

FRONT STREET SHIPYARD – CONTRACT REZONING AGREEMENT

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
EXHIBIT A PLANNING BOARD'S CONDITIONS OF APPROVAL						
1.			CITY PERMIT APPROVAL			
	X		Apply to amend the Contract Rezoning Agreement, as amended, to propose to amend any terms. (Amendment #8)	Applicant	Ongoing	SHM
2.			CHANGE IN APPLICANT			
		X	Apply for change of ownership approval by the Planning Board and City Council for (a) new owner, or (b) change of controlling ownership. (Amendment #4)	SHM	Ongoing	SHM
3.			NON-CITY (OTHER) PERMITS			
		X	Provide the Code Enforcement Officer a copy of all permits that may be required and that it obtains from all parties other than the City. (Amendment #4)	Applicant	Presumably Completed	SHM
		X	Obtain permits for improvements involved with the issuance of a City building prior to the issuance of a City permit, or the start of work authorized by a City permit. (Amendment #4)	Applicant	Ongoing	SHM
		X	Abide by terms of all state, federal and quasi-public agency (non-City) permits that are required for this project, and inform the City if any conditions or requirements imposed by said entities differ or conflict with requirements established by the City of these conflicts and shall work with the City to resolve the conflict. (Amendment #4)	Applicant	Ongoing	SHM
		X	Inform the Code Enforcement Officer of orders regarding project construction or compliance that may be issued by other agencies, and describe the action performed by the applicant to comply with the respective order. (Amendment #4)	Applicant	Ongoing	SHM

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4.			USE OF BUILDINGS AND CONSTRUCTION SCHEDULE			
			<i>Use:</i>			
			<i>Building #1:</i>			
	X		Use as boat storage and boat repair (first floor) and ancillary uses to its boat repair, boat storage, boat refitting and boat building operations (second floor), and may also be used for industrial uses; compacted gravel area on former Building #1 footprint may be used for outside boat storage and employee parking (Amendment #4)	N/A	N/A	N/A
		X	Demolish existing building. (Amendment #3)	Permittee	Complete ¹	N/A
		X	Construct concrete retaining wall and regrade and compact all fill on site of former building. (Amendment #3 and #4)	Permittee	Presumably Complete ²	SHM
	X		Construct new 2-story building, approximately 11,700 sq. ft. (Amendment #4)	Permittee	Presumably Complete ³	SHM
			<i>Building #2:</i>			
	X		Any use directly related to its operation of a boat storage, boat repair, boat refitting and boat building facility (Amendment #8);	N/A	N/A	N/A
	X		Demolish existing building.	Permittee	Complete ⁴	N/A
	X		Construct new building, provided a plan and building design for the replacement structure was submitted. (Amendment #4)	Permittee	Not Completed ⁵	SHM
	X		Reconstruct existing pile supported pier on which Building #2 is located, including the area that will be used for the Harbor Walk. (Amendment #4)	Permittee	Presumably Complete ⁶	SHM

¹ Completed in February 2011 per Amendment #4

² Required completion by October 1, 2011

³ Required completion by October 1, 2012.

⁴ Completed in June 2011 per Amendment #4 and Amendment #8

⁵ Required plan submittal by October 1, 2017 and completion by October 1, 2018.

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
			<i>Building #3:</i>			
	X		Any use specifically associated with its operation of a boat repair, boat storage, boat refitting and boat building facility, including ancillary industrial uses (Amendment #8)	N/A	N/A	N/A
	X		Install new siding and new roof and make interior improvements. (Amendment #4)	Permittee	Presumably Complete ⁷	SHM
			<i>Building #4:</i>			
	X		Any use specifically associated with its operation of a boat repair, boat storage, boat refitting and boat building facility, including ancillary industrial uses (Amendment #8)	N/A	N/A	N/A
		X	Make exterior improvements to the building. (Amendment #4)	Permittee	Presumably Complete	SHM
			<i>Building #4A:</i>			
	X		Any use specifically associated with its operation of a boat repair, boat storage, boat refitting and boat building facility, including ancillary industrial uses (Amendment #4)	N/A	N/A	N/A
	X		Demolish existing building and loading dock. (Amendment #4)	Permittee	Presumably Complete	N/A
	X		Construct new building, approximately 10,891 sq. ft. (Amendment #4)	Permittee	Presumably Complete ⁸	SHM
		X	Replace existing storm drain culvert. (Amendment #4)	City	Presumably Complete ⁹	City

⁶ Required completion by April 1, 2013.

