

CITY OF PORTLAND, MAINE

PLANNING BOARD

Carol Morrissette, Chair
Stuart O'Brien, Vice Chair
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April 25, 2013

Steven and Roberta Cope
172 Concord Street
Portland, ME 04103

Patrick Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Project Name: Three-Lot Subdivision Project ID: 2013-058
Address: Vicinity of 120 Veranda Street
CBL: 431 M006 001
Applicant: Steve and Roberta Cope
Planner: Shukria Wiar

Dear Mr. and Mrs. Cope:

On April 23, 2013, the Portland Planning Board considered the three-lot subdivision at 120 Veranda Street. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance. The Planning Board approved the application with the following waivers and conditions as presented below.

WAIVERS

1. The Planning Board voted 5-2 (O'Brien and Boepple opposed) to waive the requirement of Section 14-498 (8) of the Subdivision Ordinance that requires sidewalks along all street frontages, to allow no sidewalk on Hodgins Street.
2. The Planning Board voted 7-0 to waive the requirement of Section 14-498 (8) of the Subdivision Ordinance that requires curbing along all street frontages, to allow no curbing on Hodgins Street.
3. The Planning Board voted 7-0 to waive the requirement of Section III (2) (e) of the Technical Standards for driveway spacing, to allow a new driveway on Veranda Street to access the new Lot A.
4. The Planning Board voted 7-0 to waive the requirement of Section 5 (III) (4) (E) Flooding Standard due to the small increase in flow into the Veranda Street storm drain system.
5. The Planning Board voted 7-0 to waive the requirement of Section 32-38 (c) and (d) to allow a five year reporting rather than annual reporting.

SUBDIVISION REVIEW

The Planning Board voted 7-0 that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

- i. The applicant must comply with the conditions of Chapter 32 Stormwater including Article III, except Post-Construction Stormwater Management, which specifies the annual inspections and reporting requirements to every five years for inspections and reporting. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on our standards and state guidelines. A maintenance agreement for the rain gardens acceptable to Corporation Counsel must be submitted and signed prior to the issuance of a certificate of occupancy;
- ii. The applicant shall submit the proposed easements for the shared driveway for Lots B1 and B2 for review and approval by Corporation Counsel prior to the issuance of a Certificate of Occupancy;
- iii. A final site plan must be submitted for review that incorporates the review comments of David Margolis-Pineo, Deputy Engineer, dated 04.17.2013.

The approval is based on the submitted plans and the findings related to Portland's subdivision review standards as contained in Planning Report for application #2013-058 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Mylar Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Recording of Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. **Subdivision Expiration** The subdivision approval is valid for three (3) years.
4. **Modifications to an Approved Subdivision:** The subdivision shall be constructed in accordance with the approved plans. Modification of an approved subdivision plan requires the prior review and approval of an amended subdivision plan by the Planning Board or Planning Authority.
5. **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 subdivision plat for recording at the Cumberland County of Deeds, and 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.
6. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

7. **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.
8. **Separate Building Permits Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
9. **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.)
10. **As-Built Final Plans** 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.
11. **Mylar As-Built Final Plans** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Department prior to the issuance of a certificate of occupancy.

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 874-8632. Subdivision 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 Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,

Carol Morrissette, Chair
Portland Planning Board

Attachments:

1. David Margolis-Pineo, Deputy Engineer, dated 04.17.2013
2. Planning Board Report
3. City Code: Chapter 32
4. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division

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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 Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Captain Chris Pirone, Fire Department
Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

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