

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

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Kevin Beal, Chair  
Michael Patterson, Vice Chair  
John Anton  
Lee Lowry III  
Shalom Odokara  
David Silk  
Janice E. Tevanian

April 18, 2006

Mr. Tim Levine  
Olympia Equity Investors, IVB  
280 Fore Street  
Portland, Maine 04101

RE: 300 Fore Street, Custom House Square Office and Retail Project

# 2005-0247

Dear Mr. Levine:

On March 28, 2006, the Portland Planning Board acted upon Olympia Investors IV-B's applications for site plan and subdivision approval, traffic movement permit, and B-3 maximum setback waiver as follows:

**A. B-3 Maximum Setback Waiver**

In accordance with Site Plan standard 14-526, 16 (b) 2 – *Standards for increasing setback beyond street build-to line in the B-3 zone*, the Planning Board found that the introduction of increased building setbacks at the street level:

- (a) Provides substantial and viable publicly accessible open space,
- (b) Does not substantially detract from the prevailing street wall character,
- (c) Does not detract from existing publicly accessible open space, and
- (d) The area of setback is of high quality and character of design and is attractive to pedestrian activity,

and on that basis granted the B-3 maximum setback waiver as depicted on the applicant's site plan. (6 to 0, Patterson absent)

**B. Traffic Movement Permit**

The Planning Board found that the project is in conformance with the standards for granting a Traffic Movement Permit, subject to the following conditions of approval:

done  
check in

c. ~~Cross easements between the subject property and 85 Commercial Street for emergency and utility access and maintenance.~~

7  
iv. That site plan approval of the location and minimum amount of vehicular parking required for the development (a minimum of 123 spaces) is directly linked to the specific occupants identified by the applicant at the March 28, 2006, public hearing of the Planning Board (namely CIEE, Inc, for office use of floors 2, 3, 4, 5 and the basement, and OEI IV-B, LLC, for restaurant/retail use of floor 1). If at any time (a) either occupant changes, (b) any portion of the building is sold, subleased, or further divided, or (c) there is any intensification of any use of the building, such change shall, within 60 days, be communicated by or on behalf of the applicant or its successor in interest to the Planning Authority and shall prompt and require an amendment of the parking component of the site plan approval;

v. The Site Plan is approved for a minimum of 123 spaces to be located on the property owned by Riverwalk, LLC either within the Longfellow Garage or surface spaces in the vicinity of India Street, Middle Street, Hancock Street and Fore Street. No occupancy permits for the subject project shall be issued prior to the applicant's exercising its rights to lease a minimum of 123 parking spaces owned by Riverwalk, LLC. at this location. It is also required that the applicant make a specific documentation identifying the parking property lease, and the applicant shall provide an inventory of parking spaces on the Riverwalk site and their current use and availability.

check on

In the event spaces within or at the site of the Longfellow Garage are not yet available as of the completion of the subject project, the applicant shall provide proof of alternative temporary parking arrangements (not to exceed one year) for the review and approval of the Planning Authority at such time.

done  
9/28/04  
vi. That the applicant makes a financial contribution for improvements to the southerly sidewalk along Fore Street between India Street and Franklin Arterial. The amount of the contribution shall cover 25% of the cost of improvements up to \$15,000. The contribution shall be held in escrow and returned to the applicant if not used within 10 years. If the location of the project parking changes from the site of the Longfellow Garage, the need for the contribution shall be reassessed by the Public Works Department and the Planning Authority if the project parking location changes prior to spending funds on the Fore Street sidewalk.

(5 to 1, Silk opposed, Patterson absent)

The approval is based upon and limited to the site plan and information relating to the City of Portland site plan, subdivision, and related standards set forth in Planning Report #20-06 (copy



enclosed), and/or introduced into the record at the March 28, 2006, public hearing.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (\*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
6. 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.)

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. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Bill Needelman, Senior Planner, at 874-8722.