⁷ Required completion by December 31, 2011.

⁸ Required completion by December 31, 2011.

⁹ To be completed post-demolition of existing building and pre-construction of new building.

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
			<u>Building #5:</u>			
	X		Any use specifically associated with its operation of a boat repair, boat storage, boat refitting and boat building facility, including ancillary industrial uses (Amendment #8)	N/A	N/A	N/A
		X	Demolish existing city-owned building. (Amendment #4)	Permittee	Presumably Complete	N/A
	X		Construct new building, approximately 22,400 sq. ft. (Amendment #4)	Permittee	Presumably Complete ¹⁰	SHM
			<u>Building #6:</u>			
	X		Any use specifically associated with its operation of a boat repair, boat storage, boat refitting and boat building facility, including ancillary industrial uses (Amendment #8)	N/A	N/A	N/A
	X		Construct new building, approximately 25,800 sq. ft. in two phases (Amendment #8)	Permittee / SHM	Phase 1 Complete / Phase 2 Pending ¹¹	SHM
			<u>Out Buildings:</u>			
	X		Construct new building for wood storage near Building #3. (Amendment #4 and Amendment #8)	Permittee	Presumably Complete	SHM
	X		Construct new small building to be used by employees that manage dock-side operations near Building #4. (Amendment #4 and #8)	Permittee	Presumably Complete	SHM
	X		Construct building that was previously the shipyard's temporary office near Building #2 (Amendment #8)	Permittee	Presumably Complete	SHM

¹⁰ Required completion by June 1, 2012.

¹¹ Required completion of Phase 1 (21,979 sq. ft. main building) by June 30, 2015 and Phase 2 (4,800 sq. ft. expansion) by June 30, 2025.

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
			<i>Temporary Buildings:</i>			
	X		Storage trailers to store equipment of vessel owners are allowed for up to one year in a location that does not interfere with use of the Harbor Walk or adversely affect appearance of functional use of the storage yard and facility. (Amendment #4 and #8)	Permittee	N/A	SHM
	X		Construct temporary enclosure around a vessel to facilitate work on such vessel. (Amendment #4 and #8)	Permittee	N/A	SHM
5.			FLOOD VARIANCE			
		X	Comply with requirements of recorded variances in the construction of Building #4A, #5 and #6. (Amendment #4 and #8)	Applicant	Presumably Completed	N/A
		X	Demonstrate to the satisfaction of the City Code Enforcement Officer that the construction of Building #4A, #5 and #6 satisfies requirements of Chapter 78, Floods, and City Building Code for construction within the floodplain. (Amendment #4 and #8)	Applicant	Presumably Completed	N/A
6.			BUILDING DESIGN			
		X	Comply with elevation drawings A.4.1 and A.4.2 for Building #1, #2, #5 and #6. (Amendment #4, #6 and #8)	Applicant	Presumably Completed	N/A
		X	Comply with elevation drawings A.4.1 for Building #3, #4 and #4A (Amendment #4)	Applicant	Presumably Completed	N/A
7.			SEWER			
		X	Ensure that all buildings that will use public sewer are properly connected to public sewer. (Amendment #3 and #4)	Applicant	Presumably Completed	N/A
		X	Work with appropriate City staff to obtain the inspection of each sewer connection. (Amendment #3 and #4)	Applicant	Presumably Completed	N/A

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	Present evidence to the Code Enforcement Officer that the overboard discharge for the former Stinson Seafoods processing plant has been disconnected and that it is no longer operable. (Amendment #3)	Applicant	Presumably Completed	N/A
		X	Ensure that the existing sewer service to Building #1 has been properly disconnected. (Amendment #3)	Applicant	Presumably Completed	N/A
	X		Construct the proposed marine wash bay in the general location identified on the approved site plan, which requires Applicant to submit a final plan for construction of the marine wash basin to the Code Enforcement Officer and Superintendent of the Wastewater Treatment Plant for their review and approval. (Amendment #3)			
		X	Present evidence to the City that the wash bay complies with all state and federal requirements. (Amendment #3)	Applicant	Presumably Completed	N/A
		X	Install the sewer line and treatment system that is approved for this improvement. (Amendment #3)	Applicant	Presumably Completed	N/A
		X	Monitor wastes from this facility pursuant to requirements identified by the Belfast Wastewater Treatment plant, including performing at least 2 tests at one month intervals to report such results to the Wastewater Treatment Plant. The parameters for said tests are on file at the Department of Planning and Community Development. (Amendment #3)	Applicant	Ongoing	SHM
		X	Obtain the required road opening permit from the Department of Public Works for any work that may occur within a City street and provide the accompanying performance guarantee that may be required for such work in the City street. (Amendment #3 and #4)	Applicant	Presumably Completed	N/A
8.			WATER SERVICE			
		X	Present evidence to the City Code Enforcement Officer that the Belfast Water District has approved of the proposed method to provide public water to the respective buildings and marine floats that will be connected to the public water supply, and the manner in which such buildings were connected to the public water service. (Amendment #3 and 4)	Applicant	Presumably Completed	N/A

