

CITY OF PORTLAND, MAINE

PLANNING BOARD



Sean Dundon, Chair
Brandon Mazer, Vice Chair
Bob Dunfey
David Eaton
David Silk
Austin Smith
Maggie Stanley

AGENDA PORTLAND PLANNING BOARD MEETING

The Portland Planning Board will hold a meeting on Tuesday, June 11, 2019, 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 - 4:30 PM

- i. Recode Update: City of Portland, Applicant. (estimated time 4:30 - 5:15 p.m.) The Planning Board will hold a workshop on a planning staff update on the ReCode, the process of rewriting the city's land use code. The update will include an overview of work to date and a high-level discussion on several key policy topics.
- ii. Level III Subdivision/Site Plan and IZ Conditional Use; 46 (40) Free Street; 40 Free Street, LLC., Applicant. (estimated time 5:15 - 6:00 p.m.) The Planning Board will hold a workshop on a proposal for a 9,685 sf six-story mixed use building. The project consists of five (5) retail units, fifty-one (51) residential units (consisting of 37 one-bedroom and 14 two-bedroom units) on the upper floors. Structured parking is proposed within the building. The 16,863 sf lot is located in the B-3 zone, the Downtown Entertainment Overlay Zone, and within an Historic District. The application is subject to review under Portland's subdivision, site plan, and inclusionary zoning conditional use standards.

PUBLIC HEARING - 7:00 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON MAY 28, 2019

Afternoon Workshop: Mazer, Dunfey, Eaton, Silk, Smith and Stanley present. Dundon absent. Mazer recused for second workshop item.

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

Evening Workshop: Mazer, Dunfey, Eaton, Silk, Smith and Stanley present. Dundon absent.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON MAY 28, 2019

- i. Level III Site Plan; 1001 Westbrook Street; City of Portland Jetport Facility, Applicant. Stanley moved and Eaton seconded a motion to approve the site plan application with 2 conditions of approval. Vote: 6-0, Dundon absent.

- ii. Amendment to Level III Subdivision/Site Plan; 60 Parris Street; Horton, LLC., Applicant. Stanley moved and Eaton seconded a motion to approve the amendment for the exterior design changes with one condition of approval. Vote: 6-0, Dundon absent.

5. NEW BUSINESS

- i. Amended Inclusionary Zoning Conditional Use; 50 Monument Square; The Lancaster Group, LLC., Applicant. (estimated time 7:00 - 7:15 p.m.) The Planning Board will hold a public hearing on the amended IZ Conditional Use Application for 50 Monument Square to make a financial contribution to the Housing Trust Fund to meet the IZ requirements under Division 30 Affordable Housing, Section 14-487.
- ii. Text Amendment to Conditional Zone Agreement (C-55); 18 Luther Street (Peaks Island); Home Start, Applicant. (estimated time 7:15 p.m.) The Planning Board will hold a public hearing on a proposal by Home Start to amend the conditional zone agreement (C-55) to allow an affordable accessory dwelling unit (ADU) with a minimum of 400 sf to be added at the single family home at 18 Luther Street, Peaks Island or to allow ADU's on all three (3) applicable lots under C-55.



MEMORANDUM

PLANNING AND URBAN DEVELOPMENT DEPARTMENT

PLANNING DIVISION

To: Sean Dundon, Chair, and Members of the Portland Planning Board
From: Christine Grimando, City Planning Director
Nell Donaldson, Senior Planner
Matt Grooms, Senior Planner
Date: June 7, 2019
Re: ReCode Progress Report
Meeting Date: June 11, 2019

I. INTRODUCTION

Since late 2017, staff in the Department of Planning & Urban Development has been working on the ReCode, an effort to rethink, restructure, and redraft the city's 900+-page land use code. The ReCode involves all elements of the current Chapter 14, including the historic preservation, site plan, subdivision, and zoning elements of the code. The purpose of this workshop is to provide the Planning Board with an update on work to date and to gather feedback from the Board on several key policy issues that have arisen through the redrafting process.

II. PROGRESS UPDATE

The workplan for the ReCode consists of two phases:

1. *Phase I*

Phase I is largely organizational and involves an evaluation of the code as a whole consistency and clarity. Phase I began with Community Conversations, a major public outreach effort with neighborhood organizations, and the launching of the ReCode website (www.recodeportland.me). Over the past year, Phase I has also included specific, focused work on particular elements of the code:

- A. *Impact fee ordinance.* The creation of an Impact Fee system, to provide a more predictable and systematic way to assess the impacts of new development on City infrastructure, began as a study in early summer 2018 with the technical assistance of a consulting team, Tischler Bise, Inc. It was adopted as an ordinance in November 2018. A full summary of the topic and key documents are also included on the ReCode webpage.
- B. *Sign ordinance.* Rewriting the sign code (currently Division 22) is underway with the assistance of Lisa Wise Consulting. Signs particularly lend themselves to be more visual than the current regulations are, with graphics of sign types, measurement methods, and easier to read tables. In recent years there have been changes to signs case law that make the timing of this rewrite, and the inclusion of a consultant team familiar with the changing legal landscape of regulating signs, particularly appropriate for early inclusion in Phase I. Sign technology and terminology has also changed since the section has last been revised, and this provides an opportunity to address new sign types, as well as check-in with stakeholders about what's working best and what warrants improvement in regard to signage. To-date there have been stakeholder meetings, a code audit to assess issues and needs of the current regulations, as well as frequent communication and collaboration with the consulting team as they've developed a new draft for review. We anticipate delivery of a draft sign code in the second half of

March. Additional background on this initiative is posted on the ReCode website, and as we move into public discussion of the draft sign code additional information will be included here, as well:

<https://www.recodeportland.me/sign-regulations>

In addition, Phase I has included the labor-intensive process of re-ordering and reformatting the code, much of it into tables and charts, while screening for redundancies and inconsistencies. As of now, staff have developed working drafts of twenty chapters of a newly formatted, restructured code, and are working internally and across city departments to review these chapters. By necessity, Phase I has included some engagement with code language that currently lacks consistency or clearly merits better integration with broader public policy. For instance, staff is working on redrafting the Accessory Dwelling Unit (ADU) provisions, parking provisions, and some definitions. These topic areas warrant consideration by the Board and are further discussed below.

Last, staff met with the City Council's Ad Hoc Committee on the ReCode in February, and will meet again with the committee in late June. The February meeting included an introduction to the process and work plan. The late June meeting will provide an opportunity for the Ad Hoc Committee to comment on some of the broad policy questions discussed at this Planning Board workshop.

2. Phase II

Phase II of ReCode will include an assessment of where the land use code could be better aligned to achieve the goals of *Portland's Plan*. Evaluating zoning for whether complete neighborhoods (the principle that all areas of the city should provide all residents access to the basic necessities of daily life - high quality and affordable housing, schools and other civic functions, food, open space, other amenities and services - within a walkable, bikeable distance) can be achieved within current regulations is one example of this assessment. Assessing the suitability of zoning in areas identified as priority growth areas is another (see Priority Nodes & Corridors map) among numerous goals and strategies in *Portland's Plan* with implications for the land use code.

III. POLICY AREA DISCUSSION

In the process of Phase I, several key aspects of the current code have emerged that, either due to their existing form or their lack of alignment with policy goals as expressed through *Portland's Plan* warrant not just a restructuring, but also closer policy examination.

1. Parking

As in many American communities, the city's off-street parking requirements arise as one of the most critical aspects of the land use code, with opinions sometimes alternating between divergent positions in parking policy debates. Planning, in conjunction with the Planning Board and Council, has worked over the past several decades to calibrate the parking ordinance to best practice, local analysis, and the city's vision: the Council added bicycle parking standards in 2008, language allowing for requirements based on parking studies in 2010, an in-lieu fee provision in 2010, and exemptions for some residential development in 2016. This incremental approach has been valuable for testing different strategies, but the ReCode process provides an opportunity to consider parking strategies holistically.

As part of the ReCode, staff is once again reviewing the parking ordinance. This review has identified a number of elements which raise questions about consistency and relationship to the city's vision more broadly, as *Portland's Plan* promotes multi-modal accessibility and sustainability in transportation policy and more housing density proximate to services and transit nodes. Planning staff have identified several tools already in the current Code that could be applied more widely and robustly, such as:

- A. *Residential parking requirements.* The current parking ordinance requires two parking spaces/residential dwelling unit with exceptions for certain zones and on the peninsula. While some developers choose to develop two parking spaces per unit, and in fact some choose to develop more parking than the Land Use Code requires, this parking requirement can also serve as a barrier to housing production. A potential new standard would be a one space/dwelling unit requirement city-wide as a means to address this issue for residential development. A one space/unit requirement is consistent with practice in many cities, including those of a similar size in the northeast, and while it does not go so far as institute a maximum (i.e. developers would continue to be allowed to develop more than one space/unit), which has been successful in many communities seeking to limit excessive additional parking creation, it would allow those developers and tenants who choose to promote and use alternative modes to avoid the cost of extra parking supply.
- B. *Zone-based off-street parking exemptions.* Current parking policy provides an exemption from parking requirements for all uses in the B-5 zone. This exemption could extend to all uses in the B-1/B-1b, B-2/B-2b/B-2c, and B-3. This would give developers flexibility in determining their needed parking supply, and they would be able to provide off-street parking to serve the target market for developments. As with a change in residential parking requirements, this standard would not introduce maximums, but would ensure that parking minimums not serve as a barrier for mixed-use development on small sites.
- C. *Peninsula fee in-lieu provisions.* The current parking policy allows any development in a non-residential zone or the India Street Form-Based Code zone on the peninsula to pay into the city's Sustainable Transportation Fund in lieu of providing off-street parking. In practice, very few developers opt for the in-lieu fee, choosing to provide parking on-site or secure parking off-site instead. Through the ReCode, staff is considering extending the geographic scope of the in lieu fee to make it an option for any development city-wide, or alternatively for transit-proximate development, as a means of recognizing the potential for alternative modes across the city and increasing the revenue potential for the fund, which has not been significantly leveraged to date.
- D. *Joint use allowance.* Today's code allows the ZBA or Planning Board to approve shared parking, or "joint use" of parking, for residential uses in selected mixed-use zones in which residential is proposed with non-residential uses and a study can prove the feasibility of joint use. These provisions are commonly used where they can be, and are widely considered to provide for more efficient off-street parking. Staff would propose broadening the joint use allowance to extend to all uses in all mixed-use zones.
- E. *Expanded parking study options.* Currently, developments in the B6 and B7 zones or for site plans >50,000 sf can come to a total required parking amount by conducting a parking analysis to demonstrate need for a site. Extending this means of determining parking requirements could be to other scales of development in all zones is another viable tool that would make application of parking policy more consistent city-wide.

2. Accessory Dwelling Units

Accessory dwelling units, otherwise known as ADUs, are dwelling units that are independent of, subordinate to, and wholly contained within either a principal building or attached/detached accessory structure (such as a garage) on property where a single- or two-family dwelling is the principal use. While the City of Portland broadly permits ADUs at present, the terminology and regulations that govern ADUs are inconsistent, and are likely more restrictive than they need to be. In light of this, and based upon direction provided by the City's Housing Committee in 2018, staff are drafting a new, comprehensive set of standards that would apply to ADUs city-wide, with the goal of broadening opportunities for ADU creation, reducing unnecessary constraints, and employing consistent terminology. This effort is being undertaken as part of the first phase of ReCode.

For the purposes of this discussion, existing regulations that are to be incorporated into the draft standards are not listed within this memorandum. Proposed changes are as follows:

- A. *ADU Forms.* Under the draft regulations that staff has developed, all legally conforming and non-conforming single- and two- family residential properties would be permitted one accessory dwelling unit. These could take the form of either an internal unit (i.e. within the basement, attic or attached addition), a detached unit (i.e. within accessory structure such as a shed, garage) or as a cottage or tiny home, with more residential appearance. This differs significantly from the current restrictions, which require that an ADU be located within the principal residential structure, with no allowance for ADUs within accessory structures.
- B. *Permitted vs. Conditional Use.* Under current zoning, ADUs are identified as a conditional use, requiring approval by either the Planning Board or Zoning Board of Appeals through a finding of consistency with relevant conditional use standards. The approach taken by staff has been to reduce actual and perceived barriers to ADU development, important among those being the conditional use requirements. For this reason, the draft regulations eliminate ADUs as a conditional use and instead, permit ADUs by right in all zones where single- and two-family dwellings are the principal use on a lot.
- C. *Submission Requirements.* As stated under 'ADU Forms', the types of ADUs permitted under this proposal expands, with a new allowance for detached units and small, stand-alone residential structures identified as a cottage. The expansion of allowable form necessitates a different approach to reviewing such applications, particularly for stand-alone cottages. The goal of ADU regulations are to ensure that the predominant character of the zone and lot are being maintained, so that the addition of an ADU does not substantively alter the appearance or operation of single- or two-family residential properties. To affect this outcome, a series of standards have been developed to ensure compatibility of the ADU. Given the greater conceivable impact of a stand-alone cottage, the draft regulations would require that ADUs of this typology submit a Level I Minor Residential site plan application, with accompanying narrative describing compliance of the project with subsequent design standards.
- D. *ADU Design Standards.* In keeping with the goal of reducing visibility of ADUs and making them more recessive, a series of design standards are proposed for units significantly visible from public ways. First, units would be required to be sited specifically so as to minimize their visibility, with additional screening to be required as necessary. Aside from placement, additional design standards would require that the ADU be subordinate to the principal structure in scale, form, composition, and position relating to the street, and that it also be recessive in its design elements, relating to articulation, materials, forms and composition. Where reuse of an existing, non-conforming accessory structure is contemplated, the design of the ADU shall take into account the privacy of neighboring properties.
- E. *Development/Dimensional Exemptions.* A key strategy of this proposal is to relax certain dimensional requirements that would otherwise impede establishment of ADUs. For example, this proposal would exempt ADUs from meeting the lot area per dwelling unit requirement (density calculation) typical of residential zones, and would eliminate the existing parking requirement of one space per ADU (found under Division 20). Non-conforming properties would also be permitted to develop ADUs, so long as the non-conformity is not increased in any way by the ADU.
- F. *Unit Size.* In reviewing best practices and other national examples, staff established a maximum unit size for ADUs, with attached and detached units being limited in size to either 800 square feet, or less than one-third of the total floor area of the principal unit(s), whichever is more restrictive. Stand-alone cottages meanwhile would be further restricted, with the maximum unit size being 600 square feet, or less than one-third of the total floor area of the principal unit(s), with again, the more restrictive figure applying.

3. Definitions

Last, Planning staff are reviewing definitions for residential uses and for/including those with implications for the recovery and service sector. Many of these related terms have been unchanged for many years, and ReCode is an opportunity to update and clarify definitions, review standards and processes. It's also an opportunity to ensure they are in step with contemporary practices, applied equitably and with consideration of local impacts. In particular, these include definition of Family, Sheltered Care Group Home, permitted areas and standards for Manufactured Housing and related terms. Consideration of changes to these definitions, permitted locations, and review standards also prompts careful consideration of consistency with the Fair Housing Act. The June 11th workshop presentation will go into greater detail on current definitions, issues for consideration when evaluating changes, and suggested strategies moving forward.

Planning staff will present an overview of each of these areas - Parking, ADUs, and Definitions – for discussion, questions, and feedback from the Board that can be incorporated into the work of ReCode Phase I. Any Planning Board direction on these items will also be reflected to the Council AdHoc ReCode Committee meeting scheduled for June 24th.

Memorandum
Planning and Urban Development Department
Planning Division



To: Sean Dundon, Chair and Members of the Portland Planning Board
 From: Andrew Tufts, Planner
 Date: June 7, 2019
 Re: Mixed-Use Redevelopment, 40 Free Street, 40 Free, LLC
 Project #: PL-000602-2019 CBL: 038 1018001
 Meeting: June 11, 2019

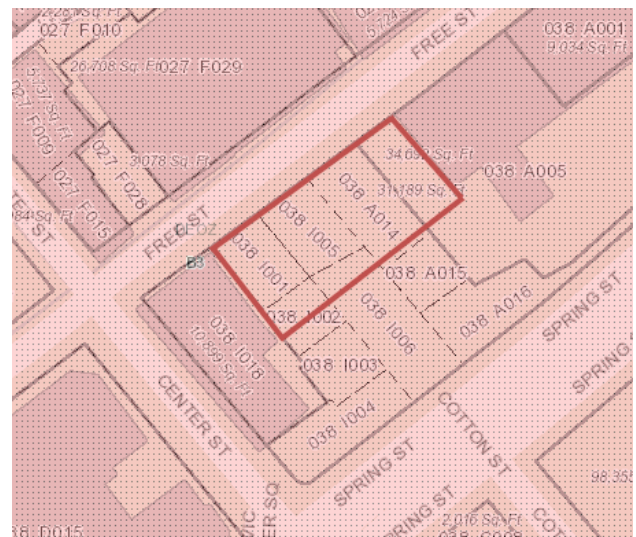
I. INTRODUCTION

40 Free, LLC has submitted a Level III Site Plan, Subdivision and Conditional Use (Inclusionary Zoning) application for a six-story, fifty-one residential unit, and five retail unit mixed-use building. Located on a 16,863 square foot parcel at 40 Free Street in the Downtown District. This neighborhood consists of largely commercial buildings with some mixed-use properties, and it is located in the B-3 Zone, Congress Street Historic District, and the Pedestrian Activities District Overlay Zone. The proposed development, replacing existing surface parking, involves demolition of the existing guard shack and entrance at Free Street.

A total of 139 notices were sent to property owners within 500 feet of the site and a legal ad ran in the May 31st and June 1st 2019 editions of the Portland Press Herald.

Applicant: Vin Veroneau, 40 Free, LLC

Consultants: Will Savage, P.E. (Acorn Engineering) Ryan Senatore Architecture; John Schwanda (Owen Haskell Inc.)



volumes and traffic characteristics of Free Street.	
Compact parking spaces – 49% of the provided parking. <u>Staff Comments:</u> Parking for the project permits ongoing staff review.	Technical Manual, <i>Section 1.14</i> , Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.
<i>Review</i>	<i>Applicable Standards</i>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>
Inclusionary Zoning (IZ)	<i>Section 14-474, Section 14-487</i>

III. PROJECT DATA

Existing Zoning	B-3 Zone
Existing Use	Surface Parking
Proposed Use	51 Residential Units, 5 Retail spaces
Bedroom Mix	14 two-bedroom units, 37 one-bedroom units
Parcel Size	16,863 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	32 SF	9,685 SF	9,653 SF
Building Floor Area	32 SF	58,563 SF	58,531 SF
Impervious Surface Area	16,863 SF	16,343 SF	-520 SF
Parking Spaces	92	60	-32
Bicycle Parking Spaces	0	24	24
Estimated Cost of Project	Not Provided		

IV. EXISTING CONDITIONS

The proposed development site consists entirely of surface parking and extends across two parcels, both currently owned by J.B. Brown & Sons. J.B. Brown & Sons also owns all abutting parcels located in this block. Land from the two parcels will be deeded to a new parcel to be controlled by 40 Free LLC. New easements granting access for construction, maintenance, parking and access will be created for all affected parcels.

The adjacent parcel to the south, also owned by J.B. Brown & Sons, is proposed to provide additional parking to meet capacity. The applicant has expressed a desire to redevelop the southern parcel at a future date. Spring Street, which borders the site to the south, has two years remaining on a five-year moratorium on any street openings.

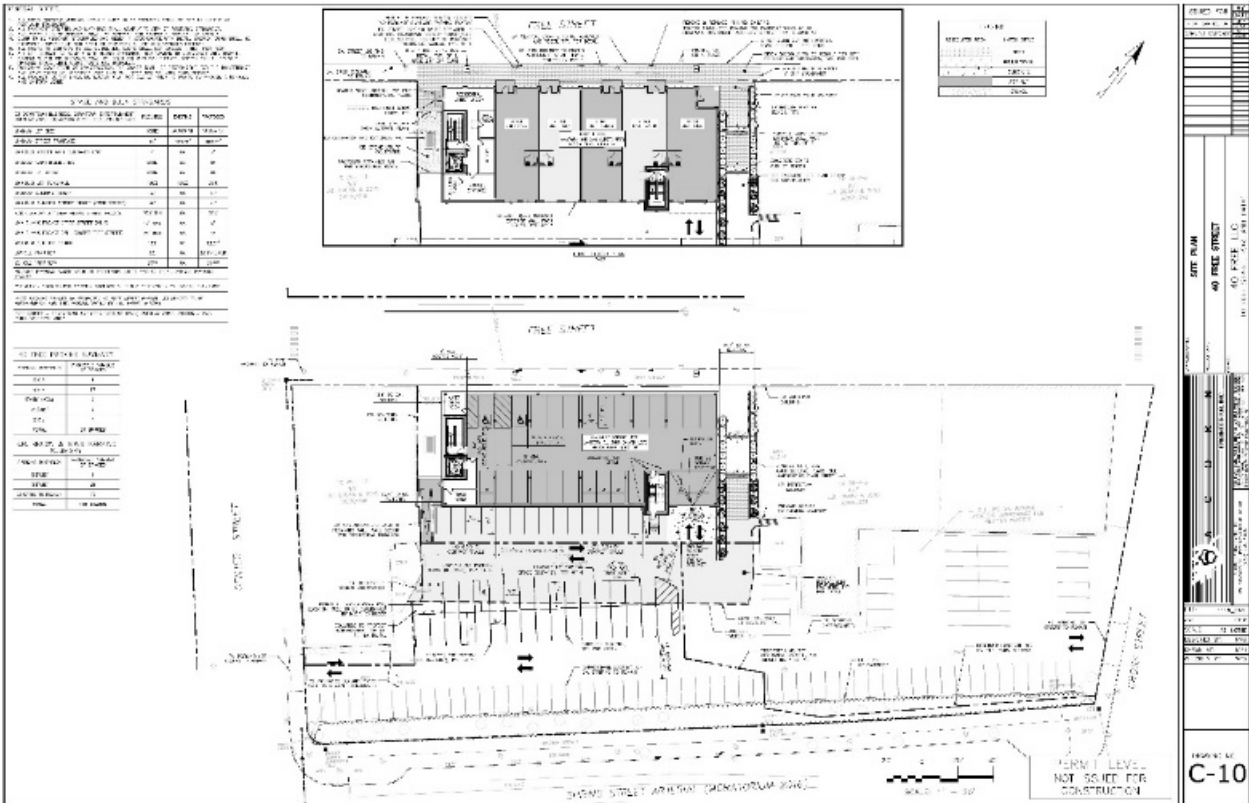


Figure 2: Proposed Site Plan

V. PROPOSED DEVELOPMENT

The development is proposed as a new six-story, fifty-one residential unit, five-retail unit, mixed-use building, with subsurface structured parking for 23 vehicles. There are an additional 14 exterior spaces at surface-level adjacent to the rear of the building. As measured from average grade, the building is 72.71 feet tall. The building itself emphasizes pedestrian access and activity at street level, with front retail entrances and with side and rear residential entrances. The 2nd through the 6th floors will contain 51 residential units. Vehicular access is deemphasized by shifting the garage entrance towards the rear of the site that is accessible via a 20 foot driveway located along the southerly property boundary. The project also features the closure of one (1) existing curb cut off Free Street, leaving the remaining two at the rear of the site on Center Street and Cross Street. A new pedestrian walkway between 40 Free Street and 22 Free Street will further encourage pedestrian activities on Free Street.



Figure 3: Existing surface parking on-site. To be demolished under proposal

Utilities to the site are provided via existing infrastructure along Free Street, Center Street & Spring Street. The electrical service will be wired underground. A pad mounted transformer is proposed at the rear of the building. This will allow for flexibility in future developments along Spring Street. The water and sewer lines will connect into Free Street. The proposed gas connection by Unitil will connect via an easement to Center Street. The site is currently 100% covered by a paved surface parking lot.

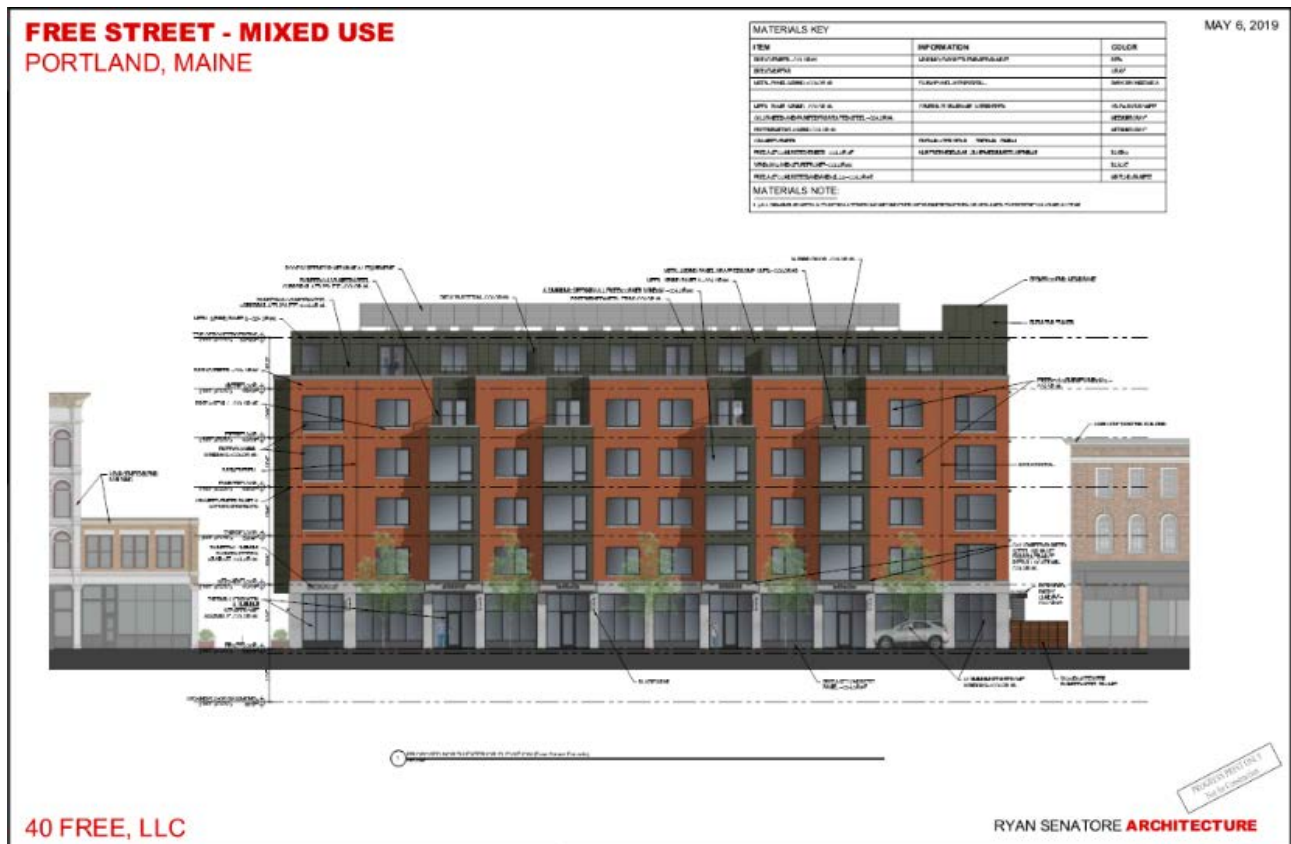


Figure 4: North Elevation

VI. PUBLIC COMMENT & NEIGHBORHOOD MEETING

As of the writing of this report, no written comments have been received by the Planning Division.

The neighborhood meeting was held Wednesday, May 22, 2019, at 5:30pm at J.B. Brown & Sons at 10 Free Street. One member of the public attended. (Attachment AA)

VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

The owner of the property is J.B. Brown & Sons. The applicant has provided a copy of the warranty deed, recorded at the Cumberland County Registry of Deeds (Book 32055, Page 302), which demonstrates their right, title and interest in the property. (Attachment C)

b. As evidence to demonstrate sufficient financial and technical capacity, the applicant has provided a letter from Camden National Bank indicating that between the applicant's funds and bank financing, that applicant has sufficient financial capacity to complete the proposed project (Attachment G). Similarly, information has been provided on the development team demonstrating the capacity to design and construct the project. (Attachment H)

VIII. ZONING ANALYSIS

The proposed project is a six-story mixed-use retail/residential building with fifty-one (51) residential units, five (5) retail units, and thirty-seven (37) off-street parking spaces. The property is located in the B-3 Zone, Congress Street Historic District, and the Pedestrian Activities District Overlay Zone.

The proposed use, a mixed-use retail/residential development, is a permitted use within the B-3 and the project as proposed is fully compliant with all dimensional requirements as shown in the table below.

	Required	Proposed
Lot Size	None	16,863 SF
Area Per Dwelling Unit	None	652 SF min.
Minimum Street Frontage	15' FT	189.29' FT
Front Yard Minimum	None	3' FT
Front Yard Maximum	5' FT	3' FT
Rear Yard	None	20' FT
Yard Right	5' FT	29.5' FT (Right), 10.5' FT (Left)
Yard Left	None	12.4' FT
Side Street Setback	NA	NA
Step Back	None	None
Maximum Lot Coverage	100%	97%
Minimum Lot Coverage	NA	97%
Maximum Height	90' FT	72.71' FT
Open Space	None	NA
Maximum Impervious Surface	100%	97%
Pavement Setback	NA	NA
Floor Area Ratio	NA	NA
Off-Street Parking	37	37
Loading Bays	0	0

IX. DEVELOPMENT REVIEW**A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)**

The applicant has submitted a recording plat (Attachment P15). The final plat will need to be revised to reflect any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within two years of a Planning Board decision.

B. SUBDIVISION (Section 14-496)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. *Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)*

The majority of proposed surface runoff will be from the roof with some additional runoff from the pedestrian walkway and the repaved portion of the surface parking lot. Therefore, the proposed development produces cleaner runoff than the existing, uncovered surface parking lot. The repaved portions of the surface parking lot will maintain the existing flow patterns and as such, are considered a maintenance activity not subject to water quality treatment requirements of the general standards.

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plans and details, and inspection and maintenance requirements and offers the following comment (Attachment 1):

- The Applicant has provided erosion and sedimentation control details and a written plan in accordance with the Basic Standards. Erosion control features have been called out on the Construction Management Plan, sheet C-03.
- The Applicant is not increasing impervious surface, and is not required to provide any treatment or flooding control as required for the General and Flooding Standards.
- The Applicant is not increasing non-roof redeveloped impervious surface, and is not required to provide any treatment as required for the Redevelopment Standard.

2. *Sufficient Water Available (Section 14-497 (a) 2 and 3)*

Ability to serve from Portland Water District has been received and provided.

3. *Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)*

The applicant proposes to close the curb cut on Free Street, leaving two access points to the parking lot, one off Center Street and one off Cross Street. This will affect how users enter and exit the parking lot. A traffic analysis, including, but not limited to, existing and net new trip generation and local trip distribution, is being requested for final review.

Below are Mike Tremblay's comments pertaining to the above (see Attachment 2):

The applicant claims that a traffic analysis is not needed because the Free Street driveway removal will be relatively low-impact and is in fact within the city's goals. I am concerned

about additional left-turning vehicles queuing up on Center Street, particularly during events

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

The applicant is proposing a new five (5) inch sanitary sewer service connection into the existing sewer main beneath Free Street. The Department of Public Works is currently reviewing this request, and will weigh in prior to the public hearing.

The applicants have received and submitted a Wastewater Capacity Authorization Letter (Attachment 3).

5. Comprehensive Plan (Section 14-497 (a) 9)

The development has been designed to be consistent with the City's Master Plan, adopted in June of 2017.

B. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems and Access and Circulation

ADA compliance is provided at all door locations and for the sidewalk cross-slopes. ADA access will be provided from Free St to the users of the retail stores. Furthermore, ADA access will be provided to the residential units to and from the Free St, the subsurface parking garage and to the rear surface parking lot.

There are ongoing discussions regarding the potential for an ADA compliant ramp along the pedestrian corridor.

Mike Tremblay S.E., City Engineering, provided additional comments, review of which is ongoing. (Attachment 2)

b. Sidewalks

A brick sidewalk exists along Free Street which will be rebuilt as part of this project. The existing sidewalk will be rebuilt from the property line to the extent of the existing tipdown at the existing driveway to be removed.

c. Public Transit Access

The public transit requirements do not apply to this project.

d. Parking

Thirty-Seven parking spaces are being proposed, including twenty-three subsurface structured parking spaces, and fourteen (14) surface parking spaces along the back of the building. Two accessible spaces are provided in the subsurface garage.

The applicant is requesting a waiver (Attachment F) that allows 49% of the provided parking to be compact spaces. Comments pending. The Technical Manual standard for parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.

The Technical Manual standard for parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces. The applicant is requesting a waiver that allows a Driveway Aisle width of 20' feet.

The City's Traffic Engineer supports a waiver from the City's Technical Standards for driveway width given low traffic volumes and traffic characteristics of Free Street.

Mike Tremblay S.E., City Engineering, has provided relevant comments (Attachment 2) summarized below:

The applicant's shared parking analysis ends at 6pm, which arguably before peak parking occupancy for a combined retail + residential use. A more robust, 18-hour (7am-1am) analysis should be provided. The SmartCode suggests that 20% of parking spaces can be shared between retail and residential, bringing their total demand down to 43 spaces from 51, but still above the 37 proposed.

The applicant defended their compact space allocation by stating that most of the spaces in the garage will be standard, and that the exterior compact spaces will be low-turnover residential spaces adjacent to a 24-foot drive aisle. I'm generally fine with this logic if they want to ask for a waiver; however, the fact that they have identified these spaces as residential spaces means that these spaces should not be included in a shared parking analysis.

The applicant defended the 20 foot drive aisle west of the garage entrance by stating that 20 feet is our minimum drive aisle width per our tech manual; however, I think it's pretty clear that minimum widths are only acceptable if they work as intended, and there is potentially some awkward turning movements here.

One of the compact garage spaces still seems impossible to maneuver into, as it is between a column and a wall and is only 8 feet wide.

e. Bicycle Parking

The proposal includes a bicycle storage room with space for twenty-two (22) bicycles which meets the site plan standard requiring a minimum of two bicycle parking spaces for every five dwelling units. An additional two Dero bike racks will be provided along Free Street.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

A landscaping plan was submitted as part of the application (Attachment P7). The plan shows five street trees, a variety of shrubs and perennials as buffer plantings along the easterly pedestrian corridor.

Jeff Tarling, the City Arborist, has reviewed the proposed landscaping plan and communicated the following:

Proposed Street Trees are in a tight, heavily salted pedestrian area and have low probability of survival. They also conflict with ADA requirements

Alternative: Include exterior bicycle racks on pedestrian right of way on Free Street & elevated planters or beds against the proposed building, as done in front of the parking garage across the street. Please consult with the planner who will coordinate with the Urban Designer and City Arborist.

The applicant's response (Attachment T) is "Per discussions with planner Andrew Tufts, DPW, Planning and the City Arborist, street trees will be removed, and streetlights and a bicycle rack will be proposed in their place."

Based upon the city's street tree requirements, a total of fifty-one (51) trees are required. The applicant will contribute to the City's Street Tree Fund in place of the fifty-one (51) trees that will not be planted.

c. Water Quality, Storm Water Management and Erosion Control

Lauren Swett has reviewed the applicants plans and project details, and offers the following comments (Attachment 1):

- a. The Applicant has provided erosion and sedimentation control details and a written plan in accordance with the Basic Standards. Erosion control features have been called out on the Construction Management Plan, sheet C-03.
- b. The Applicant is not increasing impervious surface, and is not required to provide any treatment or flooding control as required for the General and Flooding Standards.
- c. The Applicant is not increasing non-roof redeveloped impervious surface, and is not required to provide any treatment as required for the Redevelopment Standard.

3. Public Infrastructure and Community Safety Standards

a. Public Safety and Fire Prevention

Mike Thompson, Division Chief of the Fire Prevention and Community Outreach Division, has reviewed the submitted plans and found them to be acceptable, noting the following points (Attachment 4):

The official address shall be approved by the City E911 addressing officer prior to the building permit process.

The approved street address shall be marked on the structure in numerals.

b. Availability and Adequate Capacity of Public Utilities

The project will be served by Central Maine Power, the Portland Water District, and other relevant utilities and services (Attachment P). Evidence of wastewater capacity was confirmed by the Department of Public Works (Attachment 3)

4. Site Design Standards

a. Snow and Ice Loading

Based upon the roof design, it is not anticipated that snow or ice loading will be a concern to pedestrians within the public right-of-way or on the applicant's property. Snow storage areas are noted on the site plan (Attachment P6).

- b. View Corridors
This site is not within a Protected View Corridor as per the “View Corridor Protection Plan” approved by the Portland City Council in 2001.
- c. Historic Resources
The proposed development is located in the Congress Street Historic District and received approval from the Historic Preservation Review Board on Wednesday June 5, 2019.
- d. Exterior Lighting
The applicant has submitted a lighting and photometric plan (Attachment N). Review of these items are ongoing.
- e. Noise and Vibration
Exterior mechanical equipment is to be roof-mounted, and a screen will be installed. Some additional exterior equipment may be mounted on the side or rear of the building but is currently undergoing a massing analysis by the architect. It is not anticipated that this equipment will result in adverse conditions related to noise and vibration.

Evidence that the mechanicals will meet the zoning noise standards shall be submitted prior to the issuance of a permit.
- f. Signage and Wayfinding
All street and wayfinding signage shall meet the requirements of the Manual of Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
 - Because the site is located in the Congress Street Historic District, any new sign or change in appearance shall be subject to the standards of Article IX and shall require a Certificate of Appropriateness.
- g. Zoning Related Design Standards
Because this building is in the Congress Street Historic District, the Historic Preservation Board has reviewed the exterior elevations and issued an approval.
- 5. Construction Management Plan
The applicant has submitted a construction management plan (Attachments P5 and Q) which is currently under review.

C. **INCLUSIONARY ZONING – Conditional Use** (Section 14-487)

As required by the City’s Inclusionary Zoning Ordinance, residential developments with ten (10) or more units are required to provide a minimum of ten percent (10%) of the dwelling units as Workforce Housing units, and the units themselves must contain in total, ten percent (10%) of the total bedroom count for the entire development.

The applicant is exploring providing off-site affordable units, which are being reviewed by Housing Program Manager Victoria Volent.

XII. NEXT STEPS

1. Address staff comments
2. Address additional comments of the Planning Board
3. Prepare final plan submission, including subdivision and site plan submittal requirements as included in 14-496(1) and (b) and 14-527(e) and (f) for review by the Planning Authority and Planning Board
4. Hold final Planning Board Hearing

ATTACHMENTS

1. Civil Engineering Comments 5-15-2019
2. Public Works Comments 6-7-2019
3. Wastewater Capacity Authorization 5-28-2019
4. Energov Comment Report 6-7-2019

APPLICANT'S SUBMITTALS

- A. Cover Letter
- B. Level III Application Checklist
- C. Right, Title & Interest
- D. Zoning Assessment
- E. Summary of Written Easements
- F. Waiver Requests
- G. Financial Capacity
- H. Technical Capacity
- I. Conformity with Land Use Requirements
- J. Stormwater Management Report
- K. Erosion & Sedimentation Control Report
- L. Fire Department Letter
- M. Wastewater Capacity Request
- N. Lighting Photometrics and Cutsheets
- O. Architectural Design Narrative
- P. Utilities Capacity to Serve
- Q. Construction Management Report
- R. Solid Waste Disposal
- S. Parking Assessment
- T. Comment Response Letter 5-30-19
- U. Application Clarification
- V. Views - Existing Conditions – 1
- W. Views - Existing Conditions – 2
- X. Inclusionary Zoning Application Summary
- Y. Conditional Use Checklist
- Z. Cover Letter - Conditional Use
- AA. Neighborhood Meeting Minutes

PLANS

- P1. Cover Sheet
- P2. General Notes
- P3. Existing Conditions
- P4. Revised Boundaries
- P5. Construction Mangement Plan
- P6. Site Plan
- P7. Landscape Plan
- P8. Utility Plan
- P9. Grading & Drainage Plan
- P10. Site Details – 1
- P11. Site Details - 2L. Fire Department Letter
- P12. Utility Details
- P13. Drainage Details
- P14. Erosion & Sediment Control Details
- P15. Subdivision Plat
- P16. Sections
- P17. Section Details
- P18. Easement plan 3-19-18
- P19. Renderings, Elevations, Floorplans



Andrew Tufts <atufts@portlandmaine.gov>

40 Free Street

Lauren Swett <lswett@woodardcurran.com>
To: Andrew Tufts <atufts@portlandmaine.gov>

Wed, May 15, 2019 at 12:17 PM

Hi Andrew,

That works. My first comment below is just commentary that they are meeting the stormwater standards (no action required on their part).

1. Projects applying for Level III Site Plans are required to comply with the City of Portland's Section 5 Stormwater Standards as well as Chapter 500 Regulations. The project must consider the Basic, General, Flooding, and Redevelopment Standards.
 - a. The Applicant has provided erosion and sedimentation control details and a written plan in accordance with the Basic Standards. Erosion control features have been called out on the Construction Management Plan, sheet C-03.
 - b. The Applicant is not increasing impervious surface, and is not required to provide any treatment or flooding control as required for the General and Flooding Standards.
 - c. The Applicant is not increasing non-roof redeveloped impervious surface, and is not required to provide any treatment as required for the Redevelopment Standard.
2. The Applicant has received ability to serve letters for all utilities except for sewer and water. Final ability to serve will be provided by the City of Portland for the sewer service and Portland Water District for the water service.
3. Additional clarification should be provided on the area to the west of the proposed building.
 - a. The project is proposing to fill against the existing building on the corner of Center Street and Free Street, and it also appears that a retaining wall will be built against the existing building in some areas. The Applicant should confirm that this change to the adjacent building on another property will be acceptable, and that a construction easement or some other type of agreement isn't required.
 - b. A gravel utility courtyard is proposed between the proposed and existing buildings. This has almost a 12% slope, and it appears that water in this area will flow down to a retaining wall. Additional consideration may be needed for drainage in this area – ensure that stormwater flow won't undermine the surrounding building and retaining walls, and that the gravel surface is adequate permanent surface treatment to prevent erosion on the slope. This is a small area that likely won't see much stormwater flow, but we suggest the applicant review.
4. Proposed contours are not shown on the stairs to the east of the proposed building. Slope arrows indicate a change in grade before the brick area transitions to pavement (1.2% to 4.4%). Additional spot grades and topography lines should be provided to show how this area is graded.
5. On the Site Plan and Grading Plan, views of two different levels are provided. The lower view only shows some of the at-grade level improvements outside of the building footprint. There would be a benefit to show all of the at-grade work outside of the building on both plans to avoid confusion. For example proposed contours are shown only on the first floor plan, but existing contours are shown on both plans. Also, the lower plan shows foundation drains and cleanouts, but the first floor plan does not – cleanouts should be shown on the first floor plan to see proximity to other site features like the granite slabs at doorways.

Let me know if you have any questions.

Thanks,

Lauren

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



Andrew Tufts <atufts@portlandmaine.gov>

40 Free Comments

Mike Tremblay <mtremblay@portlandmaine.gov>

Fri, Jun 7, 2019 at 11:47 AM

To: Andrew Tufts <atufts@portlandmaine.gov>

****Parking study**

The applicant uses a shared parking analysis to justify a 37-space parking allocation for the site. They used ITE Shared Parking data to show that, while the peak demand for retail and residential would typically be 52 spaces, difference in the peak utilization time would mean that, at any given time, the highest utilization of spaces will be 37. However, the shared parking analysis runs only from 7am-6pm; the peak demand is found to be at 5-6pm. It is possible that a higher peak demand would occur from 6pm-7pm or 7pm-8pm, as residents come home from work and retail uses are still open. Furthermore, the parking study was conducted for weekdays and not Saturdays, when retail demand is as high, if not higher, than weekday evenings, while residential utilization is likely higher than on weekday afternoons. A more robust shared parking analysis is required. Other publications, such as the Urban Land Institute's Shared Parking manual, provide 24-hour shared parking analysis. The SmartCode suggests that 20% of all spaces can be shared between residential and retail uses, which equates to about 9 shared spaces compared to the Applicant's suggested 15 shared spaces.

****Parking space size**

The Applicant appears to suggest that a large proportion of compact spaces should be acceptable because a) the garage has a higher proportion of standard size spaces, which is appropriate given the additional maneuvering obstacles in the garage, and b) the exterior compact spaces are adjacent to a wider drive aisle and mirror the existing stall size. The Applicant also suggests that the exterior spaces will be assigned to retail.

Regardless of the location and context of the compact spaces, the proposed parking layout still consists of a much higher proportion of compact spaces than currently allowed by the City's technical standards. A waiver will be required.

Additionally, the Applicant's statement that the residential parking spaces will be specifically assigned seems to contradict the Applicant's shared parking analysis. A shared parking setup only works if all spaces can be used by all users of a site; otherwise, retail patrons may find themselves needing to park in a space that is assigned to a specific resident. Additional clarity is needed. Finally, at least one space in the garage (the 8-foot compact space adjacent to the trash room) appears to be difficult to maneuver into. This particular space is narrower than standard and is located between a column and a solid wall. If a vehicle is parked in the HP space opposite this constrained space, it appears unlikely that a vehicle will be able to maneuver into this space. An AutoTURN analysis is required to determine if this space is a viable parking space.

****20-foot drive aisle**

Section 1.7.2.3 of the technical manual states that the minimum width of a two-way driveway is 20 feet with a preferred width of 24 feet. This particular location on the site is located where vehicles will be turning, possibly including vehicles turning directly from the garage into the external parking area. These maneuvers may require more than the minimum required driveway width. An AutoTURN analysis is required.

****Traffic analysis of reconfigured driveways**

DPW does not disagree that the closure of the lot access from Free Street is in alignment with the City's goals; however, we need to understand how access patterns may change with the new configuration. The Applicant provided a plan that shows that both driveways (at Center and Cross streets) will be in-out driveways; the response to comment memo seems to suggest that entering vehicles will need to enter via Center Street. Clarification needed. The Free Street entrance closure would appear to reroute vehicles directly southbound on Center Street, entering the lot via an uncontrolled left turn. DPW would like to know the volume of such vehicles. A breakdown of turning movements into and out of all remaining entrances/egresses is required. If any volumes appear to be problematic, the Applicant should suggest mitigation up to, but not necessarily limited to, signage restricting left turns entering and/or exiting the parking lot.

****Utilities**

All comments addressed.

****Right of Way**

ADA accessibility appears to be possible if the slope was achieved using ADA-maximum ramp slopes (8.33% for 30 feet with 5-foot level landing areas (2% slope) for every every 30 feet of ramp run. This scheme allows 7.7 feet of grade change over 100 feet (excluding level landings at the top and bottom of ramp), compared to 5.0 feet of grade change over 100 feet using a constant 5% slope. The Applicant should consider this scheme.

****Curb use**

The Applicant should specify proposed curb use as part of site plan approval so that it does not need to be approved separately. The closure of the Free Street driveway will allow for additional curb use on Free Street. DPW suggests that the curb use be designated as follows:

- 2-hour metered parking between the western site frontage and the existing (to remain) hydrant (no change from existing)
- Three 15-minute parking spaces east of the existing (to remain) hydrant (two more than existing)
- Commercial loading zone east of the 15 minute spaces to the eastern edge of the site frontage (extends existing commercial loading zone in front of El Reyo, which is relatively small, by about 15 feet). This will serve the existing commercial loading needs in the area as well as the proposed retail uses.

Mike Tremblay, P.E.
Senior Engineer
Engineering Division
Department of Public Works
City of Portland, ME
mtremblay@portlandmaine.gov
P. 207.874.8881 F. 207.874.8852



[Quoted text hidden]



CITY OF PORTLAND
Department of Public Works
Christopher C. Branch, P.E., Director

Date: May 28, 2019

Re: Wastewater Capacity Authorization

Address: 40 Free Street
 Applicant: 40 Free LLC

Planner: Andrew Tufts

Anticipated Wastewater Flow:

Estimate of Anticipated Design Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Existing flow to be removed				
Vacant				0
Proposed flow				
Employees at place of employment with no showers	# Employees	10	12	120
Multiple Family Dwelling Units	1-Bedroom	37	120	4440
Multiple Family Dwelling Units	2-Bedroom	14	180	2520
Net Change				+ 7,080
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition				

Comments:

The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

You are reminded that the sewers you are proposing to connect into convey both sanitary and stormwater (Combined Sewer) and therefore a backflow preventer is suggested.

The site development is proposed to connect sewer into Free Street and storm drain into an extension of the Cotton Street sewer system which the city hopes to separate into a dedicated storm drain.

If the City can be of further assistance, please contact me at all 874-8840 or brad@portlandmaine.gov

Sincerely,
CITY OF PORTLAND

A handwritten signature in dark ink, reading "Bradley A. Roland". The signature is written in a cursive style with a large, stylized "B" and "R".

Bradley A. Roland, P.E.
Senior Project Engineer



PLAN CORRECTIONS REPORT PL-000602-2019 FOR CITY OF PORTLAND

PLAN ADDRESS:	46 Free St Portland, ME 04101	PARCEL:	038 1018001
APPLICATION DATE:	04/08/2019	SQUARE FEET:	0.00
EXPIRATION DATE:		VALUATION:	\$0.00
		DESCRIPTION:	Construct a new 6 story building on an existing parking lot located at 40 Free Street. The building is a mixed use structure with covered parking at the basement level, retail suites on the Free Street level and residential apartments on levels 2 -6. The existing guard shack and entrance at Free St to the surface parking lot will be removed and the existing surface lot will be partially re-striped adjacent to the building.

CONTACTS	Name	Company	Address
Agent/Representative	Will Savage	Acorn Engineering	158 Danforth Portland, ME 04104

Comments & Corrections Required

City Arborist	Jeff Tarling
Civil Engineering - Third Party Reviewer	Lauren Swett
DPW Document Review	Bill Scott
DPW Street Openings	Mike Tremblay

Comment(s)/ Recommendation(s):

****Parking study**

The applicant uses a shared parking analysis to justify a 37-space parking allocation for the site. They used ITE Shared Parking data to show that, while the peak demand for retail and residential would typically be 52 spaces, difference in the peak utilization time would mean that, at any given time, the highest utilization of spaces will be 37. However, the shared parking analysis runs only from 7am-6pm; the peak demand is found to be at 5-6pm. It is possible that a higher peak demand would occur from 6pm-7pm or 7pm-8pm, as residents come home from work and retail uses are still open. Furthermore, the parking study was conducted for weekdays and not Saturdays, when retail demand is as high, if not higher, than weekday evenings, while residential utilization is likely higher than on weekday afternoons. A more robust shared parking analysis is required. Other publications, such as the Urban Land Institute's Shared Parking manual, provide 24-hour shared parking analysis. The SmartCode suggests that 20% of all spaces can be shared between residential and retail uses, which equates to about 9 shared spaces compared to the Applicant's suggested 15 shared spaces.

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Regardless of the location and context of the compact spaces, the proposed parking layout still consists of a much higher proportion of compact spaces than currently allowed by the City's technical standards. A waiver will be required. Additionally, the Applicant's statement that the residential parking spaces will be specifically assigned seems to contradict the Applicant's shared parking analysis. A shared parking setup only works if all spaces can be used by all users of a site; otherwise, retail patrons may find themselves needing to park in a space that is assigned to a specific resident. Additional clarity is needed. Finally, at least one space in the garage (the 8-foot compact space adjacent to the trash room) appears to be difficult to maneuver into. This particular space is narrower than standard and is located between a column and a solid wall. If a vehicle is parked in the HP space opposite this constrained space, it appears unlikely that a vehicle will be able to maneuver into this space. An AutoTURN analysis is required to determine if this space is a viable parking space.

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****Traffic analysis of reconfigured driveways**

DPW does not disagree that the closure of the lot access from Free Street is in alignment with the City's goals; however, we need to understand how access patterns may change with the new configuration. The Applicant provided a plan that shows that both driveways (at Center and Cross streets) will be in-out driveways; the response to comment memo seems to suggest that entering vehicles will need to enter via Center Street. Clarification needed. The Free Street entrance closure would appear to reroute vehicles directly southbound on Center Street, entering the lot via an uncontrolled left turn. DPW would like to know the volume of such vehicles. A breakdown of turning movements into and out of all remaining entrances/egresses is required. If any volumes appear to be problematic, the Applicant should suggest mitigation up to, but not necessarily limited to, signage restricting left turns entering and/or exiting the parking lot.

****New comment related to parking**

A sign at the Center Street entrance to the lot on Street View

(<https://www.google.com/maps/@43.6557931,-70.2582965,3a,15y,1.27h,86.31t/data=!3m6!1e1!3m4!1sF27J3V-lclhtt9O3a9rFsg!2e0!7i13312!8i6656>) suggests that the Center Street entrance is not used during Civic Center events. The Applicant should describe how the lot will operate during events, including any proposed traffic control that may be required.

****Utilities**

All comments addressed.

****Right of Way**

All comments addressed. DPW is in agreement with the Applicant's assessment of ADA access; the grade differential makes such an effort technically infeasible.

DPW Water Resources Compliance

Benjamin Pearson

DPW Water Resources Engineering

Brad Roland

Fire

Robert Thompson

Comment(s)/ Recommendation(s):

The official address shall be approved by the City E911 addressing officer prior to the building permit process.

The approved street address shall be marked on the structure in numerals

Planning

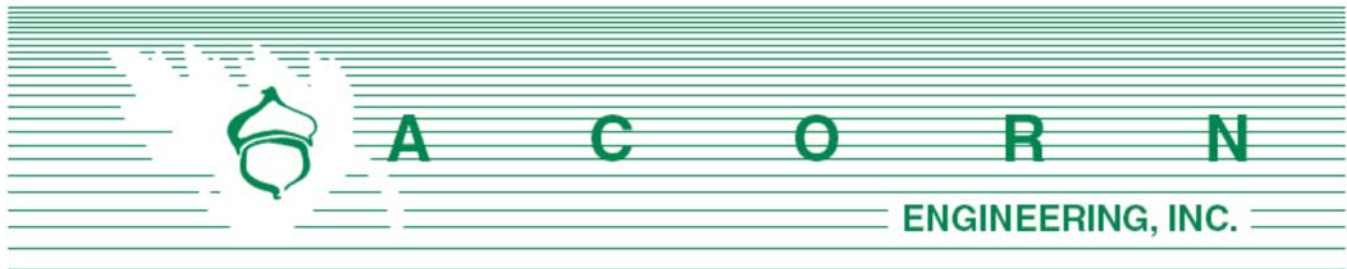
Andrew Tufts

Traffic - Third Party Reviewer

Tom Errico

Transportation/Planning

Bruce Hyman



Barbara Barhydt
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

April 18, 2019

Re: Preliminary Civil Application
40 Free St. Development
40 Free St. Portland, ME 04101

Barbara:

Acorn Engineering, Inc., in coordination with the project team, is pleased to submit the accompanying package of submission materials related to the proposed redevelopment along 40 Free Street. This application includes a Preliminary Application for a Level III Site Plan and subdivision for the 40 Free LLC mixed-use redevelopment.

Located within the B-3 zone, Congress Street Historic District, Pedestrian Activities District, and the Downtown Entertainment Overlay zone, the design for this 6-story mixed use building will have 5 retail units and 51 residential units and is consistent with the city's goals. It will encourage a safe, pedestrian focused environment along what is currently underutilized space along Free Street, while complying with permitted uses in the zone. A new pedestrian walkway will encourage foot traffic between Free Street and the surface parking lot, while also screening the parking from view.

Based upon the 10% workforce unit requirement, the project currently anticipates either building five units on site and paying the fee-in-lieu for the remaining 0.1 requirement or building units off site.

We are pleased to submit this application which will increase the housing stock, and further the city's vision of the Spring Street-Free Street Area Streetscape plan by focusing on pedestrian oriented uses, and closing a curb cut on Free Street.

Please do not hesitate to contact our office with any questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Matthew Ballog', is written over a light blue horizontal line.

Matthew Ballog, P.E.
Project Manager
Acorn Engineering, Inc.

The following documents and drawings will be uploaded onto the City's electronic submission site per the procedure outlined in the application:

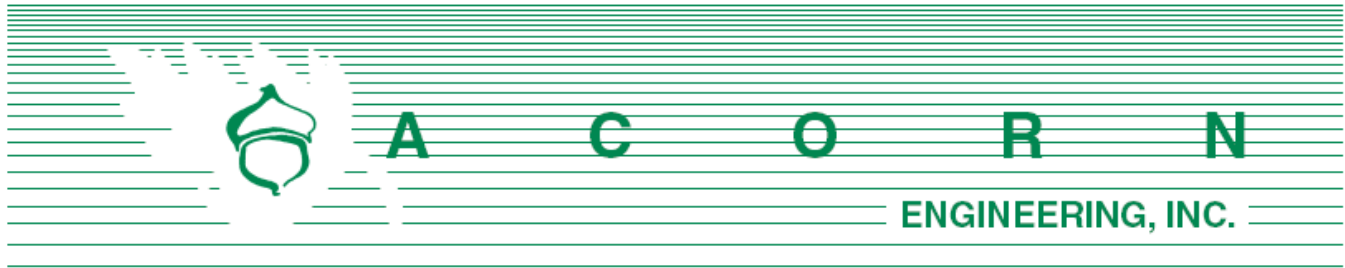
Documents:

- Section A: Cover Letter
- Section B: Level III Final Site Plan Application & Checklist
- Section C: Right, Title, Interest
- Section D: Zoning Assessment
- Section E: Easements
- Section F: Waiver Table
- Section G: Financial Capacity
- Section H Technical Capacity
- Section I: Conformity with Land Use Ordinance
- Section J: Stormwater Management Report
- Section K: Erosion & Sedimentation Control Report
- Section L: Fire Department Letter
- Section M: Wastewater Capacity Letter
- Section N: Lighting
- Section O: Architectural Design Narrative
- Section P: Utility Cover
- Section Q: Construction Management Plan
- Section R: Solid Waste
- Section S: Parking Assessment

Drawings:

- Civil Site Plan Set, Dated 4/15/19
- Architectural Plan Set, Dated 4/1/19





40 Free Street Development Level III Site Plan/Subdivision Application

Neighborhood Meeting Minutes

May 22, 2019 / 5:30 pm

J.B. Brown & Sons

10 Free Street, Suite 100

Project Team Attendees:

Vin Veroneau (VV): 40 Free Street LLC Representative

Will Savage (WS): Civil Engineer/Presenter (Acorn Engineering)

Faith Thomas (FT): Civil Engineer/Note Taker (Acorn Engineering)

Ryan Senatore (RS): Architect/Presenter (Ryan Senatore Architecture)

Meeting started at approximately 5:35 pm.

Presentation:

Will Savage:

- Neighborhood Meeting is a City requirement for a Level III Application.
- Introduced existing site conditions at 40 Free Street
 - o Approximately 8-10 ft of grade change from Free St to the property line.
 - o Currently in year 2 of 5-yr Spring Street moratorium
- Introduced scope of proposed work
 - o 6-story mixed use with 51 residential units above retail space
 - o Access to the existing parking lot and lower garage level parking will remain off Center and Cross St. The existing entrance off of Free St will be closed.
 - o 37 Parking spaces for the 51 units. Basement level parking garage with 19 spaces
 - o Residential bicycle storage provided within interior bike storage room
 - o Pedestrian hardscape path from Free Street to existing parking lot
 - o Free Street sidewalk to be rebuilt with downtown lighting fixtures and exterior bicycle rack. The closure of the existing curb cut will provide 2-3 additional public on-street parking spaces.
- Planning Board Public Workshop to occur on June 11th

Ryan Senatore:

- Overview of first floor
 - o 5 retail suites with large amount of glass windows on Free Street frontage
- Overview of floors 2, 3 & 4
 - o Primarily 1-bedroom units at approximately 630 square feet
- Overview of floors 5 & 6
 - o Residential 1 & 2-bedroom units
- Overall building presentation is modern, with a granite base and brick façade which are both typical features displayed along the Free Street corridor

Comments, Questions & Answers:

Please note that the following questions and answers were not recorded verbatim and aim to represent and summarize the actual questions, answers, and discussion that took place at the meeting. Q or C denotes Question or Comment from the Public.

Q: Are all the decks for the residential units along the Free Street side of the building?

RS: No, there are decks on both the Free Street and Spring Street sides

Q: Are any of the residential units affordable?

VV: Yes, with 5 Inclusionary Zoning units

Meeting concluded at approximately 6:00 pm.

The abovementioned material was as interpreted and recorded from handwritten notes. Please note and relay any discrepancies or disputed information in the recorded minutes to the below address so that they can be reviewed, revised, and resubmitted as necessary.

Recorded by,



William H. Savage, P.E.
Principal - Project Manager
Acorn Engineering, Inc.
wsavage@acorn-engineering.com



Sign In Sheet

5/22/2019

J.B. Brown & Sons – 10 Free Street

40 Free Street Development

Members of the Public in Attendance:

NAME

E-MAIL

1. Charlie Katz-Leary

ckatzleary@jbsb.com

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25.

Developer and Consultant Team in Attendance:

NAME

E-MAIL

1. Ryan Senatore, RSA

ryan@senatorearchitecture.com

2. Vin Veroneau, 40 Free St LLC

veroneau@jbbrown.com

3. Faith Thomas, Acorn Engineering

fthomas@acorn-engineering.com

4. Will Savage, Acorn Engineering

wsavage@acorn-engineering.com

5.

CITY OF PORTLAND
Planning & Urban Development Department

LEVEL II and LEVEL III SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST

Please submit each document as a separate PDF file
Please confirm by electronically checking the boxes to the left

**** PLEASE FILL OUT AND UPLOAD SEPARATELY THE ZONING TABLE
AND WAIVER TABLE AS NOTED BELOW ****

GENERAL APPLICATION DOCUMENTS

Yes ☒	NA ☐	Project Description Cover Letter with detailed project description
Yes ☒	NA ☐	Completed Checklist – Level I: Site Alteration (this document)
Yes ☒	NA ☐	Right, Title and Interest Deeds, leases, or purchase and sales agreements
Yes ☐	NA ☒	Evidence of State or Federal Approvals Permits or letters of non-jurisdiction, if applicable
Yes ☒	NA ☐	Zoning Assessment Table listing required and proposed uses and dimensional standards Zoning Assessment Table
Yes ☒	NA ☐	Existing and/or Proposed Easements or Covenants, applicable. Evidence of existing easements and any proposed easements
Yes ☒	NA ☐	Waiver Requests Written request for waiver describing request and reason Waiver Table
Yes ☒	NA ☐	Financial Capability Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
Yes ☒	NA ☐	Technical Capability Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

**LEVEL II AND LEVEL III SITE PLAN
STANDARDS AND SUBMISSION CHECKLIST**
Provide assessment of compliance with standards and include
supplemental documentation, as applicable
Please Submit each document as a separate PDF file

TRANSPORTATION

Yes ☐	NA ☒	Transportation Analysis- Traffic Impact (14-526 (a) 1) - Provisions for pedestrian, bicycle, vehicle, and loading circulation and incremental volume of traffic impacts - Traffic Impact Study (Technical Manual, Section 1) if applicable
Yes ☒	NA ☐	Access and Circulation (14-526 (a) 2 a) - Access and internal circulation, addressing ADA access - Access and egress impacts on traffic flows - Description and use of drive-up features, if applicable
Yes ☐	NA ☒	Loading and Servicing (14-526 (a) 2 b) - Loading and servicing needs, route and travel way geometrics for deliveries - Turning templates for delivery vehicles, if applicable
Yes ☒	NA ☐	Sidewalks (14-526 (a) 2 c) - Sidewalks and condition along street frontages and internal walkways - Engineered details for ADA ramps and public sidewalk details meeting sidewalk materials policy and ADA ramp construction details as applicable (Technical Manual, Section 1)
Yes ☐	NA ☒	Public Transit (14-526 (a) 3), if applicable - Existing available transit services - Proposed site plan design details, such as easement, pad base, and shelter
Yes ☒	NA ☐	Off-Street Parking: Vehicle & Motorcycle/Scooter) (14-526 (a) 4 a and c) - Expected parking demand, proposed parking supply, ADA parking, and applicable Zoning Requirements - Address Technical Manual standards (Section 1) for curb cut separation and parking lot layout and locate on site plan
Yes ☒	NA ☐	Bicycle Parking (14-526 (a) 4 b) - Address bicycle parking requirements and identify locations on-site - Construction details for bike racks (Technical Manual, Section 1)
Yes ☒	NA ☐	Snow Storage (14-526 (a) 4 d) Management plan for snow removal and locate snow storage areas on plan
Yes ☐	NA ☒	Traffic Demand Management (TDM) (14-526 (a) 5), if applicable Develop TDM with Trip Reduction Targets and Strategies

ENVIRONMENTAL AND LANDSCAPE FEATURES		
Yes ☐	NA ☒	Preservation of Significant Natural Features (14-526 (b) 1), if applicable • Trees, plants, habitats listed on State or Federal list of endangered or threatened • High and moderate value waterfowl and wading habitat • Aquifers on Casco Bay Islands • Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) • Proposed preservation areas and protection measures • Documentation from environmental consultants, determinations from applicable state agencies
Yes ☐	NA ☒	Landscaping and Landscape Preservation (14-526 (b) 2 a) • Preservation of trees and preservation within required zoning setbacks (Technical Manual, Section 4) • Protection measures of existing vegetation during construction • Protection measures within Shoreland Zone, if applicable
Yes ☒	NA ☐	Site Landscaping (14-526 (b) 2 b) • Screening and buffering of service areas and between non-residential and residential uses • Planting plans with plant schedule and sizes (Technical Manual, Section 4)
Yes ☐	NA ☒	Parking Lot Landscaping (14-526 (b) 2 b ii), if applicable • Landscaped islands within parking areas (Technical Manual, Section 4)
Yes ☒	NA ☐	Street Trees (14-526 (b) 2 b iii) • Existing Heritage or Feature Trees on site and measures to preserve • Identify street trees on the plan meeting the site plan and Technical Manual standards (Section 4) or identify alternative measures, if applicable
ENVIRONMENTAL AND STORMWATER		
Yes ☒	NA ☐	Water Quality, Stormwater Management and Erosion Control (14-526 (b)3 a) • Stormwater report in compliance with Section 5 of Technical Manual and DEP Chapter 500 stormwater for basic, general and flooding standards, as applicable • Erosion control plan and measures • Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater, as applicable • Subsurface sanitary sewage disposal and groundwater protection

PUBLIC INFRASTRUCTURE AND SAFETY		
Yes ☒	NA ☐	Consistency with City Master Plans (14-526 (c) 1) - Identify consistency with master plans - Proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
Yes ☒	NA ☐	Public Safety and Fire Prevention (14-526 (c)) - Address Crime Prevention through Environmental Design (CPTED) (Technical Manual, Section 3) - Emergency vehicle access - Address consistency with public safety standards (Technical Manual, Section 3) - Submit a code summary referring NFPA 1 and all Fire Department standards (Technical Manual, Section 3) – Fire Checklist
Yes ☒	NA ☐	Availability and Adequacy of Public Utilities (14-526 (c) 3) (Technical Manual, Sections 2 & 9) - Electrical services, including providing underground services - Identify existing and proposed connections for public utilities and required public utility upgrades - Sewer line connections are required, if there is a main within 200 feet - Proposed solid waste management facilities on-site and management for the site - Written evidence of the ability to serve from utility companies, as applicable
SITE DESIGN		
Yes ☒	NA ☐	Massing, Ventilations and Wind Impact (14-526 (d) 1) - Wind and ventilation impacts on adjoining structures and/or adjacent public spaces. Wind study, if applicable - Bulk, location or height impacts on adjoining structures - Identify and locate HVAC equipment and venting away from public spaces and residential properties - Identify screening and manufacturing specifications for noise, if applicable
Yes ☐	NA ☒	Shadows (14-526 (d) 2), if applicable Shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
Yes ☒	NA ☐	Snow and Ice Loading (14-526 (d) 3) Building design to prevent snow and ice from loading or falling onto adjacent properties or public ways
Yes ☐	NA ☒	View Corridors (14-526 (d) 4), if applicable Protection of designated view corridors (Portland Design Manual, Appen. 1)

Yes ☒	NA ☐	Historic Resources (14-526 (d) 5), if applicable - Identify developments within Historic Districts or affecting Designated Landmarks - Certificate of Appropriateness or other evidence - Identify Developments within 100 feet of Historic Districts or affecting Designated Landmarks. Advisory HP review may be required - Address preservation and documentation of Archaeological Resources
Yes ☒	NA ☐	Exterior Lighting (14-526 (d) 6) - Cut sheets of on-site light fixtures and any architectural or specialty lights (Technical Manual, Section 12) - Engineered details for any lights proposed in street right-of-way (Technical Manual, Section 10)
Yes ☐	NA ☒	Noise and Vibration (14-526 (d) 7) Evidence of noise levels for equipment, such as equipment specifications, to demonstrate consistency with zoning requirements
Yes ☐	NA ☒	Signage and Wayfinding (14-526 (d) 8), if applicable - Signage plan showing the location, dimensions, height and setback of all existing and proposed signs. Signs in Historic Districts are reviewed by Historic Preservation staff - Proposed commercial and directional signage on site
Yes ☒	NA ☐	Zone Related Design Standards (14-526 (d) 5) - Address Historic Preservation Design Review, if applicable - Address any applicable design review standards by zone - Address submission requirements from Design Manual, page 1, addressing neighborhood context - Description of exterior materials, color, finish, and samples
Construction Management Plan		
Yes ☒	NA ☐	Construction Management Plan Construction Management Document and Plan

**LEVEL II AND LEVEL III SITE PLAN
DRAWINGS CHECKLIST**

Please upload the following DRAWINGS with the listed details into e-Plan as separate pdfs

RECENT BOUNDARY SURVEY (stamped by Maine Licensed Surveyor)

- ☒ Must be in compliance with Technical Manual, Section 13

SITE PLAN(s) (stamped by Maine Licensed Engineer) including:

Existing Conditions

- ☒ Approximate location of structures on abutting property
- ☒ Topography
- ☐ Locate water courses
- ☐ Delineate wetlands
- ☐ Zone lines

Proposed Site Plan

- ☒ Ground floor area, and grade elevations for all buildings

Access, Circulation, and Parking

- ☒ Streets and intersections adjacent to site, any proposed geometric modifications
- ☒ Location, dimensions and materials of all existing and proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- ☒ Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
- ☒ Location and dimensions of proposed loading areas
- ☒ Existing and proposed transit infrastructure with dimensions/ engineering specifications
- ☒ Location of vehicle and bicycle parking with dimensions and engineering specifications

Site Considerations

- ☒ Identify snow storage areas
- ☒ Location of fire hydrants
- ☒ Location of solid waste management facilities

UTILITY PLAN including:

- ☒ Existing utilities on site and within public streets
- ☒ Location, sizing and directional flows of all existing and proposed utilities
- ☒ Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- ☒ Electric utility infrastructure

GRADING AND DRAINAGE PLAN including:

- ☒ Existing grades and drainage
- ☒ Proposed grades
- ☒ Proposed stormwater management meeting Technical Manual (Section 5), standards
- ☒ Location and proposed alteration of a water course
- ☒ Preservation or alteration of wetlands

EROSION CONTROL

- ☒ Must be in compliance with Technical Manual, Section 5

LANDSCAPE PLAN including:

- ☒ Existing vegetation to be preserved and preservation measures
- ☒ Proposed landscaping and buffers
- ☒ Planting schedule

RECORDING PLAT, if applicable
☐ If Subdivision, must be in compliance with requirements of Section 14-496 (b)
ARCHITECTURAL PLANS AND RENDERINGS including:
☒ Exterior building elevations, color renderings, illustrations of all sides
☒ Location and dimensions of all existing and proposed HVAC and mechanical equipment, all proposed screening
☒ Provide context drawings, if applicable (Design Manual, page 1)
☒ Floor plans

C. Right, Title & Interest

40 Free LLC will own a newly created parcel comprised of land from two existing parcels owned by J.B. Brown & Sons. Draft deed and easements, as attached in this report, are currently waiting to be finalized and recorded. The finalized deed and easements will be recorded with Cumberland County Registry of Deeds prior to City of Portland Planning Board hearing and will include any necessary revisions as determined during the site plan review process.

Attachments:

Draft Deed – 40 Free Street

Existing Deed – 46 Free Street

Existing Deed – 48 Free Street

Existing Deed – 22 Free Street



Draft Deed

40 Free Street

Book _____ Page _____

WHEN RECORDED RETURN TO:

VERRILL DANA, LLP

One Portland Square

Portland, ME 04112-0586

Attention: David L. Galgay, Jr.

QUITCLAIM DEED WITH COVENANT
(Statutory Short Form)

J.B. BROWN & SONS, a Maine corporation, of Portland, Maine (“Grantor”), for consideration paid, hereby GRANTS to **40 FREE LLC**, a Maine limited liability company, its successors and assigns, with a mailing address of P.O. Box 207, Portland, Maine 04112-0207 (“Grantee”) with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, located on the southeasterly side of Free Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the northeasterly corner of the land now or formerly of J.B. Brown & Sons as described in a certain deed from New GMN dated January 30, 2015 and recorded in the Cumberland County Registry of Deeds in Book 32055, Page 266 (the “48 Free Parcel”), being a point 70.58 feet, more or less, easterly from Center Street on the southeasterly sideline of Free Street (the “point of beginning”), as shown on that certain survey entitled “Land Title Survey on Free Street, Portland, Maine” made for J.B. Brown & Sons dated _____, 2019 by Owen Haskell, Inc.;

Thence, N 52° 31’ 53” E by Free Street a distance of 189.31 feet to the land now or formerly of J.B. Brown & Sons as described in Book 32055 Page 269;

Thence, S 37° 28’ 07” E by the building on said land of J.B. Brown & Sons and by its extension a distance of 1.54 feet;

Thence, S 39° 30’ 56” E by said building and its extension a distance of 86.97 feet;

Thence, S 52° 31’ 53” W a distance of 190.46 feet to the land of said J.B. Brown & Sons as described in Book 32055, Page 266;

Thence, the following courses by said land of said J.B. Brown & Sons;

N 40° 02' 59" W a distance of 5.95 feet;
N 39° 43' 59" W a distance of 14.57 feet;
S 52° 02' 41" W a distance of 1.55 feet;
N 37° 05' 59" W a distance of 67.97 feet to the point of beginning.

The above-described premises being portions of the premises conveyed to J.B. Brown & Sons by: (i) a certain deed from Free Street Associates, LLC dated January 30, 2015 and recorded in the said Registry of Deeds in Book 32055, Page 269 ("22 Free Parcel"), and (ii) a certain deed from the City of Portland dated June 29, 2017, and recorded in the said Registry of Deeds in Book 34124, Page 18 ("Parking Lot Parcel").

TOGETHER WITH the premises hereby conveyed, the Grantor hereby grants to Grantee, its successors and assigns, a non-exclusive perpetual right, privilege and easement for the benefit of the said parcel hereby conveyed, at all times, and in common with the Grantor, for purposes of ingress and egress by pedestrians or vehicles (including construction and service vehicles), and also for purposes of ingress and egress to and from the lower level of the parking garage situated thereon, including the right, at Grantee's sole expense, to install access gates to and from the parking area, electronic ticket control equipment, cameras and security fencing that limits public access (vehicle and pedestrian) to the Grantee's parking garage, utilities services (as defined in 33 MRSA Section 458), a certain rock/brick wall with landscaping on the easterly side of the building to be constructed by Grantee, and for wall and exterior building maintenance, through, on, across and by, access ways, now existing or hereafter constructed, on the Grantor's adjacent land herein referred to as the Parking Lot Parcel in the area labelled "**Easement A**" and on adjacent land herein referred to as the 22 Free Parcel in the area labelled "**Easement B**", each as depicted on that certain plan entitled "Easement Plan for 40 Free LLC made for J.B. Brown & Sons" dated _____, 2019 by Acorn Engineering, Inc., and recorded in the Cumberland County Registry of Deeds in Plan Book _____, Page _____ (the "Easement Plan"), a reduced copy of said Easement Plan is attached hereto as Exhibit A and made a part hereof, and depicted as the cross-hatched squares on the southerly side of the property conveyed above. Grantee, its successors and assigns, shall have the sole liability and obligation to maintain the foregoing access easement to and from its parking area and garage, including, without limitation, snow-plowing, ice removal, sanding and liability insurance.

ALSO TOGETHER WITH the premises hereby conveyed, the Grantor hereby grants to Grantee, its successors and assigns, a non-exclusive perpetual right, privilege and easement for the benefit of the said parcel hereby conveyed, at all times, and in common with the Grantor, stormwater drainage, together with an easement for electricity, gas, water, sewer, telecommunications, wireless signals and other utility services (and as defined in 33 MRSA Section 458) in the said easement areas to, from and across the Grantor's land in the areas generally as depicted on the Easement Plan as "**Easement C**", and as "**Easement F**"; and for purposes of ingress and egress by pedestrians or vehicles to and from Grantee's land hereby conveyed, and further for temporary construction activities relating to the initial construction of buildings and improvements on the

premises hereby conveyed, including construction workers and vehicles and laydown areas for construction materials and components. Easement C is generally located in the area depicted on the Easement Plan as "Easement C" (southerly of the premises hereby conveyed and situated on the Parking Lot Parcel), and Easement F is generally located in the area depicted on the Easement Plan as "Easement F" (southeasterly of the premises hereby conveyed and situated on the 22 Free Parcel). As to the access easement hereinabove granted by Grantor to Grantee for ingress and egress for pedestrian and vehicle access to, by, through and across Easement C and/or Easement F to Grantee's land, the Grantor, its successors and assigns, hereby reserve, and shall have the absolute, unilateral right at all times upon reasonable prior notice to Grantee, to limit such access to a designated area within the Easement C parcel, or within the Easement F parcel, and/or to relocate the entrance and exit driveways to and from either Cross Street, Center Street, or, if available, Spring Street, and to regulate and locate the interior driveways or walkways within Easement C and Easement F for ingress and egress; meaning and intending, that for all of the easement and access rights granted to Grantee in this paragraph, Grantor, its successors and assigns, shall have the sole right to designate and control such easement and access locations within the parcels designated for the Easement C area and/or the Easement F area.

TOGETHER WITH, as to the utilities, including the storm water drain pipes, the right to enter from time to time upon said land now or formerly of J.B. Brown & Sons as described above (i.e., Easement C and/or Easement F, as applicable), Grantee shall have the right to inspect, install, construct, maintain, repair, rebuild, replace and remove pipes, conduits, pipeline, manholes, mains and other equipment necessary for the maintenance of the underground storm drain line, and to lay repair, maintain and remove storm drain pipe within said described area together with all necessary fixtures and appurtenances and together with a further right to generally work, excavate trench and/or backfill within and upon said strip of land and to trim, cut down and remove trees and bushes to such extent as in the reasonable judgment of Grantee is necessary for any of the above purposes and to enter upon said described area for any of the foregoing purposes, and to enter upon other land now or formerly of J.B. Brown & Sons (i.e., Easement C and/or Easement F, as applicable), for purposes of access or convenience in exercising the rights herein granted (but such right of access to said land shall not in any way limit the right of J.B. Brown & Sons, its successors and assigns, to build on or use such land, i.e., Easement C area and/or Easement F area, as applicable, in any way) provided, further however, that the Grantee, its successors assigns, agrees (i) that prior to such entry for any of the foregoing activities Grantee shall give J.B. Brown & Sons, its successors and assigns, reasonable advance notice of the nature and scope of such activities all of which shall be subject to the prior written approval of J.B. Brown & Sons, or its successors and assigns, which approval shall not be unreasonably withheld, (ii) to exercise such rights in such manner so as to cause a minimum of inconvenience to J.B. Brown & Sons, its successors and assigns, and any tenants or occupants of buildings on said land of J.B. Brown & Sons, and (3) to restore the surface of the land immediately following each such entry to substantially the condition which existed thereon just prior to such entry.

ALSO, Grantee, its successors and assigns, agrees to indemnify and hold the owner(s) of the Parking Lot Parcel and/or the 22 Free Parcel, as applicable, or their successors and assigns, harmless from and against any and all liability, loss, cost, damage or expense, including court costs or fees related to litigation or alternative dispute resolution and attorneys' fees, incurred by such owner(s), and their respective successors and assigns, as a result of or in connection with the use of the aforesaid easements on Grantor's property by Grantee or Grantee's employees, agents, or contractors, except to the extent attributable to the misconduct or gross negligence of Grantor or its employees, agents or contractors. Said easements shall run with the land and be for the benefit of the Grantee, its successors and assigns, their tenants, agents, and business invitees, in common with the Grantor, its successors and assigns. The cost and expense of installation, maintenance, repair, rebuilding and restoration of the said easement improvements shall be allocated to the property owner exercising its rights hereunder. In the event, however, that any uninsured damage occurs which is due to the negligence or intentional acts of only one of the two owners or such owner's agent, such negligent or liable party shall be responsible for all such costs and expenses resulting from or attributable to such conduct.

FURTHER, RESERVING HEREBY, a non-exclusive perpetual right, privilege and easement for exterior wall and building maintenance generally located in the areas depicted on the Easement Plan as "**Easement E**" (depicted as horizontal lines situated on the easterly side of the premises hereby conveyed and adjacent to its common boundary with the 22 Free Parcel), and "**Easement D**" (depicted as horizontal rows of boxes situated on the westerly side of the premises hereby conveyed and adjacent to its common boundary with the 48 Free Parcel); pursuant to which, Grantor and Grantee, and each of their respective successors and assign, hereby agree as follows:

(a) The owner now or formerly of the 48 Free Parcel, and the owner, now or formerly of the 22 Free Parcel, as applicable (sometimes hereinafter referred to collectively as the "Owners", and singularly as an "Owner"), shall have the limited right and easement to enter onto the Grantee's land (Easement D or Easement E, as applicable), and to erect temporary staging or scaffolding thereon in connection with any maintenance and repairs to the exterior improvements now or in the future situated on the Owner's, as applicable, adjacent land (sometimes herein called the "maintenance access easement").

(b) The applicable Owner shall be responsible for any damage caused to any portion of the Grantee's land, the improvements thereon or its contents arising from its respective exercise of the said maintenance access easement rights.

(c) Any materials used or debris generated by an Owner, its agents, licensees, invitees or employees in the exercise of its maintenance access easement rights will be cleaned and removed no less frequently than daily, except for any temporary staging or scaffolding or similarly constructed apparatus used in the proper exercise of such Owner's rights under this maintenance access easement, provided that any such staging or related structure shall be removed after such Owner's maintenance or repair is completed.

(d) The Owner, as applicable, agrees to give the Grantee notice at least seventy-two (72) hours in advance of exercising the maintenance access easement, except in emergencies.

(e) All work done in the exercise of the maintenance access easement, shall be in accordance with all federal, state and local laws, with all applicable permits and approvals having been obtained by the applicable Owner doing the work in advance of any such work.

(f) All work done in connection with the maintenance access easement, shall be done by competent licensed and bondable professionals, provided however, that minor tasks such as cleaning need not be performed by bonded professionals.

(g) All work done in connection with the maintenance access easement, shall be in a safe manner and in such a manner as not to pose a health or safety risk to either the applicable Owner or the Grantee, and their respective invitees, licensees, guests and the like, or to the public.

(h) All work done in connection with the maintenance access easement, shall be done with minimal interference with the business of the Grantee and its tenants, invitees, licensees, guests, customers, clients and the like.

(i) Any and all destruction of, damage to, or disturbance of the Grantee's property shall be repaired, replaced or restored to its original condition at the sole cost of the Owner accessing the Grantee's land under this maintenance access easement.

(j) The Grantee shall not be liable to the applicable Owner exercising its rights under the maintenance access easement for any cost or expense relating to or arising from the maintenance access easement or its use.

(k) Each Owner (as defined in paragraph (a) above), as applicable, agrees to indemnify and hold harmless the Grantee, its successors and assigns, for any liability, claim, damage, loss or cost, including reasonable attorneys' fees, arising out of the exercise of such Owner's rights described in this maintenance access easement.

(l) This maintenance access easement is binding on, and shall inure to the benefit of, the Owners and their respective successors in interest; meaning and intending that the easements, covenants and agreements contained in the Easement E area, so-called, shall benefit the 22 Free Parcel, and in the Easement D area, so-called, shall benefit the 48 Free Parcel, and shall run with the land.

Each of the Grantor and Grantee hereby reserves, for itself, its successors and assigns, the use

and enjoyment of its respective Parcel for all purposes consistent with the use of the foregoing easements, including without limitation: (a) the right to construct, install, repair, alter, maintain, demolish, remove, relocate and replace any buildings and improvements from time to time situated upon its respective Parcel; (b) the right to regulate traffic in, upon, over and across its respective Parcel; and (c) the right to maintain, repair, relocate and replace any such driveways, and any entrances, exits and other paved surfaces, sidewalks, and curbing located upon its respective Parcel. The owner of each Parcel burdened by an easement herein described shall have the right to relocate such easement, including without limitation, the improvements of utilities thereon at its sole cost and expense so long as reasonably equivalent and convenient easements are provided to the benefitted parcel, in which event the easements granted herein shall be deemed to be relocated accordingly.

The easement rights, obligations and restrictions created hereby shall be rights, obligations and restrictions running with the land and shall be binding upon and inure to the benefit of the owner of premises hereby conveyed and the Grantor, and their respective successors and assigns. Except as otherwise expressly set forth for a particular easement described herein, each owner, its respective successors and assigns, of the benefitted land as it applies to the applicable easement, agrees to indemnify and hold harmless the other owner (of the burdened land) for any liability, claim, damage, loss or cost, including reasonable attorneys' fees, arising out of the exercise of such benefitted owner's rights described herein. Each owner shall obtain and maintain at all times commercial general liability insurance with respect to its respective land and its improvements thereon.

[End of Page / Signature Page Follows]

IN WITNESS WHEREOF, J.B. Brown & Sons has caused this instrument to be executed by its President, thereunto duly authorized, this ____ day of April, 2019.

J.B. BROWN & SONS

By: _____
Vincent P. Veroneau
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND

April __, 2019

Then personally appeared before me the above-named Vincent P. Veroneau, President of J. B. Brown & Sons, and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of J. B. Brown & Sons.

Notary Public/Attorney-at-Law
Print Name: _____
My Commission Expires: _____

JOINDER OF GRANTEE

40 Free LLC, as the Grantee of the premises hereby conveyed, joins in executing this deed for purposes of granting and affirming the easement rights, obligations and restrictions created hereby, acknowledging the easements reserved by the Grantor, and agreeing that each of the easements granted, reserved and created hereby shall be easements, rights, obligations and restrictions running with the land and, as applicable, shall be binding upon, and inure to the benefit of, the owners of the Grantor's property and of the premises hereby conveyed to Grantee, and their respective successors and assigns.

40 FREE LLC

By: J.B. Brown & Sons,
its Managing Member

By: _____
Vincent P. Veroneau
Its President

STATE OF MAINE
COUNTY OF CUMBERLAND

April __, 2019

Then personally appeared before me the above-named Vincent P. Veroneau, President of J. B. Brown & Sons, on behalf of J. B. Brown & Sons in its capacity as the Managing Member of 40 Free LLC and acknowledged the foregoing instrument to be his free act and deed in said capacity, and the free act and deed of 40 Free LLC.

Notary Public/Attorney-at-Law
Print Name: _____
My Commission Expires: _____

MORTGAGEE CONSENT TO EASEMENT AND SUBORDINATION

CAMDEN NATIONAL BANK, successor by merger with The Bank of Maine, and owner and holder of (i) a certain Mortgage, Security Agreement and Fixture Filing given by J.B. Brown & Sons to The Bank of Maine, dated January 30, 2015 and recorded in the Cumberland County Registry of Deeds in **Book 32055, Page 276**, and (ii) an Assignment of Leases and Rentals dated January 30, 2015 and recorded in the said Registry of Deeds in **Book 32055, Page 302** (collectively referred to herein as the "Mortgage"), does hereby (1) consent to the execution and delivery by J.B. Brown & Sons of the foregoing easements on land subject to the lien of the Mortgage set forth the its deed to 40 Free LLC dated of near or even date (the "Easements"), and (2) subordinates its rights and interests under the Mortgage to the provisions of the Easements with the same force and effect as if the Easements had been granted, executed, delivered and recorded prior to the execution, delivery and recording of the Mortgage.

IN WITNESS WHEREOF, Camden National Bank has caused this Consent to be executed as of this ____ day of April, 2019.

Signed, Sealed and Delivered
in the Presence of:

CAMDEN NATIONAL BANK

By: _____

Mark V. Stasium
Its Senior Vice President

STATE OF MAINE
COUNTY OF CUMBERLAND

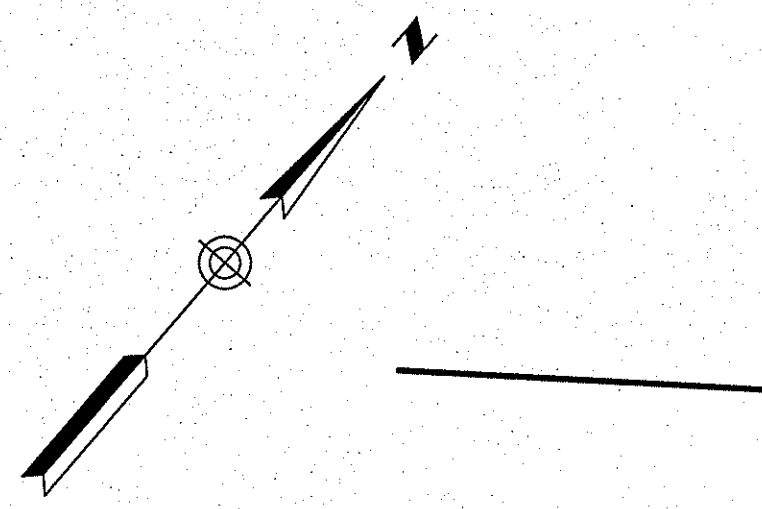
April __, 2019

Personally appeared before me the above-named Mark V. Stasium, Senior Vice President of Camden National Bank, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Camden National Bank.

Notary Public/Attorney-at-Law

Print Name: _____

My Commission Expires: _____

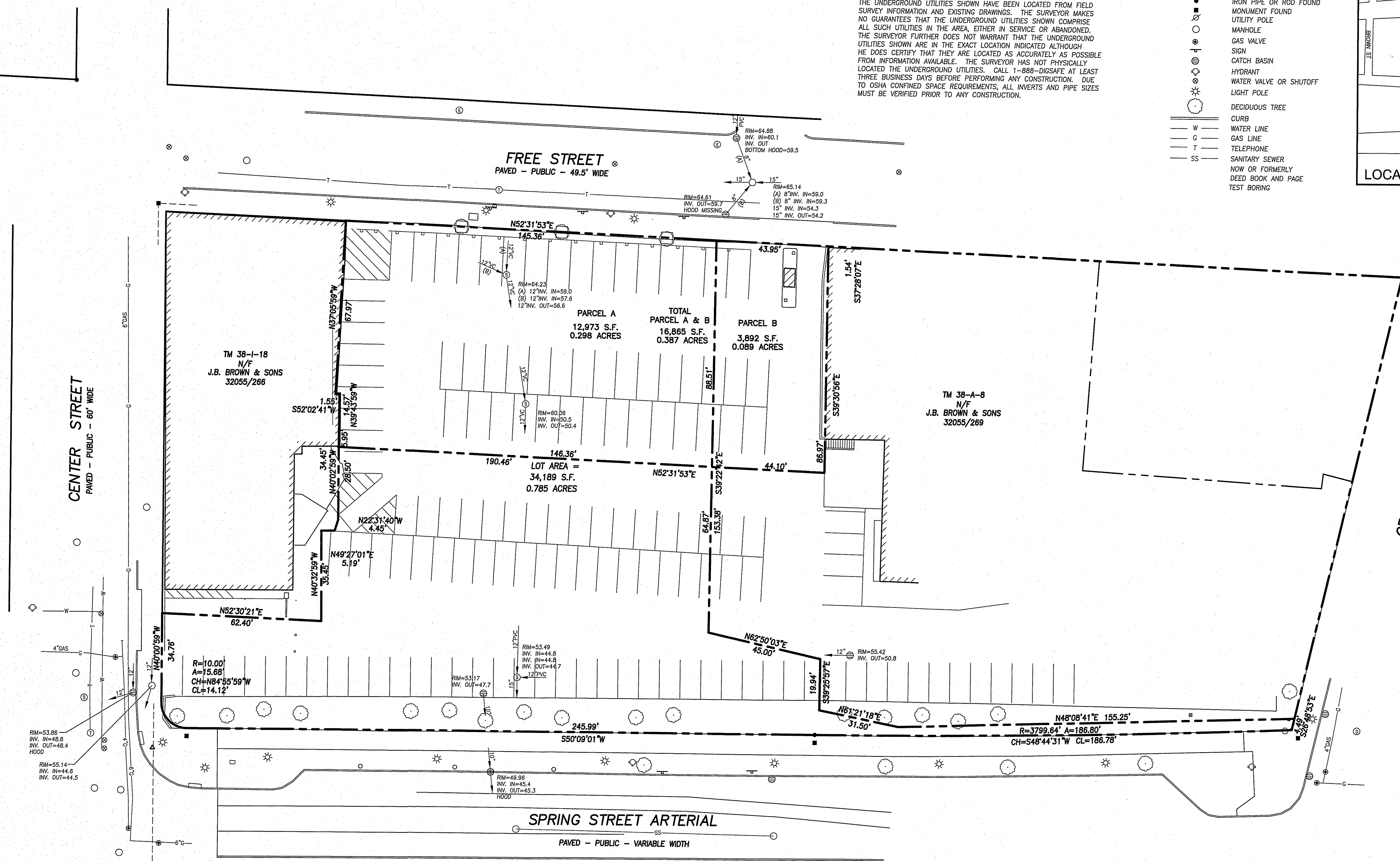
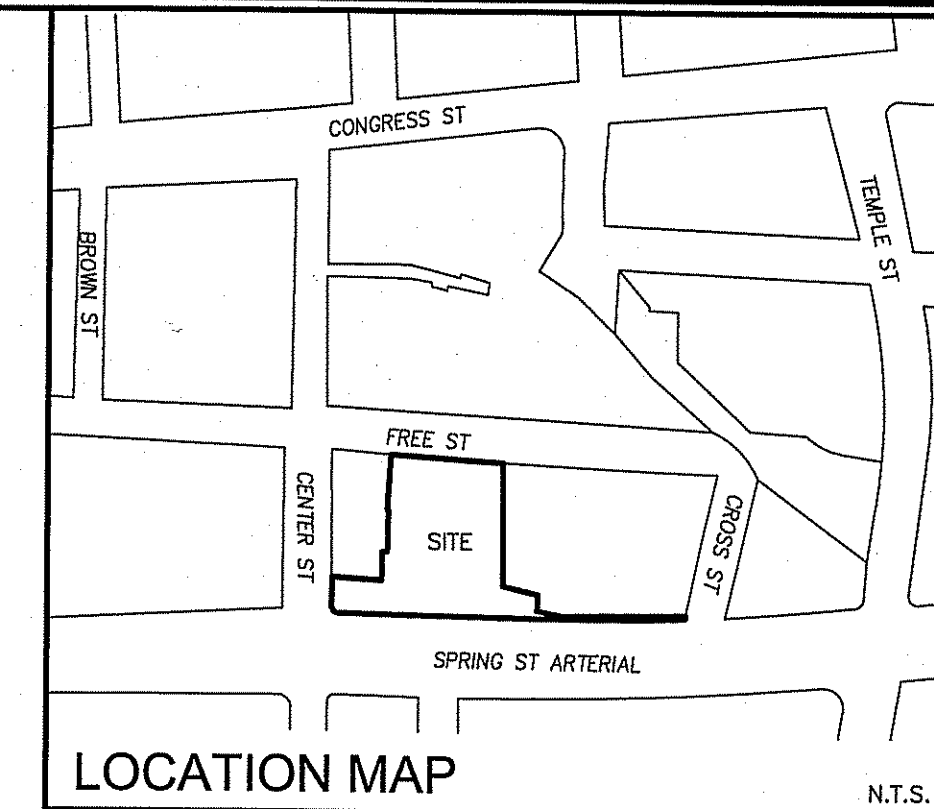


UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE 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. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

LEGEND

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- GAS VALVE
- SIGN
- CATCH BASIN
- HYDRANT
- WATER VALVE OR SHUTOFF
- LIGHT POLE
- DECIDUOUS TREE
- CURB
- WATER LINE
- GAS LINE
- TELEPHONE
- SANITARY SEWER
- NOW OR FORMERLY
- DEED BOOK AND PAGE
- TEST BORING



PLAN REFERENCES

- "BOUNDARY & TOPOGRAPHIC SURVEY THE ASYLUM 121 CENTER STREET PORTLAND, MAINE MADE FOR VALERIE J. LEVY 3-16-16 SURVEY BY: OWEN HASKELL, INC."
- "ALTA/ACSM LAND TITLE SURVEY ON FREE STREET & CENTER STREET PORTLAND, MAINE MADE FOR FORE RIVER CO. NOV. 6, 2002 OWEN HASKELL, INC."
- "PORTLAND RENEWAL AUTHORITY MAINE WAY ME. R-78 DISPOSITION AREAS 5 & 14 JUNE 6, 1974 OWEN HASKELL, INC."
- "LAND TITLE SURVEY ON CROSS ST., FREE ST. & SPRING ST. ARTERIAL PORTLAND, MAINE MADE FOR FREE STREET ASSOCIATES, LLC APRIL 29, 1999 OWEN HASKELL, INC."
- "PLAN OF TOPOGRAPHY IN PORTLAND, MAINE MADE FOR J.B. BROWN & SONS SEPT. 29, 1978 H.I. & E.C. JORDAN - SURVEYORS" RECORDED IN PLAN BOOK 140, PAGE 2.
- "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR PROPOSED 10 FREE STREET CONDOMINIUM ASSOCIATION AUG. 5, 1988 H.I. AND E.C. JORDAN - SURVEYORS" RECORDED IN PLAN BOOK 176, PAGE 13.

