

355 - A - 12

1173 Riverside St.

Maine Indoor Sports

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

I. D. Number _____

Maine Indoor Sports

Applicant _____

1Keefe Rd, Acton, MA 01720

Applicant's Mailing Address _____

Tom McLaughlin

Consultant/Agent _____

508-287-5533/ 508-287-0211

Applicant or Agent Daytime Telephone, Fax _____

7/31/97

Application Date _____

Maine Indoor Sports

Project Name/Description _____

1173 Riverside St

Address of Proposed Site _____

355-A-012

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) _____

34,000 Sq Ft 196,357 Sq Ft

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 _____ Date: 7/31/97

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____

OK to Issue Building Permit _____ signature _____ date Additional Sheets Attached

Performance Guarantee Required* Not Required

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

<input type="checkbox"/> Performance Guarantee Accepted	_____ date	_____ amount	_____ expiration date
<input type="checkbox"/> Inspection Fee Paid	_____ date	_____ amount	
<input type="checkbox"/> Building Permit Issued	_____ 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

August 13, 1997

David Kamila
Land Use Consultants
966 Riverside Street
Portland ME 04103

Re: Maine Indoor Sports - 1173 Riverside Street

Dear Mr. Kamila:

On August 13, 1997 the Portland Planning Authority granted minor site plan approval for an indoor sports facility in the vicinity of 966 Riverside Street. The approval is subject to the following condition:

1. The applicant shall verify that the existing sewer line is properly working and is connected to the City sewer.

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.

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

1. 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. A one year extension may be granted by this department if requested by the applicant in writing prior to the expiration date of the site plan.
2. A performance guarantee in a form acceptable to the City of Portland and an inspection fee equal to 1.7% of the performance guarantee will have to be posted before beginning any site construction or issuance of a building permit.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.



6 Main Street P.O. Box 358 Natick, Massachusetts 01760-0004 T: 508.653.0300

SITE PLAN/SUBDIVISIONS
DEFECT BOND
IRREVOCABLE LETTER OF CREDIT
#97-112

Banking
Centers
Acton
Ashland
Concord
Framingham
Holliston
Hopkinton
Maynard
Millis
Natick
Sudbury
Wayland
Westford

October 8, 1997

Joseph E. Gray, Jr.
Director of Planning and Urban Development
City Hall, Room 213
389 Congress Street
Portland, ME 04101

RE: MAINE INDOOR SPORTS, LLC
1173 Riverside Street, Portland, ME 04103

Dear Mr. Gray:

MIDDLESEX SAVINGS BANK hereby issues its Irrevocable Letter of Credit for the account of MAINE INDOOR SPORTS, LLC, 1173 Riverside Street, Portland, ME 04103 as developer, hereinafter referred to as "The Developer," in favor of the City of Portland in the aggregate amount of \$3,640. The City of Portland may draw on the Letter of Credit by presentation of a sight draft in the event that the Developer, at the Developer's expense, fails to correct defects in the workmanship and the durability of all materials used in the construction of the public improvements as set forth in the Schedule of Costs of Public Improvements for MAINE INDOOR SPORTS, LLC.

Drafts drawn upon this credit must be for this particular development and to correct any defect as outlined above which was not corrected by the Developer on or before October 8, 1998. Drafts must be accompanied by a written statement that the Developer has failed to correct such defect and shall be accompanied by itemized statements showing cost of work to be completed and must be submitted to MIDDLESEX SAVINGS BANK no later than October 8, 1998.

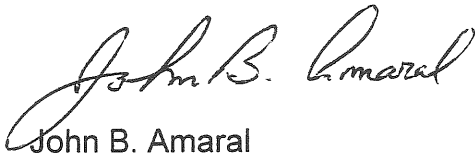
Irrevocable Letter of Credit #97-112

Page 2

We engage with you that drafts drawn under and in compliance with the terms of this credit will be duly honored. However, other than the payment of monies as authorized hereunder, MIDDLESEX SAVINGS BANK shall not guarantee the performance of the Developer to the City of Portland.

Very truly yours,

MIDDLESEX SAVINGS BANK

A handwritten signature in cursive script that reads "John B. Amaral". The signature is written in dark ink and is positioned above the printed name and title.

John B. Amaral
Vice President

JBA/bac

Irrevocable Letter of Credit #97-112
Page 3

The City of Portland hereby accepts said original letter as evidence of satisfaction of the Developer's obligations to be performed.

By: 
Director of Planning and Urban
Development

10/31/97
Date

Seen and Agreed to:

By: _____

Date

City of Portland:

Director of Finance

Date


Associate Corporate Counsel

10/28/97
Date



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

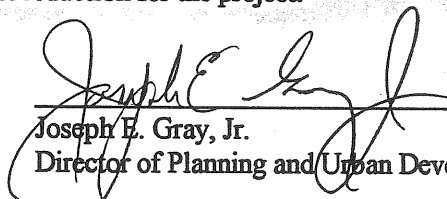
TO: Duane Kline, Finance Department
FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development
DATE: March 26, 1998
SUBJECT: Request for Reduction in Performance Guarantee

A request by Indoor Sports Management, owner of Maine Indoor Sports Center, 1173 Riverside Street, has been made for a reduction in the amount of the performance guarantee #97-112.

Original Sum	\$3,640.00
Reduction Amount	<u>\$2,140.00</u>
Remaining Sum	\$1,500.00

This is the first reduction for the project.

Approved:



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

cc: Richard Knowland, Senior Planner
Kevin Carroll, Code Enforcement Officer

TOMPKINS, CLOUGH, HIRSHON & LANGER, P.A.

Counselors at Law
Three Canal Plaza
P.O. Box 15060
Portland, Maine 04112-5060

Tel (207) 874-6700
Fax (207) 874-6705

Bruce M. Tompkins
Lawrence R. Clough
David M. Hirshon
Leonard W. Langer
Marshall J. Tinkle*

*Also licensed in MA
and DC

May 14, 1997

Via Telecopier

Richard Knowland, Planner
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101-3509

Re: Indoor Sports Center, 1173 Riverside Street, Portland, Maine

Dear Rick:

To follow up on our discussion, I enclose some material giving background on my client Indoor Sports Center, which presently operates two facilities in Newton and Acton, Massachusetts. Indoor Sports is negotiating for a lease of the former ice rink building located at 1173 Riverside Street for uses indoor sports facility, which I understand is a permitted use within this zone.

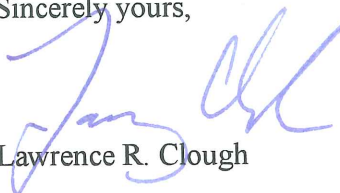
No exterior changes will occur, other than a change in the signage. There will be some interior work in order to adapt the interior of the building to the proposed use.

Obviously the extensive nature of the Site Plan Review requirements of the Ordinance for a "major development" appear to be somewhat burdensome in both terms of time and money, e.g. the requirement for a full survey, location of rock out croppings, soils, wetland review, etc.

It would seem appropriate that there be a waiver of some of these requirements under Section 14-525(b)(3).

There is also a potential for the Board to require significant upgrading of the property, which obviously makes it hard for Indoor Sports to engage in planning which is based on being open for the fall season.

Sincerely yours,



Lawrence R. Clough

LRC/tjs
Enclosure

cc: Thomas McLaughlin

Maine Indoor Sports Center
1173 Riverside Street
Portland, Maine

Operations

Primary Activities

The primary activity contemplated at the site is league play in the following sports: indoor soccer, indoor roller hockey, indoor street hockey, volleyball, and box lacrosse. In our experience, the leagues are primarily "player oriented" and not spectator driven. Seating for spectators will be limited. The arenas will also be made available for practice rentals for these and other sports. During the daytime hours, vacations and during the summer, the facility will be used for sports oriented programs for children.

Ancillary Uses

For the convenience of the participants, ancillary uses will include a small pro shop and a limited food & beverage operation.

Parking

Based on studies of our existing Massachusetts operations in Newton and Acton, our traffic engineers, Vanasse, Hangen Brustlin has concluded that the maximum peak parking requirement for this type of facility is 33 parking spaces per arena. This parking requirement is at the arena changeover times and includes the staff parking requirement.

Planned Improvements

Exterior

New entrance door

New Sign

Interior

Cleanup and painting

New light fixtures

Construction of meeting rooms, storage rooms, & changing rooms.

Equipment Installation

1- 160' x 85' arena with professional roller hockey board system with tempered glass and Sport Court or similar surface. This will be used for primarily for roller hockey, street hockey, soccer, lacrosse and volleyball. It may also be used for basketball and any of the other sports played at the facility.

