

DEVELOPMENT REVIEW COORDINATOR  
POST APPROVAL PROJECT CHECKLIST

Date: 11/20/12

Project Name: 433 Canal Plaza Hotel Permit # 2012-65556

Project Address: 433 Fore Str.

Site Plan ID Number: 2012-558 CBL  
032 I 040  
032 I 042

Planning Board Authority Approval Date: 11/5/12

Site Plan Approval Date: 2/11/13

Performance Guarantee Accepted: 2/6/13 Loc # 5300073280  
\$647,228.00

Inspection Fee Paid: 2/5/13 ch # 133  
\$12,944.50

Infrastructure Contributions Paid: None N/A

Amount of Disturbed Area in SF or Acres: 19,130 SF

MCGP/Chapter 500 Stormwater PBR: City Stormwater Permit

Plans/CADD Drawings Submitted: ? 6/19/14

Pre-Construction Meeting: 2/11/13

Conditions of Approval Met: 6/17/14

As-Builts Submitted: 6/17/14

Public Services Sign Off: 6/17/14

Certificate of Occupancy Memo Processed:  
(Temporary or Permanent) Temp 4/29/14 - expire 5/15/14  
Permanent 5/15/14

Performance Guarantee to Defect Guarantee: PG reduced to 10% \$64,722.80  
~~6/17/14~~ 5/16/14

Defect Guarantee Released: 10/13/15

2/11/13  
- Still need Final Stamped Plans  
- Construction Management Plan

CITY OF PORTLAND, MAINE  
PLANNING BOARD

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Carol Morrissette, Chair  
Stuart O'Brien, Vice Chair  
Timothy Dean  
Bill Hall  
David Silk

November 14, 2012

Greg Shinberg  
Shinberg Consulting  
477 Congress Street  
Portland, ME 04101

Cow Plaza Hotel, LLC  
100 Commercial Street  
Suite 306  
Portland, ME 04101

Project Name: Canal Plaza Hotel  
Address: 433 Fore Street  
Applicant: Cow Plaza Hotel, LLC, Applicant  
Planner: Nell Donaldson

Project ID: 2012-558  
CBL: 32-I-40

Dear Mr. Shinberg:

On November 5, 2012, the Planning Board considered your application for an 80,000 SF development, the Canal Plaza Hotel, at 433 Fore Street. The Planning Board reviewed the proposal for conformance with the site plan standards of the city's land use code and voted to approve the application with the waivers and conditions as presented below:

**WAIVERS**

The Planning Board voted (4-0, Dean recused) to grant a waiver from the technical standard (*Section 1.7.2.7*) regarding the minimum separation of 150 feet between driveways and intersections. Per the standard, access from driveways to corner lots, if situated on arterial or collector streets, shall be located a minimum of 150 feet from the nearest intersection. It was found by the city's consulting traffic engineer that, given the space constraints on the site and the turn restrictions encompassed in the porte cochere design, the required separation is not practical. As such, the Board waived the requirement, allowing the driveways to the porte cochere 50' from the Fore/Union Street intersection on Fore Street and 75' from the Fore/Union Street intersection on Union Street.

The Planning Board voted (4-0, Dean recused) to grant a waiver from *Section 14-369.5 Table 1, Footnote (b)*, which prohibits freestanding signs in the B-3 zone on the peninsula, to allow a freestanding sign at the Fore Street entrance to the porte cochere. This waiver is granted based on the location as depicted in the addendum to the Planning Board Report dated November 1, 2012.

**SITE PLAN REVIEW**

The Planning Board voted (4-0, Dean recused) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval which must be met prior to the release of a building permit, unless otherwise stated:

- done  
2/1/13
- done  
2/1/13
- done  
4/30/13
- done  
3/11/14
- done  
2/1/13
- done  
2/1/13
- done  
N/A  
2/1/13
- done  
4/30/13
- done  
2/1/13
- done  
9/9/13
1. The applicant shall revise the final plans prior to the issuance of a building permit to include:
    - OK a) A "Do Not Enter" sign at the egress drive location on Union Street
    - OK b) A note indicating that LED versions of the proposed street lights will be installed, and that the applicant will coordinate with the city regarding model numbers
    - OK c) Tree grates as specified by the city arborist
  2. The applicant shall acquire easements for drainage and service access, as well as formalize an easement to CMP which corresponds to the actual location of the electrical duct bank on site, for review and approval by the Planning Authority;
  3. The applicant shall obtain revocable licenses for the proposed brise soleil, signage, and footings required in the city's right-of-way; *prior to BP*
  4. The applicant shall submit the HVAC system specifications meeting applicable standards for the Zoning Administrator's review and approval; *prior to CO*
  5. The applicant shall submit a revised construction management plan for review and approval by the Planning Authority, the Department of Public Services, the city's Parking Manager, and the city's Fire Prevention Bureau;
  6. The applicant shall revise the site plan to include notes indicating the final location of the existing mast arm, the final location of the controller cabinet, and the final location of the pedestrian signal heads, for review and approval by the Department of Public Services;
  7. The applicant shall provide information on slip-resistance and prepare a maintenance agreement regarding the granite driveway aprons, if required, for review and approval by the city's Department of Public Services and Corporation Counsel, or revert to bituminous aprons per the city's Technical Manual;
  8. The applicant shall provide a detailed plan for managing traffic in the porte cochere that includes sufficient staffing, 24-hours a day, to prevent stacking into the Fore Street sidewalk and street right-of-way and provide a plan for the handling of large truck deliveries for review and approval by the Planning Authority and the city's Department of Public Services;
  9. The applicant shall increase the clearance in the porte cochere to 10', for review and approval by the city's Fire Prevention Bureau;
  10. A final lighting plan including photometric data and meeting relevant Technical Standards, which may include any proposed low intensity top floor wash or grazing lighting, shall be

submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy;

done  
9/21/13

11. A final comprehensive signage plan, including design and illumination details for all proposed signs, shall be submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy;

done  
4/30/13

12. The applicant shall submit samples of the final custom color of the limestone composite panels proposed for the exterior of the building, consistent with the color panels shown at the public hearing, for review and approval by the Planning Authority; *Prior to BP - Not Foundation*

done  
4/30/13

13. The applicant shall submit revised elevations and specifications for the rooftop mechanical screen and stair tower, which address the recommendations of the Planning staff and the Historic Preservation Board, for review and approval by the Planning Authority. *Prior to BP - Not Foundation*

The approval is based on the submitted plans and findings related to site plan review standards as contained in the Planning Board Report and addendum for application 2012-558, which are attached.

#### STANDARD CONDITIONS OF APPROVAL

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

1. **Storm Water Management Condition of Approval** The applicant and all assigns must comply with the conditions of Chapter 32 Storm Water including Article III Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on our standards and state guidelines.

2. **Loss of On-Street Parking Spaces** Any loss of on-street parking spaces requires action by the City Council. The applicant will be responsible for providing all supporting reference information to the city's Department of Public Services, which will manage the Council item.

3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division. Separate building permits are required for signage and HVAC units.

5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years

from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

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

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

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Carol Morissette, Chair  
Portland Planning Board

**Attachments:**

1. Planning Board Report and Addendum

**Electronic Distribution:**

cc: Jeff Levine, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Matt Doughty, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Captain Chris Pirone, Fire Department  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



# PORTLAND MAINE

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**Planning & Urban Development Department**  
Jeff Levine, AICP, Director

**Planning Division**  
Alexander Jaegerman, Director

September 9, 2013

Greg Shinberg  
Shinberg Consulting  
477 Congress Street  
Portland, ME 04101

Cow Plaza Hotel, LLC  
100 Commercial Street  
Suite 306  
Portland, ME 04101

Project Name: Canal Plaza Hotel  
Address: 433 Fore Street  
Applicant: Cow Plaza Hotel, LLC, Applicant  
Planner: Nell Donaldson

Project ID: 2012-558  
CBL: 32-I-40

Dear Mr. Shinberg:

On November 5, 2012, the Planning Board approved your application for an 80,000 SF development, the Canal Plaza Hotel, at 433 Fore Street. One of the conditions of approval related to signage:

*A final comprehensive signage plan, including design and illumination details for all proposed signs, shall be submitted for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.*

The Planning Division has reviewed three signs proposed for the building - one on the west façade, one on the east façade, and one in the porte cochere. It is understood that an additional sign is proposed to hang from the brise soleil in the area of the retail space.

This letter is to confirm that, with the submittals provided, the lighting condition has been met. Regarding the east façade sign, the Division acknowledges that there are extenuating circumstances in this location (the trees and the visibility), and given the clean, well-designed sign, the Division is willing to grant an exception to the sign guidelines and allow the placement of the sign on the building's 5th floor (as shown in a rendering provided by Patrick Costin on 9/4/13), subject to issuance of a sign permit.

This letter does not constitute a sign permit. The applicant is required to apply for sign permits under separate cover. Signs must meet all applicable dimensional requirements.

CITY OF PORTLAND, MAINE  
PLANNING BOARD

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Carol Morrisette, Chair  
Stuart O'Brien, Vice Chair  
Timothy Dean  
Bill Hall  
Jack Solely  
Sean Dundon  
Elizabeth Boepple

September 12, 2013

Greg Shinberg  
Shinberg Consulting  
477 Congress Street  
Portland, ME 04101

Cow Plaza Hotel, LLC  
100 Commercial Street  
Suite 306  
Portland, ME 04101

Project Name: Canal Plaza Hotel – Plan Amendments  
Address: 433 Fore Street  
Applicant: Cow Plaza Hotel, LLC, Applicant  
Planner: Nell Donaldson

Project ID: 2013-208  
CBL: 32-I-42

Dear Mr. Shinberg:

On September 10, 2013 the Planning Board approved the amended site plan for an 80,000 SF development, now known as the Hyatt Place Hotel, at 433 Fore Street. The Planning Board voted (6-0, Soley recused) to grant the waiver presented below:

The Planning Board waives the site plan standard (*Section 14-526(d)6.b*) regarding the prohibition of uplighting except in the case of public buildings and parklands, clock towers and steeples, landscape features, designated historic landmarks, flags of state, federal, or national jurisdictions, and public art to allow uplighting for the building's corner tower. The waiver was granted based on the general waiver criteria of *Section 14-526(f)* on the grounds that lighting the building's most unique architectural feature, the 'crinkle wall,' is in the public interest and that the singular design of the tower and the technical complexity of lighting it qualify as an extraordinary condition.

