

20-D-32

113 Newbury St.

Bay House

~~Village at~~

~~Green~~

~~Coastway~~

A.H. 2.5

HAMPSHIRE STREET PROPERTIES

NEIGHBORHOOD MEETING

ZONE CHANGE REQUEST

June 1, 2012

5:00pm

Micucci's Grocery, 45 India Street

OLIVE

SIGN IN SHEET

Name	Address	Email Address
1. Hugh Najor	50 Federal	Hugh@Najor.net
2. Marie Chubbauer	151 Newbury St	marcedad@gmail.com
3. Ed Gardner	151 Newbury St	Ed@oceangravity.com
4. JOE MALONE	30 Highland St	joe@malonecb.com
5. Arlin Smith	88 Middle St.	arlin.smith@gmail.com
6. Andrew Pike	40 India St.	
7. Paula Foley-Schmoul	207 Fore St #1	mstelma1@MAINE.PR.COM
8. RICHARD J. McLENNAN		
9. Tony Donouan	Portwood	TDonouan@MALCO.NJ.CO
10. Markes Miller	7 Atlantic St	
11. MARK STELMACK	207 Fore St #1	
12. Phil Notis	139 Newbury St #2	philnotis@gmail.com
13. [unclear]	[unclear]	
14. Britt Vitalius	306 Congress St.	britt@vitalius.com
15. Callison Brown	125 Newbury St	cbrown125@gmail.com

(Hugh Nazor) We don't know the future condition of Franklin. We don't know the timeline. We need more residential units to balance all the businesses. And residential needs parking.

(Kevin Bunker) The basic urban design problems were that: density was desired on site; but a human scale along Hampshire was appropriate. Also 1-2 buildings to preserve along Hampshire. So density wanted to be along Franklin, which was consistent with Franklin vision. Parking necessary for density, but narrowness of lot meant only place it could go was under building. No room for other uses on ground floor. Multiple competing issues that we have attempted to mediate.

(Markos Miller) Would you reduce parking using fee in lieu?

A: No.

(Allison Brown) This project is wonderful and exactly what the neighborhood needs.

(Dick McGoldrick) I'm totally in favor of this project, but I urge you to think carefully about a restaurant; there will be issues with the residential owners and parking will be a problem.

Q: Are there any ideas floating around out there for more parking?

A: The Intercontinental garage has unused capacity.

Hugh Nazor mentioned valet parking as a possibility to accommodate a cluster of restaurants in the area.

Q: What will you do if you do not get the zone change?

A: Nothing. We will be back to square one.

Q: Does the staff like your plan?

A: They have been very receptive thus far and have given us positive feedback.

Q: Will it delay your project if they look at the rest of the R6?

A: Hugh Nazor from public answered. Said the City has contacted neighborhood association and while the plan is not to delay any current development proposals there is general consensus that there should be a comprehensive look at the area's zoning which future projects would then be governed by. Hugh clarified that the Neighborhood Association supported the zoning change being requested and that the broader need for a comprehensive zoning scheme should not slow this zoning request down.

Q: Prices? Sizes?

A: 700-1700 sf; \$average \$275/sf; have received some unsolicited early interest

Q: Would you build less parking is you could?

A: No. All our market research suggests people expect and demand a parking space with a condo.

Q: What about parking for the proposed restaurant?

A: We will have a parking issue with a new building at 32 Hampshire; no parking on site; we are still working through options for parking associated with that corner lot.

Q: Will there be an intersection at Newbury & Franklin?

A: We don't know; that is part of a larger planning process on its own, and is likely to move at a slower timetable. We have taken substantial cues from the Neighborhood Association on both design and use of the property and we have also responded to their repeated request that we move forward with our redevelopment now, not later.

Q: How many sf is the lot for the condo building?

A: 12,981.

Q: What justifies the B2b? It speaks to a different urban texture. The potential Franklin connections add "opportunities" to the building and help with the B2b texture.

A: B2b is for high density urban settings like this neighborhood. Reconnecting severed street makes sense. But we were asked by the neighborhood to get going and we've got to do that based upon what we have. We are aware and hopeful that the Franklin reclamation will move forward but we don't have any way of knowing exactly when, whether or how.

Q: "Something" will happen. The building will need to engage Franklin. Many buildings have turned their back on Franklin. This building should not turn its back on Franklin. It is a pretty façade but it is the back of a building.

A: (David Lloyd) Completely disagrees. This will be the most dynamic façade on the entire Peninsula and will celebrate Franklin. The building faces Franklin not turns its back on it.

(Became more of an open discussion)

(Joe Malone) Likes the design; thinks we are doing the right thing relative to Franklin.

Hampshire Street Properties
Neighborhood Meeting Minutes

6/1/12

Meeting was held at Micucci's Grocery at 45 India Street. About 20 people attended. Tom Federle started the meeting shortly after 5pm and gave an introduction:

- We have had several informal neighborhood meetings over the past 12 months; this is the official Neighborhood Meeting required by the ordinance
- Meeting part of a zone change process
- Separate from site plan review
- Another official Neighborhood Meeting will be scheduled at time of submitting site plan application
- Proposing B2b change for properties we own
- Several other nearby owners are potentially interested in joining application to have their properties in the new B2b zone
- Requesting 65' height within 65' of Franklin
- 0' setback from streets
- Reduction in side yard setbacks when abutting residential zones

Building overview:

- Planning 26 units
- High density development up against Franklin
- 24 parking spaces on site with 2 off-site
- 96 Federal: a few possibilities including as-is; rehab, apts, condos, artist live-work, or apts w/1st floor gallery space
- 32 Hampshire: demo; redeveloped as commercial space; perhaps w/restaurant on 1st floor

Questions:

Q: What about property that you don't own on the block—will they clean up their property?

A: We can't speak for the owner; the owner has not expressed interest in selling; we are in touch with the owner but do not know what their intention is regarding maintenance of the property; believe the intention is to keep the building as a three-unit apartment.

Q: Façade materials?

A: Insulated metal panels, glass, metal siding, fiber cement

Q: What is zoning in the rest of the neighborhood

A: The B2b zone is above the block from Federal Street to Congress and below from Middle Street up to about halfway up the block below the development. Other areas of the neighborhood running towards India Street are a mixture of B2b and R6 with some small contract zones in the area as well.

11.2.2

FEDERLE | MAHONEY

Neighborhood Meeting Invitation

May 22, 2012

Dear Neighbor:

On behalf of Hampshire Street Properties, I am writing to invite you to join a neighborhood meeting to discuss an application for a zoning map and text amendment relating to a plan for redevelopment of properties located at 24 Hampshire Street, 32 Hampshire Street, 42 Hampshire Street, 160 Newbury Street, 167 Newbury Street, 169 Newbury Street, 96 Federal Street and 100 Federal Street. **The meeting information is as follows:**

Meeting location: 2nd Floor of Micucci's Grocery Store at 45 India Street (enter from Middle Street)

Meeting date: June 1, 2012

Meeting time: 5:00 pm to 6:15 pm

The City land use ordinance requires that property owners within 500 feet of the proposed development and residents on an "interested party" list be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call me at 207.841.4092.

Regards,

Thomas B. Federle

Note: Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street, Portland, ME 04101 or by email to: bab@portlandmaine.gov

FEDERLE | MAHONEY

Jennifer Yeaton, Office Manager
Planning and Urban Development
City of Portland
389 Congress St., 4th Floor
Portland, ME 04101

June 4, 2012

RE: Neighborhood Meeting Certification

Dear Jennifer:

I, Thomas B. Federle, on behalf of Hampshire Street Properties, hereby certify that a neighborhood meeting was held on June 1, 2012 at Micucci's Grocery at 45 India Street, Portland Maine at 5pm.

I also certify that on May 22, 2012 invitations were mailed to all addresses on the mailing list provided by the Planning Department, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

I am enclosing a copy of the invitation sent, the sign-in sheet, and the meeting minutes.

Best Regards,



Thomas B. Federle
Hampshire Street Properties

Enc.: Copy of invitation sent; sign-in sheet; meeting minutes

1, 10

Received by Email
July 19, 2012

To the Planning Board

Re Hampshire Street Project

I live in the India Street Neighborhood and have been very pleased with the developing improvements and potential for our very walkable, mixed-use area. Mr. Sussman's reclamation of one of the more rundown blocks in the neighborhood is a needed and helpful development. His development team has been very cooperative with our neighborhood organization. They are ready to build and give this neighborhood what it wants: more residential and retail/office space in a building in scale with the existing neighborhood.

Please do not allow considerations of what might be preferred by some others in a potential future for Franklin Street to derail this project.

Linda J. Murnik
Federal Street

St. A new zoning paradigm is needed to ensure that the City gets development that will enliven the street. The Franklin Study will focus on getting the road right. The Planning Board can help by exploring zoning that will appropriately inform development of the abutting properties. This may be a good opportunity to explore new zoning paradigms such as Form-Based Codes.

This project presents a great opportunity to take a step towards the City's vision Franklin Street. We must seize this by creating zoning language like I have proposed earlier, that allows the developer to build an appropriately sized building, while taking a solid step towards an active, vibrant, pedestrian friendly Franklin St. corridor.

Markos Miller
Chair, Franklin Street Redesign Study
17 Atlantic Street
Portland, ME 04101

Sec. 14-185 Dimensional Requirements.

... 6. Maximum structure height:

a. B-2 and B-2c zones: 45 feet.

b. B-2b zone: Forty-five (45) feet, except in the case of a building with a commercial first floor and residential upper floors, where fifty (50) feet is allowed

"and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed in the case of a building that faces Franklin St. and has it's primary street-level entrance on Franklin St.

Or we can accept the relationship that is the foundation to the current B2-b height bonus:

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"and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed in the case of a building with an active commercial first floor and residential upper floors."

Obviously, parking and economics are issues at play here. A primary entrance will not cost more than the loss of a few parking spaces or some sellable square footage. The scope of this project and other properties scheduled for demolition owned by the applicant demonstrate that short-term parking needs can be met, and suggest that a more comprehensive long-term plan for parking is needed. Street-level parking covered with condo's up and down Franklin and Hampshire will not revitalize a neighborhood.

This project has a historic opportunity to be a pioneer in the reclamation of Franklin Street and reconnecting the India Street neighborhood. While the specifics of the future alignment of the street are still unknown, prominently facing this building towards Franklin St. with a Franklin address, would claim the street in a way that would be hard to ignore. No one would dare take this frontage from this building.

However, allowing this project to do otherwise would be a great risk to the integrity of the vision for an urbanized Franklin Street and for the applicant's property. When Franklin St. is reclaimed, this building will stick out as one that turned it's back on the street when it could have done otherwise. Furthermore, if the developer were to choose not to face Franklin, and the future realignment of the roadway results in excess space being created between this building and the roadway, a future building could side right up to this building with a zero set-back. The result would be a shame for future residents of this building and the view corridor that this building attempts to maximize.

In closing, I will ask the Planning Board to exercise some leadership in the effort to create a more liveable Franklin Street. We obviously have a zoning problem along Franklin

July 19th, 2012

Dear Planning Board Chair Morrissette,

I am excited about the opportunities the redevelopment of the Hampshire Street properties presents to the City and to the India Street neighborhood. The opportunity to bring new residential units to the neighborhood and to move towards the City's vision of a more liveable Franklin Street should be seized upon. However, the applicants desire to rezone these properties as B2-b, and the B2-b text amendment being proposed are flawed and should not be approved.

The B-2b zone was designed to encourage active street level commercial uses. By offering additional height for buildings with commercial first floor uses it incentivizes mixed use structures. The applicant's text amendment would break this fundamental relationship between ground-level use and height bonus. The applicant is requesting four times the height bonus (5' to 20') without having to meet the very conditions upon which the height bonus is dependent. This would fundamentally undermine the B2-b along Franklin, and potentially threaten the B2-b across the city. The consequence on Franklin St. could be ground-level parking garages instead of commercial or residential uses in all new B2-b development along the corridor, resulting in an inactive public realm, despite the City's commitment to reclaiming the urban pedestrian experience along the Franklin St. corridor.

The applicant makes the case that the added height bonus is appropriate because the building sits along Franklin St, which is wider than the local neighborhood streets. I would agree with this; Franklin St. is able to and should support greater height and density, which would be inappropriate on neighborhood streets like Hampshire or Newbury. However, the applicant has chosen not to front this building on Franklin St. If the Franklin frontage is the justification for a height bonus of 20ft (a height increase of 44%), then the building should at least front Franklin St. Our zoning must have some organizing principle to it in order to have integrity. Franklin St. frontage is the logical organizing principle in this case.

Why does this matter? It matters because the City is developing a clear vision for the Franklin Street of the future: an active, walkable, mixed-use urban corridor. While the City is set to embark on the next phase of this project, we know that studies, committees, and reports alone will not realize change in our city. The built environment will be made by those who build; but it can be guided by the spirit and policy of the community. The future Franklin Street will be realized on a case-by-case basis by property owners. For example, the Hampton Inn chose to claim the corner of Franklin and Fore St, and it makes a difference. Likewise this applicant can chose to claim Franklin St.- and all that it offers- and make a difference as well.

To this end I would like to propose two alternative text amendments to the B2-b, below in bold. The preferred is organized on the principle of frontage on Franklin; the "Franklin bonus" :

AH. 1.8

Regarding Hampshire St. Rezoning
From Email 7-3-12

Dear Bill and Alex

I'm the property owner of 26 Hampshire Street.

I've been in contact with Tom Federle about the re-zoning of my neighborhood from the R6 zone to B2.

The property to my left and behind are in the rezone plan. As of now, my property is not slated to rezoning; however, I would prefer to have my parcel included, if possible.

Not sure exactly how to go about doing so, but I'm hoping that you can point me in the right direction.

Regards,
Bethany Field
[207-344-9319](tel:207-344-9319)



MALONE

Commercial and Investment Real Estate

Malone Commercial Brokers, Inc.
5 Moulton Street
Portland, Maine 04101

Tel (207) 772-2422
Fax (207) 774-5114
www.malonecb.com

June 12, 2012

Bill Needleman
Portland Planning Department
Congress Street
Portland ME 04101

Dear Bill:

I am writing today regarding the Hampshire Street re-zoning project and Tom Federle's condominium project. I view these to be two in the same.

First and foremost I applaud the planning board for looking at zoning issues in the India Street corridor. There are many zones overlapping and it is important to find the appropriate zone to help foster the growth of the India Street neighborhood.

In specific the request to re-zone Hampshire Street to allow the condominium project to go forward is applauded by both me individually and by the India Street neighborhood association. I helped to start the neighborhood association specifically in regard to the Hampshire Street area and many of the vacated properties. Many in the neighborhood feel that these properties must be redeveloped if the area is to move forward. When we reached out to Donald Sussman, Tom Federle became involved and was extremely proactive. He has put together a quality team and they have moved forward at an impressive pace. Overall I think it is fantastic project. It is exactly what the neighborhood needs in term of scale and scope.

I strongly encourage the board to pass both the zone change and to push forward with the project. The team of Kevin Bunker, Tom Federle and Peter Bass have done a great job designing the project along architect David Lloyd. They sought feedback and more importantly they acted on it. This as proposed is one of the best new developments in greater Portland. I am anxious to see it happen in this neighborhood where we desperately need residents to support the small business community that is developing.

Thank you for your consideration.

Sincerely,

Joe Malone



Member of
International Council
of Shopping Centers

SERVING CLIENTS IN NORTHERN NEW ENGLAND SINCE 1970



Individual Member

Handwritten initials and date: All 6/11/12

June 11, 2012

To the Planning Board

Recently a number of projects in the India Street Neighborhood have been presented to the planning board for approval. Among them is the Hampshire Street Properties. They have recently submitted a proposal for a map zoning text amendment from R-6 to B2b with a building height to 65 feet within 65 feet of Franklin Street. As an owner resident on Newbury Street, I completely support this amendment and the project as it has been presented.

The demand for residential and commercial space in this neighborhood has increased. With the Hampshire Street Properties project revitalizing what is now a rundown and underutilized area of Newbury, Hampshire and Federal Streets some of that demand will be met. The request for 65 feet along Franklin Street is certainly in keeping with the other buildings that run along Franklin right down to Commercial Street. This dynamic modern structure will be a welcome addition to the Franklin St corridor.

Thank you.

Allison Brown
President, India Street Neighborhood Association



AA.1.5

June 10, 2012

Dear Chair Morrissette, and members of the Planning Board;

We members of the Franklin Reclamation Authority are a group of citizens advocating for the transformation of Franklin Street into a vibrant, mixed-use corridor that promotes economic development, and balances the needs of automobiles, pedestrians, and bicycles. We would like to take this opportunity to offer our perspective on the zoning map change and text amendments proposed by Hampshire Street Properties.

This proposed re-development of this area of the India Street neighborhood is an exciting prospect, and we are eager to support the developer's request; though we feel the following conditions must be met in order for the Planning Board to grant the request:

- The development must actively engage Franklin Street. Preliminary plans showing a 1st floor parking deck along the entire length of Franklin Street contradict active engagement, and must be re-considered.
- The connection of Federal and Newbury Streets to Franklin Street should be considered, and if these connections will not be made as a part of this development, funding should be provided by the developer to reserve as contribution to the future construction of these connections.
- The corner locations facing Franklin Street (at Federal and Newbury) must be designed in a manner that supports the re-connection of these streets to the urban grid. These important corners should create minor gateways from Downtown into the India Street neighborhood. These corners should have strong architecture, functioning entrances, active street-side uses, and a robust pedestrian realm.

We are all eager to see the India Street neighborhood further developed as a model of a modern walkable neighborhood; strongly connected to adjacent neighborhoods and the downtown. In order for this development to support that vision, the design must not turn its back on Franklin Street, or the connections across Franklin. Though the final designs for Franklin Street are not yet in place, there is ample enough shared-vision and existing policy to enable this project to move forward with a design that will respond to and support the vision for Franklin Street. Indeed; the only way Franklin Street will be successfully redeveloped is through projects such as this one leading the way; providing the necessary elements to embrace the street, and doing its part to support the community and the neighborhood.

With these concerns satisfied, our group would enthusiastically support the developer's request for this re-zoning and associated text changes. As the project moves forward, we look forward to working with the City and the developer to realize the great potential this project brings for the neighborhoods and the larger community.

Sincerely,
Jaime Parker
Franklin Reclamation Authority

William Needelman - The Hampshire St Project

From: ISNA <info@indiastreet.org>
To: Bill Needelman <wbm@portlandmaine.gov>
Date: 6/8/2012 3:21 PM
Subject: The Hampshire St Project

Planning Board Members

The Hampshire Street Project.

The India Street Neighborhood Association has had many meetings involving the subject project three have been advertised, public meetings. Tom Federle and various others have met with us for months, beginning long before there were any firm plans. Their involvement with the community has been full and open from the beginning. In all of the meetings they have used our input to help guide, design and time the project.

The hampshire street blocks are an example of the blight that grew in our neighborhood as a result of the creation of the Franklin Arterial. Many dwelling units were padlocked and buildings were beyond rehabilitation. We were and are eager to have this specific small area redeveloped. Existing zoning, almost everywhere in the ISN, does not allow the construction of the kinds of developments that the ISN wants and for which there is an increasing market demand, This project is as near perfect as we could wish.

We have heard a very small minority who only want brick or other more usual construction in the ISN. Of course, some people do not come to neighborhood meetings and just quietly form opinions from what they happen to pick up. Perhaps, if they participated, they would have a different opinion. In any case this is just what the ISNA has been seeking and the community needs.

Please accept this proposal.

Hugh Nazor 6/8/2012

Att. 1.3

Dr. Darcy Thomas
142 Lake Street
Arlington, MA 02474
Owner of 40 Hampshire St
Portland, ME 04101

City of Portland Planning Board, Carroll Morrissette, Chair
City of Portland, Maine
389 Congress Street
Portland, ME 04101-3509

June 4, 2012

Dear Carroll Morrissette,

I am writing to you regarding the proposal to change the zoning, height, and setbacks around Hampshire Street. I am the current owner of 40 Hampshire Street in Portland. The plans for development around my property will dramatically change my neighborhood. I have been thinking about the proposed changes and how that will impact me. Although I welcome plans that will improve my neighborhood, I am afraid my property will lose some important aspects that I cherish in a living space.

Of the proposed changes, I am neutral regarding the proposal to change the zoning on Hampshire Street. However, if the zoning surrounding my property is changed to B-2b from R-6, I would like to be included in this change seeing that my property lies in the middle of the proposed development.

I am not in favor of the proposed change to decrease setbacks from 20 feet to 10 feet. Along the south and north side of my property, this will not significantly affect me, but it will negatively affect me along the west side of my property. With the present one story garage to my west side, I currently have open space and light coming through my west side windows. With the proposed plan, I would have a large building to my west side blocking the light and open space that is now there. With 10 foot setbacks in addition to a building up to 65 feet high, there would be minimal light and space which are elements I do not want to give up. As far as the height increase, I am also weary of a change in my surroundings that may affect the light in my own space. As mentioned above, the height increase will also shadow my building and take away a large amount of afternoon light that now brightens my property.

