



Planning &amp; Urban Development Department

December 19, 2013

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

Patrick Carroll  
Carroll Associates  
217 Commercial Street #200  
Portland, ME 04101

Project Name: 130 Eastern Promenade Plan Amendments  
Address: 130 Eastern Promenade  
Applicant: Eileen Simko-Minte  
Planner: Nell Donaldson

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. **Stormwater Management** 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



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.

2. **Develop Site According to Plan** 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.
3. **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.
4. **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. **Defect Guarantee** 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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8. **Department of Public Services Permits** 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.)
9. **As-Built Final Plans** 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. Please 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**

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. Please 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](mailto: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  
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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