

189-A-1
1236 Congress St.
Storage Bld.
The Paint Pot

2000-0179

on Spreadsheet

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

20000179

I. D. Number

The Paint Pot

Applicant
1236 Congress St, Portland, ME 04103
Applicant's Mailing Address
Daniel Fitzgerald
Consultant/Agent
772-2371 **772-8937**
Applicant or Agent Daytime Telephone, Fax

9/22/00

Application Date

The Paint Pot

Project Name/Description

1236 Congress St, Portland, Maine 04103

Address of Proposed Site

189 A001

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential
 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **Storage also**
995sf **10,137** **B2**
Proposed Building square Feet or # of Units Acreage of Site Zoning

Check Review Required:

Site Plan (major/minor) Subdivision # of lots _____ PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other _____

Fees Paid: Site Plan **\$300.00** Subdivision _____ Engineer Review **\$100.00** Date: **9/22/00**

DRC Approval Status:

Reviewer steve

Approved Approved w/Conditions see attache Denied

Approval Date 10/25/00 Approval Expiration 10/25/00 Extension to _____ Additional Sheets Attached

Condition Compliance steve 10/29/00
signature date

Performance Guarantee

Required*

Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	<u>10/30/00</u> date	<u>\$8,712.00</u> amount	<u>10/29/01</u> expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	<u>10/30/00</u> date	<u>\$300.00</u> amount	
<input checked="" type="checkbox"/> Building Permit	<u>11/1/00</u> date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
<input type="checkbox"/> Temporary Certificate Of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM**

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189 A001

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 Office Retail Manufacturing Warehouse/Distribution Parking Lot Other (specify) **Storage also**

995sf 10,137 B2
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Check Review Required:

- Site Plan (major/minor) Subdivision # of lots PAD Review 14-403 Streets Review
 Flood Hazard Shoreland Historic Preservation DEP Local Certification
 Zoning Conditional Use (ZBA/PB) Zoning Variance Other

Fees Paid: Site Plan \$300.00 Subdivisio _____ Engineer Review \$100.00 Date 9/22/00

Planning Approval Status:

Reviewer sarah

- Approved Approved w/Conditions See Attached Denied

Approval Date 10/25/00 Approval Expiration 10/25/01 Extension to _____ Additional Sheets Attached

OK to Issue Building Permi sarah 10/29/00
 signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input checked="" type="checkbox"/> Performance Guarantee Accepted	10/30/00 date	\$8,712.00 amount	10/29/01 expiration date
<input checked="" type="checkbox"/> Inspection Fee Paid	10/30/00 date	\$300.00 amount	
<input checked="" type="checkbox"/> Building Permit Issue	11/1/00 date		
<input type="checkbox"/> Performance Guarantee Reduced	_____ date	_____ remaining balance	_____ signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____ date	<input type="checkbox"/> Conditions (See Attached)	
<input type="checkbox"/> Final Inspection	_____ date	_____ signature	
<input type="checkbox"/> Certificate Of Occupancy	_____ date		
<input type="checkbox"/> Performance Guarantee Released	_____ date	_____ signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____ submitted date	_____ amount	_____ expiration date
<input type="checkbox"/> Defect Guarantee Released	_____ date	_____ signature	

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning


John N. Lufkin
Economic Development

TO: Duane Kline, Finance Department
FROM: Alexander Jaegerman, Planning Division Director
DATE: March 21, 2003
SUBJECT: Request for Release of Performance Guarantee
The Paint Pot 1236 Congress Street
ID# (2000-0179) Lead CBL# (189-A-001)
(R & F, LLC)

Please release the Letter of Credit # 65640-862 for the Paint Pot at 1236 Congress Street.

Current Balance \$ 8,712.00

Approved:


Alexander Jaegerman
Planning Division Director

cc: Sarah Hopkins, Development Review Services Manager
Jay Reynolds, Development Review Coordinator
Todd Merkle, Public Works
Code Enforcement
File

O:\PLAN\CORRESP\DRC\PERFORM\PAINTPOT1.DOC

Peoples Heritage Bank, N.A.

