

CITY OF PORTLAND, MAINE PLANNING BOARD

Orlando E. Delogu, Chair
Lee Lowry III, Vice Chair
John Anton
Kevin Beal
Michael Patterson
David Silk
Janice E. Tevaman

March 23, 2004 (resubmitted for signature August 24, 2004)

Michael Seavey, Project Manager
Central Maine Power
53 Anthony Avenue
Augusta, Maine 04330

RE: Fore River Substation, 328 West Commercial Street

CBL: 72-B-2

Dear Mr. Seavey:

On March 9, 2004, the Portland Planning Board voted 4 to 0 (Delogu and Lowry absent, Silk recused) to approve each of the following motions:

i. **Conditional Use:**

That the substation plan is in conformance with the Conditional Use Standards for Waterfront Port Development Zone and Section 14-474 of the Land Use Code;

ii. **Waivers:**

A. Sidewalk

That the two following criteria do apply, (namely that a *safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street, and strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value*) and therefore the Board waives the requirement for sidewalk.

B. Curbing

That the two following criteria do apply, (namely that *the street is scheduled for major reconstruction and strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value*) and therefore the Board waives the requirement for granite curbing.

ii. **Site Plan:**

That the substation plan meets the Site Plan Standards of the City Land Use Code;

Subject to the following conditions of approval:

- a. That the City accepts the applicant's proposal of funding \$5000 worth of landscaping and that the applicant and the City work to resolve whether some component of that could not reasonably be included on-site in such a way that it does not obscure visibility of the interior of the transformer area from the street.
- b. That the access apron from West Commercial Street be reduced to a width equal to or less than the width of the facility fencing as shown.
- c. That the applicant explore with the City a revised drainage and stormwater management plan, not to exceed an additional \$5000 in cost. If the applicant and the City reach an impasse, the applicant can return to the Board for resolution.

The approval is for an electrical substation and associated electrical duct banks. The applicant should note the final location and installation details of the duct bank system to be located in the City right of way will need to be coordinated with the City Department of Public Works, as proposed at the Public Hearing

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #7-04, which is attached.

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

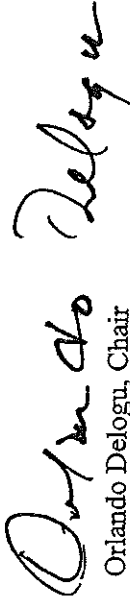
1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD/DXF files with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 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 preconstruction 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 preconstruction 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, please contact Bill Needelman, Senior Planner at 874-8722.

Sincerely,



Orlando Delogu, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Jack Lufkin, Economic Development Division Director
Sarah Hopkins, Development Review Services Manager
Bill Needelman, Senior Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
~~Karen Brady~~, Inspections
Michael Bobinsky, Public Works Director
Traffic Division
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Taring, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Approval Letter File