1 - 100' x 60' arena with roller hockey board system with tempered glass and Sport Court or similar surface. This will be used for primarily for street hockey, roller hockey, volleyball and soccer. This arena will be the primary facility for youth soccer players (10 and under), youth roller hockey players (12 and under), for all street hockey and for all volleyball. As with the larger Sport Court arena it may also be used for basketball and any of the other sports played at the facility.



6 Main Street P.O. Box 358 Natick Massachusetts 01760-0004 T. 508.653.0300

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October 8, 1997

Joseph E. Gray, Jr.
Director of Planning and Urban Development
City Hall, Room 213
389 Congress Street
Portland, ME 04101

RE: MAINE INDOOR SPORTS, LLC
1173 Riverside Street, Portland, ME 04103

Dear Mr. Gray:

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Drafts drawn upon this credit must be for this particular development and to correct any defect as outlined above which was not corrected by the Developer on or before October 8, 1998. Drafts must be accompanied by a written statement that the Developer has failed to correct such defect and shall be accompanied by itemized statements showing cost of work to be completed and must be submitted to MIDDLESEX SAVINGS BANK no later than October 8, 1998.

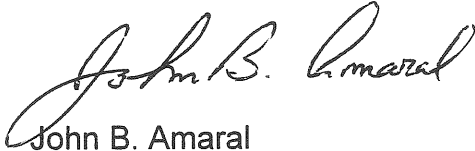
Irrevocable Letter of Credit #97-112

Page 2

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Very truly yours,

MIDDLESEX SAVINGS BANK

A handwritten signature in cursive script that reads "John B. Amaral". The signature is written in black ink and is positioned above the printed name and title.

John B. Amaral
Vice President

JBA/bac

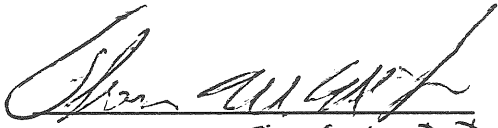
Irrevocable Letter of Credit #97-112
Page 3

The City of Portland hereby accepts said original letter as evidence of satisfaction of the Developer's obligations to be performed.

By: 
Director of Planning and Urban
Development

10/31/97
Date

Seen and Agreed to:

By: 
Secretary, Indore Sports Mgt., Inc.
Manager, Major Indore Sports, LLC

11/10/97
Date

City of Portland:

Director of Finance

Date

Natalee L. Burns
Associate Corporate Counsel

10/28/97
Date

Department of Planning and Urban Development
SUBDIVISION/SITE DEVELOPMENT

COST ESTIMATE OF IMPROVEMENTS TO BE COVERED BY PERFORMANCE GUARANTEE

Date _____

Name of Project: MAINE INDOOR SPORTS CENTER

Address Location: 1173 RIVERSIDE ST.

Developer: INDOOR SPORTS MGT.

Form of Performance Guarantee: LETTER OF CREDIT

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

TO BE FILLED OUT BY APPLICANT:

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
1. STREET SIDEWALK						
* Road STRIPE PARKING					\$ 800.-	\$ 800.-
* Granite Curbing				62 L.F.	\$ 20.00	\$ 1240.-
Sidewalks						500
Esplanades						
Monuments						
Street Lighting						
Other						
2. SANITARY SEWER						
Manholes						
Piping						
Connections						
Other						
3. STORM DRAINAGE						
Manholes						
Catchbasins				CLEAN-OUT	\$ 150.00	\$ 300.-
Piping				2 BASINS		
Detention Basin						
Other						
4. SITE LIGHTING						
5. EROSION CONTROL						
6. RECREATION AND OPEN SPACE AMENITIES						

Item	PUBLIC			PRIVATE		
	Quantity	Unit Cost	Subtotal	Quantity	Unit Cost	Subtotal
7 LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)				CLEANING TRIM	\$300.	\$300.-
8 MISCELLANEOUS				DUMPSTER ENCLOSURE		\$500.-
TOTAL						\$3,140.-
GRAND TOTAL						\$3,640.-

INSPECTION FEE (to be filled out by City)

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

City of Portland, Maine Planning Department

City Hall
389 Congress Street, 4th Floor
Portland, Maine 04101
Fax Number: 756-8258

FAX TRANSMISSION COVER SHEET

TO: TOM McLAUGHLIN

COMPANY: INDOOR SPORTS MANAGEMENT

FROM: RICK KNOWLAND

FAX #: 508-287-0211

OF PAGES: 2

DATE: 11-4-97

RE: TOM - I WILL BE SENDING AN ORIGINAL SIGNATURE
SHEET TO YOU. IN THE MEAN TIME, COULD YOU
SIGN THIS FAXED VERSION AND FAX IT BACK TO ME
SO I CAN HAVE IT IN THE FILE FOR TIME BEING.

THANKS

RLK

If you do not receive all of the pages, please call 874-8721 or 874-8719.

FACSIMILE TRANSMISSION

Indoor Sports Management, Inc.
~~30 Great Road One Keefe Road~~
 Acton, Massachusetts 01720
 (508) 287-5533

SPRINGS
 9/20/97
 TALKED TO TONY K.
 PUT CURBING IN
 NOW. MOOF WILL
 HAVE THE RESPONSIBILITY
 OF FIXING THE
 CURBING LATER
 RR

TO: RICK KNOWLAND

FAX #: 207-756-8258

FROM: SCOTT GAETZ

PAGES: 3 (INCLUDING COVER)

RE: MAINE INDOOR SPORTS CENTER

REMARKS: RICK, HERE IS THE COST ESTIMATE FOR OUR PROJECT.

LET ME KNOW IF THIS IS OK, SO I CAN PROCEED WITH THE LETTER OF CREDIT FROM THE BANK.

THANKS SCOTT GAETZ

P.S. YOU CAN CALL ME OR FAX

If this transmission is not clear please call (508) 287-5533. Fax - (508) 287-0211.



Indoor Sports Management, Inc.
30 Great Road
Acton, Massachusetts 01720
(978) 287-5533

November 12, 1997

Mr. Richard Knowland
Planner
City of Portland, Maine
Department of Planning & Urban Development
4th Floor, City Hall
Portland, ME 04101

Dear Rick:

Enclosed please find a signed page 3 of the Irrevocable Letter of Credit #97-112.

Sincerely,

Thomas M. McLaughlin

TMM/mcr
enc.

TOM

AS DISCUSSED, PLEASE
SIGN AND RETURN TO ME
AT YOUR EARLIEST
CONVENIENCE

TAMARA

RICK

KNOWSOME

Irrevocable Letter of Credit #97-112
Page 3

The City of Portland hereby accepts said original letter as evidence of satisfaction of the Developer's obligations to be performed.

By: 
Director of Planning and Urban
Development

10/31/97
Date

Seen and Agreed to:

By: _____

Date

City of Portland:

Director of Finance

Date

Natalie L. Burns
Associate Corporate Counsel

10/28/97
Date

52-36
112

Date Oct 28, 97

Pay to the order of City of Portland \$ 625.00
six hundred twenty five and 00/100 Dollars

DELUXE WALLET OR DUPLICATE



memo: Inspection Fee Engineering Review Don Mann NP

⑆011200365⑆ 93600 06124⑆

RENAISSANCE

THIS FOR MAINE INDOOR SPORT CENTRE
1173 KINGSDALE ST. SITE PLAN REVIEW

• INSPECTION FEE \$ 300

33% TO D.P.W.

67% TO PLANNING

• ENGINEERING REVIEW FEE \$ 325

\$ 25 TO D.P.W.

\$ 300 TO PLANNING

MAINE INDOOR SPURS

10/28/97

52-36
112

Date Oct 28, 97

\$ 625.00

Dollars



Pay to the order of City of Portland
ninety two hundred twenty five dollars and 00/100



Portland, Maine 04101

memo: Inspector's Fee Engineering Services

Dr. M...

⑆01⑆200365⑆93600 06⑆24⑆⑆

REPLACEMENT

PLEASE WRITE OR DUPLICATE



LAND USE CONSULTANTS INC

July 22, 1997

COPY

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS

3096

William Goodwin, P. E.
Public Works Department
55 Portland Street
Portland, ME 04101

Maine Indoor Sports, 1173 Riverside Street, Portland, Maine

Dear Bill:

On behalf of my client, Indoor Sports Management, Inc., I am requesting a determination of sewer capacity to serve their proposed project. They are planning to lease the former Hingham Arena that is located across from the Riverside Golf Course and convert it into an indoor sports facility for soccer, roller hockey, lacrosse, volleyball, field hockey, basketball, etc.

They plan to make minor modifications to the building interior by installing 2 rinks. Existing plumbing i.e. bathroom facilities will be used as is with minor modification as maybe required by current codes.

Based on usage at a similar but larger (3 rinks) facility in Acton, Massachusetts, they have provided the following water usage estimates.

