

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

Lee Lowry III, Chair  
Kevin Beal, Vice Chair  
John Anton  
Michael Patterson  
David Silk  
Janice E. Tevanian  
Shalom Odokara

October 4, 2005

Evan Richert and Richard Berman  
Chestnut Street Lofts LLC  
1 India Street  
Portland Maine

RE: Chestnut Street Lofts  
CBL: Chart 27, Block C, Lots 1, 10 and 11

Dear Evan and Richard:

On September 27, 2005, the Portland Planning Board voted unanimously (4-0, Anton, Beal, absent, and Silk recused) on the following motions regarding the Chestnut Street Lofts subdivision:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following condition(s):
  - i. The final recording plat meeting the requirements of Portland's Subdivision Ordinance and listing conditions imposed by the Planning Board will be submitted for the Planning Board's Signature.
  - ii. All proposed easements shall be finalized before the release of the recording plat and recorded with the plat.
  - iii. All required licenses for the foundation footings shall be obtained prior to the issuance of a building permit.
  - iv. The final condominium documents will be submitted for review and approval to the City before the release of the subdivision plat. The applicant will include provisions stating that the condominium association will be responsible for the maintenance of the esplanade and that the condominium association is responsible to hire a private hauler to remove solid waste from the site.
  - v. The applicant shall submit evidence that seven parking spaces have been secured to comply with the City's zoning ordinance for the first floor commercial uses prior to the issuance of a certificate of occupancy.
  - vi. The conditions contained in the review by Jim Seymour, Development Review Coordinator, Sebago Technics, Inc. dated September 23, 2005 shall be met prior to issuance of a building permit and the following condition as revised:
    1. If a storm drain traversing a property from Lancaster Street to Oxford Street is present and salvageable based upon the City's investigation, then the Chestnut

Street Lofts LLC shall extend or pay a fee equivalent to the installation costs, not to exceed \$10,000, to extend and separate the storm drain in Oxford Street from Stone Street to Myrtle Street. This condition must be met prior to the issuance of a certificate of occupancy.

- vii. The applicant will conduct a post occupancy traffic signal warrant study of the intersection of Chestnut Street and Cumberland Avenue, which shall be coordinated with the Department of Public Works.

The Portland Planning Board also voted unanimously (4-0 Anton, Beal, absent, and Silk recused) to grant the following site plan waivers:

- i. The proposed Granville lighting fixtures will be compatible with the existing architectural context of the historic Chestnut Street church and will not produce unacceptable levels of glare and/or light trespass; and therefore the Planning Board does waive the Site Lighting Standards for this application.
- ii. The proposed increased setback from the build-to-line (to eleven feet on Cumberland Avenue and twelve feet on Chestnut Street) does meet the Site Plan Standards of Section 14-256 (a) (16) and by reference, the zoning standards of 14-220 (c), and therefore the Planning Board does waive the B-3 build-to-line.
- iii. Upon the recommendation of the City's Traffic Engineer and the extended duration times expected for the residential uses, the Planning Board does waive the City's Technical Standards for parking lots to allow the proposed parking aisle of 22 feet and twelve compact parking spaces of 8.5 by 19 feet.

The Portland Planning Board voted unanimously (4-0 Anton, Beal, absent, and Silk recused) to approve the site plan for the above referenced application. The approval was granted for the project with the following condition(s):

- i. The applicant shall coordinate with the City regarding the relocation of the CMP pole and the timing of any disruption to the City's communication system.
- ii. The applicant shall submit evidence that seven parking spaces have been secured to comply with the City's zoning ordinance for the first floor commercial uses prior to the issuance of a certificate of occupancy.
- iii. The conditions contained in the review by Jim Seymour, Development Review Coordinator, Sebago Technics, Inc. dated September 23, 2005 shall be met as follows prior to issuance of a building permit and the following condition as revised:
  1. If a storm drain traversing a property from Lancaster Street to Oxford Street is present and salvageable based upon the City's investigation, then the Chestnut Street Lofts LLC shall extend or pay a fee equivalent to the installation costs, not to exceed \$10,000, to extend and separate the storm drain in Oxford Street from Stone Street to Myrtle Street. This condition must be met prior to the issuance of a certificate of occupancy.
- iv. The conditions contained in Jeff Tarling's, City Arborist; September 23, 2005 review shall be met prior to the issuance of a building permit and subject to a further conversation with the City Arborist on planter materials.
- v. Subject to the final review and approval of the Portland Fire Department.

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 #54-05, which is attached.

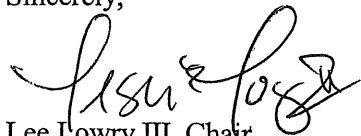
Please note the following provisions and requirements for all site plan approvals:

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 Barbara Barhydt at 874-8699.

Sincerely,



Lee Lowry III, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager  
Barbara Barhydt, Senior Planner  
Jay Reynolds, Development Review Coordinator  
— Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Greg Cass, Fire Prevention  
Assessor's Office  
Approval Letter File  
Scott Teas, T.F.H. Architects, 100 Commercial Street, Portland, ME

Attachments:

Jim Seymour, Development Review Coordinator, memo, 9/23/05  
Jeff Tarling, City Arborist, memo, 9/23/05  
Planning Board Report #54-05

