

1. Legal Ad

Documents:

[PB LEGAL AD 4-17-18.PDF](#)

2. Agenda

Documents:

[PB AGENDA 4-17-18.PDF](#)

3. 184 Commercial Street

Documents:

[COMMERCIAL ST. - 184 \(REPORT\).PDF](#)
[COMMERCIAL ST. - 184 \(REPORT ATTACHMENTS\).PDF](#)
[COMMERCIAL ST. - 184 \(APPLICANTS SUBMITTAL SUBMITTED FOR 6-22-17 WORKSHOP\).PDF](#)
[COMMERCIAL ST. - 184 \(APPLICANTS SUBMITTAL SUBMITTED FOR 4-17-18 WORKSHOP\).PDF](#)
[COMMERCIAL ST. - 184 \(PUBLIC COMMENT\).PDF](#)

4. R-3 And R-5 Zoning Text Amendments (Reed School)

Documents:

[REED SCHOOL \(REPORT AND ATTACHMENTS\).PDF](#)

5. 75 Chestnut Street

Documents:

[CHESTNUT ST. - 75 \(MEMO\).PDF](#)
[CHESTNUT ST. - 75 \(MEMO ATTACHMENTS\).PDF](#)
[CHESTNUT ST. - 75 \(APPLICANTS SUBMITTAL\).PDF](#)
[CHESTNUT ST. - 75 \(PLAN SET A\).PDF](#)
[CHESTNUT ST. - 75 \(PLAN SET B\).PDF](#)

LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD - MEETING AGENDA

The Portland Planning Board will hold a meeting on Tuesday, April 17, 2018, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. Public comments will be taken for each item on the agenda during the estimated allotted time and written comments should be submitted to planningboard@portlandmaine.gov

Workshop – 6:00 p.m. (Note change in time)

- i. Conditional Rezoning; 184 Commercial Street; Fisherman’s Wharf Portland, LLC., Applicant.
(6:00 – 7:30 p.m. estimated time). The Board will hold a workshop for a conditional rezoning request for a mixed-use redevelopment of the parcel, which is within the Non-Marine Use Overlay Zone (NMUOZ) of the Waterfront Central Zone. The applicant is seeking a conditional rezoning to allow for the following: a) hotel use; b) building height increase; and c) setback modification from the high tide line.

Public Hearing – 8:00 p.m. (Note change in time)

- i. R-3 and R-5 Zoning Text Amendments; Developer’s Collaborative, Applicant.
(8:00 – 8:45 p.m. estimated time) The Board will hold a public hearing to consider a zoning text amendment that adds, as a conditional use, the alteration of existing non-residential structures to allow three or more dwelling units with standards that address, but are not limited to density, parking, unit location and design. Removal of the minimum unit size standard, listed under the R-5 conditional use section, is also proposed.
- ii. Amended Level III Site Plan and Subdivision; 75 Chestnut Street; A & M Partners, Inc., Applicant.
(8:45 – 9:30 p.m. estimated time) The Board will hold a public hearing on a proposal by A & M Partners, Inc. to amend the previously approved proposals for the project entitled “Westerlea View Lofts” to construct a 7 story residential building including commercial space. The key amendments relate to the design of the roof, window sizes, and decks, and modify the building footprint. The site is in the B-7 zone.

SEAN DUNDON, CHAIR – PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD



Sean Dundon, Chair
Brandon Mazer, Vice Chair
David Eaton
David Silk
Austin Smith
Maggie Stanley
Lisa Whited

AGENDA PORTLAND PLANNING BOARD MEETING

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PUBLIC HEARING – 8:00 p.m. (NOTE CHANGE IN TIME)

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETINGS HELD ON APRIL 10, 2018:**

Workshop: Dundon, Eaton, Silk, Smith, Stanley, and Whited. Mazer absent.

Public Hearing: Dundon, Eaton, Silk, Smith, Stanley, and Whited. Mazer absent.

4. **REPORT OF DECISIONS AT THE MEETINGS HELD ON APRIL 10, 2018:**

- i. Level III Site Plan; 30 Fox Street; Simon Norwalk, Representing Dyer Neck Development, LLC., Applicant. Stanley moved and Eaton seconded a motion to waive the requirement for underground electrical service subject to 4 conditions. Vote: 3-3, (Dundon, Silk, and Stanley opposed, Mazer absent). Silk moved to reconsider the motion and Eaton seconded the motion. Vote: 6-0, Mazer absent. Stanley moved and Eaton seconded a motion to waive the requirement for underground electrical service subject to 4 conditions. Vote: 6-0, Mazer absent. Stanley moved and Eaton seconded a motion to waive the requirement for drive aisle width from 24 feet to 13 feet subject to 4 conditions. Vote: 6-0, Mazer absent. Stanley moved and Eaton seconded a motion to waive the requirement for brick sidewalks to allow concrete. Vote: 6-0, Mazer absent. Stanley moved and Eaton seconded a motion to approve the subdivision plan subject to 2

conditions of approval. Vote: 6-o, Mazer absent. Stanley moved and Eaton seconded a motion to approve the site plan subject to 9 conditions of approval. Vote: 6-o, Mazer absent.

5. NEW BUSINESS

- i. R-3 and R-5 Zoning Text Amendments; Developer's Collaborative, Applicant.

(8:00 – 8:45 p.m. estimated time) The Board will hold a public hearing to consider a zoning text amendment that adds, as a conditional use, the alteration of existing non-residential structures to allow three or more dwelling units with standards that address, but are not limited to density, parking, unit location and design. Removal of the minimum unit size standard, listed under the R-5 conditional use section, is also proposed.

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Memorandum
Planning and Urban Development Department
Planning Division

To: Chair Dundon and Members of the Portland Planning Board
From: Christine Grimando, Senior Planner
Date: April 13, 2018
Project #: PEZ.2017-062
CBLs: 031 J031, 031 J030
Re: Fisherman's Wharf: Application for a Conditional Rezoning Application at 184 Commercial Street
Meeting Date: April 17, 2018

I. INTRODUCTION

Fisherman's Wharf Portland, LLC. c/o David Bateman, has submitted an application for a Conditional Rezoning of a 1.9 acre property at 184 Commercial Street. The property fronts Commercial Street, bounded between Long Wharf and Widgery Wharf and Chandler's Wharf. 184 Commercial Street is in the Waterfront Central Zone (WCZ), and the Non-Marine Use Overlay zone (NMUOZ). The property is also partially in the Shoreland Zone, partially in a flood zone, and in the Downtown Entertainment Overlay Zone.

The applicant is proposing a phased mixed-use development, including office, retail, structured parking, restaurant, a dispatch center for water taxis and related marine uses, and a hotel. Before submitting an application for a Level III site plan, the project requires a conditional rezoning for the hotel use. The hotel use is requested as the primary component of the conditional use application, but the application includes a second alternative that includes requests for a height increase and setback reduction as additional components of the application for the hotel use. The Waterfront Central Zone includes review standards for considering conditional zoning applications in the WCZ.

If granted a conditional rezoning, the project would then need to submit an application for a Level III Site Plan review. The Waterfront Central Zone, in establishing a process and criteria for conditional or contract rezones, anticipates applications for uses and dimensional standards not currently allowed. Any redevelopment of this site will be subject to many aspects of review, as a Level III site plan, that are not touched on in the conditional rezoning application, which adheres to 14-311.c, *Contract or conditional rezoning standards*. These include full traffic analysis and traffic demand management, flood plain review, shoreland review, emergency response, stormwater management, design, an abundance of marine compatibility performance standards, and others. For a proposed mixed-use development at 184 Commercial Street to advance to a full review, the applicant first requires a decision by the Planning Board, and ultimately the City Council, on the conditional rezoning application.

The conditional rezoning would also require an approval from the Maine Department of Environmental Protection, as the request for the change is in the Shoreland zone.

Previous meeting dates for this application include a June 22, 2017 Planning Board workshop and a July 14, 2017 Planning Board site walk.

Applicant: Fisherman's Wharf Portland, LLC. c/o David Bateman

Property Owner: GEF, LLC

Consultants: Engineer: Gorrill Palmer, Architect: Archetype, Surveyor: Owen Haskell, Inc.

Public Notice: Public notice of the workshop appeared in the Portland Press Herald on April 9 and April 10, 2018, was posted on the web site and was sent by mail or e-mail to 322 property owners and interested citizens.

A neighborhood meeting was held on June 6, 2017 and notes and documentation from that meeting is attached (Applicant's Submittal H). Written public comment is included in the packet (Public Comment PC1 through PC19).

II. EXISTING CONDITIONS

Current Uses

The site includes a 261-space surface parking lot offering monthly and hourly paid parking, the Portland Lobster Company restaurant and associated outdoor seating, and marine uses offering harbor tours and related commercial marine activities. A 35-foot access drive used as a primary access for the residences at Chandler's Wharf runs through the site.

Surrounding Uses

Surrounding uses are extremely eclectic. Uses within the WCZ include private commercial marine holdings, the Gulf of Maine Research Institute, marinas, offices, berthing for the US Coast Guard, residential condominiums, retail, and restaurant uses. The facing side of Commercial Street is a mixed-use business zone (B-3) which includes the shops, restaurants, offices, residences, and services of the Old Port. On the south side of Commercial Street, immediately to the project's west between Widgery and Union Wharves, an approximately 40,000 sf phased mixed use project was recently approved at 230 Commercial Street, for office, retail, restaurant and associated parking, also subject to the NMUOZ standards. To the project's east is the entrance to DiMillos restaurant and marina, a bank, and associated surface parking. Surrounding uses on the surrounding wharves include Widgery Wharf, a site of active water-dependent uses, trap and supply storage, berthing, outbuildings, and related support for the lobstering and fishing businesses that operate there. Immediately abutting the property is Chandler's Wharf, which contains residential condominiums.



Figure 1, View from Commercial Street

Zoning Context

The property is wholly in the WCZ, in the WCZ's NMUOZ, partially in the Shoreland Zone, partially in a flood zone (AE zone, 1% Annual Flood), and in the Downtown Entertainment Overlay Zone. The nearest adjacent

zone to this site is the B-3, business zone, which extends from the Old Port to Bayside. The parcel is in the middle of the Waterfront Central Zone, sandwiched between the Eastern Waterfront Port Zone (beginning near Ocean Gateway and extending east to include 58 Fore Street), and the Waterfront Port Development Zone (beginning just west of Deake's Wharf, and extending to the Veteran's Bridge). The Old Port Historic District extends to the north side of Commercial Street.

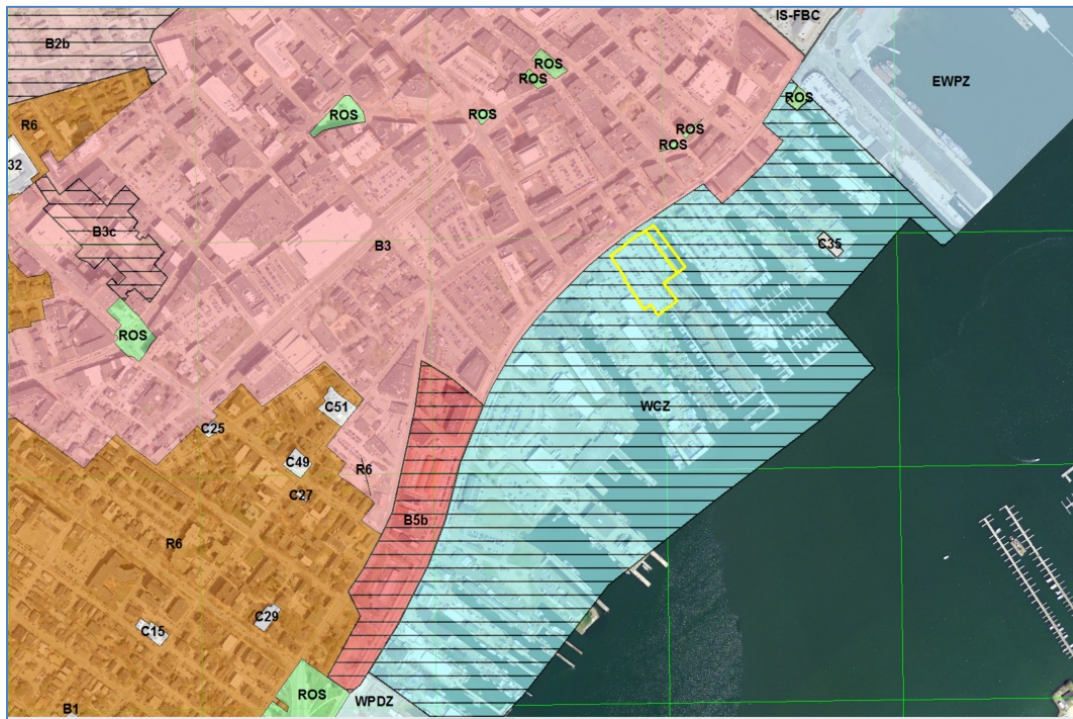


Figure 2, Zoning Context

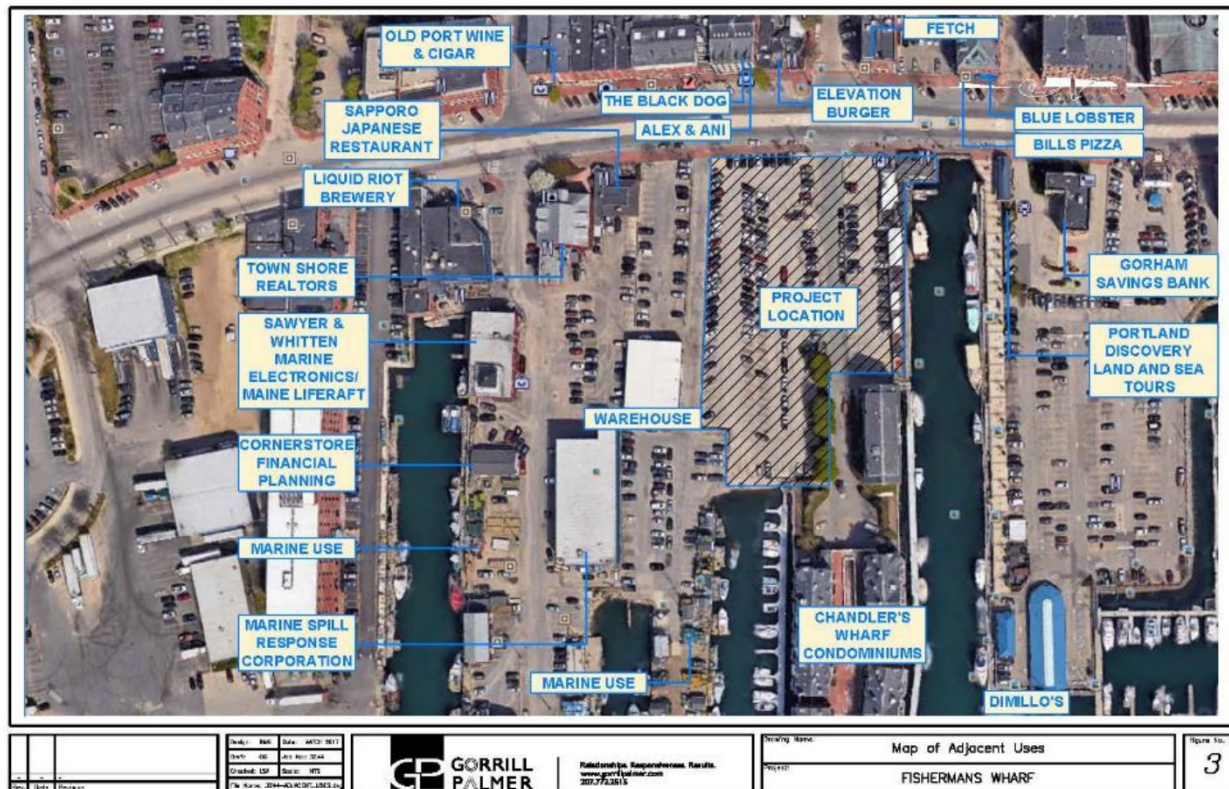


Figure 3, Site Location

III. PROPOSED DEVELOPMENT

The original conditional rezoning application includes site plan and an itemization of proposed uses and phasing. The site plan layouts and architecture renderings from the original submission have been superseded by the most recent submission package.

Below are total square footage estimates by use. The applicant's original project narrative (Attachment F) itemized these by building, as some of the uses are distributed in multiple buildings across the site. In addition to the square footage estimates by use, there is publicly accessible boardwalk area, wharf, and berthing area included in the overall site layout.

Proposed Uses	Area
Retail	7,580 sf
Office	30,405 sf
Parking Garage	501 spaces
Dispatch Center	3,300 sf
Hotel	93 rooms + 4,250 sf ground floor lobby
Restaurant	9,570 sf

Table I: Proposed Uses

The revised submission for the April 17, 2018 workshop contains the same overall development program, but with a few key differences since the project was last reviewed. The original application requested a hotel use within the NMUOZ, a height increase to allow for a rooftop patio area, a setback reduction, and a negotiation of required marine investments. The most recent submission dispenses with the fourth item of the negotiation of marine investments. The most recent submission also structures the three remaining

aspects of the application into two distinct requests. It identifies the hotel use within the NMUOZ as the most significant element of the conditional zoning request and proposes an Alternative A which solely requests the hotel use for the conditional rezoning. Alternative B includes the hotel use plus the height increase and NMUOZ setback reduction to 12.5' at the property's eastern edge. As reframed in this submittal, the hotel use is the essential component of this application, without which the other two requests are superfluous.

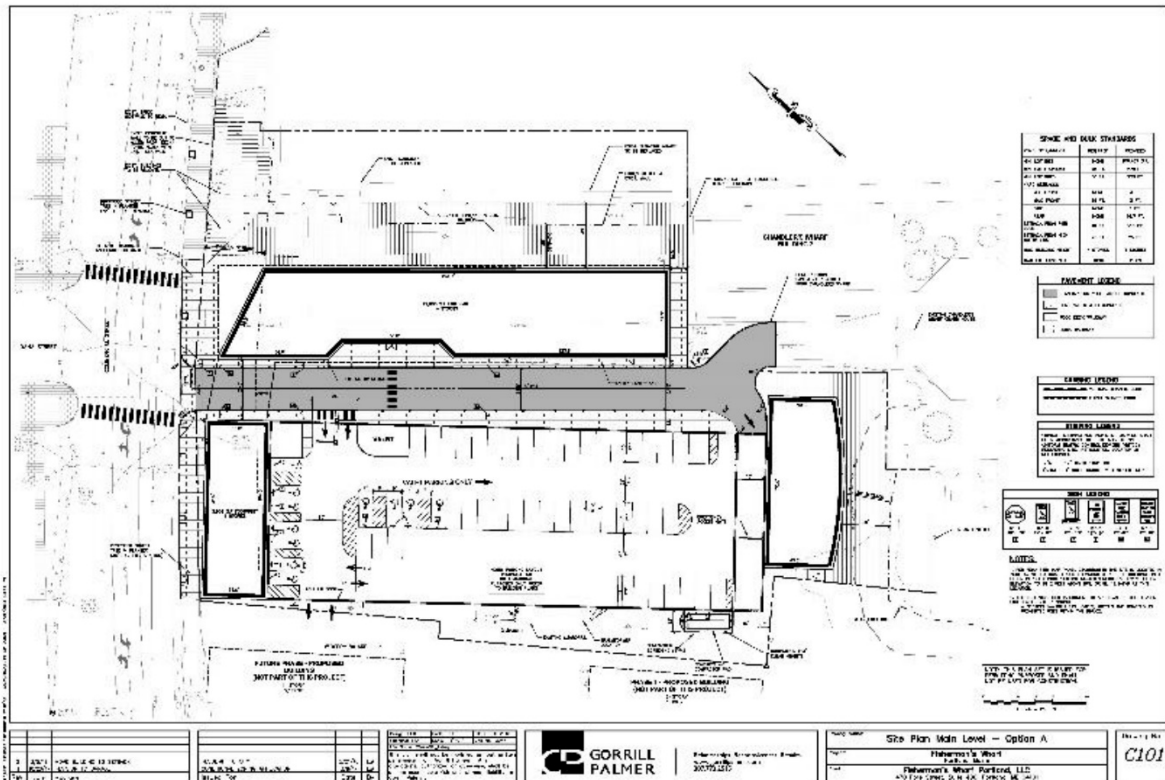


Figure 4, Site Plan Layout A

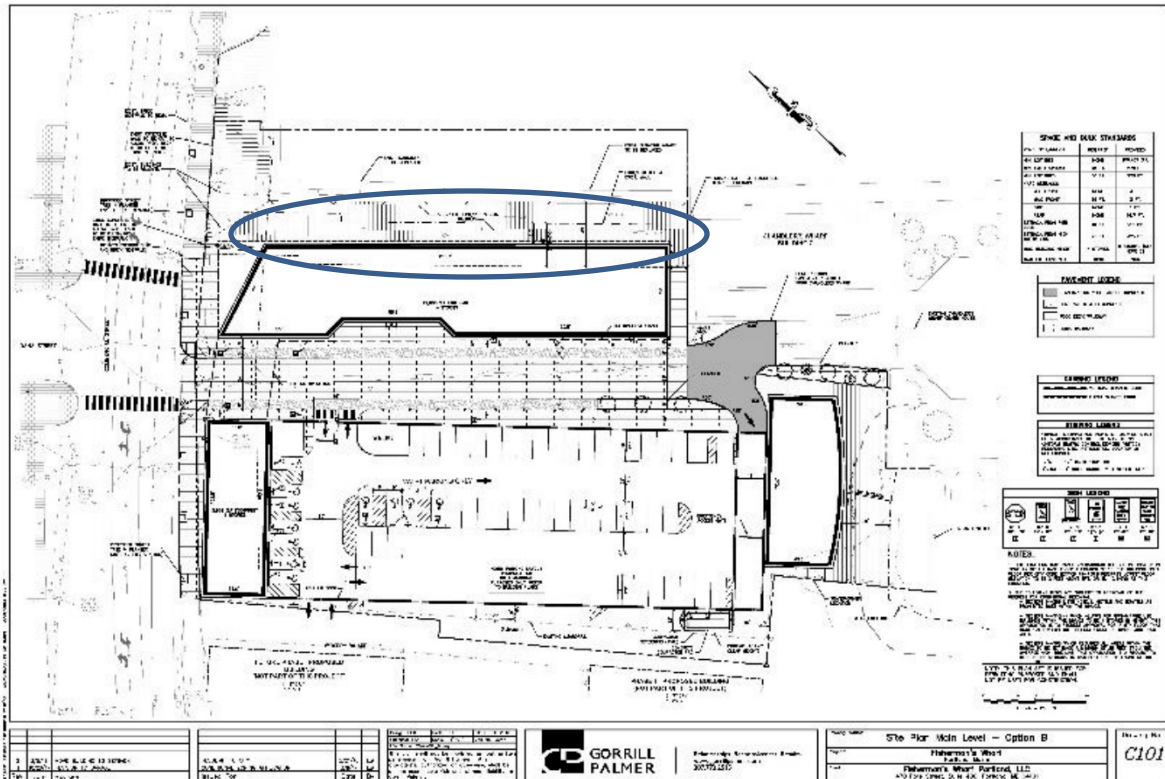


Figure 5, Site Play Layout B, Setback Reduction Area Circled

The initial submission included building renderings that are not included or updated in the most recent submission. Since any Site Plan application for this site will include design review (as a project within 100 feet of a local historic district, the project would also receive an analysis of the compatibility of the design with the adjacent historic district by the Historic Preservation Board), and since the site layout is not yet finalized, and since the conditional rezoning standards do not require full building designs, the applicant has instead offered an overview to the principles that inform building and site design. Page 5 & 6 of their February 20, 2018 letter provides an overview to this approach. The application indicates this approach was informed, in part, by consultations with Portland Society for Architecture in recent months. The design narrative culminates in design criteria to guide the project as it moves through the review process:

1. Establish the highest activity uses along Commercial Street and the Waterfront.
2. Establish more open, inviting space in the access way to Chandler's Wharf
3. The south side of Commercial street has had an eclectic past architecturally, recognition of which can yield a more open, contemporary architecture.
4. Celebrate the roof area, making the top-floor restaurant architecturally part of the building and show through architectural elements the rooftop activity.
5. Develop a strong architectural relationship from the boardwalk to the building.
6. Establish a sense of entry to the waterfront boardwalk and the entry to Chandler's Wharf using building forms and gateways.
7. Develop an authentic Portland architecture using indigenous elements.

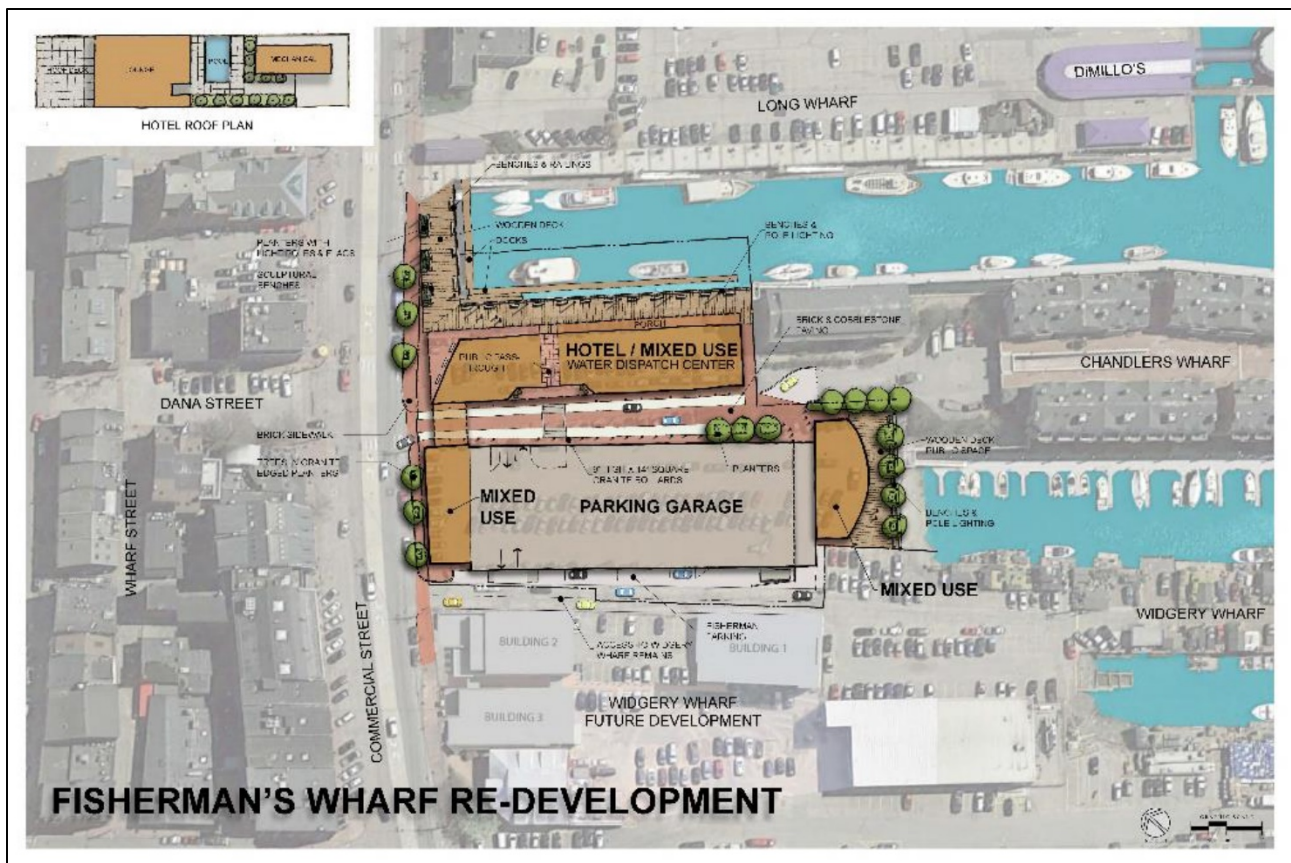


Figure 6, Site Redevelopment Layout B

IV. ZONING ANALYSIS

The conditional rezone application consists of three related items: allowing the hotel use and two-dimensional changes – a height increase to accommodate a rooftop bar, and a reduced setback from 25 to 12.5 feet from average high tide on the on the waterfront-facing side of the hotel/restaurant area. All of the other uses proposed, except for the hotel, are permitted. They fall under the categories of *Commercial Marine Transport; Office, retail and restaurants, and Parks, plazas and outdoor pedestrian areas*. Below is an overview of the zone's purpose, the NMUOZ, dimensional and use standards, performance standards, and the WCZ Conditional Rezoning Standards. Each of these elements of the WCZ provides valuable context for how development proposals are evaluated within the zone; the conditional rezoning standards of Sec. 14-311.c are the specific criteria the application is reviewed against.

Purpose

The WCZ exists to protect and nurture water-dependent and marine-related support uses. It establishes a three tiered priority of uses: 1) to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability; 2) to encourage other marine and marine-related support uses so long as they do not interfere with water-dependent uses, either directly by displacement or indirectly by placing incompatible demands on the zone's infrastructure; and 3) Non-marine uses that do not interfere with and are not incompatible with first and second priority uses. Non-marine uses are considered beneficial to the waterfront economy due to the financial benefits of added maintenance and improvement of marine infrastructure. The purpose statement concludes that *Commercial Street is recognized as an important economic center for the city and region. Marine compatible uses are encouraged to locate and grow along Commercial Street while higher priority marine uses are protected on the waterfront.*

The WCZ purpose statement is the template for the zone's performance standards, many of the conditions associated with permitted and conditionally permitted uses, and the conditional rezoning standards of the zone.

Waterfront Central Zone Use Table

The following table contains a summary of permitted, conditional, and prohibited uses contained in Secs 14-307, 14-308, and 14-309.

	Waterfront Central Zone Use Table	Permitted	Conditional	Prohibited
Marine	Marine products, wholesaling, distribution and retailing	X		
	Marine repair services and machine shops	X		
	Tugboat, fireboat, pilot boat and similar services	X		
	Harbor and marine supplies and services, chandleries, and ship supply such as fueling and bunkering of vessels	X		
	Marine industrial welding and fabricating	X		
	Shipbuilding and facilities for construction, maintenance and repair of vessels	X		
	Commercial marine transport and excursion services, including ferries, captained charter services, sport fishing and water taxis	X		
	Cargo handling facilities, including docking, loading and related storage	X		
	Boat repair yards	X		
	Boat storage facilities, excluding rack storage facilities	X		
	Seafood processing	X		
	Seafood packing and packaging	X		
	Seafood loading and seafood distribution	X		
	Fabrication, storage and repair of fishing equipment	X		
	Ice-making services	X		
	Facilities for marine construction and salvage	X		
	Facilities for marine pollution control, oil spill cleanup, and servicing of marine sanitation devices	X		
	Fabrication of marine-related goods	X		
	Fishing and commercial vessel berthing	X		
	Non-commercial berthing of a maximum of fifty (50) linear feet per pier. A non-commercial berth may not displace a commercial berth. Parking for any non-commercial berthing is subject to the provisions of section 14-311(d)8	X		
	Marine office, including but not limited to offices of owners of wharves or their agents, and naval architects, and seafood brokers	X		
	Public landings	X		
	Marine research, education, and laboratory facilities	X		
	Bait sales and processing	X		

	Harbor security and emergency response services including but not limited to Harbor Master, Marine Patrol and Coast Guard	X		
	Fish by-products processing, subject to the standards of 14-308.a.1.a-c.		X	
	Boat rack storage facilities, provided that parking shall be provided for 100% of the demand generated and such parking shall be provided off-site. Boat rack structures shall not exceed ten thousand (10,000) square feet of building footprint		X	
Non-marine commercial and industrial uses	Professional, business, government, and general office	X		
	Retail and service establishments, including craft and specialty shops. Convenience stores with gas pumps shall not be permitted under this section	X		
	Restaurants provided that full course meal food service and consumption shall be the primary function of the restaurant, and full course meal service shall be continued up until the hours of closing	X		
	Banking services without drive-up service	X		
	Laundry and drycleaning service	X		
	Cabinet and carpentry shops, studios for artists and crafts people	X		
	Intermodal transportation facilities	X		
	Cold storage facilities	X		
	Museums and art galleries	X		
	Outside accessory activities	X		
	Hotels, motels or boatels			X
	Auditoriums, civic centers, convention centers or other meeting facilities			X
	Drinking establishments			X
	Temporary wind anemometer towers, subject to the conditions of 14-308.d			X
Public	Landscaped pedestrian parks, plazas and other similar outdoor pedestrian spaces, including without limitation pedestrian and/or bicycle trails.	X		
Residential	Residential. The primary owner of a marine business listed under located on the same site may occupy upper floor space with a residential use, subject to the full conditions of 14-308.b.1-6		X	
Other	Interior accessory uses customarily incidental and subordinate to the location, function and operation of permitted uses, subject to the standards of 14-307.d.1.a-b	X		
	Street vendors	X		
	Wind energy systems	X		
	Utility substations		X	
	Temporary wind anemometer towers, subject to the conditions of 14-308.d		X	
	Ground mounted telecommunication towers, antennas, and/or disks			X
	Uses not enumerated as Permitted or Conditional			X

Table 2: Waterfront Central Zone Use Table

Dimensional Standards

Below is a summary table of the dimensional requirements of Sec. 14-310.

	WCZ
Min. Lot Size	None
Min. Street Frontage	75 ft

Min. Lot Width for NMUOZ	50 ft measured parallel with Commercial Street and lot width shall be continuous for the full depth of the lot
Min. Front Yard	None
Min. Rear Yard	None
Min. Side Yard	None
Min Setback from Pier Edge	5 ft from the edge of any pier, wharf or bulkhead, including any attached apron.
Max. Structure Height	50 ft., not including typical rooftop appurtenances and/or enclosed or open mechanical installations
Max. # of Stories	3 habitable floors. Buildings in the NMUOZ: 4 habitable floors.
Min. ground floor clearance	New buildings > 300 sf, more than 35 ft from southerly side of Commercial St.: 15 ft of first floor to ceiling vertical clearance. New buildings < 300 sf or additions to existing multistory buildings shall provide the max. ground floor clearance practicable. Non-marine buildings in the NMUOZ: None
Max. Lot Coverage	100%

Table 3: Waterfront Central Zone Dimensional Standards

Non-Marine Use Overlay Zone

NMUOZ is a portion of the WCZ where new and existing development may be occupied by 100% non-marine uses. The base WCZ, in contrast, requires 55% marine use required on ground floors and 55% marine use for all open areas. Permitted uses are the same in both the NMUOZ and the base zone.

The geographic limits of the NMUOZ are depicted on the map in Figure 7 and described in Sec. 14-306. The overlay is defined as the areas within the WCZ that are within 150 feet of the southerly edge of Commercial Street, including an extension of 500 feet southerly in the area between the easterly sideline of Long Wharf to the westerly sideline of Union Wharf. Additionally, all areas subject to this provision are subject to a minimum setback of 25 feet from the average high tide line of Portland Harbor and associated coastal wetlands. The applicant is requesting this setback be reduced from 25 ft. to 12.5 feet on the parcel with the water-facing side of the proposed hotel. An expanded boardwalk area is proposed to offset this setback reduction.

Development within the NMUOZ is subject to the following additional standards (Sec. 14-311.b):

1. Vessel access: Non-marine uses in the NMUOZ shall not disrupt or block access to vessel berthing.
2. Maximum setback. New development on lots with 75ft or more of frontage along Commercial Street have a maximum setback of 35 feet, and requirements for façade orientation towards Commercial St.

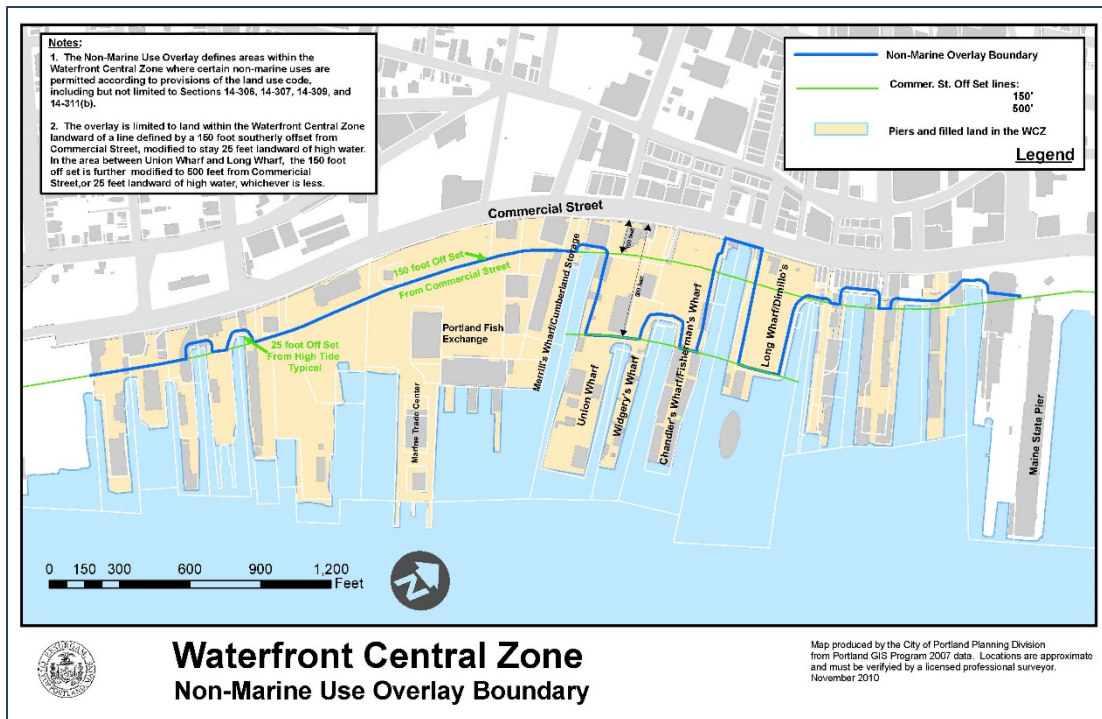


Figure 7, Non-Marine Use Overlay Boundary

- Investment in marine infrastructure: All applicants for site plan review or a change of use permit for non-marine development in the NMUOZ are required to invest in marine infrastructure as a condition of development. The value of the investment shall be not less than 5% of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the NMUOZ. Investment may occur by either direct investment in marine infrastructure (dredging, pile replacement, new decking, new floats, pier expansions, for example) or through a financial contribution to the city's waterfront loan and investment fund. Investments in marine infrastructure are required prior to the issuance of a certificate of occupancy for the non-marine development project.

The project will meet the NMUOZ standards #1 and #2, and will have to address #3 when a full project, with cost estimates, is brought forward.

Performance Standards

Site Plan applications in the WCZ is subject to seventeen performance standards (14-311.d) that all new development is required to meet, in addition to any site plan or other Land Use Code requirements. These include standards for outdoor storage, lighting, noise, vibration, harbor discharges, filling of berthing areas, vehicle storage, location of water-dependent use parking, and others. Other performance standards include requirements that that new construction within 35 feet of the southerly edge of Commercial Street conform to the downtown urban design guidelines; standards for pier and wharf expansions; functional utility of piers and access to the water's edge; and demonstration of compatibility of non-marine uses with marine uses, including requirements that *access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses, and that non-marine uses shall not substantially reduce or inhibit existing public access.*

New development is also subject to a public view protection standard (14-311.d.17) which requires that a public view impact analysis and required to promote the public's visual access to the water through sensitive building placement. The standard requires that where there is loss of existing public views to the water, that the developer provide alternate public through newly established view corridors or publicly accessible pedestrian ways.

Conditional Rezoning Standards

Applications for conditional rezoning proposed within the NMUOZ are subject to the review standards of Sec. 14-311.c, *Contract or conditional rezoning standards*:

1. Conditional or contract rezoning located outside of the NMUOZ:
Not applicable.
2. Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311.b.3 (Investment in marine infrastructure).
14-311.b.3 states that all applications for site plan review or change of use permit for non-marine development in the NMUOZ are required to invest in marine infrastructure as a condition of development for not less than 5% of total non-marine costs over \$250,000. Methods for meeting the standard may be direct investment of marine infrastructure or a financial contribution to a waterfront loan and investment fund. The original application indicated a wish to negotiate the terms of this standard, but that component of the application has been rescinded. The applicant has indicated certain investments in marine infrastructure in the site plan and application narrative – decking and wharf improvements, for instance, but additional information will be needed at Site Plan review to determine final costs and specific site improvements. For the conditional rezoning application review, it is sufficient to note that compliance of this standard will be a condition of development of the site.
3. Residential dwellings are prohibited.
No residential units are proposed.
4. The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water-dependent use.
Though the proposed development is not required to propose a water-dependent use, the development plan for the site includes reinvestment and expansion of water dependent uses through water transport and increased waterfront access on the eastern edge of the site through the creation of 1) a marine dispatch center, 2) expanded decking, and 3) replacement of an existing gangway, floats, and wharf. The applicant has presented these investments in waterfront infrastructure as made feasible by the mixed-use proposal. For a discussion of the comprehensive plan, see V, Policy Analysis.
5. Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.
The applicant has responded that there are no known impediments to the water's edge, and demonstrated Right, Title, and Interest to the property in Attachment G.
6. The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.
Approval of the setback request depends on the project's ability to show that there is no loss in

capacity of the area in question to serve water-dependent and/or marine-related uses on the site in the future. The conditional rezoning request retains marine uses in the form of the proposed dispatch center, and maintenance and improvements to the wharf. Marine loading areas and parking are included were included in the initial garage proposal, and current status of proposed users of the parking and loading areas should be updated by the applicant. Physical access to the waterfront is improved through expansion of publicly accessible walkway on the eastern edge of the site, in the current location of Portland Lobster Company and to the east of the proposed hotel/dispatch center.

Replacement of the surface parking lot may reduce visual access to the water from Commercial Street, but design of the building, and an increased ability for the public to access the water through the site can offset this. Nothing in the ordinance requires visual access be maintained in its current configuration. Removal of the Portland Lobster Company from its current location will also open up views and physical access from Commercial Street.

Each of these elements will need further elaboration, but at this stage the project appears able to meet these standards with the development program outlined in the application. Ensuring adequate marine-related access, and public access, rather than a purely hotel or non-marine related commercial use in this area will be an important aspect of any review and approval for the project.

7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with section 14-305 (purpose).

The WCZ purpose statement focuses on the protection of water-dependent and marine-related uses as priorities, and supports non-marine uses, particularly towards Commercial Street, provided they do not interfere with the operations of marine uses. Much of the site is redevelopment of an existing surface parking lot, and no displacement of marine-dependent uses or marine-related uses. The shoreline elements of the site are its edges – the eastern side of the parcels that include the proposed boardwalk, dispatch center, and wharf, as well as the edge that abuts Widgery Wharf. The eastern site area of the boardwalk is designed around waterfront access and uses. Water-adjacent public space is also included near the third, smaller mixed-use building to the south. Lastly, the request for the additional height for the hotel building includes mention of public access.

The areas where the project interfaces with Widgery Wharf will have to provide more detail and articulation before it can be determined that this project supports the purpose of the zone, provided that non-marine uses do not place undue pressure on marine infrastructure and operations.

8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the non-marine portion of the proposed development shall be subject to review under section 14-311(d)(8).

The applicant proposes to fully accommodate existing surface parking spaces and spaces to serve new uses. 14-311.d.8 concerns parking and loading requirements, the most applicable section being *Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot which the applicant has met.*

Traffic and traffic circulation impacts will be required to be fully analyzed over the course of a Level III Site Plan application, though the current materials allow for an assessment of overall circulation, layout, and ability of the site to accommodate the proposed uses.

Thomas Errico, PE, offered comments on the layout and information provided (Attachment 1):

- *A trip generation analysis has not been provided. My expectation is that a Traffic Movement Permit would be required. A detailed traffic impact study will be required in conjunction with Site Plan permitting of the project. A key part of the traffic study will be evaluating traffic impacts at the Commercial Street/Dana Street/Chandler's Wharf intersection. I would also note that the City will be conducting a Commercial Street Transportation Operations and Master Plan.*
- *During the review and permitting of the Union Wharf/Widgery Wharf project, it was recommended that vehicle connectivity between Widgery Wharf and Union Wharf be maintained or provided so vehicles can use the traffic signal at the Commercial Street/Union Street intersection. It may be beneficial if the subject project traffic were given the opportunity to access the traffic signal.*
- *The parking garage provides three entry lanes and two exit lanes. The design of garage entry capacity should ensure that vehicle backups will not occur on Chandlers Wharf. Additionally, clarification on entrance operations shall be provided (e.g. gates, overhead door, etc.).*
- *Commercial Street is under Pavement Moratorium restriction status until 2021 and project impacts could result in associated fee requirements.*
- *The size of the parking garage appears to provide sufficient supply for both the proposed project needs and accommodating existing surface parking. A detailed parking demand and supply analysis would be required.*
- *A detailed construction management plan will be required during the permitting of the project.*
- *A detailed pedestrian facility circulation plan for the proposed uses and how the site interfaces with abutting uses will be required.*
- *The Plans does not provide sufficient detail on how the project interfaces with Widgery Wharf. Further details on traffic and pedestrian safety as it relates to: the parallel parking spaces; pedestrians/traffic movements along and across Widgery Wharf; truck movements to and from the Compactor, as well as other larger vehicle movements to and from the waterfront, etc.*
- *The proposed plan depicts a slight offset alignment between Chandler's Wharf and Dana Street. Aligned intersections are preferred.*
- *Details on truck deliveries for the proposed site shall be defined.*
- *Information on the Chandler's Wharf cross-section and intended transportation function should be provided. I would note the cross-section widens towards the south.*

Though many of Mr. Errico's comments are critical for establishing expectations for this project under Site Plan review, several of these items should be preliminarily responded to by the applicant in the conditional rezoning process, such as: the potential for Union Wharf connectivity and coordination; Dana Street intersection alignment; parking garage design potential to create vehicle queuing; pedestrian circulation and safety; large vehicular circulation in particular, and how the project will interface with Widgery Wharf.

In addition to the preliminary traffic, parking and circulation comments, additional feedback from the Fire Department indicate they feel they can serve the project as proposed so far, provided any connections between the hotel and parking structure allow adequate clearance for Fire trucks. As with both traffic review and Fire Department review, additional information will be required under the Site Plan review standards beyond what is required to be submitted for the conditional rezoning request.

Additional comments on traffic and circulation are included below in VII, Discussion.

9. The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.

The applicant has indicated their intent to comply with this requirement. Any conditional rezoning should include provisions for ensuring the water-dependent infrastructure and uses continue.

The applicant's responses to each of these standards are included in Attachment F.

V. POLICY ANALYSIS

*The City's comprehensive plan, **Portland's Plan 2030** identifies the goal of the central waterfront as achieving a balance where non-marine economic development benefits the piers, Commercial Street, waterfront uses, and the City by sustaining marine infrastructure, protecting opportunity for commercial marine activity, and promoting appropriate access by the public to views and activities in Portland Harbor (p.37, Considerations for the Central Waterfront). The plan further recognizes the policy structure of each of the waterfront zones, and reflected in the Land Use Code, of a hierarchy that prioritizes water-dependent,*

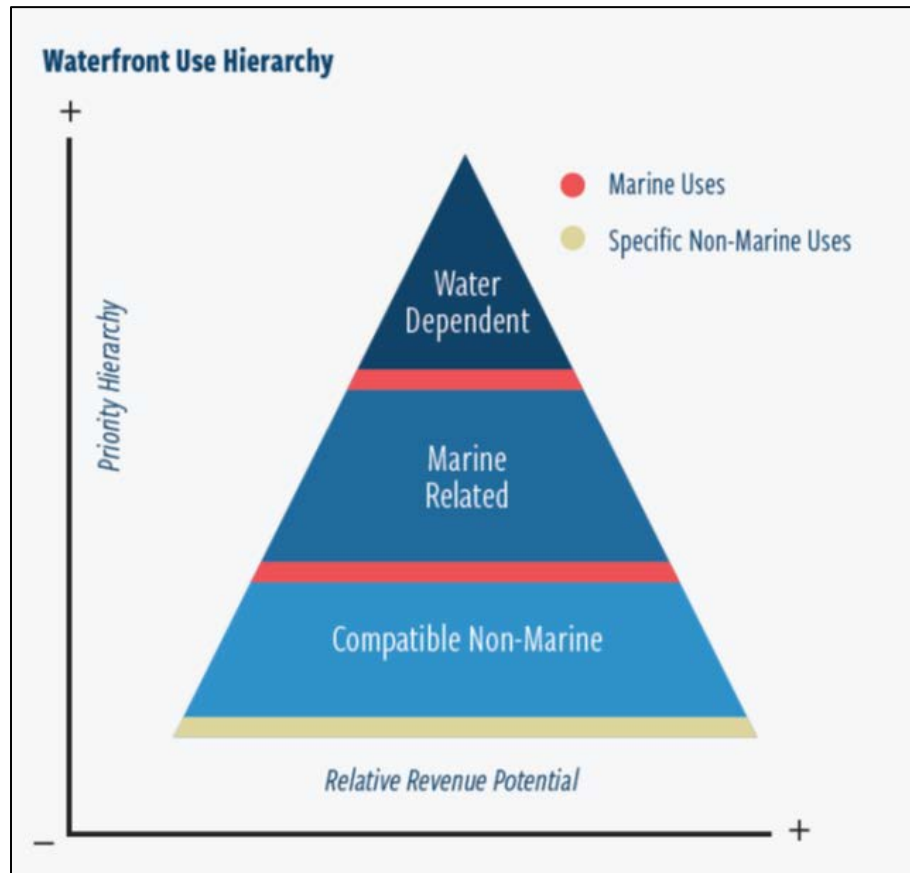


Figure 8, Waterfront Use Hierarchy

marine-related, and compatible non-marine uses, in that order (see illustration in Figure 6, also pg. 35 of *Portland's Plan*). This hierarchy is critical to review of any project in the Waterfront Central Zone, including those in the non-marine overlay, which allows unlimited non-marine uses, provided projects can demonstrate, through the WCZ's performance standards, compatibility.

Regarding the specifics of the Waterfront Central Zone, the Waterfront Appendix states: *The Waterfront Central Zone (WCZ) is designed first to protect and nurture existing and potential water-dependent uses, and secondly to encourage other marine-related uses. Compatible non-marine uses are encouraged in the zone, and considered beneficial to the overall waterfront economy, provided they do not interfere with water-dependent and marine-related uses (p. 165).*

The appendix of Portland's Plan provides valuable context for how Portland has approached regulation of its waterfront to encourage the continuation of viable and water-dependent and marine-related uses. In particular, it outlines how the central waterfront has undergone several zoning amendments in recent decades in response to its unique challenges, primarily aimed at finding a balance between non-marine

tenants that can support the viability of waterfront infrastructure, while reserving pier edge for commercial berthing, and providing standards aimed at not impairing the areas reserved for a working port.

Portland's Plan has many recommendations for the waterfront which have implications for this project, some of which are identified below.

- *Maintain and modernize infrastructure to support the working waterfront and port capabilities (p. 34).*
- *Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses (p.34).*
- *Seek funds and create incentives to improve facilities for marine industries, including the maintenance and expansion of public and private berthing, dredging, and land-side infrastructure (p. 35).*
- *Continue to explore funding for pier maintenance in the Central Waterfront (p. 35).*
- *Address transportation and congestion issues on Commercial Street to balance the mobility needs of marine industrial uses with bicycle and pedestrian safety improvements (p. 37)*
- *Protect and promote access to the waterfront and Portland islands for commercial and marine activity, including berthing (p. 35)*
- *Prioritize and promote Portland's unique mix of water-dependent, marine-related uses and compatible non-marine uses (p. 34)*
- *Promote passive and active recreational access to the waterfront (p. 34)*

Redevelopment of this site has the potential to improve water quality, something emphasized in the Environment Policy Guide, as there is very little to mitigate or treat surface runoff from the site now. Portland's Plan acknowledges the role of non-marine uses in a waterfront zone, framing the issue as that of balance. In the WCZ the test of balance ensuring that water-dependent and marine-related uses are not impaired, while also providing for investment in marine infrastructure, public access to the water, and environmental quality. There's nothing in the three elements of the contract rezone request – the setback reduction, the height increase, and the hotel use - that contradicts these goals, and much in the proposal that aligns with these goals. The details of the changes, including the site layout, building and rooftop design, traffic and circulation, pedestrian circulation, water access, and marine infrastructure improvements, that ensure there is no negative impact, and that there's maximum positive impact for the central waterfront.

VI. PUBLIC COMMENT

Public comments have touched on a number of concerns including traffic circulation patterns; safety; congestion; construction management; adequate emergency response; wayfinding; obstruction of views; building massing; suitability of the site for new construction in light of its vulnerability to flooding; proximity and siting of the rooftop restaurant in light of noise, privacy, and visual impacts; building design; suitability of a hotel on this site; Chandler's Wharf vehicular access impacts; and impact on this project, and other recent, proximate developments, on the fishing industry.

In regard to concerns for fishing industry impacts, the July 8, 2018 Fishermen and Lobstermen letter (PC14) expresses concern regarding increases in vehicular and pedestrian traffic from new development on Commercial Street and the Eastern Waterfront on the marine industry's ability to transport perishable goods and otherwise support their operations.

In addition to the above concerns, the letter has also received a letter of support from Portland merchants, purveyors & maritime business owners on the value the proposed project would add to the economic life of Portland, and also to its appropriateness in the central waterfront as a marine use and as a mixed-use project.

VII. DISCUSSION

Site Circulation and Widgery Wharf Interface

The application largely addresses the conditional rezoning standards, with the exception of a need to give a more articulated response to the project's interface with Widgery Wharf, where the project has a direct impact, in as much detail given to the access drive through the center of the property. The application should at a minimum address pedestrian circulation throughout the site, vehicular circulation, connectivity to Union Wharf, relationship to Commercial Street traffic patterns, and how the traffic patterns of this mixed-use site will interact with those of Widgery Wharf and other adjacent developments. In addition to showing pedestrian access through the site, the application should also indicate pedestrian connections from the site to the dwellings at Chandler's Wharf and to the two areas of public open space at Chandler's Wharf.

Though this application is not required to bring forth a level of detail in their submission as would be required for a site plan application, there are specific items that can be addressed in the course of this application to assure the overall site configuration and proposed uses can adequately function. Specific items, like the trash compactor location, noted by Mr. Errico, should be addressed at this stage either by demonstrating its suitability in that location, or by moving to elsewhere on the site where there is adequate space for it. With the information provided, Staff recommends this be located elsewhere, such as the location of the third, smaller mixed-use building on the site. Neither the compactor nor the parallel parking spaces on the same, westerly edge of the garage, should be proposed there at the expense of safe pedestrian circulation entirely around that building and through the site as a whole. Additional detail in this area of the plan, as already noted, is crucial for further evaluating these aspects of the proposal.

Parking

The applicant should provide an update on the planned allocation of garage spaces. The February 2018 submission reiterated the intent to make leases available to leaseholders of the existing surface lot. The original submission indicated spaces dedicated to marine use parking and a marine loading area, but this hasn't been addressed in the latest materials. Presumably remaining spaces will be to serve the proposed other uses, but an anticipated breakdown of parking spaces would be helpful going forward.

Conditional Rezoning: Use

The hotel use, as presented in this application for a mixed-use site, when reviewed in light of the conditional rezoning standards of Sec. 14-311.c, can be compatible in the Waterfront Central Zone's Non-Marine Use Overlay Zone. Additional information has been requested on several items that will impact the final Planning Staff review and the Board's final recommendation to the City Council, but there is nothing in the proposal to indicate it's a more impactful use than many of the non-marine uses already permitted in the zone that are not required to apply for a conditional reuse, including offices, banks, museums, restaurants, and retail establishments. To the extent the hotel, as part of the full redevelopment of this site, results in marine infrastructure investments, expanded marine uses, and additional public space and waterfront uses, the project as a whole can further many of the goals of the WCZ/NMUOZ.

Conditional Rezoning: Setback

Both Alternative A, which does not include the setback request, and Alternative B, which includes a request for a setback reduction of 25ft to 12.5ft, increase the amount of space for pedestrians and for access to the water beyond existing conditions, which now is filled with include kiosks, sheds, and parking spaces. Either scenario would constitute improvements in this area. The setback reduction alternative results in an improved central access drive, both for the vehicular access for Chandler's Wharf, and vehicular access to the parking garage, and pedestrian circulation. However, while improving circulation in the center of the site, the setback reduces waterfront adjacent space for pedestrians and marine-related uses. Additional information that would assist this request would be an evaluation of relative visual impacts to the water for both scenarios; more information on whether the space gained from the setback reduction has any advantage in safety, circulation, and the pedestrian experience; whether the setback reduction negatively

impacts the functioning of the marine-dependent uses relative to Alternative A; and whether any of the space gained in the setback reduction might be allocated elsewhere, such as the southern and western corners of the parking lot, toward improved functioning of the overall site.

Conditional Rezoning: Height

The NUMOZ has a maximum of height of 50 feet, and a maximum of four habitable floors. A request has been made for a 5th floor rooftop area that exceeds the maximum height, but the application does not quantify the precise height allowance sought, and this will need to be clarified in order for the request to be fully weighed. As a potential public space open to the public, more information is needed on the terms of public access. Residential abutters have expressed concern about noise and privacy in regard to rooftop activity, and how the design and programming of the space would respond to these concerns should also be directly addressed.

VIII. NEXT STEPS

- Provide feedback on the revised Conditional Rezoning application.
- Schedule a workshop or public hearing.

IX. ATTACHMENTS

1. Traffic engineer review 4-11-2018
2. Maine DEP 6-26-2017

Applicant's Submittal

Items Submitted for June 22, 2017 Workshop:

- A. Cover
- B. Cover Letter
- C. Table of Contents
- D. Application
- E. Agent Authorization
- F. Narratives
- G. Right, Title, and Interest
- H. Neighborhood Meeting Documentation
- Plan 1. Survey
- Plan 2. Site Plan Main
- Plan 2. Site Plan Parking
- Plan 4. Architectural Perspective Rendering
- Plan 5 Architectural Aerial Rendering
- Plan 5. Updated materials (plans and cover letter) 6-15-2017

Items Submitted for April 17, 2018 Workshop:

- I. Resubmittal Letter 2-20-2018
- Plan 6. Site Plan A
- Plan 7. Site Plan B
- Plan 8. Site Plan B Color

Public Comment

- PC1. Lafavore 6-3-2017
- PC2. Scholl 6-7-2017
- PC3. Mattson 6-7-2017
- PC4. Fuller 6-14-2017
- PC5. Scholl 6-16-2017
- PC6. Barnes/Neill 6-20-2017
- PC7. Leahy 6-21-2017
- PC8. de Cardenas 6-21-2017

PC9. Sclar 6-21-2017
PC10. Steele 6-22-2017
PC11. McInerney 6-22-2017
PC12. Tiedeken 6-22-2017
PC13. Lane 6-22-2017
PC14. Fishermen & Lobstermen 7-8-2018
PC15. Concerned Residents of Chandlers Wharf 7-18-2017
PC16. Pendleton 8-28-2017
PC17. Scholl 9-4-2017
PC18. Scholl 3-3-2018
PC19. Lafavore 4-9-2018
PC20. Merchants, Purveyors, Maritime Businesses 4-13-2018

184 Commercial Street Zone Change - Initial Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Wed, Apr 11, 2018 at 2:34 PM

To: Christine Grimando <CDG@portlandmaine.gov>

Hi Christine – The following is an update of my prior traffic comments regarding the Conditional Rezoning for the above project and is based upon available application materials.

- A trip generation analysis has not been provided. My expectation is that a Traffic Movement Permit would be required. A detailed traffic impact study will be required in conjunction with Site Plan permitting of the project. A key part of the traffic study will be evaluating traffic impacts at the Commercial Street/Dana Street/Chandler's Wharf intersection. I would also note that the City will be conducting a Commercial Street Transportation Operations and Master Plan.
- During the review and permitting of the Union Wharf/Widgery Wharf project, it was recommended that vehicle connectivity between Widgery Wharf and Union Wharf be maintained or provided so vehicles can use the traffic signal at the Commercial Street/Union Street intersection. It may be beneficial if the subject project traffic were given the opportunity to access the traffic signal.
- The parking garage provides three entry lanes and two exit lanes. The design of garage entry capacity should ensure that vehicle backups will not occur on Chandlers Wharf. Additionally, clarification on entrance operations shall be provided (e.g. gates, overhead door, etc.).
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- A detailed pedestrian facility circulation plan for the proposed uses and how the site interfaces with abutting uses will be required.
- The Plans does not provide sufficient detail on how the project interfaces with Widgery Wharf. Further details on traffic and pedestrian safety as it relates to: the parallel parking spaces; pedestrians/traffic movements along and across Widgery Wharf; truck movements to and from the Compactor, as well as other larger vehicle movements to and from the waterfront, etc.
- The proposed plan depicts a slight offset alignment between Chandler's Wharf and Dana Street. Aligned intersections are preferred.
- Details on truck deliveries for the proposed site shall be defined.
- Information on the Chandler's Wharf cross-section and intended transportation function should be provided. I would note the cross-section widens towards the south.

If you have any questions, please contact me.

Best regards,



Christine Grimando <cdg@portlandmaine.gov>

Portland WCZ- Fisherman's Wharf

Morse, Michael J <Michael.J.Morse@maine.gov>

Mon, Jun 26, 2017 at 11:50 AM

To: "Christine Grimando (cdg@portlandmaine.gov)" <cdg@portlandmaine.gov>

Cc: "Dan Bacon (dbacon@gorrillpalmer.com)" <dbacon@gorrillpalmer.com>

Hello Christine. As a follow-up to our meeting with Dan Bacon on June 14th, the Department has considered the proposed development of a hotel and parking garage on Fisherman's Wharf with regard to State minimum shoreland zoning regulations. The proposed project to construct a 4- or 5-story hotel and 4-story parking garage on a portion of Fisherman's Wharf would be located on filled land rather than being located over pile-supported pier.

Consistent with other areas along this developed waterfront area, the Department considers the filled-land portions of the waterfront to be comparable to a "general development district" within the Chapter 1000, State of Maine Guidelines for Municipal Shoreland Zoning Ordinance (guidelines). The guidelines would allow for this type of development within close proximity to the coastal wetland. While there are a number of elements to the proposed project, with regard to only the proposed hotel and parking garage uses, the Department would not oppose a local ordinance amendment or contract zone agreement (formally treated as an ordinance amendment) that allows these proposed uses. If the uses had been proposed over a pile-supported, or similar, pier or wharf our position would be different.

If the City amends its ordinance or adopts a contract zone agreement for the proposed project, please forward it to the Department for our review/approval. Should you wish for the Department to review and comment on a draft amendment or agreement prior to City action, please feel free to forward it to me for our consideration.

Thank you,

Mike

Mike Morse

MDEP

Assistant Shoreland Zoning Coordinator

312 Canco Road

Portland, Maine 04103

Ph- 207-822-6328

Fax- 207-822-6303

Relationships.
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**Conditional Rezone
Application for
Fisherman's Wharf
Portland, Maine**

PREPARED FOR:
Fisherman's Wharf
Portland, LLC

March 2017



SUBMITTED BY:
Gorrill Palmer
707 Sable Oaks Drive
Suite 30
So. Portland, ME 04106
207.772.2515



707 Sable Oaks Drive, Suite 30
South Portland, Maine 04106
207.772.2515

March 20, 2017

Barbara Barhydt
City of Portland
Planning and Urban Development Department
Fourth Floor, City Hall
389 Congress Street
Portland, ME 04101

Subject: Fisherman's Wharf Redevelopment (Chandler's Wharf)
Conditional Rezone Request

Dear Barbara:

On behalf of Fisherman's Wharf Portland, LLC, Gorrill Palmer is pleased to submit documents for a conditional rezone request to allow the following, as part of the proposed Fisherman's Wharf Redevelopment:

- Hotel Use
- Height variance to allow for a rooftop bar, on the 5th floor of the hotel building
- Setback variance to allow for the location of the hotel approximately 16' from the high tide line.
- Negotiation of the Marine Infrastructure Investment

Enclosed please find application, written narrative and plans describing the proposed redevelopment project. Figures 1A and 1B are maps showing the project location. A \$5,000 application fee (check #000001) made payable to the City of Portland from the Applicant was submitted. It is our understanding that the City of Portland will coordinate the necessary public notices and that the fee for public notices and other review services will be billed to the Applicant at a later date.

We look forward to discussing this project further. Should you have any questions or require additional information, please feel free to contact us.

Sincerely,

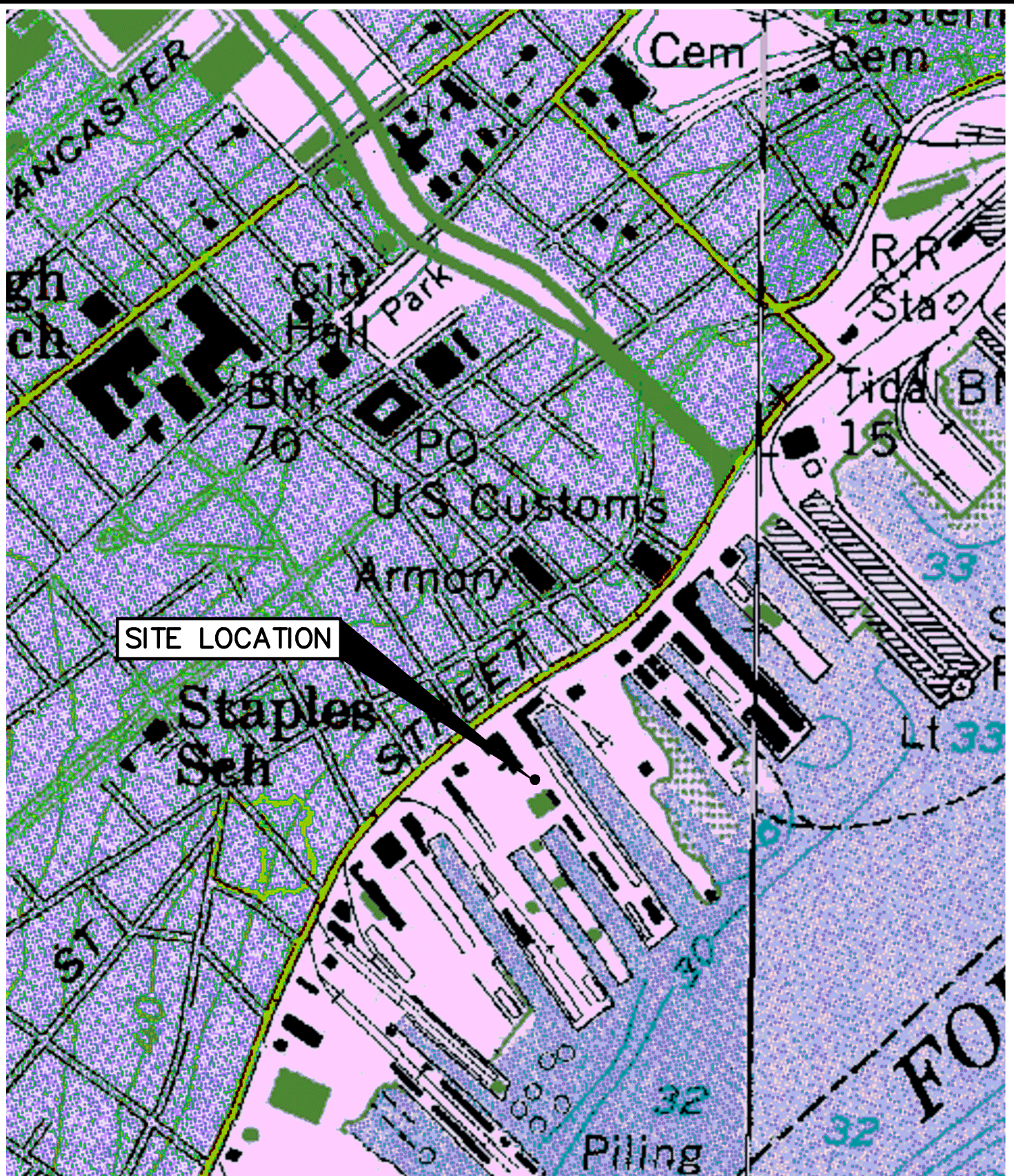
Gorrill Palmer

Alton Palmer, PE
Principal

Enc.

CC: Fisherman's Wharf Portland, LLC

AMP/cehU:\3244 Bateman Fisherman's Wharf\P Applications\Local\2 - Conditional Rezoning Application\0A_3-6-2017 Cover Letter Contract Rezone.doc



U.S.G.S. Location Map
 Fishermans Wharf Redevelopment - Portland, Maine
 U.S.G.S. Portland East/West, Maine -7.5 Minute Series (Topographic)

Design: BMG	Date: MARCH 2017
Draft: CG	Job No.: 3244
Checked: LSA	Scale: None
File Name: 3244-LOCATION.dwg	



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 207.772.2515

Figure
1B



TABLE OF CONTENTS

Section	Location
Application Form	Section 1
Agent Authorization	Section 2
Project Narrative	Section 3
Title, Right and Interest	Section 4
Site Plans	Attachment A
Renderings	Attachment B



Section I Application



Zoning Map, Text Amendment, Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zone Change.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14) which is available on our website:

Land Use Code: <http://me-portland.civicplus.com/DocumentCenter/Home/View/1080>

Design Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2355>

Technical Manual: <http://me-portland.civicplus.com/DocumentCenter/View/2356>

Planning Division

Fourth Floor, City Hall

389 Congress Street

(207) 874-8719

planning@portlandmaine.gov

Office Hours

Monday thru Friday

8:00 a.m. – 4:30 p.m.

I. Project Information (Please enter n/a on those fields that are not applicable)

Project Name:	FISHERMAN'S WHARF REDEVELOPMENT
Proposed Development Address:	184 COMMERCIAL STREET
Project Description:	REDEVELOPMENT OF EXISTING PARKING LOT, see attached Cover Letter
Chart/Block/Lot:	31 J 31
Right, Title or Interest: SEE SECTION 4	
Existing Use: EXISTING PARKING LOT, RESTAURANT, MISC. MARINE USES	
Current Zoning Designation: NMUOZ (NON-MARINE USE OVERLAY ZONE) OF THE WCZ (WATERFRONT CENTRAL ZONE)	
Proposed Use of the Property: MIXED-USE DEVELOPMENT CONSISTING OF WATER TAXI DISPATCH CENTER, OFFICE SPACE, RETAIL SPACE, RESTAURANT, HOTEL AND PARKING STRUCTURE.	
Vicinity Map: SEE ATTACHED FIGURES 1A AND 1B	
Site Plan <i>(On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan – to scale – by the applicant. (Scale to suit, range from 1' = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood)</i>	

II. Contact Information (Please enter n/a on those fields that are not applicable)**APPLICANT**

Name:	David Bateman
Business Name:	Fisherman's Wharf Portland, LLC
Address:	470 Fore Street, Suite 400
City/State:	Portland, ME
Zip Code:	04101
Work #:	207-772-2992
Home #:	
Cell #:	
Fax #:	
E-mail:	david@batemanpartnersllc.com

OWNER

Name:	GEF, LLC
Address:	P.O. Box 2808
City/State:	South Portland, Maine
Zip Code:	04106
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

AGENT/REPRESENTATIVE

Name:	Al Palmer, Gorrill Palmer
Address:	707 Sable Oaks Drive, Suite 30
City/State:	South Portland, Maine
Zip Code:	04106
Work #:	(207) 772-2515
Home #:	
Cell #:	(207) 415-5903
Fax #:	(207) 772-2520
E-mail:	apalmer@gorrillpalmer.com

BILLING (to whom invoices will be forwarded to)

Name:	David Bateman, Fisherman's Wharf Portland, LLC
Address:	470 Fore Street, Suite 400
City/State:	Portland, ME
Zip Code:	04101
Work #:	207-772-2992
Home #:	
Cell #:	
Fax #:	
E-mail:	david@batemanpartnersllc.com

ENGINEER

Name:	Al Palmer, Gorrill Palmer
Address:	707 Sable Oaks Drive, Suite 30
City/State:	South Portland, Maine
Zip Code:	04106
Work #:	(207) 772-2515
Home #:	
Cell #:	(207) 415-5903
Fax #:	(207) 772-2520
E-mail:	apalmer@gorrillpalmer.com

SURVEYOR

Name:	John Swan, Owen Haskell, Inc.
Address:	290 US Route 1 - Unit 10
City/State:	Falmouth, ME
Zip Code:	04105
Work #:	207-774-0724
Home #:	
Cell #:	
Fax #:	
E-mail:	jswan@owenhaskell.com

ARCHITECT

Name:	David Lloyd, Archetype
Address:	48 Union Wharf
City/State:	Portland / Maine
Zip Code:	04101
Work #:	(207) 772-6022
Home #:	
Cell #:	(207) 831-8627
Fax #:	
E-mail:	lloyd@archetypepa.com

ATTORNEY

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN

Name:	Lucas Anthony
E-mail:	lanthony@gorrillpalmer.com
Name:	Christi Holmes
E-mail:	cholmes@gorrillpalmer.com
Name:	
E-mail:	

III. APPLICATION FEES (check applicable review)

	Zoning Map Amendment from () zone to () zone	\$3,000.00
	Zoning Text Amendment to Section 14- () (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example).	\$3,000.00
	Combination Zoning Text Amendment and Zoning Map Amendment	\$4,000.00
	Conditional or Contract Zone <i>(A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurance related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Section 14-60-62.)</i>	\$5,000.00

IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$50.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

V. SUBMITTING YOUR APPLICATION IN ELECTRONIC FORMAT

Welcome to the Planning & Urban Development's new Electronic Plan Review Process. Below you will find the steps along with tips and guides to help you through uploading and viewing your project electronically during the review process.

All of the following applications shall be submitted electronically to planning@portlandmaine.gov by following the steps below:

Level 1 Site Alteration, Level 2 Site Plan, Level 3 Site Plan, Level 3 Subdivision, Administrative Authorization, Conditional Use, Inclusionary Zoning and Contract/Rezoning Applications.

1. Fill out the application completely and e-mail the **application only** to planning@portlandmaine.gov (Please be sure to designate a person who will be responsible for uploading documents and drawings.) This step will generate the project ID number for your project.
2. An invoice for the application fee will be e-mailed to you. Payments can be made on-line at [Pay Your Invoice](#), by mail (Planning Division, 389 Congress Street, Portland, ME 04102) or in person at City Hall, 4th Floor. Please reference the Application Number when submitting your payment which is located in the upper left hand corner of the invoice.
3. The designated person responsible for uploading documents and drawings will receive an email from eplan@portlandmaine.gov with an invitation into the project. At this time, you will upload all corresponding documents and plans into the project. For first time users you will receive a temporary password which you must change on entry. Make note of your username and password for any future projects.
4. Follow the link below (Applying Online) for step by step instructions on how to do the following:
 - Prepare drawings, documents and photos for uploading;
 - Getting started in e-Plan;
 - Prepare **revised** drawings and documents for uploading.

[Applying Online](#)

Reminder: Before the project can move forward, the application fee shall be paid in full and all required documents and drawings shall be uploaded into e-plan correctly.

5. As the process evolves you will be able to log in and see markups, comments and upload revisions as requested into these folders.

VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	
Date:	3/17/17



Section 2

Agent Authorization

February 28, 2017

Barbara Barhydt
Department of Planning and Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Re: **Agent Authorization**
Fisherman's Wharf Redevelopment (Chandlers Wharf)
Portland, Maine

Dear Barbara:

Bateman Partners, LLC ("Bateman") is in the process of re-developing a site (the "Site") in the state of Maine, Cumberland County, located at Chandlers Wharf in Portland. On behalf of Bateman, I hereby authorize Gorrill Palmer, (the "Engineer") to act as agent for the purpose of obtaining permits and approvals related to the development of the Site.

In such capacity, the Engineer's authority is expressly limited to signing and delivering applications for permits and approvals that are related to the development of the Site, advancing nominal funds as are required to file such applications and to representation at meetings and hearings for the applications. The Engineer is not authorized to negotiate on Bateman's behalf or to bind or obligate Bateman in any manner whatsoever, including without limitation accruing any obligations on Bateman's behalf to pay for or construct improvements without additional authorization in writing.

This authorization is effective as of the date of this correspondence, and will remain valid until revoked in writing.

If you have any questions or if I can be of any further assistance, please contact me at (207) 772-2992.

Very truly yours,

BATEMAN PARTNERS, LLC

Nathan Bateman

It's:



Bateman Investments, LLC
470 Fore Street, Suite 400
Portland, ME 04101

3/21/17

Fshermans Wharf Portland, LLC
470 Fore Street, Suite 400
Portland, ME 04101\

RE: Assignment of Option to Lease Agreement

Per this letter Bateman Investments, LLC has agreed to assign its Option to lease Agreement between GEF, LLC and Bateman Investments, LLC to Fishermans Wharf Portland, LLC. The terms of the assignment are on file with Bateman Investments, LLC.

Signed

A handwritten signature in blue ink, appearing to be 'Nathan Bateman', with a long horizontal flourish extending to the right.

Nathan Bateman
Manager
Bateman Investments, LLC.



Section 3

Project Narratives



3. NARRATIVE PROJECT DESCRIPTION AND COMPATIBILITY ANALYSIS

3.1 INTRODUCTION

The redevelopment of Fisherman's Wharf, a precedent setting project, in keeping with the intent of the Non-Marine Use Overlay Zone envisions a vibrant development that maintains and enhances the property's connection to the waterfront. As shown on the attached site plans and renderings, the project concept consists of a multi-phase, mixed-use development with office, retail, parking, restaurant, hotel and marine related uses.

The following items are being requested by approval of a Conditional Rezoning:

- Approval for a 93-room hotel as part of the project;
- Approval for a 5th floor that would allow for a proposed rooftop bar area associated with the hotel/restaurant;
- Reduction of the required 25-foot setback from the average high-tide line to 16 feet for the side of the hotel/restaurant facing the waterfront;
- Negotiation of the terms and conditions of the Marine Infrastructure Investment.

The proposed mixed-use development, further described below, involves a number of different, yet complimentary uses. The most important of these uses, from a revenue generating standpoint, is the hotel use. Without it, the project would not be commercially viable at this location. The hotel use, while significant from a revenue perspective, also serves a key role as a primary attraction to the site. A hotel on the south side of Commercial Street is unique in Portland and will give guests a chance to experience the Portland Waterfront in a way no other hotel can. The unique opportunity is expected to benefit the existing businesses in the area by bringing visitors that might otherwise stay elsewhere. In particular, those existing uses that provide water-taxi service and tours of Casco Bay will benefit by being highly visible to the hotel guests via the proposed Casco Bay Dispatch Center and proposed public gathering space. The Dispatch Center, as described later in this document, will provide a centralized location for water-dependent transportation businesses to establish their ticket counters. In addition, their patrons will be able to take advantage of the waiting and bathroom facilities within the Dispatch Center that are currently not available in this area.

3.2 PROJECT DESCRIPTION AND BACKGROUND

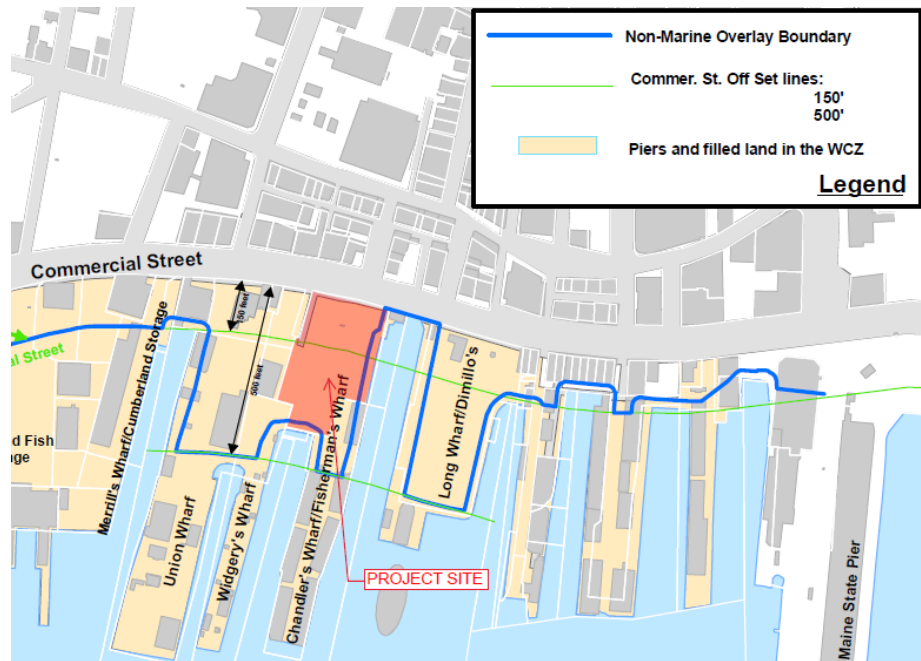
Existing Conditions

The proposed rezoning area includes two parcels identified as Lots 30 and 31 on Map 31 of the City of Portland Tax Maps. The parcels are owned by GEF, LLC (the "Owner") and are subject to a lease agreement with Fisherman's Wharf Portland, LLC (the "Applicant"). The lease agreement between the Owner and Applicant is attached to this application. The property is subject to a 35' wide Right-of-Way for the benefit of the Chandler's Wharf Condominium and Marina, which will need to be modified and recorded as part of this project.



The property is located in the Waterfront Central Zone. A preliminary boundary survey is attached. As shown on the survey, and the excerpt below from the Waterfront Central Zone Map prepared by the Portland Planning Division, dated November 2010, the property appears to lie within the Non-Marine Use Overlay Zone.

The approximately 1.9-acre property is used primarily for parking and is commonly referred to as the “Fisherman’s Wharf Parking Facility”. The existing surface parking lot contains approximately 261 spaces, all of which are paid parking, typically on a monthly or hourly basis. The property also contains the Portland Lobster Company Restaurant and a number of marine users including



Portland Harbor Fleet and Portland Discovery Land and Sea Tours. The site is bounded by Commercial Street, Long Wharf (Dimillo's) and Wiggery Wharf. The portion of the property adjacent to the water (east side) contains a permanent wooden deck that projects over an existing sea-wall. This is used for outdoor seating for the Portland Lobster Company and storage for the marine users. In front of the sea wall is a floating wharf which is utilized by existing marine uses. The floating wharf is proposed for improvement as part of this project.

Proposed Mixed-Use Development

The proposed redevelopment features a vibrant mixed-use development that maintains and enhances the property's connection to the waterfront. In its current state as a parking lot, the property is underutilized, and out of character especially when considered relative to its prominent location on Commercial Street. As shown on the attached site plans and renderings, multiple uses are envisioned for the two-phase redevelopment plan of Fisherman's Wharf. The proposed first phase of development currently envisions the following uses:

- Retail/Office (fronting on Commercial Street)
 - o Level 1: 4,250 s.f. of retail
 - o Levels 2-4: 14,805 s.f. of office
- Parking Garage (behind Retail/Office Building):
 - o Level 1: 3,375 s.f. of retail
 - o Levels 1-4: 501 space parking structure
- Hotel Building
 - o Level 1: 3,300 s.f. Casco Bay Dispatch Center



- o Level 1: 4,370 s.f. of restaurant
- o Level 1: 4,250 s.f. hotel lobby
- o Levels 2-4: 93-room hotel

The second phase of the project will consist of the following:

- Restaurant/Office (south side the Parking Garage)
 - o Level 1: 5,200s.f. of restaurant
 - o Levels 2-4: 15,600 s.f. of office

As part of the project, the Applicant proposes to construct a public open space where the Portland Lobster Company is currently located. This public area will extend to the edge of the permanent wooden deck that runs in front of the hotel/restaurant. This deck will be reconstructed and rebuilt within the same footprint. The existing floating wharf in front of the renovated deck will be improved to enhance the functionality. These improvements will make significant improvements to the public's view and access to the waterfront and to the access and operation of the existing water-dependent uses.



Parking

As noted above, the property is currently used mainly as a surface parking lot, with approximately 261 spaces which are mostly leased on a monthly basis. The parking lot also provides short term parking on an hourly basis. The mix of long/short term parking varies but based on information from the operators is skewed more to monthly parking use. The proposed parking garage will provide metered and hourly parking to replace the existing 261 spaces will also provide an adequate amount of parking spaces to support the existing marine uses and proposed mixed-use development.

PARKING SUMMARY – PHASE I & 2			
USE	AREA / INTENSITY	RATE USED	# OF SPACES
Existing Parking (Including Marine-related)	n/a	n/a	261
Prop. Retail	7,625 s.f.	1/200 (after 2000 s.f.)	28
Prop. Restaurant	9,570 s.f.	1 / 150 s.f.	64
Prop. Office	30,405 s.f.	1 / 400 s.f.	38
Prop. Hotel	93 rooms	1 / room	93
Prop. Dispatch Center	3,300 s.f.	1 / 200 sf	17
		TOTAL REQUIRED	501
		TOTAL PROVIDED	501

In the Parking Summary above, the 261 spaces that currently exist as surface parking at the site will be replaced within the proposed parking garage. By utilizing reasonable, experience based rates for the



proposed uses, the 501 parking spaces on site will provide an adequate amount to serve the development as well.

3.3 COMPLIANCE WITH THE COMPREHENSIVE PLAN (2002 VERSION, UPDATED 2005)

The current Comprehensive Plan (and Code Section 14-305) states that:

“The waterfront central zone was created to protect and nurture water-dependent and marine-related support uses so that they may grow and prosper in an environment and area dedicated to this purpose.”

As noted previously, the property has an underlying zoning of Waterfront Central (WCZ) and is within the Non-Marine Use Overlay Zone (NMUOZ). The NMUOZ is defined by the City of Portland Code as follows:

“The non-marine use overlay zone (NMUOZ) is a portion of the waterfront central zone, as described below, where new and existing development may be occupied with 100% non-marine use tenants listed under 14-307(b), subject to the standards and use limitations provided in section 14-311(b).”

With the exception of the hotel use, all of the proposed uses are allowed under Section 14-307(b)-Permitted Uses. Based on Section 14-311(c) the hotel use, construction of a fifth floor (rooftop bar area), reduction of the 25' setback from the average high tide line (per 14-306), and negotiation of the Marine Infrastructure Investment are conditions particular to the development that will need to be considered under the City's Conditional Rezoning requirements.

The requirements for Conditional Rezoning have been shown below in *ITALICS* followed by a response in **BOLD** indicating how the project proposes to comply with the particular section.

“Contract or conditional rezoning standards: Applications for proposals deviating from any dimensional requirements under section 14-310 and/or including uses not listed under sections 14-307 and 14-308 may only be considered if the reviewing body finds the applicant has met the performance standards listed under 14-311(d) and the following standards:

1. Conditional or contract rezoning located outside of the NMUOZ: The ground level floor area of any building, existing or proposed, on the subject lot and the un-built area of the subject lot and the un-built area of the subject lot shall be subject to and meet the requirements of section 14-311(a) of this code.

Response: Project is not located outside the NMUOZ.

2. Conditional or contract rezoning located within the NMUOZ: Conditional or contract rezoning applications located within the NMUOZ are subject to the provisions of 14-311(b)(3) (Investment in marine infrastructure).



Response: Section 14-311(b)(3) is addressed separately below.

3. *Residential dwellings are prohibited.*

Response: No residential dwellings are proposed.

4. *The development is consistent with the comprehensive plan and without the development the site could not otherwise support an economically viable water-dependent use.*

Response: The existing Comprehensive Plan does not specifically speak to the NMUOZ as it was adopted in 2011. However, the section of the Comprehensive Plan that discusses the WCZ does speak to the non-marine uses as beneficial to the waterfront economy. While it is clear that the WCZ is intended to place a priority on marine and/or water dependent uses, it is also clear that the NMUOZ was adopted to address the need for non-marine uses on properties such as this. As such, the Applicant is of the opinion that a mixed-use project is in keeping with the intent of the NMUOZ by providing additional revenue streams that will assist in the maintenance and improvement of the pier infrastructure. Further, the restaurant, retail space, and hotel are compatible, complimentary and supportive of the existing water-dependent businesses on the site and the proposed Casco Bay Dispatch Center. While a hotel use south of Commercial Street is unique, it should not be considered incompatible with the surroundings, a further discussion of compatibility is provided below. The marine uses located between Chandler's and Long Wharf (DiMillo's) are more tourism related and the proposed restaurant/retail/hotel uses would be in harmony with those businesses.

5. *Any physical or legal impediments which preclude or impede functional access from the site of the development to any portion of the water's edge are not the result of action taken by the current owner, the applicant for rezoning, or any prior owner after January 4, 1993.*

Response: No physical or legal impediments are currently known or proposed that would impede access to the water's edge. Access to the waterfront will be maintained and improved for existing and future marine uses as part of this project.

6. *The project's public benefits outweigh its potential negative impacts, taking into consideration as public benefits: protection of existing water-dependent uses, preservation of future water-dependent use development opportunities, contribution to the development of and/or on-going maintenance of the marine infrastructure for commercial vessels, and visual and physical access to the waterfront for the general public.*

Response: As a whole, the mixed-use project will provide revenues to the property owner that can be used for development and maintenance of the marine infrastructure. The removal of the existing Portland Lobster Company Buildings will allow creation of a public space and pedestrian walkway that will provide more opportunity for water views. Visual and physical access for the public is expected to be positively enhanced by the project. In addition, the new hotel, restaurant and rooftop uses will provide for



enhanced public views of the working waterfront. The proposed Casco Bay Dispatch Center will help to provide more orderly and convenient ticketing and waiting areas for customers of the Dispatch businesses.

A direct public benefit of the Dispatch Center and expanded public area will be mitigation of the current lack of waiting and bathroom facilities for the marine businesses. Currently, passengers who are waiting for tour boats congregate on the surrounding sidewalks along Commercial Street. At peak times, the sidewalks can become clogged and unusable to other pedestrians forcing them into Commercial Street. This project is anticipated to alleviate that; the Dispatch Center will have an indoor waiting area and the removal of the Portland Lobster Company will increase public space in the vicinity. In addition, this area has no public bathrooms nearby, which has necessitated the use of portable toilets during peak times. The Dispatch Center will have bathroom facilities for the use of customers, removing the need for portable toilets.

The Dispatch Center, in the Applicant's opinion, helps to provide enhanced opportunity to explore Casco Bay and the islands. Specifically, the Dispatch Center will serve as an additional point of access for the public and will help to provide options for transport to and front the island communities. The amenities available in the Dispatch Center will provide a convenient and comfortable location for the public seeking different opportunities on the water.

The investment in redevelopment of the property will also provide increased tax revenues in the form of local property taxes along with state income and sales tax. The new and expanded uses proposed will spur job creation and also provide the opportunity for new business creation in the Dispatch Center, retail and office spaces. The convenient location of the property and desirability of the Old Port are key factors to the redevelopment of this property.

7. The development responds to any unique physical conditions and development opportunities along the shoreline in a manner that is consistent with section 14-305 (purpose).

Response: Section 14-305 is specific to the WCZ, not necessarily the NMUOZ. However, it should be noted that the development plans (see Site Plan and Renderings) have attempted to preserve and enhance access to the water for the existing and future marine related uses. A more detailed description of the proposed marine infrastructure improvements and Casco Bay Dispatch Center are outlined in other sections of this document.

8. The non-marine portion of the proposed development will not adversely affect the efficient operation of marine uses, such as producing less efficient traffic, parking or circulation patterns. Parking for the nonmarine portion of the proposed development shall be subject to review under section 14-311(d)(8).

Response: Assuming the hotel use is approved, the Applicant would then pursue Site Plan approval from the City for the overall development. During that process, the conceptual plan would be refined to address operational needs of the existing marine



uses. A concept plan is provided with this application that depicts the proposed site layout.

9. The rezoning contains adequate provisions and/or conditions to ensure that any associated water-dependent infrastructure remains occupied by any commercial marine use as listed in 14-307(a) and that said use is not abandoned after the project is developed.

Response: By proposing the Casco Bay Dispatch Center, the Applicant is providing a new facility for the existing water-dependent businesses in the area. The existing businesses consist mainly of tour boat operators who currently have only small kiosk buildings or ticket booths. The Dispatch Center is intended to consolidate these users (and attract new users) into a common location while providing a waiting area and bathroom facilities for customers. In addition, the pier infrastructure will be improved for the users by providing new permanent decking to improve the existing floating wharf and other related improvements.

Section 14-311(b)(3) provides the following Marine Investment performance standards to be met for the Conditional Rezoning:

3. Investment in marine infrastructure: All applicants for site plan review or a change of use permit for non-marine development in the NMUOZ are required to invest in marine infrastructure as a condition of development, provided that the total project costs exceed \$250,000. The value of the investment shall be not less than five percent (5%) of total project costs over \$250,000 for constructing non-marine space and associated site improvements in the NMUOZ.

Required investment may occur by one or both the following methods:

a. Direct investment in marine infrastructure located on the same lot: Investment shall be for the benefit of marine uses listed in 14-307(a) within the same lot as the proposed non-marine development. Investment may include dredging pile replacement, new or replaced structural decking (but not pavement resurfacing), new or replaced fendering systems, new or replaced floats, pier expansions, permanent conversions of recreational berthing to commercial berthing, bulkhead or seawall repair or improvements, or any combination of similar improvements. Plans for the marine infrastructure investment shall be submitted to the planning authority with the application for site plan review or change of use permit and shall include details and a commitment as to how the marine infrastructure will be utilized by marine users. The marine infrastructure improvements shall be completed prior to the issuance of a certificate of occupancy for the non-marine development project.

Response: Given the scope and scale of the project the Applicant desires to negotiate the interpretation of what constitutes a direct marine investment. The proposed project includes a number of improvements to the existing marine infrastructure. Detailed plans for these improvements, as required by this section, will be submitted with the application for site plan review. At this time, the improvements are generally expected to consist of the following: demolition of the existing waterfront buildings, as-needed repair of the existing sea-wall, removal of the existing wooden decking, installation of



new wooden decking, improvement of the existing floating wharf and gangway, construction and installation of site amenities and furniture within the public viewing area and construction of the marine-use parking and storage areas within the proposed parking garage. The expected cost of these improvements is not known, but will be further detailed at the time of application for site plan review. These investments in the pier infrastructure are in keeping with the goals of the NMUOZ.

b. Financial contribution: If direct investment in marine infrastructure is not made, the developer shall make a financial contribution to the city's waterfront loan and investment fund.

Response: As noted above, the Applicant is proposing significant investment in marine infrastructure which will provide direct benefits to the existing and future water-dependent businesses. Given the scope and scale of the project, the Applicant desires to negotiate the interpretation of what constitutes a direct marine investment.

Section 14-311(d) provides the following performance standards to be met for the Conditional Rezoning:

14-311(d) Performance standards: All uses in the waterfront central zone shall comply with the following standards. Standards 8, 10, 13, 14, 15, 16 and 17 shall be reviewed by the Planning Authority.

8. Off-street parking and loading: Division 20 (off-street parking) and division 21 (off-street loading) of this article shall not apply. The planning authority shall review applications for non-marine use parking against the following standards:

a. Applicants for non-marine parking in the waterfront central zone shall submit a parking and traffic circulation plan showing the location of all existing and proposed structures, travel ways and parking on the subject lot.

Response: A site plan is included with this submittal showing the proposed parking and circulation layout.

b. Outside of the NMUOZ, non-marine use parking is subject to the limitations described in 14-311(a) ("55% rule").

Response: Not applicable, property is within the NMUOZ.

c. Non-marine use parking shall only be located on a lot where, based on the parking and traffic circulation plan and a parking analysis to be submitted for planning authority review, the marine use parking supply is reasonably sufficient to serve marine use space located on the subject lot.

Response: As noted earlier in this document, the existing volume of surface parking, which includes marine-use parking has been replaced within the proposed parking garage.

d. Water-dependent use parking spaces shall be located as close as reasonably possible to associated vessels and/or ground floor lease areas.



Response: As depicted on the attached site plan, the Applicant intends to designate a portion of the ground floor parking garage to marine users.

10. Lighting: All lighting on the site shall be shielded such that direct light sources shall not unreasonably interfere with vessels transiting the harbor nor have an unreasonable adverse impact on adjacent residential zones.

Response: At this time, a lighting and photometrics plan for the project has not been prepared. During site plan review, the Applicant will work with the City to create a lighting plan that complies with code requirements and does not unreasonably interfere with vessels transiting the harbor, or adversely impact adjacent residential zones.

13. Urban design: Construction of new structures located within thirty-five (35) feet of the southerly edge of Commercial Street between Maine Wharf and the easterly property line of the city fish pier shall conform to the guidelines set forth in the downtown urban design guidelines, unless such structures are also located within one-hundred (100) feet of the water. Such structures that are also located within one-hundred (100) feet of the water shall conform to the extent practicable to the downtown urban design guidelines.

Response: The proposed buildings will be designed to conform to the urban design guidelines.

14. Pier and wharf expansions: In addition to meeting Harbor Commission and Coast Guard requirements for navigation, any expansion or extension of a pier and or wharf in the waterfront central zone shall demonstrate its compatibility with fixed route ferry service and emergency vessel operations.

Response: No expansion to the existing pier or wharf is proposed, however the existing decking on the pier is proposed to be replaced. If required, the Applicant will seek approval for the replacement from the appropriate agencies having jurisdiction.

15. Compatibility of non-marine uses with marine uses: Non-marine uses, structures and activities, including but not limited to access, circulation, parking, dumpsters, exterior storage and loading facilities or other structures shall neither interfere with the existence or operation of marine uses nor impede access to vessel berthing or other access to the water by existing or potential marine uses. Siting of a use not set forth in section 14-307(a) shall not substantially reduce or inhibit existing public access to marine or tidal waters.

Response: The proposed development is intended to improve access to the waterfront for both marine uses, as well as the public. The proposed marine infrastructure improvements, and Dispatch Center will provide opportunity for the existing businesses to provide an increased level of service and comfort. The public will gain improved passive and active use of the water from the hotel and restaurant uses, and increased accessibility to boat tours and water taxis. In addition, the public view of the waterfront will be improved by the addition of a public area where the existing buildings currently stand.



Part of this request for Conditional Rezoning is the request for a rooftop bar above the 4th floor of the proposed hotel. The rooftop bar would constitute a 5th floor which is currently not permitted under the NMUOZ standards. The rooftop bar is a new and unique offering to the Old Port and given the location and elevation will provide views to the public not available elsewhere.

16. Functional utility of piers and access to the water's edge: All new development, whether for marine or non-marine uses, should anticipate current and future functional and operational needs of water-dependent pier tenants to access the water's edge for the transfer of goods and materials between berthed vessels and land bound vehicles, and shall demonstrate adherence to the following provisions:

- a. Provisions for the storage and movement of goods and materials must be designed into all waterside development and internal circulation routes must be maintained or otherwise provided as an element of any development. The siting, design, and circulation of non-marine uses, particularly those allowed on first floors, shall adjust if needed to accommodate reasonable access for pedestrians, vehicles, and freight transfer to and from berthed vessels.*

Response: As described elsewhere in this document and on the plans included with this application, the Applicant is proposing to reconstruct and maintain significant portions of the marine infrastructure. Part of the reconstruction includes removal of the existing buildings and storage structures located along the waterfront of the property. The wooden decking will be replaced along with the proposed improvements to the existing floating wharf. The intent is to provide a more direct and less obstructed route from the land to the waterfront. Currently, access to the wharf is obstructed with buildings, fences, etc. and is generally difficult to access. The proposed plan will provide for more efficient ingress/egress for the marine users by removing obstructions and providing passengers new waiting locations.

This Conditional Rezoning seeks approval for the proposed restaurant/dispatch/hotel building to be located approximately 16 feet from the average high-tide line, which is less than the code required 25 feet. Currently the width of the deck available to the marine users varies from approximately 12 to 18 feet. As noted on the plans, the existing and proposed deck extends past the seawall (which constitutes the average high tide line) by approximately 14 feet. The overhang of 14 feet, plus 16 feet of decking from the hotel to sea wall provides an effective setback of 30 feet which exceeds the intent code. This represents an improvement over the existing 12-18 feet in that area.

Within the proposed parking garage, an area on the first floor will be designated for marine-use storage within a fenced area accessible by a loading/unloading area.

- b. Any development that proposes to site a building within ten (10) feet of a pier edge (thus precluding vehicle use of the pier edge) should provide openings and*



circulation through or around the building to allow the transfer of goods and materials to trucks and circulation routes within the interior of the pier.

Response: The proposed buildings are not within ten feet of a pier edge. As noted in the response above, access and circulation at the edge of the pier will be improved due to an increase in available space.

- c. *With the exception of non-commercial berthing allowed under section 14-307(a)(20), there is to be no other non-commercial berthing.*

Response: No non-commercial berthing is proposed.

- d. *Except for common circulation drives as defined in 14-306, access ways, parking and loading areas designated for marine uses shall be exclusively for marine uses and shall not be shared with non-marine uses.*

Response: Designated parking spaces within the proposed garage have been provided for marine uses. The spaces will be located on the ground floor and in close proximity to the entry/exit and storage areas to allow for easy access and proximity to the waterfront.

17. *Public view protection: Any new development in the waterfront central zone shall perform a public view impact analysis for review and approval by the planning board or planning authority as a condition of site plan approval. The analysis shall: (a) demonstrate the project's adherence to the Portland View Corridor Protection Plan (City of Portland Comprehensive Plan, 2002) to the extent practicable; and (b) promote the public's visual access to the water through sensitive building placement. The planning board or planning authority shall find at a minimum that the proposed development (a) retains street corridor views as extended across Commercial Street from the Portland peninsula; (b) retains panoramic views of the water from Commercial Street to the extent practicable; and (c) where loss of existing public views to the water is shown to be necessary for the reasonable development of the site, the developer provides alternative public views to the water through newly established view corridors or publicly accessible pedestrian ways. Such pedestrian ways shall not interfere with existing or potential water-dependent uses, nor shall they endanger the public through uncontrolled proximity to industrial activity.*

Response: A public view analysis will be submitted with the application for site plan approval.

3.4 COMPLIANCE WITH THE FUTURE COMPREHENSIVE PLAN (DRAFT VERSION OF PORTLAND PLAN 2030 DATED 2/10/2017)

Although not yet adopted, it is appropriate to examine some sections of the draft Comprehensive Plan update entitled, "Portland's Plan 2030" as they relate to the proposed project. Specifically, the "Waterfront" portion of the Comprehensive Plan and its related Appendices are referenced below as they relate to the project.



According to the proposed 2017 Comprehensive Plan Appendices (page 159), the goal for the Waterfront Central Zone is to,

“... achieve a balance where non-marine economic development benefits the piers, Commercial Street, the waterfront, and the City by sustaining marine infrastructure, protecting opportunity for commercial marine activity and promoting appropriate access by the public to views and activities in Portland Harbor. The Waterfront Central Zone (WCZ) was created to protect and nurture water-dependent and marine-related support uses. The policy framework is designed first to protect and nurture existing and potential water-dependent uses, and secondly to encourage other marine-related uses. Compatible non-marine uses are encouraged in the zone, and considered beneficial to the overall waterfront economy, provided they do not interfere with water-dependent and marine-related uses.”

The Comprehensive Plan goes on to describe how the NMUOZ was created in 2010 as an amendment to the WCZ zoning code as requested by 12 property owners who asked that the City consider relaxing some of the current zoning protections to allow more diverse uses and thus increase economic activity and revenue. The amendments were intended to allow pier owners to generate more revenue, which supports repair and improvements to pier infrastructure.

It should be noted that the NMUOZ is specific to a relatively small area within the WCZ, and its intent is to encourage non-marine development on these properties. As can be seen on the NMUOZ Map on page 2 of this narrative, the boundary is clearly delineated to include areas that are currently occupied by surface parking. Although parking is valuable in the Old Port and Waterfront area, surface parking is clearly not the highest and best use of the property. This fact is noted by the City in the text of the 2010 NMUOZ Amendment:

“Larger parking lots occupy over 400,000 square feet of space with over 1300 parking spaces— many of which serve non-marine use in other zones. These vast spaces do not represent the highest or best use of this land.”

And from the WCZ Policy Statement:

“Surface parking occupies large areas of un-built space in the zone and has a significant negative visual impact on Commercial Street; these areas provide redevelopment opportunities with no displacement of water-dependent commercial activity”

As it currently exists, the property functions primarily as a parking lot and affords no scenic views to the public from street level. Nor does the current use provide significant support for the marine related industry and businesses that rely on the waterfront. Additionally, the property as it currently exists provides little economic benefit to the City. The use as a parking lot provides minimal opportunity for employment and compared to the proposed project, provides significantly less tax revenue. The City itself, in discussing the history of adaptive reuse in the 2010 NMUOZ amendment stated:

“Without question, and unfortunately for all, the largest redevelopment strategy taken by the majority of piers under past zoning has been to remove buildings and build surface parking.”

The proposed mixed-use project is in keeping with the goals envisioned for the NMUOZ and the Waterfront in general by encouraging non-marine uses that will be beneficial to the overall waterfront



economy. While this application is being submitted to address the hotel use and other code items, the project itself represents a significant improvement to the property. The mixed-use project is in keeping with the spirit of the NMUOZ which seeks to allow more diverse uses while providing owners with additional streams of revenue which support pier infrastructure maintenance and improvement.

The project directly addresses the goal to repair and make improvements to pier infrastructure. Specifically, the existing permanent wooden deck will be rebuilt and expanded as part of this project, a cost that will be borne by the Applicant. As noted in other sections of this narrative, the existing floating wharves will remain and direct access to them will be improved by removal of existing barriers (namely the Portland Lobster Company building).

This mixed-use redevelopment project when considered as a whole, is in basic harmony with the draft Comprehensive Plan and the intent of the NMUOZ, by combining marine and non-marine uses. The majority of this project complies with the intent of the NMUOZ.

3.5 COMPATIBILITY WITH SURROUNDING NEIGHBORHOOD

As noted above, the development of the NMUOZ was initiated by property owners within the general area who were subject to the WCZ zoning. These property owners were of the opinion that the WCZ zoning was too restrictive and sought relaxation from the standards to allow, among other things more non-marine uses. The planning process administered by the City resulted in the current NMUOZ and its standards which allow for a wider range of non-marine uses than the underlying WCZ zoning.

Recognizing that this is a precedent setting project, the Applicant has proactively sought input from a number of the adjacent property owners and the Waterfront Alliance in order to identify the needs and challenges of the area. The Applicant has developed a plan that, in their opinion, has attempted to address the ideas raised at these meetings.

The surrounding area contains a wide variety of both marine and non-marine uses. While there are not currently any hotel uses south of Commercial Street, this application seeks to show that such a use is not incompatible at this particular location given the nature of the surrounding marine uses. The marine / water-dependent uses that currently occupy the waterfront between Chandler's Wharf and Long Wharf (DiMillo's) would not be considered "heavy" marine uses. Instead, the majority of marine uses in this area consist of businesses similar to Portland Harbor Fleet, Portland Discovery Land and Sea Tours, DiMillo's Marina, and the private docking for Chandler's Wharf. The majority of the marine businesses in this area are not those that produce the noise, dust, odor and unpredictable hours of operation more associated with heavy marine uses such as fishing and lobstering, processing, freight, etc.

In comparison, the marine uses in this area are less intensive than the existing commercial fishing uses at the southern end of Widgery Wharf. These uses co-exist with the residents of Chandler's Wharf located within 120 feet. While the Applicant is not necessarily stating that the residential / commercial proximity is always a harmonious relationship, it is a notable precedent in the area that has existed for many years. As noted previously in this document, a hotel use is unique south of Commercial Street and will be a significant attraction. In addition, approval of the hotel use under this conditional rezoning is key to the project moving forward. The hotel use is required to make the project financially viable and, in turn, provide the investment in pier infrastructure the NMUOZ is intended to promote.

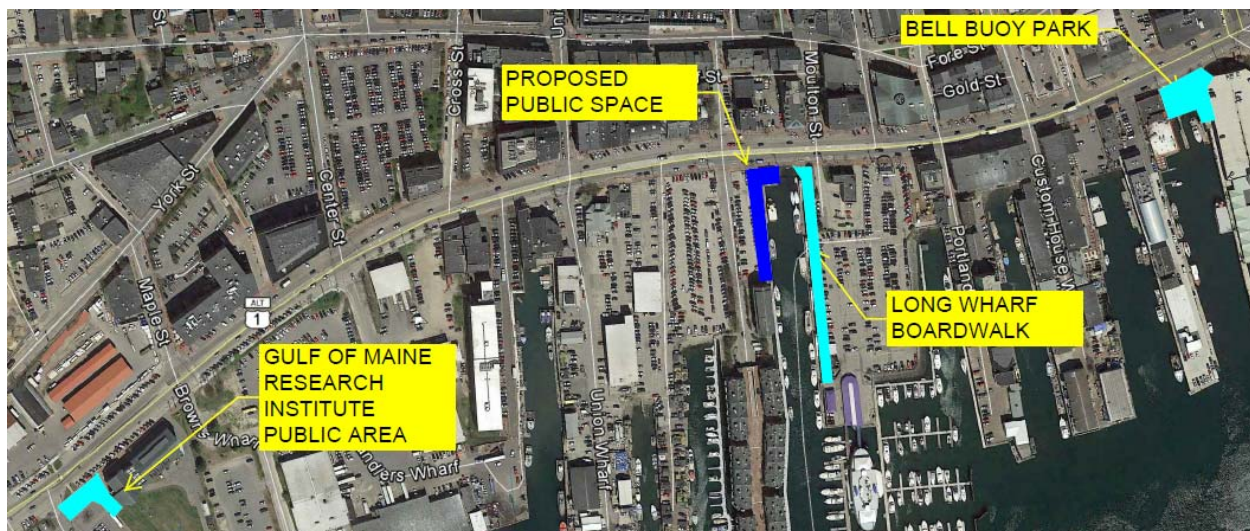
The proposed hotel use has been located so that it fronts on the water between Chandler's and Long Wharf, providing opportunity for hotel guests to have a view that is currently not available anywhere



else in Portland. In addition, the proposed roof-top bar would be another first of its kind on the Portland waterfront. The Applicant is aware of the marine uses in this area and believes that a mixed-use project such as this is not only compatible with, but will enhance the marine uses currently located in the vicinity.

An example of enhanced marine use is the proposed 3,300 sf Casco Bay Dispatch Center located on the first floor of the restaurant/hotel building. The Dispatch Center is intended to consolidate dispatch operations for a number of marine users such as water taxis, tour boat operators and other similar uses. Currently these uses have only small kiosk type ticket offices scattered around the area, and no waiting or bathroom facilities. The result is that crowds of people gather on the sidewalk and surrounding area around departure and arrival times. In addition, the operators have portable toilets brought in because there are no public bathroom facilities nearby. The Dispatch Center will help to alleviate these conditions by providing space for ticket booths, a waiting area for passengers and offering bathrooms for patrons. The Dispatch Center and associated public area will tie in with the existing boardwalk along the Long Wharf, near DiMillo's.

In addition to the above benefits the Applicant envisions the new public area as a convenient gathering location. The location of this public area is located in close proximity a very densely occupied area of shops, restaurants and bars along Commercial Street. The space is centrally located between Bell Buoy Park to the east, and the public space at the Gulf of Maine Research institute to the west. The location will help to fill a need in that area for a convenient and attractive public space, and is expected to be a benefit to the surrounding businesses.





Section 4
Title, Right and Interest

OPTION TO LEASE
AGREEMENT

THIS OPTION AGREEMENT made and entered into the 25 day of January 2017, by and between GEF, LLC a Maine Limited Liability Company with a mailing address at P.O. Box 2808, South Portland, Maine 04106 ("Owner") and BATEMAN INVESTMENTS, LLC a Maine Limited Liability Company, with a place of business at 470 Fore St., Suite 400, Portland, Maine 04101 ("Developer").

WITNESSETH THAT:

1. Description. In consideration of the mutual promises expressed in this Agreement, Owner and Developer have agreed to enter into this Option for Developer to lease and develop subject to Terms and Conditions set forth in this Agreement, that parcel of land and associated improvements located at Fisherman's Wharf, 184 Commercial Street, Portland, Maine, as more particularly described in Exhibit A and A-1 attached hereto and made a part hereof.
2. Lease Option Term. The term of the lease option shall commence on the date this Agreement is executed, and continue as long as the Developer is proceeding through the development approval process with valid applications pending before Local, State, and Federal Agencies. Upon issuance of all required development approvals, Owner and Developer shall execute a Lease for the Property with an initial Term of Ninety (90) Years, said Lease to be negotiated between the parties based on the Terms as specified in Exhibit B and made part hereof.
3. Option Payments. An option fee of One Dollar (\$1.00) shall be paid upon the execution of this Lease Option Agreement and Developer shall proceed to obtain all Local, State and Federal Permits as may be required in connection with the agreed development of the Property (the "Project"). The cost for obtaining the required approvals shall be borne by the Developer. Should the Project be abandoned by the Developer all work product produced through that date shall be released to the Owner.
4. Proposed Development. The Project as currently envisioned consists of a Parking Structure, Hotel, Office, Retail and Restaurant uses. A Conceptual Plan which delineates the Project is attached as EXHIBIT C. The final design and uses are subject to the Approvals issued by Local, State, and Federal Agencies, and will determine the final design and uses for the Project.
5. Possession. Owner hereby grants Developer the right to apply for all required permits which may be required to obtain Local, State and Federal Approvals for the

Project. Owner also agrees that Developer has the right to enter the Property at its risk to conduct due diligence inspections and tests thereon.

6. Default. In the event Owner defaults in the performance of this Agreement, Purchaser shall have the option of suing for specific performance or terminating this Agreement. If Developer defaults, Owner may terminate this Agreement, whereupon all obligations of the parties to one another shall cease and this Agreement shall be null and void and without further recourse.
7. Miscellaneous.
 - (a) This Agreement and the Exhibits supersede any and all prior understanding and agreements between the parties and constitutes the entire Agreement between them.
 - (b) The execution of the Lease by Developer and Owner shall be deemed to be full performance and discharge of every agreement and obligation herein contained or expressed.
 - (c) This Agreement is personal to Developer and Developer may not assign this Agreement, except to an entity owned or controlled by Developer's principals, without the prior written consent of Owner.
 - (d) This Agreement shall inure to the benefit of and be binding upon the parties hereto, their successors and assigns, except as limited by (c), above.
 - (e) This Agreement cannot be altered, modified or amended except by written instrument signed by Owner and Developer.
 - (f) This Agreement shall be constructed and enforced in accordance with and Governed by laws of the State of Maine.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as sealed
Instrument as of the date first set forth above.

Witness:

Antony

GEF, LLC / Owner

By *Fred M. Forsley*
Fred M. Forsley
It's Member

Bateman Investments, LLC / Developer

Antony

By *David H. Bateman*
David H. Bateman
It's Member

STATE OF MAINE
COUNTY OF CUMBERLAND, ss

January 25, 2017

Then personally appeared the above-named Fred M. Forsley, in his capacity as Member of GEF, LLC and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of GEF, LLC.

Before me,

Brandon J. Mazer

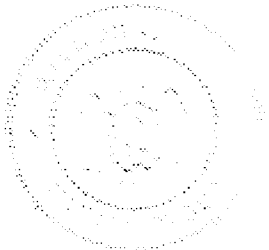
Notary Public/Attorney at Law

Brandon J. Mazer

Print Name

My commission expires May 11, 2017

BRANDON J. MAZER
Notary Public, Maine
My Commission Expires May 11, 2017



STATE OF MAINE
COUNTY OF CUMBERLAND, ss

January 25, 2017

Then personally appeared the above-named David H. Bateman, in his capacity as Member of Bateman Investments, LLC and acknowledged the foregoing instrument to be his free act and deed, and the free act and deed of Bateman Investments, LLC.

Before me,

Brandon J. Mazer

Notary Public/~~Attorney at Law~~

Brandon J. Mazer

Print Name

My commission expires May 11, 2017

BRANDON J. MAZER
Notary Public, Maine
My Commission Expires May 11 2017

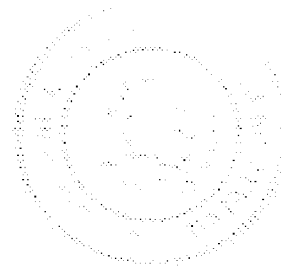


EXHIBIT A

Property Description:

Location 184 Commercial Street
Owner GEF, LLC
 P.O. Box 2808
 South Portland, ME 04116

Book and Price 1282/46

Legal Description 31-J-30-31-32

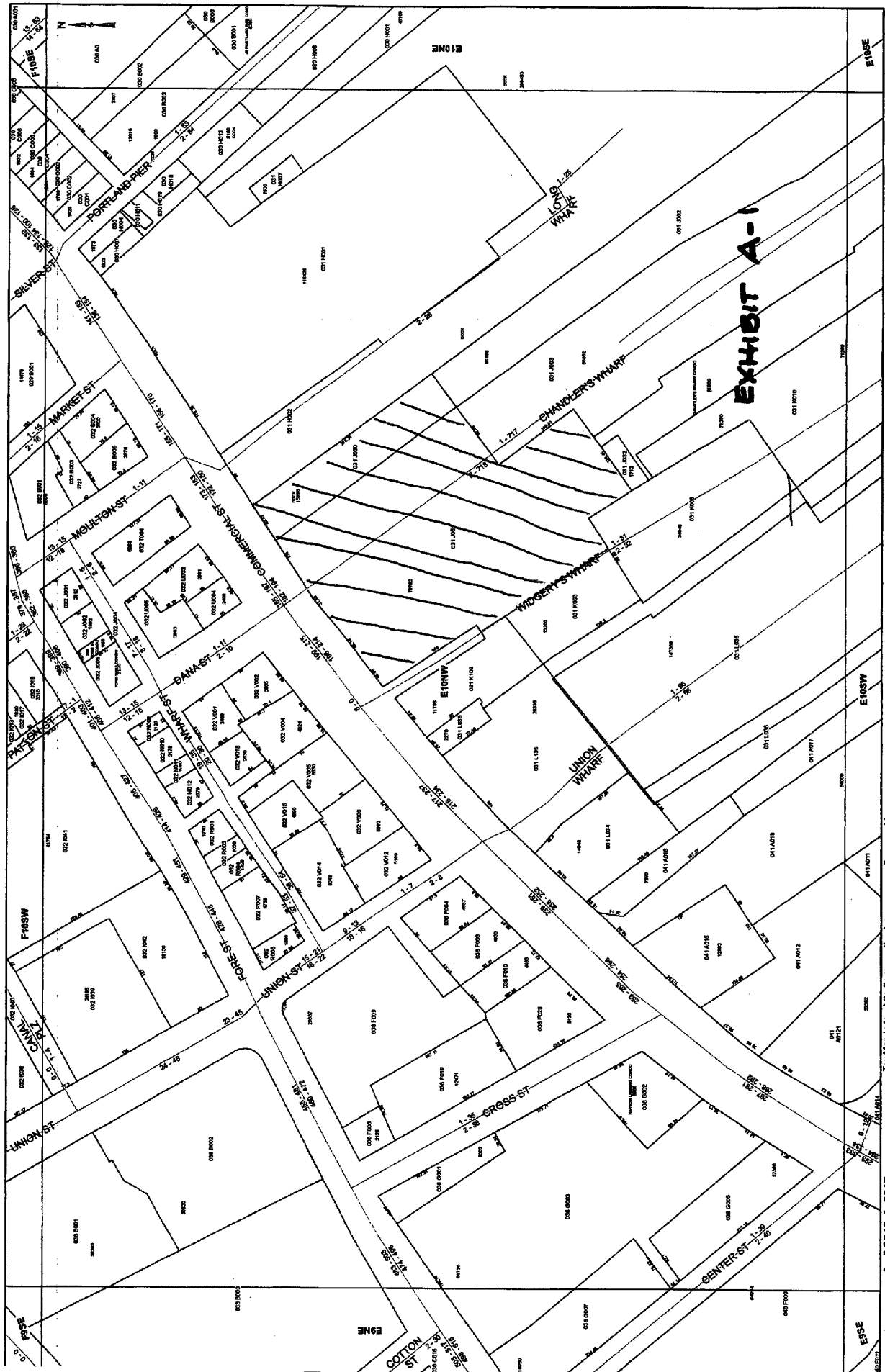
Commercial Street 184-210

Central Wharf

W-79792 SF

Acres 1.8318

Tax Map Attached as EXHIBIT A-1



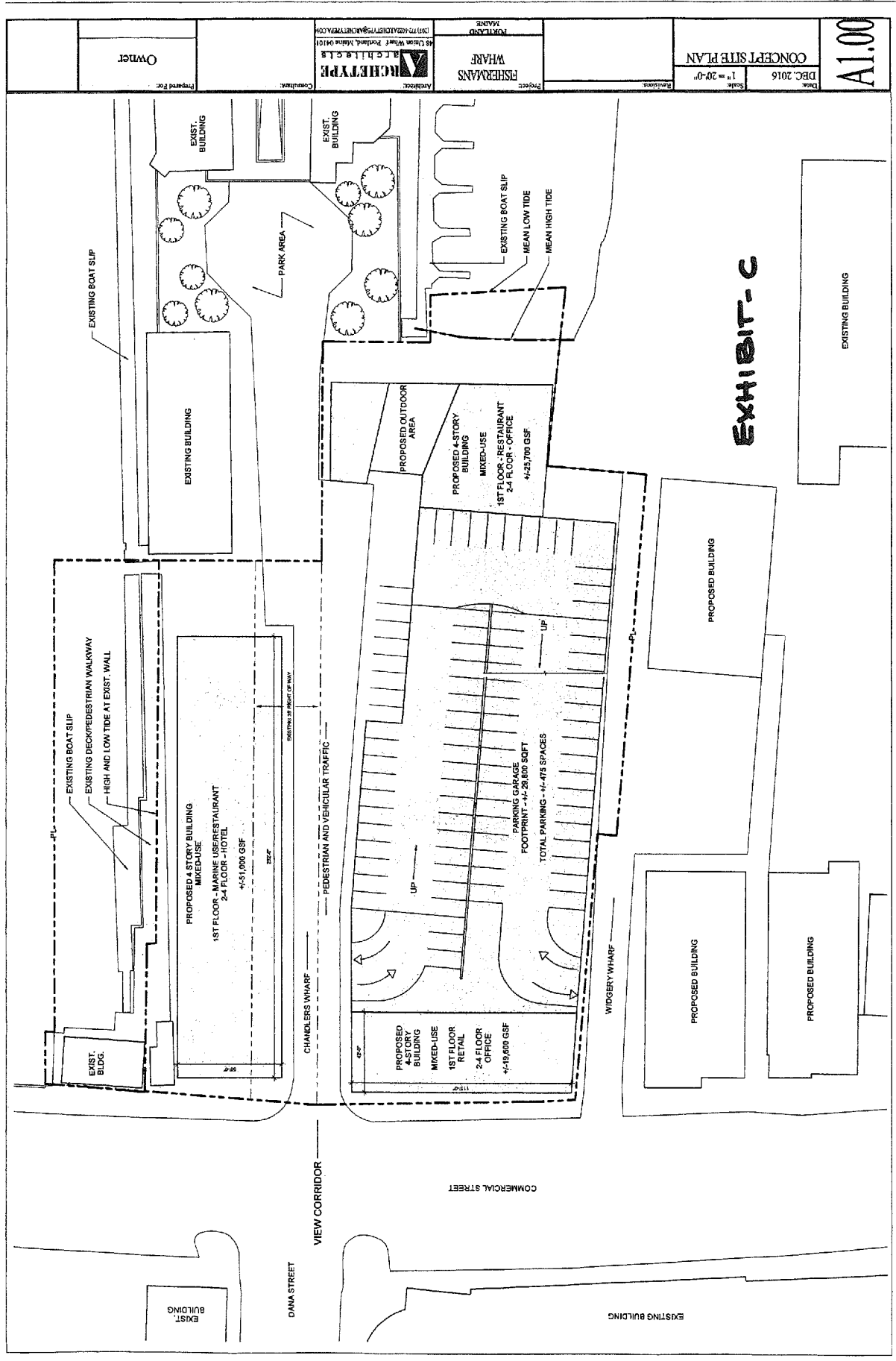
Index Number - E10NW

Tax Map Index, <http://www.portlandassessors.com/taxmaps.htm>

April 2016, fy 2017

Exhibit B
Fisherman's Wharf, Portland, ME

The Exhibit B terms are retained by Owner and Developer in their respective files.





MAINE

Department of the Secretary of State
Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Wed Mar 08 2017 11:14:01. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
FISHERMAN'S WHARF PORTLAND, LLC	20173827DC	LIMITED LIABILITY COMPANY (DOMESTIC)	GOOD STANDING

Filing Date	Expiration Date	Jurisdiction
02/08/2017	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

RONALD N. WARD
84 MARGINAL WAY, SUITE 600

PORTLAND, ME 04101 2480

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Click on a link to obtain additional information.

List of Filings

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Certificate of Existence [\(more info\)](#)

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\(\\$30.00\)](#)

[Long Form with
amendments
\(\\$30.00\)](#)

You will need Adobe Acrobat version 3.0 or higher in order to view PDF files.
If you encounter problems, visit the [troubleshooting page](#).



Bateman Investments, LLC
470 Fore Street, Suite 400
Portland, ME 04101

3/21/17

Fshermans Wharf Portland, LLC
470 Fore Street, Suite 400
Portland, ME 04101\

RE: Assignment of Option to Lease Agreement

Per this letter Bateman Investments, LLC has agreed to assign its Option to lease Agreement between GEF, LLC and Bateman Investments, LLC to Fishermans Wharf Portland, LLC. The terms of the assignment are on file with Bateman Investments, LLC.

Signed

A handwritten signature in blue ink, appearing to read 'Nathan Bateman', with a long horizontal flourish extending to the right.

Nathan Bateman
Manager
Bateman Investments, LLC.



707 Sable Oaks Drive, Suite 30
South Portland, Maine 04106
207.772.2515

NEIGHBORHOOD MEETING NOTES

Project: Fisherman's Wharf Conditional Rezoning

Client: Fisherman's Wharf, LLC

GP Project No: 3244

Date/Location of Meeting: June 6, 2017; Portland Harbor Hotel

Development Team: David Bateman, Nathan Bateman, - Fisherman's Wharf, LLC
David Lloyd, Mike Coyne - Archetype Architects
Al Palmer, Dan Bacon, Christi Holmes – Gorrill Palmer

Attendees: see sign in sheet

Distribution: City of Portland, Development Team, File

Summary of Discussions

Dan Bacon gave an overview of the project and the purpose of the conditional rezone request. David Lloyd presented numerous existing and proposed renderings from different perspectives. Major topics of concern during the meeting are summarized below, with responses given at the meeting in bold, and responses based upon further review in bold and italics. It appeared the majority of the public in attendance were residents of Chandler's Wharf Condominiums.

- Concerns expressed about the width of the drive vs. existing 35' right of way. **Drive is proposed as 24.5 feet with 5' sidewalks on both sides and no on street parking. Currently, there is on street parking and there are no sidewalks.**
- Traffic concerns- emergency access, increased traffic, queuing, turning radius if garage is at capacity, etc. **A secondary access drive will be considered around the proposed garage, near Phase 2, but legal access across Widgery Wharf needs to be confirmed. The hotel has a drop off area for 2-3 cars and will have a valet. Queuing will be inside the garage. Signage on Commercial Street will state status of parking garage. The elevated walkway between the garage and hotel will meet life safety height requirements. A traffic impact study will be submitted during the site plan stage.**
- How many additional trip ends will be generated and what is anticipated turnover rate for garage? **A traffic impact study will be conducted as part of the Site Plan application. The existing monthly rental spaces will remain. The average hotel stay in Portland is 1 night. The anticipated occupancy rate for the hotel is likely 60% - 75%**
- Concerns regarding adequate space for service vehicles in access drive. **Service vehicles will utilize the center turn lane on Commercial Street.**
- How will access be provided to Chandler's Wharf residents during construction? **Access will be provided via the Widgery Wharf route.**
- Could the Chandler Wharf gatehouse be moved towards Commercial Street to discourage turn arounds in that area? **It will be taken into consideration.**



- Moving the garage entrance/exit closer to Commercial Street may prevent congestion in access drive. **We will take that into consideration.**
- Concerns expressed over security. **More development and increased lighting is anticipated to discourage trespassers; the hotel will also have security.**
- Wayfinding signage for Chandler's Wharf is requested. **A signage program will be developed along Commercial Street.**
- Will the rooftop bar have outdoor patio space? Will it have outdoor music? **The rooftop bar will have outdoor patio space, and the orientation of the enclosed rooftop bar and patio is being reviewed. Yes, it will have music.**
- What is the building setback from Chandler's Wharf Building 7? ***The building is setback 10' from the property line, and Building 7 is setback approximately 4' from the property line, for a total of 14'. A 0' setback is required per the ordinance.***
- Office is an approved use, so there could be a 4-story office building with a parking garage that is not screened. **Yes, that is correct.**
- Concerns regarding flooding and security in the Phase 2 area. **The area will be improved to mitigate flooding effects and to discourage people from trespassing onto the private wharves.**
- Snow storage? **Snow will be removed.**
- Concern over loss of views from Commercial Street corridor. **The development team is of the opinion the public views of the water will be increased by removing the existing Portland Lobster Company and Rigby storage containers and providing an open, public boardwalk.**
- What is the ideal timeline? **5-7 months for permitting, 6 months for construction documents, 16 months for construction.**
- What is the process? **First a Conditional Rezone is necessary which requires Planning Board and City Council review and approval, then Site Plan Review. The next meeting is a Planning Board workshop Thursday, June 22 and public comment is taken at all meetings/workshops.**
- Who will maintain access drive? **Fisherman's Wharf, LLC**
- Clarify the Casco Bay Dispatch Center. **The Dispatch Center will provide waiting and restrooms for users of water taxi, tur boats, trolleys, etc. The restrooms will not be public.**
- Will berthing on the floats be for recreational use? **No, strictly commercial. Developer will work with the City and abutter to have the channel dredged.**
- What brand of hotel? **It will be a boutique hotel that will be managed by the applicant.**
- Brick along entire hotel façade would be nice. **The design is in the preliminary stages and the final material is not determined.**
- Will there be public access from the boardwalk to the access drive, near Building 7? **This requires further consideration.**
- Architectural renderings do not include existing Building 7 windows which will face the proposed building. **The existing windows will be added.**
- What uses are proposed for Phase 2? Will it be the Portland Lobster Company? **No commitments have been made, developers anticipate a passive public green space near the water with Phase 2 buildings set back. These is a lot of interest for office in that area.**

Neighborhood Meeting Certification

I, Dan Bacon of Gorrill Palmer, hereby certify that a neighborhood meeting was held on June 6, 2017 at the Portland Harbor Hotel at 5:00pm.

I also certify that on Friday, May 26, 2017, invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,



June 12, 2017

Dan Bacon, Agent of Applicant

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes



707 Sable Oaks Drive, Suite 30
South Portland, Maine 04106
207.772.2515

May 24, 2017

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a Conditional Rezoning located at Fisherman's Wharf, 184 Commercial Street.

Meeting Location: Portland Harbor Hotel, 468 Fore Street

Meeting Date: Tuesday, June 6, 2017

Meeting Time: 5:00pm-7:00 pm

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please call (207) 772-2515.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Lucas Anthony', with a horizontal line extending from the end of the signature.

Lucas Anthony, Agent for Applicant

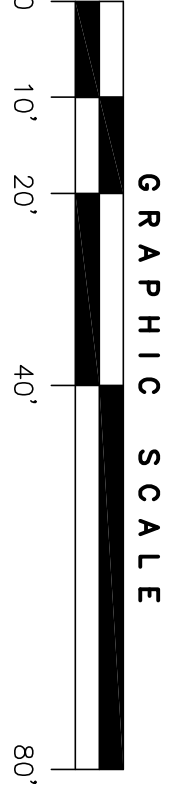
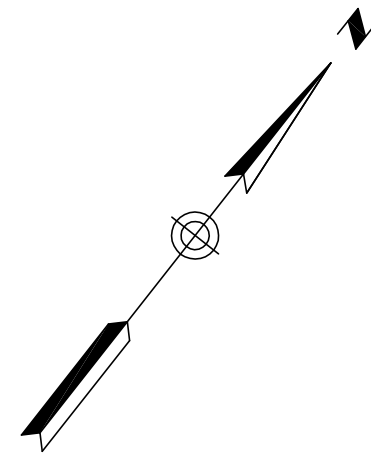
Note:

Under Section 14-32(C) and 14-524(a)d of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plans was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov

Neighborhood Meeting

June 6, 2017

[illegible]



GRAPHIC SCALE

DATE

JOHN W. SWAN, P.L.S.# 1038

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPOSE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. ALL 11-688-000000 AT LEAST TO THE SURVEYOR'S KNOWLEDGE AND BELIEF. THE SURVEYOR'S OSHA COMBINED SPACE REQUIREMENTS, ALL INTERS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

TAX MAP 31 BLOCK H LOT 2
N/F
DUMILLO FAMILY TRUST
15642/47

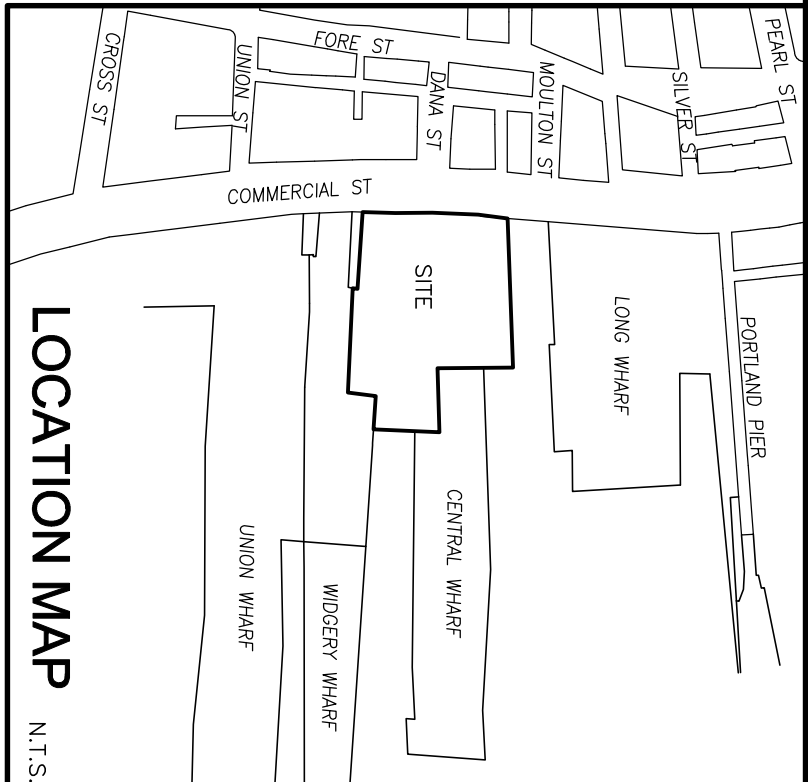
PORTLAND

HARBOR

PLAN REFERENCES

1. PLANS OF CENTRAL WHARF FOR LIBERTY GROUP BY OWEN HASKELL, INC. RECORDED IN C.C.R.D. PLAN BOOK 152, PAGE 39 AND BOOK 154, PAGE 13.
2. PLAN OF "PART OF CENTRAL WHARF MADE FOR CENTRAL WHARF PROPRIETORS" BY H.L. & E.C. JORDAN DATED 1945.
3. "PLAN OF LAND IN PORTLAND, MAINE FOR WILLARD-DAGGETT CO." BY OWEN HASKELL, INC. DATED JULY 11, 1972. OH JOB# 7248P.
4. "PLAN OF LAND ON COMMERCIAL STREET, PORTLAND, MAINE, FOR FISHERMAN'S WHARF ASSOC." BY OWEN HASKELL, INC. DATED SEPT. 12, 1986. REV. 5. OH JOB# 8668P.
5. "RECORD PLAT ONE AND THREE OF THREE, RIGHT OF WAY TO COMMERCIAL STREET" BY OWEN HASKELL, INC. DATED JULY 18, 1985. RECORDED IN PLAN BOOK 165, PAGE 63. OH JOB# 8482 P.

6. "PLAN OF LAND ON COMMERCIAL STREET, PORTLAND, MAINE FOR GEF ASSOCIATES" BY OWEN HASKELL, INC. DATED OCT. 7, 1992 REV. 2 7/29/95. OH JOB# 91171P.
7. "UNION WHARF SITE PLAN MADE FOR THE PROPRIETORS OF UNION WHARF" BY CONNIST STREETING AND DEVELOPMENT DATED APRIL 22, 2015. RECORDED IN PLAN BOOK 219 PAGE 337.



GENERAL NOTES

1. OWNER OF RECORD: GEF, LLC
TAX MAP 31 BLOCK J LOTS 30, 31, 32
C.C.R.D. BOOK 12682 PAGE 46
2. BEARINGS ARE MAGNETIC 1972 BASED ON PLAN REFERENCE 6.
3. ELEVATIONS ARE BASED ON CITY OF PORTLAND VERTICAL DATUM.
4. COORDINATES SHOWN HEREON ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE. NAD 83 BASED ON MOVEMENT LOCATIONS PROVIDED BY THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION.
5. UNDERGROUND UTILITIES WERE MARKED BY CENTERLINE UTILITY MARKED.
6. THE LOCATION OF THE 35' RIGHT OF WAY SHOWN HEREON SHOULD BE CONFIRMED BY LEGAL OPINION DUE TO THE "RIGHT OF WAY" RELOCATION AGREEMENT (7642/290) AND THE CONFIRMATION OF RELOCATION OF RIGHT OF WAY (8005/203). SEE PLAN REFERENCE 5.

CITY CONTROL POINTS UTILIZED:

T124-18-1191
N=299725.67
E=292894.11

T124-18-1143
N=299542.17
E=292894.11

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- E/M/GW ELECTRIC/GAS METER
- SIGN
- CATCH BASIN
- HYDRANT
- WATER VALVE OR SHUTOFF
- GAS VALVE
- LIGHT POLE
- TRASH RECEPTAL
- DECEASED TREE
- FENCE
- CURB
- OVERHEAD WIRES
- UNDERGROUND POWER
- WATER LINE
- GAS LINE
- TELEPHONE/COMMUNICATION
- STORM DRAIN
- SAINTARY SEWER
- 1" CONTOUR
- CONC.
- CONCRETE
- FINISHED FLOOR ELEVATION
- N/F
- DEED BOOK AND PAGE
- 000/000

PORTLAND HARBOR

REV. 11-03-21-17 ADDED NON-MARINE USE OVERLAY ZONE

BOUNDARY & TOPOGRAPHIC SURVEY
FISHERMAN'S WHARF
COMMERCIAL STREET, PORTLAND, MAINE
MADE FOR
BATEMAN PARTNERS, LLC.
470 FORE STREET, SUITE 400, PORTLAND, MAINE

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, FALMOUTH, ME 04103 (207) 774-0424

Drawn By	SDG	Date	Job No.
Trace By	JLW	MARCH 20, 2017	2017-017P
Check By	JWS	Scale	DWG. No.
Book No.	1156	1" = 20'	1

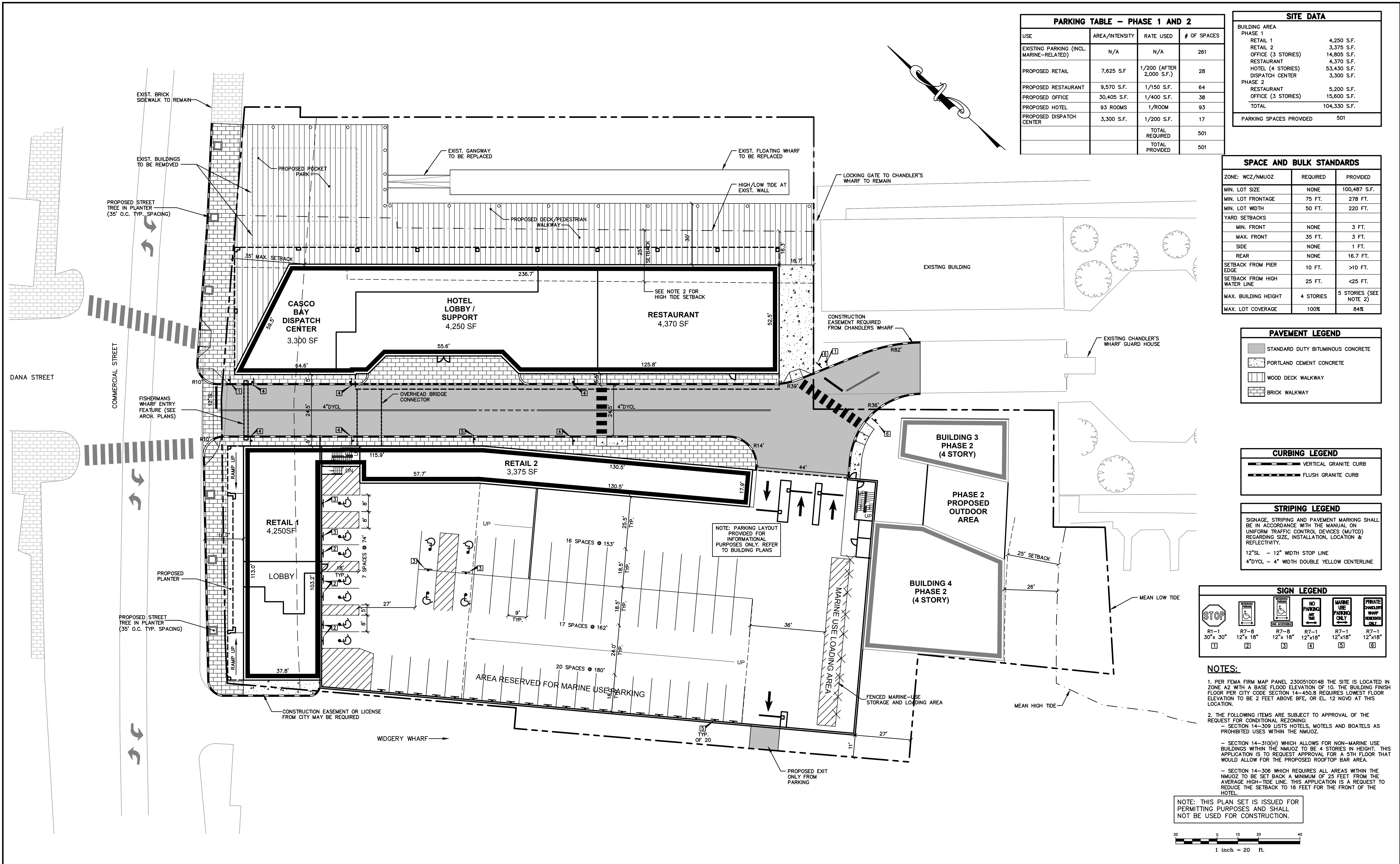
CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSES FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE

JOHN W. SWAN, P.L.S.# 1038

U:\3244 Bateman Fisherman's Wharf\Z - CAD\DWG\3244-SP.dwg - 3/20/2017 3:00 PM



PARKING TABLE - PHASE 1 AND 2			
USE	AREA/INTENSITY	RATE USED	# OF SPACES
EXISTING PARKING (INCL. MARINE-RELATED)	N/A	N/A	261
PROPOSED RETAIL	7,625 S.F.	1/200 (AFTER 2,000 S.F.)	28
PROPOSED RESTAURANT	9,570 S.F.	1/150 S.F.	64
PROPOSED OFFICE	30,405 S.F.	1/400 S.F.	38
PROPOSED HOTEL	93 ROOMS	1/ROOM	93
PROPOSED DISPATCH CENTER	3,300 S.F.	1/200 S.F.	17
		TOTAL REQUIRED	501
		TOTAL PROVIDED	501

SITE DATA	
BUILDING AREA	
PHASE 1	
RETAIL 1	4,250 S.F.
RETAIL 2	3,375 S.F.
OFFICE (3 STORIES)	14,805 S.F.
RESTAURANT	4,370 S.F.
HOTEL (4 STORIES)	53,430 S.F.
DISPATCH CENTER	3,300 S.F.
PHASE 2	
RESTAURANT	5,200 S.F.
OFFICE (3 STORIES)	15,600 S.F.
TOTAL	104,330 S.F.
PARKING SPACES PROVIDED	501

SPACE AND BULK STANDARDS		
ZONE: WCZ/NMUOZ	REQUIRED	PROVIDED
MIN. LOT SIZE	NONE	100,487 S.F.
MIN. LOT FRONTAGE	75 FT.	278 FT.
MIN. LOT WIDTH	50 FT.	220 FT.
YARD SETBACKS		
MIN. FRONT	NONE	3 FT.
MAX. FRONT	35 FT.	3 FT.
SIDE	NONE	1 FT.
REAR	NONE	16.7 FT.
SETBACK FROM PIER EDGE	10 FT.	>10 FT.
SETBACK FROM HIGH WATER LINE	25 FT.	<25 FT.
MAX. BUILDING HEIGHT	4 STORIES	5 STORIES (SEE NOTE 2)
MAX. LOT COVERAGE	100%	84%

PAVEMENT LEGEND	
	STANDARD DUTY BITUMINOUS CONCRETE
	PORTLAND CEMENT CONCRETE
	WOOD DECK WALKWAY
	BRICK WALKWAY

CURBING LEGEND	
	VERTICAL GRANITE CURB
	FLUSH GRANITE CURB

STRIPING LEGEND	
SIGNAGE, STRIPING AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) REGARDING SIZE, INSTALLATION, LOCATION & REFLECTIVITY.	
12"SL	12" WIDTH STOP LINE
4"DYCL	4" WIDTH DOUBLE YELLOW CENTERLINE

SIGN LEGEND					
R1-1 30"x 30"	R7-8 12"x 18"	R7-8 12"x 18"	R7-1 12"x 18"	R7-1 12"x 18"	R7-1 12"x 18"
1	2	3	4	5	6

- NOTES:**
- PER FEMA FIRM MAP PANEL 2300510014B THE SITE IS LOCATED IN ZONE A2 WITH A BASE FLOOD ELEVATION OF 10. THE BUILDING FINISH FLOOR PER CITY CODE SECTION 14-450.6 REQUIRES LOWEST FLOOR ELEVATION TO BE 2 FEET ABOVE BFE, OR EL. 12 NGVD AT THIS LOCATION.
 - THE FOLLOWING ITEMS ARE SUBJECT TO APPROVAL OF THE REQUEST FOR CONDITIONAL REZONING:
 - SECTION 14-309 LISTS HOTELS, MOTELS AND BOATELS AS PROHIBITED USES WITHIN THE NMUOZ.
 - SECTION 14-310(H) WHICH ALLOWS FOR NON-MARINE USE BUILDINGS WITHIN THE NMUOZ TO BE 4 STORIES IN HEIGHT. THIS APPLICATION IS TO REQUEST APPROVAL FOR A 5TH FLOOR THAT WOULD ALLOW FOR THE PROPOSED ROOFTOP BAR AREA.
 - SECTION 14-306 WHICH REQUIRES ALL AREAS WITHIN THE NMUOZ TO BE SET BACK A MINIMUM OF 25 FEET FROM THE AVERAGE HIGH-TIDE LINE. THIS APPLICATION IS A REQUEST TO REDUCE THE SETBACK TO 16 FEET FOR THE FRONT OF THE HOTEL.

NOTE: THIS PLAN SET IS ISSUED FOR PERMITTING PURPOSES AND SHALL NOT BE USED FOR CONSTRUCTION.

1 inch = 20 feet

Rev.	Date	Revision

CONDITIONAL ZONING APPLICATION	3/8/17	LSA
Issued For	Date	By

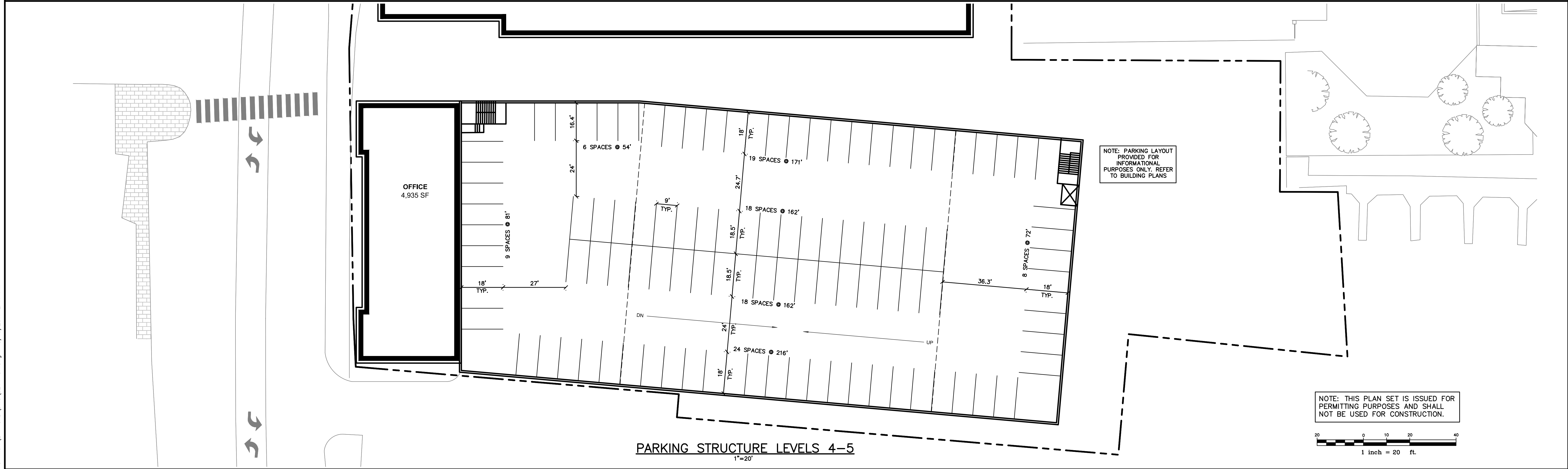
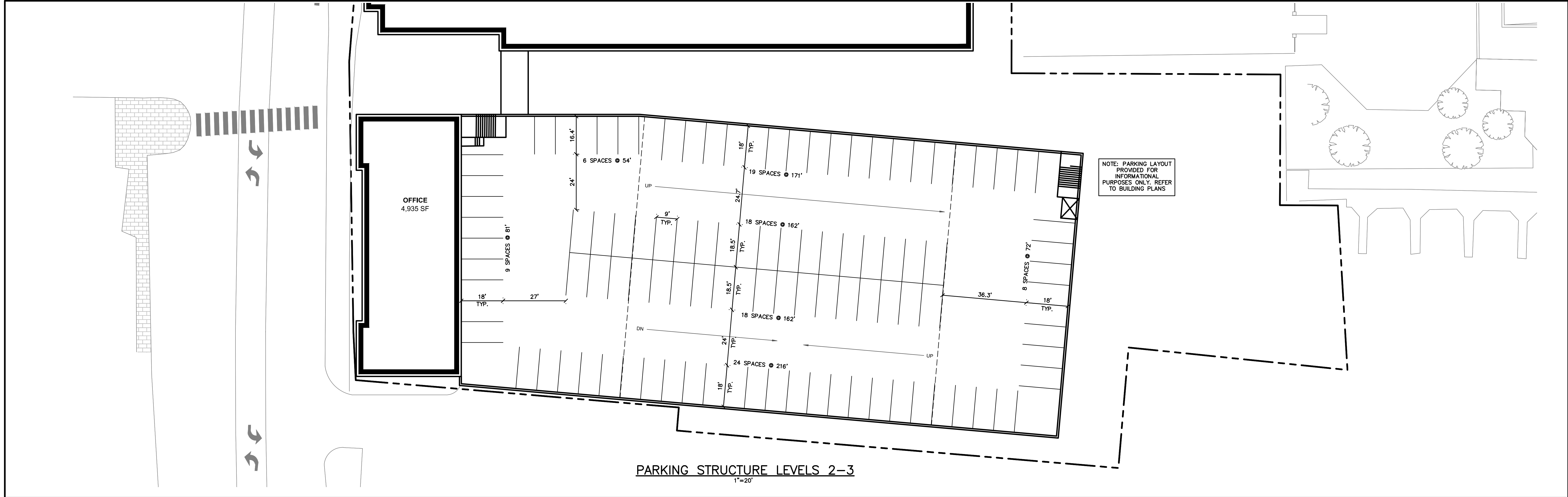
Design: CEH	Draft: CG	Date: MARCH 2017
Checked: LSA	Scale: 1"=20'	Job No.: 3244
File Name: 3244-SP.dwg		
This plan shall not be modified without written permission from Gorrill Palmer. Any alterations, authorized or otherwise, shall be at the user's sole risk and without liability to Gorrill Palmer.		



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Drawing Name:	Site and Utility Plan Main Level
Project:	Fisherman's Wharf Portland, Maine
Client:	Fisherman's Wharf Portland, LLC 470 Fore Street, Suite 400, Portland, ME 04101

Drawing No.
C101



Rev.	Date	Revision

CONDITIONAL ZONING APPLICATION	3/8/17	LSA
Issued For	Date	By

Design: --	Draft: CG	Date: MARCH 2017
Checked: --	Scale: 1"=20'	Job No.: 3244
File Name: 3244-SP.dwg		
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Drawing Name:	Parking Structure 2nd thru 5th Levels
Project:	Fisherman's Wharf Portland, Maine
Client:	Fisherman's Wharf Portland, LLC 470 Fore Street, Suite 400, Portland, ME 04101

Drawing No.
C102





June 15, 2017

Barbara Barhydt, Development Review Manager and
Christine Girlando, Senior Planner
City of Portland
Planning and Urban Development Department
Fourth Floor, City Hall
389 Congress Street
Portland, Maine 04101

Subject: Fisherman's Wharf Redevelopment (Chandler's Wharf) – Conditional Rezoning
Plan Updates in Response to the Neighborhood Meeting

Dear Barbara and Christine,

On behalf of Fisherman's Wharf Portland, LLC, Gorrill Palmer is pleased to provide updated plans for the Fisherman's Wharf Redevelopment Project in advance of our workshop scheduled with the Planning Board for Thursday June 22nd. On Tuesday June 6th we hosted a neighborhood meeting to present the proposed project to the surrounding neighbors and property owners and to receive comments and feedback. The majority of those in attendance at the meeting were residents and property owners within the Chandlers Wharf condominiums abutting the site.

As reflected in the Neighborhood Meeting Notes that we have provided, there were comments and concerns expressed about the design and operation of the proposed access through the project to Chandler's Wharf as well as the change in activity in this area that the project will bring. The applicant appreciates these comments and recommendations for plan improvements, and we've updated our design to incorporate these recommendations and address many of the concerns.

The following summarizes our plan updates:

Neighborhood Meeting Comment 1 - *There were requests and recommendations to consider a secondary access and exit to relieve congestion on the main access drive.*

Plan Updates – The updated plan includes a new ingress and egress for the parking garage to provide an alternative to the main driveway as well as a new additional exit and emergency route to the rear of the parking garage connecting to the Widgery Way ROW. Both of these changes will better distribute traffic and lessen congestion.

Neighborhood Meeting Comment 2 – *There were recommendations to shift the primary entrance and exit to the garage toward Commercial Street to lessen congestion and vehicle trips in the vicinity of the entrance to Chandler's Wharf condominiums.*

Plan Updates – We've updated the plan to shift the entrance and exits for the parking garage toward Commercial Street to address this concern.

Neighborhood Meeting Comment 3 – *There were comments and questions about ensuring emergency response vehicles can access the site and have multiple points of access.*

Plan Updates - As noted under Comment 1, the plan now incorporates a rear driveway behind the parking garage that provides a secondary point of access for emergency response. In addition, we will



work with the City's Fire Department on the ingress and egress design and the elevated walkway from the garage to the hotel to ensure it meets the clear zone for fire trucks and other emergency response apparatus.

Neighborhood Meeting Comment 4 – *Questions were asked about where service vehicles will unload and how they navigate the site.*

Plan Updates - As noted at the neighborhood meeting, deliver trucks can use the center lane on Commercial Street which is routine and commonplace today for area businesses. In addition, we've updated the plan to enable delivery and service vehicles to use the new rear drive to circulate, unload, access the trash compactor etc.

Neighborhood Meeting Comment 5 – *Residents asked about the Phase 2 area and what improvements are possible here to improve the shoreline, floats and security.*

Plan Updates – The plan now incorporates a waterfront plaza, new sea wall, and ramp to the Widgery Wharf floats. The plan is to transform this area into an attractive, functional edge to the waterfront. We will continue to work with the Chandlers Wharf condominium association on a design that can improve security at their site.

With these plan updates, we are striving to refine and improve the project design to address the comments and feedback from our neighbors and enhance the project to fit the location, be compatible with the abutting uses, increase marine access and water dependent activities, and improve the existing waterfront infrastructure.

Should you have any questions or require additional information, please feel free to contact us. Otherwise, we look forward to the workshop next Thursday the 22nd.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Bacon', with a long, sweeping horizontal line extending to the right.

Dan Bacon, A.I.C.P.
Planning Project Manager

Copy: David Bateman, Fisherman's Wharf, LLC
Nathan Bateman, Fisherman's Wharf, LLC
Lucas Anthony, P.E. Gorrill Palmer
David Llyod, Archetype Architects







February 20, 2018

Christine Grimando, AICP
City of Portland
Planning and Urban Development Department
Fourth Floor, City Hall
389 Congress Street
Portland, ME 04101

Subject: **Fisherman's Wharf Redevelopment – Conditional Rezoning**
Request for Planning Board Hearing

Dear Christine:

On behalf of Fisherman's Wharf Portland, LLC, Gorrill Palmer would like to request that the Conditional Use Application for the referenced project be placed on the agenda for the next available Planning Board Hearing.

This request is subsequent to the first Planning Board Workshop on June 22, 2017 and the Planning Board Site Walk that occurred on July 18, 2017. During both the initial Workshop and the Site Walk the Applicant received input from the Planning Board regarding the proposed redevelopment of Fisherman's Wharf. Having considered that input, the Applicant and their Design Team wish to present the project and proposed modifications to the Planning Board.

Original Conditional Zoning Request

In March 2017, an application for Conditional Rezoning at the subject site was submitted to request approval for:

- A Hotel Use within the NMUOZ,
- a 5th floor rooftop patio area,
- a setback reduction to the highwater line, and
- a negotiation of the terms of marine investment.

Revised Conditional Zoning Request A:

Based on feedback from the Planning Board, and the desire to focus on the key element and catalyst for the project and it's public and area benefits, the Applicant has determined that design changes could be made that would limit the request to only consider:

- a Hotel Use within the NMUOZ

By incorporating significant design changes and revisions to the development program the Applicant could simplify this Conditional Zoning request.



Revised Conditional Zoning Request B:

As an alternative to Option A above, the Applicant has also considered the input from various groups such as the Portland Society of Architects (PSA) (see section below entitled “Architecture”) and believes that the project would be improved by also considering:

- a 5th floor for a rooftop dining area and open deck;
- a setback reduction to the highwater line of 12.5 feet;

The setback reduction would allow for more space between the hotel and parking garage, which could be utilized to design a more pedestrian friendly entry point to the site and Chandler’s Wharf as well. The setback reduction, in fact would be more conforming than the existing condition where most of the parking lot is only providing a 3-foot setback to the high-water line and the Portland Lobster Company is built completely over the water on pilings. Even with the setback reduction the project will provide over 100% more area than the existing wharf provides for marine uses, not including the new public viewing/waiting area along Commercial Street which is an additional 4700 sf.

By approving a 5th floor as part of the proposed redevelopment would allow for an additional site amenity in the form of rooftop dining and outdoor deck space. This would be an amenity that is open to the public, not just hotel guests and would be consistent with the principles outlined below by the PSA, in particular:

“Establish the highest activity uses along Commercial Street and the Waterfront.”

“Celebrate the roof area, making the top-floor restaurant architecturally part of the building and show through architectural elements the rooftop activity”

Context to the “Working Waterfront”

The Waterfront Central Zone (WCZ), was created specifically to protect and nurture water-dependent and marine related uses. Consistent with that goal, the Non-Marine Use Overlay Zone (NMUOZ) was intended to relax zoning standards in specific areas of the WCZ in order to allow a more diverse set of uses and ultimately create opportunity for increased revenue to support the working waterfront. The increased revenues are intended to allow pier owners the ability fund improvements and maintenance to the waterfront infrastructure and operations that directly benefit the marine users.

From the start, the Applicant has recognized the importance of the project’s proximity to the working waterfront and has been focused on making improvements to the marine related infrastructure as well as designing the project to be integrated and compatible with the maritime economy. Similarly, the Applicant has recognized that there are a range of distinctly different types of marine uses that makeup the “Working Waterfront”. Specific to this project, the working waterfront that directly engages with this site consists of tour boat operators, water-taxis and other users that cater to the marine recreation and service industry. The primary waterfront directly adjacent to this project and the area of the site that seeks a Conditional Rezoning is not used by fisherman or lobsterman and it should be noted that no lobster or fishing boats will be displaced.

This property is in an a highly visible and important area for tourists who utilize and support the marine tour operators and other water-dependent businesses. The property is centrally located on Commercial Street and while it functions mainly as a surface parking lot for tourists, local workers and



some marine users, it also has a restaurant use and is the main gathering and deployment point for tour boat operators and other marine transport businesses. Fisherman's Wharf and Long Wharf (DiMillo's) are currently the only significant locations on Commercial Street where tour boat operators have ticket booths and dockage space, but it is very crowded, congested and poorly configured to accommodate this use and level of activity. The summer crowds and congestion at this spot are well known.

The approximately 260 existing surface parking spaces serve a mix of monthly leases for area workers and also hourly/daily parking for tourists and visitors. While the City has recognized that surface parking is not the highest and best use of waterfront property, parking is a necessity to support the working waterfront and the high level of economic activity along Commercial Street. The proposed project fully recognizes this fact and seeks to maintain and enhance the parking provided at this location.

The lobster and fishing industry that is a key aspect of the working waterfront economy has voiced some concern over some non-marine projects and uses such as this, while discussion of the positive impacts that a project like this can provide to the broader marine and non-marine businesses that call Commercial Street and the Old Port home has been mostly silent. While not having the same amount of notoriety as the fishing industry, the tour-operators and the marine transportation industry have a significant and direct economic impact to businesses in the Old Port such as restaurants and bars, retail shops, hotels, parking garage owners and other local businesses. They also play a significant role in the general Casco Bay and island economy and transportation system.

Existing Site Constraints / Challenges

Because of its central location and high visibility, the redevelopment of Fisherman's Wharf represents an opportunity to address many of the existing challenges associated with this property, some of which include:

- **Inadequate Waterfront Infrastructure** – The existing wharves, floats, gangways, etc. are aging and inadequate for the current use. Improvements to aid accessibility, convenience, safety, and capacity are desperately needed.
- **Waterfront Access** – in its present condition the water frontage of Fisherman's Wharf is mostly inaccessible. The only access to the water is through a narrow gate between the Portland Lobster Company and Portland Discovery Tours ticket kiosk, that is very constrained and awkward for access to the waterfront and marine transportation.
- **Waterfront Views** – Similar to above, direct views to the water are almost non-existent from Fisherman's Wharf. Views are blocked by the existing storage containers, ticket kiosk, the Portland Lobster Company, and a large expanse of surface parking. All of these obstructions are unattractive and prevent views and engagement with the waterfront. The existing condition is contrary to the City's desired goals as outlined in the City of Portland Design Manual and more specifically the "View Corridor Protection Plan".
- **Lack of Waiting Areas** – The lack of a formal waiting area causes people waiting for tour boats to congregate on the sidewalk, often times forcing passing pedestrians to walk into the street to get around the crowds. Further, the sidewalk width is significantly undersized at this location to accommodate the wide mix of pedestrian activity.



- **Lack of Bathrooms** – There are no permanent or comfortable bathrooms for tour boat patrons located in the vicinity of this activity center and in order to handle the peak tourist season “porto-potties” are utilized, which are unattractive and inadequate for this location.
- **Access to Chandler’s Wharf** – Vehicular access to Chandler’s Wharf during peak season can be difficult due to the lack of waiting area noted above. Cars are often in conflict with the groups of people waiting in this area making ingress/egress difficult for residents of Chandler’s Wharf. In addition, there is only one way in and out of Chandler’s Wharf, which is not desirable from a fire and emergency vehicle access standpoint.
- **Security** – During public meetings for this project some residents of Chandler’s Wharf noted that late-night security in the area is a concern. Non-resident’s have been known to cross the parking lot into the Chandler’s Wharf property.
- **Legal Access** – Currently the residents of Chandler’s Wharf have no legal right to traverse the access/driveway and alignment that they currently use. (Their legal access is an easement which can only be accessed from Widgery Wharf, not Commercial Street as is currently done.)

Public Benefits

Recognizing the challenges and constraints listed above, the proposed redevelopment of Fisherman’s Wharf has been designed to bring significant improvements that will benefit the marine users and working waterfront activities, tourists and the general public, the Old Port business community, as well as visitors to and residents of the islands and greater Casco bay. Some of the projects benefits are listed below:

- The redevelopment will allow for much improved visual and physical access to the waterfront with a new Marine Dispatch Center, new Boardwalk and public space that connects and engages the waterfront with Commercial Street. These changes provide opportunity for the Public to experience the waterfront and City’s Islands in a safe, comfortable and accessible location.
- The new and vibrant public spaces, along with the proposed mix of commercial uses will draw pedestrian’s due to its centralized location in the Old Port. The new boardwalk, which will connect to the existing DiMillo’s boardwalk at Long Wharf, will open up scenic viewing opportunities of the working and active waterfront.
- The new boardwalk, which will add approximately 4700 sf of new public viewing area along the Commercial Street frontage and will provide an outdoor gathering place for tour boat passengers who currently have no place to wait other than on the sidewalk along Commercial Street.
- The Dispatch Center will enhance the operations of the unique transportation alternatives that will serve as a secondary connection to the Casco Bay Island Communities. The improved facilities will provide a centralized location for water-taxi businesses that are a natural complement to Casco Bay Lines ferry services.
- To enhance the operations of the Dispatch Center the applicant is also planning to make marine infrastructure improvements such as new gangways and floats to replace the existing, along with creating approximately 50 feet of additional berthing for marine transportation services.
- The marine infrastructure improvements and Dispatch Center will provide significant support to the local economy and provide for a new, unique and necessary water-focused activity hub in the Old Port.



- The Project will provide residents of Chandler's Wharf with an access easement in the driveway alignment they are currently utilizing to provide permanent access and legal rights. The project will provide stormwater runoff quality improvements, as currently there is no water quality treatment for the existing 2-acre surface parking lot.
- The project will provide opportunity for job retention and job creation (construction, hotel, retail, office). The hotel use is the financial catalyst for the project and provides the revenues that make the proposed investments in marine infrastructure and public improvements possible. Improvements to the marine infrastructure help to sustain the water-dependent businesses that currently exist in the area.
- The current use as a poorly lit, open surface parking area will be replaced by a well-lit, secure facility. This facility will be staffed full-time and will no longer attract unwanted activity.
- The proposed development will serve to buffer Chandler's Wharf residents from the late-night activity on Commercial Street. In addition, the residents of Chandler's Wharf will also receive the benefit of full-time security at the facility. As operators of luxury hotels, guest safety is a top priority to the Applicant.
- The site will be pedestrian friendly and accessible, unlike the current parking lot and waterfront infrastructure which have no considerations for pedestrians.

Architecture

The Applicant intends to submit a more detailed application for Site Plan review pending approval of the Conditional Rezoning request. The Site Plan Application will include detailed architectural elevations, floor plans, etc. While no specific architecture is being presented as part of this request to appear before the Board, the Applicant recognizes its importance due to the prominent location of the project.

Based on input from the Planning Board during the Workshop on June 22nd and during subsequent meetings with Staff, the Applicant has worked to develop guiding design principles for the architectural detailing of the building forms that will be incorporated into the design. These guiding principles have been based on input not only from the Project Team but other outside groups as well. Subsequent to the Workshop the Project Team has undertaken an effort to seek out comments and critiques from various groups. Most recently we met with the Portland Society of Architects (PSA), whose input we view as the most salient. As a result of these consultations with the PSA a set of Design Criteria have been established as a guide for the project architecture.

As the PSA and the Project Team started the process, the proposed architecture was examined in relation to its diverse surroundings. As shown on the current site plan the building massing is intended to be a direct result of maintaining historical access to the Chandlers Wharf condominiums, access to Widgery Wharf and waterfront access for the general public. The building's massing is arranged so that the principal frontage is along Commercial Street, providing urban context, and also along the pier providing a strong connection to the waterfront. Both of these major facades will provide active urban spaces; including the Hotel Lobby, Casco Bay Dispatch Center, boardwalk and public open space as well as the street level retail space and the restaurant uses. The garage has been placed behind the other buildings with the intent that they will mask the majority of views to the garage from the street level.

As truly a signature building this project will be recognized as part of Portland's introduction and branding for tourists, as well as locals to the Portland waterfront. The building design will be an answer to providing an authentic Portland Maine experience and at the same time offer dynamic architecture



representing modern design. In that spirit, the Design Criteria developed during the consultation with the PSA are as follows:

1. Establish the highest activity uses along Commercial Street and the Waterfront.
2. Establish more open, inviting space in the access way to Chandler's Wharf
3. The south side of Commercial street has had an eclectic past architecturally, recognition of which can yield a more open, contemporary architecture.
4. Celebrate the roof area, making the top-floor restaurant architecturally part of the building and show through architectural elements the rooftop activity.
5. Develop a strong architectural relationship from the boardwalk to the building.
6. Establish a sense of entry to the waterfront boardwalk and the entry to Chandler's Wharf using building forms and gateways.
7. Develop an authentic Portland architecture using indigenous elements.

We trust that this memorandum and the accompanying plans provide the City with the necessary information and update to our project goals and approach to be scheduled for a Planning Board Hearing at which we will be pleased to discuss the project in more detail and progress our project further.

Should you have any questions or require additional information, please feel free to contact us.

Sincerely,

Gorrill Palmer

A handwritten signature in blue ink, appearing to read 'Lucas Anthony', with a long horizontal flourish extending to the right.