Sincerely,



Kevin Beal, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
~~Bill Needelman~~, Senior Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File

**From:** Donna Martin  
**To:** C of O; mc  
**Date:** 8/17/2007 10:15:45 AM  
**Subject:** Certificate of Occupancy/Final Scheduled. Property Addr: 7 CUSTOM HOUSE ST  
Parcel ID: 029 K001001

Date: 8/22/2007 Time:

Note: Call Larry @ 671-6854 Property Addr: 7 CUSTOM HOUSE ST Parcel ID: 029 K001001

Application Type: Prmt  
Application ID: 61081

Contact:  
Phone1: Phone2:

Owner Name: OLYMPIA EQUITY INVESTORS IV LLC  
Owner Addr: 280 FORE ST STE 202  
PORTLAND , ME 04101

Donna Martin  
Building Inspections  
City of Portland  
389 Congress St. Rm 315  
Portland, ME. 04101

P 207-874-8703  
F 207-874-8716



# PORTLAND MAINE

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Lee Urban - Director of Planning and Development  
Jeanie Bourke - Inspection Division Services Director

August 8, 2007

Olympia Equity Investors IVB, LLC  
280 Fore Street, Suite 202  
Portland, ME 04101

RE: Site Work at 300 Fore Street, Custom House Square, CBL#O29 K 001001,

Dear Sirs:

Site work has been observed taking place on your property at the corner of Fore and Custom House Street that is **not** in compliance with the approved site plan. In particular, the installation of flush curbing where it is not shown on the approved site plan has occurred, and needs to be addressed.

This letter is a **STOP WORK ORDER** pursuant to Section 14-521, including Section 14-528 and Section 25-96 of the City Code of Ordinance. All site work must stop immediately.

In order to come into compliance, you must submit an amended site plan for review and approval by the Public Works and Planning Authorities.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452.

Sincerely,



Tammy Munson  
Code Enforcement Officer / Plan Reviewer

cc: Lee Urban, Planning and Development Director  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jeanie Bourke, Inspection Services Manager  
Penny Littell, Corporation Counsel





**City of Portland  
Inspection Services  
RETURN OF SERVICE**

On the 9 day of August 2007, I made service of a notice of violation ordering to Stop Work  
at 7 Custom House Street

By delivering a copy in hand

By leaving copies at the individual's dwelling house or usual place of abode with a person of a suitable age or discretion who resides therein and whose is named \_\_\_\_\_.

By delivering a copy to an agent authorized to receive service of process, and whose name is \_\_\_\_\_.

By (describe other manner of service) \_\_\_\_\_

DATED 9 Aug 07

Thomas W. Marking  
Signature of Person Making Service

Code Officer / Plan Reviewer  
Title

I have received the above referenced documents

Jany Ros  
Person Receiving Service

Refused to Sign

Unable to Sign

**From:** Michael Farmer  
**To:** Needelman, William  
**Date:** 8/11/2007 10:57:40 AM  
**Subject:** Re: Fwd: Custom House Square

Bill:

Todd merkle and I are going to be away from the office from Aug. 13-17. Both Todd and I have reviewed this situation with Dave Margolis-Pineo, Deputy City Engineer. Dave and Jim Carmody are prepared to address this issue on behalf of DPW if a decision is needed during the week of Aug. 13-17.

Based on the discussion at the Wednesday Development Review Meeting at Planning (8-8-2007) and a meeting on Friday (8-10-2007) between Jim Carmody, Dave Margolis-Pineo, and me, I think I can fairly state the following. (1) Based on Traffic Engineering considerations, the granite curb at the intersection of Fore St. and Custom House St. should have a 7" reveal except at a normally sized sidewalk ramp. (2) Jim Carmody recommends that the sidewalk ramp on Custom House Street near the side "delivery" doors be eliminated and that the curb in this area be constructed with a 7" reveal.

I reviewed the drawing in the PDF file named 2581-SP-ALT GRADES August 10 2007 FIGURE B. My comments regarding this drawing are as follows. (1) The proposed contours along Custom House St. would direct runoff toward the building, which I think is a bad idea. Consideration should be given to grading the sidewalk to make runoff flow away from the building. It may be that the only way to achieve this is to construct a (shallow) swale in the sidewalk that leads to a new catch basin in the sidewalk near the delivery doors. (2) The drawing shows that the granite threshold at the sidewalk ramp at the intersection of Fore and Custom House Streets would have an inch of reveal at one side of the ramp. I don't think a 1" step is acceptable for a wheelchair accessible route.

Michael Farmer, Project Engineer  
Dept. of Public Works  
55 Portland Street  
Portland, ME 04101  
phone: 207-874-8845  
fax: 207-874-8852

>>> William Needelman 08/10 2:25 PM >>>

Dan,

Could you please take a look and coordinate with Mike Farmer. I know that these folks are looking for a quick answer. If that is not reasonable or if they need to give you more info (pavement elevations?) Please let me know.

Thank you.

Bill

>>> "Chris Osterrieder" <[costerrieder@DelucaHoffman.com](mailto:costerrieder@DelucaHoffman.com)> 8/10/2007 1:36:58 PM >>>  
Mike/Phil:

Attached is an amended portion of the Site Plan for the 300 Fore Street, Custom House Square, CBL#O29 K 001001 project. This plan has been prepared in response to the STOP WORK order issued on August 8, 2007.



