

29-L-1

99700001

207-209 Fore St.

Hampton Inn Hotel
(Jordan's Site)

Old Port Hospitality

~~(DEC file)~~

(Post Approval file)

add to Spreadsheet



PORTLAND, MAINE

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Planning and Urban Development
Jeffrey Levine, Director

Planning Division
Alexander Jaegerman, Director

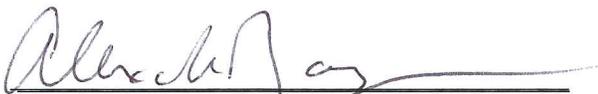
TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: July 2, 2013
SUBJECT: Request for Reduction of Performance Guarantee and Conversion to the Defect Guarantee
207-209 Fore Street, Hampton Inn Hotel – Old Port Hospitality, LLC
(ID # 99700001 Lead CBL # 029 L 001001, 002001, & 003001)

Please reduce the Performance Guarantee, City Held Escrow Account # 710-0000-233.94-05, for the Hampton Inn Subdivision and Site Plan sidewalk improvements project developed by Opechee Construction Corporation, Old Port Hospitality, LLC, and convert it to the Defect Guarantee.

Original Amount	\$38,500.00
<u>This Reduction</u>	<u>\$34,650.00</u>
Remaining Balance	\$ 3,850.00

This is the first reduction for the project.

Approved:


Alexander Jaegerman
Planning Division Director

cc: Philip DiPierro, Development Review Coordinator

CITY OF PORTLAND, MAINE

PLANNING BOARD

Bill Hall, Chair
Joe Lewis, Vice Chair
Lee Lowry, III
Carol Morrisette
Michael J. Patterson
David Silk
Janice Tevastian

April 21, 2010

Mark Woglom, President
Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220

RE: Planning Board approval for Conditional Use Review for surface parking in the B-3 Zone, Subdivision and Site Plan, including a Traffic Movement Permit, for a hotel, restaurant, and residential development at 207-209 Fore Street (former Jordan's Meats site)

CBL: 029-L-001.002.003
Application ID: 99700001

Dear Mr. Woglom,

On April 13, 2010, the Portland Planning Board considered a plan by Opechee Construction, doing business as Old Port Hospitality Inc., for a six story 122 room hotel with a 7000 square foot first floor restaurant and twelve top floor residential condominiums. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review for surface parking in the B-3 Zone, Subdivision Ordinance and Site Plan Ordinance, including a Traffic Movement Permit. The Planning Board voted (5 to 0, Patterson and Morrisette absent) to approve the application with the following motion(s), waivers, and condition(s) as presented below.

CONDITIONAL USE

The Planning Board voted (5 to 0, Patterson and Morrisette absent) that the proposed plans are in conformance with the applicable conditional use standards for surface parking in the B-3 Zone, Section 14-474 and 14-218(b)5 of the Land Use Code, subject to the following condition(s):

*dwe
5/4/10* That the condominium documents for the site contain a provision that allows surface parking to transition to structured parking or be relocated to allow future development of the easterly portion of the site.

WAIVERS

The Planning Board considered waivers relevant to the Portland's Technical and Design Standards and other regulations as presented below.

1. Planning Board waived the Technical Standard for the Driveway curb radius, Section III, 2 (c). (5 to 0, Morrisette and Patterson absent)
2. The Planning Board waived the Technical Standard for Parking Layout, Section III, 3 C on the basis that the hotel will employ valet parking. (5 to 0, Morrisette and Patterson absent)

done

3. The Planning Board waived the Technical Standard requiring full cut off light fixtures, Section XV: Site Lighting Standards, 3.

Subject to the following condition:

That the lighting plans and specifications provided for architectural up-lighting require additional evaluation of illumination levels and potential light pollution impacts. Architectural lighting for the development is subject to staff review and approval prior to issuance of an electrical permit.

done
see 1/18/11
Approval letter

(4 to 1, Silk opposed, Morrisette and Patterson absent)

done

4. The Planning Board waived the Technical Standard for maximum illumination levels, Section XV: Site Lighting Standards, 4 for the areas near the restaurant main entrance and the rear entrance at the residential lobby at the northeasterly corner of the structure.

done

5. The Planning Board found that the increased building setback beyond the requirements set forth in Section 14-220 (c), namely that all buildings or structures shall be located within five (5) feet of the property line along street frontages:

- (a) (Does) Provide substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest;
- (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 of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

Therefore the Board waived the 5-foot maximum building set back as per Site plan standard 14-526(a)16 b.2.

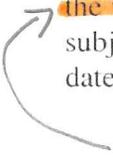
(5 to 0, Morrisette and Patterson absent)

SITE PLAN REVIEW

The Planning Board voted (5 to 0, Morrisette and Patterson absent) that the plan is in conformance with the site plan standards of the Land Use Code and for a Maine Department of Transportation Traffic Movement Permit, subject to the following condition(s) of approval:

done
6/3/10

1. Prior to issuance of a building permit, the applicant shall provide a revised site plan for staff review and approval showing revised pavement striping and installation of parking meter posts on Fore Street. The pavement markings shall remove on-street parking stalls and turning demarcations and shall adjust the center line markings to reflect proposed curb and parking adjustments to Fore Street.
2. Prior to issuance of a building permit, the applicant shall post a performance guarantee equal to the value of installing brick sidewalk for the entire length of the Middle Street frontage of the subject parcel. The term of the performance guarantee shall be no-longer than 2 years after the date of approval for the subject development, as may be extended at the City's sole discretion.



was included in PG for \$292,500 - not separately
6/3/10

If after 2 years following the date of site plan approval, the applicant has not installed a brick sidewalk along the entire Middle Street lot frontage, the City may draw on the Performance Guarantee funds to complete such and improvement.

done
6/3/10

3. Prior to the issuance of a building permit, the applicant should make a contribution of \$1,200.00 towards improvements at the India Street/Middle Street intersection.
4. Prior to the issuance of a certificate of occupancy, the applicant shall development and implement a signal timing plan for Franklin Street subject to Public Services review and approval that ensures optimal operations, including coordination with other intersections as may be necessary to mitigate impacts of the development.
5. Prior to issuance of a certificate of occupancy, the applicant shall submit to the Planning Authority evidence of right, title and interest by ownership or lease for 10 off-street parking spaces within reasonable walking distance of the development.
6. Prior to issuance of a building permit, the applicant shall provide an revised glazing sample for review and approval of the Planning Staff showing clear or virtually clear glass for the street level openings and a suitable glass for upper floors consistent with the building program
7. Prior to issuance of a building permit, the applicant shall provide material details and design specifications for the roof cornice canopy and brackets at the Fore and Franklin Street corner of the building.
8. Public pedestrian access shall be maintained through the site from Middle Street to Fore Street over stairs and passageways shown on the site plans and noted on the subdivision plat note 38. Such access shall not be removed or interrupted, except for routine safety or maintenance reasons without prior written request by the applicant or subsequent property owner subject to review and approval by the Planning Board.
9. Based on the applicant's representation to the Board, short-term development landscaping is satisfactory; but, if the applicant does not apply for further development of the site within 2 years of this approval, with a possibility for a 2 year extension, the applicant shall submit for implementation to the Planning Authority for review and approval a revised landscaping plan to satisfy applicable site plan landscaping standards.

done
9/14/11
Tom E. →

done
7/20/11

done

done

ok

Morrisette

(5 to 0, Morrisette and Patterson absent)

SUBDIVISION REVIEW

The Planning Board voted (5 to 0, Morrisette and Patterson absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

1. Public pedestrian access shall be maintained through the site from Middle Street to Fore Street over stairs and passageways shown on the site plans and noted on the subdivision plat note 38. Such access shall not be removed or interrupted, except for routine safety or maintenance

ok
done

OK

reasons without prior written request by the applicant or subsequent property owner subject to review and approval by the Planning Board.

done

2. The applicant shall submit a revised recording plat for Public Services review and approval prior to signature by the Planning Board. Plat revisions will include citations for recorded parking and access easements between the subdivision lots and shall address bearing and elevation datum revisions issues addressed in the Public Services review memo dated April 7, 2010, included in Attachment 4 of this report.

done
5/4/10

3. That the applicants provide copies of the condominium documents for City Legal staff review and approval prior to recording the subdivision plat.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #7-10 which is attached.

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

1. 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.
2. The site shall be developed and maintained as depicted in the site plan and 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 this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
5. 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 Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
6. 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.

7. The subdivision approval is valid for three (3) years.
8. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
9. 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.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. Prior to construction, 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 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.
12. 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.)

Philip DiPierro, 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 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,



Bill Hall, Chair
Portland Planning Board

Attachments:

1. (applicable staff memo's)
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPierro, Development Review Coordinator

2012 Internal Performance Guarantee

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: 27-1332568 (Old Port Hospitality, LLC)

Developer's Name and Mailing Address: Opechee Construction Corp. - Old Port
Hospitality, LLC
11 Corporate Drive
Belmont, New Hampshire 03220

City Account Number: 710-0000-233.94-05

Treasurer's Report of Receipts Number: N/A

Application ID #: #10-04-99700001

Application of Opechee Construction Corporation - Old Port Hospitality, LLC for the Hampton Inn Hotel at 207 - 209 Fore Street, Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of **\$38,500.00** on behalf of **Old Port Hospitality, LLC** in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing **Incomplete Subdivision & Site Plan Improvements ie., 4 missing monuments, public sidewalks and 2 defective street trees**, as depicted on the survey and subdivision/site plan, approved on **April 13, 2010** 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 survey, **and the subdivision and site plan** approval, dated **April 13, 2010**; 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.

2012 Internal Performance Guarantee

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 work has been completed and inspected to the satisfaction of the Departments of Public Services and Planning, 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 **October 1, 2014** ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Performance Guarantee are satisfactorily completed, whichever is later.

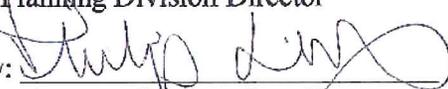
Seen and Agreed to:

By: 
Old Port Hospitality, LLC, Greg Kirsch

Date: 9-24-2012

By: _____
**Planning Division Director

Date: _____

By: 
Development Review Coordinator

Date: 9/27/12

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 Kathy 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 Report of Receipts form.
5. **Signature required if over \$50,000.00.

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



11 Corporate Drive, Belmont, NH 03220

PAY *THIRTY-EIGHT THOUSAND FIVE HUNDRED AND XX / 100

NORTHWAY BANK
BERLIN, NH 03570

54-42
117

13208
CHECK NO.

DATE 9/24/2012 AMOUNT *****38,500.00*

TO THE ORDER OF
City of Portland Maine
389 Congress Street
Portland, ME 04112-0544

OPECHEE CONSTRUCTION CORPORATION

BY [Signature] MP

Security features. Details on back.

⑆013208⑆ ⑆011700425⑆ ⑆5222133⑆



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Planning and Urban Development
Jeffrey Levine, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: September 28, 2012
SUBJECT: Request for Release of Defect Guarantee
Old Port Hospitality, LLC, 207-209 Fore Street, Opechee
(ID # 10-99700001 Lead CBL # 029 L 001, 002, & 003)

Please release the Performance Guarantee, Letter of Credit Account #1230B for the Opechee – Old Port Hospitality Project at 207 - 209 Fore Street.

Remaining Balance \$59,250.00

This Letter of Credit is being replaced with a City held escrow account, in the amount of **\$38,500.00** that represents the estimated cost of installing incomplete subdivision and site plan improvements i.e., 4 missing monuments, public sidewalks and 2 defective street trees, as depicted on the subdivision and site plan, approved on February 1, 2010 and revised through April 26, 2010, and on the subdivision plan bearing the same title dated February 8, 2010 and revised through April on April 13, 2010.

Approved:



Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: 1 Solution

OPECHEE CONSTRUCTION CORPORATION

13208

<u>Inv Date</u>	<u>Inv Number</u>	<u>Description</u>	<u>Amount</u>	<u>Discount Taken</u>	<u>Net Amount</u>
9/24/2012	CK01320801	Escrow Jordan's Phase I	38,500.00	0.00	38,500.00

ATW
PHIL DEPIERRO

Check: 013208

9/24/2012 City of Portland Maine

38,500.00

Here you go, Phil. Thanks. Gray

No problem, will do. Thanks.

Phil

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

Phone 207 874-8632
Fax 207 756-8258

>>> Greg Kirsch <gregk@opechee.com> 9/21/2012 1:56 PM >>>

Yes, that will work, and the cover letter can be to the bank, not me saying "The City is releasing the enclosed LC blah blah blah and returning the original blah blah blah." Thanks.

Greg Kirsch | VP & General Counsel | Opechee Const. Corp. | 11 Corporate Dr. | Belmont, NH 03220
office 603.527.9090 | fax 603.527.9191 | cell 603.387.1982 | gregk@opechee.com

From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Friday, September 21, 2012 1:55 PM
To: Greg Kirsch
Cc: Geoffrey Gray
Subject: Re: Escrow Agreement to Replace Letter of Credit

Greg, I'll get the paperwork ready for the release. So as soon as I receive the escrow agreement the LOC will be released. The City's Finance Dept. will be sending the LOC directly to the Bank, but I would be happy to cc you on any correspondence. Will that work?

Thanks.

Phil

>>> Greg Kirsch <gregk@opechee.com> 9/21/2012 1:43 PM >>>

Thanks Phil. Here is the form with tax ID filled in. I will print it out, sign it, and send it in with a check for \$38,500. Once you've received it and set everything up, we'll need a letter to me stating that you have released the Defect Letter of Credit (please reference the dollar amount and the LC number) and send it to me along with the original of the LC. Thanks and have a great weekend.

