

CITY OF PORTLAND, MAINE
PLANNING BOARD

Lee Lowry III, Chair
Kevin Beal, Vice Chair
John Anton
Michael Patterson
David Silk
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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, Tevenian 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

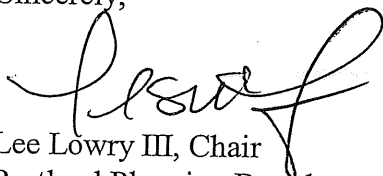
and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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.

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

