



JUN 16 2010

Will:

The Attached is the Performance Guarantee w/ the City of Portland. Would you schedule and attend the pre and post construction meetings and keep me informed by email. I am down one person in my office and won't be replacing him which stretches my limits.

Thanks

Roy



Phil:

Here is the check and paperwork necessary to complete our Riverside Street project. Please contact Will Haskell at Gorrell-Palmer Engineers (whaskell@gorrellpalmer.com) to work out the pre-construction and inspection details. He is our agent in this matter.

Thank you for your assistance.

A handwritten signature in black ink, appearing to read "Phil".

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: 01-0543379

Developer's Name and Mailing Address: Webber Energy Gasoline

P.O. Box 929

Bangor, Maine 04402-0929

City Account Number: _____

Treasurer's Report of Receipts Number: _____

Application ID #: 09-99900001
(from Site Plan Application form)

Application of Webber Energy Gasoline for Burger King, Mastoran Corporation at 132 Riverside Street, Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$4,682.00 on behalf of Webber Energy Gasoline in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing Site Plan Improvements ie., curbing and island as depicted on the subdivision/site plan, approved on April 23, 2010 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 Urban Development and in his/her sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the site plan approval, dated April 23, 2010; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

2010 Internal Performance Guarantee

The Director of Planning and Urban Development may draw on this Guarantee, at his/her 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 sixty (60) days after the expiration of this commitment; provided that the Applicant, or its representative, will give the City written notice, by certified mail (restricted delivery to Ellen Sanborn, 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.

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 Urban 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.

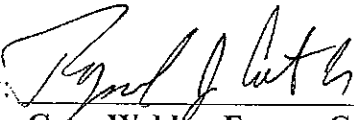
This Guarantee will automatically expire on **June 30, 2011** ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Performance Guarantee are satisfactorily completed, whichever is later. At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to **Webber Energy Gasoline**. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the **Site Plan** approval, dated **April 23, 2010** as required by City Code §14-501, 525.

The City, through its Director of Planning and Development and in his/her sole discretion, may draw on the Defect Guarantee should any one of the following occur:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the **Site Plan**.

2010 Internal Performance Guarantee

Seen and Agreed to:

By: 
Ray Cota, Webber Energy Gasoline

Date: June 14, 2010

By: _____
**Planning Division Director

Date: _____

By: _____
Development Review Coordinator

Date: _____

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

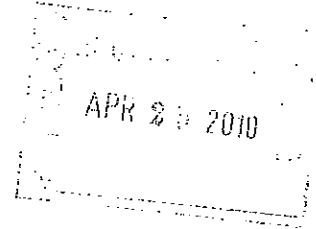
Distribution

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 signed by the Developer.
4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Report of Receipts form.
5. **Signature required if over \$50,000.00.
Attach **Letter of Approval and Estimated Cost of Improvements** to this form.



Strengthening a Remarkable City. Building a Community for Life www.portlandmaine.gov

Planning & Urban Development Department
Penny St. Louis Littell, Director



April 23, 2010

William C. Haskell, PE
Gorrill-Palmer Consulting Engineers, Inc
P.O Box 1237
15 Shaker Road
Gray, Maine 04039

Marc Rochon
Mastoran Corporation
822 Lexington Street
2nd Floor
Waltham, MA 02452

RE: Burger King, 132 Riverside Street
Application ID #: 09-99900001
CBL: 267 A 007 001

Dear Mr. Haskell and Mr. Rochon

On April 23, 2010 the Portland Planning Authority approved an administrative amended site plan for the reconstruction of the Riverside Street access at the Burger King Restaurant at 132 Riverside Street at the corner of Riverside Street and Larabee Road. This approval is based on the application submitted by Mastoran Corporation and shown on the approved plan prepared by Gorrill-Palmer Consulting Engineers and dated April 13, 2010.

This approval is limited to modifications to the Riverside Street driveway and does not authorize amendments to any other component of the September 24, 2008 approved site plan. This approved site plan amendment is associated with the Maine DOT deed restriction that was uncovered by the applicant, post approval and the subsequent MDOT resolution requiring the Riverside St driveway be restricted to right in/right out turning movements only. If you need to make any modifications to the approved amended site plan, you must submit a revised site plan for staff review and approval.

Please note the following provisions and requirements for all site plan approvals:

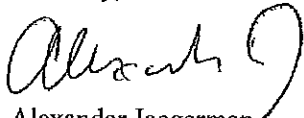
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
3. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the

4. subdivision plat for recording at the Registry of Deeds or 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 subdivision or site plan application for staff review and approval.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
7. 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 must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Molly Casto, Senior Planner at 874- 8901 or by email at MPC@portlandmaine.gov.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director

Barbara Barhydt, Development Review Services Manager
Molly Casto, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jane Ward, Public Works
Captain Keith Gautrau, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, TY Lin
Assessor's Office
Approval Letter File
Hard Copy: Project File

Aiken Ray Coda

P.O. ^{MAINE} PostHaw~~me~~.gov

9401010

EMERY AGGREGATES & EXCAVATION, INC.
28 Blueberry Lane • Buxton, ME 04093
Telephone: (207) 727-3009
Fax: (207) 727-3003

Date 5/4/10

To Ray Coda

Address Webber Energy

		We will supply and install new						
		Granite Island to per approved plans						
		Dated March 2008						
		Revised 4/13/10						
		Island Rack 2 Feet						4672.00