



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov*

**Director of Planning and Urban Development**

Penny St. Louis Littell

**Planning Division, Director**

Alexander Jaegerman

August 22, 2008

John and Cynthia Sargent  
103 Read Street  
Portland Maine 04103

Dear John and Cynthia Sargent:

We received your request for an extension of the subdivision approval for the Bayside Street Subdivision, which was granted by the Portland Planning Board on September 27, 2005. The City's subdivision ordinance requires the following:

Unless the subdivider shall record his or her approved recording plat within three (3) years after the Planning Board has approved the subdivision plat, the recording plat approval shall become null and void. The preceding sentence notwithstanding, if the Planning Board's initial approval of a subdivision is based in part upon the granting of a variance from any of the applicable subdivision approval standards, no such variance shall be valid unless that fact shall be expressly noted on the face of the recording plan and shall be noted in a certificate, each of which shall conform to 30-A M.R.S.A. Section 4406, and such recording plat or such certificate or both of them are recorded in the Cumberland County Registry of Deeds within ninety (90) days of final subdivision approval.

In order to record the subdivision plat you need to meet the conditions of approval and post a performance guarantee for the site improvements. A copy of the original approval letter is attached for your reference. Based upon our records, it does not appear that any revised plans or a performance guarantee was received. The ordinance does not permit any extensions.

Thank you for your attention to this matter.

Sincerely,

Barbara Barhydt  
Development Review Services Manager

Cc: Alexander Jaegerman, Planning Division Director  
Marge Schmuckal, Zoning Administrator  
Philip DiPierro, Development Review Coordinator  
Jenie Bourke, Inspection Division Director

Attachment:  
Approval Letter from 2005



**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

---

Lee Lowry III, Chair  
Kevin Beal, Vice Chair  
John Anton  
Michael Patterson  
David Silk  
Janice E. Tevanian  
Shalom Odokara

October 11, 2005

John and Cynthia Sargent  
103 Read Street  
Portland, ME 04103

RE: Proposed Bay Street Subdivision  
Application ID #2005-0054, CBL #s 141 J003, 14 and 155D027-28

Dear Mr. and Mrs. Sargent:

On September 27, 2005, the Portland Planning Board voted 4-0 (Anton and Beal Absent, Tevanian Abstaining) to approve the above referenced subdivision application. The approval was granted for the project by the following motion, subject to the following conditions:

On the basis of plans submitted by the applicant and on the basis of information contained in Planning Report #40-05 relevant to standards for subdivision regulations, and other findings as follows:

1. That the plan is in conformance with the subdivision standards of the land use code.

Conditions of Approval:

- i. The applicant shall revise plans so as to address concerns outlined in a September 16, 2005 memo prepared by Jim Seymour P.E., subject to final review and approval by the Planning Authority accept that the additional 93 feet of curbing on both sides of the street toward Glengarden Street shall not be required.
- ii. The applicant shall present turn around easements and drainage and maintenance easements for potential additional inlet pipe for final review and approval by Corporation Council.



- iii. The applicant shall prepare and record a subdivision plat subject to final review and approval by the Planning Authority and Corporation Counsel.
- iv. The applicant shall revise the subdivision plat to provide an eight foot no-cut zone along the Eastern property line of lot 4 so as to provide a buffer to the Bay Village Condominium Association and shall work with the Bay Village Condo Association to provide an additional 7 feet of buffer plantings on the Bay Village property so as to achieve a total of fifteen (15) feet of privacy buffer, subject to final review and approval by the Planning Authority.
- v. A final positive zoning determination letter shall be placed in the public record.

The Board also voted on two proposed waivers related to the project.

The first waiver passed 4-0 (Anton and Beal Absent, Tevenian Abstaining) as follows:

2. That the Planning Board grants the applicant his request under §14-506(b) for a waiver of sidewalk requirements on the South side of Bay Street.

The second waiver was denied by the Board by a vote of 0-4 (Anton and Beal Absent, Tevenian Abstaining) as follows:

3. That the Planning Board grants the applicant his request under §14499 (h) for a waiver of the underground electric utility technical requirement of the subdivision ordinance.

The approval includes a 5-lot residential subdivision on an accepted, undeveloped portion of Bay Street.

The approval is based on the submitted site plan and the findings related to subdivision review standards as contained in Planning Report #40-05, 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 Autocad files (\*.dwg), release 14 or greater, 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

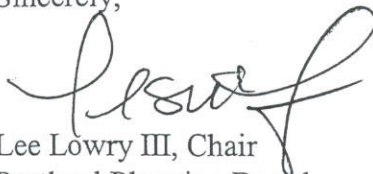
and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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 pre-construction 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 pre-construction 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 Division 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 Ethan Boxer-Macomber at 756-8083 or [ebm@portlandmaine.gov](mailto:ebm@portlandmaine.gov).

Sincerely,



Lee Lowry III, Chair  
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director  
Alexander Jaegerman, Planning Division Director  
Sarah Hopkins, Development Review Services Manager

Ethan Boxer-Macomber, Planner  
Jay Reynolds, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Inspections Division  
Michael Bobinsky, Public Works Director  
Traffic Division  
Eric Labelle, City Engineer  
Jeff Tarling, City Arborist  
Penny Littell, Associate Corporation Counsel  
Fire Prevention  
Assessor's Office  
Approval Letter File