

29-L-3

2012-491

803 Fore Street

Mixed Use Development (Phase 2)

Jordans Meat Site

Fore India Middle, LLC.

added to Spreadsheet

M. Woglom: We will have to submit a plan to the city's public works that indicates how we are going to do it. To some degree we will need to close off sidewalks and parking spaces. Our goal along Fore St. – because the building gets close to pedestrian access – would be to leave the sidewalk open. We will have to put in staging with a roof over it, while we are putting foundations in, in case something falls, so people will have to cross over. There will be some closures, but I can't imagine if all will get closed at once.

Attendee: What percentage of your hotel guests are here to enjoy Portland as a foodie town?

G. Kirsch: We don't have any data, but we know they all eat. Greg believes a significant number of weekend visitors are here to enjoy the day in Portland and believes that they're going to nice restaurants and it's nice they can have wine and not drive home. Visitors like the scale of Portland. Without having percentages, we believe it's a strong driver of weekend business.

Attendee: During last stage of destruction / construction etc., there was a lot of digging up of the road. What's going to happen this time on Middle St.?

M. Woglom: Last time we constructed, most utilities were extended onto the site. The remaining infrastructure project that may require construction is the relocation of overhead power cable and telephone lines that are on the street down below.

Attendee: We won't see the street blocked off as it was for many extended periods as we did last time, will we?

M. Woglom: We know there will have to be some crossings to get power lines to businesses on Middle St. if utilities are to go underground. Do not know to what extent the closures will be on the streets, though. If the utilities go underground, there will be some periods of time where the street is going to be closed. Last time, did a substantial utility reconstruction where we separated sewer lines, but imagines that the utility lines wouldn't need as substantial in depth this time around.

Attendee: What was the cost of the condominiums in the first phase?

M. Woglom: Believes that the costs are on public record but would rather not divulge that information in this meeting.

Attendee: Expresses concern about road work on Fore Street. Last time, there were tenants, employees, and clients who could not get to the building during construction.

M. Woglom: Says that with 99% certainty there is no need for any work on Fore Street.

Attendee: Can there be communication that goes out about work to be done so there is a better way to notify and have heads up? Communication last time was vague and did not specify when work was going to be done – can it be more specific?

Attendee: When you say urban grocer does it mean a bunch of different stores? Will it be a traditional grocery store?

M. Woglom: Whatever space they purchase would be owned by a single entity, and they would have the flexibility to configure it any way they wanted to.

Attendee: Who ends up owning the parking spaces?

G. Kirsch: We (Greg and Mark) intend to retain ownership of the lower level of parking. Residents of current Portside development who have deeded perpetual parking easements would get the same as they have in the units today. We will be able to offer current residents some menu of parking options, varying in terms of tandem vs. single, etc.

G. Kirsch: Outlines next steps. Explains we are setting dates for meetings with the city. There is a notice process for public hearings for those who meet the definition of abutters. Greg suggests that the attendees be proactive about learning and communicating to others about dates as they get set.

G. Kirsch: States that all submissions are all available for public review on line. The department takes communication with the public. This meeting is a prerequisite for the to-be-scheduled public hearing. The planning board workshop will be a private interaction.

Attendee: Isn't there a meeting scheduled for June 12?

G. Kirsch: Says he knows that is the next date available, because the May 22 agenda is full, so while it hasn't been scheduled we are hoping for June 12. It's not official though.

Attendee: Do you have sketches for us to take away?

G. Kirsch: it's in a state of constant refinement. Part of the process requires that it's in flux at all times. The best thing to do is go to the planning department because they always have the most current submissions.

G. Kirsch and M. Woglom: Thank everyone for attending and for their time.

Attendee: We just did a project on (????) wharf, where we had no parking. We parked all of the cars down at the yard and shuttled them in a van.

M. Woglom: We will need to come up with a master plan and schedule for parking, deliveries, etc.

Attendee: Can you talk about emergency evacuation routes?

M. Woglom: We will keep the Phase I means of egress intact at all times. One of our goals is to construct the lower level of parking as soon as we can. That will mean keeping the means of egress intact.

Attendee: Where will the displaced hotel parking be?

M. Woglom: We don't know yet. We are looking into it.

G. Kirsch: Parking overnight is available, it's just a matter of making contractual arrangements for it.

Attendee: Will the new condos have their own association?

M. Woglom: It will be completely separate from the condo association of the existing building.

Attendee: Do you have a name for the project?

G. Kirsch: We view it as a separate building, separate uses, etc. The residential component will be called 40 India St.. Offices will be called 50 Middle St.. Retail Shops we hope will be owned by separate retailers and have own door and address and call themselves what they like.

M. Woglom: For planning / filing purposes, it's "Phase II Redevelopment of Jordan's Meats Site."

Attendee: The retail shops and offices – will they be offered for sale?

M. Woglom: Yes. We believe doing so will be unique in the market. The interest rates are low, and there are great opportunities to get SBA financing to own a space, and we will try to show how economical doing so can be, especially when compared to leasing space.

G. Kirsch: For example, Sebago, the cost to own it here is less than it was to rent a smaller older space where they were previously. Most developers do not address this issue because it's more complicated legally, because you have to deal with multiple owners, but we think about it a little differently from the start.

Attendee: Is the urban grocer going to buy their space?

M. Woglom: That is what they have expressed interest in doing.

Development Team

- **Owners/Developers**
 - Mark Woglom and Greg Kirsch
markw@opechee.com gregk@opechee.com
- **Design-Build Contractor**
 - Opechee Construction Corporation



I.12

*Phase II Redevelopment of Jordan's Meats Site
A Mixed-Use Office, Retail and Residential Building*

Neighborhood Meeting

May 16, 2012



Components of the Project

Fore Street Ground Level

- 9,880 sf retail space (up to 4 units)
- 103-space enclosed parking garage behind

Middle Street Ground Level

- 12,583 sf retail space (up to 5 units)
- 63-space enclosed parking garage behind

Three Floors Above Middle Street

- 65,712 sf office space facing Middle Street with entry on Middle Street
- 18 residential condominium units facing Fore Street with entry on India Street

I.15

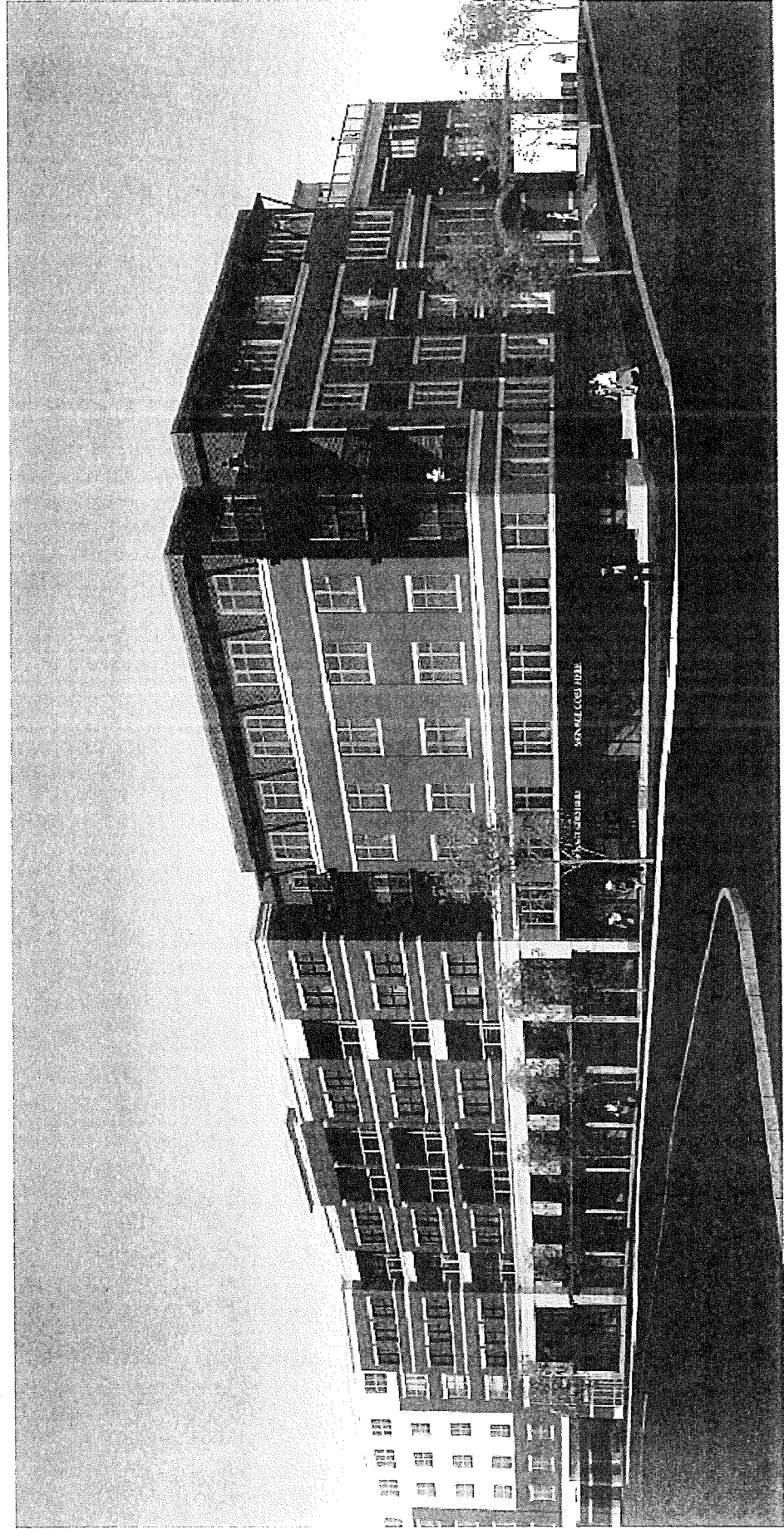
Purpose of Today's Meeting

- Let you know we have filed a site plan application with planning board
- Describe our project
- Show you what it will look like
- Show you how it fits on the site
- Let you ask questions, and express your support or concerns

