

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrisette, Chair
Stuart O'Brien, Vice Chair
Elizabeth Boepple
Timothy Dean
Sean Dundon
Bill Hall
Jack Soley

December 2, 2013

Applicant:
Mr. Phineas Sprague, Jr.
New Yard, LLC
58 Fore Street
Portland, Maine 04101

Agent:
Steve Bushey, PE
Deluca Hoffman Associates
778 Maine Street
South Portland, Maine 04106

Project Name: New Yard at Canal Landing, Phasing Amendment
Project ID: #2013-224
Address: 40 West Commercial Street
CBL: 59-A-1,2,3,4,5,6,7,8,9,10,11,12
Applicant: New yard, LLC
Planner: Bill Needelman, Senior Planner

Dear Mr. Sprague:

On October 22, 2013, the Planning Board considered an amendment to the previously approved New Yard at Canal Landing for a 22 acre boat repair and service yard located at 40 West Commercial Street and the Fore River. The amendment proposes moving the two primary buildings (as approved on December 18, 2013 and amended on August 27, 2013) from the easterly to the westerly portion of the site with associated access and utility improvements. The previously approved boat ramp, associated floating docks, site grading, access drive, and fencing remain integral to the plan as approved features.

The Planning Board reviewed the amendments for conformance with the standards of the Conditional Use in the Waterfront Port Development Zone (Boat Storage and marine products sales,) Shoreland Zoning Regulations, Flood Plain Management, and the Site Plan Ordinance with delegated review as a Site Location of Development. The Planning Board voted 7-0 to approve the application with the following conditions as presented below.

Conditions of Approval

- i. *MDOT Shared Entrance:* *Regarding the proposal for use of the existing easterly entrance adjacent to the IMT, the City will monitor the entrance for safety and may require modifications to the gate and entrance design if safety issues become evident.*
- ii. *Fire Safety and Emergency Access:* *Prior to issuance of a building permit, the revised fire access and circulation plan, as may be amended, shall receive review and approval from City Fire Safety review staff.*
- iii. *Landscaping:* *Prior to issuance of a building permit, that applicant shall submit for staff review and approval a revised landscaping plan that includes additional plantings at the shoreline and the site perimeter.*
- iv. *Stormwater:*
 - a. *Prior to issuance of a building permit, the applicant shall submit for staff review and approval information regarding the type of surface and construction details proposed for the improved traveled-way;*
 - b. *The Applicant shall verify that they have submitted a Notice of Intent to Comply with the Maine Construction General Permit to the Maine DEP; and,*
 - c. *The previously submitted Stormwater Inspection and Maintenance Manual still applies to the amended site.*
- v. *Previous Conditions of Approval:* *For development approved on December 18, 2012, all conditions of approval not previously addressed remain in effect as described in Attachment 1 of this report.*
- vi. *Archeological Resources:* *If evidence of 19th century glass works, known to exist on the subject site, is discovered during subsurface utility work, the applicant shall contact the Planning Authority and make reasonable efforts document any resources discovered.*
- vii. *Exterior Lighting:* *Prior to issuance of a building permit, that applicant shall submit for staff review and approval a revised exterior lighting plan.*

The original December 18, 2012 approvals remain in effect, except as modified by the current amendment, until one year after the date of approval and may be extended for up to two additional years at the request of the applicant and approval by the Planning Authority.

STANDARD CONDITIONS OF APPROVAL

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

1. **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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **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.
3. **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.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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. (If applicable)
7. **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.)

8. **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.
9. **Storm Water Management:** That the developer /contractor /subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines; that the owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements; and that a maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services.

The Development Review Coordinator must be notified five (5) working days prior to the 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 Bill Needelman, Senior Planner at (207) 874-8722 or email at wbn@portlandmaine.gov

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. Planning Board Report #40-13
2. City Code: Chapter 32
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Bill Needelman, Senior Planner
Philip DiPierro, 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
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File