

**CITY OF PORTLAND, MAINE**  
**PLANNING BOARD**

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Jaimey Caron, Chair  
Mark Malone, Vice Chair  
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Lee Lowry III  
Michael Patterson  
Janice E. Tevanian

November 3, 2003

Mr. Andrew Bradford  
Maine Mall Motors, Inc.  
255 Maine Mall Road  
South Portland, ME 04106

RE: 191 Riverside Street

CBL: 268-A002001

Dear Mr. Bradford:

On October 28, 2003, the Portland Planning Board voted 5 to 0 (Malone abstained, Delogu absent) to approve the site plan for Maine Mall Motors at 191 Riverside Street. The Board voted on the following motions:

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #47-03 relevant to standards for subdivision and site plan regulations, and other findings as follows:

**1. Traffic Movement Permit**

That the plan is in conformance with the standards for a Traffic Movement Permit subject to the following conditions of approval.

Conditions of Approval:

- i. *That the lane alignment and cross section for Riverside Street be reviewed and approved by MDOT prior to commencing work within the public right of way.*
- ii. *That a traffic monitoring study be conducted following project occupancy to determine the need for traffic signalization at the project site drive. In the event a traffic signal is warranted and determined to be the best option for traffic control, Maine Mall Motors is responsible for the costs of improvements attributable to the incremental increase in traffic caused by the subject project.*
- iii. *That the results of the above referenced traffic monitoring study and any associated roadway amendments be submitted for the review and approval of the City Traffic*

*Engineer, Public Works Department and the Planning Authority prior to the release of performance guarantee funds to a balance less than Maine Mall Motor's portion of the estimated cost of a traffic signal and any associated improvements.*

- iv. *In the event that the Westbrook Crossing project (located at the corner of Riverside Street and Rte. 25) does not construct the anticipated improvements at Exit 8, as referred to in the subject project Traffic Report, within two years of this approval, then said improvements shall be the responsibility of the subject project. Performance Guarantee funds equal to the cost of those improvements shall be held by the City until such time that said Exit 8 improvements are constructed.*

**2. Stormwater Permit**

That the plan is in conformance with the standards for a Chapter 500 Stormwater Permit.

**3. Sidewalk Waiver**

That two of the following criteria **do** apply, (namely 1 and 3) and therefore **waives** the requirement for sidewalk along Riverside Court.

1. There is no reasonable expectation for pedestrian usage coming from, going to and traversing the site.
2. There is no sidewalk in existence or expected within 1000 feet and the construction of sidewalks does not contribute to the development of a pedestrian oriented infrastructure.
3. A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
4. The reconstruction of the street is specifically identified in the first or second year of the current Capital Improvement Program.
5. The street has been constructed or reconstructed without sidewalks within the last 24 months.
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 a greater public value.

**4. Site Plan Standards**

That the plan is in conformance with the site plan standards of the land use code.

Conditions of Approval

- i. *That designs for (1) a crosswalk across Riverside Court and (2) a sidewalk connection to Riverside Street along the southerly side of the entrance drive be submitted for staff review and approval prior to issuance of a building permit.*

- ii. *That a revised lighting plan be provided for staff review and approval showing reduced light trespass at the property boundaries.*
- iii. *That an easement be provided, subject to the review and approval of City Corporation Council, that allows public access and maintenance of the section of Riverside Court that is proposed to be relocated onto the subject parcel.*

The approval includes a 51,000 square foot auto retail facility with associated parking, carwash and off-site roadway improvements.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #47-03, which is attached.

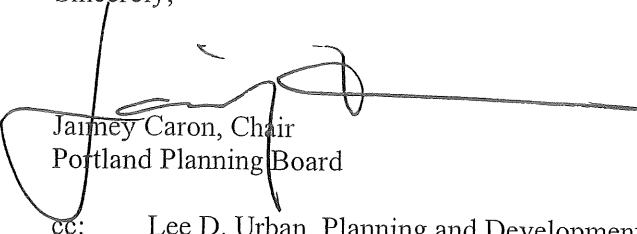
Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF 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 preconstruction 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 preconstruction 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.)

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 Bill Needelman, Senior Planner at 874-8722

Sincerely,



Jamey Caron, Chair  
Portland Planning Board

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