View of Building from Corner of India Street and Middle Street



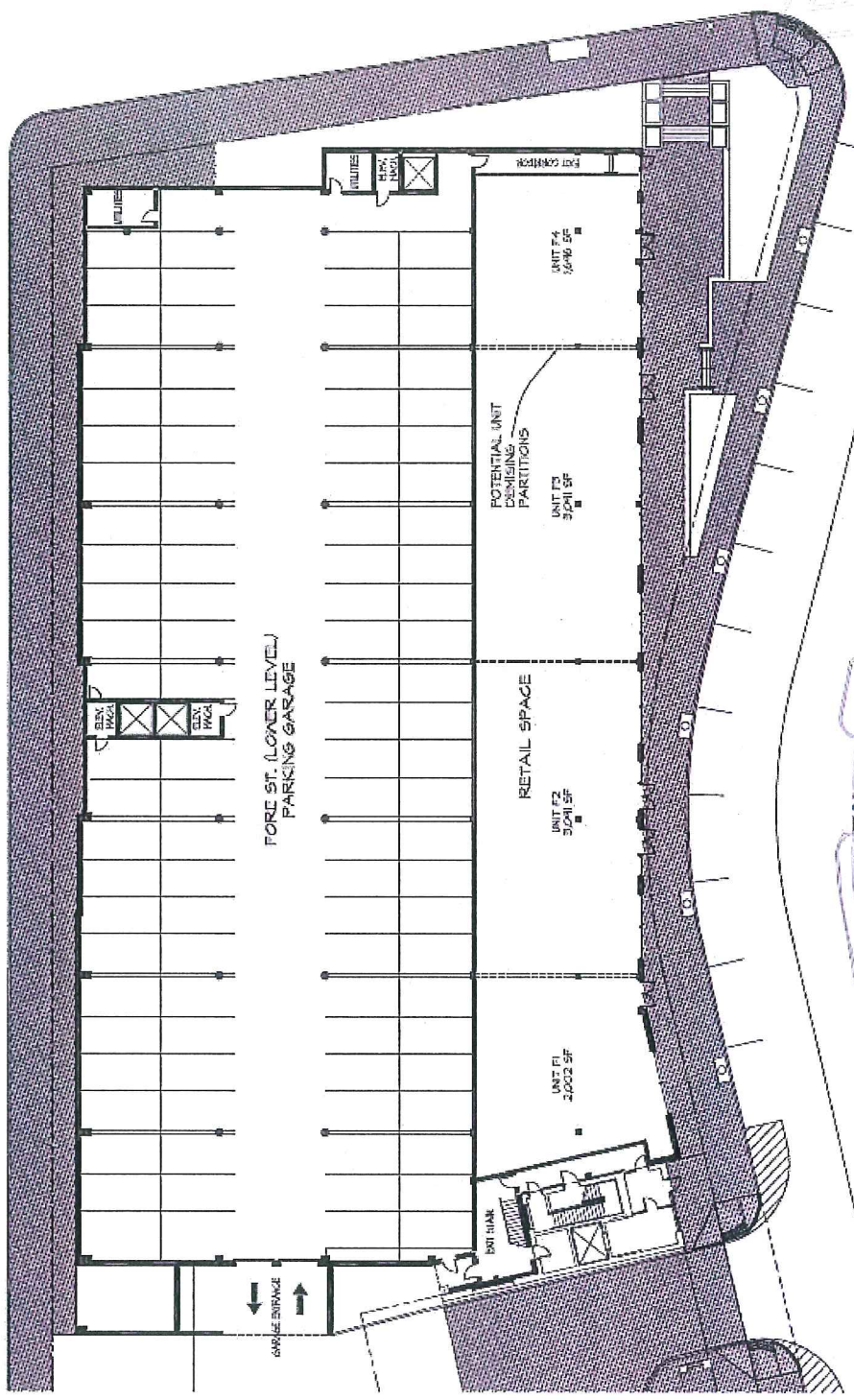
View of Building from Fore Street



I.16

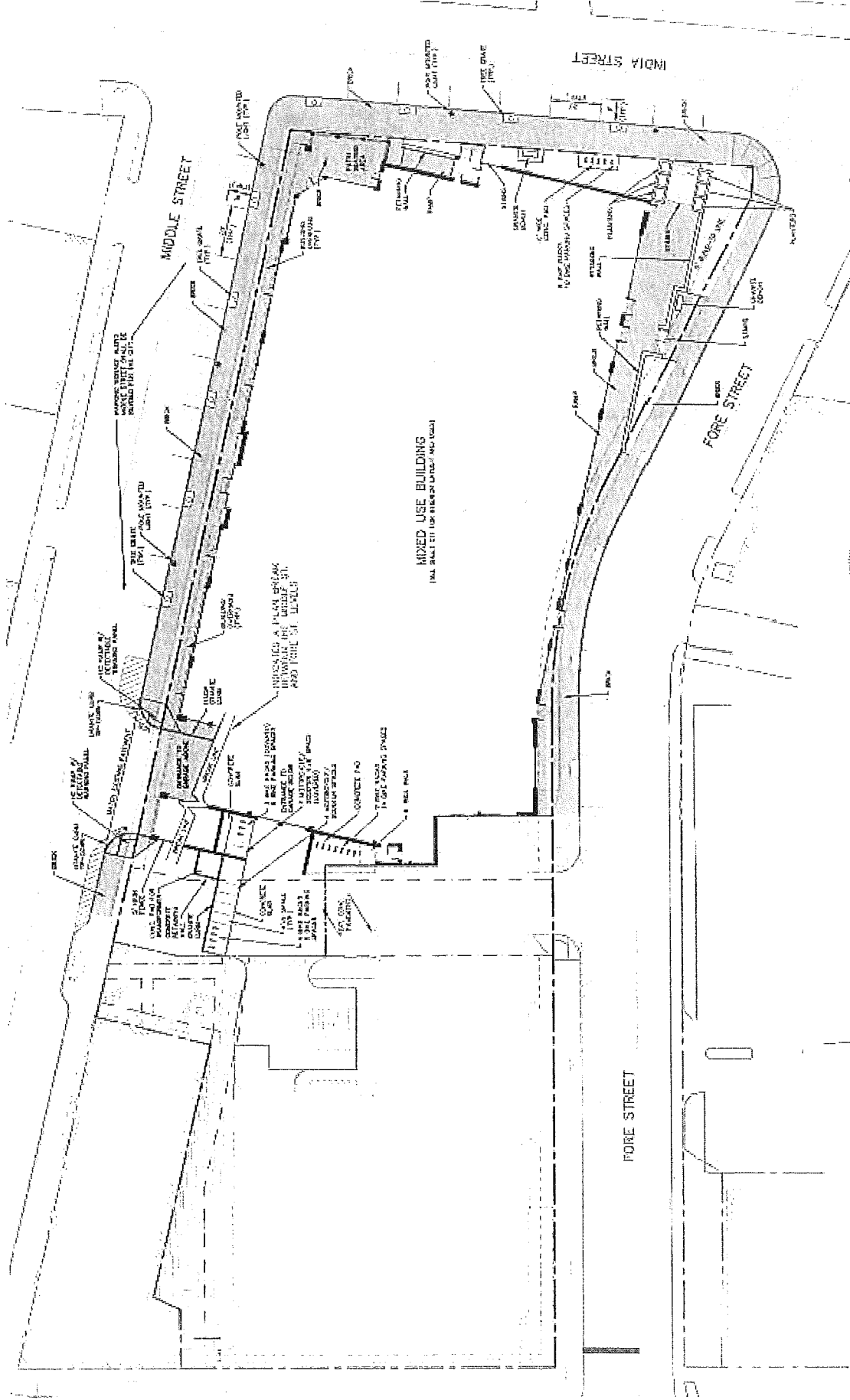
1st Floor

Fore Street Retail and Parking

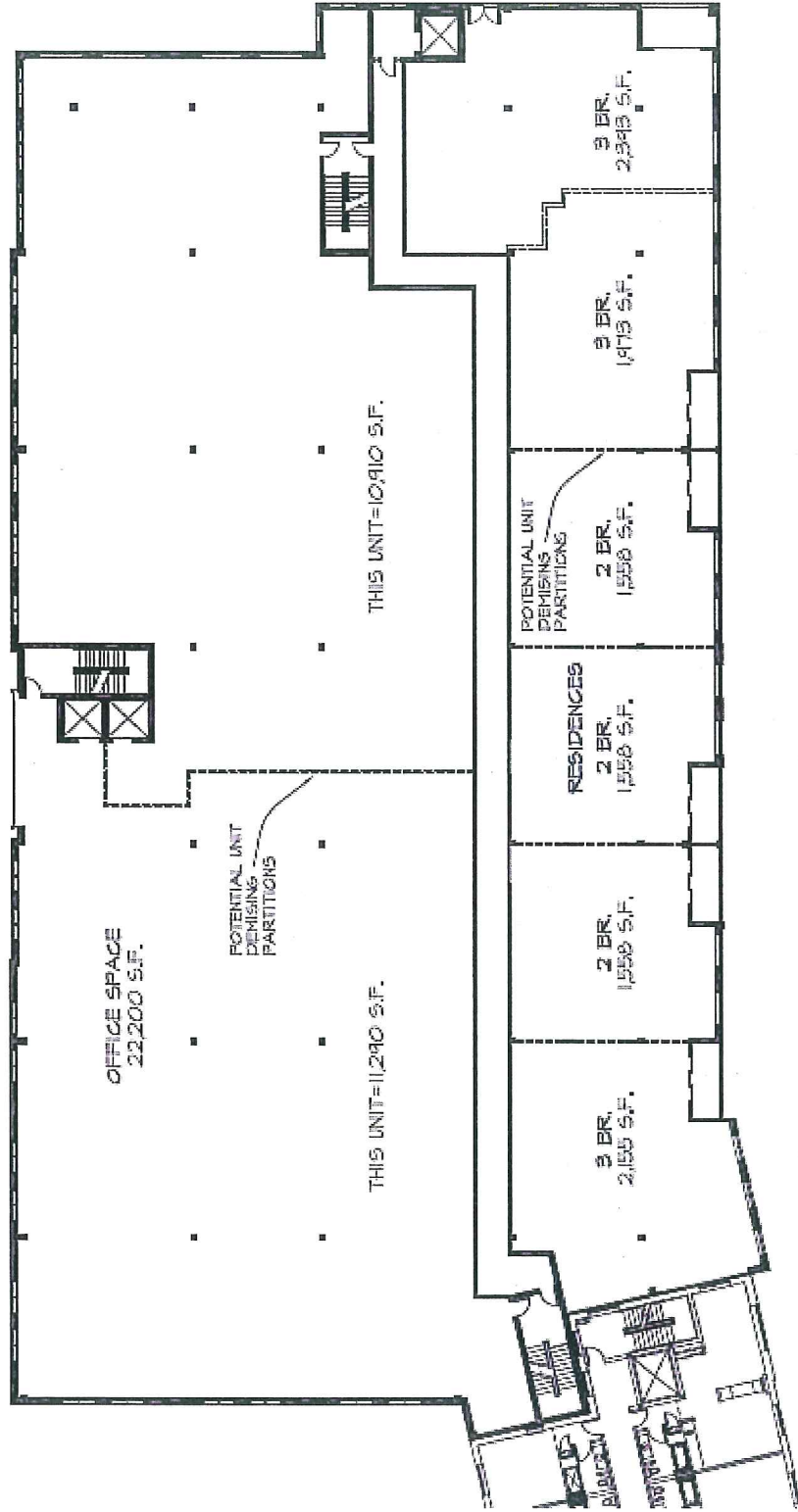


FORE STREET (LOWER LEVEL) FLOOR PLAN
SCALE: 3/8" = 1'-0"