I also am concerned about how this large project will affect everyone living at 40 Hampshire Street. It is a huge construction, and I would like to hear more about how my building and everyone there will be protected during this development process.

I do not want to impose negatively on welcome improvements, but I want to express my concerns as to how my property and all living there may be affected by these major changes.

Sincerely,



Darcy Thomas

Comments from Christian Milneil to Planning Board
June 1, 2012

I just stopped by City Hall to have a look at the preliminary drawings for the Hampshire Street project, and they stink. Not only is there a blank parking garage wall on Franklin Street, but also on Newbury and Federal. There are no active street-level uses whatsoever - no windows and no doors except the gaping maw of the garage.

At least it would make a nice place for homeless folks to hang out (the Walker Terrace building on Congress Street recently had to install taller fences to keep the homeless out of its own street-level garage). Call it street-level retail for the meth trade.

The developer is Kevin Bunker, who's a good guy and receptive to neighbor concerns. Part of the problem is that the city is forcing him to provide lots of parking on a small site, with two entrances to his garage. That dictates that garage entrances have to be on ground level on Newbury and Federal, where they'd take up the entire street-level frontages. There's no room for ramps leading underground without losing the required amount of space for parked cars.

Here's how the city could help: 1) reduce parking requirements; 2) sell or deed the developers a 10' strip of land that's currently the right-most lane of Franklin Street (which, as the phase 1 study noted, should go away anyhow) to give the building some extra space and hide the garage behind a street-level lobby or something; 3) allow them to build a driveway leading into the garage from Franklin Street at its current level, such that the garage would be below the grade of Federal and Newbury; 4) in anticipation of the imminent reconstruction of Franklin, the city can waive certain street infrastructure costs (like sidewalk construction and street trees) in exchange for requiring the developers to build a more-expensive underground garage.

As it's currently designed, I'm pretty sure that the plans would fail to meet the city's design standards that require active street-level facades. So there's legal justification to complain about this stuff, and I'm confident that most planning board members would agree with us. Still, as many neighbors as possible should speak out about this.

For the current planning board meeting it looks like they're only asking for a rezoning, from R6 to B2b. The site plan application, anticipated later this summer, would have more architectural details. I think it's worth it for us to support the rezoning with a strong caveat that we'll be holding their feet to the fire for active street-level facades.

I'm copying Kevin and Bill Needelman on this. Bill, could you please share these comments with the Planning Board as public testimony? Thanks,
-Christian

<http://christianmilneil.com>

The Vigorous North:

A field guide to the wilderness areas of American cities.

<http://www.vigorousnorth.com>

1.1

Dear members of the Planning Board,

I'm writing in support of the proposed map amendment from R6 to B2B sought by Hampshire Street Properties. With it's frontage on an arterial and being across the street from intensely developed B3 zones, B2B, which represents a modest upzone from the R6, is appropriate. The text amendments sought to the B2B should be given your critical consideration and in pursuit of the answer to the question of what conditions provide for this degree of change in the underlying B2B. Granted, the project is on Franklin Street, but to date, the project does not engage Franklin Street. Also, while this is an appropriate location to consider this urban scale of development, it demands a companion urban scale on the street network, including the possibility of reconnecting East Newbury and/or East Federal Streets to the outbound lanes of Franklin Street. The text amendments sought for height and setbacks to the B2B become more appropriate if this is a corner parcel rather than part of a superblock. Moreover, if this is the intensity of development we will continue to see in the "Rectangle Beneath Congress," we will need a street grid to support it. With this project holding the would-be corners of E Newbury and E Federal at Franklin Street, and seeking such a substation upzoning by way of the map amendment, but especially the text amendment, reconnecting aspects of the street grid should be considered in conjunction with its approvals, Thanks for your attention.

All Best,
Kevin Donoghue
City Council, District One



am in my, 2 Feb 11
S. Fedor, A middle

VIII. Suggested Motions

Based on the information and analysis included in Planning Board Report #35-12, information provided by the applicant and other information presented at Public Hearing, the Planning Board finds that the proposed Zoning Map amendment (**Describe geographic limits**) and text changes to the B-2b Zone (**are/are not**) consistent with the relevant sections of the City's Comprehensive Plan and therefore (**recommends/does not recommend**) their approval to the City Council

M D, ZL
6-0, 0 motion change

Attachments:

- Attachment 1 Public Comment
- Attachment 2 Applicant's Neighborhood Meeting information
- Attachment 3 Proposed Rezoning Map (As advertised)
- Attachment 4 Proposed B-2b Text Changes

Applicant's Submission Packet

- Attachment A Rezoning Application
- Attachment B Right Title and Interest
- Attachment C Proposed rezoning maps (As requested)
- Attachment D Proposed use

Plans and Diagrams: (Updated from the Site Plan and Subdivision Application)

- Plan 1 Site Plans and Civil Engineering (survey, existing conditions, site plans)
- Plan 2 Architectural Drawings (Floor plans, elevations, sections and renderings)

new development into the Franklin corridor planning process. As noted by the 1st District City Councilor in Attachment 1, the issue of reconnecting Federal and Newbury Streets to Franklin has already been raised as an issue for consideration.

- *B-2b Design Standards and 1st floor architecture:* Should the rezoning be approved by City Council, the applicant will need to demonstrate adherence to the applicable B-2b standards in the city Design Manual. The prominence of the 1st floor garage use will likely be the significant issue to be addressed for the concept plans provided.
- *Treatment of Future Development Sites:* As noted above, at least three sites are proposed for rezoning that have no immediate development plans: 24 Hampshire Street and the two lots south of Newbury Street. If buildings are to be removed from these sites with no immediate development plan in place, the applicant should show how the sites will be used and treated in the interim condition. If the sites are to be used for off-site parking, such parking should be designed, reviewed and approved concurrently with the development review of the subject project.

VII. Recommendations

Planning Staff recommends that proposed rezoning is consistent with the relevant policies of the Comprehensive Plan and in is the long-term best interest of the neighborhood and the City.

Regarding the extent of the proposed map amendment from R-6 to B-2b, Staff suggests that the Planning Board recommends extending the B-2b zone beyond the subject parcels, but that the amendments should be limited to the blocks west of Hampshire Street to fill out the blocks that are otherwise requested for rezoning by the applicants. While there may be compelling reasons to "clean up" the zoning in the area, the process initiated by this application has not yet conducted adequate analysis to fully absorb the potential impacts of a wider rezoning that includes the blocks east of Hampshire Street and west of India Street. Within the blocks located west of Hampshire Street, only 3 private parcels would be impacted and the owners of two of these parcels have express interest in being included within the B-2b.

Note upcoming planning process

The proposed text changes as well appear to strike the appropriate balance of achieving the goals of the subject development, providing reasonable relaxations for comparable developments elsewhere and having limited impacts on neighboring properties. For the provisions that are tied directly to Franklin Street – building height maximums and relief from building step back requirements above 45 feet – Staff had previously asked if these provisions should be applied more broadly to other streets abutting the B-2b. While this question may still warrant an exploration, the Board's previous workshop discussion and the material presented and advertised have been limited to Franklin Street. Given the current information available and the discussions and analysis conducted to date, Planning Staff recommends the text amendments proposed by the applicants in Attachment 4.

issues through the Neighborhood Based Planning Process.

B-2b Policies: Excerpted from the Future Land Use chapter of the Comprehensive Plan, the policies of the B-2b zone are as follows:

4. B-2b COMMUNITY BUSINESS

Location: *The B-2b zone is a newly created zone that is in accordance with the Transportation Plan and housing recommendations. It is primarily located on the peninsula along portions of Washington, India Street area, portions of Forest Avenue and Portland Street, and Congress Street. It is also located along Forest Avenue between Preble Street and Woodford's Corner.*

Current and Proposed Zoning: *All land currently zoned B-2b.*

Discussion: *B-2b zone is intended to provide neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The B-2b zone is appropriate in areas where a more compact urban development patterns exist on-peninsula or in areas where a neighborhood compatible commercial district is established off-peninsula and each area exhibits a pedestrian scale and character. Such locations may include the peninsula and other arterials and intersections with an existing urban or neighborhood oriented building pattern. Building additions are encouraged but not required to meet the maximum setbacks of 14-185(c). The uses are generally the same as in the B-2 zone, except some of the auto related uses and drive-through facilities are more limited. There is no minimum lot size for non-residential uses. The B-2b zone has a required maximum front yard setback of 10 feet, thus development will be close to the street and maintain the urban character of these areas. Maximum impervious surface ratio is 90%. No changes to the zone are anticipated at this time.*

VI. Development Considerations

While the Board is considering the proposed rezoning of the subject properties, members should consider other issues related to the development of the site. The following issues will be thoroughly addressed pending a site plan and subdivision application:

- **Sidewalks along Franklin Street:** The Department of Public Services has begun to construction of sidewalk from Middle Street to Congress Street along the subject property boundary. The applicant's proposal will need to be coordinated with DPS plans as well as the development requirements for sidewalks along public Street frontages. The final material, construction sequence and funding of sidewalks along Franklin should be established as part of the development's review.
- **Future Franklin Street Design and Street Reconnections:** While a design for Franklin Street redevelopment has not been developed, the subject project should not restrict the opportunities for new treatments for the street. Planning Staff, DPS and the applicants will need to coordinate efforts to ensure integration of the

Location: The R-6 zone is found primarily on the peninsula in the neighborhoods of Parkside, West End, St. John Street area, Munjoy Hill and Bayside.

Current and Proposed Zoning: All land currently zoned R-6 Residential.

Discussion:

The intent of the R-6 zone is to set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

The R-6 zone permits single and two-family dwellings, multi-family dwellings, single-family manufactured housing units, lodging houses, home occupations, special needs independent living units bed and breakfast establishments, parks, and municipal facilities. Conditional uses include sheltered group homes, schools, long and intermediate care facilities, churches, private clubs, community hall, hospital, colleges, professional offices, and day care facilities. The minimum lot size for a one or two-family dwelling is 4,500 square feet. There is a minimum of 1,000 square feet of land area per dwelling unit for multi-family housing. The minimum land area per room in a lodging house is 250 square feet and the intermediate care facility requires 8,000 square feet for the first 35 residents and then 350 square feet for each additional resident.

Currently, the R-6 Zone Amendments for Small Lot Infill Development are being prepared to allow undersized vacant lots to be developed at former density and setback requirements. The intent of these amendments is to encourage new housing on small infill lots in a manner consistent with the existing compact lot development pattern typically found on the peninsula. The current R-6 zoning text in many respects does not reflect the existing development pattern, so the amendments are intended to address the development of vacant lots that are less than 10,000 square feet. The proposed amendments include changes in the space and bulk requirements, such as front yard setbacks, side yards, maximum lot coverage, parking requirements, and minimum lot sizes. The R-6 small lot provision provides flexibility from the normal R-6 requirements. The flexibility is balanced with design standards to ensure buildings of high quality that blend with the character of the neighborhood. The design standards being developed address proportion and scale, balance, articulation, massing, context, orientation to the street, and materials.

Other potential text amendments will be considered to update the residential zones in conformance with the recommendations of Housing: Sustaining Portland's Future. Neighborhoods are encouraged to address the city's housing

<http://www.pactsplan.org/reallybigfiles/Franklin%20Street%20Report%20final%2011.30.09.pdf>

Franklin, Phase 2 is anticipated to begin in the fall of this year.

Downtown Height Study: While the building height study component of the 1990 Downtown Vision Plan focused on areas across Franklin Street, it does contain a recommendation that building heights are regulated according to adjacent street width. One can infer from this policy that a wide street such as Franklin Street (+/-170 feet wide at Federal Street) is therefore more conducive to a taller building form than streets of narrower widths.

Transportation Policy: The 1993 *Time of Change: Portland Transportation Plan* and the 2009 *Peninsula Transit Study and Action Plan* call for increased opportunities for residents to live, work and access services within a compact development patterns. The proposed rezoning appears to meet this policy while preserving opportunities to retain and expand residential density. When considered within the context of the City's *Housing Replacement Ordinance*, which requires either replacement or contribution to a City housing fund for lost dwelling units, the proposed rezoning can be expected to promote efficient transportation choice on the Portland Peninsula, allow for less auto-dependent lifestyles, and preserve residential density.

The 1993 Transportation Plan is found at:

<http://www.portlandmaine.gov/planning/transportationplan.pdf>

The 2009 Peninsula Transit Study report is found at:

<http://www.portlandmaine.gov/planning/finalpeninsulatransitstudy.pdf>

Housing Plan: Board members should look to the City's 2002 Housing Plan, *Housing: Sustaining Portland's Future (the Housing Component of the Comprehensive Plan)* for guidance.

As noted in the ongoing *India Street Building Height Evaluation* (also reviewed at the 6-12-12 workshop,) the Housing Plan suggests a balance between increase in the supply and density of housing while simultaneously maintaining neighborhood integrity and stability. While the above goals are not contradictory or mutually exclusive, they do present a tension between encouraging density and building within an established neighborhood scale. Board members are encouraged to review the findings of the Housing Plan at: <http://www.portlandmaine.gov/planning/housingplan.pdf>

R-6 Policies: Excerpted from the Future Land Use chapter of the Comprehensive Plan, the policies of the R-6 zone are as follows:

R-6 RESIDENTIAL and PROPOSED R-6 OVERLAY ZONE

B-2b Text Change: In addition to the map change, the applicant's goals are to allow 65-foot buildings close to Franklin Street, to allow 10 foot side yard building setbacks, and to allow zero building setbacks along public street rights of way. All of the above require text changes to the B-2b zone language.

The text changes are summarized below and the applicant's "track changes" edits to the ordinance text is provided in Attachment 4 of this memo.

Text Change Summary from the June 12, 2012 workshop:

At the previous workshop, the applicant requested consideration of B-2b text changes to allow the following:

- *Higher buildings* (65 feet from 45 feet) within 65 feet of Franklin Street.
- *No building "step backs"* for buildings taller than 45 feet within 65 feet of Franklin Street.
- *Smaller side yard setbacks* (10 feet from 20 feet) when residential uses in the B-2b abut residential zones (Note: 10 feet is the current standard for non-residential B-2b uses abutting residential zones.)
- *Eliminating Rear yard setbacks along street rights of way* (as is already allowed for front and side yards.)

Additional Text Changes:

With the expansion of the map amendment under consideration, the applicant additionally requests a text amendment to expand the parcels on which residential uses are permitted. Currently, under the permitted use section of the B-2b zone, Sec. 14-182, residential uses in the B-2b are limited to parcels which *abut* certain higher density residential zones. The subject parcels originally met this provision with the initial application since neighboring parcels within the same blocks were not proposed to change from the existing R-6 zone. With the expanded map change under consideration, the Board is asked to consider an additional text change to allow residential uses on lots where the nearest (deleting *abutting*) residential zone is one of the higher density zones: Namely, the R-4, R-5, R-6, or R-7. The proposed text is included in Attachment 4. *Note: These additional amendments to Sec 14-182 serve bring the text into alignment with the intent of the ordinance and will correct an inadvertent drafting problem.*

V. Relevant Policies

When reviewing the proposed text changes against the land use policies of the Comprehensive Plan, there is limited specific guidance. The Hampshire Street neighborhood has not been subject to specific neighborhood planning process and the Franklin Street planning process is still ongoing. Preliminary results for Franklin Street (*Reclaiming Franklin Street: Report of the Franklin Street Arterial Committee*) were accepted by the City Council but were not incorporated into the Comprehensive Plan. The results of the Franklin, Phase 1 process are found at:

196 Federal Street, the brick apartment building at Hampshire and Federal Streets is proposed to be retained as a stand-alone building and may be converted to mixed live/work artist's studios, which are allowed under the B-2b zoning, but not under the R-6.

As of the previous workshop, the area of greatest uncertainty with the site involved 32 Hampshire Street, which was noted in the Historic Preservation discussion above. The applicants are currently proposing a new structure on the site of 32 Hampshire Street, which requires the demolition of the Greek revival wood framed structure. Re-use of 32 Hampshire Street is no longer being considered due to its configuration and deteriorated condition.

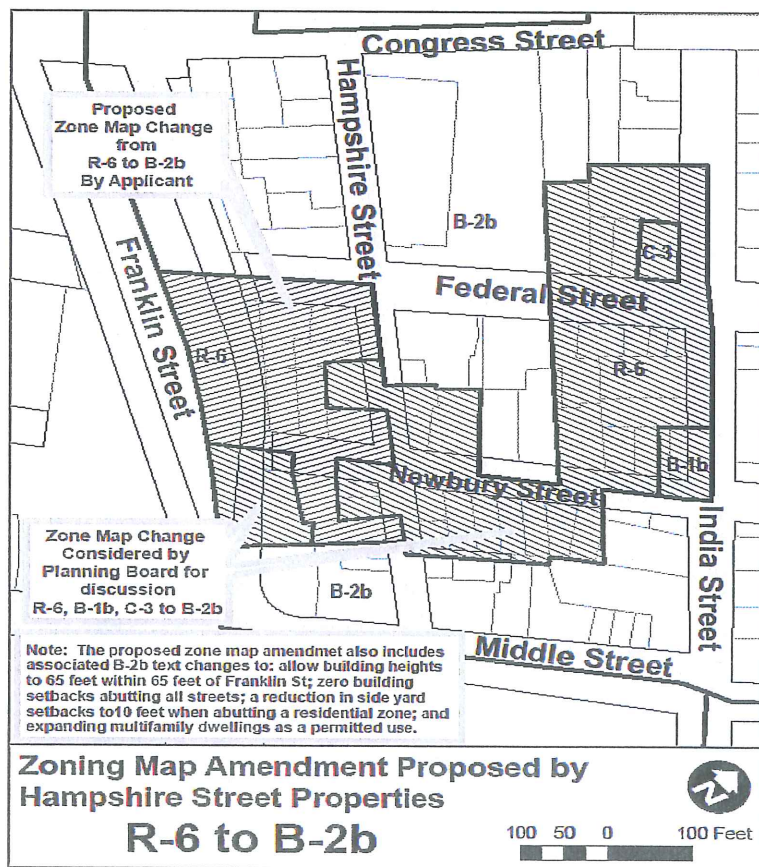
The two parcels located south of Newbury Street that are proposed for rezoning are intended to have their existing structures demolished to make way for future development.

note upcoming neighborhood planning

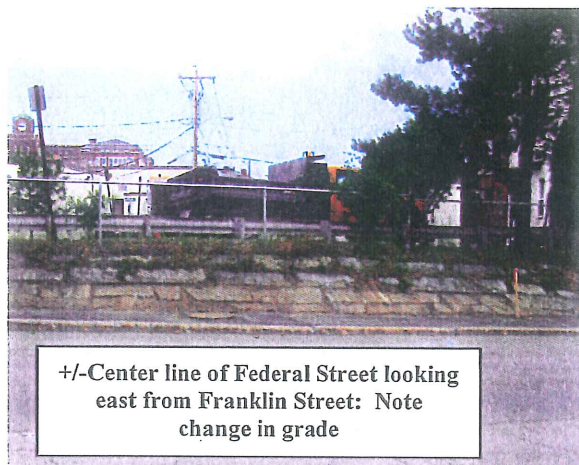
IV. Proposed Zone Amendments

Map Change: The applicant proposes that the properties under their control in the R-6 zone west of Hampshire Street and south of Federal Street be rezoned to B-2b. See Attachment 3 for the rezoning map proposed by the applicant.

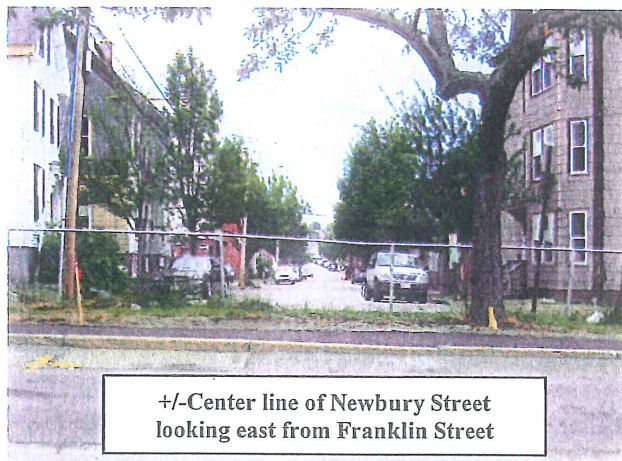
At the previous workshop, the Board and applicants discussed whether a broader application of the B-2b would be prudent given the complicated mix of zones found in the surrounding neighborhood. Planning Staff suggested that should the applicant's request move forward that the R-6 parcels located west of Hampshire Street could be included into the B-2b zone along with the applicant's parcels. The Board generally agreed that a broader map change was warranted and requested advertising all of the lots west of India Street south of Congress Street and north Middle Street as changed to B-2b. The purpose of the wider advertisement was to provide latitude to the Board's discussion and their recommendation to the City Council.



