

CITY OF PORTLAND, MAINE

PLANNING BOARD

November 1, 1999

John H. Carroll, Chair
Jaimey Caron, Vice Chair
Kenneth M. Cole III
Cyrus Y. Hagge
Deborah Krichels
Erin Rodriguez
Mark Malone

Amy Mulkerin
Greg McCormack
The Pines of Portland, Inc.
426 Forest Avenue
Portland, ME 04101

116-C-003

re: The Pines Subdivision

Dear Ms. Mulkerin & Mr. McCormack:

On October 12, 1999 the Portland Planning Board voted 5-0 (Cole and Krichels absent) on the following motions regarding The Pines Subdivision:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code which constitutes stormwater permit under City delegated authority with the following condition(s):
 - i. that the note which states "street frontage variance received" must be removed from all subdivision plats
 - ii. the developer shall place \$15,000 in an interest bearing escrow account to be maintained by the City of Portland. These monies shall be deposited with the City prior to release and recording of Section I of the Subdivision Plat and shall remain for a period of five (5) years from the completion of all public improvements or the completion of seventy-five (75%) of all house lots in the approved subdivision, whichever occurs later. The escrow money shall be accessed by the City, after notice to the developer and a reasonable time to cure, if or when necessary to correct any on- or off-site improvements needed to resolve drainage problems associated with, or attributable to, the project. Determination of the appropriate use of said funds for such purpose shall be made by the Planning Authority, in consultation with Dept. of Public Works and consulting engineers as appropriate. Applicant will submit to Planning Authority a report of their findings of existing flooding on Virginia Street to the extent that it can be determined and be done in consultation with the City's Engineer and filed with the City Planning Department.
 - iii. That the developer provide documentation to the City which states that NRPA Approval has been obtained by DEP.
 - iv. That the plans be revised in accordance with the DRC's memo dated 10/1/99 regarding MEDEP approval, erosion control, and pre-blast survey

v. That the plans be revised in accordance with Public Works' memo dated 10/5/99 regarding manhole connections, inlet pipe between lots 16 and 17, curbing, and foundation connections.

vi. That the drainage easements noted on the plan need to be identified as either Public or Private Easements as follows:

The Pines at Wyoming

The only public easement should be the 30 ft. easement shown on the plan.

The Pines at Kansas

All drainage easements should be private.

The Pines at Phase I and II

Public Easements should be as follows:

- the 50 ft. x 50 ft. drainage easement abutting lot 12
- the 30 ft. easement from the Falmouth Town line to Liberty Way
- a second 30 ft. easement between lots 16 and 17 from Falmouth to Liberty Way (not shown but requested)
- the 110 ft. x 200 ft. and 110 ft. x 100 ft. drainage easement in the vicinity of the culvert crossing Penn Avenue
- the 20 ft. drainage easement along the perimeter of the properties from Falmouth to Liberty Way.

All other drainage easements shall be noted as private easements.

vii. A note shall be added to the plan which states "Lot 24 will not be developed until further review and approval by the Planning Board of requisite public improvements so as to render the remaining portion of Lot 24 as a marketable lot."

viii. that the building envelope for Lot 18 be revised to show a 25 ft. front and rear setback parallel to Liberty Way and the side setbacks shown as 16 ft. each.

ix. Ensure that as Lots 13, 15, 18 and 19 are developed that provisions are made to prevent increased rates of sheet flow so as to not cross southerly over the Dargie property and condition shall be noted on the Subdivision Plat.

2. That Section I of the Sectional Recording includes the previously approved Lots 1 through 6, proposed Lots 7 through 11, 13 through 17, 20 through 23, 25 through 30, common open space and the residual (future development parcel) Lot 24. Section II includes Lots 12, 18 and 19. Further, the Board does waive Section 14-495(h) which states that the approved section has to constitute at least twenty (20%) percent of the total number of lots. This condition is subject to submission of revised recording plat clearly showing Section I and Section II.

3. The Board also granted waivers of sidewalk on the southerly side of Wyoming Street, the westerly side of Liberty Way, and the southerly side of Kansas Avenue.

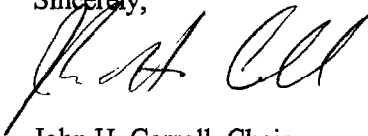
The approval is based on the submitted plan and the findings related to site plan review standards as contained in Planning Board #31-99a, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
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 (874-8721) 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 regarding the Board's actions, 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