Please note that the standard conditions of approval and requirements for approved site plans, enumerated in your original approval letter dated November 14, 2012, still apply. This letter is attached for reference.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Carol Morisette, Chair  
Portland Planning Board



Attachments:

1. Canal Plaza Hotel, Original Approval Letter, 11/14/2012

CC: Jeff Levine, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPiero, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Matt Doughty, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Captain Chris Pirone, Fire Department  
Thomas Erriso, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



# PORTLAND MAINE

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

## Planning & Urban Development Department

Jeff Levine, AICP, Director

## Planning Division

Alexander Jaegerman, Director

February 6, 2013

Greg Shinberg  
Shinberg Consulting  
477 Congress Street  
Portland, ME 04101

Cow Plaza Hotel, LLC  
100 Commercial Street  
Suite 306  
Portland, ME 04101

Project Name: Canal Plaza Hotel  
Address: 433 Fore Street  
Applicant: Cow Plaza Hotel, LLC, Applicant  
Planner: Nell Donaldson

Project ID: 2012-558  
CBL: 32-I-40

Dear Mr. Shinberg:

On November 5, 2012, the Planning Board approved your application for an 80,000 SF development, the Canal Plaza Hotel, at 433 Fore Street. Since that time, there has been some discussion of the scope of the restaurant associated with the proposed hotel.

Note that city's approval is based upon the assumption that the restaurant is an ancillary use of the hotel and not a restaurant operated by others. Confirmation of the restaurant as an ancillary use will be required as a condition of certificate of occupancy. Should this arrangement change at any point, revised trip generation numbers will be required by the city. Pending the outcome of the trip generation calculations, a traffic movement permit and additional Planning Board review may be necessary.

Please add a note indicating the above on the final plan set.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,

Barbara Barhydt  
Acting Planning Division Director

CC: Jeff Levine, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director

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

**COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE**

Date: 01/23/2013

Name of Project: Canal Plaza Hotel

Address/Location: 433 Fore Street

Developer: Cow Plaza Hotel, 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
<b>1. STREET/SIDEWALK</b>						
Road/Parking Areas	1,200 SF	\$7.363 / SF	\$8,836	4,175 SF	\$7.363 / SF	\$30,743
Curbing	300 LF	\$44.65 / LF	\$13,395	345 LF	\$44.65 / LF	\$15,405
Sidewalks	2,120 SF	\$18.217 / SF	\$38,620	2,710 SF	\$18.217 / SF	\$49,367
Esplanades						
Monuments						
Street Lighting						
Street Opening Repairs	2,000 SF	\$6.60 / SF	\$13,200			
Other						
<b>2. EARTH WORK</b>						
Cut	500 CY	\$27.30 / CY	\$13,650	7,060 CY	\$27.30 / CY	\$192,760
Fill				3,190 CY	\$32.35 / CY	\$103,200
<b>3. SANITARY SEWER</b>						
Manholes	1 EACH	\$5,500 / EA	\$5,500	1 EACH	\$8,000 / EA	\$8,000
Piping	62 LF	\$60 / LF	\$3,720	43 LF	\$50 / LF	\$2,150
Connections				1 EACH	\$2,000 / EA	\$2,000
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other				1 LS	\$800 / LS	\$800
<b>4. WATER MAINS</b>	67 LF	\$300.75 / LF	\$20,150			
<b>5. STORM DRAINAGE</b>						
Manholes	3 EACH	4,500 / EA	\$13,500			
Catchbasins				3 EACH	\$4,300 / EA	\$12,900
Piping	130 LF	\$50 / LF	\$6,500	47 LF	\$31 / LF	\$1,457
Detention Basin						
Stormwater Quality Units						
Other				1 LS	\$15,200 / LS	\$15,200

137,071

433,982

6. SITE LIGHTING	5 EACH	20,000 5,000 \$2,800 / EA	20,000 25,000 \$46,800			
7. EROSION CONTROL						
Silt Fence						
Check Dams						
Pipe Inlet/Outlet Protection						
Level Lip Spreader						
Slope Stabilization						
Geotextile				1 LS	\$2,375 / LS	\$2,375
Hay Bale Barriers						
Catch Basin Inlet Protection				5 EACH	\$200 / EA	\$1,000
8. RECREATION AND OPEN SPACE AMENITIES						
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	1 LS	\$15,015 / LS	\$15,015	1 LS	\$285 / LS	\$285
10. MISCELLANEOUS				1 LS	\$12,500 / LS	\$12,500
						16,160
TOTAL:		\$168,886	197,086		\$450,142	
GRAND TOTAL:			\$619,028			

DEWATERING

Total  
\$722,228  
1/24/13 OK  
JD

647,228

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	<del>\$5,441.72</del>	\$9,002.84	<del>\$14,444.56</del>
or	\$3,941.72		\$12,944.56
B: Alternative Assessment:			
Assessed by:	<u>[Signature]</u>	<u>1/24/13</u>	
	(name)	(name)	

SUBDIVISION/SITE DEVELOPMENT PERFORMANCE GUARANTEE  
LANDSCAPING BREAKDOWN  
HYATT PLACE PORTLAND – OLD PORT  
JANUARY 23, 2013

**LANDSCAPING BREAKDOWN PUBLIC**

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1. Quercus palustris "Green Pillar" 3-3.5" – 5 ea x \$803/ea = \$4,015
2. Tree grates – 5 ea x \$2,200/ea = \$11,000

**LANDSCAPING BREAKDOWN PRIVATE**

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1. Myrica pennsylvanica 24-30" – 6 ea x \$38/ea = \$228
2. Viburnum prunifolium 3.5-4" – 1 ea x \$57/ea = \$57

SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
LETTER OF CREDIT  
#5300073280

January 31, 2013

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

**Re: Cow Plaza Hotel  
433 Fore Street, Portland, Maine**

Androscoggin Savings Bank ("Bank") hereby issues its Irrevocable Letter of Credit for the account of **Cow Plaza Hotel LLC**, (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of **\$647,228.00**. These funds represent the estimated cost of installing site improvements as depicted on the **site plan**, approved on **November 5, 2012** and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 and is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his/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 its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the **site plan** approval, dated **November 5, 2012**; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections.



In the event of the 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 Departments of Public Services, and Planning and Urban Development, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the Bank, by written certification, to reduce the available amount of the escrowed money by a specified amount.

This performance guarantee will automatically expire on **April 30, 2014** ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed. 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 Development, at Bank's offices located at 30 Lisbon Street, Lewiston, Maine stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. 5300073280.

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 **November 5, 2012** as required by City Code §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/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 offices located at 30 Lisbon Street, Lewiston, Maine, 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 approved **site plan**.

Date: 2/4/13

By: 

**David M. Eldridge**  
**Vice President**  
**Commercial Loans Manager**  
Its Duly Authorized Agent



**MAINTENANCE OF STORMWATER SYSTEMS**  
**HYATT HOTEL, FORE STREET, PORTLAND MAINE**

Upon completion of construction, the property owner will assume responsibility for the inspection and maintenance of the site's stormwater drainage system and treatment measures. Inspection and maintenance activities will be carried out in conformance with Chapter 32 of the City of Portland Code of Ordinances. A person with knowledge of erosion and stormwater control shall conduct the inspections and perform maintenance of the facilities. The inspection and maintenance outlined in Maine Department of Environmental Protection's Stormwater Best Management Practices (BMP) Manual will be followed.

**Filterra**

The Filterra tree box filter is a proprietary soil filter system that is delivered to the site assembled, and includes a one-year maintenance plan as part of the product purchase. The manufacturer recommends that long-term maintenance be performed on at least a semiannual basis (generally spring and fall servicing) to help preserve Filterra flow-through rates and treatment performance. Each maintenance session includes, at a minimum, the following:

- Inspection of the system structure and media;
- Removal of trash and silt from the filter surface;
- Replacement of the surface mulch layer; complete replacement of the soil media is generally required only as part of a spill clean-up.
- Replacement of vegetation in poor health, and
- Appropriate disposal of all removed materials.

Cow Plaza Hotel, LLC will contract with Filterra or an appropriately trained maintenance provider for extended maintenance services.

As part of regular ongoing site maintenance, routine clearing of accumulated trash and debris will be completed to prevent clogging of the Filterra inlet opening.

**Storm Drain System and Pavement**

All proposed drainage structures located on site, such as piping and catch basins, shall be inspected periodically to ensure that they are being well maintained and are adequately carrying stormwater flows throughout the site. Paved areas will be inspected annually each spring. Visual inspections will enable site roads and parking areas to be kept clean and clear by performing periodic sweeping and winter plowing as required. The inspections will also ensure pavement markings are repainted as needed to maintain proper traffic circulation and parking space delineation. Paved areas will be plowed and sanded as often as necessary to maintain safety. Periodic sweeping of pavement will keep the parking areas clean and will reduce the amount of sediment available to enter the storm drain system, in turn reducing the need to clean the systems.