Notice map for 7-24-12 Public Hearing



+/-Center line of Federal Street looking east from Franklin Street: Note change in grade



+/-Center line of Newbury Street looking east from Franklin Street

The geometric relationship between Newbury Street and the easterly edge of the Franklin Street right of way changed little in during the 1960's arterial reconfiguration. At Federal Street, however, Franklin was depressed below its historic elevation complicating, but not eliminating the potential for reconnection. Planning Staff and the applicants will work together to integrate future Franklin Street planning with development of the subject property.

(Note: Franklin Street connectivity issues are further explored in the 7-24-12 Site Plan and Subdivision Review memo.)

Current Zoning: Zoning for the area is a mix of R-6 and B-2b with the residential zoning concentrating on areas with a consistent residential fabric. To the east along India Street, two smaller lots exhibit differing zones; one as a B-1, neighborhood business zone, and another as an early conditional rezoning. South of Congress Street, the B-2b, however, is dominant and interweaves into the residential areas and from the street one may not know where the B-2b/R-6 zone lines begin and end based solely on existing use and development patterns. A map of existing zoning and the proposed lots for amendment are provided in Attachment 3 of this report.

III. Proposed Development

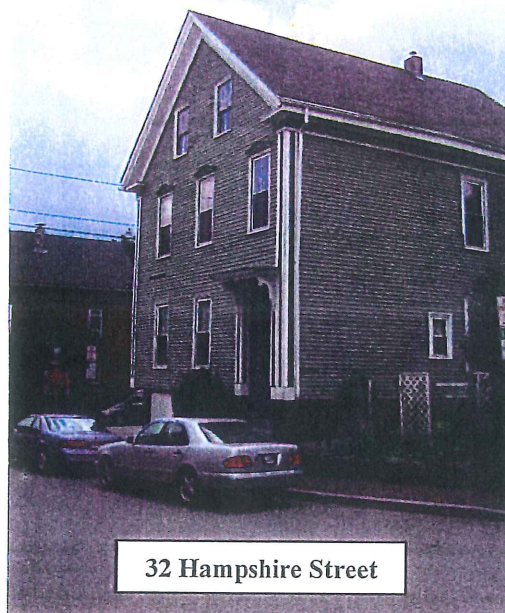
The applicant's submission, Attachment D (*and updated in the Preliminary Site Plan and Subdivision review memo provided under separate cover*) includes a description of the proposed use of the property followed by concept plans and renderings. In summary, the applicant is proposing to demolish 7 structures containing approximately 19 apartment units and a single story garage. The proposed development includes 24 units of residential condominiums in a building located adjacent to Franklin Street and an abutting three-story commercial structure located at the corner of Hampshire and Newbury Street.

appears to have retained original Greek revival architectural detail; but, also displays significant deterioration. If the applicant continues to propose demolition of 32 Hampshire Street, the Historic Preservation program will need to make a determination regarding its eligibility for designation as a protected historic structure.

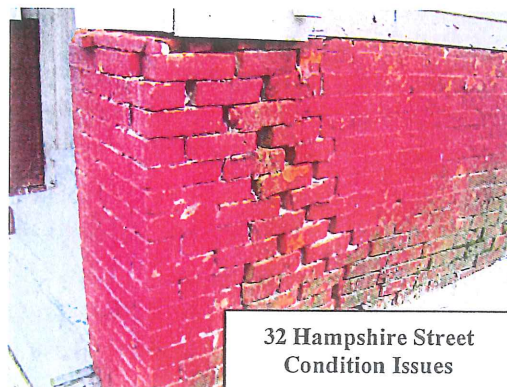
Without a historic district in place, the question is whether or not 32 Hampshire Street warrants designation as an “individual landmark” – presenting a higher bar for consideration than designation as a “contributing structure” within a broader district context.

(Note: The applicant is simultaneously pursuing site plan and subdivision review where historic preservation is also considered.)

Franklin Street: The street grid in the subject area was significantly interrupted by the 1960’s construction of Franklin “Arterial” which truncated Federal and Newbury Streets at the westerly edge of the subject properties. Franklin Street, which is depressed below its historic topography, presents challenges to the development and the neighborhood due to its width, vehicle speeds and highway-style design. While there have been and continue to be ongoing evaluations of how Franklin Street should redevelop in the future, the feasibility analysis for preliminary concepts has not yet been conducted. Much of the planning for Franklin Street has considered the potential to reconnect Federal Street, Newbury Street, or both streets to Franklin. The applicant’s proposal has raised the question of street reconnection and the Board has been asked by the District City Councilor, Kevin Donoghue to consider these related issues in conjunction with the subject development. See Attachment 1.1.



32 Hampshire Street



32 Hampshire Street
Condition Issues

This Public Hearing was advertised in the July 2 and 3, 2012 editions of the Portland Press Herald with a Legal Notice additionally published in the July 2 and 9, 2012 editions. The Public Hearing was noticed by mail to 200 neighboring property owners and interested parties. Legal Notice was additionally

At the request of the Planning Board, the applicant's requested map change was expanded for the purpose of advertisement to include all of the non-B-2b properties located west of India Street, north of Middle Street, east of Franklin Street, and south of Congress Street

II. Site Description

The applicant's holdings proposed for rezoning comprise nine parcels of property located between Hampshire Street and Franklin Street. The immediate development parcel(s) lies between Federal Street to the north and Newbury Street to the south. These parcels comprise the entirety of the city block formed by Hampshire, Federal, Franklin and Federal Streets excepting a single residential parcel.

Two additional lots located south of Newbury Street and west of Hampshire Street are also proposed for rezoning to B-2b.

Neighborhood Context: The Hampshire Street neighborhood is comprised of mostly mid-19th century frame residential structures located on close knit small lots oriented to the street. There is a well-established pattern of development and the area has retained an urban density that has been lost in many of the surrounding neighborhoods.



Hampshire Street looking north

Subject Buildings: The buildings owned by the applicants are a mix of residential structures which range from occupied multifamily blocks to vacant single family houses. Many of the buildings on lots considered for rezoning are distressed and vacant.

Historic Preservation: While the neighborhood is home to a sizable collection of "pre-fire" (earlier than 1866) buildings, the area is not a designated historic district. Planning staff with Historic Preservation Program staff have conducted a cursory evaluation of the subject buildings and determined that the majority of the buildings have lost their historic value due to alteration and/or deterioration. There is a brick apartment building at 96 Federal Street that is in solid condition and retains its original turn of the 20th century character and the applicant proposes to retain this structure. 32 Hampshire Street, which is now identified for demolition by the developer, presents more of a challenge as it

PLANNING BOARD REPORT PORTLAND, MAINE



Newbury Street Lofts
32 Hampshire Street and 160 Newbury Street
R-6 to B-2b Zoning Map Change and B-2b Text Change
Project ID: #2012-449
Hampshire Street Properties, LLC, Applicant

<p>Submitted to: Portland Planning Board: Public Hearing Date: July 24, 2012</p>	<p>Prepared by: Bill Needelman, Senior Planner Date: July 18, 2012 Planning Board Report #35-12</p>
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I. Introduction

At the request of Hampshire Street Properties, represented by Tom Federle, Federle/Mahone, and Kevin Bunker, Developer's Collaborative, the Planning Board is requested to hold a Public Hearing to review proposed zone map and text changes in the vicinity of 32 Hampshire Street and 160 Newbury Street. The applicant proposes changing the zone map on properties held by the applicant from R-6 to B-2b and to amend the text of the B-2b to allow taller structures near Franklin Street (without step backs,) smaller yard setbacks, and to clarify that multi-family residential dwellings are permitted near to (not only abutting) higher density residential zones.

The purpose of the proposal is to allow a 24 unit residential structure located along Franklin street with four floors of units over a single deck of parking built to approximately 58 to 65 feet in height. The proposal includes an additional attached 3 story commercial unit located at the corner of Newbury Street and Hampshire Street.

In addition to the dimensional requirement text changes, the map change to B-2b rezoning is needed to allow increased residential density, and for the proposed commercial uses. Anticipated uses for the commercial unit include a first floor restaurant and upper floor offices.

The Planning Board held an introductory workshop on the proposal on June 12, 2012 and the applicant held the required neighborhood meeting on June 1, 2012.

*4/6/12 Public comment; att. 1
+ additional*

*In addition to
to the site plan WS
held this afternoon*

SH. 9.6

4. Minimum lot width: None.
 5. Maximum structure height:
 - a. B-2 and B-2c zones: Forty-five (45) feet, except that on lots in excess of five (5) acres, sixty-five (65) feet is permitted; provided each of the minimum setbacks required under subsection (3) above are increased by one (1) foot in distance for each foot of height above forty-five (45) feet.
 - b. B-2b zone: Fifty (50) feet.
 6. Maximum impervious surface ratio: Eighty (80) percent in the B-2 and B-2c; Ninety (90%) percent in the B-2b.
- (c) Building additions: Building additions for residential and non-residential uses are not required to meet the maximum front yard setback for the maximum side yard on side street setback contained in this section.

M.H. 4.5

front yard shall be the yard adjoining the major street as determined by the highest traffic volume.

Where the front yard setback exceeds ten (10) feet, however, a continuous, attractive, and pedestrian scaled edge treatment shall be constructed along the street(s) consisting of street trees spaced at not more than fifteen (15) feet on center, (which otherwise meet the requirements of city arborist) and a combination of the following:

- i. Landscaping of no less than four (4) feet in depth; and
- ii. Ornamental brick or stone walls; and/or
- iii. Ornamental fencing.

The site shall otherwise meet the requirements of article V (Site Plan).

b. Rear yard:

- i. Principal structures: Ten (10) feet. Where a rear yard abuts a residence zone or first floor residential use, twenty (20) feet is required.
- ii. Accessory structures: Five (5) feet.

c. Side yard:

- i. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, ten (10) feet is required.
- ii. Accessory structures: Five (5) feet.
- iii. Side yards on side streets (corner lot): In the B-2 and B-2c zone, a minimum of ten (10) feet. In the B-2b zone, a maximum of ten (10) feet except that for any newly constructed building on a lot abutting two (2) or more streets, the maximum side yard shall apply to one street or to the side street that forms a corner with a major street as provided for in the maximum front yard provisions of this section.

- 2. Minimum street frontage: Fifty (50) feet.
- 3. Yard dimensions: (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum or maximum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks are required:

- a. Front yard:
 - i. Minimum front yard in B-2, B-2b and B-2c zones: None.
 - ii. Maximum front yard in the B-2 and B-2c zones: The maximum front yard setback shall not exceed the average depth of the front yard of the closest developed lots on either side of the lot in question unless the planning board or planning authority approves a modified setback pursuant to section 14-526 (a) (27) (j). For purposes of this section a developed lot means a lot on which a principal structure has been erected.
 - iii. Maximum front yard in B-2b zone (on-peninsula): The maximum front yard setback shall either be: (1) ten feet; or (2) in cases where the average depth of the front yard of the nearest developed lots on either side of the lot in question is less than ten (10) feet, the front yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.

In the B-2b zone the front yard shall be the yard adjoining the major street as determined by the highest traffic volume.
 - iv. Maximum front yard in B-2b zone (off-peninsula): None, except that the front yard setback shall not exceed the average depth of the front yards of the closest developed lots on either side of the lot. A developed lot means a lot on which a principal structure has been erected. In the B-2b zone the

- 5. Maximum residential density:
 - a. On-peninsula locations, as defined in section 14-47: Four hundred and thirty-five (435) square feet of land area per dwelling unit.
 - b. Off-peninsula locations, as defined in section 14-47:
 - i. Residential density requirements of the nearest adjacent residential zone shall apply except for multi-family dwellings above the first floor of commercial uses as provided in (ii) below.
 - ii. Multi-family dwellings above first floor commercial uses: One thousand (1,000) square feet of land area per dwelling unit is required.

- 6. Maximum structure height:
 - a. B-2 and B-2c zones: Forty-five (45) feet.
 - b. B-2b zone: Forty-five (45) feet, except in the case of a building with a commercial first floor and residential upper floors, where fifty (50) feet is allowed, and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed.

(b) Business and other non-residential uses:

- 1. Minimum lot size:
 - a. Intermediate, long-term and extended care facilities: Ten thousand (10,000) square feet.
 - b. Other non-residential uses where permitted:
 - i. B-2 zone: Ten thousand (10,000) square feet.
 - ii. B-2b zone: None.
 - iii. B-2c zone: Ten thousand (10,000) square feet.
 - c. Where multiple uses are on one (1) lot, the highest applicable minimum lot size must be met.

11.4.2

- i. Accessory structures: Five (5) feet.
 - ii. In cases where the height of a new building exceeds forty-five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum setback of fifteen (15) feet or an additional minimum setback of fifteen (15) feet.
- c. Side yard: Five (5) feet, except where the lot abuts a residential zone, where ~~twenty (20)~~ ten (10) feet is required.
- i. Accessory structures: Five (5) feet.
 - ii. In cases where the height of a new building exceeds forty-five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum setback of fifteen (15) feet; provided however that this provision does not apply to buildings located within sixty-five (65) feet of Franklin Street; .
- d. Side yard or rear yard on a ~~side~~ street: None.
- e. Maximum front yard: In the B-2, B-2b and B-2c zones; as provided for in section 14-185 (b) (3) (a), except that the maximum front yard setback need not apply in the case of a development meeting one (1) or more of the following standards:
- i. The lot has less than forty (40) feet of continuous frontage and the lot has a depth of more than one hundred (100) feet from the nearest street; or
 - ii. The structures on the lot meet the maximum front yard or are within twenty (20) feet of the street and the remainder of the lot has less than forty (40) feet of continuous street frontage.
- f. Pavement setback: For lots adjacent to a residential zone, pavement shall be set back a minimum of ten (10) feet from the side and rear property lines adjacent to the residential zone.
4. Maximum impervious surface ratio: 90%.

Att. 4.1

City of Portland
Code of Ordinances

Chapter 14 LAND USE

- Sec 14-181 (no text change proposed)
- Sec 14-182 (See below)
- Sec 14-183 (no text change proposed)
- Sec 14-184 (no text change proposed)

Proposed text change:

Sec. 14-182. Permitted Uses.

The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving a drive-through is prohibited in these zones unless otherwise provided in section 14-183:

(a) Residential:

- 2. Multi-family dwellings are permitted when the nearest residential zone ~~abutting the lot~~ is R-4, R-5, R-6 or R-7. Multi-family dwellings are permitted in any structure with commercial uses in the first floor regardless of the ~~abutting-nearest~~ residential zone;

All other text contained in Sec. 14-182 remains the same.

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses as permitted under sections 14-182(a) and (b) and newly constructed buildings with residential and non-residential uses shall meet the following requirements:

(a) Residential uses:

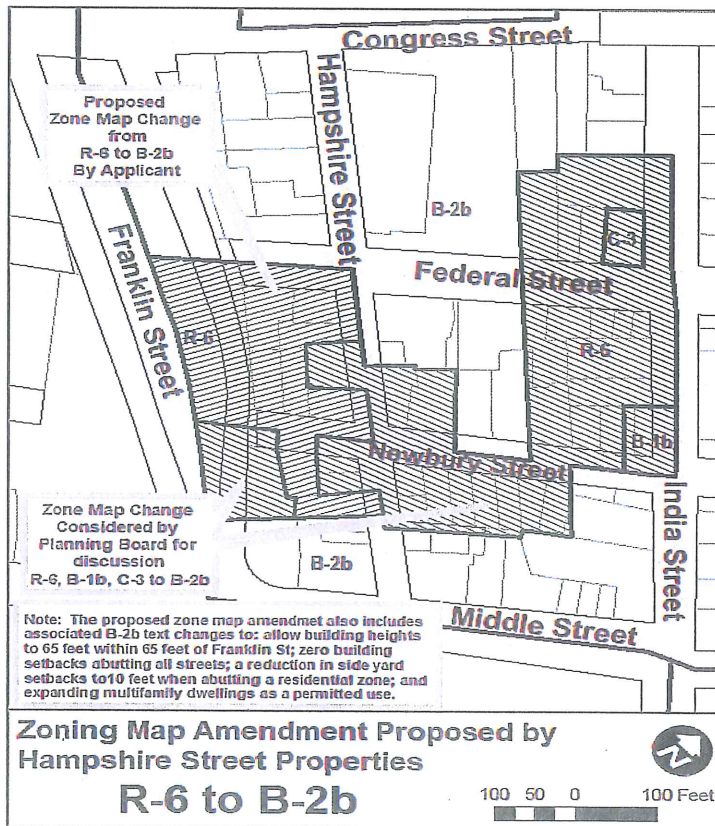
- 1. Minimum lot size: None.
- 2. Minimum street frontage: None.
- 3. Minimum yard dimensions:
 - a. Front yard: None.
 - b. Rear yard: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.

AH.3

IMPORTANT NOTICE FROM THE PORTLAND PLANNING BOARD TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF HAMPSHIRE STREET

The Planning Board will hold a Public Hearing to consider a map/zoning text amendment application by Hampshire Street Properties for the following properties: 24, 32 and 42 Hampshire St.; 96 and 100 Federal St.; and 160, 167 and 169 Newbury Street. The proposed map amendment is from R-6 to B-2b and the text amendments increase the bld. height to 65 ft. within 65 ft. of Franklin Street (between Federal and Newbury Streets); establish zero setbacks abutting all streets within 65 ft. of Franklin St. (between Federal and Newbury Streets); and reduce the side yard setback from 20 ft. to 10 ft. when abutting a residential zone.

The Board will also consider text changes for the B-2 zones to allow multifamily dwellings as a permitted use when located near higher density residential zones. Currently such uses need to abut a higher density residential zone. Public comments will be taken at this meeting.



The meeting will be held:

Tuesday, July 24, 2012
7:00 p.m.
City Hall, Room 209, 2nd Floor

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to William Needelman, Senior Planner, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 874-8722 or e-mail at wbn@portlandmaine.gov To access agenda materials on-line, please visit the following web address on or after the Friday preceding the meeting date:

<http://www.portlandmaine.gov/planning.htm>

16. GEORGE LLOYD 45 MILD/A ST-

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HAMPSHIRE STREET PROPERTIES

NEIGHBORHOOD MEETING

ZONE CHANGE REQUEST

June 1, 2012

5:00pm

Micucci's Grocery, 45 India Street

OLIVE

SIGN IN SHEET

Name	Address	Email Address
1. Hugh Najor	50 Federal	Hugh@Najor.net
2. Marie Chubbauer	151 Newbury St	marceda@gmail.com
3. Ed Gardner	151 Newbury St	Ed@oceangravity.com
4. JOE Malone	30 Highland St	joe@malonecb.com
5. Arlin Smith	88 Middle St.	arlin.smith@gmail.com
6. Andrew Pike	40 India St.	
7. Paula Foley-Stelmack	207 Fore St #1	mstelmack1@MAINE.PR.COM
8. RICHARD J. McBRIDE		
9. Tony Donouan	Portland	TDonouan@MAINE.PR.COM
10. Markus Miller	7 Atlantic St	
11. MARK STELMACK	207 Fore St. #1	
12. Phil Notis	139 Newbury St. #1	philnotis@gmail.com
13. [Faded Name]	[Faded Address]	[Faded Email]
14. Britt Vitalius	306 Congress St.	britt@vitalius.com
15. Allison Brown	125 Newbury St	abrown125@gmail.com

(Hugh Nazor) We don't know the future condition of Franklin. We don't know the timeline. We need more residential units to balance all the businesses. And residential needs parking.

(Kevin Bunker) The basic urban design problems were that: density was desired on site; but a human scale along Hampshire was appropriate. Also 1-2 buildings to preserve along Hampshire. So density wanted to be along Franklin, which was consistent with Franklin vision. Parking necessary for density, but narrowness of lot meant only place it could go was under building. No room for other uses on ground floor. Multiple competing issues that we have attempted to mediate.

(Markos Miller) Would you reduce parking using fee in lieu?

A: No.

(Allison Brown) This project is wonderful and exactly what the neighborhood needs.

(Dick McGoldrick) I'm totally in favor of this project, but I urge you to think carefully about a restaurant; there will be issues with the residential owners and parking will be a problem.

Q: Are there any ideas floating around out there for more parking?

A: The Intercontinental garage has unused capacity.

Hugh Nazor mentioned valet parking as a possibility to accommodate a cluster of restaurants in the area.

Q: What will you do if you do not get the zone change?

A: Nothing. We will be back to square one.

Q: Does the staff like your plan?

A: They have been very receptive thus far and have given us positive feedback.

Q: Will it delay your project if they look at the rest of the R6?

A: Hugh Nazor from public answered. Said the City has contacted neighborhood association and while the plan is not to delay any current development proposals there is general consensus that there should be a comprehensive look at the area's zoning which future projects would then be governed by. Hugh clarified that the Neighborhood Association supported the zoning change being requested and that the broader need for a comprehensive zoning scheme should not slow this zoning request down.