Lucas Anthony, PE
Project Manager

CC: Fisherman's Wharf Portland, LLC
David Lloyd, Archetype Architects



RESUBMIT TO CITY	2/21/18	LSA
CONDITIONAL ZONING APPLICATION	3/8/17	LSA
Issued For	Date	By

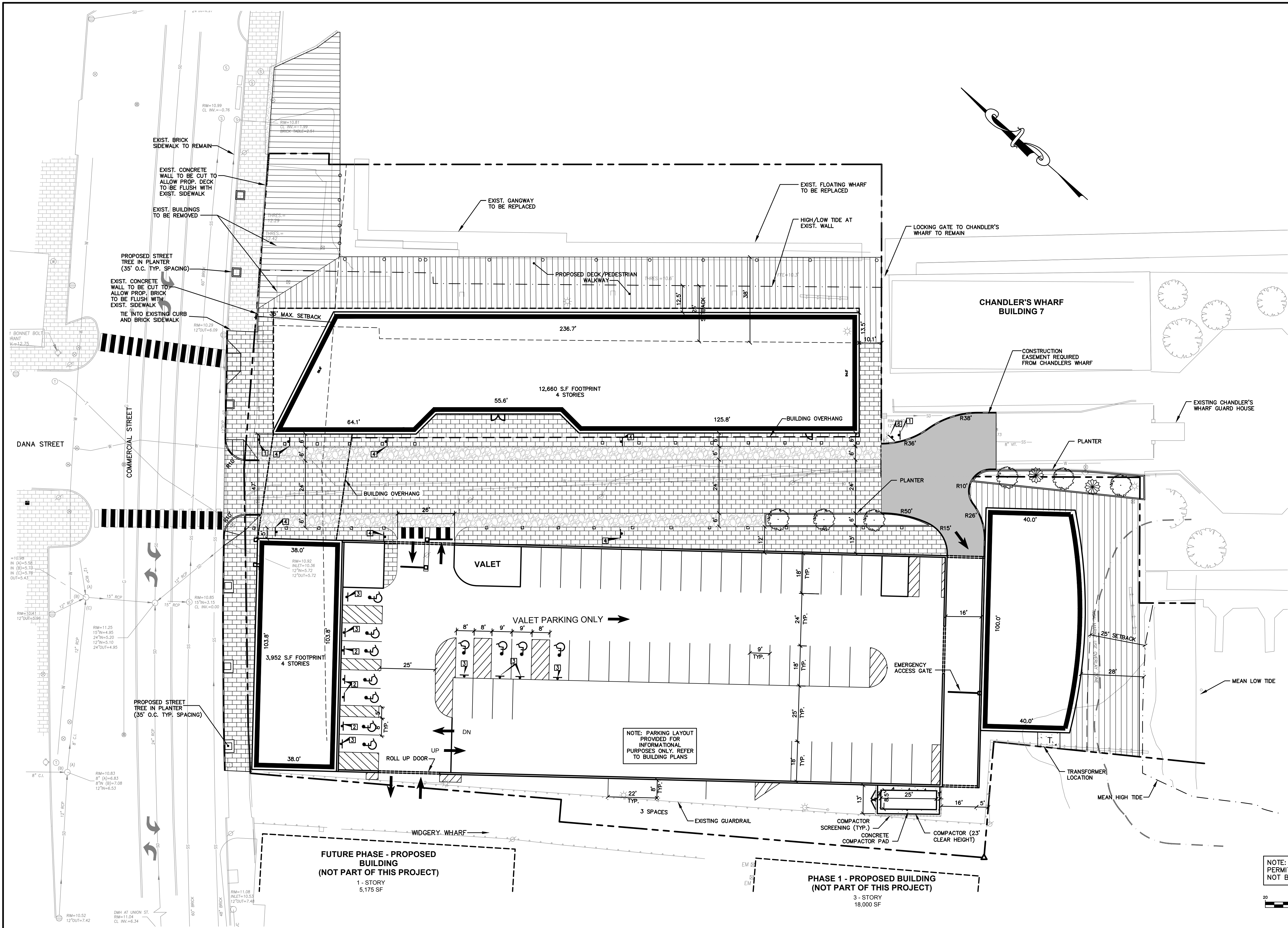


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U:\3244 Bateman Fisherman's Wharf\Z - CAD\DWG\3244-SP_B.dwg - 2/21/2018 1:09 PM



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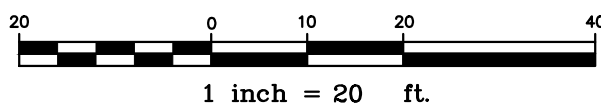
PAVEMENT LEGEND	
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Rev.	Date	Revision
2	2/5/18	MOVE BUILDING TO SETBACK
1	10/20/17	REVISION TO GARAGE

RESUBMIT TO CITY	2/21/18	LSA
CONDITIONAL ZONING APPLICATION	3/8/17	LSA
Issued For	Date	By

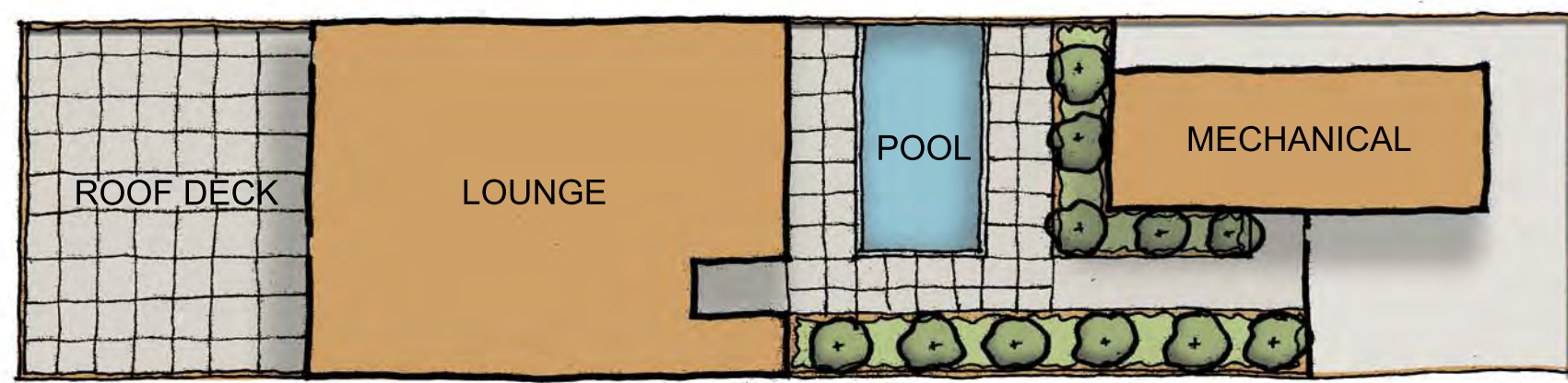
Design: CEH	Draft: CG	Date: FEB 2018
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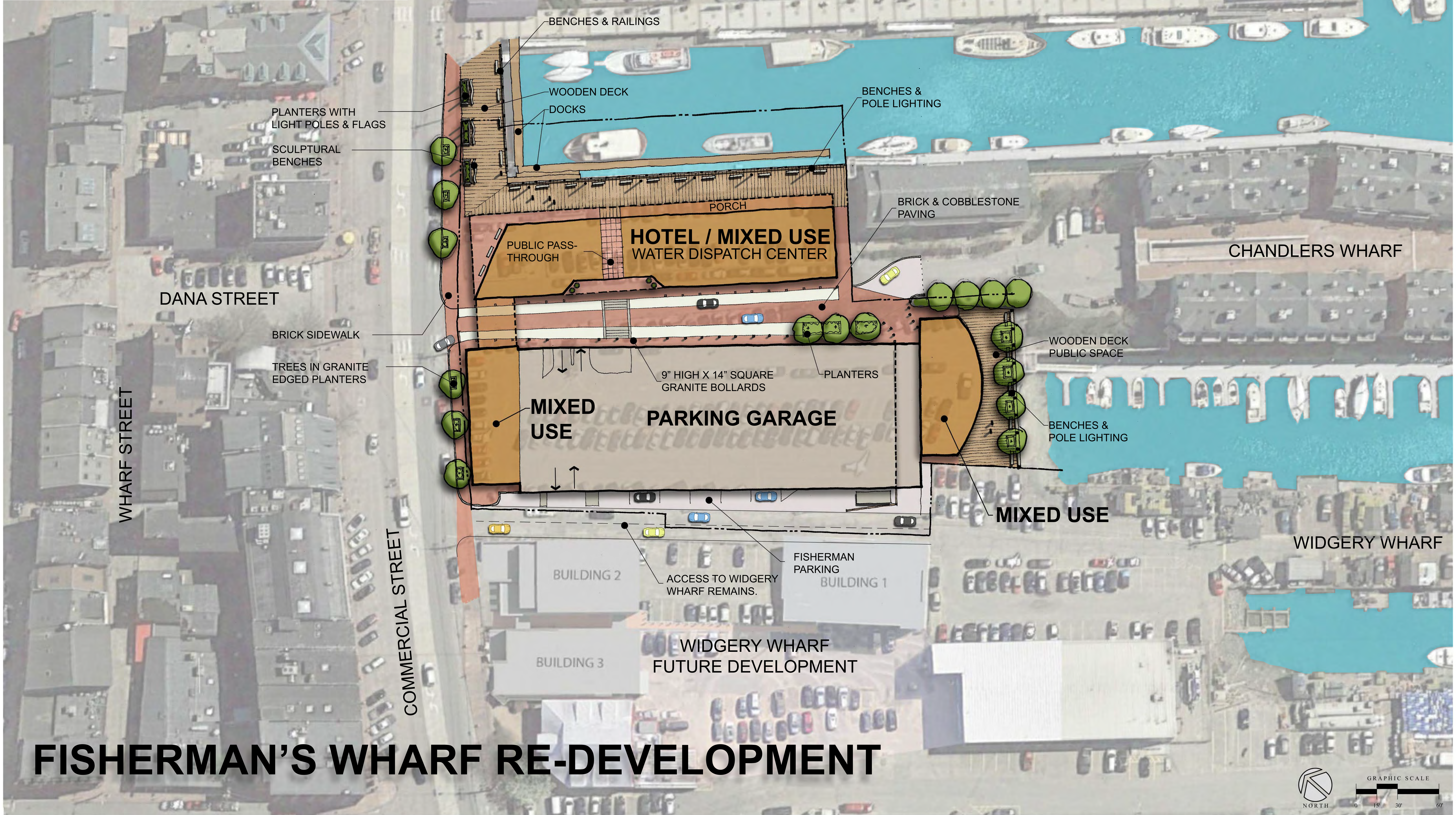
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Drawing Name:	Site Plan Main Level - Option B
Project:	Fisherman's Wharf Portland, Maine
Client:	Fisherman's Wharf Portland, LLC 470 Fore Street, Suite 400, Portland, ME 04101

Drawing No.
C101



HOTEL ROOF PLAN



FISHERMAN'S WHARF RE-DEVELOPMENT

Google Groups

Comment on Bateman Fishermans Wharf development

Paul Lafavore <plafavore@earthlink.net>

Jun 3, 2017 9:46 PM

Posted in group: **Planning Board**

I am writing at this time to voice my strong opposition to the proposed development of David Bateman representing Fisherman's Wharf Portland, LLC. I am a resident of Portland in the vicinity of 184 Commercial St and have significant concerns regarding the impact of this project not only on the city of Portland, its tourism, and the tax paying residents that this project will affect.

Portland Maine is a city that is steeped in maritime tradition. Its working waterfront has been preserved by forward thinking shepherds of city administrators over the decades. As such, the Old Port area of the city has become a major destination nationwide for its unique blend of harborfront location, rehabilitated historic buildings, and New England charm. While I understand that Portland is growing, we must be very careful not to impact the reason why it is growing. In other words, visitors to Portland are not interested in seeing new shiny glass and steel hotels. They are interested in seeing the Portland that has preserved its historic and waterfront locale.

The area that is proposed for development by Mr. Bateman is in my opinion probably the worst location to put a sprawling hotel, parking garage, and retail space in Portland's Old Port. This tract of land is one of the few open areas on the waterfront that allows direct visualization of Portland Harbor, the working wharves, and non-commercial structures in the Old Port. One only has to look at the congregation of tourists in that area during the summer months to see its attraction. Just a few hundred yards down Commercial Street we hardly see any tourists as the waterside of that thoroughfare is blocked by commercial structures. The proposed land for this development is one of the few remaining sections of Commercial Street that connects Portland Harbor with the Old Port. We must remember that Portland's attraction is tied to its oceanfront location. I think we would all agree that if Portland was landlocked in the middle of the state it would unlikely be the destination that it is currently. We cannot systematically eliminate our ties to the waterfront by over developing one of the few remaining conduits from the Old Port to Portland Harbor.

I bring to the planning board's attention the situation that has occurred in the city of Boston in regards to Atlantic Avenue. Atlantic Avenue is a major thoroughfare along the waterfront in Boston adjacent to important tourist sites such as the North End and Faneuil Hall. Yet, over the decades, Atlantic Avenue has completely blocked water views by developing multi-story building after building along the waterfront side of the street. The only areas on the street that are visited by tourists are the small open area with preserved water views such as Columbus Park and the New England Aquarium.

If Portland really does need additional hotel and retail space, let us not put them in places that will not be detrimental to our tourism industry for which these hotels are trying to serve.

As a resident of Chandler's Wharf in Portland, I would also like to speak to the negative impact that this development would have on our residential community. Chandler's Wharf has been home to thousands of residents of Portland since the 1980s. These taxpaying residents have paid millions of dollars over the years to preserve this residential community and make it aesthetically pleasing for the area. One only needs to pick up any magazine related to Portland and you will likely see a photograph that in some way incorporates a view of Chandler's Wharf and adjacent waterway.

Based on the renderings of the Fisherman's Wharf development that I have observed, it is very concerning that the city will allow such a complex to be built between the residential area of Chandler's Wharf and

Commercial Street. This land is the only entrance and egress for our residential community. The thought that residents on a daily basis will need to traverse what will be essentially a hotel entrance is unthinkable. Observe any city hotel entrance and note the congestion from guests, vehicles, taxis, vans, and delivery trucks all vying for space in a narrow area. It is through such a bottleneck that residents of my community will have to navigate to enter and leave our property every single day. I know of no other project in our city that has put an established residential area in such an inconvenient predicament as this proposed project by funneling residents through a hotel property to and from their homes.

In addition, the proposed project puts a large hotel/retail complex within feet of our residential community. I live in the brick building at Chandler's Wharf (Bldg 7) which according to the renderings would put me within feet of this multistory hotel. The side of this hotel, which reminds me of a cruise ship with multiple balconies, will essentially be looking into the windows of my building. The suffocating proximity of so many persons to our residential community is of significant concern to us from a privacy, noise, and security aspect.

Last summer, what essentially was a home invasion took place at our community when two intoxicated men walked into the condominium of an elderly couple and refused to leave. Our community requires 24 hour security to provide safety for our residents from persons wandering onto our property. Despite this, we have had thefts, property damage, unauthorized access to boats tendered at the marina, stalkers, etc. I can only imagine how this problem could be compounded by putting hundreds of guests in a concentrated area within feet of our residences. Again, I know of no other project in this city that would create such a situation for an established residential community. Because we are locked at the end of the wharf, we will have no way to avoid the problems that this project will bring.

In summary, I am very much opposed to the proposed Fisherman's Wharf Portland, LLC project proposed by Mr Bateman. I feel it is bad for Portland, bad for the tourist attraction of the Old Port, and bad for the neighboring residential community. I appeal to good judgment of the Planning Board to realize that this area of the city is so important to the character of the Old Port and should not be over-developed in the manner proposed.

I close with a quote from author Philip Hamburger: "Portland people are steadied by the vistas that play a large part in their lives--vistas of sea and sky, of islands in the bay, of coves, of lighthouses outlined against craggy rocks."

Paul Lafavore MD

3 June 2017

Re: Chandlers Wharf 6-7-2017

Carolyn Scholl <cbscholl470@sbcglobal.net>
Reply-To: Carolyn Scholl <cbscholl470@sbcglobal.net>
To: Christine Grimando <cdg@portlandmaine.gov>

Wed, Jun 7, 2017 at 6:55 PM

I will look at the links you sent and thank you. We appreciate that you were able to take the time to talk with us this week.

I will start by saying that we purchased our condo at Chandlers Wharf in 1987 and may well be the only original owners remaining there. We have seen Portland and the Old Port evolve over these 30 years, so have an perspective that many do not have.

We attended the informational meeting last night by the developers along with many residents of Chandlers Wharf and surrounding properties. There was great concern about the vastly increased traffic over our right of way to Commercial Street with a **501** car parking garage (apparently the lots now have a **260** car capacity), plus the water taxi, the restaurant and, potentially in the future, two more smaller office buildings in "Phase 2". Also Mr. Bateman has the hotel, restaurant and marina on Great Diamond Island and he could well use this property as the link for his guests to get there, adding additional traffic and parking. The plan as presented doesn't have enough room for anyone to turn around, much less allow our residents freedom to enter and exit our development unobstructed. Already especially in the summer, we cannot even turn left or right out of our right of way on to Commercial Street and adding 501+ more vehicles, it is going to be impossible.

Also there was much concern about emergency vehicles such as fire trucks, police and ambulances. We have an aging population at Chandlers so this is very much at the forefront of everyone's thoughts. With hotel and restaurant guests plus other parking, where are these emergency vehicles going to fit in? They are only allowing what looked like a two vehicle pull in at the hotel door, and say they will check in in the garage, but we all know people stop at the front door first and this is going to clog up the right of way repeatedly.

There was an audible gasp in the room when they showed us the present conditions photo and then the proposed buildings - it is a giant wall of brick between us and Commercial Street - blocking all light and views. The condos at that end of our building 7 will be looking into a brick hotel wall. There will be a large physical separation between us and the city and will block any view of the water and working waterfront. It makes Chandlers almost an island, not connected to city streets at all. They were trying to make the case that these buildings actually make the waterfront more visible, and many of us found that laughable. We see the people walking by and taking in what Portland is now - a vibrant, active waterfront, not a wall of brick along the street where they will not be able to see anything except expensive shop windows which could be any city in this country not on the water. This is not what Portland was, is or should become.

Also, in the strongest terms, I was able to let them know that a rooftop restaurant/bar, with outdoor music they told us, is not acceptable at all. The current zoning, as we understand it, would allow offices, but outdoor music, no. We suffer all spring and summer with so many outdoor venues with very loud music that we must sleep with earplugs. Some of these "performances" go on well past midnight, and having one right next door to our building will be another incursion into our lives. And we did not even get into rooftop air conditioning and heating units, which also generate

noise. This new proposed hotel (with this zone change) is FAR too close to our building based on their proposal.

Again to traffic, the developer mentioned that trucks would be supplying the restaurant and pulling in next to our building on the small space between the two. This is completely unacceptable, especially for the end unit owners. The last thing they need is huge delivery trucks outside their windows at all hours, with beeping back up alarms.

Then we have security issues. As we all know, Portland in the summer is a very busy place, and the Old Port has a lot of bars and drinking has become sport. We have had problems on our property with drunk people wandering in and having to be either escorted out by our security or the police are called. Last year two drunk people actually opened someone's door and just walked in.

Having a hotel filled with out-of-towners, here to party, right next door to our property, is just an invitation for more problems. Our guard cannot be everywhere at once and we should not be forced to pay for additional security brought on by this zone change allowing a hotel, restaurant and bar catering primarily to non-residents.

We strongly object to this zone change to allow a use that does not enhance waterfront activity, but hinders it and the view and does not conform to what the waterfront has been and should be. If this zone change is granted, this will be the foot in the door for all other waterfront property owners to want the same thing, and at some point, there will be no view of the water from Commercial Street and you will drive out the working waterfront people, as well as local businesses. How many more hotels does Portland need? Why does this developer deserve consideration at all? We need more open spaces for people NOT more huge buildings.

Respectfully,

Robert P. Scholl
Carolyn B. Scholl
705 Chandlers Wharf
Portland, ME 04101

From: Christine Grimando <cdg@portlandmaine.gov>

To: Carolyn Scholl <cbscholl470@sbcglobal.net>

Sent: Wednesday, June 7, 2017 1:14 PM

Subject: Re: application materials

Bob, Carolyn,

Thanks for taking the time to come in yesterday. Below are links to the City's Land Use Code, and a page with links to the most recent draft of the new Comprehensive Plan. We'll be posting the final, approved version shortly.

Land Use Code: <http://portlandmaine.gov/DocumentCenter/Home/View/1080>

Google Groups

Fisherman's Wharf ID# 2017-062

Todd Mattson <tmattson@cbmattson.com>

Jun 7, 2017 3:03 PM

Posted in group: **Planning Board**

TO: Portland Planning Board

RE: Fisherman's Wharf Application ID# 2017-062

We are in receipt of notice provided to property owners within 500 feet of the proposed Fisherman's Wharf development @ 184 Commercial Street (application dated 3/8/17). We are owners of a housing unit at Chandler's Wharf in building #7.

Having reviewed information on file at the Portland Planning Division office we have the following comments and concerns:

*The 3/8/17 Site Plan, as shown, feeds off Commercial Street and *directs all entering and exiting vehicular traffic the entire length of the drive* and dumps it directly across from Chandler's building #7, producing substantial added noise and traffic directly in front of a residential area. *The elimination of existing mature landscaping that would serve as a buffer* to the proposed parking garage and "Phase 2 buildings" could be avoided by moving parking garage ingress/egress closer to the current entrance/exit area. The development would contribute significant pedestrian traffic in addition to current pedestrian traffic. Because of this, relocation of access points to the parking garage and *widening the width of walkway areas* that line both sides of the drive extending to the property line at Chandler's Wharf residences is an important consideration. Additionally (possibly a printing error)Sign Legend "[5]" allows for marine use parking in an already narrow and busy pedestrian zone.

*At the stage where Plans & Specifications are drawn up, plans should be developed for placement of exterior mechanical systems away from residential areas.

*The Plan notates a request for conditional rezoning for a hotel, height limitations, and setbacks from the high tide line.....Is there a compelling reason to allow rezoning for building height, in this specific case? It would seem reasonable to require serious demonstration that a rooftop bar is a compelling reason. Future waterfront development pressure will visit the Planning Board with precedent already set. Because of the monolithic nature of the entire development, plans should allow for *maximum achievable open space on the canal side*. It would appear that pulling the hotel back to the current ordinance requirement is readily achievable. The bump-out for 2nd through 4th floors on piers do not adequately address this, regardless of the actual footprint. The canal-side elevation, as proposed, conflicts with this critical spatial issue at the most viewable canal in the CWZ.

*With regards to the "human scale" perspective with a proposed change of land use, concentration of buildings, and four-story continuity throughout, pedestrians and motorists will have a very different visual experience in the center of the Old Port... for sure. Hopefully the proposed Plan's full-throttled

utilization of the land will be softened and improved by the developer's very capable and experienced development team.

***In general**, the proposed development would be a welcome change from the present open air parking with its twisted poles, rusted guardrails and faded signage. This is a tremendous opportunity for the City of Portland to encourage and guide an important development in the heart of the Old Port.

Respectfully,

Todd Mattson - MGM Old Port, LLC



Jennifer Munson <jmy@portlandmaine.gov>

Fwd: Development on Fisherman/ChandlersWharf

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Wed, Jun 14, 2017 at 4:21 PM

Hi Jen,

Another for the public comment folder.

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608

----- Forwarded message -----

From: **Mary Fuller** <mfuller@maine.rr.com>
Date: Wed, Jun 14, 2017 at 1:12 PM
Subject: Development on Fisherman/ChandlersWharf
To: cdg@portlandmaine.gov

Christine, I am a resident at Chandlers Wharf and am writing to you regarding the proposed development of a parking garage and hotel .

Generally speaking I am supportive of the need to grow and develop our city however I do have a number of concerns about the proposed project primarily having to do with traffic and with safety.

The proposal as it currently stands has a 24 foot road way to service the proposed hotel, and 500 space parking garage and existing Chandlers Wharf Condo's as opposed to the existing 35 feet. In addition, to the much narrower access road, the plan calls for having the hotel entrance on the access road (not commercial street) and the garage entrance at the end of the road instead of at the beginning as it exists currently.

The plan to double the number of cars in the parking area in addition to hotel drop off pick up and service traffic has the potential to create a tremendous bottle neck on the access road as well as on Commercial street.

I am concerned about the ability to get in and out of Chandlers and **far more concerned about the ability of service vehicles in particular ambulance and fire trucks , to be able to reach Chandlers in case of an emergency.**

-

As residents we already face difficulty accessing our property because of cars entering and exiting the two parking lots and that is with half the amount of cars being proposed and the entrance to the lots close to Commercial street.

Aside from the impact to Chandlers I also have concern on the part of the city, particularly in light of all of the new and proposed development in the area of commercial street.

Each morning I drive by the parking garage on the corner of Pearl and Fore street, both of which have far less traffic than Commercial street and I often see cars backed up in every direction for two blocks as people try to enter the garage.

In the absence of some type of major re working of Commercial street , I can't imagine the impact this proposal will of a 500 car garage in the heart of what is already a heavily congested commercial street .

If the city is giving serious consideration to approval of this project, I hope I can trust they will assure the access to Chandlers is such that it keeps our safety (ie access to ambulances) and the safety of our homes , (ie fire trucks and other emergency vehicles) in mind .

Sincerely

Mary E Fuller

605 Chandlers Wharf



ROBERT P. SCHOLL
ATTORNEY AT LAW

470 PARK ROAD EXT.
MIDDLEBURY, CT 06762
scholllaw@sbcglobal.net

Tel. 203-758-1145
Fax. 203-758-1158

CAROLYN B. SCHOLL
PARALEGAL
cbscholl470@sbcglobal.net

June 16, 2017

Christine Grimando
City of Portland
Planning Commission
389 Congress Street
Portland, ME 04101

Re: Rezoning, 184 Commercial Street

Dear Commission Members:

My wife, Carolyn, and I purchased our Chandler's Wharf condo unit pre-construction in 1987. We have faithfully paid our taxes and enjoyed our condo. We are on the water end of the pier.

As a Connecticut land use lawyer for 55 years, Planning and Zoning Commission member for 5 years and Chairman for 3 years, there are a number of reasons I feel this project simply does not belong on the waterfront in this zone.

First, regarding the change of use/zone, this request is busting zoning and opening the floodgates to more intense development. Can DiMillo's be far behind? Soon we will have a solid wall of buildings on Commercial Street, including the already approved building next to Sapporo Restaurant, obstructing any view of the water. This is no longer Old Port charm.

Next, let's consider the overcrowding of land. Two buildings are proposed if the zone is changed, one a parking structure and one a hotel. Variance of setback is sought and the hotel looks like it is planned for ten feet from the end of our building at Chandler's Wharf. Not much light and air will remain in the space. The lot is simply too small to house an oversized forbidden use with serious parking and delivery problems. This will add, according to the developer, 241 additional vehicles plus delivery vehicles, to the site.

Christine Grimando

June 16, 2017

Page 2

The request for over-height stories, including a restaurant on top (and presumably heating, ventilating, exhaust and elevator structures) further crowds this tiny lot, as well as increased noise directly next to our building from any "entertainment" in this roof top space.

Next, guests at the hotel and cars entering the parking garage must share the 35 foot right of way (actually 24 feet not including sidewalks) which is the sole ingress and egress to and from Chandler's Wharf condominiums. We were told valet parking will be offered, but only two off street spaces will be provided, and to put guests' cars in the garage will require crossing Chandler's Wharf exiting vehicle lane. Emergency vehicle access will most certainly be impeded.

In sum, not only does the proposed use violate existing zoning, overcrowd the waterfront and block access to Chandler's Wharf residents and emergency vehicles, granting this would be a terrible precedent and one of the worst examples of spot zoning I have ever seen. Let us not start down this slippery slope.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert P. Scholl". The signature is fluid and cursive, with the first name "Robert" and last name "Scholl" clearly distinguishable.

Robert P. Scholl

RPS/m

Barbara Barhydt
 Development Review Services Manager, Planning Division
 389 Congress Street -- 4th Floor
 Portland, ME 04101

June 20, 2017

Dear Ms. Barhydt and Members of the Portland Planning Commission,

Thank you for sharing the application materials regarding exemption for project proposed for 184 Commercial Street, Portland, Maine.

Mary Barnes and I, as owners of property immediately adjacent at 716 Chandler's Wharf, are writing to OPPOSE any approval for any exception for this project. Our reasons follow:

1. Planning and subsequent zoning are an indication of community intent derived by best practice, public input, legislative review and voter approval. It is a publicly validated statement of BEST OUTCOME, based on complete and transparent participation, and is not intended for exception regardless of a process for same in place. The 184 Commercial Street Proposal (called hereafter The Project) is a perfect example of a developer assuming that such intent can be excepted and compromised and is a similarly perfect opportunity for your Commission to adhere to intent to implement otherwise. To approve The Project in any form undermines the plan, contravenes the zone, contradicts assumptions by adjacent property owners, and subverts your effectiveness and credibility. For these reasons alone, The Project should be rejected in its entirety.

Further, your Commission is in process of proposing and approving a new plan that not only affirms the water-related utility of the zone but also amplifies the criteria for water access, marine-related use, and other public amenities that The Project will preclude. What is the point of contradicting this new statement of even greater intent at the very moment it is presented for approval? The paradox and absurdity is obvious.

2. The Project is the mother of all requests for exception. It attacks the reality and spirit of the plan in every aspect. It builds to the absolute property line, maximizes volume, creates a barrier to waterfront access, and offers no utility that has any iteration of marine-related use as specified by the plan. It deprives Commercial Street of its last open space for light and water access. It cynically exploits the marine-related use – ferries, excursion boats, and commercial vessels – that already exist, appropriating these as if they are some new contribution as a result of their arrival, clearly unaware or indifferent to the significant disruption of their access and business during a multi-year construction process. The Project offers a hotel, restaurant, and parking – all functions Portland has in some abundance elsewhere (the replacement of existing parking by a multi-story garage may indeed address a need, but please note that almost all present vehicle owners leave the lot for offices in-town where we do not expect they are working at marine-related tasks.) The

"bridge" proposed to connect garage to hotel magnifies the "wall" effect The Project imposes on Commercial Street, has no other utility beyond the convenience of the hotel, and restricts access to the residences and business that exist on its other side. For example, a fire or other emergency in The Project will de facto isolate access and egress to the buildings to the waterside (separated in the proposal by some 20 feet), inhibit fire-fighting on site and in the critically adjacent existing structures, and offer restricted access from anywhere but the water by fireboat and similar equipment that I suspect Portland does not have. The responsibility and liability for this clear public safety situation alone should be grounds for rejection as well.

3. Moreover, The Project impinges on the rights of adjacent property owners by appropriating their physical access, security, air-rights, light, sound protection (roof restaurant, HVAC systems), and other amenities with measurable loss of asset value and specific damages to which The Project is indifferent. Such consequences if associated with a marine-related use are a predictable, acceptable outcome within the present context, but radical change in that context, *as an exception*, constitutes, in our view, "a taking" that should not be allowed. Our hope is that logic and adherence to the excellent specifics and values in the old plan and the new will provide full justification for The Project to be rejected in its entirety. As citizens, we rely on you for the professionalism required to hold fast to the courage of conviction and civic intent as evinced by your stated standards, process, and purpose.
4. Finally, what is the "highest and best use" for the area defined as 184 Commercial Street? Is it parking as now utilized? Or is it an alternative, perhaps not yet "monetized" by developer interest, but calculated to increase the amenity value of this specific area in this specific time and place? If you travel to many waterfront/port cities as I do, you will find that each strives to have a central space where the public -- residents and tourists alike -- may experience the key natural resource that underlies its history and its contemporary vitality. Portland embodies that history and that growing engagement with the sea is authentic and palpable. But how will we continue? By closing access By walking in a brick canyon that permits no relationship to the water? By passing the industrial "working waterfront" kept at a distance? By herding our visitors along sidewalks that connect them away from the center and back to the peripheral pier where their cruise ships dock for a day or two and disappear? Where is that place for the growing, young population of Portland to bring their families and friends to show them a beautiful city that understands its heritage and is continuing the skills and values inherent in a waterfront that is accessible to all, is authentic, and represents the core elements of the marine transport, fishing, international shipping, and port-related financial enterprise that is our future? Should The Project be approved, that opportunity will have been gone and we will all be accountable for the loss.

Thank you for your consideration. Mary Barnes and Peter Neill

716 Chandler's Wharf, Portland, ME -- 207-610-0054

MONAGHAN LEAHY, LLP

ATTORNEYS AT LAW

THOMAS G. LEAHY
CHRISTOPHER C. DINAN
MICHAEL H. HILL
JOHN J. WALL, III
KENNETH D. PIERCE
CORNELIA S. FUCHS
NICHOLAS R. LOUKES
MATTHEW K. LIBBY
LAURA A. BERRY

Of Counsel
KEVIN G. LIBBY

95 EXCHANGE STREET
P.O. BOX 7046
PORTLAND, MAINE
04112-7046

THOMAS F. MONAGHAN
(1931-2017)

TEL 207-774-3906
FAX 207-774-3833
tleahy@monaghanleahy.com

June 21, 2017

Portland Planning Board
City of Portland, Maine

**Re: Conditional Rezoning Review; 184 Commercial Street; Fisherman's Wharf Portland,
LLC – June 22, 2017 Workshop**

To Members of the Planning Board:

Our firm represents Widgery Wharf, Inc., a Maine corporation that since 1964 has owned and operated a facility on the Portland waterfront on Widgery Wharf providing for the storage of traps and supplies, berthing, outbuildings, and related support services for lobstering and fishing businesses. While parking use by others occurs on the Widgery Wharf, Inc. land on the Commercial Street side of the wharf, the past and current users of its wharf are only the above marine users. The purpose of this letter is to object to the conditional rezoning request for the proposed redevelopment at 184 Commercial Street, referred to as the Fisherman's Wharf Redevelopment. Should the conditional rezoning request be approved, the proposed use would have a direct and negative impact on our client's property and the marine-related businesses operating thereon.

As detailed more fully in Ms. Gramando's Memorandum to the Planning Board dated June 16, 2017 (the "**Memo**"), the property in question is located within the Waterfront Central Zone ("**WCZ**") and the Non-marine use overlay zone ("**NMUOZ**"). While certain non-marine uses considered as beneficial to the overall waterfront economy are encouraged within the WCZ, these uses are only allowed "provided they do not interfere with water-dependent and marine-related uses." While this determination involves a balancing act of sorts, the first priority of the WCZ (and, similarly, of the NMUOZ) is to "protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability" (Sec 14-305(a)). Uses such as Widgery Wharf, Inc.'s are provided high priority protection as they are intrinsically connected to the history, character, and beauty of Portland's working waterfront. Allowing for the conditional rezoning for a particular use that is detrimental to such high priority marine-related uses is antithetical to a primary objective of the WCZ and NMUOZ.

If the conditional rezoning request were to be approved, this project would greatly interfere with our client's access to its property and, as such, adversely affect the water-dependent and marine-related businesses thereon. The developer proposes to build, among other structures, a hotel, office building and a 501 space parking garage. Traffic concerns have already been raised in response to the proposed use, primarily by residents of Chandler's Wharf. While attempts were made in the development plans to address these concerns, there seems to have been no consideration taken to the negative impact that increased traffic over Widgery Lane will have upon the fishermen and related services utilizing Widgery Wharf. Widgery Lane is a 20 foot wide private way which provides the only means of ingress and egress from Commercial Street to Widgery Wharf. We acknowledge that both Union Wharf and Fisherman's Wharf have deeded access rights over Widgery Lane, but we question any rights Chandler's Wharf residents have now, have during construction of the proposed development or will have after such construction. The revised plans only further exacerbate these concerns by placing an additional entry point at the front (towards Commercial Street) portion of the lane for the garage and a loop road around the proposed garage which may be intended as restricted for emergency and service vehicles.

While for decades a guardrail has existed along Widgery Lane, preventing vehicles from driving across the 184 Commercial Street property onto the lane, the proposed development would remove this barrier and, in its place, create a constant source of traffic upon Widgery Lane.¹ Such an increase in traffic poses both business and safety concerns to the fishermen that utilize Widgery Wharf, as the difficulty of navigating the shared road will be exponentially increased. Although our client recognizes the value of development on the waterfront within the constraints of applicable zoning rules, it is clear that the traffic that this particular use will create will have a substantial negative effect on the current marine uses on Widgery Wharf.

Standards 6 and 7 of the conditional rezoning standards are of particular note. In regards to Standard 6, we contend that the development as proposed does not respond sufficiently to the uniqueness of the traffic situation in the area in a way that is consistent with the purpose of the WCZ, particularly the first priority purpose, which is "to protect and nurture existing and potential water-dependent uses in a setting that enforces their continued economic viability." Similarly, Standard 7 is not satisfactorily met; the development, as proposed, will adversely affect the efficient operation of the marine uses on Widgery Wharf, by producing a less efficient, over burdened access way.

¹ Note, that the increase in traffic and additional access to Widgery Lane is problematic not only from a traffic flow standpoint, but from a legal perspective as well; the increased use in the road could amount to an overburdening of the easement over Widgery Lane and/or an unreasonable interference with our clients' own easement rights. Additionally, it appears that Widgery Lane would be used by owners of property (especially during construction, but likely afterwards as well) that is not benefited by current rights over the road (e.g. the Chandler's Wharf lot).

Portland Planning Board

June 21, 2017

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For the reasons explicated herein, we ask that the Planning Board reject the conditional rezoning request.

Best regards,

Monaghan Leahy, LLP

Thomas G. Leahy

By Thomas G. Leahy, Esq.

TGL/kmd

By Email: planningboard@portlandmaine.gov

Google Groups

184 Commercial Street Comments (Application ID #2017-062)

Adriano de Cardenas <adriano1114@yahoo.com>

Jun 21, 2017 2:42 PM

Posted in group: **Planning Board**

Planning Board:

As a full time resident and unit owner at Chandler's Wharf I recognize the tremendous importance the working waterfront is to the identity and economy of Portland. I can see why over 30 years ago the city rallied to "keep the port in Portland" and preserve the precious scarce waterfront real estate for mostly maritime purposes and avoid it becoming just more luxury housing that can be developed elsewhere. You can have housing and hotels away from the waterfront but you cannot have maritime businesses like marinas, fishing, lobstering, coast guard and the businesses that support them not on the waterfront.

The proposed development of 184 Commercial Street will forever commit this scarce waterfront real estate to purposes that can be done other places and permanently displace potential marine/waterfront businesses that are more critical to Portland's identity and economy.

The proposed hotel will only exacerbate traffic and create safety issues by restricting access to and from Chandler's Wharf. It does nothing to enhance the waterfront's character other than to make it more of a tourist trap. And the proposed change in building height and setback would violate key zoning rules that have made Commercial Street and it's working waterfront uniquely Portland.

I urge the Planning Board to decline the proposed development of a hotel and the other zoning changes requested to preserve the original intent of the current zoning rules that have for the last 30+ years preserved and enhanced this critically important waterfront.

Best,

Adriano de Cardenas

611 Chandler's Wharf, Portland, Maine 04101

**Comments on proposed re-development of 184 Commercial Street
and on accompanying variance requests
June 21, 2017**

I, Maxine Sclar, have been a 27-year owner and resident of Chandler's Wharf (CW), and I vigorously oppose granting the variances requested by the developers for the re-development of 184 Commercial St.

Of all the developer-requested variances, the most egregious request is to overturn the Waterfront Central Zone's (WCZ's) current, well-conceived prohibition (Section 14-309) on constructing hotels and motels.

Based on their artist's conceptions of the proposed development, the project would radically transform the current, quaint appearance and appeal of this historic Old Port area into an ordinary string of modern buildings lacking any true connection to their waterfront location, and would usher in permit seekers for more hotels in the WCZ.

Most significantly, the proposed project will have negative impacts on resident and visitor safety, as well as property integrity in the waterfront area, including:

- The dramatically-increased difficulty of emergency vehicle access to CW given the congested and easily-blocked, narrow 24' wide roadway.
- Increased service vehicle use of the Commercial St. center lane would further impair driver visibility, particularly for drivers making left turns into or out of the CW access roadway.
- The proposed access roadway is bounded on both sides by building façades extending all the way up to the sidewalks. This creates an additional safety hazard from exiting vehicles in that pedestrians will not be visible until the vehicle is already intruding into the crosswalk.
- The water-taxi dispatch center associated development calls for dredging of the waterway between DiMillo's restaurant and the CW Condominium complex. CW was built on an earthen berm, and the Army Corps of Engineers has warned that nearby dredging can undermine such a berm, resulting in structural damage to the condominium complex. (Note: The CW Association has already had to undertake substantial repair to its garage and utility rooms due to berm "settling" and voids.)

I hope the Planning Board will take some of the above concerns into account at their Workshop on June 22, 2017 at 4:30PM. Thank you!

Sincerely,

Maxine Sclar
Chandler's Wharf Unit Owner and Resident

Dorvine Steele
304 Chandler's Wharf
Portland, Maine 04101

June 22, 2017

Portland Planning Division
Christine Guimardo
4th floor City Hall
Portland, ME

I remember the black wharves and
the slips
And the sea tides tossing free
And Spanish sailors with bearded lips
And the magic of the sea
The beautiful town that is seated
by the sea.

These words from the poem "My
Last Youth by Longfellow are
reflective of the thoughts of the many
visitors to Our City by the Sea.

Thirty years ago the people of Portland
voted to keep the waterfront of their
city a working waterfront.

Is Portland in such dire need of another hotel that it will regane our historic water front?

There are seven hotels between Commercial St. and the foot of Munjoy Hill and another under construction across from Ocean Gateway. There, in addition to others in various city locations.

Reganing a water front because a developer has it on his "wish list" is not sufficient reason to do so.

Many thanks to all who serve on Portland Planning Division.

Sincerely,

Darlene Stull

Google Groups

184 Commercial St. and Re-zoning, etc.

kmci <kmcinem@gmail.com>

Jun 22, 2017 10:42 AM

Posted in group: **Planning Board**

Hi there,

I just wanted to let you know that I'm against the rezoning of the area at 184 Commercial St. The character of the area is changing quickly enough; the working waterfront nature is evaporating quickly enough.

Increasing the allowed height in this location would change the accessible feel of that area, and of course the view.

Do we need another hotel?

I live on the East End, and I am increasingly greeted by solid walls of buildings (condo's, commercial buildings, hotels, etc.), and you know there are more in the works.

There is an intangible aesthetic that one appreciates walking through that area - please retain what little we have left. There is no going back.

As I am sure you can appreciate, development today occurs with basically a single primary driver: optimizing return on investment. The output of that thinking tends, not surprisingly, to be buildings that extend to every dimension to achieve the purpose. Please protect this area with the existing zoning.

Kathy McInerney

Google Groups

conditional rezoning in the vicinity of 184 Commercial St

Lois Tiedeken <loistiedeken@gmail.com>

Jun 22, 2017 1:41 AM

Posted in group: **Planning Board**

Dear Planning Board,

I am writing to oppose the rezoning of the site at 184 Commercial St. I am unable to attend the Planning Board Meeting as I will be out of town. As a property owner at Chandlers Wharf I strongly oppose changing the zoning restrictions. First, I oppose rezoning

to allow for hotel use. There are a dozen hotels in this vicinity already, no hardship will exist without another hotel. I also oppose the building height rezoning. Again, there is no need to go above the current zoning restriction. The current residences and

businesses in this area will be spoiled/dwarfed by the overwhelming height. The sunsets that are now enjoyed by nearby properties could be blocked by an oversized building. In addition, the adjacent areas are home to some of Portland's most charming

and authentic waterfront, and another towering hotel/retail/office/restaurant structure will spoil the very things that make this city so appealing to residents and visitors. I say "NO" as well to a set back modification. In order to change the zoning, a hardship must

be demonstrated, and there isn't one here. The existing properties should not to be squeezed by a project that wants to maximize space at the expense of the structures that are already there. Development is inevitable but rezoning is not. The project should

stay within the existing zoning ordinances, they were put there to protect the history, beauty and uniqueness that is Portland.

Sincerely,

Lois Tiedeken

Chandler's Wharf and
Peaks Island



Christine Grimando <cdg@portlandmaine.gov>

Fisherman's Wharf 184 Commercial St project

Ross Lane <seacruz55@gmail.com>
To: cdg@portlandmaine.gov

Thu, Jun 22, 2017 at 1:29 PM

Chair Boepple and Members of the Planning Board

I am writing to express my opposition to any zoning variance being granted to the Fisherman's Wharf project.

It often takes a mistake to bring about changes in regulations, policies and laws. I think allowing the requested variances for this project to be a mistake.

After the Portland House on the Eastern Promenade was built in the 1970's, it was realized as a mistake to allow and zoning regulations were changed to prevent similar structures completely occupying the Eastern Promenade.

After Chandlers Wharf was built, it was realized to be a mistake that prompted a prolonged rewriting of the zoning regulations to preserve the precious natural resource that is our waterfront and port infrastructure.

I am a resident of Chandlers Wharf. Even though I live here, I view this development as a mistake and would prefer it had never been built and the property had stayed as the working wharf it was.

I am a longtime user of the Portland waterfront from my time as a commercial fisherman, employed in other marine jobs and operating water taxis. I feel this gives me intimate knowledge of the value of this resource.

The present zoning regulations clearly prohibit "hotels, motels or boatels", the regulations clearly state a height restriction on the south side or water side of Commercial St.

I strongly urge the Planning Board to just adhere to the present regulations as written and not allow any variances.

Thank you for your time,

Sincerely,

Ross Lane
312 Chandlers Wharf
Portland, ME 04101

Fishermen & Lobstermen
of Portland, Maine
July 8, 2017

Elizabeth Boepple, Chair
City of Portland Planning Board
389 Congress Street
Portland, Maine 04101

Dear Madam Chair and Board Members:

There are at least four proposed developments which will have an impact on the working waterfront. Those four are 58 Fore Street, 184 Commercial Street, Proprietors of Union Wharf and Reger Dasco Properties at the Rufus Deering Lumber Yard.

It is apparent to the lobsterfishermen of Portland that the day to day business on Commercial Street is becoming more difficult with the increase in vehicular and pedestrian traffic; the fisherman feel with these

additional developments, it will become impossible to do business. In addition, the congestion that will be caused by the proposed developments on the land side of Commercial Street, which uses Franklin and Commercial Streets for access, will make it impossible for marine industry to function. Even now in the summer, cars are stacked from India Street to the Casco Bay Bridge costing time and mortality to an already perishable product from the wharves.

Traditional parking and access to the water, in some areas, can only be utilized during the periods between 1AM to 6AM or not at all.

But protecting these areas is not enough. We must be able to truck our perishable products out where they need to go relatively quickly.

Access to the water is slowly disappearing by parked cars, traffic and people.

With the four proposed developments on that street marine industry will come to a standstill.

The wharves provide deep water access for fishing and lobster vessels like no other place in America. The tens of millions of dollars generated by that access cannot be replaced with relocation or cannot be overstated of its importance to Maine's economy.

The very life blood of Portland will cease to flow if these developments are allowed to happen.

No new offices, condominiums or hotels must ever be allowed on the Wharf side of Commercial Street, if the infrastructure of the maritime trade is to continue to exist.

You can go anywhere in America and see cheap hotels made of plastic and glass or condominiums pushed to the edge of the sea but nowhere in America can you see little wharves built in the 17 and 18 hundreds, working daily to provide jobs and food for the people of Maine and this Country.

We have talked to lobster, groundfish and herring boats the last two weeks on these issues and they have all signed in agreement with these thoughts. We have also collected information about the direct economic impact of these fisheries. It is attached.

Sincerely,
The Lobstermen & Fishermen of
Portland, Maine
July 8, 2017

Lobster

A cursory presentation of the number of boats and gross stock of the boats by wharves in Portland

	Number of Boats	
Maine Wharf	4	30
Custom House Wharf	11	$\times \$150,000$
Portland Pier	9	<u>$\\$4,500,000$</u>
Dimillos	2	
Widgery Wharf	12	
Union Wharf	12	
Merchants Wharf	6	
Hobsons Wharf	10	
Gowens Wharf	2	
Holyoke Wharf	6	
Sturtivants Wharf	5	
Deakes Wharf	<u>5</u>	

Island based boats, with their catch collected by smacks which are based in Portland. Their trucks have to move along Commercial St, too.

84 boats $\times \$150,000$
 $\$12,600,000 + \$4,500,000$ Projected gross value of catch
 $\$17,100,000$ (4)

Bait

Herring Boats - 12 to 15 weeks

4,000,000 lbs. weekly at 60¢/lb = \$2,400,000/wk
X 12-15 wks

Pogey Boats

\$36,000,000/yr.

5,000,000 annually at 25¢/lb

\$2,500,000/yr

Bait, over the road

Emskip

Boston

New Jersey

Virginia

as high as 10X more

\$80,000,000/yr

total \$141,000,000/yr
moving over Commercial St.

Ground fish from Portland Fish Exchange

Approx \$15,000,000 from Director

All of which has to move over Commercial
Street,

Ground Fish	\$ 15,000 000
Lobster total	\$ 17,100,000
Herring	\$ 36,000 000
Pogey	\$ 2,500,000
over the road built	\$ 80,000,000
	\$ 150,100,000

and we left out the Douty
x Reedy Bros. who truck
the majority of the
lobsters over the road

x66 economic multiplier
to estimate full
economic impact of
industry - workers,
income, fuel, ice, repairs
etc

July 18,2017

REF: Development on Fisherman/Chandlers Wharf

Subject: Concern for damage due to installation of pilings to hold structures

TO: Christine Grimando, AICP, Senior Planner, Portland, Maine
Executive Board of Chandlers Wharf

FROM: Concerned Resident of Chandlers Wharf

Aside from all the issues I have read in the comments to the proposal presently discussed in depth in the Comments Section of this proposal available at the town office I have one concern that could weigh very heavily on decisions to be made regarding this proposal.

Both parking lots are currently totally on fill that has minimum bearing capability. In order to carry the load depicted in the photographs an enormous number of pilings will have to be set down to bed rock. The insertion of each piling will cause severe vibration that could be transmitted to the supporting structures of Chandlers Wharf. The result could be damage to the stilts holding up the entire structure. When you consider the number (perhaps 50-100) pilings that may have to be installed the question of damage becomes a real one.

I would expect that the entire process of installation and concerns about vibration damage would be carefully defined by the construction company. However, there must be some bond or funds set aside by the construction outfit to repair any damage that might occur to the stilts of Chandlers Wharf. Since one cannot be immediately be sure what damage may have occurred there should not be a limit on that insurance but simply the statement the " any and all damage will be covered " for a period of time to be defined.

I would hope the board will recognize that this could be a real concern for the residents of Chandlers Wharf and will convey to the town its concern about the issue.

Resident of Chandlers Wharf

Google Groups

Fwd:

Craig Pendleton <cpendle5@gmail.com>

Aug 28, 2017 12:23 PM

Posted in group: **Planning Board**

As the former owner of a commercial fishing vessel for more than thirty years, as the former executive director of the Northwest Atlantic Marine Alliance (NamaNet.org), and as a former Board member of the Portland Fish Exchange, I have been following recent events and proposals along the Portland waterfront with keen interest. In particular, I would like to comment to the Portland Planning Board about the proposed hotel on Fisherman's Wharf.

I'd like to begin by calling attention to a Maine Voices column in the Portland Press Herald by Karen Sanford in early May headlined, "Portland waterfront receives mixed grades on 30-year report card." Karen was one of the original organizers of the successful 1987 referendum to ban nonmarine development from the Portland waterfront.

I and hundreds of other small Maine businesses --- and that's what those who depended on the fisheries are --- owe a large debt of gratitude to Karen, previous Planning Boards, and everybody else who have worked so hard, and for so long, to fight for the legitimacy of traditional waterfront pursuits. She wrote an excellent column that raised many important issues.

Nevertheless, I noticed an omission in her defense of the referendum that became law thirty years ago. Unfortunately, conditions have changed drastically since then. What was true in 1987 is not necessarily true in 2017. For one, the commercial fishing fleet along the entire Eastern seaboard has been completely decimated. Thanks to severe federal and state restrictions, climate change, and short-sighted decisions to reward those who caught the most fish, commercial fishing is barely a skeleton of what it once was. Many inshore fishermen like me were driven out --- forever. Naturally, that means the needs for dock space and supplies have decreased significantly. Even in our most prominent fishery, the lobster fishery, the number of participants within a defined geographic region is strictly regulated.

There is room for intelligent modification of zoning laws. Let me be clear, Portland must secure an appropriate amount of access to the waterfront for commercial fishing businesses. Also, non-fishing businesses in the same neighborhood must understand that

working in a commercial fishing zone brings with it the ripe aroma of fish and bait, an early morning symphony of diesel engines, and more. It is a way of life we Mainers have always supported and must continue to support. But we must be realistic, and accept that our economy is diversifying, and that close proximity to the waterfront can yield new opportunities.

In my present role as executive director of a Chamber of Commerce in York County, I think it's important not only to mention these facts, but also to face them. As Portland wrestles with the tension between traditional waterfront uses and new economic development proposals, it would be unwise to ignore the hand we have been dealt. It would also be unwise of us to ignore the fact that our government, with our consent, has fundamentally and permanently changed the composition of the fishing industry. My hope is that Maine ports like the City of Portland, given this new reality, can find the wisdom to achieve a sensible and workable balance.

As I understand it, the new development at Fisherman's Wharf will displace not a single fisherman. It is proposed within an area designated by the City as appropriate for conditional, non-marine, allowable uses, and a proposed hotel meets the criteria. I know that the City invested a lot of time, energy and resources to think this out very carefully many years ago. In other words, if there's going to be development on the waterfront, this is where it belongs. Consensus on that was achieved many years ago.

Believe me, I understand the pure emotion that often emerges when these type of decisions need to be made. I don't envy you, as members of the Planning Board, because I can almost guarantee that you will be forced to weather very strong sentiments about the waterfront from very passionate citizens. I know that my emotions about the fishing industry are just as strong today as when I was captaining my boat. But I have also learned that emotion can easily cloud the facts.

Summoning all my experiences as both a working professional in the Gulf of Maine and "on Main Street," I would like you to know that I think the proposed project at Fisherman's Wharf achieves a sensible and workable balance for the good people of Portland. I wish you the best of luck in your deliberations.

Craig A. Pendleton

Old Orchard Beach

Reply Reply to all Forward



Craig Pendleton <craig@biddefordsacochamber.org> Aug 24 (4 days ago)

to Mark

--

Craig A. Pendleton, Executive Director
28 Water Street Suite 1
Biddeford, ME 04005

Proposed hotel/parking garage, Commercial Street/Bateman

4 messages

Carolyn Scholl <cbscholl470@sbcglobal.net>
 Reply-To: Carolyn Scholl <cbscholl470@sbcglobal.net>
 To: Christine Grimando <cdg@portlandmaine.gov>

Mon, Sep 4, 2017 at 1:08 PM

September 2, 2017

Elizabeth Boeapple, Chairman
 Planning Commission
 City of Portland
 Portland, ME

Dear Madam Chairman:

We are Portland taxpayers of over 30 years standing and occupy a small condo at Chandlers Wharf. We will be adversely affected by any grant of zoning-busting permission to wall off the water view with over-height buildings as proposed by this developer. We trust you have received our previous letters, and that they have been made a part of the record in this matter.

Following the last public meeting and the Planning Workshop, both of which we attended, it is clear that changing the use, the zone, the height restrictions and the setback from high water for this project would be a big mistake, one we hope the Board takes seriously and will not make. The Board sits as judge and jury here, and the views and access to the waterfront are at stake. It was very distressing to have a member of the Board read a pre-prepared statement favoring the application during the Planning meeting at City Hall. She has clearly indicated she will vote in favor of the applicant's plans **even before the Public Hearing**. She must disqualify herself from participating in the hearing, discussion or decision of this matter, or you, as chairman, must do it for her.

One very serious problem is the relocation of the right of way, creating an "S" curve at the edge of our property. The access, even on weekdays, is crowded with workman's vehicles and cars thinking the driveway is public, not private. Even now, at the end of August, the parking lots are full by noon, but that does not prevent drivers from trying to park. In 1987 when we purchased, we received a deed with a right of way for all the condos. We have used and occupied this particular access for thirty years. As a volunteer firefighter for over fifty years, having driven fire trucks, there is no way a ladder truck can negotiate such a proposed curve to serve our buildings in the event of a fire.

The proposed access between the buildings is also not wide enough as proposed. As we were returning one afternoon in August down Union Street, we were met with a tour bus parked by the Portland Harbor Hotel (owned by Mr. Bateman), which was taking up the entire sidewalk as well as a major portion of the road. There was no room for more than one car in one direction to pass. If buses come to this proposed hotel, there is no way there will be room. Mr. Bateman wants to use the turn lane on Commercial Street for his deliveries, he said, so will he have to use that also for tour buses? What about garbage collection, recycling, taxis, valet parking and proposed retail traffic? Dimillos has anywhere from 3 to 5 huge delivery trucks in the parking lot every day, all summer long. Commercial Street has already reached its plimsoll mark as far vehicles are concerned.

In closing, we want Portland to remain the popular destination it has become, but the streets are full with no room for more traffic. This proposed development is clearly too intense, too large and on the wrong side of Commercial Street. Please do not set a precedent for the future. We respectfully request that you deny this application with prejudice.

Sincerely,

Robert P. Scholl
Carolyn B. Scholl
203-247-7582 cell

Christine Grimando <cdg@portlandmaine.gov>
To: Jennifer Munson <jmy@portlandmaine.gov>

Tue, Sep 5, 2017 at 9:34 AM

Jen,

For the Fisherman's Wharf/184 Commercial Street file.

Thank you.

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101
cdg@portlandmaine.gov
Ph: (207) 874-8608
Portland's Plan 2030

[Quoted text hidden]

Christine Grimando <cdg@portlandmaine.gov>
To: Stuart O'Brien <sgo@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>

Tue, Sep 5, 2017 at 9:35 AM

I sent this to Jen for the file. I'm sending it to you just to give you a heads-up that there's a request to recuse in this one.

Christine Grimando, AICP
Senior Planner
Planning & Urban Development Department
389 Congress Street
Portland, Maine 04101

cdg@portlandmaine.gov

Ph: (207) 874-8608

Portland's Plan 2030

----- Forwarded message -----

From: **Carolyn Scholl** <cbscholl470@sbcglobal.net>

Date: Mon, Sep 4, 2017 at 1:08 PM

Subject: Proposed hotel/parking garage, Commercial Street/Bateman

To: Christine Grimando <cdg@portlandmaine.gov>

[Quoted text hidden]

Jennifer Munson <jmy@portlandmaine.gov>
To: Christine Grimando <cdg@portlandmaine.gov>

Tue, Sep 5, 2017 at 11:36 AM

Thanks. I filed this in the project file.

Jennifer Munson, Office Manager
Planning and Urban Development
City of Portland
[389 Congress St., 4th Floor](#)
[Portland ME 04101](#)
jmy@portlandmaine.gov
(207) 874-8719
(207) 756-8258 (fax)

[Quoted text hidden]

Flooding again

Carolyn Scholl <cbscholl470@sbcglobal.net>
To: Christine Grimando <cdg@portlandmaine.gov>

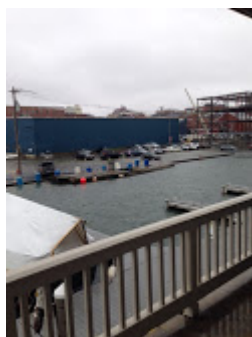
Sat, Mar 3, 2018 at 12:45 PM

See photo of this storm's flooding. Looks as if the building under construction close to Sapporo already has water in it. Please add this to the record of the Bateman hotel file.

Again we call for NO variance of high water line at all for anything proposed for our side of Commercial Street. This is the 2nd major flood since January. This is not going to stop. Our parking garage has water in it too.

Bob and Carolyn Scholl

Sent from my iPhone



IMG_1625.JPG
98K

184 commercial Street Bateman

Paul Lafavore <plafavore@earthlink.net>

Mon, Apr 9, 2018 at 4:04 PM

Reply-To: Paul Lafavore <plafavore@earthlink.net>

To: cdg@portlandmaine.gov

Cc: planningboard@portlandmaine.gov

Dear Ms. Grimando:

I want to add my name to the ever growing list of those who strongly oppose the Bateman proposal at 184 Commercial St (Chandlers Wharf). The impact on the Old Port aesthetics, traffic, and impaired accessibility to our residential community at Chandlers Wharf is not acceptable. I read with interest the articles linked below regarding concerns of the rapidly expanding hotel industry in Portland and agree with the concerns, esp re: workforce ability to live in the area to staff these facilities.

So far, the city has been smart in keeping hotels off the waterfront side of Commercial St. In my mind it is not necessary and represents so many negative and ill-conceived ideas for the waterfront.

As a community that has paid its share of premium taxes over the decades, it would be a real slap in the face for the city to allow a project that requires residents to access hotel grounds to come and go to their homes.

i was alerted of your meeting on 4/17/18 which I unfortunately cannot attend. However, if I could I would voice my negative thoughts regarding this bad idea.

Dont ruin Portland's Old Port!

<http://www.theforecaster.net/some-concerns-accompany-portland-hotel-construction-boom/>

<https://www.pressherald.com/2017/09/14/fishermen-push-back-as-proposals-for-waterfront-development-mount/>

Paul Lafavore MD

704 Chandlers Wharf

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707 Sable Oaks Drive, Suite 30
South Portland, Maine 04106
207.772.2515

April 13, 2018

Christine Grimando, AICP
City of Portland
Planning and Urban Development Department
Fourth Floor, City Hall
389 Congress Street
Portland, ME 04101

Subject: **Fisherman's Wharf Redevelopment** – Conditional Rezoning
Public Comment – Letter of Support

Dear Christine:

Relative to the Planning Board Workshop scheduled for 4/17/18 we would like to include the attached Letter of Support from many of the businesses that operate near the referenced project.

We are requesting that the letter be included in the material provided to Planning Board Members for their review and consideration. We are anticipating additional support and will provide that upon receipt.

Should you have any questions or require additional information, please feel free to contact us.

Sincerely,

Gorrill Palmer

Lucas Anthony, PE
Project Manager

CC: Fisherman's Wharf Portland, LLC
David Lloyd, Archetype Architects

Merchants, Purveyors & Maritime Businesses
of Portland, Maine

Mr. Sean Dundon, Chair
City of Portland, Planning Board
389 Congress Street
Portland, Maine 04101

Dear Mr. Dundon and Board Members:

The undersigned are among the many businesses that depend directly upon the commercial activity that appropriately takes place on Commercial Street in Portland, Maine, the economic impact of which ripples out well beyond Commercial Street, to benefit the Old Port district, the entire City of Portland, and even the region. The undersigned own or operate businesses within the boundaries of High, Spring, Middle, Hancock and Commercial Streets.

All of us contribute significant tax revenue to the City, so that Portland can sustain the services it delivers on a daily basis to City residents. We are in receipt of a letter mailed to the Planning Board by "The Lobstermen & Fishermen of Portland, Maine" on July 8, 2017. The letter states that, "No new offices, condominiums or hotels must ever be allowed on the wharf side of Commercial Street, if the infrastructure of the maritime trade is to continue to exist."

Such an unreasonably inflexible and absolute statement has no place whatsoever in the planning process. Further, in particular support of the Fisherman's Wharf proposal, we make the following observations:

1. A referendum was passed 30 years ago to protect the "working waterfront."
2. We strongly support the result of that referendum, and its intent.
3. With a great investment of time, effort and financial resources, City Hall led a process by which a small and specific geographic Old Port Overlay Zone was agreed upon for non-marine uses "on the wharf side of Commercial Street." That carve out has long been recognized, and still exists today, as the NMUOZ Zone. The proposal for Fisherman's Wharf is restricted to a portion of land within this small area. This is appropriate.
4. The Fisherman's Wharf proposal will not displace a single lobster boat or fishing boat.
5. Marine transportation businesses like water taxis and tour boats are also marine businesses, and want an outcome in which "the infrastructure of the maritime trade is to continue to exist."
6. Marine transportation companies occupy a tiny percentage of available wharf space compared to the lobster boats and groundfishing boats, yet have a significant positive economic impact on the City of Portland.
7. Upon review of the plans, the undersigned marine businesses strongly support the developer's intent to improve conditions on Portland's working waterfront, specifically the construction of a Marine Dispatch Center.
8. A significant amount of money will also be earmarked from this project for maintenance, repairs and other improvements to the wharfs and other elements of the working waterfront. It is important to note that in the Waterfront Central Zone, berthing for recreational boats is strictly limited to 50 feet per pier.

9. The project will improve public access to the water in this section of Commercial Street, thus improving the pedestrian experience for the Maine residents and tourists who like to visit Portland. This only helps the merchants and purveyors in the immediate area, as represented by the undersigned.
10. The project will make available several hundred new parking spaces beyond the minimum needs of the hotel for its guests. Additionally, check-in and check-out times at the new hotel mean that those arrivals and departures will take place mostly in off-peak hours. This can only help the current parking challenges on Commercial Street.
11. Also, long-term parking leases along Portland's working waterfront are disappearing, a widely-recognized and disturbing phenomenon. The Fisherman's Wharf project will not displace a single long-term parking space; it will preserve all the long-term parking spaces currently available at that location.

In summary, we the undersigned make no comment about the other projects referenced in the July 8 letter submitted to the Portland Planning Board by "The Lobstermen & Fishermen of Portland, Maine." However, we do make recommendations on the Fisherman's Wharf proposal, and they are as follows:

1. We recommend that the Planning Board use a full and comprehensive definition of "working waterfront." The "infrastructure of the maritime trade" should benefit all businesses that are in the trade.
2. We recommend that the Planning Board recognize that the non-marine use proposed by the developer is restricted to a specific area designated for non-marine uses, as is appropriate.
3. We recommend that the Planning Board recognize that the project displaces not a single lobsterman or fisherman, and in fact will help pay for infrastructure maintenance and/or improvements that will directly benefit lobstermen and fishermen.
4. We recommend that the Planning Board persevere in its good work by considering Commercial Street as an organic whole. Economic growth on Commercial Street affects residents and businesses on both sides of the street, not just "the wharf side." Additionally, the benefits produced by economic development on Commercial Street extend well beyond, to businesses located on many other streets in the Old Port.
5. Given all the public benefits, delineated above, that the project would bring to the businesses, residents and taxpayers of Portland, we recommend that the Planning Board approve the Fisherman's Wharf proposal.

Thank you for your time and consideration of this letter, and good luck in your deliberations.

<u>NAME</u>	<u>BUSINESS</u>	<u>STREET ADDRESS</u>
-------------	-----------------	-----------------------

Kathleen Frazier	Mainely Tours + Gifts dba Portland Discovery Land + Sea Tours	184 Commercial St.
------------------	--	--------------------

William J. Angier III	The Coast Watch & Guiding Light Navigation Co. Inc. DBA Portland Discovery Land & Sea Tours	170 Commercial Street
-----------------------	--	-----------------------

NAME

BUSINESS

STREET ADDRESS

~~Kenneth M. Magowan~~

Kenneth Magowan

Porthole & Prop Custom

18 Custom House

Charles H. Poole Proprietors of Union Wharf 36 Union Wharf

~~W. J. Galt~~

Waterfront Marine

254 Commercial Street

Chris Pachios

W. A. L. Fine Co.

112 Portland Square

Steve DiMillo

Long Wharf

25 Long Wharf

Roger P. Hall

General Marine Const

446 Commercial

Michael Alf

HARBOUR FISH MKT.

ST

NAME

BUSINESS

STREET ADDRESS

Richard P Herrera
Old Port Tavern
11 Moulton St
Rm 17Hm

John Dunn Commercial St. #129 Commercial
Scott A. Woodard Pub

~~Scott A. Woodard~~ Port Res 54 Providence St.

David J. Miller 48 W. Kiddle St

John Baggum Bill's Pizza Commercial St

~~Griffith McDuff~~ Griffith McDuff's Fore St.

Mr E Sn Griffith's Fore St

Joseph Pedman Joseph's " "

Ryan Hanks Ship Wreck and Cargo 207 Commercial St.

Mark Caron Elevation Burger 205 Commercial St.



PLANNING BOARD REPORT PORTLAND, MAINE

Division 4 and Division 6. R-3 and R-5 Residential Zones Text Amendment
Developers Collaborative Redevelopment, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: April 17, 2018	Prepared by: Matthew Grooms, Planner Date: April 13, 2018
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I. INTRODUCTION

Based upon existing conditional use language found within the R-5 Residential Zone, Developers Collaborative Redevelopment, LLC is proposing a text amendment to the R-3 Residential Zone in support of a multi-family housing project being considered for the historic Reed School property located at 19 Libby Street in the Riverton neighborhood. The proposed amendment would permit the alteration of structures existing and not in residential use as of January 1, 1984, to be adaptively reused for residential uses.

A Planning Board workshop was held on February 27, 2018 regarding this proposed text to the R-3 zone. These amendments are now being expanded to make minor changes to the R-5 zone, so that the two conditional use sections are compatible. The applicant is requesting that the Board make a recommendation to the City Council regarding the proposed text amendments.

A legal ad for the Board workshop was posted on the city's web page and appeared in the Portland Press Herald on April 9, 2018 and April 10, 2018. Notices were also sent to 188 property owners within 500 feet of the Reed School located at 19 Libby Street and to the interested citizen list. At this point in time, one public comment has been received regarding this proposed text amendment.

Applicant: Developers Collaborative Redevelopment, LLC

Consultants: Pinkham and Greer, Archetype Architects, Cito Selinger, Curtis Thaxter

II. BACKGROUND

The Reed School Re-Use Advisory Task Force was created in September of 2014 to make recommendations on process and future uses to insure a sensitive and contextual re-purposing of the property. The Task Force membership consisted of neighborhood representatives and members representing a diversity of professional and organizational perspectives, including District 5 Counselor David Brenerman and former District 5 Counselor John Coyne as co-chairs,

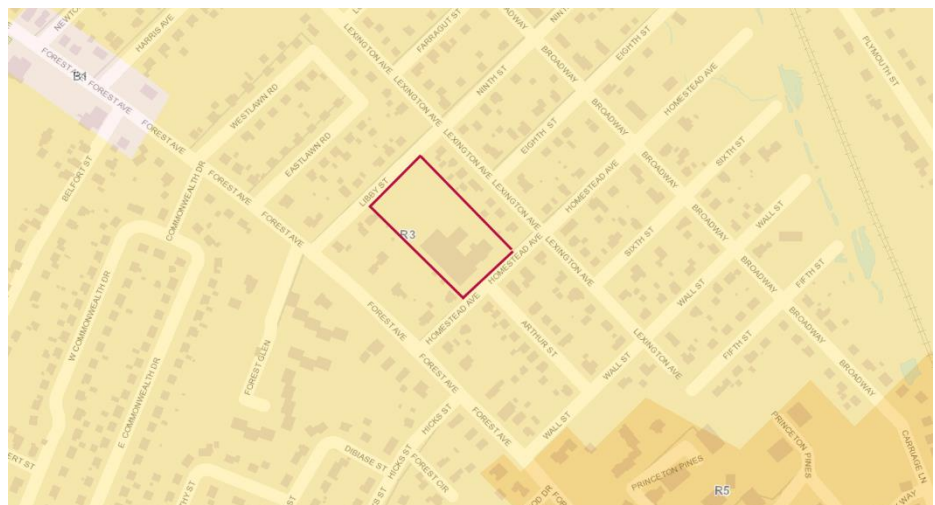


Figure 1: Project Site with Zoning Context

representatives from the Planning Board, Portland Society for Architecture, GPCOG, Greater Portland Landmarks,



Figure 2: 1926 building at right with 1950 portion connected at left

Portland Trails, the Parks Commission, the State Representative for District #116, and a Workforce Housing specialist. The Reed School property has been a distinct presence in the Riverton neighborhood since its inception in 1926, when it served as the area elementary school. In later years it served as the central kitchen and a warehouse for the Portland Public Schools. The property area is approximately 2.5 acres, a substantial portion of which is open space. The building consists of the original, 1926 structure (14,651 square feet), a 1950 addition (16,641 SF) that eventually came to house the commercial kitchen facilities, and a garage/loading area built in 1981 (2,400 SF). On June 24, 2014 the Portland Public Schools voted to authorize closing of the former Reed School and transfer of the school and grounds to the City of Portland, notifying the City Manager in a letter dated July 8, 2014. The building sits largely empty now, though there is serves as residual storage space, and as a space for periodic training space for the Fire Department, and the open space on the property remains a frequently used and valued amenity.

The Task Force met five times between November 2014 and June 2015 before submitting a final report (Attachment 1) to the Housing and Community Development Committee in July 2015. One of the key recommendations, as an outgrowth of the public input and Task Force deliberation, was to rezone the property from R-3 to R-5, as well as a text amendment to allow artist live/work space in the R-5 zone. This proposal went before the Planning Board in September of 2015 as a workshop item, and an RFQ was issued soliciting redevelopment proposals in line with the findings of the Advisory Committee's final report. Both responses to the RFQ included senior housing at the relatively higher densities of 40 or more units. Public comment was generally opposed to the increase in density being considered for this site, and as a result, the city sponsored text amendment did not move forward to a hearing.

Following the initial RFQ, an RFP was issued to solicit new proposals, out of which process Developers Collaborative was chosen. In June of 2017, Developers Collaborative Predevelopment, LLC entered into an agreement with the City to purchase the Reed School property and are proposing a two-phased project to redevelop the site as both a private school to be occupied by Children's Odyssey School, a special needs private school currently located at 110 Davis Farm Road, and multi-family housing with eight market rate apartments.

The first phase of this development, the Children's Odyssey School, was submitted as a Level I Site Alteration in October of 2017, and features redevelopment of the 1950 building addition to accommodate eight classrooms, administrative space, a kitchen, and internal play area. The 1981 addition is being demolished, and off-street parking for 75 vehicles is being provided. Other site improvements include site landscaping, development of an on-site stormwater management system, and construction of a playground. This project was approved administratively with

conditions (tied largely to pedestrian improvements along Homestead Avenue) in January of 2018 (Attachment 2).



Figure 3: Project site with building additions identified by year constructed

The proposed text amendment is in support of Phase II of this project, which features adaptive reuse of the 1926 building to house eight residential units. Parking for these units was accounted for with the Phase I project, and the Phase II project will include limited site work, confined to the property's frontage along Homestead Avenue. Under the R-3 Residential Zone,

multi-family housing is only permitted as a Planned Residential Unit Development (PRUD), which is defined as horizontally attached dwelling units or a series of such dwelling units. As a result, the proposed text amendments are necessary to redevelop this site to include multi-family housing.

III. PLANNING BOARD WORKSHOP

A Planning Board workshop was held on February 27, 2018, and at that time the discussion pertained only to proposed text amendments to the R-3 Residential zone. At that workshop, members of the Board requested that additional information be provided regarding other properties eligible for redevelopment under this text amendment and that staff take a closer look at proposed standards related to unit density and unit size. Several members of the Board noted that it did not seem reasonable to tie density standards for the re-use of non-residential structures to the R-3 PRUD standards, as is the case with the R-5 zone. This was due to the dissimilarity between existing non-residential uses located within the R-3 zone and other permitted uses. Instead, it was suggested that density be linked more closely to the existing building envelope and that new building additions be restricted.

Following this workshop, staff reviewed assessor records and compiled a list of all non-residential properties located within the R-3 zone constructed prior to January 1, 1984. This list is included as an attachment, and the staff

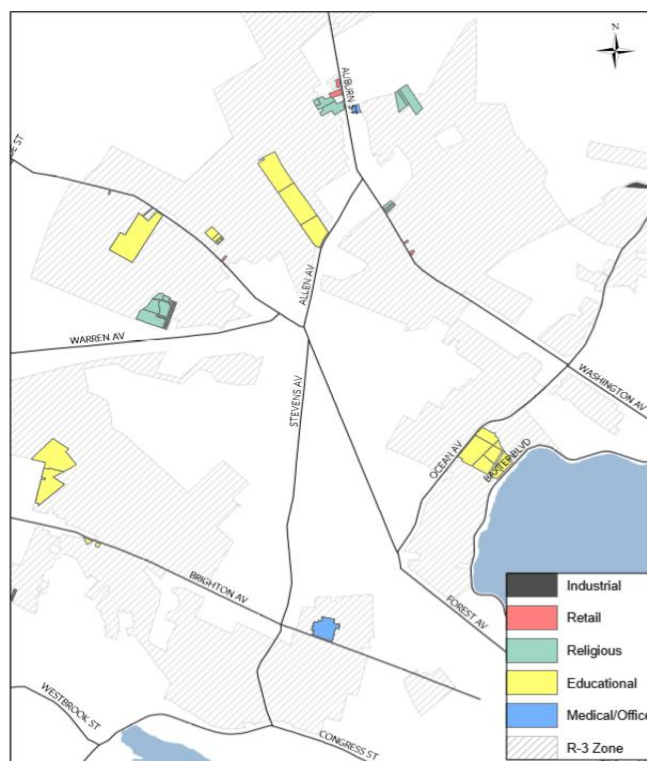


Figure 4: Location of all non-residential properties in R-3 zone

have prepared a map showing the location of all eligible properties. The staff are also proposing that the minimum unit size standard be removed, and that the building addition standard be slightly modified to limit future expansions and ensure greater contextuality of those additions. These changes would apply to both the R-3 and R-5 zone.

IV. PROPOSED TEXT AMENDMENT

As described under Division 4, R-3 Residential Zone, the purpose of the R-3 residential zone is to provide for medium-density residential development characterized by single-family homes on individual lots and planned residential unit developments on substantially sized parcels. In other zoning districts, notably within the R-5 Residential district, there is a conditional use standard which enables existing structures previously used for non-residential purposes to be redeveloped to accommodate residential uses. Across the city, there are a variety of buildings that were initially developed to house commercial, industrial and institutional uses, that are no longer needed to serve those roles. These buildings already exist within Portland's built environment, and oftentimes feature supporting infrastructure capable of handling higher intensity uses than single-family residential dwellings. For example, these sites may contain substantial off-street parking, driveways built to city standards for two-way access, and existing in-place utility connections suited to larger-scale residential developments. As reflected in the public comment included within the Reed School Re-Use Advisory Task Force Final Report, these buildings are vital to the identity and character of Portland's neighborhoods and are worth saving through adaptive reuse.

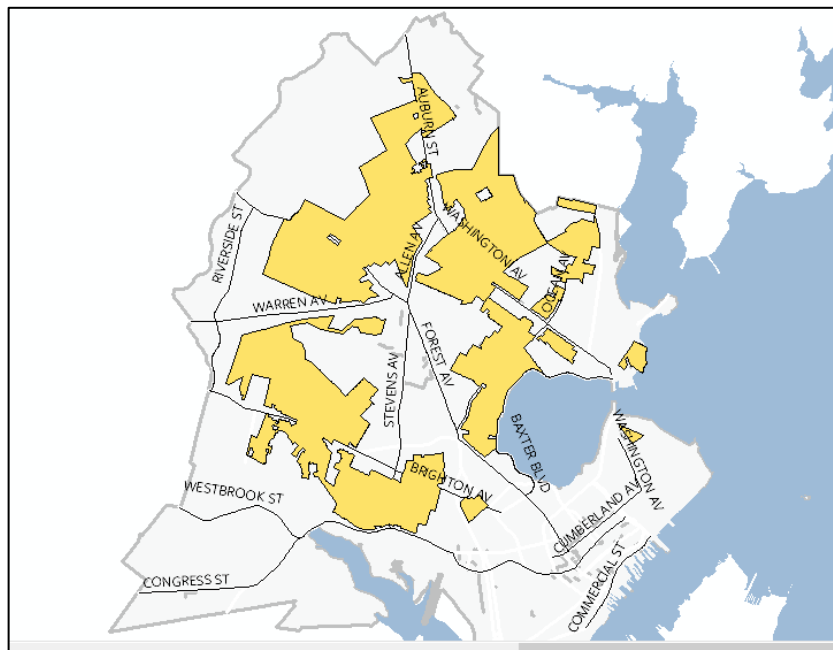


Figure 5: Location of R-3 Zones

The proposed amendment takes existing language from the R-5 Residential Zone, listed under Section 14-118(a).3. and adds this language to the conditional use section for the R-3 under Section 14-88. Under this amendment, the staff are proposing that one existing standard from the R-5 conditional use section, establishing a minimum unit size, be removed from both this suggested amendment and from the R-5. Otherwise, these standards limit redevelopment by setting a maximum unit density, delineating unit locations (predominantly above grade), and restricting outward redevelopment of a building to be generally compatible with the existing structure and surrounding neighborhood. This last standard, related to building additions, has been modified based upon Planning Board feedback, to ensure that an addition takes into account neighborhood context, and further limits the size of the addition to 25% of the existing gross total floor area. The rationale for this change, is to prevent a developer from significantly expanding an existing non-residential structure to accommodate additional dwelling units.

The proposed amendment is as follows. Note, the text that has been striked through denotes text to be removed from both the R-3 and R-5, and the text in red denotes text that is not currently found within the R-5 conditional use standard that has been added by staff to address board and public concerns regarding density and project contextuality. This text is to be added to only the R-3 zone.

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:

- a. ~~No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;~~
- b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
- c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
- d. Three thousand (3,000) square feet of land area per dwelling unit shall be required;
- e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;
- f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - 1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with both the architectural style of the structure and to the extent practicable the adjoining neighborhood and shall be limited to a gross floor area equal to or less than 25% of the total floor area;
 - 2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

IV. ZONING ANALYSIS

A. Conditional Use Discussion

The previous proposal that was brought before the Planning Board involved a map amendment to rezone the Reed School property to R-5 Residential, which would have expanded the list of allowable uses, reduced dimensional restrictions and permitted increased residential density. The approach taken by Developers Collaborative is to amend the R-3 text to allow for adaptive reuse of existing buildings not originally intended for residential use, a simpler more streamlined solution catered to such properties throughout the R-3 zone, which under current zoning, are limited in terms of redevelopment potential. For example, permitted uses within the R-3 consist of single-family residential, PRUD style multi-family residential developments, parks and municipal uses. Conditional uses meanwhile consist of group homes, schools, places of assembly, hospitals, and both long-term and intermediate care facilities.

Within the City of Portland, it is well-recognized that the demand for housing is increasing. The conditional use language being proposed offers an alternative option for redevelopment of vacant or underutilized properties within this zone and furthers the City's goal of increasing housing opportunities within appropriate locations. Perhaps most importantly, the amendment features greater oversight than would an amendment to permit multi-family housing explicitly.

The challenge inherent with the Reed School property and others like it is that it is entirely surrounded by relatively low-density single-family housing, and that the building itself was designed to accommodate more intense uses serving the neighborhood than permitted elsewhere within the vicinity. For example, Reed School is situated with

frontage on two local streets of limited traffic volume. Along Homestead Avenue, sidewalks are in substandard condition and there are no public sidewalks along Libby Street. Institutional uses permitted within the R-3 are designated as conditional uses which are held to a variety of additional standards, listed as either zone specific standards which for the R-3 can be found under 14-88, or as general standards, listed under 14-474. A conditional use is reviewed as a separate application by either the Planning Board or the Zoning Board of Appeals.

The conditional use standards are varied depending upon the proposed use. For example, the proposed text amendment constitutes the zone specific conditional use standards for the alteration of a structure previously not in residential use for multi-family residential use. The general standards for all conditional uses (14-474), are intended to limit negative externalities and ensure contextuality with surrounding permitted uses. Those standards are as follows:

Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

If adopted, these text changes would enable redevelopment of the Reed School site and other nonresidential sites for residential uses, however they would also provide considerable regulatory mechanisms for thorough review of the project proposal and ample opportunity for public input. Ultimately, property owners are offered increased flexibility in the reuse of their previously institutional, commercial or industrial sites located within this zone, but are required to undergo a more rigorous review process with greater oversight by staff and the designated review body so as to facilitate greater project integration within the surrounding community.

B. Proposed Standards Discussion

As mentioned previously, the proposed standard is based upon the R-5 Residential Zone Conditional Use section; however staff has proposed a few edits addressing neighborhood compatibility. The amendments are intended to permit redevelopment of existing buildings with very limited redevelopment of a building's exterior. Residential units are required to be of a sufficient size, and must be located predominantly above grade to ensure adequate lighting and minimum requirements for ingress and egress. Off-street parking is required in accordance with Division 20, and is subject to the proposed use.

The proposed text amendments apply a land area per dwelling unit requirement of 3,000 square feet, which is the same standard that applies to the R-5, a zone which permits relatively greater density when compared with the R-3. For example, the R-5 does permit low-density multi-family developments, with a lot area per dwelling unit requirement of 6,000 square feet and PRUDs at a lot area per dwelling unit requirement of 3,000 square feet, the same requirement as listed for the adaptive reuse standard. The R-3 meanwhile, only permits PRUD style multi-family projects, and only at a density of one unit per 6,500 square feet of lot area. Although the PRUD standards differ between the R-3 and R-5 zones, the staff is suggesting that the lot area per dwelling unit standard remain at 3,000

square feet, given that non-residential structures within the R-3 share little in common with other permitted uses.

In evaluating this question about density, the Board should consider that existing structures appropriate for reuse, such as historic schools, share more common elements with other existing schools, regardless of the zoning district in which they are located. If a building is adequately sized and existing infrastructure is already in place (i.e. ample off-street parking, sufficient on-site circulation and appropriately scaled street connections) then those sites may be unfairly handicapped by an onerous limit on unit density. Reed School for example, would be permitted 16 units under a lot area per dwelling unit requirement of 6,500 square feet and 37 units under a 3,000 square foot requirement. The development site has sufficient parking to accommodate the higher density alternative, and the trip generation of a residential project of that scale is less than that of a school of comparable size. Hence, a 37-unit project may ultimately be contextually appropriate. In this particular instance, it is important to note that the size of the building itself is the limiting factor and that it could not accommodate 37 residential units without a major addition on to the existing building or reuse of the 1950 addition for residential uses. Another recent example of the use of these provisions is the reuse of the Sisters of Mercy Convent on Stevens Avenue. As the Board may recall, the applicant sought a map amendment to the R-5 for that site in order to convert the convent to housing and to further develop the site for new elderly housing. Rather than increasing the overall density, the staff is proposing to incorporate a new standard which limits the extent of new addition to 25% of the total floor area, so that a project may not significantly expand upon an existing structure for reuse.

V. COMPREHENSIVE PLAN

Of principal concern with this text amendment is the potential for increased residential density, and particularly, whether or not density in those locations eligible for redevelopment is suitable. Density, as described in the City's Comprehensive Plan, is a numerical measure of the number of people or buildings per acre of land. Because it is so often used to illustrate levels of crowding, density has often acquired a negative connotation. However, this connotation fails to take into account the positive contribution that well-designed, dense developments can make to quality of life.

Eligible properties within the R-3 district are highly varied. For example, there are a variety of schools which could qualify, including the Fred P. Hall Elementary School, Riverton School and Cheverus High School to name a few though not all. Additionally, there are churches, such as the First Baptist Church located on Canco Road and Brighton Medical Center located on Brighton Avenue. The R-3 zone, as illustrated in the map provided in this report, can be found in East Deering, North Deering, Back Cove, Riverton, Rosemont and Deering Center. These properties do not constitute a complete list of sites eligible for redevelopment under this amendment but illustrate the variations that exist within eligible properties.

It is difficult to summarize properties eligible, given their extensive variations in character and location, and as such, it is difficult to find language explicitly supportive of this text amendment. For example, one of the local goals for development under the Housing Section of the Comprehensive Plan is to encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods. The Reed School is centrally located within the Riverton Neighborhood, accessible to public transit, local trails and a variety of services and amenities located along Forest Avenue. Similarly, a local goal under the Historic Resources section is to promote historic preservation as a key economic, sustainability and community development strategy. Again, with this particular project, the development of a multi-family housing project at the Reed School site enables preservation and renovation of a building identified as being eligible for the national register of historic places. Reuse of existing buildings is also more sustainable than new construction and promotes infill development within the existing built environment.

Other properties eligible for redevelopment under this text amendment however may not exhibit any or all of these same characteristics and be less well-suited for redevelopment under these identified goals. For example, Brighton Medical Center, constructed in 1956, is eligible for redevelopment under these standards, though is not considered a

property of historic significance. For this reason, the conditional use component is critical, as it provides additional standards by which staff and the reviewing body may ensure that a project is in fact contextually appropriate and preserving of original character.



Figure 6: Brighton Medical Center



Figure 7: First Lutheran Church

Although it is difficult to summarize impacted properties, there are still a variety of goals identified within the Comprehensive Plan that appear to be supportive of and supported by this text amendment.

