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Planning & Urban Development Department

Jeff Levine, AICP, Director

Planning Division

Alexander Jaegerman, Director

January 24, 2013

Scott Lalumiere
Milk Street Capital, LLC
84 Middle Street
Portland, ME 04101

William Walsh
Walsh Engineering Associates, LLC
918 Brighton Avenue
Portland, ME 04101

Project Name: Motley Street Construction
Applicant: Scott Lalumiere, Milk Street Capital, LLC
Planner: Nell Donaldson

Project ID: 2012-627
CBLs: 177-F-11, 12, 20, 21, 22

Dear Mr. Walsh & Mr. Lalumiere:

On January 24, 2013, the Planning Authority approved with conditions your Level I: Site Alteration plan for the construction of approximately 90' of Motley Street. The decision is based upon the plan as submitted by Walsh Engineering Associates (revisions dated January 3, 2013). The proposal was reviewed for conformance with the standards of the City of Portland's site plan ordinance (Section 14-526), as well as Section 14-403 of the city's ordinance regarding street access. Note that the city's Department of Public Services found that there is another residence beyond this property which is presently served by a gravel roadway. As such, there is currently adequate space to turn around at the end of Motley Street and a turnaround is not being required as part of this project.

The Level I site plan is approved with the following waivers and conditions:

A. WAIVERS

Sidewalk

The application includes a request for a waiver from the sidewalk provision of the ordinance, and cites the following criteria from Section 14-506(b):

- 3) A safe alternative walking route is reasonable and safely available, for example, by way of a sidewalk on the other side of the street that is lightly traveled; and
- 6) Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value.

Section 14-403(b) of the city's ordinance further states that street extension projects shall include sidewalks "if located on a designated school walking route." Motley Street is not a designated school walking route. As such, the sidewalk requirement is waived.

Curbing

The Planning Authority found the application meets the following waiver criteria from Section 14-506(b) and thus waives the granite curbing requirement on the following grounds:

- 6) The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost; and
- 4) Strict adherence to the curb requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of greater public value

B. CONDITIONS OF APPROVAL

The Planning Authority found that the plan is in conformance with the site plan standards of the land use code subject to the following condition of approval:

1. The applicant shall submit draft copies of the deeds for the associated lots which note that, if, in the next five years, the lot in the R-5 zone were to be developed as a two-family or multi-family dwelling, both lots would be subject to subdivision review.

The approval is based on the January 3, 2013 site plan.

C. 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. Please also note that separate permits are required for any new signage.
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

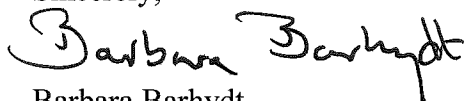
review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

7. **Department of Public Services Permits** 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.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

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.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Barbara Barhydt
Acting Planning Division Director

CC: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval letter file