Site Plan

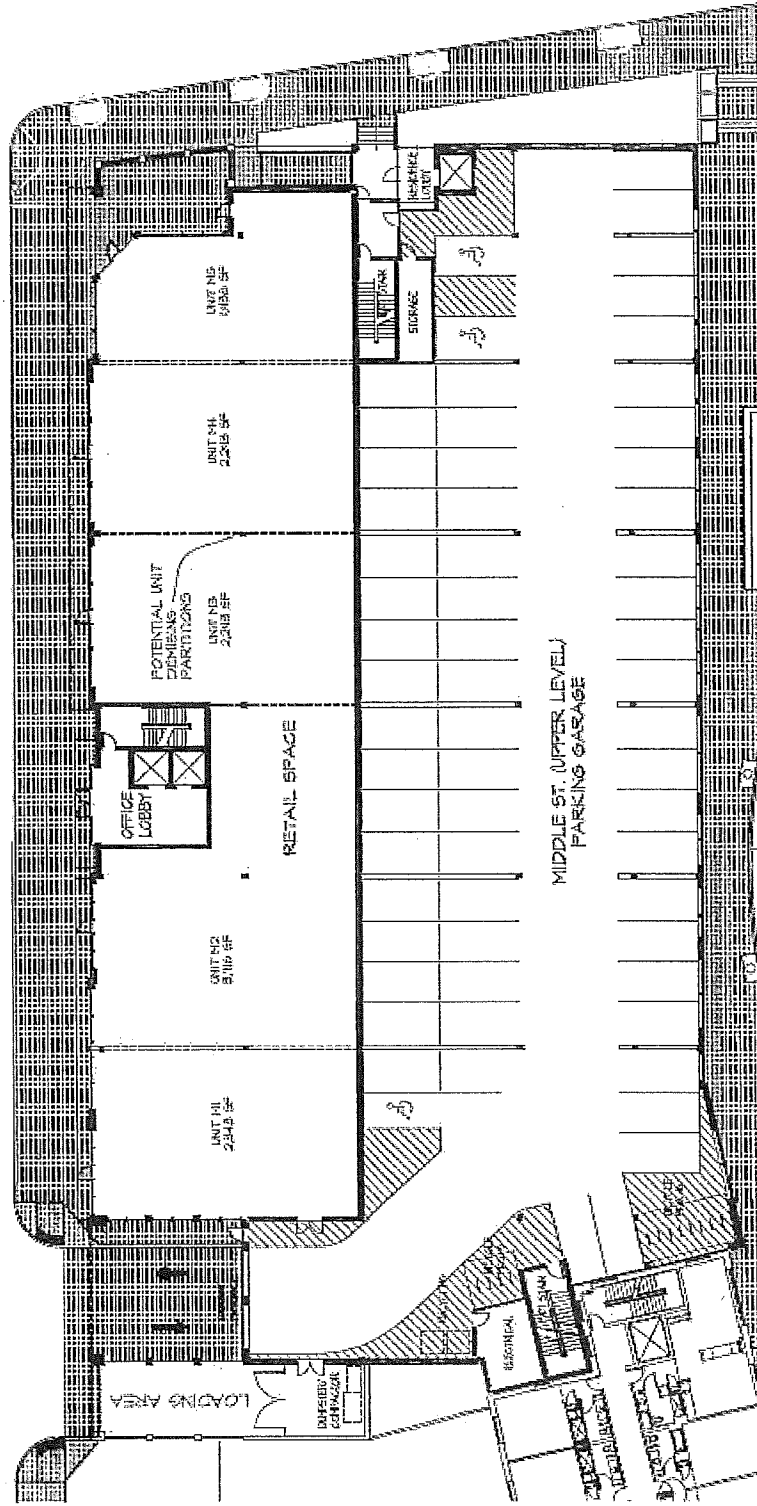


3rd, 4th and 5th Floors Office Space and Residences



I.21

2nd Floor Middle Street Retail and Parking



MIDDLE STREET (UPPER LEVEL) FLOOR PLAN
SCALE: 3/8" = 1'-0"



I.23



Q & A



Next Steps

- Work with City Planning Staff - ongoing
- Planning Board Workshop – no date set
- Planning Board Public Hearing – no date set
- *Contact City Planning Department or check their website for schedule*

MEMORANDUM

From: Greg Kirsch
To: Jean Fraser, Planner
Date: July 23, 2012
Subject: Phase II Redevelopment of Jordan's Site – Applicant Responses to Staff Comments

In an attempt to make it as simple as possible for you to review this final submission, I have copied and pasted below in **bold** typeface all of the "next steps" and "to be provided" items that you organized for us in your email to me dated July 16, 2012, and I have summarized our responses in *italic typeface* after each item.

The PB Memo included this list of "next steps":

- **Address Design Review and CPTED comments** *After consultation with staff, we have redesigned the Middle St. façade, the balconies on the residential units at the corner of Fore St. and India St., and the plaza along Fore St. as shown on the revised renderings and plans. General Note 2 on Plan C04 states that all window glass will be selected to achieve compliance with the City Design Manual.*
- **Address comments of the Transportation Engineering Reviewer Tom Errico and any further comments regarding public transit access** *These staff comments and our responses are listed in more detail below.*
- **Address comments from the Fire and Public Services Departments** *Each of the items listed by Captain Chris Capone in Attachment 4, by David Margolis-Pineo in Attachment 5, and by Jeff Tarling in Attachment 6 to your June 8 Memorandum to the Planning Board have been incorporated into the building design and construction.*
- **Submit further information including site lighting, capacity letters, calculations regarding the treebox, and snow storage** *Further site lighting info is shown on lighting plan C08; capacity letters, tree filter box info included in final submission; snow storage locations and notes added to site plan C04.*
- **Submit Draft Condo docs, especially regarding the TDM and common areas/treebox maintenance** *The preparation of draft condo documents is very expensive and very time consuming. After consultation with staff and Corporation Counsel, it was agreed that review of condo documents would be after site plan approval and would be a condition of CO issuance.*
- **Draft plat** *Draft subdivision plat with detailed notes is part of this final submission.*
- **Address any Planning Board comments** *See below.*



July 23, 2012

Jean Fraser, Planner
City of Portland
Dept. of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Re: Final Submissions for Public Hearing – Phase II Redevelopment of Jordan’s Meats Site

Dear Jean,

On behalf of applicant Fore India Middle, LLC, Opechee Construction Corporation is pleased to submit this package of materials for the Planning Board public hearing on August 14, 2012, for the Phase II Redevelopment of the former Jordan’s Meats site.

The first item in the package is a spreadsheet “log” that indicates for each item in this package whether it is new, or a replacement for an item submitted earlier, a supplement to an item submitted earlier. The log also indicates which items in the original May 1, 2012, submission still stand unchanged, in which case we have not resubmitted such items.

The second item is a memo in which I have pasted all the collected staff comments that you sent to me in your July 16, 2012, email followed by the applicant’s response to each of those comments.

All of the other items should be self-explanatory, with the help of the spreadsheet log.

Thanks for all your work on our application. We look forward to the August 14, 2012, public hearing. I will be away starting July 30 and returning August 12. Please feel free to contact Mark Woglom or Steve Long here at Opechee if you need anything while I am away.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory R. Kirsch".