Under Historic Resources, goals that are being met are as follows:

- Stabilize and enhance historic areas of the City by ensuring quality investment in existing structures and compatible infill development
- Ensure an appropriate balance of continuity and change as Portland grows and evolves

Under Housing, goals being met are as follows:

- Increase, preserve and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households
- Pursue policies to enable people who work in Portland to have the option to live in Portland

VI. PUBLIC COMMENT

Staff has received one public comment from Greater Portland Landmarks in support of the proposed text amendments, particularly in providing flexibility to property owners whose existing non-residential building has outgrown its historic use (Attachment 10).

VII. STAFF RECOMMENDATION

The staff recommends that the Planning Board find the proposed text amendments to be consistent with the Comprehensive Plan and recommend to the City Council adoption of the proposed text amendments.

I. PROPOSED MOTION

On the basis of the material provided in this report, public testimony, a review of applicable policies, and other information, the Planning Board finds that the proposed text amendments to Division 4. R-3 Residential Zone and Division 6. R-5 Residential Zone **[are or are not]** consistent with the Comprehensive Plan and **[recommends or does not recommend]** adoption of the proposed amendment to the City Council.

VII. ATTACHMENTS

1. Advisory task force final report

2. Reed school level I approval letter
3. Text amendment application
4. Proposed text amendment (R-3)
5. Proposed text amendment (R-5)
6. Proposed site plan for reed school redevelopment
7. Proposed floor plans for residential units
8. List of non-residential properties in the R-3 zone
9. Map of non-residential properties in the R-3 zone
10. Public Comment: Greater Portland Landmarks

Final Recommendations and Report of the Reed School Re-Use Advisory Task Force

Produced by the Planning & Urban Development Department, Planning Division
7/1/2015



Acknowledgements

Taskforce Members

Councilor David Brenerman, John Coyne, Co-Chairs
HCDC Committee Liaison Designee - David Brenerman
Portland Planning Board Designee - Sean Dundon
Portland Trails Designee - Kara Wooldrik
Workforce Housing Designee - Jan McCormick
Portland Society for Architecture Designee - Leslie Burnham
Greater Portland Landmarks Designee - Hilary Bassett
GPCOG Designee - Rebecca Schaffner
Denise Harlow, State Representative, District #116
Parks Commission Designee - Steve Morgenstein
Elise Scala - Neighborhood Resident
Hillary Krapf - Neighborhood Resident
Dyan Albano - Neighborhood Resident
Mark Johnson - Neighborhood Resident
Andrew Bowman - Neighborhood Resident

Housing and Community Development Committee

Kevin J. Donoghue, Chair
David Brenerman, Vice Chair
Nicholas M. Mavodones Jr.
David Marshall

City Staff

Jeff Levine, Director of Planning and Urban Development
Christine Grimando, Senior Planner
Jennifer Munson, Office Manager

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I. EXECUTIVE SUMMARY

The Reed School property has been a distinct presence in the Riverton neighborhood since its inception in 1926, when it served as the area elementary school. In later years it served as the central kitchen and a warehouse for the Portland Public Schools. On June 24, 2014 the Portland Board of Public Education voted to authorize closing of the former Reed School and transfer of the school and grounds to the City of Portland, notifying the City on July 8, 2014. The building sits largely empty now, but it remains an integral part of the neighborhood's fabric and history, and in the case of the open space on the site, it remains a frequently used and valued amenity.

The Reed School Re-Use Advisory Task Force was created in September of 2014 with a diverse membership, consisting of neighborhood representatives and members representing a diversity of professional and organizational perspectives, including District 5 Counselor David Brenerman and former District 5 Counselor John Coyne as co-chairs, representatives from Portland Society for Architecture, Greater Portland Landmarks, Portland Trails, the Parks Commission, the State Representative for District #116, and a Workforce Housing specialist to make recommendations on process and future uses to insure a sensitive and contextual re-activation of the property. The Task Force met five times between November 2014 and June 2015, with an additional meeting by a drafting subcommittee to review drafts of the recommendations. The Task Force's charge was to provide recommendations on the future of the Reed School property, including the building and the grounds. Originally an elementary school, the Reed School served for many years as the central kitchen for the Portland Public Schools, until that function was transferred to Waldron Way in 2013. The property is not currently in active use, though it continues to be used for intermittent safety trainings and residual storage; the grounds, though unmaintained, serve as informal and important neighborhood open space. The Task Force held a site visit, 5 meetings, including a public forum, and a drafting subcommittee met to work with Planning staff on earlier iterations of this report. The Reed School Re-Use Advisory Task Force presents these recommendations on uses for the property, criteria for review of proposals, and the review process to the Housing and Community Development Committee for their consideration and fulfillment of their charge as assigned by the City Council.

Below is a summary of the Task Force's key recommendations:

- Rezone the property from R-3 to R-5, and include a text amendment to the R-5 zone allowing artist live/work space.
- Provide preference for proposals generally consistent with the R-5 zone.
- Require that all proposals substantially preserve the existing open space as a publically accessible neighborhood amenity.
- Designate the building as a Portland City Landmark.
- Conduct a two-tier solicitation process consisting of a Request for Qualifications followed by a detailed Request for Proposals from up to five top ranked development teams.
- Give preference to the uses that were identified by the Task Force, including residential uses, combined living/working spaces, educational uses, and wellness-related uses.

These recommendations support the following central themes that arose over the course of a thorough and deliberative planning process:

Historic Preservation. Retention of the original building received support from the Task Force, and in the Public Forum results. The Maine Historic Preservation Commission has found both the original, 1926 structure, and the 1950 addition to be eligible for nomination to the National Register of Historic Places. These were found eligible for their combined architectural significance, as examples of two distinct types of school styles built before and after WWII, and for the way in which the building speaks to the neighborhood's post-War development. Though the retention of the original structure received the most consistent support, both this and the 1950s addition are recommended for designation as a locally designated historic landmark. It was suggested, in feedback received at Task Force meetings, that there might be particular structural challenges with repurposing the 1950 addition; the Task Force is consequently prioritizing re-use of the original structure in their recommendation, and deferring to a determination on feasibility for the 1950 addition.

In addition to recognizing that the Reed School building is architecturally valuable to the community, historic preservation gained support to the extent it would insure a significant amount of design review by the Historic Preservation Board when the site is redeveloped. As a building that has long been part of the fabric and history of the neighborhood, but one that stands in contrast to the predominantly single family neighborhood immediately abutting it, the quality of the redevelopment of the existing building, and any potential modifications or additions, should be held to high design standards.

Open Space. The most consistent feedback received regarding the re-use of the site was the value of the existing open space is to the community, and how important it is to retain as much of this as practicable as a publically accessible amenity. Apart from nearby school grounds, there is no parkland within a ½ mile radius of the property, nothing that provides a comparable service. Even in its unimproved state, it is frequently utilized. A number of specific variations on the future of the open space were discussed, such as ball fields, gardens, playgrounds, passive recreation area, or a combination of one or more of these suggestions.

Neighborhood Compatibility. The Task Force recommendations recognize that the preservation of the building and the preservation of a significant amount of contiguous open space are interrelated goals that require allowing for a greater residential density, and a greater diversity of possible uses, than would have otherwise been supported. The recommendations assume that in order for the redevelopment of the structure to be viable, while also including preservation of open space, a certain amount of flexibility and additional development potential is required. There was discussion over the course of the planning process about allowing certain small scale commercial uses, such as cafes, on the site. However, out of deference to the residential character of the neighborhood, there was most support for the property being made part of the R-5 zone, a somewhat more permissive residential zone than the R-3. There was a great deal of support for allowing for the possibility of a redevelopment that would incorporate community space, artist space, or some creative interpretation of new housing, as well as support for day care, senior care, and varied educational uses. All of these articulations of support were framed by the desire for new activities on the site to be sensitive to the surrounding community in terms of incorporating

excellent design, and introducing improvements that do not unreasonably impact the character and vitality of the area.

II. RECOMMENDATIONS ON USE, CRITERIA, AND PROCESS

INTRODUCTION

The Reed School Re-Use Advisory Task Force was created by the City Council on September 15, 2014 to provide recommendations on the future of the Reed School property, including the building and the grounds, at 19 Libby Street. The Portland Public Schools transferred control of the property to the City in July 2014. Originally an elementary school, the Reed School served for many years as the central kitchen for the Portland Public Schools, until that function was transferred to Waldron Way in 2013. The property is not currently in active use, though it continues to be used for intermittent safety trainings and residual storage; the grounds, though unmaintained, continue to serve as informal and important neighborhood open space. The Task Force held a site visit, 5 meetings, including a public forum, and a drafting subcommittee met to work with Planning staff on draft versions of this report. The Reed School Re-Use Advisory Task Force presents these recommendations on uses for the property, criteria for review of proposals, and the review process to the Housing and Community Development Committee for their consideration and fulfillment of their charge as assigned by the City Council.

The document is structured according to the charge to the Task Force established by the City Council and is organized by:

- A. Use
- B. Criteria
- C. Process

The language is largely framed as might be found in a request for proposals document to ensure that the Task Force's recommendations may be specifically utilized in the request and evaluation of proposals. In drafting an RFP document, the organization will likely require amendment.

RECOMMENDATIONS

A. USES

I. Generally

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. Proposals for re-use of the property will show consistency with this intent by sensitively preserving the building and introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

II. Zoning

The Reed School property is located in the R-3 residential zone, which provides uses, residential density, and dimensional standards consistent with the predominant neighborhood character, but in contrast to the Reed School site. Due to the distinct nature of this property, the Task Force is recommending that this parcel be rezoned to the R-5

Residential Zone, as a zone that better fits the anticipated future redevelopment of this site in regard to permitted uses and dimensional standards. In addition to the zoning map change, in response to public input received, the Task Force is recommending a text amendment to allow for the following residential use: *Combined living/working spaces including, but not limited to, artist residences with studio space.*

Unlike the current R-3 zone, the R-5 allows for repurposing the existing building, including the 1926 original structure, and potentially the mid-century one story addition. As a character defining feature of the neighborhood, and of the City's and Riverton's history, enabling creative repurposing of the original structure, and possibly the 1950 addition, is a central component of these recommendations. Consideration of proposals that require additional zoning changes, or that alternately propose a contract zone for the property, will be reviewed in relation to their consistency with the prioritized uses and criteria below.

III. Uses Encouraged

The following uses are specifically encouraged to compatibly add value, vitality and interest to the Reed School property and surrounding neighborhood.

- a. Publicly accessible, contiguous open space that incorporates community gardens, playground, or a compelling combination of active and passive recreation areas.
- b. Residential uses, including multi-family residential and senior housing, particularly those that help preserve the economic and physical character of the neighborhood.
- c. Combined living/working spaces, including but not limited to artist residences with studio space.
- d. Educational uses such as arts education, early childhood education or care, research and continuing education.
- e. Wellness-related uses such as adult day care or childcare.
- f. Community spaces such as art studios or a community center.
- g. Creative mix of uses that protect and enhance the character and vitality of the neighborhood, provided the mix is a low impact, low traffic combination.

IV. Uses Discouraged

The following uses are strongly discouraged:

- a. High intensity commercial, industrial, and/or institutional uses or those that include a large amount of traffic, parking, and, external impacts;
- b. Residential unit counts that are drastically higher density than allowed under the R-5 zone are discouraged.

B. CRITERIA

The City will accept and rate Developer Team proposals for re-use of the Reed School property using the following criteria:

I. Thresholds for Evaluating Developer Qualifications

Prior to requesting full proposals for re-use and development of the Reed School property, Development Teams shall submit qualifications to the City. This documentation shall include the following information in order to be considered:

a. ***Development Team***

Identify the principal members of the development team and their respective roles in the project.

b. ***Program and Redevelopment Description***

Provide a conceptual development and re-use narrative including goals, program, business plan and timeline for the development.

c. ***Development team experience and financial capacity***

The Qualifications shall include documentation demonstrating that the development team can complete and operate the concept development by supplying:

1. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
2. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete and operate the proposal.

II. Criteria for Evaluating Qualifications

The city will apply the following criteria to rate competing Developer Team qualifications for selection to submit full proposals.

a. ***Use***

The uses described in the conceptual development and re-use narrative are consistent with Section A., Uses, above;

b. ***Financial Strength and Experience of the Development Team***

The Development Team has the experience, financial capacity and a proven track record to confidently achieve the goals and program(s) described in the conceptual development and re-use narrative.

III. Requirements for Full Proposals

All proposals shall include information and documentation of the following in order to be considered:

a. ***Development Team***

The proposal shall identify the principal members of the development team and their respective roles in the project.

b. ***Restoration of Building***

The proposal shall describe commitments and measures to protect the short-term and long-term integrity of the building that at a minimum:

1. Address the stability and safety of the building by immediately protecting the structure from further deterioration.

2. Preserve the structural and architectural integrity of the building consistent with established historic preservation standards.

c. ***Publicly Accessible Open Space***

Publicly accessible open space shall be incorporated into all proposals.

Proposals that require the land area included in the open spaces and or play areas for residential density requirements under the R-5 zoning may propose public access easements or other methods to preserve the maximum residential density allowed. Residential projects proposing that the City retain fee ownership of open areas would either lose residential density potential, or would require a zone change to allow higher residential density on the residual project site, which would need to be evaluated for consistency with these recommendations.

d. ***Program and Redevelopment Description***

The proposal shall include a detailed description of the uses and development of the property including sufficient detail for the City to understand the intent of the proposal and a zoning assessment for consistency with the R-5 zone. At a minimum the proposal shall include:

1. A re-use narrative describing the development program for interior and exterior uses of the property;
2. Sketch level or conceptual drawings showing proposed improvements including floor plans, elevations, additions, new structures, publicly accessible areas, landscaping, parking, site lighting, fencing, and other site features; and,
3. A project business plan, market analysis, time line, and development pro forma demonstrating the long-term success and viability of the project.
4. A summary of where the proposal differs with what is permitted in the R-5 zone, if applicable.
5. Indication of intent to preserve solely the original structure or intent to preserve this and the 1950 addition, as well as indication whether there is intent to pursue nomination to the National Register of Historic Places for the same.

e. ***Purchase Offer, Estimated Project Value, and Property Tax Impact to the City***

The proposal shall include:

1. The purchase offer to the City;
2. Description & estimated cost of the proposed improvements;
3. Estimated post-development property value;
4. Estimated net and gross property tax impacts to the City;
5. Any financial support requested from the City for the project.

f. ***Financial and Technical Capability***

The proposal shall include documentation demonstrating that the development team can complete and operate the proposal as described in (b),(c)and (d) above by supplying:

1. Letters of financial capability from credible financial institutions with experience working with principles of the development team; and,
2. Descriptions and examples of comparable projects or endeavors demonstrating adequate experience and expertise of the development team to successfully complete and operate the proposal.

IV. Criteria for Prioritizing Full Proposals:

The city will apply the following criteria to rate competing proposals. Primary criteria are given greater than secondary, but all criteria represent important considerations when evaluating and selecting a preferred proposal. All proposals must demonstrate sufficient strength of financial and technical capability and the project business plan to successfully complete the project in a timely manner in order to be considered.

The Reed School Re-Use Advisory Task Force suggests the following weights be given in evaluation of the proposals to the criteria below:

a. ***Primary Criteria***

The Proposal:

1. Promotes a positive impact on the neighborhood as demonstrated by specific commitments within the proposal. The character, vitality and property value of the neighborhood will be protected and enhanced by the proposal. Any new construction shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood. **(25%)**
2. Provides a neighborhood amenity. Proposals including a greater extent and higher quality of publically accessible open space will be given a higher preference. Proposals that include a portion of community oriented space within the building will also be considered favorably. All open space proposals shall include a significant portion of contiguous open space on the Libby Street facing side of the property, retaining the historic site layout of the property to the greatest extent practicable. **(20%)**
3. Contains one or more of the encouraged uses listed in A.III, above in addition to the publically accessible open space indicated in A.III.a. **(25%)**
4. Contains a portion of workforce dwelling units (workforce here refers to housing units that a household earning 100% of the county's median income can afford, assuming they spend no more than 30% of their income for housing. This is currently approximately \$75,000 for a family of four) in the event of a proposal for new housing. **(15%)**

Note: Mixed use proposals that are not consistent with the R-5 zone will be considered, but must demonstrate compatibility with the building, the neighborhood and the City's Comprehensive Plan.

b. ***Secondary Criteria:***

Note: When applying the secondary criteria below, the weight of any single or collective secondary criteria shall not outweigh any single primary criteria above.

1. Purchase price
2. Benefits to the City tax base

Secondary criteria 1 and 2 combine for 15% weight in the evaluation of the proposals.

C. RECOMMENDED PROCESS FOR REQUESTS FOR AND REVIEW OF PROPOSALS

The Reed School Re-Use Advisory Task Force recommends the following process steps to ensure the appropriate re-use and long-term stewardship of the property:

I. Historic Landmark Designation

The Task Force recommends that the original structure, as well as the 1950 addition if found to be practicable, be retained and that the City Council immediately begins the process of designating the building as an individually listed historic landmark. Landmark designation will manage change to the building and potential impacts to the surrounding neighborhood, as well as provide clear assurances that the character defining features of the structure will be preserved.

II. Rezoning of Reed School Property

The Task Force recommends that the City initiate a Zoning map amendment to the Reed School property, from R-3 to R-5, and a Zoning text amendment to allow for *Combined living/working spaces including, but not limited to, artist residences with studio space.*

III. Request for Qualifications

As soon as possible, the City should widely advertise and aggressively promote a request for qualifications (RFQ) from developers and institutions with interest in re-use of the Reed School property. The intent is to generate as much interest as possible from a wide and diverse cross-section of developer and institutional interests by providing a low threshold for entry to the process.

Interested parties would be asked to submit a concept development and re-use narrative, a conceptual business plan, development timeline, and development team qualifications and financial capabilities. The RFQ would not require detailed architectural drawings or development pro formas as the generation of such documents are expensive and may provide a barrier or disincentive for otherwise interested teams to submit.

In publicizing the RFQ, the City should utilize conventional and new media, as well as press releases and direct outreach to the development community. Sufficient time should be allowed between the issuance of the RFQ and the deadline for submittal to encourage diverse teams to collaborate and craft creative development concepts that meet the intent and specifics outlined in A and B above.

IV. Request for Proposals

From 5 or fewer top ranked development teams identified through the Request for Qualifications, the City should request full proposals for re-use of the Reed School property to be evaluated according to the specifics outlined in A and B above.

V. Review of Proposals

The Task Force recommends that a Proposal Review Committee be appointed to evaluate proposals against the criteria established herein. In addition to City staff members from Purchasing, Finance, and Planning, the Review Committee shall be comprised of community representatives including a neighborhood representative, a design professional, Greater Portland Landmarks, and a real estate professional. The Review Committee shall report their findings and recommendations back to HCDC at an advertised public hearing.

The HCDC's recommendation should be reported to the City Council for adoption and direction to the City Manager's Office to negotiate the final terms of sale of the property.

Public participation and testimony will be encouraged at both the HCDC's meetings the and City Council's public hearings through use of the City's website and use of the interested parties email addresses generated through the Reed School Re-Use Task Force process.

III. REED SCHOOL RE-USE NEXT STEPS AND TENTATIVE TIMELINE

July 8, 2015	HCDC Review of Task Force Recommendations
July 2015	Initiate Rezoning Process with Planning Board Initiate Historic Landmark Designation Process (Historic Preservation Board, Planning Board, City Council, 6 month min.) Submit Application for Municipal Brownfields Site Assessment Funding Draft Request for Qualifications (RFQ) and Request for Proposals and (RFP) Documents Issue RFQ
August 2015	Appointment of Proposal Review Committee RFQ Due
September 2015	Select Limited # of Development Teams to submit full proposals guided by RFP document
Nov./Dec. 2015	Full Proposals Due
January 2016	Review Committee evaluates proposals/interviews Development Teams
February 2016	Review Committee recommends lead proposal to HCDC HCDC votes to recommend lead proposal to City Council
March 2016	City Council reviews HCDC Recommendation and votes to direct the City Manager to negotiate sale of the Reed School property based on the conditions and specifications outlined in the selected proposal.
April 2016	Reed School property ownership transfers to the development team

IV. APPENDICES



The Reed School Re-Use Advisory Task Force will hold a site visit at the former Reed School, 28 Homestead Avenue, on Thursday, November 20th, at 4:00 PM. The site visit will be immediately followed by a meeting at 5:00 PM in the Riverton Elementary School Community Room, 1600 Forest Avenue.

The Reed School Re-Use Advisory Task Force was established to:

- Report potential uses of the property;
- Develop criteria for making final recommendations on the preferred uses of the property;
- Recommend a process to review proposals for re-use of the property; and
- Report findings to the City Council's Housing and Community Development Committee.

This is a first meeting of the Task Force. The meeting is open to the public. A future forum is planned specifically for public feedback on the future of the property, and invitations for that event will follow. A webpage on the project can be found at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

For more information, please contact Christine Grimando at cdg@portlandmaine.gov or 207-874-8608.



The Reed School Re-Use Advisory Task Force

meeting will be held in the Large Learning Room, accessed through the school's front entrance.



What: Reed School Re-Use Advisory Task Force
When: May 21st, 6:30 PM
Where: Riverton Elementary Large Learning Room
1600 Forest Avenue

For More Information

Questions and comments regarding the re-use of the Reed School property can be forwarded to Christine Grimando, Senior Planner at (207) 874-8608 or emailed to cdg@portlandmaine.gov.
<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>



***** NOTICE *****
of
Public Meeting

**Reed School Re-Use:
A Public Meeting on the Future Use of the Building and Grounds**

The City of Portland and the Reed School Re-Use Advisory Task Force invite the public to provide input on the future of the former Reed School, located between Libby Street and Homestead Avenue in the Riverton neighborhood.

The Reed School facility consists of a 33,692 structure on approximately 2.5 acres. Originally a utilized as a school, it was more recently the central kitchen and warehouse for the Portland Public Schools. In June of 2014 the property was transferred from the Portland Public Schools to the City of Portland. The Task Force was created in September to report on preferred uses of the property, and develop criteria for prioritizing future review proposals for redevelopment of the property.

The Task Force and City Planning staff seeks opinions and insights from the Riverton neighborhood, design professionals, real estate professionals, and anyone interested in the future of this important property. At the Public Meeting, City of Portland staff and Task Force members will present information on building and neighborhood context, and a range of ideas that have been discussed for the building to date. The Public will be invited to provide additional ideas, for incorporation into the eventual recommendations on prioritized uses made by the Task Force to the City Council for consideration.

Questions and comments regarding the re-use of the Reed School property can be forwarded to Christine Grimando, Senior Planner at (207) 874-8608 or emailed to cdg@portlandmaine.gov.

Background material for the process and meeting can be found at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

What: Reed School Re-Use Public Meeting

When: January 29th, 6:30 to 8:00 pm

Where: Riverton Elementary School Community Room, 1600 Forest Avenue

Reed School Public Meeting on Options for Re-Use



Welcome and Introductions

Reed School Re-Use Task Force Members

John Coyne/Councilor David Brenerman, Co-Chairs
HCDC Committee Liaison Designee - David Brenerman
Portland Planning Board Designee - Sean Dundon
Riverton Community Association Designees (2)
Portland Trails Designee - Kara Wooldrik
Workforce Housing Designee - Jan McCormick
Portland Society for Architecture Designee - Leslie Burnham
Greater Portland Landmarks Designee - Hilary Bassett or Designee
GPCOG Designee - Rebecca Schaffner
Denise Harlow, State Representative, District #116
Riverton Elementary PTO Designee - Gina MacVane or Designee
Parks Commission Designee
Parks Commission
Elise Scala - Riverton resident

Reed School Students, ca. 1931.
Collections of Maine Historical Society.

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Agenda

Welcome and Introductions of the Task Force
Charge to the Task Force Review Agenda and Meeting Format
Reed School Context
Potential Re-Use Options for Building and Grounds
Break to distribute keypad voting clickers
Survey of Re-Use Options
Discussion on Re-Use Voting Results
Next Steps
Adjourn

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>



Meeting Goals and Task Force Charge

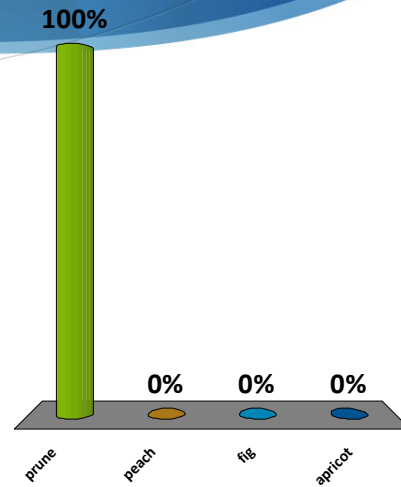
The Reed School Re-Use Advisory Task Force was established to:

- ◆ Report potential uses of the property;
- ◆ Develop criteria for making final recommendations on the preferred uses of the property;
- ◆ Recommend a process to review proposals for re-use of the property; and
- ◆ Report findings to the City Council's Housing and Community Development Committee within six months of Task Force inception.



grape : raisin :: plum :

- A. prune
- B. peach
- C. fig
- D. apricot



5

Recent Precedents

Nathan Clifford School

- Being converted to market rate 22 apartments.

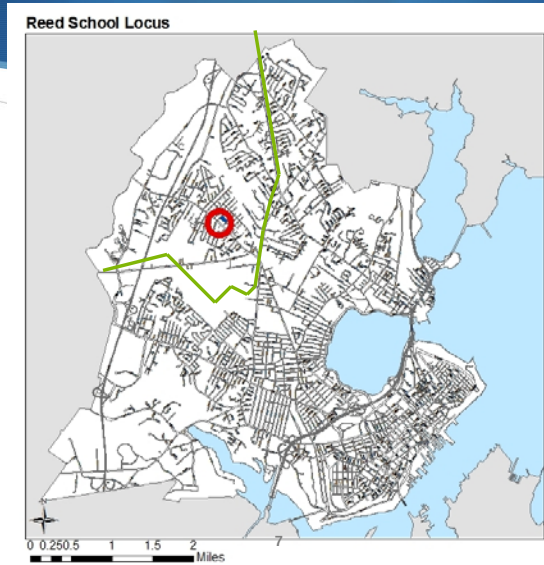


Adams School

- 16 workforce condominiums (8 2 bedroom/8 3 bedroom)



Context



Context



Existing Buildings



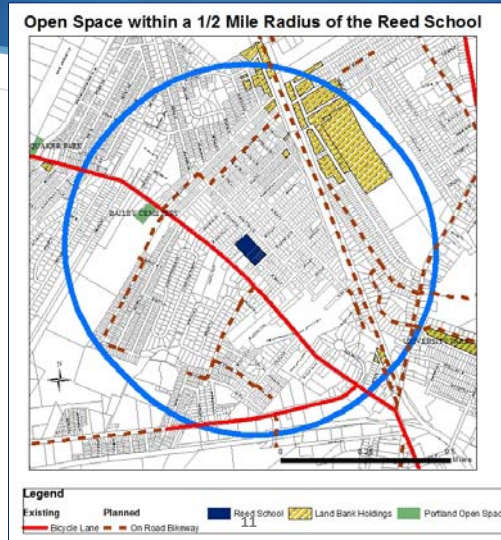
9

Existing Buildings



10

Open Space Context



Open Space Context



Zoning Context

R-3 Permitted and Conditional Uses	
<i>The following uses are permitted in the R-3 residential zone:</i>	
1	Single-family
2	Planned residential unit development (PRUD)
3	Handicapped family unit, for handicapped persons plus staff
2	Parks, and other active and passive noncommercial recreation spaces
3	Accessory uses
4	Home occupations
5	Municipal uses
6	Wind energy systems
<i>The following conditional uses are permitted in the R-3 residential zone:</i>	
<i>Residential:</i>	
1	Sheltered care group homes
2	Accessory Dwelling Units
<i>Institutional:</i>	
1	Elementary, middle, and secondary school
2	a. Long-term and extended care facilities
	b. Intermediate care facility for thirteen (13) or more persons
3	Places of assembly
4	Hospital

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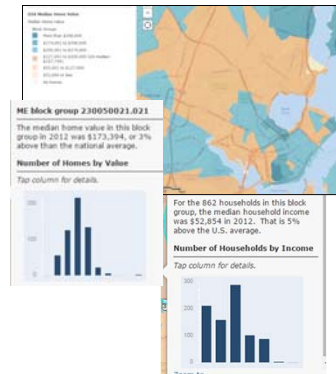
Zoning Context

R-3 Zone Dimensional Standards	
Minimum Lot Size examples:	
<i>Residential</i>	6,500 sf
<i>PRUD</i>	3 acres
<i>School</i>	2 acres
<i>Hospital</i>	10 acres
Minimum Frontage	50 feet
Front Yard Setback	25 feet or avg. depth of adjacent properties
Rear Yard Setback	25 feet
Side Yard Setback	8-16, variable by height of structure
Rear and Side Yard Setbacks - Accessory Structures	5 feet
Maximum Lot Coverage	35%
Minimum Lot Width	65 feet
Maximum Structure Height	35 feet

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Riverton Demographics

- ◆ Total Residents 5,578 (8.4% of Portland Total)
- ◆ Total Households: 2,165
- ◆ Riverton Population 18 and under: 24.4%
 ◆ (17.1% for Portland)
- ◆ Riverton Population 65 and over: 8.5%
- ◆ Median Age: 33
- ◆ Total % Owner-Occupied Units: 57.6 (42.7 Portland)
- ◆ Total % Renter-Occupied Units: 42.4 (57.3 Portland)
- ◆ Housing Units in Multi-Units: 29.4% (54% Portland)
- ◆ Average Household Size: 2.5
- ◆ Median Home Value: \$173,394 (2012, Block Group)
- ◆ Homeowner and Rental Vacancy Rates less than 1% (Block Group)



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Potential Re-Uses

- ◆ Educational
- ◆ Residential
- ◆ Wellness
- ◆ Community Space
- ◆ Mixed Use

16

Education

- ◆ Continuing Education
- ◆ Arts Education
- ◆ Private School
- ◆ Pre-K
- ◆ Research



17

Residential

- ◆ Market Rate
 - ◆ Condominiums
 - ◆ Rental Apartments
- ◆ Affordable
- ◆ Workforce
- ◆ Inclusionary
- ◆ Senior housing
- ◆ Live/Work



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Wellness

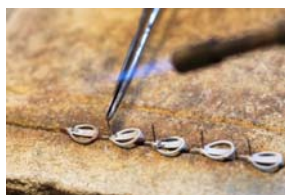
- ◆ Health Care
- ◆ Adult Day Care
- ◆ Childcare
- ◆ Respite Care



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Community Space

- ◆ Community Center
- ◆ Artist Studios
- ◆ Coworking/Incubator Space
- ◆ Makerspace



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Mixed Use

- ◆ Residential/Non-residential mix
- ◆ Artist Studio + Classes + Work for Sale
- ◆ Other combinations possible



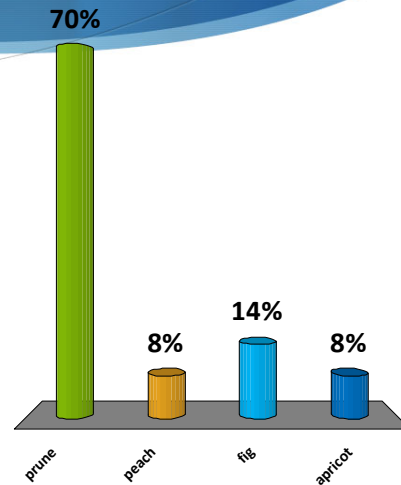
Open Space

- ◆ Community Garden
- ◆ Athletic Fields
- ◆ Dog Park
- ◆ Passive Recreation
- ◆ Unimproved
- ◆ None



grape : raisin :: plum :

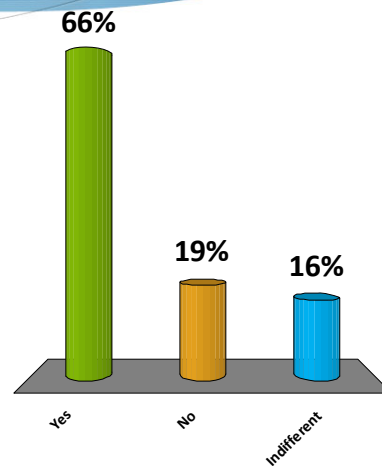
- A. prune
- B. peach
- C. fig
- D. apricot



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Do You Support Retention of the Existing Building(s)?

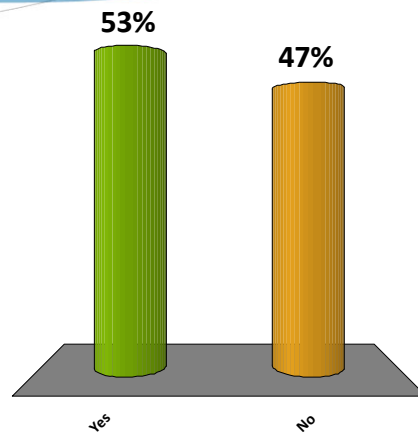
- A. Yes
- B. No
- C. Indifferent



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Do You Support Educational Re-Use of the Reed School

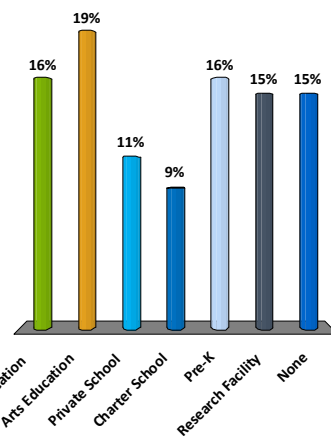
- A. Yes
- B. No



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What types of Educational Uses Would You Support?

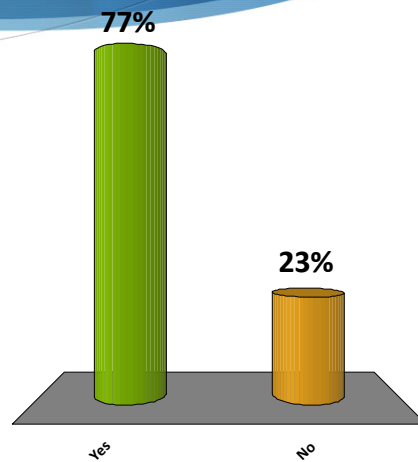
- A. Continuing Education
- B. Arts Education
- C. Private School
- D. Charter School
- E. Pre-K
- F. Research Facility
- G. None



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Do You Support Residential Re-Use of the Reed School

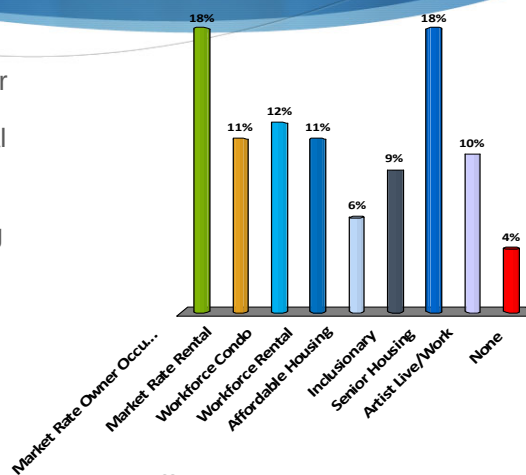
- A. Yes
- B. No



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Which Residential Uses Do You Support?

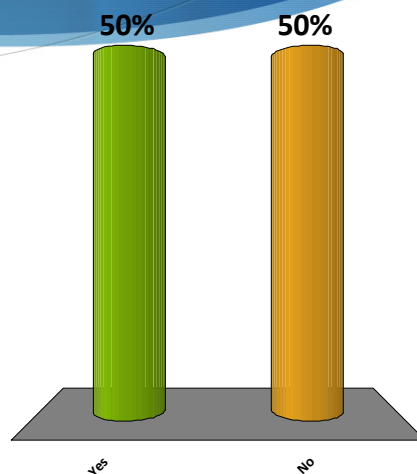
- A. Market Rate Owner Occupied
- B. Market Rate Rental
- C. Workforce Condo
- D. Workforce Rental
- E. Affordable Housing
- F. Inclusionary
- G. Senior Housing
- H. Artist Live/Work
- I. None



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Do You Support a Wellness Re-Use of the Reed School?

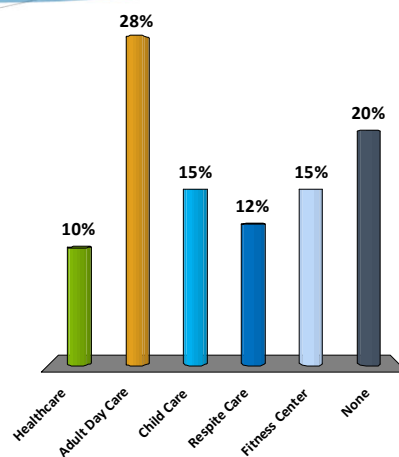
- A. Yes
- B. No



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Which Wellness Uses Do You Support?

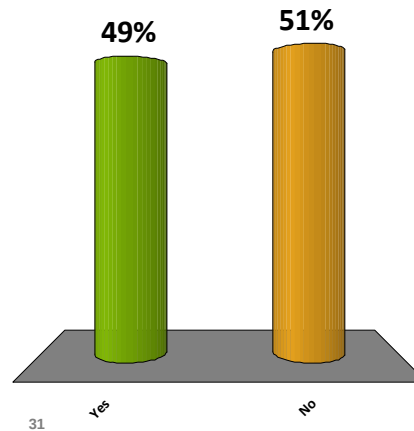
- A. Healthcare
- B. Adult Day Care
- C. Child Care
- D. Respite Care
- E. Fitness Center
- F. None



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Do You Support a Community Space Re-Use of the Reed School?

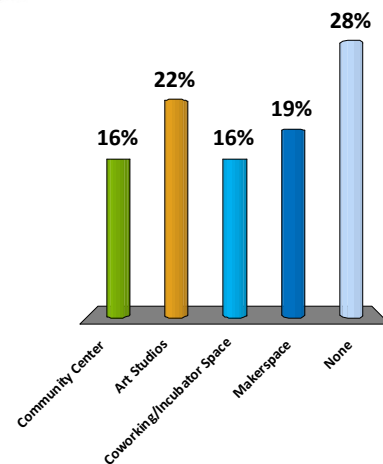
- A. Yes
- B. No



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Which Community Space Uses Do You Support?

- A. Community Center
- B. Art Studios
- C. Coworking/Incubator Space
- D. Makerspace
- E. None

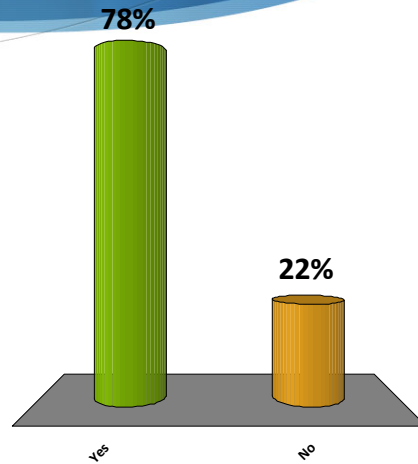


32

Do You Support Mixed Uses at the Reed School Site?

A. Yes

B. No

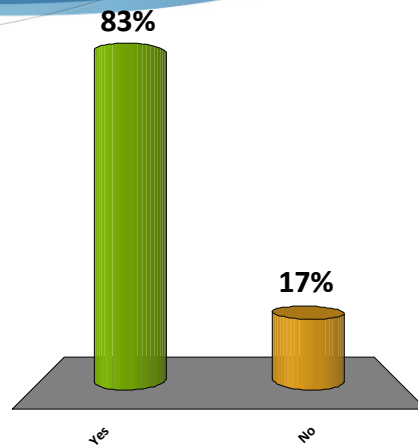


33

Do You Support Retention of Open Space at the Reed School Site?

A. Yes

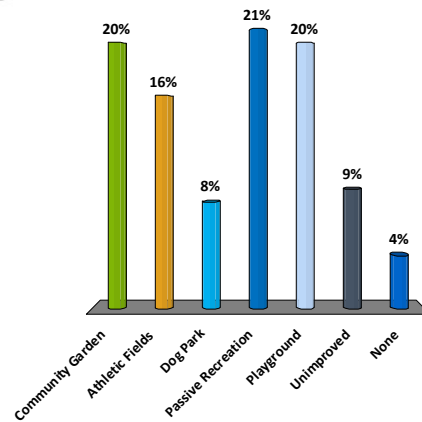
B. No



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Which Types of Open Space do you Support?

- A. Community Garden
- B. Athletic Fields
- C. Dog Park
- D. Passive Recreation
- E. Playground
- F. Unimproved
- G. None



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Discussion



Next Steps

- ◆ Task Force meets to assess input to date, follow-up on Historic Preservation, Comprehensive Plan Policies, etc.
- ◆ Drafting Subcommittee meets to produce 1st draft of recommendations.
- ◆ Task Force meetings to review draft and final report.

For more information contact: Christine Grimando, Senior Planner.
cdg@portlandmaine.gov or 207-874-8608

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project#>

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	R-3	R-5
Min. Lot Size	Residential: 6,500 SF Sing. Fam to 2-Fam: 10,000 SF Long-term, extended, intermediate care: 2 ac. School: 2 ac. Place of assembly: see code Municipal: 6,500 SF Hospital: 10 ac. PRUD: 3 ac. Other: 6,500 SF	Residential: 6,000 SF Long-term, extended, intermediate care: 2 ac. School: 30,000 SF Place of assembly: see code Municipal: 6,000 SF Hospital: 5ac. College, univ.: 2 ac. Multiplex: 9,000 SF PRUD: 2 ac. Lodging house: 9,000 SF Other: 6,000 SF
Min. Lot Area per D.U.	PRUD: 6,500 SF net land area Other: 6,500 SF	PRUD: 3,000 SF Special needs independent living units: , 3,600-4,800 SF Other: 3,000 SF, except as provided for multiplex
Min. Street Frontage	50 ft.	50 ft.
Min. Lot Width	65 ft.	60 ft.; 90 ft. for multiplex
Min. Front Yard	25 ft. (principal or accessory)	20 ft. (principal or accessory)
Min. Rear Yard	Principal or attached accessory > 100 SF: 25 ft. Accessory detached <144 SF: 5 ft.	Principal or attached accessory > 100 SF: 20 ft. Accessory detached <144 SF: 5 ft.
Min. Side Yard	1 story: 8 ft. 1 1/2 stories : 8 ft. 2 stories : 14 ft. 2 1/2 stories: 16 ft. Accessory detached <144 SF: 5 ft. Side yard on side street: 20 ft.	1 story: 8 ft. 1 1/2 stories : 8 ft. 2 stories : 12 ft. 2 1/2 stories: 14 ft. Accessory detached <144 SF: 5 ft. Side yard on side street: 15 ft.
Max. Structure Height	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.	Principal or attached accessory: 35 ft. Accessory detached: 18 ft.
Max. Lot Coverage	35%	40%

			R-3	R-5
Permitted	Residential	Single-family and two-family dwellings	•	•
		Handicapped family units	•	•
		Single-family single- or multiple-component manufactured housing	•	•
		Combined living/working spaces		X
		PRUDs	•	•
		Multiplex development		•
	Other	Governmental buildings and uses/municipal uses	•	•
		Accessory uses	•	•
		Parks	•	•
		Home occupation	•	•
		Special needs independent living units		•
		Wind energy systems	•	•
Conditional	Residential	Sheltered care group homes	•	•
		Additional accessory dwelling units	•	•
		Alteration of non-residential structure to 3+ dwelling units		•
		Conversion of multi-family structure to lodging house		•
	Institutional	Schools	•	•
		Long-term and extended care facilities	•	•
		Intermediate care facility	•	•
		Places of assembly	•	•
		Hospitals	•	•
		Day care facilities	•	•
		College, university, trade schools		•
	Other	Utility substations	•	•
		Off-street parking	•	•
		Temporary wind anemometer towers	•	•
		Wind energy systems	•	•



Administration

Emmanuel Caulk, Superintendent
David Galin, Chief Academic Officer
Michael Wilson, Chief Financial Officer
Peter Eglinton, Chief Operations Officer

196 Allen Avenue, Portland, Maine 04103
(207) 874-8100

July 8, 2014

Mr. Mark Rees
City Manager
City Hall
389 Congress St
Portland, ME 04101

Dear Mark:

The Portland Board of Public Education voted unanimously on June 24, 2014, to authorize the Superintendent to take all steps necessary to implement the closing of the former Reed School and the transfer of control of the property to the city, including notifying the City Manager and City Council. The facility is a 33,692 square foot structure located on 2.5 acres accessed from Homestead Avenue, and was most recently used as a Central Kitchen and warehouse. Because the building does not currently operate as a school, state approval of the facility closure and transfer is not required.

Accordingly, Portland Public Schools can transfer control of the property to the City of Portland. Please let me know if additional steps are required to complete the transfer. Note that later this summer we plan to sell a few remaining pieces of kitchen equipment and relocate stored district materials to other suitable facilities. We would appreciate continued access to the building until our moves are complete. Otherwise, the city can take control of the property effective immediately.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Caulk", written over a horizontal line.

Emmanuel Caulk
Superintendent
Portland Public Schools



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

EARLE G. SHETTLEWORTH, JR.
DIRECTOR

19 March 2015

Deborah Andrews
Historic Preservation Program Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Ms. Andrews:

Thank you for submitting the National Register Eligibility Assessment form, photographs and other information pertaining to the Thomas B. Reed School in Portland, Maine. These have been carefully examined by our staff.

I am pleased to say that in our judgment, based on the information and photographs submitted to date, this property is eligible for nomination to the National Register of Historic Places. The school is eligible for its architectural significance as a good example of two distinct types of school buildings built before and after World War II. We are particularly impressed that the building retains its original windows and interior finishes. The building is also significant under Criterion A for the manner in which it illustrates the associated neighborhood's post War development.

I am writing and researching National Register nominations as my schedule allows, and it is possible that I will have the time in 2016 to write a the nomination for this property, should the City of Portland decide to pursue listing. However, should you wish to proceed immediately with the development of the nomination for this property please consider hiring an architectural historian to research and prepare the nomination documentation. A list of architectural historian known to work in the state is enclosed

All nominations, before being sent to Washington for final approval, must first be presented to our Commission for approval at one of their quarterly meetings. We will schedule this nomination for presentation once a final draft of the nomination has been received and approved by this office. Once you have identified who will prepare your nomination please have them contact me at (207) 287-2132 or christi.mitchell@maine.gov to discuss scheduling and submission requirements.

In the meantime, the property will be included in the Maine Historic Resources Inventory which will provide the same protection as if it were already listed in the National Register. Please do not hesitate to contact me if you have any questions.

Sincerely,

Christi A. Mitchell
Architectural Historian

Enc.

From: Jonah Fertig <jonah.fertig@gmail.com>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 2/2/2015 12:53 PM
Subject: Reed Street School

Hello Christine,

I recently learned about the re-use process for the Reed Street School. I was unable make the meeting last week as I just learned about it today. I am the co-chair of the Urban Agriculture Sub-Committee of the Mayor's Initiative for a Healthy and Sustainable Food System and co-chair of the Machigonne Community Land Trust. In the first role I'm working to secure land for urban agriculture and in the second role Im working to secure land for affordable housing. So I'd love to provide some input into this process and be kept abreast of future meetings and opportunities for input.

Thanks,
Jonah Fertig

Sent from my iPhone

From: Ashley Bahlkow <bahlkow.a@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 2/2/2015 11:40 AM
Subject: Make Reed School Portland's Urban Farm!

Hi Christine,

I'm a Portland resident and I wanted to express my desire to use the Reed School land as an urban farm to grow food for the city and/or a community garden. Burlington, VT's Intervale is a great example of city land use. The Intervale is huge, but an amazing community resource and tourist attraction. Check it out at <http://www.intervale.org/what-we-do/mission-vision/>. I realize Reed St. doesn't have enough land for a farm incubator program and all that the Intervale encompasses, however, I think similar could be achieved on a smaller scale and that expands Portland's food security.

Thank you for taking the time to read my response.
have a good day
Ashley Bahlkow
79 Congress St. Apt. L Portland

From: <jogero@myfairpoint.net>
To: <cdg@portlandmaine.gov>
Date: 2/2/2015 9:21 AM
Subject: Reed School

Hello Christine,

I live near Homestead Avenue and Libby Street. I drive by the former Reed School everyday and often think how this statuous building could be an asset to the city of Portland. I would like to pass on my thoughts. I feel the building would be bendficial as a secondary site for city offices, such as car registrations, voter registrations, one one floor. On a second floor, my thought would be to relocate the Maine Historical Society.

Best of

Luck on this project,

Geri Rose

From: Judith Southworth <jsouthworth@CCMAINE.ORG>
To: "cdg@portlandmaine.gov" <cdg@portlandmaine.gov>
Date: 1/31/2015 12:30 PM
Subject: Please consider Portland's Urban Farm

Hello,
Please consider using the Reed School land to establish Portland's Urban Farm for growing food for residents.
Sincerely,
Judith Southworth

From: Hazel Onsrud <hazel.onsrud@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 1/30/2015 3:41 PM
Subject: Reed School property

Dear Ms. Grimando,

I think it would be great if the Reed School property could connect with the local food movement, specifically the urban agriculture portion of the the Mayor's Initiative in order to facilitate more growing space which is desperately needed in our community.

Thanks!
Best wishes,
Hazel

--

Hazel Onsrud
hazel.onsrud@gmail.com
207.299.2657

From: Anna Sommo <annasommo@gmail.com>
To: <cdg@portlandmaine.gov>
Date: 1/30/2015 3:19 PM
Subject: Reed School Input

Hello!

I would like to put in my comment to encourage the city to turn the Reed School into an urban farm. Urban agriculture is a great way to accomplish many goals- growing food close to home, providing an outdoor classroom for students of all ages, preserving open space and many more. Agriculture brings together people from many backgrounds, and it is projects such as these that encourage people to move to places like Portland.

Here are some examples of incredible urban farms in New York:
<http://inhabitat.com/nyc/top-5-urban-farms-in-new-york-city/>.

Many thanks for your time and consideration.

Sincerely,
Anna Sommo

MEETING NOTICE: The City Council's Housing and Community Development Committee will meet on Wednesday, July 8th at 5:30 pm in City Hall, Room 209 to review the *Final Recommendations and Report of the Reed School Re-Use Advisory Task Force* and a draft Request for Qualifications regarding the possible sale and development of city-owned property at 19 Libby Street (also fronting on Homestead Avenue). For more information contact Christine Grimando, Senior Planner, 874-8608 or cdg@portlandmaine.gov. Information regarding this item will be available after 4:00 pm on July 2nd on the city website, <http://www.portlandmaine.gov/582/Housing-Community-Development-Committee>, under Most Recent Agenda.

**CITY of PORTLAND, MAINE
Request for Qualifications**

**Expression of Interest
Re-use and Re-Development of the Reed School property
19 Libby Street, Portland Maine**

Portland Planning and Urban Development Department

Sealed responses to provide expression of interest and evidence of qualification to re-develop the Reed School property, situated between Homestead Avenue and Libby Street, will be received by the Purchasing Office, City Hall, Room 103, 389 Congress Street, Portland, Maine 04101 until **3:00 p.m. (DATE), 2015***, at which time they will be publicly opened.

Proposals shall be submitted in envelopes plainly marked on the outside with the RFQ's title and number. No late, faxed, or electronic proposals shall be accepted.

Proposals from proposers not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should an interested party receive this Request from a source other than the City, please contact 207-874-8654 to ensure that your firm is listed as a vendor for this RFP.

Respondents are required to have a representative at a pre-submission walk through of the property scheduled for (DATE/TIME).

QUESTIONS

All questions shall be made *in writing* only, can be hand delivered, mailed to the Purchasing Office, faxed to 207-874-8652 or e-mailed to mff@portlandmaine.gov, being received no later than **July X, 2015**. A written response, if provided, will be in the form of an Addendum. Corrections or changes to this document will be made only by written addendum; any oral explanation or interpretation shall not be binding.

GENERAL INFORMATION

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any and all proposals. All proposers are advised that the property will be sold "as-is" and "where is," in its existing condition, with no warranties to be expressed or implied. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The property will be conveyed by quitclaim deed.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

BACKGROUND

The City requests qualifications from developers and institutions with interest in re-use and re-development of the Reed School property. The City seeks a new owner for the property and re-development of the former central kitchen and school building.

The building is currently under consideration for listing as a locally designated historic landmark, and all potential developers should anticipate that alterations and repairs to the school and grounds will be reviewable under the City's Historic Preservation Ordinance.

Interested parties are asked to submit a concept development and re-use narrative, general project budget with projected funding sources, development timeline, and development team qualifications and financial capabilities. This RFQ does not require detailed architectural drawings or development pro formas.

Based on the relative strength of the development teams and the proposal narratives, the City will select top-tier, financially viable development teams to present full proposal packets through an invitation only Request for Proposals (RFP).

This request for qualifications results from the July 8, 2015 acceptance by the City Council's Housing and Community Development Committee of the recommendations of the Reed Re-Use Advisory Task Force. In preparing responses to this request, respondents are directed to the ***Final Recommendations and Report of the Reed School Re-Use Advisory Task Force*** and background material at:

<http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

USES CONSIDERED

I. Generally

Re-use of the Reed School building and property is intended to support and enhance the integrity of the surrounding neighborhood. Proposals for re-use of the property will show consistency with this intent by sensitively preserving the building, maintaining publicly accessible open space, and introducing new uses, occupants, and improvements that do not unreasonably impact the character and vitality of the area.

II. Existing Zoning

Due to the distinct nature of this property, the City of Portland is pursuing rezoning of the property from R-3 to the R-5 residential zone, as one that better fits the anticipated future redevelopment of this site in regard to permitted uses and dimensional standards. The zoning map change will be accompanied by a text amendment to the R-5 zone to allow for the following residential use: *Combined living/working spaces including, but not limited to, artist residences with studio space.*

Consideration of proposals that require additional zoning changes, or that alternately propose a contract zone for the property, will be reviewed in relation to their consistency with the prioritized uses and criteria below.

Proposals that include residential unit counts that significantly exceed the current maximum R-5 allowances are discouraged.

III. Uses Encouraged

The following uses are specifically encouraged to compatibly add value, vitality and interest to the Reed School property and surrounding neighborhood.

- a. Publicly accessible, contiguous open space that incorporates community gardens, playground, or a compelling combination of active and passive recreation areas.
- b. Residential uses, including multi-family residential and senior housing, particularly those that help preserve the economic and physical character of the neighborhood.
- c. Combined living/working spaces, including but not limited to artist residences with studio space.
- d. Educational uses such as arts education, early childhood education or care, research and continuing education.
- e. Wellness-related uses such as adult day care or childcare.
- f. Community spaces such as art studios or a community center.
- g. Creative mix of uses that protect and enhance the character and vitality of the neighborhood, provided the mix is a low impact, low traffic combination.

IV. Uses Discouraged

The following uses are strongly discouraged:

- a. High intensity commercial, industrial, and/or institutional uses or those that include a large amount of traffic, parking, and, external impacts;
- b. Residential unit counts that are drastically higher density than allowed under the R-5 zone are discouraged.

GENERAL INFORMATION

Location: 19 Libby Street, Portland, Maine 04103

Current use: Uninhabited. Intermittent fire life safety trainings take place on sight on a temporary basis.

Condition of the property at the time of sale: The existing structure is currently unoccupied.

Environmental Conditions: The City of Portland does not have any specifics with regard to environmental conditions and makes no representations or guarantees with respect to the environmental condition of the site.

Note: All respondents should investigate legal and zoning requirements for proposed projects prior to submission of proposal. The City's Zoning Administrator can be contacted at (207) 874-8709. The City's Planning Office can be contacted at (207) 874-8719.

PROCESS OUTLINE

- I. Submissions will be reviewed for completeness.
- II. City Staff and a *Proposal Review Committee* will review the submissions and select a final list of qualified proposers.
- III. Upon completion of the list, an RFP document outlining specific project details and submission requirements will be sent to the pre-qualified interested parties.

Respondents are required to have a representative at a pre-submission walk through of the property scheduled for (DATE/TIME). Development Team representatives will meet in the parking area at the rear/southerly side of the building. The tour, which will be attended by City Planning and Facilities staff, will begin promptly at X:X0 p.m. and take approximately 1 hour.

Please be advised that responding to this inquiry will not ensure that your firm is placed upon the final Proposers List. However failure to respond will eliminate you from the list. The selection of bidders on the final Proposers List will be based upon a detailed evaluation of these responses, and will be chosen in the best interests of the City of Portland, Maine according to the following criteria:

CRITERIA

The city will apply the following criteria to rate competing Developer Team qualifications for selection to submit full proposals.

I. Use**50% Weight**

The uses described in the conceptual development and re-use narrative are consistent with the recommendations of the Reed School Re-Use Advisory Task Force, as summarized in the *Uses Considered* section above; and,

II. Financial Strength and Experience of the Development Team**50% Weight**

The Development Team has the experience, financial capacity and a proven track record to confidently achieve the goals and program(s) described in the *conceptual development and re-use narrative*.

SUBMISSION INFORMATION

- I.** Development Narrative – Provide a concept development and re-use narrative, general project budget with projected funding sources, and development timeline. The proposed uses, unit counts, and nature and extent of occupation of the Reed School building and site must be included. Sketch level drawings may be useful to augment this information but are not required. This RFQ does not require detailed architectural drawings or development pro formas.
- II.** A complete description of the structure of your team, including administration and project management team as well as major shareholders.
 - a.** Developer – Name, address, telephone, fax number of the proposed
 - b.** Owner/developer and the name(s) of an alternative contact person(s)
- III.** Developer Capacity – Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This may include key staff of the developer, architect, general contractor and future property management. The submission should include indication of experience with similar development projects, and experience with Historic Preservation projects, where applicable.
- IV.** A list of current projects, with a brief description of type, and expected completion dates.
- V.** A list of projects of comparable size and complexity that you have developed in the past five years. Provide photos, demonstrative drawings and project particulars.
- VI.** A list of not less than four recent (within the past five years) client references for similar size or complexity of project, complete with names and contact information (phone and email ideally), and date of project completion.
- VII.** Evidence of financing capability sufficient to undertake a project of this scope, including a letter of reference from a Financial Institution.

VIII. Eight (8) copies, with the original so marked, of each submittal along with a single digital copy.

Reservation of Rights

The City reserves the right to waive any informalities in proposals, to accept any proposal or portions thereof (Proposers are advised to note this and quote accordingly) and to reject any or all responses should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows: The successful bidder shall agree to defend, indemnify and save the City harmless from all losses, costs or damages caused by its acts or those of its agents, and, before signing the contract, will produce evidence satisfactory to the City's Corporation Counsel of coverage for General Public and Automobile Liability insurance in amounts not less than \$400,000 per person, for bodily injury, death and property damage, protecting the contractor and the City, and naming the City as an additional insured from such claims, and shall also procure Workers' Compensation insurance.

All materials and equipment used as well as all methods of construction and/or demolition shall comply at a minimum with any and all Federal, OSHA, State and/or local codes, including applicable municipal ordinances and regulations.

Equal Employment Opportunities. Vendor shall comply fully with the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, as amended (WIA, 29 CFR part 37); the Nontraditional Employment for Women Act of 1991; title VI of the Civil Rights Act of 1964, as amended; section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended; title IX of the Education Amendments of 1972, as amended; and with all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR part 37.

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Proposers who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

It is the custom of the City of Portland, Maine to pay its bills 30 days following equipment delivery and acceptance, and following the receipt of correct invoices for all items covered by the purchase order. In submitting bids under these specifications, bidders should take into account all discounts; both trade and time allowed in accordance with this payment policy and quote a net price. The City is exempt from the State's sales and use tax as well as all Federal excise taxes.

June 25, 2015

Matthew F. Fitzgerald
Purchasing Manager

Attachments: Go to: <http://www.portlandmaine.gov/1348/Reed-School-Reuse-Project>

DRAFT

PROPOSAL**NOTE: THESE PAGES ARE TO BE COMPLETED AND RETURNED**

The UNDERSIGNED hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, which it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same.

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the Request for Proposals, and that the proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits which may be derived therefrom has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of an indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

The proposer acknowledges the receipt of Addenda numbered _____

COMPANY NAME: _____
(Individual, Partnership, Corporation, Joint Venture)

AUTHORIZED SIGNATURE: _____ DATE: _____
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: _____

ADDRESS: _____

E-MAIL ADDRESS: _____

TELEPHONE: _____ FAX: _____

FEDERAL TAX I.D. NUMBER: _____

STATE OF INCORPORATION _____

(If incorporated in another State, businesses must be authorized to do business in the State of Maine.)



Tuck O'Brien
City Planning Director, Planning Division

January 22, 2018

Michael Lyne
Developer's Collaborative
100 Commercial Street, Suite 414
Portland, ME 04101

Tom Greer, P.E.
Pinkham and Greer, Civil Engineers
28 Vannah Avenue
Portland ME, 04103

Project Name:	Reed School Redevelopment	Project ID:	2017-234
Address:	19 Libby Street	CBL:	338-K-004
Applicant:	Michael Lyne		
Planner:	Matthew Grooms		

Dear Mr. Lyne and Mr. Greer:

On January 22, 2018, the Planning Authority approved a Level I Site Alteration application for redevelopment of the Reed School site, including expansion of the existing parking area, installation of a playground, installation of a new stormwater system, and site landscaping. The decision is based upon the application, documents and plans as submitted. The proposal was reviewed for conformance with the standards of Portland's Site Plan Ordinance.

Waivers

The Planning Authority waives the Site Plan Standard, Section 14-526(a)(2)(c)(i), which requires that all proposed developments provide a sidewalk along all frontages, to permit no public sidewalk along the property's Libby Street frontage.

Stormwater Management Permit

Based upon the City of Portland's Delegated Review Authority, the Planning Authority approves the Stormwater Management Permit application, as submitted, subject to the following condition(s):

1. Storm Water Management Condition of Approval
The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works.

Site Plan Review

The Planning Authority finds that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. Applicant shall review entire site for ADA compliance and repair broken asphalt as needed to entire compliance. It is understood that the improvements along Homestead Avenue will be completed during the next phase of this project.
2. The ADA compliant entrance to this building will be the entrance by the parking lot, which serves as the main entrance generally. It is understood that subsequently mentioned conditions are to be completed during the next phase of this project. ADA compliant access to that entrance shall be provided by:
 - a. Repairing the sidewalk on Homestead in front of the building as needed; and
 - b. Providing a dedicated walkway from Homestead to the parking lot by either limiting vehicle access on the driveway to Homestead to emergency access only, or by providing a parallel walkway.
3. The applicant shall work with staff and METRO to resolve the best locations of bus stops along Forest Avenue to serve the site.
4. The applicant shall repair the fence along the property boundary as needed.
5. The City will look at the potential to complete the missing piece of sidewalk along Homestead Avenue just west of the site and asks for the applicant's support as necessary.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2017-234 which is attached.

Standard Conditions of Approval

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning

Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

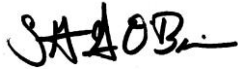
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **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 and Urban Development Department and Public Works Department 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.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **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 Works 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.
7. **Construction Management Plans** The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

8. **Department of Public Works Permits** If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk , driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
9. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at 874-8632. 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 Matthew Grooms at (207) 874-8725

Sincerely,



Stuart G. O'Brien
City Planning Director

Attachments:

1. Development Review Comments
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Matthew Grooms, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works

Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor



Zoning Map, Text Amendment, Contract or Conditional Rezoning Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the review of requests for zoning map amendments, zoning text amendments and contract or conditional re-zoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Zoning Map, Text Amendment or Contract/Conditional Rezonings.

Portland's development review process and requirements are outlined in the [Land Use Code \(Chapter 14\)](#), [Design Manual](#) and [Technical Manual](#).

Planning Division

Fourth Floor, City Hall
389 Congress Street
(207) 874-8719
planning@portlandmaine.gov

Office Hours

Monday thru Friday
8:00 a.m. – 4:30 p.m.

I. Project Information (Please enter n/a on those fields that are not applicable)

Project Name:	Reed School
Proposed Development Address:	19 Libby Street
Project Description:	Adaptive reuse of portion of historic elementary school as rental apartments
Chart/Block/Lot:	338 K004001
Right, Title or Interest (<i>Please identify the status of the applicant's right, title, or interest in the subject property – for example a deed, option or contract to purchase or lease the subject property</i>)	Signed Purchase and Sale Agreement
Existing Use (<i>Describe the existing use of the subject property</i>)	Vacant building
Current Zoning Designation:	R-3
Proposed Use of the Property (<i>Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property</i>)	Adaptive reuse of the original 1910 building (not the 1950s addition) into eight rental residential units. The rehabilitation project will restore the exterior historic features. Historic wood windows will be replaced in kind and historic doors will be restored.
Vicinity Map (<i>Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use</i>)	
Site Plan (<i>On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan – to scale – by the applicant. (Scale to suit, range from 1' = 10' to 1' = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood</i>)	

II. Contact Information (Please enter n/a on those fields that are not applicable)**APPLICANT**

Name:	Kevin Bunker / Laura Reading
Business Name:	Developers Collaborative Predevelopment LLC
Address:	100 Commercial St, Ste 414
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 766-6696
Home #:	
Cell #:	
Fax #:	
E-mail:	reading.lauraj@gmail.com

OWNER

Name:	City of Portland
Address:	389 Congress St
City/State:	Portland, ME
Zip Code:	04101
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

AGENT/REPRESENTATIVE

Name:	n/a
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

BILLING (to whom invoices will be forwarded to)

Name:	Developers Collaborative Predevelopment LLC
Address:	100 Commercial St, Ste 414
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 766-6696
Home #:	
Cell #:	
Fax #:	
E-mail:	reading.lauraj@gmail.com

ENGINEER

Name:	Pinkham and Greer
Address:	28 Vannah Ave
City/State:	Portland, ME
Zip Code:	04103
Work #:	(207) 781-5242
Home #:	
Cell #:	
Fax #:	
E-mail:	

SURVEYOR

Name:	n/a
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

ARCHITECT

Name:	Archetype Architects
Address:	48 Union Wharf
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 772-6022
Home #:	
Cell #:	
Fax #:	
E-mail:	

ATTORNEY

Name:	Cito Selinger, Curtis Thaxter
Address:	1 Canal Plaza, #1000
City/State:	Portland, ME
Zip Code:	04101
Work #:	(207) 774-9000
Home #:	
Cell #:	
Fax #:	
E-mail:	cselinger@curtisthaxter.com

DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN

Name:	Laura Reading
E-mail:	reading.lauraj@gmail.com
Name:	
E-mail:	
Name:	
E-mail:	

III. APPLICATION FEES (check applicable review)

☐	Zoning Map Amendment from () zone to () zone	\$3,000.00
☒	Zoning Text Amendment to Section 14- (88) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example).)	\$3,000.00
☐	Combination Zoning Text Amendment and Zoning Map Amendment	\$4,000.00
☐	Conditional or Contract Zone <i>(A conditional or contract rezoning may be requested by an applicant in cases where limitations, conditions, or special assurance related to the physical development and operation of the property are needed to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood. Please refer to Division 1.5, Section 14-60-62.)</i>	\$5,000.00

IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$52.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a ***legal signature*** per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Map Amendment, Text Amendment, Conditional or Contract Rezoning review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	Laura Reading
Date:	10/17/2017

DIVISION 4. R-3 RESIDENTIAL ZONE*

 *Editor's note--Ord. No. 534-84, adopted May 7, 1984, repealed Div. 4, §§ 14-87--14-90, and enacted a new Div. 4, §§ 14-86--14-91. Formerly, Div. 4 was derived from Code 1968, § 602.4.A--D, and the following ordinances: Ord. No. 49-74, 372-75, 406-75, 34-76, 145-79, 145-81, 303-81, 90-83, and 499-74.

Sec. 14-86. Purpose.

The purpose of the R-3 residential zone is:

To provide for medium-density residential development characterized by single-family homes on individual lots and also to provide for planned residential unit developments on substantially sized parcels. Such development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 534-84, 5-7-84; Ord. No. 81-88, § 1, 7-19-88)

 *Editor's note--Ord. No. 81-88, § 1, adopted July 19, 1988, amended § 14-86 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-87. Permitted uses.

The following uses are permitted in the R-3 residential zone:

(a) Residential:

1. Single-family detached dwellings.
2. Planned residential unit development (PRUD) consisting of horizontally attached dwelling units or a series of such dwelling units. No dimensional requirements contained in section 14-90 shall apply with respect to such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of article IV (subdivisions) of this chapter. Such development shall be subject to

review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

3. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
4. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
5. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District and until May 1, 1985, on the islands, provided that each unit meets the performance standards listed below.
 - a. More than half of the roofed area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 - c. Each unit shall have exterior siding that is

residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboard shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.

- d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

- 1. Reserved;
- 2. Parks, and other active and passive noncommercial recreation spaces;
- 3. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory uses) of this article;
- 4. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;

5. Municipal uses, excluding those specifically set forth in section 14-88 of this division.

6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 1, 12-17-84; Ord. No. 36-85, § 1, 7-15-85; Ord. No. 81-88, §§ 2, 3, 7-19-88; Ord. No. 86A-89, § 3, 8-21-89; Ord. No. 33-91, § 4, 1-23-91; Ord. No. 165-97, § 1, 12-1-97; Ord. No. 33-11/12, 1-18-12)

*Editor's note--Ord. No. 81-88, §§ 2 and 3, adopted July 19, 1988, amended subsections 14-87(a)2 and (b)5 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-88. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(a) Residential:

1. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:

- a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines;
- b. There shall be no open outside stairways or fire escapes above the ground floor;
- c. The facility shall make provision for adequate on-site staffing in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff

person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of a sheltered care group home permit.

2. Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:
 - a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;
 - b. There shall be no open outside stairways or fire escapes above the ground floor;
 - c. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;
 - d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required;

- g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;
- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.
 - j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.
- 3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:
 - a. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
 - b. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
 - c. Three thousand (3,000) square feet of land

area per dwelling unit shall be required;

- d. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;
- e. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be both compatible with the architectural style of the structure and to the extent practicable the adjoining neighborhood and shall be limited to a gross floor area equal to or less than 25% of the total existing floor area.
 - 2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.

(b) Commercial:

- 1. Reserved.

(c) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:

- 1. Elementary, middle, and secondary school;
- 2. a. Long-term and extended care facilities;

- b. Intermediate care facility for thirteen (13) or more persons;

3. Places of assembly;

4. Hospital.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of community halls:
 - i. The structure was in existence as of January 4, 2010.
 - ii. The structure was built for institutional or other non-residential uses;

iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not-for-profit purposes; and

iv. A parking management plan is submitted for review and approval by the planning board; and

f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.

(d) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residence zones) of this article;

2. Utility substations, including sewage treatment plants, sewage and water pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;

3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:

a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately

preceding the application for a day care use, home babysitting use, nursery school or kindergarten, or in a nonresidential structure accessory to the principal nonresidential use.

- b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12) children shall be subject to review under article V of this chapter.
- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities, home babysitting uses, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
 - ii. The play area shall be located in the

side and rear yards only and shall not be located in front yards;

- iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
 - iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
 - v. The minimum lot size for a day care facility, home babysitting services, nursery school, or kindergarten located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;
 - vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
 - vii. The maximum number of children in a day care facility, home babysitting service, nursery school or kindergarten located in a residential or existing accessory structure shall be twenty-four (24); and
 - viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.
4. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
- a. Towers may be installed for the purpose of wind data collection for no more than two

(2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and

- b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
- c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
- d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and
- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose;

and

- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

5. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 534-84, 5-7-84; Ord. No. 262-84, § 2, 12-17-84; Ord. No. 76-85, § 4, 7-1-85; Ord. No. 36-85, § 2, 7-15-85; Ord. No. 67-87, § 1, 11-2-87; Ord. No. 81-88, § 4, 7-19-88; Ord. No. 235-91, § 5, 2-4-91; Ord. No. 118-93, § 5, 10-18-93; Ord. No. 133-96, § 3, 11-18-96; Ord. No. 154-96, § 5, 12-16-96; Ord. No. 222-99, § 3, 3-01-99; Ord. No. 199-04/05, 4-4-05; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12)

Sec. 14-89. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited.

(Ord. No. 534-84, 5-7-84)

Sec. 14-90. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-3 zone shall meet the following minimum requirements:

(a) Minimum lot size:

1. Residential: Sixty-five hundred (6,500) square feet except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article. A lot in an unsewered residential district shall meet the provisions of the state Minimum Lot Size Law, 12 M.R.S.A. Section 4807 et seq., or the applicable zoning lot size, whichever is larger.
2. Alteration of a detached single-family dwelling

to a two-family dwelling: Ten thousand (10,000) square feet.

3. Long-term, extended, or intermediate care facilities: Two (2) acres.

4. School: Two (2) acres.

5. Places of assembly:

Large	Two (2) acres
Medium	One (1) acre
Small	Half (1/2) acre

6. Municipal use: Sixty-five hundred (6,500) square feet.

7. Hospital: Ten (10) acres.

8. Planned residential unit development (PRUD): Three (3) acres gross area, as defined in section 14-47 (definitions) of this article, of continuous land.

9. All other uses: Sixty-five hundred (6,500) square feet.

Provided that for uses specified in section 14-90(a)3 through 8 above, no minimum lot area shall be required in the following cases:

- a. Uses existing as of June 1, 1983;
- b. Expansion onto land abutting the lot on which the principal use is located;
- c. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;

- d. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

(b) Minimum lot area per dwelling unit:

PRUD: Sixty-five hundred (6,500) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Other uses: Sixty-five hundred (6,500) square feet.

- (c) Minimum street frontage: Fifty (50) feet, except that lots located in a subdivision approved after the effective date of Ord. No. 165-97 pursuant to section 14-497.5 shall meet the street frontage requirements approved as part of the subdivision plan under the terms of that section.

(d) Minimum yard dimensions:

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. Front yard:

Principal or accessory structures: Twenty-five (25) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20%) percent of the depth of the lot.

2. Rear yard:

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet: Twenty-five (25) feet.
- b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.

3. Side yard:

- a. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
----------------------------	---------------------------

1 story	8 feet
1 1/2 stories	8 feet
2 stories	14 feet
2 1/2 stories	16 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

- b. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

4. Side yard on side street:

- a. Principal or accessory structures: Twenty (20) feet.
- (e) Maximum lot coverage: Thirty-five (35) percent of lot area.
- (f) Minimum lot width: Sixty-five (65) feet.
- (g) Maximum structure height: Principal or accessory attached structure: Thirty-five (35) feet.

Accessory detached structure: Eighteen (18) feet.

- (h)
 - 1. *Maximum number of units in a building (PRUD of five (5) acres of more):* Six (6) units.
 - 2. *Maximum number of units in a building (PRUD of less than five (5) acres):* Two (2) units.
- (i) Maximum average number of units in a building (PRUD of five (5) acres of more): Five (5) units.
- (j) Maximum length of building (PRUD): One hundred (100) feet for buildings without garages; one hundred forty (140) feet for buildings with integral garages.
- (k) Minimum building setback from external subdivision property lines (PRUD):
 - 1. Three (3) or fewer dwelling units in building: Twenty-five (25) feet.
 - 2. Four (4) or more dwelling units in building: Thirty-five (35) feet.
- (l) Minimum distance between detached PRUD dwelling unit: Sixteen (16) feet.
- (m) Reserved.
- (n) Minimum recreation open space area (PRUD): Three hundred (300) square feet per dwelling unit of common area designated on the site for recreation purposes. Such recreation areas shall be level graded, dry, accessible and properly drained. At a minimum, a

contiguous area of six thousand (6,000) square feet with a minimum dimension of fifty (50) feet shall be provided and shall include one (1) or more of the uses set forth in section 14-526 (d) 9. and the planned residential unit development standards in the City of Portland Design Manual but shall at least provide usable recreation space. Such recreation areas shall be located at least twenty-five (25) feet from dwelling units.

- (o) No habitable space in a PRUD shall be below grade, except basements that are a part of and below ground units.
- (p) Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	9,000 sq. ft.
Small	5,000 sq. ft.

- (q) Maximum floor area for places of assembly not on a collector or arterial road:

Large	9,000 sq. ft.
Medium	4,500 sq. ft.
Small	2,500 sq. ft.

(Ord. No. 534-84, 5-7-84; Ord. No. 81-88, § 5, 7-19-88; Ord. No. 385-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 6, 2-4-91; Ord. No. 118-93, § 6, 10-18-93; Ord. No. 154-96, § 6, 12-16-96; Ord. No. 165-97, § 2, 12-1-97; Ord. No. 95-04/05, 11-15-04; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 40-12/13, 9-5-12)

*Editor's note--Ord. No. 81-88, § 5, adopted July 19, 1988, amended § 14-90 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 81-88.

Sec. 14-91. Other requirement.

Other requirements are as follows:

- (a) Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article.

(b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

(c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(Ord. No. 534-84, 5-7-84; Ord. No. 15-92, § 7, 6-15-92)

Secs. 14-92. Reserved.

Secs. 14-93. Reserved.

DIVISION 4.5. FH FLEXIBLE HOUSING ZONE

Sec. 14-94. Purpose.

The intention of this division is to establish an overlay zone in which manufactured housing development is permitted in addition to those uses permitted in the underlying residential zone. The purpose of this division is to accommodate additional housing types in appropriate areas of the city, while protecting the value and integrity of established residential neighborhoods and ensuring a balanced and orderly pattern of residential development.

(Ord. No. 610-82, § 2, 7-7-82; Ord. No. 130-82, § 1, 9-20-82; Ord. No. 200-89, § 1, 12-18-89)

Sec. 14-95. Manufactured housing park or subdivision.

Notwithstanding any other provision of this article, no manufactured housing park or subdivision shall be permitted in any zone except as provided in this section.

(a) Manufactured housing park or subdivision, as defined in section 14-47, shall be permitted in the flexible housing zone, the Planning Board shall be the reviewing authority. Such development shall be in accordance with the space and bulk and other requirements applicable to similar uses permitted in the underlying zone, except those standards set forth in section 14-96, and shall also meet the following additional requirement:

1. Reserved.

2. Such development shall be subject to approval by the Planning Board with respect to each and every requirement of article VI of this chapter, including the special requirements of section 14-499.5, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended and shall also be subject to article V of this chapter.
3. Whether or not the underlying zone permits planned residential unit development, a manufactured housing park shall be a planned residential unit development, subject to the provisions of this section, section 14-499.5 and section 14-526 9. All land, including but not limited to private streets, private driveways, utility location areas, common parking areas and common recreation open space, shall be owned and used in common. Manufactured housing parks shall not be subject to the net land area calculations set forth in section 14-47.
4. Single-component manufactured housing shall be prohibited from being horizontally or vertically attached to any other unit or structure.
(Provided, however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.)

(Ord. No. 610-82, § 2, 7-7-82; Ord. No. 130-82, § 1, 9-20-82; Ord. No. 263-84, § 1, 12-17-84; Ord. No. 200-89, § 2, 12-18-89; Ord. No. 278-09/10, 7-19-10)

Sec. 14-96. Additional dimensional requirements and performance standards for manufactured housing parks.

Notwithstanding the provisions of section 14-95 and the dimensional requirements for underlying zones, the following dimensional requirements shall apply to manufactured housing parks:

- (a) Minimum manufactured housing park unit space size:
Four thousand five hundred (4,500) square feet. A manufactured housing park unit space in an unsewered residential district shall meet the provisions of 12 M.R.S.A. 4807 et seq., or the applicable zoning lot size, whichever is larger.

- (b) Maximum manufactured housing park unit space coverage:
Fifty (50) percent.
- (c) Minimum street frontage for manufactured housing park:
Fifty (50) feet.
- (d) Minimum open space requirement: Ten (10) percent of
the combined area of the individual unit spaces within
the manufactured housing park.

- (e) Minimum yard dimensions:

(Yard dimensions include setbacks from unit space boundaries and setbacks of structures from one another. No structure shall occupy the yard of another structure.):

- 1. Front yard: Principal or accessory structures:
Twenty (20) feet.
 - 2. Rear yard:
 - a. Principal or accessory structures with
ground coverage greater than one hundred
(100) square feet: Twenty (20) feet.
 - b. Accessory detached structures with ground
coverage of one hundred (100) square feet or
less: Five (5) feet.
 - 3. Side yard: Principal or accessory structures: Ten
(10) feet.
 - 4. Unit spaces located within a shoreland zone shall
meet the lot area and lot width requirements for
the underlying zone and shall also meet all
applicable shoreland zoning standards.
- (f) All manufactured housing park unit spaces within a
manufactured housing park shall be shown on a
manufactured housing plan showing unit space
boundaries, unit space sizes, and unit space
dimensions. Such unit spaces shall be under unified
ownership with all other unit spaces within the
manufactured housing park. The manufactured housing
park plan shall also contain a note that city services

shall not be provided on private streets within the manufactured housing park. Individual leases for unit spaces shall disclose that city services shall not be provided on private streets within the manufactured housing park.

- (g) All single-family single-component manufactured housing units in a manufactured housing park shall meet the following performance standards:
1. More than half of the roof area of each unit shall be a double-pitched Class C rated shingled roof with a minimum pitch of 3/12.
 2. Each unit shall be installed on a full foundation, a concrete frost wall, or a reinforced floating concrete pad which shall be certified by an engineer if it is to be placed on soil with high frost susceptibility, in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin-proof skirting shall be installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.
 3. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboard or simulated clapboards shall have less than eight (8) inches of exposure, and sheet metal type siding shall not be permitted.
 4. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from

the street line and are located so as to visually widen the narrow dimension or proportion of the unit.

5. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
6. No unit shall be horizontally or vertically attached to any other unit or other structure, provided, however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(Ord. No. 200-89, § 3, 12-18-89)

City of Portland
Code of Ordinances
Sec. 14-96

Land Use
Chapter 14
Rev. 12-18-1989

Sec. 14-97 - 14-100. Reserved.

DIVISION 6. R-5 RESIDENTIAL ZONE*

*Editor's note--Ord. No. 536-84, adopted May 7, 1984, repealed former Div. 6, §§ 14-116--14-119, and enacted in lieu thereof a new Div. 7, §§ 14-116--14-121. However, in order to avoid duplication of subsequent division numbers and in consultation with the city, the provisions have been retained as Div. 6. Sections 14-116--14-119 were formerly derived from Code 1968, § 602.5.A--D, and Ord. Nos. 207-72, 499-74, 193-82, 92-83, 422-83.

Sec. 14-116. Purpose.

The purpose of the R-5 residential zone is:

To provide appropriate areas of the city for medium-density residential development characterized by single-family and low-intensity multifamily dwellings on individual lots; to ensure the stability of established medium-density neighborhoods by controlling residential conversions; and to provide for planned residential unit development on substantially sized parcels. Such PRUD development shall respond to the physical qualities of a site and complement the scale, character and style of the surrounding neighborhood.

(Ord. No. 536-84, 5-7-84; Ord. No. 83-88, § 1, 7-19-88)

*Editor's note--Ord. No. 83-88, § 1, adopted July 19, 1988, amended § 14-116 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-117. Permitted uses.

The following uses are permitted in the R-5 residential zone:

(a) Residential:

1. Single- and two-family dwellings; except that development of two (2) or more two-family dwellings on contiguous lots within any two-year period shall be subject to review as specified under the provisions of 14-117(a)2e if such lots were under single ownership at any time within the two-year period immediately prior to development of the first such lot. No building

reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V shall be altered or enlarged to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) which is altered or enlarged to include any additional dwelling unit after this five-year period shall be reviewed as a level I site plan pursuant to article V of this chapter.

2. Multiplex development with three (3) or more horizontally or vertically attached dwelling units or a series of such attached dwelling units and the construction of at least one (1) building on a parcel of less than two (2) acres, provided that:
 - a. The land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit; except that a multiplex with two hundred fifty (250) feet or more of street frontage needs only forty-five hundred (4,500) square feet of land area per dwelling unit;
 - b. No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
 - c. No open outside stairways or fire escapes above the ground floor shall be constructed;
 - d. No habitable space in a dwelling unit shall be below grade, except basements that are a part of and below aboveground units;
 - e. Such development shall be subject to article V (site plan) of this chapter for site plan review approval and shall conform to the R-5 Design Standards.
3. Planned residential unit development (PRUD) consisting of horizontally or vertically attached

dwelling units, or a series of such dwelling units. No dimensional requirements contained in section 14-120 shall apply with respect to such development, except for those requirements specifically denoted for PRUD. There shall be no open outside stairways or fire escapes above the ground floor. All land shall be owned and used in common and shall be governed and maintained as set forth in section 14-498(i)(3) of this chapter. Such development shall be subject to review and approval by the Planning Board with respect to the requirements of article V (site plan) and article IV (subdivisions) of this chapter, whether or not such development is a subdivision within the meaning of article IV of this chapter, as now enacted or as hereafter amended.

4. Handicapped family unit, as defined in section 14-47 (definitions) of this article, for handicapped persons plus staff.
5. Single-family, multiple-component manufactured housing, as defined in section 14-47 (definitions) of this article, except in a National Register Historic District.
6. Single-family, single-component manufactured housing, as defined in section 14-47 (definitions) of this article, on individual lots under separate and distinct ownership, except in a National Register Historic District, provided that each unit meets the performance standards listed below:
 - a. More than half of the roof area of each unit shall be a double pitched Class C rated shingled roof with a minimum pitch of 3/12.
 - b. Each unit shall be installed on a full foundation or a concrete frost wall in accordance with all applicable codes and regulations. Any hitch or tow bar shall be removed from the unit after it is placed on its foundation or frost wall. In the case of a frost wall, vermin proof skirting shall be

installed on all sides of the unit. The skirting may consist of either (a) concrete or masonry block or (b) manufactured skirting. If concrete or masonry block skirting is installed, either the exterior siding of the unit shall extend within one (1) foot of grade or decorative masonry siding shall be applied. If manufactured skirting material is installed, the color shall be identical to or compatible with the exterior siding of the unit.

- c. Each unit shall have exterior siding that is residential in appearance, including but not limited to natural materials such as wood clapboards or shakes, or exterior materials which simulate wood. Clapboards or simulated clapboards shall have less than eight (8) inches of exposure and sheet metal type siding shall not be permitted.
- d. Each unit shall have the long side of the unit parallel to the street line where the required street frontage is met.
- e. Each unit shall be provided with at least two (2) trees meeting the city's arboricultural specifications and which are clearly visible from the street line and are located so as to visually widen the narrow dimension or proportion of the unit.
- f. Each unit shall have all fuel oil supply systems constructed and installed within the foundation wall or underground in accordance with all applicable codes and regulations.
- g. No unit shall be horizontally or vertically attached to any other unit or other structure, provided however, that this provision shall not be deemed to prohibit building additions, such as porches, garages, room additions or solar greenhouses.

(b) Other:

1. Parks, and other active and passive noncommercial recreation spaces;
2. Accessory uses customarily incidental and subordinate to the location, function, and operation of principal uses, subject to the provisions of section 14-404 (accessory use) of this article;
3. Home occupation, subject to the provisions of section 14-410 (home occupation) of this article;
4. Municipal uses, excluding those specifically set forth in section 14-118 of this division.
5. Special needs independent living units on lots of less than two (2) acres, provided that a building housing special needs independent living units shall not house other types of residential or other permitted uses. The owner of a special needs independent living unit building shall file in the Cumberland County Registry of Deeds a statement under oath that the building is a special needs independent living unit building and that any future change of use to a permitted residential use shall require a change in use review by the City of Portland and a decrease in the number of units in the building in accordance with the Portland City Code, chapter 14. The owner shall file proof of such recording with the building inspections division prior to the issuance of any certificates of occupancy for the new uses.
6. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 536-84, 5-7-84; Ord. No. 265-84, § 1, 12-17-84; Ord. No. 98-86, § 1, 10-6-86; Ord. No. 83-88, §§ 2, 3, 7-19-88; Ord. No. 387-89, 4-3-89; Ord. No. 86A-89, § 5, 8-21-89; Ord. No. 95-89, § 1, 9-6-89; Ord. No. 279-90, § 1, 3-10-90; Ord. No. 33-91, § 6, 1-23-91; Ord. No. 33A-91, § 4, 4-17-91; Ord. No. 220-95, 4-3-95; Ord. No. 165-97, § 3, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 278-09/10, 7-19-10; Ord. No. 33-11/12, 1-18-12)

*Editor's note--Ord. No. 83-88, §§ 2, 3, adopted July 19, 1988, amended subsections 14-117(a) and (b)4 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88. Ord. No.

95-89, § 1, adopted Sept. 6, 1989, amended subsection (a)1 of § 14-117 to read as set out and, as amended, further ordained "that the prohibition upon unit additions contained in this ordinance shall not apply where a building permit has been issued. Additions proposed to such buildings shall require major site plan review and all other reviews required by this chapter."

Sec. 14-118. Conditional uses.

The following uses shall be permitted only upon the issuance of a conditional use permit, subject to the provisions of section 14-474 (conditional uses) and any special provisions, standards or requirements specified below:

(a) Residential:

1. Reserved.
2. Sheltered care group homes, as defined in section 14-47 of this article, for up to twelve (12) individuals, plus staff, and serving a primary population which is not handicapped persons, parolees, persons involved in correctional prerelease programs, or current illegal drug users, provided that:
 - a. A sheltered care group home shall not be located within five hundred (500) feet of another, as measured along street lines to the respective property lines;
 - b. There shall be no open outside stairways or fire escapes above the ground floor;
 - c. The facility shall make provision for adequate on-site staffing and supervision of residents in accordance with applicable state licensing requirements. If a facility is not licensed by the state, there shall be a minimum of one (1) staff person for every ten (10) residents or fraction thereof.

The board of appeals may impose conditions upon a conditional use permit concerning the creation or operation of a sheltered care group home

including but not limited to the following: site and building maintenance; lighting, fencing, and other appropriate security measures; screening and buffering of parking areas; compatibility of any additions or alterations with the existing residential structure; compatibility of new structures with the architectural character of the surrounding area; and limitation on the duration of the sheltered care group home permit.

3. Alteration of a structure existing and not in residential use as of January 1, 1984, to three (3) or more dwelling units, provided that:
 - a. ~~No dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;~~
 - b. No open outside stairways or fire escapes above the ground floor shall be constructed or have been constructed in the immediately preceding five (5) years;
 - c. A lower level dwelling unit shall have a minimum of one-half of its floor-to-ceiling height above the average adjoining ground level;
 - d. Three thousand (3,000) square feet of land area per dwelling unit shall be required;
 - e. On-site parking shall be required as specified in division 20 (off-street parking) of this article, for the combined uses of the site;
 - f. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 1. Any addition or exterior alterations such as facade materials, building form, and roof pitch shall be designed to be compatible with the architectural style

of the structure;

2. The scale and surface area of parking, driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
4. Conversions of existing two-family or multiplex structures into lodging houses, provided that a lodging house shall not be located within five hundred (500) feet of another as measured along street lines to the respective property lines.
5. Use of space existing as of September 3, 2008 to accommodate additional dwelling units under the following conditions:
 - a. This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted;
 - b. Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site ;
 - c. Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations ;
 - d. The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may

include the attic if such space is habitable.

- e. Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings;
 - f. Parking shall be provided as required by Division 20 of this article;
 - g. There shall be no open, outside stairways or fire escapes above the ground floor; and
 - h. The project shall be subject to Article V for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building; and
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets.
- (b) Institutional: Any of the following conditional uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article, or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:
- 1. Elementary, middle, and secondary school;
 - 2.
 - a. Long-term and extended care facilities;
 - b. Intermediate care facility for thirteen (13) or more persons;
 - 3. Places of assembly;

4. Reserved;
5. Hospital;
6. College, university, trade school.

Such uses shall be subject to the following conditions and standards in addition to the provisions of section 14-474:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative; and
- d. Article V (site plan) sections 14-522 and 14-523 notwithstanding, in the case of places of assembly the proposed use shall be subject to the requirements of article V (site plan) of this chapter; and
- e. In the case of community halls:
 - i. The structure was in existence as of January 4, 2010;
 - ii. The structure was built for institutional or other non-residential uses;

- iii. The structure is operated by, or operated subject to the control of, a not-for-profit entity in accordance with its not-for-profit purposes; and
- iv. A parking management plan is submitted for review and approval by the planning board; and
- f. In the case of private club or fraternal organizations: any such establishment serving alcoholic beverages or in possession of a license for serving alcoholic beverages shall be located on a large lot, as specified in the minimum lot size provisions of this section.
- d. A college, university or trade school may build principal structures to a height of fifty-five (55) feet, not including the USM overlay zone, if the following standards can be met:
 - (i) Lot size: 10 acres which may include adjacent land owned by the institution on both sides of a public street.
 - (ii) Minimum setback between buildings on-site: 20 feet.
 - (iii) Minimum setback from external property boundary: 30 feet, except that parking garages over 35 feet in height must be located 50 feet from external property boundaries when adjacent to an adjoining residential use.
 - (iv) The area between the structure and adjoining residential uses must be adequately screened with appropriate landscaping or other features to buffer the building and effects thereof (i.e. noise, light, etc) from abutting properties.

(c) Other:

1. Off-street parking of passenger cars as provided in section 14-344 (board of appeals may authorize parking in certain residential zones) of this article;
2. Utility substations such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
3. Day care facilities or home babysitting services not permitted as a home occupation under section 14-410, and nursery schools and kindergartens subject to the following conditions:
 - a. The facility shall be located in a structure in which there is one (1) or more occupied residential units or in an existing accessory structure, unless the facility is located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care or home babysitting use or in a nonresidential structure accessory to the principal nonresidential use.
 - b. The maximum capacity shall be twelve (12) children for facilities located in residential or existing structures accessory thereto, unless the additional standards in subsection v. are met. There shall be no maximum limit on the number of children in a facility located in a principal structure that has not been used as a residence in whole or in part within the five (5) years immediately preceding the application for a day care use, home babysitting use, nursery school, or kindergarten, or in a nonresidential structure accessory thereto, provided that any such structure that serves more than twelve (12)

children shall be subject to review under article V of this chapter.

- c. Outdoor play areas shall be screened and buffered from surrounding residences with landscaping and/or fencing to minimize visual and noise impacts.
- d. Solid waste shall be stored in covered containers. Such containers shall be screened on all four (4) sides.
- e. Day care facilities, nursery schools and kindergartens located either in structures that have been in residential use within the past five (5) years or in existing accessory structures and that serve between thirteen (13) and twenty-four (24) children shall meet the following additional standards:
 - i. The facility shall provide a minimum of seventy-five (75) square feet of outdoor play area per child;
 - ii. The play area shall be located in the side and rear yards only and shall not be located in front yards;
 - iii. Outside play areas shall be separated from abutting properties by a fence at least forty-eight (48) inches in height;
 - iv. A ten-foot wide landscaped buffer shall be required outside of the fenced play area, and shall be established in accordance with the landscaping standards of the City's Technical Standards and Guidelines;
 - v. The minimum lot size for a day care facility, home babysitting service, nursery school, or kindergarten located in a residential or existing accessory structure and serving more than twelve (12) children shall be twenty thousand (20,000) square feet;

- vi. *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article.
 - vii. The maximum number of children in a day care facility, home babysitting service, nursery school or kindergarten located in a residential or existing accessory structure shall be twenty-four (24); and
 - viii. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the residential appearance of the building.
4. Temporary wind anemometer towers, as defined in Sec 14-47, are permitted provided the following standards are met in addition to Sec 14-430:
- a. Towers may be installed for the purpose of wind data collection for no more than two (2) years after the issuance of a Certificate of Occupancy for the tower. At the conclusion of the aforementioned two (2) years, the tower must be dismantled and removed from the site within sixty (60) days; and
 - b. Towers shall be constructed according to plans and specifications stamped by a licensed professional engineer, which shall be provided to the Board of Appeals with the application; and
 - c. Towers shall be set back from habitable buildings by a distance equal to 1.1 times the tower height; and
 - d. The applicant shall provide a safety report prepared and stamped by a licensed professional engineer to the Board of Appeals with their application for

conditional use, which demonstrates how the proposed temporary wind anemometer tower is safe in terms of strength, stability, security, grounding, icing impacts and maintenance; and

- e. The applicant shall provide evidence of commercial general liability insurance, such insurance to be satisfactory to Corporation Counsel and cover damage or injury resulting from construction, operation or dismantling of any part of the temporary wind anemometer tower; and
- f. Towers and associated guy wires shall be sited to minimize their prominence from and impacts on public ways (including pedestrian ways); and
- g. Towers shall be used for installing anemometers and similar devices at a range of heights from the ground to measure wind characteristics (speed, direction, frequency) and related meteorological data, but shall not be used for any other purpose; and
- h. A performance guarantee shall be required for the cost of removal of the tower, guy wires and anchors. This requirement may be satisfied by surety bond, letter of credit, escrow account or by evidence, acceptable to the City, or the financial and technical ability and commitment of the applicant or its agents to remove the facility at the end of the use period.

5. Wind energy systems, as defined and allowed in Article X, Alternative Energy.

(Ord. No. 536-84, 6-7-84; Ord. No. 265-84, § 2, 12-17-84; Ord. No. 76-85, § 6, 7-1-85; Ord. No. 83-88, § 4, 7-19-88; Ord. No. 235-91, § 10, 2-4-91; Ord. No. 118-93, § 9, 10-18-93; Ord. No. 133-96, § 5, 11-18-96; Ord. No. 154-96, § 9, 12-16-96; Ord. No. 222-99, §5, 3-01-99; Ord. No. 94-07/08, 11-5-07; Ord. No. 56/08/09, 9-3-08; Ord. No. 29-09/10, 8-3-09 emergency passage; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 240-09/10, 6-21-10; Ord. No. 9 10/11, 8-2-10; Ord. No. 149-10/11, 3-7-11; Ord. No. 33-11/12, 1-18-12; Ord. 82-15/16, 10-19-2015)

*Editor's note--Ord. No. 83-88, § 4, adopted July 19, 1988,
amended § 14-118 by deleting subsection (b)5. See also the
editor's note to Art. III of this chapter for additional
provisions relative to Ord. No. 83-88.

Sec. 14-119. Prohibited uses.

Uses that are not expressly enumerated herein as either
permitted uses or conditional uses are prohibited.
(Ord. No. 536-84, 5-7-84)

Sec. 14-120. Dimensional requirements.

(a) In addition to the provisions of division 25 (space
and bulk regulations and exceptions) of this article, lots in
the R-5 zone shall meet the following minimum requirements:

1. Minimum lot size:

- a. Residential: Six thousand (6,000) square feet
except as provided for lots of record in section
14-433 (lots of record and accessory structure
setbacks for existing buildings) of this article.
A lot in an unsewered residential district shall
meet the provisions of the state Minimum Lot Size
Law, 12 M.R.S.A. section 4807, or the applicable
zoning lot size, whichever is larger.
- b. Reserved.
- c. Long-term, extended, or intermediate care
facility: Two (2) acres.
- d. School: Thirty thousand (30,000) square feet.
- e. Places of assembly:

Large	43,560 sq. ft.
Medium	21,780 sq. ft.
Small	10,890 sq. ft.

- f. Municipal use: Six thousand (6,000) square feet.
- g. Hospital: Five (5) acres.

- h. College, university, trade school: Two (2) acres.
- i. Multiplex: Nine thousand (9,000) square feet.
- j. Planned residential unit development (PRUD): Two (2) acres gross area, as defined in section 14-47 (definitions) of this article, of contiguous land.
- k. All other uses: Six thousand (6,000) square feet.
- l. Lodging houses: Nine thousand (9,000) square feet.

Provided that for uses specified in section 14-120 (1)(c) through (i) above, no minimum lot area shall be required in the following cases:

- i. Uses existing as of June 1, 1983;
- ii. Expansion of uses onto land abutting the lot on which the principal use is located;
- iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking area or nonresidential structures existing and in nonresidential use as of June 1, 1983, provided that such reuse is contained within the lot of record of such structure or parking area as of June 1, 1983;
- iv. Expansion onto land other than the lot on which the principal use is located of no more than fifteen (15) percent of the total contiguous land area of the existing use, or one (1) acre, whichever is less, within any five-year period.

2. Minimum lot area per dwelling unit:

PRUD: Three thousand (3,000) square feet of net land area as defined in section 14-47 (definitions) of this article. As part of a site plan and subdivision application, the applicant shall provide a calculation

of those factors deducted to determine net land area. In addition, such net area factors shall be delineated on a site plan.

Special needs independent living units: Four thousand eight hundred (4,800) square feet; except that special needs independent living units with two hundred fifty (250) feet or more of frontage shall require three thousand six hundred (3,600) square feet.

Other uses: Three thousand (3,000) square feet, except as provided for a multiplex.

3. Minimum street frontage: Fifty (50) feet.

4. Minimum yard dimension:

(Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

a. Front yard:

Principal or accessory structures: Twenty (20) feet.

A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.

b. Rear yard:

i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.

ii. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

Setbacks from swimming pools shall be as provided in section 14-432 (swimming pools) of this article.

c. Side yard:

- i. Principal or accessory structures with ground coverage greater than one hundred (100) square feet:

<i>Height of Structure</i>	<i>Required Side Yard</i>
1 story	8 feet
1 1/2 stories	8 feet
2 stories	12 feet
2 1/2 stories	14 feet

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than eight (8) feet in width. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than eight (8) feet.

- ii. Accessory detached structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.

d. Side yard on side street:

Principal or accessory structures: Fifteen (15) feet.

5. Maximum lot coverage: Forty (40) percent of lot area.

6. Minimum lot width:

Multiplex: Ninety (90) feet.

Other uses: Sixty (60) feet.

7. Maximum structure height:

Principal or attached accessory structure: Thirty-five (35) feet.

Accessory detached structure: Eighteen (18) feet.

Principal and accessory attached structure (PRUD):
Thirty-five (35) feet.

8. a. *Maximum number of units in a building (PRUD):*
Twelve (12) units

b. Maximum number of units in a multiplex building:
Six (6) units.

9. Maximum length of building (PRUD): One hundred forty
(140) feet.

10. Maximum length of accessory garage structure (PRUD):
Sixty (60) feet.

11. Minimum building setback from external subdivision
property lines (PRUD):

a. Building length of one hundred (100) feet or
less: Twenty-five (25) feet.

b. Building length greater than one hundred (100)
feet: Thirty-five (35) feet.

12. Minimum recreation open space area (PRUD): Three
hundred (300) square feet per dwelling unit of common
area designated for recreation purposes. Such
recreation areas shall be level graded, dry,
accessible and properly drained. At a minimum, a
contiguous area of six thousand (6,000) square feet,
with a minimum dimension of fifty (50) feet, shall be
provided and shall include one (1) or more of the uses
set forth in section 14-526(d) 9. and the planned
residential unit development standards in the City of
Portland Design Manual, but shall at least be usable
as a multipurpose game field. Such recreation areas
shall be located at least twenty-five (25) feet from
dwelling units.

13. No habitable space in a PRUD shall be below grade, except basements that are part of and below aboveground units.
14. a. *Minimum rooming unit area for lodging houses:*
Two hundred (200) square feet of combined rooming unit and common area per rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.
- b. *Minimum land area per lodging house rooming unit:*
One thousand (1,000) square feet.
15. Maximum floor area for places of assembly on a collector or arterial road:

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

16. Maximum floor area for places of assembly not on a collector or arterial road:

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

(b) *Small residential lot development:* Single family homes may be built on small lots located in the R-5 and may use the dimensional requirements below if one of the following conditions is met:

The lot is:

Vacant as of (date of enactment); or used exclusively for parking; or contains structure(s) not used for residential purposes; or created from a single lot division of a developed lot and results in a lot meeting the dimensional requirements of § 14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a)(1)-(14) except as expressly provided in Section 14-120(b).

1. *Minimum lot size:* Five thousand (5,000) square feet.
2. *Maximum lot size:*

- a. Lots that are vacant as of September 3, 2008, used exclusively for parking, or contain structure(s) not used for residential purposes: Six thousand (6,000) square feet.
 - b. Original developed lot prior to the single lot division that results in a lot meeting the dimensional requirements of §14-120(b) with the remaining developed portion meeting the dimensional requirements of §14-120(a)(1)-(14): Thirteen thousand (13,000) square feet.
3. Yard dimensions:
- a. *Side yard:*
 - i. Principal or attached accessory structures with ground coverage greater than one hundred (100) square feet: Seven (7) feet.

The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than four (4) feet in width.
 - ii. Side yard on side street: Ten (10) feet.
4. *Minimum lot width:* Forty (40).
5. *Minimum street frontage:* Forty (40).
6. *Maximum lot coverage: Fifty (50) percent.*

(Ord. No. 536-84, 5-7-84; Ord. No. 98-86, § 2, 10-6-86; Ord. No. 83-88, § 5, 7-19-88; Ord. No. 386-89, §§ 1, 2, 4-3-89; Ord. No. 235-91, § 11, 2-4-91; Ord. No. 33A-91, § 5, 4-17-91; Ord. No. 118-93, § 10, 10-18-93; Ord. No. 154-96, § 10, 12-16-96; Ord. No. 165-97, § 4, 12-1-97; Ord. No. 56-08/09, 9-3-08; Ord. No. 131-08/09, 12-15-08; Ord. No. 127-09/10, 1-4-10 emergency passage; Ord. No. 278-09/10, 7-19-10; Ord. No. 275-10/11, 10-18-10)

*Editor's note--Ord. No. 83-88, § 5, adopted July 19, 1988, amended § 14-120 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 83-88.

Sec. 14-121. Other requirements.

- (a) Off-street parking: Off-street parking is required as provided in division 20 (off-street parking) of this article.
- (b) Shoreland and flood plain management regulations: Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.
- (c) Storage of vehicles: Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.
- (d) Small residential lot development shall conform to the site plan standards of § 14-526.

(Ord. No. 536-84, 5-7-84; Ord. No. 15-92, § 9, 6-15-92; Ord. No. 56-08/09, 9-3-08)

Sec. 14-122 - 14-125. Reserved.

City of Portland
Code of Ordinances
Sec. 14-121

Land Use
Chapter 14
Rev. 9-3-2008

- 1) PLAN OF LAND FOR ALBERT ASALI DATED APRIL 21, 1905 PREPARED BY ROBERT GREENLAW RECORDED IN CCRD PB 205, PG 319.
- 2) SITE PLAN DRIVEWAY RECONSTRUCTION REED SCHOOL DATED AUGUST 1909 PREPARED BY PINKHAM & GREER ENGINEERS.
- 3) HOMESTEAD AVENUE SEWER PLAN DATED JULY 29, 1949 CITY OF PORTLAND PLAN #628/5.
- 4) PLAN OF HOMESTEAD VILLAGE DATED OCTOBER 1936 PREPARED BY H.I. JORDAN RECORDED IN CCRD P.B. 23, PG 31.
- 5) CITY OF PORTLAND ADDITION TO THOMAS REED SCHOOL HOUSE LOT DATED JUNE 2, 1931. PORTLAN PLAN #462/11
- 6) CITY OF PORTLAND HOMESTEAD AVE. SCHOOL HOUSE LOT DATED APRIL 30, 1925. PORTLAND PLAN #406/69
- 7) PLAN OF LAND MADE FOR BENJAMIN F. LIBBY DATED JUNE 30, 1924 PREPARED BY E.C. JORDAN & CO. RECORDED IN CCRD PB 16, PG 9.
- 8) PLAN OF CENTRAL PARK DATED OCTOBER 1901 PREPARED BY VARNEY & CHURCHILL RECORD IN CCRD PB 9, PG 129.
- 9) PLOT PLAN & DETAILS ADDITION TO THOMAS REED SCHOOL BY WADSWORTH & BOSTON ARCHITECTS.
- 10) CITY OF PORTLAND DEPT OF PUBLIC WORKS PLAN OF HOMESTEAD AVE. DATED SEPTEMBER 11, 1925, PORTLAND PLAN #241/01
- 11) CITY OF PORTLAND DEPT OF PUBLIC WORKS PLAN OF LIBBY STREET DATED JULY 28, 1931. PORTLAND PLAN #224/15

SURFACE	LAWN	BUILDING	PAVEMENT
EXISTING	58,895 SF.	24,470 SF.	26,106 SF.
PROPOSED	51,466 SF.	22,036 SF.	37,285 SF.
CHANGE:	- 7,429 SF.	- 2,434 SF.	+ 11,179 SF.
NET IMPERVIOUS:	8,745 SF.	INCREASE	

ACCESSIBLE SPACES, 8'x18'	3 SPACES
COMPACT SPACES, 8'x15'	12 SPACES
STANDARD SPACES, 9'x18'	59 SPACE
TOTAL:	74 SPACES

- 1) ELEVATIONS ARE ADJUSTED TO CITY OF PORTLAND VERTICAL DATUM.
- 2) UNDERGROUND UTILITIES WERE NOT LOCATED BUT WERE TAKEN FROM PLAN REFERENCES 2, 3, & 3.
- 3) DIGSAFE SHOULD BE CONTACTED BEFORE ANY EXCAVATION OR CONSTRUCTION.
- 4) COORDINATE SYSTEM IS MAINE WEST 1983 DERIVED FROM STATIC GPS OBSERVATION ON SITE.
- 5) AREA OF PARCEL EQUALS 109,471 SQUARE FEET OR 2.51 ACRES, MORE OR LESS.
- 6) BUILDING WAS LOCKED. FLOOR ELEVATIONS ARE APPROXIMATE AND TAKEN AT DOOR SILLS.

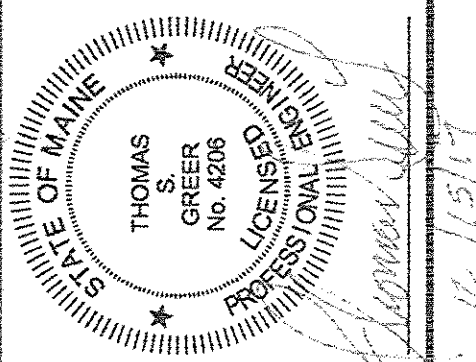
C1.0	SITE PLAN
C1.1	EXISTING CONDITIONS AND DEMOLITION PLAN
C2.1	SITE DETAILS
C3.0	EROSION CONTROL NOTES
C3.1	EROSION CONTROL PLAN AND DETAILS
D1.0	DRAINAGE ANALYSIS SURVEY, PLAN OF LAND

SYMBOL	COMMON NAME/BOTANICAL NAME	SIZE	QUANTITY	ROOT
A	SILVER MAPLE / <i>acer saccharinum</i>	2 1/2" cal.	8	B4B

1. LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
2. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWERLINE UTILITIES ARE OVERHEAD OR UNDERGROUND AS SHOWN ON THE PLAN. NO CHANGE TO THE SERVICE IS PLANNED.
4. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIFDOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
5. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BMPs PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
7. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
8. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS 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 REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
9. EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.

1.	OWNER: CITY OF PORTLAND, 383 CONGRESS STREET, PORTLAND, MAINE. CUMBERLAND COUNTY REGISTRY OF DEEDS BK. 1202, PG 62 & BK. 1312, PG 351.	Att. 6
2.	APPLICANT/DEVELOPER: DEVELOPER'S COLLABORATIVE, 100 COMMERCIAL ST., SUITE 414, PORTLAND, ME 04101	
3.	ENGINEER: PINKHAM & GREER CIVIL ENGINEERS, 28 YANNAH AVEUNE, PORTLAND, MAINE, 04103.	
4.	TOPOGRAPHIC AND BOUNDARY INFORMATION: MAINE SURVEY CONSULTANTS, INC. HARRISON, MAINE. COORDINATE SYSTEM IS MAINE WEST 1983 DERIVED FROM STATIC GPS OBSERVATION ON SITE. BENCHMARKS: AS SHOWN ON PLAN	
5.	SOILS MAPPING PROVIDED BY MARK HAMPTON ASSOCIATES, INC., PORTLAND, MAINE.	
6.	ZONE: R-3 RESIDENTIAL, PROPOSED USE: DAYCARE FACILITY	
7.	TAX MAP REFERENCE: MAP 338/LOTS A046-A050, A055 & K004.	
8.	TOTAL PARCEL = 2.51 acres±	
9.	WAIVER: NONE REQUESTED AT THIS TIME.	
10.	CALL DIG-SAFE PRIOR TO COMMENCING WORK, 811 OR 1-888-DIG-SAFE.	
11.	EXISTING BUILDING IS SERVICED BY PUBLIC WATER AND SEWER	
12.	POWER, TELEPHONE AND CABLE ARE EXISTING, NO CHANGE IS PLANNED.	
13.	ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMPs" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2016.	

PINKHAM & GREER
CIVIL ENGINEERS
28 MANNA AVE. PORTLAND, ME 04103
TEL: 207.781.5242 FAX: 207.781.4245



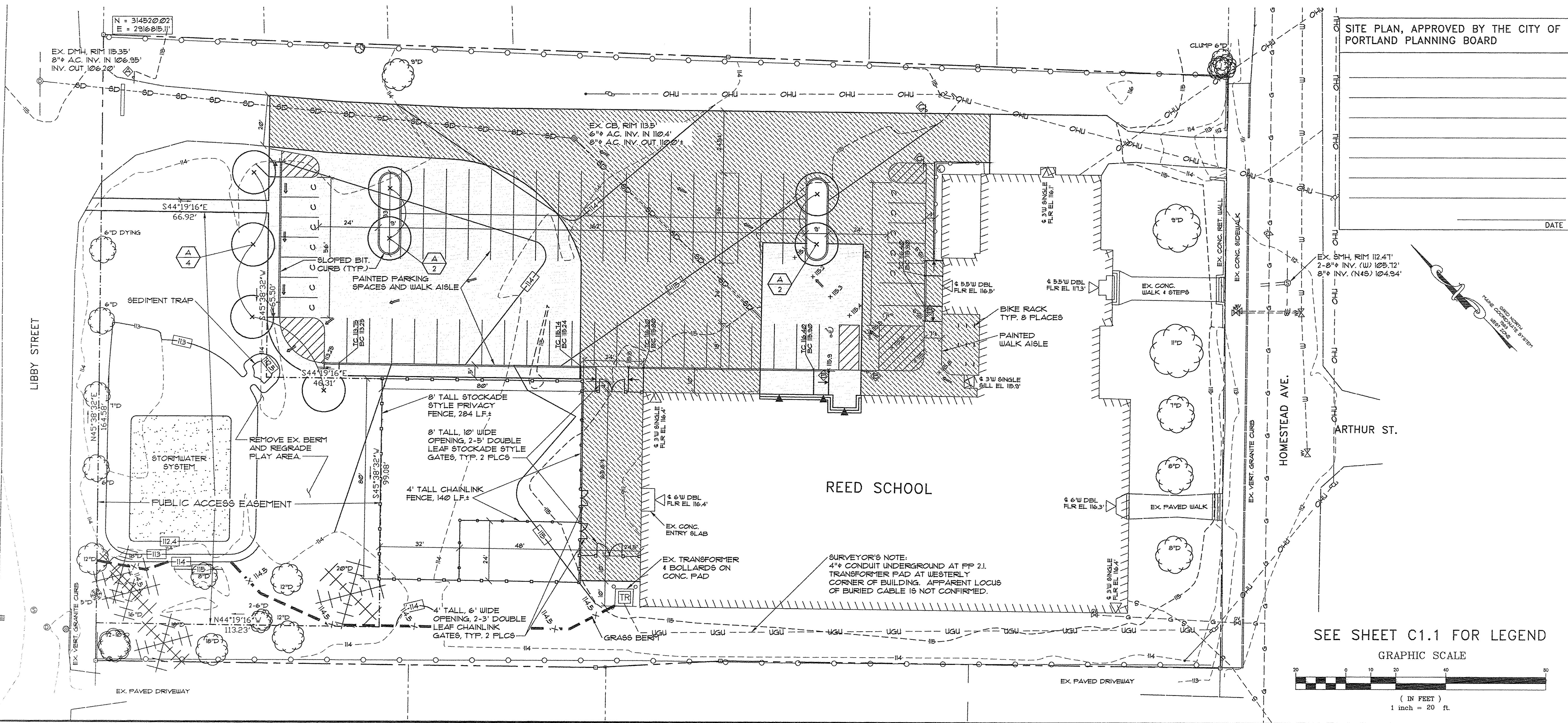
5	12/15/17	ADDED PUBLIC ACCESS EASEMENT.
4	12/12/17	ADDED BIKE RACKS (8) AND GRASS BERM.
3	12/11/17	REVISED PER STAFF COMMENTS.
2	10/2/17	REVISED TO SHOW GRADING & STORMWATER TREATMENT.
1	9/20/17	REV'D FENCE & ADDED STORMWATER SYSTEM
REV	DATE	DESCRIPTION

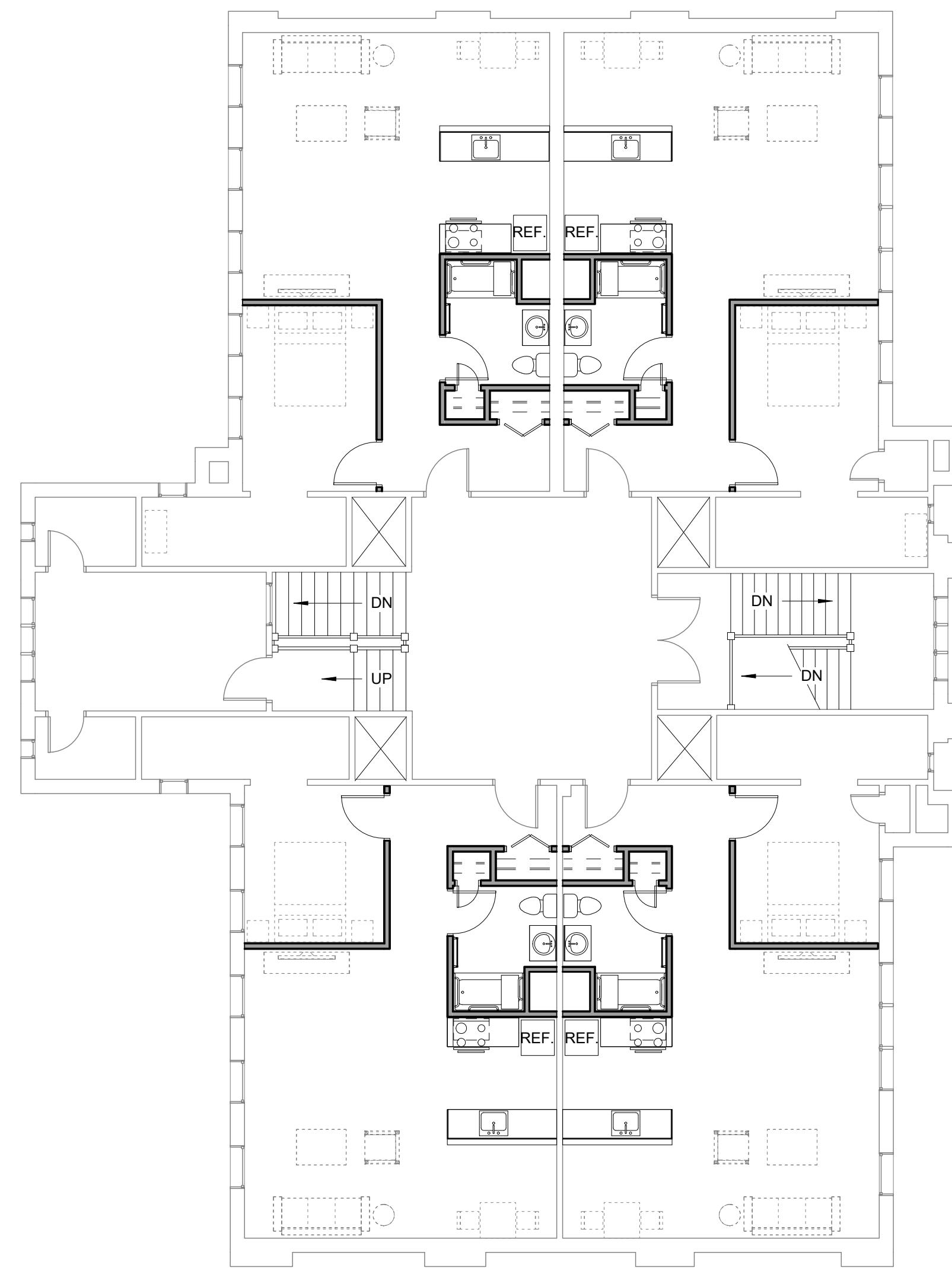
APPLICANT / DEVELOPER: DEVELOPER'S COLLABORATIVE 100 COMMERCIAL STREET, SUITE 414 PORTLAND, MAINE	SCALE: AS SHOWN DATE: SEPTEMBER 5, 2017 PROJECT: 15154	DRN BY: JDC DESG BY: TSG CHK BY: 
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REED SCHOOL REDEVELOPMENT
19 LIBBY STREET, PORTLAND, MAINE

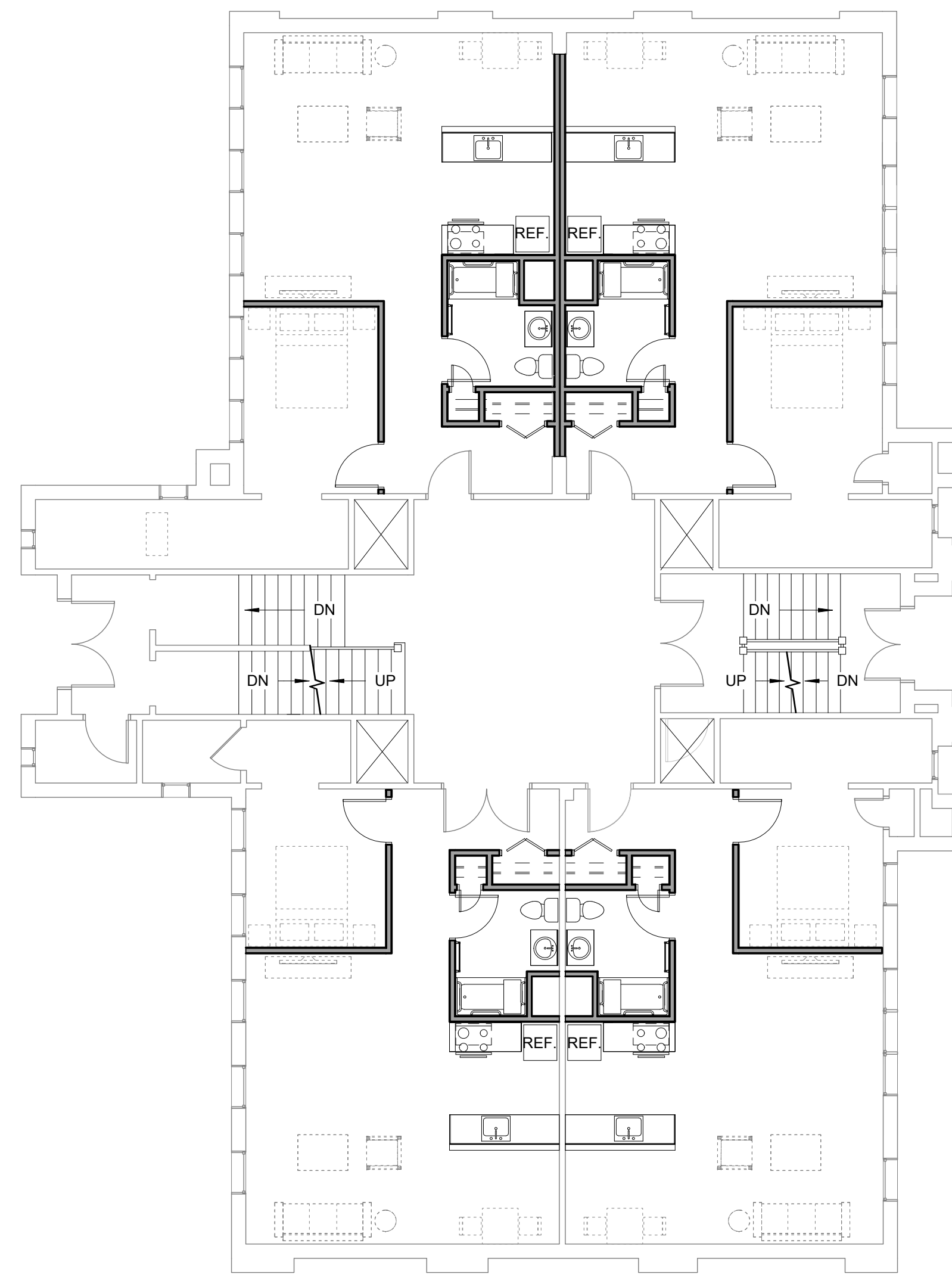
C1.0

MAP/LOT 338 / A046-A050, A055 & K004

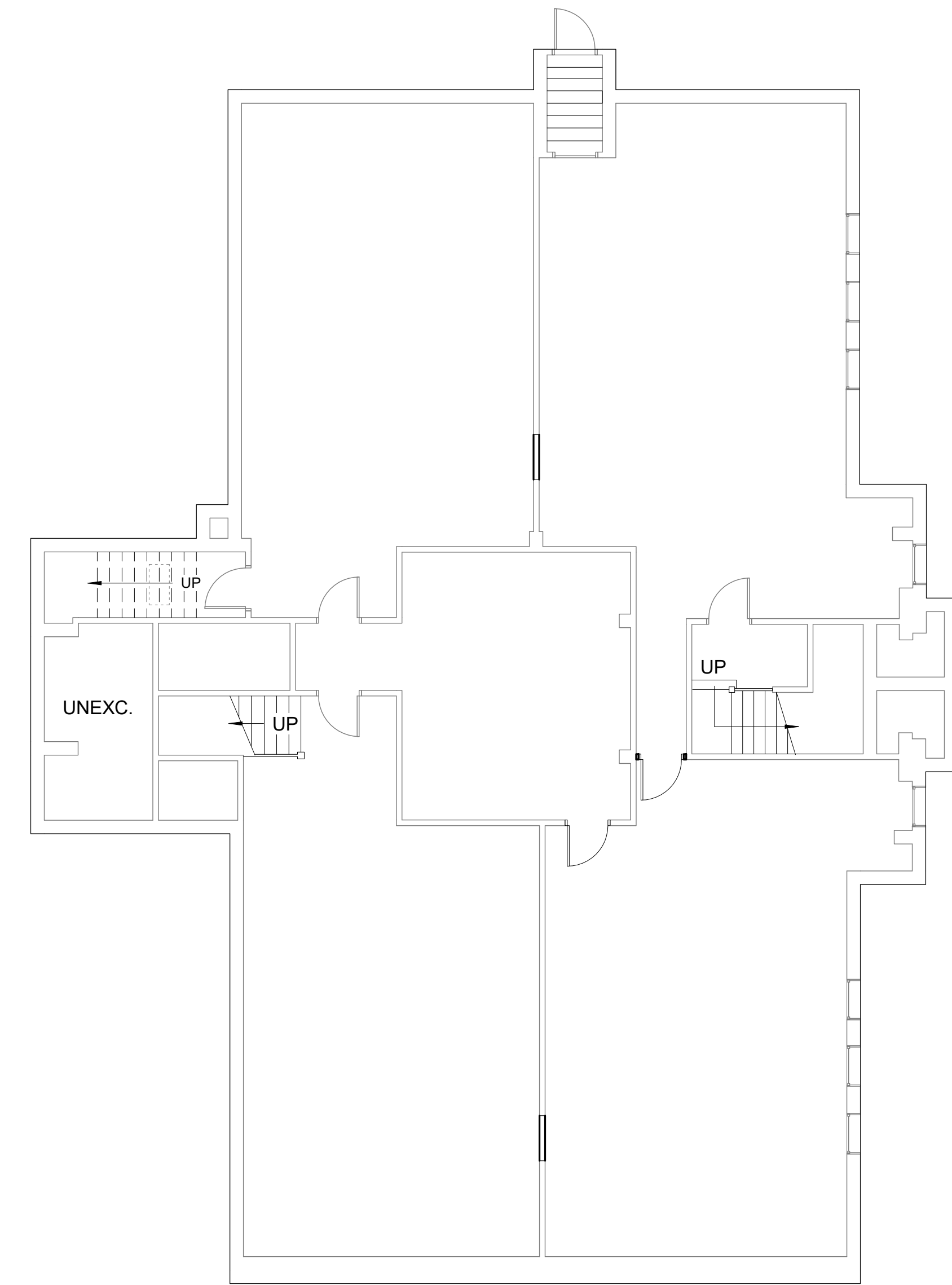




3 | 2ND FLOOR
| 1/8" = 1'-0"



2 | 1ST FLOOR
| 1/8" = 1'-0"



1	BASEMENT
	1/8" = 1'-0"

APPROX. 4636 SQ. FT.

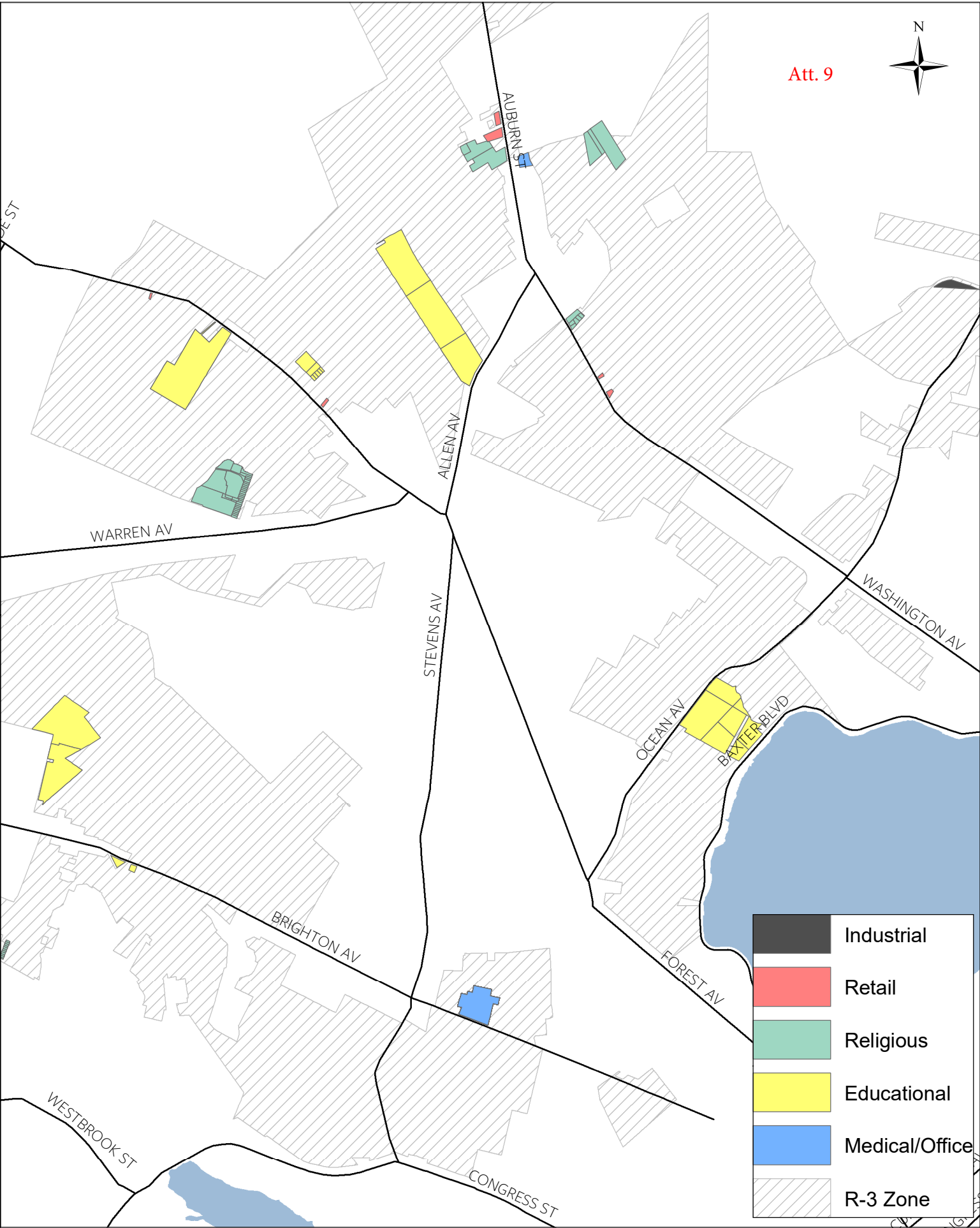
APPROX. 4636 SQ FT.

							MULTIPLE		TOTAL SQFT	
							BUILDINGS	SQFT	OF ALL	
							FOR THE	PER	BUILDINGS ON	
	ADRNO	ADRSTR	LAND USE TYPE	CLASSIFICATION	ZONING	YRBLT	PARCEL	BUILDING	PARCEL ID	PARCEL ID
Brighton Medical Center	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	15,153	15,153	121 C009011
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	11,676	11,676	121 C009012
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	892	892	121 C009013
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	7,291	7,291	121 C009014
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	256	256	121 C009015
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	6,560	6,560	121 C009021
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	6,335	6,335	121 C009022
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	3,202	3,202	121 C009023
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	911	911	121 C009024
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	1,670	1,670	121 C009025
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	1,295	1,295	121 C009026
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	256	256	121 C009027
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	12,803	12,803	121 C009028
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	295	295	121 C009029
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	29,226	29,226	121 C009031
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	3,547	3,547	121 C009041
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	28,492	28,492	121 C009B01
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	19,060	19,060	121 C009G01
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	2,681	2,681	121 C009G02
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	840	840	121 C009G03
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	3,421	3,421	121 C009G04
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	8,970	8,970	121 C009G05
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	967	967	121 C009G06

Chevrus High School	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	1,032	1,032	121 C009G07
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	1,248	1,248	121 C009G08
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	856	856	121 C009G09
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	469	469	121 C009G10
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	3,020	3,020	121 C009G11
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	2,543	2,543	121 C009G12
	335	BRIGHTON AVE	Commecial Condos	Commercial Improved	R3	1956	1	380	380	121 C009G13
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	405	405	121 C009G15
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	1,885	1,885	121 C009G16
	335	BRIGHTON AVE	Exempt Benevolent and Charitable	Exempt Improved	R3	1956	1	965	965	121 C009G17
Breakwater	267	OCEAN AVE	Exempt Literary and Scientific	Exempt Improved	R3	1951	1	104,761	104,761	156 F001001
	27	CAPISIC ST	Exempt Benevolent and Charitable	Exempt Improved	R3	1900	1	19,388	18,078	194 B005001
Breakwater	856	BRIGHTON AVE	Exempt Literary and Scientific	Exempt Improved	R3	1910	1	5,553	5,553	259 D001001
Williams Temple - Place of Worship	858	BRIGHTON AVE	Exempt Literary and Scientific	Exempt Improved	R3	1900	1	21,288	21,288	260 H001002
Hall School	274	TERRACE AVE	Exempt Religious	Exempt Improved	R3	1970	1	5,390	5,390	262 B025001
Mount Sinai Cemetery	23	ORONO ST	Exempt Govermental	Exempt Improved	R3	1957	1	46,053	134,940	275 C048001
Riverton School	161	HICKS ST	Exempt Religious	Exempt Improved	R3	1931	1	756	756	297 C033001
	1592	FOREST AVE	Exempt Govermental	Exempt Improved	R3	1971	1	4,654	111,408	299 D046001
Noble Barbecue - Restaurant	1592	FOREST AVE	Exempt Govermental	Exempt Improved	R3	1976	2	106,754	111,408	299 D046001
	1706	FOREST AVE	Retail	Commercial Improved	R3	1921	1	4,368	4,368	309 G003001
Reed School	19	LIBBY ST	Exempt Govermental	Exempt Improved	R3	1925	1	33,243	33,243	338 K004001
Fortune Garden - Restaurant	1435	FOREST AVE	Multi Use Commercial	Commercial Improved	R3	1923	1	4,310	4,310	340 D004001
Portland Arts & Technology High	196	ALLEN AVE	Exempt Govermental	Exempt Improved	R3	1976	1	172,173	172,173	343 C013001
Emmanuel Assembly of God - Place of Conversent	1571	WASHINGTON AVE	Exempt Religious	Exempt Improved	R3	1969	1	11,375	11,375	374 A003001
Communications First Lutheran Church	172	AUBURN ST	Transportation	Commercial Improved	R3	1963	1	9,669	9,669	374 A005001
	138	AUBURN ST	Exempt Religious	Exempt Improved	R3	1959	1	25,011	25,011	374 A013001
CN Brown Energy	194	AUBURN ST	Retail	Commercial Improved	R3	1960	1	1,798	1,798	374 A030001

Mercy Primary Care Center Allen Ave Unitarian Church - Place of Eddies Convenience Store North Deering Alliance Church - China Taste - Restaurant AV Access Network Progressive Water Solutions	117	AUBURN ST	Office	Commercial Improved	R3	1980	1	10,038	10,038	375 C039001
	526	ALLEN AVE	Exempt Religious	Exempt Improved	R3	1970	1	4,847	4,847	377 F029001
	381	AUBURN ST	Retail	Commercial Improved	R3	1960	1	2,964	3,204	382 F002001
	381	AUBURN ST	Retail	Commercial Improved	R3	1960	2	240	3,204	382 F002001
	1301	WASHINGTON AVE	Exempt Religious	Exempt Improved	R3	1970	1	11,168	11,168	402 A001001
	1223	WASHINGTON AVE	Retail	Commercial Improved	R3	1927	1	2,244	2,244	408 B023001
	1197	WASHINGTON AVE	Retail	Commercial Improved	R3	1940	1	3,346	3,346	408 D013001
	934	OCEAN AVE	Manufacturing	Industrial Improved	R3	1938	1	11,346	11,346	415 A004001

Location of Non-Residential Properties in R-3 Zone





27 February 2018

Sean Dundon, Chair
Planning Board
City of Portland
389 Congress Street
Portland, ME 04101
mgrooms@portlandmaine.gov

Chair Dundon and members of the Portland Planning Board,

Landmarks supports the proposed text amendments for the R-3 zone because they will facilitate the reuse of both the 1950s addition and the historic 1926 Reed School structure using historic tax credits. Our Executive Director of Greater Portland Landmarks, Hilary Bassett, served on the Reed School Re-Use Advisory Task Force. We think this proposed use by Developer's Collaborative reflects the public comments heard by members of the task force that identified the former school building as a vital component of the identity and character of the neighborhood.

Across our city are neighborhood landmarks that have outgrown their historic use. We think it is socially and environmentally responsible for Portland's zoning to facilitate a compatible reuse of these historic buildings, even if that use is of a higher density than the surrounding residential dwellings.

We hope that the planning board will support this project by approving the proposed text amendments this evening.

Thank you for considering our views.

Sincerely,

Julie Ann Larry
Director of Advocacy

Cc: Matt Grooms, Kevin Bunker



PLANNING BOARD REPORT PORTLAND, MAINE

Westerlea View Lofts: Amendment to previous approval for 54 unit residential development
and commercial space

75 Chestnut Street

Amendment to Level III Subdivision and Site Plan

#2018-046 (Amendment to #2016-184)

CBL: 026 E010002

A&M Partners Inc, Applicant

Submitted to Portland Planning Board Public Hearing Date: April 17 th , 2018	Prepared by: Jean Fraser Date: April 13 th , 2018
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I. INTRODUCTION

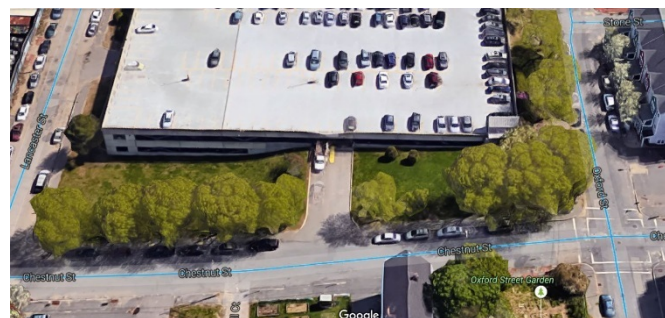
The applicant received approval for this project on December 13, 2016, subject to a condition of approval that the design be revised and reviewed by the Planning Board ([Attachment 1](#)). The Planning Board considered revised architectural plans on February 14, 2017 and approved the project based on the final designs ([Attachment 2](#)). The applicant submitted an amendment to the project that involves relatively substantial revisions to the design, along with some minor site plan amendments. The design amendments were considered by the Board on March 22, 2018 and were generally supported.

The previously approved project comprises a new 7 story building of 54 units at the corner of Oxford and Chestnut Streets, located over the Chestnut Street garage access and abutting the garage. The site will be divided into two condos, one for the parking garage and one for the proposed residential building. Parking for the new residential units is proposed to be located in the garage, and the approved proposals include a raingarden and amenity area to the north of the building. The site is located in the B7 zone which has extensive design standards both in the Zoning ordinance and in the Design Standards.

The site abuts the R6 zone along Chestnut and Oxford Streets and is currently an amenity area comprising 10 mature locust street trees and an access drive to the middle level of the parking garage.

In addition to the design amendments, the proposed amendments reduce the unit count by two 1-BR units and alter the footprint and the way the design relates to the ROW.

This Report includes a review of the elements that have changed, and where not specifically referenced the Report and associated Planning Board approval from December 2016 remains applicable.



Applicant: Lou Wood, A & M Partners, Inc

Agent and Engineer: Tom Greer, Walsh Engineering Associates, Inc

Architect: William Hopkins, Archetype

Required reviews for the Amendments:

Applicant's Proposal	Applicable Standards
New structure of 54 dwelling units	Subdivision Review
Multifamily building of 75,800 sq ft	Level III Site Plan Review and B-7 Design Review

II. PROJECT DATA (As amended)

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	B-7
Existing Use	Parking garage and open, landscaped surrounds
Proposed Use	52 residential units & 1 commercial unit
Parcel Size	92,202 sq ft
Impervious Surface Area	
--Existing	53,832 sq ft
--Proposed	64,796 sq ft
--Net Change	10,964 sq ft
Total Disturbed Area	22,309 sq ft
Building Footprint	
--Existing	49,326 sq ft
--Proposed	59,089 sq ft
--Net Change	9,763 sq ft
Building Floor Area	
--Existing	147,978 sq ft (existing garage)
--Proposed	223,328 sq ft
-Net Change	75,350 sq ft
Residential	
- # of Existing Res. Units	0
- # of proposed Res. Units	52
- # of lots	2
- # of affordable housing units	6
Proposed Bedroom Mix	
-Efficiency Units	2
One-Bedroom Units	12
Two-Bedroom Units	38
Three-Bedroom Units	0
Parking Spaces	446 available in garage, of which 52 (1:1) committed to tenants
Handicapped Spaces	3
Bicycle parking Spaces	44 (36 inside; 8 outside) (none existing)
Estimated Cost of the project:	\$5,850,000

III. PLANNING BOARD AND WORKSHOP COMMENTS***Planning Board***

At the March Planning Board the applicant was requested to make one design revision: to move the screen at the garage entrance to be closer to the street. The Board also requested, in response to public comments, an additional rendering showing the Chestnut Street elevation in context (submitted as *Plan P25* and at right).



Public Comments

This Hearing was noticed to 154 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on April 9th and 10th, 2018. As of the completion of this PB Report the Planning Division has not received any written public comments. There were two public comments at the March PB workshop.

IV. BACKGROUND

The December 13, 2016 Planning Board Report includes a comprehensive description of the existing conditions, zoning and site plan and height/design analysis - it can be found at:

https://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_12132016-1879?html=true.

The February 14, 2017 Planning Board Report that reviewed the final design in the context of Condition 1 of the December 2016 approval can be found at:

https://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_02142017-1950?html=true

The site is located within the B7 zone and abuts the R6 zone along Chestnut and Oxford Streets. It is currently a grassed amenity area comprising 10 mature locust street trees and an access drive to the middle level of the parking garage. The proposed building would be constructed over the garage access.

The recent PB Workshop to consider the design amendments held on March 22, 2018 includes the design evolution of the building and can be found at:

https://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_03222018-2356?html=true



Looking north from corner Oxford and Chestnut Streets

V. PROPOSED AMENDMENTS

The amendment application includes the following revisions to the approved project; staff understand most of these are proposed at the request of a potential buyer:

- Reduction in the unit count to 52 dwellings, resulting from the omission of two one-BR units;
- Design changes as summarized in the cover letter from the architects (*Attachment B*), which include:
 - Smaller window openings
 - Modifications to the Oxford Street elevation (placement of balconies, massing)
 - Revisions to the garage opening
 - Revised entrance locations and design
- Revisions to the site plan, as partially identified in the cover letter from the civil engineers (*Attachment C*):
 - Revised footprint
 - Relocation of street trees (with one added) to take account of support columns in the sidewalk and the enlarged building along Chestnut Street
 - Revised patio, accesses and some utilities to accommodate revised architecture
 - Changes in the ROW, including some to address conditions of approval from the 2016 review.

VI. ZONING ASSESSMENT

The proposed amended building height is lower than that of the approved project and continues to meet the dimensional requirement of the B7 zone. The B7 ordinance includes extensive *Design Standards* which are discussed below.

VII. DESIGN AMENDMENTS

The Planning Board Memorandum considered on March 22, 2018 included a chronological analysis of the design review as a context for considering the amendments. The applicant has revised the screen at the garage opening as illustrated below:

Rendering of view from Lancaster Street looking south up Chestnut Street:

MARCH 2018 WORKSHOP:



APRIL 2018 HEARING:



The design review discussions in 2016/2017 centered on the integration of the building at street level, the roof line and compatibility with the surrounding residential area. Some neighbors considered the building too high. At the December 2016 Hearing the Board added the following condition to allow for further revision of the design:

That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly:

- a. Articulated roofline;*
- b. Massing and scale to transition and integrate with the residential context on Chestnut Street;*
- c. Pedestrian experience on Chestnut Street; and*
- d. Materiality;*

To be reviewed and approved by the Planning Board.

The Workshop Memorandum reviewed the design amendments as included in *Plan Set B*; these can be compared to the approved design in *Plan Set A*. The City's Urban Designer, Caitlin Cameron, provided a detailed comment for the Workshop (*Attachment 4*) and has confirmed that staff finds the proposal submitted February 27, 2018 (as amended in

respect of the garage screen) meets the B-7 design standards as well as the Planning Board comments and areas of concern covered by the condition of approval.

VIII. SUBDIVISION AMENDMENTS

Further review of the amendments in respect of the Subdivision standards has been undertaken regarding the following where the amendments result in revisions:

Subdivision Plat

The applicant submitted a draft 2-sheet subdivision plat (*Plan P18*) and staff provided comments in March, 2018 (*Attachment 5*). A suggested condition of approval requires that the plat be finalized to address the staff comments and to reflect all of the easements, parking arrangements and other relevant conditions of any approval.

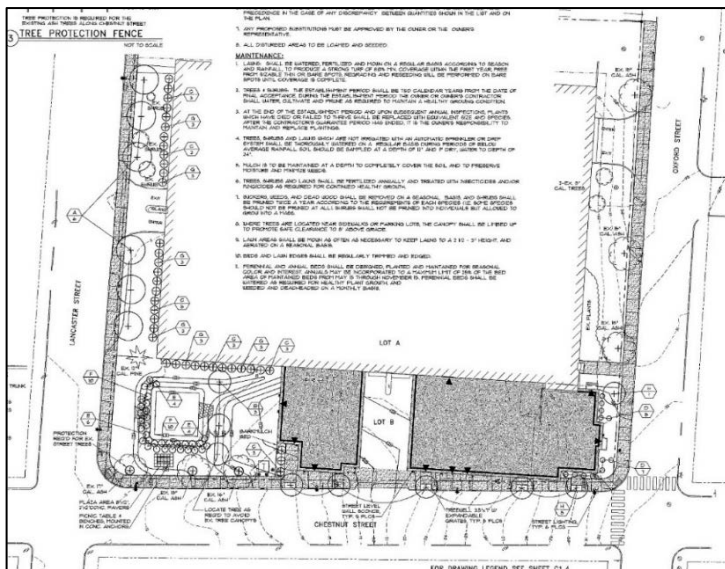
Scenic Beauty and Street Trees

The proposal results in the removal of 7 of the 10 mature trees at the back of the sidewalk on Chestnut Street (*Plan P10*). The approved Landscape Plan included 5 new maple street trees along Chestnut Street and 10 new trees elsewhere on the site, and at the time of the Landscape Plan approval the building columns were not part of the proposals. The amended Landscape Plan proposes 6 new trees along Chestnut Street but this number may not be possible due to conflicts with the building columns associated with the amended design and the need to provide a safe wide sidewalk. The options for meeting the site plan street tree requirement are discussed further under the Site Plan review below.

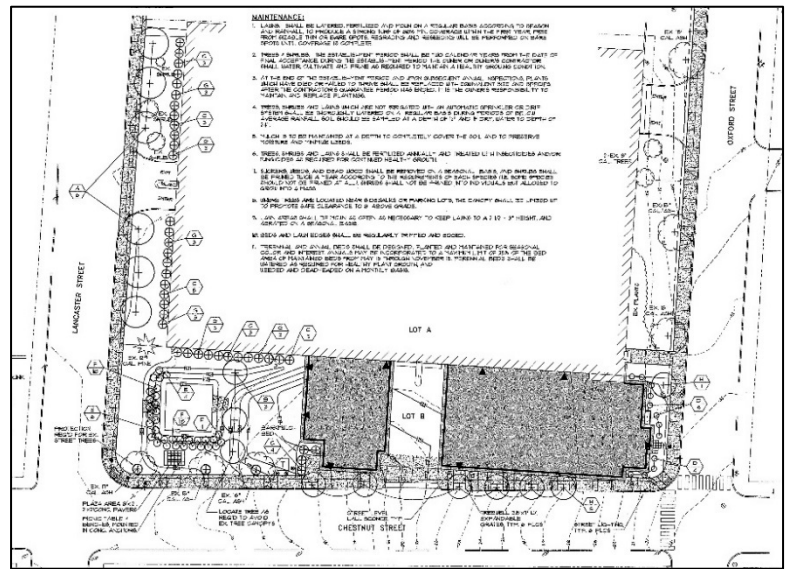
IX. SITE PLAN AMENDMENTS

Further review of the amendments in respect of the Site Plan standards has been undertaken regarding the following where the amendments result in revisions. It should be noted that the civil plans (see *Plans P9 and P10*) were originally approved in 2016 before the final design was approved which included columns on the Chestnut Street frontage. The amendments are generally minor, with the main impacts being on the ROW:

As Approved (2016):



As Amended (2018):

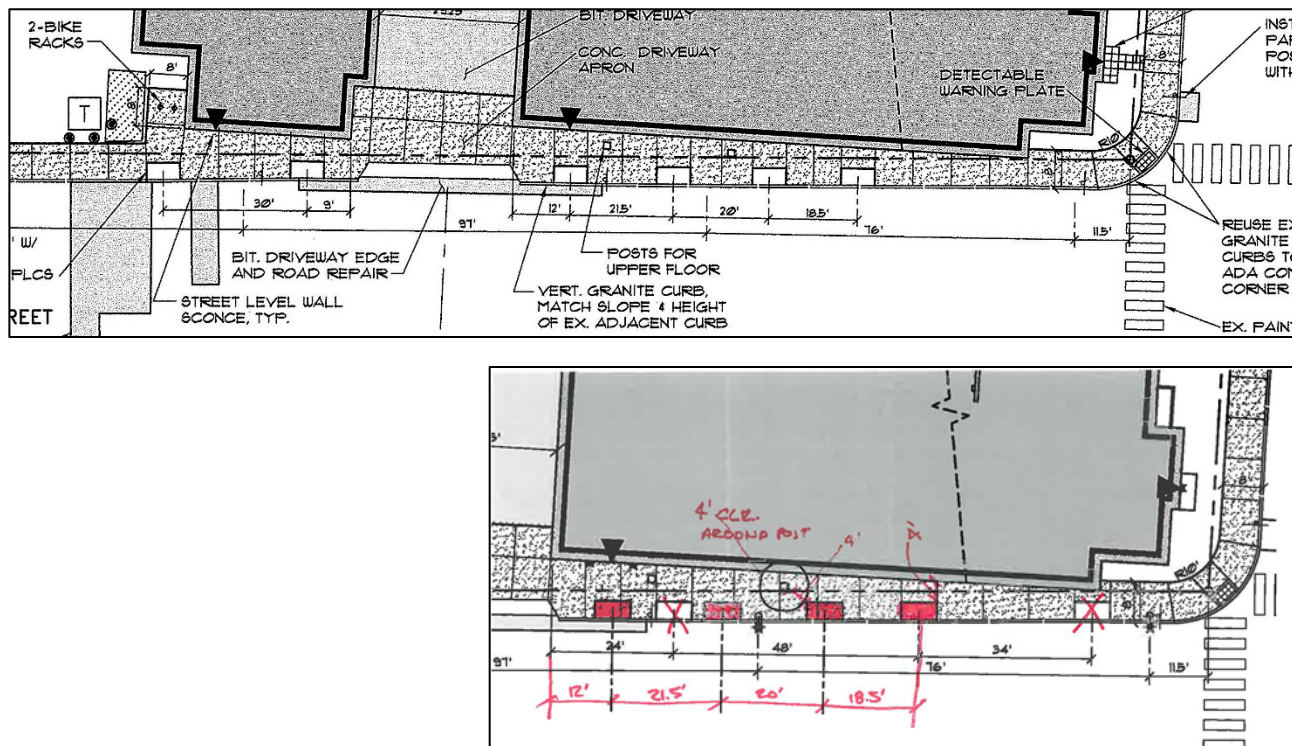


Right of Way – sidewalk, columns and street trees

The applicant is proposing to reconstruct the sidewalk and at the 2016 Hearing this was confirmed to be at least 8 feet in width and in concrete along the Chestnut, Oxford and Lancaster Streets in accordance with the Council's materials policy. At that time staff identified detailed revisions to meet Technical Standards and the amended site plans have addressed some of the conditions.

The 8 feet sidewalk incorporated in the original approved plans was a commitment from the applicant during the review and was welcomed as it is expected that this stretch of sidewalk will become a well-used pedestrian link between

The combination of the columns and the revised layout of the street trees creates a situation where the path of walking must keep changing direction to avoid the trees and the columns, as illustrated in these “amendment” plans submitted by the applicant (*Plan P19 & Attachment D*):



“...Site Plan sheet C1.2 should be revised to show a direct, intuitive and non-meandering clear width of no less than 5 ‘ of width of sidewalk without having to avoid obstacles”

The provision of an adequate sidewalk walking space, while also providing street trees, is a challenge and the suggested condition of approval anticipates further revisions that would include the requirement for the sidewalk area to include a 5 feet wide relatively straight walking path within the 8 foot wide sidewalk.

The staff comments (*Attachment 7*) also include comments regarding the sidewalk ramp details and street lighting specifications and these are referenced in a suggested condition of approval. Due to a technical error the plans reviewed by staff did not include the street light locations; the plans in the packet do show the locations but these need further review to ensure they are coordinated with the street tree locations.

The previous approval included conditions that relate to the parking provision being tied to the development, the TDM Plan and the location and accessibility of ADA parking—all as based on the 2016 recommendations of the City's

consultant Traffic Engineering Reviewer Tom Errico. Mr Errico has confirmed that the amendments do not alter the need for these conditions and recommend that the conditions be reiterated as part of this review (*Attachment 6*).

The proposed amendments have altered the access points between the new building and the parking garage, with some of the exits appearing to open into a parking space and with the ADA parking provision unclear (see the First Floor Plan (*Plan P15*)). A suggested condition of approval includes the requirement for further details of these aspects and related parking layout.

The applicant has submitted the signed *Reciprocal Agreement* between the condo unit that includes the parking garage, and the unit that include the proposed new housing (*Attachment F*). The city's Legal Advisor has commented that there should be a condition of approval that ensures that the final version of the parking lease agreement confirms the parking layout and access as well as the legal responsibilities and management/allocation (*Att. 8*).

X. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed amendments to the Westerlea View Lofts development at 75 Chestnut Street. Where staff do not consider that the amended proposals provide enough detail to address the previous conditions of approval, those conditions have been re- included in the Subdivision and Site Plan parts of the proposed Motion. One of the previous 2016 conditions has been removed as it has been met.

XI. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER

EDITORS NOTE: The approved Waivers and Inclusionary Zoning conditions approved by the Planning Board on December 13, 2016 (#2016-184) remain in force. The following motions are largely the same as the previous conditions of approval with respect to the Subdivision and Site Plan ordinances, with one condition removed (met in the revised plans) and the underlined wording added or revised.

A. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on April 17, 2018 for application 2018-046 (75 Chestnut Street) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the amended plan [is/is not] in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat unless otherwise noted:

- i. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, addressing the staff comments and reflecting the subdivision and site plan conditions of approval;
- ii. That a lease agreement for the required parking, as contemplated by the submitted Reciprocal Agreement, be submitted for review and approval by the Corporation Counsel, the Department of Public Works, and the Planning Authority, and executed prior to the issuance of a building permit. Such lease to include the term, number, location and accessibility of handicapped spots and other details to meet the City's parking requirements. The rules and regulations governing the use of the parking spaces, as referenced in Article 6 of the Reciprocal Agreement, shall be submitted prior to the approval of the aforementioned lease; and
- iii. The applicant shall provide drafts of all necessary easements, including but not limited to:
 - a. Temporary construction easement from the City of Portland to Westerlea View Lofts;
 - b. License from the City of Portland to Westerlea View Lofts for building footings;
 - c. Easement(s) for the deck extensions above the existing parking garage structures (air rights); and
 - d. Access easement for sidewalks that are on the site property,

for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.

B. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in planning board report for the public hearing on April 17, 2018 for application 2018-046 (75 Chestnut Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the amended plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That the project is subject to the submitted Transportation Demand Management Plan dated October 2016, to include annual monitoring studies that comply with the requirements set out in the comments of the Traffic Engineering reviewer Tom Errico dated 12.9.2016;
- ii. That the ROW plans along the Chestnut Street frontage be revised, for review and approval prior to the issuance of a building permit, to:
 - a. Provide a relatively straight 5 foot wide ADA clear sidewalk with no impediments (excepting tree grates in limited locations) within an overall width of a minimum of 8 feet sidewalk;
 - b. Provide at least 4 street trees in front of the building on Chestnut Street and 1 additional street tree nearby, taking into account the options suggested by the City Arborist dated 4.12.18;
 - c. Show the locations and revised specifications for the four new street lamps to be installed by the applicant, to be coordinated with the street tree spacing;
- iii. That the applicant submit a revised and more detailed plan for the amenity area between the building and Lancaster Street that demonstrates that the safety and security of the area meets CPTED standards eg re lighting, visual surveillance and similar issues including landscape features;
- iv. That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted construction stormwater management plan and sediment and erosion control plan dated 9.30.2016 based on City standards and State guidelines. A Maintenance Agreement for the stormwater drainage system shall be approved by Corporation Counsel and the Department of Public Works, and submitted, signed and recorded prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works;
- v. That plans showing details for the areas listed below shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit:
 - a. Patio/entrances on Oxford Street
 - b. Doors for entrance to parking garage on Chestnut Street
 - c. Decks over parking lot
 - d. Live-work unit
 - e. Parking layout (dimensioned) for ADA spaces and demonstration that it meets applicable state and federal standards regarding ADA van parking;
- vi. That the applicant shall submit details of the location, design and screening of façade and rooftop external heating, ventilation and other mechanical equipment, and associated information to document the sound levels meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority;
- vii. That the applicant address the Fire Department comments dated 9.7.2016; and

- viii. That the proposed building mounted wall sconces shall be installed so that the light is directed downward.

ATTACHMENTS

Attachments to the Report

1. Approval letter dated 12.16.2016 (except Design)
2. Approval letter 2.14.2017 (RE Cond 1 Design)
3. Design Review Workshop comments on Amendments
4. Final Design Review comments
5. Staff comments on draft Subdivision Plats
6. Final Traffic Engineering Review Comments
7. Final Transportation Program Manager comments
8. Legal comments regarding Reciprocal Agreement
9. Final City Arborist Comments

Public Comments (none received at the time report was prepared)

Applicants Amendment Submittal

- A. Amendment Applications
- B. Cover letter describing design amendments (Archetype)
- C. Cover letter describing Site Plan amendments (Walsh Engineering)
- D. Street Tree amendments
- E. Parking information (as for 2016)
- F. Signed Reciprocal Agreement

A. Plans/Renderings as approved 2016/2017

- P1. Approved 2017 Elevations
- P2. Approved 2017 Elevations Rendered
- P3. Approved 2017 Lancaster/Chestnut revised rendering
- P4. Approved 2017 Oxford /Chestnut revised rendering
- P5. Approved 2017 Upper Chestnut rendering
- P6. Approved 2017 Street View of Chestnut Street revised
- P7. Approved 2017 Massing
- P8. Approved subject to Conditions Draft Subdivision Plan
- P9. Approved subject to Conditions 2016 Site Plan
- P10. Approved subject to conditions 2016 Landscape Plan
- P11. Line Axon of approved - two views

B. Plans/Renderings as amended 2018

- P12. Amended Elevations
- P13. Amended Lancaster/Chestnut Rendering
- P14. Amended Upper Chestnut Rendering
- P15. Amended Floor Plans
- P16. Exterior Details
- P17. Existing Conds & Demolition
- P18. Amended Draft Subdivision Plan
- P19. Amended Site Plan
- P20. Amended Landscape Plan
- P21. Amended Grading and Utilities Plan
- P22. Amended Erosion Control Plan
- P23. Line Axon Upper Chestnut
- P24. Final Line Axon Lancaster
- P25. Rendering from Chestnut in context

CITY OF PORTLAND, MAINE
PLANNING BOARD

Att. 1

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

December 16, 2016

Lou Woods
A&M Partners Inc
120 Exchange Street
Portland ME 04101

Thomas S Greer, P.E.
Pinkham & Greer, Civil Engineers
28 Vannah Avenue
Portland ME 04103

Project Name: **Westerlea View Lofts: 54 unit residential development plus 1 commercial space**
Project ID: #2016-184 (Subdivision & Site Plan) and
#2016-185 (Conditional Use Inclusionary Zoning)
Address: 75 Chestnut Street CBL: 26/E/10
Applicant: A&M Partners Inc
Planner: Jean Fraser

Dear Sirs:

On December 13, 2016, the Planning Board considered a proposal for a new 7 story building comprising 54 residential apartments (rental), and one commercial unit, totaling approximately 75,800 sq ft, located at 75 Chestnut Street. One parking space per residential unit is proposed to be located in the existing abutting parking garage for the tenants of the new building, and the project also includes a landscaped amenity area. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision, Site Plan, B-7 Zone and Inclusionary Zoning.

The Planning Board voted 7-0 to approve the application with the following waiver and conditions as presented below:

A. WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The planning board voted 7-0 that it finds that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The planning board waives the site plan standard (*Section 14-526 (b) (iii)*) requiring one street tree per unit for multi-family development and concludes that the applicant shall contribute \$6,400 to Portland's tree fund.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the plan is in conformance with the subdivision standards of the land use code and approves the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

- i. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
- ii. The applicant shall provide drafts of all necessary easements, including but not limited to:
 - a. Temporary construction easement from the City of Portland to Westerlea View Lofts;
 - b. License from the City of Portland to Westerlea View Lofts for building footings;
 - c. Easement(s) for the deck extensions above the existing parking garage structures (air rights);
 - d. Access easement for sidewalks that are on the site property;
 - e. Easement or other legal document to secure required parking for the residential units;for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.

C. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in planning board report for the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1 and E-3, particularly addressing:
 - a. Articulated roofline;
 - b. Massing and scale to transition and integrate with the residential context on Chestnut Street;
 - c. Pedestrian experience on Chestnut Street; and
 - d. Materiality;to be reviewed and approved by the Planning Board.
- ii. That the project is subject to the submitted Transportation Demand Management Plan dated October 2016, to include annual monitoring studies that comply with the requirements set out in the comments of the Traffic Engineering reviewer Tom Errico dated 12.9.2016; and
- iii. That the applicant submit a revised and more detailed plan for the amenity area between the building and Lancaster Street that demonstrates that the safety and security of the area meets CPTED standards eg re lighting, visual surveillance and similar issues including landscape features; and

- iv. That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted construction stormwater management plan and sediment and erosion control plan dated 9.30.2016 based on City standards and State guidelines. A Maintenance Agreement for the stormwater drainage system shall be approved by Corporation Counsel and the Department of Public Works, and submitted, signed and recorded prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works; and
- v. That plans showing details for the areas listed below shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit:
 - a. Patio/entrances on Oxford Street
 - b. Doors for entrance to parking garage on Chestnut Street
 - c. Decks over parking lot
 - d. Live-work unit
 - e. Parking layout (dimensioned) for ADA spaces and demonstration that it meets applicable state and federal standards regarding ADA van parking.
- vi. That the applicant shall revise plans and provide design details for the following elements in the City's Right of Way, for review and approval prior to the issuance of a building permit:
 - a. Driveway aprons on Oxford Street and Lancaster Street, noting a pedestrian accessibility route with a maximum 2% cross-slope, and whether full or partial adjustment to the grade of the driveway apron is required;
 - b. Grading adjustments for the sidewalk ramp construction at the corner of Chestnut Street and Lancaster Street to address the ponding of water that currently impacts the pedestrian walking route; and
 - c. The provision of an underground lighting conduit as part of the sidewalk reconstruction along the lot frontage on Oxford Street.
- vii. That the applicant shall submit details of the location, design and screening of façade and rooftop external heating, ventilation and other mechanical equipment, and associated information to document the sound levels meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority; and
- viii. That the applicant address the Fire Department comments dated 9.7.2016; and
- ix. That the proposed building mounted wall sconces shall be installed so that the light is directed downward.

D. INCLUSIONARY ZONING CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 13, 2016 for application 2016-185 (75 Chestnut Street) relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the Conditional Use is in conformance with the standards of the land use code and approves the application, subject to the following conditions of approval: *(continued)*

- i. Provided the Applicant and the City enter into an Affordable Housing Agreement (AHA) before a Building Permit may be issued.
- ii. The AHA will outline the details of the affordability restrictions placed on the workforce units and will be filed as a covenant to the 75 Chestnut Street property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application #2016-184 and #2016-185, which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Subdivision 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. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and six (6) final sets of plans must be submitted to and approved by the Planning Division and Public Works Department prior to the release of a subdivision plat for recording at the Cumberland County Registry 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.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

9. **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 Work'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.
10. **Department of Public Works 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.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Works Department prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Jean Fraser at (207) 874- 8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Final B7 Design Review comments dated December 5, 2016
2. Fire Department comments dated December 13, 2016
3. Planning Board Report
4. City Code, Chapter 32
5. Sample Stormwater Maintenance Agreement
6. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
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Rick Blackburn, Assessor's Department
Approval Letter File



Planning and Urban Development Department Planning Division

Subject: B7 Design Review – 75 Chestnut Street

Written by: Caitlin Cameron, Urban Designer

Date of Review: Monday, December 5, 2016

Design Review Criteria:

The project must meet the B-7 *Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

Findings of the Design Review:

Below are the standards relevant to the Planning Board comments from the September 13, 2016 and October 18, 2016 workshops with staff comment. Those standards not listed in this memo are either met or not applicable.

Staff recommends a condition of approval that states: That final compliance with Design Standards A-2, A-5, C-2, D-1, D-4, E-1, E-3, E-4 shall be reviewed and approved by Planning staff to address the staff design comments dated 12.9.16 which primarily relate to material placement and design of the pedestrian realm.

Principle A: Urban Design

All development in Bayside shall be designed to create a strong urban identity and sense of place. Buildings may be a variety of architectural styles, particularly those that are innovative and express the aesthetic of the time in which they were built, and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. These principles shall . . . ensure sensitive transitions to surrounding neighborhoods, enhance the physical amenities of the neighborhood, and create a pedestrian oriented environment with safe and vital streets.

A-2: Edges and Transitions – *Transitions between larger scale, mixed use buildings and smaller-scale residential uses shall be designed so that there is a seamless connection to adjacent residential neighborhoods to ensure that these zones remain stable, quiet, and secure. This shall be achieved through the mitigation of height, massing, setbacks, materials, and details and design of the façade at the pedestrian level. . . . Larger scale developments may use public open spaces to provide transitions to lower scale uses.*

- To address the standard and the board comment, the applicant modified the massing on the Oxford Street façade. The revisions result in a graduated massing that places a four-story mass at the street, of similar scale and proportion to the residential architecture around it. The changes in plane are accentuated with changes in material. The façade continues to have a “secondary” presence on the street – Chestnut Street being the principal façade with the primary residential entrance. The secondary aspect of the façade is reflected in the design of the door and the smaller, elevated windows at the street to indicate the private use.
- On Chestnut Street, the detail and design of the façade at the pedestrian level should be strengthened to improve the sense of scale through revisions to material placement and the addition of articulation elements that relate to the pedestrian realm experience (Standards E-1, E-3, E-4).

A-5: Pedestrian Environment – *Development on public streets or public spaces shall be human scale at the pedestrian level and enhance the pedestrian environment through the use of elements at the first floor such as . . . fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; outdoor seating and sales displays; adequately sized sidewalks; gathering spaces; trees and landscaping; street furniture; . . .*

- The project uses fenestration at the ground levels, entrances emphasize with canopies and material change, and open space at the end of the block.
- Where the standard is still not met is the detail and design of the building façade at the ground level. Little to no massing or façade variation is used to differentiate the ground floor – the result is a flat façade for the full 6 stories of the building. The staff recommends that the architecture team further articulate and detail the pedestrian level to create a sense of enclosure and the placement of materials to reflect the uses rather than arbitrary placement. These comments also apply to Standard E-1 Architectural Design, E-3 Massing, and E-4 Articulation.

A-7: Building Orientation – *The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order enhance the pedestrian-oriented environment.*

- The project faces onto two streets and is set close to the property line.
- Chestnut Street is treated like the primary façade with the primary residential entrance. Oxford Street is the secondary façade but addresses the street with a minor residential entrance, some visual interest and massing variation, and a maintenance of the street wall.

Principle C: Parking, Loading and Service Areas

C-2: Parking Entrances – *The entrance to parking garages shall respect the pedestrian realm and minimize the visual impact of the garage . . .*

- For CPTED concerns, staff recommended that the design of the “tunnel” to the garage entrance on Chestnut Street be revised – the applicant has addressed the concern by adding a gate at the façade. However, the design of that gate and vehicle entrance/exit should be clarified so as to not encroach on the sidewalk/pedestrian path. Car stacking should also be considered in the placement of the gate.

Principle D: Open Space and the Public Realm

D-1: Open Space Design – *Publicly-accessible parks, plazas, and other open space shall be accessible from sidewalks and surrounding buildings. . . . Pedestrian amenities such as seating, lighting, artwork, trash receptacles, etc. shall be compatible with the City’s Streetscape Standards for Bayside. . . . Solar access, wind protection, and landscaping shall be considered to enhance pedestrian comfort and provide a variety of sunny and shaded areas.*

- It is not clear whether the open space provided is accessible from the sidewalk. The space shown as plaza and seating is visible from the sidewalks, streets, and buildings as required by the standard. The amenity provided appears to be a paved area with seating that is under shade, and additional landscaping throughout the space. No lighting is proposed.

D-4: Pedestrian Amenities – *Pedestrian amenities shall comply with the City’s Technical Manual at a minimum, and also with the streetscape standards selected for Bayside.*

- Seating: One linear foot of seating for each thirty (30) square feet of open space, or 30 linear feet of pedestrian route shall be provided within publicly accessible open space.
- It is not clear whether the seating proposed in the open space meets this standard – what kind of seating and what linear feet of seating are proposed?

Principle E: Architectural Design

New development shall create a mixed-use, pedestrian-friendly setting that contributes to the context of the surrounding urban fabric and provides a sensitive transition to adjacent residential neighborhoods. . . . The scale, massing, and fenestration of new development shall reflect its context, . . .

E-1: Architectural Design – *New development in Bayside may be a variety of architectural styles, . . . and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. A respectful integration of contemporary design within the existing context shall complement, reinforce, and enhance the prevailing patterns and proportions of adjacent buildings without requiring imitation or repetition.*

- Overall, staff does not find the placement of materials to be contextual. In some cases, the materials correspond to the massing or use, but in other cases, materials change at corners or in arbitrary ways that result in a patchwork quilt effect that does not benefit the overall design nor does it relate to the pattern or use of materials in the context. Staff recommends a simplification of material placement (example below). Visual interest should be achieved through articulation rather than a material pastiche.

E-2: Height – *Heights along the edges of the B-7 Zone shall transition to the scale of adjacent neighborhood development through design elements such as variations in massing; articulation of the facades in intervals that reflect existing structures or platting pattern, stepping the architecture to adjacent buildings and/or contextual proportions of building elements, use of architectural style and details such as roof lines, belt courses, cornices, or fenestration, and color or materials that derive from the less intensive zone.*

- The Planning Board's concerns regarding transition of height have been addressed by the revisions to the Oxford Street façade.

