



PORTLAND MAINE

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Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

September 19, 2011

Bradford Watson
Watson Realty Company
357 Riverside Street
Portland ME 04103

James Seymour, PE
Sebago Technics, Inc.
1 Chabot Street, PO Box 1339
Westbrook ME 04098

317-B-4

RE: **Handyman Rental - Secondary Access Driveway and Curb Cut on Warren Avenue (between 633 and 659 Warren Avenue)**

**357 Riverside Street
Level II Site Plan
Application ID # 2011-310 (One Solution)**

Dear Mr. Watson and Mr. Seymour,

On September 19, 2011, the Portland Planning Authority approved a Level II site plan for a driveway and associated curb cut onto Warren Avenue, to provide a secondary access for Handyman Rental at 357 Riverside Street, as submitted by Watson Realty Company and shown on the approved site plan prepared by Sebago Technics Inc. Sheet 1 of 3 Rev B 9.13.2011 with the following conditions:

Conditions of Approval

- i. That this approval does not constitute approval of this driveway and associated curb cut for any other potential development/intensification proposals that may take place on the Handyman property; such proposals would require further review regarding the adequacy of this driveway and associated curb cut as it relates to increased traffic volumes and it should not be assumed that the provision and design of the current layout will be maintained in the future. It is likely that any future development/intensification would be required to include a pedestrian connection into the site from Warren Avenue; and
- ii. That this approval does constitute an approval of the installation of the associated curb cut prior to the completion of the driveway (and prior to compliance with subsequent conditions), subject to the applicant posting a Performance Guarantee in the amount of \$6,500.00 prior to the installation of the curb cut (by the MDOT or others) in order to cover the cost of removal of the curb cut in the event the driveway connection to the existing Handyman Rental is not completed within one (1) year of the date of this approval or such other date as approved by the planning authority in advance of the expiration of the aforementioned one (1) year deadline. This Performance Guarantee may be combined with the Performance Guarantee related to the driveway (see Standard Condition 5); and

- iii. That the applicant shall submit copies of a Tier 1 NRPA permit, that confirms MDEP approval to the revised plans as approved by this letter, prior to the issuance of a building permit for the driveway; and
- iv. That the applicant shall submit a pavement marking and signage plan for Warren Avenue in the vicinity of the driveway project, for review and approval prior to the issuance of a building permit for the driveway. Following approval of the pavement marking and signage plans, the applicant shall be responsible for implementation of all approved new pavement marking and signage (and removal of existing where approved) to be completed prior to the driveway being used for vehicle access/egress; and
- v. That the applicant shall provide an Inspection and Maintenance Plan for the wetpond, in accordance with the requirements of Maine DEP Chapter 500 and Chapter 32 of the City of Portland Code of Ordinances, prior to the issuance of a building permit for the driveway; and
- vi. That the applicant shall submit revised plans and associated information as outlined in the attached Woodard and Curran Memo dated September, 15, 2011, for review and approval prior to the issuance of a building permit for the driveway; and
- vii. That the applicant shall install gates (similar to those at the neighboring property at 633 Warren Avenue) at the Warren Avenue end of the driveway prior to the driveway being used for vehicle access/egress, and to be closed when the driveway is not operational as outlined in the application submission; and
- viii. That the applicant is required under the City's ordinance to provide sidewalk and curbing along the entire frontage of the property; as some of this will have been completed prior to construction of the driveway, the applicant is required to pave the sidewalk along the frontage of Warren Avenue between Handyman's proposed drive cut and the drive of the abutting property drive cut to the East. The City will be responsible for paving the sidewalk between the Rug Depot drive cut and the proposed drive cut for Handyman Rental; all sidewalk along the site frontage to be completed prior to the use of the driveway for vehicle access/egress; and
- ix. That this approval does not constitute an approval to any existing or future signs on the proposal site, which will instead require separate sign permits in accordance with the City of Portland Land Use Ordinance.

The approval is based on the submitted site plan and waivers of the site plan traffic standards as outlined in the Traffic Engineer Reviewer comments dated September 16, 2011 (attached).

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:

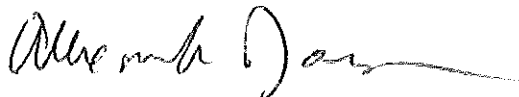
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14 of the Portland City Code.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

4. 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.
5. A performance guarantee covering the site improvements (driveway) as well as an 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 Dept. prior to the release of a building permit or certificate of occupancy for the driveway 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.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
8. 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. The developer/contractor/subcontractor must comply with conditions of the construction storm water management plan and sediment and erosion control plan based on the City of Portland standards and state guidelines.
9. 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 when the MDOT contract is completed along this frontage. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.) Please note that that Warren Avenue will be a moratorium street when the current MDOT contract is completed and there are likely to be additional costs and fees associated with any work in the street.
10. 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 Division 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 the release of the performance guarantee. Please schedule any property closing with these requirements in mind.

As stated in section 14-529 of the Site Plan Ordinance, any person aggrieved may appeal this decision to the planning board within thirty (30) days of the date of the written decision of the planning authority. Upon the taking of such an appeal, the application shall be reviewed as a new application.

If there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. Peer Engineering Review comments 9.15.2011
2. Traffic Review comments 9.16.2011
3. Performance Guarantee Packet