



# PORTLAND MAINE

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## Planning & Urban Development Department

Penny St. Louis Littell, Director

## Planning Division

Alexander Jaegerman, Director

August 12, 2010

Mark Woglom, President  
Opechee Construction Corp.  
11 Corporate Drive  
Belmont, NH 03220

RE: Planning Board approval for Major Site Plan and Subdivision. Structured Parking development at 207-209 Fore Street.

CBL: 029-L-001, 001

Dear Mr. Woglom,

On August 10, 2010 the Portland Planning Board considered a plan submitted by Opechee Construction, doing business as Fore India Middle, LLC., for a two story, 208 space parking structure located at 207-209 Fore Street. The Planning Board reviewed the proposal for conformance with applicable standards of the Subdivision Ordinance and the Site Plan Ordinance. The Planning Board voted (5 to 0, Patterson and Morrisette absent) to approve the application with the following motions, waivers, and conditions if approval, as detailed below.

### WAIVERS

The Planning Board voted 5-0 (Lewis and Silk absent) to approve the following waivers relevant to the Portland's Technical and Design Standards and Section 14-220 of the City Code as presented below:

1. The Planning Board waived the Technical Standard for the Driveway curb radius, Section III, 2 (c), subject to the following condition of approval:
  - (a) The detectible warning panels at the Middle Street driveway entrance shall be revised to address review comments from Tom Errico, Consulting Engineer, dated August 5, 2010.
2. The Planning Board waived the Technical Standards for parking stall dimensions, Section III-1 and III-2.
3. The Planning Board found that the increased building setback beyond the requirements set forth in Section 14-220 (c), namely that *all buildings or structures shall be located within five (5) feet of the property line along street frontages*:

- (a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest;
- (b) Does not substantially detract from the prevailing street wall character;
- (c) Does not detract from existing publicly accessible open space; and,
- (d) The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

And therefore waived the 5-foot maximum building set back requirement of Section 14-526(a)16 b.2 of the Site Plan Ordinance.

#### **SITE PLAN REVIEW**

The Planning Board voted 5-0 (Lewis and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. The 6 street lights proposed as part of the development shall be of the designated lighting type, size and color for the lighting district, as detailed in Section 10 of the 2010 Technical Manual. The appropriate specifications shall be listed on the final plans.
2. *The detectible warning panels at the Middle Street driveway entrance shall be revised to address review comments from Tom Errico, Consulting Engineer, dated August 5, 2010.*

#### **SUBDIVISION REVIEW**

The Planning Board voted 5-0 (Lewis and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

1. The applicant shall be responsible for incorporating all changes to parking signs on Middle Street near the proposed driveway. The exact details of on-street parking will be determined by City staff.
2. A post development traffic count shall be conducted for the intersection of Middle and India Streets.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #28-10.

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

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. 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 this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
5. 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 sets of 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.
6. 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.
7. The subdivision approval is valid for three (3) years.
8. 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.
9. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. 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.
12. 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