GENERAL NOTES

- OWNER OF RECORD: CITY OF PORTLAND
- LOCUS IS SHOWN AS PROPERTY MAP 38 BLOCK 4 LOTS 14, 15, AND 16; MAP 38 BLOCK 1 LOTS 1, 2, 3, AND 4; AND COTTON STREET BETWEEN SPRING STREET ARTERIAL AND FREE STREET. FOR LOTS 38-A-14, 15 AND A PART OF 16 AND FOR LOTS 38-1-1, 2, 3, AND 4 SEE DEED TO THE CITY OF PORTLAND FROM THE PORTLAND RENEWAL AUTHORITY IN BOOK 4922, PAGE 188. (SEE ALSO DEEDS TO PORTLAND RENEWAL AUTHORITY IN 3313/158, 3313/160, 3426/312, AND 3451/711) FOR THE REMAINDER OF LOT 38-A-16 SEE DEEDS TO THE CITY OF PORTLAND IN 3208/374 AND 3209/566.
- BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE NAD 1983. CITY CONTROL POINTS T124-19-1162 AND T124-19-1160 USED FOR HORIZONTAL CONTROL.
- ELEVATIONS ARE BASED ON NGVD 1929. CITY BENCHMARK: M MONUMENT AT THE WESTERLY CORNER OF FOREST AND CUMBERLAND AVENUES ELEVATION=80.57'.
- SEE BOOK 1351 PAGE 307 FOR A NON-PERMANENT AGREEMENT ABOUT A GAP BETWEEN TWO BUILDINGS AND A DRAIN OR SEWER LINE. SAID ITEMS MAY NO LONGER EXIST.
- TOPOGRAPHY DONE WITH THICK ICE AND SNOW AND SHOULD BE VERIFIED IN SPRING.

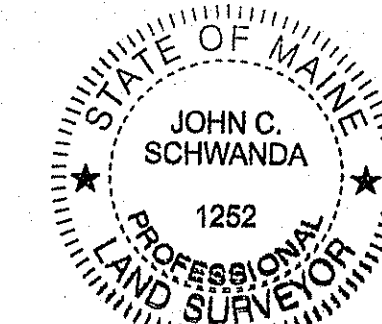
CERTIFICATE

TO: THE CITY OF PORTLAND, MAINE

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 LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

4-16-2019
DATE

JOHN C. SCHWANDA, PLS NO. 1252

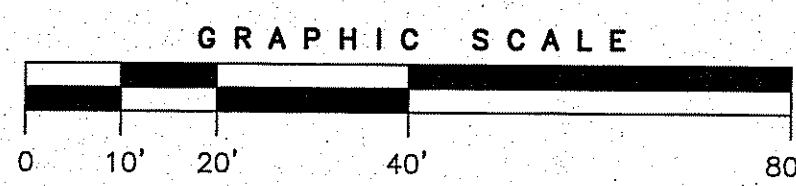


TOPOGRAPHIC SURVEY

ON
FREE STREET, PORTLAND, MAINE
MADE FOR
J.B. BROWN & SONS
10 FREE STREET, PORTLAND, MAINE

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424

Drawn By RRL	Date MARCH 20, 2019	Job No. 2017-058 P
Trace By JLW	Scale 1" = 20'	Drwg. No. 1
Check By JCS		
Book No. FILE		



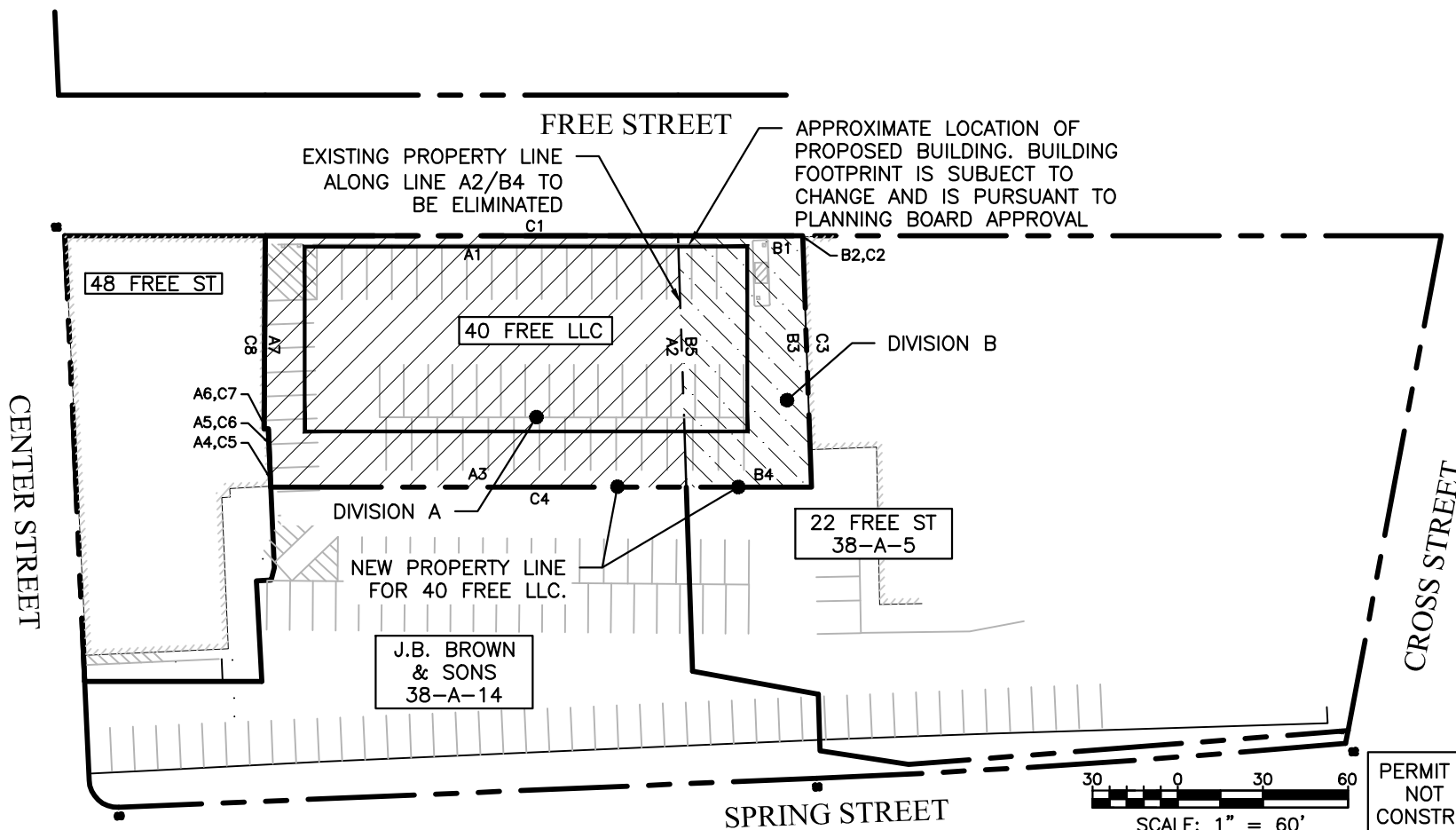
DIVISION A TABLE		
LINE	BEARING	DISTANCE
A1	N52°31'53"E	145.36'
A2	S39°22'42"E	88.51'
A3	S52°31'53"W	146.36'
A4	N40°02'59"W	5.95'
A5	N39°43'59"W	14.57'
A6	S52°02'41"W	1.55'
A7	N37°05'59"W	67.97'
12,973 SF DECEDED TO 40 FREE LLC, FROM J.B. BROWN & SONS (38-A-14)		

DIVISION B TABLE		
LINE	BEARING	DISTANCE
B1	N52°31'53"E	43.95'
B2	S37°28'07"E	1.54'
B3	S39°30'56"E	86.97'
B4	S52°31'53"W	44.10'
B5	N39°22'42"W	88.51'
3,892 SF DECEDED TO 40 FREE LLC, FROM 22 FREE STREET (38-A-5)		

NEW PARCEL TABLE, 40 FREE LLC		
LINE	BEARING	DISTANCE
C1	N52°31'53"E	189.31'
C2	S37°28'07"E	1.54'
C3	S39°30'56"E	86.97'
C4	S52°31'53"E	190.46'
C5	N40°02'59"W	5.95'
C6	N39°43'59"W	14.57'
C7	S52°02'41"W	1.55'
C8	N37°05'59"W	67.97'
NEW 16,865 SF PARCEL SUBDIVIDED FROM 38-A-14 & 38-A-5. NEW MAP AND LOT NUMBER TO BE DETERMINED.		

NOTE:

1. EXISTING CONDITIONS AND BOUNDARY SURVEY FROM THE PLAN TITLED LAND TITLE SURVEY BY OWEN HASKELL, INC. PROFESSIONAL LAND SURVEYORS FOR J.B. BROWN & SONS, DATED MARCH 20, 2019.
2. REFER TO EXHIBIT 2 FOR EASEMENT BOUNDARIES.



ISSUED FOR	BY DATE
ATTORNEY REVIEW	MPB 3/18/19
APPLICATION	MPB 4/15/19

REV DATE

DRAWING NAME:	DIVISION OF LAND PLAN FOR 40 FREE LLC
PROJECT NAME:	40 FREE STREET
CLIENT:	40 FREE

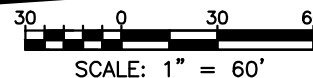


FILE:	1118 CIVIL
DATE:	3/6/2019
JN:	1118
SCALE:	1"=60'
DESIGN BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WSJ

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

DRAWING NO.

EX-1



PERMIT LEVEL
NOT FOR
CONSTRUCTION

Existing Deed

46 Free Street

Book 34124 Page 018

QUITCLAIM DEED WITHOUT COVENANT

KNOW ALL PERSONS BY THESE PRESENTS, that the **CITY OF PORTLAND**, a body politic and corporate in the County of Cumberland, State of Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by **J.B. BROWN & SONS**, a Maine corporation, of Portland, Maine with a mailing address of P.O. Box 207, Portland, Maine 04112-0207 the receipt whereof is hereby acknowledged, does hereby release, without covenant, to the said **J.B. BROWN & SONS**, its successors and assigns, a certain lot or parcel of land, together with any improvements thereon, located in the City of Portland, Cumberland County, Maine and more particularly described in Schedule A, attached hereto and incorporated herein by reference.

Grantee covenants and agrees by acceptance of this Deed that Grantee will not and shall not effect any covenant, agreement, lease, or other instrument whereby the property hereby conveyed is restricted on the basis of race, creed, color, or national origin in the sale, lease or occupancy thereof, and will and shall comply with all federal, state and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, religion, color or national origin in the sale, lease or occupancy of the said property, and further, covenants and agrees not to discriminate on the basis of race, color, creed or national origin in the sale, lease or rental, or in the use or occupancy of the said property or any improvement erected or to be erected therein, or any part thereof. The foregoing covenant, which is customary in deeds to property conveyed by the Portland Renewal Authority, shall be a covenant running with the land herein conveyed in perpetuity, shall be included or referenced in any future conveyancing instruments for all or any portion of the property herein conveyed, and shall be enforceable by the Portland Renewal Authority, the United States of America, or their respective successors or assigns.

Signature page follows

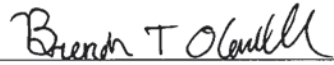
MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said City of Portland has hereunto caused this instrument to be signed by Brendan O'Connell, its Director of Finance, duly authorized this 29th day of June, 2017.

CITY OF PORTLAND



Witness

By: 

Brendan O'Connell
Its Director of Finance

STATE OF MAINE
CUMBERLAND, ss.

June 29, 2017

Personally appeared the above-named Brendan O'Connell, the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of the City of Portland.

Before me,



Notary Public/Attorney at Law

Michael Goldman Bar No. 9842
Printed Name

SCHEDULE A

A certain parcel of land situated on the northwesterly side of Spring Street Arterial, on the southwesterly side of Cross Street, on the southeasterly side of Free Street and on the northeasterly side of Center Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the point of intersection of the northwesterly sideline of Spring Street Arterial and the southwesterly sideline of Cross Street, as shown on "Land Title Survey on Free Street, Portland, Maine made for J.B. Brown & Sons May 24, 2017 Owen Haskell, Inc.";

Thence, southwesterly by Spring Street Arterial by a curve to the right having a radius of 3,799.64 feet an arc distance of 186.80 feet, which curve has a chord of S 48° 44' 31" W and 186.78 feet;

Thence, S 50° 09' 01" W by Spring Street Arterial 245.99 feet;

Thence, southwesterly, westerly and northwesterly by a curve to the right having a radius of 10.00 feet and an arc distance of 15.68 feet to Center Street, which curve has a chord of N 84° 55' 59" W and 14.12 feet;

Thence, N 40° 00' 59" W by Center Street 34.76 feet to the land now or formerly of J.B. Brown and Sons (see Book 32055 Page 266);

Thence, the following courses by the land of said J.B. Brown & Sons:

N 52° 30' 21" E a distance of 62.40 feet;
N 40° 32' 59" W a distance of 35.45 feet;
N 49° 27' 01" E a distance of 5.19 feet;
N 22° 31' 40" W a distance of 4.45 feet;
N 40° 02' 59" W a distance of 34.45 feet;
N 39° 43' 59" W a distance of 14.57 feet;
S 52° 02' 41" W a distance of 1.55 feet;
N 37° 05' 59" W a distance of 67.97 feet to Free Street;

Thence, N 52° 31' 53" E by Free Street 145.36 feet to the land now or formerly of J.B. Brown & Sons (see Book 32055 Page 269);

Thence, the following courses by the land of said J.B. Brown & Sons:

S 39° 22' 42" E a distance of 153.38 feet;
N 62° 50' 03" E a distance of 45.00 feet;
S 39° 25' 57" E a distance of 19.94 feet;
N 61° 21' 18" E a distance of 31.50 feet;
N 48° 08' 41" E a distance of 155.25 feet to Cross Street;

Thence, S 26° 48' 53" E by Cross Street 4.49 feet to the point of beginning.

Said parcel contains 34,189 square feet and is shown on the above-mentioned plan.

Reference is hereby made to a deed to Grantor dated January 19, 1982, recorded in the Cumberland County Registry of Deeds, Book 4922, Page 168; a deed to Grantor dated January 10, 1972, recorded in the Cumberland County Registry of Deeds, Book 3208 Page 374; a deed to the Grantor dated January 19, 1972, recorded in the Cumberland County Registry of Deeds, Book 3209, Page 566; a deed to the Portland Renewal Authority dated October 11, 1972, recorded in the Cumberland County Registry of Deeds, Book 3313, Page 158; a deed to Portland Renewal Authority dated October 11, 1972, recorded in the Cumberland County Registry of Deeds, Book 3313, Page 160; a deed to the Portland Renewal Authority dated June 22, 1973, recorded in the Cumberland County Registry of Deeds, Book 3426, Page 312; and a Statement Of Taking by the Portland Renewal Authority dated August 29, 1973, recorded in the Cumberland County Registry of Deeds, Book 3451, Page 71.

Received
Recorded Register of Deeds
Jun 30, 2017 10:26:18A
Cumberland County
Nancy A. Lane

Existing Deed

48 Free Street

Book 32055 Page 266

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that **NEW GMN INC.** (the "Grantor"), a Maine corporation, having a mailing address of P.O. Box 7525, Portland, Maine 04112, for consideration paid, grants to **J.B. BROWN & SONS**, a Maine corporation (the "Grantee") with a mailing address of 39 Danforth Street, P.O. Box 207, Portland, Maine 04112, with Quitclaim Covenant, a certain lot or parcel of land in the City of Portland, Cumberland County, Maine, as more fully described on **Exhibit A** attached hereto and made a part of hereof.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by Peter W. Quesada, its Vice President, thereunto duly authorized this 30 day of January, 2015.

NEW GMN INC.,
a Maine corporation

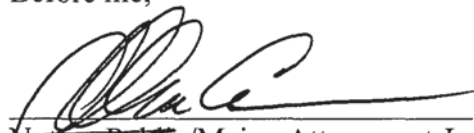
By: 
Peter W. Quesada
Its: Vice President

MAINE REAL ESTATE TAX PAID

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

On the 30 day of January, 2015, personally appeared the above-named Peter W. Quesada, Vice President of NEW GMN INC. and acknowledges the foregoing to be his free act and deed in his said capacity and the free act and deed of said NEW GMN INC.

Before me,

A handwritten signature in black ink, appearing to read "Dennis C. Keeler", written over a horizontal line.

~~Notary Public~~/Maine Attorney-at-Law

~~Printed Name:~~ DENNIS C. KEELER

Commission Expiration:

EXHIBIT A
(44-48 Free Street)

A certain lot or parcel of land, with the buildings thereon, situated on the southeasterly corner of Free and Center Streets in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the intersection of Free Street and Center Street;

Thence running southerly by said Center Street one hundred fifty-seven and nine hundredths (157.09) feet;

Thence easterly, parallel with Free Street, sixty-two and three hundred ninety-six thousandths (62.396) feet;

Thence northerly thirty-five and forty-five hundredths (35.45) feet to a point which lies easterly from Center Street in a line parallel with Free Street sixty-two and sixty-five thousandths (62.065) feet;

Thence easterly, at right angles, five and one hundred eighty-five thousandths (5.185) feet;

Thence northerly four and forty-six hundredths (4.46) feet to a wall, and continuing northerly by said wall thirty-four and nine hundredths (34.09) feet, more or less, to land formerly of the City of Portland;

Thence northerly fourteen and fifty-seven hundredths (14.57) feet;

Thence westerly two and five hundredths (2.05) feet by land of Bosworth Post G.A.R.;

Thence northerly by land of said Bosworth Post G.A.R. sixty-eight and ninety-four hundredths (68.94) feet, more or less, to the southerly line of Free Street;

Thence westerly by Free Street seventy and fifty-eight hundredths (70.58) feet, more or less, to the corner of Center and Free Streets and the point of beginning.

The herein described property is conveyed SUBJECT TO the following:

Terms and conditions of a Cable Television Installation Agreement between Public Cable d.b.a. Time Warner Cable of Maine and New GMN Inc. dated August 11, 1998 and recorded in the Cumberland County Registry of Deeds in Book 15936, Page 344.

Received
Recorded Register of Deeds
Jan 30, 2015 12:54:20P
Cumberland County
Nancy A. Lane

Existing Deed

22 Free Street

Book 32055 Page 269

QUITCLAIM DEED WITH COVENANT

KNOW ALL BY THESE PRESENTS, that **FREE STREET ASSOCIATES, LLC** (the "Grantor"), a Maine limited liability company, having a mailing address of P.O. Box 7525, Portland, Maine 04112, for consideration paid, grants to **J.B. BROWN & SONS**, a Maine corporation (the "Grantee") with a mailing address of 39 Danforth Street, P.O. Box 207, Portland, Maine 04112, with Quitclaim Covenant, a certain lot or parcel of land in the City of Portland, Cumberland County, Maine, as more fully described on **Exhibit A** attached hereto and made a part of hereof.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed by Peter W. Quesada, its Manager Member, thereunto duly authorized this 30th day of January, 2015.

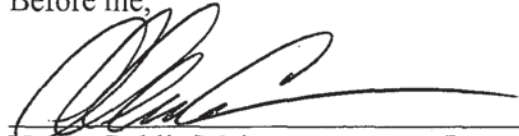
FREE STREET ASSOCIATES, LLC,
a Maine limited liability company

By: 
Peter W. Quesada
Its: Manager Member

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

On the 30 day of January, 2015, personally appeared the above-named Peter W. Quesada, Manager Member of Free Street Associates, LLC and acknowledges the foregoing to be his free act and deed in his said capacity and the free act and deed of said Free Street Associates, LLC.

Before me,



~~Notary Public~~/Maine Attorney-at-Law

Printed Name: DENNIS C. KEELER

Commission Expiration:

EXHIBIT A
(22 Free Street)

A certain lot or parcel of land, together with the buildings thereon, situated on the southerly side of Free Street and the westerly side of Cross Street, in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at a point on the southerly side of Free Street, at the northwesterly corner of the herein described premises, and the northeasterly corner of land now or formerly of the Portland Renewal Authority, which point is situated on a course of North $68^{\circ} 11' 20''$ East a distance of one hundred forty-five and forty-three hundredths (145.43) feet from the northeasterly corner of land now or formerly of Lawrence E. Hatch;

Thence North $68^{\circ} 11' 20''$ East along the southerly side of Free Street a distance of one hundred fifty and eleven-hundredths (150.11) feet to a party wall and the northwesterly corner of land now or formerly of Frank N. Brown Co.;

Thence South $20^{\circ} 16' 50''$ East along said party wall and said land of Frank N. Brown Co. a distance of eighty-two and two-hundredths (82.02) feet to the southerly end of said party wall and the southwesterly corner of said Frank N. Brown Co. land;

Thence North $69^{\circ} 20' 45''$ East along land of said Frank N. Brown Co. and land now or formerly of Lawrence L. Young and Manuel K. Young a distance of ninety-three and seventy-eight hundredths (93.78) feet to a corner in said land of Lawrence L. Young and Manuel K. Young;

Thence North $17^{\circ} 10' 30''$ West along said Young land a distance of five and seventy-five hundredths (5.75) feet to another corner in said Young land;

Thence North $79^{\circ} 43' 30''$ East along said Young land a distance of eleven and seventy-one hundredths (11.71) feet to the westerly side of Cross Street;

Thence South $11^{\circ} 09' 15''$ East along the westerly side of Cross Street a distance of ninety-five and thirty-eight hundredths (95.38) feet to a corner of land conveyed by J.B. Brown & Sons to the City of Portland, by deed dated January 10, 1973, and recorded in the Cumberland County Registry of Deeds in Book 3208, Page 374;

Thence South $63^{\circ} 48'$ West along said land of the City of Portland a distance of one hundred fifty-five and twenty-four hundredths (155.24) feet to an angle point in said land now or formerly of the City of Portland, conveyed to said City of Portland by Day's Inc., by deed dated January 19, 1972, and recorded in said Registry of Deeds in Book 3209, Page 566;

Thence South $77^{\circ} 00' 45''$ West along said City of Portland land a distance of thirty-one and fifty hundredths (31.50) feet to land conveyed to the City of Portland, by deed dated January 28, 1972, and recorded in said Registry of Deeds in Book 3210, Page 720;

Thence North 23° 46' 30" West along said City of Portland land a distance of nineteen and ninety-four hundredths (19.94) feet to the northeasterly corner of said land conveyed to the City of Portland by deed recorded in said Registry of Deeds in Book 3210, Page 720;

Thence South 78° 29' 30" West along said land of the City of Portland a distance of forty-five (45.00) feet to an angle point in said City of Portland land;

Thence North 23° 43' 15" West along said City of Portland land and land now or formerly of the Portland Renewal Authority a distance of one hundred fifty-three and thirty-eight hundredths (153.38) feet to the point of beginning.

The herein described property is conveyed SUBJECT TO the following:

Subject to and with the benefit of an Indenture and Access and Air Rights Easement and Release Deed by and among JBG&H Associates, Southern Maine Properties and Free Street Associates dated December 6, 1988, recorded in the Cumberland County Registry of Deeds in Book 8591, Page 47.

Cable Television Installation Agreement by and between Public Cable d.b.a. Time Warner Cable of Maine and Free Street Associates dated August 21, 1998, recorded in the Cumberland County Registry of Deeds in Book 15936, Page 342.

Agreement for Installation of Gas Facilities by and between Northern Utilities, Inc. D/B/A/ Unitil and Free Street Associates, LLC dated April 1, 2013, recorded in the Cumberland County Registry of Deeds in Book 30638, Page 108.

Terms and conditions of a Lease dated August 1, 2014 by and between Portland Integrates Advisors, LLC and Free Street Associates, LLC, an Affidavit of which was recorded in the Cumberland County Registry of Deeds on December 22, 2014 in Book 31989, Page 221.

Received
Recorded Register of Deeds
Jan 30, 2015 12:56:03P
Cumberland County
Nancy A. Lane

Section D

Zoning Assessment





ZONING ANALYSIS Relevant Zone(s) B-3

All Projects:

	Required	Proposed
Lot Size	None	16,863 SF
Area Per Dwelling Unit	None	652 SF min.
Minimum Street Frontage	15'	189.29'
Front Yard Minimum	None	3'
Front Yard Maximum	5'	3'
Rear Yard	None	20'
Yard Right	None	19.5'
Yard Left	None	12.4'
Side Street Setback	NA	NA
Step Back	None	None
Maximum Lot Coverage	100%	97%
Minimum Lot Coverage	NA	97%
Maximum Height	90'	72.71'
Open Space	None	NA
Maximum Impervious Area	100%	97%
Pavement Setback	NA	NA
Floor Area Ratio	NA	NA
Off Street Parking Spaces	37	37
Loading Bays	0	0
Other 1		
Other 2		
Other 3		

Planned Residential Unit Developments (PRUD) Requirements

	Required	Proposed
Minimum Lot Size		
Minimum Lot Area per Dwelling		
Maximum # Units per Building		
Maximum Building Length		
Maximum Accessory Building Length		
Minimum Setbacks		
Minimum Building Separation		
Minimum Open Space		

Affordable Housing Density Bonuses (if applicable)

	Bonus Increase or Decrease	Maximum Allowable With Bonus	Proposed
Density			
Height			
Setback Reduction			
Recreation Space			
Maximum Accessory Building Length			
Minimum Setbacks			
Minimum Building Separation			
Minimum Open Space			
Explanatory Text 1 (optional):			
Explanatory Text 2 (optional):			
Explanatory Text 3 (optional):			

E. Summary of Written Easements

➤ Existing Easement

- o Easement 'G' benefitting 40 Free LLC and burden 48 Free Street. Releases existing permanent easement (Book 3656, Page 198) for temporary off-street truck loading/unloading access of 48 Free Street Building. See Exhibit 2: Easement Plan for 40 Free LLC.

➤ Proposed

- o Easement 'A' to benefit 40 Free LLC and burden J.B. Brown & Sons. Provides for permanent rear access for rear wall maintenance, vehicle/pedestrian access for ingress/egress and parking. Total area of 2,703.10 square feet, as shown in Exhibit 2: Easement Plan for 40 Free LLC.
- o Easement 'B' to benefit 40 Free LLC and burden 22 Free Street. Provides for permanent rear access for rear wall maintenance, vehicle/pedestrian access for ingress/egress and parking. Total area of 415.65 square feet, as shown in Exhibit 2: Easement Plan for 40 Free LLC.
- o Easement 'C' to benefit 40 Free LLC and burden J.B. Brown & Sons. Provides for temporary construction access and laydown. Provides for permanent parking access and for potential permanent utilities, drainage and landscaping. Total area of 21,216.92 square feet, as shown in Exhibit 2: Easement Plan for 40 Free LLC.
- o Easement 'D' to benefit 48 Free and burden 40 Free LLC. Provides for permanent side wall maintenance access. Total area of 1,176.81 square feet, as shown in Exhibit 2: Easement Plan for 40 Free LLC.
- o Easement 'E' to benefit 48 Free and burden 40 Free LLC. Provides for permanent side wall maintenance access and pedestrian access. Total area of 1,893.48 square feet, as shown in Exhibit 2: Easement Plan for 40 Free LLC.
- o Easement 'F' to benefit 40 Free LLC and burden 22 Free Street. Provides for temporary construction access and laydown. Provides for permanent parking access and for potential permanent utilities, drainage and landscaping. Total area of 19,476.41 square feet, as shown in Exhibit 2: Easement Plan for 40 Free LLC.



EASEMENT 'A' TABLE

LINE	BEARING	DISTANCE
A1	N52°31'53"E	134.82'
A2	S39°22'42"E	20.01'
A3	S52°31'53"W	135.49'
A4	N37°28'07"W	20.00'

2,703.10 SF. BENEFITS 40 FREE LLC. BURDENS J.B. BROWN & SONS. PROVIDES FOR PERMANENT REAR ACCESS FOR REAR WALL MAINTENANCE, VEHICLE/PEDESTRIAN ACCESS FOR INGRESS/EGRESS AND PARKING.

EASEMENT 'B' TABLE

LINE	BEARING	DISTANCE
B1	N52°31'53"E	21.12'
B2	S37°28'07"E	20.00'
B3	S52°31'53"W	20.45'
B4	N39°22'42"W	20.01'

415.65 SF. BENEFITS 40 FREE LLC. BURDENS 22 FREE STREET. PROVIDES FOR PERMANENT REAR ACCESS FOR REAR WALL MAINTENANCE, VEHICLE/PEDESTRIAN ACCESS FOR INGRESS/EGRESS AND PARKING.

EASEMENT 'C' TABLE

LINE	BEARING	DISTANCE
C1	N52°31'53"E	146.35'
C2	S39°22'42"E	64.88'
C3	S62°50'03"E	45.00'
C4	S39°25'57"E	19.94'
C5	N61°21'18"E	31.50'
C6	N48°08'41"E	155.25'
C7	N26°48'53"E	4.49'
C8	R=3799.64'	186.80'
C9	S50°09'01"W	245.99'
C10	R=10.00'	15.68'
C11	N40°00'59"W	34.76'
C12	N52°30'21"E	62.40'
C13	N40°32'59"W	35.45'
C14	N49°27'01"E	5.19'
C15	N22°31'40"W	4.45'
C16	N40°02'59"W	28.51'

21,216.92 SF. BENEFITS 40 FREE LLC. BURDENS J.B. BROWN & SONS. PROVIDES FOR TEMPORARY CONSTRUCTION ACCESS AND LAYDOWN. PROVIDES FOR PERMANENT PARKING ACCESS AND FOR POTENTIAL PERMANENT UTILITIES, DRAINAGE AND LANDSCAPING.

EASEMENT 'D' TABLE

LINE	BEARING	DISTANCE
D1	N52°31'53"E	13.49'
D2	S37°28'07"E	88.45'
D3	S52°31'53"W	11.53'
D4	N40°02'59"W	5.94'
D5	N39°43'59"W	14.57'
D6	S52°02'41"W	1.55'
D7	N37°05'59"W	67.97'

1,176.81 SF. BENEFITS 48 FREE. BURDENS 40 FREE LLC. PROVIDES FOR PERMANENT SIDE WALL MAINTENANCE ACCESS.

EASEMENT 'E' TABLE

LINE	BEARING	DISTANCE
E1	N52°31'53"E	19.86'
E2	S37°28'07"E	1.54'
E3	S39°30'56"E	86.97'
E4	S52°31'53"W	22.96'
E5	N37°28'07"W	88.45'

1,893.48 SF. BENEFITS 48 FREE. BURDENS 40 FREE LLC. PROVIDES FOR PERMANENT SIDE WALL MAINTENANCE ACCESS & PEDESTRIAN ACCESS.

EASEMENT 'F' TABLE

LINE	BEARING	DISTANCE
F1	N52°31'53"E	44.07'
F2	S39°41'17"E	13.37'
F3	N51°24'35"E	22.93'
F4	S38°35'25"E	28.41'
F5	N51°24'35"E	34.27'
F6	N37°28'07"W	47.97'
F7	N53°41'18"E	129.05'
F8	S37°28'07"E	48.23'
F9	N63°11'07"E	9.46'
F10	S26°48'53"E	41.22'
F11	S48°08'41"W	155.25'
F12	S61°21'18"W	31.50'
F13	N39°25'57"W	19.94'
F14	S62°50'03"W	45.00'
F15	N39°22'42"W	64.88'

19,476.41 SF. BENEFITS 40 FREE LLC. 22 FREE STREET. PROVIDES FOR TEMPORARY CONSTRUCTION ACCESS AND LAYDOWN. PROVIDES FOR PERMANENT PARKING ACCESS AND FOR POTENTIAL PERMANENT UTILITIES, DRAINAGE AND LANDSCAPING.

EASEMENT 'G' TABLE

LINE	BEARING	DISTANCE
NA	NA	NA

BENEFITS 40 FREE LLC. BURDENS 48 FREE STREET. RELEASES EXISTING PERMANENT EASEMENT (BOOK 3656 PAGE 198) FOR TEMPORARY OFF-STREET TRUCK LOADING/UNLOADING ACCESS OF 48 FREE STREET BUILDING.

NOTE:

1. REFER TO THE RECORDED EASEMENT LANGUAGE AND EXHIBIT 1 FOR MORE INFORMATION

FREE STREET

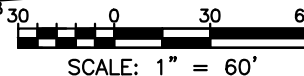
REFER TO EX-1 FOR
NEW PARCEL BOUNDARIES

APPROXIMATE LOCATION OF PROPOSED BUILDING.
BUILDING FOOTPRINT IS SUBJECT TO CHANGE AND
IS PURSUANT TO PLANNING BOARD APPROVAL

CENTER STREET

CROSS STREET

SPRING STREET



PERMIT LEVEL
NOT FOR
CONSTRUCTION

ISSUED FOR	BY
ATTORNEY REVIEW	DATE
APPLICATION	3/18/19
	MPB
	4/15/19

REV
DATE

DRAWING NAME: EASEMENT PLAN FOR 40 FREE LLC	PROJECT NAME: 40 FREE STREET	CLIENT: J.B. BROWN & SONS
---	---------------------------------	------------------------------



FILE:	1118 CIVIL
DATE:	3/6/2019
JN:	1118
SCALE:	1"=60'
DESIGN BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WSJ

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DRAWING NO.

EX-2

Section F

Request For Waivers



Standard to be Waived: Cite Ordinance or Technical Manual Standard	Cite Standard Language: Cite specific language of applicable Ordinance or Technical Manual Standard	Waiver Being Sought: Describe waiver being sought. Ex. – We are requesting a two-way parking lot drive aisle width of 20' feet.	Justification for Waiver: Address specific waiver criteria, if applicable, and document reasons for the waiver request.
Technical Manual Section 1.14 Parking Lot and Parking Space Design	Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces.	A waiver is requested for the compact parking space count to exceed the specified 20%. We are proposing compact stalls for 49% of the provided parking.	Due to the underground parking garage column locations, several stalls must be limited to 8-feet wide. Compact stalls on the surface lot are proposed to allow a 24-feet wide drive aisle for expanded fire access.
Technical Manual Section 1.14 & Figure I-29 Parking Lot and Parking Space Design	24.00' wide drive aisle for two-way access aisles with 90 degree parking.	A waiver is requested to reduce the drive aisle at a single pinch point location to 20' wide. It is located where the garage ramp meets the surface parking.	There are 24-feet wide or greater aisles on both sides of the narrowed location. No parking stalls are located at the narrowed aisle and as a result will not inhibit site circulation.



MARK V. STASIUM
SENIOR VICE PRESIDENT
Direct Dial: 207.699.3392
mstasium@camdennational.com

March 20, 2019

City of Portland Planning Division
389 Congress Street, 4th Floor
Portland, ME 04101

Re: 40 Free Street Residential Building

Dear Planning Board Members:

I am writing regarding the proposed residential/retail building being proposed by 40 Free Street LLC at 40 Free Street in Portland.

The LLC member is an experienced developer and commercial real estate owner and manager. It has completed a number of successful projects in recent years including the 25 High Street condominium project, the Portland Marriott Courtyard, and renovation of the former Saunders Brothers factory in Westbrook, to name a few. Financially, the company is stable with sufficient cash flow, liquidity, and balance sheet strength to finance the project. We provide financing for a number of the company's projects, and all loan obligations and deposit accounts with Camden have been handled in a fully satisfactory manner.

We have reviewed the preliminary information for the proposed project, and based on the information we have, Camden has provided preliminary terms for financing the project which the developer has accepted. Our interest remains subject to full credit underwriting by Camden's credit department, approval from Camden's loan committee, and receipt of all municipal permits by the developer. Based on the company's track record and financial strength, I have a high degree of confidence that Camden's loan committee will approve the loan request and provide a commitment to finance the project.

Please do not hesitate to contact me if you have further questions.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read "Mark V. Stasium", is written over a faint, larger blue signature.

Mark V. Stasium
Senior Vice President



Section H - Technical Capacity

Acorn Engineering, Inc. and Ryan Senatore Architecture have successfully permitted and engineered over 20 level II/III projects in Portland in the past 5 years, many of which have been constructed. Some examples include:

- Eldredge Lumber Expansion
- 127 York Street – Harborview Townhomes
- Munjoy Heights
- 89 Anderson St. – East Bayside Lofts
- 667 Congress St – The Hiawatha



I. Conformity with Land Use Ordinance

The following outline is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526 as well as the City of Portland Technical Manual, Chapter 14 Standards for Local Site Location of Development Review.

OVERVIEW

The proposed 6-story, 51-residential unit and 5-retail unit mixed-use building space has been designed to conform to City standards where possible as well as improve upon existing non-conformities. This project conforms with the majority of the applicable standards of Portland's Land Use Ordinance Section 14-526 as demonstrated in the following narrative.

(a) Transportation Analysis-Traffic Impact

1. Impact on Surrounding Street Systems:

The site is located on Free Street between Center Street and Cross Street. Free Street and Cross Street are both classified as local streets and Center Street is classified as a collector. A minimal traffic increase along Center Street and Cross Street are anticipated due to the relocation of the parking lot access on Free Street.

2. Access and Circulation:

a. Site Access and Circulation:

This project conforms with the majority of design standards of Section 14-526 as demonstrated in the following narrative, with a minor dimensional variance of a drive aisle at a pinch point near the garage ramp:

- (i) The development will provide safe access and internal circulation for both pedestrians and vehicles as seen on the Site Plan.
- (ii) No new curb cuts are proposed. Additionally, the site will reduce the curb cuts from three to two.
- (iii) The site does not feature drive up services as mentioned in this requirement.

b. Loading and Servicing:

- (i) There are no anticipated loading and servicing needs.

c. Sidewalks:

- (i) A brick sidewalk exists along Free Street which will be rebuilt as part of the project.
- (ii) The existing sidewalk will be rebuilt from the property line to the extent of the existing tipdown at the existing driveway to be removed.
- (iii) A new pedestrian walkway will be built to encourage pedestrian activities along Free Street, in accordance with the goals of the Pedestrian Activities District Overlay Zone.



- a. The ground floor on Free Street will be comprised of pedestrian oriented retail establishments, in accordance with the goals of the Pedestrian Activities District Overlay Zone.
 - b. Pedestrians can access the garage via the elevator or through 2 entrances from the surface parking lot, one of which is accessible.
- 3. Public Transit Access:
 - a. Not applicable.
 - b. Not applicable.
 - c. Not applicable.
- 4. Off-Street Parking:
 - a. Location and Required Number of Vehicle Parking Spaces:
 - (i) As a structure with a total floor area greater than 50,000 SF, a parking study has been performed. The proposed project will provide 37 parking spaces which meets the requirement as determined by a Parking Assessment performed by Traffic Solutions.
 - (ii) A parking study has been performed and is included as an attachment in this section required.
 - (iii) The amount of parking does not exceed the minimum requirement by more than 10%.
 - (iv) Two waivers are being requested, one for compact spaces to comprise more than 20% of the total, and another for a 20' wide drive aisle at a pinch point. Both waivers will improve the usage and circulation of the site.
 - (v) The driveway and parking areas will be constructed with pavement which will drain water without eroding.
 - b. Location and Required Number of Bicycle Parking Spaces:
 - (i) The site plan includes an interior bicycle storage room. This will allow for the minimum storage of 22 bicycles to be parked in a secure location, with the potential for additional storage in this room.
 - c. Motorcycles and Scooter Parking:
 - (i) There are no areas designated for motorcycles or scooters at this time; however, adequate room exists for the storage of these motor vehicles.
 - d. Snow Storage:
 - (i) The snow storage area can be seen on the site plan near Spring Street on an abutting Parcel. Easements will be recorded protecting the right to this snow storage location.



- (ii) The snow storage has not been located where it will adversely impact the functionality of any part of the site.

5. Transportation Demand Management (TDM):

- a. A TDM plan is not required for this project.
- b. A TDM plan is not required for this project.
- c. A TDM plan is not required for this project.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

- a. Not applicable.
- b. Not applicable.

2. Landscaping and Landscaping Preservation:

a. Landscape Preservation.

- (i) The disturbance of trees and vegetation that are not proposed to be removed as part of the project will be limited as much as possible.
- (ii) There are no trees 10 inches DBH or greater identified by the Surveyor within the setbacks.
- (iii) It is not anticipated that the project will necessitate any tree protection.
- (iv) A waiver is not requested.
- (v) Not applicable.

b. Site Landscaping.

(i) Landscaped Buffers:

- a. A gate will screen utility meters from view on Free Street.
- b. The project does not have applicable zoning setbacks. Shrubs are to be installed along the proposed pedestrian walkway.
- c. Not applicable.
- d. Not applicable.

(ii) Parking Lot Landscaping:

- a. Per Section 4.6 of the Portland Maine Technical Manual, 51 street trees are required (one per unit). Based on the property's frontage and the utilities – public and private, five shade trees are proposed to be planted within the sidewalk. The applicant will contribute to the City's Street Tree Fund in place of the 46 trees that will not be planted.
- b. There is no proposed area with greater than 40 parking spaces without interrupted



pavement.

- c. Not applicable.
- d. Not applicable.
- e. Not applicable.
- f. Not applicable.

(iii) Street Trees:

- a. Street trees are to be provided every 30 to 45 feet along the street frontage. This ratio equates to a minimum of four trees. Five shade trees are proposed to be planted within the sidewalk, thus fulfilling the requirement.
- b. Not applicable.

3. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater:

- (i) The site is currently 100% impervious. The drainage pattern will be altered to intercept the roof runoff and direct it to the Free St sewer, instead of the Spring Street Sewer. Surface flow patterns outside the building footprint will remain the same and are thus considered maintenance activities by Chapter 500 standards.
- (ii) Any stormwater that flows onto adjacent lots will not exceed the pre-development flows.
- (iii) The runoff from the site into the City property will not increase from the pre-development condition.
- (iv) Not applicable.
- b. A site-specific Stormwater Management Plan has been developed for the project to show compliance with Section 5 of the Technical Manual, including the basic standards of MEDEP Chapter 500. Please refer to sections J and K, the Stormwater Management and Erosion & Sedimentation Control Plans, respectively, for more information.
- c. The project is not located in a watershed of an urban impaired stream as listed by the MEDEP.
- d. Not applicable.
- e. The development is not anticipated to pose a contamination risk to groundwater during or after construction. The project will be serviced by a public wastewater system.
- f. The development will provide for adequate and sanitary disposal of sewage in accordance with Section 2 of the Technical Manual.

(c) Public Infrastructure and Community Safety Standards



1. Consistency with City Master Plans:

- a. The project has been designed to be consistent with the City's Zoning Ordinance and off-site infrastructure. Special emphasis on the pedestrian activities district requirements and considerations has been made. The site is also designed in consideration of future plans for development along Spring Street, consistent with the Spring Street – Free Street Area Streetscape plan.
- b. Not applicable.

2. Public Safety and Fire Prevention:

- a. The site has been designed to promote safe and inviting public access.
- b. Adequate emergency access has been provided. Access is available from Free Street as well as the rear parking lot, accessible by vehicle from Center Street and Cross Street.
- c. A fire hydrant is located on the same side of the street as the site on Free Street, directly in front of the building.

3. Availability and Adequate Capacity of Public Utilities:

- a. Public utilities in the vicinity of the site have capacity to serve the project. Ability to Serve letters have been sent to the respective companies. Responses have been included in the submission and any remaining responses will be submitted upon receipt.
- b. The electrical service will be wired underground. A pad mounted transformer is proposed at the rear of the building. This will allow for flexibility in future developments along Spring Street.
- c. The new sewer and stormwater infrastructure will meet the provisions of the Technical Manual.
- d. The project will be served by connection to the public sewer system within Hammond Street.
- e. The sanitary sewer collection system meets all applicable sections of the Technical Manual. The stormwater management system is designed to meet the standards of Chapter 500.
- f. Although not required, the project anticipates providing internal solid waste storage with private hauling of the waste.

(d) Site Design Standards

1. Massing, Ventilation and Wind Impact:

- a. Not applicable.
- b. Not applicable.
- c. Not applicable.

2. Shadows:

- a. The shadows created by the building will not influence public open spaces.



3. Snow and Ice Loading:
 - a. The structures will not distribute snow and ice onto adjacent properties.
4. View Corridors:
 - a. The project site is located outside the Downtown Vision View Corridor Protection Plan.
5. Historic Resources:
 - a. The development is located in the Congress Street historic district and is currently under review by the Historic Review Board.
 - b. The development is not located adjacent to designated landmarks, historic district, or historic landscape district.
 - c. There are no known archaeological resources on the site.
6. Exterior Lighting:
 - a. Site Lighting.
 - (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual. A photometric plan has been included with this submission.
 - (ii) Any lighting that may adversely impact the abutting residential properties will feature house-side shielding.
 - b. Architectural and Specialty Lighting.
 - (i) No architectural or specialty lighting is proposed.
 - (ii) No up-lighting is proposed.
 - c. Street Lighting.
 - (i) No new street lights are proposed.
7. Noise and Vibration:
 - a. The HVAC system will meet the applicable state and federal emissions requirements and will also be screened and directed away from abutters.
8. Signage and Wayfinding:
 - a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
 - (i) Because the site is located in the Congress Street Historic District, any new sign or change in appearance shall be subject to the standards of Article IX and shall require a Certificate of Appropriateness.
 - (ii) All street and wayfinding signage shall be designed to complement the subject building.

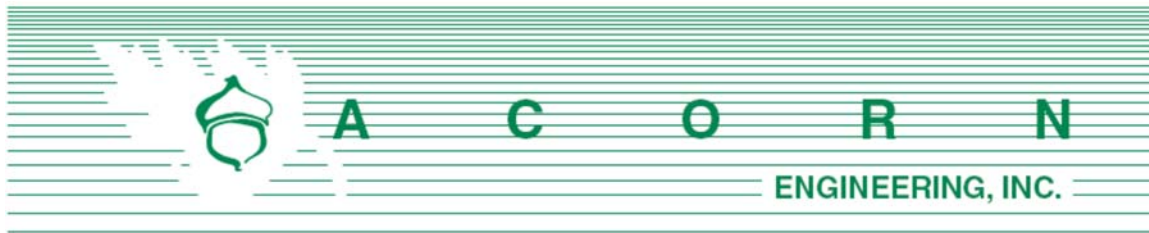


- (iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

- a. The project has been designed to meet the standards set forth in the B-3 zone, Congress Street Historic District, and the Pedestrian Activities District Overlay Zone. Please refer to the Site Plan for more information on the Space & Bulk Standards.
- (i) This B-3 Zone site is designed to support the development of dense, mixed-use neighborhoods, with attractive, safe pedestrian environments, consistent with the Design Manual.





J. STORMWATER MANAGEMENT **REPORT**

Prepared For:

**40 Free Street LLC
10 Free Street
Portland, Maine 04101**

Prepared By:

**Acorn Engineering, Inc.
65 Hanover Street
Portland, Maine 04102**



April 2019

INTRODUCTION

Acorn Engineering, Inc. has been retained by 40 Free Street LLC to provide civil engineering services for the proposed redevelopment of existing surface parking at 40 Free Street. The project proposes to construct a new, mixed-use six-story building with a basement level parking garage.

A stormwater analysis has been prepared to demonstrate that the project will meet the following requirements of the City of Portland (the City):

- City of Portland Land Use Ordinance Chapter 14, Article V. Site Plan Section 14-523. Required Approvals and Applicability (F) Level III Site Plan Review.
- City of Portland Technical Manual; Section 5 – Portland Stormwater Management Standards
- Maine DEP Chapter 500 Stormwater Management

EXISTING CONDITIONS

The proposed project is located at 40 Free Street. A boundary plan has been prepared by Owen Haskell Inc. of Falmouth, Maine dated March 20, 2019.

The site resides within the B-3 Business, Downtown Entertainment Overlay & Congress Street Historic District zones. Approximately 100% of the site is impervious in the form of pavement, brick or concrete.

The project team is not aware of the presence of any existing significant natural features located on the site. Given the urban setting and existing impervious surfaces, a field inventory of significant natural feature was not undertaken. The project is not located within a watershed classified as an Urban Impaired Stream.

PROPOSED DEVELOPMENT

The proposed project is a mixed-use, six-story building with a basement level parking garage and 51 residential and 5 retail units. Direct pedestrian access to the site will be provided via the existing brick sidewalk on the southeast side of Free Street that will adjoin a proposed brick and concrete walkway between the proposed building and existing building at 22 Free Street. Pedestrian access to the site will also be provided via the existing concrete sidewalk along Spring Street on the southerly side of the parcel and existing brick sidewalk along Center Street on the westerly side of the parcel.

The development will be served by CMP (electric), Portland Water District (water), Until (natural gas), Charter Communications (communication), Consolidated Communications (communications) and Portland Department of Public Works (sewer and storm). Sewer, storm and natural gas utilities will be routed underground. Telephone & cable will be routed on overhead lines. A new three-phase electric service will be fed through a proposed transformer with service originating from an existing CMP manhole within Center Street.

Due to the creation of less than 1,000 square feet of impervious area, stormwater management features for quality control that meet Maine DEP's Chapter 500 General Standards are not required



and have not been designed. However, the replacement of existing high use paved parking with a building rooftop will provide a passive improvement in water quality. Any surface parking pavement that is to be replaced is to maintain existing drainage patterns and as such is considered “maintenance” by the Chapter 500 General Standards and is not subject to water quality requirements.

Furthermore, the total proposed impervious area is expected to slightly reduce the existing impervious area by approximately 506 square feet, which is well under the 5,000 square-foot increase threshold. Please refer to the attached exhibits that display the existing and proposed impervious covers.

In addition to the vegetation, stormwater will be managed by implementing a series of foundation drains, catch basins, storm drains and a trench drain. Please refer to Sheet C-30 for more information.

SOILS

Onsite soil information has and will be gathered from the following resources:

- United States Department of Agriculture (USDA) Web Soil Survey (WSS)
- Explorations and Geotechnical Engineering Services Report, per City of Portland Technical Manual, Section 7, prepared by S.W. Cole Engineering, Inc to be submitted at a further date.

The area surrounding the project includes soil types listed in Table 1 below. The susceptibility of soils to erosion is indicated on a relative “Kf” scale of values over a range of 0.02 to 0.69. Higher “Kf” values indicate more erodible soils. The Kf value listed was derived from the Universal Soil Loss Equation. The Soil Type and associated depth was derived from the USDA WSS Hydrologic Soil Group report, as attached at the end of this report.

Table 1		
Soils Type	Depth (feet)	Kf Value
Hinckley loamy sand, 3 to 8% slopes	> 6.5	0.17

The “Kf” value for the soil, listed above, shows a low susceptibility to erosion; however, implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance.

Conclusion

The proposed redevelopment was designed to meet the requirements set forth in the City of Portland Technical Manual, “Section 5. Portland Stormwater Management Standards.” The proposed project as designed is anticipated to maintain existing drainage patterns while increasing the quality and decreasing the overall volume and flowrate of stormwater runoff through the replacement of pavement with a building roof and introduction of landscaped elements. The project will not cause



flooding or erosion problems within the subject site, abutters' sites, nor within the right-of-way.

Attachments

Exhibit 1: Existing Impervious Cover

Exhibit 2: Proposed Impervious Cover

Exhibit 3: United States Department of Agriculture Web Soil Survey

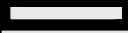
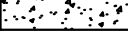
Exhibit 4: Explorations and Geotechnical Engineering Services Report, at a further date

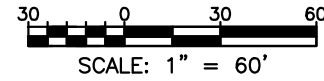


Exhibit 1

Existing Impervious Cover

EXISTING IMPERVIOUS COVER WITHIN PROPERTY

STYLE	LOCATION	EXISTING (SF)
	ROOF	32
	PAVEMENT	16,739
	CONCRETE	92
	TOTAL COVER	16,863
	% IMPERVIOUS	100%



PERMIT LEVEL
NOT FOR
CONSTRUCTION



ISSUED FOR	BY
APPLICATION	DATE
	MPB
	4/15/19
	REV
	DATE

DRAWING NAME:	EXISTING IMPERVIOUS COVER
PROJECT NAME:	40 FREE STREET
CLIENT:	40 FREE LLC



FILE:	1118_CML
DATE:	4/15/2019
JN:	1118
SCALE:	1"=60'
DESIGN BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WSJ

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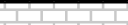
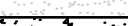
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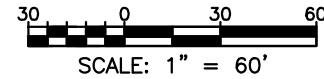
IMP-1

Exhibit 2

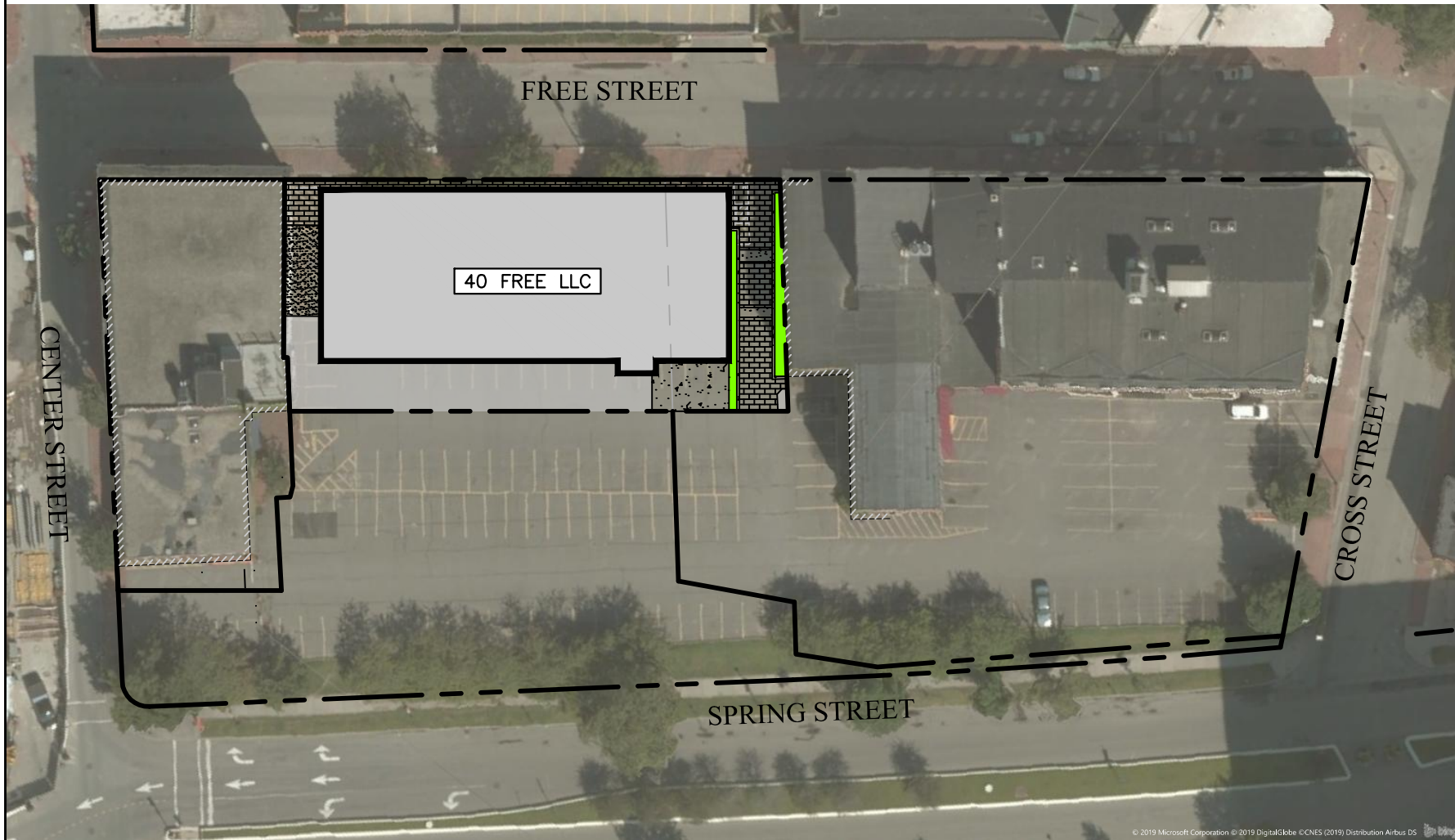
Proposed Impervious Cover

PROPOSED
IMPERVIOUS COVER
WITHIN PROPERTY

STYLE	LOCATION	EXISTING (SF)
	ROOF	10,277
	BRICK	1,957
	PAVEMENT	2,867
	GRAVEL	471
	CONCRETE	838
TOTAL COVER		16,410
% IMPERVIOUS		97%



PERMIT LEVEL
NOT FOR
CONSTRUCTION



ISSUED FOR	BY
APPLICATION	DATE
	MPB
	4/15/19
	REV
	DATE

DRAWING NAME:	PROPOSED IMPERVIOUS COVER
PROJECT NAME:	40 FREE STREET
CLIENT:	40 FREE LLC



FILE:	1118 CIVIL
DATE:	4/15/2019
JN:	1118
SCALE:	1":60'
DESIGN BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WSJ

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DRAWING NO.

IMP-2

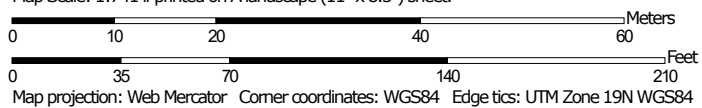
Exhibit 3

**United States Department
of Agriculture Web Soil
Survey**

Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine (Prop)



Map Scale: 1:741 if printed on A landscape (11" x 8.5") sheet.



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

4/9/2019
Page 1 of 4

Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine
(Prop)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Lines

 A
 A/D
 B
 B/D
 C
 C/D
 D
 Not rated or not available

Soil Rating Points

 A
 A/D
 B
 B/D

 C
 C/D
 D
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 15, Sep 6, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	A	0.8	100.0%
Totals for Area of Interest			0.8	100.0%

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

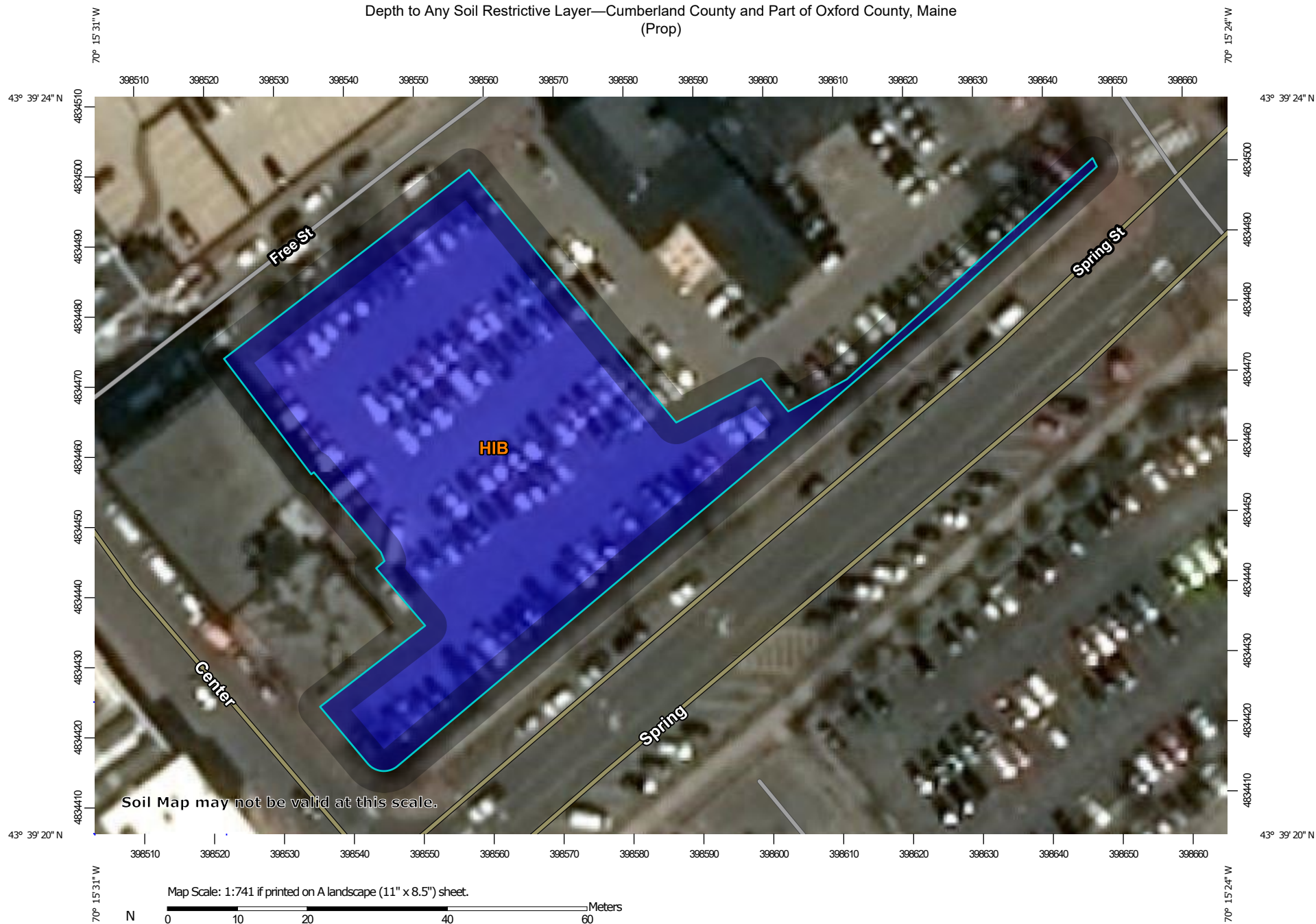
Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Depth to Any Soil Restrictive Layer—Cumberland County and Part of Oxford County, Maine (Prop)



Map Scale: 1:741 if printed on A landscape (11" x 8.5") sheet.

0 10 20 40 60 Meters

0 35 70 140 210 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84



**Natural Resources
Conservation Service**

Web Soil Survey
National Cooperative Soil Survey

4/11/2019
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Depth to Any Soil Restrictive Layer—Cumberland County and Part of Oxford County, Maine
(Prop)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

-  0 - 25
-  25 - 50
-  50 - 100
-  100 - 150
-  150 - 200
-  > 200
-  Not rated or not available

Soil Rating Lines

-  0 - 25
-  25 - 50
-  50 - 100
-  100 - 150
-  150 - 200
-  > 200
-  Not rated or not available

Soil Rating Points

-  0 - 25
-  25 - 50
-  50 - 100
-  100 - 150
-  150 - 200
-  > 200

 Not rated or not available

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 15, Sep 6, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Depth to Any Soil Restrictive Layer

Map unit symbol	Map unit name	Rating (centimeters)	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	>200	0.8	100.0%
Totals for Area of Interest			0.8	100.0%

Description

A "restrictive layer" is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers.

This theme presents the depth to any type of restrictive layer that is described for each map unit. If more than one type of restrictive layer is described for an individual soil type, the depth to the shallowest one is presented. If no restrictive layer is described in a map unit, it is represented by the "> 200" depth class.

This attribute is actually recorded as three separate values in the database. A low value and a high value indicate the range of this attribute for the soil component. A "representative" value indicates the expected value of this attribute for the component. For this soil property, only the representative value is used.

Rating Options

Units of Measure: centimeters

Aggregation Method: Dominant Component

Component Percent Cutoff: None Specified

Tie-break Rule: Lower

Interpret Nulls as Zero: No

K Factor, Whole Soil—Cumberland County and Part of Oxford County, Maine



Soil Map may not be valid at this scale.

Map Scale: 1:3,830 if printed on A landscape (11" x 8.5") sheet.

0 50 100 200 300 Meters

0 150 300 600 900 Feet

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

4/11/2019
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

	.02
	.05
	.10
	.15
	.17
	.20
	.24
	.28
	.32
	.37
	.43
	.49
	.55
	.64
	Not rated or not available

Soil Rating Lines

	.02
	.05
	.10
	.15
	.17
	.20

	.24
	.28
	.32
	.37
	.43
	.49
	.55
	.64
	Not rated or not available

Soil Rating Points

	.02
	.05
	.10
	.15
	.17
	.20
	.24
	.28
	.32
	.37
	.43
	.49
	.55
	.64
	Not rated or not available

Water Features

	Streams and Canals
	Rails
	Interstate Highways
	US Routes
	Major Roads
	Local Roads
	Background
	Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

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Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

K Factor, Whole Soil

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
Cu	Cut and fill land	.05	6.7	10.2%
HIB	Hinckley loamy sand, 3 to 8 percent slopes		58.6	89.8%
Totals for Area of Interest			65.3	100.0%

Description

Erosion factor K indicates the susceptibility of a soil to sheet and rill erosion by water. Factor K is one of six factors used in the Universal Soil Loss Equation (USLE) and the Revised Universal Soil Loss Equation (RUSLE) to predict the average annual rate of soil loss by sheet and rill erosion in tons per acre per year. The estimates are based primarily on percentage of silt, sand, and organic matter and on soil structure and saturated hydraulic conductivity (Ksat). Values of K range from 0.02 to 0.69. Other factors being equal, the higher the value, the more susceptible the soil is to sheet and rill erosion by water.

"Erosion factor Kw (whole soil)" indicates the erodibility of the whole soil. The estimates are modified by the presence of rock fragments.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

Tie-break Rule: Higher

Layer Options (Horizon Aggregation Method): Surface Layer (Not applicable)

Exhibit 4

**Explorations and
Geotechnical Engineering
Services Report**

REPORT

19-0139 S

April 9, 2019

Explorations and Geotechnical Engineering Services

Proposed Mixed-Use
Commercial-Residential Building
40 Free Street
Portland, ME

Prepared For:

J.B. Brown & Sons
Attention: Vin Veroneau
10 Free Street, Suite 100
Portland, ME

Prepared By:

S. W. Cole Engineering, Inc.
286 Portland Road
Gray, ME 04039
T: 207-657-2866



- *Geotechnical Engineering*
- *Construction Materials Testing and Special Inspections*
- *GeoEnvironmental Services*
- *Test Boring Explorations*

www.swcole.com

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Appendix C	Historical Aerial Photos and Fire Insurance Maps
Appendix D	Exploration Logs & Key
Appendix E	Laboratory Test Results

19-0139 S

April 9, 2019

J.B. Brown & Sons
Attention: Vin Veroneau
10 Free Street, Suite 100
Portland, ME 04101

Subject: Explorations and Geotechnical Engineering Services
Proposed Mixed-Use Commercial-Residential Building
40 Free Street
Portland, ME

Dear Vin:

In accordance with our Proposal, dated March 8, 2019, we have performed subsurface explorations for the subject project. This report summarizes our findings and geotechnical recommendations and its contents are subject to the limitations set forth in Appendix A.

1.0 INTRODUCTION

1.1 Scope and Purpose

The purpose of our services was to obtain subsurface information at the site in order to develop geotechnical recommendations relative to foundations and earthwork associated with the proposed construction. Our scope of services included eight test boring explorations, soils laboratory testing, a geotechnical analysis of the subsurface findings and preparation of this report.

1.2 Site and Proposed Construction

The site is a surface parking lot on Free Street between Center Street, Spring Street and Cross Street. Existing grades slope gently downward from Free Street toward Spring Street. Based on the information provided, we understand development plans call for construction of a 6-story commercial and residential building with one level of parking below. The proposed garage will be about 12 feet below Free Street with a

proposed garage floor elevation of 53 feet (project datum). The parking garage will be accessed from the on-grade parking lot to remain along the southeast side of the proposed building. We understand the building will occupy a plan area of approximately 150 feet along Free Street by 75 feet deep into the site.

Proposed and existing site features are shown on the "Exploration Location Plan" attached in Appendix B.

1.3 Historical Site Conditions

S. W. Cole Engineering, Inc. (S.W.COLE) obtained historical aerial photos and Sanborn fire insurance maps from Environmental Data Resources, Inc. Based on the historical aerial photos and Sanborn fire insurance maps it is evident that the site had been previously developed. Prior to 1980, Cotton Street crossed the western portion of the site with multiple buildings on each side and likely associated buried utilities.

Historical aerial photos and fire insurance maps are attached in Appendix C.

2.0 EXPLORATION AND TESTING

2.1 Explorations

Eight test borings (B-101 through B-108) were made at the site on March 21 and 22, 2019 by New England Boring Contractors working under subcontract to S.W.COLE. The exploration locations were selected and established in the field by S.W.COLE using measurements from existing site features. The approximate exploration locations are shown on the "Exploration Location Plan" attached in Appendix B. Logs of the explorations and a key to the notes and symbols used on the logs are attached in Appendix D. The elevations shown on the logs were estimated based on topographic information shown on the "Exploration Location Plan".

2.2 Field Testing

The test borings were drilled using a combination of hollow stem auger and cased wash-boring techniques. The soils were sampled at 2 to 5 foot intervals using a split spoon sampler and Standard Penetration Testing (SPT) methods. Rock coring was performed in B-107 to confirm the presence of bedrock and quality of rock mass as assess by Rock Quality Designator (RQD).

2.3 Laboratory Testing

Soil samples obtained from the explorations were returned to our laboratory for further classification and testing. The results of moisture content tests are noted on the logs. The results of gradation tests are attached in Appendix E.

3.0 SUBSURFACE CONDITIONS

3.1 Soil and Bedrock

The test borings were made in the area of the proposed building and encountered a soils profile generally consisting of asphalt pavement overlying sand and gravel with brick fragments (fill) overlying native deposits of sandy silt/silty sand with gravel overlying refusal surfaces (probable bedrock) at depths of 9 to 15 feet. Based on rock cores taken in boring B-107, the bedrock generally consisted of weathered, blue-gray, fine-grained, fractured Phyllite with RQDs ranging from very poor to fair, increasing with depth. Not all the strata were encountered at each exploration; refer to the attached logs for more detailed subsurface information.

3.2 Groundwater

The soils encountered at the test borings were dry to damp from the ground surface to the native deposits of silty sand/sandy silt with gravel, which was generally damp to moist. Free water was not observed in the test borings. We anticipate that groundwater likely becomes perched on the relatively impervious native deposit of silty sand/sandy silt. Long term groundwater information is not available. It should be anticipated that groundwater levels will fluctuate, particularly in response to periods of snowmelt and precipitation, as well as changes in site use.

4.0 EVALUATION AND RECOMMENDATIONS

4.1 General Findings

Based on the subsurface findings, the proposed construction appears feasible from a geotechnical standpoint. The principle geotechnical considerations include:

- Spread footing foundations and on-grade floor slabs bearing on properly prepared subgrades appear suitable for the proposed building;

- Footings should bear on intact bedrock or structural concrete extending to intact bedrock;
- On-grade floor slabs should bear on at least 12-inches of properly compacted Structural Fill overlying properly prepared subgrades. A layer of rigid insulation is recommended below garage floor slabs in unheated spaces; and,
- Asphalt, remnant structures, foundations and debris must be completely removed from beneath the proposed building and backfilled with properly compacted Structural Fill.

4.2 Subgrade Preparation

As presented herein, historical records indicate the site has undergone several episodes of previous land use and development; and, as such, excavation will likely encounter foundation remnants, uncontrolled fills and demolition debris. Uncontrolled fills, relic structures, foundations and debris must be completely removed from beneath the proposed building.

4.3 Excavation and Dewatering

Excavation work will generally encounter uncontrolled fills, relic foundations, relic structures, debris, native sandy silt/silty sand and bedrock. Earthwork and grading activities should ideally occur during drier, non-freezing weather of Spring, Summer and Fall.

Considering the subsurface findings and urban setting, we anticipate hoe-ramming will be necessary for bedrock removal. Pre-construction surveys should be completed on surrounding structures, water supply wells and infrastructure prior to commencing blasting activities. Vibrations from construction should be controlled below threshold limits of 0.5 in/sec for structures, water supply wells and infrastructure within 500 feet of the project site. More restrictive vibration limits may be warranted in specific cases with sensitive equipment, historic structures or artifacts on-site or within close proximity.

Sumping and pumping dewatering techniques should be adequate to control groundwater in excavations. The City of Portland and Portland Water District should be consulted regarding discharge of water from construction dewatering.

Excavations must be properly shored or sloped in accordance with OSHA Regulations to prevent sloughing and caving of the sidewalls during construction. Care must be taken to preclude undermining adjacent structures, utilities and roadways.

We recommend shoring for excavation support be accomplished using a soldier pile and lagging wall along Free Street with H-piles drilled and socketed into bedrock. The soldier pile and lagging shoring wall should extend along the end walls of the foundation excavation as necessary to protect adjacent structures, utilities and surface improvements. The shoring system should be prepared by a Professional Engineer licensed in the State of Maine. S.W.COLE should be engaged to review the shoring submittal prior to mobilization.

The design and planning of excavations, excavation support systems, and dewatering is the responsibility of the contractor.

4.4 Foundations

We recommend the proposed buildings be supported on spread footings founded on intact bedrock or structural concrete extending to intact bedrock. For foundations bearing on properly prepared subgrades, we recommend the following geotechnical parameters for design consideration:

Geotechnical Parameters for Spread Footings and Foundation Walls	
Design Frost Depth (100 year AFI)	4.5 feet
Net Allowable Bedrock Bearing Pressure	8.0 ksf
Base Friction Factor	0.35
Total Unit Weight of Backfill	125 pcf
At-Rest Lateral Earth Pressure Coefficient	0.5
Internal Friction Angle of Backfill	30°
Seismic Soil Site Class	C (IBC 2015)

4.5 Foundation Drainage

We recommend an underdrain system be installed along the edge of perimeter footings. The underdrain pipe should consist of 4-inch diameter, perforated SDR-35 foundation drain pipe bedded in Crushed Stone and wrapped in non-woven geotextile fabric. The underdrain pipe must have a positive gravity outlet protected from freezing, clogging and backflow. Additional, we recommend a drainage board and insulation be installed against basement walls; the drainage board should be connected to the perimeter foundation

drainage system. Surface grades should be sloped away from the building for positive surface water drainage. General underdrain details are illustrated on the “Foundation Detail Sketch” attached in Appendix B.

4.6 Slab-On-Grade

On-grade floor slabs in heated areas may be designed using a subgrade reaction modulus of 100 pci (pounds per cubic inch) provided the slab is underlain by at least 12-inches of compacted Structural Fill placed over properly prepared subgrades. In unheated spaces, we recommend a 2-inch layer of rigid foundation insulation be installed beneath the 12-inch layer of Structural Fill recommended below on-grade slabs. The structural engineer or concrete consultant must design steel reinforcing and joint spacing appropriate to slab thickness and function.

We recommend a sub-slab vapor retarder particularly in areas of the building where the concrete slab will be covered with an impermeable surface treatment or floor covering that may be sensitive to moisture vapors. The vapor retarder must have a permeance that is less than the floor cover or surface treatment that is applied to the slab. The vapor retarder must have sufficient durability to withstand direct contact with the sub-slab base material and construction activity. The vapor retarder material should be placed according to the manufacturer’s recommended method, including the taping and lapping of all joints and wall connections. The architect and/or flooring consultant should select the vapor retarder products compatible with flooring and adhesive materials.

The floor slab should be appropriately cured using moisture retention methods after casting. Typical floor slab curing methods should be used for at least 7 days. The architect or flooring consultant should assign curing methods consistent with current applicable American Concrete Institute (ACI) procedures with consideration of curing method compatibility to proposed surface treatments, flooring and adhesive materials.

4.7 Entrance Slabs and Sidewalks

Entrance slabs and sidewalks adjacent to the building must be designed to reduce the effects of differential frost action between adjacent pavement, doorways, and entrances. We recommend that non-frost susceptible Structural Fill be provided to a depth of at least 4.5 feet below the top of entrance slabs. This thickness of Structural Fill should extend the full width of the entrance slab and outward at least 4.5 feet, thereafter transitioning up to the bottom of the adjacent sidewalk or pavement gravels at a 3H:1V

or flatter slope. General details of this frost transition zone are shown on the “Foundation Detail Sketch” attached in Appendix B.

4.8 Fill, Backfill and Compaction

We recommend the following fill and backfill materials: recycled products must also be tested in accordance with applicable environmental regulations and approved by a qualified environmental consultant.

Granular Borrow: Fill to raise grades in paved areas, as well as to repair soft areas, should be sand or silty sand meeting the requirements of 2014 MaineDOT Standard Specification 703.19 Granular Borrow.

Structural Fill: Fill to raise grades in building areas, backfill for foundations, slab base material and material below exterior entrances slabs should be clean, non-frost susceptible sand and gravel meeting the gradation requirements for Structural Fill as given below:

Structural Fill	
Sieve Size	Percent Finer by Weight
4 inch	100
3 inch	90 to 100
¾ inch	25 to 90
No. 40	0 to 30
No. 200	0 to 6

Crushed Stone: Crushed Stone for underdrain aggregate should be washed ¾-inch crushed stone meeting the requirements of 2014 MaineDOT Standard Specification 703.22 Underdrain Backfill Material Type C.

Reuse of Site Soils: The existing granular fills are unsuitable for reuse in building areas, but may be suitable for reuse as Granular Borrow in paved areas, provided they are at a compactable moisture content at the time of reuse and free of rubble, wood and organics. The native silty sand/sandy silt are unsuitable for reuse in building and paved areas.

Placement and Compaction: Fill should be placed in horizontal lifts and compacted such that the desired density is achieved throughout the lift thickness with 3 to 5 passes

of the compaction equipment. Loose lift thicknesses for grading, fill and backfill activities should not exceed 12 inches. We recommend that fill and backfill in building and paved areas be compacted to at least 95 percent of its maximum dry density as determined by ASTM D-1557. Crushed Stone should be compacted with 3 to 5 passes of a vibratory plate compactor having a static weight of at least 500 pounds.

4.9 Weather Considerations

Construction activity should be limited during wet and freezing weather and the site soils may require drying or thawing before construction activities may continue. The contractor should anticipate the need for water to temper fills in order to facilitate compaction during dry weather. If construction takes place during cold weather, subgrades, foundations and floor slabs must be protected during freezing conditions. Concrete and fill must not be placed on frozen soil; and once placed, the concrete and soil beneath the structure must be protected from freezing.

4.10 Design Review and Construction Testing

S.W.COLE should be retained to review the construction documents prior to bidding to determine that our earthwork and foundation recommendations have been properly interpreted and implemented.

The shoring system should be prepared by a Professional Engineer licensed in the State of Maine. S.W.COLE should be engaged to review the shoring submittal prior to mobilization.

A construction materials testing and special inspection program should be implemented during construction to observe compliance with the design concepts, plans, and specifications. S.W.COLE is available to observe earthwork activities, the preparation of foundation bearing surfaces and pavement subgrades, as well as to provide testing and IBC Special Inspection services for soils, concrete, structural steel, spray-applied fireproofing, structural masonry and asphalt construction materials.

5.0 CLOSURE

It has been a pleasure to be of assistance to you with this phase of your project. We look forward to working with you during the construction phase of the project.

Sincerely,

S. W. Cole Engineering, Inc.

Justin A. DuBois, MS, E.I.
Geotechnical Engineer

Timothy J. Boyce, P.E.
Senior Geotechnical Engineer

JAD:tjb

APPENDIX A

Limitations

This report has been prepared for the exclusive use of J.B. Brown & Sons for specific application to the proposed Mixed-Use Commercial-Residential Building on Free Street in Portland, Maine. S. W. Cole Engineering, Inc. (S.W.COLE) has endeavored to conduct our services in accordance with generally accepted soil and foundation engineering practices. No warranty, expressed or implied, is made.

The soil profiles described in the report are intended to convey general trends in subsurface conditions. The boundaries between strata are approximate and are based upon interpretation of exploration data and samples.

The analyses performed during this investigation and recommendations presented in this report are based in part upon the data obtained from subsurface explorations made at the site. Variations in subsurface conditions may occur between explorations and may not become evident until construction. If variations in subsurface conditions become evident after submission of this report, it will be necessary to evaluate their nature and to review the recommendations of this report.

Observations have been made during exploration work to assess site groundwater levels. Fluctuations in water levels will occur due to variations in rainfall, temperature, and other factors.

S.W.COLE's scope of services has not included the investigation, detection, or prevention of any Biological Pollutants at the project site or in any existing or proposed structure at the site. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and the byproducts of any such biological organisms.

Recommendations contained in this report are based substantially upon information provided by others regarding the proposed project. In the event that any changes are made in the design, nature, or location of the proposed project, S.W.COLE should review such changes as they relate to analyses associated with this report. Recommendations contained in this report shall not be considered valid unless the changes are reviewed by S.W.COLE.

APPENDIX B

Figures

CENTER STREET

FREE STREET

CROSS STREET

SPRING STREET ARTERIAL

LEGEND:



APPROXIMATE BORING LOCATION

NOTES:

- EXPLORATION LOCATION PLAN WAS PREPARED FROM A 1"=20' SCALE PLAN OF THE SITE ENTITLED "SITE PLAN: BASEMENT," PREPARED BY ACORN ENGINEERING, INC., DATED 03/25/2019.
- THE BORINGS WERE LOCATED IN THE FIELD BY SURVEY BY OWEN HASKELL, INC. AND PROVIDED ON THE ABOVE REFERENCED PLAN.
- THIS PLAN SHOULD BE USED IN CONJUNCTION WITH THE ASSOCIATED S. W. COLE ENGINEERING, INC. GEOTECHNICAL REPORT.
- THE PURPOSE OF THIS PLAN IS ONLY TO DEPICT THE LOCATION OF THE EXPLORATIONS IN RELATION TO THE EXISTING CONDITIONS AND PROPOSED CONSTRUCTION AND IS NOT TO BE USED FOR CONSTRUCTION.

0 20 40 Feet



J.B. BROWN & SONS

EXPLORATION LOCATION PLAN
PROPOSED MIXED USE COMMERCIAL-RESIDENTIAL BUILDING
40 FREE STREET
PORTLAND, MAINE

Job No.: 19-0139 Scale: 1" = 20'
Date: 04/05/2019 Sheet: 1

3' OFFSET
GM/LP
HELD

TM 38-I-18
N/F
J.B. BROWN & SONS
32055/266

TM 38-A-8
N/F
J.B. BROWN & SONS
32055/269

LOT AREA =
34,189 S.F.
0.785 ACRES

PROPOSED BUILDING FOOTPRINT

PROPOSED PEDESTRIAN WALKWAY

BRICK BUILDING

DECK

PAVED

BRICK ENCROACHMENT
0.6' ±
ELEC. BOX

CL. GRANITE MONUMENT HELD
FOR 3' OFFSET
CROSS STREET
3.1' INTO SPRING ST.

MONUMENT
3.3' INTO SPRING ST.
3.2' INTO CROSS ST.

GM/DH
3.07' INTO ST.

3/4" PF
HELD

WOOD CURB

BRICK

PAVED

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

WOOD CURB

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APPENDIX C

Historical Aerial Photos and Fire Insurance Maps



Proposed Mixed Use Development

40 Free Street

Portland, ME 04101

Inquiry Number: 5593307.8

March 19, 2019

The EDR Aerial Photo Decade Package



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

EDR Aerial Photo Decade Package

03/19/19

Site Name:

Proposed Mixed Use Developn
40 Free Street
Portland, ME 04101
EDR Inquiry # 5593307.8

Client Name:

SW Cole Engineering, Inc.
286 Portland Road
Gray, ME 04039
Contact: Tom Trainor



Environmental Data Resources, Inc. (EDR) Aerial Photo Decade Package is a screening tool designed to assist environmental professionals in evaluating potential liability on a target property resulting from past activities. EDR's professional researchers provide digitally reproduced historical aerial photographs, and when available, provide one photo per decade.

Search Results:

<u>Year</u>	<u>Scale</u>	<u>Details</u>	<u>Source</u>
2015	1"=500'	Flight Year: 2015	USDA/NAIP
2011	1"=500'	Flight Year: 2011	USDA/NAIP
2007	1"=500'	Flight Year: 2007	USDA/NAIP
2003	1"=500'	Flight Date: May 04, 2003	USGS
1997	1"=500'	Acquisition Date: June 07, 1997	USGS/DOQQ
1992	1"=500'	Flight Date: June 12, 1992	USGS
1987	1"=500'	Flight Date: May 14, 1987	USDA
1975	1"=500'	Flight Date: April 30, 1975	USGS
1970	1"=500'	Flight Date: May 21, 1970	USGS
1960	1"=500'	Flight Date: June 01, 1960	USGS
1956	1"=500'	Flight Date: January 05, 1956	USGS
1940	1"=500'	Flight Date: November 11, 1940	USGS

When delivered electronically by EDR, the aerial photo images included with this report are for ONE TIME USE ONLY. Further reproduction of these aerial photo images is prohibited without permission from EDR. For more information contact your EDR Account Executive.

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INQUIRY #: 5593307.8

YEAR: 2015

— = 500'





INQUIRY #: 5593307.8

YEAR: 2011

 = 500'



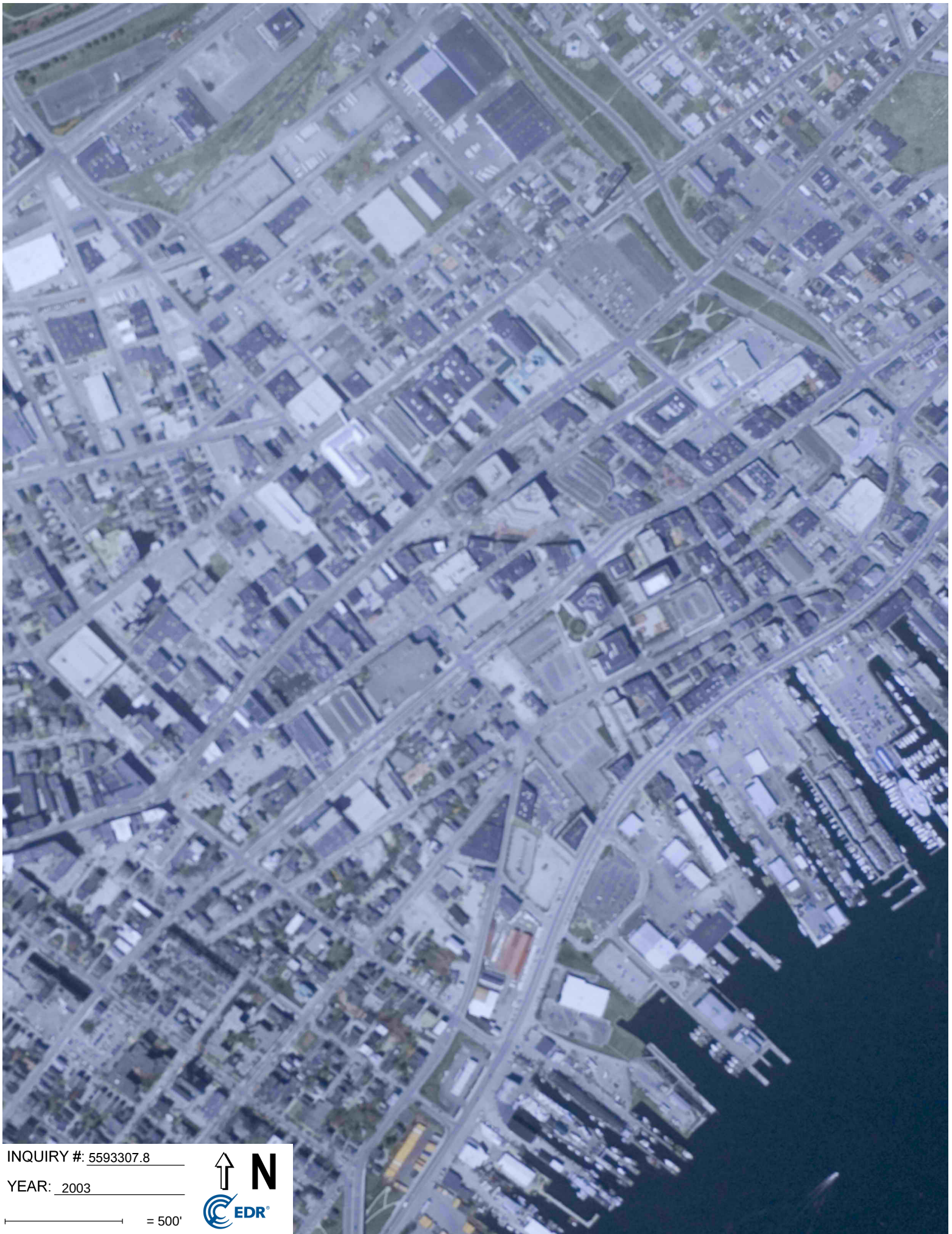


INQUIRY #: 5593307.8

YEAR: 2007

— = 500'





INQUIRY #: 5593307.8

YEAR: 2003

— = 500'





INQUIRY #: 5593307.8

YEAR: 1997

 = 500'



Subject boundary not shown because it exceeds image extent or image is not georeferenced.



INQUIRY #: 5593307.8

YEAR: 1992

— = 500'





INQUIRY #: 5593307.8

YEAR: 1987

— = 500'





INQUIRY #: 5593307.8

YEAR: 1975

— = 500'





INQUIRY #: 5593307.8

YEAR: 1970

— = 500'





INQUIRY #: 5593307.8

YEAR: 1960

— = 500'





INQUIRY #: 5593307.8

YEAR: 1956

— = 500'





INQUIRY #: 5593307.8

YEAR: 1940

— = 500'





Proposed Mixed Use Development

40 Free Street

Portland, ME 04101

Inquiry Number: 5593307.3

March 18, 2019

Certified Sanborn® Map Report



6 Armstrong Road, 4th floor
Shelton, CT 06484
Toll Free: 800.352.0050
www.edrnet.com

Certified Sanborn® Map Report

03/18/19

Site Name:

Proposed Mixed Use Developn
40 Free Street
Portland, ME 04101
EDR Inquiry # 5593307.3

Client Name:

SW Cole Engineering, Inc.
286 Portland Road
Gray, ME 04039
Contact: Tom Trainor



The Sanborn Library has been searched by EDR and maps covering the target property location as provided by SW Cole Engineering, Inc. were identified for the years listed below. The Sanborn Library is the largest, most complete collection of fire insurance maps. The collection includes maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow, and others. Only Environmental Data Resources Inc. (EDR) is authorized to grant rights for commercial reproduction of maps by the Sanborn Library LLC, the copyright holder for the collection. Results can be authenticated by visiting www.edrnet.com/sanborn.

The Sanborn Library is continually enhanced with newly identified map archives. This report accesses all maps in the collection as of the day this report was generated.

Certified Sanborn Results:

Certification # A067-46DA-ACDA

PO # NA

Project 19-0139

Maps Provided:

1988
1986
1980
1954
1949
1909
1896
1886



Sanborn® Library search results

Certification #: A067-46DA-ACDA

The Sanborn Library includes more than 1.2 million fire insurance maps from Sanborn, Bromley, Perris & Browne, Hopkins, Barlow and others which track historical property usage in approximately 12,000 American cities and towns. Collections searched:

- ☒ Library of Congress
- ☒ University Publications of America
- ☒ EDR Private Collection

The Sanborn Library LLC Since 1866™

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Sanborn Sheet Key

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1988 Source Sheets



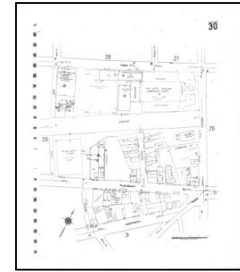
Volume 1, Sheet 24
1988



Volume 1, Sheet 26
1988



Volume 1, Sheet 27
1988



Volume 1, Sheet 30
1988

1986 Source Sheets



Volume 1, Sheet 24
1986



Volume 1, Sheet 30
1986



Volume 1, Sheet 26
1986



Volume 1, Sheet 27
1986

1980 Source Sheets



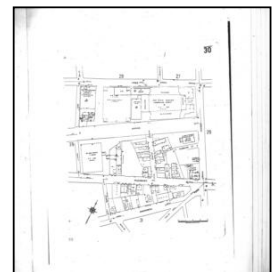
Volume 1, Sheet 24
1980



Volume 1, Sheet 26
1980



Volume 1, Sheet 27
1980



Volume 1, Sheet 30
1980

1954 Source Sheets



Volume 1, Sheet 24
1954



Volume 1, Sheet 26
1954



Volume 1, Sheet 27
1954



Volume 1, Sheet 30
1954

Sanborn Sheet Key

This Certified Sanborn Map Report is based upon the following Sanborn Fire Insurance map sheets.



1949 Source Sheets



Volume 1, Sheet 24
1949



Volume 1, Sheet 26
1949



Volume 1, Sheet 27
1949



Volume 1, Sheet 30
1949

1909 Source Sheets



Volume 1, Sheet 24
1909



Volume 1, Sheet 26
1909



Volume 1, Sheet 27
1909



Volume 1, Sheet 30
1909

1896 Source Sheets



Volume 1, Sheet 20
1896



Volume 1, Sheet 22
1896



Volume 1, Sheet 24
1896



Volume 1, Sheet 26
1896

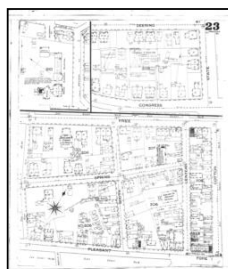
1886 Source Sheets



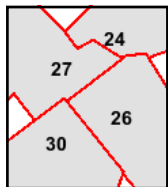
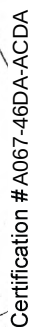
Volume 1, Sheet 9
1886



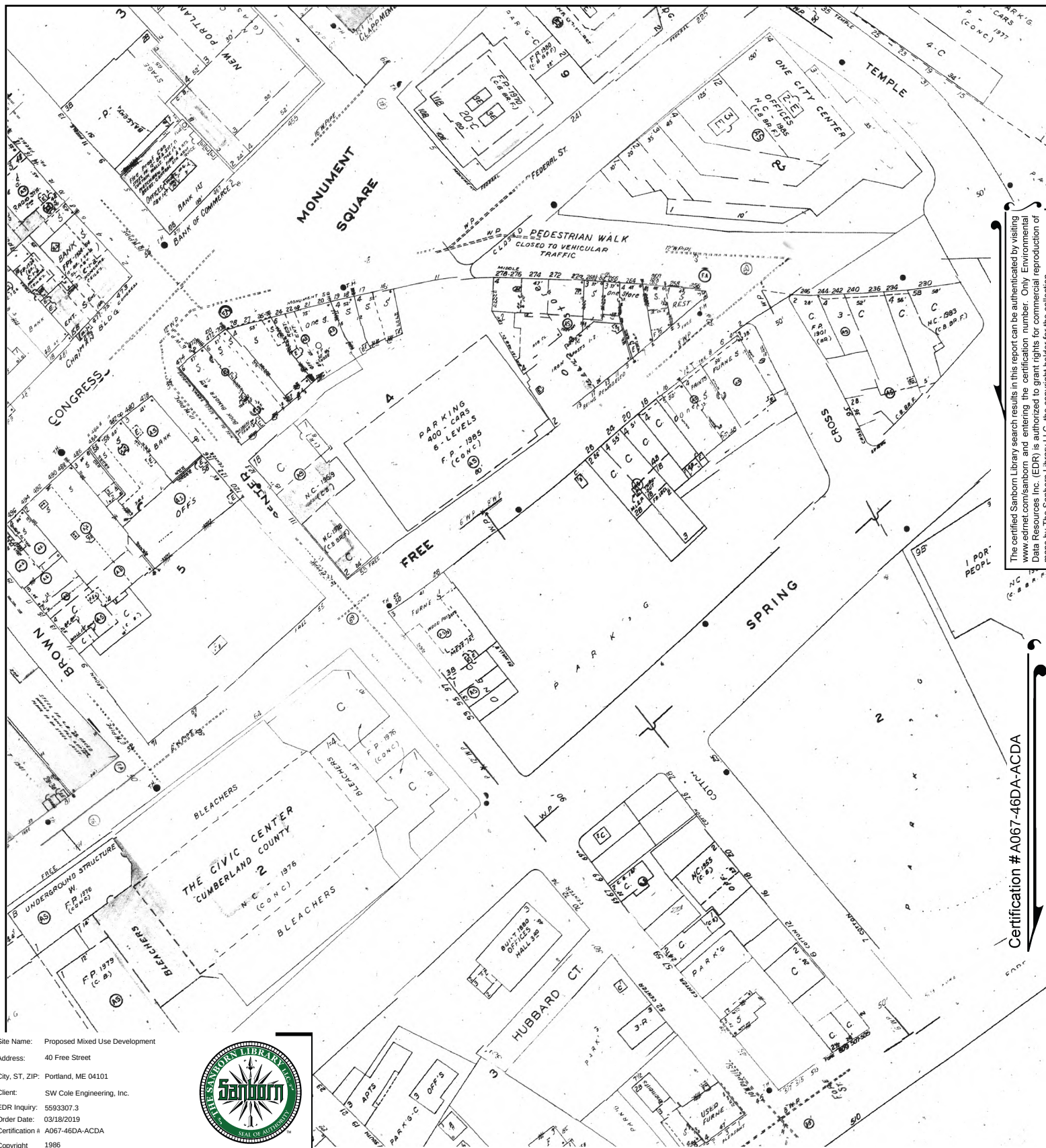
Volume 1, Sheet 10
1886

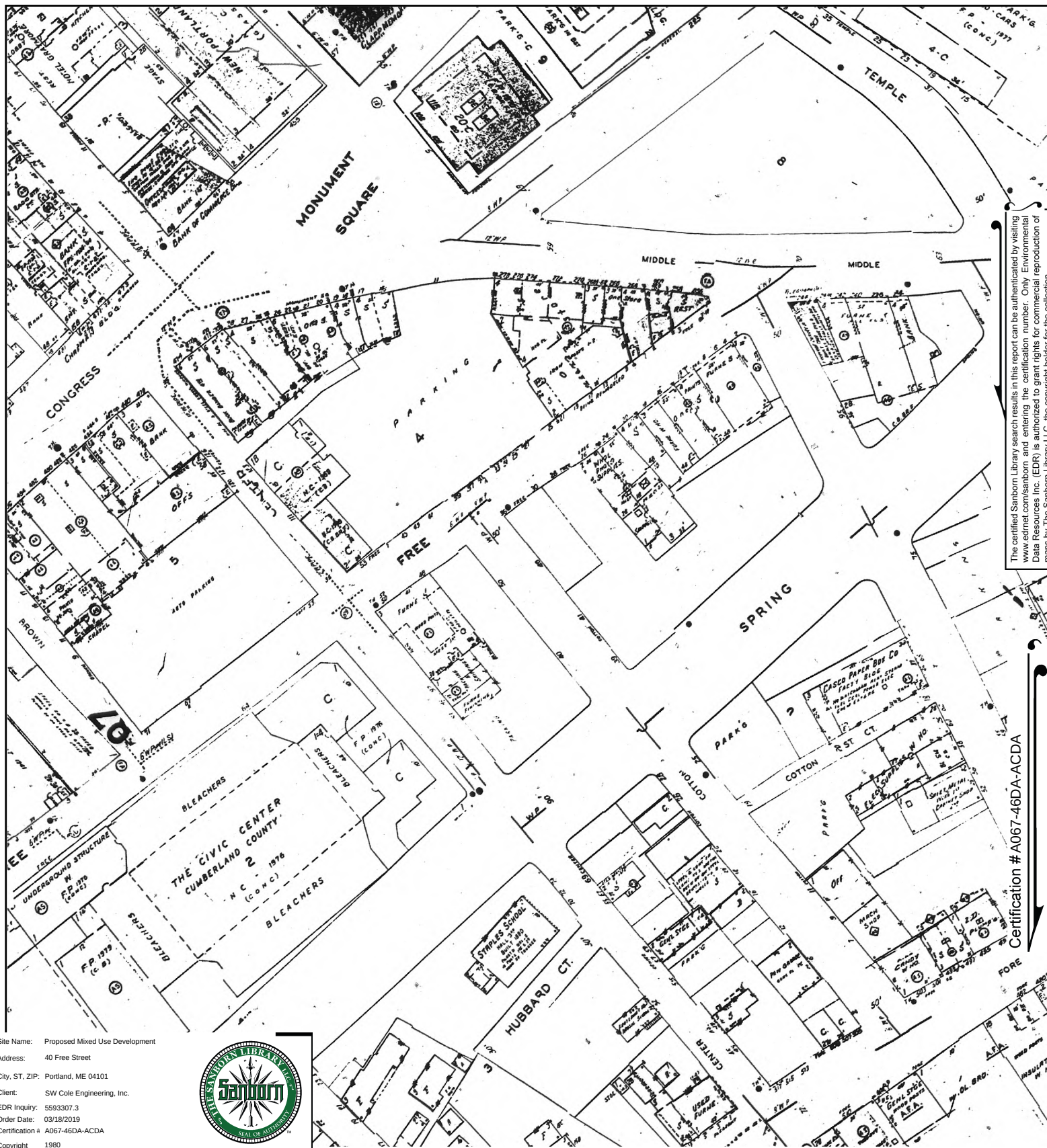


Volume 1, Sheet 23
1886

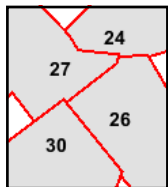
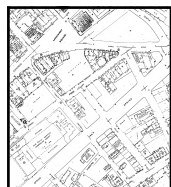
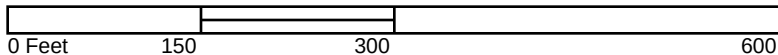


5593307 - 3 page 5





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 Outlined areas indicate map sheets within the collection.



