



Jeff Levine, AICP  
Director, Planning & Urban Development Department

Jed Troubh and Chris Thompson  
Thompson's Point Development Company  
501 Danforth Street, Portland, ME 04102

October 21, 2015

**Re: Request for Ability to Partially Occupy "Brick North" Building**

Dear Mssrs. Troubh and Thompson:

This letter is in response to a request from you to allow occupancy of a portion of the so-called "Brick North" building as part of the Thompson's Point project in advance of the completion of site work. That site work was part of the approval for the Level III Site Plan and Subdivision for Phase IA dated 12/4/14 (attached,) which in turn was an amendment to an earlier Phase IA approval dated 12/17/13 (also attached.) Currently you are in the process of getting a new approval for a portion of the site as part of your approved Master Development Plan for the entire site. Specifically, you are requesting that a tenant called "Color Me Mine" be able to occupy space you have leased to them under a Temporary Certificate of Occupancy.

**Performance Guarantee Analysis**

According to our records, we have approximately \$450,000 in a performance guarantee for the site. That amount was calculated based on a total site work estimate of \$1,076,000 estimated by Shaw Brothers on 12/18/14 (attached.) Given the expectation at the time that the balance would be completed as part of a federal Economic Development Agency (EDA) grant, we accepted the reduced guarantee. In addition, the City holds approximately \$300,000 in funds from your development team as match for the EDA funds. We currently therefore hold the equivalent of about \$750,000 in guarantee funds.

The site improvement estimate of \$1,076,000 included some improvements in the area next to Brick North that most directly relate to the occupancy of this space. While the final plan for this area has changed, you have indicated that you have a contract with Shaw Brothers for about \$225,000 worth of work on this area as part of a larger \$360,000 project for which you provided me a bid estimate. In addition, we now expect the EDA grant to cover about \$250,000 worth of roadway work on the site.

You have also shown information from Shaw Brothers indicating that about \$173,000 in site work has been completed as part of the original \$1,076,000.

In summary, we have the following in guarantees for improvement on this site:

\$450,000	Performance Guarantee
\$250,000	EDA funds
\$300,000	<u>EDA match from Thompson's Point Development Company</u>
<b>\$950,000</b>	<b>TOTAL</b>

And the following work completed or with contracts in place:

\$173,000	Completed sewer and gas work
\$225,000	<u>Pending Shaw Brothers contract</u>
<b>\$428,000</b>	<b>TOTAL</b>

While the work planned as part of the current Brick North project exceeds the scope of the original \$1,075,000, I am confident that we have adequate security on the full amount at this time. Though our normal practice is to require completion of all the work prior to a Certificate of Occupancy, given extenuating circumstances and the outstanding performance funds, I am willing to authorize a Temporary Certificate of Occupancy for this use at this time.

However, this will be with the understanding that significant site work will take place before the next Certificate of Occupancy is sought for any additional uses on the site. The current condition is not appropriate for significant activity.

#### Conditions of Approval

In order to allow a Temporary Certificate of Occupancy, the following conditions need to be met. These conditions are designed to ensure that all site work will be completed prior to significant additional activity:

1. There remains a need for pedestrians to safely access the site from the current end of Thompson's Point Road. Please submit a plan for interim pedestrian access to the site that ensures public safety within the next ten working days.
2. Provide a copy of your signed contract with Shaw Brothers that includes the \$225,000 in Brick North site work, along with an estimated time table for that work.
3. No future Certificates of Occupancy will be sought until significant site work, consistent with the most recent approved plan, is completed. We will also require that the Performance Guarantee for the site include the full estimated cost of work plus the required 2.0% inspection fee.

We remain excited about the activity on Thompson's Point and will continue to work with you as the site builds out. In recognition of the conditions listed above, please return a signed copy of this letter to my attention.

Sincerely,



Jeff Levine

Agreed to on behalf of Thompson's Point Development Company:

_____	_____	_____
Sign	Print Name	Date

Enc.    Original Performance Guarantee Estimate  
          Statement of Sewer/Gas Work Completed  
          Shaw Brothers Bid Specifications for Current Brick North Work  
          Site Plan Approval Letter for Phase IA and Amendment to Phase IA

cc:     Christine Grimando, Senior Planner  
          Phil DiPierro, Development Review Coordinator  
          Tammy Munson, Director of Inspections  
          Greg Mitchell, Economic Development Director

## Jeff Levine - Brick North Performance Guaranty

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**From:** Jed Troubh <jtroubh@gmail.com>  
**To:** Jeff Levine <JLEVINE@portlandmaine.gov>  
**Date:** 10/20/2015 1:08 PM  
**Subject:** Brick North Performance Guaranty  
**Attachments:** Shaw Performance Gaurantee Estimate 12-8-14.pdf; Brick North Sewer Proposal 10-22-14.pdf; Shaw Brothers Partial Brick North & South Proposal.pdf

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Hi Jeff,

I hope all is well. Per your request I have reviewed the status of site improvements and the required performance guaranty related to the most recent Brick North approval. The following is a brief history and update:

Upon approval of the original Brick North site plan, we posted a \$450,000 letter of credit with the City of Portland.

