



Tuck O'Brien
City Planning Director, Planning Division

September 15, 2017

Ara Aftandilian
EssexNorth Portland, LLC
P.O. Box 394
Topsfield, MA 01983

Patrick Carroll
Carroll Associates
217 Commercial Street, Suite 200
Portland, ME 04101

Project Name: 20 Thames Street
Address: 20 Thames Street
Applicant: Ara Aftandilian
Planner: Matthew Grooms

Project ID: 2016-063, 2016-064
CBL: 019-B-020

Dear Mr. Aftandilian and Mr. Carroll:

On June 22, 2017, The Planning Board voted 5-0 (Eaton, Mazer absent) to approve the Subdivision application and 5-0 (Eaton, Mazer absent) to approve the Conditional Use application for ensuring workforce housing. On September 14, 2017, the Portland Planning Authority approved the Level II Site Plan for a new mixed-use residential and commercial project at 20 Thames Street for 28 residential units, 2 retail bays, and structured parking. The Planning Authority reviewed the proposal for conformance with the standards of the Site Plan Ordinance and India Street Form Based Code. This decision is based upon the application, documents and plans as submitted by the applicant, Ara Aftandilian of EssexNorth Portland, LLC and is subject to the conditions as presented below.

STORM WATER MANAGEMENT

Based upon the Planning Authority's Delegated Review Authority, the Planning Authority approved the storm water management plan as submitted, subject to the following condition(s):

1. Storm Water Management Condition of Approval

The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system, and all assigns. shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Please submit final copies to both the Department of Planning and Urban Development and the Department of Public Works.

SITE PLAN REVIEW

The Planning Authority finds that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval which shall be met prior to the issuance of any building permits unless otherwise stated:

1. The applicant shall work with the City to secure appropriate licenses for balcony extensions across the applicant's property line into the public right-of-way. This license shall be accompanied by a fair market-rate payment for occupation of the public right-of-way to be determined by the City and paid into the City's Housing Trust fund; and
2. The applicant shall pay a fee of \$280,000 into the City's Housing Trust Fund to satisfy inclusionary zoning requirements for this project before a Certificate of Occupancy may be issued; and
3. Based upon trip generation estimates provided by the applicant, reductions to account for multi-modal transportation alternatives and shared trip use, the applicant shall contribute \$15,000 towards implementation of adopted improvements to Franklin Street; and
4. The applicant shall continue to work with the Planning Authority and Department of Public Works to secure approval of their construction management plan to the satisfaction of both departments; and
5. When selected, exterior lighting fixtures and associated photometric plans shall be submitted for review and approval by the Planning Authority; and
6. The applicant shall provide a contribution of \$9,600 into the City's Tree Fund based upon a requirement for one street tree per residential unit for a total requirement of 28 trees. This project is proposing to plant four street trees, and is offering a payment in lieu for the remaining trees, calculated at a rate of \$400/tree as stipulated under Section 4.6.4 of the City's Technical Manual; and
7. The applicant shall supply the Planning Authority with an approval letter from Historic Preservation approving the amended design of the building following the initial Certificate of Appropriateness granted on January 18, 2017; and
8. The applicant shall provide utility capacity letters from the following providers
 - a. Water Service - Portland Water District
 - b. Wastewater Service – City of Portland Department of Public Works
 - c. Electrical Service – Central Maine Power

9. The applicant shall provide drafts of all necessary easements for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit, including but not limited to:
 - a. A public access easement shall be provided and shown on the plat that is within the required 20-foot wide mid-block permeability between buildings and connecting Thames Street with Fore Street, so as to qualify for the height bonus as stipulated under Section 14-275.6(b)(1)(c).
 - b. License from the City of Portland to EssexNorth Portland, LLC for canopies and or awnings and or decks extending into the public right of way;
 - c. License from the City of Portland to EssexNorth Portland, LLC for foundation footings on Thames Street;
 - d. License from the City of Portland to EssexNorth Portland, LLC for sewer backwater valves along Thames Street;

STANDARD CONDITIONS OF APPROVAL

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

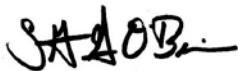
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Department of Public Works Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Matthew Grooms at 874-8725.

Sincerely,



Stuart G. O'Brien
City Planning Director

Attachments:

1. HP Certificate of Appropriateness
2. Staff Review Comments May 24, 2017
3. Planning Board Report for Level III Subdivision and Conditional Use
4. Staff Review Comments July 25, 2017
5. DPW Memo July 25, 2017
6. Staff Review Email August 31, 2017
7. Portland City Code: Chapter 32

8. Sample Stormwater Maintenance Agreement
9. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Matthew Grooms, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Jane Ward, Administration, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire
Danielle West-Chuhta, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor

CITY OF PORTLAND, MAINE

HISTORIC PRESERVATION BOARD

Scott Benson, Chair
Bruce Wood, Vice Chair
Glenn Harmon
Robert O'Brien
Penny Pollard
Julia Sheridan
John Turk

February 14, 2015

Ara Afandilian
Portland Norwich Group LLC
2330 Palm Ridge Road
Unit 10 #305
Sanibel, Florida 33957

Re: Proposed New Construction, 20 Thames Street

Dear Mr. Afandilian,

On January 18, 2017, the City of Portland's Historic Preservation Board voted 5-0 (Pollard, Wood absent) to approve your application for a Certificate of Appropriateness for new construction at 20 Thames Street.

Approval was made subject to the following conditions:

- Fenestration and material palette at penthouse level to be revised to present a more unified, consistent appearance.
- Height of penthouse roof to be lowered. (Penthouse was found to be disproportionately tall.)
- Where metal is shown on the building exterior, metal to be light to reduce visual contrast.
- Applicant to provide master signage plan to serve as template for future individual sign applications.
- Final plans incorporating design/material revisions and additional information listed above to be submitted to Historic Preservation staff for final review and approval.
Revised drawings to be distributed to HP Board for comment.

Construction to be carried out as shown on the plans and specifications submitted for the 1/18/17 public hearing, except as to comply with the conditions above. Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah Andrews". The signature is written in a cursive, somewhat stylized font.