Greg Kirsch | VP & General Counsel | Opechee Const. Corp. | 11 Corporate Dr. | Belmont, NH 03220
office 603.527.9090 | fax 603.527.9191 | cell 603.387.1982 | gregk@opechee.com

Hotel, Restaurant and Portside Residences Condominium - 207, 209 & 211 Fore Street				
Opeechee Construction Corp. (OCC) Schedule for Completion of Site Items (Prepared by Tim Daigneault and Greg Kirsch 07-22-11)				
Item Numbers As Shown on Attached Site Plan				
ITEM	DESCRIPTION	ANTICIPATED COMPLETION	RESPONSIBILITY	Notes/Comments
1	TFH Plaza Façade	10/1/2011	Commercial Properties, Inc.	Separate Property & Permit
2	Concrete Sidewalk	8/3/2011	OCC	
3	Brick Pavers Middle St Entrance	7/25/2011	OCC	
4	Crosswalk Striping	TBD-Based on Pavement by Others	OCC/City Public Svcs	Public Svcs TBD
4A	Landscape planting area	8/3/2011	OCC	
4B	Landscape planting area	8/4/2011	OCC	
4C	Landscape planting area	8/4/2011	OCC	
4D	Landscape planting area	8/5/2011	OCC	
4E	Landscape planting area	8/5/2011	OCC	
4F	Landscape planting area	8/6/2011	OCC	
4G	Landscape planting area	8/6/2011	OCC	
4H	Landscape planting area	8/7/2011	OCC	
4I	Landscape planting area	8/7/2011	OCC	
4K	Landscape planting area	7/29/2011	OCC	
4L	Landscape planting area	8/15/2011	OCC	
4M	Landscape planting area	8/3/2011	OCC	
4N	Landscape planting area	7/29/2011	OCC	
5	Lawn area/Hydro seed	8/7/2011	OCC	
6	Final Paving/Striping	8/2/2011	OCC	
7	Sidewalk & Bike Pad	7/27/2011	OCC	
8	Tree grates/Trees	8/1/2011	OCC	
9	Fore St Sidewalk Pavers	7/27/2011	OCC	
10	Street Light Poles/Fixtures	8/4/2011	OCC	
11	Franklin St Overlay	TBD w/Public Works (8/5/11)	OCC/Public Works	Public Svcs TBD
12	Ramp ADA Warning Plates	8/2/2011	OCC	
13	Signal Timing Adjustments	7/29/2011	OCC/Sebago Techincs	Sebago Technics Scope/Contract
		9/15/11 or sooner	OCC/Sebago Techincs	Study/Plan Submitted to City
		10/1/2011 or sooner	OCC	Signal Adjustements Implemented
14	Construction Entrance Closed	8/4/2011	OCC	
15	Site As-Built	9/1/2011	OCC	Sebago Technics/Grondin In Process
16	City Middle St Pavers Hugo Block	7/28/2011	OCC (for City)	
Opeechee Construction Corporation as contractor and 209 Fore Street, LLC, Old Port Hospitality, LLC, and Fore India Middle, LLC agree (1) to complete the above items in accordance with the schedule, (2) that these items are covered by the performance guarantees (letters of credit) provided to the City for the project, and (3) non-completion may result in revocation of certificate of occupancy for hotel unit.				
				7-22-2011
			Gregory R. Kirsch	
			VP & General Counsel, Opeechee Construction Corporation	
			Member and Manager, 209 Fore Street, LLC, Old Port Hospitality, LLC, and Fore India Middle, LLC	

6A 696C 7/27/11

DEVELOPMENT REVIEW COORDINATOR POST APPROVAL PROJECT CHECKLIST

Date: 5/6/10

Project Name: Jordan's Site - Hotel/condos

Project Address: 207-211 Fore Str.

Site Plan ID Number: 10.99700001

Planning Board/Authority Approval Date: 4/13/10

Site Plan Approval Date: 4/13/10

Performance Guarantee Accepted: 6/3/10

Inspection Fee Paid: 6/15/10

Infrastructure Contributions Paid: 6/3/10

Amount of Disturbed Area in SF or Acres: > 1 Acre

MCGP/Chapter 500 Stormwater PBR: #50547 7/6/10

Plans/CADD Drawings Submitted: ?

Pre-Construction Meeting: 4/28/10

Conditions of Approval Met: _____

As-Builts Submitted: _____

Public Services Sign Off: Sebago only 5/19/11 see 9/16/11 e-mail from Matt

Certificate of Occupancy Memo Processed: Permanent for Sebago 5/23/11

(Temporary or Permanent) → ~~Hotel & condos~~ 9/22/11
Reduced on 4/14/11 by \$134,480 → 158,020.00 remaining

Performance Guarantee to Defect Guarantee: 9/22/11 *

Defect Guarantee Released: 7/23/14

* PG reduced to DG - Holding an additional \$30,000.00 to complete the sidewalk along Middle Str frontage. Condition of Approval
 DG \$29,250.00
 Sidewalk \$30,000.00
 total \$59,250.00
 *9/28/12 - LOC released & replaced with City Escrow for \$38,500.00
 Sidewalk \$30,000
 monuments \$8,500 > \$38,500



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Planning and Urban Development
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: September 22, 2011
SUBJECT: Request for Reduction of Performance Guarantee & Conversion to Defect Guarantee
207-209 Fore Street, Opechee - Old Port Hospitality
(ID # 10-99700001 Lead CBL # 029 L 001, 002, & 003)

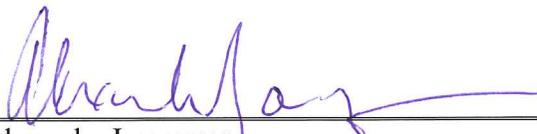
Please reduce the Performance Guarantee, Letter of Credit, Account # 1230 for the Opechee – Old Port Hospitality Project at 207 - 209 Fore Street and convert it to the Defect Guarantee.

Original Amount	\$292,500.00
First Reduction	\$134,480.00
<u>This Reduction</u>	\$ 98,770.00
Remaining Balance	\$ 59,250.00

The remaining balance also includes the Middle Street sidewalk Performance Guarantee required to be held as a condition of approval. Public Services estimates the cost to complete the brick sidewalk along the Middle Street frontage to be \$30,000.00

This is the second reduction for the project.

Approved:



Alexander Jaegerman
Planning Division Director

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

389 Congress Street, Portland, Maine 04101-3509 Ph (207)874-8721 or 874-8719 Fx 756-8258 TTY 874-8936

O:\PLAN\DRC\Projects\Fore Str 207-211 - Opechee\Site Plan PG to DG w-letterhead 9-22-11.doc O:\PLAN\DRC\Projects\Fore Str 207-211 - Opechee\Site Plan PG to DG w-letterhead 9-22-11.doc

Memorandum
Department of Planning and Urban Development
Planning Division



TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: September 22, 2011

RE: C. of O. for # 211 Fore Street, Hampton Inn Hotel & Condos
(Id#10-99700001) (CBL 029 L 001001, 002, & 003001)

After visiting the site, I have the following comments:

Site work complete:

At this time, **I recommend issuing a Permanent Certificate of Occupancy.**

Cc: Inspection Services Manager
File: Barbara Barhydt, Development Review Services Manager
File: 1 Solution



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Planning and Urban Development
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

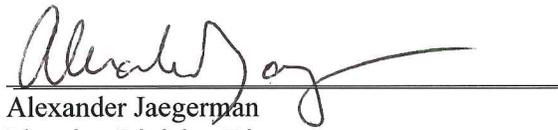
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(ID # 10-99700001 Lead CBL # 029 L 001, 002, & 003)

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Original Amount	\$292,500.00
<u>This Reduction</u>	<u>\$134,480.00</u>
Remaining Balance	\$158,020.00

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

Memorandum
Department of Planning and Urban Development
Planning Division



TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: May 23, 2011

RE: C. of O. for # 211 Fore Street, Sebago Brewery & Restaurant
(Id#10-99700001) (CBL 029 L 001001, 002, & 003001)

After visiting the site, I have the following comments:

Site work complete:

At this time, I recommend issuing a Permanent Certificate of Occupancy for the Sebago Brewery & Restaurant, only.

Cc: Inspection Services Manager
File: Barbara Barhydt, Development Review Services Manager
File: 1 Solution

Philip DiPierro - RE: FW: Hotel Project - Performance Guaranties

From: Greg Kirsch <gregk@opechee.com>
To: Philip DiPierro <PD@portlandmaine.gov>
Date: 6/7/2011 12:16 PM
Subject: RE: FW: Hotel Project - Performance Guaranties

Philip - Could you let me know the status of this? Thanks.

Greg Kirsch | VP & General Counsel | Opechee Const. Corp. | 11 Corporate Dr. | Belmont, NH 03220 | (o) 603.527.9090 (f) 603.527.9191 (c) 603.387.1982 gregk@opechee.com

From: Philip DiPierro [mailto:PD@portlandmaine.gov]
Sent: Tuesday, May 24, 2011 4:40 PM
To: Greg Kirsch
Subject: Re: FW: Hotel Project - Performance Guaranties

Hi Greg, sorry for not getting back to you sooner. I did get your request for the PG reduction and have you on my list. I'll contact Jeff at the site so we can do an inspection. I'm hoping to get to it before the end of the week.

Feel free to contact me with any questions. Thanks.

Phil

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

Phone 207 874-8632
Fax 207 756-8258

>>> Greg Kirsch <gregk@opechee.com> 5/24/2011 1:47 PM >>>
Hi Philip - I didn't hear back from you on my email a week ago, so I was thinking perhaps you did not receive it. Could you confirm that you got our request regarding the performance guarantees? If you did get it last week, could you update me on the status of your review?

Thanks very much for your assistance.

Greg

Greg Kirsch | VP & General Counsel | Opechee Const. Corp. | 11 Corporate Dr. | Belmont, NH 03220 | (o) 603.527.9090 (f) 603.527.9191 (c) 603.387.1982 gregk@opechee.com

From: Greg Kirsch
Sent: Tuesday, May 17, 2011 3:36 PM
To: Philip DiPierro; William Needelman
Cc: 'Penny Littell'
Subject: Hotel Project - Performance Guaranties

Hi Philip and Bill - As you know we are getting close to project completion, and a lot of action takes place quickly from here forward. The Sebago Brewing CO is imminent (and yes I will get you evidence of the 10 off-site parking spaces). We already have hired a hotel general manager and director of sales, and a job fair on June 1 and 2 will result in hiring 25 to 35 employees. The expenditures on start-up costs for the hotel are escalating, most of which cannot be financed because they don't add to the "bricks and mortar."

That leads to the Performance Guarantees, which are in the form of Letter of Credit, but our banks hold 100% cash collateral, cash that is greatly needed for operations. There are two Performance Guarantees, one for the sewer relocation project, one for the main hotel/restaurant/residences project. I believe that the Sewer LC should be closed out and that we are entitled to a significant reduction in the hotel project LC, as explained further below.

The sewer letter of credit has already been reduced to \$20,000, and we reached the expiration date on April 23, 2011. I think the City should be comfortable that the sewer project has been completed and I would ask you to issue a letter to Northway Bank stating that the LC expired on April 23, 2011 and the City will not be seeking any renewal of the LC beyond that date.

As for the \$292,500 Letter of Credit from Bank of New England for the main project, I would request a letter to Bank of New England authorizing and requesting a reduction in the amount of the LC to \$159,000. I have attached a marked-up copy of the cost estimate for the original \$292,500 amount and Tim Daigneault's estimates of the remaining work. It would be very, very helpful if you could help us free up the \$133,500 for use in hotel start-up operations as promptly as possible.

Please call or email to let me know how we can implement the above and if you have any questions or concerns.

Thanks again for all the assistance with the project - it is truly a pleasure working in Portland and we look forward to being a part of the Old Port and also to development of our next project.

Attachments: Northway Sewer LC (original); Northway Sewer LC (reduction); Bank of New England LC; Marked-up Cost Estimate for LC Reduction

Best regards,

Greg Kirsch

Greg Kirsch | VP & General Counsel | Opechee Const. Corp. | 11 Corporate Dr. | Belmont, NH 03220 | (o) 603.527.9090 (f) 603.527.9191 (c) 603.387.1982 gregk@opechee.com

From: Greg Kirsch <gregk@opechee.com>
To: Philip DiPiero <PD@portlandmaine.gov>, William Needdman <WBN@portlandmaine.gov>
CC: Penny Littell <PL@portlandmaine.gov>
Date: 5/17/2011 3:36 PM
Subject: Hotel Project - Performance Guaranties
Attachments: Northway LC Perf Gty Sewer Relocation.pdf; Northway LC Reduction to \$20K 09-14-10.pdf; BNE LC Perf Gty Hotel Project.pdf; Proposed Perf Guaranty Reduction Estimate 05-17-11.pdf

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Greg Kirsch

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**Planning and Development Department
SUBDIVISION/SITE DEVELOPMENT**

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 5/13/10

Name of Project: Old Port Hospitality

Address/Location: 207 - 209 Fore Street

Developer: Opechee

Form of Performance Guarantee: LOC

Type of Development: Subdivision X Site Plan (Major/Minor) Major

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC				PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal	
1. STREET/SIDEWALK	<u>90% REMAINING</u>			<u>\$ VALUE</u>			
Road/Parking Areas							
Curbing	<u>30%</u> <u>1,000</u>	<u>\$30.00</u>	<u>\$30,000.00</u>				
Sidewalks - Asphalt	<u>100%</u> <u>2,400 SF</u>	<u>\$4.00</u>	<u>\$9,600.00</u>				
Sidewalks - Brick	<u>80%</u> <u>5,800 SF</u>	<u>\$13.00</u>	<u>\$75,400.00</u>				
Esplanades							
Monuments							
Street Lighting	<u>5 or 9</u> <u>9 each</u>	<u>\$10,000.00</u>	<u>\$90,000.00</u>				
Street Opening Repairs	<u>0%</u> <u>1,050 SF</u>	<u>\$4.00</u>	<u>\$4,200.00</u>				
Other							
2. EARTH WORK				<u>90% REMAINING \$ VALUE</u>			
Rough Grading	<u>0%</u> <u>10,000 SF</u>	<u>\$0.08</u>	<u>\$800.00</u>	<u>0%</u> <u>77,000 SF</u>	<u>\$0.08</u>	<u>\$6,160.00</u>	
Fine Grading	<u>0%</u> <u>8,200 SF</u>	<u>\$0.14</u>	<u>\$1,148.00</u>				
3. SANITARY SEWER							
Manholes							
Piping							
Connections							
Main Line Piping							
House Sewer Service Piping							
Pump Stations							
Other							
4. WATER MAINS							
5. STORM DRAINAGE							
Manholes							
Catchbasins				<u>0%</u> <u>4</u>	<u>\$3,600.00</u>	<u>\$14,400.00</u>	
Piping				<u>0%</u> <u>350 LF</u>	<u>\$80.00</u>	<u>\$28,000.00</u>	
Detention Basin							
Stormwater Quality Units							
Other							

6. SITE LIGHTING							
7. EROSION CONTROL							
Silt Fence				10% 970 LF	\$3.60	\$3,492.00	\$ 350
Check Dams							
Pipe Inlet/Outlet Protection	0% 11	\$50.00	\$550.00	-0-			
Level Lip Spreader							
Slope Stabilization							
Geotextile							
Hay Bale Barriers							
Catch Basin Inlet Protection							
8. RECREATION AND OPEN SPACE AMENITIES							
9. LANDSCAPING							
Street Trees	100% 14	\$500.00	\$7,000.00	7000			
Plantings (Attach breakdown of plant materials, quantities, and unit costs)							
Loam and Seed	100% 10,000 SF	\$0.25	\$2,500.00	2500	100% 77,000 SF	\$0.25	\$19,250.00 19250
10. MISCELLANEOUS							
TOTAL:			138,420				
			\$139,420				\$19,600
			\$221,198.00				\$71,302.00
GRAND TOTAL:			\$159,000				158,020
			\$292,500.00				

Applicant is to include the breakdown of the plant materials, quantities, and unit costs for the project site landscaping with the understanding that the PG will not be reduced to less than the required 10% defect guarantee plus the cost of landscaping. Upon completion of the landscaping, the line item amount for the plantings may be reduced.

