

## 2. TECHNICAL AND FINANCIAL CAPACITY

### 2.1 TITLE, RIGHT AND INTEREST

The applicant currently owns the site as evidenced by the accompanying deed contained in Attachment C to this section.

### 2.2 TECHNICAL CAPACITY

The applicant has assembled a highly qualified team of professionals to plan, permit, and develop construction documents for the project.

The Team services will be provided by the following companies and their respective team leaders:

### 2.3 CONSULTANT TEAM

<i>Civil Engineer</i>	Stephen R. Bushey, P.E. Fay, Spofford & Thorndike 778 Main Street, Suite 8 South Portland, ME 04106 (207) 775-1121 – Work      (207) 879-0896 – Fax (207) 756-9359 – Cell <a href="mailto:sbushey@fstinc.com">sbushey@fstinc.com</a>
<i>Surveyor</i>	Jim Nadeau Nadeau Land Surveys 918 Brighton Avenue Portland, Maine 04102 207-878-7870 – Work      207-878-7871 – Fax <a href="mailto:jim@nadeaulandsurveys.com">jim@nadeaulandsurveys.com</a>
<i>Architect</i>	Jim Biskup Biskup Construction 16 Danielle Drive Windham, ME 04062 207-892-9800 – Work      207-892-9895 – Fax <a href="mailto:jim@biskupconstruction.com">jim@biskupconstruction.com</a>
<i>Wetland Scientist</i>	Jim Logan Albert Frick Associates 95A County Road Gorham, ME 04038 207-839-5563 – Work      207-839-5564 – Fax <a href="mailto:afa@maine.rr.com">afa@maine.rr.com</a>
<i>Geotechnical</i>	Timothy Boyce, P.E. S.W. Cole Engineering, Inc. 286 Portland Road Gray, ME 04039 207-657-2866 – Work      207-657-2840 – Fax <a href="mailto:tboyce@swcole.com">tboyce@swcole.com</a>

## **2.4 EXPERIENCE OF PROJECT TEAM**

The team of consultants retained by developer has expertise and experience in the design of similar commercial projects. Resumes of key personnel for development team can be provided upon request.

## **2.5 FINANCIAL CAPACITY**

The applicant has the means at its disposal for financing the proposed Warren Avenue project, as evidenced by the letter from Machias Savings Bank accompanying this section in Attachment D.

## **2.6 CONSTRUCTION COST ESTIMATE**

A breakdown of the preliminary project cost includes the following:

- Site work \$250,000-\$500,000
- Structure \$1.0-\$1.2 million

These values are considered preliminary and approximate and are subject to change as building design and project layout is refined.

## **2.7 ATTACHMENTS**

Attachment C – Deed

Attachment D – Financial Capacity Letter

**ATTACHMENT C**

**Deed**

QUITCLAIM DEED WITH COVENANT

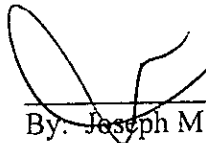
JMC Warren Ave, LLC, a Maine limited liability company with a mailing address of 247 Commercial Street, Suite A, Rockport, ME 04856, hereby grants to PH Warren Ave, LLC, Maine limited liability company with a mailing address of 401 Warren Avenue, Portland, ME 04103, with quitclaim covenant, the following real estate, with all improvements on it and all easements appurtenant to it, on Warren Avenue, Farnham Street, and Iffley Street, in the City of Portland, Cumberland County, Maine, further described as follows:

Please see attached Exhibit A

Meaning and intending to convey and hereby conveying the same premises described in a Quitclaim Deed with Covenant from Alfred J. Waxler to JMC Warren Ave, LLC dated May 31, 2006 and recorded at the Cumberland County Registry of Deeds in Book 24014, Page 149.

Dated: June 26, 2013.

JMC Warren Ave, LLC



By: Joseph M. Cloutier, Manager of  
JMC Warren Ave, LLC  
Duly Authorized Thereto

State of Maine  
County of Cumberland, ss

June 26, 2013

Then personally appeared the above-named Joseph M. Cloutier, in his capacity as Manager of JMC Warren Ave, LLC and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of JMC Warren Ave, LLC.

