

City of Portland
 Development Review Application
 Planning Division Transmittal form

Application Number: 10-99700009 **Application Date:** 11/22/2010

Project Name: ADAMS SCHOOL SITE RE-DEVELOPMENT

Address: 48 Moody Street **CBL:** 003 - H-001-001

Project Description: Moody Street - 48; Adams School Site Re-Development;
 Avesta Housing, Applicant.

Zoning: R6

Other Reviews Required:

Review Type: *Level III*
 MAJOR SITE PLAN WITH SUBDIVISION

Applicant:

Avesta Housing Development
 307 Cumberland Avenue
 Portland Me 04101

Applicant:

Woodard and Curran
 41 Hutchins Drive
 Portland Me 04102

*distributed all renewers 11-24-10
 except Al Palmer who got it 11-29-10*

Distribution List:

<input type="checkbox"/> Planner		<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Stormwater <i>Al Palmer</i>	<i>Dan Goyette</i>	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Keith Gautreau	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Preliminary Comments needed by: December 1, 2010

Final Comments needed by: December 8, 2010



Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

February 28, 2011

Regina S. Leonard
landscape architecture & design
29 Bridge Street
Topsham, ME 04086

Project Name: Adams School Site Re-Development - Proposed Lighting
Project ID: 10-99700009
CBL: 003-H-001-001
Project Address: 48 Moody Street, Portland

Dear Regina:

I am writing to follow up the e-mail and telephone discussions in January regarding the site plan review requirements for lighting.

These comments relate to the site plan submitted in November, 2010 which proposed the removal of an existing cobra head style street light on Moody Street nearest to Vesper Street (to allow the proposed drive access to the parking area) and proposed several new street lights.

Street Lighting

1. The Department of Public Services is responsible for street lighting and has confirmed that the removal of the existing cobra head style street light is acceptable.
2. The Department of Public Services believes the existing street lights around the project, minus the above mentioned cobra head light to be eliminated, provide satisfactory lighting for the affected streets around the project. The Department believes additional street lighting is not required and the Department does not recommend adding any additional street lighting.
3. Therefore the proposals should retain all of the existing street lights in Moody and Wilson Streets, except for the one in Moody Street identified as being removed for the parking lot access. No additional street lighting is required.

Submitted by Swaney Lighting



Job Name:
BAYSIDE TRAILS
Engineer: ME

Catalog Number:
1SA/WP9SE2/L5K480/CC(RAL
#5003)/LSS/TL
Notes:

Type:
FIXTURE

BLA09-12154



WP9SE-LED
WARP9™ - Small, Electronic LED
revision 5-21-09 • wp9seled.pdf

Type:
Job:
Catalog number:

Approvals:

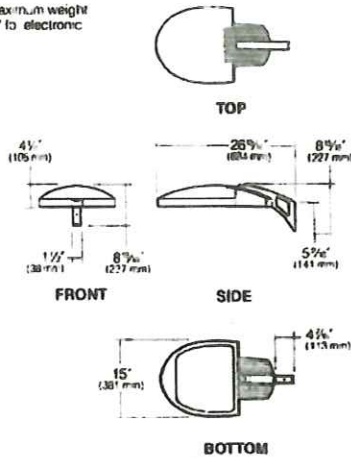
Fig. Fixture Electrical Module Finish Options
See page 2 See pages 3-4

Date:
Page: 1 of 4

Select pole from Kim Pole Catalog. If pole is provided by others indicate O.D. for arm fitting.

Specifications

WP9SE-LED
Small Electronic
60 Light Emitting Diodes
Total Max System Watts ~ 88W
Maximum weight
1.7 lb electronic



Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber. A one-piece extruded and vulcanized silicone gasket seals the housing against the lens surface.

Electronic Driver Module: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over exposed bottom surface. Integral hinges and slide latch with stainless steel hardware provides no-tool mounting and removal from housing. All electronic components are UL and CSA recognized and mounted directly to the driver tray for maximum heat dissipation.

Lens: Clear 3/8" thick tempered glass lens retained by a stainless steel piano hinge and a single die-cast aluminum cam-latch. The edges are camouflaged to conceal the outer portion of the housing.

Optical Module: Precision injection molded, high specular reflectors are positioned to achieve directional control toward desired task. Secondary high specular reflector 95% Micro4 panels surround the module to redirect light downward. No fasteners are placed on the reflective surface. The entire assembly fastens to the housing as a one-piece module.

Support Arm: Heavy cast, low copper aluminum alloy with stainless steel mounting bolts. A pole reinforcing plate is provided with wire strain relief. Arm is circular cut for specified round pole.

Finish: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanated zirconium conversion coating; 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Stealth Gray™, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.



U.S. Patent D568,621,
Patent Pending Optics

Listings and Ratings

UL cUL 1588*	CE	IP68 Rated	25C Ambient
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*Suitable for wet locations.
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE

© 2009 KIM LIGHTING • P.O. BOX 60060, CITY OF INDUSTRY, CA 91716-0060 • TEL: 626/968-5668 • FAX: 626/968-5665

644800141

DATE:
AUGUST 2009

CITY OF PORTLAND, MAINE
TECHNICAL STANDARDS MANUAL

**MUNICIPAL STREET
LIGHTING STANDARDS
SECTION X**

FIGURE:

REVISED:

**TRAIL LIGHTING - THE BAYSIDE TRAIL.
PAGE 1 OF 6**

X-7F

Submitted by Swaney Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: 1SA/WP9SE2/LSK480/CC(RAL #5003)/LSS/TL Notes:	Type: FIXTURE SILADP-12054
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WP9SE-LED
WARP9™ - Small, Electronic LED
revision 5-21-09 • wp9seled.pdf

Type:
Job:

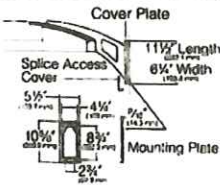
Page: 3 of 4



Optional Features

Wall Mounting
Cat. No. 1W
Select from Mounting on page 2.

A cast aluminum mounting plate is mounted to the wall with four bolts (by others). Fixture and arm are mounted to the cast aluminum cover plate before attaching to the wall mounting plate. The fixture-arm-cover plate assembly is hooked to the wall mounting plate and secured with stainless steel screws provided. Field splices are made at the opening in the cover plate. Cover is finished to match arm and fixture color.



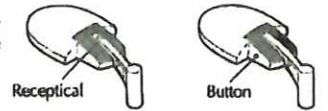
Fusing (internal only):
Cat. No. (see chart at right)
 No Option

High temperature fuse holders factory installed inside the fixture housing. Fuse is included
Line Volts: 120V 208V 240V 277V 347V 480V
Cat. No.: SF DF DF SF SF DF



Photocell Controls
Cat. Nos. receptacle
 A-25
Button Line Volts
 A-30 - 120V
 A-31 - 208V
 A-32 - 240V
 A-33 - 277V
 A-35 - 347V
 A-34 - 480V
 No Option

Two types of photocell controls are available. A receptacle for a NEMA base photocell or an internal photocell button sensor on the side of the fixture.



Mounting (see page 2)

* - Fixture with Photocell Receptacle
S - slave unit(s)



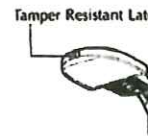
Lexan® Lens
Cat. No. LS
 No Option
LSS- Lexan Lens Small

One-piece flat advanced polymer (Lexan®) replaces standard tempered glass lens.
CAUTION: Use only when vandalism is anticipated to be high. For LED use only.



Tamper-Resistant Latch
Cat. No. TL
 No Option

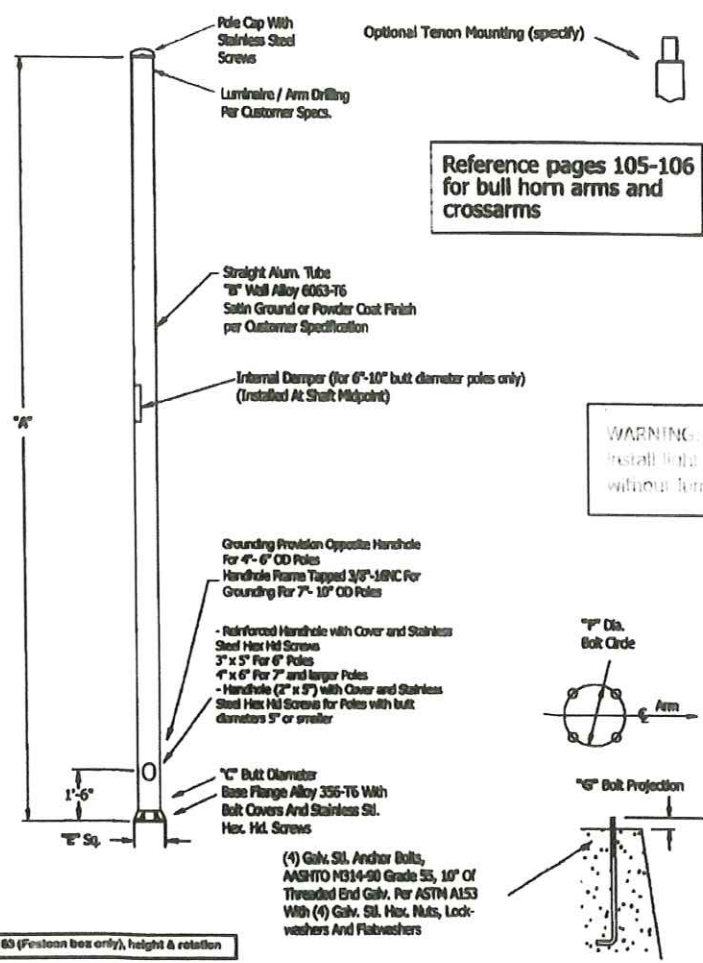
Standard die-cast latch is provided with a captive 10-32 stainless steel flat socket-head screw to prevent unauthorized opening.
NOTE: Required only for vandal protection in locations where fixtures can be reached by unauthorized persons.



DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE:
REVISED:	TRAIL LIGHTING – THE BAYSIDE TRAIL. PAGE 3 OF 6		X-7H

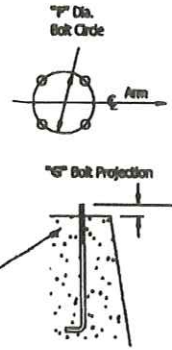
Submitted by Swaney Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: RSA-16-B4-4-CC(RAL #5003)-M183 Notes: PLEASE CONFIRM LOCATION OF M183, HEIGHT AND ROTATION	Type: POLE
------------------------------	--	---	----------------------

hapco 4 Bolt Base **RSA16B4-4**



Reference pages 105-106 for bull horn arms and crossarms

WARNING: Do not install light pole without luminaires.



Please confirm location of M183 (Festoon box only), height & rotation

Mounting Height:	16 ft	Maximum EPA		Your Name:	
Wall Thickness:	.125 in	70:	1.8	Representative Name:	
Butt Diameter:	4 in	80:	0.8	Architect Name:	
Top Diameter:	4 in	90:		Project Name:	
Base Diameter:	7.5 in	100:		Customer P.O. #:	
Bolt Circle:	6.5-8 in	110:		Finish:	
Bolt Projection:	2 in			Date:	8/14/2009
Net Weight:	33			Notes:	
Luminaire Weight:	45				
Arm Length:					
Quantity:					

Accessories

Finish
CC - Custom Color / Please verify Standard RAL color # 5000

Visit Hapco.com or call 800-368-7171 or fax 276-628-7707 v.2.02

DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE:
REVISED:	TRAIL LIGHTING – THE BAYSIDE TRAIL. PAGE 5 OF 6		X-7J

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

November 22, 2010



Barbara Barhydt
Development Review Services Manager
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Avesta Housing - Adams School Site Redevelopment, Level III Preliminary Development Review Application

Dear Barbara:

On behalf of Avesta Housing (Avesta) and the entire design team, we are submitting seven copies of the Level III Preliminary Development Review Application for a 16-unit residential condominium development to be located at 48 Moody Street, the site of the former Marada Adams School. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H.

In 2008, the City of Portland released a Request for Proposals (RFP) for the reuse of this site, and Avesta was selected for the work. Avesta and the City have negotiated a Purchase & Sale Agreement accordingly. The project includes the demolition of the existing Adams School building and site amenities; construction of a 16-unit affordable ownership housing complex; and construction on behalf of the City of a public open space and playground area. The residential development will be located on a parcel of land approximately 0.74 acres in size, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. The public park and playground will be located on an abutting 0.35 acres of land.

We appreciate your guidance and feedback regarding this development, and look forward to discussing this project with the Planning Board at the next available workshop meeting. Please do not hesitate to contact Woodard & Curran if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.



Denise Cameron, P.E.
Project Engineer

Enclosure

cc: Ethan Boxer-Macomber, Avesta Housing
Alan G. Kuniholm, PDT Architects
Regina Leonard landscape architecture & design

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1. APPLICATION FORM



Development Review Application PORTLAND, MAINE

Planning and Urban Development Department
Planning Division and Planning Board

PROJECT NAME: Adams School Site Re-development

PROPOSED DEVELOPMENT ADDRESS:

48 Moody Street, Portland, ME 04101

PROJECT DESCRIPTION:

Demolish the existing Adams School building and site amenities and develop a 16-unit affordable housing complex including 16 parking spaces, a public open space, and a playground.

CHART/BLOCK/LOT: 003/H/1,2,3 & 4

PRELIMINARY PLAN X
FINAL PLAN _____

CONTACT INFORMATION:

APPLICANT

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip Code: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

PROPERTY OWNER

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip Code: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

BILLING ADDRESS

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

~As applicable, please include additional contact information on the next page~

APPLICATION FEES:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Level II Development <input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)</p> <p>Subdivision <input checked="" type="checkbox"/> Subdivision (\$500) + amount of lots <u>16</u> (\$25/lot) \$ <u>500</u> + (applicable + Major site plan fee) \$ 1400</p>
<p>Level III Development <input checked="" type="checkbox"/> Under 50,000 sq. ft. (\$500) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 100 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000 plus applicable application fee)</p>	<p>Other Reviews <input type="checkbox"/> Site Location of Development (\$3,000) (except for residential projects which shall be \$200 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Section 14-403 Review (\$400 + \$25/lot) <input type="checkbox"/> Other _____</p>

LEVEL II AND LEVEL III REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:

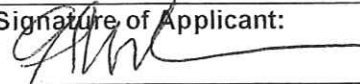
1. **Seven (7) full size site plans** that must be **folded**.
2. Seven (7) copies of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 7) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for a Site Plan review only. A Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: <u>11/22/10</u></p>
---	-----------------------------------

Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

City of Portland Planning Division

389 Congress Street
 Portland, Maine 04101
 (207) 874-8719
 www.portlandmaine.gov

Office Hours:

Unless noted, office hours are
 Monday thru Friday
 8:00 a.m. – 4:30 p.m.

General Submittal Requirements – Level II and Level III Site Plan

Preliminary Plan Phase (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees <i>(TO BE PAID VIA CREDIT CARD)</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Evidence of right, title and interest.
<input type="checkbox"/> <i>N/A</i>	<input type="checkbox"/>	7	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written assessment of zoning.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written summary of significant natural features located on the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written summary of project's consistency with related city master plans.

Final Plan Phase (including items listed above if no preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within 1/4 mile of an intersection identified in a previous traffic study as a failing intersection).
<input type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

2. PROJECT DESCRIPTION

The Marada Adams School, located at 48 Moody Street, was closed in 2006 and is currently abandoned. In 2008, after a two year public visioning process, the City of Portland released a Request for Proposal (RFP) for the redevelopment of the site and selected (Avesta) for the redevelopment work. The proposed redevelopment project includes the demolition of the existing Adams School building and site amenities; and development of a 16-unit affordable ownership housing complex and the construction of, on behalf of the City, public open space and playground area.

The school parcel is approximately 1.5 acres in size. The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. Avesta currently holds a Purchase and Sales agreement with the City of Portland for this portion of the site. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H. The proposed public park will be constructed on an abutting 0.35 acres of land.

The condominiums will be marketed to be affordable to households of moderate means (0.8 to 1.2 MHI), with incomes near the area median. The residential development will include eight two-bedroom units and eight three-bedroom units, resulting in a total building footprint of 13,080 square feet and a total floor area of 22,290 square feet. The two bedroom units are located at the four corners of the site, with a two bedroom unit located above the lower two bedroom unit. The eight three-bedroom units will consist of two-story residential units.

The two-bedroom unit near the corner of Vesper and Moody Street will be handicap accessible. The western most three bedroom unit on Vesper Street will be designed to have a handicapped accessible lower level. The three bedroom units will have a lower bedroom, which will allow for single floor living for a family member. The development will be designed to meet federal accessibility requirements and will exceed these requirements on many levels to the extent possible.

The front of the buildings will be oriented to the street, with off-street parking (one space per unit) provided along rear private mews. This rear parking area will be screened by the buildings and landscaping, so that the architectural and landscape elements are the focus of the public streetscape. Avesta was granted a variance from the side and rear setback requirements from the Zoning Board of Appeals (ZBA) in September of 2010. A copy of the ZBA Certificate of Variance Approval is enclosed as Figure 2-1. The variance was granted so that the building orientation and their relation to the streets will better align with the character of the neighborhood.

Avesta intends to pursue certification of the project with the United States Green Building Council (USGBC) as LEED Neighborhood Development and LEED for Homes; the development will be designed to be environmentally sustainable and energy efficient.

A condominium association will govern the residential development. The association will be responsible for maintaining the 0.74-acre residential development, including the parking area, rear mews, utilities, sidewalks, landscaping, and appurtenances. Additional information regarding the condominium development will be provided as part of future submittals, including a subdivision recording plat and the condominium documents.



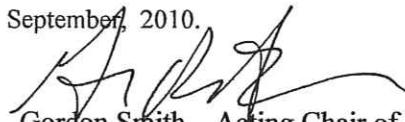
CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the sixteenth day of September, 2010, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: City of Portland, Maine**
2. **Property: called 48 Moody Street, cor. Vesper Street, cor. Wilson Street, Portland, ME -**
CBL: 003-H, 1, 2, 3 & 4
Cumberland County Registry of Deeds, Book Page
Last recorded deed in chain of Title:
3. **Variance and Conditions of Variance:**
To grant relief from section 14-139(1)(d)(3) of the Land Use Zoning Ordinance to allow a side yard setback of 4.2' along Moody Street and 4' along Wilson Street instead of the required 10' side yard setback. And to further grant relief from section 14-139(1)(d)(2) to allow a rear setback of 5' instead of the required 20' rear setback.

WITNESS WHEREOF, I have hereto set my hand and seal this 16th day of September, 2010.


Gordon Smith, Acting Chair of
City of Portland Zoning Board,

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Gordon Smith and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on September 16, 2010.



(Printed or Typed Name)

Notary Public
Margaret Schmuckal

My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

REC'D SEP 23 2010

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Jill E. Hunter
Gordan Smith-secretary
William Getz

September 21, 2010

Avesta Housing
Ethan Boxer-Macomber
307 Cumberland Avenue
Portland, ME 04101

RE: 48 Moody Street
CBL: 003 H001
ZONE: R-6

Dear Mr. Boxer-Macomber:

At the September 16, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the practical difficulty variance appeal to reduce the left side setback to four feet, two inches, the right side setback to four feet and the rear setback to five feet. I am enclosing a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 16, 2010, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

You will also find an invoice for \$385.39 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that the practical difficulty variance appeal has been approved, you need to apply for a building permit to build the condominiums. The permit will not be issued until we receive a copy of the recorded Certificate of Variance. The building permit must be issued and construction begun within six months of the date of the hearing, September 16, 2010, referenced under section 14-473(e), or the Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8709.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: September 16, 2010

Name and address of applicant: Avesta Housing Development Corp.
307 Cumberland Ave.
Portland, ME 04101

Location of property under appeal: 48 Moody Street

Present:

Sara Moppin
Jill Hunter
Gordon Smith
Bill Getz

Gordon Smith disclosure
of employment with Verill/Dana

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Neither Pro. Con
C. F. Bard, ① Ethan Boxer - Macomber - Avesta, project mgr.
Muskie Institute ② Seth Parker, mgr@Avesta

③ Avesta Corporate Council
④ Marlynn Meachy - P D T Architect
apposed; Carol McKnatsin - desires notification + updates

Erna Koch 81 Vesper St. - apposed. - High density and her
view would be obstructed.

Gary Marcisso 64 Vesper + Owner of 3 other many buildings are condominium @ 1K-2K
Exhibits admitted (e.g. renderings, reports, etc.):

E-mail messages from Ms Mullin, Mr. McNally, Mr. Miller, Sen. Alford.
Committee

Powerpoint presentation -

Conclusion: (check one)

4 Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. *Moppin/Getz*

____ Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

____ Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated:

9.16.10



Board Chair

3. EVIDENCE OF RIGHT, TITLE AND INTEREST

Avesta Housing Development Corporation has entered into a Purchase Agreement with the City of Portland. A copy of this agreement, dated May 24, 2010 is included as Figure 3-1. A Boundary Survey has been prepared by Owen Haskell Professional Land Surveyors, and is included as Figure 3-2.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into as of 24th of May, 2010, by and between the CITY OF PORTLAND, a Maine municipal corporation with a place of business in Portland, Maine and mailing address of 389 Congress Street, Portland, Maine 04101 ("Seller") and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Buyer")

WITNESSETH:

WHEREAS, through the Adams School Re-Use Committee, Seller conducted public meetings in order to determine the most appropriate use of the former Adams School property, at the conclusion of which Seller sought proposals from parties interested in redeveloping the that property; and

WHEREAS, Buyer submitted a proposal that included development of 40 condominium units for low to moderate income families, together with development of a park adjacent thereto, as more particularly described in Buyer's response to the City of Portland Request for Proposals for Redevelopment of Former Adams School Site dated July 22, 2008 (the "RFP Response"); and

WHEREAS, Buyer, after retooling the Project in response to changes in available sources of sub-market development capital and overall housing market conditions, submitted a revised proposal that included development of at least 16 condominium units for low to moderate income families, together with installation of a park on adjacent land retained by Seller (collectively the "Project"), as more particularly described in Buyer's March 24, 2010 project update letter to Penny Littell, Director of Planning and Urban Development with attached plans and elevations; and

WHEREAS, the updated Project has been publicly reviewed by the Housing Committee of the City Council with that Committee having voted unanimously to move the matter to the attention of the full City Council and the parties now wish to move forward with Buyer's proposed development;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Property to be Sold. Seller agrees to sell and Buyer agrees to buy a certain lot or parcel of land with all buildings, fixtures and improvements thereon, located in the vicinity of 48 Moody Street, Cumberland County, Maine, shown as City of Portland Tax Map 003, consisting of all of the land shown on such tax map as Block H, comprising .74 acres of land, more or less, improved with the former Adams School building and related infrastructure, land and improvements, with frontage on and access to, and bounded by, Moody, Vesper, and Wilson Streets, together with all easements appurtenant thereto (collectively the "Premises"). See Exhibit 1 attached.

2. Purchase Price. Buyer shall pay to Seller the sum of Two Hundred Forty Thousand (\$250,000) (the "Purchase Price") in the manner provided in this Section.

a. Contemporaneously with the execution of this Agreement, Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Initial Deposit").

the Premises as Buyer deems necessary or appropriate. Buyer agrees to return the Premises as nearly as possible to their original condition after all of such tests and inspections. Seller shall cooperate with Buyer in such inspections. In the event Buyer is not satisfied for any reason by the results of such due diligence inspections, Buyer shall have the option of terminating this Agreement by written notice to Seller. Buyer's option to terminate this Agreement as provided in this Section 7 shall expire unless such written notice is delivered to Seller not later than July 1, 2010 (the "Due Diligence Completion Date"). If such written notice is not delivered to Seller prior to Due Diligence Completion Date, Buyer shall be deemed to have waived its right to terminate this Agreement as set forth in this Section 7.

8. Possession. Seller shall deliver the Premises to Buyer at closing free and clear of all leases, tenancies and occupancies by any person.

9. Conditions Precedent. Buyer's obligation to close hereunder is subject to Buyer's full and complete satisfaction with all of the following:

(a) Seller shall earmark no less than \$ 1,724,136 in Neighborhood Stabilization Program ("NSP") funds from the Maine State Department of Economic and Community Development. No less than \$1,710,000 of the NSP funds are to be used by Buyer as a source of development capital for the Project. Seller shall directly expend up to \$14,136 of the NSP funds to conduct environmental studies and a HUD required single audit.

(b) There shall have been no material adverse change in the condition of the Premises occurring after the conclusion of Buyer's inspections under Section 7 above, and the Premises shall be substantially in the same condition as they were at the time of the inspections, reasonable wear and tear excepted, subject to the provisions of subsection (e) above.

(d) Title to the Premises shall be good and marketable, and the same shall be conveyed to Buyer free and clear of all liens, claims and encumbrances except encumbrances that do not adversely affect the use and enjoyment of the Premises. Not later than July 1, 2010, Buyer shall have received, at Buyer's expense, an ALTA-ACSM boundary survey of the Premises satisfactory to Buyer in its sole discretion.

(e) As of the date hereof, and as of the date of closing, all of Seller's representations and warranties shall be true and correct in all material respects.

(f) Buyer shall have achieved the development milestones described in Section 13 below within the time periods set forth in such section.

If the conditions described in subsections (a) through (f) above are not satisfied as of the dates specified, or if no date is specified, by the Closing Date, then Buyer shall have the option of terminating this Agreement in writing and receiving back the Deposit.

10. Default and Remedies. In the event that Buyer fails to close hereunder for any reason other than (i) a default by Seller or (ii) termination of this Agreement by Buyer as provided herein, Seller's sole legal and equitable remedy shall be to terminate this Agreement by written notice to Buyer, whereupon and all rights of Buyer to purchase the Premises shall cease and be of no further

14. Additional Conditions. Additional conditions are included in Attachment 2 and shall be incorporated herein by reference.

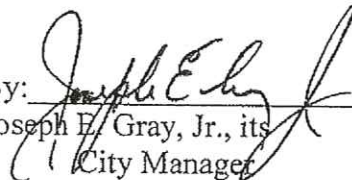
15. Miscellaneous. Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Except as set forth in Section 12 above, the rights of Buyer under this Agreement may not be assigned in whole or in part without written consent of Seller, which shall not be unreasonably withheld. This Agreement constitutes the entire agreement between Seller and Buyer and there are no other agreements, understandings, warranties or representations between Seller and Buyer. Seller's representations and warranties, and certain other provisions contained in this Agreement, shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date written above.


WITNESS:




CITY OF PORTLAND, Seller

By: 
Joseph E. Gray, Jr., its
City Manager

AVESTA HOUSING DEVELOPMENT
CORPORATION, Buyer



By: 
Dana Totman, its President

4. EVIDENCE OF STATE AND/OR FEDERAL APPROVALS

The proposed development will not impact any natural resources therefore no Natural Resources Protection Act (NRPA) permits from the Maine Department of Environmental Protection (MaineDEP) or Programmatic General Permits from the Army Corps of Engineers will be necessary.

As an urban brownfield site, the property may contain environmental contaminants that could require remediation. Avesta is working with the professionals at Credere Associates to assess the site for potential environmental contamination and will develop appropriate plans for the remediation of the property.

The project will be designed to incorporate Stormwater Management systems in compliance with the City's Level III Site Plan Review Standards. The project does not require approval from MaineDEP under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

The removal of the school will disturb more than one acre, and Avesta will be submitting a Notice of Intent to Comply with Maine Construction General Permit.

A Maine Department of Transportation (DOT) Traffic Movement Permit is not required for the project, as the development will not generate more than 100 trip ends during the peak hour.

The development will utilize pervious paver materials at patios and in areas adjacent to the rear parking area. Woodard & Curran contacted the City's Zoning Administrator on November 11, 2010 and confirmed that these pervious paver areas can be included in the open space calculation.

5. ASSESSMENT OF ZONING

The property is located in the R6 Residential Zone, and will be designed to comply with the standards and intent of Division 7 of the land use regulations.

5.1 MULTI-FAMILY DWELLINGS

Multi-family dwellings are a permitted use for the R6 Zone. The development will comply with the Multi-family Dwelling unit standards of Chapter 14-136 (a)-2. All units will have 870 square feet of floor area or greater, exceeding the minimum floor area of 600 square feet. One off-site parking space will be provided for each unit in compliance with Division 20. All units will be above grade and no open fire escapes will be necessary.

5.2 DIMENSIONAL REQUIREMENTS

As described in Section 2 of this application, the project has received approval from the Zoning Board of Appeals (ZBA) for a variance from side and rear yard setback requirements. Table 5-1 provides a summary of the setback requirements and other dimensional standards for developments within the R-6 zone, per Sections 14-230.14 and 14-230.15 of the Land Use Ordinance.

Table 5-1: R-6 Zone Dimensional Requirements

	REQUIRED	PROVIDED
Front Yard Setback	10 ft or average of existing front yard setbacks	5 ft (average of existing front yards)
Side Yard Setback*	4.2 ft at Moody Street 4 ft at Wilson Street	4.2 ft at Moody Street 4 ft at Wilson Street
Rear Yard Setback*	5 ft	5 ft
Lot Size	4,500 sqft (min)	32,340 sqft
Minimum Area per Dwelling Unit	1,000 sf/unit	2,021 sf/unit
Street Frontage	40ft min	> 200 ft
Max Lot Coverage	50% of lot area for developments with < 20 units	40%
Max Building Height	45 ft	<45 ft
Min Lot Width	50ft	160 ft
Min Open Space (20% of lot for developments with < 20 dwelling units)	0.15 acres	0.33 acres
Parking Spaces (1 per unit)	16	16

*ZBA has approved a variance for side and rear setbacks

6. EASEMENTS AND OTHER BURDENS

There are no existing easements on the site of the residential development.

As part of the residential development, an easement will be provided at the rear parking lot for the access and maintenance of the water, sewer, gas, electric, and telephone service lines. The location of the easement is shown on the enclosed utility plan. The delineation of the proposed easement will also be shown on the recording plat, which will be provided during the final plan submission.

7. WAIVERS REQUESTED

As a condition of the Purchase and Sales Agreement, the City Council requested that any street lights required for the development will utilize LED fixtures. In order to comply with this condition, Avesta is requesting a waiver from Section 10.2 in the Technical Design Standards, which specifies a non-LED street pole fixture.

8. TRAFFIC ANALYSIS AND EMERGENCY ACCESS

8.1 PEAK HOUR TRIP GENERATION

The proposed development will not significantly impact traffic in the area. Based on a review of applicable ITE Trip Generation 8th Edition Land Use Codes (LUC) 230 – Residential Condominiums, the 16 unit residential development will generate 12 and 13 trip ends during the AM and PM peak hours respectively, less than the 100 trip ends threshold for a Traffic Movement Permit from the Maine DOT. The peak hour vehicle trips generated from the development are well below the number of trips generated at the site when the school was operational.

8.2 VEHICULAR AND BICYCLE PARKING

Offsite vehicular parking will be provided at a rate of one parking space per unit in accordance with Division 20 of the Land Use Ordinance. All parking spaces shall be 9 feet wide by 18 feet long. Aisles will be 14 feet wide, as required in the Technical Standards for a 45 degree angle parking configuration. Woodard & Curran and PDT Architects reviewed this aisle width during a meeting with the City of Portland's Fire Department on November 17, 2010.

Bicycle storage is provided at each residential unit within a 90 square foot covered storage unit. In addition, two exterior bike racks will also be provided for additional bike storage.

8.3 PROXIMITY TO BUS ROUTES

The development is located within close proximity to many of Portland Metro's bus routes. The development is less than one block from Route 1, which provides transportation across the Portland Peninsula, and is within walking distance of routes that provide transportation to the North Deering, Falmouth and Portland's downtown areas.

8.4 SIDEWALKS

The development will include the construction of new brick sidewalks with granite curbing along the parcel's frontage of Moody, Vesper, and Wilson Street's. In addition, a new pedestrian walkway will be created in the proposed park along the Beckett Street Right of Way. The park and walkway will reconnect a valuable pedestrian corridor between Beckett Street and O'Brion Street, improve the neighborhood's access to the proposed public park, and create a pleasing view corridor.

8.5 CROSSWALKS

Several crosswalks are located on the streets abutting the development. Two of the crossings are located mid block, and were originally installed to provide access to the school. To improve pedestrian movement and to provide a better crosswalk alignment with the park and existing streets, we recommend removing the two mid block crossings and creating two new crossings in line with Beckett and O'Brion Street Right-of-Way. The locations of the proposed crosswalks are shown on the enclosed site plan. Avesta anticipates the need to present this change to the City's Crosswalk Committee.

8.6 VEHICULAR ENTRANCES

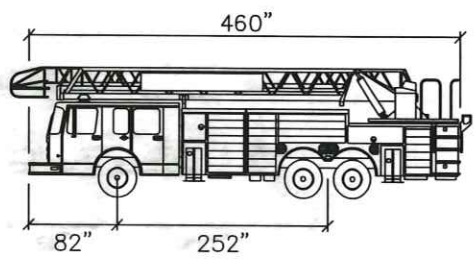
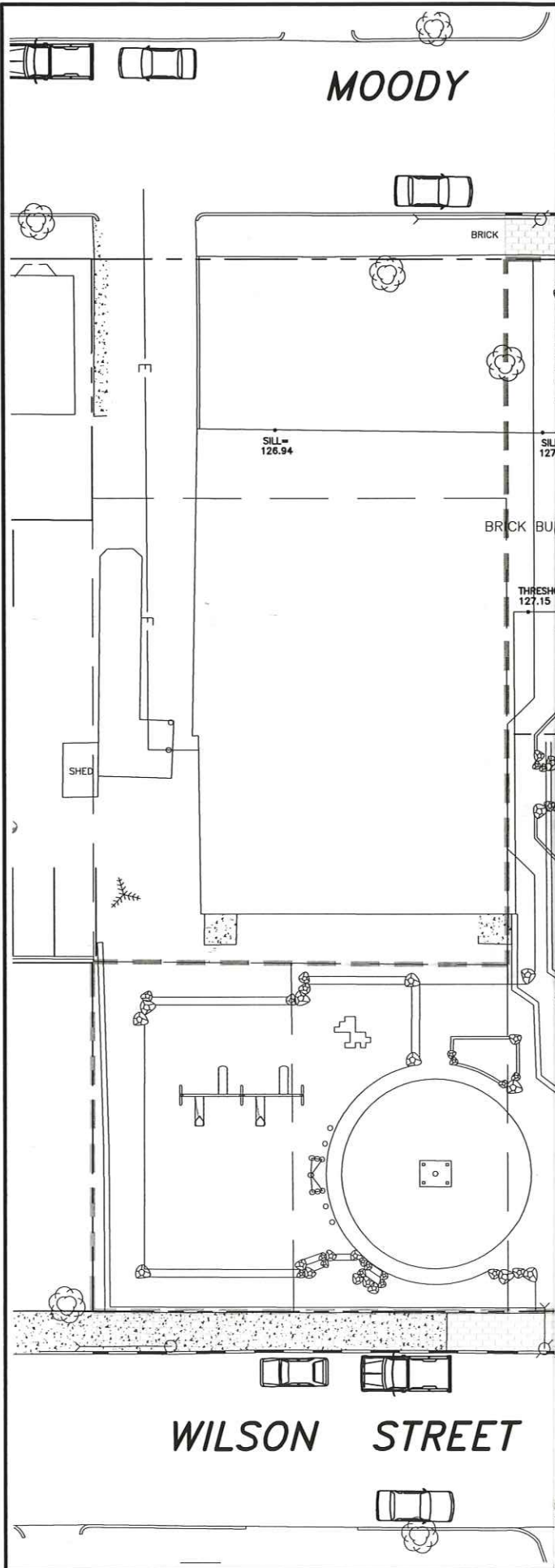
Vehicles will enter the parking area from Wilson Street and exit onto Moody Street. All driveways will be perpendicular to the existing streets. As a result of discussions with the City's Fire Department, the entrance and exits will be 16 feet wide, which is greater than the minimum entrance width of 12 feet specified in Section 1.7 of the City's Technical Manual. The additional driveway width is required to provide emergency access to the site. The driveways will be located 80 feet from the Vesper Street intersection and approximately 70 feet from the O'Brion Street and Beckett Street Intersections.

Both driveways will have sight distances in excess of the distances required in Section 1.6 of the City's Technical Manual. Sight Distances at each driveway is greater than 220 feet, which exceeds the 200 feet minimum sight distance required for 25 mph streets.

The driveway entrance and exit will be constructed with radial granite curbing, which will allow for emergency vehicular access. Woodard & Curran has utilized AutoTurn software to analyze the maneuverability of emergency access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width. A figure showing the emergency vehicular access is included as Figure 8-1. This plan was developed with feedback and guidance provided by the City's Fire Department during a meeting on November 17, 2010.

8.7 FIRE HYDRANTS

Several fire hydrants and fire call boxes are located near the development. The location of these hydrants and call boxes are shown on the enclosed boundary plan. The existing hydrants are located near the corner of Vesper Street and Moody Street, at the corner of Moody Street and Beckett Street, and at the corner of O'Brion Street and Wilson Street. No new hydrants are proposed.



PFD - Ladder 1

NOTE:
 LADDER 1 DIMENSIONS PROVIDED BY JOE FOURNIER, CITY OF PORTLAND FIRE APPARATUS SPECIALIST ON NOVEMBER 17, 2010



41 Hutchins Drive
 Portland, Maine 04102
 800.426.4262 | www.woodardcurran.com



COMMITMENT & INTEGRITY DRIVE RESULTS

**PORTLAND FIRE DEPARTMENT
 LADDER 1 TURNING MOVEMENT**

DESIGNED BY: DLC
 CHECKED BY: DLC
 DRAWN BY: JBC
 219804-C200A.dwg

PDT ARCHITECTS
 PORTLAND, MAINE

ADAMS SCHOOL REDEVELOPMENT

JOB NO: 219804.01
 DATE: NOVEMBER 2010
 SCALE: 1" = 30'

Autoturn

9. SIGNIFICANT NATURAL AND HISTORIC FEATURES

The site of the proposed residential project has been previously developed, and does not contain significant natural features or resources. The site does not include wildlife habitat, wetlands or streams.

Woodard & Curran has requested that the Maine Historic Preservation Commission (MHPC) review the site for potential impacts to any known pre-historic sites, historic structures, or archeological sites. Correspondence from the MHPC will be included in the final submission package.

10. LANDSCAPING AND LIGHTING

Avesta is working with Regina S. Leonard Landscape Architecture & Design to develop landscaping designs for the residential development and abutting park. A preliminary landscaping plan is included in the enclosed plan set. The development will include plantings and landscaping along the driveway entrances and street frontage. Planters will be located near the rear entrances and the parking areas; landscape buffers and fencing will be utilized to screen waste and recycling receptacles.

Street trees will be planted along the City's Right-of-Way and within the proposed park. The City's Ordinance requires one street tree per residential unit. The proposed landscaping plan includes 14 trees along Moody, Vesper, and Wilson Streets, with additional trees to be planted within the park exceeding the amount required by Ordinance.

Avesta is proposing the use of energy-efficient LED Site Lighting, in conformance with the goals of LEED design. The LED fixtures are proposed for both the parking lot lighting and street lighting. Currently, Vesper Street is lit by three cobra fixtures, located on the north side of the street. No changes to the existing Vesper Street lighting are proposed. New street lights are proposed near the development's driveways and the midblock pedestrian crossings. These lights are shown on the enclosed landscaping and utility plans.

11. ARCHITECTURE AND STREETScape

The Adams School Redevelopment site will offer high quality, market-rate living units. The buildings are designed with special attention paid to the character of the Munjoy Hill neighborhood surrounding the site of the former Marada Adams Elementary School. A park dedicated to Marada Adams is also planned in partnership with the City of Portland. Streetscape and pedestrian scale are of particular importance to the interface of these buildings with the site. Each unit will have a separate street entrance, activating the sidewalk and complimenting the rhythm of the existing streetscape. Individual covered entries will be designed to be sympathetic to the existing architectural character found in the neighborhood. Parking is located internal to the site and adjacent to entrances of each unit. With single access points, we will minimize curb-cuts to the site, keeping pedestrian access the focus along the public right-of-ways. Solid waste management and recycling stations and mailboxes are proposed at Moody and Wilson Street access points.

There are two types of units: A three bedroom, two story townhouse, and a two bedroom flat. The two bedroom flats will compose four, two-story buildings on each of the four corners of the site. The first floor flats will each have an entrance directly off the sidewalk, and the second floor flats will have separate entrances via a private enclosed stair, also with direct sidewalk access. The three bedroom townhouses will feature single-level living and will have individual sidewalk entrances.

Each unit will be expressed architecturally with pitched roofs and distinctive masses. The two bedroom stacked flats shall each have front yards that serve as private green space and create a buffer between the street and the living spaces. This buffer space will also open the view corridor at the corners of the development. The two-story portion of the three bedroom townhouses shall be close to the sidewalk and elevated, while the single story portion will be pulled back to create private patios. This pattern will further activate the streetscape by creating a variation in scale and depth.

The architecture will be trimmed and detailed such that it references the context of the East End. Fenestrations will be proportional to the overall façade composition. Finish materials will include wide plank siding, masonry, and painted trims. Windows will be casement or double hung style, and roofs will be shingled. Operable roof windows will contribute to whole-house natural ventilation.

These homes will be submitted for certification by the USBGC for LEED for Homes and will incorporate many green strategies, technologies and materials. These homes will be submitted for certification by the USBGC for LEED for Homes and will incorporate many green strategies, technologies and materials; while the entire project will be submitted for certification by the USGBC for LEED for Neighborhood Development.

12. STORMWATER MANAGEMENT

The proposed residential development will include stormwater management infrastructure, and will incorporate low-impact development techniques where possible. Avesta intends to utilize pervious surfaces, such as permeable pavers or concrete, where possible to encourage infiltration of stormwater and reduce runoff from the site. Geotechnical Engineer's from SW Cole are currently conducting a soils investigation to determine the site's ability to utilize the pervious surfaces.

12.1 EXISTING CONDITIONS

The site and surrounding neighborhood is located in a highly developed urban environment. The abandoned Marada Adams School and exterior play areas currently occupy the site. The school parcel is approximately 1.5 acres, and consists of building roofs, pavement, lawn space and play areas. The school's roof drains are connected to the City's combined sewer in O'Brion Street; stormwater runoff from the surrounding site drains towards a catchbasin near the corner of Wilson Street and Vesper Street, which connects to the City's combined system in Vesper Street. Both the Vesper Street and O'Brion Street systems drain into the Fore Street Interceptor, and is conveyed to the India Street Pump Station. Additional information regarding the City's Combined Storm/Sewer infrastructure is included in Section 13 of this narrative.

12.2 PROPOSED DEVELOPMENT

The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel for the development of the residential condominiums. A public park will be constructed on an abutting 0.35 acres of land located within and adjacent to the former Beckett Street Right of Way. The existing Marada Adams School will be demolished, and any disturbed areas beyond the proposed residential development and abutting park will receive 4" of loam and will be seeded. The removal of the school will result in a net decrease in impervious area on the 1.5 acre site, and therefore will decrease the rate of stormwater runoff. Avesta intends to use pervious surfaces where possible to encourage infiltration of stormwater, and reduce the amount of stormwater entering the public combined sewer infrastructure. The following table describes the decrease in impervious surface areas, assuming the use of pervious pavers at sidewalks and patios within the site.

Table 11-1: Existing and Proposed Impervious Areas

TOTAL PARCEL SIZE	EXISTING IMPERVIOUS	PROPOSED IMPERVIOUS	NET CHANGE
1.5 acre	0.92 acre	0.78 acre	0.14 acre reduction

Geotechnical Engineers from SW Cole are currently analyzing the site to determine if pervious concrete surfaces can also be used within the parking area. If soil conditions are determined to be appropriate for pervious materials, then the impervious areas listed in Table 11-1 may decrease by an additional 0.18 acres, further reducing the impervious surface area.

The project will be designed to incorporate Stormwater Management systems in compliance with the City's Level III Site Plan Review Standards. The project does not require approval under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

The site was developed prior to 2005, and is classified as “redevelopment” per Section 5-4-B(e) of the City’s Technical Manual, which states: *“For a project [...] that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project’s stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area.”* The use of pervious pavers and the overall net reduction in impervious areas onsite will reduce stormwater impacts in the area. Avesta and the design team discussed this stormwater strategy with the City’s Department of Public Services during the pre-application meeting on November 10, 2010. We understand the Department supports the use of pervious materials, where possible, in order to reduce the amount of stormwater entering into the City’s combined system.

13. UTILITIES

The proposed residential development will be serviced by public water, sewer, gas and electric. A utility corridor will be created within the rear parking area, and each unit will be provided with separate utility service lines. A 48 foot wide easement will be granted to the utility companies for access and maintenance of the infrastructure. The location of the easement and proposed utilities are shown on Sheet C3 of the enclosed plans.

Woodard & Curran and the design team will coordinate service locations and connections with the appropriate utilities as the design progresses. Letters of capacity will be provided from the City of Portland Public Services and the Portland Water District upon receipt.

13.1 WATER

The proposed development will utilize both fire protection water service and domestic water service. Connections are proposed at both Moody Street and Wilson Street in order to create a service loop. Avesta intends to pursue LEED certification and will be using low flow fixtures. Bennett Engineering, Inc, mechanical engineers, have reviewed the domestic water demand for the proposed facility and estimates a per unit demand of 30 GPD per unit, which equates to 480 Gallons per Day (GPD). Bennett Engineering estimates peak domestic water flow for each building will be 50 Gallons per Minute (GPM) and that sprinkler/standpipe flow will be 500 GPM.

13.2 SEWER

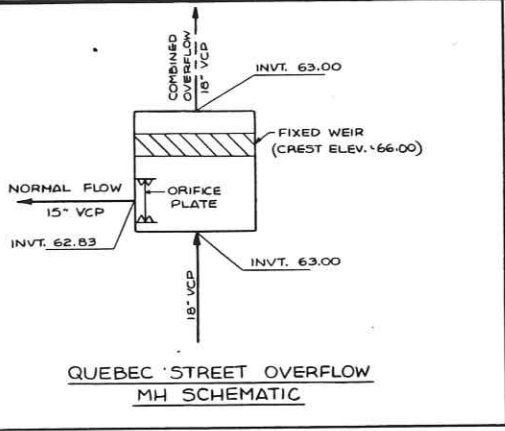
The sewer infrastructure in the Munjoy Hill neighborhood is combined sewer and stormwater. A map of the sewer system, developed by Hunter-Ballew Associates in 1981 for the Portland Water District's Infiltration and Inflow Analysis, is included as Figure 12-1, for your reference. No separated system was identified within close proximity to the proposed development. Avesta is requesting a connection to the 18" combined sewer system in Vesper Street. The Vesper Street system connects into the Fore Street Interceptor, which conveys wastewater to the India Street Pump Station. Additional information regarding the proposed sewer connection is included on Wastewater Capacity Application, enclosed as Figure 12-2. As you will see from the enclosed plans, we propose to separate storm and sanitary sewer within the site to provide for future separation by the City.

13.3 GAS

Avesta intends to provide natural gas service to the proposed condominium units. A connection to the existing gas main in Moody Street is proposed. Woodard & Curran and Bennett Engineering will be coordinating with Unitil regarding gas service installation.

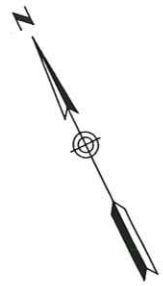
13.4 ELECTRIC

Bennett Engineering is coordinating with Central Maine Power (CMP) to develop plans for electrical service to the condominium units. Two poles within the City's Right-of-Way will require relocation due to their proximity to the proposed entrance driveway. The relocated poles will remain within the City Right of Way, and Central Maine Power has indicated that transformers may be mounted to these relocated utility poles, to service the project. All electrical service lines within the condominium property will be installed underground.

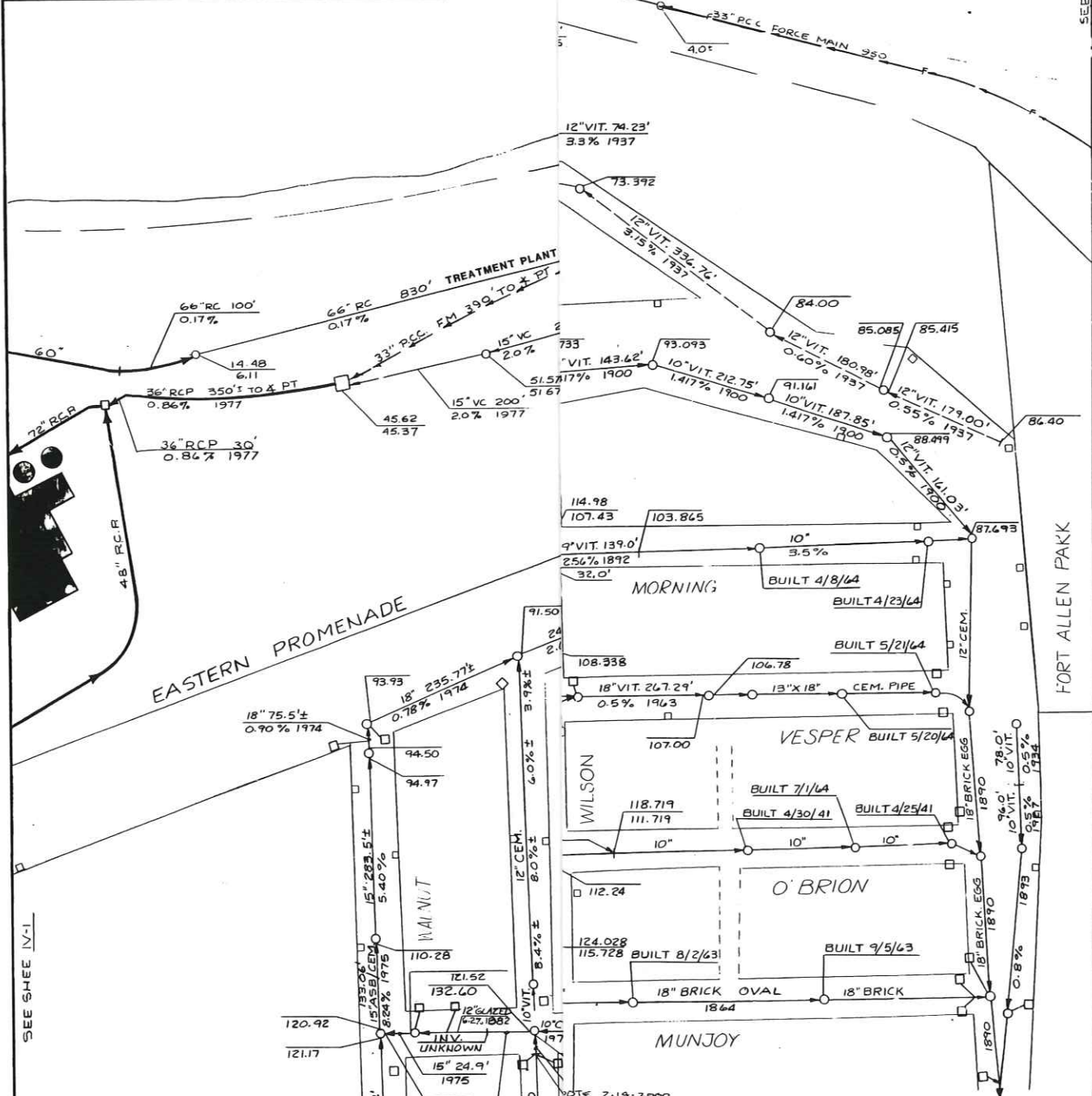


QUEBEC STREET OVERFLOW MH SCHEMATIC

PLANT LINE



SEE SHEET IV-19



SEE SHEET IV-1

Note: The sewer system shown on these sheets was compiled from available City of Portland drawings. A physical field survey to verify the data was not undertaken as part of this program. The drawings are intended for use only as baseline data for Sewer System Evaluation Surveys.

HUNTER-BALLEW ASSOCIATES FALMOUTH, MAINE ENGINEERING PLANNING SURVEYING		CLIENT PORTLAND WATER DISTRICT	
SURVEY		PROJECT PORTLAND SEWER SYSTEM	
PLOT		INFILTRATION-INFLOW ANALYSIS	
BLB JAY		SYSTEM BASE MAPPING	
FIELD BOOK		STUDY AREA IV	
SCALE 1" = 100'	DATE 1981	JOB NO. 51039.00	DRAWING NO. IV-2

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 11/18/2010

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

Site Address: 48 Moody Street
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Proposed Use: 16 Unit Residential Development
 Previous Use: Abandoned School

Existing Sanitary Flows: 0 GPD
 Existing Process Flows: 0 GPD

Description and location of City sewer, at proposed building sewer lateral connection:
Propose connection to 18" sewer near intersection of Vesper Street and Wilson Street

Clearly, indicate the proposed connection, on the submitted plans.

Chart Block Lot Number: 003/H/123&4

Site Category	Commercial	_____
	Industrial <i>(complete part 4 below)</i>	_____
	Governmental	_____
	Residential	<u>X</u>
	Other <i>(specify)</i>	_____

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 480 GPD
 Peaking Factor/ Peak Times: Peak Flow = 50 GPM/Morning

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))*
Bennett Engineering Inc., Mechanical Engineers, determined rates using 'Zurn Water Calculator'

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.

3. Please, Submit Contact Information.

Owner/Developer Name: Avesta Housing c/o Ethan Boxer - Macomber
 Owner/Developer Address: 307 Cumberland Avenue, Portland, ME 04101
 Phone: (207) 553-7777 Fax: (207) 553-7778 E-mail: emacomber@avestahousing.com
 Engineering Consultant Name: Woodard & Curran c/o Denise Cameron
 Engineering Consultant Address: 41 Hutchins Drive, Portland, ME 04102
 Phone: (207) 774-2112 Fax: (207) 774-6635 E-mail: dcameron@woodardcurran.com
 City Planner's Name: To Be Determined Phone: (207) 874-8725

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: N/A GPD
 Do you currently hold Federal or State discharge permits? Yes _____ No X
 Is the process wastewater termed categorical under CFR 40? Yes _____ No X
 OSHA Standard Industrial Code (SIC): _____
 Peaking Factor/Peak Process Times: _____

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

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

November 22, 2010



Barbara Barhydt
Development Review Services Manager
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Avesta Housing - Adams School Site Redevelopment, Level III Preliminary Development Review Application

Dear Barbara:

On behalf of Avesta Housing (Avesta) and the entire design team, we are submitting seven copies of the Level III Preliminary Development Review Application for a 16-unit residential condominium development to be located at 48 Moody Street, the site of the former Marada Adams School. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H.

In 2008, the City of Portland released a Request for Proposals (RFP) for the reuse of this site, and Avesta was selected for the work. Avesta and the City have negotiated a Purchase & Sale Agreement accordingly. The project includes the demolition of the existing Adams School building and site amenities; construction of a 16-unit affordable ownership housing complex; and construction on behalf of the City of a public open space and playground area. The residential development will be located on a parcel of land approximately 0.74 acres in size, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. The public park and playground will be located on an abutting 0.35 acres of land.

We appreciate your guidance and feedback regarding this development, and look forward to discussing this project with the Planning Board at the next available workshop meeting. Please do not hesitate to contact Woodard & Curran if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink, appearing to read 'Denise Cameron', is written over the typed name.

Denise Cameron, P.E.
Project Engineer

Enclosure

cc: Ethan Boxer-Macomber, Avesta Housing
Alan G. Kuniholm, PDT Architects
Regina Leonard landscape architecture & design



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1. APPLICATION FORM



Development Review Application PORTLAND, MAINE

Planning and Urban Development Department
Planning Division and Planning Board

PROJECT NAME: Adams School Site Re-development

PROPOSED DEVELOPMENT ADDRESS:

48 Moody Street, Portland, ME 04101

PROJECT DESCRIPTION:

Demolish the existing Adams School building and site amenities and develop a 16-unit affordable housing complex including 16 parking spaces, a public open space, and a playground.

CHART/BLOCK/LOT: 003/H/1,2,3 & 4

PRELIMINARY PLAN X
FINAL PLAN _____

CONTACT INFORMATION:

APPLICANT

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip Code: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

PROPERTY OWNER

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip Code: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

BILLING ADDRESS

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: Woodard & Curran
Address: 41 Hutchins Drive
Portland, ME
Zip Code: 04102
Work #: (207) 774-2112
Cell #: _____
Fax #: (207) 774-6635
Home: _____
E-mail: dcameron@woodardcurran.com

ENGINEER

Name: Woodard & Curran
Address: 41 Hutchins Drive
Portland, ME
Zip Code: 04102
Work #: (207) 774-2112
Cell #: _____
Fax #: (207) 774-6635
Home: _____
E-mail: dcameron@woodardcurran.com

ARCHITECT

Name: PDT Architects
Address: 49 Dartmouth Street
Portland, ME
Zip Code: 04101
Work #: (207) 775-1059
Cell #: _____
Fax #: _____
Home: _____
E-mail: kuniholm@pdtarchs.com

CONSULTANT

Name: Regina S. Leonard Landscape Architecture & Design
Address: 29 Bridge Street
Topsham, ME
Zip Code: 04086
Work #: (207) 450-9700
Cell #: _____
Fax #: 800-606-4306
Home: _____
E-mail: regina@rslsdesign.com

SURVEYOR

Name: Owen Haskell, Inc.
Address: 390 Route 1, unit 10
Falmouth, ME
Zip Code: 04105
Work #: (207) 774-0424
Cell #: _____
Fax #: _____
Home: _____
E-mail: jswan@owenhaskell.com

ATTORNEY

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area	<u>32,000</u>	sq. ft. (residential development parcel)
Proposed Total Disturbed Area of the Site	<u>58,000</u>	sq. ft. (includes school demolition)

(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)

IMPERVIOUS SURFACE AREA

Proposed Total Paved Area		sq. ft.
Existing Total Impervious Area	<u>23,165</u>	sq. ft.
Proposed Total Impervious Area	<u> </u>	sq. ft.
Proposed Impervious Net Change	<u> </u>	sq. ft.

BUILDING AREA

Existing Building Footprint	<u>8,600</u>	sq. ft. (existing School)
Proposed Building Footprint	<u>13,080</u>	sq. ft.
Proposed Building Footprint Net change	<u>4,480</u>	sq. ft.
Existing Total Building Floor Area	<u>13,650 +/-</u>	sq. ft.
Proposed Total Building Floor Area	<u>22,290</u>	sq. ft.
Proposed Building Floor Area Net Change	<u>8,640</u>	sq. ft.
New Building	<u>yes</u>	(yes or no)

ZONING

Existing	<u>R-6</u>
Proposed, if applicable	<u>R-6 w/ ZBA variance on setbacks</u>

LAND USE

Existing	<u>school</u>
Proposed	<u>residential and park</u>

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units	<u>16</u>
Proposed Number of Residential Units to be Demolished	<u>0</u>
Existing Number of Residential Units	<u>0</u>
Proposed Number of Residential Units	<u>16</u>
Subdivision, Proposed Number of Lots	<u>16 condominium units</u>

PARKING SPACES

Existing Number of Parking Spaces	<u>0</u>
Proposed Number of Parking Spaces	<u>16</u>
Number of Handicapped Parking Spaces	<u>2</u>
Proposed Total Parking Spaces	<u>16</u>

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces	<u>0</u>
Proposed Number of Bicycle Parking Spaces	<u>16 (storage building)</u>
Total Bicycle Parking Spaces	<u>16</u>

ESTIMATED COST OF PROJECT

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	<u>No</u>	Design Review	<u>Yes</u>
Parking Lot	<u>Yes</u>	Flood Plain Review	<u>No</u>
Manufacturing	<u>No</u>	Historic Preservation	<u>No</u>
Office	<u>No</u>	Housing Replacement	<u>No</u>
Residential	<u>Yes</u>	14-403 Street Review	<u>No</u>
Retail/Business	<u>No</u>	Shoreland	<u>No</u>
Warehouse	<u>No</u>	Site Location	<u>No</u>
Single Family Dwelling	<u>No</u>	Stormwater Quality	<u>Yes</u>
2 Family Dwelling	<u>No</u>	Traffic Movement	<u>No</u>
Multi-Family Dwelling	<u>Yes</u>	Zoning Variance	<u>Yes 9/16/10 (or date)</u>
B-3 Ped Activity Review	<u>No</u>	Historic Dist./Landmark	<u>No</u>
Change of Use	<u>No</u>	Off Site Parking	<u>No</u>

APPLICATION FEES:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Level II Development <input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)</p> <p>Subdivision <input checked="" type="checkbox"/> Subdivision (\$500) + amount of lots <u>16</u> (\$25/lot) \$ <u>500</u> + (applicable + Major site plan fee) \$ <u>1400</u></p>
<p>Level III Development <input checked="" type="checkbox"/> Under 50,000 sq. ft. (\$500) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 100 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000 plus applicable application fee)</p>	<p>Other Reviews <input type="checkbox"/> Site Location of Development (\$3,000) (except for residential projects which shall be \$200 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Section 14-403 Review (\$400 + \$25/lot) <input type="checkbox"/> Other _____</p>

LEVEL II AND LEVEL III REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:


1. **Seven (7) full size site plans** that must be **folded**.
2. Seven (7) copies of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 7) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for a Site Plan review only. A Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: <u>11/22/10</u></p>
---	-----------------------------------

Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

City of Portland Planning Division
 389 Congress Street
 Portland, Maine 04101
 (207) 874-8719
 www.portlandmaine.gov

Office Hours:
 Unless noted, office hours are
 Monday thru Friday
 8:00 a.m. – 4:30 p.m.

General Submittal Requirements – Level II and Level III Site Plan

Preliminary Plan Phase (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees <i>(TO BE PAID VIA CREDIT CARD)</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Evidence of right, title and interest.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written assessment of zoning.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written summary of significant natural features located on the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written summary of project's consistency with related city master plans.

Final Plan Phase (including items listed above if no preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within 1/4 mile of an intersection identified in a previous traffic study as a failing intersection).
<input type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Site Plans and Boundary Survey Requirements – Level II and Level III Site Plan

Preliminary Plan Phase (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Preliminary Site Plan Including the following: <i>(*information provided may be preliminary in nature during the preliminary plan phase):</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties..
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Proposed site access and circulation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Existing and proposed utilities (preliminary layout).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Preliminary stormwater management and erosion control plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Existing and proposed easements or public or private rights of way.

Final Plan Phase

<input type="checkbox"/>	<input type="checkbox"/>	7	Final Site Plan Including the following
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Proposed site access and circulation.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Proposed grading and contours.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> ▪ Proposed loading and servicing areas, including applicable turning templates for delivery vehicles

2. PROJECT DESCRIPTION

The Marada Adams School, located at 48 Moody Street, was closed in 2006 and is currently abandoned. In 2008, after a two year public visioning process, the City of Portland released a Request for Proposal (RFP) for the redevelopment of the site and selected (Avesta) for the redevelopment work. The proposed redevelopment project includes the demolition of the existing Adams School building and site amenities; and development of a 16-unit affordable ownership housing complex and the construction of, on behalf of the City, public open space and playground area.

The school parcel is approximately 1.5 acres in size. The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. Avesta currently holds a Purchase and Sales agreement with the City of Portland for this portion of the site. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H. The proposed public park will be constructed on an abutting 0.35 acres of land.

The condominiums will be marketed to be affordable to households of moderate means (0.8 to 1.2 MHI), with incomes near the area median. The residential development will include eight two-bedroom units and eight three-bedroom units, resulting in a total building footprint of 13,080 square feet and a total floor area of 22,290 square feet. The two bedroom units are located at the four corners of the site, with a two bedroom unit located above the lower two bedroom unit. The eight three-bedroom units will consist of two-story residential units.

The two-bedroom unit near the corner of Vesper and Moody Street will be handicap accessible. The western most three bedroom unit on Vesper Street will be designed to have a handicapped accessible lower level. The three bedroom units will have a lower bedroom, which will allow for single floor living for a family member. The development will be designed to meet federal accessibility requirements and will exceed these requirements on many levels to the extent possible.

The front of the buildings will be oriented to the street, with off-street parking (one space per unit) provided along rear private mews. This rear parking area will be screened by the buildings and landscaping, so that the architectural and landscape elements are the focus of the public streetscape. Avesta was granted a variance from the side and rear setback requirements from the Zoning Board of Appeals (ZBA) in September of 2010. A copy of the ZBA Certificate of Variance Approval is enclosed as Figure 2-1. The variance was granted so that the building orientation and their relation to the streets will better align with the character of the neighborhood.

Avesta intends to pursue certification of the project with the United States Green Building Council (USGBC) as LEED Neighborhood Development and LEED for Homes; the development will be designed to be environmentally sustainable and energy efficient.

A condominium association will govern the residential development. The association will be responsible for maintaining the 0.74-acre residential development, including the parking area, rear mews, utilities, sidewalks, landscaping, and appurtenances. Additional information regarding the condominium development will be provided as part of future submittals, including a subdivision recording plat and the condominium documents.



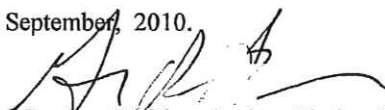
CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the sixteenth day of September, 2010, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: City of Portland, Maine**
2. **Property: called 48 Moody Street, cor. Vesper Street, cor. Wilson Street, Portland, ME -**
CBL: 003-H, 1, 2, 3 & 4
Cumberland County Registry of Deeds, Book Page
Last recorded deed in chain of Title:
3. **Variance and Conditions of Variance:**
To grant relief from section 14-139(1)(d)(3) of the Land Use Zoning Ordinance to allow a side yard setback of 4.2' along Moody Street and 4' along Wilson Street instead of the required 10' side yard setback. And to further grant relief from section 14-139(1)(d)(2) to allow a rear setback of 5' instead of the required 20' rear setback.


IN WITNESS WHEREOF, I have hereto set my hand and seal this 16th day of September, 2010.


Gordon Smith, Acting Chair of
City of Portland Zoning Board,

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Gordon Smith and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on September 16, 2010.


(Printed or Typed Name)

Notary Public
Margaret Schmuckal

My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

REC'D SEP 21 2010

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Jill E. Hunter
Gordan Smith-secretary
William Getz

September 21, 2010

Avesta Housing
Ethan Boxer-Macomber
307 Cumberland Avenue
Portland, ME 04101

RE: 48 Moody Street
CBL: 003 H001
ZONE: R-6

Dear Mr. Boxer-Macomber:

At the September 16, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the practical difficulty variance appeal to reduce the left side setback to four feet, two inches, the right side setback to four feet and the rear setback to five feet. I am enclosing a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 16, 2010, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

You will also find an invoice for \$385.39 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that the practical difficulty variance appeal has been approved, you need to apply for a building permit to build the condominiums. The permit will not be issued until we receive a copy of the recorded Certificate of Variance. The building permit must be issued and construction begun within six months of the date of the hearing, September 16, 2010, referenced under section 14-473(e), or the Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8709.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: September 20, 2010

RE: Action taken by the Zoning Board of Appeals on September 16, 2010.

Members Present: Gordon Smith (acting chair), William Getz (acting secretary), Sara Moppin, and Jill Hunter

Members Absent: Phil Saucier

1. New Business:

A. Practical Difficulty Variance Appeal:

48 Moody Street, Avesta Housing Development Corporation, future owner, Tax Map 003, Block H, Lots 001, 002, 003 & 004, R-6 Residential Zone: The applicant is proposing to build sixteen affordable housing condominiums on the old Adams School site. The appellant is requesting a variance for both side setbacks, from the required ten foot side setback to four feet, two inches on the left side and four feet on the right side [section 14-139(1)(d)(3)]. The appellant is also requesting a variance for the rear setback from the required twenty feet to five feet [section 14-139(1)(d)(2)]. Representing the appeal for Avesta Housing is Ethan Boxer-Macomber. **The Board voted 4-0 to grant the practical difficulty variance appeal to reduce the required left side setback to four feet, two inches, the required right side setback to four feet, and the required rear setback to five feet for the new condominium project.**

2. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals. **The Board voted to postpone the elections until the next meeting.**

Enclosure:

Decision for Agenda from September 16, 2010

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: September 16, 2010

Name and address of applicant: Avesta Housing Development Corp.
307 Cumberland Ave.
Portland, ME 04101

Location of property under appeal: 48 Moody Street

Present:

Sara Moppin
Jill Hunter
Gordon Smith
Bill Getz

Gordon Smith disclosure
of employment with Venill/Dana

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Neither Pro. Con
Celest Bard,
Muskie Institute

- ① Ethan Boxer - Macomber - Avesta, project mgr.
 - ② Seth Parker, mgr@Avesta
 - ③ Avesta Corporate Council
 - ④ Marlynn Meachy - P.D.T. Architect
- apposed: Carol McKeatin - desires notification & updates.
Erna Koch 81 Vesper St. - apposed. - High density and her view would be obstructed.

Gary Marcisso 64 Vesper & Owner of 3 other many buildings are condominium @ 1K-2K
Exhibits admitted (e.g. renderings, reports, etc.):

E-mail messages from Ms. Mullin, Mr. McNally, Mr. Miller, Sen. Alford.
Committee
Powerpoint presentation -

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied 4 Not Satisfied

Reason and supporting facts:

unique as it contemplates frontage on 4 sides and the size (one full block) is unique

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied 4 Not Satisfied

Reason and supporting facts:

*neighbor opposition being considered the possible use would be detrimental if not for the RFP
4 - email letters submitted by neighbors in favor*

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied 4 Not Satisfied

Reason and supporting facts:

per testimony that the City RFP was part of the decision to build

Conclusion: (check one)

4 Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. *Mappin/Getz*

_____ Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

_____ Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated:

9.16.10



Board Chair

3. EVIDENCE OF RIGHT, TITLE AND INTEREST

Avesta Housing Development Corporation has entered into a Purchase Agreement with the City of Portland. A copy of this agreement, dated May 24, 2010 is included as Figure 3-1. A Boundary Survey has been prepared by Owen Haskell Professional Land Surveyors, and is included as Figure 3-2.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into as of 24th of May, 2010, by and between the CITY OF PORTLAND, a Maine municipal corporation with a place of business in Portland, Maine and mailing address of 389 Congress Street, Portland, Maine 04101 ("Seller") and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Buyer")

WITNESSETH:

WHEREAS, through the Adams School Re-Use Committee, Seller conducted public meetings in order to determine the most appropriate use of the former Adams School property, at the conclusion of which Seller sought proposals from parties interested in redeveloping the that property; and

WHEREAS, Buyer submitted a proposal that included development of 40 condominium units for low to moderate income families, together with development of a park adjacent thereto, as more particularly described in Buyer's response to the City of Portland Request for Proposals for Redevelopment of Former Adams School Site dated July 22, 2008 (the "RFP Response"); and

WHEREAS, Buyer, after retooling the Project in response to changes in available sources of sub-market development capital and overall housing market conditions, submitted a revised proposal that included development of at least 16 condominium units for low to moderate income families, together with installation of a park on adjacent land retained by Seller (collectively the "Project"), as more particularly described in Buyer's March 24, 2010 project update letter to Penny Littell, Director of Planning and Urban Development with attached plans and elevations; and

WHEREAS, the updated Project has been publicly reviewed by the Housing Committee of the City Council with that Committee having voted unanimously to move the matter to the attention of the full City Council and the parties now wish to move forward with Buyer's proposed development;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Property to be Sold. Seller agrees to sell and Buyer agrees to buy a certain lot or parcel of land with all buildings, fixtures and improvements thereon, located in the vicinity of 48 Moody Street, Cumberland County, Maine, shown as City of Portland Tax Map 003, consisting of all of the land shown on such tax map as Block H, comprising .74 acres of land, more or less, improved with the former Adams School building and related infrastructure, land and improvements, with frontage on and access to, and bounded by, Moody, Vesper, and Wilson Streets, together with all easements appurtenant thereto (collectively the "Premises"). See Exhibit 1 attached.

2. Purchase Price. Buyer shall pay to Seller the sum of Two Hundred Forty Thousand (\$250,000) (the "Purchase Price") in the manner provided in this Section.

a. Contemporaneously with the execution of this Agreement, Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Initial Deposit").

b. Not later than the Due Diligence Completion Date (as defined in Section 7 below), Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Second Deposit;" the Initial Deposit and the Second Deposit are referred to collectively in this Agreement as the "Deposit").

c. At the closing, Buyer shall pay to Seller the balance of the Purchase Price by certified or bank cashier's check or wire transfer. The Deposit shall be credited against the Purchase Price.

3. Title. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens, claims and encumbrances except those that do not adversely affect the use and enjoyment of the Premises. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time (not to exceed 45 days), after notice in writing, in which to remedy any title defects. In the event that said defects cannot be corrected or remedied or in the event that Seller elects not to remedy same, then the Deposit shall be returned to Buyer and this Agreement, and Seller's and Buyer's obligations hereunder, will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist. Seller agrees to convey the Premises using any new survey description resulting from Buyer's boundary survey.

4. Closing. This transaction shall be closed on or before September 1, 2010 at 10:00 a.m. (the "Closing Date") at the offices of Buyer's counsel, or if the Seller and Buyer shall mutually agree in advance at another time and place. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the balance of the Purchase Price, the following documents:

(a) a Quitclaim Deed with Covenant to the Premises; and

(b) such other customary instruments, documents and affidavits as may be associated with said closing.

5. Risk of Loss, Damage, Destruction and Insurance. Before closing, Seller shall bear the risk of any loss to the Premises by fire or otherwise.

6. Representations and Warranties of Seller. Seller represents and warrants to Buyer as follows:

(a) There is no litigation, administrative hearing, arbitration, or any other proceeding pending or, to the knowledge of Seller, threatened against Seller or with respect to the Premises or the Personal Property with respect to any violation of law, rule or regulation. Seller has received no notices of violation from any Federal or State agency alleging a violation of any environmental law, rule or regulation with respect to the Premises.

(b) Seller has an absolute right to sell, assign or transfer the Premises to Buyer free and clear of all liens, pledges, security interests, demands or encumbrances and without breach of any agreement to which Seller is a party or by which Seller is bound.

7. Inspection. At all reasonable times upon reasonable prior notice, Buyer and any prospective lender or investor of Buyer's shall have the right to enter the Premises and perform, at Buyer's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to

the Premises as Buyer deems necessary or appropriate. Buyer agrees to return the Premises as nearly as possible to their original condition after all of such tests and inspections. Seller shall cooperate with Buyer in such inspections. In the event Buyer is not satisfied for any reason by the results of such due diligence inspections, Buyer shall have the option of terminating this Agreement by written notice to Seller. Buyer's option to terminate this Agreement as provided in this Section 7 shall expire unless such written notice is delivered to Seller not later than July 1, 2010 (the "Due Diligence Completion Date"). If such written notice is not delivered to Seller prior to Due Diligence Completion Date, Buyer shall be deemed to have waived its right to terminate this Agreement as set forth in this Section 7.

8. Possession. Seller shall deliver the Premises to Buyer at closing free and clear of all leases, tenancies and occupancies by any person.

9. Conditions Precedent. Buyer's obligation to close hereunder is subject to Buyer's full and complete satisfaction with all of the following:

(a) Seller shall earmark no less than \$ 1,724,136 in Neighborhood Stabilization Program ("NSP") funds from the Maine State Department of Economic and Community Development. No less than \$1,710,000 of the NSP funds are to be used by Buyer as a source of development capital for the Project. Seller shall directly expend up to \$14,136 of the NSP funds to conduct environmental studies and a HUD required single audit.

(b) There shall have been no material adverse change in the condition of the Premises occurring after the conclusion of Buyer's inspections under Section 7 above, and the Premises shall be substantially in the same condition as they were at the time of the inspections, reasonable wear and tear excepted, subject to the provisions of subsection (e) above.

(d) Title to the Premises shall be good and marketable, and the same shall be conveyed to Buyer free and clear of all liens, claims and encumbrances except encumbrances that do not adversely affect the use and enjoyment of the Premises. Not later than July 1, 2010, Buyer shall have received, at Buyer's expense, an ALTA-ACSM boundary survey of the Premises satisfactory to Buyer in its sole discretion.

(e) As of the date hereof, and as of the date of closing, all of Seller's representations and warranties shall be true and correct in all material respects.

(f) Buyer shall have achieved the development milestones described in Section 13 below within the time periods set forth in such section.

If the conditions described in subsections (a) through (f) above are not satisfied as of the dates specified, or if no date is specified, by the Closing Date, then Buyer shall have the option of terminating this Agreement in writing and receiving back the Deposit.

10. Default and Remedies. In the event that Buyer fails to close hereunder for any reason other than (i) a default by Seller or (ii) termination of this Agreement by Buyer as provided herein, Seller's sole legal and equitable remedy shall be to terminate this Agreement by written notice to Buyer, whereupon and all rights of Buyer to purchase the Premises shall cease and be of no further

force or effect. In the event of Seller's default hereunder, Buyer shall have available all remedies at law and in equity, including without limitation the right of specific performance.

11. Assignment. Upon notice to and concurrence by Seller, which shall not be unreasonably withheld, Buyer may assign this Agreement and all its rights and obligations hereunder to an affiliate of Buyer's.

12. Brokers. The parties represent to each other that neither has had any dealings with any real estate broker in connection with this transaction. Each party agrees to indemnify the other from and against the claims of any brokers arising from this transaction, which indemnity shall survive the closing and shall include reasonable costs of collection, including reasonable attorneys' fees.

13. Development Activities with Respect to the Project; Milestones. After the date of this Agreement, and after the Closing Date, Buyer agrees to use good faith efforts to undertake predevelopment activities towards the goal of developing the Project substantially, as described in subsections (a) and (b) below.

(a) Upon the execution of this Agreement by both parties, Buyer shall continue to refine the Project budget through continued assessment of the real estate market and by securing competitive bids for construction as well as various design and development services. While a budget shortfall is not anticipated by Buyer at this time, to the extent that the final budget demonstrates an unforeseen need for additional subsidy above and beyond the NSP funds allocated by Seller, Buyer shall use good faith efforts to obtain any remaining funds that may be necessary for development of the Project. Buyer shall have until July 15, 2010 to secure binding funding commitments in an amount sufficient in Buyer's sole judgment to fully develop the Project. Should Buyer fail to secure funding commitments as described above, Buyer and Seller shall reassess the viability of the Project and likelihood that final gap funding sources can be secured in a reasonable timeframe. Under this circumstance and after weighing all options, Seller may opt to grant Buyer additional time to secure needed funding or work with Buyer to consider alternative development scenarios for the Premises; e.g. alternative residential unit type, size, number, and/or configuration. If by July 15, 2010 Buyer has not secured all necessary financing and Buyer and Seller, after a good faith effort, are not able to develop a mutually agreeable alternative development scenario, Seller may terminate this Agreement and the Deposit shall be returned to the Buyer.

(b) After receipt of the funding commitments described in subsection (a) above, Buyer shall begin good faith efforts to obtain all necessary permits and approvals for the Project, including without limitation site plan and subdivision approval.

(c) Upon the execution of this Agreement by both parties, Buyer shall, using NSP funds, commence with activities necessary to conduct hazardous materials abatement, and complete the full demolition and removal of the existing Adams School building. Buyer shall also coordinate the removal of an Underground Storage Tank UST identified in the Phase I and Phase II Environmental Site Assessments conducted by SW Cole Engineering on behalf of Seller.

In the event Buyer has not secured its financing by the date specified in Subsection (a) above, either party may terminate this Agreement and the Deposit shall be returned to Buyer.

14. Additional Conditions. Additional conditions are included in Attachment 2 and shall be incorporated herein by reference.

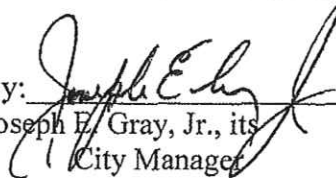
15. Miscellaneous. Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Except as set forth in Section 12 above, the rights of Buyer under this Agreement may not be assigned in whole or in part without written consent of Seller, which shall not be unreasonably withheld. This Agreement constitutes the entire agreement between Seller and Buyer and there are no other agreements, understandings, warranties or representations between Seller and Buyer. Seller's representations and warranties, and certain other provisions contained in this Agreement, shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date written above.

WITNESS:





CITY OF PORTLAND, Seller

By: 

Joseph E. Gray, Jr., its
City Manager

AVESTA HOUSING DEVELOPMENT CORPORATION, Buyer



By: 

Dana Totman, its President

ATTACHMENT 2

Additional Conditions:

1. The Project shall provide no fewer than 16 new units of housing which shall be sold to buyers with household income at or below 120% of the adjusted medium income_____.
2. The Project shall include restrictions to the rental of residential units except as follows:
 - a. To a family member
 - b. To a non-family member for a period not to exceed 20 months in any consecutive 5 year period.
3. The Project site design shall be revised to site all playground equipment in the Beckett / O'Brion right of way and the playground shall be built with a maintenance free design.
4. The Project shall provide LED fixtures in any street lights that may be required through the public review process.
5. Upon license from Seller, Buyer shall stabilize, loam and seed all disturbed areas on the overall +/- 1.5 acre Adams School site.

4. EVIDENCE OF STATE AND/OR FEDERAL APPROVALS

The proposed development will not impact any natural resources therefore no Natural Resources Protection Act (NRPA) permits from the Maine Department of Environmental Protection (MaineDEP) or Programmatic General Permits from the Army Corps of Engineers will be necessary.

As an urban brownfield site, the property may contain environmental contaminants that could require remediation. Avesta is working with the professionals at Credere Associates to assess the site for potential environmental contamination and will develop appropriate plans for the remediation of the property.

The project will be designed to incorporate Stormwater Management systems in compliance with the City's Level III Site Plan Review Standards. The project does not require approval from MaineDEP under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

The removal of the school will disturb more than one acre, and Avesta will be submitting a Notice of Intent to Comply with Maine Construction General Permit.

A Maine Department of Transportation (DOT) Traffic Movement Permit is not required for the project, as the development will not generate more than 100 trip ends during the peak hour.

5. ASSESSMENT OF ZONING

The property is located in the R6 Residential Zone, and will be designed to comply with the standards and intent of Division 7 of the land use regulations.

5.1 MULTI-FAMILY DWELLINGS

Multi-family dwellings are a permitted use for the R6 Zone. The development will comply with the Multi-family Dwelling unit standards of Chapter 14-136 (a)-2. All units will have 870 square feet of floor area or greater, exceeding the minimum floor area of 600 square feet. One off-site parking space will be provided for each unit in compliance with Division 20. All units will be above grade and no open fire escapes will be necessary.

5.2 DIMENSIONAL REQUIREMENTS

As described in Section 2 of this application, the project has received approval from the Zoning Board of Appeals (ZBA) for a variance from side and rear yard setback requirements. Table 5-1 provides a summary of the setback requirements and other dimensional standards for developments within the R-6 zone, per Sections 14-230.14 and 14-230.15 of the Land Use Ordinance.

Table 5-1: R-6 Zone Dimensional Requirements

	REQUIRED	PROVIDED
Front Yard Setback	10 ft or average of existing front yard setbacks	5 ft (average of existing front yards)
Side Yard Setback*	4.2 ft at Moody Street 4 ft at Wilson Street	4.2 ft at Moody Street 4 ft at Wilson Street
Rear Yard Setback*	5 ft	5 ft
Lot Size	4,500 sqft (min)	32,340 sqft
Minimum Area per Dwelling Unit	1,000 sf/unit	2,021 sf/unit
Street Frontage	40ft min	> 200 ft
Max Lot Coverage	50% of lot area for developments with < 20 units	40%
Max Building Height	45 ft	<45 ft
Min Lot Width	50ft	160 ft
Min Open Space (20% of lot for developments with < 20 dwelling units)	0.15 acres	0.33 acres
Parking Spaces (1 per unit)	16	16

*ZBA has approved a variance for side and rear setbacks

The development will utilize pervious paver materials at patios and in areas adjacent to the rear parking area. Woodard & Curran contacted the City's Zoning Administrator on November 11, 2010 and confirmed that these pervious paver areas can be included in the open space calculation.

6. EASEMENTS AND OTHER BURDENS

There are no existing easements on the site of the residential development.

As part of the residential development, an easement will be provided at the rear parking lot for the access and maintenance of the water, sewer, gas, electric, and telephone service lines. The location of the easement is shown on the enclosed utility plan. The delineation of the proposed easement will also be shown on the recording plat, which will be provided during the final plan submission.

7. WAIVERS REQUESTED

As a condition of the Purchase and Sales Agreement, the City Council requested that any street lights required for the development will utilize LED fixtures. In order to comply with this condition, Avesta is requesting a waiver from Section 10.2 in the Technical Design Standards, which specifies a non-LED street pole fixture.

8. TRAFFIC ANALYSIS AND EMERGENCY ACCESS

8.1 PEAK HOUR TRIP GENERATION

The proposed development will not significantly impact traffic in the area. Based on a review of applicable ITE Trip Generation 8th Edition Land Use Codes (LUC) 230 – Residential Condominiums, the 16 unit residential development will generate 12 and 13 trip ends during the AM and PM peak hours respectively, less than the 100 trip ends threshold for a Traffic Movement Permit from the Maine DOT. The peak hour vehicle trips generated from the development are well below the number of trips generated at the site when the school was operational.

8.2 VEHICULAR AND BICYCLE PARKING

Offsite vehicular parking will be provided at a rate of one parking space per unit in accordance with Division 20 of the Land Use Ordinance. All parking spaces shall be 9 feet wide by 18 feet long. Aisles will be 14 feet wide, as required in the Technical Standards for a 45 degree angle parking configuration. Woodard & Curran and PDT Architects reviewed this aisle width during a meeting with the City of Portland's Fire Department on November 17, 2010.

Bicycle storage is provided at each residential unit within a 90 square foot covered storage unit. In addition, two exterior bike racks will also be provided for additional bike storage.

8.3 PROXIMITY TO BUS ROUTES

The development is located within close proximity to many of Portland Metro's bus routes. The development is less than one block from Route 1, which provides transportation across the Portland Peninsula, and is within walking distance of routes that provide transportation to the North Deering, Falmouth and Portland's downtown areas.

8.4 SIDEWALKS

The development will include the construction of new brick sidewalks with granite curbing along the parcel's frontage of Moody, Vesper, and Wilson Street's. In addition, a new pedestrian walkway will be created in the proposed park along the Beckett Street Right of Way. The park and walkway will reconnect a valuable pedestrian corridor between Beckett Street and O'Brion Street, improve the neighborhood's access to the proposed public park, and create a pleasing view corridor.

8.5 CROSSWALKS

Several crosswalks are located on the streets abutting the development. Two of the crossings are located mid block, and were originally installed to provide access to the school. To improve pedestrian movement and to provide a better crosswalk alignment with the park and existing streets, we recommend removing the two mid block crossings and creating two new crossings in line with Beckett and O'Brion Street Right-of-Way. The locations of the proposed crosswalks are shown on the enclosed site plan. Avesta anticipates the need to present this change to the City's Crosswalk Committee.

8.6 VEHICULAR ENTRANCES

Vehicles will enter the parking area from Wilson Street and exit onto Moody Street. All driveways will be perpendicular to the existing streets. As a result of discussions with the City's Fire Department, the entrance and exits will be 16 feet wide, which is greater than the minimum entrance width of 12 feet specified in Section 1.7 of the City's Technical Manual. The additional driveway width is required to provide emergency access to the site. The driveways will be located 80 feet from the Vesper Street intersection and approximately 70 feet from the O'Brion Street and Beckett Street Intersections.

Both driveways will have sight distances in excess of the distances required in Section 1.6 of the City's Technical Manual. Sight Distances at each driveway is greater than 220 feet, which exceeds the 200 feet minimum sight distance required for 25 mph streets.

The driveway entrance and exit will be constructed with radial granite curbing, which will allow for emergency vehicular access. Woodard & Curran has utilized AutoTurn software to analyze the maneuverability of emergency access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width. A figure showing the emergency vehicular access is included as Figure 8-1. This plan was developed with feedback and guidance provided by the City's Fire Department during a meeting on November 17, 2010.

8.7 FIRE HYDRANTS

Several fire hydrants and fire call boxes are located near the development. The location of these hydrants and call boxes are shown on the enclosed boundary plan. The existing hydrants are located near the corner of Vesper Street and Moody Street, at the corner of Moody Street and Beckett Street, and at the corner of O'Brion Street and Wilson Street. No new hydrants are proposed.

9. SIGNIFICANT NATURAL AND HISTORIC FEATURES

The site of the proposed residential project has been previously developed, and does not contain significant natural features or resources. The site does not include wildlife habitat, wetlands or streams.

Woodard & Curran has requested that the Maine Historic Preservation Commission (MHPC) review the site for potential impacts to any known pre-historic sites, historic structures, or archeological sites. Correspondence from the MHPC will be included in the final submission package.

10. LANDSCAPING AND LIGHTING

Avesta is working with Regina S. Leonard Landscape Architecture & Design to develop landscaping designs for the residential development and abutting park. A preliminary landscaping plan is included in the enclosed plan set. The development will include plantings and landscaping along the driveway entrances and street frontage. Planters will be located near the rear entrances and the parking areas; landscape buffers and fencing will be utilized to screen waste and recycling receptacles.

Street trees will be planted along the City's Right-of-Way and within the proposed park. The City's Ordinance requires one street tree per residential unit. The proposed landscaping plan includes 14 trees along Moody, Vesper, and Wilson Streets, with additional trees to be planted within the park exceeding the amount required by Ordinance.

Avesta is proposing the use of energy-efficient LED Site Lighting, in conformance with the goals of LEED design. The LED fixtures are proposed for both the parking lot lighting and street lighting. Currently, Vesper Street is lit by three cobra fixtures, located on the north side of the street. No changes to the existing Vesper Street lighting are proposed. New street lights are proposed near the development's driveways and the midblock pedestrian crossings. These lights are shown on the enclosed landscaping and utility plans.

11. ARCHITECTURE AND STREETScape

The Adams School Redevelopment site will offer high quality, market-rate living units. The buildings are designed with special attention paid to the character of the Munjoy Hill neighborhood surrounding the site of the former Marada Adams Elementary School. A park dedicated to Marada Adams is also planned in partnership with the City of Portland. Streetscape and pedestrian scale are of particular importance to the interface of these buildings with the site. Each unit will have a separate street entrance, activating the sidewalk and complimenting the rhythm of the existing streetscape. Individual covered entries will be designed to be sympathetic to the existing architectural character found in the neighborhood. Parking is located internal to the site and adjacent to entrances of each unit. With single access points, we will minimize curb-cuts to the site, keeping pedestrian access the focus along the public right-of-ways. Solid waste management and recycling stations and mailboxes are proposed at Moody and Wilson Street access points.

There are two types of units: A three bedroom, two story townhouse, and a two bedroom flat. The two bedroom flats will compose four, two-story buildings on each of the four corners of the site. The first floor flats will each have an entrance directly off the sidewalk, and the second floor flats will have separate entrances via a private enclosed stair, also with direct sidewalk access. The three bedroom townhouses will feature single-level living and will have individual sidewalk entrances.

Each unit will be expressed architecturally with pitched roofs and distinctive masses. The two bedroom stacked flats shall each have front yards that serve as private green space and create a buffer between the street and the living spaces. This buffer space will also open the view corridor at the corners of the development. The two-story portion of the three bedroom townhouses shall be close to the sidewalk and elevated, while the single story portion will be pulled back to create private patios. This pattern will further activate the streetscape by creating a variation in scale and depth.

The architecture will be trimmed and detailed such that it references the context of the East End. Fenestrations will be proportional to the overall façade composition. Finish materials will include wide plank siding, masonry, and painted trims. Windows will be casement or double hung style, and roofs will be shingled. Operable roof windows will contribute to whole-house natural ventilation.

These homes will be submitted for certification by the USBGC for LEED for Homes and will incorporate many green strategies, technologies and materials. These homes will be submitted for certification by the USBGC for LEED for Homes and will incorporate many green strategies, technologies and materials; while the entire project will be submitted for certification by the USGBC for LEED for Neighborhood Development.

12. STORMWATER MANAGEMENT

The proposed residential development will include stormwater management infrastructure, and will incorporate low-impact development techniques where possible. Avesta intends to utilize pervious surfaces, such as permeable pavers or concrete, where possible to encourage infiltration of stormwater and reduce runoff from the site. Geotechnical Engineer’s from SW Cole are currently conducting a soils investigation to determine the site’s ability to utilize the pervious surfaces.

12.1 EXISTING CONDITIONS

The site and surrounding neighborhood is located in a highly developed urban environment. The abandoned Marada Adams School and exterior play areas currently occupy the site. The school parcel is approximately 1.5 acres, and consists of building roofs, pavement, lawn space and play areas. The school’s roof drains are connected to the City’s combined sewer in O’Brion Street; stormwater runoff from the surrounding site drains towards a catchbasin near the corner of Wilson Street and Vesper Street, which connects to the City’s combined system in Vesper Street. Both the Vesper Street and O’Brion Street systems drain into the Fore Street Interceptor, and is conveyed to the India Street Pump Station. Additional information regarding the City’s Combined Storm/Sewer infrastructure is included in Section 13 of this narrative.

12.2 PROPOSED DEVELOPMENT

The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel for the development of the residential condominiums. A public park will be constructed on an abutting 0.35 acres of land located within and adjacent to the former Beckett Street Right of Way. The existing Marada Adams School will be demolished, and any disturbed areas beyond the proposed residential development and abutting park will receive 4” of loam and will be seeded. The removal of the school will result in a net decrease in impervious area on the 1.5 acre site, and therefore will decrease the rate of stormwater runoff. Avesta intends to use pervious surfaces where possible to encourage infiltration of stormwater, and reduce the amount of stormwater entering the public combined sewer infrastructure. The following table describes the decrease in impervious surface areas, assuming the use of pervious pavers at sidewalks and patios within the site.

Table 11-1: Existing and Proposed Impervious Areas

TOTAL PARCEL SIZE	EXISTING IMPERVIOUS	PROPOSED IMPERVIOUS	NET CHANGE
1.5 acre	0.92 acre	0.78 acre	0.14 acre reduction

Geotechnical Engineers from SW Cole are currently analyzing the site to determine if pervious concrete surfaces can also be used within the parking area. If soil conditions are determined to be appropriate for pervious materials, then the impervious areas listed in Table 11-1 may decrease by an additional 0.18 acres, further reducing the impervious surface area.

The project will be designed to incorporate Stormwater Management systems in compliance with the City’s Level III Site Plan Review Standards. The project does not require approval under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

The site was developed prior to 2005, and is classified as “redevelopment” per Section 5-4-B(e) of the City’s Technical Manual, which states: “*For a project [...] that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project’s stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area.*” The use of pervious pavers and the overall net reduction in impervious areas onsite will reduce stormwater impacts in the area. Avesta and the design team discussed this stormwater strategy with the City’s Department of Public Services during the pre-application meeting on November 10, 2010. We understand the Department supports the use of pervious materials, where possible, in order to reduce the amount of stormwater entering into the City’s combined system.

13. UTILITIES

The proposed residential development will be serviced by public water, sewer, gas and electric. A utility corridor will be created within the rear parking area, and each unit will be provided with separate utility service lines. A 48 foot wide easement will be granted to the utility companies for access and maintenance of the infrastructure. The location of the easement and proposed utilities are shown on Sheet C3 of the enclosed plans.

Woodard & Curran and the design team will coordinate service locations and connections with the appropriate utilities as the design progresses. Letters of capacity will be provided from the City of Portland Public Services and the Portland Water District upon receipt.

13.1 WATER

The proposed development will utilize both fire protection water service and domestic water service. Connections are proposed at both Moody Street and Wilson Street in order to create a service loop. Avesta intends to pursue LEED certification and will be using low flow fixtures. Bennett Engineering, Inc, mechanical engineers, have reviewed the domestic water demand for the proposed facility and estimates a per unit demand of 30 GPD per unit, which equates to 480 Gallons per Day (GPD). Bennett Engineering estimates peak domestic water flow for each building will be 50 Gallons per Minute (GPM) and that sprinkler/standpipe flow will be 500 GPM.

13.2 SEWER

The sewer infrastructure in the Munjoy Hill neighborhood is combined sewer and stormwater. A map of the sewer system, developed by Hunter-Ballew Associates in 1981 for the Portland Water District's Infiltration and Inflow Analysis, is included as Figure 12-1, for your reference. No separated system was identified within close proximity to the proposed development. Avesta is requesting a connection to the 18" combined sewer system in Vesper Street. The Vesper Street system connects into the Fore Street Interceptor, which conveys wastewater to the India Street Pump Station. Additional information regarding the proposed sewer connection is included on Wastewater Capacity Application, enclosed as Figure 12-2. As you will see from the enclosed plans, we propose to separate storm and sanitary sewer within the site to provide for future separation by the City.

13.3 GAS

Avesta intends to provide natural gas service to the proposed condominium units. A connection to the existing gas main in Moody Street is proposed. Woodard & Curran and Bennett Engineering will be coordinating with Unitil regarding gas service installation.

13.4 ELECTRIC

Bennett Engineering is coordinating with Central Maine Power (CMP) to develop plans for electrical service to the condominium units. Two poles within the City's Right-of-Way will require relocation due to their proximity to the proposed entrance driveway. The relocated poles will remain within the City Right of Way, and Central Maine Power has indicated that transformers may be mounted to these relocated utility poles, to service the project. All electrical service lines within the condominium property will be installed underground.

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 11/18/2010

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

Site Address: 48 Moody Street
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Proposed Use: 16 Unit Residential Development

Previous Use: Abandoned School

Existing Sanitary Flows: 0 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer, at proposed building sewer lateral connection: _____

Chart Block Lot Number: 003/H/123&4

Site Category	Commercial	_____
	Industrial (complete part 4 below)	_____
	Governmental	_____
	Residential	_____
	Other (specify)	_____ <input checked="" type="checkbox"/>

Propose connection to 18" sewer near intersection of Vesper Street and Wilson Street
 Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 480 GPD

Peaking Factor/ Peak Times: _____

Specify the source of design guidelines: Peak Flow = 50 GPM/Morning
(i.e., "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," __ Portland Water District Records, __ Other (specify)

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: _____

Owner/Developer Address: Avesta Housing c/o Ethan Boxer - Macomber

Phone: (207) 553-7777 Fax: 307 Cumberland Avenue, Portland, ME 04101 E-mail: _____

Engineering Consultant Name: (207) 553-7777 E-mail: emacomber@avestahousing.com

Engineering Consultant Address: Woodard & Curran c/o Denise Cameron

Phone: _____ Fax: 41 Hutchins Drive, Portland, ME 04102 E-mail: _____

City Planner's Name: To Be Determined Phone: (207) 774-6635 E-mail: dcameron@woodardcurran.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: _____ GPD

Do you currently hold Federal or State discharge permits? N/A Yes _____ No _____

Is the process wastewater termed categorical under CFR 40? Yes _____ No

OSHA Standard Industrial Code (SIC): _____

Peaking Factor/Peak Process Times: _____

(http://www.osha.gov/oshstats/sicser.htm)

14. CONFORMANCE WITH MASTER PLAN

A primary goal outlined in the City of Portland's Comprehensive Plan is to encourage and promote affordable housing opportunities for all Maine Citizens (Volume I - Portland's Goals and Policies for the Future, dated November 2002). Avesta has extensive experience in developing high quality affordable housing in and around the Portland area. The proposed project will provide work force housing opportunities on the Peninsula. The development has been designed so that the density and character of the multi-family dwellings will conform to and enhance the neighboring community.

Dec 7 at DPS 2:30 to
discuss drainage - attendees
at end of
this note

ask for materials schedule
clar. removal + loc plygd.

Adams School Site Redevel

Denise Cameron - opened with brief outline

Ref Imperious - overall site reduced

housing area increase

Existing drainage - all surface to Vespe + Wilson

Ref drains - towards O'Brien

At pre-app had hoped parking lot could be pervious

Site has 5 ft. of urban fill

underneath is glacial till - no infiltration

so need to renew + look at other strategies

Described rain gardens - all small + serve park

Doug - priority shd. be given to collecting + treating
the parking lot.

Al P - feels Chap 500 ref redew does not apply for Avesta hsg. part as definitely worse (basketball hoop → parking.

Steff - Tier 3 plan does not anticipate separation on Peninsula. - storage + wet weather Hmt.
? is there a timeframe?

Dave - Ideal world treat everything on site
tree boxes on site even tho' going to sewer.

Dense - quantity based on whole site

B Steff - one building / doing mps on part for City so seen as one.

E B. m - been designed as a common scheme with 2 ultimate owners

Al - another case MDEP determines each lot must independently meet 95%

Doug - grass/urban OS not offering much perm. as compacted etc. and also issue of fertilizer treat vol. of overall site + hottest areas best

Ethan - City lot - staying for new.

BS clamped
⊗ not req. waiver from Hmt
only req. waiver to allow connect to
combined sewers
Denise - asking waiver so can make
connections to combined sewer.

- any permeable materials used on site
limited to walkways would need to
underdrained anyway so they get
some storage.

Steff - tree boxes in hsg. area located well
to capture

Ethem - tree boxes \$15,000 each

David - Rick Jones developing prototype

Mike - raingardens similar.

AI - Filtera has
patent.

City Son
Holme
Ave

Some
dead ends
off Clifton

Steff - like to concentrate on
capturing + hsg. parking lot
- another approach to roof drains
not irrigation as planters too small

Denise - box filter serving pkg. area.
(Mike mentioned other surfaces)
still need undergrains + gravel storage.

Al - city has not granted waivers for Hines roof
drainage. ; need to see #'s as looks like
imperious increasing

Barry - not practicable to treat 100% roof etc +
95% of ... + 75% of ... (+ he doesn't think
they are req'd to do because dev.)

Barry - Ords + text guidance don't reflect current CSO policy dev. - doesn't need that if CSO policy is not inconsistent

Barbara - need to stay w/ Chap 500 for now

Barry - could store - how much

Denise - could store, but might delay & hit overall peak.

Al - unlikely that a diff. drainage approach would change what's above ground -

Denise - between prelim + final will get #'s re flows

Doug - Clean Water Act - all water bodies are impaired except Casco Bay & we're required to improve.

Ethan - City land; primary funding from City

Meeting attended by:

Applicant

Ethan B-M.

Barry Sheif

Denise Cameron

Architect

Regina Leonard, lead arch

Staff/Reviewers

Barbara B + Kauf (Pl.)

David M-P

Doug Roncarati } DPS

Mike Farmer }

Al Palmer Peer Eng. Rev.

Adams School Site Aesthetics Proposed Housing

Public Review 12-01-10 Dev Rev.

① Get background info esp RFP, check P+S re requirements (Amy? Penny?)

② Check whether this needs a design review.

③ Clarify re variance (zoning) re setbacks ^{6 mos/1 yr?}

④ Crosswalk - Tom will get to 12-9-10
Crosswalk Comm - if send him pdf of ^{Site} Plan

⑤ Drainage - DM-P sending comments -
Key issue:

- extent of pervious surfaces? sort info
- prefer sheet flow to street rather than to sewer

⑥ Tom Ermo (Traffic) and Jeff Taulung (Landscape) comments have been sent.

⑦ Landscape - check rain gardens?

Hearing likely to be February as needs another workshop in Jan.

Ackow
done



6 mos
let Ethan
know
+ Bd - can
be extra yr.



LED
some new
sheet lighting? mut
LED
new LED
lighting?

1st tree
per unit

ch bicycle
parking
2 spaces for
every 5 dwg
units

Not dis. used
by need to
address
cepted
(Milly, Bill)
Max

RFP issues

- 1) Sidewalk using porous materials
? back to Council
- 2) Retain or relocate playground
- 3) Remove + store mural or incorporate
- 4) Access through side

P+S re .74 acres for housing

- All playground equip. on the Beckett/O'Brian Row. + playground main fee.
- LED light fixtures in any st lights required thru. review.

Jean Fraser - 48 Moody Street Adams School Site Re-Development

From: Ann Machado
To: Jean Fraser
Date: 12/1/2010 12:07 PM
Subject: 48 Moody Street Adams School Site Re-Development
CC: Barbara Barhydt

Jean -

Marge checked the DVD of the appeal and the Zoning Board approval is for 6 months only. Ethan did not ask for a year approval. He will have to go back to the ZBA to get an extension of the approval if the building permit is not issued and work started by March 16, 2011.

Ann

Jean Fraser - Issues to address re Adams School Redev Proposals by Avesta

From: Jean Fraser
To: Barhydt, Barbara; Jaegerman, Alex
Date: 12/2/2010 12:25 PM
Subject: Issues to address re Adams School Redev Proposals by Avesta

Alex and Barbara

I have now read through the RFP and the P&S agreement.

- There is no ref to sidewalks, only to using LED in any new street lights;
- The P&S requires the playground equipment to be in the Beckett/O'Brion ROW (they are not in this ROW in the proposals)
- The RFP requires the mural to be removed and stored or incorporated into the project; I see no reference to the mural

I imagine you know the background re changes to the RFP agreement that are now reflected in the plans.

Re the Site Plan:

- The project is subject to the generic design standards (not the *R6 Design Principles and Standards* which are for R6 infill lots under 10,000 sq ft) that used to be just one of the list of site plan standards but now included in the design manual and relate to multiple family housing (page 9 with no appendix). I am not sure these standards need a team of 3 planners to review but since its now in the design manual maybe it does....please advise.
-
- The project needs a review under Public Safety/CPTED- I noticed that both Bill and Molly have been involved in recent Adams School meetings and perhaps they should be included on a panel to review this from the CPTED viewpoint (Barbara had agreed with planners that this review would be panel-based since we have no technical standards for it at the moment). I would like to set up this review for Monday or Tuesday next week and suggest it would be Molly plus one other planner plus me at least - please advise.
-
- I am seeking additional info re raingardens, ref to "park concept" and soil tests/pervious surfaces for the PB Memo.

Jean

Jean Fraser - Update on Site Plan Review of Adams School Site Redevelopment

From: Jean Fraser
To: Hawk, Richelle; emacomber@avestahousing.org
Date: 12/2/2010 2:32 PM
Subject: Update on Site Plan Review of Adams School Site Redevelopment

Richelle and Ethan,

Just writing to let you know where the review has got to.

The Planning Board Workshop is scheduled for the afternoon of Tuesday, Dec 14th so I will be finalizing the PB Memo the middle of next week.

Before then the Crosswalk Committee (I think its all staff) will review the proposed crosswalk changes on Dec 9th (via Tom Errico, City Traffic Engineering Peer Reviewer).

Just so you are aware, the zoning variance re the setbacks was for 6 months only, so you will need to go back to the ZBA to get an extension of the approval if the building permit is not issued and work started by March 16, 2011.

I would request clarification/information regarding the following as soon as possible so that I can ensure the PB memo is clear and correct:

- The narrative regarding Stormwater Management refers to SW Cole analyzing the site to "determine if pervious concrete surfaces can also be used within the parking area". This information is crucial to the review of stormwater drainage, particularly as the City will not allow any stormwater to discharge into the City sewer system, so sheet flow and infiltration and treatment will need to be developed further. Could you submit that information in the near future so that staff comments can be more complete?
-
- Also there is a reference to "raingarden" on the Landscape Plan but I don't believe this is referenced elsewhere in the submission (I realize this is in the open space area but they could serve the housing part of the site) - so clarification re the incorporation of raingardens would be helpful.
-
- On the plans there is a note "Park concept shown for reference, park development design by others, refer to Landscape Drawings for Plans and Details". Am I right in understanding that the park is part of the submission for review as described in the application? Does the .74 acre include the park and playground area and if not could that area be clarified in terms of sq ft- also is there information re drainage and lighting and extent of boundary treatment for the open space and playground area?

I have received some detailed review comments that do not need to be addressed prior to the Workshop, but just so you are aware these are the comments so far (I am awaiting comments from the Zoning Administrator, Fire Dept and Engineering Peer reviewer):

- No comments regarding traffic generally;
- Proposed handicapped ramps should be adjusted to align the detectible warning plates perpendicular to the crosswalk (and crosswalks to be perpendicular to the street);
- Applicant to be responsible for all costs associated with altering signage and pavement markings for on street parking and crosswalks;
- Not clear as to the intent of the four 6" PVC pipes shown on the northeast end of the property;
- There will be requirements re removing catchbasins/manholes and sealing of pipes when it comes time for a demo permit;
- Tree wells along City streets should be rectangular and several types are recommended by City Arborist: typical tree well with 'tree grate' spec is NEENAH # R-8810 which is 33" x 60". There are a few other types that would work in sidewalks of this width, see: <http://www.nfco.com/literature/TreeGrateCatalog22/Avenue.pdf>
- Some of the trees shown on the proposed landscape plan are smaller then the typical approved standard. Shade trees should be 2.5" caliper and ornamental trees 1.75" - 2" caliper, the multi-stem or "clump" form should be 6-8' in height.

- Tree & landscape choices would all meet approval. We might want to review all street-tree type options, including trees planted under the wires to include: Zelkova 'Wireless' see: <http://www.jfschmidt.com/introductions/wireless/index.html> , Japanese Tree Lilac, and the Ginkgos to consider the somewhat wider: 'Autumn Gold' or 'Magyar' which should not be too wide for the site but wider than the very upright 'Sentry' as proposed;
- Is it possible to reuse any of the existing trees on-site?

Please note that the plans need to be stamped; property pins will need to be set prior to occupancy.

Also please note that the Site Plan Ordinance includes a public safety set of review criteria and the proposal will be reviewed in the context of CPTED principles in the next few days.

I am out of the office the rest of this afternoon but in the office all day tomorrow if you would like to follow up with a telephone call.

Jean

Jean Fraser, Planner
City of Portland
874 8728

tel conv. Denise Cameron w+@
Dec 3, 2010

Discussion re stormwater drainage - various issues that need a meeting:

- a) if send stormwater to ROS, who to maintain etc since diff future owner
- b) soils don't allow permeable concrete for parking lot - what are options
- c) all drainage currently piped to sewer - could incorporate some retention
- d) rain gardens are intended in O.S. all across the site (S-b w esplanade) but drainage not designed as down to different designer. (note on plan is so Denise can stamp)
- e) Sheet flow would take stormwater to same sewer...

Agreed need meeting - pref. before Board so if any options impact site plan we know that now.

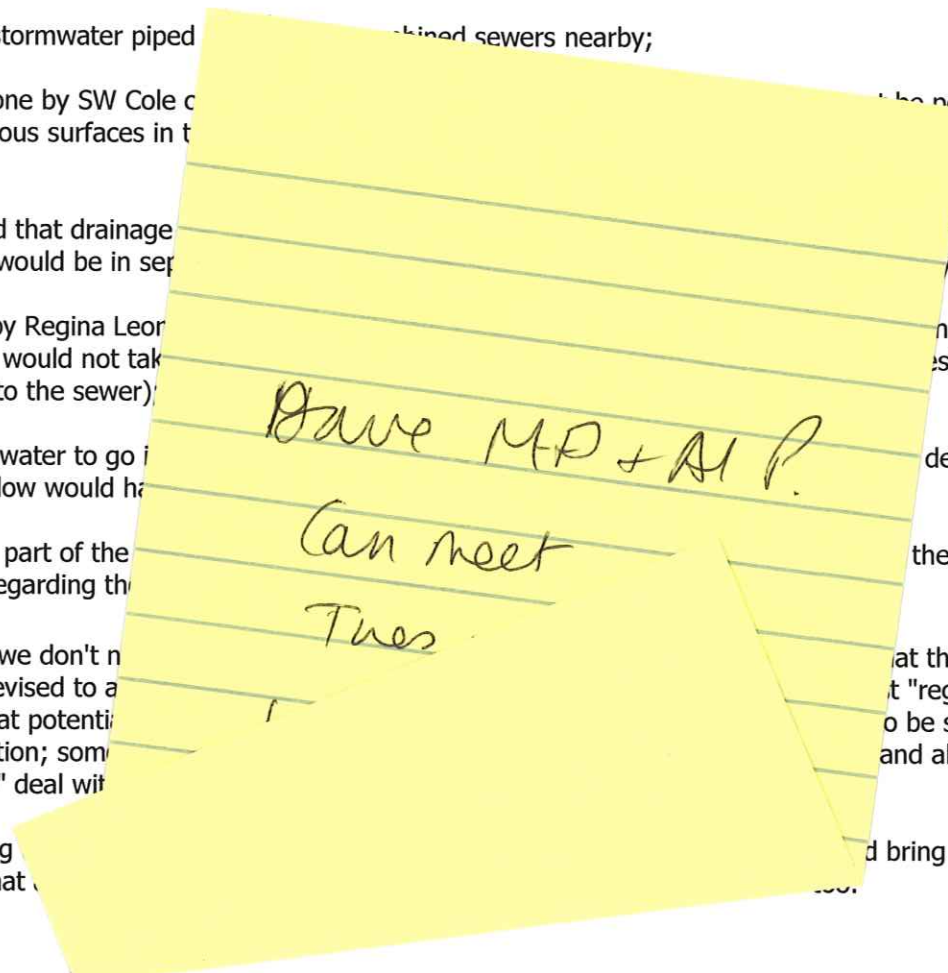
Jean Fraser - Adams School Site- MTG re Stormwater Drainage

From: Jean Fraser
To: APalmer@gorrillpalmer.com; Margolis-Pineo, David
Date: 12/3/2010 2:40 PM
Subject: Adams School Site- MTG re Stormwater Drainage
CC: Barhydt, Barbara

Dave and Al,

I spoke to Denise Cameron of W&C today (based on an e-mail I sent her yesterday with questions) and we agreed that there needs to be a meeting (preferably next week and before the Planning Board Workshop on 12.14.2010) to look at the options for stormwater management. She needs guidance from us in the context of the following issues:

- the current proposals have all stormwater piped into combined sewers nearby;
-
- the results of the soil testing done by SW Cole could be possible for the project to incorporate pervious surfaces in the (to own OS); walking surfaces);
-
- the current design has assumed that drainage on the OS side, designed with housing because the 2 parcels would be in separate detention on
-
- the open space area concept (by Regina Leonard) then concern but as proposed these gardens would not take at the site an underdrain that would tie into the sewer) (t "registered" at every type of approach ie some detention; some need to be some of and also maybe a
- if City does not want any stormwater to go to the site (Denise noted that sheet flow would have to bring Regina
-
- if stormwater from the housing part of the site about responsibility of Avesta regarding the



While this is a preliminary review and we don't need a layout/design/approach needs to be revised to a Workshop and an indication of what potential every type of approach ie some detention; some need for the open space area to "help" deal with

Hence the desire for an urgent meeting with Regina Leonard who is designing the OS so that

Suggested meeting times:

- Dec 7 (tues) 2:30pm at DPS (right after the DPS Dev Rev mtg)**
- Dec 8 (wed) 11am (right after the Planning Dev Rev meeting in 209)**

(David- I have heard via the grapevine that you may be out for 8 weeks or so starting in December; if this is correct, could you bring along whoever will be covering for you)

Please let me know if these suggested dates/times are OK; I will not be finalizing the meeting until I meet with Barbara on Monday (she is out of the office today).

Thank you
Jean

From: "Denise Cameron" <dcameron@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
CC: "Ethan Boxer-Macomber" <ebm@avestahousing.org>, "Alan Kuniholm" <kunihol...>
Date: 12/9/2010 8:11 AM
Subject: RE: Impervious Area Calculations for Adams School

Thanks Jean,

FYI, we have calculated the pre and post impervious areas for the Adams School Redevelopment project, looking at each area individually. The park development and the remaining City owned land will each result in a net decrease in impervious area. The residential development will have a slight increase in impervious area (around 5,000 sf). Collectively, there will be a net decrease in impervious area. We are working to create the figures requested by Al Palmer, and will be providing the group with a detailed breakdown of the areas shortly, but I thought this information may be helpful for you to have when preparing the packet for the Planning Board. If you have any questions, please feel free to call at anytime.

Regards,
Denise

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, December 08, 2010 1:37 PM
To: Denise Cameron
Subject: Re: Maine Historic Preservation Commission, Adams

Thanks

If there is anything else you want to have included in the applicant's submittal, please send it by the end of tomorrow.

>>> "Denise Cameron" <dcameron@woodardcurran.com> 12/8/2010 12:27 PM >>>
Hi Jean,

Last month, we requested a review from the Maine Historical Preservation Commission (MHPC) for the proposed Adams School Redevelopment Project. Attached, please find a response from MHPC confirming that no historic properties will be affected by the proposed project. This correspondence will also be included in our future planning submissions.

Thank you for helping to coordinate the City's review of this project.

Regards,
Denise

Denise Cameron, P.E., Woodard & Curran
PH: 800.426.4262|FX:207.774.6635

Along Vesper



c/o Wilson & Vesper



c/o Vesper + Moody



looking N Moody towards Bay



Wilson looking N



N. end Wilson



wilson opp o' Brian



from Munjoy St.



wilson looking N.

**ENGINEERING DIVISION
Portland Department of Public Services
55 Portland Street
Portland, ME 04101**

M E M O

TO: Jean Fraser
FROM: Mike Farmer, Project Engineer
DATE: February 28, 2011
RE: Adam School residential Condominium Project - Street Lighting

This memo summarizes the Department of Public Services position regarding street lighting on Moody Street, Vesper Street, and Wilson Street adjacent to the project site.

The applicant has proposed relocating an existing utility pole on Moody Street, (which is in one of the proposed driveways for the project), and eliminating the existing cobra head style street light on that pole. The Department supports eliminating this street light.

The Department believes the existing street lights around the project, minus the above mentioned cobra head light to be eliminated, provide satisfactory lighting for the affected streets around the project. The Department believes additional street lighting is not required and the Department does not recommend adding any additional street lighting.

The Department supports providing new LED lighting in the proposed City Park adjacent to the residential development.

Jean Fraser - Re: Adams School lighting

From: Jean Fraser
To: Leonard, Regina S.
Date: 2/1/2011 4:21 PM
Subject: Re: Adams School lighting
CC: Barhydt, Barbara; Denise Cameron

Regina,

I tried to reach you by telephone this afternoon without success.

Essentially this is the current position and I will telephone you (probably Thursday) and write a letter on behalf of the City to confirm:

1. Avesta does not need to provide any street lights in the ROW, but retain all existing cobras except the one located on the existing pole in the proposed drive access from Moody;
2. Park area: we suggest that the lights in the park should be LED KIM as you have proposed but increased to 3 so that the light spills out onto the crosswalks - you have the photometrics for these which should guide the spacing;
3. Parking lot: the ones in the parking lot should be within the site (not in ROW) and (in addition to addressing CPTED concerns) provide light at the vehicle entrances (and can spillover on to the sidewalk). There are a number of options but we do not have any preference (don't need to be pole lights and don't need to be LED- maybe building mounted or bollard type - you may want these to be LED for LEED purposes)

Apologies for any confusion.

Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Re: Adams School site lighting

From: Michael Farmer
To: Fraser, Jean; Leonard, Regina S.
Date: 1/31/2011 11:42 AM
Subject: Re: Adams School site lighting
CC: Barhydt, Barbara; Bobinsky, Michael; Cameron, Denise; Cote, Lucie; E...

I would like to add a little to the discussion on the need for street lighting at the Avesta project site. My recollection of the discussion at the DPS meeting last week is that, before deciding whether or not to recommend new LED street lighting, DPS staff should assess the adequacy of the existing street lighting.

All the existing street lights near the project site are Cobra Head fixtures. The density of the existing street lights around the project site seems to be as high, if not higher than, other similar streets in the area. There is one cobra head fixture at each of the four intersections adjacent to the project site; this is typical for local residential streets in this area. There are street lights on all three utility poles near the site on Moody Street and all three utility poles near the site on Vesper Street. There are street lights on two of the three poles on Wilson Street near the project site. The norm for this area seems to be to have a street light on every other utility pole between intersections. Thus, the number of street lights on Wilson Street is typical and number of street lights on Moody Street and Vesper Street is, if anything, above average for similar residential streets.

Based on the above observations, it is at least possible that DPS will recommend maintaining the status quo at the project site and adding no new street lights.

Michael Farmer, Project Engineer
 Portland Dept. of Public Services
 55 Portland Street
 Portland, ME 04101
 phone: 207-874-8845
 fax: 207-874-8852s

>>> Jean Fraser 1/27/2011 5:07 PM >>>
 Regina,

We have discussed this at both Planning and DPS review meetings and there probably is a need for further discussion.

Our thoughts (both general points and in response to the attached plan that you sent) are set out below- but you will see this e-mail is widely copied in case I have mis-represented things.

1. Just looking at the street lighting we suggest that none of the existing cobra lights be removed as that raises the (difficult to answer) question of whether the KIM lights will provide adequate street lighting.
2. The proposed KIM LED lights in the street ROW should fill in gaps in the existing lighting and also serve to provide good lighting at crosswalks and parking lot access locations. The proposed locations shown for the location of the lights nearest Munjoy St seem farther from the proposed crosswalks than shown on the submitted utility plan and I think they need to be moved eastwards (the crosswalks are almost opposite the boundary of the housing site). Also, if they are looked at in the context of the existing cobras, the "gap" in lighting is more towards Vesper.
3. The photometric "spillover" of the 4 proposed lights in the street ROW (even if relocated as suggested in 2) appears acceptable as they are intended to be street lights and are not "site lighting".
3. The 2 proposed lights in the park area are welcomed as they address CPTED concerns, but since the housing site will be in a different ownership from the park the site lighting standard that you mention (of no more than .1 fc at property line) probably should apply and based on the photometric there would be .2fc on the elevations of the proposed housing. This might be addressed by a slight relocation of the poles to the west (ie towards Munjoy St).
4. From a CPTED viewpoint I think there could be concerns regarding the total absence of lighting within the parking lot area. I am not suggesting there should be pole lights or additional KIM lights, but possibly some bollard-style low level lighting. I'm

guessing that some wall mounted lighting might be intended for that location- that would also need to have photometrics and be reviewed when the time comes. For further discussion.

Hope this is helpful.

Jean
874 8728

>>> Barbara Barhydt 1/26/2011 1:32 PM >>>
I was able to open this one. Thank you Regina.

Barbara

>>> "Regina S. Leonard" <regina@rslsdesign.com> Wednesday, January 26, 2011 1:11 PM >>>
It seems folks are having trouble opening the pdf file I sent earlier. Anyway, I have attached another file - hopefully this one works for you. If not, please let me know and I will keep trying!

Regina S. Leonard
landscape architecture & design
29 Bridge Street
Topsham, ME 04086
Tel. 207-450-9700
Fax 800-606-4306

-----Original Message-----

From: Regina S. Leonard [mailto:regina@rslsdesign.com]
Sent: Wednesday, January 26, 2011 11:50 AM
To: 'Barbara Barhydt', 'Michael Farmer', 'Regina S. Leonard'
Cc: 'Michael Bobinsky', 'Denise Cameron'
Subject: Re: Adams School site lighting

Thanks, Barbara. Here is the attachment. I've been able to open it here, but if you have further trouble let me know and I can reformat it on my end.
I apologize that I do not seem to have Jean's email address.

Regina S. Leonard
landscape architecture & design
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Fax 800-606-4306

-----Original Message-----

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Wednesday, January 26, 2011 11:42 AM
To: 'Michael Farmer', 'Regina S. Leonard'
Cc: 'Michael Bobinsky', 'Denise Cameron'
Subject: Re: Adams School site lighting

Hi Regina:

I am adding Jean Fraser to this as she is the planner reviewing this project. I keep getting an error message and I cannot open your attachment, so please resend.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256
bab@portlandmaine.gov

>>> "Regina S. Leonard" <regina@rslsdesign.com> Wednesday, January 26, 2011 11:26 AM >>>
Hi Barbara and Mike,

I wanted to check in with you regarding the proposed LED lighting for the Adams School project. I have been working back and forth with the KIM lighting rep and the manufacturer on the photometrics. I have attached the "best case scenario" for the KIM WP9SE-LED for use in the park and streetscape. As you will see, there is light spill across the property lines that exceeds the 0.1fc limitation. Please advise. Thanks.

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Tel. 207-450-9700
Fax 800-606-4306

Jean Fraser - Re: Adams School site lighting

From: Jean Fraser
To: Leonard, Regina S.
Date: 1/28/2011 4:15 PM
Subject: Re: Adams School site lighting
CC: Barhydt, Barbara; Bobinsky, Michael; Cameron, Denise; Farmer, Michael...

Regina,

Re #1 & #2, we do not expect any further photometrics re the existing street lights as your proposals already fill in the gaps but I believe two of the proposed street lights need to be moved slightly to address crosswalks (and park walkway) better.

I will need to discuss your other comments with colleagues and get back to you next week.

Jean

>>> "Regina S. Leonard" <regina@rslsdesign.com> 1/28/2011 3:36 PM >>>
 HI Jean,

Thanks for your response. I'm including some additional information and/or questions related to your breakdown:

1. EXISTING COBRA STYLE LIGHTING - Retain as possible. It sounds like you will require us to run photometrics of existing cobras on Moody, Vesper and Wilson Streets in order to determine where additional street lighting - if any - should be located? Please confirm. We will update the plans and submit them for your review.
2. EXISTING & PROPOSED STREET LIGHTING - We will determine gaps as described above and will make sure that crosswalks are adequately lit. We can move the poles east, if necessary.
3. PROPOSED STREET LIGHTING - The 0.2fc at the property lines is okay?
4. PROPOSED PARK LIGHTING - We have run approximately six photometric studies to date using different lamp configurations. Unfortunately, as you suggest, we are not able to move the park lighting to the west since this would pull them into the walkway. We ran other patterns for the park but the one we've submitted for discussion is, in my professional opinion, the best option since the majority of the light moves away from the buildings. Our only other option using this style is to pull the poles into the middle of the planters and mount the fixtures to the north and south of the pole. This creates overspill issues on the other property boundary. This location puts the majority of the light on the planters and leaves dark areas along the walkway. See park section of attached photometrics plan showing this. If necessary, can we either use bollards to light the park walkway or specify a different style light that offers a more narrow light pattern?
5. PROPOSED PARKING LOT LIGHTING - We will work with our project team and the lighting manufacturer to address the parking lot lighting or lack thereof.

Please let me know if we understand your comments correctly. Thanks!

Regina S. Leonard

landscape architecture & design
 29 Bridge Street
 Topsham, ME 04086
 Tel. 207-450-9700
 Fax 800-606-4306

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, January 27, 2011 05:07 PM
To: 'Regina S. Leonard'
Cc: 'Alex Jaegerman', 'Barbara Barhydt', 'Michael Bobinsky', 'Michael Farmer', Thomas.Errico@tylin.com, 'Denise Cameron'
Subject: Re: Adams School site lighting

Regina,

We have discussed this at both Planning and DPS review meetings and there probably is a need for further discussion.

Our thoughts (both general points and in response to the attached plan that you sent) are set out below- but you will see this e-mail is widely copied in case I have mis-represented things.

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Hope this is helpful.

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874 8728

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Barbara

Barbara Barhydt
Development Review Services Manager
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Regina S. Leonard

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Jean Fraser - Avesta Adams School Development- Lighting - update

From: Jean Fraser
To: Barhydt, Barbara
Date: 1/24/2011 12:39 PM
Subject: Avesta Adams School Development- Lighting - update
CC: Jaegerman, Alex
Attachments: May 10, 2010 Special Meeting.pdf

Barbara

This is an update regarding the areas I was requested to research:

1. Info from CMP based on contact that you suggested:

CMP currently do not offer LED lamps because they cost approx three times more that the Metal Halide/Low Pressure Sodium and CMP would have to either increase the lease cost or increase the lease period (currently 15 years) to get the same payback to CMP. They are watching the technology and pricing and this may change. Other municipalities have made enquiries and CMP will let them know when LED lamps are available; Portland (including me) are on that list.

I looked on a few websites and there are "retrofit kits" for LEDs that can be swapped directly into Cobra Head lights; I could not find anything to confirm that there were LEDs available that would "fit" a Town and County fixture (this would need to be confirmed by an "expert").

So I think this leaves us with the Bayside Trail light as the best option, subject to determining appropriate spacing. The proposed locations for new lights at Adams School place 2 near the 2 new crosswalks and 2 near the entrances to the parking lot- which seems sensible. It appears they have left one Cobra head 30 feet from the location of one of the new lights and maybe that needs to be looked at again (or maybe they forgot to mark that it would be removed).

2. References to LED lighting requirements in documentation considered by the CC:

I have obtained a copy of the 5.10.2010 final (Hearing) Staff reports and orders re Adams School as sponsored by the Housing Committee and considered / approved (with an amendment to the P&S Attachment 2 re the playground and amendment re negotiating the P&S- I have paper copy of the minutes) by the City Council in May 2010 (buried at end as Tab 2 in the attached pdf of the background material for the hearing).

- The staff report is one page and written by Penny- it makes no mention of the lights. The cover note (added by anonymous after the first reading) also is quiet re the LED lights.
- Her report is accompanied by a long letter from Dana Totman of Avesta setting out the "terms" in some detail. That letter includes (I am including an overlong quote as the context references to costs supports the interpretation that the lighting is clearly intended to be in City ownership and maintenance):

"This project promises to yield great benefits to the city and to the Munjoy Hill neighborhood. In additional (sic) to paying the City for the land at a rate of \$15,000 per affordable housing unit (\$240,000), Avesta will pay all costs associated with the abatement and demolition of the Adams School Building (estimated \$125,000) as well as the costs of environmental clean up of the site (estimated # \$25,000). Avesta will also pay to reconstruct adjacent sidewalk, curb, street trees and lighting to city specifications and develop the greenway, park and playground area, all of which will be dedicated to the City (estimated \$235,000)." (my underlining)

- The actual P&S was not included in the material for the first reading but was included in the Hearing material attached. It was amended by a motion at the Council in respect of: P&S Att 2 re the playground; order to allow the City Manager to negotiate the P&S Agreement in "substantially the same form ..."

Jean

Same as
for 4-27-2010
w/ another cover
memo + P+S

for Hearing 5-10-10

Order 200-09/10
~~Tab 26 4-27-10~~
~~Tab 37 5-3-10~~
Tab 2 5-10-10

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)
JILL C. DUSON (A/L)
DORY RICHARDS WAXMAN (A/L)

**ORDER AUTHORIZING SALE OF PORTION OF CITY LAND
KNOWN AS THE ADAM SCHOOL SITE
TO AVESTA HOUSING**

ORDERED, that the City Manager is hereby authorized to enter into a Purchase and Sale Agreement for a portion of the city-owned property known as the Adam School site to Avesta Housing; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute whatever other documents are necessary to effect the sale of the described city property to Avesta Housing.

This order approves the proposed purchase and sale agreement of a portion of city property known as the Adam School site to Avesta Housing. The proposed price has not been set and will be one of the subjects for discussion at the Council's Executive Session scheduled for April 27th.

Other significant proposed conditions of the sale include:

- 1) Purchase of +/- .73 acres of city land for \$250,000
- 2) Demolish Adams School and stabilize remainder of site not included within the purchase.
- 3) Utilize \$1,724,136 of NSP money to develop 16 affordable housing units (annual income at or below 120% of Area Median Income (AMI))
- 4) Create a playground on the site, with a proposal that the city will maintain

The Housing Committee met on March 31st and voted unanimously to forward this item to the City Council with a recommendation for passage.

This item must be read on two separate days. It was given a first reading on April 27th. At the May 3rd Council meeting staff requested that this item be postponed to a Special City Council meeting on May 10, 2020 to give Avesta staff and city staff additional time to prepare the purchase and sale agreement.

Five affirmative votes are required for passage after public comment.

To: Mayor Nicholas Mavodones, Jr. and Members of the Portland City Council
From: Penny St. Louis Littell, Director of Planning and Urban Development
Date: April 14, 2010
Re: Adams School Site, 44 Moody Street



After a lengthy neighborhood process, in 2008 the City of Portland made a Request for Proposals for the sale and development of the Adams School. The site comprises 1.5 +/- acres bounded by Munjoy, Moody, Vesper and Wilson Streets. The RFP was awarded to Avesta Housing based on an original purchase of the property for \$600,000 and the development of 40 housing units. In 2009 the City's Housing Committee voted to recommend the allocation of the City's Neighborhood Stabilization monies (\$1,324,136) to the project.

Due to the economic downturn and the scarcity of resources, Avesta was forced to identify other resources which could have supported its original buildout. Exploration was made for a TIF for the site in addition to the NSP allocation. At the end of the process, Avesta reduced the scope of its project and now comes before the City Council with a proposal to purchase a portion of the property and to develop a 16 unit affordable housing project. They are not seeking a TIF, and Avesta has worked with the State Office of Community Development to secure an additional \$400,000 in NSP monies to support the project.

For a full description of the current proposal, please see the attached. The basics are as follows:

- Purchase of +/- .73 acres of City land for \$240,000
- Demolish Adams School and stabilize remainder of site not included within the purchase (est. value \$145,000)
- Utilize \$1,724,136 of NSP money to develop 16 affordable housing units (annual income at or below 120% of Area Median Income (AMI))
- Create a playground on the site, with a proposal that the City will maintain

The Council is being asked to do three things related to this project:

1. Authorize the City Manager to enter into P & S and execute all closing documents to effectuate the sale of +/- .73 acres of land to Avesta Housing for the development and sale of 16 affordable housing units; and
2. Accept an additional \$400,000 in NSP money from the NEDC
3. Authorize expenditure of \$1,724,136.00 NSP to the Avesta Adams School project



Quality Affordable Living

April 13, 2010

Mayor Mavadones and Members of the City Council
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Adams School Reuse – Council Authorization of NSP Funds Allocation
and Purchase and Sale Agreement**

Dear Mayor Mavadones and Members of the City Council,

In preparation for the upcoming May 3, 2010 meeting of the City Council, this letter and attachments provide an update to Avesta's proposal for the reuse of the former Adams School site.

As you know, this project has been a long time in the making. Nearly two years of community visioning process resulted in the release of an RFP in 2008. Avesta's initial response to that RFP called for using the entire site to develop 40 units of affordable ownership housing and a new City greenway, park, and playground. Avesta also proposed that the City establish an affordable housing TIF district to help support development costs.

While the initial proposal was well received by the community and both the Housing and Community Development Committees, shortly after it was submitted the economy and the housing market took a sharp turn for the worse. Subsidy sources dried up, market demand diminished, and the City seemed increasingly reluctant to grant the requested TIF. At the suggestion of City Councilors, Avesta and the City waited for the final release of Federal stimulus program allocations and guidelines to see what new sources of housing and community development funding may come available to support the project and reduce or eliminate the need for a TIF.

In September 2009 the Housing Committee voted unanimously to allocate the City's \$1,324,136 Neighborhood Stabilization Program (NSP) resources to the Adams School project. The 40 unit project required approximately \$3.4M in total subsidy to be feasible. In subsequent discussions between Avesta and the City it was recognized that the NSP funds alone would not be sufficient to subsidize the entire 40 unit project and the decision was made to pursue a phased approach to the project. Avesta, in turn, developed a revised, phased project proposal.

Based on cost estimates provided by Wright Ryan Construction, the new phased development was economically viable but still required some level of TIF funds in order to achieve affordable sales price points. Understanding the difficulty for the City to entertain a TIF proposal in this difficult economic climate, the Maine Department of Economic and Community Development (DECD) offered the project an additional \$400,000 in NSP resources bringing total potentially available NSP funding to \$1,724,136. We are very pleased to say that the \$1,724,136 in NSP funds provides sufficient subsidy to immediately advance the project without the need for any tax relief on the part of the City.

This project promises to yield great benefits to the City and to the Munjoy Hill neighborhood. In addition to paying the City for the land at a rate of \$15,000 per affordable housing unit (\$240,000), Avesta will pay all costs associated with the abatement and demolition of the Adams School building (estimated \$125,000) as well as the costs of environmental clean up of the site (estimated \$25,000). Avesta will also pay to reconstruct adjacent sidewalk, curb, street trees and lighting to City specifications and develop the greenway, park, and playground area, all of which will be dedicated to the City (estimated \$235,000). When the project is complete, the City's maintenance liabilities at the site will be reduced to a small fraction of what they are today. Once completed, the housing units will pay full property taxes to the City of Portland (estimated \$50,000 annually).

In addition to the numerous direct physical and financial benefits to the City, the project also promises to reconnect and revitalize the neighborhood. Sixteen moderate income Portland families will benefit from the availability of high-quality, affordable housing on Munjoy Hill. In keeping with the goals and objectives of the RFP, the project will deliver excellence in architecture, urban design, sustainable design, and construction. The Beckett / O'Brion corridor will be reopened for public access and views of the water. The neighborhood park and playground will be expanded and built new.

We are very excited to advance this project and unlock its benefits to the community. To that end, we ask the Council to support that advancement by approving the allocation of \$1,724,136 in NSP funds to the project and authorizing staff to negotiate and enter into a purchase and sale agreement with Avesta.

Should you, other City Councilors, or staff have any questions or comments as you review the attached project update, please do not hesitate to contact me or Ethan Boxer-Macomber at emacomber@avestahousing.org or at x284.

Sincerely,



Dana Totman,
President

Project Update

Avesta's updated proposal for the redevelopment of the former Adams School is divided into three elements:

- (1) A 16-unit affordable ownership housing development sited on the land east of the Beckett / O'Brion paper street which we will refer to as Phase I;
- (2) A public open space and playground consisting of a public greenway across the entirety of the Beckett / O'Brion paper street and an attached neighborhood playground area; and
- (3) The setting aside of an area of land consisting of the former staff parking lot on Munjoy Street and contiguous additional land with frontage on Moody Street for continuing emergency storm parking and potential future phase of development.

The attached "Concept Site Plan" depicts the proposed boundaries of these three elements.

Phase I – 16 Unit Affordable Ownership Housing Development

NSP Funding

We are very excited that the Maine Department of Economic and Community Development (DECD) has made \$1,724,136 in federal NSP resources available for the project. If these funds are committed, we are confident we can develop this high quality project without any need for tax relief from the City of Portland.

Purchase and Sale

Avesta proposes to enter into a Purchase and Sale Agreement with the City to purchase the +/- .73 acre Phase I parcel which will ultimately belong to a homeowners association under the control of the 16 individual unit owners. Avesta will pay \$15,000 per unit for the parcel (\$240,000) and also provide abatement and demolition services to clean up the site and develop new City infrastructure on and around the site; all at an estimated value of \$385,000. Moreover, Avesta will develop and market the project in accordance with community goals such as sustainability, affordability, and excellence in urban and architectural design.

Project Description

As depicted in the attached plans and elevations, the project consists of eight 1,400 square foot, two-story, three-bedroom units to the interior and eight 1,300 square foot, two-bedroom units at the corners of the parcel. Each unit includes a private patio or balcony and secure storage. Each unit is planned to have at least one on-site parking space per unit as required by City code.

The attached designs are conceptual and not to be considered final. Design variables such as architectural forms, color, and massing will be refined through the public review process with input from the neighborhood, City staff, and the planning board.

The project will be designed and constructed to achieve certification from the US Green Building Council's (USGBC's) LEED program. Following the City's recently adopted Green Building Ordinance,

the structures themselves will be designed and constructed to achieve certification with USGBC LEED for HOMES Program at a minimum "Silver" standard.

The units will be sold to income eligible households in keeping with the affordability guidelines of the NSP program which dictate that NSP units be sold to households with annual income at or below 120% of Area Median Income (AMI). By way of example, current 120% AMI household income is approximately \$65,000 for a family of two and \$82,000 for a family of four. Initially, we plan to sell the two-bedroom units for about \$215,000 or less and the three-bedrooms for about \$260,000 or less. To the extent that market forces and project budget allow, Avesta will endeavor to exceed NSP requirements and market as many units as possible to households with lower incomes. To the extent that project costs come in under budget or additional development capital is secured, Avesta will direct savings to facilitate this deeper income targeting and/or supporting construction upgrades that improve sustainability.

As in the original proposal, the homeowners' association will be formed with Avesta Housing serving as its management agent administering property and grounds maintenance as well as administrative oversight continued affordability at points of sale.

Due to an increase in the NSP allocation offered by DECD, no tax relief of any kind is being sought. The units in the project will pay full property taxes. A full list of project sources and uses is attached.

Marada Adams Park and Playground

As part of Phase I, Avesta Housing will develop the Beckett / O'Brion greenway corridor and adjacent playground as depicted in the attached concept site plan. Avesta proposes to name this public open space *Marada Adams Park* and dedicate it to the City for the permanent enjoyment of the entire Munjoy Hill community.

The park will be designed in collaboration with the City's Parks Division with an eye toward minimizing ongoing maintenance expense. It is anticipated that the new park will require significantly less expense for the City to maintain than the current school site.

Potential Future Phase II

As part of the build out of Phase I and Adams Park, the land area depicted on the concept site plan as "*Potential Future Phase II*" is proposed to be graded, loamed and seeded on its eastern side. The existing staff parking lot on the western side is proposed to be maintained in its current state. The entire Phase II lot is proposed to remain City property.

In the near term, the parking lot may continue to serve a variety of public parking demands such as event parking, snow ban parking, etc. The loamed and seeded portion of Phase II is contiguous with Adams Park and will provide additional green space in the short term.

In the future, the site will be well suited to provide additional housing in some form whether it be rental or ownership, market or affordable. It is difficult to predict future community and market demands and the City may also chose any number alternative uses for the Phase II site. However, should the City conclude that the best use of the phase II site is additional housing, Avesta would be interested in submitting a second development proposal for consideration.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into as of _____, 2010, by and between the CITY OF PORTLAND, a Maine municipal corporation with a place of business in Portland, Maine and mailing address of 389 Congress Street, Portland, Maine 04101 ("Seller") and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Buyer")

WITNESSETH:

WHEREAS, through the Adams School Re-Use Committee, Seller conducted public meetings in order to determine the most appropriate use of the former Adams School property, at the conclusion of which Seller sought proposals from parties interested in redeveloping the that property; and

WHEREAS, Buyer submitted a proposal that included development of 40 condominium units for low to moderate income families, together with development of a park adjacent thereto, as more particularly described in Buyer's response to the City of Portland Request for Proposals for Redevelopment of Former Adams School Site dated July 22, 2008 (the "RFP Response"); and

WHEREAS, Buyer, after retooling the Project in response to changes in available sources of sub-market development capital and overall housing market conditions, submitted a revised proposal that included development of at least 16 condominium units for low to moderate income families, together with installation of a park on adjacent land retained by Seller (collectively the "Project"), as more particularly described in Buyer's March 24, 2010 project update letter to Penny Littell, Director of Planning and Urban Development with attached plans and elevations; and

WHEREAS, the updated Project has been publicly reviewed by the Housing Committee of the City Council with that Committee having voted unanimously to move the matter to the attention of the full City Council and the parties now wish to move forward with Buyer's proposed development;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Property to be Sold. Seller agrees to sell and Buyer agrees to buy a certain lot or parcel of land with all buildings, fixtures and improvements thereon, located in the vicinity of 48 Moody Street, Cumberland County, Maine, shown as City of Portland Tax Map 003, consisting of all of the land shown on such tax map as Block H, comprising .74 acres of land, more or less, improved with the former Adams School building and related infrastructure, land and improvements, with frontage on and access to, and bounded by, Moody, Vesper, and Wilson Streets, together with all easements appurtenant thereto (collectively the "Premises"). See Exhibit 1 attached.

2. Purchase Price. Buyer shall pay to Seller the sum of Two Hundred Forty Thousand (\$250,000) (the "Purchase Price") in the manner provided in this Section.

a. Contemporaneously with the execution of this Agreement, Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Initial Deposit").

b. Not later than the Due Diligence Completion Date (as defined in Section 7 below), Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Second Deposit;" the Initial Deposit and the Second Deposit are referred to collectively in this Agreement as the "Deposit").

c. At the closing, Buyer shall pay to Seller the balance of the Purchase Price by certified or bank cashier's check or wire transfer. The Deposit shall be credited against the Purchase Price.

3. Title. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens, claims and encumbrances except those that do not adversely affect the use and enjoyment of the Premises. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time (not to exceed 45 days), after notice in writing, in which to remedy any title defects. In the event that said defects cannot be corrected or remedied or in the event that Seller elects not to remedy same, then the Deposit shall be returned to Buyer and this Agreement, and Seller's and Buyer's obligations hereunder, will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist. Seller agrees to convey the Premises using any new survey description resulting from Buyer's boundary survey.

4. Closing. This transaction shall be closed on or before September 1, 2010 at 10:00 a.m. (the "Closing Date") at the offices of Buyer's counsel, or if the Seller and Buyer shall mutually agree in advance at another time and place. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the balance of the Purchase Price, the following documents:

- (a) a Quitclaim Deed with Covenant to the Premises; and
- (b) such other customary instruments, documents and affidavits as may be associated with said closing.

5. Risk of Loss, Damage, Destruction and Insurance. Before closing, Seller shall bear the risk of any loss to the Premises by fire or otherwise.

6. Representations and Warranties of Seller. Seller represents and warrants to Buyer as follows:

(a) There is no litigation, administrative hearing, arbitration, or any other proceeding pending or, to the knowledge of Seller, threatened against Seller or with respect to the Premises or the Personal Property with respect to any violation of law, rule or regulation. Seller has received no notices of violation from any Federal or State agency alleging a violation of any environmental law, rule or regulation with respect to the Premises.

(b) Seller has an absolute right to sell, assign or transfer the Premises to Buyer free and clear of all liens, pledges, security interests, demands or encumbrances and without breach of any agreement to which Seller is a party or by which Seller is bound.

7. Inspection. At all reasonable times upon reasonable prior notice, Buyer and any prospective lender or investor of Buyer's shall have the right to enter the Premises and perform, at Buyer's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to

the Premises as Buyer deems necessary or appropriate. Buyer agrees to return the Premises as nearly as possible to their original condition after all of such tests and inspections. Seller shall cooperate with Buyer in such inspections. In the event Buyer is not satisfied for any reason by the results of such due diligence inspections, Buyer shall have the option of terminating this Agreement by written notice to Seller. Buyer's option to terminate this Agreement as provided in this Section 7 shall expire unless such written notice is delivered to Seller not later than July 1, 2010 (the "Due Diligence Completion Date"). If such written notice is not delivered to Seller prior to Due Diligence Completion Date, Buyer shall be deemed to have waived its right to terminate this Agreement as set forth in this Section 7.

8. Possession. Seller shall deliver the Premises to Buyer at closing free and clear of all leases, tenancies and occupancies by any person.

9. Conditions Precedent. Buyer's obligation to close hereunder is subject to Buyer's full and complete satisfaction with all of the following:

(a) Seller shall earmark no less than \$ 1,724,136 in Neighborhood Stabilization Program ("NSP") funds from the Maine State Department of Economic and Community Development. No less than \$1,710,000 of the NSP funds are to be used by Buyer as a source of development capital for the Project. Seller shall directly expend up to \$14,136 of the NSP funds to conduct environmental studies and a HUD required single audit.

(b) There shall have been no material adverse change in the condition of the Premises occurring after the conclusion of Buyer's inspections under Section 7 above, and the Premises shall be substantially in the same condition as they were at the time of the inspections, reasonable wear and tear excepted, subject to the provisions of subsection (e) above.

(d) Title to the Premises shall be good and marketable, and the same shall be conveyed to Buyer free and clear of all liens, claims and encumbrances except encumbrances that do not adversely affect the use and enjoyment of the Premises. Not later than July 1, 2010, Buyer shall have received, at Buyer's expense, an ALTA-ACSM boundary survey of the Premises satisfactory to Buyer in its sole discretion.

(e) As of the date hereof, and as of the date of closing, all of Seller's representations and warranties shall be true and correct in all material respects.

(f) Buyer shall have achieved the development milestones described in Section 13 below within the time periods set forth in such section.

If the conditions described in subsections (a) through (f) above are not satisfied as of the dates specified, or if no date is specified, by the Closing Date, then Buyer shall have the option of terminating this Agreement in writing and receiving back the Deposit.

10. Default and Remedies. In the event that Buyer fails to close hereunder for any reason other than (i) a default by Seller or (ii) termination of this Agreement by Buyer as provided herein, Seller's sole legal and equitable remedy shall be to terminate this Agreement by written notice to Buyer, whereupon and all rights of Buyer to purchase the Premises shall cease and be of no further

force or effect. In the event of Seller's default hereunder, Buyer shall have available all remedies at law and in equity, including without limitation the right of specific performance.

11. Assignment. Upon notice to and concurrence by Seller, which shall not be unreasonably withheld, Buyer may assign this Agreement and all its rights and obligations hereunder to an affiliate of Buyer's.

12. Brokers. The parties represent to each other that neither has had any dealings with any real estate broker in connection with this transaction. Each party agrees to indemnify the other from and against the claims of any brokers arising from this transaction, which indemnity shall survive the closing and shall include reasonable costs of collection, including reasonable attorneys' fees.

13. Development Activities with Respect to the Project; Milestones. After the date of this Agreement, and after the Closing Date, Buyer agrees to use good faith efforts to undertake predevelopment activities towards the goal of developing the Project substantially, as described in subsections (a) and (b) below.

(a) Upon the execution of this Agreement by both parties, Buyer shall continue to refine the Project budget through continued assessment of the real estate market and by securing competitive bids for construction as well as various design and development services. While a budget shortfall is not anticipated by Buyer at this time, to the extent that the final budget demonstrates an unforeseen need for additional subsidy above and beyond the NSP funds allocated by Seller, Buyer shall use good faith efforts to obtain any remaining funds that may be necessary for development of the Project. Buyer shall have until July 15, 2010 to secure binding funding commitments in an amount sufficient in Buyer's sole judgment to fully develop the Project. Should Buyer fail to secure funding commitments as described above, Buyer and Seller shall reassess the viability of the Project and likelihood that final gap funding sources can be secured in a reasonable timeframe. Under this circumstance and after weighing all options, Seller may opt to grant Buyer additional time to secure needed funding or work with Buyer to consider alternative development scenarios for the Premises; e.g. alternative residential unit type, size, number, and/or configuration. If by July 15, 2010 Buyer has not secured all necessary financing and Buyer and Seller, after a good faith effort, are not able to develop a mutually agreeable alternative development scenario, Seller may terminate this Agreement and the Deposit shall be returned to the Buyer.

(b) After receipt of the funding commitments described in subsection (a) above, Buyer shall begin good faith efforts to obtain all necessary permits and approvals for the Project, including without limitation site plan and subdivision approval.

(c) Upon the execution of this Agreement by both parties, Buyer shall, using NSP funds, commence with activities necessary to conduct hazardous materials abatement, and complete the full demolition and removal of the existing Adams School building. Buyer shall also coordinate the removal of an Underground Storage Tank UST identified in the Phase I and Phase II Environmental Site Assessments conducted by SW Cole Engineering on behalf of Seller.

In the event Buyer has not secured its financing by the date specified in Subsection (a) above, either party may terminate this Agreement and the Deposit shall be returned to Buyer.

14. Additional Conditions. Additional conditions are included in Attachment 2 and shall be incorporated herein by reference.

15. Miscellaneous. Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Except as set forth in Section 12 above, the rights of Buyer under this Agreement may not be assigned in whole or in part without written consent of Seller, which shall not be unreasonably withheld. This Agreement constitutes the entire agreement between Seller and Buyer and there are no other agreements, understandings, warranties or representations between Seller and Buyer. Seller's representations and warranties, and certain other provisions contained in this Agreement, shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date written above.

WITNESS:

CITY OF PORTLAND, Seller

By: _____
Joseph E. Gray, Jr., its
City Manager

AVESTA HOUSING DEVELOPMENT
CORPORATION, Buyer

By: _____
Dana Totman, its President

ATTACHMENT 2

Additional Conditions:

1. The Project shall provide no fewer than 16 new units of housing which shall be sold to buyers with household income at or below 120% of the adjusted medium income _____.
2. The Project shall include restrictions to the rental of residential units except as follows:
 - a. To a family member
 - b. To a non-family member for a period not to exceed 20 months in any consecutive 5 year period.
3. The Project site design shall be revised to site all playground equipment in the Beckett / O'Brion right of way and the playground shall be built with a maintenance free design.
4. The Project shall provide LED fixtures in any street lights that may be required through the public review process.
5. Upon license from Seller, Buyer shall stabilize, loam and seed all disturbed areas on the overall +/- 1.5 acre Adams School site.

Order 200-09/10
Given first reading on 4/27/10
Postponed on 5/3/10
Public hearing, amended & passed 5/10/10 8-0 (Anton 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

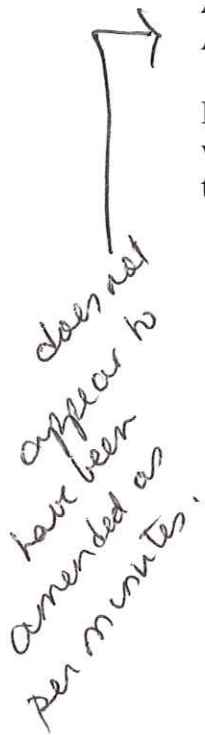
JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
DORY RICHARDS WAXMAN (A/L)

**ORDER AUTHORIZING SALE OF PORTION OF CITY LAND
KNOWN AS THE ADAM SCHOOL SITE
TO AVESTA HOUSING**

ORDERED, that the City Manager is hereby authorized to enter into a Purchase and Sale Agreement for a portion of the city-owned property known as the Adam School site to Avesta Housing; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute whatever other documents are necessary to effect the sale of the described city property to Avesta Housing.

*does not
appear to
have been
amended as
per minutes.*



IN COUNCIL SPECIAL MEETING MAY 10, 2010 VOL. 126 PAGE 99

ROLL CALL: Mayor Mavodones called the meeting to order at 7:03 P.M. Councilor Anton was absent.

UNFINISHED BUSINESS:

Order 200-09/10 Authorizing Sale of a Portion of City Land known as the Adam School Site to Avesta Housing – Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair Pro Tempore. Given first reading on 4/27/10 and postponed on 5/3/10.

Motion was made by Councilor Donoghue and seconded by Councilor Marshall for passage.

Motion was made by Councilor Donoghue and seconded by Councilor Skolnik to amend Attachment 2, requiring the new playground to be built in the same location as the existing playground, of low maintenance material, and that the existing playground remain accessible during construction of the project. Passage 8-0.

Motion was made by Councilor Skolnik and seconded by Councilor Coyne to amend the order to authorize the City Manager to negotiate a purchase and sale agreement in substantially the same form as Attachment 1, as amended. Passage 8-0.

Passage, as amended, 8-0.

Order 199-09/10 Approving CDBG Consolidated Five Year Plan and Annual Action Plan (First Program Year Action Plan) – Sponsored by Joseph E. Gray, Jr., City Manager. Given first reading on 4/27/10.

Motion was made by Councilor Skolnik and seconded by Councilor Marshall for passage. Passage 8-0.

Motion was made by Councilor Donoghue and seconded by Councilor Waxman to adjourn. Passage 8-0, 8:37 P.M.

A TRUE COPY.

ATTEST

Linda C. Cohen, MMC, City Clerk

*Order 200-09/10
Feb-26 4-27-10*

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)
JILL C. DUSON (A/L)
DORY RICHARDS WAXMAN (A/L)

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To: Mayor Nicholas Mavodones, Jr. and Members of the Portland City Council
From: Penny St. Louis Littell, Director of Planning and Urban Development
Date: April 14, 2010
Re: Adams School Site, 44 Moody Street



After a lengthy neighborhood process, in 2008 the City of Portland made a Request for Proposals for the sale and development of the Adams School. The site comprises 1.5 +/- acres bounded by Munjoy, Moody, Vesper and Wilson Streets. The RFP was awarded to Avesta Housing based on an original purchase of the property for \$600,000 and the development of 40 housing units. In 2009 the City's Housing Committee voted to recommend the allocation of the City's Neighborhood Stabilization monies (\$1,324,136) to the project.

Due to the economic downturn and the scarcity of resources, Avesta was forced to identify other resources which could have supported its original buildout. Exploration was made for a TIF for the site in addition to the NSP allocation. At the end of the process, Avesta reduced the scope of its project and now comes before the City Council with a proposal to purchase a portion of the property and to develop a 16 unit affordable housing project. They are not seeking a TIF, and Avesta has worked with the State Office of Community Development to secure an additional \$400,000 in NSP monies to support the project.

For a full description of the current proposal, please see the attached. The basics are as follows:

- Purchase of +/- .73 acres of City land for \$240,000
- Demolish Adams School and stabilize remainder of site not included within the purchase (est. value \$145,000)
- Utilize \$1,724,136 of NSP money to develop 16 affordable housing units (annual income at or below 120% of Area Median Income (AMI))
- Create a playground on the site, with a proposal that the City will maintain

The Council is being asked to do three things related to this project:

1. Authorize the City Manager to enter into P & S and execute all closing documents to effectuate the sale of +/- .73 acres of land to Avesta Housing for the development and sale of 16 affordable housing units; and
2. *Accept an additional \$400,000 in NSP money from the NEDC*
3. Authorize expenditure of \$1,724,136.00 NSP to the Avesta Adams School project



Quality Affordable Living

April 13, 2010

Mayor Mavadones and Members of the City Council
City of Portland
389 Congress Street
Portland, ME 04101

**RE: Adams School Reuse – Council Authorization of NSP Funds Allocation
and Purchase and Sale Agreement**

Dear Mayor Mavadones and Members of the City Council,

In preparation for the upcoming May 3, 2010 meeting of the City Council, this letter and attachments provide an update to Avesta's proposal for the reuse of the former Adams School site.

As you know, this project has been a long time in the making. Nearly two years of community visioning process resulted in the release of an RFP in 2008. Avesta's initial response to that RFP called for using the entire site to develop 40 units of affordable ownership housing and a new City greenway, park, and playground. Avesta also proposed that the City establish an affordable housing TIF district to help support development costs.

While the initial proposal was well received by the community and both the Housing and Community Development Committees, shortly after it was submitted the economy and the housing market took a sharp turn for the worse. Subsidy sources dried up, market demand diminished, and the City seemed increasingly reluctant to grant the requested TIF. At the suggestion of City Councilors, Avesta and the City waited for the final release of Federal stimulus program allocations and guidelines to see what new sources of housing and community development funding may come available to support the project and reduce or eliminate the need for a TIF.

In September 2009 the Housing Committee voted unanimously to allocate the City's \$1,324,136 Neighborhood Stabilization Program (NSP) resources to the Adams School project. The 40 unit project required approximately \$3.4M in total subsidy to be feasible. In subsequent discussions between Avesta and the City it was recognized that the NSP funds alone would not be sufficient to subsidize the entire 40 unit project and the decision was made to pursue a phased approach to the project. Avesta, in turn, developed a revised, phased project proposal.

Based on cost estimates provided by Wright Ryan Construction, the new phased development was economically viable but still required some level of TIF funds in order to achieve affordable sales price points. Understanding the difficulty for the City to entertain a TIF proposal in this difficult economic climate, the Maine Department of Economic and Community Development (DECD) offered the project an additional \$400,000 in NSP resources bringing total potentially available NSP funding to \$1,724,136. We are very pleased to say that the \$1,724,136 in NSP funds provides sufficient subsidy to immediately advance the project without the need for any tax relief on the part of the City.

This project promises to yield great benefits to the City and to the Munjoy Hill neighborhood. In addition to paying the City for the land at a rate of \$15,000 per affordable housing unit (\$240,000), Avesta will pay all costs associated with the abatement and demolition of the Adams School building (estimated \$125,000) as well as the costs of environmental clean up of the site (estimated \$25,000). Avesta will also pay to reconstruct adjacent sidewalk, curb, street trees and lighting to City specifications and develop the greenway, park, and playground area, all of which will be dedicated to the City (estimated \$235,000). When the project is complete, the City's maintenance liabilities at the site will be reduced to a small fraction of what they are today. Once completed, the housing units will pay full property taxes to the City of Portland (estimated \$50,000 annually).

In addition to the numerous direct physical and financial benefits to the City, the project also promises to reconnect and revitalize the neighborhood. Sixteen moderate income Portland families will benefit from the availability of high-quality, affordable housing on Munjoy Hill. In keeping with the goals and objectives of the RFP, the project will deliver excellence in architecture, urban design, sustainable design, and construction. The Beckett / O'Brion corridor will be reopened for public access and views of the water. The neighborhood park and playground will be expanded and built new.

We are very excited to advance this project and unlock its benefits to the community. To that end, we ask the Council to support that advancement by approving the allocation of \$1,724,136 in NSP funds to the project and authorizing staff to negotiate and enter into a purchase and sale agreement with Avesta.

Should you, other City Councilors, or staff have any questions or comments as you review the attached project update, please do not hesitate to contact me or Ethan Boxer-Macomber at emacomber@avestahousing.org or at x284.

Sincerely,



Dana Totman,
President

Project Update

Avesta's updated proposal for the redevelopment of the former Adams School is divided into three elements:

- (1) A 16-unit affordable ownership housing development sited on the land east of the Beckett / O'Brion paper street which we will refer to as Phase I;
- (2) A public open space and playground consisting of a public greenway across the entirety of the Beckett / O'Brion paper street and an attached neighborhood playground area; and
- (3) The setting aside of an area of land consisting of the former staff parking lot on Munjoy Street and contiguous additional land with frontage on Moody Street for continuing emergency storm parking and potential future phase of development.

The attached "Concept Site Plan" depicts the proposed boundaries of these three elements.

Phase I – 16 Unit Affordable Ownership Housing Development

NSP Funding

We are very excited that the Maine Department of Economic and Community Development (DECD) has made \$1,724,136 in federal NSP resources available for the project. If these funds are committed, we are confident we can develop this high quality project without any need for tax relief from the City of Portland.

Purchase and Sale

Avesta proposes to enter into a Purchase and Sale Agreement with the City to purchase the +/- .73 acre Phase I parcel which will ultimately belong to a homeowners association under the control of the 16 individual unit owners. Avesta will pay \$15,000 per unit for the parcel (\$240,000) and also provide abatement and demolition services to clean up the site and develop new City infrastructure on and around the site; all at an estimated value of \$385,000. Moreover, Avesta will develop and market the project in accordance with community goals such as sustainability, affordability, and excellence in urban and architectural design.

Project Description

As depicted in the attached plans and elevations, the project consists of eight 1,400 square foot, two-story, three-bedroom units to the interior and eight 1,300 square foot, two-bedroom units at the corners of the parcel. Each unit includes a private patio or balcony and secure storage. Each unit is planned to have at least one on-site parking space per unit as required by City code.

The attached designs are conceptual and not to be considered final. Design variables such as architectural forms, color, and massing will be refined through the public review process with input from the neighborhood, City staff, and the planning board.

The project will be designed and constructed to achieve certification from the US Green Building Council's (USGBC's) LEED program. Following the City's recently adopted Green Building Ordinance,

the structures themselves will be designed and constructed to achieve certification with USGBC LEED for HOMES Program at a minimum "Silver" standard.

The units will be sold to income eligible households in keeping with the affordability guidelines of the NSP program which dictate that NSP units be sold to households with annual income at or below 120% of Area Median Income (AMI). By way of example, current 120% AMI household income is approximately \$65,000 for a family of two and \$82,000 for a family of four. Initially, we plan to sell the two-bedroom units for about \$215,000 or less and the three-bedrooms for about \$260,000 or less. To the extent that market forces and project budget allow, Avesta will endeavor to exceed NSP requirements and market as many units as possible to households with lower incomes. To the extent that project costs come in under budget or additional development capital is secured, Avesta will direct savings to facilitate this deeper income targeting and/or supporting construction upgrades that improve sustainability.

As in the original proposal, the homeowners' association will be formed with Avesta Housing serving as its management agent administering property and grounds maintenance as well as administrative oversight continued affordability at points of sale.

Due to an increase in the NSP allocation offered by DECD, no tax relief of any kind is being sought. The units in the project will pay full property taxes. A full list of project sources and uses is attached.

Marada Adams Park and Playground

As part of Phase I, Avesta Housing will develop the Beckett / O'Brien greenway corridor and adjacent playground as depicted in the attached concept site plan. Avesta proposes to name this public open space *Marada Adams Park* and dedicate it to the City for the permanent enjoyment of the entire Munjoy Hill community.

The park will be designed in collaboration with the City's Parks Division with an eye toward minimizing ongoing maintenance expense. It is anticipated that the new park will require significantly less expense for the City to maintain than the current school site.

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As part of the build out of Phase I and Adams Park, the land area depicted on the concept site plan as "*Potential Future Phase II*" is proposed to be graded, loamed and seeded on its eastern side. The existing staff parking lot on the western side is proposed to be maintained in its current state. The entire Phase II lot is proposed to remain City property.

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**Adams School Redevelopment
PHASE I**

Development Costs		PPU	% TDC
Land	240,000	15,000	4%
Site Improvements (Housing and Park)	675,000		
Construction	3,022,967		
Construction Contingency	184,898	5%	
Total Construction	3,882,865	242,679	70%
Total Soft Costs	1,387,134	86,696	25%
TDC:	5,510,000	344,375	

SOURCES		Notes
Sub-Market Financing		
Credit Enhanced 50% AHTIF Loan	0	0
Federal NSP Funds	1,710,000	106,875
TOTAL Sub-Market Financing	1,710,000	106,875
Breakeven Sales	3,800,000	237,500

Sales	Type	Price	Totals
8	3-Bed	260,000	2,080,000
8	2-Bed	215,000	1,720,000
0	1-Bed	166,800	0
16	TOTAL		3,800,000

(Gap) / Surplus	0
------------------------	----------

*order 201-09110
Tab 27 4-27-10*

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)
JILL C. DUSON (A/L)
DORY RICHARDS WAXMAN (A/L)

**ORDER ACCEPTING AN ADDITIONAL \$400,000 of NEIGHBORHOOD
STABILIZATION PROGRAM (NSP) FUNDS FROM THE OFFICE OF
COMMUNITY DEVELOPMENT AND
APPROPRIATING \$ 1,724,136 MILLION IN NEIGHBORHOOD
STABILIZATION PROGRAM FUNDS
TO AVESTA HOUSING FOR THE PROPOSED PROJECT ON A PORTION OF
CITY PROPERTY KNOWN AS THE
ADAM SCHOOL SITE**

ORDERED, that the City accepts an additional grant of \$400,000 in Neighborhood Program Funds from the State of Maine Department of Office of Community Development; and

BE IT FURTHER ORDERED, that the City appropriates a total of \$1,724,136 million in Neighborhood Stabilization Program Funds to Avesta Housing for the proposed affordable housing development project on a portion of City property known as the Adam School site; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute any and all agreements or documents necessary to effect this grant.



Moody Street

Munjoy Street

Vesper Street

Wilson Street

Potential Future Phase II

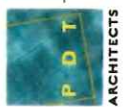
Phase I

Phase I

Existing Parking

New Playground

Dedicated Public Open Space



Concept Site Plan

Adams School Site Redevelopment

March 22, 2010





Vesper Street Elevation



Wilson Street Elevation

Elevations

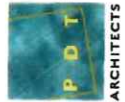
Adams School Site Redevelopment



South Elevation



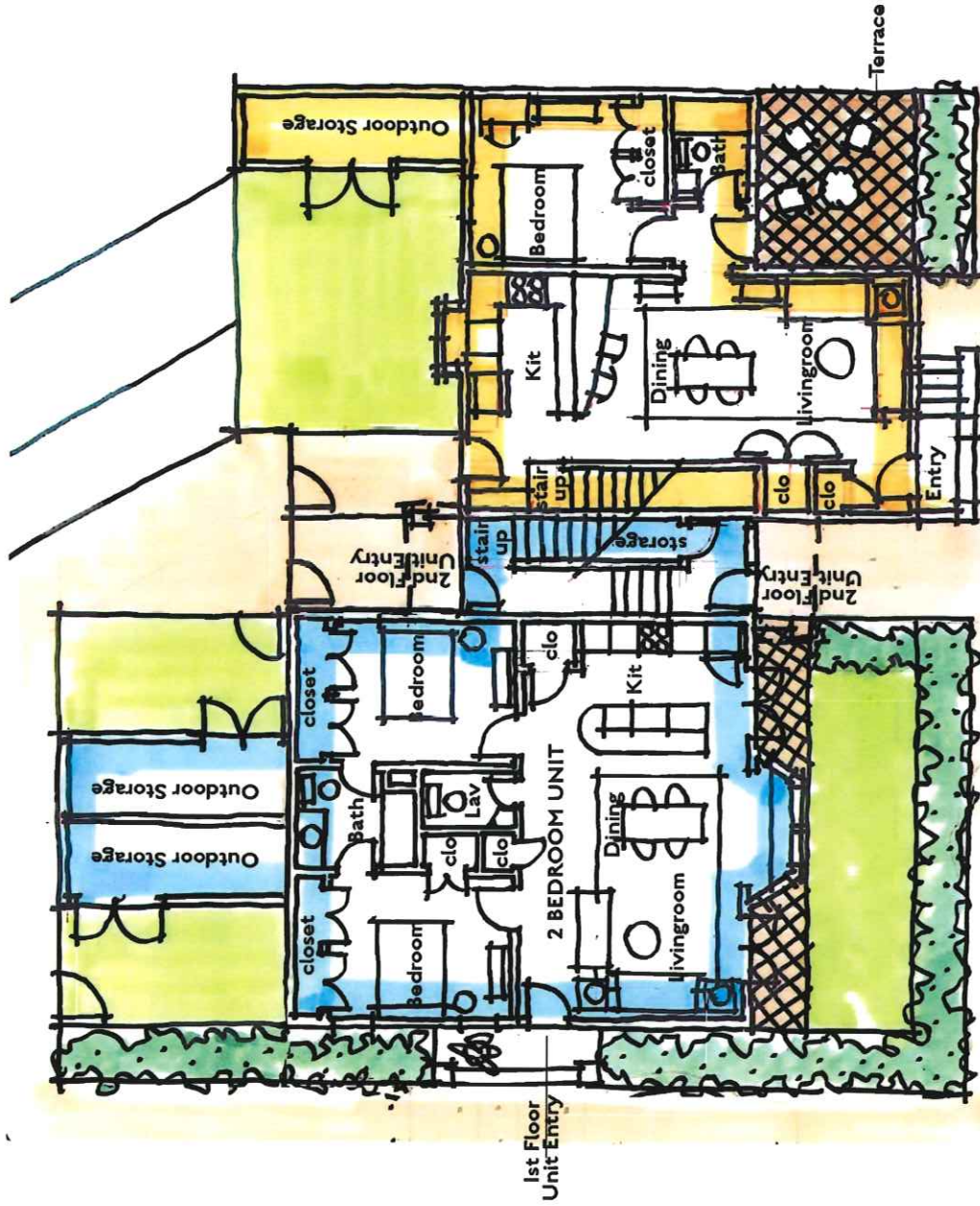
Parking Area Elevation



Elevations
Adams School Site Redevelopment

scale: 1/4"=20'
March 22, 2010



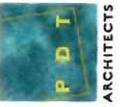
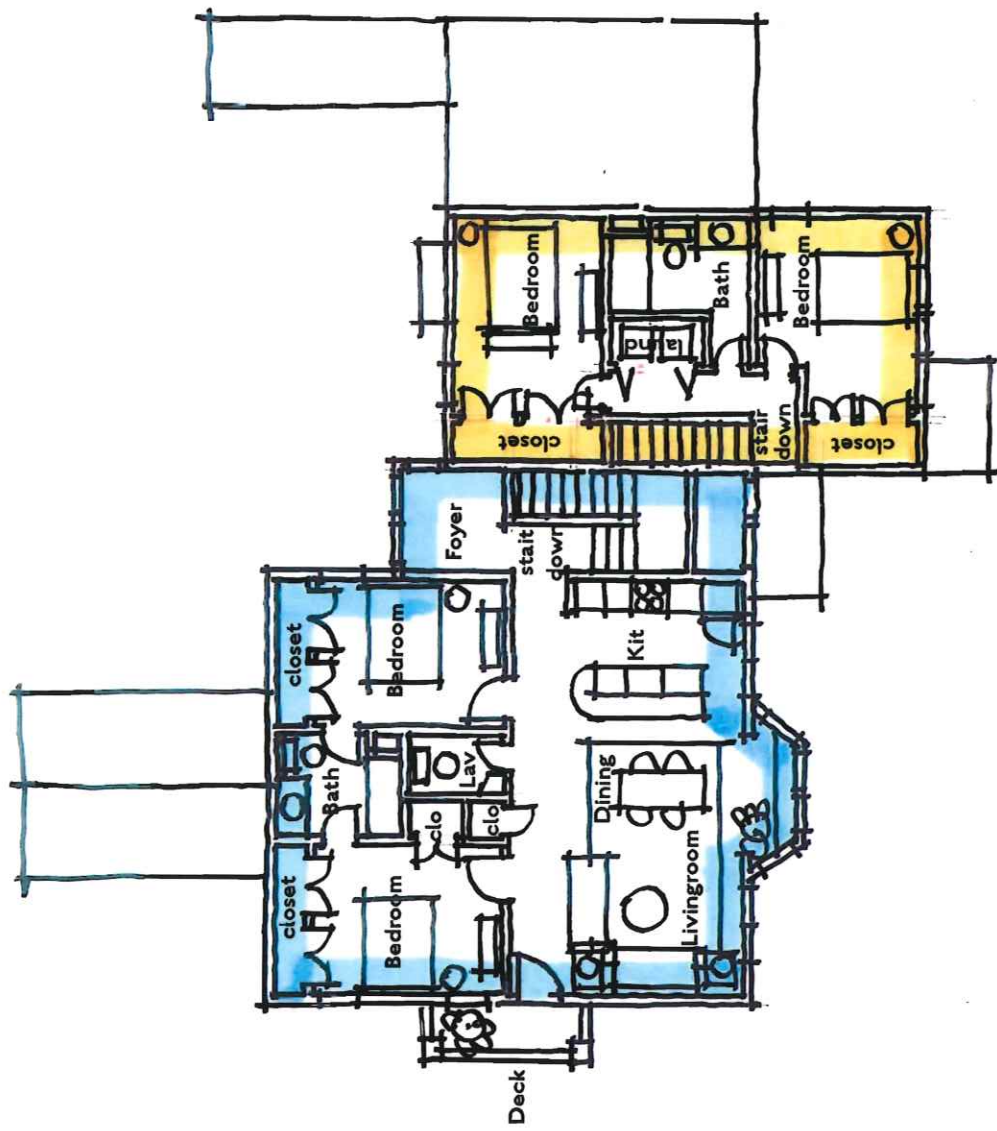


First Floor Plan

Adams School Site Redevelopment

scale: 1/8" = 8'

March 22, 2010



Second Floor Plan
Adams School Site Redevelopment

Jean Fraser - Adams School Re-dev- Lights

From: Jean Fraser
To: Earley, Katherine
Date: 1/19/2011 4:03 PM
Subject: Adams School Re-dev- Lights
CC: Barhydt, Barbara; Errico, Thomas; Farmer, Michael
Attachments: Adams School P&S Agreement as agreed by CC.doc

Kathi

Mike Farmer will be raising this with you following the discussion at Dev Rev this morning, but I thought I would send you the relevant document for reference as this is what the applicant is trying to address.

Apparently the Purchase and Sale Agreement was negotiated in Executive sessions of the Housing Committee in early 2010 which determined that the following was an "additional condition" that the buyer (Avesta) had to meet: (see page 6 of attached, item 4)

"The Project shall provide LED fixtures in any street lights that may be required through the public review process."

This Department and Division suggest that the Housing Committee would not have expected these LED fixtures to be maintained by the buyer as it refers to street lights which are in the ROW and does not expressly require the buyer to maintain them. Since the City Council ratified the P&S agreement we interpret this to mean that there is a City Council expectation that DPS would maintain them.

So....this project is getting ready to go to a final PB Hearing and the applicant is asking what LED fixtures the City would like for the 6 new lights (4 street lights and 2 in the City's park to be retained in City ownership). Assuming that DPS are going to be maintaining them, then its your call - Barbara suggested the ones used along the Bayside Trail (spec is in the Technical manual, with black pole instead of blue) as you maintain those already.

The location of the proposed lights are partly shown on the submitted Utility Plan (a revised version to show 6 new lights is expected) but these locations were as proposed by the applicant and not as specified by the City. However, to ensure the project meets CPTED (Crime Prevention through Env. Design) and meets pedestrian crosswalk and other lighting requirements, I think they probably do need some new street lights and lights in the park area - whether exactly 6 and whether in these proposed locations has not been reviewed yet. I am sure the applicants would like some feedback and have included the new ones to meet what they thought were City Council expectations.

No need to reply- just wanted you to see the P&S document which has set up this requirement.

As I indicated to Mike, I would be glad to set up a meeting of relevant staff if that would help (as Planners often do for engineering issues sometimes) but it needs to be asap.

thanks
Jean

Jean Fraser - Re: Lighting associated with the Adams School Redevelopment Project

From: Barbara Barhydt
To: Bobinsky, Michael; Farmer, Michael; Leonard, Regina S.; Margolis-Pine...
Date: 1/7/2011 4:17 PM
Subject: Re: Lighting associated with the Adams School Redevelopment Project
CC: Cameron, Denise; Fraser, Jean; Jaegerman, Alex

Hi Regina:

You may want to consider the Kim WP9SE_LED fixture that was used on the Bayside trail. The spec is in the technical manual. The City has installed those and intends to maintain those fixtures. This fixture might be a better substitute for the model you have proposed. Please consider it and we will continue to discuss the policy question of what LED lights are appropriate in residential areas.

Thanks.

Barbara

Barbara Barhydt
 Development Review Services Manager
 Planning Division
 389 Congress Street 4th Floor
 Portland, ME 04101
 (207) 874-8699
 Fax: (207) 756-8256
 bab@portlandmaine.gov

>>> "Regina S. Leonard" <regina@rslsdesign.com> Wednesday, December 22, 2010 10:53 AM >>>

I wanted to check in with you all regarding the street and park lighting for the Adams School Redevelopment Project. We are proposing several street lights and interior park lighting along the esplanade. The City of Portland Technical Manual calls for a 14'-4" Town and Country pole. The standards also indicate that the fixtures should be full cut-off, which I am not sure is consistent with the Town and Country style fixtures. I also understand that the City is moving toward using LEDs and owning lights rather than leasing from CMP. That said, I have reservations about specifying the Town & Country pole and fixture. Could you weigh in?

I had provided Dave with information on a Lumec (Phillips) fixture that is LED (4,000K) and full cutoff as an alternative for the City's consideration. I am hoping that you could give some guidance on the City's preference for street and park lighting in this location since we will be making our next submittal in January. I've attached the information for your review. Since this would be an alternate to the standard, I'm wondering how the process works? Could you advise? Thanks.

Regina S. Leonard
landscape architecture & design
 29 Bridge Street
 Topsham, ME 04086
 Tel. 207-450-9700
 Fax 800-606-4306

Jean Fraser - Lighting associated with the Adams School Redevelopment Project

From: "Regina S. Leonard" <regina@rsldesign.com>
To: DMP@portlandmaine.gov; Mfarmer@portlandmaine.gov; mbobinsky@portlandmain...
Date: 12/22/2010 10:56 AM
Subject: Lighting associated with the Adams School Redevelopment Project
CC: dcameron@woodardcurran.com
Attachments: Domus-Small_series.pdf; DOS-TA-61674-JEQ 20100924_113016.pdf; NEH LIGHTING Model (1).pdf

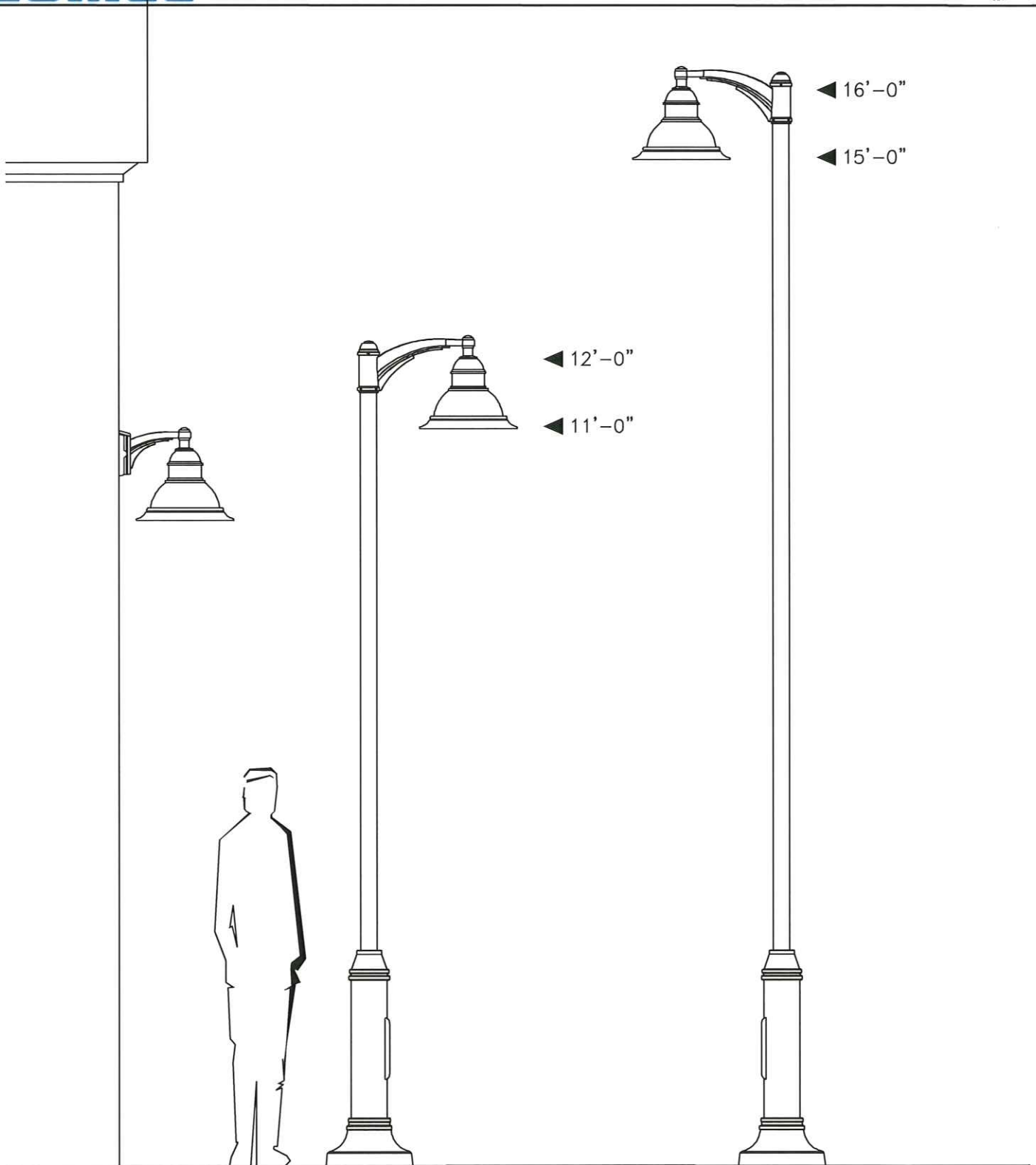
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Regina S. Leonard

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Topsham, ME 04086
Tel. 207-450-9700
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Town of Mount Desert Northeast Harbor Waterfront (61674)

DOS-40W30LED4K-LE3F-VOLT-DBC-M-BKTX
DOS-40W30LED4K-LE3F-VOLT-DBC-1A-AM63F-12-3/4x20-10 1/2-DEC-BKTX
DOS-40W30LED4K-LE3F-VOLT-DBC-1A-AM63V-16-3/4x20-10 1/2-DEC-BKTX

S

DOS-TA-61674-JEQ 20100924_113016.DOC

DOS-DBA

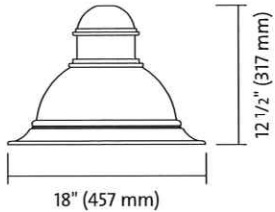
DOMUS SMALL SERIES



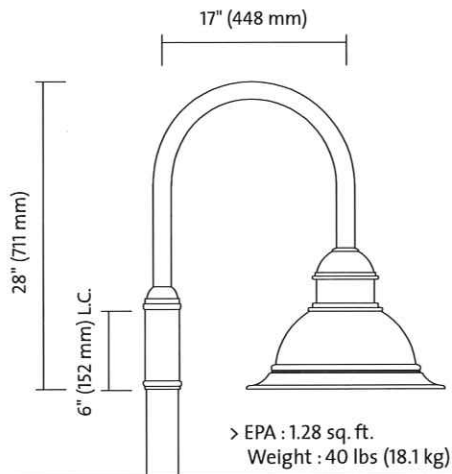
LUMINAIRES

Conform to the UL 1598 and CSA C22.2 No. 250.0-08 standards

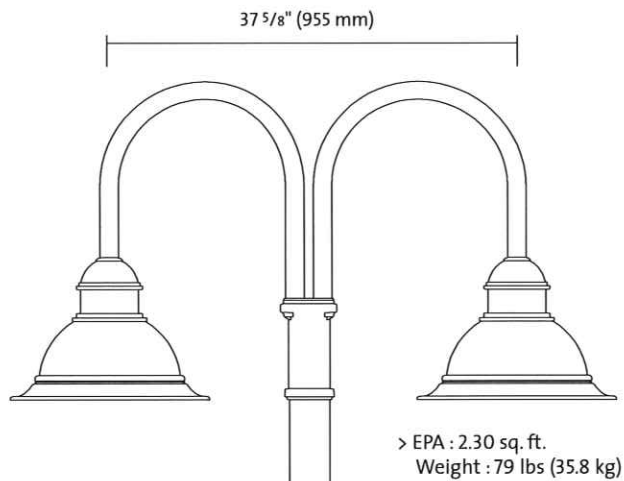
DOS



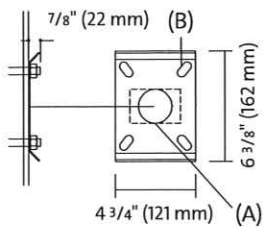
DOS-DBA



DOS-DBA-2

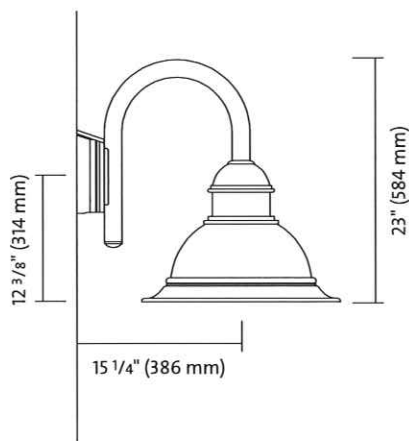


DOS-DBA-M / mounting details



(A) One 2" hole (51 mm) \varnothing for wiring
 (B) 4 oblong holes 1/2" x 1" (13 mm x 25 mm) for anchoring
 Horizontal junction box of 2" x 3" (51 x 76 mm) and
 4 anchor bolts of 3/8" \varnothing (9.5 mm) not included

> Structural members must be present in wall to accept bolts



SPECIFICATIONS

Housing

In a round shape, this housing is made of die cast A380 aluminum, c/w a watertight grommet, mechanically assembled to the bracket with four bolts 5/16 18 UNC. This suspension system permits for a full rotation of the luminaire in 90 degree increments.

Ballast

High power factor of 90%. Lamp starting capacity -40°F (-40°C) degrees. Assembled on a unitized removable tray with quick disconnect plug.

Arm

Features one or two 1.66» (42 mm) round aluminum tubes welded to a cast pole adaptor (or wall mounting box) and one or two cast suspension rings. (Slip-fits over 3» OD pole by 6»)

Finish

“Hot dip” chemical etching preparation. Lumital™ polyester powder coat finish. Excellent color retention as per #ASTM D2244, and outstanding salt-spray resistance according to #ASTM B117 testing procedures.

ORDERING INFORMATION

PRODUCT	LAMP	OPTICAL SYSTEM	VOLTAGE	LUMINAIRE OPTIONS	MOUNTING	CONFIGURATION	FINISH ¹
DOS	50MH	SG2	120	LR ²	DBA DBF DBB DBC	YM ³ 1A 2 M	BE2/TX
	70MH	SG3	208	LD ³			BE6/TX
	100MH	SG4	240	SLG ³			BE8/TX
	150MH ²	SGQ	277	MAS			BK/TX
	35HPS		347	HS ³			BR/TX
	50HPS		MT				GN/TX
	70HPS						GN4/TX
	100HPS						GN6/TX
	150HPS ²						GN8/TX
	18 CF	CFS	120				RD2/TX
	26 CF		208		RD4/TX		
	32 CF		240		WH/TX		
	32 CF		277		NP		
	42 CF		347		TG		
	40W30LED	LE2F	120		TS		
	60W30LED	LE3F	208				
		LE4F	240				
		LE5F	277				

¹ Consult Philips Lumec's color chart.

² Remote ballast.

³ Not available with LED.

> Medium base socket / ED17 lamp for HID (lamp not included).

> Socket: GX24Q-2 (18W), GX24Q-3 (26W)(32W), GX24Q-4 (42W), triple tube for compact fluorescent (lamp not included).

LR: Luminous ring.

LD: Luminous dome.

SLG: Glass sag lens.

MAS: Mounting adaptor for an existing mounting supplied by other

for a 1 1/4 NPT nipple.

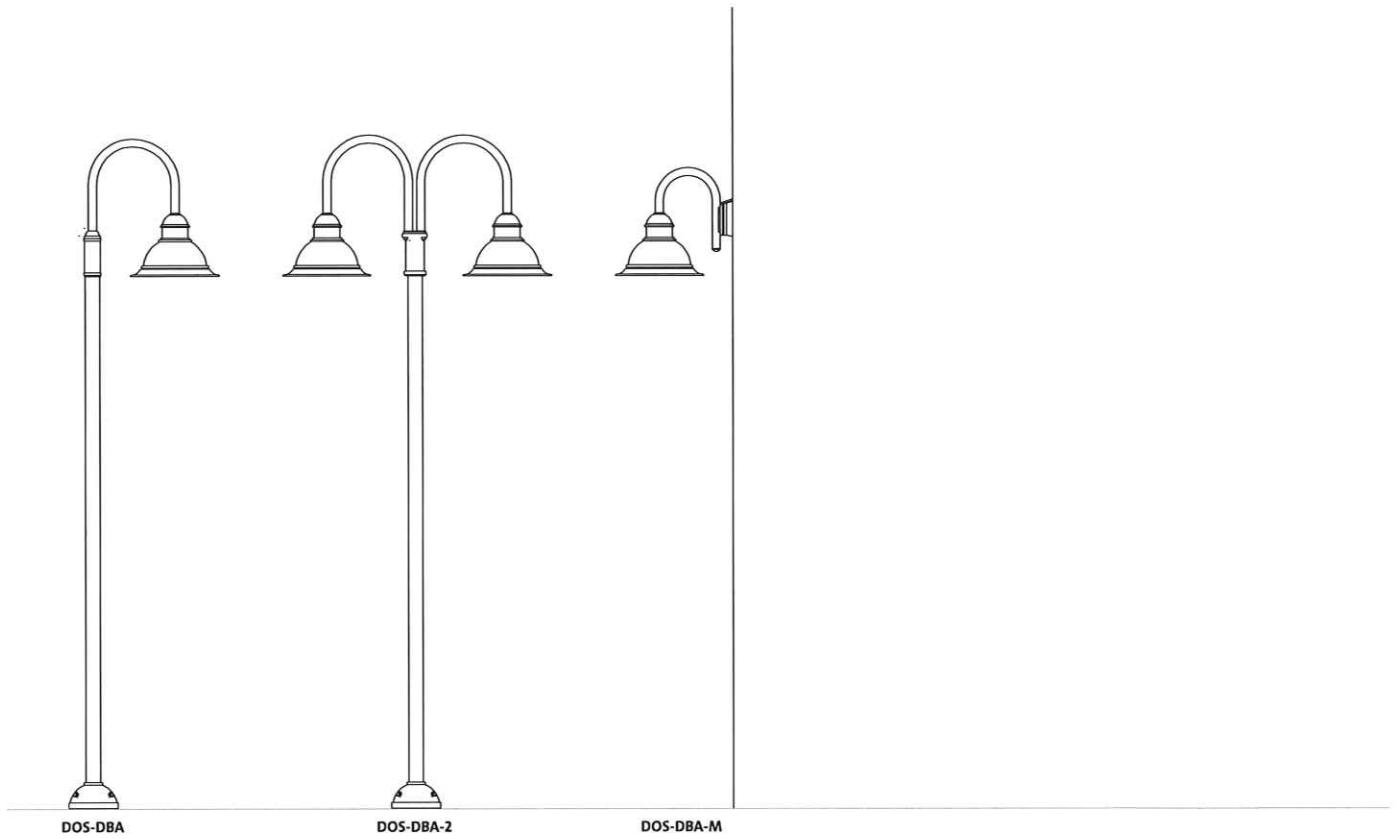
HS: House shield.

See details on line of poles available towards the end of document.

ORDERING SAMPLE

PRODUCT	LAMP	OPTICAL SYSTEM	VOLTAGE	LUMINAIRE OPTIONS	MOUNTING	CONFIGURATION	FINISH
DOS	100MH	SG3	120	HS	DBA	1A	BE2TX

ASSEMBLY EXAMPLES



DOS-DBA

DOS-DBA-2

DOS-DBA-M

DOS-DBF

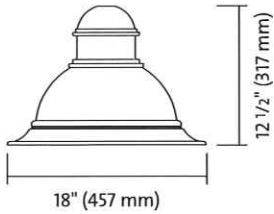
DOMUS SMALL SERIES



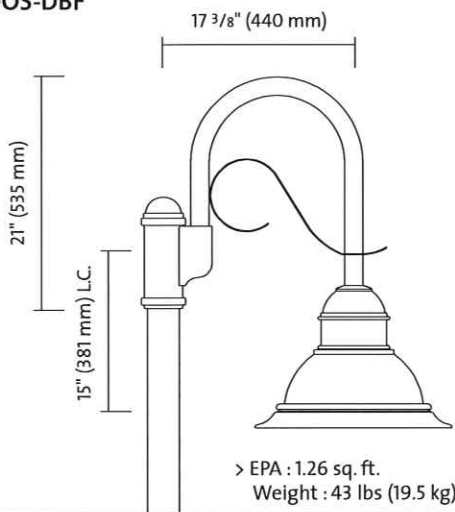
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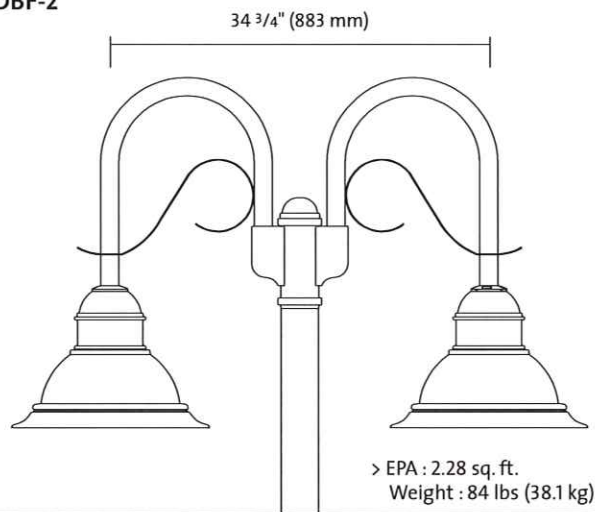
DOS



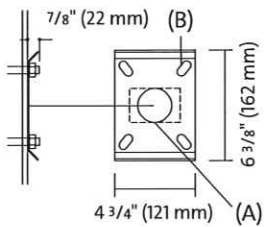
DOS-DBF



DOS-DBF-2

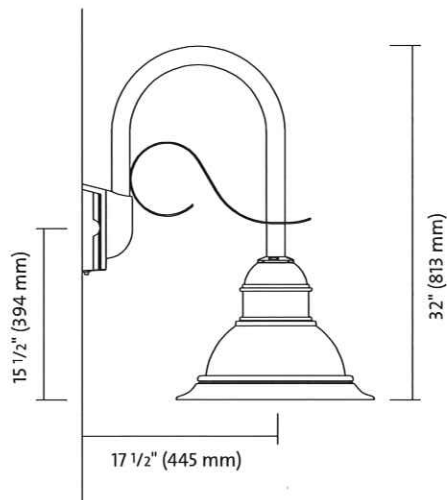


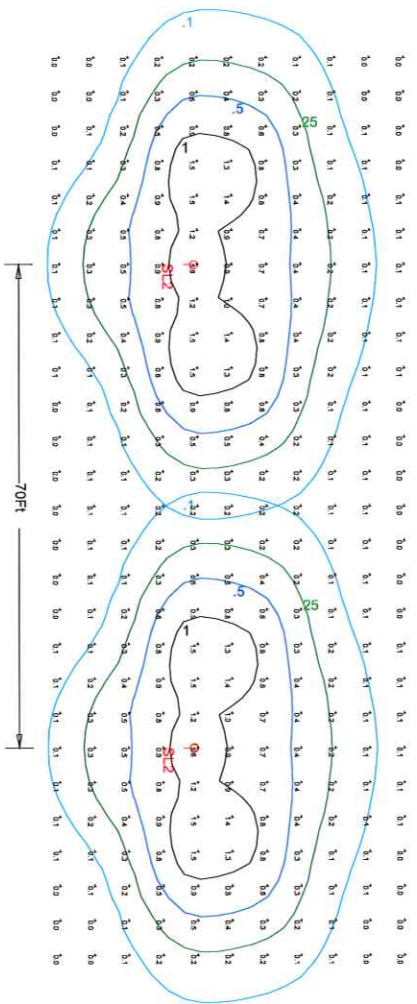
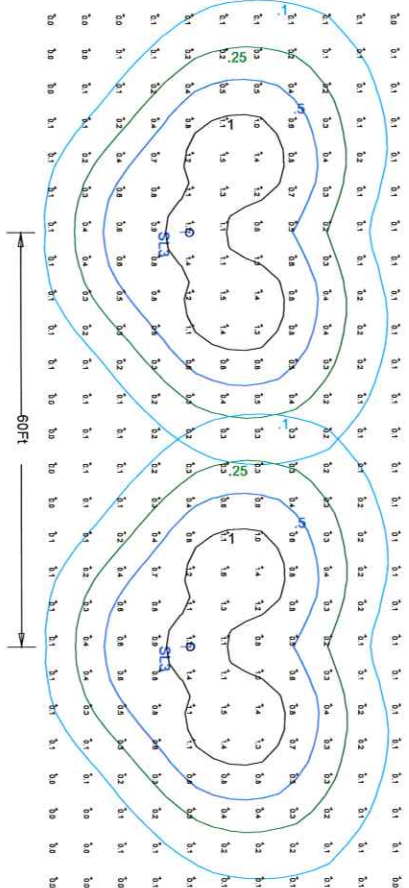
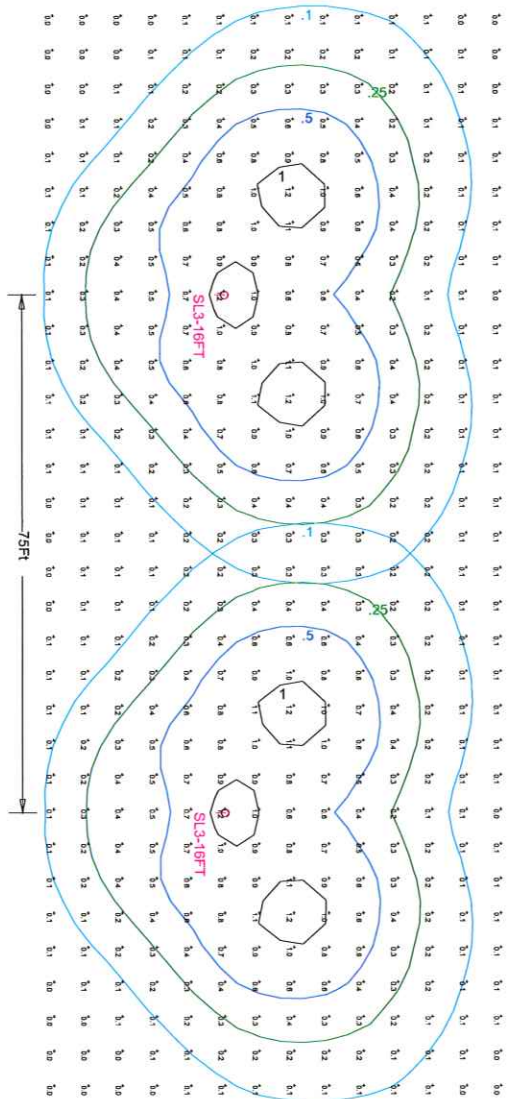
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> Structural members must be present in wall to accept bolts





Qty	Symbol	Label	Description	LLF	Lumen/Lamp
2		SL2	DOS-40W30LED4K-LE2 / 12FT MTG HT	0.850	N.A.
2		SL3	DOS-40W30LED4K-LE3 / 12FT MTG HT	0.850	N.A.
2		SL3-16	DOS-60W30LED4K-LE3 / 16FT MTG HT	0.850	N.A.

40W30LED4K-LE2 / 12FT MTG

60W30LED4K-LE3 / 16FT MTG

40W30LED4K-LE3 / 12FT MTG



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair Bill Hall and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: December 14, 2010

Re: ADAMS SCHOOL SITE RE-DEVELOPMENT,
PRELIMINARY LEVEL III SITE PLAN AND SUBDIVISION

Project ID No: 10-99700009 **CBL:** 003 - H-001-001

Applicant: Avesta Housing

Address: 48 Moody Street

I. INTRODUCTION

Woodard & Curran Inc, on behalf of Avesta Housing, have requested Level III Site Plan and Subdivision approval for a proposal to create a 16 unit residential condominium development on the site of the former Marada Adams School, along with construction of a public park/playground area adjacent to the housing complex. The proposal has been developed in the context of a City RFP ([Attachment 1](#)) following extensive public consultation and negotiations with the city.

The applicants are proposing to demolish the existing school building and related facilities on site, and construct a 16 unit affordable housing complex on the part of the site that will be sold by the city to Avesta. The applicant is also proposing to construct a park/playground area on a .35 acre portion of the remaining part of the school site which will stay in city ownership.

II. PROJECT DATA

	Housing parcel	Park/ Playground parcel	Undeveloped parcel & parking lot	Totals
Existing Zone:	R6 Residential Zone			
Existing Use:	School	School	School and associated parking lot	
Proposed Use:	Residential	Park/playground	Non-paved areas to be seeded; parking lot remains for now	
Parcel Size:	.74	.35 acre	.41 acre	1.5 acres

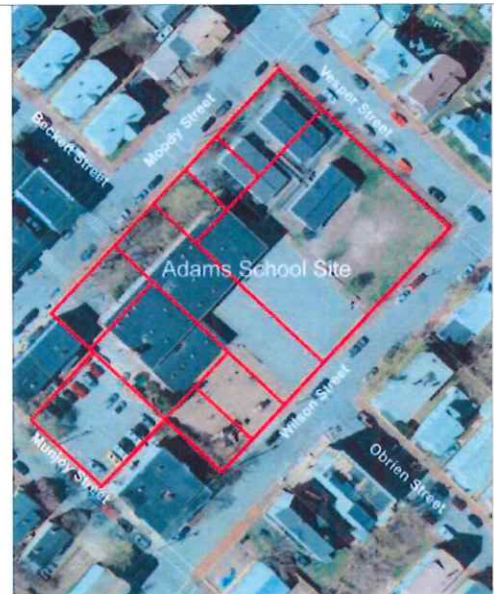
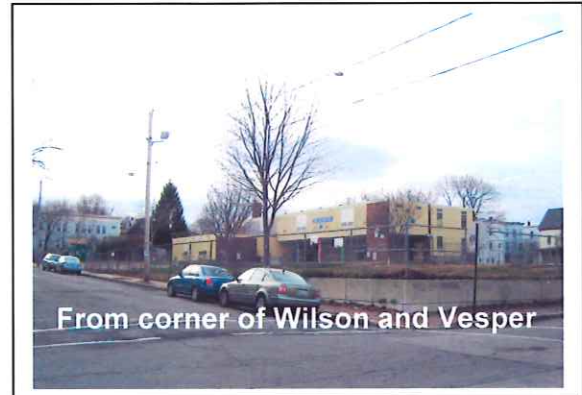
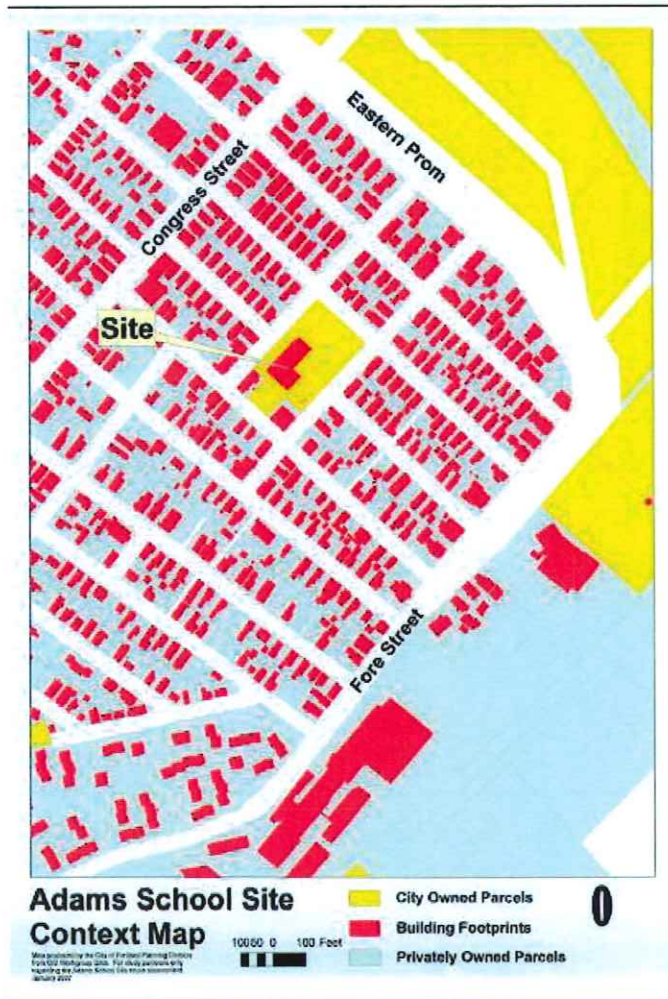
Impervious Surface Area:				
<i>Existing</i>	16,539 sq ft	7,568 sq ft	14,649 sq ft	38,746 sq ft
<i>Proposed</i>	21,532 sq ft	5,892 sq ft	6,807 sq ft	34,231 sq ft
<i>Net Change</i>	5,003 sq ft	(1,676) sq ft	(7,842) sq ft	(4,516) sq ft
Total Disturbed Area:				58,000 sq ft (ie all of site except parking lot)
Building Area:				
<i>Existing Footprint</i>	8600 sq ft (existing school building located within all 3 parcels)			
<i>Proposed Footprint</i>	13,080 sq ft			
<i>Net change re footprint</i>	4,480 sq ft			
<i>Existing Floor Area</i>	13,650 sq ft			
<i>Proposed Building Floor Area</i>	22,290 sq ft			
<i>Net change floor Area</i>	8,640 sq ft			
Residential Data:				
<i>Existing Units</i>	0			
<i>Proposed Units</i>	16			
<i>Units to be Demolished</i>	0			
<i>Affordable Units</i>	16			
<i>Subdivision, Proposed # of lots</i>	16 condominium units			
Parking Spaces:				
<i>Existing Spaces</i>	0			
<i>Proposed</i>	16			
<i>Handicapped</i>	2			
Bicycle Parking Spaces:				
<i>Existing</i>	0			
<i>Proposed</i>	16			
Proposed Total Paved Area:	Not submitted			
Estimated Cost of Project:	Not submitted			

III. EXISTING CONDITIONS

The Adams School site is bounded by Munjoy, Moody, Vesper and Wilson Streets on Munjoy Hill, on the southeast end of the Portland peninsula, surrounded by 19th and early 20th century residential buildings. The school was opened in 1958, and closed in 2006.

The two story school remains the only building within the site, now surrounded by deteriorating school yards and grass/asphalt areas with a playground on the southern part of the site, all enclosed by chain link fencing (See survey in Attachment C). The frontage to Moody Street includes some mature trees. Beckett Street once ran through the site.

The surrounding sidewalks are of mixed materials and in poor condition.



IV. PROPOSED DEVELOPMENT

Parcel B to be sold by city to Avesta:

The Applicants Submittal describes this part of the proposal in detail. It should be noted that the Purchase and Sale Agreement (in Attachment A) included conditions relating to the site layout and development (page 6 of the Agreement).

The proposed development will include the demolition/removal of the Adams School building and associated paved areas and the construction of a 2 story housing complex of eight 2-bedroom flats (in corner buildings) and eight 3-bedroom townhouses in side by side units in two rows between the corner buildings. The 2-bedroom unit at the corner of Vesper and Moody Streets will be handicap accessible and the western-most 3-bedroom unit on Vesper Street will be handicap accessible on the lowest level.

The design reflects the flavor of the residential area to the north and east of the site and will be submitted for Certification under LEED for Homes.

Parking is provided in a central “rear mews” area with one parking space per unit in accordance with the R6 zone. The “front” of the units is orientated either towards the public street or towards the park that will run adjacent to the development between Moody and Wilson Streets.

Landscaping in the residential area largely comprises trees and street trees. Each unit has a small outside area and benefits from the park area being developed alongside the housing development.

Stormwater management will be developed more fully based on the recent receipt of soil test information and staff/peer review guidance at a meeting on 12.7.2010. It is understood the focus will be on treatment of the parking lot stormwater runoff and some detention; the applicant will be requesting a waiver from DPS to allow stormwater to enter the combined sewer adjacent to the site.

Parcel A to be retained by the city:

The site plans for the housing have indicated that part of this area will be developed as a park and rehabilitated playground to be implemented and funded by Avesta in conjunction with the housing development but retained and maintained by the City as a public park and playground. The detailed landscape design of this area is shown in L1 in Attachment B. The Purchase and Sale Agreement requires that the applicant stabilize, loam and seed all of the disturbed areas on the site, which will be the area between the park and the existing parking lot.

V. STAFF REVIEW

The following review comments are based upon reviews of the applicant’s preliminary plan. All outstanding issues must be addressed upon submission of the final plan and prior to a public hearing.

A. ZONING

Avesta was granted a variance from side and rear setback requirements by the Zoning Board of appeals in September 2010 (included in Attachment A) which allows the building orientation that the applicant prefers to best align with the existing streetscape.

The Zoning Administrator confirms that variances were granted but that they expire on in March 2011 and the applicant will need to seek an extension from the ZBA prior to expiration, if construction has not begun. The applicant should also address her additional comment (Attachment 6):

“The property is located in the R-6 zone. The project is meeting all other dimensional requirements. Parking is determined by the Planning Board under the Affordable Housing Ordinance. I have allowed pervious pavers to be considered as pervious under the minimum open space calculations. However, I have noticed that under tab #5 which is the zoning analysis, there is a different calculation for the provided minimum open space compared to the calculations provided drawing C1. Both provided calculations are in acres and not square footage. I would like a confirmation of what the final provided open space will be in terms of square footage. Then I can better confirm compliance.”

B. TRANSPORTATION

The housing proposal provides 2 points of vehicle access to the central parking area and this has been designed to meet Fire Department access concerns. The Traffic Engineering Reviewer Tom Errico has confirmed the proposals are acceptable (Attachment 3).

Reviewers raised concerns regarding the alignment of the sidewalk ramps (Attachments 3 and 4) and these should be adjusted to be perpendicular to the street or alternatively the applicant should submit information supporting a waiver (Attachment 5).

The applicant has proposed to eliminate 2 crosswalks across Moody Street and add one new crosswalk in Wilson Street to align with O'Brion Street. These proposals were reviewed by the Crosswalk Committee on 12.9.2010 and found to be acceptable with two detailed suggestions to make them more handicap accessible (Attachment 5).

C. PUBLIC INFRASTRUCTURE

The applicants propose to reconstruct brick sidewalks along the housing and park development frontages.

The applicant is proposing to remove street lights on Moody and Wilson Street and replace them in revised locations with 4 new street lights. The Purchase and Sale Agreement requires that LED fixtures be utilized, and since the City's Technical standards do not allow LED fixtures a waiver has been requested from the Technical Standards. Details of the street light poles and fixtures will need to be submitted at the Final Plan Phase.

The Deputy City Engineer David Margolis-Pineo has set out several particular requirements concerning the sealing of existing drains and catchbasins, and these will need to be met in relation to the demolition permit (Attachment 4).

D. LANDSCAPING

The proposed landscaping for the residential part of the development is largely trees and street trees and under current subdivision requirements one street tree per unit is required in the public ROW. The plan L1 (Attachment B) shows 14 street trees along the immediate frontage of the housing and several more trees near the street in the park/playground part of the development.

The detailed proposals for the park/playground area itself are not clear from the submitted plan L1 and the applicant's Landscape Architect will provide further clarification at the Workshop meeting and in the Final Plan review.

The area outside the park/playground and retained parking lot is shown as being loamed and seeded in compliance with the P&S Agreement.

City Arborist Jeff Tarling (Attachment 2) comments:

Tree Wells - ideally the trees located in the tree wells along city streets would be rectangular in shape, our typical tree well with 'tree grate' spec is NEENAH # R-8810 which is 33" x 60". There are a few other types that would work in sidewalks of this width, see:

<http://www.nfco.com/literature/TreeGrateCatalog22/Avenue.pdf>

Street-trees & Landscape trees & Shrubs - Some of the trees shown on the proposed landscape plan are smaller than the typical approved standard. Shade trees should be 2.5" caliper and ornamental trees 1.75" - 2" caliper, the multi-stem or "clump" form should be 6-8' in height.

Tree & landscape choices would all meet approval. We might want to review all street-tree type options, including trees planted under the wires to include: Zelkova 'Wireless' see: <http://www.jfschmidt.com/introductions/wireless/index.html> , Japanese Tree Lilac, and the Ginkgos to consider the somewhat wider: 'Autumn Gold' or 'Magyar' which should not be too wide for the site but wider than the very upright 'Sentry' as proposed.

Existing Tree Reuse ? Is it possible to reuse any of the existing trees on-site? Willing to consider...

Overall the landscape plan looks good as proposed with some minor tweaking.

E. STORMWATER

The stormwater system as currently proposed conveys all of the stormwater into the City's combined sewers. The applicant has stated they would like to make more use of pervious surfaces to encourage infiltration, but recent soil information indicates that this will not be feasible. The applicant has noted that overall this is a redevelopment site with an overall reduction in impervious surface and would not increase stormwater impacts (Attachment A Section 12). However, as illustrated in the project data, the greatest reduction in impervious surface is the area outside the park that will be retained by the city and likely to be redeveloped and not remain pervious.

The Deputy City Engineer David Margolis-Pineo has commented (Attachment 4): "It is not allowed to discharge site stormwater into the City sewer system. Until the applicant supplies more information being obtained by SW Cole on the soils on this site, we reserve the right to comment further on stormwater at a later date."

The applicant's engineers and City review engineers met on 12.7.2010 to explore other options for stormwater management given that the scope for infiltration would be limited. The applicant will be submitting a full stormwater report at the Final Plan Phase, but it is understood that the proposals will include treatment to the parking lot stormwater runoff and some detention (in recognition that this part of the site has an increase in impervious surface compared to existing) and that the applicant will request a waiver to allow stormwater to be discharged into the combined sewers in the surrounding streets.

The park area incorporates small raingardens along the boundary with the housing, but it is understood these would have underdrains that would discharge to the combined sewers and not provide any real infiltration (but some detention). The final design for stormwater management for the park and playground area will need to be included in the overall stormwater report submitted for the Final Plan Phase.

F. FIRE PROTECTION

Fire Prevention Captain Keith Gautreau has indicated that he does not have any concerns.

G. DESIGN AND PUBLIC SAFETY (CPTED¹) REVIEWS

The Application in Attachment A includes (Section 11) an Architectural and Streetscape narrative. The complex is designed so that the front of the residential buildings face the street or the park corridor, with off street parking along a rear private mews that runs from Moody Street to Wilson Street. This provides a cohesive public streetscape, but in terms of public safety creates an enclosed area (“rear mews”) where internal surveillance is possibly compromised by storage structures and careful design and lighting is suggested to ensure security for users.

A full design review has not been completed as information on materials has not been submitted. The height of the corner roof pitches appears high in the elevations and further clarification would be helpful as to detailing of storage structures/patios and roof openings.

Avesta intends to pursue certification of the project with the US Green Building Council as a LEED Neighborhood Development and LEED for Homes.

The park design has not been reviewed in terms of public safety as the proposals are not yet fully detailed, but it is noted that this area will benefit from surveillance from the adjacent housing which has living rooms and front doors facing the park area. It is suggested that low level lighting should be incorporated in the park design.

H. AFFORDABLE HOUSING

The proposals are required via the Purchase and Sale Agreement to be sold to buyers with incomes at or below 120% of the adjusted median income. This meets the definition of Affordable Housing under the city’s ordinance but the applicant has not chosen to seek any of the parking and density allowances of the ordinance.

I. CONDOMINIUM ASSOCIATION

It is proposed that a Condominium Association will manage the housing development including the parking area, rear mews, utilities, sidewalks, landscaping and appurtenances. The applicant has confirmed that the draft Subdivision Plat and Condominium Association documents will be submitted at the final Plan Phase

VII NEXT STEPS

1. Applicant conducts a Neighborhood Workshop
2. Applicant submits a Final Plan - the applicant will need to submit the following for the Final Plan Phase:
 - a. Housing Parcel: Stormwater management plan, site lighting/illumination; street light details; final materials and details of storage areas/patios/roof openings; address traffic, engineering, zoning and landscape review comments; Subdivision Plat; Condominium documents.
 - b. Park/Playground area: Stormwater management plan including for raingardens; lighting/illumination; design, material and fencing details.
3. Schedule Public Hearing unless the applicant requests another Workshop

¹ CPTED –Crime Prevention Through Environmental Design

Attachments:

Attachments to Memorandum

1. City Request for Proposals (RFP) 2008
2. City Arborist comments 11.30.2010
3. Traffic Engineering Review comments 11.30.2010
4. DPS comments 12.1.2010
5. Traffic Engineering Review update re Crosswalk committee suggestions 12.9.2010
6. Zoning Administrator comments 12.10.2010

Applicant's Submittal

- A. Site Plan Application
- B. Site Plans and Architectural Drawings
- C. Survey

CITY OF PORTLAND, MAINE

PLANNING BOARD

Joe Lewis, Chair
Carol Morrisette, Vice Chair
Lee Lowry, III
Stuart G. O'Brien
Michael J. Patterson
David Silk
Bill Hall

August 23rd, 2011

Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101
Attn. Ethan Boxer-Macomber & Seth Parker

Woodard & Curran
41 Hutchins Drive
Portland, ME 04102
Attn. Denise Cameron

Project Name: Adams School Redevelopment
16 residential units and public park/playground
Project ID: 10-99700009
Project Address: 48 Moody Street
CBL: 003-H-001-001

Dear Applicant:

On August 9th, 2011 the Portland Planning Board considered a Level III Final Site Plan and Subdivision application for a proposal to create a 16 unit residential condominium development on a .74 acre portion of the site of the former Marada Adams School, along with construction of a .35 acre public park/ playground area adjacent to the housing complex. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to approve the application with the following motions and conditions as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to waive Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area) subject to agreement with the Zoning Administrator, and to include detailed references to ownerships, easements, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and

- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall submit revised Landscape and Demolition Plans to incorporate the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code [a subject to the following condition(s) of approval:

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report # 17-11, which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

Standard Conditions of Approval

Please note the following standard conditions of approval and requirements for all approved site plans:

- 1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a building permit.

3.

2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of the Site Plan Ordinance of Portland's Land Use Code.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. The subdivision approval is valid for three (3) years.
7. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
9. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
11. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632.

Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or jf@portlandmaine.gov.

Sincerely,



Joe Lewis, Chair
Portland Planning Board

Attachments:

1. 8.2.2011 Associate Corporation counsel comments
2. 8.9.2011 City Arborist comments
3. 8.4.2011 Traffic Engineering Reviewer comments
4. 8.4.2011 Department of Public Services comments
5. Planning Board Report #17-11
6. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner
 Philip DiPierro, Development Review Coordinator
 Marge Schmuckal, Zoning Administrator
 Tammy Munson, Inspections Division Director
 Gayle Guertin, Inspections Division
 Lannie Dobson, Inspections Division
 Michael Bobinsky, Public Services Director
 Kathi Earley, Public Services

Bill Clark, Public Services
 David Margolis-Pineo, Deputy City Engineer
 Greg Vining, Public Services
 John Low, Public Services
 Jane Ward, Public Services
 Chris Pirone, Fire
 Jeff Tarling, City Arborist
 Tom Errico, TY Lin
 David Senus, Woodard & Curran
 Assessor's Office
 Approval Letter File

Hard Copy: Project File

Attachment 1

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Jean Fraser
CC: Barbara Barhydt
Date: 8/2/2011 3:16 PM
Subject: Fwd: RE: Adams School- info needed for hearing

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

>>> Danielle West-Chuhta (Danielle West-Chuhta) 8/2/2011 2:28 PM >>>
I have reviewed the Adams School documents. Here are my comments:

- 1) Just to confirm there are 16 units, correct? The documents indicate that, but I wanted to confirm.
- 2) The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.
- 3) I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.
- 4) The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.
- 5) The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.
- 6) Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Thanks,

Danielle

Attachment 2

From: Jeff Tarling
To: Jean Fraser
Date: 8/9/2011 3:36 PM
Subject: Re: Adams- hearing report- existing trees

Hi Jean -

I checked the existing trees at the Adams School site and want to report that the large Silver Maple as mentioned on Moody and the existing Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody, east of Beckett Street are going to be impacted by the grading changes. These trees are not in good condition. One of these trees has limited grading which would likely cause further decline.

Jeff Tarling

From: Tom Errico thomas.errico@tylin.com **Attachment 3**
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Chris Pirone <cpp@portlandmaine.gov>
Date: 8/4/2011 11:15 AM
Subject: Adams School

Jean - I have reviewed the Site Plan application dated July 11, 2011 prepared by Woodard & Curran and I have the following comments.

- * I would suggest that the driveway radii be eliminated and tip-down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.
- * The one-way driveway should include appropriate MUTCD signage that controls and reinforces the one-way circulation plan.
- * The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.
- * Detectible warning devices are not required at driveways. They should be deleted from the plans.
- * The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.
- * The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.
- * Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.
- * The applicant shall be responsible for implementing all on-street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.
- * The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.
- * Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.
- * The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director

T.Y. Lin International
 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
thomas.errico@tylin.com<<mailto:thomas.errico@tylin.com>>

From: David Margolis-Pineo
To: Jean Fraser
CC: DEVELOPMENT REVIEW GROUP
Date: 8/4/2011 11:07 AM
Subject: Review of Avesta - Adams School Site Redevelopment

August 4, 2011

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: Adam School residential Condominium Project

The Department has the following Final Review comments.

1. The proposed "capped iron rods to be set" shall be placed before the issuance of a Building Permit.
2. The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.
3. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.
4. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.
5. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.

We have no further questions at this time.



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair Bill Hall and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: December 14, 2010

Re: ADAMS SCHOOL SITE RE-DEVELOPMENT,
PRELIMINARY LEVEL III SITE PLAN AND SUBDIVISION

Project ID No: 10-99700009 **CBL:** 003 - H-001-001

Applicant: Avesta Housing

Address: 48 Moody Street

I. INTRODUCTION

Woodard & Curran Inc, on behalf of Avesta Housing, have requested Level III Site Plan and Subdivision approval for a proposal to create a 16 unit residential condominium development on the site of the former Marada Adams School, along with construction of a public park/playground area adjacent to the housing complex. The proposal has been developed in the context of a City RFP ([Attachment 1](#)) following extensive public consultation and negotiations with the city.

The applicants are proposing to demolish the existing school building and related facilities on site, and construct a 16 unit affordable housing complex on the part of the site that will be sold by the city to Avesta. The applicant is also proposing to construct a park/playground area on a .35 acre portion of the remaining part of the school site which will stay in city ownership.

II. PROJECT DATA

	Housing parcel	Park/ Playground parcel	Undeveloped parcel & parking lot	Totals
Existing Zone:	R6 Residential Zone			
Existing Use:	School	School	School and associated parking lot	
Proposed Use:	Residential	Park/playground	Non-paved areas to be seeded; parking lot remains for now	
Parcel Size:	.74	.35 acre	.41 acre	1.5 acres

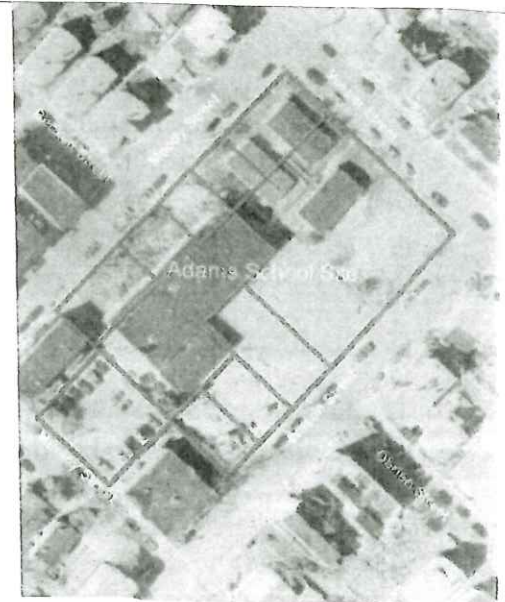
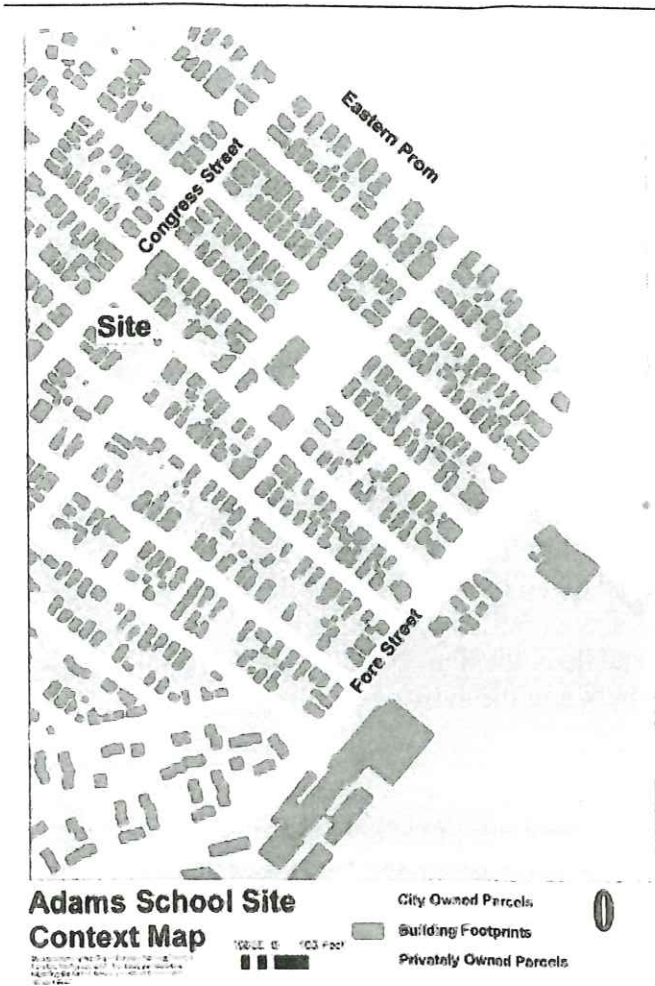
Impervious Surface Area:				
<i>Existing</i>	16,539 sq ft	7,568 sq ft	14,649 sq ft	38,746 sq ft
<i>Proposed</i>	21,532 sq ft	5,892 sq ft	6,807 sq ft	34,231 sq ft
<i>Net Change</i>	5,003 sq ft	(1,676) sq ft	(7,842) sq ft	(4,516) sq ft
Total Disturbed Area:				58,000 sq ft (ie all of site except parking lot)
Building Area:				
<i>Existing Footprint</i>	8600 sq ft (existing school building located within all 3 parcels)			
<i>Proposed Footprint</i>	13,080 sq ft			
<i>Net change re footprint</i>	4,480 sq ft			
<i>Existing Floor Area</i>	13,650 sq ft			
<i>Proposed Building Floor Area</i>	22,290 sq ft			
<i>Net change floor Area</i>	8,640 sq ft			
Residential Data:				
<i>Existing Units</i>	0			
<i>Proposed Units</i>	16			
<i>Units to be Demolished</i>	0			
<i>Affordable Units</i>	16			
<i>Subdivision, Proposed # of lots</i>	16 condominium units			
Parking Spaces:				
<i>Existing Spaces</i>	0			
<i>Proposed</i>	16			
<i>Handicapped</i>	2			
Bicycle Parking Spaces:				
<i>Existing</i>	0			
<i>Proposed</i>	16			
Proposed Total Paved Area:	Not submitted			
Estimated Cost of Project:	Not submitted			

III. EXISTING CONDITIONS

The Adams School site is bounded by Munjoy, Moody, Vesper and Wilson Streets on Munjoy Hill, on the southeast end of the Portland peninsula, surrounded by 19th and early 20th century residential buildings. The school was opened in 1958, and closed in 2006.

The two story school remains the only building within the site, now surrounded by deteriorating school yards and grass/asphalt areas with a playground on the southern part of the site, all enclosed by chain link fencing (See survey in Attachment C). The frontage to Moody Street includes some mature trees. Beckett Street once ran through the site.

The surrounding sidewalks are of mixed materials and in poor condition.



IV. PROPOSED DEVELOPMENT

Parcel B to be sold by city to Avesta:

The Applicants Submittal describes this part of the proposal in detail. It should be noted that the Purchase and Sale Agreement (in Attachment A) included conditions relating to the site layout and development (page 6 of the Agreement).

The proposed development will include the demolition/removal of the Adams School building and associated paved areas and the construction of a 2 story housing complex of eight 2-bedroom flats (in corner buildings) and eight 3-bedroom townhouses in side by side units in two rows between the corner buildings. The 2-bedroom unit at the corner of Vesper and Moody Streets will be handicap accessible and the western-most 3-bedroom unit on Vesper Street will be handicap accessible on the lowest level.

The design reflects the flavor of the residential area to the north and east of the site and will be submitted for Certification under LEED for Homes.

Parking is provided in a central “rear mews” area with one parking space per unit in accordance with the R6 zone. The “front” of the units is orientated either towards the public street or towards the park that will run adjacent to the development between Moody and Wilson Streets.

Landscaping in the residential area largely comprises trees and street trees. Each unit has a small outside area and benefits from the park area being developed alongside the housing development.

Stormwater management will be developed more fully based on the recent receipt of soil test information and staff/peer review guidance at a meeting on 12.7.2010. It is understood the focus will be on treatment of the parking lot stormwater runoff and some detention; the applicant will be requesting a waiver from DPS to allow stormwater to enter the combined sewer adjacent to the site.

Parcel A to be retained by the city:

The site plans for the housing have indicated that part of this area will be developed as a park and rehabilitated playground to be implemented and funded by Avesta in conjunction with the housing development but retained and maintained by the City as a public park and playground. The detailed landscape design of this area is shown in L1 in Attachment B. The Purchase and Sale Agreement requires that the applicant stabilize, loam and seed all of the disturbed areas on the site, which will be the area between the park and the existing parking lot.

V. STAFF REVIEW

The following review comments are based upon reviews of the applicant’s preliminary plan. All outstanding issues must be addressed upon submission of the final plan and prior to a public hearing.

A. ZONING

Avesta was granted a variance from side and rear setback requirements by the Zoning Board of appeals in September 2010 (included in Attachment A) which allows the building orientation that the applicant prefers to best align with the existing streetscape.

The Zoning Administrator confirms that variances were granted but that they expire on in March 2011 and the applicant will need to seek an extension from the ZBA prior to expiration, if construction has not begun. The applicant should also address her additional comment (Attachment 6):

“The property is located in the R-6 zone. The project is meeting all other dimensional requirements. Parking is determined by the Planning Board under the Affordable Housing Ordinance. I have allowed pervious pavers to be considered as pervious under the minimum open space calculations. However, I have noticed that under tab #5 which is the zoning analysis, there is a different calculation for the provided minimum open space compared to the calculations provided drawing C1. Both provided calculations are in acres and not square footage. I would like a confirmation of what the final provided open space will be in terms of square footage. Then I can better confirm compliance.”

B. TRANSPORTATION

The housing proposal provides 2 points of vehicle access to the central parking area and this has been designed to meet Fire Department access concerns. The Traffic Engineering Reviewer Tom Errico has confirmed the proposals are acceptable (Attachment 3). Reviewers raised concerns regarding the alignment of the sidewalk ramps (Attachments 3 and 4) and these should be adjusted to be perpendicular to the street or alternatively the applicant should submit information supporting a waiver (Attachment 5).

The applicant has proposed to eliminate 2 crosswalks across Moody Street and add one new crosswalk in Wilson Street to align with O'Brion Street. These proposals were reviewed by the Crosswalk Committee on 12.9.2010 and found to be acceptable with two detailed suggestions to make them more handicap accessible (Attachment 5).

C. PUBLIC INFRASTRUCTURE

The applicants propose to reconstruct brick sidewalks along the housing and park development frontages.

The applicant is proposing to remove street lights on Moody and Wilson Street and replace them in revised locations with 4 new street lights. The Purchase and Sale Agreement requires that LED fixtures be utilized, and since the City's Technical standards do not allow LED fixtures a waiver has been requested from the Technical Standards. Details of the street light poles and fixtures will need to be submitted at the Final Plan Phase.

The Deputy City Engineer David Margolis-Pineo has set out several particular requirements concerning the sealing of existing drains and catchbasins, and these will need to be met in relation to the demolition permit (Attachment 4).

D. LANDSCAPING

The proposed landscaping for the residential part of the development is largely trees and street trees and under current subdivision requirements one street tree per unit is required in the public ROW. The plan L1 (Attachment B) shows 14 street trees along the immediate frontage of the housing and several more trees near the street in the park/playground part of the development.

The detailed proposals for the park/playground area itself are not clear from the submitted plan L1 and the applicant's Landscape Architect will provide further clarification at the Workshop meeting and in the Final Plan review.

The area outside the park/playground and retained parking lot is shown as being loamed and seeded in compliance with the P&S Agreement.

City Arborist Jeff Tarling (Attachment 2) comments:

Tree Wells - ideally the trees located in the tree wells along city streets would be rectangular in shape, our typical tree well with 'tree grate' spec is NEENAH # R-8810 which is 33" x 60". There are a few other types that would work in sidewalks of this width, see:

<http://www.nfco.com/literature/TreeGrateCatalog22/Avenue.pdf>

Street-trees & Landscape trees & Shrubs - Some of the trees shown on the proposed landscape plan are smaller than the typical approved standard. Shade trees should be 2.5" caliper and ornamental trees 1.75" - 2" caliper, the multi-stem or "clump" form should be 6-8' in height.

Tree & landscape choices would all meet approval. We might want to review all street-tree type options, including trees planted under the wires to include: Zelkova 'Wireless' see: <http://www.jfschmidt.com/introductions/wireless/index.html>, Japanese Tree Lilac, and the Ginkgos to consider the somewhat wider: 'Autumn Gold' or 'Magyar' which should not be too wide for the site but wider than the very upright 'Sentry' as proposed.

Existing Tree Reuse ? Is it possible to reuse any of the existing trees on-site? Willing to consider...

Overall the landscape plan looks good as proposed with some minor tweaking.

E. STORMWATER

The stormwater system as currently proposed conveys all of the stormwater into the City's combined sewers. The applicant has stated they would like to make more use of pervious surfaces to encourage infiltration, but recent soil information indicates that this will not be feasible. The applicant has noted that overall this is a redevelopment site with an overall reduction in impervious surface and would not increase stormwater impacts (Attachment A Section 12). However, as illustrated in the project data, the greatest reduction in impervious surface is the area outside the park that will be retained by the city and likely to be redeveloped and not remain pervious.

The Deputy City Engineer David Margolis-Pineo has commented (Attachment 4): "It is not allowed to discharge site stormwater into the City sewer system. Until the applicant supplies more information being obtained by SW Cole on the soils on this site, we reserve the right to comment further on stormwater at a later date."

The applicant's engineers and City review engineers met on 12.7.2010 to explore other options for stormwater management given that the scope for infiltration would be limited. The applicant will be submitting a full stormwater report at the Final Plan Phase, but it is understood that the proposals will include treatment to the parking lot stormwater runoff and some detention (in recognition that this part of the site has an increase in impervious surface compared to existing) and that the applicant will request a waiver to allow stormwater to be discharged into the combined sewers in the surrounding streets.

The park area incorporates small raingardens along the boundary with the housing, but it is understood these would have underdrains that would discharge to the combined sewers and not provide any real infiltration (but some detention). The final design for stormwater management for the park and playground area will need to be included in the overall stormwater report submitted for the Final Plan Phase.

F. FIRE PROTECTION

Fire Prevention Captain Keith Gautreau has indicated that he does not have any concerns.

G. DESIGN AND PUBLIC SAFETY (CPTED¹) REVIEWS

The Application in Attachment A includes (Section 11) an Architectural and Streetscape narrative. The complex is designed so that the front of the residential buildings face the street or the park corridor, with off street parking along a rear private mews that runs from Moody Street to Wilson Street. This provides a cohesive public streetscape, but in terms of public safety creates an enclosed area (“rear mews”) where internal surveillance is possibly compromised by storage structures and careful design and lighting is suggested to ensure security for users.

A full design review has not been completed as information on materials has not been submitted. The height of the corner roof pitches appears high in the elevations and further clarification would be helpful as to detailing of storage structures/patios and roof openings.

Avesta intends to pursue certification of the project with the US Green Building Council as a LEED Neighborhood Development and LEED for Homes.

The park design has not been reviewed in terms of public safety as the proposals are not yet fully detailed, but it is noted that this area will benefit from surveillance from the adjacent housing which has living rooms and front doors facing the park area. It is suggested that low level lighting should be incorporated in the park design.

H. AFFORDABLE HOUSING

The proposals are required via the Purchase and Sale Agreement to be sold to buyers with incomes at or below 120% of the adjusted median income. This meets the definition of Affordable Housing under the city’s ordinance but the applicant has not chosen to seek any of the parking and density allowances of the ordinance.

I. CONDOMINIUM ASSOCIATION

It is proposed that a Condominium Association will manage the housing development including the parking area, rear mews, utilities, sidewalks, landscaping and appurtenances. The applicant has confirmed that the draft Subdivision Plat and Condominium Association documents will be submitted at the final Plan Phase

VII NEXT STEPS

1. Applicant conducts a Neighborhood Workshop
2. Applicant submits a Final Plan - the applicant will need to submit the following for the Final Plan Phase:
 - a. Housing Parcel: Stormwater management plan, site lighting/illumination; street light details; final materials and details of storage areas/patios/roof openings; address traffic, engineering, zoning and landscape review comments; Subdivision Plat; Condominium documents.
 - b. Park/Playground area: Stormwater management plan including for raingardens; lighting/illumination; design, material and fencing details.
3. Schedule Public Hearing unless the applicant requests another Workshop

¹ CPTED –Crime Prevention Through Environmental Design
O:\PLAN\Dev Rev\Moody 48\2010 Redevelopment\Planning Board\PB MEMO Prelim Review Adams School P0004709 for 12.14.2010.DOC

Attachments:

Attachments to Memorandum

1. City Request for Proposals (RFP) 2008
2. City Arborist comments 11.30.2010
3. Traffic Engineering Review comments 11.30.2010
4. DPS comments 12.1.2010
5. Traffic Engineering Review update re Crosswalk committee suggestions 12.9.2010
6. Zoning Administrator comments 12.10.2010

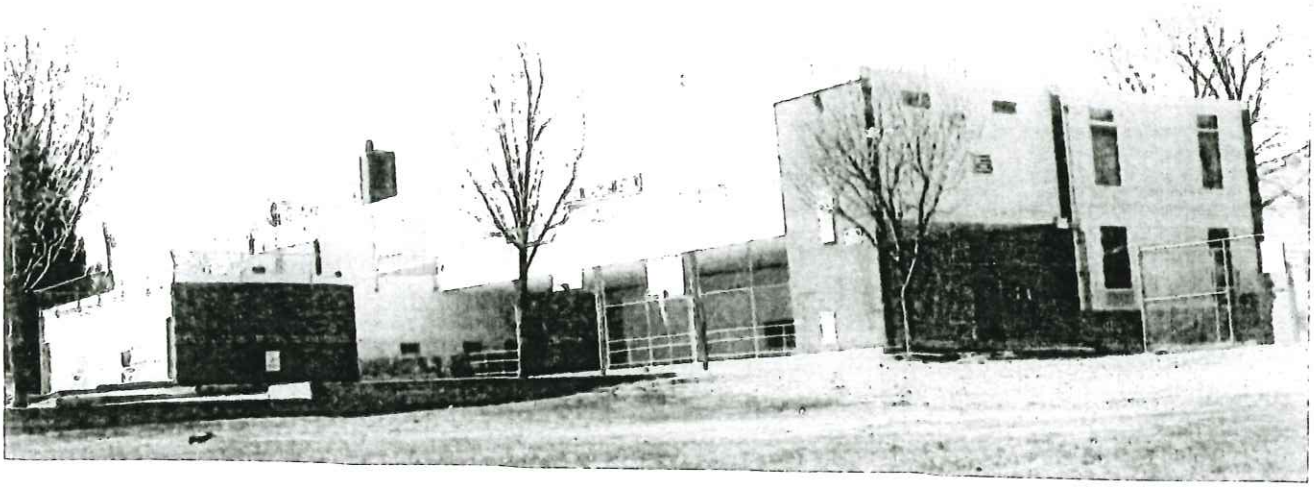
Applicant's Submittal

- A. Site Plan Application
- B. Site Plans and Architectural Drawings
- C. Survey

City of Portland, Maine Request for Proposals

For the sale and reuse of the former Adams School Site

Buildings and property are located in the block bounded by
Munjoy, Moody, Vesper and Wilson Streets.



I. NOTICE AND SPECIFICATIONS

The City of Portland, Maine seeks proposals from qualified developers for the purchase, rehabilitation and reuse of the former Adams School site located in the block bounded by Munjoy, Moody, Vesper and Wilson Streets (hereafter, "the school"). The site is designated on the City of Portland Tax Assessor's Map as Map 3, Block H, Lots 1 to 4; Block P, Lot 1; and Block M, Lots 1, 2, 5, 6 and 7.

Sealed proposals for the project, including an original and seven (7) copies, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until 3:00 p.m., Tuesday, July 22, 2008, at which time they will be publicly opened. Proposals shall be submitted with the attached form, and returned in sealed envelopes plainly marked on the outside "Sale and Re-Use of the Former Adams School Property." Proposals that are late and/or submitted via facsimile shall not be accepted. All proposals shall be held open to acceptance for sixty days from opening.

Potential proposers and their contractors, architects, engineers, etc. are free to view the property on the following dates. Access will be from the Moody Street entrance of the school.

- **Wednesday, June 18, 2008 from 2:00 to 3:00 pm**
- **Wednesday, June 25, 2008 from 2:00 to 3:00 pm**
- **Wednesday, July 9, 2008 from 2:00 to 3:00 pm**

All parties entering the above named premises are required to execute and present the attached RELEASE AND HOLD HARMLESS form prior to admittance. No questions will be answered during this tour.

Questions must be submitted in writing to the Purchasing Office. These may be mailed; hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and received not later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this Request for Proposals will be made only by written addenda. Changes in any other manner will not be binding on the City. Proposers should not contact City Staff with regard to this Request unless to obtain general public information as specified in the document.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any or all proposals. *All proposers are advised that the property will be sold "as-is" and "where-is", in its existing condition, with no warranties either expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time.

All proposals shall signify, by signing the attached proposal form, that the proposer has read and understands all conditions concerning the development of the land being offered, as outlined in this Request for Proposals, and that the proposal is made in accordance with this Request.

II. BACKGROUND

The Adams School site at 44 Moody Street is 1.5 +/- acres bounded by Munjoy, Moody, Vesper and Wilson Streets. Beckett Street once ran through the site. The site is on Munjoy Hill, on the southeast end of the Portland peninsula, in a neighborhood which is largely defined by 19th and early 20th century buildings. A public playground is on the site. The site is zoned R-6.

The Adams School opened in 1958 and served for many decades as a neighborhood school, community center, and gathering place for the Munjoy Hill community. The school was closed in 2006 when the East End School was opened.

The City established the Adams School Reuse Committee to gather information about the site and input from the community, and to make recommendations to the City Council regarding the reuse of the site. A final report of the Adams School Reuse Committee is attached to this RFP.

A. **Reuse of the Adams School Site Final Draft Report July 27, 2007**

The *Reuse of the Adams School Site Final Draft Report* should be referred to as a summary of site information, and for guidance on the community process and preferences. It is the proposer's responsibility to review the Final Adams School Reuse Committee Report either on the web or in print in the City's Purchasing Office in Room 103 City Hall. The document can be viewed online at: <http://www.portlandmaine.gov/adamschoolfinalreport.pdf> The Adams School Reuse Committee identified the following for the redevelopment of the site:

1. **Policy Issues**

- a. **Life Cycle Living** The goal is to create the possibility of life-cycle living on Munjoy Hill. A variety of unit sizes, a mix of incomes, and accessible design should be incorporated in order to allow housing opportunities for all.
- b. **Connect the Neighborhood** The development should not be an island unto itself, but rather blend into and enhance the surrounding Munjoy Hill community. The design of the site should knit the neighborhood together both physically and functionally.

2. **Design Considerations**

- a. **High Quality Design** Excellence in architectural and landscape design is expected.
- b. **Traditional Design** Design shall be reflective of the surrounding traditional neighborhood. New Urbanist principles shall be used to create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements of the neighborhood. Buildings should orient to the street.
- c. **Green Design** The site and buildings shall be designed to be certifiable on the principles of *Leadership in Energy and Environmental Design for Neighborhood Design (LEED ND)*. The actual application for the certificate is the developer's choice.
- d. **Streetscape** The development shall enhance the pedestrian experience and the public realm. Alternative transportation modes shall be accommodated and incorporated in the project.
- e. **Height** Heights shall be less than or equal to the average of structures in a 2 block radius.
- f. **Permeability** Design shall be permeable or porous. View corridors are encouraged. If the existing building is removed, Beckett Street shall be re-connected to its full width as a public, non-motorized right of way (a paved street is not desired). If the existing building remains, a public walkway shall be provided along the north-south axis of the site. Year round accessibility is required.
- g. **Heterogeneity** Design of the buildings on the site shall be heterogeneous, not homogenous.
- h. **Existing Building** Reuse or removal of the existing building is the developer's choice.

- i. **Accessibility** Universal Design principles shall be incorporated wherever feasible, to ensure that the design is physically accessible to the greatest range of users.

3. Housing Uses

- a. **Mixed Income and Affordability** A mixed income development shall be provided, with the maximum number of affordable units that are feasible. Note that "affordability" is not necessarily defined by federal standards, but is open to creative interpretation and may be provided through mechanisms such as quality of finish materials or smaller unit sizes. From the outside of the units, there should be no distinguishable difference between unit values.
- b. **Ownership** The maximize number of ownership units possible is desired (100% is encouraged). The Committee desires that there be a limit of one unit per buyer if this is feasible.
- c. **Alternative Ownership Models** Alternative ownership models such as limited equity units, co-housing, cooperative, or a land trust are encouraged in order to keep the units affordable over time.
- d. **Mix of unit sizes** Units should be the following mix to accommodate families and singles:
 - o 50% larger units (3-4 bedrooms) to serve family or blended family housing.
 - o 25% smaller units (studios and 1 bedroom) suitable for single young people or seniors.
 - o 25% to be decided by the developer.

4. Public Uses

- a. **Indoor Public Space.** Indoor public space that serves the needs of the Munjoy Hill community may be provided, such as a community center, community-based non-profit space, or elderly or child day care.
- b. **Parking.** Provide sufficient parking so as to not impact the existing neighborhood.

5. Alternative Ownership Models for Affordable Housing

Proposers are encouraged to consider alternative forms of ownership that will encourage a mixed income community with long term affordability for the maximum number of units.

The City is specifically soliciting proposals to reuse existing Adams School site for a mixed income, owner-occupied community with the maximum number of units permanently affordable. Affordability can be secured by a land use restriction covenant in the deed.

Ownership may take a variety of forms including, but not limited to, condominium, limited equity cooperative or land trust as long as permanent affordability survives the resale of units. Proposals must outline how they will maintain mixed incomes and affordability.

B. Land Use Regulations

Any redevelopment of this property will be subject to all applicable codes and regulations, including but not limited to building codes and zoning, site plan, subdivision and historic preservation requirements. Some relevant portions of these regulations are summarized below. Proposers are advised to refer to source documents for further information.

R6 Residential Zone. The Adams School site is located in the R6 Residential Zone. The R6 zone is characterized primarily by multifamily dwellings at a high density. Regulations for this zone are intended to provide a wide range of housing for differing types of households and to conserve the existing housing stock and residential character of the neighborhood. Parking requirements in the R-6 zone are 1.5 off-street spaces per dwelling unit.

R-7 Zoning Overlay. It is possible, given the City's interest in creating housing on the Portland Peninsula, that a proposed density for the reuse of the site may not meet the current R-6 zoning. Proposers may pursue an R-7 Zone change. The R-7 Zone allows higher density development and reduces the amount of off-street parking required to one off street space per dwelling unit.

Contract Zoning. The City of Portland's Land Use Code also provides for conditional or contract zoning in certain situations and circumstances. Under contract zoning, specific conditions or restrictions are drafted to provide zoning flexibility for the new use and ensure that the rezoning and reuse are consistent with the City's Comprehensive Plan. The new use must also be compatible with the surrounding neighborhood. Any zone changes would be subject to Planning Board review and approval and City Council approval if applicable.

Incentives for Affordable Housing. Portland's Zoning Ordinance provides incentives to developers of market-rate housing to incorporate affordable units. Information is found in Division 30 Section 14-484 of the City's Land Use Code. The incentives to encourage affordable rental and ownership opportunities include a reduction of development review and building permit fees, expedited review through the City's planning process, and bonuses for density and parking.

C. Property Taxes

The City requires that the property shall pay full property taxes as determined by Portland's Tax Assessor, once it is redeveloped.

III. THRESHOLD REQUIREMENTS

All proposals must incorporate the following threshold requirements for financial feasibility, green design, provision of a playground, a provision of public outdoor space, and salvage of the mural in the project design. These are threshold requirements that must be met, in order for the project to be eligible for further review.

A. Financial Capacity and Project Feasibility

The applicant must demonstrate financial capacity and project feasibility by:

- provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets;
- a letter from a lending institution indicating the applicant's ability to finance the projected costs; and
- provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.

B. Green Design

The site and buildings shall be designed to be certifiable on the principles of *Leadership in Energy and Environmental Design for Neighborhood Design (LEED ND)*, to be evaluated by a professional certified in LEED. The actual application for the certificate is the developer's choice.

C. Playground

A public playground exists on the site. It shall remain in its current location, or be relocated elsewhere on the south side of the site at the cost of the developer. Any new playground shall be of equal size and amenity, or greater to the existing. The playground will be parceled off during the review process, and owned and maintained by the City.

D. Outdoor Public Space

Outdoor public space shall be provided for residents and members of the surrounding community, in addition to the existing playground. There are two options to achieve this goal as follows. If the existing building is removed, Beckett Street shall be re-connected as a public, non-motorized right of way, access and view corridor (a paved street is not desired). If the existing building remains, public open space shall be created elsewhere on the site. This shall incorporate a public walkway along the north-south axis of the site. Year round accessibility is required.

E. Existing Mural

There is a concrete mural on the existing building that holds sentimental value for many neighborhood residents. The mural is made of concrete with an indented design. It was originally created by school children, one of whom is now a noted artist. Proposals for the site shall either present a plan to remove and store the mural with the assistance of an art conservator, or incorporate the mural in the proposed design, in a manner that is visible from the public realm.

IV. SUBMISSION REQUIREMENTS

Proposals shall be written and presented in the following format; please use the headings presented below for the organization of responses. Submission of graphic materials is desirable.

A. **Proposal Submission**

1. **Developer** Name, address, telephone, fax number of the proposed owner/developer and the name(s) of an alternative contact person(s).
2. **Proposal** Each proposal submitted must specifically outline the proposed reuse of the property. This proposal should include the requirements for the site, and the compliance with the goals in the *Reuse of the Adams School Site Final Draft Report*.
3. **Financial Feasibility.** Provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets; a letter from a lending institution indicating the applicant's ability to finance the projected costs; and provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.
4. **Timetable** Provide an overview of how the proposal will be implemented. Include approximate schedule for completion of each element, including applications for other public or private financing, and approximate cost estimate for each element.
5. **Developer Capacity** Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This team may include key staff of the developer, architect, general contractor and future property management. Also discuss the ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.
6. **Occupancy and Management Plan** Present a plan detailing the ownership structure (condominium, cooperative, etc.), resale restrictions and resale process to ensure mixed income and long-term affordability.
7. **Purchase Price** Proposed purchase price for the property.
8. Drawing submissions which include, but are not limited to the following:
 - Schematic Design
 - Site and Layout Plan
 - Elevation Drawings
 - Sample Floor Plan
 - Perspective Renderings.
9. **Copies** 7 copies, with the original so marked, of each proposal shall be submitted.

V. **REVIEW PROCESS**

- A. Proposals will be reviewed for completeness.

- B. A technical team will review submissions and give the City Council's Community Development Committee (CDC) a summary of the proposals, recommendations and a report detailing the approach of each proposal. The team's recommendations are advisory only.
- C. The Community Development Committee will review the proposals and recommend one to the full City Council for review and approval.
- D. Upon completion of the award, a purchase and sale agreement will be negotiated (see legal requirements).

Public presentations may be required at any or all stages of the process.

VI. EVALUATION OF PROPOSALS

A. Conditions for Review

In general, the proposals for the site will be evaluated according to the policy goals for the site identified by the Adams School Reuse Committee. In addition, proposals must incorporate the threshold requirements listed below, in order for the project to be eligible for further review.

- 1. **Life Cycle Living** The goal is to create the possibility of life-cycle living on Munjoy Hill. A variety of unit sizes, a mix of incomes, and accessible design should be incorporated in order to allow housing opportunities for all.
- 2. **Connect the Neighborhood** The development should not be an island unto itself, but rather blend into and enhance the surrounding Munjoy Hill community. The design of the site should knit the neighborhood together both physically and functionally.
- 3. **Threshold Requirements** Additionally, the proposals shall incorporate the requirements listed in Section III page 6 for the incorporation of LEED ND design requirements, provision of a public playground, access through the site, and preservation of the existing mural.

B. Criteria for Review the proposals will be evaluated according to the criteria below:

Compliance with Design, Housing and Public Use Goals (As described in Section II. 2, 3, and 4 on pages 3 and 4)	50 pts
Ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.	20 pts
Total price offered for property.	30 pts

VII. FINANCIAL RESOURCES

A. City of Portland Economic Development Center Resources

1. A variety of loan programs are available to assist business and industries redevelop this property. Loans may be used for building renovation, leasehold improvements, working capital and machinery and equipment. Loans are considered gap financing. Loan amounts are dependent upon the source of the loan funds and their use. Loans of up to \$200,000 may be available for building improvements.
2. Development Action Grants are available to provide assistance to property owners by providing funds to assist in the construction of public infrastructure required by private development. Development Action Grants are capped at \$25,000.

Loans and grants are subject to the approval of the Downtown Portland Corporation.

B. Housing Resources

1. City of Portland Housing Program

The City of Portland's Housing Program offers homeownership and housing rehabilitation focusing on providing decent, safe and affordable housing for low and moderate income residents of Portland. For more information please visit the website at <http://www.portlandmaine.gov/planning/housingprog.asp>

2. City of Portland's Housing Replacement Fund

The Housing and Neighborhood Services Division is offering an RFP to distribute Housing Replacement Funds in the City of Portland. The purpose of this fund is to promote and facilitate an adequate supply of housing, particularly affordable housing. For more information please call, 756-8246.

3. Maine State Housing Authority

Maine Housing offers several programs to encourage private development of affordable rental housing for families, seniors or persons with special needs. Low income housing tax credits, development loans, direct development subsidies, affordable housing tax increment financing and more. Please see their website for more information, www.mainehousing.org

4. Federal Home Loan Bank of Boston

The Federal Home Loan Bank of Boston administers an Affordable Housing Program through a competitive application process. For more information phone 888-424-3863 or visit their website, www.fhlbboston.com

VIII. LEGAL REQUIREMENTS

The selected developer will be required to provide a performance guaranty in the form of a letter of credit or a performance bond, the performance of the developer's obligations outlined in this Request for Proposal and subsequent contract to be negotiated with the City. This performance guaranty is separate from any performance guaranty that will be required as a result of the City's site plan review process.

The City shall convey the described real estate by quitclaim deed to the developer, or where the City has obtained a warranty deed for the real estate, it shall provide a warranty deed for the same to the developer. Any deed from the City will contain a restriction in the deed that the property must meet the permanent affordability requirements as described in this Request for Proposals.

In the event the City makes a financial contribution to a developer and to secure the developer's obligations, the City shall have a security interest in the form of a mortgage in the real estate to be developed. The terms of the mortgage shall be negotiated with the developer at the time of the commitment of funds.

IX. RESERVATION OF RIGHTS

The City of Portland reserves the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals for the City owned land, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to waive any informalities in proposals, to accept any proposal, and, to reject any and all proposals, should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows:

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

May 19, 2008

Matthew F. Fitzgerald
Purchasing Manager

X. ATTACHMENTS

1. Release and Hold Harmless Form
2. City Proposal Form

Reuse of the Adams School Site Final Draft Report is available for viewing in the City's Purchasing Office, Room 103, Portland City Hall, 389 Congress Street, Portland, ME between 8:00 am and 4:30 pm or online at <http://www.portlandmaine.gov/adamschoolfinalreport.pdf>.

RELEASE AND HOLD HARMLESS

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property occurring during or arising out of the entry by me/us onto the property known as the Adams School. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property caused by the negligence of the City of Portland, its agents, officers or employees) arising during or in connection with the said entry onto the property known as the Adams School. I/We hereby release and agree to indemnify and hold harmless the City of Portland, its agents, officers and employees from any and all liability, actions damages and claims of any kind and nature whatsoever (including but not limited to liability actions, damages and claims caused by or arising from the negligence of the City of Portland, its agents, officers or employees) for injury, harm or damages to my/our person or property known as the Adams School.

Dated: _____

Signature _____

Print name _____

Address: _____

Jean Fraser - Adam School Project / Landscape Review Comments

From: Jeff Tarling
To: Jean Fraser
Date: 11/30/2010 4:34 PM
Subject: Adam School Project / Landscape Review Comments
CC: Barbara Barhydt ; David Margolis-Pineo; Thomas.Errico@tylin.com

Hi Jean -

Preliminary comments for the proposed Adams School project -

Tree Wells - ideally the trees located in the tree wells along city streets would be rectangular in shape, our typical tree well with 'tree grate' spec is NEENAH # R-8810 which is 33" x 60". There are a few other types that would work in sidewalks of this width, see:

<http://www.nfco.com/literature/TreeGrateCatalog22/Avenue.pdf>

Street-trees & Landscape trees & Shrubs - Some of the trees shown on the proposed landscape plan are smaller than the typical approved standard. Shade trees should be 2.5" caliper and ornamental trees 1.75" - 2" caliper, the multi-stem or "clump" form should be 6-8' in height.

Tree & landscape choices would all meet approval. We might want to review all street-tree type options, including trees planted under the wires to include: Zelkova 'Wireless' see: <http://www.jfschmidt.com/introductions/wireless/index.html>, Japanese Tree Lilac, and the Ginkgos to consider the somewhat wider: 'Autumn Gold' or 'Magyar' which should not be too wide for the site but wider than the very upright 'Sentry' as proposed.

Existing Tree Reuse ? Is it possible to reuse any of the existing trees on-site? Willing to consider...

Overall the landscape plan looks good as proposed with some minor tweaking.

Jeff Tarling
City Arborist

The majority of the landscape shrub planting is listed as #3 pot. Due to the urban conditions of this site it might be good to mix in some #5 pots / 18-24" plant sizes. This would give greater impact at planting and the economy of using some #3 plant sizes. We would be willing to work with the project team on this suggested topic.

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 11/30/2010 3:41 PM
Subject: Adams School Redevelopment

Jean - I have reviewed the preliminary application submitted by Woodard & Curran dated November 22, 2010 and offer the following comments.

. I concur with the trip generation estimate that the project will not require a Traffic Movement Permit. Additionally, I would note that the project will not generate significant traffic levels and therefore a traffic study is not suggested.

. I have reviewed access conditions for the project and find that they meet City standards.

. The proposed handicapped ramps should be adjusted such that the alignment of the detectible warning plates are aligned perpendicular to the crosswalk.

. The on-site circulation and parking layout is acceptable.

. On-street parking regulations will need to be adjusted to account for project changes. The applicant shall be responsible for all costs associated with removal and installation of parking signs. Additionally, the applicant shall provide support for seeking a Traffic Schedule Amendment through the City Council process.

. I agree with the applicant that the crosswalk modifications should be reviewed by the City's Crosswalk Committee. I would note that the applicant will be responsible for all costs associated with pavement markings and signage for removal and new crosswalks.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

December 1, 2010

To: Barbara Barhydt
Jean Fraser
From: David Margolis-Pineo
Public Services Review Comments
Re: Adams Schools Site – 48 Moody Street

Public Services have the following comments.

1. Plans need to be stamped.
2. Property pins will need to be set before occupancy.
3. None of the streets around this site are a street opening moratorium.
4. Proposed sidewalk ramps must be designed and constructed to cross the streets perpendicular to the street.
5. When the applicant requests a demolition permit, they are required to obtain a Seal Drain Permit from this department. That permit will require the applicant to seal the drain from the former Adams School in the street where it connects to the City's sewer system. This drain line may be sealed within the manhole located at the intersection of Wilson and O'Brion Street. Additionally, the applicant shall remove the existing manhole on site and install masonry plugs in all pipes that entered or exited the manhole before back filling. This same requirement is requested on the catchbasin near the corner of Vesper and Wilson Streets except the existing 6" pipe may be sealed within the catchbasin located on the curb line of Vesper Street.
6. Please explain what the intent of the four 6" PVC pipes shown on the northeast end of the property.
7. Stormwater Issues: It is not allow to discharge site stormwater into the City sewer system. Until the applicant supplies more information being obtained by SW Cole on the soils on this site, we reserve the right to comment further on stormwater at a later date.

We have no further comments at this time.

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 12/9/2010 1:37 PM
Subject: Adams School
CC: Katherine Earley <KAS@portlandmaine.gov>, Michael Farmer <Mfarmer@portla...

Jean – The City Crosswalk Committee has reviewed the crosswalk changes proposed by the applicant and find the changes to be acceptable. Two specific suggestions were identified:

- The applicant should provide an ADA compliant ramp on the northwest corner of the Moody Street/Beckett Street intersection.
- The applicant should provide a Detectable Warning device to the existing ramp on the southwest corner of the Wilson Street/O’Brion Street intersection.

Lastly, the applicant should provide waiver documentation for sidewalk ramps where perpendicular alignment cannot be achieved.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL T.Y. Lin International

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com
Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

**Zoning administrator
Marge Schmuckal**

12/10/2010

This project is for 16 affordable housing condominiums. It is being reviewed under the Affordable Housing Ordinance. Avesta Housing, who is the applicant and developer of the property, was granted two appeals on September 16, 2010 for the side and rear setbacks. The granting of the variances was for six months and will expire on March 16, 2011 if significant work has not begun on the site. There was a lag time from the appeal date to a submittal for a site plan review. The applicant is considering going back to the Zoning Board of Appeals to ask for an extension of the time limit in order to get thru the entire planning and building review process.

The property is located in the R-6 zone. The project is meeting all other dimensional requirements. Parking is determined by the Planning Board under the Affordable Housing Ordinance. I have allowed pervious pavers to be considered as pervious under the minimum open space calculations. However, I have noticed that under tab #5 which is the zoning analysis, there is a different calculation for the provided minimum open space compared to the calculations provided drawing C1. Both provided calculations are in acres and not square footage. I would like a confirmation of what the final provided open space will be in terms of square footage. Then I can better confirm compliance.

**LEVEL III PRELIMINARY
DEVELOPMENT REVIEW APPLICATION**

**AVESTA HOUSING
ADAMS SCHOOL REDEVELOPMENT**

Prepared by



41 Hutchins Drive
Portland, Maine 04102

November 22, 2010

Project No. 219804.01

A.2.

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

November 22, 2010



Barbara Barhydt
Development Review Services Manager
Portland City Hall
389 Congress Street
Portland, ME 04101

Re: Avesta Housing - Adams School Site Redevelopment, Level III Preliminary Development Review Application

Dear Barbara:

On behalf of Avesta Housing (Avesta) and the entire design team, we are submitting seven copies of the Level III Preliminary Development Review Application for a 16-unit residential condominium development to be located at 48 Moody Street, the site of the former Marada Adams School. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H.

In 2008, the City of Portland released a Request for Proposals (RFP) for the reuse of this site, and Avesta was selected for the work. Avesta and the City have negotiated a Purchase & Sale Agreement accordingly. The project includes the demolition of the existing Adams School building and site amenities; construction of a 16-unit affordable ownership housing complex; and construction on behalf of the City of a public open space and playground area. The residential development will be located on a parcel of land approximately 0.74 acres in size, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. The public park and playground will be located on an abutting 0.35 acres of land.

We appreciate your guidance and feedback regarding this development, and look forward to discussing this project with the Planning Board at the next available workshop meeting. Please do not hesitate to contact Woodard & Curran if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

Denise Cameron, P.E.
Project Engineer

Enclosure

cc: Ethan Boxer-Macomber, Avesta Housing
Alan G. Kuniholm, PDT Architects
Regina Leonard landscape architecture & design



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A.5



Development Review Application

PORTLAND, MAINE

Planning and Urban Development Department
Planning Division and Planning Board

PROJECT NAME: Adams School Site Re-development

PROPOSED DEVELOPMENT ADDRESS:

48 Moody Street, Portland, ME 04101

PROJECT DESCRIPTION:

Demolish the existing Adams School building and site amenities and develop a 16-unit affordable housing complex including 16 parking spaces, a public open space, and a playground.

CHART/BLOCK/LOT: 003/H/1,2,3 & 4

PRELIMINARY PLAN X
FINAL PLAN _____

CONTACT INFORMATION:

APPLICANT

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip Code: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

PROPERTY OWNER

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip Code: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

BILLING ADDRESS

Name: Avesta Housing Development Corporation
Address: 307 Cumberland Avenue
Portland, ME
Zip: 04101
Work #: (207) 553-7777
Cell #: _____
Fax #: (207) 553-7778
Home: _____
E-mail: emacomber@avestahousing.org

~As applicable, please include additional contact information on the next page~

A. 6

AGENT/REPRESENTATIVE

Name: Woodard & Curran
Address: 41 Hutchins Drive
Portland, ME
Zip Code: 04102
Work #: (207) 774-2112
Cell #: _____
Fax #: (207) 774-6635
Home: _____
E-mail: dcameron@woodardcurran.com

ENGINEER

Name: Woodard & Curran
Address: 41 Hutchins Drive
Portland, ME
Zip Code: 04102
Work #: (207) 774-2112
Cell #: _____
Fax #: (207) 774-6635
Home: _____
E-mail: dcameron@woodardcurran.com

ARCHITECT

Name: PDT Architects
Address: 49 Dartmouth Street
Portland, ME
Zip Code: 04101
Work #: (207) 775-1059
Cell #: _____
Fax #: _____
Home: _____
E-mail: kuniholm@pdtarchs.com

CONSULTANT

Name: Regina S. Leonard Landscape Architecture & Design
Address: 29 Bridge Street
Topsham, ME
Zip Code: 04086
Work #: (207) 450-9700
Cell #: _____
Fax #: 800-606-4306
Home: _____
E-mail: regina@rslsdesign.com

SURVEYOR

Name: Owen Haskell, Inc.
Address: 390 Route 1, unit 10
Falmouth, ME
Zip Code: 04105
Work #: (207) 774-0424
Cell #: _____
Fax #: _____
Home: _____
E-mail: iswan@owenhaskell.com

ATTORNEY

Name: _____
Address: _____

Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home: _____
E-mail: _____

A.7

PROJECT DATA

The following information is required where applicable, in order complete the application

Total Site Area 32,000 sq. ft. (residential development parcel)
 Proposed Total Disturbed Area of the Site 58,000 sq. ft. (includes school demolition)
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)

IMPERVIOUS SURFACE AREA

Proposed Total Paved Area _____ sq. ft.
 Existing Total Impervious Area 23,165 sq. ft.
 Proposed Total Impervious Area _____ sq. ft.
 Proposed Impervious Net Change _____ sq. ft.

BUILDING AREA

Existing Building Footprint 8,600 sq. ft. (existing School)
 Proposed Building Footprint 13,080 sq. ft.
 Proposed Building Footprint Net change 4,480 sq. ft.
 Existing Total Building Floor Area 13,650 +/- sq. ft.
 Proposed Total Building Floor Area 22,290 sq. ft.
 Proposed Building Floor Area Net Change 8,640 sq. ft.
 New Building yes (yes or no)

ZONING

Existing _____
 Proposed, if applicable R-6 w/ ZBA variance on setbacks

LAND USE

Existing _____
 Proposed school
residential and park

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units 16
 Proposed Number of Residential Units to be Demolished 0
 Existing Number of Residential Units 0
 Proposed Number of Residential Units 16
 Subdivision, Proposed Number of Lots 16 condominium units

PARKING SPACES

Existing Number of Parking Spaces 0
 Proposed Number of Parking Spaces 16
 Number of Handicapped Parking Spaces 2
 Proposed Total Parking Spaces 16

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0
 Proposed Number of Bicycle Parking Spaces 16 (storage building)
 Total Bicycle Parking Spaces 16

ESTIMATED COST OF PROJECT

Please answer the following with a Yes/No response on all that apply to the proposed development

Institutional	<u>No</u>	Design Review	<u>Yes</u>
Parking Lot	<u>Yes</u>	Flood Plain Review	<u>No</u>
Manufacturing	<u>No</u>	Historic Preservation	<u>No</u>
Office	<u>No</u>	Housing Replacement	<u>No</u>
Residential	<u>Yes</u>	14-403 Street Review	<u>No</u>
Retail/Business	<u>No</u>	Shoreland	<u>No</u>
Warehouse	<u>No</u>	Site Location	<u>No</u>
Single Family Dwelling	<u>No</u>	Stormwater Quality	<u>Yes</u>
2 Family Dwelling	<u>No</u>	Traffic Movement	<u>No</u>
Multi-Family Dwelling	<u>Yes</u>	Zoning Variance	<u>Yes 9/16/10 (or date)</u>
B-3 Ped Activity Review	<u>No</u>	Historic Dist./Landmark	<u>No</u>
Change of Use	<u>No</u>	Off Site Parking	<u>No</u>

APPLICATION FEES:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<p>Level II Development <input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)</p> <p>Subdivision <input checked="" type="checkbox"/> Subdivision (\$500) + amount of lots / <u>6</u> (\$25/lot) \$ <u>500</u> + (applicable + Major site plan fee) \$ 1400</p>
<p>Level III Development <input checked="" type="checkbox"/> Under 50,000 sq. ft. (\$500) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 100 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000 plus applicable application fee)</p>	<p>Other Reviews <input type="checkbox"/> Site Location of Development (\$3,000) (except for residential projects which shall be \$200 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input type="checkbox"/> Section 14-403 Review (\$400 + \$25/lot) <input type="checkbox"/> Other _____</p>

LEVEL II AND LEVEL III REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:


1. Seven (7) full size site plans that must be folded.
2. Seven (7) copies of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c)), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 7) for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

This application is for a Site Plan review only. A Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: <u>11/22/10</u></p>
---	-----------------------------------

A.9

Please refer to Article V, Site Plan of the City of Portland Land Use Code for detailed information concerning the City's site plan review process, thresholds and standards. Should you have any questions regarding the submittal requirements or any other aspect of the site plan review process, please contact the Planning Division.

City of Portland Planning Division
 389 Congress Street
 Portland, Maine 04101
 (207) 874-8719
 www.portlandmaine.gov

Office Hours:
 Unless noted, office hours are
 Monday thru Friday
 8:00 a.m. – 4:30 p.m.

General Submittal Requirements – Level II and Level III Site Plan

Preliminary Plan Phase (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees <i>(TO BE PAID VIA CREDIT CARD)</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Evidence of right, title and interest.
<input type="checkbox"/> <i>N/A</i>	<input type="checkbox"/>	7	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written assessment of zoning.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written summary of significant natural features located on the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Written summary of project's consistency with related city master plans.

Final Plan Phase (including items listed above if no preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within 1/4 mile of an intersection identified in a previous traffic study as a failing intersection).
<input type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

A.10

Site Plans and Boundary Survey Requirements – Level II and Level III Site Plan

Preliminary Plan Phase (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7	Preliminary Site Plan Including the following: <i>(*information provided may be preliminary in nature during the preliminary plan phase):</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties..
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed utilities (preliminary layout).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary stormwater management and erosion control plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed easements or public or private rights of way.

Final Plan Phase

<input type="checkbox"/>	<input type="checkbox"/>	7	Final Site Plan Including the following
<input type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.
<input type="checkbox"/>	<input type="checkbox"/>		▪ Proposed loading and servicing areas, including applicable turning templates for delivery vehicles



2. PROJECT DESCRIPTION

The Marada Adams School, located at 48 Moody Street, was closed in 2006 and is currently abandoned. In 2008, after a two year public visioning process, the City of Portland released a Request for Proposal (RFP) for the redevelopment of the site and selected (Avesta) for the redevelopment work. The proposed redevelopment project includes the demolition of the existing Adams School building and site amenities; and development of a 16-unit affordable ownership housing complex and the construction of, on behalf of the City, public open space and playground area.

The school parcel is approximately 1.5 acres in size. The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. Avesta currently holds a Purchase and Sales agreement with the City of Portland for this portion of the site. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H. The proposed public park will be constructed on an abutting 0.35 acres of land.

The condominiums will be marketed to be affordable to households of moderate means (0.8 to 1.2 MHI), with incomes near the area median. The residential development will include eight two-bedroom units and eight three-bedroom units, resulting in a total building footprint of 13,080 square feet and a total floor area of 22,290 square feet. The two bedroom units are located at the four corners of the site, with a two bedroom unit located above the lower two bedroom unit. The eight three-bedroom units will consist of two-story residential units.

The two-bedroom unit near the corner of Vesper and Moody Street will be handicap accessible. The western most three bedroom unit on Vesper Street will be designed to have a handicapped accessible lower level. The three bedroom units will have a lower bedroom, which will allow for single floor living for a family member. The development will be designed to meet federal accessibility requirements and will exceed these requirements on many levels to the extent possible.

The front of the buildings will be oriented to the street, with off-street parking (one space per unit) provided along rear private mews. This rear parking area will be screened by the buildings and landscaping, so that the architectural and landscape elements are the focus of the public streetscape. Avesta was granted a variance from the side and rear setback requirements from the Zoning Board of Appeals (ZBA) in September of 2010. A copy of the ZBA Certificate of Variance Approval is enclosed as Figure 2-1. The variance was granted so that the building orientation and their relation to the streets will better align with the character of the neighborhood.

Avesta intends to pursue certification of the project with the United States Green Building Council (USGBC) as LEED Neighborhood Development and LEED for Homes; the development will be designed to be environmentally sustainable and energy efficient.

A condominium association will govern the residential development. The association will be responsible for maintaining the 0.74-acre residential development, including the parking area, rear mews, utilities, sidewalks, landscaping, and appurtenances. Additional information regarding the condominium development will be provided as part of future submittals, including a subdivision recording plat and the condominium documents.



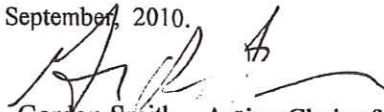
CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the sixteenth day of September, 2010, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

- 1. **Current Property Owner: City of Portland, Maine**
- 2. **Property: called 48 Moody Street, cor. Vesper Street, cor. Wilson Street, Portland, ME -**
CBL: 003-H, 1, 2, 3 & 4
 Cumberland County Registry of Deeds, Book Page
 Last recorded deed in chain of Title:
- 3. **Variance and Conditions of Variance:**
 To grant relief from section 14-139(1)(d)(3) of the Land Use Zoning Ordinance to allow a side yard setback of 4.2' along Moody Street and 4' along Wilson Street instead of the required 10' side yard setback. And to further grant relief from section 14-139(1)(d)(2) to allow a rear setback of 5' instead of the required 20' rear setback.

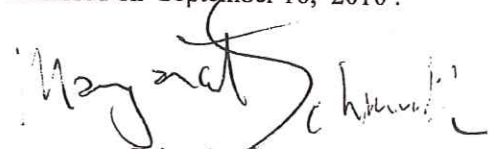
IN WITNESS WHEREOF, I have hereto set my hand and seal this 16th day of September, 2010.


Gordon Smith, Acting Chair of
City of Portland Zoning Board,

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Gordon Smith and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on September 16, 2010.


(Printed or Typed Name)

Notary Public
Margaret Schmuckal

My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

A. 14

REC'D SEP 21 2010

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Jill E. Hunter
Gordan Smith-secretary
William Getz

September 21, 2010

Avesta Housing
Ethan Boxer-Macomber
307 Cumberland Avenue
Portland, ME 04101

RE: 48 Moody Street
CBL: 003 H001
ZONE: R-6

Dear Mr. Boxer-Macomber:

At the September 16, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the practical difficulty variance appeal to reduce the left side setback to four feet, two inches, the right side setback to four feet and the rear setback to five feet. I am enclosing a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 16, 2010, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

You will also find an invoice for \$385.39 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that the practical difficulty variance appeal has been approved, you need to apply for a building permit to build the condominiums. The permit will not be issued until we receive a copy of the recorded Certificate of Variance. The building permit must be issued and construction begun within six months of the date of the hearing, September 16, 2010, referenced under section 14-473(e), or the Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8709.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

ZONING BOARD APPEAL
DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: September 20, 2010
RE: Action taken by the Zoning Board of Appeals on September 16, 2010.

Members Present: Gordon Smith (acting chair), William Getz (acting secretary), Sara Moppin, and Jill Hunter

Members Absent: Phil Saucier

1. New Business:

A. Practical Difficulty Variance Appeal:

48 Moody Street, Avesta Housing Development Corporation, future owner, Tax Map 003, Block H, Lots 001, 002, 003 & 004, R-6 Residential Zone: The applicant is proposing to build sixteen affordable housing condominiums on the old Adams School site. The appellant is requesting a variance for both side setbacks, from the required ten foot side setback to four feet, two inches on the left side and four feet on the right side [section 14-139(1)(d)(3)]. The appellant is also requesting a variance for the rear setback from the required twenty feet to five feet [section 14-139(1)(d)(2)]. Representing the appeal for Avesta Housing is Ethan Boxer-Macomber. **The Board voted 4-0 to grant the practical difficulty variance appeal to reduce the required left side setback to four feet, two inches, the required right side setback to four feet, and the required rear setback to five feet for the new condominium project.**

2. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals. **The Board voted to postpone the elections until the next meeting.**

Enclosure:

Decision for Agenda from September 16, 2010
Original Zoning Board Decision
One dvd

CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director, Planning & Urban Development
Alex Jaegerman, Planning Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: September 16, 2010

Name and address of applicant: Avesta Housing Development Corp.
307 Cumberland Ave.
Portland, ME 04101

Location of property under appeal: 48 Moody Street

Present:

Sara Moppin
Jill Hunter
Gordon Smith
Bill Getz

Gordon Smith disclosure
of employment with Verill/Dana

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Neither Pro. Con
Celest Bard,
Muskie Institute

- ① Ethan Boxer - Macomber - Avesta, project mgr.
- ② Seth Parker, mgr @ Avesta
- ③ Avesta Corporate Council
- ④ Marlynn Meedy - PDT Architect
- apposed; Carol McKnatriu - designs notification + updates
- Erna Koch 81 Vesper St. - apposed. - High density and her view would be obstructed.

Gary Marcisso 64 Vesper + owner of 3 other many buildings are condominium @ 1K-2K
Exhibits admitted (e.g. renderings, reports, etc.):

E-mail messages from Ms Mullin, Mr. McNally, Mr. Miller, Sen. Alford.
↑
Committee
Powerpoint presentation -

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied 4 Not Satisfied

Reason and supporting facts:

unique as it contemplates frontage on 4 sides and the size (one full block) is unique

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied 4 Not Satisfied

Reason and supporting facts:

neighbor opposition being considered the possible use would be detrimental if not for the RFP
4 - email letters submitted by neighbors in favor

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied 4 Not Satisfied

Reason and supporting facts:

per testimony that the City RFP was part of the decision to build

Conclusion: (check one)


4 Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application. *Moppin/Getz*

Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated:

9.16.10



Board Chair

A. 19



3. EVIDENCE OF RIGHT, TITLE AND INTEREST

Avesta Housing Development Corporation has entered into a Purchase Agreement with the City of Portland. A copy of this agreement, dated May 24, 2010 is included as Figure 3-1. A Boundary Survey has been prepared by Owen Haskell Professional Land Surveyors, and is included as Figure 3-2.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into as of 24th of May, 2010, by and between the CITY OF PORTLAND, a Maine municipal corporation with a place of business in Portland, Maine and mailing address of 389 Congress Street, Portland, Maine 04101 ("Seller") and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Buyer")

WITNESSETH:

WHEREAS, through the Adams School Re-Use Committee, Seller conducted public meetings in order to determine the most appropriate use of the former Adams School property, at the conclusion of which Seller sought proposals from parties interested in redeveloping the that property; and

WHEREAS, Buyer submitted a proposal that included development of 40 condominium units for low to moderate income families, together with development of a park adjacent thereto, as more particularly described in Buyer's response to the City of Portland Request for Proposals for Redevelopment of Former Adams School Site dated July 22, 2008 (the "RFP Response"); and

WHEREAS, Buyer, after retooling the Project in response to changes in available sources of sub-market development capital and overall housing market conditions, submitted a revised proposal that included development of at least 16 condominium units for low to moderate income families, together with installation of a park on adjacent land retained by Seller (collectively the "Project"), as more particularly described in Buyer's March 24, 2010 project update letter to Penny Littell, Director of Planning and Urban Development with attached plans and elevations; and

WHEREAS, the updated Project has been publicly reviewed by the Housing Committee of the City Council with that Committee having voted unanimously to move the matter to the attention of the full City Council and the parties now wish to move forward with Buyer's proposed development;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Property to be Sold. Seller agrees to sell and Buyer agrees to buy a certain lot or parcel of land with all buildings, fixtures and improvements thereon, located in the vicinity of 48 Moody Street, Cumberland County, Maine, shown as City of Portland Tax Map 003, consisting of all of the land shown on such tax map as Block H, comprising .74 acres of land, more or less, improved with the former Adams School building and related infrastructure, land and improvements, with frontage on and access to, and bounded by, Moody, Vesper, and Wilson Streets, together with all easements appurtenant thereto (collectively the "Premises"). See Exhibit 1 attached.

2. Purchase Price. Buyer shall pay to Seller the sum of Two Hundred Forty Thousand (\$250,000) (the "Purchase Price") in the manner provided in this Section.

a. Contemporaneously with the execution of this Agreement, Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Initial Deposit").

b. Not later than the Due Diligence Completion Date (as defined in Section 7 below), Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Second Deposit;" the Initial Deposit and the Second Deposit are referred to collectively in this Agreement as the "Deposit").

c. At the closing, Buyer shall pay to Seller the balance of the Purchase Price by certified or bank cashier's check or wire transfer. The Deposit shall be credited against the Purchase Price.

3. Title. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens, claims and encumbrances except those that do not adversely affect the use and enjoyment of the Premises. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time (not to exceed 45 days), after notice in writing, in which to remedy any title defects. In the event that said defects cannot be corrected or remedied or in the event that Seller elects not to remedy same, then the Deposit shall be returned to Buyer and this Agreement, and Seller's and Buyer's obligations hereunder, will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist. Seller agrees to convey the Premises using any new survey description resulting from Buyer's boundary survey.

4. Closing. This transaction shall be closed on or before September 1, 2010 at 10:00 a.m. (the "Closing Date") at the offices of Buyer's counsel, or if the Seller and Buyer shall mutually agree in advance at another time and place. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the balance of the Purchase Price, the following documents:

(a) a Quitclaim Deed with Covenant to the Premises; and

(b) such other customary instruments, documents and affidavits as may be associated with said closing.

5. Risk of Loss, Damage, Destruction and Insurance. Before closing, Seller shall bear the risk of any loss to the Premises by fire or otherwise.

6. Representations and Warranties of Seller. Seller represents and warrants to Buyer as follows:

(a) There is no litigation, administrative hearing, arbitration, or any other proceeding pending or, to the knowledge of Seller, threatened against Seller or with respect to the Premises or the Personal Property with respect to any violation of law, rule or regulation. Seller has received no notices of violation from any Federal or State agency alleging a violation of any environmental law, rule or regulation with respect to the Premises.

(b) Seller has an absolute right to sell, assign or transfer the Premises to Buyer free and clear of all liens, pledges, security interests, demands or encumbrances and without breach of any agreement to which Seller is a party or by which Seller is bound.

7. Inspection. At all reasonable times upon reasonable prior notice, Buyer and any prospective lender or investor of Buyer's shall have the right to enter the Premises and perform, at Buyer's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to

the Premises as Buyer deems necessary or appropriate. Buyer agrees to return the Premises as nearly as possible to their original condition after all of such tests and inspections. Seller shall cooperate with Buyer in such inspections. In the event Buyer is not satisfied for any reason by the results of such due diligence inspections, Buyer shall have the option of terminating this Agreement by written notice to Seller. Buyer's option to terminate this Agreement as provided in this Section 7 shall expire unless such written notice is delivered to Seller not later than July 1, 2010 (the "Due Diligence Completion Date"). If such written notice is not delivered to Seller prior to Due Diligence Completion Date, Buyer shall be deemed to have waived its right to terminate this Agreement as set forth in this Section 7.

8. Possession. Seller shall deliver the Premises to Buyer at closing free and clear of all leases, tenancies and occupancies by any person.

9. Conditions Precedent. Buyer's obligation to close hereunder is subject to Buyer's full and complete satisfaction with all of the following:

(a) Seller shall earmark no less than \$ 1,724,136 in Neighborhood Stabilization Program ("NSP") funds from the Maine State Department of Economic and Community Development. No less than \$1,710,000 of the NSP funds are to be used by Buyer as a source of development capital for the Project. Seller shall directly expend up to \$14,136 of the NSP funds to conduct environmental studies and a HUD required single audit.

(b) There shall have been no material adverse change in the condition of the Premises occurring after the conclusion of Buyer's inspections under Section 7 above, and the Premises shall be substantially in the same condition as they were at the time of the inspections, reasonable wear and tear excepted, subject to the provisions of subsection (e) above.

(d) Title to the Premises shall be good and marketable, and the same shall be conveyed to Buyer free and clear of all liens, claims and encumbrances except encumbrances that do not adversely affect the use and enjoyment of the Premises. Not later than July 1, 2010, Buyer shall have received, at Buyer's expense, an ALTA-ACSM boundary survey of the Premises satisfactory to Buyer in its sole discretion.

(e) As of the date hereof, and as of the date of closing, all of Seller's representations and warranties shall be true and correct in all material respects.

(f) Buyer shall have achieved the development milestones described in Section 13 below within the time periods set forth in such section.

If the conditions described in subsections (a) through (f) above are not satisfied as of the dates specified, or if no date is specified, by the Closing Date, then Buyer shall have the option of terminating this Agreement in writing and receiving back the Deposit.

10. Default and Remedies. In the event that Buyer fails to close hereunder for any reason other than (i) a default by Seller or (ii) termination of this Agreement by Buyer as provided herein, Seller's sole legal and equitable remedy shall be to terminate this Agreement by written notice to Buyer, whereupon and all rights of Buyer to purchase the Premises shall cease and be of no further

force or effect. In the event of Seller's default hereunder, Buyer shall have available all remedies at law and in equity, including without limitation the right of specific performance.

11. Assignment. Upon notice to and concurrence by Seller, which shall not be unreasonably withheld, Buyer may assign this Agreement and all its rights and obligations hereunder to an affiliate of Buyer's.

12. Brokers. The parties represent to each other that neither has had any dealings with any real estate broker in connection with this transaction. Each party agrees to indemnify the other from and against the claims of any brokers arising from this transaction, which indemnity shall survive the closing and shall include reasonable costs of collection, including reasonable attorneys' fees.

13. Development Activities with Respect to the Project; Milestones. After the date of this Agreement, and after the Closing Date, Buyer agrees to use good faith efforts to undertake predevelopment activities towards the goal of developing the Project substantially, as described in subsections (a) and (b) below.

(a) Upon the execution of this Agreement by both parties, Buyer shall continue to refine the Project budget through continued assessment of the real estate market and by securing competitive bids for construction as well as various design and development services. While a budget shortfall is not anticipated by Buyer at this time, to the extent that the final budget demonstrates an unforeseen need for additional subsidy above and beyond the NSP funds allocated by Seller, Buyer shall use good faith efforts to obtain any remaining funds that may be necessary for development of the Project. Buyer shall have until July 15, 2010 to secure binding funding commitments in an amount sufficient in Buyer's sole judgment to fully develop the Project. Should Buyer fail to secure funding commitments as described above, Buyer and Seller shall reassess the viability of the Project and likelihood that final gap funding sources can be secured in a reasonable timeframe. Under this circumstance and after weighing all options, Seller may opt to grant Buyer additional time to secure needed funding or work with Buyer to consider alternative development scenarios for the Premises; e.g. alternative residential unit type, size, number, and/or configuration. If by July 15, 2010 Buyer has not secured all necessary financing and Buyer and Seller, after a good faith effort, are not able to develop a mutually agreeable alternative development scenario, Seller may terminate this Agreement and the Deposit shall be returned to the Buyer.

(b) After receipt of the funding commitments described in subsection (a) above, Buyer shall begin good faith efforts to obtain all necessary permits and approvals for the Project, including without limitation site plan and subdivision approval.

(c) Upon the execution of this Agreement by both parties, Buyer shall, using NSP funds, commence with activities necessary to conduct hazardous materials abatement, and complete the full demolition and removal of the existing Adams School building. Buyer shall also coordinate the removal of an Underground Storage Tank UST identified in the Phase I and Phase II Environmental Site Assessments conducted by SW Cole Engineering on behalf of Seller.

In the event Buyer has not secured its financing by the date specified in Subsection (a) above, either party may terminate this Agreement and the Deposit shall be returned to Buyer.

14. Additional Conditions. Additional conditions are included in Attachment 2 and shall be incorporated herein by reference.

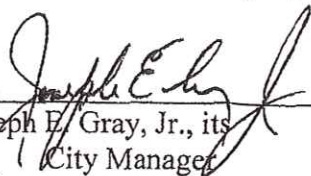
15. Miscellaneous. Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Except as set forth in Section 12 above, the rights of Buyer under this Agreement may not be assigned in whole or in part without written consent of Seller, which shall not be unreasonably withheld. This Agreement constitutes the entire agreement between Seller and Buyer and there are no other agreements, understandings, warranties or representations between Seller and Buyer. Seller's representations and warranties, and certain other provisions contained in this Agreement, shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date written above.

WITNESS:




CITY OF PORTLAND, Seller

By: 

Joseph E. Gray, Jr., its
City Manager

AVESTA HOUSING DEVELOPMENT CORPORATION, Buyer



By: 

Dana Totman, its President

A. 25

ATTACHMENT 2

Additional Conditions:

1. The Project shall provide no fewer than 16 new units of housing which shall be sold to buyers with household income at or below 120% of the adjusted medium income_____.
2. The Project shall include restrictions to the rental of residential units except as follows:
 - a. To a family member
 - b. To a non-family member for a period not to exceed 20 months in any consecutive 5 year period.
3. The Project site design shall be revised to site all playground equipment in the Beckett / O'Brion right of way and the playground shall be built with a maintenance free design.
4. The Project shall provide LED fixtures in any street lights that may be required through the public review process.
5. Upon license from Seller, Buyer shall stabilize, loam and seed all disturbed areas on the overall +/- 1.5 acre Adams School site.



4. EVIDENCE OF STATE AND/OR FEDERAL APPROVALS

The proposed development will not impact any natural resources therefore no Natural Resources Protection Act (NRPA) permits from the Maine Department of Environmental Protection (MaineDEP) or Programmatic General Permits from the Army Corps of Engineers will be necessary.

As an urban brownfield site, the property may contain environmental contaminants that could require remediation. Avesta is working with the professionals at Credere Associates to assess the site for potential environmental contamination and will develop appropriate plans for the remediation of the property.

The project will be designed to incorporate Stormwater Management systems in compliance with the City's Level III Site Plan Review Standards. The project does not require approval from MaineDEP under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

The removal of the school will disturb more than one acre, and Avesta will be submitting a Notice of Intent to Comply with Maine Construction General Permit.

A Maine Department of Transportation (DOT) Traffic Movement Permit is not required for the project, as the development will not generate more than 100 trip ends during the peak hour.



5. ASSESSMENT OF ZONING

The property is located in the R6 Residential Zone, and will be designed to comply with the standards and intent of Division 7 of the land use regulations.

5.1 MULTI-FAMILY DWELLINGS

Multi-family dwellings are a permitted use for the R6 Zone. The development will comply with the Multi-family Dwelling unit standards of Chapter 14-136 (a)-2. All units will have 870 square feet of floor area or greater, exceeding the minimum floor area of 600 square feet. One off-site parking space will be provided for each unit in compliance with Division 20. All units will be above grade and no open fire escapes will be necessary.

5.2 DIMENSIONAL REQUIREMENTS

As described in Section 2 of this application, the project has received approval from the Zoning Board of Appeals (ZBA) for a variance from side and rear yard setback requirements. Table 5-1 provides a summary of the setback requirements and other dimensional standards for developments within the R-6 zone, per Sections 14-230.14 and 14-230.15 of the Land Use Ordinance.

Table 5-1: R-6 Zone Dimensional Requirements

	REQUIRED	PROVIDED
Front Yard Setback	10 ft or average of existing front yard setbacks	5 ft (average of existing front yards)
Side Yard Setback*	4.2 ft at Moody Street 4 ft at Wilson Street	4.2 ft at Moody Street 4 ft at Wilson Street
Rear Yard Setback*	5 ft	5 ft
Lot Size	4,500 sqft (min)	32,340 sqft
Minimum Area per Dwelling Unit	1,000 sf/unit	2,021 sf/unit
Street Frontage	40ft min	> 200 ft
Max Lot Coverage	50% of lot area for developments with < 20 units	40%
Max Building Height	45 ft	<45 ft
Min Lot Width	50ft	160 ft
Min Open Space (20% of lot for developments with < 20 dwelling units)	0.15 acres	0.33 acres
Parking Spaces (1 per unit)	16	16

*ZBA has approved a variance for side and rear setbacks

A.28



The development will utilize pervious paver materials at patios and in areas adjacent to the rear parking area. Woodard & Curran contacted the City's Zoning Administrator on November 11, 2010 and confirmed that these pervious paver areas can be included in the open space calculation.



6. EASEMENTS AND OTHER BURDENS

There are no existing easements on the site of the residential development.

As part of the residential development, an easement will be provided at the rear parking lot for the access and maintenance of the water, sewer, gas, electric, and telephone service lines. The location of the easement is shown on the enclosed utility plan. The delineation of the proposed easement will also be shown on the recording plat, which will be provided during the final plan submission.

A.30



7. WAIVERS REQUESTED

As a condition of the Purchase and Sales Agreement, the City Council requested that any street lights required for the development will utilize LED fixtures. In order to comply with this condition, Avesta is requesting a waiver from Section 10.2 in the Technical Design Standards, which specifies a non-LED street pole fixture.



8. TRAFFIC ANALYSIS AND EMERGENCY ACCESS

8.1 PEAK HOUR TRIP GENERATION

The proposed development will not significantly impact traffic in the area. Based on a review of applicable ITE Trip Generation 8th Edition Land Use Codes (LUC) 230 – Residential Condominiums, the 16 unit residential development will generate 12 and 13 trip ends during the AM and PM peak hours respectively, less than the 100 trip ends threshold for a Traffic Movement Permit from the Maine DOT. The peak hour vehicle trips generated from the development are well below the number of trips generated at the site when the school was operational.

8.2 VEHICULAR AND BICYCLE PARKING

Offsite vehicular parking will be provided at a rate of one parking space per unit in accordance with Division 20 of the Land Use Ordinance. All parking spaces shall be 9 feet wide by 18 feet long. Aisles will be 14 feet wide, as required in the Technical Standards for a 45 degree angle parking configuration. Woodard & Curran and PDT Architects reviewed this aisle width during a meeting with the City of Portland's Fire Department on November 17, 2010.

Bicycle storage is provided at each residential unit within a 90 square foot covered storage unit. In addition, two exterior bike racks will also be provided for additional bike storage.

8.3 PROXIMITY TO BUS ROUTES

The development is located within close proximity to many of Portland Metro's bus routes. The development is less than one block from Route 1, which provides transportation across the Portland Peninsula, and is within walking distance of routes that provide transportation to the North Deering, Falmouth and Portland's downtown areas.

8.4 SIDEWALKS

The development will include the construction of new brick sidewalks with granite curbing along the parcel's frontage of Moody, Vesper, and Wilson Street's. In addition, a new pedestrian walkway will be created in the proposed park along the Beckett Street Right of Way. The park and walkway will reconnect a valuable pedestrian corridor between Beckett Street and O'Brion Street, improve the neighborhood's access to the proposed public park, and create a pleasing view corridor.

8.5 CROSSWALKS

Several crosswalks are located on the streets abutting the development. Two of the crossings are located mid block, and were originally installed to provide access to the school. To improve pedestrian movement and to provide a better crosswalk alignment with the park and existing streets, we recommend removing the two mid block crossings and creating two new crossings in line with Beckett and O'Brion Street Right-of-Way. The locations of the proposed crosswalks are shown on the enclosed site plan. Avesta anticipates the need to present this change to the City's Crosswalk Committee.



8.6 VEHICULAR ENTRANCES

Vehicles will enter the parking area from Wilson Street and exit onto Moody Street. All driveways will be perpendicular to the existing streets. As a result of discussions with the City's Fire Department, the entrance and exits will be 16 feet wide, which is greater than the minimum entrance width of 12 feet specified in Section 1.7 of the City's Technical Manual. The additional driveway width is required to provide emergency access to the site. The driveways will be located 80 feet from the Vesper Street intersection and approximately 70 feet from the O'Brion Street and Beckett Street Intersections.

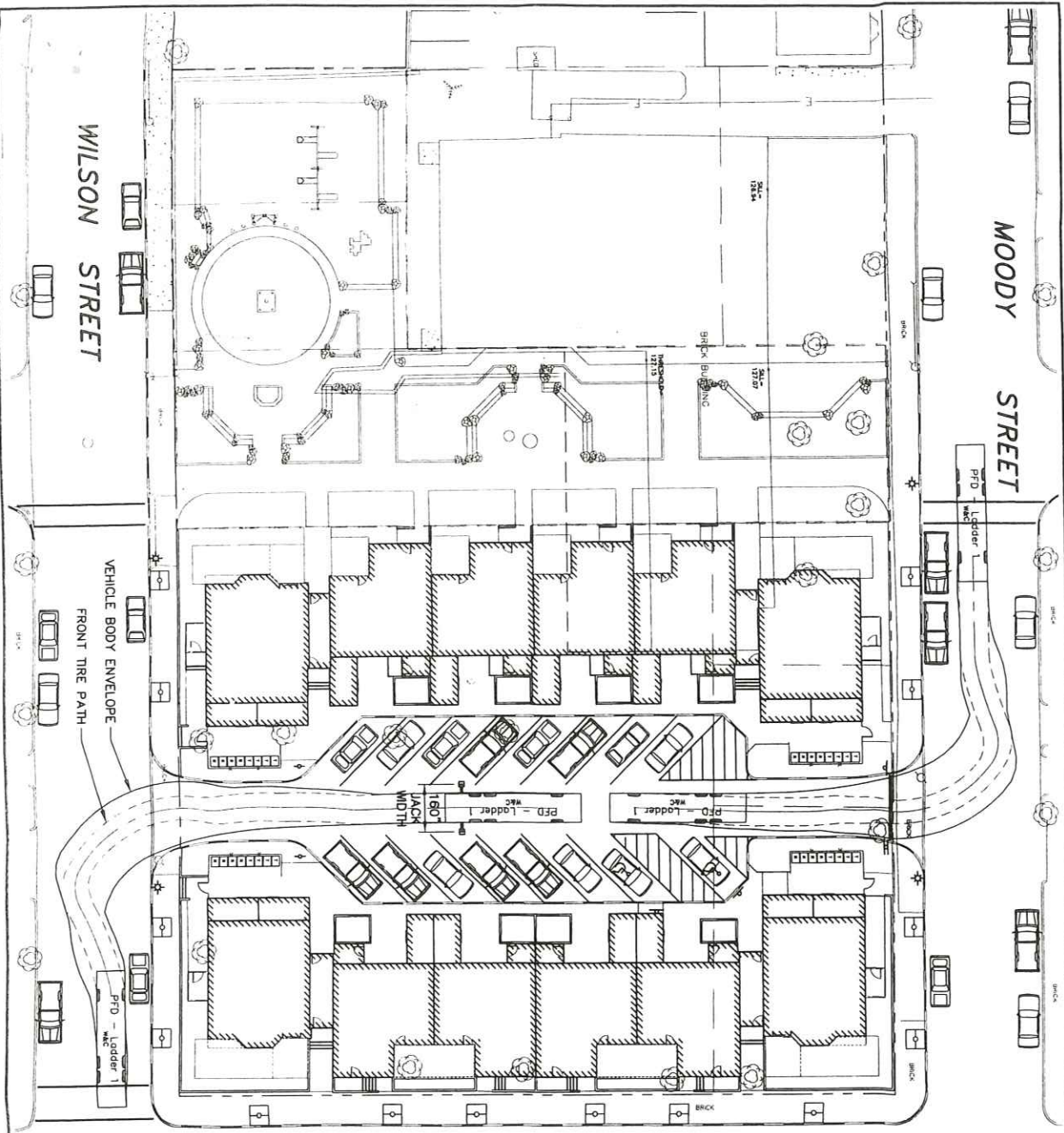
Both driveways will have sight distances in excess of the distances required in Section 1.6 of the City's Technical Manual. Sight Distances at each driveway is greater than 220 feet, which exceeds the 200 feet minimum sight distance required for 25 mph streets.

The driveway entrance and exit will be constructed with radial granite curbing, which will allow for emergency vehicular access. Woodard & Curran has utilized AutoTurn software to analyze the maneuverability of emergency access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width. A figure showing the emergency vehicular access is included as Figure 8-1. This plan was developed with feedback and guidance provided by the City's Fire Department during a meeting on November 17, 2010.

8.7 FIRE HYDRANTS

Several fire hydrants and fire call boxes are located near the development. The location of these hydrants and call boxes are shown on the enclosed boundary plan. The existing hydrants are located near the corner of Vesper Street and Moody Street, at the corner of Moody Street and Beckett Street, and at the corner of O'Brion Street and Wilson Street. No new hydrants are proposed.

A.33

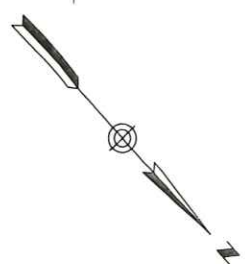
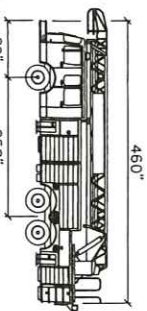


VESPER STREET



NOTE:
 LADDER 1 DIMENSIONS PROVIDED
 BY JOE FOURNIER, CITY OF
 PORTLAND FIRE APPARATUS
 SPECIALIST ON NOVEMBER 17, 2010

PFD - Ladder 1



PDT ARCHITECTS
 PORTLAND, MAINE

ADAMS SCHOOL REDEVELOPMENT

JOB NO. 219804.01
 DATE: NOVEMBER 2010
 SCALE: 1" = 30'

Autumn

PORTLAND FIRE DEPARTMENT
 LADDER 1 TURNING MOVEMENT

DESIGNED BY: DLC
 DRAWN BY: JBC

CHECKED BY: DLC
 219804-C200A.dwg

41 Hutchins Drive
 Portland, Maine 04102
 800.426.4262 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

A.34



9. SIGNIFICANT NATURAL AND HISTORIC FEATURES

The site of the proposed residential project has been previously developed, and does not contain significant natural features or resources. The site does not include wildlife-habitat, wetlands or streams.

Woodard & Curran has requested that the Maine Historic Preservation Commission (MHPC) review the site for potential impacts to any known pre-historic sites, historic structures, or archeological sites. Correspondence from the MHPC will be included in the final submission package.

Rec'd by Pl. Div.
12.8.10

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

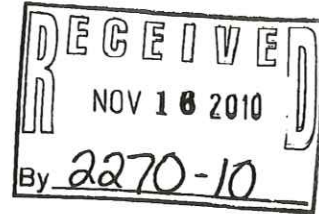
T 800.426.4262
T 207.774.2112
F 207.774.6635

A.35



November 12, 2010

Earle Shettleworth, Jr.
Director and State Historic Preservation Officer
Maine Historic Preservation Commission
65 State House Station
Augusta, ME 04333



Re: Data Request – Adams School Site Re-development, Portland, Maine

Dear Mr. Shettleworth:

On behalf of Avesta Housing, Woodard & Curran has begun design and permitting services for the Adams School Re-development Project located at 48 Moody Street, Portland, ME, 04101. The site has been previously developed, and is currently occupied by the Adams School building, which was built in 1958 and closed in 2006. The project site is located on the block bounded by Munjoy, Moody, Vesper, and Wilson Streets in the Munjoy Hill Neighborhood of Portland. We intend to submit to the City of Portland Planning Department for approval of the Site Plan applications.

The project includes the demolition of the existing Adams School building and site amenities, and the development of a 16-unit residential condominium, parking lot, public open space, and playground. An existing condition boundary survey with site location map is enclosed for your reference. Also enclosed, please find a preliminary architectural rendering of the proposed development.

We appreciate your review the proposed project specific to potential impacts to any known pre-historic sites, historic structures, or archeological sites.

If you have any questions or comments, please do not hesitate to call me at 207-774-2112 or email me at dcameron@woodardcurran.com.

Sincerely,

WOODARD & CURRAN INC.

Denise L. Cameron, PE
Project Engineer

AEA
219804.01

Based on the information submitted, I have concluded that there will be no historic properties affected by the proposed undertaking, as defined by Section 106 of the National Historic Preservation Act. Consequently, pursuant to 36 CFR 800.4(d)(1), no further Section 106 consultation is required unless additional resources are discovered during project implementation pursuant to 36 CFR 800.13.

