

CITY OF PORTLAND, MAINE
PLANNING BOARD

8/7/14

Stuart O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrissette
Jack Soley

July 28, 2014

Rob Tod
50 Industrial Way, LLC
50 Industrial Way
Portland, ME 04103

Richard Meek
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Project Name: Allagash Brewery Expansion
Address: 50 Industrial Way
Applicant: 50 Industrial Way, LLC

Project ID: 2014-098
CBL: 326-B-8, 9, and 10
Planner: Nell Donaldson

Dear Mr. Tod:

On July 22, 2014, the Planning Board considered your Level III site plan application for the expansion of the Allagash Brewery at 50 Industrial Way. The Planning Board reviewed Phases 1 and 2 of the proposal for conformance with the site plan standards of the city's land use code and voted to approve the application with the waivers and conditions presented below:

WAIVERS

The Planning Board voted (5-0, Dean and Dundon absent) to grant the following waivers:

1. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Standard (*Section 1.7.1.8*) which limits the number of driveways for any site to two, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waived the Technical Standard (*Section 1.7.8.1*) to allow four curb cuts on site; and
2. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the Site Plan Standard (*Section 14-526(a)2.C(i)*) which requires sidewalks along all frontages, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waived the Site Plan Standard (*Section 14-526(a)2.C(i)*) to allow the applicant not to install sidewalks on Industrial Way; and
3. The Planning Board found that extraordinary conditions exist or undue hardship may result from strict compliance with the Site Plan Standard (*Section 14-526(a)2.C(i)*) which requires curbs along all frontages, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board waived the Site Plan Standard (*Section 14-526(a)2.C(i)*) to allow the applicant not to install curbs on Industrial Way.

SITE PLAN REVIEW

The Planning Board voted (5-0, Dean and Dundon absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall submit application material relevant to Phase 3 of the project, which shall be reviewed and approved by the Planning Authority as a future amendment to this approval, prior to issuance of a permit for that phase;
2. The applicant shall provide erosion and sedimentation control plans for Phase 2, details related to the proposed detention pond and wet pond expansion, a NRPA Tier 2 Wetland Alteration Permit, and a Maine Programmatic General Permit for review and approval by the Planning Authority prior to commencing Phase 2 of the project;
3. The applicant shall resolve outstanding issues related to the location of landscaping within and adjacent to the proposed detention basin for review and approval by the Planning Authority; and
4. The applicant shall provide additional submittals addressing the outstanding comments of David Senus, consulting civil engineer, dated July 16, 2014 (attached), for review and approval by the Planning Authority.

The approval is based on the submitted plans for Phases 1 and 2 of the proposed project and findings related to site plan review standards as contained in the Planning Board report for application 2014-098, which is attached.

STANDARD CONDITIONS OF APPROVAL

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

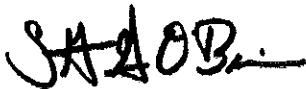
1. **Stormwater Management** The developer/contractor/subcontractor must comply with conditions of the final approved construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system 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 prior to commencing Phase 2 of the project with a copy to the Department of Public Services.
2. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
3. **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.
4. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work on Phases 1 and 2 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.

5. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, an inspection fee payment of 2.0% of the guarantee amount, and seven (7) final sets of plans plus one final digital copy must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and 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.
6. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. **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.
8. **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.)
9. **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.

If there are any questions, please contact Nell Donaldson at (207) 874-8723.

Sincerely,



Stuart O'Brien, Chair
Portland Planning Board

Attachments:

1. Review Comments, David Senus, 7/16/14
2. Planning Board Report
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet