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**Planning & Urban Development Department**  
Jeff Levine, AICP, Director

**Planning Division**  
Alexander Jaegerman, FAICP, Director

2/14/13

February 12, 2013

Darcy Bingham  
FEMA  
500 C Street, SW  
Washington, D.C. 20472

Denise Brown, P.E. and Mike Mullen  
KBR  
63 South Royal Street, Suite 200  
Mobile, AL 36602

Project Name: Level 1 Site Alteration: **FEMA Equipment Installation**  
ID Number: 2012 -643  
Address: 236 Lane Avenue, Portland, ME 04103  
(owned by Saga Communication of New England)  
CBL: 302 A006001  
Applicant: FEMA (Darcy Bingham)  
Planner: Jean Fraser

Dear Madam/Sir:

On February 12, 2013, the Planning Authority approved with conditions a Level I: Site Alteration site plan for the installation of a transmitter module, two generators, and a 6000 gallon fuel tank immediately adjacent the existing radio transmitter building at 236 Lane Avenue. The equipment is associated with a Loan Agreement between FEMA and Saga Communication of New England to provide power for radio transmission during major emergencies.

The approval is based on the application including the May, 2012 FEMA Equipment Loan Agreement with Saga Communication of New England LLC; KBR letter dated January 24, 2013; letter from Saga Communication of New England LLC dated February 6, 2013; and plans G-001, G-101, C-101, C-102, C-103, C-301, S-502 all dated 1.16.2013 and plan S-102 dated 1.22.2013 as submitted by KBR.

#### **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:

1. That the applicant shall contribute \$310 to the Capisic Brook Watershed water quality treatment program to address the required mitigation of project storm water quality impacts; and
2. That in the event that the license/agreement should lapse/not be renewed, the Planning Authority must be notified and will determine whether or not additional review is necessary; and

3. That the testing of the 75-80kW 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
4. That the testing of the 35kW generator shall take place between the hours of 7am and 9pm Monday through Friday, no more than one time per week and for a duration of up to 1 hour; and
5. That the sound levels of the generators during tests and normal operation shall not exceed the maximum noise allowances of the B-4 zone; and
6. That all necessary Federal, State and local permits and approvals shall be obtained prior to use/operation of the equipment, including a Maine State Fire Marshall permit for the above-ground fuel tank.

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:

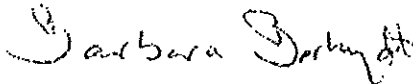
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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 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 (Phil diPierro) 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,



Barbara Barhydt  
Acting Planning Division Director

Attachment: Performance Guarantee Packet

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 DiPierro, Development Review Coordinator, Planning  
Marge Schmuckal, Zoning Administrator, Inspections Division  
Tammy Munson, Inspection Division Director  
Lannie Dobson, Administration, Inspections Division  
Gayle Guertin, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Barley, 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  
Captain Chris Pirone, Fire Department  
Thomas Enrico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

**Marge Schmuckal - Lane Ave - #2012-643**

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**From:** Marge Schmuckal  
**To:** Jean Fraser  
**Date:** 12/24/2012 9:20 AM  
**Subject:** Lane Ave - #2012-643  
**CC:** Barbara Barhydt

