. Box 3572
Portland, ME 04104

September 10, 2015

Project Name:	4 Story Mixed Use Building	Project ID:	2014-066
Address:	185 Fore Street	CBL:	020 F 023001
Applicant:	185 Fore Street Associates, LLC		
Planner:	Shukriaa Wiar		

Dear Mr. Bateman:

On, September 10, 2015, the Planning Authority approved the Mixed Use Building project preload site work at 185 Fore Street. As provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence earth work associated with the required site preload prior to issuance of the building permit. The commencement of site work is limited to the extent of work outlined in your letter dated September 8, 2015, preload area plan, erosion and sedimentation control plan for soils pre-loading, and listed below:

1. Removal of debris on the site
2. Installation of construction fence
3. Installation of temporary erosion control measures
4. Placement of fill material over the building pad area
5. And active monitoring of the settlement on a regular basis during the preload period.

Please be advised that you must obtain any permits that may be required from Public Services for the temporary closing of any sidewalks and any temporary loss of on-street parking.

Prior to the start of any site or demolition work, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule, erosion and sedimentation controls, and other critical aspects of the site work. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

The approval to proceed with the preload site work is based on the submitted request of 185 Fore Street Associates, LLC and the approved preload plans. If you need to make any modifications to the approved preload plans, you must submit a revised plan for staff review and approval.

Please contact Philip DiPierro, Development Review Coordinator at 874-8632 regarding the preconstruction meeting. If there are any further questions, please contact the Planning Office at 874-8719.

If there are any questions, please contact the Planning Staff.

Sincerely,



Jeff Levine
Planning & Urban Development Director

Attachments:

1. Letter from 185 Fore Street Associates, LLC
2. Geotechnical Memo from Summit Geoengineering Services
3. Submitted plans for Preload Area Plan dated 8-26-2014, and Erosion and Sediment control Plan For Preload Phase dated 9-9-15, Construction Management Plan dated 9-9-15

CC: Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Keith Gautreau, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

SUBDIVISION/SITE DEVELOPMENT
Cost Estimate of Improvements to be covered by Performance Guarantee

Date: 9/1/15

Name of Project: 185 Fore

Address/Location: 33 India Street

Application ID #: 201501851

Developer: Bateman Partners, LLC/East India Land Company

Form of Performance Guarantee: _____

Type of Development: Subdivision _____ Site Plan (Level I, II or III) _____

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas				12 ton	200.00	2,400.00 ✓
Curbing	54'	63.88	3,540.00 ✓	55'	40.00	2,200.00 ✓
Sidewalks	1,660 SF	16.00	30,560.00 ✓	528 SF	16.00	8,448.00 ✓
Esplanades						
Monuments	1	1,500.00	1,500.00 ✓			
Street Lighting	1	6,500.00	6,500.00 ✓			
Street Opening Repairs	2	6,000	12,000.00 ✓			
Other						
2. EARTH WORK						
Cut				1,416 cy	16.00	22,656.00 ✓
Fill				1,871 cy	21.34	39,920.00 ✓
3. SANITARY SEWER						
Manholes						
Piping	30'	250.00	7,500.00 ✓			
Connections						
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS	70'	271.43	19,000.00 ✓			
5. STORM DRAINAGE						
Manholes						
Catchbasins						
Piping	20'	375.00	7,500.00 ✓			
Detention Basin						
Stormwater Quality Units	3	467	1,400.00 ✓			
Other						

