

Memorandum
Department of Planning and Development
Planning Division



To: Richard Abrahams, Architect
From: Barbara Barhydt, Development Review Services Manager *Barbara*
Date: October 25, 2007
Re: Correspondence Regarding Chabad House after Site Plan Expiration

Per your request, I am attaching three letters pertaining to the Chabad House that were sent since July 26, 2007:

1. Letter to Marshall Tinkle, Esq. from Penny Littell, Associate Corporation Counsel, dated July 26, 2007;
2. Letter to Donald Corwin from Barbara Barhydt, Development Review Services Manager, dated July 30, 2007; and
3. Letter of Rabbi Wilansky and Donald Corwin from Barbara Barhydt, Development Review Services Manager, dated October 15, 2007.

As we discussed today, the planning office files are public records and you may review the files at our office on the fourth floor of City Hall. Files pertaining to the building permit are maintained by the Inspection Division, Room 315 in City Hall.

I hope this is the information that you needed.

Cc: Alexander Jaegerman, Director, Planning Division
Jeanie Bourke, Director, Inspection Division
Penny Littell, Associate Corporation Counsel



PORTLAND MAINE

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Corporation Counsel
Gary C. Wood

Associate Counsel
Elizabeth L. Boynton
Penny Littell
James R. Adolf
Mary E. Costigan

July 26, 2007

VIA FACSIMILE (874-6705)

Marshall Tinkle, Esq.
Tompkins, Clough, Hirshon & Langer, P.A.
Three Canal Plaza
P.O. Box 15060
Portland, ME 04112-5060

Dear Marshall:

I received your FAX of today while I was in a meeting discussing the status of the Chabad House project. As you know, City staff has expended tremendous time and energy since meeting with you in early June (following many prior correspondence from Planning to your client's agent, Mr. Abramson [beginning in January 2007]) in attempting to expedite the review of the many revisions to the Chabad House project. This review was necessary to determine whether the revisions met the City's Land Use Code and the Conditions of Approval the City Planning Board placed on the project. As you know this project was subject to the Conditional Use provisions of the Code, as well as to the Site Plan requirements.

Various plans were submitted by your clients to the City just this week (i.e. landscaping plan submitted just yesterday, sewer capacity letter submitted on Tuesday, no draft performance guarantee of any kind ever submitted, etc.). At present, we cannot confirm that you client has submitted revised building plans, deleting the electric lines from an earlier proposed generator into the house, nor do we know whether the reference to the unapproved generator has been removed from such plans. At this time there continue to be several loose ends relating to this project and its required submissions.

I understand your clients have attempted at 3:15 p.m. today to drop off some form of monies to satisfy its obligation to post a performance guarantee for this project. In addition, (and almost simultaneously) you faxed me to attempt to ensure your client's monies would be released by the City upon the posting of a Letter of Credit from a Bank. We cannot make any such assurances to you at this time. Moreover, your client's financial capacity depends upon its ability to post a performance guarantee in the form we previously provided to you (at our June meeting, and by



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

July 30, 2007

Donald A. Corwin, Owner, Assoc. AIA
A R X/associates
47 Orchard Street
Auburn, Maine 04210

Dear Don:

Enclosed are the materials you requested on Friday, July 27, 2007 in order prepare a new application for site plan and conditional use review for the Chabad House on Pomeroy Street. The materials include an application, checklist, fee schedule, neighborhood meeting packet and a copy of the site plan ordinance. The project is also subject to the conditional use standards in the zoning ordinance. I have included the R-3 zone and the Conditional Use Standards of Section 14-474. The complete Land Use Code is available on the City's web page.

If you have any questions about the process, please contact me at 874-8699.