Volume 1, Sheet 30
 Volume 1, Sheet 27
 Volume 1, Sheet 26
 Volume 1, Sheet 24





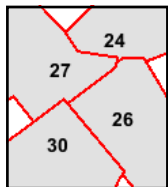
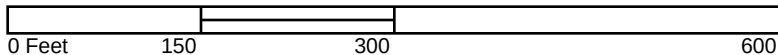
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Certification # A067-46DA-ACDA

Site Name: Proposed Mixed Use Development
Address: 40 Free Street
City, ST, ZIP: Portland, ME 04101
Client: SW Cole Engineering, Inc.
EDR Inquiry: 5593307.3
Order Date: 03/19/2019
Certification #: A067-46DA-ACDA
Copyright: 1954

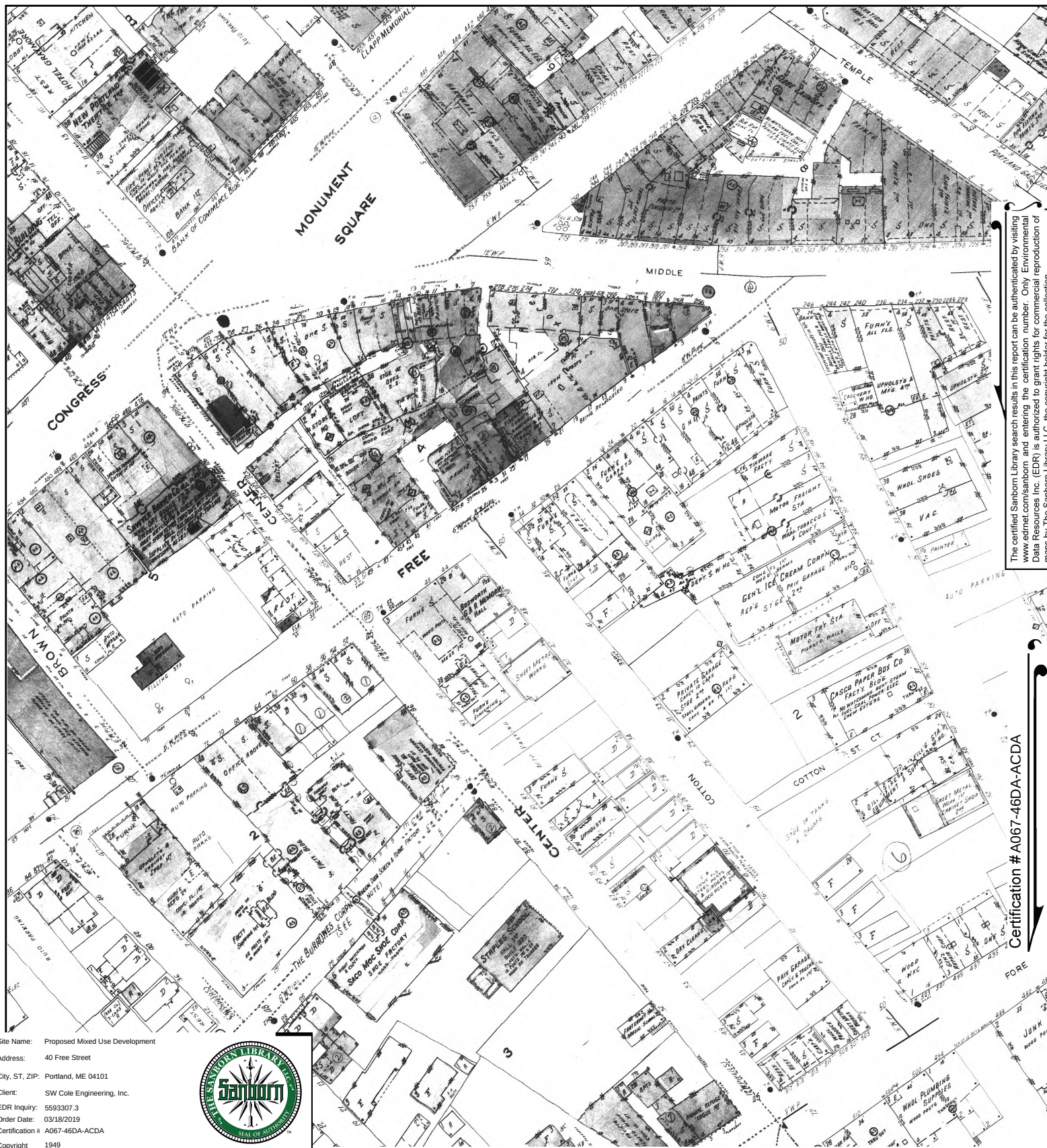


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Outlined areas indicate map sheets within the collection.



Volume 1, Sheet 30
Volume 1, Sheet 27
Volume 1, Sheet 26
Volume 1, Sheet 24





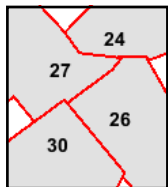
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Volume 1, Sheet 30
Volume 1, Sheet 27
Volume 1, Sheet 26
Volume 1, Sheet 24

0 Feet 150 300 600





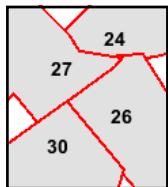
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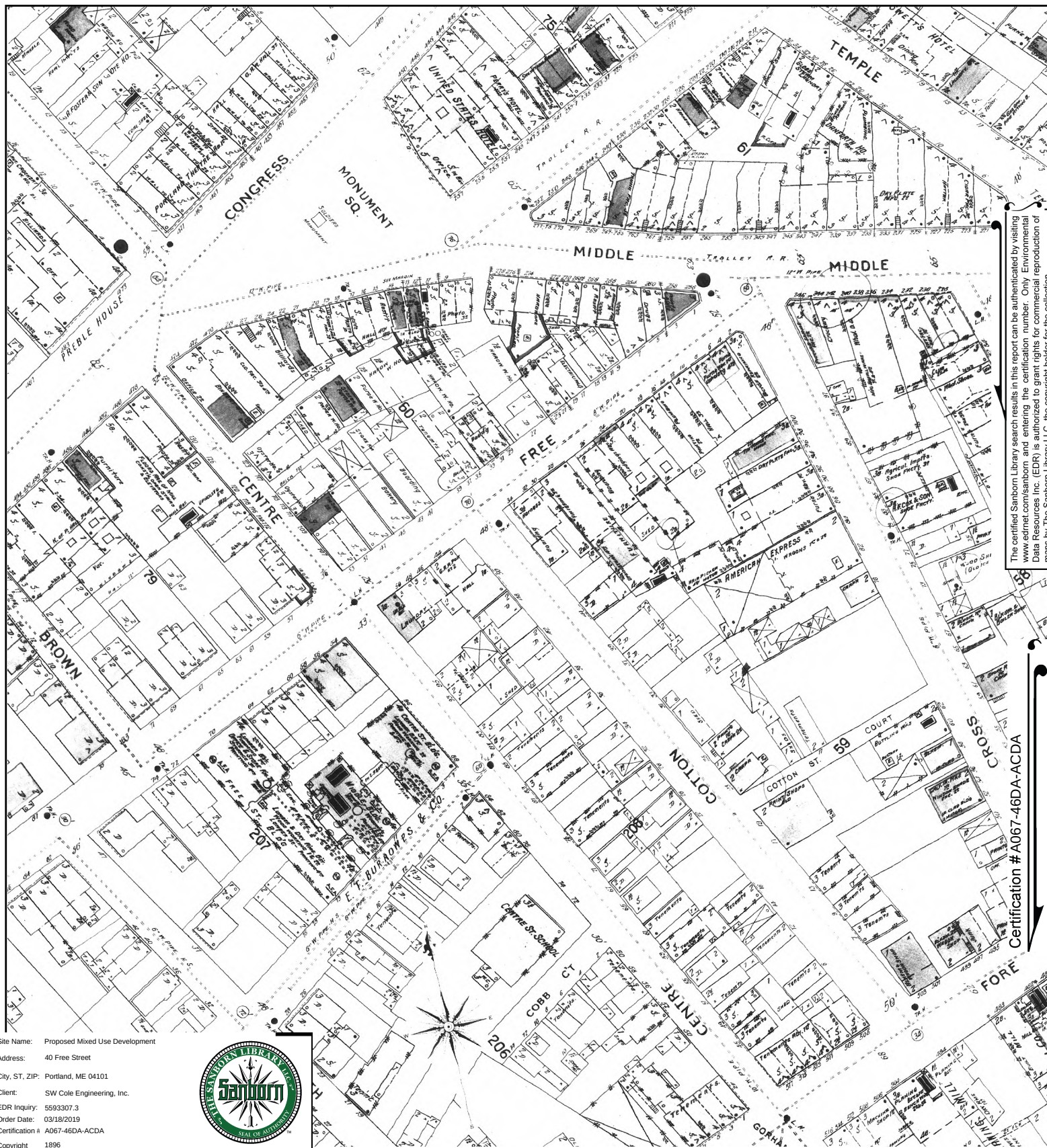
Site Name: Proposed Mixed Use Development
Address: 40 Free Street
City, ST, ZIP: Portland, ME 04101
Client: SW Cole Engineering, Inc.
EDR Inquiry: 5593307.3
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Site Name: Proposed Mixed Use Development
Address: 40 Free Street
City, ST, ZIP: Portland, ME 04101
Client: SW Cole Engineering, Inc.
EDR Inquiry: 5593307.3
Order Date: 03/18/2019
Certification #: A067-46DA-ACDA
Copyright: 1896



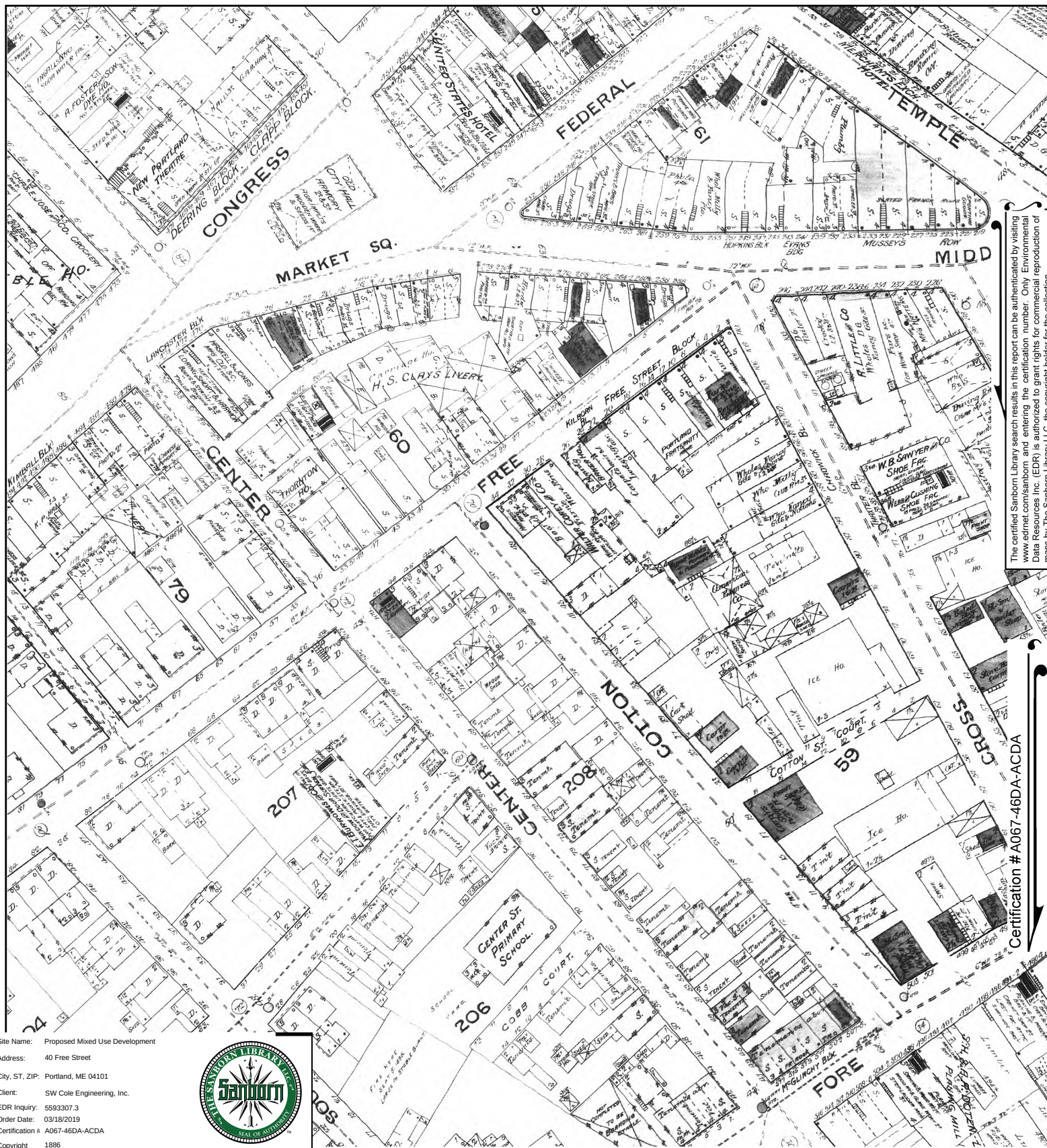
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Outlined areas indicate map sheets within the collection.



Volume 1, Sheet 26
Volume 1, Sheet 24
Volume 1, Sheet 22
Volume 1, Sheet 20

0 Feet 150 300 600





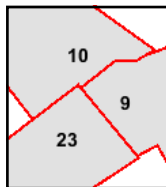
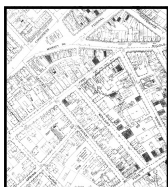
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Certification # A067-46DA-ACDA

Site Name: Proposed Mixed Use Development
Address: 40 Free Street
City, ST, ZIP: Portland, ME 04101
Client: SW Cole Engineering, Inc.
EDR Inquiry: 5593307.3
Order Date: 03/18/2019
Certification #: A067-46DA-ACDA
Copyright: 1886



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Volume 1, Sheet 23
Volume 1, Sheet 10
Volume 1, Sheet 9

APPENDIX D

Exploration Logs and Key



BORING LOG

CLIENT: J.B. Brown & Sons
PROJECT: Proposed Mixed Use Residential-Commercial Building
LOCATION: 40 Free Street, Portland, ME

BORING NO.: B-101
SHEET: 1 of 1
PROJECT NO. 19-0139
DATE START: 3/19/2019
DATE FINISH: 3/19/2019

Drilling Information

LOCATION: See Exploration Location Plan ELEVATION (FT): 65' +/- TOTAL DEPTH (FT): 14.8 LOGGED BY: Justin DuBois
DRILLING CO.: New England Boring DRILLER: Mike Matarozzo DRILLING METHOD: Hollow Stem Auger
RIG TYPE: Truck Mounted Mobile B-47 AUGER ID/OD: 2 1/4 in / 5 5/8 in SAMPLER: Standard Split-Spoon
HAMMER TYPE: Automatic HAMMER WEIGHT (lbs): 140 CASING ID/OD: N/A /N/A CORE BARREL:
HAMMER EFFICIENCY FACTOR: HAMMER DROP (inch): 30
WATER LEVEL DEPTHS (ft):

GENERAL NOTES:

KEY TO NOTES: Water Level
AND SYMBOLS: At time of Drilling D = Split Spoon Sample Pen. = Penetration Length WOR = Weight of Rods S_v = Field Vane Shear Strength, kips/sq.ft.
 At Completion of Drilling U = Thin Walled Tube Sample Rec. = Recovery Length WOH = Weight of Hammer q_u = Unconfined Compressive Strength, kips/sq.ft.
 After Drilling R = Rock Core Sample bpf = Blows per Foot RQD = Rock Quality Designation Ø = Friction Angle (Estimated)
V = Field Vane Shear mpf = Minute per Foot PID = Photoionization Detector N/A = Not Applicable

Elev. (ft)	Depth (ft)	Casing Pen. (bpf)	SAMPLE INFORMATION					Graphic Log	Sample Description & Classification	H ₂ O Depth	Remarks
			Sample No.	Type	Depth (ft)	Pen./ Rec. (in)	Blow Count or RQD				
60	5		1D		0.5-2.5	24/12	3-10- 10-10		0.4 Asphalt Medium dense, brown, medium to coarse SAND with gravel trace of silt, brick fragments (Fill)		
			2D		2.5-4.5	24/8	8-9-11- 9				
			3D		5-7	24/12	20-16- 14-9				
			4D		7-9	24/12	9-7-10- 9		7.0 Medium dense, gray-brown to blue-gray, sandy SILT with gravel		
			5D		10-12	24/24	3-3-5-6				
55	10								13.0 Weathered BEDROCK		
Refusal at 14.8 feet											

Stratification lines represent approximate boundary between soil types, transitions may be gradual. Water level readings have been made at times and under conditions stated. Fluctuations of groundwater may occur due to other factors than those present at the time measurements were made.

BORING NO.: B-101



BORING LOG

CLIENT: J.B. Brown & Sons
PROJECT: Proposed Mixed Use Residential-Commercial Building
LOCATION: 40 Free Street, Portland, ME

BORING NO.: **B-102**
SHEET: 1 of 1
PROJECT NO. 19-0139
DATE START: 3/19/2019
DATE FINISH: 3/19/2019

Drilling Information

LOCATION: See Exploration Location Plan ELEVATION (FT): 65' +/- TOTAL DEPTH (FT): 10.9 LOGGED BY: Justin DuBois
DRILLING CO.: New England Boring DRILLER: Mike Matarozzo DRILLING METHOD: Hollow Stem Auger
RIG TYPE: Truck Mounted Mobile B-47 AUGER ID/OD: 2 1/4 in / 5 5/8 in SAMPLER: Standard Split-Spoon
HAMMER TYPE: Automatic HAMMER WEIGHT (lbs): 140 CASING ID/OD: N/A /N/A CORE BARREL:
HAMMER EFFICIENCY FACTOR: HAMMER DROP (inch): 30
WATER LEVEL DEPTHS (ft):

GENERAL NOTES:

KEY TO NOTES AND SYMBOLS:
Water Level
At time of Drilling
At Completion of Drilling
After Drilling
D = Split Spoon Sample
U = Thin Walled Tube Sample
R = Rock Core Sample
V = Field Vane Shear
Pen. = Penetration Length
Rec. = Recovery Length
bpf = Blows per Foot
mpf = Minute per Foot
WOR = Weight of Rods
WOH = Weight of Hammer
RQD = Rock Quality Designation
PID = Photoionization Detector
S_v = Field Vane Shear Strength, kips/sq.ft.
q_u = Unconfined Compressive Strength, kips/sq.ft.
Ø = Friction Angle (Estimated)
N/A = Not Applicable

Elev. (ft)	Depth (ft)	Casing Pen. (bpf)	SAMPLE INFORMATION					Graphic Log	Sample Description & Classification	H ₂ O Depth	Remarks
			Sample No.	Type	Depth (ft)	Pen./ Rec. (in)	Blow Count or RQD				
60	5		1D		0.5-2.5	24/16	6-10-6-12		0.3 Asphalt Medium dense, brown, medium to coarse SAND some gravel trace of silt (Fill)		
			2D		2.5-4.5	24/15	11-9-7-5		3.5 Medium dense, gray-brown slightly mottled, sandy SILT some fine gravel		
			3D		5-7	24/20	3-8-17-20		6.5 Weathered BEDROCK		
55	10		4D		10-10.9	11/6	42-50:0.4/5"				

Refusal at 10.9 feet

Stratification lines represent approximate boundary between soil types, transitions may be gradual. Water level readings have been made at times and under conditions stated. Fluctuations of groundwater may occur due to other factors than those present at the time measurements were made.

BORING NO.: **B-102**



BORING LOG

CLIENT: J.B. Brown & Sons
PROJECT: Proposed Mixed Use Residential-Commercial Building
LOCATION: 40 Free Street, Portland, ME

BORING NO.: B-103
SHEET: 1 of 1
PROJECT NO. 19-0139
DATE START: 3/19/2019
DATE FINISH: 3/19/2019

Drilling Information

LOCATION: See Exploration Location Plan ELEVATION (FT): 65' +/- TOTAL DEPTH (FT): 12.0 LOGGED BY: Justin DuBois
DRILLING CO.: New England Boring DRILLER: Mike Matarozzo DRILLING METHOD: Hollow Stem Auger
RIG TYPE: Truck Mounted Mobile B-47 AUGER ID/OD: 2 1/4 in / 5 5/8 in SAMPLER: Standard Split-Spoon
HAMMER TYPE: Automatic HAMMER WEIGHT (lbs): 140 CASING ID/OD: N/A /N/A CORE BARREL:
HAMMER EFFICIENCY FACTOR: HAMMER DROP (inch): 30
WATER LEVEL DEPTHS (ft):

GENERAL NOTES:

KEY TO NOTES: Water Level
AND SYMBOLS: At time of Drilling D = Split Spoon Sample Pen. = Penetration Length WOR = Weight of Rods S_v = Field Vane Shear Strength, kips/sq.ft.
 At Completion of Drilling U = Thin Walled Tube Sample Rec. = Recovery Length WOH = Weight of Hammer q_u = Unconfined Compressive Strength, kips/sq.ft.
 After Drilling R = Rock Core Sample bpf = Blows per Foot RQD = Rock Quality Designation Ø = Friction Angle (Estimated)
V = Field Vane Shear mpf = Minute per Foot PID = Photoionization Detector N/A = Not Applicable

Elev. (ft)	Depth (ft)	Casing Pen. (bpf)	SAMPLE INFORMATION					Graphic Log	Sample Description & Classification	H ₂ O Depth	Remarks
			Sample No.	Type	Depth (ft)	Pen./ Rec. (in)	Blow Count or RQD				
60	5		1D		0.4-2.4	24/12	4-7-8-10		0.3 Asphalt Medium dense, brown, medium to coarse SAND with gravel trace of silt, brick fragments (Fill)		
			2D		2.4-4.4	24/12	10-17-28-24				
			3D		5-7	24/20	5-8-12-6		5.0 Medium dense, gray-brown slightly mottled, sandy SILT with fine gravel		
55	10		4D		10-12	24/20	25-20-25-90		10.0 Decomposed, highly weathered BEDROCK		

Refusal at 12.0 feet

Stratification lines represent approximate boundary between soil types, transitions may be gradual. Water level readings have been made at times and under conditions stated. Fluctuations of groundwater may occur due to other factors than those present at the time measurements were made.

BORING NO.: B-103



BORING LOG

CLIENT: J.B. Brown & Sons
PROJECT: Proposed Mixed Use Residential-Commercial Building
LOCATION: 40 Free Street, Portland, ME

BORING NO.: B-104
SHEET: 1 of 1
PROJECT NO. 19-0139
DATE START: 3/19/2019
DATE FINISH: 3/19/2019

Drilling Information

LOCATION: See Exploration Location Plan ELEVATION (FT): 59' +/- TOTAL DEPTH (FT): 9.0 LOGGED BY: Justin DuBois
DRILLING CO.: New England Boring DRILLER: Mike Matarozzo DRILLING METHOD: Hollow Stem Auger
RIG TYPE: Truck Mounted Mobile B-47 AUGER ID/OD: 2 1/4 in / 5 5/8 in SAMPLER: Standard Split-Spoon
HAMMER TYPE: Automatic HAMMER WEIGHT (lbs): 140 CASING ID/OD: N/A /N/A CORE BARREL:
HAMMER EFFICIENCY FACTOR: HAMMER DROP (inch): 30
WATER LEVEL DEPTHS (ft):

GENERAL NOTES:

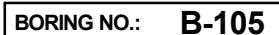
KEY TO NOTES AND SYMBOLS: Water Level
At time of Drilling
At Completion of Drilling
After Drilling
D = Split Spoon Sample
U = Thin Walled Tube Sample
R = Rock Core Sample
V = Field Vane Shear
Pen. = Penetration Length
Rec. = Recovery Length
bpf = Blows per Foot
mpf = Minute per Foot
WOR = Weight of Rods
WOH = Weight of Hammer
RQD = Rock Quality Designation
PID = Photoionization Detector
S_v = Field Vane Shear Strength, kips/sq.ft.
q_u = Unconfined Compressive Strength, kips/sq.ft.
Ø = Friction Angle (Estimated)
N/A = Not Applicable

Elev. (ft)	Depth (ft)	Casing Pen. (bpf)	SAMPLE INFORMATION					Graphic Log	Sample Description & Classification	H ₂ O Depth	Remarks
			Sample No.	Type	Depth (ft)	Pen./ Rec. (in)	Blow Count or RQD				
55	5		1D		0.5-2.5	24/12	4-7-8-6		0.3 Asphalt Medium dense, brown, medium to coarse SAND with gravel trace to some silt, brick fragments (Fill)		
			2D		2.5-4.5	24/6	6-5-11-4				
			3D		5-7	24/12	6-4-3-5		5.0 Medium dense, gray-brown slightly mottled, sandy SILT with fine gravel		
50								8.0 Weathered BEDROCK			

Refusal at 9.0 feet

Stratification lines represent approximate boundary between soil types, transitions may be gradual. Water level readings have been made at times and under conditions stated. Fluctuations of groundwater may occur due to other factors than those present at the time measurements were made.

BORING NO.: B-104





BORING LOG

CLIENT: J.B. Brown & Sons
PROJECT: Proposed Mixed Use Residential-Commercial Building
LOCATION: 40 Free Street, Portland, ME

BORING NO.: B-107
SHEET: 1 of 1
PROJECT NO.: 19-0139
DATE START: 3/20/2019
DATE FINISH: 3/20/2019

Drilling Information

LOCATION: See Exploration Location Plan ELEVATION (FT): 62' +/- TOTAL DEPTH (FT): 23.0 LOGGED BY: Justin DuBois
DRILLING CO.: New England Boring DRILLER: Mike Matarozzo DRILLING METHOD: Cased Boring
RIG TYPE: Truck Mounted Mobile B-47 AUGER ID/OD: N/A / N/A SAMPLER: Standard Split-Spoon
HAMMER TYPE: Automatic / Safety HAMMER WEIGHT (lbs): 140 / 300 CASING ID/OD: 4 in / 4 1/2 in CORE BARREL:
HAMMER EFFICIENCY FACTOR: HAMMER DROP (inch): 30 / 16
WATER LEVEL DEPTHS (ft):

GENERAL NOTES:

KEY TO NOTES AND SYMBOLS: Water Level
At time of Drilling
At Completion of Drilling
After Drilling
D = Split Spoon Sample
U = Thin Walled Tube Sample
R = Rock Core Sample
V = Field Vane Shear
Pen. = Penetration Length
Rec. = Recovery Length
bpf = Blows per Foot
mpf = Minute per Foot
WOR = Weight of Rods
WOH = Weight of Hammer
RQD = Rock Quality Designation
PID = Photoionization Detector
S_v = Field Vane Shear Strength, kips/sq.ft.
q_u = Unconfined Compressive Strength, kips/sq.ft.
Ø = Friction Angle (Estimated)
N/A = Not Applicable

Elev. (ft)	Depth (ft)	Casing Pen. (bpf)	SAMPLE INFORMATION					Graphic Log	Sample Description & Classification	H ₂ O Depth	Remarks
			Sample No.	Type	Depth (ft)	Pen./ Rec. (in)	Blow Count or RQD				
60	5		1D		0.5-2.5	24/12	6-6-6-7		0.3 Asphalt Medium dense, brown coarse SAND (Fill)		
			2D		2.5-4.5	24/10	7-5-6-8		1.5 Medium dense, dark brown, sandy SILT with gravel		
			3D		4.5-6	18/8	6-7-5-7/0"				
55	10		4D		10-11.8	22/17	9-13-20-50:0.3/4"		10.0 Dense, light brown, silty SAND and gravel		
			1R		14-15	12/7	0		11.8 Weathered BEDROCK		
			2R		15-18	36/29	22		14.0 Blue-gray, fine grained, weakly to moderately metamorphosed slate/phyllite, slight foliation with quartz veins. Very intensely to moderately fractured. Fractures ranged from horizontal to 40 degrees to near vertical in highly weathered zones. RQD range from very poor to fair, increasing with depth.		
45	20		3R		18-23	60/52	70				
40											

Bottom of Exploration at 23.0 feet
BEDROCK

Stratification lines represent approximate boundary between soil types, transitions may be gradual. Water level readings have been made at times and under conditions stated. Fluctuations of groundwater may occur due to other factors than those present at the time measurements were made.

BORING NO.: B-107



BORING LOG

CLIENT: J.B. Brown & Sons
PROJECT: Proposed Mixed Use Residential-Commercial Building
LOCATION: 40 Free Street, Portland, ME

BORING NO.: B-108
SHEET: 1 of 1
PROJECT NO. 19-0139
DATE START: 3/20/2019
DATE FINISH: 3/20/2019

Drilling Information

LOCATION: See Exploration Location Plan ELEVATION (FT): 62' +/- TOTAL DEPTH (FT): 9.0 LOGGED BY: Justin DuBois
DRILLING CO.: New England Boring DRILLER: Mike Matarozzo DRILLING METHOD: Hollow Stem Auger
RIG TYPE: Truck Mounted Mobile B-47 AUGER ID/OD: 2 1/4 in / 5 5/8 in SAMPLER: Standard Split-Spoon
HAMMER TYPE: Automatic HAMMER WEIGHT (lbs): 140 CASING ID/OD: N/A /N/A CORE BARREL:
HAMMER EFFICIENCY FACTOR: HAMMER DROP (inch): 30
WATER LEVEL DEPTHS (ft):

GENERAL NOTES:

KEY TO NOTES AND SYMBOLS: Water Level
At time of Drilling
At Completion of Drilling
After Drilling
D = Split Spoon Sample
U = Thin Walled Tube Sample
R = Rock Core Sample
V = Field Vane Shear
Pen. = Penetration Length
Rec. = Recovery Length
bpf = Blows per Foot
mpf = Minute per Foot
WOR = Weight of Rods
WOH = Weight of Hammer
RQD = Rock Quality Designation
PID = Photoionization Detector
S_v = Field Vane Shear Strength, kips/sq.ft.
q_u = Unconfined Compressive Strength, kips/sq.ft.
Ø = Friction Angle (Estimated)
N/A = Not Applicable

Elev. (ft)	Depth (ft)	Casing Pen. (bpf)	SAMPLE INFORMATION					Graphic Log	Sample Description & Classification	H ₂ O Depth	Remarks
			Sample No.	Type	Depth (ft)	Pen./ Rec. (in)	Blow Count or RQD				
60	5		1D		0.4-2.4	24/12	10-10-8-5		0.3 Asphalt Loose to medium dense, brown, medium to coarse SAND with gravel, trace of silt, brick fragments (Fill)		
			2D		2.4-4.4	24/8	3-2-1-5				
			3D		5-7	24/20	11-8-15-13		5.0 Medium dense, yellow-brown becoming gray brown slightly mottled, silty SAND with gravel		
55									8.0 Weathered BEDROCK		

Refusal at 9.0 feet

Stratification lines represent approximate boundary between soil types, transitions may be gradual. Water level readings have been made at times and under conditions stated. Fluctuations of groundwater may occur due to other factors than those present at the time measurements were made.

BORING NO.: B-108

KEY TO NOTES & SYMBOLS

Test Boring and Test Pit Exploration Logs

Stratification lines represent the approximate boundary between soil types and the transition may be gradual.

Key to Symbols Used:

w	-	water content, percent (dry weight basis)
q _u	-	unconfined compressive strength, kips/sq. ft. - laboratory test
S _v	-	field vane shear strength, kips/sq. ft.
L _v	-	lab vane shear strength, kips/sq. ft.
q _p	-	unconfined compressive strength, kips/sq. ft. – pocket penetrometer test
O	-	organic content, percent (dry weight basis)
W _L	-	liquid limit - Atterberg test
W _P	-	plastic limit - Atterberg test
WOH	-	advance by weight of hammer
WOM	-	advance by weight of man
WOR	-	advance by weight of rods
HYD	-	advance by force of hydraulic piston on drill
RQD	-	Rock Quality Designator - an index of the quality of a rock mass.
γ _T	-	total soil weight
γ _B	-	buoyant soil weight

Description of Proportions:

Trace:	0 to 5%
Some:	5 to 12%
"Y"	12 to 35%
And	35+%
With	Undifferentiated

Description of Stratified Soils

Parting:	0 to 1/16" thickness
Seam:	1/16" to 1/2" thickness
Layer:	1/2" to 12" thickness
Varved:	Alternating seams or layers
Occasional:	one or less per foot of thickness
Frequent:	more than one per foot of thickness

REFUSAL: Test Boring Explorations - Refusal depth indicates that depth at which, in the drill foreman's opinion, sufficient resistance to the advance of the casing, auger, probe rod or sampler was encountered to render further advance impossible or impracticable by the procedures and equipment being used.

REFUSAL: Test Pit Explorations - Refusal depth indicates that depth at which sufficient resistance to the advance of the backhoe bucket was encountered to render further advance impossible or impracticable by the procedures and equipment being used.

Although refusal may indicate the encountering of the bedrock surface, it may indicate the striking of large cobbles, boulders, very dense or cemented soil, or other buried natural or man-made objects or it may indicate the encountering of a harder zone after penetrating a considerable depth through a weathered or disintegrated zone of the bedrock.

APPENDIX E

Laboratory Test Results

Report of Gradation

ASTM C-117 & C-136

 Project Name **PORTLAND ME - PROPOSED APARTMENT BUILDING- 40 FREE STREET - GEOTECHNICAL SERVICES**

 Client **J.B. BROWN & SONS**

 Material Source **B-102 1D .5-2.5**

 Project Number **19-0139**

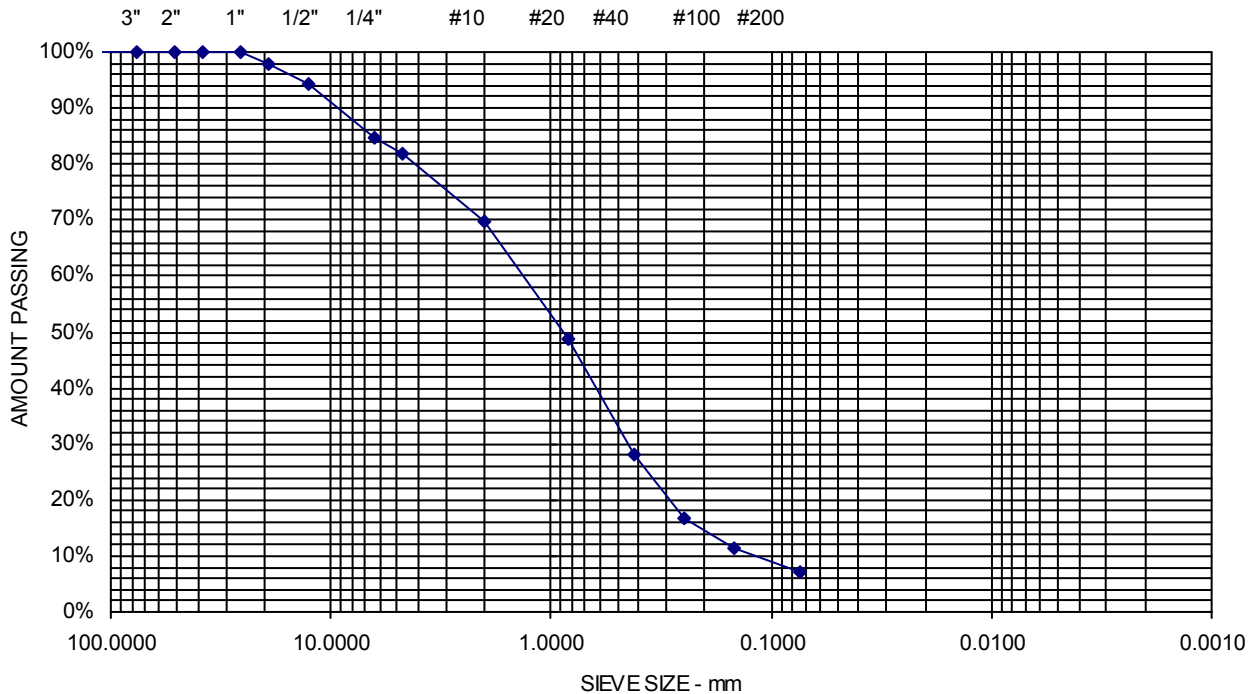
 Lab ID **24946G**

 Date Received **3/27/2019**

 Date Completed **3/28/2019**

 Tested By **PAUL SHAFFER**

<u>STANDARD DESIGNATION (mm/μm)</u>	<u>SIEVE SIZE</u>	<u>AMOUNT PASSING (%)</u>	
150 mm	6"	100	
125 mm	5"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	98	
12.5 mm	1/2"	94	
6.3 mm	1/4"	85	
4.75 mm	No. 4	82	18.1% Gravel
2.00 mm	No. 10	70	
850 μm	No. 20	49	
425 μm	No. 40	28	74.6% Sand
250 μm	No. 60	17	
150 μm	No. 100	11	
75 μm	No. 200	7.3	7.3% Fines



Comments:

Sheet

Report of Gradation

ASTM C-117 & C-136

 Project Name **PORTLAND ME - PROPOSED APARTMENT BUILDING- 40 FREE STREET - GEOTECHNICAL SERVICES**

 Client **J.B. BROWN & SONS**

 Material Source **B-106 5DA 10-12**

 Project Number **19-0139**

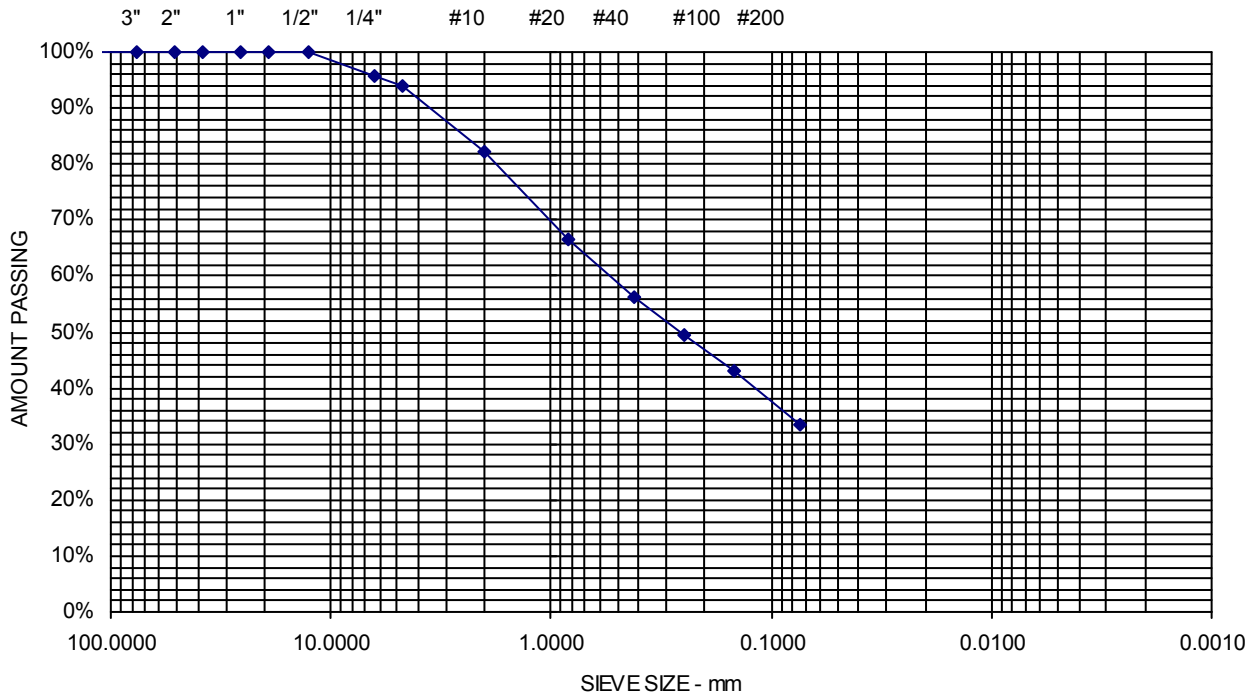
 Lab ID **24947G**

 Date Received **3/27/2019**

 Date Completed **3/28/2019**

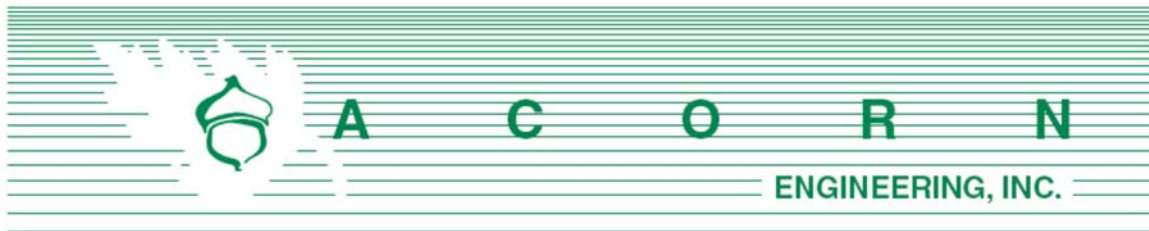
 Tested By **PAUL SHAFFER**

<u>STANDARD DESIGNATION (mm/μm)</u>	<u>SIEVE SIZE</u>	<u>AMOUNT PASSING (%)</u>	
150 mm	6"	100	
125 mm	5"	100	
100 mm	4"	100	
75 mm	3"	100	
50 mm	2"	100	
38.1 mm	1-1/2"	100	
25.0 mm	1"	100	
19.0 mm	3/4"	100	
12.5 mm	1/2"	100	
6.3 mm	1/4"	96	
4.75 mm	No. 4	94	6% Gravel
2.00 mm	No. 10	82	
850 μm	No. 20	67	
425 μm	No. 40	56	60.6% Sand
250 μm	No. 60	49	
150 μm	No. 100	43	
75 μm	No. 200	33.3	33.3% Fines



Comments:

Sheet



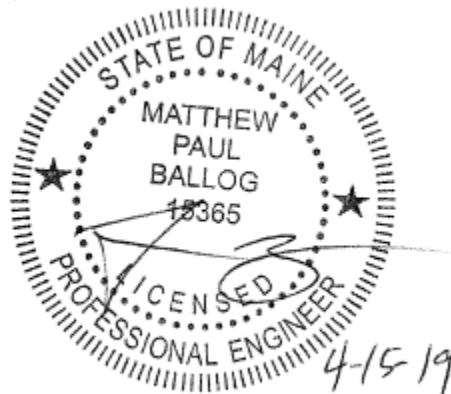
K. EROSION & SEDIMENTATION **CONTROL REPORT**

Prepared For:

**40 Free Street LLC
10 Free Street
Portland, Maine 04101**

Prepared By:

**Acorn Engineering, Inc.
65 Hanover Street
Portland, Maine 04102**



April 2019

INTRODUCTION

Acorn Engineering, Inc. has been retained by 40 Free Street LLC to provide civil engineering services for the proposed redevelopment of existing surface parking at 40 Free Street. The project proposes to construct a new, mixed-use six-story building with a basement level parking garage.

The following Erosion and Sedimentation Control Report was developed in accordance with the City of Portland Technical Manual – Section 5 – Portland Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Appendix A and B (1), Amended August 12, 2015. This narrative also meets the standards required in the Maine DEP’s Erosion & Sediment Control BMP’s Manual, revised in 2016.

1.0 EXISTING CONDITIONS

The proposed project is located at 40 Free Street. A boundary plan has been prepared by Owen Haskell Inc. of Falmouth, Maine dated March 20, 2019.

The site resides within the B-3 Business, Pedestrian Activities District, Downtown Entertainment Overlay & Congress Street Historic District zones. Approximately 100% of the site is impervious in the form of pavement, brick or concrete.

1.1 Existing Soils

Onsite soil information has and will be gathered from the following resources:

- United States Department of Agriculture (USDA) Web Soil Survey (WSS)
- Explorations and Geotechnical Engineering Services Report, per City of Portland Technical Manual, Section 7, prepared by S.W. Cole Engineering, Inc to be submitted at a further date.

The area surrounding the project includes soil types listed in Table 1 below. The susceptibility of soils to erosion is indicated on a relative “Kf” scale of values over a range of 0.02 to 0.69. Higher “Kf” values indicate more erodible soils. The Kf value listed was derived from the Universal Soil Loss Equation. The Soil Type and associated depth was derived from the USDA WSS Hydrologic Soil Group report, as attached at the end of this report.

Table 1		
Soils Type	Depth (feet)	Kf Value
Hinckley loamy sand, 3 to 8% slopes	> 6.5	0.17

The “Kf” value for the soil, listed above, shows a low susceptibility to erosion; however, implementation of the proposed Erosion & Sedimentation Measures by the contractor will be of the utmost importance.



1.2 Existing Erosion Problems

There are no signs of erosion.

1.3 Critical Areas

Critical areas that would require special attention during construction include, but are not limited to, the existing structures, the drainage system within Free Street, Center Street and Spring Street and slope stabilization located within the vicinity during earthwork and foundation construction.

1.4 Protected Natural Resource

The client is not aware of the presence of any existing significant natural features located on the site as listed in Section 14-526 (b) 1. of the Land Use Code. The project is not located within a watershed classified as an Urban Impaired Stream by the Maine DEP.

1.5 Previous Construction Activity (5 years)

Acorn Engineering, Inc. is not aware of any construction related activities within the project limits within the past five years.

1.6 Timber Harvesting

Acorn Engineering, Inc. is not aware of any timber harvesting within the past five years.

2.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

As part of the site development, the following temporary and permanent erosion and sedimentation control devices shall be implemented. Devices shall be installed as described in this report or within the plan set. See the Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices for further reference.

2.1 Temporary Erosion Control Measures

The following temporary erosion and sedimentation control measures are planned for the project's construction period:

- 2.1.1 Crushed stone stabilized construction entrances shall be placed at all access points to the project site where there are disturbed areas. The following specifications shall be followed at a minimum:
 - Stone size shall be 2-3 inches or reclaimed or recycled concrete equivalent.
 - The thickness of the entrance stone layer shall be no less than 6 inches.



- The entrance shall not be less than 20 feet wide, however not less than the full width of points where ingress or egress occurs. The length shall not be less than 50 feet in length.
 - Geotextile fabric (woven or non-woven) shall be placed over the entire entrance area.
 - The entrance/exit shall be maintained to the extent that it will prevent sediment tracking onto public road ways.
- 2.1.2 Siltation fence or erosion control berm shall be installed down gradient of any disturbed areas to trap runoff borne sediments until permanent stabilization is achieved. The silt fence or erosion control berm shall be installed per the details provided in the plan set and inspected before and immediately after each rainfall and at least daily during prolonged rainfall. Repairs shall be made if there are any signs of erosion or sedimentation below the fence line or berm. If there are signs of undercutting at the center or the edges or impounding of large volumes of water behind the fence or berm, the barrier shall be replaced with a stone check dam.
- 2.1.3 Hay mulch including hydro seeding is intended to provide cover for denuded or seeded areas until revegetation is established. Mulch placed between April 15th and November 1st on slopes of less than 15 percent shall be covered by fabric netting and anchored with staples in accordance with the manufacturer's recommendation. Mulch placed between November 1st and April 15th on slopes equal to or steeper than 8 percent and equal to or flatter than 2:1 shall use mats or fabric netting anchored with staples in accordance with the manufacturer's recommendation.
- 2.1.4 At any time of the year, all slopes greater than 3:1 shall be stabilized with Double Net Erosion Control Blanket Bionet SC150BN by North American Green or Approved Equal, or Erosion Control Mix Slope Protection as detailed within the plans.
- 2.1.5 Cassidy Point Drive shall be swept to control mud and dust from the construction site as necessary. Add additional stone to the stabilized construction entrance to minimize tracking material offsite and onto surrounding roadways.
- 2.1.6 During demolition, clearing and grubbing operations, stone check dams shall be installed at any areas of concentrated flow. The maximum height of the check dam shall not exceed 2 feet. The center of the check dam shall be 6 inches below the outer edges of the dam. The contractor shall mulch the side slopes and install stone check dams for all newly excavated ditch lines within 24 hours of their creation.
- 2.1.7 Silt fence stake spacing shall not exceed 6 feet unless the fence is supported with 14-gauge wire in which case the maximum spacing shall not exceed 10 feet. The silt fence shall be "toed" into the ground.
- 2.1.8 Storm drain inlet protection shall be provided to storm drains using any of the following: hay bale drop inlet structures, silt fence drop inlet sediment filter, gravel and wire mesh drop inlet sediment filter, or curb inlet sediment filter. Barriers



shall be inspected after every rainfall event and repaired as necessary. Sediments shall be removed when accumulation has reached $\frac{1}{2}$ the design height.

- 2.1.9 Dust control shall be accomplished using either water, calcium chloride, stone, or an approved MDEP product. Dust control measures shall be applied as needed to accomplish dust control.
- 2.1.10 Temporary loam, seed, and mulching shall be used in areas where no other erosion control measure is used. Application rates for seeding are provided at the end of this report.
- 2.1.11 Stockpiles shall be stabilized within 7 days of formation unless a scheduled rain event occurs prior to the 7-day window, in which case the stockpile shall be stabilized prior to the rain event. Methods of stabilization shall be mulch, erosion control mix, or erosion control blankets/mats. Silt fence or a wood waste compost filter berm shall be placed downhill of any soil stockpile location.
- 2.1.12 For disturbance between November 1 and April 15, please refer to winter stabilization plan in this report and the Maine Erosion and Sediment Control BMP manual for further information.
- 2.1.13 It is of the utmost importance that stormwater runoff and potential sediment from the construction site be diverted around the proposed foundation drains until the trench is backfilled.

2.2 Permanent Erosion Control Measures

The following permanent erosion control measures are intended for post disturbance areas of the project.

- 2.2.1 All disturbed areas during construction, not subject to other proposed conditions, shall receive a minimum 4" of loam, limed, and mulched. Erosion control blankets or mats shall be placed over the mulch in areas noted in paragraph 4.1 of this report.
- 2.2.2 All stormwater devices shall be installed, and tributary areas stabilized prior receiving stormwater.
- 2.2.3 Refer to the Maine Erosion and Sediment Control BMP manual for additional information.

3.0 EROSION AND SEDIMENTATION CONTROL PLAN

- 3.1 The Erosion and Sedimentation Control Plan is included within the plan set.

4.0 DETAILS AND SPECIFICATIONS

- 4.1 Erosion Control Details and Specifications are included in the plan set.



5.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

Winter Construction consists of earthwork disturbance between the dates of November 1 and April 15. If a construction site is not stabilized with pavement, a road gravel base, 75% mature vegetation cover or riprap by November 15, then the site shall be protected with over-winter stabilization. Any area not stabilized with pavement, vegetation, mulching, erosion control mix, erosion control mats, riprap, or gravel base on a road shall be considered open.

The contractor shall limit the disturbance areas to locations that work will occur in during the subsequent 15 days and so that it can be mulched one day prior to a snow event. The contractor shall stabilize work areas prior to opening additional work areas to minimize areas without erosion control measures.

The following measures shall be implemented during winter construction periods:

5.1 Sediment Barriers

During frozen conditions, sediment barriers may consist of erosion control mix berms or any other recognized sediment barriers as frozen soil prevents the proper installation of hay bales or silt fences.

5.2 Mulching

All areas shall be considered to be denuded until seeded and mulched. Hay and straw mulch shall be applied at a rate of 150 lb. per 1,000 square feet or 3 tons/acre (twice the normal accepted rate of 75-lbs./1,000 s.f. or 1.5 tons/acre) and shall be properly anchored. Erosion control mix must be applied with a minimum 4-inch thickness. Mulch shall not be spread on top of snow. The snow shall be removed down to a one-inch depth or less prior to application. After each day of final grading, the area shall be properly stabilized with anchored hay or straw or erosion control matting. An area shall be considered to have been stabilized when exposed surfaces have been either mulched or adequately anchored so that ground surface is not visible through the mulch. Between the dates of November 1 and April 15, all mulch shall be anchored by either mulch netting, tracking or wood cellulose fiber. The cover will be considered sufficient when the ground surface is not visible through the mulch. After November 1st, mulch and anchoring of all exposed soil shall occur at the end of each final grading workday.

5.3 Soil Stockpiling

Stockpiles of soil or subsoil shall be mulched for over winter protection with hay or straw at twice the normal rate or with a four-inch layer of erosion control mix. This shall be done within 24 hours of stocking and re-established prior to any rainfall or snowfall.

5.4 Seeding



Between the dates of October 15th and April 1st, loam or seed shall not be required. During periods of above freezing temperatures, finished areas shall be fine graded and either protected with mulch or temporarily seeded and mulched until the final treatment can be applied. After November 1st and if the exposed area has not been loamed, final grading with a uniform surface, then the area may be dormant seeded at a rate of 3 times higher than specified for permanent seed and then mulched.

Dormant seeding may be placed prior to the placement of mulch or erosion control blankets. If dormant seeding is used for the site, all disturbed areas shall receive 4" of loam and seed at an application rate of 5 lbs./1,000 s.f. All areas seeded during the winter shall be inspected in the spring for adequate catch. All areas insufficiently vegetated (less than 75% catch) shall be revegetated by replacing loam, seed and mulch. If dormant seeding is not used for the site, all disturbed areas shall be revegetated in the spring.

5.5 Over winter stabilization of disturbed soils

By September 15th, all disturbed soils on areas having a slope less than 15% shall be seeded and mulched. If the disturbed areas are not stabilized by this date, then one of the following actions shall be taken to stabilize the soil for late fall and winter:

- Stabilize the soil with temporary vegetation – By October 1st, seed the disturbed soil with winter rye at a seeding rate of 3lbs per 1,000 s.f., lightly mulch the seeded soil with hay or straw at 75 lbs per 1,000 s.f., and anchor the mulch with plastic netting. Monitor growth of the rye over the next 30 days. If the rye fails to grow at least three inches or fails to cover at least 75% of the disturbed soil before November 1st, then mulch the area for over-winter protection.
- Stabilize the soil with sod – Stabilize the disturbed soil with properly installed sod by October 1st. Proper installation includes pinning the sod onto the soil with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil.
- Stabilize the soil with mulch – By November 15th, mulch the disturbed soil by spreading hay or straw at a rate of at least 150 lbs per 1,000 s.f. on the area so no soil is visible through the mulch. Immediately after applying the mulch, anchor the mulch with plastic netting to prevent wind from moving mulch off the disturbed soil.

5.6 Over winter stabilization of disturbed slopes

All stone-covered slopes shall be constructed and stabilized by November 15th. All slopes to be vegetated shall be seeded and mulched by September 1st. A slope is considered a grade steeper than 15%. If a slope to be vegetated is not stabilized by September 1st, then one of the following actions shall be taken to stabilize the slope for late fall and winter:



- Stabilize the soil with temporary vegetation and erosion control mats – By October 1st the disturbed slope shall be seeded with winter rye at a seeding rate of 3 lbs per 1,000 s.f. and then install erosion control mats or anchored mulch over the seeding. If the rye fails to grow at least three inches or fails to cover at least 75% of the slope by November 1st, then the contractor shall cover the slope with a layer of erosion control mix or with stone riprap.
- Stabilize the soil with sod – The disturbed slope shall be stabilized with properly installed sod by October 1st. Proper installation includes the contractor pinning the sod onto the slope with wire pins, rolling the sod to guarantee contact between the sod and underlying soil, and watering the sod to promote root growth into the disturbed soil. The contractor shall not use late-season sod installation to stabilize slopes having a grade greater than 3H:1V or having groundwater seeps on the slope face.
- Stabilize the soil with erosion control mix – Erosion control mix shall be properly installed by November 15th. The contractor shall not use erosion control mix to stabilize slopes having grades greater than 2H:1V or having groundwater seeps on the slope face.
- Stabilize the soil with stone riprap – Place a layer of stone riprap on the slope by November 15th. A registered professional engineer shall be hired to determine the stone size needed for stability on the slope and to design a filter layer for underneath the riprap.

6.0 INSPECTION AND MAINTENANCE

A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct periodic visual inspections of installed erosion control measures. The frequency of inspection shall occur at least once every two weeks, as well as after a “storm event”. A “storm event” shall consist 0.5 inches of rain within a 24-hour period. The following Erosion and Sediment Control - Best Management Practices (BMP's) shall be inspected in the manner as described.

6.1 Sediment Barriers

Hay bale barriers, silt fences and filter berms shall be inspected and repaired for the following if there are any signs of erosion or sedimentation below them. If there are signs of undercutting at the center or the edges of the barrier, or impounding of large volumes of water behind them, sediment barriers shall be replaced with a temporary check dam. Should the fabric on a silt fence or filter barrier decompose or become ineffective prior to the end of the expected usable life and the barrier is still necessary, the fabric shall be replaced promptly. Sediment deposits should be removed when deposits reach approximately one-half the height of the barrier. Filter berms should be reshaped as needed. Any sediment deposits remaining in place after the silt fence or filter barrier is no longer required should be dressed to conform to the existing grade, prepared and seeded.



6.2 Stabilized Stone Construction Entrances

The entrance shall be maintained in a condition that will prevent tracking of sediment onto public rights-of-way. When the control pad becomes ineffective, the stone shall be removed along with the collected soil material and redistributed on site in a stable manner. The entrance should then be reconstructed. The contractor shall sweep or wash pavement at entrances, which have experienced mud-tracking on to the pavement or traveled way. When washing is required, it shall be done on an area stabilized with aggregate that drains into an approved sediment trapping device. All sediment shall be prevented from entering storm drains, ditches, or waterways.

6.3 Mulched Areas

All mulches must be inspected periodically, in particular after rainstorms, to check for rill erosion. If less than 90% of the soil surface is covered by mulch, additional mulch shall be immediately applied. Nets must be inspected after rain events for dislocation or failure. If washouts or breakage occur, re-install the nets as necessary after repairing damage to the slope. Where mulch is used in conjunction with ornamental plantings, inspect periodically throughout the year to determine if mulch is maintaining coverage of the soil surface. Repair as needed.

6.4 Dust Control

When temporary dust control measures are used, repetitive treatment shall be applied as needed to accomplish control.

6.5 Stormwater Appurtenances

All underdrains, storm drains, and catch basins need to be operating effectively and free of debris.

6.6 Erosion and Sedimentation Control Inspections:

Acorn Engineering has personnel qualified to conduct Erosion and Sedimentation Control Inspections. For further information, contact:

Contact: Will Savage, PE
Telephone: (207) 775-2655

Qualifications:

- Maine Professional Engineering License #11419
- Maine DEP - Certified in Maintenance & Inspection of Stormwater BMP's Cert #14
- Certified Erosion, Sediment and Storm Water Inspector (CESSWI) Cert #0293
- Certified Professional in Erosion and Sediment Control (CPESC) Cert. #4620

The Contractor has sole responsibility for complying with the Erosion and Sedimentation Report/Plan, including control of fugitive dust. The Contractor



shall be responsible for any monetary penalties resulting from failure to comply with these standards.



7.0 **IMPLEMENTATION SCHEDULE**

The following implementation sequence is intended to maximize the effectiveness of the above described erosion control measures. Contractors should avoid overexposing disturbed areas and limit the amount of stabilization area.

1. Install a stabilized construction entrance in all locations where construction traffic will enter and exit the site.
2. Install perimeter silt fence or erosion control berm.
3. Commence installation of drainage infrastructure.
4. Install all other erosion control devices as necessary throughout the remainder of this schedule.
5. Commence installation of utilities.
6. Continue earthwork and grading to subgrade as necessary for construction.
7. Complete installation of drainage infrastructure, as well as other utility work.
8. Complete remaining earthwork operations.
9. Install sub-base and base gravels in paved areas.
10. Install paving, curbing and brickwork.
11. Loam, lime, fertilize, seed and mulch disturbed areas and complete all landscaping.
12. Once the site is stabilized, 90% catch of grass has been obtained, or mulching of landscape areas is complete, remove all temporary erosion control measures.
13. Touch up areas without a vigorous catch of grass with loam and seed.
14. Complete site signage and striping.
15. Execute proper maintenance of all temporary and permanent erosion control measures throughout the project.

The above implementation sequence should be generally followed by the site contractor. However, the contractor may construct several items simultaneously. The contractor shall submit a schedule of the completion of the work to the owner. If the contractor is to commence the construction of more than one item above, they shall limit the amount of exposed areas to those in which work is expected to be undertaken during the following 30 days.

The contractor shall re-vegetate disturbed areas as rapidly as possible. All areas shall be permanently stabilized within 7 days of final grading or before a storm event. The contractor shall incorporate planned inlets and drainage systems as early as possible into the construction phase.

8.0 **CONCLUSION**

The above erosion control narrative is intended to minimize the development impact by implementing temporary and permanent erosion control measures. The contractor shall also refer to the Maine Erosion and Sediment Control BMP manual for additional information.

9.0 **ATTACHMENTS**

- Temporary Seeding Plan
- Permanent Seeding Plan



TEMPORARY SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P₂O₅-K₂O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of temporary seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.	Recommended Seeding Dates
Winter Rye	2.57	Aug-15 to Oct-1
Oats	1.84	Apr-1 to Jul-1 Aug-15 to Sep-15
Annual Ryegrass	0.92	Apr-1 to Jul-1
Sudangrass	0.92	May-15 to Aug-15
Perennial	0.92	Aug-15 to Sep-15

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to temporary seeding and mulching.



PERMANENT SEEDING PLAN

Site Preparation

The seeded areas shall be feasibly graded to provide the use of equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. If necessary, the site may require additional temporary erosion control measures outlined in the Erosion Control report.

Seedbed Preparation

Fertilizer shall be applied to the site at a rate of 13.8 pounds per 1,000 square feet. The composition of the fertilizer shall be 10-10-10 (N-P₂O₅-K₂O) or equivalent.

Limestone shall be applied to the site at a rate of 138 pounds per 1,000 square feet.

Seeding

The composition and amount of permanent seed applied to a site shall be determined by the following table:

Seed	Pounds / 1,000 S.F.
Kentucky Bluegrass	0.46
Creeping Red Fescue	0.46
Perennial Ryegrass	0.11
Total	1.03

Mulching

Mulch shall be applied at a rate of 70 lbs – 90 lbs per 1,000 square feet. The mulch shall be installed at a minimum depth of 4 inches. The seeded area shall be mulched immediately after seed is applied. Mulching during the winter season shall be double the normal amount.

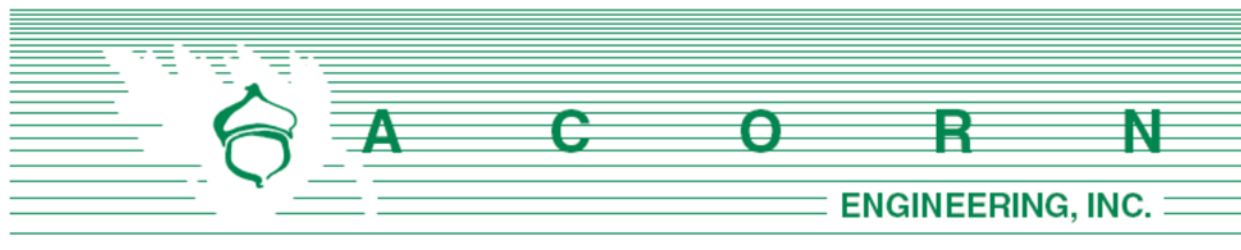
Recommendations

Permanent seeding is recommended to be completed in the spring. Summer seeding is allowed if completed prior to September 1st. If permanent seeding cannot be accomplished during the recommended periods, then the contractor shall perform temporary seeding per the temporary seeding plan.

Conclusion

Please refer to the Maine Erosion and Sediment Control BMP manual for additional information pertaining to permanent seeding and mulching.





Chief Keith Gautreau
 City of Portland Fire Department
 380 Congress St.
 Portland, ME 04101

April 15, 2019

Subject: 40 Free Street Site Review – Fire Department Checklist

On behalf of 40 Free Street, LLC the design team is pleased to respond to the Portland Fire Department Site Review Checklist.

1. Name, address, telephone number of applicant

40 Free, LLC
 10 Free Street
 Portland, Maine 04101

2. Name address, telephone number of architect

Ryan Senatore Architecture
 565 Congress St., Suite 304
 Portland, Maine 04101
 (207) 747-5159

3. Proposed uses of any structures [NFPA and IBC classification]

Please refer to the attached code review

4. Square footage of all structures [total and per story]

Basement Floor	9,522	sf
1 st Floor	9,373	sf
2 nd -4 th Floor	10,161	sf
5 th Floor	9,945	sf
6 th Floor	8,450	sf
Total	67,773	sf

5. Elevation of all structures

Based upon the average grade plane defined by the IBC, the proposed building height is just under 72' 8-1/2". This height is below the allowable

150' feet within the B-3 zone. Please refer to the building elevations provided by the Architect for additional information.

6. Proposed fire protection of all structures

The building will have a sprinkler system with additional protection per code. Fire flows and requirements for system storage or booster pumping are subject to the fire designer which will be performed prior the request for a building permit.

7. Hydrant locations

An existing hydrant is located in the sidewalk directly in front of the proposed building at 40 Free Street. A second existing hydrant is at the corner of Free Street and Center Street. The hydrant is located approximately 5 ft. from the nearest building edge. Please refer to the Existing Conditions Plan for the exact location of these hydrants. Hydrant flow data from the Portland Water District once received may be made available to the Fire Department upon request.

8. Water main size and location

The redevelopment will be serviced by a new 6" sprinkler line and domestic water main Free Hammond Street. A 4" or 6" fire service line will extend from the domestic water main to the building fire suppression system. The building is expected to have internal sprinkler risers and a Fire Department pump connection on the street side of the building.

9. Access to all structures [min. 2 sides]

Access to the structure is provided on Free Street and in the back of the building facing the existing parking lot.

10. A code summary shall be included referencing NFPA 1 and all fire department technical standards.

Please refer to the attached code summary from Fire Risk Management.

Please let me know if you have any additional questions or comments.

Sincerely,



Matthew Ballog P.E.
Project Manager
Acorn Engineering, Inc.



Code Review

Mar 8, 2019

Mixed Use Building - 40 Free Street, Portland, Maine

IBC 2015

NFPA 101 2009

6 floors above grade

502.1

Sprinklers

NFPA 13

NFPA 13

Fire Alarm

Monitored Fire Alarm Required

Monitored Fire Alarm Required

Smoke and CO Detectors

Smoke and CO detectors required

Smoke and CO detectors required

Occupant Load

T 1004.1.1

7.3.1.2

Basement = 9,522 sf S2 parking Garage (200 gsf/oc) = 48

Basement = 9,522 sf S2 park Gar (200 gsf/oc) = 48

Floor 1= 1,809 sf Residential (200 gsf/oc) = 9

Floor 1= 1,809 sf Residential (200 gsf/oc) = 9

Floor 1 = 7,564 sf Retail (30 gsf/oc) = 253

Floor 1 = 7,564 sf Retail (30 gsf/oc) = 253

Floor 2 = 10,161 sf Residential (200 gsf/oc) = 51

Floor 2 = 10,161 sf Residential (200 gsf/oc) = 51

Floor 3 = 10,161 sf Residential (200 gsf/oc) = 51

Floor 3 = 10,161 sf Residential (200 gsf/oc) = 51

Floor 4 = 10,161 sf Residential (200 gsf/oc) = 51

Floor 4 = 10,161 sf Residential (200 gsf/oc) = 51

Floor 5 = 9,945 sf Residential (200 gsf/oc) = 50

Floor 5 = 9,945 sf Residential (200 gsf/oc) = 50

Floor 6 = 8,450 sf Residential (200 gsf/oc) = 43

Floor 6 = 8,450 sf Residential (200 gsf/oc) = 43

Total Building Occupant Load = 556**Total Building Occupant Load = 556**

Use Group(s)

310.1

Apartments (R2)

30.1

Apartment Building

S2 - Parking

Assembly Under 300 Occupants

M - Retail

Storage -Ordinary Hazard - Parking Garage

A2 - Bar

Podium Building

510.2

Type 1A below 3hr separation Type 2B above

Max Building height from grade plane for 2B type (75')

Constr. Type B and 1		T 503	1A - non-combustible protected		I (332) non-combustible protected
Constr. Type 2,3,4,5,6		T 503	2B - non-combustible unprotected		II (000) non-combustible unprotected
Building Height		T 504.3	Sprinkler NFPA13 = 75' max. For R, M, A, S uses		
	403.1		Building is NOT a High-Rise as the highest occupied floor is NOT		
			More than 75' above the lowest level of Fire Department Access		
Number of Stories		T 504.4	R2 = 5 Stories with sprinkler above podium		
			A2 = 3 Stories with sprinkler		
			M = 2 Stories with sprinkler		
			S2 = 4 Stories with sprinkler		
Building Area		T 506.2	Sprinkler 13 = 28,500 sf max per floor (A2 is most restrictive)		
Building Elements 1A		T 601	3 hr Structural Frame	30.1.6	Apartments -No Minimum Construction requirements
		T 602	3 hr Bearing Walls Exterior (sep. dist $\geq$ 10')	42.1.6	Storage - No Min requirements
		T 602	3 hr Bearing Walls Exterior (sep. dist $<$ 10')	37.1.6	Storage - No Min requirements
		T 601	3 hr Bearing Walls Interior		
		T 601	0 hr Non-Bearing Walls Interior		
		T 602	1 hr Non-Bearing Walls Exterior (sep. dist $\geq$ 10')		
		T 602	1 hr Non-Bearing Walls Exterior (sep. dist $<$ 10')		
		705.5	Exterior Wall with $>$ 10' sep. needs rating only from inside		
		T 601	2 hr Floor Construction		
		T 601	1-1/2 hr Roof Construction		
Building Elements 2B		T 601	0 hr Structural Frame		
		T 602	0 hr Bearing Walls Exterior (sep. dist $\geq$ 10')		
		T 602	1 hr Bearing Walls Exterior (sep. dist $<$ 10')		
		T 601	0 hr Bearing Walls Interior		
		T 601	0 hr Non-Bearing Walls Interior		
		T 602	0 hr Non-Bearing Walls Exterior (sep. dist $\geq$ 10')		
		T 602	1 hr Non-Bearing Walls Exterior (sep. dist $<$ 10')		
		705.5	Exterior Wall with $>$ 10' sep. needs rating only from inside		

			T 601	1 hr Floor Construction (1hr between units)		
			T 601	0 hr Roof Construction		
Separations						
				A2 and R2 sprinkled = 1hr	T6.1.14.4.1	Assembly and Apartments with Sprinkler = 1 hr
				S2 and R2 sprinkled = 1 hr		Mercantile and Apartments with Sprinkler = 1hr
				A2 and S2 sprinkled = 0 hr		Assembly and Mercantile with Sprinkler = 1 hr
				A2 and M sprinkled = 1 hr		Mercantile and Storage Ordinary with Sprinkler = 1hr
				M and S2 sprinkled = 1 hr		
			708	2 hr Mechanical Shaft > 4 stories		
			1022.1	2 hr Stair Shaft > 4 stories		
			709.1	1 hr Between Dwelling Units	30.3.7.2	1/2 hr vertical and horizontal sep. between dwellings
			1018.1	1/2 hr Corridor	30.2.4.4.7	1 hr corridor
			508.2.5	1 hr Boiler Room	T 31.3.2.1.1	0 hr Boiler Room w/sprinklers
			508.2.5	1 hr Trash Room	T 31.3.2.1.1	0 hr Trash Room w/sprinklers
			508.2.5	1 hr Storage Room	T 31.3.2.1.1	1 hr Storage Room w/sprinklers
			508.2.5	1 hr Laundry Room	T 31.3.2.1.1	0 hr Laundry Room w/sprinklers
			715.4	90 minute Stairwell Doors (2hr shaft)		
			715.4	20 minute Apartment Entry Doors (1/2 hr corridor wall)	30.3.6.2.1	20 minute Apartment Entry Doors
Distances and Exits						
			1017.2	250' Travel Distance to exits with Sprinklers	30.2.6.2.3	200' Travel distance from apt. door to exit
			1006.2.1	125' Common Path of Travel for R use (75' for M and A)	30.2.5.3.2	50' Common Path of Travel
			1020.4	50' Dead End (20' in A use)	30.2.5.4	50' Dead End
					30.2.6.1.2	125' Travel Distance within Dwelling to Corridor
			403.6.2	Elevator as Means of Egress - required as building is over 4 stories		
				Generator required as Elevator is a MOE		
				Elevator Lobbies Required		
				Exterior Walls to meet NFPA 285 Fire Test		

Unprotected Openings	T 705.8	15% when exterior wall sep. dist. is 3'>5'			
	T 705.8	25% when exterior wall sep. dist. is 5'>10'			
	T 705.8	45% when exterior wall sep. dist. is 10'>15'			
	T 705.8	75% when exterior wall sep. dist. is 15'>20'			
	T 705.8	Unlimited when exterior wall sep. dist. is 25'>30'			
	T 705.8	Unlimited when exterior wall sep. dist. is >30'			
Parapets	705.11 (ex 6)	Parapets are NOT required when the wall is allowed 25% or more			
		Unprotected openings			
Egress Windows	1030.1	NOT Required at the building has two means of egress			
Egress Stairs	1009.1	Occ. Load >50 = 44" min width			
	1003.3	Handrails can protrude into stair 4.5" max	7.2.2.2.1.2		Handrails can protrude into stair 4.5" max
	1005.2	Door Swings may not reduce egress width by > 1/2			
	1009.2	80" min headroom	7.2.2.2.1.1(b)		6'-8" min. headroom
	1009.3	7" max. riser	7.2.2.2.1.1(b)		8" max. riser
	1009.3	11" min Tread depth	7.2.2.2.1.1(b)		9" min. tread
	1009.6	12' max. total rise between floors or landings	7.2.2.2.1.1(b)		12' max. height between landings
Ramps	1010.2	1:12 (8%) Max slope	7.2.5.2(a)		1:8 max. slope
	1010.6	60" long landings at top and bottom			
	1010.6	2% max slope of landings	7.2.5.2(a)		1:48 max. cross slope
	1010.8	>6" rise must have handrails on both sides of ramp			
Egress Corridors	1018.2	44" min. when Occ. > 50			
	1018.2	24" min. at service corridors to mechanical equipment			
Sound	1207.2	STC > 50 at walls and floors/ceilings			
	1207.3	IIC > 50 at walls and floors/ceilings			
Energy IECC 2009	T 402.1.1	0.35 Fenestration U-Factor			
Zone 6		R-49 Ceiling			

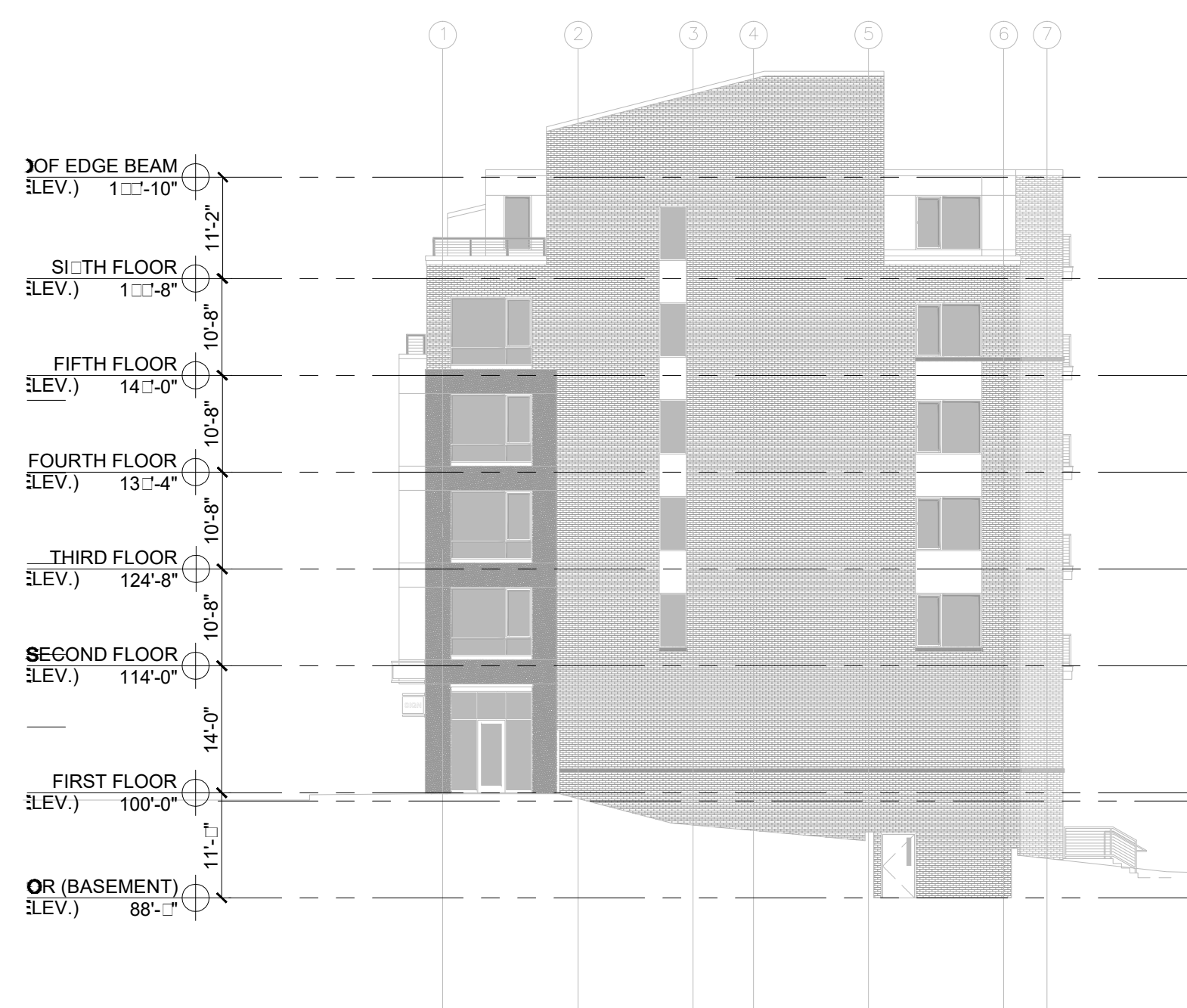
Residential			R-20 or 13+5c Framed wall			
			R-30 Floor			
			R-19 or 15c Basement wall			
			R-10 to 4ft Slab			
Accessibility			IBC 2015 Chapter 11 - 2% of units to be ANSI TYPE-A, rest are TYPE-B			
			Fair Housing Act Applies			
			Maine Human Rights Act Applies			
			ADAAG applies to Public Spaces			
Plumbing						



4 CODE REVIEW NORTH ELEVATION
1/1" = 1'-0"



2 CODE REVIEW EAST ELEVATION
1/1" = 1'-0"



3 CODE REVIEW WEST ELEVATION
1/1" = 1'-0"



1 CODE REVIEW SOUTH ELEVATION
1/1" = 1'-0"

© 2019 RYAN SENATORE ARCHITECTURE

MIXED USE BUILDING

40 FREE STREET

PORTLAND, MAINE

RSA

RYAN SENATORE
ARCHITECTURE
100 CONGRESS STREET, 12
PORTLAND, MAINE 04101
202.415.1119
rsa@rsascale.com

CONSULTANTS:
STRUCTURAL:
Structural Integrity
40 FREE STREET
PORTLAND, ME 04101
202.415.1119

REVISIONS:
PROGRESS PRINT ONLY
Not for Construction
03 / 11 / 19

DATE:
PROJECT N: 1884
DRAWN BY: RRT, RJS
CHECKED BY: RJS
SCALE: AS NOTED

SHEET TITLE:
CODE REVIEW
ELEVATIONS

G1-3

M. Calculation of Wastewater Flowrate for 40 Free Street Development

The proposed project will include the development of 6 stories with 51 residential units, 5 retail units and on-site parking. Based upon the Section 4 of the Maine Subsurface Wastewater Disposal Rules, the project anticipates the following daily flows:

Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Proposed flow				
Store	Per Toilet	5	325	1,625
Store	Per Employee	10	12	120
Residential Units	1 Bedroom	37	120	4,440
Residential Units	2 – Bedroom	14	180	2,520
Net Change				8,705

*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition



CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Portland Dept. of Public Works -
Water Resources
55 Portland Street,
Portland, Maine 04101-2991



Bradley Roland, P.E.
Water Resources Division
Department of Public Works
55 Portland Street
Portland, ME 04103

Date: 5-14-19

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 40/46 Free Street, Portland, 04101

Chart Block Lot Number: 38-A-14

Proposed Use: Mixed-Use (retail and residential)

Previous Use: Surface Parking

Existing Sanitary Flows: 0 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer that is to
receive the proposed building sewer lateral.

15" combined sewer main in Free Street, near
road centerline.

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: Andrew Tufts Phone: 207-874-8724

Owner/Developer Name: 40 Free LLC

Owner/Developer Address: 10 Free St, Portland ME 04101

Phone: 207-774-5908 Fax: E-mail: Veroneau@jbbrown.com

Engineering Consultant Name: Acorn Engineering, Inc.; Attn: Will Savage, PE

Engineering Consultant Address: 65 Hanover St, Portland ME 04101

Phone: 207-775-2655 Fax: E-mail: wsavage@acorn-engineering.com

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: 8705 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)
State of Maine: Subsurface Waste Disposal Rules, most recent edition

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:

NA

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:

0

GPD

Do you currently hold Federal or State discharge permits?

Yes

No

Is the process wastewater termed categorical under CFR 40?

Yes

No

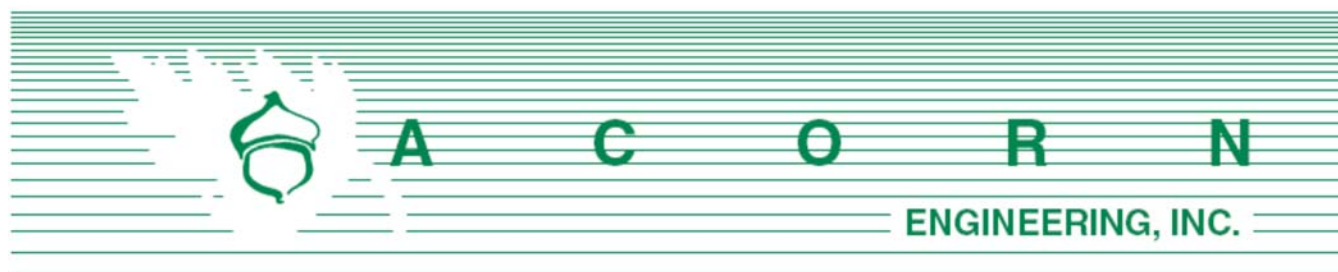
OSHA Standard Industrial Code (SIC):

(<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times:

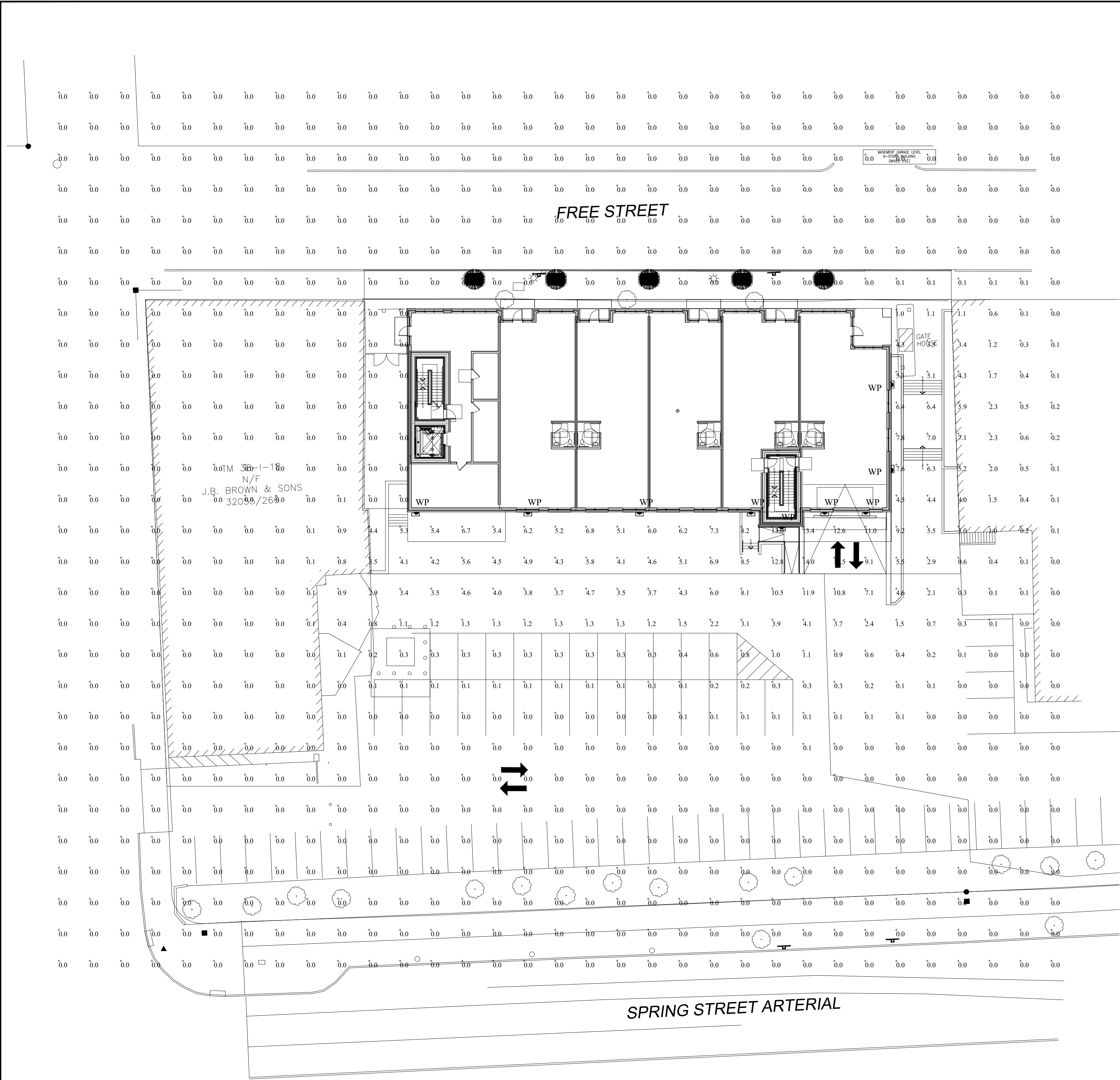
Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the 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.



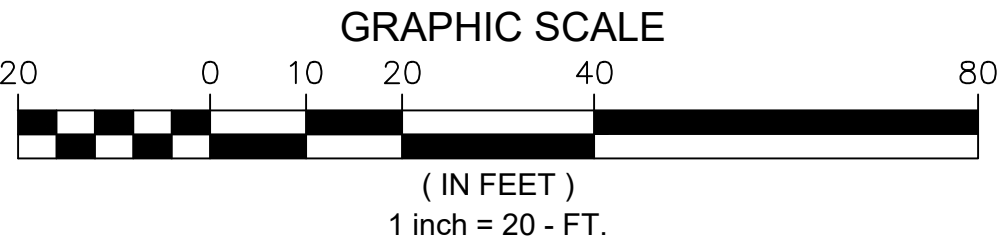
N. Lighting

Please find attached the photometric plan and cut sheets.



Luminaire Schedule							
Symbol	Qty	Label	Mounting Height	LLF	Lum. Lumens	Lum. Watts	Description
	9	WP	12' - 0" AFG	0.900	6948	67	QSP2-32L-70-3K7-4

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Overall Area	Illuminance	Fc	0.64	14.0	0.0	N.A.	N.A.



1. THIS LIGHTING DESIGN IS BASED ON LIMITED INFORMATION SUPPLIED BY OTHERS TO HUBBELL LIGHTING. SITE DETAILS PROVIDED HEREON ARE REPRODUCED ONLY AS A VISUALIZATION AID. FIELD DEVIATIONS MAY SIGNIFICANTLY AFFECT PREDICTED PERFORMANCE. PRIOR TO INSTALLATION, CRITICAL SITE INFORMATION (POLE LOCATIONS, ORIENTATION, MOUNTING HEIGHT, ETC.) SHOULD BE COORDINATED WITH THE CONTRACTOR AND/OR SPECIFIER RESPONSIBLE FOR THE PROJECT.

2. LUMINAIRE DATA IS TESTED TO INDUSTRY STANDARDS UNDER LABORATORY CONDITIONS. OPERATING VOLTAGE AND NORMAL MANUFACTURING TOLERANCES OF LAMP, BALLAST, AND LUMINAIRE MAY AFFECT FIELD RESULTS.

3. CONFORMANCE TO FACILITY CODE AND OTHER LOCAL REQUIREMENTS IS THE RESPONSIBILITY OF THE OWNER AND/OR THE OWNER'S REPRESENTATIVE.

TITLE:

40 FREE STREET
PORTLAND, ME
SITE PHOTOMETRIC PLAN

REVISED FROM DRAWING NUMBER(S):

Hubbell Lighting, Inc.
701 MILLENNIUM BLVD.
GREENVILLE, SC 29607

DN BY: DHK	DATE: 04/09/19	CHK BY: N/A
REV. BY:	DATE:	SCALE: AS NOTED
QUOTE: N/A	DRAWING / DESIGN NO.: 1923928	

GEOPAK SERIES SIZE 2 LED

Architectural Wallpack
TRP2/RD12/QSP2

NEW

Cat.#

Job

40 Free Street

Type



HUBBELL
Outdoor Lighting

Approvals

SPECIFICATIONS

Applications:

Medium sized architectural wallpacks in three stylish shapes accentuate building architecture and provide excellent illumination and uniformity

Construction:

- Die-cast aluminum housing and door
- Seven powder coat standard finishes, plus custom color options

LED:

- 24 or 32 high power LEDs deliver up to 10,800 lumens
- Up to 146 Lumens per watt
- Different lenses offer a variety of distribution patterns - Type I, II, III and IV (Forward throw)
- 3000K - 70 CRI, 4000K - 70 CRI, and 5000K - 70 CRI, CCT nominal

Electrical:

- Optional Dual Drivers & Dual Power Feeds for 50, 70 and 90 watt versions
- 120-277, 347 and 480 voltage, 50/60Hz
- Power factor $\geq 90\%$
- THD (Total Harmonic Distortion) $<20\%$
- Ambient operating temperature -40°C to 40°C
- 20kA surge protection (series); Automatically takes fixture off-line when device is consumed

Installation/Mounting:

- Quick-mount adapter with gasket seal provides easy installation to wall or to recessed junction box (4" square junction box). Fixture attaches by two Allen-head hidden fasteners for tamper resistance.
- Black box accessory available for surface conduit application
- Optional inverted/up mounting (must specify when ordering)

Options/Controls:

- Drivers are 0-10V dimming standard
- Universal button photocontrol for dusk to

dawn energy savings

- Photocell and occupancy sensor options available for complete on/off and dimming control
- Occupancy sensor options available for complete on/off and dimming control
- In addition, GeoPak Size 2 can be specified with SiteSync™ wireless control system for reduction in energy and maintenance cost while optimizing light quality 24/7. See ordering information or visit www.hubbell-lighting.com/sitesync for more details

Listings:

- IP65 rated housing
- DesignLights Consortium® (DLC) qualified. Please refer to the DLC website for specific product qualifications at www.designlights.org
- Zero uplight (U0), dark sky, neighbor friendly
- Drivers IP66 and RoHS compliant

Battery Backup:

- Integral Battery Backup provides emergency lighting for the required 90 minute path of egress.
- Includes a long-life Lithium Iron Phosphate battery with optional battery heater for cold temperature application.
- Utilizes 4 LEDs in emergency mode with 657 lumens. Each of the 4 LEDs in emergency are designed to function independently in the unlikely event of a single LED malfunction
- Spectron® self-testing/self-diagnostic electronics are included standard
- Independent dedicated driver and LED array for battery/emergency mode operation.

Warranty:

For more information visit:
<http://www.hubbelloutdoor.com/resources/warranty/>

PRODUCT IMAGE(S)



Trapezoid

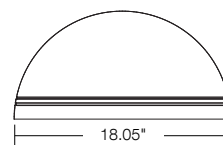


Radius

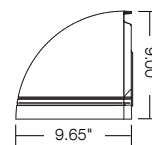


Quartersphere

DIMENSIONS



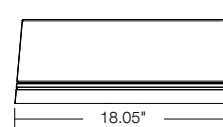
18.05"



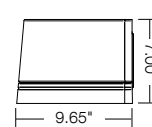
9.65"

QSP2

Weight:
15 lbs (6.8 kg)



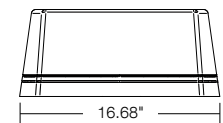
18.05"



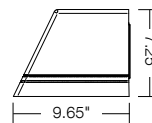
9.65"

RD12

Weight:
16 lbs (7.3 kg)



16.68"



9.65"

TRP2

Weight:
16 lbs (7.3 kg)

CERTIFICATIONS/LISTINGS



*3000K and warmer CCTs only

SHIPPING INFORMATION

Catalog Number	G.W(kg)/CTN	Carton Dimensions		
		Length Inch (cm)	Width Inch (cm)	Height Inch (cm)
QSP2	17 (7.7)	20.5 (52)	10.5 (26)	11 (28)
RD12	18 (8.2)	20.5 (52)	9.5 (24)	12 (30)
TRP2	16 (7.3)	18.5 (47)	9.5 (24)	11.5 (29)

ORDERING INFORMATION ORDERING EXAMPLE: TRP2-24L30-3K7-2-UNV-DB



FAMILY		LEDS - WATTAGE		CCT	DISTRIBUTION		VOLTAGE		FINISH		CONTROL OPTIONS		OPTIONS			
TRP2	Trapezoid	24L-30	24 LEDs, 30 watts	3K7	3000K, 70CRI	1	Type I	UNV	120-277V	BL	Black Textured	PC	Button Photocontrol	SF ³	Single Fuse & Fuse Holder	
RD12	Radius	24L-50	24 LEDs, 50 watts	4K7	4000K, 70CRI	2	Type II	120	120V	DB	Dark Bronze Textured	SCP ^{4,5}	Programmable occupancy sensor, factory default is 10% light output	DF ³	Double Fuse & Fuse Holder	
QSP2	Qtr-sphere	24L-70	24 LEDs, 70 watts	5K7	70CRI	3	Type III	208	208V	GT	Graphite Textured	SCO ⁴	Sensor Control, On/Off	E ³	Battery Pack (0°C)	
		24L-90	24 LEDs, 90 watts		5000K, 70CRI	4	Type IV	240	240V							
		32L-70	32 LEDs, 70 watts					277	277V	GYS	Light Gray Smooth	SWP ^{3,7}	SiteSync Pre-Commission	EH ³	Battery Pack (-30°C) with heater	
		32L-90	32 LEDs, 90 watts					UHV ¹	347/480V	PS	Platinum Silver Smooth	SWPM ^{3,4,7,8}	SiteSync Pre-commission w/Occupancy Sensor		2DR ⁶	Dual Drivers
								347 ¹	347V	WH	White Textured	SPEC SCP/SCO & SWPM MOUNT HEIGHT		2PF ⁶	Dual Power Feeds	
								480 ¹	480V	CC	Custom Color	-8F	Up to 8ft mount height	CS	Comfort Shield	
												-20F	Up to 20ft mount height			
SECONDARY MOUNTING																
BLANK										Downlight Only						
NV ²										Inverted/Up Mounting						

¹ 70 & 90 watt versions only

² Not available with SCP, SCO or SWPM sensor options

³ Must specify voltage (120, 277 or 347V only for SWP & SWP, 120 or 277V only for E & EH)

⁴ PCU option not applicable, included in sensor

⁵ Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings

⁶ Not available with 30w version

⁷ Not available with E/EH options. Must specify group and zone information at time or order. See www.HubbellLighting.com/products/sitesync for future details

⁸ Specify time delay, dimming level and mounting height

¹ 70 & 90 watt versions only

² Not available with SCP, SCO or SWPM sensor options

³ Must specify voltage (120, 277 or 347V only for SWP & SWPM, 120 or 277V only for E & EH)

⁴ PCU option not applicable, included in sensor

⁵ Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings

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⁸ Specify time delay, dimming level and mounting height



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Outdoor Lighting

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Due to our continued efforts to improve our products, product specifications are subject to change without notice.

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TRP2/RD12/QSP2-SPEC
JULY 17, 2018 7:35 AM

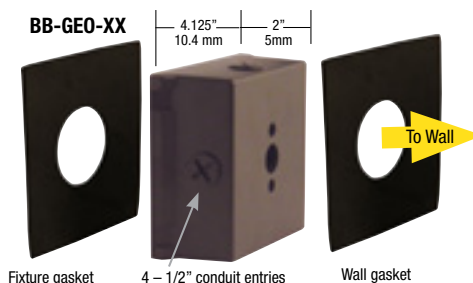
ACCESSORIES (ORDER SEPARATELY)

Catalog Number	Description
SCP-REMOTE*	Remote control for SCP option. Order at least one per project to program and control dimming settings
BB-GEO-XX	Black box with 4 - 1/2" threaded conduit holes, specify finish by replacing "XX" with finish selection, eg. Dark Bronze "DB"
SWUSB**	SiteSync loaded on USB flash drive (Windows based only)
SWTAB**	SiteSync Windows Tablet
SWBRG*	SiteSync Wireless Bridge Node

* Must order minimum of one remote control to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different time delay settings.
 ** When ordering with SiteSync, one of the following interface options must be chosen and ordered separately. Each option contains the SiteSync License, GUI and Bridge Node.
 * If needed, an additional Bridge Node can be ordered.



