

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

**CITY OF PORTLAND**

Please Read  
Application And  
Notes, If Any,  
Attached

BUILDING DEPARTMENT

**PERMIT****PERMIT ISSUED**

Permit Number: 070273

APR 12 2007

**CITY OF PORTLAND**This is to certify that UNIVERSITY OF MAINE SYSTEM / Ryan Construction, Inc.has permission to USM 4 Story Structure - FOUNDATION ONLYAT 65 WINSLOW ST 114 D023001

provided that the person or persons firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permit is procured before this building or part thereof is laid or closed-in. 4 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

**OTHER REQUIRED APPROVALS**

Fire Dept. \_\_\_\_\_

Health Dept. \_\_\_\_\_

Appeal Board \_\_\_\_\_

Other \_\_\_\_\_

Department Name

*Jamie Bonke* per MSN 4/12/07  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

# BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

- ☒ **Footing/Building Location Inspection:** Prior to pouring concrete
- ☒ **Re-Bar Schedule Inspection:** Prior to pouring concrete
- ☒ **Foundation Inspection:** Prior to placing ANY backfill
- ☒ **Framing/Rough Plumbing/Electrical:** Prior to any insulating or drywalling
- ☒ **Final/Certificate of Occupancy:** Prior to any occupancy of the structure or use. NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects **DO** require a final inspection

       If any of the inspections do not occur, the project cannot go on to the next phase, **REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

       **CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED**

|   |                        |
|---|------------------------|
| <u>Xuc</u><br>Signature of Applicant/Designee               | <u>      </u><br>Date  |
| <u>Jeannette Barte</u><br>Signature of Inspections Official | <u>4/12/07</u><br>Date |

CBL: 114-D-23 Building Permit #: 07-0273

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

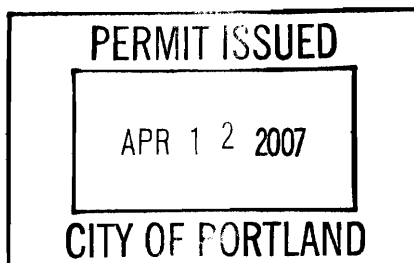
|            |             |             |
|------------|-------------|-------------|
| Permit No: | Issue Date: | CBL:        |
| 07-0273    | 04/12/2007  | 114 D023001 |

|  |   |  |                     |
|--|---|--|---------------------|
| Location of Construction:<br>65 WINSLOW ST | Owner Name:<br>UNIVERSITY OF MAINE SYSTE          | Owner Address:<br>96 FALMOUTH ST                   | Phone:              |
| Business Name:                             | Contractor Name:<br>Wright Ryan Construction, Inc | Contractor Address:<br>10 Danforth Street Portland | Phone<br>2077733625 |
| Lessee/Buyer's Name                        | Phone:  | Permit Type:<br>Foundation Only/Commercial         | Zone:               |

|   |   |  |   |                    |
|---|---|--|---|--------------------|
| Past Use:<br>Commercial / USM 4 story structure<br>w/partial basement & mechanical<br>penthouse (Bldg.#1) - Osher Life<br>Long Learning Institute Connected<br>W/# 070148 | Proposed Use:<br>FOUNDATION ONLY for USM 4<br>Story Structure - FOUNDATION<br>ONLY Connected W/# 070148 | Permit Fee:  | Cost of Work:<br>\$0.00   | CEO District:<br>2 |
| Proposed Project Description:<br>USM 4 Story Structure - FOUNDATION ONLY  |   | FIRE DEPT:<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Denied                                       | INSPECTION:<br>Use Group: Type:<br><i>Foundation Only</i>                               |                    |
|   |   | Signature:   | Signature: <i>JMB per MJA</i><br>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) <i>4/12/07</i> |                    |
|   |   | Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied | Signature: Date:  |                    |

|                             |                                 |                        |
|-----------------------------|---------------------------------|------------------------|
| Permit Taken By:<br>Idobson | Date Applied For:<br>03/19/2007 | <b>Zoning Approval</b> |
|-----------------------------|---------------------------------|------------------------|