Kirk F. Mohney
Deputy State Historic Preservation Officer
Maine Historic Preservation Commission

12/11/10
Date

Enclosures: Boundary Plan and Architectural Rendering



10. LANDSCAPING AND LIGHTING

Avesta is working with Regina S. Leonard Landscape Architecture & Design to develop landscaping designs for the residential development and abutting park. A preliminary landscaping plan is included in the enclosed plan set. The development will include plantings and landscaping along the driveway entrances and street frontage. Planters will be located near the rear entrances and the parking areas; landscape buffers and fencing will be utilized to screen waste and recycling receptacles.

Street trees will be planted along the City's Right-of-Way and within the proposed park. The City's Ordinance requires one street tree per residential unit. The proposed landscaping plan includes 14 trees along Moody, Vesper, and Wilson Streets, with additional trees to be planted within the park exceeding the amount required by Ordinance.

Avesta is proposing the use of energy-efficient LED Site Lighting, in conformance with the goals of LEED design. The LED fixtures are proposed for both the parking lot lighting and street lighting. Currently, Vesper Street is lit by three cobra fixtures, located on the north side of the street. No changes to the existing Vesper Street lighting are proposed. New street lights are proposed near the development's driveways and the midblock pedestrian crossings. These lights are shown on the enclosed landscaping and utility plans.

11. ARCHITECTURE AND STREETScape

The Adams School Redevelopment site will offer high quality, market-rate living units. The buildings are designed with special attention paid to the character of the Munjoy Hill neighborhood surrounding the site of the former Marada Adams Elementary School. A park dedicated to Marada Adams is also planned in partnership with the City of Portland. Streetscape and pedestrian scale are of particular importance to the interface of these buildings with the site. Each unit will have a separate street entrance, activating the sidewalk and complimenting the rhythm of the existing streetscape. Individual covered entries will be designed to be sympathetic to the existing architectural character found in the neighborhood. Parking is located internal to the site and adjacent to entrances of each unit. With single access points, we will minimize curb-cuts to the site, keeping pedestrian access the focus along the public right-of-ways. Solid waste management and recycling stations and mailboxes are proposed at Moody and Wilson Street access points.

There are two types of units: A three bedroom, two story townhouse, and a two bedroom flat. The two bedroom flats will compose four, two-story buildings on each of the four corners of the site. The first floor flats will each have an entrance directly off the sidewalk, and the second floor flats will have separate entrances via a private enclosed stair, also with direct sidewalk access. The three bedroom townhouses will feature single-level living and will have individual sidewalk entrances.

Each unit will be expressed architecturally with pitched roofs and distinctive masses. The two bedroom stacked flats shall each have front yards that serve as private green space and create a buffer between the street and the living spaces. This buffer space will also open the view corridor at the corners of the development. The two-story portion of the three bedroom townhouses shall be close to the sidewalk and elevated, while the single story portion will be pulled back to create private patios. This pattern will further activate the streetscape by creating a variation in scale and depth.

The architecture will be trimmed and detailed such that it references the context of the East End. Fenestrations will be proportional to the overall façade composition. Finish materials will include wide plank siding, masonry, and painted trims. Windows will be casement or double hung style, and roofs will be shingled. Operable roof windows will contribute to whole-house natural ventilation.

These homes will be submitted for certification by the USBGC for LEED for Homes and will incorporate many green strategies, technologies and materials. These homes will be submitted for certification by the USBGC for LEED for Homes and will incorporate many green strategies, technologies and materials; while the entire project will be submitted for certification by the USGBC for LEED for Neighborhood Development.



12. STORMWATER MANAGEMENT

The proposed residential development will include stormwater management infrastructure, and will incorporate low-impact development techniques where possible. Avesta intends to utilize pervious surfaces, such as permeable pavers or concrete, where possible to encourage infiltration of stormwater and reduce runoff from the site. Geotechnical Engineer's from SW Cole are currently conducting a soils investigation to determine the site's ability to utilize the pervious surfaces.

12.1 EXISTING CONDITIONS

The site and surrounding neighborhood is located in a highly developed urban environment. The abandoned Marada Adams School and exterior play areas currently occupy the site. The school parcel is approximately 1.5 acres, and consists of building roofs, pavement, lawn space and play areas. The school's roof drains are connected to the City's combined sewer in O'Brion Street; stormwater runoff from the surrounding site drains towards a catchbasin near the corner of Wilson Street and Vesper Street, which connects to the City's combined system in Vesper Street. Both the Vesper Street and O'Brion Street systems drain into the Fore Street Interceptor, and is conveyed to the India Street Pump Station. Additional information regarding the City's Combined Storm/Sewer infrastructure is included in Section 13 of this narrative.

12.2 PROPOSED DEVELOPMENT

The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel for the development of the residential condominiums. A public park will be constructed on an abutting 0.35 acres of land located within and adjacent to the former Beckett Street Right of Way. The existing Marada Adams School will be demolished, and any disturbed areas beyond the proposed residential development and abutting park will receive 4" of loam and will be seeded. The removal of the school will result in a net decrease in impervious area on the 1.5 acre site, and therefore will decrease the rate of stormwater runoff. Avesta intends to use pervious surfaces where possible to encourage infiltration of stormwater, and reduce the amount of stormwater entering the public combined sewer infrastructure. The following table describes the decrease in impervious surface areas, assuming the use of pervious pavers at sidewalks and patios within the site.

Table 11-1: Existing and Proposed Impervious Areas

TOTAL PARCEL SIZE	EXISTING IMPERVIOUS	PROPOSED IMPERVIOUS	NET CHANGE
1.5 acre	0.92 acre	0.78 acre	0.14 acre reduction

Geotechnical Engineers from SW Cole are currently analyzing the site to determine if pervious concrete surfaces can also be used within the parking area. If soil conditions are determined to be appropriate for pervious materials, then the impervious areas listed in Table 11-1 may decrease by an additional 0.18 acres, further reducing the impervious surface area.

The project will be designed to incorporate Stormwater Management systems in compliance with the City's Level III Site Plan Review Standards. The project does not require approval under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.



The site was developed prior to 2005, and is classified as “redevelopment” per Section 5-4-B(e) of the City’s Technical Manual, which states: “*For a project [...] that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project’s stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area.*” The use of pervious pavers and the overall net reduction in impervious areas onsite will reduce stormwater impacts in the area. Avesta and the design team discussed this stormwater strategy with the City’s Department of Public Services during the pre-application meeting on November 10, 2010. We understand the Department supports the use of pervious materials, where possible, in order to reduce the amount of stormwater entering into the City’s combined system.

13. UTILITIES

The proposed residential development will be serviced by public water, sewer, gas and electric. A utility corridor will be created within the rear parking area, and each unit will be provided with separate utility service lines. A 48 foot wide easement will be granted to the utility companies for access and maintenance of the infrastructure. The location of the easement and proposed utilities are shown on Sheet C3 of the enclosed plans.

Woodard & Curran and the design team will coordinate service locations and connections with the appropriate utilities as the design progresses. Letters of capacity will be provided from the City of Portland Public Services and the Portland Water District upon receipt.

13.1 WATER

The proposed development will utilize both fire protection water service and domestic water service. Connections are proposed at both Moody Street and Wilson Street in order to create a service loop. Avesta intends to pursue LEED certification and will be using low flow fixtures. Bennett Engineering, Inc, mechanical engineers, have reviewed the domestic water demand for the proposed facility and estimates a per unit demand of 30 GPD per unit, which equates to 480 Gallons per Day (GPD). Bennett Engineering estimates peak domestic water flow for each building will be 50 Gallons per Minute (GPM) and that sprinkler/standpipe flow will be 500 GPM.

13.2 SEWER

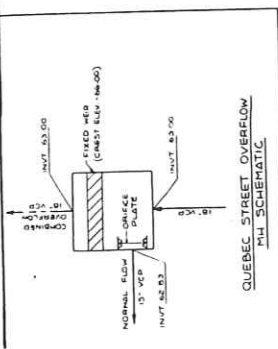
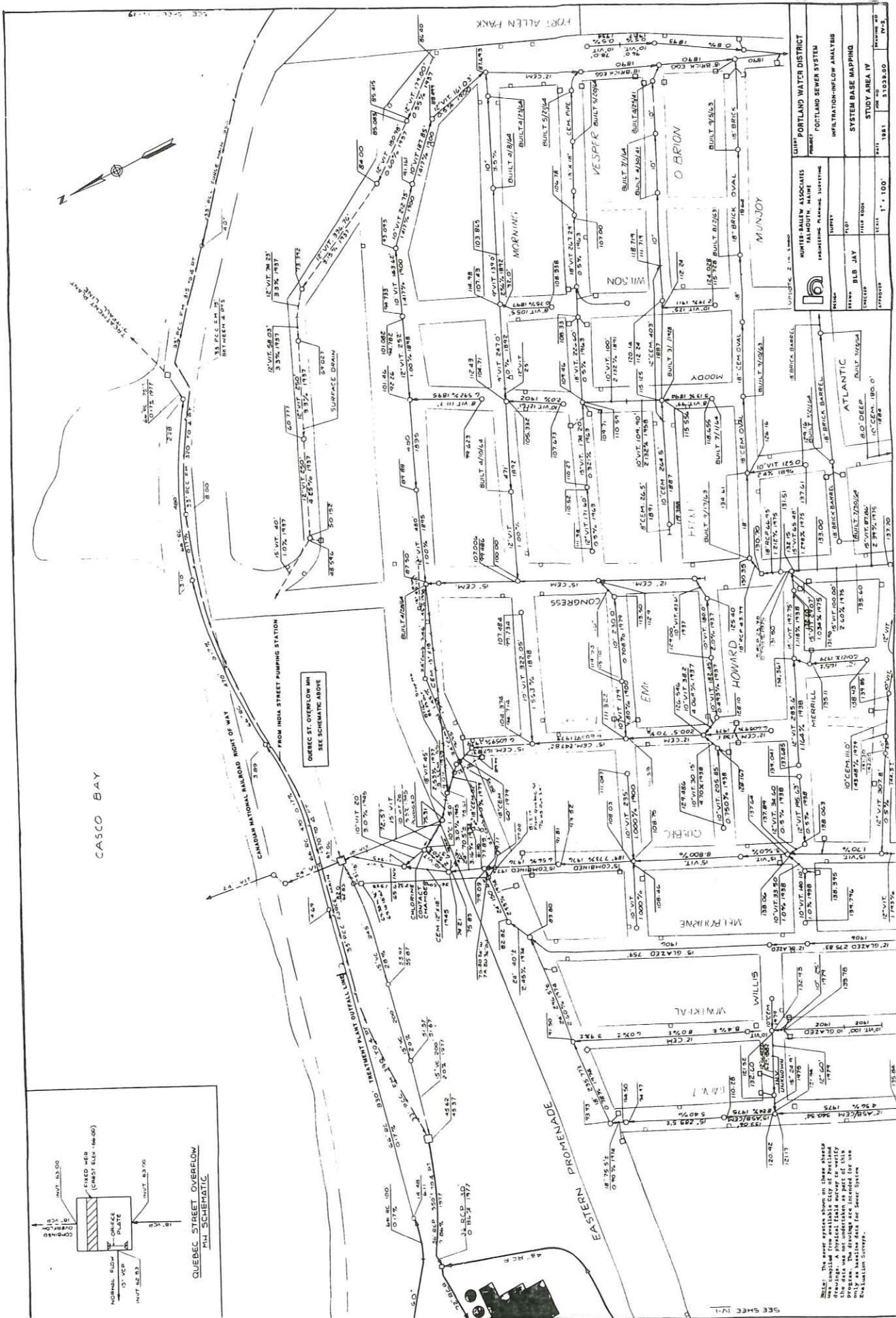
The sewer infrastructure in the Munjoy Hill neighborhood is combined sewer and stormwater. A map of the sewer system, developed by Hunter-Ballew Associates in 1981 for the Portland Water District's Infiltration and Inflow Analysis, is included as Figure 12-1, for your reference. No separated system was identified within close proximity to the proposed development. Avesta is requesting a connection to the 18" combined sewer system in Vesper Street. The Vesper Street system connects into the Fore Street Interceptor, which conveys wastewater to the India Street Pump Station. Additional information regarding the proposed sewer connection is included on Wastewater Capacity Application, enclosed as Figure 12-2. As you will see from the enclosed plans, we propose to separate storm and sanitary sewer within the site to provide for future separation by the City.

13.3 GAS

Avesta intends to provide natural gas service to the proposed condominium units. A connection to the existing gas main in Moody Street is proposed. Woodard & Curran and Bennett Engineering will be coordinating with Unitil regarding gas service installation.

13.4 ELECTRIC

Bennett Engineering is coordinating with Central Maine Power (CMP) to develop plans for electrical service to the condominium units. Two poles within the City's Right-of-Way will require relocation due to their proximity to the proposed entrance driveway. The relocated poles will remain within the City Right of Way, and Central Maine Power has indicated that transformers may be mounted to these relocated utility poles, to service the project. All electrical service lines within the condominium property will be installed underground.



PORTLAND WATER DISTRICT PROJECT: FORT ALLEN SEWER SYSTEM SYSTEM BASE MAPING STUDY AREA IV SHEET NO. 1033300	
ENGINEER: R. B. JAY CHECKED: J. H. HARRIS	ARCHITECT: R. B. JAY DATE: 1957
CONSULTING ENGINEER: RUMBLE BULLER ASSOCIATES INCORPORATED 1000 BROADWAY, SUITE 1000 PORTLAND, OREGON	

Notes: The sewer system shown on these sheets is a preliminary design. A physical field survey to verify the data shown on these sheets is necessary. The drawing is intended for use only as location data for sewer system construction.

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: 11/18/2010

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

Site Address: 48 Moody Street
 (Regarding addressing, please contact Leslie Keynor, either at 756-8346, or at LMK@portlandmaine.gov)

Proposed Use: 16 Unit Residential Development

Previous Use: Abandoned School

Existing Sanitary Flows: 0 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer, at proposed building sewer lateral connection: _____

Chart Block Lot Number: 003/H/123&4

Site Category	Commercial	_____
	Industrial (complete part 4 below)	_____
	Governmental	_____
	Residential	_____
	Other (specify)	<u>X</u>

Propose connection to 18" sewer near intersection of Vesper Street and Wilson Street
 Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 480 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))

Bennett Engineering, Inc., Mechanical Engineers, determined rates using 'Zurn Water Calculator'
 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.

3. Please, Submit Contact Information.

Owner/Developer Name: _____

Owner/Developer Address: Avesta Housing c/o Ethan Boxer - Macomber

Phone: _____ Fax: 307 Cumberland Avenue, Portland, ME 04101

Engineering Consultant Name: (207) 553-7777 E-mail: emacomber@avestahousing.com

Engineering Consultant Address: Woodard & Curran c/o Denise Cameron

Phone: _____ Fax: 41 Hutchins Drive, Portland, ME 04102

City Planner's Name: To Be Determined Phone: (207) 774-6635 E-mail: dcameron@woodardcurran.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: _____ GPD

Do you currently hold Federal or State discharge permits? N/A Yes _____ No _____

Is the process wastewater termed categorical under CFR 40? Yes _____ No X

OSHA Standard Industrial Code (SIC): _____

Peaking Factor/Peak Process Times: _____

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



14. CONFORMANCE WITH MASTER PLAN

A primary goal outlined in the City of Portland's Comprehensive Plan is to encourage and promote affordable housing opportunities for all Maine Citizens (Volume I - Portland's Goals and Policies for the Future, dated November 2002). Avesta has extensive experience in developing high quality affordable housing in and around the Portland area. The proposed project will provide work force housing opportunities on the Peninsula. The development has been designed so that the density and character of the multi-family dwellings will conform to and enhance the neighboring community.

Jean Fraser - Adams School Construction starting

From: Jean Fraser
To: Barhydt, Barbara; Blackburn, Rick; Bobinsky, Michael; Clark, William;...
Date: 7/13/2012 12:30 PM
Subject: Adams School Construction starting
CC: DiPierro, Philip; LaChance, Anita
Attachments: Perm re AdvSiteWork Adams School 38 Moody 7.13.2012.pdf

Hello all,

This project involves many staff because of the sale of land; funding; site plan review; building permit; work in ROW; impact on city playground; and political context- so I am circulating this widely.

Avesta closed with the City on tuesday and is now mobilizing to start construction. The building permit is still under review, so in accordance with the land use ordinance (and as done for many projects) permission has been given for preliminary site work to commence (copy attached).

The letter refers to the playground where I understand the City is arranging for the removal of the existing play equipment- I am not involved with that but understand there have been coordinating discussions. The contractors understand that the new playground needs to be opened to the public as soon as possible (subject to safety considerations) and I anticipate this will necessitate further coordinating discussions in the Spring.

Jean (Fraser)
Planner
Ext 8728

Jean Fraser - Fwd: Re: Adams School--letter re conds and outstanding issues

From: Jean Fraser
To: Parker, Seth; Selinger, Cito
Date: 7/5/2012 3:47 PM
Subject: Fwd: Re: Adams School--letter re conds and outstanding issues
CC: Barhydt, Barbara; DiPierro, Philip
Attachments: To Avesta re Adams cond of app 7.5.2012.pdf

resending with correct subject line!!!!

>>> Jean Fraser 7/5/2012 3:44 PM >>>
Cito and Seth

Please find attached the letter you requested from Barbara Barhydt last week; it won't go out in the mail until tomorrow. Barbara is on vacation this week and asked me to progress it and get it signed by Alex in her absence.

I would like to draw your attention to 3 items that may need immediate attention:

1. The Site plan component of the approval expires on August 8, 2012 so you might want to send a letter to Alex requesting an extension - as site work needs to be "ongoing" on that date (see 14- 532 (c) Expiration of Site Plan Approval (1);
2. I understand that the architects have revised the external materials in some places. Since the materials were part of an explicit staff design review for the PB Hearing, and the elevations/materials were submitted to the Planning Board and part of the approved plan set, please have the architects send an e-mail outlining the changes so that we can process/document them as amendments (staff review);
3. Our letter does not mention the outstanding condition requiring a construction management plan as we understand that is being done by the contractor. But this is a substantial item which needs time for us to review and needs to include all the items in the letter from Woodard & Curran on Feb 28, 2012 (extract below):

Condition: *That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit.*

Letter from W& C 2.28.2012:

The Construction Management plan will be completed following the project's bid phase by the contractor. The construction management plan will be completed and submitted for approval prior to issuance of a building permit. The following note has been added as General Note 32 on sheet C2: Avesta Housing (219804) 5 February 28, 2012
Contractor shall develop a construction management plan for review by the City of

Portland, the Owner, and the Engineer. The construction management plan shall address items including, but not limited to, Public Access to sidewalks, City streets, adjacent lots, and playgrounds. The plan shall describe impacts on adjacent parking areas, noise and dust control, fencing, and traffic management. The plan shall include a schedule of work items and a description of the public communication process. Contractor is responsible for coordinating all construction activities with the City of Portland and obtaining City approval of the construction management plan prior to issuance of building permits.

Thank you
Jean



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Planning Division

Alexander Jaegerman, Director

July 5th, 2012

Seth Parker
Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101

Maurice A. Selinger, III, Esq.
Curtis Thaxter LLC
P.O. Box 7320
Portland, ME 04112

RE: Adams School Redevelopment, Vesper, Moody, Wilson Streets, Portland, Maine (the "Project")

Dear Mr. Parker and Mr. Selinger:

The Project received approval from the Planning Board on August 9th, 2011 (the "Approval"). This letter confirms that, other than as set forth below, the Project has complied with all of the conditions of approval set forth in the Approval.

To date, the following conditions have not yet been satisfied:

1. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105 –B.110 of the Planning Board Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
2. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

Sincerely,

Alexander Jaegerman
Planning Division Director
City of Portland

cc. Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Phil diPierro, DRC



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Planning Division

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Alexander Jaegerman
Planning Division Director
City of Portland

cc. Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Phil diPierro, DRC

Jean Fraser - Re: Adams School--condominium declaration

From: Jean Fraser
To: Parker, Seth; Selinger, Cito
Date: 7/5/2012 3:44 PM
Subject: Re: Adams School--condominium declaration
CC: Barhydt, Barbara; DiPierro, Philip
Attachments: To Avesta re Adams cond of app 7.5.2012.pdf

Cito and Seth

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Thank you
Jean

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Planning Division
Alexander Jaegerman, Director

July 5th, 2012

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Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101

Maurice A. Selinger, III, Esq.
Curtis Thaxter LLC
P.O. Box 7320
Portland, ME 04112

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Sincerely,

Alexander Jaegerman
Planning Division Director
City of Portland

cc. Barbara Barhydt, Development Review Services Manager
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Phil diPierro, DRC



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Planning & Urban Development Department

Jeff A. Levine, AICP, Director

Planning Division

Alexander Jaegerman, Director

TRUE COPY

July 13th, 2012

Seth Parker
Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101

Darren Shiers
Business Operations Manager
Great Falls Construction
20 Mechanic Street
Gorham, ME 04038

RE: Adams School Redevelopment, 38 Moody Street, Portland, Maine

Dear Mr. Parker and Mr. Shiers:

Thank you for your letter of July 12, 2012 requesting to undertake preliminary site work, as described in the letter, prior to the receipt of a building permit for this project which received site plan and subdivision approval from the Planning Board on August 9th, 2011.

I have consulted with other departments and confirm that, as provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work as outlined below *i. to viii*; however no foundation or building construction can commence until the building permit is issued. The site work approved by this letter shall be in accordance with the approved site plans and plat and Construction Management Plan.

- i. Mobilization of the site;
- ii. Installation of office trailers;
- iii. Security fencing, subject to ensuring that the timing and location of fencing installation around the playground is coordinated with the City's Recreation Division (Sally DeLuca, Division Manager and Ethan Owen, Ballfields and Athletics Facilities Manager 756 8275) who are arranging for the removal of playground equipment;
- iv. Layout;
- v. Temporary utility installation;
- vi. Clearance of trees, and protection of trees to remain;
- vii. Installation of the sewer service line in Moody Street, subject to the approval of a traffic management plan and receipt of a Street Opening Permit prior to any excavation in the street (contact is David Margolis-Pineo in DPS 874 8850);
- viii. Excavation only for Building C foundation, subject to agreed erosion control and dust management measures.

Prior to the start of the site work as described above, a pre-construction meeting shall be held at the project site with the owner, contractor and City's Development Review Coordinator (Phil diPierro, 874 8632) and other representatives of the City to review the work schedule, erosion and sedimentation controls, flagging and other critical aspects of the site work. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

If there are any questions, please contact Jean Fraser, Planner at 874 8728.

Sincerely,

Alexander Jaegerman (38)

Alexander Jaegerman
Planning Division Director

Attachments:

1. Letter dated July 12, 2012

cc: Jeff A. Levine, Director of Planning and Urban Development
 ✓ Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner
 ✓ Philip DiPierro, Development Review Coordinator, Planning
 Marge Schmuckal, Zoning Administrator, Inspections Division
 ✓ Tammy Munson, Inspection Division Director
 Lannie Dobson, Administration, Inspections Division
 Gayle Guertin, Administration, Inspections Division
 Michael Bobinsky, Public Services Director
 Katherine Earley, Engineering Services Manager, Public Services
 Bill Clark, Project Engineer, Public Services
 ✓ David Margolis-Pineo, Deputy City Engineer, Public Services
 Doug Roncarati, Stormwater Coordinator, Public Services
 Greg Vining, Associate Engineer, Public Services
 Michelle Sweeney, Associate Engineer
 John Low, Associate Engineer, Public Services
 Mike Farmer, Project Engineer, Public Services
 Jane Ward, Administration, Public Services
 ✓ Sally DeLuca, Recreation Division
 ✓ Ethan Owens, Recreation Division
 Jeff Tarling, City Arborist, Public Services
 Captain Chris Pirone, Fire Department
 Thomas Errico, P.E., TY Lin Associates
 David Senus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department
 Approval Letter File

✓ Jeanie Bourke
 ✓ Dennis Douglas
 ✓ Mary Davis

Jean Fraser - Adams School request

From: "Darren Shiers" <darren@greatfallsinc.com>
To: <aqj@portlandmaine.gov>, "Jean Fraser" <JF@portlandmaine.gov>
Date: 7/12/2012 3:29 PM
Subject: Adams School request
CC: "Philip DiPierro" <PD@portlandmaine.gov>, "'Tammy Munson'" <TMM@portland...>
Attachments: SCAN0001.PDF

Mr. Jaegerman,

Good afternoon. My name is Darren and I am the operations manager for Great Falls Construction. We have the good fortune of being General Contractor for the Adams School Project, working for Avesta Housing. We submitted a building permit application package last week and have since signed a contract with Avesta and have been issued a notice to proceed. The City team is working diligently at processing the application and we have been in contact with several parties making sure everyone has what they need. One of the conditions of approval was to submit a construction management plan for the project. We have submitted a construction management plan and have heard back that we may need to amend it regarding the playground. I have attached a letter from Acadia Insurance detailing some risks related to keeping the playground active during the construction process. If we need to add language or revise our construction management plan, we will certainly make any necessary adjustments. In the meantime, I would like to make a request for a temporary permit, schedule a preconstruction meeting and find a path forward that would allow us to begin construction activities like mobilize the site, install office trailers, security fencing, layout, temporary utility installation, clear trees, install the sewer service line in Moody Street, excavate for building C foundation and pour concrete for building C. This would take approximately two weeks, by which time the building permit could be issued for full construction. The owner has been working hard to facilitate a closing with the City and other financing agencies but it has taken several weeks of prime construction time, so we feel it is important to make this request in order to keep the overall project on schedule. We understand the City's protocol for working hours, safety, dust control, noise control and we will communicate with neighbors effectively.

Your consideration of this matter is most appreciated and if there are more details needs, please let me know. I look forward to your response. Thanks

Darren Shiers

Darren Shiers
Business Operations Manager



EEO and Affirmative Action Contractor

20 Mechanic Street
Gorham, ME 04038

(207)839-2744 office
(207)839-3737 fax
(207)831-5362 cell

www.GreatFallsinc.com

[Great Falls Facebook Page](#)

[Great Falls Twitter Page](#)

[Great Falls LinkedIn Page](#)



July 2, 2012

Rich Chaisson
Dearborn Brothers Construction, inc.
999 Narragansett Trail
Buxton, Me 04093

RE: POLICY(S) CLA5020424, CIM0354463, CUA0347802, CAA0347801, CPA0347798,
WCA0347804
CLIENT ID #113559; SURVEY #149112

Dear Rich:

On June 29, I visited him in the Adams School jobsite, which will be starting up in a few weeks, located at 48 Moody St. in Portland. You had requested me to offer an opinion on whether or not the playground should remain open during the construction process.

The entire site has a footprint of about 56,600 ft.², including the playground, and the new construction will include two condominium buildings with a total footprint of 12,600 ft.², which results in a congested worksite.

Our recommendation is that no access to the playground be permitted 24/7 during the construction process, which is scheduled to last until early spring 2013. The reason for the recommendation is multi fold:

1. Part of the project includes removal of contaminated soil, and we do not want children in the area because of that exposure.
2. As with any jobsite, there will be significant heavy equipment in use, as well as building materials storage and other construction vehicles, which creates an "attractive nuisance" hazard. Children by their nature are naturally curious, and the temptation would be great for them to get as close to the jobsite as possible, both during the construction activity and after hours.
3. Normal protocol for any jobsite is to secure the jobsite from any public in order to reduce the potential for injury.
4. We recognize that restricting access to the playground will be inconvenient to the area families; however, we feel the exposure to injury is significant enough that the exposure needs to be controlled by restricting access to the playground.

If you have any questions or need additional loss control assistance, I can be reached at the phone numbers or email address listed below.

Maintaining a safe workplace in accordance with all laws is your responsibility. Our safety inspections and recommendations relate to underwriting concerns and do not constitute an assumption by us of your obligations to provide a safe workplace. We make no representation or warranty that our activities will place you in compliance with the law or that your premises or operations are safe. We exercise no control over your premises or operations and have no responsibility or authority to implement loss control recommendations. You are not entitled to rely upon any loss control activities provided by us, and you may not delegate any of your legal responsibilities to us.

Acadia Insurance Company • Berkley Underwriters Insurance Company • Continental Western Insurance Company
Firemen's Insurance Company of Washington, D.C. • Union Insurance Company
One Acadia Commons P.O. Box 9010 Westbrook, ME 04098-5010
207 772-4300 800 773-4300 Auto Attendant: 207 772-1170 800 870-1170 Fax: 207 772-6104
www.acadiainsurance.com



Jean Fraser - Re: Adams - Status re Site Plan/Subdivision Conds of Approval

From: Jean Fraser
To: Parker, Seth
Date: 6/29/2012 3:42 PM
Subject: Re: Adams - Status re Site Plan/Subdivision Conds of Approval
CC: (cogan@pdtarchs.com), Kathy Cogan-Kahill; (dcameron@woodardcurran.com),...

Seth,

As discussed, there are a couple of conditions that need to be addressed prior to the issuance of the building permit. These are both items that the Woodard & Curran letter of 2.28.2012 confirmed would be sent separately (and I mentioned in an April 13th e-mail) and I don't believe they have been submitted.

I have listed the site plan/subdivision conditions below (extracted from the approval letter) and indicated their status in CAPS:

Subdivision Review

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area) subject to agreement with the Zoning Administrator, and to include detailed references to ownerships, easements, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and PLAT HAS BEEN SIGNED BY PB BUT NOT RELEASED FOR RECORDING (associated license wording has been agreed but not seen executed document)
- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and DON'T BELIEVE FINAL VERSION HAS BEEN SUBMITTED
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and PRIOR TO CO SO NOT NEEDED NOW
- iv. That the applicant shall submit revised Landscape and Demolition Plans to incorporate the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit. CONDITION MET

SITE PLAN REVIEW

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and CONDITION MET

- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and CONDITION MET, SUBJECT TO SUBMITTING 7 SETS OF THE REVISED PLANS (C2; C3; C4; L3) AND 1 COPY REVISED DVD OF CAD DRAWINGS ASAP
- iii. That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and DON'T THINK THIS HAS BEEN SUBMITTED UNLESS GIVEN TO PHIL VERY RECENTLY
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and CONDITION MET
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage. FOR FUTURE

Jean

>>> Seth Parker <SParker@avestahousing.org> 6/28/2012 8:07 AM >>>

Hi Jean,

I'm just checking in with you on the status of any remaining conditions of approval. Great Falls will be looking to pull their building permit on or about July 9th and I want to make sure there are no more issues. I'm working with Phil on the performance guarantee and letter of credit and expect to have that in place when we close on financing next Friday, 7/6.

Please let us know at your earliest convenience if there are any more issues to address.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

12-14-10.

PB workshop

JT	MP
LL	CM
BH	(David Sille absent)
JL	

Adam School Redev Site

NEXT STEP - Final Plan submission then workshop + Hearing

- ① JF intro + his team (Barry S. Regina L. DPS Arch)
- ② Ethan Boxer Macomber

welcomes new Prelim Review format

Summarized background

Cochair of 2007 Comm. present.

Reuse Report

May 2008 morphed into RFP.

RFP prescriptive - vision

team reflects sensitivity / understanding of area.

Reason its 2yrs. to getting this to this pt -

funding evaporated

waiting for stimulus plegs.

"Neigh Stabilization Program" \$1.724m → City of P.

City Council allocated to this project.

partner w/ city + incl. park.

goals: repl. brighted school w/ urban

reknit fabric

affordable ownership (current regeneration)

Sustainability / CED Neigh + Bldgs.

Description: for sale to \$90,000 ish income

anticipate \$235,000 / \$265,000

quar. affordability to next buyer. ^{owner} occupied

Trusta manage condo assoc 1st 5yrs

dev. + dedicate park.

complicated with range of reqs/codes etc.

+ keep HUD, etc. happy

- Design already gone through alst already

Barry Shief: 2010 Aerial; highlighted crosswalks ^{to be removed}
8 ft urban fill (contaminated)
under that is glacial till - NOT
OK for pervious materials.

outlined parcels on the aerial.
noted retaining wall vesper St.

outlined setback variance for
front yds + side yds. (8000)

- outlined site plan access; pkg; sidewalks;
- had looked at pervious re internal +
row walkways - but due to soils all
would need to have undedrains
- so use impervious pavement, collect
+ treat at corner vesper/wilson + hold
back stormwater as far as poss. to
reduce impact on combined sewers.
- asked DPS whether future separation planned -
none - so need to req. waiver
- no O/H power utilities

Regina Leonard: park + playground

- went to neigh. Sept/Oct. re pk + playground
had spoken to City staff re any constraints

Regina Leonard: met Neighborhood.

heard - want playground but
more natural features

Sim. to what's at East End School

- est. separate space from hsg, hence buffer along front yds. - alley
- wanted seating rocks, game tables
- brick paved thru walkway
- raised planters w/sm. orn pieces
- secondary path to S along edge
- reusing granite curbing from site
- integrate boulders
- rustic, natural aesthetic
- round raised performance area. → natural play features.
- Wilson St frontage has st trees.

stacked for seating

DPS Archs - described arch.

Alan

- black on roofs - solar collectors

- haven't finalized materials

- elev. to vesper diff elev. to park.

Questions - go straight to
Public Comment

origin was to be duplex w/ 2 units
what
arch - bedroom
on 1st floor
provided w/ terrace
+ bath

Eric Sturgill -
71 Beckett

- * on both Comms re Reuse + RFP
- * lifecycle living - tho. to unit scheme seemed to address plus better
- * knit functionally? how.

Public comment

ans: prev. had ind. bldgs but now sep. of end units lots of glass

Eric

Permeability - view corridors
not rows other direction where more of a wall. so not addressed

Parking - 16 spaces = 14 spaces + ~~10~~ 2 handicap who uses handicap why not 16 + 2 has

landscape - raised planters what section? height? buffer? wall?

who owns buffer? what is it + how

RL - buffer belongs to park at least 8' wide.

relate to

slight stand form raised mound

walkway offset so doesn't look private

Gary

Narasso

69 vesper St

- lives directly

- stormwater management not mentioned

before - needs looking into as doesn't work now.

- during demo - heavy equipment in area with pkg + narrow str.

how long to start/finish cons.

- impact on neigh

- playground #1 priority case/RFP thought wd. be part of this project

who paymer for this of city

- pkg. lot - + seeded area - when? - this area takes parking during snow.

- gray area re city ownership - tax implications

- RFP from beg. 40 units / .5 / \$600,000 now

16 units .75 240,000 - is

this good deal? AJ - this conv.

CDC - concerns go to City Man

ans - Eitan ind. to show can accommo date - depends on who buys

But Hall - are looking at it re: st pres

Final Plan Stage requires Construction management Plan

RL City owned park + playground.

Eitan going to demo school in advance but need demo permit

PBS incl. Preconstmtg for this too.

Confirmed not part of Dev scheme

MP - this area could this area...
Shy be parkway...
in winter - but issues...
if no water - stormwater...

(didn't get name)

67 Mountford

Fred

see mail boxes on units

(currently proposed in 2 groups near ^{street} entrances)

ANS Bull Hall
 reinforce concern
 AJ conf. City att.
 looks at condo docs;
 Ethan expect tight
 condo docs + want
 condos will be submittal

concerned re individual owners will
 → chg appearance of units = quote
 (example elsewhere where condo assoc unable
 to control this.)

- a lot of storage!

includes
 bicycle storage
 Ethan

Dan
 Heywood
 140 E. Prom

- this was meant to be 42 units so CA
 stronger - with only 16 units more
 difficult to maintain so prefer to see
 Avesta manage.

Board

- Lee Lowry - storage - why not basements?
- problem of urban fill removal
- Ethan - ^{abs. not poss.} too costly as working within price point

to Alex - relevance of RFP requirements.
 Alex - not strictly before Board; these
 issues vetted by Council
 Alex have applied Rb design stds.
 well on its way to meeting.

David Silk

shown on site design + assume pay for removal 2x yr.

Joe - snow removal } adequate
bicycle parking }

Ethan -
storage have
siding doors
city std. bike racks
in park

- park/playground - sounds like perfect skatepark -
RL - was discussed at neigh mtgs -
accepted that skatepark/bikes "part of urban life" "it is what it is"

- inwhite fronts but mailboxes at back
Ethan likes idea of mailbox at doors
Joe " " " " "

MP - likes concept
"news"

ref appropriateness. safety/security
same w/ park.

JT - ? bike parking in housing
asked about Pl. input into RFP
at Public Hearing - wd. be interested to
see winning RFP as bkground.
gen. nice design + likes atm green
spaces + park.

CM - welcome 2+3 BR units (now seeing lots of 1 BR unit) -
wd like floor spaces of these units.

Jean Fraser - Adams School Demolition

From: Jean Fraser
To: Ethan Boxer-Macomber
Date: 1/7/2011 2:40 PM
Subject: Adams School Demolition
CC: Denise Cameron

Ethan

Firstly, we sent you a letter earlier this week and I just wanted to check that you had received it.

In the letter - at end- it refers to the school demolition and to an associated Performance Guarantee.

Just to clarify, the performance guarantee would just be to stabilize the site in the event that the housing/POS project is delayed or doesn't happen.

This request is triggered by what happened on another project where demolition took place in advance and then the site was a mess with erosion and other issues because the development did not proceed. Given the proximity of housing to the school site I think this is prudent- and loaming and seeding is already indicated in the site plan for part of the area.

If you want to discuss it further please contact Alex Jaegerman or Phil DiPierro (I think you have their 'phone numbers).

When the demolition is ready to move forward and has been authorized by Penny St Louis Littell (if before SP approval and housing PG), Phil would confirm the PG with you. You may want to give him your estimates for demolition and the cost to stabilize the demolition site to facilitate that process.

Please call if any questions.

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - RE: FW: Demolition of School

From: Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org>
To: Jean Fraser <JF@portlandmaine.gov>, Denise Cameron <dcaeron@woodardcurr...>
Date: 12/17/2010 3:26 PM
Subject: RE: FW: Demolition of School
CC: Barbara Barhydt <BAB@portlandmaine.gov>

Jean-

We plan to get final submissions to your office by the end of January and will hope to be on the 2/22 agenda for a public hearing with the Planning Board.

Given that our design is still under refinement pending ongoing City reviews, it would be premature to hold a neighborhood meeting just yet. Until we understand our engineering liabilities it is hard to estimate project costs. Without knowing project costs it is hard to finalize architectural details. It would be disingenuous to put design boards in front of the neighborhood when we may need to make changes afterward.

The intent is to hold the meeting as soon as reasonably possible but not before the design is final; likely sometime in mid-January.

For what it's worth, please be aware that, in advance of submitting at site plan application, Avesta held four fully noticed (post cards, email blasts, press articles) public neighborhood meetings and also presented the project at MHNO board meetings and at the District I Annual meeting. We've published periodic design updates in the Munjoy Hill Observer where we've also provided contact information. Not that this satisfies the PB process requirement (which we look forward to fulfilling) but I think it demonstrates our strong commitment to neighborhood outreach.

Thanks for everything. We look forward to working with you through the rest of the planning process.

Ethan

Ethan Boxer-Macomber, AICP, LEED AP

Senior Development Officer

Avesta Housing

307 Cumberland Avenue

Portland, Maine 04101

(O) 207-553-7780 x284

(M) 207-272-8550

www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, December 17, 2010 2:33 PM
To: Denise Cameron

Cc: Ethan Boxer-Macomber; Barbara Barhydt

Subject: Re: FW: Demolition of School

Denise,

Please let me know when you have an idea of how this project is likely to move forward ie timing of Final Plan review submission and whether direct to Hearing.

You need to have the Neighborhood meeting asap; contact Barbara if any question re this (new site plan ordinance specifies timescales for the meeting).

I am out of the office until tuesday so again Barbara is main contact if any issues rising.

thanks

Jean

Staff Presentation: Adams School site redevelopment 12.14.2010 PB workshop

1. Relates to 2 interlinked proposals:
 - Proposal for 16 dwelling units on Parcel B that will be developed by Avesta as 2 and 3 bedroom condominium units for sale;
 - Proposal for a public park/playground on one third of an acre within the adjacent Parcel A, abutting the new housing and providing open space for the occupants. This will be implemented by Avesta but remain in city ownership and management for public use.
2. This is a Preliminary Level III Site Plan and Subdivision Review
3. No public comments have been received to date; 245 notices were sent. The project has been under discussion with the community and internally since January 2007; the 2007 liaison with the community resulted in the July 2007 report **REUSE OF THE ADAMS SCHOOL SITE, *Final Draft Report (copy available for reference)***, and this was the basis for the RFP that you have in the packet as Attachment 1. Further discussions after the selection of Avesta resulted in the Purchase and Sale Agreement (in applicant's submittal).
4. **Key issues:**
 - Based on submission to date, the housing component broadly meets site plan requirements and includes extensive infrastructure improvements to sidewalk and street lighting and crosswalks plus street trees- the Memo outlines some detailed comments mainly regarding crosswalk design, site lighting, and street trees/tree wells.
 - Stormwater management would be detailed and reviewed at the Final Plan Phase; due to soil conditions and current overflow issues with the surrounding combined sewers, stormwater management is challenging.
 - The applicant and their advisors recently met with City staff and reviewers to clarify the stormwater management objectives and options for this site. The applicant is proposing to seek a waiver from DPS to allow the development to discharge stormwater into the combined sewers and have been requested to substantiate that there is no practical alternative and clarify impacts;
 - The applicant has recently done further analysis of the existing and proposed pervious and impervious surfaces. The housing part of the site results in an increase in impervious surface as compared with existing. Since it will be in separate ownership and in a different use, it is considered by reviewers that stormwater impacts should be addressed within the site. Gorrill-Palmer Engineers are the City's peer engineering reviewer for this project.
 - It is understood the applicant is proposing to provide treatment and detention as part of the housing site to address quality and flow impacts;
 - The park/playground area results in a reduction in impervious surfaces for that area.
 - There is a parcel left over that will remain in city ownership and is anticipated to be redeveloped- so this parcel has not been figured into stormwater calculations for either the housing or the park, but when it is developed will need to address any stormwater impacts within its site.
 - On page 7 of the Memo there is a list of next steps as so far identified by reviewers.

Jean Fraser - RE: Adams School site drainage- Peer Review

From: Al Palmer <APalmer@gorrillpalmer.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 12/14/2010 11:11 AM
Subject: RE: Adams School site drainage- Peer Review
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, "Michael Farmer(Mfarmer@po..."

Hi Jean,

In reviewing this latest information from the Applicant, please keep in mind the following:

- The Impervious Area Summary as presented is misleading due to the manner in which they have characterized the walkway's on the Avesta Site. They have shown 6,256 sf of "pervious" walkways on the Avesta portion of the lot. To date, no details have been shown as to the "pervious" nature of these walkways, and at the meeting last week, it appeared that the underlying soils would not result in the walkways being "pervious". It is our understanding that Maine DEP has determined that walkways, parking areas or other surfaces that have a surface treatment such as pavers, porous bituminous pavement or porous portland cement concrete are considered as "impervious" for the purpose of determining site coverage. If these surfaces (including both the surface treatment, the typical section and subgrade condition) result in truly porous/permeable situation and provide water quality treatment/recharge, then it can be considered as a BMP for treatment of the "impervious" surface. Therefore, it would appear that the "pervious" walkways on the Avesta site should be considered "impervious".
- The Applicant has stated that this is a "redevelopment" project, therefore water quality treatment is not required. In our opinion, you need to consider two separate conditions under the redevelopment clause; whether there is any increased impervious areas, and the change in use of existing impervious areas.

If the impervious area increases in size, which it does for this project, then the increased surface area must be treated.

While the property has elements of a "redevelopment" we question whether it fully meets the Chapter 500 requirements to be considered a redevelopment. The applicable portion of the standard is provided below:

Stormwater Management Law project including redevelopment. For a project requiring a Stormwater Management Law permit that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), the redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project's stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area. The requirements of Appendix D must still be met, if applicable. (underline added)

If the Applicant can successfully demonstrate that the new use of the existing impervious area is not likely to increase stormwater impacts from the existing condition, then that existing area doesn't have to be treated. However, the comparison of existing and proposed surfaces has to consider their respective uses. Obviously the existing paved playground needs to be considered separate from the existing parking area, as well as any proposed parking areas. We would recommend that the tables presenting the existing conditions be modified to separate pavement (parking) from pavement (playground) so that an evaluation of the relative changes in use can be considered.

Please contact me with any questions.

Thanks,

Al Palmer

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, December 13, 2010 4:12 PM
To: Al Palmer
Subject: Adams School site drainage- Peer Review

Al

I am sending/forwarding you 2 docs that were available late on Friday:

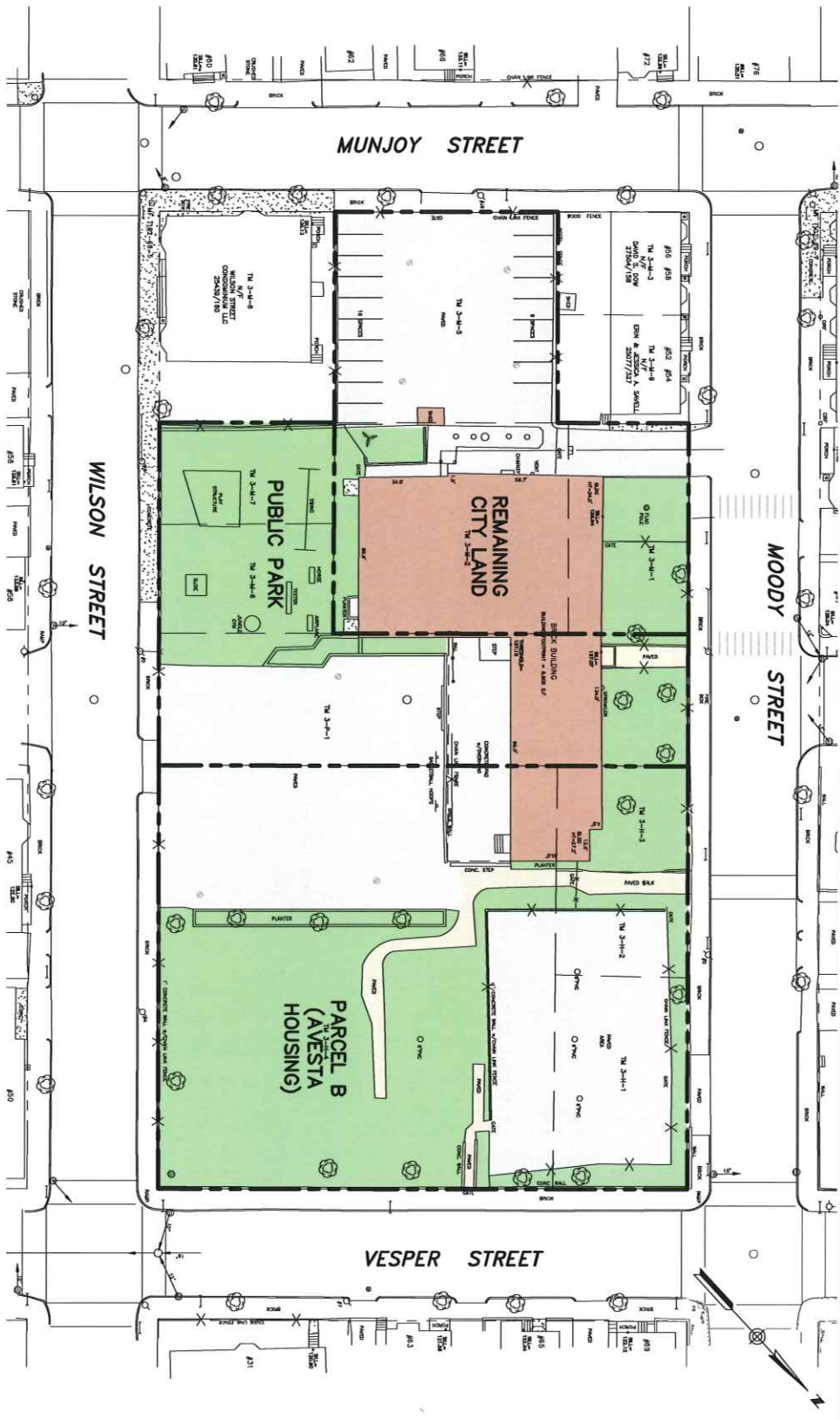
- (Attached) Impervious surface figures from Denise Cameron for the 3 areas ("parcels") identified, existing vs proposed. You will see that Denise has done it 2 ways- but only the summary figures are going to the Planning Board tomorrow afternoon because we don't have your comments; we don't know much about drainage for park area including raingardens; and the applicant is vague about their intentions for the housing parcel (saying will "treat" parking lot run off and do some detention to address the fact that the housing parcel on its own is increasing the impervious area for that parcel....);
-
- In the next e-mail I will send you my cover PB Memo that went to the Board late Friday - so you can see what I have told the Board so far- if you feel (having seen the figures from Denise) that I should say more/add to that, please let me know tomorrow before 2pm- doesn't need to be formal comments ie could be termed preliminary observations/questions or whatever and also clarify whether you would want it to be copied tot he Planning Board and applicant.

thanks
Jean

from applicant 12.10.10
afternoon.

**Adams School Redevelopment
Impervious Area Summary**

Area	Existing Impervious (sf)	Proposed Impervious (sf)	Difference (sf)
Public Park	7,568	5,892	-1,676
Remaining City Land	14,649	6,807	-7,842
Parcel B, Avesta Housing	16,529	21,532	5,003
Total	38,746	34,231	-4,515



EXISTING CONDITION AREA SUMMARY (SQUARE FEET)

AREA	ROOF	PAVEMENT	IMPERVIOUS WALKWAY	TOTAL IMPERVIOUS	PERVIOUS LANDSCAPE /PLAY AREA	TOTAL AREA
PUBLIC PARK	1,830	5,481	257	7,568	8,816	16,384
REMAINING CITY LAND	5,640	9,009	0	14,649	1,927	16,576
PARCEL B HOUSING	1,199	13,792	1,538	16,529	15,821	32,350
TOTAL	8,669	28,282	1,795	36,746	26,564	65,310



AVESTA HOUSING
PORTLAND, MAINE

ADAMS SCHOOL REDEVELOPMENT

LOG NO: 219804-01
DATE: DECEMBER 2010
SCALE: 1" = 40'

**EXISTING CONDITION
AREA SUMMARY**

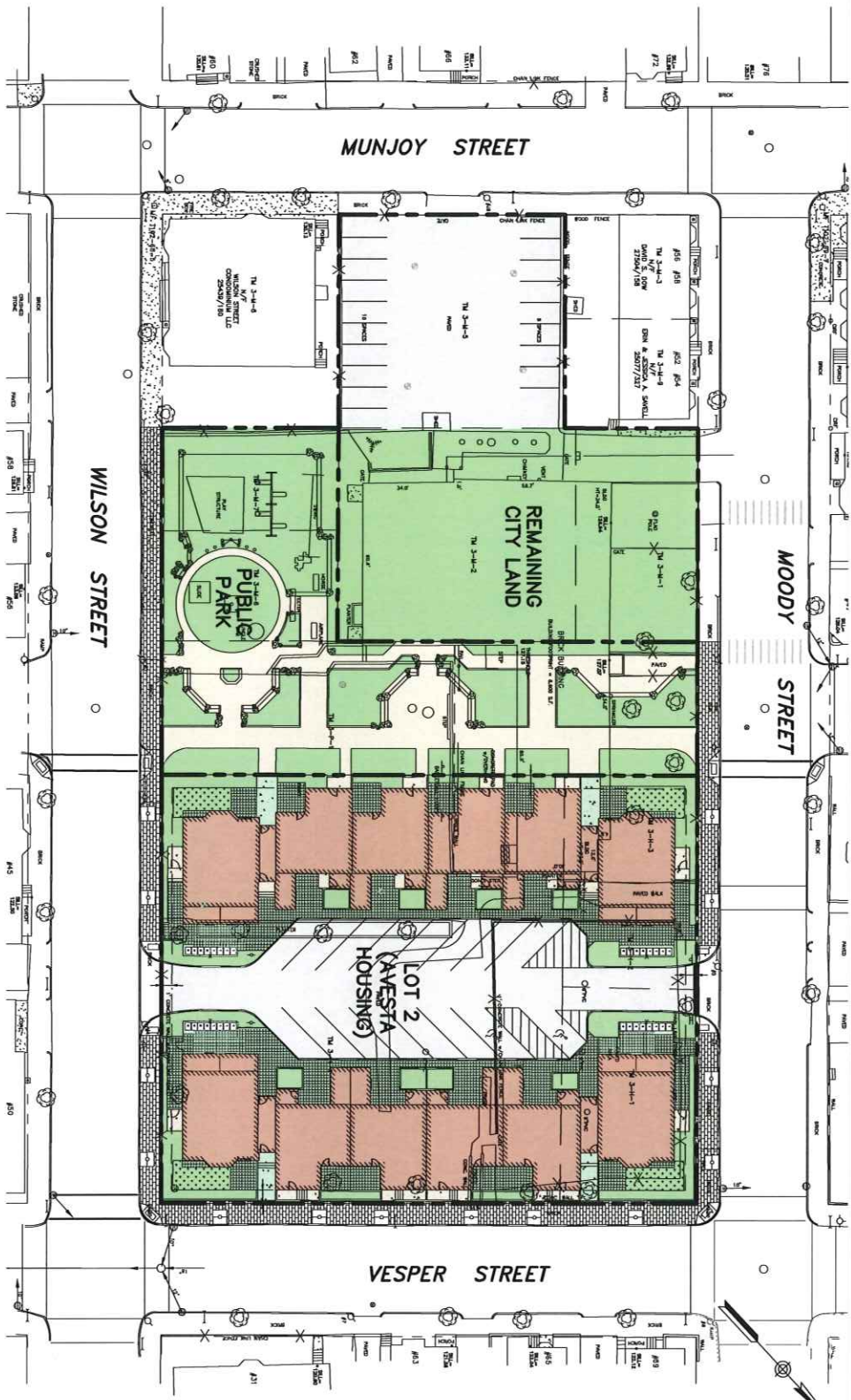
DESIGNED BY: DLC
DRAWN BY: JBC

CHECKED BY: DLC
219804-C200A.dwg



41 Hutchins Drive
Portland, Maine 04102
800.426.4282 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS



PROPOSED CONDITION AREA SUMMARY (SQUARE FEET)

AREA	ROOF	PAVEMENT	IMPERVIOUS WALKWAYS	TOTAL IMPERVIOUS WALKWAYS	PERVIOUS WALKWAYS	PERVIOUS LANDSCAPE /PLAY AREA	TOTAL PERVIOUS	TOTAL AREA
PUBLIC PARK	0	0	5,892	5,892	0	10,492	10,492	16,384
REMAINING CITY LAND	0	6,807	0	6,807	0	9,769	9,769	16,576
LOT 2 HOUSING	12,986	7,681	865	21,532	6,256	4,562	10,818	32,350
TOTAL	12,986	14,488	6,757	34,231	6,256	24,823	31,079	65,310



JOB NO: 219804-01
 DATE: DECEMBER 2010
 SCALE: 1" = 40'

Figure 2

AVESTA HOUSING
 PORTLAND, MAINE

ADAMS SCHOOL REDEVELOPMENT

**PROPOSED CONDITION
 AREA SUMMARY**

DESIGNED BY: DLC
 DRAWN BY: JBC

CHECKED BY: DLC
 219804-C200A.dwg



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 Portland, Maine 04102
 800.426.4262 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULTS

Jean Fraser - RE: Adams School site drainage- Peer Review

From: Al Palmer <APalmer@gorrillpalmer.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 12/14/2010 11:11 AM
Subject: RE: Adams School site drainage- Peer Review
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, "Michael Farmer(Mfarmer@po..."

Hi Jean,

In reviewing this latest information from the Applicant, please keep in mind the following:

- The Impervious Area Summary as presented is misleading due to the manner in which they have characterized the walkway's on the Avesta Site. They have shown 6,256 sf of "pervious" walkways on the Avesta portion of the lot. To date, no details have been shown as to the "pervious" nature of these walkways, and at the meeting last week, it appeared that the underlying soils would not result in the walkways being "pervious". It is our understanding that Maine DEP has determined that walkways, parking areas or other surfaces that have a surface treatment such as pavers, porous bituminous pavement or porous portland cement concrete are considered as "impervious" for the purpose of determining site coverage. If these surfaces (including both the surface treatment, the typical section and subgrade condition) result in truly porous/permeable situation and provide water quality treatment/recharge, then it can be considered as a BMP for treatment of the "impervious" surface. Therefore, it would appear that the "pervious" walkways on the Avesta site should be considered "impervious".
- The Applicant has stated that this is a "redevelopment" project, therefore water quality treatment is not required. In our opinion, you need to consider two separate conditions under the redevelopment clause; whether there is any increased impervious areas, and the change in use of existing impervious areas.

If the impervious area increases in size, which it does for this project, then the increased surface area must be treated.

While the property has elements of a "redevelopment" we question whether it fully meets the Chapter 500 requirements to be considered a redevelopment. The applicable portion of the standard is provided below:

Stormwater Management Law project including redevelopment. For a project requiring a Stormwater Management Law permit that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), the redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project's stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area. The requirements of Appendix D must still be met, if applicable. (underline added)

If the Applicant can successfully demonstrate that the new use of the existing impervious area is not likely to increase stormwater impacts from the existing condition, then that existing area doesn't have to be treated. However, the comparison of existing and proposed surfaces has to consider their respective uses. Obviously the existing paved playground needs to be considered separate from the existing parking area, as well as any proposed parking areas. We would recommend that the tables presenting the existing conditions be modified to separate pavement (parking) from pavement (playground) so that an evaluation of the relative changes in use can be considered.

Please contact me with any questions.

B&M Mem Present: Bill Hall
Mike Patterson
Lee Lowry
Carol Morrissette

Adams School - Hearing - Final Plans.
8.9.11

① RFP presentation

② Applicant: E.B.M introduced "team"

a) Avesta - who they are (since 1972) 100 employees
65 properties
- background / culture

b) History of this project - since 2006 when Adams School closed. Avesta set up team to respond RFP. 2008 mkt issues - impact on orig 40 unit dev. Relying on Stimulus funds - NSP funds approp. 2009/2010 retooling
"Reuse Comm"

c.) Environmental testing - more time to investigate + go back to state → add'l funds. → demo. school.

Seth Penker

Condo - 16 units - ^{at or below} 112% of median
anticip. \$225 - 275,000 sale price
\$370,000/unit to develop \$106,000/unit from NSP.
Still work out details of affordability covenants
owner occupied only
Avesta to manage condo assoc. initially.

Design Team

Denise Cameron: described site plan
Alan Arch: floor plans + elev. explanation
Landscape: Tree removals - more taken because had to sink part of the site + remove Norway maples ("invasive" + problematic)
Playground + eqm -

Questions:

LL - ? rights of access shown on Plat
Ethan 50 ft ROW through here
intent was that ROW be retained

LL refers to book + page? easement?
AJ preserve + reestablish Public ROW.

why not?
w/ager?

LL - ? 15 yrs. on affordability covenants
EB-M - req. of HUD assoc. w/ NSP funds.
depends on construction pricing.

LL - snow storage

EB-M - ^{main.} budget included snow removal

LL - is there a std? will it be required

EB-M - need to avoid reducing plug avail.

LL Playground? enclosure - wanted to make
Regma - conf. sure open to n' hood.

fencing

3 sides -

to Esplanade on Wilson w/ gate

Public Comments

LL asked - on
why radius on
one side, aims
to write to
crosswalk

Answers

Carle McCracken -

? Waiver re leads -
could current ec. situation
affect dev

Ethan - will
be alot of attr
but lead cert
is too \$ for 16 units
so design to LED
stabs by cert \$40k
LL - thus Bddos
not get inv. thus want
Avesta's financing
is already secured.
8 ft wide; RL
scale + functionality
feels thus generous

Food ~~net~~
Brancato

observation ~~but~~ sep. narrow -
could it be wider for invite people in
RL - 8 ft

Morressy
82 Munyon

- waiver for energy efficiency?
public money so shd be as much
as possible

see above

R Haines -



plans compared 2 parcels but 3.
 keep question as to who can use
 area between front of homes + walkway
 so defined
 Parcels not "rectangle"
 Define who maintains - not clear.
 ? setbacks - how come no
 2nd fl. unit? 2 means egress?

1 Taylor
 140 E Prom

- elevations of site higher
 re-use comm. wanted to reestablish
 sightlines
 permit issues reviews in - blocked by
 bldg getting into play + trash recept.

Ans
 wanted main
 an issue
 stl. these
 homeowners should
 know?
 EB-M am.
 near zoning
 appeals etc.
 setbacks (20ft)
 wd. squeeze
 open visible
 can be on
 setback
 DC -
 explained
 terracing
 of site

Cary
 Marcus
 Vespe
 across st

- is this info what goes into blueprints
 missprints - using language from 2008

ask for clarity re waiver for stormwater

confirmed these
 site plans
 not bldg
 plans
 conf sketchy
 plans for
 purposes
 of calls.

EB-M
 want to
 involve
 contractor
 need to
 inform public
 nail down

demo. of trees on site & can any be saved
 Const. Man Plan - keep public informed

Jennifer Witslerman
 82 Mungoy

- will rest of Parcel A - any plans
 - will play remain
 ? restrictions?

- Public comment closed -

Alex
 residual reserved
 for future dev - plan
 added parking area
 to remain for
 winter play.

Demo conf.
 all of Mungoy hill
 is combined & won't
 be separated
 so not poss to
 connect to sep system

Board member questions -

Mike Patterson - park / sloped hill
is that stable for lawn chairs
? perf space?

RL - can't put lawn chairs but
could sit / blanket

- long, narrow section? grade / flat?
5% grade
trying to tie slopes together
MP - feels not very usable
- would feel it better if flatter

- RL - could do only if ret. wall against
esplanade.

- Driveway - is it one way
ans yes.

(Bill + Lee OK)

Carol - none

see annotations of notes

MP - hopes it will get more density but
otherwise good project

Bill agrees

Lee - great way it is.

CM - good more than 1 BR units
would like to know floor area of units
pl. send in formal memo

flats first
2 BR _{2nd fl.} 977 sq ft
3 BR w/ 4115 sq ft
3 BR all on 1439
2nd fl.
floor

Efficiency Main
Group -

met at botanical garden

send to Fred

CITY OF PORTLAND, MAINE

PLANNING BOARD

Joe Lewis, Chair
Carol Morrisette, Vice Chair
Lee Lowry, III
Stuart G. O'Brien
Michael J. Patterson
David Silk
Bill Hall

Draft

August x, 2011

Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101
Attn. Ethan Boxer-Macomber & Seth Parker

Woodard & Curran
41 Hutchins Drive
Portland, ME 04102
Attn. Denise Cameron

Project Name: Adams School Redevelopment
16 residential units and public park/playground
Project ID: 10-99700009
Project Address: 48 Moody Street
CBL: 003-H-001-001

Dear Applicant:

On August 9th, 2011 the Portland Planning Board considered a Level III Final Site Plan and Subdivision application for a proposal to create a 16 unit residential condominium development on a .74 acre portion of the site of the former Marada Adams School, along with construction of a .35 acre public park/ playground area adjacent to the housing complex. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to approve the application with the following motions and conditions as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to waive Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area) subject to agreement with the Zoning Administrator, and to include detailed references to ownerships, easements, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and

- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall submit revised Landscape and Demolition Plans to incorporate the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code [a subject to the following condition(s) of approval:

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report # 17-11, which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

Standard Conditions of Approval

Please note the following standard conditions of approval and requirements for all approved site plans:

- 1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a building permit.

2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of the Site Plan Ordinance of Portland's Land Use Code.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. The subdivision approval is valid for three (3) years.
7. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
9. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
11. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632.

Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or jf@portlandmaine.gov.

Sincerely,

Joe Lewis, Chair
Portland Planning Board

Attachments:

1. 8.2.2011 Associate Corporation counsel comments
2. 8.9.2011 City Arborist comments
3. 8.4.2011 Traffic Engineering Reviewer comments
4. 8.4.2011 Department of Public Services comments
5. Planning Board Report #17-11
6. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services

Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Chris Pirone, Fire
Jeff Tarling, City Arborist
Tom Errico, TY Lin
David Senus, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Jean Fraser
CC: Barbara Barhydt
Date: 8/2/2011 3:16 PM
Subject: Fwd: RE: Adams School- info needed for hearing

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

>>> Danielle West-Chuhta (Danielle West-Chuhta) 8/2/2011 2:28 PM >>>
I have reviewed the Adams School documents. Here are my comments:

- 1) Just to confirm there are 16 units, correct? The documents indicate that, but I wanted to confirm.
- 2) The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.
- 3) I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.
- 4) The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.
- 5) The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.
- 6) Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Thanks,

Danielle

From: Jeff Tarling
To: Jean Fraser
Date: 8/9/2011 3:36 PM
Subject: Re: Adams- hearing report- existing trees

Hi Jean -

I checked the existing trees at the Adams School site and want to report that the large Silver Maple as mentioned on Moody and the existing Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody, east of Beckett Street are going to be impacted by the grading changes. These trees are not in good condition. One of these trees has limited grading which would likely cause further decline.

Jeff Tarling

From: Tom Errico thomas.errico@tylin.com

Attachment 3

To: Jean Fraser <JF@portlandmaine.gov>

CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Chris Pirone <cpp@portlandmaine.gov>

Date: 8/4/2011 11:15 AM

Subject: Adams School

Jean - I have reviewed the Site Plan application dated July 11, 2011 prepared by Woodard & Curran and I have the following comments.

- * I would suggest that the driveway radii be eliminated and tip-down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.
- * The one-way driveway should include appropriate MUTCD signage that controls and reinforces the one-way circulation plan.
- * The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.
- * Detectible warning devices are not required at driveways. They should be deleted from the plans.
- * The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.
- * The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.
- * Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.
- * The applicant shall be responsible for implementing all on-street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.
- * The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.
- * Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.
- * The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax
thomas.errico@tylin.com<<mailto:thomas.errico@tylin.com>>

O:\PLAN\Dev Rev\Moody 48\2010 Redevelopment\Correspondence\draftAPP LTR Adams 8.19.11.DOC

From: David Margolis-Pineo
To: Jean Fraser
CC: DEVELOPMENT REVIEW GROUP
Date: 8/4/2011 11:07 AM
Subject: Review of Avesta - Adams School Site Redevelopment

August 4, 2011

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: Adam School residential Condominium Project

The Department has the following Final Review comments.

1. The proposed "capped iron rods to be set" shall be placed before the issuance of a Building Permit.
2. The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.
3. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.
4. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.
5. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.

We have no further questions at this time.

Staff Presentation: Adams School redevelopment

Site Plan and Subdivision

PB HEARING 8.9.2011

is Final Plan.

Workshop in Dec 2010 + this is final.

1. Relates to 2 interlinked proposals:
 - Proposal for 16 dwelling units on Parcel B (approx. half of the former Adams School site) that will be developed by Avesta as 2 and 3 bedroom condominium units for sale;
 - Proposal for a public park/playground on one third of an acre within the adjacent Parcel A, abutting the new housing and providing open space for the occupants. This will be implemented by Avesta but remain in city ownership and management for public use.
2. The remaining part of the school site outside of these proposals is part of the parcel which includes the park/playground and Avesta have included some notes on the plans that relate to requirements in the P&S agreement. It includes an existing parking lot and some grassed area/former school building foundations that are not under review and will remain as city land for the foreseeable future.
3. This is a Final Plan Level III Site Plan and Subdivision Review.
4. No written public comments have been received to date; 394 notices were sent out. The project has been under discussion with the community and internally since January 2007 and the subject of a 2008 Request for Proposals (Att 1a). The Avesta's proposal in 2008 was for a more ambitious project, which is included in the applicants submission at Att B.22 at the request of the Planning Board. Due to funding issues this was scaled down and the Director of Planning and Urban Development has confirmed that the current proposals are consistent with discussions at Housing Committee and the Purchase and Sale agreement.
5. Updates:
 - Open space requirements: The Zoning Administrator has reviewed the additional information provided and confirms the project meets all zoning requirements (circulated Att 18);
 - Trees: Jeff Tarling has clarified that he will not be seeking any revisions to the landscape plan and confirms that the existing trees around the edge of the housing site are too large to transplant.
 - Review of materials: Further information is included in Att E.24 (elevations) but it is general and no specifications have been submitted.
6. The applicants submittal addresses most of the issues that were raised at the Workshop- the main one being drainage - and staff consider that the project meets most site plan and subdivision requirements; the outstanding issues relate to relatively small details:
7. **Outstanding issues:**
 - The Subdivision Plat and condo documents do not fully clarify the inter-relationship between the housing and the park/playground area nor identify responsibilities clearly in respect of storm water management, trash collection and snow removal. Staff particularly recommend that the park/playground area be identified as a separate lot (rather than subsumed in parcel A) so that the permanent public park is clearly defined in terms of boundaries; this will clarify its status in relation to questions of future maintenance and potential redevelopment.

- The applicant has provided stormwater treatment of the parking lot and provided some detention and DPS has supported the granting of a waiver for discharge of storm water into the combined sewer system and a motion is included on this waiver.
- Two engineering comments, Traffic and DPS, identify details that they consider need to be addressed- such as adding notes to the plans and coordinating on markings and signage- suggest4d conditions of approval refer to these recommendations.
- Preservation of trees- the demolition plan and the landscape plan are inconsistent regarding the preservation of the 2 trees mentioned by the City Arborist; the suggested condition iv under subdivision (which was written before seeing the additional City Arborist comments) requires a revised landscape plan so it could either be removed or revised to refer to the Demolitions Plan.
- As part of the design and Crime Prevention through Environmental Design reviews staff requested additional windows at the first floor of the units abutting the passageways between the parking area and the street. The elevations in Att E.24 show additional windows, but not all of these are shown on the floorplans (E.21) and a suggested condition has been added to ensure that this is clarified.
- Construction Management Plan: In view of the proximity of residential properties on all sides of the development and the work in the ROW of narrow local streets, a more specific and timetabled Construction Management Plan is recommended so that the City and the public are clear as to the Avesta work program and how and when other parties will need to take up responsibilities for these areas.

Jean Fraser - Re: Adams- hearing report- existing trees

From: Jeff Tarling
To: Jean Fraser
Date: 8/8/2011 10:23 AM
Subject: Re: Adams- hearing report- existing trees

Hi Jean -

The Adams School site contains a number of shade trees planted in the 1990's during a site improvement project. Unfortunately, the trees are now too large to move and are not in the right location to "save". A large, mature Silver Maple tree on the Moody Street frontage is scheduled to be saved.

Additional landscape comments: I met with landscape architect Regina Leonard on Friday, August 5th at the Adams School site to review the landscape details and site layout. We did discuss the possible use of 'Structural Soil' in the sidewalk to create larger tree planting spaces, however after reviewing the cost benefit ratio at this stage of the project we agreed to go with the existing plan.

Jeff Tarling

Page 1 of 1

Jean Fraser - Re: Adams- hearing report- existing trees

From: Jeff Tarling
To: Jean Fraser
Date: 8/9/2011 3:36 PM
Subject: Re: Adams- hearing report- existing trees

Hi Jean -

I checked the existing trees at the Adams School site and want to report that the large Silver Maple as mentioned on Moody and the existing Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody, east of Beckett Street are going to be impacted by the grading changes. These trees are not in good condition. One of these trees has limited grading which would likely cause further decline.

Jeff Tarling

CITY OF PORTLAND, MAINE

PLANNING BOARD

Joe Lewis, Chair
Carol Morrisette, Vice Chair
Lee Lowry, III
Stuart G. O'Brien
Michael J. Patterson
David Silk
Bill Hall

August 23rd, 2011

Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101
Attn. Ethan Boxer-Macomber & Seth Parker

Woodard & Curran
41 Hutchins Drive
Portland, ME 04102
Attn. Denise Cameron

Project Name: Adams School Redevelopment
16 residential units and public park/playground
Project ID: 10-99700009
Project Address: 48 Moody Street
CBL: 003-H-001-001

Dear Applicant:

On August 9th, 2011 the Portland Planning Board considered a Level III Final Site Plan and Subdivision application for a proposal to create a 16 unit residential condominium development on a .74 acre portion of the site of the former Marada Adams School, along with construction of a .35 acre public park/ playground area adjacent to the housing complex. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to approve the application with the following motions and conditions as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to waive Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area) subject to agreement with the Zoning Administrator, and to include detailed references to ownerships, easements, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and

- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall submit revised Landscape and Demolition Plans to incorporate the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code [a subject to the following condition(s) of approval:

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report # 17-11, which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

Standard Conditions of Approval

Please note the following standard conditions of approval and requirements for all approved site plans:

- 1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a building permit.

3.

2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of the Site Plan Ordinance of Portland's Land Use Code.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. The subdivision approval is valid for three (3) years.
7. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
9. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
11. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632.

Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or jf@portlandmaine.gov.

Sincerely,



Joe Lewis, Chair
Portland Planning Board

Attachments:

1. 8.2.2011 Associate Corporation counsel comments
2. 8.9.2011 City Arborist comments
3. 8.4.2011 Traffic Engineering Reviewer comments
4. 8.4.2011 Department of Public Services comments
5. Planning Board Report #17-11
6. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services

Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Chris Pirone, Fire
Jeff Tarling, City Arborist
Tom Errico, TY Lin
David Senus, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File

Attachment 1

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Jean Fraser
CC: Barbara Barhydt
Date: 8/2/2011 3:16 PM
Subject: Fwd: RE: Adams School- info needed for hearing

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

>>> Danielle West-Chuhta (Danielle West-Chuhta) 8/2/2011 2:28 PM >>>
I have reviewed the Adams School documents. Here are my comments:

- 1) Just to confirm there are 16 units, correct? The documents indicate that, but I wanted to confirm.
- 2) The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.
- 3) I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.
- 4) The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.
- 5) The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.
- 6) Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Thanks,

Danielle

Attachment 2

From: Jeff Tarling
To: Jean Fraser
Date: 8/9/2011 3:36 PM
Subject: Re: Adams- hearing report- existing trees

Hi Jean -

I checked the existing trees at the Adams School site and want to report that the large Silver Maple as mentioned on Moody and the existing Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody, east of Beckett Street are going to be impacted by the grading changes. These trees are not in good condition. One of these trees has limited grading which would likely cause further decline.

Jeff Tarling

From: Tom Errico thomas.errico@tylin.com **Attachment 3**
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Chris Pirone <cphp@portlandmaine.gov>
Date: 8/4/2011 11:15 AM
Subject: Adams School

Jean - I have reviewed the Site Plan application dated July 11, 2011 prepared by Woodard & Curran and I have the following comments.

- * I would suggest that the driveway radii be eliminated and tip-down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.
- * The one-way driveway should include appropriate MUTCD signage that controls and reinforces the one-way circulation plan.
- * The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.
- * Detectible warning devices are not required at driveways. They should be deleted from the plans.
- * The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.
- * The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.
- * Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.
- * The applicant shall be responsible for implementing all on-street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.
- * The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.
- * Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.
- * The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director

T. Y. Lin International
 12 Northbrook Drive
 Falmouth, ME 04105
 207.347.4354 direct
 207.400.0719 mobile
 207.781.4753 fax
thomas.errico@tylin.com<<mailto:thomas.errico@tylin.com>>

From: David Margolis-Pineo
To: Jean Fraser
CC: DEVELOPMENT REVIEW GROUP
Date: 8/4/2011 11:07 AM
Subject: Review of Avesta - Adams School Site Redevelopment

August 4, 2011

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: Adam School residential Condominium Project

The Department has the following Final Review comments.

1. The proposed "capped iron rods to be set" shall be placed before the issuance of a Building Permit.
2. The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.
3. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.
4. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.
5. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.

We have no further questions at this time.



PLANNING BOARD REPORT PORTLAND, MAINE

Adams School Redevelopment
48 MOODY STREET
CBL: 003-H-001-001

Subdivision and Site Plan
Project ID 10-99700009
Avesta Housing Development Corporation

Submitted to: Portland Planning Board
Public Hearing Date: August 9, 2011

Prepared by: Jean Fraser, Planner
Date: August 5, 2011
Planning Board Report # 17-11

I. INTRODUCTION

Woodard & Curran Inc., on behalf of Avesta Housing, has submitted a Level III Final Site Plan and Subdivision application for a proposal to create a 16 unit residential condominium development on a .74 acre portion of the site of the former Marada Adams School, along with construction of a .35 acre public park/ playground area adjacent to the housing complex. The proposal has been developed in the context of a City RFP (Attachment 1; Avesta response in Attachment B.22) following extensive public consultation and negotiations with the city.

The applicants recently demolished the existing school building as required by the Purchase and Sale Agreement with the City (Attachment b.84), and the school footprint and most of the surrounding area has been loamed and seeded with the foundations of the school still in place.

The 16 unit affordable housing complex will be constructed on the eastern half of the school site (adjacent Vesper Street) on land that will be sold by the City to Avesta. The applicant is also proposing to construct a park/playground area on a .35 acre portion of the remaining part (Parcel A on the Survey in Attachment E1.b) of the school site which will stay in City ownership. The other .41 acre of what is shown as "Parcel A" comprises part of the former school footprint and a parking lot that is to be retained in City ownership - these are not part of this site plan/subdivision application.

A Preliminary review was undertaken at a Workshop on 12.14.2011 where the Board identified a number of items that needed to be addressed in the final plans and requested that applicant submit the original 2008 proposal for the site which responded to the City's RFP (Attachment B.22). The project has been revised since 2008 based on Housing Committee discussions (Attachment 1b) and the Director of Planning and Urban Development has confirmed that the proposals as submitted for site plan and subdivision review are in compliance City agreements.

Since the Preliminary review the proposals have been modified, largely as a result of soil conditions. The number and type of housing units is unchanged but the layout, access, and some exterior design elements have been revised. The park has also been revised so that there are fewer "hardscape" features and improved lighting.

The project is subject to review for conformance with the Subdivision and Site Plan ordinances of the Land Use Code.

PROJECT DATA (see also Attachment E.26 Fig 1 for plan of impervious surfaces)

	Housing parcel	Park/ Playground parcel	Undeveloped parcel & parking lot	Totals
Existing Zone:	R6 Residential Zone			
Existing Use:	Former School	Former School	School and associated parking lot	
Proposed Use:	Residential	Park/playground	Non-paved areas to be seeded; parking lot remains for now	
Parcel Size:	.74	.35 acre	.41 acre	1.5 acres
Impervious Surface Area:				
<i>Existing</i>	16,453sq ft	22,850sq ft		39,393 sq ft
<i>Proposed</i>	24,236 sq ft	12,870 sq ft		37,106 sq ft
<i>Net Change</i>	7,693 sq ft	(9,980)sq ft		(2,287) sq ft
Total Disturbed Area:				44,798 sq ft
Building Area:				
<i>Proposed Footprint</i>	10,595 sq ft			
<i>Net change re footprint</i>	9,397 sq ft			
<i>Existing Floor Area</i>	1,198 sq ft			
<i>Proposed Building Floor Area</i>	22,100 sq ft			
<i>Net change floor Area</i>	20,902 sq ft			
Residential Data:				
<i>Existing Units</i>	0			
<i>Proposed Units</i>	16			
<i>Units to be demolished</i>	0			
<i>Affordable Units</i>	16			
<i>Subdivision, Proposed # of lots</i>	16 condominium units			
Parking Spaces:				
<i>Existing Spaces</i>	0			
<i>Proposed</i>	16			
<i>Handicapped</i>	1			
Bicycle Parking Spaces:				
<i>Existing</i>	0			
<i>Proposed</i>	20	2 sets of bike hitches abut park walkway		
Proposed Total Paved Area:	11,909 sq ft	6,780 sq ft		18,689 sq ft
Estimated Cost of Project:	\$4.5 million			

III. BACKGROUND AND EXISTING CONDITIONS

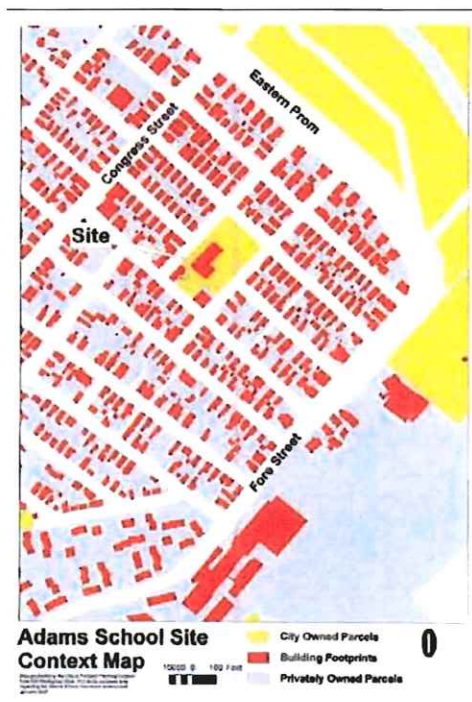
The Adams School site is bounded by Munjoy, Moody, Vesper and Wilson Streets on Munjoy Hill, on the southeast end of the Portland peninsula, surrounded by 19th and early 20th century residential buildings of 2-4 stories. The school was opened in 1958, and closed in 2006.

The submitted survey (Attachment E.1.b) does not reflect the recent demolition of the two story school; final stabilization is currently underway through loaming and seeding. The remainder of the site comprises an existing parking lot at the Munjoy Street end, a playground on the southern part of the site, and deteriorating school yards and grass/asphalt areas enclosed by chain link fencing. There is some perimeter vegetation and several mature trees near the school. Beckett Street once ran through the site.

The surrounding sidewalks are of mixed materials and in poor condition.



Existing sidewalk along Wilson Street



Building layer based on 2006 Aerials

IV. PROPOSED DEVELOPMENT (Note: the site plan and elevations as considered at the Preliminary Review are include at Attachment 16)

Parcel B to be sold by City to Avesta:

The Applicants Submittal describes the residential development on Parcel B in detail in Attachment B.14. It should be noted that the Purchase and Sale Agreement (in Attachment B.84) included conditions relating to the site layout and development (page 6 of the Agreement).

The proposed development includes the construction of a 2 story housing complex of eight 2-bedroom flats (in corner buildings) and eight 3-bedroom townhouses, as described in Attachment B.104 and shown on Attachments E.3 overview and E.4 site plan). The 2-bedroom unit at the corner of Vesper and Moody Streets will be handicap accessible. The design reflects the flavor of the residential area but has been simplified since the Preliminary review.

Parking is provided in a central “rear mews” area with one way access. Seventeen parking spaces are provided,

one above the one space per unit required in the R6 zone. The "front" of the units is orientated either towards the public street (Vesper) or towards the park/pedestrian walkway that will run adjacent to the development between Moody and Wilson Streets.

Landscaping in the residential area largely comprises trees and street trees in the common or ROW areas. The units benefit from the new park and playground adjacent to the site.

Stormwater management includes treatment to the parking area. The applicant has requested (and been granted) a waiver from DPS to allow stormwater to enter the combined sewer adjacent to the site.

Parcel A to be retained by the city:

The site plan includes proposals for a .35 acre playground and park to be implemented and funded by Avesta in conjunction with the housing development but retained and maintained by the City as a public park and playground. The detailed landscape design of this area is shown in Attachments E12-17, along with details of the proposed play equipment. The design has been developed in consultation with the City's Recreation Department. The Purchase and Sale Agreement requires that the applicant stabilize, loam and seed all of the disturbed areas on the site, which will include any residual areas (not yet addressed as part of the school demolition) between the park and the existing parking lot.

V. PUBLIC COMMENT

Notices of this hearing were sent out to 394 neighbors and interested parties, and a public notice also appeared in July 25 and 26 editions of the *Portland Press-Herald*. To date the Planning Division has not received any written public comments although several neighbors spoke at the December 2010 PB Workshop. The applicant held a neighborhood meeting on April 26, 2011 and the notes and attendance sheet are included in Attachments B.142-B.150.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owner of the property is currently the City. There is a Purchase and Sale Agreement in place (Attachment B.84).

VII. ZONING ASSESSMENT

The project is located in the R-6 Residential Zone and the applicant has provided a Zoning Assessment at Attachment B.97 and on plans in Attachment E.4, and copies of the Zoning Variances at Attachment B.19.

ZONING REVIEW

Marge Schmuckal, Zoning Administrator, has reviewed the preliminary plans and confirmed that the applicant has updated the side and rear setback variance approvals received in September 2010 and that the project meets the requirements of the R-6 zone but would like to see the figures supporting the calculations of the open space ratio, which was an explicit request in her comments on the preliminary proposal (Attachments 6 and 9). These are under discussion and an update will be provided at the Hearing.

A further comment is that "*the proposed signage [for the park] would need to meet the sign ordinance standards. My review is not approving or disapproving the signage in the park. Separate sign permits applications are required for such signage*" (Attachment 9).

A potential condition of site plan approval is included in respect of the signage.

VIII. DEVELOPMENT REVIEW

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

The Final Plan application has addressed the ordinance requirements and the items outlined by staff in a January 2011 letter based on the Planning Board Workshop discussion ([Attachment 7](#)).

The Planning Board identified particular items that they requested to be addressed (also in [Attachment 7](#)), and these have not been addressed in full - as summarized below:

Information Requested by Planning Board at 12.14.2010 PB Workshop	Status as of hearing report preparation
Need Demolition and Construction Management Plans including traffic management	A narrative summary has been submitted in Attachment B.124 . It does not address traffic management and other key issues such as management of public access to the park and playground.
Prefer mailboxes at front doors rather than grouped elsewhere	Proposals do not include mailboxes at the doors, but include 2 central mailbox locations at the Moody and Wilson Street ends of the buildings; see applicant comments in Attachment D.5 .
Condo documents to include provisions that address control of external changes - to maintain cohesive design	Some limitations are included - Draft condominium Documents are in Attachment C .
Seek measures to increase safety and security in housing and park eg lighting	Final Plan proposals have included parking lot and park/walkway lighting.
Request submission of the winning RFP submission as back ground	Submitted at Attachment B.22
Request floor space data for the units	Not included in submitted information.

Subdivision Plat and Recording requirements

A. AFFORDABLE HOUSING

The proposals are required, via the Purchase and Sale Agreement, to be sold to buyers with incomes at or below 120% of the adjusted median income. This meets the definition of Affordable Housing under the City’s ordinance but the applicant has not chosen to seek any of the parking and density allowances of the ordinance.

B. DRAFT SUBDIVISION PLAT AND CONDOMINIUM ASSOCIATION DOCUMENTS

The applicant has submitted the draft Subdivision Plat ([Attachment E.1a](#)) and draft Condominium Association documents ([Attachment C](#)). It is proposed that a Condominium Association will manage the housing development including the parking area, rear mews, utilities, sidewalks, landscaping and appurtenances.

These have been reviewed by the City’s Associate Corporation Counsel who comments ([Attachment 12](#)):

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

I have reviewed the Adams School documents. Here are my comments:

The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.

I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.

The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.

The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.

Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Regarding the question of rental, the Zoning Administrator has confirmed that this is not a problem unless the units are rented for less than a month's time.

Staff also recommends that the Subdivision Plat show Parcel A (City owned) as divided into 2 lots, one comprising the park and playground that will remain a permanent public amenity owned and managed by the City, and the other comprising the existing parking lot and the residual land between the parking lot and the park/playground. The Plat also requires additional notes that refer to the Condominium Documents, Planning Board conditions and the maintenance of the drainage structures as described in the Stormwater Report.

These comments are reflected in two suggested conditions of approval that are included in the motion for the Board to consider, one regarding the draft Subdivision Plat and one regarding the Condominium Association documents.

B. SUBDIVISION STANDARDS 14-497. General Requirements (a) Review Criteria

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 or air pollution.*
The project is not anticipated to result in any water or air pollution.
- (2) *Has sufficient water available for the reasonably foreseeable needs of the subdivision; and (3) Will not cause unreasonable burden on an existing water supply;*
The Portland Water District has confirmed sufficiency of water in letter dated 1.3.2011 ([Attachment B.117](#)).
- (3) *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*
A final Sedimentation and Erosion Plan has been submitted ([Attachment E.5](#)) and has been found to be acceptable by the consulting civil engineer ([Attachment 16](#)).
- (4) *Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;*

The housing proposal provides a single point of vehicle access into the site (from Wilson Street) with the exit from the parking area onto Moody Street. The driveway widths through the central parking area have been designed to meet Fire Department access concerns. The Traffic Engineering Reviewer Tom Errico has confirmed the proposals are acceptable subject to a number of minor revisions to details ([Attachment 14](#)). A suggested condition requires the applicant to make the revisions as recommended by Tom Errico.

The applicant has proposed to eliminate 2 crosswalks across Moody Street and add one new crosswalk in Wilson Street to align with O'Brion Street. These proposals were reviewed by the Crosswalk Committee on 12.9.2010 and found to be acceptable.

- (6) *Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;*

The stormwater system for the residential part of the site is described in Attachment B.105 and includes a Filterra Tree box system and a StormTech isolator row to treat and detain stormwater from 11,219 sq ft of the site, an area that is in excess of the new impervious surface proposed for the development. The proposed drainage for the park/playground area is included at Attachment B.111 and Plans E.12 and e.27-31 and modifies the existing drainage with a new catch basin and additional piping. The proposals were reviewed by the Peer Engineer (Gorrill-Palmer) and their comments (Attachment 16) have been addressed in the plans included in this report. The Department of Public Services has confirmed that the proposals meet City standards (Attachments 13 and 16).

The stormwater is proposed to be discharged into the City's combined sewers as there is no practical alternative. The applicant has requested a waiver (Attachment B.98) from Section 2.1.1 the City's Technical Manual (which requires that stormwater not be discharged into a sewer which conveys sanitary waste) for the proposal and the Deputy City Engineer David Margolis-Pineo supports this waiver (Attachment 13).

The new stormwater system for the Avesta housing part of the site requires maintenance as described in the Stormwater Report (Attachment B.109) and a potential condition of approval under the subdivision review requires that the maintenance be carried out and reported in accordance with the City ordinance.

Water, sewer and CMP utilities have provided letters confirming adequate capacity (Attachment B.116).

- (7) *Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;*

The applicant has submitted (Attachment B.125) a summary of the proposed private rubbish collection. Two trash and recycling containers are located at each end of the central parking area.

- (8) *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

The City Arborist has confirmed (Attachment 11) that the housing and park/playground landscape meet City standards but the demolition plan shows that a number of existing trees are being removed from the periphery of the site (with only one being retained). A further comment will be provided at the Hearing concerning the preservation or replacement of existing trees.

Street Trees

The twenty proposed street trees, including 6 in the park area, meet City standards of one tree per unit. The City Arborist is concerned that the Vesper Street location is constrained and further discussions are taking place regarding street tree locations and the use of "structural soil" in the sidewalk area (Attachment 11). A further comment will be provided at the hearing and a suggested condition is included in the motion.

- (9) *Is in conformance with the land development plan or its successor;*

The applicant has referred to the Comprehensive Plan as related to relevant housing policies (Attachment B.1131) and staff recommend that the project is compatible with Comprehensive Plan goals and policies.

- (10) *The subdivider has adequate financial and technical capacity to meet the standards of this section;*

A letter from Bangor Savings Bank dated 7.13.2011 (Attachment B.90) has been submitted along with the 2010 Council Order that confirms the funding from the Neighborhood Stabilization Program (Attachment B.95).

- (11) – (15)

(Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty(250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water; (12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; (13) Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. (14) All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. (15) Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application.

These subdivision standards are not applicable to the Adams School redevelopment project.

C. 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

Impact on Surrounding Street Systems and Site Vehicle Access

See discussion above under VIII B. **Subdivision Standards**, (5).

Pedestrian Access

The Final Plans show that the revised layout (Attachment E.3 and E.4) provides direct pedestrian access from the sidewalks and from the new pedestrian walkway along the park.

Public Transit

The proposal is 16 units in total and below the 20-unit threshold for provision of a transit facility.

Parking

The proposals meet the zoning requirement of one space per unit and is provided near the rear access to the residential units.

Bicycle Parking

The site plan (Attachment E.4; details in C.8) shows 2 bike rack locations and two more are located along the pedestrian way within the park; the total of 20 (indicated on Attachment B.10) meets the City standards of two spaces for every five dwelling units.

Snow storage

Snow storage areas are shown on the site plan.

Transportation Demand Management (TDM)

There are no requirements that apply to this project.

2. Environmental Quality Standards

See discussion above under VIII B. **Subdivision Standards**, (8).

The detailed proposals for the park/playground area are illustrated in attachments E.12 to E.17, which include the detailed layout of the playground and several of the proposed items of play equipment. These have been designed in consultation with the City's Recreation Department who will be maintaining the playground in the future, and the Recreation Department has confirmed their approval (Attachment 10 and D.6).

The area outside the park/playground and retained parking lot is shown as being loamed and seeded in compliance with the P&S Agreement.

Preservation of Significant Natural Features

The proposed Site Plan retains the largest tree on the site, located on Moody Street within the new park area. The Demolition Plan in [Attachment E.2](#) shows the removal of 11 existing trees. The removal of those within the housing site appears unavoidable but the need for the removal of those near the former school is unclear. The City Arborist will provide further comments at the hearing as to the question of retention or replacement in accordance with the standards.

Water Quality, Storm Water Management and Erosion Control

See discussion above under VIII B. **Subdivision Standards.**

3. Public Infrastructure and Community Safety Standards

Public Infrastructure

The applicants propose to reconstruct brick sidewalks along the housing and park development frontages. One existing streetlight will be removed (on Moody Street) and this is acceptable to the Department of Public Services. Three new LED lights (details in [Attachment B.134](#)- same as for the Bayside Trail) are proposed along the walkway in the park as encouraged by staff ([Attachment B.132](#)) to improve surveillance of the area at night and to provide some additional lighting for the new crosswalks.

Public Safety and Fire Prevention

The applicant has responded to concerns raised during the preliminary review that additional lighting is required to meet Crime Prevention through Environmental Design (CPTED) standards. [Attachment B.128](#) describes the design strategies that have been employed in detail.

In addition to the three new LED lights in the park area, the revised proposals have added building mounted lights to illuminate the parking lot area.

The revised layout (with the additional pedestrian passageways in mid block of the housing) provides greater surveillance of the rear parking areas from the street. Staff requested that the building elevations include more windows facing onto these passageways ([Attachment 8](#)) and the attached elevation addresses that request ([Attachment E.24](#)) although the associated floor plan has not been revised to match ([Attachment E.21](#)).

Fire Prevention

The Fire Department has confirmed approval to the proposals ([Attachment 15](#)) and confirms that the wide drive access and curb cuts were requested to allow for fire vehicle access (also see fire appliance turning plan in [Attachment E.32](#)).

Construction Management Plan

The need for a construction management plan, including traffic management, was highlighted during the preliminary review, partly in response to concerns raised during the public comments. A Construction Management Plan is included in [Attachment B.124](#) but does not include specifics and does not address the intended timetable for public access to the playground, street parking and sidewalks.

Staff recommend that a more detailed plan (as a plan) be prepared and submitted for review and approval by the Planning division and other relevant city departments prior to any start of the construction; a suggested condition of approval is included for the Board to consider..

Availability and Adequate Capacity of Public Utilities

A "Utility Plan" has been submitted ([Attachment E.6](#)).

Water, sewer and CMP utilities have provided letters confirming adequate capacity ([Attachment B.116](#)).

4. Site Design Standards

Massing, Ventilation and Wind Impact, Shadows, Snow and Ice Loading and View Corridors

The proposed development is not anticipated to have these types of impacts.

Historic Resources

The site is not near or within an Historic District.

Exterior Lighting

The applicant has submitted a Photometric Plan in Attachment E.18 which meets city standards.

Noise and Vibration; Signage and Wayfinding

These are not anticipated to be an issue with the residential development, which will be managed by a Condominium Association. The park/playground area will be managed by the city.

The proposals include a sign design for the park/playground (Attachment B.103) which has not been reviewed and would be subject to a separate sign permit. A potential condition of approval confirms this status.

Zoning Related Design Standards

The "Architectural and Streetscape" aspects of the housing proposal are described in Attachment B.104, which notes that finish materials will include wide plank siding, masonry, and painted trims. This part of the proposal is subject to the Multi-family Design Standards included in the Design Manual and the original building designs were reviewed on 8.1.2011 (Attachment 8). Staff requested further information on the details of materials, consistent elevations/floorplans and additional windows in the elevations facing the passageways (discussed above in relation to CPTED).

The applicant has submitted revised elevation and floorplans on 8.2.2011 (Attachment D and Plans Attachment E.19 to E.25) and these address the staff comments as noted below.

Multi-family and Other Housing Types Design Standard

TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:

STANDARDS.

Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

- 1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;*

Staff comment: The detailed annotation of building materials was received 8.2.2011 and staff have not had an opportunity to complete the review. Updated comments will be available for the hearing.

- 2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;*

Staff comment: Staff consider this requirement has been met.

3. *Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;*

Staff comment: The proposed housing is immediately adjacent to a public park and playground that will be completed as part of this proposal.

4. *The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;*

Staff comment: Additional windows have been added which not only provide some surveillance of the passageways but also increase sunlight and air for the deep living/dining rooms on the first floors of these units.

5. *The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;*

Staff comment: Staff consider that this requirement has been met.

IX. STAFF RECOMMENDATION

The proposal generally meets all site plan and subdivision standards and staff recommend approval subject to the suggested conditions of approval and to the resolution of the question of tree preservation/street trees (to be clarified at the hearing).

X. PROPOSED MOTIONS

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board (**waives/ does not waive**) Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. SUBDIVISION:

That the Planning Board finds that the plan (**is/is not**) in conformance with the subdivision standards of the land

use code, subject to the following conditions of approval:

Potential conditions of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area), and to include detailed references to ownerships, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and
- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall submit a revised Landscape Plan that incorporates the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit; and

2. SITE PLAN REVIEW

The Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions of approval:

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit a Construction management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passgeways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

ATTACHMENTS:

Attachments to Memorandum for Preliminary Review

- 1.a City Request for Proposals (RFP) 2008
- 1.b Housing Committee meeting Notes of 3.31.2010 which update RFP
2. City Arborist comments 11.30.2010
3. Traffic Engineering Review comments 11.30.2010
4. DPS comments 12.1.2010
5. Traffic Engineering Review update re Crosswalk committee suggestions 12.9.2010
6. Zoning Administrator comments 12.10.2010

Attachments to Hearing Report on Final Plans

7. Staff letter summarizing Final Plan requirements 1.6.2011
8. Staff design review of 7.11.2011 submission, 8.1.2011
9. Zoning Administrator comments 8.2.2011
10. Recreation Department comments 8.2.2011
11. City Arborist comments 8.3.2011
12. Associate Corporation Counsel comments 8.2.2011 and 8.4.2011
13. DPS comments 8.4.2011
14. Traffic engineer comments 8.4.2011
15. Fire Department comments 8.4.2011
16. Peer Engineer Review comments 7.27.2011 and 8.3.2011
17. Preliminary Plan site plan and elevations (for info- not for review)

Applicant's Submittal - Final Plan submission

- A. Cover letter to Site Plan Application
- B. Site Plan and Subdivision Application and supporting documents (see index at B.1)
- C. Condominium Association documents
- D. Response letter to Peer Engineer and Staff Design comments
- E. Plan Set
 - 1a Draft Recording Plat
 - 1b Survey
 2. C1 Site Demolition & Removals Plan
 3. "End condition" Site Plan
 4. C2 Detailed Site Plan
 5. C3 Grading and Erosion Control Plan
 6. C4 Utility Plan
 7. C5 Civil Details – 1
 8. C6 Civil Details – 2
 9. C7 Civil Details – 3
 10. C8 Civil Details – 4
 11. C9 Civil Details – 5
 12. L1 Park Grading & Drainage Plan
 13. L2 Landscape Plan
 14. L3 Landscape Details
 15. Playground Schematic Plan
 16. Playground Schematic Plan (details)
 17. Specs for playground structures
 18. Photometric plan
 19. A100 Architectural site plan
 20. A101 Site Plan at Ground Floor
 21. A102 Enlarged First Floor Plan- Building A
 22. A103 Enlarged Second Floor Plan- Building A
 23. A104 Second Floor Plan
 24. A200 Exterior Elevations
 25. A201 Exterior Elevations
 26. Fig 1 Impervious Surfaces
 27. Fig 13.1 Pre-Development Stormwater Plan
 28. Fig 13.2 Post-Development Stormwater Plan
 29. - 31 Park and playground Impervious surfaces and Drainage Calculations
 - 32 "Portland Fire Department ladder 1 Turning Movement"

Jean Fraser - Adams School Redevelopment, Conditions of Approval

From: David Margolis-Pineo
To: Jean Fraser
Date: 3/1/2012 1:32 PM
Subject: Adams School Redevelopment, Conditions of Approval
CC: Bruce Hyman; John Emerson; Matt Doughty

Jean,

The applicant has addressed all of Public Services comments. Please see below.

August 4, 2011
March 1, 2012

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: Adam School residential Condominium Project

The Department has the following Final Review comments.

1. The proposed “capped iron rods to be set” shall be placed before the issuance of a Building Permit.
Applicant has agreed.
2. The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.
No response required.
3. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland’s Technical Manual.
Note has been added.
4. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.
Note has been added.
5. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.
Note has been added.

We have no further questions at this time.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Chris Pirone <cpp@portlandmaine.gov>
Date: 8/4/2011 11:15 AM
Subject: Adams School

Jean - I have reviewed the Site Plan application dated July 11, 2011 prepared by Woodard & Curran and I have the following comments.

- * I would suggest that the driveway radii be eliminated and tip-down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.
- * The one-way driveway should include appropriate MUTCD signage that controls and reinforces the one-way circulation plan.
- * The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.
- * Detectible warning devices are not required at driveways. They should be deleted from the plans.
- * The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.
- * The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.
- * Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.
- * The applicant shall be responsible for implementing all on-street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.
- * The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.
- * Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.
- * The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

[cid:image001.gif@01CC528B.332C6120]T.Y. Lin International
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Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
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thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>

Jean Fraser - Fwd: Sidewalks and walkways for the former Adams School

From: Jean Fraser
To: Parker, Seth
Date: 6/29/2012 12:14 PM
Subject: Fwd: Sidewalks and walkways for the former Adams School
CC: Barhydt, Barbara; Margolis-Pineo, David

Seth,

Further to our conversation today I confirm that the amendment to use asphalt material for the public walkway between Moody and Wilson Streets (as described in the last para of the DPS comments below) is acceptable as an amendment to the approved site plans. I understand that the internal paths connecting to this walkway will also be asphalt and that is also an acceptable amendment.

I confirm that the walkway crossing the site between Moody and Wilson streets is not considered a sidewalk and therefore is not subject to the material policy that requires brick sidewalk surfaces in this area.

Please note that a number of the plans in the final plan set(s) need to be replaced with revised plans showing this amendment.

I will send a separate e-mail outlining the status regarding the site plan and subdivision conditions of approval.

Jean

>>> David Margolis-Pineo 6/29/2012 11:02 AM >>>
June 29, 2012

To: Barbara Barhydt
Jean Fraser
From: David Margolis-Pineo
Public Services Review Comments
Re: Adams Schools Site – 48 Moody Street
Request for Sidewalk Material Policy Change

It is my understanding that the Applicant, AVESTA Housing, is requesting a waiver of the sidewalk material policy to allow installation of asphalt or concrete sidewalks on Vesper, Moody and Wilson Streets adjacent to their above referenced project instead of installing new vertical granite curbing with brick sidewalks as originally proposed and approved by the Planning Board. It is also understood that this request will require City Council approval.

Since the sidewalks in this general neighborhood are predominantly brick, and since approximately 90% of the sidewalk abutting the applicant's project are brick (one abandoned asphalt curb cut), the Dept. of Public Services is not supportive of granting a waiver deviating from the sidewalk material policy for this area.

On the other hand, the Dept. of Public Services is agreeable to the applicant's request to allow asphalt in lieu of brick as proposed and approved for the walkway which crosses the site at approximately mid-block between Wilson and Moody Streets.

Jean Fraser - Fwd: RE: Adams School- info needed for hearing

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Jean Fraser
Date: 8/2/2011 3:16 PM
Subject: Fwd: RE: Adams School- info needed for hearing
CC: Barbara Barhydt

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

Those were my comments.

Danielle

>>> Jean Fraser 8/2/2011 3:12 PM >>>

Danielle

1) There are 16 units - 8 apartments and 8 houses;

2) The park area and walkway is on city land which will be retained by the city and maintained by the city as a separate public amenity (part to be Recreation dept and part to be DPS I understand). PI advise how it should be handled vis a vis the Plat (their draft Plat is attached);

(there is residual city land outside the park/playground and I have no idea who in the city is responsible for that after the project is completed)

3) Agreed- common to the 16 units.

4) I have no view....

5) I will check with Marge;

6) The site plan does show some snow storage area in the parking lot. I have not had Fire nor DPS comments yet and do not know if this is an issue.

Will you be providing a final set of comments after discussing this at Dev rev??

thanks

Jean

>>> Danielle West-Chuhta (Danielle West-Chuhta) 8/2/2011 2:28 PM >>>

I have reviewed the Adams School documents. Here are my comments:

1) Just to confirm there are 16 units, correct? The documents indicate that, but I wanted to confirm.

2) The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.

- 3) I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.
- 4) The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.
- 5) The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.
- 6) Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Thanks,

Danielle

>>> Barbara Barhydt 8/1/2011 4:21 PM >>>
Check this one out.

>>> Seth Parker <SParker@avestahousing.org> Monday, August 01, 2011 4:19 PM >>>

Oops, sorry. Here is the clean version. -Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Monday, August 01, 2011 4:17 PM
To: Seth Parker; Jean Fraser
Cc: Denise Cameron
Subject: RE: Adams School- info needed for hearing

Hi Seth:

The condominium documents have tracked comments which appear to be from your legal counsel. I believe you may have sent us the wrong version for the Planning Board review.

Thanks.

Barbara

Barbara Barhydt

Jean Fraser - Adams School

From: Jean Fraser
To: Denise Cameron
Date: 7/27/2011 6:48 PM
Subject: Adams School
CC: Barhydt, Barbara; Margolis-Pineo, David; Swett, Lauren
Attachments: 2011.07.27 Parcel Areas Figure.pdf

Denise,

I am out of the office tomorrow but wanted to get back to you on a few things that need some further attention:

1. I attach (at end of this e-mail) the "raw" review comments from Al Palmer. I believe that David Margolis-Pineo wanted to clarify/comment on some of the items but I have not received those comments. So these are for information at this stage as you may want to consider how/whether to address these points/questions; but please wait until I contact you on Friday morning before submitting any revisions as I would want to be sure that we are all on the same page.

2. As I mentioned in this morning's e-mail, we would like a (preferably colored) plan that shows the final condition on the parcel A including the residual city land and areas where the school demolition has taken place. This will not be reviewed as such but is to help the Board understand the overall site plan- so it does not need to be completed urgently. Laurens' plan (received today and attached) seems a good start and if its a base then you would need to remove any existing that will not remain and add as follows:

- Remove line around former school (or just have a very low key single line) and add note saying "former Adams School now demolished with loam and seed now on this footprint";
- Note on parking lot saying something along the lines that it is to remain as existing;
- Tones and notes to confirm areas of loam and seeding on former school site (if paving has been retained and will stay that way, please show in different tone with note) and also for other areas;
- Show all fence lines (these are less than clear on Landscape Plan);
- Show all lighting as at final condition (maybe different symbol for street lighting and for site lighting);
- Remove extraneous dashed lines unless they relate to final condition.

(Barbara Barhydt may have a few more suggestions as she has a better idea of what the Board might need)

3.. Please send separate pdfs of the several large scaled plans that have been folded and included in the folder in plastic "holders".

4. Please send elevations of the houses where they face the intermediate (E-W) walkways; please have the wall mounted lighting shown on these if possible.

As I mentioned above, I am out of the office tomorrow so if any urgent questions please contact Barbara Barhydt on 874 8699. I will contact you on Friday morning to follow up.

thank you
Jean

Spoke Denise 7-29-11
 OK not engaging
 awaiting DM-P
 sending as copy

Jean Fraser, Planner
 City of Portland
 874 8728

COMMENTS FROM AL PALMER:

Our office has reviewed the latest submittal and offer the following comments:

- Sheet C2 Site Plan
 - The Tree Grate closest to the Moody Street Striped Cross Walk appears to be in the middle of the sidewalk. Is there adequate space to meet ADA clearance for a wheel chair as proposed?
 - The two Tree Grates along Wilson Street between the Striped Cross Walk and the Site Driveway are along the curb line, however, there is a void behind the tree grates that doesn't appear to have brick. Why?

Sheet C3 Grading and Erosion Control Plan

- Have the conditions of the two catch basins proposed to receive reset headstones been assessed? What is the condition of the catch basins, and should they be replaced if found to be deficient?
- A significant amount of curb is proposed to be reset along Moody Street, Vesper Street and Wilson Street. Do any of these streets have underdrain along these curb lines? Should installation of underdrain be considered, as it would not be practicable to add it in the future after the curb has been reset?

Sheet C4 Utility Plan

- The water main is shown connecting to both Moody Street and Wilson Street. This would seem to be inconsistent with installation of a fireline meter near Wilson Street.
- The water meter pit at Wilson Street will result in a significant obstruction to any future utility work in that street, as the vault is 12' long and installed perpendicular to the street. We would recommend that DPS consider requiring that the vault be installed outside of the right of way.
- 4" Sewer services are shown at Moody Street. With the number of units proposed, we'd recommend that the use of 6" sewer services be considered.
- For clarity purposes, we'd recommend that the sewer services that cross SD Pipe 13 and 14 include inverts so that it is clear that the two sewers run between the buildings and are not connected to SD 13 and 14.
- Pipe 1 in Wilson Street should be labeled as a SD even though it is connecting to a combined sewer at the intersection of Vesper and Wilson.

Sheet C6

- The Typical New and Reset Curb Installation detail indicates a 7" Curb Reveal or Match Exist. As Directed. We'd recommend that DPS require only 7" so that a uniform curb reveal is provided.

Sheet L1

- Due to the amount of grading and drainage work shown on this sheet, it is our understanding the State Law would require this plan to be stamped by both a Landscape Architect and a Licensed Professional Engineer.
- On Sheet C1 it appears that the water service in the "O'Brion Street ROW" is to be removed, where on Sheet L1 it is being shown as remaining for use with the park.

Please contact our office with any questions.

Thanks,

Al Palmer

Senior Vice President

Gorrill-Palmer Consulting Engineers, Inc.

15 Shaker Road

PO Box 1237

Gray, ME 04039

Jean Fraser - Adams School- info needed for hearing

From: Jean Fraser
To: Denise Cameron; Seth Parker
Date: 7/27/2011 3:29 PM
Subject: Adams School- info needed for hearing

Denise and Seth

I am writing to both of you as I am not sure which of you might be able to provide these most quickly as both 1 and 2 need to be reviewed by the end of next Wednesday.

1. Condo documents: I don't see these in the submissions- we need drafts to be reviewed by City legal advisors BEFORE the Hearing; (at the prelim plan stage I think it was stated these were being prepared and I recall more recently sending info to Seth re what was in condo docs for other similar projects) (general note: I note that a draft plat is submitted but as this is a subdivision review, the Subdivision Standards in the city's ordinance will also apply- they are at 14-491);
2. RTI: I have been advised that we need the updated docs (more recent than May 2010 P&S) which confirm that Avesta has secured the funds from Maine State Housing;
3. "Stamps": The Plan L1 needs to be stamped by both a Landscape Architect and a Licensed Professional Engineer (it is stamped by LA);
4. Playground (FYI): Regina Leonard has confirmed that she is seeking a note from Sally DeLuca that confirms the details re designand play equipment and that they are acceptable to Recreation Dept- needed as there are no site plan standards for playgrounds and the Board will be looking for reassurance on this;
5. The planning Board will be looking at the entirety of parcels A and B and so I may be asking for additional info for the Board so they understand the end-condition of these parcels, especially as they so far do not have details of what was replacing the school after it was demolished (even I have not seen a plan!)

I will send a separate e-mail re the more technical issues that have arisen to date, although I would stress that I do not have all final comments yet and some issues may end up being resolved by a potential condition of approval.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov>>> Seth Parker <SParker@avestahousing.org> Monday, August 01, 2011 3:13 PM
>>>

Hi Jean,

I've attached the draft condominium documents and the council order on the NSP funds (let me know if that will suffice for the NSP portion). Please note that the condominium documents are in draft format typical of this type of offering and are subject to change as details evolve or as necessary.

Let me know if you have any questions.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Wednesday, July 27, 2011 3:30 PM
To: Seth Parker; Denise Cameron
Subject: Adams School- info needed for hearing

Denise and Seth

I am writing to both of you as I am not sure which of you might be able to provide these most quickly as both 1 and 2 need to be reviewed by the end of next Wednesday.

1. Condo documents: I don't see these in the submissions- we need drafts to be reviewed by City legal advisors BEFORE the Hearing; (at the prelim plan stage I think it was stated these were being prepared and I recall more recently sending info to Seth re what was in condo docs for other similar projects) (general note: I note that a draft plat is submitted but as this is a subdivision review, the Subdivision Standards in the city's ordinance will also apply- they are at 14-491);
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that Avesta has secured the funds from Maine State Housing;

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4. Playground (FYI): Regina Leonard has confirmed that she is seeking a note from Sally DeLuca that confirms the details re designand play equipment and that they are acceptable to Recreation Dept- needed as there are no site plan standards for playgrounds and the Board will be looking for reassurance on this;

5. The planning Board will be looking at the entirety of parcels A and B and so I may be asking for additional info for the Board so they understand the end-condition of these parcels, especially as they so far do not have details of what was replacing the school after it was demolished (even I have not seen a plan!)

I will send a separate e-mail re the more technical issues that have arisen to date, although I would stress that I do not have all final comments yet and some issues may end up being resolved by a potential condition of approval.

thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

12.30 ~~time~~ work.

Adams "design"
gen std.

Alex
Jean

8-1-11

Adams -

(Jeff - would like structural soil instead of bit layer
[Alex - wd. like to amend tech std])

Alex - design.

- ① "Blank" wall onto parking - OK
- ② Ped Passage wall (w/ 2x what shown) ^{can be / offset}
light + air _{Alex rec.} 1st floor - add 2 more or double on 1st floor
2nd floor - one window in BR & one in bath
could be high awning
- ③ Materials - label façades w/ cladding material
- what are the specs. - ? cat cuts.
- show which each material applies.
- ④ Other windows - 2nd floor facing moody
missing 3 windows
- ⑤ Elev. from ~~pkg lot~~ - show entry feature
w/ light (not on site plan)
emp

Jean Fraser - Couple of questions

From: Ethan Owens
To: Jean Fraser
Date: 8/1/2011 1:23 PM
Subject: Couple of questions
CC: Sally Deluca

Hi Jean,

Couple of completely different questions;

1) If we are thinking about changing the material of the paths around the skate park from stone dust to hot top (this will cut down on the amount of dirt, mud and debris brought into the skate park) - going from one impervious to another, what do I have to do? Do I write a memo requesting the change?

2) Adams St School - We had an abutter here today and then I went down to the site with him to look around. His name is Gary Marcisso gmarcisso@yahoo.com 761-1949. His concerns are many but especially these;

- * Safety and condition of the existing playground - it is open to the public now the demo is done.
- * He is looking to find current plans for the layout of the site, playground, esplanade etc.
- * Who is the point person for the City on this project?
- * The site was loam and seeded but now hayed or any erosion control and when it is windy the dust flies all over his house.
- * Wants to know what the time line is and what is the plan for winter use of the site.
- * He want to know what will be turned over to the City for maintenance - its warranty and predicted annual cost?
- * Will they put up sign saying what it will look like and when?

There was a bunch more but he will be in touch and I wanted to give you the heads up. He will be attending all the public planning board meeting about the project.

Have a great day,

Ethan Owens
Certified Playground Safety Inspector
Athletic Facilities, Playground & Courts Manager
Recreation Department ~ City of Portland
134 Congress St
Portland, Maine 04103 ~ USA
207-756-8275/Fax 207-756-8279
eowens@portlandmaine.gov

Jean Fraser - Re: Adams School

From: Barbara Barhydt
To: Fraser, Jean
Date: 7/27/2011 12:11 PM
Subject: Re: Adams School

Hi Jean:

I just clicked off the building layer in the pdf and the school disappears. I think the final plan should show the fence line, the loam and seeding of this area and the building gone. Adding the final lighting would be good. I think that would satisfy the Board.

Thank you.

Barbara

>>> Jean Fraser Wednesday, July 27, 2011 11:52 AM >>>
Barbara

I have just received this plan which has just arrived and addresses my questions to Denise regarding what areas were included in the figures and ensuring consistency (given that the drainage calcs in other reports only referred to some figures).

This plan seems very close to what you were asking for to clarify to the planning board- if W&C added a dotted line around former Adams School and annotation that confirmed conditions outside the park/housing, clarified fencing, got rid of extraneous dashed lines and also highlighted the final lighting (both on and off site) - would it be what you were asking for?????

thanks
Jean

Jean Fraser - Re: PE Stamp

From: Jean Fraser
To: Leonard, Regina S.
Date: 8/2/2011 11:18 AM
Subject: Re: PE Stamp
CC: Parker, Seth

Regina

The requirement (as I set out in my request of 7.27.2011) is based on our Land Use Ordinance (not on Al Palmer's comments) and we regularly ask Landscape Architects to have PE stamps for the drainage and structural (eg engineering) plans and details for projects of this scale. This has come up many times and there is no need for a legal determination since its very clear in the Ordinance (quoted below- from 14-527 (d)):

(d) *Level II and III Final Site Plans.* A final site plan for a Level II or III site plan application shall be based upon a standard stamped boundary survey meeting City of Portland standards, be stamped by a professional engineer licensed to practice in the State of Maine, shall be submitted with all required written submittals and shall include the following information: *[a list of site plan submittal info requirements follows]*

Time is running out for any items to be included for the Planning Board- we need the final (stamped) plans and any other docs by end of tomorrow please.

thanks
 Jean

*Jean Fraser, Planner
 City of Portland
 874 8728*

>>> "Regina S. Leonard" <regina@rslsdesign.com> 8/2/2011 10:10 AM >>>
 Hi Jean,

I am working on getting something from Sally Deluca or her staff regarding Recreation's support for the proposed playground equipment and overall design. In the meantime, I am sending along equipment cut sheets and the illustrative Schematic Plan and associated information on the proposed improvements.

With regard to the need for both an engineer and LA stamp on the park drawings... I read the peer review comments, but there was no specific reference to the State Law that supposedly requires this. I have attached sections of Section 32 of the Maine Statute, which controls the work of LA's and engineers. My reading of this suggests that the LA stamp is sufficient and the defined scope of work for landscape architecture. Perhaps you could have the City attorney look into this and make a determination based on her reading of the Statutes since there would be additional time and costs associated with WC stamping the park drawings.

Regina S. Leonard
landscape architecture & design
 29 Bridge Street
 Topsham, ME 04086
 Tel. 207-450-9700
 Fax 800-606-4306

Jean Fraser - Re: Adams School Redev- Children's Playground

From: "Regina S. Leonard" <regina@rslsdesign.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
Date: 7/25/2011 3:28 PM
Subject: Re: Adams School Redev- Children's Playground

Hi Jean,

We have met with Sally and she is supportive of the proposal. I will work with her to get cut sheets and a letter of support from her office.

Regina S. Leonard

landscape architecture & design

29 Bridge Street
Topsham, ME 04086
Tel. 207-450-9700
Fax 800-606-4306

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, July 25, 2011 02:39 PM
To: regina@rslsdesign.com
Cc: 'Denise Cameron'
Subject: Adams School Redev- Children's Playground

Regina

I am following up the discussion that took place as part of the meeting with you, Sally DeLuca and Ethan Boxer-Macomber in early June.

At that time I commented that because the city does not have specific site plan standards for children's play equipment and play features, that we would need something from Sally DeLuca that confirmed that the proposed play equipment and features had been reviewed by her department and were acceptable (especially since they will be maintaining them etc).

I recall that you (and Sally) indicated that discussions would be continuing and that a letter or e-mail along these lines from Sally would be available for the Planning Board.

In the recent submission I don't see details of the play equipment nor anything from Sally DeLuca and I am wondering how we will handle this at the Planning Board hearing..... could you let me know the current status on this please?

thank you
Jean
874 8728

From: "Denise Cameron" <dcameron@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
CC: "Lauren Swett" <lswett@woodardcurran.com>
Date: 7/25/2011 12:34 PM
Subject: Adams School Redevelopment Lighting Plan
Attachments: 2011.07.25 Photometrics.pdf

Hi Jean,

Attached, please find the Photometric plan for the Adams School Redevelopment project.

The attached photometrics plan shows proposed lighting for the public park area and the residential development. As requested by the City, the plan shows no new street lighting (existing cobra lights will remain in place). Three small Kim Warp9 LED fixtures on twelve foot poles are proposed to light the park walkway and wall mounted led fixtures are proposed to light the residential parking area and walkways.

The attached plan will be uploaded to e-plan today. If you have any issues accessing the plan, or if you would like a hard copy of the plan, please feel free to call or email me at anytime.

Thank you for coordinating the City's review of the project, I appreciate your feedback and guidance.

Regards,
Denise

Denise Cameron, P.E., Woodard & Curran
PH: 800.426.4262|FX:207.774.6635

Jean Fraser - Re: Adams School

From: Barbara Barhydt
To: Fraser, Jean; Ouellette, Benjamin
Date: 7/13/2011 1:54 PM
Subject: Re: Adams School
CC: Kelly, Desiree; St. Louis, Penny; Yeaton, Jennifer

Hi Jean:

E-Plan should send a new e-mail to Denise with the input of the Final Application, but I do not know if it is working properly. Please have Denise provide all of the submissions on a disk or as attachments to an e-mail, so if she does not receive notification then we can upload the material. Please ask that she include me on the e-mails. Ben, is there anything we should do to be sure the e-mail gets sent to Denise?

I don't know if Al Palmer has access. Please send Ben Al Palmer's e-mail information and Ben, could you please add him in the civil engineer group?

Thank you.

Barbara

>>> Jean Fraser Wednesday, July 13, 2011 1:33 PM >>>

Barbara

Just want to check that reviewers will be able to start the review while I am out of the office:

1. Have you given Denise Cameron the OK/link so she can upload the plans into e-plan?
2. Al Palmer is the reviewer as W&C are applicants- does Al palmer have e-plan access/set up so he can review based on that?

thanks

Jean

Jean Fraser - Adams School Final Plans

From: Jean Fraser
To: APalmer@gorrillpalmer.com
Date: 7/13/2011 5:22 PM
Subject: Adams School Final Plans
CC: Barhydt, Barbara

Al,

We have received the final plans for the Adams School redevelopment (from Denise Cameron at Woodard& Curran) and the planning board hearing is scheduled for Aug 9th evening.

the project is logged as 10-99700009 - Adams School 48 Moody Street- final Level III Review (site plan and subdivision).

You may be aware that we now only ask for one paper set as the plans are to be uploaded into E-Plan where reviewers can enter comments etc; on this project they are not yet uploaded but will be in the next few days.

I don't believe that you have access to E-plan so I am arranging for our MIS computer expert (Ben Ouellette) to add you to the group that can access E-plan.

I am out of the office tomorrow and Friday, and will follow up on Monday - if necessary, I will send you a set of pdfs in the short term and follow up with scaled plans.

If any questions please contact Barbara.

thank you
Jean

Jean Fraser - Uploading of Adams School final Plans to e-Plan

From: Jean Fraser
To: Denise Cameron
Date: 7/13/2011 5:13 PM
Subject: Uploading of Adams School final Plans to e-Plan
CC: Barhydt, Barbara; Ouellette, Benjamin

Denise,

You should be receiving an E-Plan e-mail which gives you link to upload the plans; my colleague in MIS Ben Ouellette is checking the system to hopefully allow that to happen.

Just in case this isn't working, could you please send us the submissions on a disk or attachments to an e-mail so we can upload it as a last resort (please copy Barbara on any e-mails as I am out of the office the next 2 days).

Thank you
Jean

City of Portland
 Development Review Application
 Planning Division Transmittal form

Application Number: 10-99700009 **Application Date:** 11/22/2010

Project Name: Adams School Site Re-Development

Address: 48 Moody Street **CBL:** 003 - H-001-001

Project Description: Moody Street - 48; Adams School Site Re-Development;
 Avesta Housing, Applicant.

Zoning: R6

Other Reviews Required:

Review Type: Final Review – Level III Major Site Plan with Subdivision

Applicant: Avesta Housing Development, 307 Cumberland Ave., Portland ME 04101

Applicant:

Woodard and Curran
 41 Hutchins Drive
 Portland Me 04102

Distribution List:

<input type="checkbox"/> Planner	Jean Fraser	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Stormwater	Dan Goyette	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis- Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Comments due by: July 20, 2011

City of Portland
Development Review Application
Planning Division Transmittal form

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Applicant:

Woodard and Curran
41 Hutchins Drive
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<input type="checkbox"/> Stormwater	Dan Goyette	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Chris Pirone	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Comments due by: July 20, 2011

Al Palmer.

total stated to be 4.5M⁸



**TERM SHEET
THIS IS NOT A COMMITMENT TO LEND**

**July 13, 2011
(Effective through October 13, 2011)**

Seth Parker
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101

Re: Adams School Redevelopment Project

Dear Seth,

We are pleased at the prospect of presenting this proposal for construction financing for the proposed Adams School Redevelopment Project ("Project") that Avesta Housing Development Corporation ("Borrower") and Avesta Housing ("Sponsor") wish to develop in Portland, Maine. The proposed terms and conditions are provided for discussion purposes only and do not constitute an offer, agreement, or commitment to lend. The actual terms and conditions upon which the Bank might extend credit to the Borrower are subject to the satisfactory completion of due diligence, formal credit approval, satisfactory review of documentation and such other terms and conditions as are determined by the Bank.

- BORROWER:** Avesta Housing Development Corporation
- DEVELOPER:** Avesta Housing Development Corporation
- SPONSOR:** Avesta Housing
- PROJECT:** Adams School Redevelopment Project, a 16 unit affordable condominium project developed in conjunction with a City of Portland Neighborhood Stabilization Program grant for the redevelopment of the former Adams School site in Portland, Maine
- AMOUNT:** Up to \$3,500,000 (65% of total project cost).

CREDIT FACILITY:

Commercial Construction Loan

PURPOSE:

To fund construction of Adams School Redevelopment Project, a 16 unit affordable condominium project in conjunction with a \$1.7 million City of Portland Neighborhood Stabilization Program grant for the redevelopment of the former Adams School site in Portland, Maine.

MATURITY:

24 months

REPAYMENT:

Interest only monthly and payment of net proceeds from the sale of each unit. Bank will require that the loan is paid in full by the sale of the 14th unit. All outstanding principal and interest will be due by the sale of that unit.

INTEREST RATE:

Option #1: a variable rate at 30 day LIBOR plus 2.75 % with a floor of 3.00%
(Rate as of 7/13/11 .1865% +2.75% =2.94% default floor 3.00%)

Option #2 a fixed rate equal to the 24 month FHLB CDA classic rate established 15 days prior to closing plus 2.75% with a floor of 3.50%
(Rate as of 7/13/11, .66 % + 2.75% = 3.41% default floor 3.50%)

LOAN FEE:

.25% but not less than \$8,750 payable at construction loan closing.

INSPECTION FEES:

\$600.00 (est.) per month while construction is in process. This is based on one funding remittance per month

COLLATERAL:

First mortgage and assignment of leases and rents on land, buildings, and improvements known as Adams School Redevelopment Project condominiums, Portland, Maine.

A first priority collateral assignment of all development rights, declarant rights, contracts, permits, plans, construction contracts, pre-sale and purchase and sale agreements, deposits, grants and subsidies, and all business assets related to Project.

GUARANTORS: Unlimited corporate guarantee for completion and repayment by:

1. Avesta Housing Development Corporation, Project Developer
2. Avesta Housing, Project Sponsor

**PREPAYMENT:
PENALTY:** None.

**LOAN TO
VALUE:** The maximum loan to value will be 85% of the when completed market value of the project, subject to review and acceptance of an appraisal to be ordered by the Bank.

ENVIRONMENTAL: The loan is subject to completion of a Phase I Environmental Site Assessment which will determine if there is additional due diligence to be performed.

**FINANCIAL
REPORTING:** Subject to receipt and review of the Borrower's and Guarantors financial statements and all other information required by the Bank for underwriting and credit review. The Bank will thereafter require annual financial statements of the Borrower and Guarantors within 120 days of fiscal year end

**GENERAL
CONDITIONS:** Prior to closing, borrower shall present evidence acceptable to the Bank that no less than 50% of the units are under a preconstruction reservation agreements or purchase and sale agreements with unit purchasers who intend to use the property as a personal residence and have been prequalified by a mortgage lender authorized to make residential mortgage loans in Maine. Bangor Savings Bank is prepared to assist in providing prequalification programs and services to prospective unit purchasers. Purchase & Sale Agreements shall also have adequate down payments and contingencies acceptable to the Bank.

Prior to closing, borrower shall present evidence acceptable to the Bank that the proposed project has been approved by Freddie Mac and the Fair Housing Administration (FHA) as a conforming condominium for secondary market financing and FHA loan guarantees. Bangor Savings Bank is prepared to assist with

preparation and submission of the required project materials to Freddie Mac and FHA.

The Project budget shall be acceptable to the Bank and shall contain reasonable contingency reserves. The Project budget shall be supported by Guaranteed Maximum Price construction contracts, where applicable. Increases in the Project Budget shall require the approval of the Bank, which shall not be unreasonably withheld. In the event that during the term of the Loans, the remaining loan proceeds are insufficient to complete the Project, the Borrower shall be required to deposit additional funds with the Bank to cover any Project cost overruns.

The loans are subject to Borrower providing evidence of receipt of all necessary municipal, state and federal land use approvals and permits for the development of the Project.

The loans are subject to receipt, review, and acceptance by the Bank of guaranteed maximum price construction contracts from bonded contractors acceptable to the Bank. The contracts should provide for monthly requisitions for payment with a 5% retainage withheld from each draw request to be released upon satisfactory completion of the contract, as certified by the Architect and lien waivers from all general and sub-contractors. Draw requests will be submitted on standard AIA Documents number G702 and G703 or reasonable facsimile. 100% dual obligee payment and performance bonds for the full amount of the construction contracts will be required.

The Bank will require review of plans and contracts as well as site inspection and disbursement review services by an engineer selected by the Bank whose fees for services shall be paid by the borrower

These loans are subject to the establishment of a comprehensive deposit relationship with the Bank for all operating, escrow, and reserve accounts related to the Project.

Any commitment that Bangor Savings Bank issues, will be subject to the terms of its usual loan documentation, as approved by counsel for the Bank in connection with this particular transaction, and may include terms and conditions that are different from, or that are in addition to, the terms and conditions stated in this letter. The rate and terms of this commitment are in express reliance on Borrower's maintenance of the indicated banking deposit relationship with the Bank. The Borrower is responsible for all out-of-pocket costs and expenses incurred by the Bank in connection with the proposed loan

including appraisal, legal fees, filing fees, environmental due diligence as required, etc. As mentioned above, this letter is intended only to give you a general idea of the Bank's current thinking regarding a structure for this transaction that may be appropriate.

We look forward to hearing from you, and appreciate the opportunity to present this term sheet to you. We appreciate the important commitment to affordable housing and the community development effort involved in this project and we hope to proceed further with our discussions and the underwriting process.

Sincerely,



Diane H. Donaldson
Vice President
Commercial Lending

SEEN AND AGREED TO BY:

By: _____
Its:

Date



PLANNING BOARD REPORT PORTLAND, MAINE

Adams School Redevelopment
48 MOODY STREET
CBL: 003-H-001-001

Subdivision and Site Plan
Project ID 10-99700009
Avesta Housing Development Corporation

Submitted to: Portland Planning Board
Public Hearing Date: August 9, 2011

Prepared by: Jean Fraser, Planner
Date: August 5, 2011
Planning Board Report # 17-11

I. INTRODUCTION

Woodard & Curran Inc., on behalf of Avesta Housing, has submitted a Level III Final Site Plan and Subdivision application for a proposal to create a 16 unit residential condominium development on a .74 acre portion of the site of the former Marada Adams School, along with construction of a .35 acre public park/ playground area adjacent to the housing complex. The proposal has been developed in the context of a City RFP (Attachment 1; Avesta response in Attachment B.22) following extensive public consultation and negotiations with the city.

The applicants recently demolished the existing school building as required by the Purchase and Sale Agreement with the City (Attachment b.84), and the school footprint and most of the surrounding area has been loamed and seeded with the foundations of the school still in place.

The 16 unit affordable housing complex will be constructed on the eastern half of the school site (adjacent Vesper Street) on land that will be sold by the City to Avesta. The applicant is also proposing to construct a park/playground area on a .35 acre portion of the remaining part (Parcel A on the Survey in Attachment E1.b) of the school site which will stay in City ownership. The other .41 acre of what is shown as "Parcel A" comprises part of the former school footprint and a parking lot that is to be retained in City ownership - these are not part of this site plan/subdivision application.

A Preliminary review was undertaken at a Workshop on 12.14.2011 where the Board identified a number of items that needed to be addressed in the final plans and requested that applicant submit the original 2008 proposal for the site which responded to the City's RFP (Attachment B.22). The project has been revised since 2008 based on Housing Committee discussions (Attachment 1b) and the Director of Planning and Urban Development has confirmed that the proposals as submitted for site plan and subdivision review are in compliance City agreements.

Since the Preliminary review the proposals have been modified, largely as a result of soil conditions. The number and type of housing units is unchanged but the layout, access, and some exterior design elements have been revised. The park has also been revised so that there are fewer "hardscape" features and improved lighting.

The project is subject to review for conformance with the Subdivision and Site Plan ordinances of the Land Use Code.

PROJECT DATA (see also Attachment E.26 Fig 1 for plan of impervious surfaces)

	Housing parcel	Park/ Playground parcel	Undeveloped parcel & parking lot	Totals
Existing Zone:	R6 Residential Zone			
Existing Use:	Former School	Former School	School and associated parking lot	
Proposed Use:	Residential	Park/playground	Non-paved areas to be seeded; parking lot remains for now	
Parcel Size:	.74	.35 acre	.41 acre	1.5 acres
Impervious Surface Area:				
<i>Existing</i>	16,453sq ft	22,850sq ft		39,393 sq ft
<i>Proposed</i>	24,236 sq ft	12,870 sq ft		37,106 sq ft
<i>Net Change</i>	7,693 sq ft	(9,980)sq ft		(2,287) sq ft
Total Disturbed Area:				44,798 sq ft
Building Area:				
<i>Proposed Footprint</i>	10,595 sq ft			
<i>Net change re footprint</i>	9,397 sq ft			
<i>Existing Floor Area</i>	1,198 sq ft			
<i>Proposed Building Floor Area</i>	22,100 sq ft			
<i>Net change floor Area</i>	20,902 sq ft			
Residential Data:				
<i>Existing Units</i>	0			
<i>Proposed Units</i>	16			
<i>Units to be demolished</i>	0			
<i>Affordable Units</i>	16			
<i>Subdivision, Proposed # of lots</i>	16 condominium units			
Parking Spaces:				
<i>Existing Spaces</i>	0			
<i>Proposed</i>	16			
<i>Handicapped</i>	1			
Bicycle Parking Spaces:				
<i>Existing</i>	0			
<i>Proposed</i>	20	2 sets of bike hitches abut park walkway		
Proposed Total Paved Area:	11,909 sq ft	6,780 sq ft		18,689 sq ft
Estimated Cost of Project:	\$4.5 million			

III. BACKGROUND AND EXISTING CONDITIONS

The Adams School site is bounded by Munjoy, Moody, Vesper and Wilson Streets on Munjoy Hill, on the southeast end of the Portland peninsula, surrounded by 19th and early 20th century residential buildings of 2-4 stories. The school was opened in 1958, and closed in 2006.

The submitted survey ([Attachment E.1.b](#)) does not reflect the recent demolition of the two story school; final stabilization is currently underway through loaming and seeding. The remainder of the site comprises an existing parking lot at the Munjoy Street end, a playground on the southern part of the site, and deteriorating school yards and grass/asphalt areas enclosed by chain link fencing. There is some perimeter vegetation and several mature trees near the school. Beckett Street once ran through the site.

The surrounding sidewalks are of mixed materials and in poor condition.



Existing sidewalk along Wilson Street



Building layer based on 2006 Aerials

IV. PROPOSED DEVELOPMENT (Note: the site plan and elevations as considered at the Preliminary Review are include at [Attachment 16](#))

Parcel B to be sold by City to Avesta:

The Applicants Submittal describes the residential development on Parcel B in detail in [Attachment B.14](#). It should be noted that the Purchase and Sale Agreement (in [Attachment B.84](#)) included conditions relating to the site layout and development (page 6 of the Agreement).

The proposed development includes the construction of a 2 story housing complex of eight 2-bedroom flats (in corner buildings) and eight 3-bedroom townhouses, as described in [Attachment B.104](#) and shown on [Attachments E.3 overview and E.4 site plan](#)). The 2-bedroom unit at the corner of Vesper and Moody Streets will be handicap accessible. The design reflects the flavor of the residential area but has been simplified since the Preliminary review.

Parking is provided in a central “rear mews” area with one way access. Seventeen parking spaces are provided, one above the one space per unit required in the R6 zone. The “front” of the units is orientated either towards the

public street (Vesper) or towards the park/pedestrian walkway that will run adjacent to the development between Moody and Wilson Streets.

Landscaping in the residential area largely comprises trees and street trees in the common or ROW areas. The units benefit from the new park and playground adjacent to the site.

Stormwater management includes treatment to the parking area. The applicant has requested (and been granted) a waiver from DPS to allow stormwater to enter the combined sewer adjacent to the site.

Parcel A to be retained by the city:

The site plan includes proposals for a .35 acre playground and park to be implemented and funded by Avesta in conjunction with the housing development but retained and maintained by the City as a public park and playground. The detailed landscape design of this area is shown in Attachments E12-17, along with details of the proposed play equipment. The design has been developed in consultation with the City's Recreation Department. The Purchase and Sale Agreement requires that the applicant stabilize, loam and seed all of the disturbed areas on the site, which will include any residual areas (not yet addressed as part of the school demolition) between the park and the existing parking lot.

V. PUBLIC COMMENT

Notices of this hearing were sent out to 394 neighbors and interested parties, and a public notice also appeared in July 25 and 26 editions of the *Portland Press-Herald*. To date the Planning Division has not received any written public comments although several neighbors spoke at the December 2010 PB Workshop. The applicant held a neighborhood meeting on April 26, 2011 and the notes and attendance sheet are included in Attachments B.142-B.150.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The owner of the property is currently the City. There is a Purchase and Sale Agreement in place (Attachment B.84).

VII. ZONING ASSESSMENT

The project is located in the R-6 Residential Zone and the applicant has provided a Zoning Assessment at Attachment B.97 and on plans in Attachment E.4, and copies of the Zoning Variances at Attachment B.19.

ZONING REVIEW

Marge Schmuckal, Zoning Administrator, has reviewed the preliminary plans and confirmed that the applicant has updated the side and rear setback variance approvals received in September 2010 and that the project meets the requirements of the R-6 zone but would like to see the figures supporting the calculations of the open space ratio, which was an explicit request in her comments on the preliminary proposal (Attachments 6 and 9). These are under discussion and an update will be provided at the Hearing.

A further comment is that "*the proposed signage [for the park] would need to meet the sign ordinance standards. My review is not approving or disapproving the signage in the park. Separate sign permits applications are required for such signage*" (Attachment 9).

A potential condition of site plan approval is included in respect of the signage.

VIII. DEVELOPMENT REVIEW

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

The Final Plan application has addressed the ordinance requirements and the items outlined by staff in a January 2011 letter based on the Planning Board Workshop discussion (Attachment 7).

The Planning Board identified particular items that they requested to be addressed (also in Attachment 7), and these have not been addressed in full - as summarized below:

<i>Information Requested by Planning Board at 12.14.2010 PB Workshop</i>	<i>Status as of hearing report preparation</i>
Need Demolition and Construction Management Plans including traffic management	A narrative summary has been submitted in <u>Attachment B.124</u> . It does not address traffic management and other key issues such as management of public access to the park and playground.
Prefer mailboxes at front doors rather than grouped elsewhere	Proposals do not include mailboxes at the doors, but include 2 central mailbox locations at the Moody and Wilson Street ends of the buildings; see applicant comments in <u>Attachment D.5</u> .
Condo documents to include provisions that address control of external changes - to maintain cohesive design	Some limitations are included - Draft condominium Documents are in <u>Attachment C</u> .
Seek measures to increase safety and security in housing and park eg lighting	Final Plan proposals have included parking lot and park/walkway lighting.
Request submission of the winning RFP submission as back ground	Submitted at <u>Attachment B.22</u>
Request floor space data for the units	Not included in submitted information.

Subdivision Plat and Recording requirements

A. AFFORDABLE HOUSING

The proposals are required, via the Purchase and Sale Agreement, to be sold to buyers with incomes at or below 120% of the adjusted median income. This meets the definition of Affordable Housing under the City's ordinance but the applicant has not chosen to seek any of the parking and density allowances of the ordinance.

B. DRAFT SUBDIVISION PLAT AND CONDOMINIUM ASSOCIATION DOCUMENTS

The applicant has submitted the draft Subdivision Plat (Attachment E.1a) and draft Condominium Association documents (Attachment C). It is proposed that a Condominium Association will manage the housing development including the parking area, rear mews, utilities, sidewalks, landscaping and appurtenances.

These have been reviewed by the City's Associate Corporation Counsel who comments (Attachment 12):

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

I have reviewed the Adams School documents. Here are my comments:

The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.

I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.

The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.

The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.

Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Regarding the question of rental, the Zoning Administrator has confirmed that this is not a problem unless the units are rented for less than a month's time.

Staff also recommends that the Subdivision Plat show Parcel A (City owned) as divided into 2 lots, one comprising the park and playground that will remain a permanent public amenity owned and managed by the City, and the other comprising the existing parking lot and the residual land between the parking lot and the park/playground. The Plat also requires additional notes that refer to the Condominium Documents, Planning Board conditions and the maintenance of the drainage structures as described in the Stormwater Report.

These comments are reflected in two suggested conditions of approval that are included in the motion for the Board to consider, one regarding the draft Subdivision Plat and one regarding the Condominium Association documents.

B. SUBDIVISION STANDARDS 14-497. General Requirements (a) Review Criteria

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 or air pollution.*
The project is not anticipated to result in any water or air pollution.
- (2) *Has sufficient water available for the reasonably foreseeable needs of the subdivision; and (3) Will not cause unreasonable burden on an existing water supply;*
The Portland Water District has confirmed sufficiency of water in letter dated 1.3.2011 (Attachment B.117).
- (3) *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*
A final Sedimentation and Erosion Plan has been submitted (Attachment E.5) and has been found to be acceptable by the consulting civil engineer (Attachment 16).
- (4) *Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;*

The housing proposal provides a single point of vehicle access into the site (from Wilson Street) with the exit from the parking area onto Moody Street. The driveway widths through the central parking area have been designed to meet Fire Department access concerns. The Traffic Engineering Reviewer Tom Errico has confirmed the proposals are acceptable subject to a number of minor revisions to details (Attachment 14). A suggested condition requires the applicant to make the revisions as recommended by Tom Errico.

The applicant has proposed to eliminate 2 crosswalks across Moody Street and add one new crosswalk in Wilson Street to align with O'Brion Street. These proposals were reviewed by the Crosswalk Committee on 12.9.2010 and found to be acceptable.

- (6) *Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;*

The stormwater system for the residential part of the site is described in Attachment B.105 and includes a Filterra Tree box system and a StormTech isolator row to treat and detain stormwater from 11,219 sq ft of the site, an area that is in excess of the new impervious surface proposed for the development. The proposed drainage for the park/playground area is included at Attachment B.111 and Plans E.12 and e.27-31 and modifies the existing drainage with a new catch basin and additional piping. The proposals were reviewed by the Peer Engineer (Gorrill-Palmer) and their comments (Attachment 16) have been addressed in the plans included in this report. The Department of Public Services has confirmed that the proposals meet City standards (Attachments 13 and 16).

The stormwater is proposed to be discharged into the City's combined sewers as there is no practical alternative. The applicant has requested a waiver (Attachment B.98) from Section 2.1.1 the City's Technical Manual (which requires that stormwater not be discharged into a sewer which conveys sanitary waste) for the proposal and the Deputy City Engineer David Margolis-Pineo supports this waiver (Attachment 13).

The new stormwater system for the Avesta housing part of the site requires maintenance as described in the Stormwater Report (Attachment B.109) and a potential condition of approval under the subdivision review requires that the maintenance be carried out and reported in accordance with the City ordinance.

Water, sewer and CMP utilities have provided letters confirming adequate capacity (Attachment B.116).

- (7) *Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;*

The applicant has submitted (Attachment B.125) a summary of the proposed private rubbish collection. Two trash and recycling containers are located at each end of the central parking area.

- (8) *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

The City Arborist has confirmed (Attachment 11) that the housing and park/playground landscape meet City standards but the demolition plan shows that a number of existing trees are being removed from the periphery of the site (with only one being retained). A further comment will be provided at the Hearing concerning the preservation or replacement of existing trees.

Street Trees

The twenty proposed street trees, including 6 in the park area, meet City standards of one tree per unit. The City Arborist is concerned that the Vesper Street location is constrained and further discussions are taking place regarding street tree locations and the use of "structural soil" in the sidewalk area (Attachment 11). A further comment will be provided at the hearing and a suggested condition is included in the motion.

- (9) *Is in conformance with the land development plan or its successor;*

The applicant has referred to the Comprehensive Plan as related to relevant housing policies (Attachment B.1131) and staff recommend that the project is compatible with Comprehensive Plan goals and policies.

- (10) *The subdivider has adequate financial and technical capacity to meet the standards of this section;*

A letter from Bangor Savings Bank dated 7.13.2011 (Attachment B.90) has been submitted along with the 2010 Council Order that confirms the funding from the Neighborhood Stabilization Program (Attachment B.95).

- (11) – (15)

(Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty(250)

feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water; (12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; (13) Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant. (14) All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands. (15) Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application.

These subdivision standards are not applicable to the Adams School redevelopment project.

C. 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

Impact on Surrounding Street Systems and Site Vehicle Access

See discussion above under VIII B. *Subdivision Standards*, (5).

Pedestrian Access

The Final Plans show that the revised layout (Attachment E.3 and E.4) provides direct pedestrian access from the sidewalks and from the new pedestrian walkway along the park.

Public Transit

The proposal is 16 units in total and below the 20-unit threshold for provision of a transit facility.

Parking

The proposals meet the zoning requirement of one space per unit and is provided near the rear access to the residential units.

Bicycle Parking

The site plan (Attachment E.4; details in C.8) shows 2 bike rack locations and two more are located along the pedestrian way within the park; the total of 20 (indicated on Attachment B.10) meets the City standards of two spaces for every five dwelling units.

Snow storage

Snow storage areas are shown on the site plan.

Transportation Demand Management (TDM)

There are no requirements that apply to this project.

2. Environmental Quality Standards

See discussion above under VIII B. *Subdivision Standards*, (8).

The detailed proposals for the park/playground area are illustrated in attachments E.12 to E.17, which include the detailed layout of the playground and several of the proposed items of play equipment. These have been designed in consultation with the City's Recreation Department who will be maintaining the playground in the future, and the Recreation Department has confirmed their approval (Attachment 10 and D.6).

The area outside the park/playground and retained parking lot is shown as being loamed and seeded in compliance with the P&S Agreement.

Preservation of Significant Natural Features

The proposed Site Plan retains the largest tree on the site, located on Moody Street within the new park area. The Demolition Plan in Attachment E.2 shows the removal of 11 existing trees. The removal of those within the housing site appears unavoidable but the need for the removal of those near the former school is unclear. The City Arborist will provide further comments at the hearing as to the question of retention or replacement in accordance with the standards.

Water Quality, Storm Water Management and Erosion Control

See discussion above under VIII B. ***Subdivision Standards.***

3. Public Infrastructure and Community Safety Standards

Public Infrastructure

The applicants propose to reconstruct brick sidewalks along the housing and park development frontages. One existing streetlight will be removed (on Moody Street) and this is acceptable to the Department of Public Services. Three new LED lights (details in Attachment B.134- same as for the Bayside Trail) are proposed along the walkway in the park as encouraged by staff (Attachment B.132) to improve surveillance of the area at night and to provide some additional lighting for the new crosswalks.

Public Safety and Fire Prevention

The applicant has responded to concerns raised during the preliminary review that additional lighting is required to meet Crime Prevention through Environmental Design (CPTED) standards. Attachment B.128 describes the design strategies that have been employed in detail.

In addition to the three new LED lights in the park area, the revised proposals have added building mounted lights to illuminate the parking lot area.

The revised layout (with the additional pedestrian passageways in mid block of the housing) provides greater surveillance of the rear parking areas from the street. Staff requested that the building elevations include more windows facing onto these passageways (Attachment 8) and the attached elevation addresses that request (Attachment E.24) although the associated floor plan has not been revised to match (Attachment E.21).

Fire Prevention

The Fire Department has confirmed approval to the proposals (Attachment 15) and confirms that the wide drive access and curb cuts were requested to allow for fire vehicle access (also see fire appliance turning plan in Attachment E.32).

Construction Management Plan

The need for a construction management plan, including traffic management, was highlighted during the preliminary review, partly in response to concerns raised during the public comments. A Construction Management Plan is included in Attachment B.124 but does not include specifics and does not address the intended timetable for public access to the playground, street parking and sidewalks.

Staff recommend that a more detailed plan (as a plan) be prepared and submitted for review and approval by the Planning division and other relevant city departments prior to any start of the construction; a suggested condition of approval is included for the Board to consider..

Availability and Adequate Capacity of Public Utilities

A "Utility Plan" has been submitted (Attachment E.6).

Water, sewer and CMP utilities have provided letters confirming adequate capacity (Attachment B.116).

4. Site Design Standards

Massing, Ventilation and Wind Impact, Shadows, Snow and Ice Loading and View Corridors

The proposed development is not anticipated to have these types of impacts.

Historic Resources

The site is not near or within an Historic District.

Exterior Lighting

The applicant has submitted a Photometric Plan in Attachment E.18 which meets city standards.

Noise and Vibration; Signage and Wayfinding

These are not anticipated to be an issue with the residential development, which will be managed by a Condominium Association. The park/playground area will be managed by the city.

The proposals include a sign design for the park/playground (Attachment B.103) which has not been reviewed and would be subject to a separate sign permit. A potential condition of approval confirms this status.

Zoning Related Design Standards

The “Architectural and Streetscape” aspects of the housing proposal are described in Attachment B.104, which notes that finish materials will include wide plank siding, masonry, and painted trims. This part of the proposal is subject to the Multi-family Design Standards included in the Design Manual and the original building designs were reviewed on 8.1.2011 (Attachment 8). Staff requested further information on the details of materials, consistent elevations/floorplans and additional windows in the elevations facing the passageways (discussed above in relation to CPTED).

The applicant has submitted revised elevation and floorplans on 8.2.2011 (Attachment D and Plans Attachment E.19 to E.25) and these address the staff comments as noted below.

Multi-family and Other Housing Types Design Standard

TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:

STANDARDS.

Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

- 1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;*

Staff comment: The detailed annotation of building materials was received 8.2.2011 and staff have not had an opportunity to complete the review. Updated comments will be available for the hearing.

- 2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;*

Staff comment: Staff consider this requirement has been met.

3. *Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;*

Staff comment: The proposed housing is immediately adjacent to a public park and playground that will be completed as part of this proposal.

4. *The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;*

Staff comment: Additional windows have been added which not only provide some surveillance of the passageways but also increase sunlight and air for the deep living/dining rooms on the first floors of these units.

5. *The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;*

Staff comment: Staff consider that this requirement has been met.

IX. STAFF RECOMMENDATION

The proposal generally meets all site plan and subdivision standards and staff recommend approval subject to the suggested conditions of approval and to the resolution of the question of tree preservation/street trees (to be clarified at the hearing).

X. PROPOSED MOTIONS

annotated at PB Hearing 8-9-11.

