

CITY OF PORTLAND, MAINE  
PLANNING BOARD

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Carol Morrissette, Chair  
Stuart O'Brien, Vice Chair  
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December 18, 2013

Tom Watson  
Market Milk Partners, LLC  
104 Grant Street  
Portland, ME 04101

Matt Provencal  
Mark Mueller Architects  
100 Commercial Street, Suite 205  
Portland, ME 04101

Project Name: Studios at 46 Market Street  
Address: 46 Market Street  
Applicant: Market Milk Partners, LLC

Project ID: 2013-245  
CBL: 32-E-10001  
Planner: Nell Donaldson

Dear Mr. Watson:

On November 26, 2013, the Planning Board considered your subdivision and Level III site plan application for the proposed Studios at 46 Market Street. The Planning Board reviewed the proposal for conformance with the subdivision and site plan standards of the city's land use code and voted to approve the application with the waivers and conditions presented below:

**WAIVERS**

The Planning Board voted (6-0, O'Brien absent) to grant the following waiver:

1. 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. The applicant shall contribute \$1,000 for five street trees to Portland's tree fund.

**SUBDIVISION**

The Planning Board voted (6-0, O'Brien absent) that the proposed plans are in conformance with the subdivision standards of the city's land use code, subject to the following condition of approval, which must be met prior to the signing of the subdivision plat:

1. The subdivision plat shall be revised to include:
  - a. notes defining the location and terms of solid waste disposal;
  - b. notes identifying areas subject to agreements with the property owner at 31 Exchange Street;
  - c. notes regarding unit sizes;
  - d. sidewalk and ramp reconstruction as required by the city's Department of Public Services; and

e. relevant waivers and conditions,  
and be finalized to the satisfaction of the Planning Authority, Department of Public Services, and Corporation Counsel.

#### **SITE PLAN REVIEW**

The Planning Board voted (6-0, O'Brien absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide evidence of water and sewer capacity from the Portland Water District and the city's Department of Public Services respectively, for review and approval by the Planning Authority;
2. The applicant shall provide plans, stamped by a licensed engineer and including details, depicting:
  - a. the reconstruction of the ramp at Milk and Market Streets to include a standard detectable warning panel and flush granite curb, and
  - b. the reconstruction of areas of sidewalk on Market Street to eliminate tripping hazards for review and approval by the city's Department of Public Services and Planning Authority;
3. The applicant shall provide plans prepared by a certified fire protection engineer addressing the life safety standards of the city's Fire Prevention Bureau, including provisions for addressing for 911 purposes, for review and approval by the Fire Prevention Bureau and the Planning Authority; and
4. The applicant shall submit HVAC system specifications meeting applicable standards for the Zoning Administrator's review and approval prior to the issuance of a HVAC/Heating/Cooling permit.

The approval is based on the submitted plans and findings related to subdivision and site plan review standards as contained in the Planning Board Report for application 2013-245, which is attached.

#### **STANDARD CONDITIONS OF APPROVAL**

Please note the following standard conditions of approval and requirements for all approved subdivision and site plans:

1. **Subdivision Recording Plat** 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. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be

recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).

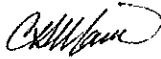
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **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.
5. **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.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, an inspection fee payment of 2.0% of the guarantee amount, and seven (7) final sets of plans plus one final digital copy must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **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.

10. **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.)
11. **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.
12. **Mylar Copies** 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.

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.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Carol Morissette, Chair  
Portland Planning Board

**Attachments:**

1. Planning Board Report

**Electronic Distribution:**

cc: Jeff Levine, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Philip DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Matt Doughty, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Captain Chris Pirone, Fire Department