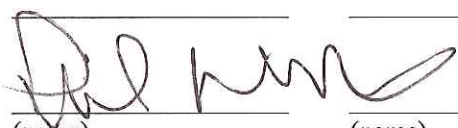
89,500

75,624

6. SITE LIGHTING				2	3,800.00	7,600.00 ✓
7. EROSION CONTROL						
Silt Fence	200'	5.00	1,000.00 ✓			
Check Dams						
Pipe Inlet/Outlet Protection	1	125.00	125.00 ✓			
Level Lip Spreader						
Slope Stabilization						
Geotextile						
Hay Bale Barriers						
Catch Basin Inlet Protection						
8. RECREATION AND OPEN SPACE AMENITIES						
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				42		6,600.00 ✓
10. MISCELLANEOUS **	2	3,500.00	7,000.00 ✓			
TOTAL:		97,625.00	8,125		89,824.00	14,200
GRAND TOTAL:		\$187,449.00				

total \$ 187,449
ok 9/11/15 PH

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	\$1,952.50	\$1,796.48	\$3,748.98
or			
B: Alternative Assessment:			
Assessed by:			9/11/15
	(name)	(name)	

**Miscellaneous Costs: (2) Steel Tree Grates & (2) Painted Cross Walks

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: 185 Fore Street Associates Me

Developer's Name and Mailing Address: P.O. Box 3572
Portland, ME 04104

City Account Number: _____

Application ID #: _____

Application of 185 Fore Street Associates [Applicant] for 185 Fore Street [Insert street/Project Name] at 185 Fore Street [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ _____ [amount of performance guarantee] on behalf of _____ [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing _____ [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on _____ [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the _____ [insert: subdivision and/ or site improvements (as applicable)] approval, dated _____ [insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this Guarantee, at his/her option,

either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed sixty (60) days after the expiration of this commitment; provided that the Applicant, or its representative, will give the City written notice, by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Guarantee will automatically expire on **[Insert date between April 16 and October 30 of the following year]** ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Performance Guarantee are satisfactorily completed, whichever is later. At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to **[the applicant]**. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: Subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 525.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee should any one of the following occur:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship;
or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the **[Insert: subdivision and/ or site improvements]**.

Seen and Agreed to:

By: 
[Applicant]

Date: 6/10/15

By: _____
****Planning Division Director

Date: _____

By: _____
Development Review Coordinator

Date: _____

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Cathy Ricker, ext. 8665.
3. The Agreement will be executed with one original signed by the Developer.
4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Cash Receipts Set.
5. ****Signature required if over \$50,000.00.

185 Fore Street Associates, LLC
P.O. Box 3572
Portland, ME 04104

9/8/15

Mr. Jeff Levine
City of Portland Planning Division
4th Floor, City Hall
389 Congress Street
Portland, ME 04101

Re: 185 Fore Street

Dear Jeff,

185 Fore Street Associates would like to request approval from your office to complete a pre-loading of the site in anticipation of a full construction start in October. Proposed work includes the removal of debris on site, installation of a construction fence, erosion control measures and placement of construction fill. The site will be monitored for a period of 30 days or until specified compaction is reached. Attached please find a copy of our pre-load plan.

Our lender Bangor Savings is currently preparing a letter of credit for \$10,000 to cover the scope of this request. Please do not hesitate to call with any questions or concerns. At this point we just really need to get this project moving or we will have to delay until next year.

Sincerely



Nathan Bateman
Member



MEMORANDUM

Date: September 4, 2014
To: Nathan Bateman, David Lloyd
PN: #14151
From: B. Peterlein, P.E.
RE: Additional Preload Considerations, 185 Fore Street, Portland, Maine

