

**CITY OF PORTLAND  
CERTIFICATE OF SUBDIVISION WAIVER APPROVAL**

I, Alex Jaegerman, Planning Division Director, acting on behalf of the duly appointed Chair of the Planning Board for the City of Portland, Cumberland County, State of Maine, hereby certify that on the 22<sup>nd</sup> day of October, 2013, the Portland Planning Board, acting pursuant to M.R.S.A §§ 4403(7) and 4406(B) and Section 14-506 of the Portland Land Use Code, granted to applicant 113 Newbury Street, LLC the following waivers from subdivision approval standards found in the Portland Land Use Code:

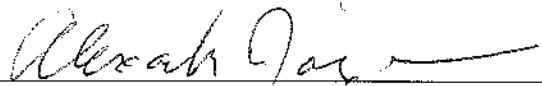
**Current Property Owner:** Village Café, Inc.

**Property:** 101-121 Newbury Street/40 Hancock Street, Portland, ME  
CBLs 20-D-13, 14, 15, 32  
Cumberland County Registry of Deeds reference: Quitclaim Deed with covenant from Village Café, Inc. and Dominic Reali dated June 6, 1991, and recorded in Book 9591, Page 34, and Warranty Deed from Adelaide DiPaolo dated December 19, 1978, and recorded in Book 4357, Page 289, and Warranty Deed from Mary Nolfo dated September 9, 1977, and recorded in Book 4094, Page 222.

**Waivers**

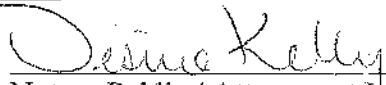
1. *Driveway separation*  
A waiver of the technical standard (*Section 1.7.2.7*) regarding the minimum separation between driveways to allow the driveway of Seaport Lofts within the 100-150 separation requirement of an adjacent driveway to the west, as shown on the final site plan.
2. *Minimum driveway width*  
A waiver of the technical standard (*Section 1.7.2.3*) regarding the minimum driveway width of 20 feet to allow a driveway of 19 feet as depicted on the final site plan.
3. *Parking lot dimensional standards*  
A waiver of the technical standard represented in Figures I-27 to I-29 of the city's Technical Manual regarding the parking lot dimensional requirements to allow parking as designed on the final plans.
4. *Compact parking spaces*  
A waiver of the technical standard (*Section 1.14*) regarding the compact parking space limit to allow 12 compact parking spaces on site, comprising more than the standard 20% of total spaces.
5. *Street trees*  
A waiver of the site plan standard (*Section 14-526(b)2.b(iii)*) and Technical Manual *Section 4.6.1* regarding street trees due to site constraints. Technically, 39 street trees are required on site. Only 10 trees, a number proportionate with the site's frontage, are proposed. To compensate, the applicant shall contribute \$5,800 (for 29 street trees) to Portland's tree fund.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 26 day of December, 2013.

  
Alex Jaegerman, Planning Division Director  
City of Portland Planning and Urban  
Development Department

STATE OF MAINE  
CUMBERLAND, ss.

PERSONALLY APPEARED the above-named Alex Jaegerman and acknowledged the above certificate to be his free act and deed in his capacity as Planning Division Director, with his signature witnessed on this 20 day of December, 2013.

  
Notary Public / Attorney at Law