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board (**waives/ does not waive**) Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

passes A-O

*Patt.
Mar.
Lounny
Hall*

DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report ## 17-11 for Adams School Redevelopment, 48 Moody Street Application ## 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. SUBDIVISION:

That the Planning Board finds that the plan (**is/is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

Potential conditions of approval:

*Passes 4-0
subject to
conf that both
OK re zoning*

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area), and to include detailed references to ownerships, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and
- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall submit a revised ~~Landscape Plan~~ ^{Demo Plan} that incorporates the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit; and

*friendly
amend.
and incorporate
J7 comment 8/9 on
Demo Plan*

2. SITE PLAN REVIEW

The Planning Board finds that the plan (**is/is not**) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions of approval:

passes 4-0

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit a Construction management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

ATTACHMENTS:

Attachments to Memorandum for Preliminary Review

- 1.a City Request for Proposals (RFP) 2008
- 1.b Housing Committee meeting Notes of 3.31.2010 which update RFP
2. City Arborist comments 11.30.2010
3. Traffic Engineering Review comments 11.30.2010
4. DPS comments 12.1.2010
5. Traffic Engineering Review update re Crosswalk committee suggestions 12.9.2010
6. Zoning Administrator comments 12.10.2010

Attachments to Hearing Report on Final Plans

7. Staff letter summarizing Final Plan requirements 1.6.2011
8. Staff design review of 7.11.2011 submission, 8.1.2011
9. Zoning Administrator comments 8.2.2011
10. Recreation Department comments 8.2.2011
11. City Arborist comments 8.3.2011
12. Associate Corporation Counsel comments 8.2.2011 and 8.4.2011
13. DPS comments 8.4.2011
14. Traffic engineer comments 8.4.2011
15. Fire Department comments 8.4.2011
16. Peer Engineer Review comments 7.27.2011 and 8.3.2011
17. Preliminary Plan site plan and elevations (for info- not for review)

Applicant's Submittal - Final Plan submission

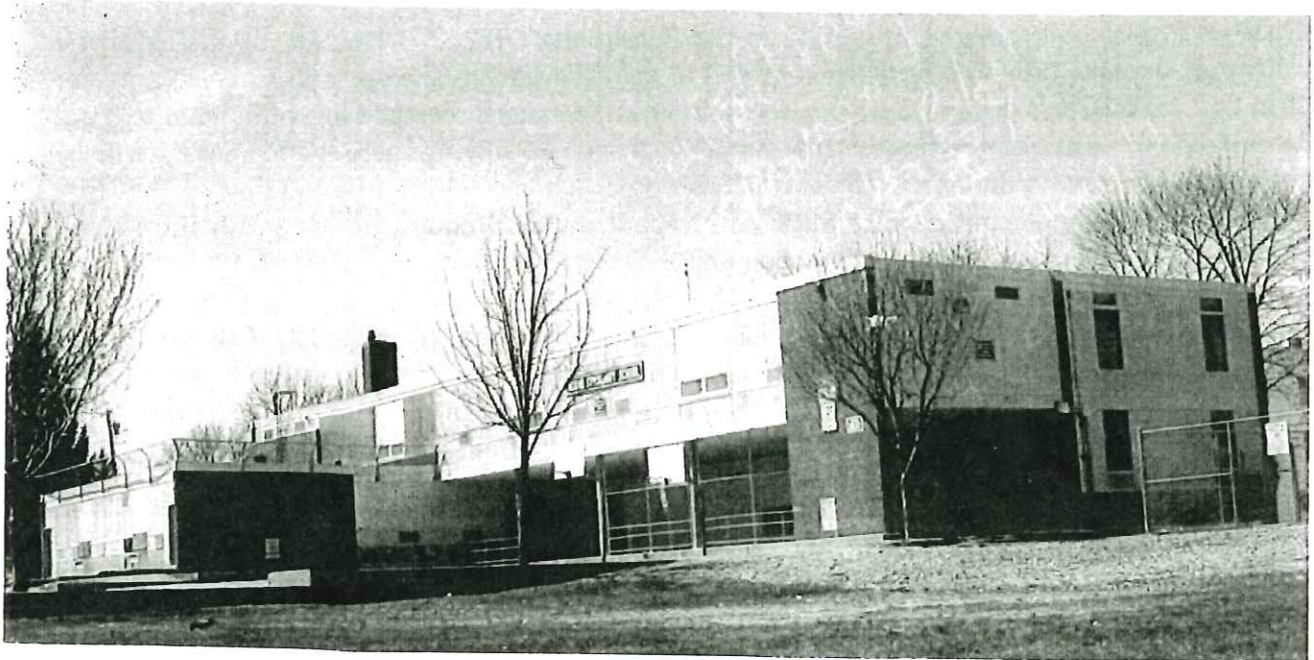
- A. Cover letter to Site Plan Application
- B. Site Plan and Subdivision Application and supporting documents (see index at B.1)
- C. Condominium Association documents
- D. Response letter to Peer Engineer and Staff Design comments
- E. Plan Set

- | | |
|---|---|
| 1a Draft Recording Plat | 17. Specs for playground structures |
| 1b Survey | 18. Photometric plan |
| 2. C1 Site Demolition & Removals Plan | 19. A100 Architectural site plan |
| 3. "End condition" Site Plan | 20. A101 Site Plan at Ground Floor |
| 4. C2 Detailed Site Plan | 21. A102 Enlarged First Floor Plan- Building A |
| 5. C3 Grading and Erosion Control Plan | 22. A103 Enlarged Second Floor Plan- Building A |
| 6. C4 Utility Plan | 23. A104 Second Floor Plan |
| 7. C5 Civil Details – 1 | 24. A200 Exterior Elevations |
| 8. C6 Civil Details – 2 | 25. A201 Exterior Elevations |
| 9. C7 Civil Details – 3 | 26. Fig 1 Impervious Surfaces |
| 10. C8 Civil Details – 4 | 27. Fig 13.1 Pre-Development Stormwater Plan |
| 11. C9 Civil Details – 5 | 28. Fig 13.2 Post-Development Stormwater Plan |
| 12. L1 Park Grading & Drainage Plan | 29. - 31 Park and playground Impervious surfaces and
Drainage Calculations |
| 13. L2 Landscape Plan | |
| 14. L3 Landscape Details | 32 "Portland Fire Department ladder 1 Turning
Movement" |
| 15. Playground Schematic Plan | |
| 16. Playground Schematic Plan (details) | |

**City of Portland, Maine
Request for Proposals**

**For the sale and reuse of the former
Adams School Site**

Buildings and property are located in the block bounded by
Munjoy, Moody, Vesper and Wilson Streets.



I. NOTICE AND SPECIFICATIONS

The City of Portland, Maine seeks proposals from qualified developers for the purchase, rehabilitation and reuse of the former Adams School site located in the block bounded by Munjoy, Moody, Vesper and Wilson Streets (hereafter, "the school"). The site is designated on the City of Portland Tax Assessor's Map as Map 3, Block H, Lots 1 to 4; Block P, Lot 1; and Block M, Lots 1, 2, 5, 6 and 7.

Sealed proposals for the project, including an original and seven (7) copies, will be received by the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, until 3:00 p.m., Tuesday, July 22, 2008, at which time they will be publicly opened. Proposals shall be submitted with the attached form, and returned in sealed envelopes plainly marked on the outside "Sale and Re-Use of the Former Adams School Property." Proposals that are late and/or submitted via facsimile shall not be accepted. All proposals shall be held open to acceptance for sixty days from opening.

Potential proposers and their contractors, architects, engineers, etc. are free to view the property on the following dates. Access will be from the Moody Street entrance of the school.

- **Wednesday, June 18, 2008 from 2:00 to 3:00 pm**
- **Wednesday, June 25, 2008 from 2:00 to 3:00 pm**
- **Wednesday, July 9, 2008 from 2:00 to 3:00 pm**

All parties entering the above named premises are required to execute and present the attached RELEASE AND HOLD HARMLESS form prior to admittance. No questions will be answered during this tour.

Questions must be submitted in writing to the Purchasing Office. These may be mailed; hand delivered, faxed to (207) 874-8652 or e-mailed to mff@portlandmaine.gov and received not later than five (5) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction, or change of this Request for Proposals will be made only by written addenda. Changes in any other manner will not be binding on the City. Proposers should not contact City Staff with regard to this Request unless to obtain general public information as specified in the document.

The disposal of this real estate shall be on the basis of a negotiated proposal, with the City of Portland reserving the right to refuse any or all proposals. *All proposers are advised that the property will be sold "as-is" and "where-is", in its existing condition, with no warranties either expressed or implied.* The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time.

All proposals shall signify, by signing the attached proposal form, that the proposer has read and understands all conditions concerning the development of the land being offered, as outlined in this Request for Proposals, and that the proposal is made in accordance with this Request.

II. BACKGROUND

The Adams School site at 44 Moody Street is 1.5 +/- acres bounded by Munjoy, Moody, Vesper and Wilson Streets. Beckett Street once ran through the site. The site is on Munjoy Hill, on the southeast end of the Portland peninsula, in a neighborhood which is largely defined by 19th and early 20th century buildings. A public playground is on the site. The site is zoned R-6.

The Adams School opened in 1958 and served for many decades as a neighborhood school, community center, and gathering place for the Munjoy Hill community. The school was closed in 2006 when the East End School was opened.

The City established the Adams School Reuse Committee to gather information about the site and input from the community, and to make recommendations to the City Council regarding the reuse of the site. A final report of the Adams School Reuse Committee is attached to this RFP.

A. Reuse of the Adams School Site Final Draft Report July 27, 2007

The *Reuse of the Adams School Site Final Draft Report* should be referred to as a summary of site information, and for guidance on the community process and preferences. It is the proposer's responsibility to review the Final Adams School Reuse Committee Report either on the web or in print in the City's Purchasing Office in Room 103 City Hall. The document can be viewed online at: <http://www.portlandmaine.gov/adamschoolfinalreport.pdf> The Adams School Reuse Committee identified the following for the redevelopment of the site:

1. Policy Issues

- a. **Life Cycle Living** The goal is to create the possibility of life-cycle living on Munjoy Hill. A variety of unit sizes, a mix of incomes, and accessible design should be incorporated in order to allow housing opportunities for all.
- b. **Connect the Neighborhood** The development should not be an island unto itself, but rather blend into and enhance the surrounding Munjoy Hill community. The design of the site should knit the neighborhood together both physically and functionally.

2. Design Considerations

- a. **High Quality Design** Excellence in architectural and landscape design is expected.
- b. **Traditional Design** Design shall be reflective of the surrounding traditional neighborhood. New Urbanist principles shall be used to create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements of the neighborhood. Buildings should orient to the street.
- c. **Green Design** The site and buildings shall be designed to be certifiable on the principles of *Leadership in Energy and Environmental Design for Neighborhood Design (LEED ND)*. The actual application for the certificate is the developer's choice.
- d. **Streetscape** The development shall enhance the pedestrian experience and the public realm. Alternative transportation modes shall be accommodated and incorporated in the project.
- e. **Height** Heights shall be less than or equal to the average of structures in a 2 block radius.
- f. **Permeability** Design shall be permeable or porous. View corridors are encouraged. If the existing building is removed, Beckett Street shall be re-connected to its full width as a public, non-motorized right of way (a paved street is not desired). If the existing building remains, a public walkway shall be provided along the north-south axis of the site. Year round accessibility is required.
- g. **Heterogeneity** Design of the buildings on the site shall be heterogeneous, not homogenous.
- h. **Existing Building** Reuse or removal of the existing building is the developer's choice.

- i. **Accessibility** Universal Design principles shall be incorporated wherever feasible, to ensure that the design is physically accessible to the greatest range of users.

3. **Housing Uses**

- a. **Mixed Income and Affordability** A mixed income development shall be provided, with the maximum number of affordable units that are feasible. Note that "affordability" is not necessarily defined by federal standards, but is open to creative interpretation and may be provided through mechanisms such as quality of finish materials or smaller unit sizes. From the outside of the units, there should be no distinguishable difference between unit values.
- b. **Ownership** The maximize number of ownership units possible is desired (100% is encouraged). The Committee desires that there be a limit of one unit per buyer if this is feasible.
- c. **Alternative Ownership Models** Alternative ownership models such as limited equity units, co-housing, cooperative, or a land trust are encouraged in order to keep the units affordable over time.
- d. **Mix of unit sizes** Units should be the following mix to accommodate families and singles:
- 50% larger units (3-4 bedrooms) to serve family or blended family housing.
 - 25% smaller units (studios and 1 bedroom) suitable for single young people or seniors.
 - 25% to be decided by the developer.

4. **Public Uses**

- a. **Indoor Public Space.** Indoor public space that serves the needs of the Munjoy Hill community may be provided, such as a community center, community-based non-profit space, or elderly or child day care.
- b. **Parking.** Provide sufficient parking so as to not impact the existing neighborhood.

5. **Alternative Ownership Models for Affordable Housing**

Proposers are encouraged to consider alternative forms of ownership that will encourage a mixed income community with long term affordability for the maximum number of units.

The City is specifically soliciting proposals to reuse existing Adams School site for a mixed income, owner-occupied community with the maximum number of units permanently affordable. Affordability can be secured by a land use restriction covenant in the deed.

Ownership may take a variety of forms including, but not limited to, condominium, limited equity cooperative or land trust as long as permanent affordability survives the resale of units. Proposals must outline how they will maintain mixed incomes and affordability.

B. Land Use Regulations

Any redevelopment of this property will be subject to all applicable codes and regulations, including but not limited to building codes and zoning, site plan, subdivision and historic preservation requirements. Some relevant portions of these regulations are summarized below. Proposers are advised to refer to source documents for further information.

R6 Residential Zone. The Adams School site is located in the R6 Residential Zone. The R6 zone is characterized primarily by multifamily dwellings at a high density. Regulations for this zone are intended to provide a wide range of housing for differing types of households and to conserve the existing housing stock and residential character of the neighborhood. Parking requirements in the R-6 zone are 1.5 off-street spaces per dwelling unit.

R-7 Zoning Overlay. It is possible, given the City's interest in creating housing on the Portland Peninsula, that a proposed density for the reuse of the site may not meet the current R-6 zoning. Proposers may pursue an R-7 Zone change. The R-7 Zone allows higher density development and reduces the amount of off-street parking required to one off street space per dwelling unit.

Contract Zoning. The City of Portland's Land Use Code also provides for conditional or contract zoning in certain situations and circumstances. Under contract zoning, specific conditions or restrictions are drafted to provide zoning flexibility for the new use and ensure that the rezoning and reuse are consistent with the City's Comprehensive Plan. The new use must also be compatible with the surrounding neighborhood. Any zone changes would be subject to Planning Board review and approval and City Council approval if applicable.

Incentives for Affordable Housing. Portland's Zoning Ordinance provides incentives to developers of market-rate housing to incorporate affordable units. Information is found in Division 30 Section 14-484 of the City's Land Use Code. The incentives to encourage affordable rental and ownership opportunities include a reduction of development review and building permit fees, expedited review through the City's planning process, and bonuses for density and parking.

C. Property Taxes

The City requires that the property shall pay full property taxes as determined by Portland's Tax Assessor, once it is redeveloped.

III. THRESHOLD REQUIREMENTS

All proposals must incorporate the following threshold requirements for financial feasibility, green design, provision of a playground, a provision of public outdoor space, and salvage of the mural in the project design. These are threshold requirements that must be met, in order for the project to be eligible for further review.

A. Financial Capacity and Project Feasibility

The applicant must demonstrate financial capacity and project feasibility by:

- provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets;
- a letter from a lending institution indicating the applicant's ability to finance the projected costs; and
- provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.

B. Green Design

The site and buildings shall be designed to be certifiable on the principles of *Leadership in Energy and Environmental Design for Neighborhood Design (LEED ND)*, to be evaluated by a professional certified in LEED. The actual application for the certificate is the developer's choice.

C. Playground

A public playground exists on the site. It shall remain in its current location, or be relocated elsewhere on the south side of the site at the cost of the developer. Any new playground shall be of equal size and amenity, or greater to the existing. The playground will be parceled off during the review process, and owned and maintained by the City.

D. Outdoor Public Space

Outdoor public space shall be provided for residents and members of the surrounding community, in addition to the existing playground. There are two options to achieve this goal as follows. If the existing building is removed, Beckett Street shall be re-connected as a public, non-motorized right of way, access and view corridor (a paved street is not desired). If the existing building remains, public open space shall be created elsewhere on the site. This shall incorporate a public walkway along the north-south axis of the site. Year round accessibility is required.

E. Existing Mural

There is a concrete mural on the existing building that holds sentimental value for many neighborhood residents. The mural is made of concrete with an indented design. It was originally created by school children, one of whom is now a noted artist. Proposals for the site shall either present a plan to remove and store the mural with the assistance of an art conservator, or incorporate the mural in the proposed design, in a manner that is visible from the public realm.

IV. SUBMISSION REQUIREMENTS

Proposals shall be written and presented in the following format; please use the headings presented below for the organization of responses. Submission of graphic materials is desirable.

A. Proposal Submission

1. **Developer** Name, address, telephone, fax number of the proposed owner/developer and the name(s) of an alternative contact person(s).
2. **Proposal** Each proposal submitted must specifically outline the proposed reuse of the property. This proposal should include the requirements for the site, and the compliance with the goals in the *Reuse of the Adams School Site Final Draft Report*.
3. **Financial Feasibility.** Provide a business plan, which shall include prospective and committed sources of funding, development and operating budgets; a letter from a lending institution indicating the applicant's ability to finance the projected costs; and provide examples of prior projects that indicate the proven ability to develop a project of similar type and scale from a fiscal perspective.
4. **Timetable** Provide an overview of how the proposal will be implemented. Include approximate schedule for completion of each element, including applications for other public or private financing, and approximate cost estimate for each element.
5. **Developer Capacity** Identify the qualifications and experience of the development team for the project including a list of previously completed projects similar to the proposed project. This team may include key staff of the developer, architect, general contractor and future property management. Also discuss the ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.
6. **Occupancy and Management Plan** Present a plan detailing the ownership structure (condominium, cooperative, etc.), resale restrictions and resale process to ensure mixed income and long-term affordability.
7. **Purchase Price** Proposed purchase price for the property.
8. Drawing submissions which include, but are not limited to the following:
 - Schematic Design
 - Site and Layout Plan
 - Elevation Drawings
 - Sample Floor Plan
 - Perspective Renderings.
9. **Copies** 7 copies, with the original so marked, of each proposal shall be submitted.

V. REVIEW PROCESS

- A. Proposals will be reviewed for completeness.

- B. A technical team will review submissions and give the City Council’s Community Development Committee (CDC) a summary of the proposals, recommendations and a report detailing the approach of each proposal. The team’s recommendations are advisory only.
- C. The Community Development Committee will review the proposals and recommend one to the full City Council for review and approval.
- D. Upon completion of the award, a purchase and sale agreement will be negotiated (see legal requirements).

Public presentations may be required at any or all stages of the process.

VI. EVALUATION OF PROPOSALS

A. Conditions for Review

In general, the proposals for the site will be evaluated according to the policy goals for the site identified by the Adams School Reuse Committee. In addition, proposals must incorporate the threshold requirements listed below, in order for the project to be eligible for further review.

- 1. **Life Cycle Living** The goal is to create the possibility of life-cycle living on Munjoy Hill. A variety of unit sizes, a mix of incomes, and accessible design should be incorporated in order to allow housing opportunities for all.
- 2. **Connect the Neighborhood** The development should not be an island unto itself, but rather blend into and enhance the surrounding Munjoy Hill community. The design of the site should knit the neighborhood together both physically and functionally.
- 3. **Threshold Requirements** Additionally, the proposals shall incorporate the requirements listed in Section III page 6 for the incorporation of LEED ND design requirements, provision of a public playground, access through the site, and preservation of the existing mural.

B. Criteria for Review the proposals will be evaluated according to the criteria below:

Compliance with Design, Housing and Public Use Goals (As described in Section II. 2, 3, and 4 on pages 3 and 4)	50 pts
Ability to complete the project including the qualifications of the development team, management plan, experience, capacity, project readiness to proceed, and timeframe for completion.	20 pts
Total price offered for property.	30 pts

VII. FINANCIAL RESOURCES

A. City of Portland Economic Development Center Resources

1. A variety of loan programs are available to assist business and industries redevelop this property. Loans may be used for building renovation, leasehold improvements, working capital and machinery and equipment. Loans are considered gap financing. Loan amounts are dependent upon the source of the loan funds and their use. Loans of up to \$200,000 may be available for building improvements.
2. Development Action Grants are available to provide assistance to property owners by providing funds to assist in the construction of public infrastructure required by private development. Development Action Grants are capped at \$25,000.

Loans and grants are subject to the approval of the Downtown Portland Corporation.

B. Housing Resources

1. City of Portland Housing Program

The City of Portland's Housing Program offers homeownership and housing rehabilitation focusing on providing decent, safe and affordable housing for low and moderate income residents of Portland. For more information please visit the website at <http://www.portlandmaine.gov/planning/housingprog.asp>

2. City of Portland's Housing Replacement Fund

The Housing and Neighborhood Services Division is offering an RFP to distribute Housing Replacement Funds in the City of Portland. The purpose of this fund is to promote and facilitate an adequate supply of housing, particularly affordable housing. For more information please call, 756-8246.

3. Maine State Housing Authority

Maine Housing offers several programs to encourage private development of affordable rental housing for families, seniors or persons with special needs. Low income housing tax credits, development loans, direct development subsidies, affordable housing tax increment financing and more. Please see their website for more information, www.mainehousing.org

4. Federal Home Loan Bank of Boston

The Federal Home Loan Bank of Boston administers an Affordable Housing Program through a competitive application process. For more information phone 888-424-3863 or visit their website, www.fhlbboston.com

VIII. LEGAL REQUIREMENTS

The selected developer will be required to provide a performance guaranty in the form of a letter of credit or a performance bond, the performance of the developer's obligations outlined in this Request for Proposal and subsequent contract to be negotiated with the City. This performance guaranty is separate from any performance guaranty that will be required as a result of the City's site plan review process.

The City shall convey the described real estate by quitclaim deed to the developer, or where the City has obtained a warranty deed for the real estate, it shall provide a warranty deed for the same to the developer. Any deed from the City will contain a restriction in the deed that the property must meet the permanent affordability requirements as described in this Request for Proposals.

In the event the City makes a financial contribution to a developer and to secure the developer's obligations, the City shall have a security interest in the form of a mortgage in the real estate to be developed. The terms of the mortgage shall be negotiated with the developer at the time of the commitment of funds.

IX. RESERVATION OF RIGHTS

The City of Portland reserves the right, at its sole discretion, to award all, a portion, or none of the available funding from this RFP, as well as reject any and all proposals for the City owned land, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the City may extend deadlines and timeframes, as needed.

The City reserves the right to waive any informalities in proposals, to accept any proposal, and to reject any and all proposals, should it be deemed for the best interest of the City to do so. The City reserves the right to substantiate the Proposer's qualifications, capability to perform, availability, past performance record and to verify that the proposer is current in its obligations to the City, as follows:

Pursuant to City procurement policy and ordinance, the City is unable to contract with businesses or individuals who are delinquent in their financial obligations to the City. These obligations may include but are not limited to real estate and personal property taxes and sewer user fees. Bidders who are delinquent in their financial obligations to the City must do one of the following: bring the obligation current, negotiate a payment plan with the City's Treasury office, or agree to an offset which shall be established by the contract which shall be issued to the successful bidder.

May 19, 2008

Matthew F. Fitzgerald
Purchasing Manager

X. ATTACHMENTS

1. Release and Hold Harmless Form
2. City Proposal Form

Reuse of the Adams School Site Final Draft Report is available for viewing in the City's Purchasing Office, Room 103, Portland City Hall, 389 Congress Street, Portland, ME between 8:00 am and 4:30 pm or online at <http://www.portlandmaine.gov/adamschoolfinalreport.pdf>.

RELEASE AND HOLD HARMLESS

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property occurring during or arising out of the entry by me/us onto the property known as the Adams School. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property caused by the negligence of the City of Portland, its agents, officers or employees) arising during or in connection with the said entry onto the property known as the Adams School. I/We hereby release and agree to indemnify and hold harmless the City of Portland, its agents, officers and employees from any and all liability, actions damages and claims of any kind and nature whatsoever (including but not limited to liability actions, damages and claims caused by or arising from the negligence of the City of Portland, its agents, officers or employees) for injury, harm or damages to my/our person or property known as the Adams School.

Dated: _____

Signature _____

Print name _____

Address: _____

Housing Committee Meeting Minutes
Wednesday, March 31, 2010
5:00 p.m. City Hall – Room 209

Attending:

Councilor John Anton, Chair
Councilor Kevin Donoghue
Councilor David Marshall
Councilor Jill Duson
Penny St. Louis Littell, Planning & Development Director

Rick Knowland, Senior Planner
Alex Jaegerman, Planning Division Director
Ann Freeman, Corporation Counsel
Janet Paul, Housing & Neighborhood Services

Item 1. Approve Minutes from February 2, 2010

Councilor Marshall motioned to approve the minutes of February 2, 2010, Councilor Donoghue seconded; the motion passed unanimously.

Item 2. B Zones – On-Peninsula Text Amendments

Rick Knowland said the Housing Committee asked to look into the opportunity to increase density in the B2 and B2b zones on the peninsula. Planning would also like to make some revisions regarding minimum and maximum requirements in front yards and some other housekeeping items that would improve the zoning text. The Planning Board recommends the following: 1,000 square feet of land area per dwelling. Except that a development may exceed this requirement up to 435 square feet of land per area per dwelling provided at least 50% of the dwelling units shall have a minimum of two bedrooms. Planning had received comments from the Parkside Neighborhood Assoc. that if the City is going to be increasing the density in business zones, there should be more of a mix with regard to the number of bedrooms for newly constructed housing. The other issue is residential infill development on certain parcels, such as in the rear of Rite Aid/Gorham Bike and Ski. They had identified several parcels without much frontage, and text was modified so that infill is allowed in the rear if there are existing buildings there that provide a street wall. Planning modified the setback provisions so that the front and side provisions would be increased in the case of a development in the rear. The other change refers to the front yard setback. On-peninsula, you must build along the street lines; that can be difficult off peninsula. Last year there was an appeal with some confusion about what the minimum and maximum setbacks are. So what they are suggesting is in off-peninsula locations, there should be some flexibility.

Councilor Marshall said that last year, the Housing Committee recognized there was a need for high quality housing on-peninsula, close to businesses. They looked at the B2 and B2b zones which can be lower density, but they saw contract zones occurring within, which indicates there is an issue with the zoning. They wanted to update the zoning to reflect current trends. They looked at those zones and realized they were similar to the R6 but it required street frontage. They wanted to provide higher density than the R6 allows. Councilor Donoghue said he would be inclined to support the change without giving preference to housing with a minimum of two bedrooms. He also said the B2 changes seemed to be based on development of one location that is in a B2b zone. That would warrant a discussion of the map, rather than the text. The Inclusionary Zoning ordinance allows for a 10' height bonus for affordable housing. He would like to know how this would play out when the height correlates to the rear setback provisions. Councilor Marshall supports option 1 because the data shows that there is a high demand for one bedroom units. Chair Anton is concerned that this change seems reactive to a particular scenario; it doesn't seem consistent with everything else they are doing. He will work with staff to draft an amendment to accompany the package which contemplates the 435 density and a step-back approach, to have first reading at the April 27th City Council meeting.

Item 3. Potential Re-use of Adams School

Chair Anton recused himself because of potential conflict of interest. Councilor Duson joined the committee in his place. Penny St. Louis Littell said the plans for the re-use of the school had been in the works for a couple of years. The neighborhood had met to provide citizen input. Avesta Housing came forward with a home ownership project, seeking ways to finance it. The economy posed some challenges. Avesta has come back with a scaled-back project. In addition to \$1.3m available from federal Neighborhood Stabilization funds, they have an additional \$400,000 in stabilization funds made available by the state, and have dropped their request for a TIF. Penny said the federal government wants them to use the stabilization funds ASAP so she is encouraging some action. Dana Totman from Avesta Housing said they hope to do this in two phases: 16 ownership units, 8 2-bedroom units and 8 3-bedroom units in phase 1, and then revisit the site and come back and do the 2nd phase.

Avesta had met with the CDC in 2008, and the feedback indicated there was a split in the room about the TIF. The only money they need now is the NSP funds, in addition to the sales. This is a financially feasible, marketable project. They are looking forward to

removing the school and starting construction, putting people back to work. They are hoping the City will grant them the NSP funds it received, sell them the land for \$240,000, and give Avesta the right to come back for help with Phase 2.

Allen Kuniholm, the architect for the project, went over the unit plans for Phase 1. The units have the typical features of Munjoy residences. Originally, the RFP asked for a variety of units. They will not be offering one bedroom units. Councilor Donoghue asked what Avesta anticipates for Phase 2 opportunities in terms of footprints, perhaps without NSP funds. Dana said that by the time all Phase 1 units are constructed and sold, it will be a few years out, and then they can see what is available for funding. Councilor Donoghue asked if Avesta would anticipate buying a right of first refusal on the remainder of the project or would they already consider that paid for. Dana answered that he would anticipate paying the other \$360k. They are hoping that the City would commit to having some housing in Phase 2 that would be in keeping with Phase 1. They are concerned that the value of the homes they sell from Phase 1 will be affected by whatever is built on the remainder of the property (i.e. an auto shop, etc.)

Councilor Donoghue asked what Avesta was anticipating for Phase 1 off-site improvements. Ethan Boxer-Macomber said they are planning sidewalks, street trees and lighting on $\frac{3}{4}$ of the entire block, excluding the frontage of the Phase 2 area. Ethan said it was a requirement of the RFP that a playground be maintained on the property. They will do the clearing, the cleanup, the landscaping, and creation of the park. The cost is close to a million dollars. Councilor Donoghue asked what the income targeting was for this project. He had heard that they would be high-end condos. Dana said the 3-bedroom units would sell for \$260k and the 2-bedroom units for \$215k. If they can get other layers of money, they can bring the prices down. NSP guidelines say they can sell to those with 120% or less of area median income. In 2009, that is \$65k for a family of two or \$84k for a family of four.

Public Comment

Justina Marcisso, Vesper St.: I was on the original Planning Committee. This looks a lot different than the RFP we agreed upon at the end of those meetings. I own the apartments that are also on this block, and I have had difficulty renting them out because of the economy. What if these new units don't sell? Who will absorb the tax costs? If this project is built and goes nowhere, I don't know if I can even stay in my neighborhood. I am the 3rd generation in this neighborhood. My father plans to retire here. He may not be able to afford it. This project does not fit our neighborhood. Who is considering the people who already live here? Going back to the original committee's recommendations, what are you going to build there that has multiple uses in case it doesn't sell?

Eric Stark, 71 Beckett St.: What is the rationale behind the elimination of the one-bedroom units? What are the heights of these buildings? With the scaled back project, what is the new density?

Charles Bragdon, 31 Munjoy South: They were originally talking about 40 units, now it's 16. There will not be enough space for Phase 2 to absorb the difference of 24 units, to compensate for the figure of \$15k per unit. For the property, I think \$240k is a lowball figure. This property could be used for other housing, without using NSP funding, and not relying on post-sale monies. Phase 2 is not a sure thing. There is no guarantee that \$360k is ever going to the City coffers. Residents have not been involved in this project after it stalled. Why are we going to spend \$5.5m to build units that are only worth \$3.8m?

Nancy Akers, Portland Street: It looks like a British castle to me.

Dan Haley, Eastern Promenade: I worked on the original committee and this is a completely different approach. I hate to see us jump forward to hurry up and spend the NSP funds by April. We're talking two-bedrooms and before we were talking about workforce housing. I would like to see the neighborhood get a conceptual plan. We were talking 40 units, now it's 16. We have a major change.

Gary Marcisso, Vesper St.: We have not talked about parking and some of the public safety issues. Until the public is involved and the project has moved past the concept phase, it's not a done deal. I don't understand why this is going to the City Council. For what?

Councilor Duson said the Housing Committee was asked to hear the presentation and to make a recommendation to the City Council, to move forward, amend, or not move forward.

Responses to public comments:

Councilor Donoghue: If these units remain vacant, who absorbs the costs? Does this compete with the rental market or the sales market? Dana responded that it is their intent to sell these 16 units. The marketability of the units will be reviewed many times as they go through the process and invest their funds. There are enough people who want to live on Munjoy Hill, in this neighborhood, in green housing, that they are convinced the units will sell. Councilor Donoghue asked if these units are not selling, could they be rented out and compete with other units in the neighborhood. There will be a condominium association with language that this is home ownership.

Councilor Duson: What rationale led to the elimination of the 1-bedroom/rental units? (Dana Totman) The original concept was some of the one-bedroom units were intended to be sold in pairs, for elderly parents and adult children who might live with the owners, and some would be sold individually. Avesta felt the marketability of the two-bedroom was superior to the one bedroom because people were indicating desire for an office or a second bedroom for guests.

What is the height of the buildings? (Dana Totman) Thirty three feet from the top of the retaining wall is the highest point. Density would be roughly twenty three units per acre. The previous proposal was twenty eight – thirty units per acre.

What is the next step in the planning process would be if this goes forward, and when would be the opportunity for public input: (Penny Littell) This would go through a subdivision and site plan review before the Planning Board. There would be a number of workshops, there would be a required neighborhood meeting and a public hearing wherein the Planning Board would approve or deny the proposal. At each of these steps, the public could provide feedback.

What would be the status of the NSP funds and what about the purchase and sale agreement if the project does not go through: (Penny Littell) The deposit would be non-refundable. The NSP funds would come back to the City and they would have to negotiate to keep them for another project.

Councilor Donoghue said a lot of residential construction in the city is by contract zone. This project meets the R6 zoning requirements, which gives more control to the developers: (Penny Littell) The developers will work with Planning staff to come up with a plan that will be approved by the Planning Board. This is a concept project and there will be input from the public about designs to be incorporated. This will have to be a LEED certified building.

Dana said that when Avesta presented the first plan, most of the feedback centered on what happens to winter parking, also parking in general. They are sensitive to the feedback, and are committed to making something that looks right. They inventoried roofs in the neighborhood, flat vs. peaks, two-story, three-story etc. We will meet not just LEED certification, but neighborhood LEED certification. This will contribute to the leanings of the neighborhood.

Phase 1 of the project involves land purchase for \$240k. How can the City be certain they will recoup the \$360k cost for the remainder of the land? (Dana Totman) We could pay more for the land but then we would need to ask for a TIF. In addition to the \$240k we are paying for the land, we are also removing the school and making improvements, including the park.

What would be the value of the land if it was sold outright without the NSP subsidy: (Dana Totman) There are other sites that are plentiful but are selling very slowly. This is a desirable residential location. It all comes down to the price of \$15k per unit.

Councilor Marshall asked what one acre of land on the peninsula is worth; he had heard it was \$1m per acre: (Dana Totman) With or without a school on the property? I would defer to realtors for an opinion. (Ethan Boxer-Macomber) There are other costs to consider beyond the cost of the land. If the land has a \$150k liability to remove the school, and environmental liability for possibly cleaning up the land and the construction of a sidewalk..you would almost have to subtract that back. A local realtor said a vacant lot, straight up R6 zoning, ready to build, on the peninsula, could bring about a million dollars. Dana said Jeffrey Cohen's similarly sized lot was auctioned off and fetched \$300k.

Parking and public safety provisions: (Allen Kuniholm) There is one space per unit, as required by the zoning code. Justina Marcisso said one parking space would not be sufficient for a unit where adult children or in-laws reside. Parking is at a premium in the area as it is. The LEED standards encourage developers to reduce the number of parking spaces. There is a locked gate before the front door.

Councilor Donoghue said there are public comments that the design has changed since the RFP was drafted nearly two years ago but I haven't heard comments about the design elements. Councilor Duson reopened public comment.

Public Comment II:

Frank Brancato, Beckett St: Favors less building height, he prefers to see more of the sky, and lower density, it would benefit the parking issue.

Chris O'Neil, Portland Community Chamber: They have not taken a position on this project but Avesta Housing is a developer of the highest order and they trust them.

Gary Marcisso, Vesper St: This is a conceptual and phased project. The construction process will have a huge impact on the neighborhood. It would be nice to know a particular time frame. As to parking issues, it's mostly in the winter where there is a problem.

Eric Stark, Beckett St: Compared to what was proposed before, this is less like what is around it, but is more in keeping with the neighborhood in that they look more like single family homes, with pitched and gable roofs. He like that most of the parking is inside.

Dan Haley, Eastern Prom: He likes the look of the project but is not sure this is the best use of the land. The original price for the parcel was \$600k and it was a bargain at that. He thinks Councilor Marshall was on the money with the \$1m figure.

Councilors:

Councilor Marshall, Councilor Duson: We are voting on whether to commit NSP funds to this site and this project, whether to recommend to City Council to authorize staff to enter into negotiations to sell this land for the price offered, and the right of first refusal. Is it possible to appropriate the NSP funds now and work out the details later? Penny said the NSP funds need to be committed to a project. There is no motion drafted for tonight. The right of first refusal was brought forward tonight for discussion.

Councilor Donoghue hears that the public doesn't think the purchase price of the land is sufficient. The improvements plus the school removal, the affordability stricture and the additional \$400,000 in stabilization funds made available by the state does replace the value significantly. Instead of a TIF tax break, this translates into a taxable value. He thinks the price is fair but adds that he is not implying that Avesta has any rights to the second phase of development on the land. He thinks there is a market for these units, and says the parking at this project is better than most places on Munjoy Hill. When the streets are re-stripped, and unnecessary crosswalks are eliminated, there will be additional street parking. This project provides affordable homeownership to 16 moderate income families. I can't think of a reason not to accept the \$1.7m in NSP funds.

Councilor Marshall: He would prefer to see higher density development on this parcel, and is not sure that there will be enough development on the remaining land to justify the \$360k purchase price. Avesta says they can't come up with more than \$240k for the land in Phase 1 unless they get a TIF. What is the logic of giving a TIF if we own the land in the first place? It's a shell game in the end. He would like to hear what can be done with the same density on a smaller parcel.

Councilor Duson said she favors the lower density because it will have less of an impact on the neighborhood. \$240k for the land will help keep the units affordable. She likes that these are family sized units.

Councilor Marshall made a motion to recommend that staff develop a purchase and sale agreement for the land for Phase 1, including the loaming and seeding of the playground space as shown in the plans, with guidance from the City Council, to be discussed in Executive Session. Councilor Donoghue seconded. The motion was unanimously approved.

Councilor Donoghue made the motion that \$1,724,136 in NSP funds be committed to this project. Councilor Marshall seconded but reiterated that he thinks the parcel should be developed with higher density. Councilor Donoghue said Phase 2 has the potential to increase that density. The motion was passed unanimously.

Item 3. Housing Replacement Ordinance Item postponed to May 6, 2010.

Item 4. Westbrook Development Corp. request for Contract Zone Amendment for the former St. Patrick's School:

John Gallagher said Westbrook Development Corp is asking that the affordability restrictions be reduced. He said the project had neither asked for nor received public subsidy. Portland Housing Authority had offered soft second mortgages for five units. The original proposal was that all units be affordable to buyers at 120% of area median income or below. Some potential buyers are very close to the limit. The Inclusionary Zoning only requires that 50% of the units be affordable.

WDC is requesting that 67% of the units be affordable instead of the current 100%. The request is that five units be perpetually affordable, 5 be sold to buyers at or below 120% of area median income but have no deed restrictions, and five be market rate.

Councilor Donoghue made the motion to approve the amendment. Councilor Marshall seconded. The motion passed unanimously.

Meeting was adjourned.

Next meeting to be held Tuesday, May 4th, 2010 at 5:00pm

From: Jeff Tarling
To: Jean Fraser
Date: 11/30/2010 4:34 PM
Subject: Adam School Project / Landscape Review Comments
CC: Barbara Barhydt ; David Margolis-Pineo; Thomas.Errico@tylin.com

Hi Jean -

Preliminary comments for the proposed Adams School project -

Tree Wells - ideally the trees located in the tree wells along city streets would be rectangular in shape, our typical tree well with 'tree grate' spec is NEENAH # R-8810 which is 33" x 60". There are a few other types that would work in sidewalks of this width, see:

<http://www.nfco.com/literature/TreeGrateCatalog22/Avenue.pdf>

Street-trees & Landscape trees & Shrubs - Some of the trees shown on the proposed landscape plan are smaller than the typical approved standard. Shade trees should be 2.5" caliper and ornamental trees 1.75" - 2" caliper, the multi-stem or "clump" form should be 6-8' in height.

Tree & landscape choices would all meet approval. We might want to review all street-tree type options, including trees planted under the wires to include: Zelkova 'Wireless' see: <http://www.jfschmidt.com/introductions/wireless/index.html>, Japanese Tree Lilac, and the Ginkgos to consider the somewhat wider: 'Autumn Gold' or 'Magyar' which should not be too wide for the site but wider than the very upright 'Sentry' as proposed.

Existing Tree Reuse ? Is it possible to reuse any of the existing trees on-site? Willing to consider...

Overall the landscape plan looks good as proposed with some minor tweaking.

Jeff Tarling
City Arborist

The majority of the landscape shrub planting is listed as #3 pot. Due to the urban conditions of this site might be good to mix in some #5 pots / 18-24" plant sizes. This would give greater impact at planting & the economy of using some #3 plant sizes. We would be willing to work with the project team on this suggested topic.

Attachment 3-Workshop
as on Prelim Proposals
for

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 11/30/2010 3:41 PM
Subject: Adams School Redevelopment

Jean - I have reviewed the preliminary application submitted by Woodard & Curran dated November 22, 2010 and offer the following comments.

- . I concur with the trip generation estimate that the project will not require a Traffic Movement Permit. Additionally, I would note that the project will not generate significant traffic levels and therefore a traffic study is not suggested.
- . I have reviewed access conditions for the project and find that they meet City standards.
- . The proposed handicapped ramps should be adjusted such that the alignment of the detectible warning plates are aligned perpendicular to the crosswalk.
- . The on-site circulation and parking layout is acceptable.
- . On-street parking regulations will need to be adjusted to account for project changes. The applicant shall be responsible for all costs associated with removal and installation of parking signs. Additionally, the applicant shall provide support for seeking a Traffic Schedule Amendment through the City Council process.
- . I agree with the applicant that the crosswalk modifications should be reviewed by the City's Crosswalk Committee. I would note that the applicant will be responsible for all costs associated with pavement markings and signage for removal and new crosswalks.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

Attachment 4. - workshop
as on Prelim Proposals

December 1, 2010

To: Barbara Barhydt
Jean Fraser
From: David Margolis-Pineo
Public Services Review Comments
Re: Adams Schools Site – 48 Moody Street

Public Services have the following comments.

1. Plans need to be stamped.
2. Property pins will need to be set before occupancy.
3. None of the streets around this site are a street opening moratorium.
4. Proposed sidewalk ramps must be designed and constructed to cross the streets perpendicular to the street.
5. When the applicant requests a demolition permit, they are required to obtain a Seal Drain Permit from this department. That permit will require the applicant to seal the drain from the former Adams School in the street where it connects to the City's sewer system. This drain line may be sealed within the manhole located at the intersection of Wilson and O'Brion Street. Additionally, the applicant shall remove the existing manhole on site and install masonry plugs in all pipes that entered or exited the manhole before back filling. This same requirement is requested on the catchbasin near the corner of Vesper and Wilson Streets except the existing 6" pipe may be sealed within the catchbasin located on the curb line of Vesper Street.
6. Please explain what the intent of the four 6" PVC pipes shown on the northeast end of the property.
7. Stormwater Issues: It is not allow to discharge site stormwater into the City sewer system. Until the applicant supplies more information being obtained by SW Cole on the soils on this site, we reserve the right to comment further on stormwater at a later date.

We have no further comments at this time.

Attachment 5 workshop
as on Prelim Proposals

an Fraser - Adams School

From: Thomas Errico <Thomas.Errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 12/9/2010 1:37 PM
Subject: Adams School
C: Katherine Earley <KAS@portlandmaine.gov>, Michael Farmer <Mfarmer@portla...

an – The City Crosswalk Committee has reviewed the crosswalk changes proposed by the applicant and find the changes to be ceptable. Two specific suggestions were identified:

- The applicant should provide an ADA compliant ramp on the northwest corner of the Moody Street/Beckett Street intersection.
- The applicant should provide a Detectable Warning device to the existing ramp on the southwest corner of the Wilson Street/O’Brion Street intersection.

stly, the applicant should provide waiver documentation for sidewalk ramps where perpendicular alignment cannot be achieved.

you have any questions, please contact me.

st regards,

omas A. Errico, PE
ior Associate
ffic Engineering Director
TYLIN INTERNATIONAL T.Y. Lin International
Northbrook Drive
lmouth, ME 04105
7.347.4354 direct
7.400.0719 mobile
7.781.4753 fax
omas.errico@tylin.com
sit us online at www.tylin.com

e Vision, One Company"
ase consider the environment before printing.

[Adams School Site]

Attachment 6 - Workshop
on Preliminary Proposals

**Zoning administrator
Marge Schmuckal**

12/10/2010

This project is for 16 affordable housing condominiums. It is being reviewed under the Affordable Housing Ordinance. Avesta Housing, who is the applicant and developer of the property, was granted two appeals on September 16, 2010 for the side and rear setbacks. The granting of the variances was for six months and will expire on March 16, 2011 if significant work has not begun on the site. There was a lag time from the appeal date to a submittal for a site plan review. The applicant is considering going back to the Zoning Board of Appeals to ask for an extension of the time limit in order to get thru the entire planning and building review process.

The property is located in the R-6 zone. The project is meeting all other dimensional requirements. Parking is determined by the Planning Board under the Affordable Housing Ordinance. I have allowed pervious pavers to be considered as pervious under the minimum open space calculations. However, I have noticed that under tab #5 which is the zoning analysis, there is a different calculation for the provided minimum open space compared to the calculations provided drawing C1. Both provided calculations are in acres and not square footage. I would like a confirmation of what the final provided open space will be in terms of square footage. Then I can better confirm compliance.

Staff Letter
following PB
workshop on
Prelim Proposals

January 6, 2011

Ethan Boxer-Macomber
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101

Denise Cameron, PE
Woodard & Curran
41 Hutchins Drive
Portland, ME 04102

Project Name: Adams School Site Re-Development
Project ID: 10-99700009
CBL: 003-H-001-001
Project Address: 48 Moody Street, Portland

Dear Ethan and Denise:

I am writing to follow up on the Planning Board Workshop Preliminary Level III Review (12.14.2010) and outline the required submissions for consideration at the Final Hearing. The Hearing is tentatively scheduled for Tuesday, February 22, 2011 (evening) subject to the receipt of the final submissions (7 sets of plans and other materials) by January 24, 2011.

I understand that you are arranging for the required Neighborhood Meeting in the near future, timed so that the final plans will be presented.

The final submissions should address the following:

- "Next steps" as outlined in the PB Memorandum considered on December 14, 2010 and amplified below; and
- Comments by the Planning Board at the Workshop (summarized below); and
- Requirements of the Purchase and Sale Agreement as relevant to site plan elements; and
- All site plan and subdivision requirements as outlined in the Ordinance Sections 14-526 (Site plan standards); 14-527 (Content of site plan applications); 14-496 (Subdivision Plat requirements), 14-497 (Subdivision General Requirements), 14-498 (Subdivision Technical and Design standards); 14-499 (Subdivision Required Improvements), plus associated Technical Standards.

Next Steps (as from PB Memorandum with additional comments)a. Housing Parcel:

1. *Stormwater management plan:* please take account of the attached comments (Attachment 1) from the Engineering Peer Reviewer that arrived after our staff level meeting and the PB Workshop. It would be helpful to have an agreed set of areas/figures for the existing and proposed pervious and impervious areas/uses and include a detailed waiver request regarding the discharge into the combined sewers.
2. *Site lighting/illumination:* The City staff will consider the proposed LED lighting as this is a pilot project. A staff-level meeting on this question to clarify the options for City policy will occur soon. In addition the Site Plan standards include "Crime Prevention through Environmental Design"; staff suggests this be given more detailed attention, including consideration of potential additional lighting on site for the rear (parking lot) entrances and front entrances along the path.
3. *Confirm final materials and details* of storage areas/patios/roof openings;
4. *Address traffic, engineering, zoning and landscape review comments* (as included in the PB Memorandum presented 12.14.2010);
5. *Submit Subdivision Plat; Condominium documents.*

b. Park/Playground area:

1. *Stormwater management plan* including provisions for raingardens;
2. *Clarify and confirm lighting/illumination;*
3. *Clarify and confirm design, materials and internal/external fencing details.*

Planning Board comments

- Need Demolition and Construction Management Plans including traffic management
- Prefer mailboxes at front doors rather than grouped elsewhere
- Condo documents to include provisions that address control of external changes - to maintain cohesive design
- Seek measures to increase safety and security in housing and park eg lighting
- Request submission of the winning RFP submission as back ground
- Request floor space data for the units

Please note that demolition of the school requires permits for demolition (Inspections Division); utility/drainage infrastructure capping permits (DPS); written authority from the Director of Planning and Urban Development if demolition is prior to receipt of all permits and approvals and/or prior to payment of the Performance Guarantee; payment of a Performance Guarantee for interim treatment of the school site; and a pre-demolition meeting with Phil DiPierro (874 8632) - all as previously advised.

If you have any questions, feel free to contact me at 874-8728 or by email at jf@portlandmaine.gov

Sincerely,

Att 7.3

Jean Fraser
Planner

Electronic Distribution:

Barbara Barhydt, Development Review Services Manager
Danielle West-Chuhta, Associate Corporation Counsel
Marge Schmuckal, Zoning Administrator
David Margolis-Pineo, Deputy City Engineer
Mike Farmer, Project Engineer
Keith Gautreau, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Traffic Engineer
Al Palmer, Engineering Peer Reviewer
Phil diPierro, DRC

ATTACHMENT 1

Comments on Figures (2) and Impervious Surface Area Summary Calculations as submitted by Denise Cameron on 12.10.2010

From: Al Palmer <APalmer@gorrillpalmer.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, "Michael Farmer(Mfarmer@portlandmaine.gov)" <Mfarmer@portlandmaine.gov>, Doug Roncarati <DAR@portlandmaine.gov>, William Haskell <WHaskell@gorrillpalmer.com>
Date: 12/14/2010 11:11 AM
Subject: RE: Adams School site drainage- Peer Review

Hi Jean,

In reviewing this latest information from the Applicant, please keep in mind the following:

* The Impervious Area Summary as presented is misleading due to the manner in which they have characterized the walkway's on the Avesta Site. They have shown 6,256 sf of "pervious" walkways on the Avesta portion of the lot. To date, no details have been shown as to the "pervious" nature of these walkways, and at the meeting last week, it appeared that the underlying soils would not result in the walkways being "pervious". It is our understanding that Maine DEP has determined that walkways, parking areas or other surfaces that have a surface treatment such as pavers, porous bituminous pavement or porous portland cement concrete are considered as "impervious" for the purpose of determining site coverage. If these surfaces (including both the surface treatment, the typical section and subgrade condition) result in truly porous/permeable situation and provide water quality treatment/recharge, then it can be considered as a BMP for treatment of the "impervious" surface. Therefore, it would appear that the "pervious" walkways on the Avesta site should be considered "impervious".

* The Applicant has stated that this is a "redevelopment" project, therefore water quality treatment is not required. In our opinion, you need to consider two separate conditions under the redevelopment clause; whether there is any increased impervious areas, and the change in use of existing impervious areas.

Att 7.4

If the impervious area increases in size, which it does for this project, then the increased surface area must be treated.

While the property has elements of a "redevelopment" we question whether it fully meets the Chapter 500 requirements to be considered a redevelopment. The applicable portion of the standard is provided below:

Stormwater Management Law project including redevelopment. For a project requiring a Stormwater Management Law permit that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), the redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project's stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area. The requirements of Appendix D must still be met, if applicable. (underline added)

If the Applicant can successfully demonstrate that the new use of the existing impervious area is not likely to increase stormwater impacts from the existing condition, then that existing area doesn't have to be treated. However, the comparison of existing and proposed surfaces has to consider their respective uses. Obviously the existing paved playground needs to be considered separate from the existing parking area, as well as any proposed parking areas. We would recommend that the tables presenting the existing conditions be modified to separate pavement (parking) from pavement (playground) so that an evaluation of the relative changes in use can be considered.

Please contact me with any questions.

Thanks,

Al Palmer

Jean Fraser - Adams School Redev: Design comments

From: Jean Fraser
To: Denise Cameron
Date: 8/1/2011 5:37 PM
Subject: Adams School Redev: Design comments
Attachments: Design Stds att to staff comments 8.1.2011.pdf; supplemental elevation_080111 from DC 8.1.11.pdf

Staff
Design Review

Denise

Thank you for sending the supplemental building elevation today, and I am writing to update you re the design comments since we are requesting some further information (a copy of this e-mail will be included in the Hearing Report attachments).

1. We have undertaken a preliminary review of the proposals in the context of the relevant design standards for multi family developments (14-526 (d) (9) a 7. and associated Design Manual standards for *Two Family, Special Needs Independent Living Units, Multiple Family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters* which apply in all zones (extract from Design Manual attached). Before we can complete the review we would request the following:

- Specifications for cladding and exterior details (such as entrance structures and overhanging "bays" including where 2 windows have been omitted on street elevation), including annotated elevations showing the location of the proposed materials (a color rendering similar to that provided for the Prelim review would also be welcome);
- Corrected floorplans/elevations so they are consistent and so we understand what is being proposed: the recently submitted "supplemental" elevation (to passageway) (attached) shows no windows at first floor and 2 windows at second floor -but the floor plans show one small window at first floor and no windows at second floor. For the elevation to Moody and Wilson Streets, the floor plan shows one window at first floor level (not counting the one inside the entrance) and none at the second floor; whereas the elevations in A201 show 3 windows at the second floor level.

2. Assuming that the submitted supplemental elevation (attached) is the final proposal, we note that the 2 small windows at second floor level are located in bathrooms (and windows here are a positive design change). However, at the first floor for all these units the room abutting the passageways is a deep living/dining room, and we consider that at least 3 windows (2 could be a "set" or double) should be incorporated at the first floor level (facing the passageway) to enhance opportunities for light and air for these core living areas and to introduce more surveillance for the passageway. They could be offset to avoid facing units having the windows directly opposite.

Att. 8.2

The timeframe is that the Planning Board Hearing Report goes out lunchtime on Friday (8.5.11) with most of the copying done this Wed and Thursday - so please let me know what and when further items/info will be submitted so that I can ensure the packet is as complete as possible when it goes out.

thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

Attachment 9

48 Moody Street – Adams School

10-99700009 – R-6 Zone – 003-H-1, 2, 3, 4

8/2/2011

This project continues to be 16 affordable housing condominiums. The owner has updated their variances for setbacks. The ZBA approved the extension of time for their variances until September 16, 2012. They are currently still valid.

From my last comments, I was expecting more detail on the minimum open space ratio. I have only received a table with calculations using percentages in acres. The information should have been at least translated into square footage showing how the number was calculated. I would like to be able to recalculate their figures. What was given does indicate that the required 20% minimum open space requirement is being met.

I am also bewildered by the additional information concerning the development of Beckett Green. I did not think this was part of this phase of the development. I have not reviewed Beckett Green for any compliance under the current zoning ordinance.

I do understand that the creation of the adjoining park is part of this first project. There are no setbacks or other dimensional requirements on the park. The proposed signage would need to meet the sign ordinance standards. My review is not approving or disapproving the signage in the park. Separate sign permits applications are required for such signage.

All other R-6 Zone requirements are still being maintained.

Marge Schmuckal
Zoning Administrator

Attachment 10

Jean Fraser - Adams School Playground

From: Sally Deluca
To: Jean Fraser
Date: 8/2/2011 12:15 PM
Subject: Adams School Playground
CC: Ethan Owens; Regina Leonard

Ethan and I approve the schematic drawing as presented to us in June 2011 and look forward to working with Avesta as we work through the construction phase of the natural and playground elements.

Sally

Attachment 11

Jean Fraser - Fwd: RE: Adams School - Street trees

From: Jeff Tarling
To: Jean Fraser
Date: 8/3/2011 8:15 AM
Subject: Fwd: RE: Adams School - Street trees

Hi Jean -

I have reviewed the proposed Adams School site plan and offer the following comments / recommendations:

a) Street-trees - the project proposes street-trees to be planted along the project frontage in the sidewalk area. Unfortunately, overhead utility wires and limited root zone area for these trees will likely result in a less than ideal planting. (larger shade trees would be desired) In the past the trees at the school were planted 'set back' on school grounds. Options - explore planting sites behind the sidewalk where larger shade trees can be planted, increase soil volume in the sidewalk tree wells possible use of "structural soil" in the sidewalk area. Goals are to meet the tree per unit standards on site.

b) Site landscape - The site landscape can be divided into two sections: 1) Playground landscape and 2) residential landscape; both landscapes appear to meet the landscape standards. Other landscape features might include community garden (for project residents) space.

Note: I am meeting with the project team on Friday, August 5th to review some of these issues. The outcome would likely shift some of the planting sites but not expected to effect the proposed overall planting numbers.

Jeff Tarling
City Arborist

Attachment 12.1
(2 pages)

Jennifer Yeaton - PI print this Fwd: RE: Adams School- info needed for hearing

From: Jennifer Yeaton
To: Jennifer Yeaton
Date: 8/4/2011 3:57 PM
Subject: PI print this Fwd: RE: Adams School- info needed for hearing

Associate Corporation
Counsel comments

>>> Danielle West-Chuhta (Danielle West-Chuhta) 8/2/2011 3:16 PM >>>

I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park - it does not discuss who owns the underlying property, who maintains, etc.....there should be a note that gives more specifics.

Those were my comments.

Danielle

>>> Jean Fraser 8/2/2011 3:12 PM >>>

Danielle

1) There are 16 units - 8 apartments and 8 houses;

2) The park area and walkway is on city land which will be retained by the city and maintained by the city as a separate public amenity (part to be Recreation dept and part to be DPS I understand). PI advise how it should be handled vis a vis the Plat (their draft Plat is attached);

(there is residual city land outside the park/playground and I have no idea who in the city is responsible for that after the project is completed)

3) Agreed- common to the 16 units.

4) I have no view....

5) I will check with Marge;

6) The site plan does show some snow storage area in the parking lot. I have not had Fire nor DPS comments yet and do not know if this is an issue.

Will you be providing a final set of comments after discussing this at Dev rev??

thanks
Jean

Comments:

>>> Danielle West-Chuhta (Danielle West-Chuhta) 8/2/2011 2:28 PM >>>

I have reviewed the Adams School documents. Here are my comments:

1) Just to confirm there are 16 units, correct? The documents indicate that, but I wanted to confirm.

2) The documents do not mention the park/play area - is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make clear who has responsibility for the park/play area.

Att. 12.2

- 3) I am assuming that garbage and snow removal is a common expense - but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.
- 4) The documents allow for further subdivision of units (with the required City, etc. approvals) - I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.
- 5) The documents also allow for rental of units (for up to six months) - is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.
- 6) Snow storage - I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers - it is not mentioned in the documents (not that I think that it needs to be included - I just wanted to bring that point up).

Thanks,

Danielle

Attachment 13
DPS comments

From: David Margolis-Pineo
To: Jean Fraser
CC: DEVELOPMENT REVIEW GROUP
Date: 8/4/2011 11:07 AM
Subject: Review of Avesta - Adams School Site Redevelopment

August 4, 2011

TO: Jean Fraser
Barbara Barhydt
FROM: David Margolis-Pineo
Dept. of Public Services
RE: Review Comments: Adam School residential Condominium Project

The Department has the following Final Review comments.

1. The proposed "capped iron rods to be set" shall be placed before the issuance of a Building Permit.
2. The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.
3. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.
4. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.
5. A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.

We have no further questions at this time.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley
<KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>, Chris Pirone
<cpp@portlandmaine.gov>
Date: 8/4/2011 11:15 AM
Subject: Adams School

Attachment 14

Traffic Comments

Jean - I have reviewed the Site Plan application dated July 11, 2011 prepared by Woodard & Curran and I have the following comments.

* I would suggest that the driveway radii be eliminated and tip-down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.

* The one-way driveway should include appropriate MUTCD signage that controls and reinforces the one-way circulation plan.

* The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.

* Detectible warning devices are not required at driveways. They should be deleted from the plans.

* The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.

* The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.

* Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.

* The applicant shall be responsible for implementing all on-street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.

* The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.

* Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.

* The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE

Attachment 15

Jennifer Yeaton - Pl print Fwd: Adams School

From: Jean Fraser
To: Yeaton, Jennifer
Date: 8/4/2011 3:52 PM
Subject: Pl print Fwd: Adams School

Fire Dept Comments

Pl print= thanks

>>> Chris Pirone 8/4/2011 3:06 PM >>>

Jean-I have reviewed the Site Plan application dated July 11, 2011 prepared by Woodard & Curran and I have the following comments.

The width at the curb line could be reduced but not much because of the required turning radius for Ladder 1 which is shown on the plan. I believe the intent of reducing the curb line was to increase on-street parking which may encroach on Ladder 1's turning radius as indicated on the plan; especially in winter conditions which pushes cars out from the curb.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

PEER REVIEW COMMENTS ON JULY 11, 2011 SUBMISSION

Peer Engineer
comments

From: Al Palmer <APalmer@gorrillpalmer.com>
To: Jean Fraser <JF@portlandmaine.gov>, David Margolis-Pineo <DMP@portlandmaine.gov>
CC: William Haskell <WHaskell@gorrillpalmer.com>, Doug Reynolds <DReynolds@gorrillpalmer.com>
Date: 7/27/2011 8:38 AM
Subject: Adams School - Peer Review Comments

Hi Jean and David,

Our office has reviewed the latest submittal and offer the following comments:

* Sheet C2 Site Plan

- o The Tree Grate closest to the Moody Street Striped Cross Walk appears to be in the middle of the sidewalk. Is there adequate space to meet ADA clearance for a wheel chair as proposed?
- o The two Tree Grates along Wilson Street between the Striped Cross Walk and the Site Driveway are along the curb line, however, there is a void behind the tree grates that doesn't appear to have brick. Why?

* Sheet C3 Grading and Erosion Control Plan

- o Have the conditions of the two catch basins proposed to receive reset headstones been assessed? What is the condition of the catch basins, and should they be replaced if found to be deficient?
- o A significant amount of curb is proposed to be reset along Moody Street, Vesper Street and Wilson Street. Do any of these streets have underdrain along these curb lines? Should installation of underdrain be considered, as it would not be practicable to add it in the future after the curb has been reset?

* Sheet C4 Utility Plan

- o The water main is shown connecting to both Moody Street and Wilson Street. This would seem to be inconsistent with installation of a fireline meter near Wilson Street.
- o The water meter pit at Wilson Street will result in a significant obstruction to any future utility work in that street, as the vault is 12' long and installed perpendicular to the street. We would recommend that DPS consider requiring that the vault be installed outside of the right of way.
- o 4" Sewer services are shown at Moody Street. With the number of units proposed, we'd recommend that the use of 6" sewer services be considered.
- o For clarity purposes, we'd recommend that the sewer services that cross SD Pipe 13 and 14 include inverts so that it is clear that the two sewers run between the buildings and are not connected to SD 13 and 14.
- o Pipe 1 in Wilson Street should be labeled as a SD even though it is connecting to a combined sewer at the intersection of Vesper and Wilson.

Att 16.2

* Sheet C6

o The Typical New and Reset Curb Installation detail indicates a 7" Curb Reveal or Match Exist. As Directed. We'd recommend that DPS require only 7" so that a uniform curb reveal is provided.

* Sheet L1

o Due to the amount of grading and drainage work shown on this sheet, it is our understanding the State Law would require this plan to be stamped by both a Landscape Architect and a Licensed Professional Engineer.

o On Sheet C1 it appears that the water service in the "O'Brion Street ROW" is to be removed, where on Sheet L1 it is being shown as remaining for use with the park.

Please contact our office with any questions.

Thanks,

Al Palmer
Senior Vice President
Gorrill-Palmer Consulting Engineers, Inc.
15 Shaker Road
PO Box 1237
Gray, ME 04039
(207) 657-6910
(207) 415-5903 mobile
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PEER REVIEW COMMENTS ON AUGUST 2, 2011 SUBMISSION (which addressed the comments above)

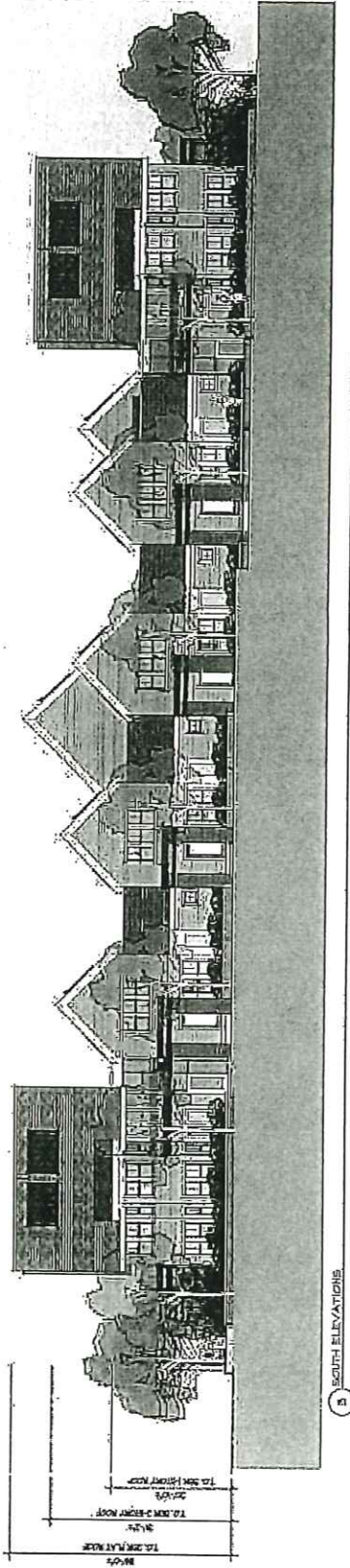
From: Al Palmer <APalmer@gorrillpalmer.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, William Haskell <WHaskell@gorrillpalmer.com>
Date: 8/3/2011 9:28 AM
Subject: RE: Adams School Response to Comments

Jean,
Provided that DPS is satisfied with the responses to the following comments, our office has no additional comments:

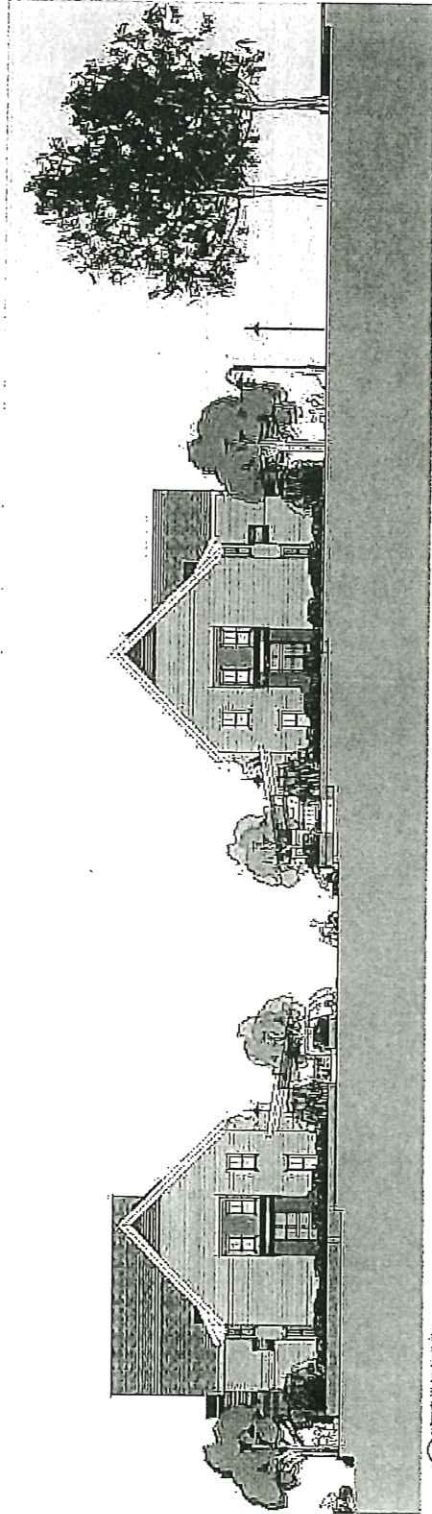
* Sheet C3 - Underdrains

* Sheet C4 - Water Main Vault

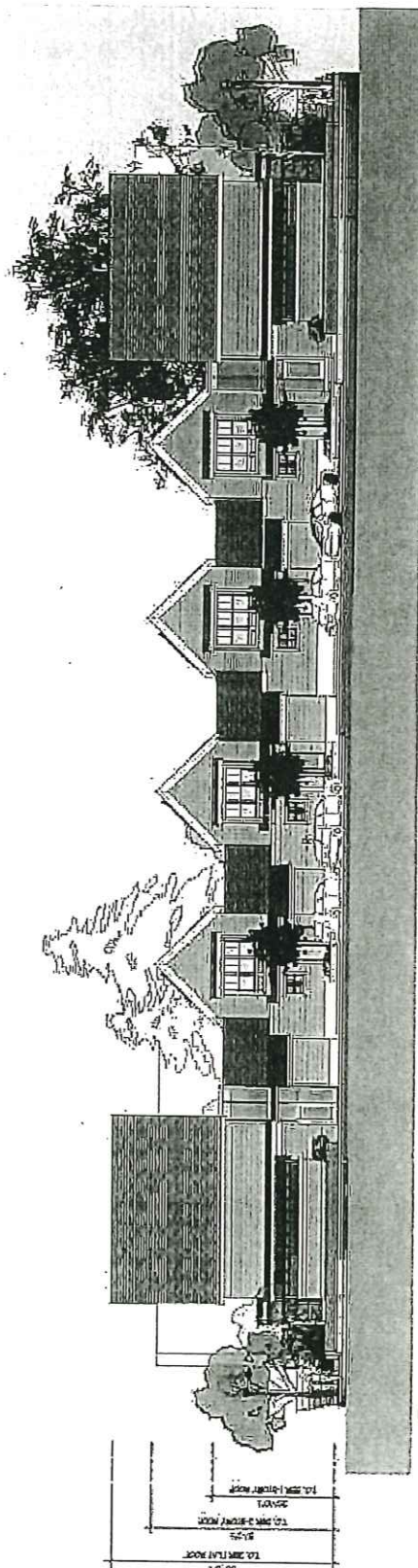
Please contact our office with any questions.
Al



3 SOUTH ELEVATIONS



2 WEST ELEVATION



1 NORTH ELEVATION

DATE	06/0	DRW	REC	REV	1/01	ISSUE	1/01	TOTAL	1/01	FILE	1/01	DATE
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COMMITMENT & INTEGRITY
DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

*Attachment A-1
(Cover Letters)*

July 11, 2011



Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Final Plan Submission

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. Enclosed, please find one paper copy of the Final Submission Application for a Level III Site Plan and Subdivision, one full size set of the plans, and one set of plans in 11x17 format. Please let us know when you would like us to upload the project files to the City of Portland E-Plan website.

This application has been developed with feedback from the Planning Board during the Workshop held on December 14, 2010 and from members of the public during the Neighborhood Meeting held on April 26, 2011. City staff and their review consultants have also provided feedback and comments in response to the preliminary submission. A summary of these comments as well as the design team's responses are included in the attached "Response to Comments" letter. As discussed previously, soil contamination and structural capacity have necessitated changes to the building configurations.

We look forward to discussing this project further during the next available Public Hearing. If you have any questions or require additional information, please contact us at anytime.

Sincerely,

WOODARD & CURRAN INC.



Denise Cameron, PE
Project Manager

AEA
219804

Enclosures: Level III Site Plan Application with Attachments
 Full Sized Plan Set
 11x17 Plan Set
 Response to Comments Letter
 Fire Department Cover Letter

cc: Seth Parker, Avesta Housing
 Alan Kuniholm, PDT Architects
 Regina Leonard Landscape Architecture & Design

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Att. A.2



July 11, 2011

Chris Pirone
City of Portland Fire Department
380 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Final Plan Submission

Dear Chris:

Thank you for coordinating the City of Portland Fire Department's review of the Adams School Redevelopment project. Woodard & Curran is filing a Level III Site Plan Application with the City of Portland on behalf of the applicant (Avesta Housing Development Corporation, 307 Cumberland Avenue, Portland, ME 04101, (207)553-7777) and the architect (PDT Architects, 49 Dartmouth Street, Portland, ME 04101, (207)775-1059). Enclosed, please find one full size copy of the site plan, per the Portland Fire Department Site Review Fire Department Checklist, and a figure showing emergency vehicular access.

The enclosed plan has been developed with feedback and guidance from Captain Keith Gautreau at a meeting between Woodard & Curran, PDT Architects, and the City of Portland's Fire Department on November 17, 2010. Woodard & Curran has also utilized AutoTurn software to analyze the maneuverability of emergency access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width.

The proposed X square foot (SF) residential buildings are all sprinkled in compliance with NFPA 13R. The building elevations, location and size of watermains, hydrants and call boxes are shown on the enclosed plan. The existing hydrants are located near the corner of Vesper Street and Moody Street, at the corner of Moody Street and Beckett Street, and at the corner of O'Brien Street and Wilson Street. No new hydrants are proposed.

We appreciate your comments and look forward to discussing this project further at the next Public Hearing. If you have any questions or require additional information, please contact us at anytime.

Sincerely,

WOODARD & CURRAN INC.



Denise Cameron, PE
Project Manager

AEA
219804

Enclosures – Final Site Plan, AutoTurn Figure

cc: Jean Fraser, City of Portland

Att. A-3



July 11, 2011

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Response to Comments

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. The enclosed application and plans have been updated to incorporate the feedback we received during the preliminary submission review. The following letter provides a summary of the preliminary review comments provided by the Planning Department, Department of Public Services, and consulting review engineers. The design team's response to these comments follows in italics.

Comments from Jean Fraser, City of Portland, Planning Division, dated December 2, 2010

1. The narrative regarding Stormwater Management refers to SW Cole analyzing the site to "determine if pervious concrete surfaces can also be used within the parking area". This information is crucial to the review of stormwater drainage, particularly as the City will not allow any stormwater to discharge into the City sewer system, so sheet flow and infiltration and treatment will need to be developed further.

Pervious concrete surfaces will not be used within the parking area, please refer to the enclosed Stormwater Management Report, Section 13, for additional information regarding stormwater design.

2. Also there is a reference to "raingarden" on the Landscape Plan but I don't believe this is referenced elsewhere in the submission (I realize this is in the open space area but they could serve the housing part of the site) - so clarification re the incorporation of raingardens would be helpful.

An updated Stormwater Management Plan has been included in the final submission clarifying the proposed design of stormwater infrastructure. No raingardens are proposed at this time, but Filterra Tree Box filter system will be used to treat runoff from the parking area.

3. On the plans there is a note "Park concept shown for reference, park development design by others, refer to Landscape Drawings for Plans and Details". Am I right in understanding that the park is part of the submission for review as described in the application? Does the .74 acre include the park and playground area and if not could that area be clarified in terms of sq ft- also is there information re drainage and lighting and extent of boundary treatment for the open space and playground area?

Yes, the park is part of the submission for review. However, the 0.74 acre lot does not include the park and playground area; the park and playground area is located on a 0.35 acre lot abutting the 0.74 acre housing site. Information regarding drainage, lighting, and extent of boundary treatment for the open space and playground area have been provided in the Landscape Plans.

4. Proposed handicapped ramps should be adjusted to align the detectible warning plates perpendicular to the crosswalk (and crosswalks to be perpendicular to the street).



The plans have been modified accordingly.

- 5. Applicant to be responsible for all costs associated with altering signage and pavement markings for on street parking and crosswalks.

Notes have been added to the plans regarding the removal, protection, and reinstatement of signage within the public right of way. Notes regarding removal and restriping of crosswalks have also been included.

- 6. Not clear as to the intent of the four 6" PVC pipes shown on the northeast end of the property.

The existing 6" PVC standpipes, as shown in the following pictures, will be removed to two feet below finished grade and capped with a concrete plug.



- 7. There will be requirements re removing catchbasins/manholes and sealing of pipes when it comes time for a demo permit.

Acknowledged; information regarding removal of catchbasins and manholes are included in the attached plans.

- 8. Tree wells along City streets should be rectangular and several types are recommended by City Arborist: typical tree well with 'tree grate' spec is NEENAH # R-8810 which is 33" x 60". There are a few other types that would work in sidewalks of this width, see: <http://www.nfco.com/literature/TreeGrateCatalog22/Avenue.pdf>

The plan has been updated to include rectangular tree wells and the City standard Neenah grates, model 8810 with R-8500 type P rims for mounting. Tree wells are placed at the edge of curb since most existing utility structures along these streets occur at the outside edge of the sidewalk. Sidewalk maintenance vehicles need 49.5" un-obstructed access, which has been provided. The landscaping plans have been modified accordingly.

- 9. Some of the trees shown on the proposed landscape plan are smaller than the typical approved standard. Shade trees should be 2.5" caliper and ornamental trees 1.75" - 2" caliper, the multi-stem or "clump" form should be 6-8' in height.

The proposed street trees and ornamental trees have been updated to meet the typical approved standards for size. Proposed street trees that are near overhead utility wires shall conform to the recommended specifications in the City's Recommended Tree List. The landscaping plans have been modified accordingly.

- 10. Tree & landscape choices would all meet approval. We might want to review all street-tree type options, including trees planted under the wires to include: Zelkova 'Wireless' see: <http://www.ifschmidt.com/introductions/wireless/index.html> , Japanese Tree Lilac, and the

Att. A 5



Ginkgos to consider the somewhat wider: 'Autumn Gold' or 'Magyar' which should not be too wide for the site but wider than the very upright 'Sentry' as proposed.

Fourteen street trees shall be provided in grated tree wells in the sidewalk right-of-ways. Another four street trees shall be placed at the edge of the sidewalk in the park property along the Moody and Wilson Street sides. Two large existing trees located in the park beside the Moody Street sidewalk shall be preserved and are referenced on the plan. Another large Norway Spruce, located northwest of the playground, shall be saved. The landscaping plans have been modified accordingly.

11. Is it possible to reuse any of the existing trees on-site?

The landscape architect has reviewed the existing trees on site and does not recommend transplanting of existing trees. The attached plans include information regarding tree demolition and protection.

Comments from Jean Fraser, City of Portland, Planning Division, dated January 6, 2011

1. Need Demolition and Construction Management Plans including traffic management.

A Construction Management Plan, including traffic management, has been included as Section 16 of the final site plan submission.

2. Prefer mailboxes at front doors rather than grouped elsewhere.

PDT architects has reviewed the mail box location and configuration with the Postal Service. The Postal Service has indicated a preference for a cluster of four mail boxes at each building. The attached plans have been updated accordingly.

3. Condo documents to include provisions that address control of external changes – to maintain cohesive design.

Condominium documents will be provided by Avesta Housing under separate cover.

4. Seek measures to increase safety and security in housing and park, e.g. lighting.

The Adams School Redevelopment project utilizes crime prevention design strategies to reduce the incidence of crime and improve the feeling of safeness in the neighborhood. The development improves the natural surveillance of the site by adding windows along Vesper Street and along the park esplanade. Natural surveillance is also encouraged with lighting along the esplanade. In each unit the living space faces either Vesper Street or the park, further facilitating casual observation of public areas. Added security will be provided by motion-sensor lighting at the controlled access mid-block walkway between Vesper Street and the parking area. Daylight and motion sensor lighting in the parking area will create a safe area for the residents.

Landscaping along the perimeter of the property will distinguish between public and private areas and define ownership of the site, discouraging loitering. Deterioration has recently blighted this site, encouraging potential offenders to consider it an uncontrolled site. With the new development, the condominium association will regularly maintain sidewalks, landscaping, and the buildings, dispelling any notions that the site is un-cared for or ignored. All of these measures will help to improve the sense of safety on the site as well as in the surrounding neighborhood.

5. Request submission of the winning RFP submission as background.

The winning RFP submission has been attached to the application packet.



- Request floor space data for the units.

Total Building Footprint =	11,388 Square Feet (SF)
Total Building Floor Area =	22,100 SF
Floor Area of each unit:	
2 Bedroom, 1 st Floor Unit =	977 SF
2 Bedroom, 2 nd Floor Unit =	1,115 SF
3 Bedroom Unit w/ 1 Bedroom on 1 st Floor =	1,439 SF
3 Bedroom Unit w/all bedrooms on 2 nd Floor =	1,505 SF

Comments from Thomas Errico, T.Y. Lin International, dated December 9, 2010

- The City Crosswalk Committee has reviewed the crosswalk changes proposed by the applicant and find the changes to be acceptable.
Acknowledged.
- The applicant should provide an ADA compliant ramp on the northwest corner of the Moody Street/Beckett Street intersection.
The plans have been modified accordingly.
- The applicant should provide a Detectable Warning device to the existing ramp on the southwest corner of the Wilson Street/O’Brion Street intersection.
The plans have been modified accordingly.
- The applicant should provide waiver documentation for sidewalk ramps where perpendicular alignment cannot be achieved.
Acknowledged .Perpendicular crosswalk alignments are shown on the attached plans.

Comments from Al Palmer, Gorrill-Palmer Consulting Engineers, dated December 14, 2010

- The Impervious Area Summary as presented is misleading due to the manner in which they have characterized the walkways on the Avesta Site. They have shown 6,256 sf of “pervious” walkways on the Avesta portion of the lot. To date, no details have been shown as to the “pervious” nature of these walkways, and at the meeting last week, it appeared that the underlying soils would not result in the walkways being “pervious”. It is our understanding that Maine DEP has determined that walkways, parking areas or other surfaces that have a surface treatment such as pavers, porous bituminous pavement or porous portland cement concrete are considered as “impervious” for the purpose of determining site coverage. If these surfaces (including the surface treatment, the typical section and subgrade condition) result in truly porous/permeable situation and provide water quality treatment/recharge, then it can be considered as a BMP for treatment of the “impervious” surface. Therefore, it would appear that the “pervious” walkways on the Avesta site should be considered “impervious”.
Pervious pavers are no longer being proposed for the development.
- The Applicant has stated that this is a “redevelopment” project, therefore water quality treatment is not required. In our opinion, you need to consider two separate conditions under the redevelopment clause; whether there is any increased impervious areas, and the change in use of existing impervious areas. If the impervious area increases in size, which it does for this project, then the increased surface area must be treated. While the property has elements of a “redevelopment” we question whether it fully meets the Chapter 500 requirements to be considered a redevelopment. The applicable portion of the standard is provided below:

AA.A.7



Stormwater Management Law project including redevelopment. For a project requiring a Stormwater Management Law permit that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), the redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project's stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area. The requirements of Appendix D must still be met, if applicable. (Underline added)

If the Applicant can successfully demonstrate that the new use of the existing impervious area is not likely to increase stormwater impacts from the existing condition, then that existing area doesn't have to be treated. However, the comparison of existing and proposed surfaces has to consider their respective uses. Obviously the existing paved playground needs to be considered separate from the existing parking area, as well as any proposed parking areas. We would recommend that the tables presenting the existing conditions be modified to separate pavement (parking) from pavement (playground) so that an evaluation of the relative changes in use can be considered.

An updated Stormwater Management Plan has been included in the final submission clarifying the proposed design of stormwater infrastructure. The report includes tables and figures demonstrating the proposed stormwater treatment, and describing compliance with stormwater regulations.

We look forward to discussing this project further during the next available Public Hearing. Please feel free to call at anytime if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink that reads "Denise Cameron".

Denise Cameron, PE
Project Manager

AEA
219804

cc: Seth Parker, Avesta Housing
Alan Kuniholm, PDT Architects
Regina Leonard, Landscape Architecture & Design

Att. B.1
 Submission 7.11.11 in
 Large Ringbinder (Except



docs > 8x11)

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Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form to be used for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits. General information pertaining to the thresholds of review and fee structure is contained on page 3 of this application. The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp>

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sf or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sf or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sf or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sf or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sf or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sf of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sf and/or facilities encompassing 20,000 sf or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

B.6

PROJECT NAME: Adams School Site Re-development

PROPOSED DEVELOPMENT ADDRESS:

48 Moody Street, Portland, ME 04101

PROJECT DESCRIPTION:

Demolish the existing Adams School building and site amenities and develop a 16-unit affordable housing complex including parking spaces, a public open space, and a playground.

CHART/BLOCK/LOT: 003/H/1,2,3,&4

PRELIMINARY PLAN
FINAL PLAN

11/22/2010 (date)
7/11/2010 (date)

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: Avesta Housing Development Corporation</p> <p>Business Name, if applicable: Avesta Housing Development Corporation</p> <p>Address: 307 Cumberland Avenue</p> <p>City/State : Portland/ME Zip Code: 04101</p>	<p>Applicant Contact Information</p> <p>Work # (207) 553-7777</p> <p>Home#</p> <p>Cell # Fax# (207) 553-7778</p> <p>e-mail: emacomber@avestahousing.org</p>
<p>Owner – (if different from Applicant)</p> <p>Name:</p> <p>Address:</p> <p>City/State : Zip Code:</p>	<p>Owner Contact Information</p> <p>Work #</p> <p>Home#</p> <p>Cell # Fax#</p> <p>e-mail:</p>
<p>Agent/ Representative</p> <p>Name: Woodard & Curran</p> <p>Address: 41 Hutchins Drive</p> <p>City/State : Portland/ME Zip Code: 04101</p>	<p>Agent/Representative Contact information</p> <p>Work # (207) 774-2112</p> <p>Cell #</p> <p>e-mail: dcameron@woodardcurran.com</p>
<p>Billing Information</p> <p>Name: Avesta Housing Development Corporation</p> <p>Address: 307 Cumberland Avenue</p> <p>City/State : Portland/ME Zip Code: 04101</p>	<p>Billing Information</p> <p>Work # (207) 553-7777</p> <p>Cell # Fax# (207) 553-7778</p> <p>e-mail: emacomber@avestahousing.org</p>

B.7

Engineer Name: Woodard & Curran Address: 41 Hutchins Drive City/State : Portland/ME Zip Code: 04102	Engineer Contact Information Work # (207) 774-2112 Cell # Fax# (207) 774-6635 e-mail: dcameron@woodardcurran.com
Surveyor Name: Owen Haskell, Inc. Address: 390 Route 1, Unit 10 City/State : Falmouth/ME Zip Code: 04101	Surveyor Contact Information Work # (207) 774-0424 Cell # Fax# e-mail: jswan@owenhaskell.com
Architect Name: PDT Architects Address: 49 Dartmouth Street City/State : Portland/ME Zip Code: 04101	Architect Contact Information Work # (207) 775-1059 Cell # Fax# e-mail: kuniholm@pdtarchs.com
Attorney Name: Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)	Fees Paid (office use)	Other Reviews (check applicable reviews)	Fees Paid (office use)
<input checked="" type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over 300,000 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 100 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee) <hr/> The City invoices separately for the following: - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) Third party review is assessed separately.	_____ _____ _____ _____ _____ _____ _____	<input type="checkbox"/> Traffic Movement (\$1,000) <input type="checkbox"/> Stormwater Quality (\$250) <input checked="" type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots <u>16</u> x \$25/lot = <u>1,400</u> <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots _____ x \$200/lot = _____ <input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation	_____ _____ _____ _____
Plan Amendments (check applicable reviews) <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)	Fees Paid (office use) _____ _____		

B.9

APPLICATION SUBMISSION

As of December 1, 2010, all site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Until December 1, 2010, Submissions shall include seven (7) packets with folded plans containing the following materials:

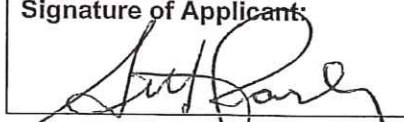
1. **Seven (7) full size site plans** that must be **folded**.
2. Seven (7) copies of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submittal requirements.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: www.portlandmaine.gov Copies of the ordinances may be purchased through the Planning Division.

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

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

Signature of Applicant: 	Date: 7.11.11
--	------------------

rec'd 7.27-11

B.10

PROJECT DATA

(The following information is required where applicable, in order complete the application)

Total Site Area	33,960 (Parcel A) 32,350 (Parcel B)	sq. ft.
Proposed Total Disturbed Area of the Site	44,798 (includes school demolition)	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)		
IMPERVIOUS SURFACE AREA		
• Proposed Total Paved Area	6,780 (Parcel A) 11,909 (Parcel B)	sq. ft.
• Existing Total Impervious Area	22,850 (Parcel A) 16,543 (Parcel B)	sq. ft.
• Proposed Total Impervious Area	12,870 (Parcel A) 24,236 (Parcel B)	sq. ft.
• Proposed Total Impervious Area	12,870 (Parcel A) 24,236 (Parcel B)	sq. ft.
• Proposed Impervious Net Change	- 9,980 (Parcel A) +7,693 (Parcel B)	sq. ft.
BUILDING AREA		
• Proposed Building Footprint	10,595 (total for 4 buildings)	sq. ft.
• Proposed Building Footprint Net change	9,397	sq. ft.
• Existing Total Building Floor Area	1,198	sq. ft.
• Proposed Total Building Floor Area	22,100	sq. ft.
• Proposed Building Floor Area Net Change	20,902	sq. ft.
• New Building	yes	(yes or no)
ZONING		
• Existing	R-6	
• Proposed, if applicable	R-6 w/ ZBA variance on setbacks	
LAND USE		
• Existing	School	
• Proposed	Residential condominiums and park	
RESIDENTIAL, IF APPLICABLE		
• Proposed Number of Affordable Housing Units	16	
• Proposed Number of Residential Units to be Demolished	0	
• Existing Number of Residential Units	0	
• Proposed Number of Residential Units	16	
• Subdivision, Proposed Number of Lots	2 lot subdivision with 16 condominium units	
PARKING SPACES		
• Existing Number of Parking Spaces	0	
• Proposed Number of Parking Spaces	16	
• Number of Handicapped Parking Spaces	1	
• Proposed Total Parking Spaces	17	
BICYCLE PARKING SPACES		
• Existing Number of Bicycle Parking Spaces	0	
• Existing Number of Bicycle Parking Spaces	0	
• Proposed Number of Bicycle Parking Spaces	20 (includes storage units and exterior bike racks)	
• Total Bicycle Parking Spaces	20	
ESTIMATED COST OF PROJECT		
	\$4.5 Million	

**General Submittal Requirements – Preliminary Plan (Optional)
Level III Site Plan**

Preliminary Plan Phase Check list (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Evidence of right, title and interest.
<input type="checkbox"/> N/A	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7(1 paper copy as of Dec. 1)	Written assessment of zoning.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written summary of significant natural features located on the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Written summary of project's consistency with related city master plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1 (1 paper copy as of Dec. 1)	Neighborhood Meeting Material (refer to page 13 of this application.)
Applicant Checklist	Planner Checklist	Number of Copies	Site Plan Submittal Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Preliminary Site Plan Including the following: (*information provided may be preliminary in nature during preliminary plan phase):
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed utilities (preliminary layout).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary stormwater management and erosion control plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).

B.12

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<ul style="list-style-type: none"> ▪ Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).
<ul style="list-style-type: none"> ▪ Existing and proposed easements or public or private rights of way.

General Submittal Requirements – Final Plan (Required)
Level III Site Plan
Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within ¼ mile of an intersection identified in a previous traffic study as a failing intersection).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Final Plan Phase			
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 (1 paper copy as of Dec. 1)	Final Site Plan Including the following
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed loading and servicing areas, including applicable turning templates for delivery vehicles
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed snow storage areas or snow removal plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed trash and recycling facilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).
<input type="checkbox"/> N/A	<input type="checkbox"/>		▪ Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)

B. 13

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-
-
- N/A
-

▪ <i>Proposed finish floor elevation (FFE).</i>
▪ <i>Exterior building elevation(s) (showing all 4 sides).</i>
▪ <i>Proposed stormwater management and erosion controls.</i>
▪ <i>Exterior lighting plan, including street lighting improvements..</i>
▪ <i>Proposed signage.</i>
▪ <i>Identification of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). Wetlands must be delineated.</i>
▪ <i>Proposed alterations to and protection measures for of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).</i>
▪ <i>Total area and limits of proposed land disturbance.</i>
▪ <i>Soil type and location of test pits and borings.</i>
▪ <i>Details of proposed pier rehabilitation (Shoreland areas only).</i>
▪ <i>Existing and proposed easements or public or private rights of way.</i>

2. PROJECT DESCRIPTION

The Marada Adams School, located at 48 Moody Street, was closed in 2006 and is currently abandoned. In 2008, after a two year public visioning process, the City of Portland released a Request for Proposal (RFP) for the redevelopment of the site and selected Avesta Housing (Avesta) for the redevelopment work. For your reference, the winning RFP submission from Avesta to the City of Portland has been enclosed as Figure 2-1. The proposed redevelopment project includes the demolition of the existing Adams School building and site amenities; and development of a 16-unit affordable ownership housing complex and the construction of, on behalf of the City, public open space and playground area.

The school parcel is approximately 1.5 acres in size. The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel, bounded by Vesper Street, Moody Street, Wilson Street, and the former Beckett Street Right of Way. Avesta currently holds a Purchase and Sales agreement with the City of Portland for this portion of the site. The parcel is within the R-6 residential zone and identified on Tax Map 003 as Block H. The proposed public park will be constructed on an abutting 0.35 acres of land.

The condominiums will be marketed to be affordable to households of moderate means (0.8 to 1.2 MHI), with incomes near the area median. The residential development will include eight two-bedroom units and eight three-bedroom units, resulting in a total building footprint of 10,595 square feet and a total floor area of 22,100 square feet. The two bedroom units are located at the four corners of the site, with a two bedroom unit located above the lower two bedroom unit. The eight three-bedroom units will consist of two-story residential units.

The two-bedroom unit near the corner of Vesper and Moody Street will be handicap accessible. The three bedroom units will have a lower bedroom, which will allow for single floor living for a family member. The development will be designed to meet federal accessibility requirements and will exceed these requirements on many levels to the extent possible.

The front of the buildings will be oriented to the street, with off-street parking (one space per unit) provided along rear private mews. This rear parking area will be screened by the buildings and landscaping, so that the architectural and landscape elements are the focus of the public streetscape. Avesta was granted a variance from the side and rear setback requirements from the Zoning Board of Appeals (ZBA) in September of 2010. A copy of the ZBA Certificate of Variance Approval is enclosed as Figure 2-2. The variance was granted so that the building orientation and their relation to the streets will better align with the character of the neighborhood.

A condominium association will govern the residential development. The association will be responsible for maintaining the 0.74-acre residential development, including the parking area, rear mews, utilities, sidewalks, landscaping, and appurtenances. The condominium association documents will be submitted for the City's review under separate cover. A copy of the subdivision plan and condominium recording plat is attached to this application as Figure 7-1.



B. 15

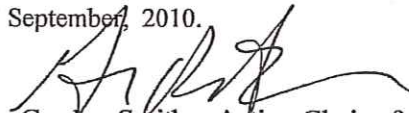
CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Gordon Smith, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the sixteenth day of September, 2010, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: City of Portland, Maine**
2. **Property: called 48 Moody Street, cor. Vesper Street, cor. Wilson Street, Portland, ME -**
CBL: 003-H, 1, 2, 3 & 4
Cumberland County Registry of Deeds, Book Page
Last recorded deed in chain of Title:
3. **Variance and Conditions of Variance:**
To grant relief from section 14-139(1)(d)(3) of the Land Use Zoning Ordinance to allow a side yard setback of 4.2' along Moody Street and 4' along Wilson Street instead of the required 10' side yard setback. And to further grant relief from section 14-139(1)(d)(2) to allow a rear setback of 5' instead of the required 20' rear setback.

N WITNESS WHEREOF, I have hereto set my hand and seal this 16th day of September, 2010.



Gordon Smith, Acting Chair of
City of Portland Zoning Board,

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Gordon Smith and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on September 16, 2010.



(Printed or Typed Name)

Notary Public

Margaret Schmuckal

My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

B.17
REC'D SEP 28 2010

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Jill E. Hunter
Gordan Smith-secretary
William Getz

September 21, 2010

Avesta Housing
Ethan Boxer-Macomber
307 Cumberland Avenue
Portland, ME 04101

RE: 48 Moody Street
CBL: 003 H001
ZONE: R-6

Dear Mr. Boxer-Macomber:

At the September 16, 2010 meeting, the Zoning Board of Appeals voted 4-0 to grant the practical difficulty variance appeal to reduce the left side setback to four feet, two inches, the right side setback to four feet and the rear setback to five feet. I am enclosing a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 16, 2010, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page.

You will also find an invoice for \$385.39 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that the practical difficulty variance appeal has been approved, you need to apply for a building permit to build the condominiums. The permit will not be issued until we receive a copy of the recorded Certificate of Variance. The building permit must be issued and construction begun within six months of the date of the hearing, September 16, 2010, referenced under section 14-473(e), or the Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8709.

B.18

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

**ZONING BOARD APPEAL
DECISION**

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: September 20, 2010
RE: Action taken by the Zoning Board of Appeals on September 16, 2010.

Members Present: Gordon Smith (acting chair), William Getz (acting secretary), Sara Moppin, and Jill Hunter

Members Absent: Phil Saucier

1. New Business:

A. Practical Difficulty Variance Appeal:

48 Moody Street, Avesta Housing Development Corporation, future owner, Tax Map 003, Block H, Lots 001, 002, 003 & 004, R-6 Residential Zone: The applicant is proposing to build sixteen affordable housing condominiums on the old Adams School site. The appellant is requesting a variance for both side setbacks, from the required ten foot side setback to four feet, two inches on the left side and four feet on the right side [section 14-139(1)(d)(3)]. The appellant is also requesting a variance for the rear setback from the required twenty feet to five feet [section 14-139(1)(d)(2)]. Representing the appeal for Avesta Housing is Ethan Boxer-Macomber. **The Board voted 4-0 to grant the practical difficulty variance appeal to reduce the required left side setback to four feet, two inches, the required right side setback to four feet, and the required rear setback to five feet for the new condominium project.**

2. Other Business:

Election of Chair and Secretary for the Zoning Board of Appeals. **The Board voted to postpone the elections until the next meeting.**

Enclosure:

Decision for Agenda from September 16, 2010
Original Zoning Board Decision
One dvd

CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director, Planning & Urban Development
Alex Jaegerman, Planning Division

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: September 16, 2010

Name and address of applicant: Avesta Housing Development Corp.
307 Cumberland Ave.
Portland, ME 04101

Location of property under appeal: 48 Moody Street

Present:

Sara Moppin
Jill Hunter
Gordon Smith
Bill Getz

Gordon Smith disclosure
of employment with Verill/Dana

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Leither Pro. Con
1st Bard,
Mustrie Institute

① Ethan Boxer - Macomber - Avesta, project mgr.

② Seth Parker, mgr@Avesta

③ Avesta Corporate Council

④ Marlynn Meachy - PDT Architect

apposed: Carol McKeatin - desires notification & updates

Erna Koch 81 Vesper St. - apposed. - High density and her view would be obstructed.

Gary Marcisso 64 Vesper & Owner of 3 other many buildings are condominium @ 1K-2
Exhibits admitted (e.g. renderings, reports, etc.):

E-mail messages from Mr. Mullin, Mr. McNally, Mr. Miller, Sen. Alford
Committee

Powerpoint presentation -

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Satisfied 4 Not Satisfied

Reason and supporting facts:

Unique as it contemplates frontage on 4 sides and the size (one full block) is unique

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied 4 Not Satisfied

Reason and supporting facts:

neighbor opposition being considered the possible use would be detrimental if not for the RFP
4 - email letters submitted by neighbors in favor

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied 4 Not Satisfied

Reason and supporting facts:

per testimony that the City RFP was part of the decision to build

B.21

Conclusion: (check one)

4 Option 1: The Board finds that the standards described above (1 through 8) *Moppin/Getz* have been satisfied and therefore GRANTS the application.

____ Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

____ Option 3: The Board finds that the standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

Dated:

9.16.10



Board Chair



B.22
Submission
re 2008 RFP

July 22, 2008

c/o Matt Fitzgerald
Purchasing Office
City of Portland
389 Congress Street, Room 103
Portland, Maine 04101

Dear Mr. Fitzgerald:

On behalf of Avesta Housing, I am pleased to submit the enclosed response to the City of Portland's Request for Proposals for the Sale and Reuse of the Former Adams School Site.

Responding to the RFP, Avesta assembled a seven member development team comprised of housing development professionals from Avesta Housing, PDT Architects, Bay Realty, Woodard and Curran, and Community Design Studio. Individual members were chosen for this project based on their experience living and working on Munjoy Hill, their reputations for producing work of the highest caliber, and their professional focus on sustainable and livable communities.

The development team has worked diligently to create a proposal that is highly responsive to the goals and objectives of the Adams School Reuse Committee and the RFP document itself. The result is a proposal to create **Beckett Green**, a one acre, 40 unit residential development and **Marada Adams Park**, a new half acre City park facility.

All of us on Avesta's design team look forward to working with you, City staff, and the City Council through the review process.

If questions should arise, please contact Ethan Boxer-Macomber at emacomber@avestahousing.org or 553-7777.

Sincerely,

Dana Totman,
President

Quality Affordable Living

307 Cumberland Avenue, Portland, Maine 04101 • P: 1-800-339-6516 • 207-553-7777 • F: 207-553-7778
Equal Housing Opportunity

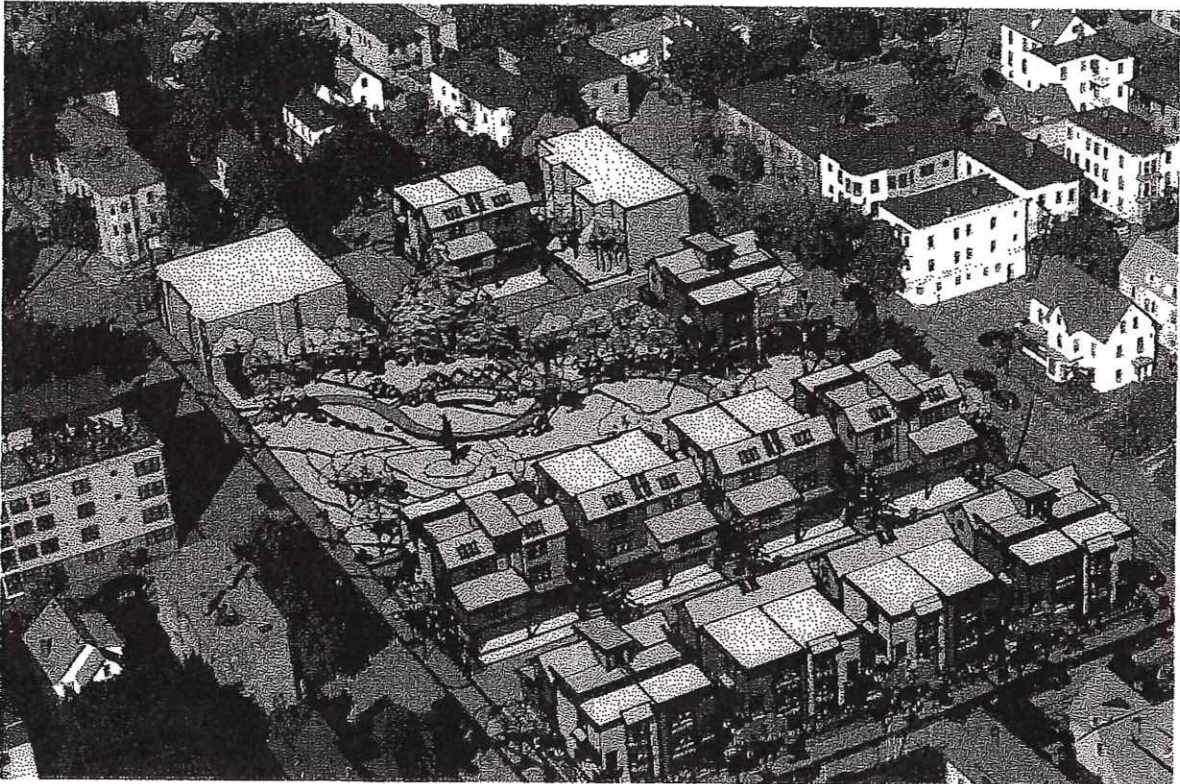
B.23

City of Portland
Request for Proposals

For the Sale and Reuse of the Former Adams School Site

July 22, 2008

Beckett Green & Marada Adams Park



Submitted by:

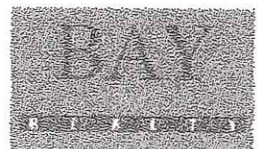


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Exhibit A: Required RFP Forms

Exhibit B: RFP Addenda #1 and #2

Exhibit C: Analysis of Physical (Neighborhood) Context

Exhibit D: Financial Capacity Letter from Bangor Saving Bank

Exhibit E: Plans, Elevations, and Renderings



Executive Summary

This is a proposal to create **Beckett Green**, a 40 unit residential development and **Marada Adams Park**, a new city park facility. Beckett Green will occupy approximately one acre and Marada Adams Park will occupy about a half acre.

The development team is comprised of Avesta Housing, PDT Architects, Bay Realty, Woodard and Curran, and Community Design Studio. Individual members of the team have extensive experience living and working on Munjoy Hill.

This proposal calls for the demolition of the existing school building based on its quality, condition, and placement. This clean slate approach makes most efficient use of precious urban land and best allows the new development to complement and enhance the existing neighborhood and satisfy the goals and objectives of the RFP.

Beckett Green is named for its connection to the Marada Adams Park green space and for reestablishing Beckett Street as a view corridor and public way. Marada Adams Park is named after Marada Adams herself and as a tribute to the Munjoy Hill elementary school community.

Beckett Green is comprised of 20 3-bedroom units, each stacked over a 1-bedroom unit for a total of 40 housing units. Avesta proposes to make most or all of the units affordable to households of moderate means with incomes in the range of 80 – 120% of Area Median Income. At present, this target would serve families earning approximately between \$38,000 and \$81,000 per year. All individually sold units will include deed restrictions to guarantee that units be sold only to an owner-occupying, qualifying buyer at an affordable maximum sales price in perpetuity.

Avesta will market most of the units at Beckett Green as a “clustered pair”; a 3-bedroom unit together with the 1 bedroom unit below. In the clustered pair scenario, the owner will be required to occupy one of the two units. The additional unit is to be used to house a family member such as an aging parent or a mid-twenties child seeking their own place in Portland. Alternatively, the second unit can be used for a home occupation or artist studio. Ideally each clustered pair can support cradle to grave family living situations.

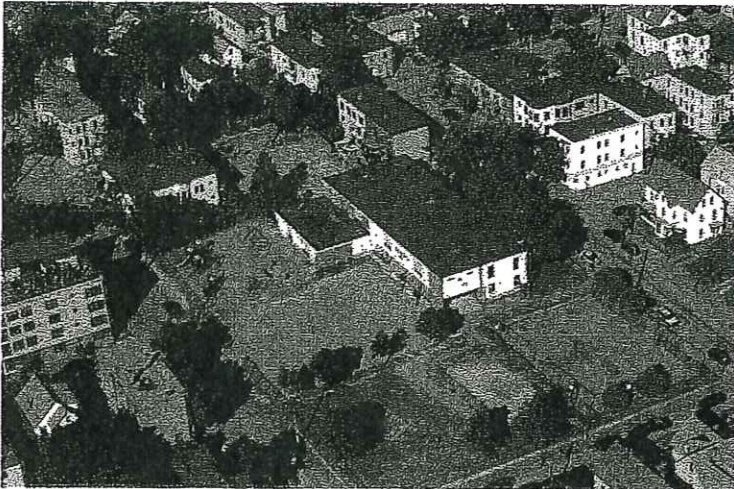
Beckett Green’s design is based on the neo-traditional, New Urbanist principle of the private rear ally or “mews”. Beckett Green’s mews will place automobile circulation and parking to the interior of the housing development to deemphasize cars and garages and guarantee that public streetscape and park provide welcoming architecture and landscaping. All units at Beckett Green meet or exceed the standards of the USGBC’s LEED for Homes and LEED Neighborhood Design programs and will seek certification for project under the same.

Marada Adams Park is designed to address the unmet public recreation, open space, programming, and public art needs of the neighborhood. Once developed, the park will be owned and operated by the City of Portland. Marada Adams Park provides a natural adventure playspace as an alternative to the manufactured play structures that are already in place around Munjoy Hill. The park also provides for natural public open space to facilitate quiet passive recreational use and to provide an intimate outdoor community programming venue.

Marada Adams Park will feature public art components including the re-setting of the existing concrete Adams School mural into a curved seat wall at the center of the playspace and a large, prominent sculptural piece to be commissioned at a later date. A pedestrian esplanade which continues the Beckett and Obrion Street sidewalks will connect the park to the neighborhood and provide permeability.

The redevelopment of the site will cost \$10.6 million. Key sources of funds will include; home sales, Federal Home Loan Bank of Boston, NeighborWorks® America, the City of Portland, and MaineHousing. The costs of the development include land purchase of \$600,000, construction costs of \$7.7 million and soft costs of \$1.7 million. The cost of building Marada Adams Park will be \$830,000 and the balance is for the housing.

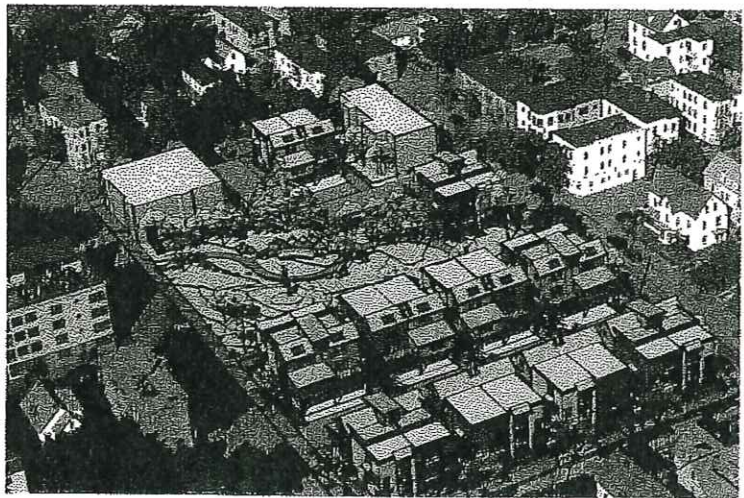
The entire development team is committed to a public engagement and dialog as this development progresses. Great effort has been made to design a development that is consistent with and contributes to the residential character of Munjoy Hill. Further engagement of the public will refine this proposal to a development that will contribute greatly to Portland's livability.



Existing Conditions



Proposed Project



1. Developer

Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101

Tel: (207) 553-7777
Fax: (207) 553-7778
www.avestahousing.org

Dana Totman, President and CEO
dtotman@avestahousing.org

Ethan Boxer-Macomber, Development
Officer
emacomber@avestahousing.org

Architect:

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Marilyn Leivian
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www.pdtarchs.com

kuniholm@pdtarchs.com
leivian@pdtarchs.com

Landscape Architect:

Regina S. Leonard
landscape architecture & design
29 Bridge St
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Tel. (207) 450-9700

rsldesign@juno.com

Community Design / Planning:

Alan Holt
Community Design Studio
17 Chestnut Street
Portland, ME 04101
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alan@communitydesignstudio.com

Site / Civil Engineer:

Barry Sheff
Woodard and Curran
41 Hutchins Drive
Portland, Maine 04102
(207) 774-2112
www.woodardcurran.com

bsheff@woodardcurran.com

Sales / Marketing Consultant:

Rita Yarnold
Bay Realty
559 Congress Street
Portland, Maine 04101
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www.bayrealtyassociates.com

rita@bayrealtyassociates.com

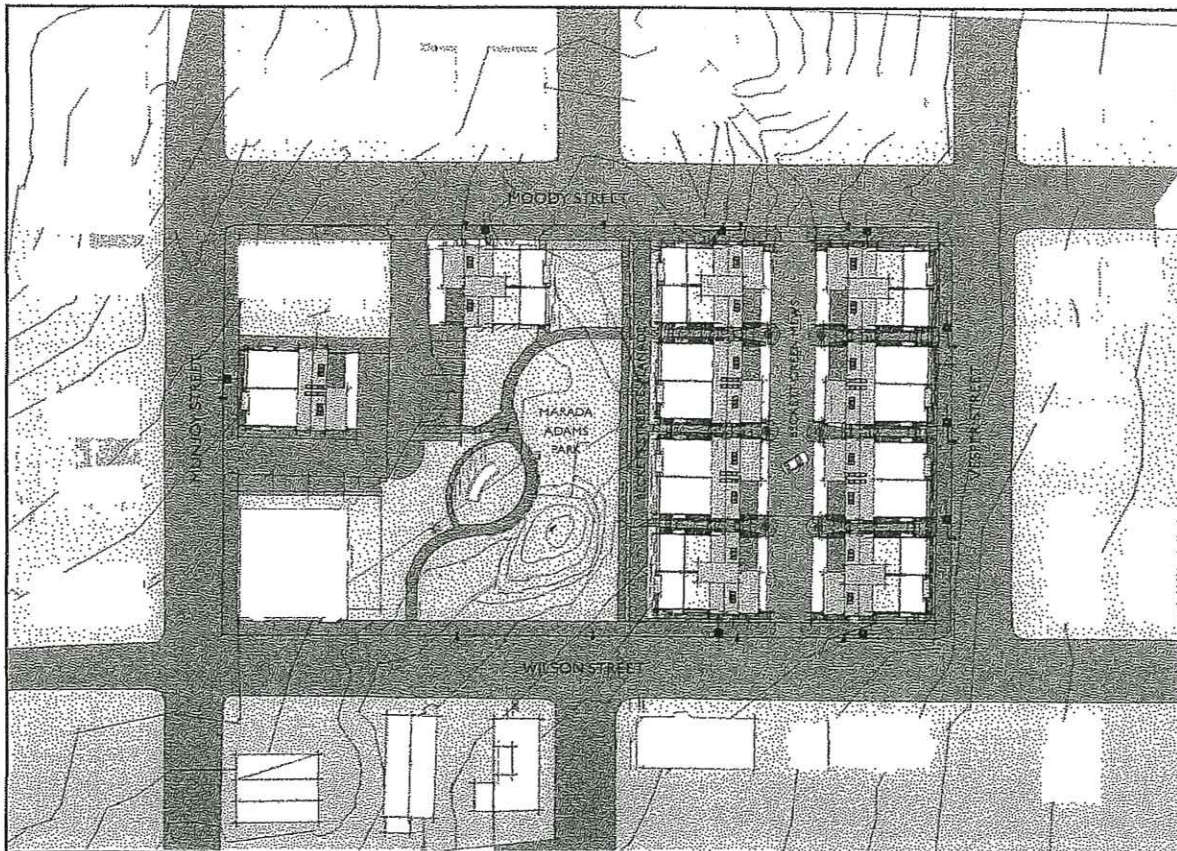
2. Proposal

A. Development Proposal Summary

Project Design / Description

The proposal calls for the clearing of the site except for the preservation of certain tree specimens of significance. Given the age, condition, and placement of the existing school building, Avesta's development team concluded that a "table rasa" approach makes most efficient use of the site and best allows the new development to complement and enhance the existing neighborhood and satisfy the goals and objectives of the RFP.

The proposal allocates approximately 1-Acre of the 1.5-Acres site to the development of **Beckett Green**, a mix of 40, 1 and 3 bedroom units of high quality, new, LEED certified housing. The remaining .5-Acres are set aside for the development of **Marada Adams Park**, a City-owned, neighborhood open space designed to complement existing city facilities and provide for the neighborhood's unmet public space needs.



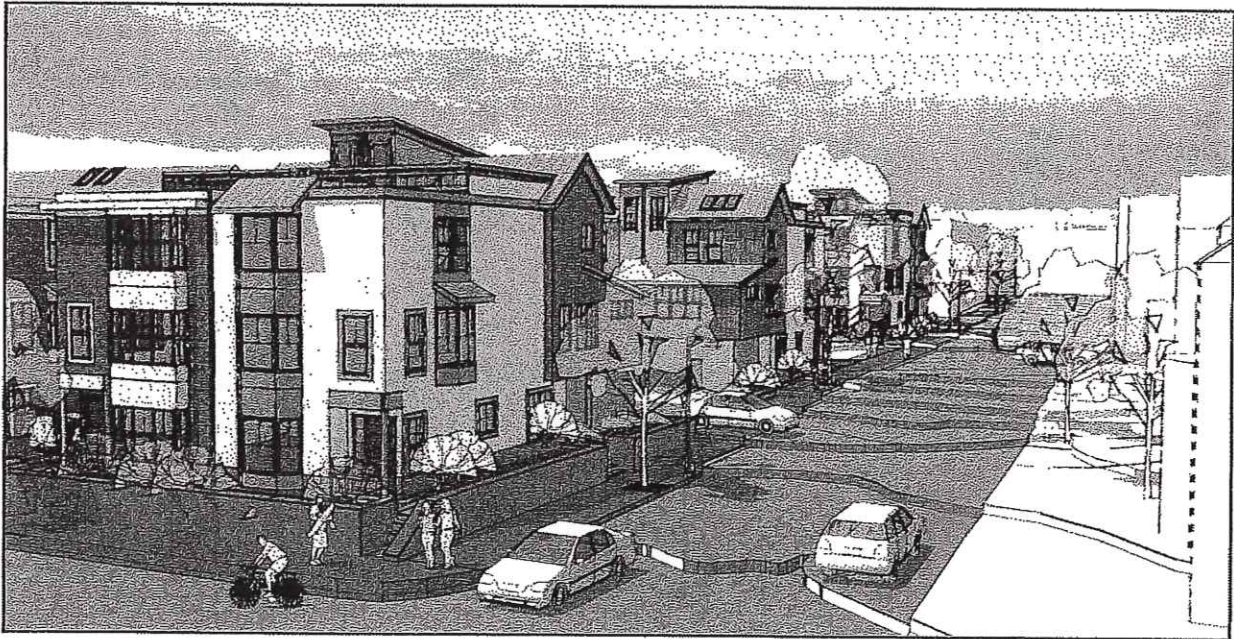
Beckett Green

Becket Green provides 20 3-bedroom units and 20 1-bedroom units housed in 10 buildings. Most or all of the units will be marketed to buyers with moderate incomes of between 80 and 120% of Area Median Income (AMI). This range currently includes families earning between approximately \$38,000 and \$81,000 per year. Some minor percentage of units may be sold at market rates.

The project design “stacks” each of the 3 units over one of the 1 bedroom units. The majority of the units in Beckett Green will be marketed and sold as a “clustered pair”; a 3-bedroom unit together with a 1-bedroom accessory unit, which may provide its owner with rental income to offset the cost of a mortgage. The final ratio of individual unit sales to clustered pair sales in the project will be determined by buyer demand at time the project is ready to be marketed. In the case of a clustered pair one of the two units will always be required to remain owner-occupied.

By offering a mix units sizes, and the option to purchase units in clustered pairs, the project is adaptive to a varying variety of household types and circumstances. For example, a family with young children may own and occupy a 3-bedroom unit of a clustered pair and rent the 1-bedroom unit to a student. As the years go by, that family may find they have a need for an artist studio or an apartment to house an elderly parent or a child that has completed their education and is starting their career and needs a place of their own. Alternatively, the owners may find themselves “empty nesters” and opt to move into the 1-bedroom and rent the 3-bedroom to a child that is starting a family of their own. In this way, the project provides lifecycle housing; adaptable to many walks and stages of life.

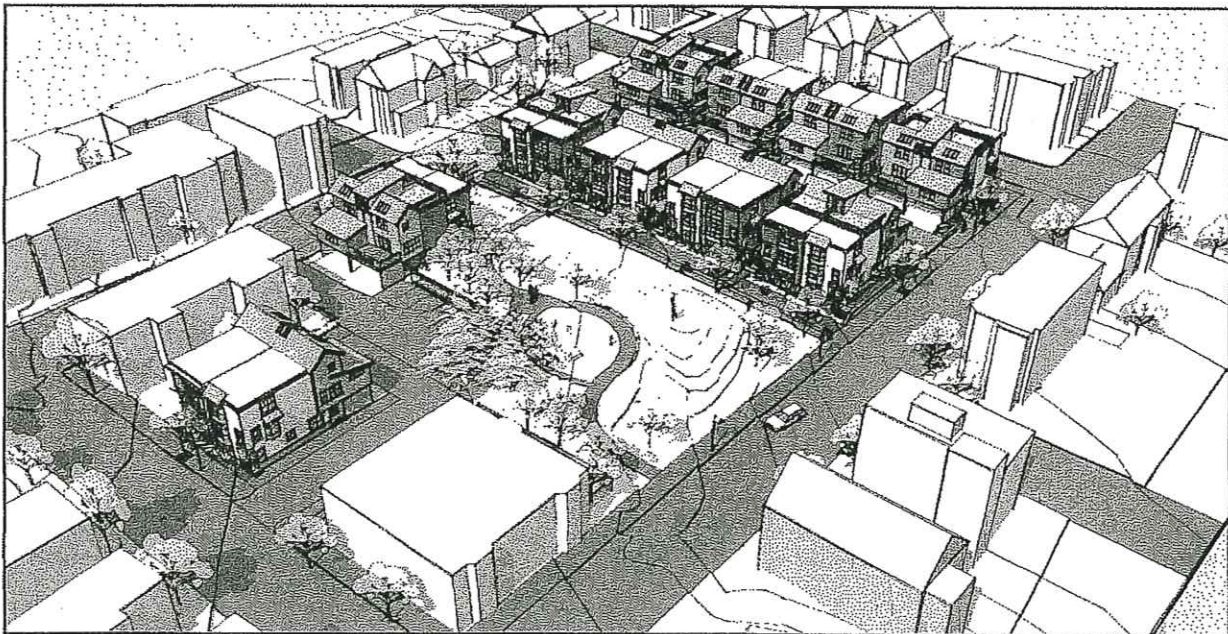
All homes sold as “affordable units” at Beckett Green will be so maintained in perpetuity through deed restrictions which will limit sales to moderate income buyers and will cap maximum sale price by formulaic reference to the Area Median Income as it changes from year to year.



The land and structures at Beckett Green will be owned and managed by a homeowner's association which will be solely responsible for maintenance and upkeep of the property and enforcement of association rules and restrictions. Avesta Housing's management division will offer a complete host of administrative and maintenance services to the association.

The scale and density envisioned in Beckett Green are slightly less than those which currently exist in the surrounding neighborhood (Exhibit A). Beckett Green is designed to complement and enhance the rhythm and character of the existing neighborhood through context sensitive architecture and excellence in urban design.

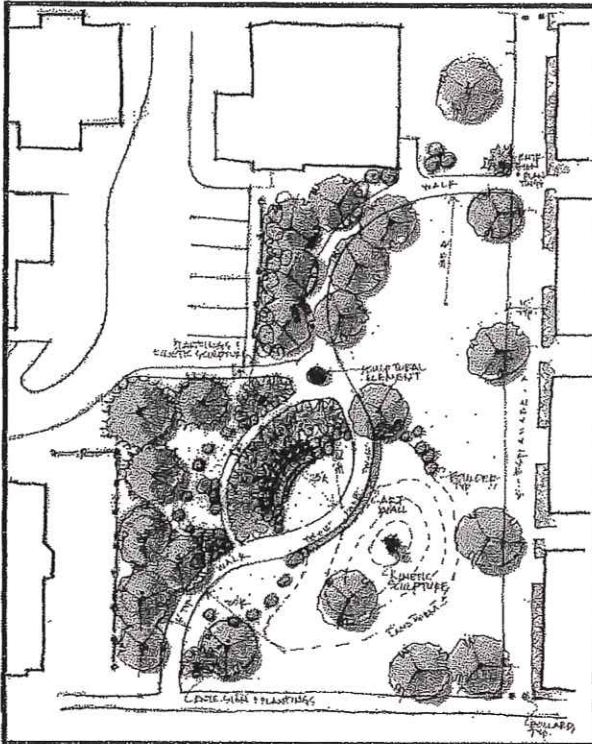
Avesta believes that the attached conceptual plan for Beckett Green can be accommodated by an R6 to R7 overlay map amendment. A zoning analysis is provided within this proposal. Avesta and the project design team look forward to the opportunity to work with the neighborhood, the City's Planning staff, Planning Board, and the City Council in further refining the project through the public review process.



Marada Adams Park

Public space serves as the central unifying component for the proposed redevelopment of the Adams School site. The plan incorporates a half acre for the new **Mirada Adams Park** and a wide pedestrian esplanade that reestablishes the traditional street block pattern in the neighborhood, once again linking Beckett and Obrion Streets. Housing is arranged along the esplanade, providing a continuation of the streetscape, a sense of scale, and a safer park interior. At the center of the site, the new Mirada Adams Park features a large, sunny community green bordered by a curved walk, shade trees and benches and a new and exciting children's play environment.

The proposed Mirada Adams playspace incorporates art, landscape, and natural elements to create rich and varied play experiences intended to supplement the more conventional playgrounds which already exist in the neighborhood. The proposed children's garden and natural play space features interactive sculptures, places to showcase community art, landform, boulders, plantings, open lawns, paths, seating and a small performance space. The original concrete mural from the former Adams School is recast into a new curved seat wall at the center of the play space. All elements combine to create a dynamic play environment integral to the greater park experience and appealing to all ages.



The design team based the design for Marada Adams Park and Playspace on the requirements of the RFP, a recent community needs assessment conducted by the City's Parks Department, and an inventory of existing parks and playspace amenities currently available in the neighborhood. The proposed design is successful at addressing the neighborhood's need for adventure playspace and informal open / green space. The design team looks forward to working with the City and the public to further consider and refine the park design.

B. Compliance with Adams School Reuse Committee Recommendations

1. Policy Issues

a. Life Cycle Living

Beckett Green offers increased opportunity for life cycle living on Munjoy Hill by:

- Providing a variety of unit sizes to serve varying family sizes, ages, and needs
- Making those units available to people of moderate income who would not have otherwise had access to quality ownership housing in the community
- Making clustered pairs of units available to families thereby providing greater flexibility of use (i.e. rental, artist studio, accessory unit for family members etc.)
- Maximizing the handicap accessibility of the units through universal design

b. Connect to the Neighborhood

The project design is based on careful study and analysis of the existing neighborhood context; rhythm; scale; circulation; viewsheds; streetscape; and community public space needs. It was also developed under careful consideration of an extensive community visioning process. The result is a project that re-knits the neighborhood, provides it with a new community focal point, and blends with and enhances the existing streetscape. In these ways, the project exemplifies a high degree of excellence in context sensitive urban design.

2. Design Considerations

a. High Quality Design

Excellence in architectural and landscape design will be achieved by the exemplary experience of the team chosen for this project.

b. Traditional Design

The design is reflective of the surrounding traditional neighborhood. New Urbanist principals are used to create infill development that reflects and respects the existing pattern, streetscape, density, scale, massing, exterior materials and design elements of the neighborhood. Buildings orient to the street. While there is much tradition on Munjoy Hill, there is also much diversity when it comes to residential architecture allowing for a variety of architectural richness. The schematic design as proposed includes massing which is similar to the adjacent multifamily units bordering the site, and includes a variety of details taken from the neighboring architecture including projecting cornices, flat roofs, pitched roofs, odiel or vertical box-bay windows, traditional double hung two-over-two windows, and a blend of exterior trim and cladding materials that compliment the texture of the surrounding neighborhood.

c. Green Design

The site and buildings will be designed to be certified under the Leadership in Energy and Environmental Design for Neighborhood Development (LEED ND) program. To that end, the development team includes several LEED Accredited design professionals with a track record of providing high performance housing. Designing towards sustainability is at the personal

and professional core of the development team. Beckett Green is, by design, a perfect candidate for both LEED for ND and LEED for Homes.

d. Streetscape

The development enhances the pedestrian experience and the public realm. The Beckett Green team has approached the overall design with the goal of minimizing the impact of cars and increasing the sense of streetscape and pedestrian scale. The retaining wall that borders the site on the Vesper Street side provides a visual base similar to many of the abutting residential buildings that have a daylight basement and are raised three to four feet above finish grade with a brick foundation. While this retaining wall provides a similar base to other buildings in the neighborhood, it also provides a sense of privacy and entry for the ground floor units. The inclusion of a central court or “mews” provides for vehicle access to the individual units while maximizing frontage to both Vesper Street and the public park/play area opposite.

e. Heights

Heights are less than or equal to the average of structures in a two block radius. The units are three stories high to a flat roof or the eave of a pitched roof and are similar in orientation and flat-roof/pitched-roof mix to those within a two-block radius.

f. Permeability

The design is highly permeable or porous. The removal of the former Adams school reconnects Beckett Street as a non-motorized pedestrian/bicycle way and re-establishes the Beckett Street view corridor. Additional visual permeability and physical accessibility is provided between the units connecting Vesper to the mews and the open space to the mews.

g. Heterogeneity

Design of the buildings on the site is heterogeneous, not homogenous. The design team has developed a design with a ‘kit of parts’ approach that provides for unifying design elements and at the same time provides for individual identity.

h. Existing Building

After careful consideration, including spatial and financial analysis, the development team has opted to remove the existing school. The mural located at the front of the school is proposed to be relocated in a seat wall at the center of the playspace in Marada Adams Park. This approach will allow for its continued and improved enjoyment by the community.

i. Accessibility

Universal Design principals will be incorporated wherever feasible, to ensure that the design is physically accessible to the greatest range of users. Zero grade entries are provided to units off the mews. Universal design will guide the refinement of the unit interior designs.

3. Housing Uses

Beckett Green provides a maximum number of units possible on the site while respecting the existing neighborhood context, the standards of the R7 Overlay Zone, and the need to set aside significant land for public open space. Beckett Green also makes a clear majority of units

affordable to moderate income Portland residents. Market rate units in Beckett Green are completely indistinguishable from those sold at an affordable rate.

100% of the units at Beckett Green will be sold to individuals who will occupy the property. In the case of the alternative ownership model of clustered pairs; second units may become available on the open market as rental units. In all such cases the renting resident will be living directly above or below the unit's owner and in the vast majority of the cases the renter will be a relative of the owner.

50% of the projects units are 3-bedroom units and the balance are 1 bedroom units.

4. Public Uses

Indoor Public Space

The project provides no indoor public space. A community center was carefully considered early in the design process. The team came to a quick and clear consensus to abandon that concept and instead focus on an outdoor play space and City Park. This decision was based on present availability of indoor community space on Munjoy Hill, cost, and a desire to maximize land available for neighborhood open space. The park design maximizes its potential to be used throughout the four seasons.

Parking

The project provides one private covered parking space per unit consistent with the R7 Overlay zone. The project also provides up to 10 additional spaces for use by guests, delivery vehicles, or service workers. The developer intends to fully explore the possibility of using a Zip Car type of system at Beckett Green and anticipates that his concept will be more feasible in the coming year or two.

5. Alternative Ownership Models for Affordable Housing

The project provides a unique ownership model by providing owners with the opportunity to own 2 units while living in one and renting the other to a family member. This approach is responsive to the Adams Reuse Committee's desire to see mixed-income and long term affordability in the maximum number of units.

C. Land Use Regulations

The subject site could not support the proposed project under the current R6 zoning standards. Specifically, parking, density, and lot coverage standards are exceeded by Beckett Green. A rezoning of the property from R6 to an R7 Overlay accommodates the project and allows it to better integrate with the existing fabric of the neighborhood and increases the financial feasibility of the public park. The R7 Overlay was designed for compact urban development and provides a preferable alternative to the conditional rezoning process.

The following table demonstrates how Beckett Green comports with the standards of the R6 and R7 Overlay zone. Yellow cells indicate an R6 standard not met by the project.

Standard	R6	R7	Beckett Green
Allowable Use	Multi-Family Dwellings	As R6	Multi-Family Dwellings
Parking	Per Div. 20 (52 spaces)	1 to 1 (24 Spaces)	24+ Guest Parking
Lot Size	4,500 min	No min	43,560+
Frontage	40 ft. min	No min	300+
S.F. per DU	1,000 first 3- 1,200 thereafter	435 s.f. when near park, 725 otherwise	Over 1,000 s.f. per unit
Ft. Yard	10 ft. or Average of existing		Build to street
Side Yard(s)	10 ft. (up to 3 stories)	None, but as R6	Achievable
Back Yard	20 Ft.	where abutting R6	Achievable
Lot Coverage	40% of lot area for 20+ units	100%	Over 40%
Width	50 ft. min		Over
Height	45 feet	50 feet	Under
Minimin unit s.f.		400	Over
Design Standards	No	Yes	Achievable
Floor Area			Under
Imperv Surface			Under

D. Property Taxes

Owners of Beckett Green units will be responsible to pay property taxes for their units. It is estimated that a typical 3-bedroom unit will generate tax revenue of up to 4,000 a year and that a 1-beroom unit will generate up to \$3,000. These combined taxes will generate up to \$140,000 in year one, a figure which will grow though he life of the project.

Through a Tax Increment Financing instrument, in the first 30 years of the project, taxes will support credit enhancement agreements to allow for the development of extensive public infrastructure necessitated by the development and will also support the overall feasibility and affordability of the project.



E. Compliance with Threshold Criteria

A. Financial Capacity and Project Feasibility

A detailed project plan and budget are contained within this proposal. The business plan for Beckett Green reflects a creative approach to achieving the goals and objectives of the RFP by leveraging a variety sub-market financing from 5 local, state, and federal sources to result in a balanced budget. Avesta Housing's hallmark is its proven ability to make difficult housing development projects work in this way. Avesta has committed working relationships with each of the sources presented and a history of successfully financing projects in this manner.

In recent years, Avesta has completed several residential developments with total development costs between \$5 and \$13 million using complex and multiple finance sources. Pearl Place apartments in Bayside, for example, successfully blended sub-market financing from 6 unique local, state, and federal sources. Through this ability to channel leveraged funds to build high quality affordable housing, Avesta has attracted millions of dollars in leveraged funds to Maine communities. Avesta has net assets of \$34,000,000 and more discussion of capacity is provided on page 19.

Per the requirements of the RFP a letter from Bangor Savings Bank indicating Avesta's financial capacity is attached (Exhibit D).

B. Green Design

Avesta is committed to green design in all of its projects. The development team assembled to design and build Beckett Green includes several LEED accredited design professionals with a track records of providing high performance housing. Designing towards sustainability is at the personal and professional core of the development team. Beckett Green is, by design, a perfect candidate for both LEED for ND and LEED for Homes and will be designed to the standards of each.

C. Playground

The proposal calls for the preservation of nearly a full third of the site for the creation of a high quality public space. Marada Adams Park is sited at the southern end of the site to maximize sunlight exposure. The proposal calls for the removal of the existing manufactured playground equipment to make way for a playspace of greater size and amenity.

The proposed children's garden and natural play space features interactive sculptures, places to showcase community art, landform, boulders, plantings, open lawns, paths, seating and a small performance space. The original concrete mural from the former Adams School is recast into a new curved seat wall at the center of the play space. All elements combine to create a dynamic play environment integral to the greater park experience and appealing to all ages.

D. Outdoor Public Space

The proposal meets the standards of the RFP through the removal of the existing school building and the reestablishment of the Beckett Street corridor to both views and bicycle and pedestrian circulation. Additionally, Marada Adams Park provides high quality open space and a new focal point for the neighborhood.

E. Exiting Mural

The development team has carefully studied the existing mural on the front facade of the existing Adams School building. The team shares the community's desire to preserve and celebrate this very special piece of public art and community history.

The mural appears to have been casts in concrete on a simple plywood form. While the mural appears sound from the exterior, there is little known about its thickness, integrity or condition where it is concealed inside the wall of the school. Given these unknowns, the development team consulted with local art conservator Jonathan Taggart to develop a reasonable and appropriate approach to the preservation of the mural.

Step one will be to carefully document the mural through measurements, photographs, and transfers. Next, wall areas around and behind the mural will be carefully demolished to better assess its thickness, construction, integrity, and the viability of transporting it to a new location without causing damage.

If feasible, the first approach will be to relocate and reinstall the existing mural in its new location. Otherwise, it will not be difficult to recast an exact replica of the mural from.

In addition to preserving the Adams School mural, the proposal also calls for the creation of additional public art in Marada Adams Park following the Portland Public Art Committee's guidelines for Community-Based art projects.

3. Financial Feasibility

As illustrated in the table below, total project cost is estimated to be approximately \$10.7 million. Of that figure, approximately \$830,000 is required to develop off-site infrastructure and Marada Adams Park. Sources include nearly \$7.4 million in units sales, approximately \$1.66 million in bank equity supported by an affordable housing TIF and credit enhancement agreement, \$800,000 in granted capital from NeighborWorks America, \$600,000 in granted capital from the Federal Home Loan Bank of Boston, \$300,000 in HCD support from the City of Portland, and \$240,000 in subsidy through MaineHousing's Affordable Housing Subdivision Program.

Development Costs	Housing	Public	Totals
Land	400,000	200,000	600,000
Site Improvements (Streetscape)		325,000	325,000
Demolition	125,000		125,000
Site Improvements (Housing)	640,800		640,800
Site Improvements (Park)		150,000	150,000
Construction	6,208,000		6,208,000
10% Contingency and Inflation	697,380		697,380
Total Construction	7,671,180	475,000	8,146,180
Architecture and Engineering	420,297	33,000	453,297
Survey	10,000	2,000	12,000
Special Inspections	5,000		5,000
Construction Management	24,000		24,000
Legal & Recording	15,000		15,000
Permits/Fees	20,000		20,000
Marketing	15,000		15,000
Housing Facility Loan Interest and Fees	69,018		69,018
Revolving Loan Interest and Fees	402,837		402,837
Public Revolving Loan Interest and Fees		42,809	
TIF Loan Float (interim Debt Service)	78,094	77,877	
Sales Costs	220,626		220,626
Developer O & P	436,148		436,148
Soft Cost Contingency	100,000		100,000
Total Soft Costs	1,816,020	155,686	1,971,706
TDC:	9,887,200	830,686	10,717,886

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SOURCES	Housing	Public	Totals
Unit Sales	7,354,200		7,354,200
Credit Enhanced TIF Loan (Housing)	833,000		833,000
Credit Enhanced TIF Loan (Off-Site Improvements)		830,686	830,686
FHLBB	800,000		800,000
NeighborWorks America	600,000		600,000
City HOME, CHODO, CDBG	300,000		300,000
MSHA Subdivision Program	240,000		0
TOTAL	9,887,200	830,686	10,717,886
Surplus / Deficit	0	0	0

Final unit mix (Moderate to Market, Individual to Clustered Pairs) will be determined once all sources are committed and development costs are known. The target sales mix is as follows:

#Units	# Sales	Unit Type	Unit Price	Totals
28	14	Moderate Clustered Pair	341,000	4,774,000
4	4	Moderate Individual 3-Bed	190,000	760,000
4	4	Moderate Individual 1-Bed	155,000	620,000
2	2	Market Individual 3-Bed	250,000	500,000
2	2	Market Individual 1-Bed	175,000	350,000
				7,004,000
40		AMI Inflation at 2.5% per year		350,200
		TOTAL		7,354,200

By blending a leveraging sub-market financing from 5 different local, state and federal programs, Beckett Green will offer high quality home ownership to families who would not otherwise have had any options in Portland's current housing market.



4. Timetable

The following table illustrates a current best estimate of the project timetable. The timetable assumes that the project will be developed in two phases.

Task	Date
Proposal selected by the Portland City Council	October 2008
Zone Change Application Process	November 2008 – May 2009
Phase I FHLBB Financing Application	April 2009
Site Plan / Subdivision Review Process	April – July 2009
Construction Bid Document Preparation	July – September 2009
Negotiate TIF and credit enhancement agreements	
Phase I NeighborWorks Capital Grant Application	
Project Out to Bid	September 2009
Construction Loan Closing – Commence Phase I	November 2009
Phase I Completion / Sales	July 2010
Phase II Capital Grant Applications to NeighborWorks and FHLBB	September 2010
Phase II Construction Start	November 2010
Phase II Completion / Sales	July 2011
Permanent TIF Loan Closing / Project Completion	November 2011

5. Development Team Capacity

Developer: Avesta Housing

Founded in 1972 with a shoestring budget and a staff of three, Avesta Housing has grown to become one of the country's most innovative and respected leaders in affordable housing. Today, Avesta is the largest non-profit developer of affordable housing in northern New England. Avesta consistently receives high marks from its many state, federal, and private-sector partners and is recognized nationally for groundbreaking work in bringing together nonprofit, private, and public-sector organizations for the benefit of Maine communities.

Currently Avesta Housing has total assets of over \$90,000,000 and a \$20,000,000 annual budget. Avesta's 14-member Board of Directors is drawn from the financial, business, public-sector community, social-service, and housing spheres. Avesta has over 80 employees with administrative headquarters in Portland.

In Portland alone, Avesta has developed and now owns and manages 149 units in 5 projects, including Logan Place and Fore River Apartments on Frederic Street, Pearl Place at the corner of Pearl and Oxford Streets, and Shailer and Emerson on Munjoy Hill. In recent years, Avesta has also developed an additional 30 units in Portland on behalf of Iris Network on Park Street.

Avesta has developed more than 50 housing developments in more than half of all of the communities of southern Maine. In addition to its extensive experience in rental housing development, Avesta has developed 2 successful affordable ownership subdivisions including a 14-unit project in Saco and a 22-unit project in Grey. Avesta currently has 4 additional ownership projects in its pre-development pipeline.

Whatever the housing development challenge Avesta Housing has a consistent and proven track record of successfully blending multiple financing sources to make difficult projects possible and enhance Maine communities.

Avesta's development division draws upon years of fruitful relationships with the financial industry, community leaders, and housing advocates. Avesta's has a proven track record of completing projects on time, on budget, and exceeding expectations.

Avesta's current development division staff draws from broad and extensive experience in the areas of housing, finance, community lending, urban planning and development, law, and advocacy.

Dana Totman became the President and CEO of Avesta Housing in 2000. Prior to that, Mr. Totman was the Deputy Director of Maine State Housing from 1994 to 2000 and previously was employed by Coastal Economic Development Corporation from 1984 to 1994 where he was the Executive Director.

Mr. Totman's career has focused on non profit and government management and leadership including leading organizations through significant change. Mr. Totman has designed numerous housing



development, social service and community development programs. Mr. Totman has a B.A. in Public Management from the University of Maine and an MBA from Southern New Hampshire University and he has attended Duke University's Government Leadership Program.

His community service includes Midcoast Regional Redevelopment Authority; Brunswick Planning board; MEREDA Board (V.P.); Maine Affordable Housing Coalition (Sec/Treasurer); Federal Home Loan Bank Advisory Council; Bath Chamber of Commerce (Board Chair) , Southern Maine Affordable Rental Housing Coalition (Chairman), Interagency Taskforce on Homelessness (Chairman), Maine Community Action Association (President), MREDA (Board) , Maine Association of Realtors Foundation (Board), Tedford Shelter (Board Treasurer), Midcoast Health Services (Board), Northern New England Housing Investment Fund (Board) and Brunswick Welfare Appeals Board.

Debora Keller joined Avesta Housing in October 2004 and serves as Director of Development. She manages the development, financing and construction of Avesta's affordable housing efforts. Ms. Keller previously served as Development Officer for Avesta.

Prior to joining Avesta, Deb was Associate Director of the Genesis Fund, a Maine-based Community Development Financial Institution providing loans to nonprofit organizations. At Genesis, Deb managed the organization's \$3.0 million loan portfolio and was responsible for marketing, underwriting, monitoring, and servicing for all lending activity. She has extensive past work experience with non-profit community development organizations around the country. Deb started her housing career as a VISTA Volunteer in Iowa where she created a security deposit loan program for low income clients and a breakfast café for the homeless.

Ms. Keller holds a Bachelor of Arts from Indiana University and a Masters Degree from Tufts University in Urban and Environmental Policy and Planning. She currently serves on Maine's Region I Homeless Council.

Ethan Boxer-Macomber joined Avesta Housing in 2006 as a Development Officer. He is responsible for managing all aspects of multifamily rental and single family ownership projects from concept to completion. Mr. Boxer-Macomber also advocates for affordable housing in the region.

Mr. Boxer-Macomber has broad experience in the areas of land use planning and community and international development. He has worked as an Urban Planner for the Cities of Davis, California and Portland, Maine and as the City of Portland's CDBG Program Manager. He has also managed programs for at-risk youth and served as a Protected Areas Management Volunteer in Honduras with the US Peace Corps.

Mr. Boxer-Macomber earned a BS in Natural Resources and Ecology from the University of Maine, Orono and an MS in Community Planning and Development from the University of California, Davis and is a certified land use planner with the American Institute of Certified Planners (AICP).

Gregory Payne joined Avesta Housing in 2007 as a Development Officer. In addition to his responsibilities for managing all aspects of multifamily rental projects from concept to completion, Mr. Payne serves as staff to the Maine Affordable Rental Housing Coalition.

Mr. Payne has more than 15 years of experience working on issues related to housing and homelessness both in Georgia, where he worked for the Metro Atlanta Task Force for the Homeless, and in Massachusetts, where he worked for the Massachusetts Coalition for the Homeless. Following his graduation from law school, he worked in Boston for five years as a real estate attorney specializing in affordable housing, most recently at Goulston & Storrs P.C.

Mr. Payne earned a B.A. in Economics from the College of the Holy Cross in Worcester, MA and a J.D. from Northeastern University School of Law in Boston. Mr. Payne is an admitted member of the Maine Bar Association.

Planning and Design: Alan Holt – Community Design Studio

Alan Holt received his Masters in Architecture from Columbia University and has been a registered architect since 1990. Alan has focused his career on creating healthy communities through community planning and urban design.

From 2003 to 2008 Alan was the co-founder of Holt & Lachman Architects + Planners in Portland, Maine where he led community planning efforts for municipalities around the State (Portland, South Portland, OOB, Harpswell, Brunswick, Topsham, Ogunquit), as well as working for neighborhood groups and developers. Before that, he served for six years as the *Urban Designer* for the City of Portland, Maine, where his work included designing streetscapes, parks and plazas; development of design guidelines; and facilitating community-planning projects for neighborhood revitalization and waterfront redevelopment. Before coming to Portland, Alan covered a similar range of urban design for the City of New Bedford, Massachusetts as that city's first *Director of Design and Construction*.

Since 2001 Alan has been an *Adjunct Professor* at the Muskie School of Public Service where he teaches on the Planning Workshop in the Community Planning program. In 2007, the Planning Workshop assisted the City of Portland with a Design Workshop for creating a vision for the Adams School.

Architects: Alan Kuniholm and Marilyn Leivian - Portland Design Team

Alan Kuniholm was one of the first architects in Maine to receive LEED accreditation, and is known as an advocate for sustainable design and for his extraordinary design and drawing skills. Alan has been a principal at PDT architects since 1994 and has been practicing architecture in Maine for 24 years.

Alan is the designer of 50 Sewall St., Maine's first LEED-certified office building, and he was principal-in-charge of the College of Education, Health, and Rehabilitation at the University of Maine at Farmington, which has received LEED Silver certification.

His recent design work includes Brunswick Elementary School; Unity College Master Plan; Lewiston District Court, which received a 2003 Statewide Historic Preservation Honor Award; and the Maine Criminal Justice Academy, which received the same award in 2002.

Alan is currently the Green Schools Advocate for the Maine Chapter of the U.S. Green Building Council, and he is a frequent speaker on green, sustainable design issues.

Marilyn Leivian, a registered architect in Maine for 22 years, rejoined PDT Architects in 2006 after fourteen years in solo practice. Using her expertise in housing design and project management, Marilyn has been project architect/manager for several multi-unit residential projects throughout southern and central Maine.

At PDT, Marilyn strengthens the team with extensive knowledge of finely detailed design and special attention to budget and schedule as well as considerable management skills. Besides her housing projects, she has been project architect/manager of a district-wide five-school group of renovation and addition projects for MSAD #15. She is also the chair of the Membership Committee of the Maine Chapter of the U.S. Green Building Council.

Landscape Architect: Regina Leonard

Regina Leonard is a licensed landscape architect and Maine native. Her landscape architecture and design practice based in Topsham, Maine, offers a diverse range of site planning and design services in both the public and private sectors. Ms. Leonard's experience includes a wide range of civic-scale work, including streetscape and downtown master planning and site redevelopment projects; design and planning for public parks, playgrounds, and trails.

Ms. Leonard is registered with the State of Maine and is professional certified by the Council of Landscape Architecture Registration Board. She is also a member of the American Society of Landscape Architects and its local Boston Chapter.

Regina Leonard is well-acquainted with the City of Portland, both through her professional work as a landscape architect and as a long-time resident of the Parkside Neighborhood. Her background as a municipal landscape architect for the City of Portland lends a unique perspective to her practice today. She understands the inherent complexities of moving projects forward in a municipal setting and has demonstrated experience working with City of Portland staff, elected officials, neighborhoods, and interest groups toward common goals. Her ongoing projects in Portland include work at Fort Sumner and Fort Allen Parks, the Eastern Promenade, Winslow Park, and Deering Oaks.

Site / Civil Engineer: Barry Sheff – Woodard and Curran

Barry Sheff, P.E. is a Senior Project Manager at Woodard & Curran with 15 years of experience with civil/site development and environmental engineering projects, and a background in hazardous waste and surveying. Barry has permitted, designed, and managed many major projects in the City of Portland for the public and private sectors, and has tried to focus his work on what sustainable environmental design; he is committed to finding the balance between process, relationships, and results, and is energized by collaborating with owners and stakeholders to develop practical solutions

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to complex problems. Barry also has significant City of Portland design experience that enables him to successfully design infill and urban redevelopment projects on and off the peninsula. In his engineering role Barry provides professional services for roadway, stormwater management and drainage systems, and utility infrastructure design; environmental and land-use permitting including Federal, State and local permitting processes; and wastewater collection system planning, permitting, and design. In the project management role, Barry is responsible for maintaining regular communications with his clients, coordinating Woodard & Curran staff, contracting, and invoicing; he has strong cost estimating experience; a track record of understanding expectations; consistent budget controls; and excellent communication skills.

Sales and Marketing: Rita Yarnold – Bay Realty

Rita Yarnold was born and raised on Munjoy Hill and attended the Marada Adams School as a child. In 1986 Rita formed Bay Realty, which for 22 years has focused on all forms of residential real estate transactions; primarily on the Portland peninsula. Rita is the current president elect of the Maine Association of Realtors and is a past President of the Greater Portland Board of Realtors.



6. Occupancy and Management Plan

A. Ownership Structure

With the development of Beckett Green will come the creation of a Beckett Green homeowner's association. The property's land and structures will be owned and managed by the association which will be solely responsible for maintenance and upkeep of the property and enforcement of association rules and restrictions. In this way, residents of moderate income will have the ease and dependability of having exterior building maintenance, grounds work, and snow removal, and property insurance covered in a single monthly association fee. Likewise, abutters will enjoy assurances that the property will be well maintained. Avesta Housing's property management division will offer a complete host of administrative and management services to the home owner's association.

All individual units and at least one of any clustered pair of units will always be owner occupied as dictated by deed restrictions.

B. Pricing and Affordability

A clear majority of the units in Beckett Green will be sold at prices affordable to qualified families earning between 80 and 120% of Area Median Income. This calculation will be inclusive of mortgage principle, interest, tax, insurance, and association fees.

Avesta will also assist potential buyers in identifying and qualifying for favorable financing terms through programs such as MaineHousing first time homebuyer program and by working with a community lender to develop a loan portfolio for the project.

C. Resale Restrictions

Sellers will be bound to a maximum sale price as determined by a formula driven by the Area Median Income. The unit will be made affordable to a qualifying family purchasing at same income targeting that the seller did when he/she purchased the property. As AMI increases from year to year, so will each owner's equity in the project.

Provisions for exceeding the maximum sale price will be made for cases where a seller can document that substantial physical improvements of continuing value and utility have been made to the property.

D. Resale Process

At time of sale, Avesta Housing will monitor transactions to ensure that the terms of deed restricted affordability covenants are carefully and consistently followed. Avesta currently provides this service to three affordable ownership projects and has tracking systems in place.

7. Purchase Price

\$600,000 will be paid to the City of Portland for the purchase of the site. At \$15,000 per affordable unit, this sale price is consistent with recent land sales on the Portland peninsula.

\$400,000 of the sale price is capitalized to Beckett Green and \$200,000 is capitalized to the development of Marada Adams Park and other off site public improvements as per the development budget contained herein.

The price offered is contingent on the results of a Maine DEP Phase I Environmental Site Assessment (ESA). Industrial uses which included the handling of potentially toxic chemicals and metals are known to have been active on the site historically. To date the City of Portland has not conducted an ESA of any scope. If the ESA reveals that substantive remediation is necessary for the site to be developed, the City and the developer will work collaboratively on a solution and renegotiate the purchase price if necessary to offset clean up costs.

BECKETT GREEN

Analysis of the Physical Context



Building coverage: Percentage of the building footprint on the overall parcel.

- ✓ *Beckett Green is consistent within 1% of the neighborhood context for building coverage.*

Floor Area Ratio (FAR): Whole building area (footprint and all additional floors/living areas) compared to the parcel area. The FAR is an expression of physical density.

- ✓ *Beckett Green concentrates the physical density in order to save a vast portion of the property for a public park while keeping consistent with the context.*

Density (DU/net acre): The number of residential dwellings per net parcel area (net does not include public road rights-of-way).

- ✓ *Beckett Green provides slightly less residential density than the surrounding neighborhood.*

Community Green Space: The immediate neighborhood has no community green space.

- ✓ *Beckett Green sets aside 37% of the property for a public park.*

Study Area Data	Number of Parcels	Total Dwellings	Total Parcels Area NET	Total Building Footprints	Total Building Area (NET)
<i>Neighborhood Context</i>	104	242	343,686 SF	129,587 SF	297,522 SF
<i>Beckett Green</i>	1	40	65,413 SF	24,000 SF	49,400 SF

Study Area Analysis	Building Coverage	Floor Area Ratio	Density Net DU/Acre	Community Green Space	Additional Green Space
<i>Neighborhood Context</i>	38%	0.86	30.7	0%	N/A
<i>Beckett Green</i>	37%	0.75	26.7	36%	7%

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PROPOSAL

THIS PAGE MUST BE INCLUDED

The UNDERSIGNED hereby declares that they have read and understand all conditions as outlined in the invitation for bids, and that their proposal is made in accordance with same.

The UNDERSIGNED hereby declares that any person(s) employed by the City of Portland, Maine, who has direct or indirect personal or financial interest in this proposal or in any portion of the profits that may be derived therefrom, has been identified and the interest disclosed by separate attachment. (Please include in your disclosure any interest which you know of. An example of a direct interest would be a City employee who would be paid to perform services under this proposal. An example of indirect interest would be a City employee who is related to any officers, employees, principal or shareholders of your firm or to you. If in doubt as to status or interest, please disclose to the extent known).

