

Yes. Life's good here.

Alex Jaegerman, FAICP Division Director, Planning Division

May 19, 2014

Geoffrey Minte 130 Eastern Promenade, LLC 110 Marginal Way #212 Portland, ME 04101 Patrick Carroll Carroll Associates 217 Commercial Street, Suite 200 Portland, ME 04101

Project Name: 130 Eastern Promenade – Site Plan Amendments 2014Address:130 Eastern PromenadeApplicantGeoffrey Minte, 130 Eastern Promenade, LLCProject #:#2014-050Planner:Barbara Barhydt, Development Review Services Manager:

Dear Mr. Minte and Mr. Carroll:

On May 19, 2014, the Planning Authority approved with conditions the proposed addition of one unit, parking revisions and other site changes as part of the Level II application This amended plan approval is based upon the plans as submitted by Carroll Associates, dated 4-11-2014. For reference, the original letter of approval, dated June 30, 2011 and the amended approval from December 19, 2013 are attached. The expiration date for this approval is from the original date of approval of June 27, 2013 and extended to June 27, 2014.

Waivers

The Planning Authority waiver of the Water Quality, Stormwater Management and Erosion Control Standard, Section 14-526 (b) (3) (a) remain in effect from the original approval. The Planning Authority waives the Technical Standard, Section 1.14 for the following modifications:

- a. To allow the two parallel parking spaces to be 8 ft. by 20 ft. along the driveway instead of standard parking size of 9 ft. by 18 ft.
- b. To allow two compact parking spaces at the end of the driveway.
- c. To allow a reduced aisle width of 12 feet for vehicles to back out onto the street rather than have a two-way drive of 24 feet.

Site Plan Review

The Planning Authority found that the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following Conditions of approval, which must be met prior to the issuance of a building permit:

- a. The applicant shall provide specifications relating to noise generated from condensing units and rooftop mechanicals for review and approval by the zoning administrator; and
- b. It is understood that drive apron, though not defined, will be concretePlease provide note on the final set of plans to score a defined joint between the proposed concrete walk infill and the existing concrete walk.
- c. Proposed weep hole through wall may cause icing problem and the city may ask for the weep holes to be plugged. May want to consider an alternative.
- d. Please provide stamped survey plan as part of the final plan set.
- e. The applicant shall set all property pins for review and approval by the Department of Public Services.

The approval is based upon the amended plans dated 4-11-14. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Standard Conditions of Approval

Please not the following standard conditions of approval and requirement for all approved site plans.

- 1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14 of the Portland City Code.
- 2. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
- 3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.
- 4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and five (5) final paper sets of plans and one digital copy of the plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
- 5. <u>The site plan approval will be deemed to have expired unless work has commenced</u> by June 27, 2014, which is three years from the date of original approval and no additional extensions may be granted.
- 6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874–8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. <u>Please</u> schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt at 874-8699 or via <u>bab@portlandmaine.gov</u>.

Sincerely,

Maanl

Alexander Jaegerman Planning Division Director

Attachments:

- 1. David Margolis-Pineo memorandum dated May 2, 2014
- 2. Tom Errico memorandum dated May 6, 2014
- 3. Approval Letters 2011 and 2013
- 4. Extension Letter 2012
- 5. Performance Guarantee Packet

Attachment 1

From:	David Margolis-Pineo
To:	Barbara Barhydt
CC:	DEVELOPMENT REVIEW GROUP
Date:	Friday, May 02, 2014 3:57 PM
Subject:	Re: 130 Eastern Promenade - Review Comments

May 2, 2014

Memo To:	Barbara Barhydt
From:	David Margolis-Pineo
Re:	Review comments for 130 Eastern Promenade

The Department of Public Services have the following comments on the proposed above mentioned project.

1. It is understood that drive apron, though not defined, will be concrete.

2. Please provide note to score a defined joint between the proposed concrete walk infill and the existing concrete walk.