E-3: Massing – *Large expanses of undifferentiated façade or uniform cladding is not allowed along public rights of way. . . . The composition of a proposed building façade shall be defined by horizontal and vertical articulation, with vertical articulation being predominant, in keeping with the local context of the urban form.*

- As stated above, little to no massing or façade variation is used to differentiate the ground floor – the result is a flat façade for the full 6 stories of the building.

New buildings that are four stories or higher shall have three components: base, middle, and top.

- The base of the building should be more consistently defined, especially on the Chestnut Street side. At this point, that can best be achieved through articulation, material placement and detailing. The corner, double-height live-work unit could also be more substantially differentiated from the other masses of the building.

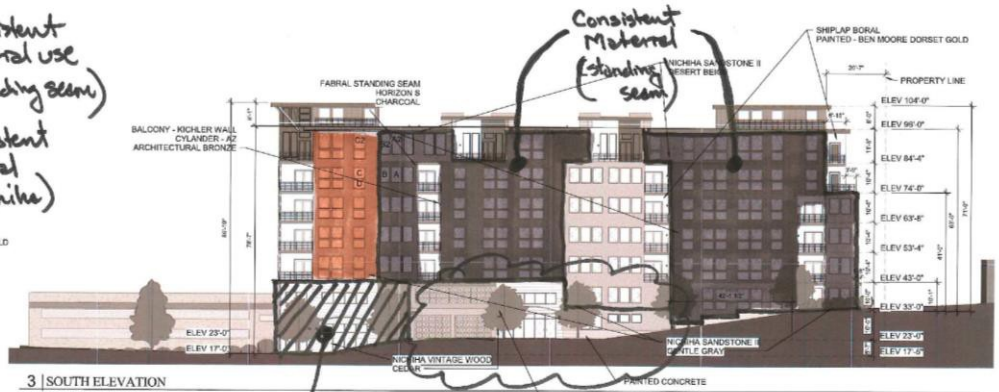
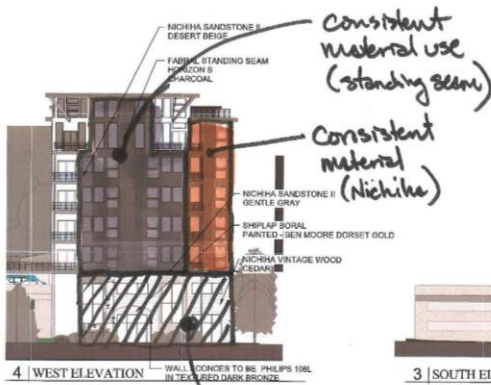
E-4: Articulation – *Facades visible from public rights of way shall incorporate design elements that break the facades into components scaled to the pedestrian, and to the context of other buildings on the street. This may be accomplished through an expression of the building's base, middle and top, vertical fenestration, variation in the planes of the façade, architectural details such as windows, doors, bays, balconies, cornices, reveals, expansion joints, trim, changes in color, texture, and material, permanent artwork, etc.*

- The project uses fenestration at the ground levels, entrances emphasize with canopies and material change, recessed bays at the upper floors, and open space at the end of the block.

The base of the building which relates to the pedestrian realm shall be designed with a high level of detailing and material quality utilizing the options listed above. . . . Buildings which are six and seven stories shall meet this standard on the first 24 feet, or the first two floors at a minimum.

- The level of detail and articulation on the Chestnut Street elevation is not sufficient, especially at the street level. Material changes are mostly arbitrary and other than at the entrance, do not correspond to uses or plane changes. Revisions to meet this standard could come in form of enclosure; articulation and detail (reveals, dimensional trim, material transitions, detail); placement of material that corresponds with uses

[see sketch next page]



Consistent material use differentiating this corner unit

Red level articulation + match floor plans

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2016-184

Date: 12/13/2016

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

Fire Department Access shall have an unobstructed vertical clearance of not less than 13 ft 6 in. We will NOT be requiring this vertical clearance as emergency vehicles will not be entering the parking garage

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016
Premises Identification

The main entrance of the building must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer.

If the building entry faces a different street, both the street name and number should be large enough to read from the street

Address numbers must be a minimum of 4 inches high.

The number should be in Arabic numerals rather than spelled out (for example, "130" instead of "One Hundred and Thirty")

Color: Addresses should be in a color that contrasts with the background.

Whenever possible, should be illuminated.

Provide additional address signs at entrances to the property when the building address is not legible from the public street.

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

Emergency vehicle access is two sides only, Chestnut and Oxford. This is acceptable to the Fire Dept although because of the arrangement and height of the building I would like to require the overhead power line on Chestnut Street going to the transformer to be underground. This will drastically restrict the Aerial Ladder trucks operation at this proposed site.

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

I would like to see a letter from the Portland Water District of their ability to serve domestic and fire protection demand for the proposed high rise building.

Comments Submitted by: Keith Gautreau/Fire on 12/12/2016

I have received the Ability to Serve letter from PWD and the Authority Having Jurisdiction accepts.

CITY OF PORTLAND, MAINE
PLANNING BOARD

Att. 2

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

February 15, 2017

Lou Woods
A&M Partners Inc
120 Exchange Street
Portland ME 04101

Thomas S Greer, P.E.
Pinkham & Greer, Civil Engineers
28 Vannah Avenue
Portland ME 04103

Project Name: **Site Plan Condition i: Westerlea View Lofts: 54 unit residential development plus 1 commercial space**
Project ID: #2016-184 (Subdivision & Site Plan) and
#2016-185 (Conditional Use Inclusionary Zoning)
Address: 75 Chestnut Street CBL: 26/E/10
Applicant: A&M Partners Inc
Planner: Jean Fraser

Dear Sirs:

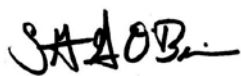
On February 14, 2017 the Planning Board voted unanimously that the applicant has met Site Plan condition of approval (i) from the approval letter dated December 16, 2016, requiring that the final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly addressing: a. Articulated roofline; b. Massing and scale to transition and integrate with the residential context on Chestnut Street; c. Pedestrian experience on Chestnut Street; and d. Materiality; To be reviewed and approved by the Planning Board.

The Board also voted unanimously that a revised Landscape Plan shall be submitted for review and approval by the Planning Authority that shows a replacement street tree. Please address this condition prior to the issuance of a building permit.

Please note that the conditions of approval and requirements for your approved Subdivision, Site Plan, and Inclusionary Zoning enumerated in your original approval letter dated December 16, 2016, still apply. This letter is attached for reference.

If there are any questions, please contact Jean Fraser at (207) 874-8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments: 1. Original Approval Letter (12/16/16)

cc. *Archetype* (attn. Bill Hopkins), 48 Union Wharf, Portland, ME 04101

Electronic Distribution:

CC.

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
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Danielle West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



Planning and Urban Development Department Planning Division

Subject: B7 Design Review Site Plan Amendment – 75 Chestnut Street

Written by: Caitlin Cameron, Urban Designer

Date of Review: Wednesday, March 7, 2018

Design Review Criteria:

The project must meet the B-7 *Mixed Use Urban District Zone Design Principles & Standards* (Appendix 4 of the Design Manual).

In addition, the project approval included a condition:

That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly:

- a. Articulated roofline;*
- b. Massing and scale to transition and integrate with the residential context on Chestnut Street;*
- c. Pedestrian experience on Chestnut Street; and*
- d. Materiality;*

To be reviewed and approved by the Planning Board.

This approval was granted at a February 14th, 2017 Planning Board hearing. Those approved designs are provided for comparison with the proposed changes.

Findings of the Design Review:

Staff finds the proposal submitted February 27, 2018 meets these design standards as well as the Planning Board comments and areas of concern covered by the condition of approval – **refer to comments below.**

Summary of 2018 design changes (see also the narrative provided by applicant):

- The window openings are smaller with more space between them resulting in a different solid to void ratio on all the facades. **The result is a visual simplification of the building and less transparency.**
- The top floor mezzanine is reduced in height and the windows eliminated. **The result is a shorter building and the “pop-up” or roof plane changes become more pronounced.**
- The Oxford Street side of the building has been modified – the placement of the balconies, the depth and style of the cornice lines, some of the massing relationship. **The result is slightly smaller scale masses at the street with increased emphasis on overhanging cornices and balconies to bring articulation, scale, and visual interest.**
- The screen at the garage is stepped back from the front façade. **The result is the garage opening at the street is larger and has less articulation and human-scale elements. Staff are uncertain whether these changes may have CPTED implications.**

Principle A: Urban Design

All development in Bayside shall be designed to create a strong urban identity and sense of place. Buildings may be a variety of architectural styles, particularly those that are innovative and express the aesthetic of the time in which they were built, and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. These principles shall . . . ensure sensitive transitions to surrounding neighborhoods, enhance the physical amenities of the neighborhood, and create a pedestrian oriented environment with safe and vital streets.

A-2: Edges and Transitions – *Transitions between larger scale, mixed use buildings and smaller-scale residential uses shall be designed so that there is a seamless connection to adjacent residential neighborhoods to ensure that these zones remain stable, quiet, and secure. This shall be achieved through the mitigation of height, massing, setbacks, materials, and details and design of the façade at the pedestrian level. . . . Larger scale developments may use public open spaces to provide transitions to lower scale uses.*

(2/14/17) To address the standard and the board comment, the applicant modified the Chestnut Street façade to provide variation and scale through material placement and building massing. The revised design mitigates height by breaking the overall façade into smaller scale components – the base, middle, and top of the building are defined through materials, fenestration pattern, and articulation details. The design of the façade at the pedestrian level includes street-facing entrances with canopies, windows at eye level where appropriate, material change delineating the “base” of the building, and massing variation to break up the building face.

(3/7/18) The revisions modify the window placement, type, and size but the overall intent of transparency and human scale are kept. The massing variation on Oxford Street is maintained – the building scale is mitigated through the same elements employed by the approved design. The overall height of the building is reduced.

A-5: Pedestrian Environment – *Development on public streets or public spaces shall be human scale at the pedestrian level and enhance the pedestrian environment through the use of elements at the first floor such as . . . fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; outdoor seating and sales displays; adequately sized sidewalks; gathering spaces; trees and landscaping; street furniture; . . .*

(2/14/17) The project uses fenestration at the ground levels, entrances emphasize with canopies and material change, and open space at the end of the block.

(3/7/18) This aspect of the project has not changed – though some of the window, door, and canopy placement and details have revised, the overall goals around activation, visibility, pedestrian-scale are kept.

(2/14/17) The detail and design of the façade at the pedestrian level is strengthened by the massing variation on Chestnut and Oxford streets which create more scale and sense of enclosure. Revisions to material placement provide a ‘base’ material which differentiates the ground floor and creates a human-scaled pedestrian realm experience.

(3/7/18) These components have not significantly changed.

(2/14/17) These comments also apply to Standard E-1 Architectural Design, E-3 Massing, and E-4 Articulation.

Principle C: Parking, Loading and Service Areas

C-2: Parking Entrances – *The entrance to parking garages shall respect the pedestrian realm and minimize the visual impact of the garage . . .*

- (2/14/17) The applicant clarified that the design of that gate and vehicle entrance/exit does not encroach on the sidewalk/pedestrian path. Car stacking is also considered in the placement of the gate.
- (3/7/18) The screen placement has changed – it was pushed back from the front façade plane. The opening at the street now looks and feels bigger.

Principle E: Architectural Design

New development shall create a mixed-use, pedestrian-friendly setting that contributes to the context of the surrounding urban fabric and provides a sensitive transition to adjacent residential neighborhoods. . . . The scale, massing, and fenestration of new development shall reflect its context, . . .

E-1: Architectural Design – *New development in Bayside may be a variety of architectural styles, . . . and shall be organized according to principles of urban design that integrate with the urban fabric of surrounding neighborhoods and Portland as a whole. A respectful integration of contemporary design within the existing context shall complement, reinforce, and enhance the prevailing patterns and proportions of adjacent buildings without requiring imitation or repetition.*

- (2/14/17) The placement of materials was simplified to be more contextual. The material placement now better correspond to the massing or use. The base of the building is now differentiated with a consistent material applied across the ground floor.
- (3/7/18) The material placement is mostly unchanged. The materials correspond to plane changes and highlight architectural features. The ground floor has a differentiated base through materials.

E-3: Massing – *Large expanses of undifferentiated façade or uniform cladding is not allowed along public rights of way. . . . The composition of a proposed building façade shall be defined by horizontal and vertical articulation, with vertical articulation being predominant, in keeping with the local context of the urban form.*

- (2/14/17) As stated above, additional massing and façade variation was added to the Chestnut Street façade differentiate the ground floor – the result is an alleviation of what was previously a flat façade for the full 6 stories of the building.
- (3/7/18) No significant changes. The Oxford Street façade continues to use massing variation to transition the larger scale building to better relate to the smaller scale residential buildings in the context of the street.

New buildings that are four stories or higher shall have three components: base, middle, and top.

- (2/14/17) The “base, middle, top” is better defined through the material placement, massing, a reveal at the top floor, and a strengthened cornice providing more enclosure to the top of the building. The base of the building is now consistently defined, especially on the Chestnut Street side with material placement and window types.
- (3/7/18) Base continues to be expressed through material placement. Top is defined by cornice line, and variation to the roofline.
- (2/14/17) The level of detail and articulation on the Chestnut Street has been revised – a stronger “top” to the building is created with a deeper cornice, a reveal in the material, and the placement of the massing.
- (3/7/18) The most significant change to the base, middle, top composition is the loss of a clear line delineating the top floor (through material, massing, balcony railings). The result is that there is a less definitive distinction between the “middle” and “top.”

75 Chestnut Street - Amendment design review

1 message

Caitlin Cameron <ccameron@portlandmaine.gov>

Tue, Apr 10, 2018 at 1:58 PM

To: "Fraser, Jean" <jf@portlandmaine.gov>

The applicant was asked to make one revision from the March 27, 2018 Planning Board workshop - to move the screen at the garage entrance to be closer to the street.

Provided this change has been made, staff finds the proposal submitted February 27, 2018 meets the B-7 design standards as well as the Planning Board comments and areas of concern covered by the condition of approval.

More in depth comments regarding the design revisions can be found in the staff memo from the March 27, 2018 Planning Board workshop.

--

Caitlin Cameron, AICP, Associate AIA, LEED AP

Urban Designer

Planning & Urban Development Department

[389 Congress Street](#)

[Portland, ME 04101](#)

phone: (207) 874-8901

email: ccameron@portlandmaine.gov

75 Chestnut Street

1 message

Jean Fraser <jf@portlandmaine.gov>

Mon, Mar 26, 2018 at 4:40 PM

To: Tom Greer <tgreer@walsh-eng.com>

Cc: "Barhydt, Barbara" <bab@portlandmaine.gov>, Katherine Detmer <detmer@archetypepa.com>

Hello Tom

I refer to the revised subdivision plats that were uploaded into e-plan on 3.19.18 (submitted earlier).

While tomorrow's PB Workshop will focus on design issues, I wanted to let you know the DPW Surveyor comments which are listed below:

- Please see the attachment for my comments on the plan. Sheet C1.1 is okay as is. The second sheet has too much crammed on to it. I think they need to spread things out and reorganize it, even if it means putting the notes on a third sheet.
- The easement sketches are too confusing to look at the way they've set it up. I think each one should stand alone and the data table that goes with each one should be right next to the appropriate sketch, so the reader doesn't have to go hunting around for the information.
- They also need to identify which City benchmark and elevation was used to establish the elevation datum.
- They will need to revise the plan to add the Registry Book and Page numbers for all of the easements, licenses and storm water maintenance agreements, etc.
- Please pass these comments along to the developer, surveyor or engineer. And please let me know if you have any questions.

Also please note that you will need to submit (as part of final submissions) drafts of most of the easements that relate to connections between the existing garage and the proposed new building in view of the impending sale of the housing (condo) unit; this particularly relates to questions of the parking arrangements/management for the new building (previously Lou sent a letter) and the access under the building. I will send a Legal review comment that provides more detail on this but wanted to give you a "heads up".

Thank you

Westerlea View Lofts - Amended Project Final Traffic Comments

1 message

Tom Errico <thomas.errico@tylin.com>

Wed, Apr 11, 2018 at 8:07 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: Keith Gray <kgray@portlandmaine.gov>, Jeremiah Bartlett

<JBartlett@portlandmaine.gov>, Bruce Hyman <bhyman@portlandmaine.gov>

Hi Jean – I have reviewed the Amended Applications materials and I find the project to be acceptable from a traffic perspective subject to the Conditions of Approval detailed in the December 16, 2016 Planning Board approval letter. The relevant traffic conditions are B. Subdivision e. (parking), C. Site Plan ii (TDM), and C. Site Plan e. (ADA parking).

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

TYLIN INTERNATIONAL

12 Northbrook Drive

Falmouth, ME 04105

+1.207.781.4721 main

+1.207.347.4354 direct

+1.207.400.0719 mobile

+1.207.781.4753 fax

thomas.errico@tylin.com

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"One Vision, One Company"

Re: 75 Chestnut Amends- to hearing 4/17 so final comments needed

1 message

Bruce Hyman <bhyman@portlandmaine.gov>

Wed, Apr 11, 2018 at 3:12 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: "Errico, Thomas" <thomas.errico@tylin.com>, "Tarling, Jeff" <jst@portlandmaine.gov>, Keith Gray <kgray@portlandmaine.gov>, "Swett, Lauren" <lswett@woodardcurran.com>, Robert Thompson <rmt@portlandmaine.gov>, "Cameron, Caitlin" <ccameron@portlandmaine.gov>, "Barhydt, Barbara" <bab@portlandmaine.gov>, "Peverada, John" <jbp@portlandmaine.gov>

My comments on the Westerlea project Amended Site Plan 2018-046 as well as still applicable prior approved Site Plan and accompanying materials 2016-184 are as follows;

- Amended Site Plan Sheet C1.2 is to be revised to show a direct, intuitive and non-meandering clear width of no less than 5' of width of sidewalk without having to avoid obstacles
- Detail Sheet 2.4, item #11 Sidewalk Ramp Detectable Warning Tile (rev. dated 11/21/16) is to be revised to show use of Cast Iron panels rather than Composite.
- Detail Sheet 2.4, item #10 Bayside Medium Residential Scale Light (rev. dated 11/21/16) is to be revised to show BLACK in color (not Dark Grey) and 3000K LED for light fixtures. Language on the installation and electrical requirements shall be updated as well to reflect they will not be part of the municipal lease agreement.
- On Sheet A1.01 First Floor Plan, I see the provision of 1 van accessible space but I don't see the other 2 spaces required noted on the plan. The plan is to be updated to show the ADA-accessible spaces
- I don't see the specific placement of the 6 Bayside Medium lights on Chestnut Street located on any of the plan sheets. The plan is to be updated to show the proposed location of the lights.

Please don't hesitate to contact me if you or the applicant have any questions.

Bruce

On Mon, Apr 9, 2018 at 4:08 PM, Jean Fraser <jf@portlandmaine.gov> wrote:

Hi

Original approval: #2016- 184 (also see attached approval letter)
this Amendment application: #2018-046

All: The focus is on the design changes (which the PB Workshop said were basically OK) but there have been some minor changes to the civil plans for the amendment and it would be good to check that nothing has slipped in or out. Please note that at that time a CMP was not required and none has been submitted, and that it was subject to a TDM Plan. Question is how many of the original conditions should be reiterated, and how many new? I need final comments this WEDNESDAY!!!!

Jen: I have requested the applicant to submit a draft (for the hearing) of an easement that relates to the provision of parking for the new residential, within the parking garage, to replace the previous letter (copy attached) and provide evidence of RTI for the parking. This is because they have stated in the application that the site of the building (condo 1) will be sold and not include any of the garage. The question is whether we feel that the PB needs to see the draft easement at the hearing- any thoughts?

Thanks
Jean

--

*Jean Fraser, Planner
City of Portland
874 8728*

--

Bruce Hyman
Transportation Program Manager
Transportation Division

Department of Planning & Urban Development
[389 Congress Street](#)
[Portland, Maine 04101](#)
(207) 874-8717 phone

bhyman@portlandmaine.gov
<http://www.portlandmaine.gov/1363/Transportation-Division>
Yes! Transportation's Good Here

Jean Fraser <jf@portlandmaine.gov>

Re: Chestnut Street - Reciprocal Letter

1 message

Jennifer Thompson <jlt@portlandmaine.gov>

Wed, Apr 11, 2018 at 2:34 PM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: "Errico, Thomas" <thomas.errico@tylin.com>, "Hyman, Bruce"

<bhyman@portlandmaine.gov>, "Barhydt, Barbara" <bab@portlandmaine.gov>

This document contemplates a Par[k]ing Space Lease for 54 undesignated spaces. It gives the garage condo owner the right to identify which level(s) of parking are to be used for the parking. I assume a condition of approval would be that the final lease agreement be submitted prior to a building permit being pulled and that the condition would specify any details that ought to be included in the lease agreement (e.g. term, number and location of handicapped spots, etc.) to satisfy the City's parking requirements. The language of Article 6 also contemplates parking rules and regulations governing the use of the parking spots. It may make some sense to request a copy of those - just to ensure that those rules don't somehow restrict the use in a way that is problematic under the ordinance.

Happy to talk if there are any questions or concerns.

Jennifer L. Thompson
Associate Corporation Counsel
City of Portland
207.874.8915

On Wed, Apr 11, 2018 at 2:02 PM, Jean Fraser <jf@portlandmaine.gov> wrote:

Hi

This is the document I was waiting for- I have not yet looked at it but need comments asap please.

Thanks
Jean

----- Forwarded message -----

From: **Katherine Detmer** <detmer@archetypepa.com>

Date: Wed, Apr 11, 2018 at 1:16 PM

Subject: Chestnut Street - Reciprocal Letter

To: Jean Fraser <jf@portlandmaine.gov>

Fwd: URGENT 75 Chestnut Street trees

1 message

Jean Fraser <jf@portlandmaine.gov>
To: "Fraser, Jean" <jf@portlandmaine.gov>

Thu, Apr 12, 2018 at 6:52 PM

From: **Jeff Tarling** <jst@portlandmaine.gov>
Date: Thu, Apr 12, 2018 at 5:08 PM
Subject: Re: URGENT 75 Chestnut Street trees
To: Jean Fraser <jf@portlandmaine.gov>

Jean -

We would like to see city sidewalks where possible accommodate our standard sidewalk plow which is 51" wide and 150" long. Currently this section of sidewalk is not cleared by the city but we like to build all future sidewalks to the standard in case someday we need to.

The proposed building angle with columns appears that it could be challenging for snow clearing and pedestrian travel. We note in the downtown that while tree grates are accessible ped traffic seems to avoid walking on them. Truly - the columns appear to pose the biggest challenge to an open, navigable with the closeness of the street trees.

Options include:

a) Adjust the spacing of the trees on the uphill side of Chestnut. Shown as H 6, by moving the second tree down from Oxford Street slightly uphill away from the nearby column. The concrete scoring joint marks could be adjusted to fit the new alignment.

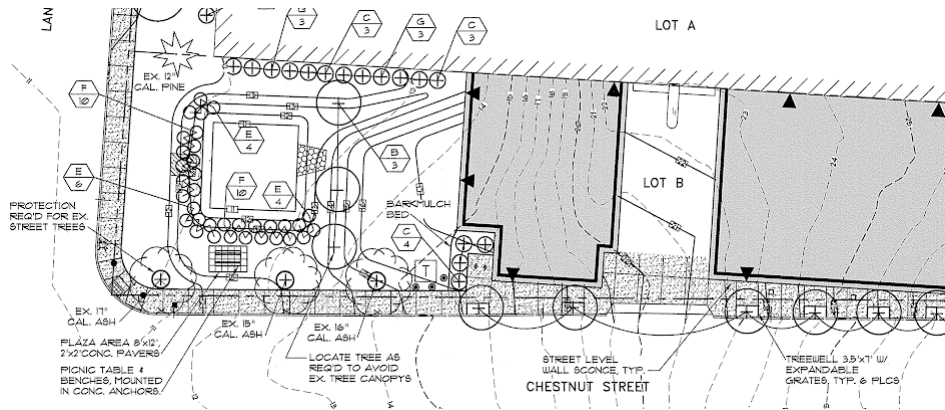
b) Remove (1) tree closest to the column and replant a new tree near the corner of Lancaster Street below the stormwater feature, on the lawn area. This would be between the F-10 & E-6 plant tags on the landscape plan, see below.

My preference would be the later as that space would provide a larger root zone to help the tree establish. From experience the street trees in the sidewalk cutouts have limitations due to lack for root space, (I am thinking the long term view from the tree perspective)

Thanks,

Jeff

See landscape plan:



Jeff Tarling
City Arborist - City of Portland Maine
Parks, Recreation & Facilities Department
Forestry & Horticulture
[212 Canco Road](#)
[Portland, ME. 04103](#)
(207) 808-5446
jst@portlandmaine.gov



Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sq. ft. or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sq. ft. or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sq. ft. or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sq. ft. or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sq. ft. of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sq. ft. and/or facilities encompassing 20,000 sq. ft. or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

Portland's development review process and requirements are outlined in the [Land Use Code \(Chapter 14\)](#), [Design Manual](#) and [Technical Manual](#).

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8719
planning@portlandmaine.gov

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

I. Project Information (Please enter n/a on those fields that are not applicable)

Project Name:	Westerlea View Lofts
Proposed Development Address:	75 Chestnut Street
Project Description:	Construction of a seven story building for 52 residential units
Chart/Block/Lot:	26/E/10
Preliminary Plan	x
Final Plan	

II. Contact Information (Please enter n/a on those fields that are not applicable)**APPLICANT**

Name:	Lou Woods
Business Name:	A & M Partners, Inc
Address:	120 Exchange Street
City/State:	Portland, ME
Zip Code:	04101
Work #:	207-8789-1358
Home #:	
Cell #:	
Fax #:	
E-mail:	lcwood@ampartners.me

OWNER

Name:	Same as applicant
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

AGENT/REPRESENTATIVE

Name:	Bill Hopkins - Archetype Architects
Address:	48 Union Wharf
City/State:	Portland, ME
Zip Code:	04101
Work #:	207-772-6022
Home #:	
Cell #:	
Fax #:	
E-mail:	hopkins@archetypepa.com

BILLING (to whom invoices will be forwarded to)

Name:	Same as applicant
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

ENGINEER

Name:	Thomas S. Greer - Walsh Engineering Associates, Inc.
Address:	1 Karen Drive #2a
City/State:	Westbrook, ME
Zip Code:	04092
Work #:	207-553-9898
Home #:	
Cell #:	
Fax #:	
E-mail:	tgreer@walsh-eng.com

SURVEYOR

Name:	Del Maxfield - Maine Survey Consultants
Address:	PO Box 485
City/State:	Harrison, ME
Zip Code:	04040
Work #:	207-583-6159
Home #:	
Cell #:	
Fax #:	207-583-6159
E-mail:	dmaxfield@mainesurveyconsultants.com

ARCHITECT

Name:	Bill Hopkins - Archetype Architects
Address:	48 Union Wharf
City/State:	Portland, ME
Zip Code:	04101
Work #:	207-772-6022
Home #:	
Cell #:	
Fax #:	
E-mail:	hopkins@archetypepa.com

ATTORNEY

Name:	
Address:	
City/State:	
Zip Code:	
Work #:	
Home #:	
Cell #:	
Fax #:	
E-mail:	

DESIGNATED PERSON(S) FOR UPLOADING INTO e-PLAN

Name:	Katherine Detmer
E-mail:	detmer@archetypepa.com
Name:	Jody Cady
E-mail:	jody@walsh-eng.com
Name:	Tom Greer
E-mail:	tgreer@walsh-eng.com

III. APPLICATION FEES

LEVEL III DEVELOPMENT (check applicable review)

☐	Less than 50,000 sq. ft.	\$750.00
☐	50,000 – 100,000 sq. ft.	\$1,000.00
☐	100,000 – 200,000 sq. ft.	\$2,000.00
☐	200,000 – 300,000 sq. ft.	\$3,000.00
☐	Over 300,000 sq. ft.	\$5,000.00
☐	Parking lots over 100 spaces	\$1,000.00
☐	After-the-fact Review	\$1,000.00 + applicable application fee above

PLAN AMENDMENTS (check applicable review)

☐	Planning Staff Review	\$250.00
☒	Planning Board Review	\$500.00

OTHER REVIEWS (check applicable review)

☐	Traffic Movement	\$1,500.00
☐	Stormwater Quality	\$250.00
☐	Subdivision	\$500.00 + applicable fee for lots/units below
	# of Subdivision Lots/Units [] x \$25.00 each	\$
☐	Site Location	\$3,500.00 + applicable fee for lots/units below
	# of Site Location Lots/Units [] x \$200.00 each	\$
☐	Change of Use	
☐	Flood Plain	
☐	Shoreland	
☐	Design Review	
☐	Housing Replacement	
☐	Historic Preservation	
TOTAL APPLICATION FEE DUE:		\$ 500.00

IV. FEES ASSESSED AND INVOICED SEPARATELY

- Notices to abutters (receipt of application, workshop and public hearing meetings) (\$.75 each)
- Legal Ad in the Newspaper (% of total ad)
- Planning Review (\$52.00 hour)
- Legal Review (\$75.00 hour)
- Third Party Review (all outside reviews or analysis, eg. Traffic/Peer Engineer, are the responsibility of the applicant and will be assessed and billed separately)

V. PROJECT DATA (Please enter n/a on those fields that are not applicable)

TOTAL AREA OF SITE	92,202	sq. ft.
PROPOSED DISTURBED AREA OF THE SITE	22,309	sq. ft.
<i>If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland.</i>		
IMPERVIOUS SURFACE AREA		
Impervious Area (Total Existing)	53,832	sq. ft.
Impervious Area (Total Proposed)	64,796	sq. ft.
Building Ground Floor Area and Total Floor		
Building Footprint (Total Existing)	49,326	sq. ft.
Building Footprint (Total Proposed)	59,089	sq. ft.
Building Floor Area (Total Existing)	147,978	sq. ft.
Building Floor Area (Total Proposed)	223,328	sq. ft.
ZONING		
Existing	B7	
Proposed, if applicable		
LAND USE		
Existing	Parking Garage	
Proposed	Parking Garage & Residential	
RESIDENTIAL, IF APPLICABLE		
# of Residential Units (Total Existing)		
# of Residential Units (Total Proposed)	52	
# of Lots (Total Proposed)	2	
# of Affordable Housing Units (Total Proposed)	6	
PROPOSED BEDROOM MIX		
# of Efficiency Units (Total Proposed)	2	
# of One-Bedroom Units (Total Proposed)	12	
# of Two-Bedroom Units (Total Proposed)	38	
# of Three-Bedroom Units (Total Proposed)	0	
PARKING SPACES		
# of Parking Spaces (Total Existing)	450	
# of Parking Spaces (Total Proposed)	446	
# of Handicapped Spaces (Total Proposed)	3	
BICYCLE PARKING SPACES		
# of Bicycle Spaces (Total Existing)	0	
# of Bicycle Spaces (Total Proposed)	44	
ESTIMATED COST OF THE PROJECT	\$5,850,000	

VI. APPLICANT SIGNATURE

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a ***legal signature*** per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant:	
Date:	3/1/2018

PRELIMINARY PLAN (Optional) - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST
x		1	Completed Application form
		1	Application fees
x		1	Written description of project
		1	Evidence of right, title and interest
		1	Evidence of state and/or federal approvals, if applicable
x		1	Written assessment of proposed project's compliance with applicable zoning requirements
x		1	Summary of existing and/or proposed easement, covenants, public or private rights-of-way, or other burdens on the site
x		1	Written requests for waivers from site plan or technical standards, if applicable.
n/a		1	Evidence of financial and technical capacity
x		1	Traffic Analysis (may be preliminary, in nature, during the preliminary plan phase)
Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST
x		1	Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Preliminary Site Plan including the following: (information provided may be preliminary in nature during preliminary plan phase)
x			Proposed grading and contours;
x			Existing structures with distances from property line;
x			Proposed site layout and dimensions for all proposed structures (including piers, docks or wharves in Shoreland Zone), paved areas, and pedestrian and vehicle access ways;
x			Preliminary design of proposed stormwater management system in accordance with Section 5 of the Technical Manual (note that Portland has a separate applicability section);
x			Preliminary infrastructure improvements;
x			Preliminary Landscape Plan in accordance with Section 4 of the Technical Manual;
x			Location of significant natural features (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features) located on the site as defined in Section 14-526 (b) (1);
n/a			Proposed buffers and preservation measures for significant natural features, as defined in Section 14-526 (b) (1);
x			Location , dimensions and ownership of easements, public or private rights of way, both existing and proposed;
x			Exterior building elevations.

FINAL PLAN - Level III Site Plan			
Applicant Checklist	Planner Checklist	# of Copies	GENERAL WRITTEN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Completed Application form
		1	* Application fees
		1	* Written description of project
		1	* Evidence of right, title and interest
		1	* Evidence of state and/or federal permits
		1	* Written assessment of proposed project's specific compliance with applicable Zoning requirements
		1	* Summary of existing and/or proposed easements, covenants, public or private rights-of-way, or other burdens on the site
		1	* Evidence of financial and technical capacity
		1	Construction Management Plan
		1	A traffic study and other applicable transportation plans in accordance with Section 1 of the technical Manual, where applicable.
		1	Written summary of significant natural features located on the site (Section 14-526 (b) (a))
		1	Stormwater management plan and stormwater calculations
		1	Written summary of project's consistency with related city master plans
		1	Evidence of utility capacity to serve
		1	Written summary of solid waste generation and proposed management of solid waste
		1	A code summary referencing NFPA 1 and all Fire Department technical standards
		1	Where applicable, an assessment of the development's consistency with any applicable design standards contained in Section 14-526 and in City of Portland Design Manual
		1	Manufacturer's verification that all proposed HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Applicant Checklist	Planner Checklist	# of Copies	SITE PLAN SUBMISSIONS CHECKLIST (* If applicant chooses to submit a Preliminary Plan, then the * items were submitted for that phase and only updates are required)
		1	* Boundary Survey meeting the requirements of Section 13 of the City of Portland's Technical Manual
		1	Final Site Plans including the following:
			Existing and proposed structures, as applicable, and distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone);
			Existing and proposed structures on parcels abutting site;
			All streets and intersections adjacent to the site and any proposed geometric modifications to those streets or intersections;
			Location, dimensions and materials of all existing and proposed driveways, vehicle and pedestrian access ways, and bicycle access ways, with corresponding curb lines;
			Engineered construction specifications and cross-sectional drawings for all proposed driveways, paved areas, sidewalks;
			Location and dimensions of all proposed loading areas including turning templates for applicable design delivery vehicles;
			Existing and proposed public transit infrastructure with applicable dimensions and engineering specifications;
			Location of existing and proposed vehicle and bicycle parking spaces with applicable dimensional and engineering information;
			Location of all snow storage areas and/or a snow removal plan;
			A traffic control plan as detailed in Section 1 of the Technical Manual;
			Proposed buffers and preservation measures for significant natural features, where applicable, as defined in Section 14-526(b)(1);
			Location and proposed alteration to any watercourse;
			A delineation of wetlands boundaries prepared by a qualified professional as detailed in Section 8 of the Technical Manual;
			Proposed buffers and preservation measures for wetlands;
			Existing soil conditions and location of test pits and test borings;
			Existing vegetation to be preserved, proposed site landscaping, screening and proposed street trees, as applicable;
			A stormwater management and drainage plan, in accordance with Section 5 of the Technical Manual;
			Grading plan;
			Ground water protection measures;
			Existing and proposed sewer mains and connections;

- Continued on next page -

		Location of all existing and proposed fire hydrants and a life safety plan in accordance with Section 3 of the Technical Manual;
		Location, sizing, and directional flows of all existing and proposed utilities within the project site and on all abutting streets;
		Location and dimensions of off-premises public or publicly accessible infrastructure immediately adjacent to the site;
		Location and size of all on site solid waste receptacles, including on site storage containers for recyclable materials for any commercial or industrial property;
		Plans showing the location, ground floor area, floor plans and grade elevations for all buildings;
		A shadow analysis as described in Section 11 of the Technical Manual, if applicable;
		A note on the plan identifying the Historic Preservation designation and a copy of the Application for Certificate of Appropriateness, if applicable, as specified in Section Article IX, the Historic Preservation Ordinance;
		Location and dimensions of all existing and proposed HVAC and mechanical equipment and all proposed screening, where applicable;
		An exterior lighting plan in accordance with Section 12 of the Technical Manual;
		A signage plan showing the location, dimensions, height and setback of all existing and proposed signs;
		Location, dimensions and ownership of easements, public or private rights of way, both existing and proposed.



**PORTLAND FIRE DEPARTMENT
SITE REVIEW
FIRE DEPARTMENT CHECKLIST**



A separate drawing[s] shall be provided as part of the site plan application for the Portland Fire Department's review.

1. Name, address, telephone number of applicant
- 2.
3. Name address, telephone number of architect
4. Proposed uses of any structures [NFPA and IBC classification]
- 5.
6. Square footage of all structures [total and per story]
7. Elevation of all structures
8. Proposed fire protection of all structures
 - **As of September 16, 2010 all new construction of one and two family homes are required to be sprinkled in compliance with NFPA 13D. This is required by City Code. (NFPA 101 2009 ed.)**
9. Hydrant locations
10. Water main[s] size and location
11. Access to all structures [min. 2 sides]
12. A code summary shall be included referencing NFPA 1 and all fire department. Technical standards.

Some structures may require Fire flows using annex H of NFPA 1

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Bradley Roland, P.E.
Water Resources Division

Date: _____

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: _____

Chart Block Lot Number: _____

Proposed Use: _____

Previous Use: _____

Existing Sanitary Flows: _____ GPD

Existing Process Flows: _____ GPD

Description and location of City sewer that is to
receive the proposed building sewer lateral.

Site Category	
Commercial (see part 4 below)	☐
Industrial (complete part 5 below)	☐
Governmental	☐
Residential	☐
Other (specify)	☐

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: _____ Phone: _____

Owner/Developer Name: _____

Owner/Developer Address: _____

Phone: _____ Fax: _____ E-mail: _____

Engineering Consultant Name: _____

Engineering Consultant Address: _____

Phone: _____ Fax: _____ E-mail: _____

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: _____ GPD

Peaking Factor/ Peak Times: _____

Specify the source of design guidelines: (i.e. __ "Handbook of Subsurface Wastewater Disposal in
Maine," __ "Plumbers and Pipe Fitters Calculation Manual," __ Portland Water District Records,
Other (specify) _____

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: _____

Size of External Grease Interceptor: _____

Retention Time: _____

Peaking Factor/ Peak Times: _____

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: _____ GPD

Do you currently hold Federal or State discharge permits? _____

Yes _____ No _____

Is the process wastewater termed categorical under CFR 40? _____

Yes _____ No _____

OSHA Standard Industrial Code (SIC): _____

(<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.



A Guide to Holding Neighborhood Meetings Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

In order to improve communication between applicants and neighbors, the City of Portland requires applicants who are proposing certain types of development review projects, to hold a neighborhood meeting.

Developments requiring a neighborhood meeting

- Proposed map amendments, contract zones and zoning text amendments that would result in major development;
- Subdivisions of five or more units or lots;
- Master Development Plans; and
- Level III site plan proposals as defined in Section 14-523.

(The Land Use Code, including Article II (Planning Board) and Article V (Site Plan – which contains the neighborhood meeting requirements), are available on the City's web site at www.portlandmaine.gov/citycode/chapter014.pdf)

Timing of meeting

- **Subdivisions of 5 or more units or lots, zone changes, contract zones, zoning text amendments and Level III site plans:**
 - Preliminary Site Plan - The meeting should be held within 30 calendar days of filing the application.
 - Final Site Plan – If only a final plan is submitted, the meeting should be held within 21 calendar days of filing the application and no less than 7 calendar days before the public hearing.
- **Master Plan Development:**
 - The meeting should be held within 30 calendar days of filing the application.
 - The meeting should be held on a date no less than 7 calendar days before a public workshop or public hearing.
 - The meeting shall not be combined with any required neighborhood meeting for the Level III applications.

Location of meeting

- The meeting should be held in the evening, during the week, at a convenient location within the Portland neighborhood surrounding the proposed site. Community meeting spaces at libraries, schools or other places of assembly are recommended. Neighborhood schools are usually available for evening meetings.
- Meetings should not be held on the same day as scheduled Planning Board or City Council meetings. The City Council generally meets on the 1st and 3rd Monday of each month and the Planning Board generally meets on the 2nd and 4th Tuesday of each month; however additional meetings may be scheduled. An updated schedule may be found on the City's website: www.portlandmaine.gov

Invitation List

- Property owners within 500 feet of the proposed development (1000 feet for proposed industrial subdivisions and industrial zone changes)
- Interested citizens and neighborhood groups.

The Planning Division provides the mailing labels. We require at least 48 hours notice to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels. An electronic version (excel or word format) of the labels can also be e-mailed upon request.

A digital copy of the notice must be provided to the Planning Office (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner, which will then be forwarded to those on the interested citizen list who receive e-mail notices.

When to Send Invitations

- Invitations must be sent **no less than 10 days (to include weekends)** prior to the neighborhood meeting.
- Notices may be sent by regular mail and do not need to be sent by certified mail.

Notice Description

A recommended invitation format is included in this packet of material.

Attendance Sheet and Meeting Minutes

- Sign-in sheet must be circulated for those in attendance.
- Applicant shall take accurate minutes of the meeting.
- The sign-in sheet and minutes shall be submitted to the Planning Division.

A public hearing will not be scheduled until the meeting minutes and sign-up sheet are submitted to the Planning Division.

A Certification form is included with this packet to be completed and signed by the applicant.

Please call the Planning Division at 874-8721 or 874-8719 if you have any questions.

Attachments

1. Neighborhood Meeting Invitation Format
2. Neighborhood Meeting Certification

EXAMPLE: Neighborhood Meeting Invitation Format

**Applicant/Consultant
Letterhead**

(Date)

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for a (development proposal) located at (location/number and street address).

Meeting Location: _____

Meeting Date: _____

Meeting Time: _____

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an “interested parties list”, be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please call (telephone number of applicant or consultant).

Sincerely,

(Applicant)

Note:

Under Section 14-32(C) and 14-524(a)d of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within 30 days of submitting a preliminary application or 21 days of submitting a final site plan application, if a preliminary plans was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email: to bab@portlandmaine.gov

EXAMPLE: Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least ten (10) days prior to the neighborhood meeting), invitations were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development or within 1000 feet of a proposed industrial subdivision or industrial zone change.
2. Residents on the "interested parties" list.
3. A digital copy of the notice was also provided to the Planning Division (jmy@portlandmaine.gov and ldobson@portlandmaine.gov) and the assigned planner to be forwarded to those on the interested citizen list who receive e-mail notices.

Signed,

_____ (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

A R C H I T E C T Y P E

February 28, 2018

Jean Fraser
Planner
Planning & Transportation Division
389 Congress St, Portland, ME 04101

Dear Ms. Fraser,

Since the approval of Westerlea View Lofts at 75 Chestnut Street, there have been modifications made that affect the approved documents. The changes were made for multiple reasons including potential owner requests, structural and code implications of approved items and reconfiguration for interior layout purposes as the project developed. The following list includes the design changes that have occurred that we plan to present at the March 13th Planning Board.

-The windows are shorter and therefore smaller than the approved windows due to the final decision in structural floor framing and a decrease in allowable header height.

-The mezzanine level was removed due to potential owner request and a parapet replaced it to help keep the form of the building in order. This did allow us to lower the building at the east and west end, therefore shortening the overall height which is important as it relates to Oxford Street.

-The decks were reconfigured at the southeast corner of the building because of structural and rating implications. This also made minor changes to the footprint of the building.

-The large bump out on the Chestnut Street elevation towards the west end of the building was widened. This allowed for a much better interior layout and nicer bedrooms for the units. It also caused an adjustment in the footprint of the building. An addition column of windows was added to the bump out to increase light in the space and to balance the exterior penetration pattern.

-Windows were adjusted as the interiors developed.

-The deck at the 3rd floor level over the top of the parking garage has been eliminated and replaced with a small roof with a sprinkler system. It was found the deck was not needed by code and the sprinkler system could replace it.

-The decks on the long elevations of the 7th floor have been reconfigured into rectangular form as opposed to the triangular form that went through planning board. This was done both to solve interior layout problems caused by the angles and it also made for easier to use deck space.

-One material, the Nichiha in sandstone, has been replaced with a similar Hardie panel because of cost.

Sincerely,



William K. Hopkins
Registered Architect

File: 16142

February 27, 2018

Ms. Jean Fraser
City of Portland, Planning Division
389 Congress Street 4th Floor
Portland, ME 04101

RE: Chestnut Street, Westerlea View Lofts

Dear Jean,

As requested, this letter notes the changes to the plans to bring the project into compliance with the Planning Board's Conditions of Approval. We are requesting a building Permit so the project can move forward.

The following changes have been made to the site plans.

1. The building footprint has been revised responding to the Staff comments.
2. The tree wells on Chestnut Street have been revised. We have added an additional tree. The spacing has been revised to ensure that at least 4 feet of walk is available.
3. The easements and licensing have been revised to match the new building footprint.
4. The grading at the entrance door and across the entrance drive off Chestnut Street have been coordinated with the new footprint to ensure a 2% cross slope.
5. The Oxford end of the building has been modified. It includes a vent for the laundry and new plaza area.
6. The utility connections for the building have been revised to match the new utility room location.
7. Additional notes have been added at the corner of Lancaster and Chestnut to eliminate any ponding of water.

Below is a response to the Conditions of Approval for the Subdivision and Site Plan.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the plan is in conformance with the subdivision standards of the land use code and approves the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

- i. *The applicant shall submit a final subdivision plat for review and approval by*

Corporation Counsel, the Department of Public Works, and the Planning Authority;

Attached is the revised Subdivision Plan for the City review.

- ii. *The applicant shall provide drafts of all necessary easements, including but not limited to:*
 - a. *Temporary construction easement from the City of Portland to Westerlea View Lofts;*
To be obtained prior to signing of the PLAT.
 - b. *License from the City of Portland to Westerlea View Lofts for building footings;*
To be obtained prior to signing of the PLAT.
 - c. *Easement(s) for the deck extensions above the existing parking garage structures (air rights);*
To be obtained prior to signing of the PLAT.
 - d. *Access easement for sidewalks that are on the site property;*
To be obtained prior to signing of the PLAT.
 - e. *Easement or other legal document to secure required parking for the residential units; for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.*

Please see attachment – Owner Agreements.

C. SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in planning board report for the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. *That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1 and E-3, particularly addressing:*
 - a. *Articulated roofline;*
Please see A2.01 – Building Elevations Proposed.
 - b. *Massing and scale to transition and integrate with the residential context on Chestnut Street;*
Please see A2.01 – Building Elevations Proposed, Rendering from Lancaster Proposed.
 - c. *Pedestrian experience on Chestnut Street; and*
Please see A2.01 – Building Elevations Proposed, Rendering from Lancaster Proposed.
 - d. *Materiality;*
Please see A2.01 – Building Elevations Proposed.
to be reviewed and approved by the Planning Board.
- ii. *That the project is subject to the submitted Transportation Demand Management Plan dated October 2016, to include annual monitoring studies that comply with the requirements set out in the comments of the Traffic Engineering reviewer Tom Errico dated 12.9.2016; and*
Will be sending in annual monitoring studies.

- iii. *That the applicant submit a revised and more detailed plan for the amenity area between the building and Lancaster Street that demonstrates that the safety and security of the area meets CPTED standards eg re lighting, visual surveillance and similar issues including landscape features; and*
The plans have been revised to show the outdoor space with the landscaping.
- iv. *That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted construction stormwater management plan and sediment and erosion control plan dated 9.30.2016 based on City standards and State guidelines. A Maintenance Agreement for the stormwater drainage system shall be approved by Corporation Counsel and the Department of Public Works, and submitted, signed and recorded prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works; and*
Not required at this time.
- v. *That plans showing details for the areas listed below shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit:*
 - a. *Patio/entrances on Oxford Street*
Please see Site Plan.
 - b. *Doors for entrance to parking garage on Chestnut Street*
Please see A2.01 – Building Elevations Proposed.
 - c. *Decks over parking lot*
Please see A5.05 – Exterior Details.
 - d. *Live-work unit*
TBD – Will be decided with future tenant permit.
 - e. *Parking layout (dimensioned) for ADA spaces and demonstration that it meets applicable state and federal standards regarding ADA van parking.*
Please see A1.01 – First Floor Plan Proposed.
- vi. *That the applicant shall revise plans and provide design details for the following elements in the City's Right of Way, for review and approval prior to the issuance of a building permit:*
 - a. *Driveway aprons on Oxford Street and Lancaster Street, noting a pedestrian accessibility route with a maximum 2% cross-slope, and whether full or partial adjustment to the grade of the driveway apron is required;*
The cross slope is noted on C1.4 and on the detail sheet C2.4.
 - b. *Grading adjustments for the sidewalk ramp construction at the corner of Chestnut Street and Lancaster Street to address the ponding of water that currently impacts the pedestrian walking route; and*
A note was added to C1.4.
 - c. *The provision of an underground lighting conduit as part of the sidewalk reconstruction along the lot frontage on Oxford Street.*

A note was added to C1.4.

- vii. *That the applicant shall submit details of the location, design and screening of façade and rooftop external heating, ventilation and other mechanical equipment, and associated information to document the sound levels meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority; and*

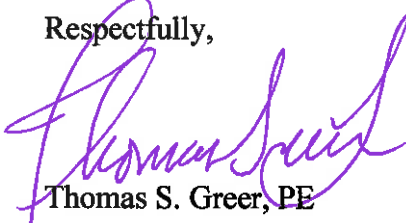
Please see Roof Plan w/ RTUS, Mitsubishi Cut Sheets and A5.05 – Exterior Details.

- viii. *That the applicant address the Fire Department comments dated 9.7.2016; and*
Please see A2.01 – Building Elevations Proposed.

- ix. *That the proposed building mounted wall sconces shall be installed so that the light is directed downward.*

Please see A2.01 – Building Elevations Proposed.

Respectfully,

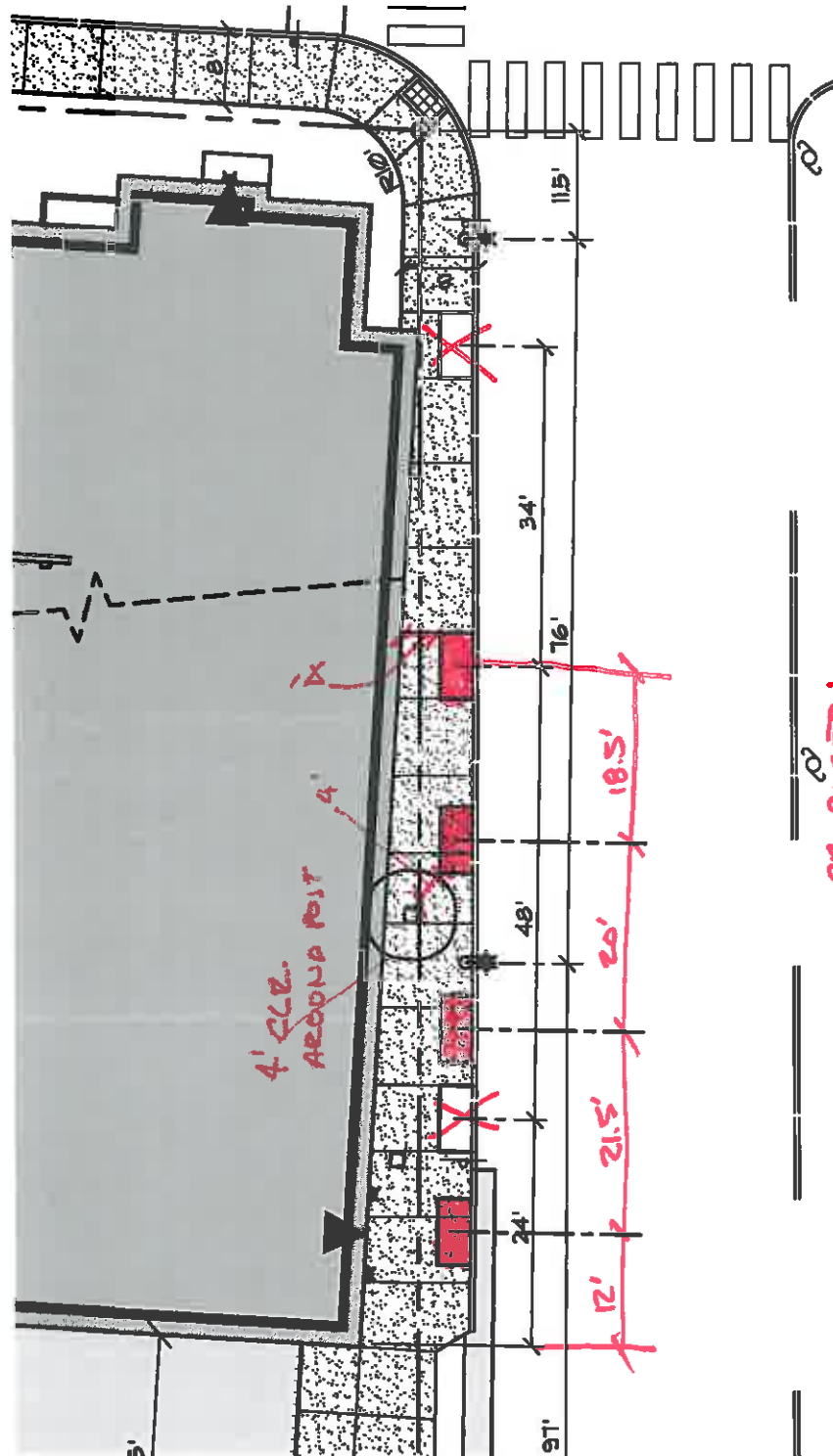


Thomas S. Greer, PE

Walsh Engineering Associates, Inc.

cc: File

Enc.



PROPOSED:
4 TREES
PREVIOUSLY: 3

KEEP - 1
DELETE - 1
RELOCATE - 1
ADD - 2

**A & M PARTNERS, INC.**

REAL ESTATE DEVELOPMENT/MANAGEMENT

120 EXCHANGE STREET PORTLAND, MAINE 04101

(207) 879-1358

December 3, 2016

Planning Department
City of Portland
Congress Street
Portland, Maine. 04101

Re: Westerlea View Lofts, Parking

Dear Planning Board and Staff,

As a requirement to the parking needs of the Westerlea View lofts, I have outlined the following. A&M Partners, Inc. is the owner of the Chestnut Street Garage. This is a 3 story 450 space structure. As managers of the garage we work hard to fill the available spaces with long and short term parkers. We do not rent on an hourly basis in the facility. We currently have approximately 44% (200 spaces) of the spaces committed to long term Leases. Those Leases do not exceed 5 years, and the majority of them are less than 2 years. In addition, we have approximately 25% (115 spaces) leased to Monthly parkers. The other daily parkers are less than 10% (45 spaces).

As you can understand our occupancy fluctuates from season to season. I have used our peak occupancy levels above. Generally speaking, the Chestnut Street Garage has an average occupancy of about 75% (335 spaces). That leaves well over the required parking needs of the Westerlea View Lofts of 54 spaces. These occupancy numbers do not take into consideration that 90% (325 spaces) are day time parkers and around 10 are nights and weekend parkers. The garage is virtually empty during these hours.

I understand from the development codes that I am required to have a space for each unit (54spaces). The occupancy levels I have stated above will meet that requirement easily. If the board requires some document to be signed to commemorate that obligation I am happy to do so. If more spaces are needed at the garage I can and will make them available. I would say that I have owned the garage for over 10 years and I have not seen it fully occupied. There would be no reason for me not to make spaces available to any tenant in the Westerlea View Lofts.

I have attached a plan of the parking levels in the Chestnut Street Garage and the locations of the handy cap spaces and bike racks. We do not assign any spaces to our customers in the Chestnut Street garage. In addition, the location of the access points to the from the Garage to the Westerlea View Lofts interior common areas.

Sincerely:

Louis C. Wood
President

A&M Partners, Inc.

Attached:

TDM Plan

Floor Plan Chestnut Street garage.

A1

SHEET NO.

DATE: 10/1/77
BY: J. J. GILBERT
CHECKED: J. J. GILBERT
DRAWN: J. J. GILBERT

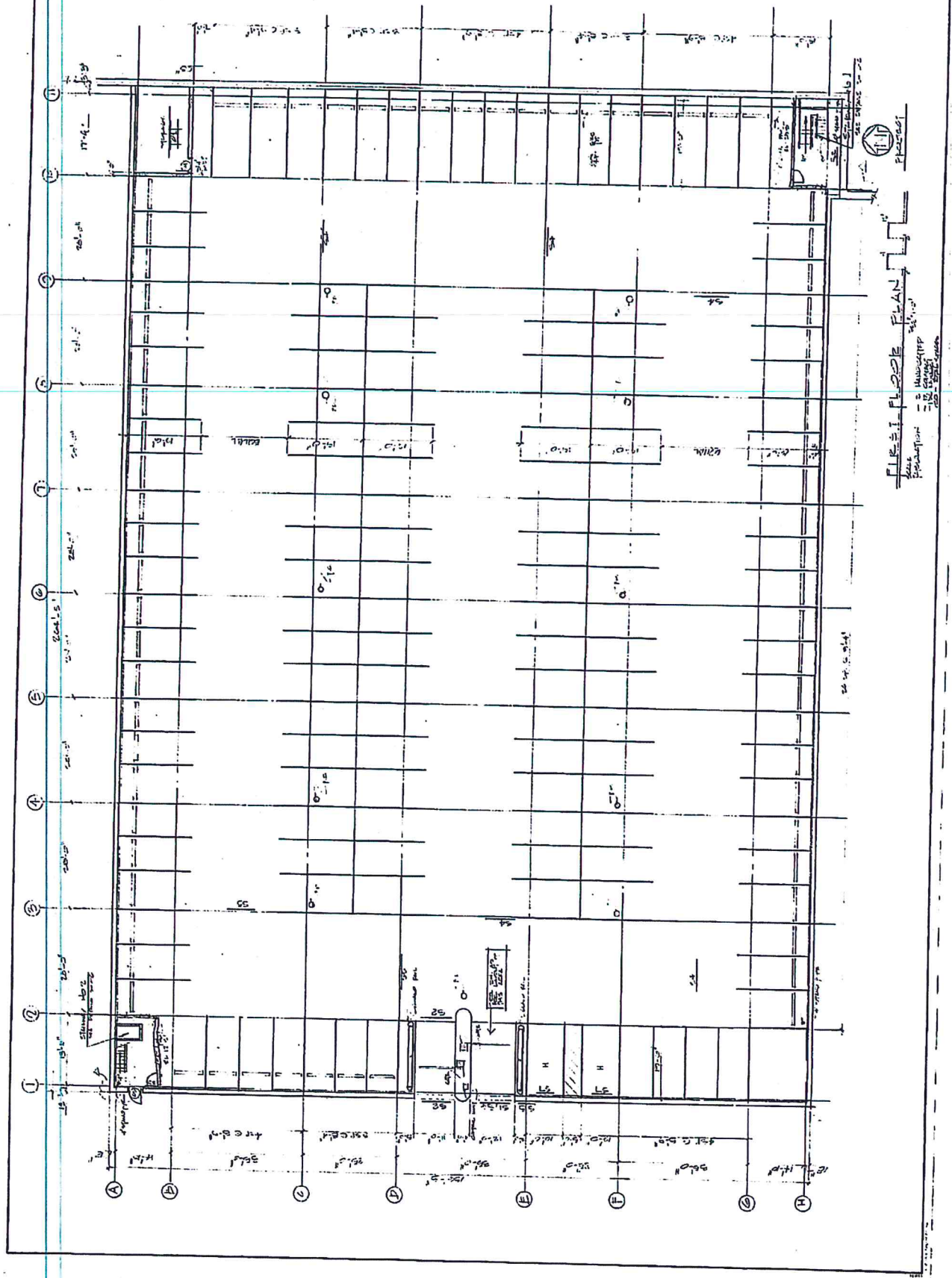
PROJECT: 100-1111
SHEET: 100-1111-1

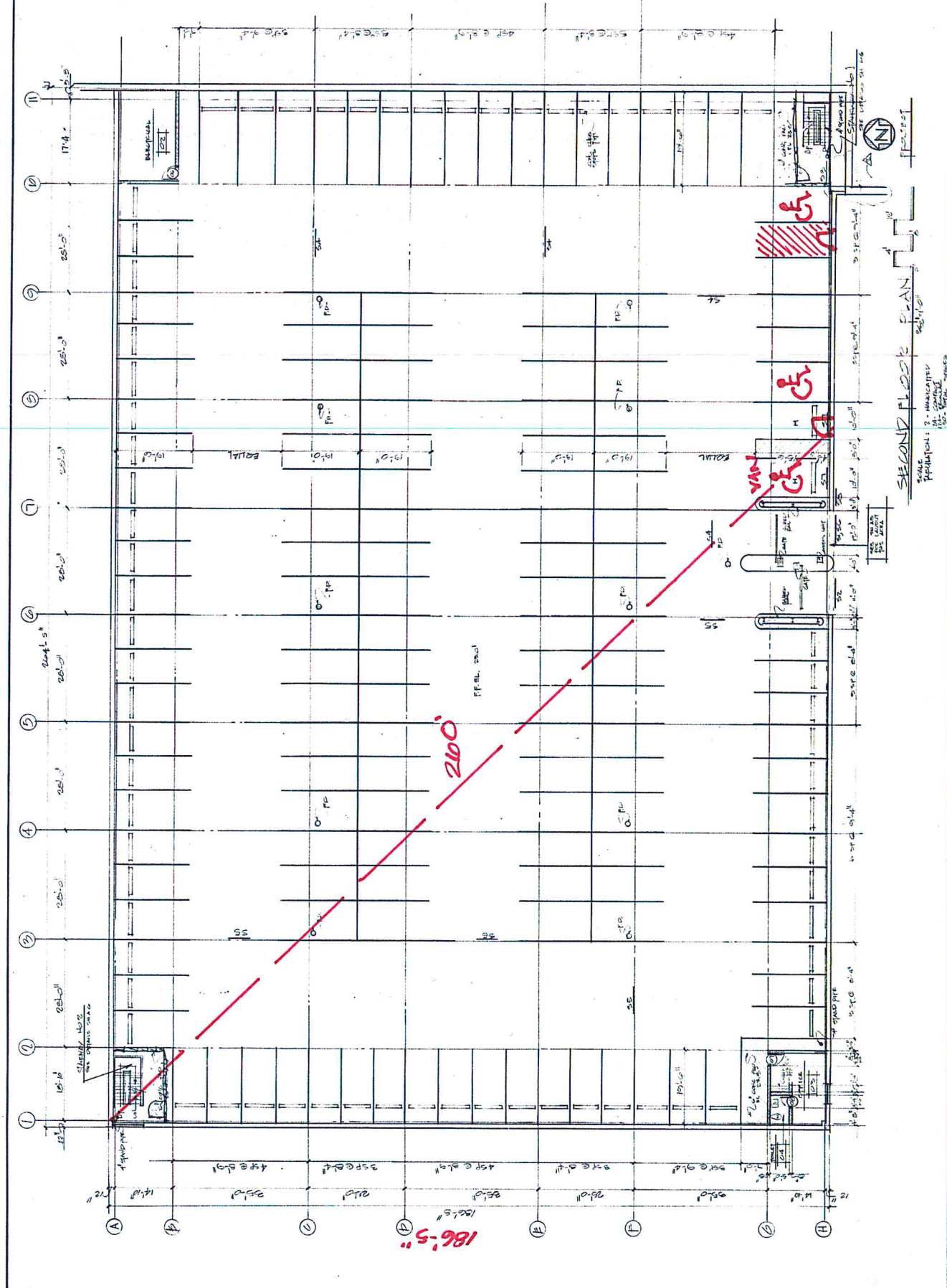
PROJECT: 100-1111
SHEET: 100-1111-1

PROJECT: 100-1111
SHEET: 100-1111-1

PROJECT: 100-1111
SHEET: 100-1111-1

PROJECT: 100-1111
SHEET: 100-1111-1





A3

SHEET NO

DATE: 11-1-56
BY: J. H. BROWN
CHECKED: J. H. BROWN

DRAWN: G. L. L.

JOB TITLE: CHESTNUT STREET
TANNING GARAGE
PORTLAND, ME

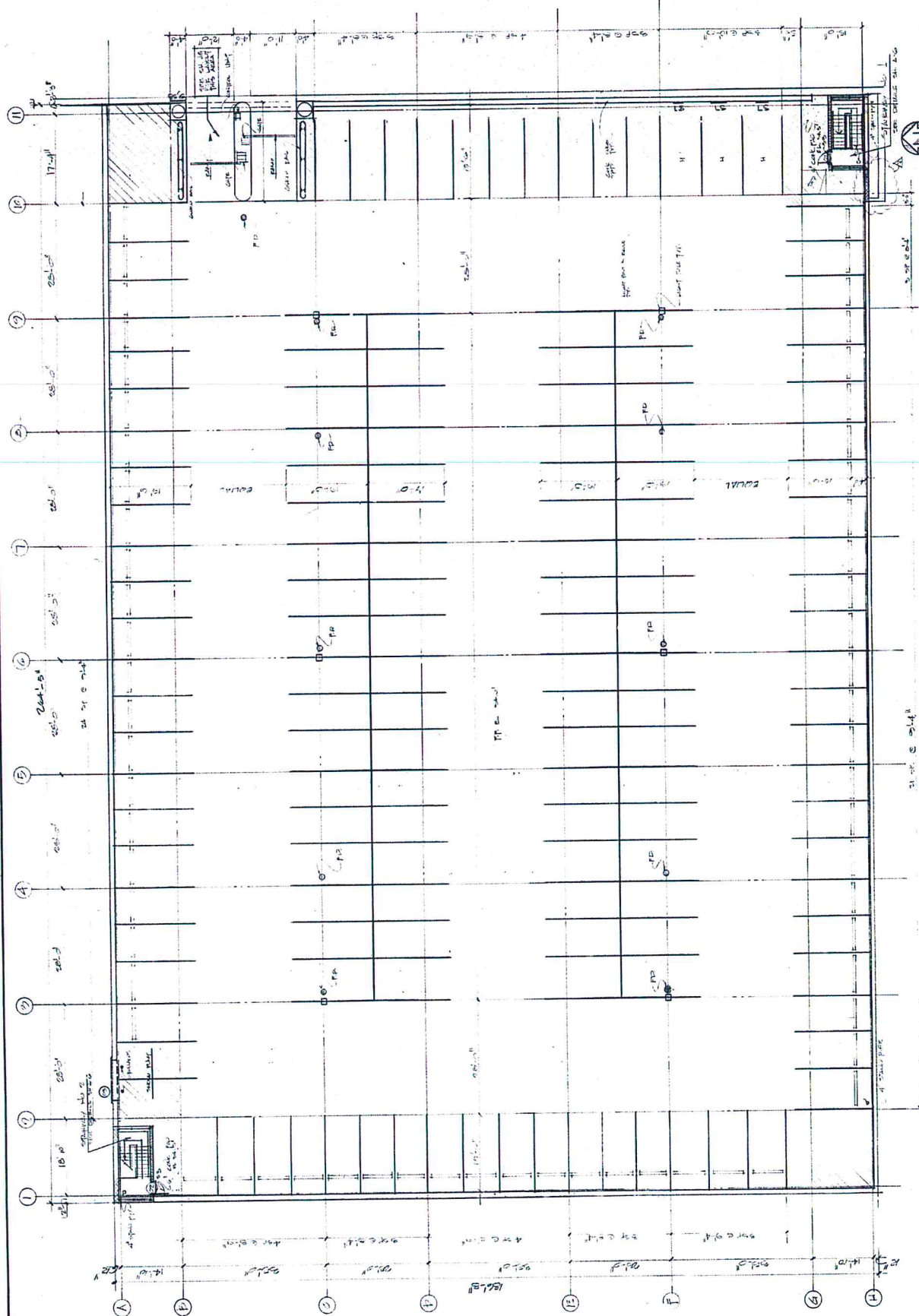
THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

STEVENS ASSOCIATES
ARCHITECTS & ENGINEERS
73 OAK STREET
PORTLAND, MAINE
772-2846

RECEIVED
MAY 18 1958
DOWBURY, INC.

THIRD FLOOR PLAN

SCALE: 1/8" = 1'-0"
TANNING GARAGE
PORTLAND, ME



**RECIPROCAL AGREEMENT REGARDING
COVENANTS, EASEMENTS, EXTERIOR SPACE ASSOCIATION, AND RESTRICTIONS**

WHEREAS, A& M Partners, Inc, a Maine corporation with a place of business in Portland, Maine ("A&M"), owns certain three condominium units along with air rights above said units located at 75 Chestnut Street, City of Portland, County of Cumberland, State of Maine, as described in deeds recorded in the Cumberland County Registry of Deeds at Book 14649, Page 171 ("Unit 1"), Book 27183, Page 53 ("Unit 2"), and Book 14649, Page 174 ("Unit 3") and as more particularly described in the deeds attached hereto as Exhibit A attached hereto (hereinafter Units 1, 2 and 3 may be referred to collectively as the "75 Chestnut Street Garage Condos"); and

WHEREAS, Saulnier Development, LLC ("Saulnier"), a Maine Limited Liability Company with a place of business in Saco, Maine owns certain real estate located at 75 Chestnut Street, City of Portland, State of Maine, as described in a deed recorded in the Cumberland County Registry of Deeds at Book , Page and as more particularly described the deed in Exhibit B attached hereto (hereinafter the "75 Chestnut Street Residential Property");

WHEREAS, the land comprising the 75 Chestnut Street Residential Property was previously part of the common elements of the Chestnut Street Garage Condos condominium association;

WHEREAS, the 75 Chestnut Street Garage Condos and the 75 Chestnut Street Residential Property comprise four separate real estate holdings containing three condominiums owned by A&M Partners, Inc and adjoining land owned by Saulnier which Saulnier intends to develop as a housing project called "Westerlea View Lofts" (the "Housing Project") resulting in the 75 Chestnut Street Garage Condos and the Housing Project sharing a common boundary;

WHEREAS, it is desired that certain easements, restrictions and covenants be imposed upon the 75 Chestnut Street Residential Property and the 75 Chestnut Street Garage Condos (collectively, the "Property") for the protection of the 75 Chestnut Street Garage Condos and the Housing Project and subsequent Owners, concerning the maintenance, repair, insurance, and replacement of the walls along the common boundary line and any Party Wall, and concerning other related rights and obligations between the Owners of the of the 75 Chestnut Street Garage Condos and the Housing Project with respect to utilities, repairs and maintenance, access areas, air rights, and the exterior areas of the properties;

NOW, THEREFORE, the parties to this Agreement agree that all of the Property shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are intended for the purpose of protecting the value and desirability of the said Property. Each of these easements, restrictions, covenants, and conditions shall run with the real property, and shall be binding upon all parties having any right, title or interest in the Property or any part thereof. These easements, restrictions, covenants, and conditions shall bind their heirs, successors and assigns forever and shall inure to the mutual benefit of each owner hereafter.

**ARTICLE 1
DEFINITIONS**

The following terms shall have the following meanings as used in this Agreement.

Section 1.1 “**Agreement**” shall mean this Reciprocal Agreement Regarding Party Wall Covenants, Easements, Exterior Space Association, and Restrictions.

Section 1.2 “**Development Plans**” shall mean the site plan approvals by the City of Portland Planning Board for the Housing Development.

Section 1.3 “**Mortgagee**” shall mean the first mortgagee under a mortgage against any component of the Property;

Section 1.4 “**Occupant**” shall mean the occupant of the residential and/or commercial unit(s) in the Property.

Section 1.5 “**Owner**” shall mean the owner of record, whether one or more persons or entities, of the fee simple title to and real estate or condominium unit that is part of the Property.

Section 1.6 “**Affected Properties**” shall mean the Housing Project and the 75 Chestnut Street Garage Condos.

Section 1.7 “**Garage Stairwell**” shall mean the garage stairwell located at the corner of Chestnut Street and Oxford Street.

ARTICLE 2

DEVELOPMENT OF THE HOUSING PROJECT

Section 2.1. Saulnier agrees to develop the Housing Project pursuant to and consistent with: (i) the site plans approved by the City of Portland Planning Board dated _____ and recorded in the Cumberland County Registry of Deeds under Book _____ and Page _____, and (ii) the Final Building Plans for Construction by Archetype dated _____ (a true copy of the Final Building Plans are attached hereto as Exhibit C). Saulnier shall not substantially vary the location and design of the Housing Project without the advance written consent of A & M Partners or its successor in title.

Section 2.2 During the construction of the Housing Project, Saulnier shall coordinate the construction activities and construction schedule with A&M Partners so as to avoid unnecessary negative impacts on A&M Partners and its parking tenants. The entrance to the 2nd level of the 75 Chestnut Street Garage Condos shall not be blocked at any time unless Saulnier has scheduled the work at least 48 hours in advance with A&M Partners. Any scheduled shut down of the 2nd level access to the 75 Chestnut Street Garage Condos shall be limited to “Off Hours” which means between 7pm and 7am. At all times, one lane of access shall be maintained on the 2nd level access to allow parking tenants access to the parking area in the 75 Chestnut Street Garage Condos at all times. Any construction on the Garage Stairwell shall be coordinated and scheduled by Saulnier in advance with A&M Partners. Any changes to the Garage Stairwell shall be approved in writing in advance by A&M Partners before any changes are made.

ARTICLE 3
ACCESS AND STAIRWELL EASEMENTS

Section 3.1 Saulnier hereby grants, transfers and conveys an exclusive and perpetual easement to the 75 Chestnut Street Garage Condos for: (i) access over and across the 75 Chestnut Street Property (the "burdened premises") for the purposes providing ingress and egress to the 2nd floor parking at the Chestnut Street Garage Condos within the existing paved entry way from Chestnut Street to the parking garage, and for ingress and egress by pedestrians and by vehicles from and to Chestnut Street over the existing access road from and to Chestnut Street, including specifically the owner of the Chestnut Street Garage Condos and their successors and or assigns, including, without limitation, their parking tenants, employees, occupants, tenants, guests, agents, and employees, and (ii) a non-exclusive right of access for pedestrian use of the Garage Stairwell and the access to the Garage Stairwell from all Street abutting the property over and across the entire length and width of the exterior areas and sidewalks that provide access to the Garage Stairwell and the right to use the stairs within the Garage Stairwell for the purpose of providing access to and egress from the 75 Chestnut Street Garage Condominiums, with such use and access of the Garage Stairwell to be available at all times. In the event an owner of any of the 75 Chestnut Street Garage Condos expands and/or develops the condominium units the easements granted herein shall be expanded to provide full use and access to the Garage Stairwell for such expanded uses and development.

Meaning and intending to provide the 75 Chestnut Street Garage Condos, and each and every unit owner of said condominiums, as well as any guests, agents, customers, and employees of any tenant located in said condominium, ingress and egress by foot or by vehicle, from and to Chestnut Street and the 75 Chestnut Street Garage Condominiums through the 2nd floor access lanes, as well as to the Garage Stairwell and the exterior areas of the 75 Chestnut Street Property providing access to the Garage Stairwell.

These rights are granted for the express benefit of each of the condominium units comprising the 75 Chestnut Street Garage Condos, and all their successors and assigns, including specifically the owner, tenants, parking tenants, occupants, guests, employees, agents, and customers using, visiting or working at the 75 Chestnut Street Garage Condos, to use and enjoy said easement areas.

The Owners of 75 Chestnut Street Garage Condos will have the easement rights to install, maintain and improve a vehicle and pedestrian gate under the entry to the 2nd level of the Chestnut Street Garage. Said gate will be designed, paid and installed by the Chestnut Street Garage Condo Owner. Saulnier will grant the Owners of the Garage Condos the rights to construct any and all necessary requirements to install such gate weather internal or external to the Apartment structure, or any necessary underground requirements. In addition, the Chestnut Street Garage Condos Owner will have the right to install lighting and or security equipment of any kind. Wiring required for that equipment or lighting maybe installed either external or internal to the Apartment Structure. The Chestnut Street Garage Condos Owner will be responsible for any cost associated with the operation of that equipment.

Both Owners agree that Security of both properties is important to the overall quality of the property. Owners will work together to assure the quality of security. Each property will be allowed to connect to the others Security Cameras. Said cost of connection will be paid by each respective owner.

ARTICLE 4

UTILITIES

Section 4.1. All utilities located on the 75 Chestnut Street Residential Property and on or in the 75 Chestnut Street Garage Condos shall not be disturbed or relocated without the written consent of each party to this Agreement. The parties to this Agreement grant to each other perpetual easements on their respective properties for the existing utilities, lines, wires, pipes and conduits (collectively, the "Utility Lines") located on such property and the perpetual and irrevocable right to repair, improve, and replace such Utility Lines at any time, with any damage caused by such activities to be repaired promptly and completely by the party taking such actions.

ARTICLE 5

AIR SPACE RIGHTS

Section 5.1 The parties to this Agreement agree and recognize that A&M Partners, Inc. owns the rights to the airspace above the 75 Chestnut Street Garage Condos. The parties recognize that the Development Plans for the Housing Project calls for the Housing Project structure to extend into the air space above the 75 Chestnut Street Garage Condos into an area that is no more than 14 feet from the boundary line of the 75 Chestnut Street Residential Property. A&M Partners hereby grants Saulnier the right extends its building up to 14 feet into the aforementioned air space as measured from the common boundary line between the 75 Chestnut Street Residential Property and the 75 Chestnut Street Garage Condos. The rights granted herein for the air space shall be a perpetual right and easement.

ARTICLE 6

PARKING SPACE LEASE

Section 6.1 The 75 Chestnut Street Garage Condos owner shall provide the 75 Chestnut Street Residential Property with 54 parking spaces for the sole use of the apartments to be constructed on such property. The location of the parking spaces will be undesignated and the 75 Chestnut Street Garage Condos owner shall have the right to identify which level(s) of parking are to be used for parking. The lease rates for the 54 parking spaces will be the lowest advertised group rate at the time that a lease is executed by Saulnier and 75 Chestnut Street Garage Condos owner, and such rent shall be adjusted on an annual basis, but in no event will the parking rate be less than \$50 per parking space per month. All parties using the parking spaces shall be required to comply with the Rules and Regulations established by 75 Chestnut Street Garage Condos owner for the parking lease and such Rules and Regulations may be changed from time to time by 75 Chestnut Street Garage Condos owner. The rights and obligations for the parking spaces referred to herein shall be governed by a separate lease for the parking spaces between 75 Chestnut Street Garage Condos owner and the owner of the 75 Chestnut Street Residential Property.

ARTICLE 7

MAINTENANCE

Section 7.1 Covenants Regarding Maintenance, Damage to Structure, Indemnification. The Property is subject to the covenant that each respective Owner shall maintain the roofing, siding, and any related structural improvements and weatherproofing of such Owner's property in good condition and in a manner to prevent reasonably foreseeable damage to the other Owner's property and any

adjoining walls and/or adjoining spaces. Each Owner shall have the right to enter into the other Owner's land to conduct construction, repairs, replacement and improvements to the Owner's property. In each such event, the Owner wishing to undertake such activities shall first notify the other Owner in advance and the Owners so cooperate in scheduling the work and minimizing the negative impacts on the Owners and their tenants. If an owner shall cause, by reason of negligence, unlawful conduct, or otherwise, any damage to the other Owner's property, such Owner shall be liable for such damage and any related costs, damages, liabilities, claims, or expenses and for the cost and expense of any associated repairs, reconstruction, or restoration, and additionally such Owner shall indemnify and hold harmless the other Owner from all liabilities, actions, claims, and damages incurred or suffered by such other Owner in connection therewith.

Section 7.2 Maintenance and Repair. Each Owner shall provide the other with reasonable prior notice of any painting, roofing, siding, repair, reconstruction, or other maintenance to the walls on the common boundary line. The Owner providing such notice of Maintenance Work shall obtain the consent of the other Owner prior to commencing such Maintenance Work, which consent shall not be unreasonably withheld, conditioned, or denied. If the Owners are unable to agree with respect to the Maintenance Work, then such matter shall be arbitrated pursuant to this Agreement.

ARTICLE 8

EXTERIOR SPACE ASSOCIATION

The 75 Chestnut Street Residential Property and the 75 Chestnut Street Garage Condos share an exterior common area (the "Exterior Area") as shown on Exhibit D. The owners of the 75 Chestnut Street Garage Condos and the 75 Chestnut Street Residential Property, and their heirs, successors, and/or assigns, agree that the Exterior Areas shall be utilized and managed as follows:

(a) The owners of the 75 Chestnut Street Residential Property and the 75 Chestnut Street Garage Condos shall each contribute one-half (1/2) of the costs of maintaining and/or improving the Exterior Space. The owners shall meet on an annual basis to plan the maintenance and improvements for the Exterior Area and shall agree upon a budget for such work.

(b) The parties shall make reasonable efforts to reach consensus on expenditures with respect to the Exterior Area. In the event that the parties are unable to agree on any matter, the decision by the 75 Chestnut Street Garage Condos owner shall be binding upon the parties.

ARTICLE 9

CONDEMNATION

If all or a portion of the Party Wall or the Structure is appropriated as the result of condemnation or threat thereof, the following rules shall apply:

Section 9.1 Allocation of Condemnation Award. Any condemnation award received by the Owners with respect to the Party Wall ("**Condemnation Award**") shall be allocated to the Owners in proportion to the diminution in fair market value incurred by them with respect to their respective properties as a result of said condemnation.

Section 9.2 Repair and Restoration. Any Condemnation Award shall be used to repair and restore the Party Wall if such repair or restoration is feasible.

Section 9.3 Retention of Rights. This Article shall not be construed to negate the Owners' individual rights to such incidental relief as the law may provide as a result of the condemnation of the Party Wall, or any portions thereof.

ARTICLE 10 **INSURANCE**

Each Owner shall purchase and maintain insurance sufficient to cover any loss relating to such Owner's portion of the Property, including extended coverage for full replacement value of all improvements on the Owner's property. Each Owner shall provide the other with copies of such policies or other appropriate evidence of such insurance coverage at least ten (10) days before the expiration of all previous insurance coverage. If an Owner fails to furnish such evidence within such period, the other Owner may procure such policy in his own or both names and charge the defaulting Owner the cost of the premium.

Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks covered by the insurance policy required by this Article 4, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an Agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

ARTICLE 11 **DAMAGE AND DESTRUCTION**

Section 11.1 Insurance Proceeds Sufficient to Cover Loss. If the Party Wall including the entrance / exit to the Chestnut 2nd level Parking is damaged by fire or other casualty, and if the proceeds of the Owners' insurance policies must be sufficient to pay all costs of necessary repair or reconstruction, such proceeds shall be applied to such repair or reconstruction. The parties' respective insurance policies shall be equally responsible for the cost of repair or reconstruction of the Party Wall, Entrance / exit to the Chestnut 2nd level Parking and the exterior / interiors of the structures.

Section 11.2 Insurance Proceeds Insufficient to Cover Loss. If proceeds of the Owners' insurance policies are insufficient to pay all costs of necessary repair or reconstruction, the Structure nonetheless shall be promptly repaired or reconstructed. Any proceeds of the Owners' insurance policies shall be applied toward: (a) the costs of necessary repair or reconstruction of the Structure so insured; and (b) for repair of the Party Wall and exterior in equal proportions. Each Owner shall be liable for the costs incurred in repairing or reconstructing his or her Structure, and his or her share of costs incurred in repairing or reconstructing the Party Wall and entrance / exit to the Chestnut 2nd level Parking or Apartment structure and exterior that are not covered by proceeds from his own insurance policy.

Section 11.4 Architectural Changes after Damage or Destruction. Repair or reconstruction of the damaged or destroyed property means restoring the Structures to substantially the same condition in which it existed before the fire or other casualty, unless other action is agreed to by the Owners.

ARTICLE 12 **ARBITRATION**

In the event that a dispute arises between the Owners that arises out of or that relates to this Agreement, or to the interpretation or breach hereof, the dispute shall be resolved by binding arbitration in accordance with the rules of the American Arbitration Association or another organization mutually selected by the Owners that provides dispute resolution services in the State of Maine. Filing a claim for arbitration shall be treated the same as filing in court for purposes of meeting any applicable statutes of limitation or for purposes of filing a lis pendens. The decision of the arbitrator shall be final, binding and conclusive, and judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof. Interest shall accrue upon the unpaid balance of any monetary arbitrator's award at a rate equal to twelve percent (12%) per annum. In the event an Owner initiates arbitration as a result of the other Owner's failure to agree to the cost or necessity of any Maintenance Work, the arbitrator may award the initiating Owner an amount equal to the estimated cost of the Maintenance Work. In the event the arbitrator awards the initiating Owner an amount equal to the estimated cost of Maintenance Work to be completed, the initiating Owner shall be required to hold funds received pursuant to such award in trust, to apply such funds to the other Owner's pro rata share of the Maintenance Work costs and/or the Exterior Space costs, and to promptly refund any part of the award not utilized for the other Owner's pro rata share of the Maintenance Work costs and/or the Exterior Space costs.

ARTICLE 13 **ENFORCEMENT**

The Owners and a Mortgagee each shall have the right to enforce all of the covenants, conditions, restrictions, reservations, easements, liens and charges now or hereinafter imposed under this Agreement as may appertain specifically to such Owner or entity. Failure by any Owner or Mortgagee to enforce any such covenant, condition, restriction, reservation, easement, lien, or charge shall not be deemed a waiver of the right to do so thereafter. In the event suit or action is brought, or an arbitration proceeding is initiated, to enforce or interpret any of the provisions of this Agreement, or that arise out of or relate to this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees in connection therewith and post-judgment fees of enforcing any judgment, in addition to all other sums provided by law. The determination of who is the prevailing party and the amount of reasonable attorneys' fees to be paid to the prevailing party shall be decided by the arbitrator(s) (with respect to attorneys' fees incurred prior to and during the arbitration proceedings) and by the court or courts, including any appellate court, in which such matter is tried, heard, or decided. However, notwithstanding the foregoing, the arbitrator has the power to require each party to pay its attorneys' fees, if the arbitrator determines that to be appropriate under the circumstances.