BB-GEO-XX – Mounted to luminaire



INPUT POWER CONSUMPTION

# OF LEDS	DRIVE CURRENT (mA)	INPUT VOLTAGE (V)	CURRENT (Amps)	SYSTEM POWER (w)
24	350mA	120	0.23	28
		277	0.10	28
	625mA	120	0.41	49
		277	0.18	49
	900mA	120	0.59	71
		277	0.25	71
		347	0.20	71
		480	0.15	71
	1100mA	120	0.72	87
		277	0.31	87
		347	0.25	87
		480	0.18	87
32	650mA	120	0.56	67
		277	0.24	67
		347	0.19	67
		480	0.14	67
	850mA	120	0.69	83
		277	0.30	83
		347	0.24	83
		480	0.17	83

PERFORMANCE DATA

# OF LEDS	DRIVE CURRENT	SYSTEM WATTS	DIST. TYPE	5K (5000K nominal, 70 CRI)					4K (4000K nominal, 70 CRI)					3K (3000K nominal, 70 CRI)				
				LUMENS	LPW'	B	U	G	LUMENS	LPW'	B	U	G	LUMENS	LPW'	B	U	G
24	350mA	28	1	4,075	146	1	0	0	4,065	146	1	0	0	3,660	131	0	0	0
			2	3,747	134	1	0	1	3,738	134	1	0	1	3,366	121	1	0	1
			3	3,756	135	1	0	1	3,747	134	1	0	1	3,374	121	1	0	1
			4	3,656	131	0	0	1	3,647	131	0	0	1	3,284	118	0	0	1
	625mA	49	1	6,329	130	1	0	0	6,313	130	1	0	0	5,685	117	1	0	0
			2	5,820	120	1	0	1	5,806	119	1	0	1	5,228	108	1	0	1
			3	5,833	120	1	0	2	5,819	120	1	0	2	5,240	108	1	0	2
			4	5,678	117	1	0	2	5,664	117	1	0	2	5,100	105	1	0	2
	900mA	71	1	8,613	122	1	0	1	8,592	122	1	0	1	7,737	110	1	0	1
			2	7,921	112	1	0	2	7,902	112	1	0	2	7,115	101	1	0	2
			3	7,939	112	1	0	2	7,920	112	1	0	2	7,131	101	1	0	2
			4	7,728	109	1	0	2	7,709	109	1	0	2	6,942	98	1	0	2
	1100mA	87	1	10,791	124	1	0	1	10,765	124	1	0	1	9,694	112	1	0	1
			2	9,924	114	2	0	2	9,900	114	1	0	2	8,915	103	1	0	2
			3	9,946	115	1	0	2	9,922	114	1	0	2	8,935	103	1	0	2
			4	9,682	112	1	0	2	9,659	111	1	0	2	8,696	100	1	0	2
32	650mA	67	1	8,621	129	1	0	1	8,600	128	1	0	1	7,744	116	1	0	1
			2	7,928	118	1	0	2	7,909	118	1	0	2	7,122	106	1	0	2
			3	7,946	119	1	0	2	7,927	118	1	0	2	7,137	107	1	0	2
			4	7,735	115	1	0	2	7,716	115	1	0	2	6,948	104	1	0	2
	850mA	83	1	10,806	130	1	0	1	10,780	130	1	0	1	9,705	117	1	0	1
			2	9,938	120	2	0	2	9,914	119	1	0	2	8,927	108	1	0	2
			3	9,960	120	1	0	2	9,936	120	1	0	2	8,947	108	1	0	2
			4	9,695	117	1	0	2	9,672	117	1	0	2	8,709	105	1	0	2



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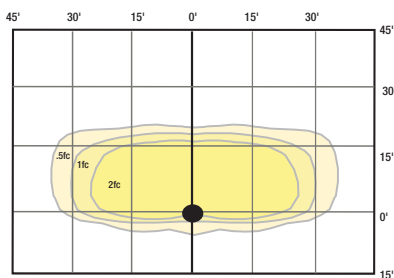
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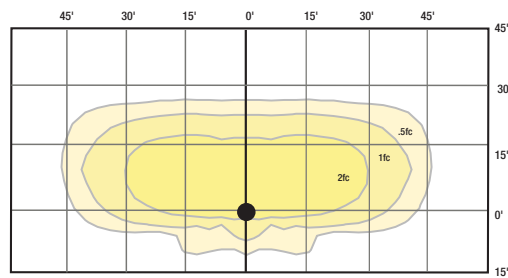
TRP2/RD12/QSP2-SPEC

JULY 17, 2018 7:35 AM

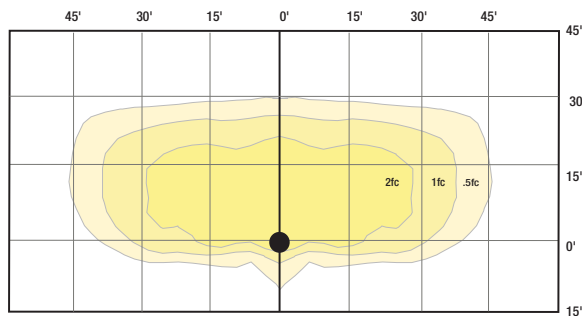
PHOTOMETRIC REPORTS



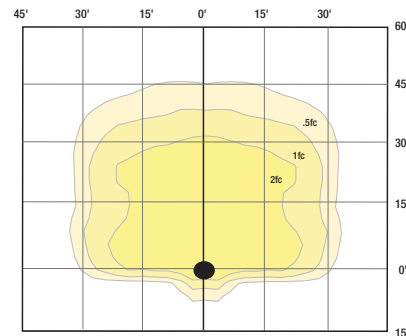
TRP2-24L-50-4K7-1
15" MOUNTING HEIGHT



TRP2-24L-50-4K7-2
15" MOUNTING HEIGHT

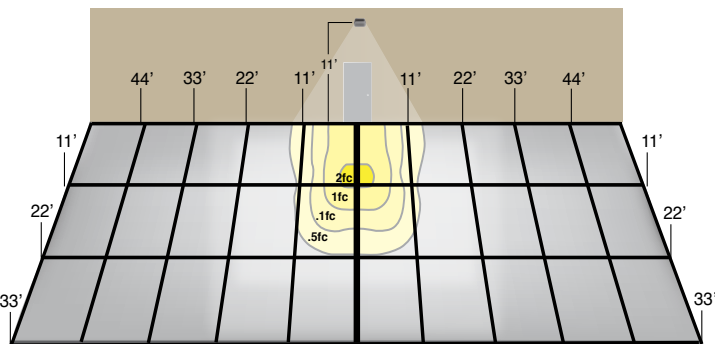


TRP2-24L-50-4K7-3
15" MOUNTING HEIGHT



TRP2-24L-50-4K7-4
15" MOUNTING HEIGHT

PHOTOMETRICS - BATTERY BACK UP



11' Mounting Height

Provides Life Safety Code average illuminance of 1.0 fc. Assumes open space with no obstructions and mounting height of 11'.

Diagrams for illustration purposes only, please consult factory for application layout.

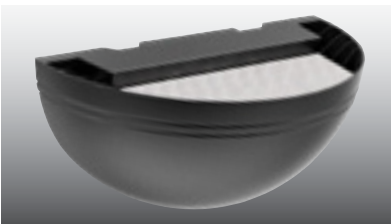
Battery backup units consume 6 watts when charging a dead battery and 2 watts during maintenance charging. EH (units with a heater) consume up to an additional 8 watts when charging if the battery temp is lower than 10°C

E & EH EMERGENCY BATTERY BACKUP



24 or 32 high power LEDs generate up to 11,000 lumens in normal mode and use 4 LEDs for up to 700 lumens in emergency mode.

INVERTED MOUNTING



Inverted mounting capabilities for uplighting applications. Specially designed frosted acrylic diffuser softens output, improves uniformity and prevents water from collecting.

COMFORT SHIELD



Comfort shield option utilizes a frosted acrylic lens that softens output and improves uniformity. Available from the factory or as an accessory for field installation.

CONTROL OPTIONS



Programmable occupancy sensor offers greater control and energy savings with adjustable delay and dimming levels (Factory default is 10%)

April 1, 2019

Deb Andrews

Historic Preservation Program Manager
389 Congress Street
4th Floor
Portland, ME 04101

Re: 40 Free Street Mixed Use

Deb,

Please see the attached submission for the Historic Board Review for the proposed mixed use project to be located at 40 Free Street in Portland. The existing site is a surface parking lot between existing masonry buildings on Free Street, with a large surface lot behind the proposed structure. The building is 6 stories above Free Street with a daylight basement covered parking level accessed from the existing parking lots to the Southeast of the building. 40 Free Street has five retail suites on the Free Street level each with their own entry, as well as a common entry and associated elements for the 51 apartments above. Levels two through six are residential apartments, varying from 11 to 7 units per floor.

The buildings massing responds to the existing neighborhood context by recessing and projecting elements to scale the facade. The building's 6th floor is stepped back to break the street wall height down to a more compatible scale with the surrounding structures, as well as providing exterior decks for those units. The facade is broken horizontally as well, this is achieved through the use of recessed entries to the retail suites and projecting bays above them. This establishes an ordered rhythm along Free Street with visual interest and a varied shadow lines. The facade materials utilized again scale the facade and relate it to the existing site context. The dominant facade material is brick found extensively in the neighborhood context. The building has a base of granite panels that relate to historic first floor retail building materials in the surrounding context. The granite is pulled upward at the building corners to anchor the building and relate to the adjacent four story granite facade at 22 Free Street. The projecting

207-650-6414

senatorearchitecture.com

ryan@senatorearchitecture.com

bays along Free Street are clad with a flat metal panel dark in color to contrast the masonry's color and texture, as well as provide a visually lighter material to scale the facade and announce the retail entries below.

We are very excited to present this significant urban infill project to the City and strengthen the Free Street, streetscape. We look forward to presenting the project at the upcoming Historic Review Board meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Senatore", is positioned below the word "Sincerely,".

Ryan Senatore, AIA LEED-AP

Principal

P. Utilities

The proposed project will include installation of multiple utility services to the new building.

Water:

A new 6" sprinkler connection and 4" domestic connection will tie into the main on Free Street and will extend to the building. The existing 6" main that bisects the site will be retired in accordance with Portland Water District Standards.

Sewer:

A new 6" pvc lateral will be installed to accept the wastewater from each unit, the elevator sump, and the garage sewer after draining from the oil-water separator. The garage and elevator sump will be pumped internally to meet with the wastewater lines from the living levels before being fed via gravity to the sewer main within Free Street.

Stormwater:

The existing storm drain line that bisects the property will be partially retired in accordance with the Department of Public Works. It is proposed to intercept the entirety of the roof runoff and discharge it to the Free St sewer. Runoff from the surface parking lot will be collected via catch basin and discharged to the Spring Street Sewer. Please see the Stormwater Management Report for more information.

UGE/T/C:

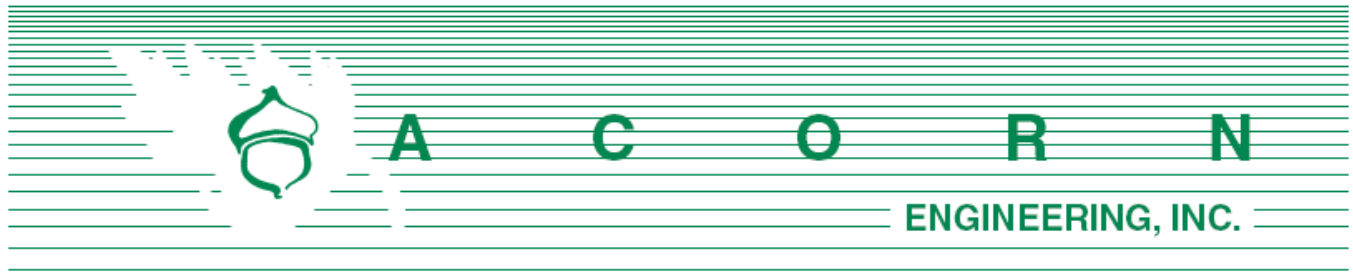
New underground services are proposed from Center Street and from Free Street.

Gas:

There is currently no natural gas servicing the property. It is proposed to install a gas service off of the new gas main within Free Street as seen on the Utility Plan, Sheet C-20. This gas main is proposed by Unitil to be constructed in Summer 2019. If unavailable, connection will be made via Center Street.

Ability to serve letters have been sent out to the respective utility companies on March 15th, 2019 in accordance with the City of Portland Code of Ordinances Chapter 14 Land Use, Section 14-527(g)(7). Responses from the utility companies can be found attached to this section.





Central Maine Power Company
Attn: Mr. Paul DuPerre
162 Canco Road
Portland, Maine 04103

March 15, 2019

Subject: 40 Free Street Development
Re: Ability to Serve

Mr. DuPerre:

On behalf of 40 Free LLC, we are pleased to submit the following request for Central Maine Power's ability to serve the proposed development. 40 Free Street is a six-story mixed-use development with street level commercial space, lower level parking, and 47 apartment units on the upper floors.

The proposed redevelopment project is located at 40 Free Street (Chart, Block, Lot 38-A-14-15-16 I-1-2-3-4-5) within the B-3 and DEOZ zoning districts in Portland, Maine, bordered by Center Street and Spring Street. There is an existing parking lot located within the project location which is to be partially impacted to create the structure for the proposed project.

The developer plans to serve the proposed building with a 3-phase electric service. On behalf of the client we are requesting the following information:

1. Any additional information, such as additional utility mapping confirming single and three-phase power locations within Free Street, Center Street, Cross Street and Spring Street.
2. Any easements for underground services currently crossing the proposed development.
3. Alternative connection locations from the development to the existing system.
4. CMP's proposed infrastructure improvements within the project vicinity.
5. CMP's ability to serve the project.
6. Any input on the proposed location of the transformer and offsets, including offsets from adjacent buildings and windows, as well as transformer and pad sizes. If required, other options such as in-ground mounting within the sidewalk location may be explored.
7. Whether CMP allows for secondary distribution line to be run within the basement of the facility, up support columns, and/or within ceiling conduit.
8. Access requirements to the CMP meters.
9. Metering options to reduce the necessary wall space.

I have attached a boundary survey and a preliminary site plan to facilitate your review. The project is anticipated to be three-phase. Electrical loading computations and final metering will be performed by the electrical engineer, at a later date. Please let me know if you have any further questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Matthew Ballog". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Matthew Ballog, P.E.
Project Manager
Acorn Engineering, Inc.

Cc: Jarrod Googins – Acorn Engineering Inc.



Matthew Ballog

From: Cough, Jamie <Jamie.Cough@cmpco.com>
Sent: Tuesday, March 19, 2019 2:27 PM
To: Matthew Ballog
Cc: Duperre, Paul
Subject: CMP Three Phase Ability to Serve Request and Three Phase Service Process for Proposed 40 Free Street Development Project
Attachments: Easement_Information_Worksheet.doc; Standard Easement Sample.pdf; 2July 2018 EDET.XLSX

3/19/2019

Matthew Ballog, PE
Project Manager
Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104

Sent via email to: mballog@acorn-engineering.com

**RE: Proposed 40 Free Street Development Project
Request for Ability to Serve Letter**

Project Description:

The proposed development includes a six-story mixed-use development with street level commercial space, lower level parking, and 47 apartment units on the upper floors.

CMP has the ability to serve the proposed project in accordance with our CMP Handbook (web link below). We can provide you the desired pad or pole mounted transformers per your request and city approval, in accordance with our CMP Handbook of Standard Requirements. If you have any questions on the process, or need help in completion of the documents, **please contact me at 207-629-1489.**

Here is our typical process for getting your three phase or CT rated single phase service installed. If you have any questions, please let me know. The underlined links will redirect you to the appropriate site for additional information.

Service Milestones for Three Phase Services and CT Rated Single Phase Services. Please refer to CMP Installation Checklists for other installations.

- Call 1-800-565-3181 to establish a new account (if needed) and an SAP work order. Please provide both of these to me.
- Submit Load information. Please complete the attached EDET (excel file) using load information. . Please complete this and email back to me.
- Submit the easement information worksheet. Please complete this form and either email or fax back to me.
- Submit any electronic drawings (PDF (preferred) or DWG files) of the site layout and proposed electrical connections if you have them.
- Preliminary meetings with CMP Advisor and Engineer to determine details of job (I will need to schedule with your electrician/contractor-please let me know who this is)

- Field planner design appointment to cost out job and develop CMP Invoice. The invoice is typically generated 5-6 weeks after the design appointment. This expires after 90 days from the invoice date.
- CMP submits invoice to the customer for payment (typically via email). Payment received from customer.
- Easements (based on easement information worksheet) sent out, signed and originals returned to CMP.
- Job scheduled for completion after the electrical inspection has been received.

This process can take several months, depending upon several factors including transformer or materials delivery, return of completed paperwork, and other jobs in the system that may be ahead of yours. In addition, contact with the other utilities, including telephone and cable, should be commenced as soon as practical. They may have additional work or charges in addition to the CMP work required to bring your project on line.

Please complete the attached forms (the specific instructions are on each form) and email them back to me at your earliest convenience.

For your convenience, here is a link to the CMP Website which contains our Handbook with details on most service requirements: [CMP Handbook of Standard Requirements](#)

You will be responsible for installing the customer connections, conduits, and metering in accordance with the CMP Handbook of Standard Requirements. The transformer will be sized based on your submitted load sheets.

Your deposit amount will be typically based on an estimated two month bill, calculated from your completed load sheet unless otherwise determined by CMP.

Metering:

All metering (including locations) must be preapproved by CMP.

Chapter 324 Interconnections:

Please be advised that if you plan to install solar/wind/hydro generation, you must complete an application under the MPUC mandated Chapter 324 Interconnection Standards. If you go to Chapter 324 Interconnection Standards and follow the instructions for the Small Generator Interconnection Procedures, CMP can do this work in parallel to your service request that will be handled by me. If your project is under 660 KW you will be able to have a Customer Net Energy Billing contract. Information concerning Customer Net Energy Billing can be accessed thru the Chapter 324 website or by clicking here: Net Energy Billing

Reallocation/Line Extensions:

Recently, changes were made to the three-phase construction policy, which require CMP to reallocate construction costs paid by customers. If applicable, those projects identified as “developments” do not qualify for reallocation of funds. Please see this document at our website for details about the reallocation conditions. Any reallocation charges will be specifically denoted on your invoice. The website address for this is: PolyphaseLineExtension.

This line extension will be part of Central Maine Power’s distribution system. In the event the property served under this Agreement is sold or otherwise conveyed, all rights and obligations of the Agreement shall stay with the property. Please note that if you rent or lease this property to another and you want to receive the reimbursement payments, you must make special arrangements with the Central Maine Power Company. Otherwise, any reimbursement payments will be sent to the “Customer” taking service at the service location.

Electricity Supplier Information:

Central Maine Power Company (CMP) will provide your facility with electric delivery service. If you don't already have a provider, you will need to make arrangements with a competitive electricity provider in order to receive electricity supply for your facility. In the event you fail to choose a competitive electricity provider, you will receive Standard Offer service arranged by the Maine Public Utilities Commission. If you wish to be served by a competitive electricity provider immediately upon establishment of delivery service, you must arrange for this service directly through your chosen competitive electricity provider, who must enroll your account no later than 5 PM on the business day prior initiation of delivery service by CMP. An up-to-date list of competitive suppliers can be found at the:

- 1) Maine Public Utilities Commission (MPUC) web site- [Maine PUC](#)
- 2) By calling the MPUC at (207) 287-3831

Attachments:

Excel Load Sheet (EDET)
Easement Worksheet and Sample Standard Easement

Regards,

Jamie

Jamie Cough
Energy Services Advisor
Central Maine Power Company
162 Canco Road
Portland, ME 04103
207-842-2367 office

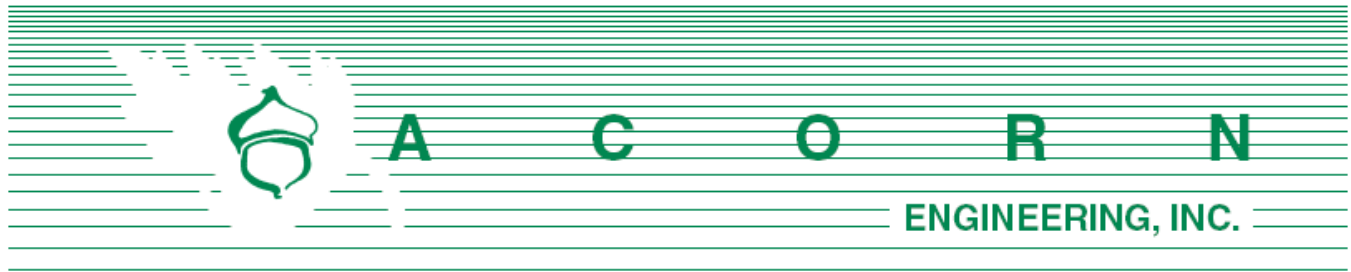


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Unitil Service Corp.
Attn: Bridget Harmon
376 Riverside Industrial Parkway
Portland, Maine 04103

March 15, 2019

Subject: 40 Free Street Development
Re: Ability to Serve

Ms. Harmon:

On behalf of 40 Free LLC, we are pleased to submit the following request for Unitil's ability to serve at the proposed development. The project is the development of a 6-story building with basement parking, ground level commercial retail space and stories two through six residential units. The site is located at 40 Free Street (Chart, Block, Lots 38-A-14-15-16 I-1-2-3-4-5), within the B3 and DEOZ zoning districts in Portland, Maine, bordered by Center Street, Cross Street and Spring Street.

It is our understanding that there are planned Unitil improvements on Free St that may need to be coordinated with our construction schedule.

On behalf of the client, we are requesting the following information:

1. A confirmation of an existing gas main within Free Street as well as the size of any gas lines and services and any additional utility mapping on Free Street, Center Street, Cross Street and Spring Street.
2. Unitil's proposed infrastructure improvements within the project vicinity.
3. Unitil's ability to serve the project.

I have attached an existing conditions plan as well as the proposed preliminary site plan to facilitate your review. Please do not hesitate to contact myself or the office for any questions or clarifications.

Sincerely,

Matthew Ballog, P.E.
Project Manager
Acorn Engineering, Inc.

Cc: Jarrod Googins – Acorn Engineering Inc.



#

March 18, 2019

Matthew Ballog, P.E.
Project Manager
Acorn Engineering, Inc.

Subject: 40 Free Street Development
Re: Ability to Serve

Dear Mr. Ballog:

Thank you for your interest in using natural gas for the above referenced project.

This is to confirm that natural gas can be made available from our distribution system to serve your proposed project.

You will see from the attached GIS map, the size, location and material of the nearby natural gas infrastructure. Any improvements to the existing distribution system necessary to provide this service, as well as the design of the gas system in the project itself will be established as the overall design and scope of your project progresses. Please provide gas load requirements in order for the evaluation to be completed.

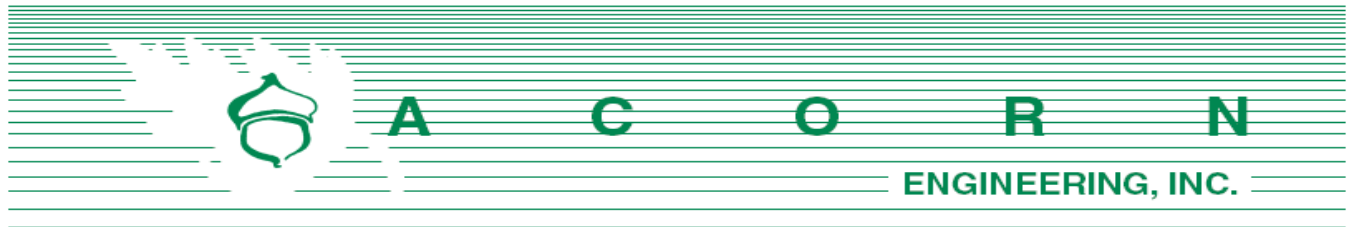
If you have any further questions or require additional information, please do not hesitate to call or email.

Sincerely,

Bridget Harmon
Business Development Representative
Unitil Corporation
(o) 207-541-2536 (f) 207-541-2586

ME GAS CUSTOMER ENERGY SOLUTIONS
376 Riverside Industrial Parkway
Portland, ME 04103

T 207-541-2508 www.unitil.com



Charter Communications
Attn: Mr. Mark Pelletier
118 Johnson Road
Portland, Maine 04102

March 20, 2019

Subject: 40 Free Street Development
Re: Ability to Serve

Mr. Pelletier:

On behalf of 40 Free LLC, we are pleased to submit the following request for Charter's ability to serve the proposed development. The proposed project is located along 40 Free Street (Chart, Book, Lots 38-A-14-15-16 I-1-2-3-4-5), within the B3 and DEOZ zoning districts in Portland, Maine. The lot will be developed into a 6-story, 47-unit residential building with basement parking and commercial retail space on the first floor. There is an existing parking lot located within the project location which is to be partially impacted to create the structure for the proposed project.

On behalf of the client, we are requesting the following information:

1. Any additional information, such as utility mapping within Free Street.
2. Any easements for overhead services currently crossing the proposed development.
3. Alternative connection locations from the property to the existing communication system.
4. Charter's proposed infrastructure improvements within the project vicinity.
5. Charter's ability to serve the project.

I have attached an existing conditions plan created by Owen Haskell Surveying as well as the proposed preliminary site plan from our office to facilitate your review. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,

Matthew Ballog, P.E.
Project Engineer
Acorn Engineering, Inc.

Cc: Jarrod Googins – Acorn Engineering Inc.

Matthew Ballog

From: Read, Scott H <Scott.Read@charter.com>
Sent: Thursday, March 21, 2019 9:47 AM
To: Matthew Ballog; Jarrod Googins
Cc: Pelletier, Mark
Subject: RE: Ability to Serve Request - 40 Free St

Hi Mark Ballog-

Thank you for providing this preliminary information about your upcoming project on Free St in Portland. This project is indeed within Charter/Spectrum's service area, and if the owner/developer is interested in having our service, we'll be happy to put them in touch with our Community Solutions folks that take care of those arrangements.

Please let us know who we can have the SCS group contact to find out what type of services might be of interest if for the property.

Thanks,
Scott

From: Pelletier, Mark
Sent: Wednesday, March 20, 2019 3:48 PM
To: Read, Scott H <Scott.Read@charter.com>
Subject: FW: Ability to Serve Request - 40 Free St



Mark Pelletier
Construction Coordinator III, Northern New England
118 Johnson Rd Portland ME 04102
207-253-2324
Mark.pelletier@charter.com

From: Matthew Ballog [<mailto:mballog@acorn-engineering.com>]
Sent: Wednesday, March 20, 2019 2:32 PM
To: Pelletier, Mark <Mark.Pelletier@charter.com>
Cc: Jarrod Googins <jgoogins@acorn-engineering.com>
Subject: Ability to Serve Request - 40 Free St

Good afternoon Mark,

Acorn Engineering, Inc. is working on a new development project at 40 Free Street and is sending an Ability to Serve letter for the proposed development. The site is currently a surface parking lot. We are proposing a 6 story mixed use building, with 5 retail units and 47 apartment units.

Attached is a formal Ability to Serve request letter, as well as the boundary survey and a preliminary site plan for your reference. Please let me know if you need any additional information or if there is a different contact I should send this to.

Thank you

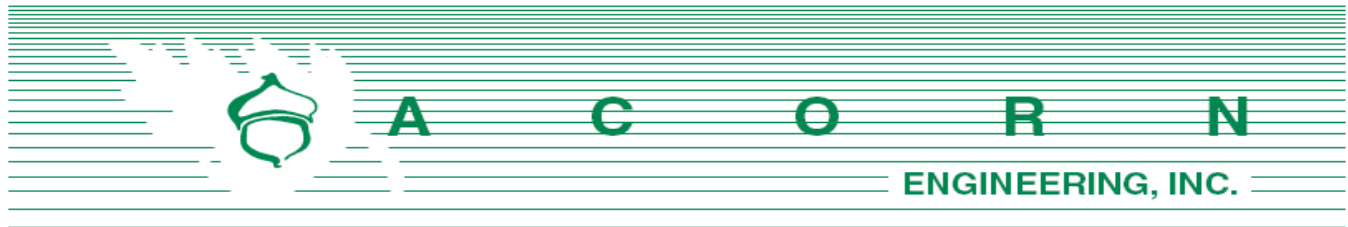
Matthew Ballog, PE
Project Manager

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104
www.acorn-engineering.com

B. 207.775.2655
C. 412.996.2042

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Consolidated Communications
Attn: Mr. Patrick Morrison
5 Davis Farm Road
Portland, Maine 04103

March 20, 2019

Subject: 40 Free Street Development
Re: Ability to Serve

Mr. Morrison:

On behalf of 40 Free LLC, we are pleased to submit the following request for Consolidated's ability to serve the proposed development. The proposed project is located along 40 Free Street (Chart, Book, Lots 38-A-14-15-16 I-1-2-3-4-5), within the B3 and DEOZ zoning districts in Portland, Maine. The lot will be developed into a 6-story, 47-unit residential building with basement parking and commercial retail space on the first floor. There is an existing parking lot located within the project location which is to be partially impacted to create the structure for the proposed project.

On behalf of the client, we are requesting the following information:

1. Any additional information, such as utility mapping within Free Street.
2. Any easements for overhead services currently crossing the proposed development.
3. Alternative connection locations from the property to the existing communication system.
4. Consolidated's proposed infrastructure improvements within the project vicinity.
5. Consolidated's ability to serve the project.

I have attached an existing conditions plan created by Owen Haskell Surveying as well as the proposed preliminary site plan from our office to facilitate your review. Please do not hesitate to contact me or the office for any questions or clarifications.

Sincerely,

Matthew Ballog, P.E.
Project Engineer
Acorn Engineering, Inc.

Cc: Jarrod Googins – Acorn Engineering Inc.



5 Davis Farm Rd
Portland, ME 04103
207- 535-4271 office
207-745-9363 cell
207- 797-1098 fax

March 27, 2019

To Whom It May Concern:

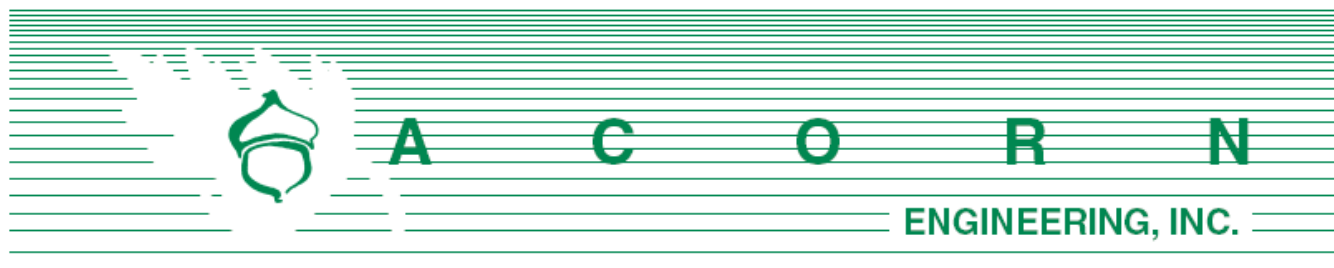
My name is Patrick Morrison and I am the engineer for the Westbrook area. This letter is to inform that Consolidated Communications has the capacity and willingness to serve the proposed new 6-story building at 40 Free St in Portland, ME. Consolidated Communications currently has underground copper and fiber facilities on Free St. Please feel free to contact me with any questions.

Sincerely,

Patrick Morrison

Consolidated Communications Outside Plant Engineer

207-535-4271 or 207-745-9363



Portland Water District
Attn: MEANS Department
225 Douglas Street
Portland, Maine 04104

March 15, 2019

Subject: 40 Free Street Development
Re: Ability to Serve

To whom it may concern:

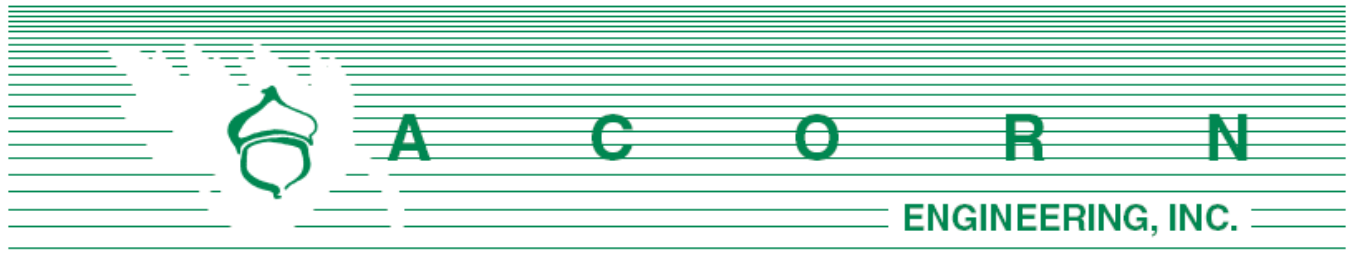
On behalf of 40 Free LLC, we are pleased to submit the following request for Portland Water Department's ability to serve the proposed development. 40 Free Street is a 47-unit vertical urban infill development located near Cross Insurance Arena in Portland. The proposed building is anticipated to be 6 stories tall; the ground floor will be comprised of 5 commercial retail spaces; and the second through sixth stories will contain a total of 47 residential units. A basement-level parking lot will also be included in the design.

The proposed development project is located at 40 Free Street (Chart, Block, Lot 38-A-14-15-16 I-1-2-3-4-5) bordered by Center Street, Cross Street and Spring Street in Portland, Maine. There is an existing parking lot located within the project location which is to be partially impacted to create the structure of the proposed project.

Based upon the Section 4 of the Maine Subsurface Water Disposal Rules, the project anticipates the following design flows:

Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Proposed flow				
Store	Per Toilet	4	325	1,300
Store	Per Employee	8	12	96
Eating Place, 3 meals/day	Per Employee	12	12	144
Eating Place, 3 meals/day	Per Seat	50	30	1,500
Residential Units	1 Bedroom	17	120	2,040
Residential Units	2 – Bedroom	30	180	5,400
Net Change				10,480

*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition



The proposed project is anticipated to add a net water usage from the development of approximately 10,480 gallons per day (GPD). It should be noted that these values were developed using conservative estimates from the State of Maine Subsurface Wastewater Disposal Rules. The anticipated flow assumes a conservative water usage estimate; restaurant values were used in one of the commercial spaces as these flows would be higher than a retail store. For this reason, the actual water usage for this location may be lower. It is undetermined at this time if the 5th commercial unit will be a restaurant or a retail store.

Separate services are proposed for the commercial property and the residential units. For the residential units, the developer has proposed a new 8-inch fire line service for the development that would tie into the existing water main in Free Street with a potential redundant connection within Center Street, as well as a four-inch domestic service in Free Street. The developer is also proposing an individual one-inch service for the commercial property. These designs are preliminary in nature and subject to change.

On behalf of the client we are requesting the following information:

1. Any additional information, such as additional utility mapping within Free Street, Center Street, and Spring Street. Especially the sewer and drainage improvements along the recently constructed Spring street widening.
2. Alternative connection locations from the development to the existing system.
3. PWD's proposed infrastructure improvements within the project vicinity.
4. PWD's ability to serve the project.

Please let me know if you have any further questions or comments.

Sincerely,

Matthew Ballog, PE

Project Manager
Acorn Engineering, Inc.



Matthew Ballog

From: Brian Johnson <brianjohnson@pwd.org> on behalf of AMaP MEANS <means@pwd.org>
Sent: Tuesday, April 16, 2019 9:11 AM
To: Matthew Ballog
Subject: RE: Infrastructure map request and ability to serve (SR: 442265)

Hi Matthew,

Thank you for the information and your request for an Ability to Serve Letter for 40 Free Street - Portland. Portland Water District – MEANS Group will review the information and get back to you with any question and/ or comments about the project.

Our records show that the 6" water main is currently active, we will verify it's status to determine if it is still needed.

Once all PWD requirements have been met an Ability to Serve Determination letter will be issued.

Have a great day,
Brian

MEANS Group

Main Extensions and New Services
Portland Water District
225 Douglass Street
Portland, ME 04104-3553
P:(207)774-5961 Ext. 3199
F:(207)761-8307
MEANS@pwd.org

Brian Johnson

Asset Management Technician

Portland Water District
Phone: 207-774-5961 x3947
E-mail: brianjohnson@pwd.org
<http://www.pwd.org>

From: Matthew Ballog <mballog@acorn-engineering.com>
Sent: Monday, April 15, 2019 4:27 PM
To: Brian Johnson <brianjohnson@pwd.org>
Subject: RE: Infrastructure map request and ability to serve (SR: 442265)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Brian

Attached is an updated utility plan for your review for the 40 Free Street project previously discussed. Would PWD be able to serve the development as shown? We are showing service coming from the 8" main on Free St, as well as

potentially retiring the 6" main that bisects the property, if it still exists. Please let me know if you have any comments or questions. Thank you.

Matthew Ballog, PE
Project Manager

B. 207.775.2655
C. 412.996.2042

From: Brian Johnson <brianjohnson@pwd.org> **On Behalf Of** AMaP MEANS
Sent: Tuesday, March 19, 2019 2:17 PM
To: Matthew Ballog <mballog@acorn-engineering.com>
Subject: RE: Infrastructure map request and ability to serve (SR: 442265)

Hi Matthew,

Attached is a Portland Water District infrastructure map for the area around 40 Free Street – Portland.

In the City of Portland the sewer and stormwater systems are owned by the City. Any information requests and questions about sewer and stormwater infrastructure needs to be made to the City of Portland.

Have a great day,

Brian Johnson

MEANS Group
Main Extensions and New Services
Portland Water District
225 Douglass Street
Portland, ME 04104-3553
P:(207)774-5961 Ext. 3199
F:(207)761-8307
MEANS@pwd.org

Brian Johnson
Asset Management Technician
Portland Water District
Phone: 207-774-5961 x3947
E-mail: brianjohnson@pwd.org
<http://www.pwd.org>

From: Matthew Ballog <mballog@acorn-engineering.com>
Sent: Tuesday, March 19, 2019 10:22 AM
To: AMaP MEANS <means@pwd.org>
Cc: Adam Sellick <asellick@pwd.org>; Jarrod Googins <jgoogins@acorn-engineering.com>
Subject: Infrastructure map request and ability to serve

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning

I am working on a development project at 40 Free St in Portland and would like to request any infrastructure maps for the available water and sewer services in the area. I've also attached an ability to serve letter for this location. We are still awaiting some topographic survey results for additional utility information but a preliminary site plan has been attached for reference. My specific area of interest is the sewer and storm water infrastructure on Spring street and whether not they have been separated as part of the recent Spring Street widening.

Please let me know if you have any questions. Thank you.

Matthew Ballog, PE
Project Manager

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104
www.acorn-engineering.com

B. 207.775.2655
C. 412.996.2042

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Matthew Ballog

From: Matthew Ballog
Sent: Wednesday, March 20, 2019 12:52 PM
To: 'Charles Wordell (cww@portlandmaine.gov)'
Cc: Jarrod Googins
Subject: Available infrastructure maps - 40 Free St
Attachments: 1118_Utility_Exhibit_3-14-19.pdf; 2017-058P ALTA.pdf

Good afternoon Charles

I am working on a development project at 40 Free St in Portland and would like to request any available plans or maps of existing sewer and stormwater infrastructure in the area. The project is a 6 story mixed use building that will be located on what is currently an existing surface parking lot. We know there is a sewer line that bisects the lot, but are unsure if it was separated as part of the recent Spring St construction. Information on any planned infrastructure improvement projects you are aware of would also be appreciated.

I've attached an existing conditions plan as well as a conceptual site plan for your reference. Please let me know if there is someone else at the city I should contact for this information. Thank you.

Matthew Ballog, PE
Project Manager

Acorn Engineering, Inc.
PO Box 3372
Portland, Maine 04104
www.acorn-engineering.com

B. 207.775.2655
C. 412.996.2042

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Matthew Ballog

From: Charles Wordell <cw@portlandmaine.gov>
Sent: Wednesday, March 20, 2019 3:01 PM
To: Matthew Ballog
Cc: George Carhart
Subject: Re: Available infrastructure maps - 40 Free St
Attachments: 00494_008_001.PDF; 00212_001_002.PDF; 00212_001_001.PDF; 00494_007_006.PDF; 00494_007_001.PDF; 00494_008_005.PDF; 00676_002_001.PDF; 00494_008_006.PDF; 00769_003_U1.PDF; 00676_002_007.PDF; 00882_037_001.pdf; 00882_037_002.pdf; 00882_037_004.pdf; 00882_037_005.pdf; 00882_037_003.pdf; 1882_Sht#38.JPG; landl_4_05.pdf; COTTON ST.pdf; Volume 2 Page 391.pdf

Good Afternoon Matthew,

I spent some time in our engineering archive searching for information that I felt would benefit your project.

Enclosed, please find the following scanned records:

1. sanitary & storm drawings = (17) files
2. street status for Cotton St = (2) files

I am not seeing anything in our vault related to the latest construction work performed on Spring St.

It may be that the current set of drawings have not yet been cataloged in our system.

I have copied our engineering archivist, George Carhart, on this message to alert him to your project..

Perhaps the Water Resources engineers on our floor can shed some light on this question.

If you could respond via email when you have successfully retrieved all (19) files that would be great.

Thank you,
Charles

On Wed, Mar 20, 2019 at 12:51 PM Matthew Ballog <mballog@acorn-engineering.com> wrote:

Good afternoon Charles

I am working on a development project at 40 Free St in Portland and would like to request any available plans or maps of existing sewer and stormwater infrastructure in the area. The project is a 6 story mixed use building that will be located on what is currently an existing surface parking lot. We know there is a sewer line that bisects the lot, but are unsure if it was separated as part of the recent Spring St construction. Information on any planned infrastructure improvement projects you are aware of would also be appreciated.

I've attached an existing conditions plan as well as a conceptual site plan for your reference. Please let me know if there is someone else at the city I should contact for this information. Thank you.

Matthew Ballog, PE

Project Manager

Acorn Engineering, Inc.

PO Box 3372

Portland, Maine 04104

www.acorn-engineering.com

B. 207.775.2655

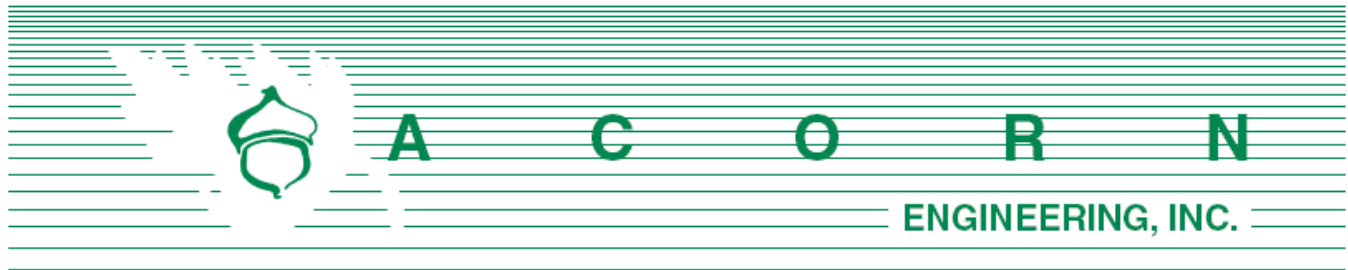
C. 412.996.2042

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--

Charles W. Wordell Jr. Surveyor
City of Portland, Maine
Department of Public Works, Engineering
207-874-8803

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.



Portland Water District
Attn: MEANS Department
225 Douglas Street
Portland, Maine 04104

May 14, 2019

Subject: 40 Free Street Development
Re: Ability to Serve

To whom it may concern:

On behalf of 40 Free LLC, we are pleased to submit the following request for Portland Water Department's ability to serve the proposed development. 40 Free Street is a 51-unit vertical urban infill development located near Cross Insurance Arena in Portland. The proposed building is anticipated to be 6 stories tall; the ground floor will be comprised of 5 commercial retail spaces; and the second through sixth stories will contain a total of 51 residential units. A basement-level parking lot will also be included in the design.

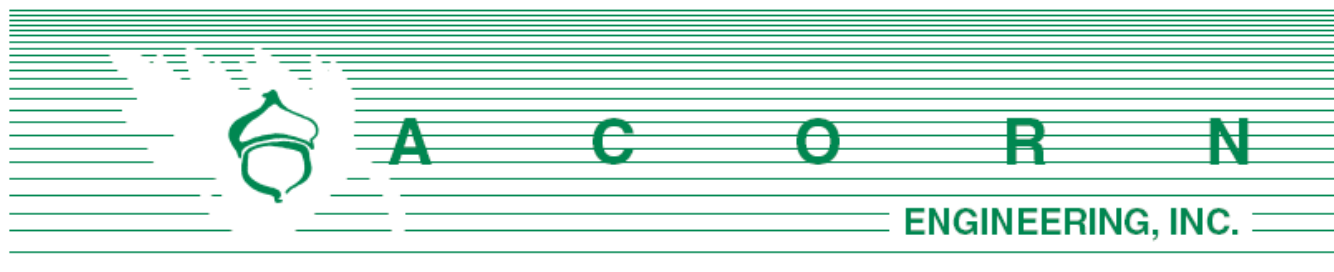
The proposed development project is located at 40 Free Street (Chart, Block, Lot 38-A-14-15-16 I-1-2-3-4-5) bordered by Center Street, Cross Street and Spring Street in Portland, Maine. There is an existing parking lot located within the project location which is to be partially impacted to create the structure of the proposed project.

Based upon the Section 4 of the Maine Subsurface Water Disposal Rules, the project anticipates the following design flows:

Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Proposed flow				
Store	Per Toilet	5	325	1,625
Store	Per Employee	10	12	120
Residential Units	1 Bedroom	37	120	4,440
Residential Units	2 – Bedroom	14	180	2,520
Net Change				8,705

*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition

The proposed project is anticipated to add a net water usage from the development of approximately 8,705 gallons per day (GPD).



A single 4" domestic service with a 1-1/2" meter is proposed. For the residential units, the developer has proposed a new 6-inch fire line service for the development that would tie into the existing water main in Free Street. These designs are preliminary in nature and subject to change.

On behalf of the client we are requesting the following information:

1. Alternative connection locations from the development to the existing system.
2. PWD's ability to serve the project.

Please let me know if you have any further questions or comments.

Sincerely,

Matthew Ballog, PE

Project Manager
Acorn Engineering, Inc.





May 17, 2019

Matthew Ballog, PE
Project Manager

Re: 40 Free Street, PO
Ability to Serve with PWD Water

Dear Mr. Ballog:

The Portland Water District has received your request for an Ability to Serve Determination for the noted site submitted on March 15, 2019. Based on the information provided per plans dated April 15, 2019, we can confirm that the District will be able to serve the proposed project as further described in this letter. **Please note that this letter constitutes approval of the water system as currently designed. Any changes affecting the approved water system will require further review and approval by PWD.**

Conditions of Service

The following conditions of service apply:

- A new 6-inch fire service and 4-inch domestic service with a 1.5-inch meter may be installed from the water main in Free Street. The services should enter through the properties frontage on Free Street at least 10-feet from any side property lines.
- The Portland Water District does not have record of any other existing infrastructure in public roads and recommends a survey and test pitting be performed by the development team prior to construction. Any conflicts that arise during construction are at the risk of the developer and may result in job shutdown until new plans are submitted by the developer and reviewed and approved by PWD.
- An approved backflow prevention device must be installed on the service line directly after the meter prior to service activation. Please refer to the PWD website for more information on cross-connection control policies.
- An existing 6-inch CI water main on the site will need to be abandoned in place by the contractor, which includes removing the existing 8-inch by 6-inch tee at Free Street and repairing the existing 8-inch water main; a shutdown will be required. Contractor to coordinate shutdown with PWD.

Prior to construction, the owner or contractor will need to make an appointment to complete a service application form and pay all necessary fees. The appointment shall be requested through MEANS@pwd.org or by calling 207-774-5961 ext. 3199. Please allow (3) business days to process the service application paperwork. PWD will guide the applicant through the new development process during the appointment.

Existing Site Service

According to District records, the project site does not currently have existing water service.



Water System Characteristics

According to District records, there is an 8-inch diameter cast iron water main in Free Street and a public fire hydrant located adjacent to the site. Recent flow data is not available in this area. The most recent static pressure reading was 80 psi.

Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the City of Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact MEANS to request a hydrant flow test and we will work with you to get more complete data.

Should you disagree with this determination, you may request a review by the District's Internal Review Team. Your request for review must be in writing and state the reason for your disagreement with the determination. The request must be sent to MEANS@PWD.org or mailed to 225 Douglass Street, Portland Maine, 04104 c/o MEANS. The Internal Review Team will undertake review as requested within 2 weeks of receipt of a request for review.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

A handwritten signature in black ink, appearing to read 'Robert A. Bartels', written in a cursive style.

Robert A. Bartels, P.E.
Senior Project Engineer

Q. Construction Management Plan

Project Address:

46 Free Street & 40 Free Street

Project Description:

The proposed project includes the development of a 6-story building with 51 residential units, 5 retail units, and on-site subsurface & surface parking.

Project Team Summary:

Owner:	40 Free, LLC
General Contractor:	Allied Cook Construction
Civil Engineer:	Acorn Engineering, Inc.
Architect:	Ryan Senatore Architecture
Structural Engineer:	Structural Integrity Consulting Engineers, Inc.

The Owner/GC and all subcontractors will work with the City of Portland and adjacent landowners to minimize any project impacts.

The GC will remain responsible for enforcement of all compliance with 1) all contract plans and specifications in their scope of work and 2) all site working conditions and safety requirements, day and night, for both persons and property, in each case for the duration of their work. These include OSHA, NIOSH, U.S. EPA, local ordinance and any other applicable governmental regulations. Both the Owner/GC and any subcontractors will remain responsible for safeguarding the general public.

The GC shall review all permits and conditions associated with the project. Refer to the Construction Management Plan, Sheet C-03 of the Civil/Site Plan Set, for visual representation of the measures to be taken during construction.

The following outline has been developed in accordance with the City of Portland Construction Management Plan General Template and shall be referenced by the GC during construction.

A. Construction Management Principles

The control of noise, vibrations, ground movement, truck traffic, and other construction related factors will be of utmost importance. Care shall be taken to minimize these effects in the best interest of neighbors and the general public. GC to ensure that work hours conform to the City of Portland's Ordinance.

B. Development Review of Construction Management Plan

Logistics and safety program shall be submitted at or prior to the preconstruction meeting by the GC with all pertinent information required by the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.



C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

Guarantees and fees will be paid at the time of the respective application. Sections 14-530 and 13-532 will be complied with all necessary permits will be obtained prior to work.

1. Street Opening and Street Occupancy Permits:

Required permits regarding street opening and occupancy will be obtained from the Department of Public Works. The requests shall conform to the approved Construction Management Plan.

2. Blasting:

Although not anticipated, if blasting occurs, it shall conform to Article VIII. In Chapter 14 of the City Code and Section 3.7 in the City's Technical Manual.

3. Building Code:

Employ the best practices, as applicable, of Chapter 33 Safeguards During Construction, from the 2009 International Building Code.

CI. Construction Administration and Communication

The Contractor will work closely with adjacent abutters, businesses, and all parties informed, as far in advance as possible, of scheduled work, particularly work anticipated to cause significant noise, vibrations, or dust. Communication in order to comply with all agreements, ordinances, and special permits will be of the utmost importance. Contractor contact information shall be posted on a sign on the construction fence along the Free Street, Center Street and Spring Street frontages. Additional signage necessary for communication shall be provided but will be temporary and removed upon completion of the project. The contact information for the project personnel is:

Vincent Veroneau
J.B. Brown & Sons
(207) 774-5908

GC and Subcontractor information will be posted along the Free Street, Center Street and Spring Street frontages once contracted.

E. Construction Schedule

The GC shall submit a construction timeline at or prior to the preconstruction meeting. Construction may occur during the daytime hours as defined in Section 17-18 of the Construction Activities for Building permit and City Code Section 25-129, Noise, dust and debris. Between September 1 and May 31, the following year, no person shall engage in construction activities generating noise exceeding 50 decibels, between the hours of 7 pm and 7 am of the following day within 500 feet of any buildings. From June 1 to August 31, construction activity may continue until 8 pm. No construction activity shall begin before 8 am on a Saturday, Sunday, or legal holiday. Extended hours or night work may be requested for special circumstances and street utility work if needed. These requests will be subject to approval by the Public Works Authority.



Temporary construction access and laydown areas at 46 Free Street and abutting J.B. Brown & Sons parcel as specified in Section E: Summary of Written Easements and associated easement exhibit, attached in this submission. Deliveries will be scheduled between 7 am and 5 pm.

The estimated timeframe of the proposed project is outlined below:

<u>Project Start Date:</u>	Fall 2019
<u>Project End Date:</u>	Fall 2020

A more detailed work schedule shall be provided by the GC at or before the pre-construction meeting with the City.

F. Security

1. The Construction Management Plan, Sheet C-03, depicts all proposed fencing and other barriers, with the intent of separating pedestrian and vehicle circulation from the construction site. Construction entrances per detail shall be installed.
2. Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 1 Chapter 16. *Safeguarding Construction, Alteration, and Demolition Operations*.
3. Fire Safety Program: Prior to construction, an overall construction and demolition fire safety program shall be developed. Essential items to be emphasized include the following:
 - Good Housekeeping
 - On-site security
 - Installation of new fire protection systems as construction progresses
 - Preservation of existing systems during demolition
 - Organization and training of an on-site fire brigade
 - Development of a pre-fire plan with the local fire department
 - Rapid communication
 - Consideration of special hazards resulting from previous occupancies
 - Protection of existing structures and equipment from exposure fires resulting from construction, alteration, and demolition operations.
4. Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.
5. Temporary security lighting shall be shown on the Construction Management Plan, and all fixtures shall be full cutoffs.

G. Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets

Construction activity in the public right-of-way shall be compliant with Chapter 25 Article VII of the City Code. At no time will it be permissible for construction activity



including delivery vehicle to close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.

2. Sewer and Stormwater

Sewer and stormwater system connections are controlled by Chapters 24 and 32 of the City code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual. This will apply to the new connections within Free Street.

3. Traffic Control Plans

Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. The contractor shall submit a satisfactory "Maintenance of Traffic" (MOT) plan prior to any street opening permit approval. This document shall contain all pertinent information from the Maine Department of Transportation's Traffic Control Plan Standard Specification 652.3.3.

The MOT will address the work required for utility connections in Free Street. Traffic will be channelized utilizing drums and cones. Proper signage will be installed prior to the through work zone. Alternating traffic will be controlled with flaggers. Trenches will be patched with pavement daily.

The MOT plan shall provide for the safe passage of the public through or along the construction work zone. It may be permissible to close a portion of Free Street during utility connections and/or detour a mode of traffic when absolutely necessary for safety. All requests shall be subject to City approval. MOT plans shall employ the appropriate techniques and devices as called for in the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:

- Construction speed signing may be used as needed to slow traffic.
- Traffic Control signs shall not be placed where they would create any obstructions to bicycles or pedestrians.
- Flaggers will be utilized when necessary.

All existing modes of travel in the work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers and motorists are of equal importance when planning and laying out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Works. The MOT should also address on-street parking impacts, including deliveries and parking for adjoining businesses and property owners, analysis of roadway capacity or diversion capacity if street closure or change to roadway capacity is required, and coordination with other on-going or future construction or utility projects in the vicinity.

- Traffic control bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready



for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycle and pedestrians.

- Barrier systems utilized to separate the construction activity from the public street and /or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.
- ADA compliance in all capacities shall be maintained.

Use of public parking spaces on Free Street shall not be permissible. The blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

H. Site Management and Controls

1. Regular trash and debris shall be managed appropriately and its removal shall comply with all local, state, and federal regulations.
2. Street cleaning and sweeping shall be followed as outlined in the erosion and sedimentation control notes and report. Damage to the street shall be avoided and shall be the responsibility of the contractor.
3. Dust shall be controlled and shall comply with Section 25-129 and the erosion and sedimentation control notes, plan, and details.
4. Noise shall be controlled and shall comply with Section 17-18 and Section 25-129.
5. Rodent Control shall be provided, if applicable, by a professional exterminator and shall be consistent with Chapter 22 of the City Code.
6. Snow and Ice Removal shall be provided. Pursuant to Section 25-173, the Contractor shall ensure a safe means of travel within the work zone by the following steps:
 - a. Snow/ice removal or commence automatically from 1" or greater of snow or ice
 - b. Remove snow as needed within the work zone, including parking spaces.
Driveways and site lines shall not be blocked by piles of snow.
 - c. Clear all walks and ramps within the work zone
 - d. Sand or salt as needed
 - e. Clear all basin or drainage to help snow melt
 - f. The above steps shall be carried out Sunday-Saturday, including holidays.

I. Erosion & Sedimentation Control

1. The Contractor shall install all erosion and sedimentation controls as depicted on the approved Construction Management Plan, Sheet C-03 and the approved erosion and sedimentation control report, prior to the pre-construction meeting for inspection by the City. The Contractor shall regularly inspect the control measures, no less than weekly and after storm events (0.5" or more in 24 hours). Additionally, temporary or permanent stormwater management systems shall be inspected and maintained to ensure working order. The Contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection (MDEP) or the U.S. Environmental Protection Agency (EPA) upon request.



2. Due to the lack of existing site landscaping to remain, no protection during construction will be necessary.
3. Stored materials shall be identified and avoid being located under/near trees.

J. Construction Staging Area

1. The Contractor shall submit a plan with locations depicted for the location of material staging areas, the location of on-site temporary construction trailers, the location of on-site truck delivery holding areas, the location of on-site truck washing stations, masonry mixing stations, the general location of the construction security fence and the general location of temporary construction dumpsters. This plan shall be submitted at or prior to the pre-construction meeting. Any open storage areas shall be shown on the plan.
2. Delivery Truck Holding Areas On-Site: The majority of materials delivered to the site will be scheduled such that they are able to be off-loaded immediately. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of trucks until they can be unloaded. Once at the site all vehicles will be brought within the fence line and will make every attempt to avoid queuing on public streets. If, for any reason, on-site holding of trucks is not feasible, an off-site location must be designated and shown on the submitted plan referenced above in J.1.
3. All deliveries for materials shall comply with the City's noise requirements.

K. Parking During Construction

1. Adequate parking for construction workers shall be provided along Free Street, Center Street and Spring Street or arrangements for off-street parking at an off-site location shall be provided.
2. Truck Routes and Volumes: The following quantities are estimated as part of the reconstruction:
 - Gravel & Stone – 1,000 CF. Earthwork subcontractor(s) pit to project site.
 - Hot Mix Asphalt – 32 tons. Paving subcontractor(s) pit to project site.

L. Special Measures as Necessary

No special measures are necessary for the proposed reconstruction.



R. Solid Waste Disposal

The property management company or Owner shall be responsible for locating the solid waste and recyclable material to the space allocated for solid waste storage as noted on the Site Plan (C-10) and within the architectural plans.

The solid waste containers will be fully enclosed and screened from the public view.





Traffic Solutions
William J. Bray, P.E.
17 Mountview Drive
Gorham, ME 04038
(207) 400-6890
trafficsolutions@maine.rr.com

April 17, 2019

Parking Assessment Proposed “40 Free Street” [Mixed-Use Development]

INTRODUCTION

40 Free LLC is proposing construction of a six-story mixed-use building on a 0.39-acre parcel of land located on Free Street near the intersection of Free Street and Center Street. The present development plan proposes five, near equal size, retail units on the first floor of the building (street-level) and 51 residential units on floors two through six. The residential unit mix includes 37 one-bedroom units and 14 two-bedroom units.

Site access is proposed through existing site driveways onto both Cross and Center Streets. An existing driveway entrance on Free Street will be closed with development of the proposed site.

The proposed site design provides a total of 37 on-site parking spaces, with 23 of those spaces covered (underground) located under the proposed building and an additional 14 surface parking spaces. Seventeen (17) of the 37 spaces are full-size parking spaces at 9' wide by 18' long; 2 additional spaces are full dimensioned handicap spaces and the remaining 18 spaces are defined as “compact” spaces with varying dimensions.

This document provides a determination of the “average” peak parking demand for the proposed “40 Free Street” building appropriately based upon national parking trends. The analytical determination of “average” peak parking demand for a multi-tenant development must also account for the time-of-day distribution of the actual parking demand. For example, the peak parking demand requirements of one proposed use could likely occur at 7:00 PM, whereas, the peak parking demand of a second building use may occur at 1:00 PM. The net result is that the parking demand of multiple land-uses may be able to use the same parking space at different times of the day; thereby, reducing the actual peak parking demand of the site.

The parking demand requirements of the project will be fully met with construction of covered underground and surface parking spaces on the proposed site.

PARKING DEMAND

National parking demand data presented in the Institute of Transportation Engineers (ITE) **“Parking Generation”** publication is typically the instrument used in estimating the actual parking demand of a development site. The 5th edition, which was published in January 2019, represents the most current copy of the noted ITE document. The ITE manual provides *“average”* peak parking demand rates for more than 100 land use categories including: residential, lodging, recreational, institutional, medical, retail, office, services, etc.

The *“average”* peak parking demand requirements of the proposed “40 Free Street” multi-tenant commercial development was estimated based upon the following projected tenant space(s):

- 51 residential units; 37 one-bedroom units and 14 two-bedroom units
- 7,597 square feet of retail space

Table 1 provides a projection of the *“average”* peak parking demand requirement for the proposed 40 Free Street development site, for a typical weekday condition.

Table 1
“Peak” Parking Demand Determination Summary
For
“40 Free Street”
(Weekday Condition)

Proposed Use	Unit Size	Land-Use Code	Parking Space Rate	Parking Space Requirements
Residential Unit	37 one-bedroom units	LUC 221	0.48 spaces per bedroom	18 spaces
Residential Unit	14 two-bedroom units	LUC 221	0.48 spaces per bedroom	13 spaces
Retail Space	7,597 square feet	LUC 820	2.76 spaces per 1,000 sf	21 spaces
			TOTAL =	52 spaces

The *“average”* peak parking demand of the proposed 40 Free Street mixed-use building is estimated at 52 spaces for a typical weekday condition.

“Shared” Parking: The fourth edition of the ITE **“Parking Generation”** publication presents the concept of “shared” parking within a mixed-use or multi-use project with the following statement: *“the hourly variation in parking demand for the individual land uses can result in conditions where the parking demand for one land use is high while the demand for a different land use is low. In this situation, parking demand for both land uses may be able to use the same parking space at different times of the day. The end result can be a reduction in overall peak parking demand.”* Procedures presented in the noted publication require determining the estimated hourly parking demand requirements of each land-use within the overall development and, with that data, projecting the actual number of hourly parking spaces for the proposed project. The fifth edition of the **“Parking Generation”** publication provides the following hourly parking demand requirements (percent value) for both proposed land-use categories. Table 2, as follows, presents the noted hourly percent parking space requirements for the proposed Residential and Retail uses:

Table 2
Peak Hourly Parking Demand (percent values) Summary
For
“40 Free Street”
(Weekday Condition)

Time of Day	Residential Unit	Retail⁽¹⁾
7:00 AM	71%	0%
8:00 AM	61%	0%
9:00 AM	55%	50% ⁽²⁾
10:00 AM	54%	75% ⁽²⁾
11:00 AM	53%	75% ⁽²⁾
12:00 PM	50%	77%
1:00 PM	49%	100%
2:00 PM	49%	98%
3:00 PM	50%	90%
4:00 PM	58%	76%
5:00 PM	64%	82%

NOTE:

- (1) Percent values presented for proposed retail land-use based upon Land-Use #820 – Shopping Center.
(2) Percent values were estimated based upon engineering judgement.

Table 3
Hourly Peak Parking Demand Summary
For
“40 Free Street”
(Weekday Condition)

	Proposed Uses		
	Residential Unit	Retail Space	Total Spaces
Peak Parking Demand	31	21	52

	Adjusted Hourly Parking Demand		
Time of Day	Residential Unit	Retail Space	Total Spaces
7:00 AM	22	0	22
8:00 AM	19	0	19
9:00 AM	17	11	28
10:00 AM	17	16	33
11:00 AM	16	16	32
12:00 PM	16	16	32
1:00 PM	15	21	36
2:00 PM	15	21	36
3:00 PM	16	19	35
4:00 PM	18	16	34
5:00 PM	20	17	37

Accordingly, the average peak hourly parking demand of the site for a typical weekday is expected to occur after 5:00 PM with a parking demand of 37 spaces.

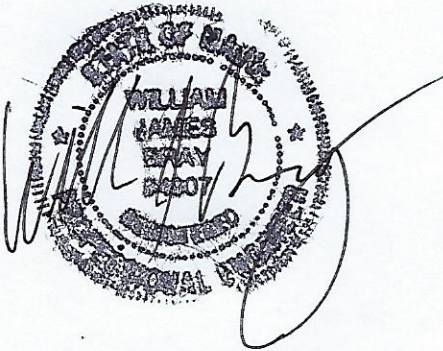
PARKING SUPPLY

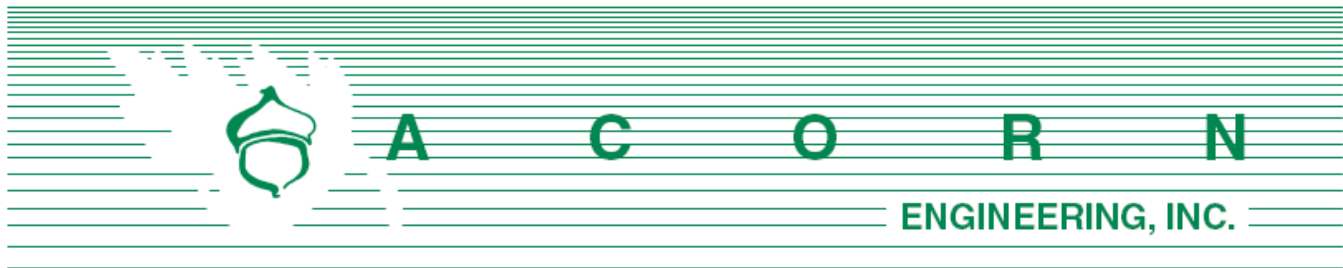
The Applicant proposes to satisfy the peak parking demand requirements of the proposed 40 Free Street site with the following parking solutions:

- 23 covered-spaces under the proposed multi-use building
- 14 surface parking spaces within the proposed site property

SUMMARY

1. The proposed 40 Free Street mixed-use development project, with approximately 7,600 square feet of retail spaces located on the first floor and 51 residential units on floors 2 through 6, generates a peak parking demand of 52 parking spaces. The parking demand requirements were estimated based upon the fifth edition of the Institute of Transportation Engineers (ITE) "**Parking Generation**" published in January of 2019.
2. The hourly variation in parking demand of each proposed land-use within a multi-use and/or mixed-use development oftentimes provides a unique opportunity to "share" parking spaces during different times of the day versus "over-building" to meet the individual parking demand of each land-use. A detailed assessment of the hourly parking demand requirements of the proposed 40 Free Street development was completed to establish the combined hourly parking requirements of the site. The results of the analysis show the actual peak parking demand of the proposed site is 37 spaces, which only occurs during a single hourly time period (5:00 to 6:00 PM).
3. The Applicant meets the full 37 space parking demand of the project with construction of 23 covered spaces under the proposed six-story building and 14 additional on-site surface parking spaces.





Andrew Tufts – Planner
Planning Division, City of Portland
389 Congress Street
Portland, ME 04101

May 30, 2019

Subject: Comment Response Letter
40 Free St. Redevelopment – Portland, Maine

On behalf of 40 Free LLC, we are pleased to respond to the comments that we've received by multiple reviewers. The comment is provided in italics followed by Acorn's response.

Planning/Zoning

Comment – *The proposal indicates all bike parking to be included inside the building in a room also to be used for storage. Additional explanation is needed.*

Response – The Bike room / storage room will be used for Bike Storage to the extent it is required to provide 22 bike rack spaces, the remaining space will be built with a chainlink divider system for general building storage space.

Comment – *In addition to the internal bike parking, bike parking should be provided street side for both residential and retail use.*

Response – Two Dero bike racks will be provided along Free St.

Comment – *Conditional Use - Inclusionary Zoning – Comments Pending*

Response – No response at this time.

Landscape: City Arborist, Jeff Tarling

Comment – *Proposed Street Trees conflict with ADA requirements*

Response – Per discussions with planner Andrew Tufts, DPW, Planning and the City Arborist, street trees will be removed, and streetlights and a bicycle rack will be proposed in their place.

Comment – *Proposed Street Trees are in a tight, heavily salted pedestrian area and have low probability of survival.*

Alternative: Include exterior bicycle racks on pedestrian right of way on Free Street & elevated planters or beds against the proposed building, as done in front of the parking garage across the street. Please consult with the planner who will coordinate with the Urban Designer and City Arborist.

Response – Per discussions with planner Andrew Tufts, DPW, Planning and the City Arborist, street trees will be removed, and streetlights and a bicycle rack will be proposed in their place.



Traffic and Parking: DPW Mike Tremblay P.E. Senior Engineer

Comment – *The 37 proposed parking spaces to be associated with the site; not be enough, considering there are 51 residential units proposed. Additional analysis is required and ongoing. [Please note that the planning board will determine the required number of spaces based upon the submitted analysis]*

Response – *Reviewed and Approved by Bill Bray, P.E. – Traffic Solutions* - A parking assessment performed by Traffic Solutions was provided. Demand assumptions for the mixed-use nature of the development are provided, as well as hourly peak parking demand summaries to account for the “shared” parking recommended by the Institute of Transportation Engineers “Parking Generation” publication in mixed-use projects.

Comment – *Of the 37 proposed spaces, nearly half (18, or 48.6%) are substandard in size. The technical manual allows for 20% of spaces to be compact. Some of these spaces are located close to walls and/or columns, which makes maneuvering into and out of these spaces very difficult. DPW has concerns that the spaces that are provided may not be suitable for the typical vehicle.*

Response – 19 of 23 (83%) spaces located within the garage are full size spaces, allowing for easier maneuvering around walls or columns. The exterior compact spaces are adjacent to a drive aisle that are 24’ or greater in width for most of its length allowing for easier access, and the width of stalls matches those currently existing. The residential units will have assigned parking spaces resulting in a high parking lot/space familiarity. Additionally, this use provides a low turnover.

Comment – *The drive aisle is only 20 feet in one location, where vehicles will be entering and exiting a parking area on a curve. This can be rectified by removing one compact 8.5x15 space at the corner of the parking area.*

Response – In accordance with Section 1.7.2.3 the minimum driveway width is 20 ft. When the driveway transitions to a parking drive aisle with 90 degree compact spaces, the standard 24 ft width is met.

Comment – *The applicant proposes to close the curb cut on Free Street, leaving two access points to the parking lot. This will affect how users enter and exit the parking lot. A traffic analysis, including, but not limited to, existing and net new trip generation and local trip distribution, should be required.*

Response – *Reviewed and Approved by Bill Bray, P.E. – Traffic Solutions* - Directional arrows clarifying direction of travel and gate access have been added to the plans at the Center Street and Cross Street curb cuts. Access to and from the lot will be unaffected as Free Street is a one-way street. Users attempting to enter the lot at the closed Free St access could continue on Free Street, to the forced turn to Cross Street and circle back to the existing Center Street ingress. Center Street will remain 2-way and provides access from either direction. Furthermore, the closure of the Free Street curb cut is in alignment with the city’s goals and purpose of the Pedestrian Activities District Overlay Zone on Free Street by promoting pedestrian uses at the street level. A traffic analysis should not be required.



Utilities

Comment – *The water and sewer connections to Free Street should be spaced close enough together to be repaired in a single trench.*

Response – The sewer connection has been revised to be closer to the water connection. There is now 5' of horizontal separation which is the minimum separation required by PWD when the sewer is at least two feet below the water.

Comment – *Please identify the electrical conduit along Free Street. Ensure it is not running along the proposed tree line.*

Response – Electrical conduit has been added to the plans. It is located on the opposite side of Free Street adjacent to the parking garage.

Comment – *Can the electric grate be moved outside of the primary pedestrian path? Note potential for variable settlement.*

Response – The electrical grate is proposed to be removed. Based on as-built drawings, it appears to be abandoned in place.

Comment – *The proposed sewer lateral is shown within 4-5 feet of a proposed tree pit. Sewer lateral should be located outside the tree canopy zone; coordinate with city arborist and water resources.*

Response – Trees have been removed from the plans.

Comment – *The Applicant needs to install a hood system and grease trap for any retail unit(s) that is to be a restaurant use (with some exceptions, if it's not a full restaurant).*

Response – No restaurant uses are proposed.

Right of Way

Comment – The sidewalk grades may need additional detail to ensure that a 2% maximum cross-slope is being met at all locations.

Response – Slopes have been added to the plans.

Comment – *If at all possible, a 5-foot pedestrian sidewalk (2% max cross-slope) should be provided between the tree pit and the property line. If this is not possible, an easement for the necessary width will be required. The sidewalk should be a uniform material for the full 5-foot width, including any part of the sidewalk within the easement. This may affect the material at building entrances, which appear to be concrete pads.*

Response – Trees have been removed and a min. 5' wide 2% max cross-slope sidewalk is provided. Flush granite will be provided at the building entrance in alignment with the character of the neighborhood.



Comment – *Does the applicant plan on removing and resetting the granite curb to ensure the sidewalk is built correctly? Also, the applicant should ensure that the finished grade elevations of the building entrances are correct to allow for ADA access.*

Response – Granite curb will be removed and reset per sheet C-10. ADA requirements will be met at all door locations and for the sidewalk cross-slopes.

Comment – *Please be aware of and conform to the correct street light standards.*

Response – Street lights will be updated to the downtown streetlights and have been added to the Utility Plan. The detail will be added to the plan set prior to construction.

Comment – *Is there a way to provide an ADA ramp along the east side of the site where the stairs are shown? Would be advantageous to have a mid-block, accessible route between Free and Spring streets.*

Response – The change in grade is too large to have an ADA compliant ramp with required landings between Free Street and the parking lot. An ADA compliant ramp would be almost double overall length of the adjacent building wall and would result in multiple switchbacks. ADA access will be provided from Free St to the users of the retail stores. Furthermore, ADA access will be provided to the residential units to and from the Free St, the subsurface parking garage and to the rear surface parking lot.

Comment – *The proposed signs shall be City of Portland standard and shall be installed by the contractor. PVC sleeves should be installed during sidewalk work, flush with the finished sidewalk grade and capped until signs are installed, so that signs can be installed without a breakout.*

Response – A note has been added to the Site Plan for the installation of the PVC sleeves and for the Contractor to coordinate with DPW on the location of the sleeves.



Civil Engineering Peer Review – Lauren Swett

Comment – Projects applying for Level III Site Plans are required to comply with the City of Portland's Section 5 Stormwater Standards as well as Chapter 500 Regulations. The project must consider the Basic, General, Flooding, and Redevelopment Standards.

- a. The Applicant has provided erosion and sedimentation control details and a written plan in accordance with the Basic Standards. Erosion control features have been called out on the Construction Management Plan, sheet C-03.
- b. The Applicant is not increasing impervious surface, and is not required to provide any treatment or flooding control as required for the General and Flooding Standards.
- c. The Applicant is not increasing non-roof redeveloped impervious surface, and is not required to provide any treatment as required for the Redevelopment Standard.

Response – No action required.

Comment – The Applicant has received ability to serve letters for all utilities except for sewer and water. Final ability to serve will be provided by the City of Portland for the sewer service and Portland Water District for the water service.

Response – Ability to serve from Portland Water District has been received and provided. Sewer service ability to serve will be provided on receipt.

Comment – Additional clarification should be provided on the area to the west of the proposed building.

- a. The project is proposing to fill against the existing building on the corner of Center Street and Free Street, and it also appears that a retaining wall will be built against the existing building in some areas. The Applicant should confirm that this change to the adjacent building on another property will be acceptable, and that a construction easement or some other type of agreement isn't required.
- b. A gravel utility courtyard is proposed between the proposed and existing buildings. This has almost a 12% slope, and it appears that water in this area will flow down to a retaining wall. Additional consideration may be needed for drainage in this area – ensure that stormwater flow won't undermine the surrounding building and retaining walls, and that the gravel surface is adequate permanent surface treatment to prevent erosion on the slope. This is a small area that likely won't see much stormwater flow, but we suggest the applicant review.

Response –

- a. Please refer to the attached letter from Structural Integrity. An easement will be granted by JB Brown to 40 Free LLC for the work.
- b. A field inlet has been added adjacent to the retaining wall and the gravel surface has been changed to crushed stone.

Comment – Proposed contours are not shown on the stairs to the east of the proposed building. Slope arrows indicate a change in grade before the brick area transitions to pavement (1.2% to 4.4%). Additional spot grades and topography lines should be provided to show how this area is graded.

Response – Contours occur within the stairs themselves and are not shown for clarity. Additional spot grades will be added to the plans.



Comment – *On the Site Plan and Grading Plan, views of two different levels are provided. The lower view only shows some of the at-grade level improvements outside of the building footprint. There would be a benefit to show all of the at-grade work outside of the building on both plans to avoid confusion. For example, proposed contours are shown only on the first-floor plan, but existing contours are shown on both plans. Also, the lower plan shows foundation drains and cleanouts, but the first-floor plan does not – cleanouts should be shown on the first-floor plan to see proximity to other site features like the granite slabs at doorways.*

Response – The plans have been updated to provide more clarity.



Fire – Robert Thompson

Comment – *The official address shall be approved by the City E911 addressing officer prior to the building permit process.*

Response – The developer will work with the City to achieve this.

Comment – *The approved street address shall be marked on the structure in numerals.*

Response – The developer and architect will work with the City to achieve this.

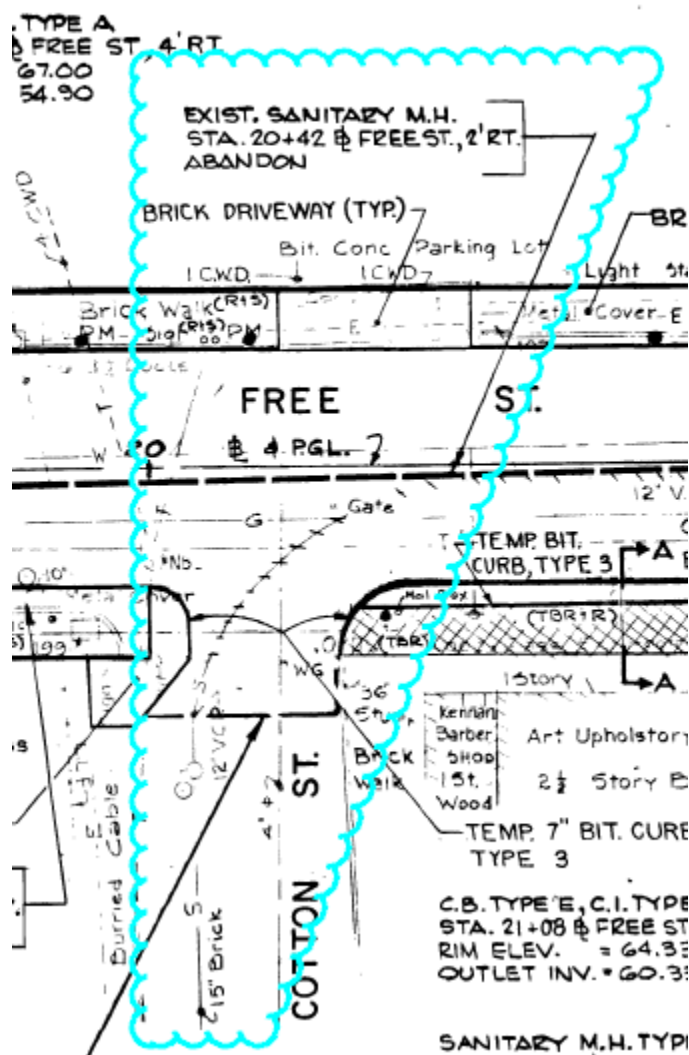


Water Resources – Bradley Roland, P.E.

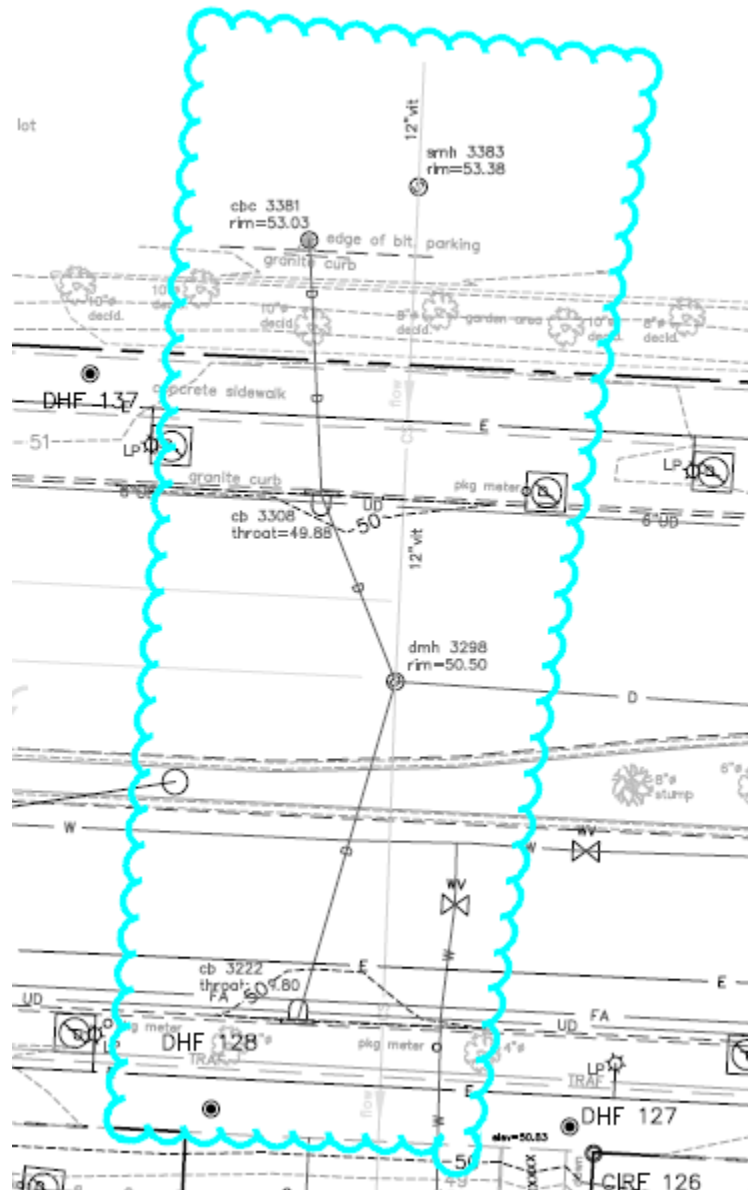
Comment - Existing Conditions:

- a. Electrical conduit in Free Street sidewalk not shown on the existing condition plans – may impact tree placement and other utility grades.
- b. No information given to the sewer manhole near Free Street and if the services entering manhole are active.
- c. Additional information needed regarding the connection of to the Spring Street sewer and connection to site sewer/ drainage manholes.

Response – a. The conduit has been added to the plans on opposite side of Free St.
 b. Services are abandoned per the plan titled Mainway Renewal Project, by FST General Plan – Part 1 Free Street, dated July 1972, Sheet 5 of 26. Drawing clip is below.



c. The Plan is to install a catch basin within the parking lot and utilize the existing 12" drain as an outlet. The drain is tributary to DMH 3298 within Spring St per the Spring/Middle Arterial Streetscape Plan Existing Conditions Plan, dated Nov. 21, 2013, Sheet 4 of 5.



Comment – Sheet C-20:

- a. Roof drains should be connected to the storm drain discharging from the site into Spring Street.
- b. Information needed for connection of oil water separator into sewer in Free Street.
- c. Trench drain connection ?? discussion.

Response – a. Roof drains have been revised to connect to Spring Street.
 b. The internal garage drains will be tributary to an oil water separator prior to any



flow being pumped up and into the sewer gravity drain tributary to Free St.

c. The trench drain is necessary to intercept stormwater flows for the concrete ramp prior to the garage door. The concrete ramp and trench drain is proposed to be heated in the winter. The relatively small stormwater flows would be tributary to Spring St.

Comment – P. Utilities Description:

a. *Sewer: is listed as discharging into Hammond Street*

b. *Stormwater:*

i. *Confirm existing site sewer/ storm lines uphill of proposed MH-1 are not connected to anything.*

ii. *Roof runoff will be directed to the storm drain (MH-1) and Spring Street.*

Response – a. The document has been corrected to read “Free Street”.

b.

i. Please refer to the plan drawing clip above noting the abandoned sewer. The Construction Management Plan also included a note to demolish and plug the existing abandoned sewer in accordance with The City of Portland Technical Standards.

ii. Roof runoff has been revised such that it will be routed to a catch basin out out to Spring Street.

Comment – Wastewater Capacity: Will be issued separately

Response – No action required

Please let me know if there are any further comments or questions.

Sincerely,



William H. Savage, P.E.
Principal - Project Manager
Acorn Engineering, Inc.

Attached: Structural Integrity Letter, dated 5/28/19





May 28, 2019

Ryan Senatore
Ryan Senatore Architecture
500 Congress Street
Portland, Maine

Reference:
Excavation for New Foundation
40 Free Street Portland, Maine
Structural Integrity Job Number: 19-0051

Dear Ryan,

As requested, I am writing in regards to the proposed excavation for new foundations at the above-mentioned location, and its effect on the adjacent existing building. The low area behind the new retaining wall is expected to be above the existing footing elevation, which will be verified in the field. Frost protection will be reduced in this area, so rigid foam insulation will be added against the exposed foundations as required to counteract the effects of frost. Undermining or other negative impacts toward this existing foundation are not anticipated, so long as adequate drainage is provided within the area.

Please let me know if you have any questions or comments.

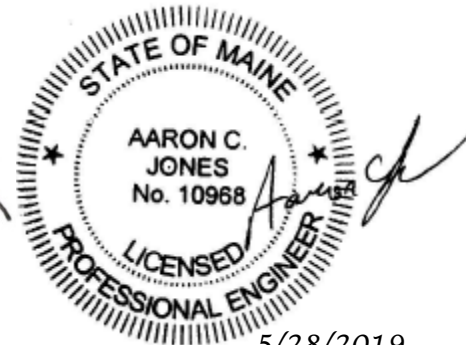
Sincerely,

A handwritten signature in blue ink, appearing to read "Ben D. Heidebrink", written over a horizontal line.

Ben D. Heidebrink, P.E.
Project Manager

A handwritten signature in green ink, appearing to read "Aaron C. Jones", written over a horizontal line.

Aaron C. Jones, P.E., SECB, LEED AP
President



5/28/2019

40 Free LLC - Application Clarification

1 message

William Savage <wsavage@acorn-engineering.com>

Thu, May 30, 2019 at 11:55 AM

To: "BAB@portlandmaine.gov" <BAB@portlandmaine.gov>

Cc: "Andrew Tufts (atufts@portlandmaine.gov)" <atufts@portlandmaine.gov>, Sam Lebel <slebel@acorn-engineering.com>

Barbara,

To clarify our application the proposed project will be located on a parcel owned by 40 Free, LLC. The development parcel does not include any new surface parking spaces, parking aisles, or vehicular lanes within 35 ft of any street. This project will decrease this existing non-conformity. The proposed structured subsurface parking which provides for an activated retail presence along Free St. This has been allowed within the zoning code and on past approved projects within the B-3 zone. The existing surface parking spaces and aisles within 35 ft of Free St as well as the existing curb cut will be removed as part of the project. Vehicular access will be provided by way of Cross Street or Center Street across a separate parcel that will be subject to a permanent access easement.

Please withdraw the section of the application that requested a conditional use for a "surface parking lot". I was not aware of this but if this section was completed by Matthew Ballog, who is no longer with Acorn Engineering, then it was an honest error.

Please do not hesitate to call with any clarifying questions or comments.

Best,

Will Savage, PE

Principal

Licensed in Maine

Acorn Engineering, Inc

PO Box 3372

Portland, Maine 04104

https://www.instagram.com/acorn_engineering/

<https://www.linkedin.com/company/acorn-civil-engineering/>

B. 207.775.2655

C. 207.317.1884

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FREE STREET - MIXED USE
PORTLAND, MAINE

APRIL 1, 2019

Att. V

QSP2 GeoPak



4 VIEW LOOKING WEST FROM SPRING STREET



2 VIEW LOOKING SOUTHWEST FROM FREE STREET



5 PROPOSED WALL PACK EXTERIOR LIGHT



3 VIEW LOOKING WEST FROM SPRING STREET



1 VIEW LOOKING NORTHEAST ON FREE STREET

FREE STREET - MIXED USE
PORTLAND, MAINE

APRIL 1, 2019

Att. W



4 VIEW LOOKING WEST FROM SPRING STREET



2 VIEW LOOKING SOUTHWEST FROM FREE STREET



3 VIEW LOOKING SOUTHWEST FROM FREE STREET



1 VIEW LOOKING EAST ON FREE STREET

Development ReviewInclusionary Zoning[Next Section](#) | [Top](#)**# IZ Units**

5.1

On-Site IZ Units

5

Off-Site IZ Units

0

IZ Homeownership Units

0

IZ Rental Units

5

IZ Efficiencies

0

IZ 1 Bedroom

4

IZ 2 Bedroom

1

IZ 3 Bedroom

0

IZ 4 Bedroom

0

IZ 5 Bedroom

0

Market Rate Units

0

IZ Fee in lieu

YES

Att. X

Original Plan Data# of Lots

0

[Previous Section](#) | [Top](#)**Total Proposed**

51

Total Existing

0

Total Units:

51

Total Existing

0

0

Total Existing

0

1 Bedroom:

37

of Two-Bedroom Units

0

14

Total Existing

0

Total Proposed

0

Total Existing

0

Other:

0

Please review application summary on next page before pressing SUBMIT

CITY OF PORTLAND
Planning & Urban Development Department

**CONDITIONAL USE – PLANNING BOARD REVIEW
SUBMISSION CHECKLIST**

Please submit each document as a separate PDF file
Please confirm by electronically checking the boxes to the left

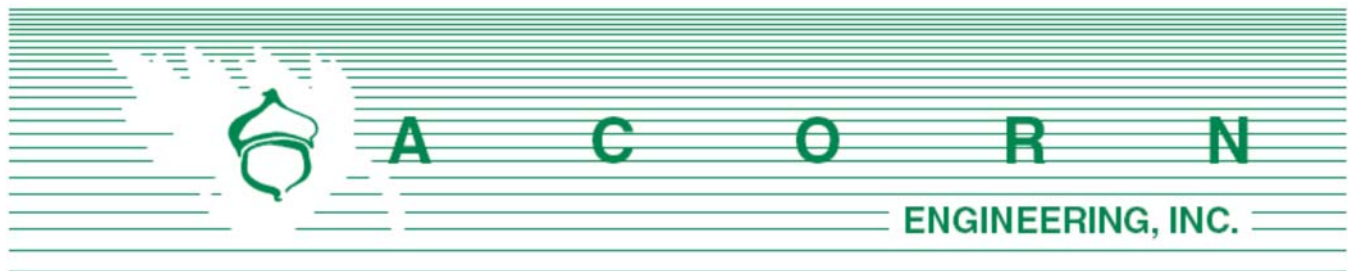
Conditional uses are listed in the Zoning Ordinance for each zone and these proposed uses must address the criteria contained in Section 14-474 in the written application. In addition to the criteria in Section 14-474, each application must address any applicable conditional use standards contained in the applicable zone for the proposed use.

GENERAL APPLICATION DOCUMENTS

Yes ☒	N/A ☐	Project Description Cover Letter with detailed project description
Yes ☒	N/A ☐	Completed Checklist – Conditional Use (this document)
Yes ☒	N/A ☐	Right, Title and Interest Deeds, leases, or purchase and sales agreements

CONDITIONAL USE STANDARDS AND CRITERIA

Yes ☒	N/A ☐	Traffic Address volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the zone.
Yes ☐	N/A ☒	Environmental Impacts Address use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
Yes ☐	N/A ☒	Design and Operation Address the design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generations, arrangement of structures, and materials storage that will not have a substantially greater effect; impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.
Yes ☐	N/A ☒	Zone Specific Criteria Deeds, leases, or purchase and sales agreements



Barbara Barhydt
Planning Division
City of Portland, Maine
389 Congress Street, 4th Floor
Portland, ME 04101

April 18, 2019

Re: Conditional Use Application
40 Free St. Development
40 Free St. Portland, ME 04101

Att. Z

Barbara:

Acorn Engineering, Inc., in coordination with the project team, is pleased to submit the civil engineering components for a Preliminary Application for a Level III Site Plan for the 40 Free LLC mixed-use redevelopment. The proposed redevelopment design is at a considerable level of completion for a preliminary application. The following design work has been completed:

- 1) **Existing Conditions:** Acorn Engineering has teamed up with Owen Haskell Surveying to produce an initial survey of the development site. The survey outlines the existing utilities and grades of the area and serves as a basis for all continued design. Owen Haskell Surveying has also produced a preliminary boundary plan showing the new parcel to be deeded.

The impacted area for the redevelopment currently consists entirely of surface parking and extends across 2 parcels, both currently owned by J.B. Brown & Sons. J.B. Brown & Sons also owns all abutting parcels located in this block. Land from the 2 parcels will be deeded to a new parcel to be controlled by 40 Free LLC. New easements granting access for construction, maintenance, parking and access will be created for all affected parcels.

Spring Street, which borders the site to the south, has 2 years remaining on a 5-year moratorium on any street openings. This has been taken into consideration for our design and no pavement cuts within the moratorium area are proposed.

- 2) **Site Plan:** The proposed layout has been designed to create a continuity of pedestrian oriented uses in the Pedestrian Activities District overlay zone on Free Street. There will be an interior parking garage in the basement, visible only from the rear of the building. Inside the garage are 19 standard parking spaces, including 2 accessible spaces. 12 compact spaces are located along the back wall of the building. Additional stalls from the partially reconfigured surface lot will be dedicated to the new building to meet the parking demand requirements as determined by a study performed by Traffic Solutions.

The ground floor along Free Street will consist of 5 commercial retail spaces and an entrance lobby and bike storage room for the residential units. The 2nd thru 6th floors will contain 51 residential units. A new pedestrian walkway between 40 Free St and 22 Free St will further encourage pedestrian activities on Free St.

Based upon the 10% workforce unit requirement, the project currently anticipates either

building five units on site and paying the fee-in-lieu for the remaining 0.1 requirement or building units off site.

- 3) Utility Plan:** Acorn Engineering has sent out Ability to Serve letters to gas, water, telephone, cable, electricity, solid waste removal, and sewer utilities and have successfully secured responses from Unitil (gas), Portland Water District (water), Consolidated Communications (phone/fiber), Charter (cable) and Central Maine Power (electricity). Some of these providers have also been met with onsite and reviewed proposed changes to existing utilities. A summary of the responses is included in this application.

Acorn is also aware of Unitil's planned Free Street extension of an intermediate pressure natural gas main, and its expected availability is incorporated into our design. Contingency plans have also been developed and coordinated with Unitil should the extension not be available in time for our construction.

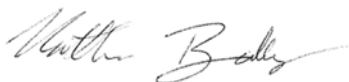
- 4) Grading, Drainage and Erosion Control Plan:** The site is currently 100% covered by a paved surface parking lot. The majority of proposed surface runoff will be from the roof with some additional runoff from the pedestrian walkway and the repaved portion of the surface parking lot. Therefore, the proposed development produces cleaner runoff than the existing, uncovered surface parking lot. The repaved portions of the surface lot will maintain the existing flow patterns and as such, are considered a maintenance activity not subject to water quality treatment requirements of the General Standards.

All roof runoff is to be redirected to the basement and then connected to the Free Street combined sewer. Runoff from within the basement garage will be pretreated via an oil-water separator before being pumped to the Free Street sewer with the roof runoff. The foundation drains and an exterior trench drain will flow to a new manhole that intercepts the existing combined sewer bisecting the lot that flows to Spring Street. Existing surface flow patterns to the catch basins in the surface lot will be maintained.

For a more detailed description of the proposed drainage and grading system, refer to the Stormwater Report. This report includes evidence that the proposed development will not increase surface runoff flows, and therefore will not require surface water quality treatment or retention.

- 5) Lighting:** The existing building front is directly lit by street lights on Free Street that will be upgraded to meet the downtown district municipal standards. Lighting for the pedestrian walkway and rear building access will be provided by wall mounted down lights. These lights will comply with the Historic District's guidelines.

Please do not hesitate to contact our office with any questions or comments.
Sincerely,



Matthew Ballog, P.E.
Project Manager
Acorn Engineering, Inc.



THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANIES AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION FOR UTILITIES. OTHERWISE, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF UNDERGROUND UTILITIES AND LOCATE ANY POTENTIAL CONFLICTS WITH THE APPROVED PLANS PRIOR TO CONSTRUCTION.

2. THE CONTRACTOR IS RESPONSIBLE FOR MAINTENANCE OF ALL EROSION CONTROL MEASURES SHOWN ON THE PLAN. IF DEEMED NECESSARY BY THE OWNER OR OWNER'S REPRESENTATIVE, ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED AT NO ADDITIONAL COST TO THE OWNER.

3. THE CONTRACTOR SHALL PREPARE THEIR OWN MATERIAL SCHEDULE BASED ON THE PLANS AND FIELD VERIFICATION BY THE CONTRACTOR. ALL MATERIAL SCHEDULES SHOWN WITHIN THE PLAN SET ARE FOR GENERAL INFORMATION ONLY.

4. ALL CONSTRUCTION METHODS, TESTING AND MATERIALS SHALL CONFORM TO THE MAINE DEPARTMENT OF TRANSPORTATION SPECIFICATIONS, THE CITY OF PORTLAND AND SERVICING UTILITY REQUIREMENTS, IF ANY. IN CASES WHERE THESE CONFLICT, THE MOST STRINGENT SPECIFICATION SHALL APPLY AT NO ADDITIONAL COST TO THE OWNER.

5. THE SITE CONTRACTOR SHALL MAINTAIN A SET OF PAPER AND CAD DRAWINGS WHICH SHALL RECORD THE ACTUAL LOCATION, DIMENSIONS, ELEVATIONS, MATERIALS OF THEIR WORK, INDICATING THEREON ALL VARIATIONS FROM THE CONTRACT DRAWINGS. THE CONTRACTOR SHALL PROVIDE THE OWNER WITH ONE COMPLETE SET OF REPRODUCIBLE RECORD DRAWINGS, IN AUTOCAD FORMAT AND PAPER, STAMPED "AS-BUILT". IF AUTOCAD NOT AVAILABLE, EXCLUDE FROM BID IN WRITING.