INSPECTION FEE (to be filled out by the City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: 2.0% of totals:	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

STORMWATER PBR APPLICATION FORM
PLEASE TYPE OR PRINT IN INK ONLY

1. Name of Applicant:	Fore India Middle, LLC	5. Name of Agent: (if applicable)	Opechee Construction Corporation
2. Applicant's Mailing Address:	11 Corporate Drive Belmont, NH 03220	6. Agent's Mailing Address:	11 Corporate Drive Belmont, NH 03220
3. Applicant's Daytime Phone #:	603-527-9090	7. Agent's Daytime Phone #:	603-527-9090
4. Applicant's Fax #: (if available)	603-527-9191	8. Agent's Fax # and email address:	603-527-9191
9. Location of Project: (Road, Street, Rt.#)	207 & 209 Fore Street	10. Town:	Portland
		11. County:	Cumberland

12. Is this PBR for renewal of an individual stormwater permit? If yes, skip to Block 27 and signature page. Yes No

13. Type of Direct Watershed: (Check all that apply)	<input type="checkbox"/> Lake not most at risk <input type="checkbox"/> Lake most at risk <input type="checkbox"/> Lake most at risk, severely blooming <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Urban impaired stream <input type="checkbox"/> Freshwater wetland <input checked="" type="checkbox"/> Coastal wetland <input type="checkbox"/> Wellhead of public water supply	14. Amount of Developed Area:	<input checked="" type="checkbox"/> Total # of 1.07 acres OR <input type="checkbox"/> Total # of _____ square feet
		15. Amount of Impervious Area:	<input type="checkbox"/> Total # of _____ acres OR <input checked="" type="checkbox"/> Total # of (-)5,096 square feet

16. Creating a common plan of development or sale? Yes No

17. Name of waterbody(ies) to which the project site drains: Casco Bay

18. Brief Project Description: See attached sheet

19. Size of Lot or Parcel:	<input type="checkbox"/> Total of 47,473 square feet OR <input type="checkbox"/> Total of _____ acres	20. UTM Locations:(if known)	UTM Northing: 4834609
			UTM Easting: 19 0399115

21. Deed Reference Numbers: Book#: 27,850 Page#: 68

22. Map and Lot Numbers: Map #: 29-L Lot #: 1,2,&3

23. Project started prior to application? Yes No

If yes, Completed? Yes No

24. Resubmission of Application? Yes No

25. Written Notice of Violation? Yes No

If yes, name of DEP enforcement staff involved:

26. Detailed Directions to the Project Site:
(Attach separate sheet if necessary)

I-295. Exit 7 onto US Route 1 East (Franklin Street Arterial). Site is abandon Jordan's Meats site in the northerly quadrant of the intersection of US Route 1 (Franklin Street Arterial) and Fore Street.

27. SUBMISSIONS ▼

<input checked="" type="checkbox"/> This form (signed and dated)	<input type="checkbox"/> Dept. of Inland Fisheries and Wildlife Approval (if in Essential Habitat)	<input checked="" type="checkbox"/> Photos of Area	For Renewal of an individual Stormwater permit only:
<input checked="" type="checkbox"/> Fee		<input checked="" type="checkbox"/> ESC Plan	
		<input checked="" type="checkbox"/> Location Map <input checked="" type="checkbox"/> Site Plan	
			<input type="checkbox"/> This form (signed and dated) <input type="checkbox"/> Copy of original stormwater permit <input type="checkbox"/> Fee

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

OFFICE USE ONLY	Ck. # 66231	Date 6/28/10	Staff JM	Staff	
PBR # 50547	FP \$ 55.00		Acc. Date 7/6/10	Def. Date	After Photos



CITY OF PORTLAND

INSPECTION REPORT

**City of Portland
Erosion and Sediment Control Inspection
for Construction Sites Equal to or Greater Than One Acre**

Portland PID: #10-99766501
 Project Name: SPEECH
 Project Location: Fore Str.

Date: 5/17/11
 Scope of Inspection: EC
 Inspector: PHL
 Qualifications: DEP Certified
 Inspections Duration:
 Pictures Taken: Yes / No
 Date of Last Rain Event: 5/17/11

Weather: Showers Temperature: 47°F
 Quantity of Last Rain Event (inches):

Inspection Parameter	Inspection Result*	Major Observaions/Corrective Action
Culverts / Inlet-Outlet Protection	N/A M P F	
Detention / Sediment Ponds	N/A M P F	
Dewatering Area	N/A M P F	
Ditches / Swales / Channels	N/A M P F	
Dust Control	N/A M <u>P</u> F	
Gabions	N/A M P F	
Hay Bales	N/A M P F	
Level Spreader	N/A M P F	
Material Storage Areas	N/A M <u>P</u> F	
Mats / Mulches / Blankets	N/A M <u>P</u> F	
Riprap Slope Stabilization	N/A M P F	
Silt Fencing / Silt Sock	N/A <u>M</u> P F	Advised contractor to add stone/EC mix where needed
Soild Waste / Hazardous Materials	N/A M P F	
Stabilized Construction Entrance	N/A M <u>P</u> F	
Stone Check Dam	N/A M <u>P</u> F	
Storm Drain Inlet Protection	N/A M <u>P</u> F	
Topsoil Stockpile	N/A M P F	
Vegetated Buffers	N/A M P F	
Vegetated Stabilization (seed/sod)	N/A M P F	
Wood Waste Bark Filter Berms	N/A M <u>P</u> F	
Other Stormwater Controls	N/A M P F	

* N/A = Not Applicable, M = Maintenance Required, P = Pass, F = Fail

- Winter Inspection (Nov. 1 - Apr. 15) Site permanently stabilized; temporary ESC removed
 Additional ESC needed. Describe: _____

General Comments (including erosion observed): Entire site is being used for staging. Stone entrance was recently refreshed w/ new stone. CB's protected with fabric &/or stone. Slopes have been hay mulched & are partially vegetated. Advised contractor to add stone or EC mix near sidewalk & entrance to help filter sediments. Overall, site appears stable



CITY OF PORTLAND

INSPECTION REPORT

**City of Portland
Erosion and Sediment Control Inspection
for Construction Sites Equal to or Greater Than One Acre**

Portland PID: 10-99700001

Project Name: OPECHEE - Jordan's Site aka Old Port Hospitality

Project Location: 207-211 Fore Str.

Date: 5/6/11

Scope of Inspection: EC

Inspector: *[Signature]*

Qualifications: DEP Certified

Inspections Duration: 1.0

Pictures Taken: Yes No

Date of Last Rain Event:

Weather: Clear Temperature: 63°F

Quantity of Last Rain Event (inches):

Inspection Parameter	Inspection Result*	Major Observaions/Corrective Action
Culverts / Inlet-Outlet Protection	N/A M P F	
Detention / Sediment Ponds	N/A M P F	
Dewatering Area	N/A M P F	
Ditches / Swales / Channels	N/A M P F	
Dust Control	N/A M P F	Site needs periodic watering
Gabions	N/A M P F	
Hay Bales	N/A M P F	
Level Spreader	N/A M P F	
Material Storage Areas	N/A M P F	
Mats / Mulches / Blankets	N/A M P F	Winter EC on slopes needs maintenance
Riprap Slope Stabilization	N/A M P F	
Silt Fencing / Silt Sock	N/A M P F	
Soild Waste / Hazardous Materials	N/A M P F	
Stabilized Construction Entrance	N/A M P F	Advised contractor to add stone
Stone Check Dam	N/A M P F	
Storm Drain Inlet Protection	N/A M P F	
Topsoil Stockpile	N/A M P F	
Vegetated Buffers	N/A M P F	
Vegetated Stabilization (seed/sod)	N/A M P F	
Wood Waste Bark Filter Berms	N/A M P F	
Other Stormwater Controls	N/A M P F	

* N/A = Not Applicable, M = Maintenance Required, P = Pass, F = Fail

- Winter Inspection (Nov. 1 - Apr. 15) Site permanently stabilized; temporary ESC removed
 Additional ESC needed. Describe: _____

General Comments (including erosion observed):

Site work is ongoing. Project expected to be completed by June 1, 2011.
 Advised contractor to maintain EC measures.

**Planning and Development Department
SUBDIVISION/SITE DEVELOPMENT**

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 5/13/10

Name of Project: Old Port Hospitality

Address/Location: 207 – 209 Fore Street

Developer: Opechee

Form of Performance Guarantee: LOC

Type of Development: Subdivision X Site Plan (Major/Minor) Major

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas						
Curbing	<u>1,000</u>	<u>\$30.00</u>	<u>\$30,000.00</u>			
Sidewalks - Asphalt	<u>2,400 SF</u>	<u>\$4.00</u>	<u>\$9,600.00</u>			
Sidewalks – Brick	<u>5,800 SF</u>	<u>\$13.00</u>	<u>\$75,400.00</u>			
Esplanades						
Monuments						
Street Lighting	<u>9 each</u>	<u>\$10,000.00</u>	<u>\$90,000.00</u>			
Street Opening Repairs	<u>1,050 SF</u>	<u>\$4.00</u>	<u>\$4,200.00</u>			
Other						
2. EARTH WORK						
Rough Grading	<u>10,000 SF</u>	<u>\$0.08</u>	<u>\$800.00</u>	<u>77,000 SF</u>	<u>\$0.08</u>	<u>\$6,160.00</u>
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Piping						
Connections						
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS						
5. STORM DRAINAGE						
Manholes						
Catchbasins				<u>4</u>	<u>\$3,600.00</u>	<u>\$14,400.00</u>
Piping				<u>350 LF</u>	<u>\$80.00</u>	<u>\$28,000.00</u>
Detention Basin						
Stormwater Quality Units						
Other						



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Choosing the right bank is an important decision for your business. Since our first branch opened in 1995, Bank of New England has been one of the fastest growing independent banks in the Northeast. This growth is the result of our unique approach to providing solutions to meet the needs of our customers.

Our accessible, professional staff is ready to earn your business through superior personal service, smart lending and competitive pricing. Bank of New England understands both sides of the equation and we are steadfastly committed to your (and our) success.

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Please note: Bank of New England is participating in the FDIC's Transaction Account Guarantee Program. Under that program, through December 31, 2010, all noninterest-bearing transaction accounts are fully guaranteed by the FDIC for the entire amount in the account. Coverage under the Transaction Account Guarantee Program is in addition to and separate from the coverage available under the FDIC's general deposit insurance rules.



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PERFORMANCE GUARANTEE
LETTER OF CREDIT #1230 Member FDIC

May 28, 2010

Penny St. Louis Littell
Director of Planning and Urban Development City of Portland
389 Congress Street
Portland, Maine 04101

RE: Old Port Hospitality, LLC
207 & 209 Fore St., Portland, Maine

Bank of new England ("Bank") hereby issues its Irrevocable Letter of Credit for the account of Old Port Hospitality, LLC (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of Two Hundred ninety Two Thousand Five Hundred Dollars (\$292,500.00). These funds represent the estimated cost of installing site improvements as depicted on the site plans entitled Hotel, Restaurant and Portside Residences, 207 & 209 Fore Street, Portland, Maine, dated February 1, 2010, and revised through April 26, 2010 (the "Site Plans"), and on the subdivision plan bearing the same title, dated February 8, 2010, and revised through April on April 13, 2010, and as required under Portland Code of Ordinances Chapter 14 Sections 499, 499.5, 525 and Chapter 25 Sections 46 through 65.

This Letter of Credit is required under Portland Code of Ordinances chapter 14 Sections 499, 499.5, 525 and Chapter 25 Sections 46 through 65 and is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 Sections 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 or her sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto 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 Plans and or the Subdivision Plan approval, as set forth in a letter of approval dated April 21, 2010, signed by the Chair of the Planning Board; or
2. the Developer has failed to deliver to the City a deed containing the meters 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 Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

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

This performance guarantee will automatically expire September 1, 2011 ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, whichever is later. 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 thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the 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 Urban Development, at Bank's offices located at 31 Pelham Road, Salem, New Hampshire stating that:

This drawing results from notification that the Bank has elected not to renew its Letter of Credit No. 1230.

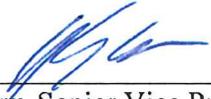
On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the Site Plan approval, dated April 16, 2010 as required by City Code Section 14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

The City, through its Director of Planning and Urban Development and in his or her 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 Bank's office located at 31 Pelham Road, Salem, New Hampshire prior to the Termination Date, stating any one of the following:

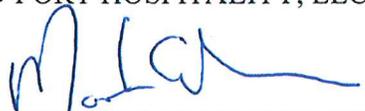
1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the Site Plan Approval.

Date: May 28, 2010

BANK OF NEW ENGLAND

By: 
Keith P. Landry, Senior Vice President
It's Duly Authorized Agent

OLD PORT HOSPITALITY, LLC

By: 
Mark Woglom, Member
It's Duly Authorized Agent

Philip DiPierro - FW: Recording of Jordan's Subdivision Plan and PB Waivers

From: Greg Kirsch <gregk@opechee.com>
To: Philip DiPierro <PD@portlandmaine.gov>
Date: 5/19/2010 9:34 AM
Subject: FW: Recording of Jordan's Subdivision Plan and PB Waivers

From: Greg Kirsch
Sent: Wednesday, May 19, 2010 9:32 AM
To: 'Penny Littell'
Cc: Barbara Barhydt; Phil DiPierro; William Needelman
Subject: RE: Recording of Jordan's Subdivision Plan and PB Waivers

Penny, Bill, Phil, Barbara - Thanks for the clarifications and for the cost estimate data. I will be working with our bank to get the PG Letter of Credit put in place.

Best regards,

Greg Kirsch, V.P. and General Counsel



Opechee Construction Corporation
11 Corporate Drive, Belmont, NH 03220
P (603) 527-9090 F (603) 527-9191 C (603) 387-1982
gregk@opechee.com

From: Penny Littell [mailto:PL@portlandmaine.gov]
Sent: Wednesday, May 19, 2010 6:57 AM
To: Greg Kirsch
Cc: Barbara Barhydt; Phil DiPierro; William Needelman
Subject: Re: Recording of Jordan's Subdivision Plan and PB Waivers

Greg: I wanted to respond to your several inquiries regarding the performance guarantee requirements for your hotel/condo project. Along with staff, I have reviewed your proposed "cost estimate" sheet which forms the basis for posting of a performance guarantee with the City of Portland. As you know, the guarantee must be in the form of a Letter of Credit, an escrow account with a bank or other responsible financial institution, or a cash deposit with the City. The items to be included within the guarantee, by Ordinance, are intended to ensure that public improvements and public infrastructure (i.e. sidewalks, curbing, street lights, stormwater infrastructure and the like) are generally intact should the project fail to be completed. There is less of a concern with finishing the project, per se, in such circumstances. As a result, much of the on-site improvements

(including the building and parking lot itself) are not included within the guarantee amount (other than for things such as stabilizing the site, and ensuring any catchbasins are installed correctly and function properly.)

Several important items were omitted from your cost estimate. Please review the attached draft cost estimate sheet prepared by the City after evaluating your project. We have attempted to carefully examine the proposed improvements in light of the Ordinance requirements to arrive at a figure that includes the requirements to be covered. I would be happy to discuss further

2) Draw downs on Performance Guarantees are allowed as work progresses. In no event however, will the City release less than the cost of the yet to be completed work or 10% of the posted amount. This 10% is then converted to a 1 year defect guarantee at the completion of the improvements. It ensures the quality of the work, landscaping that survives a winter season, etc.