Sincerely,

Barbara Barhydt
Development Review Services Manager

Cc: Lee Urban, Director, Department of Planning and Development
Alexander Jaegerman, Planning Division Director
Marge Schmuckal, Zoning Administrator
Jeannie Bourke, Inspection Division Director
Penny Littell, Associate Corporation Counsel



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

October 15, 2007

Rabbi Wilansky
101 Craigie Street
Portland, ME 04101

Donald A. Corwin, Owner, Assoc. AIA
ARX Associates
47 Orchard Street
Auburn, Maine 04210

Re: Chabad House, Application #2004-0156, expired site plan
CBL 193-E- 19

Dear Rabbi Wilansky and Mr. Corwin:

I am responding to Mr. Corwin's e-mail relative to the Chabad House Project and to Rabbi Wilansky's request for reimbursement of the inspection fee paid in July. Of course, all of this depends upon the information contained within a new application. As I discussed previously with Mr. Corwin, a new application for the Chabad House must be submitted for conditional use and site plan review by the Planning Board. On July 27, 2007, I sent to Don an application form, submittal checklist, fee schedule, neighborhood meeting packet and the site plan ordinance. Section 14-525 lists the contents of the final site plan submission and the required written material. Please use this section to guide your preparation of the development review application. The file for the expired conditional use and site plan approval is available at our office and you are welcome to review it at your convenience.

The following information may assist you further in any new application. First, the application must address in writing the conditional use standards in the zoning ordinance for R-3 and the Conditional Use Standards of Section 14-474. Secondly, the submission will be reviewed under all current codes and regulations for site plan review. For example, I am include the final memo from James Seymour, P.E. for your information, but an updated stormwater management plan likely will be required to meet Chapter 500 rules. In addition, the City may want to have recent traffic conditions, updated traffic projections and on-site parking adequacy counts for the proposal.

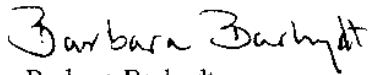
You inquired about reimbursement for the inspection fee paid on your expired project. The reimbursement is enclosed in Rabbi Wilansky's letter with deductions for the Reviewing Engineer's fees, the Planner's fees for review of the plans and the preconstruction meeting. Invoices of these charges are included for your review. The breakdown of these charges and reimbursement is listed below:

| | |
|-------------------------|------------|
| Inspection Fee Paid | \$6,279.40 |
| Engineer Review | \$782.00 |
| Planning Review | \$240.00 |
| Preconstruction Meeting | \$101.25 |
| Amount of Reimbursement | \$5,156.15 |

Finally, building plans are reviewed by the Inspection Division and as Don Corwin noted, the review on the Chabad House project was halted on July 26, 2007. You may review their files on the previous application, but again a new submittal will be required for their review.

Thank you for your attention to this matter.

Sincerely,



Barbara Barhydt
Development Review Services Manager

Cc: Lee Urban, Director, Department of Planning and Development
Alexander Jaegerman, Planning Division Director
Marge Schmuckal, Zoning Administrator
Jeannie Bourke, Inspection Division Director
Penny Littell, Associate Corporation Counsel

Attachments:

James Seymour, P.E., Sebago Technics, dated July 25, 2007
Invoices for Engineer Review, Planning Review and Preconstruction Meeting



04P156

TO: Alexander Jaegerman Planning Division Director
FROM: Jim Seymour – Development Review Coordinator, Sebago Technics, Inc.
RE: Chabad Lubavitch of Maine, Pomeroy Street: Synagogue & Family Home
DATE: July 25, 2007

Sebago Technics has reviewed the most recent revised Site Plan dated 7/20/07 and supporting documentation for the proposed Synagogue and family home to be located off Pomeroy Street. Below are our final comments. If section is deemed complete then all previous comments pertaining to the section have been addressed

1. Stormwater Management

An underdrain included in the swale behind the Briggs property cannot directly tie into a City underdrain. The underdrain must either connect to the culvert leading to DMH 2 or tie into the Detention Pond Outlet/Structure.

Prior to occupancy the applicant shall provide the City with a drainage maintenance agreement such that if there is a drainage issue affecting street drainage or as a result of private drainage interfering with street drainage the City will have rights to maintain the drainage as it enters their system. Standard forms are available at the planning office to assist you with this process.

2. Road Access/Circulation

All issues completed

3. Grading/Erosion Control

All issues completed

4. **Utility Installation/Location**

Transformers and air release valves are to be set by the independent Utility companies. An as-built survey of final locations must be submitted to Public works prior to final release of the performance bond.

