



Jeff Levine, AICP
Director, Planning & Urban Development Department

July 24th, 2015

David Latulippe, Manager
Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

Project Name: Request for approval to advance site work for the Commercial Development including gas station and convenience store with ATM
Project ID: #2013-086 and #2014-138
CBL: 237-A-012
Address: 2282 Congress Street
Applicant: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

Thank you for your letter dated July 12th, 2014 requesting approval to undertake advance site work prior to the receipt of a building permit (copy attached).

On May 14th, 2013, the Portland Planning Board approved with conditions a proposal to construct a commercial development that includes a 3,850 sq. ft. convenience store with an ATM and fuel station (14 filling dispensers plus a future compressed natural gas pump and electric recharging stations), a small farmstand associated with the convenience store, and 26 parking spaces. An amendment application that altered the layout, landscape and stormwater system was approved on November 12th, 2015 and all of the relevant conditions of that approval (copy attached) have been met.

As provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work on this project prior to the issuance of a building permit. The permitted advance site work is limited to the Extent of Work listed below with associated conditions.

Please note that prior to the commencement of any work on site (including tree cutting) the following shall be completed:

- A satisfactory Performance Guarantee shall be posted;
- The Inspection Fee shall be paid;
- The Preconstruction meeting (to include Phil diPierro and Jeff Tarling) shall be held to confirm the limits of work and that the conditions are being met;
- That any blasting be done in accordance with the City's Blasting ordinance, which requires a permit from Fire Department;
- That the number and timing of trucks per day accessing the site during the period of advance site work be advised to the Planning Authority and DPS at least one week in advance, and that traffic control measures be incorporated based on their advice;
- That all requirements related to the *Amended Stormwater Management Report* (prepared by FST and dated April 2013, updated July 2014), the Long Creek Watershed District standards/requirements, and MDEP Stormwater Discharge approval (and any other relevant permits) shall be met;
- That the contractor is aware of the City's Ordinances regarding construction activities and hours of work, and the associated Department of Public Services waiver request form re hours of work.

Extent of Work:

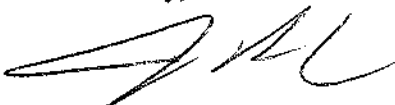
1. Clearance of the site and Grub, stump and strip a service road, subject to the clearance of trees being only within the existing access area (where there are no existing trees), within the boundaries of the project's proposed impervious surfaces and in compliance with the approved landscape plan. The "limit of clearance work" shall be clearly marked on the site with construction tape or snow fencing to identify trees and trees to be protected during construction (from storage of vehicles or materials), and reviewed by Phil diPierro and Jeff Tarling prior to the start of any site work including the cutting of any trees.
2. Fill the southern portion of the site.
3. Blasting and cuts and fills in accordance with all requirements of the City's Blasting Ordinance (attached).
4. Installation of the following as per the approved plans:
 - Erosion and sedimentation control;
 - Site Utilities;
 - Stormwater Management system.

Please note that you must obtain any permits that may be required from Public Works for any street openings, and that building permits must be obtained from the Inspections Division prior to the commencement of any construction of any buildings, foundations or structures.

The pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service Department representative, City Arborist and owner to review the traffic management measures, erosion and sedimentation controls, and other critical aspects of the work. Please contact Philip DiPierro, Development Review Coordinator at 874-8632 regarding the preconstruction meeting.

If you have any questions, please contact Jean Fraser on 874 8728.

Sincerely,



Jeff Levine, AICP
Director of Planning and Urban Development

Attachments:

1. Request letter from David Latulippe, dated July 12th, 2015;
2. Site plan approval letter (amendment) 2014
3. Blasting ordinance

cc: Steve Bushey and Bo Kennedy, FST (Engineers for applicant)

Electronic cc:

Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barbydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, 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
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Portland Property Holdings, LLC
2 Main Street
Topsham, Maine 04086
207-865-4323

July 12, 2015

Mr. Jeffery Levine
City of Portland Planning Department
City of Portland
389 Congress Street
Portland, ME 04101

Re: Request to Site Prep the Commercial Development including gas station and convenience store with ATM 2282 Congress Street, Portland, ME – Proj. ID: 2013-086

Dear Jeff:

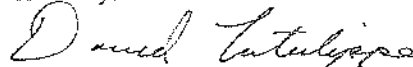
Portland Property Holdings, LLC purchased the property located at 2282 Congress Street and would like to commence site clearing and site work while our building permit application is being reviewed and processed.