The STOP WORK order specifically referenced work performed that was not in compliance with the approved Site Plan, specifically installation of flush curbing.

This plan reflects the revised elevations the sidewalk along Custom House Street per a July 27, 2007 field revision which incorporated an additional curb ramp along Custom house Street. This additional ramp was added due to a discrepancy in the existing elevations of Custom House Street. The revised plan seeks to maintain the added ramp along Custom House Street and is necessary due to issues with drainage.

The proposed grades (these are clouded) along the intersection of Fore Street and Custom House Street, will require rework of the existing curb line and are intended to specifically address the issue of the flush curbing along the bump out. The clouded spot grades represent the proposed elevations of the sidewalk and curb line at the intersection of Fore Street and Custom House Street. These clouded spot grades are a result of field survey performed by my office (August 9, 2007) of actual field conditions.

The clouded spot grades will result in a reduction of the flush curb to coincide with the approved design, which allowed for a single ramp which will connect into a crosswalk across Custom House Street. The clouded spot grades represent a transition of curbing from the flush curb at the ramp opening to 7" of reveal along Fore Street and Custom House Street.

We hereby request that both the Public Works and Planning Department review and approve this amended plan, such that the project be found in compliance and the STOP Work order be rescinded.

Our office is available to meet onsite to review this issue and would appreciate your prompt review of this matter.

Please do not hesitate to contact me with any questions you may have.

Christopher J. Osterrieder, P.E., C.P.E.S.C.

Senior Engineer

## Philip DiPierro - Custom House Square

---

**From:** "Chris Osterrieder" <costerrieder@DelucaHoffman.com>  
**To:** <Mfarmer@portlandmaine.gov>, <PD@portlandmaine.gov>  
**Date:** 8/10/2007 12:40 PM  
**Subject:** Custom House Square  
**CC:** <BAB@portlandmaine.gov>, <AQJ@portlandmaine.gov>, <KAS@portlandmaine.gov>, "Eric Hodgkins" <EHODGKINS@theolympiacompanies.com>, <PL@portlandmaine.gov>, <TMM@portlandmaine.gov>, <Todd@portlandmaine.gov>, <WBN@portlandmaine.gov>

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Mike/Phil:

Attached is an amended portion of the Site Plan for the *300 Fore Street, Custom House Square, CBL#O29:K 001001* project. This plan has been prepared in response to the STOP WORK order issued on August 8, 2007. The STOP WORK order specifically referenced work performed that was not in compliance with the approved Site Plan, specifically installation of flush curbing.

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We hereby request that both the Public Works and Planning Department review and approve this amended plan, such that the project be found in compliance and the STOP Work order be rescinded.

Our office is available to meet onsite to review this issue and would appreciate your prompt review of this matter.

Please do not hesitate to contact me with any questions you may have.

Christopher J. Osterrieder, P.E., C.P.E.S.C.

Senior Engineer

DeLuca-Hoffman Associates, Inc.  
 778 Main Street Suite 8  
 South Portland, Maine 04106  
 Ph. (207) 775-1121  
 Fx. (207) 879-0896  
[www.delucahoffman.com](http://www.delucahoffman.com)

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**Philip DiPierro - 300 Fore Street Light Pole**

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**From:** "Eric Hodgkins" <EHODGKINS@theolympiacompanies.com>  
**To:** <wbn@portlandmaine.gov>, <PD@portlandmaine.gov>, <BAB@portlandmaine.gov>, <Todd@portlandmaine.gov>  
**Date:** 1/28/2008 2:59 PM  
**Subject:** 300 Fore Street Light Pole  
**CC:** "Tim Levine" <TLEVINE@theolympiacompanies.com>

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In October, after a certificate of occupancy was issued and after the site work was signed off that the project was complete, one of the light poles on Fore Street was broken by what appears to be a delivery vehicle. Since the pole could have fallen into the building or on a pedestrian, as the pole was leaning, an electrician unwired the pole and took it down. I have enclosed the signoff from Phil indicating the site work was indicated to be complete. This light pole was installed and wired in August.

I contacted DPW to get the pole repaired and got bounced back and forth, finally ending up with Todd Murkle of Public Works. Todd indicated the damage was done prior to acceptance by the City and that Olympia would have to repair the pole. I have provided documentation to Public Works that the damage had in fact been done after the City signed off on the project, which they have conceded that fact. Now they indicate the timing did not matter, but this is a defect covered by the one year defect guarantee. This morning I got a voice mail from Todd indicating that our bond would be called in to replace the pole because there was a defect in the pole. He and I have since talked and he has indicated that Olympia is to guarantee that all materials are to be free of defect for one year.