Q: Prices? Sizes?

A: 700-1700 sf; \$average \$275/sf; have received some unsolicited early interest

Q: Would you build less parking is you could?

A: No. All our market research suggests people expect and demand a parking space with a condo.

Q: What about parking for the proposed restaurant?

A: We will have a parking issue with a new building at 32 Hampshire; no parking on site; we are still working through options for parking associated with that corner lot.

Q: Will there be an intersection at Newbury & Franklin?

A: We don't know; that is part of a larger planning process on its own, and is likely to move at a slower timetable. We have taken substantial cues from the Neighborhood Association on both design and use of the property and we have also responded to their repeated request that we move forward with our redevelopment now, not later.

Q: How many sf is the lot for the condo building?

A: 12,981.

Q: What justifies the B2b? It speaks to a different urban texture. The potential Franklin connections add "opportunities" to the building and help with the B2b texture.

A: B2b is for high density urban settings like this neighborhood. Reconnecting severed street makes sense. But we were asked by the neighborhood to get going and we've got to do that based upon what we have. We are aware and hopeful that the Franklin reclamation will move forward but we don't have any way of knowing exactly when, whether or how.

Q: "Something" will happen. The building will need to engage Franklin. Many buildings have turned their back on Franklin. This building should not turn its back on Franklin. It is a pretty façade but it is the back of a building.

A: (David Lloyd) Completely disagrees. This will be the most dynamic façade on the entire Peninsula and will celebrate Franklin. The building faces Franklin not turns its back on it.

(Became more of an open discussion)

(Joe Malone) Likes the design; thinks we are doing the right thing relative to Franklin.

Hampshire Street Properties
Neighborhood Meeting Minutes

6/1/12

Meeting was held at Micucci's Grocery at 45 India Street. About 20 people attended. Tom Federle started the meeting shortly after 5pm and gave an introduction:

- We have had several informal neighborhood meetings over the past 12 months; this is the official Neighborhood Meeting required by the ordinance
- Meeting part of a zone change process
- Separate from site plan review
- Another official Neighborhood Meeting will be scheduled at time of submitting site plan application
- Proposing B2b change for properties we own
- Several other nearby owners are potentially interested in joining application to have their properties in the new B2b zone
- Requesting 65' height within 65' of Franklin
- 0' setback from streets
- Reduction in side yard setbacks when abutting residential zones

Building overview:

- Planning 26 units
- High density development up against Franklin
- 24 parking spaces on site with 2 off-site
- 96 Federal: a few possibilities including as-is; rehab, apts, condos, artist live-work, or apts w/1st floor gallery space
- 32 Hampshire: demo; redeveloped as commercial space; perhaps w/restaurant on 1st floor

Questions:

Q: What about property that you don't own on the block—will they clean up their property?

A: We can't speak for the owner; the owner has not expressed interest in selling; we are in touch with the owner but do not know what their intention is regarding maintenance of the property; believe the intention is to keep the building as a three-unit apartment.

Q: Façade materials?

A: Insulated metal panels, glass, metal siding, fiber cement

Q: What is zoning in the rest of the neighborhood

A: The B2b zone is above the block from Federal Street to Congress and below from Middle Street up to about halfway up the block below the development. Other areas of the neighborhood running towards India Street are a mixture of B2b and R6 with some small contract zones in the area as well.

Att. 2.2

FEDERLE | MAHONEY

Neighborhood Meeting Invitation

May 22, 2012

Dear Neighbor:

On behalf of Hampshire Street Properties, I am writing to invite you to join a neighborhood meeting to discuss an application for a zoning map and text amendment relating to a plan for redevelopment of properties located at 24 Hampshire Street, 32 Hampshire Street, 42 Hampshire Street, 160 Newbury Street, 167 Newbury Street, 169 Newbury Street, 96 Federal Street and 100 Federal Street. **The meeting information is as follows:**

- Meeting location:** 2nd Floor of Micucci's Grocery Store at 45 India Street (enter from Middle Street)
- Meeting date:** June 1, 2012
- Meeting time:** 5:00 pm to 6:15 pm

The City land use ordinance requires that property owners within 500 feet of the proposed development and residents on an "interested party" list be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call me at 207.841.4092.

Regards,

Thomas B. Federle

Note: Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street, Portland, ME 04101 or by email to: bab@portlandmaine.gov

3.2.1

FEDERLE | MAHONEY

Jennifer Yeaton, Office Manager
Planning and Urban Development
City of Portland
389 Congress St., 4th Floor
Portland, ME 04101

June 4, 2012

RE: Neighborhood Meeting Certification

Dear Jennifer:

I, Thomas B. Federle, on behalf of Hampshire Street Properties, hereby certify that a neighborhood meeting was held on June 1, 2012 at Micucci's Grocery at 45 India Street, Portland Maine at 5pm.

I also certify that on May 22, 2012 invitations were mailed to all addresses on the mailing list provided by the Planning Department, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

I am enclosing a copy of the invitation sent, the sign-in sheet, and the meeting minutes.

Best Regards,



Thomas B. Federle
Hampshire Street Properties

Enc.: Copy of invitation sent; sign-in sheet; meeting minutes

AH, 1.8

Regarding Hampshire St. Rezoning
From Email 7-3-12

Dear Bill and Alex

I'm the property owner of 26 Hampshire Street.

I've been in contact with Tom Federle about the re-zoning of my neighborhood from the R6 zone to B2.

The property to my left and behind are in the rezone plan. As of now, my property is not slated to rezoning; however, I would prefer to have my parcel included, if possible.

Not sure exactly how to go about doing so, but I'm hoping that you can point me in the right direction.

Regards,
Bethany Field
[207-344-9319](tel:207-344-9319)



MALONE

Commercial and Investment Real Estate

Malone Commercial Brokers, Inc.
5 Moulton Street
Portland, Maine 04101

Tel (207) 772-2422
Fax (207) 774-5114
www.malonecb.com

Att. 17

June 12, 2012

Bill Needleman
Portland Planning Department
Congress Street
Portland ME 04101

Dear Bill:

I am writing today regarding the Hampshire Street re-zoning project and Tom Federle's condominium project. I view these to be two in the same.

First and foremost I applaud the planning board for looking at zoning issues in the India Street corridor. There are many zones overlapping and it is important to find the appropriate zone to help foster the growth of the India Street neighborhood.

In specific the request to re-zone Hampshire Street to allow the condominium project to go forward is applauded by both me individually and by the India Street neighborhood association. I helped to start the neighborhood association specifically in regard to the Hampshire Street area and many of the vacated properties. Many in the neighborhood feel that these properties must be redeveloped if the area is to move forward. When we reached out to Donald Sussman, Tom Federle became involved and was extremely proactive. He has put together a quality team and they have moved forward at an impressive pace. Overall I think it is a fantastic project. It is exactly what the neighborhood needs in terms of scale and scope.

I strongly encourage the board to pass both the zone change and to push forward with the project. The team of Kevin Bunker, Tom Federle and Peter Bass have done a great job designing the project along architect David Lloyd. They sought feedback and more importantly they acted on it. This as proposed is one of the best new developments in greater Portland. I am anxious to see it happen in this neighborhood where we desperately need residents to support the small business community that is developing.

Thank you for your consideration.

Sincerely,

Joe Malone



Member of
International Council
of Shopping Centers

SERVING CLIENTS IN NORTHERN NEW ENGLAND SINCE 1970



Individual Member

ALL
NOTES

June 11, 2012

To the Planning Board

Recently a number of projects in the India Street Neighborhood have been presented to the planning board for approval. Among them is the Hampshire Street Properties. They have recently submitted a proposal for a map zoning text amendment from R-6 to B2b with a building height to 65 feet within 65 feet of Franklin Street. As an owner resident on Newbury Street, I completely support this amendment and the project as it has been presented.

The demand for residential and commercial space in this neighborhood has increased. With the Hampshire Street Properties project revitalizing what is now a rundown and underutilized area of Newbury, Hampshire and Federal Streets some of that demand will be met. The request for 65 feet along Franklin Street is certainly in keeping with the other buildings that run along Franklin right down to Commercial Street. This dynamic modern structure will be a welcome addition to the Franklin St corridor.

Thank you.

Allison Brown
President, India Street Neighborhood Association



AT 115

June 10, 2012

Dear Chair Morrissette, and members of the Planning Board;

We members of the Franklin Reclamation Authority are a group of citizens advocating for the transformation of Franklin Street into a vibrant, mixed-use corridor that promotes economic development, and balances the needs of automobiles, pedestrians, and bicycles. We would like to take this opportunity to offer our perspective on the zoning map change and text amendments proposed by Hampshire Street Properties.

This proposed re-development of this area of the India Street neighborhood is an exciting prospect, and we are eager to support the developer's request; though we feel the following conditions must be met in order for the Planning Board to grant the request:

- The development must actively engage Franklin Street. Preliminary plans showing a 1st floor parking deck along the entire length of Franklin Street contradict active engagement, and must be re-considered.
- The connection of Federal and Newbury Streets to Franklin Street should be considered, and if these connections will not be made as a part of this development, funding should be provided by the developer to reserve as contribution to the future construction of these connections.
- The corner locations facing Franklin Street (at Federal and Newbury) must be designed in a manner that supports the re-connection of these streets to the urban grid. These important corners should create minor gateways from Downtown into the India Street neighborhood. These corners should have strong architecture, functioning entrances, active street-side uses, and a robust pedestrian realm.

We are all eager to see the India Street neighborhood further developed as a model of a modern walkable neighborhood; strongly connected to adjacent neighborhoods and the downtown. In order for this development to support that vision, the design must not turn its back on Franklin Street, or the connections across Franklin. Though the final designs for Franklin Street are not yet in place, there is ample enough shared-vision and existing policy to enable this project to move forward with a design that will respond to and support the vision for Franklin Street. Indeed; the only way Franklin Street will be successfully redeveloped is through projects such as this one leading the way; providing the necessary elements to embrace the street, and doing its part to support the community and the neighborhood.

With these concerns satisfied, our group would enthusiastically support the developer's request for this re-zoning and associated text changes. As the project moves forward, we look forward to working with the City and the developer to realize the great potential this project brings for the neighborhoods and the larger community.

Sincerely,
Jaime Parker
Franklin Reclamation Authority

William Needelman - The Hampshire St Project

H. 13

From: ISNA <info@indiastreet.org>
To: Bill Needelman <wbn@portlandmaine.gov>
Date: 6/8/2012 3:21 PM
Subject: The Hampshire St Project

Planning Board Members

The Hampshire Street Project.

The India Street Neighborhood Association has had many meetings involving the subject project three have been advertised, public meetings. Tom Federle and various others have met with us for months, beginning long before there were any firm plans. Their involvement with the community has been full and open from the beginning. In all of the meetings they have used our input to help guide, design and time the project.

The hampshire street blocks are an example of the blight that grew in our neighborhood as a result of the creation of the Franklin Arterial. Many dwelling units were padlocked and buildings were beyond rehabilitation. We were and are eager to have this specific small area redeveloped. Existing zoning, almost everywhere in the ISN, does not allow the construction of the kinds of developments that the ISN wants and for which there is an increasing market demand, This project is as near perfect as we could wish.

We have heard a very small minority who only want brick or other more usual construction in the ISN. Of course, some people do not come to neighborhood meetings and just quietly form opinions from what they happen to pick up. Perhaps, if they participated, they would have a different opinion. In any case this is just what the ISNA has been seeking and the community needs.

Please accept this proposal.

Hugh Nazor 6/8/2012

A# 113

Dr. Darcy Thomas
142 Lake Street
Arlington, MA 02474
Owner of 40 Hampshire St
Portland, ME 04101

City of Portland Planning Board, Carroll Morrisette, Chair
City of Portland, Maine
389 Congress Street
Portland, ME 04101-3509

June 4, 2012

Dear Carroll Morrisette,

I am writing to you regarding the proposal to change the zoning, height, and setbacks around Hampshire Street. I am the current owner of 40 Hampshire Street in Portland. The plans for development around my property will dramatically change my neighborhood. I have been thinking about the proposed changes and how that will impact me. Although I welcome plans that will improve my neighborhood, I am afraid my property will lose some important aspects that I cherish in a living space.

Of the proposed changes, I am neutral regarding the proposal to change the zoning on Hampshire Street. However, if the zoning surrounding my property is changed to B-2b from R-6, I would like to be included in this change seeing that my property lies in the middle of the proposed development.

I am not in favor of the proposed change to decrease setbacks from 20 feet to 10 feet. Along the south and north side of my property, this will not significantly affect me, but it will negatively affect me along the west side of my property. With the present one story garage to my west side, I currently have open space and light coming through my west side windows. With the proposed plan, I would have a large building to my west side blocking the light and open space that is now there. With 10 foot setbacks in addition to a building up to 65 feet high, there would be minimal light and space which are elements I do not want to give up. As far as the height increase, I am also weary of a change in my surroundings that may affect the light in my own space. As mentioned above, the height increase will also shadow my building and take away a large amount of afternoon light that now brightens my property.

I also am concerned about how this large project will affect everyone living at 40 Hampshire Street. It is a huge construction, and I would like to hear more about how my building and everyone there will be protected during this development process.

I do not want to impose negatively on welcome improvements, but I want to express my concerns as to how my property and all living there may be affected by these major changes.

Sincerely,

Darcy Thomas

Comments from Christian Milneil to Planning Board
June 1, 2012

I just stopped by City Hall to have a look at the preliminary drawings for the Hampshire Street project, and they stink. Not only is there a blank parking garage wall on Franklin Street, but also on Newbury and Federal. There are no active street-level uses whatsoever - no windows and no doors except the gaping maw of the garage.

At least it would make a nice place for homeless folks to hang out (the Walker Terrace building on Congress Street recently had to install taller fences to keep the homeless out of its own street-level garage). Call it street-level retail for the meth trade.

The developer is Kevin Bunker, who's a good guy and receptive to neighbor concerns. Part of the problem is that the city is forcing him to provide lots of parking on a small site, with two entrances to his garage. That dictates that garage entrances have to be on ground level on Newbury and Federal, where they'd take up the entire street-level frontages. There's no room for ramps leading underground without losing the required amount of space for parked cars.

Here's how the city could help: 1) reduce parking requirements; 2) sell or deed the developers a 10' strip of land that's currently the right-most lane of Franklin Street (which, as the phase 1 study noted, should go away anyhow) to give the building some extra space and hide the garage behind a street-level lobby or something; 3) allow them to build a driveway leading into the garage from Franklin Street at its current level, such that the garage would be below the grade of Federal and Newbury; 4) in anticipation of the imminent reconstruction of Franklin, the city can waive certain street infrastructure costs (like sidewalk construction and street trees) in exchange for requiring the developers to build a more-expensive underground garage.

As it's currently designed, I'm pretty sure that the plans would fail to meet the city's design standards that require active street-level facades. So there's legal justification to complain about this stuff, and I'm confident that most planning board members would agree with us. Still, as many neighbors as possible should speak out about this.

For the current planning board meeting it looks like they're only asking for a rezoning, from R6 to B2b. The site plan application, anticipated later this summer, would have more architectural details. I think it's worth it for us to support the rezoning with a strong caveat that we'll be holding their feet to the fire for active street-level facades.

I'm copying Kevin and Bill Needelman on this. Bill, could you please share these comments with the Planning Board as public testimony? Thanks,
-Christian

<http://christianmilneil.com>

The Vigorous North:
A field guide to the wilderness areas of American cities.

<http://www.vigorousnorth.com>

Dear members of the Planning Board,

I'm writing in support of the proposed map amendment from R6 to B2B sought by Hampshire Street Properties. With it's frontage on an arterial and being across the street from intensely developed B3 zones, B2B, which represents a modest upzone from the R6, is appropriate. The text amendments sought to the B2B should be given your critical consideration and in pursuit of the answer to the question of what conditions provide for this degree of change in the underlying B2B. Granted, the project is on Franklin Street, but to date, the project does not engage Franklin Street. Also, while this is an appropriate location to consider this urban scale of development, it demands a companion urban scale on the street network, including the possibility of reconnecting East Newbury and/or East Federal Streets to the outbound lanes of Franklin Street. The text amendments sought for height and setbacks to the B2B become more appropriate if this is a corner parcel rather than part of a superblock. Moreover, if this is the intensity of development we will continue to see in the "Rectangle Beneath Congress," we will need a street grid to support it. With this project holding the would-be corners of E Newbury and E Federal at Franklin Street, and seeking such a substation upzoning by way of the map amendment, but especially the text amendment, reconnecting aspects of the street grid should be considered in conjunction with its approvals, Thanks for your attention.

All Best,
Kevin Donoghue
City Council, District One

Att. 4.6

4. Minimum lot width: None.
 5. Maximum structure height:
 - a. B-2 and B-2c zones: Forty-five (45) feet, except that on lots in excess of five (5) acres, sixty-five (65) feet is permitted; provided each of the minimum setbacks required under subsection (3) above are increased by one (1) foot in distance for each foot of height above forty-five (45) feet.
 - b. B-2b zone: Fifty (50) feet.
 6. Maximum impervious surface ratio: Eighty (80) percent in the B-2 and B-2c; Ninety (90%) percent in the B-2b.
- (c) Building additions: Building additions for residential and non-residential uses are not required to meet the maximum front yard setback for the maximum side yard on side street setback contained in this section.

11.4.5

front yard shall be the yard adjoining the major street as determined by the highest traffic volume.

Where the front yard setback exceeds ten (10) feet, however, a continuous, attractive, and pedestrian scaled edge treatment shall be constructed along the street(s) consisting of street trees spaced at not more than fifteen (15) feet on center, (which otherwise meet the requirements of city arborist) and a combination of the following:

- i. Landscaping of no less than four (4) feet in depth; and
- ii. Ornamental brick or stone walls; and/or
- iii. Ornamental fencing.

The site shall otherwise meet the requirements of article V (Site Plan).

b. Rear yard:

- i. Principal structures: Ten (10) feet. Where a rear yard abuts a residence zone or first floor residential use, twenty (20) feet is required.
- ii. Accessory structures: Five (5) feet.

c. Side yard:

- i. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, ten (10) feet is required.
- ii. Accessory structures: Five (5) feet.
- iii. Side yards on side streets (corner lot): In the B-2 and B-2c zone, a minimum of ten (10) feet. In the B-2b zone, a maximum of ten (10) feet except that for any newly constructed building on a lot abutting two (2) or more streets, the maximum side yard shall apply to one street or to the side street that forms a corner with a major street as provided for in the maximum front yard provisions of this section.

#H, 4.4

2. Minimum street frontage: Fifty (50) feet.
3. Yard dimensions: (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum or maximum yard of another structure.)

Except as provided in subsection (5) below, the following setbacks are required:

- a. Front yard:
 - i. Minimum front yard in B-2, B-2b and B-2c zones: None.
 - ii. Maximum front yard in the B-2 and B-2c zones: The maximum front yard setback shall not exceed the average depth of the front yard of the closest developed lots on either side of the lot in question unless the planning board or planning authority approves a modified setback pursuant to section 14-526 (a) (27) (j). For purposes of this section a developed lot means a lot on which a principal structure has been erected.
 - iii. Maximum front yard in B-2b zone (on-peninsula): The maximum front yard setback shall either be: (1) ten feet; or (2) in cases where the average depth of the front yard of the nearest developed lots on either side of the lot in question is less than ten (10) feet, the front yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.

In the B-2b zone the front yard shall be the yard adjoining the major street as determined by the highest traffic volume.
 - iv. Maximum front yard in B-2b zone (off-peninsula): None, except that the front yard setback shall not exceed the average depth of the front yards of the closest developed lots on either side of the lot. A developed lot means a lot on which a principal structure has been erected. In the B-2b zone the

- 5. Maximum residential density:
 - a. On-peninsula locations, as defined in section 14-47: Four hundred and thirty-five (435) square feet of land area per dwelling unit.
 - b. Off-peninsula locations, as defined in section 14-47:
 - i. Residential density requirements of the nearest adjacent residential zone shall apply except for multi-family dwellings above the first floor of commercial uses as provided in (ii) below.
 - ii. Multi-family dwellings above first floor commercial uses: One thousand (1,000) square feet of land area per dwelling unit is required.

- 6. Maximum structure height:
 - a. B-2 and B-2c zones: Forty-five (45) feet.
 - b. B-2b zone: Forty-five (45) feet, except in the case of a building with a commercial first floor and residential upper floors, where fifty (50) feet is allowed, and except for the portion of a building located within sixty-five (65) feet of Franklin Street, where sixty-five (65) feet is allowed.

(b) Business and other non-residential uses:

- 1. Minimum lot size:
 - a. Intermediate, long-term and extended care facilities: Ten thousand (10,000) square feet.
 - b. Other non-residential uses where permitted:
 - i. B-2 zone: Ten thousand (10,000) square feet.
 - ii. B-2b zone: None.
 - iii. B-2c zone: Ten thousand (10,000) square feet.
 - c. Where multiple uses are on one (1) lot, the highest applicable minimum lot size must be met.

