



Jeff Levine, AICP  
Director, Planning & Urban Development Department

January 7, 2016

Ron Maynard  
Maine Fiber Company, LLC  
482 Congress Street  
Portland, ME 04101

Jim Seymour, PE  
Sebago Technics, Inc.  
75 John Roberts Road, Suite 1A  
South Portland, ME 04106

Project Name: **MFC Switching Facility**  
Project ID: #2015-207  
Address: 9 Westland Avenue CBL: 197 A003001  
Applicant: Maine Fiber Company  
Planner: Jean Fraser

Dear Mr. Maynard and Mr. Seymour:

On January 7, 2016, the Planning Authority approved with conditions a Level I Site Alteration proposal for a switching facility comprising a shelter, generator, fenced enclosure and landscape screening at 9 Westland Avenue. The decision is based upon the submitted application, documents and plans prepared by Sebago Technics, Inc., including the Site Plan dated 1.6.16; and Plans D1, D2 and D3 dated 12.23.2015. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

#### **WAIVER**

##### *Curbing*

The Planning Authority waives the curbing requirement for the Westland Avenue frontage based on the following criteria:

1. The cost to construct the curbing, including any applicable street opening fees, is in excess of 5% of the overall project cost.
3. The street has been rehabilitated without curbing in the last 60 months.
5. Runoff from the development site or within the street does not require curbing for stormwater management.

#### **SITE PLAN REVIEW**

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval and the standard conditions of approval:

- i. That all necessary Federal, State and local permits and approvals shall be obtained prior to use/operation of the equipment; and
- ii. That the sound levels related to the HVAC units and generator testing and normal operation shall not exceed the maximum noise allowances of the B-1 zone; and

- iii. That the testing of the generator shall take place between the hours of 9am and 4pm Monday through Friday, no more than one time per week and for a duration of up to 1 hour; and
- iv. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting".

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.

#### **STANDARD CONDITIONS OF APPROVAL**

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

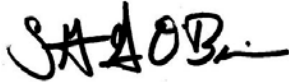
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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 (or \$300, if less), and three (3) 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.
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 release of the Performance Guarantee. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,



Stuart G. O'Brien  
City Planning Director

Attachment: Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Zoning Administrator, Inspections Division  
Tammy Munson, Inspections Division Director  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
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Jeremiah Bartlett, Public Services  
Keith Gautreau, Fire Department  
Jennifer Thompson, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
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Rick Blackburn, Assessor's Department  
Approval Letter File