**Operations & Maintenance Report  
Hyatt Hotel, Fore Street, Portland Maine**

Name of Inspector: \_\_\_\_\_ Inspection Date: \_\_\_\_\_

**General Information:**

\_\_\_\_\_  
Type of Inspection (initial/annual/follow-up):

\_\_\_\_\_  
Current Weather:

**Summary of Comments:**

\_\_\_\_\_  
Action needed (correction/follow-up/none):

\_\_\_\_\_  
\_\_\_\_\_

**Photographs:**      Attach color digital photographs of site with captions

**Code Key:**

NP = Not a Problem	M = Monitor (potential for future problem) WN = Work Needed
--------------------	--

**Filterra Tree Box Filter:**

Frequency of Inspection: Semi Annually in Spring and Fall

Assessment	Code	Comments
Condition of filter media		
Accumulation of winter sand, sediment or trash		
Assess the need for surface mulch replacement		
Health of vegetation		

**Paved Area:**

Frequency of Inspection: Annually in Spring

Assessment	Code	Comments
Accumulation of winter sand, snow, gravel or trash		
Condition of pavement markings		

**Stormwater Drainage System:**

Frequency of Inspection: Annually in Spring

Assessment	Code	Comments
General condition of catchbasins		
Obstructive/accumulated debris/sediment		

**Additional Comments:**

## 1. STORMWATER MANAGEMENT

The proposed commercial redevelopment will include stormwater management infrastructure and incorporate low-impact development techniques where possible. The proposed stormwater management infrastructure is shown on the enclosed Grading and Drainage Plans (Sheet C-202), and further summarized below.

### 1.1 EXISTING CONDITIONS

The 19,130 square-foot site, located in a highly developed urban environment, currently consists of a paved parking lot surrounded by a landscaped esplanade with street trees. Stormwater from the northern portion of the site drains into an existing catch basin located along the east property line. This catch basin flows to a combined sewer located beneath the adjacent parking garage before flowing to the combined sewer system located in Fore Street. Stormwater from the remainder of the site drains from the north towards an existing catch basin located in the southwest corner of the parking lot. This catch basin drains into the combined sewer system in Union Street. The combined sewer systems intersect at the Fore Street and Union Street intersection and proceed down Union Street to the existing brick sewer system on Commercial Street. From there stormwater flows to the Long Wharf Diversion Structure and combines with the Lower Fore River Interceptor. The Lower Fore River Interceptor flows to the India Street Pumping Station where flow is pumped to the Portland Wastewater Treatment Plant.

An existing separated storm drain system is located in the Union Street and Fore Street intersection. This storm drain flows down Fore Street, to Cross Street and down to a separated storm drain on Commercial Street. Stormwater from the site is not currently directed to the separated system.

### 1.2 PROPOSED DEVELOPMENT

The northern portion of the site will serve as service access driveway for the hotel. The remainder of the site will consist of the proposed hotel footprint. The majority of the existing pervious grassed esplanade and impervious parking lot area will become an impervious roof structure. A summary of the existing impervious areas and proposed impervious areas are provided in Table 1-1 below.

**Table 1-1: Existing and Proposed Impervious Areas**

TOTAL PARCEL SIZE	EXISTING IMPERVIOUS	PROPOSED IMPERVIOUS	NET CHANGE
19,130 SF	14,609 SF	17,629 SF	3,020 SF (Increase)

The existing catch basin located on the eastern property line will be demolished and replaced with a drain manhole and two catch basins, located near the proposed hotel service entrance. The proposed catch basins will connect to the City’s existing combined sewer located beneath the adjacent parking garage. A 6-foot by 4-foot tree box filter is proposed upstream of the new catch basins, which has been sized to treat the stormwater runoff from the hotel’s proposed service access driveway.

The existing catch basin located in the southwest corner of the site will be demolished as it will be located within the proposed hotel footprint. Stormwater will be collected from the roof of the proposed hotel through multiple roof drains, and discharged to the separated storm drain system located in Union Street. A new 10-inch diameter storm drain pipe system and drain manholes will be provided in Union Street to connect the 8-inch roof drain leader and perimeter foundation drains to the existing storm drain system.

## 1.6 CONCLUSION

The proposed Canal Plaza Hotel project will be redeveloped on an existing parking area. Although there will be a minor net increase in impervious area, the pollutant loading will decrease due to the nature of the new areas. The areas susceptible to heavy pollutant loading (service entrance drive) will be treated for stormwater quality by a tree box filter. Additionally, the proposed stormwater design removes most of the site's stormwater runoff from the existing combined sewer system and discharges the stormwater into a separated storm drain system located in the Union Street.



10/01/2012



**Finance Department**  
Ellen Sanborn, Director

May 15, 2014

David M. Eldridge  
Vice President  
Commercial Loans Manager  
Androscoggin Bank  
30 Lisbon Street  
P.O. Box 1407  
Lewiston, ME 04243

Re: Cow Plaza Hotel, 433 Fore Street, Portland, ME 04243  
Letter of Credit No. 5300073280 dated 1/31/13

This is to inform you that I am authorizing the reduction in the above-named letter of credit by the amount of \$582,505.20, which leaves a balance of \$64,722.80 remaining.

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

Sincerely,

Ellen Sanborn  
Finance Director

ES:kbo

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

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Planning and Urban Development  
Jeffrey Levine, Director

Planning Division  
Alexander Jaegerman, Director



**TO:** Ellen Sanborn, Finance Department  
**FROM:** Alexander Jaegerman, Planning Division Director  
**DATE:** May 2, 2014  
**SUBJECT:** Request for Reduction of Performance Guarantee  
Cow Plaza Hotel, LLC, 433 Fore Street  
(ID # 2012-558                      Lead CBL # 032 I 040001 & 032 I 042001)

Please reduce the Performance Guarantee, Letter of Credit Account # 5300073280, for the Canal Plaza Hotel project located at 433 Fore Street, developed by Cow Plaza Hotel, LLC.

Original Amount	\$647,228.00
<b><u>This Reduction</u></b>	<b><u>\$582,505.20</u></b>
Remaining Balance	\$ 64,722.80

This is the first reduction for the project.

Approved:

Handwritten signature of Alexander Jaegerman in black ink.

Alexander Jaegerman  
Planning Division Director

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



**Memorandum**  
**Department of Planning and Development**  
**Planning Division**

---



TO: Inspections Department

FROM: Philip DiPierro, Development Review Coordinator

DATE: May 15, 2014

RE: C. of O. for # 433 Fore Street, Canal Plaza Hotel Project  
(Id # 2012-558) (CBL 032 I 042001)

---

After visiting the site, I have the following comments:

Site work complete:

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

Cc: Tammy Munson, Inspection Services Manager  
Barbara Barhydt, Development Review Services Manager



**Barbara Barhydt - Fwd: Site Lighting Revisions**

---

**From:** Greg Shinberg <gls@shinbergconsulting.com>  
**To:** Barbara Barhydt <BAB@portlandmaine.gov>, Phil DiPierro <pd@portlandmaine...>  
**Date:** Wednesday, April 23, 2014 11:32 AM  
**Subject:** Fwd: Site Lighting Revisions

---

Please see attached Greg

Sent from my iPhone

Begin forwarded message:

**From:** Denine Leeman <dleeman@eastbrowncow.com>  
**Date:** April 23, 2014, 10:23:58 AM EDT  
**To:** "Greg Shinberg (gls@shinbergconsulting.com)" <gls@shinbergconsulting.com>  
**Cc:** Tim Soley <tsoley@eastbrowncow.com>  
**Subject:** FW: FW: Site Lighting Revisions

Greg,

Here is the email chain regarding the discussions between Nell and Alex J. Not sure if this is enough, but it gives you the timeframe and context.

Denine

---

**From:** Greg Shinberg [mailto:gls@shinbergconsulting.com]  
**Sent:** Wednesday, July 17, 2013 10:44 AM  
**To:** Tim Soley  
**Cc:** Denine Leeman; Patricia Baird; Todd Dominski  
**Subject:** FW: FW: Site Lighting Revisions

Hi Tim:

Please see the email below from Nell.

We can add to the list to discuss today at 2.

Greg

Shinberg Consulting, LLC

477 Congress Street, Suite 1012

Portland, Maine 04101

Office 207 772 7070

Fax 207 772 7080

Cell 207 653 7510

[gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)

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

---

**From:** Helen Donaldson [mailto:[HCD@portlandmaine.gov](mailto:HCD@portlandmaine.gov)]

**Sent:** Tuesday, July 16, 2013 2:43 PM

**To:** Greg Shinberg

**Subject:** Re: FW: Site Lighting Revisions

Greg,

Just to clarify, the options seem to be:

A) Keep the existing town and country fixture on Union and apply the credit for the downtown fixture required there to four new fixtures east of the site on Fore Street (or whatever the credit would buy)

b) Stick with the plans and add a house-side shield

Apologies again for the confusion. Let me know what you all decide.

Nell

>>> Helen Donaldson 7/16/2013 11:45 AM >>>

Greg,

Spoke with Alex. Given my email from below, could we suggest retaining the existing Town & Country on Union and putting all four of the new fixtures which offset the cost of the downtown light on the north side of Fore?

Let me know your thoughts. As I mentioned below, I don't know if you're really after a new light on Union, in which case the best bet is to stick with the plans and add a house-side shield.

Nell

Nell Donaldson  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
874-8723  
[hcd@portlandmaine.gov](mailto:hcd@portlandmaine.gov)  
>>> Helen Donaldson 7/15/2013 2:36 PM >>>  
Greg,

Just wanted to touch base on this. I'm trying to get a minute of Alex's time to discuss but didn't want to leave you hanging.