Before me,

Cathy A Anderson

Notary Public/Attorney at Law

my commission expires  
2/6/14

SEAL

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Beginning at a 5/8" rebar on the northerly sideline of Warren Avenue, said rebar marking the southwest corner of land now or formerly of Holmes as described in deed book 6918, page 53 Cumberland County Registry of Deeds;

thence north 77° 50' 09" west along the northerly sideline of Warren Avenue, 140.45 feet to a 5/8" rebar at land now or formerly of 424 Warren Avenue, LLC as described in deed book 17326, page 340 Cumberland County Registry of Deeds;

thence north 04° 49' 52" east along land of 424 Warren Avenue, LLC 285.79, feet to a no. 5 rebar;

thence north 85° 10' 08" west continuing along land of 424 Warren Avenue, LLC, 50.00 feet to a 5/8" rebar;

thence north 04° 49' 52" east continuing along land of 424 Warren Avenue, LLC, 84.64 feet to a point at land now or formerly of SAGA Communications of New England, Inc. as described in deed book 12543, page 308 Cumberland County Registry of Deeds;

thence north 49° 15' 54" east along land of SAGA Communications of New England, Inc., 851.18 feet to a no. 5 rebar; thence north 40° 44' 06" west continuing along land of SAGA Communications of New England, Inc., 328.39 feet to a no. 5 rebar;

thence north 49° 24' 48" east continuing along land of SAGA Communications of New England, Inc., 149.18 feet to an iron pipe; thence north 40° 29' 12" west continuing along land of SAGA Communications of New England, Inc., 254.52 feet to an iron pipe at land now or formerly of Bigelman as described in deed book 16291, page 92 Cumberland County Registry of Deeds;

thence north 49° 33' 05" east along land now or formerly of Bigelman, land now or formerly of Heglund as described in deed book 16262, page 1, land now or formerly of Heglund as described in deed book 16127, page 117, land now or formerly of Heglund as described in deed book 19425, page 256, land now or formerly of Loranger as described in deed book 18832, page 241, land now or formerly of Legage as described in deed book 19393, page 66, land now or formerly of Nguyen as described in deed book 16474, page 83, land now or formerly of St. Joseph's Convent and Hospital as described in deed book 15551, page 194, land now or formerly of Vujanic as described in deed book 15874, page 260, land now or formerly of Sutton as described in deed book 7673, page 220, land now or formerly of Lam as described in deed book 7613, page 211, land now or formerly of Harmon as described in deed book 13217, page 321, land now or formerly of Cook as described in deed book 17702, page 26, land now or formerly of Ortiz as described in deed book 22187, page 170, land now or formerly of Lappin as described in deed book 21479, page 39, land now or formerly of Lam as described in deed book 10539, page 173, land now or formerly of Charles as described in deed book 15834, page 303, land now or formerly of Murray as described in deed book 21978, page 15, land now or formerly of Quinn as described in deed book 15009, page 333, land now or formerly of Saucier as described in deed book 7300, page 285, land now or formerly of Herrick as described in deed book 21200, page

150, land now or formerly of Libby as described in deed book 14389, page 142, land now or formerly of Vose as described in deed book 16527, page 203 and land now or formerly of Robey as described in deed book 13204, page 1 Cumberland County Registry of Deeds, 1872.78 feet to a no. 5 rebar at land now or formerly of Steele as described in deed book 14287, page 55 Cumberland County Registry of Deeds;

thence south  $40^{\circ} 18' 34''$  east along land now or formerly Steele and crossing a portion of Farnham Street, a paper street, 135.98 feet to a point at the center of Farnham Street, a paper street;

thence south  $49^{\circ} 41' 26''$  west along the center of Farnham Street, a paper street, 50.00 feet to a point at the center of Farnham Street, a paper street;

thence south  $40^{\circ} 18' 34''$  east crossing Farnham Street, a paper street and along land now or formerly of Mahaphanit as described in deed book 21338, page 304 Cumberland County Registry of Deeds, 125.00 feet to a 4"x4" granite monument at land now or formerly of City of Portland as described in deed book 3552, page 154 Cumberland County Registry of Deeds;

thence south  $49^{\circ} 41' 26''$  west along land now or formerly of City of Portland, 1379.34 feet to an iron pipe; thence south  $45^{\circ} 43' 10''$  east continuing along land now or formerly of City of Portland, 679.97 feet to an iron pipe;

thence north  $49^{\circ} 44' 52''$  east continuing along land now or formerly of City of Portland, 32.87 feet to a 5/8" rebar at land now or formerly of Kerley as described in deed book 11010, page 136 Cumberland County Registry of Deeds, thence south  $49^{\circ} 51' 29''$  east along land now or formerly of Kerley, along the terminus of Verrill Street and land now or formerly of Huynh as described in deed book 20307, page 40 Cumberland County Registry of Deeds, 302.31 feet to a point;

thence north  $40^{\circ} 08' 31''$  east along land now or formerly of Huynh, 110.00 feet to a no. 5 rebar on the southerly sideline of Iffley Street; thence south  $49^{\circ} 51' 29''$  east along the southerly sideline of Iffley Street, 89.43 feet to a point at land now or formerly of Franklin as described in deed book 15675, page 154 Cumberland County Registry of Deeds;

thence south  $40^{\circ} 08' 31''$  west along land now or formerly of Franklin, 110.00 feet to a point;

