



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Planning & Urban Development Department

Gregory A. Mitchell, Acting Director

Planning Division

Alexander Jaegerman, Director

July 24, 2012

Shawn Moody
Real Estate Holdings, LLC
200 Narragansett Street
Gorham, ME 04038

Shawn Frank
Sebago Technics
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Project Name: Moody's Collision Center
Address: 475 Presumpscot Street, Portland, ME
Project ID: 2012-513
CBL: 415-B-8, 418A-C-1, 419A-A-7, 419-A-1, 419-A-5
Applicant: Shawn Moody, Real Estate Holdings, LLC
Planner: Nell Donaldson

Dear Mr. Moody:

On July 24, 2012, the Planning Authority approved with conditions a Level I: Site Alteration site plan for the addition of 19 parking spaces at your property at 475 Presumpscot Street. The decision is based upon the application as submitted by Moody's Collision Center and prepared by Sebago Technics, Inc. (dated June 11, 2012). The proposal was reviewed for conformance with the standards of the City of Portland's site plan ordinance (Section 14-526). The Level I: Site Alteration plan is approved with the following conditions:

A. WAIVER

The applicant requested a waiver from the site plan standard requiring sidewalks on all frontages (Attachment 1), which addressed two of the six sidewalk waiver criteria of Section 14-506. In addition, the applicant provided cost estimates showing that the marginal cost of adding the sidewalk for approximately 580 feet would equal 60% of the cost of the proposed parking lot improvements for 19 parking spaces, and thus significantly increase the total project cost.

The Planning Authority found the application meets the following waiver criteria and thus waives the site plan standard requiring sidewalks on all frontages (Section 14.526(a)2.c) on the following grounds:

- 1) *There is no reasonable expectation of pedestrian usage coming from, going to, and traversing the site.* Currently, the site is occupied by an auto-oriented use, a car repair facility, to which the vast majority of customers will presumably drive. The nearest

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.

4. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. **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.
6. **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.)
7. **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.

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

Sincerely,



Alexander Jaegerman
Planning Division Director

CC: Jeff Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lammie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Matt Doughty, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Erriso, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran



July 13, 2012
07548

Helen Donaldson, Planner
City of Portland
389 Congress Street
Portland, ME 04101-3504

Addendum to Level 1 Site Alteration Application
Moody's Collision Center, 475 Presumpscot Street

Dear Nell:

Please consider this letter as an addendum to the Level 1 Site Plan Application previously submitted to expand the parking lot at the Moody's Collision Center at 475 Presumpscot Street by adding 19 new spaces. As the Overall Site Plan depicts Real Estate Holdings, LLC, which owns the Moody's site, has obtained additional properties abutting the site along Presumpscot Street to the north and south of the property. Based upon the applicant obtaining this additional property, Section 14-526(a)2.c of the Ordinance was referenced which states that all proposed developments shall provide sidewalk along all frontages. As we discussed, the cost to install sidewalk along the entire frontage is significantly more than the cost to install the 19 parking spaces.

Section 14-526(a)2.c further states that an applicant may request a waiver from sidewalk installation requirements if they meet applicable waiver criteria listed in Section 14-506(b) of the City Code. The applicant is requesting a waiver of sidewalk installation on the recently acquired properties in accordance with Section 14-506(b).1 as the project site consists of an automobile repair facility located within a commercial section of the City with very few residential uses such that there exists no reasonable expectation for pedestrian usage coming from, going to or traversing the site. Additionally, in accordance with Section 14-506(b)6, please note that just behind the existing curb on Presumpscot Street are utility poles such that the sidewalk would have to be installed behind the poles. This section of Presumpscot Street contains a mature stand of trees that would have to be impacted for both the sidewalk installation and associated grading.

We are hopeful that we have provided sufficient information such that the Planning Authority may grant the waiver for such an expanse of sidewalk installation for a proposed parking area of only 19 spaces. We believe that the applicant meets the referenced waiver criteria and are hopeful that the site application can be approved.

Upon your review of this request, please call with any questions or comments. Thank you for your assistance.

Sincerely,

SEBAGO TECHNICS, INC.

A handwritten signature in black ink, appearing to read "Shawn M. Frank", written over the printed name.

Shawn M. Frank, P.E.
Senior Project Manager

cc: Shawn Moody, Moody's Collision Center

City of Portland Planning Dept.

July 17, 2012

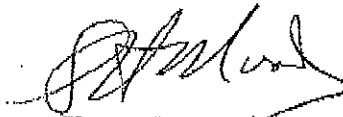
Dear Nell,

On behalf of Real Estate Holdings we're requesting a waiver regarding the installation of a sidewalk on the "Tetra Tech" property frontage located at 451 Presumpscot Street. There are several factors motivating this request. The scope of work we're currently proposing consists of constructing 17 9' x 18' parking spaces at our existing collision repair center that is now contiguous with Tetra Tech. The cost of the project is estimated to be \$24,600. We estimate the cost of installing 580' of sidewalk to be \$14,760 which is 60% of our proposed project.

The other important consideration is the lack of pedestrian type traffic at that end of Presumpscot street. Moody's has been in operation since 2008 and we just don't see folks walking to or from our area of the City.

Real Estate Holdings purchased the abutting property for the primary purpose of expanding our parking at Moody's.

Given these important factors we hope you will grant a waiver regarding the installation of a sidewalk on the property we recently acquired.



Shawn H. Moody

24,600 p lot
14,760 sidewalk

39,360 = 38%