Quick clarification - we were recommending either the Downtown light on Union Street (w/ house-side shield) or no change and keeping the existing Town & Country. Tim's accounting suggests otherwise. I'm not sure whether not having the OP light on Union is a deal-breaker?

Nell

---

Nell Donaldson  
City of Portland Planning Division  
389 Congress Street  
Portland, Maine 04101  
874-8723  
[hcd@portlandmaine.gov](mailto:hcd@portlandmaine.gov)  
>>> Greg Shinberg <[gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)> 7/11/2013 4:07 PM >>>  
Hi Nell:

Please see the attached and below.

If this is acceptable, please inform me in writing so that we can proceed with the changes.

Greg

Shinberg Consulting, LLC  
477 Congress Street, Suite 1012  
Portland, Maine 04101  
Office 207 772 7070  
Fax 207 772 7080  
Cell 207 653 7510  
[gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)  
[www.shinbergconsulting.com](http://www.shinbergconsulting.com)

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

From: Schneider, Timothy [<mailto:TSchneider@consigli.com>]  
Sent: Thursday, July 11, 2013 4:04 PM  
To: [gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)  
Subject: Site Lighting Revisions

Greg,

The costs to make the requested revisions are as follows:

Revise Union St. light from Downtown District to Old Port - Credit  
(\$10,486)

Replace three (3) Old Port lights with New - Add \$13,032.51

Total cost to project \$2,673 (Including 5% CCC OH/Profit)

[cid:image001.jpg@01CE7E50.4CD03500] <<http://www.consigli.com/>>

Timothy Schneider, LEED AP  
Project Manager  
Consigli Construction Co., Inc.  
15 Franklin Street  
Portland, ME 04101  
c. 207.317.6220  
t. 207.791.2518  
f. 207.791.2568

An Affirmative Action / Equal Opportunity Employer

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

**Barbara Barhydt - Fwd: Site plans for Hyatt**

---

**From:** Greg Shinberg <gls@shinbergconsulting.com>  
**To:** Barbara Barhydt <BAB@portlandmaine.gov>  
**Date:** Tuesday, April 22, 2014 10:45 PM  
**Subject:** Fwd: Site plans for Hyatt  
**CC:** Helen Donaldson <HCD@portlandmaine.gov>, Alex Jaegerman <AQJ@portlandmai...

---

Hi Barbara. Please the emails below. Pls advise what I can do to resolve. Greg

Sent from my iPhone

Begin forwarded message:

**From:** "Schneider, Timothy" <TSchneider@consigli.com>  
**Date:** April 22, 2014, 10:39:08 PM EDT  
**To:** Greg Shinberg <gls@shinbergconsulting.com>  
**Cc:** Timothy Hart <thart@canal5studio.com>, Denine Leeman <dleeman@eastbrowncow.com>  
**Subject: Re: Site plans for Hyatt**

Greg,

We were instructed to reuse and install a Town and Country fixture from Fore St. The downtown district light pole was eliminated in change request 17-035.

I remember emails between you and Nell approving this change. I suppose this needs to be communicated to Development via amended site plans.

What can I do to help?

Timothy Schneider, LEED AP  
Project Manager  
Consigli Construction Co., Inc.  
15 Franklin Street  
Portland, ME.  
c. 207.317.6220  
t. 207.791.2518  
f. 207.791.2568

On Apr 22, 2014, at 5:22 PM, "Greg Shinberg" <gls@shinbergconsulting.com> wrote:

Tim H and Schneider – please see below and attached.

Greg

Shinberg Consulting, LLC  
477 Congress Street, Suite 1012  
Portland, Maine 04101  
Office 207 772 7070  
Fax 207 772 7080  
Cell 207 653 7510

[gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)<blocked::mailto:gls@shinbergconsulting.com>

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

---

From: Philip DiPierro [mailto:PD@portlandmaine.gov<mailto:PD@portlandmaine.gov>]

Sent: Tuesday, April 22, 2014 5:04 PM

To: Greg Shinberg

Cc: Gregory Vining

Subject: Re: Site plans for Hyatt

Please see attached.

FYI - when I visited the site earlier today I noticed the street light and pole on Union Street had been installed. The site plan was approved with the expectation that the Downtown District Street/Ped Lighting Pole was to be installed. The light and pole that was installed on Union Street is not the light and pole that was approved. Please see the attached plan and details for reference.

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 Shinberg  
<[gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)<mailto:gls@shinbergconsulting.com>>  
4/22/2014 4:51 PM >>>

Hi Phil:

Can you please inform me as to the format for the final civil site plans (in CAD form etc) ?

Thanks

Greg

Shinberg Consulting, LLC

477 Congress Street, Suite 1012

Portland, Maine 04101

Office 207 772 7070

Fax 207 772 7080

Cell 207 653 7510

[gls@shinbergconsulting.com](mailto:gls@shinbergconsulting.com)<blocked::mailto:gls@shinbergconsulting.com>

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

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

<Engineering Plan Submission Requirements 10 27 2008 WBC.pdf>

<Hyatt Place Landscape January 17 2013 1-30-14.pdf>



CONSIGLI  
*Est. 1905*

---

MEMO

---

DATE: February 7, 2013  
TO: Hyatt Place Portland Subcontractors and Vendors  
FROM: David Thomas – Project Executive  
RE: Construction Personnel Parking

Each subcontractor or vendor will be responsible for making their own parking arrangements for the Hyatt Place Portland project.

Consigli has contacted several parking providers and found the following availability:

1. Fore Street Garage: 21
  - a. Free parking on weekends and after 5:00pm on weekdays
  - b. Daily Rate: 30
  - c. No Monthly Spots available
  - d. Contact: Greg McKellar
  - e. Tel: 553-1772
  
2. Midtown Parking Lot: 16
  - a. Daily Rate: \$8.00
  - b. Monthly: \$105.00 per month
  - c. Contact: Christopher Gurney
  - d. Tel: 772-7716
  
3. Fish Pier Lot: 35
  - a. Daily Rate: \$5.00
  - b. No Monthly Parking
  - c. Contact: N/A

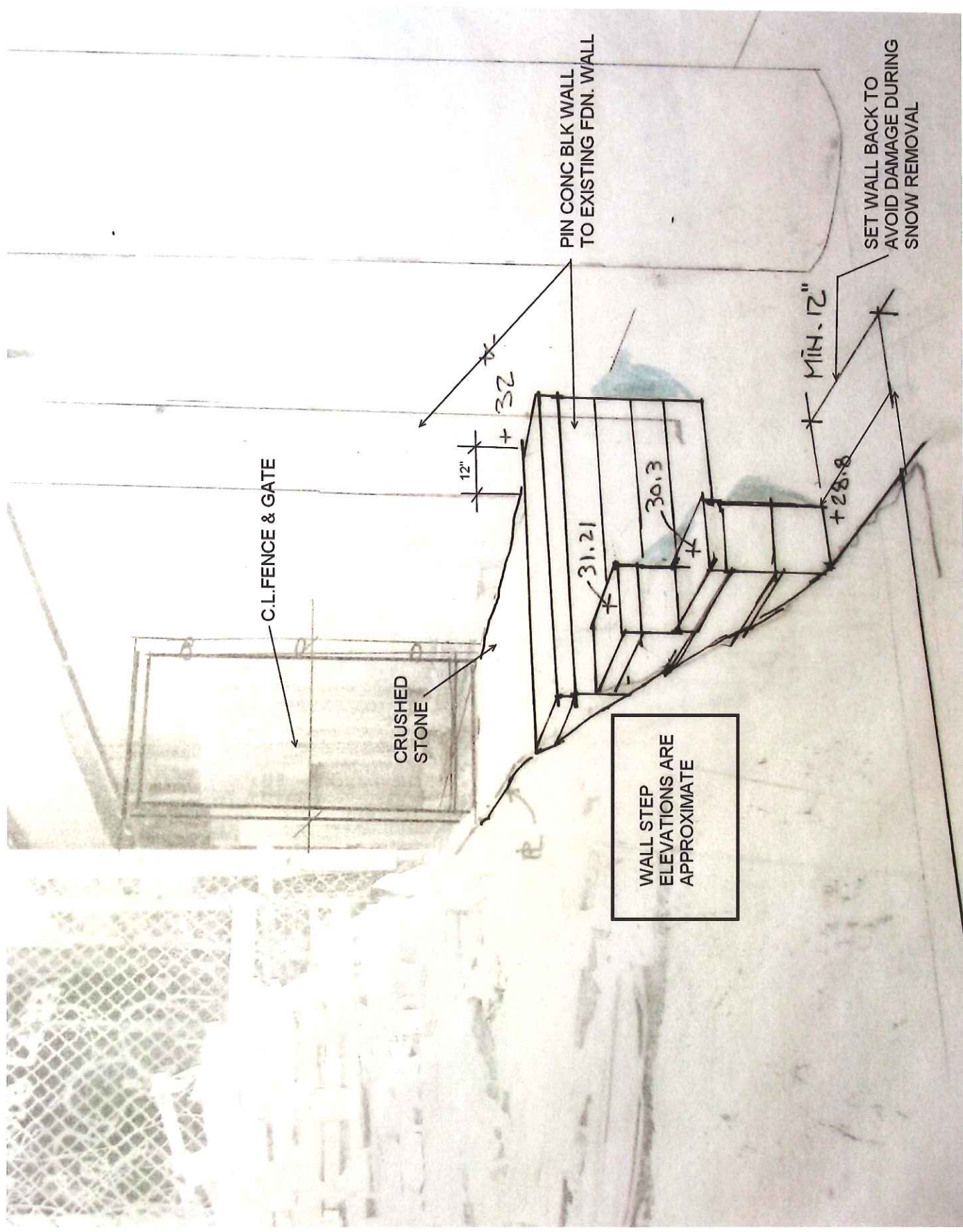


- d. Tel: 874-2842
4. Dimillo's Parking Lot: 33
- a. No daily parking
  - b. Monthly Parking : \$125.00 (Only a few spots left)
  - c. Contact: N/A
  - d. Tel: 772-2216
5. Fisherman's Warf: 34
- a. Daily Rate: \$8.00
  - b. No Monthly Parking
  - c. Contact: N/A
  - d. Tel: 773-6649
6. Spring Street Parking Garage: 13
- a. No daily parking
  - b. Monthly: \$110.00 (plus \$10 1x activation fee)
  - c. Contact: Janice
  - d. Tel: 874-2861
7. St. John Street Parking lot owned by East Brown Cow
- a. Subcontractors can park for free in this lot at the area designated for Hyatt Place Portland personnel
  - b. Subcontractors will be responsible for shuttling their personnel from this parking lot to the job site on Fore Street
  - c. Contact Consigli for further instructions on the use of this lot

Please advise all construction personnel against using on street metered parking adjacent the project site.