The site preparation work involves the following activities:

1. Clear the site
2. Install the erosion control
3. Grub, stump and strip a service road
4. Fill the southern portion of the site
5. Blasting and cuts and fills
6. Install all site utilities
7. Install the stormwater management system

Should you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,


David Latulippe

Cc: Jean Fraser, Barbara Barhydt (City of Portland Planning Department)
James Howard, Wes Thames



Alex Jaegerman, FAICP
Division Director, Planning Division

November 12th, 2014

Portland Property Holdings, LLC
2 Main Street
Topsham, ME 04086

David Latulippe
C J Developers, Inc.
35 Primrose Lane
Freeport, ME 04032

Steve Bushey, P.E.
Fay, Spofford & Thorndike
778 Main Street, Suite 8
South Portland, ME 04106

Project Name: **Commercial Development including gas station and convenience store with ATM**
Project ID: 2014-138 CBL: 237-A-012
Address: 2282 Congress Street, Portland
Joint Applicants: C J Developers, Inc. and Portland Property Holdings, LLC
Planner: Jean Fraser

Dear David:

On November 12th, 2014, the Portland Planning Authority approved the amended Level III Site Plan for the Convenience Store and Fuel Station development at 2282 Congress Street (previous approval referenced as project #2013- 086). The amendments include minor modifications to the layout, stormwater system and landscape.

The amended plan as shown on the approved plans (listed below), is approved with the following conditions, which supersede the conditions on the original approval (May 14th, 2013). The waivers included in the original approval remain valid for the amended site plan unless stated otherwise.

TRAFFIC MOVEMENT PERMIT

(Brought forward from the original approval letter) Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 4-0 (Morrissette, O'Brien and Hall absent) that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits, with the following conditions of approval:

- i. That the applicant shall contribute \$5000 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Congress Street/Hutchins Drive/Skyway Drive; and
- ii. That a post-occupancy signal warrant study shall be conducted one year after opening. If a traffic signal is warranted or the queuing lanes prove inadequate, the applicant shall be responsible for all costs associated with design and implementation of the traffic signal or improvements to such queuing lanes; and
- iii. That the operation of the right turn into the site from Congress Street shall be monitored for one year following opening. If the crash data suggests a problem exists, the applicant shall be responsible for installing a right-turn lane.

STORMWATER MANAGEMENT PERMIT

- i. That the applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan as included in the *Amended Stormwater Management Report* (prepared by FST and dated April 2013, updated July 2014), and as based on the Long Creek Watershed District standards/requirements and state permits and guidelines.

A maintenance agreement for the stormwater drainage system substantially the same form as Attachment 1, with any changes to be approved by Corporation Counsel, shall be signed and recorded, with a copy to the Planning Authority and Department of Public Services prior to the issuance of a building permit.