Gregory R. Kirsch
Vice President and General Counsel

The Planning Board members mentioned the need to address ventilation, loading (tractor trailers), design of Fore Street ground level elevation, and the question re retail demand that I mentioned last week. (a) The garages will meet or exceed all applicable building and life safety code requirements for ventilation, which will be demonstrated on the plans and documentation submitted to obtain building permits. (b) The on-site loading space meets the criteria set forth in the Land Use Ordinance and the Technical Standards Manual, but it will not accommodate tractor-trailers. Like nearly every other business in downtown Portland, tractor-trailer deliveries will be discouraged in favor of smaller box trucks, and when unavoidable, tractor-trailer deliveries will be made by short-term on-street unloading. (c) The design of all building facades and elevations has been extensively reviewed with staff, and a number of revisions have been made. Although there has been no change to the Fore St. ground level elevation (i.e., storefronts), the applicant believes that they are aesthetically pleasing and functional as submitted and will ask the Board for approval. (d) A letter from CBRE-The Boulos company is submitted with this package confirming the expected demand for the retail spaces. The applicant has a letter of intent in place with an urban grocery for the entire Middle St. retail space, and expects a binding contract before or near the time of the public hearing. In the unexpected event that there is untenanted retail space at the time of completion, the applicant plans to install lighting and an art gallery wall in any empty spaces and work with local museums, galleries and artists to create a visually interesting temporary art exhibition, that would change from time to time if vacancy is prolonged.

In the meeting with Mark he indicated that you would look at improving the location of bicycle parking for visitors to the retail (mentioned in the PB Memo). The applicant has reviewed the proposed bicycle parking locations, and feels they are adequate and functional as proposed, given the limitations and constraints associated with alternate locations.

I have listed below the Transportation Engineering Reviewer's (Tom Errico) 6.6.12 comments as included in the PB Memo- all are still applicable and the red comments are Tom's informal clarifications at this stage: NOTE: Greg Kirsch underlined and placed [brackets] around Tom's subsequent "red comments" so they can be identified in black and white copies.

- **The traffic study indicates improved intersection operations are expected at the India Street/Middle Street intersection following implementation of an all-way STOP controlled intersection. My initial opinion is that I support this change. [I support the change to an all-way STOP location and the applicant should be responsible for all costs associated with implementation.]** The applicant agrees to work with Public Services to implement and fund the cost of the change to an all-way stop.

- **The traffic study concludes that a traffic signal is not warranted at the India Street/Fore Street intersection. I need to review the data in detail and assess intersection conditions as it related to safe pedestrians provisions. [I find conditions to be acceptable at this location. There is some drainage ponding on the northwest corner of the intersection that impacts the sidewalk ramp. If would be beneficial if this problem could be corrected.]** The applicant agrees to work with Public Services to diagnose the cause of the drainage ponding and if a reasonably simple and non-disruptive solution can be implemented during construction of the project to do so at applicant's cost.

Phase II Mixed-Use Redevelopment of the Former Jordan's Meats Site Log of Changes and Supplements in July 24, 10'12 Submission for Public Hearing	Original Submission		Applicant: Fore India Middle, LLC Original Site Plan Application Dated and Submitted May 1, 2012		Notes
	Unchanged	Replaces Original	7/24/12 Submission Original	New (not included in original)	
General Submissions per Section 14-527 c					
1 Application form	X				
2 Application fees	X				
3 Project Description		X			
4 Evidence of right, title and interest	X				
5 Evidence of state and/or federal approvals	X				
6 Compliance with applicable zoning requirements	X				
7 Existing and proposed easements, covenants, ROWs, etc.	X				
8 Request for waivers		X			
9 Financial and technical capacity	X				
10 Boundary survey	X				
Final Written Materials per Section 14-527 f					
1 Construction management plan		X			See plan set details below
2 Traffic study	X				
a. Milone & MacBroom Traffic Study			X		
b. Applicant's Parking Study					Update dated July 19, 2012
c. Traffic Demand Management Plan		X			Revised TDM Plan dated July 20, 2012
3 Significant natural features	X				
4 Narrative describing site	X				
5 Stormwater runoff calculations	X				
6 Development's consistency with city master plans	X				
7 Evidence of utility capacity to serve			X		Water and Sewer Letters Added
8 Solid waste	X				
9 Code summary per NFPA 1 and Fire Dept. standards	X				
10 Consistency with design standards	X				
11 Verification HVAC meets state/federal emissions reqmnts	X				
Site Plan and Subdivision Plat Set					
C00 Cover Sheet		X			
C01 Property Information		X			
C02 Existing Conditions	X				
C03 Demolition Plan		X			
C04 Site Plan		X			
C05 Grading and Utilities Plan		X			
C05a Plaza Grading and Details		X		X	
C06 Erosion Control Plan		X			
C07 Landscaping Plan		X			
C08 Lighting Plan		X			
C09 Construction Details	X				
C10 Drainage Details	X				
C11 Floor Plans		X			
CMTC1 Construction Mgmt. and Traffic Control (Demolition)	X				
CMTC2 Construction Mgmt. and Traffic Control (Building)	X				
S01 Subdivision Plan		X			
S02 Floor Plans		X			
Boundary Survey	X				
Architect's Renderings					
Middle Street View - July 23, 2012			X		
Fore Street View - July 23, 2012			X		
Mid-Block View - July 23, 2012				X	
Other Items					
A Memo re Staff Comments and Applicant's Responses July 23, 2012				X	
B Letter from CBRE Boulos re demand for retail space				X	
C Letter of Intent - Long-term leasing of Ocean Gateway Parking Spaces				X	
D Photograph of Driveway-Sidewalk Transition - Existing Hampton Inn				X	
E Detail of Filterra Tree Box Filter				X	
F Detail of Pavement Area Treated by Tree Box Filter				X	
G SWPPP Post-Construction Inspection, Maintenance and Reporting			X		

· Based upon the fact that the project will be utilizing the parking supply at the Gateway Parking Garage, the applicant should contribute money towards pedestrian improvements at the India Street/Middle Street intersection. **[I have suggested a contribution of \$5,000.00. The "bump out" plan is conceptual as a good general layout; the exact dimensions and geometry will not be finalized until the design is undertaken so there could be some changes.]** *The applicant expects that the Board will make the \$5,000 contribution a condition of site plan approval. The applicant's civil engineer has shown the "conceptual" design of the "bump out" on the site plan, but the applicant agrees to work with the city transportation engineer and/or public service to finalize the design.*

.....

In addition to the above items from your [Jean Fraser's] July 16 email, there are a number of items in my [Greg Kirsch's] follow-up memo from the July 11 meeting between you, me, Barbara Barhydt, Danielle West-Chuhta and Alex Jaegerman. Those items and the applicant's responses are set forth below:

1. Subdiv. Plan S01 should show proposed changes to street line (curb cut for new driveway, bump outs, tip downs at Middle-India intersection). Note or label can indicate that tip downs may be relocated at the direction of public services to conform to final intersection design. *Street line changes are shown on S01; see note 13(b) on S01 regarding tipdowns.*
2. Site plan should indicate extent of public sidewalks on our property, and should have a note stating that the public has an easement to travel over those sidewalks. Easement can be contained in the Declaration of Condominium. (On further thought, Greg thinks that note and the easement should state that if future planning board approval is given to reduce sidewalk width or eliminate sidewalk on our property that easement will be reduced or eliminated accordingly.) *See note 15 on S01.*
3. Floor plans C11 and Subdiv. Layout S02 should state that we have flexibility for up to 18 units (sf could expand, and we could add ancillary residential space such as storage), for up to 9 retail units with relocated or eliminated walls so long as the total retail sf does exceed what we show on plan, and as many office units as we want so long as the total office sf does not exceed what we show on plan. Greg will draft specific notes. *See note 4 on S02.*
4. Condo documents to be submitted to city for review as condition of CO, but if we need review and approval sooner (for marketing or financing purposes) Danielle will review and approve sooner. *This should be stated in approval letter.*
5. Existence of TDM Plan with ongoing requirements should be noted on subdivision plan, in addition to clear statement of responsibilities, procedures, etc. in Declaration of Condominium. *See note 16 on S01; will be implemented in Declaration of Condominium.*
6. Board determination of total project parking requirement and parking spaces provided and shortfall to be met by leases and fee in lieu should be noted on site plan. *See Parking Notes on C04.*

