

CITY OF PORTLAND, MAINE

PLANNING BOARD

July 20, 2004

Orlando E. Delogu, Chair
Lee Lowry III, Vice Chair
John Anton
Kevin Beal
Michael Patterson
David Silk
Janice E. Tevanian

Mrs. Mary Haverty
67 Haverty's Way
Portland, ME 04013

RE: Proposed Ballpark Drive Subdivision
ID #2004-0028, CBL #371 A002001

Dear Mrs. Haverty:

On September 21, 2004 the Portland Planning Board voted unanimously (6-0, Patterson absent) to approve the Ballpark Drive Subdivision in the vicinity of Washington Avenue and Riverside Street, with the following conditions:

- i. The applicant shall submit revised project plans to satisfy the final concerns of the City's consulting civil engineer as expressed in a September 17, 2004 memo from Jim Seymour, P.E.
- ii. The applicant shall remove from the plans the 10 foot wide trail easement shown across lot 17 and replace it on the plans with a 20-foot wide trail easement which shall link the Ballpark Drive right of way with the Grace Baptist Church property across lot 18 so as to facilitate an eventual through connection to Lambert Street in coordination with Portland Trails and subject to review and approval by the Planning Authority.
- iii. The 75 foot no-disturbance stream buffer across the backs of lots 1-9 shall be field located by a surveyor and physically marked where it intersects property lines. The marker design specification shall be subject to final review and approval by the planning authority.
- iv. The proposed street tree installation plan shall be subject to final review and approval by the City Arborist and the Planning Authority.
- v. The proposed improvements to the Washington Avenue / Riverside Street and Washington Avenue / Ballpark Drive intersections shall be subject to final review and approval by the City's traffic division.
- vi. The applicant shall finalize current drafts of all proposed easements and deed restrictions related to drainage and maintenance, utilities, trails, stream buffer, and circulation in accordance with review comments made by Corporation Counsel. Upon final approval,

the applicant shall present evidence that said easements and restrictions have been recorded with the Cumberland County registry of deeds before release of the plat.

vii. The applicant shall (1) make a \$31,000 contribution to the City of Portland for the replacement of the 36-inch drainage culvert which crosses the abutting Murphy property, (2) secure a 30 foot wide drainage easement and maintenance easement across said property to be held by the City of Portland, and (3) improve the pipe inlet on said Murphy property as described in a September 17, 2004 memo from Jim Seymour, P.E. and to the satisfaction of the City Engineer.

viii. Lot 18 as shown on sheet 1 of the plan set dated September 3, 2004 shall be conserved in perpetuity by deed restriction, conveyance to an approved land trust, or by other legal mechanism subject to final review and approval by Corporation Counsel.

ix. The applicant shall submit revised plans with a 50 foot wide panhandle added to lot 18 so as to provide that lot with its required 50 feet of street frontage onto Ballpark Drive.

x. A note on the subdivision plat shall be added to state the following: "Unless and until the street is accepted by the City of Portland, the Developer shall be and remain responsible, beginning upon the issuance of the first certificate of occupancy, for the following: private curbside trash collection, street lighting and street maintenance services including snowplowing, salting and sanding. The costs of such services shall not be transferable by the Developer. Prior to the release of the subdivision plat the Developer shall provide to the City a performance guarantee covering the costs of these services, which guarantee shall be released upon the acceptance of the street by the City. The posting of such guarantee shall not relieve the Developer of her obligation to provide the services. In addition, this note shall be placed within the deeds of each lot sold in the subdivision and shall not merely be referenced."

The approval is based on the submitted plans and the findings related to subdivision review standards as contained in Planning Board #36-04, which is attached.

Please note the following provisions and requirements for all subdivision approvals:

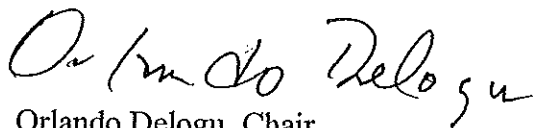
1. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with the final plans.

2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.

3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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.
6. 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.)
7. 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 Department 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 regarding the Board's actions, please contact Ethan Boxer-Macomber, City Planner at 756-8083 or ebm@portlandmaine.gov.

Sincerely,



Orlando Delogu, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Ethan Boxer-Macomber, Planner

Jay Reynolds, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Inspections Division

Michael Bobinsky, Public Works Director

Traffic Division

~~Eric Labelle, City Engineer~~

Jeff Tarling, City Arborist

Penny Littell, Associate Corporation Counsel

Lt. Gaylen McDougall, Fire Prevention

Assessor's Office

Approval Letter File