3) You are correct that the City does not release the recoding plat until the Performance Guarantee is provided. In Maine, lots/condo units can be sold after the recording of a subdivision plat. the City does not want units sold until it is secure that the public improvements will be able to be satisfactorily addressed in the event of developer difficulty. We have found this protects any buyers as well as sellers.

Please feel free to give me a call to discuss further if the need arises (207) 653-6658. BTW, the demo work is coming along well.

>> Greg Kirsch <gregk@opechee.com> 5/17/2010 1:58 PM >>>

Hi Penny and Bill - For some reason I thought I had to wait for the performance guaranty to be in place before we could record the subdivision plan, but the approval letter doesn't say that (it says PG must be in place before building permit). I would like to have the subdivision plan recorded, so I can also record the condominium plat and plans and split up the ownership of Lot 1 and Lot 2 as required for financing and tax purposes. Is there any reason that you cannot release the signed subdivision plan for recording now?

Also, the approval letter states that notice of waivers must be recorded in 90 days. I assume that is something the applicant handles, not the City? If we do it, do you have a sample of a notice of waivers that I can adapt?

Finally, I'd like to get the PG taken care - any further word?

Greg Kirsch, V.P. and General Counsel



Opechee Construction Corporation
11 Corporate Drive, Belmont, NH 03220
P (603) 527-9090 F (603) 527-9191 C (603) 387-1982
gregk@opechee.com

Philip DiPierro - Re: Fwd: Sebago Brewery 211 Fore St SET TIME 2 PM

From: Lannie Dobson
To: C of O; Nicholas Adams; Tammy Munson; jeffd@opechee.com
Date: 5/12/2011 9:00 AM
Subject: Re: Fwd: Sebago Brewery 211 Fore St SET TIME 2 PM

I have entered and scheduled the inspection. Thank you, Lannie Dobson

>>> Tammy Munson 5/12/2011 8:21 AM >>>

>>> Jeff Daigneault <jeffd@opechee.com> 5/11/2011 4:43 PM >>>

Lannie,

Have spoken to Nick and would like to Schedule a C/O inspection for 2 pm on Thursday May 19, any question please feel free to call me, if for some reason I have to change I will contact you

Thanking you in advance

Jeff

Jeff Daigneault
Project Manager



Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220
C (603) 848-9575

jeffd@opechee.com

- Aug. 3 completion date
- Temp. CO w/ conditions

25 Pearl MHR, LLC

PARKING CONTRACT

Custom House Parking Garage

Card # 12024

The owner of the Custom House Parking Garage and the Account Holder hereby agree that the undersigned Card Holder may use Custom House Parking Garage on an unreserved basis, subject to the following terms and conditions:

- 1. Monthly parking fees are due *without notice* prior to the first day of each month. A \$10.00 LATE FEE will be charged if the parking fee is not paid by the first day of the month. Checks returned for insufficient funds will incur a fee of \$25.00. A month is defined as the day of a calendar month and ends on the last day of a calendar month. **WE ACCEPT CASH or CHECK ONLY. Checks must be made payable to 25 Pearl MHR, LLC.** Payment may be mailed to PO BOX 7488, Portland, Maine 04112, or left with parking garage attendant. **PLEASE MAKE SURE ACCOUNT HOLDER'S NAME APPEARS ON ALL CHECKS!**

PARKING FEES WILL CONTINUE TO ACCRUE WHETHER OR NOT THE CARD IS IN USE UNTIL THE CARD IS RETURNED.

- 2. MHR Management manages the garage, and any questions concerning billing, new cards, etc., should be directed to the garage management at 358-7888 or via email to customerservice@mhrmanagement.com.
- 3. The parking garage is not to be used for storage. Any vehicle, which has remained parked for more than 5 parking days without permission of MHR Management will be considered, stored and may be towed at the vehicle owner's expense.
- 4. **CARDHOLDERS PARK AT THEIR OWN RISK.** 25 Pearl MHR, LLC/MHR Management are not be liable for any destruction, loss or damage to Cardholder's vehicle or any other property or for any injury resulting from the use of the garage. **LOCK YOUR VEHICLE.**
- 5. Any card used by persons other than as agreed may be revoked. This agreement may be terminated by ACCOUNT HOLDER returning card to the MHR Management office on the last business day of any month or by MHR Management giving 30 days notice in writing to the Account Holder, or may be terminated immediately by MHR Management if Cardholder is found in violation of the terms of this agreement. This agreement is immediately terminated if Cardholder leaves the Account Holder's employ and card is not transferred to someone else in the same firm.
- 6. Parking cards are very fragile. Please handle them with care and avoid heat or cold, as they warp and crack. Lost cards must be reported immediately. Lost cards will be replaced at a cost of \$10.00. A charge of \$10.00 will cover replacement of a broken card. All pieces of a broken card must be returned.
- 7. By accepting a card, Cardholder agrees to be responsible for adhering to these policies. This Contract remains in effect if the original card has been replaced due to loss or breakage, or upon transfer of the card within a firm.
- 8. \$10.00 Parking Card deposit and First Month's Rent of \$130.00 paid with contract

MHR MANAGEMENT WILL NEVER SHARE PERSONAL INFORMATION. WE COLLECT THIS AS CONTACT INFO IN

Cardholder Information

Account Information

Parker Name: Brad Monastik
 Daytime Phone: (207) 329-9341
 Daytime Email: brad@sebagobrewing.com
 Work Phone: (207) 856-2537
 Employer: Sebagobrewing Company

Billing Name: Sebago Brewing Co.
 Billing Address: 48 Sanford Dr.
 City/State/Zip: Cashman Maine, 04038
 Billing Phone: (207) 856-2537 (ext 2)
 Contact Name: Brad Monastik

Vehicle Information: Please enter information for every vehicle (if more than one) that you drive.

Year <u>Subaru Legacy</u>	Year <u>2010</u>	Year _____
Make/Model _____	Make/Model <u>Subaru Legacy</u>	Make/Model _____
Plate # _____	Plate # <u>6497 SA</u>	Plate # _____
State _____	State <u>Maine</u>	State _____

ACCOUNT HOLDER OR ITS REPRESENTATIVE HEREBY AGREES TO THE ABOVE TERMS AND CONDITIONS

Signature

Date



PORTLAND MAINE

Planning Division
Alexander Jaegerman, Planning Division Director

Barbara -

Sebago Brew evidence
of 4 of 5 required parking
spaces. 5th space
coming in tomorrow.

They are looking for a

C of O; Penny does not
want C of O "held up"
(assuming 5th space shows up).

~~2 cars~~

* 100 Commercial
Mark Dubel
631 6444

Permits by mail

Brad Monack

NOTES

RECEIPT

DATE May 14, 2010 No. 827572

RECEIVED FROM Sebas Ap of the Old Post

ADDRESS 4 spaces / 356

May 15th 4 50 Deposit 4/13

FOR _____

ACCOUNT		HOW PAID	
AMT. OF ACCOUNT		CASH	
AMT. PAID		CHECK	356 00
BALANCE DUE		MONEY ORDER	

BY [Signature]

©2001 REDIRECT ® 01308

Let code know



PORTLAND MAINE

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Planning and Urban Development Director
Penny St. Louis Littell

Planning Division Director
Alexander Jaegerman

January 18, 2011

Mark Woglom, President
Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220

RE: Planning Authority approval for revised lighting at 207-209 Fore Street (former Jordan's Meats site)

CBL: 029-L-001,002,003
Application ID: 99700001

Dear Mr. Woglom

On January 18, 2011, the Portland Planning Authority approved revisions to the exterior lighting on the approved project by Opechee Construction, doing business as Old Port Hospitality Inc. at 207-209 Fore Street. The revised lighting was submitted according to the Planning Board's waiver and condition of approval for site lighting standards on April 13, 2010. The Planning Board's April 13, 2010 motion for waiver of site lighting standards is excerpted below:

With the original approval of the hotel, restaurant and residence project at 207-209 Fore Street, the Planning Board waived the cutoff lighting fixture requirement for architectural lighting, subject to staff review.

The Planning Board issued the following condition of approval:

- 3. The Planning Board waived the Technical Standard requiring full cut off light fixtures, Section XV: Site Lighting Standards, 3.*

Subject to the following condition:

dwe

That the lighting plans and specifications provided for architectural up-lighting require additional evaluation of illumination levels and potential light pollution impacts. Architectural lighting for the development is subject to staff review and approval prior to issuance of an electrical permit.

After reviewing the submitted architectural facade lighting specs, the Planning Authority has approved the revised lighting according to the above condition.

The approval is based on the submitted plans and specifications. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Please note that the project is still subject to all provisions and requirements for the previous site plan approvals.

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,



Alexander Jaegerman
Planning Division Director

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

WILLIAM A. RENAUD, JR. TRUCKING, INC.

TRUCKING * EXCAVATION * DEMOLITION

119 KNIGHTS POND ROAD, SOUTH BERWICK, ME 03908

PHONE: 207-384-5111 * FAX: 207-384-4809

FACSIMILE TRANSMITTAL SHEET

DATE: 6.9.10

SENT TO: City of Portland
JEN Dorr
PLANNING DEPT.

NUMBER OF PAGES
(INCLUDING THIS ONE)

FAX#: 207.756.8258

3

FROM: KATHY 384.5111
William A. Renaud, Jr.
Trucking, Inc.

PLEASE CALL TO LET US KNOW IF YOU NEED ANY PAGE OF THIS FAX RE-TRANSMITTED. THANK YOU.

MESSAGE:

JEN:

Thank You for your ASSISTANCE
We will be starting this Project
Thursday, June 10, 2010.

thanks!



Form No.	A-L-0030
Effective Date	3/16/2009
Revision No.	001
Last Revision Date	7/1/2008
Page 1 of 2	

CHAPTER 149 NONMETALIC MINERAL PROCESSING PLANTS NOTICE OF INTENT TO COMPLY

State of Maine
Department of Environmental Protection
Bureau of Air Quality
17 State House Station
Augusta, Maine 04333-0017
phone: (207) 287-2437 fax: (207) 287-7641

Section A: FACILITY INFORMATION

Company Name as Registered with Secretary of State: William A. Renaud Jr. Trucking, Inc

Crusher Identification Numbers: NAM-1175-570348
(all CINs submitted on this application must be located on the same site)

Contact Information

Name: William A. Renaud Jr. Title: PRESIDENT
Mailing Address: 119 KNIGHTS POND RD.

City/Town: SO. BERWICK State: ME ZIP: 03908
Phone: 207.384.5111 Fax: 207.384.4809
e-mail: wmrenaud@comcast.net

Crusher Physical Location

Location Name: JORDAN MEAT FACTORY, INDIA ST., PORTLAND, ME
E-911 Address:

City/Town: PORTLAND State: ME ZIP:
Copy of this notice was sent to City/Town on (date): 6.9.10

Additional Directions:

For Office Use Only	
Date Received	
Date Letter Sent	
Initials	

Section C: SIGNATORY REQUIREMENTS

Each application submitted to the Department must include the following statements signed by a Responsible/Authorized Official:



Form No.	A-1-0030
Effective Date	3/16/2009
Revision No.	001
Last Revision Date	7/17/2008
Page 2 of 2	

"I certify that the Operator will comply with, and operate the listed equipment to, the terms and conditions of 060-96 CMR 149, *General Permit Regulation for Nonmetallic Mineral Processing Plants.*"

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

Signature *William A. Renaud Jr.* Date 6.8.10
 Name Printed WILLIAM A. RENAUD JR. Title PRESIDENT

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 4/26/10

Sewer Separation Project

Project Name: Jordan's Site - Opechee - Hotel

Project Address: 207-211 Fore Str.

Site Plan ID Number: 10-99700001

Planning Board/Authority Approval Date: 4/21/10

Site Plan Approval Date: 4/21/10

Performance Guarantee Accepted: 4/26/10

Inspection Fee Paid: \$4,000.00 4/27/10

Infrastructure Contributions Paid: N/A

Amount of Disturbed Area in SF or Acres: > 1 Acre

MCGP/Chapter 500 Stormwater PBR: # 49843

Plans/CADD Drawings Submitted: 4/28/10 Bill N

Pre-Construction Meeting: 4/28/10

Conditions of Approval Met: 8/27/10

As-Builts Submitted: ?

Public Services Sign Off: 9/22/11

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) N/A

Performance Guarantee to Defect Guarantee: 8/27/10

Defect Guarantee Released: 9/23/11



PORTLAND, MAINE

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www.portlandmaine.gov

Planning and Urban Development
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department

FROM: Alexander Jaegerman, Planning Division Director

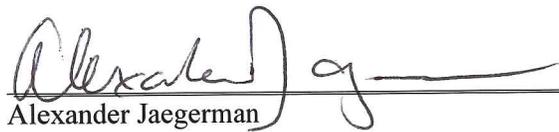
DATE: September 23, 2011

SUBJECT: Request for release of Defect Guarantee
207-209 Fore Street, Opechee Sewer Separation Work
(ID # 10-99700001 Lead CBL # 029 L 001, 002, & 003)

Please release the Defect Guarantee, Letter of Credit #906084362 for the Drainage and Sewer Separation Project at 207-209 Fore Street.

Remaining Balance \$ 20,000.00

Approved:


Alexander Jaegerman
Planning Division Director

cc: Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
File: 1 Solution



3424 White Mountain Highway
North Conway, NH 03860
Tel:(603)356-8010
Fax: (603)356-8014

RECEIVED

JUL 21 2011

PLANNING DEPARTMENT

July 19, 2011

Penny St. Louis Littel
Director of Planning and Urban Development City of Portland
389 Congress Street
Portland, NH 04101

RE: Renewal of Opechee Construction Corporation and Old Port Hospitality, LLC,
Irrevocable Letter of Credit; No. 906084362

The Irrevocable Letter of Credit for the above Borrower has been renewed through June 30, 2012.

If you have any questions, please contact me.

Sincerely,

Louise R. McKenzie
Commercial Lending Assistant

Enclosure



PORTLAND, MAINE

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www.portlandmaine.gov

Planning and Urban Development
Penny St. Louis Littell, Director

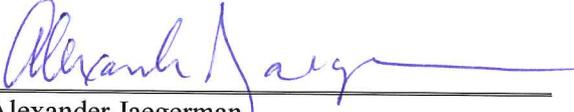
Planning Division
Alexander Jaegerman, Director

TO: Ellen Sanborn, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: August 27, 2010
SUBJECT: Request for Reduction of Performance Guarantee to Defect Guarantee
207-209 Fore Street, Opechee Sewer Separation Work
(ID # 10-99700001 Lead CBL # 029 L 001, 002, & 003)

Please reduce the Performance Guarantee, Letter of Credit #906084362 for the Drain and Sewer Separation Project at 207-209 Fore Street, to the Defect Guarantee.