One Portland Square
P.O. Box 9540
Portland, ME 04112-9540

800-462-3666
Tel: 207-761-8500

IRREVOCABLE LETTER OF CREDIT #65640-862

October 31, 2000



Joseph E. Gray, Jr., Director
Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

RE: R & F, LLC, 1236 Congress Street, Portland, Maine

Dear Mr. Gray:

Peoples Heritage Bank, N.A. hereby issues its Irrevocable Letter of Credit for the account of R & F, LLC, (the "Company"), as developer, hereinafter referred to as "The Developer", in favor of the City of Portland in the aggregate amount of \$8,712.00.

The City, through its Director of Planning and Urban Development, may draw on this Letter of Credit by presentation of a sight draft and the original Letter of Credit and all amendments thereto, at Peoples Heritage Bank, N.A.'s offices located at One Portland Square, 3rd Floor, Portland, Maine stating that:

- (1) the Developer has failed to complete by October 31, 2001 or by the expiration date of any temporary certificate of occupancy issued, whichever date comes first, at the Developer's expense, the work on the roads and other public improvements as set forth in a certain Schedule of Costs of Public Improvements dated 10/27/00; or
- (2) the Developer has failed to post the ten percent (10%) Defect Bond or Guarantee required by the Portland City Code sections 14-501 and 14-525; or
- (3) the Developer has failed to notify the City for inspections.

In the event of Peoples Heritage Bank, N.A. dishonor of the City of Portland's sight draft, Peoples Heritage Bank, N.A. shall inform the City of Portland in writing of the reason or reasons therefor within three (3) working days of the dishonor.

After all underground work in the public right of way has been completed and inspected to the satisfaction of the Department of Public Works, 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

Joseph E. Gray, Jr.
1236 Congress Street
October 31, 2000
Page 2

Development or the City of Portland Director of Finance as provided in section 14-501 of the Portland City Code may authorize Peoples Heritage Bank, N.A., by written certification, to reduce the available amount of this 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 date hereof, or any future expiration date, unless at least sixty (60) days prior to any expiration date, Peoples Heritage Bank, N.A. notifies the Director of Planning and Urban Development by registered mail at the above listed address that Peoples Heritage Bank, N.A. elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City 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 Urban Development reading as follows:

This drawing results from notification that Peoples Heritage Bank has elected not to renew its Letter of Credit No. 65640-862; or

This drawing results from the Developer's failure to timely complete to the satisfaction of the City the public improvements set forth in a certain Schedule of Costs of Public Improvements dated 10/27/00; or

This drawing results from the Developer's failure to post a ten percent (10%) Defect Guarantee or Bond as provided in 14-501 of the Portland City Code; or

This drawing results from the Developer's failure to notify the City for inspections.

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

1. Peoples Heritage Bank, N.A.'s receipt of a written notification from the City of Portland that said work as outline in a certain Schedule of Costs of Public Improvements dated 10/27/00 between the Developer and the City of Portland has been completed in accordance with the City of Portland specifications and Peoples Heritage Bank, N.A. Letter of Credit No. 65640-862 may be canceled; or
2. The expiration date of October 31, 2001 or any automatically extended as specified herein.

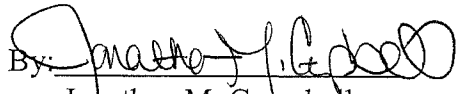
Partial drawings are permitted.

Joseph E. Gray, Jr.
1236 Congress Street
October 31, 2000
Page 3

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored if presented at our offices at One Portland Square, Portland, Maine 04112 on or before October 31, 2001 or any automatically extended date as specified herein.

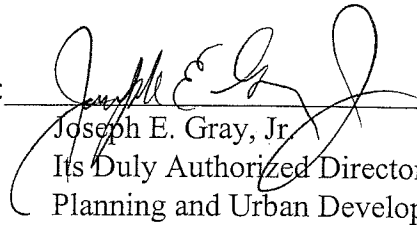
Very truly yours,

Peoples Heritage Bank, N.A.


By: 
Jonathan M. Campbell
Its Duly Authorized Commercial Loan Officer

The City of Portland has accepted the providing of alternative security for the Developer's obligations to be performed pursuant to Section 14-501 and/or Section 14-525 of the Portland City Code.