60 Players	@	5 GPCD x 3 shifts	=	900 GPD
3 Officials	@	5 GPCD x 3 shifts	=	45 GPD
3 Staff	@	15 GPCD	=	45 GPD
30 Spectators	@	5 GPCD	=	150 GPD
<hr/>				
Total daily flow			=	1140 GPD

The existing sanitary sewer connection will remain as is.

Please respond in writing indicating if the sewer has the capacity to handle this projected flow.

Thank you for your attention to his matter.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

cc: Tom McLaughlin, Indoor Sports Management, Inc.
Rick Knowland, Portland Planning Department

MAINE INDOOR SPORTS

CONSTRUCTION SCHEDULE

PERMITS:

Obtain all approvals & permits necessary to operate facility

SITWORK:

Install granite curbing at existing entrance

Seal cracks & seal coat parking area and restripe according to L.U.C. plan

DEMOLITION:

Remove interior walls to allow for installation of new dashe board system
(as shown on drawings)

CARPENTRY:

Frame and sheetrock new walls for proposed changing rooms and birthday party room
(as shown on drawings)

CONCRETE:

Patch existing floor
poor, place and finish 22'x32' floor to bring up to grade

SPRINKLER:

Install new sprinkler drops and heads in new construction area
(approx. 1200 sq. ft. of ceiling area)

MECHANICAL:

Provide new unit heaters
(warehouse type blowers)

PLUMBING:

upgrade existing toilet facilitys

ELECTRICAL:

New lights to replace existing fixtures for new arena lighting
(energy saving ballasts)

FINISHES:

New carpet, new paint and general repairs



Portland Water District

225 Douglass St. • P.O. Box 3553 • Portland, ME 04104-3553

(207) 774-5961
FAX (207) 761-8307

July 23, 1997

Mr. David Kamila, P.E.
Land Use Consultants Inc.
966 Riverside Street
Portland, ME 04103

Re: Maine Indoor Sports, 1173 Riverside Street, Portland, Maine

Dear Dave:

The Portland Water District has a 12" water main in Riverside Street, near the proposed site. A test on a nearby hydrant produced the following results: static pressure 81 psi; pito pressure 60 psi; flow of 1300 gpm. With these results in mind, the District feels we have a healthful and sufficient capacity available to serve this proposed project and meet all normal fire protection and domestic water service demands.

With certification by the developer that all required permits have been received, we look forward to serving this project.

Sincerely,

PORTLAND WATER DISTRICT

David W. Coffin, PLS
Engineering Supervisor





Fleet Bank

July 31, 1997

To Whom It may Concern:

This letter is to certify that Acton Indoor Sports has been a customer in goodstanding with our bank. The company has been a customer since December 1995. The accounts have always been maintained in a manner consistent with bank policy.

If you require additional information please contact me at (508)692-1900.

Sincerely,

A handwritten signature in cursive script that reads "Lori Berman".

Lori Berman
SSR
Westford Branch

LEASE
SUMMARY PAGES (2 pages)

DATE OF LEASE: July 1, 1997

LANDLORD: Factors Financial FRC, Inc.
P.O. Box 7002
Portland, Maine 04112

TENANT: Name: Maine Indoor Sports, LLC
Address: 125 Wells Ave.
Newton, MA 02159

ORIGINAL TERM: July 1, 1997 to June 30, 2007

OPTION TERM: Tenant shall have an option to renew the Lease for the term of July 1, 2007 to June 30, 2017, Tenant must provide written notice to Landlord on or before June 30, 2006 of its intention to exercise the option term, with the rent for the first year of the option term being at

as agreed to by the Landlord and Tenant and escalating each year of the option term in an amount equal to 100% of the annual increase in the Consumer Price Index for the Boston Metropolitan area, as determined and reported by the U.S. Department of Labor, Bureau of Labor Statistics (or its successor for purposes of such reporting). Aside from the increase in the rent, all other terms of the Lease shall remain unchanged during the Option Term.

OCCUPANCY COMMENCEMENT DATE: July 1, 1997

RENT COMMENCEMENT DATE: September 1, 1997

SECURITY DEPOSIT: \$8,550

ANNUAL BASE RENT:

July 1, 1997 - June 30, 1998
July 1, 1998 - June 30, 1999
July 1, 1999 - June 30, 2000
July 1, 2000 - June 30, 2001
July 1, 2001 - June 30, 2002
July 1, 2002 - June 30, 2003
July 1, 2003 - June 30, 2004
July 1, 2004 - June 30, 2005
July 1, 2005 - June 30, 2006
July 1, 2006 - June 30, 2007

MONTHLY BASE RENT: for September 1, 1997 - June 30, 1998 and otherwise 1/12 of the annual rent set forth above.

TENANT'S FLOOR AREA: The entire premises at 1173 Riverside Street, Portland, Maine, being comprised of approximately 4.5+ acres of land improved with a paved parking area, a steel building of approximately

34,200+ s.f., a loading dock area and pavement about that area and two means of access/egress from the property to Riverside Street being all of the Premises of the Landlord at said location as described in a deed to Landlord dated October 11, 1995 and recorded in the Cumberland County Registry of Deeds in Book 12166 at Page 51.

USE: Indoor sports activities, including without limitation soccer and roller blade hockey and associated activities and related sales of sports equipment, food and beverages.

not be recordable. Landlord and Tenant at the request of either shall enter into an agreement in recordable form, setting forth the actual commencement and termination dates of this Lease. Landlord shall obtain a recognition and attornment agreement from its mortgagee(s) concerning this Lease.

- d. If any provisions of this Lease or its application to any person or circumstances shall to any extent be held invalid or unenforceable, the remainder of this Lease shall be considered valid and enforceable, and effect shall be given to the intent manifested by the portion held invalid or unenforceable.
- e. The Summary Pages, attached hereto, are hereby made a part hereof and shall have full effect according to their terms.

LANDLORD:
FACTORS FINANCIAL, INC., LLC.

By: William R. Black
William R. Black, President

William R. Black
Witness

TENANT:
MAINE INDOOR SPORTS, LLC

By: Thomas J. Mangione, Jr.
Thomas J. Mangione, Jr., President
Indoor Sports Management, LLC
175 Main Street, Bangor, ME

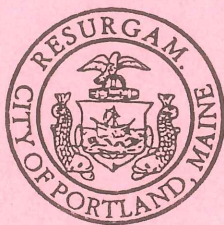
Thomas J. Mangione, Jr.
Witness

GENERAL & UNCONDITIONAL GUARANTY

The undersigned, INDOOR SPORTS LLC, a Massachusetts limited liability company, for itself and its successors and assigns, does hereby generally and unconditionally guaranty the performance of Maine Indoor Sports, LLC under any and all terms, obligations and requirements of this Lease.

INDOOR SPORTS LLC

By: Thomas J. Mangione, Jr.
President
Indoor Sports Management, LLC
175 Main Street, Bangor, ME



CITY OF PORTLAND
Planning and Urban Development Department

MEMORANDUM

TO: Richard Knowland, Senior Planner

FROM: Steve Bushey, Development Review Coordinator *SB*
(SB)

DATE: July 17, 1997

RE: Maine Indoor Sports, 1173 Riverside Street

I have reviewed the site plan and supporting documents for the proposed Maine Indoor Sports facility. I offer the following comments based on my review and a site visit.

1. The existing parking lot appears to be in poor to average condition as it is cracked throughout and grass growth in the cracks is heavy. It is recommended that the pavement structure be evaluated by the applicant and that pavement repairs including crack sealing or full pavement overlay be performed.
2. The two existing catch basins must be cleaned and the frames and grates reset. Significant settlement has occurred around the basins as evidenced by a build up of sand and fine grained material around the structures, therefore the catch basins are not draining properly.
3. An existing cart path crosses the northwest corner of the property. The path goes to the City of Portland Driving Range. Either the path should be relocated or an easement provided to allow continued use.
4. The applicant should provide ability to serve letters from all serving utilities.



LAND USE CONSULTANTS INC

July 22, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3096

Mr. David W. Coffin, PLS
Engineering Supervisor
Portland Water District
225 Douglass Street
PO Box 3553
Portland, ME 04104-3553

COPY

Maine Indoor Sports, 1173 Riverside Street, Portland, Maine

Dear Dave:

On behalf of my client, Indoor Sports Management, Inc., I am writing to request a letter confirming your ability to serve their proposed project with adequate fire and domestic water service. They are planning to lease the former Hingham Arena that is located across from the Riverside Golf Course and convert it into an indoor sports facility for soccer, roller hockey, lacrosse, volleyball, field hockey, basketball, etc.

They estimate daily usage to be around 1140 6PD based on a similar but larger facility (3 rinks vs. 2 rinks) in Acton, Massachusetts.

