



Strengthening a Remarkable City, Building a Community for Life

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Finance Department
Duane G. Kline, Director

November 1, 2007

Four Sills, LLC
c/o Jill Keefe
5 Willow Street
Peaks Island, ME 04108

Re: Defect Guarantee for 13-15 Bryant Street
Escrow Account #710-0000-229-40-14


Enclosed please find a check for \$1,472.00, which the Planning Department has authorized me to release. This leaves a zero balance in the above-referenced account.

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

Sincerely,

Duane G. Kline
Finance Director

DGK:mma
Enclosure

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



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

TO: Duane Kline, Finance Department

FROM: Alexander Jaegerman, Planning Division Director


DATE: October 23, 2007

SUBJECT: Request for Release of Defect Guarantee
11 Bryant Street - Duplex
(ID# 2005-0183) (Lead CBL#0129 C 003)

Please release the Defect Guarantee, Account #710-0000-229-40-14 for the site improvements at 11 Bryant Street.

Remaining Balance \$ 1,472.00

Approved:


Alexander Jaegerman
Planning Division Director

cc: Philip DiPierro, Development Review Coordinator

Philip DiPierro - Re: Bryant St./Four Sills

From: Philip DiPierro
To: Keefe, Jill
Date: 10/23/2007 4:42 PM
Subject: Re: Bryant St./Four Sills

Jill,

Recently I re-inspected the property you developed on Bryant Street to ensure that my drainage concerns were adequately addressed. It appears that a drywell was constructed in place of the "concrete catch basin with iron grate" that was shown on the approved site plan. I was not able to locate an amended plan, assuming one was submitted and approved, nor was I able to locate any notes that documented the change. I'm assuming this was an acceptable field change.

Your point that several inspections took place during construction and that your performance guarantee was reduced to the defect guarantee, is well taken. Ordinarily the developer would be required to construct the site according to the approved site plan (in this case installing the catch basin), but since no drainage complaints have been received by either the neighbor or the new property owners', and since the drywell performs essentially the same function as the catch basin, I can now release your defect guarantee. I will process your release request immediately.

Please contact me if you have any questions and I appreciate your patience.

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

Phone 207 874-8632
Fax 207 756-8258

>>> "Jill Keefe" <jkeefe@maine.rr.com> 10/19/2007 12:39:57 PM >>>

Phil,

I never heard back from you regarding the return of our 10% defect bond currently held by the City for the property at 13-15 Bryant St..

Our understanding was that a bond was posted to ensure that we built and completed the project according to the plans we submitted and that were approved. The project was inspected at various stages and we were told that everything looked fine and, consequently, the bond was reduced in stages. Finally, it was reduced to the 10% that the City continues to hold. That amount was to be held for one year from completion as a "Defect" bond -that year expired in July. There have been no defects evident and neither the owners of the two units we constructed nor the abutters have reported any problems.

When I spoke to you about refunding the now expired bond, you went out to look at the property and then called to ask me where the pre-cast concrete yard drain was. I told you it was exactly where it is shown on the plan. You then said you needed to see it. I can't imagine why. Once it had been inspected, we were told by the city inspector that it could be covered

with sod after building up the sides with rocks and laying landscape fabric over the top. This was done in exactly the manner the inspector described. Why would our bond have been reduced if we had failed to follow the plans we submitted? When we last spoke you indicated that you had no records of inspections in the file. That seems incredible.

We no longer own the property; there have been no complaints about the property; the bond expired in July.

We would now appreciate the return of the 10% defect bond from the City.

Thank you,

Jill Keefe/ Mark Green
Four Sills, LLC
5 Willow St.
Peaks Island, ME 04108

Philip DiPierro - Four Sills, LLC

From: Jill Keefe <jill@portisland.com>
To: <pd@portlandmaine.gov>
Date: 8/27/2007 4:48 PM
Subject: Four Sills, LLC

Phil,

Maybe you remember straightening out the bond that we had to give the City this spring for property we own on Sheridan St. We needed to get back the letter of credit from Norway Savings & then we gave the City our check for \$1420.00. The period for the bond expired in July, so we'd like to get our money back. I was told you were the one to contact, so please let me know what/how we get the money returned. Parcel ID is 012 H013001; legal is 12-H-13.

I can be reached most easily on my cell - 207-749-2472.

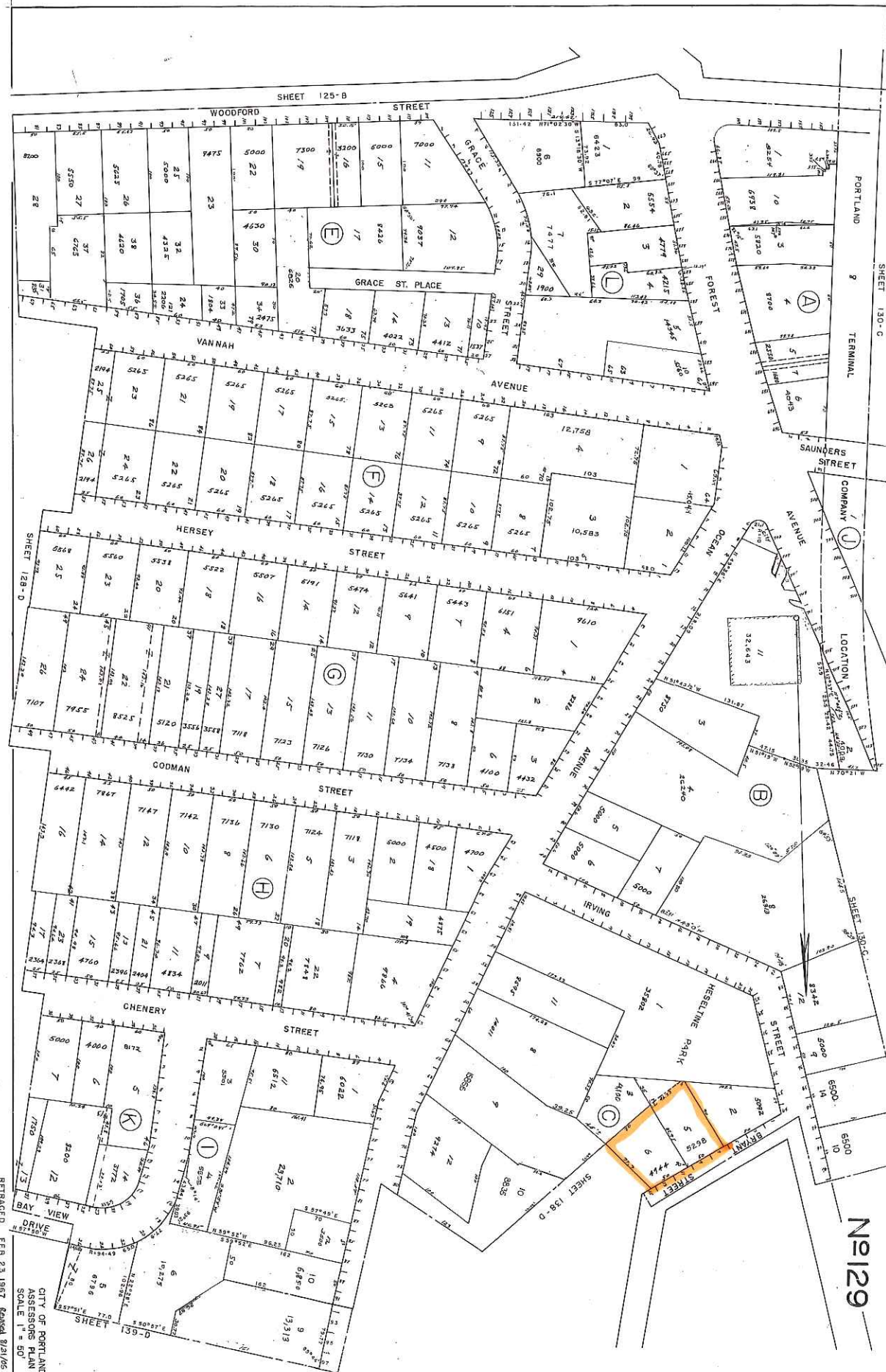
Thank you,

Jill Keefe
Four Sills, LLC

Jill Keefe
Port Island Realty
207-766-5966
207-749-2472 [cell]

AW
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W
E



№129

RETRACTED FEB. 23, 1967 (AMAL 92/195)
 CITY OF PORTLAND
 ASSESSORS PLAN
 SCALE 1" = 50'

TO: Inspections Department
FROM: Jay Reynolds, Development Review Coordinator
DATE: July 6, 2006
RE: C. of O. for #11 Bryant Street, Duplex
(Id#2005-0183)(CBL 129C003)

After visiting the site, I have the following comments:

Site work complete:

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

Cc: Sarah Hopkins, Development Review Services Manager
Mike Nugent, Inspection Services Manager
File: Urban Insight

File: O:\plan\drc\bryant11a.doc



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Finance Department
Duane G. Kline, Director

May 8, 2007

Norway Savings Bank
102 Exchange Street
Portland, ME 04101

Re: Four Sills, LLC – Condo Units at 11 Bryant Street
Letter of Credit No. 005-023 dated September 30, 2005

This is to inform you that I am authorizing the release of the above-named letter of credit by \$1,772.00, which now leaves a zero balance. Please find enclosed the original letter of credit for your files.

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

Sincerely,

Duane G. Kline
Finance Director

DGK:mma

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



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Planning and Development Department

Lee D. Urban, Director

Planning Division


Alexander Jaegerman, Director

TO: Duane Kline, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: May 2, 2007
SUBJECT: Request for Release of Defect Guarantee
11 Bryant Street - Duplex
(ID# 2005-0183) (Lead CBL#129 C003001)

Please release the Letter of Credit account #005-023 for the site improvements at 11 Bryant Street.

Remaining Balance \$ 1,772.00

Approved:


Alexander Jaegerman
Planning Division Director

cc: Philip DiPierro, Development Review Coordinator

TO: Duane Kline, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: July 6, 2006
SUBJECT: Request for Reduction of Performance Guarantee
11 Bryant Street, 2 unit condominium
(ID# 2005-0183) (Four Sills, LLC)

Please reduce the letter of credit #8040004098 for the 2 unit condominium at 11 Bryant Street.

Original Sum	\$ 17,720.00
<u>Reduction Amount</u>	<u>\$ 15,948.00</u>
Remaining Sum	\$ 1,772.00

This is the first reduction for this project.

Approved: _____
Alexander Jaegerman
Planning Division Director

cc: Sarah Hopkins, Development Review Services Manager
Jay Reynolds, Development Review Coordinator
File: Urban Insight

Appl. ID 2005-0183

Find

Property Lookup

Notices

Print Application

Charges

Invoicing

Taxes Due

Close

#Name?

#Name?

#Name?

18676

Appl. Date 08/05/2005

CBL 129 C003001

Appl. Status Completed

Project Duplex

Lot Nbr

Council District 0

Site Address 11 to 11 Bryant St

Subdivision

Address 2 Portland, Maine

Performance Guarantees

Not Yet Determined Required Not Required

- Accepted Date: 09/22/2005 Amount: \$17,720.00 Exp. Date: 12/15/2006
- Reduced Date: Amount: Name:
- Released Date: 07/06/2006 Name:
- Def. Guarantee Sub. Date: 07/06/2006 Amount: \$1,772.00 Exp. Date: 07/06/2007
- Def. Guarantee Rel. Date: Name:
- Inspection Fee Pd Date: 09/22/2005 Amount: \$294.40
- Infrastructure Fin. Cont. Date: Amount: Exp. Date:

Use Of Funds:

Create Date 08/15/2005

Created By Idobson

Last Updated 08/23/2005

Updated By jmy

**DEFECT GUARANTEE
with the City of Portland**

Application of Four Sills LLC [Applicant] for Bryant St. [Insert street/Project Name] at 13-15 Bryant St. [Address], Portland, Maine. 04103

The City of Portland (hereinafter the "City") will hold the sum of \$ 1472.00 [amount of performance guarantee] on behalf of Four Sills, LLC [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost to correct defects in the workmanship and the durability of all materials used in the construction of improvements and to complete any unfinished improvements as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a defect guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his sole discretion, may draw against this Escrow Account in the event that:

the Developer has not corrected, satisfactorily, any defects in work or unfinished improvements as noted above by July 2007 [date: 1 year from the date of issuance, but in no event between October 30 and April 15]; or

The City of Portland may draw on this guarantee, at its option, either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed ninety (90) days after the expiration of this commitment; provided that the Applicant will give the City written notice, by certified mail (restricted delivery to Duane Kline, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto. Otherwise, drafts may be submitted by the City of Portland no later than ninety (90) days following such notice, whenever given.

Seen and Agreed to: [Applicant]

By: Jeri Kline
for Four Sills, LLC.

FOUR SILLS LLC
37 WILLOW STREET
PEAKS ISLAND ME 04108

241

Date 4/21/07

52-7451/2112
18

Pay to the Order of City of Portland \$1472.00

Fourteen hundred seventy-two and 00/100 Dollars Signature Required



NORWAY, MAINE 04268

For Defel Quante

Jim Kelly

⑆21127451⑆ 801 0124644⑆ 0241

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

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date: 9/20/05

Name of Project: 11 BRYANT ST.
 Address/Location: 11 BRYANT ST.
 Developer: FOUR SILLS LLC
 Form of Performance Guarantee: LETTER OF CREDIT
 Type of Development: Subdivision _____ Site Plan (Major/Minor) ✓

TO BE FILLED OUT BY THE APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas				* 2-2CAR	1000	2,000 \$
Curbing						
Sidewalks						
Esplanades						
Monuments						
Street Lighting						
Street Opening Repairs						
Other						
2. EARTH WORK						
Cut						
Fill						
3. SANITARY SEWER						
Manholes						
Piping	* 100 ft	50/ft	5,000 \$			
Connections						
Main Line Piping						
House Sewer Service Piping						
Pump Stations						
Other						
4. WATER MAINS						
5. STORM DRAINAGE						
Manholes						
Catchbasins				* 1	650	650 \$
Piping				* 70 ft	25/ft	1,750 \$
Detention Basin						
Stormwater Quality Units						
Other						

6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL	_____	_____	_____	_____	_____	_____
Silt Fence	_____	_____	_____	* 80ft	4#/ft	320#
Check Dams	_____	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING	_____	_____	_____	* 1	5,000	5,000#
(Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	_____
10. MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	5,000 #	_____	_____	9,720 \$	_____
GRAND TOTAL:	_____	5,000 #	_____	_____	9,720 \$	_____

INSPECTION FEE (to be filled out by the City)

14,720 \$
 CTC 9-22-05
 J.R.

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
A: <u>2.0% of totals:</u>	<u>100.00</u>	<u>194.40</u>	<u>294.40</u>
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	<u>J.R.</u>
	(name)	(name)	



Norway Savings Bank

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11 Bryant St.?

11 Bryant St.
(Amendment to the
Letter of Credit)

June 12, 2006


Lee D. Urban
Planning and Development Department Director
Planning Division
City of Portland
389 Congress St., 4th Floor
Portland, ME 04101

RE: Revised Letter of Credit No. 005-023 to City of Portland to support the improvements to be covered by the Performance Guarantee

Gentlemen:

Upon receipt of this letter it is hereby agreed that the above-referenced Letter of Credit shall expire the earlier of December 15, 2006 or upon acceptance by the City of all improvements offered to the City, and/or upon receipt by the City of record drawings found satisfactory by the City.

Yours truly


Richard R. Flagg
Vice-President
Commercial Lending

CC: Jill Keefe
Four Sills, LLC

extended from 6-15-06



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PERFORMANCE GUARANTEE
REVISED LETTER OF CREDIT #005-023

September 20, 2005

Lee D. Urban
Planning and Development Department Director
Planning Division
City of Portland
389 Congress Street, 4th floor
Portland, ME 04101

Re: Application of Four Sills, LLC for Condo Units at 11 Bryant St., Portland, Maine

Dear Mr. Urban:

Norway Savings Bank issues its Irrevocable Letter of Credit for the account of Four Sills, LLC (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of Fourteen Thousand Seven Hundred Twenty and 00/100 Dollars (\$14,720.00). These funds represent the estimated cost of installing site improvements as depicted on the attached Exhibit.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65, to post a performance guarantee for the above-referenced development.

The City, through its Director of Planning and Development and in his sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at the Norway Savings Bank office located at 1200 Congress Street, Portland, Maine, stating that:

1. the Developer has failed to satisfactorily complete by June 15, 2006 the work on the improvements contained within the site plan approval outlined in the attached exhibit; 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 the event of Norway Savings Bank's dishonor of the City of Portland's sight draft, Norway Savings Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) working days of the dishonor.

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

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 hereof, or any future expiration date, unless within sixty (60) days prior to any expiration, Norway Savings Bank notifies the City by certified mail (restricted delivery to the Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that Norway Savings Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by the original Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Development, at the Norway Savings Bank office located at 1200 Congress Street, Portland, Maine stating that:

1. this drawing results from notification that Norway Savings Bank has elected not to renew its Letter of Credit No. 005-023; or
2. the Developer has failed to satisfactorily complete by June 15, 2006 the work on the improvements contained in the attached Exhibit; or
3. 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

4. the Developer has failed to post the ten percent (10%) Defect Guarantee required by Portland Code of Ordinances Chapter 14 §§501 and 525; or
5. the Developer has failed to notify the City for inspections.

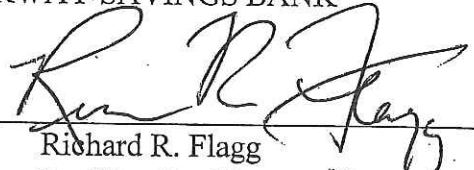
This Letter of Credit will automatically expire upon the earlier of:

1. Norway Savings Bank's receipt of written notification from the City of Portland that said work contained within the site plan approval 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 and Norway Savings Bank's Letter of Credit No. 005-023 may be canceled; or
2. the expiration date of June 15, 2006 or any automatically extended date as specified herein.

Very truly yours,

NORWAY SAVINGS BANK

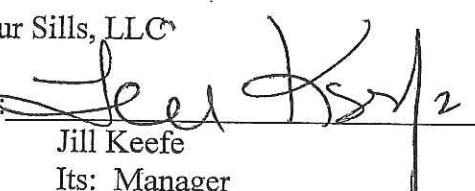
By:


Richard R. Flagg
Its: Vice President

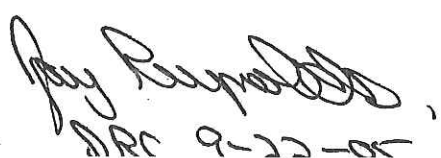
Seen and Agreed to:

Four Sills, LLC

By:


Jill Keefe
Its: Manager




ARC 9-22-05



Norway Savings Bank

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www.norwaysavingsbank.com

February 9, 2007

Lee D. Urban
Planning and Development Department Director
Planning Division
City of Portland
389 Congress St., 4th Floor
Portland, ME 04101

RE: Letter of Credit No. 005-023 to City of Portland to support the improvements to be covered by the Performance Guarantee

Gentlemen:

We, Norway Savings Bank, hereby request the return of the original Letter of Credit #005-023 dated September 20, 2005. Said Letter of Credit expired on December 15, 2006 and we believe all performances have been met and are satisfactory by the City.

Yours truly

Richard R. Flagg
Vice-President
Commercial Lending

CC: Jill Keefe
Four Sills, LLC