Original Amount	\$200,000.00
<u>This Reduction</u>	<u>\$180,000.00</u>
Remaining Balance	\$ 20,000.00

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

STORMWATER PBR APPLICATION FORM
PLEASE TYPE OR PRINT IN INK ONLY

1. Name of Applicant: Old Port Hospitality, LLC		5. Name of Agent: (if applicable) Opechee Construction Corporation	
2. Applicant's Mailing Address: 11 Corporate Drive Belmont, NH 03220		6. Agent's Mailing Address: 11 Corporate Drive Belmont, NH 03220	
3. Applicant's Daytime Phone #: 603-527-9090		7. Agent's Daytime Phone #: 603-527-9090	
4. Applicant's Fax #: (if available) 603-527-9191		8. Agent's Fax # and email address: 603-527-9191	
9. Location of Project: (Road, Street, Rt.#) 207 & 209 Fore Street		10. Town: Portland	
		11. County: Cumberland	
12. Is this PBR for renewal of an individual stormwater permit? If yes, skip to Block 27 and signature page.			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
13. Type of Direct Watershed: (Check all that apply)		14. Amount of Developed Area:	
<input type="checkbox"/> Lake not most at risk <input type="checkbox"/> Lake most at risk <input type="checkbox"/> Lake most at risk, severely blooming <input type="checkbox"/> River, stream or brook <input type="checkbox"/> Urban impaired stream <input type="checkbox"/> Freshwater wetland <input checked="" type="checkbox"/> Coastal wetland <input type="checkbox"/> Wellhead of public water supply		<input type="checkbox"/> Total # of (-) 0.5 acres OR <input checked="" type="checkbox"/> Total # of _____ square feet	
		15. Amount of Impervious Area:	
		<input type="checkbox"/> Total # of _____ acres OR <input type="checkbox"/> Total # of (-) 0.5 square feet	
16. Creating a common plan of development or sale?		17. Name of waterbody(ies) to which the project site drains:	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Casco Bay	
18. Brief Project Description: See attached sheet			
19. Size of Lot or Parcel:		20. UTM Locations:(if known)	
76,209 <input type="checkbox"/> Total of _____ square feet OR <input type="checkbox"/> Total of _____ acres		UTM Northing: 4834609 UTM Easting: 19 0399115	
21. Deed Reference Numbers:		22. Map and Lot Numbers:	
Book#: 27567 Page#: 40		Map #: 29-L Lot #: 1,2,&3	
23. Project started prior to application?		24. Resubmission of Application?	
<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
25. Written Notice of Violation?		If yes, name of DEP enforcement staff involved:	
<input type="checkbox"/> Yes → <input checked="" type="checkbox"/> No			
26. Detailed Directions to the Project Site: (Attach separate sheet if necessary)			
I-295. Exit 7 onto US Route 1 East (Franklin Street Arterial). Site is abandon Jordan's Meats site in the northerly quadrant of the intersection of US Route 1 (Franklin Street Arterial) and Fore Street.			
27. SUBMISSIONS ▼			
<input checked="" type="checkbox"/> This form (signed and dated) <input checked="" type="checkbox"/> Fee		<input checked="" type="checkbox"/> Dept. of Inland Fisheries and Wildlife Approval (if in Essential Habitat) <input checked="" type="checkbox"/> Photos of Area <input checked="" type="checkbox"/> ESC Plan <input checked="" type="checkbox"/> Location Map <input checked="" type="checkbox"/> Site Plan	
For Renewal of an individual Stormwater permit only:			
<input type="checkbox"/> This form (signed and dated) <input type="checkbox"/> Copy of original stormwater permit <input type="checkbox"/> Fee			

CERTIFICATIONS AND SIGNATURES LOCATED ON PAGE 2

OFFICE USE ONLY	Ck.# 65537	Date 3/29/10	Staff JM	Staff	
PBR # 49843	FP# 55.00		Acc. Date 3/30/10	Def. Date	After Photos



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Planning & Urban Development Department
Penny St. Louis Littell, Director

April 21, 2010

Mark Woglom, President
Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220

RE: Approval to proceed with sewer work at 207-209 Fore Street (former Jordan's Meats site)

CBL: 029-L-001.002.003
Application ID: 99700001

Dear Mr. Woglom,

On April 21, 2010, the Portland Planning Authority approved a plan for sewer relocation at 207-209 Fore Street (the former Jordan's Meats site) as submitted by Old Port Hospitality, Inc. and shown on the approved plan prepared by Sebago Technics titled "Drain and Sewer Separation" and dated 04-05-10. The sewer relocation plan is associated with the plan for a hotel, restaurant, and residential development on the same site, as approved by the Planning Board on April 13, 2010 (approval letter with conditions provided under separate cover.)

This approval is provided to allow the developer to proceed with the sewer relocation project as a separate and stand alone phase of development ahead of the larger hotel project. The sewer relocation project is to be covered by its own performance guarantee, as provided below. Approval for the sewer separation project is subject to the following conditions, which are in addition to any conditions of approval established by the Planning Board for the larger hotel project:

Due to the complexity and timing of the proposed sewer changes for this project, and to fully protect construction quality, the Department of Public Services requires a full time construction inspector to be present on site to be funded by the applicant. The Department will make arrangements with Gorrill-Palmer Engineers to provide construction inspection services for this project.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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

1. The site shall be developed and maintained as depicted in the site plan and 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 this article. Any such parcel lawfully altered prior

to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
4. 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 Dept. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
5. 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.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, 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 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.
8. 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,



Penny St. Louis Littell
Director of Planning and Urban Development

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File



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About Northway

Northway Bank's local heritage goes back more than a century - back to when two community banks first opened to serve individuals, families and businesses in this part of the Granite State.

The Berlin City Bank and Pemigewasset National Bank joined together in 1997 as partners in Northway Financial and began operating under the Northway Bank name in 2005.

Today, Northway is the largest independent commercial bank in the region, a preferred SBA lender, and the #1 home lender in our markets. We proudly serve individuals, small businesses and commercial customers through 18 banking centers in northern and central New Hampshire.

As a bank, we take the time to understand the financial needs of our customers and to reward their relationships with us.

As bankers, we take pride in delivering personal service, practical advice and valuable financial solutions.

And as a New Hampshire business, we take satisfaction from helping our customers, businesses and communities achieve more rewarding and financially secure futures.

The people you know and the bank you trust - that's been the Northway right from the start.



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Cost Estimate of Improvements to be covered by Performance Guarantee

Date: 9-7-2010

Name of Project: DRAIN & SEWER SEPARATION

Address/Location: 207 & 209 FORE ST

Application ID #: _____

Developer: OLD PORT HOSPITALITY, LLC

Form of Performance Guarantee: _____

Type of Development: Subdivision _____ Site Plan (Major/Minor) X

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas	_____	_____	_____	_____	_____	_____
Curbing	_____	_____	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____	_____	_____
Esplanades	_____	_____	_____	_____	_____	_____
Monuments	_____	_____	_____	_____	_____	_____
Street Lighting	_____	_____	_____	_____	_____	_____
Street Opening Repairs	<u>13,200 sf</u>	<u>2.00</u>	<u>26,400</u>	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
2. EARTH WORK						
Cut	_____	_____	_____	<u>225 yd³</u>	<u>8.50</u>	<u>1,912</u>
Fill	_____	_____	_____	_____	_____	_____
3. SANITARY SEWER						
Manholes	<u>2</u>	<u>3,900</u>	<u>7,800</u>	<u>2</u>	<u>3,900</u>	<u>7,800</u>
Piping	<u>30 lf</u>	<u>39.00</u>	<u>1,170</u>	<u>200 lf</u>	<u>39.00</u>	<u>7,800</u>
Connections	<u>1</u>	<u>2,400</u>	<u>2,400</u>	<u>2</u>	<u>2,400</u>	<u>4,800</u>
Main Line Piping	<u>430 lf</u>	<u>50.00</u>	<u>21,500</u>	<u>170 lf</u>	<u>50.00</u>	<u>8,500</u>
House Sewer Service Piping	_____	_____	_____	_____	_____	_____
Pump Stations	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
4. WATER MAINS	<u>240 lf</u>	<u>45.00</u>	<u>10,800</u>	_____	_____	_____
5. STORM DRAINAGE						
Manholes	<u>2</u>	<u>3,900</u>	<u>7,800</u>	<u>2</u>	<u>3,900</u>	<u>7,800</u>
Catchbasins	<u>2</u>	<u>3,600</u>	<u>7,200</u>	_____	_____	_____
Piping	<u>550 lf</u>	<u>80.00</u>	<u>44,000</u>	<u>180 lf</u>	<u>50.00</u>	<u>9,000</u>
Detention Basin	_____	_____	_____	_____	_____	_____
Stormwater Quality Units	_____	_____	_____	_____	_____	_____
Other <u>Big Manhole</u>	<u>2</u>	<u>10,200</u>	<u>20,400</u>	_____	_____	_____
<u>Doghouse</u>	_____	_____	_____	_____	_____	_____

20,000 EACH

40,000

6. SITE LIGHTING					
7. EROSION CONTROL					
Silt Fence				500 LF	3.60 180
Check Dams					
Pipe Inlet/Outlet Protection					
Level Lip Spreader					
Slope Stabilization					
Geotextile					
Hay Bale Barriers					
Catch Basin Inlet Protection	11	50	550	2	50 100
8. RECREATION AND OPEN SPACE AMENITIES					
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)					
10. MISCELLANEOUS					
TOTAL:	<u>150,020</u>			<u>47,892</u>	
GRAND TOTAL:	<u>150,020</u>			<u>47,892</u>	

\$197,912
ok per PD & DM-P
4/15/10

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	\$3000.40	\$957.84	\$3,958.24
or			
B: Alternative Assessment:			
Assessed by:	<u>Paul / Dave Pines</u> (name)	<u>4/15/10</u> (name)	

Philip DiPierro - Re: Utility Separation Performance Guarantee

From: William Needelman
To: Kirsch, Greg; barrys@opechee.com
Date: 4/7/2010 12:10 PM
Subject: Re: Utility Separation Performance Guarantee
CC: Adams, Dana; DiPierro, Philip; Emerson, John; Gray, Geoffrey; Jaeger...

Greg,

We'll be reviewing the plans and getting back to you with comments/approvals as available - next week I assume.

Regarding the performance guarantee, I will forward to Phil DiPierro for processing; but, we will need to wait for approval from Public Services prior finalizing as the numbers will need to reflect an approved plan.

From my perspective, I will be spending my time making sure that the primary project is positioned for Planning Board approval and I will not be spending too much time with the sewer project until next week.

So,... in summary,

- *Work with Phil DiPierro on the PG.
- *Work with Dave Margolis-Pineo and John Emerson at Public Services on the sewer review.
- *City comments will be provided next week at the earliest.
- *The PG will only be finalized based on an approved plan.
- *When the plan and PG are approved, you will pay an inspection fee (2% of the PG#), there will be a preconstruction meeting (set up with Phil), and you will need to secure all street opening/sidewalk closure/on-street occupancy permits (and fees) with public services.

City staff from the CC list can correct any inaccuracies to the above process.

Things seem to be proceeding well and I think that your project is well positioned for next week.

Please call or reply with any questions.

Best 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

>>> Greg Kirsch <gregk@opechee.com> 4/7/2010 8:53 AM >>>

Hello Bill: I would like to get the performance guarantee in place for the Drain & Sewer Separation project at 207 & 209 Fore St. Attached is the cost estimate prepared by Steve Long, P.E. and Dana Adams, P.E. of Opechee. We would like to use your Escrow Account form of guarantee with Northway Bank holding the funds as escrow agent. See www.northwaybank.com. A couple of questions/items for you:

1. Do you need to approve the estimate before I proceed with setting up the escrow?
2. Do I need your approval of Northway Bank as escrow agent?
3. Can you send me the form of the Performance Guarantee Escrow Account in Word format?
4. Please provide Application ID#.
5. Numbered paragraph one of the Guarantee references the approval date - please provide the date.
6. Page two requires us to insert an expiration date "between April 16 and October 30 of the following year" - what date should we insert?

If I can get your approval of the amount and the info above I should have all this in place tomorrow. Thanks!

Greg Kirsch, V.P. and General Counsel



Opechee Construction Corporation
11 Corporate Drive, Belmont, NH 03220
P (603) 527-9090 F (603) 527-9191 C (603) 387-1982
gregk@opechee.com



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Director of Planning and Urban Development
Division, Director
Penny St. Louis Littell

Planning
Alexander Jaegerman

March 26, 2009

Dana Allen, Opechee Construction Inc.
Via Email

Re: 207-209 Fore Street, Portland, ME (Former Jordan's Meats site) Demolition Permit process

Dear Dana,

This letter is in answer to your inquiry regarding your firm's receiving a demolition permit prior to site plan and subdivision approval at the former Jordan's Meats plant at 207-209 Fore Street.

As provided in Section 14-528 of the Portland Land Use Ordinance, this letter serves as the written permission from the Planning and Urban Development Department to commence demolition of structures on the former Jordan's Meats site prior to posting the a site plan performance guarantee. The commencement of site work is limited to the extent of work outlined in your letter and supporting material dated March 24, 2010 as supplied by email to Bill Needelman on March 25, 2010. This approval is subject to your firm's receiving all required approvals from Building Inspections as well as the following conditions.

Conditions for approval for demolition:

1. The applicant will conduct a pre-demolition meeting with representatives of the Planning Division and Public Services authorities prior to conducting any demolition work or occupying any public rights of way.

2. The applicant will receive Public Services approvals and permits for the abandoned sewer lateral permit, sidewalk closures, and on-street parking closures. The pedestrian routing plans submitted with the March 24, 2010 material provide a starting point of for a conversation, and plans may need to be adjusted at the City's request. Initial pedestrian rerouting and parking closures will be formalized at a pre-demolition meeting with Planning and Public Services authorities and further amendments to the March 24 plans may be required from time to time as work progresses to address safety or neighborhood concerns that may arise.

Specifically, the applicant will work with City authorities to minimize closure of the Middle Street sidewalk and access to the on-street parking. This will be accomplished by delaying installation of construction fencing along Middle Street until actual demolition activity is about to occur and adjusting the construction sequence to prioritize the stabilization and backfilling of the Middle Street foundation wall to allow reopening of the sidewalk at the earliest reasonable time.

3. The erosion control plan submitted will be amended to provide silt fence protection for the Fore Street right of way and all down gradient off site locations.

Your inquiry is additionally related to a proposal to relocate a public sewer as allowed by the adjusted sewer easement approved by City Council on March 15, 2010. The Planning and Urban Development Department will be able to consider an approval for the sewer work in advance of the hotel site plan approval subject to the following requirements:

1. Submit a letter outlining the extent of the work to be accomplished and requesting the pre-site work. The letter should be submitted to Penny Littell, Planning and Urban Development Director.
2. Submit for Planning and Public Services review and approval plans and specifications for the sewer work that will stand alone as a separate improvement independent of the proposed hotel project.
3. Provide a performance guarantee acceptable to the City and associated inspection fee prior to conducting any utility work beyond that needed for the demolition of the buildings as allowed above. In the event that the current project (beyond demolition and sewer relocation work) does not move forward, the performance guarantee must be sufficient to construct the sewer and associated road work, site grading, drainage and vegetative cover for the entire site.

