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Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

April 30, 2010

Tod Dana
Dana Fisher LLC
PO Box 169
Portland ME 04112

Project Name: **Demolition and Construction of New Restaurant
231 York Street**

Applicant: **Dana Fisher, LLC**
Project ID: **09-79900017**
CBL: **044-E-003-001**

Dear Tod Dana/Dana Fisher LLC:

On April 30, 2010, the Portland Planning Authority approved a minor site plan for 231 York Street comprising demolition of the larger existing building on York Street and construction of a new 4044 sq ft restaurant (connected to the small existing structure at the rear of the site); as submitted by the applicant and shown on the approved site plans prepared by Sebago Technics and dated April 21, 2010; building plans prepared by Leland Hulst Architectural Services dated March 8, 2010 (elevations) and September 16, 2009 (1st and 2nd floor plans); and Photometric Plan prepared by Allied Engineering "Site Lighting Point-by-Point" ES-100 dated January 27, 2010, with the following conditions:

Specific Conditions of Approval:

- i. That the applicant shall supply and install four (4) street trees in the vicinity of the project (none on York Street) prior to the issuance of a Certificate of Occupancy, location and species to be agreed with the City Arborist; and
- ii. That the applicant shall supply and install two (2) bike racks or hitches (which will hold 2 bikes each) in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location to be agreed with the City (Public Services and City Arborist); these may be in the ROW or on City land but if so located shall be one of the 2 types described in the City's Technical Standards; and
- iii. That the applicant shall paint the vents and all other roof equipment (excepting those parts which must remain free of paint for maintenance or functional reasons) to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and

- iv. That the cumulative noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the B1 Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and
- v. That the applicant shall submit, for review and approval by the Planning Authority prior to the issuance of the building permit, the catalog cut for the lighting shown as "Type "L" on the approved photometric plan Plan ES-100 dated 01/27/2010; if it is not full cut off the applicant shall install full cut off lights at these locations that meet the City's Technical and Design Standards and shall verify that any substitute lamps do not increase the photometric levels in the vicinity of these lamps as shown on the approved photometric plan; and
- vi. That prior to any construction work commencing, a licensed surveyor shall stake out the building foundation locations, for review by the Planning Authority, to confirm that the setbacks and building location are consistent with the approved plans; and
- vii. That there shall be no public seating on the second floor of the new building; and
- viii. That the hours of operation of the restaurant (including exterior lighting) are limited to between 6:00am and 11:00 pm each day; and
- ix. That any new signage would require a separate permit and that prior to demolition the applicant shall obtain a seal drain permit and a demolition permit.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

Standard Conditions of Approval

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

1. The site shall be developed and maintained as depicted in the site plan and 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 of the Portland city Code.
2. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. 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.
4. 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 Dept. prior to the release of a building permit. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. 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.

6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
8. 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,



Alexander Jaegerman
Planning Division Director

Attachment: Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
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Tom Errico, Traffic Engineering Rviewer
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File