Deborah Andrews
Historic Preservation Program Manager

Cc: David Lloyd, Archetype Architects

Planning and Urban Development Department Planning Division



May 24, 2017

Ara Aftandilian
Essex North Portland, LLC
P.O. Box 394
Topsfield, MA 01983

Pat Carroll
Carroll Associates
217 Commercial St, Suite 200
Portland, ME 04101

RE: Staff Review Comments for 20 Thames Street (2017-063) – Planning Board Review

Project Name: 20 Thames Street Project ID: (2017-063)
Project Address: 20 Thames Street CBL: 019-B020
Applicant: Pat Carroll
Planner: Matthew Grooms

Dear Mr. Aftandilian and Mr. Carroll,

Thank you for submitting a preliminary Level II Site Plan application for a six-story mixed-use commercial and residential development at 20 Thames Street in the India Street Form-Based Code district. This property is located within the Urban Transitional (UT) subdistrict and is being reviewed as a preliminary plan subject to the following applicable Land Use Code provisions:

- Subdivision Ordinance, Article IV
- Site Plan Ordinance, Article V
- India Street Form Based Code Ordinance, Article III, Division 15.2
- Neighborhood Meeting Regulations, Section 14-32

Final Plan for Planning Board Review: Staff Review Comments

I. Public Infrastructure and Community Safety Standards

A. Fire Department Comments (Keith Gautreau)

1. Premises Identification

- a. The main entrance of the building must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.
- b. Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. If the building entry faces a different street, both the street name and number should be large enough to read from the street.

- c. Address numbers must be a minimum of 4 inches high. The number should be in Arabic numerals rather than spelled out (for example, “130” instead of “One Hundred and Thirty”).
 - d. Color: Addresses should be in a color that contrasts with the background. Whenever possible, should be illuminated.
 - e. Provide additional address signs at entrances to the property when the building address is not legible from the public street.
 - f. Buildings set back in groups that share common entrances can make quickly locating a specific building and the shortest route difficult. On such sites, additional signs with directional arrows and/or diagrams of the buildings and access layout should be posted.
2. The Construction Management plan shall be presented and approved by the Fire Dept.
 3. Existing Hydrant locations are acceptable and will have sufficient volume for the proposed project. There is no need for letter to serve from PWD.
 4. Emergency Vehicle access is sufficient off of Thames Street with possible access utilizing the main entrance the Marriott Hotel.

II. Site Design Standards

A. Site Plan Review Comments (Matthew Grooms)

1. The proposed building is shown as being 107’ feet in length as measured parallel to Thames Street. For new developments located in the Urban Transitional subdistrict of the IS-FBC, maximum permissible building length is 100’ feet, or 200’ feet with 2 modules. Is the applicant proposing more than one ground-floor commercial space? If so, this should be indicated on the submitted plans.
2. The applicant has agreed to payment in lieu of providing street trees. Given that the applicant is required to provide 28 street trees, and is providing 3, a fee equating to \$400 per street tree will be required as a condition of approval, for a total contribution of \$10,000.
3. In the submitted materials, the applicant has indicated that they will provide payment in lieu of the required workforce housing units. The fee is \$100,000 per owed unit. In this case, the amount owed is 10% of 28 units, \$280,000.00. This will be included as a condition for approval.
4. The applicant shall provide evidence of the agreement with the Ocean Gateway Garage for required off-street parking.
5. Final submitted plans shall indicate snow storage locations, or plans for snow storage/snow removal.
6. Roof mounted and or exterior mechanical equipment shall be screened from the public view by either dense evergreen landscaping, fencing, masonry, building walls or a combination thereof.
7. Site Lighting – Per CPTED and the Technical Manual requirements, lighting levels should be at least .4fc. For the final plans, please provide lighting in those areas of the site where there are exterior walkways such as the sides or rear of the building.
8. Given that this project is less than 50,000 square feet, please note that this development is considered a Level II Site Plan and not a Level III site plan.

B. Preliminary Subdivision Plan Comments – Section 14-496 (Matthew Grooms)

1. The applicant shall indicate the width of any right-of-way shown on the preliminary subdivision plan.

2. The applicant shall provide the location, width and purpose of any easements that have or are to be recorded.
3. The applicant shall provide the approximate or known location of all existing and proposed public and private infrastructure, including sanitary sewer, water, gas and electric. This shall include new points of connection for the proposed development.

C. Design Review (Caitlin Cameron)

Historic Preservation board did approve a certificate of appropriateness for the design at 20 Thames with some conditions of approval that have since been met with HP staff.

In order to meet zoning, there are the following outstanding items to be addressed by applicant:

1. Bonus Height = mid-block permeability must also be publicly accessible to be eligible for bonus height (legal documentation of public access). Is the extra height at least 15' stepped back from the street-facing building edge?
2. Building Length = to exceed 100' max building length, the project needs to meet the requirements for two retail bays (see 14-275.6 (b)2.b.)
3. Residential Entrance = To meet the purpose statement of the IS-FBC, I would question the placement of the residential entrance on the rear of the building without visibility from the public right-of-way

Additional Submittals Required:

Please upload the digital plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made and only *one set of revised plans* may be submitted for review. This item is scheduled to go before the Planning Board as a workshop item on June 13, 2017. Following the workshop process, this item will be scheduled for a public hearing at the Planning Board's next available meeting and the staff will provide the Planning Board with a recommendation to approve, approve with conditions, or deny the final site plan.

If you have any questions, feel free to contact me at (207) 874-8725 or by email at mgrooms@portlandmaine.gov.

Sincerely,

Matthew Grooms
Planner

Electronic Distribution:

Tuck O'Brien, Planning Division Director
Barbara Barhydt, Development Review Services
Manager
Victoria Morales, Associate Corporation
Counsel

Anne Machado, Zoning Administrator
Captain Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard & Curran

PLANNING BOARD REPORT PORTLAND, MAINE



20 Thames Street
Mixed-Use Residential and Commercial Development
Level III Site Plan & Subdivision & Inclusionary Zoning Review
2017-063 and 2017-064
Essex North Portland, LLC

Submitted to: Portland Planning Board Date: June 16, 2017 Public Hearing Date: June 22, 2017	Prepared by: Matthew Grooms. Planner CBLs: 19-B-20 Project #: 2017-063 and 2017-064
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I. INTRODUCTION

Essex North Portland, LLC has requested a final site plan, subdivision, conditional use and inclusionary zoning review for a six-story mixed-use commercial and residential development at 20 Thames Street. The proposed 48,434 SF development includes structured parking and two retail spaces on the ground floor and 28 residential units on the upper floors. The proposal is also subject to the Inclusionary Zoning Ordinance and is in the India Street Historic District.

This development is subject to Level II Site Plan for compliance with the standards of the India Street Form Based Code and Site Plan ordinance. The design review and approval is through the Historic Preservation Board. The Planning Board is only reviewing the Level III Subdivision and compliance with Division 30 (inclusionary zoning).

A total of 177 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on June 12th and 13th 2017.