SITE PLAN REVIEW

- i. That this site plan approval is subject to the Conditional Zone Agreement as approved by the City Council on March 4, 2013, and that C J Developers Inc. shall sign and record the aforementioned Conditional Zoning Agreement prior to the start of any work on site (including approved advance site work), and if the CZA is assigned, C J Developers Inc. shall provide notification of the assignment to the City; and
- ii. That the signed and recorded access easement from Maine Turnpike Authority for the area of the proposed access from Congress Street shall be submitted to the Planning Authority prior to the start of any work on site (including approved advance site work); and
- iii. That a copy of the MDEP Stormwater Discharge approval and evidence of filing a notice of intent to comply with the Maine Construction General Permit shall be submitted to the Planning Authority prior to the issuance of a building permit. If there are significant modifications to the stormwater system as a result of the MDEP review, then an amended site plan would be required for approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That a revised Photometric Plan shall be submitted for review and approval prior to the issuance of a building permit; and
- v. That the design and location of the CNG Facility as shown on the approved plans is indicative only as it is understood that CNG is an emerging alternative fuel and advancements are being made in various delivery methods. When a CNG Facility is finally designed for this site, it shall be subject to review and approval by the Planning Authority, and to a building permit from the Inspections Division, prior to implementation, and shall include modifications to the slopes such as a retaining wall, rip rap slope or expanded disturbance limits depending on the size and location of the building; and
- vi. That all necessary permits and licenses shall be obtained from the Federal, State (including MDEP) or local authorities in respect to the fuel storage, compressed natural gas installation and electric charging stations; and
- vii. That commercial signage shall be subject to separate sign reviews and permits, and that the project shall meet the I-M noise requirements.

The approval is based on the submitted site plan (see list below). If you need to make any modifications to the approved site plan, you must submit an amended site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

The following standard conditions of approval and requirements apply to 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 prior to May 14, 2015, which is confirmed in the extension (to original approval) letter of April 10, 2014. This may be extended to a time period up to three (3) years from the original approval date (ie up to May 14, 2016) subject to agreement in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date of May 14, 2015.
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.
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 Jean Fraser at (207) 874-8728.

Sincerely,

Alexander Jaegerman, FAICP
Planning Division Director

Attachments:

1. Sample Stormwater Maintenance Agreement
2. City Code: Chapter 32
3. Performance Guarantee Packet, if applicable

List of approved plans:

Site:

C1.0 Cover Sheet Rev 6 dated 08.06.2014
C1.1 General Notes & Legend and C1.3 Existing Conditions Rev 5 dated 07.22.2014
C2.0 Amended Site Layout Plan Rev 8 dated 08.05.2014 (except re off-site- see below)
C3.0 Amended Grading and Drainage Plan Rev 7 dated 08.07.2014
C4.0 Amended Utility Plan Rev 6 dated 08.06.2014
C5.0 Landscape Plan Rev 8 dated 11.05.2014
C6.0 Erosion and Sediment Control Plan Rev 7 dated 08.07.2014
C8.1 Utility Details Rev 5 dated 07.22.14
C8.2 Misc Details Rev 6 dated 08.06.2014
C8.3 Details Rev 5 dated 07.22.2014
C8.4 Site Details Rev 6 dated 08.06.2014
C8.6 and C8.7 Erosion Control Details Rev 5 dated 07.22.2014
C8.8 Erosion Control Details Rev 2 dated 07.22.2014
C9.0, C9.1, C9.1A, C9.2 Stormwater dated 08.06.2014
D1 and D2 Floorplan and Elevations

Off Site Plans: C1.0 to C5.0 OFF; C-6.0 to C6.4OFF as submitted 11.3.2014
Traffic Management Plan as submitted 11.3.14 with hand written amendments

CC:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPiero, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Lannie Dobson, Administration, Inspections Division
Brad Saucier, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
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Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain David Petruccelli, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curra
Rick Blackburn, Assessor's Department
Approval Letter File

ARTICLE VIII. REGULATION OF EXPLOSIVES*

***Editor's note**--Ord. No. 125-98, adopted Oct. 19, 1998, repealed Art. VIII, §§ 14-583--14-585, relative to moratorium on residential developments. Formerly, such provisions derived from Ord. No. 152-81, §§ 607.1--607.3, adopted Aug. 17, 1981, and Ord. No. 180-87, adopted Nov. 2, 1987. The new Article VIII, regarding regulation of explosives, was passed on March 17, 2003.

Sec. 14-583. Purpose.

The purpose of this ordinance is to protect the public's health, safety and general welfare by regulating and controlling blasting operations within the City.
(Ord. No. 177-02/03, 3-17-03)

Sec. 14-584. Applicability.

This ordinance shall apply to all blasting operations related to construction and development of real estate within the City.
(Ord. No. 177-02/03, 3-17-03)

Sec. 14-585. Definitions.