Following the master plan and amended Brick North site plan approvals in December 2014 (the current approval), Shaw Bros prepared the attached estimate worksheet showing a total value for site improvements of about \$1,075,000. At that time we were in the process of completing \$160,000 of sewer upgrades (Shaw Bros proposal attached) included within the \$1,075,000 estimate, thus reducing the remaining value to \$915,000. Additionally, we were actively engaged in discussions with Greg Mitchell to apply \$550,000 of EDA surplus funds to this scope of work which would have brought the access road down to Brick South. Therefore, the original \$450,000 letter of credit was sufficient to cover any additional site work beyond work already completed and the EDA extension.

Due to delays related to Public Services signing off on road standards and the department's search for "shovel ready" projects elsewhere in Portland as previously discussed, and other EDA limitations, the EDA scope has been scaled back to a value of approximately \$250,000. This work has been authorized and must be completed by December 31, 2015. Additionally, we have authorized Shaw Bros to begin approximately \$360,000 of site work as shown on the attached proposal. At least \$225,000 of this work relates to the most recent Brick North approval and will be finished this year. The remainder is related to final paving & landscaping, NNEPRA utility improvements (at their option) and work related to the Brick South site plan which has already cleared a Planning Board workshop and is scheduled for a public hearing in early November. We will request a field change for any work outside of the Brick North approval so that we won't need to undo improvements to complete underground utility work related to Brick South. This work will also be substantially complete by December 31, 2015, and if not, we are willing to post an additional \$225,000 to increase the performance guaranty to \$675,000, until such time as it is complete. The \$450,000 letter of credit is sufficient to cover all remaining Brick North site work (\$1,075,000 Shaw Worksheet - \$160,000 completed sewer - \$250,000 EDA - \$225,000 underway shortly = \$440,000) which will be finished by next spring, prior to requesting C of O's for East Wing tenants.

As you know, Big Room Studios and Circus Maine currently occupy the West Wing of Brick North, and it is important to this project that Color Me Mine be permitted to open their doors by the end of the week. Please let me know when you are available to discuss by phone. Thanks again for your patience as we work to complete the required site improvements.

Thanks!  
 Jed

**SUBDIVISION/SITE DEVELOPMENT**  
**Cost Estimate of Improvements to be covered by Performance Guarantee**

Date: 12-8-14

Name of Project: \_\_\_\_\_

Address/Location: \_\_\_\_\_

Application ID #: \_\_\_\_\_

Developer: \_\_\_\_\_

Form of Performance Guarantee: \_\_\_\_\_

Type of Development: Subdivision \_\_\_\_\_ Site Plan (Level I, II or III) \_\_\_\_\_

**TO BE FILLED OUT BY THE APPLICANT:**

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET/SIDEWALK						
Road/Parking Areas				SV 6475	25	161875
Curbing				LF 3200	12.50	40,000
Sidewalks				SF 14150	3.80	53770
Esplanades				-	-	-
Monuments				-	-	-
Street Lighting				-	-	-
Street Opening Repairs				-	-	-
Other				-	-	-
2. EARTH WORK						
Cut				CV 6075	6	36450
Fill				-	-	-
3. SANITARY SEWER						
Manholes				EA 10	3,000	30,000
Piping				LF 365	35	12,775
Connections				EA 1	500	500
Main Line Piping				LF 1360	50	68,000
House Sewer Service Piping				-	-	-
Pump Stations				-	-	-
Other				LS 1	1000	1000
4. WATER MAINS				LF 2540	49	124460
5. STORM DRAINAGE						
Manholes				EA 17	3735	63495
Catchbasins				EA 18	2700	48600
Piping				LF 3100	40	124000
Detention Basin				-	-	-
Stormwater Quality Units				EA 7	13300	93100
* Other				LS 1	87000	87000

**\* SUBSURFACE TREATMENT**

6. SITE LIGHTING	_____	_____	_____	L.S.	1	18920	18920
7. EROSION CONTROL	_____	_____	_____	LF	1400	3	4200
Silt Fence	_____	_____	_____		-	-	-
Check Dams	_____	_____	_____	EA	3	500	1500
Pipe Inlet/Outlet Protection	_____	_____	_____		-	-	-
Level Lip Spreader	_____	_____	_____	LS	1	3000	3000
Slope Stabilization	_____	_____	_____		-	-	-
Geotextile	_____	_____	_____		-	-	-
Hay Bale Barriers	_____	_____	_____	EA	23	125	2875
Catch Basin Inlet Protection	_____	_____	_____		-	-	-
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____		-	-	-
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	L.S.	1	76030	76030
*10. MISCELLANEOUS	_____	_____	_____	LS	1	24725	24725
TOTAL:	_____	_____	_____			1,076,275	
GRAND TOTAL:	_____	_____	_____				

**INSPECTION FEE (to be filled out by the City)**

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	_____	_____	_____
or			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

\* 10 - GUARDRAIL, SIGNS, PAVEMENT MARKING, RETAIN WALL, BUMP RACK  
& FENCE



Forefront at Thompsons Point  
Portland, ME

LANDSCAPE ESTIMATE  
April 1, 2014

**ITEMS INCLUDED IN BID:**

**TREES, SHRUBS AND GROUND COVER PLANTING:**

Scope of work to include furnishing and installing the following plant materials. Includes bark mulch, peat moss, organic fertilizer, tree wrap and tree support stakes.