Dated: 11/4/00

By: 
Joseph E. Gray, Jr.
Its Duly Authorized Director of
Planning and Urban Development

Seen and Agreed to: R & F, LLC

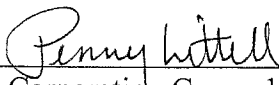
By: 
Its Member

Date: 10-31-00

Reviewed pursuant to section 14-501 and/or Section 14-525, Portland City Code

By: _____
Director of Finance

Date: _____

By: 
Corporation Counsel

Date: 11-6-00

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date 10/27/00

Name of Project PAINT POT Addition

Address/Location 1236 Congress St. Portland

Developer FITZGERALD & REYNOLD, INC.

Form of Performance Guarantee _____

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

TO BE FILLED OUT BY APPLICANT:

ITEM	PRIVATE		
	Quantity	Unit Cost	Subtotal
STREET/SIDEWALK			
Road			
Granite Curbing			
Sidewalks			
Esplanades			
Monuments			
Street Lighting			
Other <u>PRIVING LOT</u>			<u>2500.</u>
SANITARY SEWER			
Manholes			
Piping			
Connections			
Other			
STORM DRAINAGE			
Manholes			
Catchbasins	<u>1</u>	<u>5000.</u>	<u>5000.</u>
Piping			
Detention Basin			
Other			
SITE LIGHTING			
	<u>2</u>	<u>100.</u>	<u>100.</u>
EROSION CONTROL			
RECREATION AND OPEN SPACE AMENITIES			

JOHN CAMIBER

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				<u>LIST ATTACHED</u>		<u>1112.00</u>
MISCELLANEOUS						
TOTAL:				<u>8712.</u>		
GRAND TOTAL:				<u>8712.</u>		

SPECTION FEE (to be filled out by City)

	PUBLIC	PRIVATE	TOTAL
1.7% of totals:			
or			
Alternative Assessment:			
Assessed by:	(name)	(name)	

LANDSCAPING MATERIALS

16-	15"-18"	JUNIPERS	22.	352.
1-	2 1/2'-3'	GREEN Ash	70.	70.
11-	2-2 1/2'	BURNING Bush	40.	440.
		BARK MULCH	250.	250.
				<u>1112.⁰⁰</u>

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	<u>LIST ATTACHED</u>		<u>1112.00</u>
MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	_____	_____	<u>8712.</u>	_____	_____
GRAND TOTAL:	_____	_____	_____	<u>8712.</u>	_____	_____

INSPECTION FEE (to be filled out by City)

	<u>PUBLIC</u>	<u>PRIVATE</u>	<u>TOTAL</u>
1.7% of totals:	_____	_____	_____
or			
Alternative Assessment:	_____	_____	_____
Processed by:	_____ (name)	_____ (name)	_____

LANDSCAPING MATERIALS

16-	15"-18" JUNIPERS	22.	352.
1-	2½-3' GREEN ASH	70.	70.
11-	2-2½' BURNING BUSH	40.	440.
	BARK MULCH	250.	250.
			<hr/>
			1112. ⁰⁰

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins " <SH@ci.portland.me.us>
Date: Tue, Oct 24, 2000 5:12 PM
Subject: Re: paint pot

I'm OK with the Paint Pot. Fees were on the order of \$100. Will be getting you a punchlist for redlon on Weds.

Steve

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

From: Sarah Hopkins <SH@ci.portland.me.us>
To: srbushey@maine.rr.com <srbushey@maine.rr.com>
Date: Thursday, October 19, 2000 4:15 PM
Subject: paint pot

Steve,

Are you ok on the Paint Pot site plan at 1236 Congress Street? I'm getting ready to sign off. What are your engineering fees for it?

Also, we need a final inspection on Redlon Road with a detailed punch list of unfinished items. Their bond expires in 3 weeks and we may have to pull it.

Any progress on Rand Road?

-Sarah

From: Anthony Lombardo
To: Sarah Hopkins
Date: Wed, Oct 25, 2000 6:33 AM
Subject: Re: paint pot

I've been dealing with this applicant and his plan for quite a while prior to his actual application.

