



Tuck O'Brien
City Planning Director, Planning Division

December 11, 2017

Dominic Reali
Dominic Reali Realty, LLC
312 St. John St, 2nd Floor
Portland, ME 04102

Owens McCullough, P.E.
Sebago Technics, INC.
75 John Roberts Road, Suite 1A
South Portland ME, 04106

Project Name:	Amatos Addition	Project ID:	2017-183
Address:	343 Forest Avenue	CBL:	020-D-031
Applicant:	Dominic Reali		
Planner:	Matthew Grooms		

Dear Mr. Reali and Mr. McCullough:

On December 11, 2017, the Planning Authority approved a Level II Site Plan application for site work to expand the existing Amatos restaurant by approximately 2,000 square feet and repair portions of the sidewalk impacted by this development. This project is located at 71 India Street and is within the India Street Form Based Code district (IS-FBC). The decision is based upon the application, documents and plans as submitted. The proposal was reviewed for conformance with the standards of Portland's Site Plan Ordinance.

SITE PLAN REVIEW

The Planning Authority finds that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval to be met prior to the issuance of a building permit:

1. The applicant shall secure a license agreement with the City for the proposed canopy to be located in the airspace over the public right-of-way; and
2. A contribution of \$3,500 shall be provided to the City's Transportation Fund for improvements to the pedestrian ramp at the intersection of India Street and Newbury Street; and
3. A contribution of \$800 shall be provided to the City's Tree Fund for two required street trees, at a rate of \$400/tree.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application (2017-183) which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or

alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

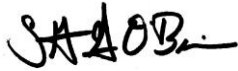
2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. **Construction Management Plans** The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
8. **Department of Public Works Permits** If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

9. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

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

If there are any questions, please contact Matthew Grooms at (207) 874-8725

Sincerely,



Stuart G. O'Brien
City Planning Director

Attachments:

1. Final Planning Review Comments
2. Final Peer Review Comments
3. Final DPW Comments
4. Preliminary Planning Review Comments
5. Preliminary Peer Review Comments
6. Preliminary DPW Comments
7. Preliminary Traffic Comments
8. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Matthew Grooms, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Katherine Earley, Engineering Manager, Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works
Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Keith Gautreau, Fire
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel

Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor

Planning and Urban Development Department Planning Division



November 30, 2017

Jeff Reali
Dominic Reali Realty, LLC
312 St. John Street, 2nd Floor
Portland, ME 04102

Owens McCullough
Sebago Technics, INC
75 John Roberts Road, Suite 1A
South Portland, ME 04106

RE: Staff Review Comments for Amatos Addition – 71 India Street (2017-183) – Planning Authority Review

Project Name:	Amatos Seating Expansion	Project ID:	(2017-145)
Project Address:	71 India Street	CBL:	037 D004
Applicant:	Dominic Reali		
Planner:	Matthew Grooms		

Dear Mr. Reali and Mr. McCullough,

Thank you for submitting a final Level II Site Plan application for a new 1,440 square foot addition to the Amatos Restaurant building located at 71 India Street in the India Street Form Based Code District. This project is being reviewed as a preliminary plan subject to the following applicable Land Use Code provisions:

- Site Plan Ordinance, Article V
- Division 15.2 IS-FBC – India Street Form-Based Code Zone
- Neighborhood Meeting Regulations, Section 14-32

Final Plan for Planning Board Review: Staff Review Comments

I. Site Design Standards

1. The proposed ramp at the intersection of India Street and Newbury Street will need to meet applicable city standards. The Department of Public Works will provide additional guidance on this matter.

Status Update: The current single curb ramp at the applicant's corner does not meet ADA-standards due to its overall poor condition and the lack of a detectable warning panel. The applicant is asked to make a partial contribution of \$7,000 to complete the future upgrade of this intersection. In speaking with Bruce Hyman, Transportation Program Manager with the City of Portland, the estimated cost of the entire project as listed would be \$15,000. The

upgrade includes the construction of two (2) curb ramps at the corner to better meet pedestrian accessibility and achieve ADA compliance.

Staff's request for this contribution is based upon the City's site plan ordinance and is further supported by the India Street Neighborhood Plan, formally adopted by the City Council in November of 2015. Section 14-526(c)(1) of the site plan ordinance requires that all developments be consistent with City Council approved Master Plans.

Section 14-526(a)(2)(c)(ii) states, "where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City Code and Section 1 of the Technical Manual".