3	Abies balsamea Phanecolepis 6-7'	10	Gleditsia tri Skyline 2-2.5"
4	Amelanchier canadensis 8-10'	5	Juniperus vir Burkii 4-5'
13	*Acer r Karpick 2.5-3"	5	*Malus Snowdrift 2-2.5"
4	*Betula nigra Heritage 10-12'	6	Picea glauca 6-8'
5	*Betula pap Renaissance Reflection 10-12'	11	Quercus palustris 2.5-3"
3	*Crataegus crus Inermis 2-2.5"	16	Ulmus a Princeton 2.5-3"
13	Ginkgo Biloba 2-2.5"	17	Cu Yd Bark Mulch

\* **Fall Hazards** - These trees can only be dug from the nursery in the spring because they will not survive any other digging time. Therefore, due to availability and time of season, these trees may have to be planted in the Spring or alternate plants at our unit costs, which are available upon your request.

**TOTAL PLANTING PRICE: \$26,500.00**

**TOTAL PROJECT PRICE: \$26,500.00**

**Conditional Notes:**

- This landscape proposal is per sheets L-1.0 dated 12/4/13.
- Water available on site for construction use.
- Loam to be supplied and rough graded by others.
- Loam for planting shall be provided by and in place by others.
- A total of one mobilization is included in this price. Additional mobilizations are at an additional cost of \$500.00 per mobilization.
- 1.5% finance charge on balance over 30 days, unless prior arrangements have been made.
- If you have any questions please call: **John Sheldon**

Date of Acceptance:

C U L T I V A T I N G   N A T U R A L   B E A U T Y  
Salmon Falls Nursery & Landscaping   511 Portland Street   Berwick, Maine, 03901  
ph 207.384.5540   fx 207.384.5680   www.salmonfallsnursery.com  
Landscape Design • Installation • Irrigation • Maintenance

Salmon Falls Nursery  
&  
Landscaping

Authorized Signature:

Acceptance Signature:

C U L T I V A T I N G   N A T U R A L   B E A U T Y


Salmon Falls Nursery & Landscaping   511 Portland Street   Berwick, Maine, 03901

ph 207.384.5540   fx 207.384.5680   [www.salmonfallsnursery.com](http://www.salmonfallsnursery.com)

Landscape Design   •   Installation   •   Irrigation   •   Maintenance



## Bid Estimate Worksheet

	<b>Shaw Brothers Construction, Inc.</b>				
	511 Main Street, PO Box 69				
	Gorham, Maine 04038				
	Phone: 208-839-2552				
	Fax: 207-839-6239				
<b>Construction Cost Estimate</b>					
<b>Project:</b>	<b>Thompson's Point Development</b>				
	Portland, Maine				
<b>Owner:</b>	Forefront Partners				
<b>Bid To:</b>	Forefront Partners				
<b>Bid Date:</b>	October 6, 2015				
<b>Compl. Date:</b>	??				
<b>Start Date:</b>	??				
<b>Liq Dam:</b>	N/A				
<b>Brick North Stand Alone Partial</b>					
<p>Shaw Brothers Construction will provide all labor, equipment and materials to construct a portion of the brick North Stand Alone project as outlined in the attached sketches and our clarifications below. We have based this pricing on the project plans as listed on the cover sheet by Fay, Spoffard and Thorndike revision 1 dated 9-1-15.</p>					
	<b>Item</b>				
	<b>General Conditions</b>	\$ 13,400.00			
	Mobilization				
	Dig Safe incl Private				
	Project Management				
	Portable Toilets				
	GPS Model				
	Construction Survey (sitework only)				
	As-Builts				
	Signs, Cones & Barricades				
	Test Pits				
	<b>Erosion &amp; Sediment Control</b>	\$ 4,775.00			
	Silt Fence/Wood Waste Filter Berm				
	Silt Sacks				
	Temp Mulch				
	Dirt Bags				
	Dust Control				
	<b>Demolition</b>	\$ 6,134.00			
	Saw Cutting				
	Remove Tree				
	Remove Pavement				
	Remove Existing Pipe (water, gas, storm)				
	Remove Structures(manholes, catch basins etc)				
	Remove Hydrant				
	<b>Sitework</b>	\$ 10,480.00			
	Cut and Fill (soil stays onsite)				
	<b>Standard &amp; Light Duty Pavement (1,709 sy)</b>	\$ 65,430.00			
	Agg. Sub-Base Gravel (12" MDOT Type - D)				
	Agg Base Gravel (4" & 6" MDOT Type - A)				
	Reclaim Existing Pavement				
	Finegrade				
	Bit. Pavement Base (2" & 2.75" of 19 mm)				
	Bit. Pavement Surface (1.25" of 9.5mm)				
	Bit Spot Repair				
	Bit Pavement 1" Overlay (spot repair area)				
	<b>Paved Sidewalks (2,500 sf)</b>	\$ 9,000.00			