4 hours @ \$35/hr = \$140

>>> Sarah Hopkins 10/24 4:36 PM >>>
Any engineering fees on the Paint Pot?
-s

514

The Paint Pot

Inst. Fee 300.00 (Planning)

Org. Fee 135.00 (Planning)

140.00 (PWS)

FITZGERALD & RAYMOND, INC.
 d/b/a THE PAINT POT
 1236 CONGRESS STREET
 PORTLAND, MAINE 04102
 (207) 772-2371

DATE	INVOICE	AMOUNT

3211

52-7445
2112

CHECK AMOUNT

PAY *Five Hundred Seventyfive and no/100*

DATE *10/31/00*

TO THE ORDER OF *City of Portland*

DESCRIPTION

CHECK NO. *3211*

DOLLARS \$ *575.00*

Security features included: ink, includes on back

PEOPLES HERITAGE BANK
PORTLAND, ME

William D. Guy, Jr.

⑆00321⑆ ⑆211274450⑆ 0290 97046⑆

453518-05-00



THE PAINT POT

1236 Congress Street
 Portland, Maine 04102
 Telephone (207) 772-2371
 Fax: (207) 772-8937

painter supplies
 wallcoverings

FAX COVER SHEET

TO: Jay Reynolds / City of Portland

FROM: R+FLC

RE: PERFORMANCE GUARANTEE

DATE: 3/²¹~~2~~/03

TIME: 8:40

NO. OF PAGES (NOT INCLUDING COVER): 3

MESSAGE:

PERFORMANCE GUARANTEE
with the City of Portland

Developer's Tax Identification Number: 01-0499215

Developer's Name and Mailing Address: R+F LLC

1236 Congress St

Portland ME 04102

City Account Number: ¹ _____

Treasurer's Report of Receipts Number: ¹ _____

Project Job Number: ¹ _____
(from Site Plan Application form)

Application of R+F LLC [Applicant] for EXT SITE IMPROVEMENTS [Insert street/Project Name] at 1236 Congress St [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ 1337.00 [amount of performance guarantee] on behalf of R+F LLC [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing List Attached [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on 10/25/2000 [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

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

1. the Developer has failed to satisfactorily complete by 7/1/03 [date: within two years] the work on the improvements contained within the List Attached [insert: subdivision and/ or site improvements (as applicable)] approval, dated 7/1/03 [insert date]; 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.

The Director of Planning and Development may draw on this guarantee, at his 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.

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 the City to reduce the available amount of the escrowed money by a specified amount.

This Esrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Development that said work contained within the List Attached [insert: subdivision and/ or site improvements as applicable] 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; or
2. the expiration date of 7/1/03 [date may not fall between October 30 and April 15] or any automatically extended date as specified herein.

Seen and Agreed to: [Applicant]

By: 

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

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.

Move Dumpster to Permit Location	40.00
INSTALL DUMPSTER SCREEN	100.00
INSTALL HANDICAP + RIGHT TURN ONLY SIGNS	35.00
STRIPED PARKING LOT	50.00
Complete Landscaping + Mulch Beds As per ORIGINAL PLAN.	1112.00
	<hr/>
	<u>1337.00</u>



THE PAINT POT

1236 Congress Street
 Portland, Maine 04102
 Telephone (207) 772-2371
 Fax: (207) 772-8937

painter supplies
 wallcoverings

*Jay
 has completed
 original 3-21-03*

FAX COVER SHEET

TO: Jay Reynolds / City of Portland

FROM: R+FLC

RE: PERFORMANCE GUARANTEE

DATE: 3/19/03

TIME: 1:40

NO. OF PAGES (NOT INCLUDING COVER): 3

MESSAGE:

PERFORMANCE GUARANTEE with the City of Portland

Developer's Tax Identification Number: 01-0499215

Developer's Name and Mailing Address: R+F LLC
1236 Congress St
Portland ME 04102

City Account Number: _____

Treasurer's Report of Receipts Number: _____

Project Job Number: _____
(from Site Plan Application form)

Application of R+F LLC [Applicant] for _____ [Insert street/Project Name] at 1236 Congress St [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ _____ [amount of performance guarantee] on behalf of R+F LLC [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing List Attached [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on 10/25/2001 [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

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1. the Developer has failed to satisfactorily complete by 7/1/03 [date: within two years] the work on the improvements contained within the _____ [insert: subdivision and/ or site improvements (as applicable)] approval, dated _____ [insert date]; 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
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1. the written notification from Portland's Director of Planning and Development that said work contained within the _____ [insert: subdivision and/ or site improvements as applicable] 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; or
2. the expiration date of _____ [date may not fall between October 30 and April 15] or any automatically extended date as specified herein.