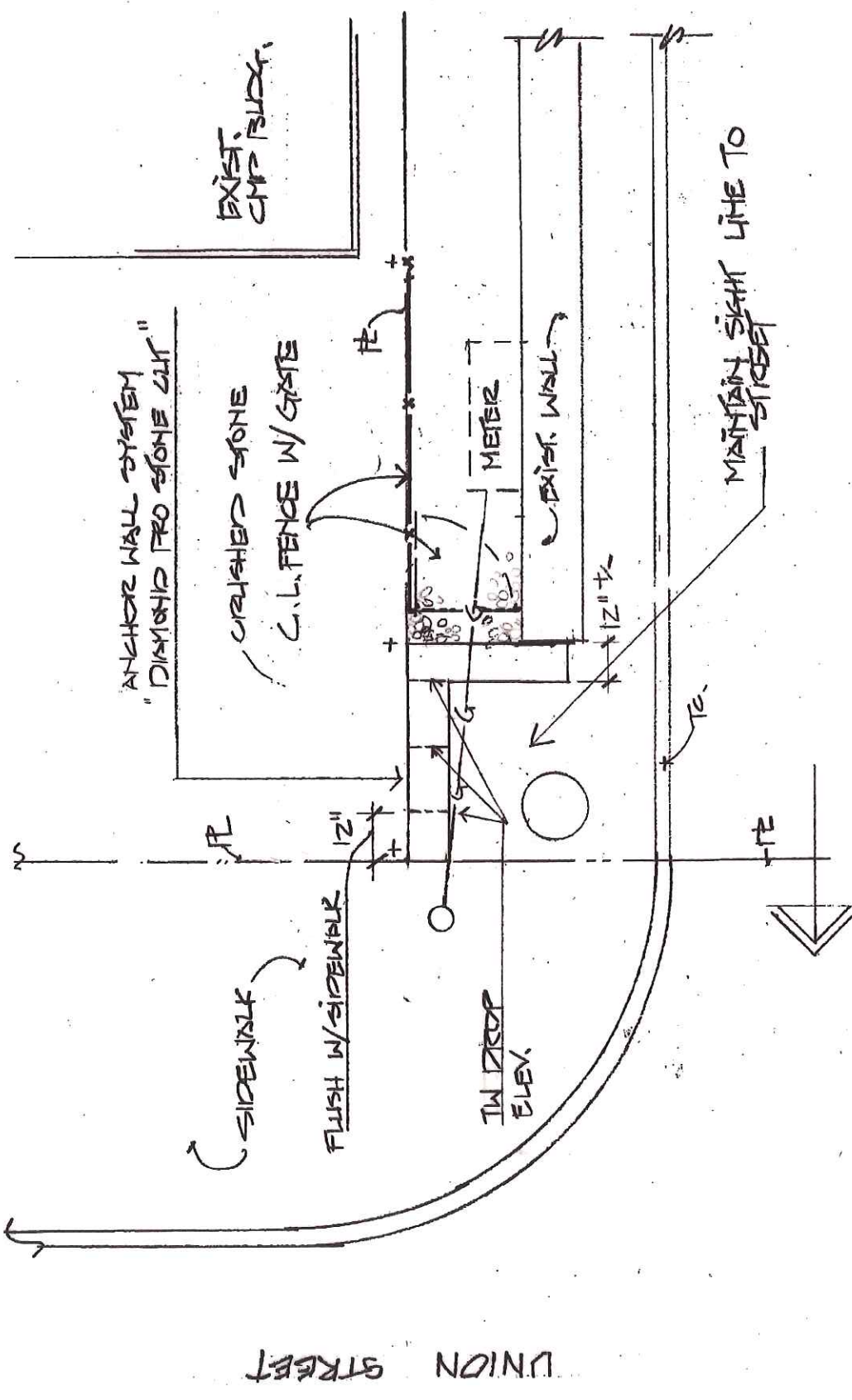
If Consigli notices construction personnel persistently using on street metered parking, then they will request they move their vehicles to designated parking areas or into parking garages.

Thank you in advance for your cooperation. We look forward to working with you on this exciting project.



WALL STEP  
ELEVATIONS ARE  
APPROXIMATE

**HYATT PLACE PORTLAND - OLD PORT**  
**CMU WALL @ N.W. CORNER OF BLDG.**  
**GRADING MODIFICATION**



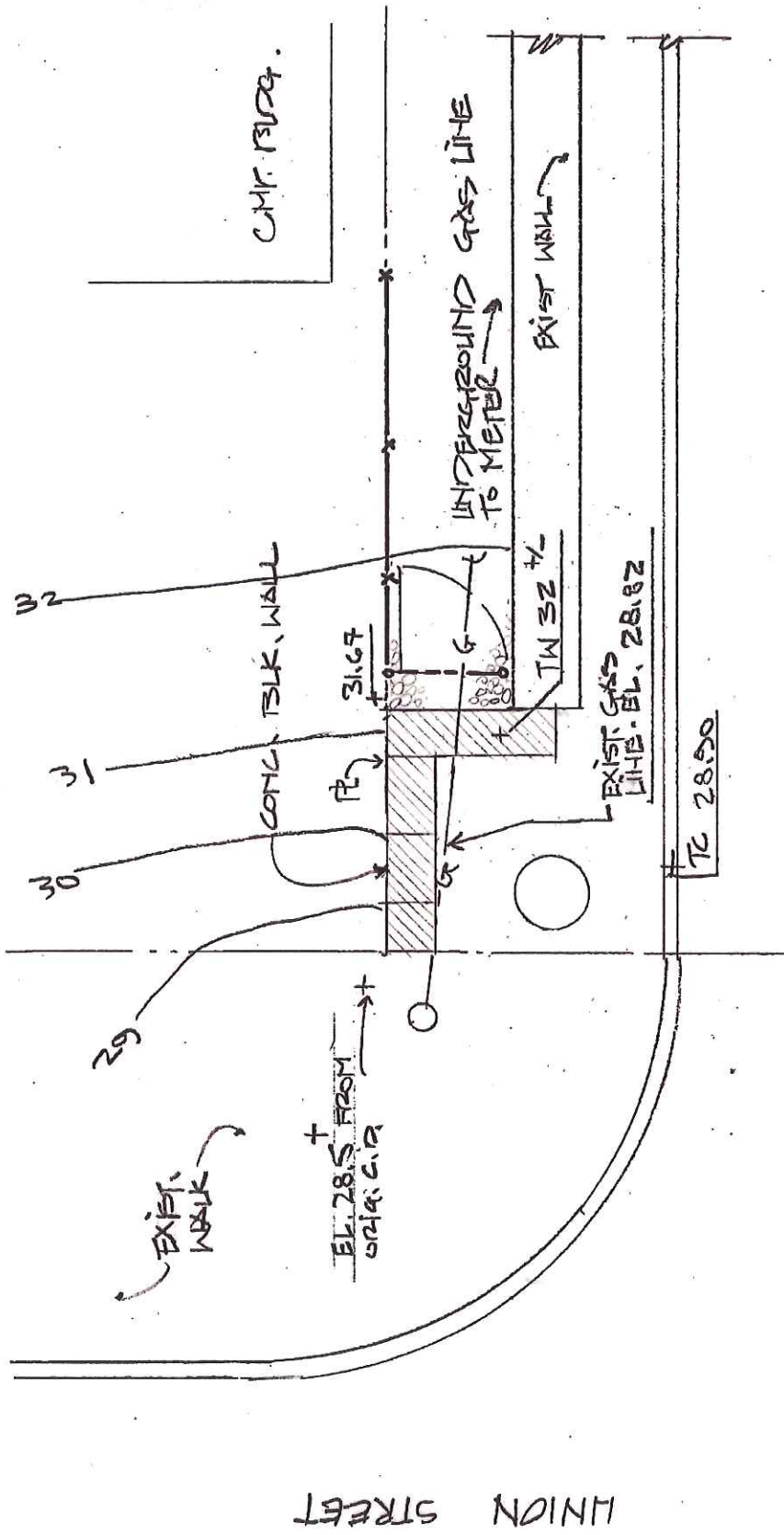
# HYATT PLACE PORTLAND - OLD PORT

GRADING MODIFICATION @ N.W. CORNER OF BLDG:  
AT UNION STREET

SK. 1 LAYOUT PLAN 1/4" = 1' = 0"