They are planning to make some interior modifications by constructing two rinks. Utility services will remain as is. A Site Plan is enclosed for your reference.

Please respond in writing regarding your ability to serve this project. If you have any questions, please call me.

Thank you for your attention to his matter.

Sincerely,

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure;

cc: Tom McLaughlin, Indoor Sports Management, Inc.
Rick Knowland, Portland Planning Department

CITY OF PORTLAND

July 24, 1997

Dave Kamila
966 Riverside Street
Portland, ME 04103

RE: Maine Indoor Sports

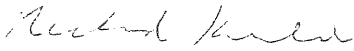
Dear Dave:

Updated comments on the Maine Indoor Sports Facility at 1173 Riverside Street from the June 24th staff meeting.

- Please formally submit this application to the Building Inspection Office.
- See memo from Steve Bushey dated 7-17-97.
- I know the primary use of the facility is an indoor recreation facility but I noticed in the submitted material reference to a "birthday party room." Are you going to be serving food? If so, how many seats and what floor area would be devoted to the dining area and cooking facilities. A reminder that a food service license would be required.
- Applicant should submit documentation on right title or on interest in the property such as a lease.
- Tom Errico indicates that Jack Murphy's suggestion of two 11 foot exit lanes and a 16 foot entrance lane is o.k. for the driveway entrance.
- Where will solid waste be stored? If its an outside dumpster, it should be screened with a solid wood fence and gate.
- Please clarify on the plan what vegetation is going to be preserved.
- Submit written statements of Sec. 14-525(c).
- See attached site plan and subdivision notes for inclusion on the plan.

Should you have any questions on this letter, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Knowland".

Richard Knowland
Senior Planner

JOHN L. MURPHY, P.E.

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

July 14, 1997

David Kamila
Land Use Consultants
966 Riverside Street
Portland, Maine 04103

Re: Proposed Portland Sports Arena on Riverside Street.

Dear Dave:

On 7/11/97 I measured sight distance from the existing curb cut of 970 feet to the right and over 1500 feet left. The posted speed limit is 25 miles per hour which would normally require only 250 feet of sight distance. I also met with Ralph Webster of the Design Division of the Maine Department of Transportation (MDOT) to review the latest plans for Riverside Street reconstruction in the project vicinity.

Basically, the MDOT plans will result in a 35.43 foot paved roadway (10.8 meters) which will have 6 foot shoulders and 11.72 foot travel lanes (1.8 meters and 3.6 meters respectively). There will be a 5 foot sidewalk on the easterly side of Riverside Street. This was changed based upon the public hearing. The MDOT plans propose filling the dips and cutting the crests of the Riverside Street vertical alignment. This will result in less inconsistencies of short vertical curves. The cuts and fills are substantial (4 ft. to 6 ft.) and the proposed 5 foot cut in front of the Sports Arena driveway will require MDOT to reconstruct the planned access roadway back into the parking area. Generally, the MDOT plan will improve traffic flow and safety for the entire project length of Riverside Street. Stopping sight distance for Riverside Street through traffic will be greatly increased. Sight distance for the proposed Sports Arena driveway will remain approximately the same.

I also reviewed data provided by Indoor Sports Management, Inc. on trip generation from a similar facility in Acton, Massachusetts. This data was in a Vanasse Hanges Brustlin traffic assessment related to expansion of the existing facility. The existing facility generated 65 entering and 50 exiting trips during a March

1996 weekday PM peak hour. This facility had two fields with ancillary uses including two batting cages, a registration area and a refreshment stand/pro shop in a 59,000 square foot facility. The existing ice arena is roughly 31,600 square feet in area. It is important to note that the indoor playing fields proposed have peak usage during the winter when the golf course on Riverside Street is closed. Thus these uses are compatible in that peak periods do not coincide.

The proposed driveway for this project has been requested to be 24 feet wide based upon initial City review. The State was prepared to retain the existing 40 foot width. In view of the expected traffic of 115 trips during the PM peak hour, I would suggest that the driveway have two 11 foot exit lanes and a 16 foot entrance lane with at least 15 foot curb radii. The usage is a commercial use and would better accommodate expected traffic flow with a two lane exit and one lane entrance. The new driveway should be centered on the existing driveway.

Conclusions

1. Sight distance from both the existing and proposed driveways far exceeds minimum standards.
2. The proposed MDOT design will improve safety on Riverside Street by improving stopping sight distance and pavement conditions for the entire length of the project.
3. I have suggested a more commercial type driveway design which may or may not be implemented as there is a City review comment to decrease the driveway width to 24 feet.
4. Peak times of usage of the golf course on Riverside Street and of the proposed Sports Arena are at different times of the year, resulting in non conflicting peak traffic generation.

Sincerely,



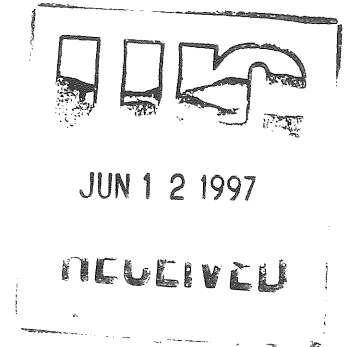
John L. Murphy, P.E.



Indoor Sports Management, Inc.
One Keefe Road
Acton, Massachusetts 01720
(508) 287-5533

June 10, 1997

Mr. Joseph Gray
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101



RE: 1173 Riverside Street

Dear Mr. Gray

We have negotiated a lease to use the building at 1173 Riverside Street in Portland to operate indoor athletic and recreational programs. These programs include indoor soccer, roller hockey, lacrosse, volleyball, field hockey, basketball, etc. We anticipate that the facility will be used primarily by children, and we have sports programs for youngsters as young as four years old. To the best of our knowledge, there are no similar indoor sports facilities in the City of Portland or in its surrounding communities. Based on our experience at our two existing facilities in Massachusetts, we believe the location will quickly develop into a community asset.

The building was originally designed and built as a recreational skating arena. Over the past few years it has been used for some light manufacturing and storage. We are simply planning to restore the building to its original recreational use, which is fully in compliance with existing zoning for the property. We are not planning any changes to the outside of the building and very few changes to the inside of the structure. Our primary improvements to the building would be the installation of 2 rinks. The larger rink (about 160' x 85') would be used primarily by older children and adults, while the smaller rink (about 100' x 60') would be used by younger children. Ideally, we would like to be open by September.

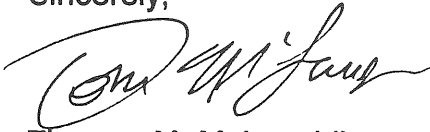
Since the building has most recently been used for storage and the floor area is in excess of 10,000 square feet, the Portland Code requires a full site plan review process before the building can be used for its originally intended purpose. Given the extensive survey, engineering, soils, and other submission requirements, this is both a time consuming and expensive process for a business of our nature. We have been informed that under some circumstances the site plan review process can be waived. Since the building was originally intended for a similar recreational use and since we

Mr. Joseph Gray
City of Portland
June 10, 1997
Page 2.

are not planning to make exterior alterations to the property, we would like to request a waiver of the site plan review requirement.

For your reference, I have included some copies of photographs of the property and of some programs at our existing facilities. We would be happy to provide you with any other information that you would like or to answer any questions that you may have about our plans or our existing facilities. If you would like any more information, please do not hesitate to give me a call.

