

Department of Planning & Development
Lee D. Urban, Director



CITY OF PORTLAND

Inspection

Division Directors
Mark B. Adelson
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP
Planning

August 18, 2004

John N. Lufkin
Economic Development

B & L Partners, LLC
70 Bishop Street
Portland, ME 04103

RE: Rainmaker Business Park
ID #2004-0082, CBL #312 B004

To Whom It May Concern:

On August 18, 2004 the Portland Planning Authority approved the proposed Rainmaker Business Park as presented in plans prepared by Sevee & Maher Engineers, Inc., last revision dated August 13, 2004 and date stamped by the City of Portland on August 18, 2004. This approval is based on the findings and subject to the provisions, requirements and conditions contained in this letter.

Findings

1. The project, as presented in the above referenced plans, is in conformance with the use, performance and dimensional standards of the I-M zone.
2. The project, as presented in above referenced plans, is in conformance with the Site Plan Ordinance.
3. While the existing sewer line in Riverside Street to which the applicant proposes to tie in is currently "dry" and non-operational, the applicant understands the Portland Water District has plans to bring this system online in the fall of 2004.

Conditions

1. The applicant shall present Planning Division staff with a letter from the City of Portland Department of Public Works confirming the existence of adequate sewer capacity in the Riverside Street right-of-way to support the project as presented in the above referenced plans.

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389 Congress Street • Portland, Maine 04101 • (207) 874-8721 • FAX 756-8258 • TTY 874-8936

Provisions and Requirements

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 CADD/DXF files 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 Department 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.

Appeal

Where the Planning Authority has finally disapproved a site plan, any person aggrieved may appeal the decision to the Planning Board within ten (10) days of the decision being rendered. Upon the taking of such appeal, the application shall be reviewed as if referred by the Planning Authority, except that the Planning Board may not decline to accept the reference.

If you have any questions regarding this approval, please contact me at 756-8083 or ebm@portlandmaine.gov.

Sincerely,



Ethan Boxer-Macomber, Planner

Cc: Alexander Jaegerman, Planning Division Director
Jay Reynolds, Development Review Coordinator
Marge Schmuckel, Zoning Administrator
Inspections Division
Eric Labelle, City Engineer
Correspondence File



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Planning and Development Department
Lee D. Urban, Director

Planning Division
Alexander Jaegerman, Director

November 22, 2004

Mr. William Boyle
B & L Partners, LLC
70 Bishop Street
Portland, ME 04103

RE: Rainmaker Business Park
ID #2004-0082, CBL #312 B004

Dear Mr. Boyle:

After a recent site visit, it has come to our attention that the development of the site is not in compliance with the approved site plan.

This letter is a Stop Work Order pursuant to Section 14-528 of the Land Use Ordinance. All construction activity must cease at this time.

The following issues must be resolved prior to lifting the stop work order:

1. Review and approval of your after-the-fact amended site plan, which shows changes that have already been instituted on the site.
2. Restoration and remediation of the wetland that was disturbed during construction. Remediation parameters shall be dictated by the Maine Department of Environmental Protection.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, pursuant to 30-A M.R.S.A., sec. 4452(3), seeking injunctive relief, the imposition of civil penalties and recovery of the City's attorney's fees.

Sincerely,

Alexander Jaegerman
Planning Division Director