## SHAW BROTHERS CONSTRUCTION, INC.

P.O. Box 69 • 341 Mosher Road • Gorham, Me 04038

Tel: (207) 839-2552 • Fax: (207)839-6239

Website: [www.shawbrothers.com](http://www.shawbrothers.com)

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October 22, 2014

To: Parallax Partners, Inc  
55 Lisbon Street, Suite 2400  
Lewiston, ME 04240

Attn.: Chris Thompson, Ph. D.  
Jed Troubh

Subject: Partial Utility Installation Proposal  
Stand Alone Brick North  
Forefront at Thompson's Point  
Portland, ME

Dear Chris/Jed,

Shaw Brothers Construction, Inc. is pleased to provide the following pricing for installation of a section of the sanitary sewer and gas main associated with the Stand Alone Brick North project at Thompson's Point in Portland, Maine. Our pricing is based on the following: Brick North Building plan C-4.0 revision 3 by FST dated 9-10-14; Onsite meeting of 10-21-14 as well as a visual site inspection. Please reference attached sketch for limits of sanitary sewer work. Our lump sum pricing is as follows:

**Sanitary Sewer = \$158,012.00**  
**Gas Main Excavation & Backfill = \$15,175.00**

We have attached a copy of our bid estimate worksheet which provides our intended scope of work as well as our exclusions and clarifications.


Shaw Brothers Construction would like to thank you for the opportunity to provide you with our proposal. If you have any questions, or need clarification on any items, please feel free to contact us at your convenience.

Very truly yours,  
SHAW BROTHERS CONSTRUCTION, INC.

*Robert Brady*

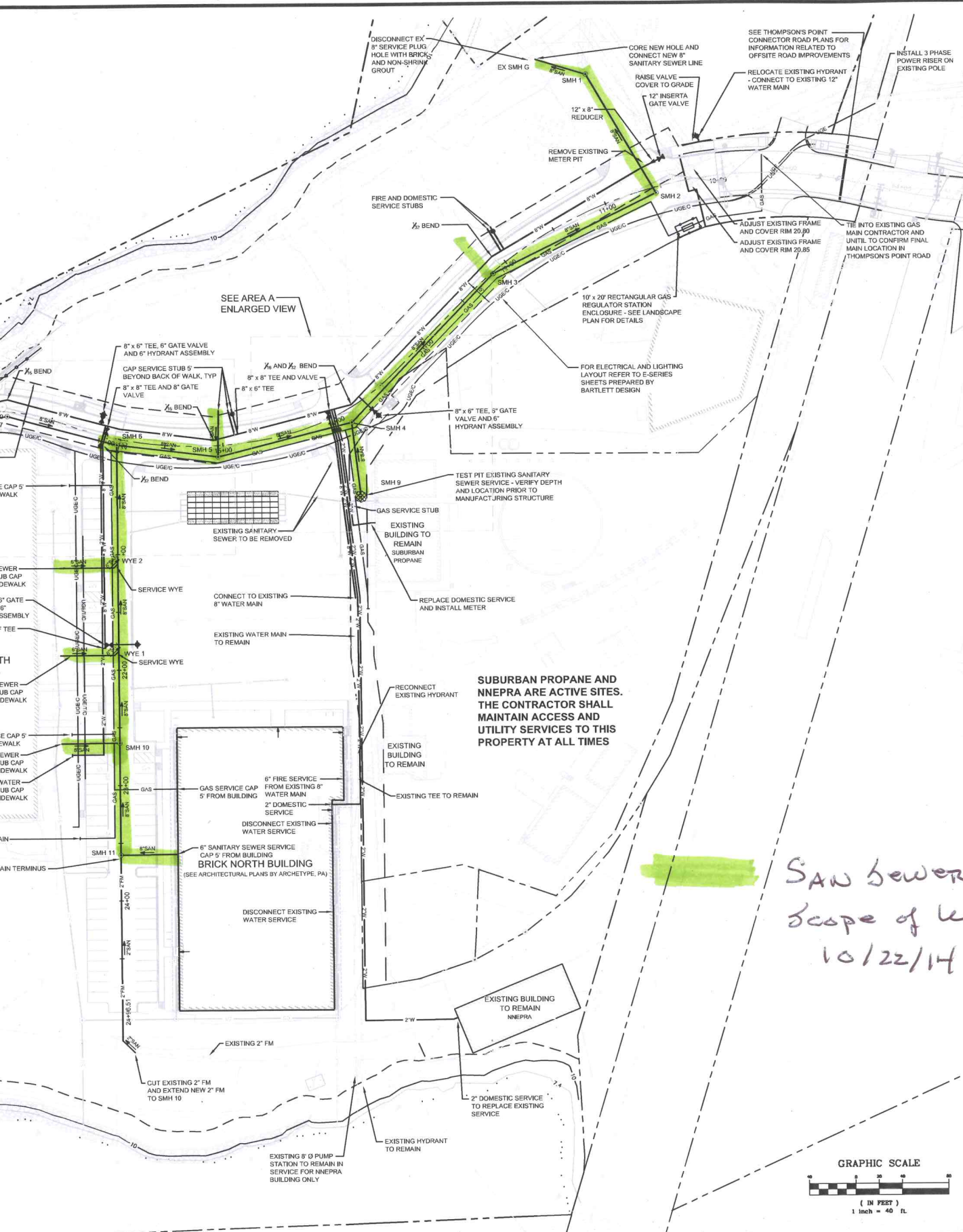
Robert Brady,  
Estimator  
Attachment: Bid Est Wksht, Sanitary Sewer Scope of Work Sketch