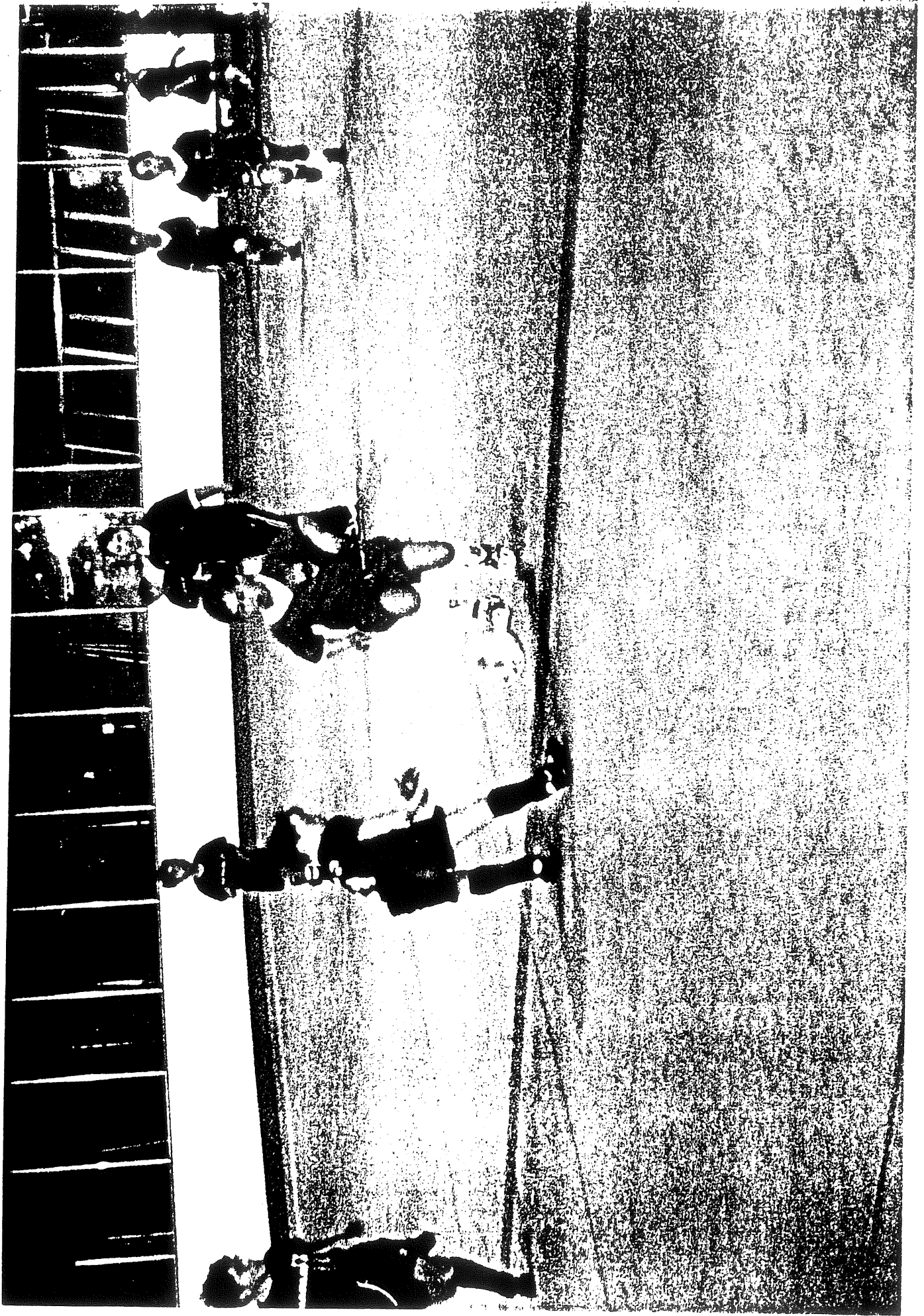
Sincerely,



Thomas M. McLaughlin
President

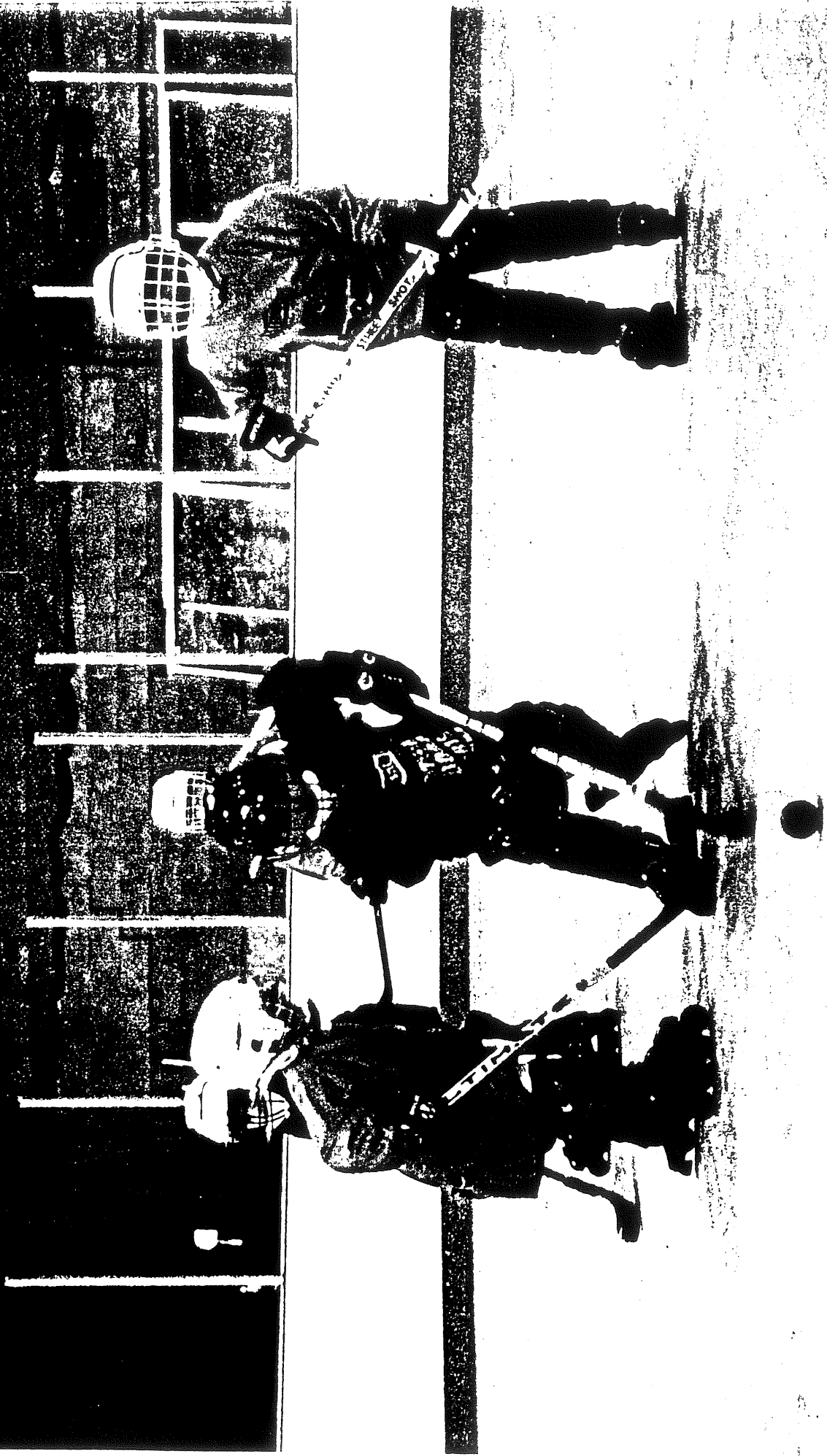
cc: Mr. George Campbell, Mayor
Ms. Margaret Smuckle, Inspections
Mr. Charles Harlow, City Councilor

