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Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

September 27, 2010

Mr. Greg Mitchell
City of Portland Department of Economic Development
389 Congress Street
Portland, Maine 04101

RE: Riverside Subdivision, Vicinity of 636 Riverside Street, City of Portland (Applicant)

CBL: Map 322, Lot A-1 and Map 323, Lot A-005
Application ID: #99600008

Dear Mr. Mitchell,

On September 21, 2010, the Portland Planning Board considered the 4 lot Riverside Subdivision in the vicinity of 636 Riverside Street. The Planning Board reviewed the proposal for conformance with the standards of the Shoreland Regulations and Subdivision Ordinance. The Planning Board voted 4 to 0 (Lowry, Patterson and Silk absent) to approve the application with the following motion(s) waiver and condition(s) as presented below.

SHORELAND REVIEW

The Planning Board voted 4-0 (Lowry, Patterson and Silk absent) that the plan is in conformance with the shoreland regulations of the Land Use Code.

WAIVERS

The Planning Board voted 4-0 (Lowry, Patterson and Silk absent) to waive the Technical Standard, Section 14-496 (A) (15) perimeter finish spot elevations of the subdivision ordinance.

SUBDIVISION REVIEW

The Planning Board voted 4-0 (Lowry, Patterson and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. The applicant shall submit a letter from Portland Trails confirming permission to establish drainage easements(s) within the conservation easement of lot 4 for Corporation Counsel review and approval.
- ii. The applicant shall submit a revised subdivision recording plat for Planning Staff review and approval prior to the signing of the plat.

- iii. The applicant shall submit final and executed copies of various property agreements and easements associated with the subdivision for Corporation Counsel review and approval prior to the release of the subdivision plat.
- iv. The subdivision recording plat shall include a notation that a traffic movement permit will be necessary if and when the trip levels for the subdivision reaches permit thresholds.
- v. Unless otherwise approved by the Planning Board under site plan review, underground utilities shall be required.

The approval is based on the submitted plans and the findings related to shoreland regulations and subdivision review standards as contained in Planning Report (# 31-10), which is attached. Please note the following provisions and requirements for all site plan and subdivision approvals:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements 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 the subdivision plat for recording at the Registry of Deeds and prior to the release of a building permit or street opening permit. If you need to make any modifications to the approved plans, you must submit a revised subdivision application for staff review and approval.
5. 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.
6. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
7. The subdivision approval is valid for three (3) years.
8. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. 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.

10. 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.)

Philip DiPierro, 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 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.

If there are any questions, please contact Rick Knowland of the Planning Staff at 874-8725.

Sincerely,

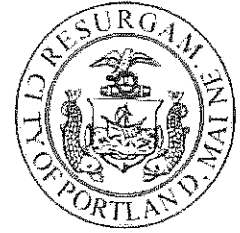

Bill Hall, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Rick Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
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Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Denise Cameron, Woodard & Curran
Ann Freeman, Corporation Counsel
Gary Wood, Corporation Counsel
Assessor's Office
Approval Letter File
Hard Copy: Project File



MEMO
Planning and Urban Development
Planning Division

To: Councilor Coyne
From: Barbara Barhydt, Development Review Services Manager
Date: June 16, 2010
Re: Riverside Street Subdivision – City of Portland

Attached are is the subdivision plan for a seven lot subdivision along Riverside Street. Portland's Economic Development Department has submitted the application seeking approval of the subdivision and a site location of development act review, which includes the Lucas Tree site and the NEMR facility that is under construction. It is tentatively scheduled for a workshop with the Planning Board on July 13, 2010 and Rick Knowland, Senior Planner, will conduct this review. If you have questions, please let me know.

Thank you.



PLANNING BOARD REPORT PORTLAND, MAINE

RIVERSIDE STREET SUBDIVISION
536 RIVERSIDE STREET
SUBDIVISION REVIEW
APPLICATION # 99600008

CITY OF PORTLAND, ECONOMIC DEVELOPMENT DEPARTMENT, APPLICANT

Submitted to: Portland Planning Board Public Hearing Date: September 21, 2010	Prepared by: Rick Knowland, Senior Planner Date: September 17, 2010 Report # 31-10
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I Introduction

A public hearing has been scheduled to consider a proposal by the City of Portland to subdivide the former Lucas Tree property in the vicinity of 636 Riverside Street. The proposal is subject to subdivision and shoreland review.

The applicant is represented by Greg Mitchell, City of Portland Director of Economic Development. Woodard & Curran is the project consultant.

Notice of the public hearing consisted of 112 notices mailed to area property owners and the interested parties list as well as an agenda advertisement appearing in the September 13 and 14 editions of the Portland Press Herald.

Note: Since the July 27th workshop the subdivision has been revised from a 5 lot subdivision to a 4 lot subdivision. References in the accompanying material referring to other than a 4 lot subdivision should be disregarded. The reduction in the number lots from 5 to 4 has been accomplished by eliminating lot 5 which was conceived as a "holding" lot to accomplish boundary adjustments with lots 1 and 2. With firm commitments from the owner of lot 1 and the prospective purchaser of lot 2 to purchase additional land, lot 5 has been eliminated.

The core of the subdivision plan is lot 1 (scrap metal recycling facility site owned by Schnitzer presently under construction), lots 2 and 3 along Riverside Street that will be sold to private

parties and lot 4, a large parcel that includes upland area and deed restricted open space along the Presumpscot River.

Staff has confirmed with DEP that this project does not require a site location of development permit nor a stormwater permit, although initially there was discussion that it did.

II Findings

Zoning: I-M; I-H; RPZ (flood plain)

Land Area: 53.81 acres

Number of Lots: 4

Lot Sizes:

- Lot 1...13.56 acres...Schnitzer scrap metal facility (under construction)...includes an additional .64 acre of land increase lot area from 12.92 acres.
- Lot 2...3.21 acres...includes two existing metal buildings and former greenhouse area.
- Lot 3...4.0 acres...includes the main Lucas Tree site building (Lucas Tree has an option to purchase this lot)
- Lot 4...33.04 acres... 21.9 acres designated for conservation and open space with remainder upland area of 10.5 acres.

Existing Buildings: Main Lucas Tree building (lot 3)... 16,960 sq. ft.

Warehouse buildings (lot 2)...4,500 sq. ft. and 3,200 sq. ft.

Main Schnitzer building (lot 1)...11,000 sq. ft.

Existing Building Footprint: 27,822 sq. ft. (lots 2 and 3)

Existing Impervious Surface Area: 375,544 sq. ft.

Existing Paved Area: 50,484 sq. ft.

Existing Uses:

The site is bounded on the west by the Presumpscot River; to the north a residence and Waste Management; to the south by Wintergreen Solarium Sales, Bernies Auto Repair, 508 Riverside Street (Restaurant Equipment of Maine), 470 Riverside Street (UPS and other businesses); on the east by Riverside St with various businesses (Phoenix Welding, Six G's Business Park, Superior Roofing, etc.) and some non-conforming residential uses. In terms of zoning and land use, this area of Riverside Street has an industrial/commercial character. Across the Presumpscot River in Westbrook there are residential areas and vacant land.

The site is the former Lucas Tree facility. The upland area of the site near Riverside Street has included a variety of activities associated with the Lucas Tree site including staging areas for various business related activities. Lucas Tree currently leases a portion of the site for their business operations. The Schnitzer metal recycling facility has recently been constructed (lot 1). The low lying area of the site within the flood plain of the Presumpscot River is vacant.

Background

In 2006 the City of Portland entered into an option agreement with Arthur Batson of Lucas Tree

to purchase the 54 acre site. The City's motive in purchasing the property was based on an interest in relocating the Public Works complex from Bayside to this site as well as one or more of the Bayside scrap metal facilities. Subsequently The Trust For Public Land purchased the property for the City and held it until the City was ready to purchase it which occurred earlier this year.

As the Board may recall in 2008, the Planning Board approved a site plan on the far southwesterly side of the Lucas Tree site for the Schnitzer scrap metal facility. A 12.9 acre parcel was split off from the main parcel to create this lot which is now referenced as lot 1 on the subdivision plan.

The subdivision property has approximately 1700 feet of frontage along the Presumpscot River. This shore frontage as well as other low lying land including flood plain area has been incorporated into a 33 acre parcel (lot 4) and is designated for conservation purposes. The City will retain ownership but Portland Trails is holder of a conservation easement over the land. Portland Trails has been building a pedestrian trail within the easement.

Subdivision Layout

The subdivision has been designed to protect the shore frontage and floodplain of the Presumpscot River by limiting development to the upland area of the site near Riverside Street. The flood plain area (lot 4) has been designated for conservation and open space.

All of the lots have street frontage on Riverside Street. Vehicle access where possible has been shared among lots to limit driveway openings. For example, lot 2 and lot 4 will share a common driveway when lot 4 is developed or when lot 2 is redeveloped. An existing driveway on the far northerly end of the Riverside Street frontage of the subdivision (lot 4) provides a driveway for a future development lot as well as access to the trail/open space along the Presumpscot River.

Lot 4 at 33 acres is the largest of the subdivision parcels and includes upland area suitable for development as well as conservation easement protected land (about 20 acres) of the Presumpscot River flood plain as well. The lot has street frontage between lots 2 and 3 (60 feet) and a second segment north of lot 3 (195 feet). While the lot represents the back land of the subdivision there is adequate frontage and access to serve future development on the lot.

The subdivision has been designed to take in to account the zoning requirements of the I-M and I-H zone. This is complicated by existing buildings and pavements surfaces which must now comply with the requirements of newly established lots. Proposed lot lines have been drawn to take into account existing buildings to assure that the buildings will meet appropriate zoning side and rear yard requirements. In addition all lots must meet 10 foot pavement setback requirement from boundaries for both zones as well as the impervious surface limit (I-M zone 75%, I-H zone 85%).

A note on the plan indicates:

Upon approval of the proposed subdivision, the following site modifications will be performed to bring the proposed subdivision into compliance with zoning regulations.

Items of work shall be performed as soon as possible, but no later than June 2011.

- (a) All pavement within 10 feet of the lot boundaries will be removed to meet the pavement setback requirement.
- (b) All building or storage structures within the setbacks will be removed.
- (c) Removal of impervious surfaces as necessary to meet the maximum impervious surface ratio.
- (d) Landscaping shall be conserved or planted to address sec. 14-267 "required landscaping for parking areas" for developed lots.

III Staff Review

The following comments have been generated based upon a review of the relevant standards of the subdivision and shoreland regulations.

A. Subdivision Review Standards

Undue Water or Air Pollution

The proposed development lots are located in the upland area of the property outside and above the low lying flood plain area of the Presumpscot River. The flood plain area is incorporated in Lot 4 which will be preserved for open space and conservation purposes.

The site is served by public sewer.

Each lot as developed will be subject to site plan review including review of water quality treatment systems.

Water Supply

Water service for the subdivision is available from an existing an 12 inch public water main in Riverside Street according to the Portland Water District. As each lot is proposed for a specific development, the district will review water capacity issues. There were no water capacity issues identified by the district when the Schnitzer scrap metal facility was considered for site plan review.

Soil Erosion

A potential soil erosion issue associated with this property is the stability of steep slopes upland of the flood plain adjacent to the development lots. Presently there appear to no soil erosion issues associated with these slopes. There is a large rip rap storm water outfall area along the slope of the upland/flood plain that shows no evidence of erosion. Other drainage channels along the slope also appear stable.

Aside from subdivision review of associated issues at this level, as individual lots are proposed for development, site plan review will inquire as to soil stability and adequacy of erosion control measures. Consideration of stormwater and rate of concentration will be important to assure that stormwater outfalls are not overburdened.

See further comments on soil erosion related issues below.

Stormwater/Drainage/Sanitary Waste

Approximately 27 acres of the Lucas Tree site is currently developed with pavement, maintained grass areas, gravel access roads, warehouses and accessory structures. The developed portion of the site is relatively flat with slopes of 1% to 4%. A steep embankment with slopes of 2H:1V separates the developed area from the undeveloped portion of the site. The undeveloped area is primarily wetlands and is located within the 100 year-flood plain of the Presumpscot River.

Woodard & Curran has reviewed stormwater drainage conditions on the project site and their analysis and conclusions are shown on Attachment G. This analysis has been updated since the workshop.

The submitted storm analysis indicates the entire site drains to the Presumpscot River floodplain except for water from a few acres that flows to Riverside Street. The central developed area of the site has a series of catch basins and storm drains that discharges at the embankment. Stormwater then sheetflows into the flood plain and eventually into the Presumpscot River. A site walk indicates no apparent erosion at these outfall locations. There is a well fortified riprap at one location along the embankment but other drainage discharge areas are less protected with seemingly no effect to date.

The front area of the subdivision drains towards catchbasins in Riverside Street that are connected to a storm drain system separate from the sanitary sewer. The storm drain in Riverside Street connects into the Presumpscot River. Lot 1 (Schnitzer) has its own drainage system that was approved under site plan review.

With the main parcel divided up, the front lots (2 and 3) require an outlet to drain stormwater to the river since there is a separate lot between them and the water body. Drainage easements across lot 4 are shown on the subdivision plan benefiting lots 2 and 3. These easements track the footprint of the existing storm drain and catch basin system on the site. These easements are intended to be private.

Lot 1 (Schnitzer) has a stormwater quality system approved under site plan review.

Lots 2 and 3 consist of hard packed gravel, pavement and building roofs that have been in existence prior to November 2005. Therefore under the current Stormwater Management Law future developments on these lots are classified as "re-development" and exempt from these provisions. Presently, lot 2 and lot 3 have impervious surface ratios of 93% and 90%, respectively. In order to meet the current I-H maximum impervious standard (85%), approximately 0.25 acres of impervious surface (lot 2) and .20 acres of impervious surface (lot 3) will need to be removed. Woodard & Curran concludes, "since the proposed subdivision results in a net reduction of impervious area, we do not anticipate any increase of runoff from the parcel as a result of the subdivision." With an existing infrastructure that shows no evidence of erosion or capacity issues, the existing drainage system appears adequate.

In the event the upland area of lot 4 is redeveloped (most of lot 4 is dedicated as open space) stormwater calculations can be submitted under site plan review to confirm stormwater capacity issues.

Al Palmer of Gorrill-Palmer (peer review engineer) has reviewed the plan including updated stormwater information and finds the plan is acceptable. See Attachment 2-A.

Sanitary Waste

There is an existing 12 inch sanitary sewer in Riverside Street available to serve the lots. Comments from Public Services indicates the Portland Water District has adequate capacity to intercept, and transport, the domestic sanitary sewage and wastewater to the Westbrook Gorham regional treatment, located on East Bridge Street in Westbrook. Sewage wastewater service is available for this area of Riverside Street per an Inter-municipal Sewer Service Agreement, dated September 19, 2002. See Attachment 2-B.

Unreasonable highway congestion or unsafe conditions

The submission incorporates a plan to consolidate existing driveways where possible. For example, lot 2 and lot 4 will share a common driveway. The two existing driveways that serve lot 3 will be consolidated into one with the option of connecting into the common driveway of lot 4 should they so desire.

The driveway consolidation plan includes the following notes on plan sheet 2.

- Lot 2...Existing driveway to be closed upon commencement of a development requiring administrative or planning board site plan approval or upon construction of lot 4 shared access driveway.
- Lot 3... Existing driveway to be removed. (Note this is the driveway closest to the lot 4 common driveway.) A future connection from lot 3 to the shared driveway on lot 4 may be installed upon construction of the shared access driveway.
- Lot 4...Proposed shared access driveway to be constructed upon development of lot 4 requiring administrative or planning board approval.

The plan indicates the closed driveways will have curb installed and pavement removed from the esplanade.

At the workshop the Board requested further info on the legal agreements that would govern the common driveway including for maintenance responsibilities. To address this issue, a "shared access driveway easement" and a "shared access driveway maintenance agreement" has been submitted. See Attachments 1-J-3 and 1-J-5, respectively.

As requested by the Board, the applicant has submitted a turning movement analysis confirming a fire truck is able access the site through the common driveway of lot 4. Thomas Errico, City's Traffic Review Engineer Consultant, and the Fire Department have reviewed this analysis and find it acceptable. See Attachment 1-A-4.

As requested by the City's Traffic Review Consultant a note was added to the plan stating: "Driveway widths will be reviewed by the City of Portland for future developments requiring administrative or Planning Board site approvals. The City of Portland may require that these driveways be reduced as part of the future site development if the City Transportation Engineer determines that the proposed land use warrants a narrower driveway."

Comments from Tom Errico, Traffic Review Consultant, from the July 27th workshop are shown on Attachment 2-C and summarized below.

- A traffic report is not required at this time. As individual lots are developed, traffic studies will be required. A Traffic Movement Permit will be necessary when the trip level for the subdivision reaches permit thresholds.
- Driveway plan is acceptable. Suggests that "a future connection to the shared drive on lot #4 shall be installed upon construction of the shared access drive for lot #4."
- Adequate sight distances are provided for the proposed subdivision driveways.
- A general discussion should be provided on whether the access plan will meet standards for driveway separation.
- Riverside Street currently consists of a three-lane section and additional roadway capacity is unlikely for the anticipated subdivision tenants.

Mr. Errico has reviewed the final plan and finds it acceptable provided that the Driveway and Width note (#1 on sheet) is revised. See Attachment 2-C. The note has been revised to reflect this comment.

Pedestrian Circulation/Sidewalks

The plan indicates that a 5 foot wide bituminous sidewalk is proposed along the entire street frontage of the site except for the Schnitzer lot which has recently constructed a sidewalk along their frontage. A note on the subdivision plan indicates the city will be installing a sidewalk along the entire frontage of the subdivision prior to November 15, 2011. This is an acceptable timeframe to complete subdivision improvements.

A sidewalk easement (about 5 feet wide) will be required along lots 2, 3 and 4 because the street right-of-way is not wide enough to accommodate a sidewalk. Absent an easement the existing CMP poles would split the sidewalk in half. A note on the plan states: "field adjust width of esplanade as necessary to avoid utility poles, trees, and obstructions." A sidewalk easement across lots 2, 3 and 4 has been submitted. See Attachment 1-J-1.

Pedestrian access to the Presumpscot River Trail is available along the northerly street frontage of lot 4 adjacent to lot 3. An existing driveway (adjacent to Gough residence) provides a small parking area for hikers. Portland Trails has been working on a trail within the conservation easement from this location to the Presumpscot River.

Solid Waste and Sewage

Each lot owner will be responsible for solid and sewage waste disposal.

Scenic, natural beauty, aesthetics, significant wildlife, rare natural areas, public access to

shoreline, historic resources.

The subdivision plan protects the significant natural features of the property by designing development lots on the upland Riverside Street area of the property while the sensitive flood plain and river frontage portion of the site are protected by an open space/conservation lot .

According to the Maine Department of Conservation there are no rare botanical features documented specifically within the project area. See Attachment I-I-1.

The Maine Department of Inland Fisheries and Wildlife comments “there are no known essential or significant wildlife habitats, nor any documented occurrences of rare, threatened or endangered species at or adjacent to this property. Due to the level of existing development, I do not expect wildlife species of management concern much of the site. The exception to this is the riparian buffer adjacent to the Presumpscot River. Particularly in an urban area, an intact buffer such as this provides valuable habitat for a variety of wildlife species. Based upon the information you provided, there will be no alteration of the 11 +/- acres of land within the RP district.” See Attachment I-I-7.

The site doesn't have any buildings of historic significance and is not located within a historic district. See Attachment I-I-8.

Land Development Plan

The site is zoned IM and IH and is consistent with the land use policies of the comprehensive plan. The shore frontage of the property (Lot 4) will be protected as conservation and open space which is consistent with its designation as a Resource Protection Zone. A trail easement has been granted to Portland Trails to construct a trail along the river frontage which is consistent with the City's trail and open space policies of the Comprehensive Plan.

Financial and technical capacity

The subdivision plan has been designed by Woodard and Curran consulting engineers. A letter on financial capacity from the applicant has been submitted. See Attachment I-L.

Surface Water Quality

The site is within 250 feet of the Presumpscot River and associated wetlands. The river frontage and surrounding flood plain area have been incorporated as conservation land protecting the water quality of the river and wetland as well as the shoreline.

Water quality issues for each lot will take place during site plan review as development occurs.

Groundwater quality and quantity

The site is served by public water and therefore no groundwater resources will be used. Water quality is protected by the use of public sewers for sanitary waste as well as measures to treat contaminated stormwater to be determined during the site plan review process.

Flood-prone area

The 100-year-year flood elevation and flood hazard boundaries are shown on the plan. All

buildings will be constructed more than one above foot 100 year flood plain elevation because the building lots are located a minimum 20 feet above the flood plain elevation.

Wetlands/Rivers/Streams

All wetlands, rivers and streams are identified on the submitted subdivision plan.

B. Shoreland Review Standards

Buildings, driveways and parking areas

Existing and proposed buildings are more than 75 feet from the normal high water line.

Tree clearance

There is no tree clearance proposed within 75 feet of the normal high water line.

Erosion and sedimentation control

This proposal does not result in soil disturbance activities within the shoreland zone.

Water quality

No known impact. See earlier section of this report.

Site Plan Feature Standards

Safe and healthful conditions

The site is served by public water and sewer. The development lots are located in the upland area of the site well above the river and flood plain area.

Water pollution, erosion or sedimentation to surface waters

None of the building lots are located within the shoreland zone and there are no subdivision construction activities proposed within this zone. The shoreland zone is within lot 4 which has been designated as open space.

Wastewater

The subdivision is served by public sewer.

Spawning grounds, fish, aquatic life, bird or other habitat

There are no apparent impacts to spawning grounds, fish, aquatic life, bird or other habitat as described in letters from the Maine Dept. of Conservation (Attachment 1-I-1) and Maine Dept. of Inland Fisheries and Wildlife (Attachment 1-I-7)

Conserves shore cover, visual and physical access to waters

No development activities will take place within the shoreland zone. Public access to the river and adjacent open space is protected through a conservation easement. See Attachment 1-K-1.

Archaeological and historic resources

There are no known historic resources associated with this parcel according to the Maine Historic Preservation Office. See Attachment I-I-8.

Commercial fishing and maritime activities

There are no commercial fishing or maritime activities associated with this use.

Flood plain development and use

The flood plain area is located within lot 4 which is designated as open space.

IV. Summary of Staff Review and Recommendation

The subdivision has been reviewed for conformance with the standards of the subdivision and shoreland regulations. Staff comments have been presented in this report.

A final subdivision recording plat has been submitted. See Attachment I-A. The recording plat is complete and except for a few minor revisions is ready for signature. There are a number of legal agreements and easements associated with this subdivision including sidewalk easement; shared access driveway easement; shared access driveway maintenance agreement; drainage easement; and drainage maintenance agreement. These documents have been submitted but have not been executed. We are therefore recommending that final executed documents shall be submitted for Corporation Counsel review and approval.

Under the terms of the terms of the conservation easement for the open space of lot 4, the applicant must receive permission from Portland Trails and The Trust For Public Land to designate a drainage easement within the open space. Since the drainage swale already exists on the property this is not expected to pose a concern. The applicant is in the process of seeking this approval but letters have not been received from the two parties to date. Submission of letters confirming their approval is therefore a condition of approval.

The applicant is requesting a waiver from sec. 14-196 (A) (15) of the subdivision ordinance relative to showing final spot elevations around the perimeter of the subdivision. Given the size of the lots and the existing conditions of the site this is not a concern and staff supports the waiver.

The Planning Staff recommends approval of the subdivision with the waiver and proposed conditions contained in the motions below.

V. Motions For The Planning Board To Consider

I. Waiver of Technical Standards

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in Planning Board Report #31-10 relevant to the Portland Technical Manual and other regulations and the testimony presented at the Planning

Board hearing:

1. The Planning Board (waives/does not waive) Section 14-496 (A) (15) Finish Spot Elevations of the Subdivision Ordinance, which requires final spot elevations to be shown around the perimeter of the subdivision.

2. Shoreland Regulations Review

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Report #31-10, relevant to the Shoreland Regulations Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **[is / is not]** in conformance with the Shoreland Regulations of the land use code.

3. Subdivision Review

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Report #31-10, relevant to the Subdivision Ordinance and other regulations and the testimony presented at the Planning Board public hearing, the Planning Board finds that the plan **[is / is not]** in conformance with the subdivision standards of the land use code, subject to the following potential conditions of approval:

- a. That the applicant submit letters from Portland Trail and The Trust For Public Land confirming permission to establish drainage easement (s) within the conservation easement of lot 4 for Corporation Counsel review and approval.
- b. The applicant shall submit a revised subdivision recording plat for Planning Staff review and approval prior to signing the plat.
- c. The applicant shall submit final and executed copies of various property agreements and easements associated with the subdivision for Corporation Counsel review and approval prior to the release of the subdivision plat.

Attachments:

Applicant Submissions:

- 1-A Subdivision Plan
- 1-B Application
- 1-C Project Description
- 1-D Applicant Response to Subdivision Standards
- 1-E Updated Responses to Staff Comments, dated 9-08-10
- 1-E Responses to Staff Comments, dated 7-19-10
- 1-F Public Utility Comments

Portland Water District

- 1-G Drainage
- 1-H Soils
- 1-I Wildlife Habitat/Natural Resources/Historic Resources
- 1-J Draft Easements
- 1-K Conservation Easement
- 1-L Financial Capacity
- 1-M Neighborhood Meeting

Staff Submissions:

- 2-A Comments from Al Palmer, P.E, Portland's Engineering Review Consultant, dated 9-16-10
- 2-B Comments from Frank Branceley, Public Services, dated 7-20-10
- 2-C Comments from Thomas Errico, P.E., Portland's Traffic Engineering Consultant, dated 9-16-10