- i. Accessory structures: Five (5) feet.
- ii. In cases where the height of a new building exceeds forty-five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum setback of fifteen (15) feet or an additional minimum setback of fifteen (15) feet.

c. Side yard: Five (5) feet, except where the lot abuts a residential zone, where ~~twenty-(20)~~ten (10) feet is required.

- i. Accessory structures: Five (5) feet.
- ii. In cases where the height of a new building exceeds forty-five (45) feet adjacent to a residential zone, the portion of the building exceeding forty-five (45) feet shall have a minimum setback of fifteen (15) feet; provided however that this provision does not apply to buildings located within sixty-five (65) feet of Franklin Street;

d. Side yard or rear yard on a ~~side~~ street: None.

e. Maximum front yard: In the B-2, B-2b and B-2c zones; as provided for in section 14-185 (b) (3) (a), except that the maximum front yard setback need not apply in the case of a development meeting one (1) or more of the following standards:

- i. The lot has less than forty (40) feet of continuous frontage and the lot has a depth of more than one hundred (100) feet from the nearest street; or
- ii. The structures on the lot meet the maximum front yard or are within twenty (20) feet of the street and the remainder of the lot has less than forty (40) feet of continuous street frontage.

f. Pavement setback: For lots adjacent to a residential zone, pavement shall be set back a minimum of ten (10) feet from the side and rear property lines adjacent to the residential zone.

4. Maximum impervious surface ratio: 90%.

Att. 4.1

City of Portland
Code of Ordinances

Chapter 14 LAND USE

- Sec 14-181 (no text change proposed)
- Sec 14-182 (See below)
- Sec 14-183 (no text change proposed)
- Sec 14-184 (no text change proposed)

Proposed text change:

Sec. 14-182. Permitted Uses.

The following uses are permitted in the B-2, B-2b and B-2c zones except that any use involving a drive-through is prohibited in these zones unless otherwise provided in section 14-183:

(a) Residential:

- 2. Multi-family dwellings are permitted when the nearest residential zone ~~the lot is~~ abutting R-4, R-5, R-6 or R-7. Multi-family dwellings are permitted in any structure with commercial uses in the first floor regardless of the ~~abutting nearest~~ abutting nearest residential zone;

All other text contained in Sec. 14-182 remains the same.

Sec. 14-185. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses as permitted under sections 14-182(a) and (b) and newly constructed buildings with residential and non-residential uses shall meet the following requirements:

(a) Residential uses:

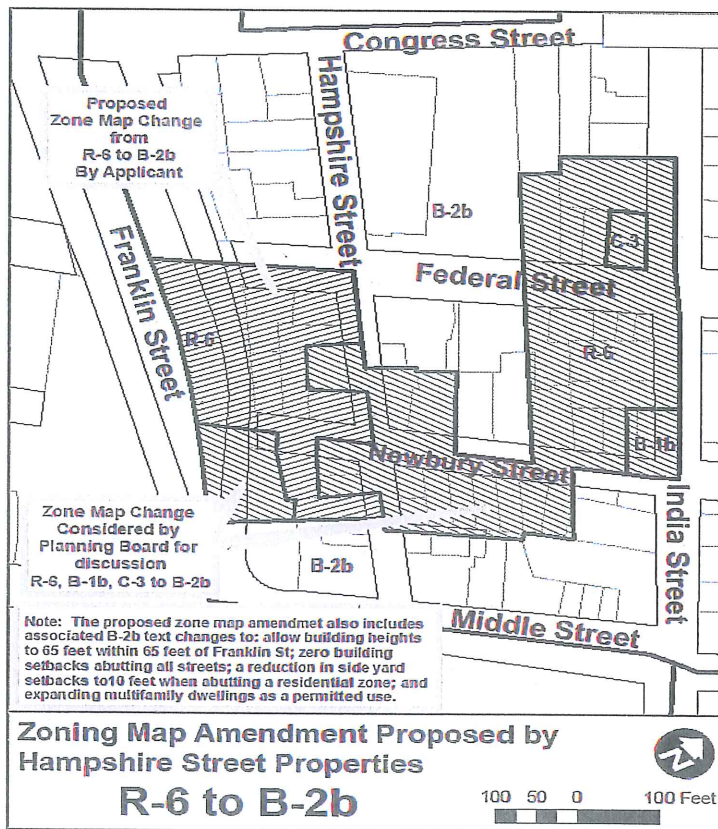
- 1. Minimum lot size: None.
- 2. Minimum street frontage: None.
- 3. Minimum yard dimensions:
 - a. Front yard: None.
 - b. Rear yard: Ten (10) feet, except where the lot abuts a residential zone, where twenty (20) feet is required.

AH.3

IMPORTANT NOTICE FROM THE PORTLAND PLANNING BOARD TO RESIDENTS AND PROPERTY OWNERS IN THE VICINITY OF HAMPSHIRE STREET

The Planning Board will hold a Public Hearing to consider a map/zoning text amendment application by Hampshire Street Properties for the following properties: 24, 32 and 42 Hampshire St.; 96 and 100 Federal St.; and 160, 167 and 169 Newbury Street. The proposed map amendment is from R-6 to B-2b and the text amendments increase the bld. height to 65 ft. within 65 ft. of Franklin Street (between Federal and Newbury Streets); establish zero setbacks abutting all streets within 65 ft. of Franklin St. (between Federal and Newbury Streets); and reduce the side yard setback from 20 ft. to 10 ft. when abutting a residential zone.

The Board will also consider text changes for the B-2 zones to allow multifamily dwellings as a permitted use when located near higher density residential zones. Currently such uses need to abut a higher density residential zone. Public comments will be taken at this meeting.



The meeting will be held:

Tuesday, July 24, 2012
7:00 p.m.
City Hall, Room 209, 2nd Floor

Plans are available in the Portland Planning Division, 4th Floor, City Hall. If you wish to submit written comments, address them to William Needelman, Senior Planner, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 874-8722 or e-mail at wbn@portlandmaine.gov To access agenda materials on-line, please visit the following web address on or after the Friday preceding the meeting date:

<http://www.portlandmaine.gov/planning.htm>

16. GEORGE LLOYD 45 MICH/1 ST-

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Planning Board
Hampshire St

7-29-12

Site Plan - 5th - Outside

Threshold for TODM?

9000 Δ proposed

50,000 Δ threshold

JF described project

Engage Franklin - Take away
32 Hampshire St - working to
work @ existing building

Need 29 parking units

Canopy to Franklin

Convertible space added/franklin

Declaration of Condo retaining ability
to renegotiate party to reclaim

32 Hampshire St. - Either mixed use bldg &
restore existing building

New building can connect w/ stair/elevator

Exploring options w/ D. Thomas -

Board trying to integrate images

DB PH(?)

JF Get final material to staff, PH Sept or late
August

DB. Parking - Comment

JF! Fee or view

DB Other building?

JF Same or new use

96 Fed, same ownership
Clarify w/ merge - separate

TF 96 Fed not part of site plan

DB ?

PV

Appearance of Fed corner, can put
door & canopy in place
(keeping outdoors)

TF possible

Public:

Zoe Solz: Neighbor on Hampshire, understand
desire to engage Franklin, but vacancies
will be "death knell" to plan project.
Retail zone but doesn't work to mouse
- don't want to see more vacancies
Extremely concerned

Zoe Kurland: 1 Prop in neighborhood -
Supportive, complementary, Don't ~~let~~ let
Franklin derail project - New urbanist
- Eat our own young - Too much
Retail - Biz for project

Sally Oldrum: SPHM - Strong interest in
the Indian St. neighbor - look forward to
talk w/ Applicant on 32 Hampshire

Allison Brown: ISNA - Newbury St to Bluff St,
Hampshire St. Properties will help whole
neighborhood - Assoc. supports project.
Support Franklin process, but don't
want -

Hugh Faxon: Rep 7 other ISNA neighbor @ meeting
support Franklin, but don't put empty retail

32 Federal - Neighborhood doesn't support
presentation of this B106,
connections across Franklin not
supported - Bed yes w/ redesigned
Franklin. Post stop project

Don Elliot: Strongly supports Franklin
project. New sidewalk, Bed
connection viable, 2 line street
all that is needed - lots of land
Building garage on 1st floor -
if there was a single line
Franklin from Federal - ~~then~~ allow
for Newbury entrance
100 year issue - wise to potentially
address Franklin.

Robert Kerner: Excited B106, concerns expressed
all "verboten" Franklin - see
Hanson letter - agrees

Arden Smith: Owner says / oyston line -
got to see change - vacant buildings
crime is ugly - welcome this
change - pretend not needed -
Residential is what neighborhood needs.

Belen Field: CEO what was said.
excited about new neighbors -
not supportive of details.

Don Elliot: Clarify not necessarily sterile,
- more about entrance

Could garage be one level from
Federal

KB: Fundamentally wrong, many entrances
eliminates most valuable space for B106

PV: Parking on lot -

DK: \$7, KB discusses, don't want to
move core - can't show w/ 32 Humphreys
described issue w/

Deliberations -

PV: Exterior entrance to Franklin?

DK: Cost, Marketability issues, loss of health
space, need city show (TF)

KB: Cost associated - security issue -
difficult from secure entrance

PV: Cont'd stoop for B106?

KB: looked @ - \$56K w/ no value
"Door to nowhere"

PV: Higher Build - discussed?

gen discussion - Howler's issue

SL: Same issue w/ Sculpture garden

DK: Part of Higher hood -
much discussed

TF: need city land

SL: Reconcil - huge proponent
project - great. Ready for PH?

TF

helpful to hear

SL

not a trivial process to date
"Don't really care about Franklin" -
need to see something to meet
B1/B2 standards
"Stoops to nowhere"

KB

Hempshire the B place to engage
neighborhood,

SL

~~Just do sound~~

Support 32 Hempshire the new building.

TF

need to address 4 streets.

DS
Public

Christine Mutual;
Neighbor - Supportive (housing), Challenging
developers to ~~develop~~ streetscape improvements.
Bine Ped Issues - need more eyes on
streets - Parking garage - noted
CPTED, "Natural Surveillance"
Port's Support "Root to nowhere"

DS,

Don't see needing to engage 4 streets
the same - on Franklin, work the neighborhood.
- meets the standard now -

TD,

convertibility) garage space - show standard
Agree w/ DS. Hempshire & DS part
like the annex - support convertibility
Support as designed - visually unimpaired
Question materials?

DT

metal & cement remold

TP Reply for PH

Row needs further - where will it
move? BH - Probably E.

No obligations

BH agrees w/ DS, TD. Support
Canopies & convertibility. Support

then building on 32 Hampshire.
When 1st floor parking, make it
as interesting as possible
Market & A Res.

would request contribution to Newbury
St.

PV Fee? Under

can Port support further detail

with all sides beautiful

This development will detail what
happens to further it. - Push it to

HP - Would love to see more contemporary
designs - Start it here.

KB Clarification - Further / Fed Council
Built or future

PV Build it now

DS Put glass in now, if possible

1) Canopy would be improvement -

TF) MA don't want to look on Council

2) Newbury Council?

TD - Yes

Memorandum
 Planning and Urban Development Department
 Planning Division



To: Carol Morrissette, Chair and Members of the Portland Planning Board

From: Bill Needelman, Senior Planner

Date: July 20, 2012

Re: Newbury Street Lofts, 160 Newbury Street, Hampshire Street Properties, Applicants

Project #: 2012-540 CBL: 28-I -4,5,6,9,10 and 12; 28-O-3 and 8

Meeting Date: July 24, 2012

Note Ewerle public comment

I. Introduction

At the request of Hampshire Street Properties, represented by Tom Federle, Federle/Mahone, and Kevin Bunker, Developer's Collaborative, the Planning Board is requested to hold a workshop to review proposed subdivision and site plan for a mixed use development in the vicinity of 32 Hampshire Street and 160 Newbury Street. The project is simultaneously pursuing a R-6 to B-2b zoning map amendment and B-2b zone text change and the subject development is predicated on these amendment approvals by the City Council.

*Daniel
Hoyt
Steven
Busby*

The proposal is for a 24 unit residential structure located along Franklin Street with four floors of units over a single deck of parking built to approximately 58 to 65 feet in height. The proposal includes an additional attached 3 story commercial unit located at the corner of Newbury Street and Hampshire Street.

The Planning Board is asked to hold an introductory workshop on the proposal based on a preliminary application understanding that more detailed civil engineering and design materials will be required prior to scheduling a Public Hearing.

The applicant held the required neighborhood meeting on July 17, 2012.

This workshop was advertised in the July 2 and 3, 2012 editions of the Portland Press Herald and was noticed by mail to 200 neighboring property owners and interested parties.

II. Required Reviews

The proposal is subject to Level III Site Plan, and Subdivision

Waivers	Standards Reference
Transit Facility	Site Plan Standards - 14-526(a)3.d. Waiver of requirement to construct a public transit facility
Site Plan Review	Site Plan Standards – 14-526
Subdivision	Subdivision Standards - Section 14-497

III. Site Description

(Note the following site description and proposed development descriptions are taken from the concurrent rezoning Public Hearing report)

The applicant's holdings comprise nine parcels of property located between Hampshire Street and Franklin Street. The immediate development parcel(s) lies between Federal Street to the north and Newbury Street to the south. These parcels comprise the entirety of the city block formed by Hampshire, Federal, Franklin and Federal Streets excepting a single residential parcel.

Two additional lots located south of Newbury Street and west of Hampshire Street are also proposed for rezoning to B-2b. These lots are home to dilapidated structures and are proposed to be cleared of their existing buildings and to be loamed and seeded for development at a later date.

Neighborhood Context: The Hampshire Street neighborhood is comprised of mostly mid-19th century frame residential structures located on close knit small lots oriented to the street. There is a well-established pattern of development and the area has retained an urban density that has been lost in many of the surrounding neighborhoods. Newbury Street is located downhill from Federal Street providing a generally southerly slope to the site with a +- 10 foot drop in grade.



Hampshire Street looking north

Subject Buildings: The buildings owned by the applicants are a mix of residential structures which range from occupied multifamily blocks to vacant single family houses. Many of the buildings on lots considered for rezoning are distressed and vacant.

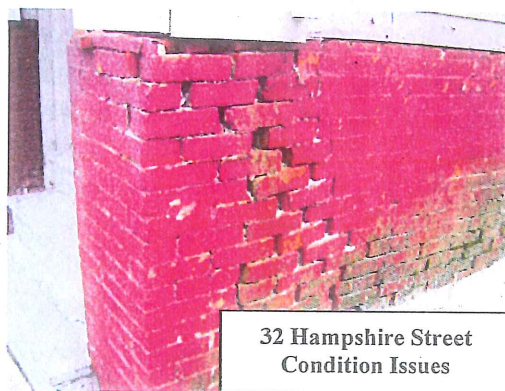
Historic Preservation: While the neighborhood is home to a sizable collection of “pre-fire” (earlier than 1866) buildings, the area is not a designated historic district. Planning staff with Historic Preservation Program staff have conducted a cursory evaluation of the subject buildings and determined that the majority of the buildings have lost their historic value due to alteration and/or deterioration. There is a brick apartment building at 96 Federal Street that is in solid condition and retains its original turn of the 20th century character and the applicant proposes to retain this structure. 32 Hampshire Street, which is now identified for demolition by the developer, presents more of a challenge as it appears to have retained original Greek revival architectural detail; but, also displays significant deterioration. If the applicant continues to propose demolition of 32 Hampshire Street, the Historic Preservation program will need to make a determination regarding it’s eligibility for designation as a protected historic structure.

Without a historic district in place, the question is whether or not 32 Hampshire Street warrants designation as an “individual landmark” – presenting a higher bar for consideration than designation as a “contributing structure” within a broader district context.

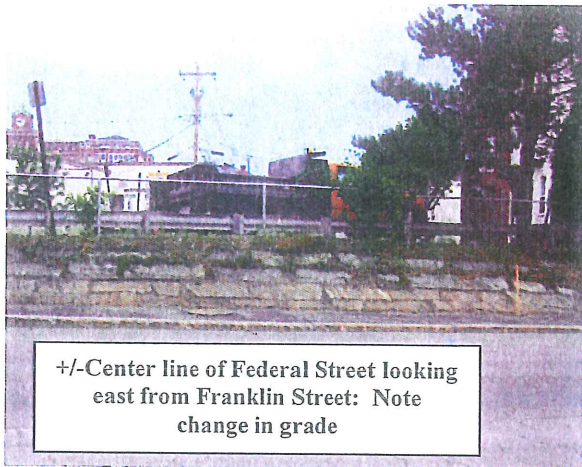
Franklin Street: The street grid in the subject area was significantly interrupted by the 1960’s construction of Franklin “Arterial” which truncated Federal and Newbury Streets at the westerly edge of the subject properties. Franklin Street, which is depressed below its historic topography, presents challenges to the development and the neighborhood due to its width, vehicle speeds and highway-style design. While there have been and continue to be ongoing evaluations of how Franklin Street should redevelop in the future, the feasibility analysis for preliminary concepts has not yet been conducted. Much of the planning for Franklin Street has considered the potential to reconnect Federal Street, Newbury Street, or both streets to Franklin. The applicant’s proposal has raised the question of street reconnection and the Board has been asked by the District City Councilor, Kevin Donoghue to consider these related issues in conjunction with the subject development. See Attachment 1.1.



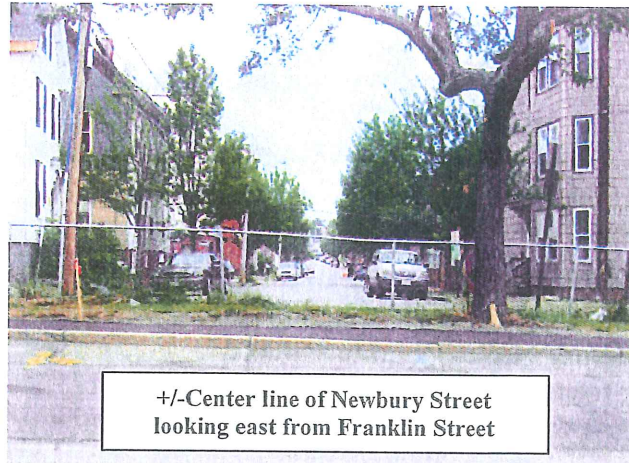
32 Hampshire Street



32 Hampshire Street
Condition Issues



+/-Center line of Federal Street looking east from Franklin Street: Note change in grade



+/-Center line of Newbury Street looking east from Franklin Street

The geometric relationship between Newbury Street and the easterly edge of the Franklin Street right of way changed little in during the 1960's arterial reconfiguration. At Federal Street, however, Franklin was depressed below its historic elevation complicating, but not eliminating the potential for reconnection. Planning Staff and the applicants will work together to integrate future Franklin Street planning with development of the subject property.

Sidewalks Pedestrian Circulation: As of the writing of this memo, the Department of Public Services is constructing a new Franklin Street sidewalk along the subject properties. Running from Middle Street to Congress Street, the Franklin Street sidewalk will significantly improve pedestrian connectivity in the area from the waterfront to the central portion of the Peninsula. Newbury and Federal Street both have older brick sidewalks +/-6-8 feet wide running from Franklin to Hampshire Street. Both Newbury Street and Federal Street sidewalks are in passable condition, but are in need of incremental repair. Hampshire Street has been rebuilt within the last few years and has a +/-4 foot brick sidewalk in excellent condition.

Current Zoning: Zoning for the area is a mix of R-6 and B-2b with the residential zoning concentrating on areas with a consistent residential fabric. To the east along India Street, two smaller lots exhibit differing zones; one as a B-1, neighborhood business zone, and another as an early conditional rezoning. South of Congress Street, the B-2b, however, is dominant and interweaves into the residential areas and from the street one may not know where the B-2b/R-6 zone lines begin and end based solely on existing use and development patterns. A map of existing zoning and the proposed lots for amendment are provided in Attachment 3 of this report.

IV. Proposed Development

The applicant's submission includes project data and a description of the proposed use of the property followed by concept plans and renderings. (See Attachments A, B and E.) In summary, the applicant is proposing to demolish 7 structures containing approximately 19 apartment units and a single story garage. The proposed development includes 24 units of residential

condominiums in a building located adjacent to Franklin Street and an abutting three-story commercial structure located at the corner of Hampshire and Newbury Street.

196 Federal Street, the brick apartment building at Hampshire and Federal Streets is proposed to be retained as a stand-alone building and may be converted to mixed live/work artist's studios, which are allowed under the B-2b zoning, but not under the R-6.

As of the previous workshop, the area of greatest uncertainty with the site involved 32 Hampshire Street, which was noted in the Historic Preservation discussion above. The applicants are currently proposing a new structure on the site of 32 Hampshire Street, which requires the demolition of the Greek revival wood framed structure. Re-use of 32 Hampshire Street is no longer being considered due to its configuration and deteriorated condition.