• I have reviewed the parking demand analysis and in general the methods seem acceptable. I need to review this in more detail. I would suggest that the applicant conduct a second parking occupancy survey to assess parking demand characteristics during the busy summer time period. **[This should be performed.]** *The applicant performed a second hotel parking survey during June and July and is submitting with this package an update to the initial parking study.*

• The applicant should provide details on plans that specify parking lot layout dimensions and note if any waivers are required in conjunction with not meeting City standards. Jean's note: You indicated no further waivers were being requested but please submit dimensions. *The applicant is submitting a revised parking lot layout for the Fore Street garage that utilizes compact parking spaces for valet-only use that will require a waiver. A revised list of requested waivers is submitted with this package. All parking space and aisle dimensions will be indicated on the site plans.*

• On-street parking spaces should not be delineated with paint. **[This continues to be valid.]** *Delineation of on-street spaces has been eliminated from the plans, and no painting will be performed.*

• The no-parking areas near the Middle Street driveway should not be delineated with paint. **[This continues to be valid.]** *Delineation of the no-parking area near the Middle Street driveway has been eliminated from the plans, and no painting will be performed.*

• The driveway width exceeds City standards and accordingly will need a waiver from the City's Technical standards. I support a waiver, but would like the applicant to provide recommendations on how best to design the driveway for optimal pedestrian safety. **[Has the applicant made any suggested changes to this area? My thought is that a different material be used to help delineate the wide driveway width.]** Jean's note: A detail of this area would be helpful. *As per discussion between Mark Woglom and Alex Jaegerman, our plans are to construct this with the same materials and design as the driveway entrance to the hotel valet area in Phase I. Please see photo of hotel driveway entrance enclosed with this submission. After much thought and discussion, we have not identified any other measures that would provide any meaningful improvement in pedestrian safety – it will be obvious that this is a driveway, and it will be obvious that the best pedestrian path is to continue across in a direct linear path. We will provide more detail on the site plan as to elevations, tipdowns, and curb/paver/asphalt transitions*

• The TDM Plan needs to craft specific details for implementation (e.g. designating carpool spaces). I will make suggestions on specific requirements in the future. **[For the TDM plan to be effective, they should identify spaces that will be used for vanpool and carpool usage. I believe it to be critical to improving the likelihood of getting people out of their single occupant vehicles. The spaces should also be very convenient in terms of location to entry locations within the garage.]** Jean's note: We will follow up on Wednesday this week with suggested TDM action priorities. *A revised TDM plan has been submitted based on the detailed email communications that were exchanged regarding the staff's suggested TDM plan enhancements.*

Jean Fraser - RE: Elevations & Material Samples Phase II Mixed Use Portland 08-08-12.pdf

From: Mark Woglom <markw@opechee.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 8/8/2012 1:27 PM
Subject: RE: Elevations & Material Samples Phase II Mixed Use Portland 08-08-12.pdf
CC: Barry Stowe <barrys@opechee.com>
Attachments: Glass Spec - Clear.pdf; Glass Spec - Blue Tint.pdf

For the glass, I would like to do the following:

1. **All glass except Middle St office curtainwall:** Clear glass with the same specifications as the office building we built in Concord. A waiver will be required to permit a VLT of .64
2. **Office curtainwall:** Blue tinted glass. A photo of the glass is shown below. A waiver will be required to permit a VLT of .42



Spec sheets for both glass units are attached.

see Atts

J. 7

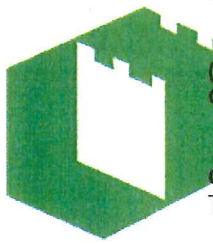
7. Prior to building permit applicant will provide performance guaranty (letter of credit) for estimated amount of fee in lieu (this will likely be combined with the usual PG for site and public improvements). The PG can be reduced from time to time as users are identified and documentation of leased spaces is provided, with a release of the PG and final payment of the fee in lieu to be made once COs issued for all the spaces and the total shortfall (if any) to be paid by fee in lieu rather than leased spaces is determined. *See Parking Notes on C04.*
8. Staff understands the difficulty of committing car pool spaces to as yet unidentified users who may or may not acquire on-site parking. Greg agreed that TDM plan will be amended to “highly encourage” the dedication of car pool spaces (either on-site spaces or perhaps as a fully subsidized off-site spaces). This would be handles as a memo or letter for now, and the final revised TDM plan can be submitted to staff after PB approval of project. Greg also mentioned that there may be a LEED credit given for a small number (as yet not calculated) of car pool spaces, and if that number can be designated consistently with our marketing plans we would likely do so. *Applicant believes that its TDM plan is adequate and appropriate in light of the unique issue presented by this mixed-use development, and has not determined how to address this staff request.*
9. A note regarding snow storage and/or removal will be added to the site plan. *See General Note 1 on C04.*
10. A note stating that glass will comply with the tint and permeability standards will be added to the site plan. *See General Note 2 on C04.*
11. Redesign of the “plaza” at the Fore-India corner and the façade of the right side of the Middle Street office façade is ongoing. Lighter/brighter finishes will be utilized on the residential balconies at the Fore-India corner. A “3D” rendering of the plaza will be provided as well as revised renderings of the building changes. *See renderings submitted with this package.*
12. Rendering and details of the loading/service/compactor area and the open area near the steps to Hampshire Street will be provided, including our approach for visual screening of the compactor. *Architect’s rendering entitled “Mid-Block” view has been submitted, showing the loading service area and covered compactor area.*

Note to Specifiers:

The specifications below are suggested as desirable inclusions in glass and glazing specifications (section 08 81 00), but are not intended to be complete. An appropriate and qualified Architect or Engineer must verify suitability of a particular product for use in a particular application as well as review final specifications. Oldcastle BuildingEnvelope™ assumes no responsibility or liability for the information included or not included in these specifications.

PRODUCTS

Approved Glass Fabricator Oldcastle BuildingEnvelope™
Glass Description FLOAT GLASS



1. USA - Annealed float glass shall comply with ASTM C1036, Type I, Class 1 (clear), Class 2 (tinted), Quality-Q3. Canada - Annealed float glass shall comply with CAN/CGSB-12.3-M, Quality-Glazing.

2. USA- Heat-strengthened float glass shall comply with ASTM C1048, Type I, Class 1 (clear), Class 2 (tinted), Quality Q3, Kind HS. Canada - Heat-strengthened float glass shall comply with CAN/CGSB-12.9-M, Type 2-Heat-Strengthened Glass, Class A-Float Glass.

3. USA - Tempered float glass shall comply with ASTM C1048, Type I, Class 1 (clear), Class 2 (tinted), Quality Q3, Kind FT. Canada - Tempered float glass shall comply with CAN/CGSB-12.1-M, Type 2-Tempered Glass, Class B-Float Glass.

4. USA - Laminated glass to comply with ASTM C1172. Canada - Laminated glass to comply with CAN/CGSB-12.1-M, Type 1-Laminated Glass, Class B-Float Glass.

