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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

May 18, 2005

Mr. Jeffery Cohen
Waterview Development LLC
477 Congress Street, Suite 111
Portland, Maine 04101

Mr. Robert Metcalf
Mitchell & Associates
70 Center Street
Portland, Maine 04101

RE: Waterview at Bayside Condominiums
CBL: Tax Map 36, Block H, Lots 18, 19, 20, 21, 23, 24, and 25

Dear Mr. Cohen and ~~Mr.~~ Metcalf:

On May 10, 2005, the Portland Planning Board voted to approve (4 to 1, Anton) the Waterview at Bayside Condominiums subdivision with the following motions:

On the basis of plans and materials submitted by the applicant, public comment received at the public hearing and the information contained in Planning Report # 29-05 relevant to standards for subdivision and site plan regulations, and the Portland Planning Board finds:

1. That the subdivision plan is in conformance with the subdivision standards of the land use code, subject to the following conditions:
 - i. All required easements must be presented to the City Council for approval prior to the release of the subdivision plat.
 - ii. All required licenses with any attached conditions deemed appropriate by the City for temporary construction work, planters, lighting, and the entrance awning shall be obtained prior to the issuance of a building permit.
 - iii. The final condominium documents will be submitted for review and approval to the City before the release of the subdivision plat.
 - iv. The conditions contained in the review by Jim Seymour, Development Review Coordinator, Sebago Technics, Inc. dated May 6, 2005 shall be met prior to issuance of a building permit.
 - v. The applicant will contribute \$25,000 to upgrade the existing traffic signal at the corner of Cumberland Avenue and Forest Avenue before the issuance of a building permit.
 - vi. The Board requests that the City of Portland Public Works Department review realigning the center line of Forest Avenue to allow a left turning lane to the site and that the applicant funds such realignment, if determined to be appropriate by

- PWD.
- vii. The applicant shall monitor, post development, for a period of three years from the issuance of a certificate of occupancy, the intersection at Mechanic Street and Cumberland Avenue. If based on the monitoring results the City's staff determines that traffic improvements are required, the applicant shall make a contribution of up to \$25,000 to the installation of such improvements.
 - viii. Prior to issuance of a certificate of occupancy, the applicant shall provide evidence, for review and approval by staff, that the required off-site parking spaces are available as required by the conditional zone agreement.
2. That the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:
- 1. The applicant will work with the City Arborist on the location of trees and planters proposed within the public right of way.
 - ii. The conditions of the Fire Department shall be met prior to the issuance of a building permit.
 - iii. The Board requests that the City of Portland Public Works Department review realigning the center line of Forest Avenue to allow a left turning lane to the site and that the applicant funds such realignment, if determined to be appropriate by PWD.
 - iv. The applicant shall monitor, post development, for a period of three years from the issuance of a certificate of occupancy, the intersection at Mechanic Street and Cumberland Avenue. If based on the monitoring results the City's staff determines that traffic improvements are required, the applicant shall make a contribution of up to \$25,000 to the installation of such improvements.
 - v. Prior to issuance of a certificate of occupancy, the applicant shall provide evidence, for review and approval by staff, that the required off-site parking spaces are available as required by the conditional zone agreement.

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

- 1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. 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 must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
- 3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 4. 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.)
7. 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 Department 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 regarding the Board's actions, please contact Barbara Barhydt, Senior Planner, 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
— Mike Nugent, Inspections Division
Michael Bobinsky, Public Works Director
Tom Errico, Consulting Traffic Engineer
Lucie Cote, Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Mike Shutts, Deputy Chief, Fire Department
Assessor's Office
Approval Letter File

