

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 17, 2005

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

Re: 63 Marginal Way Multi-Tenant Office Building; CBL 034-C-001, 002, 005 and 014;
#2005-0144

Dear Mr. Metcalf,

On October 11, 2005, the Portland Planning Board voted on the following motions for the proposed multi-tenant office building in the vicinity of 63 Marginal Way:

- A. The Planning Board voted 5-0 (Lowry abstained, Odokara absent) that the plan was in conformance with the Conditional Use Standards (sec. 14-230.2 (d) and sec. 14-474) of the Land Use Code.
- B. The Planning Board voted 4-1 (Anton against, Lowry abstained, Odokara absent):
 - i. The Applicant shall contribute \$24,000 of the project's share towards the future recommendations of the improvement plan (Master Plan) for Marginal Way. The Applicant shall also address the remaining comments in Tom Errico's memo dated October 5, 2005.
 - ii. Upon completion of the Master Plan for Marginal Way, the Applicant shall return to the Planning Board for final review of the pedestrian and vehicle access of the site. If the Master Plan is not complete within six (6) months of commencement of construction, the site plan as submitted controls.
 - iii. That the site plan shall be revised for review and approval reflecting the comments of Jeff Tarling, City Arborist.
 - iv. That a revised site plan shall be submitted for Planning staff review and approval reflecting lower wattage for the building mounted light fixtures.
 - v. That the site plan shall be revised reflecting the comments of Jim Seymour, Development Review Engineer.

- vi. That the doors to the Marginal Way front door, first floor tenants and hallway to the elevator shall be accessible and open to the public during normal business hours from the Marginal Way front entrance.
 - vii. That the City retains a strip of land at the corner of Marginal Way and Hanover Street of sufficient area so that the proposed building has a maximum building setback from Marginal Way of 10 feet and that the site plan shall be amended accordingly.
 - viii. That a comprehensive sign plan for the building and site signs (including no access from Hanover Street to the ATM) shall be submitted for Planning staff review and approval.
 - ix. That the public sidewalk along the Marginal Way and Hanover Street frontage of the project shall be constructed of brick unless this requirement is waived by the City Council.
 - x. That the timber guardrail shall be extended along the full length of the westerly property line as appropriate.
 - xi. That the building elevation drawings shall be revised to show full dimension brick.
- C. The Planning Board voted 5-0 (Lowry abstained, Odokara absent) that extraordinary conditions exist or that under hardship may result from strict compliance with these regulations so that substantial justice may be done and the public interest secured, therefore the Planning Board modified the parking space size and driveway width (16 feet instead of 24 feet for the Marginal Way driveway) standards of the Technical and Design Standards and Guidelines for this development as shown on the submitted site plan.

The approval is based on the submitted site plan and the findings related to conditional use and site plan review standards as conditioned in Planning Report #59-05, which is attached.

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

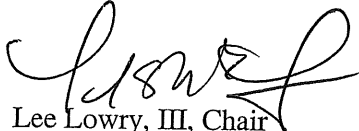
1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% 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.

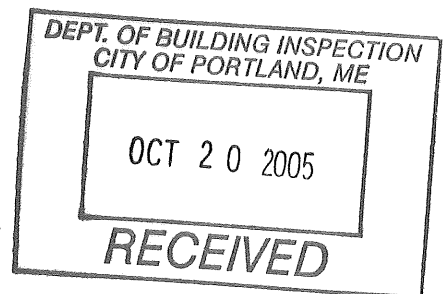
If there are any questions, please contact Rick Knowland at 874-8725.

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
Richard Knowland, 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
Jack Lufkin, Economic Development Division Director
Ted West, Bayside Ventures, LLC; 50 Portland Pier, Suite 400, Portland, ME 04101
Gary Shindberg, Shindberg Consulting; 477 Congress St., 5th Floor, Portland ME 04101