ANTHONY MUENCH LANDSCAPE ARCHITECT  
94 COMMERCIAL STREET PORTLAND, MAINE

REV. 4.5.14  
TRGN. 4.3.14  
3.3.14



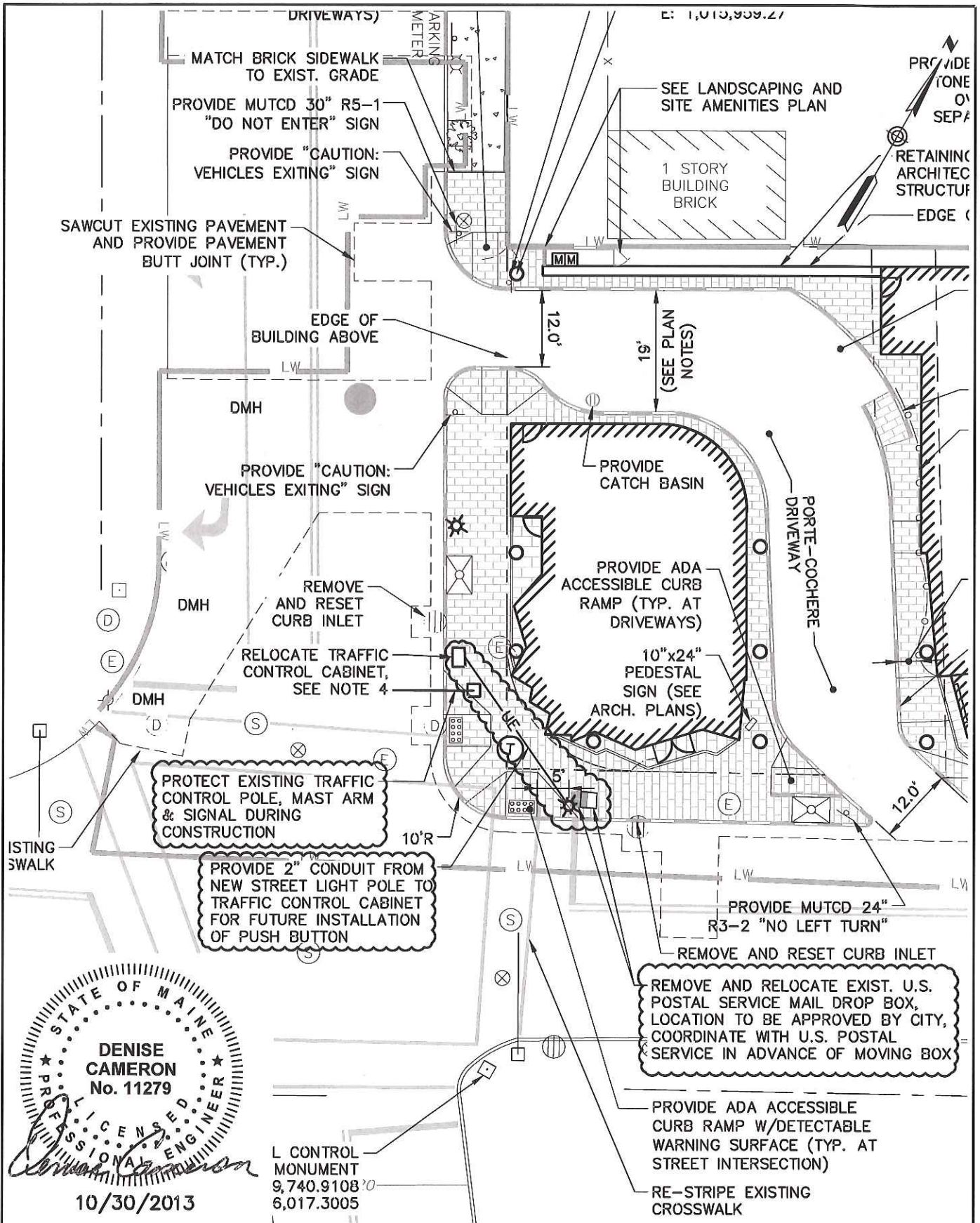
# HYATT PLACE PORTLAND - OLD PORT

GRADING MODIFICATION @ N.W. CORNER OF BLDG.  
AT UNION STREET

SK. 2 GRADING PLAN 1/4" = 1' = 0"

REV. 4.5.14  
REV. 4.3.14  
3.31.14

ANTHONY MUENCH LANDSCAPE ARCHITECT  
94 COMMERCIAL STREET PORTLAND, MAINE



PROTECT EXISTING TRAFFIC CONTROL POLE, MAST ARM & SIGNAL DURING CONSTRUCTION

PROVIDE 2" CONDUIT FROM NEW STREET LIGHT POLE TO TRAFFIC CONTROL CABINET FOR FUTURE INSTALLATION OF PUSH BUTTON

REMOVE AND RELOCATE EXIST. U.S. POSTAL SERVICE MAIL DROP BOX, LOCATION TO BE APPROVED BY CITY, COORDINATE WITH U.S. POSTAL SERVICE IN ADVANCE OF MOVING BOX

STATE OF MAINE  
**DENISE CAMERON**  
 No. 11279  
 LICENSED PROFESSIONAL ENGINEER  
*Denise Cameron*  
 10/30/2013

L CONTROL MONUMENT  
 9,740.9108'  
 6,017.3005'

41 Hutchins Drive  
 Portland, Maine 04102  
 800.426.4262 | www.woodardcurran.com  
 COMMITMENT & INTEGRITY DRIVE RESULTS

**RELOCATE TRAFFIC SIGNALS**

DESIGNED BY: MDLM	CHECKED BY: DLC
DRAWN BY: BCM	22586901-C200A.DWG

COW PLAZA HOTEL, LLC 100  
 COMMERCIAL STREET, SUITE 306  
 PORTLAND, MAINE, C/O TIM SOLEY

HYATT PLACE PORTLAND - OLD PORT  
 433 FORE STREET, PORTLAND, ME

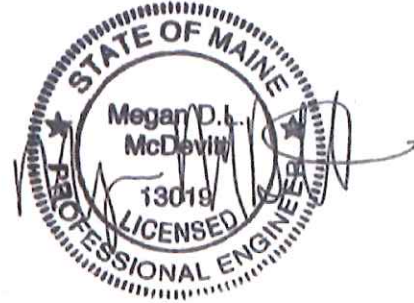
JOB NO: 225869.01  
 DATE: OCTOBER 2013  
 SCALE: 1" = 20'

**SKC-5**



## MEMORANDUM

**TO:** Tim Hart, AIA  
**FROM:** Megan McDevitt, PE  
**CC:** Scott Hawk, PE and Denise Cameron, PE  
**DATE:** November 12, 2013  
**RE:** Light Pole Foundations for Street Lights at Hyatt Place, on Fore Street, Portland Maine



Woodard & Curran was the Civil Engineering Firm responsible for the development of the site design for the proposed Hyatt Place project on the corner of Fore Street and Union Street in Portland, Maine. As part of the proposed site improvements for the project, the existing street lights were to be removed and replaced with Old Port District Street Lighting Poles per the City of Portland Technical Manual. New precast light pole foundations were proposed to be installed with the new street light poles. The proposed light pole foundations consisted of 24-inch diameter, 52" deep precast bases with embedded anchor bolts and PVC conduit in accordance with City of Portland standards.

Upon removal of the existing street light poles during construction, it was discovered the existing street light poles were located on top of an existing Central Maine Power (CMP) concrete electrical ductbank that runs parallel with and adjacent to the curb along Fore Street. Based on field measurements provided to Woodard & Curran, the top of the CMP ductbank is located 2'-6" below finish grade. Installation of the proposed light pole precast foundations is not possible because the elevation of the existing CMP ductbank conflicts with the depth of the proposed precast foundations.

Woodard & Curran was requested by Canal 5 Studios to design a shallow foundation for the new light poles utilizing the precast light pole foundations to the maximum extent practical. Woodard & Curran has designed a light pole shallow foundation that utilizes the precast base with the embedded anchors and PVC conduit, cut to fit above the existing CMP duct bank, and reinforced cast-in-place concrete. The light pole shallow foundation has been designed to support the weight of the proposed light poles and resist overturning. The proposed light pole shallow foundation design is shown on the attached sketch.

No information was available to Woodard & Curran regarding the conditions of the existing concrete duct bank; therefore, Woodard & Curran was not able to perform a complete analysis of the existing CMP duct bank.

MAST ARM /  
SIGNAL IMP.

## Helen Donaldson - Condition 7-Signal Improvements

**From:** "Barry Sheff" <bsheff@woodardcurran.com>  
**To:** "Tom Errico (TY Lin)" <Thomas.errico@tylin.com>  
**Date:** 11/6/2012 9:17 PM  
**Subject:** Condition 7-Signal Improvements  
**CC:** "Helen Donaldson" <HCD@portlandmaine.gov>, "Greg Shinberg (gls@gwi.net)"...  
**Attachments:** Intersection Plans.pdf.pdf

Tom,

Just wanted to follow up on the Public Hearing last night and our discussion about a potential solution that we've identified to resolve the concerns you've shared regarding signal modifications at the Fore/Union Intersection. Attached is the graphic depicting the existing conditions at the intersection, and our approach to resolve those concerns. Specific to the comments that need to be addressed in Condition 7, what follows are response to those comments (in *italics*) and the comments themselves for reference purpose.

### CONDITION 7 COMMENTS:

The City continues to request that the following signal modifications be implemented in conjunction with the project:

The City no longer requests that the controller cabinet be located to the opposite corner of the intersection. The applicant shall coordinate with DPS Traffic staff in coordinating the relocation of the existing cabinet on the same corner.

*Project Site Plans have been updated to reflect the Applicant relocating the Controller Cabinet. We have depicted on the attached Plan a proposed location for the Controller Cabinet, and would appreciate feedback on that location. All of this said, given installation expertise and need for coordination with DPS Traffic staff, the Applicant would like to discuss a financial contribution that would allow the City to relocate its Controller Cabinet, in lieu of the Applicant relocating the Cabinet.*

The existing mast arm location must be *not do this - it'll be up anyway* relocated for the following reasons.

