

CITY OF PORTLAND, MAINE
PLANNING BOARD

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October 11, 2005

Peter Skapinsky
HEGA Realty Trust
C/o Dirigo Managment
One City Center
Portland, Maine 04101

RE: Proposed Change of Use – JB Brown Building – 531 Congress Street
Application ID #2005-0117
CBL: 037 C014001

Dear Mr. Skapinsky:

On September 27, 2005, the Portland Planning Board voted 5-0 (Anton and Beal Absent) to approve the above referenced subdivision and site plan applications. The approval was granted for the project by the following motion, subject to the following conditions:

On the basis of plans submitted by the applicant and on the basis of information contained in Planning Report #56-05 relevant to standards for site plan and subdivision regulations, and other findings as follows:

1. That the plan is in conformance with the subdivision standards of the land use code.

Conditions of Approval:

- i. The applicant shall contribute \$4,000 to a street tree fund for use by the City Arborist in the installation and maintenance of urban street trees in the vicinity of the site.
- ii. The applicant shall present draft condominium documents for review and approval by Corporation Counsel.
- iii. The applicant shall explore the possibility and, if determined practicable, shall provide architectural uplighting to compliment

the existing Winslow building, subject to Planning Authority and Historic Preservation review.

2. That the plan is in conformance with the site plan standards of the land use code.

Conditions of Approval:

- i. The applicant shall submit a letter from the Engineering Division of Public Works to the Planning Division verifying adequate sewer and stormwater capacity to serve the project.
- ii. The applicant shall make 13 parking spaces as shown on the site plan available to the residential condominium owners upon a 30 day notice (plus / or minus) or on a calendar basis for a monthly period of no less than twenty years.

The approval includes a 10-lot residential subdivision on the 5th floor and mezzanine levels of the existing JB Brown building at 537 Congress Street.

The approval is based on the submitted site plan and the findings related to subdivision review standards as contained in Planning Report #56-05, 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 Ethan Boxer-Macomber at 756-8083 or ebm@portlandmaine.gov.

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
Ethan Boxer-Macomber, 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
Fire Prevention
Assessor's Office
Approval Letter File

