

CITY OF PORTLAND, MAINE

PLANNING BOARD

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August 2, 2004

Mr. Paul Cincotta
Packard Development
One Wells Avenue
Newton, MA 02459

RE: Pine Tree Shopping Center Redevelopment, Brighton Avenue
Job ID #2004-0070, CBL # 263A-A-004

Dear Mr. Cincotta:

On July 27, 2004, the Portland Planning Board voted unanimously (4-0, Anton, Patterson absent, Lowery sustained) to approve the site plan for Pine Tree Shopping Center Redevelopment. The approval was granted for the project with the following conditions:

- i. that within the first year after completion of the project, the Rand Road/Pine Tree/Forest City Driveway be monitored to determine whether the intersection meets signal warrants. Documentation shall be submitted to the City's Traffic Engineer. After monitoring, if it is determined that the intersection warrants a traffic signal, the developer shall be responsible for installation of the traffic signal. The developer shall also provide a performance guarantee, prior to issuance of a building permit, in the amount of \$75,000 to be held until that time that it is determined whether a traffic signal is warranted at this driveway and shall be held for up to 18 months. Monitoring data shall occur during one year after completion and traffic warrant shall be determined within 6 months of the monitoring.
- ii. that the developer revise the plans in accordance with the Traffic Engineer's memo dated July 20, 2004, to be reviewed and approved by the City's Traffic Engineer and that the developer shall reconfigure the Pine Tree Shopping Center Driveway approach to Brighton Avenue, opposite Taft Avenue, to provide an exclusive right turn lane and a shared left/through/right turn lane. The plans shall be revised to include additional low dense landscaping and/or berm, within the landscaped island on Brighton Avenue in front of the developer's leased area to deter mid block crossing on Brighton Avenue and the site plan shall be amended to remove reference to the fence. Landscaping and/or berm for the island shall be reviewed and approved by the City Arborist.

- iii. that the developer shall provide a pedestrian access easement for the sidewalk along Brighton Avenue, between Rand Road and Applebee's Restaurant, which is located out of the City's right of way. The pedestrian access easement shall be submitted prior to issuance of a building permit, and shall be reviewed and approved by Corporation Counsel.
- iv. that revised building elevations shall be submitted for review and approval by Planning staff.
- v. that a sewer capacity letter from the Portland Sewer Division is submitted to staff prior to issuance of a building permit.
- vi. that the plans be revised in accordance with the Development Review Coordinator's (DRC) memo dated July 19, 2004 and shall be reviewed and approved by the DRC. Any minor revisions during the DEP Site Location review shall be reviewed and approved by the DRC. To the extent that City requirements on any proposed changes are more stringent than DEP requirements, the City standards shall apply.
- vii. that the required fire hydrants be added to the site plan for review and approval by the Fire Department.
- viii. that as part of this development, the developer shall complete the Brighton avenue streetscape from where the project was completed up to the Brighton Avenue Bridge. In lieu of completing the Brighton Avenue streetscape, the developer shall make a contribution of \$300,000 to the City, prior to issuance of a building permit, for the City to complete the Brighton Avenue streetscape project. The developer will also utilize best efforts to secure, from Heritage Realty, additional Brighton Avenue right of way in fee or easement as required by the City for up to 15 ft. on the southerly side of Brighton Avenue, plus the elimination of the property line "bulge", westerly of the entry drive to Pine Tree Shopping Center, or, if not able to secure such right of way prior to issuance of a building permit, the developer shall deposit up to \$100,000 in escrow to be used by the City to defray acquisition costs of such right of way if acquired by the City through an eminent domain proceeding, plus necessary structures to maintain the functionality of the existing development.
- ix. any revisions that shall occur, such as landscaping or parking changes, based on the securing of additional right of way, shall be reviewed and approved by the Planning Authority.
- x. that the applicant shall place in escrow \$12,000 to extend the landscaping island within Rand Road, prior to issuance of a building permit. The funds will be placed in escrow until Rand Road is no longer a moratorium street, which will occur in 2008, at which time the improvements to Rand Road shall be completed.

The Planning Board also voted unanimously (4-0, Anton, Patterson absent, Lowery sustained) that the proposed use does demonstrate a need to exceed the specific site lighting limits for pole height, fixture wattage and maximum illumination levels (shown in Section XV(4) of the City of Portland Technical and Design Standards and Guidelines) for safe and reasonable exercise of the proposed use.

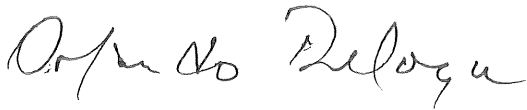
The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #28-04, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD (*.DWG) files with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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.
6. 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.)
7. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Kandice Talbot at 874-8901.

Sincerely,



Orlando Delogu, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Kandice Talbot, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Michael Bobinsky, Public Works Director
Traffic Division
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Assessor's Office
Approval Letter File