The two parcels located south of Newbury Street that are proposed for rezoning are intended to have their existing structures demolished to make way for future development.

The project is designed to have all access for the residential structure to connect to Newbury and Federal Streets. First floor parking decks with drive entrances and garage doorways are proposed for both Newbury and Federal with 11 spaces accessed from Federal and 13 spaces accessed from Newbury Street. Primary pedestrian access is from Newbury Street with a pathway connection to Federal providing secondary pedestrian access.

The commercial structure shows a corner pedestrian entrance at Hampshire and Newbury for the first floor, and access to the residential lobby and shared use of the stairways and elevator for circulation to the upper two commercial floors.

8 bike racks are shown around the site and additional bike parking is proposed within the garage.

A landscaped plaza and garden area on Hampshire Street is proposed as an amenity of the site and buffer for the abutting residential neighbor. Art installations are additionally proposed as a component of the plaza and will be detailed within the final submission.

V. Development Considerations

Attachment H of the applicant's submittal includes a narrative describing the project's relationship to the applicable development standards of the Site Plan Ordinance.

As noted above, the Board is asked to review the application as a preliminary submission in advance of a more detailed and complete final submission in the future. The workshop is an opportunity to become familiar with the direction of the project, to identify significant issues, and to provide direction to the applicants in advance of their final submission. It is anticipated

that the applicant will look to return to the Board with a final application for Public Hearing in September.

Development Review Issues:

- o Parking: The proposal shows one parking space on site for each of the 24 residential units on the first floor of the building. No parking is provided for the 3-story commercial unit located at the corner of Hampshire and Newbury Streets. The applicant should indicate whether offsite parking is proposed ~~or~~ if they intend to use the Fee In-Lieu of Parking Ordinance to fulfill their parking requirement. Note: As a development over 50,000 square feet, the Planning Board will determine the parking requirement for the development based on an analysis provided by the applicant. Such an analysis will need to be included with the final submission packet.
- o Transit Access: The site plan standards require a transit facility to be constructed with any residential development over 20 units that is located along a transit route. The METRO Route 8 runs along Franklin Street, but there are no stops in this area due to the highway design and function of the street. The applicants are requesting a waiver of this requirement as provided for in the site plan standards.
- o Transportation Demand Management: The project does not meet the threshold for requiring a TDM plan for approval by the Planning Board.
- o Future Franklin Street Design and Street Reconnections: While a design for Franklin Street redevelopment has not been developed, the subject project should not restrict the opportunities for new treatments for the street. Planning Staff, DPS and the applicants will need to coordinate efforts to ensure integration of the new development into the Franklin corridor planning process. The applicant is asked to provide a preliminary or sketch-level demonstration, produced by the project engineer, that their development could be integrated with the grades and alignments of future intersections Newbury and Federal Street with Franklin Street.
- o B-2b Design Standards and 1st floor architecture: Should the rezoning be approved by City Council, the applicant will need to demonstrate adherence to the applicable B-2b standards in the Design Manual. The prominence of the 1st floor garage use will likely be the significant issue to be addressed for the plans provided.

The Site Plan Standard to be applied by the Board is as follows:

(iii) B1, B1-b, B2, B2-b Zones: Development in the B1, B1-b, B2 and B2-b business zones shall provide an established street wall with entrances and public portions of the building oriented to and directly accessible from the public sidewalk and shall be designed and scaled to be compatible with surrounding residential and commercial development as demonstrated by compliance with all applicable design standards listed in the Design Manual.

A copy of the B-1, B-2 Design Guidelines is provided with this memo as the first attachment.

- Stormwater: Hampshire Street was recently reconstructed with separated stormwater facilities that connect with outlets to Portland Harbor at the base of Franklin Street. DPS requires that the applicants tie stormwater to the Hampshire Street system.
- Street Trees: Multi-family developments are required to install or contribute to 1 street tree per unit, resulting in a 24 tree requirement for this proposal. The City Arborist will provide direction as to where and how many Street trees are recommended for the subject site and neighboring area.
- Street Lighting: The submitted material does not show any street lights to be installed in the area. The subject parcels are located in the "Eastern Waterfront" lighting district, but Staff has not yet determined if new street lights are required for this development. Planning and DPS Staff will provide the applicant with direction on requirements and specifications of street lighting for the project.
- Treatment of Future Development Sites: As noted above, at least three sites are proposed for rezoning that have no immediate development plans: 24 Hampshire Street and the two lots south of Newbury Street. If buildings are to be removed from these sites with no immediate development plan in place, the applicant should show how the sites will be used and treated in the interim condition. If the sites are to be used for off-site parking, such parking should be designed, reviewed and approved concurrently with the development review of the subject project.

Attachments

B-1 and B-2n Design Guidelines

Applicant's Submission Packet

- A Cover Letter and Application
- B Project Data
- C Project Checklist
- D Wastewater Capacity Application
- E Development Description Table of Contents
- E1 Development Description Narratives (Project Overview, Purpose and Need, Existing Conditions, Proposed Development, Zoning Review, State and Federal Permits, Easements, Traffic, Soils, Natural Features, Utilities and Stormwater.)
- E2 Photos
- F Financial and Technical Capacity
- G Right, Title and Interest
- H Site Plan Standards Review Narrative
- I Public Meeting Information

Plans and Diagrams: (Updated from the Site Plan and Subdivision Application)

- | | | |
|--------|----------------------------------|--|
| Plan 1 | Site Plans and Civil Engineering | (survey, existing conditions, site plans) |
| Plan 2 | Architectural Drawings | (Floor plans, elevations, sections and renderings) |

City of Portland
Technical Standards and Design Guidelines

Development in the B-1, B-1b, B-2, B-2b shall meet the following guidelines in order to meet the Site Plan Standards

1. Building Location and Form

Buildings shall be located near the street so as to create an urban street wall.

An urban street wall is created by a pattern of buildings which line the street in a consistent manner, thereby establishing a desirable spatial relationship between the building in the commercial district and the major object. Location is one of several related factors defining the street environment.

Building Form, including height, bulk, and massing, contribute to the development of a street wall.

The desired condition is to have the building frame and enclose the street, which is achieved by providing building height that is proportionate to the width of the adjoining major street. A ratio of building height to street width of one-to-two creates a strong "room-like" street, while a one-to-three ratio provides good street definition and proportion. Shorter buildings of one story facing broad streets will not achieve the desired relationship.

In the B-2b zone, buildings adjacent to streets should approach 1:2 height to street width, with a minimum of 1:3.

For a fifty-foot street right-of-way, therefore, a minimum height of 15' is required, with 25' height preferred. An eighty-foot right-of-way requires about 27' to achieve the 1:3 proportion., with 40'-height preferred. Obviously, buildings located as close as possible to the street right-of-way will provide better definition and proportion than buildings set further back.

2. Building Function

An urban street and business district requires a substantial intensity and variety of uses.

It is beneficial to have mixed uses within portions of buildings situated near the street. For example, a retail first floor might have office or residential on the second or third floors. This provides both the scale of building height desired, as well as the economic vitality of the business district.

3. Orientation of Buildings and their Entrances to the Street

Major building entries shall be designed and located to provide the primary building access oriented to the public street and sidewalk.

Doorways should be prominent and obvious in appearance, so as to attract the users toward the entry. Major entry features should primarily address the street, with entry courts, display windows, signage, lights, walkways, and vestibules, as appropriate. Major entries should be adjacent to, or very close to, the street and public sidewalk.

4. Windows

Windows shall be located in all building facades visible from the public way, especially on building facades along the major public street.

Retail uses with store fronts are the most desirable feature for locations adjacent to the public sidewalk; and active, transparent (minimum visible transmittance (VT) of .7 or greater), and interesting windows contribute the maximum value. Limitations on transparency, such as dark or reflective glass, or interior coverings, should be avoided. Where uses (such as office) are not conducive to transparent viewing from the public way, windows can still convey a sense of activity and presence along the street. Even these more private windows can convey occupancy and habitation when lighted from within, as during evening hours, even if the interior is screened from view.

5. Building Character, Detail, Scale, and Graphic Qualities

Building design will include various architectural and graphic amenities to provide a strong presence along a street and relate a building to its community.

Awnings, canopies, and flags may be utilized to highlight entryways and to further identify the activity and identity of a use.

Facade lighting may be used to highlight entryways or to provide visual interest along an otherwise blank facade

Building scale, roof pitch, architectural detail, and fenestration shall be designed to complement and be compatible with surrounding residential and commercial buildings.

6. Signage and Building Entrances

Building entrances and building signage in the B-1, B-1b, and B-2b zones will be designed and constructed at the pedestrian scale.

*We may need to revise the Sign Ordinance for allowed height and dimension of signs.

7. Development Relationship to Street

Building facades and site amenities shall form a cohesive wall of enclosure along a street. Where buildings are not located at the street line, site amenities, including masonry walls, fences, and landscaping, shall be placed along the street to provide a sense of enclosure or definition.

8. Parking Lots

Parking Lots shall be screened from view of the public way.

Landscaping or fencing shall be used to screen parking lots from public ways and residential neighbors. Where parking is located within the front yard (or side yard of a corner lot), a landscaped buffer or fence shall be placed along the street line to distinguish the private space from the public space and to help define the street wall.

Parking lots shall be screened from neighboring properties.

A densely planted landscape buffer or fencing shall be installed to protect neighboring properties from the impacts associated with the parking lot and the use it serves.

Crosswalks shall be provided within parking lots and across entrance driveways, directing pedestrians to building entrances.

Street trees shall be planted along property street frontage 25ft. on center.

9. Transit Connections

Development proposed along established transit corridors must design uninterrupted access from the proposed development to the transit stop.

An easement to place a transit shelter may be requested for development located along a transit corridor.





DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

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FAX 207.879.0896

- A.H. A.
- SITE PLANNING AND DESIGN
 - ROADWAY DESIGN
 - ENVIRONMENTAL ENGINEERING
 - PERMITTING
 - AIRPORT ENGINEERING
 - CONSTRUCTION ADMINISTRATION
 - LANDSCAPE PLANNING

July 3, 2012

Mr. William Needelman, AICP
Senior Planner
Planning and Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101-3509

**Subject: Newbury Lofts
Preliminary Site Plan Application**

Dear Bill:

On behalf of Hampshire Street Properties, LLC we are pleased to provide the accompanying package of submission materials related to the proposed Newbury Lofts development. This submission package is intended to meet the City's Preliminary Submission Requirements as outlined in the Level III Application procedures. These materials represent the ongoing design development for the proposed residential and mixed land use for the assemblage of properties generally bounded by Federal Street (north), Hampshire Street (east), Newbury Street (south) and Franklin Arterial (west). It is the applicant's intent to demolish six existing structures (five homes and a garage) on this block and two existing structures on the block below (24 Hampshire Street and 160 Newbury Street) to construct a 25 unit condominium complex. The condominium will consist of 24 residential units and one commercial unit (located on the site of 32 Hampshire Street). The commercial unit will contain storage space in the basement, possibly a restaurant on the street level, and professional office space on the second and third floors. The development site is currently part of an ongoing Planning Board review for rezoning, as described in your Planning Board Memorandum dated June 8, 2012. This current submission is intended to supplement the previously submitted materials and be considered by the Board at their July 24, 2012 Workshop meeting if possible.

Accompanying this cover letter are the following materials:

- Site Plan Application
- Section 1: Written Description of Project
- Section 2: Evidence of Right, Title and Interest
- Section 3: Written Assessment of Proposed Project's Compliance with Applicable Zoning and Land Use Requirements
- Section 4: Neighborhood Meeting Material
- Reduced Sized Plans

Mr. William Needelman, AICP
July 3, 2012
Page 2

You will find in the accompanying materials, information including the Preliminary Site Layout Plan that provides greater detail for the site development activities. We have also included preliminary building elevations for the proposed Buildings. Preliminary information pertaining to the project's utilities needs and statements regarding compliance with the City's Standards are contained within this submission.

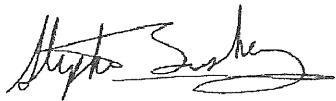
The Development Team expects to continue to work with City Officials/Representatives on both the onsite and offsite components including, but not limited to:

- Completion of the Public Hearing process involving the rezoning of the subject properties;
- Coordination with Public Services representatives on abandonment of existing utilities and new service connections for the proposed buildings;
- Coordination efforts with City Officials regarding ongoing Franklin Street studies and planning that may include sidewalk development.

On behalf of the Newbury Lofts Team, we look forward to your continued assistance on the project and we look forward to the July 24, 2012 workshop meeting with the Planning Board. Please find one (1) hard copy of the application materials including one set each of 11x17 and full size plans, along with a diskette containing PDF files for all submitted materials. If you have any questions regarding these materials please contact this office.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Stephen R. Bushey, P.E.
Senior Engineer

SRB/smk

Attachments

c: Tom Federle, Federle Mahoney
Kevin Bunker, Developers Collaborative



Level III – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form to be used for a Level III: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits. General information pertaining to the thresholds of review and fee structure is contained on page 3 of this application. The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp>

Level III: Site Plan Development includes:

- New structures with a total floor area of 10,000 sf or more except in Industrial Zones.
- New structures with a total floor area of 20,000 sf or more in Industrial Zones.
- New temporary or permanent parking area(s) or paving of existing unpaved parking areas for more than 75 vehicles.
- Building addition(s) with a total floor area of 10,000 sf or more (cumulatively within a 3 year period) except in Industrial Zones.
- Building addition(s) with a total floor area of 20,000 sf or more in Industrial Zones.
- A change in the use of a total floor area of 20,000 sf or more in any existing building (cumulatively within a 3 year period).
- Multiple family development (3 or more dwelling units) or the addition of any additional dwelling unit if subject to subdivision review.
- Any new major or minor auto business in the B-2 or B-5 Zone, or the construction of any new major or minor auto business greater than 10,000 sf of building area in any other permitted zone.
- Correctional prerelease facilities.
- Park improvements: New structures greater than 10,000 sf and/or facilities encompassing 20,000 sf or more (excludes rehabilitation or replacement of existing facilities); new nighttime outdoor lighting of sports, athletic or recreation facilities not previously illuminated.
- Land disturbance of 3 acres or more (includes stripping, grading, grubbing, filling or excavation).

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp> or copies may be purchased at the Planning Division Office.

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT NAME: Newbury Lofts

PROPOSED DEVELOPMENT ADDRESS:

#32 Hampshire Street and #167 Newbury Street, Portland, Maine

PROJECT DESCRIPTION:

Redevelopment for 25 unit condominium complex consisting of 24 residential condominiums off Newbury Street and one mixed-use building at #32 Hampshire Street.

CHART/BLOCK/LOT: 28 / I / 4, 5, 6, 9, 10 & 12 PRELIMINARY PLAN 07/03/12 (date)
28 / O / 3 & 8 FINAL PLAN _____ (date)

CONTACT INFORMATION:

Applicant's Contact for electronic plans Name: Stephen R. Bushey, P.E. DeLuca-Hoffman Associates, Inc. e-mail: sbushey@delucahoffman.com work # 207-775-1121

Applicant – must be owner, Lessee or Buyer Name: Hampshire Street Properties, LLC Business Name, if applicable: Address: 217 Commercial Street City/State : Portland, Maine Zip Code: 04101	Applicant Contact Information Work # 207-841-4092 Home# Cell # 207-841-4092 Fax# e-mail: tom@federlemahoney.com
Owner – (if different from Applicant) Name: Hampshire Street Properties, LLC Address: 217 Commercial Street City/State : Portland, Maine Zip Code: 04101	Owner Contact Information Work # 207-841-4092 Home# Cell # 207-841-4092 Fax# e-mail: tom@federlemahoney.com
Agent/ Representative Name: Stephen R. Bushey, P.E. DeLuca-Hoffman Associates, Inc. Address: 778 Main Street City/State : South Portland, Maine Zip Code: 04106	Agent/Representative Contact information Work # 207-775-1121 Cell # 207-756-9359 Fax # 207-879-0896 e-mail: sbushey@delucahoffman.com
Billing Information Name: Hampshire Street Properties, LLC Address: 217 Commercial Street City/State : Portland, Maine Zip Code: 04101	Billing Information Work # 207-841-4092 Cell # 207-841-4092 Fax# e-mail: tom@federlemahoney.com

Engineer Name: Stephen R. Bushey, F.E. DeLuca-Hoffman Associates, Inc. Address: 778 Main Street City/State : South Portland, Maine Zip Code: 04106	Engineer Contact Information Work # 207-775-1121 Cell # 207-756-9359 Fax# 207-879-0896 e-mail: sbushey@delucahoffman.com
Surveyor Name: Johann Buisman Northeast Civil Solutions Address: 153 U.S. Route 1 City/State : Scarborough, Maine Zip Code: 04074	Surveyor Contact Information Work # 207-883-1000 Cell # Fax# 207-883-1001 e-mail: johann.buisman@northeastcivilsolutions.com
Architect Name: David Lloyd Archetype, PA Address: 48 Union Wharf City/State : Portland, Maine Zip Code: 04101	Architect Contact Information Work # 207-772-6022 Cell # 207-671-9194 Fax# 207-772-4056 e-mail: lloyd@archetypepa.com
Attorney Name: Tom Federle Federle Mahoney Address: 254 Commercial Street, Merrills Wharf City/State : Portland, Maine Zip Code: 04101	Attorney Contact Information Work # 207-841-4092 Cell # 207-841-4092 Fax# 207-775-0612 e-mail: tom@federlemahoney.com

AH.A

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

<p>Level III Development (check applicable reviews)</p> <p><input type="checkbox"/> Less than 50,000 sq. ft. (\$500.00)</p> <p><input checked="" type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000)</p> <p><input type="checkbox"/> 100,000 – 200,000 sq. ft. (\$2,000)</p> <p><input type="checkbox"/> 200,000 – 300,000 sq. ft. (\$3,000)</p> <p><input type="checkbox"/> over 300,00 sq. ft. (\$5,000)</p> <p><input type="checkbox"/> Parking lots over 11 spaces (\$1,000)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p> <hr/> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) <p>Third party review is assessed separately.</p>	<p>Fees Paid (office use)</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p>	<p>Other Reviews (check applicable reviews)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000)</p> <p><input type="checkbox"/> Stormwater Quality (\$250)</p> <p><input checked="" type="checkbox"/> Subdivisions (\$500 + \$25/lot)</p> <p># of Lots <u>24</u> x \$25/lot = <u>\$600</u></p> <p><input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot)</p> <p># of Lots ___ x \$200/lot = _____</p> <p>Other _____</p> <p><input checked="" type="checkbox"/> Change of Use</p> <p><input type="checkbox"/> Flood Plain</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Design Review</p> <p><input checked="" type="checkbox"/> Housing Replacement</p> <p><input checked="" type="checkbox"/> Historic Preservation *</p>	<p>Fees Paid (office use)</p> <p>___</p> <p>___</p> <p>___</p> <p>___</p>
<p>Plan Amendments (check applicable reviews)</p> <p><input type="checkbox"/> Planning Staff Review (\$250)</p> <p><input type="checkbox"/> Planning Board Review (\$500)</p>	<p>Fees Paid (office use)</p> <p>___</p> <p>___</p>		

* for #32 Hampshire Street Only

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APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:

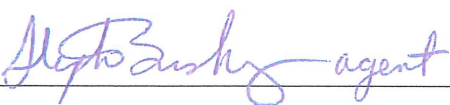
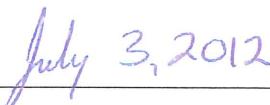
1. One (1) full size set of plans that must be folded.
2. One (1) copy of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
6. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submittal requirements.