Thank you for providing the materials and information needed to allow this work to move forward. We look forward to continuing with a collaborative effort to ensure a success redevelopment of your site. If you have any questions, please contact Bill Needelman, Senior Planner at (207) 874-8722 or wbn@portlandmaine.gov.

Sincerely,

Penny St. Louis Littell, Director of Planning and Urban Development

DEVELOPMENT REVIEW COORDINATOR
POST APPROVAL PROJECT CHECKLIST

Date: 10/12/10

Project Name: Structured Parking Development

Project Address: 207-209 Fore Str.

Site Plan ID Number: #

Planning Board/Authority Approval Date: 8/10/10

Site Plan Approval Date: _____

Performance Guarantee Accepted: _____

Inspection Fee Paid: _____

Infrastructure Contributions Paid: _____

Amount of Disturbed Area in SF or Acres: _____

MCGP/Chapter 500 Stormwater PBR: _____

Plans/CADD Drawings Submitted: _____

Pre-Construction Meeting: _____

Conditions of Approval Met: _____

As-Builts Submitted: _____

Public Services Sign Off: _____

Certificate of Occupancy Memo Processed:
(Temporary or Permanent) _____

Performance Guarantee to Defect Guarantee: _____

Defect Guarantee Released: _____



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Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

August 12, 2010

Mark Woglom, President
Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220

RE: Planning Board approval for Major Site Plan and Subdivision. Structured Parking development at 207-209 Fore Street.

CBL: 029-L-001, 001

Dear Mr. Woglom,

On August 10, 2010 the Portland Planning Board considered a plan submitted by Opechee Construction, doing business as Fore India Middle, LLC., for a two story, 208 space parking structure located at 207-209 Fore Street. The Planning Board reviewed the proposal for conformance with applicable standards of the Subdivision Ordinance and the Site Plan Ordinance. The Planning Board voted (5 to 0, Patterson and Morrisette absent) to approve the application with the following motions, waivers, and conditions if approval, as detailed below.

WAIVERS

The Planning Board voted 5-0 (Lewis and Silk absent) to approve the following waivers relevant to the Portland's Technical and Design Standards and Section 14-220 of the City Code as presented below:

1. The Planning Board waived the Technical Standard for the Driveway curb radius, Section III, 2 (c), subject to the following condition of approval:
 - (a) The detectible warning panels at the Middle Street driveway entrance shall be revised to address review comments from Tom Errico, Consulting Engineer, dated August 5, 2010.
2. The Planning Board waived the Technical Standards for parking stall dimensions, Section III-1 and III-2.
3. The Planning Board found that the increased building setback beyond the requirements set forth in Section 14-220 (c), namely that *all buildings or structures shall be located within five (5) feet of the property line along street frontages*:

- (a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest;
- (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 of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

And therefore waived the 5-foot maximum building set back requirement of Section 14-526(a)16 b.2 of the Site Plan Ordinance.

SITE PLAN REVIEW

The Planning Board voted 5-0 (Lewis and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. The 6 street lights proposed as part of the development shall be of the designated lighting type, size and color for the lighting district, as detailed in Section 10 of the 2010 Technical Manual. The appropriate specifications shall be listed on the final plans.
2. *The detectible warning panels at the Middle Street driveway entrance shall be revised to address review comments from Tom Errico, Consulting Engineer, dated August 5, 2010.*

SUBDIVISION REVIEW

The Planning Board voted 5-0 (Lewis and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

1. The applicant shall be responsible for incorporating all changes to parking signs on Middle Street near the proposed driveway. The exact details of on-street parking will be determined by City staff.
2. A post development traffic count shall be conducted for the intersection of Middle and India Streets.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #28-10.

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

1. 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.
2. The site shall be developed and maintained as depicted in the site plan and 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 this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
5. 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 Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
6. 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.
7. The subdivision approval is valid for three (3) years.
8. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
9. 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.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. Prior to construction, 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 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.
12. 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.)

Philip DiPierro, 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 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 Molly Casto, Senior Planner at 874-8719.

Sincerely,



Bill Hall, Chair
Portland Planning Board

Attachments:

1. Applicable Staff Memos
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Fanny Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Earling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Molly Casto <MPC@portlandmaine.gov>
CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 8/5/2010 11:24 AM
Subject: Old Port - Phase 2

Molly - I have reviewed the revised information transmitted yesterday and offer the following status report on prior comments

July 1, 2010

The first and second floor parking levels will require waivers for parking stall size (both width and length). I need to review the layout in greater detail before I render a decision on a waiver.

Status: I support a waiver from the Technical Standards for the parking stall size.

I have reviewed the proposed driveway entrance design and find it to be acceptable. In my professional opinion the driveway meets City standards for width (it will serve commercial uses) and therefore a waiver from the City's Technical standards is not needed. I support a waiver for reduced radii for the driveway. The ramps at the driveway shall include detectible warning devices.

Status: The detectible warning devices should be aligned to orientate pedestrians along the path of travel. The plan should be revised to best meet this standard. Otherwise, I have no further comment.

The applicant should provide data on the amount of traffic entering and exiting the second floor parking level under full occupancy (during AM and PM peak hours) and provide an assessment of conditions as it relates to traffic operations in respect to the India Street/Middle Street intersection.

Status: A traffic study has been provided and comments are noted below.

The applicant will be responsible for incorporating all changes to parking signs on Middle Street near the proposed driveway. The exact details of on-street parking will be determined by City staff.

Status: I have no further comment.

The applicant should consider pedestrian accessibility between the second floor parking level and destinations toward Fore Street.

Status: The applicant has provided a response, but I believe this issue is still outstanding.

July 30, 2010

Knowing that several other developments in the area have been permitted it is unclear whether the build traffic volumes include approved projects (Village Café site, Ocean Gateway, Phase 1 Hotel, etc.). These projects should be included.

Status: Other development traffic has been included and I have no further comment.

Looking at the turning movement volumes, I was surprised at the distribution. Examples include the low volume turning right onto Middle Street from southbound India Street in the morning and the reverse movement in the evening. Please check the data. Also, please note whether there were any substantial traffic detours in the area during the time of the count.

Status: I concur with the applicant that a post development traffic count be conducted at the subject intersection. The City has been collecting funds for traffic studies in the area and the money collected should be used for this discussed purpose. I would further note that when the office building phase is permitted, a monetary contribution and/or off-site mitigation improvements will likely be requested at that time.

It does not appear that pedestrian volumes were included in the analysis. Did you collect pedestrian volumes? Pedestrians are significant at India/Middle

Status: Pedestrian volume counts were conducted and a revised analysis performed. I have no further comment.

Please conduct a four-way STOP sign warrant evaluation with the data you have at the India/Middle intersection. You likely will not have all required hours, but please try to draw some conclusion.

Status: The requested analysis has been provided and I have no further comment.

For the comparison of LOS/Delay, please use SimTraffic results only. It will simplify things and I believe is the better data. I would like some reply on how the SimTraffic results compares to field conditions, particularly from a queuing perspective. Talk to the person who did the count. Also, provide LOS/Delay data in tabular form in the Memo for the site drive.

Status: The above requested information has been provided and I have no further comment.

In conclusion, I find the proposed project to be acceptable. It should be noted that the parking facility will not generate new traffic to the area. The purpose of the traffic study and analysis was to confirm that the Middle Street parking deck driveway is designed to accommodate future development phases (e.g. office space). In my professional opinion the Middle Street driveway is located such that it maximizes its distance from both Franklin Street and India Street, thus avoiding any backup problems. While it is located in close proximity to Hampshire Street, it is my opinion that this condition is not likely to be problematic due to the low volumes turning from Hampshire Street (Hampshire Street is a one-way southerly flow road). I would further note that the analysis conducted by the applicant indicates the driveway on Middle Street will operate at an excellent level of service. Lastly, I am not supportive of locating a truck loading dock adjacent to the proposed entrance. It is my suggestion that this item be considered at the time when the office building phase is permitted.

If you have any questions, please contact me.



REVISED PER CITY REVIEW	03-23-10	C	DLR	BY:	STATUS: SUBMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.
PRICING SET	03-17-10	B	DLR	DATE:	
SITE PLAN APPLICATION SUBMITTAL	03-16-10	A	DLR	DATE:	
				BY:	
				REV:	

Sebago Technics
 Landscape Architecture, Inc.
 One Chocoma Road
 Westbrook, ME 04092-2338
 Tel: (603) 883-8888
 Fax: (603) 883-8889
 www.sebagotechnics.com

LANDSCAPE AND LIGHTING PLAN
 HOTEL, RESTAURANT AND PORTSIDE RESIDENCES
 300 A FORE STREET
 PORTLAND, MAINE
 FOR:
OLD PORT HOSPITALITY, LLC
 11 CORPORATE DRIVE
 BELLEVILLE, NH 03223

DATE	SCALE
02-01-10	1"=20'
PROJ. NO.	DWG. NAME
08000	08000L
FIELD BOOK	DESIGN BY
624	CAD
DRAWN BY	CHECKED BY
MAL	CAD

SHEET C 3.0

LANDSCAPE NOTES

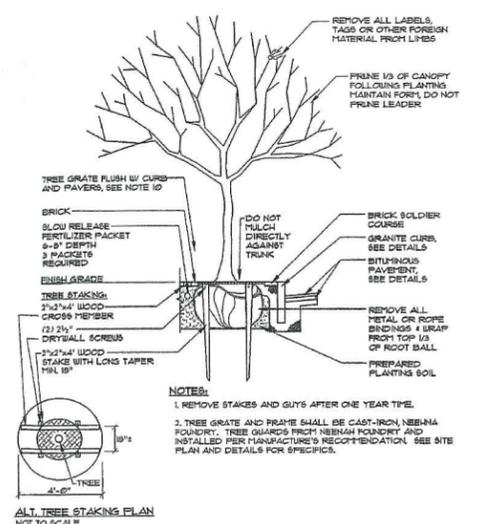
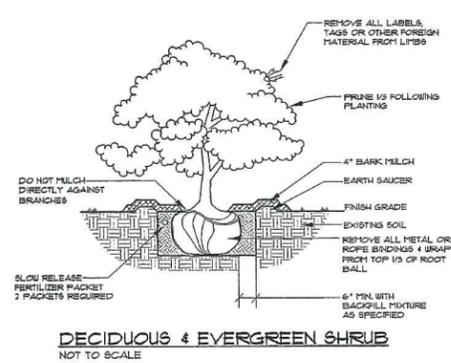
- PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE LANDSCAPE CONTRACTOR ONLY. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF "USA STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERIES, INC.
- ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
- ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUTTING WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
- PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD, DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR.
- THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING, WALKS, CURBS, ETC. DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
- ALL PLANTING BEDS AND SPECIFIC TREES SHALL BE MULCHED WITH 3" CLEAN SHREDDED DARK BROWN BARK MULCH.
- THE SITE CONTRACTOR SHALL PROVIDE STRUCTURAL SOIL MIX FOR STREET TREES AND ADJACENT AREA (OF BEING CURB).
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
- WHERE INDICATED ON PLAN, PLANTING SOIL MIXTURE FOR PERENNIAL AND ANNUAL FLOWER BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS SPRAWNY PEAT MOSS, AND ONE PART HORIZONTAL VERMITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-ROTTED OR DEHYDRATED HAIRIE OR COMPOST. ROTOTILL BEDS TO A DEPTH OF 8 INCHES.