This damage is clearly out of our control and not covered by our guarantee, our guarantor will provide language of same, if necessary. If the City could get the repairs done as promptly as possible, it would be appreciated.

Thank-you all for your time.

**Eric Hodgkins**  
**Project Manager**

**Olympia Development**  
The Olympia Companies  
280 Fore Street, Suite 202  
Portland, Maine 04101

Tel: 207-874-9990 x128  
Fax: 207-874-9993  
Cell: 207-232-0887  
[ehodgkins@theolympiacompanies.com](mailto:ehodgkins@theolympiacompanies.com)  
[www.theolympiacompanies.com](http://www.theolympiacompanies.com)



**From:** Donald Heath  
**To:** Philip DiPierro  
**Date:** 10/17/2007 10:22:23 AM  
**Subject:** Development Action Grant to Olympia Investors for projectd at 300 Fore St.

Hi Phil:

Olympia is looking for a disbursement \$16,238.00 on their project at 300 Fore St. This is a Development Action Grant that was approved for public infrastructure (sidewalks, curbs, watermains). Could you tell me if this work has been completed.

Thanks.

Don X 8181

**From:** "Eric Hodgkins" <EHODGKINS@theolympiacompanies.com>  
**To:** "Philip DiPierro " <PD@portlandmaine.gov>, "Jonathan Benoit" <JBENOIT@theolympiacompanies.com>  
**Date:** 9/26/2007 9:04:45 AM  
**Subject:** RE: Fwd: 300 Fore Street Letter of Credit

Thank you for your review of our project and we appreciate the reduction with the letter of credit.

We look forward to continued successful projects in the city.

Regards,

Eric Hodgkins  
Olympia Development  
280 Fore St.  
Portland ME 04101  
207-874-9990 ext 128  
207-232-0887

sent via Treo by Verizon

-----Original Message-----

**From:** "Philip DiPierro " <PD@portlandmaine.gov>  
**To:** "EHODGKINS@theolympiacompanies.com" <EHODGKINS@theolympiacompanies.com>  
**Cc:** "Lee Urban" <LDU@portlandmaine.gov>  
**Sent:** 9/26/07 8:55 AM  
**Subject:** Re: Fwd: 300 Fore Street Letter of Credit

Hi Eric,

Recently I conducted an inspection for a Certificate of Occupancy and determined that the site work appears to be in conformance with the approved site plan, thus allowing for the reduction of your Performance Guarantee letter of credit to the required one year Defect Guarantee.

Please be advised that I can only speak for site plan related issues, and that my inspection covers only the exterior site work portions of the project. Therefore, if there are any issues relating to the structure itself, they would be dealt with through the Code Enforcement and Inspections Department, and you would need to confirm compliance with them.

Please contact me with any questions.

Philip DiPierro  
Development Review Coordinator  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101

Phone 207 874-8632  
Fax 207 756-8258

>>> Lee Urban 9/20/2007 3:56:22 PM >>>  
Hello, Phil, . . .

Can you please respond to Eric? Thanks. And please cc me. Thanks.

>>> "Eric Hodgkins" <EHODGKINS@theolympiacompanies.com > 9/19/2007  
11:51:35 AM >>>  
Lee,

A letter of credit was established for 300 Fore street for the site improvements. I understand that this letter of credit has been reduced to 10%. I would like to make sure the work has been completed on site to the City's satisfaction, and that if there are any deficiencies, that we provide or rectify any deficiencies immediately. If you could please let me know the next steps to take to ensure the City's satisfaction with the project.

Thank-You

Eric Hodgkins

Project Manager

Olympia Development

The Olympia Companies

280 Fore Street, Suite 202

Portland, Maine 04101

Tel: 207-874-9990 x128

Fax: 207-874-9993

Cell: 207-232-0887

ehodgkins@theolympiacompanies.com

www.theolympiacompanies.com < <http://www.theolympiacompanies.com/> >



**CC:** "Lee Urban" <LDU@portlandmaine.gov>

**From:** Lee Urban  
**To:** Philip DiPierro  
**Date:** 9/20/2007 3:56:23 PM  
**Subject:** Fwd: 300 Fore Street Letter of Credit

Hello, Phil, . . .

Can you please respond to Eric? Thanks. And please cc me. Thanks.