3. Proposed weep hole through wall may cause icing problem and the city may ask for the weep holes to be plugged. May want to consider an alternative.

4. Please provide stamped survey plan.

We have no further comments.

>>> Barbara Barhydt 5/2/2014 2:12 PM >>> Hi:

Dave Senus pointed out to me yesterday that the documents for this project were not in e-plan. My apologies. I have just loaded them up. This has been in the queue for awhile and it is an amendment to an approved plan. Please review it and get me your comments as soon as possible. Pat Carroll is looking for feedback.

Thank you.

Barbara

Attachment 2

 From:
 Tom Errico <thomas.errico@tylin.com>

 To:
 Barbara Barhydt <BAB@portlandmaine.gov>

 CC:
 Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>, "Jeff

 Tarling (JST@portlandmaine.gov)" <JST@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>

 Date:
 Tuesday, May 06, 2014 10:17 AM

 Subject:
 130 Eastern Promenade

Barbara - I have reviewed the revised parking layout and access/egress plan and I find it to be acceptable based upon my prior analyses as it relates to low traffic volumes entering and exiting the site and on Wilson Street. If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE Senior Associate Traffic Engineering Director [T.Y. Lin International]T.Y. Lin International 12 Northbrook Drive Falmouth, ME 04105 207.781.4721 (main) 207.347.4354 (direct) 207.400.0719 (mobile) 207.781.4753 (fax) thomas.errico@tylin.com<mailto:thomas.errico@tylin.com> Visit us online at www.tylin.com<http://www.tylin.com> Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

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Planning and Urban Development Department Penny St. Louis, Director

> Planning Division Alexander Jaegerman, Director

JUNE 30, 2011

PETER WELLIN FISH HOUSE REALTY, LLC PO BOX 15400 PORTLAND, ME 04112 PATRICK CARROLL CARROLL ASSOCIATES 217 COMMERCIAL STREET #200 PORTLAND, ME 04101

Project Name:	CONDOMINIUM CONVERSION
Address:	130 Eastern Promenade
Applicant:	FISH HOUSE REALTY, LLC
Planner:	Shukria Wiar

Project ID: 2011-258 CBL: 003-C-001

Dear Mr. Wellin:

On June 30, 2011, the Portland Planning Authority approved a Level II Site Plan Application for renovation and conversion of the existing three story residential structure from eleven (11) apartments into a three (3) unit condominium located at 130 Eastern Promenade. The project will include demolition of an existing one story structure on the rear and side of the main building, and the construction of an addition to the south side of the building and of an open-air attached carport for three compact cars. Additional site improvements include relocating the existing driveway, additional surface parking behind the building, and landscaping improvements. The approval was based upon the applicant's submittal, including but not limited to the site survey by Robert Greenlaw of Ocean Park Land Surveying, LLC, and the approved site plan prepared by Carroll Associates and dated 06.21.2011, with the following waivers and conditions as presented below:

WAIVERS

The Planning Authority waives the Water Quality, Stormwater Management and Erosion Control Standard, Section 14-526 (b)(3)(a) of the Zoning Ordinance. The total runoff from the site in the 2, 10, and 25 year storm events is small, and the increase in runoff due to this project will be minor. The Applicant's request meets the waiver criteria outlined in the Land Use Ordinances referenced above and under the stormwater standards contained in the City's Technical Manual, specifically Chapter 500, Section 4, E. Flooding Standard, (2) Waiver of the flooding standard, (b) Insignificant increases in peak flow rates from a project site.

The Planning Authority waives the Technical Standard, Section 1.14 for the following modifications:

- a. To allow the two parallel parking spaces to be 8' x 20' along the driveway instead of standard parking size of 9' x 18'.
- b. To allow compact parking spaces under the canopy.
- c. To allow a reduced aisle widths of 12' and 23' instead of the required width of 24' for two-way traffic.