Bcc: Greg Boulos
Lerry Clough
David Kamile



U8 Soccer - Acton

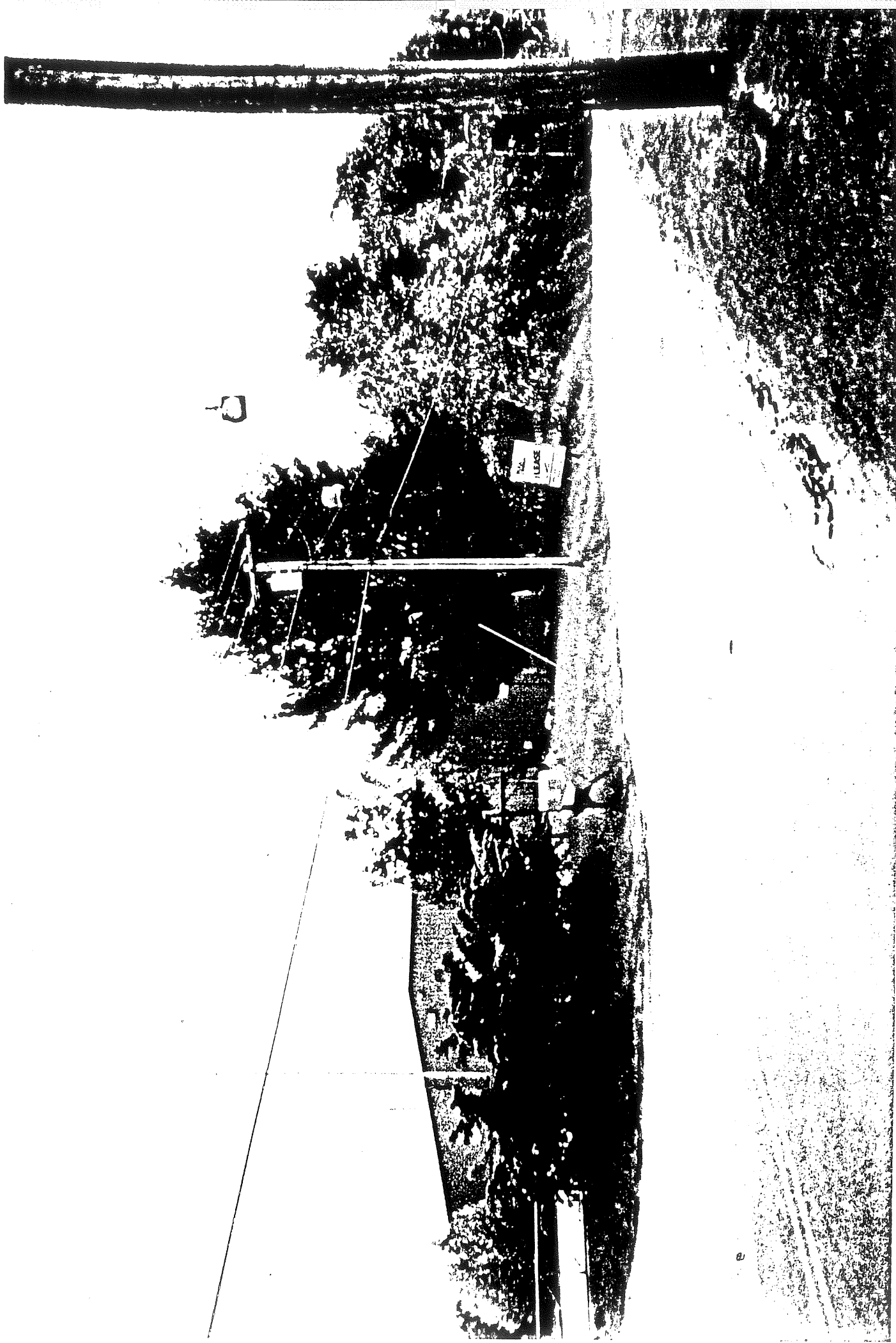
**BATTLING
CAGE**



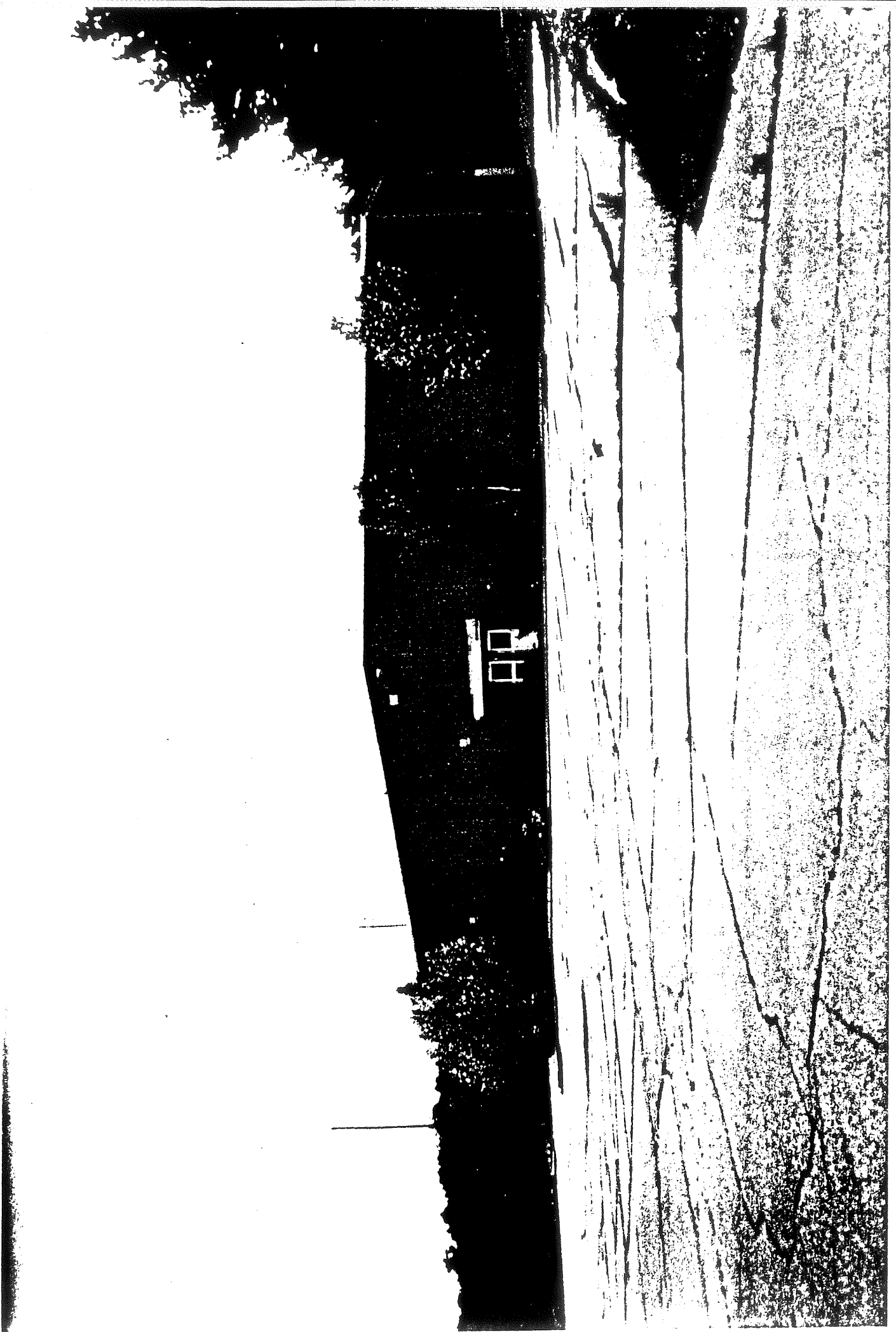
Youth Roller Hockey - Acton



Birthday Party Room - Acton



1173 Riverside Street - View from Golf Course



1173 Riverside Street - Main Entrance & Parking



LAND USE CONSULTANTS INC

July 15, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3096

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Maine Indoor Sports, 1173 Riverside Street, Portland, Maine

Dear Rick:

On behalf of my client, Indoor Sports Management, Inc. I am submitting herewith a proposed Site Plan (10 copies) of the former Hingham Arena located at 1173 Riverside Street in Portland, Maine. The project is in the I-1 zone and includes a total of 4.52 acres with 876.62 feet of frontage on Riverside Street. The building contains 32,500 sq. ft. and was formerly an indoor skating rink.

They propose to lease the building from the current owners and operate it as an indoor athletic and recreation center. The proposed use is described in more detail in a letter to Joe Gray from Indoor sports Management dated June 10, 1997 (copy attached).

We are proposing to use the existing parking lot on the north end of the building only and it will be able to accommodate 114 parking spaces of which 4 will be designated for handicap. All circulation aisles will be 24 feet wide and the existing entrance from Riverside Street will be redefined to a 24 ft. width with granite curbs on the radius at Riverside Street. According to the parking ordinance the required parking is 1 space per 400 sq. ft. based on the 32,500 sq. ft. building, 81 parking spaces are required.

The existing fire lane along the easterly side of the building will be restricted and no parking in the rear parking lot will be permitted.

A traffic study was performed by Jack Murphy and a copy is attached. The sight distance is more than adequate and will be improved by the proposed reconstruction of Riverside Street under design by MDOT. Their design will include a new sidewalk on the project side. We have delineated a 5 ft. wide easement to accommodate any grading and will confirm this with the current owner.

Utility services will remain as is.

A new sign will be erected near the entrance drive. The applicant will provide details under separate cover.

LAND USE CONSULTANTS INC

I trust this submission will enable you to begin your technical review process. Please call me with any questions or comments.

Sincerely,

A handwritten signature in black ink that reads "David A. Kamila". The signature is written in a cursive, flowing style.

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Indoor Sports Management, Inc.

JOHN L. MURPHY, P.E.

Civil Engineer
Traffic Engineer

RR1, BOX 6300
WEST BALDWIN, MAINE 04091-9745
207-625-8222

July 14, 1997

David Kamila
Land Use Consultants
966 Riverside Street
Portland, Maine 04103

Re: Proposed Portland Sports Arena on Riverside Street.

Dear Dave:

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Sincerely,



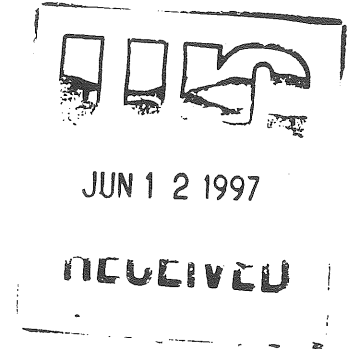
John L. Murphy, P.E.