>>> "Eric Hodgkins" <EHODGKINS@theolympiacompanies.com> 9/19/2007 11:51:35 AM >>>  
Lee,

A letter of credit was established for 300 Fore street for the site improvements. I understand that this letter of credit has been reduced to 10%. I would like to make sure the work has been completed on site to the City's satisfaction, and that if there are any deficiencies, that we provide or rectify any deficiencies immediately. If you could please let me know the next steps to take to ensure the City's satisfaction with the project.

Thank-You

Eric Hodgkins

Project Manager

Olympia Development

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[www.theolympiacompanies.com](http://www.theolympiacompanies.com) <<http://www.theolympiacompanies.com/>>

**Philip DiPierro - Re: FW: Assignment of Contract Top of Old Port.pdf**

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**From:** Jeanie Bourke  
**To:** Eric Hodgkins; William Needelman  
**Date:** 9/11/2007 5:15 PM  
**Subject:** Re: FW: Assignment of Contract Top of Old Port.pdf  
**CC:** Barbara Barhydt; Chris Hanson; Jonathan Benoit; Philip DiPierro ; Tim Levine

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The basement floor is also included in this initial CO for some utility/mechanical/storage space and a portion for the business purchasing floors 2-5.

Jeanie Bourke  
Inspection Services Division Director

City of Portland  
Planning & Development Dept./ Inspections Division  
389 Congress St. Rm 315  
Portland, ME 04101  
[jmb@portlandmaine.gov](mailto:jmb@portlandmaine.gov)  
(207)874-8715

>>> William Needelman 09/10 11:46 AM >>>  
Eric,

This is very helpful. As far as conditions of ***site plan and Traffic Movement permits***, there are no other issues as far as C of O for floors 2-5. Ground floor would likewise be ok for retail or restaurant use (as approved) but not for office (as requested.)

Next steps from here (with regards to site plan and traffic movement approvals) are to:

1. provide the updated parking/traffic analysis and storefront treatment detail for the first floor change of use (which will allow Planning to sign off on the first floor C of O for office use); and ,
2. provide signed lease with the Ocean Gateway Garage within one year of your C of O (assuming the completion of the garage and your taking possession of a minimum of 123 spaces). If the Garage is not on line, or if your parking plans change, you would need to update your Traffic Movement Permit by applying for permanent change in parking location.

Please call or reply with any questions.

Regards,

Bill



Bill Needelman, AICP  
Senior Planner  
Planning and Development Department  
City of Portland, Maine  
389 Congress Street  
Portland, Maine 04101-3509

(207) 874-8722 tel.  
(207) 756-8258 fax.  
[wbn@portlandmaine.gov](mailto:wbn@portlandmaine.gov)

>>> "Eric Hodgkins" <[EHODGKINS@theolympiacompanies.com](mailto:EHODGKINS@theolympiacompanies.com)> 9/10/2007 11:20:25 AM

>>>

Bill,

Appreciate the phone call today. As I indicated to you, we are requesting occupancy for the project for all spaces except the 1st floor tenant spaces reserved for retail/restaurant. The certificate for occupancy for those spaces will be applied for separately.

To address parking, we have executed a temporary lease with the Top of the Old Port for 130 spaces until the Longfellow Garage is completed. These 130 spaces have been leased for one year as of 9/1/07 by Olympia Equity Investors. Included in the attachment is the transfer of the lease from OEI to the condominium unit located at 300 Fore Street (CIEE being the anchor tenant of the condominium unit). These temporary spaces are exclusive to 300 Fore Street and not for any of our other properties or projects within the city.

If you need any other information, please let me know.

Thank-you

Eric Hodgkins

Project Manager

Olympia Development

The Olympia Companies

280 Fore Street, Suite 202

Portland, Maine 04101

Tel: 207-874-9990 x128

Fax: 207-874-9993

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[www.theolympiacompanies.com](http://www.theolympiacompanies.com) < <http://www.theolympiacompanies.com/> >

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From: Jonathan Benoit

Sent: Monday, September 10, 2007 11:11 AM

To: Eric Hodgkins

Subject: Assignment of Contract Top of Old Port.pdf



*Strengthening a Remarkable City, Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Finance Department**  
Duane G. Kline, Director

September 12, 2007

Machias Savings Bank  
P.O. Box 318  
Machias, ME 04654

Re: Olympia Equity Investors IVB, LLC  
Letter of Credit No. 3010406105 dated August 6, 2008

This is to inform you that I am authorizing the reduction in the above-named letter of credit by the amount of \$239,364.90, which leaves a balance of \$26,595.10 remaining.

If you require any further information, please let me know.

