

SOUTH PORTLAND NEIGHBORHOOD ASSOCIATION

Date: 18 August, 2010

To: Kara Fioravanti, BDS, COP

From: Jim Davis, South Portland N.A. Land Use Chairman

Re LU 10-145100 4310 SW Macadam Ave.

DELIVERED BY HAND ON THIS DATE

In the matter of the above captioned development proposal staff has misapplied and/or misconstrued city code which obscured and camouflaged the true nature of the proposal. This lack of transparency further resulted in inadequate public notice as detailed in documents "Design Advice Request" 11 June, 2010 and "Request For Response" 22 July, 2010.

Staff was informed that the purpose of this development was to make a detention facility, commonly known as a jail. SEE 33.920.520 (A) (B) (C). Previous use of the site was as a bank processing facility. This radical change of use usually triggers the conditional use process. Further, SEE 33.130.030 Table-1 a detention facility in a CX zone requires conditional use. Rather than following code staff made claim that "the use in its entirety is considered Office, a use which is allowed by right in the CXd zone. SEE document BDS Land Use Planner Response pg.3. As such the development is subject only to a type III design review.

Demand is made that the type III design review be terminated at once and the conditional use process is begun as is demanded by the above cited code. If this demand is refused the South Portland N.A., reserves it rights of appeal and while not agreeing with staff claims demands that all requirements listed in the BDS-Land Use Planner Response document be fully implemented, without adjustment, unless agreed to with the South Portland N. A. consent.

The South Portland N.A. reserves the right to revise and extent its remarks.