Indoor Sports Management, Inc.
One Keefe Road
Acton, Massachusetts 01720
(508) 287-5533

June 10, 1997

Mr. Joseph Gray
Planning Department
City of Portland
389 Congress Street
Portland, Maine 04101



RE: 1173 Riverside Street

Dear Mr. Gray

We have negotiated a lease to use the building at 1173 Riverside Street in Portland to operate indoor athletic and recreational programs. These programs include indoor soccer, roller hockey, lacrosse, volleyball, field hockey, basketball, etc. We anticipate that the facility will be used primarily by children, and we have sports programs for youngsters as young as four years old. To the best of our knowledge, there are no similar indoor sports facilities in the City of Portland or in its surrounding communities. Based on our experience at our two existing facilities in Massachusetts, we believe the location will quickly develop into a community asset.

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Mr. Joseph Gray
City of Portland
June 10, 1997
Page 2.

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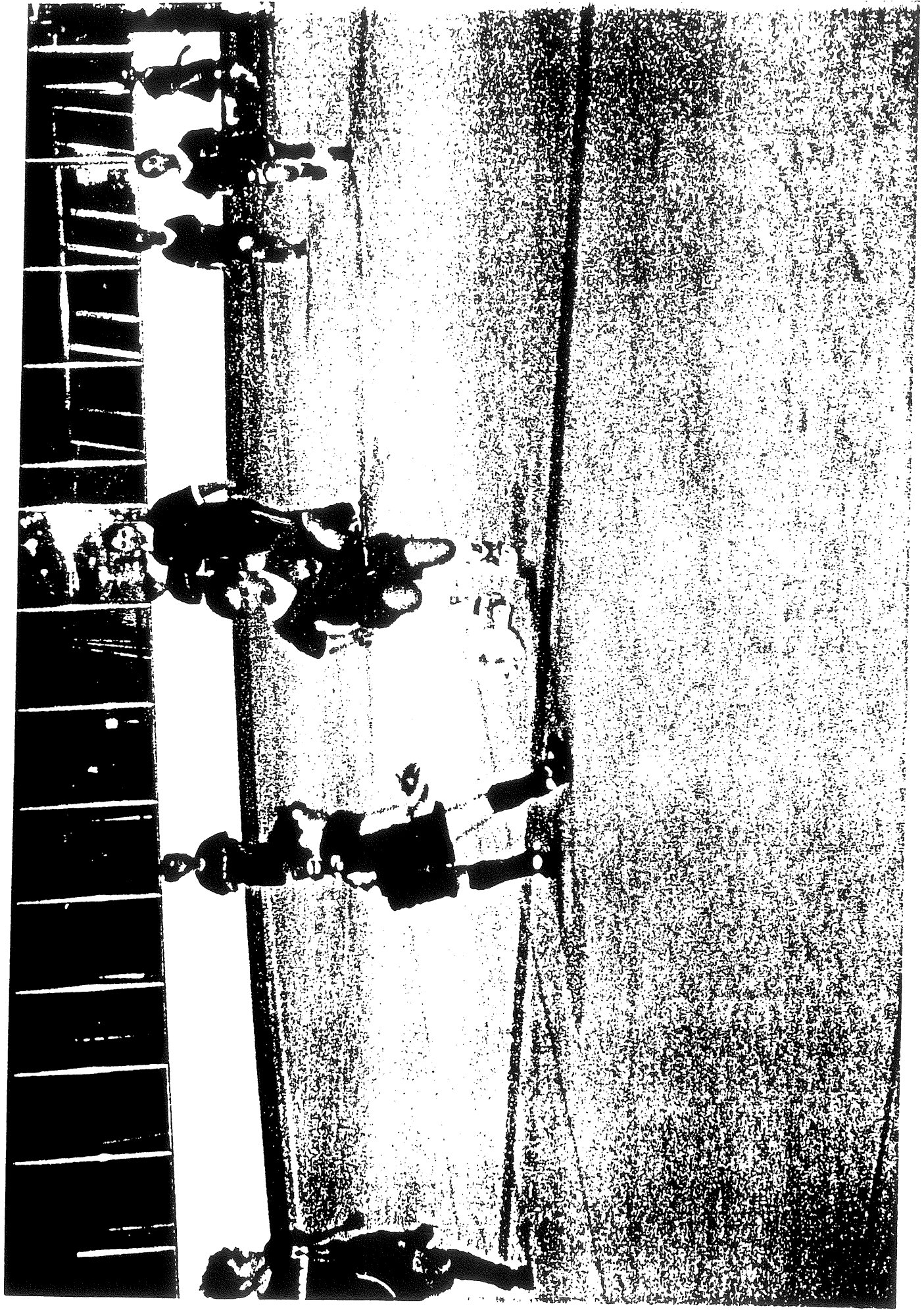
Sincerely,



Thomas M. McLaughlin
President

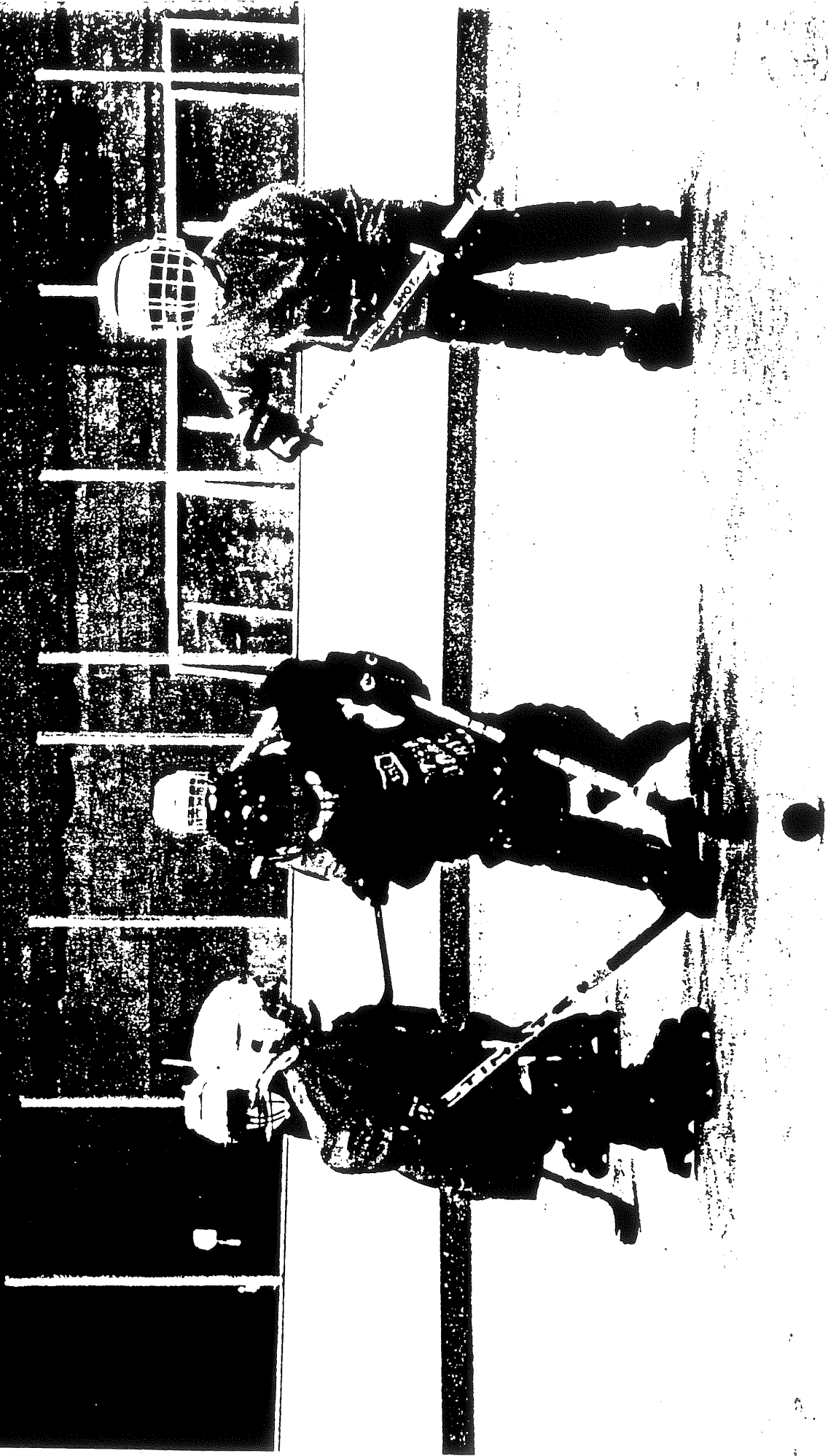
cc: Mr. George Campbell, Mayor
Ms. Margaret Smuckle, Inspections
Mr. Charles Harlow, City Councilor