## Bid Estimate Worksheet

	<b>Shaw Brothers Construction, Inc.</b>					
	511 Main Street, PO Box 69					
	Gorham, Maine 04038					
	Phone: 208-839-2552					
	Fax: 207-839-6239					
<b>Construction Cost Estimate</b>						
<b>Project:</b>	<b>Thompson's Point Development</b>					
	Portland, Maine					
<b>Owner:</b>	Forefront Partners					
<b>Bid To:</b>	Forefront Partners					
<b>Bid Date:</b>	October 22, 2014					
<b>Partial Sanitary Sewer and Gas</b>						
	<b>Item</b>	<b>Total</b>				
	<b>Sanitary Sewer</b>	<b>\$ 158,012.00</b>				
	Dig Safe incl Private					
	Portable Toilets					
	GPS Model					
	Construction Survey					
	As-Builts					
	Portland Sewer Main Connection Fee					
	Flagger					
	Dewatering					
	Relocate 8" Water Main					
	Repair/Reconnect Existing Drains					
	Core Existing Structure (8")					
	4' Dia. Sewer Manhole					
	External Drops					
	Rework Existing Invert					
	4' Terminus Manhole					
	8" SDR-35 Pipe - Main					
	8" SDR-35 Pipe - Service					
	8" x 6" Service Wye					
	6" SDR-35 Pipe - Service					
	Flush and Test					
	<b>Gas</b>	<b>\$ 15,175.00</b>				
	Construction Survey					
	As-Builts					
	Ex./Bf. Gas Trench					
	<b>Total Sewer &amp; Gas =</b>	<b>\$ 173,187.00</b>				
	<b>Clarifications/Exclusions:</b>					
	Performance and payment bond costs have not been included					
	Federal, state and local permit fees are not included					
	Quality control inspection/geotechnical engineering costs have not been included					
	Construction layout by a licensed land surveyor or PE is not included					
	Construction photo documentation has not been included					
	Project sign has not been included					
	Site Perimeter Security Fence and Gates have not been included					
	Owners and engineers field trailer, including temporary utilities, has not been included					
	Ledge and large boulder excavation and disposal is not included					

## Bid Estimate Worksheet

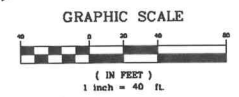
	Item	Total					
	Over-Excavation and replacement of unsuitable soils below grade have not been included						
	All excess excavated soils can be utilized onsite and do not need to be removed from site						
	Gas piping is not included (Exc and backfill is included)						
	Excavation and backfill for gas does not include the service stub to Suburban Propane						
	Sanitary sewer work is limited to installation of manholes 1 - 6, 9, 10 & 11 including interconnecting						
	pipe and 6" and 8" services off sewer main. See attached sketch.						
	Shaw Brothers has included relocating the existing 8" water main at proposed sanitary						
	manhole #3 due to location conflict. Rerouting/relocating other utilities or storm drains						
	has not been included.						



SEE AREA A ENLARGED VIEW

SUBURBAN PROPANE AND NNEPRA ARE ACTIVE SITES. THE CONTRACTOR SHALL MAINTAIN ACCESS AND UTILITY SERVICES TO THIS PROPERTY AT ALL TIMES

SAN Sewer  
Scope of Work  
10/22/14



PRELIMINARY - NOT FOR CONSTRUCTION

REVISIONS			
REV	DATE	DESCRIPTION	REVISIONS
1	07.29.14	REVISED PHASE 1A SITE PLAN SUBMITTED TO CITY	
2	06.30.14	AMENDED PHASE 1A SITE PLAN SUBMITTED TO CITY	