SITE PLAN REVIEW

- 1. That the applicant must comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Stormwater Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on our standards and state guidelines. A maintenance agreement for the rain gardens acceptable to Corporation Counsel must be submitted and signed prior to the issuance of a certificate of occupancy.
- 2. That all comments submitted by David Senus in his memorandum dated 06.27.2011 must be addressed and approved prior to the issuance of a building permit.
- 3. That the parking space near the trash enclosure shall be eliminated for improved on-site circulation and egress movements.
- 4. The proposed condensing units and any roof top mechanicals shall be screened by an architectural structure wall and shall have noise suppression mechanism. The applicant shall provide documentation of the projected noise levels at the property line and any mitigation measures prior to building permit issuance.
- 5. That the applicant shall coordinate their work in the right-of-way with the City's Department of Public Services.
- 6. The applicant shall submit an approved capacity letter from Portland Water District before the issuance of the building permit.
- 7. That all property corner pins shall be set prior to the issuance of building permit.
- 8. That all final plan sheets must stamped and signed by a professional engineer.

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.

STANDARD CONDITIONS OF APPROVAL

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

- 1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14 of the Portland City Code.
- 2. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

- 3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.
- 4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final paper sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds or prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
- 5. The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
- 6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. <u>Please</u> schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,

Alexander Jaegerman

Planning Division Director

Attachments:

- 1. David Senus memorandum dated 06.27.2011
- 2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis, Director of Planning and Urban Development Alexander Jaegerman, Planning Division Director Barbara Barhydt, Development Review Services Manager Shukria Wiar, Planner Philip DiPierro, Development Review Coordinator Marge Schmuckal, Zoning Administrator Tammy Munson, Inspections Division Lannie Dobson, Administrative Assistant Michael Bobinsky, Public Services Director Katherine Earley, Public Services Bill Clark, Public Services David Margolis-Pineo, Deputy City Engineer Jane Ward, Public Services Keith Gautreau, Fire Jeff Tarling, City Arborist Tom Errico, TY Lin International David Senus, Woodard & Curran Assessor's Office Approval Letter File Hard Copy: Project File



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Planning & Urban Development Department

December 19, 2013

Eileen Simko-Minte 130 Eastern Promenad LLC 110 Marginal Way #212 Portland, ME 04101

Project Name: 130 Eastern Promenade Plan Amendments Address: 130 Eastern Promenade Applicant: Eileen Simko-Minte Planner: Nell Donaldson Patrick Carroll Carroll Associates 217 Commercial Street #200 Portland, ME 04101

Project ID: 2013-236 CBL: 003 C001001

Dear Ms. Simko-Minte:

On December 19, 2013, the Planning Authority approved with conditions the proposed amendments to the approved Level II site plan for renovation and conversion of the existing three-story residential structure at 130 Eastern Promenade. This decision is based upon the plans as submitted by Carroll Associates on December 4, 2013 and dated November 20, 2013. For reference, the original approval letter, dated June 30, 2011, is attached. The amendments have been reviewed subject to the Site Plan Ordinance, Article V of the Land Use Code.

SITE PLAN REVIEW

The Planning Authority found that the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval, which must be met prior to the issuance of a building permit:

- 1. The applicant shall provide specifications relating to noise generated from condensing units and rooftop mechanicals for review and approval by the zoning administrator, and
- 2. The applicant shall set all property corner pins for review and approval by the Department of Public Services.

The approval is based on the plans submitted December 4, 2013. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

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

1. <u>Stormwater Management</u> The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater



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Planning & Urban Development Department

Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted and signed prior to the issuance of a building permit with a copy to the Department of Public Services.

- <u>Develop Site According to Plan</u> The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
- Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
- Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
- 5. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
- 6. <u>Defect Guarantee</u> A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 7. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.



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- Department of Public Services Permits If work will occur within the public right-ofway such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
- <u>As-Built Final Plans</u> Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. <u>Please</u> schedule any property closing with these requirements in mind.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,

Alexander Jaegerman, FAICP

Planning Division Director

Attachments

1. 130 Eastern Promenade Approval Letter to Fish House Realty, June 30, 2011

Electronic Distribution

Alexander Jaegerman, Planning Division Director Barbara Barhydt, Development Review Services Manager Jennifer Thompson, Associate Corporation Counsel Marge Schmuckal, Zoning Administrator Katherine Earley, City Engineer, Public Services David Margolis-Pineo, Deputy City Engineer Captain Chris Pirone, Fire Jeff Tarling, City Arborist Tom Errico, P.E., TY Lin Associates David Senus, P.E., Woodard & Curran JUNE 30, 2011

PETER WELLIN FISH HOUSE REALTY, LLC PO BOX 15400 PORTLAND, ME 04112 PATRICK CARROLL CARROLL ASSOCIATES 217 COMMERCIAL STREET #200 PORTLAND, ME 04101

Project Name:	CONDOMINIUM CONVERSION
Address:	130 EASTERN PROMENADE
Applicant:	FISH HOUSE REALTY, LLC
Planner:	SHUKRIA WIAR

Project ID: 2011-258 CBL: 003-C-001

Dear Mr. Wellin:

On June 30, 2011, the Portland Planning Authority approved a Level II Site Plan Application for renovation and conversion of the existing three story residential structure from eleven (11) apartments into a three (3) unit condominium located at 130 Eastern Promenade. The project will include demolition of an existing one story structure on the rear and side of the main building, and the construction of an addition to the south side of the building and of an open-air attached carport for three compact cars. Additional site improvements include relocating the existing driveway, additional surface parking behind the building, and landscaping improvements. The approval was based upon the applicant's submittal, including but not limited to the site survey by Robert Greenlaw of Ocean Park Land Surveying, LLC, and the approved site plan prepared by Carroll Associates and dated 06.21.2011, with the following waivers and conditions as presented below:

WAIVERS

The Planning Authority waives the Water Quality, Stormwater Management and Erosion Control Standard, Section 14-526 (b)(3)(a) of the Zoning Ordinance. The total runoff from the site in the 2, 10, and 25 year storm events is small, and the increase in runoff due to this project will be minor. The Applicant's request meets the waiver criteria outlined in the Land Use Ordinances referenced above and under the stormwater standards contained in the City's Technical Manual, specifically Chapter 500, Section 4, E. Flooding Standard, (2) Waiver of the flooding standard, (b) Insignificant increases in peak flow rates from a project site. The Planning Authority waives the Technical Standard, Section 1.14 for the following modifications:

- a. To allow the two parallel parking spaces to be 8' x 20' along the driveway instead of standard parking size of 9' x 18'.
- b. To allow compact parking spaces under the canopy.
- c. To allow a reduced aisle widths of 12' and 23' instead of the required width of 24' for two-way traffic.

SITE PLAN REVIEW

- That the applicant must comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Stormwater Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on our standards and state guidelines. A maintenance agreement for the rain gardens acceptable to Corporation Counsel must be submitted and signed prior to the issuance of a certificate of occupancy.
- 2. That all comments submitted by David Senus in his memorandum dated 06.27.2011 must be addressed and approved prior to the issuance of a building permit.
- 3. That the parking space near the trash enclosure shall be eliminated for improved on-site circulation and egress movements.
- 4. The proposed condensing units and any roof top mechanicals shall be screened by an architectural structure wall and shall have noise suppression mechanism. The applicant shall provide documentation of the projected noise levels at the property line and any mitigation measures prior to building permit issuance.
- 5. That the applicant shall coordinate their work in the right-of-way with the City's Department of Public Services.
- 6. The applicant shall submit an approved capacity letter from Portland Water District before the issuance of the building permit.
- 7. That all property corner pins shall be set prior to the issuance of building permit.
- 8. That all final plan sheets must stamped and signed by a professional engineer.

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.

STANDARD CONDITIONS OF APPROVAL

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

- The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14 of the Portland City Code.
- 2. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

- 3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.
- 4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final paper sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds or prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised subdivision or site plan application for staff review and approval.
- 5. The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
- A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. <u>Please</u> schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,

Alexander Jaegerman Planning Division Director

Attachments:

- 1. David Senus memorandum dated 06.27.2011
- 2. Performance Guarantee Packet

Electronic Distribution: Penny St. Louis Littell, Director of Planning and Urban Development Alexander Jaegerman, Planning Division Director Barbara Barhydt, Development Review Services Manager Shukria Wiar, Planner Philip DiPierro, Development Review Coordinator Marge Schmuckal, Zoning Administrator Tammy Munson, Inspections Division Lannie Dobson, Administrative Assistant Michael Bobinsky, Public Services Director Katherine Earley, Public Services Bill Clark, Public Services David Margolis-Pineo, Deputy City Engineer Jane Ward, Public Services Keith Gautreau, Fire Jeff Tarling, City Arborist Tom Errico, TY Lin International David Senus, Woodard & Curran Assessor's Office

Approval Letter File Hard Copy: Project File



Planning & Urban Development Department Gregory A. Mitchell, Acting Director

Planning Division Alexander Jaegerman, Director

May 31, 2012

PATRICK CARROLL CARROLL ASSOCIATES 217 COMMERCIAL STREET #200 PORTLAND, ME 04101 PETER WELLIN FISH HOUSE REALTY, LLC PO BOX 15400 PORTLAND, ME 04112

Project Name:CONDOMINIUM CONVERSIONAddress:130 EASTERN PROMENADEApplicant:FISH HOUSE REALTY, LLCPlanner:SHUKRIA WIAR

Project ID: 2011-258 CBL: 003-C-001

Dear Mr. Carroll,

Thank you for your letter dated May 30,012 requesting an extension of the Level II Site Plan approval for renovation and conversion of the existing three story residential structure from eleven (11) apartments into a three (3) unit condominium located at 130 Eastern Promenade. I understand that your request is based on the fact that due to a weak real estate market, the applicant was not ready to begin construction on the project.

In my capacity as Planning Division Director for the City of Portland and under the provision of Section 14-532 (c) Expiration of site plan approval, I am granting your request to extend your approval to June 27, 2014. If you have any questions, please contact Shukria Wiar at 756-8083.

Sincerely,

legal

Alexander Jaegerman Planning Division Director

cc: Greg Mitchell, Interim Director of Planning and Urban Development

Alexander Jaegerman, Planning Division Director Barbara Barhydt, Development Review Services Manager Shukria Wiar, Planner Philip DiPierro, Development Review Coordinator, Planning Marge Schmuckal, Zoning Administrator, Inspections Division Tammy Munson, Inspection Division Director Lannie Dobson, Administration, Inspections Division Gayle Guertin, Administration, Inspections Division Michael Bobinsky, Public Services Director Katherine Earley, Engineering Services Manager, Public Services Bill Clark, Project Engineer, Public Services David Margolis-Pineo, Deputy City Engineer, Public Services Doug Roncarati, Stormwater Coordinator, Public Services Greg Vining, Associate Engineer, Public Services Michelle Sweeney, Associate Engineer John Low, Associate Engineer, Public Services Matt Doughty, Field Inspection Coordinator, Public Services Mike Farmer, Project Engineer, Public Services Jane Ward, Administration, Public Services Jaff Tarling, City Arborist, Public Services Captain Chris Pirone, Fire Department Thomas Erriso, P.E., TY Lin Associates David Senus, P.E., Woodard and Curran Rick Blackburn, Assessor's Department Approval Letter Fil



May 30, 2012

Mr. Alex Jaegerman, Planning Division Director City of Portland 389 Congress Street Portland, ME 04101-3509

RE: 130 Eastern Promenade, Project ID: 2011-258

Dear Alex,

On behalf of Peter Wellin and Fish House Realty, LLC, we are requesting an extension of the Level II Site Plan Approval that was granted by the Planning Board on June 30, 2011.