For the purposes of this Article, the following words and phrases shall have the respective meanings ascribed to them:

Blasting plan means the detailed plan for conduct of any blasting operations, and any amendments thereto where over three hundred (300) cubic yards of material shall be removed, which plan has been approved by the City Planning and Urban Development Department in accordance with the provisions of this ordinance.

Blasting operations means the use of explosives for purposes of breaking up and removing soil, rock and ledge, related to construction and development of real estate within the City.

Blasting permit means a permit issued by the City Fire Department in accordance with the provisions of this ordinance to allow blasting operations within the City.

Blasting submittal means the plan for conduct of any blasting operation where between fifty (50) and three hundred

(300) cubic yards of material shall be removed, which plan has been approved by the Fire Department in accordance with the provisions of this ordinance.

Department means the Department of Planning and Development.

Explosives means any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are

capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-586. Administration.

(a) This ordinance shall be administered by the department, which department shall have the ability to promulgate amendments to the rules that implement this ordinance.

(b) City Council shall enact the initial Rules required for implementing this Article.

(c) The procedure for amendment of rules shall be as follows:

(1) Department staff shall draft proposed rule amendments for presentation to the Planning Board.

(2) The Planning Board shall hold a public hearing on the proposed rule amendments and provide interested parties an opportunity for comment, both written and oral, on the proposed rule amendments.

(3) The department shall review comments made by the Planning Board and interested parties and make changes to the proposed rule amendments at its discretion. The amendments to the rules shall go into effect within thirty (30) days of the public hearing held by the Planning Board.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-587. Permit Required.

No person may conduct blasting operations within the City without first obtaining a permit from the Fire Department, as required by the National Fire Protection Association 1 Fire Prevention Code, as adopted and amended in section 10-16 et seq. Of this Code. Fees for this permit shall be as established by Order of the City Council.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-588. Application Requirements.

Prior to the issuance of a permit pursuant to section 14-587 the following information shall be submitted to the City:

(a) A blasting plan shall be submitted by the applicant to the department for all projects where more than three hundred (300) cubic yards of material shall be removed. The blasting plan shall conform with the rules enacted by the department.

(b) A blasting submittal shall be submitted to the Fire Department where between fifty (50) and three hundred (300) cubic yards of material shall be removed. The blasting submittal shall conform with the rules enacted by the department.

(c) Projects where less than fifty (50) cubic yards of material shall be removed, or utility trench work in the accepted public right of way, or repair and replacement of existing public utility infrastructure, including City or Portland Water District infrastructure, shall not require either a blasting plan or blasting submittal. Such projects must conform with National Fire Protection Association Fire Prevention Code and applicants shall submit a monitoring report upon request.

(d) A blasting plan or blasting submittal may be required for any blasting operation at the discretion of the department when it determines that conditions at or near the site of the blasting operations warrant the provision of a plan.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-589. Storage and handling.

All explosives shall be stored and handled in accordance with the provisions of this code, the laws of the State of Maine and the National Fire Protection Association 1 Fire Prevention Code.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-590. Enforcement.

(a) This ordinance shall be enforced by the department and/or the Fire Department. Either department shall have the authority to issue a written stop work order in the event of a violation of this ordinance or a failure to follow the approved blasting plan.

(b) The issuance of a stop work order may be appealed to the Director of Planning and Development within two (2) business days of its issuance. The decision of the Director of Planning and Development on the appeal shall be final.

(Ord. No. 177-02/03, 3-17-03)

Sec. 14-591. Penalties.

(a) In addition to the stop work order which may be issued pursuant to section 14-590, the Permittee shall be subject to the following penalties:

1 st offence	\$250.00
2 nd offence	\$500.00
Subsequent offences	\$500.00.

(b) In the event that there are more than three documented violations of the blasting plan, blasting submittal, or blasting permit, the department and/or Fire Department shall have the right to issue a stop work order on all construction or development related to the permitted operation. Permittee shall then be required to obtain City approval of a revised blasting plan. Work shall not be allowed to continue until the revised blasting plan is approved.

(Ord. No. 177-02/03, 3-17-03)