Under Section 11, Quality Infrastructure, of the India Street Neighborhood Plan, it states, "For infrastructure, emphasis will be placed on the experience one has travelling to and throughout the neighborhood, with Complete Streets as the adopted City strategy. The street grid and transportation infrastructure will be improved with priority given to pedestrian, bicycle, and transit modes. Strategies to improve the streetscape will include . . . wider sidewalks and improved universal access in public right of ways"

2. The applicant shall provide a site plan which includes the entirety of both adjoining buildings for measurement purposes, as well as the parking area allocated for this development.

Status Update: Comment addressed. No further comment.

3. Based upon the provided site plan and building elevations, it is not clear if this building will be ADA accessible? Please provide an explanation.

Status Update: Comment addressed. No further comment.

4. How does the applicant intend to manage on-site snow storage/removal? Please indicate on relevant plans the location of snow storage areas or provide a brief description of how snow shall be removed.

Status Update: Comment addressed. No further comment.

5. Street trees, or an equivalent acceptable alternative should be provided in accordance with the City's site plan ordinance and Section 4 of the Technical Manual at a rate of one tree per 30-45 feet of the addition's street frontage.

Status Update: The equivalent of two street trees are required. The applicant may pay a fee in lieu of these trees at a rate of \$400 per tree, for a total contribution of \$800.

6. Building elevations should provide a fenestration calculation demonstrating compliance with Section 14-275.7, Subdistrict Dimensional Requirements of the IS-FBC.

Status Update: Comment addressed. No further comment.

7. Please note, it is understood that a public access easement for extension of the sidewalk across the applicant's property shall be required and will be made a condition of approval.

Status Update: No further action required.

8. Please note, it is understood that screening of roof-mounted mechanical equipment in accordance with site plan standards shall be made a condition of approval required to be met prior to the issuance of a Certificate of Occupancy.

Status Update: No further action required.

II. DPW Review

A. Construction Management Plan:

1. The sidewalk on India Street and Newbury Street shall be maintained at a minimum of 4-foot wide clear space.
2. Delivery off-loading shall occur outside of the ROW.
3. The Planning Authority and the Department of Public Works reserve the right to seek revisions to an approved Construction Management Plan based on the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on the neighborhood and prevent unsafe vehicle and pedestrian movements.

B. General:

4. The contractor shall provide as-built, specifically concerning the location and inverts of the stormdrain connection.
5. It is my understanding that the applicant now has a better understanding for the purpose of the requested contribution towards the curb ramps upgrades directly in front of the proposed entry door. Please provide an update on the applicant's position for the \$7,000 contribution.

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.

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

MEMORANDUM



TO: Matt Grooms, Planner
FROM: Lauren Swett, P.E., and Amy LeBel, E.I.T.
DATE: December 7, 2017
RE: Amato's India Street Seating Expansion Peer Review

Woodard & Curran has reviewed the Level II Site Plan Application for the proposed development project located at 71 India Street in Portland, Maine. The project involves the construction of a new building addition to the restaurant.

Documents Reviewed by Woodard & Curran

- Level II Site Plan Application submittal response letter and attachments, dated December 1, 2017, prepared by Sebago Technics, Inc., on behalf of Dominic Reali Realty, LLC.
- Engineering Plans, Sheets 4 and 5, dated December 1, 2017, prepared by Sebago Technics, Inc., on behalf of Dominic Reali Realty, LLC.

Comments *(Comments repeated from prior memos are in italics)*

- 1) *A boundary survey is required for all Level II Site Plan applications. An existing conditions survey is provided, but it does not appear to show the entire property boundary. A site plan and prior property survey has been provided. We take no issues with this; however, this will need to be reviewed and approved by the City.*
- 2) *The City of Portland requires that all Level II Site Plan applications that meet the required impervious surface thresholds submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards (Technical Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b). 3. b.). We offer the following comments:*
 - a) *Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.*
 - b) *General Standard: The project will result not result in an increase of impervious area. As such, the project is not required to include any specific stormwater management features for stormwater quality control. We encourage the Applicant to review the City's Stormwater Service Charge Credit Manual (available online) to evaluate whether they may want to incorporate stormwater quality treatment measures that qualify for a future Stormwater Service Charge credit.*
 - c) *Flooding Standard: The project will result not result in an increase of impervious area.. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.*
- 3) All of our comments have been addressed at this time.