5. **General**

- A. **City Arborist to comment on landscaping.**
- B. **No quantities of wetland impacts or proof of DEP approvals with State permit # has been noted on the Site Plan as previously requested.**

6. **Details**

- A. **Need to provide typical details for the City of Portland typical Pipe section. The Detail is acceptable for private piping not for public installations, 12 inches of stone is required above the pipe not 6 inches of sand.**

The above issues have been discussed with the City of Portland ROW Inspector, We request as-built surveys be supplied for any field revisions even if considered diminimus. We feel the following can be corrected during construction, as long as corrected plans and documents are forwarded prior to any occupancy.

Please feel free to contact me if you have additional revisions or have site specific questions.

JRS:jrs

INVOICE

SebagoTechnics

Engineering Expertise You Can Build On



City of Portland
389 Congress Street
Portland, ME 04101

August 24, 2007
Invoice No: 200708190
Project No: 04P156

Terms: Net 30

Attn: Jennifer Dorr

RE: Pomeroy Street Synagogue

For professional services from June 30, 2007 through July 27, 2007

Progress billing for Engineering Review as Development Review Coordinator for City of Portland Planning Department. Services include review of revised Site Plan application, coordination with Planning Department for past conditions of Site Plan approval, preparation of memoranda for revised plan review, and multiple meetings with City of Portland officials to accommodate applicant's deadlines; project coordination and administration.

| <u>Description</u> | <u>Hours</u> | <u>Rate</u> | <u>Cost</u> |
|------------------------------|--------------|-------------|------------------|
| Project Mgr/Sr Proj Engr | 8.50 | \$92.00 | <u>\$ 782.00</u> |
| Total Current Billing | | | \$ 782.00 |

Thank you for your business. Please contact me if you have any questions regarding this invoice.


Project Manager

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

| | |
|--|--|
| Application No: 2004-0156 | Applicant: Mr. & Mrs. Wilansky |
| Project Name: Wilansky Residences/Synagog | Location: 0 Pomeroy Street |
| CBL: 193 E019001 | Development Type: Minor Site Plan |
| Statement Date: 10/09/2007 | |

CURRENT INVOICE

| Invoice Date | Invoice No | Fee Description | Qty | Fee Charge |
|--------------|------------|---|--------------------------|-------------------|
| 10/09/2007 | 29150 | Development Review Planner | 8 | \$240.00 |
| | | Development Review Planner | | \$240.00 |
| 07/05/2007 | mpc | Review of plans . Letter to applicant. (preparing punchlist for Barbara). | 2.00 | \$60.00 |
| 07/13/2007 | bab | I reviewed the plans, compiled comments, and forwarded them to the consultants. The comments to BH2M were faxed on Saturday, July 14th. | 6.00 | \$180.00 |
| | | | Amount Due | + \$240.00 |
| | | | Payments Received | - \$0.00 |
| | | | Total Amount Due | \$240.00 |

Detach and remit with payment

Bill to: Mr. & Mrs. Wilansky
101 Craigie Street
Portland, ME 04101

Statement Date: 10/09/2007
Invoice No: 29150
Application No: 2004-0156
Invoice Date: 10/09/2007
Total Amt Due: \$240.00
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Jennifer Dorr, 4th Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND, MAINE

CHARGES DETAIL LISTING

Date Range From Jan 1, 1900 Through Aug 1, 2007

| Insp. | Date Worked | ApplID | Type | Location | Fee Charge | Hrs | Charges | Status |
|--------------|--------------------|---------------|----------------|-----------------|-------------------|-------------|-----------------|---------------|
| pd | 07/19/2007 | 2004-0156 | Minor Site Pla | Pomeroy Street | Inspection | 1.00 | \$45.00 | |
| pd | 07/25/2007 | 2004-0156 | Minor Site Pla | Pomeroy Street | Inspection | 1.25 | \$56.25 | |
| | | | | | Sub Total | 2.25 | \$101.25 | |