5. Glass shall be annealed, heat-strengthened or tempered as required by codes, or as required to meet thermal stress and wind loads.

Sealed Insulating Glass (IG) Vision Glass (Vertical) GENERAL

1. IG units consist of glass lites separated by a dehydrated airspace that is hermetically dual sealed with a primary seal of polyisobutylene (PIB), or thermo plastic spacer (TPS) and a secondary seal of silicone or an organic sealant depending on the application.

2. USA - Insulating glass units are certified through the Insulating Glass Certification Council (IGCC) to ASTM E2190. Canada - Insulating Glass units are certified through the Insulating Glass Manufacturers Alliance (IGMA) to either the IGMAC certification program to CAN/CGSB-12.8, or through the IGMA program to ASTM E2190.

IG VISION UNIT PERFORMANCE CHARACTERISTICS

- 1. Exterior Lite
1/4" Pilkington Arctic Blue™ High Performance Tint
- 2. Interior Lite
1/4" PPG Solarban® 60 on Clear Low-E #3
- 3. 1/2" Cavity
1/2 inch (Air Fill)
- 4. Performance Characteristics

Thermal		Optical	
Winter U-factor/U-value:	0.29	Visible Light Transmittance:	42%
Summer U-factor/U-value:	0.27	Visible Light Reflectance (outside):	7%
Solar Heat Gain Coefficient:	0.28	Visible Light Reflectance (inside):	9%
Shading Coefficient:	0.32	Total Solar Transmittance:	18%
Relative Heat Gain (Btu/hr-ft²):	69	Total Solar Reflectance (outside):	8%
Light to Solar Gain:	1.50	Ultraviolet Transmittance:	7%

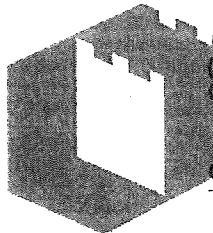
Contact Oldcastle BuildingEnvelope™ at 866-Oldcastle (653-2278) for samples or additional information concerning performance, strength, deflection, thermal stress or application guidelines. GlasSelect® calculates center of glass performance data using the Lawrence Berkeley National Laboratory (LBNL) Window 5.2 program (version 5.2.17) with Environmental Conditions set at NFRC 100-2001. Gas Library ID#1 (Air) is used for Insulating Glass units with air. Gas Library ID#9 (10% Air/90% Argon) is used for Insulating Glass units with argon. Monolithic glass data is from the following sources: 1. LBNL International Glazing Database (IGDB) version 24.0; 2. Vendor supplied spectral data files. Laminated glass data is from the following sources: 1. LBNL International Glazing Database (IGDB) version 24.0; 2. LBNL Optics 5 (version 5.1 Maintenance Pack 2); 3. Vendor supplied spectral data files; 4. Vendor supplied data. Thermal values are in Imperial units.

Note to Specifiers:

The specifications below are suggested as desirable inclusions in glass and glazing specifications (section 08 81 00), but are not intended to be complete. An appropriate and qualified Architect or Engineer must verify suitability of a particular product for use in a particular application as well as review final specifications. Oldcastle BuildingEnvelope™ assumes no responsibility or liability for the information included or not included in these specifications.

PRODUCTS

Approved Glass Fabricator Oldcastle BuildingEnvelope™
Glass Description FLOAT GLASS



1. USA - Annealed float glass shall comply with ASTM C1036, Type I, Class 1 (clear), Class 2 (tinted), Quality-Q3. Canada - Annealed float glass shall comply with CAN/CGSB-12.3-M, Quality-Glazing.
2. USA- Heat-strengthened float glass shall comply with ASTM C1048, Type I, Class 1 (clear), Class 2 (tinted), Quality Q3, Kind HS. Canada - Heat-strengthened float glass shall comply with CAN/CGSB-12.3-M, Type 2-Heat-Strengthened Glass, Class A-Float Glass.
3. USA - Tempered float glass shall comply with ASTM C1048, Type I, Class 1 (clear), Class 2 (tinted), Quality Q3, Kind FT. Canada - Tempered float glass shall comply with CAN/CGSB-12.1-M, Type 2-Tempered Glass, Class B-Float Glass.
4. USA - Laminated glass to comply with ASTM C1172. Canada - Laminated glass to comply with CAN/CGSB-12.1-M, Type 1-Laminated Glass, Class B-Float Glass.
5. Glass shall be annealed, heat-strengthened or tempered as required by codes, or as required to meet thermal stress and wind loads.

Sealed Insulating Glass (IG) GENERAL
Vision Glass (Vertical)

1. IG units consist of glass lites separated by a dehydrated airspace that is hermetically dual sealed with a primary seal of polyisobutylene (PIB), or thermo plastic spacer (TPS) and a secondary seal of silicone or an organic sealant depending on the application.
2. USA - Insulating glass units are certified through the Insulating Glass Certification Council (IGCC) to ASTM E2190. Canada - Insulating Glass units are certified through the Insulating Glass Manufacturers Alliance (IGMA) to either the IGMAC certification program to CAN/CGSB-12.8, or through the IGMA program to ASTM E2190.

IG VISION UNIT PERFORMANCE CHARACTERISTICS

1. Exterior Lite
1/4" Clear
2. Interior Lite
1/4" PPG Solarban® 70XL Low-E #3
3. 1/2" Cavity
1/2 inch (Air Fill)

4. Performance Characteristics

Thermal		Optical	
Winter U-factor/U-value:	0.28	Visible Light Transmittance:	64%
Summer U-factor/U-value:	0.26	Visible Light Reflectance (outside):	13%
Solar Heat Gain Coefficient:	0.37	Visible Light Reflectance (inside):	12%
Shading Coefficient:	0.43	Total Solar Transmittance:	25%
Relative Heat Gain (Btu/hr-ft²):	89	Total Solar Reflectance (outside):	38%
Light to Solar Gain:	1.73	Ultraviolet Transmittance:	6%

Contact Oldcastle BuildingEnvelope™ at 866-Oldcastle (653-2278) for samples or additional information concerning performance, strength, deflection, thermal stress or application guidelines. GlasSelect® calculates center of glass performance data using the Lawrence Berkeley National Laboratory (LBNL) Window 5.2 program (version 5.2.17) with Environmental Conditions set at NFRC 100-2001. Gas Library ID#1 (Air) is used for Insulating Glass units with air. Gas Library ID#9 (10% Air/90% Argon) is used for Insulating Glass units with argon. Monolithic glass data is from the following sources: 1. LBNL International Glazing Database (IGDB) version 24.0; 2. Vendor supplied spectral data files. Laminated glass data is from the following sources: 1. LBNL International Glazing Database (IGDB) version 24.0; 2. LBNL Optics 5 (version 5.1 Maintenance Pack 2); 3. Vendor supplied spectral data files; 4. Vendor supplied data. Thermal values are in Imperial units.

K. 5

Jean Fraser - RE: Phase II Dev. - Jordan's Meat site

From: Mark Woglom <markw@opechee.com>
To: Jean Fraser <JF@portlandmaine.gov>, Steve Long <stevell@opechee.com>
Date: 8/2/2012 4:21 PM
Subject: RE: Phase II Dev. - Jordan's Meat site
CC: Greg Kirsch <gregk@opechee.com>, Andrew Pike <andrewp@opechee.com>, Barr...