The project has been moving forward, but due to the weak real estate market the Applicant has not reached a point where they are ready to initiate construction. At this time we anticipate the project will begin this fall, but are requesting a one year extension of the approvals in the event that the construction is delayed until next spring.

We are hopeful that the City will understand the need for this request and grant the one-year extension to the approval. Please contact me if you have any questions.

With Regards, CARROLL ASSOCIATES

Patrick J. Carroll, Principal

CC: Peter Wellin Shannon Richards Shukria Wiar





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Planning & Urban Development Department Jeff Levine, AICP, Director

Planning Division Alexander Jaegerman, FAICP, Director

Performance Guarantee and Infrastructure Financial Contribution Packet

The municipal code requires that all development falling under site plan and/or subdivision review in the City of Portland be subject to a performance guarantee for various required site improvements. The code further requires developers to pay a fee for the administrative costs associated with inspecting construction activity to ensure that it conforms with plans and specifications.

The performance guarantee covers major site improvements related to site plan and subdivision review, such as paving, roadway, utility connections, drainage, landscaping, lighting, etc. A detailed itemized cost estimate is required to be submitted, which upon review and approval by the City, determines the amount of the performance guarantee. The performance guarantee will usually be a letter of credit from a financial institution, although escrow accounts are acceptable. The form, terms, and conditions of the performance guarantee must be approved by the City through the Planning Division. 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 the Planning Division. Inspections for improvements within existing and proposed public right-of-ways are the responsibility of the Department of Public Services. Inspections for site improvements are the responsibility of the Development Review Coordinator in the Planning Division.

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.

If an infrastructure financial contribution is required by the City as part of a development approval, please complete the contribution form and submit it along with the designated contribution to the Planning Division. Please make checks payable to the City of Portland.

Attachments

- 1. Cost Estimate of Improvements Form
- 2. Performance Guarantee Letter of Credit Form (with private financial institution)
- 3. Performance Guarantee Escrow Account Form (with private financial institution)
- 4. Performance Guarantee Form with the City of Portland
- 5. Infrastructure Financial Contribution Form with the City of Portland

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

				Da	ate:	
Name of Project:						
Address/Location:						
Application ID #:						
Developer:						
Form of Performance Guarantee	e:					
Type of Development: Subdiv	ision	Site I	Plan (Level I, II o	or III)		
TO BE FILLED OUT BY TH	E APPLICANT					
		PUBLIC			PRIVATE	
Item	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
1. STREET/SIDEWALK Road/Parking Areas Curbing						

	Curbing	·	 ·	 	
	Sidewalks		 	 	
	Esplanades		 	 	
	Monuments		 	 	
	Street Lighting		 <u> </u>	 	
	Street Opening Repairs		 	 	
	Other		 	 	
2.	EARTH WORK				
2.	Cut				
	Fill		 <u> </u>	 	
	ГШ		 	 	
3.	SANITARY SEWER				
3.	Manholes				
	Piping		 	 	
	Connections		 	 	
	Main Line Piping		 	 	
	House Sewer Service Piping		 	 	
	Pump Stations		 	 	
	Other		 	 	
4.	WATER MAINS		 	 	
5.	STORM DRAINAGE				
5.	Manholes				
	Catchbasins		 	 	
	Piping		 	 	
	Detention Basin		 <u> </u>	 	
	Stormwater Quality Units		 <u> </u>	 	
	Other		 	 	

