
Close out Taco Bell (1363Washington) after the enforcement letter

1 message

Jean Fraser <jf@portlandmaine.gov>

Thu, Dec 12, 2019 at 4:26 PM

To: "Thompson, Jennifer" <jlt@portlandmaine.gov>

Cc: Jodie Keene <JKEENE@portlandmaine.gov>, James Dealaman <jdealaman@portlandmaine.gov>, James Rather <jrather@portlandmaine.gov>

Hello Jen

I am working with Jodie to document the close out of the first site plan approval (maybe also the second) as we started to enforce against the fact they had not met the conditions of approval. In response to the City's enforcement letter (with a bunch of emails around the edges with their attorney and buyers attorney) they submitted an amended site plan to address the outstanding conditions.

They have now completed all the required work on the first and second site plan approvals and I believe there may be two defect guarantees, one for each project.

Jodie Keene has asked if we can release the Defect Guarantee for the first site plan (the PG is \$8,677.90.) as they are now past a year and have met all the conditions. I think she and I would like you to confirm/document that the enforcement requirements have been met re that first site plan approval and that this first site plan can now be considered done and closed (or whatever legal terminology is appropriate). My second approval letter does that to an extent in the first paragraph, but that may not be enough.

I told Jodie that I would send you the key reference documents to help remind us all of the chronology/correspondence, and then she would follow up directly with you as to what- if anything- is needed (for us and/or applicant) before she returns the DG:

I attach:

- May 2016 Approval letter for first site plan approval, with conditions re access from Washington Ave
- November 2018 My request to the original applicant to address the conditions re access/safety, as he was asking for the return of PG/DG (I have not attached all the technical notes with his and our engineers that related to the Crash Study, which we considered inadequate)
- November 2018 Enforcement letter (largely drafted by you) sent to original applicant and new owner (to which new owner responded very positively)
- April 2019 Approval letter to the amended Level II site plan that added the new exit at the rear (meeting condition in first SP approval) and now deemed satisfactorily complete.

Jodie and James Dealaman have all of the PG/DG details if you need them, and I can answer re the site plan changes and the technical aspects of the conditions review if needed.

Hopefully this is simple! Its one of the minor successes that we have had!





Many thanks
Jean

PS There is a different contact at Guggenheim to which we need to send any documentation and the Defect Guarantee- I will find it if you don't have it. Anyway, not Kurt.

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(I am working part time so may not get all voice mails; if you would like a telephone conversation please e-mail me and I would be happy to call you at your convenience)

4 attachments

-  **App Ltr 5.13.16 Taco Bell.pdf**
379K
-  **11.5.18 to Kurt O at Gug following up re Crash Study & enforcement Taco Bell.pdf**
208K
-  **11.16.18 NOT.OF NON COMPLIANCE WITH SP - Taco Bell 1363 Wash Ave,.pdf**
3813K
-  **4.12.19 APPROVAL LTR ONLY - TACO BELL AMEND SP.pdf**
3032K