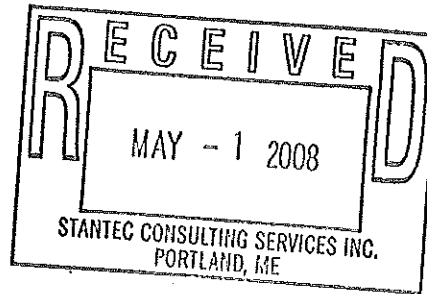


CITY OF PORTLAND, MAINE
PLANNING BOARD

Janice E. Tevanian, Chair
David Silk, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Shalom Odokara
Michael J. Patterson



April 29, 2008

Stantec Consulting Services Inc
FAO Thomas N. Emery, Senior Associate
22 Free Street, Suite 205
Portland, ME. 04101-3900

The Morningstar Real Estate Trust
9 Craigie Street
Portland, ME 04102

RE: **Morningstar Lane Subdivision,
Vicinity of Summit Street, Portland**
CBL: **385 A001001**
Application ID: **2005-0232**

Dear Mr. Emery,

On April 8, 2008 the Portland Planning Board considered the proposal for the Morningstar Lane 10-lot Subdivision and associated new access street off of Summit Street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board voted (5-0, Hall and Odokara absent) to approve the application with the following motions, waivers and conditions as presented below:

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #02-08, as updated by Addendum #1, relevant to standards for subdivision, testimony provided at the public hearing, and other findings, the Board finds as follows:

SIDEWALK WAIVER

1. The Planning Board voted (5-0, Hall and Odokara absent) that two of the following criteria do apply, namely C) and F), and therefore waives the requirement for a sidewalk along part of the east side of Morning Star Lane as depicted on the Subdivision Plat:
 - C) A safe alternative-walking route is reasonably available, for example, by way of a sidewalk on the other side of the street.
 - F) Strict adherence to the sidewalk requirement would result in the loss of significant site features related to landscaping or topography that are deemed to be of a greater public value.

SUBDIVISION REVIEW

2. The Planning Board voted (5-0, Hall and Odokara absent) that the plan is in conformance with the subdivision standards of the land use code with the following Conditions of Approval:
 - i. That a protected buffer zone from the stream be designated as the treesave/vegetation protection line as shown on the Subdivision Plat; and
 - ii. That Note 11 on the submitted Subdivision Plat be revised to add the words "compliance with the Zoning requirements" before the words "finished floor elevations"; and
 - iii. The applicant shall submit for review and approval by Corporation Counsel, and show on the Subdivision Plat, all final documents containing easements, encumbrances, General Declaration of Covenants, Restrictions and Easements and Bylaws, as represented in the application and on the plans, and provide to the City an executed drainage maintenance agreement (for the drainage easement area between Lots #7 and 8 and across Lot #7); and
 - iv. The applicant shall include in the individual lot deeds (for review and approval by Corporation Counsel prior to any Site Plan approvals for individual lots) a detailed description of the location of all wetlands, stream buffers, swale protection, treesaves and treesave/vegetation protection areas and the prohibitions against disturbing the same; and
 - v. That the applicant shall make a \$5000 contribution to the City, prior to the recording of the Subdivision Plat, to be earmarked for the implementation of traffic calming improvements including but not limited to counts, studies, monitoring or physical calming measures as may be determined by the traffic engineer to be necessary or appropriate on Summit Street between Lambert Street and Washington Avenue, such contribution to be placed in a separate account for the purpose of financing said work and with such portions of this amount that are not actually expended for said work within 10 years of the date of approval of this subdivision being returned to the applicant; and
 - vi. That the applicant shall note that retention of the existing barn structure near Summit Street (as shown on the Existing Conditions Survey) as a habitable house to remain on this site is not approved by virtue of this subdivision approval. Its retention/rehabilitation would be subject to the applicant obtaining all necessary approvals and permits, including but not limited to change of use and single-family site plan approval and relevant building permits; and
 - vii. That the applicant shall include a Note on the Landscape Plan (Sheet 5) stating that "Additional replacement shrub planting will be implemented along the edges of the sewer and detention basin easements to the satisfaction of the City Arborist".

The approval is based on the submitted plans and the findings related to subdivision review standards as contained in Planning Report #02-08 and Addendum #1 to that Report, which are attached.

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

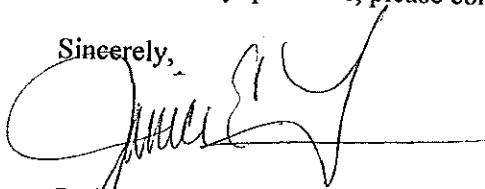
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division. Single family site plan review is also required for any new/renovated buildings on this site.

2. A performance guarantee covering the site improvements as depicted in the Subdivision Plat, 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 Works 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.
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. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
5. The subdivision approval is valid for three (3) years.
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 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.
8. 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 Jean Fraser at 874-8728.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Planning Board Report #02-08 and Addendum #1 to that Report
2. Performance Guarantee Packet

Electronic Distribution:

Lee D. Urban, Planning & Development Dept. Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Works Director
Kathi Earley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy:

Mr. Ron Dorler, Dorler Communications, 220 Riverside Industrial Parkway, Portland, ME 04103
Project File