P.E. BO KENNEDY  
LIC. #11994

PROJECT: BRICK NORTH BUILDING AT THE FOREFRONT AT THOMPSON'S POINT

SHEET TITLE: STAND ALONE BRICK NORTH UTILITY PLAN

CLIENT: FOREFRONT PARTNERS I, LP

**FAY, SPOFFORD & THORNDIKE**  
ENGINEERS - PLANNERS - SCIENTISTS  
770 MAIN ST., SUITE 6, SOUTH PORTLAND, ME 04106

DRAWN: OED	DATE: JUNE 2014
DESIGNED: BEK	SCALE: 1" = 40'
CHECKED: SRB	JOB NO. 2982.05
FILE NAME: 2982.05-BN UTILITY	
SHEET	C-4.0

# Bid Estimate Worksheet

Item				
Agg. Sub-Base Gravel (10" MDOT Type - D)				
Gravel Base (3" MDOT Type - A)				
Bit. Pavement (2" of Grade D)				
<b>Dumpster Pad (150 sf)</b>	\$ 540.00			
Gravel Base (24" MDOT Type - D)				
<b>Curb</b>	\$ 8,230.00			
Slipform Concrete				
Detectable Warning Surface				
<b>Stormwater Management</b>	\$ 105,185.00			
4' Dia Type A Catch Basin				
4' Dia Manhole				
5' Dia Manhole				
Type F Basin				
12" HDPE Storm Drain Pipe				
15" HDPE Storm Drain Pipe				
24" HDPE Storm Drain Pipe				
36" HDPE Storm Drain Pipe				
8" Underdrain				
36" Flared Ed Section w/Bar Rack				
Insulation				
<i>Water Quality Treatment Drip Edge</i>				
Excavation				
30 mil Liner				
Geotextile Fabric				
3/4" Crushed Stone - Double Washed				
Filter Media				
Steel Edging (w/WQT & W/out)				
River Stone				
<b>Water</b>	\$ 25,200.00			
2" Water				
4" DI Water Main				
4" Fittings				
Chlorinate/Testing/De-chlorinate				
Portland Water District Inspection				
<b>Sanitary Sewer</b>	\$ 51,599.00			
2" Force Main				
6" Sewer Service Pipe				
8" Sewer Service Pipe				
Sanitary Manhole				
Sampling Manhole				
Septic Tank				
Septic Tank Hold Down Pad				
1000 gallon Grease Trap				
Core Existing Manhole				
Flush and Test				
Adjust Cover to Grade				
<b>Electrical</b>	\$ 35,190.00			
Ex./Bf Site Lighting				
Light Pole Base				
38Y Electrical Manhole				
Transformer Pad (9x9)				
Excavate & Backfill Elect/Communications				
<b>Gas</b>	\$ 4,200.00			
Ex./Bf. Gas Trench				
<b>Site Improvements</b>	\$ 9,900.00			
Bike Rack				

# Bid Estimate Worksheet

Item					
Signs Regulatory					
Pavement Markings					
<b>Restoration</b>	\$ 13,275.00				
Screened Loam Lawns/Slopes/Esplanade					
Seed/Mulch					
	\$ 362,538.00				
<b>Breakout Prices (included in above pricing)</b>					
6" Sewer Service Pipe	112	lf	\$ 52.00	\$ 5,824.00	
8" Sewer Service Pipe	80	lf	\$ 57.00	\$ 4,560.00	
Sampling Manhole	1	ea	\$ 3,200.00	\$ 3,200.00	
Septic Tank	1	ea	\$13,500.00	\$ 13,500.00	
Septic Tank Hold Down Pad	1	ea	\$ 3,500.00	\$ 3,500.00	
1000 gallon Grease Trap	1	ea	\$ 9,325.00	\$ 9,325.00	
Core Existing Manhole	2	ea	\$ 750.00	\$ 1,500.00	
38Y Electrical Manhole	1	ea	\$ 9,500.00	\$ 9,500.00	
Transformer Pad (9x9)	2	ea	\$ 4,525.00	\$ 9,050.00	
Ex./Bf. Gas Trench	525	lf	\$ 8.00	\$ 4,200.00	
Paved Door Exits	836	sf	\$ 3.85	\$ 3,218.60	
<b>Clarifications/Exclusions:</b>					
Performance and payment bond costs have not been included					
Federal, state and local permit fees are not included					
Elect, Phone and CATV fees and backcharge costs have not been included					
Quality control inspection/geotechnical engineering costs have not been included					
Construction layout by a licensed land surveyor or PE is not included					
Construction photo documentation has not been included					
Project sign has not been included					
Site Perimeter Security Fence and Gates have not been included					
Owners and engineers field trailer, including temporary utilities, has not been included					
Removal of overhired electrical, phone and cable is not included					
Treatment and offsite disposal of water from dewatering is not included					
Ledge and large boulder excavation and disposal is not included					
Over-Excavation and replacement of unsuitable soils below subgrades have not been included					
All excess excavated soils can be utilized onsite and do not need to be removed from site					
Building foundation ex and backfill, floor finegrade and interior utilities have not been included					
Realignment of Portland Trails "Fore River Trail" is not included					
Raised Crosswalks have not been included					
Irrigation has not been included					
Landscaping is not included					
Electrical conduit, wire, poles, light bollards and luminaires are not included					
Gas piping is not included (Exc and backfill is included)					
Dumpster Pad & Enclosure is not included. Gravel preparation is included					
No sidewalk included on Brick South side					
No signs included on Brick South side					
Concrete pads, steps and walkways are not included. Gravel prep has been included					
See attached limit of work drawings for additional scope clarifications					