Applicant: Ara Aftandilian, Essex North Portland, LLC

Consultants: Pat Carroll, Carroll & Associates; Maureen McGlone, Ransom Consulting Engineers; John Swan, Owen Haskell, INC; David Lloyd, Archetype Architects; Lee Lowry, Jensen Baird Gardner Henry

II. REQUIRED REVIEWS

<i>Review</i>	<i>Applicable Standards</i>
Site Plan Level II (staff review/approval)	<i>Section 14-526</i>
Certificate of Appropriateness (HP Board)	<i>Section 14-650-659</i>
Subdivision Level III (Planning Board)	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	IS-FBC
Existing Use	Undeveloped/Temporary Parking/Construction Staging
Proposed Use	Mixed-Use Residential and Commercial Retail
Proposed Development Program	28 condominium units (4 1-bedroom, 23 2-bedroom, 1 3-bedroom) + 2 retail spaces (totaling 4,600 SF)
Parcel Size	13,580 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	N/A	8,772 SF	8,772 SF
Building Floor Area	N/A	48,434 SF	48,434 SF
Impervious Surface Area	13,580 SF	13,374 SF	-206 SF
Parking Spaces (on-site)	0	4 (Structured)	4
Parking Spaces (off-site)	0	64 (Ocean Gateway Garage)	64
Bicycle Parking Spaces	0	11 (Interior Bike Room)	11

Estimated Cost of Project	\$10,000,000.00
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Figure 1: Project Location

IV. BACKGROUND & EXISTING CONDITIONS

20 Thames Street lies midblock between India Street and Hancock Street with frontage on Thames Street, across the street from Ocean Gateway Pier. At present, much of the existing block is undeveloped, with the exception of the Gorham Savings Bank building and Portland Water District structure, both located to the west along India Street. This project represents the second proposal under the Portland Gateway Master Plan, the first being the recently approved Portland AC Hotel, currently under construction to the east of the proposed site. The current uses are surface parking lot and staging area for the construction of the Portland AC Hotel. The project, located in the India Street Historic District, requires brick sidewalks and Commercial Street light poles. Street trees and street lighting shall be added to contribute to the improvement of India Street as the main street. The overall impervious surface is slightly reduced.

The site is zoned India Street Form-based Code Zone with an Urban Transitional (UT). The site is in the India Street Historic District and is subject to Historic Preservation design review to obtain a Certificate of Appropriateness. This property’s location with close proximity to India Street, serves as an important transition from the Urban-Active (UA) Subdistrict as found along India Street to the surrounding Urban Neighborhood (UN) Subdistricts. Properties located in the Urban Transitional (UT) Subdistrict, are intended to encourage higher density, mixed-use building types that accommodate any use. Streetscapes within this subdistrict may be less active than the UA subdistrict with wide sidewalks, street trees, and setbacks providing relief from large building masses.

V. PROPOSED DEVELOPMENT

The applicant proposes to construct a six-story mixed-use infill project consisting of two ground floor commercial spaces totaling 4,600 square feet and 28 condominiums on the upper floors with 107 feet of frontage along Thames Street. Retail spaces are accessible via entrances located on Thames Street. Structured parking would occupy the rear portion of the ground floor, with car and resident access located to the rear of the building, accessible via a shared access easement/driveway with associated curb cut on Fore Street. Vehicular parking for four cars would be provided

in the structure situated behind the retail space and an additional 64 parking spaces have been leased at the Ocean Gateway Garage located across Fore Street from this subdivision.

New brick sidewalks, street lighting, and four street trees are proposed on Thames Street. The additional 24 street trees required of this development will be made a condition for approval of the Level II site plan. The site lighting shall be provided by new Commercial Street fixtures and additional lighting is provided by the building lighting (*Plan 20*). The landscape plan (*Plan 20*) also includes low landscaping along the westerly face of the building.



Figure 2 – Thames Street Building Rendering

VI. PUBLIC COMMENT

One written comment was received by the Planning Office and has been included with this report (*Attachment 4*). This comment is specifically in regards to the traffic impact that this development would have on the India Street and Fore Street intersection. The traffic impact of this development is being considered separately under the Level II site plan review, and the city’s consulting traffic engineer, Tom Errico, has indicated his approval of the applicant’s traffic impact analysis (*Attachment 2*).

Material regarding the neighborhood meeting shall be provided by the applicant. Submission of this material has been drafted as a condition for approval.

VII. RIGHT, TITLE, & INTEREST

The applicant’s submittal includes the purchase and sale agreement dated March 17, 2017 between Portland Norwich Group and EssexNorth Portland LLC, and deed as evidence of right, title, and interest.

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the development has not been provided. The applicant has submitted a letter from Androscoggin Bank indicating that their intent to consider financing for the project. (*Attachment O*).

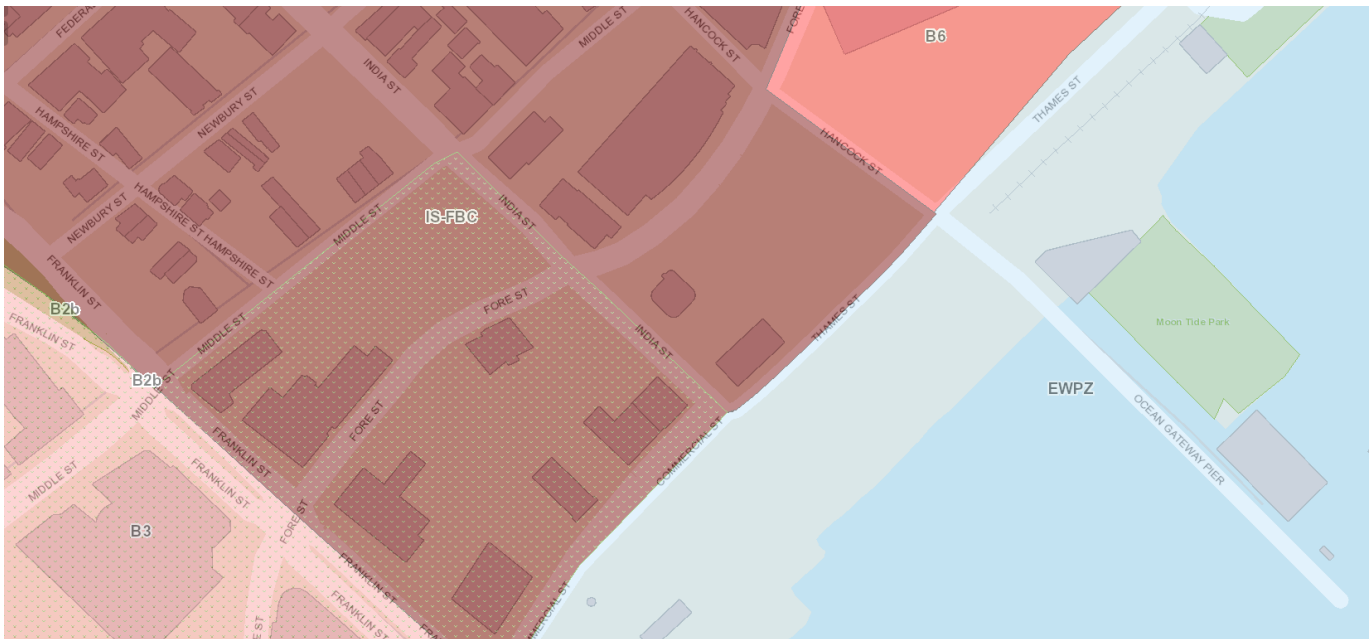


Figure 3 – Zone

IX. ZONING & LEVEL II SITE PLAN

The project is in the India Street Form-based Code zone and is located midblock on Thames Street between India Street and Hancock Street. The property falls within the Urban Transitional (UT) Subdistrict. The total project area is under 50,000 square feet and is therefore subject to Level II Site Plan review which is a staff level review and approval. Site Plan review includes review of zoning and site design such as landscape, traffic, stormwater, and parking. The project is under review as a Level II Site Plan.

IX. DESIGN REVIEW – INDIA STREET HISTORIC DISTRICT

The project is in the India Street Historic District. As new construction, a Certificate of Appropriateness is required and the design review is conducted by the Historic Preservation Board according to the Historic Preservation Review Standards. The project was approved with conditions on Wednesday, January 18th 2017 (*Attachment 3*).

X. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (*Section 14-496*)

The applicant has provided a subdivision plat for review by the city’s surveyor. Finalizing this plat per *Section 14-496* has been included as a condition of approval. In addition, the project includes condominium units. As such, condominium documents have also been included as a condition of approval. Staff have identified that the applicant should provide a 20-foot-wide public access easement connecting Thames Street with Fore Street in order to achieve the required mid-block permeability which would allow the applicant to construct the proposed building up to 77 feet in height as is shown in the plans. This is stipulated under Section 14-275.6(b)(1)(c).

In the submittal, the applicant proposes the following easements and licenses:

- Access, Drainage and Utilities Easement, which would allow for utilities to be brought into the subject property from India Street.
- License from the City of Portland to construct or install canopies/awnings, decks, foundation footings, and the sewer backwater valves along Thames Street.

All easements and licenses have been suggested as conditions for approval.

XI. SUBDIVISION REVIEW

(14-497(a). Review Criteria)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below and in *Attachments 1-3*.

1. Water, Air Pollution

The project is not anticipated to result in undue air or water pollution.

2 & 3. Adequacy of Water Supply

The plans show water service from an 8" fire main and 10" water main in Thames Street that connect with a 6" line servicing this site. A copy of the applicant's application to the Portland Water District has been received. Receipt of a copy of the approval letter shall be included as a condition for approval. (*Attachment W*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant has provided a traffic and transportation analysis (*Attachment S*). Tom Errico, the city's consulting traffic engineer, has reviewed the study and provided comments (*Attachment 2*), which states the project is not expected to cause unreasonable highway or public road congestion or unsafe conditions.

6. Sanitary Sewer/Stormwater Disposal

An 8-inch sewer line is proposed to service the building and would outlet to India Street. An 8-inch roof drain is proposed and will outlet to Newbury Street. No grease trap is proposed; in the event that a future retail tenant includes a restaurant use, one will be required. The applicant has submitted a wastewater capacity application to the Department of Public Works. Receipt of a copy of the approval letter has been drafted as a condition for approval.

7. Solid Waste

The applicant has proposed a trash and recycling room on the ground floor in the structured parking area and has indicated that residents are responsible for engaging a waste management contractor to provide waste removal service. The project is not anticipated to cause an unreasonable burden on the ability of the city to dispose of solid waste (*Attachment X*).

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area. The project is within historic district and the Historic Preservation Board approved the proposal with conditions (*Attachment 3*).

9. Comprehensive Plan

India Street Sustainable Neighborhood Plan

This newly adopted neighborhood plan includes the following goals and principles which are met by this proposal:

Goal – Vitality – The project adds 28 new units bringing more people to the neighborhood

Principle 4: Mixed-Use Neighborhood – As a new mixed-use project, the mixed-use aspect of the project is continued and strengthened.

Principle 6: Retail Corridors – The project adds two new retail spaces to the India Street Neighborhood, the main street of the neighborhood identified as a commercial corridor to be strengthened.

Principle 7: Guided Growth – The project provides dense residential development within the India Street neighborhood, one of the areas identified as potential growth and infill development sites.

Principle 8: Form of Development – High residential density, maintaining the pedestrian-scale blocks, continuous

sidewalks, and street-oriented buildings – these concepts are all included in the project.

Incentives for Affordable Housing and Housing – Sustaining Portland’s Future

The city believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The proposed project is required under the newly adopted Division 30, Section 14-487, Ensuring Workforce Housing to provide at least 10% workforce housing units. As described below and in (*Attachment D*), the project will pay the fee-in-lieu rather than build the units on or off-site. In addition to the required affordable housing, the project adds 28 new residential units to the neighborhood and peninsula. The new housing stock is placed in a multi-modal neighborhood with good connections to several neighborhoods, offices, and services.

10. Financial and Technical Capacity

As noted above, the applicant has provided evidence of financial and technical capacity (*Attachment O and P*).

11. Wetland/Water Body Impacts

Project is not located within a watershed of any pond or lake or within 250 feet of any wetland, great pond or river.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

Per the FEMA flood maps, the site is not located in a flood zone.

14. Wetland/Water Body Impacts

No potential wetlands within the proposed subdivision.

15. Wetland/Water Body Impacts

No river, stream or brook within or abutting the proposed subdivision.

(14-497(c) Conformity with Code) Any proposed subdivision shall be in conformity with all relevant provisions of this Code. Project is under review as a Level II Site Plan at the time of this public hearing to determine conformity with all relevant provisions of the Code. The project has also received approval with conditions for the Historic Preservation Certificate of Appropriateness (*Attachment 3*).

XII. INCLUSIONARY ZONING CONDITIONAL USE

Director of Planning and Urban Development, Jeffrey Levine, reviewed the Conditional Use for Affordable Housing application at 20 Thames Street. Conditional Use is authorized by Division 30, Section 14-487, Ensuring Workforce Housing, to secure the creation of Workforce Housing Units as part of new residential projects that propose 10 or more units. The ordinance requires a minimum of 10% of the project to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 20 Thames Street proposes the creation of 28 condominium units. Based on the total number of units the project will be required to provide at least two (2) workforce units.

The project has proposed to pay the fee-in-lieu to meet the requirements of this ordinance. The fee is \$100,000 per owed workforce unit. In this case, the amount owed is 10% of 29 units = 2.9 x \$100,000 or \$280,000 to be paid into the City’s Housing Trust Fund. By agreeing to pay the \$280,000 fee-in-lieu, the project has met the minimum requirements set forth in Section 14-487.

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the planning board approve the Subdivision and Conditional Use for the proposed residential development at 20 Thames Street.

XIV. PROPOSED MOTIONS

A. SUBDIVISION

On the basis of the application, plans, reports, and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on June 22, 2017 for application 2017-063 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
2. Prior to Certificate of Occupancy, the applicant shall provide condominium documents for review and approval by Corporation Counsel;
3. The applicant shall provide a copy of the wastewater capacity approval letter from the Department of Public Works;
4. The applicant shall provide a copy of the Portland Water District approval letter for water capacity;
5. The applicant shall provide drafts of all necessary easements for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit, including but not limited to:
 - a. A public access easement shall be provided and shown on the plat that is within the required 20-foot wide mid-block permeability between buildings and connecting Thames Street with Fore Street, so as to qualify for the height bonus as stipulated under Section 14-275.6(b)(1)(c);
 - b. License from the City of Portland to EssexNorth Portland, LLC for canopies and or awnings and or decks extending into the public right-of-way.
 - c. License from the City of Portland to EssexNorth Portland, LLC for foundation footings on Thames Street
 - d. License from the City of Portland to EssexNorth Portland, LLC for sewer backwater valves along Thames Street;

B. INCLUSIONARY ZONING CONDITIONAL USE

On the basis of the application, plans, reports, and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on June 22, 2017 for application 2017-063 relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the planning board hearing, the planning board finds that the Conditional Use **is/is not** in conformance with the standards of the land use code

and **approves/does not approve** the application, subject to the following conditions of approval:

- a. Provided the Applicant pays a fee of \$280,000 into the City's Housing Trust Fund before a Certificate of Occupancy may be issued.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Staff Review Comments (5/24/2017)
2. Traffic Engineer review (6/02/2017)
3. Historic Preservation Board Approval Letter (1/18/2017)
4. Public Comment
 - a. PC1: Paula Foley-Stelmack (5/13/2017)

APPLICANT'S SUBMITTALS

- A. Application Cover Sheet
- B. Table of Contents
- C. Cover Letter
- D. Response to City Review
- E. Application
- F. Location Maps
- G. Project Description
- H. Right, Title and Interest
- I. Parking Lease Assignment
- J. State and Federal Permits
- K. Zoning
- L. Easements
- M. Easements II
- N. Waivers
- O. Financial Capacity
- P. Technical Capacity
- Q. Construction Management
- R. Construction Management II
- S. Traffic
- T. Significant Natural Features
- U. Stormwater
- V. City Master Plans
- W. Utility Capacity Letters
- X. Solid Waste
- Y. Fire Safety
- Z. City Design Manual Standards
- AA. HVAC Equipment
- BB. Geotechnical Report
- CC. Site Lighting

PLANS

- Plan 1. Amended Subdivision Plat
- Plan 2. Subdivision Plan

- Plan 3. Rendering
- Plan 4. Commercial Street View
- Plan 5. Building Rendering from Thames Street
- Plan 6. Building Rendering from Courtyard
- Plan 7. Floor Plans
- Plan 8. Building Elevations
- Plan 9. Wall Section
- Plan 10. Window and Storefront Details
- Plan 11. Cover
- Plan 12. Existing Conditions Plan
- Plan 13. Site Plan
- Plan 14. Utility Plan
- Plan 15. Grading, Drainage and Erosion Plan
- Plan 16. Construction Details and Notes
- Plan 17. Construction Details I
- Plan 18. Construction Details II
- Plan 19. Construction Details III
- Plan 20. Landscape and Lighting
- Plan 21. Landscape Details
- Plan 22. Landscape Details II
- Plan 23. Photometric Plan

Planning and Urban Development Department Planning Division



July 25, 2017

Ara Aftandilian
Essex North Portland, LLC
P.O. Box 394
Topsfield, MA 01983

Pat Carroll
Carroll Associates
217 Commercial St, Suite 200
Portland, ME 04101

RE: Staff Review Comments for 20 Thames Street (2017-063) – Planning Authority Review

Project Name:	20 Thames Street	Project ID:	(2017-063)
Project Address:	20 Thames Street	CBL:	019-B020
Applicant:	Pat Carroll		
Planner:	Matthew Grooms		

Dear Mr. Aftandilian and Mr. Carroll,

Thank you for submitting a preliminary Level II Site Plan application for a six-story mixed-use commercial and residential development at 20 Thames Street in the India Street Form-Based Code district. This property is located within the Urban Transitional (UT) subdistrict and is being reviewed as a preliminary plan subject to the following applicable Land Use Code provisions:

- Site Plan Ordinance, Article V
- India Street Form Based Code Ordinance, Article III, Division 15.2

Final Plan for Planning Board Review: Staff Review Comments

I. Traffic Engineering

1. I have reviewed the Trip Generation Evaluation conducted by Gorrill-Palmer and concur that a modified Traffic Movement Permit is not required (A Traffic Movement Permit was issued for Lot 1/AC Hotel). Given trip generation levels, a traffic study is not required. I would note that the City has established a fair-share contribution methodology for improvements to Franklin Street and direction on this requirement will be provided in the future.
 - a. Status update: Based upon trip generation estimates provided by the applicant, reductions to account for multi-modal transportation alternatives and shared trip use, the applicant shall contribute \$15,000 towards implementation of adopted improvements to Franklin Street.

2. The applicant shall provide an updated parking analysis (Updating the analysis conducted for the AC Hotel).
 - a. Status comment: Based upon estimates calculated by the applicant, the project requires 68 parking spaces. During the permitting of the AC Hotel, it was documented that 400 parking spaces would be available in the Ocean Gateway Garage for all Portland Gateway developments. The applicant should provide a response that the prior parking analysis (specifically utilization of the Garage) is valid at this time.
3. The applicant shall submit a construction management plan that outlines general expectations on roadway, parking and sidewalk impacts, contractor parking, and truck movements.
 - a. Status comment: The applicant has provided a detailed construction management plan that I find acceptable. I find the sidewalk closure to be reasonable. The City would prefer that the on-street parking spaces on Thames Street be either maintained during construction or the duration of elimination reduced. The applicant should also specify how contractor parking will be managed.

II. Site Design Standards

4. Exterior lighting details and associated photometric plans shall be made a condition for approval, and shall be required prior to the issuance of a building permit.

III. Design Review

Historic Preservation board did approve a certificate of appropriateness for the design at 20 Thames with some conditions of approval that have since been met with HP staff.

In order to meet zoning, there are the following outstanding items to be addressed by applicant:

1. Residential entrance - In reference to section 14-275.1 a)3. Street walls are engaged with the street environment. Buildings are inviting places that interact with and contribute to the street vitality, the placement of the residential entrance interior to the block without any visibility to the street does not meet this general guiding principle. Though the facade is active with storefront, the residential entrance is not engaged with the street and results in a lack of building legibility from the public realm.
2. Balcony overhanging public right-of-way - The applicant does not have right, title, and interest to build occupiable space over the public right-of-way. The balconies that overhang the Thames Street property line should be revised or removed as it is not our policy to approve habitable space that occupies public property. Revised designs may require Historic Preservation review.

Additional Submittals Required:

Please upload the digital plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made and only one set of revised plans may be submitted for review. This is an Administrative Authorization and the Planning Authority will either approve, approve with conditions, or deny the final site plan.

If you have any questions, feel free to contact me at (207) 874-8725 or by email at mgrooms@portlandmaine.gov.

Sincerely,

Matthew Grooms
Planner

Electronic Distribution:

Tuck O'Brien, Planning Division Director
Barbara Barhydt, Development Review Services
Manager
Victoria Morales, Associate Corporation
Counsel

Anne Machado, Zoning Administrator
Captain Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard & Curran

Memo

To: Matthew Grooms - Planner
From: Keith Gray, PE – Senior Engineer, DPW
Date: July 25, 2017
Re: 20 Thames Street (2017-063) – New Utility Pole

The following comments/concerns are in regards to the proposed utility pole addition on India Street. It is our understanding that the applicant cannot obtain service from the existing utility pole located on India Street due to the drop for the PWD pump station. The Department has the following questions:

- What is the condition of the existing pole? Can it be replaced to accommodate an additional drop?
- The AC Hotel approved Utility Plan shows an underground electric service from an existing electrical duct bank located in Fore Street. Can service be extended from this location to the proposed transformer location?
- The proposed electrical conduits are in line with the existing fence and guardrail. The fence is proposed to be utilized per the construction management plan for the site. Would the fence be moved?
- The applicant intends to develop Lot #4; would this new utility pole location intrude on site access, streetscape or occupant views?

The Department of Public Works position is that the underground electrical service should originate from the existing infrastructure. If existing conditions due not permit this, the applicant should provide a letter from CMP identifying the challenges and service options for the site. Please feel free to contact me with questions. Thank you.



Matthew Grooms <mgrooms@portlandmaine.gov>

20 Thames Street Condominiums - Response Letter

Matthew Grooms <mgrooms@portlandmaine.gov>
To: Matt Phillips <mphillips@carroll-assoc.com>
Cc: Ara Aftandilian <aa.summit@prodigy.net>

Thu, Aug 31, 2017 at 11:20 AM

Hi Matt,

We have reviewed the response letter and at this point, I believe we are satisfied with all responses with the exception of the construction management plan. Given the number of on-going projects in the vicinity of 20 Thames Street, Tom Errico has asked that this be submitted and approved prior to final sign off.

Thanks,

Matt

On Mon, Aug 28, 2017 at 1:37 PM, Matt Phillips <mphillips@carroll-assoc.com> wrote:

[Quoted text hidden]

--

Matthew Grooms
Planner
Planning Division
City Hall, 389 Congress Street, 4th Floor
Portland, Maine 04101
(207) 874-8725 (T)
(207) 756-8258 (F)
mgrooms@portlandmaine.gov

**STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT**

For SUBDIVISIONS

IN CONSIDERATION OF the site plan and subdivision approval granted by the Planning Board of the City of Portland to the proposed _____ (name of developments and project number) shown on the Subdivision Plat (Exhibit A) recorded in Cumberland Registry of Deeds in Plan Book ____, Page ____ submitted by _____, and associated Grading, Drainage & Erosion Control Plan (*insert correct name of plan*) (Exhibit B) prepared by _____ (engineer/agent) of _____ (address) dated and pursuant to a condition thereof, _____ (name of owner), a Maine limited liability company with a principal place of business in Portland, Maine, and 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, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the _____ (*details of the system such as underdrained subsurface sand filter BMP system, rain gardens, storm drain pipes, underdrain pipes, catch basins*), (hereinafter collectively referred to as the “stormwater system”), as shown on the _____ Plan in Exhibit B and in strict compliance with the approved Stormwater Maintenance and Inspection Agreement (*insert correct name of document*) prepared for the Owner by _____ (copy attached in Exhibit C) and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance Log. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland and said persons in lawful possession 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 and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system 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.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the subdivision and/or site plan most recently and formally approved by the Planning Board of the City of Portland.

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 record a copy of this Agreement in the Cumberland County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further 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 and the successor or assign will obtain and forward to the City's Department of Public Services and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. 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 the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings and mailed by certified mail, return receipt requested or ordinary mail or both 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 the 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 _____, 2014.

(name of company)

(representative of owner, name and title)

STATE OF MAINE
CUMBERLAND, ss.

Date: _____

Personally appeared the above-named _____ (name and title), and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

Notary Public/Attorney at Law

Print name: _____

Exhibit A: Subdivision Plat as recorded

Exhibit B: Approved Grading and Drainage Plan (name of the plan showing the Stormwater System in detail)

Exhibit C: Approved Stormwater Maintenance and Inspection Agreement



Jeff Levine, AICP
Director, Planning & Urban Development Department

Performance Guarantee and Infrastructure Financial Contribution Packet

The municipal code requires that all development falling under site plan and/or subdivision review in the City of Portland be subject to a performance guarantee for various required site improvements. The code further requires developers to pay a fee for the administrative costs associated with inspecting construction activity to ensure that it conforms with plans and specifications.

The performance guarantee covers major site improvements related to site plan and subdivision review, such as paving, roadway, utility connections, drainage, landscaping, lighting, etc. A detailed itemized cost estimate is required to be submitted, which upon review and approval by the City, determines the amount of the performance guarantee. The performance guarantee will usually be a letter of credit from a financial institution, although escrow accounts are acceptable. The form, terms, and conditions of the performance guarantee must be approved by the City through the Planning Division. The performance guarantee plus a check to the City of Portland in the amount of 2.0% of the performance guarantee or as assessed by the planning or public works engineer, must be submitted prior to the issuance of any building permit for affected development.

Administration of performance guarantee and defect bonds is through the Planning Division. Inspections for improvements within existing and proposed public right-of-ways are the responsibility of the Department of Public Services. Inspections for site improvements are the responsibility of the Development Review Coordinator in the Planning Division.

Performance Guarantees will not be released by the City until all required improvements are completed and approved by the City and a Defect Bond has been submitted to and approved by the City.

If an infrastructure financial contribution is required by the City as part of a development approval, please complete the contribution form and submit it along with the designated contribution to the Planning Division. Please make checks payable to the City of Portland.

Attachments

1. Cost Estimate of Improvements Form
2. Performance Guarantee Letter of Credit Form (with private financial institution)
3. Performance Guarantee Escrow Account Form (with private financial institution)
4. Performance Guarantee Form with the City of Portland
5. Infrastructure Financial Contribution Form with the City of Portland

SUBDIVISION/SITE DEVELOPMENT
Cost Estimate of Improvements to be covered by Performance Guarantee

Date: _____

Name of Project: _____

Address/Location: _____

Application ID #: _____

Developer: _____

Form of Performance Guarantee: _____

Type of Development: Subdivision _____ Site Plan (Level I, II or III) _____

TO BE FILLED OUT BY THE APPLICANT:

<u>Item</u>	PUBLIC			PRIVATE		
	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Quantity</u>	<u>Unit Cost</u>	<u>Subtotal</u>
1. STREET/SIDEWALK						
Road/Parking Areas	_____	_____	_____	_____	_____	_____
Curbing	_____	_____	_____	_____	_____	_____
Sidewalks	_____	_____	_____	_____	_____	_____
Esplanades	_____	_____	_____	_____	_____	_____
Monuments	_____	_____	_____	_____	_____	_____
Street Lighting	_____	_____	_____	_____	_____	_____
Street Opening Repairs	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
2. EARTH WORK						
Cut	_____	_____	_____	_____	_____	_____
Fill	_____	_____	_____	_____	_____	_____
3. SANITARY SEWER						
Manholes	_____	_____	_____	_____	_____	_____
Piping	_____	_____	_____	_____	_____	_____
Connections	_____	_____	_____	_____	_____	_____
Main Line Piping	_____	_____	_____	_____	_____	_____
House Sewer Service Piping	_____	_____	_____	_____	_____	_____
Pump Stations	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____
4. WATER MAINS	_____	_____	_____	_____	_____	_____
5. STORM DRAINAGE						
Manholes	_____	_____	_____	_____	_____	_____
Catchbasins	_____	_____	_____	_____	_____	_____
Piping	_____	_____	_____	_____	_____	_____
Detention Basin	_____	_____	_____	_____	_____	_____
Stormwater Quality Units	_____	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____	_____

6. SITE LIGHTING	_____	_____	_____	_____	_____	_____
7. EROSION CONTROL						
Silt Fence	_____	_____	_____	_____	_____	_____
Check Dams	_____	_____	_____	_____	_____	_____
Pipe Inlet/Outlet Protection	_____	_____	_____	_____	_____	_____
Level Lip Spreader	_____	_____	_____	_____	_____	_____
Slope Stabilization	_____	_____	_____	_____	_____	_____
Geotextile	_____	_____	_____	_____	_____	_____
Hay Bale Barriers	_____	_____	_____	_____	_____	_____
Catch Basin Inlet Protection	_____	_____	_____	_____	_____	_____
8. RECREATION AND OPEN SPACE AMENITIES	_____	_____	_____	_____	_____	_____
9. LANDSCAPING (Attach breakdown of plant materials, quantities, and unit costs)	_____	_____	_____	_____	_____	_____
10. MISCELLANEOUS	_____	_____	_____	_____	_____	_____
TOTAL:	_____	_____	_____	_____	_____	_____
GRAND TOTAL:	_____	_____	_____	_____	_____	_____

INSPECTION FEE (to be filled out by the City)

	PUBLIC	PRIVATE	TOTAL
A: 2.0% of totals:	_____	_____	_____
<u>or</u>			
B: Alternative Assessment:	_____	_____	_____
Assessed by:	_____	_____	_____
	(name)	(name)	

SAMPLE FORM

**SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE
LETTER OF CREDIT
[ACCOUNT NUMBER]**

[Date]

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: **[Insert: Name of Developer]**
[Insert: Address of Project, Portland, Maine]
[Insert: Application ID #]

[Insert: Name of Bank] hereby issues its Irrevocable Letter of Credit for the account of **[Insert: Name of Developer]**, (hereinafter referred to as “Developer”), held for the exclusive benefit of the City of Portland, in the aggregate amount of **[Insert: amount of original performance guarantee]**. These funds represent the estimated cost of installing site improvements as depicted on the **[Insert: subdivision and/ or site plan]**, approved on **[Insert: Date]** and as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65.

This Letter of Credit is required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §46 through 65 and is intended to satisfy the Developer’s obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on this Letter of Credit by presentation of a sight draft and the Letter of Credit and all amendments thereto, up to thirty (30) days before or sixty (60) days after its expiration, stating any one of the following:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the **[Insert: subdivision and/ or site plan]** approval, dated **[Insert date]**; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or

3. the Developer has failed to notify the City for inspections.

In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Services and Planning Division, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the **[Bank]**, by written certification, to reduce the available amount of the escrowed money by a specified amount.

This performance guarantee will automatically expire on **[Insert date between April 16 and October 30 of the following year]** ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, whichever is later. It is a condition of this Letter of Credit that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider this Letter of Credit renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw hereunder by presentation of a sight draft drawn on the Bank, accompanied by this Letter of Credit and all amendments thereto, and a statement purportedly signed by the Director of Planning and Urban Development, at Bank's offices located at _____ stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. _____.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, this Performance Guarantee Letter of Credit shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Letter of Credit. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Letter of Credit shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Letter of Credit by presentation of a sight draft and this Letter of Credit and all amendments thereto, at Bank's offices located at _____, prior to the Termination Date, stating any one of the following:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [**Insert: subdivision and/ or site improvements**].

Date: _____

By: _____

[Name]

[Title]

Its Duly Authorized Agent

SAMPLE FORM

**SITE PLAN/SUBDIVISION
PERFORMANCE GUARANTEE
ESCROW ACCOUNT
[ACCOUNT NUMBER]**

[Date]

Jeff Levine
Director of Planning and Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Re: **[Insert: Name of Developer]**
[Insert: Address of Project, Portland, Maine]
[Insert: Application ID #]

[Insert: Name of Bank] hereby certifies to the City of Portland that **[Bank]** will hold the sum of **[Insert: amount of original performance guarantee]** in an interest bearing account established with the Bank. These funds shall be held for the exclusive benefit of the City of Portland and shall represent the estimated cost of installing site improvements as depicted on the **[Insert: subdivision and/or site plan]**, approved on **[Insert: date]** as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Developer's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development. All costs associated with establishing, maintaining and disbursing funds from the Escrow Account shall be borne by **[Insert: Developer]**.

[Bank] will hold these funds as escrow agent for the benefit of the City subject to the following:

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account by presentation of a draft in the event that:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the **[Insert: subdivision and/ or site plan]** approval, dated **[Insert date]**; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections.

In the event of the Bank's dishonor of the City of Portland's sight draft, the Bank shall inform the City of Portland in writing of the reason or reasons thereof within three (3) business days of the dishonor.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Services and Planning Division, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the [Bank], by written certification, to reduce the available amount of the escrowed money by a specified amount.

This performance guarantee will automatically expire on [Insert date between April 16 and October 30 of the following year] ("Expiration Date") or on the date when the City determines that all improvements guaranteed by this Letter of Credit are satisfactorily completed, whichever is later. It is a condition of this agreement that it is deemed to be automatically extended without amendment for period(s) of one year each from the current Expiration Date hereof, or any future Expiration Date, unless within thirty (30) days prior to any expiration, the Bank notifies the City by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Portland, Maine 04101) that the Bank elects not to consider the Escrow Account renewed for any such additional period.

In the event of such notice, the City, in its sole discretion, may draw against the Escrow Account by presentation of a sight draft drawn on the Bank and a statement purportedly signed by the Director of Planning and Urban Development, at Bank's offices located at _____ stating that:

this drawing results from notification that the Bank has elected not to renew its Letter of Credit No. _____.

On its Expiration Date or on the date the City determines that all improvements guaranteed by this Escrow Account are satisfactorily completed, this Performance Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction shall be forwarded by the City to the Bank. The Defect Guarantee shall ensure the workmanship and durability of all materials used in the construction of the [Insert: subdivision and/ or site plan] approval, dated [Insert: Date] as required by City Code §14-501, 525 and shall automatically expire one (1) year from the date of its creation ("Termination Date").

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee by presentation of a sight draft at Bank's offices located at _____, prior to the Termination Date, stating any one of the following:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the [**Insert: subdivision and/ or site improvements**].

Date: _____

By: _____

[Name]

[Title]

Its Duly Authorized Agent

Seen and Agreed to: [**Applicant**]

By: _____

**PERFORMANCE GUARANTEE
with the City of Portland**

Developer's Tax Identification Number: _____

Developer's Name and Mailing Address: _____

City Account Number: _____

Application ID #: _____

Application of _____ [Applicant] for _____ [Insert street/Project Name] at _____ [Address], Portland, Maine.

The City of Portland (hereinafter the "City") will hold the sum of \$ _____ [amount of performance guarantee] on behalf of _____ [Applicant] in a non-interest bearing account established with the City. This account shall represent the estimated cost of installing _____ [insert: subdivision and/ or site improvements (as applicable)] as depicted on the subdivision/site plan, approved on _____ [date] as required under Portland Code of Ordinances Chapter 14 §§499, 499.5, 525 and Chapter 25 §§46 through 65. It is intended to satisfy the Applicant's obligation, under Portland Code of Ordinances Chapter 14 §§501, 502 and 525, to post a performance guarantee for the above referenced development.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw against this Escrow Account in the event that:

1. the Developer has failed to satisfactorily complete the work on the improvements contained within the _____ [insert: subdivision and/ or site improvements (as applicable)] approval, dated _____ [insert date]; or
2. the Developer has failed to deliver to the City a deed containing the metes and bounds description of any streets, easements or other improvements required to be deeded to the City; or
3. the Developer has failed to notify the City for inspections in conjunction with the installation of improvements noted in paragraph one.

The Director of Planning and Urban Development may draw on this Guarantee, at his/her option,

either thirty days prior to the expiration date contained herein, or s/he may draw against this escrow for a period not to exceed sixty (60) days after the expiration of this commitment; provided that the Applicant, or its representative, will give the City written notice, by certified mail (restricted delivery to Ellen Sanborn, Director of Finance, City of Portland, 389 Congress Street, Room 110, Portland, Maine) of the expiration of this escrow within sixty (60) days prior thereto.

After all underground work has been completed and inspected to the satisfaction of the Department of Public Works and Planning, including but not limited to sanitary sewers, storm drains, catch basins, manholes, electrical conduits, and other required improvements constructed chiefly below grade, the City of Portland Director of Planning and Urban Development or its Director of Finance as provided in Chapter 14 §501 of the Portland Code of Ordinances, may authorize the City to reduce the available amount of the escrowed money by a specified amount.

This Guarantee will automatically expire on **[Insert date between April 16 and October 30 of the following year]** (“Expiration Date”) or on the date when the City determines that all improvements guaranteed by this Performance Guarantee are satisfactorily completed, whichever is later. At such time, this Guarantee shall be reduced by the City to ten (10) percent of its original amount and shall automatically convert to an Irrevocable Defect Guarantee. Written notice of such reduction and conversion shall be forwarded by the City to **[the applicant]**. The Defect Guarantee shall expire one (1) year from the date of its creation and shall ensure the workmanship and durability of all materials used in the construction of the **[Insert: Subdivision and/ or site plan]** approval, dated **[Insert: Date]** as required by City Code §14-501, 525.

The City, through its Director of Planning and Urban Development and in his/her sole discretion, may draw on the Defect Guarantee should any one of the following occur:

1. the Developer has failed to complete any unfinished improvements; or
2. the Developer has failed to correct any defects in workmanship; or
3. the Developer has failed to use durable materials in the construction and installation of improvements contained within the **[Insert: subdivision and/ or site improvements]**.

Seen and Agreed to:

By: _____
[Applicant]

Date: _____

By: _____
****Planning Division Director

Date: _____

By: _____
Development Review Coordinator

Date: _____

Attach **Letter of Approval and Estimated Cost of Improvements** to this form.

Distribution

1. This information will be completed by Planning Staff.
2. The account number can be obtained by calling Cathy Ricker, ext. 8665.
3. The Agreement will be executed with one original signed by the Developer.
4. The original signed Agreement will be scanned by the Planning Staff then forwarded to the Finance Office, together with a copy of the Cash Receipts Set.
5. ****Signature required if over \$50,000.00.

Infrastructure Financial Contribution Form
Planning and Urban Development Department - Planning Division

Amount \$

City Account Number: 710-0000-236-98-00

Project Code: _____

(This number can be obtained by calling Cathy Ricker, x8665)

Project Name:

Application ID #:

Project Location:

Project Description:

Funds intended for:

Applicant's Name:

Applicant's Address:

Expiration:

If funds are not expended or encumbered for the intended purpose by _____, funds, or any balance of remaining funds, shall be returned to contributor within six months of said date.

Funds shall be permanently retained by the City.

Other (describe in detail) _____

Form of Contribution:

Escrow Account

Cash Contribution

Interest Disbursement: Interest on funds to be paid to contributor only if project is not commenced.

Terms of Draw Down of Funds: The City shall periodically draw down the funds via a payment requisition from Public Works, which form shall specify use of City Account # shown above.

Date of Form:

Planner:

-
- Attach the approval letter, condition of approval or other documentation of the required contribution.
 - One copy sent to the Applicant.

Electronic Distribution to:

Peggy Axelsen, Finance Department
Catherine Baier, Public Services Department
Barbara Barhydt, Planning Division
Jeremiah Bartlett, Public Services Department
Michael Bobinsky, Public Services Department
Diane Butts, Finance Department
Philip DiPierro, Planning Division
Katherine Earley, Public Services Department
Michael Farmer, Public Services Department
Alex Jaegerman, Planning Division
David Margolis Pineo, Public Services Department
Matt Rancourt, Public Services Department
Jeff Tarling, Public Services Department
Planner for Project