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	The City and Applicant shall work cooperatively to allow the potential extension of the Applicant's water service improvements (reference site plan) to serve the 'commercial fishermen's dock and Thompson's Wharf area.. (Amendment #3)	Applicant / City	Presumably Completed	N/A
		X	Obtain the required road opening permit from the Department of Public Works and provide the accompanying performance guarantee that may be required for any work involved with the provision of water service that may impact an existing City street. (Amendment #4)	Applicant	Presumably Completed	N/A
9.			UTILITY SERVICE			
		X	Install all utilities in accordance with specifications identified on the approved site plan, and complete the installation of said utilities prior to issuance of an occupancy permit for any respective building. (Amendment #4 and #8)	Applicant	Presumably Completed	N/A
		X	Coordinate replacement of the existing overhead utility service on Front Street and installation of the new underground utilities with the Department of Public Works. (Amendment #4)	Applicant	Presumably Completed	N/A
		X	Obtain the required road opening permit from the Department of Public Works and provide the accompanying performance guarantee that may be required for any work involved with the provision of utility services that may occur within an existing City street. (Amendment #4)	Applicant	Presumably Completed	N/A
		X	The City and Applicant shall work cooperatively to allow the potential extension of the Applicant's electric service improvements (reference site plan) to serve the 'commercial fishermen's dock' and Thompson's Wharf area. (Amendment #4)	Applicant / City	Presumably Completed	N/A
10.			SOLID WASTE DISPOSAL AND LITTER			

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
	X		Install the number of dumpsters needed on the site and in locations identified by the Applicant to assist in the collection and disposal of solid wastes and recyclable materials. Dumpsters and other solid waste and recycling containers may be located within an enclosed building or in an outside location on the site and no specific screening is required for any solid waste or recycling container located outside a building, however their location shall not cause a nuisance situation with public use of the Harbor Walk or Front Street, or any abutting property owner. (Amendment #8)	Applicant	Ongoing	SHM
		X	Ensure that all wastes are routinely collected and disposed of in a sanitary manner so that offensive odors are controlled, and so that waste and litter does not become a public nuisance, and that the site is free of litter by regularly removing litter from the site. (Amendment #8)	Applicant	Ongoing	SHM
11.			HAZARDOUS WASTE			
		X	Arrange for the collection and disposal of all hazardous waste that may be generated on the site or found on the site during project construction, and shall comply with all state and federal requirements which may govern such collection and disposal. (Amendment #4)	Applicant	Presumably Completed	N/A
		X	Boat repair, boat storage, boat refitting and boat building operations shall comply with all state and federal regulations regarding the proper handling and disposal of hazardous materials and in the Applicant's use of such materials in servicing or building boats. (Amendment #4)	Applicant	Ongoing	SHM
		X	Provide, if request by the City, evidence to the Code Enforcement Officer that all wastes classified as hazardous that are involved in the boat repair, boat refitting, boat storage and boat building operations are being handled properly. (Amendment #4)	Applicant	Ongoing	SHM
		X	Ensure that all operations that occur in marine waters comply with all state and federal requirements for the proper handling of any hazardous or special waste. (Amendment #4)	Applicant	Ongoing	SHM