6.	SITE LIGHTING	 	 	
7.	EROSION CONTROL Silt Fence Check Dams Pipe Inlet/Outlet Protection	 	 	
	Level Lip Spreader Slope Stabilization	 	 	
	Geotextile	 	 	
	Hay Bale Barriers	 	 	
	Catch Basin Inlet Protection	 	 	
8.	RECREATION AND OPEN SPACE AMENITIES	 	 	
9.	LANDSCAPING (Attach breakdown of plant materials,quantities, and unit costs)	 	 	
10.	MISCELLANEOUS	 	 	
	TOTAL:	 	 	
	GRAND TOTAL:	 	 	

INSPECTION FEE (to be filled out by the City)

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

SAMPLE FORM

SITE PLAN/SUBDIVISION PERFORMANCE GUARANTEE LETTER OF CREDIT [ACCOUNT NUMBER]

[Date]

Jeff Levine Director of Planning and Urban Development City of Portland 389 Congress Street Portland, Maine 04101

Re: [Insert: Name of Developer] [Insert: Address of Project, Portland, Maine] [Insert: Application ID #]

[Insert: Name of Bank] hereby issues its Irrevocable Letter of Credit for the account of [Insert: Name of Developer], (hereinafter referred to as "Developer"), held for the exclusive benefit of the City of Portland, in the aggregate amount of [Insert: amount of original performance guarantee]. These funds represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/ or site plan], approved on [Insert: Date] and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 and is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

- 1. the Developer has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
- 2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or

3. the Developer has failed to notify the City for inspections.

In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Services and Planning Division, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the [**Bank**], by written certification, to reduce the available amount of the escrowed money by a specified amount.

This performance guarantee will automatically expire on [**Insert date between April 16 and October 30 of the following year**] ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, whichever is later. It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development, at Bank's offices located at

______ stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. ______.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the [Insert: subdivision and/ or site plan] approval, dated [Insert: Date] as required by City Code §14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at Bank's offices located at

_____, prior to the Termination Date, stating any one of the following:

- 1. the Developer has failed to complete any unfinished improvements; or
- 2. the Developer has failed to correct any defects in workmanship; or
- 3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [Insert: subdivision and/ or site improvements].

Date: _____ By: _____

[Name] [Title] Its Duly Authorized Agent

SAMPLE FORM

SITE PLAN/SUBDIVISION PERFORMANCE GUARANTEE ESCROW ACCOUNT [ACCOUNT NUMBER]

[Date]

Jeff Levine Director of Planning and Urban Development City of Portland 389 Congress Street Portland, Maine 04101

Re: [Insert: Name of Developer] [Insert: Address of Project, Portland, Maine] [Insert: Application ID #]

[Insert: Name of Bank] hereby certifies to the City of Portland that [Bank] will hold the sum of [Insert: amount of original performance guarantee] in an interest bearing account established with the Bank. These funds shall be held for the exclusive benefit of the City of Portland and shall represent the estimated cost of installing site improvements as depicted on the [Insert: subdivision and/or site plan], approved on [Insert: date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development. All costs associated with establishing, maintaining and disbursing funds from the Escrow Account shall be borne by [Insert: Developer].

[**Bank**] will hold these funds as escrow agent for the benefit of the City subject to the following:

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account by presentation of a draft in the event that:

- 1. the Developer has failed to satisfactorily complete the work on the improvements contained within the [Insert: subdivision and/ or site plan] approval, dated [Insert date]; or
- 2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
- 3. the Developer has failed to notify the City for inspections.

In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Services and Planning Division, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the [**Bank**], by written certification, to reduce the available amount of the escrowed money by a specified amount.

This performance guarantee will automatically expire on [**Insert date between April 16 and October 30 of the following year**] ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, whichever is later. It is a condition of this agreement that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider the Escrow Account renewed for any such additional period.

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. ______.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Escrow Account are satisfactorily completed, this Performance Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Guarantee shall ensure the workmanship and durability of all materials used in the construction of the [Insert: subdivision and/ or site plan] approval, dated [Insert: Date] as required by City Code \$14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee by presentation of a sight draft at Bank's offices located at ______, prior to the Termination Date, stating any one of the following:

- 1. the Developer has failed to complete any unfinished improvements; or
- 2. the Developer has failed to correct any defects in workmanship; or
- 3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [Insert: subdivision and/ or site improvements].

Date:	By:

[Name] [Title] Its Duly Authorized Agent

Seen and Agreed to: [Applicant]

By: _____

PERFORMANCE GUARANTEE with the City of Portland

Developer's Tax Identification Number:		
Developer's Name and Mailing Address	:	
~		
City Account Number:		
Application ID #:		
Application of [Applicant] for	Insert
street/Project Name] at	[A	ddress], Portland, Maine.
The City of Portland (hereinafter the "Ci		
performance guarantee] on behalf of _		[Applicant] in a non-
interest bearing account established with	the City. This account shall	represent the estimated
cost of installing	[insert: subdivision and	l/ or site improvements
(as applicable)] as depicted on the subd	ivision/site plan, approved on	[date] as
required under Portland Code of Ordinan	nces Chapter 14 §§499, 499.5	, 525 and Chapter 25 §§46
through 65. It is intended to satisfy the A		
Ordinances Chapter 14 §§501, 502 and 5	525, to post a performance gu	arantee for the above

referenced development.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account in the event that:

- 1. the Developer has failed to satisfactorily complete the work on the improvements contained within the ______ [insert: subdivision and/ or site improvements (as applicable)] approval, dated ______ [insert date]; or
- 2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
- 3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this Guarantee, at his/her option,

either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed sixty (60) days after the expiration of this commitment; provided that the Applicant, or its representative, will give the City written notice, by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Guarantee will automatically expire on [**Insert date between April 16 and October 30 of the following year**] ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Performance Guarantee are satisfactorily completed, whichever is later. At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to [**the applicant**]. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the [**Insert: Subdivision and/ or site plan**] approval, dated [**Insert: Date**] as required by City Code \$14-501, 525.

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

- 1. the Developer has failed to complete any unfinished improvements; or
- 2. the Developer has failed to correct any defects in workmanship; or
- 3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [Insert: subdivision and/ or site improvements].

Seen and Agreed to:

By:	Date:
[Applicant]	
By: ****Planning Division Director	Date:
By: Development Review Coordinator	Date:

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

Distribution

- 1. This information will be completed by Planning Staff.
- 2. The account number can be obtained by calling Cathy Ricker, ext. 8665.
- 3. The Agreement will be executed with one original signed by the Developer.
- 4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Cash Receipts Set.
- 5. ****Signature required if over \$50,000.00.

Infrastructure Financial Contribution Form Planning and Urban Development Department - Planning Division

Amoun	t \$	City Account Number: 710-0000-236-98-00 Project Code: (This number can be obtained by calling Cathy Ricker, x8665)	
Project	Name:		
Applica	tion ID #:		
Project	Location:		
Project	Description:		
Funds i	ntended for:		
Applica	nt's Name:		
Applica	nt's Address:		
Expirati	on:		
		ed for the intended purpose by, contributor within six months of said date.	funds, or any balance
	Funds shall be permanently retained by	the City.	
	Other (describe in detail)		
Form of	f Contribution:		
	Escrow Account	Cash Contribution	
Interest	t Disbursement: Interest on funds to be	paid to contributor only if project is not commenced.	

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form:

Planner:

• Attach the approval letter, condition of approval or other documentation of the required contribution.

• One copy sent to the Applicant.

Electronic Distribution to:

Peggy Axelsen, Finance Department Catherine Baier, Public Services Department Barbara Barhydt, Planning Division Jeremiah Bartlett, Public Services Department Michael Bobinsky, Public Services Department Diane Butts, Finance Department Philip DiPierro, Planning Division Katherine Earley, Public Services Department Michael Farmer, Public Services Department Alex Jaegerman, Planning Division David Margolis Pineo, Public Services Department Matt Rancourt, Public Services Department Jeff Tarling, Public Services Department Planner for Project