ARTICLE 14
GENERAL PROVISIONS

14.1. Headings. The headings used in this Agreement are inserted solely as a matter of convenience for the readers of this Agreement and shall not be relied upon or used in construing the effect or meaning of any of the provisions of this Agreement.

14.2. Severability. The provisions of this Agreement shall be deemed independent and severable, and the invalidity or unenforceability of any provision or portion thereof shall not affect the validity or enforceability of any other provision or portion hereof unless such deletions shall destroy the uniform plan of development and operation of the Association which this Agreement is intended to create.

14.3. Applicable Law. This Agreement shall be governed and construed according to the laws of the State of Maine.

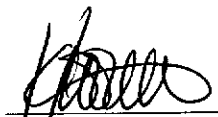
14.4. Effective Date. This Agreement shall become effective when it has been signed and recorded in the Cumberland County Registry of Deeds.

14.5. Notices. All notices and other communications required or permitted to be given under or in connection with this Agreement shall be in writing and shall be deemed given when delivered in person or on the third business day after the day on which mailed by regular U.S. mail, postage prepaid, addressed to the address maintained in the register of current addresses established by the Common Association.

14.6. Exhibits. All exhibits attached to this Agreement are hereby made a part of this Agreement.

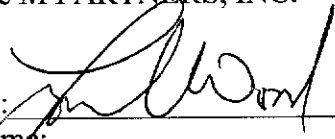
14.7. Pronouns. Wherever used, the singular number shall include the plural, the plural the singular and the use of any gender shall include all genders.

Dated this 19 day of January, 2018.



Witness

75 Chestnut Street Garage Condos Owner
A& M PARTNERS, INC.

By: 
Name: _____
Its: _____

75 Chestnut Street Residential Property Owner
SAULNIER DEVELOPMENT LLC

By: 

Witness

Name:

Its:

STATE: MAINE

COUNTY: CUMBERLAND, ss.

January __, 2018

Then personally appeared the above-named Louis C Wood, the _____ of A&M Partners, Inc. and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

Printed Name: _____

My Commission Expires: _____

STATE: MAINE

COUNTY: CUMBERLAND, ss.

April
~~January~~ 11, 2018

Then personally appeared the above named Bernie Saulnier, the *owner* of _____ Saulnier Development, LLC and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said LLC.

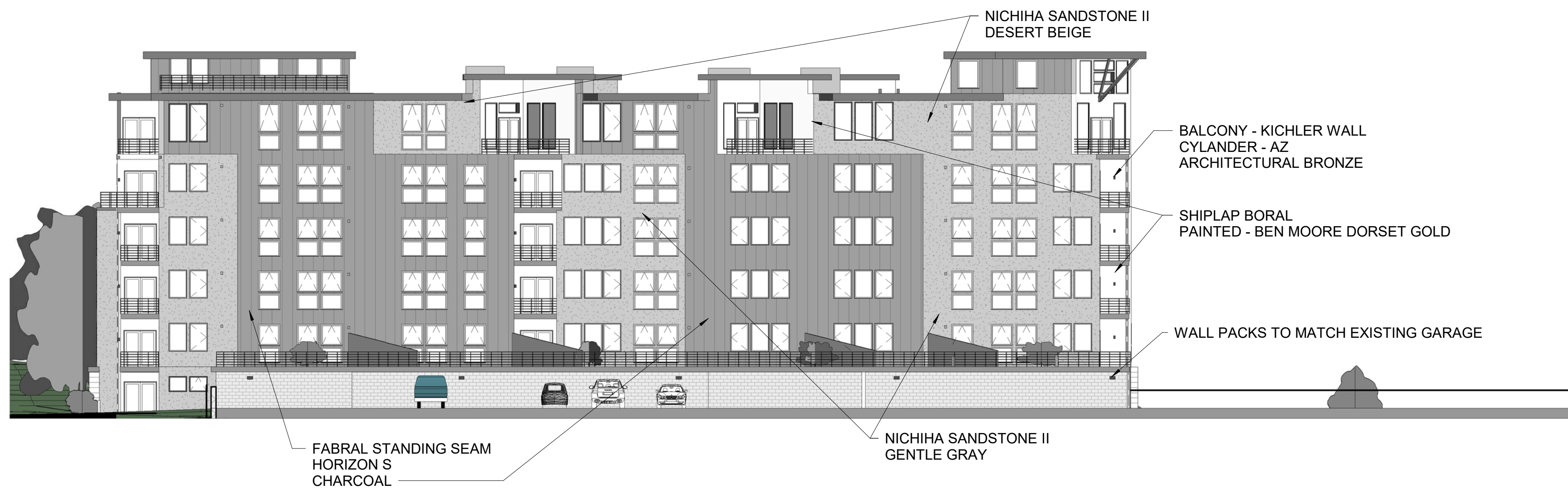
Before me,

Alice J. Meagher

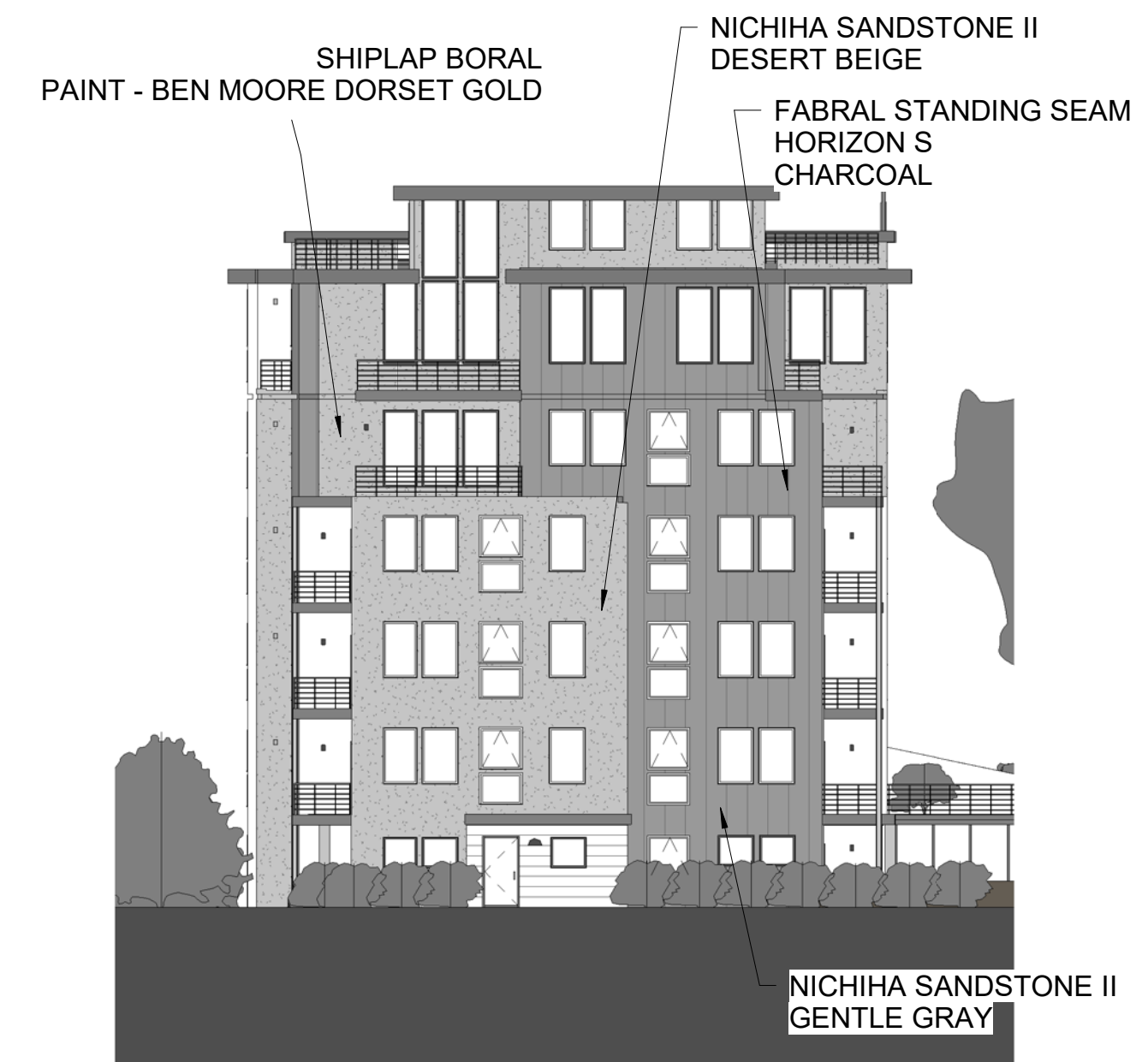
Notary Public/Attorney at Law

Printed Name: *Alice J. Meagher*

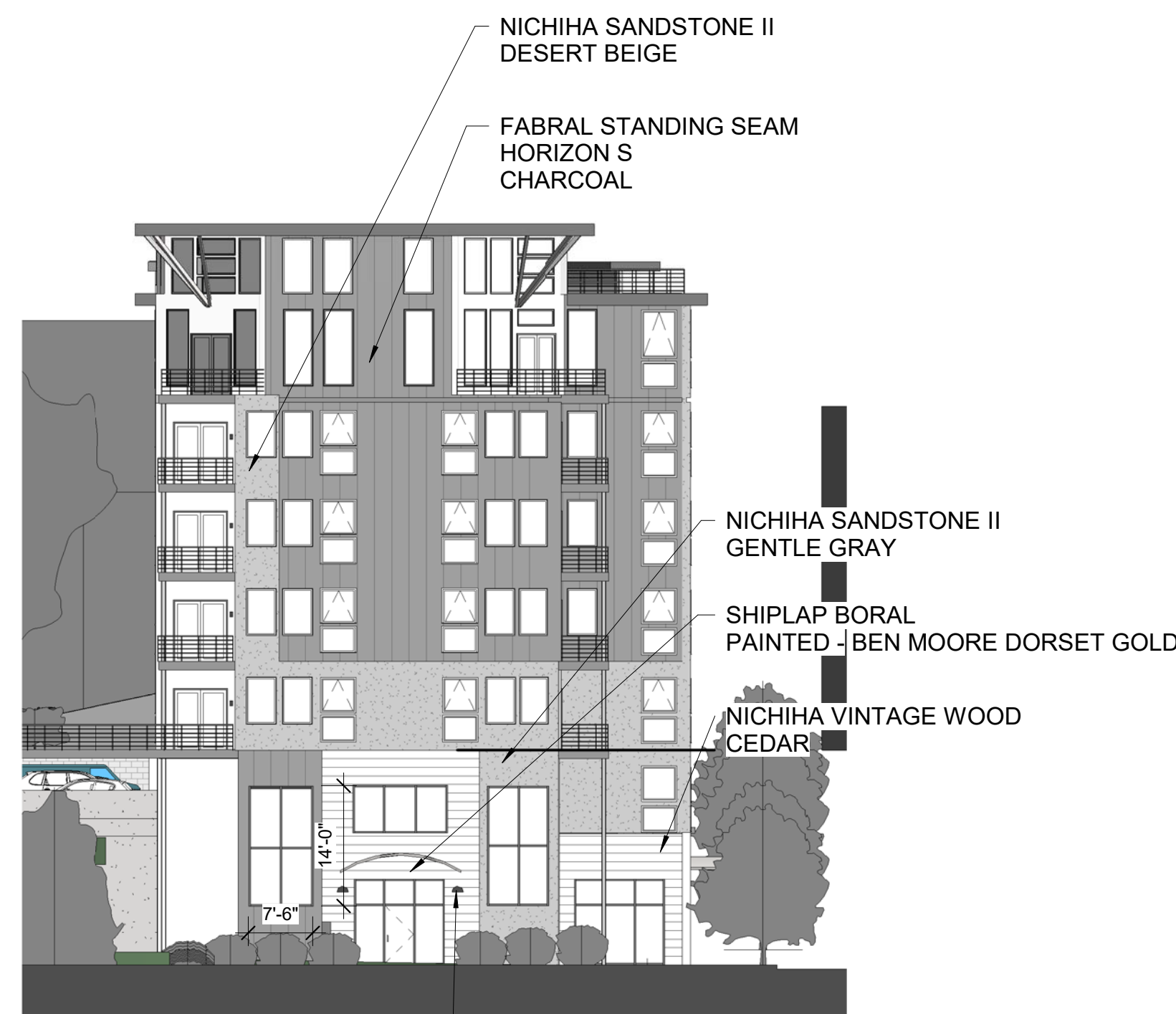
My Commission Expires: *3/19/25*



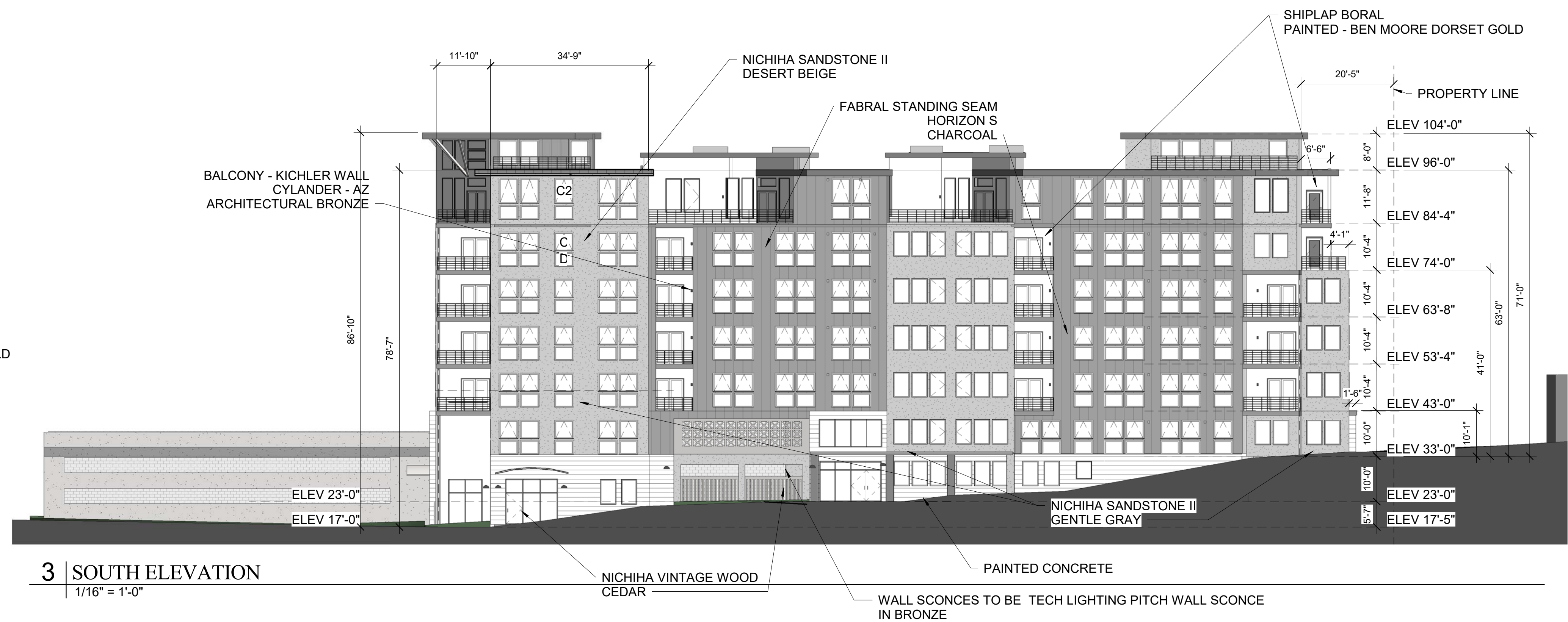
2 | NORTH ELEVATION
1/16" = 1'-0"



1 | EAST ELEVATION
1/16" = 1'-0"



4 | WEST ELEVATION
1/16" = 1'-0"



3 | SOUTH ELEVATION
1/16" = 1'-0"

AVERAGE GRADE ELEVATION CALC
4 CORNERS OF BUILDING (SEE SITE PLAN)
 $13.8' + 17.2' + 33.0' + 32.5' = 96.5'$
 $96.5'/4 = 24.125'$

$104.0' - 24.125' = 79.875'$ TO TOP OF MEZZANINE
 $79.875' - 8' = 71.875'$ TO TOP OF 7TH FLOOR ROOF

Prepared For:
A&M Partners

Consultant:

Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
Westerlea View
Lofts
Chestnut Street
Portland, Maine

Revisions:

Date: 1-20-2017
Scale: 1/16" = 1'-0"

Building Elevations

A2.01



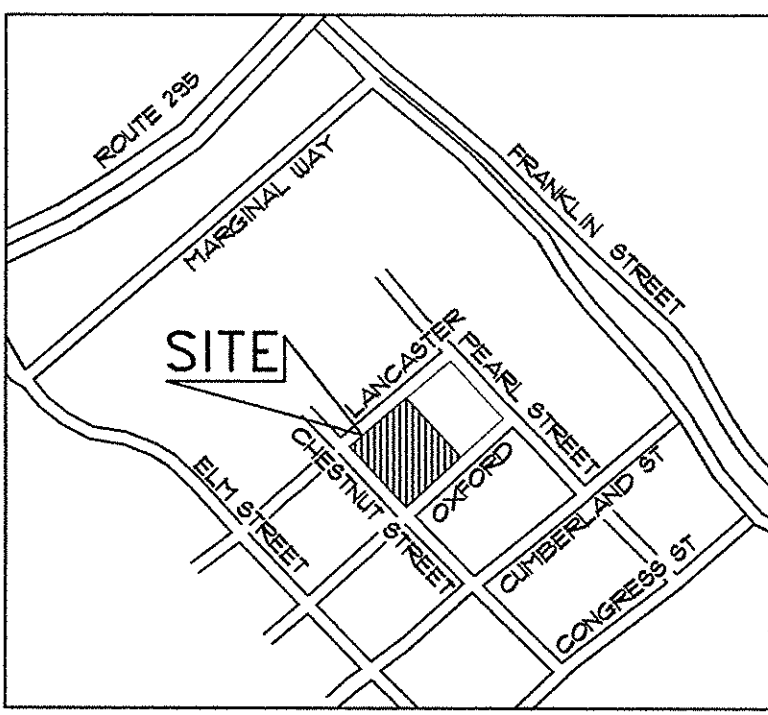












LOCATION PLAN

SCALE: 1"=750'

LEGEND

EXISTING

- PROPERTY LINE
- ADJUTERS PROPERTY
- EDGE OF PAVEMENT
- BUILDING CURB
- CONTOURS
- ZONING DISTRICT
- IRON PIPE FOUND
- MONUMENT FOUND
- 5/8" IRON ROD W/CAP #111 SET

PROPOSED

- EDGE OF PAVEMENT
- VERTICAL GRANITE CURB
- BUILDING ENTRY/EGRESS
- LIGHT POLE
- BOUND TO BE SET
- FOOTING LICENSE
- ACCESS EASEMENT
- AIR RIGHTS EASEMENT
- SNOW STORAGE AREA
- BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT

SUBDIVISION CONDITIONS OF APPROVAL

1.

SURVEY GENERAL NOTES AND PLAN REFERENCES

GENERAL NOTES:

- 1) VERTICAL DATUM REFERS TO NATIONAL GEODETIC VERTICAL DATUM OF 1929.
- 2) HORIZONTAL DATUM REFERS TO MAINE COORDINATE SYSTEM 1983 MAINE WEST ZONE AS DERIVED FROM STATIC GPS OBSERVATIONS MADE ON SITE 01-12-2016.
- 3) UNDERGROUND UTILITIES SHOWN WERE DERIVED FROM FIELD OBSERVATIONS AND EXISTING PLAN PROVIDED BY PORTLAND PUBLIC WORKS DEPARTMENT.
- 4) DIGSAFE SHOULD BE CONTACTED FOR ACURATE UTILITY LOCATION BEFORE ANY SITE EXCAVATION WORK IS PERFORMED.

PLAN REFERENCES:

- 1) AS-BUILT SITE SURVEY FOR AVESTA PEARL STREET TWO LP DATED MARCH 01, 2013, PREPARED BY NORTHEAST CIVIL SOLUTIONS, RECORDED IN CORD FB 211, PG 362.
- 2) ALTA /ACSM LAND TITLE SURVEY FOR OXFORD DEVELOPMENT ASSOCIATES DATED 06-28-88 PREPARED BY SHIRT SURVEYING RECORDED IN CORD FB 111, PG 68.
- 3) PORTLAND RENEWAL AUTHORITY NEIGHBORHOOD DEVELOPMENT PROJECT ME A-2 DATED MAY 22, 1974 PREPARED BY E.C. JORDAN.
- 4) CITY PLAN OF LANCASTER STREET DATED 1925 VOL. I, PG 57 ON FILE AT CITY OF PORTLAND DEPT. OF PUBLIC WORKS OFFICE SEE ALSO CITY OF PORTLAND RECORDS 3-48 DATED 9/1/1854.
- 5) CITY PLAN OF OXFORD STREET DATED 1925 VOL. I, PG 42 ON FILE AT CITY OF PORTLAND DEPT. OF PUBLIC WORKS OFFICE SEE ALSO CITY OF PORTLAND RECORDS 2-342 DATED 3-13-1824.
- 6) CITY PLAN OF CHESTNUT STREET DATED 1925 VOL. I, PG 44 ON FILE AT CITY OF PORTLAND DEPT. OF PUBLIC WORKS OFFICE SEE ALSO CITY OF PORTLAND RECORDS 1-398 DATED MAY 6, 1825.

WAIVERS

1. ALLOW THE DEVELOPER TO PAY INTO THE STREET TREE FUND IN LIEU OF PLANTING STREET TREES.

CITY OF PORTLAND SITE PLAN AND SUBDIVISION NOTES

1. LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
2. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWERLINE UTILITIES SHALL BE UNDERGROUND.
4. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TYPED RAMP AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
5. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BMPs PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
7. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
8. PRIOR TO CONSTRUCTION A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE PLANNING BOARD REVIEW COORDINATOR, PUBLIC WORKS 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 REPRESENTATIVE. IT SHALL BE THE CONTRACTORS RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
9. EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
10. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCORDING TO SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.A. SECTION 440. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTIFAMILY HOUSING CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

GENERAL NOTES

1. OWNER: A4M PARTNERS, INC. 120 EXCHANGE STREET, PORTLAND MAINE 04101. DEEDS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BK 27183, PG. 53, DATE 8/11/03.
2. ENGINEER: PINKHAM & GREER CIVIL ENGINEERS, 28 VANNAH AVENUE, PORTLAND, MAINE, 04103.
3. ARCHITECT: ARCHETYPE ARCHITECTS, 48 UNION WHARF, PORTLAND, MAINE 04101.
4. TOPOGRAPHIC & BOUNDARY: MAINE SURVEY CONSULTANTS, INC., PO BOX 485, HARRISON, MAINE, 04040.
5. UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY. THE UPPER HALF OF THE SITE IS CLASSIFIED HINCKLEY (H1B), THE LOWER HALF IS CLASSIFIED AS AU GRES (AU). THE SURFACE OF THE SITE IS CURRENT URBAN LAND.
6. TAX MAP REFERENCE: MAP 26 / BLOCK E / LOT 10.
7. ZONE: B-7, MIXED DEVELOPMENT, PROPOSED USE: CONDOMINIUMS
8. EXISTING PARCEL = 2.12 acres
9. UNITS TO BE SERVICED BY PUBLIC WATER, SEWER, AND GAS FROM CHESTNUT STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
10. POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM AN EXISTING POLE. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
11. CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
12. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
13. PROPOSED PARKING SPACES: NO NEW SPACES, EXISTING PARKING IS ALREADY ON-SITE. 1 PER UNIT PROVIDED IN THE EXISTING GARAGE.
14. THE SUBJECT PARCEL SHOWN AS WESTERLEA VIEW LOFTS IS SUBJECT TO A CITY OF PORTLAND LEVEL III SITE PLAN AND SUBDIVISION PERMIT.
15. DETAILS OF STREET TREES ARE INCLUDED ON THE LANDSCAPE PLAN AS PART OF THE APPROVAL FOR WESTERLEA LOFTS SITE PLAN.
16. FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 230051 0013 B, EFFECTIVE DATE JULY 17, 1986. IT IS NOT IN A SPECIAL FLOOD HAZARD ZONE.
17. PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END OF CONSTRUCTION ON CORNERS NOT CURRENTLY MARKED.
18. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMPs" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.
19. THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER TREATMENT SYSTEM, TRASH REMOVAL AND GROUNDKEEPING.

RESIDENTIAL UNIT INFORMATION

ALL UNITS

UNIT TYPE	QUANTITY	TOTAL BEDS
STUDIO	2	2
1 BEDROOM	14	14
2 BEDROOM	38	76
TOTAL	54	92

WORKFORCE HOUSING

UNIT TYPE	QUANTITY	TOTAL BEDS
STUDIO	2	2
1 BEDROOM	1	1
2 BEDROOM	3	6
TOTAL	6	9

SNOW CLEARANCE NOTES

1. SNOW MAY BE STORED WITHIN THE TEMPORARY SNOW STORAGE AREAS ONLY.
2. ANY SNOW THAT CAN NOT BE STORED ON SITE SHALL BE PHYSICALLY REMOVED AND TRANSPORTED OFFSITE WITHIN 24 TO 48 HOURS FOLLOWING A SNOW STORM.
3. SNOW TRANSPORTED OFFSITE SHALL BE BROUGHT TO A MAINE DEP. APPROVED "SNOW DUMP" OR MEET THE EXEMPTION REQUIREMENTS SPECIFIED WITHIN CHAPTER 513 WHEN THE ABOVE REQUIREMENTS CANNOT BE MET DUE TO AN ABUNDANCE OF SNOW.
4. THE SNOW CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO VEGETATION, LANDSCAPING, CURBING, LIGHTING, FENCING ETC. RESULTING FROM THEIR ACTIVITIES.
5. THE CONDOMINIUM ASSOCIATION IS RESPONSIBLE FOR SNOW REMOVAL BEING UNDERTAKEN IN A TIMELY FASHION.

ZONE INFORMATION

B-7 MIXED DEVELOPMENT DISTRICT ZONE
PERMITTED USE: RESIDENTIAL CONDOMINIUMS

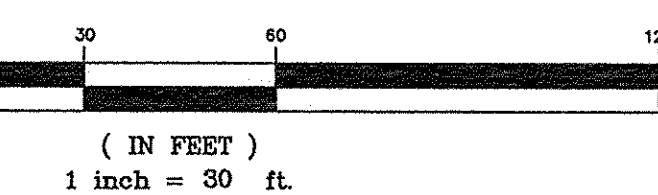
PARKING INFORMATION

OFF STREET PARKING 1 SPACE PER UNIT
BIKE RACKS (NUMBER OF BIKES PARKED) EXTERIOR: 6 BIKES
INTERIOR: 36 BIKES

IMPERVIOUS INFORMATION

EXISTING IMPERVIOUS	53,826 SQ. FT.
PROPOSED IMPERVIOUS	64,844 SQ. FT.
NET IMPERVIOUS	41,018 SQ. FT.

GRAPHIC SCALE



EASEMENTS & LICENSES

1. PROPOSED TEMPORARY EASEMENT: CONSTRUCTION EASEMENT FROM CITY OF PORTLAND TO WESTERLEA VIEW LOFTS.
2. PROPOSED LICENSE: FROM THE CITY OF PORTLAND TO WESTERLEA VIEW LOFTS FOR BUILDING FOOTINGS.
3. PROPOSED EASEMENT: FROM A 4 M PARTNERS, INC. CHESTNUT PARKING, INC. AND A 4 M PARTNERS, LLC TO WESTERLEA VIEW LOFTS FOR DECK EXTENSIONS ABOVE THE EXISTING STRUCTURE.
4. PROPOSED EASEMENT: ACCESS EASEMENT FROM WESTERLEA VIEW LOFTS TO THE CITY OF PORTLAND FOR SIDEWALKS ON OXFORD, CHESTNUT AND LANCASTER STREETS.

FOOTING LICENSE

LINE	BEARING	DISTANCE
F1	N 44°42'28" W	29.19'
F2	S 48°30'44" W	7.88'
F3	N 41°31'25" W	51.74'

AIR RIGHTS USE EASEMENT

LINE	BEARING	DISTANCE
R1	N 48°26'32" E	12.00'
R2	N 41°29'16" W	316.34'
R3	S 48°56'32" W	12.00'

ACCESS EASEMENT 1

LINE	BEARING	DISTANCE
A1	N 48°26'32" E	6.50'
A2	N 80°46'36" W	6.95'
A3	N 44°42'28" W	27.30'
A4	S 48°30'44" W	15.9'
A5	N 41°31'25" W	28.53'
A6	N 44°42'28" W	242.80'
A7	N 02°01'02" E	15.05'
A8	N 48°56'32" E	282.91'
A9	S 43°11'00" E	2.40'

ACCESS EASEMENT 2

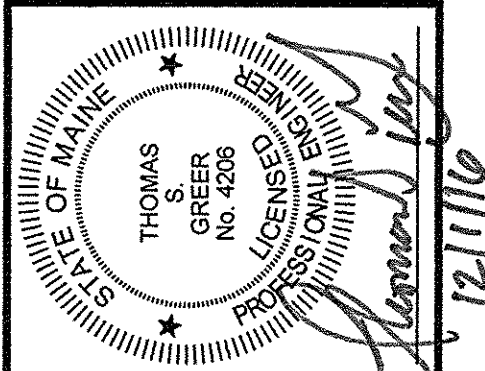
LINE	BEARING	DISTANCE
B1	S 44°42'28" E	128.99'
B2	S 48°29'08" W	66.08'
B3	S 41°30'52" E	29.81'
B4	N 48°29'08" E	67.14'
B5	N 44°42'28" W	29.86'

SUBDIVISION PLAN, APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

DATE

WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

PINKHAM & GREER
CIVIL ENGINEERS



REV.	DATE	DESCRIPTION
4	12/1/16	REV'D PER STAFF REVIEW
3	11/2/16	REV'D PER STAFF REVIEW
2	11/1/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE: AS SHOWN
DATE: JULY 28, 2016
PROJECT: 16142

SUBDIVISION PLAN

C1.1



1. LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF FORT LAUDERDALE, FLORIDA, AND DESIGN STANDARDS AND GUIDELINES.
2. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY; DRAINAGE; LANDSCAPING; RETENTION OF TREES OR LANDSCAPE MATERIALS; AND LOCATION AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWERLINE UTILITIES SHALL BE UNDERGROUND.
4. SIDEWALKS AND CURBS SHALL BE DESIGNED AND BUILT WITH TIPOFF RAMPS AT ALL STREET CORNERS, CROSSWALKS AND INTERSECTIONS IN CONFORMANCE WITH THE CITY OF FORT LAUDERDALE TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
5. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BYLAW PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
7. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
8. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS SUPERVISOR, AND NEIGHBORHOOD COUNCIL MEMBERS TO DISCUSS THE MAJOR 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 CITY OF FORT LAUDERDALE. THE CITY OF FORT LAUDERDALE RESOLVED TO REQUEST TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
9. EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERRECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL, GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF ANY DESIGNATED TREE. EXISTING TREES AND OTHER VEGETATION AND SOIL MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
10. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD, WHETHER ACCOMPISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND IS FURTHER DEFINED IN 39-A M.R.S.A. SECTION 4402. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEFINED AS THE NEWLY INCREASED AREA OF THE STRUCTURE. IN THIS PARAGRAPH, A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTIFAMILY HOUSING, CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

1. ALLOW THE DEVELOPER TO PAY INTO THE STREET TREE FUND IN LIEU OF PLANTING STREET TREES.

EXISTING

PROPOSED

PROPERTY LINE
ABUTTERS PROPERTY
EDGE OF PAVEMENT
BUILDING
CURB
POLE MOUNTED TRANSFORMER
UTILITY POLE W/ GUY WIRE
AREA LIGHT ON POLE
SIGN
CONCRETE PAD

EDGE OF PAVEMENT
GRANITE CURB
BUILDING
BUILDING ENTRY/EGRESS
CATCH BASIN
LIGHT POLE
WALL MOUNTED LIGHT
TRANSFORMER
BOLLARD
BITUMINOUS PAVEMENT
CONCRETE PAVEMENT
CONCRETE PAVERS
RETAINING WALL & RAILING

: B-7, MIXED DEVELOPMENT DISTRICT
 1TTED USE: RESIDENTIAL CONDOMINIUMS

USE STANDARDS	REQUIRED
MIN LOT SIZE	NONE
MIN STREET FRONTAGE	NONE
MIN FRONT YARD SETBACK	NONE
MIN REAR YARD SETBACK	NONE
MIN SIDE YARD SETBACK	NONE
MIN STREET SETBACK	10 FEET OR
75% OF BLDG WITHIN 10' OF E - C	
75% OF BLDG WITHIN 10' OF E - C	
MIN LENGTH OF BUILDING WALL	25% OF PERM
MIN BUILDING LOT COVERAGE	100%
MIN RESIDENTIAL DENSITY	NONE
MIN BUILDING HEIGHT	15 FEET
STREET PARKING	1 PER UNIT

	OFF STREET PARKING	16 SPACE PER UNIT
LOT E PROVID	BIKE RACKS (NUMBER OF BIKES PARKED)	EXTERIOR: 8 BIKES INTERIOR: 36 BIKES
21,451 \$	IMPERVIOUS INFORMATION	
443 FEE		
08 FEE	EXISTING IMPERVIOUS	53,826 SQ. FT.
NA	PROPOSED IMPERVIOUS	64,844 SQ. FT.
NA		
NET IMPERVIOUS		+11,018 SQ. FT.

0.8 FEE	EXISTING IMPERVIOUS	53,826 SQ. FT.
NA	PROPOSED IMPERVIOUS	64,844 SQ. FT.
-		
2.16	NET IMPERVIOUS	+11,018 SQ. FT.

C11	SUBDIVISION PLAN
C12	SITE PLAN
C13	EXISTING CONDITIONS AND DEMOLITION PLAN
C14	GRADING AND UTILITIES PLAN
C15	LANDSCAPE PLAN, NOTES AND DETAILS
C16	EROSION CONTROL PLAN
C2.1	DETAILS
C2.2	DETAILS
C2.3	DETAILS
C2.4	DETAILS
D1.1	DRAINAGE ANALYSIS
	EXISTING CONDITIONS SURVEY



1. OWNER: 414 PARTNERS, INC.
120 EXCHANGE STREET, PORTLAND MAINE
04101. DEEDS RECORDED IN CUMBERLAND
COUNTY REGISTRY OF DEEDS BK 2183,
PG. 53, DATE 8/11/03.
2. ENGINEER: PINKHAM & GREER CIVIL
ENGINEERS, 28 VANNAH AVENUE,
PORTLAND, MAINE, 04103.
3. ARCHITECT: ARCHETYPE ARCHITECTS,
48 UNION WHARF, PORTLAND, MAINE 04101.
4. TOPOGRAPHIC & BOUNDARY: MAINE SURVEY
CONSULTANTS, INC., PO BOX 485, HARRISON, MAINE, 04040.
5. UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION
STUDY OF CUMBERLAND COUNTY. THE UPPER HALF OF THE SITE IS CLASSIFIED
HINKLEY (HIB). THE LOWER HALF IS CLASSIFIED AS AU GRES (Aw). THE
SURFACE OF THE SITE IS CURRENT URBAN LAND.
6. TAX MAP REFERENCE: MAP 26 / BLOCK E / LOT 10.
7. ZONE: B-1, MIXED DEVELOPMENT, PROPOSED USE: CONDOMINIUMS
8. EXISTING PARCEL = 2.12 acres
9. UNITS TO BE SERVICED BY PUBLIC WATER, SEWER, AND GAS FROM CHESTNUT
STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14,
GRADING AND UTILITIES PLAN.
10. POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM
AN EXISTING POLE. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND
UTILITIES PLAN.
11. CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
12. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND
TECHNICAL MANUAL STANDARDS.
13. PROPOSED PARKING SPACES: NO NEW SPACES, EXISTING PARKING IS
ALREADY ONSITE. 1 PER UNIT PROVIDED IN THE EXISTING GARAGE.
14. THE SUBJECT PARCEL SHOWN AS WESTERLEA VIEW LOFTS IS SUBJECT TO A CITY
OF PORTLAND LEVEL III SITE PLAN AND SUBDIVISION PERMIT.
15. DETAILS OF STREET TREES ARE INCLUDED ON THE LANDSCAPE PLAN AS PART
OF THE APPROVAL FOR WESTERLEA LOFTS SITE PLAN.
16. FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE
MAP, COMMUNITY PANEL 220051 0013 B, EFFECTIVE DATE JULY 17, 1996. IT IS
NOT IN A SPECIAL FLOOD HAZARD ZONE.
17. PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END
OF CONSTRUCTION ON CORNERS NOT CURRENTLY MARKED.
18. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE
WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE
BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.
19. THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER
TREATMENT SYSTEM, TRASH REMOVAL, AND SOUNDKEEPING.

WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

SITE PLAN

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE: AS SHOWN
DATE: JULY 28, 2016
PROJECT: 16142

DRN BY: JDC
DESIG BY: TSG
CHK BY: *AS*

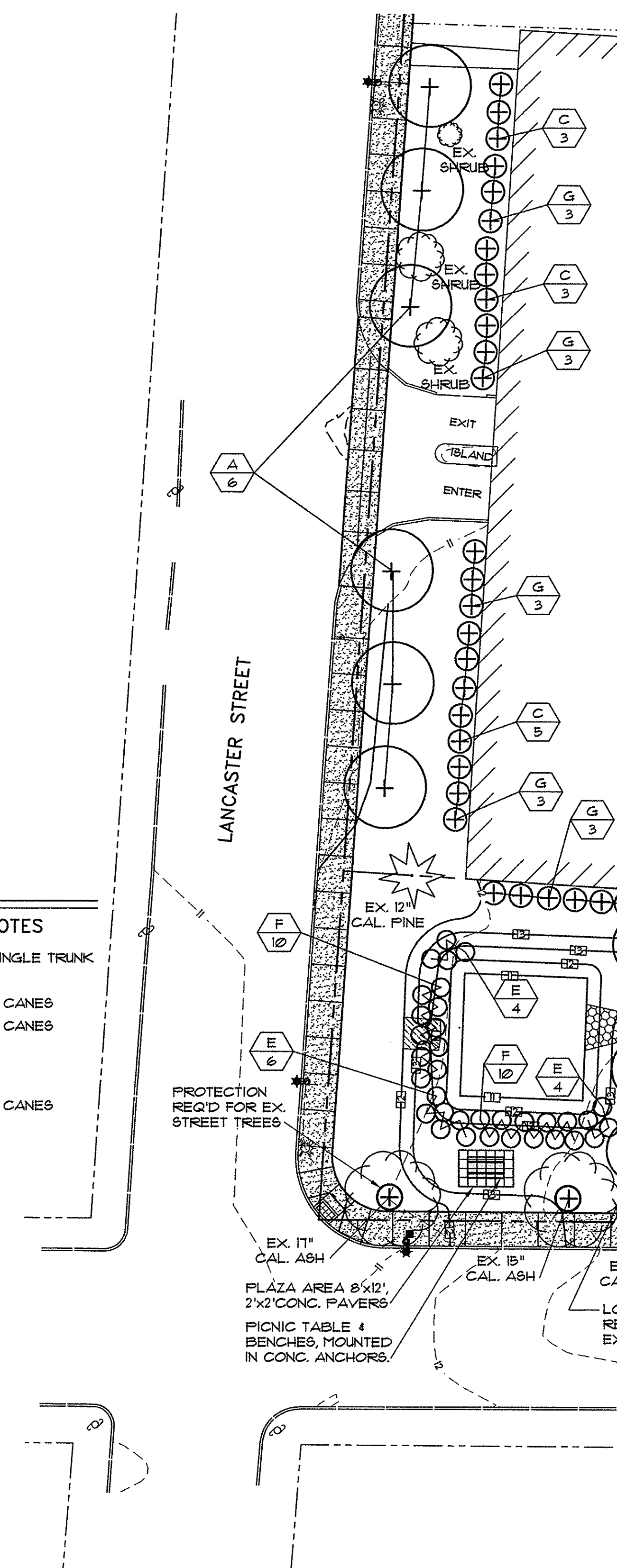
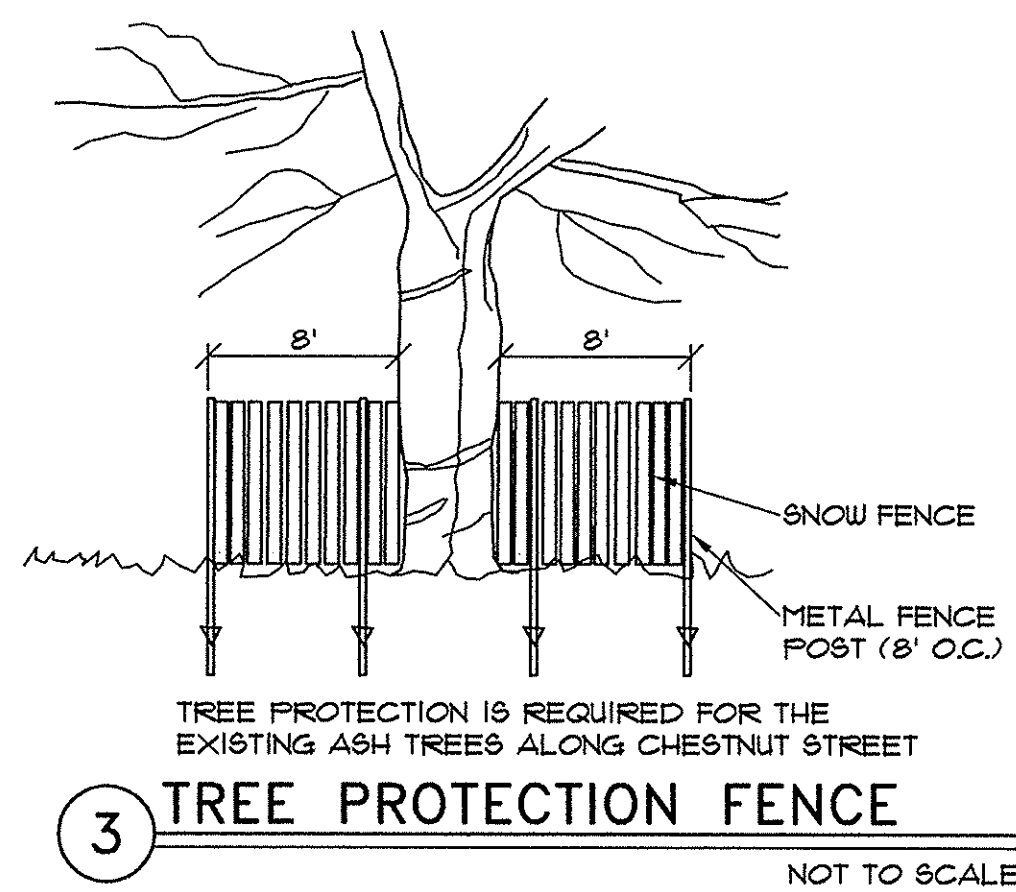
5	12/1/16	ADDED WALL SOUNCEL LOCATIONS							
4	12/1/16	REVD PER STAFF REVIEW							
3	11/21/16	REVD PER STAFF REVIEW							
2	11/7/16	REVD PER CITY COMMENTS							
1	9/30/16	REVD PER CITY REVIEW							
REV.	DATE	DESCRIPTION							

PINKHAM & GREER
CIVIL ENGINEERS

28 WAMPA AVE., PORTLAND, ME 04103
TEL: 207.761.3642 FAX: 207.761.4245



 SYMBOL QUANTITY		PLANT LIST			
KEY	COMMON NAME/BOTANICAL NAME	SIZE	ROOT	QUAN.	NOTES
A	HONEY LOCUST / g. triacanthos 'inermis' Streetkeeper	2" cal.	B+B	6	SINGLE TRUNK
B	HORNBEAM / carpinus caroliniana	2" cal.	B+B	3	
C	SHASTA VIBURNUM / v. plicatum tomentosum 'shasta'	3-4" tall	B+B	20	3 CANES
D	SHOSHONI VIBURNUM / v. plicatum var. tomentosum "Summer Snowflake"	18" tall	B+B	11	3 CANES
E	SWITCH GRASS / panicum virgatum 'Northwind'	--	POTTED	14	
F	SWITCH GRASS / panicum virgatum 'Shenandoah'	--	POTTED	20	
G	MOHICAN VIBURNUM / v. lantana 'mohican'	3-4" tall	B+B	18	3 CANES
H	ARMSTRONG MAPLE / a. freemanii 'Armstrong'	2 1/2" cal.	B+B	6	



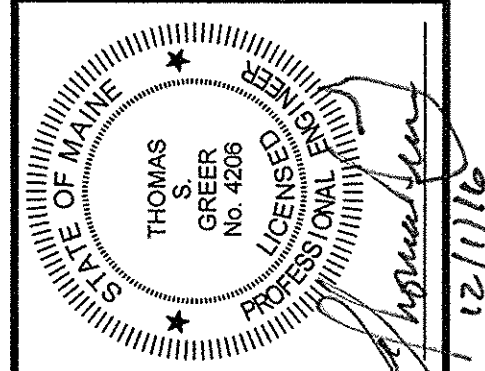
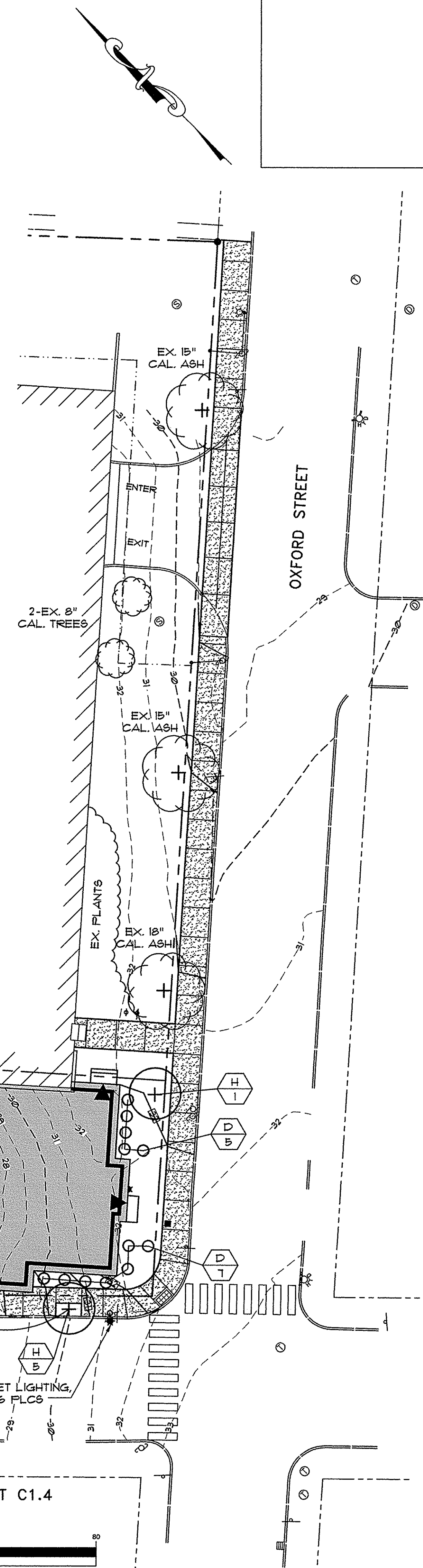
LANDSCAPE NOTES

GENERAL:

1. SAVE EXISTING TREES AS SHOWN. DO NOT CUT OR CLEAR ANY VEGETATION BEYOND THE IMPACT LIMIT LINE.
2. ALL PLANT MATERIALS INSTALLED ARE TO MEET THE SPECIFICATIONS OF THE "AMERICAN STANDARDS FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
3. ALL PROPOSED PLANT LOCATIONS SHALL BE AS SHOWN ON PLANS. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO PLANTING AND WILL NOTIFY OWNER'S REPRESENTATIVE IN THE EVENT OF CONFLICTS.
4. PLANT LOCATIONS ARE TO BE SCALED FROM THE LANDSCAPE PLAN UNLESS NOTED OTHERWISE.
5. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
6. FINAL QUANTITY FOR EACH PLANT TYPE IS NOTED IN THE PLANT LIST. THIS NUMBER SHALL TAKE PRECEDENCE IN THE CASE OF ANY DISCREPANCY BETWEEN QUANTITIES SHOWN IN THE LIST AND ON THE PLAN.
7. ANY PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE OWNER OR THE OWNER'S REPRESENTATIVE.
8. ALL DISTURBED AREAS TO BE LOAMED AND SEEDED.

MAINTENANCE:

1. LAWN: SHALL BE WATERED, FERTILIZED AND MOUN ON A REGULAR BASIS ACCORDING TO SEASON AND RAINFALL, TO PRODUCE A STRONG TURF OF 80% MIN. COVERAGE WITHIN THE FIRST YEAR. FREE FROM SIZABLE THIN OR BARE SPOTS. REGRADING AND RESEEDING WILL BE PERFORMED ON BARE SPOTS UNTIL COVERAGE IS COMPLETE.
2. TREES & SHRUBS: THE ESTABLISHMENT PERIOD SHALL BE TWO CALENDAR YEARS FROM THE DATE OF FINAL ACCEPTANCE. DURING THE ESTABLISHMENT PERIOD THE OWNER OR OWNER'S CONTRACTOR SHALL WATER, CULTIVATE AND PRUNE AS REQUIRED TO MAINTAIN A HEALTHY GROWING CONDITION.
3. AT THE END OF THE ESTABLISHMENT PERIOD AND UPON SUBSEQUENT ANNUAL INSPECTIONS, PLANTS WHICH HAVE DIED OR FAILED TO THRIVE SHALL BE REPLACED WITH EQUIVALENT SIZE AND SPECIES. AFTER THE CONTRACTOR'S GUARANTEE PERIOD HAS ENDED, IT IS THE OWNER'S RESPONSIBILITY TO MAINTAIN AND REPLACE PLANTS.
4. TREES, SHRUBS AND LAWNS WHICH ARE NOT IRRIGATED WITH AN AUTOMATIC SPRINKLER OR DRIP SYSTEM SHALL BE THOROUGHLY WATERED ON A REGULAR BASIS DURING PERIODS OF BELOW AVERAGE RAINFALL. SOIL SHOULD BE SAMPLED AT A DEPTH OF 12" AND IF DRY, WATER TO DEPTH OF 24".
5. MULCH IS TO BE MAINTAINED AT A DEPTH TO COMPLETELY COVER THE SOIL AND TO PRESERVE MOISTURE AND MINIMIZE WEEDS.
6. TREES, SHRUBS AND LAWNS SHALL BE FERTILIZED ANNUALLY AND TREATED WITH INSECTICIDES AND/OR FUNGICIDES AS REQUIRED FOR CONTINUED HEALTHY GROWTH.
7. SUCKERS, WEEDS, AND DEAD WOOD SHALL BE REMOVED ON A SEASONAL BASIS, AND SHRUBS SHALL BE PRUNED TWICE A YEAR ACCORDING TO THE REQUIREMENTS OF EACH SPECIES (I.E. SOME SPECIES SHOULD NOT BE PRUNED AT ALL). SHRUBS SHALL NOT BE PRUNED INTO INDIVIDUALS BUT ALLOWED TO GROW INTO A MASS.
8. WHERE TREES ARE LOCATED NEAR SIDEWALKS OR PARKING LOTS, THE CANOPY SHALL BE LIMBED UP TO PROMOTE SAFE CLEARANCE TO 8' ABOVE GRADE.
9. LAWN AREAS SHALL BE MOUN AS OFTEN AS NECESSARY TO KEEP LAWNS TO A 2 1/2 - 3" HEIGHT, AND AERATED ON A SEASONAL BASIS.
10. BEDS AND LAWN EDGES SHALL BE REGULARLY TRIMMED AND EDGED.
11. PERENNIAL AND ANNUAL BEDS SHALL BE DESIGNED, PLANTED AND MAINTAINED FOR SEASONAL COLOR AND INTEREST. ANNUALS MAY BE INCORPORATED TO A MAXIMUM LIMIT OF 25% OF THE BED AREA OF MAINTAINED BEDS FROM MAY 15 THROUGH NOVEMBER 15. PERENNIAL BEDS SHALL BE WATERED AS REQUIRED FOR HEALTHY PLANT GROWTH, AND WEEDED AND DEADHEADED ON A MONTHLY BASIS.

[illegible]

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE:	AS SHOWN	DRN BY:
DATE:	JULY 28, 2016	DESG BY:
PROJECT:	16142	CHK BY:

WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

LANDSCAPE PLAN,
NOTES AND DETAILS

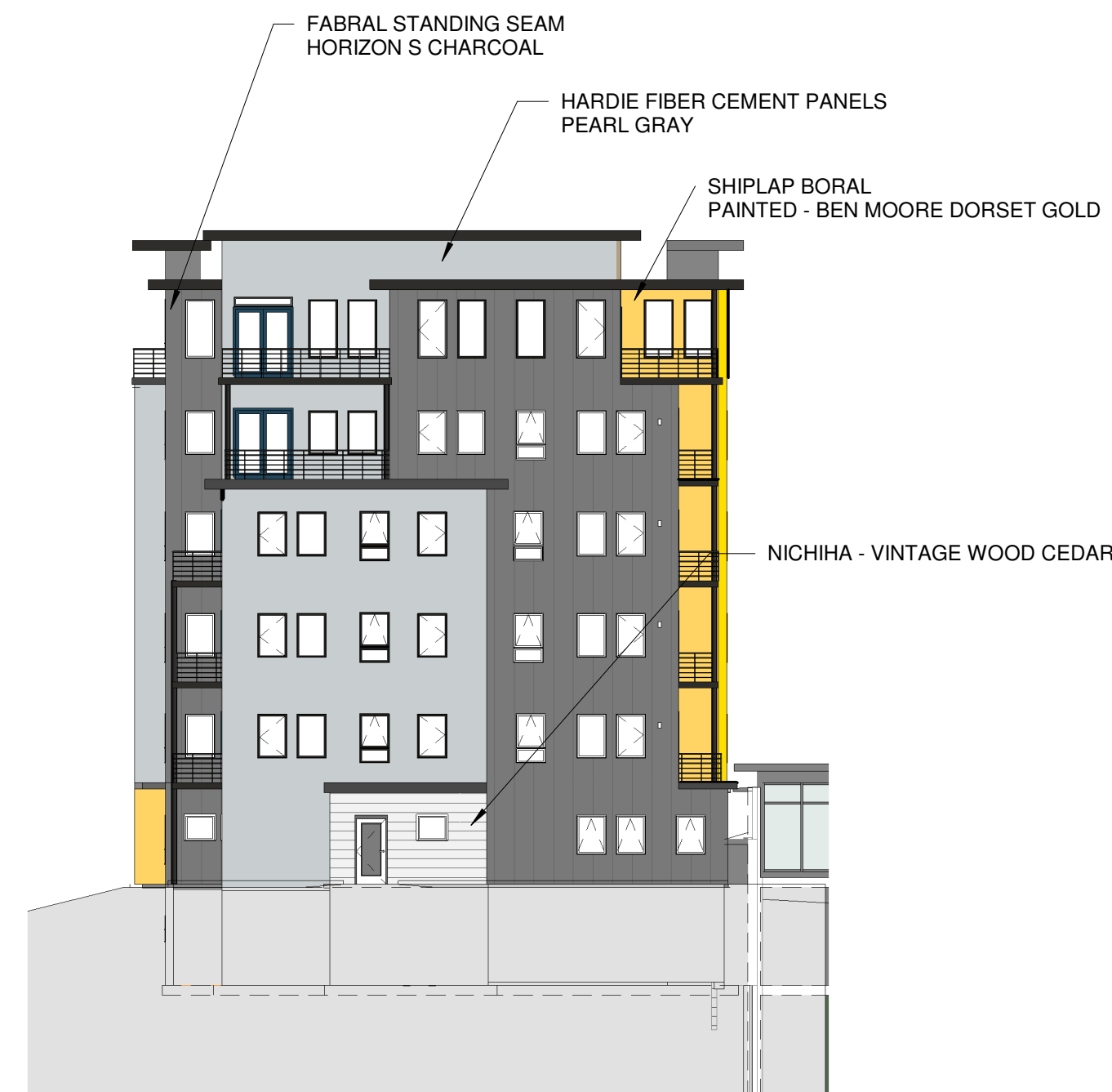
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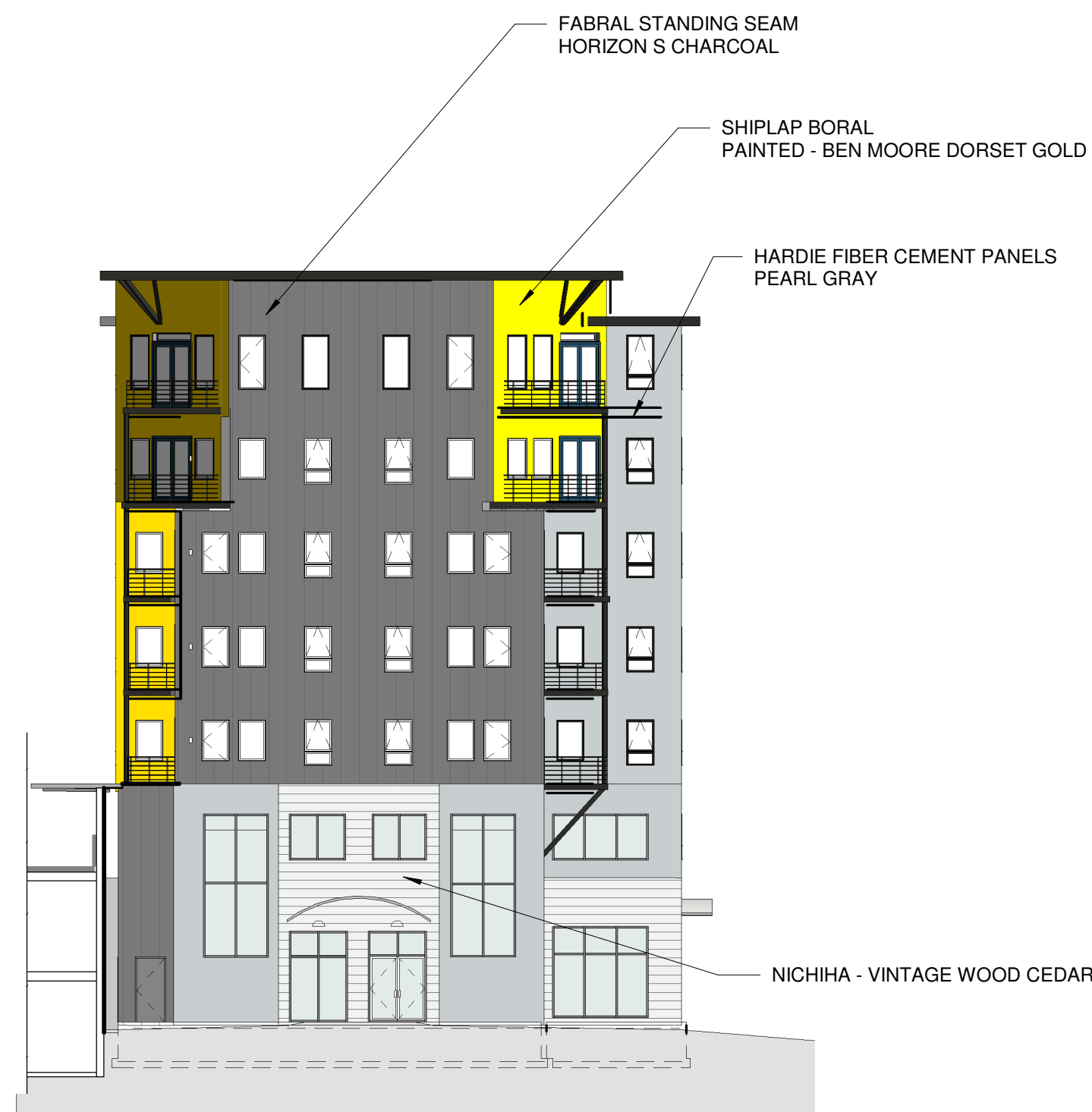




2 | NORTH ELEVATION
1/16" = 1'-0"



1 | EAST ELEVATION
1/16" = 1'-0"



3 | WEST ELEVATION
1/16" = 1'-0"



4 | SOUTH ELEVATION
1/16" = 1'-0"

PROPOSED

Prepared For:
SAULNIER
DEVELOPMENT LLC

Consultant:

Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
**Westerlea View
Lofts**
Chestnut Street
Portland, Maine

Revisions:
1 2-5-18
SUBMITTED FOR
PERMIT

Date:
02/21/2018

Scale:
1/16" = 1'-0"

**BUILDING
ELEVATIONS**

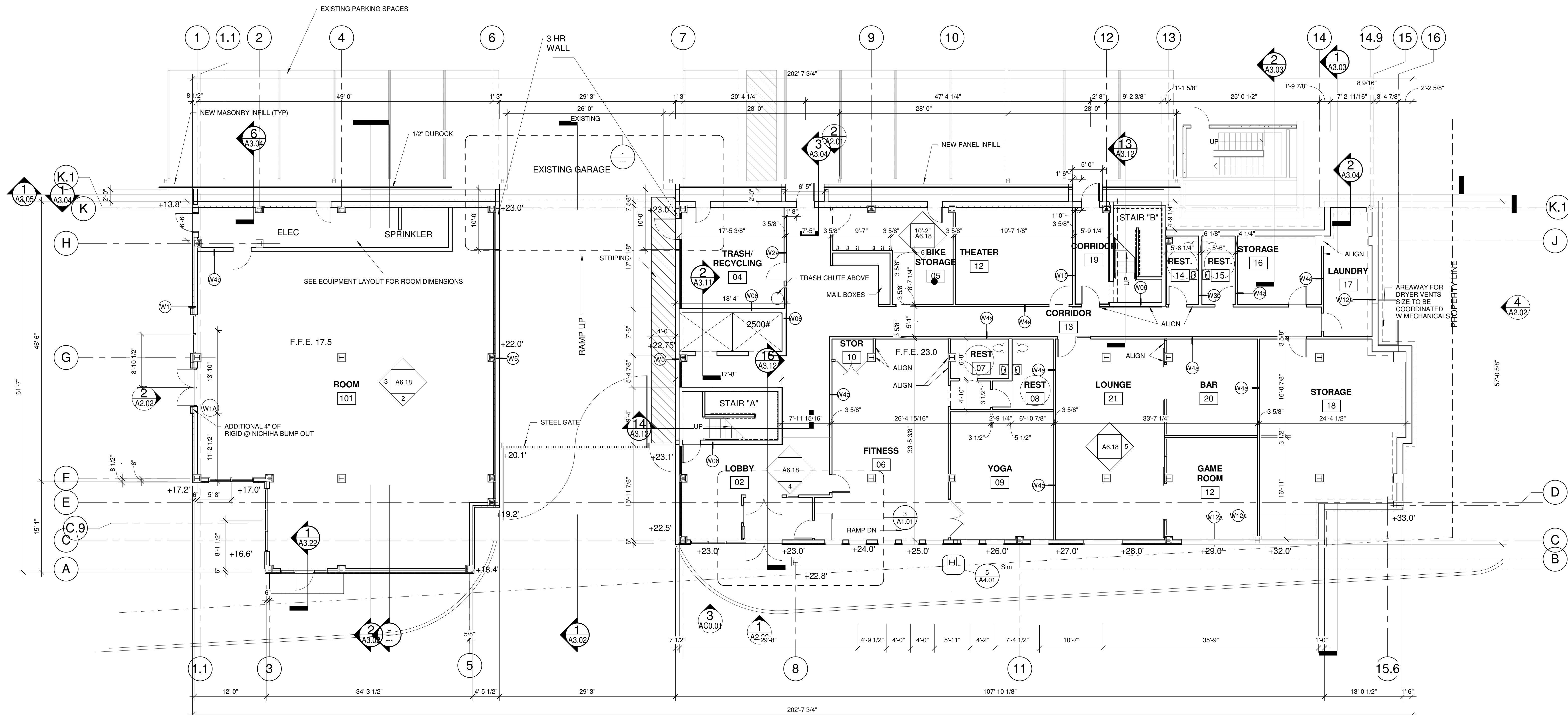
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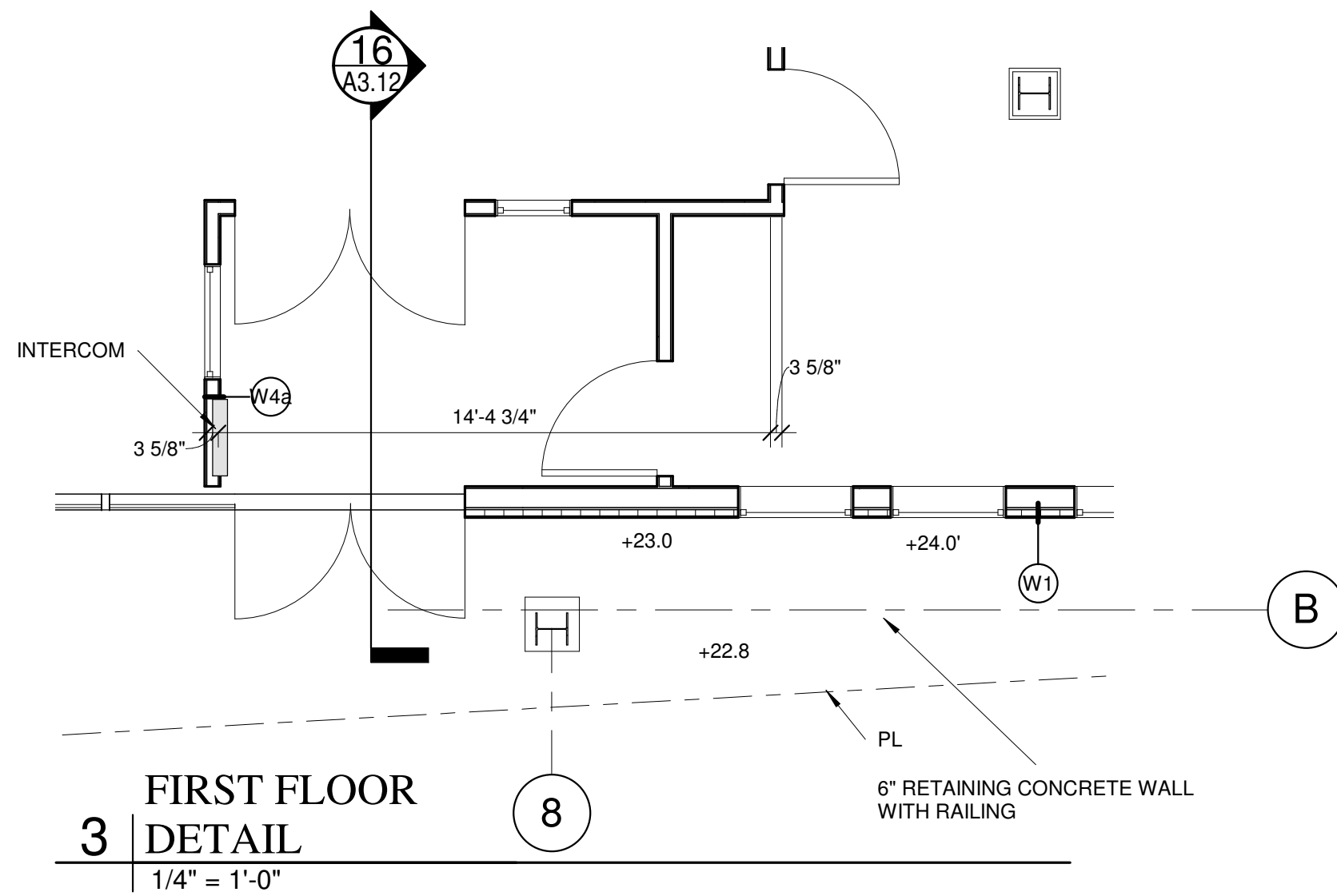
PROPOSED

PROPOSED

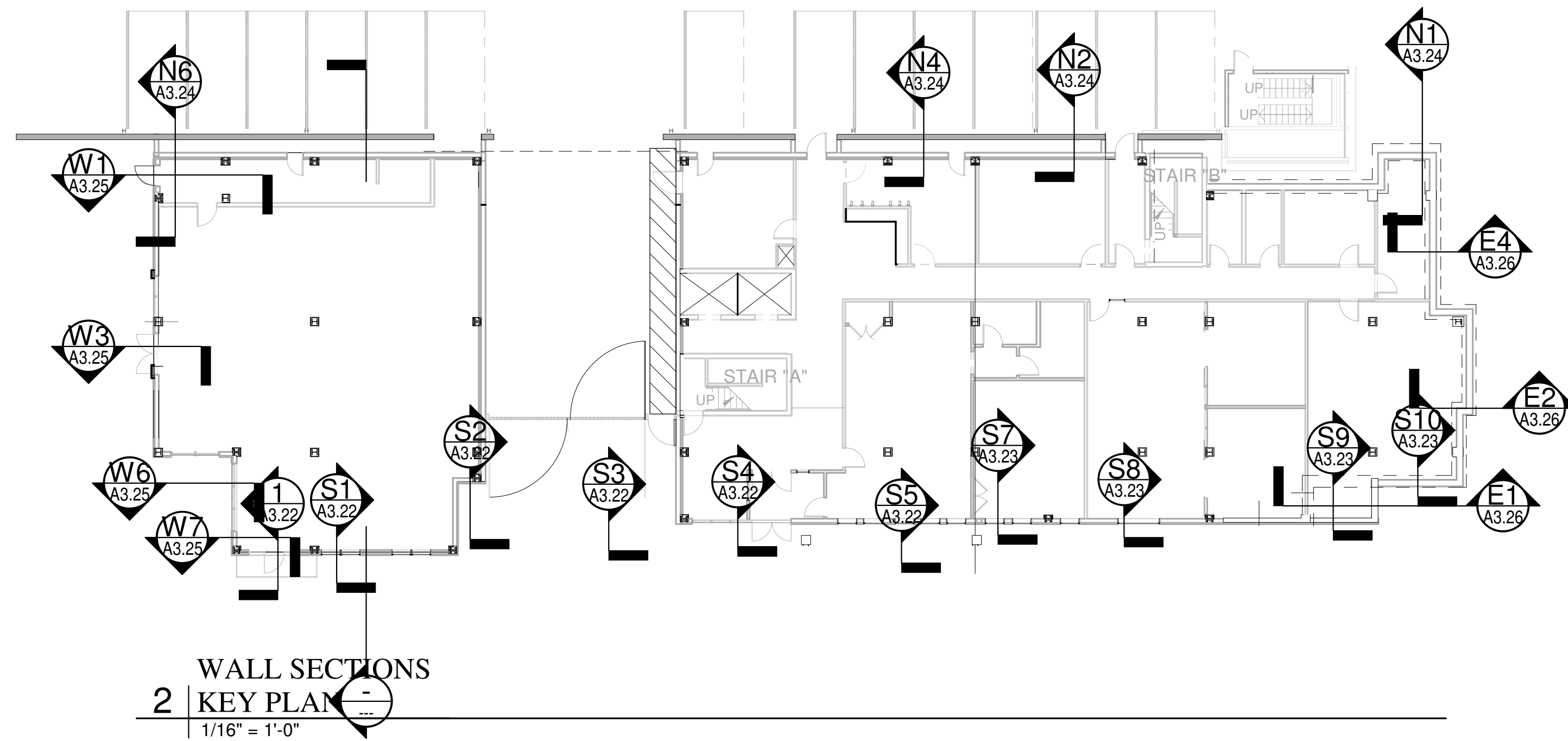




1 FIRST FLOOR
1/8" = 1'-0"



3 FIRST FLOOR
DETAIL
1/4" = 1'-0"



2 WALL SECTIONS
KEY PLAN
1/16" = 1'-0"



Prepared For:
**SAULNIER
DEVELOPMENT LLC**
100 MAIN ST. SUITE 1214
SACO, ME 04072

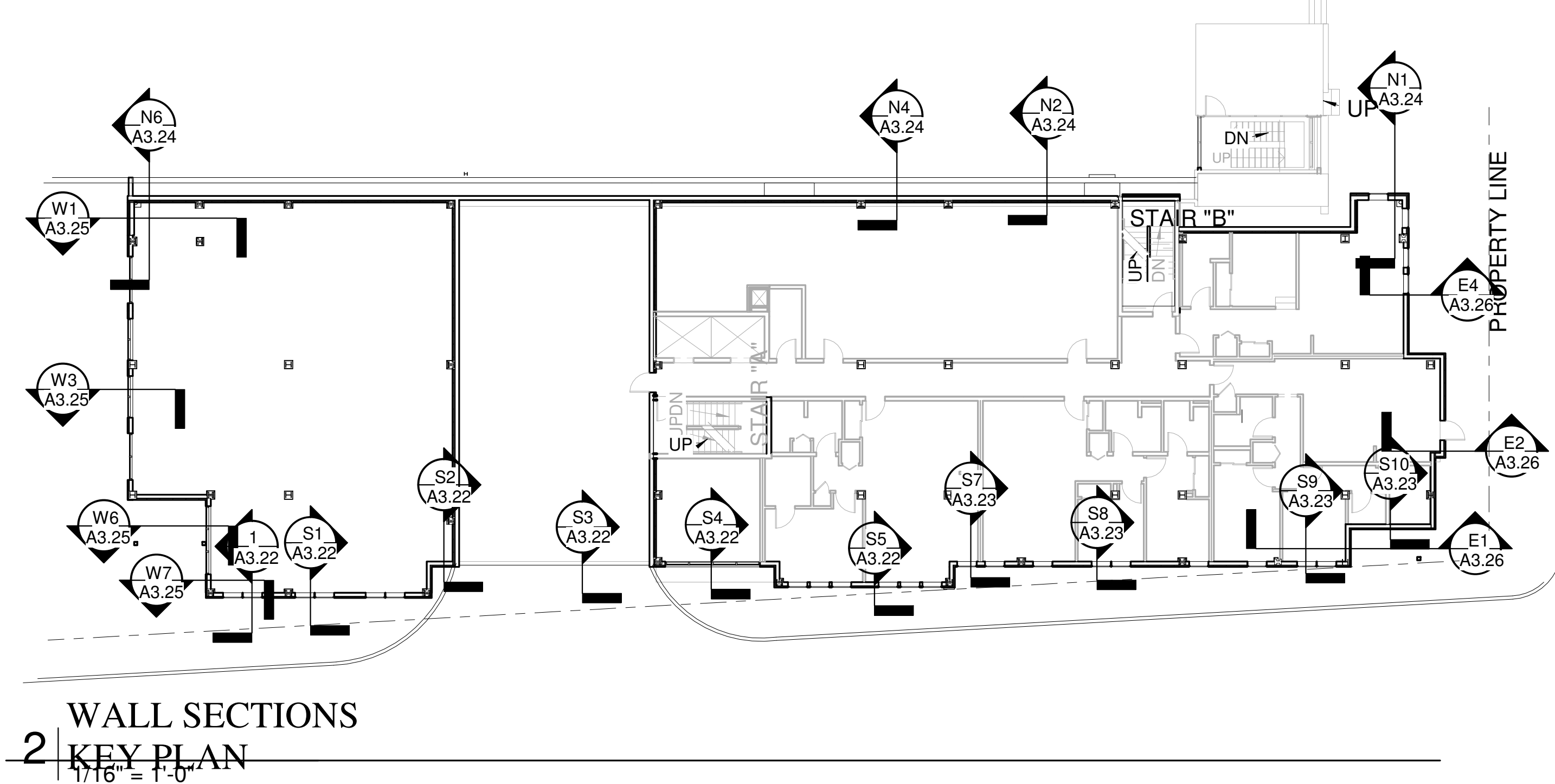
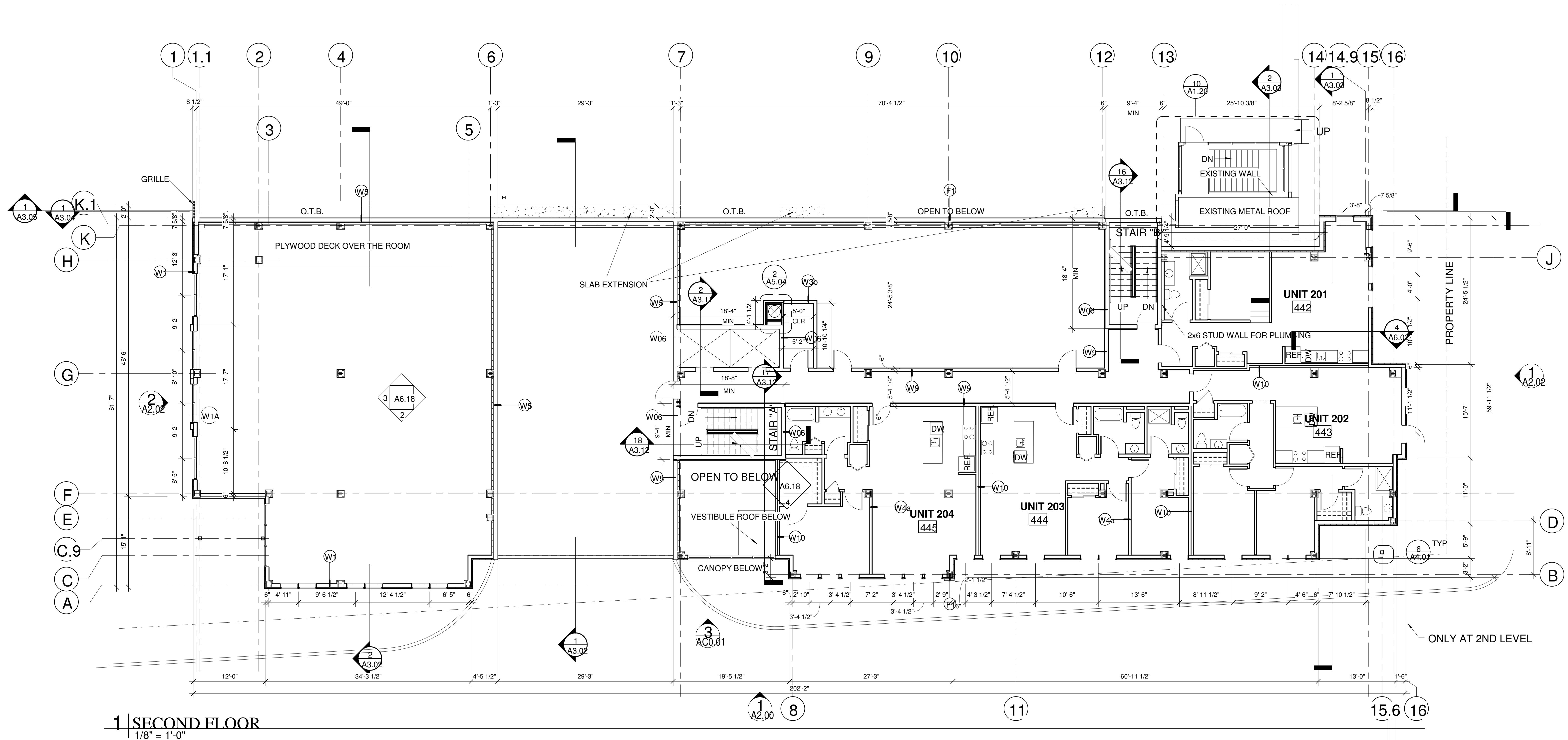
Consultant:
**ARCHETYPE
architects**
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
**Westerlea View
Lofts**
Chestnut Street
Portland, Maine

Revisions:
1 2-5-18
SUBMITTED FOR
PERMIT

Date:
02/01/2018
Scale:
As indicated
FIRST FLOOR PLAN

A1.01



Prepared For:

SAULNIER
DEVELOPMENT LLC

100 MAIN ST, SUITE 1214
SACO MAINE 04072

Consultant:

Architect:
W **RCHETYPE**
architects

48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:

Westerlea View

LOIS
Chestnut Street

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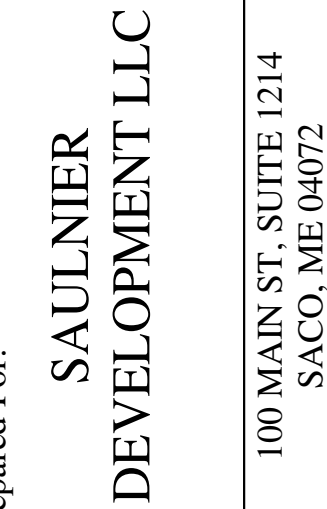
Date: 4-6-2018	Scale: As indicated
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Date: 16 2018

Date: 4-6-2018

SECOND FLOOR PLAN

A1.02



ARCHETYPE
architects

48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Westerlea View
Lofts
Chestnut Street
Portland, Maine

2-5-18	SUBMITTED FOR PERMIT
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02/01/2018	As indicated
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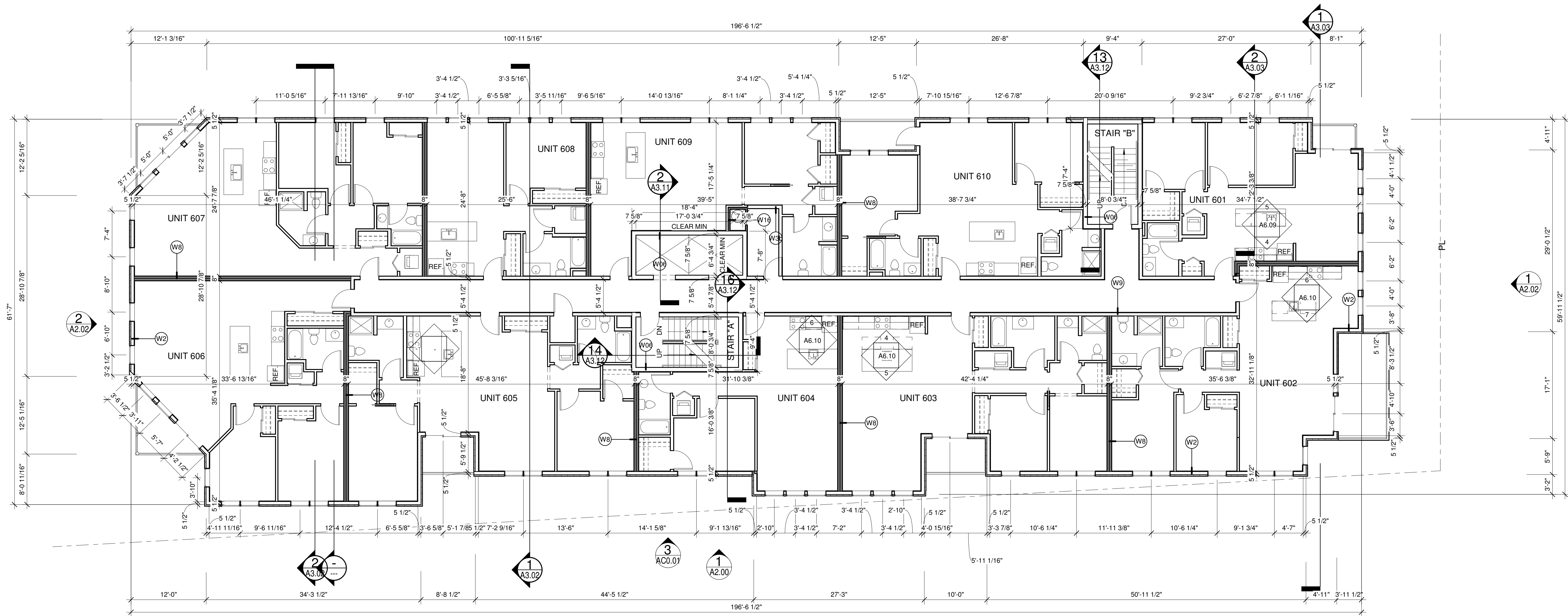
THIRD THROUGH FIFTH FLOOR PLANS

A1.04

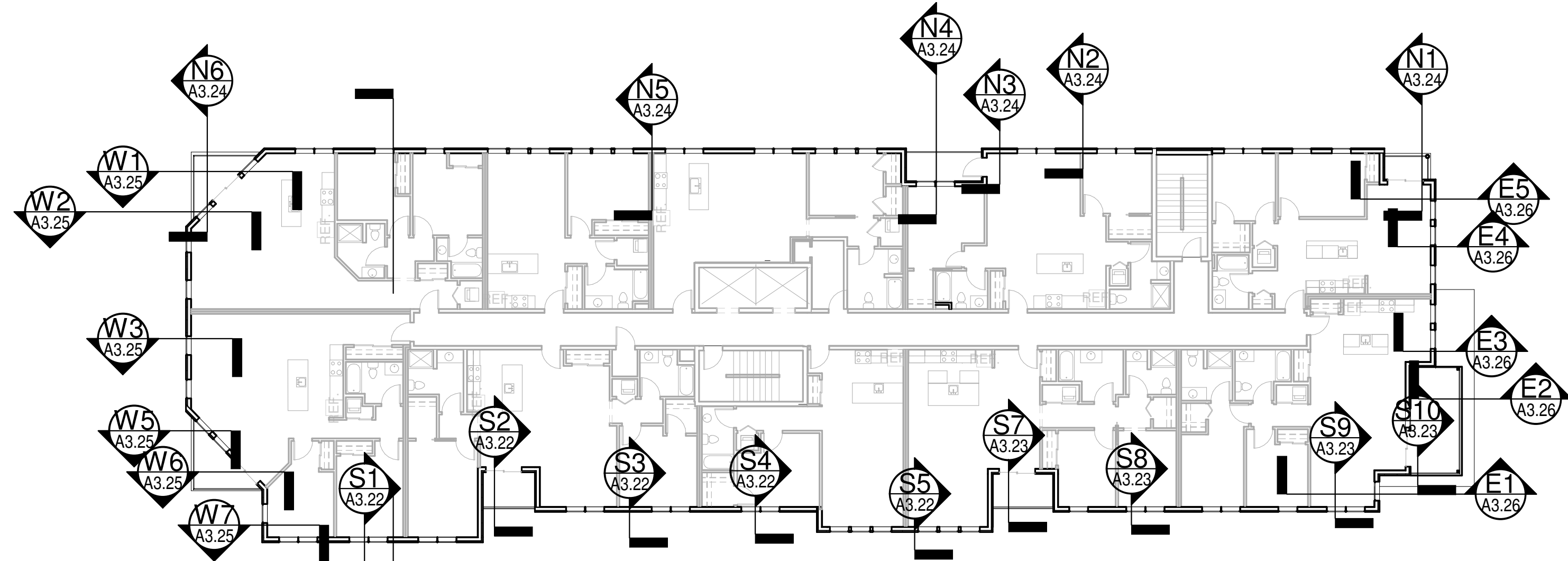


AREA CALCULATION

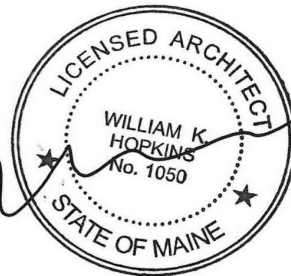
UNITS:	9,193 SF
CIRCULATION:	1,457 SF
EXTERIOR WALL THICKNESS:	654 SF
BALCONIES:	393 SF
<u>GROSS AREA:</u>	<u>+ 11,697 SF</u>