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
2. Building permits do not include plumbing, septic or electrical work.
3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..



|   |   |   |
|---|---|---|
| <b>Special Zone or Reviews</b><br><input type="checkbox"/> Shoreland<br><input type="checkbox"/> Wetland<br><input type="checkbox"/> Flood Zone<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Site Plan<br>Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/><br>Date: <i>JK per Marge</i> | <b>Zoning Appeal</b><br><input type="checkbox"/> Variance<br><input type="checkbox"/> Miscellaneous<br><input type="checkbox"/> Conditional Use<br><input type="checkbox"/> Interpretation<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Denied<br>Date: | <b>Historic Preservation</b><br><input type="checkbox"/> Not in District or Landmark<br><input type="checkbox"/> Does Not Require Review<br><input type="checkbox"/> Requires Review<br><input type="checkbox"/> Approved<br><input type="checkbox"/> Approved w/Conditions<br><input type="checkbox"/> Denied<br>Date: |
|---|---|---|

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

|   |         |      |       |
|---|---------|------|-------|
| SIGNATURE OF APPLICANT                      | ADDRESS | DATE | PHONE |
| RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE |         | DATE | PHONE |

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

|            |                   |             |
|------------|-------------------|-------------|
| Permit No: | Date Applied For: | CBL:        |
| 07-0273    | 03/19/2007        | 114 D023001 |

|  |   |  |                         |
|--|---|--|-------------------------|
| Location of Construction:<br>65 WINSLOW ST | Owner Name:<br>UNIVERSITY OF MAINE SYSTE          | Owner Address:<br>96 FALMOUTH ST                   | Phone:                  |
| Business Name:                             | Contractor Name:<br>Wright Ryan Construction, Inc | Contractor Address:<br>10 Danforth Street Portland | Phone<br>(207) 773-3625 |
| Lessee/Buyer's Name                        | Phone:  | Permit Type:<br>Foundation Only/Commercial         |                         |

|  |  |
|--|--|
| Proposed Use:<br>FOUNDATION ONLY for USM 4 Story Structure -<br>FOUNDATION ONLY Connected W/# 070148 | Proposed Project Description:<br>USM 4 Story Structure - FOUNDATION ONLY |
|--|--|

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 04/12/2006  
**Note:**      **Ok to Issue:** ☒

- 1) Zoning approval per permit #07-0148 and associated conditions
- 2) This approves the foundation only, no further work shall commence without approvals for the building construction.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Mike Nugent      **Approval Date:** 04/12/2007  
**Note:**      **Ok to Issue:** ☒

- 1) This permit approves the foundation only, separate approval is required prior to the building construction

**Dept:** Fire      **Status:** Not Applicable      **Reviewer:** Cptn Greg Cass      **Approval Date:**  
**Note:**      **Ok to Issue:** ☐

**Dept:** Zoning      **Status:**      **Reviewer:** Marge Schmuckal      **Approval Date:**  
**Note:**      **Ok to Issue:** ☐

**Dept:** Fire      **Status:** Approved      **Reviewer:**      **Approval Date:**  
**Note:**      **Ok to Issue:** ☐

**Comments:**

3/19/2007-ldobson: I have commenced the review for a "Foundation Only" permit and need the following information or have the following questions:

- 1) Please review the geotechnical report from Haley & Aldrich dated 2/17/06, specifically starting on page 8. As you can see, They estimate that the magnitude of the settlement below most of the heavily loaded columns is 3 to 5 feet which is unacceptable. They recommend that the building superstructure be founded on piles driven through the compressible marine clay to end bearing on the underlying rock. In reviewing the plans, specs and based on our discussions, the project is designed on spread footings. Please provide a geotechnical report that supports this conclusion.
- 2) Please provide a completed City "page three" certification form.

