



PORTLAND MAINE

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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

November 23, 2004

Mr. Richard O'Connor
O'Connor GMC, Inc.
187 Riverside Drive
Augusta, ME 04330

RE: O'Conner GMC, 279 Warren Avenue
ID #2004-0204, CBL #296 A001001

Dear Mr. O'Connor:

On November 23, 2004, the Portland Planning Authority, considering all applicable standards of the zoning code, site plan ordinance, and Technical and Design Stanrads, approved the above referenced site plan application. The approval, based on plans dated November 18, 2004 and stamp dated received on November 22, 2004, is subject to conditions contained herein.

The approval is for (1) the paving of a limited area of existing impervious surface located at the Northeast end of the property and wrapping around the North end of an existing garage/sales building as indicated on the approved plan and (2) a drainage swale located to the West of an existing sales building following the property line and draining toward a vacant and unimproved portion of the site characterized by extensive wetlands. These improvements are intended to stabilize soils and alleviate drainage problems prior to the upcoming winter season.

This approval does not include extension of existing impervious areas or other site improvements presented in September 30, 2004 plans, originally submitted with this application. Planning Division staff understands that you may submit a subsequent site plan application for these improvements at a future date.

Conditions of Approval:

1. The plan shall be revised to show a minimum separation of five (5) feet between pavement and property lines as per zoning requirements. The current plan violates this standard in two locations: (1) at the Northeast corner of the site and (2) along the proposed swale where it approaches the existing sales building.

2. The plan shall be revised to show a snow storage area on the unimproved, Western portion of the site. The snow storage area shall be sited with adequate separation from drainage ways, existing or proposed, so as to avoid obstructing the free flow of those drainage ways.
3. The site plan must be revised to demonstrate conformance with City Code sections 14-339 (a) and (b) regarding fencing between business zones and residential development. Fencing shall be provided along the entire common property line between the subject site and the abutting residential properties.
4. Additional vegetative screening shall be provided between the subject site and the abutting residential development in conformance with the City's Technical and Design Standards and Guidelines, Section VI, Arboricultural Specifications and Standards of Practice and Landscape Guidelines, subject to final review and approval by the City Arborist.

General Provisions and Requirements:

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 Autocad files (*.dwg), release 14 or greater, 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.)

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.

Appeal:

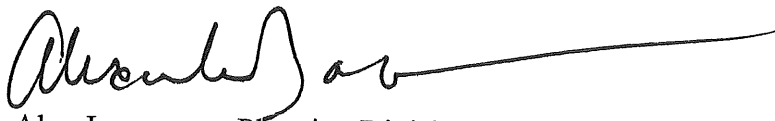
Regarding the appeals process, please be advised that, as per city code section 14-527:

(a) When the planning authority has finally approved or disapproved a site plan, any person aggrieved may appeal the decision to the Planning Board within ten (10) days of the decision being rendered. Upon the taking of such an appeal, the application shall be reviewed as if referred by the planning authority, except that the Planning Board may not decline to accept the reference.

(b) When the Planning Board has finally approved or disapproved a site plan, any person aggrieved or the city may appeal the decision of the superior court, pursuant to Rule 80B of the Maine Rules of Civil Procedure, within thirty (30) day of the decision being rendered.

If there are any questions or concerns, please contact Ethan Boxer-Macomber at 756-8083 or ebm@portlandmaine.gov.

Sincerely,



Alex Jaegerman, Planning Division Director



cc: Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner
Jay Reynolds, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Inspections Division
Eric Labelle, City Engineer
Penny Littell, Associate Corporation Counsel
Approval Letter File