3cc: Greg Boules
Lerry Clough
David Kamile



U8 Soccer - Acton

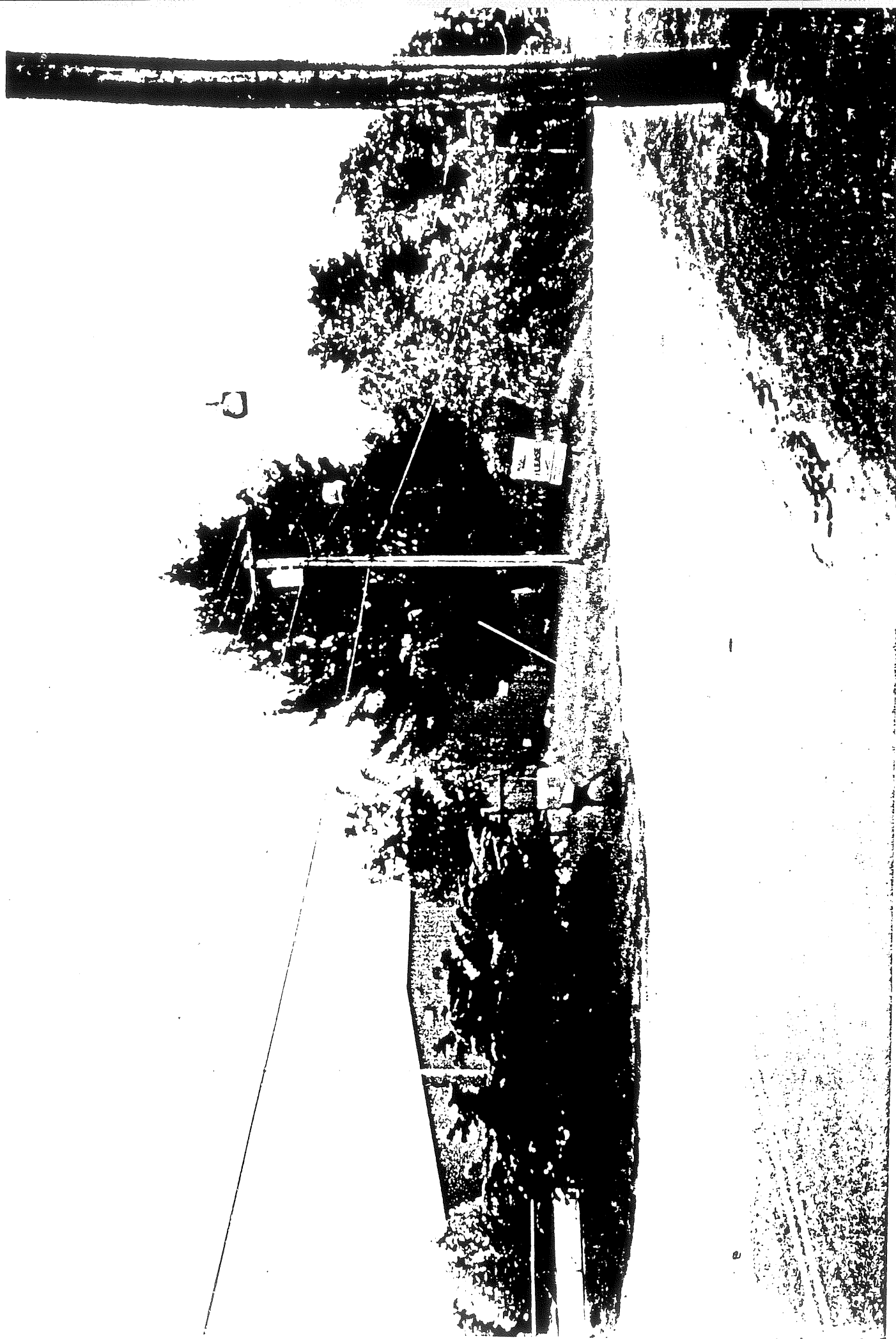
**BATTLING
CAGE**



Youth Roller Hockey - Acton



Birthday Party Room - Acton



1173 Riverside Street - View from Golf Course



1173 Riverside Street - Main Entrance & Parkina



LAND USE CONSULTANTS INC

July 29, 1997

J. David Haynes, RLA
David A. Kamila, PE
Frederic J. Licht, Jr., PE

Thomas N. Emery, RLA
John D. Roberts, PLS
3096

Richard Knowland, Senior Planner
Department of Planning & Urban Development
City of Portland, City Hall
389 Congress Street
Portland, ME 04101

Maine Indoor Sports, 1173 Riverside Street, Portland, Maine

Dear Rick:

On behalf of my client Indoor Sports Management, Inc. I am providing follow-up comments and documentation in response to Staff Comments dated July 17, 1997 by Steve Bushey and July 24, 1997 by yourself.

My client will be filing a formal application with the building inspector's office herewith.

The existing parking lot will be sealed and re-stripped according to the attached Revised Site Plans (7 copies). The entrance is revised to show a 16 ft. wide entrance lane and two 11 ft. wide exit lanes. The existing catch basins will be cleaned and the rims re-set. Stormwater will continue to flow as it has and no additional impervious surface will be created.

The existing cart path encroachment does not impact our Site Plan and its resolution is a matter to be determined by the current owner William Black and the City.

A copy of a letter from the Portland Water District regarding service is attached.

The birthday party room will be rented by customers who provide their own cakes. The snack bar will have soft drinks, coffee, popcorn and prepared snacks available. No cooking will take place on the premises. The areas will be detailed on the building renovation plans to be submitted by the applicant under separate cover.

Documentation of the lease will be provided by the applicant under separate cover.

A dumpster location with wood fence enclosure is shown at the rear of the building. It is estimated that up to 4 cubic yards of solid waste consisting of commercial paper waste such as plates, cups, napkins, plastic utensils and packaging will be disposed of weekly.

No vegetation is proposed to be removed as noted on the plan (No. 10). All standard notes have been added to the Site Plan.

An outline of the sequence of construction will be submitted by the applicant under separate cover.

No state or federal approvals are required.

LAND USE CONSULTANTS INC

A statement of financial capacity will be provided by the applicant under separate cover.

No unusual natural areas, wildlife or fisheries habitat or archeological sites are known to exist on this site and no additional construction is proposed.

I trust this additional documentation will enable you and your staff to complete their review of this project. Please call with questions or additional comments.

Sincerely,

A handwritten signature in black ink, appearing to read "David A. Kamila". The signature is fluid and cursive, with a large loop at the end of the last name.

David A. Kamila, P. E.
Vice President

DAK/pp

Enclosure

cc: Tom McLaughlin/Scott Gaetz

7-18-90

STAFF MTC.
MAING INDOOR SPIND

utility letters water district, public works

talk about parking down

SHOULD FORMALLY SUBMIT APPLICATION

USE - BIRTHDAY OCCASION - NOT A RESTAURANT
LICENSE FOOD SERVICE

✓ PRESERVATION OF TREES

↑ SHOW FLOOR PLAN
AND WALLS

✓ RIGHT TITLE AND INTEREST

FINISH

WRITTEN STATEMENT

SITE P

NOTE

MUNICIPAL RECOMMENDATION OR

UTILITIES - ONDEONCUM

5-14-97

DAVE,

I've enclosed our performance
guarantee info. I would push
on a P.G. for future Indian
sports. Unless you can convince
Alex Otterwing. Didn't have
a chance to discuss this
much. The ^{MAO} council before
going on vacation.

RICK KNOWLTON

Joseph E. Gray Jr.
Director

TLAND

tects, and Engineers

ider site plan and/or subdivision review in the City
us required improvements. The code further
s associated with inspecting construction activity to

is related to site plan and subdivision review, such
ing, lighting, etc. A detailed itemized cost estimate
ral by the City, determines the amount of the
sually be a letter of credit from a financial
ble. The form, terms, and conditions of the
ugh this office. The performance guarantee plus a

check to the City of Portland in the amount of 1.7% of the performance guarantee or as assessed by the
planning or public works engineer must be submitted prior to the issuance of any building permit for affected
development.

Administration of performance guarantee and defect bonds is through this office. Inspections for
improvements within existing and proposed public right-of-ways is the responsibility of the Department of
Parks and Public Works. Inspections for site improvements is the responsibility of the Development Review
Coordinator in the Department of Planning and Urban Development.

Performance Guarantees will not be released by the City until all required improvements are completed and
approved by the City and a Defect Bond has been submitted to and approved by the City.

O:\PLAN\CORRESP\SECRETAR\FORMS\PGLTR.SAP7.7.97

355-A-019

1173 Riverside St

Maine indoorsports

1 Keefe Rd, Acton, MA 01720

with floor