1. The current mast arm is located near the middle of the sidewalk and while it does meet minimum ADA clearance requirements, it will present difficulties for sidewalk snow plows.

*As depicted on the attached Plan, the improvements/reconstruction of the sidewalk that will be made by the Applicant, will increase the sidewalk clearance (albeit by a small amount) over the existing condition without the need to relocate the mast arm. The need for the relocation of the mast arm is not a result of the Applicant's proposed development as sidewalk clearances will be improved as a result of the project.*

2. The mast arm pole is used to mount both pedestrian signal heads and push buttons for crossing two crosswalks, the northerly Union Street crosswalk and the easterly Fore Street. Placement of the push buttons on the existing mast arm will not meet accessibility requirements of the MUTCD, FHWA. While installation of pedestal post (in addition to having the mast arm) is an option, we believe given that the existing mast arm should be relocated, minimizing sidewalk clutter is preferred.

*We have completed an analysis of the intersection using the MUTCD standards and depicted those standards on the attached Plan. We propose to maintain the location of the Union Street push button and pedestrian signal head on the existing mast arm, and relocate the pedestrian signal head and push button for the Fore Street crossing on to the proposed light pole on Fore Street. By placing the Fore Street equipment on the new*



# HOLOPHANE

An Acuity Brands Company

**Quoted To:** City Of Portland  
389 Congress Street  
Portland, ME 4101

**Job Name:** Portland- LED Budgets

**Quote #:** 2066-12-10150-0

**Quote Label:** budgets

**Job Location:** Portland

**Issue Date:** 11/9/2012

**Bid Date:** 10/24/2012

**Quoted By:** Jim Bailey

207/582-5106

JBailey@holophane.com

Type	Qty	Catalog #	Unit \$	Ext \$
OP	1	<b>WAUE 80 4K AS B 3 B 6 H PCS S NYA 11 FTJ 17 P07 ABG BK R121A FG_S BK</b> Utility Washington Postlite#174; LED (WAUE): WAUE, 80W 400mA Driver, 4000 Series CCT, Auto-Sensing Voltage (120-277V), Black, Asymmetric Type III, Black, Spike Finial, Band and Ribs, Shorewood Style Cover, NEMA Twistlock Photocontrol Receptacle, DTL Twistlock Photocontrol For Solid-State Lighting (120-277V) North Yorkshire Aluminum Pole 17 inch Base (NYA): NYA, 11 feet, FTJ Fluted Tapered, Cast, .25 wall, 17 inch Round Base, 3 X 3 Tenon, Anchor bolts, galvanized steel, Powder Coat Paint, Black Weatherproof Receptacle (FG): Wet Location With Closed Cover, Black	\$3,230.00	\$3,230.00
	1	WAUE804KASB3B6HPCSS		
	1	AB-31-4		
	1	NYA11FTJ17P07BK R121A		
	1	TMP-85		
	1	FG-SBKH		
OP	1	<b>WAUE 80 4K AS B 3 B 6 H PCS S</b> Utility Washington Postlite#xae; LED (WAUE): WAUE, 80W 400mA Driver, 4000 Series CCT, Auto-Sensing Voltage (120-277V), Black, Asymmetric Type III, Black, Spike Finial, Band and Ribs, Shorewood Style Cover, NEMA Twistlock Photocontrol Receptacle, DTL Twistlock Photocontrol For Solid-State Lighting (120-277V) NYA11FTJ17P07BK R121A	\$1,868.86	\$1,868.86
	1	WAUE804KASB3B6HPCSS		
OP	1	<b>NYA 11 FTJ 17 P07 ABG BK</b> North Yorkshire Aluminum Pole 17 inch Base (NYA): NYA, 11 feet, FTJ Fluted Tapered, Cast, .25 wall, 17 inch Round Base, 3 X 3 Tenon, Anchor bolts, galvanized steel, Powder Coat Paint, Black	\$1,263.24	\$1,263.24
	1	AB-31-4		
	1	NYA11FTJ17P07BK		
	1	TMP-85		
OP	1	<b>FG_S BK</b> Weatherproof Receptacle (FG): Wet Location With Closed Cover, Black	\$97.87	\$97.87





An Acuity Brands Company

Job Name: Portland- LED Budgets

Quote #: 2066-12-10150-0

Quote Label: budgets

Job Location: Portland

Issue Date: 11/9/2012

Bid Date: 10/24/2012

Quoted By: Jim Bailey

207/582-5106

JBailey@holophane.com

Type	Qty	Catalog #	Unit \$	Ext \$
	1	FG-SBKH		
CS	1	ESL 150 4K AS RAL6012 4 PCS R Teardrop Utility LED (TUL) RAL6012: Esplanade Utility LED, 150 Watt System, 4,000 Series CCT, Auto Sensing 120 thru 277, 50,60Hz, Tiger Drylac, Asymmetric Teardrop Type Glass, DTL TwistLock Photocontrol For Solid-State Lighting 120-277V, NEMA Twistlock Photocontrol Receptacle TURAL60124	\$1,927.59	\$1,927.59
	1	ESLT1504KASRAL6012PCSR		

**Estimated Lead Time: 10 weeks** **Grand Total: \$8,387.56**

**Notes**

\* Budget price to purchase thru an authorized HoloPhane wholesale electrical distributor. Quote is "plus freight".

**Terms**

HOLOPHANE: This quote is valid for 90 calendar days from date of quote. Shipment lead times begin the day after the order is released and are based on working days only. Shipments are FOB Shipping Point on all orders. HoloPhane shall pay the freight on orders of \$3,000 or more (\$750 for replacement ballast kits) to all points in the continental United States and Canada. Upon release of your order, poles and non-standard material cannot be cancelled or returned. Terms are subject to revision. Items with "Hold" status have not been allocated any labor, material, or scheduled production time. The lead time to shipment will begin when HoloPhane receives your clarification or approval to release your purchase order item(s) from "Hold" status. Prices in this acknowledgement are firm for release within a period of four months from the date of order. At the end of four months, HoloPhane, at its option, shall either increase prices by 3% or renegotiate pricing. Thereafter, escalation of 1-1/2% per three month period will be added. In the event of an extraordinary change in raw material costs, HoloPhane reserves the right to renegotiate pricing. Pricing will be reevaluated and confirmed upon receipt of your clarification or approval to release the purchase order item(s) from "Hold" status.



An *AcuityBrands* Company

**Quoted To:** City Of Portland  
389 Congress Street  
Portland, ME 4101

**Job Name:** Portland- LED Budgets

**Quote #:** 2066-12-10150-1

**Quote Label:** budget- Congress Street configuration

**Job Location:** Portland

**Issue Date:** 11/30/2012

**Bid Date:** 10/24/2012

**Quoted By:** Jim Bailey

207/582-5106

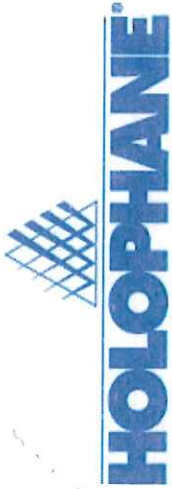
JBailey@holophane.com

Type	Qty	Catalog #	Unit \$	Ext \$
	1	<b>PORTLAND CONFIGURATION #1- (LESS LIGHT FIXTURES) RFD97808</b>	\$8,739.00	\$8,739.00
		NOTE: NO LEVELING FITTERS OR FIXTURES INCLUDED IN THE PRICE. NO BANNER ARM PROVISIONS FOR BANNER ARMS. *PORTLAND SET UP CONFIGURATION #1 REP TO SUBMIT DRAWINGS AND SIGNED APPROVAL DRAWINGS NEEDED WITH PO. POLE - PM(26.83)RT(8.7E)-S/HDGS/CS-BC(1.0 X 12.0)-T (3.0 X 30.0) (RAL-6012) RS/GFI/WPC - RECEPTACLE WITH WEATHERPROOF WHILE CLOSED COVER. 1" ANCHOR BOLT SET PM18CSBCARAL6012 - PORTLAND CLAM SHELL ALUMINUM SINGLE TOP ARM ASSEMBLY PD42/1CARAL6012 TWIN LOWER ARM ASSEMBLY PD69/2CARAL6012 FINISH NOTE: POLE WILL FINISHED RAL6012 OVER GALVANIZED. POLE WILL HAVE A 12" BC AND 12" SQ BASE PLATE. BASE PLATE IS 1" THICK.		
	3	<b>WLLF 200 S CA RAL6012</b>	\$236.00	\$708.00
		Leveling Fitter (BHLF WLF) RAL6012: West Liberty Decorative Arm Fitter, Slipfit 2 inch nominal pipe, Swivel, Cast Aluminum, Tiger Drylac Color		
	2	<b>ESPL- PEDESTRIAN ESPLANADE LED</b>	\$1,540.00	\$3,080.00
		expect this product will be available in Spring of 2013		
	1	<b>ESL 150 4K AS RAL6012 4 EL PCS R</b>	\$2,027.00	\$2,027.00
		Teardrop Utility LED (TUL) RAL6012: Esplanade Utility LED, 150 Watt System, 4,000 Series CCT, Auto Sensing 120 thru 277, 50,60Hz, Tiger Drylac, Asymmetric Teardrop Type Glass, DTL TwistLock Photocontrol For Solid-State Lighting 120-277V, NEMA Twistlock Photocontrol Receptacle, Extended Life - Driver		
<b>Estimated Lead Time: 16 weeks</b>			<b>Grand Total:</b>	<b>\$14,554.00</b>

**Notes**

\* Budget price to purchase thru an authorized Holophane wholesale electrical distributor. Quote is "plus freight".

