

CITY OF PORTLAND, MAINE

PLANNING BOARD

Orlando E. Delogu, Chair
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November 12, 2004

Matthew Alcorn
Kimball Building
P.O. Box 427
Vinalhaven, ME 04863

RE: 490-492 Congress Street
Application #2004-0146, CBL #037 I002001

Dear Mr. Alcorn:

On November 9, 2004, the Portland Planning Board voted 7-0 to approve the subdivision application for the above referenced project. The approval was granted for the project based on the finding and subject to conditions as follows:

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

Conditions of Approval:

- i. The applicant shall present condominium documents to the City of Portland for final review and approval by Corporation Counsel.
- ii. A subdivision plat, in conformance with city code section 14-496, shall be prepared for signature by the Planning Board.

On November 9, 2004, the Portland Planning Board also voted 5-2 (Anton and Beal Opposed) to approve the subdivision application for the above referenced project. The approval was granted for the project based on the finding and subject to conditions as follows:

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

Conditions of Approval:

- iii. The final design of the project's Congress Street façade shall be in substantial conformance with the approved plans. Final architectural finishes and detailing shall be subject to review and approval by the Planning Authority.
- iv. The final exterior lighting plan shall be subject to final review and approval by the Planning Authority.
- v. If for any reason, the lease with the City of Portland for 23 parking spaces at the Spring Street Parking Garage is terminated, not renewed, or otherwise becomes inoperative the developer or any succeeding condominium association shall nonetheless be responsible as the condition of this site plan approval for providing 23 parking spaces within 750 feet of 490-492 Congress Street. The spaces under the lease shall be allocated to the 23 residential units.
- vi. The developer shall present the City with a letter of financial capacity for review and approval by the Planning Authority.
- vii. The developer shall provide a contribution to the City Street Tree Program at a rate of two trees per residential unit and \$100 per tree for a total required contribution of \$4,600.

The approval includes a redesign and upper story addition to the property at 490-492 Congress Street for the creation of 23 upper-level, residential condominiums and open retail / office shell space on the first floor and in the basement. The Congress Street façade design was approved as part the site plan approval.

The approval is based on the submitted site plan and the findings related to subdivision and site plan review standards as contained in Planning Report #54-04, which is attached.

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

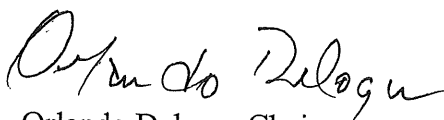
1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

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 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 or concerns, please contact Ethan Boxer-Macomber at 756-8083 or ebm@portlandmaine.gov.

Sincerely,



Orlando Delogu, 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
Lt. Gaylen McDougall, Fire Prevention
Assessor's Office
Approval Letter File

