

CITY OF PORTLAND, MAINE
PLANNING BOARD

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407-H-023

October 4, 2011

RECEIVED

James M. Wolf
Diversified Properties, Inc.
Post Office Box 10127
Portland, Maine 04104

OCT 11 2011

Dept. of Building Inspections
City of Portland Maine

Re: Single Family Site Plan Applications for:

- 1) **27 Dakota Street**
Application Number 2011-07-1682-SF
Parcel A in what was formerly known as Burnside Ave subdivision
- 2) **25 Dakota Street**
Application Number 2011-04-766-SF
Parcel B in what was formerly known as Burnside Ave subdivision

Dear Mr. Wolf:

On September 27, 2011, the Portland Planning Board considered proposals for single family home developments on two adjacent parcels: Parcel A (27 Dakota) is for a single family home with frontage and access on Dakota Street via a private driveway shared with others. Parcel B is for a single family home with frontage on Ray Street (far east end) and access from Dakota Street via a private driveway shared with others. They are located on lots within a subdivision that was approved by the Planning Board in June 2006, for which the approval is now expired.

This Planning Board determination replaces the Planning Authority approval dated August 11, 2011, as the earlier determination was appealed to the Planning Board in accordance with the Site Plan Ordinance Section 14-529 (a). The Planning Board reviewed revised proposals as submitted September, 27, 2011 for conformance with the standards of the Site Plan Ordinance and voted 4-0 (Hall, Morrissette, and O'Brien absent) to approve the application with the following motions and conditions as presented below.

SITE PLAN REVIEW

On the basis of the Level I: Site Plan application, plans, reports and other information submitted by the applicant, appellants, and findings and recommendations contained in Planning Board Report # 19-11 relevant to the Site Plan and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

The Planning Board voted 4-0 (Hall, Morrissette, and O'Brien absent) that the plans (revised site plan as in Attachments 4 and 5 of PB Memo- as submitted on 9.27.2011) is in conformance with the site plan standards of the Land Use Code, subject to the following six (6) conditions of approval:

- i. That the applicant shall submit the final sale deed for each home to include all easements, including for the catch basin drain pipe crossing parcel B (based on Sample Deed of Parcel A received 7.26.2011) for review and approval prior to the issuance of a certificate of occupancy, and submit a copy of the recorded deed within 7 days of its recording; and

2.

- ii. That the applicant shall submit the revised site plans for parcels A and B, and the final house elevations for both parcels showing the final gutter locations and downspouts, for review and approval prior to the start of construction; and
- iii. That the house, drive, site grading including drainage easements, underdrains, drip edge and gutters (for both parcels) shall be built and maintained as depicted on the approved site plan and elevations as filed with the City of Portland. These improvements shall not be altered without the approval of the Portland Planning Authority; and
- iv. That any additional structures on these parcels, including but not limited to garages, sheds, and patios, shall be designed to direct all storm water runoff from any structure towards the former Michigan Avenue and shall not interfere with the approved drainage system as shown on the approved plans; and
- v. That the applicant/developer shall plant, prior to the issuance of a certificate of occupancy, a total of seven White Pine trees (five (5) on parcel A; two (2) on Parcel B) of 5-6' height, to be planted along the boundaries with the existing two homes on Dakota Street to the right and left of the proposed development, locations to be shown on a revised site plan to be reviewed and approved by the City Arborist and Planning Authority prior to planting; and
- vi. That the applicant/developer shall plant, prior to the issuance of a certificate of occupancy, a total of five trees of White Pine or native species (such as River Birch, Red Maple or Red Oak, 2" caliper size), three (3) trees to be planted within the tree save area and two (2) trees to be planted elsewhere on these lots, all at locations to be shown on revised site plan to be reviewed and approved by the City Arborist and Planning Authority prior to planting.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in Planning Report #19-11 and the associated PB Memorandum of September 27, 2011, which are attached. The standard conditions of approval are listed below.

Standard Provisions and Conditions for All Site Plan Approvals:

1. The site shall be developed and maintained as depicted in the site plan and 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 the Site Plan Ordinance of Portland's Land Use Code. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided in the City Ordinance. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division through the Building Permit application process.
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. 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.

3.

5. 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.)

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 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. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728 or at jf@portlandmaine.gov

Sincerely,



Joe Lewis, Chair
Portland Planning Board

Attachments:

1. Stormwater narrative stamped by Alton M Palmer III, PE on 6.23.2011
2. Planning Board Report #19-11
3. Planning Board Memorandum of September 27, 2011

Electronic Distribution:

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Jeff Tarling, City Arborist, Public Services
Approval Letter File

Hard Copy: Project File