CITY OF PORTLAND, MAINE  
PLANNING BOARD

---

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

January 6, 2013

Chris Thompson  
Forefront Partners I, LP  
55 Lisbon Street  
Lewiston, ME 04240

Steve Bushey  
FST  
778 Main Street, Suite 8  
S. Portland, ME 04106

Project Name: Level III Site Plan & Subdivision Amendments – Phase IA, Forefront at  
Thompson's Point  
Project ID: 2013-249  
CBL: 201-A-5  
Applicant: Forefront Partners I, LP  
Planner: Nell Donaldson

Dear Mr. Thompson:

On December 17, 2013, the Planning Board considered your amendments to the approved subdivision and Level III site plans for Phase IA of the Forefront at Thompson's Point. The Planning Board reviewed the proposal for conformance with the subdivision and site plan standards of the city's land use code and voted to approve the application with conditions presented below.

**SUBDIVISION**

The Planning Board voted (4-0, Hall, Soley, and Dean absent) that the proposed plans are in conformance with the subdivision standards of the city's land use code, subject to the following conditions of approval, which must be met prior to the release of recording plat, unless otherwise stated:

1. The sectional subdivision plat, for Planning Board signatures, shall be finalized for review and approval by the Planning Authority, Department of Public Services, and Corporation Counsel. The plat shall reflect the amended Phase IA site plan and work to be completed as part of the required off-site improvements, and shall include:
  - a. All relevant easements, including delineation of the turnaround for city use;
  - b. Proposed public rights-of-way;
  - c. Notes pertaining to conditions of public access to the site; and
  - d. Notes regarding work to be completed under future phases as conditions of prior subdivision approval;



2. Prior to the issuance of certificates of occupancy, the applicant shall provide a revised Declaration of Easements, Covenants and Restrictions document for review and approval by Corporation Counsel;
3. Prior to the issuance of certificates of occupancy, the applicant shall provide evidence of easements for or rights to:
  - a. The turn-around to be used by Department of Public Services vehicles for access and snow removal when maintaining the Sewell Street extension, as conditioned in prior approvals
  - b. Portions of the access road north of the Brick North building which lie on the adjacent property;
4. The amended plans do not address stormwater management provisions of the Site Location of Development Law. In accordance with the city's temporary parking lot provision, following a period of one year after Phase IA certificate of occupancy, the applicant shall either provide stormwater quality treatment in accordance with the existing site law permit in conjunction with the development of the stand alone plans; proceed with plans for an approved alternative, modifying the existing SLOD permit as required; or request a removal of the project from site law; and
5. All conditions from prior approvals regarding the subdivision in its entirety continue to apply until superseded by an approved alternative.

#### **SITE PLAN REVIEW**

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

1. The applicant shall provide evidence of coordination with regulatory authorities regarding compliance with other existing permits on the site for review and approval by the Planning Authority;
2. The applicant shall provide floor plans showing uses and floor areas for review and approval by the zoning administrator;
3. The applicant shall provide confirmation that the interim Phase IA plan meets ADA accessibility requirements for review and approval by the Department of Public Services;
4. The applicant shall revise the interim and stand alone plans to include:
  - a. A crosswalk in the specified location under the stand alone condition;
  - b. Bicycle parking in quantities as required by the site plan ordinance in both the interim and stand alone condition;

- c. Trash and recycling facilities including screening, as required, in both the interim and stand alone condition; and
  - d. Stamps by a licensed professional engineer for review and approval by the Department of Public Services and the Planning Authority;
5. The applicant shall provide evidence of fire safety compliance as required by the city's Fire Prevention Bureau for review and approval by that department;
  6. The applicant shall revise wastewater flow projections, coordinate with the Department of Public Services and Planning Authority to determine the necessity and status of the PWD pump station upgrades, and provide a contribution to facilitate improvements as required;
  7. Per the city's site plan standards, the temporary parking lot shown in the interim condition is permitted for a period of one year only, following which the applicant shall either proceed with the stand alone plans approved under this amendment, to be completed within three months of that time, or alternate plans as approved through the Master Development Plan and Level III development review;
  8. Prior to the issuance of a certificate of occupancy, the applicant shall provide a photometric plan in conformance with the city's Technical Manual for review and approval by the Planning Authority; and
  9. All relevant prior conditions relating to the approved site plan for the remainder of Phase I of the Forefront at Thompson's Point remain in effect until superseded by an approved alternative.

The approval is based on the submitted plans and findings related to subdivision and site plan review standards as contained in the Planning Board Report for application 2013-249, which is attached.