Sincerely,

Duane G. Kline  
Finance Director

DGK:mmma

cc: Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator





6. SITE LIGHTING	250 lf	\$8	\$ 2,000			
	6 ea	\$960	\$ 5,760			
7. EROSION CONTROL						
Silt Fence	75 lf	\$4	\$ 300			
Check Dams	4 ea	\$60	\$ 240			
Pipe Inlet/Outlet Protection						
Level Lip Spreader						
Slope Stabilization	1 ea	\$2,000	\$ 2,000			
Geotextile						
Hay Bale Barriers	4 ea	\$50	\$ 200			
Catch Basin Inlet Protection	1 ea	\$100	\$ 100			
8. RECREATION AND OPEN SPACE AMENITIES						
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)						
10. MISCELLANEOUS	---	---	\$142,596			
TOTAL:			\$265,961			
GRAND TOTAL:			\$265,961			

OK 6-21-06  
P.R. for E.O.L.

**INSPECTION FEE (to be filled out by the City)**

		<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A.	2.0% of totals	5,319.22		5,319.22
	<u>Or</u>			
B.	Alternative Assessment:			
	Assessed by:			
		(name)	(name)	

**City of Portland**  
**Department of Planning and Development**  
**Planning Division**  
389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258



**FAX**

---

**To:**

Don Heath

**Company:**

**Fax #:**

756-8217

**Date:**

7-5-06

**From:**

Jay Reynolds

You should receive 3 page(s) including this cover sheet.

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**Comments:**

MODE = MEMORY TRANSMISSION

START=JUL-05 13:41

END=JUL-05 13:43

FILE NO.=434

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	97568217	003/003	00:00:55

-CITY OF PORTLAND -

\*\*\*\*\* -PLANNING DEPT. - \*\*\*\*\* 2077568258-\*\*\*\*\*

City of Portland  
 Department of Planning and Development  
 Planning Division  
 389 Congress Street, 4<sup>th</sup> Floor  
 Portland ME 04101  
 (207)874-8721 or (207)874-8719  
 Fax: (207)756-8258



FAX

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To: Don Heath

Company: \_\_\_\_\_

Fax #: 756-8217

Date: 7-5-06

From: Jay Reynolds

You should receive 3 page(s) including this cover sheet.

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Comments:





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

September 10, 2007

Sharon Davis  
Machias Savings Bank  
4 Center Street  
Machias, Maine 04654

Dear Ms. Davis;

We have received your letter of August 30, 2007 regarding Irrevocable Letter of Credit No. 3010406105, Olympia Equity Investors IV-B, LLC. Please be advised this Letter of Credit shall be automatically converted to a Defect Letter of Credit as stated in its language. As a result, the City will not be forwarding the Letter of Credit document to you, but will be retaining it as evidence of the Defect Guarantee.

If you have any questions or require additional information, please feel free to contact me at (207) 874-8632.

Sincerely,

Philip DiPierro  
Development Review Coordinator



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning and Development Department**  
Lee D. Urban, Director

**Planning Division**  
Alexander Jaegerman, Director

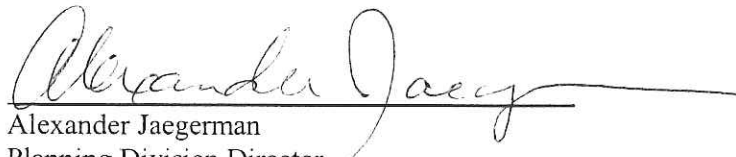
**TO:** Duane Kline, Finance Department  
**FROM:** Alexander Jaegerman, Planning Division Director  
**DATE:** September 10, 2007  
**SUBJECT:** Request for Reduction of Performance Guarantee to Defect Guarantee  
Custom House Square, 300 Fore Street  
(ID# 2005-0247      Lead CBL#029 K 001001)

Please reduce the letter of credit, #3010406105 dated August 8, 2006 for Olympia Equity Investors IV-B, LLC at 300 Fore Street, Portland, Maine, to the Defect Guarantee.

Original Amount	\$265,961.00
<b><u>This Reduction</u></b>	<b><u>\$239,364.90</u></b>
Remaining Balance	\$ 26,596.10

This is the first reduction for the project.

