



PORTLAND MAINE

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Planning & Urban Development Department

Jeff Levine, AICP, Director

Planning Division

Alexander Jaegerman, FAICP, Director

December 21st, 2012

William H Savage, PE, Project Manager
Acorn Engineering, Inc
PO Box 3372
Portland, ME 04104

Dan Remick
Eldredge Lumber & Hardware, Inc.
627 US Route One
York, Maine 03909

Project Name: **Eldredge Lumber & Hardware, Inc. paving and associated improvements**
Project ID: #2012-605
Address: 165 Presumpscot Street, Portland CBL: Portions 425, 426 and 427
Applicant: Eldredge Lumber & Hardware, Inc.
Planner: Jean Fraser

Dear Sirs:

On December 21st, 2012, the Planning Authority approved with conditions a Level II site plan for paving and associated improvements at 165 Presumpscot Street. The decision is based upon the application, documents, Plans C-01;C-10;C-20; C-30; C-32; C-33 all dated 10.29.2012, C-31 dated 11.30.2012, and Snow Storage Plan dated 9.12.12. as submitted by Eldredge Lumber & Hardware, Inc. and prepared by Acorn Engineering, Inc. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

WAIVERS

- 1. BICYCLE PARKING**
The Planning Authority, in accordance with Ordinance Section 14-526 (a) (4b) 1&2, has reduced the required number of bicycle parking spaces to 2, based on evidence submitted by the applicant that the proposed development is expected to generate reduced demand for bicycle parking.
- 2. SIDEWALKS AND CURBING**
The Planning Authority determined that the proposal was not subject to the Ordinance requiring sidewalks and curbing, as the property frontage is an access drive.

SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. That this approval letter has been issued based on the attached letter from the MDOT (Legal Services) dated 12.17.2012 that confirms the MDOT has agreed to convey the fee interest in Parcel #3 to the applicant. The applicant shall submit a copy of the recorded sale deed to the Planning Division prior to the release of the Performance Guarantee relating to the work on Parcel #3; and
2. That the applicant shall comply with the MDEP Bureau of Remediation and Waste Management letter of 9.18.2012 regarding VRAP and site use conditions; and
3. That the developer/contractor/subcontractor shall comply with conditions of the submitted Erosion & Sedimentation Control Report prepared by Acorn Engineering Inc dated September 2012 to ensure that both temporary and permanent erosion control measures are implemented and inspected; and
4. That in the event that the Casco Trap by Etheridge is not available, an acceptable substitution is "The Snout" available through EJ Prescott; and
5. That existing and proposed dumpsters or other waste storage containers shall be screened from view from public sidewalks, streets and adjacent properties; and
6. That if in the future any exterior lighting (including building mounted) is proposed for installation on this site, the applicant shall submit plans and details of such items for review and approval prior to their installation; and
7. That separate permits from the Inspections Division shall be required for any new or revised signage; and
8. The applicant is encouraged to upgrade Lot #2 (access drive to the site) in conjunction with other users and potential users so that it can continue to provide joint vehicle and pedestrian access from Presumpscot Street.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

It should be noted that the total site area is 6.42-7.86 acres and meets the definition of a "structure" under the Maine State Site Location Law and therefore potentially requires a Site Location of Development Permit. However, the development reuses buildings and associated facilities that were in existence on January 1, 1970 and is therefore exempt from review under this law (*Title 38: Chapter 3 Subchapter 1 Environmental Protection Board Article 6 Section 488 Applicability*). The applicant has confirmed (using the City of Portland Assessor's database) that the site was a rail yard in the early 1900s and most of the existing buildings were constructed in 1969 as a lumber yard.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building/construction plans, which must be reviewed and approved by the City of Portland's Inspection Division. In this case a "Site Work Only" Building Permit would be required.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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 Services Department 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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.
7. **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.)
8. **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. 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 (207) 874- 8728.

Sincerely,


 Barbara Barhydt
 Acting Planning Division Director

- Attachment: 1. Copy of MDOT (Legal Services) letter dated 12.17.2012
 2. Performance Guarantee Packet

CCs: next page

CC: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schinuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie 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
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Farling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
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PAUL C. LePage
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David Bernhardt
COMMISSIONER

LEGAL SERVICES Tel: (207) 624-3020 Fax: (207) 624-3021
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December 17, 2012

Chris S. Neagle, Esq.
Trough Heisler, P.A.
511 Congress St. Ste 700
P.O. Box 9711
Portland, ME 04101-5011

Re: Eldredge BAS, LLC Property, Presumpscot Street, Portland

Dear Attorney Neagle:

The State of Maine is the current owner of a parcel of land near Presumpscot Street in Portland that lies between the State's railroad right of way and land owned by your client, Eldredge BAS, LLC, identified as Tax Map 425, Block A, Lot 15, Tax Map 426, Block A, Lot 7, and Tax Map 427, Block H, Lot 4 in the assessment records of the City of Portland. Your client has asked to acquire and the State of Maine has agreed to convey the fee interest in this one-acre parcel for a purchase price acceptable to both parties. The conveyance will be by Governor's deed which is in the process of being finalized.

This letter shall serve as permission for your client to proceed with the work proposed on the site plans identified as "Permit Drawings" for Eldridge Lumber & Hardware, Inc. for property at 165 Presumpscot Street, Portland dated August 8, 2012 and prepared by Acorn Engineering, Inc. as such plans may affect the property currently owned by the State of Maine.

Sincerely yours,

Toni T. Kemmerle
Chief Counsel
MaineDOT

TLK/jas

cc: File



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THE MAINE DEPARTMENT OF TRANSPORTATION IS AN AFFIRMATIVE ACTION - EQUAL OPPORTUNITY EMPLOYER
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