#### **STANDARD CONDITIONS OF APPROVAL**

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

1. **Sectional Subdivision Recording Plat** A revised sectional recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be

specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).

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 the 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.
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. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements for Phase IA, an inspection fee payment of 2.0% of the guarantee amount, and seven (7) final sets of plans plus one final digital copy must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **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.

10. **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.)
11. **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.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

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

**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  
Jonathan Rioux, Inspections Division  
Jeanie Bourke, Inspections Division  
Lannie Dobson, Administration, Inspections Division  
Brad Saucier, 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



Alex Jaegerman, FAICP  
Division Director, Planning Division

December 4, 2014

Chris Thompson  
Forefront Partners I, LP  
55 Lisbon Street, Suite 2400  
Lewiston, Maine 04240

Bo Kennedy, P.E., C.P.E.S.C.  
Fay, Spofford & Thorndike  
778 Main Street, Suite 8  
South Portland, ME 04106

Project Name: The Forefront at Thompson's Point Amendment Phase 1A Plan  
Project ID: PEZ 2014-120  
Address: 1 Thompson's Point CBL: 201 A005  
Applicant: Chris Thompson, Forefront Partners I, LP  
Planner: Christine Grimando

Dear Mr. Thompson:

On December 4, 2014 the Planning Authority approved with conditions an amendment (PEZ 2014-120) to a previous approval for a Level III Site Plan and Subdivision – Phase 1A, last approved on December 17, 2013. The scope of the work proposed in the application includes:

- A revised entrance road alignment.
- The addition of two easements. The first easement is from Suburban Propane to the applicant to construct an entrance road prior to the acquisition of the Suburban property. The second is an easement from the applicant to the Portland Water District to maintain a proposed public water main extension within the site.
- Earthmoving activities associated with construction of a permanent access road extending from the off-site roadway terminus to a new parking area to the south and west of Brick North.
- Permanent underground utilities including water, sewer, power, natural gas and communications will be installed.
- Construction of permanent site improvements which include parking, landscaping, lighting improvements and utility services.
- Environmental remediation inside the Brick North building in accordance with the approved VRAP plan.

- Renovation of the Brick North building to enhance the existing external façade and provide mixed use commercial space.
- A direct sidewalk from the access road directly to the Brick North Building.

The full extent of the proposed changes is detailed on the final site plan entitled *Amended Site Renovation Plans for Brick North Building (Building #1) At the Forefront at Thompson's Point*, by Bo Kennedy, P.E., of Fay, Spofford & Thorndike, with a title sheet date of July 2014, with a last revision date of December 1, 2014. The proposal was reviewed for conformance with the standards of Portland's Site Plan and Subdivision Ordinance, Article V.

### **SITE PLAN REVIEW**

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following condition(s) of approval:

1. Future phases of work in the vicinity of the outfall associated with "Stormwater Management Zone F" (as depicted on sheet C-5.1) shall incorporate water quality treatment measures that provide adequate treatment capacity for runoff from the untreated parking lot south of the Brick North Building in accordance with the General Standards of Section 5 of the City of Portland Technical Manual. If no future work occurs on the site, water quality treatment measures for the untreated parking lot south of Brick North are not required.
2. All conditions from prior approvals regarding the site plan in its entirety continue to apply until superseded by an approved alternative.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

### **SUBDIVISION REVIEW**

The Planning Authority found the plan is in conformance with the Subdivision Standards of the Land Use Code subject to the following condition(s) of approval:

1. The sectional subdivision plat, for Planning Board signatures, shall be finalized for review.
2. The two additional easements cited above shall be included in the List of Easements section of sheet C-1.1, with their respective Cumberland County Registry of Deeds Book and Page numbers. If they are to be recorded simultaneously with the recording plat, spaces may be included for the book and page on the sectional recording, and completed upon recording of the mylar.
3. All conditions from prior approvals regarding the subdivision in its entirety continue to apply until superseded by an approved alternative.

## STANDARD CONDITIONS OF APPROVAL

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

1. **Sectional Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **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.
3. **Separate Building Permits Are Required** This approval does not constitute approval of any associated building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. **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.
5. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
6. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and four (4) 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. **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.)
9. **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.
10. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

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 Christine Grimando at (207) 874-8608.

Sincerely,

Alexander Jaegerman, FAICP  
Planning Division Director

Attachments:

1. City Engineer Review, 8/19/2014, 9/19/2014, 10/1/2014
2. City Traffic Engineer Review, 8/15/2014, 10/3/2014, 11/26/2014
3. City Arborist Review, 8/12/2014
4. Performance Guarantee Packet
5. Phase 1A Dec 2013 Approval Letter

CC: Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Christine Grimando, Senior Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Zoning Administrator, Inspections Division  
Tammy Munson, Inspections Division Director  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Lannie Dobson, Administration, Inspections Division  
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Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
Captain Chris Pirone, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Jeff Liick, Harbor Master  
Approval Letter File