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

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

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

Signature of Applicant: 	Date: 
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PROJECT DATA

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

Total Site Area (Condominium Complex Only)	15,297 sq. ft.
Proposed Total Disturbed Area of the Site	15,297 sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)	
IMPERVIOUS SURFACE AREA	
Proposed Total Paved Area	--- sq. ft.
Existing Total Impervious Area	9,773 sq. ft.
Proposed Total Impervious Area	13,313 sq. ft.
Proposed Impervious Net Change	3,540 sq. ft.
BUILDING AREA	
Proposed Building Footprint	11,684 +/- sq. ft.
Proposed Building Footprint Net change	sq. ft.
Existing Total Building Floor Area	14,424 sq. ft.*
Proposed Total Building Floor Area	54,086 sq. ft.**
Proposed Building Floor Area Net Change	39,662 sq. ft.
New Building	YES (yes or no)
ZONING	
Existing	R-6
Proposed, if applicable	B-2b
LAND USE	
Existing	Residential - Multi-units
Proposed	Residential / Restaurant / Office
RESIDENTIAL, IF APPLICABLE	
Proposed Number of Affordable Housing Units	
Proposed Number of Residential Units to be Demolished	19***
Existing Number of Residential Units	19
Proposed Number of Residential Units	24
Subdivision, Proposed Number of Lots	1
PARKING SPACES	
Existing Number of Parking Spaces	Unknown
Proposed Number of Parking Spaces	23
Number of Handicapped Parking Spaces	1
Proposed Total Parking Spaces	24
BICYCLE PARKING SPACES	
Existing Number of Bicycle Parking Spaces	0
Proposed Number of Bicycle Parking Spaces	24
Total Bicycle Parking Spaces	24
ESTIMATED COST OF PROJECT	\$5.8 million

* Excludes #96 Federal Street

** Includes Newbury Lofts (46,608 SF) and #32 Hampshire Street (7,478 SF)

*** Includes #160 Newbury Street and #24 Hampshire Street

General Submittal Requirements – Preliminary Plan (Optional)

Level III Site Plan

Preliminary Plan Phase Check list (if elected by applicant)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Completed application form
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Application fees
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of project
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of right, title and interest.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Copies of required State and/or Federal permits.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of proposed project's compliance with applicable zoning requirements.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written description of existing and proposed easements or other burdens.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written requests for waivers from individual site plan and/or technical standards, where applicable.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Traffic analysis (may be preliminary, in nature, during the preliminary plan phase).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of significant natural features located on the site.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of project's consistency with related city master plans.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Neighborhood Meeting Material (refer to page 13 of this application.)
Applicant Checklist	Planner Checklist	Number of Copies	Site Plan Submittal Requirements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Boundary Survey meeting the requirements of Section 13 of the City of Portland Technical Manual.
<input type="checkbox"/>	<input type="checkbox"/>	1	Preliminary Site Plan Including the following: (*information provided may be preliminary in nature during preliminary plan phase):
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed structures with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed site access and circulation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing and proposed utilities (preliminary layout).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, transit infrastructure, roadway improvements).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Preliminary stormwater management and erosion control plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b) 1. of the Land Use Code).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		▪ Proposed alterations to and protection measures for significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).



Existing and proposed easements or public or private rights of way.

C1

General Submittal Requirements – Final Plan (Required)

Level III Site Plan

Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within ¼ mile of an intersection identified in a previous traffic study as a failing intersection).
<input type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

Final Plan Phase		1	Final Site Plan Including the following
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed site access and circulation.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed grading and contours.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed loading and servicing areas, including applicable turning templates for delivery vehicles
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed snow storage areas or snow removal plan.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed trash and recycling facilities.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Existing and proposed utilities.
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed finish floor elevation (FFE).
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Exterior building elevation(s) (showing all 4 sides).
<input type="checkbox"/>	<input type="checkbox"/>		<ul style="list-style-type: none"> Proposed stormwater management and erosion controls.

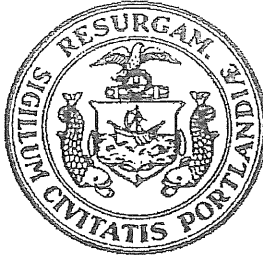
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Exterior lighting plan, including street lighting improvements..</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Proposed signage.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Identification of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). Wetlands must be delineated.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Proposed alterations to and protection measures for of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Total area and limits of proposed land disturbance.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Soil type and location of test pits and borings.</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Details of proposed pier rehabilitation (Shoreland areas only).</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Existing and proposed easements or public or private rights of way.</i>

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

A-1-C

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



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

Date: June 28, 2012

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

Site Address: #167 Newbury Street
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Chart Block Lot Number: 28/I/Lots 4,5,6,9,10&12

Proposed Use: Residential / Restaurant / Office
Previous Use: Residential

Existing Sanitary Flows: 3,600 GPD
Existing Process Flows: GPD

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

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

Multiple existing connections to Hampshire/Newbury Street

New connection will go to Newbury Street.

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

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 5,344 GPD

Peaking Factor/ Peak Times: N/A

Specify the source of design guidelines: *(i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)*

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

3. Please, Submit Contact Information.

Owner/Developer Name: Hampshire Street Properties, LLC
 Owner/Developer Address: 217 Commercial Street, Portland, ME 04101
 Phone: 207-841-4092 Fax: E-mail: tom@federlemahoney.com
 Engineering Consultant Name: Stephen Bushey, P.E. - DeLuca-Hoffman Associates, Inc.
 Engineering Consultant Address: 778 Main Street, South Portland, ME 04106
 Phone: 207-775-1121 Fax: 207-879-0896 E-mail: sbushey@delucahoffman.com
 City Planner's Name: Bill Needelman Phone: 207-874-8722

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

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: 0 GPD

Do you currently hold Federal or State discharge permits? Yes No X

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

OSHA Standard Industrial Code (SIC): (<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times: N/A

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

A.T.d.z

Anticipated Wastewater Flows from Proposed Condominium Complex*

24 units at 180 GPD/unit = 4,320 GPD

24 proposed parking spaces at 1 GPD/space = 24 GPD

Less existing wastewater flows from 40 demolished bedrooms = (3,600 GPD)

Newbury Lofts Proposed Wastewater Flow Net Increase = 744 GPD

Plus #32 Hampshire Street - Assume = 1,000 GPD

Total 1,744 GPD

* Source: State of Maine Subsurface Wastewater Disposal Rates

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LIST OF ATTACHMENTS

- Section 1: Attachment A – Existing Site Photographs
- Section 2: Attachment A – Deeds
- Section 3: Attachment A – Turning Template Figures
- Section 4: Attachment A – Neighborhood Meeting Information

1. DEVELOPMENT DESCRIPTION

1.1 PROJECT OVERVIEW

Hampshire Street Properties, LLC currently owns an assemblage of parcels generally bounded by Federal Street (north), Hampshire Street (east), Newbury Street (south), and Franklin Arterial (west) which comprise an area of approximately 15,297 SF or 0.35 acres (the development site). The applicant also owns the properties at #160 Newbury Street and #24 Hampshire Street. The proposal includes the demolition of the existing structures. These two lots will be converted to landscaped green space in the short term. According to a land and boundary survey prepared by Northeast Civil Solutions dated June 2012, the condominium site contains five parcels more fully described as follows:

Chart-Block-Lot / Size	Address	Description
28-I-4 / 4,094 SF	#100 Federal Street	Contains 3 story 3 unit dwelling with 1,044 SF footprint to be demolished.
28-I-6 / 2,573 SF	#42 Hampshire Street	Contains 3 story 3 unit dwelling with 1,054 SF footprint to be demolished.
28-I-9 / 2,998 SF	#169 Newbury Street	Contains 3 story 3 unit dwelling with 1,183 SF footprint to be demolished.
28-I-10 / 3,218 SF	#167 Newbury Street	Contains 2½ story 2 unit dwelling with 897 SF footprint to be demolished and a 550 SF garage to be demolished.
28-I-12 / 2,414 SF	#32 Hampshire Street	Contains 2½ story 2 unit dwelling with 1,349 SF footprint to be demolished.

The two additional sites are described as follows:

28-O-3 / 2,898 SF	#160 Newbury Street	Contains 3 story 3 unit dwelling to be demolished.
28-O-8 / 2,750 SF	#24 Hampshire Street	Contains 3 story 3 unit dwelling to be demolished.

The applicant has appeared before the Portland Planning Board as part of their request for rezoning the properties from the current R-6 Residential zone to the B-2b Community Business Zone. As part of this request, the applicant is also requesting text changes. These deliberations are ongoing and it is the applicant's intent to have the site plan/subdivision review process proceed concurrently with the foregoing zoning amendment application currently before the City.

The applicant's proposal includes demolition of seven dwellings plus a garage that will include eliminating 19 apartment units. The project proposal includes the construction of a new four story 25 unit condominium complex consisting of 24 new residential units and one commercial unit. The applicant intends to restore the existing structure located at 96 Federal Street, which they also own. This property is not part of the current site plan application, although it is included in the rezone request.

1.2 PROJECT PURPOSE AND NEED

The proposed project is considered a unique opportunity to transform a challenged residential setting into a dynamic new higher density residential setting along the Franklin Arterial. The project's community benefits include the following:

- Enhanced residential living opportunity and rehabilitation of a deteriorated older neighborhood.
- A net increase in residential units.
- Revitalization of a centrally located neighborhood in proximity to City services and amenities.
- Creation of space for mixed uses to complement the residential uses.
- Furtherance of goals articulated by the India Street Neighborhood Association including increased "feet on the street", urban density, height along Franklin Street stepping down towards Hampshire Street, and creation of open space in the place of 42 Hampshire Street.
- Furtherance of the purposes of the B2-b zone as articulated in the Land Use Ordinance to "provide locations for moderate to high density housing in urban neighborhoods along arterials" and "to provide neighborhood and community retail, business and service establishments that are oriented to and build close to the street."
- Creation of an architecturally stunning project in a high profile location that may draw more interest and investment in the broader neighborhood.

1.3 EXISTING CONDITIONS

The site conditions are generally defined by the residential structures on each of the properties. The existing structures are mostly oriented towards the street with small driveways and/or parking adjacent each of the structures. The structures range from occupied multi-family to several which are vacant and currently distressed and may be unoccupiable due to their condition.

The land area slopes from Federal Street towards Newbury Street with approximately 10 or more feet of grade differential. This grade differential will require the proposed parking to be constructed within two levels; one accessible off Newbury Street and the other accessible off Federal Street.

Public utilities including water, sewer, natural gas, power and communications are readily available in the area as most of the existing structures are currently served by these utilities. Multiple existing services will require abandonment in accordance with City procedures and one or more new services for the proposed structures will be installed. Power to the site will be installed underground; however, the details to this installation are not fully developed at the time of this submission.

The City of Portland assessor's office currently lists seven structures located on the site with the earliest constructed in 1840 and the latest 1900.

213

The street conditions around the block are described as follows:

Street Name	Description	On-street Parking	Condition	Other
Federal Street	Approximately 44 foot wide paved way with two way traffic. Dead End, no connection to Franklin Arterial. 66' wide ROW	Yes. Observed 90 deg. Vehicle parking on south side of street, due to extreme street width	Brick sidewalk is in moderate condition with several areas that require improvement	No drainage on site side of street
Hampshire Street	26 feet wide paved with one way direction from Federal to Newbury Street. 40' wide ROW	None observed	Good condition with recently reconstructed brick sidewalk	
Newbury Street	32 foot wide paved street with two way traffic. Dead end, no connection to Franklin Arterial. 50' wide ROW	Yes. Allowed each side	Brick sidewalk in moderate condition	Drainage structures located at corner of Newbury and Hampshire Street

1.4 PROPOSED DEVELOPMENT

The applicant proposes to redevelop the property to its highest and best use. The development program includes the following components:

1.4.1 ON-SITE

Twenty Four (24) Loft Style Condominium units are proposed each with a covered parking space. An additional condominium unit is also proposed for the building area to be constructed in the current location of #32 Hampshire Street. This four story unit may contain a mix of storage space, restaurant/retail and office space. There will be bike storage for each unit. The units are highlighted by high ceilings and large windows with a majority of the units also benefiting by having outside deck space. As condominiums, the units will all have individual laundry hookups. There may be storage for the residents in the basement of the #32 Hampshire Street building. The building will be fully sprinkled. There will be one elevator serving both the Newbury Lofts and #32 Hampshire Street. The units range in size from 656 SF to 1818 SF. The majority of the units have decks (not all).

The project developer is not seeking LEED designation, but the building will conform to the most current International Energy Conservation Code.

The proposed project consists of building demolition and new building construction for the 25-unit condominium complex. The building will be oriented to align with the Franklin Street frontage and the primary building entrance will be off Newbury Street. The building will have a total of 4 floors of living space. The following summarizes the floor by floor layout:

E.1.4

Floor Level	Description
Parking Level	Contains 13 parking spaces, at grade exterior access, access to ground floor of #32 Hampshire Street and access to trash room.
First Floor	Contains 11 parking spaces on the Federal Street side; 5 living units and access to the first level of #32 Hampshire Street.
Second Floor	Contains 7 living units and access to the upper floor of #32 Hampshire Street.
Third Floor	Contains 6 living units.
Fourth Floor	Contains 6 living units.
Roof level	Contains mezzanines, deck spaces, and planting trays.

In the area of 32 Hampshire Street, the building will contain a basement that may be used for ancillary storage for the residential loft units. The first (street) level may be used for a variety of uses, of which an exact choice has not been made. This may include a restaurant or related retail. The upper building floors may be used for office space.

Exterior improvements to the grounds will include the construction of a sculpture courtyard to be located within the area currently occupied by #42 Hampshire Street. The courtyard will include a hard surface space possibly consisting of paver stone surface or textured concrete. Site amenities may include benches, bicycle racks, sculpture(s) and plantings. A pedestrian path will extend from the lower Hampshire Street frontage up to the #42 Hampshire Street frontage and provide a link between the existing sidewalk systems. Linkage to the Federal Street sidewalk will be explored. Landscaping along the path is expected to complement this relatively tight area.

1.4.2 OFF-SITE

Site access is proposed via Newbury Street primarily. It is expected that brick sidewalk reconstruction will be required based on disturbance that will result from foundation and utility construction. A new brick driveway will be installed at the ground level entrance. A sidewalk connection from Newbury Street to a new sidewalk to be constructed along Franklin Arterial is also contemplated; however, details related to the exact location, materials, etc. must be coordinated with the Public Services Division. The second entrance into the upper level parking will be from Federal Street. Similarly, brick sidewalk repairs/improvements will be required as a result of foundation construction. A new driveway entrance will be constructed for access into the north end interior parking area. Sidewalk improvements on Hampshire Street should be limited to those areas adjacent the courtyard and demolished building limits. The remaining major offsite construction element involves the alignment of a sidewalk along the Franklin Arterial frontage. The details for this sidewalk have yet to be worked out with City Staff and we expect to work through this project piece in the upcoming weeks.

1.5 LAND ORDINANCE REVIEW

1.5.1 OVERVIEW

The property currently lies within the City of Portland R-6 Residential District. The applicant has requested the development area be rezoned to the B-2b Zoning District as this will allow greater

flexibility of land use and basically blend into the surrounding B-2b zoning for the area. The rezoning and text amendments currently being considered will allow the project to proceed as currently contemplated.

The applicant is requesting B-2b text changes to allow the following:

- Higher buildings (65 feet from 45 feet) within 65 feet of Franklin Arterial.
- No Building "step backs" for buildings taller than 45 feet within 65 feet of Franklin Arterial.
- Smaller side yard setbacks (10 feet rather than 20 feet) when residential uses in the B-2b abut residential zones. The B-2b currently allows 10 feet when abutting non-residential land use.
- Eliminating rear yard setbacks along street rights of way. This is important since the site borders streets on all four sides.

If the text amendments are accepted the following dimensional requirements will apply in the B-2b zone all of which will be met by the project:

Dimensional Standard	Requirement
Minimum Lot Size	None
Minimum Frontage	None
Front yard setback	None
Side Yard Setback/Side Yard on a Street	5 feet/ 0 feet
Side Yard Setback when Abutting a Res Zone	10 feet
Rear Yard Setback	10 feet
Rear Yard Setback when Abutting a Res Zone	20 feet
Maximum Impervious Surface	90%
Maximum Residential Density	435 SF of land area per unit
Maximum Building height	65 feet

1.5.2 SHORELAND ZONING

The site is not located within the Shoreland Zoning District.

1.6 STATE AND FEDERAL PERMITS

The project does not require any State or Federal permits other than State Fire Marshall approval. The development is subject to Site Plan and Subdivision approval by the City of Portland and Building Permit(s) are also required.

1.7 EASEMENTS OR OTHER BURDENS

Of the several parcels that are the subject of this application, only the parcel located at #24 Hampshire Street is burdened by an easement of record. #24 Hampshire Street is burdened by a right of way benefitting the property abutting to the south. The right of way allows for pipes to be maintained underground and allows for passage over the property of #24 Hampshire for purpose of accessing the rear of the abutting property. The size and precise location of the right of way are not defined in any of the deeds of record.

1.8 TRAFFIC

The proposed project will not result in significant impacts to the surrounding street system. The project will result in fewer than 50 new peak hour trips when factoring the existing residential units displaced. Given the nature of the dead end conditions of Federal and Newbury Streets, we foresee no major impact to the capacity conditions on either street. Site lines and street conditions at each site entrance appear to be favorable. The applicant will continue to work with City officials regarding sidewalk improvements and related access conditions within the development area. No further Traffic analysis is currently proposed.

1.9 SOILS/GEOTECHNICAL REVIEW

1.9.1 OVERVIEW

Summit Geoenvironmental Services conducted a preliminary geotechnical investigation of the project site and their findings are summarized below. The site is generally characterized by layers of the following materials:

- Topsoil
- Glacial Marine clay
- Glacial Till
- Shallow bedrock from 9' to 15' below grade

Aggregate materials for foundation backfill, pavement base and subbase gravels and all trench backfilling will be primarily imported from off-site sources. The project earthwork will involve cutting and filling of former foundation holes.

1.10 NATURAL FEATURES

The development site does not contain any significant natural features including wetlands, vernal pools or other protected resource. The site has been developed for a period greater than 100 years and there is generally no land area that hasn't been disturbed or otherwise developed. Based on the age of the structures, we understand the City will be interested in the historic elements of the buildings, including an emphasis on the property at #96 Federal Street which is proposed to be restored. The buildings to be demolished carry less historic interest based on the condition and deterioration. Portland Landmarks has identified only #96 Federal Street as a structure contributing to the historic fabric of the neighborhood. Currently, #96 Federal Street is only part of the rezone request and it is not part of the condominium complex proposal.

1.11 UTILITIES AND STORMWATER

The proposed project will involve abandonment of multiple existing utility services to the buildings to be demolished. These services, including the water and sewer, will be abandoned in accordance with the Portland Water District's and City's Public Services Division requirements. New utilities including water, sewer, power and communications will be extended into the new building.

10

The City maintains a drainage system in Hampshire Street including catch basins on the corner of Hampshire Street and Newbury Street. The runoff flow regime from the development site will continue to discharge to these catch basins.

1.12 ATTACHMENTS

Attachment A – Existing Site Photographs

ATTACHMENT A

Existing Site Photographs



PHOTO 1 – 100 Federal Street



PHOTO 2 – Corner of Hampshire Street and Federal Street

DH

DeLUCA-HOFFMAN ASSOCIATES,
INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896

Existing Site Photographs
Newbury Lofts – Portland, Maine
Photos Taken 06-29-12 by Steve Bushey, P.E.

327



PHOTO 3 – Hampshire Street Sidewalk



PHOTO 4 – Corner of Hampshire Street and Newbury Street



DeLUCA-HOFFMAN ASSOCIATES,
INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896

Existing Site Photographs
Newbury Lofts – Portland, Maine
Photos Taken 06-29-12 by Steve Bushey, P.E.

1029



PHOTO 5 – Newbury Street Sidewalk



PHOTO 6 – Franklin Arterial Frontage

DH

DeLUCA-HOFFMAN ASSOCIATES,
INC.
CONSULTING ENGINEERS
778 MAIN STREET, SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207-775-1121
FAX: 207-879-0896

Existing Site Photographs
Newbury Lofts – Portland, Maine
Photos Taken 06-29-12 by Steve Bushey, P.E.

2. TECHNICAL AND FINANCIAL CAPACITY

2.0 TITLE, RIGHT AND INTEREST

The applicant currently owns the site as evidenced by the accompanying deeds contained in Attachment A to this section. We note that Rebeco, LLC is a subsidiary of Hampshire Street Properties, LLC.

2.1 TECHNICAL CAPACITY

The applicant has assembled a highly qualified team of professionals to plan, permit, and develop construction documents for the project. The Team is working under the direction of Mr. Kevin Bunker of Developers Collaborative as Project Developer and Mr. Tom Federle, Representative of the Owner.

The Team services will be provided by the following companies and their respective team leaders:

2.2 CONSULTANT TEAM

<i>Civil Engineer</i>	Stephen R. Bushey, P.E. DeLuca-Hoffman Associates, Inc. 778 Main Street, Suite 8 South Portland, ME 04106 (207) 775-1121 – Work (207) 879-0896 – Fax (207) 756-9359 – Cell sbushey@delucahoffman.com
<i>Surveyor</i>	Johann Buisman Northeast Civil Solutions 153 U.S. Route 1 Scarborough, ME 04074 (207) 883-1000 – Work (207) 883-1001 – Fax johann.buisman@northeastcivilsolutions.com
<i>Architect</i>	David Lloyd Archetype, PA 48 Wharf Street Portland, ME 04101 (207) 772-6022 – Work (207) 772-4056 – Fax 207-671-9194 – Cell lloyd@archetypepa.com
<i>Attorney</i>	Tom Federle Federle Mahoney 254 Commercial Street, Merrill's Wharf Portland, ME 04101 (207) 841-4092 – Work (207) 775-0612 – Fax tom@federlemahoney.com

<i>Landscape Architect</i>	Pat Carroll Carroll Associates, Inc. 217 Commercial Street Portland, ME 04101 (207) 772-1552 – Work (207) 772-0712 (207) 329-8976 – Cell pcarroll@carroll-assoc.com
<i>Geotechnical</i>	Summit Geoengineering Services 640 Main Street Lewiston, Maine 04240 (207) 576-3313
<i>Lighting/Site Electrical</i>	Larry Bartlett Bartlett Design 942 Washington Street Bath ME 04530 (207) 443-5447 – Work (207) 443-5560 – Fax bartdes@blazenetme.net

2.3 EXPERIENCE OF PROJECT TEAM

The team of consultants retained by developer has expertise and experience in the design of similar residential housing projects. Resumes of key personnel for development team can be provided upon request.

