

CITY OF PORTLAND, MAINE
PLANNING BOARD

078-A-001

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78-A-001

November 10, 1999

Mr. Ned Sewall
M. W. Sewall Co.
259 Front Street
Bath, ME 04530

re: 9 Massachusetts Avenue/1199 Congress Street; Gas Station Redevelopment

Dear Mr. Sewall:

On November 9, 1999 the Portland Planning Board voted 6-0 (Malone absent) to approve your application to redevelop the retail/gas station located at the corner of Congress Street and Massachusetts Avenue. The Board found that the application met the standards of the Site Plan ordinance of the Land Use code.

The approval was granted for the project with the following condition(s):

- i. that the applicant contribute \$4,000 to traffic improvements for the proposed traffic light at the intersection of Congress Street and Massachusetts Avenue
- ii. that a landscaped island be installed at the Congress Street and Massachusetts Avenue corner of the lot with side dimensions of not less than ten (10) feet and should be either submerged in the ground with plantings protected by granite curbing or placed within an elevated retaining wall.
- iii. that the applicant revise the photometric plan for review and approval of the Planning staff.
- iv. that a maintenance plan for the Passive Oaks Skimmer be submitted to staff for review and approval.
- v. that the applicant eliminate one curb cut on Massachusetts Avenue to create one curb cut, not to exceed 35 ft. in width, in consultation with the Planning staff.

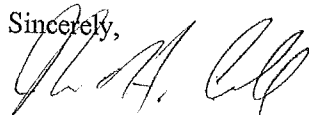
The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #60-99, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% 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.
2. 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.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. 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.
5. 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.)
6. The Development Review Coordinator (874-8300 ext. 8722) must be notified five (5) working days prior to date required for final site inspection. 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 the Planning Staff.

Sincerely,



John H. Carroll, Chair
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
Kandice Talbot, Planner
P. Samuel Hoffses, Building Inspector
Marge Schmuckal, Zoning Administrator
Tony Lombardo, Project Engineer
Development Review Coordinator
William Bray, Director of Public Works
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Inspection Department
Lee Urban, Director of Economic Development
Don Hall, Appraiser, Assessor's Office
Susan Doughty, Assessor's Office
Approval Letter File