**Terms**



An *AcuityBrands* Company

**Job Name:** Portland- LED Budgets  
**Quote #:** 2066-12-10150-1  
**Quote Label:** budget- Congress Street configuration  
**Job Location:** Portland  
**Issue Date:** 11/30/2012  
**Bid Date:** 10/24/2012

**Quoted By:** Jim Bailey  
207/582-5106  
JBailey@holophane.com

**HOLOPHANE:** This quote is valid for 90 calendar days from date of quote. Shipment lead times begin the day after the order is released and are based on working days only. Shipments are FOB Shipping Point on all orders. Holophane shall pay the freight on orders of \$3,000 or more (\$750 for replacement ballast kits) to all points in the continental United States and Canada. Upon release of your order, poles and non-standard material cannot be cancelled or returned. Terms are subject to revision. Items with "Hold" status have not been allocated any labor, material, or scheduled production time. The lead time to shipment will begin when Holophane receives your clarification or approval to release your purchase order item(s) from "Hold" status. Prices in this acknowledgement are firm for release within a period of four months from the date of order. At the end of four months, Holophane, at its option, shall either increase prices by 3% or renegotiate pricing. Thereafter, escalation of 1-1/2% per three month period will be added. In the event of an extraordinary change in raw material costs, Holophane reserves the right to renegotiate pricing. Pricing will be reevaluated and confirmed upon receipt of your clarification or approval to release the purchase order item(s) from "Hold" status.

**From:** Helen Donaldson  
**To:** Nelle Hanig; Philip DiPierro  
**Date:** 1/30/2014 10:13 AM  
**Subject:** Re: Canal Plaza Hotel - Public Infrastructure  
**Attachments:** Hyatt Place Landscape January 17 2013.pdf

Nelle,

I looked back into the records and, in terms of the improvements at Fore/Union, they were not required to move that mast arm in the end. They were/are, however, still required to move the controller cabinet and install the four signalheads.

The landscaping plan is attached. Hope it helps.

Nell

>>> Nelle Hanig 1/30/2014 9:24 AM >>>

I was out yesterday but in today. Would this morning work for you. I'd like to go over the Cost Estimate for Improvements to be Covered by Perf. Guarantee. If one of you is free that would be fine.

Thanks,  
Nelle

>>> Philip DiPierro 1/29/2014 11:23 AM >>>

I'm available now if you all want to meet.

Phil

>>> Helen Donaldson 1/28/2014 7:54 PM >>>

Nelle,

I'm not sure whether you've talked to Phil or not. If not, I'd be happy to talk with you quickly on this tomorrow late morning or early afternoon.

I'll need to pull up the plans, but they're slated to do a bunch of sidewalk work, street trees, lighting, some work to the traffic signals & pedestrian signalheads at Fore/Union...I'm sure there are other things I'm forgetting...

Let me know.

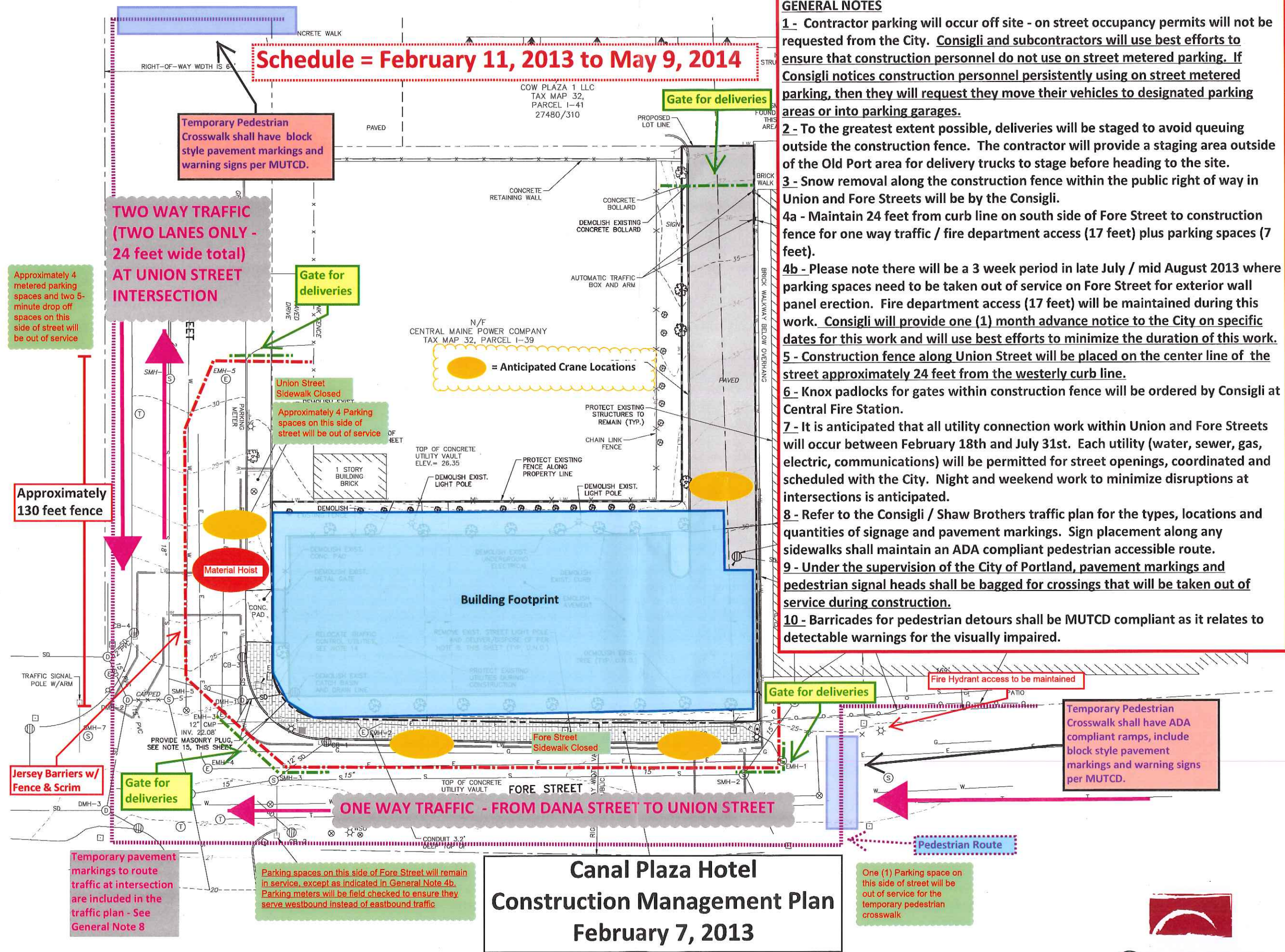
Nell

>>> Nelle Hanig 1/28/2014 2:47 PM >>>

Hi Phil and Nell,

Would either of you have a few minutes today or Thursday to review the Cost Estimates for public infrastructure on the Canal Plaza Hotel? They've applied for a Development Action Grant for public infrastructure so I'm trying to understand what public infrastructure they are responsible for putting in place.

Thanks,  
Nelle



**Schedule = February 11, 2013 to May 9, 2014**

**GENERAL NOTES**

- 1 - Contractor parking will occur off site - on street occupancy permits will not be requested from the City. **Consigli and subcontractors will use best efforts to ensure that construction personnel do not use on street metered parking. If Consigli notices construction personnel persistently using on street metered parking, then they will request they move their vehicles to designated parking areas or into parking garages.**
- 2 - To the greatest extent possible, deliveries will be staged to avoid queuing outside the construction fence. The contractor will provide a staging area outside of the Old Port area for delivery trucks to stage before heading to the site.
- 3 - Snow removal along the construction fence within the public right of way in Union and Fore Streets will be by the Consigli.
- 4a - Maintain 24 feet from curb line on south side of Fore Street to construction fence for one way traffic / fire department access (17 feet) plus parking spaces (7 feet).
- 4b - Please note there will be a 3 week period in late July / mid August 2013 where parking spaces need to be taken out of service on Fore Street for exterior wall panel erection. Fire department access (17 feet) will be maintained during this work. **Consigli will provide one (1) month advance notice to the City on specific dates for this work and will use best efforts to minimize the duration of this work.**
- 5 - Construction fence along Union Street will be placed on the center line of the street approximately 24 feet from the westerly curb line.
- 6 - Knox padlocks for gates within construction fence will be ordered by Consigli at Central Fire Station.
- 7 - It is anticipated that all utility connection work within Union and Fore Streets will occur between February 18th and July 31st. Each utility (water, sewer, gas, electric, communications) will be permitted for street openings, coordinated and scheduled with the City. Night and weekend work to minimize disruptions at intersections is anticipated.
- 8 - Refer to the Consigli / Shaw Brothers traffic plan for the types, locations and quantities of signage and pavement markings. Sign placement along any sidewalks shall maintain an ADA compliant pedestrian accessible route.
- 9 - Under the supervision of the City of Portland, pavement markings and pedestrian signal heads shall be bagged for crossings that will be taken out of service during construction.
- 10 - Barricades for pedestrian detours shall be MUTCD compliant as it relates to detectable warnings for the visually impaired.

**Canal Plaza Hotel  
Construction Management Plan  
February 7, 2013**



Approximately 180 feet fence



# Hyatt Place Hotel

# Fore Street Detour Plan

Shaw Brothers Construction, Inc.  
 341 Mosher Road, P.O. Box 69  
 Gorham, Maine 04038  
 (207) 839-2552



DRAWN:	K.L.	DATE:	2/07/2013
DESIGNED:	D.T.	SCALE:	1" = 120'
CHECKED:	D.T.	FILE:	-
FILE LOC:	-		

FIGURE  
**A-0**