thence south  $49^{\circ} 51' 29''$  east along lands now or formerly of Franklin, Standish as described in deed book 13797, page 5, Barkhuff as described in deed book 3859, page 6, the terminus of Sarsfield Street, and land now or formerly of Jensen, 425.97 feet to an iron pipe;

thence north  $41^{\circ} 43' 08''$  east along land now or formerly of Jensen and the terminus of Iffley Street, 131.89 feet to a no. 5 rebar at land now or formerly of Hanson as described in deed book 2185, page 195 Cumberland County Registry of Deeds; thence south  $68^{\circ} 56' 53''$  east along land now or formerly of Hanson, 182.00 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 1219, page 386 Cumberland County Registry of Deeds;

thence south 52° 10' 31" west along land now or formerly of Mt. Sinai Cemetery Association, 31.10 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 610, page 424 Cumberland County Registry of Deeds;

thence south 54° 07' 31" west along land now or formerly of Mt. Sinai Cemetery Association, 252.00 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 1219, page 386 Cumberland County Registry of Deeds;

thence south 70° 03' 31" west along land now or formerly of Mt. Sinai Cemetery Association, 125.40 feet to a no. 5 rebar at land now or formerly of Mt. Sinai Cemetery Association as described in deed book 1558, page 209 Cumberland County Registry of Deeds;

thence south 78° 57' 03" west along land occupied now or formerly by Mt. Sinai Cemetery Association, 82.44 feet to a fence post; thence south 40° 23' 22" west along land occupied now or formerly by Mt. Sinai Cemetery Association and land now or formerly of Lead MT, LLC as described in deed book 17401, page 180 Cumberland County Registry of Deeds, 283.03 feet to a no. 5 rebar at land now or formerly of O'Connor Buick GMC Corp. as described in deed book 20997, page 83 Cumberland County Registry of Deeds;

thence north 55° 40' 47" west along land now or formerly of O'Connor Buick GMC Corp., 156.33 feet to a no. 5 rebar;

thence south 34° 19' 13" west along land now or formerly of O'Connor Buick GMC Corp. 322.34 feet to a no. 5 rebar at land now or formerly of Portland Rink Realty as described in deed book 7031, page 126 Cumberland County Registry of Deeds; thence north 55° 40' 47" west along land now or formerly of Portland Rink Realty and land now or formerly of Giroux Oil Co. Inc. as described in deed book 4342, page 31, deed book 3070, page 628 and deed book 3798, page 15 Cumberland County Registry of Deeds, 324.53 feet to an iron pipe;

thence north 72° 51' 29" west along land now or formerly of Giroux Oil Co. Inc., the terminus of Newcomb Street, land now or formerly of Bennett as described in deed book 15814, page 287 Cumberland County Registry of Deeds, the terminus of Saville Street, and land now or formerly of Vance as described in deed books 3080, page 873, deed book 3205, page 559, deed book 2833, page 190, deed book 2595, page 255, and deed book 2755, page 1 Cumberland County Registry of Deeds, 329.05 feet to a no. 5 rebar;

thence south 39° 50' 19" west along land now or formerly of Vance, 82.74 feet to a no. 5 rebar;

thence north 06° 04' 10" west continuing along land of Vance, 220.40 feet to a 5/8" rebar;

thence north 77° 50' 09" west continuing along land now or formerly of Vance, 12.27 feet to a no. 5 rebar;

thence south 39° 50' 52" west continuing along land now or formerly of Vance, 369.42 feet to a 5/8" rebar at land now or formerly of Holmes as previously described; thence north 77° 48' 43" west along land now or formerly of Holmes, 248.17 feet to a 5/8" rebar;

thence south 12° 11' 17" west continuing along land now or formerly of Holmes, 234.84 feet to the point of beginning.

This parcel contains 48.64 acres.

Bearings herein are based upon magnetic north 2002.

The real estate described above is a portion of the land conveyed to Alfred J. Waxler by two April 27, 1988 deeds from Your Home, Inc. recorded in Book 8261, Pages 269 and 273, and the December 31, 2005 deed from Your Home, Inc. recorded in Book 23556, Page 131.

Together with all rights described in the 2004 Affidavit recorded in Book 20828, Page 3.

Received  
Recorded Register of Deeds  
Jun 27, 2013 02:26:01P  
Cumberland County  
Pamela E. Lovley



**ATTACHMENT D**

**Financial Capacity Letter**

#1



Experienced people. Exceptional service.

February 4, 2014

City of Portland  
Planning Board  
389 Congress Street 4th Floor  
Portland, ME 04101

To whom it may concern:

Please accept this letter as confirmation that Peter Holmes is a customer of Machias Savings Bank. He has the financial capacity to complete the Warren Avenue project.

If you should have any questions, please feel free to contact me at 207-461-6160.

Sincerely,

A handwritten signature in black ink that reads 'James O. Donnelly' with a stylized flourish underneath.

James O. Donnelly  
Executive Vice President