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

|            |                   |             |
|------------|-------------------|-------------|
| Permit No: | Date Applied For: | CBL:        |
| 07-0148    | 02/06/2007        | 114 D023001 |

|  |   |  |                         |
|--|---|--|-------------------------|
| Location of Construction:<br>65 WINSLOW ST | Owner Name:<br>UNIVERSITY OF MAINE SYSTE    | Owner Address:<br>96 FALMOUTH ST                   | Phone:                  |
| Business Name:                             | Contractor Name:<br>WRIGHT RYAN CONSTRUCTIO | Contractor Address:<br>10 DANFORTH STREET Portland | Phone<br>(207) 773-3625 |
| Lessee/Buyer's Name                        | Phone:                                      | Permit Type:<br>Commercial                         |                         |

|  |  |
|--|--|
| Proposed Use:<br>Commercial / USM 4 story structure w/partial basement & mechanical penthouse (Bldg.#1) - Osher Life Long Learning Institute | Proposed Project Description:<br>4 Story structure w/ partial basement & mechanical penthouse ( Bldg. #1) - Osher Life Long Learning Institute |
|--|--|

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 02/15/2007**Note:**      **Ok to Issue:** ☒

- 1) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2) Separate permits shall be required for any new signage.
- 3) Separate permits shall be required for the building addition to to the library.

**Dept:** Building      **Status:** Pending      **Reviewer:**      **Approval Date:****Note:**      **Ok to Issue:** ☐**Dept:** Fire      **Status:** Open      **Reviewer:** Cptn Greg Cass      **Approval Date:****Note:** working with SFMO several issues      **Ok to Issue:** ☐**Dept:** Zoning      **Status:**      **Reviewer:** Marge Schmuckal      **Approval Date:****Note:**      **Ok to Issue:** ☐**Dept:** Fire      **Status:** Approved      **Reviewer:**      **Approval Date:****Note:**      **Ok to Issue:** ☐**Comments:**

2/12/2007-dmartin: Gave Fire the life safety plans and routed permit to zoning./dm

2/12/2007-dmartin: Entire project has been paid for. It is invoiced under Bldg. #1 application. 2nd bldg application forthcoming./dm

2/13/2007-mes: On 2/12/07 I spoke with Shukria about getting an approved site plan - she said that new plans were coming in that day and to wait - she will distribute plans to me when they come in.

2/15/2007-mes: Plans came in on 2/14/07 - this permit is only for the first building - Osher Life Long Learning Institute

**SITE PLAN/SUBDIVISION  
PERFORMANCE GUARANTEE  
ESCROW ACCOUNT NO. 2010072670**

**April 11, 2007**

**Lee D. Urban**  
**Planning and Development Department Director**  
**Planning Division**  
**City of Portland, 4<sup>th</sup> Floor**  
**389 Congress Street**  
**Portland, Maine 04101**

**Re: Application of University of Maine System for University Commons at 65 Winslow Street, Portland, Maine**

This Agreement is made as of this 10<sup>th</sup> day of April 2007, by and between the University of Maine System, the City of Portland, and Bangor Savings Bank.

Whereas, on March 13, 2007, the City of Portland granted final approval on the Major Site Plan for University Commons;

Whereas, the City of Portland requires a performance guarantee for the Plan; and

Whereas, the University of Maine System has agreed to provide such guarantee.

Now therefore, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

Bangor Savings Bank hereby certifies to the City of Portland that Bangor Savings Bank will hold the sum of **\$1,369,320.00** in an interest bearing escrow account established with the Bank. This account shall be in the name of the University of Maine System in an escrow account for the City of Portland and shall represent the estimated cost of installing site improvements as depicted on the Major Site Plan Application for **University Commons** dated August 2006, and last amended February 12, 2007, approved by the City of Portland Planning Board on March 13, 2007 as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

Upon the execution and delivery of this Agreement, the University of Maine System shall deliver an Escrow Payment in an amount equal to the Required Escrow Amount, namely \$1,369,320.00, to Bangor Savings Bank to be disbursed in accordance with the terms of this Escrow Agreement. The Escrow Agent shall deposit all Escrow Payments in an interest bearing account.

Bangor Savings Bank will hold these funds as escrow agent for the benefit of the City subject to the following:

The City, through its Director of Planning and Development and in his sole discretion, may draw against this Escrow Account by presentation of a draft together with his written certification that:

1. the Developer has failed to satisfactorily complete by April 16 2009 the work on the improvements contained within the Major Site Plan Application for University Commons dated August 2006 and Major Site Plan for University Commons Version Containing Traffic & Stormwater Appendix dated February 12, 2007, approved by the City of Portland Planning Board on March 13, 2007; 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 post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
4. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

It is a condition of this Escrow Account that it is deemed to be automatically extended without amendment for three period(s) of one year each from the current expiration date hereof unless within sixty (60) days prior to any expiration, Bangor Savings Bank notifies the City by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that Bangor Savings Bank elects to terminate this Escrow Account whereupon it shall pay over all amounts then in the Escrow Account to a successor escrow agent or otherwise as may be jointly designated in writing by the City and the University of Maine System.

As the underground work is completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Development or its Director of Finance may be requested by the University of Maine System as provided in Chapter 14 §501 of the Portland Code of Ordinances, to authorize,

by written certification, a reduction in the Required Escrow Amount. Upon approval of such request, the City, acting through its Director of Planning and Development or its Director of Finance, shall certify such approval in writing to Bangor Savings Bank. Upon receipt of such certification, Bangor Savings Bank shall pay to the University of Maine System from the Required Escrow Funds the amount of such reduction as set forth in the certification.

All costs associated with establishing, maintaining and disbursing funds from the Escrow Account shall be borne by **University of Maine System**. The University of Maine System will also be the sole beneficiary of any accrued interest the account may earn. The Escrow Agent shall pay over to the University of Maine System any and all accrued but unpaid interest [monthly][quarterly].

The duties of Bangor Savings Bank shall be determined only with reference to this Agreement and applicable laws and Bangor Savings Bank shall not be charged with knowledge of or any duties or responsibilities in connection with any other document or agreement. If in doubt as to its duties and responsibilities hereunder, Bangor Savings Bank may consult with counsel of its choice and shall be protected in any action taken or omitted with the advice or opinion of such counsel or otherwise in good faith.

The University of Maine System agrees to indemnify and hold Bangor Savings Bank harmless as to any liability incurred by it to any person by reason of any action taken by Bangor Savings Bank pursuant to this Agreement absent bad faith or intentional misconduct and to reimburse Bangor Savings Bank for all reasonable expenses, including without limitation, reasonable counsel fees and court costs, incurred by reason of its serving as escrow agent hereunder or by reason of actions taken by it in good faith pursuant to this Agreement. The indemnification provisions of this paragraph shall survive termination of this Agreement.

This Escrow Account expires on:

1. **April 16, 2009** or ninety days following Bangor Savings Bank's written notice of its expiration as detailed above; or
2. Bangor Savings Bank's receipt of written notification from the City of Portland that said work contained within the Major Site Plan Application for **University Commons** dated August 2006, last amended February 12, 2007, approved by the City of Portland Planning Board on **March 13, 2007** and as required by Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 has been completed in accordance with the City of Portland's specifications. Upon receipt of such notification by Bangor Savings Bank, it shall pay over any remaining funds to the University of Maine System whereupon the escrow account established hereby shall be closed and this Agreement shall terminate.



Very truly yours,

Bangor Savings Bank

By: [Signature]  
Its Daily Authorized Agent

University of Maine System:

By: [Signature]

Joanne Yestramski  
CFO and Treasurer  
University of Maine System

City of Portland:

By: [Signature]

Duane Kline  
Director of Finance  
City of Portland

*interim  
approval -  
Subject to original Confirmation  
& ratification by PL.  
Dok*

[Signature]  
DRC  
4/12/07