



Jeff Levine, AICP  
Director, Planning & Urban Development Department

July 21, 2015

Michael Doherty  
Shed Happens, Inc.  
509 Warren Avenue  
Portland, ME 04103

Jeffrey D Amos, PE, Project Manager  
Terradyn Consultants LLC  
PO Box 339  
New Gloucester, ME 04260

Project name: **Shed Happens - Expansion of Display Area (to north)**  
Address: 509 Warren Avenue  
Applicant: Michael Doherty, Shed Happens, Inc.  
Project ID: 2015-057 CBL: 304/A/15,18 & 37  
Applicant: Michael Doherty, Shed Happens Inc  
Planner: Jean Fraser

Dear Mr Doherty:

On July 20, 2015 the Planning Authority approved with conditions the amended Level II site plan for an expanded display area for Shed Happens at 509 Warren Avenue (this amends the approvals for project #2012-474). The proposed additional display area will comprise approximately 9000 sq ft of crushed stone (over a base so that it is pervious) and the preservation of existing trees and shrubs.

### **SITE PLAN REVIEW**

The decision is based upon the submitted application, documents, and the plans as listed at the end of this letter. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance and is approved subject to the following conditions, which include the previous conditions where still valid:

1. Prior to the start of any clearance or other work on the site, all of the corner property pins for the lot acquired from Alice Webb shall be located or replaced where necessary (particularly near the corner of Grove Street and the BJ's parking lot), with the two external boundaries of this lot marked above ground in a visible way - both in accordance with the Stamped Survey prepared by Wayne Wood and dated June 2015; and
2. That the following vegetation shall be preserved:
  - a. The 'tree saves' within the crushed stone area as per the Amended Site Plan (not as shown on the Grading Plan). The trees to be preserved have orange paint near the base by the property owner and / or purple ribbon per City Arborist ID. The red maple in the middle of the site should be preserved if possible, and if the red maple can not be saved, it shall be replaced with one additional tree in the buffer area along the north side, species and location to be agreed with the City Arborist prior to purchase and planting; and
  - b. The existing well-established Winterberry and native plants (along the wet edge of the small remaining wetland within the site) shall be preserved where they are located within the 5 feet perimeter buffer (north and west sides only) and as identified prior to any start on site in conjunction with the City Arborist. Grass to be planted only in areas where the vegetation is not identified to be preserved; and

- c. That there shall be no clearing or cutting of Winterberry or other native shrubs "off site" on the BJ's side of the property; if these are impacted they are subject to replacement as outlined below.

And that prior to clearance of any vegetation on this lot, the areas of vegetation to be preserved (including buffer areas around the preserved trees/shrubs) shall be marked on the site with stakes, and the staking shall be verified on site by the City Arborist (this could be part of the required Pre-construction meeting as set out in Standard Condition #6 below).

If any of the identified vegetation to be preserved is not healthy and sustainable (as determined by the City Arborist) at the time of a Certificate of Occupancy (CO) is requested, the applicant shall plant replacement grass/shrubs/trees prior to the issuance of a CO, the number, size and species of which to be reviewed and approved by the City Arborist and Planning Authority prior to purchase and planting; and

3. That the developer/contractor/subcontractor shall comply with conditions of the submitted Stormwater Management Report version dated May 3, 2012, as amended June 19, 2015, and shall submit, prior to the issuance of a Certificate of Occupancy, the associated provisions for annual inspections and annual reporting. The applicant and all assigns, must comply with the conditions of Chapter 32 Storm Water including Article III. Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted, signed and recorded prior to the issuance of a building permit with a copy to the Planning Authority and Department of Public Services; and

4. That the triangle of land at the corner of Warren Avenue and Grove Street shall be kept clear of objects or planting over 4 feet in height to ensure that safe sightlines are maintained for vehicles using the nearby intersection; and
5. That any sheds located within the site shall be considered temporary items for sale and placed only on the crushed stone display areas of the site with space around them to facilitate drainage, protection of the stormwater system and landscape, and safe public access; and
6. That separate permits from the Inspections Division shall be required for any new signs.

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. The project is also subject to an amended MDEP NRPA permit dated 4.3.2015 (L-25696-TC-B-N) which approves the filling of the remaining 5,500 sq ft of forested wetland on the Shed Happens site. Please note that the City's Department of Public Services is concerned at the extent of wetland fill and their comments are attached.

#### STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

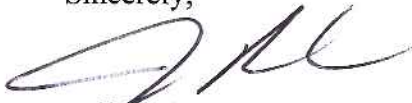
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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** A “Site Work Only” Building Permit is required prior to the commencement of site work; please coordinate with the Inspections Division to arrange for these permits.
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 (the crushed stone and potential replacement planting) and an inspection fee payment of \$300 must be submitted to the Planning Division prior to the release of a building permit for this project. 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 for site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, City Arborist and owner to review the property pins/boundary markings, vegetation to be preserved 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. 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 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 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov) .

Sincerely,



Jeff Levine, AICP  
Director of Planning and Urban Development

**List of approved plans:**

- **Boundary Survey Plan** prepared by Wayne Wood & Co (June 2015)
- **Amended Site Plan** prepared by Wayne Wood & Co (received June 15, 2015 and shows tree saves – copy attached)
- **Grading Plan** prepared by Terradyn Consultants LLC (June 1, 2015)
- **Erosion Control Plan** prepared by Terradyn Consultants LLC (June 1, 2015)

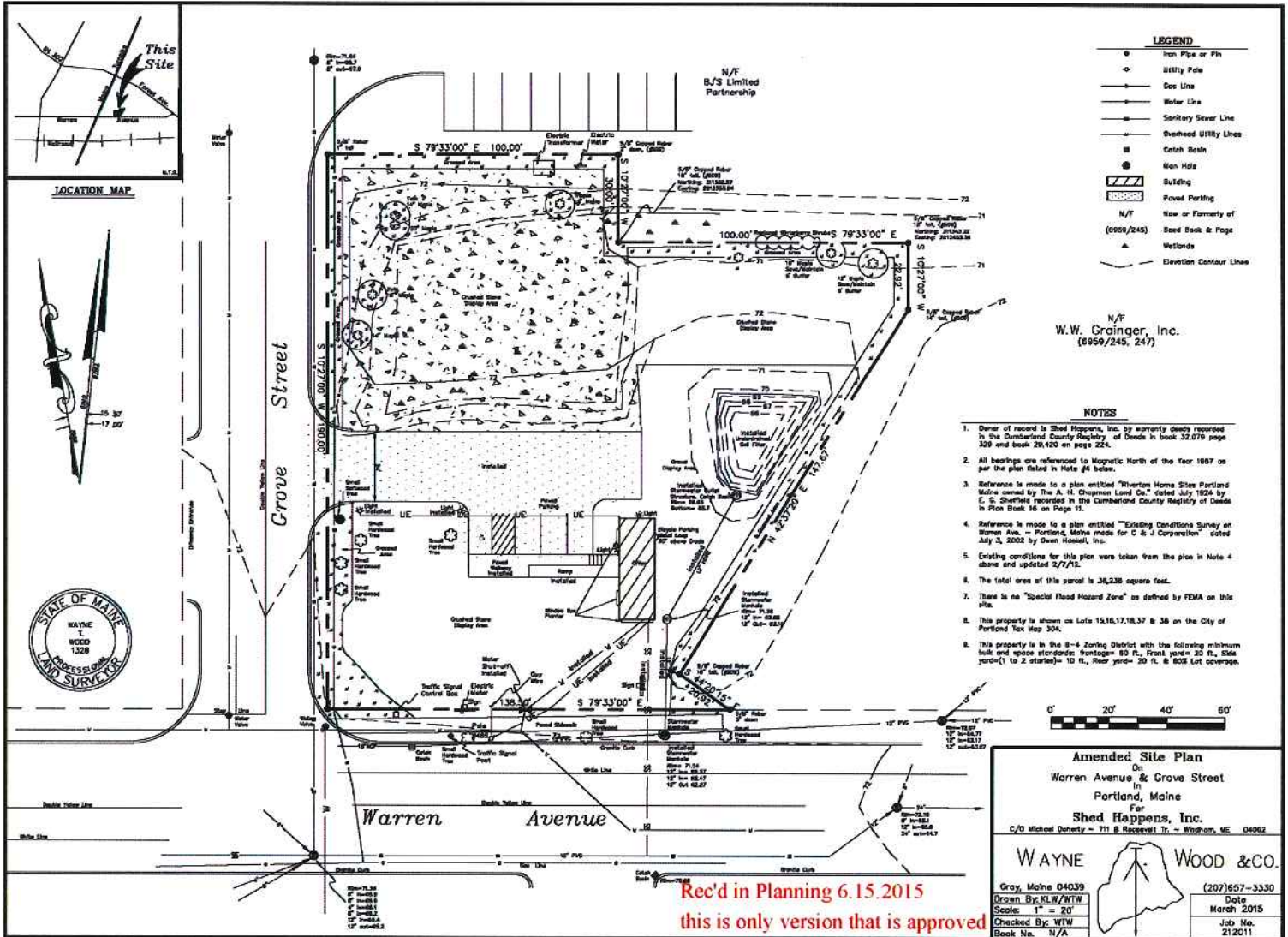
**Attachments:**

1. Approved Amended site plan
2. DPS comments 5.29.2015
3. Chapter 32 – Storm Water
4. Sample Stormwater Maintenance Agreement
5. Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Acting Zoning Administrator, Inspections Division  
Tammy Munson, Inspections Division Director  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Lannie Dobson, Administration, Inspections Division  
Brad Saucier, Administration, Inspections Division  
Michael Bobinsky, Public Services Director  
Katherine Earley, 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  
Keith Gautreau, Fire Department  
Jennifer Thompson, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
David Senus, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File

Attachment 1  
Approved Site Plan with Tree Saves



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**MEMORANDUM**

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**To:** FILE  
**From:** Jean Fraser  
**Subject:** Application ID: 2015-057  
**Date:** 5/29/2015

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**Comments Submitted by: David Margolis-Pineo/Engineering DPS on 5/7/2015**

May 7, 2015

Memo To: Barbara Barhydt  
From: Jean Fraser  
From: David Margolis-Pineo  
Re: Review Comments for Shed Happens – 509 Warren Ave (2015-057)

The Department of Public Services has the following comments.

On July 6, 2012, the Maine Department of Environmental Protection allowed the applicant to fill approximately 8,300 sf of freshwater wetlands. The applicant currently owns approximately 29,236 sf of property on this lot and is proposing to fill an additional 5,500 of wetlands was approved by the Maine DEP on April 3, 2015 for total a wetland fill area of 13,800 sf or approximately 47% of the entire site will be filled wetlands. Jay Clements of the Army Corps stated the Corps issued a permit to the applicant on April 17, 2015. To be on record, this Department does not support this magnitude of wetlands filling.

This Department has no further comments.