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Planning & Urban Development Department

Gregory A. Mitchell, Acting Director

Planning Division

Alexander Jaegerman, Director

May 11, 2012

Percival Patrick Tamayo
46 Bay Street
Portland, Maine 04103

Project Name:	Site Alteration	Project ID:	2011-212
Address:	46 Bay Street	CBL:	155 – E – 007-001
Applicant:	Percival Patrick Tamayo		
Planner:	Philip DiPierro		

Dear Mr. Tamayo:

On May 11, 2012, the Planning Authority approved, with conditions, a Level I Site Alteration Application for the site alteration project at 46 Bay Street as submitted by Percival Patrick Tamayo, and shown on the submitted sketch plan sectioned from the site plan dated August 2009 completed by BH2M, and originally approved for single family construction on December 10, 2009, with the following conditions:

1. The sloped area is to be planted with a number of wetland edge type shrubs. Recommended plant spacing is 6' in staggered rows. Plant types are to be grouped either together in similar types, or mixed. Sizes are to meet the following standards: potted, 18-24" height, or #2 pots, at minimum. Plants are to be of native stock for hardiness. The following native plant types are acceptable: Winterberry, Myrica-gale, Red Twig Dogwood, Elderberry, High Bush Blueberry, Alder, Swamp Azalea. Nurseries, including Skillins, O'Donals, Risbara's or Peirson's Nursery in Biddeford should have the varieties mentioned. Plant choices and locations are to be approved by the City Arborist prior to installation.
2. All disturbed areas are to be stabilized using best management practices in compliance with the latest edition of the Maine Erosion and Sediment Control BMP's Handbook.
3. This approval maximizes the allowable filling for this site. There shall be no more filling of the rear yard.

City Hall, 389 Congress Street . Portland, ME 04101-3509 . Ph (207) 874-8719 . Fx 756-8258 . TTY 874-8936

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The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval prior to any work taking place.

STANDARD CONDITIONS OF APPROVAL

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held 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 Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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.

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If there are any questions, please contact Philip DiPierro at (207) 874-8632.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. Performance Guarantee Packet

Electronic Distribution:

Gregory A. Mitchell, Acting Director of Planning and Urban Development Department
Alexander Jaegerman, Division Director, Planning
Barbara Barhydt, Development Review Services Manager, Planning
Philip DiPierro, Development Review Coordinator/Planner, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Plan Reviewer, Inspections Division
Lannie Dobson, Administration, Inspections Division
Michael Bobinsky, Director, Public Services
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Jane Ward, Administration, Public Services
Capt. Keith Gautreau, Fire Department
Jeff Tarling, City Arborist, Public Services
Tom Errico, P.E., T.Y. Lin Associates
Dave Senus, P.E., Woodard & Curran
Assessor's Office
Approval Letter File

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Id or SS Number: _____

Developer's Name and Mailing Address: **Percival Patrick Tamayo**

46 Bay Street

Portland, Maine 04103

City Account Number: _____

Application ID #: **2011-212**

Application of **Percival Patrick Tamayo** for **the Level I Site Alteration Project** at **46 Bay Street**, Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of **\$1,500.00** on behalf of **Percival Patrick Tamayo** in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing **site improvements ie. landscaping and erosion control measures**, as depicted on the site plan, approved on **May 11, 2012** as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the **site improvements plan** approval, dated **May 11, 2012**; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this Guarantee, at his/her option, either thirty days prior to the expiration date contained herein, or s/he may draw against this

escrow for a period not to exceed sixty (60) days after the expiration of this commitment; provided that the Applicant, or its representative, will give the City written notice, by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Guarantee will automatically expire on **May 30, 2013** (“Expiration Date”) or on the date when the City determines that all improvements guaranteed by this Performance Guarantee are satisfactorily completed, whichever is later. At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to **Percival Patrick Tamayo**. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the **site plan** approval, dated **May 11, 2012** as required by City Code §14-501, 525.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee should any one of the following occur:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the approved **site plan**.

Seen and Agreed to:

By: _____

Percival Patrick Tamayo

Date: _____

By: _____

***Planning Division Director

Date: _____

By: _____

Development Review Coordinator

Date: _____

Attach Letter of Approval and Estimated Cost of Improvements to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Cathy Ricker, ext. 8665.
3. The Agreement will be executed with one original signed by the Developer.
4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Cash Receipts Batch form.
5. ***Signature required if over \$50,000.00.