

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Bill Hall, Chair  
Joe Lewis, Vice Chair  
Lee Lowry, III  
Carol Morrissette  
Michael J. Patterson  
David Silk  
Janice Tevanian

October 21, 2010

HomeStart Affordable Housing  
Attention: Jane Banquer  
PO Box 174  
Peaks Island, ME 04106

Walsh Engineering associates  
Attention: Bill Walsh  
918 Brighton Avenue  
Portland, ME 04102

**Project Name:** 18 Luther Street (Peaks Island); Three (3) Lot Subdivision;  
HomeStart Affordable Housing, Applicant.  
**Project ID:** 10-99700004  
**CBL:** 087 - Z-015-001  
**Project Address:** 18 LUTHER ST  
**Planner** Shukria Wiar

Dear Ms. Banquer:

On October 12, 2010 the Portland Planning Board considered a three (3) lot subdivision at 18 Luther Street on Peaks Island by Home Start Affordable Housing. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted unanimously 6-0 (Lewis absent) to approve the application with the following motions, waivers and condition as presented below.

### WAIVERS

- i. The Planning Board voted unanimously 6-0 (Lewis absent) to waive the requirement of Section 14-499 (d) of the Zoning Ordinance that requires sidewalk and curbing to be constructed on both sides of public street, to allow no sidewalk and curbing as shown on the Subdivision Plan (Attachment B-2 to Report # 38-10).
- ii. The Planning Board voted unanimously (3-3, Lewis absent; Patterson, Silk and Lowry opposed) on the applicant's request for a waiver of Section 14-499 (h) of the Zoning Ordinance which requires all utilities to be underground in order to allow the electricity line to be overhead as shown on the Subdivision Plan (Attachment B-2 to Report # 38-10). The motion for the waiver failed due to the tied vote.
- iii. The Planning Board voted unanimously 6-0 (Lewis absent) to waive the requirement of Section III (2) (e) of the Technical Standards for driveway spacing, to allow the existing driveway to remain in its current location.

### **SUBDIVISION REVIEW**

The Planning Board voted unanimously 6-0 (Lewis absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition of approval:

- i. The applicant must comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Stormwater Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on our standards and state guidelines. A maintenance agreement for the rain gardens acceptable to Corporation Counsel must be submitted and signed prior to the issuance of a certificate of occupancy.

The approval is based on the submitted plans and the findings related to subdivision review standards as contained in Planning Report for Application #10-99700004, which is attached.

### **STANDARD CONDITIONS OF APPROVAL**

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

1. 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. 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. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and eight (8) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds and prior to the release of a building permit or street opening permit. If you need to make any modifications to the approved plans, you must submit a revised subdivision application for staff review and approval.
5. 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.
6. 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.
7. The subdivision approval is valid for three (3) years.
8. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. 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.

10. 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.)

Philip DiPierro, 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 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 you have any questions, please contact Shukria Wiar at 756-8083 or [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov)

Sincerely,



Bill Hall Chair  
Portland Planning Board

Attachments:

1. Performance Guarantee Packet

**Electronic Distribution:**

Penny St. Louis Littell, Director of Planning and Urban Development  
Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Tammy Munson, Inspections Division Director  
Gayle Guertin, Inspections Division  
Lannie Dobson, Inspections Division  
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Jeff Tarling, City Arborist  
Tom Errico, TY Lin  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
**Hard Copy:** Project File