TOTAL PRICE OFFERED FOR THE PROPERTY \$ 600,000 *

The proposer acknowledges the receipt of Addenda numbered #1 and #2, attached
(If Applicable)

COMPANY NAME: AVESTA HOUSING
(Individual Partnership/Corporation, Joint Venture)

AUTHORIZED SIGNATURE: [Signature] DATE: 7/22/2008
(Officer, Authorized Individual or Owner)

PRINT NAME & TITLE: PRESIDENT

ADDRESS: 307 CUMBERLAND AVENUE
PORTLAND, ME 04101

TELEPHONE: (207) 553-7777 FAX: (207) 553-7778

E-MAIL: dtotman@avestahousing.org FEDERAL TAX ID NUMBER: 01-0315296

SALES TAX EXEMPTION NUMBER: _____

NOTE: All submittals must bear the handwritten signature of a duly authorized member or employee of the organization making the proposal. This sheet must be signed and returned with the proposal package.

RELEASE AND HOLD HARMLESS

I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property occurring during or arising out of the entry by me/us onto the property known as the Adams School. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property caused by the negligence of the City of Portland, its agents, officers or employees) arising during or in connection with the said entry onto the property known as the Adams School. I/We hereby release and agree to indemnify and hold harmless the City of Portland, its agents, officers and employees from any and all liability, actions damages and claims of any kind and nature whatsoever (including but not limited to liability actions, damages and claims caused by or arising from the negligence of the City of Portland, its agents, officers or employees) for injury, harm or damages to my/our person or property known as the Adams School.

Dated: 7/22/2008

Signature 

Print name DANA TOTMAN

Address: 307 CUMBERLAND AVENUE
PORTLAND, ME 04101

EXHIBIT B

ADDENDUM #1

FOR THE SALE AND REUSE OF THE FORMER ADAMS SCHOOL SITE - B.51 Bid #7308

DATE: June 26, 2008

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.

MATTHEW F. FITZGERALD
PURCHASING MANAGER

PLEASE NOTE THE FOLLOWING RESPONSES TO QUESTIONS WE HAVE RECEIVED REGARDING THE CITY OF PORTLAND'S BID NUMBER 7308 - FOR THE SALE AND REUSE OF THE FORMER ADAMS SCHOOL SITE

Question: *Do you have the square footage of the existing Adams School?*
Answer: Our School Dept. records indicate (though neither unofficial nor double checked for accuracy) 16,989 SF

Receipt of Addendum No. 1 to the For the Sale and Reuse of the Former Adams School Site - Bid #7308

COMPANY NAME: AVESTA HOUSING
SIGNED BY: [Signature] DATE: 7/22/2008
PRINT NAME & TITLE: DANA TATMAN, PRESIDENT
ADDRESS: 307 CUMBERLAND AVENUE
PORTLAND, ME 04101 Zip Code

Addendum #1

EXHIBIT B

ADDENDUM #2

FOR THE SALE AND REUSE OF THE FORMER ADAMS SCHOOL SITE - B.52
Bid #7308

DATE: July 10, 2008

The attention of firms submitting proposals for the work named in the above Invitation is called to the following modifications to the documents as were issued.

The items set forth herein, whether of clarification, omission, addition and/or substitution, shall be included and form a part of the Contractor's submitted material and the corresponding Contract when executed. No claim for additional compensation, due to lack of knowledge of the contents of this Addendum will be considered.

ALL BIDDERS ARE ADVISED THAT RECEIPT OF THIS NOTICE MUST BE DULY ACKNOWLEDGED ON THE BID PROPOSAL FORM OR BY THE INSERTION OF THIS SHEET, SIGNED, AND SUBMITTED WITH YOUR PROPOSAL.

MATTHEW F. FITZGERALD
PURCHASING MANAGER

PLEASE NOTE THE FOLLOWING RESPONSES TO QUESTIONS WE HAVE RECEIVED REGARDING THE CITY OF PORTLAND'S BID NUMBER 7308 - FOR THE SALE AND REUSE OF THE FORMER ADAMS SCHOOL SITE

Question: We are looking into the operational expenses of the school whatever info we can gather concerning the City of Portland's outlays for it, plus anticipated property tax revenues given any number of scenarios for the structure or land.

Answer: The utilities costs for the Adams School for the last Fiscal Year were: Water & Sewer \$800, Heating Oil \$8,900, and Electricity \$4,700. Taxes will be dependent on the type of development proposed. Since it's currently exempt, there is no accurate assessed value on it at this time.

Receipt of Addendum No. 2 to the For the Sale and Reuse of the Former Adams School Site- Bid #7308

COMPANY NAME: AVESTA HOUSING

SIGNED BY: Dana Totman DATE: 7/22/2008

PRINT NAME & TITLE: DANA TOTMAN, PRESIDENT

ADDRESS: 307 CUMBERLAND AVENUE
PORTLAND, ME 04101
Zip Code

Addendum #2

BECKETT GREEN

Analysis of the Physical Context



Building coverage: Percentage of the building footprint on the overall parcel.

- ✓ *Beckett Green is consistent within 1% of the neighborhood context for building coverage.*

Floor Area Ratio (FAR): Whole building area (footprint and all additional floors/living areas) compared to the parcel area. The FAR is an expression of physical density.

- ✓ *Beckett Green has a physical density that is slightly less than the overall neighborhood average (9% lower FAR)*

Density (DU/net acre): The number of residential dwellings per net parcel area (net does not include public road rights-of-way).

- ✓ *Beckett Green provides slightly less residential density than the surrounding neighborhood.*

Community Green Space: The immediate neighborhood has no community green space.

- ✓ *Beckett Green sets aside 37% of the property for a public park.*

Additional green space: Private green space that is viewable from the sidewalks. This visual connection expands the pedestrian's experience of open space, and adds to the greening of the neighborhood.

- ✓ *Beckett Green sets aside 7% for this additional green space. Combined with the public park, 44% of the Adams site will be green space.*

Study Area Data	Number of Parcels	Total Dwellings	Total Parcels Area NET	Total Building Footprints	Total Building Area (NET)
<i>Neighborhood Context</i>	104	242	343,686 SF	129,587 SF	297,522 SF
<i>Beckett Green</i>	1	40	65,413 SF	24,000 SF	49,400 SF

Study Area Analysis	Building Coverage	Floor Area Ratio	Density Net DU/Acre	Community Green Space	Additional Green Space
<i>Neighborhood Context</i>	38%	0.86	30.7	0%	N/A
<i>Beckett Green</i>	37%	0.75	26.7	36%	7%

**Bangor
Savings Bank**

You matter more.

EXHIBIT D

B.54

Avesta Housing
307 Cumberland Avenue
Portland ME 04101

City of Portland
389 Congress Street
Portland, ME 04101

July 22, 2008

RE: City of Portland, Maine Request for Proposal for the sale and reuse of the former Adams School site

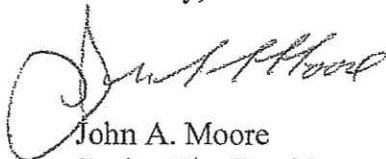
Gentlemen:

On behalf of Bangor Savings Bank I am pleased to provide this letter in support for the Avesta Housing submission for the above referenced Request for Proposals. Based on our prior experience with Avesta Housing for similar affordable housing development projects and a review of the financial elements of the proposal for the Adams School site we believe that that the applicant has the "ability to finance projected costs and develop a project of similar type and scale from a fiscal perspective".

Bangor Savings Bank has helped Avesta Housing complete successful affordable housing projects including Avesta Brickhill Cottages and Avesta Brickhill Heights in South Portland and Avesta Fore River Housing in Portland. The Bank has successfully sponsored Federal Home Loan Bank applications for Affordable Housing Program equity grants for Avesta Housing and has the capability to provide financing through tax increment financing credit enhancement agreements.

While this letter of support is not a commitment to lend, Bangor Savings Bank would welcome the opportunity to be a resource to Avesta Housing for financing and sponsorship any equity awards necessary in connection with this project. Our experience is that Avesta Housing is, in many ways, the premier affordable housing development organization in Maine with a solid record of supporting healthy and inclusive neighborhoods and helping to build strong and sustainable communities.

Sincerely,



John A. Moore
Senior Vice President
Community Development Lending

4. EVIDENCE OF STATE AND/OR FEDERAL APPROVALS

The proposed development will not impact any natural resources therefore no Natural Resources Protection Act (NRPA) permits from the Maine Department of Environmental Protection (MaineDEP) or Programmatic General Permits from the Army Corps of Engineers will be necessary.

As an urban Brownfield site, the property likely contains environmental contaminants that may require remediation. Avesta is working with the professionals at Credere Associates and S.W. Cole Engineering, Inc., to assess the site for potential environmental contamination and will develop appropriate plans to manage contaminated soil. Avesta has submitted an application for participation in the Voluntary Response Action Plan (VRAP) program and a VRAP work plan to the Maine DEP. The application and work plan are included as Figure 4.1 and Figure 4.2 respectively. A geotechnical report prepared by S.W. Cole is also included as Figure 4.3. At the time of this application, the Maine DEP has prepared a draft no action assurance letter for the project but is waiting for additional information from Avesta and will be attending a meeting with Avesta on July 12, 2011. The Maine DEP will finalize their action on the VRAP after this time.

The project will be designed to incorporate Stormwater Management systems in compliance with the City's Level III Site Plan Review Standards. The project does not require approval from MaineDEP under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

The removal of the school will disturb more than one acre, and Avesta has submitted a Notice of Intent to Comply with Maine Construction General Permit.

A Maine Department of Transportation (DOT) Traffic Movement Permit is not required for the project, as the development will not generate more than 100 trip ends during the peak hour.



CREDERE ASSOCIATES, LLC

776 Main Street
Westbrook, Maine 04092
Phone: 207-828-1272
Fax: 207-887-1051

April 26, 2011

B.56

Mr. Nicholas Hodgkins
VRAP Coordinator
Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
Division of Remediation
17 State House Station
Augusta, Maine 04333-0017

**Subject: Participation in Maine VRAP Program
Former Marada Adams Community School
34 Moody Street, Portland, Maine**

Dear Mr. Hodgkins:

On behalf of Avesta Housing Development Corporation, Credere Associates, LLC (Credere) is submitting the former Marada Adams Community School (the "Site") located at 34 Moody Street in Portland, Maine for participation in the Maine Department of Environmental Protection (DEP) Voluntary Response Action Program (VRAP). A signed VRAP Application for Assistance as well as the \$500 application fee is enclosed with this document. Two copies of available environmental reports as well as electronic copies of these reports and all VRAP documents are attached. Please note that the Site is participating in the Greater Portland Council of Governments (GPCOG) Hazardous Substances Brownfields Assessment Program and certain reports referenced in this document have already been reviewed and approved by Hank Andolsek, Gordon Fuller, and/or Jean Firth of the Maine DEP.

The former Marada Adams Community School is currently owned by the Avesta Housing Development Corporation who acquired the Site from the City of Portland on December 17, 2010. The Site is composed of four rectangular parcels of land totaling 1.502-acres and is referenced as Map 003, Block H, Lots 1 through 4 by the City of Portland Tax Assessor's office. The Site contains a portion of the 2-story, slab on-grade, concrete/masonry/brick/wood former Marada Adams Community School building, which has a footprint of approximately 17,142 square feet. The Site is zoned R-6 for residential usage. According to the Code of Ordinances of the City of Portland, Zone R-6 was established to set aside areas for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other non-residential uses. Also, in cases of qualifying small, vacant, underutilized lots

located in the urban residential and business zone, to encourage new housing development consistent with a compact lot development pattern.

VRAP Application Details

The following additional details are provided to comply with the February 18, 2009 VRAP memorandum:

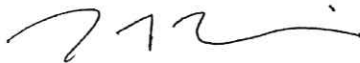
- No private water supply wells are known to exist within 2,500-feet of the site. Public water is supplied to the area of the Site by the Portland Water District, which draws its water supply from Sebago Lake, which is located approximately 15 miles northwest of the Site. According to the Maine DEP Geographic Information System (GIS) Environmental and Geographic Analysis Database (EGAD) (<http://www.maine.gov/dep/gis/datamaps/index.htm#EGAD>) which was reviewed on March 23, 2011 via the Maine DEP Google Earth® application, the Site is not located in a source water protection area or in the vicinity of a direct surface water intake. In addition, the nearest public drinking water supply well identified using the Maine DEP Google Earth® application is located approximately 6.8 miles west of the site. The Portland Water District and Portland Public Services Department had no record of private water supply wells located in the vicinity of the Site. **Figure 1** includes information provided by the Portland Water District and indicates that the water district is servicing all properties within 2,500 feet of the Site.
- According to the VRAP Public Communication Matrix, the Site is currently considered a **Tier I classification** (which maintains the public record through electronic data submittal). No evidence of the off-Site migration of contamination associated with the Site has been identified to date. However, it should be noted that the area of the Site is urban in nature and properties located adjacent to the Site may have been impacted by urban fill and other anthropogenic sources which are not necessarily associated with a release of oil and/or hazardous materials at the Site. No groundwater data is currently available; however, no concentrations of volatile compounds have been identified in Site soil samples at levels that exceed the applicable guidelines.
- Two (2) hard copies and one electronic copy of the following environmental documents have been included as part of this submittal:
 1. October 14, 2010 *Phase I Environmental Site Assessment Update* prepared by S.W. Cole Engineering, Incorporated
 2. February 11, 2011 *Building Materials Summary Report* prepared by Credere
 3. February 16, 2011 *Underground Storage Tank Closure Summary Letter* prepared by Credere
 4. DRAFT *Phase II Environmental Site Assessment Soil Data Tables, Sample Location Figure, Soil Boring Logs, and Laboratory Results* (electronic EDD only) prepared by Credere



- The included **Figure 2** depicts the location of the Site on the Portland East, Maine Quadrangle.
- Electronic Data Deliverable (EDD) formatted laboratory analytical data is included with the attached electronic files.
- Work plans will be developed concurrent with final project design and will be forward as soon as they are available.

If you have any questions, please do not hesitate to contact me at (207) 828-1272 ext. 12 or at jsteinglass@crederellc.com.

Sincerely,
Creder Associates, LLC,



Jedd S. Steinglass
Senior Project Manager

cc: Ethan Boxer-Macomber, Avesta Housing
Caroline Paras, GPCOG

Attachments: Figure 1 – Municipal Water Service Information
Figure 2 – Site Location Map

Enclosed: VRAP Application for Assistance
Environmental Documents

} available
at Hearing





CREDERE ASSOCIATES, LLC

776 Main Street
Westbrook, Maine 04092
Phone: 207-828-1272
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May 13, 2011

B.59

Mr. Nicolas Hodgkins
Maine Department of Environmental Protection
Bureau of Remediation and Waste Management
Division of Remediation
Voluntary Response Action Program
17 State House Station
Augusta, Maine 04333-0017

Subject: Voluntary Response Action Program Work Plan
Former Marada Adams Community School
34 Moody Street, Portland, Maine

Dear Mr. Hodgkins,

On behalf of Avesta Housing Development Corporation (Avesta), Credere Associates, LLC (Credere) has assembled the following environmental work plan to conduct demolition and redevelopment activities at the Former Marada Adams Community School located at 34 Moody Street (Tax Map 003, Lots H-1, H-2, H-3, and H-4) in Portland, Maine (hereinafter the "Site"). The purpose of this effort is the redevelopment of a blighted, vacant urban property into a 16 units of ownership housing targeted to households at or below 120% of area median income. In addition, Avesta intends to develop a neighborhood park on the property adjacent to the Site.

Credere submitted a completed Voluntary Response Action Program (VRAP) Application for Technical Assistance to the Maine Department of Environmental Protection (DEP) April 26, 2011. On behalf of Avesta, Credere hereby requests the review of this work plan in order to obtain a No Further Action Assurance Letter (NFAAL) and receive the liability protection afforded by participation in the Maine DEP VRAP.

Additionally, information included in this work plan is intended to satisfy the requests of the State of Maine Department of Economic and Community Development (DECD) and the Maine DEP as presented in a letter to Avesta dated May 4, 2011 and to support Avesta's application for funding through the DECD's Brownfields Revolving Load Fund (BRLF) Program.

A summary of the proposed environmental work plan is presented below and, where applicable, the complete work plans are included as attachments to this document.

Funding Information

To provide clarification of information presented by Avesta in their application for DECD BRLF Program funding, Avesta Housing Development Corporation has indicated that they are the sole applicant for the BRLF funding. As stated by Avesta, the requested funds will be used only to cover environmental remediation costs incurred in the redevelopment of the 0.75-acre Site (Tax Map 003, Lots H-1, H-2, H-3, and H-4), which Avesta purchased from the City in December of 2011 and will own throughout the timeframe of the grant.

The specific activities for which the funding will be utilized include asbestos abatement (and building demolition activities required to execute the asbestos abatement), and universal and hazardous waste removal and disposal throughout the portion of the former Marada Adams Community School building which rests on Avesta's property. In addition, funding will be utilized for remediation planning and the proper handling, management, transportation, and disposal of contaminated soil located on the Site. Finally, funding will be used to design and install the institutional controls necessary to manage potential risk to human health posed by contaminant concentrations in accessible soil that will remain at the Site following redevelopment. The remediation activities for which the BRLF application was submitted are described below in the Contaminated Soil Management section.

VRAP Applicability

Though BRLF funding will be used only on the Site, Avesta wishes to include all environmental activities described below in their application for VRAP technical assistance and inclusion in the NFAAL.

Background Soil Sampling

On May 5, 2011, Credere installed two off-site soil borings and collected four soil samples to define "background" soil conditions in the area of the Site. These activities were conducted in accordance with a February 16, 2011 *Memorandum Regarding the December 20, 2010 Amended Site-Specific Quality Assurance Project Plan (SSQAPP) Addendum 12: Revision 3 (RFA 08165)*, which was previously delivered to and approved by the Maine DEP.

Soil sampling activities were observed by Jean Firth and Hank Andolsek of the Maine DEP. The collected soil samples were submitted to Maine Environmental Laboratory of Yarmouth Maine on May 6, 2011 for rush analysis of total lead, total asbestos, and polycyclic aromatic hydrocarbons (PAH). As of the date of this work plan, the analytical results for the collected background soil samples are pending; however, these results will be transmitted directly to Jean Firth of the Maine DEP once they are obtained.

Universal and Hazardous Waste Removal and Disposal

Universal and hazardous wastes as identified at Former Marada Adams Community School building are detailed in the November 1, 2010, Universal and Waste Survey completed by ENPRO Services, Incorporated (ENPRO). This survey has been previously transmitted to the



Maine DEP as part of Credere's February 11, 2011 *Building Materials Summary Report*. Prior to building demolition, universal and hazardous wastes will be removed and properly disposed of in accordance with Maine DEP Hazardous Waste Management Rules (Chapters 850 through 857). This work will be overseen by the demolition general contractor, Abatement Professionals of Westbrook, Maine.

Following the completion of universal and hazardous waste removal and disposal activities, a summary of completed actions and the applicable disposal documentation will be submitted to the Maine DEP.

Asbestos Abatement

Prior to and concurrent with building demolition, the removal and disposal of asbestos containing materials as identified by Environmental Safety and Hygiene, Incorporated (ESHA) of Westbrook, Maine in a November 12, 2010 *Comprehensive Building Materials Assessment* will be directed and/or conducted by Abatement Professionals in accordance with Maine DEP Chapter 425: Asbestos Management Rules. The above-referenced report has been previously transmitted to the Maine DEP as part of Credere's February 11, 2011 *Building Materials Summary Report*.

It is important to note that demolition must be conducted in order to access asbestos containing materials which are currently located between the brick courses along the exterior walls of the building. A copy of Abatement Professional's Asbestos Building Demolition Notification is included as **Attachment A**.

Following the completion of asbestos abatement activities, the removal and disposal documentation required by Maine DEP Chapter 425: Asbestos Management Rules will be submitted to the Maine DEP.

Contaminated Soil Management

Based on previous investigations conducted at the Site and at the larger Former Marada Adams Community School property through the Greater Portland Council of Governments (GPCOG) Hazardous Substances Brownfields Assessment Program, soil located at the Site has been impacted by concentrations of lead, arsenic, and PAH at concentrations which exceed the applicable January 13, 2010, Maine DEP Remediation Action Guidelines for Soil Contaminated with Hazardous Substances (RAG). Though lead, arsenic, and PAH concentrations vary with location and depth throughout the Site, RAG exceedances were identified at all soil sample locations. Laboratory data, sample locations, and soil boring logs developed through GPCOG's assessment activities have previously been transmitted to the Maine DEP.

Consistent with the redevelopment plans for the Site, a large volume of contaminated soil must be removed to meet proposed grade elevations. This activity is necessary due to the topographical disparity between the Site and the surrounding public ways. In addition, adjusting grade elevations at the Site is required in order to maintain proper stormwater management



considering the proposed addition of impermeable features such as the residential structures and parking areas. Furthermore, excess contaminated soil will be generated during the installation subsurface infrastructure features such as catch basins, road base, and utility trenches that will need to be installed to support the redevelopment of the Site. Finally, based on geotechnical data, much of the contaminated fill material located at the Site is unsuitable to support the proposed residential structures. This material must be removed and replaced with structurally sound materials.

Based on Site conditions and the contaminant concentrations present in excess soil which will be generated during redevelopment, and in accordance with 38 M.R.S.A. Section 1303-C(34), this material meets the definition of a "Special Waste" and requires special handling, transportation, and disposal procedures. In addition, consistent with the vertical disposition of contaminated soil at the Site with respect to proposed surface grade elevations, this material is accessible and presents a condition of significant risk to the health of future Site residents, visitors, and workers.

The estimated volume of excess soil that will be generated at the Site, an engineer's estimate of probable project costs, and engineering plans showing proposed finish grades have previously been submitted to the Maine DEP.

In order to meet the regulatory requirements inherent in the generation and Special Waste, and to properly manage risk posed by materials that will be encountered during redevelopment, a Soil Management Plan (SMP) has been developed for use at the Site. This SMP was developed to:

1. Identify soil conditions.
2. Specify the proper work practices, stockpiling procedures, and protective equipment for use during construction activities.
3. Detail the appropriate disposal method for excess Special Waste soil that will be generated during redevelopment.

A copy of the SMP is included at **Attachment B**.

Soil Cover and Institutional Controls

In order to manage risk posed by concentrations of lead, arsenic, and PAH in accessible soil located at the Site, the following institutional controls are proposed:

Soil Covering Procedure

A typical covering detail for a clean fill, asphalt, or concrete cap to be placed over the identified contaminated soil is presented as **Attachment C**. The following covering procedure will be implemented during the remedial action:

- If necessary to meet final grades, install Site features and subsurface infrastructure, and/or to provide structurally suitable sub-grade materials, impacted soil will be removed in accordance with the SMP.
- A permeable geotextile fabric will be placed directly over the contaminated soil to indicate the distinction between the cap and the underlying contaminated soil.
- A minimum of 12 inches of compacted sand and gravel will be placed over the marker layer in areas proposed for the future paved roadway surface. A minimum of 12 inches of clean fill shall be placed as cover material over contaminated soil in areas proposed for non-paved surfaces. Additional sub-base materials may be necessary beyond the minimum covered requirements discussed herein to maintain the structural integrity of the road, road shoulders, or other structures associated with the future redevelopment.
- Each covered area will be graded so that the stormwater runoff is directed to an appropriate area.
- Seed the unpaved covered area to prevent erosion prior to final site work.

Following the completion of redevelopment activities, potential risk posed by concentrations of hazardous substances which may remain in soil at the Site will be managed through the preparation and use of an Environmental Management Plan (EMP). The EMP will govern future excavation activities and describe the maintenance requirements for institutional controls located at the Site. Avesta will also prepare and record a Declaration of Environmental Covenant consistent with the anticipated VRAP NFAAL and the Maine Uniform Environmental Covenants Act ("UECA"), 38 M.R.S.A. § 3001 et seq.

Presumptive Remedy for Radon and Potential Vapor Intrusion

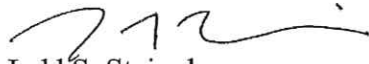
Though no source of volatile compounds has been identified in assessment activities completed at the Site, and as no radon testing has been completed as the residential structures have not yet been constructed, Avesta has proposed to presumptively install a passive sub-slab venting and vapor barrier system within these structures. This system will effectively manage potential risk posed by radon and volatile organic vapor intrusion and will be maintained throughout the lifecycle of the residences.



We hope that the information included in this document meets the requirements for the development of a NFAAL to ensure liability protection for Avesta Housing Development Corporation, its successors, assigns, lenders, and fiduciaries as provided by the VRAP.

If any questions or concerns arise during your review of this submittal, please do not hesitate to contact the undersigned at (207) 828-1272 extension 12 or jsteinglass@crederellc.com.

Respectfully Submitted,
Creder Associates, LLC



Jedd S. Steinglass
Senior Project Manager



Robert I. Patten, P.E., L.S.P., LEEP-AP
Vice President

cc: Jean Firth, Maine DEP
Hank Andolsek, Maine DEP
Andrea Smith, Maine DECED
Tammy Knight, Maine DECD
Ethan Boxer-Macomber, Avesta Housing
Caroline Paras- GPCOG

Attachment A - Asbestos Building Demolition Notification
Attachment B - Soil Management Plan
Attachment C - Soil Capping Schematic

} available at
P.B. Hearing on request



B.65

**GEOTECHNICAL ENGINEERING SERVICES
PROPOSED ADAMS SCHOOL REDEVELOPMENT
VESPER STREET, WILSON STREET, AND MOODY STREET
PORTLAND, MAINE**

09-0201.3 S MARCH 16, 2011

PREPARED FOR:

AVESTA Housing
Attention: Mr. Ethan Boxer-Macomber
307 Cumberland Avenue
Portland, ME 04101

PREPARED BY:



Attention: Chad B. Michaud, P.E.
Senior Geotechnical Engineer
10 Centre Road
Somersworth, NH 03878

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Attachment A – Limitations
 Sheet 1 – Site Location Map
 Sheet 1A – Exploration Location Plan
 Sheets 2 through 13 – Exploration Logs
 Sheet 14 – Key to Notes and Symbols
 Sheets 15 through 16 – Gradation Test Results
 Sheet 17 – Underdrain Detail
 Sheet 18 and 21 – Photographs of Test Pits

09-0201.3 S

March 16, 2011

AVESTA Housing
Attention: Mr. Ethan Boxer-Macomber
307 Cumberland Avenue
Portland, ME 04101

Subject: Geotechnical Engineering Services
Proposed Adams School Redevelopment
Vesper Street, Wilson Street, and Moody Street
Portland, Maine

1.0 INTRODUCTION

1.1 Scope of Work

In accordance with our Proposal dated October 14, 2010, we have made subsurface explorations and provided geotechnical engineering services for the proposed Adams School Redevelopment in Portland, Maine. The purpose of our work was to explore subsurface conditions below at the site and provide recommendations for foundation design and earthwork relative to the proposed building construction. Our work has included the making of ten test borings, four test pits, laboratory testing, and a geotechnical evaluation of the findings as they relate to the proposed construction. The contents of this report are subject to the limitations set forth in Attachment A.

1.2 Existing Site Conditions

The proposed site is located in the Munjoy Hill section of Portland, Maine. For the purpose of site description and use of cardinal direction, we have assumed that Vesper Street is oriented in a north-south direction and located east of the site. The site is bound by Vesper Street to the east, Wilson Street to the south, and Moody Street to the north. The site is currently occupied by the former Adams School building in the central portion and associated paved parking and grass surfaced lawn and playground areas to the east. We understand the existing building consists of a 2-story masonry structure with a slab-on-grade and no basement. We understand an underground heating oil tank is present on the southwesterly side of the existing school building.

The overall site generally slopes gently downward to the southeast, from about elevation 129 feet to about elevation 117 feet. A concrete retaining wall approaching about 3 feet in height is located along the site border along Vesper Street.

The general site location is shown on the "Site Location Map," attached as Sheet 1. The existing conditions are shown on the "Exploration Location Plan," attached as Sheet 1A.

1.3 Proposed Construction

Based on information provided by PDT Architects (project architect), we understand the existing site facility will be razed in favor of two rows of new 2-story housing unit structures in the easterly portion of the site. We understand the structures will utilize wood frame construction and will not have basements. As such, we anticipate slab-on-grade construction will be utilized. We understand fills up to about 3 feet in height will be required to achieve finish grade in some areas. The row of housing along Vesper Street will have finish floor elevations that step upward to the north, ranging from 119.0 to 121.5 feet. The row of housing furthest from Vesper Street will have finish floor elevations that step upward to the north ranging from 121.5 to 123.5 feet. A paved parking and drive area running approximately north-south, connecting Wilson Street and Moody Street, will be located between the two rows of housing units.

Available proposed construction information is shown on the "Exploration Location Plan," attached as Sheet 1A.

2.0 EXPLORATION AND TESTING

2.1 Exploration

Ten test borings (B-101 through B-110) were made at the site on November 2, 2010 by Great Works Test Boring, Inc. of Rollinsford, New Hampshire working under subcontract to S. W. COLE ENGINEERING, INC. Four test pits (TP-1 through TP-4) were made at the site on November 9, 2010 by Shaw Brothers Construction of Gorham, Maine also under subcontract to S. W. COLE ENGINEERING, INC. The test boring locations were selected and established in the field by S. W. COLE ENGINEERING, INC. using tapped measurements from existing site features. The borings were advanced using hollow-stem augers and cased-wash drilling techniques. Split-spoon soil samples were generally obtained at 2-foot intervals within existing fills and 5-foot intervals thereafter using Standard Penetration Testing procedures. The approximate exploration locations

are shown on the "Exploration Location Plan," attached as Sheet 1A. Test boring logs are attached as Sheets 2 through 11. Test pit logs are attached as Sheet 12 and 13. A key to the notes and symbols used on the logs is attached as Sheet 14.

2.2 Laboratory Work

Soil samples recovered from the test borings were visually examined and classified in our laboratory. Laboratory testing included two gradation and moisture content tests. Gradation test results are shown on Sheets 15 through 16. The results of moisture content tests are shown on the appropriate test boring logs.

3.0 SUBSURFACE CONDITIONS

3.1 Soils

The test borings generally encountered a layer of fill overlying medium dense to dense glacial till. Details of each strata encountered are described below. Not all strata were encountered at each boring.

Surficial Pavement and Topsoil: Several test borings encountered a surficial layer of 2 to 3 inches of asphalt pavement. The remaining explorations encountered 0.7 feet of surficial topsoil.

Fill: Below the surficial materials, the explorations encountered very loose to medium dense various fill materials extending to depths varying from 4.0 to 10.5 feet below the existing ground surface. The fill was observed to be generally granular in composition with various mixed debris such as pockets of organics, pockets and layers of ash, bricks, mortar, metal, cobbles, boulders, and relic foundations. We understand that the fill materials were tested and determined by others to be considered contaminated, but non-hazardous. Photographs of the fill encountered in the test pits are attached as Sheet 18 through 21.

Glacial Till: Below the fill, the test borings encountered medium dense to dense glacial till consisting of a heterogeneous mixture of silt, sand, gravel and cobbles. The explorations were terminated in the glacial till at depths varying from 7.1 to 39.8 feet.

3.2 Groundwater

Free water and saturated soil conditions were observed in the explorations at depths varying from about 5 to 10 feet. Water seepage was observed at the test pit locations

within the fills, likely indicative of perched water conditions in the variable density and composition fill materials. Groundwater levels will fluctuate seasonally and following periods of precipitation and snowmelt.

4.0 EVALUATION AND RECOMMENDATIONS

4.1 General Findings

The predominant soils encountered at the explorations are granular fill with various mixed debris overlying medium dense to dense glacial till. It is our opinion that the existing fill soils are not suitable in their current conditions for support of the proposed foundations and on-grade floor slabs. It is our understanding the fill material is classified by others as contaminated, but non-hazardous, and can remain on site. Because of the environmental characterization, it will be costly to removal the material from the site and dispose of at an off-site facility. Therefore, we have worked with the design-team to develop two options for improvement of the site fills and use of soil-supported foundations and floor slabs. Both options rely on excavation, handling, sorting, and selective re-use of the removed existing fills and supplementing with imported blended granular soils. The owner must be aware that re-use of these types of fills results in less than an ideal product for support of the buildings and that there is risk of some post-construction movement associated with the use of the blended fill material below the buildings. However, it is our opinion that with careful segregation of debris, selective re-use of the existing fill soils, and proper replacement and compaction methods the potential for post-construction movement is significantly reduced. The two options are described in more detail in Section 4.2.

4.2 Site Improvement and Preparation

Scenario 1 – Over-excavation, sorting/selective reuse, and use of conventional spread footing with frost wall foundation placed on replaced fill: This scenario would involve over-excavation of all of the fill at the site extending at least 1 foot laterally beyond the exterior foundation edges for every 1-foot of over-excavation below the foundation. Based on the test boring information, the fill extends to depths varying from 4.0 to 10.5 feet below existing grade. The fill was observed to be generally granular in composition with various mixed debris such as pockets of organics, pockets and layers of ash, bricks, mortar, metal, cobbles, boulders, and relic foundations. The larger particles (greater than 9 inches) and unsuitable items (metal, organics, wood, and ash) should be segregated from the fill during excavation and cast aside for future off-site disposal.

The remaining materials (soil, gravel, cobbles, bricks, and concrete) should be stockpiled on-site for re-use. The stockpiled materials should be thoroughly mixed and blended with import sand (estimated at 10 to 20% by volume) to "dilute" the small volumes of intermixed unsuitable materials that could not be segregated. It must be understood that the fill material will be variable and the percent suitable for re-use is difficult to determine. The mixed soils should be placed in the over-excavation in lifts of 12 inches or less and compacted to 95 percent of its maximum dry density as determined by ASTM D-1557. Once the site is raised to subgrade, foundation excavation can occur and construction of a typical foundation placed at frost depth can occur.

Scenario 2 - Over-excavation, sorting/selective reuse, and use of deeper wall foundations placed on native soils: This scenario involves the same excavation sorting, mixing and re-use of the existing fill as Scenario 1. However, in this scenario, prior to replacement of the mixed fills, the foundation would be constructed with deeper foundation walls that step to follow the native soils so that foundations bear on native glacial till. Once the foundation construction is completed, the sorted mixed fill can then be placed to raise the building slab-on-grade and site areas to subgrade elevation. In our opinion this scenario presents less risk than Scenario 1 since foundations would be supported on native soils instead of re-used/blended fill.

Pavement Areas: We anticipate that given the size of the excavation, the over-excavation will continue into the paved areas between the buildings. Further, we understand that the area between the buildings will be a utility corridor where the majority of the soils will be removed to depths of about 5 feet below finish grade. If fills exist at pavement subgrade, the fills should be proof-rolled with at least 5 passes of a vibratory drum roller having a static weight of at least 10 tons. The utilities should be backfilled with soils prepared in the same manner as the soils used below the buildings.

General: Site preparation should begin with the construction of an erosion control system to protect drainageways and areas outside the construction limits. Existing utilities to be abandoned, pavement, topsoil, and surficial organic material should be removed from beneath the proposed site.

The soils that will be exposed during stripping and over-excavation will be subject to erosion. When practicable, vegetation adjacent to the construction site should remain undisturbed to lessen the potential for erosion. Based on the findings from the test boring explorations, approximately 1± foot of topsoil will require removal. Actual stripping depths will depend on the moisture of the underlying soil, seasonal conditions at the time of construction, and the contractor's means and methods of topsoil removal.

4.3 Foundation Design

Based on our findings, the building will be supported on conventional spread footings with on-grade floor slabs. We recommend that footings be designed for a net allowable bearing capacity of 3.0 ksf for exterior foundations placed on native soils or compacted fill overlying native soils.

The design freezing index for the Portland, Maine area is approximately 1,250 Fahrenheit degree-days, which corresponds to a frost penetration depth of 4.5 feet. We recommend that foundations exposed to freezing be cast at least 4.5 feet below exterior finish grade. We recommend foundation design consider the following parameters:

GEOTECHNICAL FOUNDATION DESIGN PARAMETERS	
Design Frost Depth	4.5 feet
Total Unit Weight of Backfill (γ_t) – Structural Fill	125 pcf
Internal Friction Angle – Structural Fill	30°
Base Friction Factor – Concrete to Crushed Stone or Structural Fill	0.45
Active Lateral Earth Pressure Coefficient – Structural Fill	0.3
Passive Lateral Earth Pressure Coefficient – Structural Fill	3.0
At-Rest Lateral Earth Pressure Coefficient – Structural Fill	0.5
Post-Construction Settlement	Less than 1 inch

Strip footings should be at least 18 inches wide and column footings should be at least 24 inches wide, regardless of bearing pressure.

4.4 Seismic Considerations

Assuming that the existing fill is removed and replaced as described herein, we interpret the subsurface site conditions to correspond to a Site Class C as defined by the standard penetration resistance (N) method in the 2009 International Building Code (IBC). Further, the information obtained at the exploration locations suggests that liquefaction of soils is not a design consideration.

4.5 Excavation Work

Excavation work will encounter soil that can undergo strength loss when subjected to construction traffic and excavation activities, particularly during periods of precipitation. Water seepage was observed at depths varying from 5 to 10 feet below the existing ground surface. Care must be exercised during construction to reduce disturbance of the bearing soils. We recommend excavation to subgrade be performed using a smooth-edge excavator bucket to reduce the potential for disturbance of the subgrade soils. Should the subgrade become yielding or difficult to work, disturbed areas should be excavated and backfilled with compacted 3/4-inch Crushed Stone overlying geotextile fabric, such as Mirafi 140N or equivalent. Crushed Stone, if used, should be compacted to at least 100 percent of its dry rodded unit weight as determined by ASTM C-29.

It is our opinion that construction dewatering can likely be accomplished with the use of gravity drainage and a sump and pump system.

Excavations must be properly shored and/or sloped to prevent sloughing and caving of the sidewalls and to protect adjacent sidewalks and roadways during construction. Based on the information obtained at the explorations, we recommend that temporary unsupported excavations be cut to a slope of 1.5:1 (horizontal:vertical) or flatter. All excavations must be consistent with OSHA regulations. Based on the depth of excavation for the perimeter foundations along portions of Moody Street, Vesper Street, and Wilson Street, sloped excavations using 1.5H:1V slope are not possible without encroaching into the sidewalk. If sidewalks cannot be closed during construction, shored excavation will likely be necessary.

The contractor is responsible for developing, designing and implementing an appropriate dewatering and excavation shoring plan.

4.6 Fill and Compaction

Although a wide range of soil materials can be used successfully, it has been our experience that granular soils with good drainage characteristics provide significant advantages, particularly in wet conditions and during cold weather construction. We recommend that either filling be limited during these times or more applicable materials be used.

We recommend that material used as backfill adjacent to the exterior sides of foundation walls be a clean, non-frost susceptible, meeting the requirements of Structural Fill as described below. This is to improve drainage and reduce potential for ad-freeze and frost related heaving of the foundations and the adjacent soils. Since this often requires a large volume of imported material, we understand that this may not be economically feasible on this project, particularly if this lead to additional off-site disposal of materials. In lieu if use of Structural Fill as backfill, a 12-inch horizontal measure chimney drain of ¾-inch crushed stone could be used as backfill directly adjacent to the exterior side of the perimeter foundations and the remainder backfilled with the re-used on-site segregated and blended existing fills. The crushed stone should be hydraulically connected to the foundation underdrain placed at footing depth. We recommend a layer of non-woven geotextile filter fabric be used to separate the outer side of the crushed stone from the adjacent backfill.

We recommend the following materials be considered:

Structural Fill: Clean, non-frost susceptible, sand and gravel free of organics and other deleterious materials meeting the following gradation:

STRUCTURAL FILL	
Sieve Size	Percent Finer by Weight
4 Inch	100
3 Inch	90 to 100
¼ Inch	25 to 90
No. 40	0 to 30
No. 200	0 to 5

Structural Fill is recommended for use as:

- Backfill for exterior side of perimeter foundations (if feasible)
- Slab base material
- Backfill within frost transition zone for entrance walks to buildings
- Backfill for repair of soft or yielding areas

Crushed Stone: Crushed, washed, hard, durable rock meeting the gradation requirements for ASTM D-448, No. 67 stone. Crushed Stone is recommended for use as:

- Drainage aggregate for underdrains
- Chimney drain/backfill on exterior side of perimeter foundations

Placement and Compaction: Fill should be placed in horizontal lifts and be compacted. Lift thickness should range between 6 to 12 inches depending upon the size and type of equipment such that the desired density is achieved throughout the lift thickness with 3 to 5 passes of the compaction equipment. We recommend that fill placed below the building and paved areas be compacted to at least 95 percent of its maximum dry density as determined by ASTM D-1557. Foundation backfill should be compacted to at least 95 percent of ASTM D-1557. Crushed Stone should be compacted to 100 percent of its dry rodded weight as determined by ASTM C-29.

4.7 Foundation Drainage

We recommend that foundation underdrains be provided around the perimeter of the proposed building on the exterior side of spread footings. The underdrain pipe should be a minimum of 4 inches in diameter and have perforations of 1/4 to 5/8 inch. We recommend that at least 6 inches of 3/4 inch crushed stone bedding be provided around the underdrains and that the stone be wrapped with a non-woven geotextile filter fabric such as Mirafi 140N or equivalent. The backfill adjacent to foundations should be sloped to promote surface drainage away from the building periphery. The foundation backfill in areas not surface with pavement should be capped with low permeable topsoil to reduce the potential for surface water to enter the foundation backfill. General underdrain details are shown on Sheet 17.

The underdrain system should be hydraulically connected to the Crushed stone chimney drain on the exterior side of the foundation if this backfill option is utilized.

4.8 On-grade Floor Slabs

We recommend on-grade concrete floors be supported on a minimum of 12 inches of compacted Structural Fill. Provided the appropriate base materials are used, we recommend a modulus of subgrade reaction of 120 pci be considered in the floor slab design. The structural engineer or concrete consultant shall design steel reinforcing and joint spacing appropriate to slab thickness and function.

We recommend consideration of 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 to reduce the potential for floor covering damage from moisture. The vapor retarder shall have a permeance that is less than the floor cover 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 shall 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 flooring and adhesive materials.

4.9 Entrances and Sidewalks

The existing site soils are susceptible to frost heaving. Additionally, segregated/blended reused fill material may be susceptible to frost heaving. Concrete entrances and sidewalks adjacent to building entrances should be designed to reduce the effects of frost action. We recommend that excavation beneath the width of entrances and sidewalks abutting the building continue to at least 4.5 feet below finish grade. The entrance and sidewalk areas should be backfilled with compacted non-frost susceptible fill meeting the Structural Fill gradation specifications. Gradual transition (3 horizontal to 1 vertical) of the Structural Fill thickness should be provided from the 4.5-foot depth to the bottom of gravel base thickness at the paved areas and concrete slabs away from the building entrances. This transition will reduce the potential for detrimental differential movement due to frost action. The 4.5-foot depth of Structural Fill should be provided below all exterior concrete areas adjacent to the building where frost heaving will be detrimental.

Backfill below entrances should be placed in lifts and be compacted to at least 95 percent of its maximum dry density as determined by ASTM D-1557. General backfill details are shown on Sheet 17.

4.10 Pavement Areas

4.10.1 Conventional Pavement

We anticipate that paved areas will be subjected to both passenger car and occasional heavy truck traffic. Considering the site soils and proposed usage, we offer the following recommendations for a new pavement section. Materials are based on 2002 Maine Department of Transportation Standard Specifications.

FLEXIBLE (ASPHALT) PAVEMENT	
MDOT 703.09 Type 9.5 mm Hot Mix Asphalt (50 Gyration)	1 ¼ inches
MDOT 703.09 Type 19 mm Hot Mix Asphalt (50 Gyration)	1 ¾ inches
MDOT 703.06 Type A Crushed Gravel Base Course	6 inches
MDOT 703.06 Type D Gravel Subbase	9 inches

Pavement base and subbase materials should be compacted to 95 percent of ASTM D-1557. Hot mix bituminous asphalt pavement should be compacted to 92 to 97 percent of its theoretical maximum density as determined by ASTM D-2041. A tack coat should be used between lifts of asphalt.

Consideration should be given to the development of both surface and subgrade drainage. The paved areas should be graded to promote surface drainage away from the building, and design should consider sloping of the subgrade to enhance drainage.

Where new utilities are proposed beneath the new paved areas, backfilling of the utility trenches should be made in a manner to limit differential frost action. Utility pipes should be bedded and surrounded using materials consistent with the manufacturer's specifications. Above the utility bedding, backfill in trenches should be material similar to that in the trench sidewalls to lessen the potential for differential frost action between the trench and the adjacent materials. The backfill material should be placed in horizontal lifts not exceeding 12 inches in thickness and should be compacted to a density similar to that of the material in the adjacent trench sidewalls.

Frost penetration can be on the order of 4.5 feet in this area of the state. In the absence of full depth excavation of frost susceptible soils or use of insulation, frost will

penetrate into the subgrade and some frost heaving and pavement distress must be anticipated.

4.10.2 Porous Pavement

We understand that porous pavement is being considered and the project civil engineer is responsible for development of porous pavement design sections. As requested, we offer comment on the general feasibility of the site soils regarding infiltration of stormwater. In general the site soils consist of variable density and composition fills and relatively impermeable glacial till with high percentages of fines. Further, due to site preparation, it is highly likely that the subgrade soils following excavation and filling will differ from current conditions. Therefore, we do not recommend account for any infiltration into the subgrade soils. Further, we do not recommend using porous pavement in areas of existing fill subgrades. Infiltrating water can expedite and facilitate settlement of loose fills and react poorly in soils containing organics, resulting in settlement of the pavement surface and expedited pavement deterioration.

4.11 Weather Considerations

If foundation construction takes place during fall or winter, foundation elements and floor slabs must be protected during freezing conditions. Concrete and new soil must not be placed on frozen soil; and once placed, the soil beneath the concrete structures must be protected from freezing.

Site soils are moisture sensitive and subgrades will be susceptible to disturbance during wet conditions. Site work and construction activities should take appropriate measures to protect exposed subgrades.

4.12 Design Review and Construction Testing

S. W. COLE ENGINEERING, INC. should be retained to review the sitework and foundation design drawings to determine that our interpretation of the subsurface conditions and geotechnical recommendations have been appropriately interpreted and implemented.

Further, S. W. COLE ENGINEERING, INC. should be retained to provide soils engineering and testing services during the excavation and foundation phases of the work. This is to observe compliance with the design concepts, specifications, and design recommendations and to allow design changes in the event that subsurface conditions are found to differ from those anticipated prior to the start of construction.

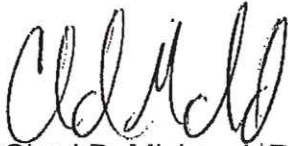
S. W. COLE ENGINEERING, INC. is available to provide testing of soil, concrete, masonry, steel, spray-applied fireproofing and asphalt construction materials.

5.0 CLOSURE

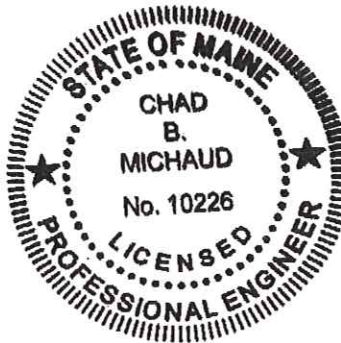
It has been a pleasure to be of assistance to you with this phase of your project. If you have any questions or if we may be of further assistance, please do not hesitate to contact us.

Very truly yours,

S. W. COLE ENGINEERING, INC.



Chad B. Michaud, P.E.
Senior Geotechnical Engineer



CBM/NBS:nbs

B.80

Attachment A
Limitations

This report has been prepared for the exclusive use of AVESTA Housing for specific application to the proposed Adams School Redevelopment project on Vesper Street, Wilson Street, and Moody Street in Portland, Maine. S. W. COLE ENGINEERING, INC. has endeavored to conduct the work in accordance with generally accepted soil and foundation engineering practices. No warranty, expressed or implied, is made.

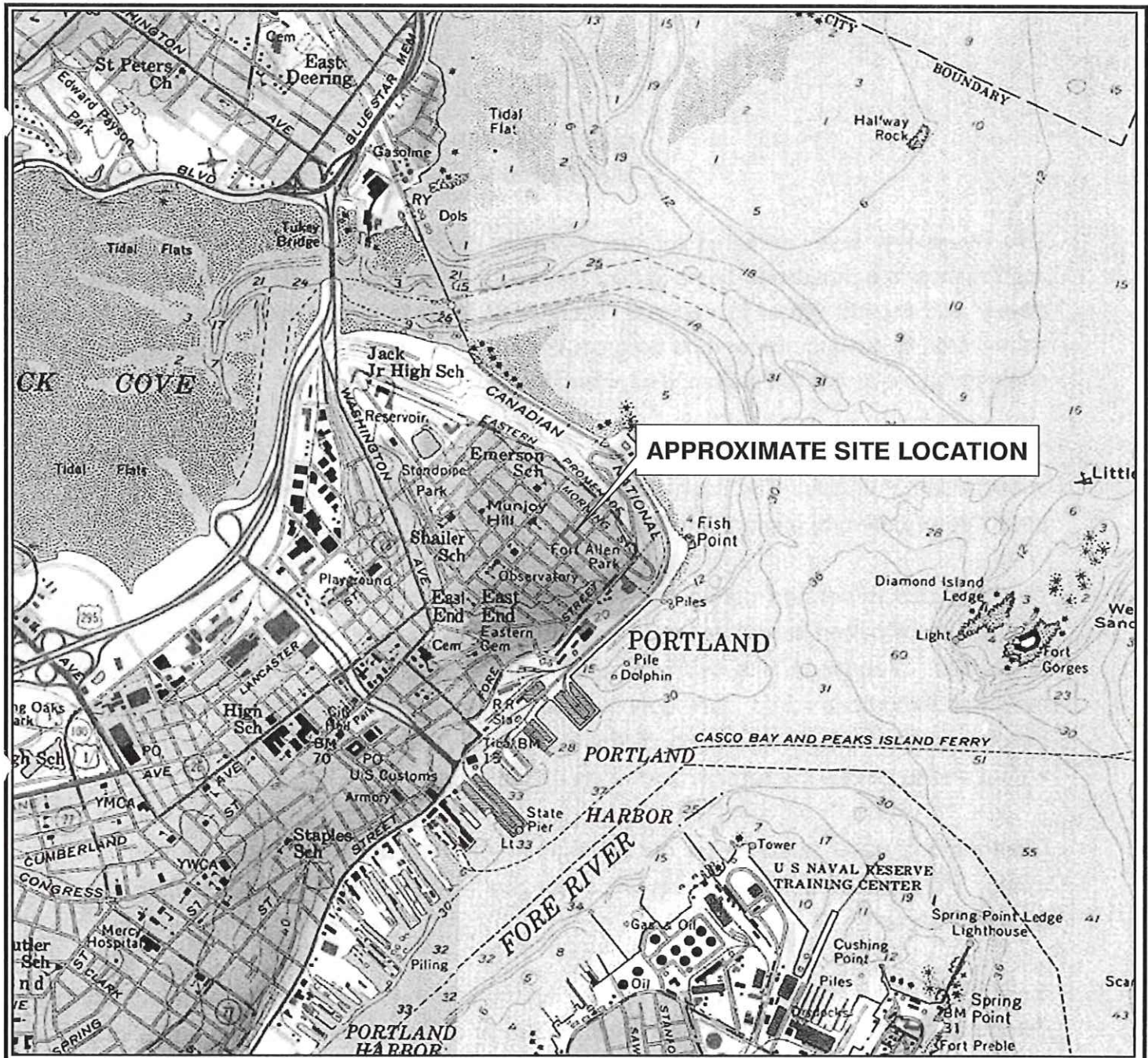
The soil profiles described in the report are intended to convey general trends in subsurface conditions. The boundaries between strata are approximate and are based upon interpretation of exploration data and samples.

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.

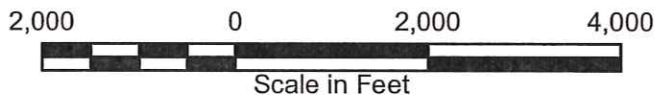
Observations have been made during exploration work to assess site groundwater levels. Fluctuations in water levels will occur due to variations in rainfall, temperature, and other factors.

S. W. COLE ENGINEERING, INC.'s scope of work 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 ENGINEERING, INC. 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 ENGINEERING, INC.



APPROXIMATE SITE LOCATION



AVESTA HOUSING
SITE LOCATION MAP

PROPOSED ADAMS SCHOOL REDEVELOPMENT
 VESPER STREET, WILSON STREET AND MOODY STREET
 PORTLAND, MAINE

NOTE:
 SITE LOCATION MAP PREPARED FROM
 ESRI ArcGIS ONLINE AND DATA PARTNERS
 INCLUDING USGS AND © 2007 NATIONAL
 GEOGRAPHIC SOCIETY.

Job No.	09-0201.3	Scale	1:24000
Date:	03/15/2011	Sheet	1

B.82

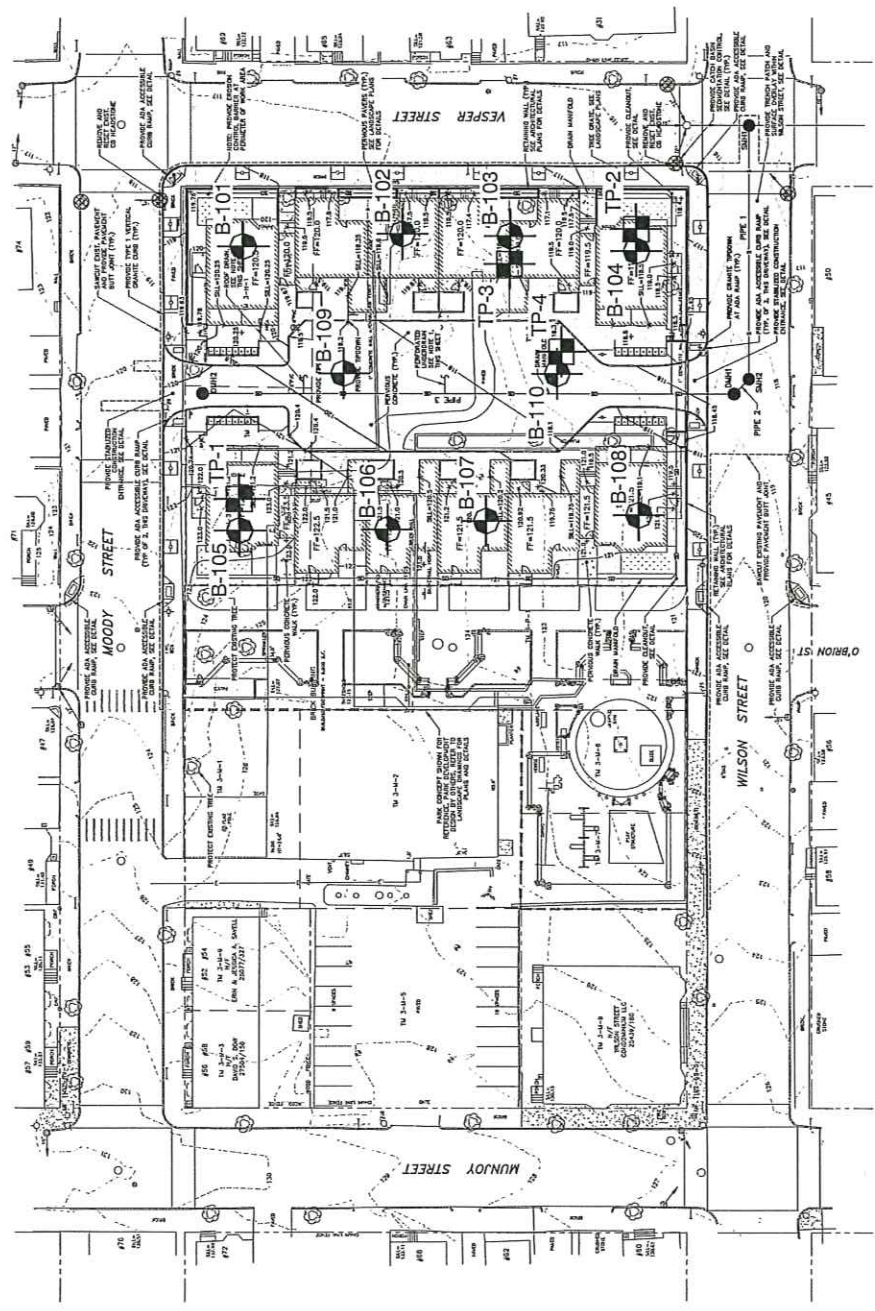


LEGEND:

-  APPROXIMATE BORING LOCATION
-  APPROXIMATE TEST PIT LOCATION

NOTES:

1. EXPLORATION LOCATION PLAN WAS PREPARED FROM A PLAN OF THE SITE ENTITLED "GRADING, DRAINAGE AND EROSION CONTROL PLAN", PROVIDED BY PDT ARCHITECTS, DATED NOVEMBER 22, 2010, AND PROVIDED AS A PORTABLE DOCUMENT FORMAT (PDF).
2. THE EXPLORATIONS WERE LOCATED IN THE FIELD BY TAPED MEASUREMENTS FROM EXISTING SITE FEATURES.
3. THIS PLAN SHOULD BE USED IN CONJUNCTION WITH THE ASSOCIATED S.W. COLE ENGINEERING, INC. GEOTECHNICAL REPORT.
4. 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.



AVESTA HOUSING

EXPLORATION LOCATION PLAN
 PROPOSED ADAMS SCHOOL REDEVELOPMENT
 VESPER STREET, WILSON STREET AND MOODY STREET
 PORTLAND, MAINE

Job No.: 09-0201.3
 Date: 03/15/2011
 Scale: 1" = 50'
 Sheet: 1A

5. EVIDENCE OF FINANCIAL AND TECHNICAL CAPACITY

5.1 FINANCIAL CAPACITY

The Avesta Housing Development Corporation has adequate financial capacity to perform this project. A letter from Avesta confirming their financial capacity is forthcoming from Bangor Savings Bank and will be forwarded under separate cover.

5.2 TECHNICAL CAPACITY

On behalf of the City of the Avesta Housing Development Corporation, Woodard & Curran is preparing this site plan application and working with the design team on the Adams School Site Redevelopment project. Woodard & Curran has extensive experience preparing these types of projects and resumes can be made available upon request. We have attached an overall profile of the firm, as well as an overview of our Civil Engineering services as Figure 5-1 for your reference. Woodard & Curran is a 550 person Portland based firm that has provided engineering services to Maine communities for almost 30 years, including civil/site/utility engineering; development review; parks and recreation facility design; mechanical, electrical and structural engineering; and GIS and asset management services.

The rest of the design team for the Adams School Site Redevelopment project includes PDT Architects and Regina S. Leonard, Landscape Architect. Both PDT and Regina have extensive experience designing these types of developments and documentation of their technical capacity can be made available upon request.

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into as of 24th of May, 2010, by and between the CITY OF PORTLAND, a Maine municipal corporation with a place of business in Portland, Maine and mailing address of 389 Congress Street, Portland, Maine 04101 ("Seller") and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Buyer")

WITNESSETH:

WHEREAS, through the Adams School Re-Use Committee, Seller conducted public meetings in order to determine the most appropriate use of the former Adams School property, at the conclusion of which Seller sought proposals from parties interested in redeveloping the that property; and

WHEREAS, Buyer submitted a proposal that included development of 40 condominium units for low to moderate income families, together with development of a park adjacent thereto, as more particularly described in Buyer's response to the City of Portland Request for Proposals for Redevelopment of Former Adams School Site dated July 22, 2008 (the "RFP Response"); and

WHEREAS, Buyer, after retooling the Project in response to changes in available sources of sub-market development capital and overall housing market conditions, submitted a revised proposal that included development of at least 16 condominium units for low to moderate income families, together with installation of a park on adjacent land retained by Seller (collectively the "Project"), as more particularly described in Buyer's March 24, 2010 project update letter to Penny Littell, Director of Planning and Urban Development with attached plans and elevations; and

WHEREAS, the updated Project has been publicly reviewed by the Housing Committee of the City Council with that Committee having voted unanimously to move the matter to the attention of the full City Council and the parties now wish to move forward with Buyer's proposed development;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Property to be Sold. Seller agrees to sell and Buyer agrees to buy a certain lot or parcel of land with all buildings, fixtures and improvements thereon, located in the vicinity of 48 Moody Street, Cumberland County, Maine, shown as City of Portland Tax Map 003, consisting of all of the land shown on such tax map as Block H, comprising .74 acres of land, more or less, improved with the former Adams School building and related infrastructure, land and improvements, with frontage on and access to, and bounded by, Moody, Vesper, and Wilson Streets, together with all easements appurtenant thereto (collectively the "Premises"). See Exhibit 1 attached.

2. Purchase Price. Buyer shall pay to Seller the sum of Two Hundred Forty Thousand (\$250,000) (the "Purchase Price") in the manner provided in this Section.

a. Contemporaneously with the execution of this Agreement, Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Initial Deposit").

b. Not later than the Due Diligence Completion Date (as defined in Section 7 below), Buyer shall pay to Seller the sum of Two Thousand Dollars (\$2,000.00) (the "Second Deposit;" the Initial Deposit and the Second Deposit are referred to collectively in this Agreement as the "Deposit").

c. At the closing, Buyer shall pay to Seller the balance of the Purchase Price by certified or bank cashier's check or wire transfer. The Deposit shall be credited against the Purchase Price.

3. Title. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens, claims and encumbrances except those that do not adversely affect the use and enjoyment of the Premises. In the event that Seller is unable to convey title as aforesaid, Seller shall be given a reasonable period of time (not to exceed 45 days), after notice in writing, in which to remedy any title defects. In the event that said defects cannot be corrected or remedied or in the event that Seller elects not to remedy same, then the Deposit shall be returned to Buyer and this Agreement, and Seller's and Buyer's obligations hereunder, will terminate. Buyer may, at Buyer's option, elect to close notwithstanding such defects as may exist. Seller agrees to convey the Premises using any new survey description resulting from Buyer's boundary survey.

4. Closing. This transaction shall be closed on or before September 1, 2010 at 10:00 a.m. (the "Closing Date") at the offices of Buyer's counsel, or if the Seller and Buyer shall mutually agree in advance at another time and place. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the balance of the Purchase Price, the following documents:

(a) a Quitclaim Deed with Covenant to the Premises; and

(b) such other customary instruments, documents and affidavits as may be associated with said closing.

5. Risk of Loss, Damage, Destruction and Insurance. Before closing, Seller shall bear the risk of any loss to the Premises by fire or otherwise.

6. Representations and Warranties of Seller. Seller represents and warrants to Buyer as follows:

(a) There is no litigation, administrative hearing, arbitration, or any other proceeding pending or, to the knowledge of Seller, threatened against Seller or with respect to the Premises or the Personal Property with respect to any violation of law, rule or regulation. Seller has received no notices of violation from any Federal or State agency alleging a violation of any environmental law, rule or regulation with respect to the Premises.

(b) Seller has an absolute right to sell, assign or transfer the Premises to Buyer free and clear of all liens, pledges, security interests, demands or encumbrances and without breach of any agreement to which Seller is a party or by which Seller is bound.

7. Inspection. At all reasonable times upon reasonable prior notice, Buyer and any prospective lender or investor of Buyer's shall have the right to enter the Premises and perform, at Buyer's expense, any and all inspections, tests, surveys or other due diligence inquiries with respect to

the Premises as Buyer deems necessary or appropriate. Buyer agrees to return the Premises as nearly as possible to their original condition after all of such tests and inspections. Seller shall cooperate with Buyer in such inspections. In the event Buyer is not satisfied for any reason by the results of such due diligence inspections, Buyer shall have the option of terminating this Agreement by written notice to Seller. Buyer's option to terminate this Agreement as provided in this Section 7 shall expire unless such written notice is delivered to Seller not later than July 1, 2010 (the "Due Diligence Completion Date"). If such written notice is not delivered to Seller prior to Due Diligence Completion Date, Buyer shall be deemed to have waived its right to terminate this Agreement as set forth in this Section 7.

8. Possession. Seller shall deliver the Premises to Buyer at closing free and clear of all leases, tenancies and occupancies by any person.

9. Conditions Precedent. Buyer's obligation to close hereunder is subject to Buyer's full and complete satisfaction with all of the following:

(a) Seller shall earmark no less than \$ 1,724,136 in Neighborhood Stabilization Program ("NSP") funds from the Maine State Department of Economic and Community Development. No less than \$1,710,000 of the NSP funds are to be used by Buyer as a source of development capital for the Project. Seller shall directly expend up to \$14,136 of the NSP funds to conduct environmental studies and a HUD required single audit.

(b) There shall have been no material adverse change in the condition of the Premises occurring after the conclusion of Buyer's inspections under Section 7 above, and the Premises shall be substantially in the same condition as they were at the time of the inspections, reasonable wear and tear excepted, subject to the provisions of subsection (e) above.

(d) Title to the Premises shall be good and marketable, and the same shall be conveyed to Buyer free and clear of all liens, claims and encumbrances except encumbrances that do not adversely affect the use and enjoyment of the Premises. Not later than July 1, 2010, Buyer shall have received, at Buyer's expense, an ALTA-ACSM boundary survey of the Premises satisfactory to Buyer in its sole discretion.

(e) As of the date hereof, and as of the date of closing, all of Seller's representations and warranties shall be true and correct in all material respects.

(f) Buyer shall have achieved the development milestones described in Section 13 below within the time periods set forth in such section.

If the conditions described in subsections (a) through (f) above are not satisfied as of the dates specified, or if no date is specified, by the Closing Date, then Buyer shall have the option of terminating this Agreement in writing and receiving back the Deposit.

10. Default and Remedies. In the event that Buyer fails to close hereunder for any reason other than (i) a default by Seller or (ii) termination of this Agreement by Buyer as provided herein, Seller's sole legal and equitable remedy shall be to terminate this Agreement by written notice to Buyer, whereupon and all rights of Buyer to purchase the Premises shall cease and be of no further

force or effect. In the event of Seller's default hereunder, Buyer shall have available all remedies at law and in equity, including without limitation the right of specific performance.

11. Assignment. Upon notice to and concurrence by Seller, which shall not be unreasonably withheld, Buyer may assign this Agreement and all its rights and obligations hereunder to an affiliate of Buyer's.

12. Brokers. The parties represent to each other that neither has had any dealings with any real estate broker in connection with this transaction. Each party agrees to indemnify the other from and against the claims of any brokers arising from this transaction, which indemnity shall survive the closing and shall include reasonable costs of collection, including reasonable attorneys' fees.

13. Development Activities with Respect to the Project; Milestones. After the date of this Agreement, and after the Closing Date, Buyer agrees to use good faith efforts to undertake predevelopment activities towards the goal of developing the Project substantially, as described in subsections (a) and (b) below.

(a) Upon the execution of this Agreement by both parties, Buyer shall continue to refine the Project budget through continued assessment of the real estate market and by securing competitive bids for construction as well as various design and development services. While a budget shortfall is not anticipated by Buyer at this time, to the extent that the final budget demonstrates an unforeseen need for additional subsidy above and beyond the NSP funds allocated by Seller, Buyer shall use good faith efforts to obtain any remaining funds that may be necessary for development of the Project. Buyer shall have until July 15, 2010 to secure binding funding commitments in an amount sufficient in Buyer's sole judgment to fully develop the Project. Should Buyer fail to secure funding commitments as described above, Buyer and Seller shall reassess the viability of the Project and likelihood that final gap funding sources can be secured in a reasonable timeframe. Under this circumstance and after weighing all options, Seller may opt to grant Buyer additional time to secure needed funding or work with Buyer to consider alternative development scenarios for the Premises; e.g. alternative residential unit type, size, number, and/or configuration. If by July 15, 2010 Buyer has not secured all necessary financing and Buyer and Seller, after a good faith effort, are not able to develop a mutually agreeable alternative development scenario, Seller may terminate this Agreement and the Deposit shall be returned to the Buyer.

(b) After receipt of the funding commitments described in subsection (a) above, Buyer shall begin good faith efforts to obtain all necessary permits and approvals for the Project, including without limitation site plan and subdivision approval.

(c) Upon the execution of this Agreement by both parties, Buyer shall, using NSP funds, commence with activities necessary to conduct hazardous materials abatement, and complete the full demolition and removal of the existing Adams School building. Buyer shall also coordinate the removal of an Underground Storage Tank UST identified in the Phase I and Phase II Environmental Site Assessments conducted by SW Cole Engineering on behalf of Seller.

In the event Buyer has not secured its financing by the date specified in Subsection (a) above, either party may terminate this Agreement and the Deposit shall be returned to Buyer.

14. Additional Conditions. Additional conditions are included in Attachment 2 and shall be incorporated herein by reference.

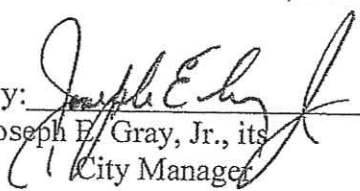
15. Miscellaneous. Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed to the recipient at the addresses set forth at the beginning of this Agreement. Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Except as set forth in Section 12 above, the rights of Buyer under this Agreement may not be assigned in whole or in part without written consent of Seller, which shall not be unreasonably withheld. This Agreement constitutes the entire agreement between Seller and Buyer and there are no other agreements, understandings, warranties or representations between Seller and Buyer. Seller's representations and warranties, and certain other provisions contained in this Agreement, shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

IN WITNESS WHEREOF, Seller and Buyer have executed this Agreement as of the date written above.

WITNESS:




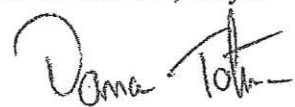
CITY OF PORTLAND, Seller

By: 

Joseph E. Gray, Jr., its
City Manager

AVESTA HOUSING DEVELOPMENT CORPORATION, Buyer



By: 

Dana Totman, its President

ATTACHMENT 2

Additional Conditions:

1. The Project shall provide no fewer than 16 new units of housing which shall be sold to buyers with household income at or below 120% of the adjusted medium income _____.
2. The Project shall include restrictions to the rental of residential units except as follows:
 - a. To a family member
 - b. To a non-family member for a period not to exceed 20 months in any consecutive 5 year period.
3. The Project site design shall be revised to site all playground equipment in the Beckett / O'Brion right of way and the playground shall be built with a maintenance free design.
4. The Project shall provide LED fixtures in any street lights that may be required through the public review process.
5. Upon license from Seller, Buyer shall stabilize, loam and seed all disturbed areas on the overall +/- 1.5 acre Adams School site.



B.90

**TERM SHEET
THIS IS NOT A COMMITMENT TO LEND**

**July 13, 2011
(Effective through October 13, 2011)**

Seth Parker
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101

Re: Adams School Redevelopment Project

Dear Seth,

We are pleased at the prospect of presenting this proposal for construction financing for the proposed Adams School Redevelopment Project ("Project") that Avesta Housing Development Corporation ("Borrower") and Avesta Housing ("Sponsor") wish to develop in Portland, Maine. The proposed terms and conditions are provided for discussion purposes only and do not constitute an offer, agreement, or commitment to lend. The actual terms and conditions upon which the Bank might extend credit to the Borrower are subject to the satisfactory completion of due diligence, formal credit approval, satisfactory review of documentation and such other terms and conditions as are determined by the Bank.

BORROWER: Avesta Housing Development Corporation

DEVELOPER: Avesta Housing Development Corporation

SPONSOR: Avesta Housing

PROJECT: Adams School Redevelopment Project, a 16 unit affordable condominium project developed in conjunction with a City of Portland Neighborhood Stabilization Program grant for the redevelopment of the former Adams School site in Portland, Maine

AMOUNT: Up to \$3,500,000 (65% of total project cost).

B.91

CREDIT FACILITY:

Commercial Construction Loan

PURPOSE:

To fund construction of Adams School Redevelopment Project, a 16 unit affordable condominium project in conjunction with a \$1.7 million City of Portland Neighborhood Stabilization Program grant for the redevelopment of the former Adams School site in Portland, Maine.

MATURITY:

24 months

REPAYMENT:

Interest only monthly and payment of net proceeds from the sale of each unit. Bank will require that the loan is paid in full by the sale of the 14th unit. All outstanding principal and interest will be due by the sale of that unit.

INTEREST RATE:

Option #1: a variable rate at 30 day LIBOR plus 2.75 % with a floor of 3.00%
(Rate as of 7/13/11 .1865% +2.75% =2.94% default floor 3.00%)

Option #2 a fixed rate equal to the 24 month FHLB CDA classic rate established 15 days prior to closing plus 2.75% with a floor of 3.50%
(Rate as of 7/13/11, .66 % + 2.75% = 3.41% default floor 3.50%)

LOAN FEE:

.25% but not less than \$8,750 payable at construction loan closing.

INSPECTION FEES:

\$600.00 (est.) per month while construction is in process. This is based on one funding remittance per month

COLLATERAL:

First mortgage and assignment of leases and rents on land, buildings, and improvements known as Adams School Redevelopment Project condominiums, Portland, Maine.

A first priority collateral assignment of all development rights, declarant rights, contracts, permits, plans, construction contracts, pre-sale and purchase and sale agreements, deposits, grants and subsidies, and all business assets related to Project.

GUARANTORS: Unlimited corporate guarantee for completion and repayment by:

1. Avesta Housing Development Corporation, Project Developer
2. Avesta Housing, Project Sponsor

**PREPAYMENT:
PENALTY:** None.

**LOAN TO
VALUE:** The maximum loan to value will be 85% of the when completed market value of the project, subject to review and acceptance of an appraisal to be ordered by the Bank.

ENVIRONMENTAL: The loan is subject to completion of a Phase I Environmental Site Assessment which will determine if there is additional due diligence to be performed.

**FINANCIAL
REPORTING:** Subject to receipt and review of the Borrower's and Guarantors financial statements and all other information required by the Bank for underwriting and credit review. The Bank will thereafter require annual financial statements of the Borrower and Guarantors within 120 days of fiscal year end

**GENERAL
CONDITIONS:** Prior to closing, borrower shall present evidence acceptable to the Bank that no less than 50% of the units are under a preconstruction reservation agreements or purchase and sale agreements with unit purchasers who intend to use the property as a personal residence and have been prequalified by a mortgage lender authorized to make residential mortgage loans in Maine. Bangor Savings Bank is prepared to assist in providing prequalification programs and services to prospective unit purchasers. Purchase & Sale Agreements shall also have adequate down payments and contingencies acceptable to the Bank.

Prior to closing, borrower shall present evidence acceptable to the Bank that the proposed project has been approved by Freddie Mac and the Fair Housing Administration (FHA) as a conforming condominium for secondary market financing and FHA loan guarantees. Bangor Savings Bank is prepared to assist with

B.93

preparation and submission of the required project materials to Freddie Mac and FHA.

The Project budget shall be acceptable to the Bank and shall contain reasonable contingency reserves. The Project budget shall be supported by Guaranteed Maximum Price construction contracts, where applicable. Increases in the Project Budget shall require the approval of the Bank, which shall not be unreasonably withheld. In the event that during the term of the Loans, the remaining loan proceeds are insufficient to complete the Project, the Borrower shall be required to deposit additional funds with the Bank to cover any Project cost overruns.

The loans are subject to Borrower providing evidence of receipt of all necessary municipal, state and federal land use approvals and permits for the development of the Project.

The loans are subject to receipt, review, and acceptance by the Bank of guaranteed maximum price construction contracts from bonded contractors acceptable to the Bank. The contracts should provide for monthly requisitions for payment with a 5% retainage withheld from each draw request to be released upon satisfactory completion of the contract, as certified by the Architect and lien waivers from all general and sub-contractors. Draw requests will be submitted on standard AIA Documents number G702 and G703 or reasonable facsimile. 100% dual obligee payment and performance bonds for the full amount of the construction contracts will be required.

The Bank will require review of plans and contracts as well as site inspection and disbursement review services by an engineer selected by the Bank whose fees for services shall be paid by the borrower

These loans are subject to the establishment of a comprehensive deposit relationship with the Bank for all operating, escrow, and reserve accounts related to the Project.

Any commitment that Bangor Savings Bank issues, will be subject to the terms of its usual loan documentation, as approved by counsel for the Bank in connection with this particular transaction, and may include terms and conditions that are different from, or that are in addition to, the terms and conditions stated in this letter. The rate and terms of this commitment are in express reliance on Borrower's maintenance of the indicated banking deposit relationship with the Bank. The Borrower is responsible for all out-of-pocket costs and expenses incurred by the Bank in connection with the proposed loan

B.9A

including appraisal, legal fees, filing fees, environmental due diligence as required, etc. As mentioned above, this letter is intended only to give you a general idea of the Bank's current thinking regarding a structure for this transaction that may be appropriate.

We look forward to hearing from you, and appreciate the opportunity to present this term sheet to you. We appreciate the important commitment to affordable housing and the community development effort involved in this project and we hope to proceed further with our discussions and the underwriting process.

Sincerely,



Diane H. Donaldson
Vice President
Commercial Lending

SEEN AND AGREED TO BY:

By:
Its:

Date

A TRUE COPY
ATTEST:

Linda C. Cohen/cd

B.95

*order 201-09110
Tab 27 4-27-10*

Linda C. Cohen, MMC, City Clerk
Portland, Maine

DATE MAY 13 2010

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)
JILL C. DUSON (A/L)
DORY RICHARDS WAXMAN (A/L)

**ORDER ACCEPTING AN ADDITIONAL \$400,000 of NEIGHBORHOOD
STABILIZATION PROGRAM (NSP) FUNDS FROM THE OFFICE OF
COMMUNITY DEVELOPMENT AND
APPROPRIATING \$ 1,724,136 MILLION IN NEIGHBORHOOD
STABILIZATION PROGRAM FUNDS
TO AVESTA HOUSING FOR THE PROPOSED PROJECT ON A PORTION OF
CITY PROPERTY KNOWN AS THE
ADAM SCHOOL SITE**

ORDERED, that the City accepts an additional grant of \$400,000 in Neighborhood Program Funds from the State of Maine Department of Office of Community Development; and

BE IT FURTHER ORDERED, that the City appropriates a total of \$1,724,136 million in Neighborhood Stabilization Program Funds to Avesta Housing for the proposed affordable housing development project on a portion of City property known as the Adam School site; and

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute any and all agreements or documents necessary to effect this grant.

B.96

To: Mayor Nicholas Mavodones, Jr. and Members of the Portland City Council
From: Penny St. Louis Littell, Director of Planning and Urban Development
Date: April 14, 2010
Re: Adams School Site, 44 Moody Street

After a lengthy neighborhood process, in 2008 the City of Portland made a Request for Proposals for the sale and development of the Adams School. The site comprises 1.5 +/- acres bounded by Munjoy, Moody, Vesper and Wilson Streets. The RFP was awarded to Avesta Housing based on an original purchase of the property for \$600,000 and the development of 40 housing units. In 2009 the City's Housing Committee voted to recommend the allocation of the City's Neighborhood Stabilization monies (\$1,324,136) to the project.

Due to the economic downturn and the scarcity of resources, Avesta was forced to identify other resources which could have supported its original buildout. Exploration was made for a TIF for the site in addition to the NSP allocation. At the end of the process, Avesta reduced the scope of its project and now comes before the City Council with a proposal to purchase a portion of the property and to develop a 16 unit affordable housing project. They are not seeking a TIF, and Avesta has worked with the State Office of Community Development to secure an additional \$400,000 in NSP monies to support the project.

For a full description of the current proposal, please see the attached. The basics are as follows:

- Purchase of +/- .73 acres of City land for \$240,000
- Demolish Adams School and stabilize remainder of site not included within the purchase (est. value \$145,000)
- Utilize \$1,724,136 of NSP money to develop 16 affordable housing units (annual income at or below 120% of Area Median Income (AMI))
- Create a playground on the site, with a proposal that the City will maintain

The Council is being asked to do three things related to this project:

1. Authorize the City Manager to enter into P & S and execute all closing documents to effectuate the sale of +/- .73 acres of land to Avesta Housing for the development and sale of 16 affordable housing units; and
2. Accept an additional \$400,000 in NSP money from the NEDC
3. Authorize expenditure of \$1,724,136.00 NSP to the Avesta Adams School project

B.97



6. ASSESSMENT OF ZONING

The property is located in the R6 Residential Zone, and will be designed to comply with the standards and intent of Division 7 of the land use regulations.

6.1 MULTI-FAMILY DWELLINGS

Multi-family dwellings are a permitted use for the R6 Zone. The development will comply with the Multi-family Dwelling unit standards of Chapter 14-136 (a)-2. All units will have 977 square feet of floor area or greater, exceeding the minimum floor area of 600 square feet. One off-site parking space will be provided for each unit in compliance with Division 20. All units will be above grade and no open fire escapes will be necessary.

6.2 DIMENSIONAL REQUIREMENTS

As described in Section 2 of this application, the project has received approval from the Zoning Board of Appeals (ZBA) for a variance from side and rear yard setback requirements. Table 6-1 provides a summary of the setback requirements and other dimensional standards for developments within the R-6 zone, per Sections 14-230.14 and 14-230.15 of the Land Use Ordinance.

Table 6-1: R-6 Zone Dimensional Requirements

	REQUIRED	PROVIDED
Front Yard Setback	10 ft or average of existing front yard setbacks	5 ft (average of existing front yards)
Side Yard Setback*	4.2 ft at Moody Street 4 ft at Wilson Street	4.2 ft at Moody Street 4 ft at Wilson Street
Rear Yard Setback*	5 ft	5 ft
Lot Size	4,500 sq ft (min)	32,350 sq ft
Minimum Area per Dwelling Unit	1,000 sf/unit	2,021 sf/unit
Street Frontage	40ft min	> 200 ft
Max Lot Coverage	50% of lot area for developments with < 20 units	26%
Max Building Height	45 ft	<45 ft
Min Lot Width	50ft	160 ft
Min Open Space (20% of lot for developments with < 20 dwelling units)	0.15 acres	0.19 acres
Parking Spaces (1 per unit)	16	17

*ZBA has approved a variance for side and rear setbacks

B.98



8. WAIVERS REQUESTED

As a result of the meeting Woodard and Curran and Avesta held with the City of Portland Department of Public Services on December 7, 2010, the City determined that there was no readily available alternative to connecting stormwater to the combined sewer in Vesper Street. Avesta is requesting a waiver from Section 2.1.1 in the Technical Design Standards, which specifies that stormwater shall not be discharged into a sewer which conveys sanitary waste.

9. TRAFFIC ANALYSIS

9.1 PEAK HOUR TRIP GENERATION

The proposed development will not significantly impact traffic in the area. Based on a review of applicable ITE Trip Generation 8th Edition Land Use Codes (LUC) 230 – Residential Condominiums, the 16 unit residential development will generate 12 and 13 trip ends during the AM and PM peak hours respectively, significantly less than the 100 trip ends threshold for a Traffic Movement Permit from the Maine DOT. The peak hour vehicle trips generated from the development are well below the number of trips generated at the site when the school was operational.

9.2 PROXIMITY TO BUS ROUTES

The development is located within close proximity to many of Portland Metro's bus routes. The development is less than one block from Route 1, which provides transportation across the Portland Peninsula, and is within walking distance of routes that provide transportation to the North Deering, Falmouth and Portland's downtown areas.

9.2.1.1 Sight Distance

Woodard and Curran visited the project site on November 10, 2010, to record site distances at the development's proposed driveway entrances. The area's speed limit was noted as 25 mph, which requires a minimum sight distance of 200 feet. The development's north entrance had a sight distance of approximately 245 feet to the east and 250 feet to the west. The development's south entrance had a sight distance of approximately 220 feet in either direction. These distances meet the standards set forth in the City of Portland Technical Manual.

9.2.1.2 Driveway Design

Vehicles will enter the parking area from Wilson Street and exit onto Moody Street. All driveways will be perpendicular to the existing streets. As a result of discussions with the City's Fire Department, the entrance and exits will be 16 feet wide, which is greater than the minimum entrance width of 12 feet specified in Section 1.7 of the City's Technical Manual. The additional driveway width is required to provide emergency access to the site. The driveways will be located 80 feet from the Vesper Street intersection and approximately 70 feet from the O'Brien Street and Beckett Street Intersections.

The driveway entrance and exit will be constructed with radial granite curbing. Woodard & Curran has utilized AutoTurn software to analyze the maneuverability of access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width. A figure showing the emergency vehicular access is included as Figure 15-1. This plan was developed with feedback and guidance provided by the City's Fire Department during a meeting on November 17, 2010.

9.2.1.3 Sidewalks

The development will include the construction of new brick sidewalks with granite curbing along the parcel's frontage of Moody, Vesper, and Wilson Street's. In addition, a new pedestrian walkway will be created in the proposed park along the Beckett Street Right of Way. The park and walkway will reconnect

a valuable pedestrian corridor between Beckett Street and O'Brion Street, improve the neighborhood's access to the proposed public park, and create a pleasing view corridor.

9.2.1.4 Parking Lot and Parking Space Design

Offsite vehicular parking will be provided at a rate of one parking space per unit in accordance with Division 20 of the Land Use Ordinance. Sixteen parking spaces shall be 9 feet wide by 18 feet long, with one compact space of 8 feet wide by 15 feet long. Aisles will be 14 feet wide, as required in the Technical Standards for a 45 degree angle parking configuration. Woodard & Curran and PDT Architects reviewed this aisle width during a meeting with the City of Portland's Fire Department on November 17, 2010.

9.2.1.5 Bicycle Parking

Bicycle storage is provided at each residential unit within a covered storage unit. In addition, two exterior bike racks will also be provided for additional bike storage.

9.2.1.6 Public Crosswalks

Several crosswalks are located on the streets abutting the development. Two of the crossings are located mid block, and were originally installed to provide access to the school. To improve pedestrian movement and to provide a better crosswalk alignment with the park and existing streets, we recommend removing the two mid block crossings and creating two new crossings in line with Beckett and O'Brion Street Right-of-Way. The locations of the proposed crosswalks are shown on the enclosed site plan. These proposed crosswalk modifications have been reviewed and accepted by the City's Crosswalk Committee.

9.2.1.7 Construction Permitting and Traffic Control Plans

The contractor will be responsible to attaining all applicable construction permits. The traffic control plan has been included in Section 16, Construction Management Plan, of this application.

10. SIGNIFICANT NATURAL AND HISTORIC FEATURES

The site of the proposed residential project has been previously developed, and does not contain significant natural features or resources. The site does not include wildlife habitat, wetlands or streams.

Woodard & Curran has requested that the Maine Historic Preservation Commission (MHPC) review the site for potential impacts to any known pre-historic sites, historic structures, or archeological sites. Correspondence from the MHPC, confirming that there will be no impacts to historic sites or structures, is included as Figure 10-1.

11. LANDSCAPING AND SIGNAGE

Avesta is working with Regina S. Leonard Landscape Architecture & Design to develop landscaping designs for the residential development and abutting park. A landscaping plan is included in the enclosed plan set. The development will include plantings and landscaping along the driveway entrances and street frontage. Planters will be located near the rear entrances and the parking areas; landscape buffers and fencing will be utilized to screen waste and recycling receptacles.

Street trees will be planted along the City's Right-of-Way and within the proposed park. The City's Ordinance requires one street tree per residential unit. The proposed landscaping plan includes 14 trees along Moody, Vesper, and Wilson Streets, with additional trees to be planted within the park exceeding the amount required by Ordinance.

The park development plan proposes three small entrance signs measuring 15-1/4" x 11" for the project, one on each end of the esplanade near the sidewalks bordering Winslow and Moody Streets and another at the playground entrance off Winslow Street. The esplanade signs will be mounted on a black 2-1/2" square heavy gauge aluminum post with a ball and finial post cap. The playground sign will be mounted on the black double wire perimeter fence on the west side of the entrance. The proposed signage is identical to signage the City has adopted for use at the newly constructed Fort Allen and the Loring Memorial Trails, as well as at the Goodwin Playspace at Deering Oaks. Shop drawings for the aforementioned Fort Allen and Loring Memorial Trails signage have been included as Figures 11-1 and 11-2 respectively for your reference. Although not required for this project, the sign design has been previously endorsed by the Historic Preservation Board. The signs will be 0.080 aluminum with a control tac exterior vinyl with laminate surface. An elevation of the proposed signage has been included as Figure 11-3 for your reference.

The park plan includes provisions for secondary signage at the playground entrance off the main esplanade. This signage highlights the primary entrance to the playground.

There is no proposed lighting specific to the signage.

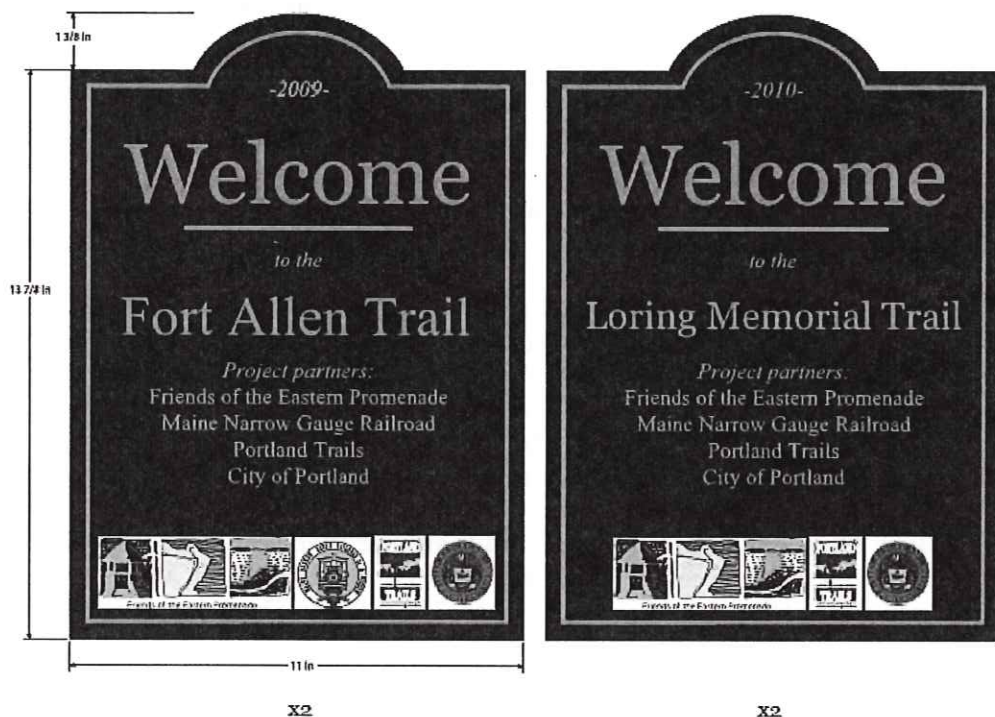
B.103

WELCH SIGNAGE and digital graphics

Client: Friends of the Eastern Prom
Proof File: 14162
Designer: Joel Kuschke
Due Date: MUST BE INSTALLED BY OCT 21st

This proof may reflect color shifts due to the color conversions from ink to paper and or vinyl. Also, PMS colors will be approximated to the best of our ability. If we are supplied with files (if applicable) they will be used as is and WELCH will not be responsible for any faults in the design (300 dpi required). Please check the following for accuracy: spelling, quantity, graphics and logos, size, fonts/typeface, single or double sided colors and legibility.

Please SIGN this form, if approved, and fax to (207)883.8588 to continue the job progress.
*By signing below, you are confirming that you have checked and approved of all details of this project, as represented on this proof.



(4) .080 Aluminum Signs w/ Control Tac laydown

15.25" x 11"

Single Sided

HP Print on Control Tac Exterior Grade Vinyl with Laminate

Approved By: _____ Date: _____

DISCLAIMER: WELCH is not responsible for the output of customer supplied files or logos. It is the customers responsibility to make sure they have supplied the files in the correct resolution and PMS colors. We would be happy to answer any questions regarding file setup.

VEHICLES: Although Vehicle Graphics are meant to last 3-5 years, WELCH will only warranty the replacement of vehicle graphics 60 days from the proof date. Vehicle Graphics are a temporary advertisement. Please understand that sunlight, bad weather, rocks, pressure washing and incorrect care of your graphics can shorten the life span.

PROJECT BY:



AVESTA HOUSING
307 CUMBERLAND AVE.
PORTLAND, MAINE 04101

IN COLLABORATION WITH
THE CITY OF PORTLAND

FIGURES 11-1 AND 11-2. RECENT SHOP DRAWINGS FOR FORT ALLEN TRAIL AND THE LORING MEMORIAL TRAIL. THE PROPOSED PARK SIGNAGE WILL BE OF IDENTICAL SIZE, COLOR AND STYLE.

DATE: JULY 7, 2011

SITE PLAN REVIEW

MARADA ADAMS PARK SIGNAGE

LANDSCAPE ARCHITECT:



Regina S. Leonard

landscape architecture & design

29 Bridge Street. Topsham, ME 04086

Tel. 207.450.9700 Regina@rsldesign.com

12. ARCHITECTURE AND STREETScape

The Adams School Redevelopment site will offer high quality, market-rate living units. The buildings are designed with special attention paid to the character of the Munjoy Hill neighborhood surrounding the site of the former Marada Adams Elementary School. A park dedicated to Marada Adams is also planned in partnership with the City of Portland. Streetscape and pedestrian scale are of particular importance to the interface of these buildings with the site. Each unit will have a separate street entrance, activating the sidewalk and complimenting the rhythm of the existing streetscape. Individual covered entries will be designed to be sympathetic to the existing architectural character found in the neighborhood. Parking is located internal to the site and adjacent to entrances of each unit. With single access points, we will minimize curb-cuts to the site, keeping pedestrian access the focus along the public right-of-ways. Solid waste management, recycling stations, and mailboxes are proposed at Moody and Wilson Street access points.

There are two types of units: A three bedroom, two story townhouse, and a two bedroom flat. The two bedroom flats will compose four, two-story buildings on each of the four corners of the site. The first floor flats will each have an entrance directly off the sidewalk, and the second floor flats will have separate entrances via a private enclosed stair, also with direct sidewalk access. The three bedroom townhouses will also have individual sidewalk entrances. Four of the three bedroom townhouses will accommodate single level living with one of the three bedrooms on the ground floor.

Each unit type will be expressed architecturally with pitched roofs and distinctive masses. There will be green spaces that create a buffer between the park esplanade or parking areas and the living spaces. The townhouses shall be close to the sidewalk and elevated, keeping with the building tradition on Munjoy Hill, but also allowing privacy from passing pedestrians. These units will be arranged in four separate buildings situated on the four corners of the site. A mid-block break between the buildings will subdivide the site and create a landscaped visual corridor from Vesper Street through to the park.

The architecture will be trimmed and detailed such that it references the context of the East End. Fenestrations will be proportional to the overall façade composition. Finish materials will include wide plank siding, masonry, and painted trims. Windows will be casement or double hung style, and roofs will be shingled. Operable roof windows will contribute to whole-house natural ventilation. These homes will incorporate many green strategies, technologies and materials.

13. STORMWATER MANAGEMENT

The proposed residential development will include stormwater management infrastructure. This infrastructure will convey water through the site, provide quantity attenuation, and provide quality treatment. The project does not require approval under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

13.1 EXISTING CONDITIONS

The site and surrounding neighborhood is located in a highly developed urban environment. The abandoned Marada Adams School and exterior play areas currently occupy the site. The school parcel is approximately 1.5 acres, and consists of building roofs, pavement, lawn space and play areas. The school’s roof drains are connected to the City’s combined sewer in O’Brion Street; stormwater runoff from the surrounding site drains towards a catch basin near the corner of Wilson Street and Vesper Street, which connects to the City’s combined system in Vesper Street. Both the Vesper Street and O’Brion Street systems drain into the Fore Street Interceptor, and is conveyed to the India Street Pump Station. Additional information regarding the City’s Combined Storm/Sewer infrastructure is included in Section 14 of this narrative. Figure 13.1 shows the existing drainage conditions of the site.

13.2 PROPOSED DEVELOPMENT

The site will be subdivided, and Avesta will be purchasing approximately 0.74 acres of this parcel for the development of residential condominiums with a paved center driveway and parking lot. A public park will be constructed on an abutting 0.35 acres of land located within and adjacent to the former Beckett Street Right of Way. The existing Marada Adams School will be demolished, and any disturbed areas beyond the proposed residential development and abutting park will receive four inches of loam and will be seeded.

The proposed demolition and development will result in a net decrease in impervious area for the total 1.5 acre site, and therefore will decrease the rate of stormwater runoff. However, considering only the area located within the Avesta lot, the 0.74 acre parcel will have a net increase in impervious area. The following table describes the increase in impervious surface areas for the residential development, Parcel B.

Table 13-1: Existing and Proposed Impervious Areas for Parcel B

		Residential Development		
Areas (SF)		Existing	Proposed	Difference
Impervious Area	Roof	1,198	10,595	9,397
	Pavement	15,345	13,641	-1,704
	Total Impervious	16,543	24,236	7,693
Pervious Landscape & Play Areas		15,803	8,110	-7,693

The condominium project has been designed to incorporate stormwater management systems in compliance with the City’s Level III Site Plan Review Standards. In accordance with Section 5 of the City of Portland technical standards, the proposed project design addresses Basic, General, and Flooding standards. A Filterra tree box system with StormTech isolator row is proposed for the development. This system will treat and detain stormwater from 11,219 sq ft of the site, in excess of the new impervious area proposed for the development. The system has been located to treat the parking area, which tends to have

a higher potential for stormwater contaminates. Figure 13.2 shows the post development stormwater conditions at the site.

The stormwater design for the public park parcel has been completed by Regina Leonard, the Landscape Architect. This portion of the site has a net decrease in impervious area, and as a result, the stormwater flow from the site will be reduced. Please see the memorandum from Regina Leonard outlining the proposed stormwater management for the public park parcel, enclosed as Figure 13.3.

13.3 BASIC STANDARD

In accordance with Section 5 of the City of Portland Technical Standards, the project is required to meet the Basic Standard of the Maine DEP Chapter 500 rules. Erosion and sedimentation control measures will be utilized during construction to ensure that the work will not result in contamination of downstream natural resources.

At different times during the project, the entire 0.74 acre condominium site will have exposed soil with the potential for erosion. Sedimentation barriers will be used around the perimeter of the work area to keep sediment within the site. Catch basin inlet protection will be installed on all new and proposed catch basins to ensure sediment does not enter the combined sewer system. Stabilized construction entrances will be installed at the site's entrance and exit to reduce the tracking of soil onto the adjacent roadways by construction vehicles.

Details for all proposed erosion and sedimentation control measures are included in the engineering plan set submitted with this application. The plans also include a narrative describing the plan for all temporary and permanent erosion control techniques to be utilized on this project in accordance with Maine DEP Erosion Control Best Management Practices.

13.4 GENERAL STANDARD

The project has been designed to incorporate stormwater treatment systems in compliance with the General Standard requirements of Section 5 of the City of Portland Technical Standards. A Filterra tree box filter with a StormTech Isolator Row will be installed to provide treatment of both impervious and pervious areas within the site.

13.4.1 Stormwater Quality Treatment Design

The Filterra and StormTech Isolator Row have been designed in accordance with Chapter 7 of the Maine DEP's BMP Technical Design Manual (Volume III). The area draining to the Filterra tree box filter is approximately 0.26 acres in size. In accordance with Maine DEP and Filterra sizing guidance for the Northeast, a 4 foot by 6 foot Filterra model will be used.

As shown on the Utility Plan, sheet C4 of the engineering plan sheet, the Filterra is connected to a downstream catch basin. This catch basin is located such that it will collect stormwater that bypasses the Filterra. All stormwater that is treated by the Filterra or bypasses the Filterra into the catch basin is directed through a diversion structure to a StormTech Isolator Row.

Following Maine DEP and StormTech design guidance, the StormTech Isolator Row has been designed for a 1-year storm event. A single StormTech chamber provides the capacity for 0.2 to 0.25 cfs of flow. For the project area, the subcatchment draining to the treatment system has a peak flow of 0.52 cfs during a 1-year storm event. The HydroCAD model showing the peak flow from the treatment area due to a 1-

year, 24-hour storm event is included as Figure 13.4. Three StormTech chambers will be installed in series to provide the required capacity.

The diversion structure connecting to the StormTech chamber has been designed with a weir to ensure that the full capacity of the StormTech chamber will be utilized. The stormwater treatment system has been included in the HydroCAD post development stormwater model.

13.4.2 Stormwater Quality Treatment Requirements

Stormwater treatment will be provided in compliance with the City's Level III Site Plan Review Standards.

The site was developed prior to 2005, and is classified as "redevelopment" per Section 5-4-B(e) of the City's Technical Manual, which states: *"For a project [...] that includes redevelopment of impervious area that was in existence as of November 16, 2005 (the effective date of Chapter 500 revisions), redevelopment of that impervious area is not required to meet General standards provided the department determines that the new use of the existing impervious area is not likely to increase stormwater impacts resulting from the proposed project's stormwater runoff beyond the level of impact already caused by the runoff from the existing impervious area."*

The project is resulting in an increase in impervious area equal to approximately 7,693 square feet. The site's impervious area includes roofs and asphalt pavement for walkways, parking spaces, and a driveway, similar to types of impervious area on the existing site.

The proposed stormwater treatment system will provide treatment for approximately 11,219 square feet. This includes 8,633 square feet of pavement and 2,586 square feet of landscaped area. The provided treatment will exceed the proposed increase in impervious area, complying with the General Standard requirements of the City of Portland.

13.5 FLOODING STANDARD

The intent of this section is to address the effects of the quantity site runoff from the proposed development on the surrounding public infrastructure. This section also discusses the sizing of proposed stormwater piping to account for the expected stormwater volume. The stormwater modeling presented herein compares the previous site condition with the proposed site condition.

13.5.1 Calculation Method

Hydrologic models of the pre-existing and post-development conditions were created using the HydroCAD Stormwater Modeling System by Applied Microcomputer Systems. HydroCAD uses TR20 runoff calculation methodology. The computation sheets resulting from the models for the pre-existing and post-development conditions are included as Figures 13.5 and 13.6 of this report.

The runoff curve numbers (CN) for the subcatchments have been computed using the TR55 methodology and are included in the HydroCAD model. The subcatchments were divided based on land use, and area measurements were used to compute a weighted (composite) CN. The CN values were calculated using a hydrologic soil group of "C", based on information provided by S.W. Cole in their geotechnical report. This report is included as Figure 4.3.

The TC computations contain time calculations using sheet flow, shallow concentrated flow, and direct entry flow. The existing and proposed condition TC paths are shown on the Stormwater Management Plans, attached as Figure 13-1 and Figure 13-2 respectively.

For this project, the 2-, 10-, and 25-year return frequency storms of 24-hour duration were analyzed. A Type-III rainfall distribution was applied to these storms. The 2-, 10-, and 25-year 24-hour precipitation measurements for Cumberland County, Maine (3.0 inch, 4.7 inch, and 5.5 inch, respectively) were taken from Appendix D of the November 1995 revision of Stormwater Management for Maine: Best Management Practices, prepared by the Maine Department of Environmental Protection.

13.5.2 Peak Flow Comparison

A HydroCAD model was created for the existing condition Adams School site. The model includes a single subcatchment representing the 0.74 acre Avesta project site. A second model was created to represent the proposed conditions at the site. Two subcatchments were created for this post-development condition – one area draining to a stormwater treatment system, and a second area representing the remainder of the site that does not drain to the stormwater treatment system. The subcatchment areas for the existing and proposed conditions are depicted on the Stormwater Management Plans enclosed as Figure 13-1 and Figure 13-2 respectively.

Both the pre-existing and post-development stormwater models calculated peak flows at a study point representing the City of Portland combined sewer system downstream of the project site. Peak runoff values calculated for the existing and proposed condition are listed in Table 13-2. The study point was analyzed for the 2-year, 10-year, and 25-year storm conditions.

Table 13-2: Peak Flows

Storm Event	Existing Flow (cfs)	Proposed Flow (cfs)	Change in Flow (cfs)
2-Year	1.91	1.76	-0.15
10-Year	3.43	2.94	-0.49
25-Year	4.14	3.49	-0.65

As shown in the above table, the proposed peak rates of stormwater discharge are less than those in the existing condition. The project site has an increase in impervious area; however, the StormTech system used for stormwater treatment provides flooding control as well.

13.5.3 Sizing of Conveyance Infrastructure

Stormwater pipe within the project site conveys water from roof down spouts, roof drains, foundation drains, and the stormwater treatment system to new combined sewer pipe in Wilson Street. The Wilson Street pipe connects to the existing combined sewer pipe in Vesper Street.

Foundation drain pipe will consist of 4-inch perforated underdrain, per the requirements of the geotechnical report. Pipes connecting roof drains, downspouts, and foundation drains to the stormdrain will be 6 inches in diameter. The main stormdrain conveyance pipe shall be 10 inches in diameter, except where noted otherwise. The attached pipe sizing calculations (Figure 13.7) indicate that these pipes will be more than adequately sized to convey roof runoff. Pipes connecting to the Filterra tree box and StormTech chambers have been sized based on manufacturer's requirements.

The proposed Wilson Street combined sewer pipe will be 18". This has been sized to match the existing pipe in Vesper Street. Based on the HydroCAD models, it is not anticipated that the full capacity of the 18" pipe will be necessary to convey flow from the proposed Avesta project site.

13.6 MAINTENANCE OF STORMWATER SYSTEMS

Upon completion of the project, the Condominium Association will assume responsibility for the inspection and maintenance of the site's stormwater drainage system and treatment measures. Inspection and maintenance activities will be carried out in conformance with Chapter 32 of the City of Portland Code of Ordinances. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections and perform maintenance of the facilities. The inspection and maintenance outlined in Maine Department of Environmental Protection's Stormwater Best Management Practices (BMP) Manual will be followed.

13.6.1 Filterra

The Filterra tree box filter is a proprietary soil filter system that is delivered to the site assembled, and includes a one-year maintenance plan as part of the product purchase. The manufacturer recommends that long-term maintenance be performed on at least a semiannual basis (generally spring and fall servicing) to help preserve Filterra flow-through rates and treatment performance. Each maintenance session includes, at a minimum, the following:

- Inspection of the system structure and media;
- Removal of trash and silt from the filter surface;
- Replacement of the surface mulch layer; complete replacement of the soil media is generally required only as part of a spill clean-up.
- Pruning of vegetation; if the vegetation is in dead or in poor health, it will require replacement; and
- Appropriate disposal of all removed materials.

Avesta will contract with Filterra or an appropriately trained maintenance provider for extended maintenance services.

As part of regular ongoing site maintenance, routine clearing of accumulated trash and debris will be completed to prevent clogging of the Filterra inlet opening.

13.6.2 StormTech Isolator Row

Debris and sediment buildup within the StormTech Isolator Row shall be removed as needed utilizing a Jet-Vac system. Drain manhole number 3 has been installed at the upstream end of the StormTech chambers to provide an inlet for cleaning out the system. The filter should be inspected at least once every six months to ensure that it is draining within 24 hours to 36 hours; however the inspection can be adjusted based upon observations of sediment deposition. When the average depth of sediment throughout the length of the Isolator Row exceeds 3 inches, clean-out must be performed. Sediment levels may be observed from either drain manhole number 2 or 3.

B.110



13.6.3 Storm Drain System and Pavement

All proposed drainage structures located on site, such as piping and catch basins, shall be inspected periodically to ensure that they are being well maintained and are adequately carrying stormwater flows throughout the site. Parking and paved areas will be inspected annually each spring. Visual inspections will enable site roads and parking areas to be kept clean and clear by performing periodic sweeping and winter plowing as required. The inspections will also ensure pavement markings are repainted as needed to maintain proper traffic circulation and parking space delineation. Paved areas will be plowed and sanded as often as necessary to maintain safety. Periodic sweeping of pavement will keep the parking areas clean and will reduce the amount of sediment available to enter the storm drain system, in turn reducing the need to clean the systems.

13.7 CONCLUSION

The proposed development has been designed to comply with Chapter 5 of the City of Portland's Technical Manual. The project will meet the Basic, General, and Flooding Standards for stormwater. Erosion and sedimentation control measures will be used during construction in conformance with the Maine DEP Erosion Control BMPs. Stormwater from new impervious area will be treated using a Filterra tree box filter and a StormTech Isolator Row prior to discharging into the public infrastructure. The StormTech chambers will also provide adequate flow attenuation to ensure that the proposed development will not cause an increase in flow to the existing City of Portland combined sewer.

CAD Calcs
available at PB Hearing

B.111

MEMORANDUM



Regina S. Leonard
landscape architecture
& design

DATE:07/06/11

TO: PLANNING DEPARTMENT / BOARD

FROM: REGINA LEONARD

RE:ADAMS SCHOOL PROJECT – PARK DEVELOPMENT

CONFORMANCE WITH CITY STANDARD

SECTION 2. PARK STORMWATER DESIGN

The proposed drainage system for the park parcel has been planned and constructed in accordance with the regulations contained within Chapter 24 of the City Code of Ordinances to the extent possible. The plan largely retains the existing stormwater the infrastructure pattern and tie-in to an existing manhole at Wilson Street, replacing an existing 12" CEM pipe with 10" PVC SDR35 pipe. Two underdrain systems are proposed for the site: one under the wood fiber playground surface and another running parallel to the esplanade. These systems tie into a new catch basin located west of the secondary playground entrance. Pipes have been specified to meet the City's minimum standards for pipe material, size and minimum velocity.

An overall net decrease in runoff is anticipated for the park parcel. The proposed alterations to the park proposes an 18% reduction in impervious surfaces with enhanced vegetation, increased open space and buffers between properties and the public right-of-way. Large surface contributions to runoff from roofs and parking areas have been eliminated. The stormwater design for the parcel accounts for contributions from the non-developed City lot to the west, which will be maintained as meadow for the foreseeable future. A 69% reduction in impervious surfaces is anticipated for this lot. However, the calculations treat the parcel independently since development of this property – and an eventual increase in impervious area - is likely. No significant contributions of stormwater are anticipated from the Avesta parcel since roof runoff is mostly tied into on-site subsurface drainage.

Please reference the associated site coverage and stormwater calculations and figures attached to this memorandum.

B.112

EXISTING			
PARK PROPERTY			
PERVIOUS	DESCR.	IMPERVIOUS	DESCR.
1,225	lawn	320	walk
163	lawn	1,710	bdg
357	plantings	1,144	concrete
5,674	play surface	287	walls
		4,178	asphalt
7,419		7,639	
			total area (calculated)
		15,058	percent coverage
			50.73 %

CITY PROPERTY			
PERVIOUS	DESCR.	IMPERVIOUS	DESCR.
1,112	lawn	2,843	pavement
332	plantings	5,494	bdg
596	play surface	94	concrete
2,040		8,431	
			total area (calculated)
		10,471	percent coverage
			80.52 %
TOTAL, BOTH PROPERTIES		IMPERVIOUS	
		16,070	25,529
			62.95 %

Marada Adams Park
Park Development Proposal

B.113

PROPOSED			
PARK PROPERTY			
PERVIOUS	DESCR.	IMPERVIOUS	DESCR.
348.00	lawn	2423	esplanade
125.00	lawn	27	stones
264.00	lawn	174	border
118.00	lawn	45	path
118.00	lawn	110	stones
264.00	lawn	468	stones
577.00	lawn	680	path
143.00	play surface	484	stone dust
335.00	lawn	276	stones
1,277.00	lawn	23	stones
2,134.00	play surface	141	stone dust
989.00	lawn		
3,613.00	lawn		
10,305.00		4,851.00	
			total area (calculated)
			15,156.00
			percent coverage
			32.01 %
CITY PROPERTY			
PERVIOUS	DESCR.	IMPERVIOUS	DESCR.
9,240.00	lawn	997.00	pavement
300.00	plantings	242.00	walk
9,540.00		1,239.00	
			total area (calculated)
			10779
			percent coverage
			11.49 %
TOTAL, BOTH PROPERTIES			
		6,090.00	
			total area (calculated)
			25,935.00
			percent coverage
			23.48 %

B.114

EXISTING				
PARK PROPERTY	IMPERVIOUS	total area (calculated)	percent coverage	
	7,419	7,639	15,058	50.73 %
CITY PROPERTY				
PARK PROPERTY	IMPERVIOUS	total area (calculated)	percent coverage	
	2,040	8,431	10,471	80.52 %
TOTAL, BOTH PROPERTIES				
		16,070	25,529	62.95 %
PROPOSED				
PARK PROPERTY	IMPERVIOUS	total area (calculated)	percent coverage	change in coverage
	10,305	4,851	15,156	-18.72 %
CITY PROPERTY				
PARK PROPERTY	IMPERVIOUS	total area (calculated)	percent coverage	change in coverage
	9,540	1,239	10,779	-69.02 %
TOTAL, BOTH PROPERTIES				
		6,090	25,935	-39.47 %

COVERAGE CALCULATIONS

B.115

DRAINAGE CALCULATIONS

PIPE 1

DESCRIPTION	S.F. DRAINED	COEFFICIENT	GPM	CFS	PCT AREA	ADJ GPM	ADJ CFS
lawn/plantings	7,023	0.35	127.72	0.285	0.72	91.96	0.21
brick pavement	2,699	1.00	140.24	0.31	0.28	39.27	0.09
TOTAL, PIPE 1	9,722					131.23	0.29

PIPE 2

DESCRIPTION	S.F. DRAINED	COEFFICIENT	GPM	CFS	PCT AREA	ADJ GPM	ADJ CFS
lawn/plantings	3,297	0.35	59.96	0.134	0.66	39.57	0.09
stone dust	1,684	0.70	61.25	0.14	0.34	20.83	0.05
TOTAL, PIPE 2	4,981					60.40	0.14

PIPE 3

DESCRIPTION	S.F. DRAINED	COEFFICIENT	GPM	CFS	PCT AREA	ADJ GPM	ADJ CFS
lawn/plantings/play	3,257	0.35	59.23	0.132	0.87	51.53	0.11
stone	468	1.00	24.32	0.05	0.13	3.16	0.01
TOTAL, PIPE 3	3,725					54.69	0.12

PIPE 4

DESCRIPTION	S.F. DRAINED	COEFFICIENT	GPM	CFS	PCT AREA	ADJ GPM	ADJ CFS
lawn/plantings/play	13,577	0.35	246.91	1.55	0.74	181.91	1.14
stone dust	1,684	0.70	61.25	0.14	0.09	5.60	0.01
pavement/stone	3,167	1.00	164.55	0.37	0.17	28.28	0.06
TOTAL, PIPE 4	18,428					215.79	1.22

14. UTILITIES

The proposed residential development will be serviced by public water, sewer, gas and electric. A utility corridor will be created within the rear parking area, and each unit will be provided with separate utility service lines.

14.1 WATER

The proposed development will utilize both fire protection water service and domestic water service. A six inch combined fire and domestic water service with meter pit is proposed at Wilson Street. Bennett Engineering, Inc, mechanical engineers, have reviewed the domestic water demand for the proposed facility and estimates a per unit demand of 30 GPD per unit, which equates to 480 Gallons per Day (GPD). Bennett Engineering estimates peak domestic water flow for each building will be 50 Gallons per Minute (GPM) and that sprinkler/standpipe flow will be 500 GPM. A letter from the Portland Water District confirming their capacity to serve this development has been enclosed as Figure 14-1 for your reference.

14.2 SEWER

The sewer infrastructure in the Munjoy Hill neighborhood is combined sewer and stormwater. A map of the sewer system, developed by Hunter-Ballew Associates in 1981 for the Portland Water District's Infiltration and Inflow Analysis, is included as Figure 14-2, for your reference. No separated system was identified within close proximity to the proposed development. Avesta is requesting two four inch PVC connections to the ten inch combined sewer main in Moody Street. Additional information regarding the proposed sewer connection is included on Wastewater Capacity Application, enclosed as Figure 14-3. As you will see from the enclosed plans, we propose to separate storm and sanitary sewer within the site to provide for future separation by the City. A letter from the City of Portland Department of Public Services confirming their capacity to serve this development has been enclosed as Figure 14-4 for your reference.

14.3 GAS

Avesta intends to provide natural gas service to the proposed condominium units. A connection to the existing gas main in Vesper Street is proposed. Bennett Engineering is coordinating with Unutil regarding gas service installation.

14.4 ELECTRIC

Bennett Engineering will continue to coordinate with Central Maine Power (CMP) to develop plans for electrical service to the condominium units. Two poles on Wilson and Moody Street within the City's Right-of-Way will require relocation due to their proximity to the proposed entrance driveway. The relocated poles will remain within the City Right of Way, and transformers will be mounted to these relocated utility poles to service the project. All electrical service lines within the condominium property will be installed underground. A letter from CMP confirming their capacity to serve this development has been enclosed as Figure 14-5 for your reference.



B.117

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

January 3, 2011

Woodard & Curran
41 Hutchins Drive
Portland, ME 04102

Attn: Denise Cameron, PE
Re: 48 Moody Street
Ability to serve with PWD water

Dear Ms. Cameron:

This letter is to confirm that there should be an adequate supply of clean and healthful water to serve the needs of the proposed residential condo units located at 48 Moody Street in Portland. According to District records, there is a 6-inch cast iron water main on the west side of Moody Street as well as a 6-inch cast iron water main in Vesper Street and Wilson Street and an 8-inch cast iron, cement lined main in Munjoy Street. Multiple hydrants are located adjacent to the site.

The current data from the nearest hydrant indicates there should be adequate capacity of water to serve the domestic water needs of your proposed project, as stated in your letter, dated November 30, 2010:

Hydrant Location: Vesper Street at Moody Street
Hydrant Number: POD-HYD00425
Static Pressure: 48 PSI
Residual Pressure: Not Measured
Flow: 760 GPM
Last Tested: 06/24/1991

With regard to your fire protection needs, please notify your mechanical engineer of these results so that they can design your system to best fit the noted conditions. Also, please contact your local fire department to determine if the fire service capacity is sufficient for their needs. 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.

We have received your plan set dated November 22, 2010. We have reviewed the plan set and have the following comments related to the proposed service:

- Since there are not water quality concerns in this area, the District would prefer not to own and maintain a water main through a private development. An alternate water service configuration would be one 6- or 8-inch connection with a fire line meter on either Moody Street or Wilson Street or two separate services for fire and domestic. Either of these scenarios would only have one meter (likely in a pit) and one District account. The



48 Moody Street
Portland, ME

B.118

January 3, 2011
Ability to Serve Determination

condo association may choose to install private meters for each unit or split the bill proportionately.

- The existing service(s) at 48 Moody Street will need to be shut and cut at the main before any new services are installed. See attached service cards for location of existing services.
- A profile view was not submitted; please ensure that proper vertical separation is provided between the water service from Moody Street over the existing sanitary sewer in Moody Street. (12-inch separation for sanitary sewer).

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Rico Spugnardi, P.E.
Business Development Engineer

13-119



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life * www.portlandmaine.gov

Public Services Department
Michael J. Bobinsky, Director

19 January 2011

Ms. Denise Cameron,
Woodard & Curran,
41 Hutchins Drive,
Portland, Maine 04102

Revised Letter

RE: The Capacity to Handle the Anticipated Wastewater Flows, from a Proposed Sixteen Unit Residential Condominium, at 48 Moody Street.

Dear Ms. Cameron:

This letter supercedes the letter of December 18, 2010. The existing ten-inch diameter vitrified clay pipe located in Moody Street has **adequate capacity to transport**, while The Portland Water District sewage treatment facilities, located off Marginal Way, have **adequate capacity to treat** the total anticipated increase in wastewater flows of **3,600 GPD**, from the proposed housing complex.

Anticipated Wastewater Flows from the Proposed Development:	
8 Proposed two bedroom units @ 180 GPD/Unit	= 1,440 GPD
8 Proposed three bedroom units @ 270 GPD/Unit	= <u>2,160 GPD</u>
Total Proposed Increase in Wastewater Flows for this Project	= 3,600 GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects. If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J. Brancely, B.A., M.A.
Senior Engineering Technician

FJB

- CC:
- Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
 - Jean Fraser, Planner, Planning Division, Department of Planning, and Urban Development, City of Portland
 - David Margolis-Pineo, Deputy City Engineer, City of Portland
 - Michael Farmer, P.E., Project Engineer, City of Portland
 - Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
 - Stephen K. Harris, Assistant Engineer, City of Portland
 - John Emerson, Wastewater Coordinator, City of Portland
 - Jane Ward, Administrative Assistant, City of Portland

B.120

12/1/2010

Denise Cameron
Woodard & Curran
41 Hutchins Drive
Portland, Maine 04102
Sent via email

RE: Ability to Serve Letter for Avesta Housing Adams School Redevelopment Project

Dear Ms. Cameron:

CMP has the ability to serve your proposed project located at 48 Moody Street in Portland, Maine, in accordance with our CMP Handbook (web link below). We can provide you the desired pad mounted transformers or pole mounted transformers per your request and city approval, in accordance with our CMP Standards Handbook. If you have any questions on the process, or need help in completion of the documents, please feel free to contact me. Since this will be a single phase project, with all self contained metering, you will need to work with our Service Center to complete the project.

New Service Milestones

- Call 1-800-565-3181 to establish a new account and an SAP work order.
- Submit Load information. Please complete this CMP spreadsheet using load information
- Submit the easement information worksheet. Please complete this CMP form and either email or fax back to us.
- 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.
- Field planner design appointment to cost out job and develop CMP Invoice.
- Submit invoice for payment.
- Easements signed and payment received. Attached is what a typical easement will look like.
- Job scheduled for completion after the electrical inspection has been received.

This process can take several months, depending upon several factors including transformer 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.

162 Canco Road Portland, ME 04103
Tel (800) 750-4000
207-842-2367 office
207-458-0382 cell
207-626-4082 fax

www.cmpco.com



B.121

Please complete the attached forms (specific instructions are on each form) and email them back to Kelly Humphrey 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](#)

If you have any questions, please contact me.

Attachments:

Excel Load Sheet
Easement Worksheet
Standard CMP Easement

Regards,

Jamie

Jamie Cough
Energy Services Advisor
Central Maine Power Company
162 Canco Road
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207-842-2367 office
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15. FIRE SAFETY

15.1 EMERGENCY VEHICULAR ACCESS

Vehicles will enter the parking area from Wilson Street and exit onto Moody Street. All driveways will be perpendicular to the existing streets. Site access has been designed in conformance with section 3.4, 3.5, and 3.6 of the City of Portland Technical Manual. As a result of discussions with the City's Fire Department, the entrance and exits will be 16 feet wide, which is greater than the minimum entrance width of 12 feet specified in Section 1.7 of the City's Technical Manual. The additional driveway width is required to provide emergency access to the site.

The driveway entrance and exit will be constructed with radial granite curbing, which will allow for emergency vehicular access. Woodard & Curran has utilized AutoTurn software to analyze the maneuverability of emergency access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width. A figure showing the emergency vehicular access is included as Figure 15-1. This plan was developed with feedback and guidance provided by the City's Fire Department during a meeting on November 17, 2010.

A copy of the site plan has been provided directly to the City of Portland Fire Department. The cover letter to the Fire Department has been enclosed as Figure 15-2 for your reference.

15.2 FIRE HYDRANTS

Several fire hydrants and fire call boxes are located near the development, in conformance with the NFPA fire code and section 3.2 of the City of Portland Technical Manual. The location of these hydrants and call boxes are shown on the enclosed boundary plan. The existing hydrants are located near the corner of Vesper Street and Moody Street, at the corner of Moody Street and Beckett Street, and at the corner of O'Brion Street and Wilson Street. No new hydrants are proposed.

15.3 FIRE PROTECTION

Each unit will be equipped with a fire protection sprinklers per NFPA 13R.

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

B, 123



July 11, 2011

Chris Pirone
City of Portland Fire Department
380 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Final Plan Submission

Dear Chris:

Thank you for coordinating the City of Portland Fire Department's review of the Adams School Redevelopment project. Woodard & Curran is filing a Level III Site Plan Application with the City of Portland on behalf of the applicant (Avesta Housing Development Corporation, 307 Cumberland Avenue, Portland, ME 04101, (207)553-7777) and the architect (PDT Architects, 49 Dartmouth Street, Portland, ME 04101, (207)775-1059). Enclosed, please find one full size copy of the site plan, per the Portland Fire Department Site Review Fire Department Checklist, and a figure showing emergency vehicular access.

The enclosed plan has been developed with feedback and guidance from Captain Keith Gautreau at a meeting between Woodard & Curran, PDT Architects, and the City of Portland's Fire Department on November 17, 2010. Woodard & Curran has also utilized AutoTurn software to analyze the maneuverability of emergency access near these entrances, and used this information as a basis for the design of the curbing radii and entrance width.

The proposed X square foot (SF) residential buildings are all sprinkled in compliance with NFPA 13R. The building elevations, location and size of watermains, hydrants and call boxes are shown on the enclosed plan. The existing hydrants are located near the corner of Vesper Street and Moody Street, at the corner of Moody Street and Beckett Street, and at the corner of O'Brien Street and Wilson Street. No new hydrants are proposed.

We appreciate your comments and look forward to discussing this project further at the next Public Hearing. If you have any questions or require additional information, please contact us at anytime.

Sincerely,

WOODARD & CURRAN INC.



Denise Cameron, PE
Project Manager

AEA
219804

Enclosures – Final Site Plan, AutoTurn Figure

cc: Jean Fraser, City of Portland

B.124



16. CONSTRUCTION MANAGEMENT PLAN

The Adams School Redevelopment site will be managed during construction to minimize impacts to the surrounding residents.

The stockpile and laydown areas will be located in the parcel of land designated for the public open space and will be moved to accommodate the public open space phase of construction. The laydown area will be used to store equipment during construction. These locations will be specified on the construction plans. Security fencing will surround the construction area at all times and will be moved to accommodate the construction activities for each phase of the project. Traffic controls will consist of temporary signage in Wilson, Vesper, and Moody Streets.

During construction, the proposed sidewalks surrounding the block will be closed upon completion to maintain pedestrian access. The crosswalks proposed to connect the surrounding blocks to the Adams School Site will be part of the final stage of construction, and all existing crosswalks will utilize temporary signage restricting public access to the project site for the duration of construction. All construction vehicles will access the project site via the temporary construction access specified on the construction plans. The projected length of time that the project will be under construction is anticipated to be approximately one year.

Temporary erosion and sedimentation control measures will be established prior to the start of construction and removed after construction has been completed and the site has been stabilized. Erosion and sedimentation control measures will include temporary construction access, sedimentation barriers, and catch basin inlet sediment control devices. The locations of these erosion and sedimentation control measures will be specified on the construction plans.

17. SOLID WASTE

17.1 MUNICIPAL SOLID WASTE MANAGEMENT

The Condominium Association will contract with a private contractor to collect and provide transport of waste and recyclables to the regional waste management facility, ecomaine, where all materials will be disposed of and processed in landfill site and recycling operation. ecomaine is a licensed facility that operates in accordance with applicable laws and regulations. Quantities of waste and recyclable materials generated by the proposed 16-unit development have been analyzed, and it is anticipated that the development will need six recycling totes and eight trash totes to meet the solid waste demand. This estimate assumes 96 gallon totes and weekly pickup. Solid waste management and recycling stations are proposed at Moody and Wilson Street access points in two screened collection areas, each holding three recycling totes and four trash totes each. The totes measure approximately 47-inches high, 28-inches wide and 31 inches deep. The trash enclosures will be 20-feet wide; this leaves room for additional totes to meet future demands, if needed.

17.2 CONSTRUCTION AND DEMOLITION DEBRIS

As with any construction project, the proposed construction will generate construction waste and demolition debris (CDD). The demolition of the Adams School Building will be performed prior to and under separate contract from the site development.

The construction contractor(s) will be responsible for hauling the CDD, or contracting with a waste management service to haul the CDD, from the project site to the ecomaine Landfill. The contractor(s) will be fully responsible for handling, managing, and disposing of all waste generated by construction in accordance with Maine Solid Waste Management Regulations – 06-096 CMR 400-409. The contractor(s) will be bound by contract to dispose of all materials in full accordance with applicable Maine regulations. Any soils showing signs of contamination will be disposed per the site's Voluntary Response Action Plan (VRAP) and all applicable local state and federal regulations.

The following computations of CDD waste volumes are estimates based on information available at this time, and the final waste volumes may be greater or less than the estimates. The contractor will measure the actual waste volumes at the time of construction and will not rely on estimates provided in this section.

17.2.1 Construction Debris

As part of the construction of the new 16-unit development, waste and excess materials will be produced as is typical of any construction project. The estimated amount of construction debris is based on a residential construction debris generation rate of 4.38 pounds per square foot of constructed floor space. This generation rate was provided in Table A-1 of US Environmental Protection Agency (EPA) report number EPA530-R-98-010, Characterization of Building-Related Construction and Demolition Debris in the United States, prepared by Franklin Associates in June of 1998. Using this rate and an approximate proposed floor area of 22,100 square feet for the new development, the total estimated amount of construction debris to be generated as a result of construction of the new development is approximately 48 tons.

B.126



17.3 CONCLUSION

Adequate provisions for solid waste disposal have been made by the City of Portland. Municipal solid waste, construction, demolition, and land-clearing debris, will be managed in full accordance with all applicable laws and will not cause a deleterious effect on the environment.

B.127



18. CONFORMANCE WITH MASTER PLAN

A primary goal outlined in the City of Portland's Comprehensive Plan is to encourage and promote affordable housing opportunities for all Maine Citizens (Volume I - Portland's Goals and Policies for the Future, dated November 2002). Avesta has extensive experience in developing high quality affordable housing in and around the Portland area. The proposed project will provide work force housing opportunities on the Peninsula. The development has been designed so that the density and character of the multi-family dwellings will conform to and enhance the neighboring community.

19. CONFORMANCE WITH DESIGN STANDARDS

The City of Portland has outlined design standards, found within the City of Portland Design Manual, for certain developments within certain zones pursuant to Section 14-498 and 14-499 of the City of Portland's Land Use Code. The proposed project falls within the R-6 residential zone. The development was designed in accordance with the City of Portland Code of Ordinances, Chapter 14 – Land use, Article V – Site Plan, so that it will conform to the applicable design standards outlined in the City of Portland Design Manual, in addition to those in the City of Portland Technical Manual, as demonstrated in the following sections.

19.1 DESIGN MANUAL

This development has been designed to be compliant with the R-6 Infill Development Principles and Standards set forth in Appendix 6 of the City of Portland Design Manual. Compliance with these standards has been demonstrated by Section 12, Architecture and Streetscape, of this application.

19.2 TECHNICAL MANUAL

This development has been designed to be compliant with the technical standards set forth in the City of Portland Technical Manual. Compliance with these standards is demonstrated by the following sections of this application.

19.2.1 Transportation Systems and Street Design Standards

The applicable standards of this section of the Technical Manual are discussed in Section 9 of this application.

19.2.2 Sanitary Sewer and Storm Drain Design Standards

On December 7, 2010, Woodard and Curran and Avesta Housing met with the City of Portland Department of Public Services to discuss stormwater connections for the new development. The City agreed that there was no readily available alternative to connecting stormwater to the combined sewer in Vesper Street and a waiver, per Section 2.1.1 of the Technical Manual, was discussed.

19.2.3 Public Safety Standards

The Adams School Redevelopment project utilizes crime prevention design strategies to reduce the incidence of crime and improve the feeling of safeness in the neighborhood. The development improves the natural surveillance of the site by adding windows along Vesper Street and along the park esplanade. Natural surveillance is also encouraged with lighting along the esplanade. In each unit the living space faces either Vesper Street or the park, further facilitating casual observation of public areas. Added security will be provided by motion-sensor lighting at the controlled access mid-block walkway between Vesper Street and the parking area. Daylight and motion sensor lighting in the parking area will create a safe area for the residents.

Landscaping along the perimeter of the property will distinguish between public and private areas and define ownership of the site, discouraging loitering. Deterioration has recently blighted this site, encouraging potential offenders to consider it an uncontrolled site. With the new development, the condominium association will regularly maintain sidewalks, landscaping, and the buildings, dispelling

any notions that the site is un-cared for or ignored. All of these measures will help to improve the sense of safety on the site as well as in the surrounding neighborhood.

Sight lines into the park have been preserved, with clear axial views down the esplanade from Beckett Street to O'Brion Street and between the park and Vesper Street. Eight of the sixteen new residences on the Avesta lot front the esplanade, promoting "eyes on the park" and increased activity both in and adjacent to the park. Park lighting has been provided along the esplanade to promote night use and to increase visibility. The use of shrubby vegetation has been limited to reduce hiding places. The plan minimizes, conceals or isolates routes and places of entrapment. The playground, in particular, has been designed to provide visibility into spaces and to reduce hiding places. Signs and information designating the park and playground and their use, have been incorporated into the plan.

The proposal for the neighborhood park and playground has already garnered a great sense of community support throughout the design process, which has included abutters, residents, neighborhood organizations, City officials, and Avesta Housing. It is anticipated that this sense of ownership and interest will continue to the benefit of the park, its maintenance and longer term management. The proposed park and playground project will be a substantial improvement for the City and neighborhood, transforming the neglected vacant school lot into a high quality playground and park space - one that projects care and pride in the community.

The applicable standards of this section of the Technical Manual are discussed in Section 15 of this application.

19.2.4 Landscaping and Landscape Preservation Standards

Section 11 of this application describes the proposed landscaping for this development. The proposed improvements for the Avesta site and the park comply with the Landscape and Landscape Preservation Standards outlined in the Technical Design Manual. Please reference below for the specific standards.

19.2.4.1 Preservation of Significant Features

The plan calls for the retention of several significant trees, as noted in Section 19.2.4.2. There are no other significant site features.

19.2.4.2 Preservation of Existing Vegetation

The project will retain several significant trees: an 18" caliper White Spruce, a 40" caliper Silver Maple, and a 6" caliper Hawthorne near Moody Street. The plan calls for the removal of four invasive Norway Maples off Moody Street. The nature of the improvements on the Avesta site, which will require extensive utility infrastructure and regrading, will require the removal of eight ornamental trees, all of which are under 10" caliper in size. Projected spring construction makes transplanting these trees on site problematic. If the City arborist deems that these trees can be utilized by the City elsewhere, we can coordinate the site work to allow for the City to remove them this fall and prior to site demolition.

19.2.4.3 Site Landscaping

The proposed landscaping for the Avesta site and the park has been designed for minimal maintenance, with the plant selection specifically chosen in response to anticipated growing conditions and care. Understanding that the City desires a low maintenance landscape, the plan calls for a diverse mix of native species and "tried and true" tough plants that have performed well in other City parks. Spacing of

the plants has been optimized to reduce the need for pruning to control growth. It is anticipated that the specified shrubs, in particular, will benefit from very minimal care. A water source and lockable spigot is proposed near the playground to provide water access.

Shade trees have been proposed along the west and east park boundaries to provide a partial buffer for private residences while allowing views into the park. The playground, which will have more active use, will be buffered from the residence to the west with a mix of small trees and shrubs as well as existing fencing on the private property. A black PVC coated double wire fence is also proposed along the playground boundaries, but is not anticipated to provide any screening function.

19.2.4.4 Street Trees

The plan includes a total of twenty street trees, six of which are located within the park property adjacent to the Moody and Wilson Street sidewalks. The street trees are spaced approximately 45 feet on center. The species and specified sizes comply with the City's Recommended Tree List. The plan includes four additional street trees along the proposed esplanade, which will function as a sidewalk extension between Beckett and O'Brion Streets.

19.2.4.5 Plant Selection

The planting notes include provisions to ensure compliance with the American Standard for Nursery Stock, which will ensure that plants are nursery grown locally, free of disease and pests, and have good form and healthy root systems. The planting plan calls for a mix of native and non-invasive ornamental plants. Landscape materials and standards for activities and care shall meet the outlined standards described in Subsection 4.7 and are reflected, as appropriate, in the plan notes.

19.2.5 Portland Stormwater Management Standards and Maine DEP Chapter 500 Stormwater Management

The stormwater management plan is presented in Section 13 of this application. The project does not require approval under State Stormwater Management Law because it will not create more than one acre of impervious area onsite.

19.2.6 Erosion and Sedimentation Control Standards for Single and Two-Family Homes

Temporary erosion control devices will be in place before commencing construction activities and erosion and sediment control measures will comply with Maine Erosion and Sediment Control BMPs, as demonstrated in the enclosed Erosion and Sediment Control Plan.

19.2.7 Soil Survey Standards

This development will be built upon suitable soils. Geotechnical Engineers from SW Cole have prepared a Class D soil survey of the project site, in addition to a Site Engineering Report.

19.2.8 Standards for Development In and Adjacent to Wetlands

This project is not subject to these standards, as it will not impact wetlands.

19.2.9 Water Supply Standards

Evidence demonstrating adequate provisions for securing and maintaining a sufficient and healthful water supply has been provided in Section 14.1 of this application.

19.2.10 Municipal Street Lighting Standards

The proposed lighting plan for the public right of ways has been developed in conjunction with the recommendations of the City of Portland, as described in the letter from Jean Fraser to Regina Leonard dated February 28, 2011 and attached as Figure 19-1. Cobra street light fixtures are currently located at the corner of Moody and Munjoy Streets, the corner of Wilson and Munjoy Streets, and Vesper Street. There is also a flood light on Wilson Street where the old Adams School Play area is located. No changes to the existing street lighting are proposed, with the exception of removing the cobra fixture on Moody Street between Munjoy and Vesper Street.

Provisions for lighting along the park esplanade include three small Kim Warp9 LED fixtures on twelve foot poles in conformance with the City standards for a residential non-historic district. The light distribution has been designed to minimize light pollution and complies with the City's specifications. The photometrics have been reviewed and accepted by the City engineers. As requested by the City, the project proposes no new street lighting and calls for the retention of the existing cobra street lights. The existing and proposed lights are shown on the enclosed landscaping and utility plans. A lighting plan, including details of the proposed lights, and photometrics, is forthcoming, and will be provided under separate cover.

19.2.11 Boundary Survey Requirements

A boundary survey has been provided in Section 3 as Figure 3-2.

19.2.12 Standards for Local Site Location of Development Review

This application is not subject to these standards, as it does not require approval under the Site Location of Development Law because of its scale.

19.2.13 Consistency with Related Master Plans

As Section 18 of this application demonstrates, this development has been designed so as to be consistent with a primary goal outlined in the City of Portland's Comprehensive Plan, which is to encourage and promote affordable housing opportunities for all Maine Citizens (Volume I - Portland's Goals and Policies for the Future, dated November 2002).



Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

B.132

Copies
February 28, 2011

Regina S. Leonard
landscape architecture & design
29 Bridge Street
Topsham, ME 04086

Project Name: Adams School Site Re-Development - Proposed Lighting
Project ID: 10-99700009
CBL: 003-H-001-001
Project Address: 48 Moody Street, Portland

Dear Regina:

I am writing to follow up the e-mail and telephone discussions in January regarding the site plan review requirements for lighting.

These comments relate to the site plan submitted in November, 2010 which proposed the removal of an existing cobra head style street light on Moody Street nearest to Vesper Street (to allow the proposed drive access to the parking area) and proposed several new street lights.

Street Lighting

1. The Department of Public Services is responsible for street lighting and has confirmed that the removal of the existing cobra head style street light is acceptable.
2. The Department of Public Services believes the existing street lights around the project, minus the above mentioned cobra head light to be eliminated, provide satisfactory lighting for the affected streets around the project. The Department believes additional street lighting is not required and the Department does not recommend adding any additional street lighting.
3. Therefore the proposals should retain all of the existing street lights in Moody and Wilson Streets, except for the one in Moody Street identified as being removed for the parking lot access. No additional street lighting is required.


B.133

Site Lighting

4. Park area: there should be lighting in the park and we recommend three pole-mounted Kim WP9SE_LED fixtures (as used on the Bayside trail); the specification is attached. We suggest these lights be spaced so that the light spills out onto the sidewalk in the vicinity of the proposed crosswalks. Some very low level "trespass" into the housing site is acceptable as this helps to address CPTED concerns. The park will be maintained by the Department of Public Services in the future and the Department supports new LED lighting for this location.
5. Parking lot: we recommend some low level lighting within the parking lot area within the site (not in the ROW) that would illuminate the vehicle entrances and interior corners. This lighting does not have to be LED and may be building mounted or bollard type.

If you have any questions, feel free to contact me at 874-8728 or by email at jf@portlandmaine.gov

Sincerely,



Jean Fraser
Planner

Electronic Distribution:

Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Danielle West-Chuhta, Associate Corporation Counsel
 Marge Schmuckal, Zoning Administrator
 Katherine Earley, Public Services
 David Margolis-Pineo, Deputy City Engineer
 Mike Farmer, Project Engineer
 Keith Gautreau, Fire Prevention
 Jeff Tarling, City Arborist
 Tom Errico, Traffic Engineer
 Phil diPierro, DRC

Denise Cameron, PE, Woodard & Curran, 41 Hutchins Drive, Portland, ME 04102

B.134

Submitted by Seroney Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: 1SAWP9SE2/L5K480/CC(RAL #5003)/LSS/TL Notes:	Type: FIXTURE ELA05-12554
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WP9SE-LED
WARP9™ - Small, Electronic LED
revision 5-21-09 • wp9seled.pdf

Type:
Job:
Catalog number:

Fig.	Fixture	Electrical Module	Finish	Options
				See pages 3-4

See page 2

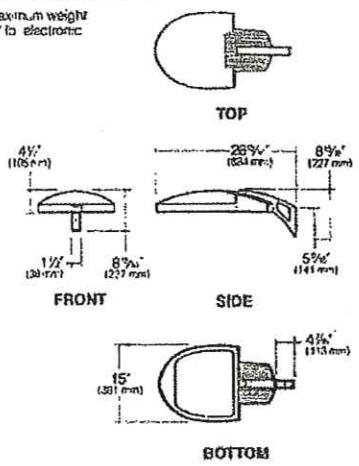
Approvals:

Date:
Page: 1 of 4

Select pole from Kim Pole Catalog. If pole is provided by others indicate O.D. for arm fitting.

Specifications

WP9SE-LED
Small Electronic
60 Light Emitting Diodes
Total Max System Watts = 88W
Maximum weight
17 lb electronic



Housing: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over the electrical compartment. Solid barrier wall separates optical and electrical compartments. A single die-cast aluminum cam-latch provides positive locking and sealing of the optical chamber. A one-piece extruded and vulcanized silicone gasket seals the housing against the lens surface.

Electronic Driver Module: One-piece die-cast, low copper (<0.6% Cu) aluminum alloy with integral cooling ribs over exposed bottom surface. Integral hinges and slide latch with stainless steel hardware provides no-tool mounting and removal from housing. All electronic components are UL and CSA recognized and mounted directly to the driver tray for maximum heat dissipation.

Lens: Clear 3/8" thick tempered glass lens retained by a stainless steel piano hinges and a single die-cast aluminum cam-latch. The edges are camouflaged to conceal the outer portion of the housing.

Optical Module: Precision injection molded, high specular reflectors are positioned to achieve directional control toward desired task. Secondary high specular reflector 95% Micro4 panels surround the module to redirect light downward. No fasteners are placed on the reflective surface. The entire assembly fastens to the housing as a one-piece module.

Support Arm: Heavy cast, low copper aluminum alloy with stainless steel mounting bolts. A pole reinforcing plate is provided with wire strain relief. Arm is circular cut for specified round pole.

Finish: Super TGIC thermoset polyester powder coat paint, 2.5 mil nominal thickness, applied over a titanium zirconium conversion coating; 2500 hour salt spray test endurance rating. Standard colors are Black, Dark Bronze, Stealth Gray™, Platinum Silver, or White. Custom colors are available.

CAUTION: Fixtures must be grounded in accordance with national, state and/or local electrical codes. Failure to do so may result in serious personal injury.



U.S. Patent D568,821,
Patent Pending Optics


Listings and Ratings			
UL cUL 1699	CE	IP68 Rated	25C Ambient

*Suitable for wet locations.
KIM LIGHTING RESERVES THE RIGHT TO CHANGE SPECIFICATIONS WITHOUT NOTICE

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DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE:
REVISED:	TRAIL LIGHTING – THE BAYSIDE TRAIL. PAGE 1 OF 6		X-7F

B.135

Submitted by Swaney Lighting 	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: 1SAWP9SE2/L5K480/CG(RAL #5003)/LSS/TL Notes:	Type: FIXTURE SLA09-12030
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

WP9SE-LED
WARP9™ - Small, Electronic LED
revision 5-21-09 • wp9seled.pdf

Type:
Job:

Page: 2 of 4



Standard Features

Mounting 3Y configuration is available for round poles only.	Plan View:  EPA: 0.52 1.04 0.82 1.3 1.3 1.5 n/a Cat. No.: <input type="checkbox"/> 1SA <input type="checkbox"/> 268 <input type="checkbox"/> 26L <input type="checkbox"/> 3ST <input type="checkbox"/> 3SY <input type="checkbox"/> 4SC <input type="checkbox"/> 1W	Wall Mount 																								
	Fixture Cat. No. designates fixture and light distribution. See the Kim Warp9 Catalog for detailed information on reflector design and application.	Light Distribution: Type II Type III Type IV Forward Throw Type V Square Type R Right Type L Left  Full Cutoff Full Cutoff Full Cutoff Full Cutoff Full Cutoff Full Cutoff Cat. No.: <input checked="" type="checkbox"/> WP9SE2 <input type="checkbox"/> WP9SE3 <input type="checkbox"/> WP9SE4 <input type="checkbox"/> WP9SE5 <input type="checkbox"/> WP9SER <input type="checkbox"/> WP9SEL																								
Electrical Module L3K = Light Emitting Diodes - 3500K L5K = Light Emitting Diodes - 5100K L2K = Light Emitting Diodes - 1700K 590nm Lamp Line Type Volts L5K 240	Cat. Nos. for Electrical Modules available: <table border="1"> <tr> <td>LED</td> <td></td> <td>Turble Friendly</td> </tr> <tr> <td><input type="checkbox"/> L3K120</td> <td><input type="checkbox"/> L5K120</td> <td><input type="checkbox"/> L2K120</td> </tr> <tr> <td><input type="checkbox"/> L3K208</td> <td><input type="checkbox"/> L5K208</td> <td><input type="checkbox"/> L2K208</td> </tr> <tr> <td><input type="checkbox"/> L3K240</td> <td><input type="checkbox"/> L5K240</td> <td><input type="checkbox"/> L2K240</td> </tr> <tr> <td><input type="checkbox"/> L3K277</td> <td><input type="checkbox"/> L5K277</td> <td><input type="checkbox"/> L2K277</td> </tr> <tr> <td><input type="checkbox"/> L3K347</td> <td><input type="checkbox"/> L5K347</td> <td><input type="checkbox"/> L2K347</td> </tr> <tr> <td><input type="checkbox"/> L3K480</td> <td><input type="checkbox"/> L5K480</td> <td><input type="checkbox"/> L2K480</td> </tr> <tr> <td>Lamp LED</td> <td>LED</td> <td>LED</td> </tr> </table>	LED		Turble Friendly	<input type="checkbox"/> L3K120	<input type="checkbox"/> L5K120	<input type="checkbox"/> L2K120	<input type="checkbox"/> L3K208	<input type="checkbox"/> L5K208	<input type="checkbox"/> L2K208	<input type="checkbox"/> L3K240	<input type="checkbox"/> L5K240	<input type="checkbox"/> L2K240	<input type="checkbox"/> L3K277	<input type="checkbox"/> L5K277	<input type="checkbox"/> L2K277	<input type="checkbox"/> L3K347	<input type="checkbox"/> L5K347	<input type="checkbox"/> L2K347	<input type="checkbox"/> L3K480	<input type="checkbox"/> L5K480	<input type="checkbox"/> L2K480	Lamp LED	LED	LED	
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Lamp LED	LED	LED																								
Finish Super TGIC powder coat paint over a titanium zirconium conversion coating.	Color: Black Dark Bronze Stealth Gray™ Platinum Silver White Custom Color* Cat. No.: <input type="checkbox"/> BL <input type="checkbox"/> DB <input type="checkbox"/> SG <input type="checkbox"/> PS <input type="checkbox"/> WH <input type="checkbox"/> CC <small>*Custom colors subject to additional charges, minimum quantities and extended lead times. Consult representative. Custom color description: <input type="text"/></small>																									

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DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE:
REVISED:	TRAIL LIGHTING – THE BAYSIDE TRAIL. PAGE 2 OF 6		X-7G

B.136

Submitted by Swaney Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: 1SA/WP9SE2/L5K480/CC(RAL #5003)/LSS/TL Notes:	Type: FIXTURE SLA79-12054
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WP9SE-LED
WARP9SM- Small, Electronic LED
revision 5-21-09 • wp9seled.pdf

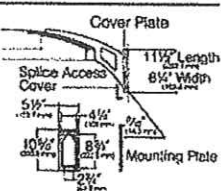
Type:
Job:
Page: 3 of 4



Optional Features

Wall Mounting
Cat. No. 1W
Select from Mounting on page 2.

A cast aluminum mounting plate is mounted to the wall with four bolts (by others). Fixture and arm are mounted to the cast aluminum cover plate before attaching to the wall mounting plate. The fixture-arm-cover plate assembly is hooked to the wall mounting plate and secured with stainless steel screws provided. Field splices are made at the opening in the cover plate. Cover is finished to match arm and fixture color.



Fusing (Internal only):
Cat. No. (see chart at right)
 No Option

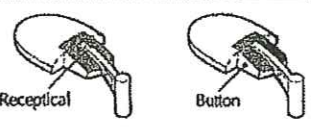
High temperature fuse holders factory installed inside the fixture housing. Fuse is included
Line Volts: 120V 208V 240V 277V 347V 480V
Cat. No.: SF DF DF SF SF DF



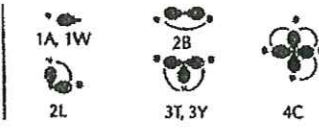
Photocell Controls
Cat. Nos. receptacle
 A-25

Line Button	Volts
<input type="checkbox"/> A-30	120V
<input type="checkbox"/> A-31	208V
<input type="checkbox"/> A-32	240V
<input type="checkbox"/> A-33	277V
<input type="checkbox"/> A-35	347V
<input type="checkbox"/> A-34	480V
<input type="checkbox"/> No Option	

Two types of photocell controls are available. A receptacle for a NEMA base photocell or an internal photocell button sensor on the side of the fixture.

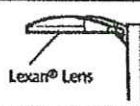


Mounting (see page 2)
* - Fixture with Photocell Receptacle
S - slave unit(s)



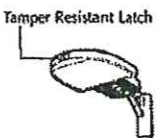
LexarSM Lens
Cat. No. LS
 No Option
LSS- Lexar Lens Small

One-piece flat advanced polymer (LexarSM) replaces standard tempered glass lens.
CAUTION: Use only when vandalism is anticipated to be high. For LED use only.



Tamper-Resistant Latch
Cat. No. TL
 No Option

Standard die-cast latch is provided with a captive 10-32 stainless steel flat socket-head screw to prevent unauthorized opening.
NOTE: Required only for vandal protection in locations where fixtures can be reached by unauthorized persons.



DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE:
REVISED:	TRAIL LIGHTING – THE BAYSIDE TRAIL. PAGE 3 OF 6		X-7H

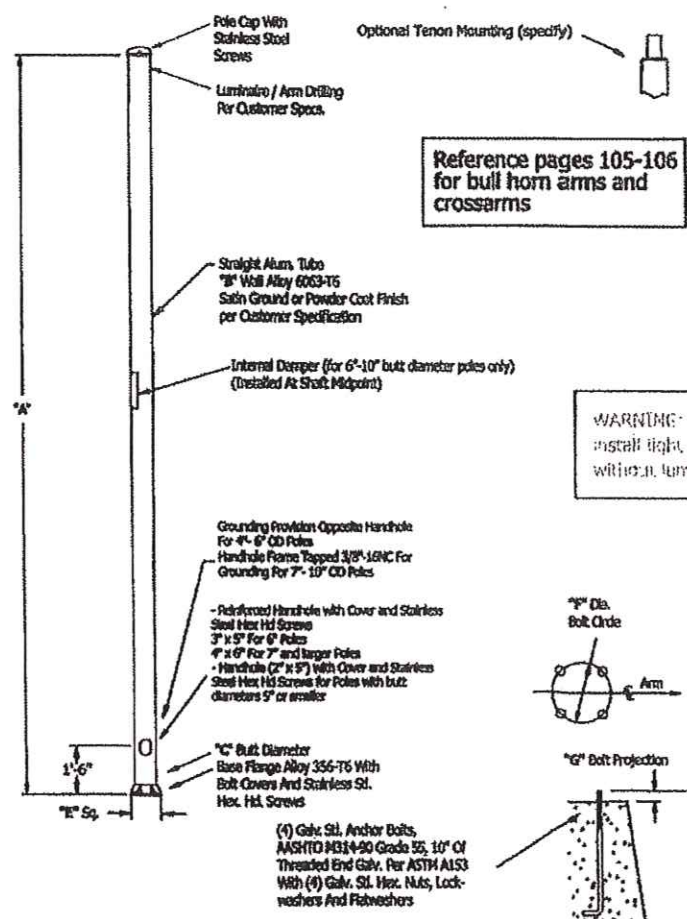
B.137

Submitted by Swansy Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: RSA-16-B4-4-CC(RAL #5003)	Type: POLE
		Notes:	SLABO-72354



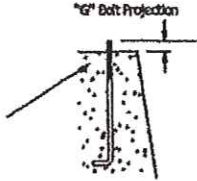
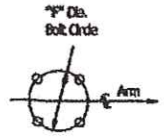
4 Bolt Base

RSA16B4-4



Reference pages 105-106 for bull horn arms and crossarms

WARNING: Do not install light pole without luminaire.



Mounting Height:	16 ft	Maximum EPA	
Wall Thickness:	.125 in	70:	1.8
Butt Diameter:	4 in	80:	0.8
Top Diameter:	4 in	90:	
Base Diameter:	7.5 in	100:	
Bolt Circle:	6.5-0 in	110:	
Bolt Projection:	2 in		
Net Weight:	33		
Luminaire Weight:	45		
Arm Length:			
Quantity:			

Accessories
Finish
CC - Custom Color / Please verify Standard RAL color # 5003

Your Name:
Representative Name:
Architect Name:
Project Name:
Customer P.O. #:
Finish:
Date: 8/14/2009
Notes:

Visit Hapco.com or call 800-368-7171 or fax 276-628-7707 v.2.02

DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE:
REVISED:	TRAIL LIGHTING - THE BAYSIDE TRAIL. PAGE 4 OF 6		X-7I

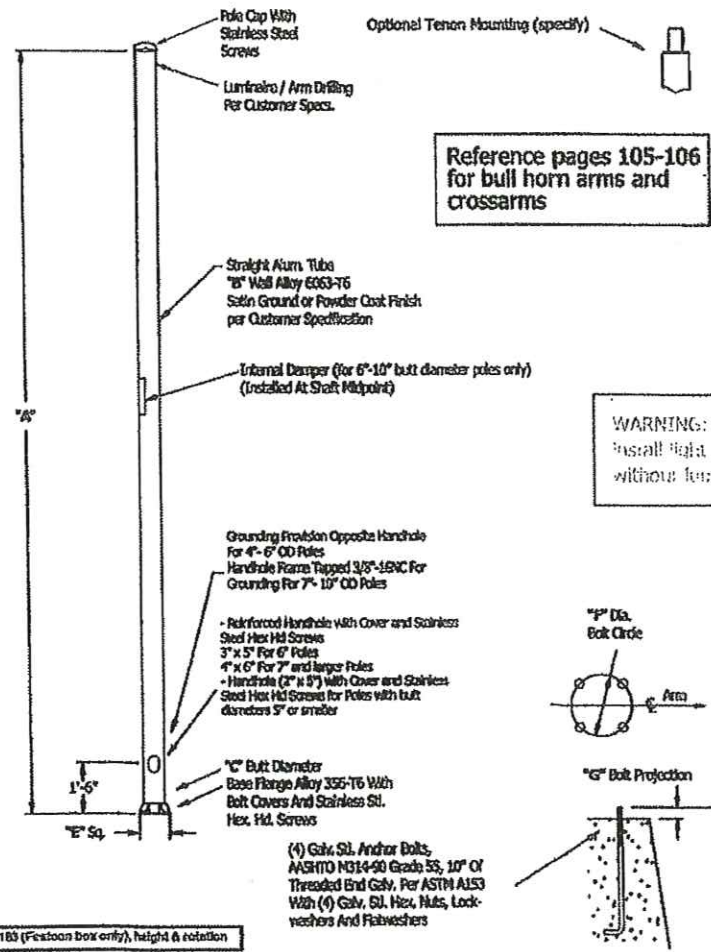
B.138

Submitted by Swancy Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: RSA-16-B4-4-CC(RAL #5003)- M183 Notes: PLEASE CONFIRM LOCATION OF M183, HEIGHT AND ROTATION	Type: POLE SLA09-16034
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4 Bolt Base

RSA16B4-4-



Reference pages 105-106 for bull horn arms and crossarms

WARNING: Do not install light pole without luminaires.

Please confirm location of M183 (Fastoon box only), height & rotation

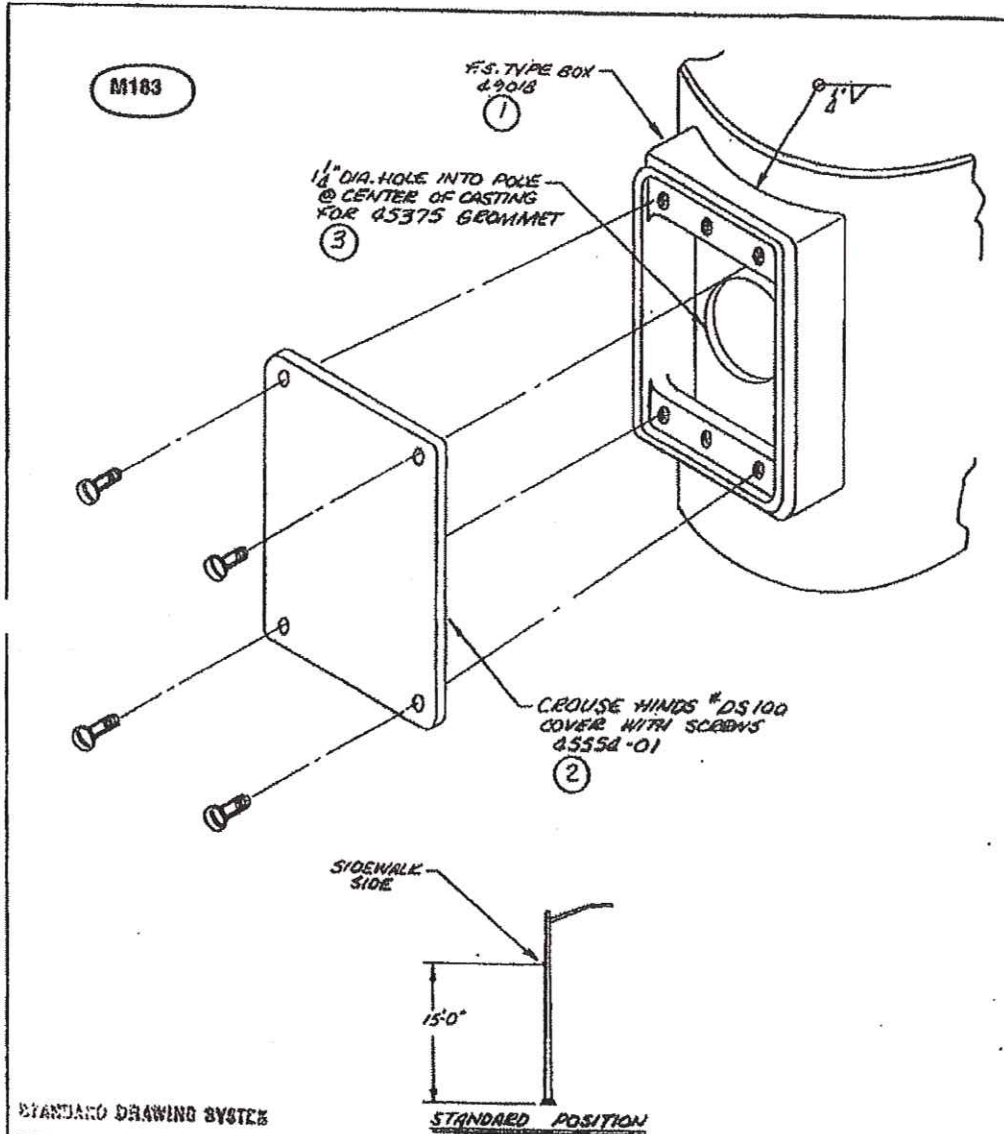
Mounting Height:	16 ft	Maximum EPA	70:	1.8	Your Name:	
Wall Thickness:	.125 in		80:	0.8	Representative Name:	
Butt Diameter:	4 in		90:		Architect Name:	
Top Diameter:	4 in		100:		Project Name:	
Base Diameter:	7.5 in		110:		Customer P.O. #:	
Bolt Circle:	6.5-8 in				Finish:	
Bolt Projection:	2 in				Date:	8/14/2009
Net Weight:	33	Accessories			Notes:	
Luminary Weight:	45	Finish				
Arm Length:		CC = Custom Color / Please verify Standard RAL color # 5003				
Quantity:						

Visit Hapco.com or call 800-368-7171 or fax 276-628-7707 v.2.02

DATE: AUGUST 2009	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL	MUNICIPAL STREET LIGHTING STANDARDS SECTION X	FIGURE: X-7J
REVISED:	TRAIL LIGHTING - THE BAYSIDE TRAIL. PAGE 5 OF 6		

B.139

Submitted by Swaney Lighting	Job Name: BAYSIDE TRAILS Engineer: ME	Catalog Number: FSA-16-B4-4-CC(RAL #5003)- M183 Notes: PLEASE CONFIRM LOCATION OF M183, HEIGHT AND ROTATION	Type: POLE <small>SLA00-12954</small>
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STANDARD DRAWING SYSTEM

BOOKS

NO.	REVISIONS	DATE	TITLE	DATE
			MODIFICATION #183	5-18-66
			CUSTOMER	SCALE N.T.S.
			FESTON OUTLET - BLANK COVER	BY T.B.
			HAPCO <small>DIVISION OF HUBBARD AND COMPANY</small> <small>P. O. BOX 247-ARLINGTON, VA.</small>	CHK'D
				DWG. NO. A.183

DATE:
AUGUST 2009

CITY OF PORTLAND, MAINE
TECHNICAL STANDARDS MANUAL

MUNICIPAL STREET
LIGHTING STANDARDS
SECTION X

FIGURE:

REVISED:

TRAIL LIGHTING - THE BAYSIDE TRAIL.
PAGE 6 OF 6

X-7K

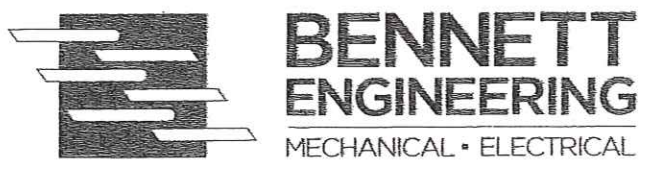
B.140



20. HVAC EMISSION REQUIREMENTS

There are no applicable state and federal emissions requirements for the HVAC and manufacturing equipment in this development because the fuel input for all heating equipment will be less than 10 MMTBU, which is the minimum unit size requiring an air emissions permit. A letter from Bennett Engineering describing air emissions has been enclosed as Figure 20-1.

B. 141



29DEC10

PDT Architects
49 Dartmouth Street
Portland ME 04101

Attn: Kathy Cogan

Subject: Adams School
Air Emissions

In response to your request for information we offer the following:

- Air emissions permit not required: The fuel input for all heating equipment will be less than 10 MMTBU. Multiple natural gas-fired, high efficiency condensing boilers with an input of approximately 70 Mbh each. Total fuel-fired input will be approximately 1.2 MMBTUH.
- Permits related to HVAC or electrical required for site electricity: Not required.

If you have any further questions, just let us know.


Stephen P. Doel, P.E.
BENNETT ENGINEERING, INC.

SPD/mmm

cc: Brian Curley
Lyndon Keck

B.1A2



21. NEIGHBORHOOD MEETING

Avesta Housing Development Corporation held a neighborhood meeting on April 26, 2011, at the Shailer School Community Room, located at 56 North Street, in Portland, Maine, from 6:00 p.m. to 8:00 p.m. Invitations were mailed on April 12, 2011, to property owners within 500 feet of the proposed development, as well as those people on a list of interested citizens and neighborhood groups, as shown by the mailing list enclosed as Figure 21-1. The Neighborhood Meeting Certification Form has been enclosed as Figure 21-2 for your reference.

B. 143

Neighborhood Meeting Certification

I, Ethan Boxer-Macomber, hereby certify that a neighborhood meeting was held on April 26, 2011 at the Shailer School Community Room, 56 North Street from 6:00 – 8:00 p.m.

I also certify that on April 12, 2011 invitations were mailed to all addresses on a mailing list provided by the Portland Planning Division, including property owners within 500 feet of the proposed development and persons registered on the City's "interested parties" list.

Signed,



Ethan Boxer-Macomber
Senior Development Officer
Avesta Housing

5/10/11
Date

Attached to this certification are:

1. Copy of the invitation sent
2. Meeting sign-in sheet
3. Meeting Minutes

B. 144

AVESTA HOUSING MANAGEMENT CORPORATION
NOTICE OF NEIGHBORHOOD MEETING

Dear Neighbor,

You are invited to a **Neighborhood Meeting** to discuss **the redevelopment of the former Adams School** into 16 condominium units and a neighborhood park. The neighborhood meeting is an opportunity for area residents to review project design concepts and offer feedback. Avesta's design and development team will be on hand to present the project and answer questions.

Date: **Tuesday, April 26, 2011**
Time: **6:00 – 7:30 p.m.**
Location: **Shailer School Community Room, Basement of 56 North Street**

For more information, please contact Ethan Boxer-Macomber at 553-7777 or emacomber@avestahousing.org.

Name	Address	Email
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Ethan Boxer-Macomber	307 Cumberland	emacomber@ avestahousing.u
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Kathy Coogan (PDT)	49 Dartmouth St.	coogan@pdtarchs.com
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ALAN KUNITAUM (PDT)	49 DARTMOUTH ST.	KUNITAUM@ PDTARCHS.COM
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DAN T. HALEY JR	140 EASTERN PROMENADE	PTLD, ME DANIELTHALEYJR@gmail.com
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ERIC STARK	71 BECKETT ST.	ERICSTARK1@GMAIL.COM
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Fred Brancato	85 Beckett St.	opus2@maine.rr.com
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CAROL McCracken	1 North St.	carlockenc@aol.com
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Joan Shedy	-158 North St., Apt 109 -	Portland ME 04101
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Bob Zimmerman	39 Vesper St.	
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GARY MARCISSO	64 Vesper St.	gmarcisso@yahoo.com
---------------	---------------	---------------------

Anna Lopez-Lous	56 Wilson St Unit 1	annal@maine.rr.com
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NANCY ALLEN	AVESTA BOARD / GPCOG	nallen@gpcog.org
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Matt Thayer	62 Munjoy St.	mthayer@maine.rr.com
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Josh Baston	42 Munjoy St	joshua.baston@gmail.com
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Cadence Atchinson	42 Munjoy St.	cad08@gmail.com
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Dianne Hudson	160 Orion St	dhudson777@poli.com
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Art Patrud	" "	
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B.146

**Neighborhood Meeting Minutes
Adams School Redevelopment – Proposed Development**

Shailer School Community Room
56 North Street
6:00 – 8:00 p.m.

April 26, 2011

The meeting began at 6:10 p.m.

Avesta staff and the design and development team presented the proposed project in terms of the proposed use and the proposed site and building design. The housing and City Park elements were both described. Project plans were projected as PowerPoint slides.

14 area residents registered on the sign-in sheet. An additional 3-5 residents arrived late and did not sign in.

Over the course of the Q&A session that followed the presentation by the development team the Munjoy Hill residents in attendance presented the following questions and comments:

1. Dimensions of Buildings and Site Plan Features

Question: Clarification was requested with regard to several dimensions on the site plan; buildings, driveway, park amenities, etc.

Response: Avesta's development team provided the requested dimensions.

2. Condo Association

Question: What is the structure of the condo association, who will maintain the property and will rentals by absentee (investor) landlords be allowed?

Response: The development will be governed by a traditional condo association with an elected board of resident directors. Avesta Housing Management Corp (AHMC) will provide contract management services to the association. The association will be responsible for all maintenance of the buildings and the grounds including grounds maintenance; i.e. snow removal, graffiti clearing, trash pick up, spring clean up etc.

Condo covenants and deed restrictions on individual properties will prohibit non-owner occupant units- these will not be investment properties, rental will only occur in limited cases only- e.g. short term, board approved rental for reasons like sabbatical, medical emergencies, etc.

3. Siding Material

Questions: What materials will be used as siding and what color or colors will be used? Who maintains the siding over time?

Comment: Material choices, while a small part of the budget, have a profound effect on the overall feel of the project and should be made as high quality as possible.

Response: Final siding choices have not yet been made but our hope and expectation is that we will use some type of cementitious product such as HardyPlank™ or the like. Colors will be varied to break up the massing of the property and provide units individual identity. Color will be lively and happy without getting too loud or inconsistent with the color variations present on the surrounding blocks. We are committed to using high quality, high durability materials throughout the buildings as it will contribute to our mission to develop highly sustainable and affordable (lower maintenance) homes. The maintenance and upkeep of the siding will be the responsibility of the condo association, not individual unit owners.

4. Winter Operations

Comment: Who will be responsible for snow and ice clearing in and around the property? Will the City sidewalk around the development be properly maintained?

Response: AHMC, on behalf of the condo association will manage all winter operations including maintenance of all abutting City sidewalks, in accordance with City ordinances.

5. Parking

Questions: How many parking spaces are provided and who gets to use them? Will the residents of the development park in what is now the Adams School parking lot? Who will own the old staff lot and what is the anticipated future of that lot?

*Editor's note: Some residents seemed to imply that the development provided too much parking, others implied that there was too little.

Response: Parking is provided to the residential development at a 1:1 ratio in accordance with the standards of the City Land Use Code. The former staff parking lot will be retained by the City and residents of the condo will have no more rights to park there than any other resident of the neighborhood. The City has not yet determined the long term plan for the parking lot. In the short term it is anticipated to provide snow ban parking. An additional phase of future development is possible but no proposals have been brought forward publically that Avesta is aware of. Residents were encouraged to contact their city council representatives with questions, concerns, or comments regarding future use of the City retained land.

6. Park Name

Question: What will the new City Park be named?

Response: In deference to the namesake of the former Marada Adams School- Avesta proposes to name the park, Marada Adams Park. This seem like an appropriate way to continue to memorialize this public figure from the neighborhood's history.

7. Park Ownership

Question: Who will own and maintain the new City Park.

Response: The City of Portland.

8. Housing Density

Question: Have the units been designed so that they can be expanded vertically in the future? Is there any way the housing project's unit per acre density be increased? (Resident was expressing a preference to see higher density)

Response: No. The unit design did not contemplate future upward expansion. The density provided by the development is consistent with the existing density in the neighborhood.

9. Graffiti Prevention

Question: How tall is the retaining wall along Vesper Street? Will that become a place where graffiti will accumulate?

Response: The retaining wall is anticipated to be +/- 3 feet tall at its highest point. The wall is low profile and not expected to be desirable to taggers. Moreover, with the addition the new dwelling units there will be more "eyes on the street". If the wall were ever to be tagged- it would be promptly removed by the condo association.

10. Bidding Process

Question: Who can bid to construct the project? Will it be a public bid process? How do we know it will be a quality, reputable contractor?

Response: Avesta will choose a general contractor through a competitive bid process from a select invite list of 4-6 reputable, area contractors with excellent track records.

11. Project Name

Question: For a while this project was called Beckett Green, what happened to that name?

Response: The Beckett Green name is associated with the original 40 unit proposal first proposed in 2008. The current development will identify with the name for the private way that runs between the units. That name is, as of yet, to be determined and will be subject to review and approval by the City for E911 appropriateness.

12. Project Financing

Question: How is Avesta paying for the project and is there stimulus money involved?

Response: The approximately \$6M project is supported by \$1.724M in Federal stimulus resources through the Neighborhood Stabilization Program (NSP) administered by the US Dept of Housing and Urban Development (HUD). These resources were first allocated to the State, passed through to the City, and finally to the project.

13. Adams School Demolition

Question: When will the Adams School be demolished, by who, and what is the process?

Response: Abatement and demolition services will be provided by Abatement Professionals of Westbrook, Maine. Abatement of the asbestos tile inside of the building is expected to start the week of 5/16 and will continue for approximately two weeks. Building demolition will follow and is anticipated to take approximately three weeks. A neighborhood meeting to present the demo process and timeline will be scheduled in advance of the start of work and all abutters will be invited to attend.

*Editor's Note: This meeting was later scheduled for 5/12/11 and abutters were invited by leaflets in mailboxes and by email and Munjoy Hill News blog.

14. Adams School Mural

Question: When the school is demolished, what will become of the concrete mural on the Adams School?

Response: The mural is to be preserved and stored as part of the demolition process. Avesta is in ongoing conversations with the City of Portland about the where and how the murals can be reinstalled for public enjoyment. One thought is to reinstall the murals at the East End Community School where they can continue to serve the Munjoy Hill elementary school community as originally intended.

15. Future Communication with the Community

Question: Can Avesta provide a weekly newsletter to update the community? Others suggested- Maybe Avesta could consider at least hosting a website and providing periodic updates there?

Response: Avesta will provide periodic updates on its website during the remainder of the project.

16. Status of the Property Post Demolition / pre-construction

Question: How will the site be left after demo and before the housing is built? Will the public have access?

Response: The grounds will remain open to the public and the playground will remain accessible as well during that interim period.

17. Condo Sales

Question: How much will the condos sell for, who will be eligible to buy them, and will there be affordability requirements at subsequent points of sale?

Response: The condos will be sold to individuals and families with household incomes which are at or below 120% of the Area Median Income. In Portland this currently means roughly \$65,000 per year for a couple and \$81,000 for a family of four. The units are anticipated to sell in the mid \$200,000s. Future sales will be restricted to the same eligibility requirements. Sales and marketing materials are currently under development and will be released in summer of 2011.

18. Greenbelt Through Park

Question: Will it be lit at night / safe? Will it be accessible (In the ADA sense)?

Response: The greenbelt will be designed and constructed to meet or exceed accessibility standards. The greenbelt will be lit as a City Street would be and is expected to be as safe as any sidewalk on Munjoy Hill.

19. Phase II / Residual Land

Question: What will the City do with the undeveloped land that it retains which has been referred to as "Phase II"?

Response: Avesta is not aware of what the City intends for the residual land not being developed as part of this project. This is a decision that will be made by the City of Portland through a separate process.

B. 150

20. Mortgage Products

Question: Will Avesta or its partner banks offer financing for the condo units?

Response: Avesta will partner with a local bank to offer buyers favorable bank financing and access to special sub-market lending programs. Buyers are also free to secure with any lender of their choosing.

The meeting adjourned at 8:00 p.m.

C.1
Draft Condo Docs

DECLARATION OF CONDOMINIUM

OF THE

ADAMS SCHOOL CONDOMINIUM

This Declaration of Condominium is executed as of this ____ day of ____, 2011 by **Avesta Adams LLC**, a Maine limited liability company with a place of business in Portland, Maine ("Declarant"), pursuant to the Maine Condominium Act, 33 M.R.S.A. § 1601-101 et seq. (as amended from time to time, hereinafter the "Act")

ARTICLE I: CREATION OF CONDOMINIUM; DEFINED TERMS

Section 1.1 Declaration of Property. Declarant, owner in fee simple of the land (the "Land"), described in Exhibit A attached hereto and incorporated herein, located within the City of Portland, Maine, hereby submits the Land, together with all buildings, improvements, easements, rights and appurtenances located thereon or belonging thereto (collectively the "Property") to the provisions of Chapter 31 of Title 33 of the Maine Revised Statutes Annotated, as amended, known as the Maine Condominium Act and hereby creates, with respect to the Property, a condominium, reserving to itself Development Rights in the Property, such condominium to be known as Adams School Condominium (the "Condominium"). The Property is shown on "Condominium Plan for Adams School Condominium" dated _____, 2011, prepared by PDT Architects and on "Condominium Plans for Adams School Condominium" dated _____, 2011 prepared by PDT Architects (collectively the "Plat and Plans"), to be recorded herewith in the Cumberland County Registry of Deeds, as amended from time to time, reduced copies of which are attached hereto collectively as Exhibit D. The Property shall hereafter be held, sold and conveyed subject to the terms, conditions, covenants, easements and restrictions set forth in this Declaration of Adams School Condominium, as amended from time to time (the "Declaration") and in the Act, which shall run with the Property and bind and inure to the benefit of all owners of the Property or any portion thereof, their respective heirs, successors and assigns. Pursuant to the Act, Adams School

Condominium Association, a Maine non-profit corporation created under the Maine non-profit corporation act, 13-B M.R.S.A. § 101 et seq., as amended (hereinafter the "Association") shall be the Unit Owners' Association under the Act.

Section 1.2 Defined Terms. Capitalized terms used in this Declaration shall have the meaning specified in this Declaration or, if not otherwise defined in this Declaration, as it may be amended from time to time, or in the Plat and Plans, shall have the same meanings as specified in the Act:

(1) "Allocated Interests" mean (a) the Common Element Interest as defined in Section 4.3 hereof, (b) the Common Expense Liability as defined in Section 6.1 hereof, and (c) the votes in the Association, allocated to each Unit pursuant to this Declaration.

(2) "Buildings" means, collectively, the buildings erected on the Land containing the Units, as well as other improvements comprising a part of the Buildings or intended to be used for purposes incidental to the use of the Buildings, and any Buildings containing Limited Common Elements.

(3) "Bylaws" mean such governing regulations for the Association as are adopted pursuant to the Act and this Declaration for the regulation and management of the Property, including such amendments thereof as may be adopted from time to time.

(4) "Common Elements" mean all portions of the Condominium other than the Units and Limited Common Elements, as shown on the Plat and Plans.

(5) "Common Element Interest" has the meaning provided in Section 4.3 of this Declaration.

(6) "Common Expenses" mean expenditures made by or financial liabilities of the Association together with any allocation to reserves.

(7) "Common Expense Liability" has the meaning provided in Section 6.1 of this Declaration.

(8) "Condominium Documents" mean this Declaration, the Plat and Plans and the Bylaws, as amended from time to time.

(9) "Declarant" means Avesta Adams LLC, its successors and assigns and all successors to any Special Declarant Rights hereunder.

(10) "Declarant Control Period" means the time period described in Section 7.2 of the Declaration.

C.3

(11) "Development Rights" has the meaning specified in Article V of this Declaration and Section 1601-103(11) of the Act.

(12) "Eligible Mortgage Holder" means the holder of record of a recorded first Mortgage on a Unit in the Condominium which has delivered written notice to the Association by prepaid United States mail, return receipt requested, or by delivery in hand securing a receipt therefor, stating the name and address of such holder, the name and address of the Owner of the Unit encumbered by such Mortgage, the identifying number of such Unit, and containing a statement that such Mortgage is a recorded first mortgage.

(13) "Executive Board" means the Board of Directors of the Association authorized to act pursuant to this Declaration and the Act on behalf of the Association.

(14) "Limited Common Elements" mean those portions of the Common Elements the exclusive use of which is reserved as an appurtenance to one or more, but fewer than all, of the Units as indicated and allocated pursuant to this Declaration.

(15) "Limited Common Expenses" mean the Common Expenses for services benefiting fewer than all the Units, which are assessed pursuant to this Declaration exclusively against the Units benefited in accordance with Section 1603-115(c)(2) of the Act.

(16) "Mortgage" means a recorded mortgage encumbering a Unit in the Condominium held by a Mortgagee and "Mortgagee" means the holder of a recorded Mortgage or deed of trust encumbering a Unit in the Condominium.

(17) "Recorded" means that an instrument has been duly entered of record in the Registry of Deeds for Cumberland County, Maine.

(18) "Special Declarant Rights" has the meaning provided in Article V of this Declaration and Section 1601-103(25) of the Act.

(19) "Unit" means a part of the Property designated for separate ownership or occupancy for residential purposes, the boundaries of which are described in Article III hereof, and includes all Additional Units added to the Condominium as provided in this Declaration.

ARTICLE II: IDENTIFICATION AND LOCATION OF CONDOMINIUM; ASSOCIATION

The name of the condominium is Adams School Condominium. The name of the Association organized under the Act is Adams School Condominium Association. The Condominium is located at 48 Moody Street in Portland, County of Cumberland and State of Maine (which location is more particularly described in Exhibit A hereto).

ARTICLE III: DESCRIPTION OF PROPERTY AND UNITS

Section 3.1 Description of the Property. A metes and bounds description of the Property included in the Condominium is set forth in Exhibit A attached hereto and made a part hereof.

Section 3.2 Maximum Number of Units. Pursuant to this Declaration, Declarant is creating sixteen (16) Units.

Section 3.3 Description and Boundaries of Units. The Unit numbers, location of Units created by this Declaration within the Building and their approximate dimensions are shown on the Plat and Plans. A list of all Unit numbers, addresses and votes in the Association appurtenant to each Unit is attached hereto as Exhibit B. The locations of the Units, Common Elements and Limited Common Elements are as shown more fully on the Plat and Plans. Each Unit will have one parking space. Exhibit C lists the assignment to the Units of the parking spaces. Each Unit includes as a part of the Unit a separate heating system serving that Unit.

The boundaries of each Unit created by this Declaration will be as follows: (1) Horizontal (Upper and Lower) Boundaries of each Unit shall be the following boundaries extended to an intersection with the vertical (perimetric) boundaries: (a) Upper Boundary: The plane of the lower surface of ceiling joists or other framing members (but not including the ceiling joists or such other framing members), and (b) Lower Boundary: The horizontal upper surface of the bottom subfloor (but not including the subfloor), and (2) Vertical (perimetric) Boundaries of each Unit shall be the internal surface of the walls (i.e., the inner surface of the sheetrock or other finished wall surface) bounding the Unit extended to intersections with each other and with the horizontal or inclined boundaries. All paneling, tiles, wallpaper, paint, sheetrock, finish flooring and any other materials constituting any part of the finished surfaces of the ceilings, walls or floors are a part of the Unit, and all other portions of the walls, floors or ceilings are a part of the Common Elements. If any chute, flue, duct, wire, conduit, bearing wall, bearing column or any other fixture lies partially within and partially outside the designated boundaries of a Unit, any portion thereof serving only that Unit is a Limited Common Element allocated solely to that Unit and any portion thereof serving more than one Unit or any portion of the Common Elements is a part of the Common Elements. Subject to the foregoing provisions, all spaces, interior partitions and other fixtures and improvements within the boundaries of a Unit are a part of the Unit. All exterior doors and windows within or serving a Unit are Limited Common Elements appurtenant to that Unit. Any shutters, awnings, window boxes, doorsteps, stoops, halls, steps, decks, balconies, patios, skylights, and flues designed to serve a single Unit but which are located outside a Unit's boundaries are Limited Common Elements allocated exclusively to that Unit. The Building and Units shown on the Plat and Plans are subject to settling or lateral movement of the Building and minor variations between the Unit boundaries as shown or projected on the Plat and Plans and the physical boundaries as constructed or reconstructed. In such event, each Unit has an easement for encroachments as set forth in Article XVI hereof.

C.5

Section 3.4 Subdivision or Relocation of Unit Boundaries. Subject to applicable provisions of this Declaration or law and environmental and land-use ordinances and regulations of the State of Maine and City of Portland, as the same may be amended, modified, superseded or replaced from time to time, and upon the prior written consent of the Executive Board, the subdivision of Units and/or relocation of boundaries between Units will be permitted at the expense of the Unit Owners of the Unit or Units to be so subdivided and the boundaries of which are to be so relocated, subject to compliance with the provisions therefor set forth in Section 1602-113 and Section 1602-112 of the Act. No Unit may be created by subdivision which is smaller than the minimum size for residential dwelling units under the City of Portland Land Use Ordinance. No subdivision of a Unit may create an extra Unit in excess of the number of Units approved by the City of Portland.

ARTICLE IV: COMMON ELEMENTS AND LIMITED COMMON ELEMENTS

Section 4.1 Allocation of Limited Common Elements. The location of all real estate that is allocated as Limited Common Elements other than portions of the Property specified as Limited Common Elements in Section 1602-102 (2) and (4) of the Act, is shown on the Plat and Plans. Said Limited Common Elements include any shutters, awnings, window boxes, doorsteps, windows, stoops, porches, patios, decks, balconies, all exterior doors and windows, entryways, stairways and windows, hallways serving one Unit exclusively, and the parking space assigned to each Unit. The allocation of Limited Common Elements to the Units cannot be altered except with the written consent of the Owners of the Units affected by the reallocation of Limited Common Elements, in compliance with the provisions of Section 1602-108(b) of the Act, together with the consent of such Owners' Mortgagees of record. Exhibit C attached hereto and made a part hereof allocates to the Units certain Limited Common Elements consisting of parking spaces. The parking spaces may not be severed from or leased separately from their appurtenant Unit, except in accordance with rules promulgated by the Association.

Section 4.2 Association Rights to Reserve Common Elements. The Association shall have the power to grant revocable licenses in the Common Elements for use by less than all Unit Owners for specified periods of time and to establish a reasonable charge for the use and maintenance thereof. Such designation by the Board shall not be construed as a sale or disposition of the Common Elements.

Section 4.3 Common Element Interest. The Common Elements are all parts of the Property other than the Units. The percentage of undivided interest in the Common Elements appurtenant to each Unit (the "Common Element Interest") is listed and allocated to each Unit in Exhibit B. The Common Element Interest and the Common Expense Liability appurtenant to each Unit, is a percentage determined on the basis of the number of square feet of floor space in the Unit divided by the total amount of floor space of all Units listed on Exhibit B, times 100. The voting rights for each Unit are shown on Exhibit B.

C.6

Section 4.4 Common Elements to Remain Undivided. The Common Element Interest of a Unit shall be inseparable from each Unit, and any conveyance, lease, devise or other disposition or mortgage or other encumbrance of any Unit shall extend to and include the Common Element Interest, whether or not expressly referred to in the instrument effecting such transfer. Except as otherwise provided by law or this Declaration, the Common Element Interests and the fee titles to the respective Units conveyed therewith shall not be separately conveyed, transferred, alienated or encumbered, and each of said Common Element Interests shall be deemed to be conveyed, transferred, alienated or encumbered with its respective Unit notwithstanding that the description in the instrument of conveyance, transfer, alienation or encumbrance may refer only to the fee title to the Unit. The Common Elements shall remain undivided and no action for partition or division of any part thereof shall be permitted, unless otherwise provided by law and permitted by this Declaration.

Section 4.5 Amendment of Interest in Common Elements. Except with respect to the subdivision or relocation of boundaries of Units as provided in Section 3.4 or the re-allocation of interests provided in Section 6.1, or the expansion of the Condominium as provided in Article V or as otherwise provided in the Act, the Common Element interest appurtenant to each Unit shall have a permanent character, shall be inseparable from each Unit and shall not be altered or changed except by the recording of an amendment to this Declaration, duly approved by the number of Unit Owners required under the Act and otherwise as provided in this Declaration.

Section 4.6 Use of Common Elements. Except as their use may otherwise be limited by this Declaration, the Bylaws or otherwise by the Executive Board or Unit Owners pursuant to its/their powers under the Bylaws to establish rules and regulations, each Unit Owner, tenant and occupant of a Unit, and the family members and guests of such Unit Owner, tenant and occupant, may use the Common Elements in common with all other Unit Owners and tenants or occupants of other Units, and their respective family members and guests, in accordance with the purposes for which they are intended without hindering or encroaching upon the lawful rights of the other Unit Owners, and in common with other persons legally entitled to use the Common Elements, upon the following terms:

(1) The portion of the Common Elements used for vehicular and pedestrian access shall not be used for the parking of motor vehicles, commercial vehicles, trailers, motor homes, trucks with a gross weight of over 7,500 pounds or boats except with the prior written approval of the Executive Board. No unattended vehicle shall at any time be left in such a manner as to impede the passage of traffic (whether by foot or vehicle) or to impair access to parking areas. Parking areas and Common Elements shall at all times be kept free of unreasonable accumulations of debris or rubbish of any kind and no junk or derelict vehicle or other vehicle on which current registration plates are not displayed shall be kept upon any of the Common Elements or Limited Common Elements. Major vehicular repairs are not permitted on the Property. The Association shall have the right to tow any vehicles left on the Common Elements in violation of this Declaration or any rules duly promulgated by the Association at the expense of the responsible Unit Owner.

(2) No Unit Owner (other than the Declarant in connection with its promotional or marketing purposes) may erect any sign on or in his or her Unit or any Limited Common Element which is visible from outside of his or her Unit or from the Common Elements, without in each instance having obtained the prior written permission of the Executive Board. The foregoing provisions of this subparagraph shall not apply to a Mortgagee in possession of a Unit as a result of foreclosure, judicial sale or a proceeding in lieu of foreclosure. This provision is not intended to prevent the Executive Board from maintaining on the Common Elements a register of Unit occupants, or owners, or both.

(3) No Unit Owner shall obstruct any of the Common Elements nor shall any Unit Owner place or cause or permit anything to be placed on or in any of the Common Elements without the approval of the Board. Nothing shall be altered or constructed in or removed from the Common Elements except with the prior written consent of the Executive Board.

(4) The Executive Board, the Association, any Unit Owner and the Declarant shall not be considered a bailee of any personal property stored on the Common Elements (including vehicles parked on the Common Elements), whether or not exclusive possession of the particular area is given to a Unit Owner for parking purposes, and shall not be responsible for the security of such personal property or for any loss or damage thereto, except to the extent covered by insurance in excess of any applicable deductible.

(5) The Association shall have the power to enforce adherence by Unit Owners, their guests, agents, invitees and tenants, to the restrictions described in this Section 4.6.

Section 4.7 Alteration to Unit or Common Elements by Unit Owner. A Unit Owner may make improvements and alterations to the interior of his Unit, but no Unit Owner may make any improvements or alterations or do any work whatsoever which would impair the structural integrity or mechanical systems of the Building, lessen the support of any portion of the Condominium, or jeopardize the soundness or safety of the Property. No Unit Owner shall impair any easement or hereditament therein without the unanimous consent of the Unit Owners affected thereby. No Unit Owner shall alter, paint or otherwise change the appearance of the Common Elements (including the Limited Common Elements) or paint or otherwise change the exterior appearance of his Unit (including, but not limited to, the exterior surfaces of doors) or any other portion of the Condominium without the prior written approval of the Executive Board.

Section 4.8 Limited Common Elements, Maintenance. Except as herein provided, the Association shall maintain, repair and replace all Limited Common Elements located outside the boundaries of the Unit, as well as exterior doors and windows, and shall assess as a Limited Common Expense to the Unit Owners who benefit from the use of such Limited Common Elements the Common Expenses associated with the maintenance, repair or replacement of such Limited Common Elements, provided that the Association shall also have the right to assess an individual Unit for such Common Expenses if the Common Expense shall be incurred due to the negligence or misconduct of the Owner of such Unit or his agents, invitees or guests. The

Association shall be responsible for snow removal on entry porches, walkways, and parking spaces. The Unit Owners shall maintain, repair, and replace any Limited Common Elements located within the perimeter boundaries of their respective Units. The Unit Owners shall have housekeeping responsibilities for the decks, patios, and entryways to their respective Units and shall be responsible for keeping their respective parking spaces free of debris and spilled petroleum or other automotive products. The Association may set standards of housekeeping, maintenance, use and appearance applicable to the Limited Common Elements.

Section 4.9 Maintenance of Common Elements. The Association shall maintain, repair and replace all Common Elements, including but not limited to driveways and parking areas, the garage, the open space and walkways, water feeders and meters and sewer and drainage system within the Property. The Association shall assess as a Common Expense the Common Expenses associated with the maintenance, repair or replacements of such Common Elements, provided that the Association shall also have the right to assess an individual Unit for such Common Expenses if the Common Expense shall be incurred due to the negligence, neglect or misconduct of the Owner of such Unit or his agents, invitees or guests.

Section 4.10 Maintenance of Unit. Each Unit Owner shall keep and maintain his or her Unit and its equipment, heating system, appliances and appurtenances in good order, condition and repair and in clean and sanitary condition, whether such maintenance and repair shall be structural or nonstructural, ordinary or extraordinary, and shall do all redecorating, painting and varnishing which may at any time be necessary to maintain the good appearance and condition of his or her Unit. No Unit Owner shall sweep or throw, or permit to be swept or thrown, from his or her Unit any dirt, debris or other substance. In addition, each Unit Owner shall be responsible for all damage to any other Units or to the Common Elements resulting from his or her failure or negligence to make any of the repairs required by this Article. Each Unit Owner shall perform his or her responsibility in such manner as shall not unreasonably disturb or interfere with the other Unit Owners. Each Unit Owner shall promptly report to the Executive Board or the managing agent any defect or need for repairs for which the Association is responsible.

Section 4.11 Liability of Owner. Each Unit Owner shall be liable, and the Association shall have a lien against his or her Unit, for the expense of maintenance, repair or replacement of any damage to the Common Elements, Limited Common Elements or to another Unit caused by such Unit Owner's act, neglect or carelessness or by that of any member of such Unit Owner's family, or such Unit Owner's guest or tenants, or their pets. Such liability shall include any increase in fire insurance rates occasioned by use, misuse, occupancy, or abandonment of any Unit or its appurtenances. Nothing herein contained, however, shall be construed so as to modify any waiver by insurance companies of rights of subrogation against such Unit Owner.

ARTICLE V: SPECIAL DECLARANT RIGHTS

Section 5.1 Development Rights. For a period ending fifteen (15) years after the date of the first conveyance of a Unit to a third party purchaser, Declarant, its successors and assigns, reserves the following Development Rights: (a) to complete all the improvements indicated on

the Plats and Plans; (b) to create additional Common Elements and/or Limited Common Elements on the Property in addition to those shown on the Plat and Plans; (c) to subdivide unsold Units or to convert unsold Units into Common Elements or Limited Common Elements; (d) to renegotiate the terms of existing easements encumbering the Condominium property; (e) to grant easements on the Condominium Property; (f) to appoint and remove any officer or member of the Executive Board of the Association or to disapprove certain actions of the Association during the period of Declarant Control as described hereinafter; (g) to have access to Units after sale for inspection, maintenance, repair or replacement of Common Elements, for the making or completing of improvements indicated on the Plats and Plans or for certain other purposes as described in Article V of the Declaration; (h) to maintain signs advertising the Condominium and models without any limitation as to size, location or relocation except that none of the foregoing will be located in any Unit not owned by Declarant; (i) to use easements through the Common Elements for the purpose of making improvements within the Condominium or within real estate which may be added to the Condominium; and (j) to add land to the Condominium, all of the above more fully described in Sections 5.3 through 5.9, of this Article. All of these rights may be exercised in compliance with Section 1602-110 of the Act and without consent of any Unit Owner or Mortgagee. The Development Rights reserved herein may be exercised with respect to different areas of real estate at different times and no assurances are made in regard to the boundaries of the portions or regulation of the order in which those areas may be subjected to the exercise of each Development Right, except as stated in Section 5.9 of this Article.

Section 5.2 Appointment of Association Officers and Board Members. Declarant reserves the right to appoint or remove any officer of the Association or any Executive Board members or in the alternative under Section 1603-103 (d), to approve or disapprove acts of the Association (including acceptance of the Budget) of the Executive Board during the period of Declarant Control to the extent, in the manner and for the periods specified in Article VII of this Declaration.

Section 5.3 Condominium Association and Executive Board Access. Declarant reserves in favor of itself, the Association and its Executive Board, officers, agents and employees, any managing agent and every other person authorized by the Executive Board, the irrevocable right and easement to have access to each Unit as provided in Section 1603-107(a) of the Act as may be necessary for the inspection, maintenance, repair or replacement of any of the Common Elements and Limited Common Elements therein or accessible therefrom or the making of any addition or improvements thereto; or to make repairs to any Unit, the Common Elements or the Limited Common Elements if such repairs are reasonably necessary for the public safety or to prevent damage to any other Unit or Units, the Common Elements or the Limited Common Elements; or to abate any violation of law, orders, rules or regulations of the Association or of any governmental authorities having jurisdiction thereof. In case of an emergency, such right of entry shall be immediate whether or not the Unit Owner is present at the time. The Association and its Executive Board shall have the right to grant to third parties permits, licenses and easements over and through the Common Elements for utilities and other purposes reasonably necessary or useful for the proper maintenance and operation of the

Condominium. Declarant's rights but not the Association's rights under this paragraph shall terminate on the conveyance of all sixteen (16) Units to Purchasers other than a successor Declarant.

Section 5.4 Declarant's Easement for Marketing. The Declarant reserves the right with respect to its marketing of Units to use the Common Elements and Limited Common Elements for the ingress and egress of itself, its officers, employees, agents, contractors and subcontractors and for prospective purchasers of Units, including the right of such prospective purchasers to park in parking spaces. The Declarant also reserves the right to use any Units owned or leased by the Declarant as models, management offices, sales offices for this and other projects. The Declarant reserves the right to relocate the same from time to time within the Property; upon relocation, the furnishings thereof may be removed. The Declarant further reserves the right to maintain on the Property such advertising signs and lighting as may comply with applicable governmental regulations, which may be placed in any location on the Property and may be relocated or removed, all at the sole discretion of the Declarant. Further, the Declarant shall have the right to erect temporary offices on Common Element parking spaces for models, sales, management, customer service and similar purposes. This easement shall continue until the conveyance of all sixteen (16) Units to Purchasers other than a Successor Declarant. Any Limited Common Element parking spaces allocated as Limited Common Elements to Units owned by Purchasers may not be used for the purposes specified in this Paragraph.

Section 5.5 Declarant's Easements for Construction. The Declarant reserves the easement, right and privilege without let or hindrance with respect to the creation of the Units, Common Elements, Limited Common Elements, and other improvements of the Condominium, to go upon any and all of the Property, except for Units conveyed to Purchasers, for purposes of construction, reconstruction, maintenance, repair, renovation, replacement, improvement or correction of the Units and Common Elements, and for completion of the improvements indicated on the Plat and Plans. Declarant reserves the right to keep construction equipment on the Property as necessary. Furthermore, the Declarant reserves an easement in the Units and Common Elements pursuant to Section 1602-116 of the Act for the purpose of discharging Declarant's obligations and exercising the Special Declarant Rights reserved pursuant to this Declaration. These easements shall continue until the earlier of conveyance of all Units to Purchasers other than a Successor Declarant or the expiration of the period of Development Rights as reserved under Section 5.1 above.

Section 5.6 Declarant's Right to Connect With Utilities. The Declarant further reserves an easement to connect with and make use of utility lines, wires, pipes and conduits located on the Property for construction purposes on the Property, provided that Declarant shall be responsible for the cost of service so used, and to use the Common Elements for ingress and egress and construction activities and for the storage of construction materials and equipment used in the completion of the Units and Common Elements. This easement shall continue until the conveyance of all Units to Purchasers other than a Successor Declarant.

Section 5.7 Declarant's Right to Grant Easements. The Declarant shall have the right, until the conveyance of all sixteen (16) Units to Purchasers other than a Successor Declarant, to grant and reserve easements and rights-of-way through, under, over and across the Property for vehicular and pedestrian access, road improvement, construction purposes, for the installation, maintenance and inspection of the lines and appurtenances for public or private water, sewer, pumping station, drainage, gas, electricity, telephone and other utilities. The Units and Common Elements shall be, and are hereby, made subject to easements in favor of the Declarant, appropriate utility and service companies and governmental agencies or authorities for such access or utility and service lines and equipment as may be necessary or desirable to serve any portion of the Property or adjacent property. The easements created in this Paragraph shall include, without limitation, rights of Declarant, or the providing utility or service company, or governmental agency or authority to install, lay, maintain, repair, relocate and replace gas lines, pipes and conduits, water mains and pipes, sewer and drain lines, telephone wires and equipment, air conditioning, heating systems, ventilation systems, electric wires, cables, conduits and equipment and ducts and vents over, under, through, along and on the Units and Common Elements and to provide public access across the Common Elements.

Section 5.8 Alteration of Common Elements by Declarant. Subject to all applicable ordinances, requirements, and conditions of the City of Portland, the Declarant reserves the right (but shall have no obligation) to modify, alter, remove or improve defective, obsolete or nonfunctional portions of the Common Elements, including without limitation any equipment, fixtures and appurtenances when in the Declarant's judgment it is necessary or desirable to do so, until the conveyance of all Units to Purchasers other than a Successor Declarant.

Section 5.9 Transfer of Special Declarant Rights; Surrender. Declarant reserves the right to transfer from time to time to any one or more transferees any or all reserved Special Declarant Rights in accordance with Section 1603-104 of the Act. Notwithstanding any other provisions in this Declaration, this Article V may not be amended without the prior written consent of the Declarant. Notwithstanding the foregoing, Declarant may surrender or terminate any rights reserved under this Article at any time by recording an instrument so providing in the Cumberland County Registry of Deeds.

Section 5.10 Limited Common Elements to be Allocated by Declarant. Portions of the Common Elements may be marked on the Plats and Plans as patios or decks. The Declarant may designate certain areas as parking areas. These portions of the Common Elements are each generically referred to as an "Assignable Limited Common Element". Pursuant to Section 1602-105(a)(7) of the Act, the Declarant reserves the exclusive right to assign each Assignable Limited Common Element as a Limited Common Element for the exclusive use of the respective Unit Owners to whose Units such Assignable Limited Common Element shall be assigned and become appurtenant. The Declarant may, without consent or action by the Unit Owners or any Mortgagee, allocate each such Assignable Limited Common Element as a Limited Common Element pursuant to the provisions of Section 1602-108 of the Act and cause appropriate amendments to this Declaration or to the Plats and Plans, if not already shown on said Plats and Plans, to be executed and recorded by Declarant. After all Units have been sold by Declarant,

the Association shall have the right to assign any unallocated Assignable Limited Common Element pursuant to the provisions of Section 1602-108 of the Act.

ARTICLE VI: ASSESSMENTS FOR COMMON EXPENSES

Section 6.1 Common Expense Liability. Reference is made to Exhibit B for the allocation of the liability for Common Expenses (the "Common Expense Liability") to each Unit. The Common Expense Liability allocated to each Unit is a percentage of the Common Expenses assessed against all the Units, according to the formula described herein.

Section 6.2 Allocation of Assessments of Common Expense. The total amount of Common Expenses shall be assessed against all the Units in the following proportions: (1) the Common Expenses other than Limited Common Expenses shall be assessed against all the Units as shown on Exhibit B on a prorata basis based on the total number of Units then declared and according to the percentage interests specified on Exhibit B, and subject to adjustment as Additional Units are added to the Condominium (2) the Limited Common Expenses shall be assessed solely against each Unit benefited except as otherwise provided in this Declaration; if a Limited Common Expense benefits more than a single Unit, but fewer than all of the Units, that Limited Common Expense shall be divided proportionally, according to square footages, among those Units benefited; (3) assessments to pay a judgment against the Association shall be made as a Limited Common Expense against the Units included in the Condominium at the time such judgment was entered but shall be allocated to Units according to the percentages set forth in Exhibit B as in effect at the time of said judgment; (4) any utilities which are or are made by Declarant to be separately metered shall be supplied by the public utility company serving the area directly to each Unit through a separate meter and each Unit Owner shall be required to pay the bills for utilities consumed or used in his Unit; any utilities, including, but not limited to water distribution and electricity, used for common purposes or furnished to the Common Elements, or which are not separately metered, shall be paid by the Executive Board as a Common Expense.

Notwithstanding the foregoing, common expenses relating to Limited Common Elements shall be assessed to and paid by the Owner of the Unit to which said Limited Common Elements are allocated, and Common Expenses that are the responsibility of a particular Unit Owner under this Declaration shall be assessed to and paid by such Unit Owner; and the lien and enforcement provisions of this Declaration may be used to collect such expenses.

The Declarant shall pay all the Common Expenses for operations until the Association makes a Common Expense assessment based upon a ratified budget. Assessments against all declared Units will begin on the adoption and ratification of the budget. The Executive Board will propose the budget. If during the Declarant Control Period, eighty percent (80%) of the voting interest of the Unit Owners do not reject the proposed budget, it will be ratified. After the Declarant Control Period, if the majority of the voting interests of the Unit Owners do not reject the budget, it will be ratified.

Section 6.3 Payment Obligations. Each Unit Owner shall pay to the Association or its authorized representative on the first day of each month, or on such other date that the Association may determine in writing, one-twelfth of the Unit's Limited Common Expenses and Common Expenses which are assessed on an annual basis against the Unit in the proportions required in Section 6.2 of this Article in accordance with the Bylaws and subject to Section 1603-103(c) of the Act. If for any reason the Association shall revise the annual budget of the Association in accordance with the Bylaws and subject to Section 1603-103(c) of the Act whereby the Common Expenses or any component thereof may be increased, then commencing on the first day of the first month subsequent to the adoption of such revised budget, each Unit Owner shall pay to the Association or its authorized representative one-twelfth of any such revised annual Common Expenses including Limited Common Expenses assessed against his Unit in the proportions required in Section 6.2. The Declarant shall have no liability for Common Expense assessments with respect to any unsold Unit until such Unit has received a Certificate of Occupancy from the City of Portland.

Section 6.4 Interest; Late Fee; Acceleration. In the event of a default by any Unit owner in paying any sum assessed against his Unit which continues for a period in excess of thirty (30) days, interest at a rate to be established annually by the Executive Board (which shall not exceed the lower of the maximum interest rate allowed by law which may be charged by the Association at such time or eighteen percent per annum) shall be imposed on the principal amount unpaid from the date when due until paid. If the Executive Board shall fail to set such rate, it shall be deemed to have been set at the rate of Eighteen Percent (18%) per annum. In addition to assessing interest on unpaid assessments, the Association shall have the right in the rules and regulations to establish and impose charges for late payment of assessments. In any case where an assessment against a Unit Owner is payable in installments, upon a default by such Unit Owner in the timely payment of any two consecutive installments, the maturity of the remaining total of the unpaid installments of such assessments may be accelerated at the option of the Executive Board, and the entire balance of the annual assessment may be declared due and payable in full by the service of notice to such effect upon the defaulting Unit Owner by the Executive Board or its representative.

Section 6.5 Lien for Assessments. The total annual assessment levied against each Unit for Common Expenses including Limited Common Expenses, revised Common Expenses including Limited Common Expenses, or any special assessment, and any other sums duly levied against the Unit pursuant to this Declaration, the Bylaws, or the Act and all interest thereon and charges for late payment thereof and legal fees and other costs of collection thereof, shall constitute the personal liability of the Owner of the Unit so assessed and also shall, until fully paid, constitute a lien against the Unit in favor of the Association from the date upon which such assessment, special assessment or other sum such as interest becomes due as provided in Section 1603-116 of the Act. Such lien shall, with respect to annual assessments, be effective on the first day of each fiscal year of the Association as to the full amount of the annual assessment, and, as to special assessments and other sums duly levied, on the first day of the next month which begins more than ten (10) days after delivery to the Unit Owner of notice of such special

assessment or levy. Such lien is prior to all other liens and encumbrances on a Unit except (a) liens and encumbrances recorded before the recordation of this Declaration, (b) a first Mortgage recorded before or after the date on which the assessment sought to be enforced becomes delinquent, and (c) liens for real estate taxes and sewer liens or assessments against the Units; provided, however, that such lien is not subject to the provisions of 14 M.R.S.A. §4561 and 18-A M.R.S.A. §2-201, et seq., as they or their equivalents may be amended or modified from time to time.

Section 6.6 Enforcement. The lien for assessments described in Section 6.5 may be enforced and foreclosed by the Association in like manner as a mortgage on real estate as provided in Section 1603-116(a) of the Act or by any other means presently or hereafter provided by law or in equity. A suit to recover a money judgment for unpaid assessments, interests, penalties, and costs of collection may be maintained against the Unit Owner personally without foreclosing or waiving the lien securing such assessments and a foreclosure may be maintained notwithstanding the pendency of any suit to recover a money judgment. During the pendency of any such suit, the Unit Owner shall be required to pay a reasonable rental for the Unit for any period prior to the sale pursuant to any judgment or order of any Court having jurisdiction over such sale.

Section 6.7 No Exemption From Expenses by Waiver of Use of Common Elements or Unit. No Unit Owner may exempt himself from Common Expense Liability with respect to the payment of assessments for Common Expenses by waiver of the enjoyment of the right to use any of the Common Elements or by abandonment of his Unit or otherwise. The obligation to pay assessments for Common Expenses is absolute and unconditional and shall not be subject to set-offs or counterclaims.

Section 6.8 Reduction of Expenses. All receipts from payments, fees or charges for the use, rental, operation, or allocation as a Reserved Common Element, of any and all Common Elements shall be applied first to reduce the Common Expense relating to the use of that Common Element giving rise to such receipt and any excess thereof shall be applied to Common Expenses generally.

Section 6.9 Surplus Funds. If at the end of any fiscal year any amounts accumulated from assessments for Common Expenses and income from the operation of the Common Elements to which such Common Expenses pertain shall exceed the amount required for actual Common Expenses and provision for Common Expenses and any payment of reserves for future Common Expenses, such excess shall be applied to the reserve fund, or if not so applied, shall be credited to each Unit Owner in proportion to their respective Common Expense Liabilities to reduce until exhausted the next monthly installments due from Unit Owners. Surplus funds shall not otherwise be paid or credited to Unit Owners.

Section 6.10 Service Charges. The Association shall have the express power to separately charge a Unit and the owner thereof for services rendered to that Unit. Such charges shall be a lien on the Unit with the same status as a lien for Common Expense assessments under

this Declaration and Bylaws, which lien for service charges may be foreclosed in like manner as a mortgage on real estate. The recordation of this Declaration constitutes record notice of the lien. Service charges shall include without limitation: (1) if a Unit Owner, members of his family, guests or tenants requests the Association to perform repair and maintenance work on his Unit or damages the Common Elements or fails to perform maintenance and repair work required, the expense thereof as determined by the Executive Board or its designee may be assessed as a Service Charge; (2) fees, if any, which may be established by the Executive Board for use and maintenance of water, sewer, heat and/or other utility services; (3) insurance premiums on permanent improvements to Units installed by Unit Owners and insured by the request of the Unit Owner with the Association's hazard insurance carrier; and (4) fees for private collection of trash and recycled materials, which service is in addition to service already assessed as a common expense.

Section 6.11 Liability. Subject to the limitation set forth below, in a voluntary conveyance subsequent to the sale by the Declarant to the initial Owner, the purchaser of a Unit shall be jointly and severally liable with the seller for all unpaid common assessments, charges, fees, interest and costs of collection up to the time of the recording of the grant or conveyance, although the purchaser shall not be prevented from exercising any right to recover from the seller the amounts thereof paid by purchaser.

(1) A Unit Owner or purchaser or prospective purchaser under a purchase and sale contract for a Unit may obtain, upon request and the payment of such fee as may be established from time to time by the Executive Board, a statement from the Association setting forth the amount of unpaid common assessments, special assessments, charges, fees, interest and costs of collection against the unit as of the date of the statement and such other items required by the Act under §1604-108(a). Except as otherwise agreed in writing by the purchaser, if the purchaser requests a statement from the Association, the purchaser shall not be liable for (and the Unit conveyed shall not be subject to a lien for) any unpaid amounts due from the seller before the statement is issued other than that which is indicated on the statement, but shall be liable for interest and costs of collection accrued thereafter.

(2) A Unit Owner providing a certificate pursuant to subsection (1) is not liable to the purchaser for any erroneous information provided by the Association and included in the certificate.

(3) In a foreclosure instituted by the first mortgage holder, a lien on the Unit for unpaid assessments will be extinguished but the personal liability for the assessments made prior to foreclosure will remain with the person who owned the Unit when the assessments became due until said assessments are paid in full.

ARTICLE VII: UNIT OWNERS' ASSOCIATION; DECLARANT CONTROL

Section 7.1 Owners' Association and Bylaws. Each Unit Owner shall be a member of the Association, a non-profit corporation organized under the laws of the State of Maine known as Adams School Condominium Association. Membership shall be appurtenant to the Units, and the transfer of title to a Unit shall automatically transfer the membership appurtenant to that Unit to the transferee or transferees. A mortgage, however, shall not transfer membership until foreclosure or transfer of the Unit in lieu of foreclosure. The Bylaws of the Association shall be available to all members of the Association.

Section 7.2 Declarant Control Period. Until sixty (60) days after conveyance of 75% of the maximum number of Units, which are or could be created and built by Declarant exercising its developmental rights, to Unit Owners other than a Declarant, subject to earlier termination as set forth below, Declarant shall control the Association as specified in Section 5.2 ("Declarant Control Period"), and during this period Declarant or persons designated by it may appoint, remove and replace members of the Executive Board.

Section 7.3 Working Capital Fund. Sums deposited to the Working Capital Fund, which shall be equal to the total number of Units times two (2) months Common Expense Charges (as established at the time the first Unit is conveyed), shall become available to meet transitional needs of the Association as soon as deposited in the Working Capital Fund.

ARTICLE VIII: LIMITATION OF LIABILITY

Section 8.1 Limited Liability of the Executive Board. No member of the Executive Board or officer of the Association, except to the extent of his or her willful misconduct or gross negligence: (1) shall be liable for the failure of any service to be obtained by the Executive Board and paid for by the Association, or for injury or damage to persons or property caused by the elements or by another Unit Owner or person on the Property, or resulting from electricity, gas, water, rain, dust or sand which may leak or flow from the outside or from any part of the Building, or from any of its pipes, drains, conduits, appliances, or equipment, or from any other place; (2) shall be liable to the Unit Owners as a result of the performance of the Executive Board members' duties for any mistake of judgment, negligence or otherwise; (3) shall have any personal liability in contract to a Unit Owner or any other person or entity under any agreement, check, contract, deed, lease, mortgage, instrument or transaction entered into by them on behalf of the Executive Board or the Association in the performance of the Executive Board members' duties; (4) shall be liable to a Unit Owner, or such Unit Owner's tenants, employees, agents, customers or guests, for loss or damage caused by theft of or damage to personal property left by guest in a Unit, or in or on the Common Elements or Limited Common Elements; (5) shall have any personal liability in tort to a Unit Owner or any other person or entity, direct or imputed, by virtue of acts performed by or for them; or (6) shall have any personal liability arising out of the use, misuse or condition of the Building, or which might in any other way be assessed against or

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imputed to the Executive Board members as a result of or by virtue of their performance of their duties.

Section 8.2 Indemnification. Each member of the Executive Board, in his or her capacity as an Executive Board member, officer or both, shall be indemnified by the Association against all expenses and liabilities, including attorney's fees, reasonably incurred by or imposed upon him or her in connection with any proceeding in which he or she may become involved by reason of his or her being or having been a member and/or officer of the Executive Board, or any settlement of any such proceeding, whether or not he or she is an Executive Board member, officer or both at the time such expenses are incurred, except in such cases wherein such Executive Board member and/or officer is adjudged guilty of willful misconduct or gross negligence in the performance of his or her duties; provided that in the event of a settlement, this indemnification shall apply only if and when the Executive Board (with the affected member abstaining if he or she is then an Executive Board member) or 70% of the voting interests of the Unit Owners (if more than 50% of the Board abstains or if the settlement is beyond the amount covered by insurance) approve(s) such settlement and reimbursement as being in the best interests of the Association; and provided further that indemnification hereunder with respect to any criminal action or proceeding is permitted only if such Executive Board member and/or officer had no reasonable cause to believe his or her conduct was unlawful. The indemnification by the Unit Owners set forth in this Paragraph shall be paid by the Association on behalf of the Unit Owners and shall constitute a Common Expense and shall be assessed and collectible as such. Such right of indemnification shall not be deemed exclusive of any other rights to which such Executive Board member and/or officer may be entitled as a matter of law or agreement or by vote of the Unit Owners or otherwise.

Section 8.3 Defense of Claims. Complaints brought against the Association, the Executive Board or the officers, employees or agents thereof in their respective capacities as such, or the Condominium as a whole, shall be directed to the Executive Board of the Association, which shall promptly give written notice thereof to the Unit Owners and the Eligible Mortgage Holders and the Mortgagees of Units identified to the Association, and such complaints shall be defended by the Association. The Unit Owners shall have no right to participate in such defense other than through the Association.

ARTICLE IX: EMINENT DOMAIN

Section 9.1 Entire Unit. If any Unit shall be taken or condemned by any authority having the power of eminent domain, or if part of a Unit is taken or condemned by any authority having the power of eminent domain leaving the Unit Owner with a remnant which may not be practically or lawfully be used for any purpose permitted by this Declaration, the award for such taking or condemnation shall be paid to the Unit Owner as compensation for his Unit and its Allocated Interest in the Common Elements, whether or not any Common Elements are taken or condemned. Upon such taking or condemnation, unless the decree provides otherwise, that Unit's entire Allocated Interests shall be automatically reallocated to the remaining Units

according to the formula specified in Exhibit B. The Association shall promptly prepare, execute and record as a Common Expense an amendment to this Declaration reflecting such reallocation. Any remnant of a Unit remaining after part of a Unit is taken or condemned under this Section 9.1 shall thereafter be a Common Element.

Section 9.2 Part of Unit. Except as otherwise provided in Section 9.1, if part of a Unit is taken or condemned by any authority having the power of eminent domain, any award therefor shall be paid to the Owner of such Unit as compensation for the reduction in value of the Unit and its Allocated Interest in the Common Elements, whether or not any Common Elements are taken or condemned. After such part of a Unit is taken or condemned:

- (1) That Unit's Allocated Interests shall be reduced in proportion to the reduction in size of the Unit; and
- (2) The Allocated Interests of all other Units shall be re-allocated according to the formula in Exhibit B. The Association shall promptly prepare, execute and record as a Common Expense an amendment to this Declaration reflecting such reallocation.

Section 9.3 Common Elements. If part of the Common Elements shall be taken or condemned by any authority having the power of eminent domain, the Association shall represent the Unit Owners in any condemnation proceedings or in negotiations, settlements and agreements with the condemning authority, and the portion of the award attributable to the Common Elements taken shall be paid to the Association for the use and benefit of the Unit Owners and their Mortgagees as their interests may appear. Each Unit Owner appoints the Association as attorney-in-fact for this purpose. Subject to the provisions of Section 9.4, the Association shall divide any portion of remaining Common Elements among the Unit Owners and their Mortgagees, in proportion to their respective interests in the Common Elements prior to such taking or condemnation, but the portion of the award attributable to the acquisition of any Limited Common Element shall be equally divided among the Owners of the Units to which such Limited Common Element was allocated at the time of such taking or condemnation. The Association shall promptly prepare, execute and record as a Common Expense an amendment to this Declaration reflecting such reallocation.

Section 9.4 Decree Prior Liens. The court decree shall be recorded in the Registry of Deeds. Notwithstanding anything to the contrary in this Article, lien holders on any Unit, Common Element or Limited Common Element, shall have a lien on any such awards in order of priority of their respective liens.

ARTICLE X: REPAIR AND RECONSTRUCTION AFTER FIRE OR CASUALTY

Section 10.1 Required Repair and Reconstruction. In the event of damage to or destruction of all or any part of the Property as a result of fire or other casualty, the Executive Board on behalf of the Association shall promptly arrange for and supervise the prompt repair,

replacement and restoration thereof (including any damaged Units, service fixtures, service machinery and other apparatus initially installed therein by the Declarant, but not including any other furniture, furnishings, fixtures, equipment or other personal property supplied or installed by the Unit Owners in the Units), substantially in accordance with this Declaration, Plat and Plans, the prior elevation thereof and the original plans and specifications therefor unless (1) the Condominium is terminated, or (2) repair, replacement or restoration would be illegal under any state or local health, safety, land-use or environmental statute, code or ordinance, or (3) eighty percent (80%) of the voting interests of the Unit Owners (Eligible Mortgage Holder substituting its vote in place of the Unit Owner as allowed under §1602-119(c)) vote not to repair, restore or replace the damaged or destroyed Property, and such decision is approved by every Owner (or the Eligible Mortgage Holder substituting its vote) of a Unit or Limited Common Element, which will not be repaired, replaced or restored. Additionally, approval of at least fifty-one (51%) percent of the first lien Mortgagees is required as further described in Section 14.6.

Section 10.2 Procedure for Reconstruction and Repair. If repair, replacement or restoration shall be required pursuant to Section 10.1:

(1) Cost Estimates: The Executive Board shall promptly obtain reliable and detailed estimates of the cost of repairing and restoring such portion (including any damaged Units, fixtures, service machinery and other apparatus initially installed by Declarant, but not including any other furniture, furnishings, fixtures or equipment installed by the Unit Owner in the Unit) substantially in accordance with this Declaration, the Plat and Plans, the prior elevation thereof and original building plans and specifications therefor unless other action is approved by the voting interests specified in Section 10.1 above; such costs may also include professional fees and premiums for such bonds as the Association may determine to be necessary;

(2) Assessments: If the net proceeds of insurance, if any, are not sufficient to defray such estimated costs of reconstruction, repair and replacement, or if upon completion of reconstruction and repair the funds for the payment of the costs thereof are insufficient, the amount necessary to complete such reconstruction and repair may be obtained from the appropriate reserve for replacement funds, and any such costs in excess of insurance proceeds and reserves shall be deemed a Common Expense and a special assessment therefor shall be levied by the Association; and

(3) Construction Fund and Disbursement: The proceeds of insurance collected on account of the casualty, and the sums received by the Association from collections of assessments against Unit Owners pursuant to Section 10.2(2) on account of such casualty, shall be payable to the Association and shall be held in trust for the benefit of Unit Owners and their mortgagees. The trust fund shall be used for construction and be disbursed in the following manner: (a) if the estimated cost of reconstruction and repair is less than One Hundred Thousand (\$100,000.00) Dollars, then the construction fund shall be disbursed in appropriate progress payments, or upon order of the Executive Board; provided, however, that upon request of fifty percent (50%) of the first lien Mortgagees (based upon one vote for each Mortgage held) such funds shall be disbursed pursuant to Section 10.2(3)(b); (b) if the estimated cost of reconstruction

and repair is One Hundred Thousand (\$100,000.00) Dollars or more, then the construction fund shall be disbursed in payment of such costs upon approval of an architect qualified to practice in the State of Maine (the "Architect") and approved by fifty percent (50%) of the first lien Mortgagees, payment to be made from time to time as the work progresses; the Architect shall be required to furnish a certificate giving a brief description of the services and materials furnished by various contractors, subcontractors, materialmen, the architect and other persons who have rendered services or furnished materials in connection with the work stating that: (i) the sums requested by them in payment are justly due and owing and that such sums do not exceed the value of the services and materials furnished; (ii) there is no other outstanding indebtedness known to such Architect for the services and materials described; (iii) the cost as estimated by such Architect for the work remaining to be done subsequent to the date of such certificate does not exceed the amount of the construction fund remaining after payment of the sum so requested; and (c) when the damage is to both Common Elements and Units, the insurance proceeds shall be applied first to the cost of repairing the Common Elements and thereafter to the cost of repairing the Units; and (d) the first monies disbursed in payment of the cost of reconstruction and repair shall be from any insurance proceeds and, if there is a balance in the construction fund after the payment of all of the costs of the reconstruction and repair for which the fund is established, such balance shall be distributed among all Unit Owners, Mortgage holders and lien holders, as their respective insurable interests may appear, in proportion to their respective Common Element Interests or the Common Element Interests to which their respective Mortgages are subject, unless such balance resulted from a fund collected solely from a Unit Owner assessed because of said Unit Owner's negligence or omission.

Section 10.3 Damage or Destruction; No Repair or Replacement. If the entire Condominium is not repaired or replaced: (1) the insurance proceeds attributable to the damaged Common Elements shall be used to restore the damaged areas of the Common Elements to a condition compatible with the remainder of the Condominium as determined by the Executive Board or Architect; (2) the insurance proceeds attributable to Units and Limited Common Elements which are not rebuilt shall be distributed to the Owners and Mortgagees of those Units as their insurable interests appear and the Owners and Mortgagees of the Units to which those Limited Common Elements were assigned or allocated, as their insurable interests may appear; and (3) the remainder of the proceeds shall be distributed to all the Unit Owners and Mortgagees, as their insurable interest may appear, in proportion to their respective Common Element Interests or the Common Element Interests which are subject to respective Mortgages. If the Unit Owners and their Mortgagees vote not to rebuild any Unit, that Unit's entire Allocated Interests shall be automatically reallocated upon said vote as if the Unit had been condemned as provided in Article IX of this Declaration and the Association shall prepare, execute and record an amendment to this Declaration reflecting the re-allocations. Notwithstanding any provisions of this Article to the contrary, Section 1602-118 of the Act governs the distribution of insurance proceeds if the Condominium is terminated.

ARTICLE XI: INSURANCE

Section 11.1 Policies. Commencing no later than the time of the first conveyance of a Unit other than as security for an obligation to a person other than the Declarant, the Executive Board on behalf of the Association shall obtain, or cause to be obtained, and shall maintain, the policies of insurance described in Sections 11.2, 11.4, and 11.5 to the extent such policies shall be reasonably available from reputable insurance companies. To the extent that any of the insurance described in said sections becomes in the future no longer available, the Association shall obtain in substitution therefor such comparable insurance as shall then be available.

Section 11.2 Property Insurance. The Executive Board shall obtain and maintain as a Common Expense a blanket-type or master standard form of "all-risk" fire insurance policy with extended coverage, vandalism, malicious mischief, wind storm, debris removal, cost of demolition and water damage endorsements issued by an insurance company authorized to do business in the State of Maine insuring as a single entity the entire Property (exclusive of land, foundations, excavations, and other similar items customarily excluded from property insurance policies), including the Units and any bathroom and service fixtures, service machinery, and other appliances and apparatus initially installed therein by the Declarant and the replacements thereto installed by the Declarant but not including furniture, wall coverings, furnishings or other personal property supplied or installed by Unit Owners, and including all air-conditioning and heating equipment and other service machinery contained in the Property covering the interests of and naming as named insureds, the Association (for the use and benefit of the individual Unit Owners), the Executive Board and all Unit Owners and their Mortgagees and their Mortgagees' successors and assigns, as their insurable interests may appear. It shall contain a standard Maine Mortgage Clause in favor of each Mortgagee of a Unit with provisions that the proceeds of loss, if any, shall first be payable to each Mortgagee, its successors and assigns, as its insurable interest may appear. It shall be for an amount no less than one hundred percent (100%) of the then current full replacement cost of the Property (exclusive of the land, excavations, foundations and other similar items customarily excluded from such coverage), without deduction for depreciation (such amount to be redetermined annually by the Executive Board with the assistance of the insurance company affording such coverage). Such policy shall contain such "deductible" as the Executive Board shall reasonably deem appropriate, but the maximum deductible amount shall be not greater than the lesser of Ten Thousand Dollars (\$10,000.00), one percent (1%) of the policy face amount, or that amount required under Federal National Mortgage Association, d/b/a Fannie Mae ("FNMA") and Federal Home Loan Mortgage Corporation, d/b/a Freddie Mac ("FHLMC") guidelines and shall also contain all endorsements required by the guidelines promulgated by FNMA and FHLMC, as amended from time to time, together with the following provisions:

(1) The following endorsements (or their equivalent): (a) "no control", i.e. to the effect that coverage shall not be prejudiced by any act or neglect of any occupant or Unit Owner or their agents when such act or neglect is not within the control of the insured, or the Unit Owners collectively; nor by any failure of the insured, or the Unit Owners collectively, to comply with any warranty or condition with regard to any portion of the Condominium over

which the insured, or the Unit Owners collectively, have no control; (b) "Construction Code Endorsement" or "increased cost of construction"; (c) steam boiler coverage endorsement, if applicable; and (d) "agreed amount" or elimination of co-insurance clause and inflation-guard endorsement, if applicable; (2) That any "no other insurance" clause expressly exclude individual Unit Owners' policies from its operation so that the physical damage policy purchased by the Executive Board shall be deemed primary coverage and any individual Unit Owners' policies shall be deemed excess coverage, and in no event shall the insurance coverage obtained and maintained by the Executive Board hereunder provide for or be brought into contribution with insurance purchased by individual Unit Owners or their Mortgagees; (3) Each Unit Owner is an insured person under the policy with respect to liability arising out of his ownership of an undivided interest in the Common Elements or membership in the Association; (4) The insurer waives its right to subrogation under the policy against any Unit Owner of the Condominium or members of his household; (5) No act or omission by any Unit Owner, unless acting within the scope of his authority on behalf of the Association, will void the policy or be a condition to recovery under the policy; and (6) If, at the time of a loss under the policy, there is other insurance in the name of a Unit Owner covering the same risk covered by the policy, the Association's policy provides primary insurance.

Section 11.3 Losses; Adjustment and Payment. Any loss covered by the insurance policy described in Section 11.2(1) and (2) of this Article shall be adjusted with the Association by its Executive Board, and the insurance proceeds for said loss shall be payable to the Association, and not to any Mortgagee. The Association shall hold any insurance proceeds in trust for Unit Owners, Mortgagees and other lien holders as their interests may appear. Subject to the provisions of Section 11.3 and Section 10.2(3), the proceeds shall be disbursed first for the repair or restoration of the damage to the Property, and Unit Owners, Mortgagees and other lien holders are not entitled to receive payment of any portion of the proceeds unless there is a surplus of proceeds after the damaged Common Elements and Units have been repaired or restored, or the decision has been made not to repair or restore the damage as provided in Section 10.1(3) and Section 14.6, or the Condominium is terminated.

Section 11.4 Liability Insurance. The Executive Board shall obtain and maintain, as a Common Expense, comprehensive general public liability insurance (including medical payments insurance) and property damage insurance in such limits as the Board may from time to time determine, insuring each Executive Board Member, any managing agent, each Unit Owner and the Declarant against any liability to the public or to the Unit Owners (and their invitees, agents and employees) covering all occurrences commonly insured against for death, bodily injury or property damage arising out of, or incident to, the maintenance, ownership or use of the Common Elements and the use of the public ways serving the Condominium and/or relating to any legal liability resulting from suits or actions related to employment contracts to which the Association is a party. Such insurance shall be issued on a comprehensive liability basis and shall contain: (1) a cross liability endorsement under which the rights of a named insured under the policy shall not be prejudiced with respect to his action against another named insured; and (2) a "severability of interest" endorsement which shall preclude the insurer from denying liability to a Unit Owner because of negligent acts of the Association or of another Unit

Owner. The Executive Board shall review such limits once each year, but in no event shall such insurance be less than one million dollars covering claims for bodily injury or property damage arising out of one occurrence.

Section 11.5 Other Insurance. The Executive Board shall obtain and maintain as a Common Expense: (1) insurance to satisfy the indemnification obligations of the Association as provided in this Declaration to the extent available and at the option of the Executive Board; (2) worker's compensation insurance if and to the extent necessary to meet the requirements of law; (3) blanket fidelity bond coverage for any management agent and for anyone who handles or is responsible for funds held or administered by the Association whether or not compensation is received for such services, which fidelity bond shall name the Association as an obligee; (4) directors and officers insurance; and (5) such other insurance as the Executive Board may determine or as may be requested from time to time by a majority in voting interest of the Unit Owners. Said fidelity bond shall cover the greater of (a) the maximum funds in the custody of the Association or management agent at any time, and in addition shall be at least equal to the sum of three months of assessments on all Units plus the Association's reserve funds or (b) 150% of the estimated annual operating expenses, including reserves of the Condominium. The fidelity bond shall provide for ten days' written notice to the Association and each servicer that services a Unit mortgage owned by FNMA or EHLMC before the bond can be cancelled or modified for any reason.

Section 11.6 Memoranda, Cancellation, Additional Required Provisions. All insurers which issue an insurance policy or policies to the Association, upon request, shall issue a copy of the policy to any Unit Owner or Mortgagee. The Association shall use its best efforts to cause all such insurers issuing the policy not to cancel (including cancellation for non-payment of premium), substantially modify or refuse to renew such policy or policies until twenty (20) days after notice of the proposed cancellation, modification or non-renewal has been mailed to the Association, the managing agent, each Unit Owner and each Mortgagee to whom a certificate or memorandum of insurance has been issued at their respective last known addresses. All policies under this Article shall in addition contain the following provisions: (1) The insurer waives any right to claim by way of subrogation against the Declarant, the Association, the Executive Board, the managing agent or the Unit Owners, and their respective agents, employees, guests and, in the case of Unit Owners, the members of their household; and (2) The Declarant, so long as Declarant shall own any Unit, shall be protected by all such policies as a Unit Owner.

Section 11.7 Separate Insurance. Each Unit Owner shall have the right, at his own expense, to obtain insurance for his own Unit and for his own benefit and to obtain insurance coverage upon his personal property and for his personal liability as well as upon any improvements made by him to his Unit under coverage normally called "improvements and betterments coverage", and for such other risks as are normally insured against; provided, however, that no Unit Owner shall be entitled to exercise his right to acquire or maintain such insurance coverage so as to decrease the amount which the Executive Board, on behalf of all Unit Owners, may realize under any insurance policy maintained by the Board or to cause any insurance coverage maintained by the Board to be brought into contribution with insurance

coverage obtained by a Unit Owner. All such policies shall contain waivers of subrogation. Each Unit Owner shall obtain and maintain general liability insurance in such amounts as required by the Association from time to time and shall provide a certificate of insurance to the Executive Board for each term of coverage at least two (2) weeks prior to the expiration date of the current term of such insurance.

ARTICLE XII: RESTRICTIONS ON USE, OCCUPANCY
OR ALIENATION OF UNITS

Section 12.1 Use and Occupancy Restrictions on Units. Each Unit shall be occupied and used subject to the following restrictions: (1) no Unit shall be used for other than residential purposes (with the exception of any such Units during the time period when they are being used by the Declarant as a sample, model or sales office) of the Unit Owners or such other persons to whom the Unit Owners have leased the Unit in accordance with this Declaration, the Bylaws and any rules and regulations adopted by the Association; nothing in this Declaration shall be construed to prohibit the Declarant from exercising any easements and rights reserved by the Declarant pursuant to this Declaration for any purposes including promotional, marketing or display purposes, from using any appropriate portion of the Common Elements for exercising these reserved rights, settlement of sales of Units and for customer service purposes, or from leasing Units owned by Declarant as provided in this Declaration; (2) nothing shall be done or kept in any Unit or in the Common Elements which will increase the rate of insurance for the Property or any part thereof applicable for commercial use without the prior written consent of the Executive Board; no Unit Owner shall permit anything to be done or kept in his Unit or in the Common Elements which will result in the cancellation of insurance on the Property or any part thereof or which would be in violation of any law, regulation or administrative ruling; no waste will be committed on the Common Elements; (3) no Unit shall be used so as to create a nuisance or an unreasonable interference with the peaceful possession and occupation or proper use of any other Unit or the Common Elements; (4) no owner or occupant of any Unit shall carry on, or permit to be carried on, any practice which unreasonably interferes with the quiet enjoyment and proper use of another Unit or the Common Elements by the Owner or occupant of any other Unit, or which creates or results in a hazard or nuisance on the Property; (5) the maintenance, keeping, boarding and/or raising of animals, laboratory animals, livestock, poultry or reptiles of any kind, regardless of number, is prohibited within any Unit or upon the Common Elements except that the Association may adopt rules permitting certain household pets; and (6) the Units shall be occupied and used in accordance with the provisions of the Land Use Ordinance of the City of Portland. The Association may adopt rules which would eliminate any specific pet which was adjudged to have become a nuisance.

Notwithstanding any of the foregoing, a Unit owner may use a Unit for the purpose of a home office, provided, however, that any such use complies with all applicable state and local laws, ordinances and regulations, and that such use is otherwise consistent with the Condominium Documents.

Section 12.2 Leasing Restrictions. No Unit shall be rented for a period of less than six months. No Unit Owner shall lease a Unit other than on written form of lease requiring the lessee to comply with the Condominium Documents and rules and regulations of the Association. Each Unit Owner shall, promptly following the execution of any lease of a Unit, notify the Association in writing of the name of the tenant and the term of the lease and any options in the lease to renew, extend or purchase. The Bylaws may provide for further regulation and rental of Units, except that no other restrictions will be imposed relating to the term of any lease or rental agreement.

Section 12.3 Voluntary Resale of Units. The following provision applies to the sales of Units by all Unit Owners other than the Declarant: No Unit Owner shall be liable for the payment of any part of the Common Expenses assessed against his or her Unit subsequent to the date of recordation of a bona fide conveyance in fee of such Unit by the Owner to a new Owner. In a voluntary transfer of a Unit, the grantee of the Unit shall be jointly and severally liable with the grantor for all unpaid assessments and special assessments for Common Expenses made by the Executive Board against the latter up to the time of the recordation of grantor's transfer, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. However, any person who shall have entered into an agreement to purchase a Unit from a Unit Owner shall be entitled to a certificate from the Executive Board as provided by Section 1604-108(b) of the Act, and the grantee shall not be liable for nor shall the Unit conveyed be subject to a lien for, any assessments or unpaid special assessments made by the Executive Board against the grantor for Common Expenses in excess of those disclosed on such certificate. All Unit Owners shall comply with Section 1604-108 of the Act. Except as provided in this Article, there are no other restrictions governing the voluntary transfer of a Unit.

Section 12.4 Rules and Regulations. Each Unit may be used subject to all restrictions contained in the Unit deed, this Declaration, the Bylaws of the Association, and the Rules and Regulations of the Association, as amended from time to time.

Section 12.5 Affordability of Units. Pursuant to that certain Declaration of Covenants, Conditions and Restrictions dated December 16, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28370, Page 265 (the "Affordability Declaration"), all Units shall be sold to persons or families whose incomes do not exceed 120% of the area median income (the "Affordable Units"). Pursuant to the Affordability Declaration, for a period of 15 years after completion of the Condominium, the resale price of the Affordable Units is restricted and the Affordable Units may not be sold except to those persons or households whose incomes do not exceed 120% of the area median income, and at a price determined by formula to be affordable to those purchasers. The Association shall not have any power to amend the Affordability Declaration.

Section 12.6 Local Zoning. The Units shall be used and occupied in accordance with all local zoning requirements of the City of Portland.

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ARTICLE XIII: APPLICABILITY, COMPLIANCE AND DEFAULT

Section 13.1 Applicability. This Declaration shall be applicable to the Condominium. All present and future Owners and tenants, their guests, servants, agents and employees and any other person or persons that shall be permitted to use the Common Elements shall be subject to this Declaration, the Bylaws and to such rules and regulations as may be issued according to the Bylaws by the Executive Board or the members of the Association from time to time governing the conduct of its members and the use and occupancy of the Property. Ownership, rental or occupancy of any of the Units in the Condominium shall be conclusively deemed to mean that said Owner, tenant or occupant has accepted and ratified this Declaration, the Bylaws and the rules and regulations of the Association and will comply with them. The acceptance of a deed or conveyance (other than as security) or the entering into of a lease or the entering into of occupancy of any Unit (other than possession by a Mortgagee prior to either the completion of foreclosure or the acceptance of a deed to the Unit subject to the Mortgage held by such Mortgagee) shall signify that the provisions of this Declaration and the Bylaws, the rules and regulations of the Condominium and the decisions of the Executive Board are accepted and ratified by such Owner, tenant or occupant, and all of such provisions shall be deemed and taken to be covenants running with the land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited and stipulated at length in each and every deed or conveyance or lease thereof.

Section 13.2 Compliance and Default. (1) Each Unit Owner shall be governed by and shall comply strictly with the terms, covenants, conditions and restrictions of this Declaration, Bylaws and the rules and regulations adopted pursuant thereto, and the same as they may be amended from time to time. (2) The Executive Board shall have the power to enforce compliance with such reasonable rules and regulations relative to the operation, use and occupancy of the Units and the Common Elements consistent with the provisions of this Declaration and the Act, including, but not limited to the appointment of such committees and the enactment and enforcement of such enforcement procedures and penalties for violations as the Executive Board shall deem appropriate. The rules and regulations shall be adopted, amended, or rescinded from time to time, by means of appropriate resolutions duly approved by the Executive Board or by vote of the Unit Owners in accordance with the Bylaws. A copy of such rules and regulations and copies of any amendments thereto shall be delivered or mailed to each Owner or occupant of a Unit promptly after the adoption thereof. (3) Failure of the Unit Owner to comply therewith shall entitle the Association or Unit Owners to the remedies provided in this Declaration and the Act, and also to the following relief, none of which remedies shall be exclusive of any other remedies: (a) Suits: Failure to comply with the terms of this Declaration, the Bylaws and the rules and regulations adopted pursuant thereto, as the same may be amended from time to time, shall entitle the Association or any aggrieved Unit Owner to sue for the recovery of damages or for injunctive relief, or both. Such relief shall not be exclusive of other remedies provided by law; (b) Costs and Attorney's Fees: In any proceeding arising because of an alleged failure of a Unit Owner to comply with the terms of the Condominium Documents and rules and regulations adopted pursuant thereto, as the same may be amended from time to time, the prevailing party shall be entitled to recover the costs of the proceeding and reasonable

attorney's fees; provided, however, that no attorney's fees may be recovered against the Executive Board in any such action unless the court shall first expressly find that the Executive Board acted in bad faith; and (c) No Waiver of Rights: The failure of the Declarant, or the Executive Board, or any Unit Owner to enforce any covenant, restriction or other provision of the Act, the Condominium Documents or the rules and regulations adopted pursuant thereto, shall not constitute a waiver of the right to do so thereafter.

Section 13.3 Appeal and Hearing Procedure; Actions by Owners. Unit Owners shall have the right to object, challenge, commence any suit at law or in equity or take any other action under any act, power or authority now in force or hereafter to be enacted against the Association, but not until the Unit Owner has followed such procedures established by the Executive Board by rule or regulation consistent with the provisions of this Paragraph. The Executive Board, or a committee as may be appointed by the Executive Board, shall hear appeals from Unit Owners or lessees of alleged violations of the Condominium Documents and rules and regulations of the Association. Unit Owners shall not have the right to appeal assessments for or collections of assessments for Common Expenses. The Executive Board or such committee shall hold a hearing on any such appeal within thirty (30) days after the receipt by the Executive Board of a formal notice of appeal from a Unit Owner or resident. A decision shall be issued in writing by the Executive Board within ten (10) days after the conclusion of the hearing. The Executive Board shall have the right to establish various rules and procedures governing the operation and administration of the appeal and hearing process and the enforcement of the Condominium Documents and rules and regulations. Unless the internal remedies provided by this Section and such rules and regulations as may be promulgated by the Executive Board shall be expressly waived by the Association or the Association fails or refuses to act, no action at law or in equity shall be commenced by any Unit Owner or resident until such internal remedy is pursued to exhaustion. Any action by a Unit Owner against any other Unit Owner or resident arising out of any term, covenant or condition contained in the Condominium Documents or any rule or regulation made pursuant thereto shall be subject to the same procedures.

ARTICLE XIV: MORTGAGES OF UNITS; RIGHTS OF MORTGAGEES

Section 14.1 Right to Mortgage. Each Unit Owner shall have the right to mortgage or encumber his own respective Unit together with the Allocated Interests appurtenant to such Unit. Except as otherwise permitted by Section 1603-112 of the Act and subject to this Declaration, no Unit Owner shall have the right or authority to mortgage or otherwise encumber in any manner whatsoever the Common Elements or any part thereof except his own Unit and his own respective Allocated Interests appurtenant to his Unit. A Unit Owner who mortgages his Unit shall notify the Executive Board in writing of the name and address of his Mortgagee(s) and shall file a conformed copy of the note and Mortgage with the Executive Board.

Section 14.2 Mortgage Foreclosure. Foreclosure by a Mortgagee of a Unit shall proceed by civil action according to 14 M.R.S.A. §6321, et seq., as amended, or pursuant to the remedies provided in the mortgage or through deed (or assignment) in lieu of foreclosure. The

Association shall be named party in the proceedings if a lien exists for assessments that were or may become payable to the Association before the foreclosure sale. A first mortgage recorded before or after the date on which an assessment became delinquent, has priority over any lien which the Association may have. The foreclosure sale will extinguish as to the Mortgagee the lien for assessments that were payable before the foreclosure sale but the proceeds from the sale will be disbursed according to the provisions of the judgment regarding priority of liens, including any assessments owed to the Association.

Section 14.3 Notices to Eligible Mortgage Holder. The Association shall send written notice by certified or registered mail with a return receipt requested to each affected Eligible Mortgage Holder at the address identified pursuant to Section 17.3 of this Declaration of the following proposed actions either within a reasonable period prior to the taking of any of such proposed actions or at the time that notice thereof is given to Unit Owners unless another time is specified herein: (1) the termination of the Condominium pursuant to Section 1602-118 of the Act and this Declaration; (2) a change in the Allocated Interests appurtenant to any Unit, a change in the boundaries of a Unit, or the subdivision of a Unit; (3) the merger or consolidation of the Condominium with another condominium; (4) the conveyance or subjection to a security interest of any portion of the Common Elements; (5) the proposed use of any proceeds of Property Insurance required to be obtained and maintained by the Association pursuant to Section 1603-113, subsection (a) of the Act, for purposes other than repair or restoration of the damaged property; (6) the adoption of any proposed budget under Section 1603-103, subsection (c) of the Act, the date of the meeting of Unit Owners scheduled to consider ratification of such proposed budget, and a summary of the proposed budget; or (7) any default in the performance or payment by a Unit Owner of any obligations under this Declaration, the Bylaws or any rules and regulations of the Association, including, without limitation, default in the payment of Common Expense. Any action taken by the Declarant which has been reserved as a Declarant's right under this Declaration does not require notification of the Eligible Mortgage Holders.

Section 14.4 Voting by Eligible Mortgage Holders. In the event of any of the proposed actions requiring that a notice be sent to the Eligible Mortgage Holders as set forth in Section 14.3, an Eligible Mortgage Holder shall have the right but not the obligation in place of the Unit Owner to cast the votes allocated to that Unit or give or withhold any consent required of the Unit Owner for such action. This right shall be exercised by the Eligible Mortgage Holder delivering written notice to the Association with a copy to the Unit Owner, prior to or at the time of the taking of the proposed action, which notice shall be sent by certified or registered United States mail, return receipt requested, or by delivery in hand, all according to 33 M.R.S.A. § 1602-119(c). Failure of the Eligible Mortgage Holder to so exercise such right shall constitute a waiver thereof.

Section 14.5 Notices to First Lien Mortgagees and Guarantors. The Association shall send written notice by certified or registered mail with a return receipt requested to each affected first lien Mortgagee and to each affected Guarantor (as such term is defined at the end of this Section) of the following proposed actions either within a reasonable period prior to the taking of any of such proposed actions or at the time that notice thereof is given to Unit Owners unless

another time is specified herein: (1) any condemnation loss or any casualty loss which affects a material portion of the Condominium or any Unit on which there is a first Mortgage held by such first lien Mortgagee or Guarantor; (2) notice of any default or delinquency in the payment of assessments for Common Expenses or any other charges owed by an Owner of a Unit subject to a Mortgage held of record by such first lien Mortgagee or Guarantor, or any other default in the performance or payment by such an Owner of a Unit of any obligation under this Declaration, the Bylaws or any rules and regulations of the Association, which delinquency or other default continues for a period of sixty (60) days; (3) any lapse, cancellation or material modification of any insurance policy or fidelity bond required to be maintained under the Declaration or Bylaws by the Association; or (4) any proposed action which would require the consent of a specified percentage of first lien Mortgagees as specified in Section 14.6. For purposes of this Section "Guarantor" means the guarantor of a recorded first Mortgage on a Unit in the Condominium which has delivered written notice to the Association by prepaid United States mail, return receipt requested, or by delivery in hand securing a receipt therefor, stating the name and address of such guarantor, the name and address of the Owner of the Unit encumbered by such Mortgage which is guaranteed by the Guarantor, the identifying number of such Unit, and containing a statement that such Mortgage is a recorded first mortgage and has been guaranteed by the Guarantor.

Section 14.6 Mortgagee Approval Rights

(1) The prior written approval of at least eighty percent (80%) of the voting interest of the Unit Owners and fifty-one (51%) percent of first lien Mortgagees shall be required to terminate or abandon the Condominium.

(2) The prior written approval of at least sixty-seven percent (67%) of the voting interest of the Unit Owners, and at least fifty-one (51%) percent of first lien Mortgagees, shall be required to alter or change the Allocated Interests, except as otherwise provided in the Act with respect to approval by Unit Owners. The exercise of Development Rights reserved by the Declarant in this Declaration does not require approval by either the Unit Owners or Mortgagees.

(3) Any abandonment, partition, subdivision, encumbrance, sale or transfer of any of the Common Elements (except for granting easements for utilities or other public purposes consistent with the intended use of the Common Elements and the exercise of rights reserved by the Declarant under Article V) by act or omission shall require the prior written approval of at least eighty (80%) percent in voting interest of the Unit Owners and fifty-one percent (51%) of first lien Mortgagees.

(4) The prior written approval of at least fifty-one percent (51%) of first lien Mortgagees shall be required to do any of the following: (i) any partition or subdivision of any Unit; (ii) abandonment, partition, subdivision, encumbrance, sale or transfer of any Common Elements, other than the granting of easements for public utilities or other public purposes consistent with the intended use of the Common Elements; (iii) any change in the procedure that protects the first Mortgagee's interest when handling any losses or proceeds from condemnation,

destruction, or liquidation of all or a part of the project, or from termination of the project; (iv) any change in voting rights except as allowed for additional phases or annexations in accordance with the initial project documents; (v) any change in the Unit Owner's interest in or obligations to the project in order to levy assessments or charges, to allocate distribution of homeowners insurance proceeds or condemnation awards, or to determine the Unit Owner's interest in the Common Elements; (vi) changes in the priority of liens for Association assessments of Common Expenses or Limited Common Expenses; (vii) reductions in reserves for maintenance, repair and replacement of Common Elements; (viii) responsibility for maintenance and repair of the Common Elements; (ix) reallocation of interests in Common Elements or rights to their use; (x) redefinition of any Unit boundaries; (xi) conversion of Units into Common Elements or Common Elements into Units; (xii) expansion or contraction of the project, or the addition, annexation or withdrawal of property to or from the project, except as allowed for additional phases or annexations in accordance with the initial project documents; (xiii) change in required insurance coverage; (xiv) imposition of any new restrictions on the leasing or rental of units; (xv) imposition of any new restrictions on a Unit Owner's right to sell or transfer a unit; and (xvi) any other amendments to this Declaration of a nature materially adverse to the interest of first lien Mortgagees.

(5) A first lien Mortgagee who receives a written request sent in the manner set forth in Section 17.3 to approve any actions or amendments to the documents shall exercise such right by delivering written notice to the Association with a copy to the Unit Owner, which notice shall be sent by certified or registered United States mail, return receipt requested, or by hand. A first lien Mortgagee who does not deliver to the requesting party a negative response within sixty (60) days after the giving of notice shall be deemed to have approved such request in writing.

Section 14.7 Other Rights of Eligible Mortgage Holders and First Lien Mortgagees. In the event of any default by a Unit Owner in payment of assessments or performance of obligations pursuant to the Condominium Documents as more fully described in Section 14.3(7) of this Article, the first lien Mortgagee holder of the Mortgage on such Owner's Unit shall have the right but not the obligation to cure such default. In addition to, but not by way of limitation of, all rights granted to Eligible Mortgage Holders pursuant to the Act and to this Declaration to cast the votes allocated to a Unit in lieu of the Unit Owner or which require a certain percent approval by Eligible Mortgage Holders, any Eligible Mortgage Holder, or its representative, shall have the right to attend meetings of the Association and Executive Board for the purposes of discussing the matters described in Sections 14.3(1) - (5). No provision of the Condominium Documents shall be deemed or construed to give a Unit Owner, or any other person, priority over the rights of first lien Mortgagee pursuant to its Mortgage in the case of a distribution to Unit Owners of insurance proceeds or condemnation awards for losses to or a taking of Units, Common Elements, or both. Each first lien Mortgagee shall be entitled to examine the financial records and books of account of the Association upon reasonable prior written notice to the Association and shall be entitled at the expense of the first lien Mortgagee to an audited financial statement for the preceding fiscal year.

ARTICLE XV: AMENDMENT

Except in cases of amendments to this Declaration as described in the Act in Sections 1601-107, Eminent Domain; 1602-108, Allocation of Limited Common Elements; 1602-112, Reallocation of Boundaries Between Adjoining Units; 1602-113, Subdivision of Units; or 1602-118, Termination of Condominium, and except in cases of amendments to the Declaration that may be executed by the Declarant under Section 1602-109(f) Plat and Plans or under Section 1602-110, Exercise of Development Rights, of the Act, and subject to the other provisions of this Declaration and of the Act, this Declaration and the Plat and Plans may be amended as follows:

Section 15.1 Before Any Conveyance. Prior to the conveyance of any Unit by the Declarant to a Unit Owner other than as security for an obligation, the Declarant shall have the right to amend this Declaration in any manner that the Declarant may deem appropriate.

Section 15.2 After First Conveyance. After the first conveyance of a Unit by a Declarant, excepting amendments to the Declaration, Plat and Plans made by the Declarant in accordance with rights preserved under Article V, the terms of the following subparagraphs shall apply to the amendment of this Declaration:

(1) Notice. Notice of the subject matter of a proposed amendment shall be included in the notice of any meeting of the Executive Board in which a proposed amendment is considered, and shall be served upon all Unit Owners in the manner provided in Section 17.1 for service of notices and upon Eligible Mortgage Holders and first lien Mortgagees, if required under Section 14, in the manner identified in Section 17.3.

(2) Resolution. An amendment to this Declaration may be proposed by either the Executive Board or by Unit Owners holding in the aggregate no less than twenty (20%) percent of the votes in the Association. No resolution of the Executive Board adopting a proposed amendment shall be effective unless it has been adopted at a meeting of the Association duly called and held in accordance with the Bylaws by the affirmative vote of at least sixty-seven (67%) percent in voting interest of the Unit Owners, and has been approved by the requisite percentage of first lien Mortgagees if required under Section 14, and then executed and recorded as provided in Section 15.2 (5).

(3) Agreement. In the alternative, an amendment may be made by an agreement signed by the record Unit Owners to which at least sixty-seven (67%) percent of the votes in the Association are allocated in the manner required for the execution of a deed and acknowledged by at least one of them, and which has been approved by the requisite percentage of first lien Mortgagees if required under Section 14, and such amendment shall be effective when recorded.

(4) Certain Amendments. Except as otherwise permitted by the Act or provided in this Declaration, no amendment may increase the number of Units or change the boundaries of any Unit, or the uses to which any Unit is restricted without the unanimous consent of the Unit

Owners and the consent given and delivered as in Section 14.6 of fifty-one (51%) percent of the first lien Mortgagees. No amendment of this Declaration shall make any change which would in any way affect any of the rights, privileges, powers and options of the Declarant, its successors or assigns, unless the Declarant, or its successors or assigns shall join in the execution of such amendment.

(5) Execution and Recording. A copy of each amendment shall be attached to or included with a certificate, certifying that the amendment was duly adopted, which certificate shall be executed and acknowledged by such officer or officers of the Association and/or member or members of the Executive Board designated for that purpose in the Bylaws. The amendment shall be effective when such certificate and copy of the amendment are recorded.

(6) Notice and Challenge. No action to challenge the validity of an amendment to this Declaration adopted by the Association pursuant to this Article may be brought more than one year after such amendment is recorded. After each amendment to this Declaration adopted pursuant to this Article has been recorded, notice thereof shall be sent to all Unit Owners and to all Eligible Mortgage Holders at the address last furnished to the Executive Board and to the first lien Mortgagees at the address listed in the Mortgage, but failure to send such notices shall not affect the validity of such amendment. The Association shall make copies of the Declaration and all amendments thereto available for inspection at reasonable times upon reasonable request for such inspection.

Section 15.3 Secondary Market Requirements. Notwithstanding anything to the contrary stated herein, Declarant may amend this Declaration at any time without obtaining approval from any Unit Owner or any other party in order to bring the Declaration into compliance with the requirements of FNMA, FHLB or the U. S. Department of Housing and Urban Development Federal Housing Administration.

ARTICLE XVI. EASEMENTS AND LICENSES

Section 16.1 Recorded Easements and Licenses. The recording data for previously existing recorded easements and licenses appurtenant to or included in the Condominium or by virtue of any reservation contained in this Declaration, are stated and set forth in Exhibit A hereto.

Section 16.2 Utilities, Pipes and Conduits. Each Unit Owner shall have an easement in common with all other Unit Owners to use all pipes, wires, ducts, cables, conduits, public utility lines and other Common Elements serving his Unit and located in any of the other Units. Each Unit shall be subject to an easement in favor of all other Unit Owners to use the pipes, ducts, cables, wires, conduits, public utility lines and other Common Elements serving such other Units and located in such Unit.

Section 16.3 Structural Support. Each Unit shall have an easement to the extent necessary for structural and subjacent support over every other Unit and over the Common Elements, and each Unit and the Common Elements shall be subject to an easement for structural and lateral support in favor of every other Unit.

Section 16.4 Ingress, Egress and Regress. Each Unit Owner shall have an easement, subject to any rules and regulations established by the Association, in common with all other Unit Owners to use the entrances, exits, corridors and other Common Elements as a means of ingress, egress and regress to and from the Property and the adjoining public streets. The Association shall not and cannot establish any rules and regulations depriving any Unit Owner of reasonable ingress, egress and regress to and from his Unit, the Property and Common Elements, and the adjoining public streets.

Section 16.5 Encroachments. If any portion of the Common Elements or Limited Common Elements hereafter encroaches upon any Unit, or if any Unit hereafter encroaches upon any other Unit or upon any portion of the Common Elements or Limited Common Elements, as a result of settling or shifting of the Building or if the Building or Units are not constructed precisely in accordance with the dimension shown on the Plat and Plans or otherwise except as a result of the purposeful or negligent act or omission of the Owner of the encroaching Unit, or of the Association in the case of encroachments by the Common Elements or Limited Common Elements, a valid easement appurtenant to the encroaching Units, Common Elements or Limited Common Elements for the encroachment and for the maintenance of the same shall exist for so long as the encroachment shall exist. In the event that the Building shall be partially destroyed as a result of fire or other casualty or as a result of taking by the power of, or in the nature of, eminent domain or by an action or deed in lieu of condemnation, and then is rebuilt, encroachments of a portion or portions of the Common Elements or Limited Common Elements upon any Unit or of any Unit upon any other Unit or upon any portion of the Common Elements or Limited Common Elements, due to such rebuilding, shall be permitted, and valid easements appurtenant to the encroaching Units, Common Elements or Limited Common Elements for such encroachments and the maintenance thereof shall exist so long as the Building as so rebuilt shall stand.

Section 16.6 Common Elements Easement in Favor of Unit Owners. The Common Elements (including, but not limited to, the Limited Common Elements) shall be and are hereby made subject to the following easements in favor of the Units benefited: (1) for the installation, repair, maintenance, use, removal and/or replacement of lighting fixtures, electrical receptacles, panel boards and other electrical installations which are Common Elements adjacent to such Unit; provided that the installation, repair, maintenance, use, removal or replacement of any such item does not unreasonably interfere with the common use of any part of the Common Elements, adversely affect either the thermal or acoustical character of the Building or impair or structurally weaken the Building; (2) for driving and removing nails, screws, bolts and other attachment devices into the Unit side surface of the stone, block, brick or other masonry walls bounding the Unit and the Unit side surface of the studs which support the dry wall or plaster perimeter walls bounding the Unit, the bottom surface of floor joists above the Unit to the extent

such nails, screws, bolts and other attachment devices may encroach into a part of a Common Elements adjacent to such Unit; provided that any such action will not unreasonably interfere with the common use of any part of the Common Elements, adversely affect either the thermal or acoustical character of the Building or impair or structurally weaken the Building; and (3) for the maintenance of the encroachment of any lighting devices, outlets, exhaust fans, ventilation ducts, registers, grilles and similar fixtures which serve only one Unit but which encroach into any part of any Common Elements or Limited Common Elements on the date this Declaration is recorded or was thereafter installed by Declarant during the Declarant Control Period or within two (2) years after the termination thereof.

Section 16.7 Association's Rights. The Association shall have rights reserved to it by the Declarant in Section 5.3. It shall have the reasonable right of entry upon any Unit to make emergency repairs and to do other work reasonably necessary for the proper maintenance or operation of the Condominium. The Association shall have the right to grant permits, licenses and easements over the Common Elements for utilities, ways and other purposes reasonably necessary or useful for the proper maintenance or operation of the Condominium. The Association has a right of access to each Unit for the purpose of making inspections or for the purpose of correcting any condition originating in a Unit or elsewhere and threatening another Unit or a Common Element, or for the purpose of performing installations, alterations or repairs to the mechanical or electrical services, other Common Elements or Units, provided that requests for entry are made in advance and that any such entry is at a time reasonably convenient to the Unit Owner, and provided further that judicial proceedings shall be instituted by the Association before any items of construction can be altered or demolished. In case of an emergency, such right of entry shall be immediate, whether the Unit Owner is present at the time or not.

Section 16.8 Special Declarant Rights. Declarant, its successors and assigns have the rights and easements specified in Article V of this Declaration entitled Special Declarant Rights.

ARTICLE XVII: NOTICES TO UNIT OWNERS BY ASSOCIATION

Section 17.1 To Unit Owners. All notices, demands, bills, statements or other communications affecting the Condominium shall be given to Unit Owners by the Association in writing, if requested, and shall be deemed to have been duly given if delivered personally or sent by United States mail, postage prepaid, or if such notification is of a default or lien, sent by registered or certified United States mail, return receipt requested, postage prepaid, addressed to the Unit Owner at the address which the Unit Owner shall designate in writing and file with the Secretary of the Association, or if no such address is so designated, the address of the Unit of such Unit Owner who is the record owner thereof.

Section 17.2 To the Association. All notices, demands, statements or other communications affecting the Condominium shall be in writing and shall be deemed to have been duly given to the Association if delivered personally or sent by United States mail, postage prepaid, return receipt requested, addressed to the Association at the principal office of the

managing agent, or if there shall be no managing agent, then to the Secretary of the Association at the address of the Unit of which the Secretary is the record Unit Owner thereof.

Section 17.3 Eligible Mortgage Holder and First Lien Mortgagee. All notices, demands, statements or other communications affecting the Condominium given by the Association to any Eligible Mortgage Holder or first lien Mortgagee shall be in writing and shall be deemed to have been duly given by the Association if delivered personally or sent by certified or registered mail, return receipt requested, addressed to the Eligible Mortgage Holder at the address identified pursuant to this Declaration or to the first lien Mortgagee at the address set forth in the Mortgage.

ARTICLE XVIII: TAXATION

Section 18.1 Separate Taxation. If there is any Unit Owner other than the Declarant, each Unit and its Allocated Interests shall be deemed to be a separate tax parcel and shall be separately taxed and assessed by the City of Portland. Except to any extent required by law, neither the Building, the Property nor any of the Common Elements shall be deemed to be or assessed individually as a separate tax parcel.

Section 18.2 Units Not Yet Separately Assessed. In the event that for any year real estate taxes assessed by the City of Portland and are not separately taxed and assessed to each separate Unit Owner but are taxed on the Property as a whole, then each Unit Owner shall pay his proportionate share thereof in accordance with his respective Common Element Liability.

ARTICLE XIX: TERMINATION OF CONDOMINIUM

The Condominium shall not be terminated except as provided in, and subject to, Section 1602-118 of the Act, and only by agreement of Unit Owners of Units to which at least eighty (80%) percent of the Votes of the Association are allocated, but an Eligible Mortgage Holder shall have the right but not the obligation in place of the Unit Owner to cast the vote allocated to that Unit subject to its mortgage by delivering written notice to the Association with a copy to the Unit Owner prior to or at the time of taking the proposed action as allowed under the Act. Additionally, approval of first lien Mortgagees is required as previously described in Section 14.6.

ARTICLE XX: MISCELLANEOUS

Section 20.1 Interpretation; Conflict. In the event of any conflict or discrepancy between this Declaration, the Bylaws and the Plat and Plans, this Declaration shall govern. If any provision of this Declaration, the Bylaws or the rules and regulations, or any section,

sentence, clause, phrase, or word therein, or the application thereof in any circumstances be judicially held in conflict with any applicable laws, including, but not limited to, the Act, then the laws shall be deemed controlling; but the validity of the remainder of this Declaration, the Bylaws and rules and regulations, and the application of any such provision, section, clause, phrase, or word in other circumstances shall not be affected thereby and all of the other provisions of this Declaration shall continue in full force and effect as if such invalid provision had never been included herein. The captions herein are inserted only as a matter of convenience and for reference, and in no way define, limit or describe the scope of this Declaration or the intent of any provisions hereof. The use of the singular number in this Declaration shall be deemed to include the plural, and the use of any one gender shall be deemed applicable to all genders. No provision contained in this Declaration shall be deemed to have been abrogated or waived by reason of any failure to enforce the same irrespective of the number of violations or breaches which may occur. Any dispute or disagreement between Unit Owners with respect to interpretation or application of this Declaration or the Bylaws or rules and regulations shall be determined by the Executive Board, which determination shall be final and binding on all parties.

Section 20.2 Remedies Cumulative. All rights, remedies and privileges granted to the Executive Board or a Unit Owner pursuant to any terms, provisions, covenants or conditions of the Condominium Documents shall be deemed to be cumulative, and the exercise of any one or more shall not be deemed to constitute an election of remedies nor shall it preclude the party thus exercising the same from exercising such other and additional rights, remedies, or privileges as may be granted to such party hereunder or by any instruments or documents incorporated herein by reference or at law or in equity.

Section 20.3 Arbitration. In any dispute between one or more Unit Owners and the Declarant regarding the Common Elements, the Executive Board shall act for the Unit Owners, and any agreement with respect thereto by the Board shall be conclusive and binding upon the Unit Owners. Any dispute or disagreement between Unit Owners other than Declarant with respect to the interpretation or application of this Declaration or the Articles of Incorporation, the Bylaws or rules and regulations of the Association shall be determined by the Executive Board, which determination shall be final and binding on all parties subject to a disputant's right to appeal the decision by seeking arbitration following the procedures set forth hereinbelow.

All claims, disputes and other matters in question between the Declarant, on the one hand, and the Association or any Unit Owners on the other hand, arising out of or relating to, this Declaration, the Bylaws, or the deed to any Unit or the breach thereof, except for claims which have been waived by the acceptance of a deed, shall be decided by arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association then obtaining unless the parties mutually agree otherwise. This agreement to arbitrate shall be specifically enforceable under the prevailing arbitration law. The award rendered by the arbitrators shall be final, and judgment may be entered upon it in accordance with applicable law in any court having jurisdiction thereof. Notice of the demand for arbitration shall be filed in writing with the other parties and with the American Arbitration Association. The demand for arbitration shall be made within a reasonable time after the claim, dispute or other matter in

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question has arisen, and in no event shall it be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statute of limitations or other principles of law and equity.

IN WITNESS WHEREOF, Avesta Adams LLC, the Declarant, has caused this Declaration to be executed by _____, its _____ thereunto duly authorized, as of the date first above written.

WITNESS:

AVESTA ADAMS LLC, Declarant

By
Name:
Its

STATE OF MAINE
CUMBERLAND, SS.

Personally appeared the above-named _____, _____ of Avesta Adams LLC, as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

Before me,

Notary Public/Attorney-at-law

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EXHIBIT A

PROPERTY DESCRIPTION

A certain lot or parcel of land in the City of Portland, County of Cumberland and State of Maine bounded and described as follows:

Beginning at a point at the intersection of the southerly sideline of Moody Street with the westerly sideline of Vesper Street;

Thence S 46° 55' 14" E along the westerly sideline of said Vesper Street 201.44 feet to the northerly sideline of Wilson Street;

Thence S 43° 04' 56" W along the northerly sideline of said Wilson Street 160.60 feet;

Thence N 46° 55' 04" W across land now or formerly of the City of Portland 201.44 feet to the southerly sideline of said Moody Street;

Thence N 43° 04' 56" E along the southerly sideline of said Moody Street 160.59 feet to the point of beginning containing 32,350 Sq. Ft.

The Land is subject to the following easements and encumbrances:

1. State of facts depicted on a Topographic & Planimetric Survey on Moody St., Vester St., Wilson Street & Munjoy St. Portland, Maine, made for Woodard & Curran by Owen Haskell, Inc., dated July 21, 2010.
2. Declaration of Covenants, Conditions and Restrictions by and between Avesta Housing Development Corporation and the City of Portland dated December 16, 2010 and recorded in Book 25370, Page 265.

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EXHIBIT B

ALLOCATED INTERESTS.

Unit No.	Address	Percentage Interest	Vote in the Association
1	48 Moody Street	[to be determined]	1
2	48 Moody Street		1
3	48 Moody Street		1
4	48 Moody Street		1
5	48 Moody Street		1
6	48 Moody Street		1
7	48 Moody Street		1
8	48 Moody Street		1
9	48 Moody Street		1
10	48 Moody Street		1
11	48 Moody Street		1
12	48 Moody Street		1
13	48 Moody Street		1
14	48 Moody Street		1
15	48 Moody Street		1
16	48 Moody Street		1
		TOTAL:	100%

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EXHIBIT C

ADAMS SCHOOL CONDOMINIUM
ALLOCATION of CERTAIN LIMITED COMMON ELEMENTS

Unit No.

Parking Space

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EXHIBIT D

(Reduced copy of Plats and Plans)

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Attachment D.1

COMMITMENT & INTEGRITY
DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635



August 2, 2011

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Response to Comments

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. The enclosed application and plans have been updated to incorporate the feedback we received during the final submission review. The following letter provides a summary of the final review comments provided by the Planning Department and consulting review engineers. The design team's response to these comments follows in italics.

Per previous discussions, the impervious areas for Parcel A have been updated and are shown in the updated project data sheet and Figure 1, which have been attached for your reference.

Comments from Jean Fraser, City of Portland, Planning Division, email dated July 27, 2011

- Condo Documents: I don't see these in the submissions – we need drafts to be reviewed by City legal advisors before the Hearing;

Avesta Housing provided Condominium Documents to the City via email on August 1st. These documents have also been uploaded to EPlan for your reference.

- RTI: I have been advised that we need the updated docs (more recent than May 2010 P&S) which confirm that Avesta has secured the funds from Maine State Housing.

Avesta Housing provided Documentation of Right, Title & Interest and Financial Capacity to the City via an email dated August 1, 2011. These documents have also been uploaded to EPlan for your reference.

- "Stamps": The Plan L1 needs to be stamped by both a Landscape Architect and Licensed Professional Engineer (it is stamped by LA).

Landscape Architects are permitted to stamp grading and drainage plans, per Title 32 provisions, Chapter 3-A, Subchapter 2, Section 220.2. The Title 32 provisions have been attached for your reference. We understand that the City is requesting an engineering stamp on these plans per the Land Use Ordinance, and we will be addressing this requirement under separate cover.

- Playground (FYI): Regina Leonard has confirmed that she is seeking a note from Sally DeLuca that confirms the details re design and play equipment and that they are acceptable to Recreation Department – needed as there are no site plan standards for playgrounds and the Board will be looking for reassurance on this.

Regina Leonard has provided the Planning Department with a color sketch of the playground and manufacturer's literature of the play equipment. The proposed playground equipment and park



layout was designed with input from the Department of Recreation. Attached, please find an email from Sally DeLuca and Ethan Owens approving the park and playground concept.

- The planning board will be looking at the entirety of parcels A and B and so I may be asking for additional info for the Board so they understand the end-condition of these parcels...we would like a (preferably colored) plan that shows the final condition on the parcel A including the residual city land and areas where the school demolition has taken place. This will not be reviewed as such but is to help the Board understand the overall site plan- so it does not need to be completed urgently.

This information is summarized on the attached Figure 2, as requested.

- Please send separate PDFs of the several large scaled plans that have been folded and included in the folder in plastic "holders".

These plans have been separated from the application report, and provided as separate PDF documents on the EPlan site, as requested.

- Please send elevations of the houses where they face the intermediate (E-W) walkways; please have the wall mounted lighting shown on these if possible.

PDT Architects have prepared the requested elevation. The document was provided to the City for review on Monday August 1, 2011. We received comments from the City via email dated August 1, 2011, regarding this plan and other architectural design components. PDT Architects is currently addressing these comments and further information will be provided under separate cover.

Comments from Al Palmer, Gorrill-Palmer Consulting Engineers, email dated July 27, 2011

- Sheet C2 Site Plan
 - The Tree Grate closest to the Moody Street Striped Cross Walk appears to be in the middle of the sidewalk. Is there adequate space to meet ADA clearance for a wheel chair as proposed?

The plan has been corrected to show the tree grates along the curb line.

- The two Tree Grates along Wilson Street between the Striped Cross Walk and the Site Driveway are along the curb line, however, there is a void behind the tree grates that doesn't appear to have brick. Why?

The Site Plan has been modified to show brick behind the two tree grates along Wilson Street.

- Sheet C3 Grading and Erosion Control Plan
 - Have the conditions of the two catch basins proposed to receive reset headstones been assessed? What is the condition of the catch basins, and should they be replaced if found to be deficient?



The proposed construction will not impact or modify the existing catchbasin structure, beyond headstone replacement; and therefore catch basin replacement is not anticipated.

- A significant amount of curb is proposed to be reset along Moody Street, Vesper Street and Wilson Street. Do any of these streets have underdrain along these curb lines? Should installation of underdrain be considered, as it would not be practicable to add it in the future after the curb has been reset?

Underdrains are not currently proposed along the curb lines, as it is not necessary for the site's development and no impacts to existing street drainage are anticipated as a result of the project's construction.

- Sheet C4 Utility Plan

- The water main is shown connecting to both Moody Street and Wilson Street. This would seem to be inconsistent with installation of a fireline meter near Wilson Street.

Acknowledged, the connection at Moody Street has been removed on the attached planset.

- The water meter pit at Wilson Street will result in a significant obstruction to any future utility work in that street, as the vault is 12' long and installed perpendicular to the street. We would recommend that DPS consider requiring that the vault be installed outside of the right of way.

The vault has been located within the City Right of Way at the request of the Portland Water District. We understand that the Portland Water District would prefer to have access to the meter within the public right of way, rather than through an easement.

- 4" Sewer services are shown at Moody Street. With the number of units proposed, we'd recommend that the use of 6" sewer services be considered.

Four inch sewer services have been coordinated with the City of Portland DPS during the Preliminary Site Plan Submission. The City accepted four inch sewer services, because six inch sewer services would have required the installation of sewer manholes in order to connect to the existing 10-inch sewer main in Moody Street. The four inch sewer services are sufficient to convey the sewer flow generated from the development.

- For clarity purposes, we'd recommend that the sewer services that cross SD Pipe 13 and 14 include inverts so that it is clear that the two sewers run between the buildings and are not connected to SD 13 and 14.

Inverts for the sewer services crossing SD Pipes 13 and 14 have been added to the Utility Plan.

- Pipe 1 in Wilson Street should be labeled as a SD even though it is connecting to a combined sewer at the intersection of Vesper and Wilson.

Acknowledged

- Sheet C6



- The Typical New and Reset Curb Installation detail indicates a 7" Curb Reveal or Match Exist. As Directed. We'd recommend that DPS require only 7" so that a uniform curb reveal is provided.

Acknowledged.

- Sheet L1

- Due to the amount of grading and drainage work shown on this sheet, it is our understanding the State Law would require this plan to be stamped by both a Landscape Architect and a Licensed Professional Engineer.

Landscape Architects are permitted to stamp grading and drainage plans, per Title 32 provisions, Chapter 3-A, Subchapter 2, Section 220.2. The Title 32 provisions have been attached for your reference. We understand that the City is requesting an engineering stamp on these plans per the Land Use Ordinance, and we will be addressing this requirement under separate cover.

- On Sheet C1 it appears that the water service in the "O'Brion Street ROW" is to be removed, where on Sheet L1 it is being shown as remaining for use with the park.

The water service connection on L1 will be updated accordingly. A revised plan will be provided under separate cover.

Thank you for coordinating this review process. We look forward to discussing this project further during the August 9th Public Hearing. Please feel free to call at anytime if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in cursive script that reads "Denise Cameron".

Denise Cameron, PE
Project Manager

AEA
219804

Enclosure(s)

cc: Seth Parker, Avesta Housing
Alan Kuniholm, PDT Architects
Regina Leonard, Landscape Architecture & Design

Alt 0.5

From: "Denise Cameron" <dcameron@woodardcurran.com>
To: "Jean Fraser" <JF@portlandmaine.gov>
CC: "Seth Parker" <SParker@avestahousing.org>, "Lauren Swett" <lswett@woodardcurran.com>, <cogan@pdtarchs.com>, <leivian@pdtarchs.com>, "Alan Kuniholm" <kuniholm@pdtarchs.com>
Date: 8/4/2011 12:21 PM
Subject: Adams School Architectural Plans
Attachments: A200 - Exterior Elevations.pdf; A100 - Site Plan.pdf; A101 - Ground Floor Plan.pdf; A102 - First Floor Plan - Building A.pdf; A103 - Second Floor Plan - Building B.pdf

Hi Jean,

Attached, please find pdfs of the updated Adams School architectural plans, for your use. The following email from PDT Architects describes the modifications made to the plans, as requested by the City. If you need any additional information, please feel free to call at anytime.

Regards,
Denise

Denise Cameron, P.E., Woodard & Curran
PH: 800.426.4262|FX:207.774.6635

-----Original Message-----

From: Kathy Cogan [mailto:cogan@pdtarchs.com]
Sent: Thursday, August 04, 2011 12:13 PM
To: Denise Cameron; Marilyn Leivian; Alan Kuniholm
Cc: Katherine Fischer
Subject: RE: information

Hi Denise,

Attached please find revised plans and elevations. The elevations have been noted to include material designations. I have also included the elevation of the mid-block walkway on the exterior elevation sheet for convenience. This elevation has been modified to include windows on the second floor for all the bathrooms and some clerestory windows for the living space on the first floor at the suggestion of the planning board.

I believe all the material questions have been addressed thus far. I believe the site lighting also addresses any safety issues. The mailbox issue is one that will be dictated somewhat by the postal service. At this time, Avesta is still working on how the units will be addressed. We will be providing two central mail box locations at the Moody and Wilson ends of the buildings.

Call me if you need anything else.

Thanks!
Kathy

Denise Cameron

From: Regina Leonard [Regina@rsldesign.com]
Sent: Tuesday, August 02, 2011 12:45 PM
To: Denise Cameron
Subject: Fwd: Adams School Playground

Begin forwarded message:

From: "Sally Deluca" <SLD@portlandmaine.gov>
Date: August 2, 2011 12:15:37 PM EDT
To: "Jean Fraser" <JF@portlandmaine.gov>
Cc: "Ethan Owens" <EOWENS@portlandmaine.gov>, "Regina Leonard" <regina@rsldesign.com>
Subject: Adams School Playground

Ethan and I approve the schematic drawing as presented to us in June 2011 and look forward to working with Avesta as we work through the construction phase of the natural and playground elements.

Sally

Jean Fraser - RE: Adams School Playground

From: Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org>
To: Sally Deluca <SLD@portlandmaine.gov>, Ethan Owens <EOWENS@portlandmaine....>
Date: 5/25/2011 12:34 PM
Subject: RE: Adams School Playground
CC: Seth Parker <SParker@avestahousing.org>, Anita LaChance <ARL@portlandmai...>

Sounds good, Sally. I just realized that I neglected to copy Jean in the last email and so I am doing so here.

Jean, hope you can make this meeting (see below).

Ethan

Ethan Boxer-Macomber, AICP, LEED AP
Senior Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
(O) 207-553-7780 x284
(M) 207-272-8550
www.avestahousing.org

From: Sally Deluca [mailto:SLD@portlandmaine.gov]
Sent: Wednesday, May 25, 2011 12:33 PM
To: Ethan Boxer-Macomber; Ethan Owens
Cc: Seth Parker; Anita LaChance; regina@rslsdesign.com; jaime@trails.org
Subject: RE: Adams School Playground

That will be just fine Ethan. See you at 8:30 a.m. on June 2nd here at the Cummings Center.

Sal

>>> Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org> 5/25/2011 9:34 AM >>>

Hello Sally-

Yes, a sit down is very much in order. June 2 works for me if we can start at 8:30 and wrap up by 9:45 so that I can make a meeting back here at the office.

In addition to discussing the old playground, I hope we can also talk a bit about the new one as well; design, installation, timelines, etc. I think it's important that we are all in agreement on the program and process going forward.

I have also invited Seth Parker here in our office, Regina Leonard the LA on the project, and Jean

Fraser from the Planning Dept.. Seth will be taking over management of the Adams School Redevelopment project for Avesta in June when I transition to a new position here in our agency. Regina has facilitated the public participation process and generated the park design. Jean is the lead Planner on the ongoing public process with the Planning Board.

Realizing that I have expanded the agenda and list of invitees substantially here, does 6/2 @ 8:30 work for all?

Ethan

Ethan Boxer-Macomber, AICP, LEED AP
Senior Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
(O) 207-553-7780 x284
(M) 207-272-8550
www.avestahousing.org

From: Sally Deluca [mailto:SLD@portlandmaine.gov]
Sent: Wednesday, May 25, 2011 8:30 AM
To: Ethan Boxer-Macomber; Ethan Owens
Cc: Anita LaChance
Subject: Adams School Playground

Ethan,

Ethan Owens and I would love to site with you for a brief meeting to discuss the "old" playground at Adams and timeline for removal. Do you have any free time next Thursday morning June 2nd? We would be happy to host the meeting here at the Cummings Center.

Thanks
Sally

>>> Ethan Owens 5/24/2011 2:06 PM >>>

Have a great day,

Ethan Owens
Certified Playground Safety Inspector
Athletic Facilities, Playground & Courts Manager
Recreation Department ~ City of Portland
134 Congress St
Portland, Maine 04103 ~ USA
207-756-8275/Fax 207-756-8279
eowens@portlandmaine.gov

>>> Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org> 5/9/2011 10:14 AM >>>

Ethan-

I've attached the PP show that we presented to the neighborhood on 4/26. It includes the latest project concepts as well as a timeline going forward. I'd like to connect with you and other parks staff to coordinate future phases of this project; e.g. access to the existing playground during demolition and construction as well as process for design and development of the new City park.

Perhaps we can come up with a time when Regina Leonard and I can sit down with you, Sally, and Troy sometime mid next week?

Ethan

Ethan Boxer-Macomber, AICP, LEED AP
Senior Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
(O) 207-553-7780 x284
(M) 207-272-8550
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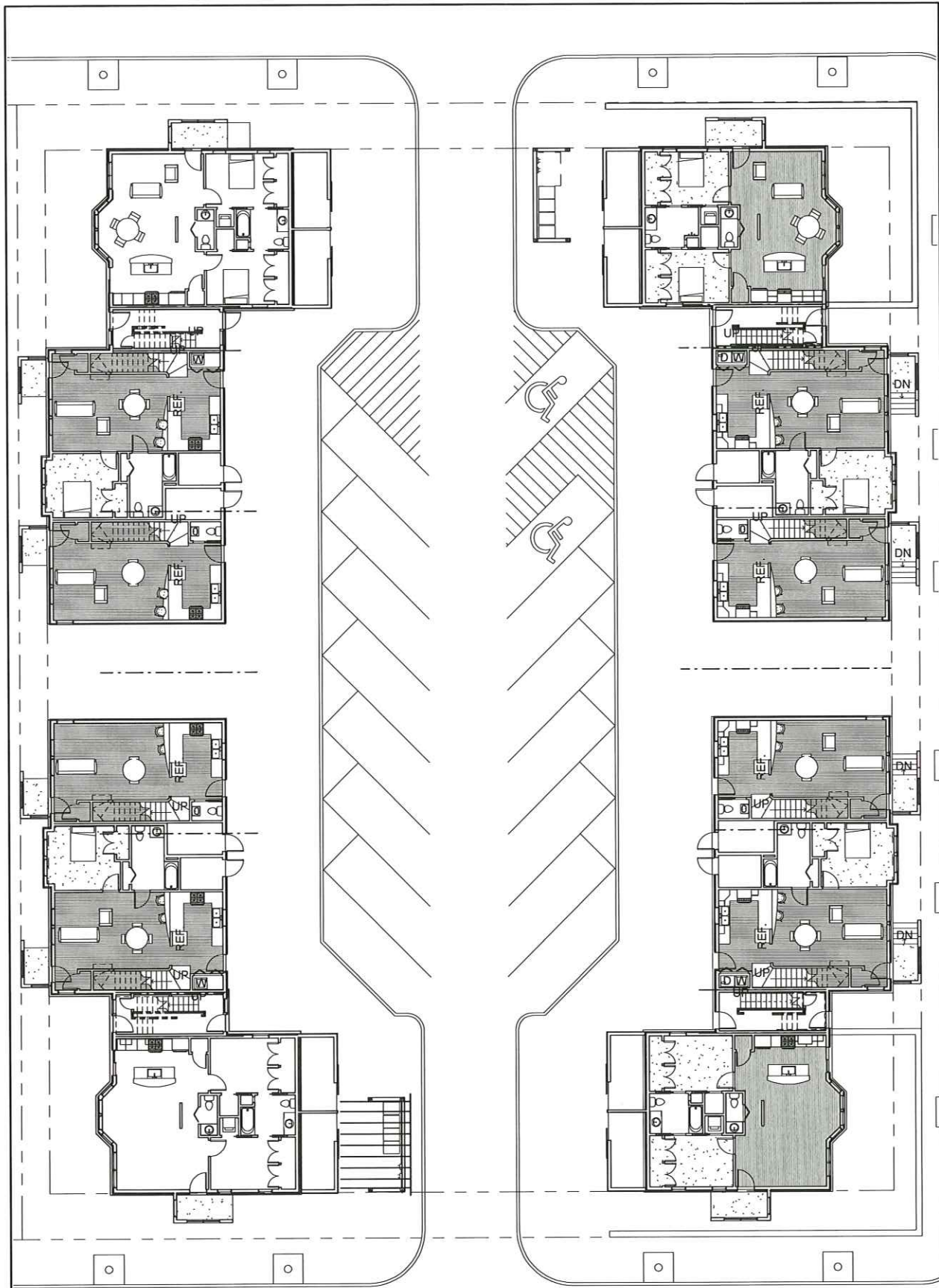
From: Ethan Owens [mailto:EOWENS@portlandmaine.gov]
Sent: Friday, April 15, 2011 10:05 AM
To: Ethan Boxer-Macomber
Subject: Adams

Hi Ethan,
Can you give any kind of a time table for Adams?

Have a great day,

Ethan Owens
Certified Playground Safety Inspector
Athletic Facilities, Playground & Courts Manager
Recreation Department ~ City of Portland
134 Congress St
Portland, Maine 04103 ~ USA
207-756-8275/Fax 207-756-8279
eowens@portlandmaine.gov

No virus found in this message.
Checked by AVG - www.avg.com



① 11x17 FIRST FLOOR PLAN - 1/16"
1/16" = 1'-0"

PDT ARCHITECTS
 ARCHITECTURE
 INTERIOR DESIGN
 PLANNING
 49 DARTMOUTH STREET
 PORTLAND, MAINE 04101
 www.pdtarch.com

© 2010 PDT Architects

ADAMS SCHOOL REDEVELOPMENT
Portland, ME

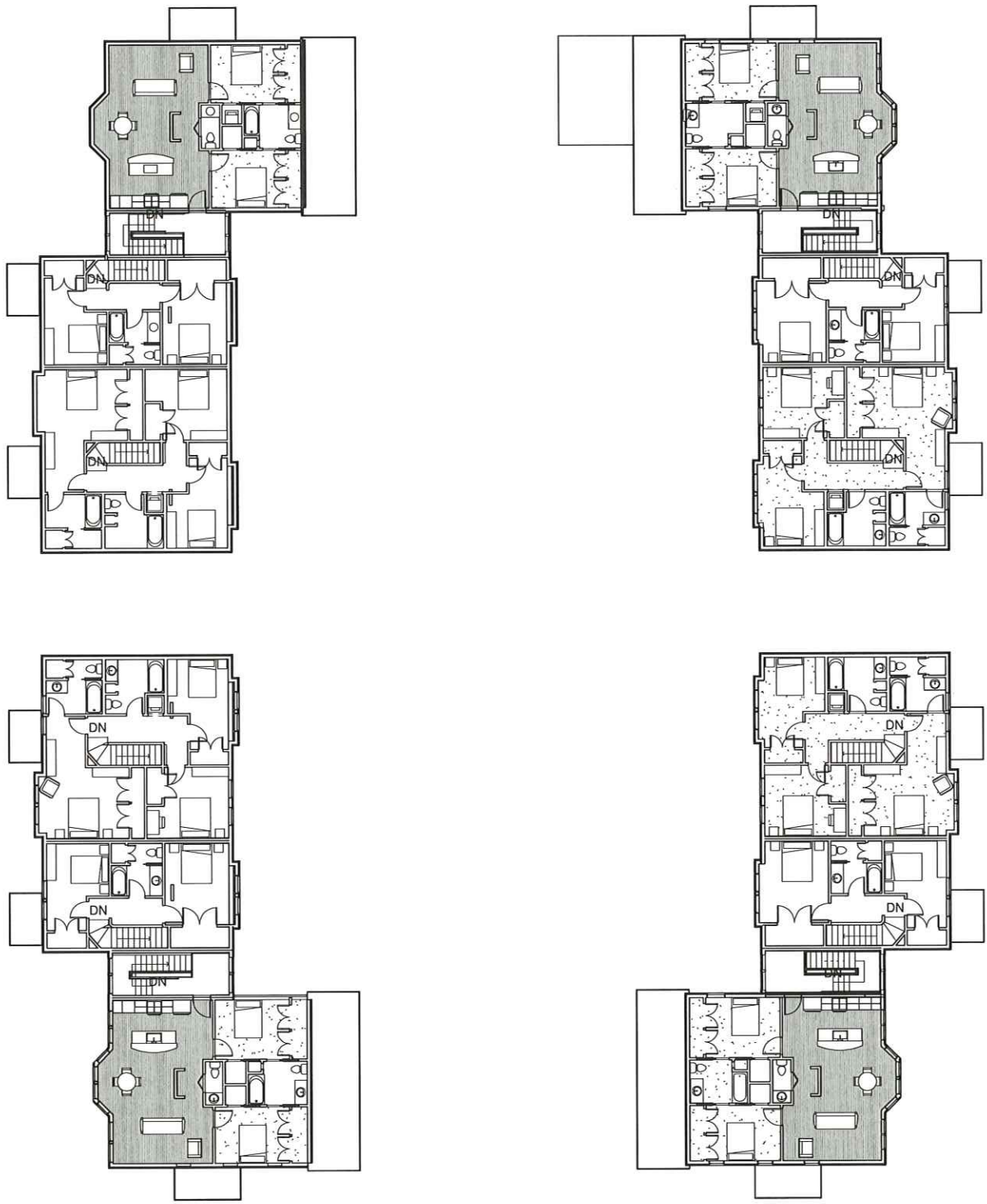
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11x17 plan - 1/16"

JOB # 08-056
 DATE 03/01/11
 SCALE 1/16" = 1'-0"

SHEET
Axx2

Checker

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1 11x17 SECOND FLOOR PLAN - 1/16"
1/16" = 1'-0"



© 2010 PDT Architects

ADAMS SCHOOL REDEVELOPMENT
Portland, ME

TITLE
11x17 second floor plan -
1/16"

JOB # 08-056
DATE 02/10/11
SCALE 1/16" = 1'-0"

SHEET
Axx1

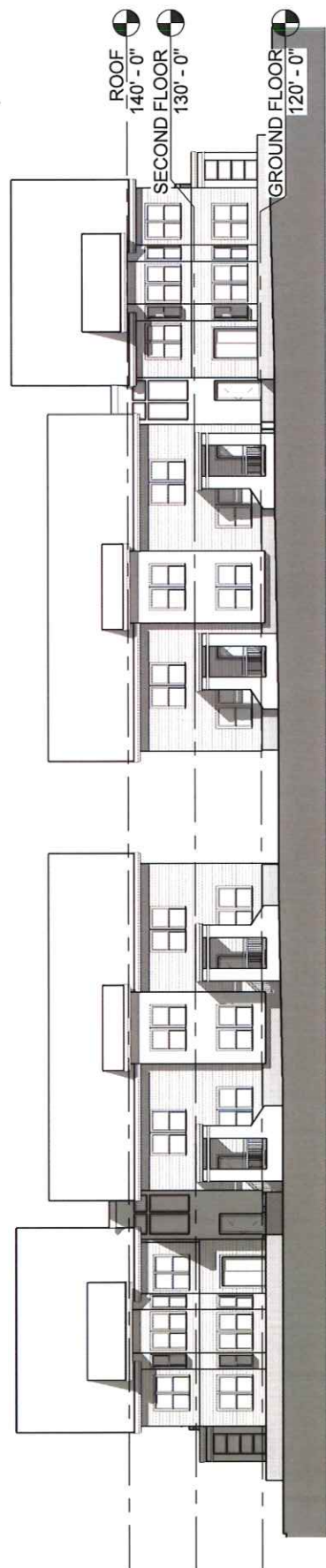
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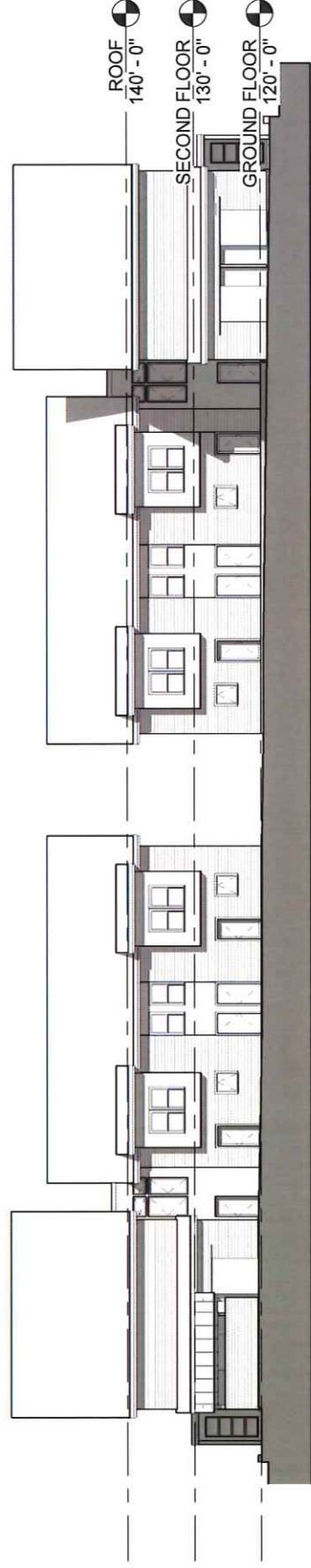
ADAMS SCHOOL REDEVELOPMENT
Portland, ME

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STUDY EXTERIOR ELEVATION EAST - STREET
② 1/16" = 1'-0"



① EXTERIOR ELEVATION WEST - PARKING
1/16" = 1'-0"

**Adams School Redevelopment
Impervious Area Summary**

Area	Existing Impervious (sf)	Proposed Impervious (sf)	Difference (sf)
Public Park	7,568	5,892	-1,676
Remaining City Land	14,649	6,807	-7,842
Parcel B, Avesta Housing	16,529	21,532	5,003
Total	38,746	34,231	-4,515



EXISTING CONDITION AREA SUMMARY (SQUARE FEET)

AREA	ROOF	PAVEMENT	IMPERVIOUS WALKWAY	TOTAL IMPERVIOUS	PERVIOUS LANDSCAPE /PLAY AREA	TOTAL AREA
PUBLIC PARK	1,830	5,481	257	7,568	8,816	16,384
REMAINING CITY LAND	5,640	9,009	0	14,649	1,927	16,576
PARCEL B HOUSING	1,199	13,792	1,538	16,529	15,821	32,350
TOTAL	8,669	28,282	1,795	38,746	26,564	65,310

Superadded

Jean Fraser - RE: RE: Adams School Demolition

From: Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 3/28/2011 12:05 PM
Subject: RE: RE: Adams School Demolition

Jean-

Please see responses below in blue.

Ethan

Ethan Boxer-Macomber, AICP, LEED AP
Senior Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
(O) 207-553-7780 x284
(M) 207-272-8550
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, March 25, 2011 2:12 PM
To: Ethan Boxer-Macomber
Subject: Fwd: RE: Adams School Demolition

Ethan

No sooner had I sent this than I heard the april 4th meeting needs to be at [2pm](#) instead of 2;30pm- is that OK????

[2:00 is fine. Where will the meeting be held?](#)

Jean

>>> Jean Fraser 3/25/2011 2:07 PM >>>
Hi Ethan,

Several things:

1. The meeting with you to discuss the revised plans is scheduled for [2:30pm Monday April 4th](#) (hope thats still OK for you); who will be attending from your side?

2. Could you please confirm the date/time/place of the required Neighborhood Meeting?

Working on scheduling that today. Tentatively thinking of holding that on either 4/12 or 4/26. Could you ask admin to generate a set of mailing labels for us?

3. Any chance of a prelim pdf of revised site plan and grading plan - as the pdfs you sent to Barbara are just the building plans; it would be helpful to David and Marge to at least have a glance at the revised site plan/grading prior to the meeting.

The revised site plan is being developed now in response the new building configuration. I will see that a pdf is forwarded to you as soon as it is available. We will try to get that together by the time of the meeting on the 4th.

thanks
Jean

Jean Fraser - Adams School demo info

From: Jean Fraser
To: Boxer-Macomber, Ethan
Date: 5/19/2011 4:42 PM
Subject: Adams School demo info
CC: DiPierro, Philip; Rickett(rickett@abatementpros.com), Bob

*discussed Amy P
5-19-11 - meet
her next week (Thurs)
& send bkgrd info.*

Ethan

Thank you for these answers...but.....

*5-24-11 met Amy
let her see final plan
submission esp. re playground
etc*

What about any fencing around the building demo area once the building is down? Or will it be loamed and seeded with no permanent fencing.

Also, what is expected of the contractor regarding the removal/repair of his fencing (around the 1.5 acre site) and opening of gates after demo is complete ie how will the larger site (both the part that will be overtaken by the housing/park development and the part outside that area) be left?

thanks
Jean

>>> Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org> 5/19/2011 2:06 PM >>>

Jean-

Thanks for these comments on the demo permit application. Please see responses below.

Ethan

Ethan Boxer-Macomber, AICP, LEED AP
Senior Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
(O) 207-553-7780 x284
(M) 207-272-8550
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, May 19, 2011 11:09 AM
To: Ethan Boxer-Macomber
Subject: Re: FW: Drainage for Open space

Ethan

I have looked at the Demo permit submitted to Inspections last friday for the Adams School.

It seems to focus on the asbestos removal even though it is stated to be for "demolition of complete structure "; it does not address key questions that I think I raised with you previously and are being asked now by Phil (re determining the Performance Guarantee) and Penny, such as:

- how much of the paved area would remain after demolition?

We will only be removing the school building and foundation. No site features (pavements, landscaping, trees) are to be disturbed. The scope is limited to the building itself.

- how the area would be kept safe (eg type and location of fencing after the building is down) so that users of the area over the summer are safe

When the demolition phase begins, our contractor will be securing the entire 1.5 acre area that was previously the school parcel. There is perimeter fence in place around almost all of the site now and so his focus will be on closing off gates and openings. The fences will also be posted "no entry".

- utility measures/caps etc

Our contractor has contacted all of the utility companies and has made arrangements for discontinuations. Dave Pineo has authorized us to cap the sewer at the property line and to have our site contractor conduct the drain seal protocol when we get into construction. Otherwise we'd be opening the street twice in one year. I'll forward you the email from Dave on topic under separate cover.

- area of loaming and seeding.

Again, limited to the actual footprint of the building which is only about 8-9,000 s.f in area. Our contractor is working up the loam and seed estimate now and I will be sure to get that to you and Phil as soon as I have it. To date, I only have an allowance figure for the work- figure Phil will need something more formal.

Could you please send me a plan showing the above? (I will circulate to colleagues as appropriate)

I have attached an aerial of the site showing the building location and the division of land ownership. This is Exhibit A to the license that the City issued us to access the land for the purpose of abatement and demolition (also attached). Do you need something more formal? Or is "building footprint only" a sufficient explanation?

Also protection of the larger trees during demolition may need to be addressed.

No trees will be impacted.

Re our earlier e-mail exchange re the site plan revisions, if a catchbasin is under consideration outside the park area (in the residual city owned area) we would like to know where that is- the only reason for asking now is to avoid abortive work for your team if the proposed location proves to be unacceptable to others here.

I asked out design team to provide this to you the same day you made the request. I'll check to see where that stands. It may be caught up in the site revision process which still has a few moving parts that we are trying to figure out.

Call or email anytime if you have additional questions, concerns, or need additional documentation.

thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728



Demolition of a Structure Permit Application

rec'd
5-13-11
w/ fee 5-18-11

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>48 Moody St. Portland, Me</u>		
Total Square Footage of Proposed Structure <u>17,000 S/F</u>		Square Footage of Lot: <u>1.5 ACRES (1.75 By Avesta) (1.75 By City of Portland)</u>
Tax Assessor's Chart, Block & Lot: Chart# <u>313</u> Block# <u>M/P</u> Lot# <u>#1,2,3,5,7</u>	Owner: <u>City of Portland 389 Congress St. Portland, Me. Danielle West-Chughta</u>	Telephone: <u>874-8480</u>
Lessee/Buyer's Name (If Applicable) <u>Avesta Housing Corp 307 Cumberland Ave. Portland, Me 04101</u> ATTN: <u>Ethan-Boyer Macomber</u>	Applicant name, address & telephone: <u>Robert Rickett Abatement Professional Corp. 590 County Road Westbrook, Me 04092 1-773-1276</u>	Cost Of Work: <u>\$165,000</u> \$165,000 Fee: <u>\$1,670.00</u> \$1,670
Current legal use: (i.e. garage, warehouse) <u>Former Adams School</u> If vacant, what was the previous use? <u>Public School</u> How long has it been vacant? <u>2009</u> Project description: <u>Former Adams School, to be cleaned of Asbestos materials, then demolition of complete structure to make way for new construction.</u>		
Contractor's name, address & telephone: <u>Abatement Professional Corp. 590 County Rd. Westbrook, Maine 04092</u> Who should we contact when the permit is ready: <u>Robert Rickett</u> Mailing address: <u>same</u> Telephone: <u>773-4361</u>		

RECEIVED
MAY 13 2011
DEPT. OF BUILDING INSPECTIONS
CITY OF PORTLAND, MAINE

Please submit all of the information outlined in the Demolition call list. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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

Signature of applicant: <u>[Signature]</u>	Date: <u>5-9-11</u>
--	---------------------

This is not a permit; you may not commence ANY work until the permit is issued.

from Apr. 26, 2011
Neigh mty notes
from Aveska

13. Adams School Demolition

Question: When will the Adams School be demolished, by who, and what is the process?

Response: Abatement and demolition services will be provided by Abatement Professionals of Westbrook, Maine. Abatement of the asbestos tile inside of the building is expected to start the week of 5/16 and will continue for approximately two weeks. Building demolition will follow and is anticipated to take approximately three weeks. A neighborhood meeting to present the demo process and timeline will be scheduled in advance of the start of work and all abutters will be invited to attend.

*Editor's Note: This meeting was later scheduled for 5/12/11 and abutters were invited by leaflets in mailboxes and by email and Munjoy Hill News blog.

layout changed for final.



figures being revised based on re cut soil tests



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

May 10, 2011

E.B.M. picked it up 5.10.11 give to addressee

Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

Chuck Morgan
SMRPC
21 Bradeen Street, Suite 304
Springvale, ME 04083

Project Name: Adams School Site Re-Development
CBL: 003-H-001-001
Project Address: 48 Moody Street, Portland

Dear Mr. Morgan:

The Portland Planning Board has held a public workshop to review the proposed Adams School Redevelopment project to be located on a .75 acre portion of the former Marada Adams School site on Portland's Munjoy Hill. City Planning staff and the Board have reviewed this project proposal for consistency with the City's Comprehensive Plan and believe that it clearly conforms to the Goals and Strategies spelled out in the Plan, in particular the housing policies of the housing element, *Housing: Sustaining Portland's Future*.

In addition, the project received a zoning variance from the Portland Zoning Board of Appeals in respect of setbacks in order to allow units to face the trail and playground. The final plan is anticipated to be submitted to the Planning Board in June for a public hearing on the subdivision and site plan. The proposal to date conforms to Portland's Land Use Code and zoning regulations.

Please let me know if you need any additional detail regarding the documentation of this issue.

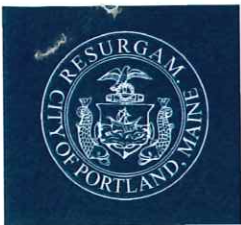
Sincerely,

Barbara Barhydt
Barbara Barhydt,
Development Review Services Manager
City of Portland

Distribution:
Penny St Louis, Director, Planning and Urban Development Department
Alex Jaegerman, Planning Division Director
Danielle West-Chuhta, Associate Corporation Counsel
Marge Schmuckal, Zoning Administrator
Jean Fraser, Planner

e-mail

paper Ethan Boxer-Macomber; Avesta Housing, 307 Cumberland Avenue, Portland, ME 04101



PORTLAND MAINE

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Planning and Urban Development Department
Penny St. Louis, Director

May 10, 2011

Planning Division
Alexander Jaegerman, Director

Chuck Morgan
SMRPC
21 Bradeen Street, Suite 304
Springvale, ME 04083

copy

Project Name: Adams School Site Re-Development
CBL: 003-H-001-001
Project Address: 48 Moody Street, Portland

Dear Mr. Morgan:

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Please let me know if you need any additional detail regarding the documentation of this issue.

Sincerely,

Barbara Barhydt,
Development Review Services Manager
City of Portland

Distribution:

- Penny St Louis, Director, Planning and Urban Development Department
- Alex Jaegerman, Planning Division Director
- Danielle West-Chuhta, Associate Corporation Counsel
- Marge Schmuckal, Zoning Administrator
- Jean Fraser, Planner

Ethan Boxer-Macomber; Avesta Housing, 307 Cumberland Avenue, Portland, ME 04101

Adams School - update re final

4.4.11.

Appl: Ethan, Alan, Denise

City: Barbara, Marge, David, Sean.

Alan - buildings changed

- 4 3 BRs (1 br. on grd) (+ 1 on corner)
- 4 3 BRs (all BRs upstairs)
- crosslinks
- internal materials not finalized
- tree wells introduced.

8 3 br. houses
8 2 br flats

Intro. of "alleyways" - will have some windows
semi-private? gates
ped only

Solar collectors on sunrises.

Storage moved inside; adequate re bikes

Open Space - final details may need DPS/city *
to confirm → cost-dependent -
drainage/pervious surface
but lighting/walkway/purdawn.
* Ethan confirmed a minimum - BB asked to be clear

Discussion: public comments - many calls
to Ethan / Alan

Raingardens - not functioning as much re drainage
Housing site - Hmet included.
Park -

Catchbasin being proposed for city's land
outside the park - staff to check this
& any implications

Timing -

Demo done by May - will be stabilized
& vegetated in meantime.