Matthew Grooms <mgrooms@portlandmaine.gov>

71 India Street Status

Keith Gray <kgray@portlandmaine.gov>

Fri, Oct 27, 2017 at 4:01 PM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Cc: Tom Errico <thomas.errico@tylin.com>, Jeff Tarling <jst@portlandmaine.gov>, Bruce Hyman <bhyman@portlandmaine.gov>, John Brennan <brennanj@portlandmaine.gov>

Hello Matt,

I have reviewed the response letter prepared by Sebago Technics on October 11th and provide the following comments:

CMPlan:

- The sidewalk on India Street and Newbury Street shall be maintained at a minimum of **4-foot wide clear space**.
- Delivery off-loading shall occur outside of the ROW.
- The Planning Authority and the Department of Public Works reserve the right to seek revisions to an approved Construction Management Plan based on the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on the neighborhood and prevent unsafe vehicle and pedestrian movements.

General:

- The contractor shall provide as-built, specifically concerning the location and inverts of the stormdrain connection.
- It is my understanding that the applicant now has a better understanding for the purpose of the requested contribution towards the curb ramps upgrades directly in front of the proposed entry door. Please provide an update on the applicant's position for the \$7,000 contribution.

Thank you,
Keith

[Quoted text hidden]

--

Keith D. Gray, PE
Senior Engineer
Dept. of Public Works
City of Portland Maine

[207.874.8834](tel:207.874.8834)

kgray@portlandmaine.gov

Planning and Urban Development Department Planning Division



September 20, 2017

Jeff Reali
Dominic Reali Realty, LLC
312 St. John Street, 2nd Floor
Portland, ME 04102

Owens McCullough
Sebago Technics, INC
75 John Roberts Road, Suite 1A
South Portland, ME 04106

RE: Staff Review Comments for Amatos Addition – 71 India Street (2017-183) – Planning Authority Review

Project Name:	Amatos Seating Expansion	Project ID:	(2017-145)
Project Address:	71 India Street	CBL:	037 D004
Applicant:	Dominic Reali		
Planner:	Matthew Grooms		

Dear Mr. Reali and Mr. McCullough,

Thank you for submitting a preliminary Level II Site Plan application for a new 1,440 square foot addition to the Amatos Restaurant building located at 71 India Street in the India Street Form Based Code District. This project is being reviewed as a preliminary plan subject to the following applicable Land Use Code provisions:

- Site Plan Ordinance, Article V
- Division 15.2 IS-FBC – India Street Form-Based Code Zone
- Neighborhood Meeting Regulations, Section 14-32

Final Plan for Planning Board Review: Staff Review Comments

I. Site Design Standards

1. The proposed ramp at the intersection of India Street and Newbury Street will need to meet applicable city standards. The Department of Public Works will provide additional guidance on this matter.
2. The applicant shall provide a site plan which includes the entirety of both adjoining buildings for measurement purposes, as well as the parking area allocated for this development.
3. Based upon the provided site plan and building elevations, it is not clear if this building will be ADA accessible? Please provide an explanation.

4. How does the applicant intend to manage on-site snow storage/removal? Please indicate on relevant plans the location of snow storage areas or provide a brief description of how snow shall be removed.
5. Street trees, or an equivalent acceptable alternative should be provided in accordance with the City's site plan ordinance and Section 4 of the Technical Manual at a rate of one tree per 30-45 feet of the addition's street frontage.
6. Building elevations should provide a fenestration calculation demonstrating compliance with Section 14-275.7, Subdistrict Dimensional Requirements of the IS-FBC.
7. Please note, it is understood that a public access easement for extension of the sidewalk across the applicant's property shall be required and will be made a condition of approval.
8. Please note, it is understood that screening of roof-mounted mechanical equipment in accordance with site plan standards shall be made a condition of approval required to be met prior to the issuance of a Certificate of Occupancy.

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.

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

MEMORANDUM



TO: Matt Grooms, Planner
FROM: Lauren Swett, P.E., and Amy LeBel, E.I.T.
DATE: September 26, 2017
RE: Amato's India Street Seating Expansion Peer Review

Woodard & Curran has reviewed the Level II Site Plan Application for the proposed development project located at 71 India Street in Portland, Maine. The project involves the construction of a new building addition to the restaurant.

Documents Reviewed by Woodard & Curran

- Level II Site Plan Application and attachments, dated August 10, 2017, prepared by Sebago Technics, Inc., on behalf of Dominic Reali Realty, LLC.
- Engineering Plans, Sheets 1 through 5, dated August 10, 2017, prepared by Sebago Technics, Inc., on behalf of Dominic Reali Realty, LLC.