Seen and Agreed to: [Applicant]

By: 

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

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4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.

Move Dumpster to Permit Location	40.00
INSTALL DUMPSTER SCREENS	100.00
INSTALL HANDICAP + RIGHT TURN ONLY SIGNS	35.00
STRIPED PARKING LOT	50.00
COMPLETE LANDSCAPING + MULCH BEDS AS PER ORIGINAL PLAN.	1112.00
	<hr/>
	<u>1337.00</u>

Move Dumpster to Permit Location	40.00
INSTALL DUMPSTER SCREEN	100.00
INSTALL HANDICAP + RIGHT TURN ONLY SIGNS	35.00
STRIPED PARKING LOT	50.00
Complete Landscaping + Mulch Beds As per ORIGINAL PLAN.	1112.00
	<hr/>
	1337.00

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: 01-0499215

Developer's Name and Mailing Address: R+F LLC

1236 Congress St

Portland ME 04102

City Account Number: ¹ _____

Treasurer's Report of Receipts Number: ¹ _____

Project Job Number: ¹ _____
(from Site Plan Application form)

Application of R+F LLC [Applicant] for _____ [Insert
street/Project Name] at 1236 Congress St [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ _____ [amount of
performance guarantee] on behalf of R+F LLC [Applicant] in a non-
interest bearing account established with the City. This account shall represent the estimated
cost of installing LIST ATTACHED [insert: subdivision and/ or site improvements
(as applicable)] as depicted on the subdivision/site plan, approved on 10/25/2000 [date] 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
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referenced development.

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

1. the Developer has failed to satisfactorily complete by 7/1/03 [date: within
two years] the work on the improvements contained within the
_____ [insert: subdivision and/ or site improvements (as
applicable)] approval, dated _____ [insert date]; 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.

The Director of Planning and Development may draw on this guarantee, at his 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.

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 the City to reduce the available amount of the escrowed money by a specified amount.

This Escrow will automatically expire upon the earlier of:

1. the written notification from Portland's Director of Planning and Development that said work contained within the _____ [**insert: subdivision and/ or site improvements as applicable**] 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; or
2. the expiration date of _____ [**date may not fall between October 30 and April 15**] or any automatically extended date as specified herein.

Seen and Agreed to: [**Applicant**]

By: _____

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

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Paul Colpitts, ext. 8665.
3. The Agreement will be executed with one original and one copy.
4. The original and copy, each signed by the Developer, will be delivered to the Finance Office, together with a copy of the Report of Receipts form.
5. The Director of Finance will sign the copies, retain the original for their files and deliver the other signed copy to the Planning Office.

Move Dumpster to Permitted Location -	.00
Install Dumpster Screens	100.
Install Handicap & Right Turn Only Signs	00.
Stripe Parking Lot	50.
Complete Landscaping + Mulch Beds As in Original Plan.	1112.00
	<hr/>
	1262.00

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

John N. Lufkin
Economic Development

February 13, 2003

Mr. Daniel Fitzgerald
The Paint Pot
1236 Congress Street
Portland, Maine 04103

Subject: The Paint Pot (ID # 2000-0179)(CBL# 189-A-001)

Dear Mr. Fitzgerald:

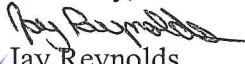
Upon request to release your performance guarantee by your bank, a site inspection was done yesterday to verify that all site improvements have been made in conjunction with your site plan approval. Upon inspection, a number of variations were noticed along with some incomplete site improvements: The following items were observed:

1. Dumpster screening not installed.
2. Dumpster in different location.
3. Areas of curbing not installed.
4. Landscaping and mulch beds not installed.
5. Signage not installed.
6. Parking spaces/stripping not installed according to plan.

Please respond to this letter at your earliest convenience. I would like to set up a meeting to discuss the completion of your project and what steps will be necessary to do so. I can be reached at (207) 874-8632.


Thank You for Your Time.

Sincerely,


✓ Jay Reynolds

Development Review Coordinator

TO: Sam Hoffses, Chief Building Inspector
Inspections

FROM: Jay Reynolds, Development Review Coordinator 

DATE: August 24, 2001

RE: C.O. inspection for #1236 Congress Street / The Paint Pot
(CBL 189-A-001) (ID# 2000-0179)

After visiting the site, I have the following comments:

All work complete except landscaping and pavement overlay. Work to be done in coordination with city/state widening of Congress Street at a later date.

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

Please contact me if you have any questions or comments.
Thank You.

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

File: O:\drc\paintpot1.doc

**CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
ADDENDUM**

20000179

I. D. Number

The Paint Pot

Applicant

1236 Congress St, Portland, ME 04103

Applicant's Mailing Address

Daniel Fitzgerald

Consultant/Agent

772-2371 772-8937

Applicant or Agent Daytime Telephone, Fax

9/22/00

Application Date

The Paint Pot

Project Name/Description

1236 Congress St, Portland, Maine 04103

Address of Proposed Site

189 A001

Assessor's Reference: Chart-Block-Lot

DRC Conditions of Approval

Planning Conditions of Approval

Inspections Conditions of Approval

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.

Fire Conditions of Approval

LICENSE

AUG 24 2000

This is a License Agreement between Olympia Equity Investors I, L.P. ("Grantor"), a limited partnership with a place of business in Bangor, Penobscot County, Maine and R & F, LLC ("Grantee"), a Maine limited liability company with a place of business in Portland, Cumberland County, Maine whereby Grantor grants Grantee the right and privilege to use and temporarily occupy a portion of its property during the construction of an addition to the building presently located on Grantee's property at 1236 Congress Street, Portland, Maine upon the following terms and conditions:

1. Area of License. Subject to the terms of this agreement, Grantee is hereby authorized to use that portion of Grantor's property which lies within 80' of Grantee's property for the accommodation of construction equipment, materials and excavated earth.
2. Term. This License shall terminate on the earliest of the following:
 - (i) the written request of Prudential Mortgage Capital Funding, LLC (the "Lender") holder of a mortgage granted by Olympia Equity Investors I, L.P. to Prudential Mortgage Capital Company, LLC dated June 11, 1998 recorded in Book 13892, Page 67 of the Cumberland County Registry of Deeds and subsequently assigned to Prudential Mortgage Capital Funding, LLC by Assignment recorded in Book 14570, Page 22 of the Cumberland County Registry of Deeds;
 - (ii) the issuance of a Certificate of Occupancy covering the addition to be constructed; or
 - (iii) June 1, 2001.
3. Obligations of Grantee. Promptly upon the termination of this License, Grantee shall cause the property subject to this License to be repaired and restored to a condition fully equal to that existing immediately prior to the date of this License.
4. Indemnification. Grantee for itself, its successors, assigns, agents and invitees shall indemnify and hold Grantor, its successors, assigns, agents and invitees harmless against any claim for injury to person or property which occurs as a result of Grantee's use of Grantor's property pursuant to this Agreement. Additionally, Grantee shall reimburse Grantor against all legal costs and charges, including reasonable attorneys' fees, incurred in enforcing any obligation or covenant of Grantee contained in this License.
5. Governing Law. This Agreement shall be governed by the laws of the State of Maine.
6. Binding Effect. This instrument and the covenants and agreements contained in this instrument shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties.
7. Limitations on Use of License. In no event shall Grantee have the right to use or occupy any portion of Grantor's premises in such a way as to
 - (i) limit the ability of Grantor's customers to access Grantor's property through the established entrances on Congress Street and Sewall Street; or
 - (ii) block or occupy any entrance, right of way or parking area normally used by customers of Grantor

IN WITNESS WHEREOF, the parties hereto have executed this License this 23rd day of August, 2000.

WITNESS:

George F. Eaton

[Signature]

OLYMPIA EQUITY INVESTORS I, L.P

By: Erin Management Group, its general partner

By: [Signature]
Kevin P. Mahaney, President

R & F, LLC

By: [Signature]
Daniel J. Fitzgerald, Member

8-15-00

ACKNOWLEDGMENT

STATE OF MAINE
PENOBSCOT, ss.

August 23, 2000

Personally appeared the above named, Kevin P. Mahaney, in his capacity as President of Erin Management Group, acting in its capacity as General Partner of Olympia Equity Investors I, L.P. and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of Olympia Equity Investors I, L.P.

Before me, George F. Eaton
Notary Public-Attorney at Law

Printed Name: GEORGE F. EATON

ACKNOWLEDGMENT

STATE OF MAINE
CUMBERLAND, ss.

8/15, 2000

Personally appeared the above named, Daniel J. Fitzgerald, Member of R & F, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of R & F, LLC.

Before me, [Signature]
Notary Public-Attorney at Law

Printed Name: Peter G. Cary

125963-1

From: "Steve Bushey" <srbushey@maine.rr.com>
To: "Sarah Hopkins " <SH@ci.portland.me.us>
Date: Tue, Oct 24, 2000 5:12 PM
Subject: Re: paint pot

I'm OK with the Paint Pot. Fees were on the order of \$100. Will be getting you a punchlist for redlon on Weds.

Steve

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

From: Sarah Hopkins <SH@ci.portland.me.us>
To: srbushey@maine.rr.com <srbushey@maine.rr.com>
Date: Thursday, October 19, 2000 4:15 PM
Subject: paint pot

Steve,

Are you ok on the Paint Pot site plan at 1236 Congress Street? I'm getting ready to sign off. What are your engineering fees for it?

Also, we need a final inspection on Redlon Road with a detailed punch list of unfinished items. Their bond expires in 3 weeks and we may have to pull it.

Any progress on Rand Road?

-Sarah

From: Anthony Lombardo
To: Sarah Hopkins
Date: Wed, Oct 25, 2000 6:33 AM
Subject: Re: paint pot

I've been dealing with this applicant and his plan for quite a while prior to his actual application.

4 hours @ \$35/hr = \$140

>>> Sarah Hopkins 10/24 4:36 PM >>>
Any engineering fees on the Paint Pot?
-s



CITY OF PORTLAND

October 5, 2000

Dan Fitzgerald
The Paint Pot
1236 Congress St.
Portland, ME 04103

Re: Building Addition

Dear Mr. Fitzgerald:

Thank you for submitting your site plan application.

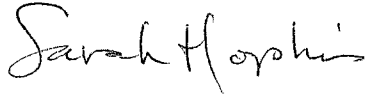
Staff from the Inspections, Legal, Parks, Public Works, Traffic, and Planning Departments have reviewed the application and offer the following comments:

- The City Arborist has suggested the addition of two trees to the site, as well as foundation plantings along the front of the building addition. Mr. Tarling specified a 2 1/2 caliper salt-tolerant tree, but left the selection up to you. A marked up plan is attached.
- The Traffic Engineer approved the plan.
- Please show permission to work on the abutting property. The plan indicates grading along the Olympia Equity side yard.
- The dumpster must be enclosed and screened from view. Please submit a revised detail indicating such an enclosure.
- A sign permit will be needed for any proposed site signage. This sign review can be done with your building permit.
- I am waiting for review comments from our engineers regarding the stormwater management plans for the site.

We expect to approve this plan once it is revised. Please submit seven sets of revised plans to the Planning Office at your convenience.

Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Sarah Hopkins".

Sarah Hopkins
Development Review Services Manager

cc.: Penny Littell, Associate Corporation Counsel
Jeff Tarling, Arborist
Larry Ash, Traffic Engineer
Tony Lombardo, Public Works
Steve Bushey, DRC

5. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator (who is located at DeLuca Hoffman at 775-1121) must be notified five (5) working days prior to date required for final site inspection. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact the Planning Staff.

Sincerely,



Joseph E. Gray, Jr.
Director of Planning and Urban Development

cc: Alexander Jaegerman, Chief Planner
— Sarah Hopkins, Senior Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Nancy Knauber, Associate Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File