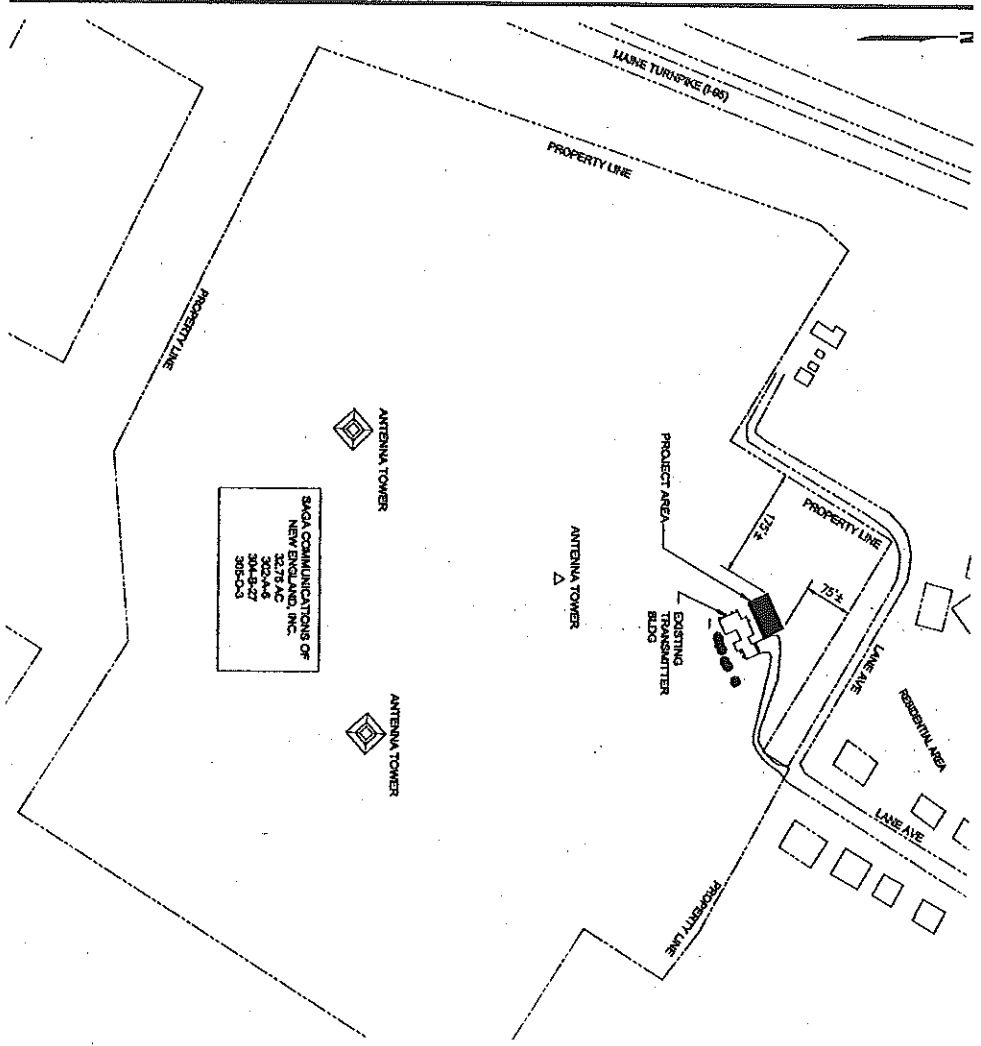
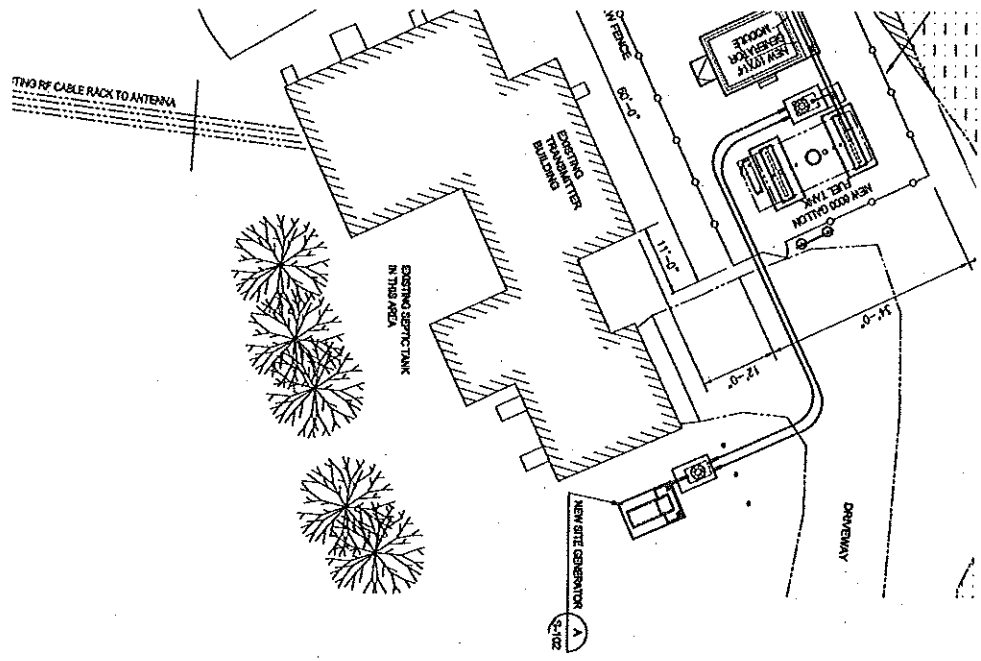
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Hi Jean,

As stated several times, I would prefer not to make a determination until I have ALL the facts. Having the applicant put a zone line on their site plan is a must. I am not sure at this time whether the applicant can use the 30' zone line extension or not. I will consider that allowance. If worse comes to worse, there is a "solution" in the R-3 zone as a conditional use appeal to the ZBA. But I am not telling them to do that yet.

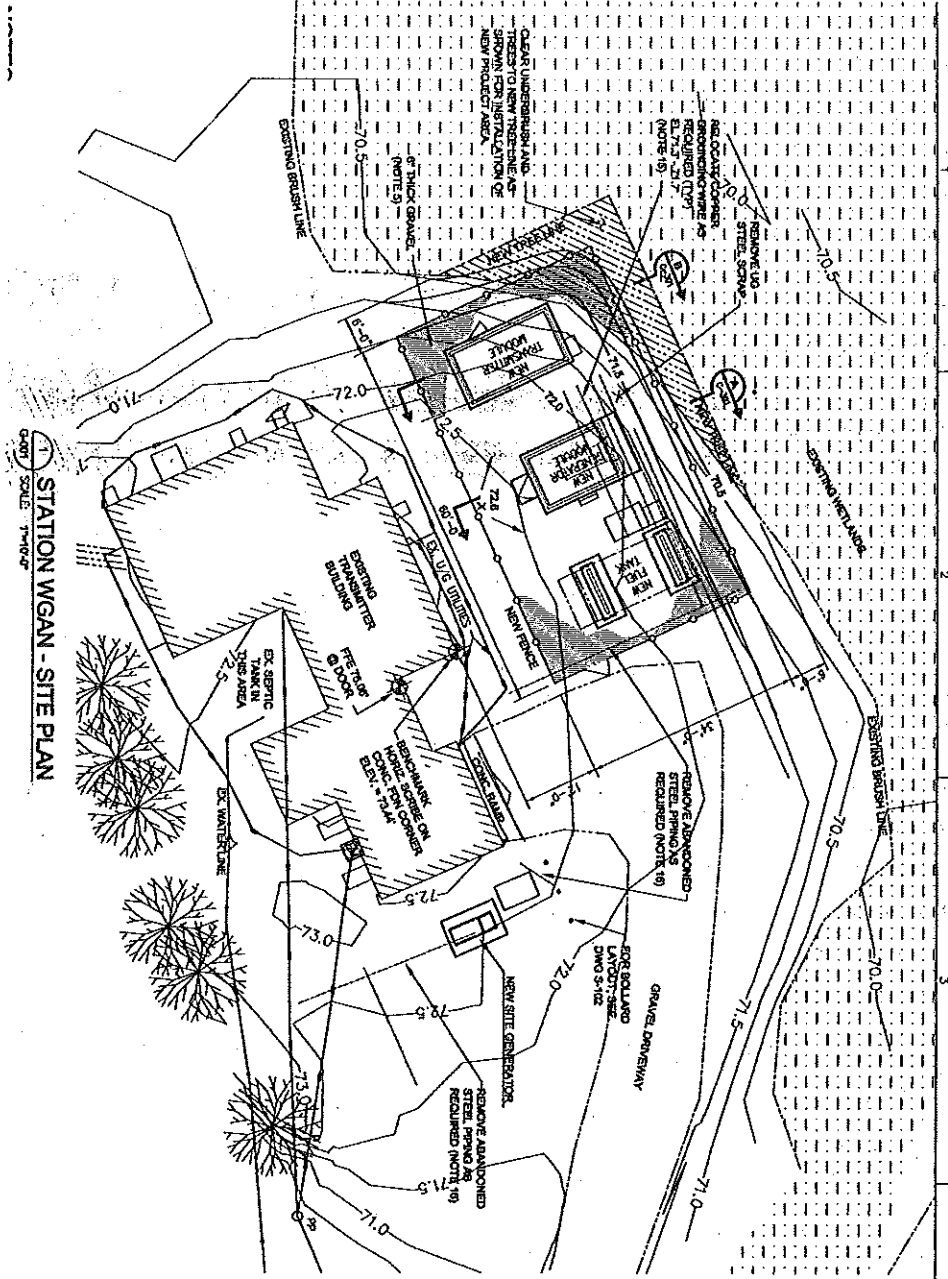
I also mentioned previously that I would like something in writing as to when there would be testing of the emergency generators. On the I-M side there are maximum allowances for noise that is generated. Even though this is an emergency generator and there are exemptions for noise, it is helpful knowing what kind of impact there will be on neighboring residential folks.

Marge

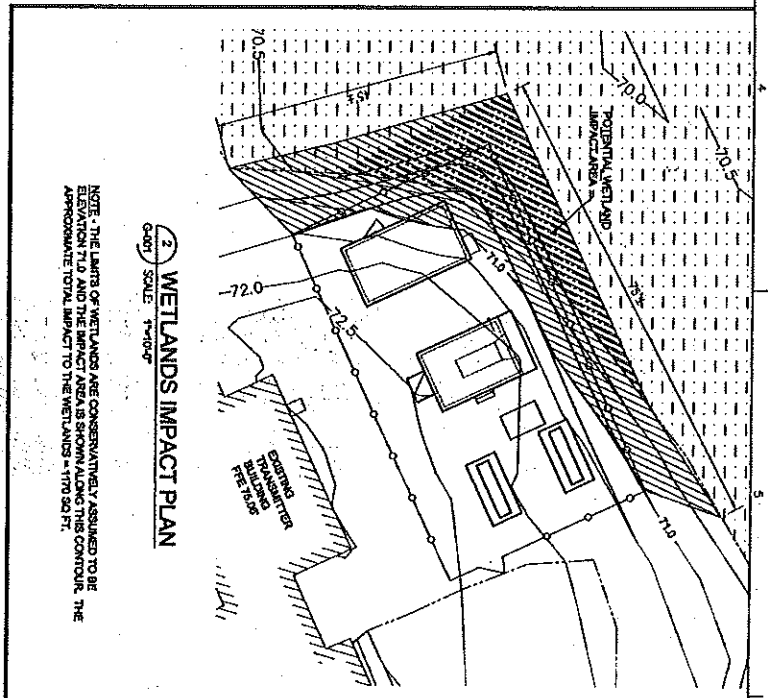


 <b>KBR</b> Engineering Services by F&M Engineering Co., LLC	Prepared by <b>RAM</b>	Checked by <b>RAM</b>	Approved by <b>DCB</b>	Date <b>2012</b>	Revision <b>1</b>	Description <b>BUILD FOR CONSTRUCTION</b>	Scale <b>AS SHOWN</b>	Sheet <b>1</b>	Total Sheets <b>1</b>	Project No. <b>2012-643</b>	Date <b>2012</b>

236 Lane Ave - 2012-643 - level I



STATION WGAN - SITE PLAN  
 GSDT SCALE: 1"=100'



NOTE: THE LIMITS OF WETLANDS ARE CONSERVATIVELY ASSUMED TO BE ELEVATION 71.0 AND THE IMPACT AREA IS SHOWN ALONG THIS CONTOUR. THE APPROXIMATE TOTAL IMPACT TO THE WETLANDS = 1770 SQ. FT.

2 WETLANDS IMPACT PLAN  
 GSDT SCALE: 1"=100'



minimum lot size provisions of this section.

(d) *Other:*

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residence zones) of this article;
2. Utility substations, including sewage treatment plants, sewage and water pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:
  - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use, home babysitting use, nursery school or kindergarten, or in a nonresidential structure accessory to the principal nonresidential use.
  - b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting



## Marge Schmuckal - Lane Ave - FEMA

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**From:** Marge Schmuckal  
**To:** Jean Fraser  
**Date:** 1/4/2013 2:20 PM  
**Subject:** Lane Ave - FEMA

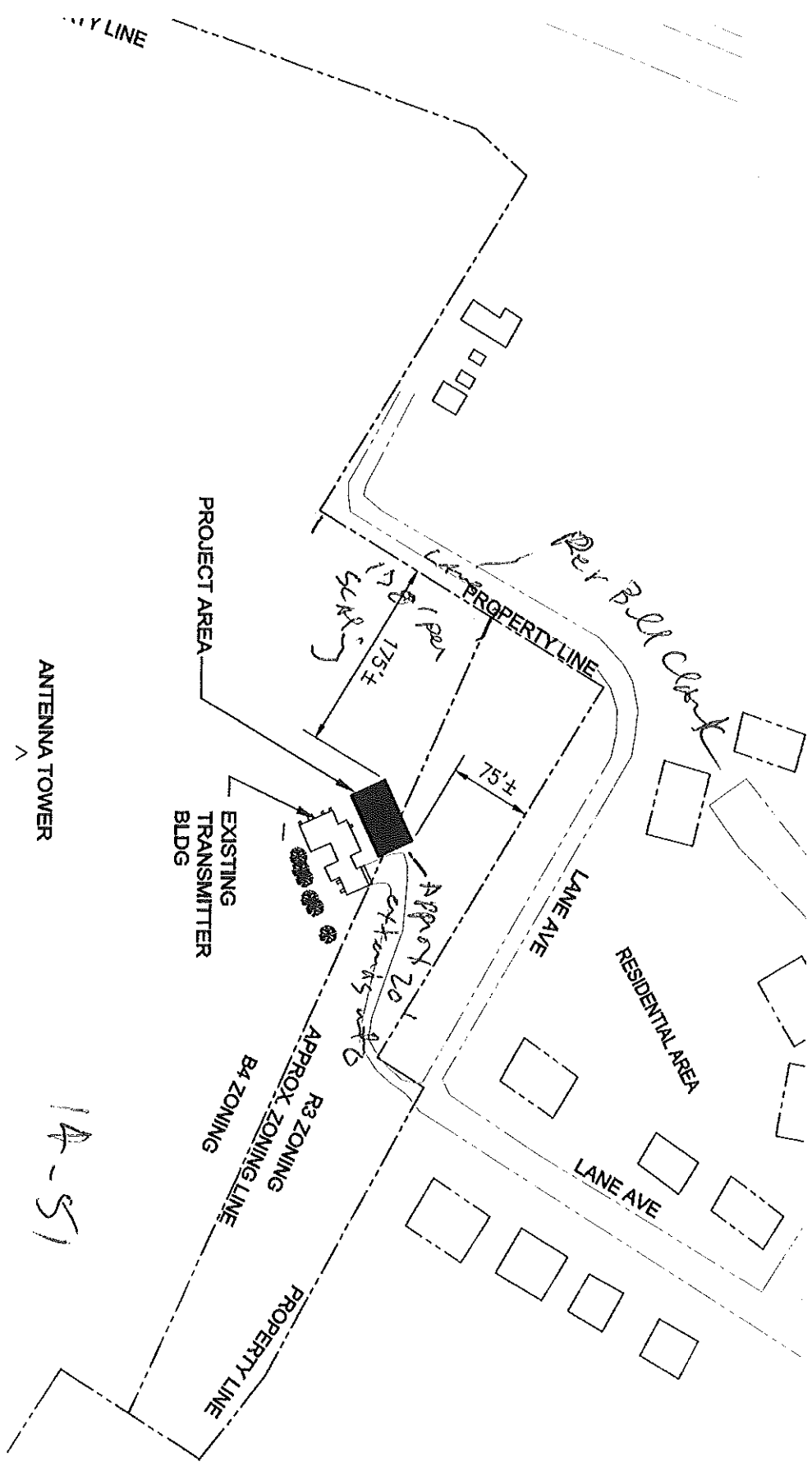
Hi Jean,  
Here are my most recent comments:

236 Lane Ave B-4 Zone (primary) and R-3 Zone (sub)  
#2012-643  
1/4/2013

I reviewed the submitted plan showing the R-3 zone line. The line does bisect the project area. There is approximately 20 feet of the project area located currently within the R-3 zone. However, 14-51 allows a 30 foot expansion of the less restricted zone (B-4) into the most restricted zone (R-3). It appears that there is approximately 178 foot of road frontage along Lane Avenue, and therefore the applicant has the ability to adjust the B-4 zone line into the R-3 zone. We should get a revised plan showing a dotted line of the 30 foot extension for our records. There is no special steps for the applicant to take regarding the zone extension. Such an extension is allowed by Ordinance if the conditions are met. I believe the conditions are being met.

The project still must not exceed the maximum noise allowances of the B-4 zone. The applicant should submit projected dBAs accounting for required landscaping.

Marge Schmuckal  
Zoning Administrator




PHASE REVIEW:			
Project Manager			
QC Reviewer			
Architectural			
Structural			
Mechanical			

of Engineers  
OMAHA DISTRICT

2012-643  
736 Lane Ave

14-51  
1/2/13 updated

various zones, as shown on the zoning maps, the following rules shall apply:

- (a) Unless otherwise indicated, zone boundary lines are the center lines of streets, alleys, parkways, waterways or rights-of-way of public utilities and railroads or such lines extended. Unless otherwise shown, lines within blocks less than two hundred (200) feet wide are median lines between their sides, and lines within blocks two hundred (200) feet or more wide are one hundred (100) feet distant from the less restricted side of the block.
- (b) The depictions of the shoreland zoning districts and stream protection districts on the Shoreland Zoning Maps are illustrative of the general location of such zones. The actual boundaries of these zones shall be determined by measurement of the distance indicated on the maps from the normal high water line of the water body or the upland edge of wetland vegetation. Where such measurement is not the same as the location of the boundary on the Shoreland Zoning Maps, the measurement shall control, unless the Shoreland Zoning Map indicates that the zone boundary shall follow an existing property line.

(Code 1968, § 602.20.A; Ord. No. 15-92, § 4, 6-15-92)

#### **Sec. 14-51. Extension of zone lines.**

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the provisions of this article for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has at least twenty (20) feet of street frontage in the less restricted zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residence zone, no frontage on a street other than the principal business street in the less restricted zone may be taken into consideration in connection with the right herein granted. This section shall not apply to differing dimensional requirements, including height, within a zoning district.

(Code 1968, § 602.20.B; Ord. No. 35-89, 6-28-89)

#### **Sec. 14-52. Conformity required.**



**Marge Schmuckal - 2nd reply Re: Lane Ave - #2012-643**

**From:** Jean Fraser  
**To:** Schmuckal, Marge  
**Date:** 12/26/2012 11:13 AM  
**Subject:** 2nd reply Re: Lane Ave - #2012-643  
**CC:** Barhydt, Barbara

Marge

This is in the B4 zone and I don't see any exemption for generators re noise except for air raid sirens. I will ask then for the sound info and forward it when it is submitted.

Jean

>>> Marge Schmuckal 12/24/2012 9:20 AM >>>

Hi Jean,

As stated several times, I would prefer not to make a determination until I have ALL the facts. Having the applicant put a zone line on their site plan is a must. I am not sure at this time whether the applicant can use the 30' zone line extension or not. I will consider that allowance. If worse comes to worse, there is a "solution" in the R-3 zone as a conditional use appeal to the ZBA. But I am not telling them to do that yet.

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Marge

305 X-001

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(Code 1968, § 602.20.B; Ord. No. 35-89, 6-28-89)

#### **Sec. 14-52. Conformity required.**

other materials which constitute a fire hazard. This storage shall be accomplished within enclosed containers or by one (1) or more of the following methods: raising materials above ground, separating materials, preventing stagnant water, or by some other means. No outdoor storage shall be permitted in the required yard between the front of any building on the site and the street, except for storage for plant and tree nurseries.

- (f) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.
- (g) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood plain zone, the requirements of division 26 and/or division 26.5 apply.

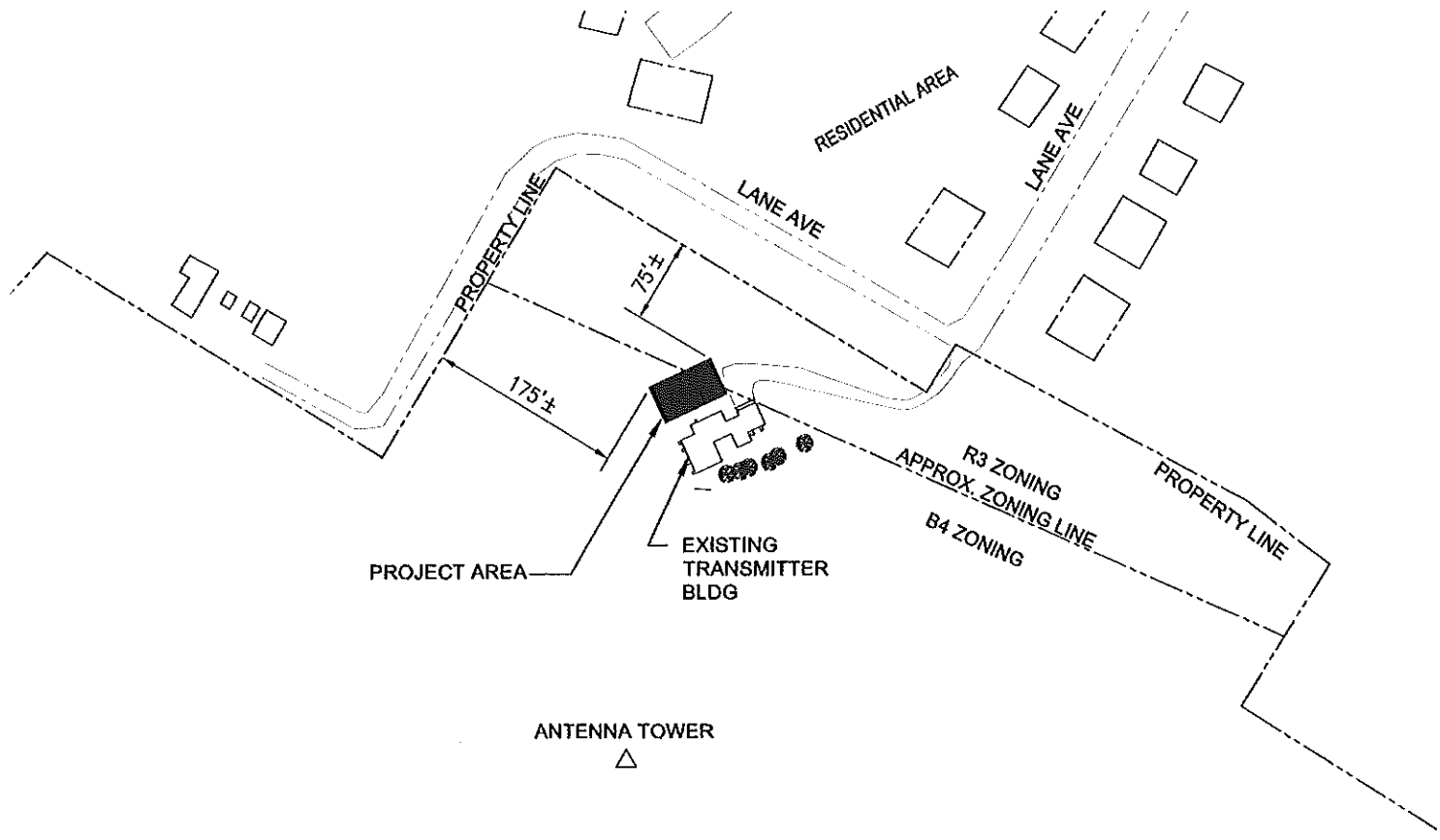
(Ord. No. 296-88, 5-23-88; Ord. No. 164-97, § 4, 1-6-97)

**Sec. 14-229.15. External effects.**

Every use in a B-4 zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those customarily operated in the open air.
- (b) *Noise:* The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), ~~off premises at source of complaint,~~ excepting air raid sirens and similar warning devices.
- (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.

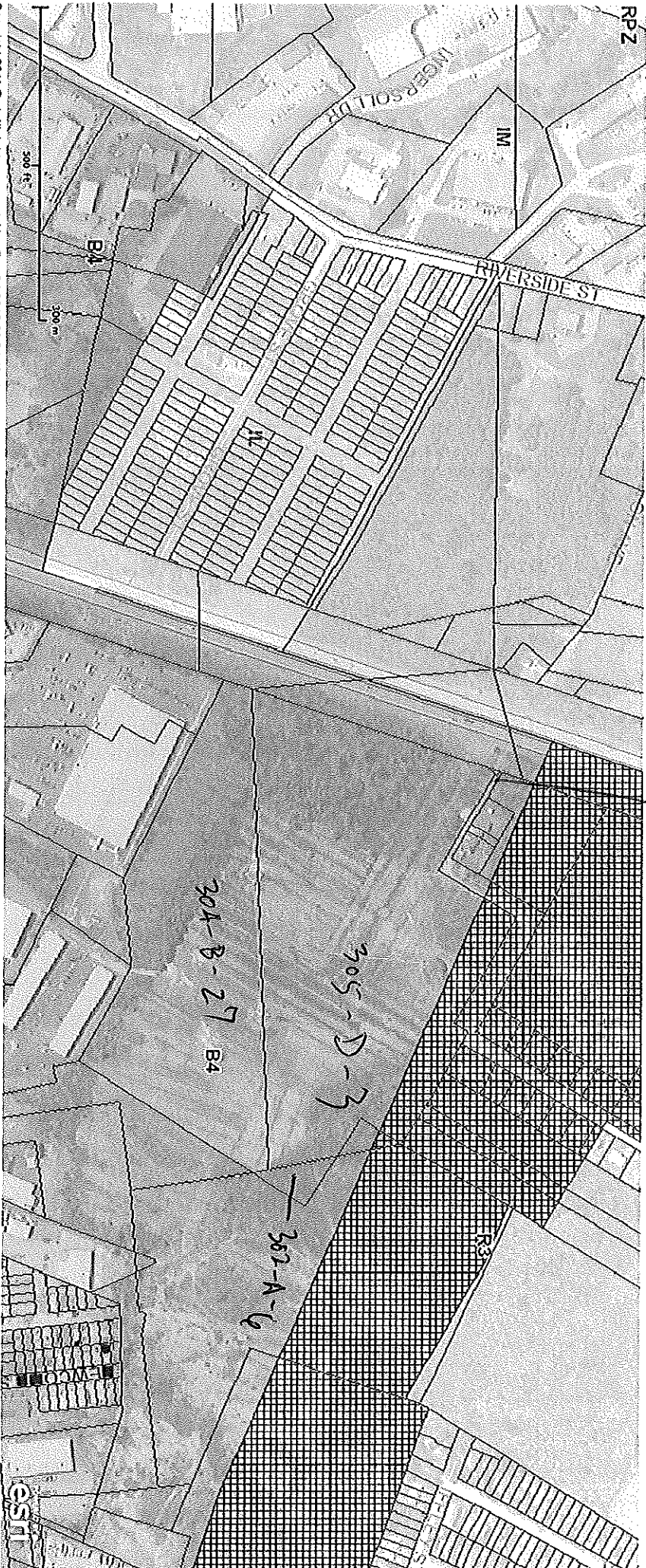
sent 12/26/12



PHASE REVIEW:	
Project Manager	
DC Reviewer	
Architect/Engineer	
By:	

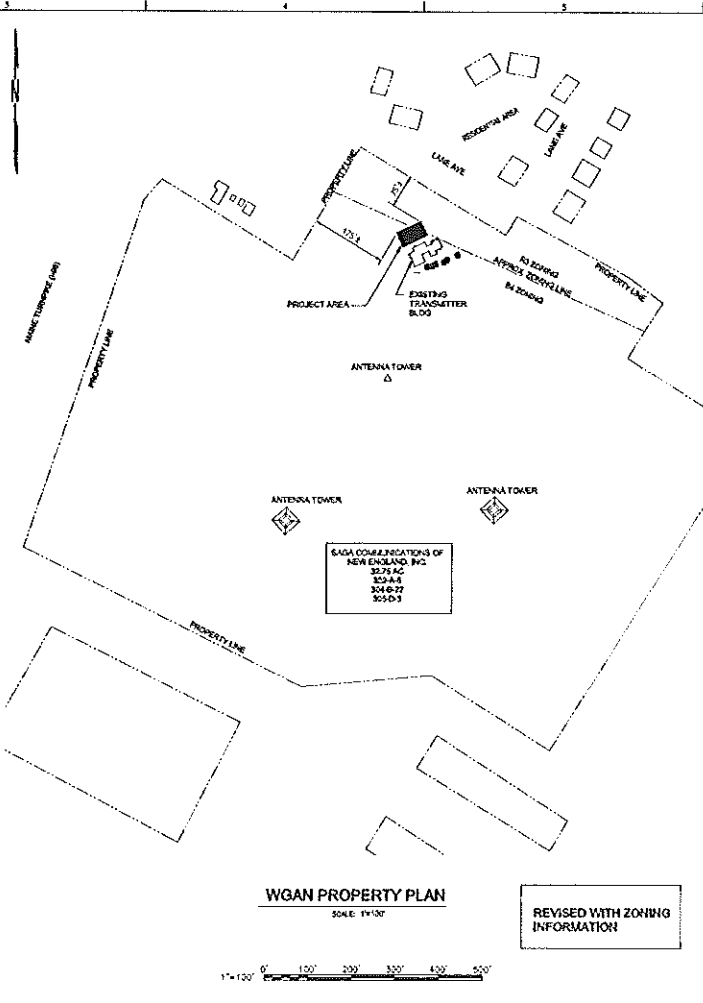
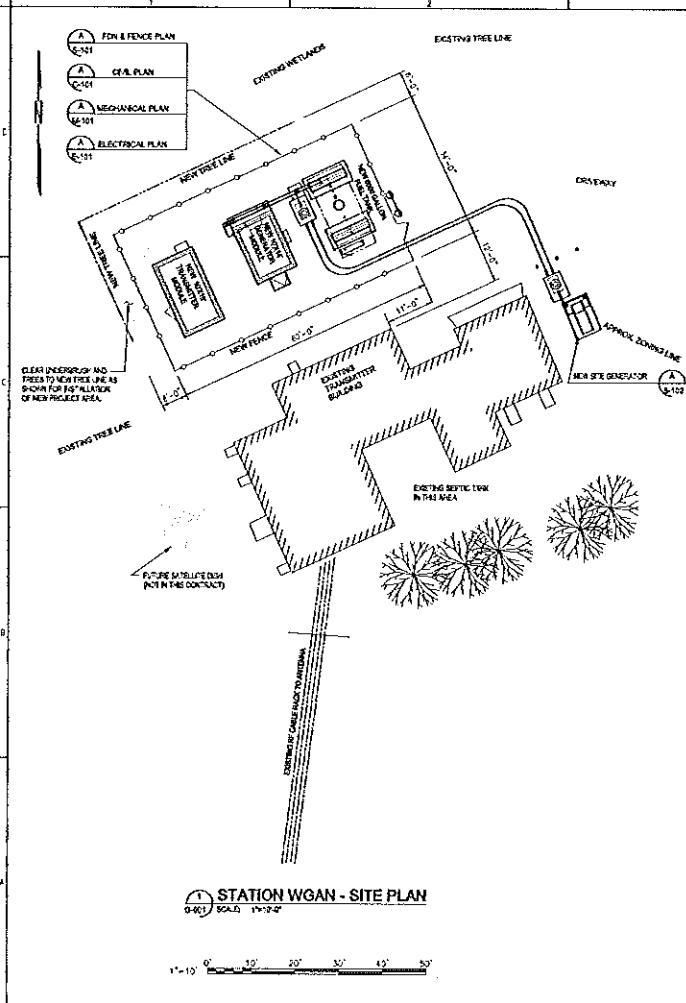


RPZ



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302-A-6 bxd



PROJECT INFORMATION

PROJECT NO.	10-101
DATE	10/1/10
SCALE	1"=100'

OWNER: SAGA COMMUNICATIONS OF NEW ENGLAND, INC.  
 3075 AC  
 303-A-8  
 304-B-77  
 303-D-3

DESIGNER: KEBER ENGINEERING, INC.  
 1000 W. MAIN ST., SUITE 200  
 WASHINGTON, MA 01890  
 TEL: 978-335-1111  
 FAX: 978-335-1112  
 WWW: WWW.KEBERENGINEERING.COM

DATE: 10/1/10

PROJECT: WGAN PROPERTY PLAN

Drawing Number: **G-101**