**Approved:**

  
Alexander Jaegerman  
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator  
File: Urban Insight

TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: September 10, 2007

RE: C. of O. for #300 Fore Street, Custom House Square Floors 2-5  
(Id#2005-0247) (CBL 029 K 001001)

---

After visiting the site, I have the following comments:

Site work complete

At this time, **I recommend issuing a permanent Certificate of Occupancy for floors 2-5.**

Cc: Barbara Barhydt, Development Review Services Manager  
Jeanie Bourke, Inspection Services Manager  
File: Urban Insight



**ENGINEERS OPINION OF PROBABLE SITE CONSTRUCTION COST  
CUSTOM HOUSE SQUARE BUILDING**

Item	Description	QUANTITY	UNIT	UNIT COST	TOTAL COST
1	Common Excavation	476	CY	\$ 9.00	\$ 4,284.00
2	Remove and Dispose of Rock	50	CY	\$ 55.00	\$ 2,750.00
3	Subbase Gravel	50	CY	\$ 20.00	\$ 1,000.00
4	Base Gravel	180	CY	\$ 24.00	\$ 4,320.00
5	Hot Bituminous Surface Pavement	0	TON	\$ 70.00	\$ -
6	Type 1 Vertical Granite Curb-Linear	258	LF	\$ 34.00	\$ 8,772.00
7	Type 1 Vertical Granite Curb-Radial	75	LF	\$ 39.00	\$ 2,925.00
8	Custom House Street Reconstruction	40	SY	\$ 150.00	\$ 6,000.00
9	Hot Bituminous Roadway Reconstruction	225	SY	\$ 80.00	\$ 18,000.00
10	Brick Sidewalk Construction	460	SY	\$ 120.00	\$ 55,200.00
11	Standard Street Signs	6	EACH	\$ 250.00	\$ 1,500.00
12	Parking Stall Striping	6	EACH	\$ 6.00	\$ 36.00
13	Parking Meter	4	EACH	\$ 150.00	\$ 600.00
14	Barrier Railing	10	LF	\$ 75.00	\$ 750.00
15	Stabilized Construction Entrance	1	EACH	\$ 2,000.00	\$ 2,000.00
16	Stone Check Dams	4	EACH	\$ 60.00	\$ 240.00
17	Haybale Barrier	4	EACH	\$ 50.00	\$ 200.00
18	Silt Fence	75	LF	\$ 4.00	\$ 300.00
19	Catch Basin Protection	1	EACH	\$ 100.00	\$ 100.00
20	Site Demolition Removals	1	LS	\$ 25,000.00	\$ 25,000.00
21	ADA Tactile Pavers	40	SF	\$ 20.00	\$ 800.00
22	Miscellaneous Landscaping	1	LS	\$ 3,500.00	\$ 3,500.00
23	Temporary Construction Fence	300	LF	\$ 16.00	\$ 4,800.00
24	Temporary Utility Support	1	LS	\$ 3,500.00	\$ 3,500.00
25	4" Gas Service	32	LF	\$ 28.00	\$ 896.00
26	2" Domestic Water Service	35	LF	\$ 26.00	\$ 910.00
27	6" Water Service	35	LF	\$ 40.00	\$ 1,400.00
28	Tapping Sleeve & Gate Valve	1	LS	\$ 3,500.00	\$ 3,500.00
29	6" Sanitary	24	LF	\$ 32.00	\$ 768.00
30	Alter Structures	2	EA	\$ 500.00	\$ 1,000.00
31	CMP Underground Vault - 38Y	4	EA	\$ 15,000.00	\$ 60,000.00
32	Primary Underground Electric Conduit	325	LF	\$ 112.00	\$ 36,400.00
33	Secondary Underground Electric Conduit	150	LF	\$ 45.00	\$ 6,750.00
34	Lighting	0			\$ -
35	Conduit	250	LF	\$ 8.00	\$ 2,000.00
36	Light Pole Base	6	EA	\$ 960.00	\$ 5,760.00
					\$ 265,961.00



**General Conditions Site Preparation**

Mobilization and Incidentals (4.2%)	\$ 11,170.36
Bonds/Insurance (0.8%)	\$ 2,127.69
Subtotal	\$ 13,298.05

<b>TOTAL CONSTRUCTION COST (ONSITE)</b>	<b>\$ 279,259.05</b>
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# Memorandum

**To:** Jay Reynolds   
**From:** Don C. Heath   
**Date:** **June 19, 2006**  
**RE:** Olympia Equity Investors IVB, LLC

Good Morning:

Enclosed you will find information that I was told was supposed to be sent to you.

They have applied for a Development Action Grant and I explained to them that before I could proceed I would need a Cost Estimate of improvements to be covered by the Performance Guaranty as it would show me the amount of public infrastructure improvements required by Planning.

If you have any questions, you can reach me at X8181.

Once you have the Performance Guaranty would you send me a copy so that I may complete my write-up request.