6. THE CONTRACTOR WILL REMAIN SOLELY AND COMPLETELY RESPONSIBLE FOR ENFORCEMENT OF AND COMPLIANCE WITH 1) ANY CONTRACT PLANS AND SPECIFICATIONS, 2) APPLICABLE INTERNATIONAL BUILDING CODE REQUIREMENTS, AND 3) ALL SITE WORKING CONDITIONS AND SAFETY REQUIREMENTS, DAY AND NIGHT, FOR BOTH PERSONS AND PROPERTY, IN EACH CASE BOTH BY THE CONTRACTOR AND ITS SUBCONTRACTORS. THESE INCLUDE ALL OSHA, NIOSH, U.S. EPA AND ANY OTHER APPLICABLE GOVERNMENTAL REGULATIONS.

7. EXISTING CONDITIONS, BOUNDARY SURVEY, AND TOPOGRAPHY FROM THE PLAN TITLED "TOPOGRAPHIC SURVEY" BY OWEN HASKELL, INC. DATED MARCH 20, 2019.

8. SUBSURFACE DATA HAS BEEN OBTAINED BY S.W. COLE ENGINEERING, INC. AND SHALL BE INCLUDED IN THE CONTRACT DOCUMENTS. THE CONTRACTOR SHALL ALSO REVIEW THE REPORT PRIOR TO SUBMITTING A BID.

9. THE CONTRACTOR IS RESPONSIBLE FOR MAINTAINING ACCESS TO THE SITE AND ALL ADJACENT PROPERTIES AT ALL TIMES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL TEMPORARY MARKINGS, SIGNAGE AND INCIDENTALS TO MAINTAIN A SAFE VEHICLE AND PEDESTRIAN ACCESS THROUGH THE LIFE OF THE PROJECT. THE CONTRACTOR SHALL NOTIFY THE PORTLAND PUBLIC SAFETY DIVISION ROUTINELY REGARDING TEMPORARY IMPACTS OR CHANGES TO SITE ACCESS CONDITIONS.

10. CONSTRUCTION MANAGEMENT PLAN BY ACORN ENGINEERING SHALL BE REFERRED TO FOR ANTICIPATED PROJECT SCHEDULE AND CLOSURES. TRAFFIC CONTROL SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

11. CONTRACTOR TO DETERMINE SOIL CLASSIFICATION INDEPENDENTLY FOR TRENCH, SHORING AND OTHER SIMILAR CONSTRUCTION MEANS AND METHODS APPLICATIONS.

12. NO HOLES, TRENCHES, OR STRUCTURES SHALL BE LEFT OPEN OR UNATTENDED OVERNIGHT IN ANY AREA ACCESSIBLE TO THE PUBLIC OR WITHIN THE PUBLIC RIGHT-OF-WAY.

13. THE CONTRACTOR SHALL CONDUCT A PRE-CONSTRUCTION SURVEY OF INTERIOR SUBGRADE AND ABOVE GRADE ACCESSIBLE WALLS, CEILINGS, FLOORS, ROOF AND VISIBLE EXTERIOR AS VIEWED FROM THE GRADE LEVEL. THIS SHALL BE COMPLETED AT A MINIMUM FOR ADJACENT STRUCTURES AT 22 FREE STREET AND 48 FREE STREET. A COPY OF THE SURVEY SHOULD BE PROVIDED TO THE OWNER. DOCUMENT WITH PICTURES AT A MINIMUM.

14. THE CONTRACTOR SHALL SURVEY ROCK SURFACE PRIOR TO EXCAVATION AND DEVELOP VOLUME CALCULATIONS TO SHARE WITH ACORN ENGINEERING, IF ANY.

CIVIL SITE NOTES:

1. THE CONTRACTOR SHALL SUBMIT IN WRITING ANY REQUESTS TO MODIFY THE CONTRACT DOCUMENTS.

2. ALL SHOP AND ERECTION DRAWINGS SHALL BE CHECKED AND STAMPED BY THE GENERAL CONTRACTOR PRIOR TO SUBMISSION FOR ENGINEER'S REVIEW. ANY UNCHECKED OR NON-STAMPED SUBMITTALS WILL BE RETURNED WITHOUT REVIEW.

3. CONTRACTOR SHALL THOROUGHLY INSPECT AND SURVEY EXISTING STRUCTURES AND SITE TO VERIFY CONDITIONS THAT AFFECT THE WORK SHOWN ON THE DRAWINGS. CONTRACTOR TO NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING.

4. DETAILS SHOWN APPLY TO ALL SIMILAR CONDITIONS UNLESS OTHERWISE INDICATED.

5. ALTHOUGH ALL DUE DILIGENCE HAS BEEN APPLIED TO MAKE THE DRAWINGS AS COMPLETE AS POSSIBLE, NOT ALL DETAILS ARE ILLUSTRATED, NOR IS EVERY EXCEPTIONAL CONDITION ADDRESSED WITHIN THE CONTRACT DOCUMENTS.

6. ALL PROPRIETARY CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.

7. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ALL WORK, INCLUDING DIMENSION AND LAYOUT VERIFICATION, MATERIALS COORDINATION, SHOP DRAWING REVIEW AND THE WORK OF ANY SUBCONTRACTORS.

8. UNLESS OTHERWISE SPECIFICALLY INDICATED, THE DRAWINGS DO NOT DESCRIBE OR DIRECT MEANS OR METHODS OF CONSTRUCTION.

9. THE CONTRACTOR, IN THE PROPER SEQUENCE, SHALL PERFORM OR SUPERVISE ALL WORK NECESSARY TO ACHIEVE THE FINAL COMPLETED STRUCTURE AND TO PROTECT THE STRUCTURE, WORKMEN AND OTHERS DURING THE CONSTRUCTION. SUCH WORK SHALL INCLUDE, BUT NOT BE LIMITED TO: BRACING, SHORING FOR CONSTRUCTION EQUIPMENT, SHORING FOR EXCAVATION, FORMWORK, SCAFFOLDING, SAFETY DEVICES AND PROGRAMS OF ALL KINDS, SUPPORT AND BRACING FOR CRANES AND OTHER ERECTING EQUIPMENT.

10. DO NOT BACKFILL AGAINST RETAINING WALLS UNTIL SUPPORTING SLABS AND FLOOR FRAMING ARE IN PLACE AND SECURELY ANCHORED, UNLESS ADEQUATE BRACING IS PROVIDED. CONCRETE SHALL ALSO BE CURED FOR 28 DAYS PRIOR TO BACKFILLING.

11. TEMPORARY BRACING SHALL REMAIN IN PLACE UNTIL ALL FLOORS, WALLS, ROOFS AND OTHER SUPPORTING ELEMENTS ARE IN PLACE.

12. ALL PAVEMENT JOINTS SHALL BE SAWCUT AND APPLIED WITH TACK COAT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.

13. THE ENGINEER BEARS NO RESPONSIBILITY FOR THE ABOVE ITEMS AND OBSERVATION VISITS TO THE SITE DO NOT IN ANY WAY INCLUDE INSPECTION OF THEM.

SPECIAL INSPECTION NOTES:

1. ALL SITE SOILS-RELATED WORK AND FOOTING EXCAVATIONS PRIOR TO PLACING FORMS, AS WELL AS SITE DRAINAGE, SHALL BE REVIEWED BY THE PROJECT ENGINEER.

2. NORMAL REVIEWS WILL BE CONDUCTED BY LOCAL BUILDING DEPARTMENT.

3. NOTIFY 48 HOURS PRIOR TO REQUIRED REVIEW.

4. REQUIRED SPECIAL INSPECTIONS PER I.B.C. SECTION 1705.6 BY AN APPROVED SPECIAL INSPECTOR RETAINED BY OWNER. CONTRACTOR TO COORDINATE SPECIAL INSPECTIONS.

5. SPECIAL INSPECTOR SHALL BE A QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE, TO THE SATISFACTION OF THE BUILDING OFFICIAL, FOR INSPECTION OF THE PARTICULAR TYPE OF CONSTRUCTION OR OPERATION REQUIRING SPECIAL INSPECTION.

6. DUTIES AND RESPONSIBILITIES OF THE SPECIAL INSPECTOR SHALL BE TO OBSERVE AND/OR TEST THE WORK ASSIGNED AND OUTLINED ABOVE FOR CONFORMANCE WITH THE CONTRACT DOCUMENTS, ALL DISCREPANCIES SHALL BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE CONTRACTOR FOR CORRECTION.

7. THE SPECIAL INSPECTOR SHALL FURNISH REGULAR REPORTS TO THE BUILDING OFFICIAL, THE ARCHITECT AND ENGINEER OF RECORD, AND OTHER DESIGNATED PERSONS. PROGRESS REPORTS FOR CONTINUOUS INSPECTION SHALL BE FURNISHED WEEKLY. INDIVIDUAL REPORTS OF PERIODIC INSPECTIONS SHALL BE FURNISHED WITHIN ONE WEEK OF INSPECTION DATES. THE REPORTS SHALL NOTE UNCORRECTED DEFICIENCIES, AND CHANGES TO THE APPROVED CONSTRUCTION DOCUMENTS AUTHORIZED BY THE ENGINEER OF RECORD.

8. THE SPECIAL INSPECTOR SHALL SUBMIT A FINAL SIGNED REPORT WITHIN TEN DAYS OF THE FINAL INSPECTION STATING WHETHER

CONTRACTOR TO PROVIDE 5' OF COVER FROM TOP OF PIPE TO FINISH GRADE FOR WATER MAINS.

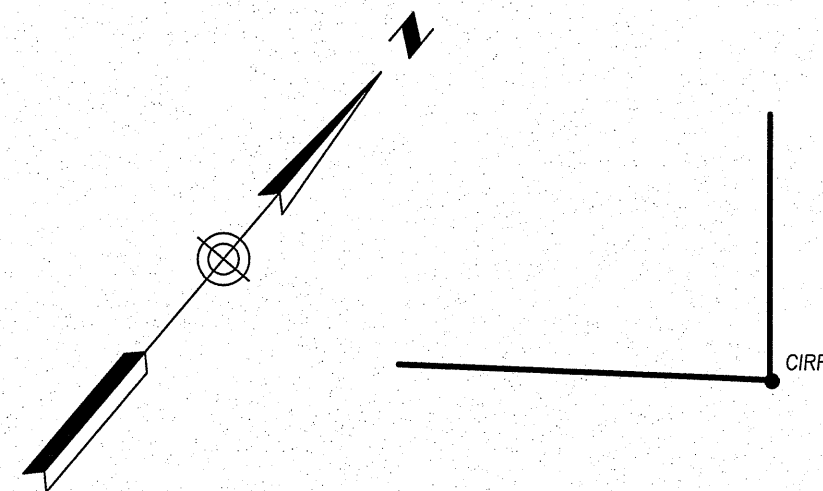
- THE CLIENT HAS NOT REQUESTED NOR HAS ACORN ENGINEERING COMPLETED A PHASE I – ENVIRONMENTAL SITE ASSESSMENT FOR THE PROPERTY.

1. THE CONTRACTOR SHALL SUBMIT IN WRITING ANY REQUESTS TO MODIFY THE CONTRACT DOCUMENTS.
2. ALL SHOP AND ERECTION DRAWINGS SHALL BE CHECKED AND STAMPED BY THE GENERAL CONTRACTOR PRIOR TO SUBMISSION FOR ENGINEER'S REVIEW. ANY UNCHECKED OR NON-STAMPED SUBMITTALS WILL BE RETURNED WITHOUT REVIEW.
3. CONTRACTOR SHALL THOROUGHLY INSPECT AND SURVEY EXISTING STRUCTURES AND SITE TO VERIFY CONDITIONS THAT AFFECT THE WORK SHOWN ON THE DRAWINGS. CONTRACTOR TO NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO PROCEEDING.
4. DETAILS SHOWN APPLY TO ALL SIMILAR CONDITIONS UNLESS OTHERWISE INDICATED.
5. ALTHOUGH ALL DUE DILIGENCE HAS BEEN APPLIED TO MAKE THE DRAWINGS AS COMPLETE AS POSSIBLE, NOT ALL DETAILS ARE ILLUSTRATED, NOR IS EVERY EXCEPTIONAL CONDITION ADDRESSED WITHIN THE CONTRACT DOCUMENTS.
6. ALL PROPRIETARY CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS.
7. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR THE COORDINATION OF ALL WORK, INCLUDING DIMENSION AND LAYOUT VERIFICATION, MATERIALS COORDINATION, SHOP DRAWING REVIEW AND THE WORK OF ANY SUBCONTRACTORS.
8. UNLESS OTHERWISE SPECIFICALLY INDICATED, THE DRAWINGS DO NOT DESCRIBE OR DIRECT MEANS OR METHODS OF CONSTRUCTION.
9. THE CONTRACTOR, IN THE PROPER SEQUENCE, SHALL PERFORM OR SUPERVISE ALL WORK NECESSARY TO ACHIEVE THE FINAL COMPLETED STRUCTURE AND TO PROTECT THE STRUCTURE, WORKMEN AND OTHERS DURING THE CONSTRUCTION. SUCH WORK SHALL INCLUDE, BUT NOT BE LIMITED TO: BRACING, SHORING FOR CONSTRUCTION EQUIPMENT, SHORING FOR EXCAVATION, FORMWORK, SCAFFOLDING, SAFETY DEVICES AND PROGRAMS OF ALL KINDS, SUPPORT AND BRACING FOR CRANES AND OTHER ERECTING EQUIPMENT.
10. DO NOT BACKFILL AGAINST RETAINING WALLS UNTIL SUPPORTING SLABS AND FLOOR FRAMING ARE IN PLACE AND SECURELY ANCHORED, UNLESS ADEQUATE BRACING IS PROVIDED. CONCRETE SHALL ALSO BE CURED FOR 28 DAYS PRIOR TO BACKFILLING.
11. TEMPORARY BRACING SHALL REMAIN IN PLACE UNTIL ALL FLOORS, WALLS, ROOFS AND OTHER SUPPORTING ELEMENTS ARE IN PLACE.
12. ALL PAVEMENT JOINTS SHALL BE SAWCUT AND APPLIED WITH TACK COAT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
13. THE ENGINEER BEARS NO RESPONSIBILITY FOR THE ABOVE ITEMS AND OBSERVATION VISITS TO THE SITE DO NOT IN ANY WAY INCLUDE INSPECTION OF THEM.

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2. NORMAL REVIEWS WILL BE CONDUCTED BY LOCAL BUILDING DEPARTMENT.
3. NOTIFY 48 HOURS PRIOR TO REQUIRED REVIEW.
4. REQUIRED SPECIAL INSPECTIONS PER I.B.C. SECTION 1705.6 BY AN APPROVED SPECIAL INSPECTOR RETAINED BY OWNER. CONTRACTOR TO COORDINATE SPECIAL INSPECTIONS.
5. SPECIAL INSPECTOR SHALL BE A QUALIFIED PERSON WHO SHALL DEMONSTRATE COMPETENCE, TO THE SATISFACTION OF THE BUILDING OFFICIAL, FOR INSPECTION OF THE PARTICULAR TYPE OF CONSTRUCTION OR OPERATION REQUIRING SPECIAL INSPECTION.
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8. THE SPECIAL INSPECTOR SHALL SUBMIT A FINAL SIGNED REPORT WITHIN TEN DAYS OF THE FINAL INSPECTION STATING WHETHER

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

[illegible]



CIRF

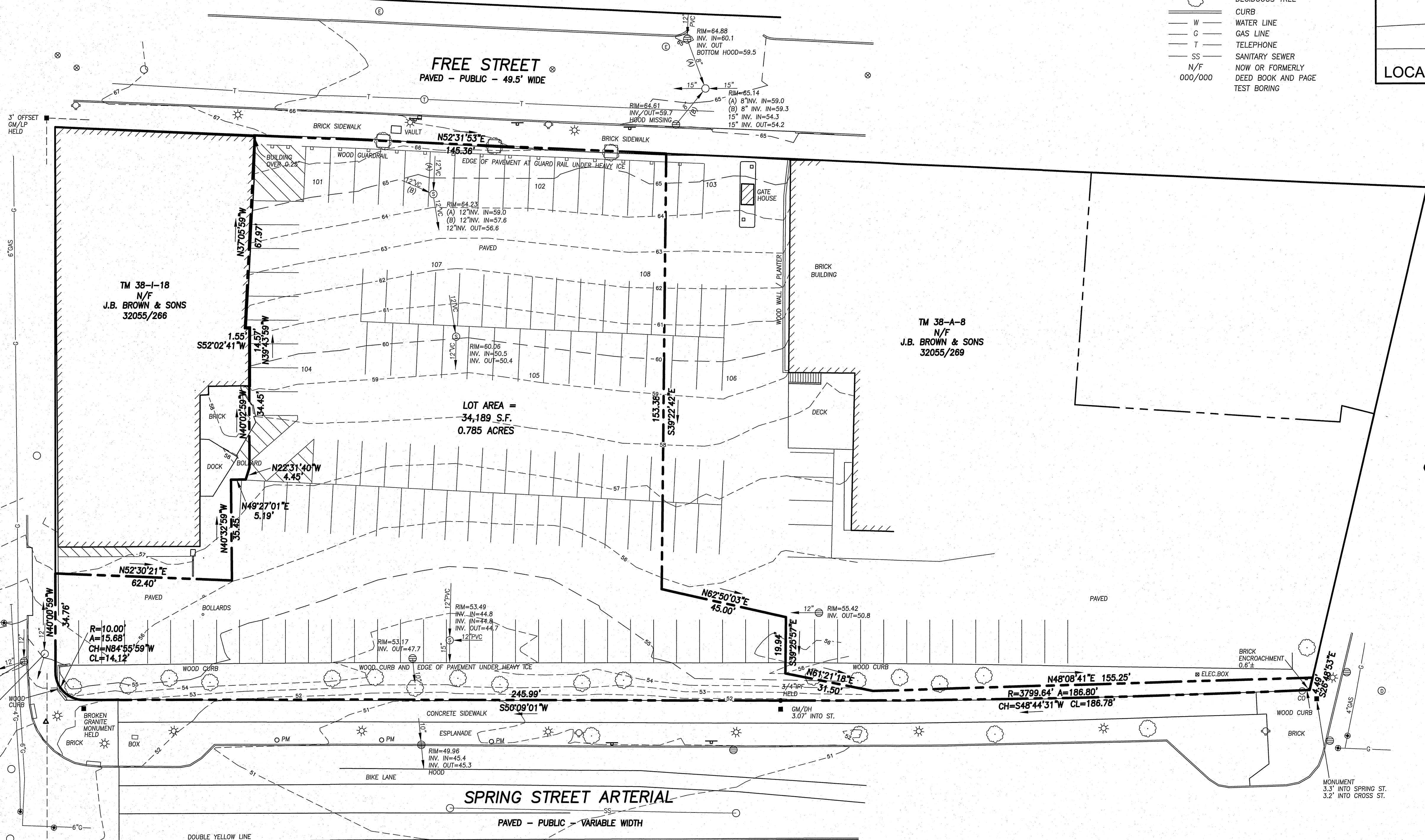
CENTER STREET
PAVED - PUBLIC - 60' WIDE

4" GAS
RIM=53.86
INV. IN=48.8
INV. OUT=48.4
HOOD

RIM=55.14
INV. IN=44.6
INV. OUT=44.5

3' OFFSET
39.00'

GRAPHIC SCALE
0 10' 20' 40' 80'



TM 38-I-18
N/F
J.B. BROWN & SONS
32055/266

LOT AREA =
34,189 S.F.
0.785 ACRES

R=10.00'
A=15.68'
CH=N84°55'59\"W
CL=14.12'

RIM=53.86
INV. IN=48.8
INV. OUT=48.4
HOOD

RIM=55.14
INV. IN=44.6
INV. OUT=44.5

3' OFFSET
39.00'

BROKEN
MONUMENT

3' OFFSET
39.00'

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39.00'

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GENERAL NOTES

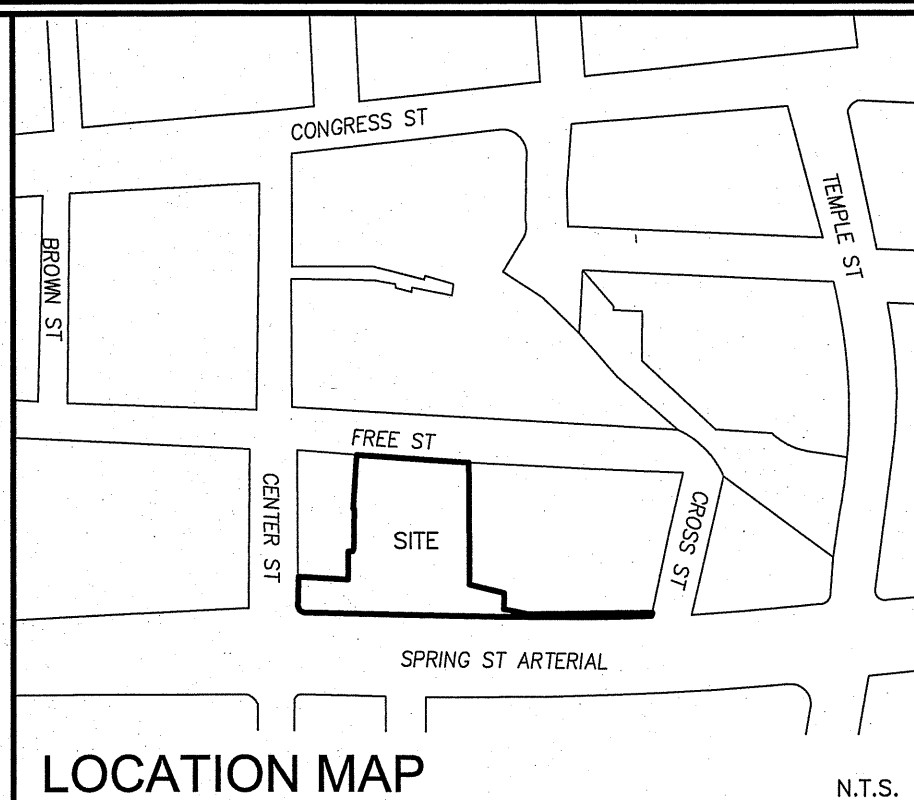
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4. ELEVATIONS ARE BASED ON NGVD 1929. CITY BENCHMARK: M MONUMENT AT THE WESTERLY CORNER OF FOREST AND CUMBERLAND AVENUES ELEVATION=80.57'.
5. SEE BOOK 1351 PAGE 307 FOR A NON-PERMANENT AGREEMENT ABOUT A GAP BETWEEN TWO BUILDINGS AND A DRAIN OR SEWER LINE. SAID ITEMS MAY NO LONGER EXIST.
6. TOPOGRAPHY DONE WITH THICK ICE AND SNOW AND SHOULD BE VERIFIED IN SPRING.

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 COMPRISE 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. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFINED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

LEGEND

- IRON PIPE OR ROD FOUND
- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- GAS VALVE
- SIGN
- CATCH BASIN
- HYDRANT
- WATER VALVE OR SHUTOFF
- LIGHT POLE
- DECIDUOUS TREE
- CURB
- WATER LINE
- GAS LINE
- TELEPHONE
- SANITARY SEWER
- NOW OR FORMERLY
- DEED BOOK AND PAGE
- TEST BORING



LOCATION MAP

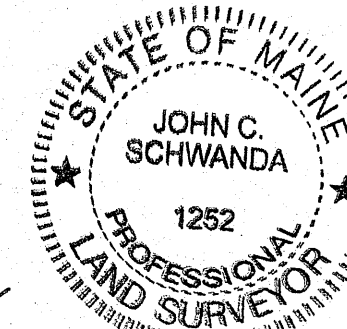
N.T.S.

CERTIFICATE

TO: THE CITY OF PORTLAND, MAINE

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 LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

3-20-2019
DATE JOHN C. SCHWANDA, PLS NO. 1252

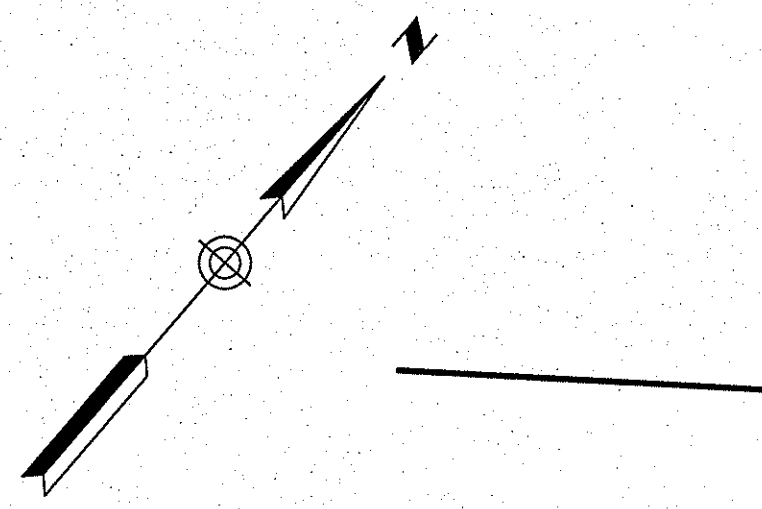


TOPOGRAPHIC SURVEY
ON
FREE STREET, PORTLAND, MAINE
MADE FOR
J.B. BROWN & SONS
10 FREE STREET, PORTLAND, MAINE



OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424

Drawn By RRL	Date	Job No.
Trace By JLW	MARCH 20, 2019	2017-058 P
Check By JCS	Scale	Drwg. No.
Book No. FILE	1" = 20'	1

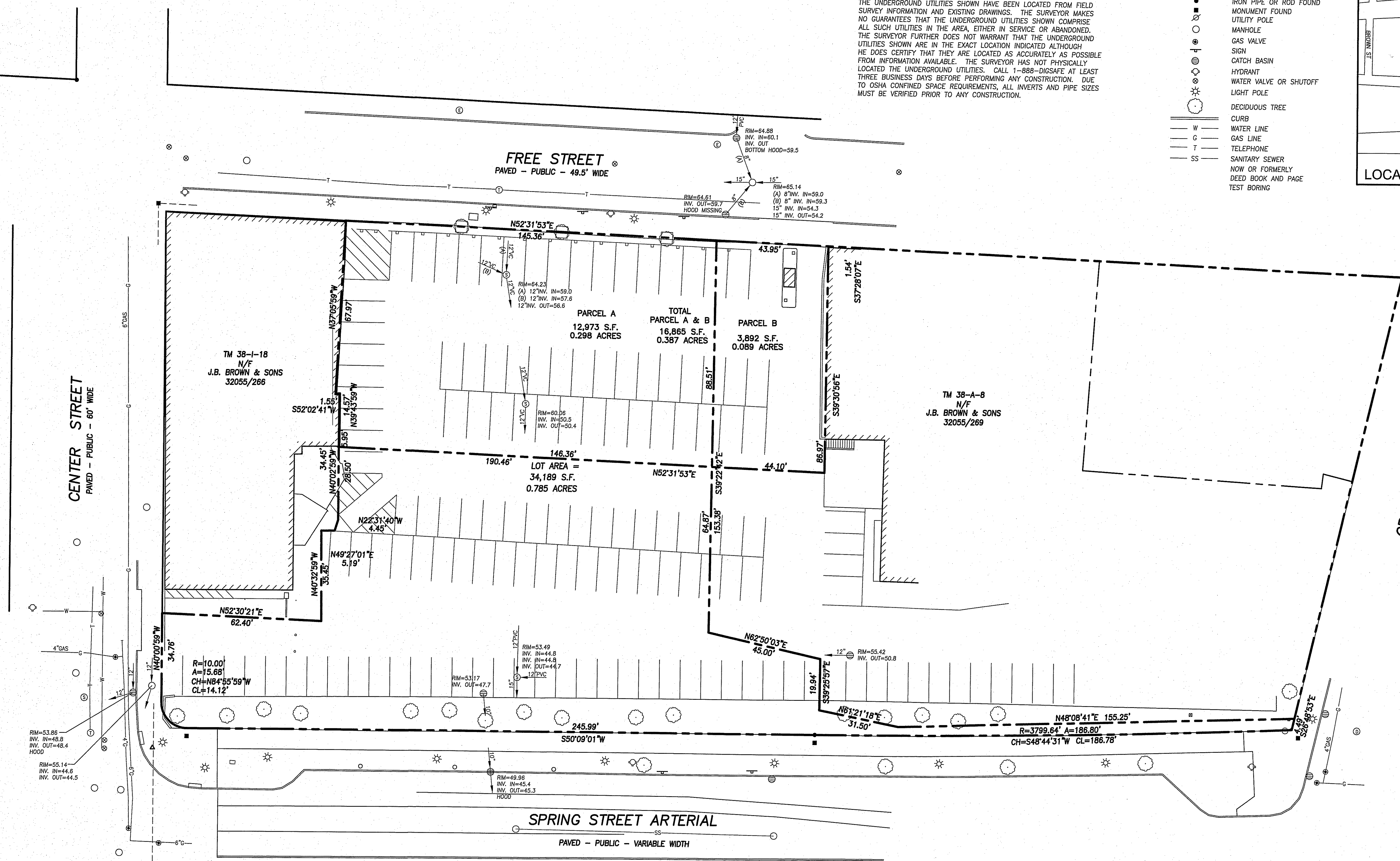
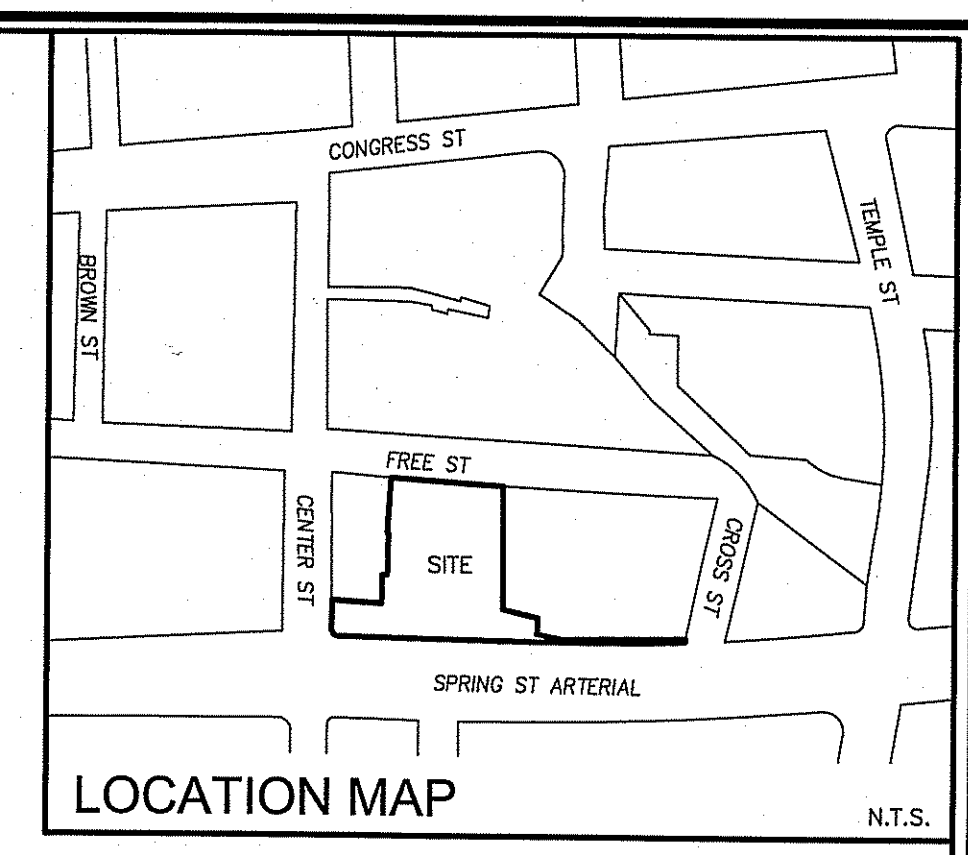


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- LOCUS IS SHOWN AS PROPERTY MAP 38 BLOCK 4 LOTS 14, 15, AND 16; MAP 38 BLOCK 1 LOTS 1, 2, 3, AND 4; AND COTTON STREET BETWEEN SPRING STREET ARTERIAL AND FREE STREET. FOR LOTS 38-A-14, 15 AND A PART OF 16 AND FOR LOTS 38-I-1, 2, 3, AND 4 SEE DEED TO THE CITY OF PORTLAND FROM THE PORTLAND RENEWAL AUTHORITY IN BOOK 4922, PAGE 188. (SEE ALSO DEEDS TO PORTLAND RENEWAL AUTHORITY IN 3313/158, 3313/160, 3426/312, AND 3451/711) FOR THE REMAINDER OF LOT 38-A-16 SEE DEEDS TO THE CITY OF PORTLAND IN 3208/374 AND 3209/566.
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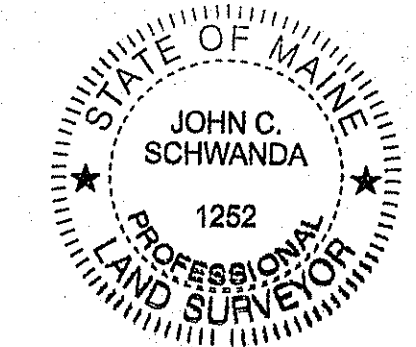
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4-16-2019
DATE

JOHN C. SCHWANDA, PLS NO. 1252

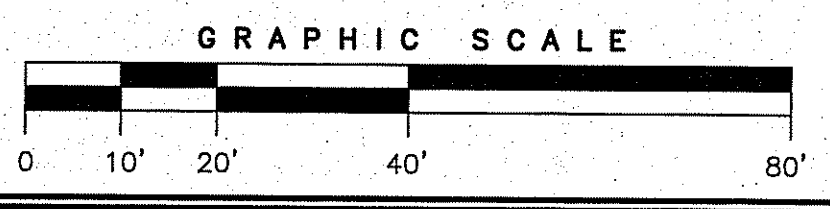


TOPOGRAPHIC SURVEY

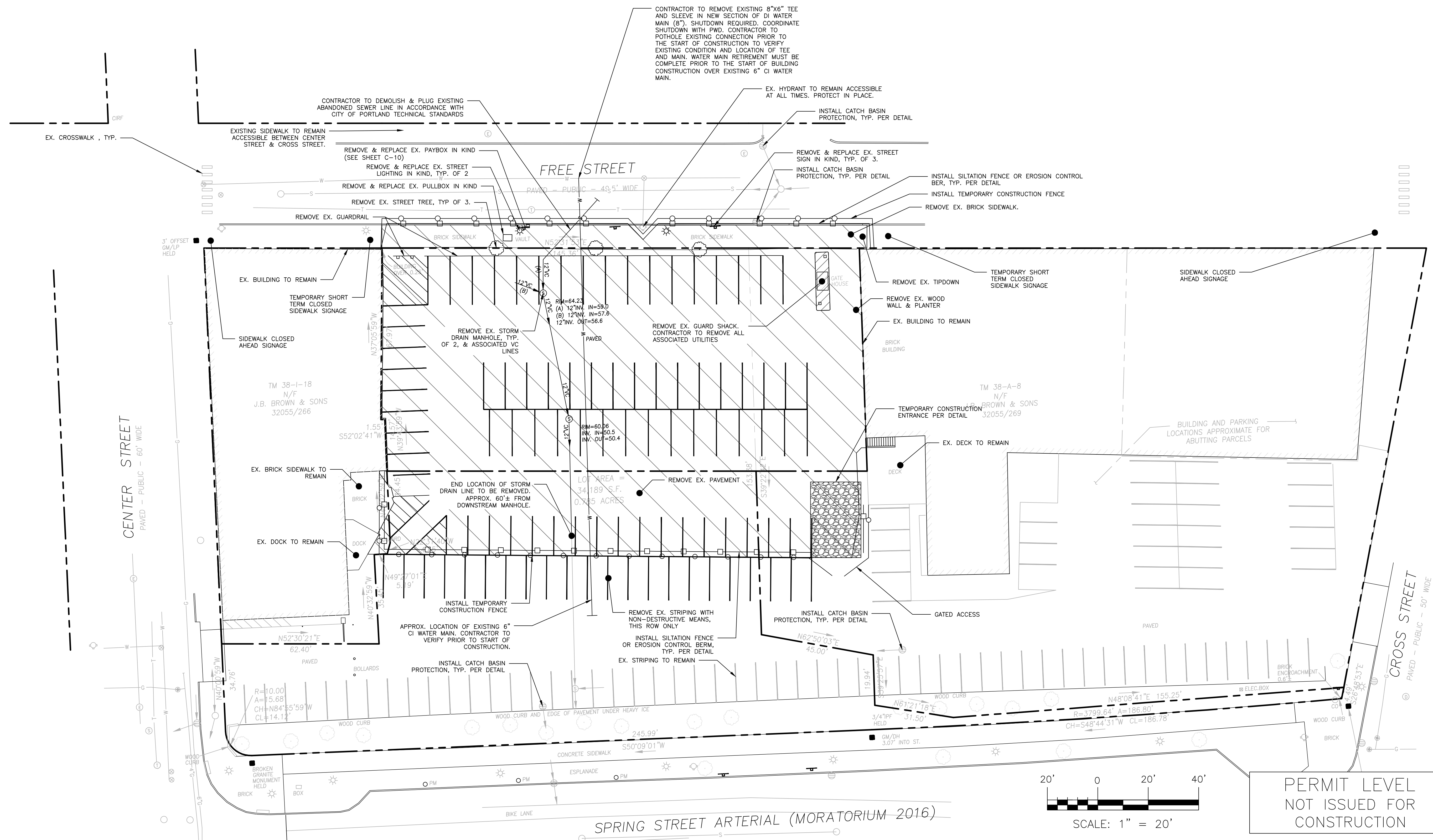
ON
FREE STREET, PORTLAND, MAINE
MADE FOR
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10 FREE STREET, PORTLAND, MAINE

OWEN HASKELL, INC.
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424

Drawn By RRL	Date MARCH 20, 2019	Job No. 2017-058 P
Trace By JLW	Scale 1" = 20'	Drwg. No. 1
Check By JCS		
Book No. FILE		



4. EXISTING ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
5. ALL DISPOSAL OF DEMOLITION DEBRIS OR WASTE SHALL BE IN ACCORDANCE WITH ALL LOCAL, STATE, & FEDERAL REGULATIONS. CONTRACTOR SHALL PROVIDE OWNER WITH APPROPRIATE "BILLS OF LADING" TO DEMONSTRATE PROPER DISPOSAL OF WASTE.
6. SITE DEMOLITION SHALL NOT OCCUR UNTIL PROPER ABATEMENT PROCEDURES HAVE OCCURRED. ABATEMENT, IF NECESSARY, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
7. THE CONTRACTOR SHALL CALL THE APPROPRIATE UTILITY COMPANIES AND DIG SAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION TO RECORD ALL UTILITIES. THE CONTRACTOR THEREAFTER IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FIELD VERIFY THE LOCATION OF UNDERGROUND UTILITIES AND LOCATE POTENTIAL CONFLICT WITH THE APPROVED PLANS PRIOR TO CONSTRUCTION.
8. ALL CONSTRUCTION SIGNAGE IS TEMPORARY AND WILL BE REMOVED AT PROJECT COMPLETION. FINAL SIGNAGE WORDING AND PLACEMENT LOCATION TO BE ACCEPTED BY THE CITY.
9. SEDIMENT BARRIERS TO BE PLACED DIRECTLY ON THE FRONT AND SIDE PROPERTY LINES, DOWN GRADIENT OF THE PROPOSED PROJECT WORK PER DETAIL. FENCES ARE OFFSET OF THE PROPERTY LINES AS SHOWN ON THE PLAN.
10. CONTRACTOR SHALL PURCHASE AND MAINTAIN SLOTTED CURB PROTECTION ALONG PROPERTY LINES.
11. CONTRACTOR SHALL PLACE CATCH BASIN INLET PROTECTION ON CATCH BASINS AND FIELD INLETS DOWN-GRADIENT OF ALL NON-STABILIZED SURFACES, PER DETAIL.
12. DEMOLITION PLAN IS NOT INCLUSIVE OF ALL EXISTING ITEMS TO BE REMOVED AS PART OF SITE CONSTRUCTION. ALL EXISTING BUT NOT LIMITED TO LANDSCAPE, UTILITIES, WORK WITHIN THE ROW, ETC. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND REGULATIONS.
13. CONTRACTOR TO BE RESPONSIBLE FOR PROVIDING OFF-SITE PARKING TO EMPLOYEES; ON-SITE PARKING WILL NOT BE PROVIDED OR GUARANTEED. CONTRACTOR TO BE RESPONSIBLE FOR OBTAINING THE APPROPRIATE PERMITS FROM THE CITY OF PORTLAND FOR CLOSURE OF CITY STREET TO THE PUBLIC DURING CONSTRUCTION PERIOD.
14. CONTRACTOR SHALL BE RESPONSIBLE FOR SNOW REMOVAL ALONG CONSTRUCTION FENCE AND GATE.
15. ALL POTENTIAL BIDDERS SHALL REFER TO THE BORING LOGS OBTAINED BY S.W. COLE ENGINEERING SERVICES FOR 401 AND LLC DATED APRIL 9TH, 2019 FOR ADDITIONAL INFORMATION. A COPY CAN BE MADE AVAILABLE ON REQUEST.
16. FOR EXCAVATIONS INTO THE ROW ASSOCIATED WITH A STREET OPENING PERMIT, CONTRACTOR SHALL ASSUME VARYING DEPTH OF PAVEMENT INCLUDING THE POSSIBILITY OF ENCOUNTERING COBBLESTONE SET IN MORTAR. NO ADDITIONAL PAYMENT FOR COBBLESTONE REMOVAL SHALL BE REQUIRED.
17. ROCK EXCAVATION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL CODES AND ORDINANCES.
18. THE CONTRACTOR SHALL UTILIZE A PRIVATE UTILITY LOCATING SERVICE TO IDENTIFY UTILITIES IN THE PARKING LOT.
19. CONTRACTOR SHALL ASSUME VARYING DEPTHS OF PAVEMENT INCLUDING THE POSSIBILITY OF COBBLESTONES OR FOUNDATION MATERIALS. CONTRACTOR SHALL FORM COTTON STREET ROW THROUGH THE SITE. NO ADDITIONAL PAYMENT FOR COBBLESTONE OR FOUNDATION REMOVAL SHALL BE REQUIRED.

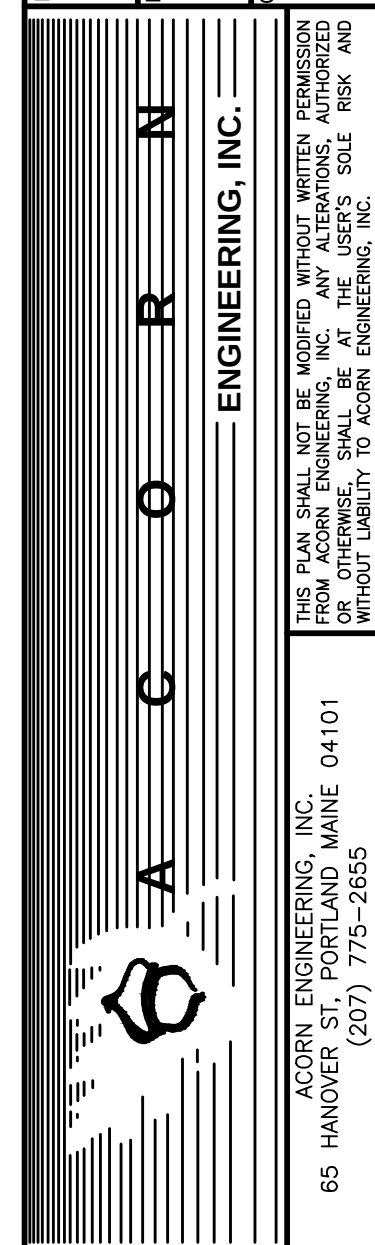
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40 FREE STREET

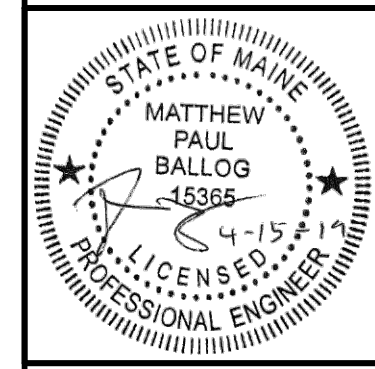
40 FREE LLC.
10 FREE STREET, PORTLAND 04101

PROJECT NAME:

CLIENT:



FILE:	1118_CIVIL
JN:	1118
SCALE:	AS NOTED
DESIGNED BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WHS



DRAWING NO.
C-03

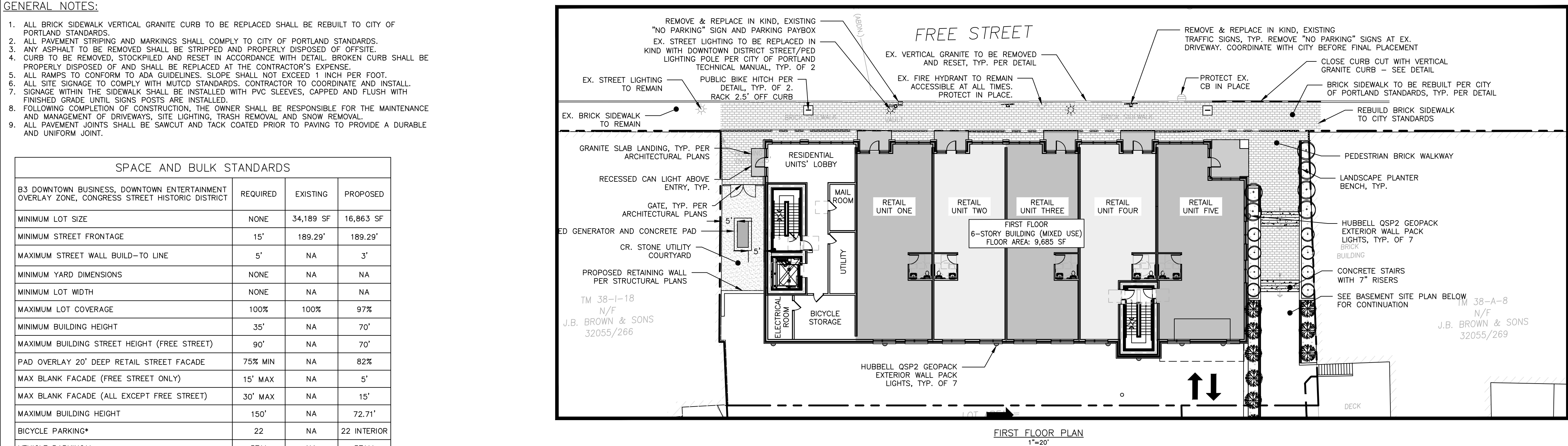
GENERAL NOTES:

1. ALL BRICK SIDEWALK VERTICAL GRANITE CURB TO BE REPLACED SHALL BE REBUILT TO CITY OF PORTLAND STANDARDS.
2. ALL PAVEMENT STRIPING AND MARKINGS SHALL COMPLY TO CITY OF PORTLAND STANDARDS.
3. ANY ASPHALT TO BE REMOVED SHALL BE STRIPPED AND PROPERLY DISPOSED OF OFFSITE.
4. CURB TO BE REMOVED, STOCKPILED AND RESET IN ACCORDANCE WITH DETAIL. BROKEN CURB SHALL BE PROPERLY DISPOSED OF AND SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
5. ALL RAMPAS TO CONFORM TO ADA GUIDELINES. SLOPE SHALL NOT EXCEED 1 INCH PER FOOT.
6. ALL SITE SIGNAGE TO COMPLY WITH MUTCD STANDARDS. CONTRACTOR TO COORDINATE AND INSTALL.
7. SIGNAGE WITHIN THE SIDEWALK SHALL BE INSTALLED WITH PVC SLEEVES, CAPPED AND FLUSH WITH FINISHED GRADE UNTIL SIGNS POSTS ARE INSTALLED.
8. FOLLOWING COMPLETION OF CONSTRUCTION, THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SITE LIGHTING, TRASH REMOVAL AND SNOW REMOVAL.
9. ALL PAVEMENT JOINTS SHALL BE SAWCUT AND TACK COATED PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.

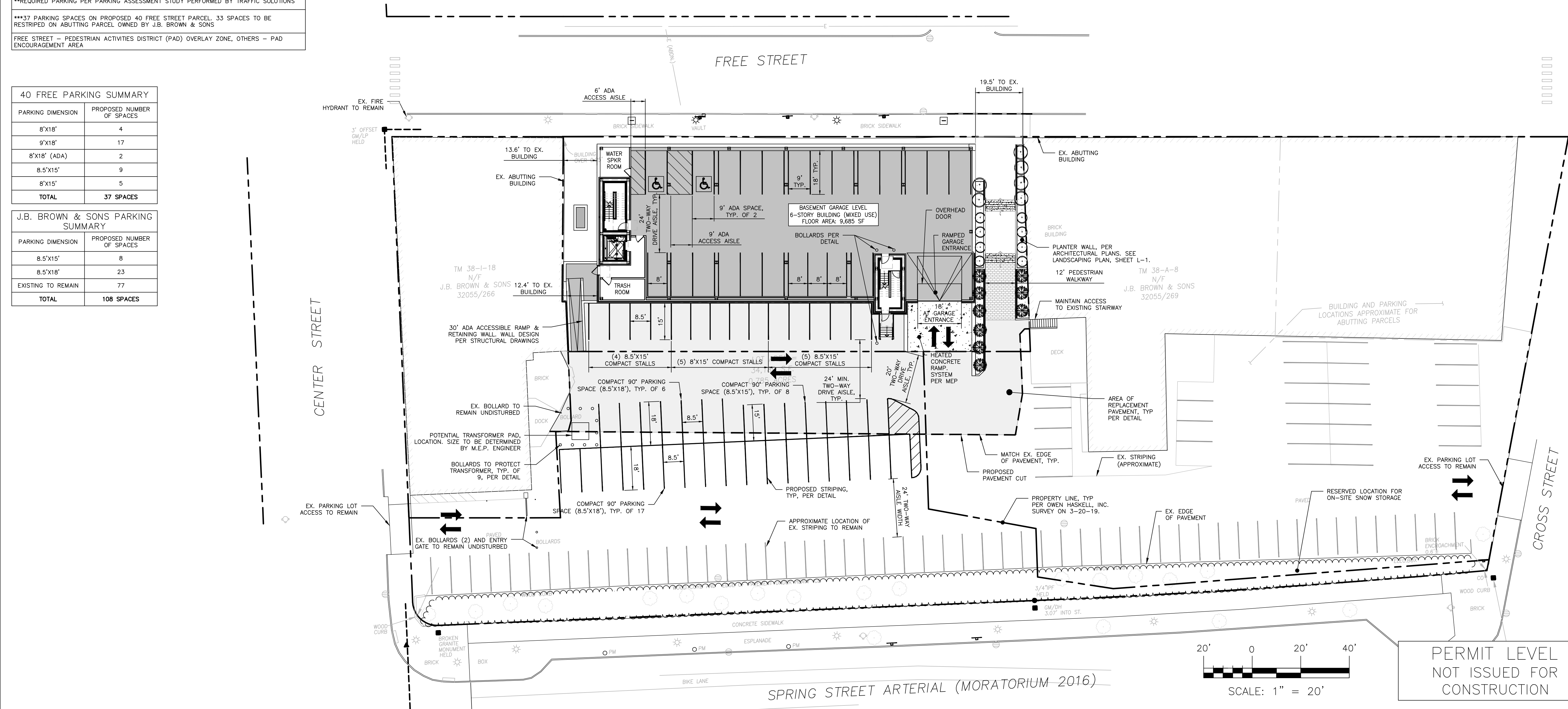
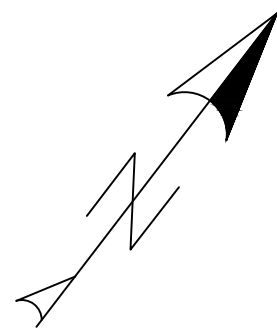
SPACE AND BULK STANDARDS			
B3 DOWNTOWN BUSINESS, DOWNTOWN ENTERTAINMENT OVERLAY ZONE, CONGRESS STREET HISTORIC DISTRICT	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	34,189 SF	16,863 SF
MINIMUM STREET FRONTAGE	15'	189.29'	189.29'
MAXIMUM STREET WALL BUILD-TO LINE	5'	NA	3'
MINIMUM YARD DIMENSIONS	NONE	NA	NA
MINIMUM LOT WIDTH	NONE	NA	NA
MAXIMUM LOT COVERAGE	100%	100%	97%
MINIMUM BUILDING HEIGHT	35'	NA	70'
MAXIMUM BUILDING STREET HEIGHT (FREE STREET)	90'	NA	70'
PAD OVERLAY 20' DEEP RETAIL STREET FACADE	75% MIN	NA	82%
MAX BLANK FACADE (FREE STREET ONLY)	15' MAX	NA	5'
MAX BLANK FACADE (ALL EXCEPT FREE STREET)	30' MAX	NA	15'
MAXIMUM BUILDING HEIGHT	150'	NA	72.71'
BICYCLE PARKING*	22	NA	22 INTERIOR
VEHICLE PARKING**	37**	NA	37***
*BICYCLE PARKING BASED UPON 51 RESIDENTIAL UNITS AND 10 RETAIL VEHICLE PARKING SPACES			
**REQUIRED PARKING PER PARKING ASSESSMENT STUDY PERFORMED BY TRAFFIC SOLUTIONS			
***37 PARKING SPACES ON PROPOSED 40 FREE STREET PARCEL. 33 SPACES TO BE RESTRIPTED ON ABUTTING PARCEL OWNED BY J.B. BROWN & SONS			
FREE STREET - PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY ZONE, OTHERS - PAD ENCOURAGEMENT AREA			

40 FREE PARKING SUMMARY	
PARKING DIMENSION	PROPOSED NUMBER OF SPACES
8'x18'	4
9'x18'	17
8'x18' (ADA)	2
8.5'x15'	9
8'x15'	5
TOTAL	37 SPACES

J.B. BROWN & SONS PARKING SUMMARY	
PARKING DIMENSION	PROPOSED NUMBER OF SPACES
8.5'x15'	8
8.5'x18'	23
EXISTING TO REMAIN	77
TOTAL	108 SPACES



LEGEND	
ASSOCIATED AREA	HATCH STYLE
	BRICK
	GREEN SPACE
	CONCRETE
	ASPHALT
	GRAVEL



ISSUED FOR	BY
FINAL APPLICATION	MPB
COMMENT RESPONSE	WHS

DRAWING NAME	PROJECT NAME	CLIENT
SITE PLAN	40 FREE STREET	40 FREE LLC
		10 FREE STREET, PORTLAND 04101

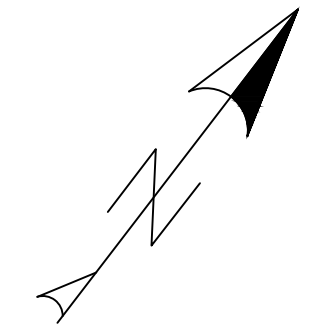
FILE	JN	SCALE	DESIGNED BY	DRAWN BY	CHECKED BY
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ACORN ENGINEERING, INC.	65 HANOVER ST., PORTLAND, MAINE 04101	(207) 775-2655
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DRAWING NO.
C-10

1. CONTRACTOR TO MAINTAIN A ONE YEAR WARRANTY ON ALL PLANTINGS FOLLOWING INSTALLATION.
2. NO PLANTING TO BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
3. ANY SUBSTITUTIONS TO THE PLANTING SCHEDULE ARE TO BE REVIEWED FOR APPROVAL BY THE CITY ARBORIST.
4. ALL TREES AND GREEN SPACES AND ASSOCIATED PLANT SPECIES ARE TO COMPLY WITH THE CITY OF PORTLAND TECHNICAL STANDARDS. ANY SUBSTITUTIONS WILL BE REVIEWED FOR APPROVAL BY THE CITY ARBORIST.
5. NO PLANTING SHALL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
6. CONTRACTOR TO VERIFY ALL UTILITIES ON PROPERTY AND TO PROTECT ALL UTILITIES DURING EXCAVATION FOR PLANTS.
7. ALL CONTAINER MATERIAL TO BE GROWN IN CONTAINER MINIMUM OF 6 MONTHS.
8. MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE STANDARD HANDBOOK FOR NURSERY STOCK, AMERICAN ASSOCIATION OF NURSEYMAN.
9. CONTRACTOR SHALL REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO OWNER.
10. THE PROPERTY OWNER IS RESPONSIBLE FOR THE CONTINUED CARE AND MAINTENANCE OF THE LANDSCAPED AREA. PLANTINGS THAT SHOW SIGNS OF CONSTRUCTION DAMAGE WITHIN A ONE YEAR CONSTRUCTION PERIOD SHALL BE REPLACED PRIOR TO THE END OF THE ONE YEAR WARRANTY AT NO COST TO THE OWNER.
11. THE ENGINEER MAY TAG ALL PLANTS AT THE NURSERY AND INSPECT THEM AFTER DELIVERY TO THE SITE; ALL PLANT MATERIALS SHALL BE INSPECTED BY THE ENGINEER ON SITE PRIOR TO INSTALLATION.

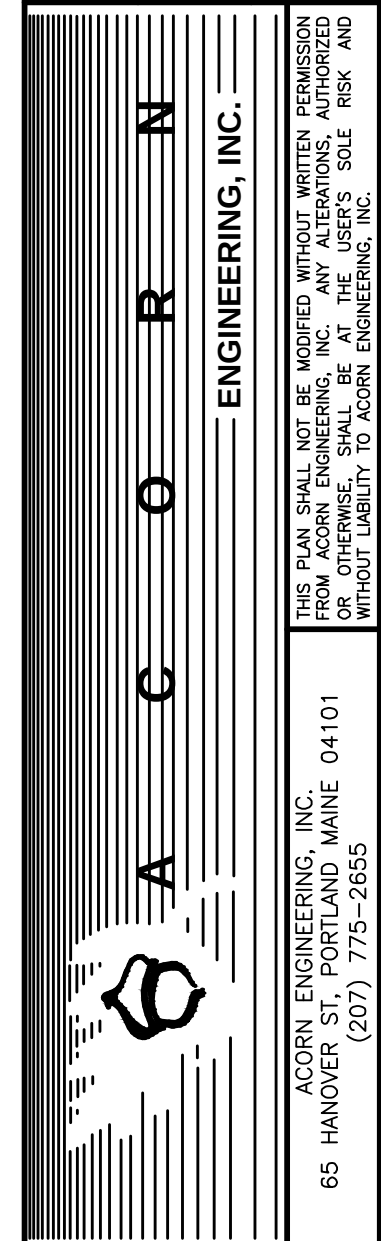
PLANT SCHEDULE				
ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE
TREES				
PA	PRUNUS 'ACCOLADE'	ACCOLADE CHERRY	5	6-8'
PERENNIAL GROUND COVER/GRASSES				
DP	DENNSTAEDTIA PUNCTILOBA	HAYSCENTED FERN	8	1 GAL
JH	JUNIPERUS HORIZONTALIS	'GOLDEN CARPET' JUNIPER	9	1 GAL
AT	ASCLEPIAS TUBEROSA	BUTTERFLY WEED	6	1 GAL



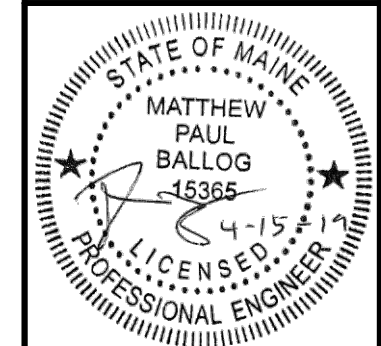
PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

[illegible]

DRAWING NAME:	LANDSCAPE PLAN
PROJECT NAME:	40 FREE STREET
CLIENT:	40 FREE LLC. 10 FREE STREET, PORTLAND 04101



FILE:	1118_CIVIL
JN:	1118
SCALE:	AS NOTED
DESIGNED BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WHS

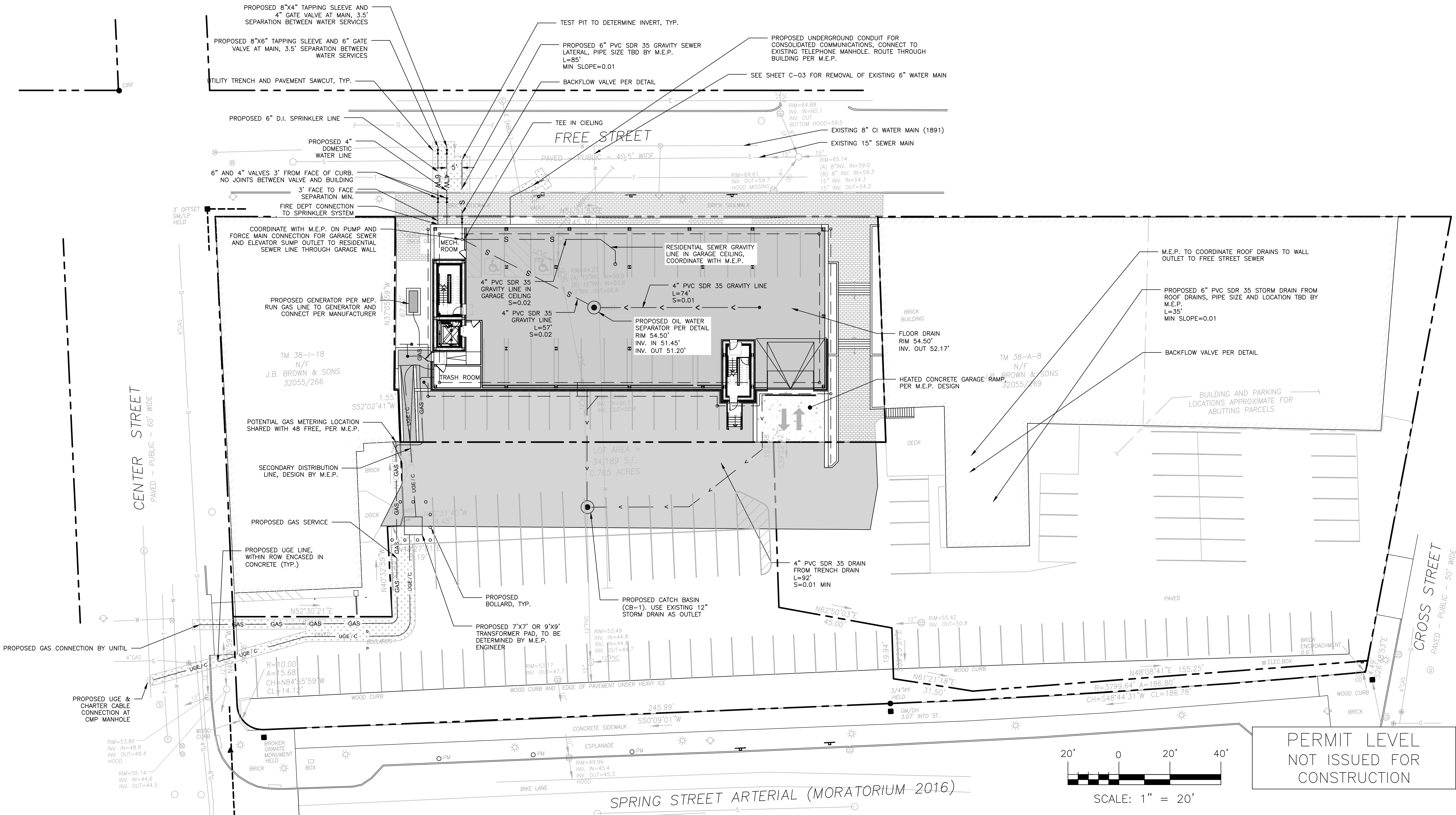


DRAWING NO.
L-1

1. LOCATION OF PROPOSED CONNECTIONS ARE APPROXIMATE. CONTRACTOR TO CONTACT ENGINEER IF FIELD INFORMATION VARIES FROM INFORMATION ON PLANS.
2. CONTRACTOR IS TO BE CAUTIONED THAT CERTAIN LOCATIONS AND/OR ELEVATIONS OF EXISTING UTILITIES HAVE BEEN PROVIDED THROUGH UTILITY COORDINATION OR OTHER OBSERVATIONS. INFORMATION IS NOT TO BE RELIED UPON AS EXACT OR COMPLETE. CONTRACTOR IS TO VERIFY AND COORDINATE WITH UTILITY COMPANY AND DIG SAFE NO LESS THAN 72 HOURS PRIOR TO ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF ALL UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS INDICATED IN THE CONTRACT DOCUMENTS. CONTRACTOR TO NOTIFY ENGINEER OF ANY DIFFERENTIATIONS FROM EXISTING CONDITIONS, INCLUDING UTILITY INFORMATION, PRIOR TO ANY CHANGES.
3. FOR ALL UTILITIES, ACORN ENGINEERING DESIGN LIMITS END AT EXTERIOR WALL OF BUILDING. METERING OF UTILITIES TO BE COMPLETED BY M.E.P. UNLESS SPECIFIED OTHERWISE.
4. CONTRACTOR TO COORDINATE WITH ARCHITECT ON FINAL UTILITY CONNECTIONS WITHIN THE BUILDING.
5. **SEWER UTILITIES:** CONTRACTOR TO COORDINATE WITH ARCHITECT FOR FINAL SEWER CONNECTION. SEWER UTILITIES TO BE CONSTRUCTED IN ACCORDANCE WITH CITY OF PORTLAND TECHNICAL STANDARDS. VALVE FOR BACKFLOW PREVENTION SHALL BE INSTALLED WITHIN THE PROPERTY LINES FOR EACH CITY SEWER CONNECTION. CONTACT ENGINEER IF INVERT FIELD CONDITIONS VARY FROM DESIGN.
6. **WATER UTILITIES:** FINAL PIPE SIZING PROVIDED BY M.E.P. ENGINEER AND FIRE PROTECTION DESIGNER. INTERNAL METERING, BACKFLOW PREVENTION, AND PRESSURE REDUCERS TO BE COMPLETED BY M.E.P. ENGINEER. DOMESTIC WATER PIPE SIZES WILL DETERMINE THE FINAL WATER METERING OPTIONS. METER MAY BE SMALLER THAN PROPOSED WATER MAIN. WATER METERING, PRESSURE REDUCER AND BACKFLOW PREVENTION TO BE IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARDS. CONTRACTOR TO FOLLOW METERING GUIDELINES OF THE PORTLAND WATER DISTRICT AND CITY OF PORTLAND.
7. **GAS UTILITIES:** PROJECT GAS LOAD, GAS UTILITY DESIGN, AND FINAL GAS SERVICE LOCATION AND METERS TO BE DEFINED BY M.E.P. AND IN ACCORDANCE WITH UNITIL.
8. **ELECTRIC UTILITIES:** ELECTRIC DESIGN TO BE FINALIZED BY M.E.P. ENGINEER. ELECTRICAL LOAD TO BE DETERMINED BY M.E.P. ENGINEER. METER LOCATION AND TRANSFORMER SIZE, IF NECESSARY DEFINED BY M.E.P. M.E.P. TO FINALIZE SEWER CONNECTION TO BUILDING. ALL ELECTRIC CONNECTIONS SHALL CONFORM TO CMP GUIDEBOOK OF STANDARD REQUIREMENTS, MOST RECENT EDITION. DESIGN SUBJECT TO FINAL APPROVAL FROM CMP.
9. CABLE AND TELEPHONE PULLBOXES AND PEDESTAL LOCATIONS TO BE DETERMINED BY CHARTER COMMUNICATIONS AND FAIRPOINT PRIOR TO CONSTRUCTION. CONTRACTOR TO COORDINATE INSTALLATION OF UNDERGROUND UTILITIES WITH ALL UTILITY COMPANIES INVOLVED.
10. A. SURFACE & GROUNDWATER TO DISCHARGE TO SPRING STREET.
B. ROOF RUNOFF TO DISCHARGE TO FREE STREET.
C. ENCLOSED FLOOR DRAINS AND SEWER TO DISCHARGE TO FREE STREET.

MINIMUM HORIZONTAL UTILITY SEPARATION					
UTILITY	UGE/T/C	WATER	SEWER	GAS	STORMWATER
UGE/T/C	—	6'	5'	4'	6'
WATER	6'	—	5*	6'	3'
SEWER	5'	5*	—	5'	10'
GAS	4'	6'	5'	—	3'
STORMWATER	6'	3'	10'	3'	—

*PERMISSIBLE ONLY IF SEWER IS LAID MIN. 18" BELOW WATER SERVICE; OTHERWISE, 10' OF HORIZONTAL SEPARATION MUST BE MAINTAINED.

[illegible]

UTILITY PLAN

40 FREE STREET

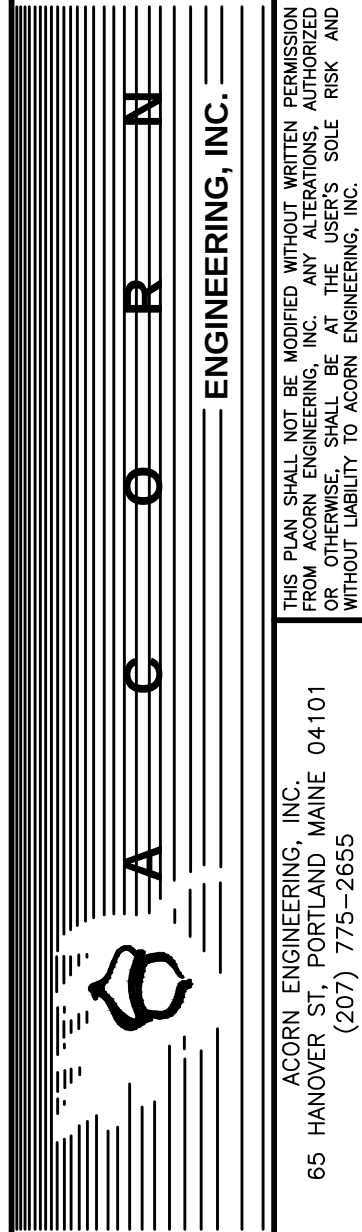
40 FREE LLC.

TO: TIKEL LLC.
10 FREE STREET, PORTLAND 04101

DRAWING NAME:

PROJECT NAME:

CLIENT:



FILE:	1118_CIVIL
JN:	1118
SCALE:	AS NOTED
DESIGNED BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WHS

DRAWING NO.

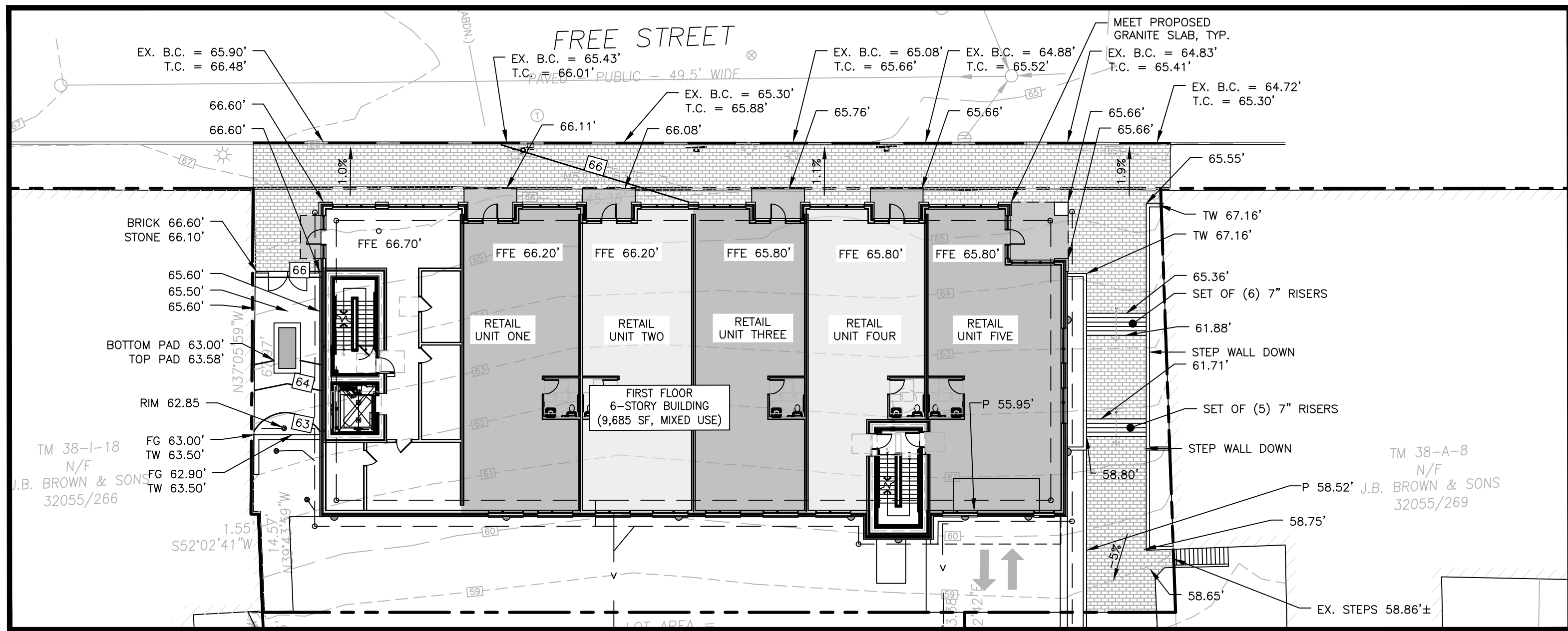
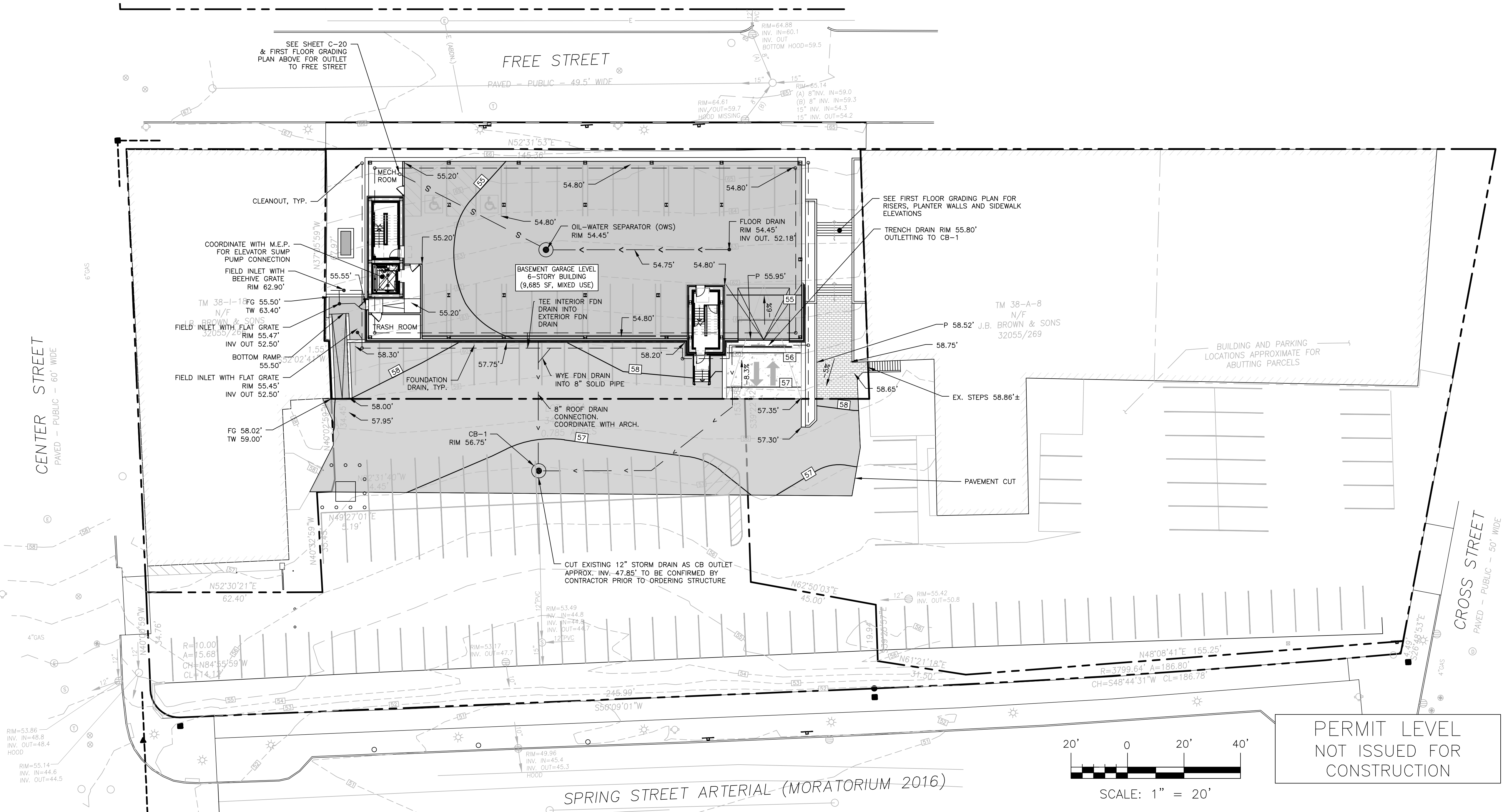
C-20

GENERAL NOTES:

1. ALL WORK WITHIN THE CITY STREET RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
2. DESIGN OF TEMPORARY SOIL RESTRAINT MEASURES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR IF NECESSARY FOR CONSTRUCTION.
3. CONTRACTOR SHALL ENSURE THAT UNDERDRAINS ARE CONSTRUCTED WITH POSITIVE OUTLET TO PROPOSED CONNECTIONS.
4. CATCH BASIN INLET PROTECTION TO BE INSTALLED WITHIN ANY STRUCTURES DOWNGRADIENT OF ACTIVE CONSTRUCTION.
5. SEDIMENTATION BARRIERS ARE TO BE INSTALLED DOWNGRADIENT OF ALL ACTIVE CONSTRUCTION WORK PER DETAIL. BARRIERS TO NOT EXTEND PAST PROPERTY LINES; BARRIERS SHOWN OFFSET FROM PROPERTY LINES ON PLANS FOR VISUAL PURPOSES ONLY.

STRUCTURE SUMMARY

	RIM	INV. IN	INV. OUT
OWS	54.50'	51.45'	51.20'
CB-1	56.75'	48.80' (8" RD) 52.37' (6" FROM TRENCH DRAIN)	47.85'± (EX. 12")

FIRST FLOOR PLAN
1"=20'

ISSUED FOR	BY
FINAL APPLICATION	MPB
COMMENT RESPONSE	WHS

GRADING PLAN

40 FREE STREET

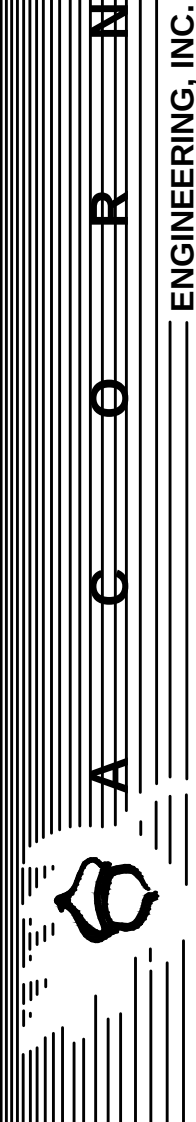
40 FREE LLC.

10 FREE STREET, PORTLAND 04101

DRAWING NAME:

PROJECT NAME:

CLIENT:



ENGINEERING, INC.

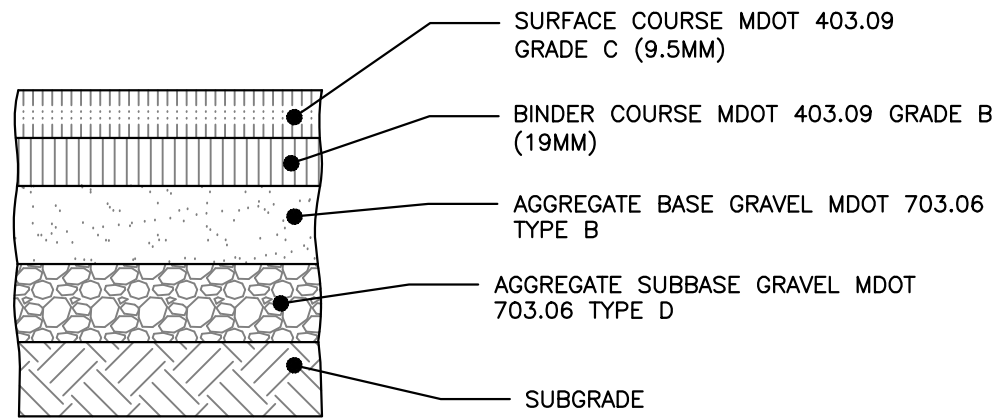
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ACCORD ENGINEERING, INC.
65 HANOVER ST., PORTLAND, MAINE 04101
(207) 775-2655

FILE:	1118_CIVIL
JN:	1118
SCALE:	AS NOTED
DESIGNED BY:	MPB
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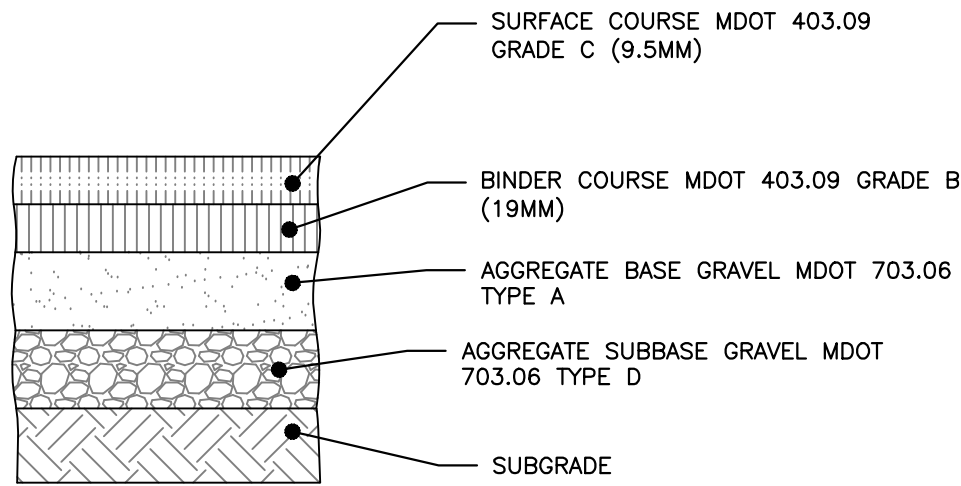
C-30



- NOTES:
1. COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557

THICKNESS OF LAYERS	
STANDARD	LAYERS
1-1/2"	SURFACE COURSE MDOT 403.09 GRADE C (9.5mm)
2"	BINDER COURSE MDOT 403.09 GRADE B (19mm)
3"	AGGREGATE BASE GRAVEL MDOT 703.06 TYPE B
15"	AGGREGATE SUBBASE GRAVEL MDOT 703.06 TYPE D

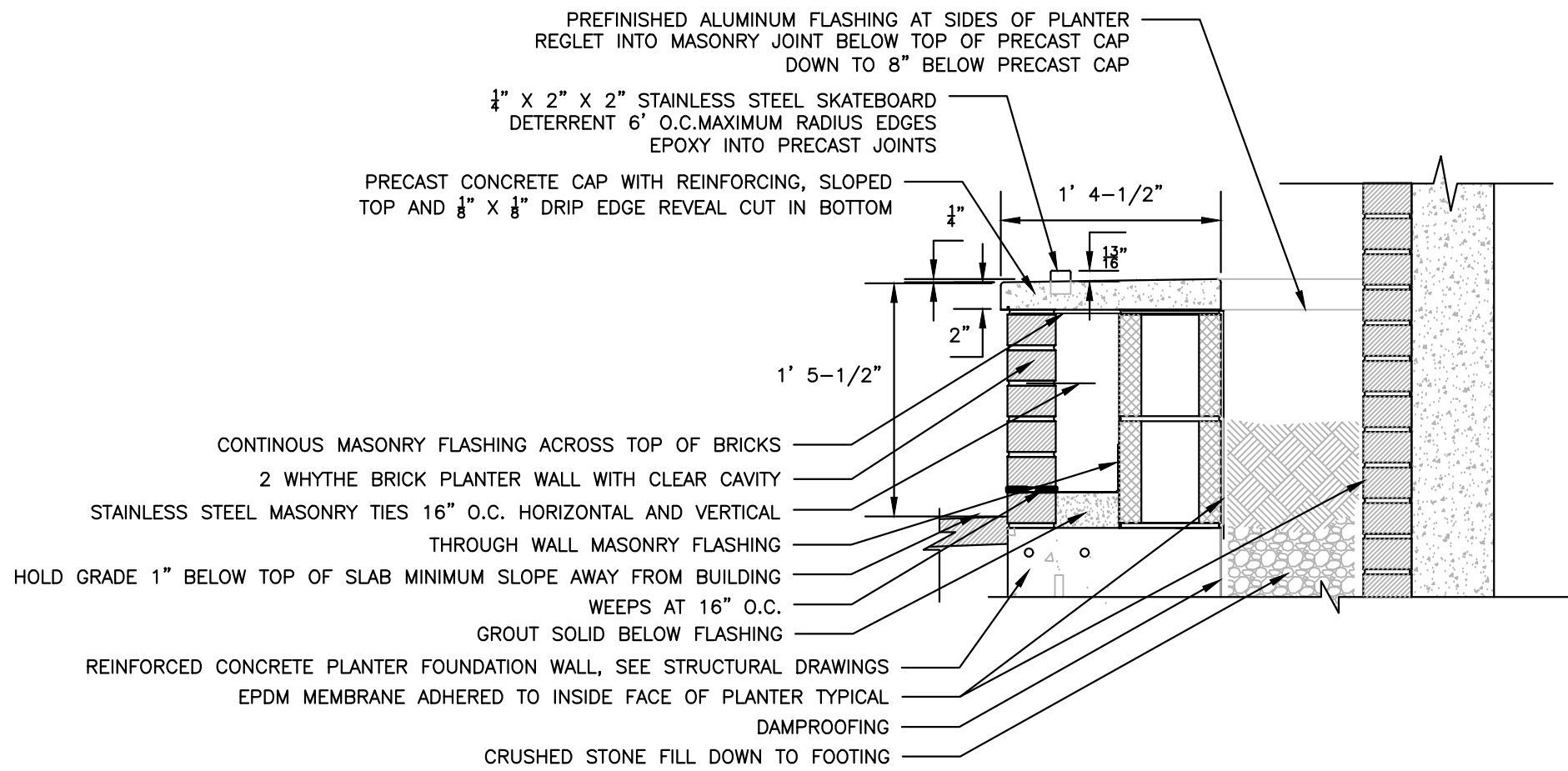
BITUMINOUS PAVEMENT PROFILE
NOT TO SCALE



- NOTES:
1. COMPACT SUBGRADE TO 95% MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D-1557.
 2. ARTERIAL BITUMINOUS PAVEMENT PROFILE APPLIES ONLY WITHIN CONGRESS STREET R.O.W.

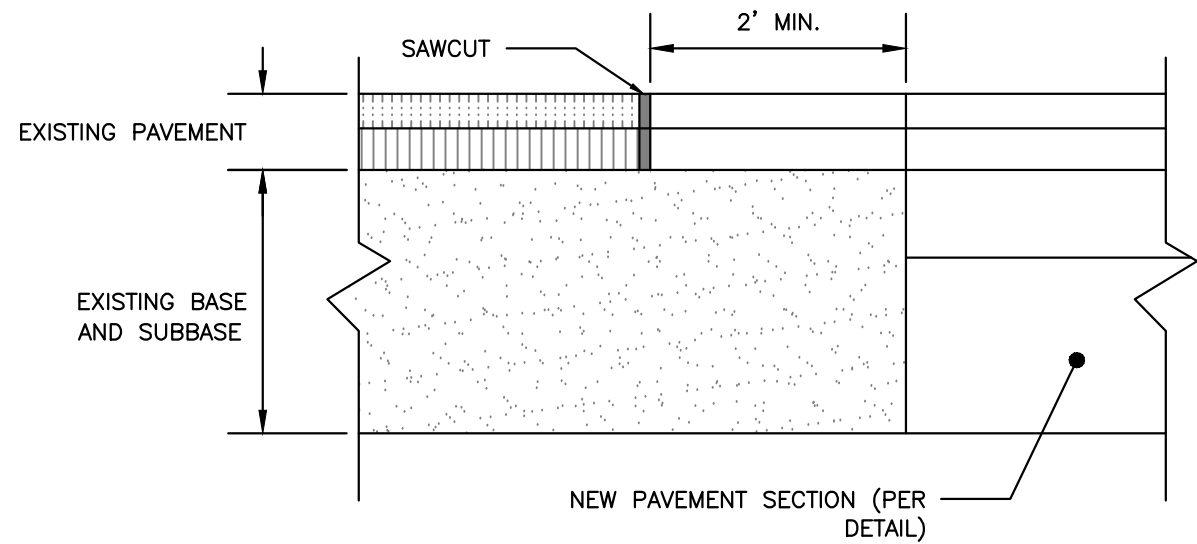
THICKNESS OF LAYERS	
STANDARD	LAYERS
2"	SURFACE COURSE MDOT 403.09 GRADE C (12.5mm)
3"	BINDER COURSE MDOT 403.09 GRADE B (19mm)
6"	AGGREGATE BASE GRAVEL MDOT 703.06 TYPE B
18"	AGGREGATE SUBBASE GRAVEL MDOT 703.06 TYPE D

CITY OF PORTLAND ARTERIAL
BITUMINOUS PAVEMENT PROFILE
NOT TO SCALE

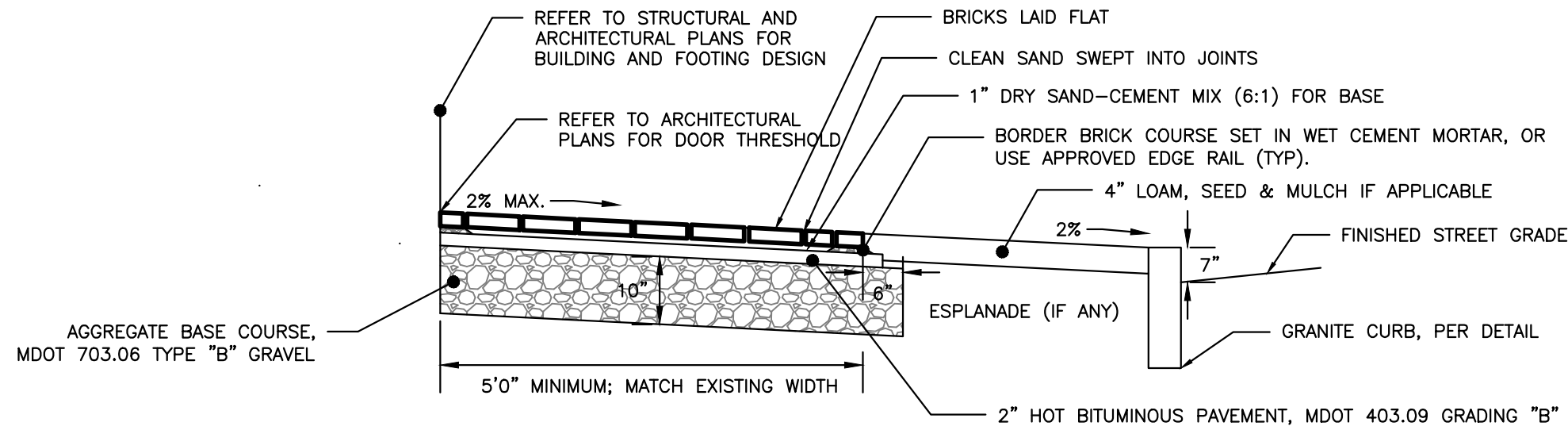


PLANTER BENCH DETAIL

- NOTES:
1. SAWCUT EXISTING PAVEMENT AND REMOVE 2' STRIP OF EXISTING PAVEMENT. APPLY BITUMINOUS TACK COAT PRIOR TO PLACEMENT OF NEW BITUMINOUS PAVEMENT.
 2. THE NEW PAVEMENT SECTION SHALL MEET THE CITY OF PORTLAND ARTERIAL BITUMINOUS PAVEMENT SECTION DETAIL AT A MINIMUM OR THE THE EXISTING PAVEMENT AND AGGREGATE BASE AND SUBBASE DEPTH WHICHEVER IS GREATER.

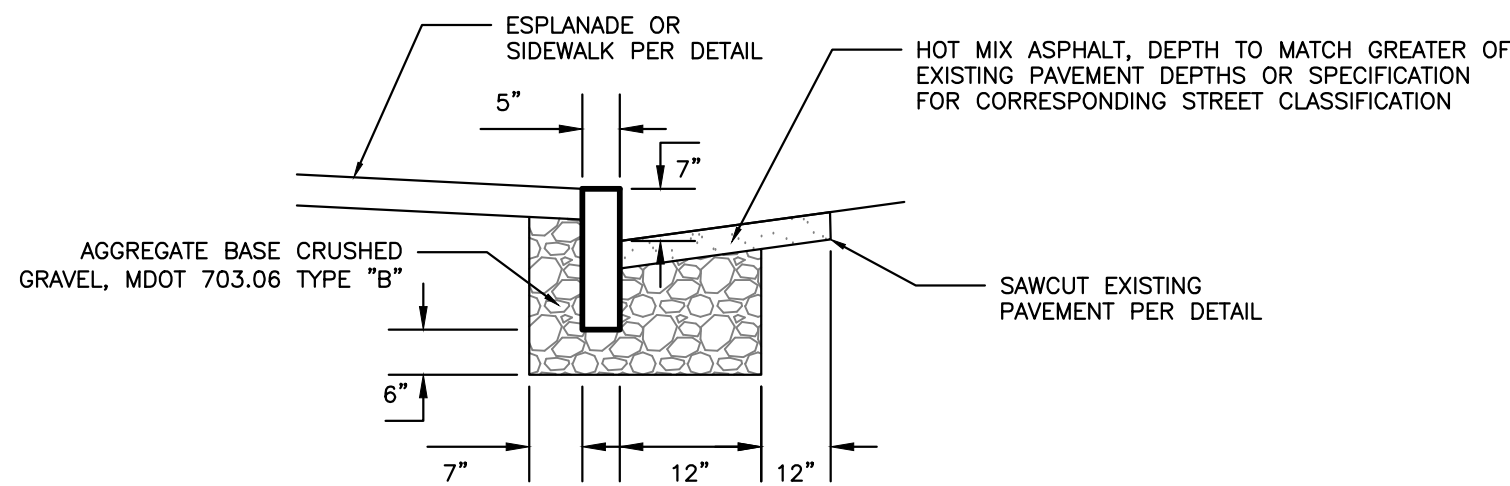
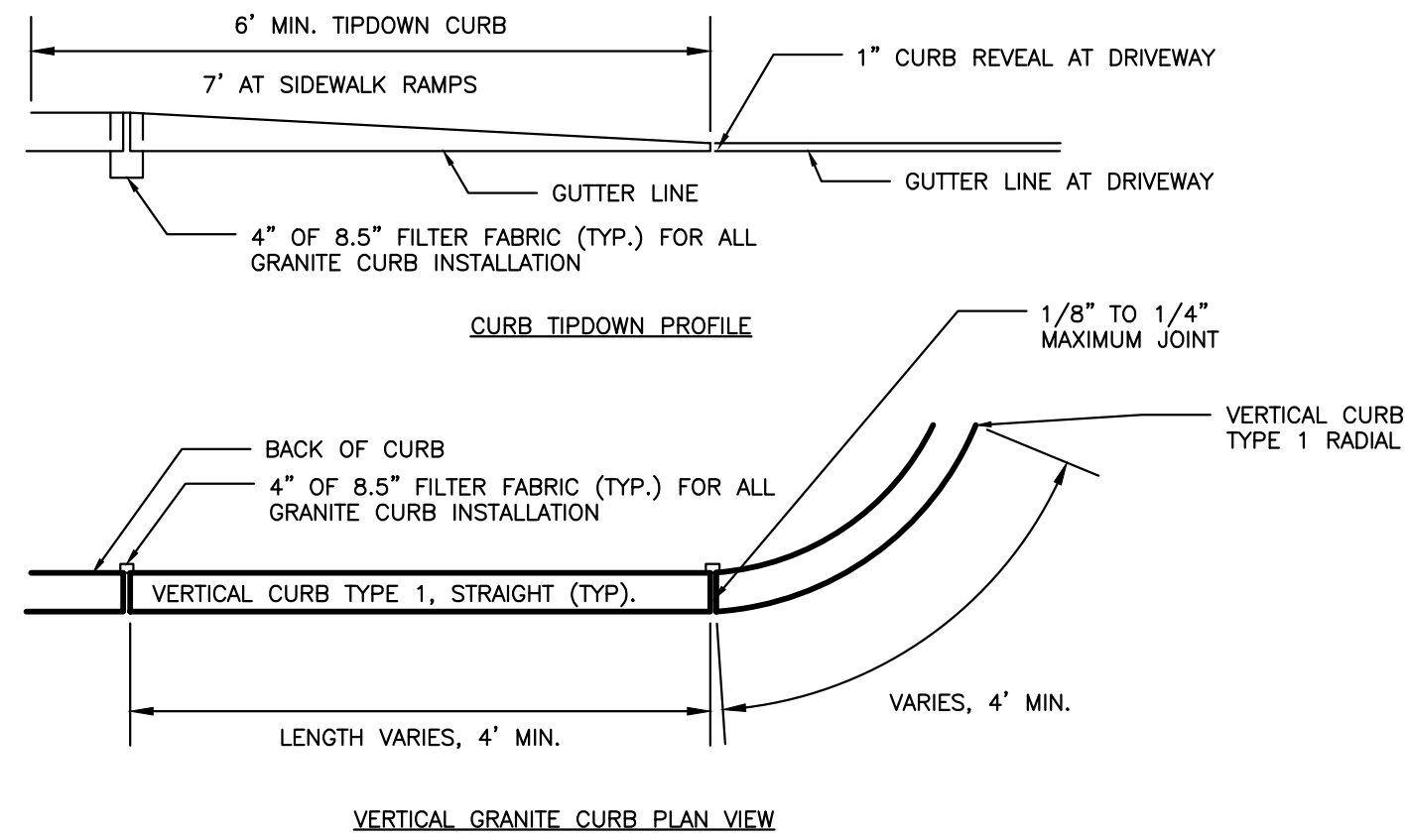


PAVEMENT SAWCUT DETAIL
NOT TO SCALE



- NOTES:
1. BRICKS TO BE USED:
NEW CONSTRUCTION:
4"x8" PINE HALL PATHWAY PAVER BRICK, MFG. BY PINE HALL BRICK CO., MADISON, NORTH CAROLINA. LACHANCE ITEM #193623; PINE HALL PATHWAY PAVER BRICK.
 2. INSTALL BRICK FLUSH UP TO BUILDING, PAVEMENT, STAIRS, CONCRETE SURFACES, CURB OR LANDSCAPED AREAS.

