

CITY OF PORTLAND, MAINE

PLANNING BOARD

Kevin Beal, Chair
Michael Patterson, Vice Chair
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October 3, 2006

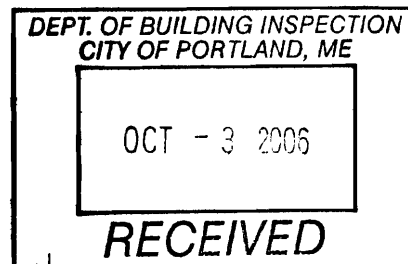
Mr. Robert Metcalf
Mitchell and Associates
70 Center Street
Portland, ME 04101

RE: Somerset Street Temporary Parking Lot

Dear Mr. Metcalf:

On September 19, 2006, the Portland Planning Board voted on the following motions for a proposed 75 space temporary parking lot on the corner of Somerset Street and Elm Street.

1. The Planning Board voted 7-0 that the plan was in conformance with the B-7 Conditional Use Standards for surface parking of the Land Use Code with the following condition of approval:
 - i. That the conditional use permit shall terminate by September 19, 2008 unless the Applicant re-applies for a new conditional use permit and the Planning Board grants approval for a new conditional use permit.
2. The Planning Board voted 7-0 that the plan was in conformance with the Site Plan Ordinance of the Land Use Code.
 - i. That the two existing driveway openings along Elm Street shall be closed by installing new granite curb meeting City specifications.
 - ii. That tip-downs shall be installed at the Somerset Street driveway meeting City specifications.
 - iii. Bayside Ventures, LLC or assigns shall re-submit a landscape plan for review and approval by the Planning Board in the event that proposed office buildings and parking garage for 84 Marginal Way is not permitted.
3. The Planning Board voted 7-0 to waive the requirement for a sidewalk along the Somerset Street frontage of the lot provided that a bituminous sidewalk shall be installed from the driveway to Elm Street.



The approval is based on the submitted site plan and the findings related to site plan and subdivision review standards as contained in Planning Report #47-06, which is attached.

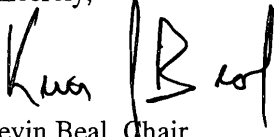
Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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.
6. 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. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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.

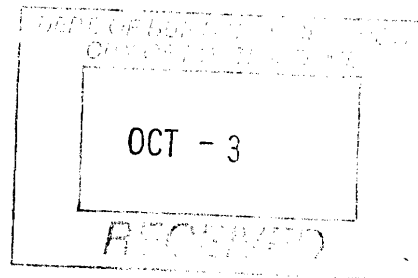
If there are any questions, please contact Richard Knowland at 874-8725.

Sincerely,



Kevin Beal, Chair
Portland Planning Board

- cc: Lee D. Urban, Planning and Development Department Director
- Alexander Jaegerman, Planning Division Director
- Sarah Hopkins, Development Review Services Manager
- Richard Knowland, Senior Planner
- Jay Reynolds, Development Review Coordinator
- Marge Schmuckal, Zoning Administrator
Inspections Division
- Michael Bobinsky, Public Works Director
- Eric Labelle, City Engineer
- Bill Clark, Public works
- Jim Carmody, Transportation Manager
- Jeff Tarling, City Arborist
- Penny Littell, Associate Corporation Counsel
- Captain Greg Cass, Fire Prevention
- Assessor's Office
- Approval Letter File



MITCHELL & ASSOCIATES
LANDSCAPE ARCHITECTS

August 22, 2006

Mr. Rick Knowland, Senior Planner
and Planning Board Members
City of Portland
389 Congress Street
Portland, Maine 04101

25 Somerset St
2006 0141
025 B002 8/23/06
NOT AS HIGH PRIORITY

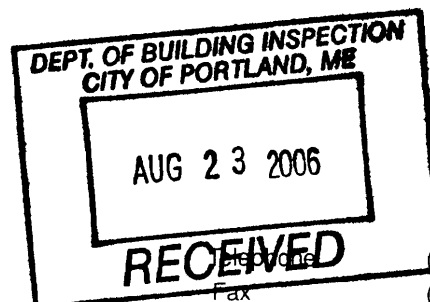
**RE: Bayside Ventures, LLC
Somerset Street
Temporary Parking Lot**

Dear Rick and Board Members:

The following documentation has been prepared to address staff and planning board comments. At the request of the planning board we have added Note # 12 to plan sheet #2 as follows:

As a condition of approval, the applicant "Bayside Ventures, LLC" or assigns shall re-submit a landscape plan, for review by the planning board, in the event the proposed office building and parking garage for 84 Marginal Way is not permitted.

The board also requested that we look at alternative material to restrict access to the site from two (2) existing curb cuts on Elm Street. We are proposing to set salvaged vertical granite curb along the backside of the existing side walk in the area of the two (2) curb cuts. To address the submission requirements concerning letter of non-jurisdictional review, we have attached an e-mail response from Linda Kokemuller; SMRO licensing coordinator for Maine D.E.P.



THE STAPLES SCHOOL
70 CENTER STREET
PORTLAND, MAINE 04101

Phone (207) 774-4427
Fax (207) 874-2460
Website www.mitchellassociates.biz

Engineer's Comments

- The applicant should at a minimum, pave the entry apron on Somerset Street.

The applicant intends to pave the parking lot, including entry apron.

- How will the two existing curb cuts on Elm Street be addressed to prevent vehicle entry.

Salvaged vertical granite curb will be set along the backside of the existing sidewalk to restrict access.

- How will parking spaces be delineated if the parking lot remains as a gravel surface.

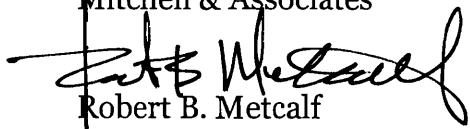
The intent now is to pave the parking lot with base course bituminous paving. Parking spaces will be striped accordingly.

Enclosed for your review are the following:

- Revised site plan drawings
- Email from Linda Kokemuller regarding non-jurisdictional review
- Revised plans Sheets 1, 2, 3, & 4
- 11 x 17 reductions of plan sheet 1, 2, 3, & 4

We look forward to meeting with you and the planning board for the public hearing. Should you have any questions or comments, please do not hesitate to call me.

Sincerely,
Mitchell & Associates



Robert B. Metcalf

Enclosure

cc: Ted West
Greg Shinberg

Bob Metcalf

From: Kokemuller, Linda K [Linda.K.Kokemuller@maine.gov]
Sent: Monday, August 21, 2006 11:24 AM
To: Bob Metcalf
Subject: Somerset Street temporary parking lot

Hi Bob,

From your e-mail about this parking lot and our telephone conversations, I understand that the area of the proposed parking lot was impervious prior to July 1, 1997 and is therefore not subject to the Stormwater Law because 1 acre of new area will not be disturbed. I also understand that the City has not created 3 acres of new "structure" area since October 1, 1975, as defined in the Site Location of Development Law, in this parking lot and in the vicinity. Given that this information is correct, it does not appear that a Department permit is needed for the temporary parking lot.

If I can be of further assistance, please let me know.

Linda

Linda Kokemuller
SMRO Licensing Coordinator
Division of Land Resource Regulation
Bureau of Land and Water Quality
207-822-6329 Fax: 207-822-6303
linda.k.kokemuller@maine.gov