Comments

1. A boundary survey is required for all Level II Site Plan applications. An existing conditions survey is provided, but it does not appear to show the entire property boundary.
2. The City of Portland requires that all Level II Site Plan applications that meet the required impervious surface thresholds submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards (Technical Manual, Section 5. II. Applicability in Portland. C. a. and City of Portland Code of Ordinances Sec. 14-526. Site plan standards. (b). 3. b.). We offer the following comments:
 - a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.
 - The Construction Management Plan notes that one stabilized construction entrance will be constructed into the existing Amato's parking area. A detail for stabilized construction entrance is not included with the erosion and sedimentation control details on the plans and this area of the site is not shown on any of the plans. It is noted that damage to the sidewalk due to the construction entrance will require repair.
 - b) General Standard: The project will result not result in an increase of impervious area. As such, the project is not required to include any specific stormwater management features for stormwater quality control. We encourage the Applicant to review the City's Stormwater Service Charge Credit Manual (available online) to evaluate whether they may want to incorporate stormwater quality treatment measures that qualify for a future Stormwater Service Charge credit.
 - c) Flooding Standard: The project will result not result in an increase of impervious area.. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site.
- 2) An existing catch basin is depicted on the plan sheets within the proposed building area. It is assumed that this structure will be removed. The Applicant should provide additional information on the demolition/abandonment of the structure and any of the pipe connections from the structure.
- 3) The Applicant should provide information on the need for roof and/or foundation drainage. As no proposed utilities are shown at this time, it is assumed that these systems for the new building will be tied into the existing building systems, but the Applicant should confirm.
- 4) The Applicant notes that a they will be obtaining a "Revocable Lease Agreement" with the City for a building overhang over the sidewalk. It appears that a portion of the structural assembly associated with the stairs also extends past the right of way line and should be included in any license agreement if allowed.

Memo

To: Matthew Grooms - Planner

From: Keith Gray, PE – Senior Engineer, DPW

Date: October 3, 2017

Re: 71 India Street (2017-183) – Amato’s – Level II Site Plan Application

The following comments/concerns are in regards to the Level II Site Plan Application prepared by Sebago Technics, on behalf of the applicant, Dominic Reali Realty, LLC, with last plan revision submitted on August 16, 2017. Please feel free to contact me with questions. Thank you.

Construction Management Plan:

- The applicant has submitted a Construction Management Plan (CMPlan) prepared by Great Falls Construction. The applicant shall revise the CMPlan to include the information enclosed in the “Draft” Construction Management Plan Template that depicts the overall detail that the City is requesting for the planning, coordination, and control of the construction site. Please note that the Construction Management Plan includes: 1) a construction management site plan, 2) a construction schedule (time frame); and 3) a written narrative addressing the categories identified within the enclosed CMPlan Template.

General Comments:

- The provided narrative indicates that a stabilized construction entrance and erosion control measures will be installed onsite. Locations and details should be shown on the plans.
- Where does the roof drainage discharge to?
- Include plan notes on the removal (relocation?) of the existing trees, canopy and any other prominent features.
- Show connection and termination of existing catch basin and lateral in accordance with Section 2.6.11 of the City of Portland Technical Manual. Provide detail.
- There is an existing gate valve shown close to the southwest corner of the addition; indicate relocation or termination.
- Provide proposed spot grades around disturbed sidewalk areas and/or a note specifying that sidewalk grade shall not exceed a 2 percent cross-slope.
- The City of Portland and MaineDOT have a timetable for the paving of India Street during 2019 season. It anticipated that changes to the intersection of India Street and Newbury

Street will be made in advance of that paving project. The current single curb ramp at the applicant's corner does not meet ADA-standards due to its overall poor condition and the lack of a detectable warning panel. The applicant is asked to contribute \$7,000 to the future upgrade of this intersection. The upgrade includes the construction of two (2) curb ramps at the corner to better meet pedestrian accessibility and achieve ADA compliance.



Matthew Grooms <mgrooms@portlandmaine.gov>

71 India Street Amato's Expansion

Tom Errico <thomas.errico@tylin.com>

Tue, Sep 26, 2017 at 8:33 AM

To: Matthew Grooms <mgrooms@portlandmaine.gov>

Cc: "kgray@portlandmaine.gov" <kgray@portlandmaine.gov>, Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, "Jeff Tarling (JST@portlandmaine.gov)" <JST@portlandmaine.gov>, "Swett, Lauren" <lszett@woodardcurran.com>

Hi Matt – I have reviewed the project application materials and I find it to be acceptable from a traffic engineering perspective. I would note that it is my assumption that Bruce Hyman is providing comments as it relates to the sidewalk and ADA ramps at Newbury Street and Keith Gray is providing comments as it relates to the construction management plan.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

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"One Vision, One Company"