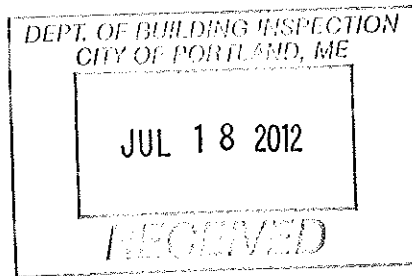


CITY OF PORTLAND, MAINE
PLANNING BOARD



Carol Morrisette, Chair
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June 15, 2012

Erin Cooperrider, Development Director
Community Housing of Maine
309 Cumberland Ave., Suite 203
Portland, ME 04101

Jay Waterman, Development Officer
Community Housing of Maine
309 Cumberland Ave., Suite 203
Portland, ME 04101

Project Name: Danforth On High Project ID: 2011-405
Address: 81-85 Danforth Street CBL: 40-A-016
Applicant: Danforth on High, LP
Planner: Barbara Barhydt, Development Review Services Manager

Dear Erin and Jay:

On May 22, 2012, the Planning Board considered the Danforth on High application for 30 units of age restricted housing at 81-85 Danforth Street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously (5-0, O'Brien and Venne absent) to approve the application with the following waivers and conditions as presented below.

WAIVERS

The Planning Board voted unanimously (5-0, O'Brien and Venne absent) to waive each of the following waivers from the Technical Standards:

- 1) Planning Board waives the Technical Manual 1.14. Standard parking space is 9x 18 feet and compact space is 8x15 feet to allow 8'-6" by 18'-6" and compact spaces of 7'-6" by 18'-6" in the garage.
- 2) The Planning Board waives the Technical Manual 1.7.2.3 Minimum driveway width (two-way) of 20 feet for two-way ingress and egress, with a preferred width of 24 feet to allow 22 feet at the curb-line and 16 feet at the garage entrance.
- 3) The Planning Board waives the Technical Manual 1.7.2.6 Location and spacing of the driveway, which requires a separation of 100 feet on streets with speed limit of 25 mph to allow a separation of 20 feet between the Danforth Street driveways.
- 4) The Planning Board waives the Technical Manual 12.2.6. Luminair types requiring full cut off light fixtures to allow a semi-recessed mounted luminaire with a frosted glass lens and located under the building canopy.

- 5) The Planning Board waives the Site Plan Standard 14-526 (b)(iii) (a) Street Trees: for 25 trees on the site and the applicant shall contribute \$5,000 to the City of Portland Tree Fund and which may be used for street trees and landscaping at Pleasant Street Park as required in the conditional zone agreement.

SUBDIVISION REVIEW

The Planning Board voted unanimously (5-0, O'Brien and Venne absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

- 1) That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include the waivers and applicable conditions of approval;
- 2) The applicant shall adhere to the monitoring provisions contained with the Transportation Demand Management Plan.
- 3) The community contribution and street tree contribution shall be paid prior to the issuance of a certificate of occupancy.

SITE PLAN REVIEW

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

- 1) The amended conditional zone for 81-85 Danforth Street becomes effective 30 days after enactment, so a building permit cannot be issued for this project until June 6, 2012.
- 2) The applicant shall submit the specifications and noise attenuation measures (such as a muffler or other attenuation provisions) for the generator to be reviewed and approved by the Planning Authority. The standard testing of the generator shall be programmed to occur during the week between 9 a.m. and 5 p.m.
- 3) The applicant shall submit the specifications for the exterior bike racks meeting the City's technical standards for review and approval by the Planning Authority prior to the issuance of a building permit.
- 4) The community contribution and street tree contribution shall be paid prior to the issuance of a certificate of occupancy.
- 5) The Transportation Demand Management Plan must be revised to eliminate the condition that restricts residents from participating in the residential sticker program to coordinate with the City Council approval of the conditional zone agreement.
- 6) The applicant shall adhere to the monitoring provisions contained with the Transportation Demand Management Plan.
- 7) The applicant shall provide details on the current users of the parking lot and whether the displacement of these spaces impacts the site approval for another project prior to the issuance of a building permit.

- 8) The construction management plan must be revised to maintain sidewalk access via temporary measures, such as use of parking areas, or other strategies without unreasonably impacting pedestrian routings. The Construction Management Plan must be reviewed and approved by the Department of Public Services prior to the issuance of a building permit.
- 9) The applicant may submit details for the heated sidewalks for review and approval by DPS.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #21-21 for application #2011-405 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** 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 Services Department 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.
10. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
11. **Department of Public Services Permits** 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.)
12. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
13. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

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. 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 Barbara Barhydt, Development Review Services Manager, at 874-8699.

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report and attachments
2. Performance Guarantee Packet

Electronic Distribution:

cc: Greg Mitchell, Interim Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPiero, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division

Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
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John Low, Associate Engineer, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File