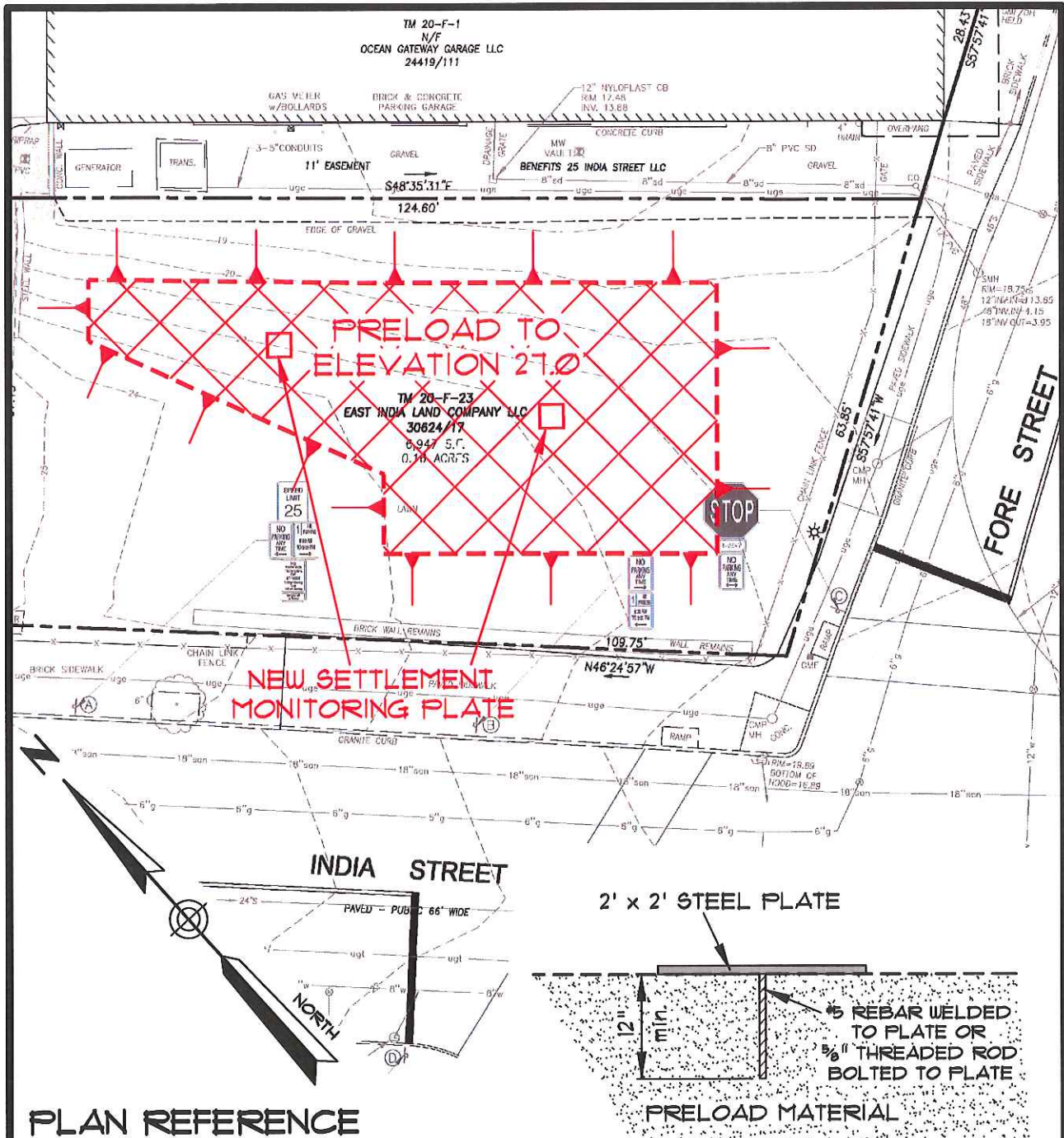
At the request of the design team, SGS has reviewed our preload requirements and prepared this memorandum supplementing the recommendations included in our geotechnical report.

Effects of The Preload on Adjacent Structures

Based on an existing conditions plan provided by FST, the existing utilities on adjacent properties proximal to the preload area are three 5" diameter underground electrical conduits and an 8" storm drain pipe. The materials and conditions of these utilities are unknown. Both the underground electric and storm drain lines are outside of the influence of the preload. Neither the weight of the preload nor the settlement of the subgrade soils will affect these utilities.