Jean,

Please see my notes below:

Mark Woglom
 President



Opechee Construction Corporation
 11 Corporate Drive
 Belmont, NH 03220
 P (603) 527-9090
 C (603) 387-7172

markw@opechee.com

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, August 02, 2012 2:45 PM
To: Steve Long
Cc: Greg Kirsch; Andrew Pike; Mark Woglom
Subject: Re: Phase II Dev. - Jordan's Meat site

Steve,

We have been discussing the recent submissions and some further questions have arisen- I would like to be sure I have the information correct for the Report so would request further clarification re:

1. Bicycle parking spaces: You have indicated a total of 62 "proposed" bicycle spaces. However, I believe 22 of those are existing bicycle spaces (approved as part of Phase I) which are being relocated. So my understanding is that the total proposed to serve Phase II is 40, of which 24 are within the garage. (Mark- it is that loss of the 22 spaces right by Fore Street that lead to the comments in the PB Memo and I think we still feel these should be replaced in a more accessible location); **You are correct on the total bicycle rack count. I can't see any good location**

K.A

Jean Fraser - RE: Second reply RE: Another question RE: Phase II Dev. - Jordan's Meat site

From: Mark Woglom <markw@opechee.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 8/6/2012 1:28 PM
Subject: RE: Second reply RE: Another question RE: Phase II Dev. - Jordan's Meat site
CC: Greg Kirsch <gregk@opechee.com>, Barry Stowe <barrys@opechee.com>, DonBl...

Jean,

We would like to proceed as follows;

1. Keep the canopy, and we'll request a license.
2. To the extent required, request a waiver for the lighting. I note that you technical standards do allow architectural building lighting, but maybe the sconces don't meet those standards.
3. We'll get you some cut sheets for materials. We don't have samples, and if we did, it would be a BIG box. We'll get the window specs as well. Only the glass curtainwall in the center will have tinted glass. None of the glass will be reflective, except for a low-E coating.
4. We'll have the elevations to you shortly.

Thanks.

Mark Woglom
President



Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220
P (603) 527-9090
C (603) 387-7172

markw@opechee.com

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, August 06, 2012 11:38 AM
To: Mark Woglom
Cc: Greg Kirsch; Barry Stowe
Subject: Second reply RE: Another question RE: Phase II Dev. - Jordan's Meat site

July 17, 2012

Greg Kirsch
Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

Dear Greg:

In reference to your recent request for an update on the retail marketing and how we characterize the type of product that Opechee will be erecting please find our analysis as follows:

Firstly, as is the case with all retail, location is the dictating principal above all else. We feel the Fore Street location between the Franklin Arterial and India Street is a primary position for a host of downtown users. There is precedent of successful retail operators that bookend both sides of the site, whether it's Benkay who's been in the market for over 10 years or Sebago Brewing's new location, the neighborhood starting from India street and moving west sees extensive demand for retail space. Other longstanding businesses that share in the benefits of the aforementioned location include; Two Fat Cat's Bakery, Coffee By Design, The North East Bank, The Pepper Club, Hugo's, Ribollita, Duck Fat, and the East Ender. Additionally, further evidence pointing to the desirability of first floor space in this downtown neighborhood is seen with the relocation of David Bank's Portland Remax office to this block and the opening of Even Tide Oyster Bar. Additionally, we were successful in attracting a quality retail user to absorb the retail space on Middle Street in its entirety (over 12,000 sf). Their primary reason for taking this space is to access the down town market via this location.

Additionally, behind location comes the form and function of the space and building. We see the Fore Street retail as an opportunity for a retailer to get new modern space fit up to their specifications with the potential for ownership. A common complaint about much of the downtown retail product is that the spaces are old and need to be retrofitted to try and accommodate a retail user. While this has been functional to date, a customized space with new systems provides many advantages.

While the Fore Street retail could be considered part of a parking structure (although not solely), this is not a deal making or breaking principal of the building in our opinion. One has to look only to the Fore Street Parking Garage where 5 Guys is located to see per square foot retail rates at the highest end of the price spectrum. The Temple Street garage is another example demonstrating that the garage element of the space is not the principal that determines demand for the space.

In closing, the guiding principles that correlate to demand for this product are location, price, functionality and efficiency of the floor plan and lastly aesthetic. We feel Opechee has successfully positioned this project as it relates to all of these criteria and look forward to helping to facilitate transactions for the balance of the available retail.

Best Regards



Joseph Porta

for additional bike racks that won't impede on good pedestrian circulation. I can also say that the existing bike racks get little use. We would like to leave the proposed bicycle plan as currently proposed.

2. Parking Note on CO4 (quoted at very end of this e-mail): In this note the shortfall of parking spaces is stated to be 82 while in the *Update to the Parking Study* its stated to be 71; also the description of the PG payment for fee in lieu is different; please clarify as I think the Board will be confused; The note on the plan is incorrect. That note did not get updated to reflect the current plan/study. We will correct the note and get you an updated plan.

3. Compactor enclosure: We can't tell from the mid-block rendering whether it has a roof- please confirm whether or not. Yes, the compactor area has a roof.

4. Lighting: Is there any wall mounted or external site lighting in the immediate vicinity of the residential entrance on India Street? (I realize there's a street light) Yes, there are recessed lights that are located in the soffit area, right at the top of the exterior stairs.

Thank you in advance. No doubt one or two other questions will come up later.

Tomorrow I will confirm the additional information that we understand will be submitted next week or for the hearing (for example, the Design Memo requested material samples and the Board usually sees these).

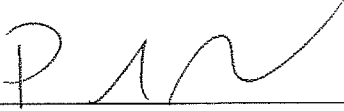
Jean

*Jean Fraser, Planner
City of Portland
207 874 8728*

Note on Plan CO4:

M.2

By: Intercontinental Real Estate Corporation, its Manager

By: 

Name: Peter Palandjian

Title: President & Treasurer

AGREED AND ACCEPTED

Fore India Middle, LLC

By: _____

Name: Greg Kirsch

Title: Manager

Attachment M.1

OG GARAGE VENTURE, LLC
C/O Intercontinental Real Estate Corporation
1270 Soldiers Field Road
Boston, MA 02135

July 17, 2012

Greg Kirsch
Fore India Middle, LLC
11 Corporate Dr.
Belmont, NH 03304

Re: Proposal for lease of parking spaces in Ocean Gateway Garage, 161 Fore St., Portland ME

Dear Greg,

OG Garage Venture, LLC (the "Owner"), the Owner of Ocean Gateway Garage is pleased to submit this non-binding proposal to lease parking spaces to Fore India Middle, LLC ("Lessee") and/or to the tenants and occupants of your mixed-use project at Fore, India and Middle Streets on the following key terms:

- Up to 100 parking spaces
- Initial lease term of five (5) years with two optional renewal periods of five (5) years each
- Monthly payment of \$130.00 per space for the first five years, with CPI increase, during the initial lease period, to be reset at start of renewal period based upon the average monthly rate for covered parking in the Old Port area

Lessee and Owner acknowledge that this is a proposal and does not legally bind Owner or Lessee and is not intended and shall not be construed as an enforceable agreement, offer or indication of an offer to lease parking spaces. The leasing of said parking spaces shall be more particularly addressed in a definitive lease agreement, in form and content satisfactory to each party and their respective counsel, to be signed by Owner and Lessee (or its nominees).

Very truly yours,

OG Garage Venture, LLC

By: Intercontinental Fund IV Ocean Gateway, LLC, its Manager

By: Intercontinental Real Estate Investment Fund IV, LLC, its Manager