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	Comply with all applicable state and federal requirements for all project construction on the property on which Building #5 was constructed, and on the parking lot on which Building #6 is to be constructed . (Amendment #8)	Applicant	Presumably Completed	SHM
		X	Comply with terms of the Phase 2 Assessment and the Voluntary Response Action Program (VRAP) permit granted by the Department of Environmental Protection in 2013 for construction of Building #6, all construction activities shall. (Amendment #8)	Applicant	Presumably Completed	SHM
		X	Provide evidence to the Code Enforcement Officer that any and all contaminated soils excavated or disturbed in the construction of Building #6 were properly handled and disposed of in accordance with VRAP requirements. (Amendment #8)	Applicant	Presumably Completed	SHM
12.			STORMWATER MANAGEMENT			
		X	Construct the stormwater improvements identified on the approved site plan, any identified for the storage yard and parking areas shall be completed in concert with grading work that is completed, and any associated with specific buildings shall be completed as the respective buildings are constructed. (Amendment #4)	Applicant	Presumably Completed	SHM
		X	Replace and/or repair the existing public stormwater culvert that exists under Building #4A and potentially to make improvements to public stormwater facilities at other locations on the Applicant property. (Amendment #4)	Applicant / City	Presumably Completed	SHM / City
		X	Coordinate construction of stormwater improvements with the Department of Public Works. (Amendment #4)	Applicant	Presumably Completed	SHM
		X	Obtain a road opening permit and post any performance guarantee in the amount specified by the Superintendent of Public Works that may be required for any work that may impact Front Street or other City property. (Amendment #4)	Applicant	Presumably Completed	SHM
		X	Ensure, in managing the use of the storage yard and its respective buildings, that stormwater is effectively managed to avoid adversely impacting the public's use of the Belfast Harbor Walk. (Amendment #8)	Applicant	Ongoing	SHM

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	Work with the City in managing stormwater generated on their property when the City reconstructs Front Street. (Amendment #8)	Applicant	Presumably Completed	SHM
13.			EROSION AND SEDIMENTATION CONTROL			
		X	Ensure that project construction and demolition activities do not adversely effect water quality or result in sedimentation of the Passagassawaukeag River. (Amendment #4)	Applicant	Ongoing	SHM
		X	Use appropriate erosion and sedimentation control measures to prevent such adverse effects. (Amendment #4)	Applicant	Ongoing	SHM
		X	All construction activities also shall conform to State Department of Environmental Protection and Army Corps of Engineer requirements, including any restrictions that may apply to when construction activities can occur. (Amendment #4)	Applicant	Ongoing	SHM
14.			PARKING			
		X	Manage City-owned parking lot (Map 11, Lot 136) so that no parked vehicles interfere with the public's and vehicular use of Front Street, public use of the Harbor Walk and Dept of Public Works can effectively maintain Front Street, particularly snow maintenance. (Amendment #8)	Applicant	Ongoing	SHM
		X	Provide the Code Enforcement Officer evidence that it has secured the use of adjacent property (Map 11, Lot 158) for 15 parking spaces by a lease agreement and provide the City a copy of the executed lease.	Applicant	Ongoing	SHM
		X	Inform the Code Enforcement Officer of having 130 or more employees	Applicant	Ongoing	SHM
		X	Complete construction of parking area, using either a gravel or an asphalt surface, (Map 11, Lot 158) within 3 months of informing the Code Enforcement Officer.	Applicant	Ongoing	SHM
		X	Ensure that all stormwater generated from this parking area is effectively managed.	Applicant	Ongoing	SHM

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	Manage the areas in which employees and visitors park in accordance with the above identified parking plan.	Applicant	Ongoing	SHM
		X	Maintain all parking areas in good condition and shall ensure that snow is regularly removed from their on-site parking areas, and if needed, from their property.	Applicant	Ongoing	SHM
		X	Provide a minimum of 6 handicap spaces, which shall always be maintained and identified by appropriate signage.	Applicant	Ongoing	SHM
		X	Ensure all employees and most visitors park in the designated parking areas.	Applicant	Ongoing	SHM
		X	Manage the numbers of employees who park in the Front Street parking lot so that there are a minimum of 15 spaces available for public use at all times.	Applicant	Ongoing	SHM
		X	Provide the Code Enforcement Officer information regarding the number of full-time, part-time and contractual employees on or about July 1 st each year.	Applicant	Ongoing	SHM
		X	Report to the City having more than 160 employees and identify proposal to provide additional parking.	Applicant	Ongoing	SHM
		X	Provide the Code Enforcement Officer a minimum of 30 days' written notice of any change in the amount of parking available to the Shipyard through either lease and measures the Applicant proposes to implement to address the loss of either or both parking areas.	Applicant	Ongoing	SHM
15.			CONSTRUCTION OF STORAGE YARD AND YARD MAINTENANCE			
		X	Construct all areas that will be used for outside boat storage to standards identified on the Final Site Plan, and shall maintain such areas in good working condition. (Amendment #4)	Applicant	Presumably Completed	SHM
		X	Maintain areas that will be used for outside boat storage in good working condition. (Amendment #4)	Applicant	Ongoing	SHM