BRICK SIDEWALK WITH BITUMINOUS BASE DETAIL
NOT TO SCALE



VERTICAL GRANITE CURB AND TIPDOWN INSTALLATION
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR
FINAL APPLICATION

BY
DATE
MPB
4/15/19

SITE DETAILS - 1

40 FREE STREET

40 FREE LLC.
10 FREE STREET, PORTLAND 04101

DRAWING NAME:
PROJECT NAME:
CLIENT:

ACORN ENGINEERING, INC.
ENGINEERING, INC.

ACORN ENGINEERING, INC.
85 HANOVER STREET, SUITE 200
PORTLAND, ME 04101
(207) 775-2655

FILE: 1118_CIVIL

JN: 1118

SCALE: AS NOTED

DESIGNED BY: MPB

DRAWN BY: MPB

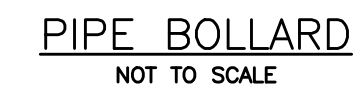
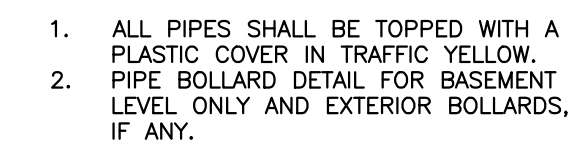
CHECKED BY: WHS

STATE OF MAINE
MATTHEW PAUL BALLOG
45395
LICENSED PROFESSIONAL ENGINEER
4-15

DRAWING NO.
C-40



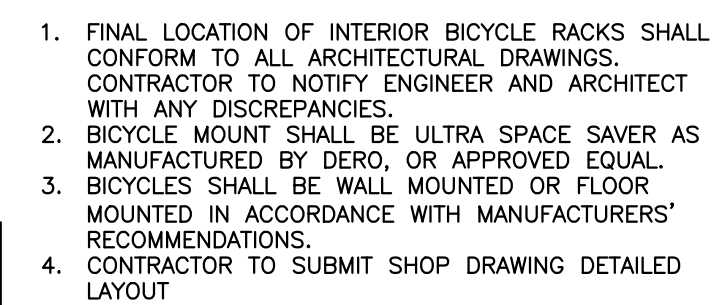
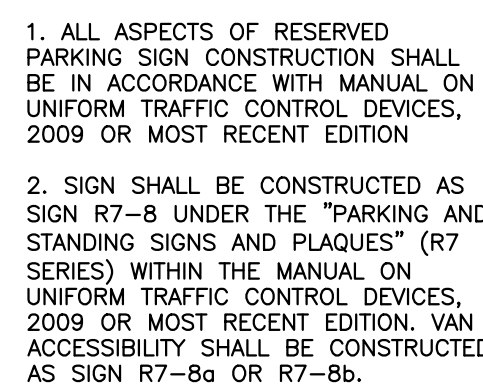
1. DIG HOLE AT LEAST 2 TIMES THE DIAMETER OF THE ROOT BALL AND AS DEEP AS THE ROOT BALL (NO DEEPER). SET ROOT BALL CENTERED, WITH THE TOP AT DOWNHILL EDGE OF THE HOLE.
2. TOPSOIL BACKFILL SHALL BE NATURAL FRAGILE, FERTILE, FINE LOAMY SOIL POSSESSING THE CHARACTERISTICS OF TOPSOIL IN THE VICINITY OF PLANTING. PROVIDE A HEAVY CRUST. CONTAIN NOT LESS THAN 6% NITROGEN MORE THAN 20% ORGANIC MATTER. TOP SOIL SHALL HAVE A PH VALUE OF NOT LESS THAN 5.5 NOR MORE THAN 7.0.
3. REMOVE GROWN STOCK - REMOVE CONTAINER PROTECTING THE ROOT BALL. GENTLY COMB OUT THE ROOTS. PRUNE DAMAGED ROOTS.
4. BACKFILL THE HOLE WITH TOPSOIL TO A DEPTH NOT TO EXCEED 8" THEN WATER SUFFICIENTLY TO SETTLE TOPSOIL. REPEAT SOIL BACKFILL, WATER, DRAIN. TOPSOIL SHALL BE TAMPED UNDER EDGES OF THE BALLED PLANTS. BACKFILL TO FINISH GRADE AND CREATE AN EARTHEN SAUCER. SOAK PLANTS TWICE WITHIN THE FIRST TWENTY-FOUR HOURS OF PLANTING.



1. 16" EXPANDABLE TREE OPENING; .375" SLOT OPENINGS.
2. SIDEWALK MATERIAL PER PLAN.
3. WHEN INSTALLED IN A BRICK SIDEWALK, GRATE REQUIRES A FRAME TO BE INSTALLED TO HOLD GRATE IN PLACE. CONTRACTOR TO INSTALL IN ACCORDANCE WITH MANUFACTURERS INSTALLATION PROCEDURES FOR PAVERS. CONTRACTOR TO SUBMIT INSTALLATION PROCEDURES FOR REVIEW FROM ENGINEER PRIOR TO CONSTRUCTION.



1. WHITE PAINT STRIPES SHALL BE USED ON BITUMINOUS PAVEMENT AND YELLOW PAINT ON PORTLAND CEMENT PAVEMENT.
2. STRIPING FOR ANY NON-BARRIER FREE PARKING SPACE WITH A WIDTH LESS THAN 18' SHALL BE PAINTED BLUE.



PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

SITE DETAILS - 2

SITE DETAILS - 2

40 FREE STREET

SITE DETAILS - 2

40 FREE STREET

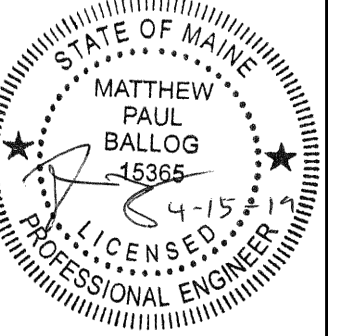
40 FREE LLC.
10 FREE STREET, PORTLAND

PROJECT NAME:

CLIENT:

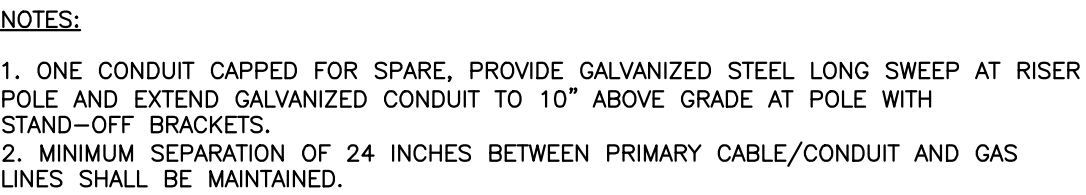

A C O R N
ENGINEERING, INC.
 65 HANOVER ST., PORTLAND MAINE 04101
 (207) 755-2650
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N:	1118
SCALE:	AS NOTED
DESIGNED BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WHS



DRAWING NO.

C-41



SEE MANHOLE DETAIL FOR COVER AND FRAME INFORMATION

PORTLAND CEMENT MORTAR (TYPE 2 CEMENT)

3" GAS VENT, OR VENTED MANHOLE

ALL PIPES TO HAVE A WATERTIGHT SEAL

INLET, SEE NOTE 5

3'-4"

2'-0"

8"

OUTLET, SEE NOTE 5

ADJUST TO GRADE WITH BRICK WITH A MIN. OF 3 COURSES AND A MAX. OF 8 COURSES (ASTM SPEC. DESIGNATED ON C-32-63, GRADE MA AND SA).

NOTES:

1. VENT IN ACCORDANCE WITH THE PLUMBING CODE.
2. DESIGN LOAD FOR H-20 WHEEL LOAD.
3. OIL, SAND AND WATER SEPARATOR TO CONFORM TO CATCH BASIN DETAIL, EXCEPT AS EXPLICITLY IDENTIFIED IN THIS DETAIL.
4. PIPE OPENINGS CAST IN AS REQUIRED.
5. INLET AND OUTLET PIPE SHALL BE CONSTRUCTED OF MATERIALS SPECIFIED WITHIN CITY OF PORTLAND'S APPROVED SEWER PIPE MATERIALS. INLET AND OUTLET PIPE INVERT SHALL BE 3' SEPARATED UNLESS NOTED ON THE PLANS.
6. FOR CLARITY, SUMP DEPTH IS 6" BELOW OUTLET INVERT.
7. AN APPROVED EQUAL MAY BE SUBSTITUTED BY THE DESIGN ENGINEER.

3"

3'-0"

OIL CONTAINMENT

3'-0"

SAND CONTAINMENT

5"

BARREL SECTION

BASE SECTION

4'-0"

12" THICK 3/4" CRUSHED STONE BASE

COMPACTED SUBGRADE

CATCH BASIN GRATE SHALL BE EITHER ITEM # 2440M AS MANUFACTURED BY EAST JORDAN CO., OR ITEM # 32480002 AS MANUFACTURED BY NEEHAH FOUNDRY. SUBMITTAL REQUIRED.

PORTLAND CEMENT MORTAR (TYPE 2 CEMENT)

AS REQUIRED

AS REQUIRED

3'-4"

2'-0"

ECCENTRIC CONE

8"

4'-0"

BARREL SECTION

4'-0"

MIN. 3'-0"

BASE SECTION

5"

ALL PIPES TO HAVE A WATERIGHT SEAL

12" THICK 3/4" CRUSHED STONE BASE

COMPACTED SUBGRADE

AT CURB, CATCH BASIN FRAME SHALL BE ITEM # 7375S AS MANUFACTURED BY EAST JORDAN CO., OR ITEM # 32480001 AS MANUFACTURED BY NEEHAH FOUNDRY. OTHERWISE, CATCH BASIN FRAME SHALL MEET FRAME STANDARDS FOR MANHOLE DETAIL. SUBMITTAL REQUIRED.

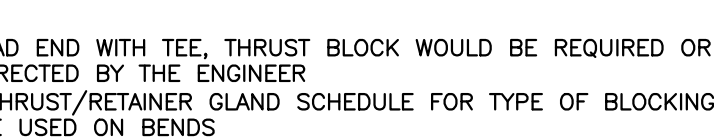
ADJUST TO GRADE WITH BRICK WITH A MIN. OF 3 COURSES AND A MAX. OF 8 COURSES (ASTM SPEC. DESIGNATE ON C-32-63, GRADE MA AND SA).

NOTES:

1. ALL CONCRETE TO HAVE A MIN. OF 4,000 PSI COMPRESSIVE STRENGTH AT 28 DAYS.
2. DESIGN LOAD FOR H-20 WHEEL LOAD.
3. CATCH BASIN TO CONFORM TO ASTM-C478 SPECIFICATIONS.
4. REINFORCE TO 0.15 IN SQ./LF. JOINTS SEALED WITH RAM-NEK GASKET OR EQ.
5. POLYPROPYLENE STEPS 12" O.C.
6. EXTERIOR WATERPROOFING.
7. CASCO TRAPS SHALL BE PROVIDED ON ALL PIPES 15" OR LESS.
8. ALL CATCH BASINS AND MANHOLES SHALL MEET THE APPLICABLE CITY OF PORTLAND - SECTION 2 SANITARY AND STORM DRAIN DESIGN STANDARDS.
9. STEPS SHALL BE OFFSET AT NO MORE THAN 12" ON CENTER, STARTING FROM THE TOP OF THE MANHOLE FRAME AND SHALL BE FORGED ALUMINUM OR COPOLYMER POLYPROPYLENE STEPS
10. ALL CATCH PIPES SHALL HAVE A CATCH BASIN HOOD PER DETAIL UNLESS OTHERWISE NOTED

NOTES:

1. ANY ALTERNATE TRENCHING METHODS SHALL BE APPROVED IN ADVANCE BY THE CITY.
2. ALL TRENCHING METHODS SHALL CONFORM TO THE CITY OF PORTLAND TECHNICAL STANDARDS FIGURE II-2.
3. DRAINAGE & SHEETING OR OTHER TRENCH PROTECTION TO BE PROVIDED TO MEET APPLICABLE STATE AND O.S.H.A SAFETY STANDARDS. ALL SUCH TRENCH PROTECTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
4. WHERE APPLICABLE, PERFORMANCES IN STORM DRAIN (PERFSD) SHALL BE ORIENTED UP.
5. ALL STORM DRAINS SHALL BE PVC SD 35 MIN PS-46 RATING OR IN ACCORDANCE WITH CITY OF PORTLAND TECHNICAL MANUAL, SECTION 2 - SANITARY SEWER AND STORM DRAIN - PART 2.5.2
6. IN PAVED AREAS, DEPTH OF GRAVEL AND HOT ASPHALT PAVING SHALL MATCH THE GREATER OF EXISTING CONDITION OR THE REQUIREMENTS FOR THE CORRESPONDING FREE CLASSIFICATION.
7. THIS DETAIL SHALL BE APPLIED ONLY TO PIPE TRENCHES WITHIN OF THE CITY OF PORTLAND ROW. STORM DRAIN COVER BETWEEN 2' AND 3' SHALL INCLUDE 4" OF INSULATION COVER BETWEEN 3' AND 4' SHALL INCLUDE 2" RIGID INSULATING MATERIALS; ADD 2" OF INSULATION COVER FOR EACH FOOT ABOVE MINIMUM DEPTH.



Technical drawings of a 45-degree bend pipe assembly.

The top drawing is a side elevation view showing a pipe with a 45-degree bend. The dimensions are labeled as follows:

- L : Length of the bend section.
- D : Horizontal distance from the start of the bend to the end of the bend.
- H : Vertical distance from the start of the bend to the end of the bend.

The bottom drawing is a plan view showing the pipe with four 45-degree bends. The dimensions are labeled as follows:

- $I.D.$: Internal diameter of the pipe.
- $12" \text{ Min.}$: Minimum offset distance between the bends.
- $I.D. + 24" \text{ Min.}$: Minimum offset distance between the bends, including the pipe diameter.
- $45^\circ \text{ BEND TYP.}$: Label for the 45-degree bends.
- $SLEEVE \text{ TYP.}$: Label for the sleeve sections.
- OFFSET DETAIL**
NOT TO SCALE: Label for the plan view.

- NOTES:**
1. DIMENSIONS APPLICABLE FOR SIGMA COMPACT BENDS. FOR TYLER COMPACT BENDS, ADD 1/2" TO "D" DIMENSION AND SUBTRACT 1/2" FROM "L" DIMENSION.
 2. FOR OTHER FITTINGS REFER TO MANUFACTURER'S RECOMMENDATIONS.

NOTES:

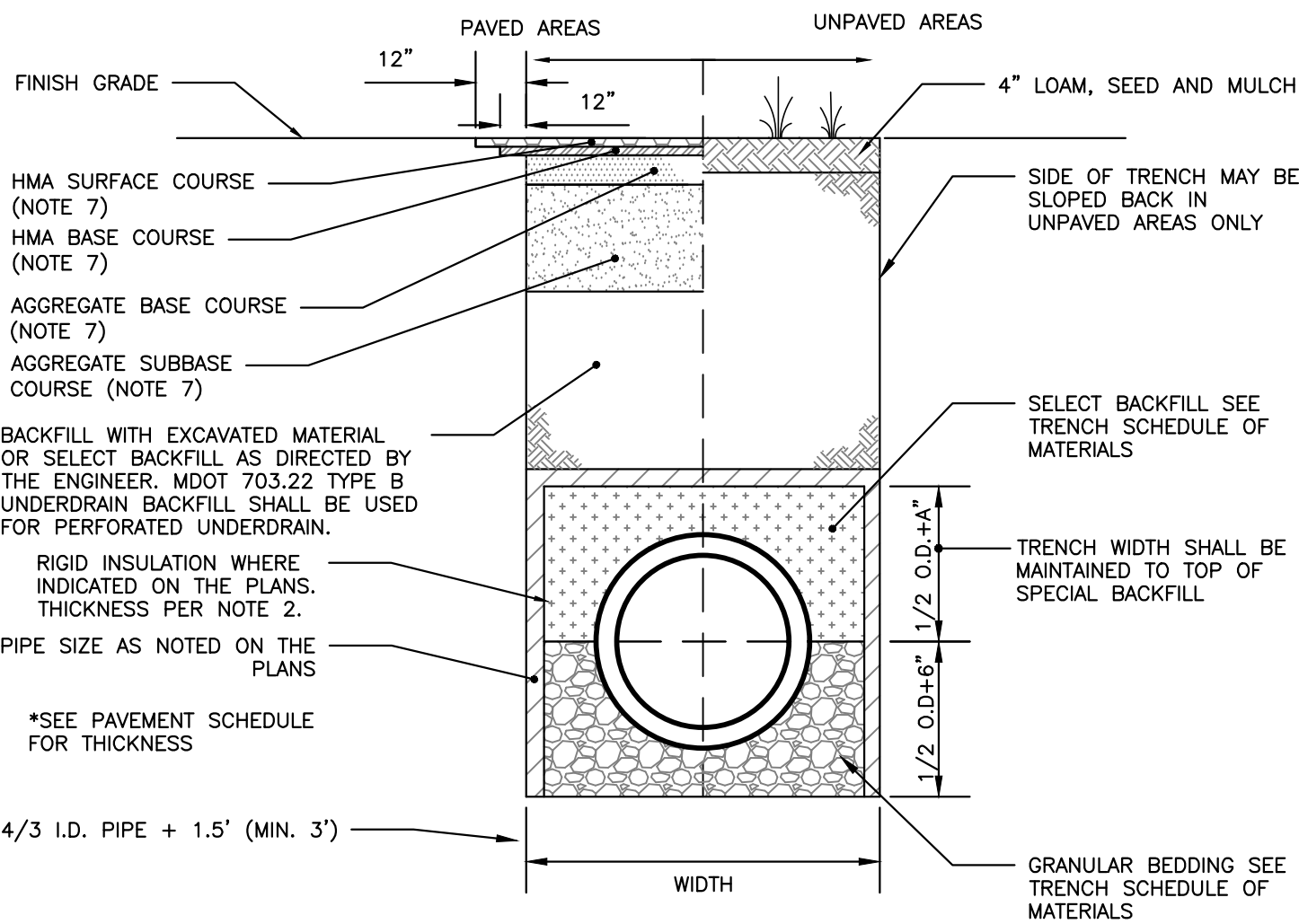
1. THE WATER TRENCH SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT STANDARD DETAILS & SPECIFICATIONS.
2. IF LESS THAN 5'-6" OF COVER IS POSSIBLE ADD 1 INCH OF "BLUE DOW" RIGID INSULATION FOR EVERY 12" LESS COVER.



- NOTES:**
1. BACKFLOW VALVE TO BE PROVIDED BY AGRI DRAIN CORPORATION OR AN APPROVED EQUAL.
 2. VALVE TO BE INSTALLED TO MANUFACTURER'S SPECIFICATIONS AND COMPLY WITH RULES AND REGULATIONS AS OUTLINED IN SECTION 2 OF THE CITY OF PORTLAND TECHNICAL MANUAL.
 3. VALVE SHALL BE INSTALLED WITH A VALVE BOX AND COVER TO PROVIDE EASY ACCESS AND MAINTENANCE; VALVE COVER SHALL STATE "SEWER" ON LID FLUSH TO SURFACE. REFER TO VALVE & BOX COVER DETAIL FOR ADDITIONAL INFORMATION.
 4. CONCRETE COLLAR AT A MINIMUM 24-HOUR COMPRESSIVE STRENGTH OF 3,000 PSI.

H	6" PIPE			8" PIPE			12" PIPE		
	D	L	D	L	D	L	D	L	
12'	1' 6"-1/2"	0' 10"-1/2"	1' 7"-1/2"	0' 9"-1/2"	1' 11"-1/2"	0' 5"-1/2"			
13'	1' 7"-1/2"	0' 11"-7/8"	1' 8"-1/2"	0' 10"-7/8"	2' 0"-1/2"	0' 6"-7/8"			
14'	1' 8"-1/2"	0' 11"-5/8"	1' 9"-1/2"	1' 0"-5/8"	2' 1"-1/2"	0' 7"-5/8"	1' 0"-1/8"		
15'	1' 9"-1/2"	1' 2"-1/8"	1' 10"-1/2"	1' 1"-1/8"	2' 2"-1/2"	0' 8"-1/8"	1' 1"-1/8"		
16'	1' 10"-1/2"	1' 4"-1/8"	1' 11"-1/2"	1' 3"-1/8"	2' 3"-1/2"	0' 9"-1/8"	1' 1"-1/8"		
17'	1' 11"-1/2"	1' 5"-9/16"	2' 0"-1/2"	1' 4"-9/16"	2' 4"-1/2"	1' 0"-9/16"			
18'	2' 0"-1/2"	1' 6"-15/16"	2' 1"-1/2"	1' 5"-15/16"	2' 5"-1/2"	1' 1"-15/16"			
19'	2' 1"-1/2"	1' 7"-7/8"	2' 2"-1/2"	1' 7"-7/8"	2' 6"-1/2"	1' 2"-7/8"			
20'	2' 2"-1/2"	1' 9"-13/16"	2' 3"-1/2"	1' 8"-13/16"	2' 7"-1/2"	1' 4"-13/16"			
21'	2' 3"-1/2"	1' 11"-3/16"	2' 4"-1/2"	1' 10"-3/16"	2' 8"-1/2"	1' 6"-3/16"			
22'	2' 4"-1/2"	2' 0"-5/8"	2' 5"-1/2"	1' 11"-5/8"	2' 9"-1/2"	1' 7"-5/8"			
23'	2' 5"-1/2"	2' 1"-7/8"	2' 6"-1/2"	2' 0"-1"	2' 10"-1/2"	1' 8"-1/2"			
24'	2' 6"-1/2"	2' 3"-7/16"	2' 7"-1/2"	2' 2"-7/16"	2' 11"-1/2"	1' 10"-7/16"			
25'	2' 7"-1/2"	2' 4"-7/8"	2' 8"-1/2"	2' 3"-7/8"	3' 0"-1/2"	1' 11"-7/8"			
26'	2' 8"-1/2"	2' 6"-1/4"	2' 9"-1/2"	2' 5"-1/4"	3' 1"-1/2"	1' 12"-1/4"			
27'	2' 9"-1/2"	2' 7"-9/16"	2' 10"-1/2"	2' 6"-9/16"	3' 2"-1/2"	2' 2"-1/8"			
28'	2' 10"-1/2"	2' 8"-1/8"	2' 11"-1/2"	2' 8"-1/8"	3' 3"-1/2"	2' 4"-1/8"			
29'	2' 11"-1/2"	2' 10"-1/2"	3' 0"-1/2"	2' 9"-1/2"	3' 4"-1/2"	2' 5"-1/2"			
30'	3' 0"-1/2"	2' 11"-1/8"	3' 1"-1/2"	3' 0"-1/8"	3' 5"-1/2"	2' 6"-15/16"			
31'	3' 1"-1/2"	3' 1"-15/16"	3' 2"-1/2"	3' 1"-3/16"	3' 6"-1/2"	2' 7"-15/16"			
32'	3' 2"-1/2"	3' 2"-3/4"	3' 3"-1/2"	3' 1"-3/4"	3' 7"-1/2"	2' 9"-3/4"			
33'	3' 3"-1/2"	3' 4"-3/16"	3' 4"-1/2"	3' 3"-3/16"	3' 8"-1/2"	2' 11"-3/16"			
34'	3' 4"-1/2"	3' 5"-3/16"	3' 5"-1/2"	3' 4"-9/16"	3' 9"-1/2"	3' 0"-7/16"			
35'	3' 5"-1/2"	3' 6"-1/8"	3' 6"-1/2"	3' 5"-1/8"	3' 10"-1/2"	3' 1"-7/16"			
36'	3' 6"-1/2"	3' 8"-7/16"	3' 7"-1/2"	3' 7"-7/16"	3' 11"-1/2"	3' 3"-1/16"			
37'	3' 7"-1/2"	3' 9"-13/16"	3' 8"-1/2"	3' 8"-13/16"	4' 0"-1/2"	3' 4"-13/16"			
38'	3' 8"-1/2"	4' 0"-1/8"	3' 9"-1/2"	3' 9"-1/8"	4' 1"-1/2"	3' 6"-1/8"			
39'	3' 9"-1/2"	4' 0"-11/16"	3' 10"-1/2"	3' 11"-11/16"	4' 2"-1/2"	3' 7"-1/16"			
40'	3' 10"-1/2"	4' 2"-1/16"	3' 11"-1/2"	4' 1"-1/16"	4' 3"-1/2"	3' 9"-1/16"			
41'	3' 11"-1/2"	4' 3"-1/2"	4' 0"-1/2"	4' 2"-1/2"	4' 4"-1/2"	3' 10"-1/2"			
42'	4' 0"-1/2"	4' 4"-1/2"	4' 1"-1/2"	4' 3"-1/2"	4' 5"-1/2"	3' 11"-1/2"			
43'	4' 1"-1/2"	4' 6"-5/16"	4' 2"-1/2"	4' 5"-5/16"	4' 6"-1/2"	4' 1"-5/16"			
44'	4' 2"-1/2"	4' 7"-3/4"	4' 3"-1/2"	4' 6"-3/4"	4' 7"-1/2"	4' 2"-3/4"			
45'	4' 3"-1/2"	4' 9"-1/8"	4' 4"-1/2"	4' 8"-1/8"	4' 8"-1/2"	4' 4"-1/8"			
46'	4' 4"-1/2"	4' 10"-3/8"	4' 5"-1/2"	4' 9"-3/8"	4' 9"-1/2"	4' 5"-3/8"			
47'	4' 5"-1/2"	4' 11"-15/16"	4' 6"-1/2"	4' 10"-15/16"	4' 10"-1/2"	4' 6"-15/16"			
48'	4' 6"-1/2"	5' 1"-3/8"	4' 7"-1/2"	5' 0"-3/8"	4' 11"-1/2"	4' 8"-3/8"			
49'	4' 7"-1/2"	5' 2"-15/16"	4' 8"-1/2"	5' 1"-13/16"	5' 0"-1/2"	4' 9"-15/16"			
50'	4' 8"-1/2"	5' 3"-7/8"	4' 9"-1/2"	5' 2"-7/8"	5' 1"-1/2"	4' 11"-7/8"			
51'	4' 9"-1/2"	5' 5"-5							

- | | |
|--|--|
| | PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION |
|--|--|

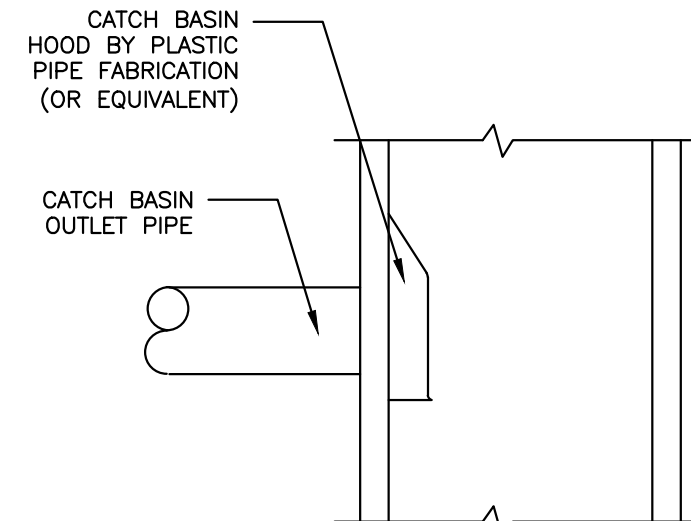


SCHEDULE OF MATERIALS		
TYPE OF PIPE	GRANULAR BEDDING	SELECT BACKFILL
CMP DUCTILE IRON RCP	MDOT 703.22 TYPE B UD BACKFILL	MDOT 703.22 TYPE B UD BACKFILL
PVC/HDPE	MDOT 703.22 TYPE C 3/4" CRUSHED STONE	MDOT 703.22 TYPE B UD BACKFILL
CMP	MDOT 703.22 TYPE C 3/4" CRUSHED STONE	MDOT 703.22 TYPE C 3/4" CRUSHED STONE

NOTES:

- BRACING AND SHEETING OR OTHER TRENCH PROTECTION TO BE PROVIDED TO MEET APPLICABLE STATE AND O.S.H.A. SAFETY STANDARDS. ALL SUCH TRENCH PROTECTION TO BE THE RESPONSIBILITY OF THE CONTRACTOR.
- STORM DRAIN COVER BETWEEN 2' AND 3' SHALL INCLUDE 4\"/>
- INSTALL WARNING TAPE DIRECTLY ABOVE UTILITIES AT THE TOP OF SUBGRADE.
- MINIMUM COVER
 - 2'-0\"/>
 - 5'-0\"/>
- NO TREES SHALL BE PLANTED WITHIN 5' OF A SEWER PIPE OR SERVICE.
- THIS DETAIL SHALL BE APPLIED ONLY TO DRAINAGE PIPE TRENCHES OUTSIDE OF THE CITY OF PORTLAND ROW.
- THICKNESS AS NOTED BY SURFACE DETAILS.

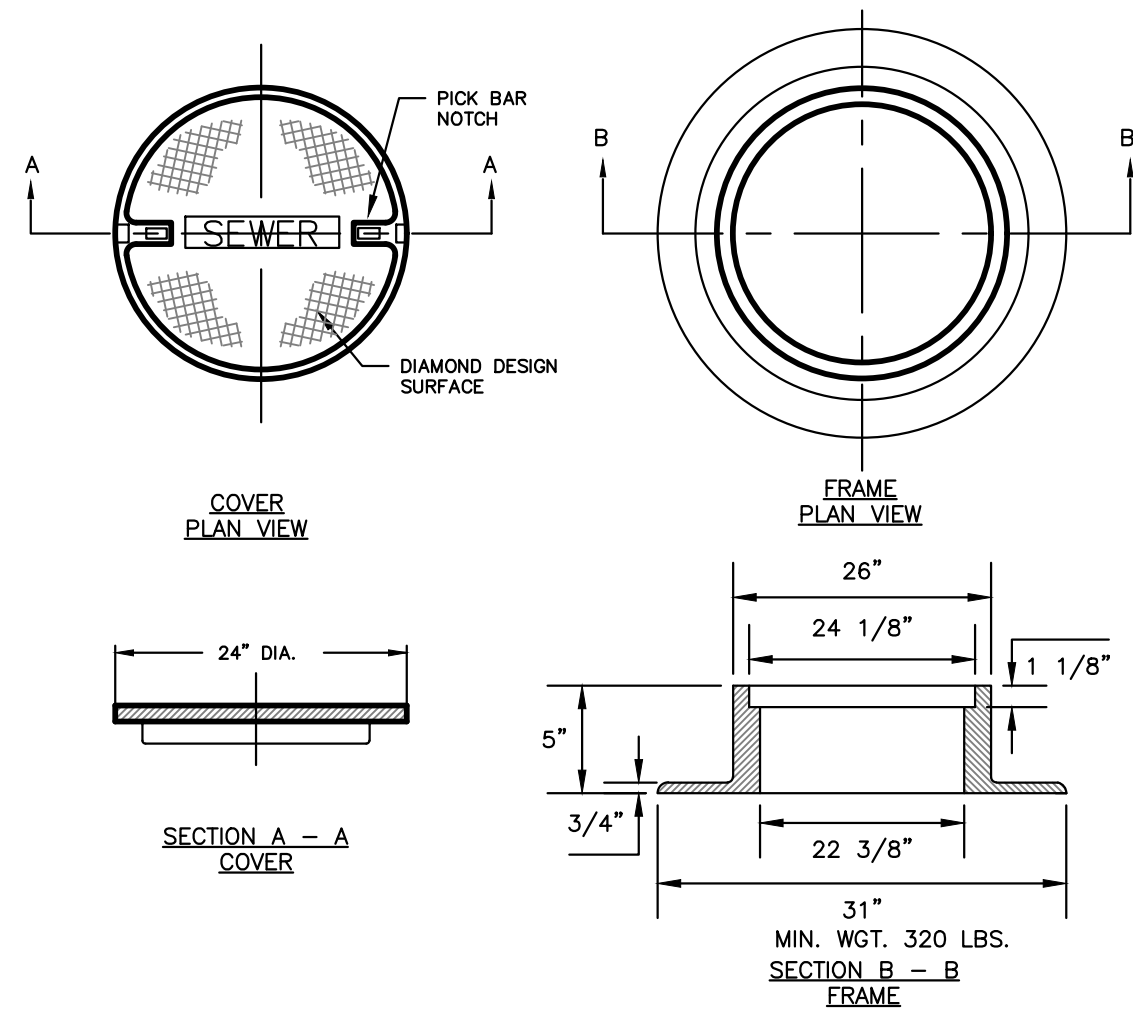
STORM DRAIN AND SEWER TYPICAL TRENCH SECTION
NOT TO SCALE



NOTES:

- INSTALL CATCH BASIN HOODS IN ALL CATCH BASINS UNLESS OTHERWISE NOTED.
- PREFERRED STYLE DESIGNED TO ELIMINATE CEMENTING OF THE TRAP.
- REFER TO MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION REQUIREMENTS.

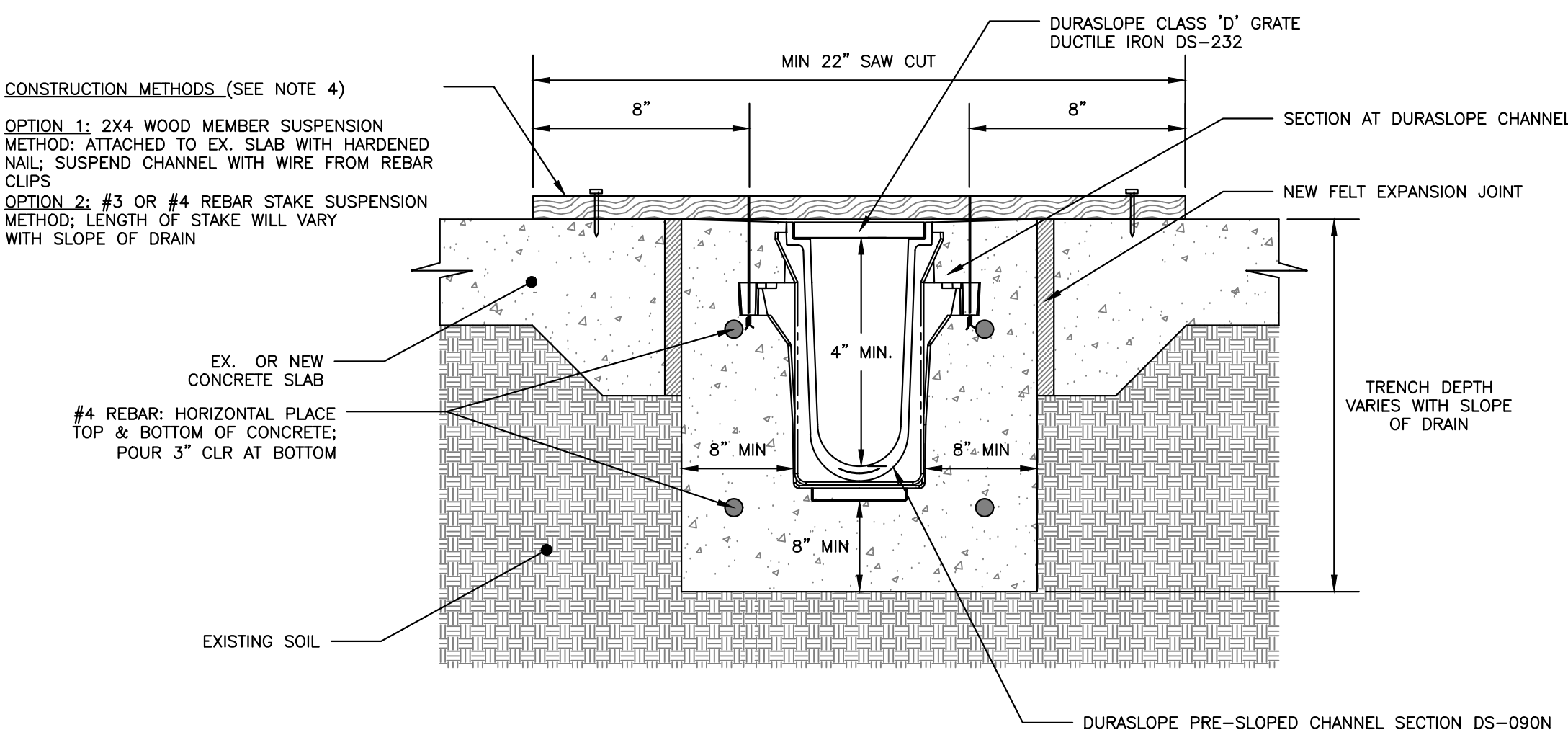
CATCH BASIN HOOD DETAIL
NOT TO SCALE



CAST IRON MANHOLE COVER AND FRAME
NOT TO SCALE

CONSTRUCTION METHODS (SEE NOTE 4)

- OPTION 1: 2X4 WOOD MEMBER SUSPENSION METHOD: ATTACHED TO EX. SLAB WITH HARDENED NAIL; SUSPEND CHANNEL WITH WIRE FROM REBAR CLIPS
- OPTION 2: #3 OR #4 REBAR STAKE SUSPENSION METHOD: LENGTH OF STAKE WILL VARY WITH SLOPE OF DRAIN

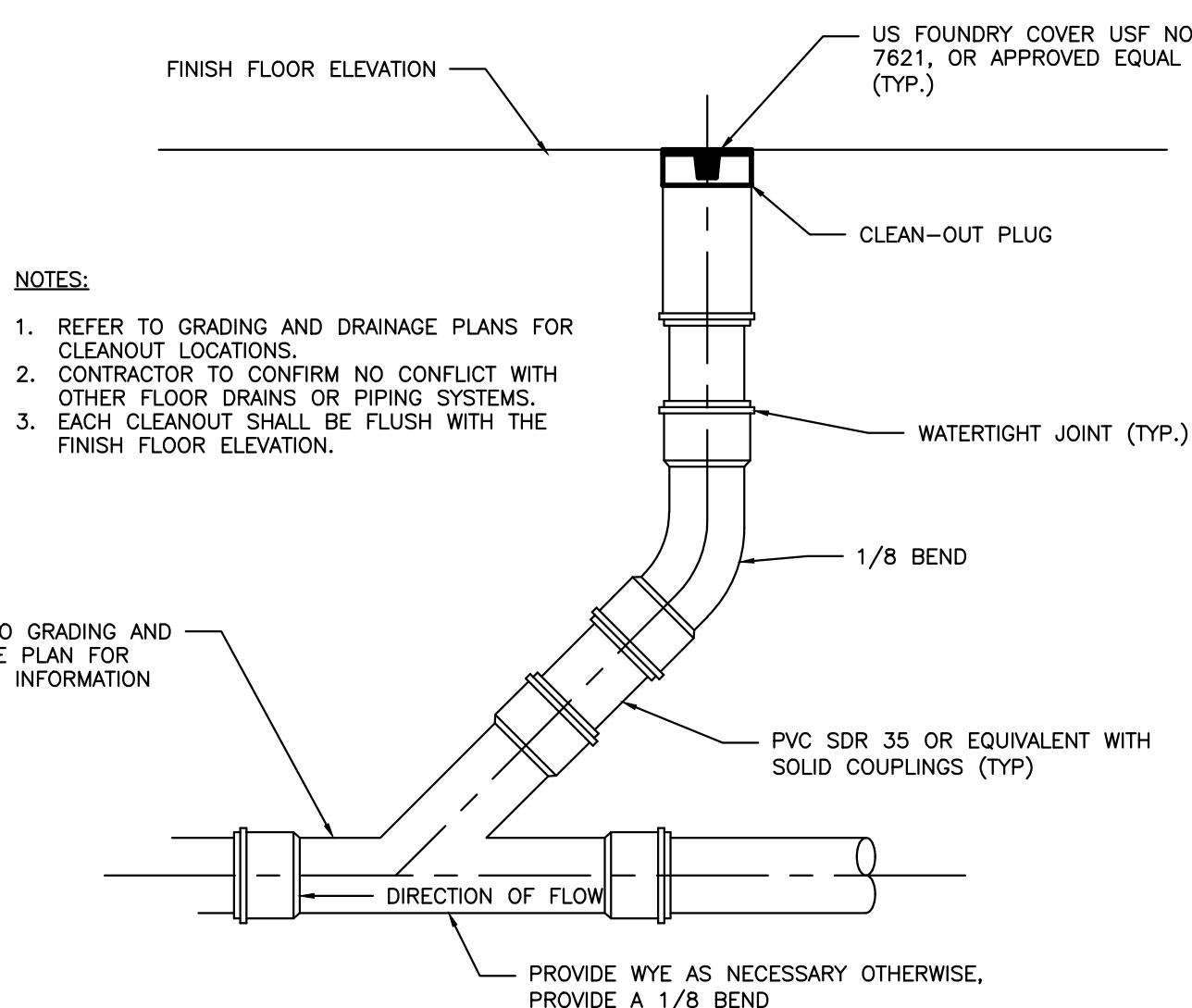


NOTES:

- CHANNELS TO BE INSTALLED WITH A BLANK GRATE; GRATE TO BE PROTECTED FROM CONCRETE POUR (COVER HOLES WITH TAPE).
- SET DRAIN IN CHANNEL SURROUNDED BY 8\"/>
- AVOID FULL LOAD TRAFFIC FOR 28 DAYS OR UNTIL CONCRETE HAS COMPLETELY HARDENED.
- REFER TO MANUFACTURER'S INSTRUCTIONS FOR COMPLETE INSTALLATION DETAILS.

FRAME AND GRATE DETAIL

DURASLOPE CLASS D TRENCH DRAIN INSTALLATION
NOT TO SCALE



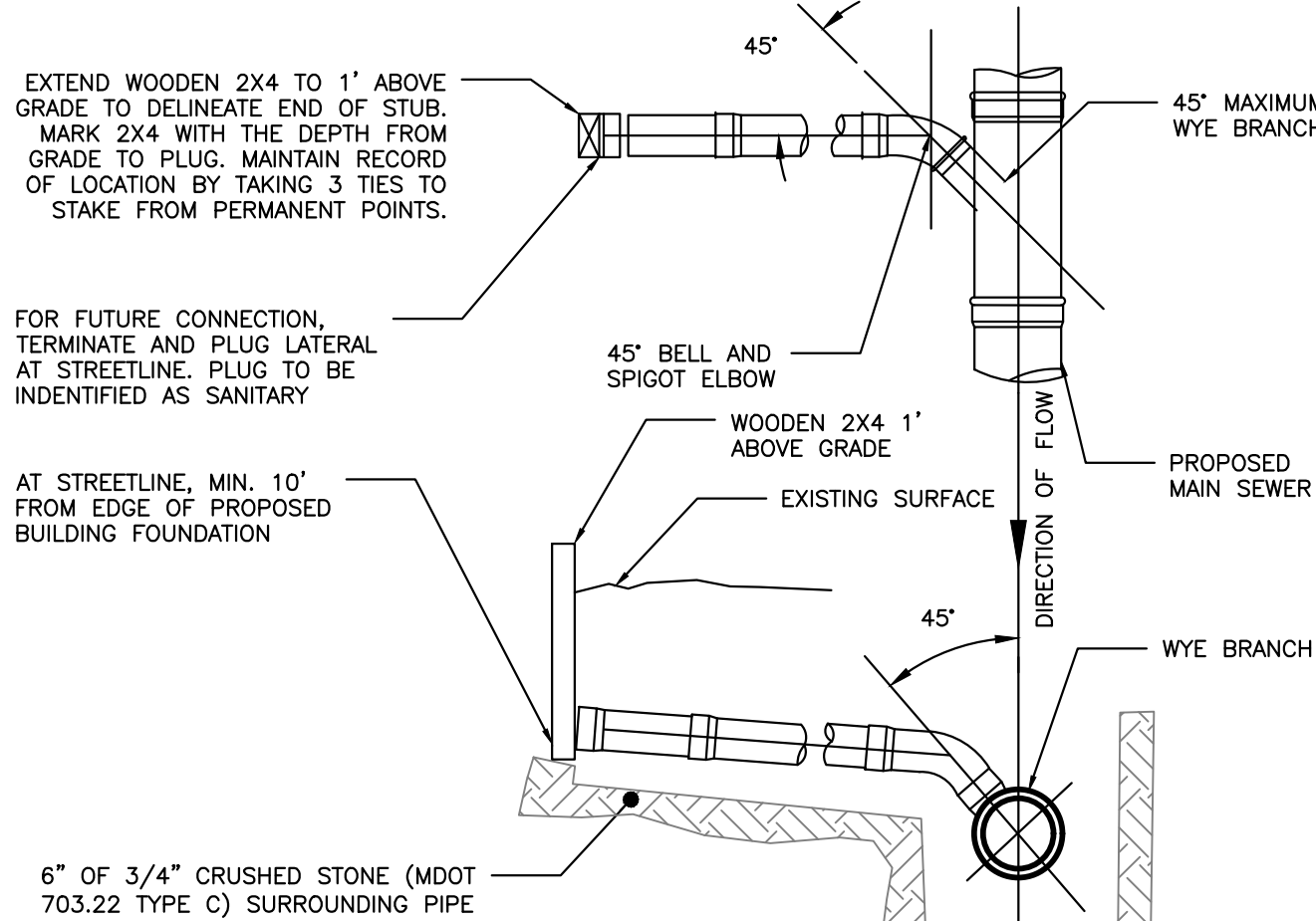
NOTES:

- REFER TO GRADING AND DRAINAGE PLANS FOR CLEANOUT LOCATIONS.
- CONTRACTOR TO CONFIRM NO CONFLICT WITH OTHER FLOOR DRAINS OR PIPING SYSTEMS.
- EACH CLEANOUT SHALL BE FLUSH WITH THE FINISH FLOOR ELEVATION.

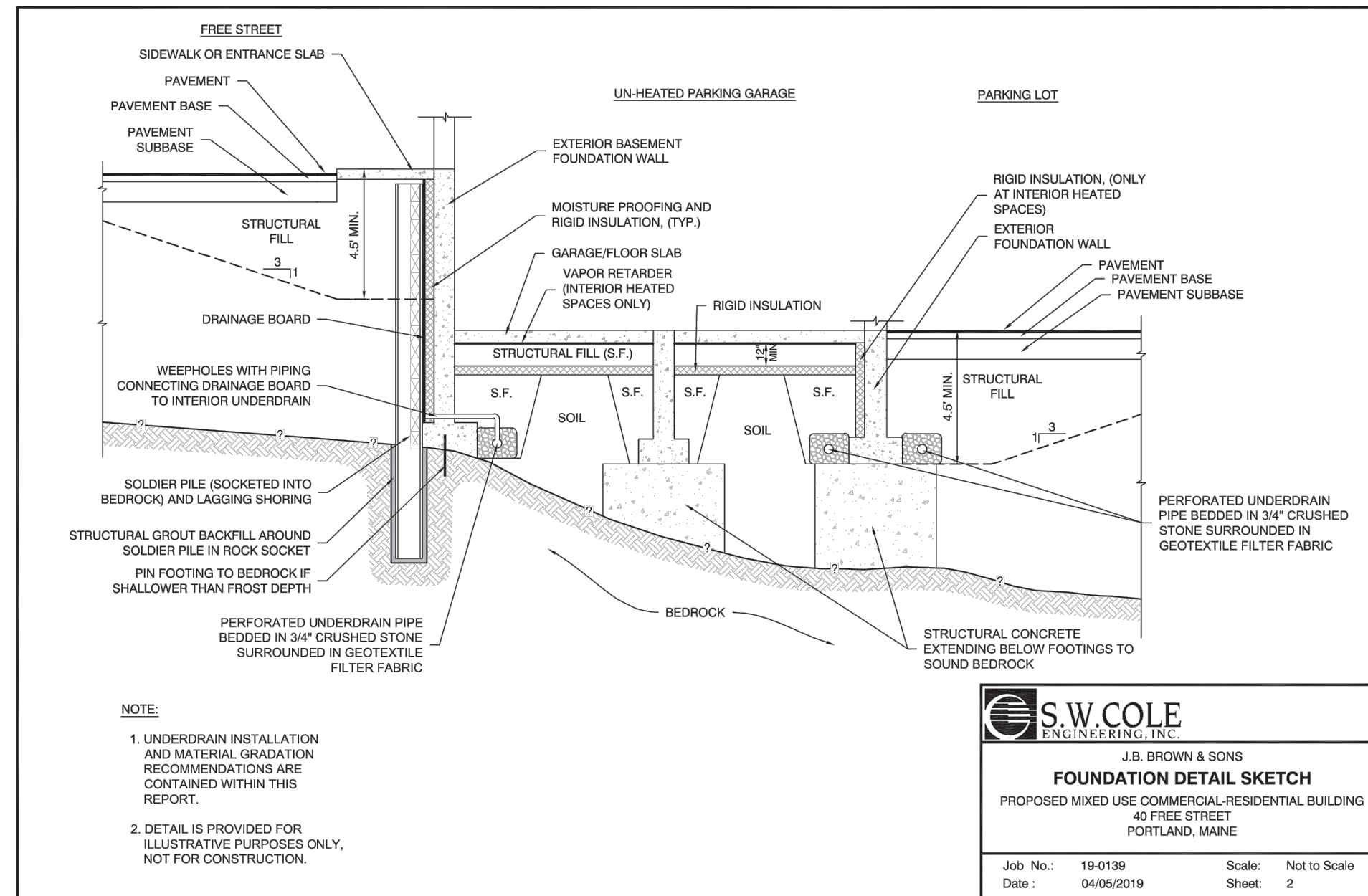
CLEANOUT DETAIL
NOT TO SCALE

NOTES:

- LOCATION WITH WARNING TAPE SHALL BE INSTALLED OVER CENTERLINE OF PIPE AT A MAXIMUM OF 24 INCHES BELOW FINISH GRADE.
- SITE CONTRACTOR TO COORDINATE CONNECTION OF SEWER LATERAL TO HOUSEHOLD PLUMBING WITH ARCHITECTURAL CONTRACTOR.
- CONNECTION OF PROPOSED SEWER LATERAL TO HOUSEHOLD PLUMBING SHOULD INCORPORATE USE OF SIMILAR PIPE MATERIALS. IN THE CASE OF DISSIMILAR PIPES BEING USED, A FERNCO FLEXIBLE COUPLING SHALL BE USED.



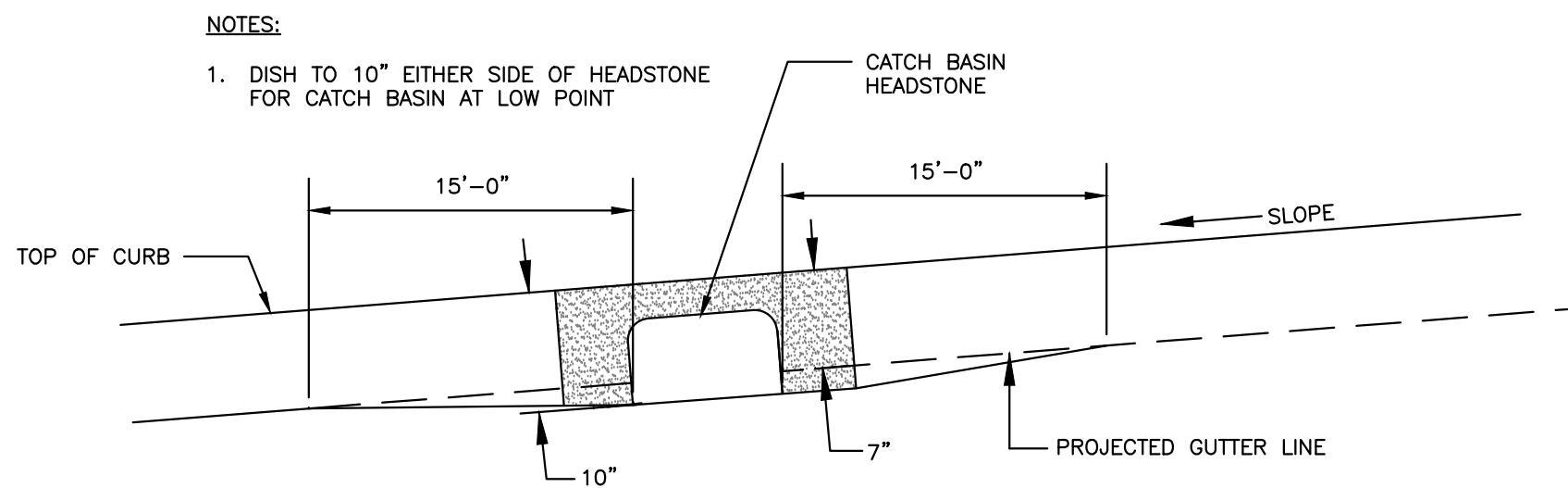
SEWER TEE/WYE CONNECTION DETAIL
NOT TO SCALE



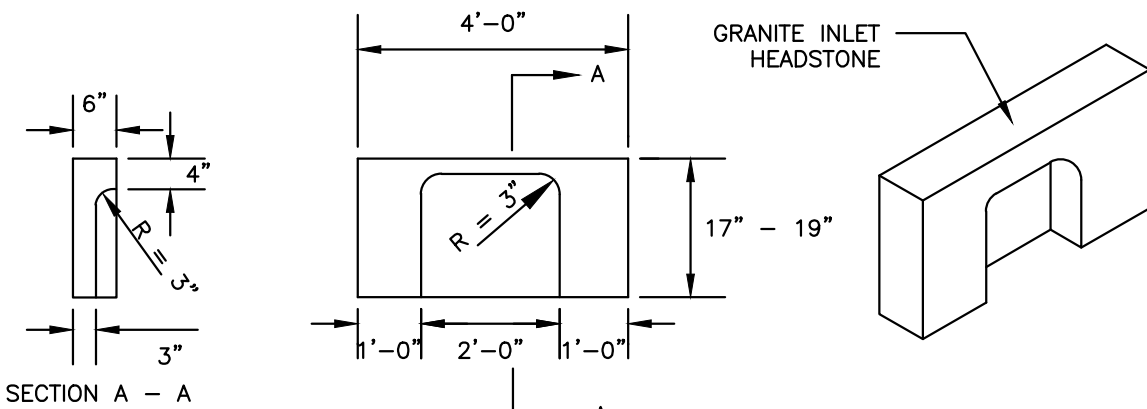
NOTE:

- UNDERDRAIN INSTALLATION AND MATERIAL GRADATION RECOMMENDATIONS ARE CONTAINED WITHIN THIS REPORT.
- DETAIL IS PROVIDED FOR ILLUSTRATIVE PURPOSES ONLY, NOT FOR CONSTRUCTION.

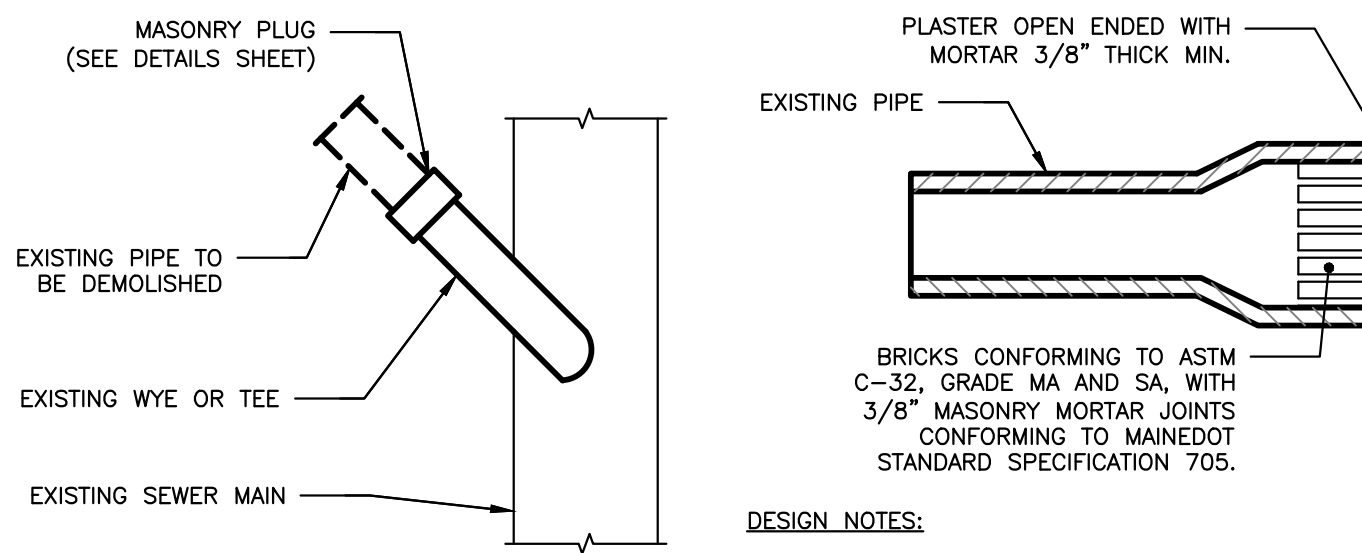
FOUNDATION DRAIN DETAIL
NOT TO SCALE



PAVEMENT GRADING ON SLOPES FOR CATCH BASIN AND INLET
NOT TO SCALE



4' GRANITE HEADSTONE FOR CATCH BASIN INLET
NOT TO SCALE



DESIGN NOTES:

- IT IS ASSUMED THAT THE EXISTING PIPE IS OF VITRIFIED CLAY CONSTRUCTION. USE CAP OR PLUG FOR PVC PIPE.

MASONRY PLUG DETAIL
NOT TO SCALE

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

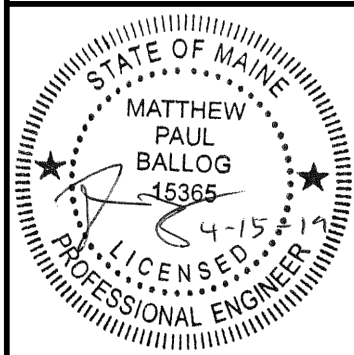
ISSUED FOR	BY
FINAL APPLICATION	MPB
	4/15/19

DRAWING NAME:	PROJECT NAME:	CLIENT:
DRAINAGE DETAILS	40 FREE STREET	40 FREE LLC.
		10 FREE STREET, PORTLAND 04101

ACORN ENGINEERING, INC. ENGINEERING, INC.

85 HANOVER STREET, PORTLAND, MAINE 04101
(207) 775-2655

FILE:	1118_CIVIL
JN:	1118
SCALE:	AS NOTED
DESIGNED BY:	MPB
DRAWN BY:	MPB
CHECKED BY:	WHS



DRAWING NO.
C-43

1.0 EROSION CONTROL MEASURES AND SITE STABILIZATION

AS PART OF THE SITE DEVELOPMENT, THE FOLLOWING TEMPORARY AND PERMANENT EROSION AND SEDIMENTATION CONTROL DEVICES SHALL BE IMPLEMENTED. DEVICES SHALL BE INSTALLED AS DESCRIBED IN THIS REPORT OR WITHIN THE PLAN SET. SEE THE MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION; BEST MANAGEMENT PRACTICES FOR FURTHER REFERENCE.

1.1 TEMPORARY EROSION CONTROL MEASURES

THE FOLLOWING TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES ARE PLANNED FOR THE PROJECT'S CONSTRUCTION PERIOD:

- 1.1.1 CRUSHED STONE STABILIZED CONSTRUCTION ENTRANCES SHALL BE PLACED AT ALL ACCESS POINTS TO THE PROJECT SITE WHERE THERE ARE DISTURBED AREAS. THE FOLLOWING SPECIFICATIONS SHALL BE FOLLOWED AT A MINIMUM:

- STONE SIZE SHALL BE 2-3 INCHES OR RECLAIMED OR RECYCLED CONCRETE EQUIVALENT.
 - THE THICKNESS OF THE ENTRANCE STONE LAYER SHALL BE NO LESS THAN 6 INCHES.
 - THE ENTRANCE SHALL NOT BE LESS THAN 20 FEET WIDE, HOWEVER NOT LESS THAN THE FULL WIDTH OF POINTS WHERE INGRESS OR EGRESS OCCURS. THE LENGTH SHALL NOT BE LESS THAN 50 FEET IN LENGTH.
 - GEOTEXTILE FABRIC (WOVEN OR NON-WOVEN) SHALL BE PLACED OVER THE ENTIRE ENTRANCE AREA.
 - THE ENTRANCE/EXIT SHALL BE MAINTAINED TO THE EXTENT THAT IT WILL PREVENT THE TRACKING OF SEDIMENT ONTO PUBLIC ROADWAYS.
- 1.1.2 SILTATION FENCE OR EROSION CONTROL BERM SHALL BE INSTALLED DOWN GRADIENT OF ANY DISTURBED AREAS TO TRAP RUNOFF BORNE SEDIMENTS UNTIL PERMANENT STABILIZATION IS ACHIEVED. THE SILT FENCE OR EROSION CONTROL BERM SHALL BE INSTALLED PER THE DETAILS PROVIDED IN THE PLAN SET AND INSPECTED BEFORE AND IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. REPAIRS SHALL BE MADE IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE FENCE LINE OR BERM. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THE FENCE OR BERM, THE BARRIER SHALL BE REPLACED WITH A STONE CHECK DAM.
- 1.1.3 HAY MULCH INCLUDING HYDRO SEEDING IS INTENDED TO PROVIDE COVER FOR DENUDED OR SEEDED AREAS UNTIL REVEGETATION IS ESTABLISHED. MULCH PLACED BETWEEN APRIL 15TH AND NOVEMBER 1ST ON SLOPES OF LESS THAN 15 PERCENT SHALL BE COVERED BY FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION. MULCH PLACED BETWEEN NOVEMBER 1ST AND APRIL 15TH ON SLOPES EQUAL TO OR STEEPER THAN 8 PERCENT AND EQUAL TO OR FLATTER THAN 2:1 SHALL USE MATS OR FABRIC NETTING AND ANCHORED WITH STAPLES IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATION.
- 1.1.4 AT ANY TIME OF THE YEAR, ALL SLOPES GREATER THAN 3:1 SHALL BE STABILIZED WITH DOUBLE NET EROSION CONTROL BLANKET BIONET SC150BN BY NORTH AMERICAN GREEN OR APPROVED EQUAL, OR EROSION CONTROL MIX SLOPE PROTECTION AS DETAILED WITHIN THE PLANS.
- 1.1.5 FREE STREET, CROSS STREET, CENTER STREET, AND SPRING STREET SHALL BE SWEEPED TO CONTROL MUD AND DUST FROM THE CONSTRUCTION SITE AS NECESSARY. ADD ADDITIONAL STONE TO THE STABILIZED CONSTRUCTION ENTRANCE TO MINIMIZE THE TRACKING OF MATERIAL OFF THE SITE AND ONTO THE SURROUNDING ROADWAYS.
- 1.1.6 DURING DEMOLITION, CLEARING AND GRUBBING OPERATIONS, STONE CHECK DAMS SHALL BE INSTALLED AT ANY AREAS OF CONCENTRATED FLOW. THE MAXIMUM HEIGHT OF THE CHECK DAM SHALL NOT EXCEED 2 FEET. THE CENTER OF THE CHECK DAM SHALL BE 6 INCHES BELOW THE OUTER EDGES OF THE DAM. THE CONTRACTOR SHALL MULCH THE SIDE SLOPES AND INSTALL STONE CHECK DAMS FOR ALL NEWLY EXCAVATED DITCH LINES WITHIN 24 HOURS OF THEIR CREATION.
- 1.1.7 SILT FENCE STAKE SPACING SHALL NOT EXCEED 6 FEET UNLESS THE FENCE IS SUPPORTED WITH 14 GAUGE WIRE IN WHICH CASE THE MAXIMUM SPACING SHALL NOT EXCEED 10 FEET. THE SILT FENCE SHALL BE "TOED" INTO THE GROUND.
- 1.1.8 STORMDRAIN INLET PROTECTION SHALL BE PROVIDED TO STORMDRAINS THROUGH THE USE OF ANY OF THE FOLLOWING: HAY BALE DROP INLET STRUCTURES, SILT FENCE DROP INLET SEDIMENT FILTER, GRAVEL AND WIRE MESH DROP INLET SEDIMENT FILTER, OR CURB INLET SEDIMENT FILTER. BARRIERS SHALL BE INSPECTED AFTER EVERY RAINFALL EVENT AND REPAIRED AS NECESSARY. SEDIMENTS SHALL BE REMOVED WHEN ACCUMULATION HAS REACHED ½ THE DESIGN HEIGHT.
- 1.1.9 DUST CONTROL SHALL BE ACCOMPLISHED BY THE USE OF ANY OF THE FOLLOWING: WATER, CALCIUM CHLORIDE, STONE, OR AN APPROVED MDEP PRODUCT. DUST CONTROL SHALL BE APPLIED AS NEEDED TO ACCOMPLISH DUST CONTROL.
- 1.1.10 TEMPORARY LOAM, SEED, AND MULCHING SHALL BE USED IN AREAS WHERE NO OTHER EROSION CONTROL MEASURE IS USED. APPLICATION RATES FOR SEEDING ARE PROVIDED AT THE END OF THIS REPORT.
- 1.1.11 STOCKPILES SHALL BE STABILIZED WITHIN 7 DAYS OF FORMATION UNLESS A SCHEDULED RAIN EVENT OCCURS PRIOR TO THE 7 DAY WINDOW, IN WHICH CASE THE STOCKPILE SHALL BE STABILIZED PRIOR TO THE RAIN EVENT. METHODS OF STABILIZATION SHALL BE MULCH, EROSION CONTROL MIX, OR EROSION CONTROL BLANKETS/MATS. SILT FENCE OR A WOOD WASTE COMPOST FILTER BERM SHALL BE PLACED DOWNHILL OF ANY SOIL STOCKPILE LOCATION.
- 1.1.12 FOR DISTURBANCE BETWEEN NOVEMBER 1 AND APRIL 15, PLEASE REFER TO WINTER STABILIZATION PLAN IN THIS REPORT AND THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR FURTHER INFORMATION.
- 1.1.13 IT IS OF THE UTMOST IMPORTANCE THAT STORMWATER RUNOFF AND POTENTIAL SEDIMENT FROM THE CONSTRUCTION SITE BE DIVERTED AROUND THE PROPOSED UNDERDRAINS UNTIL THE TRENCH IS BACKFILLED.

1.2 PERMANENT EROSION CONTROL MEASURES

THE FOLLOWING PERMANENT EROSION CONTROL MEASURES ARE INTENDED FOR POST DISTURBANCE AREAS OF THE PROJECT.

- 1.2.1 ALL DISTURBED AREAS DURING CONSTRUCTION, NOT SUBJECT TO OTHER PROPOSED CONDITIONS, SHALL RECEIVE A MINIMUM 4" OF LOAM, LIMED, AND MULCHED. EROSION CONTROL BLANKETS OR MATS SHALL BE PLACED OVER THE MULCH IN AREAS NOTED IN PARAGRAPH 4.1 OF THIS REPORT.
- 1.2.2 ALL STORMWATER DEVICES SHALL BE INSTALLED AND TRIBUTARY AREAS STABILIZED PRIOR RECEIVING STORMWATER.
- 1.2.3 REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.

2.0 EROSION AND SEDIMENTATION CONTROL PLAN

- 2.1 THE EROSION AND SEDIMENTATION CONTROL PLAN IS INCLUDED WITHIN THE PLAN SET.

3.0 DETAILS AND SPECIFICATIONS

- 3.1 EROSION CONTROL DETAILS AND SPECIFICATIONS ARE INCLUDED IN THE PLAN SET.

4.0 STABILIZATION PLAN FOR WINTER CONSTRUCTION

WINTER CONSTRUCTION CONSISTS OF EARTHWORK DISTURBANCE BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15. IF A CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 75% MATURE VEGETATION COVER OR RIPRAP BY NOVEMBER 15, THEN THE SITE SHALL BE PROTECTED WITH OVER-WINTER STABILIZATION. ANY AREA NOT STABILIZED WITH PAVEMENT, VEGETATION, MULCHING, EROSION CONTROL MIX, EROSION CONTROL MATS, RIPRAP, OR GRAVEL BASE ON A ROAD SHALL BE CONSIDERED OPEN.

THE CONTRACTOR SHALL LIMIT THE WORK AREA TO AREAS THAT WORK WILL OCCUR IN DURING THE SUBSEQUENT 15 DAYS AND SO THAT IT CAN BE MULCHED ONE DAY PRIOR TO A SNOW EVENT. THE CONTRACTOR SHALL STABILIZE WORK AREAS PRIOR TO OPENING ADDITIONAL WORK AREAS TO MINIMIZE AREAS WITHOUT EROSION CONTROL MEASURES.

THE FOLLOWING MEASURES SHALL BE IMPLEMENTED DURING WINTER CONSTRUCTION PERIODS:

4.1 SEDIMENT BARRIERS

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS MAY CONSIST OF EROSION CONTROL MIX BERMS OR ANY OTHER RECOGNIZED SEDIMENT BARRIERS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES OR SILT FENCES.

4.2 MULCHING

ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 150 LB. PER 1,000 SQUARE FEET OR 3 TONS/ACRE (TWICE THE NORMAL ACCEPTED RATE OF 75-LBS./1,000 S.F. OR 1.5 TONS/ACRE) AND SHALL BE PROPERLY ANCHORED. EROSION CONTROL MIX MUST BE APPLIED WITH A MINIMUM 4 INCH THICKNESS. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. THE SNOW SHALL BE REMOVED DOWN TO A ONE-INCH DEPTH OR LESS PRIOR TO APPLICATION. AFTER EACH RAINFALL EVENT, THE AREAS SHALL BE PROPERLY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED OR ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER MULCH NETTING, TRACKING OR WOOD CELLULOSE FIBER. THE COVER WILL BE CONSIDERED SUFFICIENT WHEN THE GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. AFTER NOVEMBER 1ST, MULCH AND ANCHORING OF ALL EXPOSED SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORKDAY.

4.3 SOIL STOCKPILING

STOCKPILES OF SOIL OR SUBSOIL SHALL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RATE OR WITH A FOUR-INCH LAYER OF EROSION CONTROL MIX. THIS SHALL BE DONE WITHIN 24 HOURS OF STOCKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL.

4.4 SEEDING

BETWEEN THE DATES OF OCTOBER 15TH AND APRIL 1ST, LOAM OR SEED SHALL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADY AND SEEDED AND MULCHED UNTIL SUCH THE TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1ST AND IF THE EXPOSED AREA HAS NOT BEEN LOAMED, FINAL GRADING WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED.

DORMANT SEEING MAY BE PLACED PRIOR TO THE PLACEMENT OF MULCH OR EROSION CONTROL BLANKETS. IF DORMANT SEEING IS USED FOR THE SITE, ALL DISTURBED AREAS SHALL RECEIVE 4" OF LOAM AND SEED AT AN APPLICATION RATE OF 5 LBS./1,000 S.F. ALL AREAS SEEDED DURING THE WINTER SHALL BE INSPECTED IN THE SPRING FOR ADEQUATE CATCH. ALL AREAS INSUFFICIENTLY VEGETATED (LESS THAN 75% CATCH) SHALL BE REVEGETATED BY REPLACING LOAM, SEED AND MULCH. IF DORMANT SEEING IS NOT USED FOR THE SITE, ALL DISTURBED AREAS SHALL BE REVEGETATED IN THE SPRING.

4.5 OVER WINTER STABILIZATION OF DISTURBED SLOPES

BY SEPTEMBER 15TH, ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15% SHALL BE SEEDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN ONE OF THE FOLLOWING ACTIONS SHALL BE TAKEN TO STABILIZE THE SOIL FOR LATE FALL AND WINTER:

- STABILIZE THE SOIL WITH TEMPORARY VEGETATION - BY OCTOBER 1ST, SEED THE DISTURBED SOIL WITH WINTER RYE AT A SEEDING RATE OF 3LBS PER 1,000 S.F., LIGHTLY MULCH THE SEEDED SOIL WITH HAY OR STRAW AT 75 LBS PER 1,000 S.F., AND ANCHOR THE MULCH WITH PLASTIC NETTING. MONITOR GROWTH OF THE RYE OVER THE NEXT 30 DAYS. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 75% OF THE DISTURBED SOIL BEFORE NOVEMBER 1ST, THEN MULCH THE AREA FOR OVER-WINTER PROTECTION.
- STABILIZE THE SOIL WITH SOD - STABILIZE THE DISTURBED SOIL WITH PROPERLY INSTALLED SOD BY OCTOBER 1ST. PROPER INSTALLATION INCLUDES PINNING THE SOD ONTO THE SOIL WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL.
- STABILIZE THE SOIL WITH MULCH - BY NOVEMBER 15TH, MULCH THE DISTURBED SOIL BY SPREADING HAY OR STRAW AT A RATE OF AT LEAST 150 LBS PER 1,000 S.F. ON THE AREA SO THAT NO SOIL IS VISIBLE THROUGH THE MULCH. IMMEDIATELY AFTER APPLYING THE MULCH, ANCHOR THE MULCH WITH PLASTIC NETTING TO PREVENT WIND FROM MOVING THE MULCH OFF THE DISTURBED SOIL.

4.6 OVER WINTER STABILIZATION OF DISTURBED SLOPES

ALL STONE-COVERED SLOPES SHALL BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15TH. ALL SLOPES TO BE VEGETATED SHALL BE SEEDED AND MULCHED BY SEPTEMBER 1ST. A SLOPE IS CONSIDERED A GRADE GREATER THAN 15%. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1ST, THEN ONE OF THE FOLLOWING ACTION SHALL BE TAKEN TO STABILIZE THE SLOPE FOR LATE FALL AND WINTER:

- STABILIZE THE SOIL WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS - BY OCTOBER 1ST THE DISTURBED SLOPE SHALL BE SEEDED WITH WINTER RYE AT A SEEDING RATE OF 3 LBS PER 1,000 S.F. AND THEN INSTALL EROSION CONTROL MATS OR ANCHORED MULCH OVER THE SEEDED. IF THE RYE FAILS TO GROW AT LEAST THREE INCHES OR FAILS TO COVER AT LEAST 75% F THE SLOPE BY NOVEMBER 1ST, THEN THE CONTRACTOR SHALL COVER THE SLOPE WITH A LAYER OF EROSION CONTROL MIX OR WITH STONE RIPRAP.
- STABILIZE THE SOIL WITH SOD - THE DISTURBED SLOPE SHALL BE STABILIZED WITH PROPERLY INSTALLED SOD BY OCTOBER 1ST. PROPER INSTALLATION INCLUDES THE CONTRACTOR PINNING THE SOD ONTO THE SLOPE WITH WIRE PINS, ROLLING THE SOD TO GUARANTEE CONTACT BETWEEN THE SOD AND UNDERLYING SOIL, AND WATERING THE SOD TO PROMOTE ROOT GROWTH INTO THE DISTURBED SOIL. THE CONTRACTOR SHALL NOT USE LATE-SEASON SOD INSTALLATION TO STABILIZE SLOPES HAVING A GRADE GREATER THAN 3H:1V OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
- STABILIZE THE SOIL WITH EROSION CONTROL MIX - EROSION CONTROL MIX SHALL BE PROPERLY INSTALLED BY NOVEMBER 15TH. THE CONTRACTOR SHALL NOT USE EROSION CONTROL MIX TO STABILIZE SLOPES HAVING GRADES GREATER THAN 2H:1V OR HAVING GROUNDWATER SEEPS ON THE SLOPE FACE.
- STABILIZE THE SOIL WITH STONE RIPRAP - PLACE A LAYER OF STONE RIPRAP ON THE SLOPE BY NOVEMBER 15TH. A REGISTERED PROFESSIONAL ENGINEER SHALL BE HIRED TO DETERMINE THE STONE SIZE NEEDED FOR STABILITY ON THE SLOPE AND TO DESIGN A FILTER LAYER FOR UNDERNEATH THE RIPRAP.

5.0 INSPECTION AND MAINTENANCE

A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING THE STANDARDS AND CONDITIONS IN THE PERMIT, SHALL CONDUCT PERIODIC VISUAL INSPECTIONS OF INSTALLED EROSION CONTROL MEASURES. THE FREQUENCY OF INSPECTION SHALL OCCUR AT LEAST ONCE EVERY TWO WEEKS, AS WELL AS AFTER A "STORM EVENT." A "STORM EVENT" SHALL CONSIST 0.5 INCHES OF RAIN WITHIN A 24 HOUR PERIOD. THE FOLLOWING EROSION AND SEDIMENT CONTROL - BEST MANAGEMENT PRACTICES (BMP'S) SHALL BE INSPECTED IN THE MANNER AS DESCRIBED.

5.1 SEDIMENT BARRIERS

HAY BALE BARRIERS, SILT FENCES AND FILTER BERMS SHALL BE INSPECTED AND REPAIRED FOR THE FOLLOWING IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THEM. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR THE EDGES OF THE BARRIER, OR IMPOUNDING OF LARGE VOLUMES OF WATER BEHIND THEM, SEDIMENT BARRIERS SHALL BE REPLACED WITH A TEMPORARY CHECK DAM. SHOULD THE FABRIC ON A SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER IS STILL NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY. SEDIMENT DEPOSITS SHOULD BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER. FILTER BERMS SHOULD BE RESHAPED AS NEEDED. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHOULD BE DRESSED TO CONFORM TO THE EXISTING GRADE, PREPARED AND SEEDED.

5.2 STABILIZED STONE CONSTRUCTION ENTRANCES

THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. WHEN THE CONTROL PAD BECOMES INEFFECTIVE, THE STONE SHALL BE REMOVED ALONG WITH THE COLLECTED SOIL MATERIAL AND REDISTRIBUTED ON SITE IN A STABLE MANNER. THE ENTRANCE SHOULD THEN BE RECONSTRUCTED. THE CONTRACTOR SHALL SWEEP OR WASH PAVEMENT AT EXITS, WHICH HAVE EXPERIENCED MUD-TRACKING ON TO THE PAVEMENT OR TRAVELED WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH AGGREGATE, WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE. ALL SEDIMENT SHALL BE PREVENTED FROM ENTERING STORM DRAINS, DITCHES, OR WATERWAYS.

5.3 MULCHED AREAS

ALL MULCHES MUST BE INSPECTED PERIODICALLY, IN PARTICULAR AFTER RAINSTORMS, TO CHECK FOR RILL EROSION. IF LESS THAN 90% OF THE SOIL SURFACE IS COVERED BY MULCH, ADDITIONAL MULCH SHALL BE IMMEDIATELY APPLIED. NETS MUST BE INSPECTED AFTER RAIN EVENTS FOR DISLOCATION OR FAILURE. IF WASHOUTS OR BREAKAGE OCCUR, RE-INSTALL THE NETS AS NECESSARY AFTER REPAIRING DAMAGE TO THE SLOPE. WHERE MULCH IS USED IN CONJUNCTION WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE. REPAIR AS NEEDED.

5.4 DUST CONTROL

WHEN TEMPORARY DUST CONTROL MEASURES ARE USED, REPETITIVE TREATMENT SHALL BE APPLIED AS NEEDED TO ACCOMPLISH CONTROL.

5.5 STORMWATER APPURTENANCES

ALL UNDERDRAINS, STORM DRAINS, AND CATCH BASINS NEED TO BE OPERATING EFFECTIVELY AND FREE OF DEBRIS.

5.6 EROSION AND SEDIMENTATION CONTROL INSPECTIONS:

ACORN ENGINEERING HAS PERSONNEL QUALIFIED TO CONDUCT EROSION AND SEDIMENTATION CONTROL INSPECTIONS. FOR FURTHER INFORMATION CONTACT:

CONTACT: WILL SAVAGE, PE

TELEPHONE: (207) 775-2655

QUALIFICATIONS:

- MAINE PROFESSIONAL ENGINEERING LICENSE #11419
- MAINE DEP - CERTIFIED IN MAINTENANCE & INSPECTION OF STORMWATER BMP'S CERT #14
- CERTIFIED EROSION, SEDIMENT AND STORM WATER INSPECTOR (CESSWI) CERT #0293
- CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESO) CERT. #4620

THE CONTRACTOR HAS SOLE RESPONSIBILITY FOR COMPLYING WITH THE EROSION AND SEDIMENTATION REPORT/PLAN, INCLUDING CONTROL OF FUGITIVE DUST. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MONETARY PENALTIES RESULTING FROM FAILURE TO COMPLY WITH THESE STANDARDS.

6.0 IMPLEMENTATION SCHEDULE

THE FOLLOWING IMPLEMENTATION SEQUENCE IS INTENDED TO MAXIMIZE THE EFFECTIVENESS OF THE ABOVE DESCRIBED EROSION CONTROL MEASURES. CONTRACTORS SHOULD AVOID OVEREXPOSING DISTURBED AREAS AND LIMIT THE AMOUNT OF STABILIZATION AREA.

1. INSTALL A STABILIZED CONSTRUCTION ENTRANCE IN ALL LOCATIONS WHERE CONSTRUCTION TRAFFIC WILL ENTER AND EXIT THE SITE.
2. INSTALL PERIMETER SILT FENCE OR EROSION CONTROL BERM.
3. INSTALL ALL OTHER EROSION CONTROL DEVICES AS NECESSARY THROUGHOUT THE REMAINDER OF THIS SCHEDULE.
4. COMMENCE INSTALLATION OF DRAINAGE INFRASTRUCTURE.
5. PRIORITIZE THE DOWNHILL SIDE TO CONTAIN RUNOFF WITHIN THE SITE WHILE PROVIDING AN ENGINEERED OUTLET WITH SILTATION BARRIER TO THE MUNICIPAL STORMWATER SYSTEM WITHIN SPRING STREET.
6. COMMENCE EARTHWORK OPERATIONS, WALL AND FOUNDATION INSTALLATION.
7. COMMENCE INSTALLATION OF UTILITIES.
8. CONTINUE EARTHWORK AND GRADING TO SUBGRADE AS NECESSARY FOR CONSTRUCTION.
9. COMPLETE INSTALLATION OF DRAINAGE INFRASTRUCTURE, AS WELL AS OTHER UTILITY WORK.
10. COMPLETE REMAINING EARTHWORK OPERATIONS.
11. INSTALL SUB-BASE AND BASE GRAVELS IN PAVED AREAS.
12. INSTALL PAVING, CURBING AND BRICKWORK.
13. LOAM, LIME, FERTILIZE, SEED AND MULCH DISTURBED AREAS AND COMPLETE ALL LANDSCAPING.
14. ONCE THE SITE IS STABILIZED, 90% CATCH OF GRASS HAS BEEN OBTAINED, OR MULCHING OF LANDSCAPE AREAS IS COMPLETE REMOVE ALL TEMPORARY EROSION CONTROL MEASURES.
15. TOUCH UP AREAS WITHOUT A VIGOROUS CATCH OF GRASS WITH LOAM AND SEED.
16. COMPLETE SITE SIGNAGE AND STRIPING.
17. EXECUTE PROPER MAINTENANCE OF ALL TEMPORARY AND PERMANENT EROSION CONTROL MEASURES THROUGHOUT THE PROJECT.

THE ABOVE IMPLEMENTATION SEQUENCE SHOULD BE GENERALLY FOLLOWED BY THE SITE CONTRACTOR. HOWEVER, THE CONTRACTOR MAY CONSTRUCT SEVERAL ITEMS SIMULTANEOUSLY. THE CONTRACTOR SHALL SUBMIT TO THE OWNER A SCHEDULE OF THE COMPLETION OF THE WORK. IF THE CONTRACTOR IS TO COMMENCE THE CONSTRUCTION OF MORE THAN ONE ITEM ABOVE, THEY SHALL LIMIT THE AMOUNT OF EXPOSED AREAS TO THOSE AREAS IN WHICH WORK IS EXPECTED TO BE UNDERTAKEN DURING THE FOLLOWING 30 DAYS.

THE CONTRACTOR SHALL RE-VEGETATE DISTURBED AREAS AS RAPIDLY AS POSSIBLE. ALL AREAS SHALL BE PERMANENTLY STABILIZED WITHIN 7 DAYS OF FINAL GRADING OR BEFORE A STORM EVENT. THE CONTRACTOR SHALL INCORPORATE PLANNED INLETS AND DRAINAGE SYSTEMS AS EARLY AS POSSIBLE INTO THE CONSTRUCTION PHASE.

7.0 SEEDING PLAN

7.1 SITE PREPARATION

THE SEEDED AREAS SHALL BE FEASIBLY GRADED OUT TO PROVIDE THE USE OF EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION, AND MULCH ANCHORING. IF NECESSARY, THE SITE MAY REQUIRE ADDITIONAL TEMPORARY EROSION CONTROL MEASURES OUTLINED IN THE EROSION CONTROL REPORT.

7.2 SEEDBED PREPARATION

FERTILIZER SHALL BE APPLIED TO THE SITE AT A RATE OF 13.8 POUNDS PER 1,000 SQUARE FEET. THE COMPOSITION OF THE FERTILIZER SHALL BE 10-10-10 (N-P2O5-K2O) OR EQUIVALENT.

LESTONESTONE SHALL BE APPLIED TO THE SITE AT A RATE OF 138 POUNDS PER 1,000 SQUARE FEET.

7.3 SEEDING

THE COMPOSITION AND AMOUNT OF TEMPORARY SEED APPLIED TO A SITE SHALL BE DETERMINED BY THE FOLLOWING TABLE:

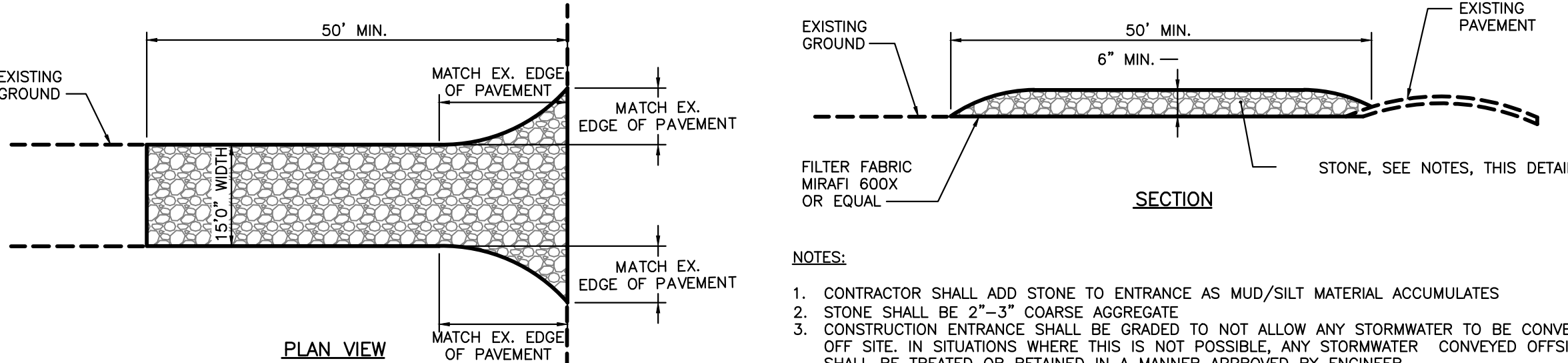
TEMPORARY SEED APPLICATION RATES				PERMANENT SEED APPLICATION RATES	
SEED	LBS / ACRE	RECOMMENDED SEEDING DATES		SEED	LBS / ACRE
WINTER RYE	2.57	8/15 to 10/1		KENTUCKY BLUEGRASS	20.00
OATS	1.84	4/1 TO 7/1 8/15 to 9/15		CREeping REED FESCUE	20.00
ANNUAL RYGRASS	0.92	4/1 TO 7/1		PERENNIAL RYGRASS	4.80
SUDANGRASS	0.92	5/15 TO 8/15		TOTAL	44.8 LBS/ACRE
PERENNIAL	0.92	8/15 TO 9/15			
TOTAL	7.17 LBS/ACRE				

7.4 MULCHING

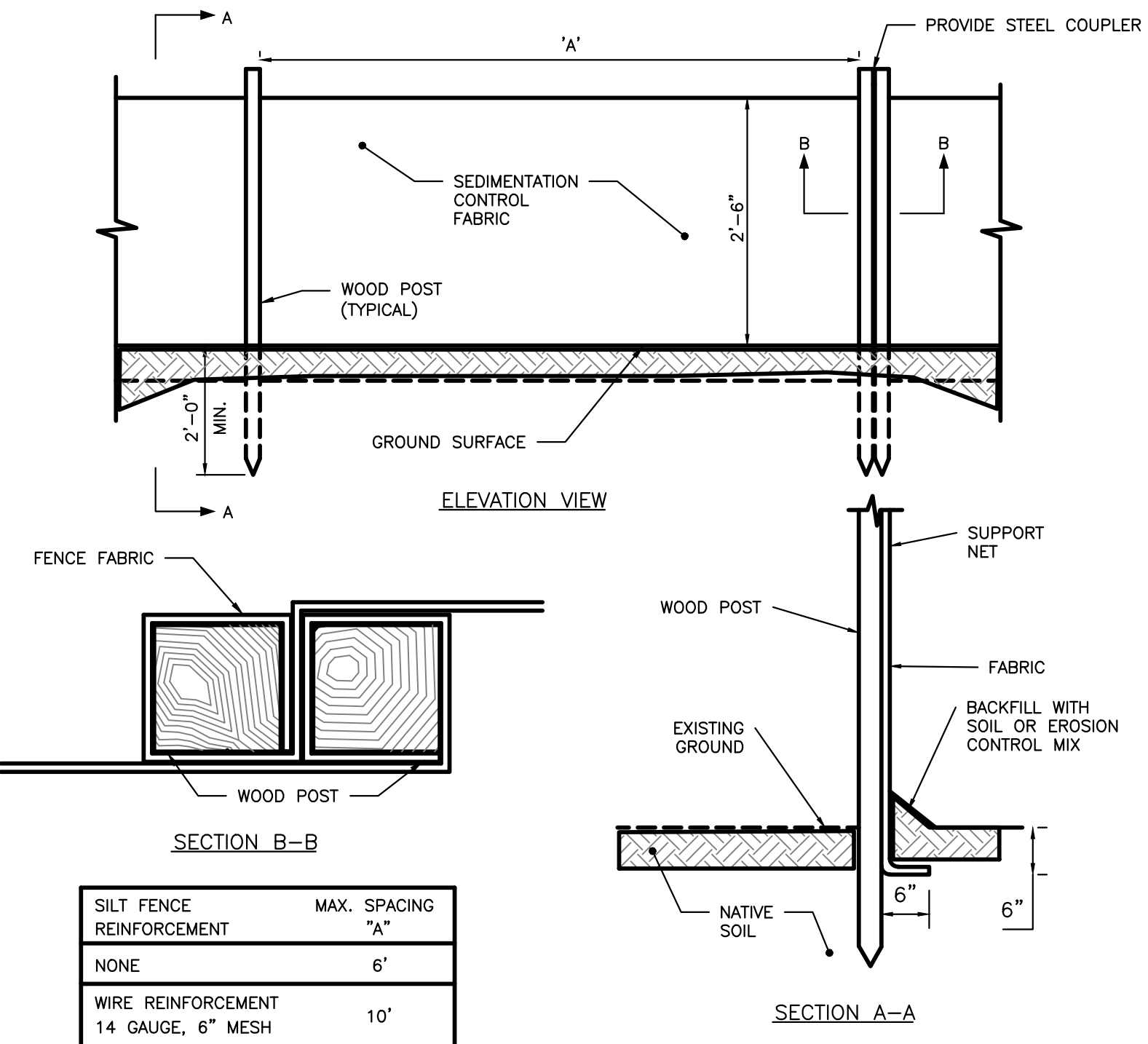
MULCH SHALL BE HARDWOOD AND APPLIED AT A RATE OF 70 LBS - 90 LBS PER 1,000 SQUARE FEET. THE MULCH SHALL BE INSTALLED AT A MINIMUM DEPTH OF 4 INCHES. THE SEEDED AREA SHALL BE MULCHED IMMEDIATELY AFTER SEED IS APPLIED. MULCHING DURING THE WINTER SEASON SHALL BE DOUBLE THE NORMAL AMOUNT. REFER TO DETAIL FOR MORE INFORMATION.

8.0 CONCLUSION

THE ABOVE EROSION CONTROL NARRATIVE IS INTENDED TO MINIMIZE THE DEVELOPMENT IMPACT BY IMPLEMENTING TEMPORARY AND PERMANENT EROSION CONTROL MEASURES. THE CONTRACTOR SHALL ALSO REFER TO THE MAINE EROSION AND SEDIMENT CONTROL BMP MANUAL FOR ADDITIONAL INFORMATION.



STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE



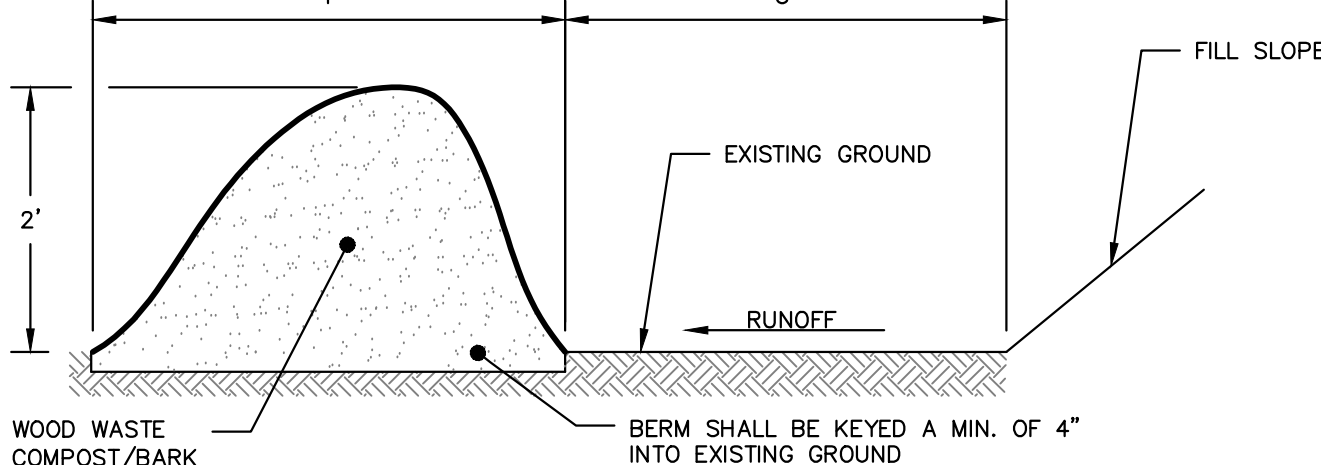
SILTATION FENCE DETAIL
NOT TO SCALE

NOTES:

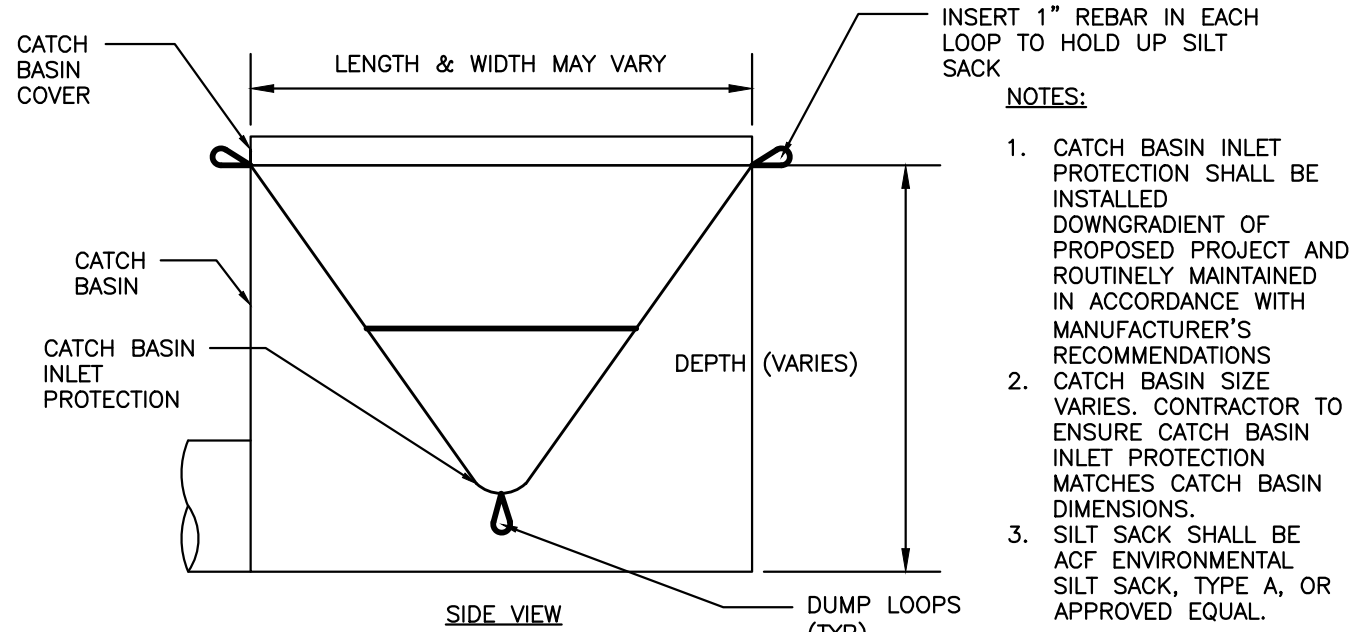
1. THE EROSION CONTROL MIX SHALL CONFORM TO THE FOLLOWING STANDARDS AND IN ACCORDANCE WITH THE MAINE DOT CHAPTER 700, SECTION 717.04(D):

- 1.1. pH BETWEEN 5.0 - 8.0
- 1.2. PARTICLE SIZE (BY WEIGHT):
 - 1.2.1. 100% PASSING A 150 MM (6 IN) SCREEN
 - 1.2.2. 75 TO 85% PASSING A 19 MM (0.75 IN) SCREEN
- 1.3. SOLUBLE SALTS CONTENT < 4.0 MMHOS/CM
- 1.4. ORGANIC MATTER 20 TO 100% - DRY WEIGHT BASIS

2. THE BERM SHOULD BE PLACED, UNCOMPACTED, ALONG A RELATIVELY LEVEL CONTOUR, WHEN NECESSARY THE BERM MAY BE PLACED PERPENDICULAR TO THE SLOPE ALONG THE PROPERTY LINE TO CONTAIN THE SEDIMENT PROVIDED A BERM IS LOCATED AT THE BASE OF THE SLOPE.
3. THE BERM MAY BE USED IN LIEU OF SILTATION FENCE, AT THE TOE OF SHALLOW SLOPES, ON FROZEN GROUND, LEDGE OUT CROPS, VERY ROOTED FORESTED AREA OR AT THE EDGE OF GRAVEL PARKING AREAS.
4. BERMS SHALL REMAIN IN PLACE UNTIL UPSTREAM AREA IS STABILIZED OR 90% CATCH OF VEGETATION IS ATTAINED. BERMS SHALL BE REMOVED OFFSITE OR BY SPREADING SUCH THAT NATIVE EARTH CAN BE SEEN BELOW.



