



PORTLAND MAINE

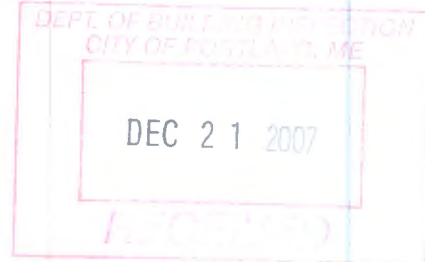
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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

December 21, 2007

Mr. Tom Manning
Tomaks, LLC
116 Armour Road
Mahwah, New Jersey 07430



RE: Miss Portland Diner revised plan, 138 Marginal Way, CBI: 442-A-6; #2007-0052

Dear Mr. Manning:

On December 19, 2007 the Portland Planning Authority reviewed and approved certain revisions to the approved site plan review for the proposed Miss Portland Diner and building addition in the vicinity of 138 Marginal Way subject to the following conditions of approval.

1. That the site plan shall be revised for review and approval addressing the comments of Dan Goyette dated May 11, 2007. Since a land survey is already on file in the Planning Office that comment is already addressed. Mr. Goyette's memo is attached.
2. The Applicant shall contribute \$7,000 towards implementation of the Marginal Way Master Plan and \$1,500 towards planned improvements at the Franklin Street and Marginal Way intersection. Applicant shall also be responsible for installing a crosswalk across Marginal Way on the east side of Chestnut Street (including a tipdown curb). The cost of this improvement and other improvements within the Marginal Way right-of-way may be credited to the applicant's contribution towards the Marginal Way Master Plan. Applicant shall incorporate an appropriate transition between the proposed curb line adjacent to the Miss Portland Diner site and the existing curb line towards the east as reviewed and approved by the City Traffic Engineer. The City Traffic Engineer will be reviewing the street improvement plan for the Bayside Village project and may require some adjustments in the curb line along the Miss Portland Diner site if necessary.
3. A more appropriate material for the dumpster screen including a manufacturer's catalog cut shall be submitted for Planning Staff review and approval.
4. The color of the Holophane Esplanade series street lighting pole, bracket and fixture shall be silver metallic aluminum (F264H). For your information the light fixture is supplied by Central Maine Power. The applicant is responsible for purchasing and installing the light base, light pole and bracket including the wiring and the decorative base. Applicant is also responsible for installing the light fixture in coordination with Central Maine Power.

5. Any proposed exterior repairs or alterations to the dining car itself will be subject to review and approval by the Historic Preservation staff.
6. Applicant shall provide further information to Fire Department on details for fire access and available water supply for fire fighting use.
7. The three (3) Dawn Redwoods and two (2) White Birch trees shall be preserved along the northerly edge of driveway. Applicant shall consult with the City Arborist (Jeff Tarling (tel no. 874-8793) prior to construction to determine if any of the existing trees along Marginal Way can be transplanted. Also additional upright landscaping shall be planted in front of the dumpster screening and the easterly wing of the building addition as it faces Marginal Way as reviewed and approved by the City Arborist.
8. Catalog cuts of the proposed light fixtures shall be submitted for review and approval. Fixtures shall have a full cut-off feature. Plan shall be revised and submitted for review and approval.
9. The width of the driveway behind the diner shall be 24 feet not 23 feet as shown on the plan.

The approval is based on the submitted site plan and related submissions.

Please note the following provisions and requirements for all site plan approvals:

1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work'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.
6. 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. Please

make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Richard Knowland at 874-8725.

Sincerely,



Alex Jaegerman
Planning Division Director

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, Transportation Manager
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File
David Lloyd, Archtype, 48 Union Wharf, Portland, Maine 04101
Nathan Smith, Bernstein Shur, 100 Middle Street, Portland, Maine 04101

MEMORANDUM

TO: Rick Knowland
FROM: Dan Goyette, PE – Development Review Engineer, Woodard & Curran
DATE: May 11, 2007
RE: Miss Portland Diner Minor Site Plan Review

Woodard & Curran has reviewed the Minor Site Plan submission for the proposed development of a 6,010 sf parcel of land adjacent to Interstate 295 on Marginal Way in Portland, ME. The site will be redeveloped to house the historic Miss Portland Diner, along with an expansion to the existing diner structure which is being stored by the City of Portland. No additional parking is proposed as part of the project.

Documents Reviewed

- Engineering Plan Sheets, C-100, C-200, C-201, C-202, C-203, C-204, A-200, A-400, and A-401, dated April 24, 2007, by David D. Leasure Architectural Associates, Inc. received on May 9, 2007.

Comments

- The engineering plan sheets have not been signed or stamped by a professional engineer.
- The erosion control plan is not adequate. Silt fence locations are not consistent between plans and no erosion control details have been provided.
- There are no details that show how lines and utilities are to be abandoned.
- The details for concrete sidewalk indicate both a 5" thick and 4" thick sidewalk.
- Details for granite curb tip downs have not been included.
- The catch basin cover shown in the catch basin inlet detail does not meet City standards. The applicant should refer to the City of Portland Technical and Design Standards and Guidelines Manual.
- It is not clear that the applicant has permission or rights to regrade the area within the Maine Dot Right-of-Way.
- The grading plan is lacking the detail necessary to insure that the drainage plan will function properly. This is especially true along Marginal Way. Additional spot grades and flow direction arrows will be required to insure that the road runoff will flow to the new catch basin and will not puddle on Marginal Way.
- At the rear of the building, the new light pole bases are shown to be installed directly over the new water service line.
- The applicant shows a 90 degree bend made of RCP pipe leaving the grease trap. This type of bend is not recommended and an alternate orientation of the tank is required.
- The new catch basin on Marginal Way is located directly behind an existing manhole. It is not clear if there is adequate room between the curb line and the manhole to install the new basin. The applicant may wish to show the basin offset from the manhole to insure that it can be installed properly and that the grading plan will work.

Please contact our office if you have any questions.

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