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		X	Ensure that in maintaining its storage yard, stormwater and snow storage does not adversely affect the public's use of the Harbor Walk or the City's ability to maintain such for year-round use. (Amendment #8)	Applicant	Ongoing	SHM
16.			FRONT STREET AND FRONT STREET/PIERCE STREET INTERSECTION (OFF-SITE IMPROVEMENTS)			
		X	Use caution and to employ appropriate safety measures when moving boats on Front Street, and to consult with the Department of Public Works and City Police Department regarding how best to address concerns regarding public safety. (Amendment #4)	Applicant	Ongoing	SHM
17.			MARINE/WATERFRONT CONSTRUCTION			
		X	Comply with the terms and conditions of the Belfast Harbor Committee (see below). (Amendment #7)	Applicant	Ongoing	SHM
		X	Submit any change in the use or construction of the project's marine facilities for review of the Belfast Harbor Committee. (Amendment #7)	Applicant	Ongoing	SHM
18.			LANDSCAPING			
	X		Plant landscaping or grass in areas where Applicant finds appropriate. (Amendment #8)	Applicant	Ongoing	SHM
		X	Ensure its operations do not adversely affecting plantings of the City along the water side of the Harbor Walk adjacent to Building #3, Building #4 and Building #4A or in the area located northeasterly of the marine travel-lift pier. (Amendment #8)	Applicant	Ongoing	SHM
19.			EXTERIOR LIGHTING			
		X	Install, as building improvements occur, the exterior lighting identified on the approved site plan, which mostly consists of wall-packs mounted on buildings, and all shall be down-directed and shielded with appropriate cut-offs, shall not cause glare on a public street, an adjacent property or adversely impact navigation in Belfast Harbor. (Amendment #6)	Applicant	Presumably Completed	SHM

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	Install lighting associated with the Harbor Walk on certain buildings and facilities owned and operated by the Shipyard. (Amendment #6)	City	Presumably Completed	City
20.			PUBLIC ACCESS AND IMPROVEMENTS			
20.1		X	Construct and maintain the portion of the Harbor Walk that is located on the pile supported dock/pier (the equivalent of a boardwalk) located on the marine (northeasterly) side of Building #1 and Building #2 (which has been demolished). (Amendment #8)	Applicant	Completed	SHM
		X	Construct a wooden deck (a boardwalk) that is at least 14 feet in width and railings with a cap that satisfy all building code requirements. (Amendment #8)	Applicant	Presumably Completed	SHM
		X	Install additional bracing, pilings and similar improvements to fortify construction of the pile supported dock/pier. (Amendment #8)	Applicant	Presumably Completed ¹²	SHM
		X	Construct 15' wide handicap accessible wooden ramp to provide access between the Applicant 'boardwalk' and the Armistice Bridge. (Amendment #8)	City	Completed ¹³	City
		X	Construct Harbor Walk and install 3 permanent lights located on the northeasterly wall of Building # 1 and two temporary lights (near future Building #2) on the Applicant 'boardwalk'. (Amendment #8)	City	Completed	City
	X		Temporarily close, from time to time, public access to the above section of the Harbor Walk if operations conducted in this area cause concerns regarding public safety. (Amendment #8)	Applicant	Ongoing	SHM
		X	Erect barricades to close access and erect signage directing the public to alternative pedestrian amenities. (Amendment #8)	Applicant	Ongoing	SHM

¹² Required completion by December 31, 2013 and to provide the City a letter from a licensed structural engineer certifying that the structural improvements to the pier address structural requirements by January 31, 2014.

¹³ Completed on or about November 1, 2013 per Amendment #8

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20.2		X	Construct a 10 foot wide asphalt path in the area that extends from the Thompson Wharf area to the 'boardwalk' section (identified above). (Amendment #8)	City	Completed	City
	X		Construct a marine wash basin to serve a 165 ton travel-lift. (Amendment #8)	Applicant	Completed ¹⁴	SHM
	X		Construct a marine wash basin to serve a 485 ton marine travel-lift. (Amendment #8)	Applicant	Completed ¹⁵	SHM
		X	Install informational signage that informs the public of provisions that apply to public use of the wash basins for the Harbor Walk, including policies that apply when the Shipyard is actively using the wash basin area to haul and/or wash down one or more marine vessels. (Amendment #8)	City	Presumably Completed	City
	X		Temporarily close, from time to time, public access to the above section of the Harbor Walk if operations conducted in this area, particularly the marine wash basin area, cause concerns regarding public safety. (Amendment #8)	Applicant	Ongoing	SHM
		X	Erect barricades to close access and erect signage directing the public to alternative pedestrian amenities. (Amendment #8)	Applicant	Ongoing	SHM
		X	Comply with all closure provisions identified in the operational policies each time that the Applicant deems it necessary to temporarily close the Harbor Walk. (Amendment #8)	Applicant	Ongoing	SHM
		X	Avoid, to the greatest extent practical, any vehicular crossings of the Harbor Walk. (Amendment #8)	Applicant	Ongoing	SHM
		X	Will not store or park any materials, equipment or boats on this section of the Harbor Walk. (Amendment #8)	Applicant	Ongoing	SHM
20.3		X	Construct one 5' wide relief walkway and three 8' wide relief walkways to allow public access to the Harbor Walk and to lessen concern regarding public safety during said temporary closings. (Amendment #8)	City	Presumably Complete	City

¹⁴ Completed in 2011 per Amendment #8

¹⁵ Completed in 2013 per Amendment #8

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		X	Ensure access to the relief walkway is maintained at all times, employ reasonable measures to keep this walkway clear of equipment and materials which would hinder public use, including use of trellises or protective covers for power cables from Building 6 that serve boats in the storage yard, and elicit the cooperation of its employees to recognize the purpose of the relief walkway and to foster public use of the area. (Amendment #8)	Applicant	Ongoing	SHM
		X	Install informational signage to direct persons to use the relief walkways when the Harbor Walk is temporarily closed.	City	Presumably Completed	City
		X	Comply with provisions in the operational policies to direct persons to the relief walkway. (Amendment #8)	Applicant	Ongoing	SHM
		X	Constructed a 5' wide asphalt shoulder immediately adjacent to the southwesterly side of a portion of Front Street that is located in front of Building #1 to provide a wider paved area along Front Street which both pedestrians, bicyclists and vehicles can use to travel in this area. (Amendment #8)	City	Completed ¹⁶	SHM
21.			FUEL AND PROPANE STORAGE			
	X		Construct propane storage tanks in the areas shown on the approved site plan. (Amendment #4 and #8)	Permittee	Ongoing	SHM
		X	Comply with all state and federal requirements for fuel and propane storage facilities. (Amendment #4 and #8)	Permittee	Ongoing	SHM
22.			PERFORMANCE GUARANTEE			
		X	Comply with the conditions of approval in Attachments A and B to the Contract Rezoning Agreement, as amended. (Amendment #3)	Permittee	Ongoing	SHM
		X	Comply with the project construction schedule. (Amendment #4 and #8)	Permittee	Ongoing	SHM

¹⁶ Completed on November 1, 2013 per Amendment #8.

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		X	Comply with the terms of the option to lease agreement for Building #6. (Amendment #8)	Permittee	N/A ¹⁷	SHM
		X	Obtain an occupancy permit for Building #6. (Amendment #8)	Permittee	Presumably Complete	SHM
23.			CONDOMINIUM ASSOCIATION¹⁸			
24.			EVIDENCE OF PROJECT OWNERSHIP¹⁹			
25.			APPLICANT/CITY USE/LEASE AGREEMENTS²⁰			
26.			SIGNS			
		X	Comply with approved-sign plan for on-building signs. (Amendment #8)	Permittee	Ongoing	SHM
	X		Install on-building signage to inform customers and visitors of Shipyard operations that occur in the respective buildings, and other signage on the site to direct customers and visitors to areas on the site. (Amendment #8)	Permittee	Ongoing	SHM
	X		Install exterior lighting on signage, but no signage may be internally illuminated. (Amendment #8)	Permittee	Ongoing	SHM
27.			CITY BUILDING PERMITS			
		X	Obtain building permits prior to commencing construction and comply with requirements of such permits. (Amendment #3, #4 and #7)	Permittee	Ongoing	SHM
		X	Submit building construction plans to Code Enforcement Officer, which plans identifies (i) how all applicable city, State and federal requirements are satisfied, and (ii) how construction will comply with Chapter 78, flood requirements,. (Amendment #4 and #8)	Permittee	Ongoing	SHM

¹⁷ Lease terminated by merger upon Applicant's ownership of the underlying property.

¹⁸ No outstanding or ongoing construction, completion or submittal requirements set forth in this Section, as condominium provisions were eliminated by Section 16 of the Comprehensive Master Agreement.

¹⁹ No outstanding or ongoing construction, completion or submittal requirements set forth in this Section.

²⁰ No outstanding or ongoing construction, completion or submittal requirements set forth in this Section. See Comprehensive Master Agreement Matrix

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
28.			AS-BUILTS			
		X	Provide Code Enforcement Officer an as-built of all site improvements constructed. (Amendment #4)	Permittee	Presumably Complete ²¹	SHM
		X	Provide City Property and Facilities an as-built of any changes and improvements to City property and facilities. (Amendment #3 and #4)	Permittee	Presumably Complete ²²	SHM
		X	Provide Code Enforcement Officer plans for construction of the marine wash basin and marine travel lift piers and identify any changes made during construction in an as-built or memorandum. (Amendment #7)	Permittee	Presumably Complete	N/A
		X	Provide Code Enforcement Officer an as-built of all site improvements associated with Building #6 (Amendment #8)	Permittee / SHM	Presumably Complete ²³	N/A
			EXHIBIT B HARBOR COMMITTEE'S SPECIFIC CONDITIONS OF APPROVAL			
1.			SITE PLAN APPROVAL AND IMPROVEMENTS PERIOD			
	X		Construct the marine travel-lift pier and accompanying float system (Amendment #3)	Permittee	Presumably Completed	SHM
	X		Construct wash bay facility (Amendment #3)	Permittee	Presumably Completed	SHM
	X		Construct a new gangway and float for the existing pier adjacent to Building #1, a total of 8 floats, provided none of the floats intrude into the 25 foot setback area from the City channel or the setback area from the littoral line between the applicant property and the City owned Armistice Bridge. (Amendment #4)	Permittee	Presumably Completed	SHM

²¹ Required that they be provided by August 1, 2012.

²² Required that they be provided by August 1, 2012.

²³ Required to be provided within 3 months of completion of Building #6.

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
	X		Construct a new dock adjacent to Building #2. (Amendment #4)			
	X		Construct a boardwalk/dock along the water side of Buildings # I and #2 that the City may use for the coastal walkway, and which the applicant can use to support its marine operations. (Amendment #4)	Permittee	Presumably Completed	SHM
	X		Complete alterations to configuration of the marine boat wash area. (Amendment #4)	Permittee	Presumably Completed	SHM
	X		Install a marine pump-out facility at the travel-lift pier. (Amendment #4)	Permittee	Presumably Completed	SHM
	X		Construct 46 marine floats and accompanying pilings and gangways (Amendment #5)	Permittee	Presumably Completed	SHM
	X		Construct two new piers for the new travel-lift (Amendment #7)	Permittee	Presumably Completed	SHM
	X		Reconfigure the layout of floats located southerly of the travel-lift pier (Amendment #7)	Permittee	Presumably Completed	SHM
	X		Expand the size of the on-shore marine wash basin (Amendment #7)	Permittee	Presumably Completed	SHM
	X		Reconfigure the shape and size of the turning radius in the inner (Amendment #7)	Permittee	Presumably Completed	SHM
	X		Reconfigure the layout of several floats located adjacent to the dock on the Shipyard property located south of the Armistice Bridge (Amendment #7)	Permittee	Presumably Completed	SHM
2.			ADDITIONAL USE OF MARINE WATERS			
		X	Reconfigure several floats connected to the dock on the Shipyard property located south of the Armistice Bridge (Amendment #7)			

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
3.			LOCATION AND CONSTRUCTION OF COMMERCIAL FISHERMAN'S DOCK ²⁴			
4.			ON-SHORE SUPPORT FACILITIES FOR COMMERCIAL FISHERMAN'S DOCK ²⁵			
5.			APPLICANT TEMPORARY USE OF RESERVE AREA FOR COMMERCIAL FISHERMAN'S DOCK ²⁶			
6.			CITY USE OF COMMERCIAL FISHERMAN'S DOCK ²⁷			
7.			LITTORAL LINES AND CONSTRUCTION LIMITATIONS			

²⁴ This condition was eliminated by Amendment #7 and 8.

²⁵ This condition was eliminated by Amendment #8.

²⁶ This condition was eliminated by Amendment #8.

²⁷ This condition was eliminated by Amendment #8.

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	<p>For all project construction,</p> <p>(a) observe the littoral lines identified on the Site Plan approved for Amendment #3,</p> <p>(b) on the southerly end, ensure all structures are setback a minimum of 20' from the littoral line and the navigable area between the Applicant facilities and the City Thompson Wharf facilities shall be a minimum of 40' in width,</p> <p>(c) along the northerly property line (area adjacent to Armistice Bridge), ensure all structures, at a minimum, shall be setback 25' from the Applicant's property line, as such is shown on the Site Plan approved for Amendment #3, and</p> <p>(d) do not endanger the integrity of the City's buried sewer line located on the southerly side of the Armistice Bridge, and project infrastructure shall respect an adequate setback to allow the City to maintain its sewer line, as identified by the Sewer Treatment Plant and Public Works Department. (Amendment #7)</p>	Permittee	Presumably Completed	SHM
		X	No anchors within 75 feet of the southerly face of the Armistice Bridge may be dropped by Applicant and Applicant cannot grant permission to any person using its facilities to do so. (Amendment #7)	Permittee	Ongoing	SHM
8.			CHANNEL SETBACK			
		X	Ensure that all floats constructed by Applicant are located a minimum of 25' from the City's navigable channel. (Amendment #7)	Permittee	Presumably Completed	SHM
		X	Ensure that no vessels that use any of Applicant's floats or piers for berthing or hauling encroach into any portion of the navigable channel. (Amendment #7)	Permittee	Ongoing	SHM

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
		X	Contact the Harbor Master, if operations at the Shipyard will likely result in a vessel encroaching into the navigable channel, to inform them of the name of the vessel, estimated amount of encroachment, and estimated time the vessel will encroach into the channel. (Amendment #7)	Permittee	Ongoing	SHM
		X	Reconfigure the floats near the Armistice Bridge to comply with the float array identified on Plan Sheet C-1.	Permittee	Presumably Completed ²⁸	SHM
9.			PROJECT LIGHTING			
		X	Ensure that none of the lighting installed on the marine improvements cause any glare that would adversely affect navigation in the harbor. (Amendment #7)	Permittee	Presumably Completed	SHM
10.			RECOGNITION OF WHARF LINE LIMIT AND FUTURE CONSTRUCTION ACTIVITY			
	X		If any wharf, float or dock facilities, which are constructed in the marine waters more than 100' from the shore, are removed or abandoned for no less than 5 years, any rights granted by the city to construct such structure beyond the 100' wharf line limit are forfeited and any new or replacement structure must respect the 100' wharf line limit, unless the City allows an amendment to the Contract Rezoning Agreement requiring review by the Harbor Committee and action by the City Council/ (Amendment #7)	Permittee	Ongoing	SHM
11.			PLAN AMENDMENTS			
		X	Submit for review and approval by the Harbor Committee any change or amendment to the terms of the Contract Rezoning Agreement, as amended, and the approved Site Plan. (Amendment #7)	Permittee	Ongoing	SHM

²⁸ Required completion by January 1, 2014.

No.	Authorized	Required	Condition	Responsible Party for Completion / Submittal	Status of Completion / Submittal	Responsible Party (Post-Closing)
12.			AUTHORITY OF BELFAST HARBORMASTER			
		X	Recognize that the Belfast Harbormaster, pursuant to authority granted by MRS Title 30-A and the City Code of Ordinances, Chapter 30, Marine Activities is solely responsible for all issues related to operations, safety and navigation in the marine waters of Belfast Bay and harbor and has the authority to enforce provisions of State law and City Code of Ordinances. (Amendment #7)	Permittee	Ongoing	SHM
13.			COOPERATIVE WORKING RELATIONSHIP			
		X	Work cooperatively with the recreational fisherman to ensure their use of the river for fishing is preserved. (Amendment #7)	Permittee	Ongoing	SHM
14.			HARBOR COMMITTEE REQUEST TO CITY COUNCIL²⁹			
15.			CITY AND DUBBA JANUARY 2011 MEMORANDUM OF AGREEMENT³⁰			
16.			LAY-OUT OF TURNING RADIUS FOR TRAVEL-LIFT PIER, THE IMPACT ON EXISTING FLOATS AND MOORINGS, AND USE OF THE TRAVEL-LIFT			
			Applicant shall work with Harbormaster and the owners of float #17 and float #77 to relocate (Amendment #7)			

²⁹ This condition was eliminated by Amendment #8.

³⁰ This condition was eliminated by Amendment #7.