

CITY OF PORTSMOUTH

Community Development Department
(603) 610-7281

Planning Department
(603) 610-7216

PLANNING DEPARTMENT

September 25, 2018

Kim Rogers
Foundry Place, LLC
P. O. Box 100
York Harbor, ME 03922

RE: Application for Site Plan Review for Property Located off Deer Street (“Lot 2”)

Dear Mr. Rogers:

The Planning Board, at its regularly scheduled meeting of September 20, 2018, considered your Site Review application for the creation of a community space meeting the requirements of Article 5A of the Zoning Ordinance and a Conditional Use Permit approval for banking of community space under Section 10.5A46.23 of the Ordinance with related landscaping, utilities, easements, and other site improvements. As a result of said consideration, the Board voted as follows:

- A. Voted to determine that the application is complete according to the Site Plan Review Regulations and to accept the applications for consideration.
- B. Voted to **grant** Site Plan approval with the following stipulations:
 - 1) The future community space shall be transferred to the City on or before the issuance of a certificate of occupancy for Lots 3 or 6 (whichever occurs later) but in any event no later than September 9, 2022.
 - 2) The applicant shall provide a financial contribution \$145,000 to the City, payable on or before the time the City commences construction of the improvements shown on the Plans (as may be amended), \$10,000 of which shall be placed in escrow by the City and used to pay for art work to be displayed on Lot 2, as mutually agreed to by the City and the Applicant.

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- 3) Prior to the issuance of a building permit for either Lot 3 or Lot 6, the applicant shall provide a surety bond or letter of credit to insure payment from the Applicant as stipulated in item 2 above. The Planning Board shall approve release of the payment bond or letter of credit without payment from the Applicant if construction of the improvements on Lot 2 is not developed substantially in accordance with the Plans (as may be amended) by the City within three (3) years of the transfer of Lot 2 to the City.
 - 4) The Applicant shall provide to the City all of the preliminary engineering design plans and survey data that have been produced for property by the applicant to date.
 - 5) The easements from the City to the applicant shall be reviewed and approved by the Planning and Legal Department and approved by City Council. These easement deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
 - 6) Amended plans shall be presented to the Planning Board by City staff for final approval prior to commencement of construction.
- C. Voted to grant Conditional Use Permit Approval to allow the excess community space as marked on the submitted Plans as "Community Space to Benefit Lot 4 (Tax Map 125, Lot 17-2) and/or Lot 5 (Tax Map 125, Lot 17-2)" to be credited to the developer or its assigns to be used for development approvals for Lots 4 and/or 5 according to the requirements of Section 10.5A46.23 with the following stipulations:
- 1) The terms of the conditional use permit for the banking of the community space per Section 10.5A46.23 shall be documented in a Prospective Development Incentive Agreement (PDIA) to be entered into between the applicant and the Planning Department.

Three complete sets of revised Site Plans must be provided to the Planning Department, along with a pdf version.

The Site Plan Review process is not complete until a Site Review Agreement has been fully executed and a Site Review bond (i.e. Irrevocable Letter of Credit, Surety Bond or cash) has been approved by the City.

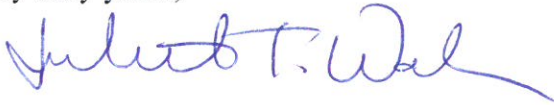
As a reminder, digital as-built plans are required in a CAD or ESRI file format prior to the release of your Site Review Bond. Please refer to the Site Plan Review Regulations for special requirements.

The City's Land Use Compliance Agent, Vincent Hayes, will be inspecting the work during construction.

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The minutes and audio recording of this meeting are available through the Planning Department.

Very truly yours,



Juliet T.H. Walker, Planning Director
for Dexter Legg, Chairman of the Planning Board
JTHW:jms
cc: Robert Marsilia, Building Inspector
Rosann Maurice-Lentz, City Assessor