We understand that there is a communication line which goes into the ground from the existing utility pole at the west corner of the site and enters the Ocean Gateway Garage. The location of the underground line is not known. It is possible that this line runs beneath the surcharge area. We recommend that the location of this line be established prior to placing the preload. This can be accomplished non-destructively by a utility locate company such as Dig Smart of Maine. While they are at the site, we recommend that the entire site be monitored for the potential of other currently unknown utilities. This will be necessary not only for the preload phase of work but also for the building construction phase.

If the existing communications line falls within the preload footprint, it should be rerouted temporarily or permanently prior to placement of the preload material. We understand that there are plans in place for rerouting the communication lines.



PLAN REFERENCE

"PRELIMINARY BOUNDARY & TOPOGRAPHIC SURVEY", DATED MARCH 12, 2014, PREPARED BY OWEN HASKELL, INC.

PRELOAD MONITORING PLATE

NOT TO SCALE

**FIGURE 4 - PRELOAD AREA PLAN
NEW BUILDING**

185 FORE STREET - PORTLAND, MAINE

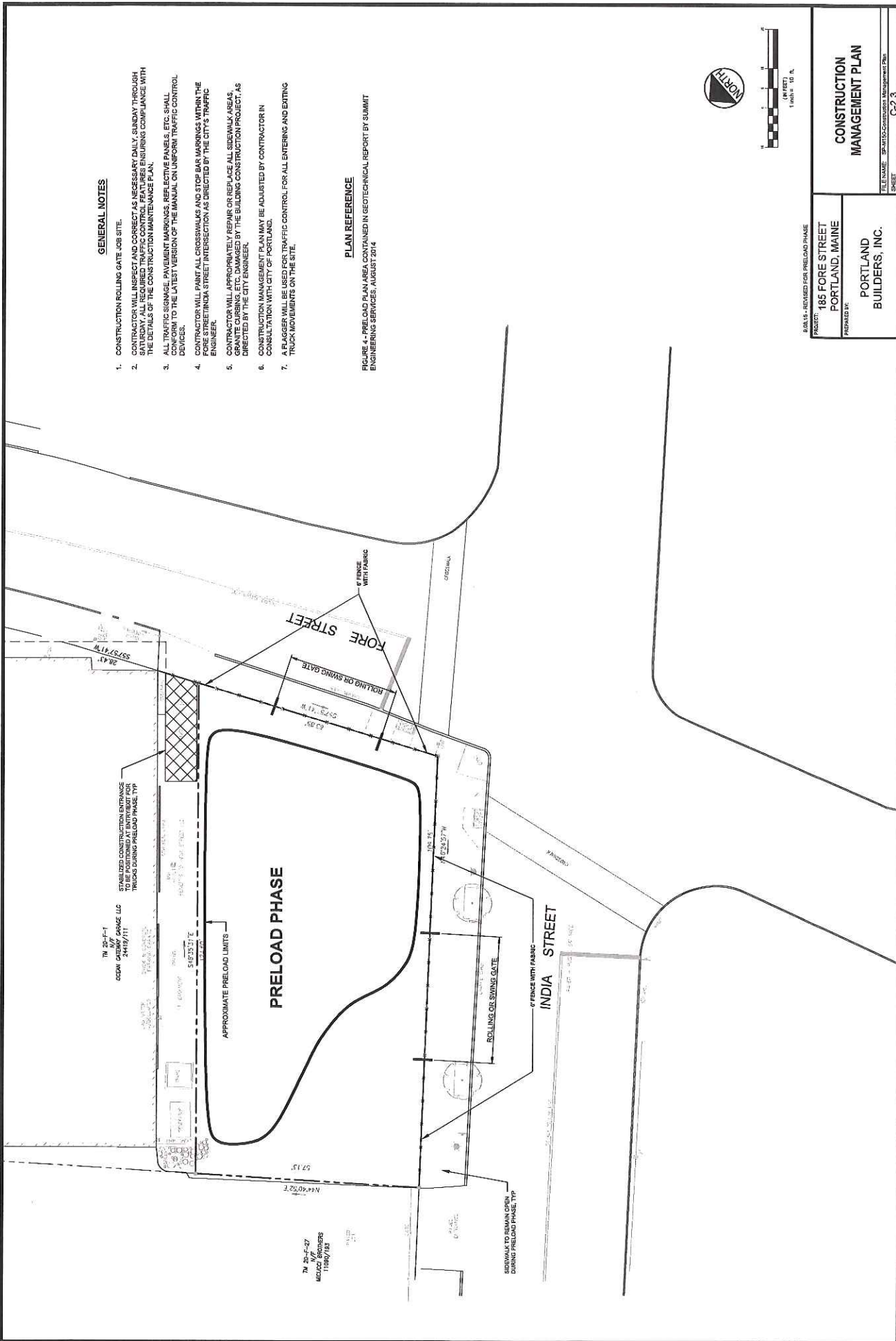
PREPARED FOR
BATEMAN PARTNERS, LCC

145 LISBON ST. - SUITE 601
LEWISTON, ME 04240
Tel.: (207) 576-3313

173 PLEASANT STREET
ROCKLAND, ME 04841
Tel.: (207) 318-7761

SUMMIT
GEOENGINEERING SERVICES
www.summitgeoeng.com

DATE: 8-26-2014	DRAWN BY: KRF	CHECKED BY: WMP
JOB: 14151	SCALE: 1" = 20'	FILE: 14151 BOR



GENERAL NOTES

1. CONSTRUCTION ROLLING GATE JOB SITE.
2. CONTRACTOR WILL INSPECT AND CORRECT AS NECESSARY DAILY SUNDAY THROUGH THURSDAY TO INSURE COMPLIANCE WITH THE DETAILS OF THE CONSTRUCTION MANAGEMENT PLAN.
3. ALL TRAFFIC SIGNAGE, PAVEMENT MARKINGS, REFLECTIVE PANELS, ETC. SHALL CORRESPOND TO THE LATEST VERSION OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
4. CONTRACTOR WILL PAINT ALL CROSSLINKS AND STOP MARKINGS WITHIN THE FORE STREET/INDIA STREET INTERSECTION AS DIRECTED BY THE CITY'S TRAFFIC ENGINEER.
5. CONTRACTOR WILL APPROPRIATELY REPAIR OR REPLACE ALL SIDEWALK AREAS, GRANITE CURBS, ETC. DAMAGED BY THE BUILDING CONSTRUCTION PROJECT AS DIRECTED BY THE CITY ENGINEER.
6. CONSTRUCTION MANAGEMENT PLAN MAY BE ADJUSTED BY CONTRACTOR IN CONSULTATION WITH CITY OF PORTLAND.
7. A FLAGGER WILL BE USED FOR TRAFFIC CONTROL FOR ALL ENTERING AND EXITING TRUCK MOVEMENTS ON THE SITE.

PLAN REFERENCE

FIGURE 4 - PRELOAD PLAN AREA CONTAINED IN GEOTECHNICAL REPORT BY SUMMIT ENGINEERING SERVICES, AUGUST 2014

TM 20-F-1
OSDM GUYWIRE PHASE LLC
24118/1711

STANDARD CONSTRUCTION SIGNAGE TO BE POSITIONED AT ENTRY POINT FOR TRUCKS DURING PRELOAD PHASE, TYP

TM 20-F-27
MCDONALD'S
1189/103

ORIGINAL TO REMAIN OPEN DURING PRELOAD PHASE, TYP

DATE: 10-15-2014 REVISED FOR PRELOAD PHASE

PROJECT: 185 FORE STREET
PORTLAND, MAINE
PROJECT NO.:

PORTLAND BUILDERS, INC.

CONSTRUCTION MANAGEMENT PLAN

FILE NAME: SP-UMS-Construction Management Plan
SHEET: C-2.3