EROSION CONTROL MIX BERM DETAIL
NOT TO SCALE



CATCH BASIN INLET PROTECTION
NOT TO SCALE

NOTES:

1. CATCH BASIN INLET PROTECTION SHALL BE INSTALLED DOWNGRADIENT OF PROPOSED PROJECT AND ROUTINELY MAINTAINED IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS.
2. CATCH BASIN SIZE VARIES. CONTRACTOR TO ENSURE CATCH BASIN INLET PROTECTION MATCHES CATCH BASIN DIMENSIONS.
3. SILT SACK SHALL BE ACF ENVIRONMENTAL SILT SACK, TYPE A, OR APPROVED EQUAL.

PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

ISSUED FOR
FINAL APPLICATION

BY DATE
MPB
4/15/18

EROSION & SEDIMENT CONTROL DETAILS

40 FREE STREET

40 FREE LLC.

10 FREE STREET, PORTLAND 04101

DRAWING NAME

PROJECT NAME

CLIENT

ACORN ENGINEERING, INC.

ACORN ENGINEERING, INC.
1000 MAIN STREET, SUITE 200
PORTLAND, ME 04101
(207) 775-2655

FILE: 1118_CIVIL

JN: 1118

SCALE: AS NOTED

DESIGNED BY: MPB

DRAWN BY: MPB

CHECKED BY: WHS

STATE OF MAINE
MATTHEW PAUL BALLOG
LICENSED PROFESSIONAL ENGINEER
EX-15696

DRAWING NO.

C-44

GENERAL NOTES:

- FOR INFORMATION REGARDING THE BASEMENT LEVEL AND GROUND LEVEL AT FREE STREET, REFER TO THE SITE PLAN, C-10, MOST RECENT VERSION.
- FOR INFORMATION REGARDING PROPOSED UTILITY CHANGES, REFER TO THE UTILITY PLAN, SHEET C-20, MOST RECENT VERSION.
- FOR INFORMATION REGARDING PROPOSED GRADING AND STORMWATER, REFER TO THE GRADING & DRAINAGE PLAN, SHEET C-30, MOST RECENT VERSION.
- UNIT TABULATION PROVIDED BY RYAN SENATORE ARCHITECTURE; REFER TO ARCHITECTURAL PLANS FOR FLOOR PLANS AND BUILDING HEIGHTS.
- TOTAL SITE AREA INCLUDES 0.387 ACRES (16,865 S.F.). R.O.W. WIDTH FOR FREE STREET IS 49.5 FEET PER EXISTING CONDITIONS PLAN. REFER TO EXISTING CONDITIONS PLAN COMPLETED BY OWEN HASKELL, INC. DATED MARCH 20TH, 2019.
- SITE BOUNDARIES PER EXISTING CONDITIONS PLAN AND PROPERTY PINS TO BE SET BY OWEN HASKELL, INC.
- AS OF 11/26/2018, SITE IS BOUNDED BY THE R-6 ZONE ON EAST, SOUTH, AND NORTH SIDES OF THE PROPERTY AND BY THE B-5 ZONE ON THE WEST SIDE PER CITY OF PORTLAND GIS WEBSITE.
- LOCUS IS SHOWN AS PROPERTY MAP 38 BLOCK A LOTS 14, 15, AND 16; MAP 38 BLOCK I LOTS 1, 2, 3, AND 4; AND COTTON STREET BETWEEN SPRING STREET ARTERIAL AND FREE STREET. FOR LOTS 38-A-14, 15 AND A PART OF 16 AND FOR LOTS 38-I-1, 2, 3, AND 4 SEE DEED TO THE CITY OF PORTLAND FROM THE PORTLAND RENEWAL AUTHORITY IN BOOK 4922, PAGE 168. (SEE ALSO DEEDS TO PORTLAND RENEWAL AUTHORITY IN 3313/158, 3313/160, 3426/312, AND 3451/71) FOR THE REMAINDER OF LOT 38-A-16 SEE DEEDS TO THE CITY OF PORTLAND IN 3208/374 AND 3209/566.
- LOCUS PARCEL DOES NOT FALL IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 2300510013B, INDEX DATED 7/17/1986.
- ALL BUILDING CORNER OFFSETS TO BOUNDARY LINES ARE FROM THE BUILDING FOUNDATION, UNLESS OTHERWISE NOTED.
- THIS SHEET IS THE SUBDIVISION PLAT FOR THE CREATION OF UP TO FIFTY ONE (51) DWELLING UNITS AND FIVE (5) COMMERCIAL UNITS ON THE EXISTING SUBJECT PROPERTY. APPROVAL OF THIS PLAT DOES NOT CREATE ANY SUBDIVISION OF THE LAND ON THE SUBJECT PROPERTY.
- THE CONDOMINIUM DOCUMENTS ARE TO OUTLINE THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SIDEWALKS, RETAINING WALLS, STORMWATER DEVICES, SITE LIGHTING, TRASH REMOVAL, AND SNOW REMOVAL AS THE RESPONSIBILITY OF THE OWNER.
- THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND MANAGEMENT OF DRIVEWAYS, SIDEWALKS, STORMWATER DEVICES, SITE LIGHTING, TRASH REMOVAL, RETAINING WALLS, AND SNOW REMOVAL.
- THE OWNER SHALL BE RESPONSIBLE FOR COMPLYING WITH THE CONDITIONS OF THE SUBMITTED STORMWATER MANAGEMENT PLAN AND THE APPROVED PLANS, AND MEET CITY STANDARDS AND STATE GUIDELINES.

WAIVERS & CONDITIONS OF APPROVAL:

TBD

SURVEY NOTES:

- AREA FROM 22 FREE STREET - J.B. BROWN & SONS PARCEL 3,892 SQUARE FEET OR 0.089 ACRES AREA FROM 48 FREE STREET - J.B. BROWN & SONS PARCEL 12,973 SQUARE FEET OR 0.298 ACRES
- BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE NAD 1983. CITY CONTROL POINTS T124-19-1162 AND T124-19-1160 USED FOR HORIZONTAL CONTROL.
- ELEVATIONS ARE BASED ON NVD 1929. CITY BENCHMARK: M MONUMENT AT THE WESTERLY CORNER OF FOREST AND CUMBERLAND AVENUES ELEVATION=80.57'.
- SEE BOOK 1351 PAGE 307 FOR A NON-PERMANENT AGREEMENT ABOUT A GAP BETWEEN TWO BUILDINGS AND A DRAIN OR SEWER LINE. SAID ITEMS MAY NO LONGER EXIST.
- TOPOGRAPHY DONE WITH THICK ICE AND SNOW SHOULD BE VERIFIED IN SPRING.

SPACE AND BULK STANDARDS			
B3 DOWNTOWN BUSINESS, DOWNTOWN ENTERTAINMENT OVERLAY ZONE, CONGRESS STREET HISTORIC DISTRICT	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT SIZE	NONE	34,189 SF	16,863 SF
MINIMUM STREET FRONTAGE	15'	189.29'	189.29'
MAXIMUM STREET WALL BUILD-TO LINE	5'	NA	3'
MINIMUM YARD DIMENSIONS	NONE	NA	NA
MINIMUM LOT WIDTH	NONE	NA	NA
MAXIMUM LOT COVERAGE	100%	100%	97%
MINIMUM BUILDING HEIGHT	35'	NA	70'
MAXIMUM BUILDING STREET HEIGHT (FREE STREET)	90'	NA	70'
PAD OVERLAY 20' DEEP RETAIL STREET FACADE	75% MIN	NA	82%
MAX BLANK FACADE (FREE STREET ONLY)	15' MAX	NA	5'
MAX BLANK FACADE (ALL EXCEPT FREE STREET)	30' MAX	NA	15'
MAXIMUM BUILDING HEIGHT	150'	NA	72.71'
BICYCLE PARKING*	22	NA	22 INTERIOR
VEHICLE PARKING**	37**	NA	37***
*BICYCLE PARKING BASED UPON 51 RESIDENTIAL UNITS AND 10 RETAIL VEHICLE PARKING SPACES			
**REQUIRED PARKING PER PARKING ASSESSMENT STUDY PERFORMED BY TRAFFIC SOLUTIONS			
***37 PARKING SPACES ON PROPOSED 40 FREE STREET PARCEL. 33 SPACES TO BE RESTRIPTED ON ABUTTING PARCEL OWNED BY J.B. BROWN & SONS			
FREE STREET - PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY ZONE, OTHERS - PAD ENCOURAGEMENT AREA			

DEVELOPER

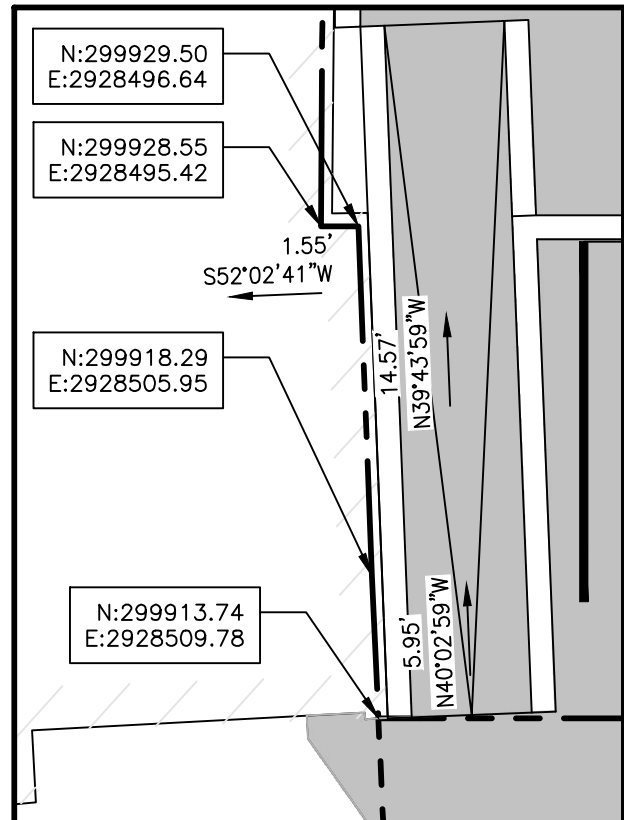
40 FREE LLC
PORTLAND, MAINE
CONTACT: VIN VERONEAU

CIVIL/SITE ENGINEER:

ACORN ENGINEERING, INC.
PORTLAND, MAINE
CONTACT: WILL SAVAGE, P.E.

SURVEYOR

OWEN HASKELL, INC.
FALMOUTH, MAINE
CONTACT: JOHN SCHWANDA, P.L.S.



BEARING DETAIL INSET AT RAMP

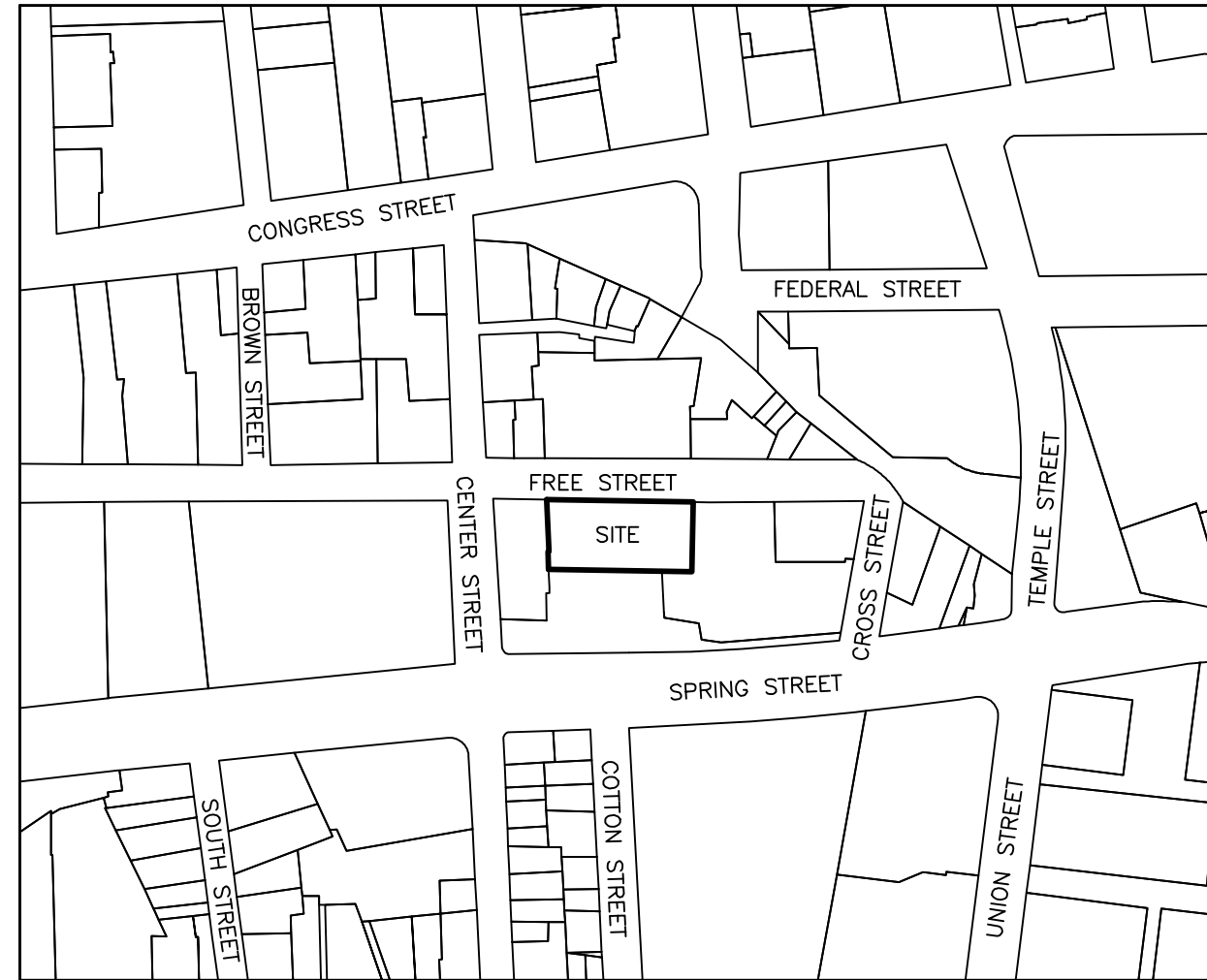
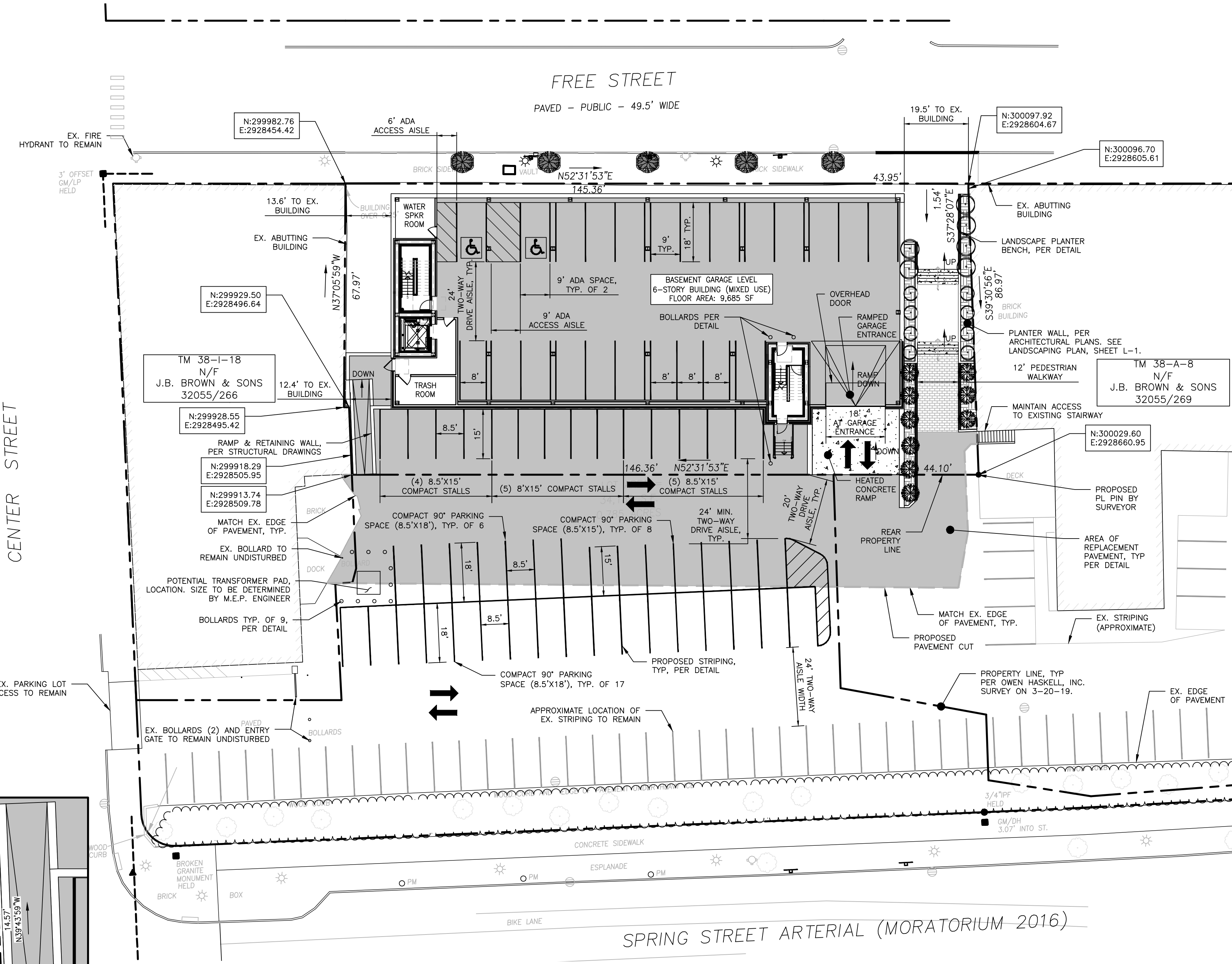
EASEMENTS:
EXISTING EASEMENT

- 1.1. EASEMENT 'G' BENEFITTING 40 FREE LLC AND BURDEN 48 FREE STREET. RELEASES EXISTING PERMANENT EASEMENT (BOOK 3656, PAGE 198) FOR TEMPORARY OFF-STREET TRUCK LOADING/UNLOADING ACCESS OF 48 FREE STREET BUILDING.

PROPOSED EASEMENTS

1. PROPOSED AS OUTLINED IN BOOK _____ PAGE _____

- 1.1. EASEMENT 'A' TO BENEFIT 40 FREE LLC AND BURDEN J.B. BROWN & SONS. PROVIDES FOR PERMANENT REAR ACCESS FOR REAR WALL MAINTENANCE, VEHICLE/PEDESTRIAN ACCESS FOR INGRESS/EGRESS AND PARKING. TOTAL AREA OF 2,703.10 SQUARE FEET.
- 1.2. EASEMENT 'B' TO BENEFIT 40 FREE LLC AND BURDEN 22 FREE STREET. PROVIDES FOR PERMANENT REAR ACCESS FOR REAR WALL MAINTENANCE, VEHICLE/PEDESTRIAN ACCESS FOR INGRESS/EGRESS AND PARKING. TOTAL AREA OF 415.65 SQUARE FEET.
- 1.3. EASEMENT 'C' TO BENEFIT 40 FREE LLC AND BURDEN J.B. BROWN & SONS. PROVIDES FOR TEMPORARY CONSTRUCTION ACCESS AND LAYDOWN. PROVIDES FOR PERMANENT PARKING ACCESS AND FOR POTENTIAL PERMANENT UTILITIES, DRAINAGE AND LANDSCAPING. TOTAL AREA OF 21,216.92 SQUARE FEET.
- 1.4. EASEMENT 'D' TO BENEFIT 48 FREE AND BURDEN 40 FREE LLC. PROVIDES FOR PERMANENT SIDE WALL MAINTENANCE ACCESS. TOTAL AREA OF 1,176.81 SQUARE FEET.
- 1.5. EASEMENT 'E' TO BENEFIT 48 FREE AND BURDEN 40 FREE LLC. PROVIDES FOR PERMANENT SIDE WALL MAINTENANCE ACCESS AND PEDESTRIAN ACCESS. TOTAL AREA OF 1,893.48 SQUARE FEET.
- 1.6. EASEMENT 'F' TO BENEFIT 40 FREE LLC AND BURDEN 22 FREE STREET. PROVIDES FOR TEMPORARY CONSTRUCTION ACCESS AND LAYDOWN. PROVIDES FOR PERMANENT PARKING ACCESS AND FOR POTENTIAL PERMANENT UTILITIES, DRAINAGE AND LANDSCAPING. TOTAL AREA OF 19,476.41 SQUARE FEET.



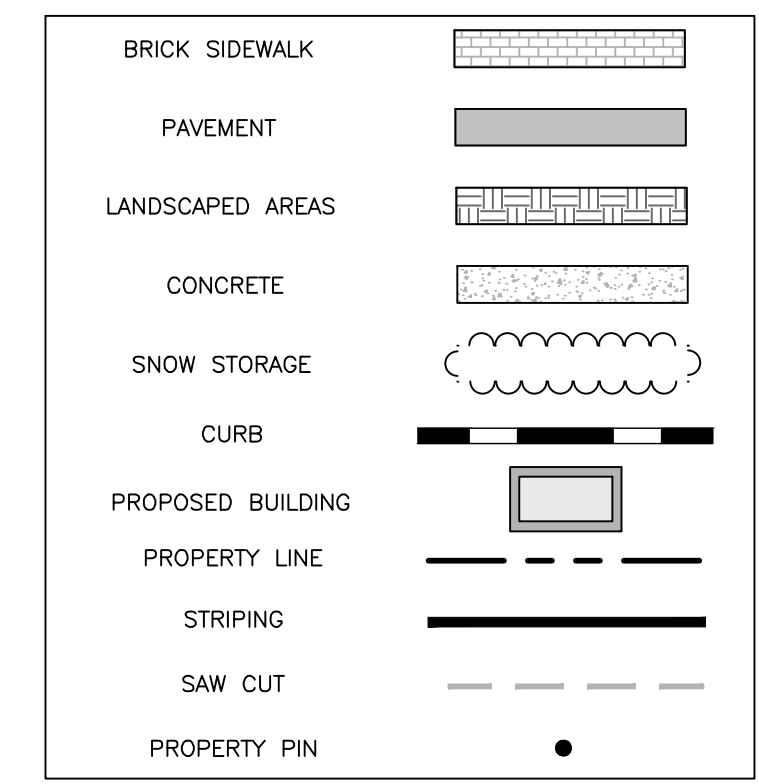
VICINITY MAP
NOT TO SCALE

40 FREE PARKING SUMMARY	
PARKING DIMENSION	PROPOSED NUMBER OF SPACES
8'x18'	4
9'x18'	17
8'x18' (ADA)	2
8.5'x15'	9
8'x15'	5
TOTAL	37 SPACES

J.B. BROWN & SONS PARKING SUMMARY	
PARKING DIMENSION	PROPOSED NUMBER OF SPACES
8.5'x15'	8
8.5'x18'	23
EXISTING TO REMAIN	77
TOTAL	108 SPACES

UNIT TABULATION	
UNIT NUMBER	SIZE (SF)*
RETAIL UNIT 110	1,551
RETAIL UNIT 120/130	1,473
RETAIL UNIT 140	1,358
RETAIL UNIT 150	1,709
201/301/401/501	652
202/302/402/502/602	674
203/303/403	743
204/304/404/504	1,007
205/305/405	708
206/306/406/506	676
207/307/407	708
208/308/408/508	689
210/310/410/510	1,142
211/311/411/511	795
503	689
505	654
507	654
509	689
601	973
603	975
604	933
605	1,154
606	931
607	1,131

*UNIT AREA MEASURED FROM OUTSIDE OF EXTERIOR WALLS TO THE CENTER OF SHARED WALLS



APPROVED: PORTLAND PLANNING BOARD

CHAIRPERSON: _____ DATE: _____

RECORDING INFORMATION
STATE OF MAINE, CUMBERLAND
COUNTY REGISTRY OF DEEDS

RECEIVED: _____
RECORDED IN: _____
ATTEST: _____ REGISTRAR



PERMIT LEVEL
NOT ISSUED FOR
CONSTRUCTION

JOHN C. SCHWANDA, MAINE P.L.S. #1252
OWEN HASKELL, INC.

DATE: _____

ISSUED FOR
FINAL APPLICATION

BY
DATE
MPB
4/15/19

SUBDIVISION PLAT

40 FREE STREET

40 FREE LLC.

10 FREE STREET, PORTLAND 04101

DRAWING NAME

PROJECT NAME

CLIENT

ACORN ENGINEERING, INC.
65 MANOVER ST. PORTLAND MAINE 04101
(207) 775-2655

THIS PLAN SHALL NOT BE MOVED, REPRODUCED, COPIED, OR ALTERED, WITHOUT THE WRITTEN PERMISSION OF ACORN ENGINEERING, INC. ANY ALTERATION, AUTHORIZED OR UNAUTHORIZED, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

FILE: 1118_CIVIL

JN: 1118

SCALE: AS NOTED

DESIGNED BY: MPB

DRAWN BY: MPB

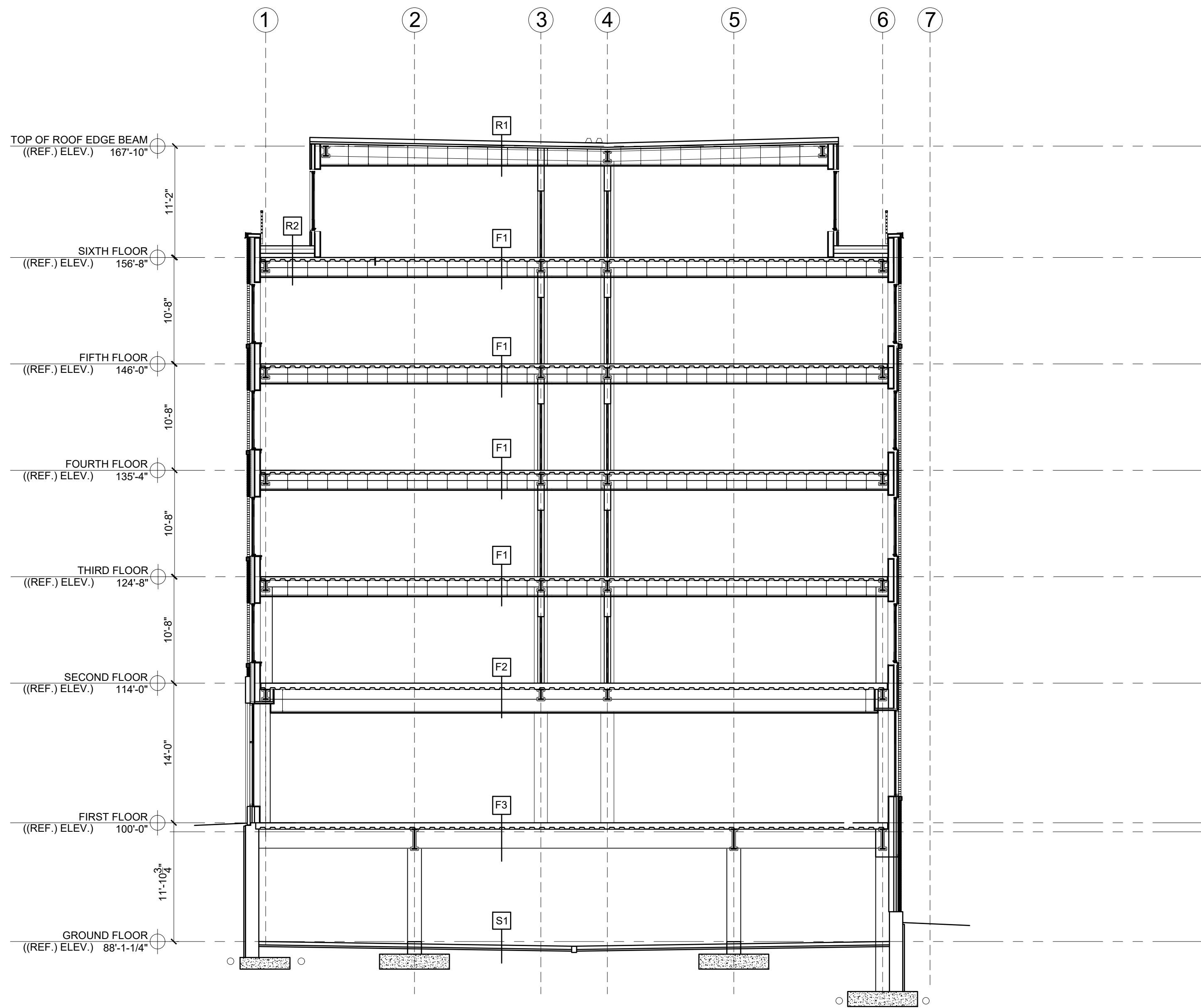
CHECKED BY: WHS

STATE OF MAINE
MATTHEW PAUL BALLOG
4-15-19
LICENSED PROFESSIONAL ENGINEER

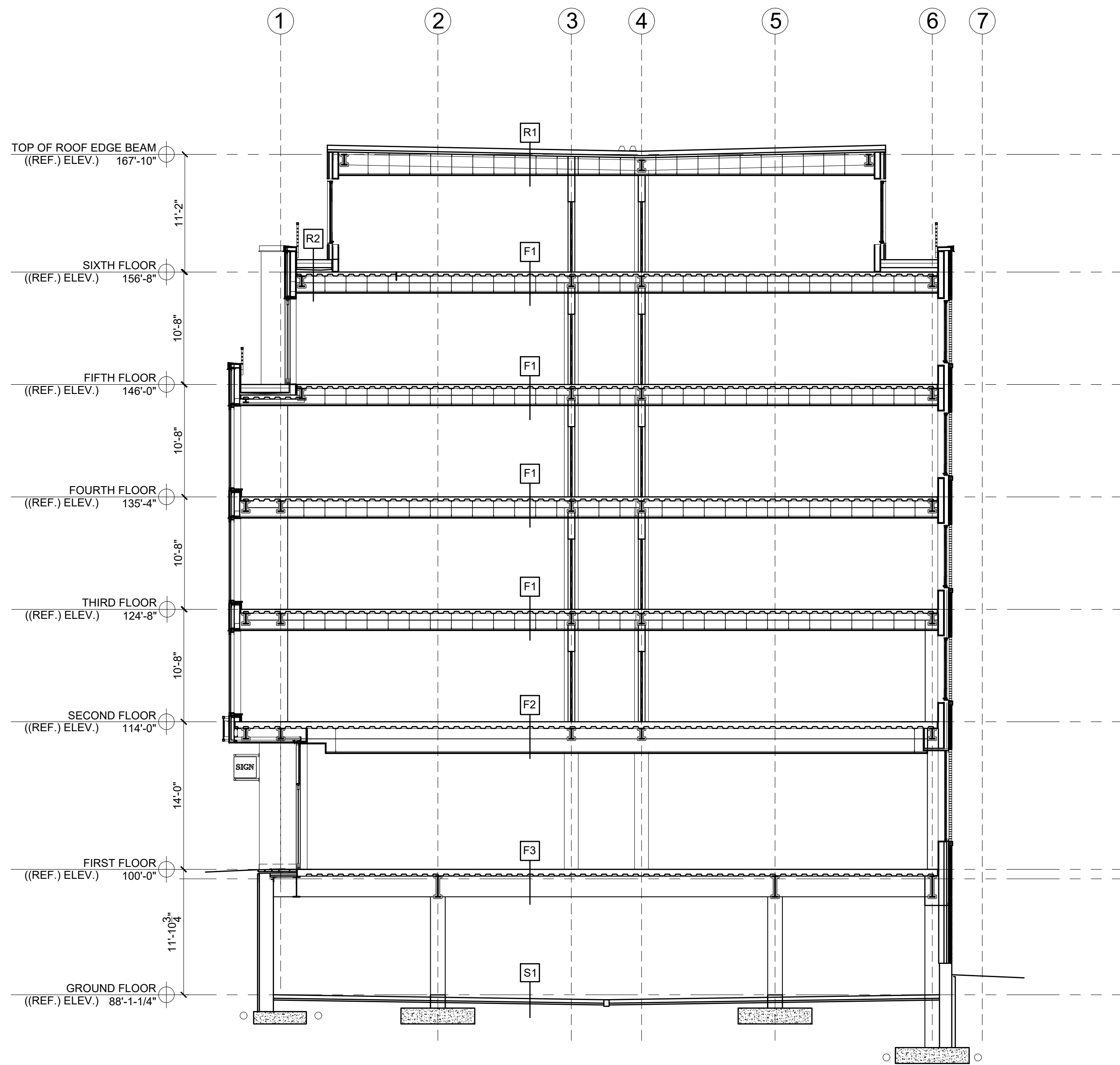
DRAWING NO.
PLAT

FREE STREET - MIXED USE
PORTLAND, MAINE

APRIL 1, 2019



2 SECTION
1/8" = 1'-0"

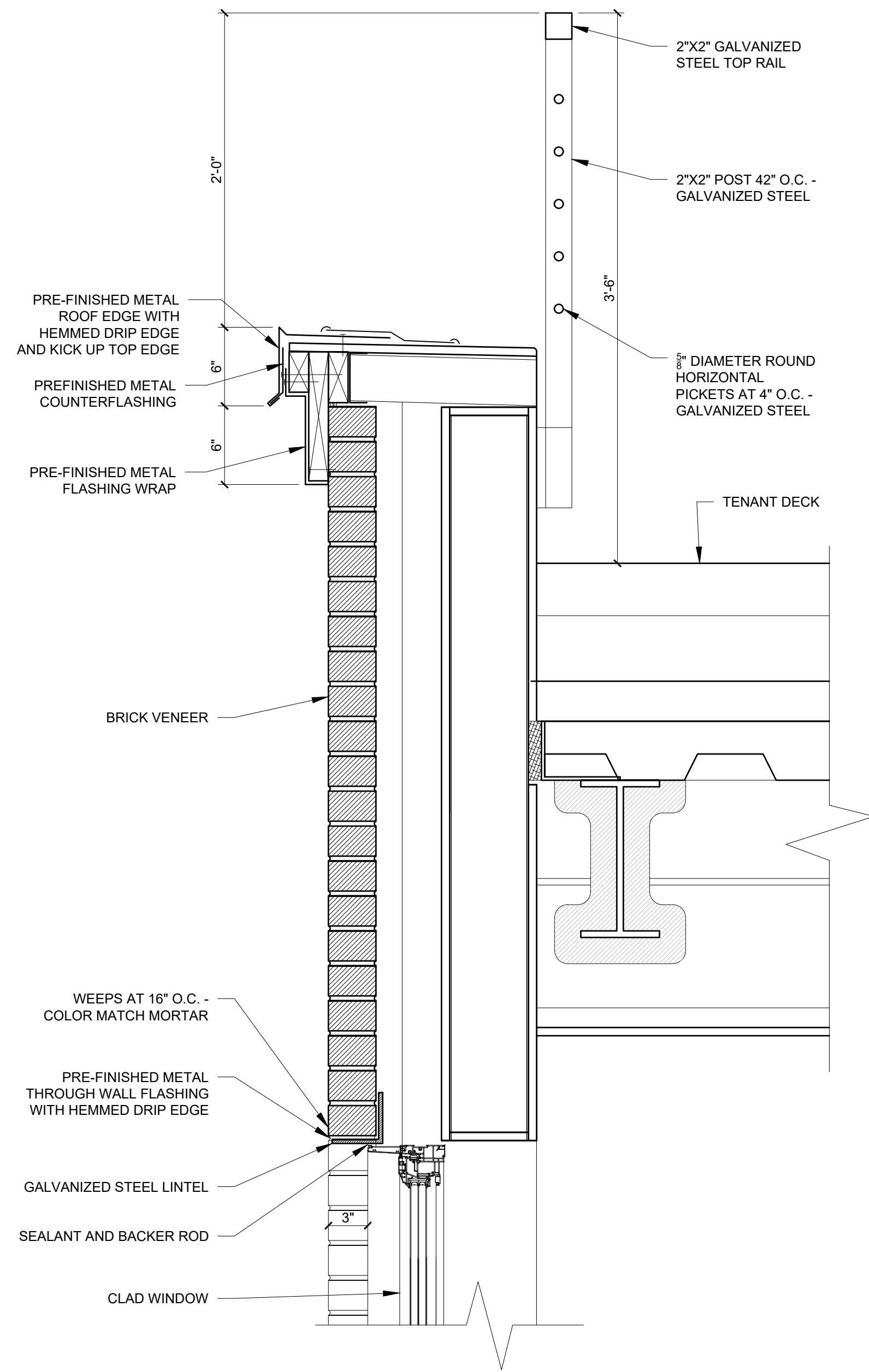


1 SECTION THROUGH ENTRY BAYS
1/8" = 1'-0"

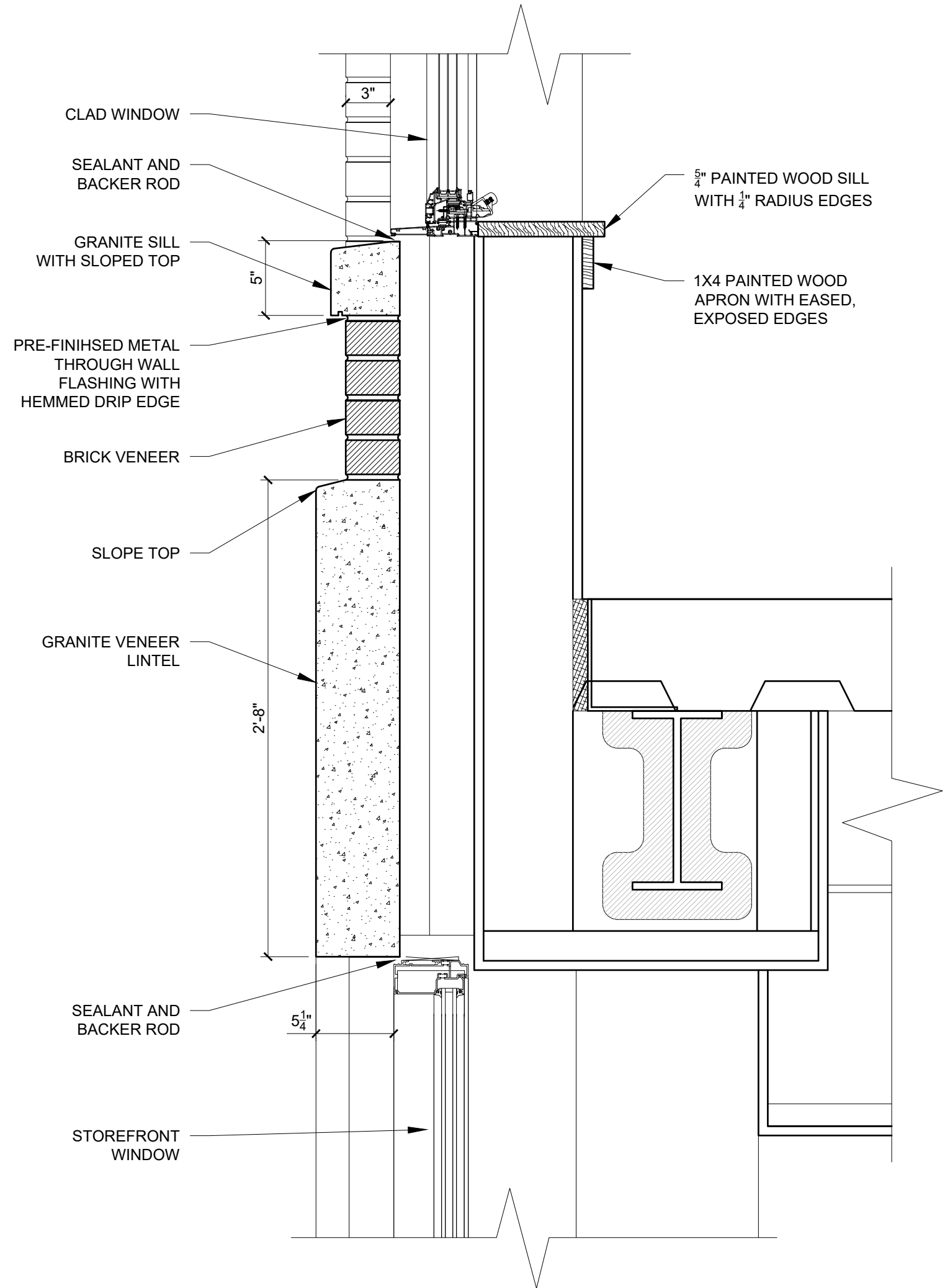
PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

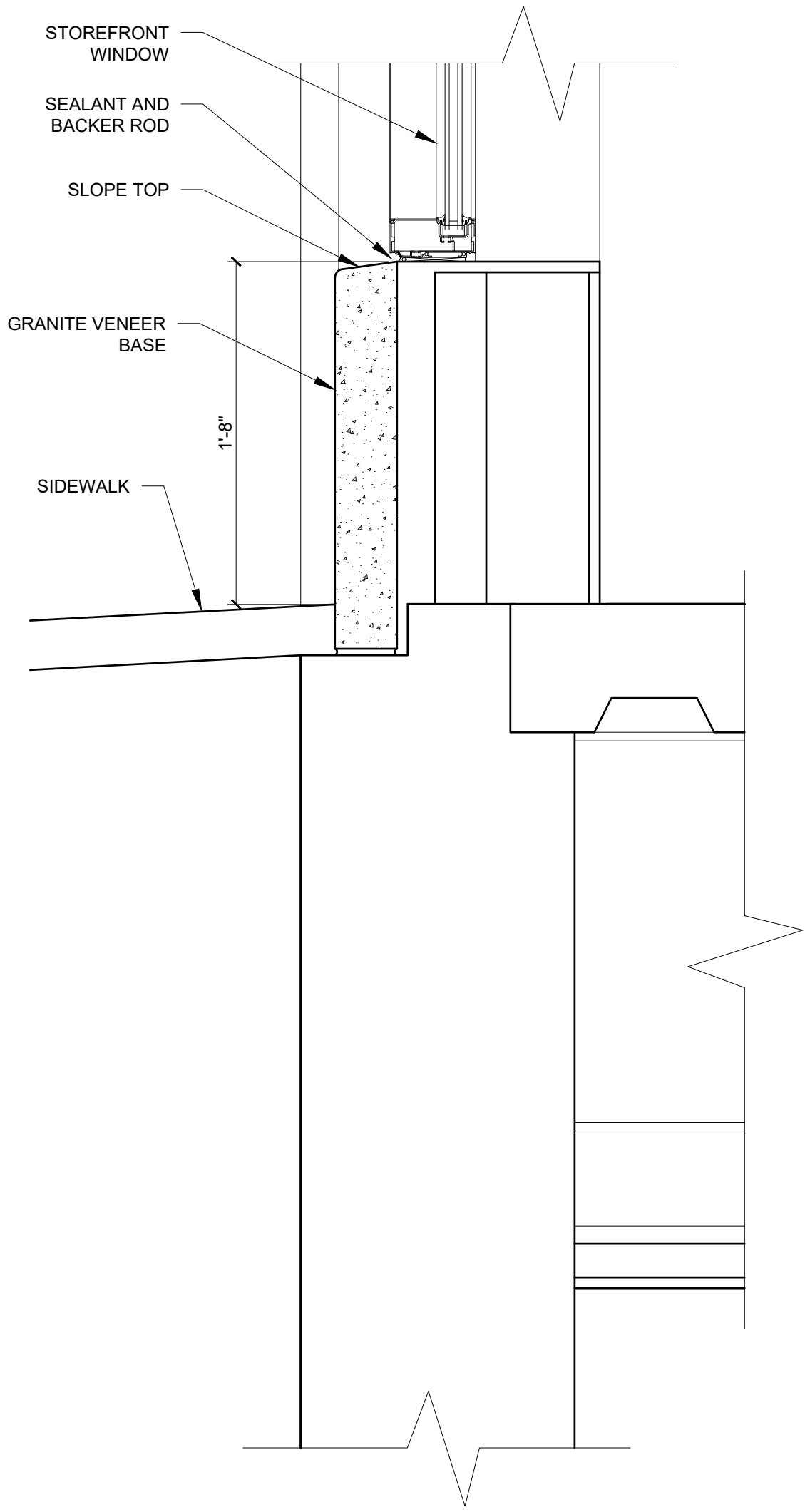
APRIL 1, 2019



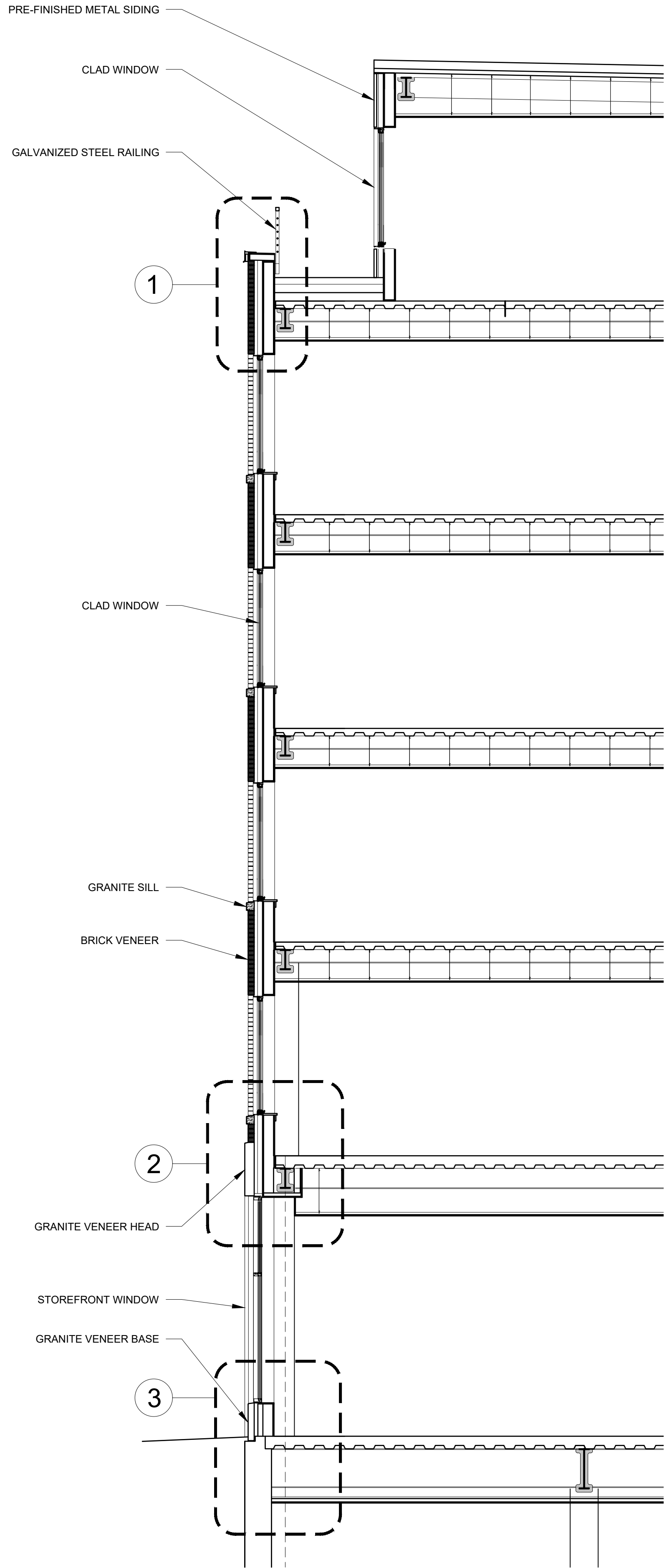
1 SECTION DETAIL AT PARAPET AND WINDOW HEAD IN BRICK VENEER
1 1/2" = 1'-0"



2 SECTION DETAIL AT WINDOW IN BRICK VENEER
1 1/2" = 1'-0"



3 SECTION DETAIL AT WINDOW SILL AT GRANITE BASE
1 1/2" = 1'-0"

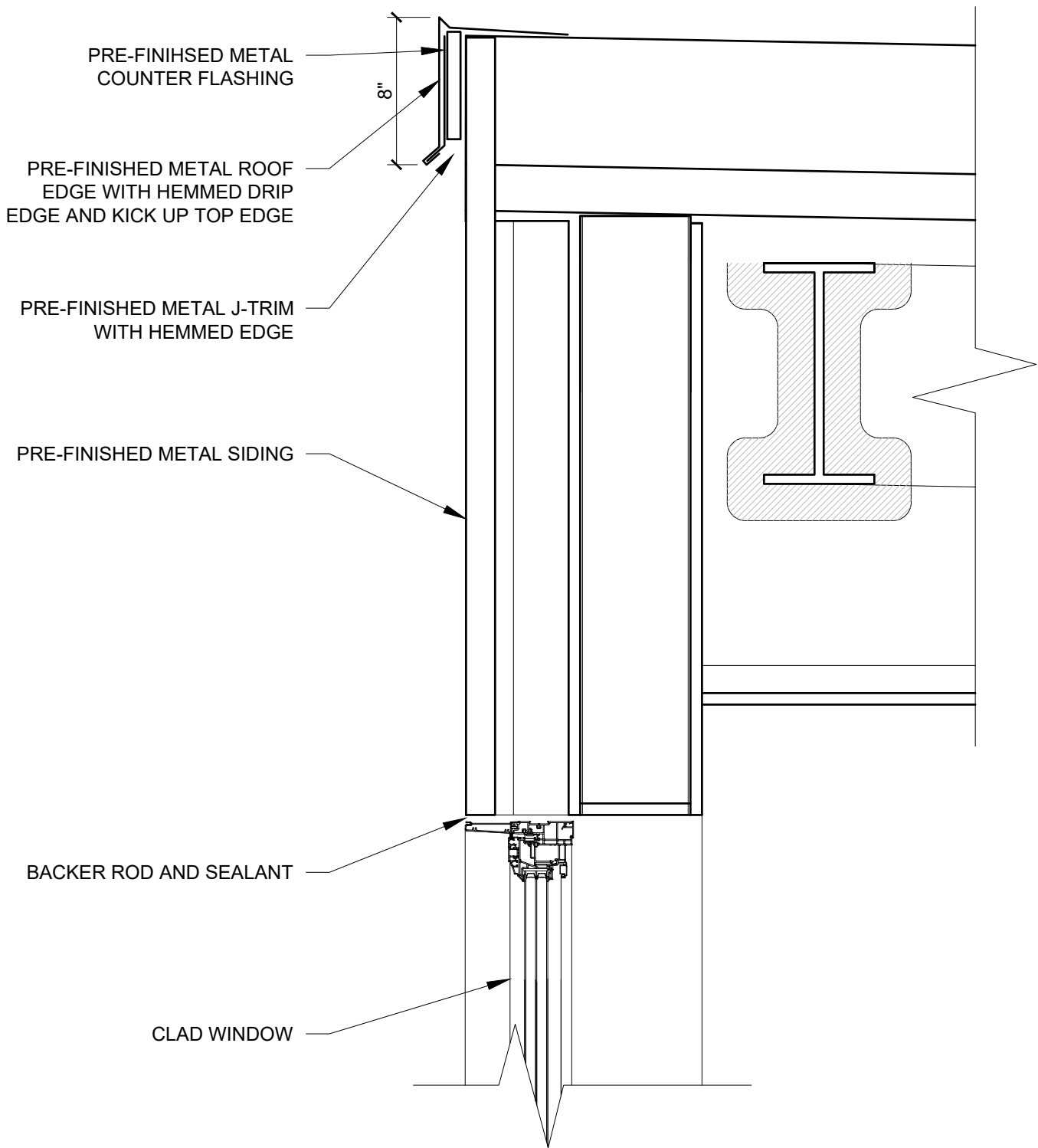


4 SECTION
1/4" = 1'-0"

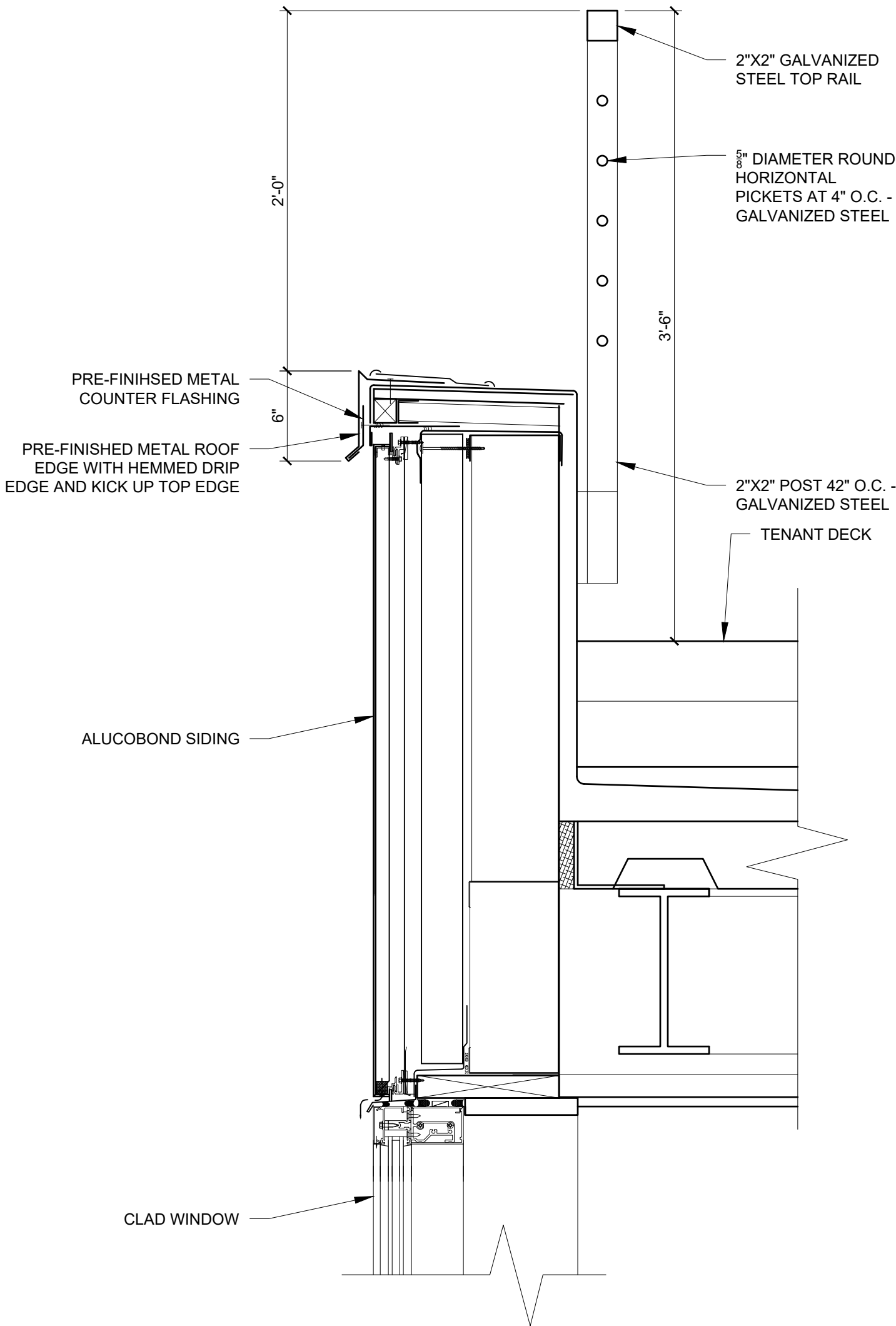
PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

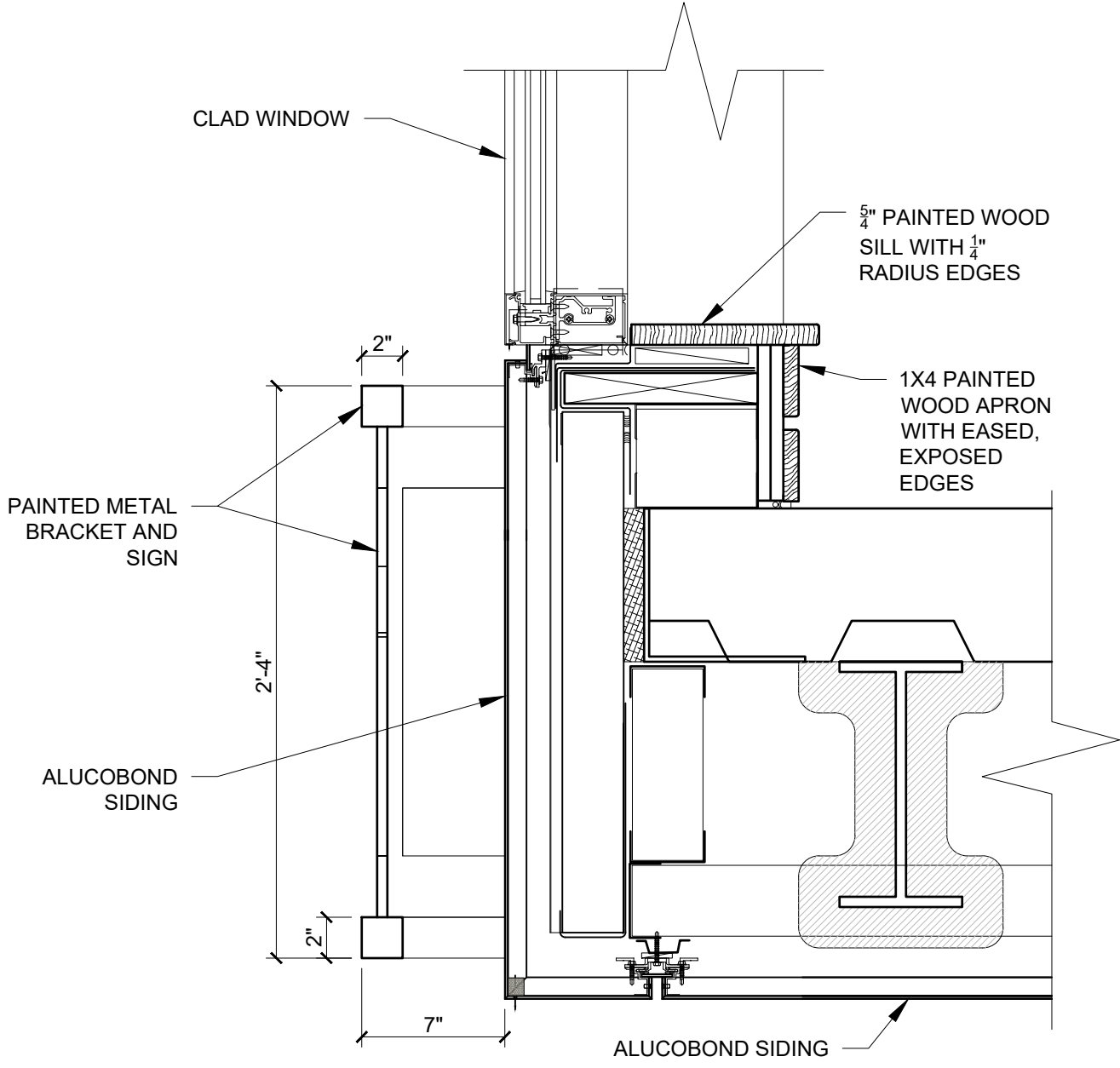
APRIL 1, 2019



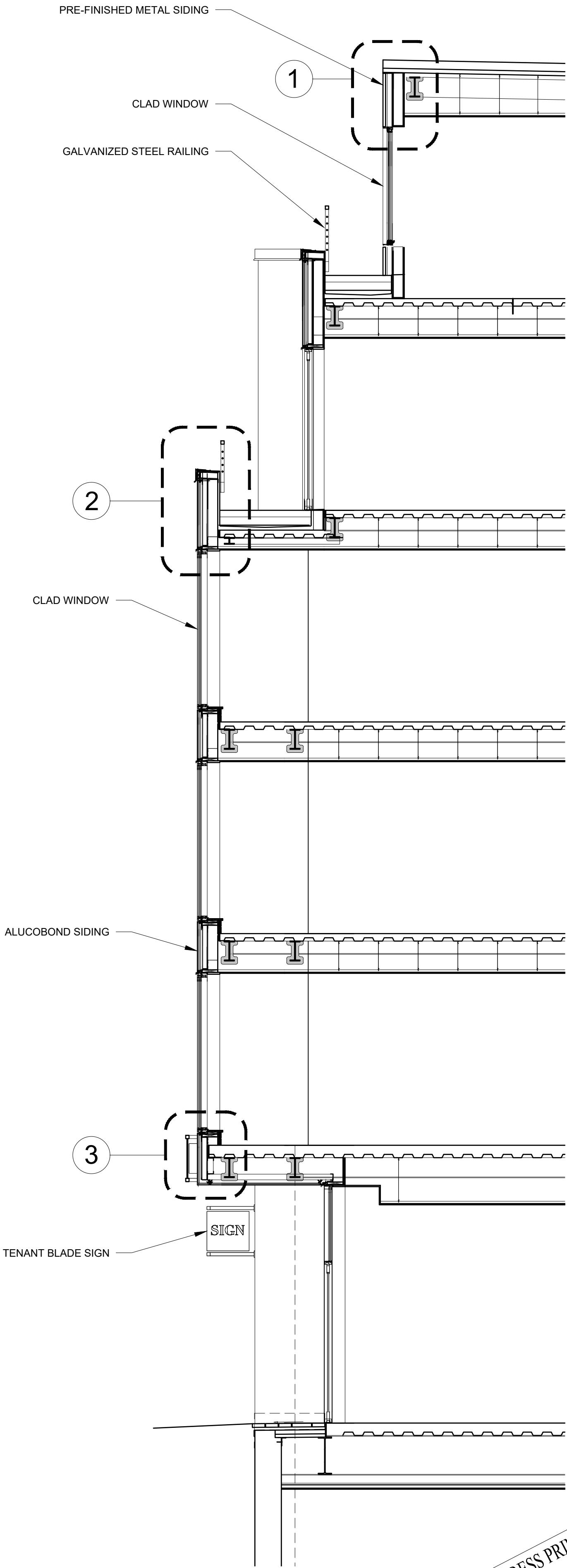
1 SECTION DETAIL AT HIGH ROOF AND WINDOW HEAD IN METAL SIDING
1 1/2" = 1'-0"



2 SECTION DETAIL AT HIGH ROOF AND WINDOW HEAD IN METAL SIDING
1 1/2" = 1'-0"



3 SECTION DETAIL AT BUMP OUT ON FRONT FACADE
1 1/2" = 1'-0"

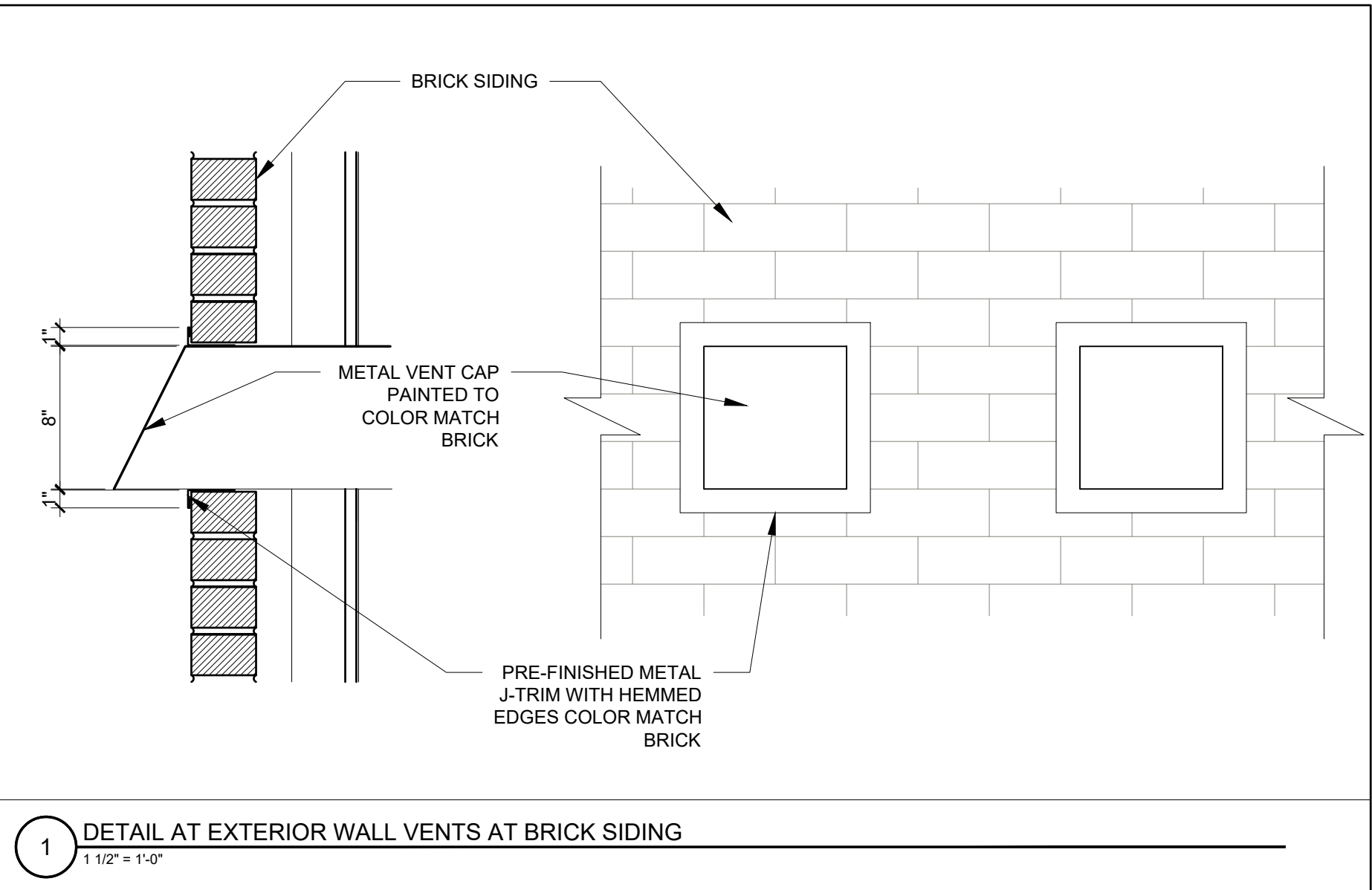
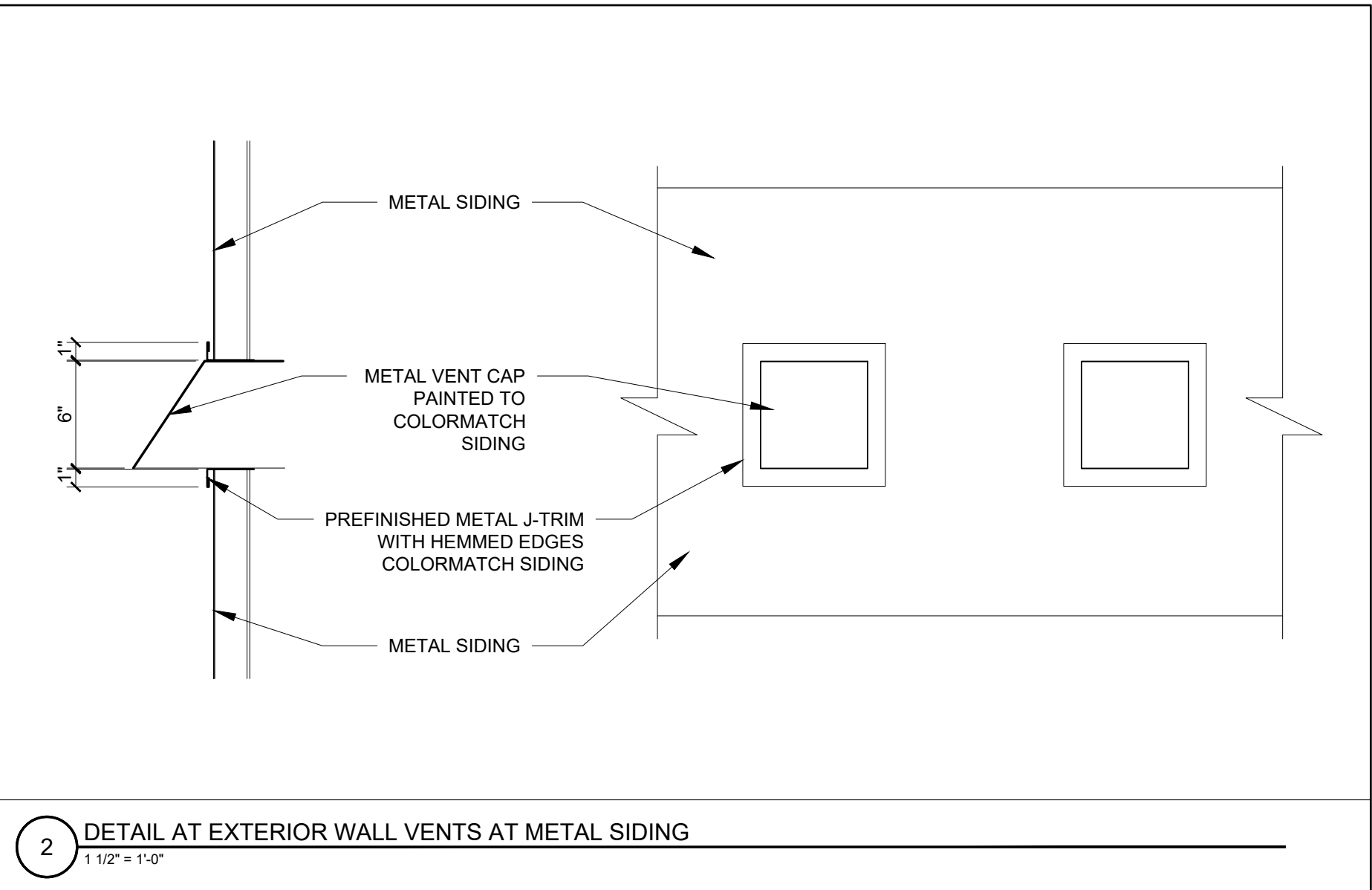
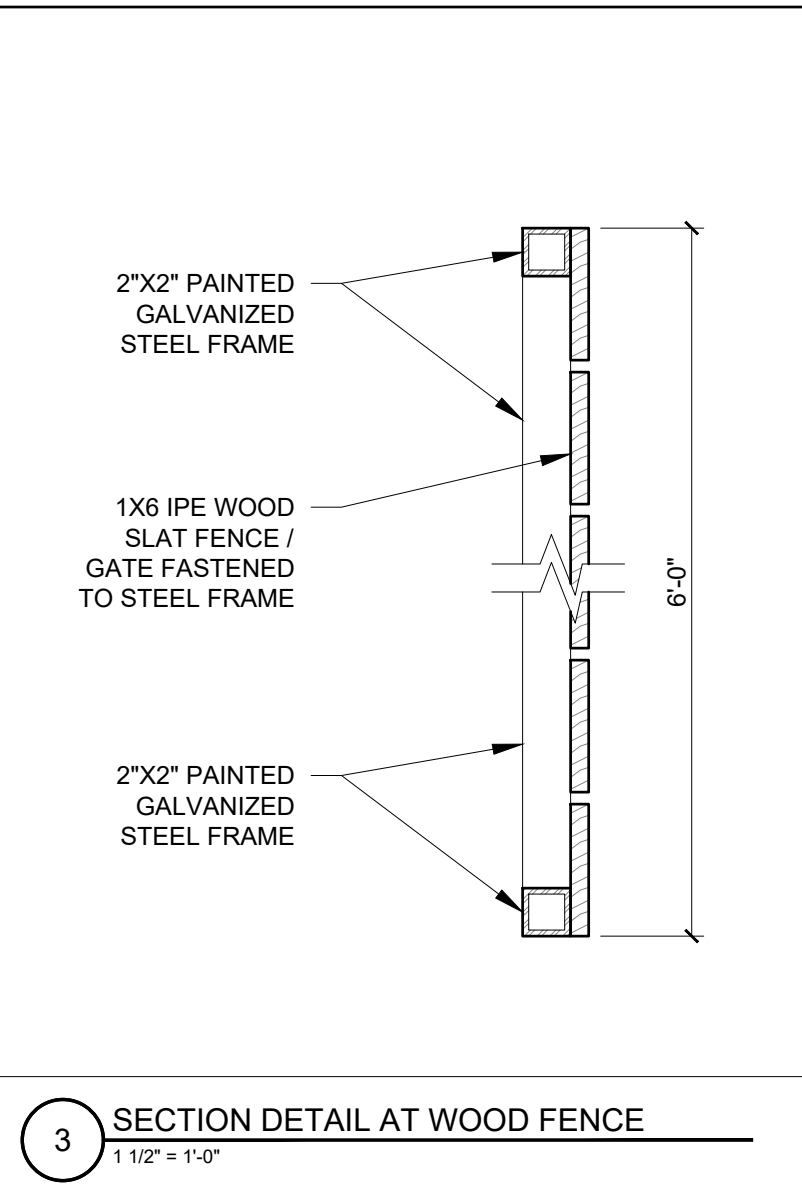


4 SECTION
1/4" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

APRIL 1, 2019



EASEMENT 'A' TABLE

LINE	BEARING	DISTANCE
A1	N52°31'53"E	134.82'
A2	S39°22'42"E	20.01'
A3	S52°31'53"W	135.49'
A4	N37°28'07"W	20.00'

2,703.10 SF. BENEFITS 40 FREE LLC. BURDENS J.B. BROWN & SONS. PROVIDES FOR PERMANENT REAR ACCESS FOR REAR WALL MAINTENANCE, VEHICLE/PEDESTRIAN ACCESS FOR INGRESS/EGRESS AND PARKING.

EASEMENT 'B' TABLE

LINE	BEARING	DISTANCE
B1	N52°31'53"E	21.12'
B2	S37°28'07"E	20.00'
B3	S52°31'53"W	20.45'
B4	N39°22'42"W	20.01'

415.65 SF. BENEFITS 40 FREE LLC. BURDENS 22 FREE STREET. PROVIDES FOR PERMANENT REAR ACCESS FOR REAR WALL MAINTENANCE, VEHICLE/PEDESTRIAN ACCESS FOR INGRESS/EGRESS AND PARKING.

EASEMENT 'C' TABLE

LINE	BEARING	DISTANCE
C1	N52°31'53"E	146.35'
C2	S39°22'42"E	64.88'
C3	S62°50'03"E	45.00'
C4	S39°25'57"E	19.94'
C5	N61°21'18"E	31.50'
C6	N48°08'41"E	155.25'
C7	N26°48'53"E	4.49'
C8	R=3799.64'	186.80'
C9	S50°09'01"W	245.99'
C10	R=10.00'	15.68'
C11	N40°00'59"W	34.76'
C12	N52°30'21"E	62.40'
C13	N40°32'59"W	35.45'
C14	N49°27'01"E	5.19'
C15	N22°31'40"W	4.45'
C16	N40°02'59"W	28.51'

21,216.92 SF. BENEFITS 40 FREE LLC. BURDENS J.B. BROWN & SONS. PROVIDES FOR TEMPORARY CONSTRUCTION ACCESS AND LAYDOWN. PROVIDES FOR PERMANENT PARKING ACCESS AND FOR POTENTIAL PERMANENT UTILITIES, DRAINAGE AND LANDSCAPING.

EASEMENT 'D' TABLE

LINE	BEARING	DISTANCE
D1	N52°31'53"E	13.49'
D2	S37°28'07"E	88.45'
D3	S52°31'53"W	11.53'
D4	N40°02'59"W	5.94'
D5	N39°43'59"W	14.57'
D6	S52°02'41"W	1.55'
D7	N37°05'59"W	67.97'

1,176.81 SF. BENEFITS 48 FREE. BURDENS 40 FREE LLC. PROVIDES FOR PERMANENT SIDE WALL MAINTENANCE ACCESS.

EASEMENT 'E' TABLE

LINE	BEARING	DISTANCE
E1	N52°31'53"E	19.86'
E2	S39°28'29"E	88.51'
E3	S52°31'53"W	22.96'
E4	N37°28'07"W	88.45'

1,893.48 SF. BENEFITS 48 FREE. BURDENS 40 FREE LLC. PROVIDES FOR PERMANENT SIDE WALL MAINTENANCE ACCESS & PEDESTRIAN ACCESS.

EASEMENT 'F' TABLE

LINE	BEARING	DISTANCE
F1	N52°31'53"E	44.07'
F2	S39°41'17"E	13.37'
F3	N51°24'35"E	22.93'
F4	S38°35'25"E	28.41'
F5	N51°24'35"E	34.27'
F6	N37°28'07"W	47.97'
F7	N53°41'18"E	129.05'
F8	S37°28'07"E	48.23'
F9	N63°11'07"E	9.46'
F10	S26°48'53"E	41.22'
F11	S48°08'41"W	155.25'
F12	S61°21'18"W	31.50'
F13	N39°25'57"W	19.94'
F14	S62°50'03"W	45.00'
F15	N39°22'42"W	64.88'

19,476.41 SF. BENEFITS 40 FREE LLC. 22 FREE STREET. PROVIDES FOR TEMPORARY CONSTRUCTION ACCESS AND LAYDOWN. PROVIDES FOR PERMANENT PARKING ACCESS AND FOR POTENTIAL PERMANENT UTILITIES, DRAINAGE AND LANDSCAPING.

EASEMENT 'G' TABLE

LINE	BEARING	DISTANCE
NA	NA	NA

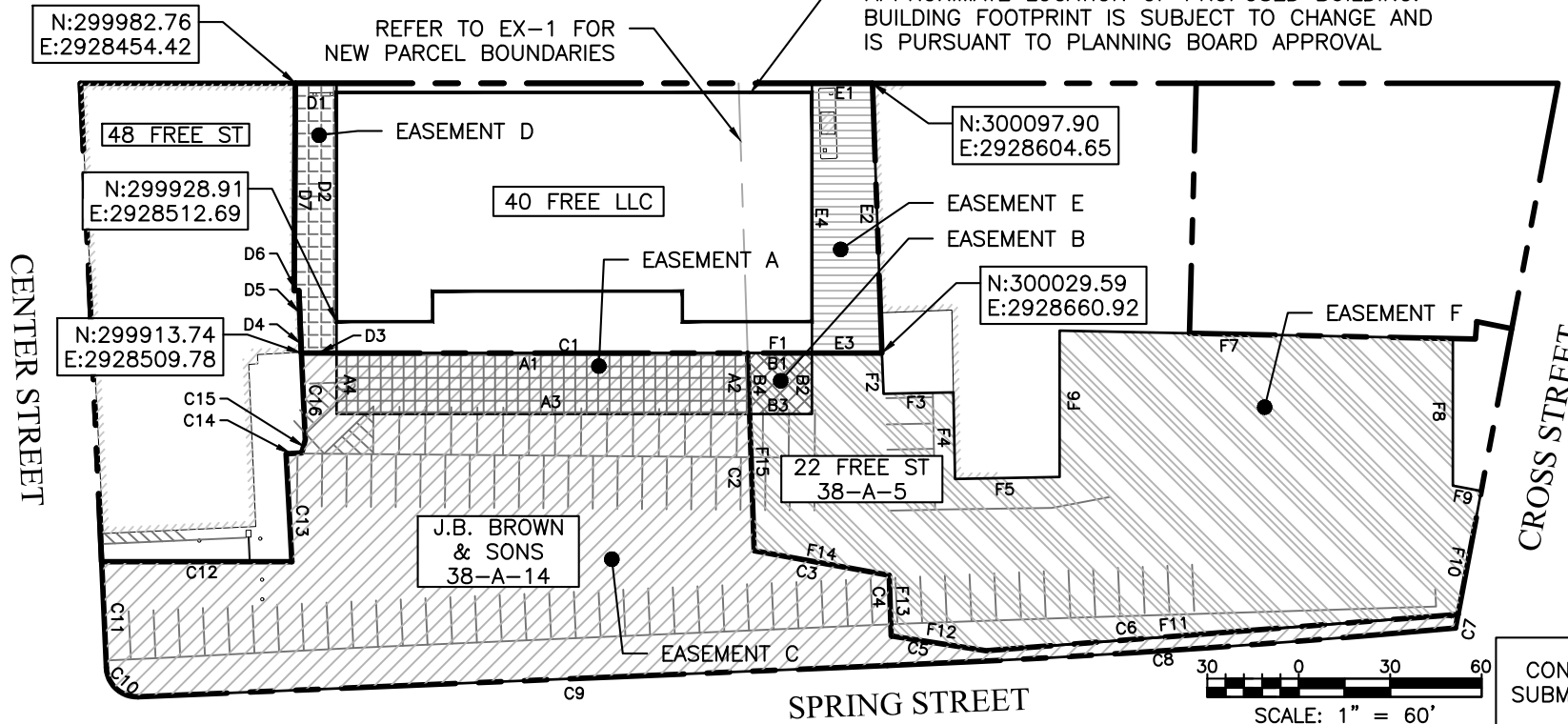
BENEFITS 40 FREE LLC. BURDENS 48 FREE STREET. RELEASES EXISTING PERMANENT EASEMENT (BOOK 3656 PAGE 198) FOR TEMPORARY OFF-STREET TRUCK LOADING/UNLOADING ACCESS OF 48 FREE STREET BUILDING.

NOTE:

1. REFER TO THE RECORDED EASEMENT LANGUAGE AND EXHIBIT 1 FOR MORE INFORMATION

FREE STREET

APPROXIMATE LOCATION OF PROPOSED BUILDING. BUILDING FOOTPRINT IS SUBJECT TO CHANGE AND IS PURSUANT TO PLANNING BOARD APPROVAL



CONCEPT SUBMISSION

ISSUED FOR
ATTORNEY REVIEW

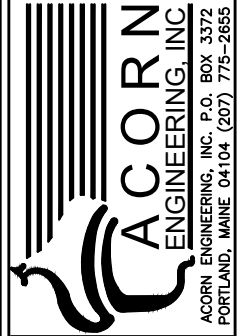
BY
DATE
MPB
3/18/19

REV
DATE

DRAWING NAME:
EASEMENT PLAN FOR
40 FREE LLC

PROJECT NAME:
40 FREE STREET

CLIENT:
J.B. BROWN & SONS



FILE: 1118 CIVIL
DATE: 3/6/2019
JN: 1118
SCALE: 1"=60'
DESIGN BY: MPB
DRAWN BY: MPB
CHECKED BY: WSJ

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM ACORN ENGINEERING, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO ACORN ENGINEERING, INC.

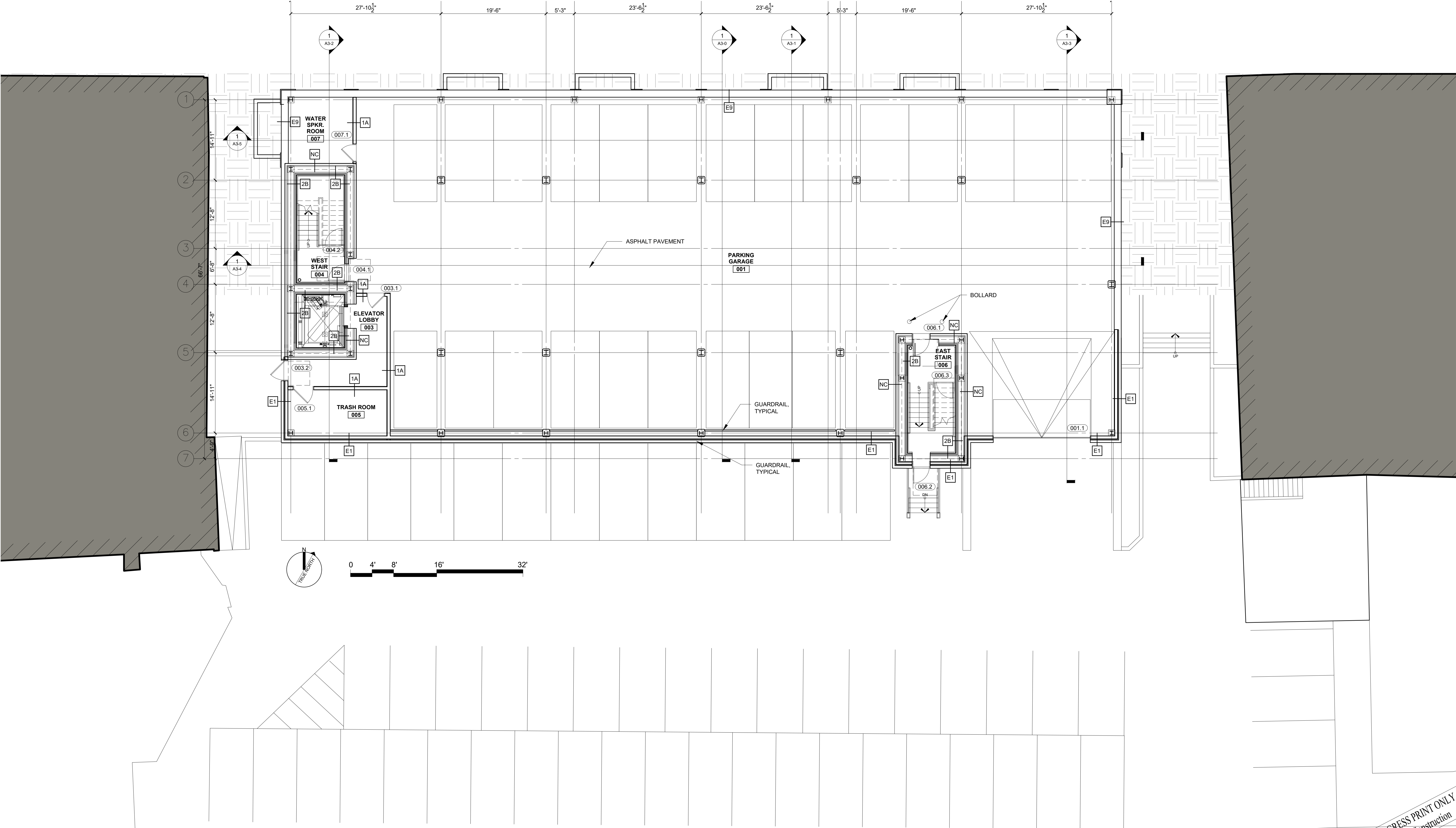
DRAWING NO.