PLANT LIST

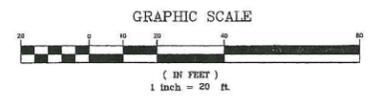
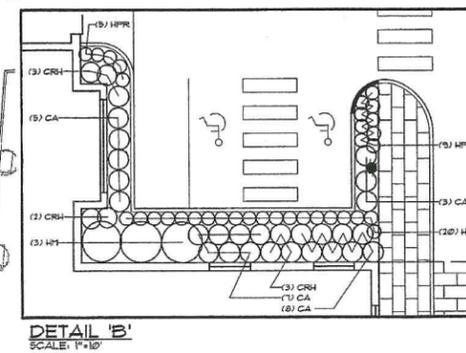
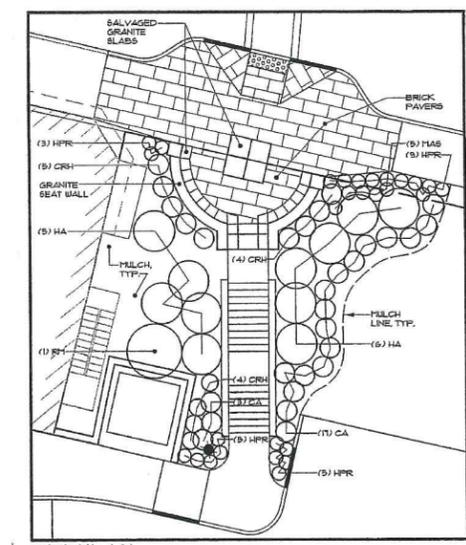
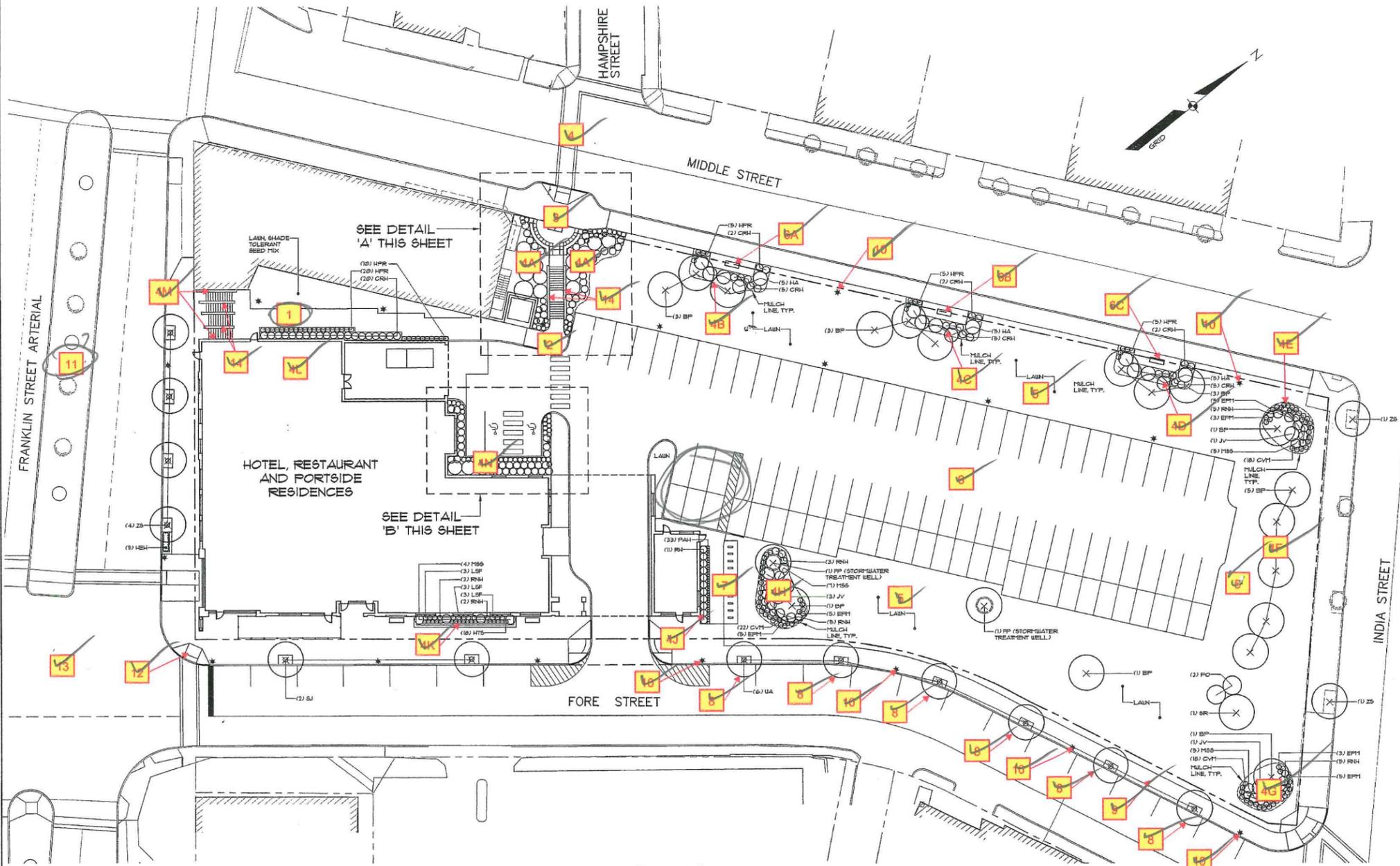
KEY	BOTANICAL NAME	COMMON NAME	SIZE
BP	BETULA PAPPYRIFERA	WHITE BIRCH	8-10' CLUMP
CA	CLEMENS ANFOLIA	SIXTEN CANDLES	NO. 3 CONT.
CRH	CIMICIFUGA RANUNCULIFOLIA	HILLSIDE BLACK BEAUTY	NO. 1 CONT.
CMH	COROPHILA VERTICILLATA	MOONBEAM TICKSEED	NO. 1 CONT.
EPH	ECHEINACEA PURPUREA	PURPLE CONEFLOWER	NO. 1 CONT.
FP	FRAXINUS PENNSYLVANICA	COPSEY	10-12' CAL.
HA	HYDRANGEA ARBORESCENS	DAIRY CROCK	18-24" HGT.
HM	HYDRANGEA MACROPHYLLA	PRISTINE	18-24" HGT.
HEH	HEXACOCCUS HAPPEY	HAPPY RETURN	NO. 1 CONT.
HPR	HOSTA PLANTAGINEA	'NOTAL STANDARD'	NO. 1 CONT.
HTB	HELOPSIS TUSCAN SUN	TUSCAN SUN FALSE SANFLOWER	NO. 1 CONT.
JV	JUNIPERUS VIRGINIANA	GREY OIL JEWELER	18-24" HGT.
LBP	LUBCANTHERUM SUPERBUM	FRONK COGSHILL	NO. 1 CONT.
MAH	MATTELOCCIA STRUTHIOCTERIS	ROYAL STANDARD HOSTA	NO. 1 CONT.
MSS	MISCANTHUS SINENSIS	'SARABANDI'	NO. 1 CONT.
PAH	PANICUM ALLOTROPICUM	'HAWELN'	NO. 1 CONT.
PO	PICEA CHOROKA	CHOROKA	6-7' HGT.
RA	ROSA MOISTYBEEET	MOISTYBEEET SHRUBROSE	18-24" HGT.
RH1	RUDBECKIA NITIDA	'HERBSTONNE'	NO. 1 CONT.
RH2	RADIODENDRON MAXIMUM	'INDEPENDENCE'	2-3' HGT.
SJ	SOPHORA JAPONICA	'PRINCETON UPRIGHT'	2-3' CAL.
SR	SYRINGA RETICULATA	JAPANESE LILAC TREE	8-10' HGT. CLUMP
UA	ULMUS AMERICANA	'PRINCETON ELM'	2-3" CAL.
ZB	ZELKOVA SERBATA	'GREEN VASE'	2-3" CAL.

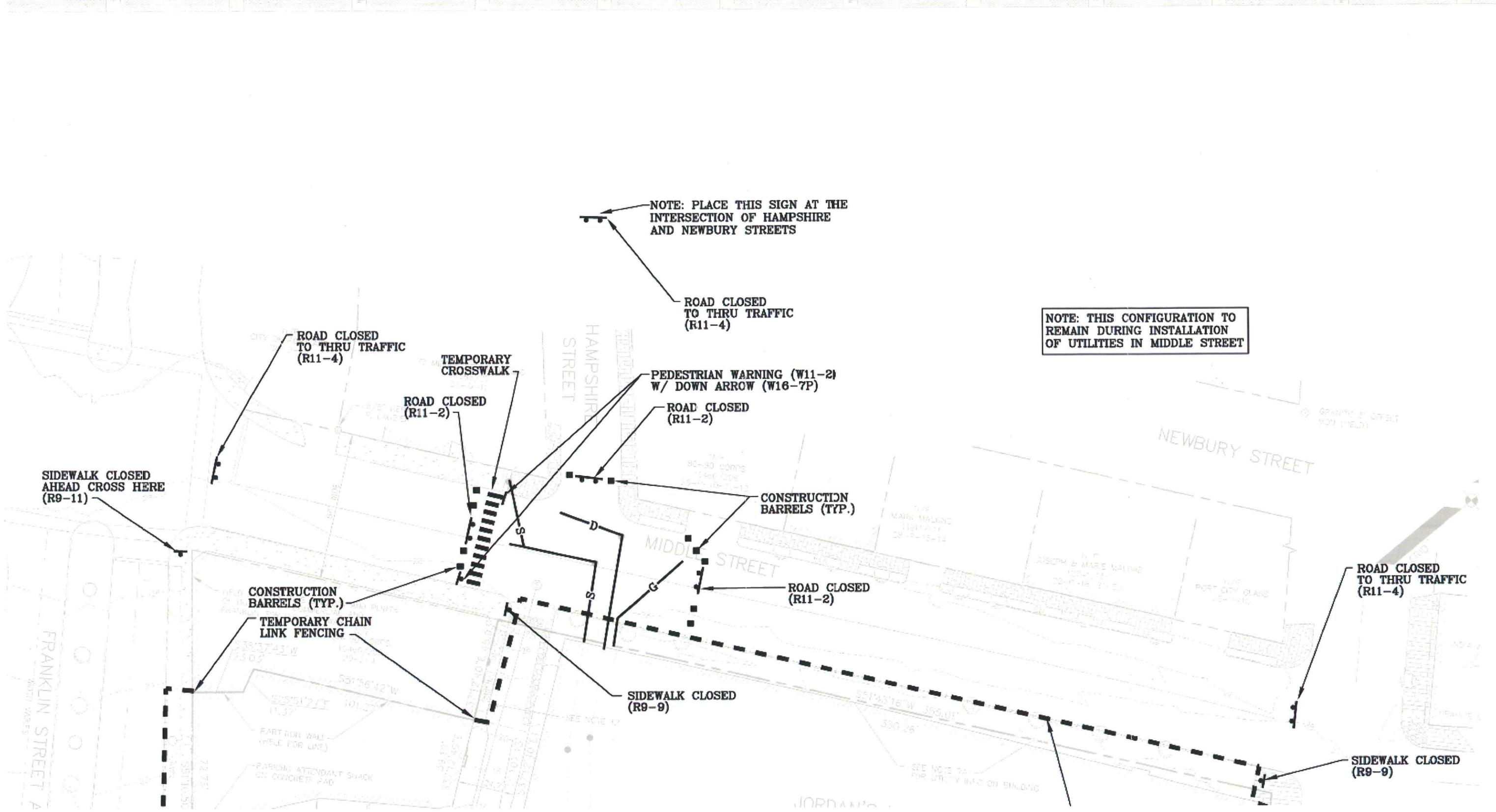
LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROSE	---
---	ADJUTER LINE/ROSE	---
---	BUILDING	---
---	EDGE PAVEMENT	---
---	PAVEMENT PAINT	---
---	CURBLINE	---
○	DECIDUOUS TREE	○
○	CONIFEROUS TREE	○
○	MULCH LINE	○
○	LIGHT POLE/BALL	○



ELEVATION DRAIN
 ALL ELEVATIONS SHOWN HEREON ARE REFERENCED TO NAVD 88. THE CONVERSION TO CITY OF PORTLAND DATUM IS AS FOLLOWS:
 NAVD 88 ELEV. + 0.11' = CITY DATUM ELEV.





NOTE: PLACE THIS SIGN AT THE INTERSECTION OF HAMPSHIRE AND NEWBURY STREETS

ROAD CLOSED TO THRU TRAFFIC (R11-4)

NOTE: THIS CONFIGURATION TO REMAIN DURING INSTALLATION OF UTILITIES IN MIDDLE STREET

ROAD CLOSED TO THRU TRAFFIC (R11-4)

TEMPORARY CROSSWALK

ROAD CLOSED (R11-2)

PEDESTRIAN WARNING (W11-2) W/ DOWN ARROW (W16-7P)

ROAD CLOSED (R11-2)

SIDEWALK CLOSED AHEAD CROSS HERE (R9-11)

CONSTRUCTION BARRELS (TYP.)

CONSTRUCTION BARRELS (TYP.)

TEMPORARY CHAIN LINK FENCING

ROAD CLOSED (R11-2)

ROAD CLOSED TO THRU TRAFFIC (R11-4)

SIDEWALK CLOSED (R9-9)

SIDEWALK CLOSED (R9-9)

Cost Estimate of Improvements to be covered by Performance Guarantee

Date: May 7, 2010

Name of Project: Hotel, Restaurant and Portside Residences
Address/Location: 207& 209 Fore Street
Application ID#:
Developer: Old Port Hospitality, LLC
Form of Performance Guarantee: Letter of Credit
Type of Development: Site Plan, Major

Item	PUBLIC			PRIVATE			NOTES:
	Quantity	Units	Unit Cost	Quantity	Units	Unit Cost	
1. Street /Sidewalk							
Straight Granite Curb	900	LF	\$18.00				Granite curb at proposed edge of pavement
Curved Granite Curb	100	LF	\$25.00				Granite curb at proposed edge of pavement
3" Bituminous Sidewalk	8,200	SF	\$2.00				8' Wide sidewalk in City Right-of-Way
Crushed Gravel	210	CY	\$17.00				In place, 6" base gravel for sidewalk & 18" for pavement patch
Monuments, Rebar	2	EA	\$250.00				Where the new property line and easement line intersect Middle Street
Sawcut	1,050	LF	\$1.00				Sawcut pavement 12" from face of curb
Street Repairs	1,050	SF	\$2.00				Patch pavement along face of curb
2. Earthwork							
Rough Grading	10,000	SF	\$0.08	77,000	SF	\$0.08	Grade site to drain
Fine Grading	8,200	SF	\$0.14				Sidewalk grading
3. Sanitary Sewer	N/A						See Sewer Separation performance guarantee estimate
4. Water Mains	N/A						
5. Storm Drainage							
Catch Basin				4	EA	\$3,600.00	Install CB10
Piping				35	LF	\$80.00	Install pipe from DMH 3 to CB10
6. Site Lighting				350	X	500	
7. Erosion Control				9			
Silt Fence				970	LF	\$3.60	
Catch Basin Inlet Protection	11	EA	\$50.00				
Loam & Seed	10,000	SF	\$0.25	77,000	SF	\$0.25	
8. Landscaping	N/A						
9. Open Space Amenities	N/A						
10. Miscellaneous							
General Cleanup	1	LS	\$1,000.00	1	LS	\$2,500.00	
Sub Total:			\$48,318.00			\$37,802.00	
2.0% of Sub Totals:			\$966.36			\$756.04	
Grand Total			\$86,120.00			\$756.04	

Handwritten notes and calculations:
 Total 546,020
 Paving Parking Lot? \$218,218
 22,000 \$55,000
 2,800 \$36,000
 Gas 180
 Water 40
 Electric 300
 2 Tree boxes 15,000 - 20,000 each
 Gravel Trap
 380
 200
 150
 \$2,000
 10,800
 28,800
 45,000
 10,800
 3,600.00
 2,800.00
 28,000
 45,000
 13 x 6000 = 78,000
 2 x 2400 = 4800
 14,000



LANDSCAPE NOTES

- PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE LANDSCAPE CONTRACTOR ONLY. THE LANDSCAPE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF "USA STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
- ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING TECHNIQUE, BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUYING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
- PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD, DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE SITE CONTRACTOR.
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PLANT LIST

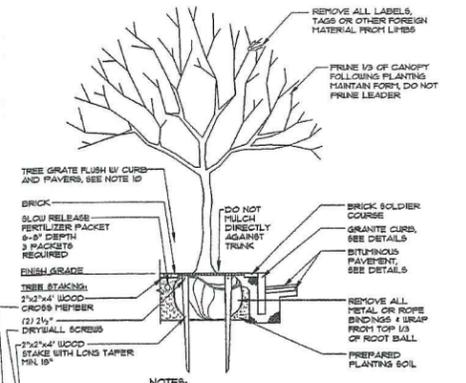
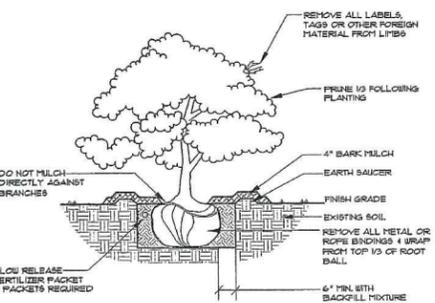
KEY	BOTANICAL NAME	COMMON NAME	SIZE
BP	BETULA PAPERIFERA NEWMAN'S REFLECTION	WHITE BIRCH	8-10' CLUMP
CA	CLETHRA ANPOLIA SIXTEEN CANDLES	SIXTEEN CANDLES CLETHRA	NO. 3 CONT.
CRH	CHIRPIA RAIPOGA HILLSIDE BLACK BEAUTY	HILLSIDE BLACK BEAUTY BUGEANE	NO. 1 CONT.
CVT	CORNERUS VERTICILLATA 'WOODBRAY'	WOODBRAY THORN	NO. 1 CONT.
EPH	ERIPHEA PURPUREA 'MAGNUS'	PURPLE CONEFLOWER	NO. 1 CONT.
FP	FRAXINUS PENNSYLVANICA 'CUREAH'	COPPOCK ASH	15-20' CAL.
HA	HYDRANGEA ARBORESCENS 'DARDOT'	WHITE DOT' HYDRANGEA	18-24' HGT.
HEI	HEPEROCALLIS 'HAPPY RETURN'	ROSEAL STANARD HYDRANGEA	15-20' CAL.
HIS	HELIOPSIS 'TUSCAN SUN'	TUSCAN SUN FALSE SUNFLOWER	NO. 1 CONT.
HPR	HOSTA PLANTAINA 'NOTAL STANDARD'	NOTAL STANDARD HOSTA	NO. 1 CONT.
JV	JUNIPERUS VIRGINIANA 'SREY OIL'	GREY OIL JUNIPER	18-24' HGT.
LSP	LIBANOTHORAX SUPERBIA 'FONA COGHILL'	FONA COGHILL GARGATA DAMBY	NO. 1 CONT.
MA9	MATTEUCCIA STRUTHIOFOLIUS	OSTRICH FERN	NO. 1 CONT.
MIS	MISCANTHUS SINENSIS 'SARABAND'	SARABAND SILVER GRASS	NO. 1 CONT.
PA4	PENSTEMON ALPICOLOIDES 'HAPPEL'	FOUNTAIN GRASS	NO. 1 CONT.
PO	FICIA OPHORICA	FOUNTAIN SPRUCE	6-7' HGT.
RH4	ROSA 'HONEYBEE'	HONEYBEE ROSE	18-24' HGT.
RH1	RUDIBECKIA NITIDA 'HERBSTONNE'	EARLY BIRD GOLD CONEFLOWER	NO. 1 CONT.
RHT	RHOXODENDRON MAXIMILIAN 'INDEPENDENCE'	PINK ROXBURY RHOXODENDRON	3-3 1/2' HGT.
SR	SOPHORA JAPONICA 'PRINCETON UPRIGHT'	PRINCETON UPRIGHT PASCOA TREE	2-3 1/2' CAL.
SJ	SYRINGA RETICULATA	JAPANESE LILAC TREE	8-10' HGT. CLUMP
UA	ULMUS AMERICANA 'TRANSCENT'	PRINCETON AMERICAN BLM	2-3 1/2' CAL.
Z8	ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	2-3 1/2' CAL.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROOM	---
---	ADJUTING LINE/ROOM	---
---	BUILDING	---
---	EDGE PAVEMENT	---
---	PAVEMENT PAINT	---
---	CURBLINE	---
○	DECIDUOUS TREE	○
●	CONIFEROUS TREE	●
○	MULCH LINE	○
○	LIGHT POLE/BALL	○

ELEVATION DATA:
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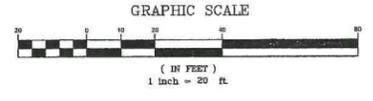
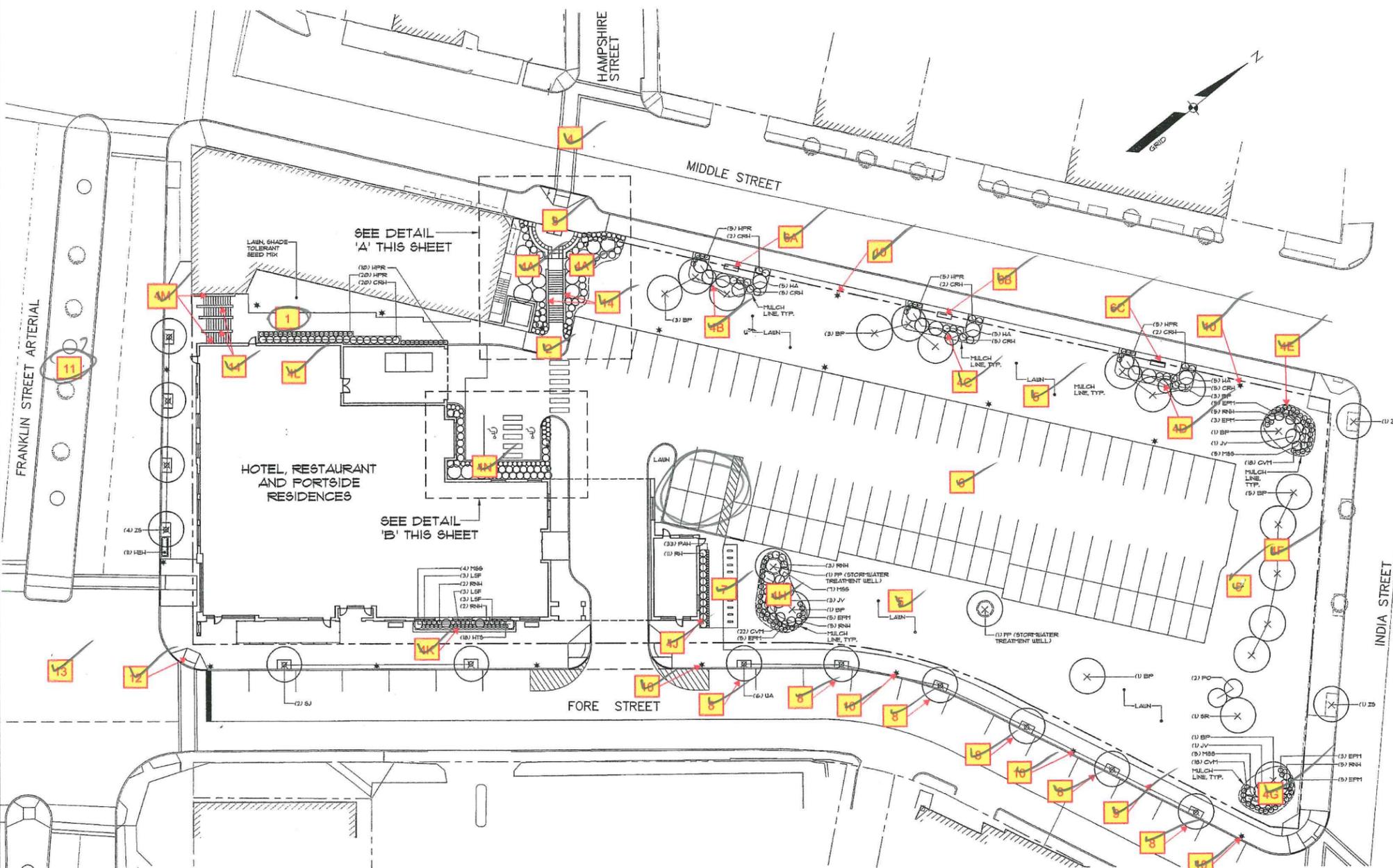
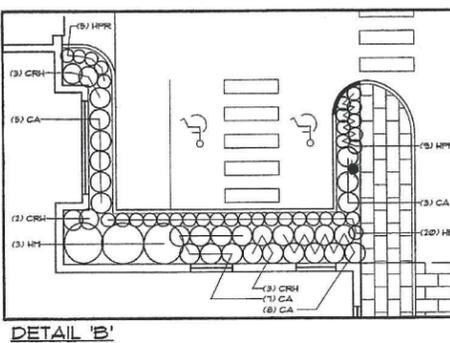
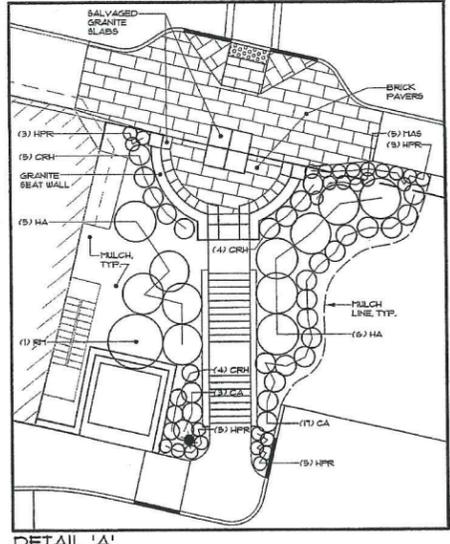
DECIDUOUS & EVERGREEN SHRUB
NOT TO SCALE



- NOTES:**
- REMOVE STAKES AND GUYE AFTER ONE YEAR TIME.
 - TREE GRATE AND FRAME SHALL BE CAST-IRON NEBMA FOUNDRY. TREE GUARDS FROM NEBMA FOUNDRY AND INSTALLED PER MANUFACTURER'S RECOMMENDATION. SEE SITE PLAN AND DETAILS FOR SPECIFICS.

ALL TREE STAKING PLAN
NOT TO SCALE

STREET/SHADE TREE
NOT TO SCALE



NO.	DATE	SCALE	DESCRIPTION
1	03-23-10		REVISED PER CITY REVIEW
2	03-17-10		PRICING SET
3	03-10-10		APPLICATION SUBMITTAL
4	03-03-10		STATUS
5	02-24-10		DATE
6	02-17-10		DATE
7	02-10-10		DATE
8	02-03-10		DATE
9	01-27-10		DATE
10	01-20-10		DATE
11	01-13-10		DATE
12	01-06-10		DATE
13	12-30-09		DATE
14	12-23-09		DATE
15	12-16-09		DATE
16	12-09-09		DATE
17	12-02-09		DATE
18	11-25-09		DATE
19	11-18-09		DATE
20	11-11-09		DATE
21	11-04-09		DATE
22	10-28-09		DATE
23	10-21-09		DATE
24	10-14-09		DATE
25	10-07-09		DATE
26	09-30-09		DATE
27	09-23-09		DATE
28	09-16-09		DATE
29	09-09-09		DATE
30	09-02-09		DATE

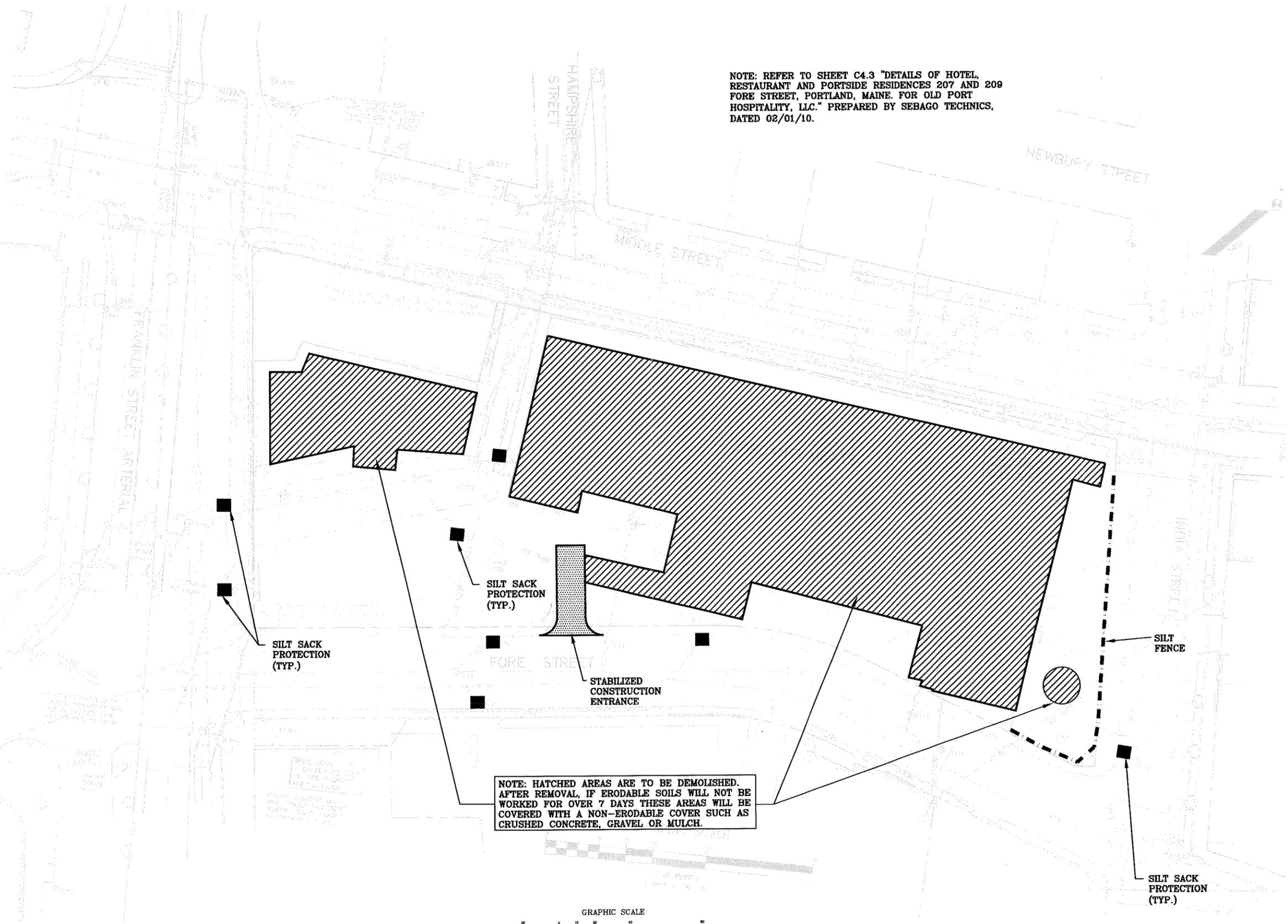
Sebago Technics
Engineering, Architecture, You Can Build On
258 Goulet Rd. - Suite 1
Portland, Maine 04106
Tel: (207) 753-8500
www.sebagotechnics.com

LANDSCAPE AND LIGHTING PLAN
OF
HOTEL, RESTAURANT AND PORTSIDE RESIDENCES
FOR
OLD PORT HOSPITALITY, LLC
11 CORPORATE DRIVE
PORTLAND, MAINE 04106

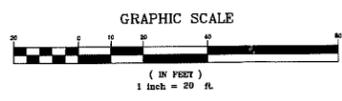
DATE	SCALE
02-01-10	1"=20'
PROJ. NO.	DWG. NAME
06090	05090L
FIELD BOOK	DESIGN BY
824	CAD
DRAWN BY	CHECKED BY
MAL	CAD

SHEET C 3.0

NOTE: REFER TO SHEET C4.3 "DETAILS OF HOTEL, RESTAURANT AND PORTSIDE RESIDENCES 207 AND 209 FORE STREET, PORTLAND, MAINE. FOR OLD PORT HOSPITALITY, LLC." PREPARED BY SEBAGO TECHNICS, DATED 02/01/10.



NOTE: HATCHED AREAS ARE TO BE DEMOLISHED. AFTER REMOVAL, IF ERODABLE SOILS WILL NOT BE WORKED FOR OVER 7 DAYS THESE AREAS WILL BE COVERED WITH A NON-ERODABLE COVER SUCH AS CRUSHED CONCRETE, GRAVEL OR MULCH.



	
PREPARED BY: COPECEE CONSTRUCTION CORPORATION 11 CORPORATE DRIVE, BELMONT NH 03220 PHONE (603) 337-8998 FAX (603) 337-9191	
EROSION CONTROL PLAN - DEMOLITION HOTEL RESTAURANT & PORTSIDE RESIDENCES 207, 209 & 211 FORE STREET PORTLAND, MAINE OWNER: OLD PORT HOSPITALITY, LLC BELMONT, NH 03220	
DATE: 03-24-10	SCALE: 1"=20'
SHEET 1 OF 1	