

CITY OF PORTLAND, MAINE
PLANNING BOARD

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June 10, 2008

Stephen B. Mohr, ASLA
Mohr & Sereidin Landscape Architects Inc.
18 Pleasant Street
Portland, Maine 04101

RE: Portland Museum of Art Parking Lot, 87 Spring Street, Portland
CBL: 039 B015 001
Application ID: 2008-0038

Dear Mr. Mohr:

On May 27, 2008, the Portland Planning Board considered the Portland Museum of Art proposal for a 45 space surface parking lot and associated access, lighting and landscaping improvements on the site of the former YWCA on Spring Street. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use and Site Plan Ordinances.

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #27-08 relevant to standards for conditional use and site plan regulations, and other findings, the Planning Board approved the application with the following motions, waivers and conditions as presented below.

CONDITIONAL USE

The Planning Board voted (5-0, Hall and Odokara absent) that the proposed plans are in conformance with the conditional use standards of the Land Use Code, subject to the following conditions:

- i. The applicant shall submit for final review and approval by Corporation Counsel, and execute prior to the issuance of a Certificate of Occupancy, the license to the City of Portland for limited public access to the landscape gardens associated with the parking lot; and
- ii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the biodetention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority.

LIGHTING WAIVER

The Planning Board voted 5-0 (Hall and Odokara absent) to waive the Technical Standard, Section XV 3., which requires all lighting fixtures to be of the "cut off" type, to allow for the proposed tree-mounted downlighters, subject to confirmation that this lighting proposal meets the current Illuminating Engineering Society of North America (IESNA) recommendations as per the City's Site Lighting Technical Standards. This waiver is given in recognition of the applicant's objective to provide security lighting within the landscaped areas.

SITE PLAN REVIEW

The Planning Board voted (5-0, Hall and Odokara absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- i. That the applicant submit for review and approval of the Planning Authority prior to the issuance of a building permit, the detail of the concrete sidewalk repair proposed within the Right of Way, which should comply with the City of Portland Technical Standards; and
- ii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the biodetention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority; and
- iii. That the applicant shall submit revised proposals for the lighting along the pedestrian walkway through the site, which meet the City's Site Lighting Standards, for review and approval of the Planning Authority prior to the issuance of a building permit; and
- iv. That any signs, including the proposed sign at the corner of Spring and Oak Streets shown in Plan 5.0, shall be subject to detailed review and approval prior to the issuance of a Certificate of Occupancy; and
- v. That the applicant shall revise the design of the central portion of the fencing along the top of the existing retaining wall to address the concerns of the Children's Museum of Maine, to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.

The approval is based on the submitted plans and the findings related to conditional use and site plan review standards as contained in Planning Report #27-08, which is attached.

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

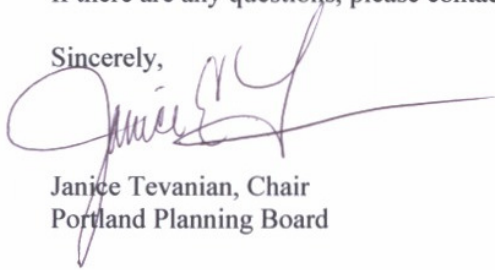
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works 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.
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. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. 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.
7. 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 Jean Fraser at 874-8728.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Planning Board Report #27-08
2. Performance Guarantee Packet

Electronic Distribution:

cc: Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
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Assessor's Office
Approval Letter File
Hard Copy: Project File