



Alex Jaegerman, FAICP  
Division Director, Planning Division

April 23, 2015

Todd Dominski  
East Brown Cow Management, Inc.  
100 Commercial Street, Suite 306  
Portland, Maine 04101

Anthony Muench  
94 Commercial Street  
Portland, Maine 04101

Project Name: Cow Plaza Garage Plaza Reconstruction  
Address: 425 Fore Street  
Applicant: Cow Plaza LLC  
Planner: Nell Donaldson

Project ID: 2015-028  
CBL: 032-I-04

Dear Mr. Dominski:

On April 23, 2015, the Planning Authority approved with conditions a Level I: Site Alteration site plan for the Cow Plaza Garage Plaza Reconstruction project at 425 Fore Street. The decision is based upon the application, documents and plans as submitted by Tony Muench, with revisions dated April 10, 2015. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval, which must be met prior to the issuance of a building permit:

- The applicant shall add notes to the plan indicating that: 1) the contractor shall protect the existing honey locust trees during construction to minimize root disturbance and 2) that, in the event of damage during construction, the trees shall be evaluated by the city's arborist to determine the necessity of tree replacement, for review and approval by the city arborist;
- The applicant shall provide cut sheets meeting the standards of the City of Portland Technical Manual for the proposed bollard lights, for review and approval by the Planning Division; and
- The applicant shall provide a construction management plan for review and approval by the Department of Public Services.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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

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

1. **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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate 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. A Street Opening Permit is required prior to beginning work within the right-of-way. As part of the Street Opening Permit, the contractor is required to submit and obtain approval of a Traffic Control Plan for both pedestrians and vehicles if necessary.
3. **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.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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 Department 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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.
7. **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.)
8. **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.

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. Please schedule any property closing with these requirements in mind.

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

Sincerely,

  
Alexander Jaegerman, FAICP (BB)  
Planning Division Director

**Attachments:**

1. Performance Guarantee Packet

**Electronic Distribution:**

- cc: Jeff Levine, AICP, Director of Planning and Urban Development  
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Keith Gautreau, Fire Department  
Jennifer Thompson, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
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Rick Blackburn, Assessor's Department  
Approval Letter File