Construction on new housing starting Sept.

early
July bid

Fencing: will fill gaps re whole site
but playgd / hard areas accessible?

P&B - circle back w/ Penny + others
expectations re park
use of some / all site over summer

tree grate - RL spkg. JT re not having
tree grate (cobbled surround instead?)
sidewalk wide enough?

Still targeting May 10th, 2011

Submitted at latest 14th April -

Denis a bit worried about time table -

Ethan will confirm if need May 24th

Jean Fraser - Re: Adams Demolition Permitting

From: Philip DiPierro
To: Boxer-Macomber, Ethan
Date: 4/13/2011 2:45 PM
Subject: Re: Adams Demolition Permitting
CC: Bourke, Jeanie; Fraser, Jean; Rickett(rrickett@abatementpros.com), Bob

Great, thanks Ethan.

Phil

>>> Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org> 4/13/2011 2:33 PM >>>
Will work to quantify and document cost of stabilization, get your approval and then issue the PG- all in advance of a permit being issued for demo.

Ethan Boxer-Macomber
207-272-8550

On Apr 13, 2011, at 1:55 PM, "Philip DiPierro" <PD@portlandmaine.gov<mailto:PD@portlandmaine.gov>> wrote:

Hi Ethan, what is the status of the performance guarantee?

Phil

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632
Fax 207 756-8258

>>> Ethan Boxer-Macomber <EBoxer-Macomber@avestahousing.org<mailto:EBoxer-Macomber@avestahousing.org>> 4/13/2011 11:52 AM >>>
Jeanie-

Last week Avesta received 5 competitive bids for the abatement and demolition of the former Adams Elementary School. We have reviewed bids, checked references and interviewed the low bidder. In the end we have selected Abatement Professionals to conduct the work. AP anticipates starting the abatement process (asbestos removals) right away and on a parallel track with the demolition permitting process. We would hope to be able to start demolition work within 2-3 weeks' time.

By way of background, we have also received an approval letter from Penny authorizing the demolition to start in advance of a final public hearing with the Planning Board. We are also in the final stages of working out the

temp license agreement with Corp Council (Danielle W-C) granting us and our assigns permission to access the City land for the purpose of the abatement and demolition.

I'd like to schedule a kick-off meeting between you, me, AP, and any other reviewing City staff (Phil D., Jean F, Dave Pineo, others?) so that we can walk through the permitting and demo process together and make sure that we are all on the same page. Is that something that you could help me set up for later this week or early next?

Ethan

Ethan Boxer-Macomber, AICP, LEED AP
Senior Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, Maine 04101
(O) 207-553-7780 x284
(M) 207-272-8550
www.avestahousing.org <<http://www.avestahousing.org/>>
<ATT00002.jpg>

Jean Fraser - Adams School demolition

From: Jean Fraser
To: DiPierro, Philip
Date: 3/14/2011 2:21 PM
Subject: Adams School demolition
CC: Barhydt, Barbara
Attachments: Adams School P&S Agreement as agreed by CC.doc; Figure 1 Existing conditions and areas.pdf

Phil

The Site Plan application is silent on what is included in the demolition of the school- any references to loaming and seeding relate to areas disturbed by the contractor in completing the housing and park developments.

The Purchase & Sale Agreement (copy attached) has 2 references:

13 (c) "Upon the execution of this Agreement by both parties, Buyer shall, using NSP funds, commence with activities necessary to conduct hazardous materials abatement, and complete the full demolition and removal of the existing Adams school building. Buyer shall also coordinate the removal of the Underground Storage tank UST identified in Phase I and Phase II Environmental Site Assessments conducted by SW Cole engineering on behalf of the seller.

Attachment 2 #5: Upon license from Seller, buyer shall stabilize, loam and seed all disturbed areas on the overall +/- 1.5 acre Adams School site.

My comments:

1. I have not seen the environmental assessments mentioned; Rick has seen some but not the final VRAP proposals;
2. I understand that Ethan has something in writing that he has gone out for bids on...it might be useful to see that;
3. The Building Permit will deal with potential asbestos and other airborne contaminants during demo, but do we need to address issues such as truck traffic taking things away (and how they are loaded and covered; wheel washing); protection of neighbors living in adjacent buildings; final condition of the site including surface and fencing; potential VRAP; hours of demolition (we might want these different than usual because of proximity of residential); protection of trees that are very near the school building on Moody Street;
4. Which of the items in 3 (or as required in Building Permit) would be included in Performance Guarantee. Penny may have already discussed this with Ethan at the time the P&S was drawn up. Also I 'm not sure about insurance.

I think I am somewhat removed from this part of the project Ethan will go to Inspections for the BP; will send a letter to Alex or Penny re doing this prior to site plan approval (Barbara probably agree reply with Penny); and deal with Phil re the PG...

Attached please find a good plan (from Denise Cameron at W&C) showing the location of the school in relation to the housing and park development and land likely to be sold.

Jean

Jean Fraser - Re final Construction Management Plan

From: Jean Fraser
To: Parker, Seth; Shiers, Darren
Date: 7/27/2012 4:17 PM
Subject: Re final Construction Management Plan
CC: Barhydt, Barbara; Davis, Mary; DiPierro, Philip; Knowland, Rick; Mun...

Seth

Thanks.

Also, the first version is OK as far as it goes and supports the initial site work; the revisions are to address several additional issues that I thought needed to be clarified and on the record.

Jean

>>> Seth Parker <SParker@avestahousing.org> 7/27/2012 12:37 PM >>>
Ok Jean. I will talk with Darren this afternoon about sending over the finalized version.

I'm pretty sure the word is making or has made the rounds but we are having a neighborhood meeting at the request of the community next Monday at 6pm at the East End School Community Room to discuss their concerns and issues.

We'll have our environmental consultant there to answer any questions about the remediation, Tammy from Inspections to answer any questions about construction ordinances, the contractor to answer questions related to their work and obviously Avesta.

Let me know if you have any questions in advance of the meeting.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, July 27, 2012 12:24 PM
To: Seth Parker; Darren Shiers
Cc: David Margolos Pineo; Barbara Barhydt; Mary Davis; Philip DiPierro; Rick Knowland
Subject: Urgent RE: Construction Management Plan

Jean Fraser - Re: Adams School - AVESTA Housing

From: David Margolis-Pineo
To: Jeremiah Bartlett; John Peverada; Rhonda Zazzara
Date: 7/27/2012 12:22 PM
Subject: Re: Adams School - AVESTA Housing
CC: Andy Martin; Barbara Barhydt; Carol Merritt; Gary Marcisso; Greg Mit...

No street occupancy permits have been issued to date, only a street opening for the sewer.

>>> John Peverada 7/27/2012 11:36 AM >>>

I have also been notified by a neighbor that the contractors are occupying the sidewalk and on street parking spaces, but I cannot find record of any on street occupancy permits being issued.

>>> David Margolis-Pineo 7/27/2012 10:42 AM >>>

Just had a phone conversation with Val Paquin-Gould who is the Assistant Project Manager for Great Falls Construction working on the AVESTA project at the former Adams School site. Great Falls has hired Dearborn Brother Construction for the site work.

She asked for direction on what route ten wheelers should take to and from the construction site.

I advised her to use either Vesper, O'Brion or Munjoy Street to Fore to Franklin to Marginal Way. I understand there is a neighborhood meeting on Monday evening. This would be excellent time to discuss this issue.

Also Valerie mentioned that the site has been vandalized. I encouraged her to call the police whenever this occurs and every time it occurs.

David Margolis-Pineo
Deputy City Engineer
Department of Public Services
55 Portland St.
Portland, ME 04101
Office 207-874-8850
Fax 207-874-8852
Cell 207-400-6695
dmp@portlandmaine.gov

Jean Fraser - Urgent RE: Construction Management Plan

From: Jean Fraser
To: Parker, Seth; Shiers, Darren
Date: 7/27/2012 12:23 PM
Subject: Urgent RE: Construction Management Plan
CC: Barhydt, Barbara; Davis, Mary; DiPierro, Philip; Knowland, Rick; Pin...

Seth,

I understand that you were going to get revised version to Phil last week and please send me a copy urgently; we have had enquiries from neighbors (as I mentioned previously) and I would like this final version to be on the file.

thank you
Jean

>>> Seth Parker <SParker@avestahousing.org> 7/17/2012 12:22 PM >>>
Hi Jean,

I will coordinate revisions with Darren but we would propose the following per my comments below in **RED CAPS (THE CAPS ARE JUST TO DISTINGUISH AND NOT FOR EFFECT)**

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, July 13, 2012 2:52 PM
To: Seth Parker; Darren Shiers
Cc: David Margolos Pineo; Barbara Barhydt; Mary Davis; Philip DiPierro; Rick Knowland
Subject: Construction Management Plan

Seth and Darren,

David Margolis-Pineo of DPS has signed off re the traffic and ROW aspects of the submitted plan and now I am writing regarding the other aspects having consulted colleagues elsewhere in the City.

The plan is basically OK but I would request revisions to:

1. Clarify what date the playground is closing (based on liaison with city staff etc); **PER CITY PARKS AND CONTRACTOR INSURANCE REQUIREMENTS THE PLAYGROUND IS TO BE CLOSED EFFECTIVELY WITHIN THE NEXT 1-5 DAYS ONCE THE SITEWORK CONTRACTOR MOBILIZES AND THE**

CONSTRUCTION PERIMETER IS SECURED.

2. In the program attached I see that the playground equipment is to be installed in week 48 but the project continues several more weeks and likely longer. It would be desirable to have the playground opened to the public as soon as possible subject to safety considerations, and to avoid having the playground finished but not open for use. Ideally the playground could be finished and opened earlier than the final weeks of completion of the main contract and I would like this objective to be stated somewhere in the plan. **IF ACCEPTABLE WE WOULD PROPOSE THAT IT SAY THE PLAYGROUND WILL BE REOPENED ONCE PARKS AND THE CONTRACTOR'S INSURANCE REPRESENTATIVE CONCLUDE THAT ANY REMAINING WORK IS DEEMED MINIMAL OR ISOLATED ENOUGH THAT THERE IS NO REMAINING DANGER FROM CONSTRUCTION ACTIVITIES POSED TO USERS OF THE PLAYGROUND.**
3. Re communication with the public (mentioned in the condition of approval), please revise the Plan to:
- Include contact names and phone numbers (Seth, you, security personnel etc) for city staff and others to use if there are any problems or concerns.; **WILL DO**
 - Clarify whether any written notices will be going to nearest residents regarding the time table for any noisy or dusty stages of the work - letters which give contact details (if any concerns) might be helpful. **THE DIRECT ABUTTERS HAVE ALREADY BEEN NOTIFIED OF THE CONSTRUCTION START THROUGH THE DISTRIBUTION OF A CONSTRUCTION COMMENCEMENT NOTICE A COPY OF WHICH WAS ALSO PROVIDED TO THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION AND THE PLANNING DEPARTMENT.**
4. I believe there are a couple of utility poles coming down and the plan needs to identify how any impacts handled. (I don't see any ref to this in program). **WE HAVE MET WITH CMP AND THEY DO NOT TYPICALLY MAKE THEIR PLAN OR SCHEDULE IMMEDIATELY AVAILABLE TO THE CONTRACTOR OR THE OWNER SO WE WOULD PROPOSE THAT THE PLAN SIMPLY SAY THAT ALL ELECTRICAL SERVICE WORK FOR THE PROJECT WILL BE COORDINATED BETWEEN THE CONTRACTOR AND CMP IN A WAY THAT MINIMIZES ANY IMPACT TO THE NEIGHBORHOOD.**
5. Re excavated materials- I understand there are contaminated soils on the site so the Plan should state how these will be contained and not allowed to be exposed; at least a reference to the VRAP requirements and documentation (eg the VRAP letter of June 22, 2012 states "Contaminated soils that are disturbed during development of the site will be managed according to the approved May 24, 2012 Work Plan and appended Soil Management Plan" and it goes on to prescribe covering etc. Also, if such soils are going to be stored on the playground site, then maybe there should be something underneath as well to stop leaching into the soils of the future new playground. I am especially concerned re this as stockpiling of excavated materials is stated to be on the future site of the new playground and near to existing residential properties. **I DON'T HAVE ANY ISSUE WITH THE PLAN REFERENCING THE VRAP WORK PLANS. MAKES SENSE. ONE THING TO NOTE THOUGH IS THAT BECAUSE THERE IS BROWNFIELDS FUNDS IN THIS PROJECT WE ALREADY ADVERTISED THESE, MADE COPIES AVAILABLE, HELD A PUBLIC MEETING, AND MAINTAINED A COMMENT PERIOD BEFORE WE PROCEEDED WITH FINALIZING THE OVERSIGHT. I WOULD PROPOSE THE PLAN JUST REFERENCE THAT.**

Please revise and submit as soon as possible after the Preconstruction meeting. Please be aware that this Plan is a "public document" and I anticipate neighbors may ask to see it.

Please call if any questions.

Thank you
Jean

*Jean Fraser, Planner
City of Portland
874 8728*

Jean Fraser - ThanksRE: Construction Management Plan

From: Jean Fraser
To: Parker, Seth; Shiers, Darren
Date: 7/23/2012 10:26 AM
Subject: ThanksRE: Construction Management Plan
CC: Barhydt, Barbara; Davis, Mary; DiPierro, Philip; Knowland, Rick; Pin...

Seth,

These make sense so go ahead and revise the Plan along these lines.

Thank you
Jean

>>> Seth Parker <SParker@avestahousing.org> 7/17/2012 12:22 PM >>>
Hi Jean,

I will coordinate revisions with Darren but we would propose the following per my comments below in **RED CAPS (THE CAPS ARE JUST TO DISTINGUISH AND NOT FOR EFFECT)**

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, July 13, 2012 2:52 PM
To: Seth Parker; Darren Shiers
Cc: David Margolos Pineo; Barbara Barhydt; Mary Davis; Philip DiPierro; Rick Knowland
Subject: Construction Management Plan

Seth and Darren,

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Please call if any questions.

Thank you
Jean

*Jean Fraser, Planner
City of Portland*

874 8728

Jean Fraser - RE: Construction Management Plan

From: Seth Parker <SParker@avestahousing.org>
To: 'Jean Fraser' <JF@portlandmaine.gov>, Darren Shiers <darren@greatfallsin...>
Date: 7/17/2012 12:23 PM
Subject: RE: Construction Management Plan
CC: David Margolos Pineo <dmp@portland.me.gov>, Barbara Barhydt <BAB@portlan...>

Hi Jean,

I will coordinate revisions with Darren but we would propose the following per my comments below in **RED CAPS (THE CAPS ARE JUST TO DISTINGUISH AND NOT FOR EFFECT)**

Seth Parker
 Development Officer
 Avesta Housing
 307 Cumberland Avenue
 Portland, ME 04101
 207-553-7780 ext. 208
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, July 13, 2012 2:52 PM
To: Seth Parker; Darren Shiers
Cc: David Margolos Pineo; Barbara Barhydt; Mary Davis; Philip DiPierro; Rick Knowland
Subject: Construction Management Plan

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Please revise and submit as soon as possible after the Preconstruction meeting. Please be aware that this Plan is a "public document" and I anticipate neighbors may ask to see it.

Please call if any questions.

Thank you

Jean

Jean Fraser, Planner

City of Portland

874 8728

Jean Fraser - RE: Adams - Preconstruction Meeting

From: David Margolis-Pineo
To: Seth Parker
Date: 7/12/2012 4:13 PM
Subject: RE: Adams - Preconstruction Meeting
CC: 'AlanKuniholm(kuniholm@pdtarchs.com)'; 'Darren Shiers'; 'Denise Camero...

Seth,

Please consider the Construction Management Plan acceptable. Know that the plan is conceptual and more detail will be need by the city as the project progresses.

Please let us know when the pre-construction meeting has been scheduled.

>>> Seth Parker <SParker@avestahousing.org> 7/12/2012 1:38 PM >>>

Hi Dave,

I met with Phil today and I believe that once you are able to confirm to him that you have reviewed the construction management plan and that it is at least initially acceptable for Great Falls to start work, Phil will allow us to schedule the preconstruction meeting. If at all possible we'd like to schedule that meeting for tomorrow or Monday on short notice so that Great Falls can get mobilized. Please let us know the status of the plan when you have a chance.

Thank you,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Seth Parker
Sent: Wednesday, July 11, 2012 2:47 PM
To: 'Philip DiPierro'
Cc: KathyCogan-Kahill (cogan@pdtarchs.com); Alan Kuniholm(kuniholm@pdtarchs.com); Gregory Vining; Dennis Douglass (ddouglass@portlandmaine.gov); John Low; Denise Cameron(dcameron@woodardcurran.com); 'Darren Shiers'; David Margolis-Pineo
Subject: RE: Adams - Preconstruction Meeting

Hi Phil,

I dropped off the letter of credit and the check for the inspection fee today. Once you've had a chance to review and if acceptable I'd like to schedule the preconstruction meeting. If you could let us know a day and time that works for the City. Great Falls and Avesta can be available either tomorrow or Friday if its at all

possible to try and have it this week.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Philip DiPierro [<mailto:PD@portlandmaine.gov>]

Sent: Thursday, June 28, 2012 4:55 PM

To: Seth Parker; David Margolis-Pineo

Cc: KathyCogan-Kahill (cogan@pdtarchs.com); Alan Kuniholm(kuniholm@pdtarchs.com); Gregory Vining; Jean Fraser; John Low; Denise Cameron(dcameron@woodardcurran.com)

Subject: RE: Adams - Preconstruction Meeting

Hi Seth, at this point I'm looking at sometime during the week of July 9'th. I'll know better on Monday or Tuesday.

Thanks.

Phil

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632

Fax 207 756-8258

>>> Seth Parker <SParker@avestahousing.org> 6/28/2012 4:38 PM >>>

Hi Phil,

As you and I discussed just now, the plan sets should have been submitted to Jean as part of our package addressing the conditions of approval. I have call into Denise at Woodard Curran to confirm they were included and if Jean is in tomorrow she can weigh in but they should be available for review. I, as well, have correspondence into Jean to confirm if the conditions of approval have all been met to her satisfaction.

Bangor Savings Bank will be providing our construction financing and also the letter of credit satisfying the performance guarantee. The LOC is typically signed at the closing which we have scheduled for next Friday, 7/6. Once you've approved the site cost estimate and we set the amount of the site inspection fee I can have that check ready ahead of time.

If at all possible and its acceptable to you I'd like to try and at least have a tentative date penciled in for the preconstruction meeting so Great Falls can hit the ground running once we close. Let me know if that's a possibility.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Philip DiPierro [<mailto:PD@portlandmaine.gov>]
Sent: Thursday, June 28, 2012 4:08 PM
To: Seth Parker; David Margolis-Pineo
Cc: Gregory Vining; Jean Fraser; John Low
Subject: Re: Adams - Preconstruction Meeting

Hi Seth, before we schedule the preconstruction meeting we need to have the performance guarantee posted and site inspection fee paid. I still don't have a set of approved plans upon which I can base the cost estimate. I need to coordinate with Jean Fraser to find out the status of the approved site plan and several conditions of approval.

Feel free to contact me with any questions. Thanks.

Phil

Philip DiPierro
Development Review Coordinator
City of Portland Planning Division
389 Congress Street
Portland, Maine 04101

Phone 207 874-8632
Fax 207 756-8258

>>> David Margolis-Pineo 6/28/2012 10:25 AM >>>
Seth,

Thanks for the heads up. You mentioned on the phone the week of July 9th. Sounds good. Phil DiPierro and Greg Vining will most likely be the people attending from the city.

>>> Seth Parker <SParker@avestahousing.org> 6/28/2012 8:19 AM >>>
Hi folks,

I'd like to start discussing an appropriate date for a preconstruction meeting with the City for the Adams School Redevelopment Project. If all the appropriate pieces are in place at this point I'd like to request that we try and have this meeting next week if possible. But ahead of setting a date I'd like to give everyone a chance to check into their respective requirements and let us know if they still need anything.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

Jean Fraser - Stormwater management agreement

From: Jean Fraser
To: Parker, Seth
Date: 7/23/2012 2:06 PM
Subject: Stormwater management agreement
Attachments: Generic Stormwater Maintenance and Management Agreement from City July 2012.doc

Seth

I think this was one area not yet resolved because the Planning Board submissions did not go into much detail and there was no draft agreement. (It relates to one of the conditions that needs to be complete by time of a CO).

I attach a generic draft agreement that could serve as a basis for the agreement; we are not wedded to this exact wording but the main point is to be clear that its not being maintained by the City; that maintenance follows established best practices and is logged and reported; and to cover the City from any liability associated with the various stormwater devices/system components malfunctioning.

Please contact me if any questions.

thank you
Jean

**STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT AND
RELEASE FROM LIABILITY**

IN CONSIDERATION OF [site plan/subdivision] approval granted by the Planning Board of the City of Portland to a plan entitled _____ prepared for _____ (applicant and address) by _____ (agents/engineers) dated __ ____, __ __ recorded in the Cumberland County Registry of Deeds in Plan Book ____, Page ____ (the "Plan") and pursuant to a condition thereof, _____ (owner) having a mailing address of _____, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

Maintenance Agreement

That it will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the stormwater drainage system, as shown on said plan, including but not limited to the tree boxes, StormTech Isolator Row, piping, valves, etc. in strict compliance with the Maintenance of Facilities as described in _____ (Stormwater Management Plan) in the _____ dated _____ and Chapter 32 of the Portland City Code. Owner of the subject premises further agrees to keep a Stormwater Maintenance Log that will be made available for inspection by the City of Portland upon reasonable notice and request.

This Agreement is for the benefit of the said City of Portland and all persons in lawful possession of the property; further, that the said City of Portland may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice as described in this Agreement, and a stated time to perform, that the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon the property in question to maintain, repair, or replace said stormwater drainage system, including but not limited to the _____ (specify devices and measures including, but not limited to, tree boxes, StormTech Isolator Row, piping, valves, etc.) thereon in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

Note - DW - C signed off re this - its based on 14th Sub Div. JA

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear. The Owner agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions.

For the purpose of this Agreement the real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the Owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by this Agreement shall be complete on the date the notice is mailed to the owner of record as shown on the tax roles on file in the City Assessor's Office. If the property has more than one owner on said tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this Agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 20__.

By: _____
Its: _____

STATE OF MAINE
CUMBERLAND, ss.

Date: _____

Personally appeared the above-named _____, and acknowledged the foregoing instrument to be his/his free act and deed in his/her said capacity, and the free act and deed of said _____.

Before me,

Notary Public/Attorney at Law

Print name: _____

From: Seth Parker <SParker@avestahousing.org>
To: 'Jean Fraser' <JF@portlandmaine.gov>, Darren Shiers <darren@greatfallsin...>
CC: David Margolos Pineo <dmp@portland.me.gov>, Barbara Barhydt <BAB@portlan...>
Date: 7/13/2012 3:19 PM
Subject: RE: Construction Management Plan
Attachments: adams rack card.pdf; MARADA Adams Park Sign.pdf

Hi Jean,

Darren and I will provide a more formal and complete response to the items below but I wanted to make you aware that we distributed the attached notification by hand today to direct abutters of the property along Munjoy, Moody, Wilson and Vesper Streets, as well as several houses up each street away from the block, and Beckett and O'Brion Streets.

In addition we provided the following email notification to a list of concerned parties that we have compiled and the Munjoy Hill Neighborhood Organization. With respect to the information we are providing about the closure of the playground below we can continue to discuss the possibilities of an 'early' reopening prior to the full project completion:

"Hi all,

I wanted to provide an update on the status at Adams. We had our closing yesterday and have given Great Falls Construction a Notice to Proceed. We will be distributing a Notice of Construction Commencement to the immediate neighbors of the site tomorrow. I would expect that the contractor will start mobilizing to the site as early as the next few days to start setting up fencing, site offices, etc. In general neighbors should expect to see increasing activity by the contractor during the course of next week and ramping up to full excavation activities within the next one to three weeks.

Unfortunately with respect to the playground I do not have good news. The City has informed us that the playground is to be closed for the duration of the project. In addition, the contractor's insurance company has said that the playground should be closed during construction.

If there are any further questions please let me know."

I have also attached a proof of the sign that we will be installing on Tuesday by the playground that will display a rendering of the new playground. Hopefully this will help the regular users of the existing playground on some level to generate enthusiasm for the new playground to come.

We fully appreciate the City's ongoing support and help to get this project underway. In the interim let us know if there is anything else that you need.

Have a great weekend.

-Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org<<http://www.avestahousing.org/>>
From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, July 13, 2012 2:52 PM
To: Seth Parker; Darren Shiers
Cc: David Margolos Pineo; Barbara Barhydt; Mary Davis; Philip DiPierro; Rick Knowland

Subject: Construction Management Plan

Seth and Darren,

David Margolis-Pineo of DPS has signed off re the traffic and ROW aspects of the submitted plan and now I am writing regarding the other aspects having consulted colleagues elsewhere in the City.

The plan is basically OK but I would request revisions to:

1. Clarify what date the playground is closing (based on liaison with city staff etc);
2. In the program attached I see that the playground equipment is to be installed in week 48 but the project continues several more weeks and likely longer. It would be desirable to have the playground opened to the public as soon as possible subject to safety considerations, and to avoid having the playground finished but not open for use. Ideally the playground could be finished and opened earlier than the final weeks of completion of the main contract and I would like this objective to be stated somewhere in the plan.
3. Re communication with the public (mentioned in the condition of approval), please revise the Plan to:
 - a. Include contact names and phone numbers (Seth, you, security personnel etc) for city staff and others to use if there are any problems or concerns.;
 - b. Clarify whether any written notices will be going to nearest residents regarding the time table for any noisy or dusty stages of the work - letters which give contact details (if any concerns) might be helpful.
4. I believe there are a couple of utility poles coming down and the plan needs to identify how any impacts handled. (I don't see any ref to this in program).
5. Re excavated materials- I understand there are contaminated soils on the site so the Plan should state how these will be contained and not allowed to be exposed; at least a reference to the VRAP requirements and documentation (eg the VRAP letter of June 22, 2012 states "Contaminated soils that are disturbed during development of the site will be managed according to the approved May 24, 2012 Work Plan and appended Soil Management Plan" and it goes on to prescribe covering etc. Also, if such soils are going to be stored on the playground site, then maybe there should be something underneath as well to stop leaching into the soils of the future new playground. I am especially concerned re this as stockpiling of excavated materials is stated to be on the future site of the new playground and near to existing residential properties.

Please revise and submit as soon as possible after the Preconstruction meeting. Please be aware that this Plan is a "public document" and I anticipate neighbors may ask to see it.

Please call if any questions.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728



*Notice
of Construction
Commencement*

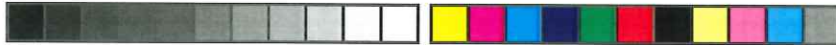


**THE ADAMS
SCHOOL
CONDOMINIUMS**

Munjoy Hill
Portland

FOR MORE INFORMATION CONTACT
207.553.7780 EXT. 208
WWW.AVESTAHOUSING.ORG





NOTICE OF CONSTRUCTION START

Dear Neighbor,

This notice announces the commencement of the redevelopment of the former Adams School into 16 condominium units and a neighborhood park.

Construction will begin in July and is expected to be completed by May 2013.

For more information and images of the Adams School Condominiums and Marada Adams Park visit Avesta Housing's website.

www.avestahousing.org

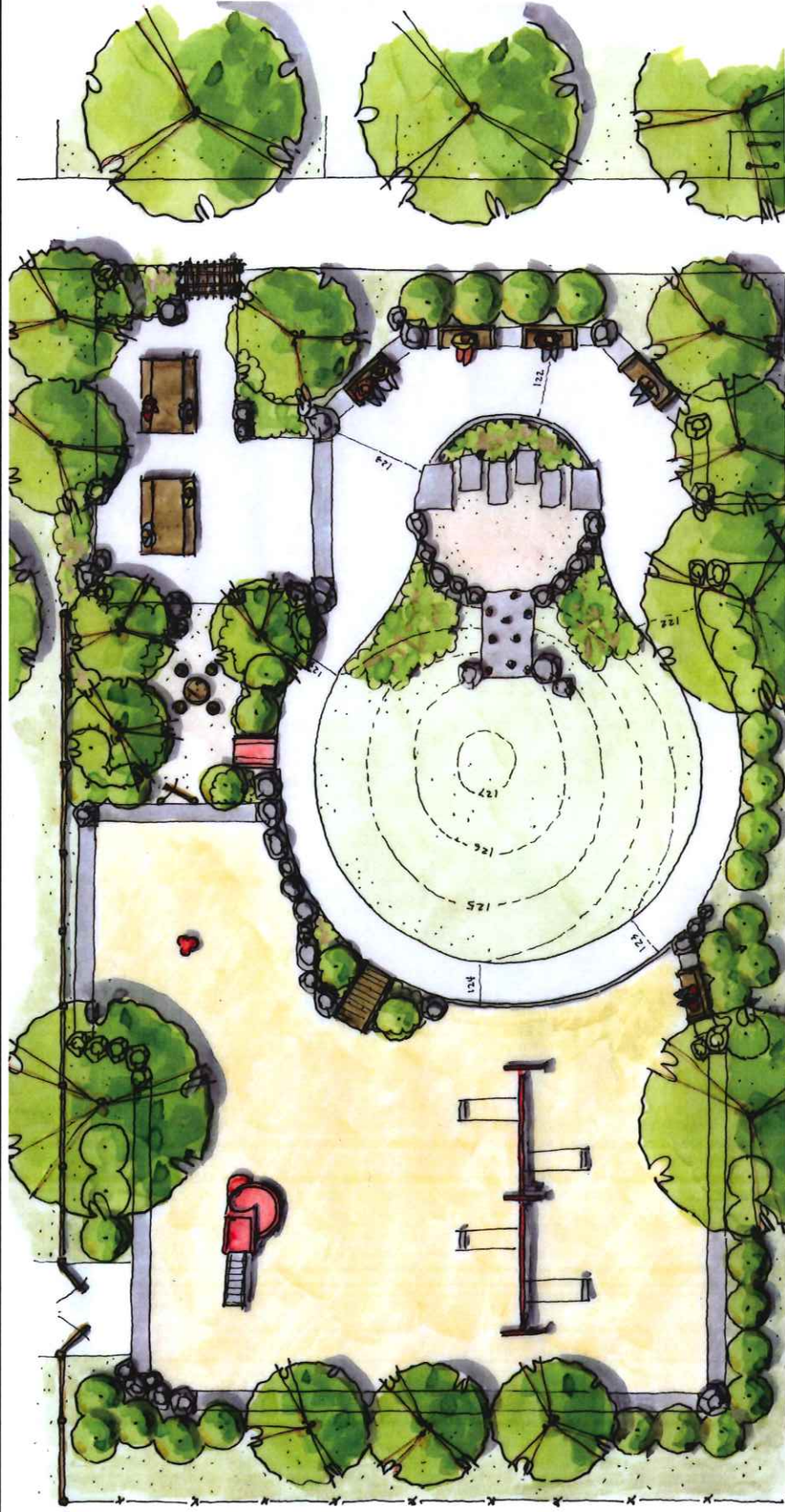
For questions regarding construction contact
207.553.7780 ext. 208
sparker@avestahousing.org



Avesta Housing is celebrating 40 years of providing and advocating for affordable housing. An award-winning agency, Avesta has grown to become the largest nonprofit developer in Northern New England and one of the country's most innovative leaders in affordable housing.



MARADA ADAMS PARK OPENING SPRING 2013



To be Developed by Avesta Housing and Dedicated to the City of Portland in Spring 2013

FOR MORE INFORMATION CONTACT
207.553.7780 EXT. 208 • WWW.AVESTAHOUSING.ORG



REGINA S. LEONARD
landscape architecture & design



Jean Fraser - Construction Management Plan

From: Jean Fraser
To: Shiers, Darren; sparker@avestahousing.org
Date: 7/13/2012 2:51 PM
Subject: Construction Management Plan
CC: Barhydt, Barbara; Davis, Mary; DiPierro, Philip; Knowland, Rick; Pin...

Seth and Darren,

David Margolis-Pineo of DPS has signed off re the traffic and ROW aspects of the submitted plan and now I am writing regarding the other aspects having consulted colleagues elsewhere in the City.

The plan is basically OK but I would request revisions to:

1. Clarify what date the playground is closing (based on liaison with city staff etc);
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Please revise and submit as soon as possible after the Preconstruction meeting. Please be aware that this Plan is a "public document" and I anticipate neighbors may ask to see it.

Please call if any questions.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Great Falls Construction

24 Years of Service



Adams School Redevelopment Construction Management Plan

Prepared for:

Tammy M. Munson
Director of Inspections
City of Portland
389 Congress Street Rm 315
Portland, Maine 04101

Full Service Construction Management - General Contracting Company

Adams School Redevelopment

Construction Management Plan

Page 2 of 3

1. Site mobilization and set up of one front (Wilson Street) and one rear (Moody Street) stabilized construction entrance.
2. Erosion control installation in accordance with the approved plans and Maine DEP standards. Scott Hebert (site work project manager) is Maine DEP certified in erosion and sedimentation control practices.
3. Temporary fencing erection within the inside perimeter of the sidewalks.
4. Site preparation within the sidewalk limits including demolition and removal of existing pavement, topsoil, structures, etc.
5. As work progresses a loader mounted sweeper with water for dust control will be used on a daily basis to keep the local streets clean. There will also be dust control with a water truck and/or calcium as needed.
6. Construction of the two new sewer lines off of Moody Street. The work in Moody Street will take two partial days and will require a partial street closure with detours.*
7. Start excavation and backfill for the south side building foundations.
8. Storm drain system construction starting with new SMH 1 at the intersection of Wilson Street and Vesper Street. This manhole installation will require an intersection closure with detours.*
9. Continue installation of the storm drain system south on Wilson Street and then into the project site. The continued work on Wilson will take two full days and will require a partial street closure with detours.*
10. Completion of onsite storm water system.
11. New water service system construction starting with the main connection on Wilson Street which will take one partial day. The main connection will follow with the installation of the water meter pit on Wilson Street which will take one full day. Both of these items will require a partial street closure with detours.*
12. Completion of onsite water installation.
13. Gas service excavation work and installation including the main connection on Vesper Street. This connection will take one partial day and will require a partial street closure with detours.*
14. Start excavation and backfill for the north side building foundations.
15. Complete Excavation and backfilling for installation of the onsite electrical system.
16. All excavated materials will be stockpiled on site in the designated playground and landscape field area. The stockpiles will be maintained with erosion control berms as necessary and in accordance with Maine DEP best management practices. Stockpiles will be removed and decreased as space and effective management dictate.
17. Driveway, parking stalls and building walkway site work.
18. Temporary fencing removal.
19. Sidewalk construction along the city streets. This work should not require any street closures or detours as the work will be cordoned off with traffic cones, barrels, and signage in accordance with city and MUTCD standards.
20. Restoration of the site including loaming, seeding, mulching and landscaping

Adams School Redevelopment Construction Management Plan

Page 3 of 3

*All street closures and detours will be called into the city, police, fire/ems department and school department one day prior to the work. All traffic control, detours and signage will be in accordance with city requirements and the Manual on Uniform Traffic Control Devices 2003 Edition. All closures and detours will take place between the hours of 7 am and 5 pm Monday through Friday and will be back open to two way traffic before and after those intervals. Sewer and traffic plans will be submitted for town review.

Great Falls Construction

24 Years of Service



**Adams School Redevelopment
Construction Management Plan**

Prepared for: Tammy M. Munson
Director of Inspections
City of Portland
389 Congress Street Rm 315
Portland, Maine 04101

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Adams School Redevelopment

Construction Management Plan

Page 2 of 3

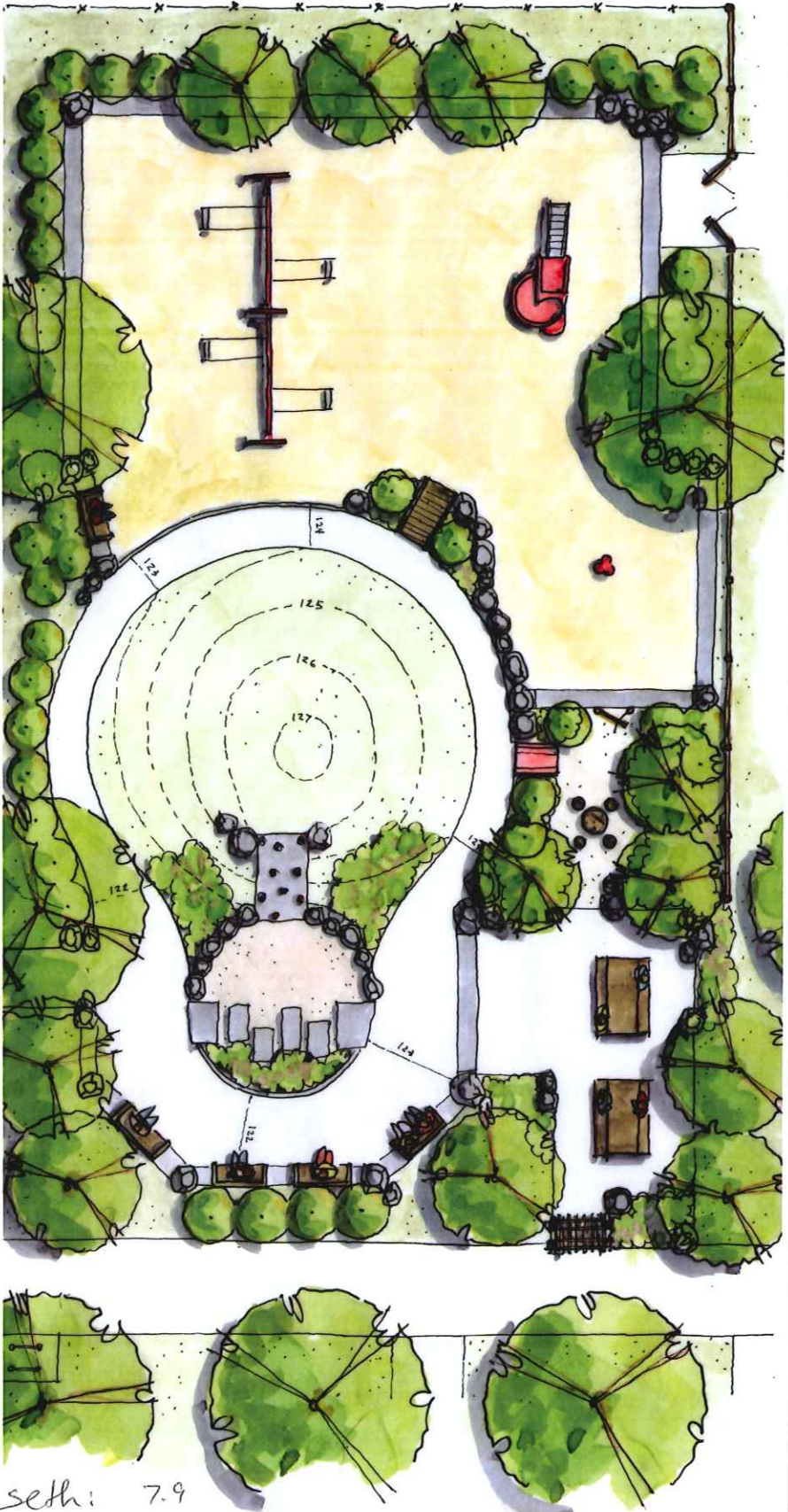
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Adams School Redevelopment Construction Management Plan

Page 3 of 3

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MARADA ADAMS PARK OPENING SPRING 2013



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FOR MORE INFORMATION CONTACT
207.553.7780 EXT. 208 • WWW.AVESTAHOUSING.ORG



REGINA S. LEONARD
landscape architecture & design



7/11/12 Marara says doesn't need permit - effectively a construction sign.

seth: 7.9
temporary plastic zip ties on existing chain link at playground on wilson st fence 4' x 5.5'



February 28, 2012

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

*see page 4
to Const. Man Plan*

Re: Adams School Redevelopment, Conditions of Approval

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. As a result of the August 9, 2011 Public Hearing, there were conditions of approval developed for the Adams School Redevelopment project. The following letter and its enclosures provide our response to the conditions of approval, and any additional information necessary to address the conditions. The conditions of approval are listed below in italics.

Subdivision Review

1. *That the subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area), and to include detailed references to ownerships, park/playground, stormwater systems, Condominium Association documents and relevant conditions.*

An updated Recording Plat will be provided by Avesta under separate cover.

2. *That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the subdivision Plat.*

The following responses are provided for the Associate Corporation Counsel comments from 8/2/2011. Comments 1-6 are from a 2:28 email, and Comment 7 is from a 3:16 email:

1. *Just to confirm there are 16 units, correct?*

There will be 16 units in the proposed development

2. *The documents do not mention the park/play area – is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make it clear who has responsibility for the park/play area.*

The condo association will not be responsible for maintenance of the public park area. An updated Recording Plat will be provided by Avesta under separate cover.

3. *I am assuming that garbage and snow removal is a common expense – but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.*

The condo documents will be updated and provided by Avesta under separate cover.

4. *The documents allow for further subdivision of units (with the required City, etc. approvals) – I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.*



No response necessary.

5. *The documents also allow for rental of units (for up to six months) – is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.*

The condo documents will be updated and provided by Avesta under separate cover.

6. *Snow storage- I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers – it is not mentioned in the documents (not that I think it needs to be included – I just wanted to bring that point up).*

Snow storage has been identified on the plans. The condo documents will be updated and provided by Avesta under separate cover.

7. *I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park – it does not discuss who owns the underlying property, who maintains, etc. There should be a note that gives more specifics.*

The Recording Plat is being updated to provide more information regarding the park/play area. An updated Recording Plat will be provided by Avesta under separate cover.

3. *That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B-110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services.*

The Applicant will comply with the conditions of Chapter 32 Stormwater, including Article III, Post Construction Stormwater Management. A signed maintenance agreement will be submitted to the City of Portland prior to the issuance of a Certificate of Occupancy.

4. *That the applicant shall submit a revised Landscape and Demolition Plans that incorporates the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for the review and approval by the Planning Authority prior to the issuance of a building permit.*

The Landscaping and Demolition Plans have been modified to incorporate the recommendations of the City Arborist. The large Silver Maple on Moody Street and the Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody will be demolished.

Site Plan Review

1. *That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The following responses are provided for the August 4, 2011 traffic comments:

1. *I would suggest that the driveway radii be eliminated and tip down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess*



pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.

The turning movement figure included with the application, and attached to this letter for your reference, indicates that the driveway radii cannot be changed to tip down curbing without preventing emergency vehicle access. As noted in the comment from the fire department, on-street parking created by eliminating this area of pavement within the driveway would encroach on emergency vehicle access.

- 2. The one way driveway should include appropriate MUTCD signage that controls and reinforces the one way circulation plan.*

The plans currently show MUTCD stop and "Do Not Enter" signage at the Moody Street entrance. In addition, angled parking will serve to restrict the direction of traffic circulation.

- 3. The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.*

The layout of the detectible warning devices has been modified accordingly. The sidewalk ramps are discussed further below in our response to comment 14.

- 4. Detectible warning devices are not required at driveways. They should be deleted from the plans.*

The detectible warning devices have been removed from the driveways.

- 5. The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.*

The removal of existing crosswalks is identified on the demolition plan, sheet C1.

- 6. The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.*

The plans have been modified to show the two crosswalks with block style markings.

- 7. Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.*

The sidewalk detectible warning devices have been adjusted to better conform to the City of Portland preferred sidewalk ramp configuration. The City's preferred standard includes the use of esplanades which are not practicable given the limited right of way width, alignment of existing walkways within the neighborhood, and location of existing infrastructure. The layout proposed for sidewalk ramps is similar to an existing, recently replaced sidewalk ramp at the intersection of Moody and Vesper Streets.

- 8. The applicant shall be responsible for implementing all on street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.*

The Applicant will work with the City on any necessary Traffic Schedule amendments.



9. *The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.*

No response necessary.

10. *Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.*

No response necessary.

11. *The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.*

The City of Portland standards for angled parking spaces are being met.

2. *That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The following responses are provided for the August 4, 2011 Department of Public Service comments:

1. *The proposed "capped iron rods to be set" shall be placed before the issuance of a building permit.*

This work shall be completed prior to the building permit. Protection of existing and replacement of monuments is referenced in General Note 8 on sheet C2.

2. *The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.*

No response necessary.

3. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.*

This has been added as General Note 11 on sheet C2.

4. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.*

This has been added as General Note 13 on sheet C2.

5. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.*

This has been added as General Note 21 on sheet C2.



3. *That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The Construction Management plan will be completed following the project's bid phase by the contractor. The construction management plan will be completed and submitted for approval prior to issuance of a building permit. The following note has been added as General Note 32 on sheet C2:



Contractor shall develop a construction management plan for review by the City of Portland, the Owner, and the Engineer. The construction management plan shall address items including, but not limited to, Public Access to sidewalks, City streets, adjacent lots, and playgrounds. The plan shall describe impacts on adjacent parking areas, noise and dust control, fencing, and traffic management. The plan shall include a schedule of work items and a description of the public communication process. Contractor is responsible for coordinating all construction activities with the City of Portland and obtaining City approval of the construction management plan prior to issuance of building permits.

4. *That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows into the passageway.*

Revised plans have been included with this letter.

5. *That any signage including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.*

Sign permits will be provided by the landscape architect under separate cover.

We hope that our responses here will provide you with the information necessary to satisfy many of the conditions of approval. We understand that there are still a few outstanding items that will be addressed at a later time. The updated Recording Plat and Condo Documents will be provided by Avesta under separate cover, as will the required performance guarantee documentation. Please feel free to call at anytime if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink that reads "Denise Cameron".

Denise Cameron, PE
Project Manager

DLC
219804

Enclosures: Updated Plans – Sheets C1-C9, Sheet L1, and Sheet A103
Turning Movement Figure

cc: Seth Parker, Avesta Housing
Alan Kuniholm, PDT Architects
Regina Leonard, Landscape Architecture & Design

*no internal
walkway thru
park
file w/ pay*

LICENSE AGREEMENT

This License Agreement is entered into between the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Licensee")

WITNESSETH:

WHEREAS, Licensee owns property located in the vicinity of 48 Moody Street ("Licensee's Property"), shown as "Parcel B" on a plan entitled "Recording Plat on Moody St., Vesper St., Wilson St. and Munjoy St." prepared by Owen Haskell Inc. and recorded in Plan Book ____, Page ____ (the "Site Plan"), upon which Licensee intends to construct a condominium project; and

WHEREAS, the Property abuts property owned by the City, labeled on the Site Plan as Parcels A-1 and A-2 (collectively the "City Property"), upon which Licensee at the request of City intends to construct a public park and playground (the "Park") in the area labeled on the Site Plan as "Proposed Public Park," and the Park is a portion of the land labeled as "Parcel A-1" and "Right of Access to Park Area" on the Site Plan (the "Access Land"), all as shown on the Site Plan; and

WHEREAS, in order to complete the aforementioned construction of the Park and to perform the maintenance responsibilities described below, Licensee must be able to enter upon the City Property;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, a revocable license is hereby granted to Licensee, its successors and assigns, as of the *11th* day of *July*, 2012, to enter onto so much of the City Property as is reasonably necessary for the following purposes: (i) to construct the Park and the walkway shown on the Site Plan running from Wilson Street to Moody Street, which is labeled as "walk" on the Site Plan (the "Walkway"), including all other elements of the Park; (ii) to maintain and/or repair that portion of the Access Land which is located between the Walkway and the front doors of the condominium units which are to be constructed on Licensee's Property facing the Access Land, as shown on the Site Plan (the "Licensee Maintained Property"); and (iii) to undertake snow removal along the Walkway. Occupancy of the City Property as described herein is subject to the following conditions:

1. Licensee, its successors and assigns hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to its entry, its use, or the use by its contractors, agents, successors and assigns, of and upon the City's property licensed hereunder as described above, and does hereby forever waive, release, relinquish, remise and discharge the City, its agents, employees, successors and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands,

liabilities, claims, actions, causes of action, suits, or judgments whatsoever of every name and nature, in law and in equity, arising from or related to any accident or injury to, or death of, any person, or any damage to property occurring (i) in connection with Licensee's construction activities within the City Property as licensed hereunder, (ii) on or in the Licensee Maintained Property, or (iii) arising from Licensee's snow removal along the Walkway, except to the extent any such losses, costs or expenses, damages, demands, liabilities, claims, actions, causes of action, suits, or judgments arise from the negligence or willful acts of the City or the City's employees or contractors.

2. Licensee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this License Agreement.

3. This License Agreement is assignable to any subsequent owners of the buildings located on Licensee's Property, and to any condominium association created by Licensee.

4. Subject to the provisions of Sections 5 and 6 hereof, this License Agreement may be revoked by the City of Portland six (6) months after receipt by the Licensee of written notice that an Event of Default has not been cured "Event of Default" shall mean: 1) the buildings shown on the Site Plan fail to be constructed substantially in accordance with the Site Plan or any amendments thereto; or 2) Licensee fails to perform its obligations under the terms of this License; and 3) the buildings as shown on the Site Plan are destroyed, removed or otherwise thereafter cease to exist on Licensee's Property and construction to rebuild said buildings has not begun within twelve (12) months of said destruction or removal. Upon revocation of this Agreement, Licensee shall have no further obligations hereunder.

5. Any notice of an Event of Default delivered pursuant to Section 4 of this License Agreement must be sent by certified mail, return receipt requested to the Licensee at the address for Licensee set forth above, or at such other address as the Licensee may provide to the City in writing from time to time.

6. Notwithstanding any other provision herein, in the event that a notice of an Event of Default is delivered pursuant to Section 5 hereof, any mortgagee of Licensee's Property shall be entitled to cure such default within the time frames set forth in Section 4 hereof, and the City agrees to accept such performance by any such mortgagee of Licensee's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this license agreement to be executed by Mark H. Rees, its City Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

By: Mark H. Rees
Mark H. Rees
Its City Manager

STATE OF MAINE
CUMBERLAND, ss

7/10, 2012

Personally appeared the above-named Mark H. Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the fee act and deed of said City of Portland.

Before me,

Sonia T. Bean
Notary Public/Attorney at Law

Print name: Sonia T. Bean
My commission expires: _____

Seen and Agreed to:

AVESTA HOUSING DEVELOPMENT CORPORATION

SONIA T. BEAN
Notary Public, Maine
My Commission Expires January 10, 2017

By: _____
Dana Totman, its President

By: _____
Mark H. Rees
Its City Manager

STATE OF MAINE
CUMBERLAND, ss

_____, 2012

Personally appeared the above-named Mark H. Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said City of Portland.

Before me,


Notary Public/Attorney at Law

Print name: _____

My commission expires: _____

Seen and Agreed to:

AVESTA HOUSING DEVELOPMENT CORPORATION

By:  _____
Dana Totman, its President



CERTIFICATE OF LIABILITY INSURANCE

AVESHOU-01

WYMAN

DATE (MM/DD/YYYY)

7/3/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # AGR8150 Clark Insurance P O BOX 3543 Portland, ME 04104	CONTACT NAME: PHONE (A/C, No, Ext): (207) 774-6257	FAX (A/C, No): (207) 774-2994	
	E-MAIL ADDRESS:		
INSURED Avesta Housing Development Corporation 307 Cumberland Avenue Portland, ME 04101	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Acadia Insurance Company		31325
	INSURER B : Federal Insurance Company		20281
	INSURER C : Maine Employers Mutual		11149
	INSURER D :		
	INSURER E :		

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X		CPA0298254	9/1/2011	9/1/2012	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC							
A	AUTOMOBILE LIABILITY			CAA0298258-12	9/1/2011	9/1/2012	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input checked="" type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS						\$
B	UMBRELLA LIAB			7987-6138	9/1/2011	9/1/2012	EACH OCCURRENCE \$ 10,000,000
	EXCESS LIAB						AGGREGATE \$ 10,000,000
	DED RETENTION \$						\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			1810060746	9/13/2011	9/13/2012	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)						E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

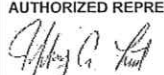
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Adams School Condominiums - development of park and playground

The City of Portland is Additional Insured under General Liability with respect to insured's operations and as required by written contract. A 30 day notice of cancellation or non-renewal (except 10 days for non-payment of premium) will be provided to the Certificate Holder.

CERTIFICATE HOLDER

CANCELLATION

City of Portland 389 Congress Street Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

© 1988-2010 ACORD CORPORATION. All rights reserved.

Re, Adams School
 license & walkway (internal)
 Give Barbara Brewer 7-5-12 to get Mark Rees
 signature - she was
 going to show it to
 DW-C first *ff.*

LICENSE AGREEMENT

This License Agreement is entered into between the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Licensee")

WITNESSETH:

WHEREAS, Licensee owns property located in the vicinity of 48 Moody Street ("Licensee's Property"), shown as "Parcel B" on a plan entitled "Recording Plat on Moody St., Vesper St., Wilson St. and Munjoy St." prepared by Owen Haskell Inc. and recorded in Plan Book ____, Page ____ (the "Site Plan"), upon which Licensee intends to construct a condominium project; and

WHEN the City intends to perform the maintenance of the City Property as shown on the Site Plan; and

Adams - Recent 2-6 only

*Note: Closing expected 7-9-12
 next need PG posted + get final plans
 then release Plat (have but some seem incorrect)
 (in vault)*

WHEN the City Property

NOW the City Property as

*DW-C would like license (attached)
 signed before release of plat (legal-BB-
 were arr. for it to be signed)*

... necessary for the following purposes: (i) to construct the Park and the walkway shown on the Site Plan running from Wilson Street to Moody Street, which is labeled as "walk" on the Site Plan (the "Walkway"), including all other elements of the Park; (ii) to maintain and/or repair that portion of the Access Land which is located between the Walkway and the front doors of the condominium units which are to be constructed on Licensee's Property facing the Access Land, as shown on the Site Plan (the "Licensee Maintained Property"); and (iii) to undertake snow removal along the Walkway. Occupancy of the City Property as described herein is subject to the following conditions:

1. Licensee, its successors and assigns hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to its entry, its use, or the use by its contractors, agents, successors and assigns, of and upon the City's property licensed hereunder as described above, and does hereby forever waive, release, relinquish, remise and discharge the City, its agents, employees, successors and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands,

liabilities, claims, actions, causes of action, suits, or judgments whatsoever of every name and nature, in law and in equity, arising from or related to any accident or injury to, or death of, any person, or any damage to property occurring (i) in connection with Licensee's construction activities within the City Property as licensed hereunder, (ii) on or in the Licensee Maintained Property, or (iii) arising from Licensee's snow removal along the Walkway, except to the extent any such losses, costs or expenses, damages, demands, liabilities, claims, actions, causes of action, suits, or judgments arise from the negligence or willful acts of the City or the City's employees or contractors.

2. Licensee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this License Agreement.

3. This License Agreement is assignable to any subsequent owners of the buildings located on Licensee's Property, and to any condominium association created by Licensee.

4. Subject to the provisions of Sections 5 and 6 hereof, this License Agreement may be revoked by the City of Portland six (6) months after receipt by the Licensee of written notice that an Event of Default has not been cured "Event of Default" shall mean: 1) the buildings shown on the Site Plan fail to be constructed substantially in accordance with the Site Plan or any amendments thereto; or 2) Licensee fails to perform its obligations under the terms of this License; and 3) the buildings as shown on the Site Plan are destroyed, removed or otherwise thereafter cease to exist on Licensee's Property and construction to rebuild said buildings has not begun within twelve (12) months of said destruction or removal. Upon revocation of this Agreement, Licensee shall have no further obligations hereunder.

5. Any notice of an Event of Default delivered pursuant to Section 4 of this License Agreement must be sent by certified mail, return receipt requested to the Licensee at the address for Licensee set forth above, or at such other address as the Licensee may provide to the City in writing from time to time.

6. Notwithstanding any other provision herein, in the event that a notice of an Event of Default is delivered pursuant to Section 5 hereof, any mortgagee of Licensee's Property shall be entitled to cure such default within the time frames set forth in Section 4 hereof, and the City agrees to accept such performance by any such mortgagee of Licensee's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this license agreement to be executed by Mark H. Rees, its City Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

By: _____
Mark H. Rees
Its City Manager

STATE OF MAINE
CUMBERLAND, ss

_____, 2012

Personally appeared the above-named Mark H. Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the fee act and deed of said City of Portland.

Before me,

Notary Public/Attorney at Law

Print name: _____

My commission expires: _____

Seen and Agreed to:

AVESTA HOUSING DEVELOPMENT CORPORATION

By: _____
Dana Totman, its President



AVESHOU-01

VWYMAN

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

7/3/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER License # AGR8150 Clark Insurance P O BOX 3543 Portland, ME 04104	CONTACT NAME: PHONE (A/C, No, Ext): (207) 774-6257		FAX (A/C, No): (207) 774-2994
	E-MAIL ADDRESS:		
INSURED Avesta Housing Development Corporation 307 Cumberland Avenue Portland, ME 04101	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A : Acadia Insurance Company		31325
	INSURER B : Federal Insurance Company		20281
	INSURER C : Maine Employers Mutual		11149
	INSURER D :		
	INSURER E :		
INSURER F :			

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

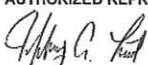
INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	X		CPA0298254	9/1/2011	9/1/2012	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS			CAA0298258-12	9/1/2011	9/1/2012	<input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$			7987-6138	9/1/2011	9/1/2012	EACH OCCURRENCE \$ 10,000,000 AGGREGATE \$ 10,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	1810060746	9/13/2011	9/13/2012	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

RE: Adams School Condominiums - development of park and playground

The City of Portland is Additional Insured under General Liability with respect to insured's operations and as required by written contract. A 30 day notice of cancellation or non-renewal (except 10 days for non-payment of premium) will be provided to the Certificate Holder.

CERTIFICATE HOLDER**CANCELLATION**

City of Portland 389 Congress Street Portland, ME 04101	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
---	--

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Jean Fraser - City comments on: Adams--City license agreement

From: Jean Fraser
To: Parker, Seth
Date: 6/27/2012 11:53 AM
Subject: City comments on: Adams--City license agreement
Attachments: 6.27.2012 City comments License Agreement_Adams.docx

Seth,

Please find attached the track-changed version of the license showing the City comments.

Jean

LICENSE AGREEMENT

This License Agreement is entered into between the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Licensee")

WITNESSETH:

WHEREAS, Licensee owns property located in the vicinity of 48 Moody Street ("Licensee's Property"), shown as "Parcel B" on a plan entitled "Recording Plat on Moody St., Vesper St., Wilson St. and Munjoy St." prepared by Owen Haskell Inc. and recorded in Plan Book ____, Page ____ (the "Site Plan"), upon which Licensee intends to construct a condominium project; and

WHEREAS, the Property abuts property owned by the City, labeled on the Site Plan as Parcels A-1 and A-2 (collectively the "City Property"), upon which Licensee at the request of City intends to construct a public park and playground (the "Park") in the area labeled on the Site Plan as "Proposed Public Park," and the Park is a portion of the land labeled as "Parcel A-1" and "Right of Access to Park Area" on the Site Plan (the "Access Land"), all as shown on the Site Plan; and

WHEREAS, in order to complete the aforementioned construction of the Park and to perform the maintenance responsibilities described below, Licensee must be able to enter upon the City Property;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, a revocable license is hereby granted to Licensee, its successors and assigns, as of the _____ day of _____, 2012, to enter onto so much of the City Property as is reasonably necessary for the following purposes: (i) to construct the Park and the walkway shown on the Site Plan running from Wilson Street to Moody Street, which is labeled as "walk" on the Site Plan (the "Walkway"), including all other elements of the Park; (ii) to maintain and/or repair that portion of the Access Land which is located between the Walkway and the front doors of the condominium units which are to be constructed on Licensee's Property facing the Access Land, as shown on the Site Plan; and (iii) to undertake ~~for~~ snow removal along the Walkway. Occupancy of the City Property as described herein is subject to the following conditions:

1. Licensee, its successors and assigns shall hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to its entry, its use, or the use of others, of and upon the City's property licensed hereunder as described above, and does hereby forever waive, release, relinquish, remise and discharge the City, its agents, employees, successors and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of

action, suits, or judgments whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this License Agreement, arising out of the presence in and use by the Licensee of the area covered by this License Agreement.

~~indemnify the City, its officers, agents, and employees from any and all claims which arise out of its use, or the use of others, of the City's property licensed hereunder as described above.~~

2. Licensee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this License Agreement.

3. This License Agreement is assignable to any subsequent owners of the buildings located on Licensee's Property, and to any condominium association created by Licensee.

4. Subject to the provisions of Sections 5 and 6 hereof, this License Agreement may be revoked by the City of Portland six (6) months after receipt by the Licensee of written notice that an Event of Default ~~has not been cured within six (6) months after receipt of such notice by Licensee.~~ "Event of Default" shall mean: 1) the buildings shown on the Site Plan fail to be constructed substantially in accordance with the Site Plan or any amendments thereto; or 2) Licensee fails to perform its obligations under the terms of this License and/or the city of Portland Code of Ordinances; and 3) the buildings as shown on the Site Plan are destroyed, removed or otherwise thereafter cease to exist on Licensee's Property and construction to rebuild said buildings has not begun within twelve (12) months of said destruction or removal. Upon revocation of this Agreement, Licensee shall have no further obligations hereunder.

5. Any notice of an Event of Default delivered pursuant to Section 4 of this License Agreement must be sent by certified mail, return receipt requested to the Licensee at the address for Licensee set forth above, or at such other address as the Licensee may provide to the City in writing from time to time.

6. Notwithstanding any other provision herein, in the event that a notice of an Event of Default is delivered pursuant to Section 5 hereof, any mortgagee of Licensee's Property shall be entitled to cure such default within the time frames set forth in Section 4 hereof, and the City agrees to accept such performance by any such mortgagee of Licensee's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this license agreement to be executed by Mark H. Rees, its City Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

By: _____
Mark H. Rees
Its City Manager

STATE OF MAINE
CUMBERLAND, ss

Personally appeared the above-named Mark H. Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in

his said capacity and the fee act and deed of said City of Portland.

Before me,

Notary Public/Attorney at Law

Print name: _____
My commission expires: _____

Seen and Agreed to:

AVESTA HOUSING DEVELOPMENT CORPORATION

By: _____
Dana Totman, its President

STATE OF MAINE
CUMBERLAND, ss.

Dated: _____

Personally appeared the above-named _____ and gave oath that the foregoing statements made by him/her are true to the best of his/her knowledge, information and belief, and where based upon information and belief, he/she believes the same to be true.

Before me,

CITY COMMENTS 6.27.2012

Notary Public/Attorney-at-Law

C:\Users\jfd\Desktop\6.27.2012 City comments License Agreement_Adams.docx

LICENSE AGREEMENT

6/27/12 This OK as is asphalt for walkway - re back to asphalt re other sidewalks call Lauren re tree wells + staff rec. re sidewalks why not concrete

DM-P does report to CC

This License Agreement is entered into between the CITY OF PORTLAND, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), and AVESTA HOUSING DEVELOPMENT CORPORATION, a Maine nonprofit corporation with a place of business in Portland, Maine and mailing address of 307 Cumberland Avenue, Portland, Maine 04101 (the "Licensee")

WITNESSETH:

WHEREAS, Licensee owns property located in the vicinity of 48 Moody Street ("Licensee's Property"), shown as "Parcel B" on a plan entitled "Recording Plat on Moody St., Vesper St., Wilson St. and Munjoy St." prepared by Owen Haskell Inc. and recorded in Plan Book ____, Page ____ (the "Site Plan"), upon which Licensee intends to construct a condominium project; and

WHEREAS, the Property abuts property owned by the City, labeled on the Site Plan as Parcels A-1 and A-2 (collectively the "City Property"), upon which Licensee at the request of City intends to construct a public park and playground (the "Park") in the area labeled on the Site Plan as "Proposed Public Park," and the Park is a portion of the land labeled as "Parcel A-1" and "Right of Access to Park Area" on the Site Plan (the "Access Land"), all as shown on the Site Plan; and

WHEREAS, in order to complete the aforementioned construction of the Park and to perform the maintenance responsibilities described below, Licensee must be able to enter upon the City Property;

NOW THEREFORE, FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, a revocable license is hereby granted to Licensee, its successors and assigns, as of the _____ day of _____, 2012, to enter onto so much of the City Property as is reasonably necessary for the following purposes: (i) to construct the Park and the walkway shown on the Site Plan running from Wilson Street to Moody Street, which is labeled as "walk" on the Site Plan (the "Walkway"), including all other elements of the Park; (ii) to maintain that portion of the Access Land which is located between the Walkway and the front doors of the condominium units which are to be constructed on Licensee's Property facing the Access Land, as shown on the Site Plan; and (iii) for snow removal along the Walkway. Occupancy of the City Property as described herein is subject to the following conditions:

1. Licensee, its successors and assigns shall indemnify the City, its officers, agents, and employees from any and all claims which arise out of its use, or the use of others, of the City's property licensed hereunder as described above.

2. Licensee shall procure and maintain liability insurance in an amount of at least Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for

bodily injury, death and property damage and shall either name the City of Portland as an additional insured with respect to such coverage or shall obtain a contractual liability endorsement covering the obligations of Licensee under the terms of this License Agreement.

3. This License Agreement is assignable to any subsequent owners of the buildings located on Licensee's Property, and to any condominium association created by Licensee.

4. Subject to the provisions of Sections 5 and 6 hereof, this License Agreement may be revoked six (6) months after receipt by the Licensee of written notice that an Event of Default is not cured within six (6) months after receipt of such notice by Licensee. "Event of Default" shall mean: 1) the buildings shown on the Site Plan fail to be constructed substantially in accordance with the Site Plan or any amendments thereto; or 2) the buildings as shown on the Site Plan are destroyed, removed or otherwise thereafter cease to exist on Licensee's Property and construction to rebuild said buildings has not begun within twelve (12) months of said destruction or removal. Upon revocation of this Agreement, Licensee shall have no further obligations hereunder.

5. Any notice of an Event of Default delivered pursuant to Section 4 of this License Agreement must be sent by certified mail, return receipt requested to the Licensee at the address for Licensee set forth above, or at such other address as the Licensee may provide to the City in writing from time to time.

6. Notwithstanding any other provision herein, in the event that a notice of an Event of Default is delivered pursuant to Section 5 hereof, any mortgagee of Licensee's Property shall be entitled to cure such default within the time frames set forth in Section 4 hereof, and the City agrees to accept such performance by any such mortgagee of Licensee's obligations hereunder.

IN WITNESS WHEREOF, the City of Portland has caused this license agreement to be executed by Mark H. Rees, its City Manager thereunto duly authorized, as of the day and year first written above.

CITY OF PORTLAND

By: _____
Mark H. Rees
Its City Manager

STATE OF MAINE
CUMBERLAND, ss

Personally appeared the above-named Mark H. Rees, City Manager of the City of Portland as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in

his said capacity and the fee act and deed of said City of Portland.

Before me,

Notary Public/Attorney at Law

Print name: _____

My commission expires: _____

Seen and Agreed to:

AVESTA HOUSING DEVELOPMENT CORPORATION

By: _____
Dana Totman, its President



Jean Fraser - RE: Adams School

From: Jean Fraser
To: Parker, Seth
Date: 4/30/2012 3:01 PM
Subject: RE: Adams School
CC: West-Chuhta, Danielle
Attachments: Adams Fig 2.pdf

Seth

For the sake of completeness I just wanted to have a written record (or simple annotated plan- attached might be usable as base) confirming maintenance responsibilities for each of these areas, as agreed/stated in deeds/easements/condo doc :

- housing area (I think I know this one!!!!)
- pedestrian walkway
- areas between the pedestrian walkway and the front doors of the house along it
- grassed area immediately next to pedestrian walkway to west (inside fence) eg "park"
- playground area immediately next to pedestrian walkway
- playground area
- residual grassed area of former school

The area you mention (walkway esplanade on housing side) is the area I think the Planning Board was most concerned about because of the difficulty of distinguishing between the pedestrian walkway esplanade and the front yard areas of the houses that face the walkway. It also would be good to clarify re the pedestrian walkway and the part of the park/playground that abuts it as there will be no fences or obvious boundaries- ie clarify as between Dept PS and Recreation (if I get a draft annotated plan I can circulate here to double check if needed).

The need for this is partly for public accountability down the road, but also to be sure that the City departments involved have something in writing that clarifies this for them in future. At one point our attorney had suggested this be on the plat but we didn't require this.

thanks
Jean

>>> Seth Parker <SParker@avestahousing.org> 4/30/2012 12:24 PM >>>

Hi Jean, Are the 4-5 areas you mention the ones along the border with the esplanade or are there others? -Seth

Seth Parker
Development Officer
Avesta Housing

307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, April 27, 2012 4:27 PM
To: Seth Parker
Subject: Adams School

Seth

I am writing to touch base with you re Adams School to just be sure that we (city) are being as coordinated as possible re documentation...

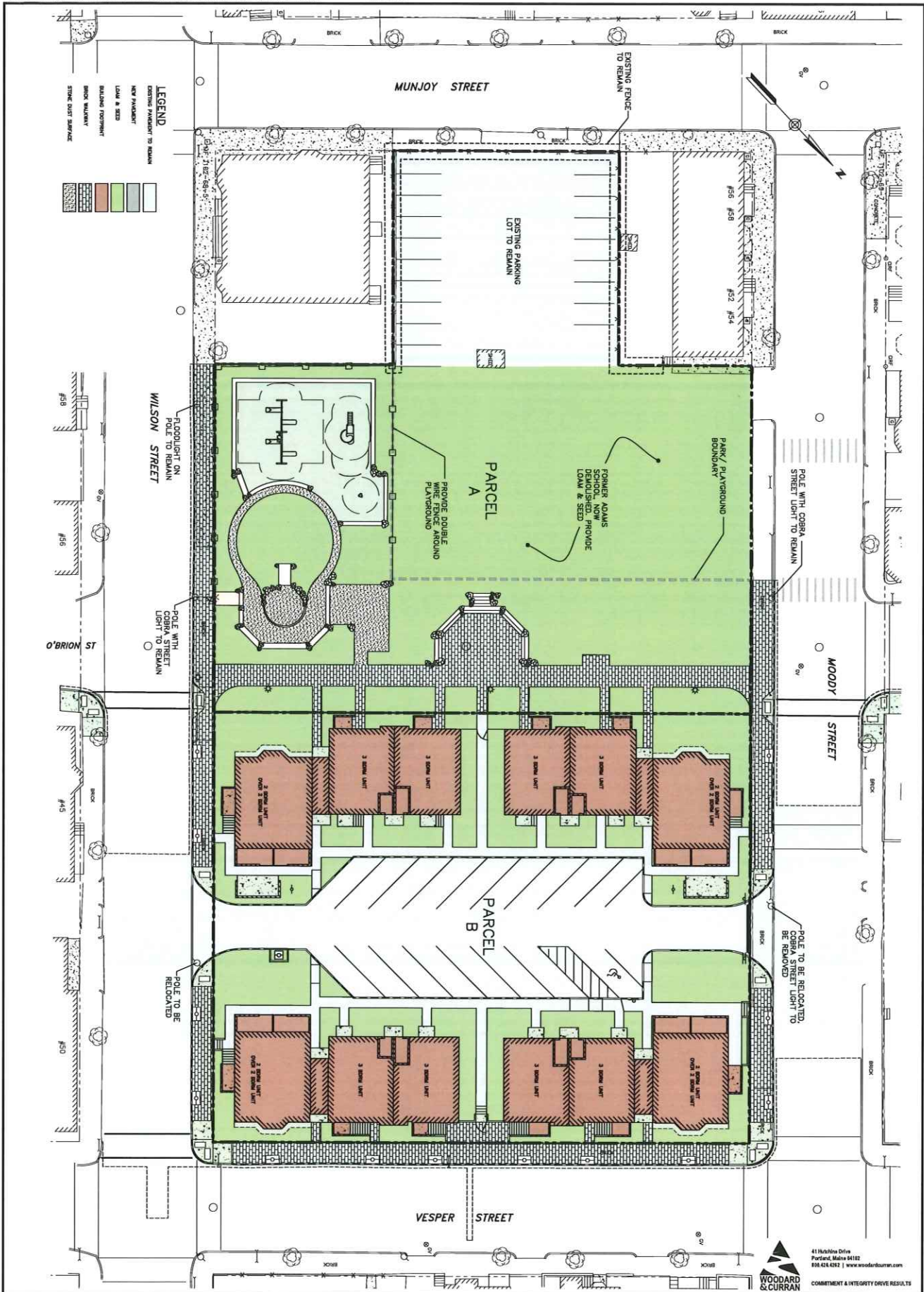
Have you submitted for a building permit yet? Its helpful if I know approx timing on the application so I can ensure Inspections have updated site plan info.

Is all OK re the Plat- should I anticipate getting the Board to sign on it May 8th?

Is there any document that clarifies re maintenance responsibilities? (As between Avesta/DPS/City Recreation for the 4-5 areas of different status?) (I'd like for our files)

Are there any other loose ends that I should follow up? I presume that you will liaise direct with Phil diPierro in my office re the performance guarantee.

thanks
Jean



41 Hickox Drive
 Portland, Maine 04102
 603.424.4262 | www.woodardcurran.com
WOODARD & CURRAN
 COMMITMENT & INTEGRITY DRIVE RESULTS

SHEET	TITLE	ISSUE	SCALE	DATE	BY	CHECKED
		AUGUST 2011	NOT TO SCALE		BMN	DLC
FIG. 2	SITE PLAN	DESIGN	SCALE	DATE	BY	CHECKED
		06/06/10			BMN	DLC

AVESTA - Adams School Site Redevelopment
 PORTLAND, MAINE

PDT
 ARCHITECTS
 40 BATHURST STREET
 PORTLAND, MAINE 04101
 603.779.5188
 www.pdtarch.com
 COPYRIGHT 2010
 ALL RIGHTS RESERVED

From: Troy Moon
To: JF@portlandmaine.gov
CC: BAB@portlandmaine.gov; DMP@portlandmaine.gov; JST@portlandmaine.gov; PD@...
Date: 6/20/2013 2:17 AM
Subject: Re: Adams Housing site- City Park area

Thanks, Jean. I walked the site this morning and provided comments to Phil.

>>> Jean Fraser 06/19/13 14:26 PM >>>
Troy

This housing project is winding up and includes a City park which I understand will be your responsibility to maintain in the future (this was discussed and agreed during the review and as a result of Council decisions regarding the RFP to Avesta for the housing part).

On the attached plat the parcel marked "Parcel A-1" is City public park, although the portion along Wilson Street is a fenced public playground and I understand Rec & Facilities will manage that. "Parcel A-2" will be sold by the City at some point.

The walkway between Wilson and Moody is City property but Avesta have a license (attached) from the City so that they can clear snow etc as the walkway and immediate front yards of some of the houses are within City property boundaries but provide access to the front doors of the new houses.

Hopefully you are aware of all this.

So Phil/contractor will be requesting you to sign off on the "condition" that the site is being left in since you will pick up the maintenance of the grassed areas, sitting "walls", lights (3 LED lights on posts) and drainage.

Please let me know if you have any questions.

Thank you
Jean

(Planner; Ext 8728)

Jean Fraser - Re: Bench along esplanade - Adams School Site

From: Barbara Barhydt
To: Leonard, Regina S.
Date: 6/19/2013 1:40 PM
Subject: Re: Bench along esplanade - Adams School Site
CC: DiPierro, Philip; Fraser, Jean; Hyman, Bruce; Margolis-Pineo, David; ...

Hello Regina:

We discussed the proposal to substitute a bike rack for the bench and we have found the change to be acceptable. Please confirm whether the bike rack on the opposite side of the path is being moved to the new location, which is what I think is proposed, or is this the addition of a new rack.

Thank you.

Barbara

Barbara Barhydt
Development Review Services Manager
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101
(207) 874-8699
Fax: (207) 756-8256

bab@portlandmaine.gov

>>> "Regina S. Leonard" <regina@rslsdesign.com> Monday, June 17, 2013 4:14 PM >>>

Hi Barbara,

Please see the attached memo and plan sketch regarding the bench issue. We hope you have the opportunity to discuss this at your upcoming Development Staff Review meeting. Thanks so much.

Regina S. Leonard
Maine licensed landscape architect
29 Bridge Street
Topsham, ME 04086
Tel. 207-450-9700
Fax. 207-482-0023

MARADA ADAMS PARK PROJECT

MEMORANDUM



REGINA S. LEONARD
landscape architecture & design

DATE: 6/17/13

RE: PROPOSED BENCH RELOCATION

TO: BARBARA BARHYDT (DEVELOPMENT REVIEW TEAM)

CC: SETH PARKER, ALAN KUNIHOLM, DAVID LEWIS, RICHARD EGAN, FILE

ISSUE:

As the Development Review Team may be aware, one of the benches within the park has raised issues with a potential buyer because the bench is facing the first floor living room and second floor bedroom windows. Because there is limited space elsewhere, we had hoped to simply move the bench to another location along the esplanade. After receiving feedback from Development Review Team, we concur that moving the bench to another location along the esplanade does not resolve the issues of privacy for the units. Since the buyer of the unit in question has threatened to pull out of the purchase & sale agreement if the bench is not moved from its current location, we have looked for alternate location within the park. At issue is the fact that we have limited left over space and there is already ample seating within the central plaza of the esplanade and there are five benches and two picnic tables within the play area. We looked at relocating the bench along Moody Street, but the bench would face homes and windows on the opposite side of the street, which raises a similar potential issue as the bench along the esplanade.

PROPOSED SOLUTION:

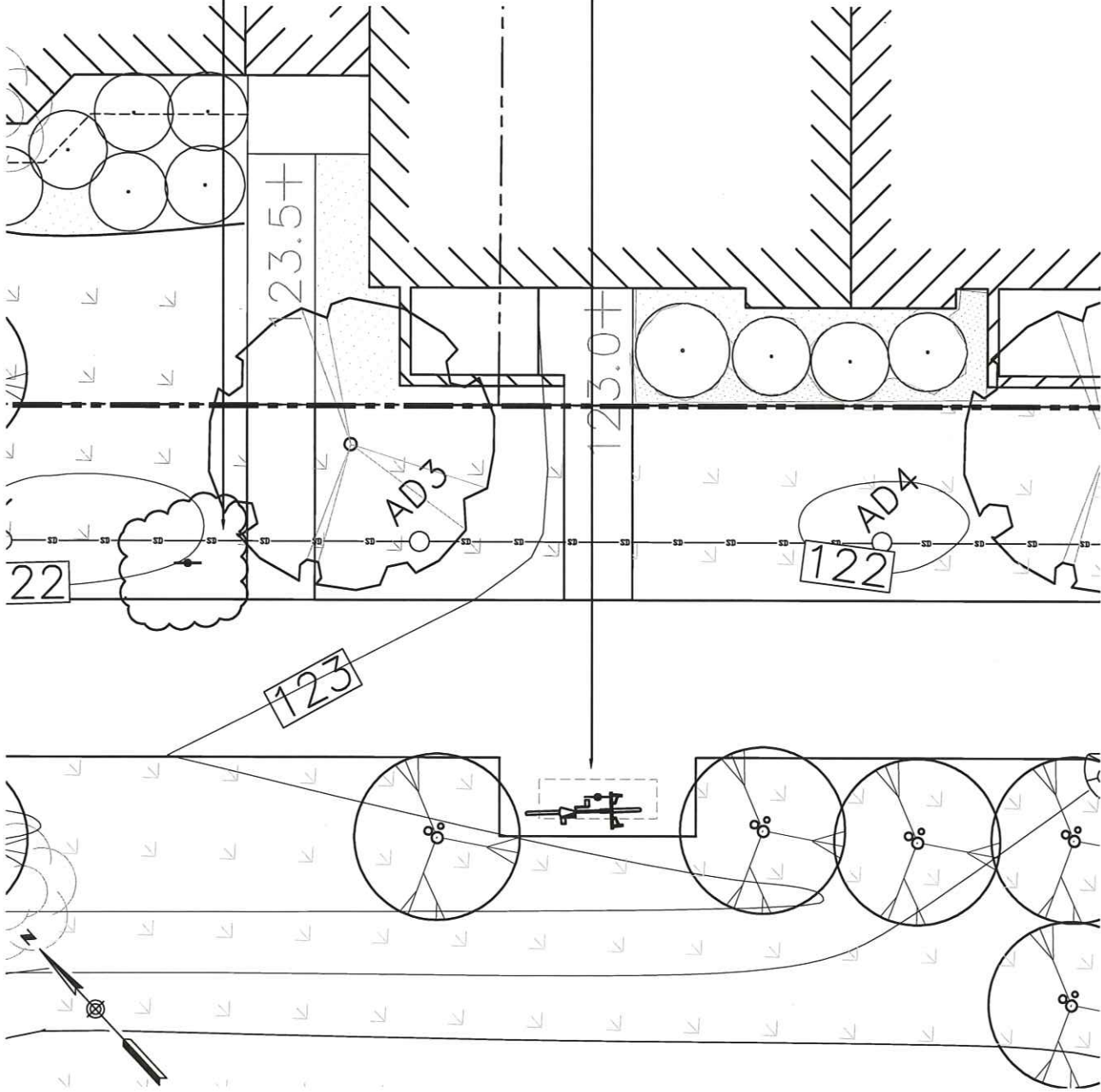
For the reasons given above, we would like to request permission to eliminate the bench along the esplanade. Avesta will donate the bench to the City so that it can be installed elsewhere. Additionally, we'd like to leave the current bench pad in place and relocate one of the bike racks to this location, which offers more room. Please refer to the attached sketch showing the proposed changes.

+ landscape mods
+ who sign off re park.

**PROPOSED
BENCH PAD CHANGES**
MARADA ADAMS PARK
PORTLAND, ME

RELOCATE BIKE RACK TO BENCH PAD
ON OTHER SIDE OF ESPLANADE; SURFACE
TO BE LOAMED & SEEDED AS REQUIRED

ELIMINATE BENCH ALONG ESPLANADE;
RELOCATE BICYCLE RACK TO EXISTING
BENCH PAD (TO REMAIN IN PLACE)



CHECK GRAPHIC SCALE BEFORE USING

REGINA LEONARD, RLA
TEL. 207.450.9700

DATE	JOB NO.
6/17/13	ADAMS12
DRAWN	CHECKED
RSL	NA
SCALE	FILE NAME
NTS	L1_130617_A7

MARADA ADAMS PARK PROJECT

MEMORANDUM



DATE: 6/18/13

RE: MURAL PANELS AT MARADA ADAMS PARK

TO: SETH PARKER, COUNCILOR DONOGHUE, ANITA LACHANCE, SALLY DELUCA, ETHAN OWEN, MIKE BOBINSKY, TROY MOON, JEAN FRASER, DAN HALEY, ERIC STARK, JO ISRAELSON

CC: ALAN KUNIHOLM, FILE

SUMMARY:

As requested in the initial Request for Proposal, Avesta and its design team investigated several options for displaying the salvaged Adams School mural. A detailed memorandum of the evaluated options and course of action was issued to key individuals in early May. A follow up meeting with the key parties was held on May 10th at the Adams School project site. This memorandum is intended to provide background, highlight meeting discussion and next steps.

DESIGN CONSIDERATIONS

The original memorandum outlined a number of design considerations associated with integrating the mural into the park site, including scale, durability, safety and appropriate treatment of the mural as a public artwork.

EVALUATED OPTIONS

As part of the decision-making process, the design team evaluated several treatment options for the mural and evaluated the viability of each. The options were reviewed with City staff. Option #1 incorporated two of the mural panels along the fence line bordering the playground. The review concluded that the 8' tall mural panels would block sight lines, be unsightly from one-side and prone to graffiti. Option #2 proposed one panel in place of the climbing wall feature, but this option was ultimately rejected because the application was not an appropriate treatment of a public artwork. Option #3 called for replicating mural figures with colorful cut-outs and installing the figures along the fence panels. The team concluded, however, that the very characteristics that affected one's response to the original panels would be lost in the translation. Option #4 created a 2/3 scale (6 feet tall) replication of the mural along the fence line with solid panels featuring figure cut-outs against a solid background. While this option was a more accurate representation of the original murals, the scale of the panels created many of the issues noted for Option #1.

OTHER ISSUES

Jo Israelson, as a professional artist and one of the children who helped create the mural (girl jumping rope) provided key insights that were shared with the group. The original mural was intended to be read as one piece so the panels should not be split up. The unique qualities of the mural are integral to how it is experienced. One of the most powerful aspects of the mural in its original context was its larger-than-life scale – especially compared to the elementary school students who interacted with it every day. This was a consideration for evaluating Option #3, in particular.

RECOMMENDED COURSE OF ACTION

After exploring numerous options and weighing the design and treatment considerations, the design team concluded that the significance of the Adams School mural would be compromised if the panels were separated and that there are also clear limitations to the site's ability to host such a massive artwork in its entirety. As well, replication of the mural did not seem appropriate given the issues of scale and safety. The team therefore recommended that the City store the mural until it can be installed in fashion and location more in keeping with the qualities that make it special.

MARADA ADAMS PARK PROJECT

DISCUSSION / NEXT STEPS

Meeting participants: Jo Israelson, Eric Stark, Dan Haley, Ethan Owens with Avesta team members Seth Parker, Alan Kuniholm & Regina Leonard).

Meeting participants supported the assessment and decision-making process regarding the murals, but had reservations about storing the murals, particularly at their current location at the Congress Street facility. Most feared that the murals would be damaged, separated or forgotten with time. At the very least, the panels should be crated and wrapped as one would do with other artwork. To the extent possible, the pieces should be moved to a location where they are better protected from damage by heavy equipment and weathering. Avesta will reach out to the City regarding storage of the murals.

The group also felt that without active and continued advocacy the mural would simply deteriorate in storage and be forgotten. Avesta approached the Public Art Committee regarding the possibility of conveying the mural as a public artwork, but the PAC declined the offer.

The mural is very much tied to the sense of community that makes Munjoy Hill so special. The group would like to see the mural stay on the Hill and displayed in a way that is consistent with the artwork. A suggestion was made to reach out to the Saint Lawrence Arts Center about possibly integrating the mural into the proposed addition now being reviewed by the Planning Board. Alan Kuniholm has contacted the project architect David Lloyd and Executive Director Dierdre Nice regarding the mural and its availability for integration into the architectural design. Of this date, there has been no decision as to whether or not the murals can be used for this project.

Since the mural will not be integrated into the Adams School site redevelopment, it would be nice to honor the mural and Marada Adams by providing a sign within the park space with a history of the educator and the artwork. Avesta will be pursuing a local contact for support in drafting the language.

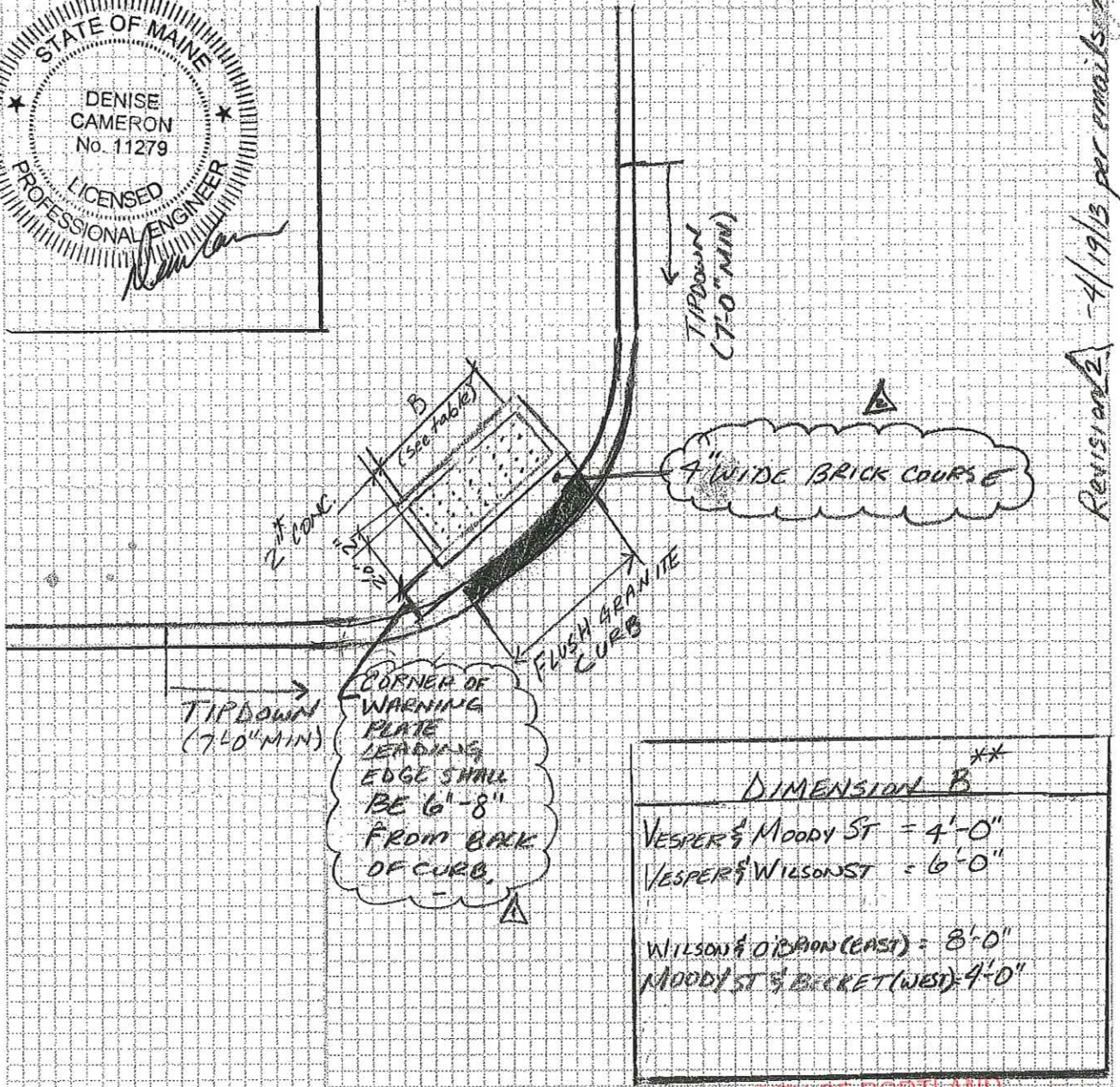
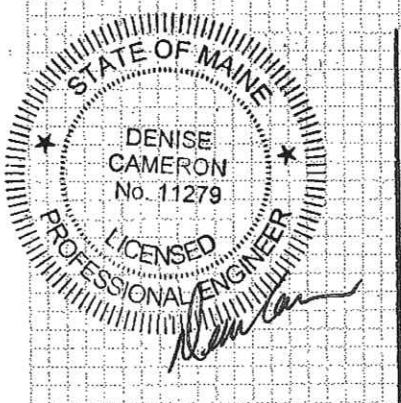


41 HUTCHINS DRIVE
 PORTLAND, MAINE 04102
 TEL. (207) 774-2112
 FAX (207) 774-6635

CLIENT AVESTA / PDT ARCHITECTS
 PROJECT ADAMS SCHOOL REDEVELOPMENT
 DESIGNED BY DLG DATE 4/19/13
 CHECKED BY DLG DATE 4/19/13
 PROJECT NO. 219804 SHEET NO. 1 OF 2

Note: Panel can be made up of 2x2 panels to meet final specified dimensions (PPS+Planning agreed this) JF.

RADIAL CURB DETECTABLE WARNING PLATE SKETCH



CORNER OF WARNING PLATE LEADING EDGE SHALL BE 6'-8" FROM BACK OF CURB.

DIMENSION B**	
VESPER & MOODY ST	= 4'-0"
VESPER & WILSON ST	= 6'-0"
WILSON & O'DONN (EAST)	= 8'-0"
MOODY ST & BECKET (WEST)	= 4'-0"

Revised 2 - 4/19/13 per email from G.H.

*Note: 2" CONCRETE DIMENSION PER DISCUSSIONS N/ CITY OF PORTLAND 4/18/2013

CITY OF PORTLAND
 APPROVED SITE PLAN
 Subject to Dept. Conditions
 Date of Approval: 8-9-2011
 amended 4-22-2013
 SK-5A
 NOT TO SCALE

** Note: WIDTH OF DIMENSION B PER DISCUSSIONS w/ CITY OF PORTLAND 4/18/2013

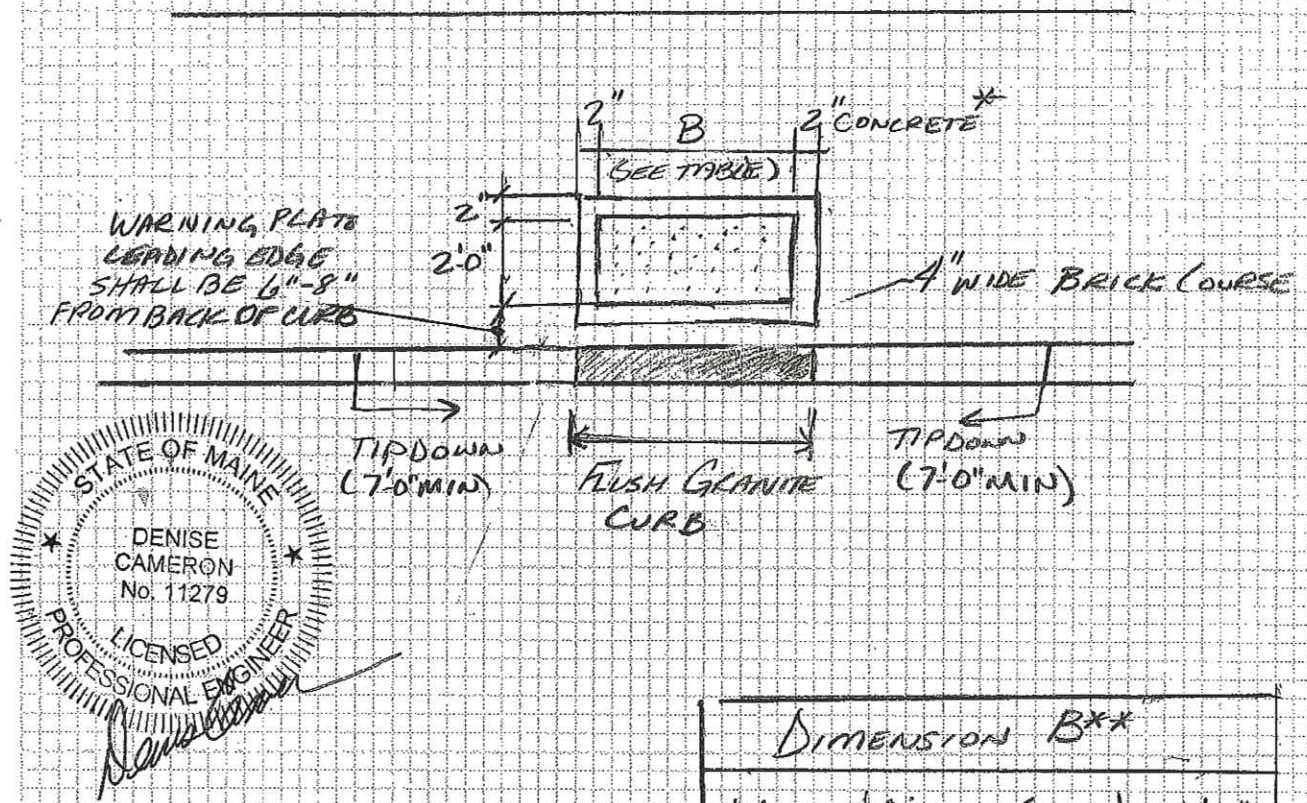


41 HUTCHINS DRIVE
 PORTLAND, MAINE 04102
 TEL. (207) 774-2112
 FAX (207) 774-6635

CLIENT AVESTA/PDT ARCHITECTS
 PROJECT ADAMS SCHOOL REDEVELOPMENT
 DESIGNED BY DLC DATE 4-19-03
 CHECKED BY DLC DATE 4-19-03
 PROJECT NO. 219804 SHEET NO. 2 OF 2

Note: Panel can be made up of 2x2 panels to meet final specified dimensions
 CPS+Planning agreed this

STRAIGHT CURB DETECTABLE WARNING PLATE SKETCH



DIMENSION B**
Wilson & O'Brien (WEST) = 6'-0"
Moody & Becket (EAST) = 6'-0"

* NOTE: 2" CONC. DIMENSIONS PER DISCUSSION w/ CITY OF PORTLAND
 4/18/2013

** NOTE: WIDTH OF DIMENSION B PER DISCUSSION w/ CITY OF PORTLAND
 4/18/2013

CITY OF PORTLAND
 APPROVED SITE PLAN
 Subject to Dept. Conditions
 Date of Approval: 8-9-2011
 as amended 4-22-2013

SK-SB
 NOT TO SCALE

Jean Fraser - Re: Fwd: Detectable Warning Plates - Avesta Housing/Adams School Site Work

From: Bruce Hyman
To: Jean Fraser
Date: 5/3/2013 1:14 PM
Subject: Re: Fwd: Detectable Warning Plates - Avesta Housing/Adams School Site Work

yes - approved, but they will use 2x2 panels to make up the 2'x4', 2'x6' and 2'x8' dimensions of panels as Denise's drawings show are needed.

Bruce

>>> Jean Fraser 5/3/2013 12:36 PM >>>
So what are shown in Denise's approved sketch plans?

>>> Bruce Hyman 5/3/2013 12:33 PM >>>
I think Richard Egan is awaiting the ok on the plates they've procured as well.

Thanks!

Bruce

>>> Jean Fraser 5/3/2013 11:48 AM >>>
Bruce

I have already confirmed approval to the attached sketch- does it already include the plates that they have procured?

If not, I will document the detailed revision re the smaller plates that they have procured.

Its di minimus so we would just confirm in an e-mail plus add a note to this effect on the circulated stamped revision plan.

Jean

>>> Bruce Hyman 5/3/2013 11:40 AM >>>
I am okay with approving the use of the detectable warning plates that Great Falls has procured. It will be less than optimal but meet ADA if installed correctly and generally meet the Tech Manual as was in place when the application was submitted and is pertinent.

Jean - I imagine, if agreeable to everyone else, that you'll issue the letter of acceptance.

Bruce

>>> Jean Fraser 4/23/2013 12:03 PM >>>
Bruce

I don't think Phil would be aware of the chronology and comments during the review so I will chip in on this.

The main part of the review was in late 2010/early 2011 (it was submitted in late 2010) and Tom Errico

From: Philip DiPierro
To: Hyman, Bruce
CC: Barhydt, Barbara; Fraser, Jean; Margolis-Pineo, David
Date: 4/23/2013 4:00 PM
Subject: Re: Fwd: Detectable Warning Plates

Hi Bruce, if you are comfortable accepting the panels they are proposing or requesting to use, I'm fine with that. They will probably be just as effective as the City standard, assuming they install them correctly.

That being said, if you would rather they comply with what was shown as being approved on the final plan, you have my full support if you want to require them to install the correct/approved panels.

Let me know either way. Thanks.

Phil

>>> Bruce Hyman 4/23/2013 8:59 AM >>>
Hi Phil,

I am trying to track down why the plates they ordered were specified, trying to figure out where the spec for 'Seattle yellow' on their stamped/approved plans (the last note (note 5 in their detail I believe)) came from when all my previous Tech Manuals reference 'Federal yellow' (from April 2010).

I don't recollect exactly when the site plan application was submitted and subsequent review of this project was conducted. My guess is that Seattle Yellow was the closest their manufacturer (Neenah?) had to Federal Yellow.

I can't find any reasonable reason (at this point in the proceedings/series of mis-communications) to deny their request to use the panels on hand. I did find a 2010 Tech Manual drawing that shows 2'x2' 'steel' panels to assemble/create a 2'x4' DWP area.

Are you good with what they've got?

Bruce

From: Bruce Hyman
To: Jean Fraser
Date: 5/3/2013 1:14 PM
Subject: Re: Fwd: Detectable Warning Plates - Avesta Housing/Adams School Site Work

yes - approved, but they will use 2x2 panels to make up the 2'x4', 2'x6' and 2'x8' dimensions of panels as Denise's drawings show are needed.

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Jean - I imagine, if agreeable to everyone else, that you'll issue the letter of acceptance.

Bruce

From: Bruce Hyman
To: Denise Cameron; Jean Fraser
CC: David Lewis; David Margolis-Pineo; Gregory Vining; Philip DiPierro; Rhonda Zazzara; regan@greatfallsinc.com
Date: 4/22/2013 8:22 AM
Subject: RE: Detectable Warning Plates Adams School Redevelopment

Good morning, Jean,

I find the attached drawings and offered solution acceptable at the 6 referenced locations, if constructed as shown.

I will request of our Inspections staff that we are on-site during construction to assure compliance.

Bruce

Bruce Hyman
Bicycle & Pedestrian Program Coordinator

City of Portland, Maine
Dept. of Public Services
bhyman@portlandmaine.gov
207-874-8833

>>> Denise Cameron <dcaeron@woodardcurran.com> 4/19/2013 4:18 PM >>>

Hi All,

I had an opportunity to talk to Bruce this afternoon regarding the detectable warning plate sketches for the Adams Redevelopment Project. He suggested that I include a second sketch that shows the layout for a straight curb as well as radial. I have updated the sketches, and attached them to this email for your consideration.

Thank you,
Denise

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, April 19, 2013 9:43 AM
To: Bruce Hyman; Denise Cameron
Cc: regan@greatfallsinc.com; David Lewis; Philip DiPierro
Subject: RE: Detectable Warning Plates Adams School Redevelopment

Hi

Once I have a sign off from DPS I will:
send a formal written confirmation of approval; and circulate stamped copies of whatever is the final plan.

Bruce- pl let me know when there is a plan that represents what is approved.

thanks

Jean

Speak Phil

ean Fraser - Re: Detectable warning plate changes

From: Bruce Hyman
To: Richard Egan; lewis@pdtarchs.com
Date: 4/5/2013 9:32 AM
Subject: Re: Detectable warning plate changes
CC: Barbara Barhydt; Chris Allain; Darren Shiers; David Margolis-Pineo; ...

Good morning, Richard,

Thank you for including me on your recent email note to PDT/Mr. Lewis.

Please note that a plan showing the revised 6 curb ramp locations with detectable warning panels with dimensions should be submitted (with copy to Jean Fraser and to Phil diPierro in the Planning Office) for final review and approval before curb ramp work is considered completed, including but not limited to, the final placement of the detectable warning panels.

I would welcome the opportunity to meet with and/or discuss in advance of the preparation of the revised drawings by the designer the details of what we discussed on my site visit and subsequently to mutually understand the city's Technical Manual provisions, ADA-compliant design and design detail expectations.

Best regards,

Bruce

Bruce Hyman

Bicycle & Pedestrian Program Coordinator

City of Portland, Maine
Dept. of Public Services

bhyman@portlandmaine.gov

207-874-8833

>>> "Richard Egan" <regan@greatfallsinc.com> 4/3/2013 2:36 PM >>>

Hi David,

Please find attached RFI 76 for detectable warning plate changes. Upon completion of the preconstruction meeting Bruce asked to have the approved civil plans changed, I have included a couple of marked up drawings representing what he is requesting so we can get a formal approval to modify the contract documents.

Regards,

Rich

Richard Egan
Project Manager



Great Falls Construction
20 Mechanic Street
Gorham, ME 04038

(207) 839-2744 Office
(207) 839-3737 Fax
(207) 615-6603 Cell

www.greatfallsinc.com



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

PAUL R. LEPAGE
GOVERNOR

August 2, 2012

Seth Parker
Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101

Mark Reese
City Manager
City of Portland
389 Congress Street, Room 208
Portland, Maine 04101

Re: Park Redevelopment at the Former
Portland: Voluntary Response Actio
include the City of Portland as a co-

Dear Mr. Parker and Mr. Reese:

The Maine Department of Environmental Protection received your application submitted in March 2012, by you and the Department's Voluntary Response Action Program (VRAP) for the former Marada Adams Community School property (the site). The following reports were completed for the Community School property (which include the site): Government's (GPCOG) Brownfields Program Phase One Environmental Site Assessment Report dated October 17, 2010 prepared by SW Cole Engineering, Inc.; a Building Materials Survey Summary Report prepared by Credere Associates dated February 11, 2011; An Underground Storage Tank Closure Summary Letter prepared by Credere dated February 16, 2011, A Phase II Environmental Site Assessment, Former Marada Adams Community School Report dated September 9, 2011 prepared by Credere Associates; as well as a Voluntary Response Action Program Work Plan for the site dated May 24, 2012, also prepared by Credere Associates. The application was submitted to the Department with the request that the site participate in the VRAP and that Avesta Housing Development Corporation (Avesta) and the City of Portland, Maine, as the applicant and co-applicant to the VRAP, receive the protections provided by the VRAP Law.

The site is comprised of five parcels of land totaling 0.61 acres in a residential area. The larger former Marada Adams Community School property (which includes the site) has been used for

Copies

1. Notebook	✓
2. file - subject	plus copy
3. Mary Davis	✓
4. Danielle	✓
5. Greg -	✓
6. Jeff - Des-ree	✓
7. Phil	✓
8. Tammy M.	✓

8-14-12.

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

the following activities: residences, a trolley line, an automobile garage, the Burgess, Forbes & Co. White Lead & Color Works and most recently a school. The site and surrounding former school property are currently vacant. The October 14, 2011 Phase I investigation identified the past industrial uses and historical releases of petroleum from former underground storage tanks as historic recognized environmental conditions (REC). This report identified petroleum contaminated soil detected in borings in 2009 as the only current REC. The Phase II investigation concluded that there is soil contaminated with hazardous substances located on the site as well as hazardous building materials. The building has subsequently been demolished and building materials have been removed from the site and disposed of by Avesta.

Based on the information presented in the above listed reports, the Department agrees with the following recommended actions proposed in the work plan:

- 1) Contaminated soils that are disturbed during redevelopment of the site will be managed according to the approved May 24, 2012 Work Plan and appended Soil Management Plan (SMP). Contaminated soils that are currently located *in situ* at the site, or contaminated soils that are removed and replaced onsite during the course of the redevelopment will be covered with a marker layer and a minimum of 12 inches of clean fill, or will be covered with a minimum of 6 inches of clean sand and gravel and approximately 3 inches of asphalt, brick pavers, or other similar material. If excess soil is generated that cannot be re-used onsite the material will be disposed at an appropriate facility.
- 2) A deed restriction will be recorded at the Cumberland County Registry of Deeds that prohibits excavation of properly covered contaminated soils onsite and withdrawal of groundwater without notification of the Department. This restriction will be placed as Declaration of Environmental Covenants consistent with this letter and acceptable to the Department.

Provided that the actions described above are completed to the satisfaction of the Department, Avesta Housing Development Corporation and its successors and/or assigns, and the City of Portland Maine, will be granted the liability protection provided by 38 M.R.S.A. § 343-E(1) for the site located on Moody Street, in Portland, Maine identified as Lots M-1, M-2, M-6, M-7, and P-1 on Portland Tax Map 003. The Department will take no action against Avesta Housing Development Corporation, its successors and assigns, the City of Portland, Maine, and all those persons identified in 38 M.R.S.A. § 343-E(6).

Once the proposed and recommended remedial measures at the site have been implemented to the satisfaction of the Department, a report demonstrating the successful completion of the tasks must be forwarded to the VRAP. A report may be submitted when all of the remedial activities have been completed for the entire site or in stages as portions of the site are remediated and ready for redevelopment. Upon determining successful conclusion of the remedial tasks, the Department will issue a Commissioner's Certificate(s) of Completion for those portions of the

Letter to
(date)
Page 3 of 3

site that have been completed to Avesta Housing Development Corporation and the City of Portland, Maine.

If you have any questions, please call me at 207-287-4853.

Sincerely,



Gordon Fuller
Voluntary Response Action Program
Division of Remediation

cc: Jedd Steinglass, Credere
Maurice Selinger, Curtis Thaxter

CITY OF PORTLAND, MAINE

PLANNING BOARD

Joe Lewis, Chair
Carol Morrisette, Vice Chair
Lee Lowry, III
Stuart G. O'Brien
Michael J. Patterson
David Silk
Bill Hall

August 23rd, 2011

Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101
Attn. Ethan Boxer-Macomber & Seth Parker

Woodard & Curran
41 Hutchins Drive
Portland, ME 04102
Attn. Denise Cameron

Project Name: Adams School Redevelopment
16 residential units and public park/playground
Project ID: 10-99700009
Project Address: 48 Moody Street
CBL: 003-H-001-001

Dear Applicant:

On August 9th, 2011 the Portland Planning Board considered a Level III Final Site Plan and Subdivision application for a proposal to create a 16 unit residential condominium development on a .74 acre portion of the site of the former Marada Adams School, along with construction of a .35 acre public park/ playground area adjacent to the housing complex. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to approve the application with the following motions and conditions as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) to waive Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area) subject to agreement with the Zoning Administrator, and to include detailed references to ownerships, easements, park/playground, stormwater systems, Condominium Association documents and relevant conditions; and

- ii. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and
- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B.110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall submit revised Landscape and Demolition Plans to incorporate the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for review and approval by the Planning Authority prior to the issuance of a building permit.

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted 4-0 (Lewis, O'Brien and Silk absent) that the plan is in conformance with the site plan standards of the Land Use Code [a subject to the following condition(s) of approval:

- i. That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iv. That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows onto the passageway; and
- v. That any signage, including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report # 17-11, which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

Standard Conditions of Approval

Please note the following standard conditions of approval and requirements for all approved site plans:

- 1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a building permit.

2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of the Site Plan Ordinance of Portland's Land Use Code.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. The subdivision approval is valid for three (3) years.
7. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
9. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
11. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632.

Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or jf@portlandmaine.gov.

Sincerely,



Joe Lewis, Chair
Portland Planning Board

Attachments:

1. 8.2.2011 Associate Corporation counsel comments
2. 8.9.2011 City Arborist comments
3. 8.4.2011 Traffic Engineering Reviewer comments
4. 8.4.2011 Department of Public Services comments
5. Planning Board Report #17-11
6. Performance Guarantee Packet

Electronic Distribution:

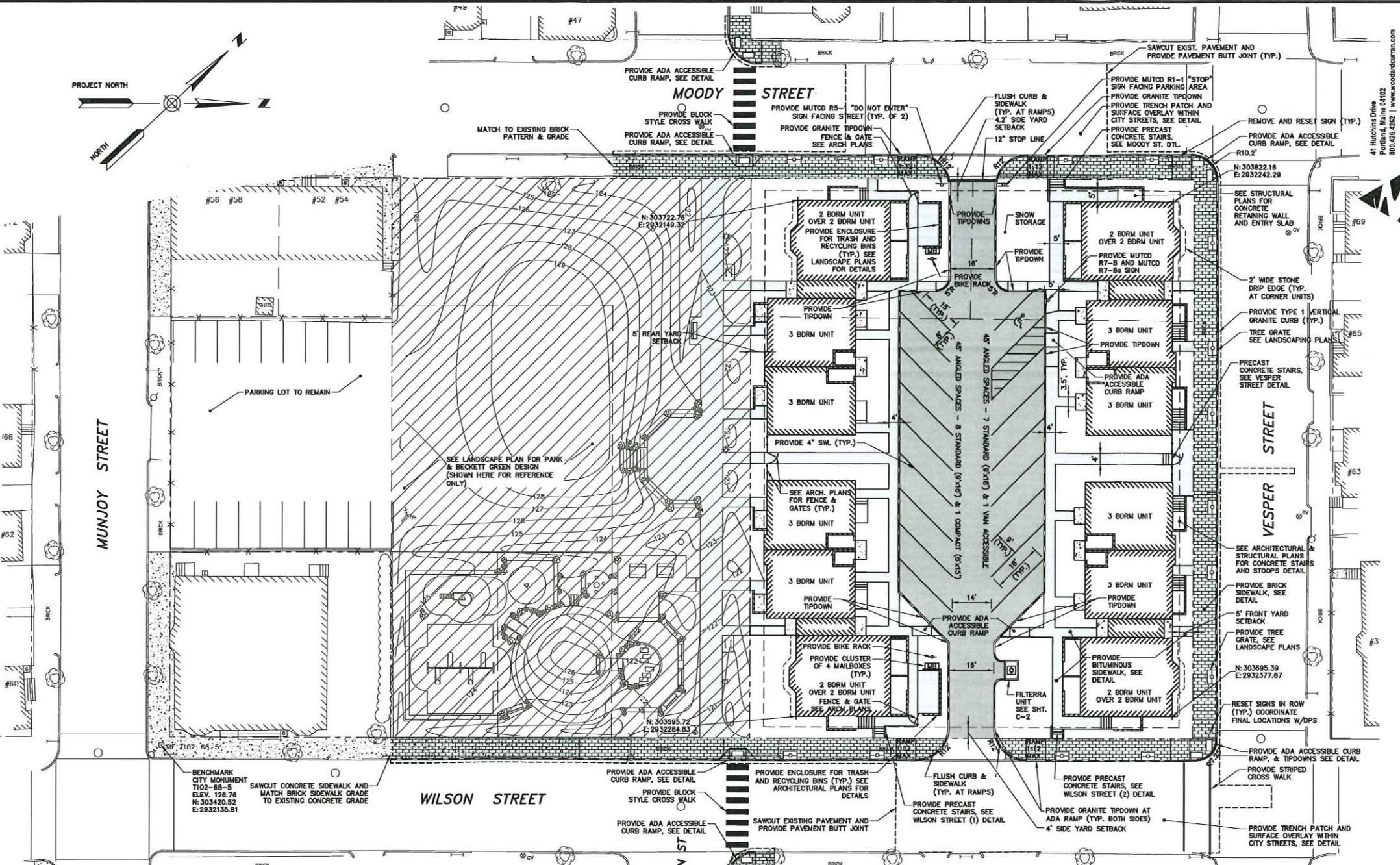
Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services

Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Chris Pirone, Fire
Jeff Tarling, City Arborist
Tom Errico, TY Lin
David Senus, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File

GENERAL NOTES:

- EXISTING SITE AND TOPOGRAPHIC DATA BASED ON A PLAN BY OMEN HASKELL, INC. OF YARMOUTH, MAINE, DATED JULY 21 2010 AND REVISED NOVEMBER 30 2010. HORIZONTAL DATUM IS REFERENCED TO MAINE STATE PLANE NAD 83, US FOOT. VERTICAL DATUM IS REFERENCED TO CITY DATUM. BEARINGS ARE GRID NORTH BASED ON CITY MONUMENTS T102-69-7, T102-68-5.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
- THE UTILITY LOCATIONS SHOWN ON PLAN ARE APPROXIMATE AND REQUIRE FIELD VERIFICATION BY THE CONTRACTOR. CONTACT THE PROJECT ARCHITECT AND CITY IMMEDIATELY UPON DISCOVERING ANY CONFLICTS WITH EXISTING AND PROPOSED UTILITY LOCATIONS. NOT ALL EXISTING UTILITIES ARE SHOWN ON PLANS.
- CLEAN AND/OR FLUSH ALL MANHOLES, CATCH BASINS, AND ASSOCIATED PIPING AFTER THE WORK HAS BEEN COMPLETED.
- COORDINATE CONSTRUCTION ACTIVITY WITH UTILITY COMPANIES, EMERGENCY SERVICES AND CITY. NOTIFY UTILITY COMPANIES WITHIN 48 HOURS OF WORK ACTIVITY ADJACENT TO THOSE UTILITIES.
- CONTRACTOR SHALL NOTIFY ALL UTILITIES PRIOR TO COMMENCING WORK, ALLOWING SUFFICIENT TIME TO LOCATE AND MARK THE LOCATION OF BURIED UTILITIES. CONTRACTOR SHALL CONTACT "DIG SAFE", TELEPHONE 888-344-7233, PRIOR TO EXCAVATION.
- RESTORE ALL AREAS DISTURBED BY CONTRACTOR'S OPERATIONS TO ORIGINAL FINISH (GRAVEL, PAVEMENT, GRASS, ETC.). RESTORATION OF PAVED SURFACES, GRAVEL SURFACES, DRIVEWAYS, LAWNS DAMAGED BY CONSTRUCTION ACTIVITIES OUTSIDE OF LIMITS OF WORK INDICATED ON THE PLANS SHALL BE PERFORMED AT NO ADDITIONAL COST TO OWNER. ANY CURB DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED IN KIND AND SHALL CONFORM TO CITY OF PORTLAND AND MAINE DOT SPECIFICATIONS AT NO ADDITIONAL COST TO OWNER.
- PROPERLY PROTECT AND DO NOT DISTURB PROPERTY IRONS AND MONUMENTS. IF DISTURBED, THE PROPERTY MONUMENT SHALL BE RESET AT THE CONTRACTOR'S EXPENSE BY A LICENSED LAND SURVEYOR ACCEPTABLE TO THE CITY.
- EXISTING FACILITIES WITHIN CITY RIGHT-OF-WAY (I.E. GRANITE CURBING, SIDEWALK BRICKS, TREES, POLES, LIGHT POSTS, SIGNS, CATCH BASINS, ETC.) SHALL BE REMOVED AND PROTECTED DURING CONSTRUCTION. THESE FACILITIES ARE THE PROPERTY OF THE CITY'S PUBLIC SERVICES DEPARTMENT. ALL PROPERTY REMOVED FROM THE PUBLIC R.O.W. SHALL BE DELIVERED TO THE CITY'S MATERIAL STOCK YARD ON OUTER CONGRESS STREET. CONTRACTOR TO DISPOSE OF ANY REMOVED FACILITY AT THE REQUEST OF CITY OR OWNER AT CONTRACTOR'S EXPENSE. CONTRACTOR TO COORDINATE REMOVAL/DISPOSAL WITH THE CITY DEPARTMENT OF PUBLIC SERVICES.
- ALL TREES NOT NOTED TO BE REMOVED OR RELOCATED SHALL BE PROTECTED BY CONTRACTOR DURING CONSTRUCTION.
- ALL WORK SHALL CONFORM TO THE CITY OF PORTLAND'S TECHNICAL MANUAL.
- ALL WORK WITHIN THE RIGHT OF WAY OF CITY STREETS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY TRAFFIC ENGINEER. THE CONTRACTOR SHALL SUBMIT A PROPOSED TRAFFIC CONTROL PLAN TO THE TRAFFIC ENGINEER AT LEAST 7 DAYS BEFORE BEGINNING CONSTRUCTION ANY STREET. THE PROPOSED TRAFFIC CONTROL PLAN SHALL BE SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEER, WHO MAY ATTACH SPECIAL CONDITIONS TO, OR REQUIRE MODIFICATIONS OF, THE TRAFFIC CONTROL PLAN. WORK SHALL NOT BEGIN UNTIL THE PLAN IS APPROVED BY THE TRAFFIC ENGINEER.
- PRIOR TO CONSTRUCTING ANY SIDEWALK HANDICAP RAMPS WITHIN THE ROAD RIGHT OF WAY, THE DESIGN SHALL BE REVIEWED AND APPROVED BY BRUCE HYMAN (OFFICE - 207.874.8833 CELL - 207.400.9243) OF THE PUBLIC SERVICES DEPARTMENT.
- DO NOT PARK, IMPEDE ACCESS TO, OR STORE EQUIPMENT ON ADJACENT CITY OR PRIVATELY OWNED LOTS, UNLESS PERMISSION HAS BEEN GRANTED IN WRITING BY CITY AND/OR LAND OWNER.
- CONTRACTOR SHALL NOT DISRUPT PRIVATE UTILITY SERVICES OF ADJUTING LAND OWNERS. ALL UTILITY COORDINATION IS RESPONSIBILITY OF CONTRACTOR.
- RESTRICT ACCESS TO SITE THROUGH THE USE OF APPROPRIATE SIGNAGE, BARRIERS, FENCES, ETC. SITE SHALL BE LEFT WITH APPROPRIATE SAFETY MEASURES IN PLACE DURING NON-WORKING HOURS. SITE SAFETY IS THE RESPONSIBILITY OF CONTRACTOR DURING BOTH WORKING AND NON-WORKING HOURS.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION PERMITS. PERMIT APPLICATIONS SHALL BE SUBMITTED WITH ADEQUATE TIME SO AS NOT TO DELAY CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN A CITY STREET OPENING PERMIT BEFORE BEGINNING CONSTRUCTION WITHIN CITY RIGHT-OF-WAY. THE CONTRACTOR SHALL HAVE A CURRENT EXCAVATOR'S LICENSE PRIOR TO ANY EXCAVATION WITHIN CITY RIGHT-OF-WAY.
- ALL WORK WITHIN CITY RIGHT-OF-WAY SHALL BE COMPLETED IN ACCORDANCE WITH ARTICLES 18, 19 AND 20 OF CHAPTER 240-CITY STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES OF THE CITY OF PORTLAND CODE OF ORDINANCES.
- ALL SEWER CONSTRUCTION IN THE PUBLIC WAY SHALL BE COMPLETED IN ACCORDANCE WITH ARTICLE 11 OF CHAPTER 24-SEWERS OF THE CITY OF PORTLAND CODE OF ORDINANCES.
- PRIOR TO ABANDONING ANY SEWER PIPES WHICH CONNECT TO PUBLIC INFRASTRUCTURE WITHIN THE ROAD RIGHT OF WAY, CONTACT JOHN EMERSON (OFFICE - 207.874.8468 CELL - 207.318.0239)
- ALL WATER LINE (MAINS, SERVICES, HYDRANTS, ETC.) CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE PORTLAND WATER DISTRICT TECHNICAL SPECIFICATIONS, LATEST EDITION. PORTLAND WATER DISTRICT TECHNICAL SPECIFICATIONS LATEST EDITION SHALL GOVERN IN THE CASE OF ANY AND ALL CONFLICTS IN THE PROJECT CONSTRUCTION DOCUMENTS AT NO ADDITIONAL COST TO OWNER.
- ALL GAS LINE (MAINS, SERVICES, GATE VALVES, METERS, ETC.) CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH UNIL'S TECHNICAL SPECIFICATIONS, LATEST EDITION. UNIL'S TECHNICAL SPECIFICATIONS LATEST EDITION SHALL GOVERN IN THE CASE OF ANY AND ALL CONFLICTS IN THE PROJECT CONSTRUCTION DOCUMENTS AT NO ADDITIONAL COST TO OWNER.
- THE CITY OF PORTLAND ENGINEERING DIVISION REQUIRES THAT UPON COMPLETION OF CONSTRUCTION, A COMPLETE SET OF "RECORD" DRAWINGS THAT REFLECT ANY AND ALL MODIFICATIONS TO THE SANITARY SEWER SYSTEM, STORM SEWER SYSTEM AND ANY OTHER UTILITY INSTALLATIONS OR ALTERATIONS WITHIN THE PROJECT LIMITS BE SUBMITTED TO THE DIVISION. THESE DRAWINGS SHALL BE SUBMITTED IN BOTH DIGITAL AND HARD COPY FORMAT AS DEFINED IN THE SPECIFICATIONS PRIOR TO PAYMENT OF FINAL RETAINAGE.
- WORK IS IN CLOSE PROXIMITY TO EXISTING UTILITIES. PROTECTION OF EXISTING UTILITIES DURING CONSTRUCTION SHALL BE INCIDENTAL TO THE CONTRACT.
- FOR TEST PIT LOCATIONS SHOWN ON PLANS, FIELD VERIFY UTILITY ELEVATIONS PRIOR TO ORDERING CATCH BASIN & MANHOLE STRUCTURES. NOTIFY PROJECT ARCHITECT OF ANY CONFLICTS.
- PROVIDE 4-INCHES OF LOAM AND SEED IN ALL LAWN AREAS DISTURBED BY CONTRACTOR'S OPERATIONS. SEED MIX AND APPLICATION SHALL BE IN CONFORMANCE WITH LANDSCAPE PLANS.
- RESET ALL SIGNS IN CITY'S R.O.W. PLACEMENT AND EXACT LOCATION OF SIGNS TO BE COORDINATED WITH CITY'S PUBLIC SERVICES DEPARTMENT.
- REFER TO SHEET C1 FOR LIMIT OF WORK.
- CONTRACTOR SHALL REFER TO GEOTECHNICAL REPORT, DEVELOPED BY S.W. COLE ENGINEERING, INC. FOR OVER EXCAVATION AND SOIL PREPARATION REQUIREMENTS.
- CONTRACTOR SHALL ADHERE TO SOIL HANDLING MANAGEMENT, DISPOSAL AND COVER REQUIREMENTS IDENTIFIED IN THE SITE'S VOLUNTEER RESPONSE ACTION PLAN (VRAP) PREPARED BY CORDER ASSOCIATES AND INCLUDED AS PART OF THE CONTRACT DOCUMENTS. ALL CONTAMINATED SOIL ON SITE SHALL BE REQUIRED TO HAVE CLEAN SOIL COVER PER WRAP AND AS SHOWN ON CONTAMINATED SOIL COVERING SECTION DETAIL INCLUDED ON SHEET C6.
- CONTRACTOR SHALL DEVELOP A CONSTRUCTION MANAGEMENT PLAN FOR REVIEW BY THE CITY OF PORTLAND, THE OWNER, AND ENGINEER. THE CONSTRUCTION MANAGEMENT PLAN SHALL ADDRESS ITEMS INCLUDING (BUT NOT LIMITED TO) PUBLIC ACCESS TO SIDEWALKS, CITY STREETS, ADJACENT LOTS, AND PLAYGROUNDS. THE PLAN SHALL DESCRIBE IMPACTS ON ADJACENT PARKING AREAS, NOISE AND DUST CONTROL, FENCING, AND TRAFFIC MANAGEMENT. THE PLAN SHALL INCLUDE A SCHEDULE OF WORK ITEMS AND A DESCRIPTION OF THE PUBLIC COMMUNICATION PROCESS. CONTRACTOR IS RESPONSIBLE FOR COORDINATING ALL CONSTRUCTION ACTIVITIES WITH THE CITY OF PORTLAND AND OBTAINING CITY APPROVAL OF THE CONSTRUCTION MANAGEMENT PLAN PRIOR TO ISSUANCE OF THE BUILDING PERMITS.



SYMBOLS

DESCRIPTION	EXISTING	PROPOSED
SANITARY SEWER MANHOLE	○	● SMH
STORM DRAIN MANHOLE	○	● DMH
CATCH BASIN	○	●
UTILITY POLE W/GUY	○	○
UTILITY POLE	○	○
LIGHT POLE	○	○
GAS METER	○	○
WATER GATE	○	○
WATER SHUT OFF	○	○
GAS VALVE	○	○
GAS SHUT OFF	○	○
HYDRANT	○	○
SIGN	○	○
CONIFEROUS TREE	○	○
DECIDUOUS TREE	○	○
IRON PIN (FOUND)	○	○
MONUMENTS (FOUND)	○	○
DOWNSPOUT	○	○
ROOFDRAIN	○	○
CLEANOUT	○	○
TEST PIT	○	○
BORING LOCATION	○	○
BITUMINOUS PAVEMENT OVERLAY	○	○
BRICK SIDEWALK	○	○
CONCRETE WALK	○	○
BITUMINOUS PAVEMENT	○	○

ABBREVIATIONS

A.G.	AND ABOVE GROUND	MIN.	MINIMUM MONUMENT
BC	BOTTOM OF CURB	N.I.C.	NOT IN CONTRACT
BIT	BITUMINOUS	NO.	NUMBER
B/W	BETWEEN	NR	NO REFUSAL
CB	CATCH BASIN	N.T.S.	NOT TO SCALE
CI	CAST IRON	OH	OVERHEAD ELECTRIC OVERHEAD
CMP	CENTRAL MAINE POWER	PLS	PLUS OR MINUS
CONC	CORRUGATED METAL PIPE CONCRETE	PLS	PROFESSIONAL LAND SURVEYOR
DI	DUCTILE IRON	PROP.	PROPOSED
DIA.	DIAMETER	DMH	DRAIN MANHOLE
DMH	DETAIL	DTL	DRAIN MANHOLE DETAIL
DPS	CITY OF PORTLAND DEPARTMENT OF PUBLIC SERVICES	R.O.W.	RIGHT-OF-WAY
E/COMM	UNDERGROUND ELECTRICAL/COMMUNICATIONS/CABLE	REF.	REINFORCED CONCRETE PIPE
EL	ELEVATION	REQ'D	REINFORCED
E.O.P. EXIST.	EDGE OF PAVEMENT EXISTING	S	SLOPE (FT./FT.)
FF	FINISH FLOOR	SD	SEWER
FT	FOOT/FEET	SMH	SEWER MANHOLE
G	GAS MAIN & SERVICE	STA.	STATION
GALV.	GALVANIZED	TS	TOP OF STAIRS
GRAN.	GRANITE	TW	TOP OF WALL
GRAN.	GRANITE	TY	TYPICAL
HYD	HIGH DENSITY POLYETHYLENE HYDRANT	UNO	UNLESS NOTED OTHERWISE
INV.	INVERT	UP	UP
LF	LINEAR FEET	VC	VITRIFIED CLAY
MAX.	MAXIMUM	VT.	VITRIFIED CLAY
MDOT	MAINE DEPARTMENT OF TRANSPORTATION	W	WEST
		WTH	WATER
		WS	WATERMAIN
		WV	WATER SERVICE WATER VALVE

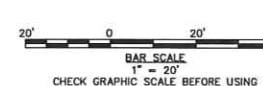
LINE TYPES

DESCRIPTION	EXISTING	PROPOSED
CONTOUR (1' INTERVAL)	---	---
CONTOUR (INDEX)	---	---
SANITARY SEWER	---	---
STORM DRAIN	---	---
UNDERDRAIN	---	---
WATER MAIN	---	---
FIRE WATER SERVICE	---	---
GAS LINE	---	---
OVERHEAD ELECTRIC	---	---
UNDERGROUND ELECTRICAL /COMMUNICATIONS/CABLE	---	---
PROPERTY LINE	---	---
RIGHT OF WAY	---	---
EASEMENT	---	---
SETBACK	---	---
FENCE	---	---
RETAINING WALL	---	---
STONEWALL	---	---
CURB	---	---
TYPE 1 GRANITE CURB	---	---
EDGE OF PAVEMENT	---	---
BUILDING OUTLINE	---	---
SAWCUT	---	---
YARD SETBACK	---	---
LIMIT OF WORK	---	---

R-6 ZONE DIMENSIONAL REQUIREMENTS

	REQUIRED	PROVIDED
FRONT YARD SETBACK	10 FT. OR AVERAGE OF EXISTING FRONT YARD SETBACKS	5 FT. (AVERAGE OF EXISTING FRONT YARDS)
SIDE YARD SETBACK*	4.2 FT. AT MOODY STREET 4 FT. AT WILSON STREET	4.2 FT AT MOODY STREET 4 FT. AT WILSON STREET
REAR YARD SETBACK*	5 FT.	5 FT.
LOT SIZE	4,500 SF (MIN.)	32,350 SF
MINIMUM AREA PER DWELLING UNIT	1,000 SF/UNIT	2,021 SF/UNIT
STREET FRONTAGE	40 FT. MIN.	>200 FT.
MAX. LOT COVERAGE	50% OF LOT AREA FOR DEVELOPMENTS WITH <20 UNITS	28%
MAX. BUILDING HEIGHT	45 FT.	<45 FT.
MIN. LOT WIDTH	50 FT.	160 FT.
MIN. OPEN SPACE (20% OF LOT FOR DEVELOPMENTS WITH <20 DWELLING UNITS)	0.15 ACRES	0.19 ACRES
PARKING SPACES (1 PER UNIT)	16	17

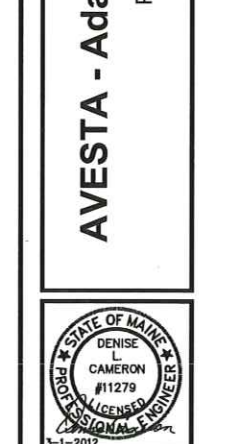
*PER ZONING BOARD OF APPEALS APPROVAL FOR SETBACK VARIANCE, SEPTEMBER 2010



PDT ARCHITECTS
49 DARTMOUTH STREET
PORTLAND, MAINE 04101
207-775-1059
www.pdtarch.com

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AVESTA - Adams School Site Redevelopment
PORTLAND, MAINE



JOB NO.	08-056
DRWN.	CHK BCM DLC
SCALE:	1" = 20'
ISSUE	MARCH 1, 2012
TITLE	SITE PLAN
SHEET	02

BMCDEVITT
C:\Users\bjmdevitt\AppData\Local\Temp\AcPublish_44041219804-C200A.dwg, Jun 29, 2012, 1:11pm



PORTLAND MAINE

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Planning & Urban Development Department

Jeff A. Levine, AICP, Director

Planning Division

Alexander Jaegerman, Director

July 13th, 2012

Seth Parker
Avesta Housing Development Corporation
307 Cumberland Avenue
Portland, Maine 04101

Darren Shiers
Business Operations Manager
Great Falls Construction
20 Mechanic Street
Gorham, ME 04038

RE: Adams School Redevelopment, 38 Moody Street, Portland, Maine

Dear Mr. Parker and Mr. Shiers:

Thank you for your letter of July 12, 2012 requesting to undertake preliminary site work, as described in the letter, prior to the receipt of a building permit for this project which received site plan and subdivision approval from the Planning Board on August 9th, 2011.

I have consulted with other departments and confirm that, as provided in Section 14-532, this letter serves as the written permission from the Planning Authority to commence site work as outlined below *i. to viii*; however no foundation or building construction can commence until the building permit is issued. The site work approved by this letter shall be in accordance with the approved site plans and plat and Construction Management Plan.

- i. Mobilization of the site;
- ii. Installation of office trailers;
- iii. Security fencing, subject to ensuring that the timing and location of fencing installation around the playground is coordinated with the City's Recreation Division (Sally DeLuca, Division Manager and Ethan Owen, Ballfields and Athletics Facilities Manager 756 8275) who are arranging for the removal of playground equipment;
- iv. Layout;
- v. Temporary utility installation;
- vi. Clearance of trees, and protection of trees to remain;
- vii. Installation of the sewer service line in Moody Street, subject to the approval of a traffic management plan and receipt of a Street Opening Permit prior to any excavation in the street (contact is David Margolis-Pineo in DPS 874 8850);
- viii. Excavation only for Building C foundation, subject to agreed erosion control and dust management measures.

Prior to the start of the site work as described above, a pre-construction meeting shall be held at the project site with the owner, contractor and City's Development Review Coordinator (Phil diPierro, 874 8632) and other representatives of the City to review the work schedule, erosion and sedimentation controls, flagging and other critical aspects of the site work. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

If there are any questions, please contact Jean Fraser, Planner at 874 8728.

Sincerely,

Alexander Jaegerman (38)

Alexander Jaegerman
Planning Division Director

Attachments:

1. Letter dated July 12, 2012

cc: Jeff A. Levine, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator, Planning
Marge Schmuckal, Zoning Administrator, Inspections Division
Tammy Munson, Inspection Division Director
Lannie Dobson, Administration, Inspections Division
Gayle Guertin, Administration, Inspections Division
~~Michael Dobinsky, Public Services Director~~
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Sally DeLuca, Recreation Division
Ethan Owens, Recreation Division
Jeff Tarling, City Arborist, Public Services
Captain Chris Pirone, Fire Department
Thomas Errico, P.E., TY Lin Associates
David Sensus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Jean Fraser - Adams School request

From: "Darren Shiers" <darren@greatfallsinc.com>
To: <aqj@portlandmaine.gov>, "Jean Fraser" <JF@portlandmaine.gov>
Date: 7/12/2012 3:29 PM
Subject: Adams School request
CC: "Philip DiPierro" <PD@portlandmaine.gov>, "Tammy Munson" <TMM@portland...>
Attachments: SCAN0001.PDF

Mr. Jaegerman,

Good afternoon. My name is Darren and I am the operations manager for Great Falls Construction. We have the good fortune of being General Contractor for the Adams School Project, working for Avesta Housing. We submitted a building permit application package last week and have since signed a contract with Avesta and have been issued a notice to proceed. The City team is working diligently at processing the application and we have been in contact with several parties making sure everyone has what they need. One of the conditions of approval was to submit a construction management plan for the project. We have submitted a construction management plan and have heard back that we may need to amend it regarding the playground. I have attached a letter from Acadia Insurance detailing some risks related to keeping the playground active during the construction process. If we need to add language or revise our construction management plan, we will certainly make any necessary adjustments. In the meantime, I would like to make a request for a temporary permit, schedule a preconstruction meeting and find a path forward that would allow us to begin construction activities like mobilize the site, install office trailers, security fencing, layout, temporary utility installation, clear trees, install the sewer service line in Moody Street, excavate for building C foundation and pour concrete for building C. This would take approximately two weeks, by which time the building permit could be issued for full construction. The owner has been working hard to facilitate a closing with the City and other financing agencies but it has taken several weeks of prime construction time, so we feel it is important to make this request in order to keep the overall project on schedule. We understand the City's protocol for working hours, safety, dust control, noise control and we will communicate with neighbors effectively.

Your consideration of this matter is most appreciated and if there are more details needs, please let me know. I look forward to your response. Thanks

Darren Shiers

Darren Shiers
Business Operations Manager



EEO and Affirmative Action Contractor

20 Mechanic Street
Gorham, ME 04038

(207)839-2744 office

(207)839-3737 fax

(207)831-5362 cell

www.GreatFallsinc.com

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July 2, 2012

Rich Chaisson
Dearborn Brothers Construction, inc.
999 Narragansett Trail
Buxton, Me 04093

RE: POLICY(S) CLA5020424, CIM0354463, CUA0347802, CAA0347801, CPA0347798,
WCA0347804
CLIENT ID #113559; SURVEY #149112

Dear Rich:

On June 29, I visited him in the Adams School jobsite, which will be starting up in a few weeks, located at 48 Moody St. in Portland. You had requested me to offer an opinion on whether or not the playground should remain open during the construction process.

The entire site has a footprint of about 56,600 ft.², including the playground, and the new construction will include two condominium buildings with a total footprint of 12,600 ft.², which results in a congested worksite.

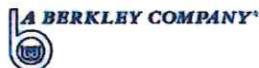
Our recommendation is that no access to the playground be permitted 24/7 during the construction process, which is scheduled to last until early spring 2013. The reason for the recommendation is multi fold:

1. Part of the project includes removal of contaminated soil, and we do not want children in the area because of that exposure.
2. As with any jobsite, there will be significant heavy equipment in use, as well as building materials storage and other construction vehicles, which creates an "attractive nuisance" hazard. Children by their nature are naturally curious, and the temptation would be great for them to get as close to the jobsite as possible, both during the construction activity and after hours.
3. Normal protocol for any jobsite is to secure the jobsite from any public in order to reduce the potential for injury.
4. We recognize that restricting access to the playground will be inconvenient to the area families; however, we feel the exposure to injury is significant enough that the exposure needs to be controlled by restricting access to the playground.

If you have any questions or need additional loss control assistance, I can be reached at the phone numbers or email address listed below.

Maintaining a safe workplace in accordance with all laws is your responsibility. Our safety inspections and recommendations relate to underwriting concerns and do not constitute an assumption by us of your obligations to provide a safe workplace. We make no representation or warranty that our activities will place you in compliance with the law or that your premises or operations are safe. We exercise no control over your premises or operations and have no responsibility or authority to implement loss control recommendations. You are not entitled to rely upon any loss control activities provided by us, and you may not delegate any of your legal responsibilities to us.

Acadia Insurance Company • Berkley Underwriters Insurance Company • Continental Western Insurance Company
Firemen's Insurance Company of Washington, D.C. • Union Insurance Company
One Acadia Commons P.O. Box 9010 Westbrook, ME 04098-5010
207 772-4300 800 773-4300 Auto Attendant: 207 772-1170 800 870-1170 Fax: 207 772-6104
www.acadiainsurance.com



Jean Fraser - RE: Construction Management Plan

From: Seth Parker <SParker@avestahousing.org>
To: 'Jean Fraser' <JF@portlandmaine.gov>, Darren Shiers <darren@greatfallsin...>
Date: 7/17/2012 12:23 PM
Subject: RE: Construction Management Plan
CC: David Margolos Pineo <dmp@portland.me.gov>, Barbara Barhydt <BAB@portlan...>

Hi Jean,

I will coordinate revisions with Darren but we would propose the following per my comments below in **RED CAPS (THE CAPS ARE JUST TO DISTINGUISH AND NOT FOR EFFECT)**

Seth Parker
 Development Officer
 Avesta Housing
 307 Cumberland Avenue
 Portland, ME 04101
 207-553-7780 ext. 208
www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, July 13, 2012 2:52 PM
To: Seth Parker; Darren Shiers
Cc: David Margolos Pineo; Barbara Barhydt; Mary Davis; Philip DiPierro; Rick Knowland
Subject: Construction Management Plan

Seth and Darren,

David Margolis-Pineo of DPS has signed off re the traffic and ROW aspects of the submitted plan and now I am writing regarding the other aspects having consulted colleagues elsewhere in the City.

The plan is basically OK but I would request revisions to:

1. Clarify what date the playground is closing (based on liaison with city staff etc); **PER CITY PARKS AND CONTRACTOR INSURANCE REQUIREMENTS THE PLAYGROUND IS TO BE CLOSED EFFECTIVELY WITHIN THE NEXT 1-5 DAYS ONCE THE SITEWORK CONTRACTOR MOBILIZES AND THE CONSTRUCTION PERIMETER IS SECURED.**

2. In the program attached I see that the playground equipment is to be installed in week 48 but the project continues several more weeks and likely longer. It would be desirable to have the playground opened to the public as soon as possible subject to safety considerations, and to avoid having the playground finished but not open for use. Ideally the playground could be finished and opened earlier than the final weeks of completion of the main contract and I would like this objective to be stated somewhere in the plan. **IF ACCEPTABLE WE WOULD PROPOSE THAT IT SAY THE PLAYGROUND WILL BE REOPENED ONCE PARKS AND THE CONTRACTOR'S INSURANCE REPRESENTATIVE CONCLUDE THAT ANY REMAINING WORK IS DEEMED MINIMAL OR ISOLATED ENOUGH THAT THERE IS NO REMAINING DANGER FROM CONSTRUCTION ACTIVITIES POSED TO USERS OF THE PLAYGROUND.**

3. Re communication with the public (mentioned in the condition of approval), please revise the Plan to:
 - a. Include contact names and phone numbers (Seth, you, security personnel etc) for city staff and others to use if there are any problems or concerns.; **WILL DO**
 - b. Clarify whether any written notices will be going to nearest residents regarding the time table for any noisy or dusty stages of the work - letters which give contact details (if any concerns) might be helpful. **THE DIRECT ABUTTERS HAVE ALREADY BEEN NOTIFIED OF THE CONSTRUCTION START THROUGH THE DISTRIBUTION OF A CONSTRUCTION COMMENCEMENT NOTICE A COPY OF WHICH WAS ALSO PROVIDED TO THE MUNJOY HILL NEIGHBORHOOD ORGANIZATION AND THE PLANNING DEPARTMENT.**

4. I believe there are a couple of utility poles coming down and the plan needs to identify how any impacts handled. (I don't see any ref to this in program). **WE HAVE MET WITH CMP AND THEY DO NOT TYPICALLY MAKE THEIR PLAN OR SCHEDULE IMMEDIATELY AVAILABLE TO THE CONTRACTOR OR THE OWNER SO WE WOULD PROPOSE THAT THE PLAN SIMPLY SAY THAT ALL ELECTRICAL SERVICE WORK FOR THE PROJECT WILL BE COORDINATED BETWEEN THE CONTRACTOR AND CMP IN A WAY THAT MINIMIZES ANY IMPACT TO THE NEIGHBORHOOD.**

5. Re excavated materials- I understand there are contaminated soils on the site so the Plan should state how these will be contained and not allowed to be exposed; at least a reference to the VRAP requirements and documentation (eg the VRAP letter of June 22, 2012 states "Contaminated soils that are disturbed during development of the site will be managed according to the approved May 24, 2012 Work Plan and appended Soil Management Plan" and it goes on to prescribe covering etc. Also, if such soils are going to be stored on the playground site, then maybe there should be something underneath as well to stop leaching into the soils of the future new playground. I am especially concerned re this as stockpiling of excavated materials is stated to be on the future site of the new playground and near to existing residential properties. **I DON'T HAVE ANY ISSUE WITH THE PLAN REFERENCING THE VRAP WORK PLANS. MAKES SENSE. ONE THING TO NOTE THOUGH IS THAT BECAUSE THERE IS BROWNFIELDS FUNDS IN THIS PROJECT WE ALREADY ADVERTISED THESE, MADE COPIES AVAILABLE, HELD A PUBLIC MEETING, AND MAINTAINED A COMMENT PERIOD BEFORE WE PROCEEDED WITH FINALIZING THE OVERSIGHT. I WOULD PROPOSE THE PLAN JUST REFERENCE THAT.**

Please revise and submit as soon as possible after the Preconstruction meeting. Please be aware that this Plan is a "public document" and I anticipate neighbors may ask to see it.

Please call if any questions.

Thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Great Falls Construction

24 Years of Service



**Adams School Redevelopment
Construction Management Plan**

Prepared for: Tammy M. Munson
Director of Inspections
City of Portland
389 Congress Street Rm 315
Portland, Maine 04101

Full Service Construction Management - General Contracting Company

Adams School Redevelopment

Construction Management Plan

Page 2 of 3

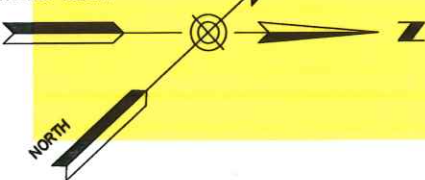
1. Site mobilization and set up of one front (Wilson Street) and one rear (Moody Street) stabilized construction entrance.
2. Erosion control installation in accordance with the approved plans and Maine DEP standards. Scott Hebert (site work project manager) is Maine DEP certified in erosion and sedimentation control practices.
3. Temporary fencing erection within the inside perimeter of the sidewalks.
4. Site preparation within the sidewalk limits including demolition and removal of existing pavement, topsoil, structures, etc.
5. As work progresses a loader mounted sweeper with water for dust control will be used on a daily basis to keep the local streets clean. There will also be dust control with a water truck and/or calcium as needed.
6. Construction of the two new sewer lines off of Moody Street. The work in Moody Street will take two partial days and will require a partial street closure with detours.*
7. Start excavation and backfill for the south side building foundations.
8. Storm drain system construction starting with new SMH 1 at the intersection of Wilson Street and Vesper Street. This manhole installation will require an intersection closure with detours.*
9. Continue installation of the storm drain system south on Wilson Street and then into the project site. The continued work on Wilson will take two full days and will require a partial street closure with detours.*
10. Completion of onsite storm water system.
11. New water service system construction starting with the main connection on Wilson Street which will take one partial day. The main connection will follow with the installation of the water meter pit on Wilson Street which will take one full day. Both of these items will require a partial street closure with detours.*
12. Completion of onsite water installation.
13. Gas service excavation work and installation including the main connection on Vesper Street. This connection will take one partial day and will require a partial street closure with detours.*
14. Start excavation and backfill for the north side building foundations.
15. Complete Excavation and backfilling for installation of the onsite electrical system.
16. All excavated materials will be stockpiled on site in the designated playground and landscape field area. The stockpiles will be maintained with erosion control berms as necessary and in accordance with Maine DEP best management practices. Stockpiles will be removed and decreased as space and effective management dictate.
17. Driveway, parking stalls and building walkway site work.
18. Temporary fencing removal.
19. Sidewalk construction along the city streets. This work should not require any street closures or detours as the work will be cordoned off with traffic cones, barrels, and signage in accordance with city and MUTCD standards.
20. Restoration of the site including loaming, seeding, mulching and landscaping

Adams School Redevelopment Construction Management Plan

Page 3 of 3

*All street closures and detours will be called into the city, police, fire/ems department and school department one day prior to the work. All traffic control, detours and signage will be in accordance with city requirements and the Manual on Uniform Traffic Control Devices 2003 Edition. All closures and detours will take place between the hours of 7 am and 5 pm Monday through Friday and will be back open to two way traffic before and after those intervals. Sewer and traffic plans will be submitted for town review.

PROJECT NORTH



Truck

SAWCUT EXIST. PAVEMENT AND PROVIDE PAVEMENT BUTT JOINT (TYP.)

- PROVIDE MUTCD R1-1 "STOP" SIGN FACING PARKING AREA
- PROVIDE GRANITE TIPDOWN
- PROVIDE TRENCH PATCH AND SURFACE OVERLAY WITHIN CITY STREETS, SEE DETAIL
- PROVIDE PRECAST CONCRETE STAIRS. SEE MOODY ST. DTL.

- REMOVE AND RESET SIGN (TYP.)
- PROVIDE ADA ACCESSIBLE CURB RAMP, SEE DETAIL

R10.2'
N: 303822.16
E: 2932242.29

SEE STRUCTURAL PLANS FOR CONCRETE RETAINING WALL AND ENTRY SLAB

2' WIDE STONE DRIP EDGE (TYP. AT CORNER UNITS)

PROVIDE TYPE 1 VERTICAL GRANITE CURB (TYP.)
TREE GRATE
SEE LANDSCAPING PLANS

PRECAST CONCRETE STAIRS, SEE VESPER STREET DETAIL

STREET

STREET

STREET

SEE ARCHITECTURAL & STRUCTURAL PLANS FOR CONCRETE STAIRS AND STOOPS DETAIL

BASE BID: PROVIDE BRICK SIDEWALK IN R.O.W. (SEE DETAIL)
ALTERNATE: PROVIDE BRICK SIDEWALK IN R.O.W. (SEE DETAIL)

5' FRONT YARD SETBACK

PROVIDE TREE GRATE, SEE LANDSCAPE PLANS

N: 303695.39
E: 2932377.87

RESET SIGNS IN ROW (TYP.) COORDINATE FINAL LOCATIONS W/DPS

PROVIDE ADA ACCESSIBLE CURB RAMP, & TIPDOWNS SEE DETAIL

PROVIDE STRIPED CROSS WALK

PROVIDE TRENCH PATCH AND SURFACE OVERLAY WITHIN CITY STREETS, SEE DETAIL

Temporary Fer

2 BDRM UNIT OVER 2 BDRM UNIT

PROVIDE MUTCD R7-8 AND MUTCD R7-8a SIGN

3 BDRM UNIT

PROVIDE TIPDOWN

PROVIDE ADA ACCESSIBLE CURB RAMP

3 BDRM UNIT

3 BDRM UNIT

3 BDRM UNIT

PROVIDE TIPDOWN

BASE BID: PROVIDE BITUMINOUS SIDEWALK ON SITE (SEE DETAIL)
ALTERNATE: PROVIDE BRICK SIDEWALK ON SITE (SEE DETAIL)

2 BDRM UNIT OVER 2 BDRM UNIT

PROVIDE PRECAST CONCRETE STAIRS, SEE MOODY STREET (2) DETAIL

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE PRECAST CONCRETE STAIRS, SEE MOODY STREET (2) DETAIL

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

Playground to close August 1, 2012 and reopen Spring of 2013

Public Access

BENCHMARK CITY MONUMENT T102-68-5 ELEV. 126.76 N: 303420.52 E: 2932135.81

SAWCUT CONCRETE SIDEWALK MATCH BRICK SIDEWALK TO EXISTING CONCRETE

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

PROVIDE GRANITE TIPDOWN AT (TYP. BOTH SIDES) RD SETBACK

41 Hutchins Drive
Portland, Maine 04102
800.426.4262 | www.woodardcurran.com

COMMITMENT & INTEGRITY DRIVE RESULT



MUNJOY STREET

STREET

STREET

STREET

SYMBOLS



July 2, 2012

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Material Changes

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. On behalf of Avesta Housing and the entire design team, we are submitting updated plan sheets reflecting changes to the internal sidewalks and the building veneer.

The pathway through the park will be constructed using bituminous pavement instead of brick as originally proposed. It is our understanding that this change has been reviewed and approved by Planning and Public Services Staff. Sheets C2, C3, C4, and L3 have been modified to show pavement instead of brick.

Also, the brick veneer originally proposed for a portion of the building façade has been eliminated. An updated Sheet A200 has been provided for your records. A new Sheet A201, showing additional building elevations has been included for your information as well.

Seven copies of the updated sheets are enclosed, along with a CD of the complete, updated plan set. Please feel free to call at anytime if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

Lauren Swett, P.E.
Project Engineer

219804

Enclosures: Updated Plan Sheets C2, C3, C4, L3, and A200
New Plan Sheet A201
CD of Complete Plan Set

cc: Seth Parker, Avesta Housing
Alan Kuniholm, PDT Architects
Regina Leonard, Landscape Architecture & Design

Jean Fraser - second reply RE: Dev Review - Wed June 27th

From: Jean Fraser
To: Swett, Lauren
Date: 6/27/2012 12:06 PM
Subject: second reply RE: Dev Review - Wed June 27th

Lauren

As you may hear from David Senus, staff will not be supporting a change in the sidewalks from brick to asphalt when it goes to the City Council; especially as the Planning Board approval was based on the brick material and this is an amendment to the site plan.

There were two suggestions for making cost savings rather than going to asphalt:

1. Remove the tree grates around the tree wells as these were not a city requirement;
2. Downgrade to concrete rather than asphalt as there are a number of concrete sidewalks in the area and a stronger case might be made for that change in material.

The asphalt for the walkway between the housing and the park/playground does not need to be referred to the City Council as that is not considered a sidewalk and staff are OK with that change.

Please call if any questions.

Jean

*Jean Fraser, Planner
City of Portland
874 8728*

>>> "Lauren Swett" <lszett@woodardcurran.com> 6/26/2012 4:20 PM >>>

Hi Jean,

I saw that you added Adams to your agenda for tomorrow's development review meeting. Just FYI, we won't have the submission ready by tomorrow. I'm hoping that it will be available for you by the meeting next week. We're still working on coordinating with PDT to make sure that the right information is presented.

Thanks!

Lauren

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, June 25, 2012 12:25 PM
To: Ann Machado; Alex Jaegerman; Barbara Barhydt; Chris Pirone; David Margolis-Pineo; Danielle West-

extract.

Materials/Design as
to PB 8/11

4. Site Design Standards

Massing, Ventilation and Wind Impact, Shadows, Snow and Ice Loading and View Corridors
The proposed development is not anticipated to have these types of impacts.

Historic Resources
The site is not near or within an Historic District.

Exterior Lighting
The applicant has submitted a Photometric Plan in Attachment E.18 which meets city standards.

Noise and Vibration; Signage and Wayfinding
These are not anticipated to be an issue with the residential development, which will be managed by a Condominium Association. The park/playground area will be managed by the city.

The proposals include a sign design for the park/playground (Attachment B.103) which has not been reviewed and would be subject to a separate sign permit. A potential condition of approval confirms this status.

Zoning Related Design Standards

The "Architectural and Streetscape" aspects of the housing proposal are described in Attachment B.104, which notes that finish materials will include wide plank siding, masonry, and painted trims. This part of the proposal is subject to the Multi-family Design Standards included in the Design Manual and the original building designs were reviewed on 8.1.2011 (Attachment 8). Staff requested further information on the details of materials, consistent elevations/floorplans and additional windows in the elevations facing the passageways (discussed above in relation to CPTED).

The applicant has submitted revised elevation and floorplans on 8.2.2011 (Attachment D and Plans Attachment E.19 to E.25) and these address the staff comments as noted below.

Multi-family and Other Housing Types Design Standard

TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:

STANDARDS.

Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

- 1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;*

Staff comment: The detailed annotation of building materials was received 8.2.2011 and staff have not had an opportunity to complete the review. Updated comments will be available for the hearing.

- 2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;*

Staff comment: Staff consider this requirement has been met.

3. *Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;*

Staff comment: The proposed housing is immediately adjacent to a public park and playground that will be completed as part of this proposal.

4. *The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;*

Staff comment: Additional windows have been added which not only provide some surveillance of the passageways but also increase sunlight and air for the deep living/dining rooms on the first floors of these units.

5. *The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;*

Staff comment: Staff consider that this requirement has been met.

IX. STAFF RECOMMENDATION

The proposal generally meets all site plan and subdivision standards and staff recommend approval subject to the suggested conditions of approval and to the resolution of the question of tree preservation/street trees (to be clarified at the hearing).

X. PROPOSED MOTIONS

WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report # 17-11 for Adams School Redevelopment, 48 Moody Street Application # 10-99700009 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board (**waives/ does not waive**) Technical Standard, Section 2.1.1 to allow the stormwater from housing, park and playground areas to discharge into the combined sewers in nearby streets as shown in the approved plans.

DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # # 17-11 for Adams School Redevelopment, 48 Moody Street Application # # 10-99700009 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

1. SUBDIVISION:

That the Planning Board finds that the plan (**is/is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

Jean Fraser - Adams School Redev: Design comments

From: Jean Fraser
To: Denise Cameron
Date: 8/1/2011 5:37 PM
Subject: Adams School Redev: Design comments
Attachments: Design Stds att to staff comments 8.1.2011.pdf; supplemental elevation_080111 from DC 8.1.11.pdf

Staff
Design Review

Denise

Thank you for sending the supplemental building elevation today, and I am writing to update you re the design comments since we are requesting some further information (a copy of this e-mail will be included in the Hearing Report attachments).

1. We have undertaken a preliminary review of the proposals in the context of the relevant design standards for multi family developments (14-526 (d) (9) a 7. and associated Design Manual standards for *Two Family, Special Needs Independent Living Units, Multiple Family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters* which apply in all zones (extract from Design Manual attached). Before we can complete the review we would request the following:

- Specifications for cladding and exterior details (such as entrance structures and overhanging "bays" including where 2 windows have been omitted on street elevation), including annotated elevations showing the location of the proposed materials (a color rendering similar to that provided for the Prelim review would also be welcome);
- Corrected floorplans/elevations so they are consistent and so we understand what is being proposed: the recently submitted "supplemental" elevation (to passageway) (attached) shows no windows at first floor and 2 windows at second floor -but the floor plans show one small window at first floor and no windows at second floor. For the elevation to Moody and Wilson Streets, the floor plan shows one window at first floor level (not counting the one inside the entrance) and none at the second floor; whereas the elevations in A201 show 3 windows at the second floor level.

2. Assuming that the submitted supplemental elevation (attached) is the final proposal, we note that the 2 small windows at second floor level are located in bathrooms (and windows here are a positive design change). However, at the first floor for all these units the room abutting the passageways is a deep living/dining room, and we consider that at least 3 windows (2 could be a "set" or double) should be incorporated at the first floor level (facing the passageway) to enhance opportunities for light and air for these core living areas and to introduce more surveillance for the passageway. They could be offset to avoid facing units having the windows directly opposite.

Att. 8.2

The timeframe is that the Planning Board Hearing Report goes out lunchtime on Friday (8.5.11) with most of the copying done this Wed and Thursday - so please let me know what and when further items/info will be submitted so that I can ensure the packet is as complete as possible when it goes out.

thank you
Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - RE: Adams School Plat

From: Jean Fraser
To: Denise Cameron; Parker, Seth
Date: 4/13/2012 2:34 PM
Subject: RE: Adams School Plat
CC: Barhydt, Barbara; Swett, Lauren

Denise and Seth

I am writing to let you know where things stand in relation to the conditions of approval and the response letter from Woodard & Curran dated Feb 28, 2012. This is a status update as I am out of the office on Tues/Wed next week and just wanted to clarify:

- Plat- awaiting final signoff from DPS but I anticipate will be signed by PB on 4.24.2012;
- Condo Docs- I don't believe the final version has been sent to us;
- Site plans - the revised plans (with final revisions advised to Lauren Swett late last week re sidewalk and driveway) are confirmed to have addressed the conditions and we need the 7 final plan sets as per std condition #4;
- Construction Management Plan- awaited.

Thank you
Jean

Jean Fraser - RE: Adams School

From: Jean Fraser
To: Swett, Lauren
Date: 4/6/2012 3:36 PM
Subject: RE: Adams School
CC: thomas.errico@tylin.com

Lauren

I can confirm that these plans meet the conditions of approval. I will write something more formal to Denise copied Seth on Monday.

At some point (before we get the Planning Board to sign the Plat, which is still being worked on I understand) we need 7 at-scale paper sets of the final plans (incorporating all revisions as approved) (plus the CD of CAD drawings) (plus pdfs).

thank you
Jean

>>> "Lauren Swett" <lswett@woodardcurran.com> 3/22/2012 10:36 AM >>>
Hi Jean,

The whole sidewalk (including the ramps and flush areas) will be constructed with a 2% slope perpendicular to the sidewalk per the City of Portland Technical Standards. So the "flush" areas won't be "flat" but will have the slight cross slope that the rest of the sidewalk has. This 2% cross slope is reflected in our brick sidewalk detail.

Thanks,
Lauren

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, March 22, 2012 10:26 AM
To: Lauren Swett
Cc: thomas.errico@tylin.com
Subject: RE: Adams School

Lauren

Before I pass this on to the other reviewers, could you please clarify how this addresses the City's drainage requirements for the sidewalk eg 2% grade.

Thanks
Jean

>>> "Lauren Swett" <lswett@woodardcurran.com> 3/22/2012 10:19 AM >>>
Hi Jean and Tom,

Attached are screen shots of the Wilson Street and Moody Street entrances. Will this layout be acceptable?

There will be a ramp on either side of each entrance with a max slope of 1:12, per the handicap ramp standard. The radius curb and brick sidewalk bounded by the curb will be flush. With this layout, there will be no "skewed" slopes that might direct a wheel chair off the sidewalk into the road.

I've also attached the Auto Turn figure showing the updated radius.

Let me know if you have any questions or comments. If you think that this layout will be acceptable, Jean, I can send you a full updated copy of the grading plan.

Thanks!

Lauren

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*The Plans showing turning movements attached to the letter confirm that a fire applicant can make the turn but also show that the radii (at both drive curb cuts) can be tightened. The concern is that we want to minimize the drive width at the sidewalk for pedestrians so we would like the radii revised.

*For the same reason (and since tipdowns are not shown) we would like to see details of the drive/sidewalk (sections etc) at these locations to understand what the grades are for the pedestrian (along and across sidewalk) and to ensure that the grades for drainage meet the City's standard.

Thank you

Jean

>>> "Lauren Swett" <lswett@woodardcurran.com> 3/12/2012 5:00 PM >>>
Thanks for the update Jean.
Lauren

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, March 12, 2012 4:56 PM
To: Lauren Swett
Cc: Seth Parker; Kathy Cogan Kahill; Regina S. Leonard; Denise Cameron
Subject: Re: Adams School

Lauren

Just wanted to let you know that we are just about finished with the review of the final site/civil and landscape plans that you submitted a couple of weeks ago.

I have some comments on the traffic details which I will send tomorrow but generally the plans appear OK- the only other question I need to resolve is whether the playground details are OK with colleagues in the Recreation Dept.

Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Fwd: RE: Adams School

From: Matt Doughty
To: Fraser, Jean
Date: 4/2/2012 12:41 PM
Subject: Fwd: RE: Adams School

Hi Jean,

I'm a couple days behind, but these look okay as they are.

>>> Jean Fraser 3/29/2012 9:53 AM >>>
Matt

David Margolis-Pineo and Tom Errico indicated at Dev Rev yesterday that they were OK with these subject to you being OK.

So are you OK?

Let me know if you need the overall site plans etc- the paper copies are in DPS somewhere as it was approved by the Planning Board in August, 2011.

thanks
Jean

>>> Jean Fraser 3/22/2012 10:45 AM >>>
Tom, David and Matt,

You will recall we discussed this at the DPS Tuesday review meeting a couple off weeks ago - I forwarded your comments to Lauren at W& C (see e-mail exchange below) and these details and clarification have just been submitted to us.

Please have a look- if necessary it can be discussed further at your DPS meeting on tuesday 3.26.2012.

These are the final final plans that will be stamped so that the building permit can be issued.

thanks
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Thank you
Jean

Jean Fraser - Fwd: RE: Adams School

From: Jean Fraser
To: Doughty, Matt
Date: 3/29/2012 10:02 AM
Subject: Fwd: RE: Adams School

Thank you

>>> Matt Doughty 3/29/2012 9:55 AM >>>
Hi Jean,

I'll flag this email and check it out today or first thing tomorrow. Thanks!

Matt

>>> Jean Fraser 3/29/2012 9:53 AM >>>
Matt

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From: Jean Fraser
To: Doughty, Matt; Errico, Thomas; Margolis-Pineo, David
Date: 3/22/2012 10:45 AM
Subject: Fwd: RE: Adams School
CC: Barhydt, Barbara
Attachments: Wilson St Entrance.pdf; Moody St Entrance.pdf; Autoturn City.pdf

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Thank you
Jean

Jean Fraser - Fwd: RE: Adams School

From: Jean Fraser
To: Errico, Thomas
Date: 3/14/2012 4:14 PM
Subject: Fwd: RE: Adams School

Tom

I hope I got this right!

(I am out of the office tomorrow so e-mail Lauren directly if you want to amplify)

thanks
Jean

>>> Jean Fraser 3/14/2012 4:12 PM >>>
Lauren

There are some concerns about the way these plans address Tom Errico's comments, as outlined below (otherwise OK):

- The Plans showing turning movements attached to the letter confirm that a fire applicant can make the turn but also show that the radii (at both drive curb cuts) can be tightened. The concern is that we want to minimize the drive width at the sidewalk for pedestrians so we would like the radii revised.
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Thank you
Jean

>>> "Lauren Swett" <lswett@woodardcurran.com> 3/12/2012 5:00 PM >>>
Thanks for the update Jean.
Lauren

-----Original Message-----

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Sent: Monday, March 12, 2012 4:56 PM
To: Lauren Swett
Cc: Seth Parker; Kathy Cogan Kahill; Regina S. Leonard; Denise Cameron
Subject: Re: Adams School

Lauren

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review of the final site/civil and landscape plans that you submitted a couple of weeks ago.

I have some comments on the traffic details which I will send tomorrow but generally the plans appear OK- the only other question I need to resolve is whether the playground details are OK with colleagues in the Recreation Dept.

Jean

Jean Fraser, Planner
City of Portland
874 8728

Jean Fraser - Fwd: RE: Adams School Landscape Plans

From: Jean Fraser
To: Fraser, Jean
Date: 3/6/2012 11:04 AM
Subject: Fwd: RE: Adams School Landscape Plans

>>> Jeff Tarling 3/2/2012 10:27 AM >>>
Hi Jean -

I have reviewed the Adams School Landscape plans including the playground find them acceptable. There is one additional tree on Wilson Street that was inadvertently left off the landscape sheet but shows up as an empty tree well. That tree has been added in by the project designers.

The Adams School project will need to coordinate the playground improvements with our Recreation Department. They offered some minor suggestions that can be made when during construction.

Thanks,

Jeff Tarling
City Arborist

lean to touch base Sally

Jean Fraser - RE: Adams School Landscape Plans

From: Jean Fraser
To: Swett, Lauren
Date: 3/1/2012 2:22 PM
Subject: RE: Adams School Landscape Plans

Lauren

We need to know if any of the landscape proposals/details (the four plans you sent) have included any revisions from those that went to the Planning Board Hearing. If there have been some changes, could we please have a letter listing them (as you did for the other plans) or another set of plans with "clouds" to highlight the changes.

This should include the playground area and details as these are being reviewed by other departments.

Thanks
Jean

>>> "Lauren Swett" <lswett@woodardcurran.com> 2/29/2012 2:36 PM >>>
Hi Jean,

Attached are the landscaping plans for Adams. In the process of setting up construction documents, the sheet numbering has changed from the original permit submission. Sheet L2 is the Park Grading and Drainage Plan (stamped by both professional landscape architect and engineer), Sheet L3 is the Landscaping Plan, and Sheets L4 and L5 are both landscaping details.

Let me know if you have any questions. I will add these to Eplan as well.

Thanks,
Lauren

-----Original Message-----

From: Lauren Swett
Sent: Wednesday, February 29, 2012 8:45 AM
To: 'Jean Fraser'
Cc: 'Kathy Cogan Kahill'; 'Seth Parker'; Denise Cameron; 'Regina S. Leonard'
Subject: Adams School

Hi Jean,

Attached is our response to the conditions of approval for the Adams School Redevelopment. I will be sending you a copy of the landscaping

plan later this week, and the recording plat and condo documents will be sent under separate cover.

Dave Senus will have a paper copy for you at today's Development Review meeting.

I also uploaded these files to Eplan. All of the plan sheets are uploaded separately. There are a lot of files in the eplan folders, so if you sort by "newest first" the current files should be easy to find. Eplan gave me some trouble uploading the response to comments letter, so I had to rename the file and upload again, but if you look for the newest file, you'll find the one that matches the attached pdf.

Let me know if you have any questions.

Thanks,
Lauren

Lauren Swett, P.E.

Woodard & Curran
41 Hutchins Drive
Portland, Maine 04102
Phone: (800)426-4262 ext. 3303
Fax: (207)774-6635
Email: lswett@woodardcurran.com

Commitment & Integrity Drive Results
www.woodardcurran.com

Jean Fraser - Re: Fwd: RE: Adams School

From: Jean Fraser
To: Owens, Ethan
Date: 3/1/2012 2:17 PM
Subject: Re: Fwd: RE: Adams School
CC: Deluca, Sally; Tarling, Jeff

Ethan

Theoretically the "final" plans should be the same as what was approved by the Board except where a condition requires a revision. The condition that the plans had to address (as requested by Jeff) was to call out some tree saves and that is all that should have changed. BUT- we often find changes from the approved version creep into the final plans so I need to check on this (with the applicant) and get back to you.

Its not super urgent but if there is an issue I would like to identify it asap.

thanks
Jean

>>> Ethan Owens 3/1/2012 1:46 PM >>>
Are these the same plans?

>>> Jean Fraser 3/1/2012 1:40 PM >>>
Ethan

I think there needs to be a discussion with Jeff first or a meeting including me and Jeff as some features (eg external fencing) may have already been approved by the Planning Board and might require a formal amendment.

As I recall Sally sent a memo that went to the Planning Board Hearing that said you were OK with the proposals presented at that time - so we need to see what was in those proposals; what has been changed by the applicants; and what other changes you might like to see- and then decide how to go forward.

Jean

>>> Ethan Owens 3/1/2012 12:46 PM >>>
Jean,

If we would rather see different park benches and different fencing etc , do we just put it all down on a memo and send it to you?

>>> Jean Fraser 3/1/2012 12:31 PM >>>
Hi Ethan

I attach the plans that have been submitted as "final" ie there would not be any more. So these are the ones that

you and Jeff need to "sign off" on.

If these don't satisfy the concerns that you have raised please send an e-mail clarifying what more is needed of if a meeting would be helpful.

Thanks

Jean

PS I have not looked at these in detail and have no particular view at the moment.

>>> Ethan Owens 2/29/2012 7:17 PM >>>

Speaking for Sally and myself, I would like to see the current blue print(not pretty pictures) - the actual plans that the playground would be built by. The reason I ask is that this is a natural playground and we have seen major differences from the plans and pretty pictures and what the final outcome is. I want true actual plans before we can say - yes that's great.

I said the same thing a year ago when asked by others so thank you Jeff for bringing it up again.

Have a great day,

Ethan Owens
Certified Playground Safety Inspector
Athletic Facilities, Playground & Courts Manager
Recreation Department ~ City of Portland
134 Congress St
Portland, Maine 04103 ~ USA
207-756-8275/Fax 207-756-8279
eowens@portlandmaine.gov

>>> Jeff Tarling 02/29/12 17:11 PM >>>

Hi Sally, Ethan -

Wanted to check with you about the playground landscape portion of the Adams School plan.

I believe you met with Regina on this earlier in the year, just want to be sure we are all set with comments to Jean Fraser on this project. I am reviewing the rest of the landscape items. Will need your OK soon - see note below.

Thanks,

Jeff

>>> Jean Fraser 2/29/2012 5:06 PM >>>

For urgent review please; please see the paper copy of the cover letter. Let me know if you want to see the approval letter on this.

>>> "Lauren Swett" <lswett@woodardcurran.com> 2/29/2012 2:36 PM >>>

Hi Jean,

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Thanks,
Lauren

Lauren Swett, P.E.

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February 28, 2012

(+ Michelle re addressing)

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Conditions of Approval

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. As a result of the August 9, 2011 Public Hearing, there were conditions of approval developed for the Adams School Redevelopment project. The following letter and its enclosures provide our response to the conditions of approval, and any additional information necessary to address the conditions. The conditions of approval are listed below in italics.

Subdivision Review

1. *That the subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area), and to include detailed references to ownerships, park/playground, stormwater systems, Condominium Association documents and relevant conditions.*

An updated Recording Plat will be provided by Avesta under separate cover.

2. *That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the subdivision Plat.*

The following responses are provided for the Associate Corporation Counsel comments from 8/2/2011. Comments 1-6 are from a 2:28 email, and Comment 7 is from a 3:16 email:

1. *Just to confirm there are 16 units, correct?*

There will be 16 units in the proposed development

2. *The documents do not mention the park/play area – is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make it clear who has responsibility for the park/play area.*

The condo association will not be responsible for maintenance of the public park area. An updated Recording Plat will be provided by Avesta under separate cover.

3. *I am assuming that garbage and snow removal is a common expense – but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.*

The condo documents will be updated and provided by Avesta under separate cover.

4. *The documents allow for further subdivision of units (with the required City, etc. approvals) – I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.*



No response necessary.

5. *The documents also allow for rental of units (for up to six months) – is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.*

The condo documents will be updated and provided by Avesta under separate cover.

6. *Snow storage- I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers – it is not mentioned in the documents (not that I think it needs to be included – I just wanted to bring that point up).*

Snow storage has been identified on the plans. The condo documents will be updated and provided by Avesta under separate cover.

7. *I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park – it does not discuss who owns the underlying property, who maintains, etc. There should be a note that gives more specifics.*

The Recording Plat is being updated to provide more information regarding the park/play area. An updated Recording Plat will be provided by Avesta under separate cover.

3. *That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B-110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services.*

The Applicant will comply with the conditions of Chapter 32 Stormwater, including Article III, Post Construction Stormwater Management. A signed maintenance agreement will be submitted to the City of Portland prior to the issuance of a Certificate of Occupancy.

4. *That the applicant shall submit a revised Landscape and Demolition Plans that incorporates the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for the review and approval by the Planning Authority prior to the issuance of a building permit.*

The Landscaping and Demolition Plans have been modified to incorporate the recommendations of the City Arborist. The large Silver Maple on Moody Street and the Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody will be demolished.

Site Plan Review

1. *That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The following responses are provided for the August 4, 2011 traffic comments:

1. *I would suggest that the driveway radii be eliminated and tip down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess*



pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.

The turning movement figure included with the application, and attached to this letter for your reference, indicates that the driveway radii cannot be changed to tip down curbing without preventing emergency vehicle access. As noted in the comment from the fire department, on-street parking created by eliminating this area of pavement within the driveway would encroach on emergency vehicle access.

- 2. The one way driveway should include appropriate MUTCD signage that controls and reinforces the one way circulation plan.*

The plans currently show MUTCD stop and "Do Not Enter" signage at the Moody Street entrance. In addition, angled parking will serve to restrict the direction of traffic circulation.

- 3. The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.*

The layout of the detectible warning devices has been modified accordingly. The sidewalk ramps are discussed further below in our response to comment 14.

- 4. Detectible warning devices are not required at driveways. They should be deleted from the plans.*

The detectible warning devices have been removed from the driveways.

- 5. The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.*

The removal of existing crosswalks is identified on the demolition plan, sheet C1.

- 6. The new crosswalks on Wilson Street at O'Brion Street and Moody Street at Beckett Street should be "block" style markings.*

The plans have been modified to show the two crosswalks with block style markings.

- 7. Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.*

The sidewalk detectible warning devices have been adjusted to better conform to the City of Portland preferred sidewalk ramp configuration. The City's preferred standard includes the use of esplanades which are not practicable given the limited right of way width, alignment of existing walkways within the neighborhood, and location of existing infrastructure. The layout proposed for sidewalk ramps is similar to an existing, recently replaced sidewalk ramp at the intersection of Moody and Vesper Streets.

- 8. The applicant shall be responsible for implementing all on street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.*

The Applicant will work with the City on any necessary Traffic Schedule amendments.



9. *The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.*

No response necessary.

10. *Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.*

No response necessary.

11. *The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.*

The City of Portland standards for angled parking spaces are being met.

2. *That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The following responses are provided for the August 4, 2011 Department of Public Service comments:

1. *The proposed "capped iron rods to be set" shall be placed before the issuance of a building permit.*

This work shall be completed prior to the building permit. Protection of existing and replacement of monuments is referenced in General Note 8 on sheet C2.

2. *The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.*

No response necessary.

3. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.*

This has been added as General Note 11 on sheet C2.

4. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.*

This has been added as General Note 13 on sheet C2.

5. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.*

This has been added as General Note 21 on sheet C2.

3. *That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The Construction Management plan will be completed following the project's bid phase by the contractor. The construction management plan will be completed and submitted for approval prior to issuance of a building permit. The following note has been added as General Note 32 on sheet C2:



Contractor shall develop a construction management plan for review by the City of Portland, the Owner, and the Engineer. The construction management plan shall address items including, but not limited to, Public Access to sidewalks, City streets, adjacent lots, and playgrounds. The plan shall describe impacts on adjacent parking areas, noise and dust control, fencing, and traffic management. The plan shall include a schedule of work items and a description of the public communication process. Contractor is responsible for coordinating all construction activities with the City of Portland and obtaining City approval of the construction management plan prior to issuance of building permits.

4. *That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows into the passageway.*

Revised plans have been included with this letter.

5. *That any signage including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.*

Sign permits will be provided by the landscape architect under separate cover.

We hope that our responses here will provide you with the information necessary to satisfy many of the conditions of approval. We understand that there are still a few outstanding items that will be addressed at a later time. The updated Recording Plat and Condo Documents will be provided by Avesta under separate cover, as will the required performance guarantee documentation. Please feel free to call at anytime if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

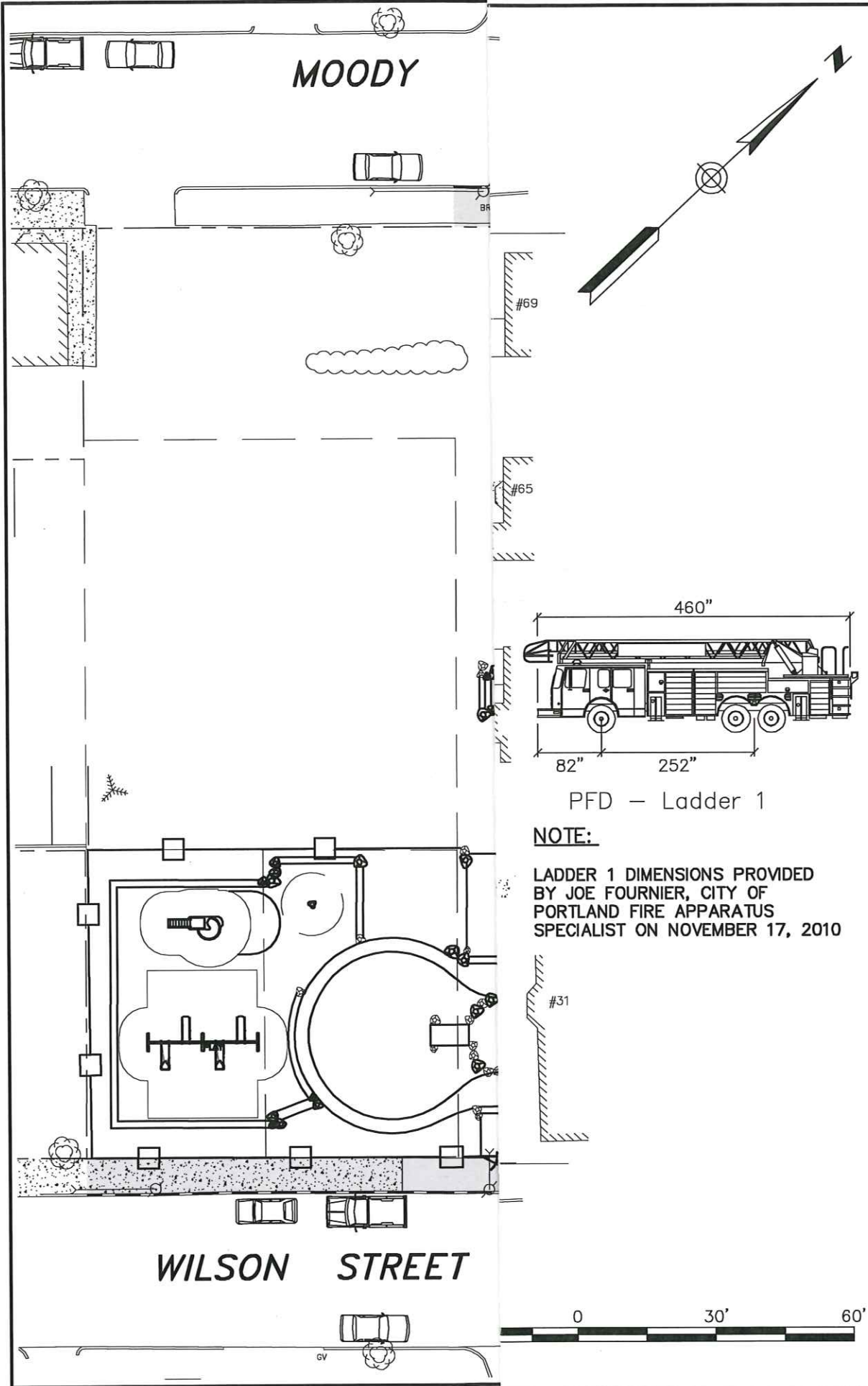
A handwritten signature in cursive script, appearing to read "Denise Cameron".

Denise Cameron, PE
Project Manager

DLC
219804

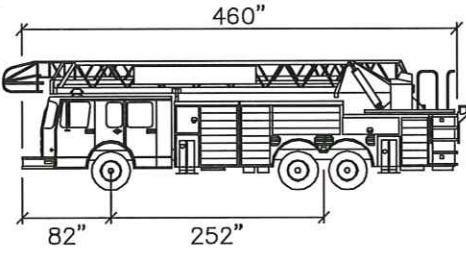
Enclosures: Updated Plans – Sheets C1-C9, Sheet L1, and Sheet A103
Turning Movement Figure

cc: Seth Parker, Avesta Housing
Alan Kuniholm, PDT Architects
Regina Leonard, Landscape Architecture & Design



MOODY

WILSON STREET



PFD - Ladder 1

NOTE:

LADDER 1 DIMENSIONS PROVIDED BY JOE FOURNIER, CITY OF PORTLAND FIRE APPARATUS SPECIALIST ON NOVEMBER 17, 2010

41 Hutchins Drive
 Portland, Maine 04102
 800-426-4262 | www.woodardcurran.com

WOODARD & CURRAN

COMMITMENT & INTEGRITY DRIVE RESULTS

**PORTLAND FIRE DEPARTMENT
 LADDER 1 TURNING MOVEMENT**

DESIGNED BY: DLC
 CHECKED BY: DLC
 DRAWN BY: BCM
 219804-C200A.dwg

PDT ARCHITECTS
 PORTLAND, MAINE

ADAMS SCHOOL REDEVELOPMENT

JOB NO: 219804.01
 DATE: JULY 2011
 SCALE: 1" = 30'

Autoturn

Jean Fraser - Adams School Dev plat

From: Jean Fraser
To: Parker, Seth
Date: 5/24/2012 1:14 PM
Subject: Adams School Dev plat

Seth

Just to confirm that the Planning Board signed the plat (2 mylars of the same plat) on tuesday and that I will be keeping them in the "vault" (a few feet from my desk) until all of the conditions are addressed (only one or two are outstanding) and the performance guarantee is posted - at which time it will be released for recording.

I understand that a separate document confirming the maintenance arrangements for the public walkway near to the houses is being prepared and I understand that will be submitted for approval by our legal Department.

thanks
Jean

Plat is in vault
J.
7.10.12
released & recorded 7.11.12
J.

Jean Fraser - RE: City comments on: FW: Adams School Plat

From: Jean Fraser
To: Parker, Seth
Date: 5/18/2012 4:05 PM
Subject: RE: City comments on: FW: Adams School Plat

Seth

I have only received one mylar and I need two.
Also I don't see the reference to maintenance that I thought Cito was going to have added?

I am out of the office on Moday so what I suggest is that you have them get me the second mylar (exactly as what they have delivered today) and I will assume that the maintenance issue was resolved.

I can check on tuesday when I return.
Jean

>>> Seth Parker <SParker@avestahousing.org> 5/17/2012 10:11 AM >>>

Ok, Owen Haskell is having the mylars delivered to your attention either this afternoon or tomorrow. Thanks! -
Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Thursday, May 17, 2012 9:59 AM
To: Seth Parker
Subject: Re: City comments on: FW: Adams School Plat

Seth,

Yes - that plat dated 4.30.12 is fine and ready for the mylars (2 to us for signing).

I will arrange for it to be signed on May 22.

thanks

Jean

>>> Seth Parker <SParker@avestahousing.org> 5/17/2012 8:40 AM >>>

Hi Jean,

Just checking back in on the plat. I was out last week so I'm playing a bit of catch-up but I believe the plat was completed per the final comments from DPS and I don't believe I've heard any other comments since we circulated the final version back on 4/30 (email below). If that's the case I'll have the mylars made up and delivered to you so they can be signed at next week's planning board meeting. Let me know if there are any other issues.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Seth Parker
Sent: Monday, April 30, 2012 2:19 PM
To: 'Jean Fraser'
Cc: ebrewer@owenhaskell.com
Subject: FW: City comments on: FW: Adams School Plat

Hi Jean,

Here is the updated plat with the changes requested by the city. If all is OK then I'll have them send the mylars down for signature.

Thanks,

-Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]

Sent: Monday, April 23, 2012 2:02 PM
To: Seth Parker
Cc: David Margolis-Pineo; Danielle West-Chuhta
Subject: City comments on: FW: Adams School Plat

Seth

Please see below the City surveyor comments on the plat you sent me as being "final".

If your surveyor wants to discuss any of this, I suggest he/she contact David Margolis-Pineo of DPS direct on 874 8850.

If the mylars are to be signed by the Planning Board tomorrow, I would need them by 3pm tomorrow (Tues) latest. The next opportunity to get them signed would be May 8th, but you could submit for a building permit before then.

thank you
Jean

(874 8728)

>>> William Clark 4/23/2012 1:50 PM >>>
David,

In regards to the Recording Plat for Avesta Housing dated 8/04/2011, Rev. ?, PDF created 4/11/2012 8:22 AM

1. Property corners need to be set at
 - A.) Abutting parcels at the easterly corner of Munjoy St and Moody St. - 3 corners to set.
 - B.) Abutting parcel at the northerly corner of Munjoy St and Wilson St. - 3 corners to set.
2. Show Coordinates of city control monuments designated as T102-69-7 and T102-68-5.
3. Show coordinates of street line corners at
 - A.) Munjoy St at Moody St
 - B.) Munjoy St at Wilson St
 - C.) Vesper St at Wilson St
 - D.) Vesper St at Moody St

Please note that setting property corners is a requirement of State Survey Standards (unless excepted on the plat) and are required by City Survey Standards.

Thanks,

Bill

Jean Fraser - Fwd: FW: City comments on: FW: Adams School Plat

From: Jean Fraser
To: Clark, William; Margolis-Pineo, David
Date: 4/30/2012 2:35 PM
Subject: Fwd: FW: City comments on: FW: Adams School Plat
CC: West-Chuhta, Danielle
Attachments: Avesta_0001-1.pdf

David and Bill

You sent me detailed comments on the earlier version on 4.23.2012 - could you please sign off on this (assuming it has met your concerns).

I am hoping to have the Planning Board sign it on May 8th so you have a few days to get back to me.

Thanks

Jean

>>> Seth Parker <SParker@avestahousing.org> 4/30/2012 2:18 PM >>>

Hi Jean,

Here is the updated plat with the changes requested by the city. If all is OK then I'll have them send the mylars down for signature.

Thanks,

-Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Monday, April 23, 2012 2:02 PM
To: Seth Parker
Cc: David Margolis-Pineo; Danielle West-Chuhta
Subject: City comments on: FW: Adams School Plat

Seth

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If your surveyor wants to discuss any of this, I suggest he/she contact David Margolis-Pineo of DPS direct on 874 8850.

If the mylars are to be signed by the Planning Board tomorrow, I would need them by 3pm tomorrow (Tues) latest. The next opportunity to get them signed would be May 8th, but you could submit for a building permit before then.

thank you

Jean

(874 8728)

>>> William Clark 4/23/2012 1:50 PM >>>

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 - B.) Abutting parcel at the northerly corner of Munjoy St and Wilson St. - 3 corners to set.
2. Show Coordinates of city control monuments designated as T102-69-7 and T102-68-5.
3. Show coordinates of street line corners at
 - A.) Munjoy St at Moody St
 - B.) Munjoy St at Wilson St
 - C.) Vesper St at Wilson St
 - D.) Vesper St at Moody St

Please note that setting property corners is a requirement of State Survey Standards (unless excepted on the plat) and are required by City Survey Standards.

Thanks,

Bill

Jean Fraser - Adams School

From: Jean Fraser
To: Parker, Seth
Date: 4/27/2012 4:27 PM
Subject: Adams School

Seth

I am writing to touch base with you re Adams School to just be sure that we (city) are being as coordinated as possible re documentation...

Have you submitted for a building permit yet? Its helpful if I know approx timing on the application so I can ensure Inspections have updated site plan info.

Is all OK re the Plat- should I anticipate getting the Board to sign on it May 8th?

Is there any document that clarifies re maintenance responsibilities? (As between Avesta/DPS/City Recreation for the 4-5 areas of different status?) (I'd like for our files)

Are there any other loose ends that I should follow up? I presume that you will liaise direct with Phil diPierro in my office re the performance guarantee.

thanks
Jean

Jean Fraser - RE: Adams School Plat

From: Jean Fraser
To: Denise Cameron; Parker, Seth
Date: 4/13/2012 2:34 PM
Subject: RE: Adams School Plat
CC: Barhydt, Barbara; Swett, Lauren

Denise and Seth

I am writing to let you know where things stand in relation to the conditions of approval and the response letter from Woodard & Curran dated Feb 28, 2012. This is a status update as I am out of the office on Tues/Wed next week and just wanted to clarify:

- Plat- awaiting final signoff from DPS but I anticipate will be signed by PB on 4/24/2012;
- Condo Docs- I don't believe the final version has been sent to us;
- Site plans - the revised plans (with final revisions advised to Lauren Swett late last week re sidewalk and driveway) are confirmed to have addressed the conditions and we need the 7 final plan sets as per std condition #4;
- Construction Management Plan- awaited.

Thank you
Jean

*Bob Clark
requested some
surveying corrections -
so final plat awaited.
4-23-12*

Jean Fraser - RE: Adams School Plat

From: Jean Fraser
To: Parker, Seth
Date: 4/13/2012 2:15 PM
Subject: RE: Adams School Plat

Seth

As you will see in the approval letter this also needs a sign off from DPS (which is why I have requested it be sent to me in addition to Danielle).

So I have sent the final Plat to DPS for a final sign off, which I would hope would be received next week. I am out of the office on Tues/Wed and Danielle is away all next week, so I will follow up when I return on thursday (4.19.12).

The next Planning Board meeting where this can be signed in April 24th. I will be at that meeting and will ensure it is signed.

We need 2 mylars and the Board will sign both (you then record one, insert details onto the other and use the other to make copies; after recording the city needs 1 mylar copy (including recording details) and 5 paper copies.

I am sending a separate e-mail regarding the site plans and other conditions of approval.

Thanks
Jean

>>> Danielle West-Chuhta (Danielle West-Chuhta) 4/12/2012 12:18 PM >>>
Seth -

It looks good to me.

Thanks,

Danielle

>>> Seth Parker <SParker@avestahousing.org> 4/12/2012 10:44 AM >>>

Thanks Ellen.

Hi Danielle, What do think? Does this look good to go?

-Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Ellen Brewer [mailto:ebrewer@owenhaskell.com]
Sent: Wednesday, April 11, 2012 10:00 AM
To: Seth Parker; cogan@pdtarchs.com
Cc: DWCHUHTA@portlandmaine.gov
Subject: FW: Adams School Plat

Seth, Kathy, Danielle,

Please find attached a revised Adams School Plat for your review.

Thanks,

Ellen Brewer
Owen Haskell, Inc.
774-0424 ex31

Jean Fraser - Fwd: FW: Adams School Plat

From: Jean Fraser
To: Margolis-Pineo, David
Date: 4/13/2012 2:12 PM
Subject: Fwd: FW: Adams School Plat
CC: Clark, William
Attachments: 10-080 Recording Plat 4-11-12.pdf

David

On March 28/29 an earlier version was with you and you had asked Bill to review.

This is the final version and Danielle has signed off on this.

Its to be signed by the Planning Board on April 24th.

Please check if anything (important) needs to be addressed. Your sign off needed by April 19th please.

thanks
Jean

>>> "Ellen Brewer" <ebrewer@owenhaskell.com> 4/11/2012 9:59 AM >>>
Seth, Kathy, Danielle,

Please find attached a revised Adams School Plat for your review.

Thanks,

Ellen Brewer
Owen Haskell, Inc.
774-0424 ex31

Jean Fraser - RE: Adams School Plat

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Cito Selinger; Ellen Brewer; SParker@avestahousing.org
Date: 3/29/2012 11:55 AM
Subject: RE: Adams School Plat
CC: Jean Fraser

Thanks, Cito. I do not mind if it is also noted that Parcel A-1 is the remaining City Land as long as the public park designation stays on the plat as well. In addition, I just noticed that the Stormwater Maintenance Agreement and snow storage areas seem to not be on the plat version I have - other than that I think that all of my other concerns have been addressed with the inclusion of the references to the approval letter (with conditions) and the waivers granted by the Planning Board.

Thanks again,

Danielle

>>> Cito Selinger <CSelinger@curtisthaxter.com> 3/29/2012 11:46 AM >>>

My only suggestion is that Parcel A-1 should contain the same "Remaining City Land" note as Parcel a-2

From: Danielle West-Chuhta [mailto:DWCHUHTA@portlandmaine.gov]
Sent: Thursday, March 29, 2012 11:39 AM
To: SParker@avestahousing.org; Cito Selinger; Ellen Brewer
Cc: Jean Fraser
Subject: Re: Adams School Plat

Ellen:

The revised plat looks good to me.

Thank you,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480

>>> "Ellen Brewer" <ebrewer@owenhaskell.com> 3/28/2012 1:18 PM >>>
Please find attached a pdf for review and comments.

Thanks,

Ellen C. Brewer

Owen Haskell, Inc.

390 U.S. Route One Unit 10
Falmouth, Maine 04105
207-774-0424

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Jean Fraser - Fwd: Adams School Plat

From: Jean Fraser
To: West-Chuhta, Danielle
Date: 3/28/2012 5:01 PM
Subject: Fwd: Adams School Plat
Attachments: Avesta_0001.pdf

*Superseded &
informed to
Seth
3-29-12*

Danielle

You gave me the following comments on this which I forwarded (twice) to Avesta- and they have only addressed the first two. Maybe if you send direct they will address them.

Jean

Comments sent - 99% Danielle's:

- The approval letter requires that parcel A (all of the city land) be subdivided into 2 lots and we would like to see each with a different letter (A and C, or A and A-1), each with a separate metes and bounds description and lot area calculations;
- The symbol used to depict the line between the park/play area and the residual city land should be a property line;
- The ownership and maintenance responsibilities needs to be called out for each of the parcels (along with other info specified in the condition of approval);
- Please list all waivers including the PB one and ZBA ones re setbacks;
- Include a reference (list the condition of approval) to the Stormwater Maintenance Agreement;
- Show snow storage areas.

>>> Alex Jaegerman 3/28/2012 4:01 PM >>>

>>> Danielle West-Chuhta (Danielle West-Chuhta) 3/28/2012 1:29 PM >>>
thoughts?

>>> "Ellen Brewer" <ebrewer@owenhaskell.com> 3/28/2012 1:18 PM >>>
Please find attached a pdf for review and comments.

Thanks,

Ellen C. Brewer

Owen Haskell, Inc.
390 U.S. Route One Unit 10
Falmouth, Maine 04105

207-774-0424

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Jean Fraser - Info re: Adams School Plat

From: Jean Fraser
To: Seth Parker
Date: 3/27/2012 3:35 PM
Subject: Info re: Adams School Plat
CC: Jaegerman, Alex; West-Chuhta, Danielle
Attachments: clean APP LTR Adams 8.19.11.DOC

Seth

I understand that John Swan is trying to finalize the plat as per discussions between Cito and Danielle.

I have been requested to send the WORD version of the approval letter and it is attached.

I also include (below) the e-mailed comments I sent earlier (based on our attorney's comments), so that these can be addressed at the same time if not already.

thank you
Jean

>>> Jean Fraser 3/5/2012 5:21 PM >>>
Seth,

This e-mail reflects some preliminary comments that need to be addressed before finalizing the plat; you may have already addressed some of them as I know you were working on it last week.

These are the main comments (in clarification/addition to whats in the approval letter):

- The approval letter requires that parcel A (all of the city land) be subdivided into 2 lots and we would like to see each with a different letter (A and C, or A and A-1), each with a separate metes and bounds description and lot area calculations;
- The symbol used to depict the line between the park/play area and the residual city land should be a property line;
- The ownership and maintenance responsibilities needs to be called out for each of the parcels (along with other info specified in the condition of approval);
- Please list all waivers including the PB one and ZBA ones re setbacks;
- Include a reference (list the condition of approval) to the Stormwater Maintenance Agreement;
- Show snow storage areas.

Jean Fraser - Fwd: RE: Recording plat for former Adams School

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Fraser, Jean; Jaegerman, Alex
Date: 3/27/2012 3:06 PM
Subject: Fwd: RE: Recording plat for former Adams School

Jean:

Can you provide a copy of this so they can include the details as requested.

Thanks,

Danielle

>>> "John Swan" <jswan@owenhaskell.com> 3/27/2012 2:52 PM >>>

Can one of you provide a word doc. of the approval letter of how you want us to refer to it. I think I am all set on the rest.

thanks

John

-----Original Message-----

From: Cito Selinger [mailto:CSelinger@curtisthaxter.com]
Sent: Tuesday, March 27, 2012 2:50 PM
To: Seth Parker; 'Danielle West-Chuhta'; jswan@owenhaskell.com
Cc: Amy Devin
Subject: RE: Recording plat for former Adams School

Thanks all.

From: Seth Parker [mailto:SParker@avestahousing.org]
Sent: Tuesday, March 27, 2012 2:48 PM
To: 'Danielle West-Chuhta'; jswan@owenhaskell.com
Cc: Amy Devin; Cito Selinger
Subject: RE: Recording plat for former Adams School

Ok, thanks Danielle.

John, Let me know if you'd like any further clarification before making these changes. Thanks

-Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208
www.avestahousing.org

From: Danielle West-Chuhta [<mailto:DWCHUHTA@portlandmaine.gov>]
Sent: Tuesday, March 27, 2012 2:41 PM
To: Cito Selinger
Cc: Seth Parker; Amy Devin; jswan@owenhaskell.com
Subject: Re: Recording plat for former Adams School

I think that this is an accurate reflection. The City just wants to ensure that Parcel A1 (the remaining City land) and A2 (the park) and B (the Avesta land) are separate defined lots (with metes and bounds) and that the areas are labeled. I think putting on the approval requirements is a good idea.

Thanks,

Danielle

>>> Cito Selinger <CSelinger@curtisthaxter.com> 3/27/2012 2:25 PM >>>
Danielle,

This follows up on our conversation this morning, in which we both agreed the recording plat prepared by Owen Haskell dated August 4, 2011 could stand a little bit of clarification, in particular to distinguish between the Avesta land and the City land. We discussed doing the following:

- Eliminate the hatching in the park/access part of the City land and labeling that area "Parcel A-1" or some such.
- Using a lighter line between "Parcel A-1" and the "Remaining City Land" (which might be titled "Parcel A-2"); and
- Including courses and distances for the two boundaries between "A-1" and "A-2."

It might also be wise to refer to the approval letter on the plan.

If you agree, please say so by replaying to all. That will be John Swan's indication to make these changes.

Thanks.

Cito

CURTIS THAXTER
ATTORNEYS AT LAW

Maurice A. Selinger, III, Esq.
Member of the Firm

[mselinger@curtisthaxter.com](mailto:m Selinger@curtisthaxter.com)

One Canal Plaza, Suite 1000, Portland, ME 04101
P.O. Box 7320, Portland, ME 04112-7320
TEL: 207-774-9000, Ext. 205
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Jean Fraser - RE: Adams School Plat and Condo docs

From: Jean Fraser
To: Parker, Seth
Date: 3/5/2012 5:21 PM
Subject: RE: Adams School Plat and Condo docs

Seth,

This e-mail reflects some preliminary comments that need to be addressed before finalizing the plat; you may have already addressed some of them as I know you were working on it last week.

These are the main comments (in clarification/addition to whats in the approval letter):

- The approval letter requires that parcel A (all of the city land) be subdivided into 2 lots and we would like to see each with a different letter (A and C, or A and A-1), each with a separate metes and bounds description and lot area calculations;
- The symbol used to depict the line between the park/play area and the residual city land should be a property line;
- The ownership and maintenance responsibilities needs to be called out for each of the parcels (along with other info specified in the condition of approval);
- Please list all waivers including the PB one and ZBA ones re setbacks;
- Include a reference (list the condition of approval) to the Stormwater Maintenance Agreement;
- Show snow storage areas.

Re the addressing, I am not getting a response from Michelle (which is unusual) so I will try to find out if she is ill or if someone else there can help though I hesitate to involve someone new at this stage.

Jean

Jean Fraser - RE: Adams School Plat and Condo docs

From: Jean Fraser
To: Parker, Seth
Date: 3/14/2012 4:23 PM
Subject: RE: Adams School Plat and Condo docs

Seth

This was discussed today but not quite resolved from our side.

I am out of the office tomorrow so I suggest that your attorney contact our attorney (Danielle West-Chuhta on 874 8429 or DWCHUHTA@portlandmaine.gov - I have outlined the issues to Danielle and she is expecting a call.

Still no progress on numbering- apologies.

Jean

>>> Seth Parker <SParker@avestahousing.org> 3/9/2012 10:58 AM >>>

Hi Jean,

We've been reviewing and talking about this a bit further and we don't think that this plat should be addressing or including information pertaining to the city retained parcel. We should discuss this a bit further and in more detail when you have a chance.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [<mailto:JF@portlandmaine.gov>]
Sent: Monday, March 05, 2012 5:21 PM
To: Seth Parker
Subject: RE: Adams School Plat and Condo docs

*discussed
w/ DWE
3.14.12*

Seth,

This e-mail reflects some preliminary comments that need to be addressed before finalizing the plat; you may have already addressed some of them as I know you were working on it last week.

These are the main comments (in clarification/addition to whats in the approval letter):

- The approval letter requires that parcel A (all of the city land) be subdivided into 2 lots and we would like to see each with a different letter (A and C, or A and A-1), each with a separate metes and bounds description and lot area calculations;
- The symbol used to depict the line between the park/play area and the residual city land should be a property line;
- The ownership and maintenance responsibilities needs to be called out for each of the parcels (along with other info specified in the condition of approval);
- Please list all waivers including the PB one and ZBA ones re setbacks;
- Include a reference (list the condition of approval) to the Stormwater Maintenance Agreement;
- Show snow storage areas.

Re the addressing, I am not getting a response from Michelle (which is unusual) so I will try to find out if she is ill or if someone else there can help though I hesitate to involve someone new at this stage.

Jean

Jean Fraser - Fwd: RE: Adams School Plat and Condo docs

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Alex Jaegerman; Barbara Barhydt; Jean Fraser
Date: 3/9/2012 1:55 PM
Subject: Fwd: RE: Adams School Plat and Condo docs

I think that it is enough that it is a condition of approval that they did not appeal to make it required now. But, I would note that the site plan ordinance defines site as including "all contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision[,]" and under the statute subdivision law "tract or parcel" is defined as all contiguous land in the same ownership.

Thanks,

Danielle

>>> Alex Jaegerman 3/9/2012 11:56 AM >>>
When we get some air next week, let's discuss.

I read the condition as requiring the separation of the lots, and the subdivision plat has requirements for how lots are defined by survey. They likely view this as a city issue, not their responsibility, however it was a condition of approval not disputed or appealed. I wonder what the cost to provide the survey would be.

Alex.

>>> Jean Fraser 3/9/2012 11:41 AM >>>
Alex

I think you or Greg need to discuss this with Avesta- I can follow up on Monday.

Jean

>>> Seth Parker <SParker@avestahousing.org> 3/9/2012 10:58 AM >>>

Hi Jean,

We've been reviewing and talking about this a bit further and we don't think that this plat should be addressing or including information pertaining to the city retained parcel. We should discuss this a bit further and in more detail when you have a chance.

Thanks,

Seth

Seth Parker
Development Officer

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From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Monday, March 05, 2012 5:21 PM
To: Seth Parker
Subject: RE: Adams School Plat and Condo docs

Seth,

This e-mail reflects some preliminary comments that need to be addressed before finalizing the plat; you may have already addressed some of them as I know you were working on it last week.

These are the main comments (in clarification/addition to whats in the approval letter):

- The approval letter requires that parcel A (all of the city land) be subdivided into 2 lots and we would like to see each with a different letter (A and C, or A and A-1), each with a separate metes and bounds description and lot area calculations;
- The symbol used to depict the line between the park/play area and the residual city land should be a property line;
- The ownership and maintenance responsibilities needs to be called out for each of the parcels (along with other info specified in the condition of approval);
- Please list all waivers including the PB one and ZBA ones re setbacks;
- Include a reference (list the condition of approval) to the Stormwater Maintenance Agreement;
- Show snow storage areas.

Re the addressing, I am not getting a response from Michelle (which is unusual) so I will try to find out if she is ill or if someone else there can help though I hesitate to involve someone new at this stage.

Jean

Jean Fraser - Fwd: RE: Adams School Plat and Condo docs

From: Danielle West-Chuhta (Danielle West-Chuhta)
To: Jean Fraser
Date: 3/2/2012 2:20 PM
Subject: Fwd: RE: Adams School Plat and Condo docs

I have reviewed the proposed plat and have a few questions:

- 1) even though the public park is called out as a separate parcel of property it is not a separate lot - I think that we either need to make a separate lot or at least call out who owns and reference where the maintenance responsibilities lie;
- 2) I do not see snow storage on the plat;
- 3) any waivers should be listed or at least a reference to any recorded document which describes the waivers; and
- 4) any specific approval provisions we are particularly concerned about (i.e. want future owners, etc. to know about) we should include on the plat as well.

Thanks,

Danielle

Danielle P. West-Chuhta
Associate Corporation Counsel
City of Portland, Maine
(207) 874-8480

>>> Jean Fraser 3/1/2012 2:33 PM >>>

Please find attached the draft plat received today; you will see that I requested it be sent as a "work in progress" and Seth has clarified that they are aware it needs a few details added.

I would like to collect comments (including any from Greg Mitchell) and then forward a coordinated response to Seth in a few days.

The addressing issue is currently with DPS (following a meeting that I coordinated a couple of weeks ago) because the layout of the houses/apartments creates some unique addressing and 911 access problems that need to be run by the State; there are 2 options for addressing. Seth would like to have the correct addresses shown on the plat if possible.

>>> Seth Parker <SParker@avestahousing.org> 3/1/2012 2:18 PM >>>

Hi Jean,

Here is the draft plat. It would be good to have the addressing issue resolved. We are still adding some of details requested in the conditions for approval. I should have this done and the revised plat by next week. The condominium documents are still in draft form as they were at submission, they have not changed.

Let me know if in the interim you need any more information.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, February 29, 2012 5:10 PM
To: Seth Parker
Subject: Adams School Plat and Condo docs

Seth

Could you advise me as to when the Plat and condo docs are going to be submitted as we want to cross-reference them with the final plans (just submitted today) and also I understand the plat is getting urgent in the context of other discussions regarding the Parcel A.

If you are waiting on the numbering issue (which is probably not relevant as you are not renaming any streets) I suggest you get us a draft plat and indicate what other info you are waiting on.

thanks
Jean

Jean Fraser - Fwd: RE: Adams School Plat and Condo docs

From: Jean Fraser
To: Jaegerman, Alex; West-Chuhta, Danielle
Date: 3/1/2012 2:33 PM
Subject: Fwd: RE: Adams School Plat and Condo docs
CC: Barhydt, Barbara
Attachments: Adams Recording Plat 8-04-11.pdf

Please find attached the draft plat received today; you will see that I requested it be sent as a "work in progress" and Seth has clarified that they are aware it needs a few details added.

I would like to collect comments (including any from Greg Mitchell) and then forward a coordinated response to Seth in a few days.

The addressing issue is currently with DPS (following a meeting that I coordinated a couple of weeks ago) because the layout of the houses/apartments creates some unique addressing and 911 access problems that need to be run by the State; there are 2 options for addressing. Seth would like to have the correct addresses shown on the plat if possible.

>>> Seth Parker <SParker@avestahousing.org> 3/1/2012 2:18 PM >>>

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Here is the draft plat. It would be good to have the addressing issue resolved. We are still adding some of details requested in the conditions for approval. I should have this done and the revised plat by next week. The condominium documents are still in draft form as they were at submission, they have not changed.

Let me know if in the interim you need any more information.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, February 29, 2012 5:10 PM
To: Seth Parker
Subject: Adams School Plat and Condo docs

Jean Fraser - RE: Adams School Plat and Condo docs

From: Jean Fraser
To: Parker, Seth
Date: 3/1/2012 2:38 PM
Subject: RE: Adams School Plat and Condo docs
Attachments: 2012.02.28 Response to Comments.pdf

Seth

Thank you; if we have any interim comments I will let you know in the next few days.

Re the condo docs, the attached letter from Woodard & Curran received this week states on the first page that the condo documents are going to be updated and sent to us for final review. The condo docs and the final plat should be submitted together if possible.

thanks
Jean

>>> Seth Parker <SParker@avestahousing.org> 3/1/2012 2:18 PM >>>

Hi Jean,

Here is the draft plat. It would be good to have the addressing issue resolved. We are still adding some of details requested in the conditions for approval. I should have this done and the revised plat by next week. The condominium documents are still in draft form as they were at submission, they have not changed.

Let me know if in the interim you need any more information.

Thanks,

Seth

Seth Parker
Development Officer
Avesta Housing
307 Cumberland Avenue
Portland, ME 04101
207-553-7780 ext. 208

www.avestahousing.org

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, February 29, 2012 5:10 PM
To: Seth Parker
Subject: Adams School Plat and Condo docs

Seth

Could you advise me as to when the Plat and condo docs are going to be submitted as we want to cross-reference them with the final plans (just submitted today) and also I understand the plat is getting urgent in the context of other discussions regarding the Parcel A.

If you are waiting on the numbering issue (which is probably not relevant as you are not renaming any streets) I suggest you get us a draft plat and indicate what other info you are waiting on.

thanks

Jean

Seth

Could you advise me as to when the Plat and condo docs are going to be submitted as we want to cross-reference them with the final plans (just submitted today) and also I understand the plat is getting urgent in the context of other discussions regarding the Parcel A.

If you are waiting on the numbering issue (which is probably not relevant as you are not renaming any streets) I suggest you get us a draft plat and indicate what other info you are waiting on.

thanks

Jean



February 28, 2012

Jean Fraser, Planner
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Adams School Redevelopment, Conditions of Approval

Dear Jean:

Thank you for coordinating the review of the Adams School Redevelopment project. As a result of the August 9, 2011 Public Hearing, there were conditions of approval developed for the Adams School Redevelopment project. The following letter and its enclosures provide our response to the conditions of approval, and any additional information necessary to address the conditions. The conditions of approval are listed below in italics.

Subdivision Review

- 1. That the subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, Recreation Department and Department of Public Services, to show Parcel A divided into 2 lots (one the park/playground area), and to include detailed references to ownerships, park/playground, stormwater systems, Condominium Association documents and relevant conditions.*

An updated Recording Plat will be provided by Avesta under separate cover.

- 2. That the Condominium Association documents, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan shall address the comments of the Associate Corporation Counsel in this report and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the subdivision Plat.*

The following responses are provided for the Associate Corporation Counsel comments from 8/2/2011. Comments 1-6 are from a 2:28 email, and Comment 7 is from a 3:16 email:

- 1. Just to confirm there are 16 units, correct?*

There will be 16 units in the proposed development

- 2. The documents do not mention the park/play area – is the condo association going to have any part in that? I am guessing it will be identified on the site plan and plat, but we should make it clear who has responsibility for the park/play area.*

The condo association will not be responsible for maintenance of the public park area. An updated Recording Plat will be provided by Avesta under separate cover.

- 3. I am assuming that garbage and snow removal is a common expense – but I think that the documents need to indicate this and also need to indicate (if this is the case) that it is not the City's responsibility to address these items.*

The condo documents will be updated and provided by Avesta under separate cover.

- 4. The documents allow for further subdivision of units (with the required City, etc. approvals) – I think that this is ok since it says with City approval, but I wanted to make sure you were aware of this fact.*



No response necessary.

5. *The documents also allow for rental of units (for up to six months) – is this allowed in the zone? If yes, is City approval required prior to rental? If yes, then the documents should indicate that you need said approval.*

The condo documents will be updated and provided by Avesta under separate cover.

6. *Snow storage- I am assuming that this has been or will be identified on the site plan and will be conveyed to the future purchasers – it is not mentioned in the documents (not that I think it needs to be included – I just wanted to bring that point up).*

Snow storage has been identified on the plans. The condo documents will be updated and provided by Avesta under separate cover.

7. *I think that the plat needs to specify more about the park/walkway. It only indicates that it is a proposed public park – it does not discuss who owns the underlying property, who maintains, etc. There should be a note that gives more specifics.*

The Recording Plat is being updated to provide more information regarding the park/play area. An updated Recording Plat will be provided by Avesta under separate cover.

3. *That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment B.105-B-110 of this Report, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services.*

The Applicant will comply with the conditions of Chapter 32 Stormwater, including Article III, Post Construction Stormwater Management. A signed maintenance agreement will be submitted to the City of Portland prior to the issuance of a Certificate of Occupancy.

4. *That the applicant shall submit a revised Landscape and Demolition Plans that incorporates the August 9, 2011 recommendations of the City Arborist regarding street trees and tree preservation, for the review and approval by the Planning Authority prior to the issuance of a building permit.*

The Landscaping and Demolition Plans have been modified to incorporate the recommendations of the City Arborist. The large Silver Maple on Moody Street and the Norway Spruce tree near the playground are being saved. The other existing Norway Maples along Moody will be demolished.

Site Plan Review

1. *That the site plans shall be revised to incorporate the recommendations of the Traffic Reviewer, Tom Errico, as outlined in his comments of August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The following responses are provided for the August 4, 2011 traffic comments:

1. *I would suggest that the driveway radii be eliminated and tip down curbing be used. The width of the driveway opening at the curb line should be reduced such that no excess*



pavement area is provided outside what is needed for emergency access vehicles as illustrated on the Ladder 1 turning template graphic provided.

The turning movement figure included with the application, and attached to this letter for your reference, indicates that the driveway radii cannot be changed to tip down curbing without preventing emergency vehicle access. As noted in the comment from the fire department, on-street parking created by eliminating this area of pavement within the driveway would encroach on emergency vehicle access.

- 2. The one way driveway should include appropriate MUTCD signage that controls and reinforces the one way circulation plan.*

The plans currently show MUTCD stop and "Do Not Enter" signage at the Moody Street entrance. In addition, angled parking will serve to restrict the direction of traffic circulation.

- 3. The illustrated layout of detectible warning devices is not acceptable. The plans should be revised to meet City standards.*

The layout of the detectible warning devices has been modified accordingly. The sidewalk ramps are discussed further below in our response to comment 14.

- 4. Detectible warning devices are not required at driveways. They should be deleted from the plans.*

The detectible warning devices have been removed from the driveways.

- 5. The applicant shall be responsible for removing conflicting existing crosswalk pavement markings and signs.*

The removal of existing crosswalks is identified on the demolition plan, sheet C1.

- 6. The new crosswalks on Wilson Street at O'Brien Street and Moody Street at Beckett Street should be "block" style markings.*

The plans have been modified to show the two crosswalks with block style markings.

- 7. Crosswalk ramp locations should be designed with the goal of meeting the City's preferred ramp alignment standard. If the preferred standards cannot be met, the applicant should provide documentation why an alternative is required.*

The sidewalk detectible warning devices have been adjusted to better conform to the City of Portland preferred sidewalk ramp configuration. The City's preferred standard includes the use of esplanades which are not practicable given the limited right of way width, alignment of existing walkways within the neighborhood, and location of existing infrastructure. The layout proposed for sidewalk ramps is similar to an existing, recently replaced sidewalk ramp at the intersection of Moody and Vesper Streets.

- 8. The applicant shall be responsible for implementing all on street parking changes associated with proposed parking regulations. I would suggest that the applicant provide information for review at this time. I would also note that the applicant shall provide assistance to the City, inclusive of provide graphic materials, for seeking any necessary City Council Traffic Schedule amendments.*

The Applicant will work with the City on any necessary Traffic Schedule amendments.



9. *The location of the proposed driveways meet City corner clearance standards and therefore I find them to be acceptable.*

No response necessary.

10. *Traffic volumes are expected to decline when comparing the proposed development and prior use. Accordingly, a traffic study is not required.*

No response necessary.

11. *The City has standards that provide details for angled parking spaces. The applicant should review these standards and confirm that they are being met.*

The City of Portland standards for angled parking spaces are being met.

2. *That the applicant shall submit revised plans that address the Department of Public Service comments dated August 4, 2011, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The following responses are provided for the August 4, 2011 Department of Public Service comments:

1. *The proposed "capped iron rods to be set" shall be placed before the issuance of a building permit.*

This work shall be completed prior to the building permit. Protection of existing and replacement of monuments is referenced in General Note 8 on sheet C2.

2. *The request to waive the introduction of stormwater into a sewer design to convey sanitary waste is hereby granted.*

No response necessary.

3. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: All work shall conform to the City of Portland's Technical Manual.*

This has been added as General Note 11 on sheet C2.

4. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to constructing any sidewalk handicap ramps within the road right of way, the design shall be reviewed and approved by Bruce Hyman (office 874-8833 or cell 400-9243) of the Public Services Department.*

This has been added as General Note 13 on sheet C2.

5. *A note shall be added to the General Notes on Sheet C2 – Site Plan stating: Prior to abandoning any sewer pipes which connect to public infrastructure within the road right of way, contact John Emerson (office 874-8468 or cell 318-0239) for inspection.*

This has been added as General Note 21 on sheet C2.

3. *That the applicant shall submit a Construction Management Plan for both the housing and park/playground parts of the proposal, to include specifics of proposed measures and a timetable for public access to the playground, street parking and sidewalks, for review and approval by the Planning Authority prior to the issuance of a building permit.*

The Construction Management plan will be completed following the project's bid phase by the contractor. The construction management plan will be completed and submitted for approval prior to issuance of a building permit. The following note has been added as General Note 32 on sheet C2:



Contractor shall develop a construction management plan for review by the City of Portland, the Owner, and the Engineer. The construction management plan shall address items including, but not limited to, Public Access to sidewalks, City streets, adjacent lots, and playgrounds. The plan shall describe impacts on adjacent parking areas, noise and dust control, fencing, and traffic management. The plan shall include a schedule of work items and a description of the public communication process. Contractor is responsible for coordinating all construction activities with the City of Portland and obtaining City approval of the construction management plan prior to issuance of building permits.

4. *That the applicant revise the first floor plans of the units adjacent to the internal passageways so that it is consistent with the submitted elevations in attachment E.24 (A200 dated 8.4.2011) and includes windows into the passageway.*

Revised plans have been included with this letter.

5. *That any signage including the proposed park signs, would need to meet the sign ordinance standards and separate sign permit applications are required for such signage.*

Sign permits will be provided by the landscape architect under separate cover.

We hope that our responses here will provide you with the information necessary to satisfy many of the conditions of approval. We understand that there are still a few outstanding items that will be addressed at a later time. The updated Recording Plat and Condo Documents will be provided by Avesta under separate cover, as will the required performance guarantee documentation. Please feel free to call at anytime if you have any questions or comments.

Sincerely,

WOODARD & CURRAN INC.

A handwritten signature in black ink, appearing to read "Denise Cameron".

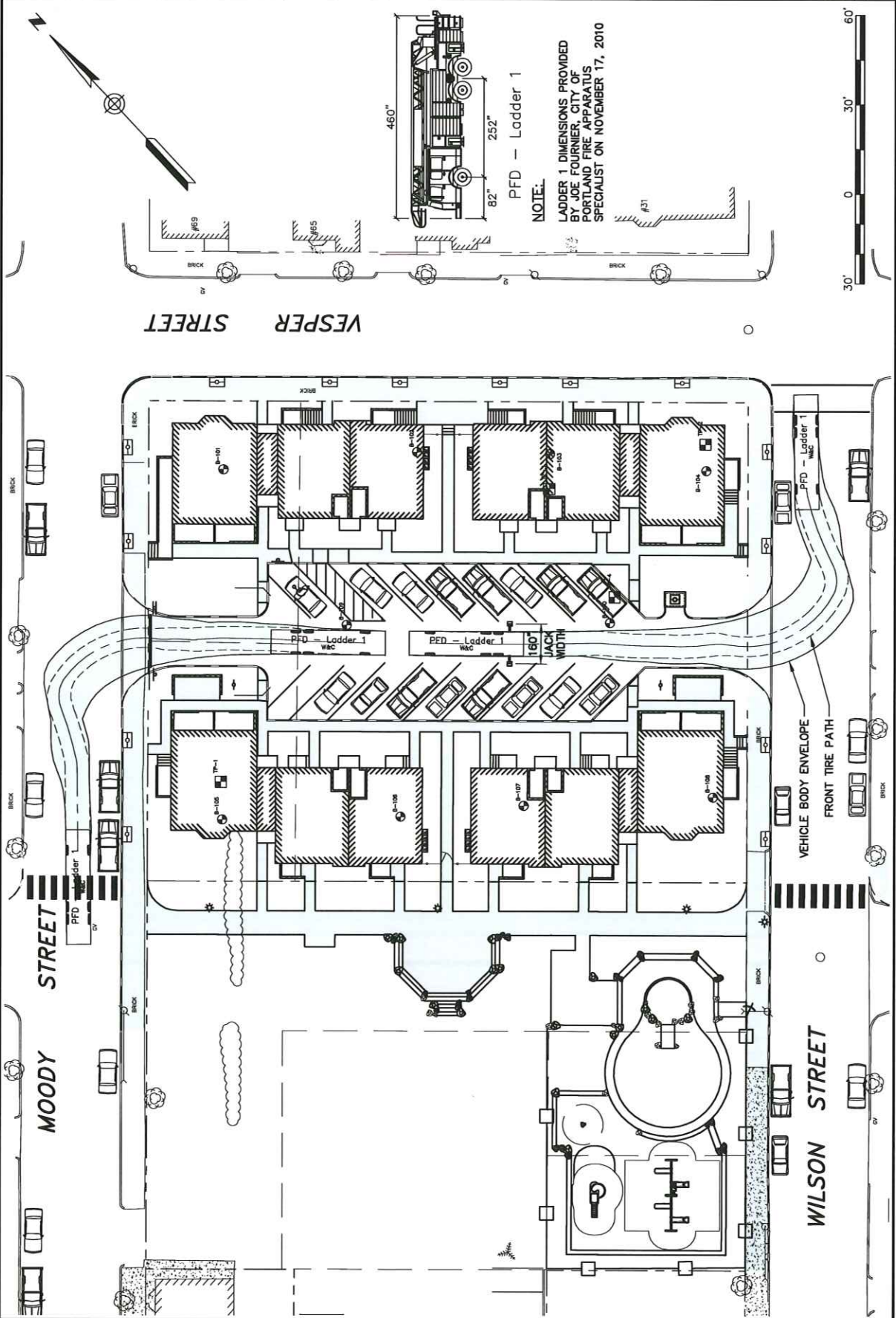
Denise Cameron, PE
Project Manager

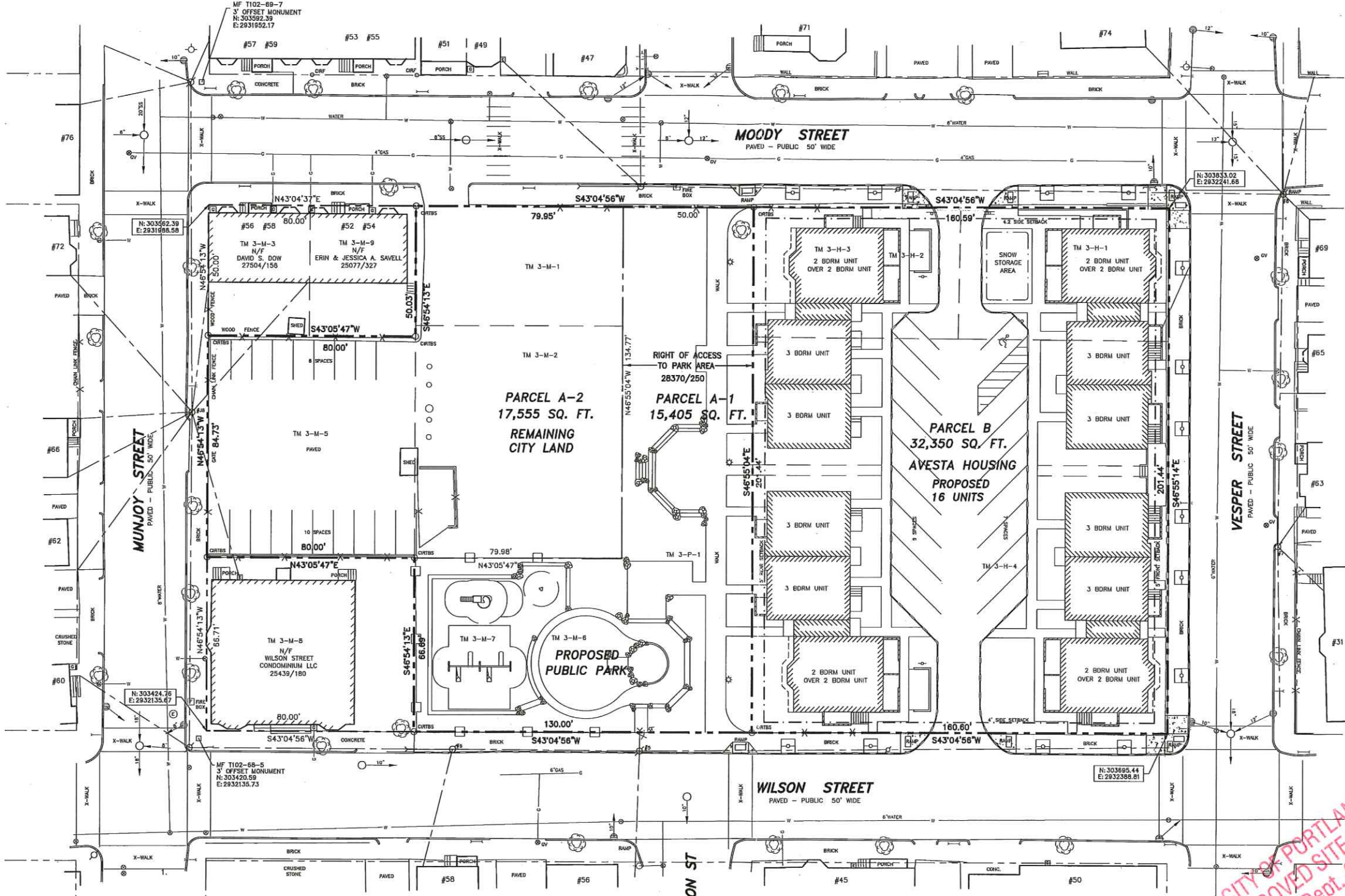
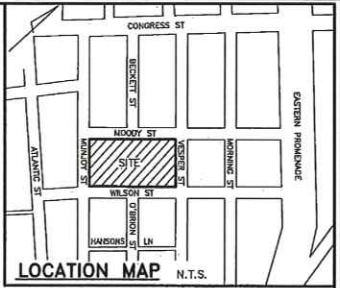
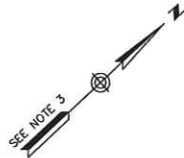
DLC
219804

Enclosures: Updated Plans – Sheets C1-C9, Sheet L1, and Sheet A103
Turning Movement Figure

cc: Seth Parker, Avesta Housing
Alan Kuniholm, PDT Architects
Regina Leonard, Landscape Architecture & Design

WOODARD & CURRAN 41 Hutchins Drive Portland, Maine 04102 800.428.4282 www.woodardcurran.com COMMITMENT & INTEGRITY DRIVE RESULTS	PORTLAND FIRE DEPARTMENT LADDER 1 TURNING MOVEMENT	ADAMS SCHOOL REDEVELOPMENT PORTLAND, MAINE PDT ARCHITECTS	JOB NO: 219804.01 DATE: JULY 2011 SCALE: 1" = 30' Autoturn
	DESIGNED BY: DLC CHECKED BY: DLC 219804-C200A.dwg	DRAWN BY: BCM	ADAMS SCHOOL REDEVELOPMENT





LEGEND

CAPPED IRON ROD TO BE SET	○	CONIFEROUS TREE	▲
MANHOLE	○	DECIDUOUS TREE	●
CATCH BASIN	⊖	IRON ROD FOUND	⊙
UTILITY POLE W/GUY	⊕	MONUMENT FOUND	⊙
UTILITY POLE	⊕	GAS LINE	—
ELECTRIC METER BOX	⊕	OVERHEAD ELECTRIC	—
GAS METER BOX	⊕	WATER MAIN	—
GAS GATE	⊕	PROPERTY LINE	—
WATER GATE	⊕	RIGHT OF WAY	—
HYDRANT	⊕	FENCE	—
SIGN	⊕	CURB	—

NOTE:
 PER LETTER OF APPROVAL FROM THE CITY OF PORTLAND WITH ATTACHMENTS DATED AUGUST 23, 2011 PROJECT ID: 10-9970009
WAIVERS
 ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS CONTAINED IN THE PLANNING BOARD REPORT # 17-11 FOR ADAMS SCHOOL REDEVELOPMENT, 48 MOODY STREET APPLICATION # 10-9970009 RELEVANT TO PORTLAND'S TECHNICAL AND DESIGN STANDARDS AND OTHER REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE PLANNING BOARD FINDS THE FOLLOWING:
 THE PLANNING BOARD VOTED 4-0 (LEWIS, O'BRIEN AND SILK ABSENT) TO WAIVE TECHNICAL STANDARD, SECTION 2.1.1 TO ALLOW THE STORMWATER FROM HOUSING, PARK AND PLAYGROUND AREAS TO DISCHARGE INTO THE COMBINED SEWERS IN NEARBY STREETS AS SHOWN IN THE APPROVED PLANS.

- GENERAL NOTES**
1. OWNER OF RECORD: AVESTA HOUSING DEVELOPMENT CORPORATION, 307 CUMBERLAND AVENUE, PORTLAND, MAINE C.C.R.D. BOOK 28370 PAGE 248.
 2. PREMISES SHOWN AS TAX MAP 3-M-1, 2, 5, 6, 7 AND 3-H-1, 2, 3, 4, AND 3-P-1
 3. BEARINGS ARE GRID NORTH BASED ON CITY MONUMENTS T102-69-7, T102-68-5.
 4. LOCATION OF PROPOSED IMPROVEMENTS TAKEN FROM PLAN REFERENCE 4.
 5. STORMWATER MANAGEMENT AGREEMENT IS AVAILABLE UPON REQUEST AND IS ON FILE WITH THE CITY OF PORTLAND'S PLANNING AND URBAN DEVELOPMENT DEPARTMENT.

APPROVED BY
 THE CITY OF PORTLAND PLANNING BOARD

DATE

CITY OF PORTLAND
APPROVED SITE PLAN
 Subject to Dept. Conditions
 Date of Approval: 8-9-2011



JOHN W. SWAN, PLS No. 1038
 DATE: 8-30-2012

R-6 ZONE DIMENSIONAL REQUIREMENTS

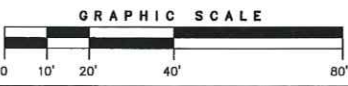
	REQUIRED	PROVIDED
FRONT YARD SETBACK	10 FT. OR AVERAGE OF EXISTING FRONT YARD SETBACKS	5 FT. (AVERAGE OF EXISTING FRONT YARDS)
SIDE YARD SETBACK*	4.2 FT. AT MOODY STREET 4 FT. AT WILSON STREET	4.2 FT. AT MOODY STREET 4 FT. AT WILSON STREET
REAR YARD SETBACK*	5 FT.	5 FT.
LOT SIZE	4,500 SF (MIN.)	32,340 SF
MINIMUM AREA PER DWELLING UNIT	1,000 SF/UNIT	2,021 SF/UNIT
STREET FRONTAGE	40 FT. MIN.	>200 FT.
MAX. LOT COVERAGE	50% OF LOT AREA FOR DEVELOPMENTS WITH <20 UNITS	40%
MAX. BUILDING HEIGHT	45 FT.	<45 FT.
MIN. LOT WIDTH	50 FT.	160 FT.
MIN. OPEN SPACE (20% OF LOT FOR DEV. W/<20 UNITS)	0.15 ACRES	0.22 ACRES
PARKING SPACES (1 PER UNIT)	16	16

*PER ZONING BOARD OF APPEALS APPROVAL FOR SETBACK VARIANCE, SEPTEMBER 2010

- PLAN REFERENCES**
1. "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR CITY OF PORTLAND, PROPOSED NEW SCHOOL, BECKETT STREET, DEC. 19, 1956, H.I. & E.C. JORDAN-SURVEYORS."
 2. "BOUNDARY SURVEY 61-65 WILSON STREET, PORTLAND, MAINE MADE FOR MEREDITH TURNER AUGUST 13, 2007" BY OWEN HASKELL, INC.
 3. "TOPOGRAPHIC & PLANIMETRIC SURVEY ON MOODY ST., VESPER ST., WILSON ST. & MUNJOY ST., PORTLAND, MAINE MADE FOR WOODARD & CURRAN JULY 21, 2010 REV. 1 11/30/10" BY OWEN HASKELL, INC.
 4. "SITE PLAN AVESTA-ADAMS SCHOOL SITE REDEVELOPMENT, PORTLAND, MAINE DECEMBER 14, 2010" BY PDT ARCHITECTS.

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 SURVEY 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 THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-800-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.

STATE OF MAINE, CUMBERLAND, ss
 REGISTRY OF DEEDS
 RECEIVED _____
 AT _____ hr. _____ min. _____ m AND RECORDED
 IN PLAN BOOK _____, PAGE _____
 ATTEST: _____ REGISTER





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Adams School Redevelopment
 PORTLAND, MAINE

JOB NO.	08-060
DRWN. CHK.	JBC DLG
SCALE:	1" = 20'
ISSUE	NOVEMBER 22, 2010
TITLE	SITE PLAN
SHEET	C1

GENERAL NOTES:

- EXISTING SITE AND TOPOGRAPHIC DATA BASED ON A PLAN BY OWEN HASKELL, INC. OF YARMOUTH, MAINE, DATED JULY 21, 2010. HORIZONTAL DATUM IS REFERRED TO MAINE STATE PLANE AND 83, EAST ZONE US FOOT. VERTICAL DATUM IS REFERRED TO CITY DATUM.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS SHOWN ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION: TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODS OR LAWN AREAS, ACCESS, SETBACK, LOCATION, AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
- THE UTILITY LOCATIONS SHOWN IN PLAN ARE APPROXIMATE AND REQUIRE FIELD VERIFICATION BY THE CONTRACTOR. CONTACT THE CITY IMMEDIATELY UPON DISCOVERING ANY CONFLICTS WITH EXISTING AND PROPOSED UTILITY LOCATIONS. NOT ALL EXISTING UTILITIES ARE SHOWN ON PLANS.
- CLEAN AND/OR FLUSH ALL MAINS, CATCH BASINS, AND ASSOCIATED PPHW AFTER THE WORK HAS BEEN COMPLETED.
- COORDINATE CONSTRUCTION ACTIVITY WITH UTILITY COMPANIES, EMERGENCY SERVICES AND CITY. CONTACTS ARE LISTED IN SPECIFICATIONS. NOTIFY UTILITY COMPANIES WITHIN 48 HOURS OF WORK ACTIVITY ADJACENT TO THOSE UTILITIES.
- CONTRACTOR SHALL NOTIFY ALL UTILITIES PRIOR TO COMMENCING WORK, ALLOWING SUFFICIENT TIME TO LOCATE AND MARK THE LOCATION OF BURIED UTILITIES. CONTRACTOR SHALL CONTACT "DIG SAFE", TELEPHONE 866-344-7233, PRIOR TO EXCAVATION.
- RESTORE ALL AREAS DISTURBED BY CONTRACTOR'S OPERATIONS TO ORIGINAL FINISH (GRAVEL, GRASS, ETC.). RESTORATION OF PAVED SURFACES, GRAVEL SURFACES, DRIVEWAYS, AND LAWNS DAMAGED BY CONSTRUCTION ACTIVITIES OUTSIDE OF LIMITS OF WORK INDICATED ON THE PLANS SHALL BE PERFORMED AT NO ADDITIONAL COST TO OWNER. ANY CURB DAMAGED BY CONSTRUCTION ACTIVITIES SHALL BE REPLACED IN KIND AND SHALL CONFORM TO CITY OF PORTLAND AND MAINE DOT SPECIFICATIONS AT NO ADDITIONAL COST TO OWNER.
- PROPERLY PROTECT AND DO NOT DISTURB PROPERTY MONUMENTS. IF DISTURBED, THE PROPERTY MONUMENT SHALL BE RESET AT THE CONTRACTOR'S EXPENSE BY A LICENSED LAND SURVEYOR ACCEPTABLE TO THE CITY.
- EXISTING FACILITIES WITHIN CITY RIGHT-OF-WAY (I.E. TREES, POLES, LIGHT POSTS, CATCH BASINS, ETC.) SHALL BE REMOVED AND PROTECTED DURING CONSTRUCTION. CITY RETAINS RIGHT TO KEEP ANY AND ALL REMOVED FACILITIES. FACILITIES AND MONUMENTS ON SITE SHALL ALSO BE REMOVED AND PROTECTED. OWNER RETAINS RIGHT TO KEEP ANY AND ALL REMOVED FACILITIES. CONTRACTOR TO DISPOSE OF ANY REMOVED FACILITY AT THE REQUEST OF CITY OR OWNER AT CONTRACTOR'S EXPENSE.
- ALL TREES NOT NOTED TO BE REMOVED OR RELOCATED SHALL BE PROTECTED BY CONTRACTOR DURING CONSTRUCTION.
- ALL WORK WITHIN THE RIGHT-OF-WAY OF CITY STREETS SHALL BE PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY TRAFFIC ENGINEER. THE CONTRACTOR SHALL SUBMIT A PROPOSED TRAFFIC CONTROL PLAN TO THE TRAFFIC ENGINEER AT LEAST 7 DAYS BEFORE BEGINNING CONSTRUCTION IN ANY STREET. THE PROPOSED TRAFFIC CONTROL PLAN SHALL BE SUBJECT TO APPROVAL BY THE TRAFFIC ENGINEER, WHO MAY ATTACH SPECIAL CONDITIONS TO, OR REQUIRE MODIFICATIONS OF, THE TRAFFIC CONTROL PLAN. WORK SHALL NOT BEGIN UNTIL THE PLAN IS APPROVED BY THE TRAFFIC ENGINEER.
- DO NOT PARK, WEDGE ACCESS TO, OR STORE EQUIPMENT ON ADJACENT CITY OR PRIVATELY OWNED LOTS, UNLESS PERMISSION HAS BEEN GRANTED IN WRITING BY CITY AND/OR LAND OWNER.
- CONTRACTOR SHALL NOT DISRUPT PRIVATE UTILITY SERVICES OF ADJUTING LAND OWNERS. ALL UTILITY COORDINATION IS RESPONSIBILITY OF CONTRACTOR.
- RESTRICT ACCESS TO SITE THROUGH THE USE OF APPROPRIATE SIGNAGE, BARRIERS, FENCES, ETC. SITE SHALL BE LEFT WITH APPROPRIATE SAFETY MEASURES IN PLACE DURING NON-WORKING HOURS. SITE SAFETY IS THE RESPONSIBILITY OF CONTRACTOR, DURING BOTH WORKING AND NON-WORKING HOURS.
- CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION PERMITS. PERMIT APPLICATIONS SHALL BE SUBMITTED WITH ADEQUATE TIME SO AS NOT TO DELAY CONSTRUCTION.
- THE CONTRACTOR SHALL OBTAIN A CITY STREET OPENING PERMIT BEFORE BEGINNING CONSTRUCTION WITHIN CITY RIGHT-OF-WAY. THE CONTRACTOR SHALL HAVE A CURRENT EXCAVATOR'S LICENSE PRIOR TO ANY EXCAVATION WITHIN CITY RIGHT-OF-WAY.
- ALL WORK WITHIN CITY RIGHT-OF-WAY SHALL BE COMPLETED IN ACCORDANCE WITH ARTICLES 11, 16, AND 17 OF CHAPTER 23-STREETS, SIGNALS, AND OTHER PUBLIC PLACES OF THE CITY OF PORTLAND AND CODE OF ORDINANCES.
- ALL SEWER CONSTRUCTION IN THE PUBLIC WAY SHALL BE COMPLETED IN ACCORDANCE WITH ARTICLE 11 OF CHAPTER 24-SEWERS OF THE CITY OF PORTLAND CODE OF ORDINANCES.
- THE CITY OF PORTLAND ENGINEERING DIVISION REQUIRES THAT UPON COMPLETION OF CONSTRUCTION, A COMPLETE SET OF "RECORD" DRAWINGS THAT REFLECT ANY AND ALL MODIFICATIONS TO THE SANITARY SEWER SYSTEM, STORM SEWER SYSTEM AND ANY OTHER UTILITY INSTALLATIONS OR ALTERATIONS WITHIN THE PROJECT LIMITS BE SUBMITTED TO THE DIVISION. THE DRAWINGS SHALL BE SUBMITTED IN BOTH DIGITAL AND HARD COPY FORMAT AS DEFINED IN THE SPECIFICATIONS PRIOR TO PAYMENT OF FINAL RETAINAGE.
- WORK IS IN CLOSE PROXIMITY TO EXISTING UTILITIES. PROTECTION OF EXISTING UTILITIES DURING CONSTRUCTION SHALL BE INCIDENTAL TO THE CONTRACT.
- FOR TEST PIT LOCATIONS SHOWN ON PLANS, FIELD VERIFY UTILITY ELEVATIONS PRIOR TO ORDERING CATCH BASIN & MANHOLE STRUCTURES. NOTIFY ENGINEER OF ANY CONFLICTS.
- PROVIDE 4-INCHES OF LOAM AND SEED IN ALL LAWN AREAS DISTURBED BY CONTRACTOR'S OPERATIONS.

SYMBOLS

DESCRIPTION	EXISTING	PROPOSED
SANITARY SEWER MANHOLE	○	●
STORM DRAIN MANHOLE	○	●
CATCH BASIN	○	●
UTILITY POLE W/SWLY	○	○
UTILITY POLE	○	○
LIGHT POLE	○	○
UTILITY METER BANK	○	○
WATER GATE	○	○
WATER SHUT OFF	○	○
GAS VALVE	○	○
GAS SHUT OFF	○	○
HYDRANT	○	○
IRON	○	○
CONCRETE TREE	○	○
DECIDUOUS TREE	○	○
IRON PIN (FOUND)	○	○
MONUMENTS (FOUND)	○	○
TEST PIT	○	○
BITUMINOUS PAVEMENT OR PERVIOUS CONCRETE	□	□
BRICK SIDEWALK	□	□
PERVIOUS CONCRETE WALK	□	□
PERVIOUS PAVERS	□	□
LANDSCAPED AREA	□	□
GRASSSED AREA	□	□
BITUMINOUS PAVEMENT	□	□

ABBREVIATIONS

ABBREVIATION	DESCRIPTION
A.G.	AREAS ABOVE GROUND
BC	BOTTOM OF CURB
B/T	BITUMINOUS
B/W	BETWEEN
CB	CATCH BASIN
CI	CAST IRON
CM	CENTRAL MAINE POWER
CMF	CONDENSATED METAL PIPE
CMC	CONCRETE
DI	DUCTILE IRON
DM	DRAIN MANHOLE
DMH	DETAIL
E./COMM	UNDERGROUND ELECTRICAL/COMMUNICATIONS/CABLE
EL	ELEVATION
E.O.P.	EDGE OF PAVEMENT
EXST.	EXISTING
FF	FINISH FLOOR
FT	FOOT/FEET
G.	GAS MAIN & SERVICE
GALV.	GALVANIZED
GRAN.	GRANITE
HDP	HIGH DENSITY POLYETHYLENE
HD	HYDRANT
INV.	INVERT
LF	LINEAR FEET
MAX. MDOT	MAXIMUM MAINE DEPARTMENT OF TRANSPORTATION
M.H.	MANHOLE
MON	MONUMENT
N.C.	NOT IN CONTRACT
NL	NO REFUSAL
NR	NOT TO SCALE
N.T.S.	N.T.S.
OE	OVERHEAD ELECTRIC OVERHEAD
OH	PLUS OR MINUS
LLS	LICENSED LAND SURVEYOR
PROP.	PROPOSED
PT	PORCELANE TILE
PVC	POLYVINYL CHLORIDE
R.O.M.	RIGHT-OF-WAY
R.C.M.	REINFORCED CONCRETE PIPE
RENF.	REINFORCED
RLTD	REQUIRED
S	SLOPE (%/FT.)
SD	SEWER
SD	STORM DRAIN
SMH	SEWER MANHOLE
SCH	SCHEDULE
STA.	STATION
TS	TOP OF STAIRS
TM	TOP OF WALL
TYPC.	TYPCAL
UP	UNLESS NOTED OTHERWISE
UND	UTILITY POLE
UP	UP
VC	VITRIFIED CLAY
VT.	VITRIFIED CLAY
W	WEST
W	WATER
W	WATERMAIN
W	WATER SERVICE
W	WATER VALVE

LINE TYPES

DESCRIPTION	EXISTING	PROPOSED
CONTOUR (1' INTERVAL)	---	---
CONTOUR (INDEX)	---	---
SANITARY SEWER	---	---
STORM DRAIN	---	---
UNDERDRAIN	---	---
WATER MAIN	---	---
UNDERGROUND ELECTRIC	---	---
GAS LINE	---	---
OVERHEAD ELECTRIC	---	---
UNDERGROUND ELECTRICAL/COMMUNICATIONS/CABLE	---	---
PROPERTY LINE	---	---
RIGHT OF WAY	---	---
EASEMENT	---	---
FENCE	---	---
RETAINING WALL	---	---
STONEWALL	---	---
CURB	---	---
TYPE 1 GRANITE CURB	---	---
EDGE OF PAVEMENT	---	---
RETAINING WALL WITH WATERBARIER	---	---
SAWCUT	---	---
BUILDING SETBACK	---	---

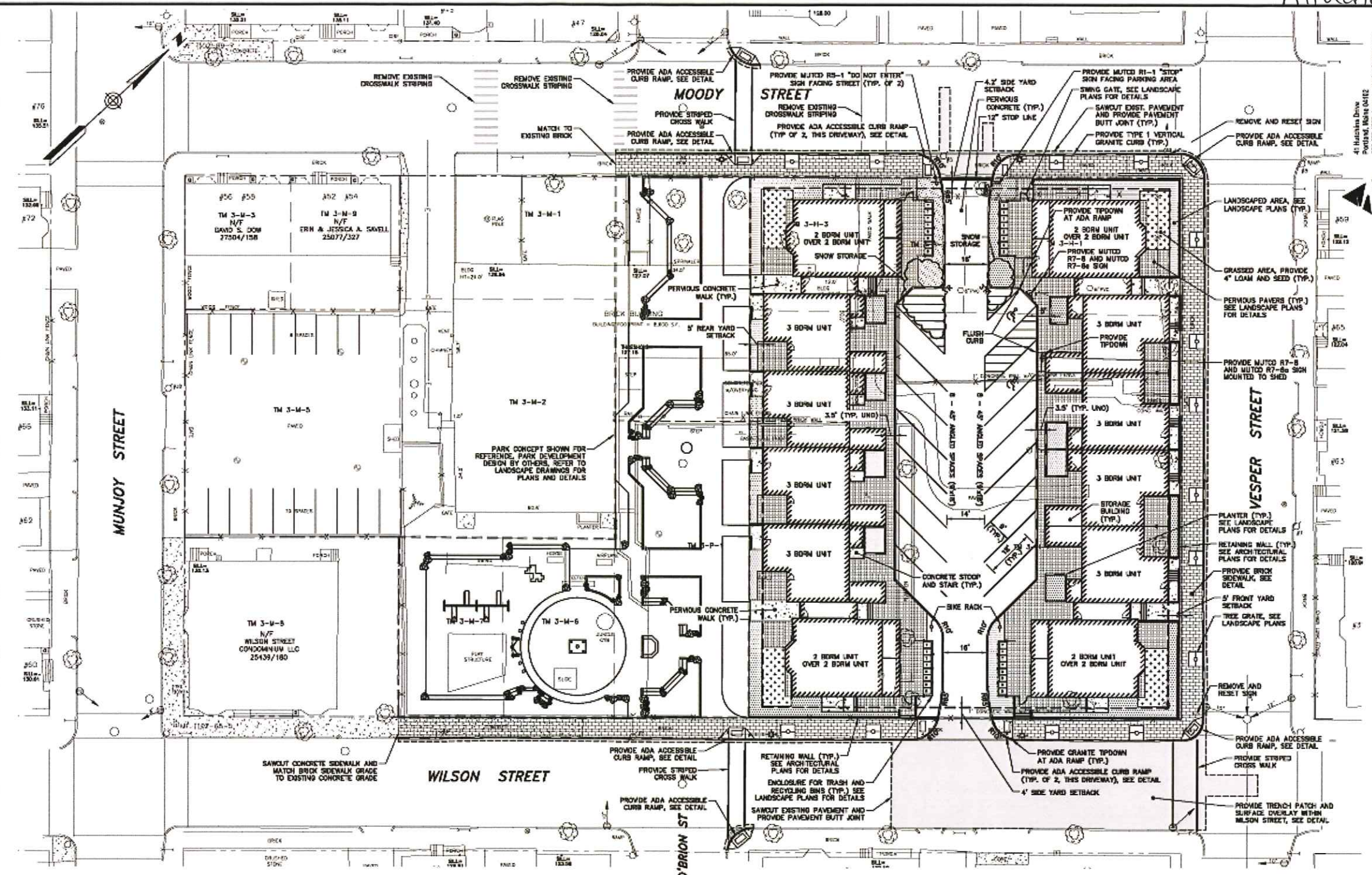
R-8 ZONE DIMENSIONAL REQUIREMENTS

	REQUIRED	PROVIDED
FRONT YARD SETBACK	10 FT. OR AVERAGE OF EXISTING FRONT YARD SETBACKS	5 FT. (AVERAGE OF EXISTING FRONT YARDS)
SIDE YARD SETBACK*	4.3 FT. AT MOODY STREET 4 FT. AT WILSON STREET	4.3 FT. AT MOODY STREET 4 FT. AT WILSON STREET
REAR YARD SETBACK*	5 FT.	5 FT.
LOT SIZE	4,500 SF (MIN.)	32,340 SF
MINIMUM AREA PER DWELLING UNIT	1,000 SF/UNIT	2,021 SF/UNIT
STREET FRONTAGE	40 FT. MIN.	>200 FT.
MAX. LOT COVERAGE	80% OF LOT AREA FOR DEVELOPMENTS WITH <20 UNITS	40%
MAX. BUILDING HEIGHT	45 FT.	<45 FT.
MIN. LOT WIDTH	50 FT.	160 FT.
MIN. OPEN SPACE (80% OF LOT FOR DEVELOPMENTS WITH <20 DWELLING UNITS)	0.15 ACRES	0.72 ACRES
PARKING SPACES (1 PER UNIT)	16	16

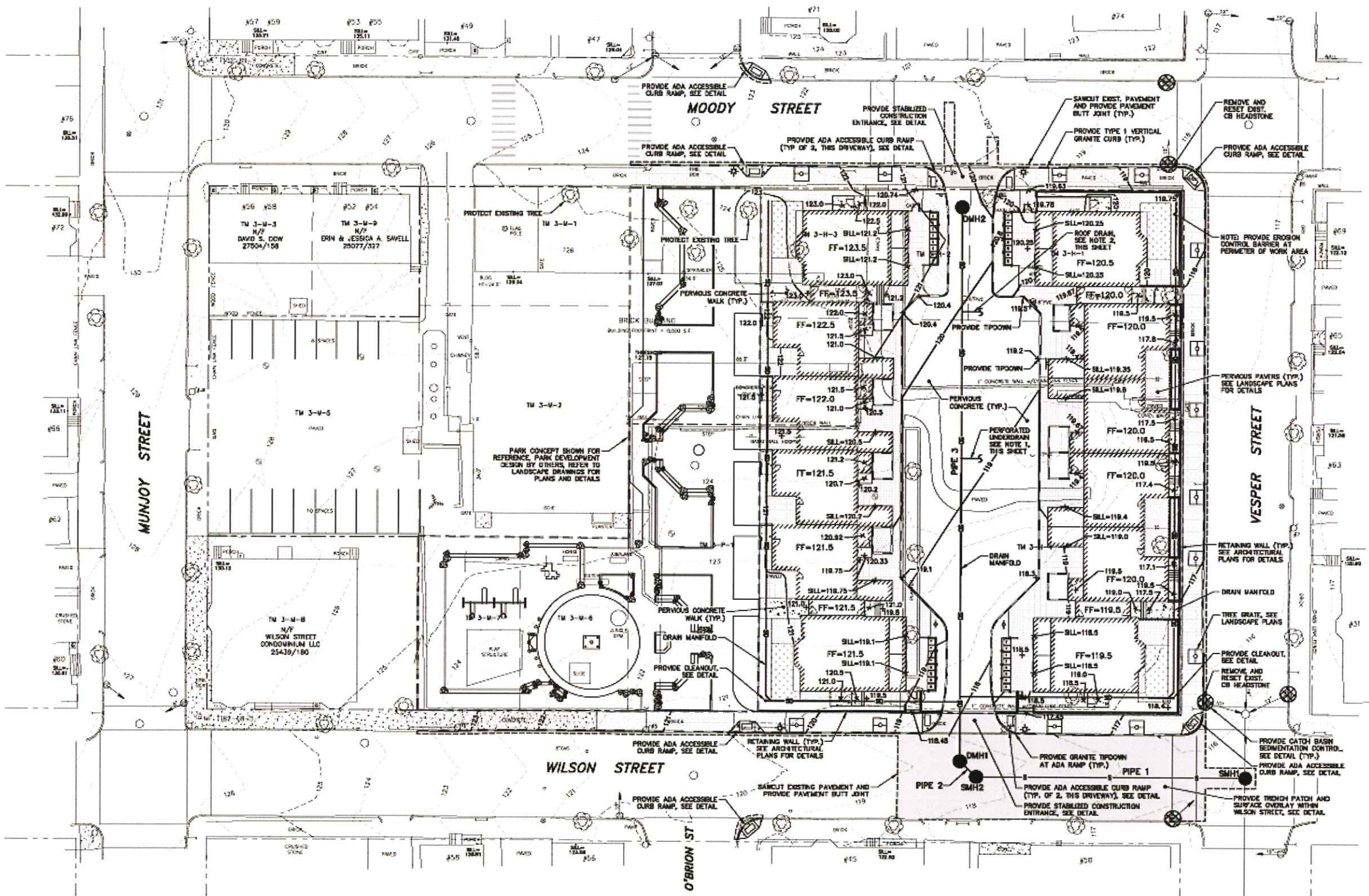
*PER ZONING BOARD OF APPEALS APPROVAL FOR SETBACK VARIANCE, SEPTEMBER 2010



PRELIMINARY DESIGN REVIEW - NOT FOR CONSTRUCTION



PORTLAND PROJECTS 11219804 PDT Arch - Adams School Redevlopment.dwg, Nov 22, 2010 - 8:00am



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Portland, Maine 04112
833.428.4212 | www.pdarch.com
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WOODWARD & CURRAN

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PORTLAND, MAINE 04101
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Adams School Redevelopment
PORTLAND, MAINE

JOB NO. 08-068
DRWN. CHK JBC OLC
SCALE: 1" = 20'
ISSUE NOVEMBER 22, 2010
TITLE GRADING, DRAINAGE AND EROSION CONTROL PLAN
SHEET C2

PIPE TABLE

PIPE NAME	SIZE	LENGTH	SLOPE
PIPE 1	18" SDR35 PVC	88'	0.0200
PIPE 2	15" SDR35 PVC	4'	0.0100
PIPE 3	12" SDR35 PVC	20'	0.0130

STRUCTURE TABLE

NAME	DIA.	RIM	INV IN/SIZE/FROM	INV OUT/SIZE/TO
DMH1	4"	118.82	113.00 12" SDR35 PVC DMH2	113.25 10" SDR35 PVC SMH2
DMH2	4"	120.23	118.23 12" SDR35 PVC DMH1	
SMH1	4"	119.95	108.00 18" EXIST. SMH201 108.10 18" SDR35 PVC SMH2	108.00 18" EXIST.
SMH2	4"	118.23	110.89 6" SDR35 PVC SMH3 113.21 15" SDR35 PVC DMH1	110.00 18" SDR35 PVC SMH1

NOTE:
PIPE SIZES AND MATERIALS ARE PRELIMINARY AND ARE TO BE DETERMINED.

- NOTE:**
- PERFORATED UNDERDRAINS WILL CONNECT TO DRAIN MANFOLD. SPACING AND LOCATIONS TO BE DETERMINED.
 - CONNECT ROOF DRAINS TO DRAIN MANFOLD. LOCATIONS TO BE DETERMINED.



PRELIMINARY DESIGN REVIEW - NOT FOR CONSTRUCTION

I:\PORTLAND\Projects\1219804 POT Arch - Adams School Redevelopment\Drawings\19804-C200-A.dwg, Nov 22, 2010 - 8:00am JCOULOMBE



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AVESTA - Adams School Site Redevelopment
PORTLAND, MAINE



2 NORTH ELEVATION



1 EAST ELEVATION

Monday, November 22, 2010 10:19:17 AM BRIDGTON KATHY COGAN

H:\MASTER PROJ FILES\AVESTA-08-066-ADAMS\ADAMS-CAD\3-SD\ARCHIVE\112210_ADAMS-SD-PLANS.DWG

JOB NO.
08-098

DRWN. CHK
KEC

SCALE:
3/32" = 1'-0"

ISSUE
PRELIMINARY PLANNING
APPLICATION
22 NOVEMBER 2010

TITLE
ELEVATIONS

SHEET

4a

Attachment B.8



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AVESTA - Adams School Site Redevelopment
PORTLAND, MAINE



3 SOUTH ELEVATIONS



2 WEST ELEVATION



1 WEST ELEVATION

JOB NO.
08-058

DRAWN: CHK
KFC

SCALE:
1/8" = 1'-0"

ISSUE
PRELIMINARY PLANNING
APPLICATION
22 NOVEMBER 2010

TITLE
ELEVATIONS

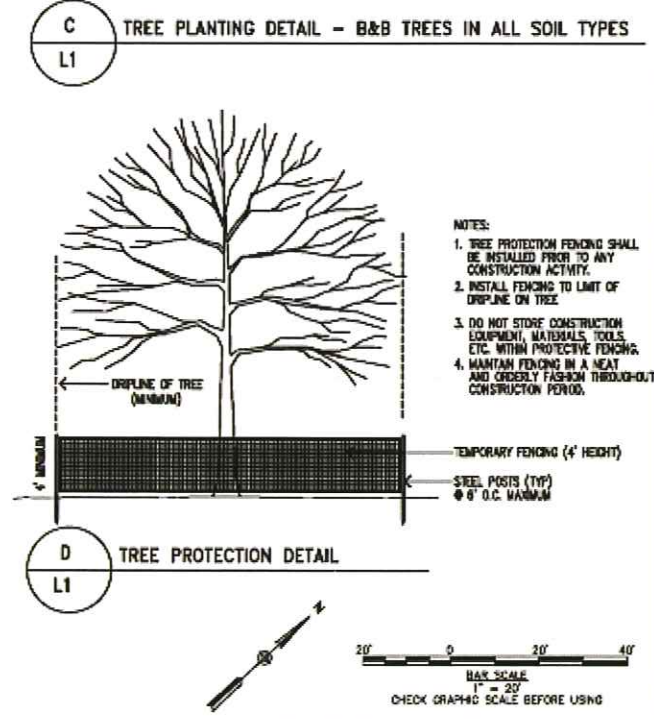
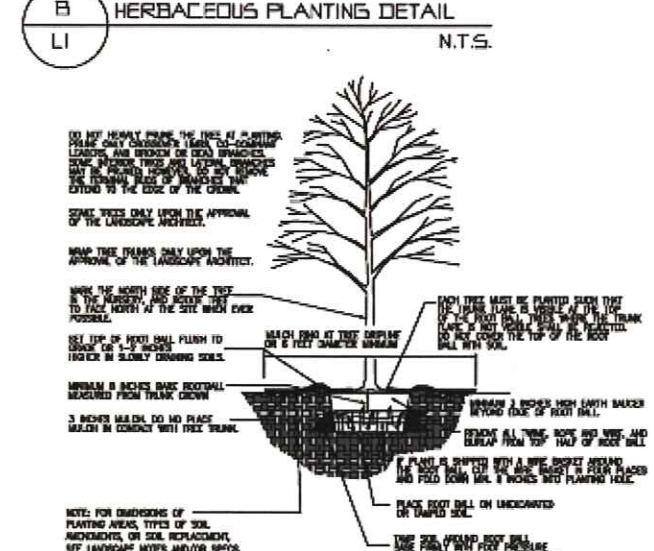
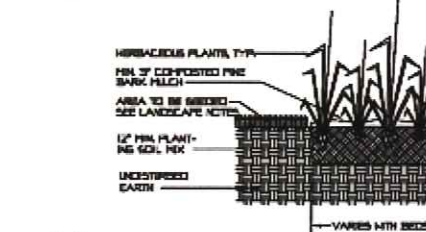
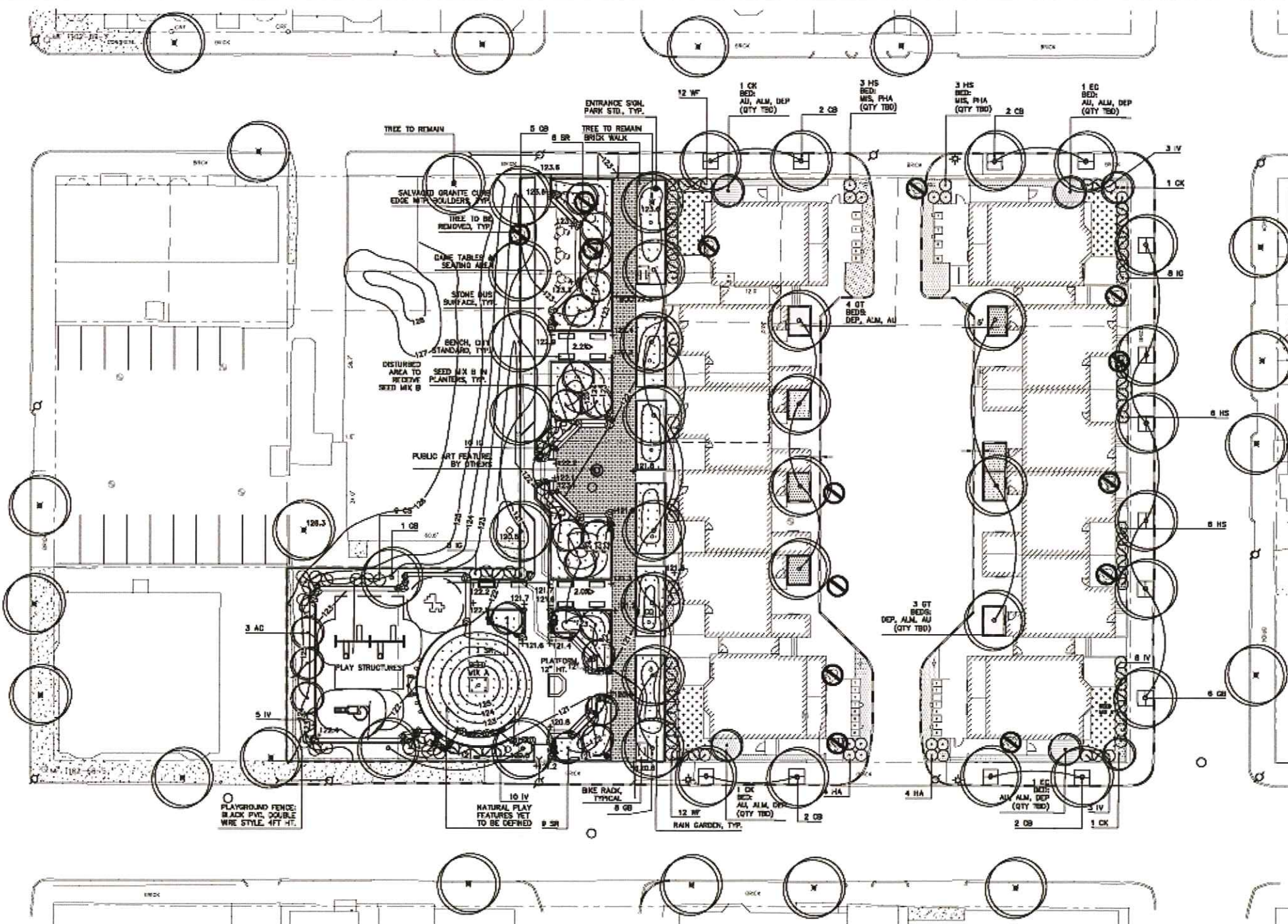
SHEET



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landscape architect & design
Tel: 207-450-8700
Regina@reginalesign.com
28 Bridge Street
Topsham, ME 04086



SITE PLANTINGS

SYM.	QTY.	BOTANICAL NAME	COMMON NAME	SIZE/COND.
TREES				
AC	3	Amelanchier canadensis	Servioeberry	5'-6' clump
CB	8	Carpinus betulus 'Fastigata'	European Hornbeam	2" col.
CK	4	Cornus kousa 'Garnam'	Kousa Dogwood	#7 pot
GT	7	Gleditsia triacanthos var. inermis	Thornless Honey Locust	1.75" cal.
GB	20	Ginkgo biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	2.5" col.
SR	18	Syringa reticulata 'Ivory Silk'	Japanese Lilac	6'-8' clump
SHRUBS				
CD	8	Caryopteris 'Dark Knight'	Blue Mist Spirea	#3 pot
CS	8	Cornus sericea 'Farrow'	Red-twig Dogwood	#3 pot
EC	2	Enkianthus campanulatus	Redvein Enkianthus	2.5'-3' ht.
FM	8	Falthergilla major 'Mt. Airy'	Mt. Airy Battlebrush	#3 pot
HA	8	Hydrangea arborescens	Smooth Hydrangea	#3 pot
HS	18	Hydrangea a. 'Samantha'	Samantha Hydrangea	#3 pot
IV	21	Itea virginica 'Little Henry'	Sweetpire	#3 pot
IG	31	Ilex glabra 'Compacta'	Dwarf Inkberry	#3 pot
PF	10	Pleris x 'Brouers Beauty'	Mountain Pleris	#3 pot
WF	24	Weigela fl. 'Variegata Nano'	Dwarf Variegated Weigela	#3 pot
HERBACEOUS PLANTS				
ALM	tbd	Alcornoilla mollis	Lady's Mantle	2 qt.
PEA	tbd	Pennisetum al. 'Homeln' Dwarf	Fountain Grass	2 qt.
DEP	tbd	Dennstaedtia punctiloba	Hayscented Fern	2 qt.
MIS	tbd	Micranthus sinensis 'Morning Light'	Maiden Grass	1 ga.
PHA	tbd	Phalaris arundinacea var. picta	Ribbon Grass	2 qt.
SEED MIXES				
A	Yardcapping Mix : Supplier: Allen, Sterling & Lathrop, Falmouth, ME Tel. 207-781-4142 Application Rate: 1 lb/200 sq. ft.			
B	New England Wildlife/Conservation Mix: Supplier: NE Wetland Plants, Inc.; Amherst, MA Tel. 413-548-8000 Application Rate: 1 lb/1750 sq.ft. (spring)			

- Planting Notes**
- All materials shall conform to the guidelines established by the American Association of Nurserymen.
 - In the case of any discrepancies between species and quantities called out in the planting key and those shown on the plan, quantities and species shown on the plan shall over-ride.
 - All planting shall be done in accordance with acceptable horticultural practices.
 - All plantings subject to approval by landscape architect. All substitutions must be submitted for approval by landscape architect prior to ordering or delivery of plant material on site. Landscape architect reserves the right to reject any plantings that do not conform to the drawings or specifications outlined herein.
 - Landscape Architect shall approve final placement of all plant materials and reserves the right to make field adjustments to plantings as necessary.
 - Existing trees to remain shall be protected at the drip-line and as shown in the Tree Protection Detail to prevent damage and compaction of the root system. No grading, soil disturbance, or storage of materials or equipment shall occur within the drip-line unless otherwise shown on plans. Any excavation within such areas shall be performed with special care to avoid damage of the root system, trunk or branches. In case of consequential damage to any trees designated to remain, the contractor shall assume full responsibility for replacement in-kind or payment of financial restitution, as determined most appropriate by the City's representative.
 - Planting pits shall consist of 3 parts fertile, friable loam amended with 1 part organic compost: Earthlife by New England Organics, Falmouth, ME, tel. 207-781-5011, or approved equal.
 - Finish grade of plantings shall match adjacent finish grades unless otherwise noted on drawings or directed and/or approved by the landscape architect.
 - No plant shall be put into the ground before rough grading has been finished and approved by the landscape architect or owner's representative.
 - All plants shall be set plumb unless otherwise specified.
 - All plantings shall be topped with a minimum of 3" of surface mulch. See written specifications.
 - All disturbed areas not otherwise planted shall be seeded as follows: Areas to remain lawn, as noted on the plan, shall receive "Seed Mix A" as noted in the Site Plantings Key.
 - Contractor shall water all plants thoroughly twice during the first 24-hour period after planting. All plants and newly grassed areas shall be watered as required thereafter to ensure survival and growth through the first growing season.
 - Plant material shall be guaranteed by the contractor for a period of one year from the date of installation. During the one year guarantee, the contractor shall replace, in kind, any dead, diseased, or substandard plant material at no cost to the owner. The contractor shall receive final acceptance from the owner following the one year guarantee, provided the provisions of the plant guarantee have been satisfactorily met.
 - The Contractor shall assume responsibility to ensure that all work is performed in compliance with all State and Local requirements.

KATHY COGAN

H:\MASTER PROJ FILES\VESTA-08-056-ADAMS\ADAMS-CAD\3-BORDER.DWG

Adams School Redevelopment
PORTLAND, MAINE

JOB NO.
08-059

DRWN. CHK
RSL WC

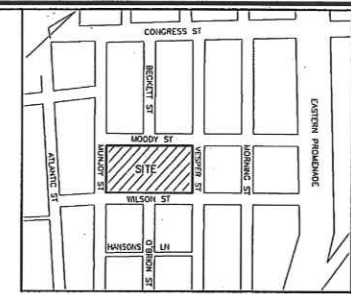
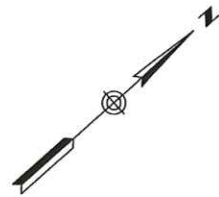
SCALE:
1"=20'

ISSUE
11.22.10

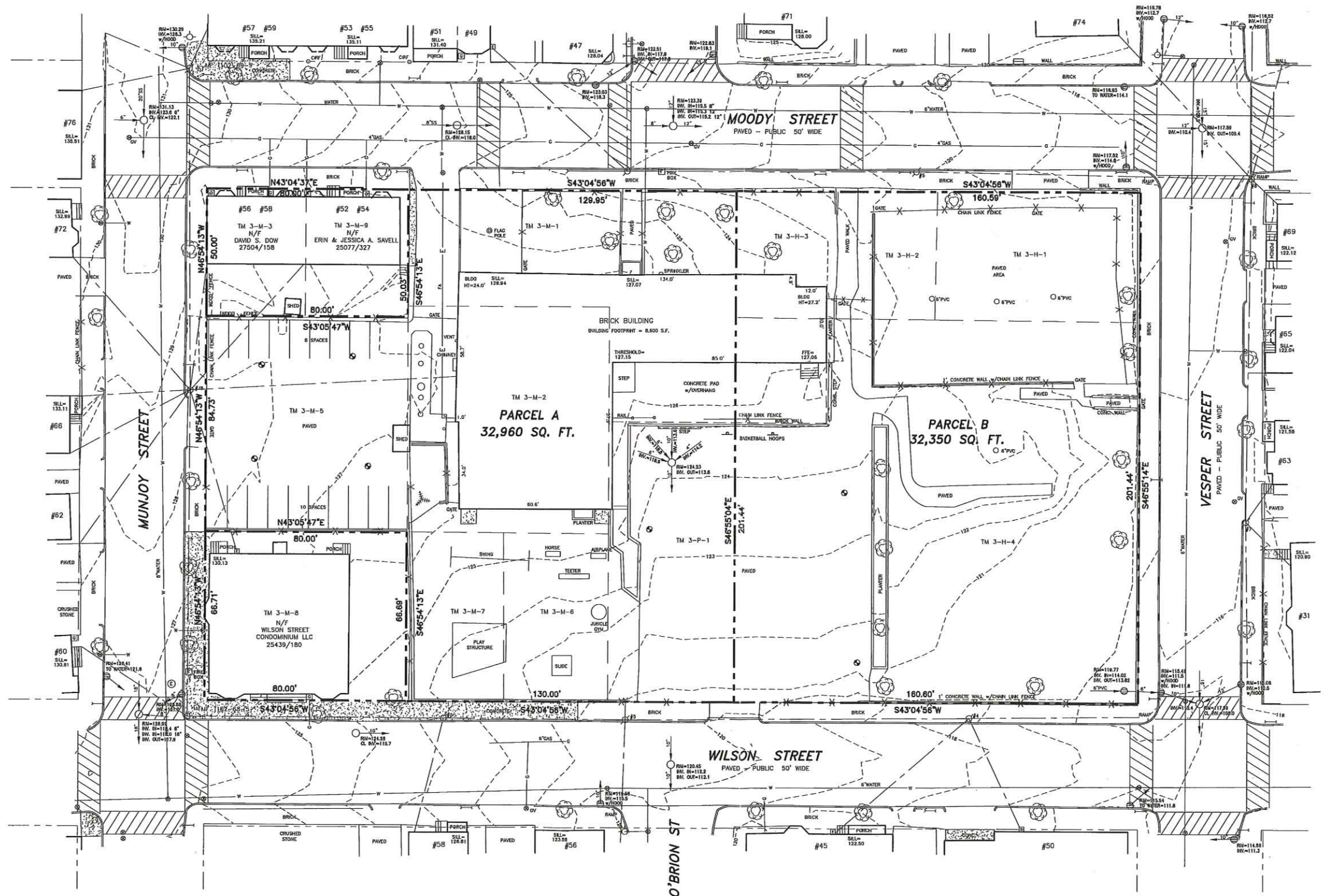
TITLE
LANDSCAPE PLAN

SHEET

L1



LOCATION MAP
N.T.S.



LEGEND

- MANHOLE
- CATCH BASIN
- UTILITY POLE W/GUY
- UTILITY POLE
- ELECTRIC METER BOX
- GAS METER BOX
- GAS GATE
- WATER GATE
- HYDRANT
- SIEN
- CONIFEROUS TREE
- DECIDUOUS TREE
- IRON ROD FOUND
- MONUMENT FOUND
- BORING
- CONTOUR (1' INTERVAL)
- CONTOUR (INDEX)
- GAS LINE
- OVERHEAD ELECTRIC
- WATER MAIN
- PROPERTY LINE
- RIGHT OF WAY
- FENCE
- CURB

UTILITY NOTE

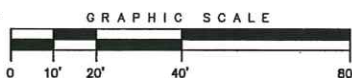
THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEY FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-800-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.

PLAN REFERENCES

- "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR CITY OF PORTLAND, PROPOSED NEW SCHOOL, BECKETT STREET, DEC. 19, 1956, H.I. & E.C. JORDAN-SURVEYORS."
- "BOUNDARY SURVEY 61-65 WILSON STREET, PORTLAND, MAINE MADE FOR MEREDITH TURNER AUGUST 13, 2007" BY OWEN HASKELL, INC.

GENERAL NOTES

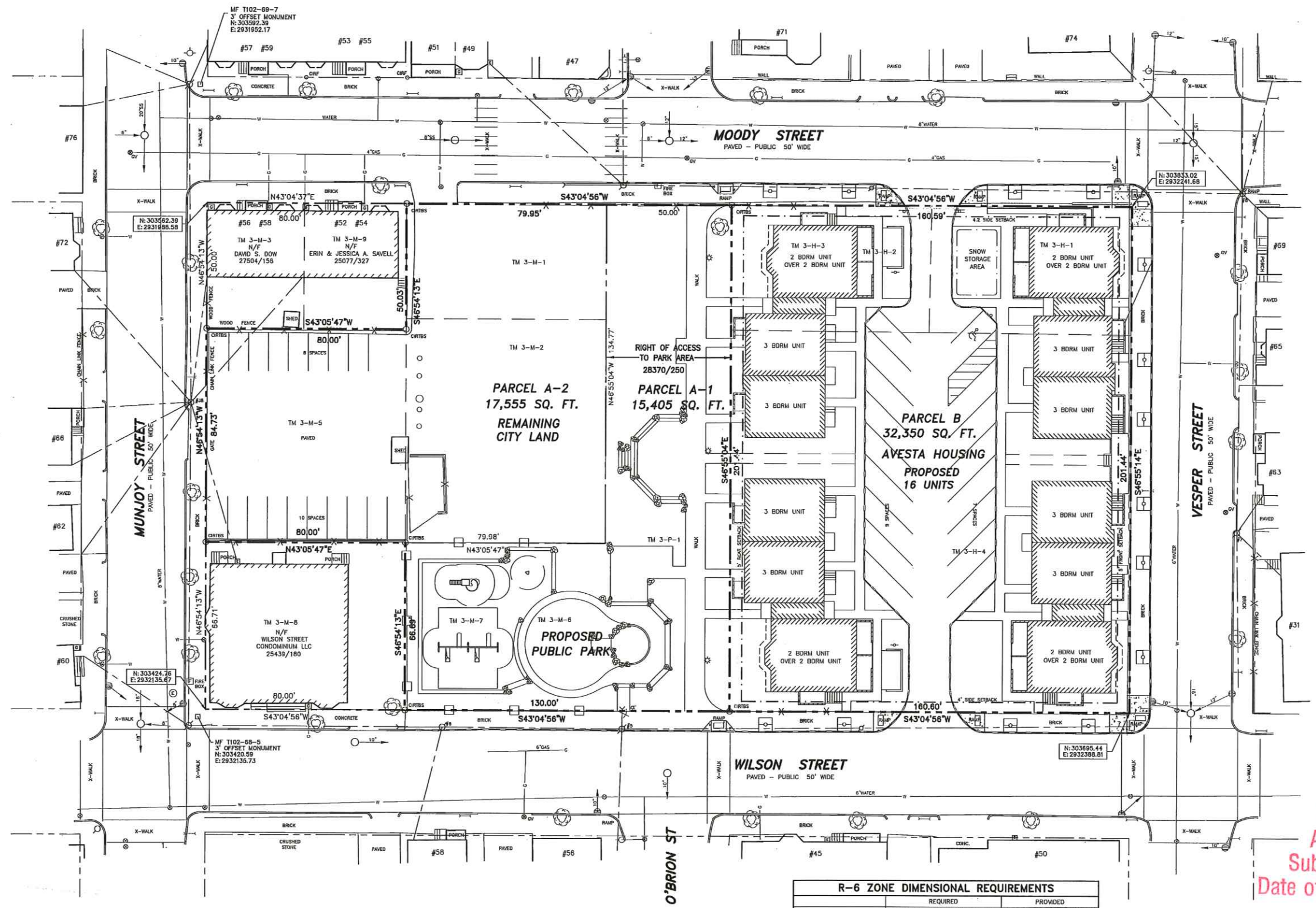
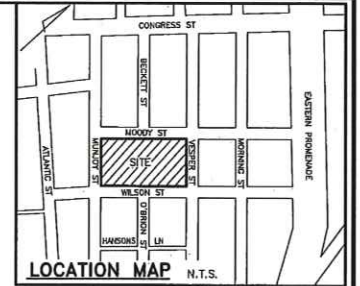
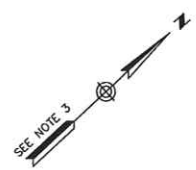
- OWNER OF RECORD: CITY OF PORTLAND
- PREMISES SHOWN AS TAX MAP 3-M-1, 2, 5, 6, 7 AND 3-H-1, 2, 3, 4, AND 3-P-1
- BEARINGS ARE GRID NORTH BASED ON CITY MONUMENTS T102-69-7, T102-68-5.
- ELEVATIONS BASED ON CITY DATUM.



TOPOGRAPHIC & PLANIMETRIC SURVEY
ON
MOODY ST., VESPER ST., WILSON STREET & MUNJOY ST.
PORTLAND, MAINE
MADE FOR
WOODARD & CURRAN

OWEN HASKELL, INC.
300 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0484
PROFESSIONAL LAND SURVEYORS

Drwn By	RS	Date	Job No.
Trace By	JLW	JULY 21, 2010	2010-080P
Check By	JWS	Scale	Drwg. No.
Book No.	-	1" = 20'	1



LEGEND

○ CIRTS	CONIFEROUS TREE	⊕	CAPPED IRON ROD TO BE SET
○	DECIDUOUS TREE	⊙	MANHOLE
⊕	IRON ROD FOUND	⊙	CATCH BASIN
⊕	MONUMENT FOUND	⊙	UTILITY POLE W/GUY
⊕	GAS LINE	⊙	UTILITY POLE
⊕	OVERHEAD ELECTRIC	⊙	ELECTRIC METER BOX
⊕	WATER MAIN	⊙	GAS METER BOX
⊕	PROPERTY LINE	⊙	GAS GATE
⊕	RIGHT OF WAY	⊙	WATER GATE
⊕	FENCE	⊙	HYDRANT SIGN
⊕	CURB	⊙	

NOTE:

PER LETTER OF APPROVAL FROM THE CITY OF PORTLAND WITH ATTACHMENTS DATED AUGUST 23, 2011 PROJECT ID: 10-9970009

WAIVERS

ON THE BASIS OF THE APPLICATION, PLANS, REPORTS AND OTHER INFORMATION SUBMITTED BY THE APPLICANT, FINDINGS AND RECOMMENDATIONS CONTAINED IN THE PLANNING BOARD REPORT # 17-11 FOR ADAMS SCHOOL REDEVELOPMENT, 48 MOODY STREET APPLICATION # 10-9970009 RELEVANT TO PORTLAND'S TECHNICAL AND DESIGN STANDARDS AND OTHER REGULATIONS, AND THE TESTIMONY PRESENTED AT THE PLANNING BOARD HEARING, THE PLANNING BOARD FINDS THE FOLLOWING:

THE PLANNING BOARD VOTED 4-0 (LEWIS, O'BRIEN AND SILK ABSENT) TO WAIVE TECHNICAL STANDARD SECTION 2.1.1 TO ALLOW THE STORMWATER FROM HOUSING, PARK AND PLAYGROUND AREAS TO DISCHARGE INTO THE COMBINED SEWERS IN NEARBY STREETS AS SHOWN IN THE APPROVED PLANS.

- GENERAL NOTES**
- OWNER OF RECORD: AVESTA HOUSING DEVELOPMENT CORPORATION, 307 CUMBERLAND AVENUE, PORTLAND, MAINE C.C.R.D. BOOK 28370 PAGE 248.
 - PREMISES SHOWN AS TAX MAP 3-M-1, 2, 5, 6, 7 AND 3-H-1, 2, 3, 4, AND 3-P-1
 - BEARINGS ARE GRID NORTH BASED ON CITY MONUMENTS T102-69-7, T102-68-5.
 - LOCATION OF PROPOSED IMPROVEMENTS TAKEN FROM PLAN REFERENCE 4.
 - STORMWATER MANAGEMENT AGREEMENT IS AVAILABLE UPON REQUEST AND IS ON FILE WITH THE CITY OR PORTLAND'S PLANNING AND URBAN DEVELOPMENT DEPARTMENT.

APPROVED BY
THE CITY OF PORTLAND PLANNING BOARD

Approved, signed + released

DATE: _____

CITY OF PORTLAND
APPROVED SITE PLAN
Subject to Dept. Conditions
Date of Approval: _____

R-6 ZONE DIMENSIONAL REQUIREMENTS

	REQUIRED	PROVIDED
FRONT YARD SETBACK	10 FT. OR AVERAGE OF EXISTING FRONT YARD SETBACKS	5 FT. (AVERAGE OF EXISTING FRONT YARDS)
SIDE YARD SETBACK*	4.2 FT. AT MOODY STREET 4 FT. AT WILSON STREET	4.2 FT. AT MOODY STREET 4 FT. AT WILSON STREET
REAR YARD SETBACK*	5 FT.	5 FT.
LOT SIZE	4,500 SF (MIN.)	32,340 SF
MINIMUM AREA PER DWELLING UNIT	1,000 SF/UNIT	2,021 SF/UNIT
STREET FRONTAGE	40 FT. MIN.	>200 FT.
MAX. LOT COVERAGE	50% OF LOT AREA FOR DEVELOPMENTS WITH <20 UNITS	40%
MAX. BUILDING HEIGHT	45 FT.	<45 FT.
MIN. LOT WIDTH	50 FT.	180 FT.
MIN. OPEN SPACE (20% OF LOT FOR DEV. W/<20 UNITS)	0.15 ACRES	0.22 ACRES
PARK'G SPACES (1 PER UNIT)	16	16

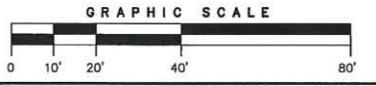
*PER ZONING BOARD OF APPEALS APPROVAL FOR SETBACK VARIANCE, SEPTEMBER 2010

- PLAN REFERENCES**
- "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR CITY OF PORTLAND, PROPOSED NEW SCHOOL, BECKETT STREET, DEC. 19, 1956, H.I. & E.C. JORDAN-SURVEYORS."
 - "BOUNDARY SURVEY 61-65 WILSON STREET, PORTLAND, MAINE MADE FOR MEREDITH TURNER AUGUST 13, 2007" BY OWEN HASKELL, INC.
 - "TOPOGRAPHIC & PLANIMETRIC SURVEY ON MOODY ST., VESPER ST., WILSON ST. & MUNJOY ST., PORTLAND, MAINE MADE FOR WOODARD & CURRAN JULY 21, 2010 REV. 1 11/30/10" BY OWEN HASKELL, INC.
 - "SITE PLAN AVESTA-ADAMS SCHOOL SITE REDEVELOPMENT, PORTLAND, MAINE DECEMBER 14, 2010" BY PDT ARCHITECTS.

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 SURVEY 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 THE INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-800-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.

STATE OF MAINE, CUMBERLAND, ss
REGISTRY OF DEEDS
RECEIVED
AT _____ hr. _____ min. _____ m AND RECORDED
IN PLAN BOOK _____, PAGE _____
ATTEST: _____ REGISTER



JOHN W. SWAN, PLS NO. 1038
DATE: 1-30-2012

RECORDING PLAT
ON
MOODY ST., VESPER ST., WILSON ST. & MUNJOY ST.
PORTLAND, MAINE
MADE FOR RECORD OWNER
AVESTA HOUSING DEVELOPMENT CORP.
307 CUMBERLAND AVENUE, PORTLAND, MAINE

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

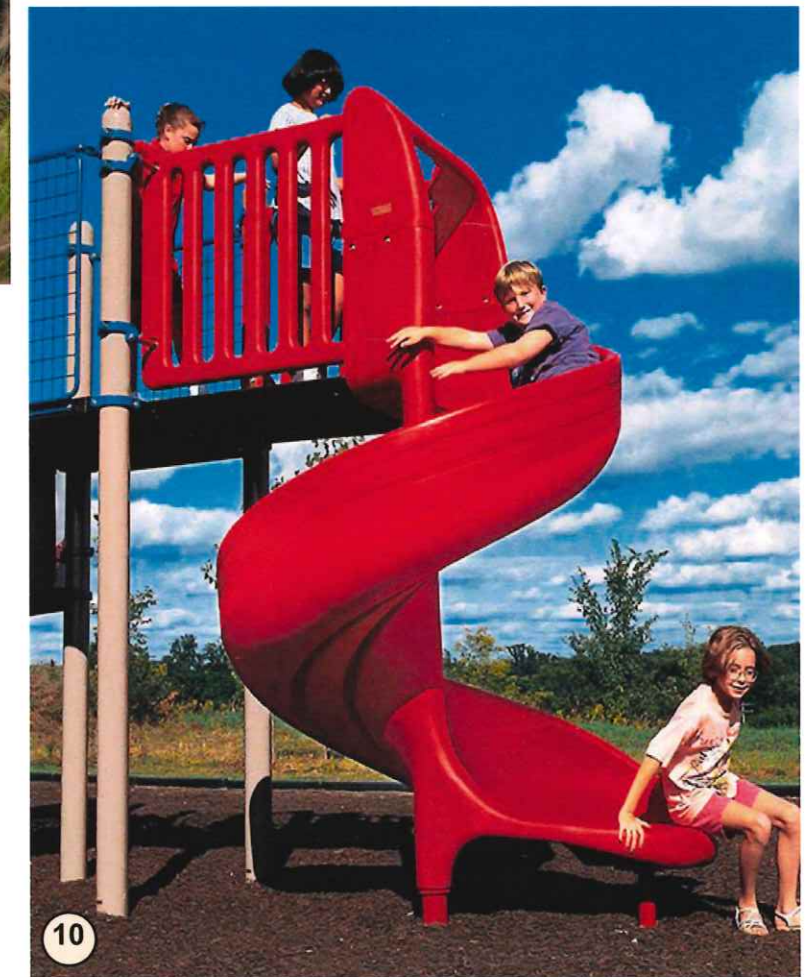
Drwn By	RS	Date	APRIL 30, 2012	Job No.	2010-080P
Trace By	JLW	Scale	1" = 20'	Drwg. No.	1RP
Check By	JWS				
Book No.	FILE				



**PLAYGROUND FEATURES
REPRESENTATIVE IMAGES**

- 1 Swing gate
- 2 Stump seats and table
- 3 Bridge
- 4 Stepping stones, granite
- 5 Sand play area
- 6 Climbing wall with hand holds
- 7 Spinners
- 8 Entrance detail
- 9 Double bay swings
- 10 Spiral slide

Note: Images shown represent examples of the proposed features for the Marada Adams Playscape. These are shown for discussion and the purposes of staff review and approval at the schematic planning level.



PROJECT BY:

AVESTA HOUSING
 307 CUMBERLAND AVE.
 PORTLAND, MAINE 04101

IN COLLABORATION WITH
 THE CITY OF PORTLAND

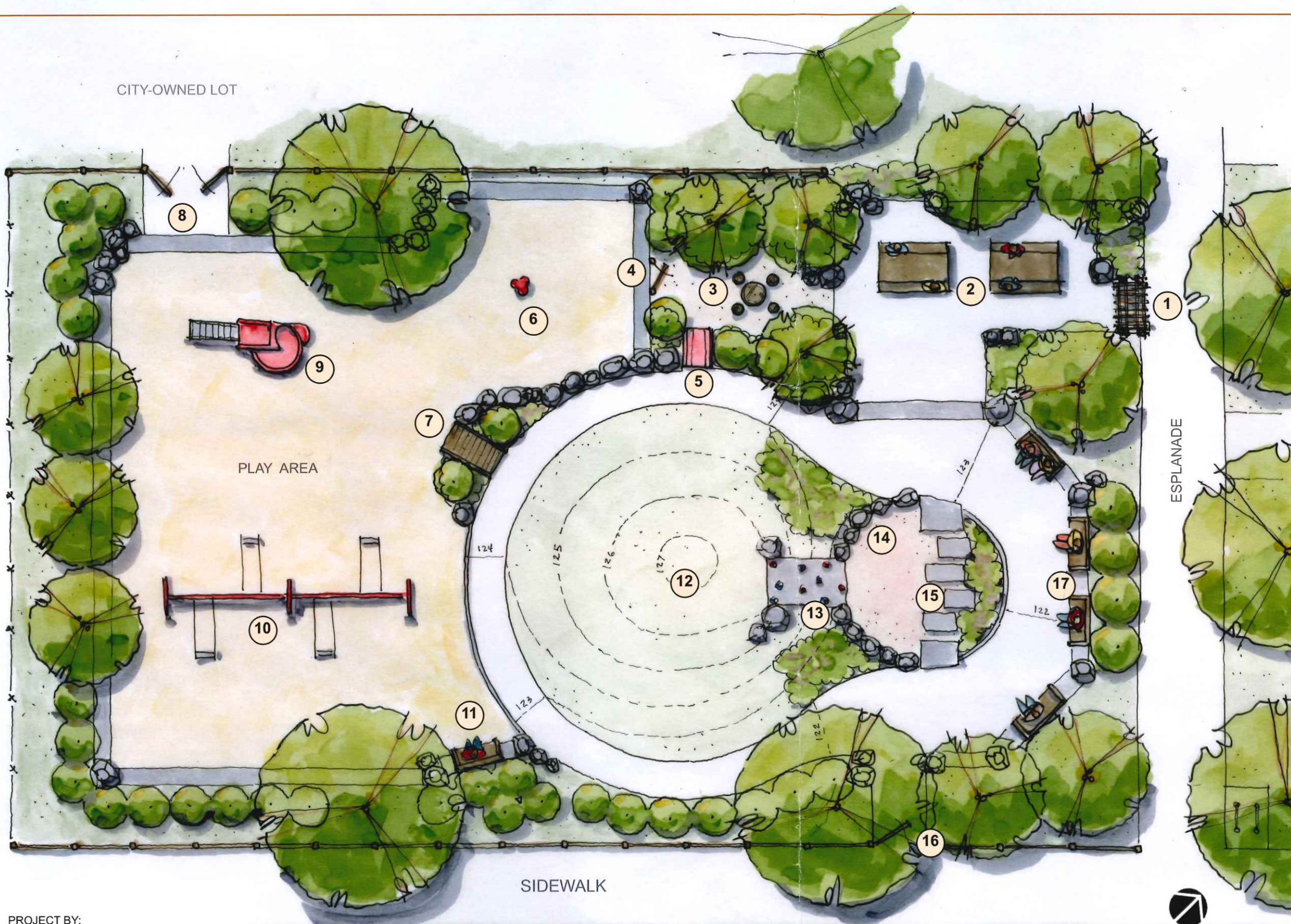
MARADA ADAMS PARK PLAYSCAPE SCHEMATIC PLAN

CITY OF PORTLAND, MAINE

DATE: JUNE 2, 2011:

LANDSCAPE ARCHITECT:

 **Regina S. Leonard**
 landscape architecture & design
 29 Bridge Street. Topsham, ME 04086
 Tel. 207.450.9700 Regina@rslsdesign.com



KEY - PLAN FEATURES

- 1 Main entrance / arbor
- 2 Picnic tables
- 3 Stump seats and table
- 4 Swing gate
- 5 Tunnel entrance
- 6 Spinner or spring toy
- 7 Bridge entrance
- 8 Service / back entrance
- 9 Spiral slide
- 10 Double bay swings
- 11 Bench / seating area
- 12 Grass hill
- 13 Climbing wall with hand holds
- 14 Boulder border
- 15 Stepping stones, granite
- 16 Wilson Street entrance
- 17 Benches / seating area

KEY - SYMBOLS

- walkway / path
- fence boundary
- natural stone
- shade tree
- evergreen tree
- shrub grouping
- planting area
- focal element / sign
- bench / seating
- lawn area

DATE: JUNE 2, 2011
DRAFT PLAN FOR REVIEW

LANDSCAPE ARCHITECT:

Regina S. Leonard

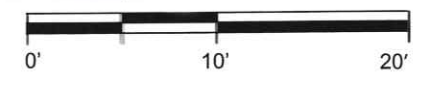
landscape architecture & design
 29 Bridge Street. Topsham, ME 04086
 Tel. 207.450.9700 Regina@rslsdesign.com

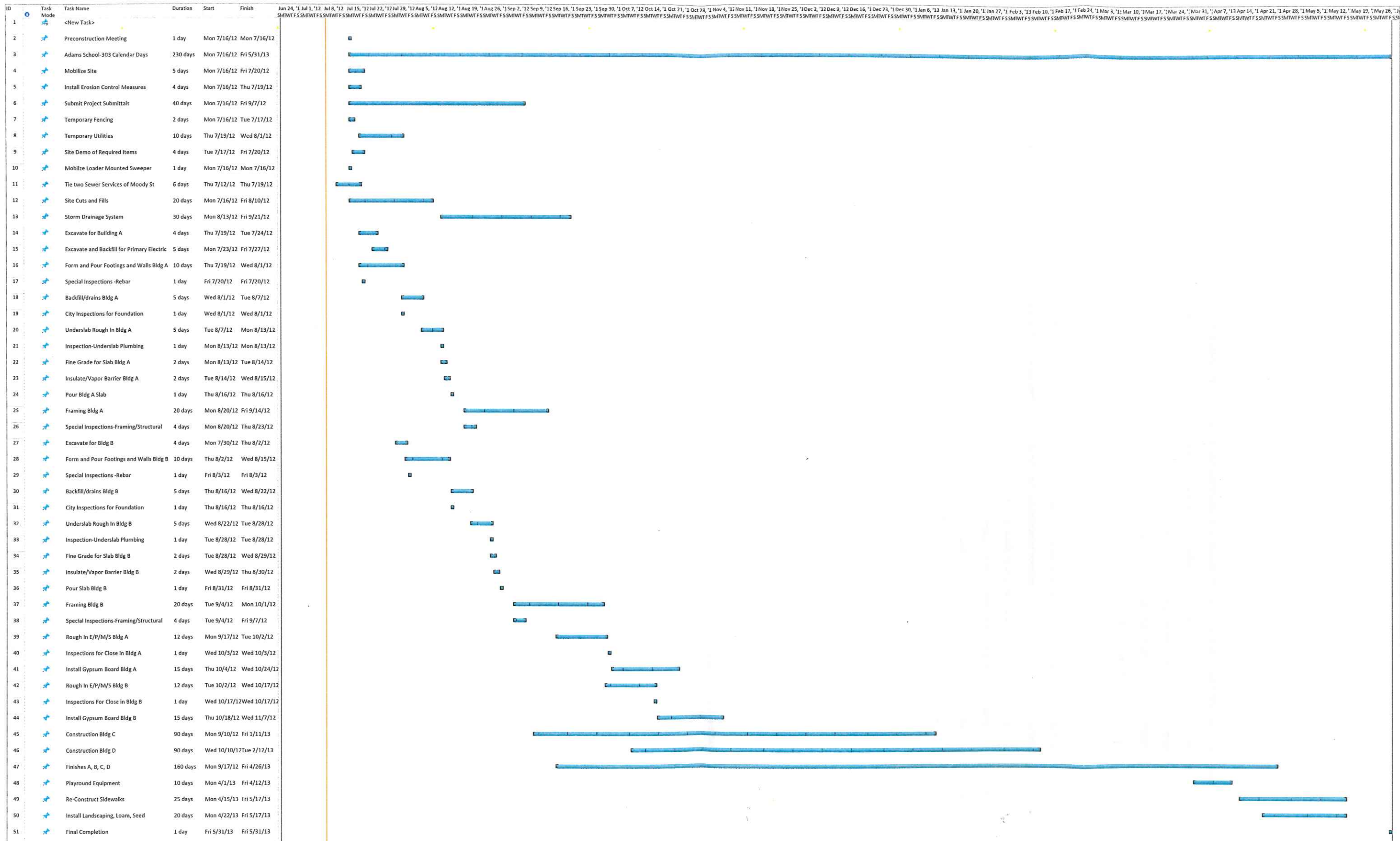
PROJECT BY:
AVESTA HOUSING
 307 CUMBERLAND AVE.
 PORTLAND, MAINE 04101

IN COLLABORATION WITH
 THE CITY OF PORTLAND

MARADA ADAMS PARK
PLAYSCAPE - SCHEMATIC PLAN
 CITY OF PORTLAND, MAINE

SCALE: 1"=10'





AD. E. 24



ARCHITECTS

43 GARTMOUTH STREET
PORTLAND, MAINE 04101
207-775-1099
www.pdtarch.com

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ADAMS SCHOOL REDEVELOPMENT

XXXX

*00 to RB
August 2011*

JOB NO.
08-056

DRWN CHK
Checker

SCALE
1/8" = 1'-0"

ISSUE
08/04/11

TITLE
EXTERIOR ELEVATIONS

SHEET

A200



1 EXTERIOR ELEVATION EAST
1/8" = 1'-0"

4 EXTERIOR ELEVATION EAST - MID-BLOCK BLDG. A
1/8" = 1'-0"



2 EXTERIOR ELEVATION NORTH - STREET
1/8" = 1'-0"



3 EXTERIOR ELEVATION SOUTH - PARKING
1/8" = 1'-0"

Att. E.25



ARCHITECTS

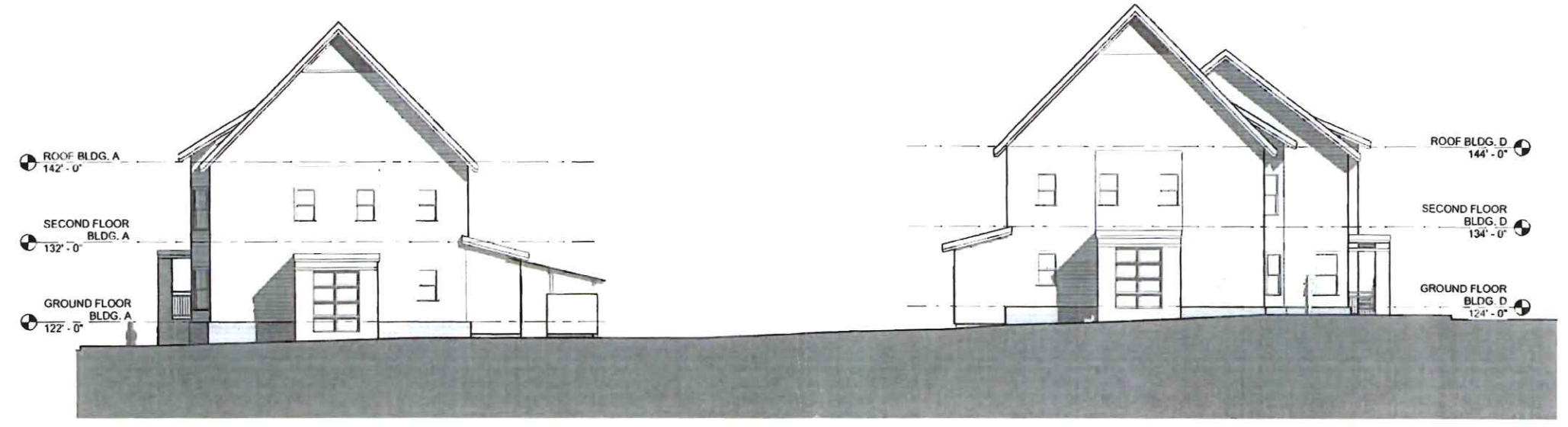
49 DARTMOUTH STREET
PORTLAND, MAINE 04101
207-775-1059
www.pdtarch.com

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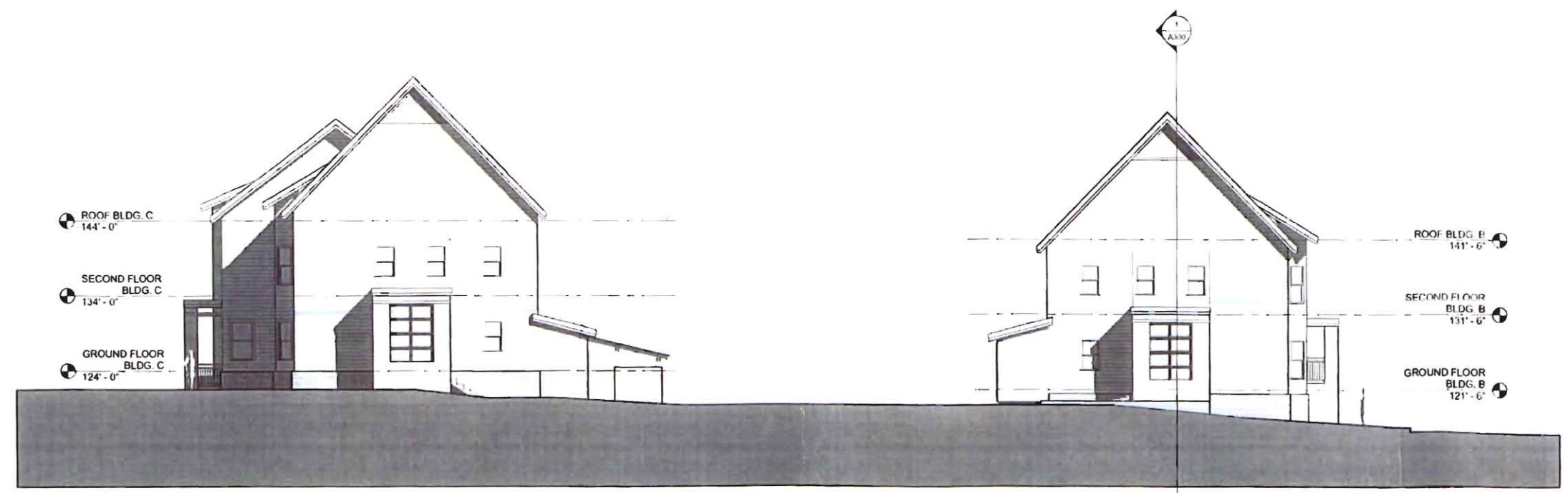
ADAMS SCHOOL REDEVELOPMENT
Portland, ME

*07/20/11 PB
08/08/2011*

JOB NO. 08-056
DRWN. CHK Checker
SCALE: 1/8" = 1'-0"
ISSUE 07/11/2011
TITLE EXTERIOR ELEVATIONS
SHEET A201



1 EXTERIOR ELEVATION NORTH
1/8" = 1'-0"



2 EXTERIOR ELEVATION SOUTH
1/8" = 1'-0"

D
C
B
A

5 4 3 2 1

5 4 3 2 1