1 | SIXTH FLOOR
1/8" = 1'-0"



2 | WALL SECTIONS
2 | KEY PLAN
1/16" = 1'-0"



Prepared For:
**SAULNIER
DEVELOPMENT LLC**
100 MAIN ST, SUITE 1214
SACO, ME 04072

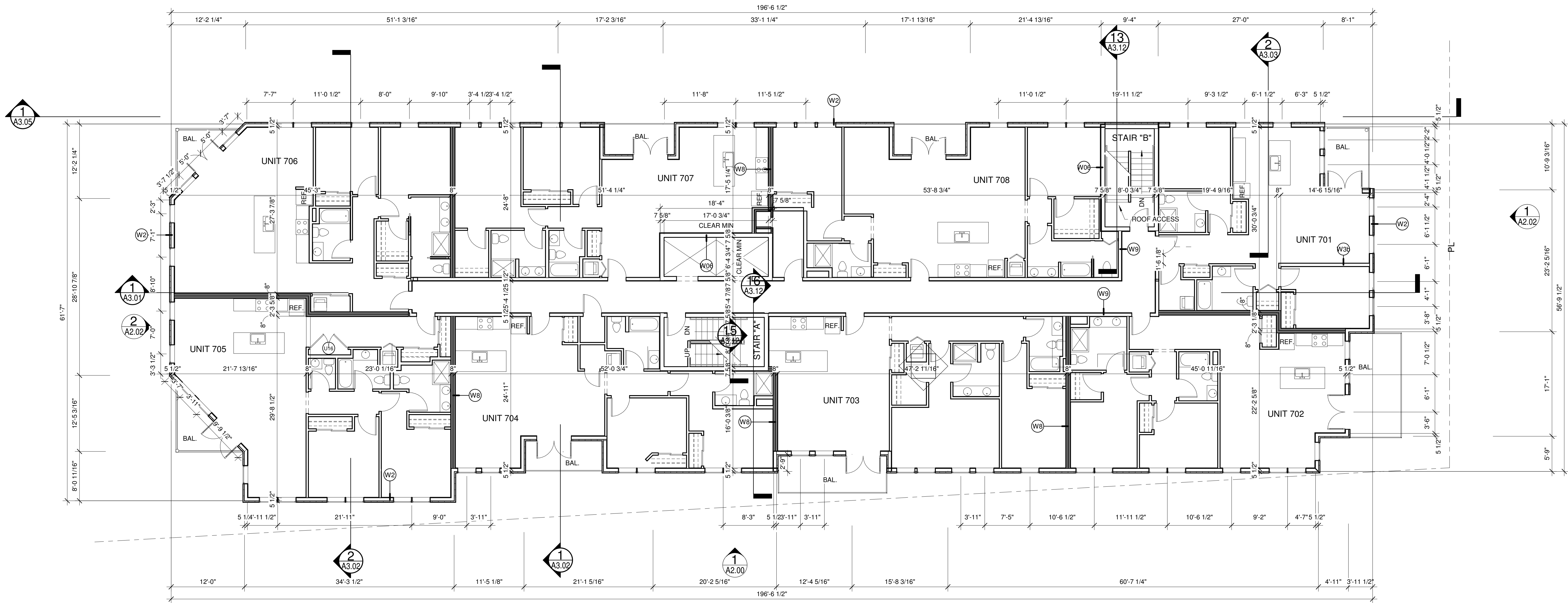
Consultant:
**ARCHETYPE
architects**
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
**Westerlea View
Lofts**
Chestnut Street
Portland, Maine

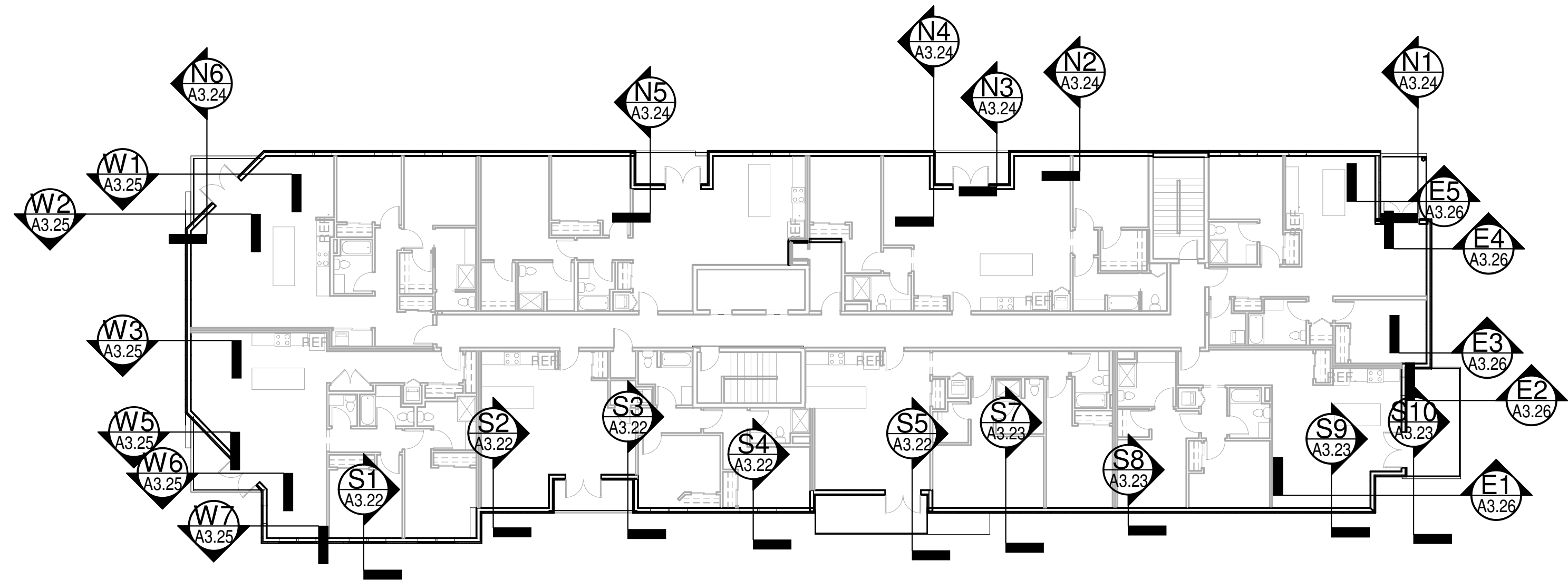
Revisions:
1 2-5-18
SUBMITTED FOR
PERMIT

Date:
02/01/2018
Scale:
As indicated
SIXTH FLOOR PLAN

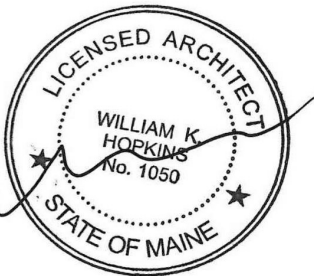
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1 SEVENTH FLOOR
1/8" = 1'-0"



2 WALL SECTIONS
KEY PLAN
1/16" = 1'-0"



Prepared For:
**SAULNIER
DEVELOPMENT LLC**
100 MAIN ST., SUITE 1214
SACO, ME 04072

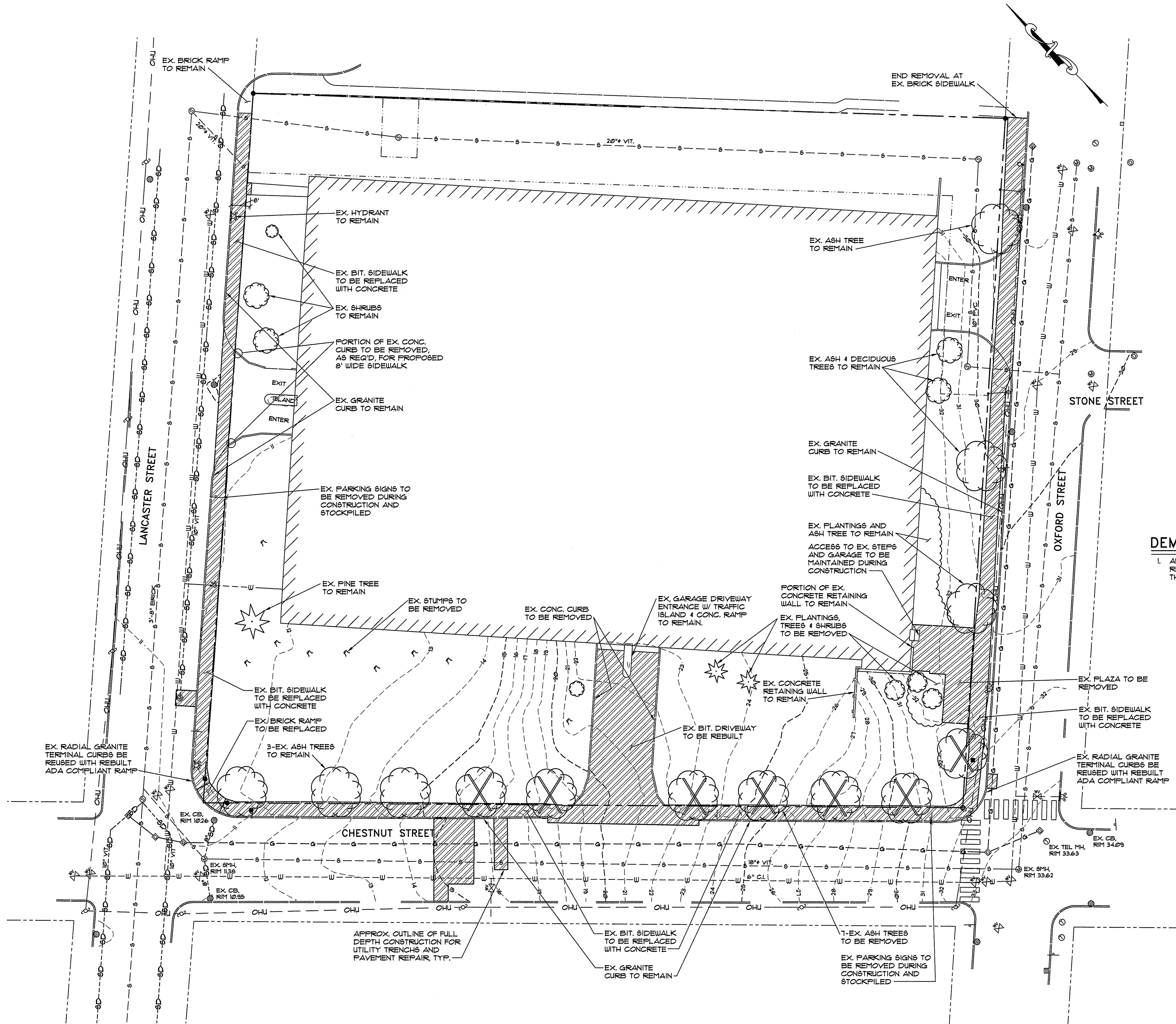
Consultant:
**ARCHETYPE
architects**
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
**Westerlea View
Lofts**
Chestnut Street
Portland, Maine

Revisions:
1 2-5-18
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PERMIT

Date:
02/21/2018
Scale:
As indicated
SEVENTH FLOOR PLAN

A1.06



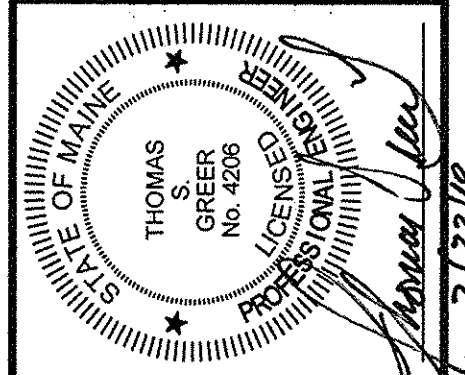
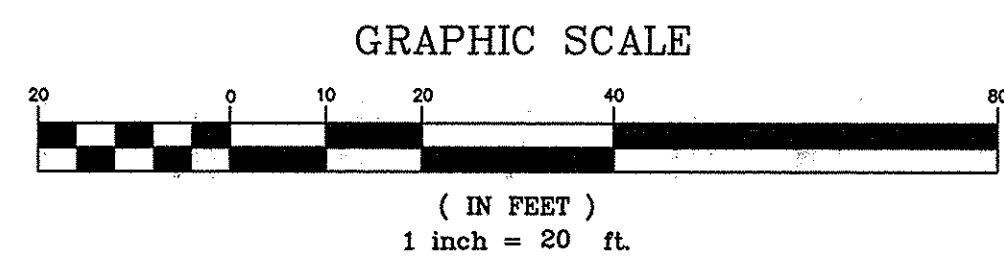
LEGEND

EXISTING

---	PROPERTY LINE
---	ABUTTERS PROPERTY
---	EDGE OF PAVEMENT
---	CONTOURS
---	BUILDING
---	EDGE OF GRAVEL
---	CURB
---	GAS LINE
---	SANITARY SEWER
---	STORMDRAIN
---	OVERHEAD UTILITY
---	WATER LINE
---	CATCH BASIN
---	COMBINED SYSTEM MANHOLE
---	SEWER MANHOLE
---	ELECTRIC MANHOLE
---	ELECTRIC METER
---	GAS METER
---	HYDRANT
---	GAS VALVE
---	POLE MOUNTED TRANSFORMER
---	UTILITY POLE W/ GUY WIRE
---	SIGN
---	TREE
---	IMPERVIOUS TO BE REMOVED
---	BENCHMARK

DEMOLITION NOTES

1. ANY UNUSED SERVICE LINES ARE TO BE PROPERLY REMOVED TO THE MAIN. CAP EACH IN ACCORDANCE WITH THE APPROPRIATE UTILITY REQUIREMENTS.



REV.	DATE	DESCRIPTION
1	9/30/16	REV'D PER CITY REVIEW
2	11/7/16	REV'D PER CITY COMMENTS
3	11/21/16	REV'D PER STAFF REVIEW
4	2/21/18	REV'D FOR BUILDING PERMIT

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE: AS SHOWN
DATE: JULY 28, 2016
PROJECT: 16142

DRN BY: JDC
DESG BY: TSG
CHK BY: **166**

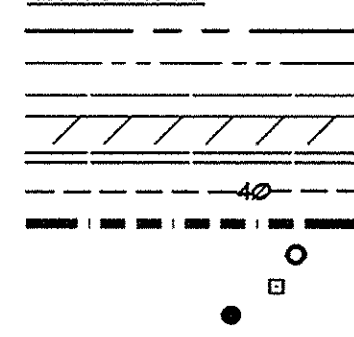
WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

EXISTING CONDITIONS
AND DEMOLITION PLAN

C1.3

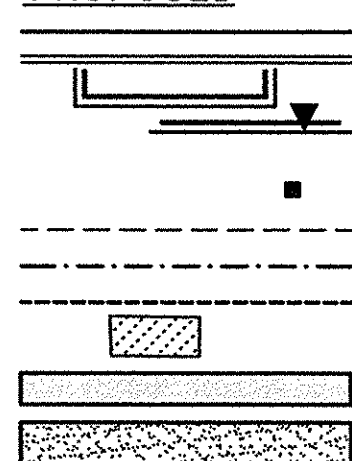
EXISTING

EXISTING



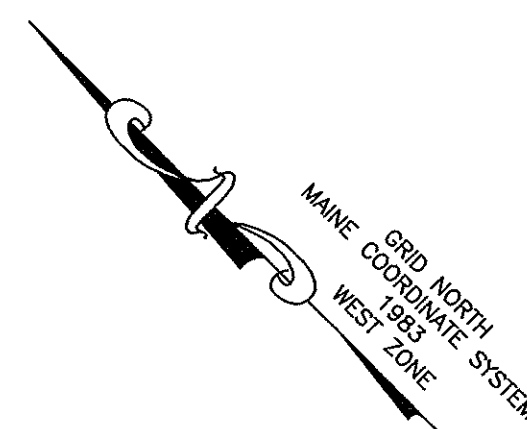
PROPERTY LINE
ABUTTERS PROPERTY
EDGE OF PAVEMENT
BUILDING
CURB
CONTOURS
ZONING DISTRICT
IRON PIPE FOUND
MONUMENT FOUND
5/8" IRON ROD
W/CAP #11T SET

PROPOSED



EDGE OF PAVEMENT
VERTICAL GRANITE CURB
BUILDING
BUILDING ENTRY/EGRESS

BOUND TO BE SET
FOOTING LICENSE
ACCESS EASEMENT
AIR RIGHTS EASEMENT
SNOW STORAGE AREA
BITUMINOUS PAVEMENT
CONCRETE PAVEMENT



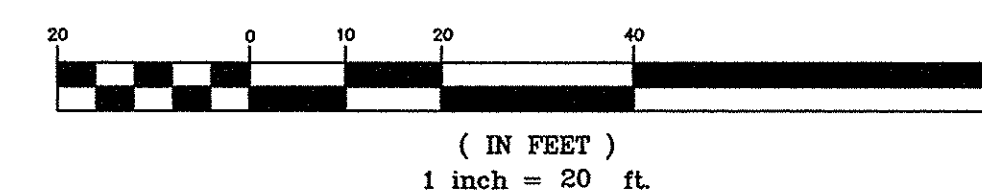
LOCATION PLAN

SCALE: 1"=750'

GENERAL NOTES

1. OWNER: 4M PARTNERS, INC.
120 EXCHANGE STREET, PORTLAND, MAINE
04101. DEEDS RECORDED IN CUMBERLAND
COUNTY REGISTRY OF DEEDS BK. 21183,
PG. 53, DATE 8/11/03.
2. ENGINEER: PINKHAM & GREER CIVIL
ENGINEERS, 28 VANNAH AVENUE,
PORTLAND, MAINE, 04103.
3. ARCHITECT: ARCHETYPE ARCHITECTS,
48 UNION WHARF, PORTLAND, MAINE 04101.
4. TOPOGRAPHIC & BOUNDARY: MAINE SURVEY
CONSULTANTS, INC., PO BOX 485, HARRISON, MAINE, 04040.
5. UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION
STUDY OF CUMBERLAND COUNTY. THE UPPER HALF OF THE SITE IS CLASSIFIED
HINKLEY (HIB), THE LOWER HALF IS CLASSIFIED AS AU GRES (AW). THE
SURFACE OF THE SITE IS CURRENT URBAN LAND.
6. TAX MAP REFERENCE: MAP 26 / BLOCK E / LOT 10.
7. ZONE: B-T, MIXED DEVELOPMENT, PROPOSED USE: CONDOMINIUMS
8. EXISTING PARCEL = 2.12 acres
9. UTILS TO BE SERVICED BY PUBLIC WATER, SEWER, AND GAS FROM CHESTNUT
STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14,
GRADING AND UTILITIES PLAN.
10. POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM
AN EXISTING POLE. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND
UTILITIES PLAN.
11. CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
12. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND
TECHNICAL MANUAL STANDARDS.
13. PROPOSED PARKING SPACES: NO NEW SPACES. EXISTING PARKING IS
ALREADY ONSITE. 1 PER UNIT PROVIDED IN THE EXISTING GARAGE.
14. THE SUBJECT PARCEL SHOWN AS WESTERLEA VIEW LOFTS IS SUBJECT TO A CITY
OF PORTLAND LEVEL III SITE PLAN AND SUBDIVISION PERMIT.
15. DETAILS OF STREET TREES ARE INCLUDED ON THE LANDSCAPE PLAN AS PART
OF THE APPROVAL FOR WESTERLEA LOFTS SITE PLAN.
16. FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE
MAP, COMMUNITY PANEL 2300251 0015 B, EFFECTIVE DATE JULY 11, 1986. IT IS
NOT IN A SPECIAL FLOOD HAZARD ZONE.
17. PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END
OF CONSTRUCTION ON CORNERS NOT CURRENTLY MARKED.
18. ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE
WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMP'S" PUBLISHED BY THE
BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF
ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.
19. THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER
TREATMENT SYSTEM, TRASH REMOVAL AND GROUNDSKEEPING.

GRAPHIC SCALE



SURVEYORS NOTES:

NOTES:

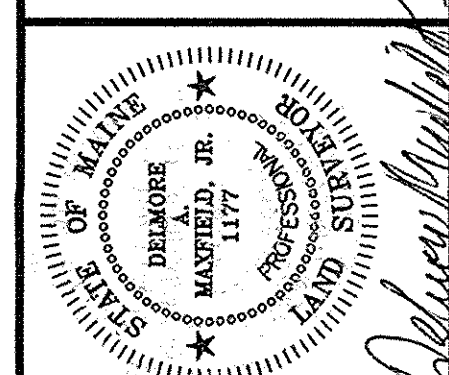
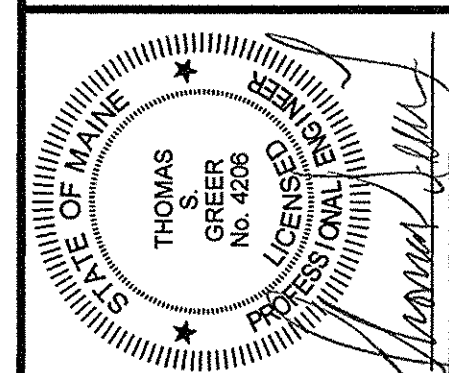
- 1) THE PARCEL BOUNDARIES AS DEPICTED ON THIS MAP WERE DERIVED FROM A THOROUGH REVIEW OF RECOVERED EXISTING RECORD EVIDENCE AND ACTUAL FIELD SURVEY LOCATION OF FOUND PHYSICAL EVIDENCE AND REPRESENT IN MY PROFESSIONAL OPINION THE POSITION OF THE RECORD PARCEL BOUNDARIES.
- 2) THIS SURVEY CONFORMS TO THE CURRENT STANDARDS ADOPTED BY THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS. EXCEPTIONS AS NOTED ABOVE.
- 3) NOT VALID OR TRUE COPY OF ORIGINAL UNLESS SIGNED AND EMBOSSED BY SURVEYOR.
- 4) NO DETAILED SURVEY REPORT.

SUBDIVISION PLAN
APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

DATE _____



PINKHAM & GREER
CIVIL ENGINEERS



7	4/9/18	CREATED SUBDIVISION SHEET 3 of 3 PER CITY REQUEST
6	2/21/18	REV'D FOR BUILDING PERMIT
5	3/8/17	REV'D EASEMENTS & LICENSES, ADD CONDITIONS OF APPROVAL
4	12/1/16	REV'D PER STAFF REVIEW
3	11/21/16	REV'D PER STAFF REVIEW
2	1/17/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW
		DESCRIPTION

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE:	AS SHOWN	DRN BY:
DATE:	JULY 28, 2016	DESIGN BY:
PROJECT:	16142	CHK BY:

WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

SUBDIVISION PLAN SHEET 1 of 3

C1.1

MAP/LOT 26 / E / 10

GENERAL NOTES:

- PLAN REFERENCES:

- ## SNOW CLEARANCE NOTES

- ## WAIVERS

- ## ZONE INFORMATION

B-7 MIXED DEVELOPMENT DISTRICT ZONE

PERMITTED USE: RESIDENTIAL CONDOMINIUMS

PARKING INFORMATION

OFF STREET PARKING 1 SPACE PER UNIT

BIKE RACKS (NUMBER OF BIKES PARKED) EXTERIOR: 8 BIKES
INTERIOR: 36 BIKES

IMPERVIOUS INFORMATION

EXISTING IMPERVIOUS	53,826 SQ. FT.
---------------------	----------------

PROPOSED IMPERVIOUS	64,844 SQ. FT.
---------------------	----------------

NET IMPERVIOUS +11,018 SQ. FT.

ON DECEMBER 13, 2016 THE PLANNING BOARD VOTED TO APPROVE THE APPLICATION WITH THE FOLLOWING WAIVER AND CONDITIONS (FOR FULL TEXT OF THE WAIVERS AND CONDITIONS SEE THE CITY OF PORTLAND APPROVAL LETTER DATED DECEMBER 16, 2016 SIGNED BY ELIZABETH BOEFFLE, CHAIR PORTLAND PLANNING BOARD):

A. WAIVER

1. SITE CONSTRAINTS PREVENT THE PLANTING OF ALL REQUIRED STREET TREES IN THE RIGHT-OF-WAY. THE APPLICANT SHALL CONTRIBUTE \$6,400 TO PORTLAND'S TREE FUND.

B. SUBDIVISION

I. THE APPLICANT SHALL SUBMIT A FINAL SUBDIVISION PLAT FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL, THE DEPARTMENT OF PUBLIC WORKS, AND THE PLANNING AUTHORITY

11. THE APPLICANT SHALL PROVIDE DRAFTS OF ALL NECESSARY EASEMENTS,

a.-d. SEE THE EASEMENTS AND LICENSES LIST ON SUBDIVISION
PLAN, SHEET 1 OF 2
e. EASEMENT OR OTHER LEGAL DOCUMENT TO SECURE REQUIRED
PARKING FOR THE RESIDENTIAL UNITS

C. SITE PLAN

I. THAT FINAL PROPOSALS SHALL COMPLY WITH THE BT DESIGN STANDARDS A-2, A-5, C-2, E-1 AND E3, PARTICULARLY ADDRESSING:

- a. ARTICULATED ROOFLINE
- b. MASSING AND SCALE TO TRANSITION AND INTEGRATE WITH THE RESIDENTIAL CONTEXT ON CHESTNUT STREET
- c. PEDESTRIAN EXPERIENCE ON CHESTNUT STREET
- d. MATERIALITY

II. THAT THE PROJECT IS SUBJECT TO THE SUBMITTED TRANSPORTATION DEMAND MANAGEMENT PLAN DATED OCTOBER 2016

III. THAT THE APPLICANT SUBMIT A REVISED AND MORE DETAILED PLAN FOR THE AMENITY AREA

IV. THAT THE APPLICANT AND ALL ASSIGNS SHALL COMPLY WITH THE
CONDITIONS OF CHAPTER 32 STORMWATER

v. THAT PLANS SHOWING DETAILS FOR THE AREAS LISTED BELOW SHALL BE SUBMITTED TO THE PLANNING AUTHORITY

- a. PATIO/ENTRANCES ON OXFORD STREET
- b. DOORS FOR ENTRANCE TO PARKING GARAGE ON CHESTNUT STREET

- c. DECKS OVER PARKING LOT
- d. LIVE-WORK UNIT
- e. PARKING LAYOUT FOR ADA SPACES

VI. REVISE PLANS AND DETAILS FOR ELEMENTS IN THE CITY'S RIGHT OF WAY:

- a. DRIVEWAY APRONS ON OXFORD STREET AND LANCASTER STREET
- b. SIDEWALK RAMP CONSTRUCTION AT THE CORNER OF CHESTNUT STREET AND LANCASTER STREET
- c. AN UNDERGROUND LIGHTING CONDUIT ON OXFORD STREET.

VII. DETAILS OF THE LOCATION, DESIGN AND SCREENING OF FACADE AND ROOFTOP EXTERNAL HEATING, VENTILATION AND OTHER MECHANICAL EQUIPMENT, AND INFORMATION ABOUT SOUND LEVELS

VIII. THAT THE APPLICANT ADDRESS THE FIRE DEPARTMENT COMMENTS

ix. BUILDING MOUNTED WALL SCONCES INSTALLED WITH THE LIGHTS DIRECTED DOWNWARD.

D. INCLUSIONARY ZONING CONDITIONAL USE
1. ENTER INTO AN AFFORDABLE HOUSING AGREEMENT

II. DETAILS OF THE RESTRICTIONS PLACED ON THE WORKFORCE UNITS

STANDARD CONDITIONS OF APPROVAL
APPLICANT IS TO COMPLYING WITH THE CITY OF PORTLAND STANDARD
CONDITIONS OF APPROVAL AND REQUIREMENTS AS NOTED IN THE
FINAL APPROVAL LETTER DATED DECEMBER 16, 2016.

1. LANDSCAPING SHALL MEET THE "ARBORICULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.

3. THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
3. ALL POWERLINE UTILITIES SHALL BE UNDERGROUND.
4. SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIPDOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS AND RIVERWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
5. ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BNPS PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
6. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
7. ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
8. PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND GAINER 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 REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
9. EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
10. SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD AFTER ACQUISITION OF THE LAND FOR DEVELOPMENT OF BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.A. SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. IF THE DIVISION INCLUDES ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTIFAMILY HOUSING CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

RESIDENTIAL UNIT INFORMATION

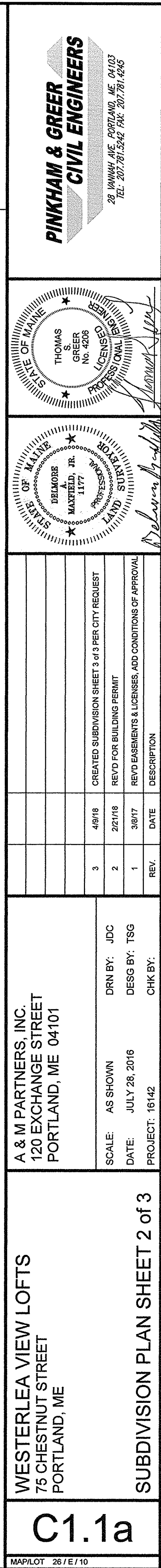
ALL UNITS			WORKFORCE HOUSING		
UNIT TYPE	QUANTITY	TOTAL BEDS	UNIT TYPE	QUANTITY	TOTAL BEDS
STUDIO	2	2	STUDIO	2	2
1 BEDROOM	14	14	1 BEDROOM	1	1
2 BEDROOM	38	76	2 BEDROOM	3	6
TOTAL	54	92	TOTAL	6	9

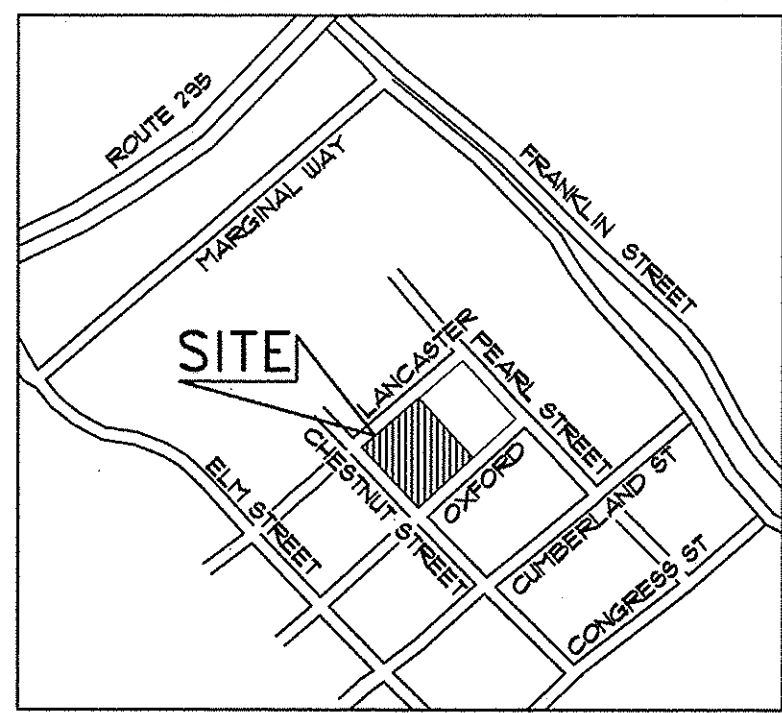
ZONE INFORMATION

ZONE: B-7, MIXED DEVELOPMENT DISTRICT
PERMITTED USE: RESIDENTIAL CONDOMINIUMS

SPACE STANDARDS	REQUIRED	LOT B PROVIDED
MINIMUM LOT SIZE	NONE	21,451 SF.
MINIMUM STREET FRONTAGE	NONE	443 FEET
MINIMUM FRONT YARD SETBACK	NONE	Ø8 FEET
MINIMUM REAR YARD SETBACK	NONE	NA
MINIMUM SIDE YARD SETBACK	NONE	NA
MAXIMUM STREET SETBACK	10 FEET OR	-
75% OF BLDG WITHIN 10' OF IR - CHESTNUT		94%
75% OF BLDG WITHIN 10' OF IR - OXFORD		62%
MINIMUM LENGTH OF BUILDING WALL	25% OF PERIM.	48%
MAXIMUM BUILDING LOT COVERAGE	100%	45%
MAXIMUM RESIDENTIAL DENSITY	NONE	54 UNITS
MAXIMUM BUILDING HEIGHT	75 FEET	79.81 FEET
OFF STREET PARKING	1 PER UNIT	1 PER UNIT
BIKE RACKS	12	22

SUBDIVISION PLAN	
APPROVED BY THE CITY OF PORTLAND PLANNING BOARD	
DATE	





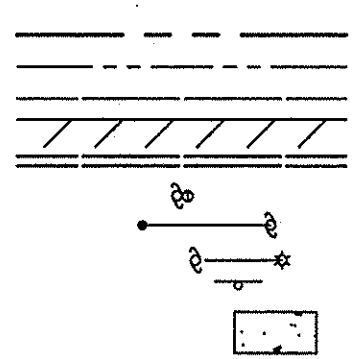
LOCATION PLAN

CITY OF PORTLAND SITE PLAN AND SUBDIVISION NOTES

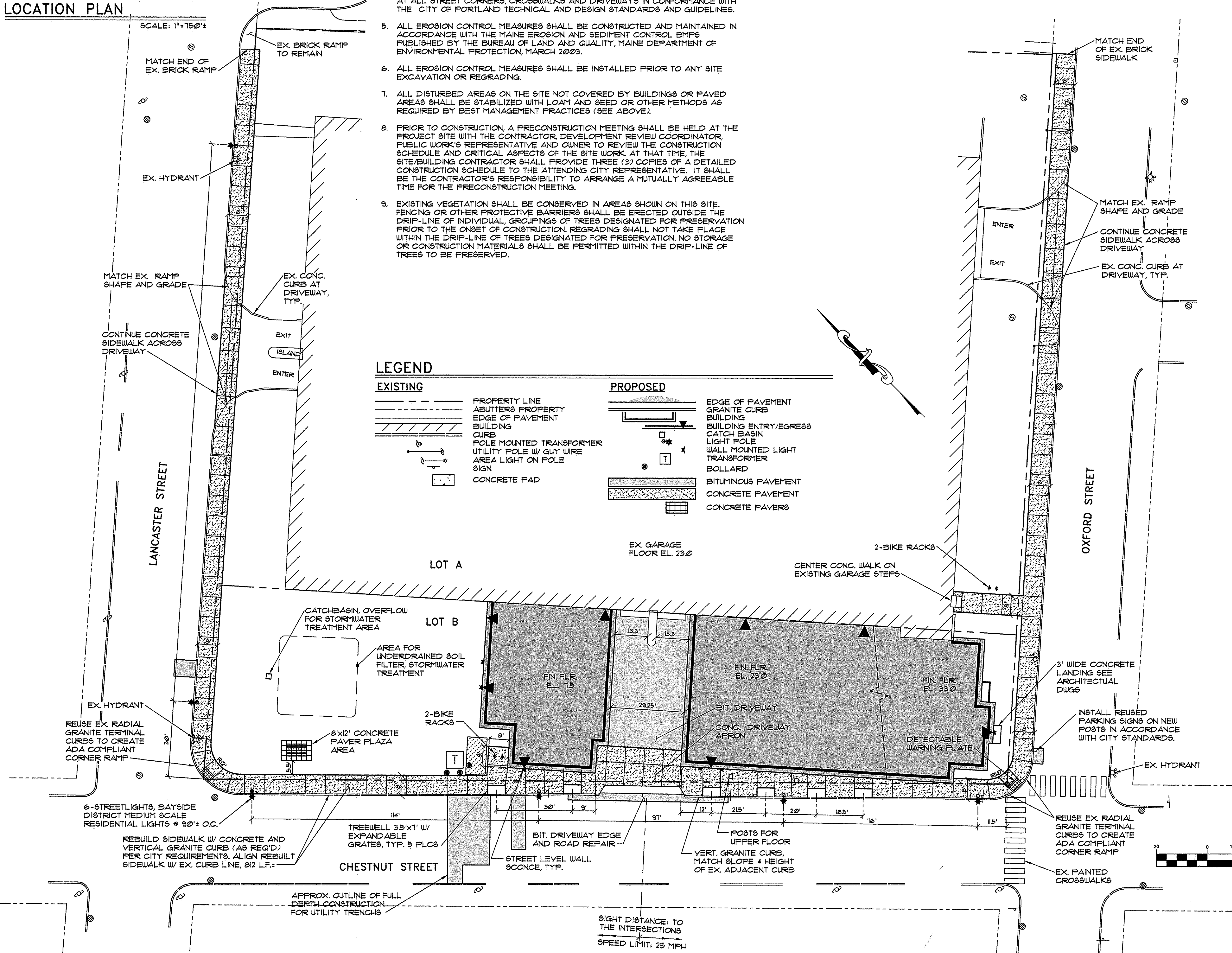
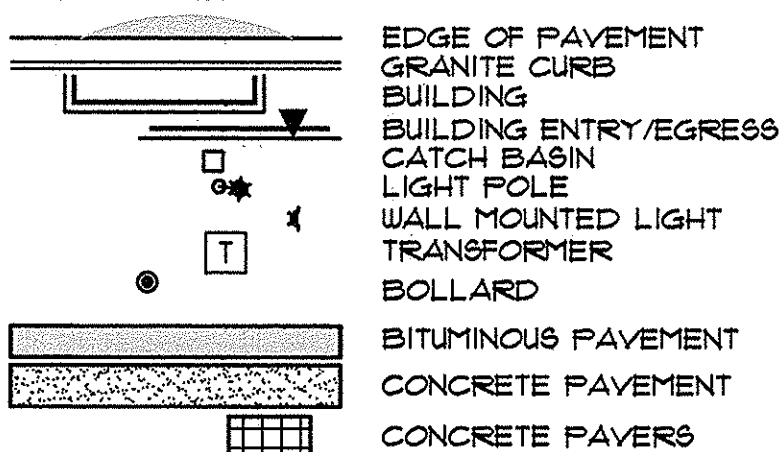
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- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS 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 REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
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LEGEND

EXISTING



PROPOSED



PROJECT SITE DRAWINGS

- | | |
|------|---|
| C11 | SUBDIVISION PLAN SHEET 1 of 2 |
| C11a | SUBDIVISION PLAN SHEET 2 of 2 |
| C12 | SITE PLAN |
| C13 | EXISTING CONDITIONS AND DEMOLITION PLAN |
| C14 | GRADING AND UTILITIES PLAN |
| C15 | LANDSCAPE PLAN, NOTES AND DETAILS |
| C16 | EROSION CONTROL PLAN |
| C21 | DETAILS |
| C22 | DETAILS |
| C23 | DETAILS |
| C24 | DETAILS |
| D11 | DRAINAGE ANALYSIS |
| | EXISTING CONDITIONS SURVEY |

PARKING INFORMATION

OFF STREET PARKING	1 SPACE PER UNIT
BIKE RACKS (NUMBER OF BIKES PARKED)	EXTERIOR: 8 BIKES INTERIOR: 36 BIKES
EXISTING IMPERVIOUS	53,826 SQ. FT.
PROPOSED IMPERVIOUS	64,844 SQ. FT.
NET IMPERVIOUS	41,018 SQ. FT.

IMPERVIOUS INFORMATION

GENERAL NOTES

- OWNER: A&M PARTNERS, INC. 120 EXCHANGE STREET, PORTLAND MAINE 04101. DEEDS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BK. 21183, PG. 53, DATE 8/11/09.
- ENGINEER: PINKHAM & GREER CIVIL ENGINEERS, 28 VANNAH AVENUE, PORTLAND, MAINE, 04103.
- ARCHITECT: ARCHETYPE ARCHITECTS, 48 UNION WHARF, PORTLAND, MAINE 04101.
- TOPOGRAPHIC & BOUNDARY: MAINE SURVEY CONSULTANTS, INC., PO BOX 485, HARRISON, MAINE, 04040.
- UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY. THE UPPER HALF OF THE SITE IS CLASSIFIED HINCKLEY (HIB), THE LOWER HALF IS CLASSIFIED AS AU GRES (Au). THE SURFACE OF THE SITE IS CURRENT URBAN LAND.
- TAX MAP REFERENCE: MAP 26 / BLOCK E / LOT 10.
- ZONE: B-1, MIXED DEVELOPMENT, PROPOSED USE: CONDOMINIUMS
- EXISTING PARCEL = 2.12 acres
- UNITS TO BE SERVICED BY PUBLIC WATER, SEWER, AND GAS FROM CHESTNUT STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
- POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM AN EXISTING POLE. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
- CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
- ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
- PROPOSED PARKING SPACES: NO NEW SPACES, EXISTING PARKING IS ALREADY ONSITE. 1 PER UNIT PROVIDED IN THE EXISTING GARAGE.
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- FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 230051 0013 B, EFFECTIVE DATE JULY 17, 1986. IT IS NOT IN A SPECIAL FLOOD HAZARD ZONE.
- PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END OF CONSTRUCTION ON CORNERS NOT CURRENTLY MARKED.
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMPs" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.
- THE OWNER IS RESPONSIBLE FOR MAINTENANCE OF THE STORMWATER TREATMENT SYSTEM, TRASH REMOVAL AND GROUNDSKEEPING.

ZONE INFORMATION

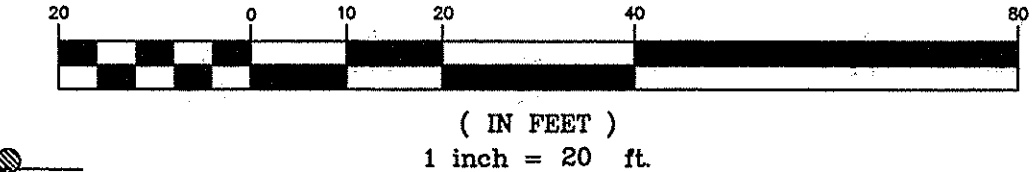
ZONE: B-1, MIXED DEVELOPMENT DISTRICT
PERMITTED USE: RESIDENTIAL CONDOMINIUMS

SPACE STANDARDS	REQUIRED	LOT B PROVIDED
MINIMUM LOT SIZE	NONE	21,451 SF.
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MINIMUM REAR YARD SETBACK	NONE	NA
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	75% OF BLDG WITHIN 10' OF R - OXFORD	62%
MINIMUM LENGTH OF BUILDING WALL	25% OF PERIM.	40%
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BIKE RACKS	12	22

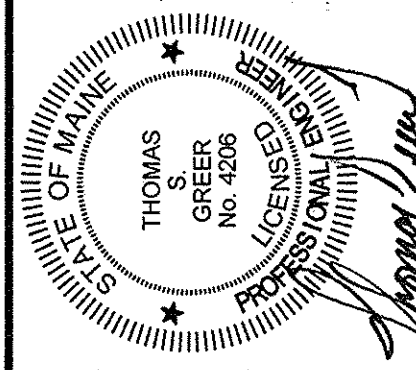
WAIVERS

- ALLOW THE DEVELOPER TO PAY INTO THE STREET TREE FUND IN LIEU OF PLANTING STREET TREES.

GRAPHIC SCALE



PINKHAM & GREER
CIVIL ENGINEERS
28 VANNAH AVE. PORTLAND, ME. 04103
TEL: 207.761.5442 FAX: 207.761.4245



REV.	DATE	DESCRIPTION
7	2/21/18	REV'D FOR BUILDING PERMIT
6	3/8/17	REV'D BUILDING ENTRANCE
5	12/1/16	ADDED WALL SCONCE LOCATIONS
4	12/1/16	REV'D PER STAFF REVIEW
3	11/21/16	REV'D PER STAFF REVIEW
2	11/7/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

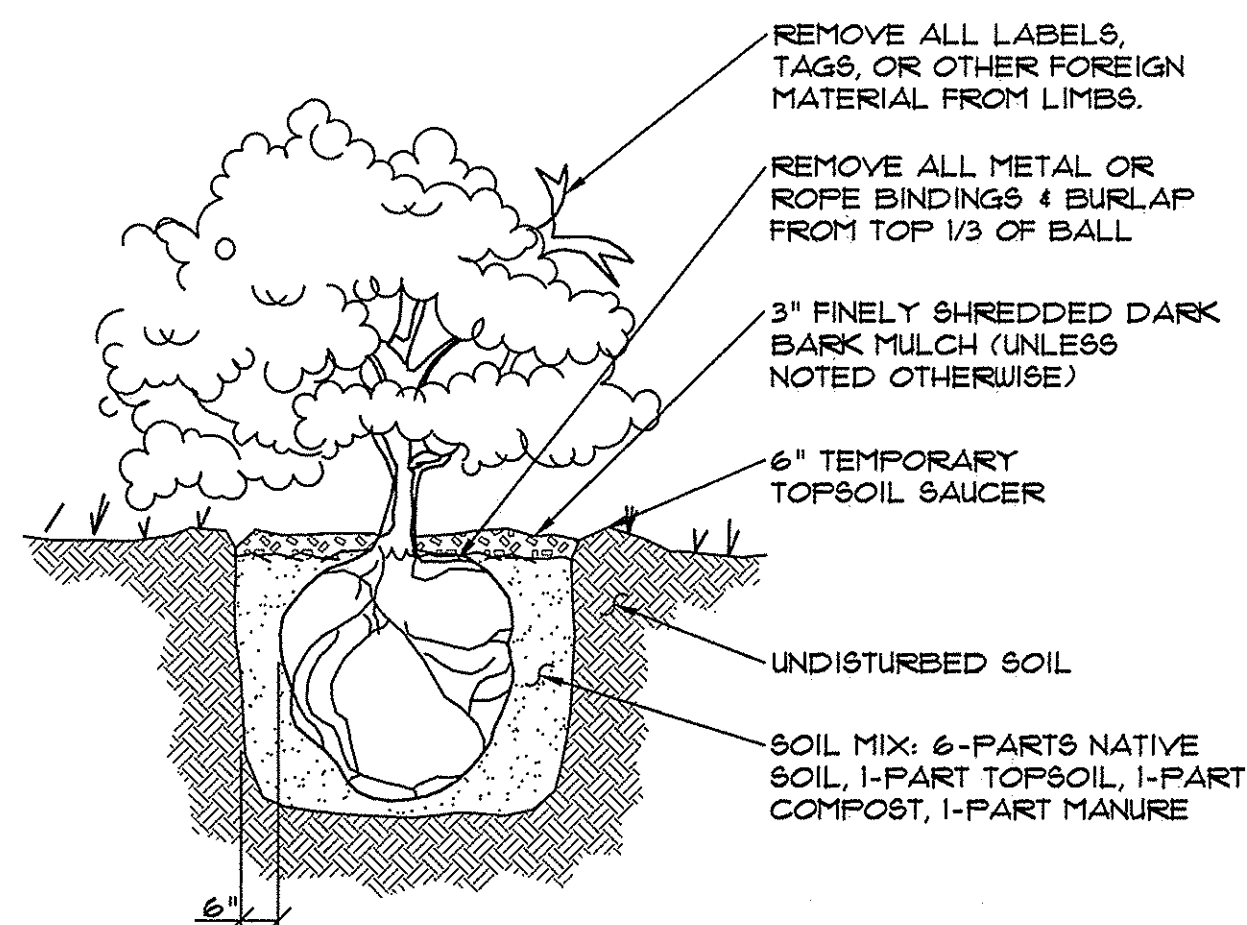
SCALE: AS SHOWN
DATE: JULY 28, 2016
PROJECT: 18142

DRN BY: JDC
DESIGN BY: TSG
CHK BY: -186

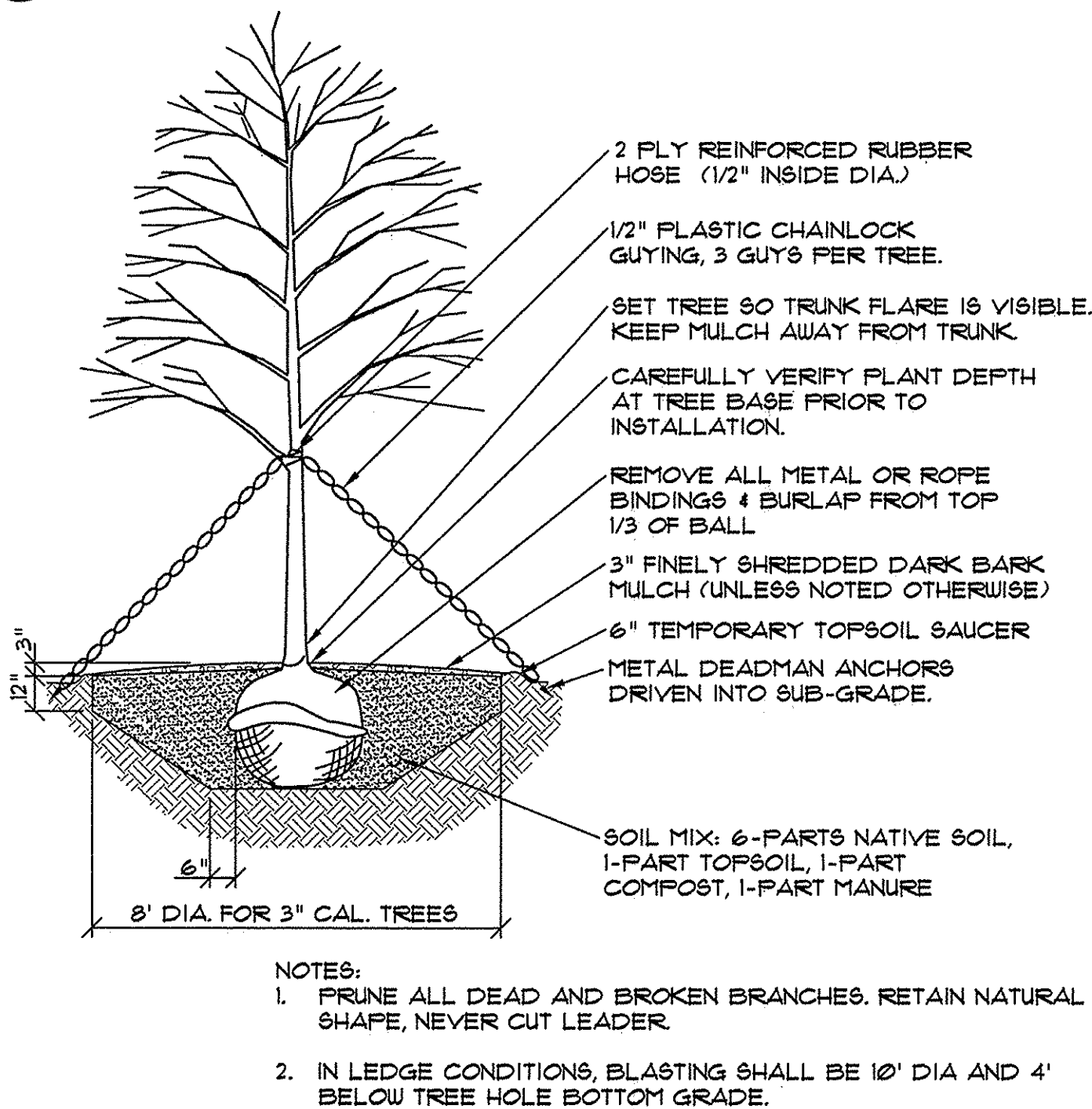
WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

SITE PLAN

C1.2



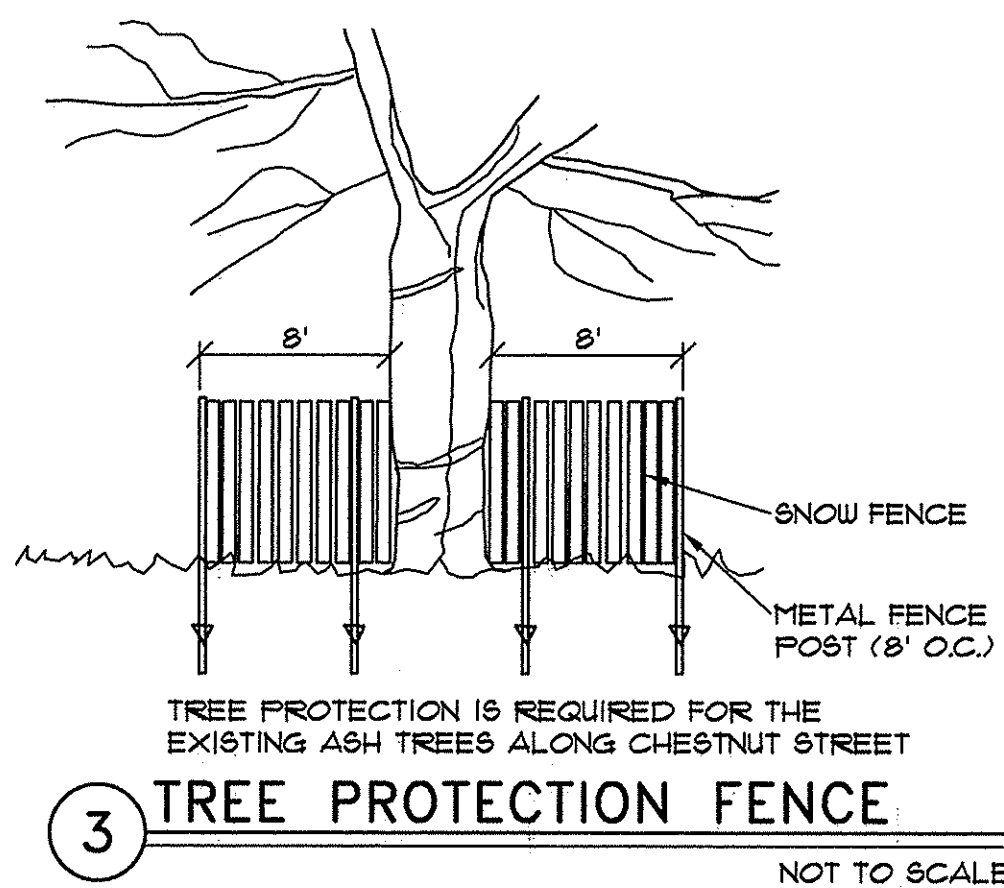
1 SHRUB PLANTING DETAIL
NOT TO SCALE



2 DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE

PLANT LIST

KEY	COMMON NAME/BOTANICAL NAME	SIZE	ROOT	QUAN.	NOTES
A	HONEY LOCUST / g. triacanthos 'inermis' Streetkeeper	2" cal.	B4B	6	SINGLE TRUNK
B	HORNBEAM / carpinus caroliniana	2" cal.	B4B	3	
C	SHASTA VIBURNUM / v. plicatum tomentosum 'shasta'	3-4' tall	B4B	21	3 CANES
D	SHOSHONI VIBURNUM / v. plicatum var. tomentosum 'Summer Snowflake'	18" tall	B4B	11	3 CANES
E	SWITCH GRASS / panicum virgatum 'Northwind'	--	POTTED	14	
F	SWITCH GRASS / panicum virgatum 'Shenandoah'	--	POTTED	20	
G	MOHICAN VIBURNUM / v. lantana 'mohican'	3-4' tall	B4B	18	3 CANES
H	ARMSTRONG MAPLE / a. freemanii 'Armstrong'	2 1/2" cal.	B4B	7	



3 TREE PROTECTION FENCE
NOT TO SCALE

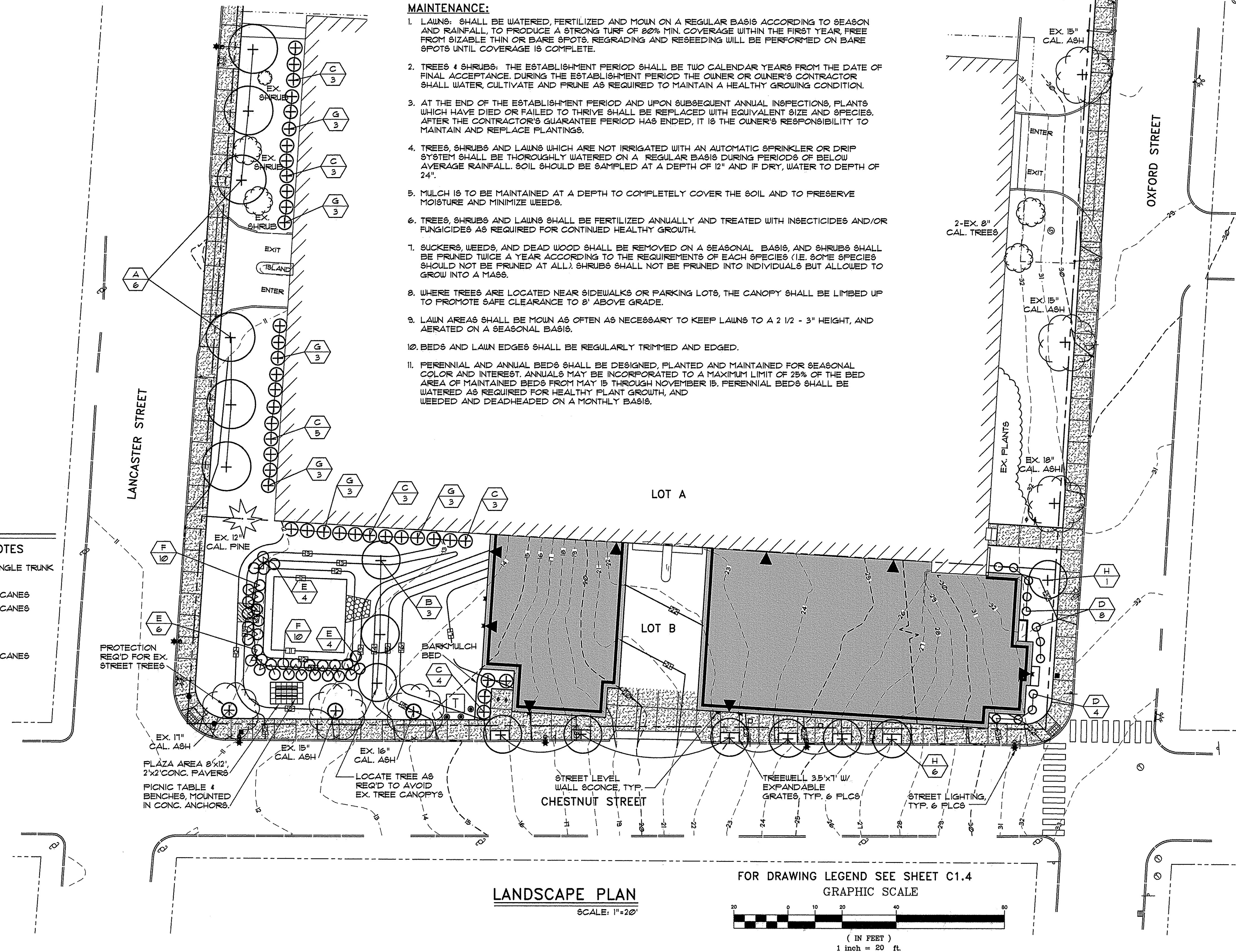
LANDSCAPE NOTES

GENERAL:

1. SAVE EXISTING TREES AS SHOWN. DO NOT CUT OR CLEAR ANY VEGETATION BEYOND THE IMPACT LIMIT LINE.
2. ALL PLANT MATERIALS INSTALLED ARE TO MEET THE SPECIFICATIONS OF THE "AMERICAN STANDARDS FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
3. ALL PROPOSED PLANT LOCATIONS SHALL BE AS SHOWN ON PLANS. CONTRACTOR SHALL VERIFY LOCATION OF ALL UTILITIES PRIOR TO PLANTING AND WILL NOTIFY OWNER'S REPRESENTATIVE IN THE EVENT OF CONFLICTS.
4. PLANT LOCATIONS ARE TO BE SCALED FROM THE LANDSCAPE PLAN UNLESS NOTED OTHERWISE.
5. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL FINAL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
6. FINAL QUANTITY FOR EACH PLANT TYPE IS NOTED IN THE PLANT LIST. THIS NUMBER SHALL TAKE PRECEDENCE IN THE CASE OF ANY DISCREPANCY BETWEEN QUANTITIES SHOWN IN THE LIST AND ON THE PLAN.
7. ANY PROPOSED SUBSTITUTIONS MUST BE APPROVED BY THE OWNER OR THE OWNER'S REPRESENTATIVE.
8. ALL DISTURBED AREAS TO BE LOAMED AND SEEDED.

MAINTENANCE:

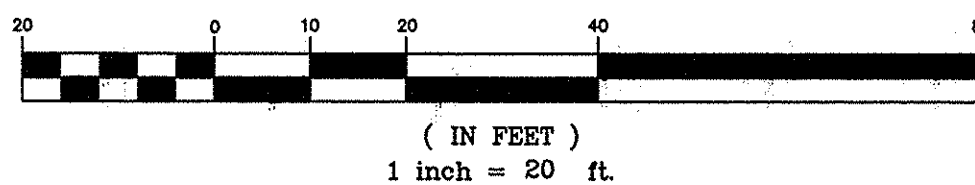
1. LAWN: SHALL BE WATERED, FERTILIZED AND MOWN ON A REGULAR BASIS ACCORDING TO SEASON AND RAINFALL, TO PRODUCE A STRONG TURF OF 80% MIN. COVERAGE WITHIN THE FIRST YEAR, FREE FROM SIZABLE THIN OR BARE SPOTS. REGRADING AND RESEEDING WILL BE PERFORMED ON BARE SPOTS UNTIL COVERAGE IS COMPLETE.
2. TREES & SHRUBS: THE ESTABLISHMENT PERIOD SHALL BE TWO CALENDAR YEARS FROM THE DATE OF FINAL ACCEPTANCE. DURING THE ESTABLISHMENT PERIOD THE OWNER OR OWNER'S CONTRACTOR SHALL WATER, CULTIVATE AND PRUNE AS REQUIRED TO MAINTAIN A HEALTHY GROWING CONDITION.
3. AT THE END OF THE ESTABLISHMENT PERIOD AND UPON SUBSEQUENT ANNUAL INSPECTIONS, PLANTS WHICH HAVE DIED OR FAILED TO THRIVE SHALL BE REPLACED WITH EQUIVALENT SIZE AND SPECIES. AFTER THE CONTRACTOR'S GUARANTEE PERIOD HAS ENDED, IT IS THE OWNER'S RESPONSIBILITY TO MAINTAIN AND REPLACE PLANTINGS.
4. TREES, SHRUBS AND LAWN WHICH ARE NOT IRRIGATED WITH AN AUTOMATIC SPRINKLER OR DRIP SYSTEM SHALL BE THOROUGHLY WATERED ON A REGULAR BASIS DURING PERIODS OF BELOW AVERAGE RAINFALL. SOIL SHOULD BE SAMPLED AT A DEPTH OF 12" AND IF DRY, WATER TO DEPTH OF 24".
5. MULCH IS TO BE MAINTAINED AT A DEPTH TO COMPLETELY COVER THE SOIL AND TO PRESERVE MOISTURE AND MINIMIZE WEEDS.
6. TREES, SHRUBS AND LAWN SHALL BE FERTILIZED ANNUALLY AND TREATED WITH INSECTICIDES AND/OR FUNGICIDES AS REQUIRED FOR CONTINUED HEALTHY GROWTH.
7. SUCKERS, WEEDS, AND DEAD WOOD SHALL BE REMOVED ON A SEASONAL BASIS, AND SHRUBS SHALL BE PRUNED TWICE A YEAR ACCORDING TO THE REQUIREMENTS OF EACH SPECIES (I.E. SOME SPECIES SHOULD NOT BE PRUNED AT ALL). SHRUBS SHALL NOT BE PRUNED INTO INDIVIDUALS BUT ALLOWED TO GROW INTO A MASS.
8. WHERE TREES ARE LOCATED NEAR SIDEWALKS OR PARKING LOTS, THE CANOPY SHALL BE LIMBED UP TO PROMOTE SAFE CLEARANCE TO 8' ABOVE GRADE.
9. LAWN AREAS SHALL BE MOWN AS OFTEN AS NECESSARY TO KEEP LAWN TO A 2 1/2 - 3" HEIGHT, AND AERATED ON A SEASONAL BASIS.
10. BEDS AND LAWN EDGES SHALL BE REGULARLY TRIMMED AND EDGED.
11. PERENNIAL AND ANNUAL BEDS SHALL BE DESIGNED, PLANTED AND MAINTAINED FOR SEASONAL COLOR AND INTEREST. ANNUALS MAY BE INCORPORATED TO A MAXIMUM LIMIT OF 25% OF THE BED AREA OF MAINTAINED BEDS FROM MAY 15 THROUGH NOVEMBER 15. PERENNIAL BEDS SHALL BE WATERED AS REQUIRED FOR HEALTHY PLANT GROWTH, AND WEEDED AND DEADHEADED ON A MONTHLY BASIS.



LANDSCAPE PLAN

SCALE: 1"=20'

FOR DRAWING LEGEND SEE SHEET C1.4
GRAPHIC SCALE



WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

LANDSCAPE PLAN,
NOTES AND DETAILS

C1.5

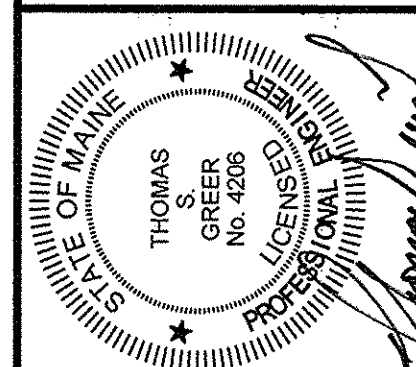
MAPLOT 26 / E / 10

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE: AS SHOWN
DATE: JULY 28, 2016
PROJECT: 16142

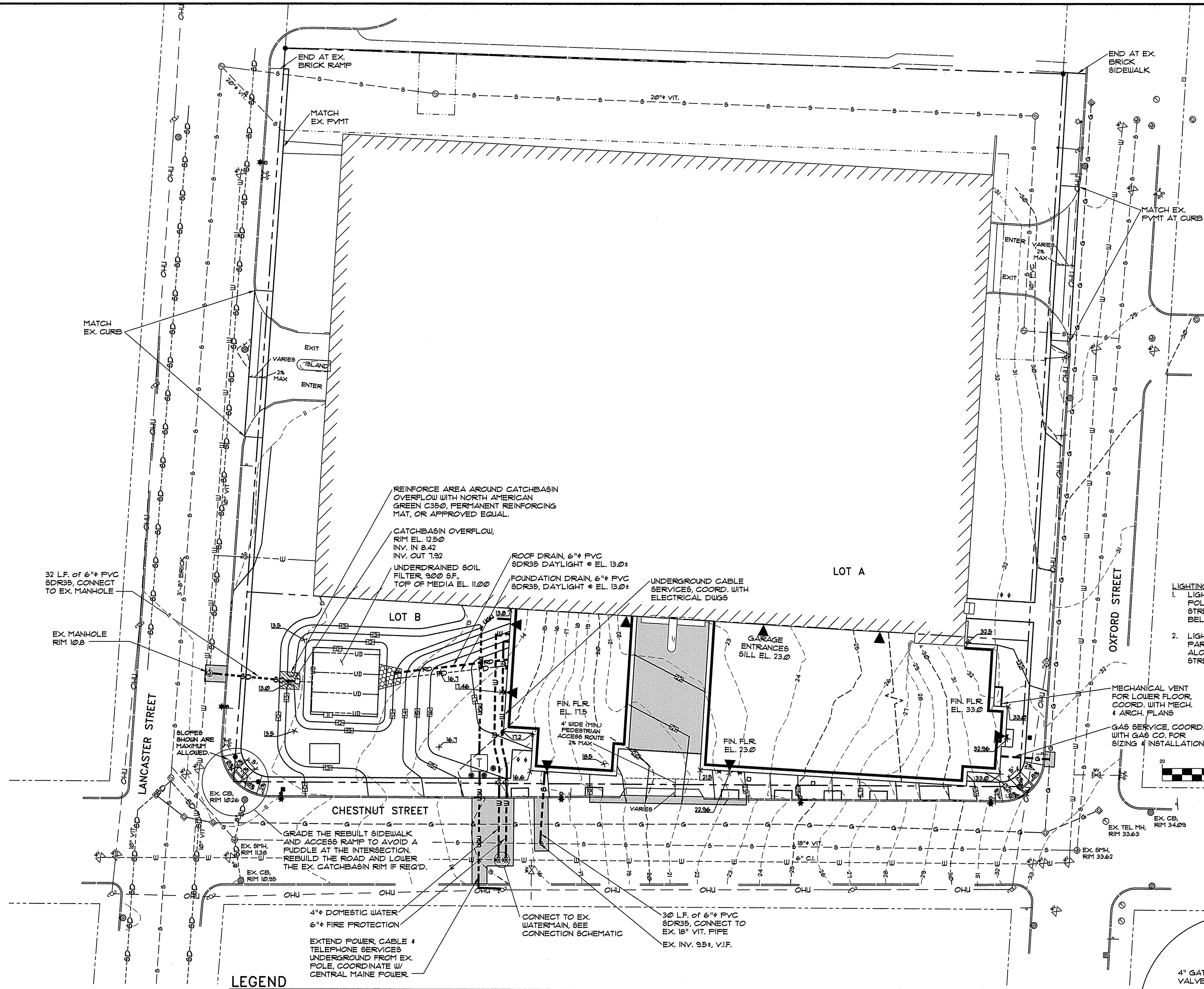
REV.	DATE	DESCRIPTION
7	2/21/18	REV'D FOR BUILDING PERMIT
6	3/9/17	REV'D BUILDING ENTRANCE
5	12/1/16	ADDED WALL SCONCE LOCATIONS
4	12/1/16	REV'D PER STAFF REVIEW
3	11/21/16	REV'D PER STAFF REVIEW
2	11/17/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW

REV.	DATE	DESCRIPTION
7	2/21/18	REV'D FOR BUILDING PERMIT
6	3/9/17	REV'D BUILDING ENTRANCE
5	12/1/16	ADDED WALL SCONCE LOCATIONS
4	12/1/16	REV'D PER STAFF REVIEW
3	11/21/16	REV'D PER STAFF REVIEW
2	11/17/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW

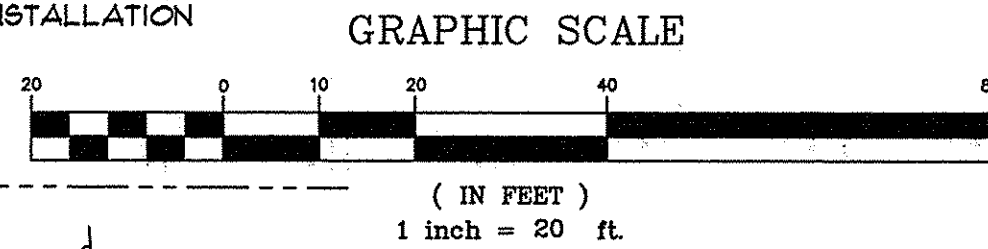


PINKHAM & GREER
CIVIL ENGINEERS

28 WINTHROP, ME 04103
TEL: 207.761.5342 FAX: 207.761.4245



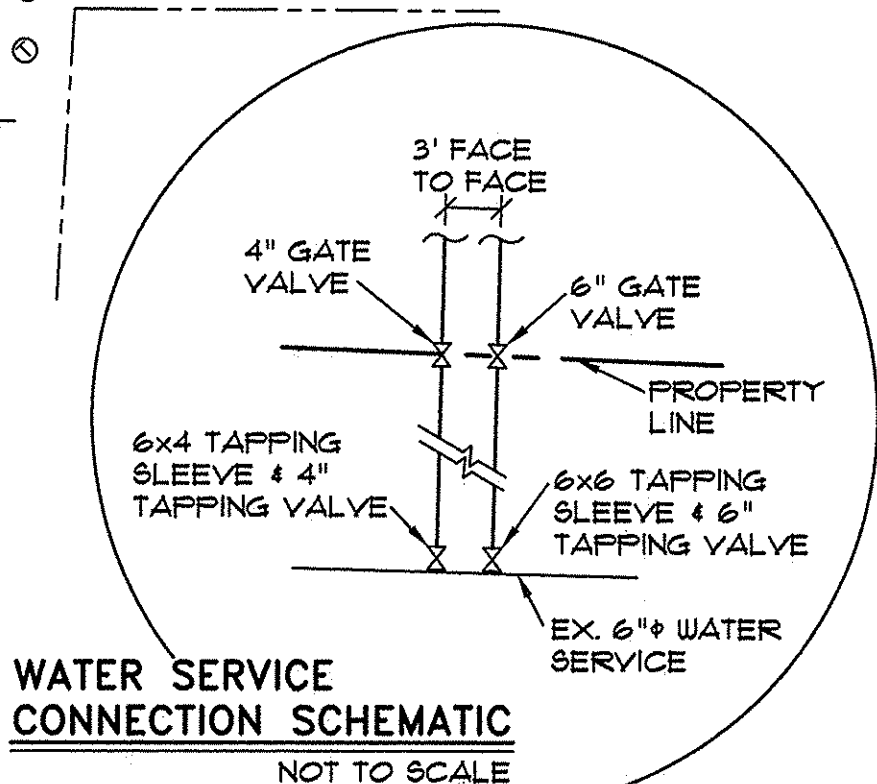
- LIGHTING CONDUIT NOTES:**
1. LIGHTING CONDUIT RUNNING POLE TO POLE ALONG CHESTNUT STREET FOR THE STREETLIGHTS CAN NOT RUN THROUGH OR BELOW THE TREE WELLS.
 2. LIGHTING CONDUIT TO BE INSTALLED AS PART OF THE SIDEWALK RECONSTRUCTION ALONG THE LOT FRONTAGE ON OXFORD STREET.



LEGEND

EXISTING	PROPOSED
PROPERTY LINE	PROPERTY LINE
ADJUTERS PROPERTY	ADJUTERS PROPERTY
EDGE OF PAVEMENT	EDGE OF PAVEMENT
CONTOURS	CONTOURS
BUILDING	BUILDING
EDGE OF GRAVEL	EDGE OF GRAVEL
CURB	CURB
GAS LINE	GAS LINE
SANITARY SEWER	SANITARY SEWER
STORMDRAIN	STORMDRAIN
OVERHEAD UTILITY	OVERHEAD UTILITY
WATER LINE	WATER LINE
CATCH BASIN	CATCH BASIN
COMBINED MANHOLE	COMBINED MANHOLE
SEWER MANHOLE	SEWER MANHOLE
ELECTRIC MANHOLE	ELECTRIC MANHOLE
GAS METER	GAS METER
HYDRANT	HYDRANT
WATER VALVE	WATER VALVE
GAS VALVE	GAS VALVE
POLE MOUNTED TRANSFORMER	POLE MOUNTED TRANSFORMER
UTILITY POLE W/ GUY WIRE	UTILITY POLE W/ GUY WIRE
SIGN	SIGN
LIGHT POLE	LIGHT POLE

PROPOSED	PROPOSED
EDGE OF PAVEMENT	EDGE OF PAVEMENT
VERTICAL GRANITE CURB	VERTICAL GRANITE CURB
BUILDING	BUILDING
BUILDING ENTRY/EGRESS	BUILDING ENTRY/EGRESS
CONTOURS	CONTOURS
GAS LINE	GAS LINE
SANITARY SEWER	SANITARY SEWER
STORMDRAIN	STORMDRAIN
UNDERGROUND UTILITY	UNDERGROUND UTILITY
WATER LINE	WATER LINE
SPOT GRADE	SPOT GRADE
CATCH BASIN	CATCH BASIN
LIGHT POLE	LIGHT POLE
WALL MOUNTED LIGHT	WALL MOUNTED LIGHT
WATER SHUT OFF	WATER SHUT OFF
TRANSFORMER	TRANSFORMER
BOLLARD	BOLLARD
BITUMINOUS PAVEMENT	BITUMINOUS PAVEMENT
CONCRETE PAVEMENT	CONCRETE PAVEMENT
CONCRETE PAVERS	CONCRETE PAVERS



PINKHAM & GREER
CIVIL ENGINEERS

28 WANNAMUESE STREET, PORTLAND, ME 04103
TEL: 207/861-5442 FAX: 207/861-4245

THOMAS GREER
No. 4206
REGISTERED PROFESSIONAL ENGINEER
STATE OF MAINE

REV.	DATE	DESCRIPTION
8	2/21/18	REV'D FOR BUILDING PERMIT
7	3/8/17	REV'D BUILDING ENTRANCE
6	12/1/16	ADDED WALL SLOPE LOCATIONS
5	12/1/16	REV'D PER STAFF REVIEW
4	11/21/16	REV'D PER STAFF REVIEW
3	11/10/16	COORDINATED FINISH GRADES
2	11/7/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW

A & M PARTNERS, INC.
120 EXCHANGE STREET
PORTLAND, ME 04101

SCALE: AS SHOWN
DATE: JULY 28, 2016
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DRN BY: JDC
DESG BY: TSG
CHK BY: *[Signature]*

WESTERLEA VIEW LOFTS
75 CHESTNUT STREET
PORTLAND, ME

C1.4

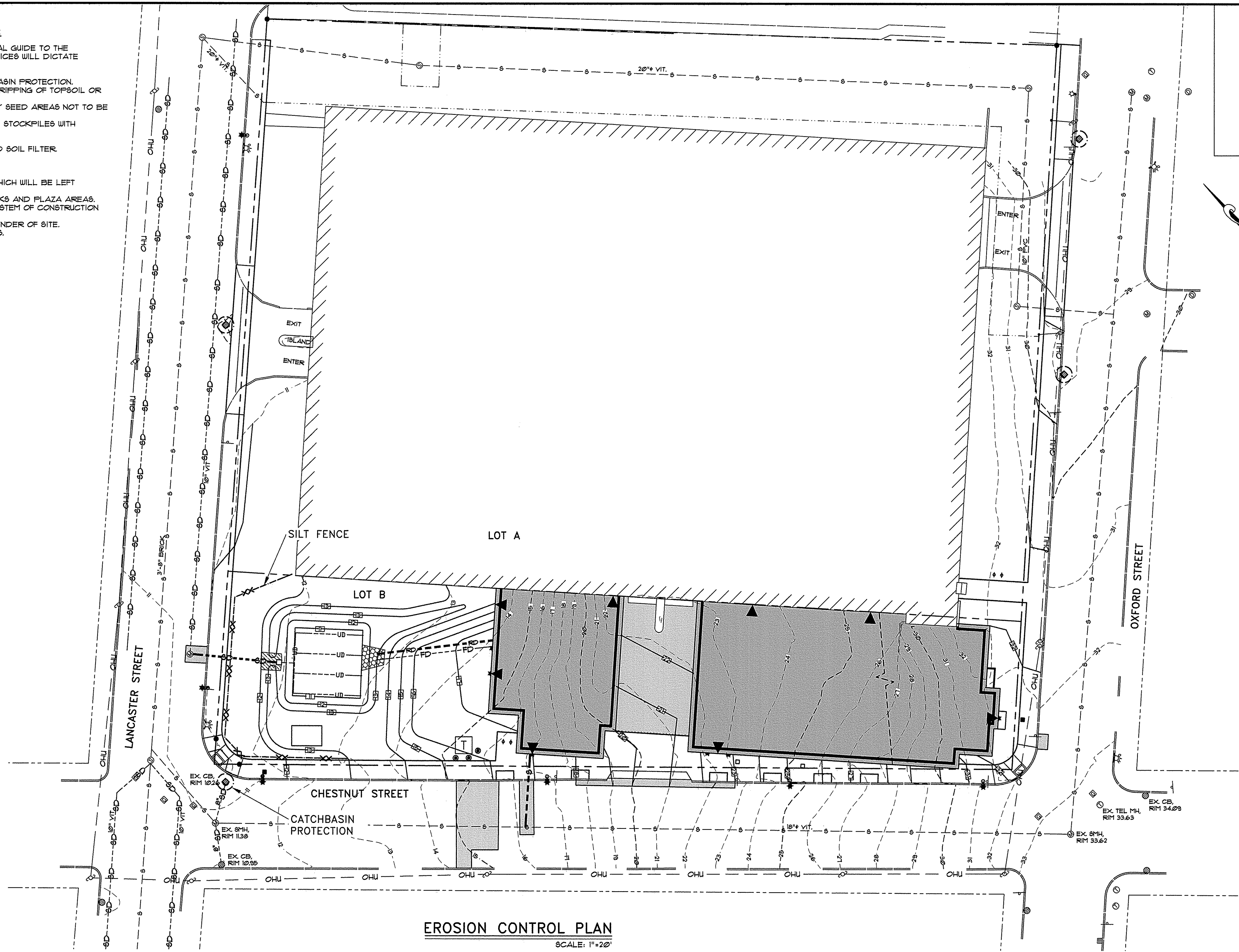
MAPLOT: 26 / E / 10

GRADING AND UTILITIES PLAN

SUGGESTED SEQUENCE OF CONSTRUCTION TO CONTROL EROSION:

THIS SEQUENCE OF CONSTRUCTION IS A GENERAL GUIDE TO THE CONTRACTOR. ACTUAL CONSTRUCTION PRACTICES WILL DICTATE VARIATIONS IN THE ORDER OF MAJOR EVENTS.

1. INSTALL PERIMETER SILT FENCE AND CATCH BASIN PROTECTION.
2. INSTALL SILTATION BASINS. (PRIOR TO ANY STRIPPING OF TOPSOIL OR OTHER EARTHWORK)
3. CLEAR AND GRUB WORK AREAS. TEMPORARILY SEED AREAS NOT TO BE WORKED ON WITHIN 14 DAYS.
4. STRIP AND STOCKPILE ON-SITE TOPSOIL. SEED STOCKPILES WITH TEMPORARY SEED MIX.
5. BEGIN EARTHWORK FOR BUILDING FOUNDATION.
6. STABILIZE AREAS DRAINING TO UNDERDRAINED SOIL FILTER.
7. CONSTRUCT UNDERDRAINED SOIL FILTER.
8. BEGIN BUILDING CONSTRUCTION.
9. ROUGH GRADE SITE.
10. RESEED OR TEMPORARILY SEED ANY AREA WHICH WILL BE LEFT UNDISTURBED FOR MORE THAN 14 DAYS.
11. COMPLETE FINE GRADING AND PAVING OF WALKS AND PLAZA AREAS.
12. CLEAN SILTATION BASIN AND STORM DRAIN SYSTEM OF CONSTRUCTION SEDIMENTATION.
13. FINE GRADE, LOAM SEED AND FERTILIZE REMAINDER OF SITE.
14. REMOVE TEMPORARY SOIL EROSION MEASURES.



LEGEND

EXISTING

- PROPERTY LINE
- ADJUTERS PROPERTY
- EDGE OF PAVEMENT
- CONTOURS
- BUILDING
- EDGE OF GRAVEL
- CURB
- GAS LINE
- SANITARY SEWER
- STORM DRAIN
- OVERHEAD UTILITY
- WATER LINE

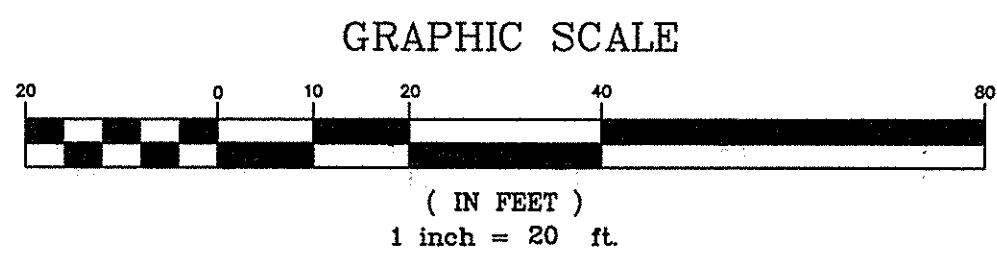
- CATCH BASIN
- COMBINED MANHOLE
- SEWER MANHOLE
- ELECTRIC MANHOLE
- GAS METER
- HYDRANT
- WATER VALVE
- GAS VALVE
- POLE MOUNTED TRANSFORMER
- UTILITY POLE W/ GUY WIRE
- SIGN
- LIGHT POLE

PROPOSED

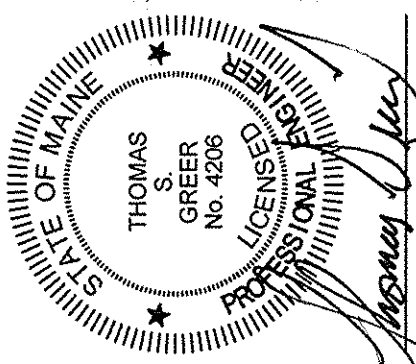
- EDGE OF PAVEMENT
- VERTICAL GRANITE CURB
- BUILDING
- BUILDING ENTRY/EGRESS
- CONTOURS
- GAS LINE
- SANITARY SEWER
- STORM DRAIN
- UNDERGROUND UTILITY
- WATER LINE
- SPOT GRADE
- CATCH BASIN

EROSION CONTROL

- CATCH BASIN PROTECTION WITH SILT SACK
- SILT FENCE



PINKHAM & GREER
CIVIL ENGINEERS
28 WIMBORNE AVE. PORTLAND, ME 04103
TEL: 207.761.5242 FAX: 207.761.4445



REV.	DATE	DESCRIPTION
4	3/6/17	REV'D BUILDING ENTRANCE
3	11/21/16	REV'D PER STAFF REVIEW
2	11/7/16	REV'D PER CITY COMMENTS
1	9/30/16	REV'D PER CITY REVIEW

A & M PARTNERS, INC.
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PORTLAND, ME

C1.6

MAP/LOT 26/E/10



PROPOSED