Thanks.



THE OLYMPIA  
COMPANIES

RECEIVED JUN - 7 2006

June 1, 2006

Don Heath  
Planning and Development Department  
389 Congress Street  
Portland, Maine 04101

Re: Economic Development Center Application

Dear Mr. Heath:

Enclosed are the requested documents for our Economic Development Center Application.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Kevin Mahaney  
CEO, The Olympia Companies

Enclosures



 COPY

August 30, 2007


Duane Kline, Director of Finance  
City of Portland  
389 Congress Street  
Portland, ME 04101

Re: Irrevocable Letter of Credit No. 387, Olympia Equity Investors IV-B, LLC

To Whom it May Concern:

This letter is to inform you that the Irrevocable Letter of Credit No. 387 for Olympia Equity Investors IV-B, LLC in the amount of \$265,961.00 is scheduled to expire of October 8, 2007. Olympia Equity Investors IV-B, LLC has informed Machias Savings Bank that they no longer intend to keep this account active. Therefore we are canceling Letter of Credit #387 effective as of its expiration. Please forward the original Letter of Credit to this office to the attention of Sharon Davis. Thank you for your cooperation. If you have any questions or need additional information, please feel free to contact me at 1-800-537-7860.

Sincerely,

  
for Lawrence L. Barker  
Vice President  
Commercial Banking

LLB/sld

Encs.

F:\wp52docs\OlympiaCancel.doc/sld

4 Center Street, Machias, ME 04654

[www.machiassavings.com](http://www.machiassavings.com)

Phone: 1-800-339-3347 (207) 255-3347 Fax: 1-207-255-9344

Customer Service: 1-866-416-9302 1-207-255-9302

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PERFORMANCE GUARANTEE  
LETTER OF CREDIT  
3010406105

August 8, 2006

Lee Urban  
Director of Planning and Development  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Re: Olympia Equity Investors IVB, LLC  
300 Fore Street, Portland, Maine

**Machias Savings Bank** hereby issues its Irrevocable Letter of Credit for the account of **Olympia Equity Investors IV-B, LLC**, (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of **\$265,961.00**. These funds represent the estimated cost of installing site improvements as depicted on the **Site Plan by Delluca Hoffman dated November 2005 as amended for permit dated May 9, 2006**, approved on **April 18, 2006** and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65 and is intended to satisfy the Developer'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 Development and in his sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, at **Machias Savings Bank's** offices located at P.O. Box 318 Machias, Maine, 04654 up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the **Site Plan by Delluca Hoffman dated November 2005 as amended for permit dated May 9, 2006** approval, dated **April 18, 2006**; 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 the event of the **Machias Savings Bank's** dishonor of the City of Portland's sight draft, the **Machias Savings Bank** shall inform the City of Portland in writing of the reason or reasons thereof within three (3) working days of the dishonor.

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 Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the **Machias Savings Bank**, by written certification, to reduce the available amount of this Letter of Credit by a specified amount according to the terms contained within City Code §14-501.

It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current expiration date hereof, or any future expiration date, unless within fifteen (15) days prior to any expiration, the **Machias Savings Bank** notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the **Machias Savings Bank** elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Development, at **Machias Savings Bank's** offices located at **P.O. Box 318 Machias, ME 04654** stating that:

this drawing results from notification that the **Machias Savings Bank** has elected not to renew its Letter of Credit No. 387.

This Letter of Credit will automatically expire upon the earlier of **October 8, 2007** or the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed. At such time, this Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the **Machias Savings Bank**. The Defect Letter of Credit 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 **Site Plan by Delluca Hoffman** dated

November 2005 as amended for permit dated May 9, 2006 approval, dated April 18, 2006 as required by City Code §14-501, 525.

The City, through its Director of Planning and Development and in his sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at **Machias Savings Bank's** offices located at **P.O. Box 318 Machias, ME 04654**, up to thirty (30) days before or sixty (60) after its expiration, stating any one of the following:

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 **Site Plan by Delluca Hoffman dated November 2005 as amended for permit dated May 9, 2006.**

Very truly yours,

**Machias Savings Bank**

Date: August 9, 2006

By: Donald E. Reynolds  
Its Executive Vice President  
Donald E. Reynolds

Seen and Agreed to: **Olympia Equity Investors IVB, LLC**

By: Kevin Mahaney  
Kevin Mahaney, Member

F:/process\loc.olympiaequityinvestors.doc/bnng

*Penny Hittell*  
Assoc Counsel

*Donald E. Reynolds*  
DAR  
8-21-06