EX-2

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

NOTE:
ALL SQUARE FOOTAGES CALCULATED USING OUTSIDE FACE OF
STUD AT EXTERIOR WALLS AND CENTERLINE OF SHARED WALLS

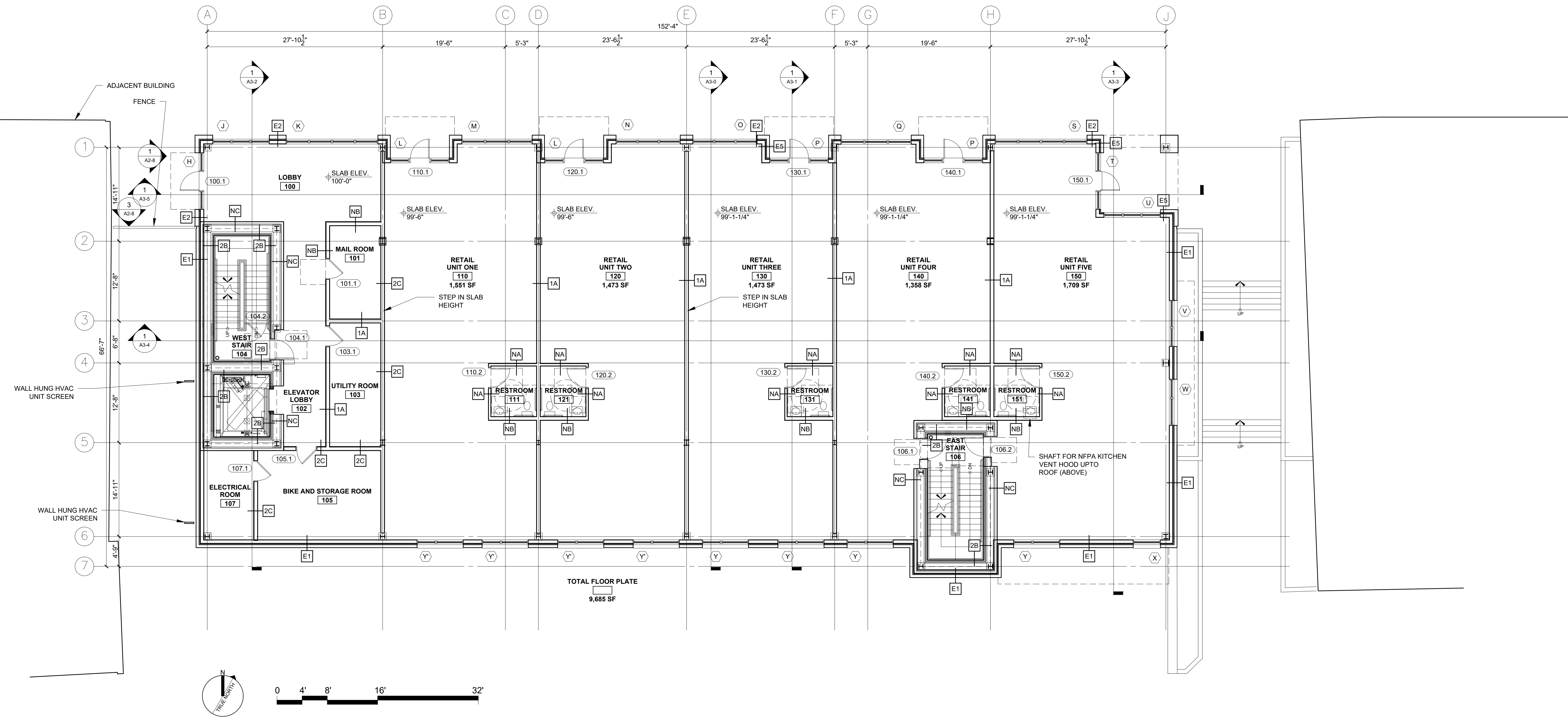


PROGRESS PRINT ONLY
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FREE STREET - MIXED USE
PORTLAND, MAINE

NOTE:
ALL SQUARE FOOTAGES CALCULATED USING OUTSIDE FACE OF
STUD AT EXTERIOR WALLS AND CENTERLINE OF SHARED WALLS

MAY 6, 2019



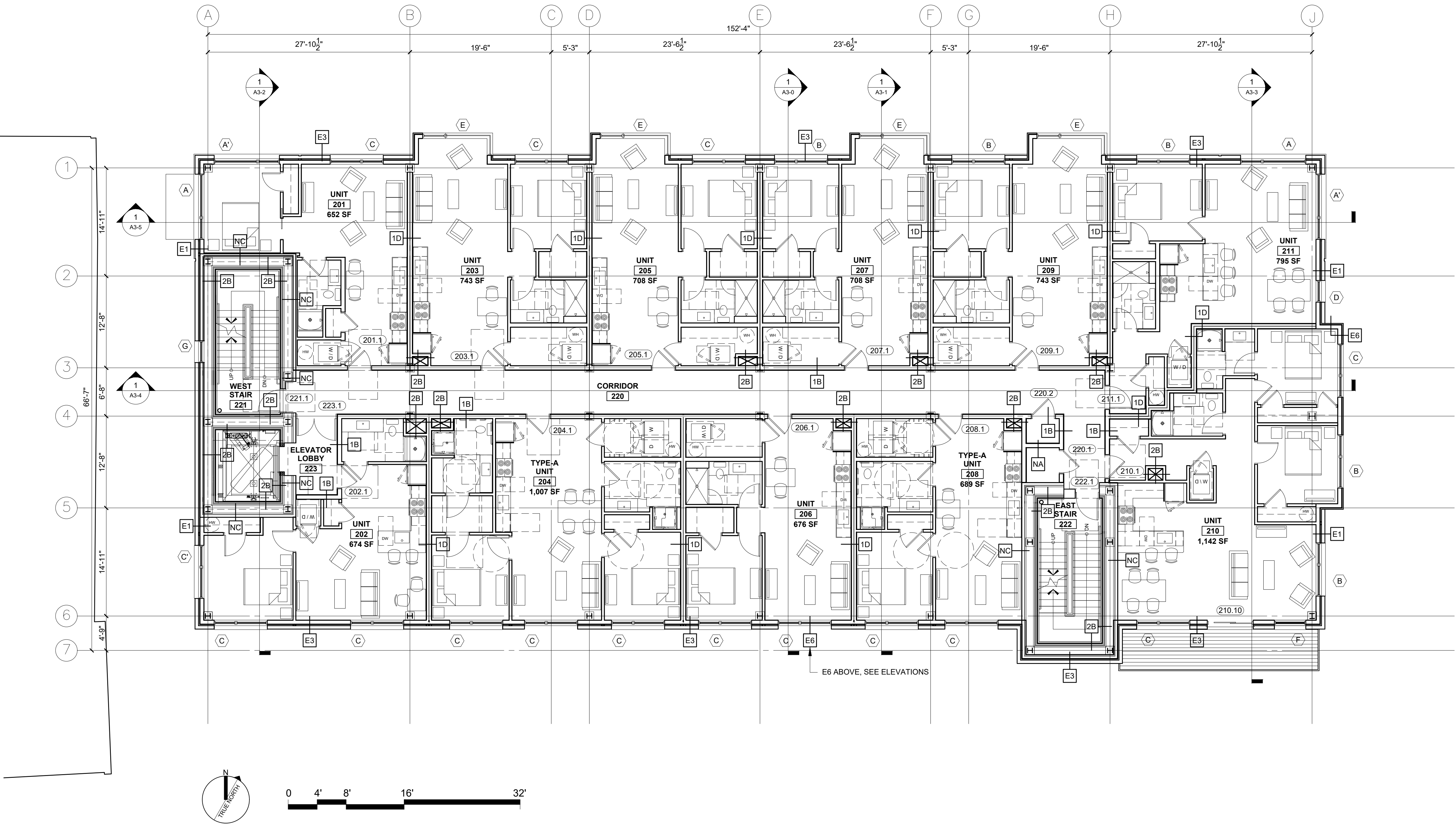
1 PROPOSED FIRST FLOOR PLAN
1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

NOTE:
ALL SQUARE FOOTAGES CALCULATED USING OUTSIDE FACE OF
STUD AT EXTERIOR WALLS AND CENTERLINE OF SHARED WALLS



1 PROPOSED SECOND FLOOR PLAN - (THIRD AND FOURTH FLOOR PLANS SIMILAR)
1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

NOTE:
ALL SQUARE FOOTAGES CALCULATED USING OUTSIDE FACE OF
STUD AT EXTERIOR WALLS AND CENTERLINE OF SHARED WALLS

MAY 6, 2019

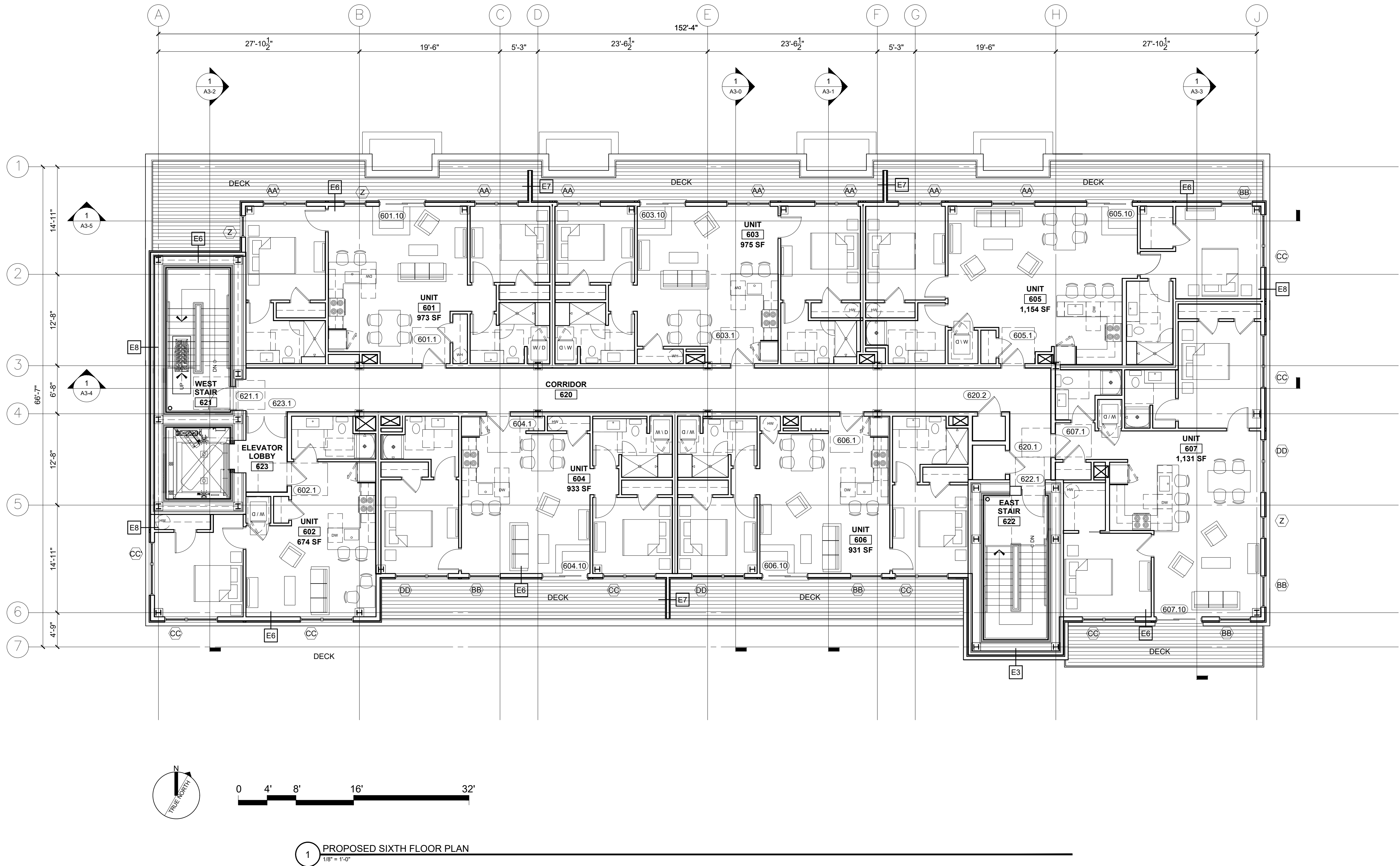


PROGRESS PRINT ONLY
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FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

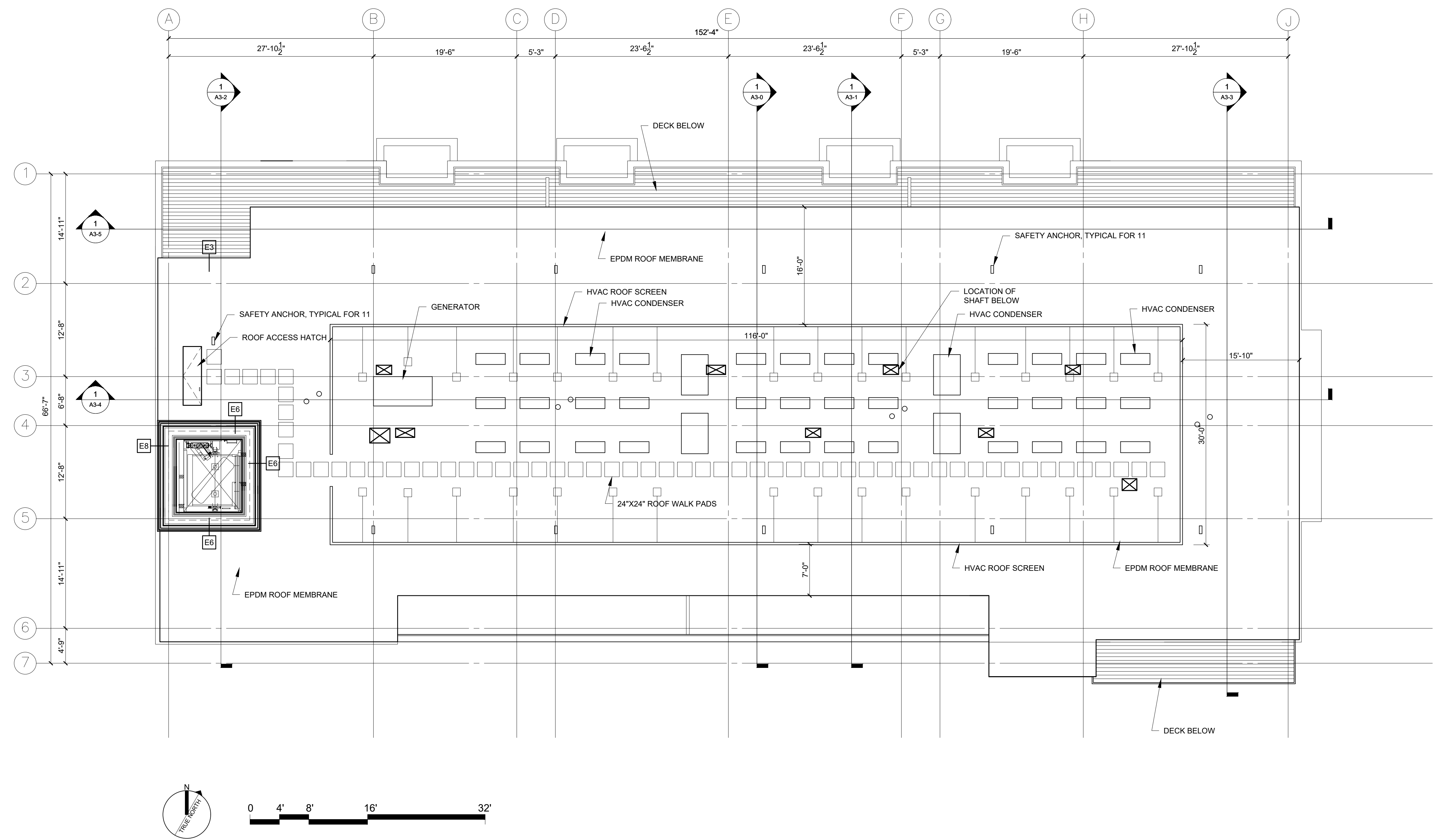
NOTE:
ALL SQUARE FOOTAGES CALCULATED USING OUTSIDE FACE OF
STUD AT EXTERIOR WALLS AND CENTERLINE OF SHARED WALLS



PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 ROOF PLAN
1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

MATERIALS KEY		
ITEM	INFORMATION	COLOR
BRICK VENEER - COLOR #1	MORIN OLD PORT BLEND RED RANGE	RED
BRICK MORTAR		GRAY
METAL PANEL SIDING - COLOR #2	FLUSH PANEL WITH REVEAL	DARK BRONZE MICA
METAL PANEL SIDING - COLOR #8	CENTRIA FLUSH PANEL WITH REVEAL	154 DARK BRONZE
GALVANIZED AND PAINTED FABRICATED STEEL - COLOR #4		MEDIUM GRAY
PREFINISHED FLASHING COLOR #4		MEDIUM GRAY
GRANITE VENEER	FRESHWATER PEARL - THERMAL FINISH	
PRECAST CONCRETE VENEER - COLOR #7	NORTHERN DESIGN , LIGHT-MEDIUM ETCH FINISH	BLK-20
WINDOWS AND STOREFRONT - COLOR #6		BLACK
PRECAST CONCRETE BAND AND SILLS - COLOR #5		MATCH GRANITE
MATERIALS NOTE:		
1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



1 PROPOSED NORTH EXTERIOR ELEVATION (Free Street Facade)

1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

MATERIALS KEY		
ITEM	INFORMATION	COLOR
BRICK VENEER - COLOR #1	MORIN OLD PORT BLEND RED RANGE	RED
BRICK MORTAR		GRAY
METAL PANEL SIDING - COLOR #2	FLUSH PANEL WITH REVEAL	DARK BRONZE MICA
METAL PANEL SIDING - COLOR #8	CENTRIA FLUSH PANEL WITH REVEAL	154 DARK BRONZE
GALVANIZED AND PAINTED FABRICATED STEEL - COLOR #4		MEDIUM GRAY
PREFINISHED FLASHING COLOR #4		MEDIUM GRAY
GRANITE VENEER	FRESHWATER PEARL - THERMAL FINISH	
PRECAST CONCRETE VENEER - COLOR #7	NORTHERN DESIGN , LIGHT-MEDIUM ETCH FINISH	BLK-20
WINDOWS AND STOREFRONT - COLOR #6		BLACK
PRECAST CONCRETE BAND AND SILLS - COLOR #5		MATCH GRANITE
MATERIALS NOTE:		
1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



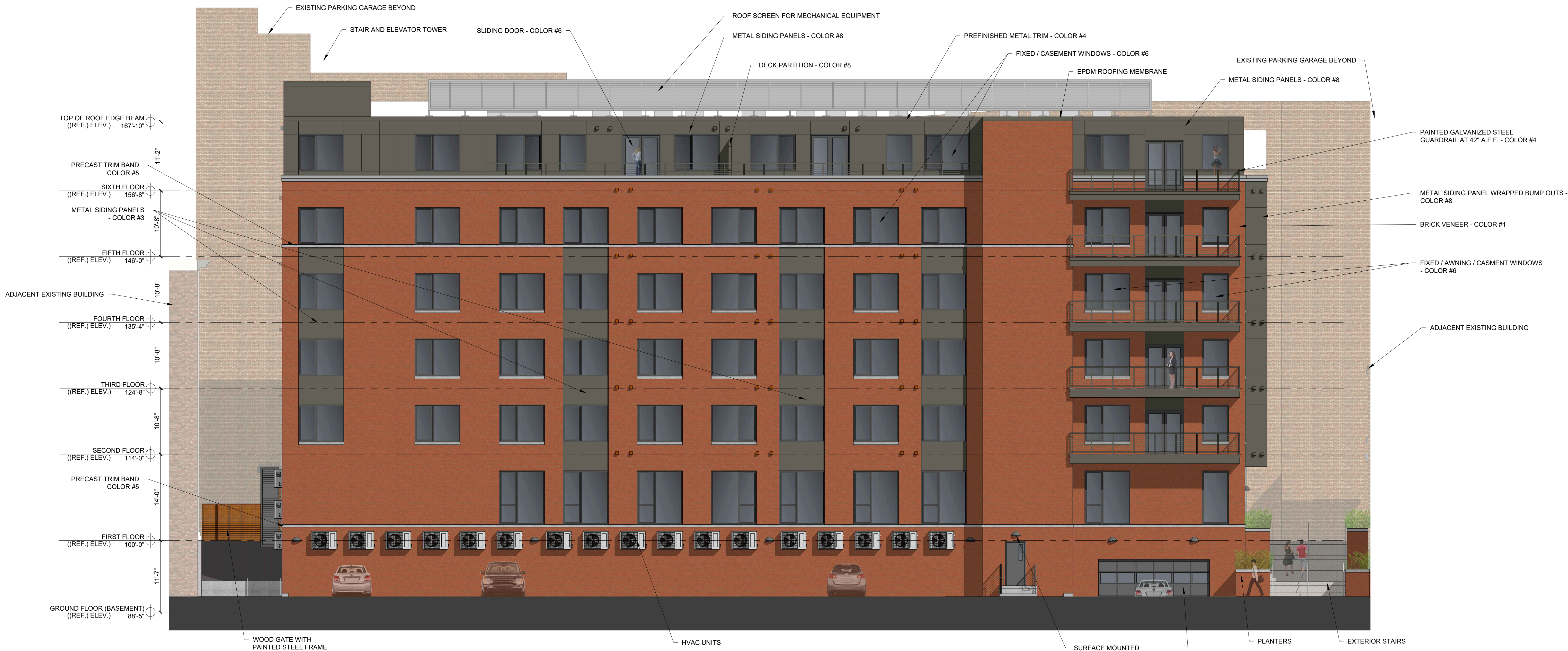
1 PROPOSED EAST EXTERIOR ELEVATION
1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

MATERIALS KEY		
ITEM	INFORMATION	COLOR
BRICK VENEER - COLOR #1	MORIN OLD PORT BLEND RED RANGE	RED
BRICK MORTAR		GRAY
METAL PANEL SIDING - COLOR #2	FLUSH PANEL WITH REVEAL	DARK BRONZE MICA
METAL PANEL SIDING - COLOR #8	CENTRIA FLUSH PANEL WITH REVEAL	154 DARK BRONZE
GALVANIZED AND PAINTED FABRICATED STEEL - COLOR #4		MEDIUM GRAY
PREFINISHED FLASHING COLOR #4		MEDIUM GRAY
GRANITE VENEER	FRESHWATER PEARL - THERMAL FINISH	
PRECAST CONCRETE VENEER - COLOR #7	NORTHERN DESIGN , LIGHT-MEDIUM ETCH FINISH	BLK-20
WINDOWS AND STOREFRONT - COLOR #6		BLACK
PRECAST CONCRETE BAND AND SILLS - COLOR #5		MATCH GRANITE
MATERIALS NOTE:		
1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



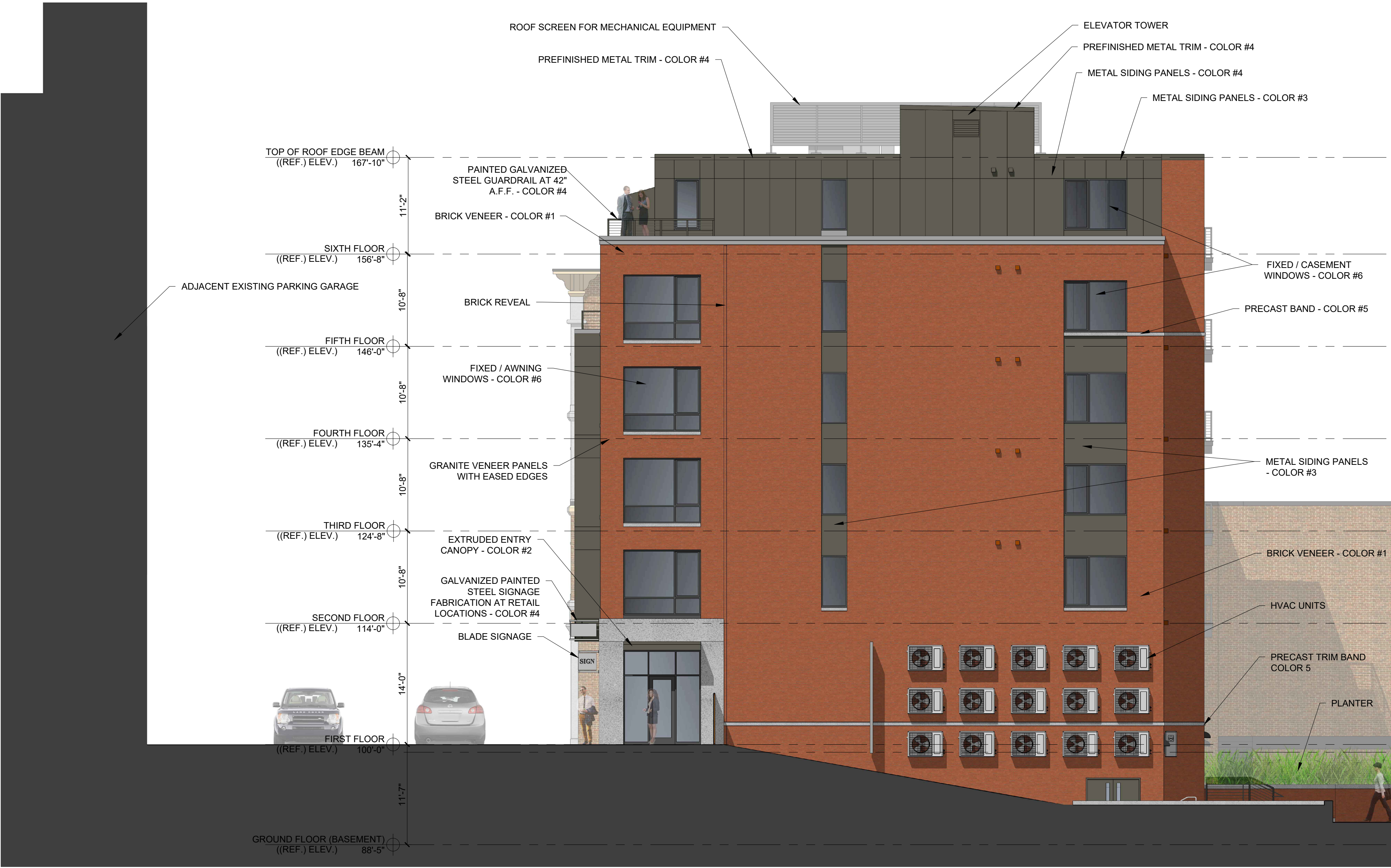
1 PROPOSED SOUTH EXTERIOR ELEVATION
1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019

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1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



1 PROPOSED WEST EXTERIOR ELEVATION
1/8" = 1'-0"

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 VIEW LOOKING EAST ON FREE STREET
N.T.S.

40 FREE, LLC

RYAN SENATORE **ARCHITECTURE**

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 VIEW LOOKING WEST ON FREE STREET
N.T.S.

40 FREE, LLC

RYAN SENATORE **ARCHITECTURE**

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 VIEW LOOKING WEST FROM SPRING STREET

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 PERSPECTIVE VIEW OF EXTERIOR STAIR
NTS

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 EXTERIOR PATIO
NTS

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 VIEW LOOKING SOUTHWEST ON FREE SREET

PROGRESS PRINT ONLY
Not for Construction

FREE STREET - MIXED USE
PORTLAND, MAINE

MAY 6, 2019



1 VIEW LOOKING NORTHEAST ON FREE STREET

To: Sean Dundon, Chair, Portland Planning Board

From: Victoria Volent, Housing Program Manager, Housing & Community Development Division

Date: June 7, 2019

Subject: 50 Monument Square – Inclusionary Zoning Conditional Use Amendment

All developments of ten (10) units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements set forth in Division 30, Section 14-487 of the Zoning Ordinance.

Division 30, Section 14-487, Ensuring Workforce Housing, requires at least ten percent (10%) of the dwelling units in the development shall meet the definition of Workforce Housing units for sale or for rent. The number of units required is rounded down to a whole number whether the Workforce Units are provided on or off-site. As an alternative to providing workforce housing units, developers shall pay a fee-in-lieu of some or all of the units. A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fee for affordable units not provided shall be \$100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement. The in-lieu fee shall be paid into the Housing Trust Fund as defined in Sec. 14-489, on or before the date upon which a certificate of occupancy is issued.

On February 26, 2019, the Planning Board approved the development located at 50 Monument Square and no amendments to the Level III approval are proposed. As part of that review, the Applicant proposed the creation of 21 units of rental housing consisting of nineteen (19) one-bedroom units, and two (2) two-bedroom units. The Applicant elected to provide two (2) one-bedroom units on-site, and pay a fractional fee-in-lieu of \$10,609 into the City's Housing Trust Fund. The Planning Board voted unanimously (7-0) that the Inclusionary Zoning Conditional Use was in conformance with the standards of the land use code and approved the conditional use application, subject to the following conditions of approval:

Previous Inclusionary Zoning Approval:

Prior to the Issuance of a Building Permit

1. That the proposals shall comply with all staff recommendations as detailed in the Housing Program Manager's Memo of February 20, 2019, and the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) before a Building Permit may be issued. The Affordable Housing Agreement will outline the details of the affordability restrictions placed on the Workforce Units.

Prior to the Issuance of a Certificate of Occupancy

2. That the applicant shall pay an agreed upon fee-in-lieu of \$10,609 into the City's Housing Trust Fund prior to the issuance of the certificate of occupancy.
3. The Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to issuance of the certificate of occupancy.

Proposed Amendment:

The Applicant is requesting the Planning Board amend the Inclusionary Zoning Conditional Use approval to allow the applicant to fulfill the Inclusionary Zoning requirements by paying a fee-in-lieu based on the creation of 21 dwelling units (*Attachment A*). The proposed project would thus be required to pay a total fee of \$222,789 into the City's Housing Trust Fund in-lieu of the creation of actual housing units for workforce households. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff recommends the Planning Board Approve the amended Inclusionary Zoning Conditional Use provided the Applicant agrees to pay a fee-in-lieu of \$222,789 into the City's Housing Trust Fund on or before the date upon which a certificate of occupancy is issued.

Two of the previously approved floor plans and the previously approved subdivision plat have been corrected to remove the references to the provision of workforce units within the site, and these plans are attached for information (*Attachments B and C*).

Revised Motion for the Board to Consider:

On the basis of the Level III application (PL-000390-2018) for 50 Monument Square that was approved with conditions by the Planning Board on February 26, 2019, the amended conditional use application, plans, reports and other information submitted by the applicant; findings and recommendations contained in this Planning Board Report for the public hearing on June 11, 2019 for application #CU-000454-2019 (50 Monument Square) 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 finds the conditional use (**is/is not**) in conformance with the standards of the land use code and (**approves/does not approve**) the conditional use application, subject to the following condition of approval:

Prior to the Issuance of a Certificate of Occupancy

1. That the applicant shall pay an agreed upon fee-in-lieu of \$222,789 into the City's Housing Trust Fund prior to issuance of the certificate of occupancy.

Attachments:

- A. Letter requesting Amendment 5.30.19
- B. Floor Plans revised to omit reference to Workforce units
- C. Subdivision Plat revised to omit reference to Workforce Units



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

May 30, 2019

Ms. Jean Fraser

Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

**Subject: 50 Monument Square
CU-000454-2019
Amendment to the Conditional Use – Inclusionary Zoning**

Dear Jean:

On behalf of **50 Monument Square** (Applicant), our office is formally requesting an amendment to the Conditional Use-Inclusionary Zoning Application. The current project includes a 21 residential unit development which consists of (19) one-bedroom, and two (2) two-bedroom units located at 50 Monument Square. The Applicant is requesting a change from providing two (2) Workforce Housing Units on site to paying the fee-in-lieu. As requested by the City, we have included the revised Architectural Plans and two copies of the mylar copies of the Subdivision Plan.

We trust the accompanying information satisfies your informational needs and we look forward to appearing before the Planning Board at their next upcoming meeting for review and approval.

If you have any questions on the information submitted or require any further additional information, please contact our office.

Sincerely,

STANTEC CONSULTING SERVICES INC.

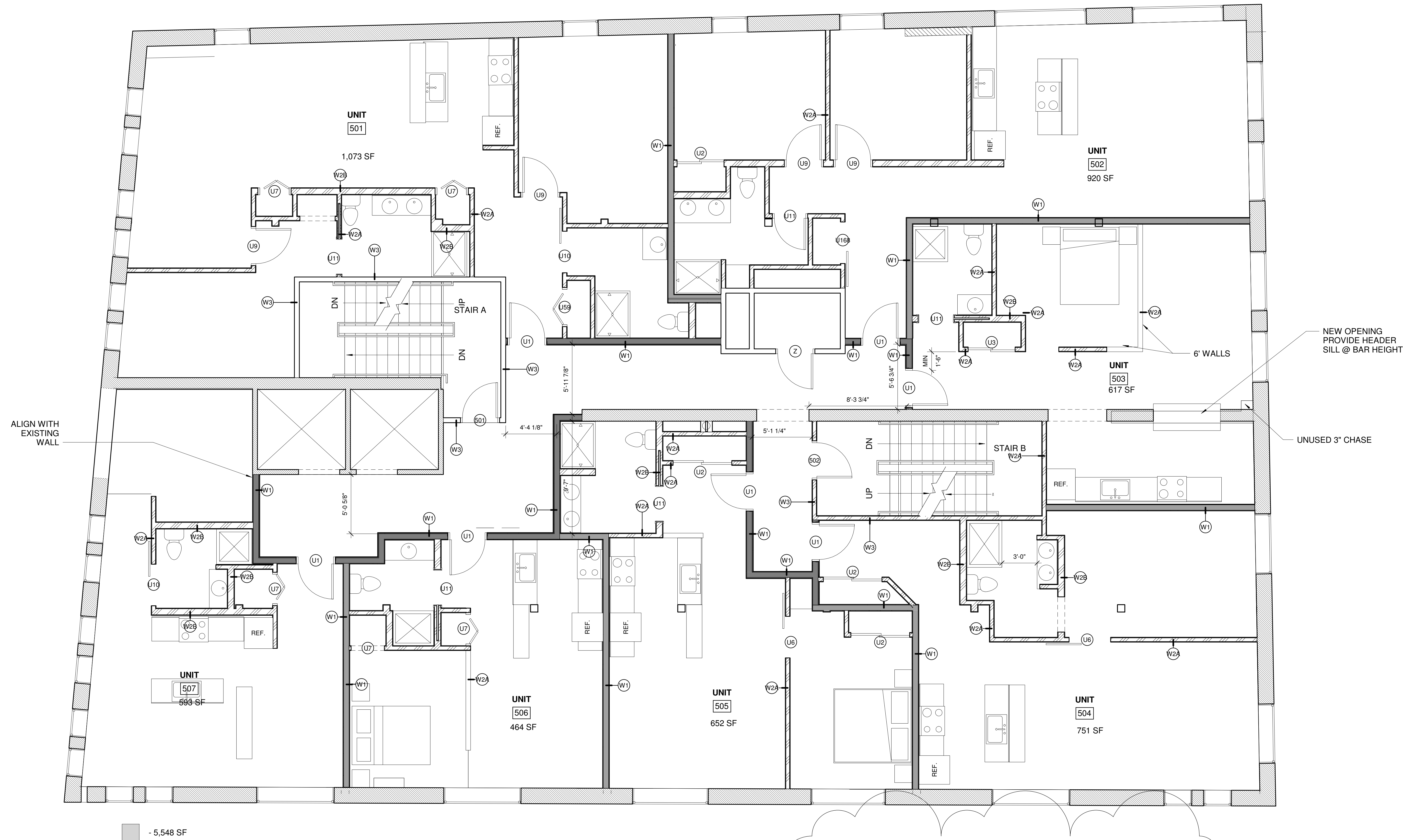
A handwritten signature in blue ink, appearing to read 'Stephen R. Bushey', written over a horizontal line.

Stephen R. Bushey, P.E.
Associate
Phone: 207-887-3478
Fax: 207-887-3376
stephen.bushey@stantec.com

Enclosures

c: Katherine Detmer, Archetype Architects, w/o enc.
Jen Packard, w/o enc.

U:\3551_50 Monument Square Portland\STANTEC\210801656\civil\admin\permitting\local\zoning -conditional use\sub_fraser_amend_cond_20190530.docx

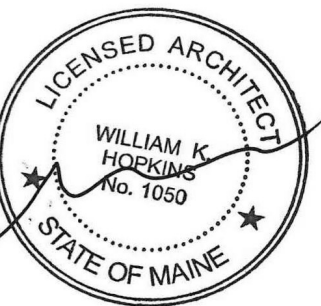


1 | FIFTH FLOOR PLAN .
1/4" = 1'-0"

WFH - WORKFORCE HOUSING UNIT

PROJECT TOTAL BED COUNT - 23
23(.1) = 2.3 = 2 BEDS TO WORKFORCE HOUSING

FEE TO BE PAID BY OWNER IN LIEU OF PROVIDING UNITS WITHIN PROJECT



Prepared For:
**The Lancaster
Group LLC**
Address
City, State

Consultant:

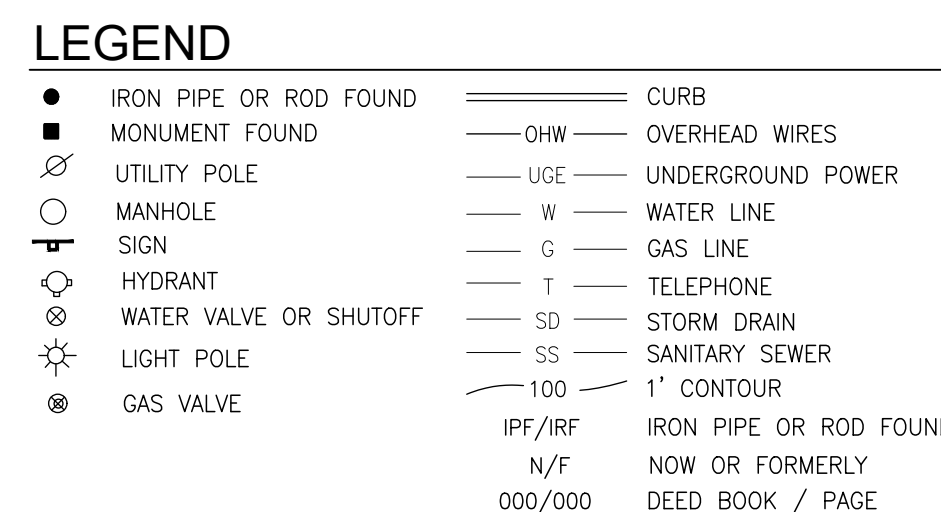
Architect:
ARCHETYPE
architects
48 Union Wharf Portland, Maine 04101
(207) 777-6022 ARCHETYPE@ARCHETYPEPA.COM

Project:
**50 MONUMENT
SQUARE**

Revisions:
3. 4-29-19 Response to City
4. 5-14-19 Plan Amendment

Date:
3-20-2019
Scale:
1/4" = 1'-0"
5TH FLOOR PLAN

A1.05



THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE 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 LOGICALLY LOCATED UNDERGROUND UTILITIES CALL 1-888-DISINFEST AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION. DUE TO OSHA CONFIRMED SPACE REQUIREMENTS, ALL INVERTS AND PIPE SIZES MUST BE VERIFIED PRIOR TO ANY CONSTRUCTION.

1. PLAN OF PROPERTY IN PORTLAND MAINE MADE FOR CASCO DEVELOPMENT ASSOCIATES BY H.I. & E.C. JORDAN DATED 19 DEC. 1983 REVISED THROUGH FEB. 7, 1985.
2. LAND TITLE SURVEY AT #28 MONUMENT SQUARE PORTLAND, MAINE MADE FOR JEFFREY COHEN BY OWEN HASKELL, INC. DATED JAN. 4, 2005 REVISED THROUGH 01-23-07.
3. BOUNDARY & TOPOGRAPHIC SURVEY THE ASYLUM 121 CENTER STREET PORTLAND, MAINE MADE FOR VALERIE J. LEVY BY OWEN HASKELL, INC. DATED 3-21-16.

1. OWNER OF RECORD: THE LANCASTER GROUP LLC
1150 SUNSET RIDGE, LAGUNA BEACH, CA 92651
TAX MAP 27 LOT F1
C.R.R.D. DEED BOOK 34780 PAGE 33
2. BEARING ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE NAD 1983 PER CITY OF PORTLAND CONTROL POINTS T124-19-1162 AND T124-19-1160.
3. ELEVATIONS ARE BASED ON OFFICIAL CITY OF PORTLAND BENCHMARK "M" MONUMENT AT THE WESTERLY CORNER OF FOREST AND CUMBERLAND AVENUES, ELEVATION = 80.57'
4. THE LOCUS PARCEL HAS RIGHTS IN LANCASTER LANE AS DESCRIBED IN DEED BOOK 910, PAGE 187.
5. LOT AREA = 6,802 SQUARE FEET.



FIFTH FLOOR		
UNIT #	SIZE (SF)	NO. BEDROOMS
501	1,073	2
502	920	2
503	617	1
504	751	1
505	652	1
506	464	1
507	593	1
TOTAL	5,070	9
TOTAL UNITS:		23

[illegible]

THE PLANNING BOARD VOTED THAT THE CONDITIONAL USE IS IN CONFORMANCE WITH THE STANDARDS OF THE LAND USE CODE AND APPROVES THE CONDITIONAL USE APPLICATION, SUBJECT TO THE FOLLOWING CONDITION OF APPROVAL:

1. THAT THE APPLICANT SHALL PAY AN AGREED UPON FEE-IN-LIEU OF \$222,789 INTO THE CITY'S HOUSING TRUST FUND PRIOR TO ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

THE PLANNING BOARD VOTED UNANIMOUSLY (7-0) THAT THE PLAN IS IN CONFORMANCE WITH THE SUBDIVISION STANDARDS OF THE LAND USE CODE SUBJECT TO THE FOLLOWING CONDITION OF APPROVAL:

PRIOR TO THE SUBMISSION OF THE PLAT FOR PLANNING BOARD SIGNATURE

4. THAT THE SUBDIVISION PLAT SHALL BE FINALIZED TO THE SATISFACTION OF THE PLANNING AUTHORITY, CORPORATION COUNSEL, AND DEPARTMENT OF PUBLIC WORKS AND INCLUDE CLEAR DESCRIPTIONS OF THE NUMBER, LOCATION, TYPE AND SIZE OF ALL SUBDIVIDED UNITS, ALONG WITH RELEVANT NOTES AND CONDITIONS PRIOR TO SUBMISSION FOR PLANNING BOARD SIGNATURE.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

5. THAT THE SIGNED SUBDIVISION PLAT SHALL BE RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

ONGOING

6. THAT AT THE EVENT THE PROPERTY IS CONVERTED TO A CONDOMINIUM, THAT THE RECORDED CONDOMINIUM DOCUMENTS SHALL BE COPIED TO THE PLANNING AUTHORITY.

THE PLANNING BOARD VOTED UNANIMOUSLY (7-0) THAT THE PLAN IS IN CONFORMANCE WITH THE SITE PLAN STANDARDS OF THE LAND USE CODE, SUBJECT TO THE FOLLOWING CONDITIONS OF APPROVAL:

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT (UNLESS EXCEPTED)
7. HP REVIEW: THAT THE APPLICANT SHALL OBTAIN HISTORIC PRESERVATION APPROVAL FOR THE REVISED ENTRANCE DESIGN ON THE MONUMENT SQUARE FACADE PRIOR TO ANY DEMOLITION OR ALTERATIONS TO THE FACADE, AND SHALL OBTAIN HISTORIC PRESERVATION APPROVAL FOR ALL OTHER EXTERIOR ALTERATIONS OR ADDITIONS (VENTS, PIPES, CONDUIT, LIGHTS, ETC.) PRIOR TO ISSUANCE OF A BUILDING PERMIT.

8. WORK IN THE ROW: THE DETAILS FOR THE PROPOSED UTILITY CONNECTIONS AND REINSTATEMENT OF THE SIDEWALKS AND STREETS SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT AND A STREET OPENING PERMIT. THE SIDEWALK AND STREET SHALL BE REPAIRED TO ORIGINAL CONDITION AND A CONTRACTOR LICENSED WITH THE CITY TO DO WORK WITHIN THE ROW. IF ANY OF THE WORK SHOWN ON THE SUBMITTED PLANS HAS BEEN COMPLETED, DOCUMENTATION OF DPW APPROVAL SHALL BE SUBMITTED.
9. LICENSE FOR NEW AWNING FOR AREA OVERHANGING ROW: THAT THE APPLICANT SHALL PROVIDE ALL NECESSARY DOCUMENTS AND PLANS AND TAKE ALL NECESSARY STEPS TO SECURE A LICENSE FROM THE CITY FOR THE AWNING WHERE IT OVERHANGS CITY PROPERTY, AND RECORD THE SIGNED LICENSE WITHIN THE CITY TO THE COMMENCEMENT OF ANY WORK RELATED TO THE PROPOSED NEW AWNING.
10. WATER CAPACITY FOR SPRINKLER: THAT THE APPLICANT SHALL OBTAIN CONFIRMATION THAT THE WATER SUPPLY FOR THE SPRINKLER SYSTEM IS ADEQUATE PRIOR TO THE ISSUANCE OF THE BUILDING PERMIT.
11. THAT THE APPLICANT SHALL MAKE A CONTRIBUTION OF \$8400 TO THE CITY'S TREE FUND TO ADDRESS THE STREET TREE SITE PLAN REQUIREMENTS.
12. THAT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, APPLICANT TO SUBMIT UPDATED PLANS TO CLARIFY THAT THE TWO SIDE RETAIL ENTRANCES ARE NOT PART OF THE PLANNING BOARD APPROVAL.

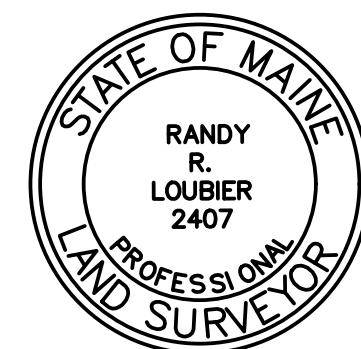
PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY

13. THAT THE EXISTING SECURITY LIGHT ON THE REAR ELEVATION (FACING THE BACKYARD) SHALL BE REPLACED WITH A NEW ONE THAT MATCHES THE TWO PROPOSED LIGHTS THAT BE INSTALLED ON THAT ELEVATION, AND THAT THE FIXTURES SHALL MEET THE CITY'S SITE LIGHTING STANDARDS IN SECTION 12 OF THE TECHNICAL MANUAL UNLESS THE HISTORIC PRESERVATION REVIEW DETERMINES OTHERWISE.
14. THAT A SEPARATE "CHANGE OF USE" PERMIT FOR THE NEW RESIDENTIAL UNITS SHALL BE OBTAINED FROM THE PERMITTING AND INSPECTIONS DIVISION IF REQUIRED.

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 LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

6/7/19
DATE

Randy R. Loubier
RANDY R. LOUBIER, PLS #2407



SCALE : 1" = 10'



A horizontal scale bar with alternating black and white segments. It is marked with 0', 5', 10', and 20'.

STATE OF MAINE
CUMBERLAND ss. REGISTRY OF DEEDS
Received _____, 20 ____
at ____hr. ____m. ____ and recorded in
Plan Book _____, Page ____
Attest _____ Registrar

REV.3	06/07/19	MISC. PER CITY REVIEW
REV.2	04/01/19	ADDED UNIT COUNTS & CONDITIONS OF APPROVAL
REV.1	11/02/18	REVISED OWNER OF RECORD

Recording Plat
At
50 Monument Square, Portland, Maine
Made for Record Owner
The Lancaster Group LLC
1150 Sunset Ridge, Laguna Beach, CA 92651

 **OWEN HASKELL, INC.** →
PROFESSIONAL LAND SURVEYORS
390 U.S. ROUTE ONE, UNIT 10, FALMOUTH, MAINE 04103

DRAWN BY:	RS / JLW	DATE:	AUGUST 8, 2018	JOB NO.	2018-173 P
CHECKED BY:	EEC / JWS	SCALE:	1" = 10'	DRWG. NO.	1RP



PLANNING BOARD REPORT PORTLAND, MAINE

Text Amendment to Conditional Zone Agreement
ZN-000601-2019
Home Start, Applicant

Submitted to: Portland Planning Board
Public Hearing Date: June 11, 2019

Prepared by: Shukria Wiar, Planner
Date: June 7, 2019

I. INTRODUCTION

Home Start, a non-profit affordable housing development organization on Peaks Island, has requested a text amendment to the original Conditional Zone Agreement (CZA #CC-55) for the properties at 18, 22, and 26 Luther Street on Peaks Island. The original CZA allowed the creation of three single family affordable units at 18 Luther Street on lots of approximately 5,300 SF, which is a higher density than allowed in the underlying zone. The underlying zoning is Island Residential IR-2 with the conditional rezoning agreement encompassing the original site of 16,271 SF. The applicant is seeking to add one accessory dwelling unit (ADU) at 18 Luther Street, which would be an affordable housing unit.

The Planning Board held a workshop on this item on May 28, 2019. At this meeting, the Board discussed the option of allowing the addition of accessory dwelling units at the other two properties for a total of three ADUs for the three properties that were part of the original CZA. Originally, Home Start owned all three properties but since then has sold the other two properties at 22 and 26 Luther Street to Volunteers of America (VOA) and retained only the property at 18 Luther Street. Staff reached out to VOA, who are in agreement with the option to allow the addition of ADUs at their property at 22 and 26 Luther Street. Based on this, staff has drafted two motions for the Board to consider; one is the applicant's original request and the second is to allow an ADU at all of the three properties, as recommended by staff.

II. PROJECT DATA

Underlying Zoning:	Island Residential IR-2
Existing Zoning:	Conditional Rezoning #CC-55 to the three single-family units.
Proposed Zoning:	One accessory dwelling unit added to the home at 18 Luther Street; at the request of PB Board, staff has added the other two properties as well, for a total of three ADUs.
Building Height:	Proposed not to exceed the 35' limit.
Building Setbacks:	Minimum Lot Area is 5,300 with a front yard setback of 10 feet and side yard of 8 feet to the property line. The rear yard setback will stay at 25 feet as well at the building height of 35 feet. The frontage is 49 feet. These setbacks are included in the original Conditional Zone Agreement, <u>Attachment 3</u> , and no revisions are proposed to these dimensional standards.
Existing Uses:	Three single-family homes on three lots
Residential Data:	
Existing Residential Units:	Three single-family homes
Proposed Residential Units:	Potential Three ADUs
Number of Affordable Units:	Three single family homes and the three ADUs

III. BACKGROUND AND EXISTING CONDITIONS

Home Start pursued a conditional rezoning in 2010, in order to enable the construction of two single family homes and the rehabilitation of the existing home at 18 Luther Street. The Planning Board supported the CZA (#CC-55, Attachment 3) that allowed the reconstruction of the existing home and the addition of the two single-family houses, each with a lot size of approximately 5,300 SF. Under the rezoning agreement, all three homes are required to be affordable units and are allowed at a higher density than the underlying IR-2 zone. The City Council approved the conditional rezoning on July 12, 2010 and in 2011, the applicant entered into the affordable housing agreement with the City to create two new affordable single-family homes at 22 and 26 Luther Street, and the rehabilitation of 18 Luther Street for the third home. The two new houses and the renovation of 18 Luther Street were completed in 2013.

IV. PROPOSED DEVELOPMENT TEXT AMENDMENT

18 Luther Street is part of the Conditional Rezoning Agreement C-55 (Attachment 3) and Home Start is seeking a text amendment to the agreement that would allow an affordable Accessory Dwelling Unit to be added at 18 Luther Street (Attachment D). The underlying and surrounding zoning is Island Residential Zone (IR-2), which permits accessory dwelling units as a conditional use. The original CZA states that “to the extent not otherwise altered herein, the zoning requirements for the IR-2 shall otherwise apply”. Even though accessory dwelling units are allowed as a conditional use in the underlying IR-2 zone, the CZA specifically restricts the use of the Property to three single-family residential units. Home Start stated that the addition of an ADU will “increase the supply of year-round affordable housing on Peaks Island”. The applicant’s request is to amend the original CZA to permit one affordable accessory dwelling unit with a minimum of 400 sf at 18 Luther Street.

At the request of the Board, an option is proposed to allow all three lots to have an ADU on each lot, which is presented below under the staff recommendation. Volunteers of America (VOA) owns the other two lots and rents the affordable homes to eligible households. Staff contacted VOA to discuss the proposal and they are in agreement with the option to allow the addition of ADUs at their property at 22 and 26 Luther Street. (Attachment 4)

A. Applicant’s Proposed Text Amendments

Home Start’s proposed text amendments will ensure that the units will meet all other requirements of the original CZA. Attachment D is the full amendment with all of the whereas statements and standard conditions. The applicant’s proposal does include the revision of adding provision (#4) in the agreement, which reiterates the Whereas clause, which states “the *Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood*”. Below are the proposed provisions specific to the ADU:

NOW, THEREFORE, in consideration of this Amendment, the Developer covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA, which are restated below:
 - a. Minimum Lot Area 5,300 sq. ft.
 - b. Min. Street Frontage 49 ft
 - c. Min. Front Yard Setback (Lot 17) 1 ft
 - d. Min. Rear Yard Setback 25 ft
 - e. Min. Side Yard Setback (Lot 17) 6.5 ft
 - f. Maximum Building Height 35 ft
 - g. Min. Lot Width 49 ft
 - h. Maximum Lot Coverage 28% of Lot
3. The Developer or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:

- a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
- b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.
- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Home Start and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

As proposed, the ADU would be a permitted use under the amendment and thus, would not be a conditional use, as it is in IR-2. The addition of a unit will require a Building Permit and Site Plan review, so such a provision could be considered during the administrative review. The site is served by public sewer and water. A conceptual site plan and architectural drawing for 18 Luther Street. are in Attachment F and G.

B. Staff Recommendation for the Proposed Text Amendment

The staff has revised the proposed text amendment to incorporate the Board's feedback from the workshop. Jennifer Thompson, Corporation Counsel, recommendations consisted of removal of the reference of Home Start and generalize the terminology from Developer to Owner, see below (refer to Attachment 2 for the complete agreement).

Second, the Board sought to expand the option for ADU's to all of the homes controlled by C-55. An additional provision (#4) in the agreement is added that reiterates the Whereas clause, which states "*the Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood*". The change is noted below and contained within Attachment 2.

NOW, THEREFORE, in consideration of this Amendment, the ~~Developer~~ OWNER covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the

applicable dimensional requirements of the Existing CZA, which are restated below:

- a. Minimum Lot Area 5,300 sq. ft.
- b. Min. Street Frontage 49 ft
- c. Min. Front Yard Setback (Lot 17) 1 ft
- d. Min. Rear Yard Setback 25 ft
- e. Min. Side Yard Setback (Lot 17) 6.5 ft
- f. Maximum Building Height 35 ft
- g. Min. Lot Width 49 ft
- h. Maximum Lot Coverage 28% of Lot

3. The ~~Developer~~ OWNER or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:

a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.

b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.

c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by ~~Developer~~ OWNER and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

4. The Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood.

The VOA is in support of the is text amendment (Attachment 3). Corporation Counsel has revised the proposed text amendment to have both Home Start and VOA sign the agreement. VOA has agreed to be a signatory.

V. PUBLIC COMMENTS

Staff recommended that this proposed change be handled as a text amendment. A legal ad for the Board public hearing was posted on the city's web page and appeared in the *Portland Press Herald* on May 31st and June 1st, 2019.

Notices upon receipt of application and for the Planning Board public hearing were sent to a hundred and twenty-two (122) property owners within 500 feet of the site and to the interested citizen list. At the time this report was prepared, the Planning Division has not received any public comment.

VI. RIGHT, TITLE AND INTEREST

The owner of the property is Home Start. The applicant has provided a copy of a short form warranty deed, recorded at the Cumberland County Registry of Deeds (Book 25452 Page 211), which demonstrates their right, title and interest in the property.

VII. COMPREHENSIVE PLAN

The applicant has submitted their analysis on how this text amendment is meeting the Comprehensive Plan ([Attachment E](#)). Staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

The central vision of Portland's Plan 2030 is represented by the venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City's need to balance many competing needs to assure the advance of the vision as a unified concept. In this instance, that the City's goals for job growth and transforming Portland through orderly growth and development be balanced with needs for connectivity of the street grid, sustainability of infrastructure and the ability to maintain that infrastructure, and security in the sense of public safety.



Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

VIII. STAFF RECOMMENDATION

The Planning Staff recommend that the Planning Board recommend adoption of the proposed amended conditional zoning agreement for 18, 22, and 26 Luther Street, as revised by the staff, to the City Council.

IX. PROPOSED MOTION

Staff has drafted two options for motions for the Board to consider. Motion A would allow only 18 Luther Street to have an ADU. Motion B allows an ADU at all of the three properties and is the staff recommended option.

Motion A: For an ADU only on 18 Luther Street:

On the basis of plans and materials submitted by Home Start, the policies of the IR-2 zone, Comprehensive Plan, public comment, the information provided in Planning Board Report for the Text Amendment to the Conditional Rezone Agreement #C-55 for 18 Luther Street, Project # ZN-000601-2019, and/or other findings as follows:

The Board finds that the proposed Text Amendment to the Conditional Rezoning Agreement for Home Start [is or is not] consistent with the Comprehensive Plan of the City of Portland and is consistent with the existing and permitted uses in the underlying IR-2 zone. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed Text Amendment to the Conditional Rezoning Agreement, as revised by the Planning Board, for 18 Luther Street.

Or

Motion B: To allow ADUs as part of C-55 for 18, 22, and 26 Luther Street:

On the basis of plans and materials submitted by Home Start and Volunteers of America, the policies of the IR-2 zone, Comprehensive Plan, public comment, the information provided in Planning Board Report for the text amendment to the conditional rezone agreement C-55 for 18, 22, 26 Luther Street, Project # ZN-000601-2019, and/or other findings as follows:

The Board finds that the proposed Text Amendment Conditional Rezoning Agreement #C-55 for Home Start and Volunteers of America [is or is not] consistent with the Comprehensive Plan of the City of Portland and is consistent with the existing and permitted uses in the underlying IR-2 zone. The Planning Board therefore [recommends or does not recommend] to the City Council approval of the proposed Text Amendment to the Conditional Rezoning Agreement #C-55, as revised by the staff and Planning Board, for 18, 22, 26 Luther Street.

ATTACHMENTS

PLANNING BOARD MEMO ATTACHMENTS

1. Applicant's Text Amendment with Condition #4 added
2. Staff Recommended Text Amendment
3. Conditional Rezoning Agreement- C-55, as adopted by Council
4. Email from Travis Davis, Volunteers of America

APPLICANT'S SUBMITTALS

- A. Application Form
- B. Project Description
- C. Right, Title and Interest
- D. Amendment to Conditional Zone Agreement
- E. Consistency with Comprehensive Plan
- F. Conceptional Site Plan
- G. Conceptional Floor Plan
- H. Architectural Drawing

AMENDMENT TO CONDITIONAL ZONE AGREEMENT

RE: C-55

AGREEMENT made this _____ day of _____, 2019 by Home Start, a 501(c)(3) non-profit corporation with a place of business in Portland, Maine (“Developer”), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns land and an existing building located at 18 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 17, and more particularly described as Parcel 1 in a deed recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Property”); and

WHEREAS, the Property is one of three parcels subject to an existing Conditional Zone Agreement, dated January 5, 2011, (“Existing CZA”) which limits the use of the three parcels to three (3) single family residential units; and

WHEREAS, the existing building located on the Property is currently used to house one single family affordable residence and the other two parcels of the Existing CZA are currently used to house one single family residence on each parcel for a total of three (3) single family residential units; and

WHEREAS, the Developer intends to add one (1) accessory dwelling unit (“ADU”) to the Property (the “Proposed Development”), which shall be leased as affordable to households earning one hundred and twenty percent (120%) or less of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) for Cumberland County, Maine; and

WHEREAS, ADUs are a conditional use in the surrounding and underlying Island Residential Zone (IR-2); and

WHEREAS, the Developer intends to maintain the single family appearance of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the Proposed Development would provide needed affordable housing on Peaks Island and is consistent with the housing component of the Comprehensive Plan;

NOW, THEREFORE, in consideration of this Amendment, the Developer covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA, which are restated below:

- | | |
|-------------------------------------|---------------|
| a. Minimum Lot Area | 5,300 sq. ft. |
| b. Min. Street Frontage | 49 ft |
| c. Min. Front Yard Setback (Lot 17) | 1 ft |
| d. Min. Rear Yard Setback | 25 ft |
| e. Min. Side Yard Setback (Lot 17) | 6.5 ft |
| f. Maximum Building Height | 35 ft |
| g. Min. Lot Width | 49 ft |
| h. Maximum Lot Coverage | 28% of Lot |

3. The Developer or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:

- a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
- b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.
- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Home Start and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

4. The Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood.

4.5. In the event of a breach by the Developer or its successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the

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Property to the IR-2 zone requirements in place before execution of this Agreement. However, any action by the owner of the other two parcels included in the Existing CZA (identified on the City of Portland Tax Map 87, Block Z, Lots 15 and 16) shall not be determined to be a breach by the Developer of this Agreement.

5.6. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

6.7. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

7.8. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS:

HOME START

Print Name:

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared before me the above-named _____, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

AMENDMENT TO CONDITIONAL ZONE AGREEMENT

RE: C-55

AGREEMENT made this _____ day of _____, 2019 by ~~Home Start, a 501(c)(3) non-profit corporation~~ with an address of _____ with a place of business in Portland, Maine (~~Developer~~ OWNER), and its successors and assigns.

WITNESSETH

WHEREAS, ~~the Developer~~ OWNER owns land and an existing building located at 18 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 17, and more particularly described as Parcel 4 in a deed recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the "Property"); and

WHEREAS, the Property is one of three parcels subject to an existing Conditional Zone Agreement, dated January 5, 2011, ("Existing CZA") which limits the use of the three parcels to three (3) single family residential units; and

WHEREAS, the existing building located on the Property is currently used to house one single family affordable residence and the other two parcels of the Existing CZA are currently used to house one single family residence on each parcel for a total of three (3) single family residential units; and

WHEREAS, ~~the Developer intends~~, OWNER may desire to add one (1) accessory dwelling unit ("ADU") to the Property (the "Proposed Development"), which shall be leased as affordable to households earning one hundred and twenty percent (120%) or less of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) for Cumberland County, Maine; and

WHEREAS, ADUs are a conditional use in the surrounding and underlying Island Residential Zone (IR-2); and

WHEREAS, the ~~Developer~~ OWNER intends ~~agrees~~ to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the Proposed Development would provide needed affordable housing on Peaks Island and is consistent with the housing component of the Comprehensive Plan;

NOW, THEREFORE, in consideration of this Amendment, the ~~Developer~~ OWNER covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the

applicable dimensional requirements of the Existing CZA, which are restated below:

- | | |
|-------------------------------------|---------------|
| a. Minimum Lot Area | 5,300 sq. ft. |
| b. Min. Street Frontage | 49 ft |
| c. Min. Front Yard Setback (Lot 17) | 1 ft |
| d. Min. Rear Yard Setback | 25 ft |
| e. Min. Side Yard Setback (Lot 17) | 6.5 ft |
| f. Maximum Building Height | 35 ft |
| g. Min. Lot Width | 49 ft |
| h. Maximum Lot Coverage | 28% of Lot |

3. The ~~Developer-OWNER~~ or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:

- a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
- b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.
- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by ~~Home-Start~~OWNER and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

4. The Developer intends to maintain the single-family appearance of the Property and complement the adjacent residential neighborhood.

4.5. In the event of a breach by the ~~Developer-OWNER~~ or its successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and

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hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the

Property to the IR-2 zone requirements in place before execution of this Agreement. However, any action by the owner of the other two parcels included in the Existing CZA (identified on the City of Portland Tax Map 87, Block Z, Lots 15 and 16) shall not be determined to be a breach by the ~~Developer~~ OWNER of this Agreement.

5.6. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

6.7. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

7.8. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS:

HOME START

Print Name:

By:

Its Title:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared before me the above-named _____, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed [of said corporation].

Before me,

Notary Public/Attorney at Law

Order 273-09/10

Given first reading 6/21/10

Public hearing & Passage 7/19/10 8-0 (Skolnik absent)

NICHOLAS M. MAVODONES (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

DANIEL S. SKOLNIK (3)

CHERYL A. LEEMAN (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

DORY RICHARDS WAXMAN (A/L)

JILL C. DUSON (A/L)

AMENDMENT TO CITY CODE SEC. 14-49 (ZONING TEXT AND MAP AMENDMENT) RE: CONDITIONAL REZONING FOR PROPERTY LOCATED ON LUTHER STREET ON PEAKS ISLAND

ORDERED, that the zoning map and text of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect the conditional rezoning as substantially detailed and described below.

CONDITIONAL ZONE AGREEMENT

RE:

HOMESTART

AGREEMENT made this ____ day of _____, 2010 by HOMESTART, a 501 c 3 Non-profit corporation with a place of business in Portland, Maine (“Developer”), and its successors and assigns.

W I T N E S S E T H

WHEREAS, the Developer has acquired land and buildings located at 18 Luther Street, consisting of parcels shown on City of Portland Tax Map 87 Block Z, Lots 15, 16, and 17, and more particularly described in a deed from dated and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Property”); and

WHEREAS, the existing building located on the Property is currently used to house a single family affordable residence; and

WHEREAS, the remaining portion of the Property remains undeveloped; and

WHEREAS, the homes on the Property will constructed to be energy efficient;

WHEREAS, there is available public water and sewer to service the Property;

WHEREAS, the Developer intends to develop two (2) affordable single family homes on the remaining undeveloped land, which shall be sold as affordable to buyers with household incomes one hundred and twenty (120%) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if Maine State Housing funds are available for such purposes, the Developer intends to rehabilitate or replace the existing house located on Property, which shall be owned by the Developer or an appropriate designee and leased as affordable to tenants with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if the Maine State Housing funds are unavailable, the Developer intends to sell the existing house located on the Property as affordable to buyers with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, the Developer intends to maintain the character of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the existing zoning is IR-2 which requires 20,000 square feet of land area per unit, and which results in a limitation of one (1) unit upon the Property; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed redevelopment and reuse of the property from a single family residence to three (3) single family residential units; and

WHEREAS, the Portland Planning Board has determined the rezoning and proposed development would provide needed affordable housing on Peaks Island as is consistent with the housing component of the Comprehensive Plan; and

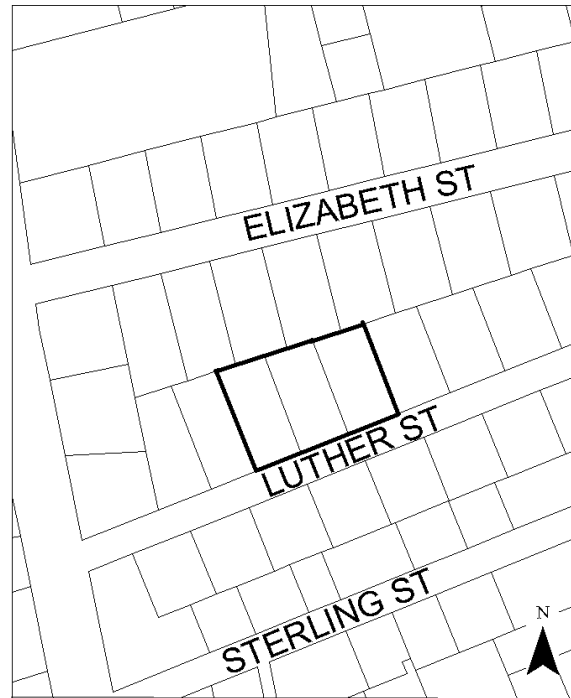
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on _____, 2010 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property IR-2, subject to the conditions contained below.



16-18 Luther Street
Proposed Conditional Rezoning

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing IR – 2 zone.

2. The use of the Property shall be for a maximum of three (3) affordable single-family residential homes (1 existing unit and 2 new units). No additional units shall be developed, and the two (2) new units shall be developed substantially as delineated and depicted on the Site Plan, attached hereto as Attachment 2, entitled "Site Plan – conditional zone 18 Luther Street, Peaks Island, Portland Maine" for HOMESTART Prepared by Walsh Engineering Associates, Inc.

3. The underlying dimensional requirements of the IR-2 zone shall apply and are modified as follows:

a.	Minimum Lot Area	5,300 Sq. ft.
b.	Min Street Frontage	49 ft
c.	Min. Front Yard Setback (Lots 15&16)	10 ft
d.	Min. Front Yard Setback (Lot 17)	1 ft*
e.	Min. Rear Yard Setback	25 ft

f.	Min. Side Yard Setback (Lots 15&16)	8 ft
g.	Min. Side Yard Setback (Lot 17)	6.5 ft.**
h.	Max. Building Height	35 ft
i.	Min. Lot Width	49 ft
j.	Max. Lot Coverage	28% of Lot

* Existing house on Lot 17 currently has a 1-foot front yard setback. If the house is reconstructed, it will be required to meet the 10-foot front yard setback requirement.

** Existing house on Lot 17 currently has a 6.5-foot side yard setback. If the house is reconstructed, it will be required to meet the 8-foot side yard setback requirement.

4. The Developer agrees to maintain the following affordability controls on the proposed development on the Property:

- a. The two (2) new single family units shall be initially developed, marketed and sold to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place (a “Qualified Purchaser”), and shall be priced to be affordable to a Qualified Purchaser. Each of the Qualified Purchasers of these two (2) single family units shall occupy the units as their principal residences, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. Affordability shall be preserved in perpetuity through a deed restriction and legal documentation. Any such additional affordability restrictions or controls shall be reviewed and approved by the City of Portland corporation counsel’s office. In the event that the purchase price for either of these two (2) single family units is subsidized as a result of public or private funds made available to make the purchase of such unit more affordable, a junior mortgage shall be placed upon such unit, representing the amount of the subsidy received. In the event that an initial Qualified Purchaser sells one of these two (2) units to another Qualified Purchaser, the junior mortgage shall not be repaid, but shall be assumed by the subsequent Qualified Purchaser, who shall own and hold these housing units subject to a junior mortgage in the same manner as an initial Qualified Purchaser.
- b. The existing unit (whether rehabilitated or reconstructed) shall be developed, marketed, sold and resold and/or leased as long as the Property remains a residential unit, to Qualified Purchasers or Tenants

with household incomes at one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place. The Qualified Purchasers/Tenants of this single family unit shall occupy the unit as their principal residence, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. A junior mortgage may be placed upon such housing unit, to further secure the continued affordability covenants contained in the Declaration of Affordability Covenants for Rental Property Owned by Developer.

- c. All of these affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the purchased and leased property, other deed restriction(s) and/or condition(s) in any deed(s) conveyed out by the Developer, shall be stated in the housing documents, shall be identified on the approved Site Plan for the Property, and shall be reviewed and approved by the City of Portland corporation counsel's office. The affordability covenants contained in the Declaration of Affordable Housing Covenants for the purchased and leased property shall be enforceable by HOMESTART and the City of Portland, or their designees.

5. The Qualified Purchasers/Tenants shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash pickup (at least weekly), mowing, etc. Qualified Purchasers will be required to take a home education course offered through MaineHousing to ensure that these responsibilities are fully outlined.

6. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying IR-2 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the IR-2 zone shall otherwise apply to the Property.

7. In the event of a breach by the Developer or its successors or assigns (including, but not limited to, any homeowners association) of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the IR-2 zone requirements in place before the execution of this Agreement.

8. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any

entity affiliated with the Developer that takes title to the Property, its successors and assigns (including, but not limited to, any homeowners association), and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

9. This conditional rezoning shall become null and void and the Property shall revert to the existing I-R2 zone in the event that the Developer fails to commence construction within three (3) years from the date of the Council approval of this rezoning. This three (3) year period shall be extended up to an additional one (1) year period if:

- a. The Developer has applied for all required approvals but has not received all required approvals within the aforementioned three (3) year period; or
- b. Any other event beyond the control of the Developer has occurred which will delay the closing on some or all of the parcels and Developer has notified the City of such event.

If any required approval, including the Council's approval of this conditional rezoning, has been appealed, then this rezoning shall become null and void and shall revert if the Developer fails to commence construction within one (1) year from the final disposition of such appeal.

10. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

12. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS: _____

HOMESTART

BY:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2010

Personally appeared before me the above-named _____, in his/her capacity as _____ of HOMESTART , and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/



Shukria Wiar <shukriaw@portlandmaine.gov>

Luther Street zoning change

6 messages

Drake, Travis <travis.drake@voanne.org>

Fri, May 31, 2019 at 11:47 AM

To: "shukriaw@portlandmaine.gov" <shukriaw@portlandmaine.gov>

Hi Shukria,

I have discussed the zoning change for #18 Luther Street with the Chief Operating Officer Volunteers of America Northern New England and we would like to see the zoning change for 22 and 26 Luther Street properties as well.

Thank you

Travis

Travis Drake | Director of Housing Services
Volunteers of America Northern New England
14 Maine Street | Brunswick, ME 04011
Cell: 207.332.6618
join us on [Facebook](#) | follow us on [Twitter](#)

This transmission contains information that may be confidential. It has been prepared for the sole and exclusive use of the intended recipient and on the basis agreed with that person. If you are not the intended recipient of the message (or authorized to receive it for the intended recipient), you should notify us immediately; you should delete it from your system and may not disclose its contents to anyone else.

Shukria Wiar <shukriaw@portlandmaine.gov>

Mon, Jun 3, 2019 at 10:28 AM

To: Jennifer Thompson <jlt@portlandmaine.gov>, Barbara Barhydt <bab@portlandmaine.gov>

FYI

[Quoted text hidden]

--

Shukria Wiar, Planner
Planning & Urban Development Department
389 Congress Street 4th Floor
Portland, ME 04101
Phone 207.756.8083
Fax 207.756.8258
<http://www.portlandmaine.gov/planning>

Shukria Wiar <shukriaw@portlandmaine.gov>

Mon, Jun 3, 2019 at 11:04 AM

To: "Drake, Travis" <travis.drake@voanne.org>

Good morning,

Thank you for your email. The City's legal department has drafted amendment to the agreement provided by Home Start. VOA will need to sign this agreement for the two properties that you own. Please take a look and let me know if you have any questions or concerns.

Thank you again,

Shukria

[Quoted text hidden]

[Quoted text hidden]



18 Luther CZA PB proposed amendment (6.3.2019).docx

24K

Drake, Travis <travis.drake@voanne.org>
To: Shukria Wiar <shukriaw@portlandmaine.gov>

Tue, Jun 4, 2019 at 9:59 AM

Hi Shukria,

This looks OK to us. I am assuming that we will wait to sign this until after it has been approved.

Thanks

Travis

From: Shukria Wiar <shukriaw@portlandmaine.gov>

Sent: Monday, June 3, 2019 11:04 AM

To: Drake, Travis

Subject: Re: Luther Street zoning change

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Shukria Wiar <shukriaw@portlandmaine.gov>
To: "Drake, Travis" <travis.drake@voanne.org>

Wed, Jun 5, 2019 at 10:27 AM

Great, thank you. Once approved, the City will reach out to you for signatures.

[Quoted text hidden]

Drake, Travis <travis.drake@voanne.org>
To: Shukria Wiar <shukriaw@portlandmaine.gov>

Wed, Jun 5, 2019 at 10:36 AM

Thank you

From: Shukria Wiar <shukriaw@portlandmaine.gov>

Sent: Wednesday, June 5, 2019 10:27 AM

[Quoted text hidden]

[Quoted text hidden]

CITY OF PORTLAND
Planning & Urban Development Department

TEXT AMENDMENT SUBMISSION CHECKLIST	
Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left	
GENERAL APPLICATION DOCUMENTS	
☒	Project Description Cover Letter with detailed project description
☒	Proposed Text Amendment Provide proposed language for text amendment(s) and cite the relevant sections to be revised in the Land Use code.
☒	Consistency with Comprehensive Plan Analysis of the consistency of the zone change request with the goals, policies and land use plan of Portland's Comprehensive Plan.
☒	Completed Checklist – Text Amendment Application (this document)
☒	Right, Title and Interest Deeds, leases, or purchase and sales agreements



HOMESTART

Affordable Housing for Peaks Island

April 18, 2019

Barbara Barhydt
Development Review Services Manager
City of Portland
389 Congress Street
Portland, ME 04101

Dear Barbara,

We are writing to submit a zoning text amendment application to amend an existing Conditional Zone Agreement (C-55) ("Existing CZA") for 18, 22, and 26 Luther Street ("CZA Property"). Home Start, a 501(c)(3) non-profit corporation with a mission to create year-round affordable housing on Peaks Island, owns and operates an affordable single family rental unit at 18 Luther Street on Peaks Island. The Existing CZA was entered into in 2011 to create two new affordable single family homes on 22 and 26 Luther Street in addition to the existing affordable rental unit at 18 Luther Street. These two new single family homes were completed in 2013 so there are three existing single family homes on the CZA Property under the Existing CZA.

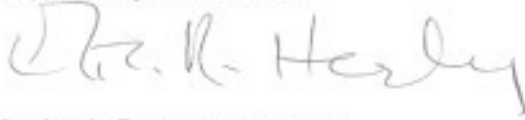
The underlying and surrounding zoning of 18 Luther Street is Island Residential Zone (IR-2), which allows accessory dwelling units (ADUs) as a conditional use. Where the Existing CZA provides that "to the extent not otherwise altered herein, the zoning requirements for the IR-2 shall otherwise apply," Home Start would like to add an ADU to 18 Luther Street to increase the supply of year-round affordable housing on Peaks Island. ADUs are allowed as a conditional use in the IR-2 but the Existing CZA specifically limits the use of the CZA Property to three single family residential units. Therefore, Home Start is seeking to amend the Existing CZA to allow an addition of one ADU on 18 Luther Street while continuing to meet all other requirements of the Existing CZA (e.g. dimensional standards, affordability, etc.). A draft Amendment to Conditional Zone Agreement is attached.

The proposed ADU would be a minimum of four hundred square feet and would maintain the single family appearance of the existing building. The site is served by public sewer and water and is located in the heart of the village, within walking distance to the ferry. A conceptual site plan is attached.



With the recent text amendment to the Peaks ADU ordinance, Home Start wants to show that an ADU can be built affordably here. This will add a year round rental unit to our housing stock and hopefully also encourage others to do the same. We look forward to working with the Planning Board in support of this project.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Elizabeth Remage-Healey". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Remage-Healey" clearly distinguishable.

Elizabeth Remage-Healey
President, Home Start

SHORT FORM WARRANTY DEED

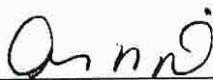
SUSAN MORIARTY CADORETTE, formerly known as Susan Moriarty, of Belchertown, Massachusetts, FOR CONSIDERATION PAID, grants to HOME START, a Maine non-profit corporation having a mailing address of 196 Seashore Avenue, Peaks Island, Portland, Maine 04108, WITH WARRANTY COVENANTS, the following described real property located on Peaks Island, Portland, County of Cumberland and State of Maine:

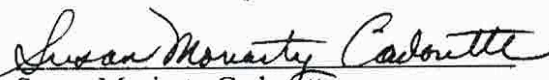
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Meaning and intending to convey the same premises described in three (3) deeds from Susan Moriarty Trustee of Moriarty Maine Property Realty Trust to Susan Moriarty, all dated June 4, 1998 and recorded in Cumberland County Registry of Deeds in Book 14020, Page 225, Book 14020, Page 228 and Book 14020, Page 231, respectively.

IN WITNESS WHEREOF, SUSAN MORIARTY CADORETTE has hereunto set her hand and seal this 7th day of September, 2007.

WITNESS:



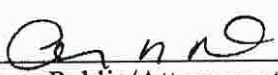

Susan Moriarty Cadorette

STATE OF MAINE
CUMBERLAND, SS.

September 7, 2007

Personally appeared the above-named SUSAN MORIARTY CADORETTE and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public/Attorney-at-Law

Print Name: Amy N. Denn
My commission expires: N/A

EXHIBIT A
18 Luther Street, Peaks Island, Portland, Maine

Certain lots or parcels of land, with the buildings thereon, situated on Peaks Island, City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

PARCEL 1:

A certain lot or parcel of land with the buildings thereon situated on the northerly side of Luther Street on said Peaks Island, County of Cumberland, bounded and described as follows:

Beginning on the northerly sideline of Luther Street, at a stake or stones located one hundred four and eight tenths (104.8) feet easterly thereon from the southeasterly corner of land conveyed by Luther Sterling to Melville C. Sterling; thence northerly at right angles with Luther Street one hundred eight and one-half (108.50) feet more or less, to a point half way to Elizabeth Street; thence easterly on a line half way between Luther Street and Elizabeth Street, forty nine and eight tenths (49.80) feet to the northwesterly corner of Lot #7 (seven); thence southerly by said Lot #7 (seven) one hundred four (104) feet, more or less, to the northerly side line of Luther Street; thence westerly by Luther Street, forty nine and eight tenths (49.80) feet to the point of beginning. Being Lot #5 (five) on the above mentioned Plan.

Being the same premises conveyed by warranty deed from Susan Moriarty, Trustee of the Moriarty Maine Property Realty Trust to Susan Moriarty dated June 4, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 225.

PARCEL 2:

A certain lot or parcel of land at Peaks Island, City of Portland, County of Cumberland and State of Maine, one (1) parcel bounded and described as follows:

A certain lot of land being known as designated as Lot #7 (seven) as shown on Plan of Homestead Lot of late Luther Sterling, Plan E, made by C. H. Howe, C.E. dated November, 1883 and recorded in Cumberland County Registry of Deeds in Book 516, between Pages 210 and 211.

Being the same premises conveyed by warranty deed from Susan Moriarty, Trustee of the Moriarty Maine Property Realty Trust to Susan Moriarty dated June 4, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 228.

PARCEL 3:

A certain lot or parcel of land at Peaks Island, City of Portland, County of Cumberland and State of Maine, one (1) parcel bounded and described as follows:

Beginning in the northerly line of Luther Street at a stone, distant two hundred five (205) feet from the home lot now or formerly of Melville C. Sterling; thence easterly by said Luther Street fifty-three and six tenths (53.60) feet to another stone bound and from these two stones extending northerly one-half way to Elizabeth Street, the easterly line of said lot being about ninety seven and one-half (97 ½) feet and the westerly line about one hundred eleven and one-half (111.50) feet in length and being Lot #9 on a plan made by C. W. Howe and recorded in the Cumberland County Registry of Deeds in Book 516, Page 210, being the lot of land conveyed to Elva E. Rich by Luther A. Sterling by deed dated November 3, 1892 and recorded in said Registry of Deeds in Book 596, Page 105.

Being the same premises conveyed by warranty deed from Susan Moriarty, Trustee of the Moriarty Maine Property Realty Trust to Susan Moriarty dated June 4, 1998 and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231.

Received
Recorded Register of Deeds
Sep 07, 2007 02:44:38P
Cumberland County
Pamela E. Lovley

SHORT FORM QUITCLAIM DEED WITH COVENANT

HOME START, a Maine nonprofit corporation having its principal place of business on Peaks Island in Portland, Maine ("Grantor"), FOR CONSIDERATION PAID, grants to VOLUNTEERS OF AMERICA NORTHERN NEW ENGLAND, INC., a Maine nonprofit corporation with a place of business in Brunswick, Maine and having a mailing address of 14 Maine Street, Suite 301, Brunswick, Maine 04011 ("Grantee"), WITH QUITCLAIM COVENANT, the following described real property located at 22 and 26 Luther Street, Peaks Island in Portland, Cumberland County, Maine, and more particularly described on:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

The above-described property is conveyed subject to the terms and conditions of the Conditional Zoning Agreement dated January 5, 2011, attached to the copy of the City Council Order and recorded in the Cumberland County Registry of Deeds at Book 28433, Page 235, including the affordability restrictions that are provided within the Conditional Zoning Agreement. The affordability restrictions restrict the sale or lease of the above-described property to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine. The affordability restrictions shall be binding upon the Grantee, its successors and assigns.

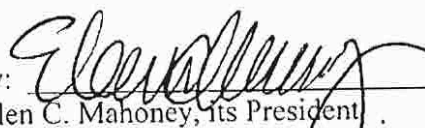
The above-described property is also subject to a Declaration of Affordable Housing Covenants for Home to Be Sold to Qualified Purchasers by Grantee to be recorded of even or near date.

IN WITNESS WHEREOF, HOME START has caused this instrument to be signed and sealed by Ellen C. Mahoney, its duly authorized President, this 24th day of July, 2012.

WITNESS:

HOME START, Grantor



By: 
Ellen C. Mahoney, its President

STATE OF MAINE
CUMBERLAND, SS.

7/24, 2012

Personally appeared the above-named Ellen C. Mahoney, President of HOME START, as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,


Notary Public/Attorney-at-Law
Print Name: Susan Lucas
My commission expires: _____

MAINE REAL ESTATE TAX PAID

EXHIBIT A

Two certain lots or parcels of land, together with all improvements thereon and all rights and easements related thereto, located on the northerly side of Luther Street on Peaks Island in Portland, Cumberland County, Maine, described as follows:

Parcel A:

[Map 87, Block Z, Lot 16]

The certain lot or parcel of land together with all improvements thereon and all rights and easements related thereto located on the northerly side of Luther Street on Peaks Island, in Portland, Cumberland County, Maine which is designated as Lot #7 (seven) on the plan entitled "Plan of Homestead of late Luther Sterling, Plan E, made by C.H. Howe, C.E., dated November, 1883", and recorded in the Cumberland County Registry of Deeds in Book 516, between Pages 210 and 211. Said Lot 7 has also been described as follows:

Commencing (but not beginning) at an iron marker found on the northerly side of Luther Street, at the southwesterly corner of land now or formerly of Leslie M. Kaynor and Edward D. Kaynor, (see Book 24723, Page 317);

Thence S 68°04'29" W along said sideline of Luther Street, a distance of 53.60 feet to the true point of beginning;

Thence N 21°55'31" W, along Lot 9 on the aforementioned 1883 plan by Howe, a distance of 104.10 feet to a point and land now or formerly of Samuel S. Saltonstall (see Book 25196, Page 268);

Thence S 71°10'46" W, along said Saltonstall land and land now or formerly of Lisa K. Lynch (See Book 15741, Page 68), a distance of 51.07 feet to a point;

Thence S 21°55'31" E, along being retained by the grantor herein and which is Lot #5 on said 1883 Howe plan, a distance of 106.87 feet to a point on the northerly sideline of said Luther Street;

Thence N 68°04'29" E along said sideline of Luther Street, a distance of 51.00 feet to the point of beginning.

Being and meaning to convey, and hereby conveying, the same premises as designated as "Parcel 2" in the deed to the grantor herein which is recorded in the Cumberland County Registry of Deeds in Book 25452, Page 211. Further reference is made to the plan depicting the herein conveyed parcel and other parcels, entitled "Boundary & Topographic Survey, on Luther Street, Peaks Island, Portland, Maine, Made for Record Owner Homestart (sic)", by Owen Haskell, Inc., dated September 23, 2009, and stamped by John C. Schwanda, PLS No. 1252, which is believed to be unrecorded. Further reference is made to the Subdivision Plan entitled "18 Luther Street, Peaks Island, Portland, Maine, for HOMESTART" dated August 5, 2010, as

revised on September 7, 2010 and further revised on November 22, 2010 by Walsh Engineering Associates, Inc. and recorded on June 13, 2012 in Plan Book 212, Page 177.

Parcel B:

[Map 87, Block Z, Lot 15]

The certain lot or parcel of land together with all improvements thereon and all rights and easements related thereto, located on the northerly side of Luther Street on Peaks Island, in Portland, Cumberland County, Maine which is designated as Lot #9 (nine) on the plan entitled "Plan of Homestead of late Luther Sterling, Plan E, made by C.H. Howe, C.E., dated November, 1883", and recorded in the Cumberland County Registry of Deeds in Book 516, between Pages 210 and 211. Said Lot 9 has also been described as follows:

Beginning at an iron marker found on the northerly side of Luther Street, at the southwesterly corner of land now or formerly of Leslie M. Kaynor and Edward D. Kaynor, (see Book 24723, Page 317);

Thence N 21°55'31" W, along said Kaynor land, a distance of 101.20 feet to another iron marker found;

Thence S 71°10'46" W, along land now or formerly of Samuel S. Saltonstall (see Book 25196, Page 268), a distance of 53.68 feet to a point;

Thence S 21°55'31" E, along Lot #7 on said 1883 plan by Howe, a distance of 104.10 feet to a point on the northerly sideline of said Luther Street;

Thence N 68°04'29" E along said sideline of Luther Street, a distance of 53.60 feet to the point of beginning.

Being and meaning to convey, and hereby conveying, the same premises as designated as "Parcel 3" in the deed to the grantor herein which is recorded in the Cumberland County Registry of Deeds in Book 25452, Page 211. Further reference is made to the plan depicting the herein conveyed parcel and other parcels, entitled "Boundary & Topographic Survey, on Luther Street, Peaks Island, Portland, Maine, Made for Record Owner Homestart (sic)", by Owen Haskell, Inc., dated September 23, 2009, and stamped by John C. Schwanda, PLS No. 1252, which is believed to be unrecorded. Further reference is made to the Subdivision Plan entitled "18 Luther Street, Peaks Island, Portland, Maine, for HOMESTART" dated August 5, 2010, as revised on September 7, 2010 and further revised on November 22, 2010 by Walsh Engineering Associates, Inc. and recorded on June 13, 2012 in Plan Book 212, Page 177.

Received
Recorded Register of Deeds
Jul 25, 2012 03:10:32P
Cumberland County
Pamela E. Lovley

AMENDMENT TO CONDITIONAL ZONE AGREEMENT

RE: C-55

AGREEMENT made this ____ day of _____, 2019 by Home Start, a 501(c)(3) non-profit corporation with a place of business in Portland, Maine (“Developer”), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer owns land and an existing building located at 18 Luther Street, shown on City of Portland Tax Map 87, Block Z, Lot 17, and more particularly described as Parcel 1 in a deed recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the “Property”); and

WHEREAS, the Property is one of three parcels subject to an existing Conditional Zone Agreement, dated January 5, 2011, (“Existing CZA”) which limits the use of the three parcels to three (3) single family residential units; and

WHEREAS, the existing building located on the Property is currently used to house one single family affordable residence and the other two parcels of the Existing CZA are currently used to house one single family residence on each parcel for a total of three (3) single family residential units; and

WHEREAS, the Developer intends to add one (1) accessory dwelling unit (“ADU”) to the Property (the “Proposed Development”), which shall be leased as affordable to households earning one hundred and twenty percent (120%) or less of the U.S. Department of Housing and Urban Development (HUD) Area Median Income (AMI) for Cumberland County, Maine; and

WHEREAS, ADUs are a conditional use in the surrounding and underlying Island Residential Zone (IR-2); and

WHEREAS, the Developer intends to maintain the single family appearance of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the Proposed Development would provide needed affordable housing on Peaks Island and is consistent with the housing component of the Comprehensive Plan;

NOW, THEREFORE, in consideration of this Amendment, the Developer covenants and agrees as follows:

1. The requirements of the Existing CZA shall apply and are modified to allow an addition of one (1) ADU on the Property.
2. The ADU shall be a minimum of four hundred (400) square feet and subject to the applicable dimensional requirements of the Existing CZA, which are restated below:

a. Minimum Lot Area	5,300 sq. ft.
b. Min. Street Frontage	49 ft
c. Min. Front Yard Setback (Lot 17)	1 ft
d. Min. Rear Yard Setback	25 ft
e. Min. Side Yard Setback (Lot 17)	6.5 ft
f. Maximum Building Height	35 ft
g. Min. Lot Width	49 ft
h. Maximum Lot Coverage	28% of Lot

3. The Developer or its designee agrees to maintain the following affordability controls on the Proposed Development on the Property:

- a. The ADU shall be leased on an annual basis to households earning no more than 120% of the HUD AMI for Cumberland County, Maine.
- b. If the entire Property is sold, it shall be sold to a household earning no more than 120% of the HUD AMI for Cumberland County, Maine per the Existing CZA and the maximum sale price shall be calculated per the City of Portland's "Inclusionary Zoning Implementation Guidelines for Developers of Homeownership Housing" (the "Inclusionary Guidelines"). The potential rental income of the ADU shall not be included in determining the buyer's eligibility as a household earning 120% AMI or less, however, in calculating the maximum sale price per the Inclusionary Guidelines, the ADU shall be considered a 1-person household in addition to the 3-person household size of the existing 3-bedroom single family residence. In the event the Inclusionary Guidelines are no longer in effect at the time of sale, the maximum allowable purchase price shall be based on calculating the present value of a 30 year fixed rate mortgage with a 5% down payment, an interest rate based on the average national mortgage rate over the past thirteen years as determined by the Freddie Mac Primary Mortgage Market Survey, and a monthly mortgage payment based on 30% of the gross monthly income for a 4-person household earning 120% AMI minus other monthly housing expenses such as real estate taxes, mortgage insurance, and insurance. Any future owner of the Property shall be required to rent the ADU on an annual basis to households earning no more than 120% AMI for Cumberland County, Maine per 3(a) above.
- c. The above affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the Property, which shall be enforceable by Home Start and the City of Portland, or their designees and shall be recorded in the Cumberland County Registry of Deeds along with an original of this Agreement.

4. In the event of a breach by the Developer or its successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the

Property to the IR-2 zone requirements in place before execution of this Agreement. However, any action by the owner of the other two parcels included in the Existing CZA (identified on the City of Portland Tax Map 87, Block Z, Lots 15 and 16) shall not be determined to be a breach by the Developer of this Agreement.

5. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A MRSA § 4452 and the Portland City Code.

6. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

7. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS:

HOME START

Print Name:

By:
Its:

STATE OF MAINE
CUMBERLAND, ss.

_____, 2019

Personally appeared before me the above-named _____, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney at Law

*Order 118-10/11
Feb 28 12-20-10*

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
DORY RICHARDS WAXMAN (A/L)
JILL C. DUSON (A/L)

**ORDER APPROVING AMENDMENTS TO CONDITIONAL ZONING
AGREEMENT WITH HOME START FOR PROPERTY LOCATED ON
LUTHER STREET ON PEAKS ISLAND**

ORDERED, that the Conditional Zoning Agreement with Home Start approved on July 19, 2010, is hereby amended in substantially the same form as shown on Attachment 1 hereto.

A TRUE COPY

ATTEST: _____

Kathleen Jones - Acting City Clerk

Portland, Maine

DATE _____

1/10/2011

SEAL

CONDITIONAL ZONE AGREEMENT

RE:

Home Start

AGREEMENT made this 5th day of January, 2011 by Home Start, a 501c3 Non-profit corporation with a place of business in Portland, Maine ("Developer"), and its successors and assigns.

WITNESSETH

WHEREAS, the Developer has acquired land and buildings located at 18 Luther Street, consisting of parcels shown on City of Portland Tax Map 87 Block Z, Lots 15, 16, and 17, and more particularly described in a deed from dated and recorded in the Cumberland County Registry of Deeds in Book 14020, Page 231 (the "Property"); and

WHEREAS, the existing building located on the Property is currently used to house a single family affordable residence; and

WHEREAS, the remaining portion of the Property remains undeveloped; and

WHEREAS, the homes on the Property will be constructed to be energy efficient;

WHEREAS, there is available public water and sewer to service the Property;

WHEREAS, the Developer intends to develop two (2) affordable single family homes on the remaining undeveloped land, which shall be sold or leased as affordable to buyers with household incomes one hundred and twenty (120%) percent or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if Maine State Housing funds are available for such purposes, the Developer intends to rehabilitate or replace the existing house located on Property, which shall be owned by the Developer or an appropriate designee and leased as affordable to tenants with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, if the Maine State Housing funds are unavailable, the Developer intends to sell the existing house located on the Property as affordable to buyers with household incomes less than one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine; and

WHEREAS, the Developer intends to maintain the character of the Property and complement the adjacent residential neighborhood; and

WHEREAS, the existing zoning is IR-2 which requires 20,000 square feet of land area per unit, and which results in a limitation of one (1) unit upon the Property; and

WHEREAS, the Developer has requested a rezoning of the Property in order to permit the proposed redevelopment and reuse of the property from a single family residence to three (3) single family residential units; and

WHEREAS, the Portland Planning Board has determined the rezoning and proposed development would provide needed affordable housing on Peaks Island as is consistent with the housing component of the Comprehensive Plan; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code") §§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the unusual nature and unique location of the proposed development, and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on January 3, 2011 approved this Agreement in its entirety, by City Council Order No. 117-10/11, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the property IR-2, subject to the conditions contained below.



16-18 Luther Street
Proposed Conditional Rezoning

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing IR – 2 zone.

2. The use of the Property shall be for a maximum of three (3) affordable single-family residential homes (1 existing unit and 2 new units). No additional units shall be developed, and the two (2) new units shall be developed substantially as delineated and depicted on the Site Plan, attached hereto as Attachment 2, entitled "Site Plan – conditional zone 18 Luther Street, Peaks Island, Portland Maine" for Home Start Prepared by Walsh Engineering Associates, Inc. dated September 7, 2010.

3. The underlying dimensional requirements of the IR-2 zone shall apply and are modified as follows:

a.	Minimum Lot Area	5,300 Sq. ft.
b.	Min Street Frontage	49 ft
c.	Min. Front Yard Setback (Lots 15&16)	10 ft
d.	Min. Front Yard Setback (Lot 17)	1 ft*
e.	Min. Rear Yard Setback	25 ft
f.	Min. Side Yard Setback (Lots 15&16)	8 ft
g.	Min. Side Yard Setback (Lot 17)	6.5 ft.**
h.	Max. Building Height	35 ft
i.	Min. Lot Width	49 ft
j.	Max. Lot Coverage	28% of Lot

* Existing house on Lot 17 currently has a 1-foot front yard setback. If the house is reconstructed, it will be required to meet the 10-foot front yard setback requirement.

** Existing house on Lot 17 currently has a 6.5-foot side yard setback. If the house is reconstructed, it will be required to meet the 8-foot side yard setback requirement.

4. The Developer or its designee agrees to maintain the following affordability controls on the proposed development on the Property:

- a. The two (2) new single family units shall be initially developed, marketed and sold and or leased to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place (a "Qualified Purchaser"), and shall be priced to be affordable to a Qualified Purchaser. Each of the Qualified Purchasers of these two (2) single family units shall occupy the units as their principal residences, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve (12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. Affordability shall be preserved in perpetuity through a deed restriction and legal documentation. Any such additional affordability restrictions or controls shall be reviewed and approved by the City of Portland corporation counsel's office. In the event that the purchase price for either of these two (2) single family units is subsidized as a result of public or private funds made available to make the purchase of such unit more affordable, a junior mortgage shall be placed upon such unit, representing the amount of the subsidy received. In the event that an initial Qualified Purchaser sells one of these two (2) units to another Qualified Purchaser, the junior mortgage shall not be repaid, but shall be assumed by the subsequent Qualified Purchaser, who shall own and hold these housing units subject to a junior mortgage in the same manner as an initial Qualified Purchaser.
- b. The existing unit shall be developed, marketed, sold and resold and/or leased as long as the Property remains a residential unit, to Qualified Purchasers or Tenants with household incomes at one hundred and twenty percent (120%) of the U.S. Department of Housing and Urban Development moderate-income income figure for metropolitan Cumberland County Maine, as calculated for the year in which the sale takes place. The Qualified Purchasers/Tenants of this single family unit shall occupy the unit as their principal residence, except that a Qualified Purchaser may rent a unit for a period not to exceed twelve

(12) months in any thirty-six (36) month period, to enable the Qualified Purchaser to address matters such as divorce, transfer of employment, economic hardship and the like. Transient rentals shall not be permitted. A junior mortgage may be placed upon such housing unit, to further secure the continued affordability covenants contained in the Declaration of Affordability Covenants for Rental Property Owned by Home Start.

- c. All of these affordability restrictions shall be stated in and secured by a Declaration of Affordable Housing Covenants and Restrictions for the purchased and leased property, other deed restriction(s) and/or condition(s) in any deed(s) conveyed out by the Developer, shall be stated in the housing documents, shall be identified on the approved Site Plan for the Property, and shall be reviewed and approved by the City of Portland corporation counsel's office. The affordability covenants contained in the Declaration of Affordable Housing Covenants for the purchased and leased property shall be enforceable by Home Start and the City of Portland, or their designees.

5. The Qualified Purchasers/Tenants shall be responsible for ongoing maintenance of the Property, including snowplowing, salting, sanding, sweeping, lighting, trash pickup (at least weekly), mowing, etc. Qualified Purchasers will be required to take a home education course offered through MaineHousing to ensure that these responsibilities are fully outlined.

6. The provisions of this Agreement are intended to replace and/or supersede the requirements of the underlying IR-2 zone. As stated above, to the extent not otherwise altered herein, the zoning requirements for the IR-2 zone shall otherwise apply to the Property.

7. In the event of a breach by the Developer or its successors or assigns (including, but not limited to, any homeowners association) of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the IR-2 zone requirements in place before the execution of this Agreement.

8. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its successors and assigns (including, but not limited to, any homeowners association), and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds. Without limiting the generality of the foregoing,

WITNESS: Rouelle Walsh

Home Start

Ellen C. Mahoney
BY: Ellen C. Mahoney
President, Home Start

STATE OF MAINE
CUMBERLAND, ss.

January 5, 2011

Personally appeared before me the above-named Ellen C. Mahoney, in her capacity as President of Home Start, and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of said corporation.

Before me,

Priscilla Webster
Notary Public/Attorney at Law

Priscilla Webster

MY COMMISSION EXPIRES
MAY 30, 2011

Received
Recorded Register of Deeds
Jan 10, 2011 11:16:16A
Cumberland County
Pamela E. Lovley

SEAL

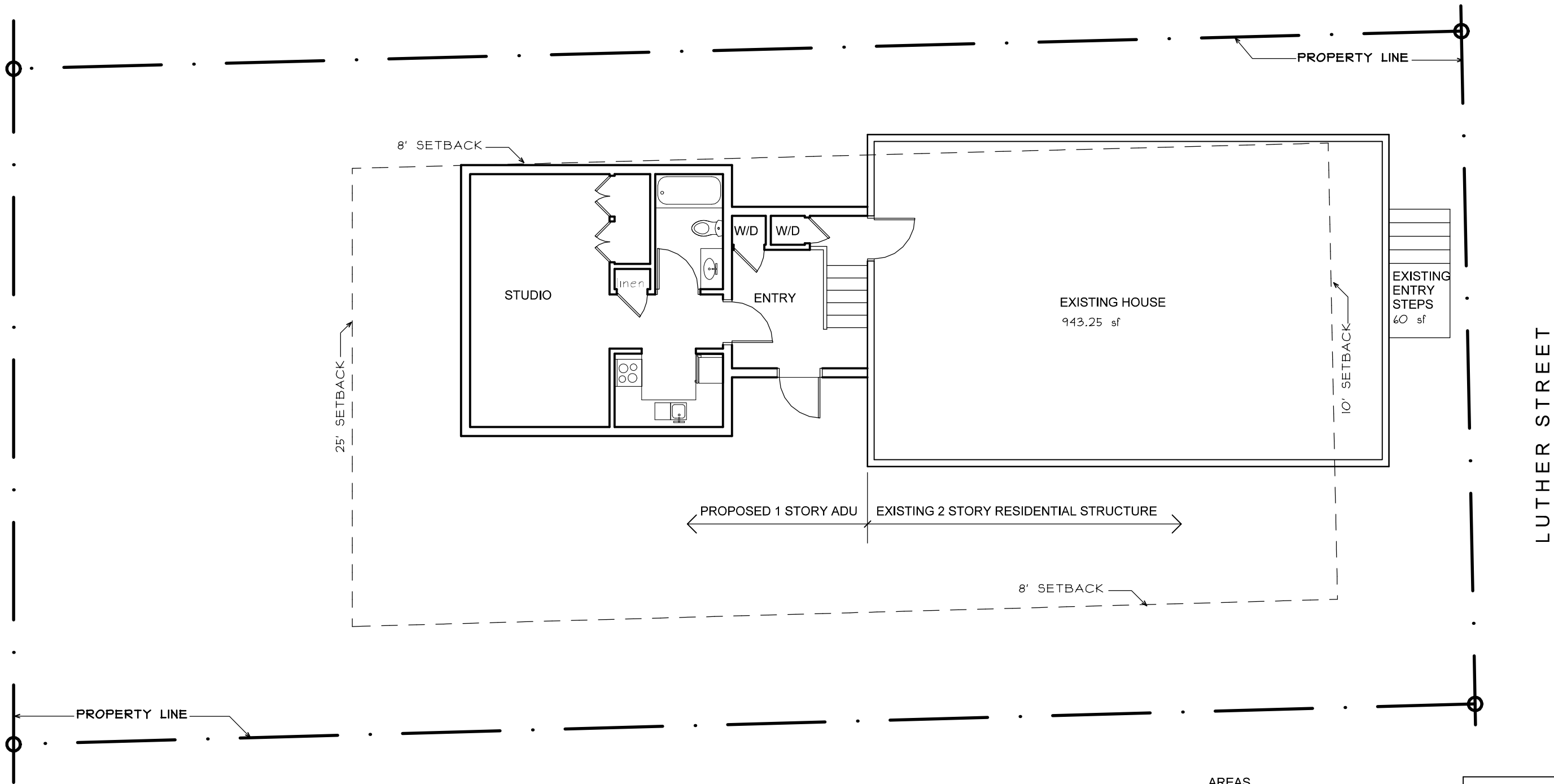
Amendment to Conditional Zone Agreement Re: C-55 Consistency with Comprehensive Plan

The requested Amendment to Conditional Zone Agreement Re: C-55 allowing the addition of a year-round accessory dwelling unit for an income-qualified household in a walkable neighborhood, is consistent with the goals, policies and land use plan of Portland's Comprehensive Plan.

Portland's Plan establishes a vision for a city that is equitable, sustainable, dynamic, secure, authentic, and connected. The proposed amendment would provide equitable, sustainable, and secure housing that contributes to a dynamic and authentic neighborhood in the village of Peaks Island.

The Housing Policy Guide states "the lack of sufficient housing supply and the affordability of that housing for a healthy socioeconomic cross-section of the population remain urgent challenges." It identifies zoning and policy changes as a tool to support a more equitable and diverse housing supply (including facilitating the creation of accessory dwelling units for income-qualified households). Through the creation of a year-round accessory dwelling unit for an income-qualified household in a walkable, complete neighborhood, this Amendment would contribute to the following local goals identified in Portland's Plan: (1) increase, preserve, and modify the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents; (2) 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; (3) pursue policies to enable people who work in Portland to have the option to live in Portland; and (4) encourage quality, sustainable design in new housing development. Furthermore, this Amendment is consistent with the City's future strategies for housing, specifically, to "support land use tools that encourage year-round residences in existing and new housing on Portland's islands, while maintaining their unique character and environment."

The village of Peaks Island is also identified as a priority node to be evaluated, an area "where the City recognizes the need to review existing conditions and develop a strategy for future change."



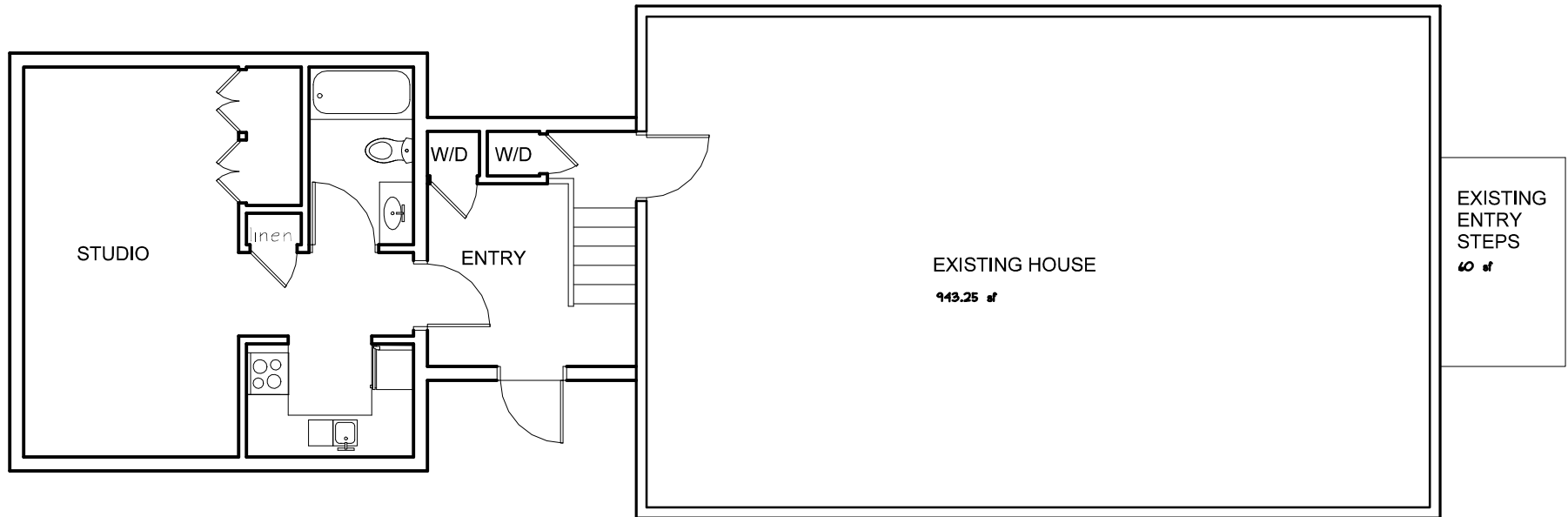
AREAS	
Existing footprint	1,003.25 sf
ADU Addition	525.75 sf
Total footprint	1,529.00 sf
Lot Area	5,389.31 sf
percentage lot coverage	28%



ACCESSORY DWELLING UNIT
18 LUTHER STREET
Peaks Island, Maine

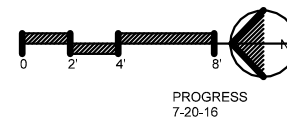
Title:
SITE PLAN
Sheet No.
A-1.1

Scale: 1/8" = 1'-0"
Date: 10-9-17
Revised:



AREAS

Existing footprint	1,003.25 sf
ADU Addition	<u>525.75 sf</u>
Total footprint	1,529.00 sf
Lot Area	5,389.31 sf
percentage lot coverage	28%



ACCESSORY DWELLING UNIT
18 LUTHER STREET
Peaks Island, Maine

Title:
FIRST FLOOR PLAN
Sheet No.

A-1.1

Scale: 1/8" = 1'-0"
Date: 7-20-16
Revised:

Att. H



PROGRESS
8-9-16

ACCESSORY DWELLING UNIT
18 LUTHER STREET
Peaks Island, Maine

Title:
WEST ELEVATION
Sheet No.

A-2.1

Scale: 1/8" = 1'-0"
Date:
Revised: