



July 3, 2014

Ms. Jean Fraser, Planner
Planning and Development Department
City of Portland
389 Congress Street
Portland, Maine 04101-3509

**Subject: 421 Warren Avenue
Final Site Plan Application/Delegated Review Stormwater
Conformance with Standards
Comment Response #3**

Dear Jean:

We have received the Conditions of Approval dated June 2, 2014 regarding conformance with the standards of the Site Plan Ordinance and other regulations. We have repeated the Conditions of Approval below in *italics* and offer supporting evidence to satisfy various conditions for staff consideration.

SITE PLAN REVIEW-SPECIAL CONDITIONS OF APPROVAL

The Planning Board voted 5-0 (Morrissette and O'Brien absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following eleven conditions of approval to be met prior to the issuance of a building permit unless stated otherwise:

Condition i:

That the applicant shall submit, for the City's Associate Corporation Counsel and Department of Public Services review and approval prior to the issuance of a building permit, and submit recorded copies prior to the issuance of a Certificate of Occupancy for any part of the principal structure, easements for joint use of the existing drive access from Warren Avenue, and paving, local drive access, parking, landscaping and other proposed elements that are encroaching on the abutting lot; and

Response:

Fay, Spofford & Thorndike (FST) has requested the Applicant initiate the production of cross easement language to cover access and utilities between the two properties. This will be forwarded to the City upon receipt.

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Condition ii:

That the applicant shall submit a Landscape Plan, based on a submitted assessment of the trees on the site, that shows the following: tree saves; any required replacement planting; and additional planting; snow storage areas; all to address the landscape preservation and parking lot landscaping requirements of the Site Plan Ordinance (14-526), for review and approval by the Planning Authority and City Arborist; and

Response:

The accompanying plan includes additional measures intended on satisfying this condition. This includes supplemental plantings around the site.

Condition iii:

That the applicant shall contribute \$6,950 to the Capisic Brook water quality treatment program to address the required mitigation of project impacts in the Urban Impaired Stream Watershed; and

Response:

The Applicant will supply the contribution prior to the release of a Building Permit. This payment will be made under separate cover directly by the Applicant.

Condition iv:

That the applicant shall address the Fire Prevention concerns, as outlined in the e-mail from Captain Chris Pirone of the Fire Department dated April 30, 2014, to the satisfaction of the Fire Department; and

Response:

See the memo in Attachment A that contains the Fire Department's comments and our supporting evidence of compliance.

Condition v:

The stormwater inspection and maintenance plan should include provisions for the inspection and maintenance of the Roof Drip-line Filtration BMP as outlined in Section 7.6 of Volume III of the MaineDEP Stormwater BMP Manual and the post-construction stormwater management plan requirements outlined in Chapter 32 of the City of Portland Code of Ordinances; and

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Response:

The project's stormwater inspection and maintenance plan has been modified to comply with this condition. A copy of the plan accompanies this submission in Attachment B.

Condition vi:

The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan submitted and dated February 2014, as revised April 2014, and revised to address condition v. above, based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system shall be submitted and signed for the principal structure with a copy to the Planning Division and Department of Public Services; and

Response:

A copy of a Draft Stormwater Maintenance Agreement accompanies this submission in Attachment C.

Condition vii:

That the applicant shall close the existing curb cut on Warren Avenue (east of the joint access from Warren Avenue into the site); install three signs along the back of the property where the asphalt ends stating: DO NOT DUMP – IMPAIRED WETLANDS; and shall mark with paint the pedestrian walking area in front of the building and between the building and Warren Avenue sidewalk; all prior to the issuance of a Certificate of Occupancy; and

Response:

The Applicant intends to comply with this condition.

Condition viii:

That this approval relates to the 9.2 acre site identified in Plan P6 fronting onto Warren Avenue, which at the time of this approval is part of a 48+ acre site owned by the applicant. If any part of the 48+ acre lot is sold off or further developed, the applicant would need to retain the 9.2 acre site that is subject of this approval and include it in any subdivision review, and obtain verification from the Zoning Administrator and Planning Authority that the subject site, as created by any sale, remains in conformity with zoning and site plan requirements; and

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Response:

The Applicant intends to comply with this condition.

Condition ix:

That the applicant shall submit a copy of the ability to serve (wastewater) letter; and

Response:

A copy of the City's response for wastewater capacity accompanies this letter in Attachment D.

Condition x:

That separate reviews and permits are required the principal structure and separate use permits are required for each unit before occupation. Separate permits are also required for new signs, including those on the building, and for HVAC systems, which require submission of dBA levels to confirm compliance with the maximum sound limits of the B4 zone; and

Response:

The Applicant intends to comply with this condition.

Condition xi:

That the applicant shall submit the approved Tier 1 NRPA Permit to the Planning Authority.

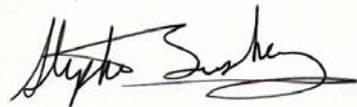
Response:

A copy of the NRPA Tier 1 Permit and US ACOE approval accompany this submission in Attachment E.

If you have any questions regarding these materials please contact this office.

Sincerely,

FAY, SPOFFORD & THORNDIKE



Stephen R. Bushey, P.E.
Senior Principal Engineer

SRB/smk

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List of Attachments:

Attachment A – Memo Re: Fire Department Comments
Attachment B – Stormwater Inspection & Maintenance Manual
Attachment C – Draft Stormwater Management Agreement
Attachment D – Wastewater Capacity Letter
Attachment E – NRPA Tier 1 Permit and US ACOE Approval

c: Peter Holmes
Jim Biskup, Biskup Construction