The applicant also has significant experience in the development and management of large commercial projects. A listing of the real estate projects for which the applicant's development team has been involved can be provided upon request.

2.4 FINANCIAL CAPACITY

The applicant has the means at its disposal for financing the proposed Newbury Lofts project. Ultimately, the developer has the capacity to complete the project and will provide additional information as part of the Final Plan submission.

2.5 CONSTRUCTION COST ESTIMATE

A breakdown of the preliminary project cost includes the following:

- Site work \$400,000 includes demolition and sculpture garden
- Structures \$5.4 million

These values are considered preliminary and approximate and are subject to change as building design and project layout is refined.

2.6 ATTACHMENTS

Attachment A – Deeds

2016

ATTACHMENT A

Deeds

5.2
Att. 2

24 Hampshire St.

Doc#: 55417 Bk: 26365 Pg: 254

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that ALEXIAD, LLC, a Maine limited liability company with a place of business in Falmouth, Maine, for consideration paid, grant to REBECO, LLC, a Maine limited liability company with a place of business in Augusta, Maine and a mailing address of 10 Middle Road, Augusta, Maine 04330, with WARRANTY COVENANTS, the land in Portland, County of Cumberland and State of Maine, bounded and described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly side of Hampshire Street, in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:


Beginning on said southwesterly side of Hampshire Street at the northerly corner of land conveyed by Maine Savings Bank to Aniello Pallotta, et al., September 21, 1936; thence running northwesterly by said Hampshire Street thirty-five (35) feet more or less formerly of B.A. Donahue; thence southwesterly adjoining said Donahue land and land formerly of E. Lawrence to the westerly corner of the shed or ell attached to the house on the lot herein described; thence southeasterly adjoining the southwesterly end of said shed or ell and on a line in the extension of the same to the westerly corner of said land conveyed to said Pallotta; thence northeasterly by said Pallotta land to said Hampshire Street and the point of beginning.

Subject, however, to the right to use the driveway on the southeasterly side of said premises and the right to maintain pipes under said driveway as granted in said deed to Pallotta.

Being the same premises conveyed to the Grantor herein by deed from Scott McCown and Laura J. Madigan McCown dated May 19, 2003 and recorded in the Cumberland County Registry of Deeds in Book 21265, Page 257.

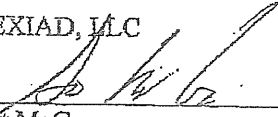
IN WITNESS WHEREOF, the said Alexiad, LLC by its Manager Scott McCown has set his hands this 21 day of September, 2008.

MAINE REAL ESTATE TAX PAID



Witness

ALEXIAD, LLC

BY: 

Scott McCown
Its: Manager

Doc#: 55417 Bk:26365 Pg: 255

53
21

STATE OF MAINE
COUNTY OF CUMBERLAND

September 22, 2008

Then personally appeared before me the above named, Scott McCown in his capacity as Manager of Alexiad, LLC, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said company.

Before me,



Notary Public/Attorney-at-Law

Thomas B. Federle
Printed name of person taking
acknowledgment
ME Bar # 8328

Received
Recorded Register of Deeds
Sep 30, 2008 08:29:10A
Cumberland County
Pamela E. Lovies

53
2.8

32 Hampshire St.

Doc#: 55418 Bk#26365 Ps: 256

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that HOLLY M. MORRISON and ISAAC J. MORRISON of Portland, Maine, for consideration paid, grant to REBECO, LLC, a Maine Limited Liability Company with a place of business in Augusta, Maine and a mailing address of 10 Middle Road, Augusta, Maine 04330, with WARRANTY COVENANTS, the land in Portland, County of Cumberland and State of Maine, bounded and described as follows:


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

A certain lot or parcel of land with the buildings thereon situated on the northwesterly corner of Newbury and Hampshire Streets in said Portland, and being all that portion of said corner lies southerly of a line commencing on the westerly side of said Hampshire Street at a point distant forty-nine (49) feet northerly from the northerly side line of said Newbury Street, and running at right angles to said Hampshire Street, to land now or formerly of one Lucas.

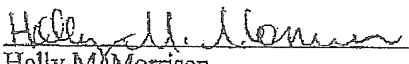
Being the same premises conveyed to the Grantors herein by deed from Nancy W. Bartlett dated April 2, 2004 and recorded in the Cumberland County Registry of Deeds in Book 21061, Page 195.

MAINE REAL ESTATE TAX PAID

IN WITNESS WHEREOF, the said Holly M. Morrison and Isaac J. Morrison have set their hands this _____ day of September, 2008.




Witness John Graham



Holly M. Morrison

Witness

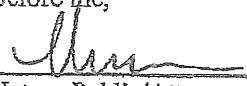


Isaac J. Morrison

STATE OF MAINE
COUNTY OF CUMBERLAND

September 22, 2008

Then personally appeared before me, Holly M. Morrison and Isaac J. Morrison, and acknowledged the foregoing instrument to be their free act and deed.

Before me,


Notary Public/Attorney-at-Law
Thomas B. Federle
Printed name of person taking
acknowledgment *Number 78328*

Received
Recorded Register of Deeds
Sep 30, 2008 08:32:11A
Cumberland County
Pamela E. Lovles

546
2.3

42 Hampshire St.

Doc#: 1447 Bk:27521 Ps: 102

WARRANTY DEED
Maine Statutory Short Form

HAMPSHIRE 42 PROPERTIES, LLC, a Maine limited liability company having its principal place of business at Portland, Cumberland County, Maine, for consideration paid, grants to ReBeCo, LLC, a Maine limited liability company having its principal place of business at Winthrop, Kennebec County, Maine, with a mailing address of 134 Main Street, Suite 2A, Winthrop, ME 04363, with Warranty Covenants, the land in Portland, Cumberland County, Maine, bounded and described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on the southwesterly side of Hampshire Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point in the southwesterly sideline of said Hampshire Street at the northeasterly corner of land now or formerly of W. L. Poole; thence running north by line of said Hampshire Street thirty (30) feet to land now or formerly of Duran; thence southwesterly along line of said Duran's land fifty-five and five tenths (55.5) feet to a stake; thence north at right angles to said last mentioned line seven and thirty-six hundredths (7.36) feet to land of Swett; thence west twenty-two and twenty-four hundredths (22.24) feet to a stake; thence southeasterly forty-two and sixty-six hundredths (42.66) feet; thence east thirty-two and sixty-one hundredths (32.61) feet to a stake; thence north two and eighty-one hundredths (2.81) feet to a stake; thence east along the line of said Poole's land forty-five (45) feet to the point of beginning. Being the premises situated at number 42 Hampshire Street, in the City of Portland, Maine.

Meaning and intending to convey the same premises conveyed by Christopher A. Lynch and Elizabeth R. Lynch to Hampshire 42 Properties, LLC by deed, dated June 7, 2004, and recorded in the Cumberland County Registry of Deeds in Book 21629, Page 32.

In Witness Whereof, the said Hampshire 42 Properties, LLC. has caused this instrument to be sealed and signed in its company name by Gary W. Libby, its agent and attorney-in-fact thereunto duly authorized, this 8th day of December, 2009.

MAINE REAL ESTATE TAX PAID

David S. Turvey
David S. Turvey

Hampshire 42 Properties, LLC
By: Gary W. Libby
Gary W. Libby, Agent and Power of Attorney

STATE OF MAINE
CUMBERLAND, ss

December 18, 2009

6.5
2.4

Doc#: 1447 Br#27521 Ps: 103

Then personally appeared the above named Gary W. Libby, the duly appointed agent and attorney-in-fact of said limited liability company, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.

Before me,

David S. Turek, Esq.

Notary Public/Attorney at Law

David S. Turek, Esq.

Printed Name

My Commission Expires

Maine Bar No.

Bar Reg #1926

Received
Recorded Register of Deeds
Jan 08, 2010 09:35:03A
Cumberland County
Pamela E. Loyles

S.6
2.6

100 Federal St.

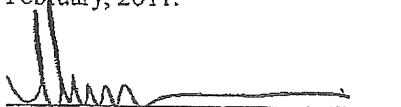
Doc#: 12305 BK:28560 Ps: 326

QUITCLAIM DEED

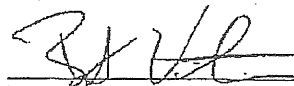
BROAD REACH INVESTMENTS, LLC, a Maine limited liability company with a principal place of business in Portland, Cumberland County, State of Maine, for consideration paid, grants to REBECO, LLC, a Maine Limited Liability Company, whose mailing address is 217 Commercial Street, 5th Floor, Portland, Maine 04101, with QUITCLAIM COVENANTS, a certain lot or parcel of land with the buildings thereon situated in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

SEE SCHEDULE A ATTACHED HERETO

IN WITNESS WHEREOF, Brit Vitalius, Managing Member of BROAD REACH INVESTMENTS, LLC, has caused this instrument to be signed and sealed on the 24th day of February, 2011.



Witness



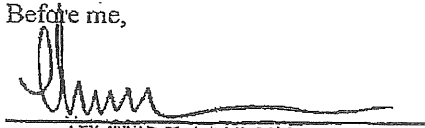
BROAD REACH INVESTMENTS, LLC
By: Briton R. Vitalius
Its: Managing Member

MAINE REAL ESTATE TAX PAID

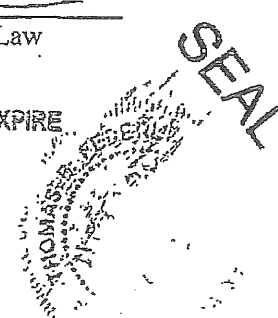
STATE OF MAINE
COUNTY OF CUMBERLAND

February 24, 2011

Then personally appeared the above-named Brit Vitalius in his capacity as Managing Member of BROAD REACH INVESTMENTS, LLC, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of BROAD REACH INVESTMENTS, LLC.

Before me,


Notary Public/Attorney at Law
NOTARY PUBLIC
AS ATTORNEY AT LAW
4 M.R.S.A. § 1056
MY COMMISSION DOES NOT EXPIRE



6.7
2.7

SCHEDULE A

A certain lot or parcel of land, with all buildings and improvements thereon, located on the southeast side of Federal Street in the City of Portland, County of Cumberland, and State of Maine bounded and described as follows:

Beginning on the southeast side of Federal Street at the northeast corner of a lot formerly owned by Ralph Cross, and later by Pettengill, and now known as the Franklin Street Arterial; thence N 57° E along Federal Street 60 feet; thence S 33° E, on a course at right angles with Federal Street, 40 feet, more or less to land formerly of the heirs of Theophilus Boynton; thence continuing southeast along land formerly of Josiah Durand 5 feet, more or less, to land formerly of Charles W. Dinsmore; thence southeast by the rear end of the house on land formerly of Swett, 21 feet, more or less, to the west corner of the Dinsmore lot; thence southeast along the Dinsmore lot, also formerly land of Ward, 42 feet 8 inches to land formerly of Anderson and Curtis; thence southwest along land of Anderson and Curtis to land formerly of Daniel Pettengill, and now known as the Franklin Street Arterial; thence northwest along land formerly of Pettengill, now the Franklin Street Arterial, 43 feet; thence continuing N 35° W along land formerly of Pettengill, now the Franklin Street Arterial, 53 feet 4 inches to the point of beginning.

Being the same premises conveyed to the Grantor herein by deed from Duncan S. MacDougall a/k/a Duncan S. MacDougal dated August 20, 2010 and recorded in the Cumberland County Registry of Deeds in Book 28019, Page 227.

Received
Recorded Register of Deeds
Mar 03, 2011 08:25:44A
Cumberland County
Pamela E. Lavieau

160 Newbury St

12.8

WARRANTY DEED

RICHARD CLARK and SUSAN L. COX, of Wells, York County, State of Maine, for consideration paid, GRANT to 160 NEWBURY STREET, LLC, a Maine limited liability company, whose mailing address is 217 Commercial Street, 5th Floor, Portland, Maine 04101, with Warranty Covenants, a certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine, and more particularly described as follows:

SEE SCHEDULE A ATTACHED HERETO

Dated this 2nd day of ^{March} February, 2012.

Signed, Sealed and Delivered in the presence of

[Signature]
Witness

[Signature]
RICHARD CLARK

[Signature]
Witness Keith Fletcher

[Signature]
SUSAN L. COX

MAINE REAL ESTATE TAX PAID

State of Maine
County of York

^{March}
February 2, 2012

Personally appeared the above named RICHARD CLARK and SUSAN L. COX and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]

Notary Public/Attorney at Law
Printed Name: Keith Fletcher
Commission Expires: April 3, 2014

5.9
2.9

SCHEDULE A

A certain lot or parcel of land with the buildings thereon situated at 160 Newbury Street in the City of Portland, County of Cumberland and State of Maine, more particularly described as follows:

BEGINNING at a stake standing on the southerly sideline of said Newbury Street and distant 48.10 feet westerly from Hampshire Street; thence South 32° 10' East by land formerly of J. Westcott and B.A. Donahue, 60.44 feet to a stake; thence South 54° 03' West by land formerly of J.M. Carleton 43 feet to an iron hub; thence North 36° 38' West by land formerly of R.C. Baker and F. Joseph 70.9 feet to a post in the southerly sideline of said Newbury Street; thence North 66° 50' East by said Newbury Street 48.7 feet to the point of beginning.

Reference may be had to a deed from William W. Clark to Richard Clark and Susan L. Cox recorded May 9, 1985 in the Cumberland County Registry of Deeds at Book 6753, Page 74.

Received
Recorded Register of Deeds
Mar 16, 2012 08:16:24A
Cumberland County
Pamela E. Lovley

S. 10
2.10

Doc# 2829 Bk:27536 Pg: 290

167-169 Newbury St.

**SHORT FORM DEED OF SALE BY
PERSONAL REPRESENTATIVE (TESTATE)**

Catherine Cartonio, of Portland, Cumberland, County, Maine, duly appointed and acting Personal Representative of the Estate of Eugene N. Caiazzo, deceased (testate), as shown by the probate records of Cumberland County, Maine (Docket #2009-0490) and not having given notice to each person succeeding to an interest in the real property described below at least ten [10] days prior to the sale, such notice not being required under the terms of the decedent's will, by the power conferred by the Probate Code, and every other power, FOR CONSIDERATION PAID, grants to ReBeCo, LLC, a Maine Limited Liability Company with a place of business in Winthrop, Maine, whose mailing address is 134 Main Street, Suite 2A, Winthrop, Maine 04364, certain real property, together with any improvements thereon, located in Portland, Cumberland County, Maine, being more particularly described in Exhibit A attached hereto and incorporated herein by specific reference.

MAINE REAL ESTATE TAX PAID

WITNESS my hand and seal this 5th day of January, 2010.

WITNESS:

JBL
Name: Justin Loblanc

Catherine Cartonio
Catherine Cartonio
Personal Representative of the
Estate of Eugene N. Caiazzo

State of Maine
County of Cumberland, ss.

January 5, 2010

PERSONALLY APPEARED the above-named Catherine Cartonio, Personal Representative as aforesaid, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.



KATHERINE A. FOSTER
Notary Public, Maine
My Commission Expires March 03, 2015

Before me,

Katherine A. Foster
Notary Public / ~~Attorney at Law~~

SEAL

S. H.
d.H.

EXHIBIT A

Grantor: Catherine Cartonio, Personal Representative of the Estate of Eugene N. Caiazzo
Grantee: ReBeCo, LLC
Date:
Instrument: Short Form Personal Representative's Deed of Sale

Parcel 1 - 167 Newbury Street

A certain lot or parcel of land with the buildings thereon situated on the northerly side of Newbury Street, in the City of Portland, County of Cumberland, and State of Maine, and bounded and described as follows:

Beginning on the northerly side line of said Newbury Street and at the easterly corner of land now or formerly of Wilbert O. Pitcher, and running thence northerly by said Pitcher land about one hundred and twenty (120) feet to land now or formerly of one Dinsmore, thence easterly by said Dinsmore land thirty-one (31) feet to land formerly of Poole, thence southerly by said Poole land and land now or formerly of one Hatch about one hundred and twenty (120) feet to Newbury Street, thence westerly by said street thirty-three (33) feet, more or less, to the first bound.

Being the same premises conveyed to Eugene N. Caiazzo and Mildred E. Caiazzo, as joint tenants, by deed of Harris A. Jacobs, dated January 18, 1950, and recorded in the Cumberland County Registry of Deeds in Book 1985, Page 285. The said Eugene N. Caiazzo having been the surviving joint tenant.

Parcel 2 - 169 Newbury Street

A certain lot or parcel of land with the buildings thereon situated on the northerly side of Newbury Street, in the City of Portland, County of Cumberland, and State of Maine, and bounded and described as follows:

Beginning on the northwesterly side of said Newbury Street, at the northeasterly corner of land of the late Gardner F. Hanson, and now or formerly of one Geisinger; thence running northeasterly on the line of said Newbury Street, thirty-three feet and nine inches (33'9") to land formerly of Josiah Ward, and now or formerly of Hiram Wolf; thence northwesterly on the line of land formerly of said Ward ninety (90) feet to land formerly of William H. Swett, and now or formerly of H. Finkleman; thence southwestwardly on line of said Swett land to said Hanson land; thence southeasterly on said Hanson line, more recently Geisinger, to the first mentioned bounds.

Being the same premises conveyed to Eugene N. Caiazzo by deed of Hugh Calkins, Esquire, guardian for Philomena Sabatino, dated March 11, 1977, and recorded in the Cumberland County Registry of Deeds in Book 3984, Page 254.

AH. H. 1

3. CONFORMITY WITH APPLICABLE DESIGN STANDARDS

The following statement is made in accordance with the City of Portland Code of Ordinances, Chapter 14 Land Use, Article V Section 14-526.

3.1 OVERVIEW

This project conforms with all the applicable design standards of Section 14-526 as demonstrated in the following narrative.

(a) Transportation Standards

1. Impact on Surrounding Street Systems:

The development will fit in with the existing street system as it will use existing access locations off Newbury and Federal Streets. Based on the number of residential units the project is expected to have an insignificant impact on traffic in the neighborhood, particularly when the displacement of existing housing units is considered.

2. Access and Circulation:

a. Site Access and Circulation.

- (i) The development provides access via Newbury Street and Federal Street. Door controlled access will be provided at each end of the building and ample turning movement is provided at each street entrance. Internal circulation has been reviewed and is highlighted by the turning template figures contained in Attachment A to this section.
- (ii) Access and egress have been designed to avoid conflicts with existing turning movements and traffic flows.
- (iii) The site does not feature drive up services as mentioned in this requirement.
- (iv) Site access has been designed so as not to impede potential future reconnection of Newbury and/or Federal Street with Franklin.

b. Loading and Servicing.

- (i) Not required

c. Sidewalks.

- (i) Sidewalks have been provided to connect to the sidewalks on Federal and Hampshire Streets. All sidewalk improvements shall conform to the City of Portland Technical Manual as shown on the project design drawings.
- (ii) The sidewalk on Federal Street shall be improved to correct a deteriorated condition.

App. # 2

(iii) An internal sidewalk is proposed to allow access from two entry doors to the sidewalks on Hampshire Street.

3. Access and Circulation:

- a. The development will be served by the existing Metro service including Route #1 that has a stop at Congress/Hampshire Street and Congress/India Street, as well as Metro Route #8 that has multiple stops on India Street and at Middle Street/Franklin Arterial.
- b. A new Transit stop is not proposed.
- c. A new transit stop is not proposed based on the close proximity of nearby transit stops.
- d. Waiver: The applicant requests a waiver of the transit facility requirement.

4. Parking:

a. Location and Required Number of Vehicle Parking Spaces:

- (i) The applicant is providing parking on a 1 space per residential unit ratio which satisfies Section 14-332 (a) (4) of the code. In accordance with Section 14-332.1 (a) of the ordinance, the applicant is not proposing any off street parking for land uses with the #32 Hampshire Street site. Uses within the #32 Hampshire Street site will need to seek on-street parking (currently allowed on all nearby streets) or private parking within nearby lots or parking structures, all of which are reasonably available in this area.
- (ii) The applicant has not prepared a TDM strategy.
- (iii) The applicant proposes the amount of parking which is appropriate for the anticipated uses of this site.
- (iv) Parking spaces and aisles have been designed to meet the dimensional requirements of the Technical Manual. Several compact spaces are proposed due to the dimensional limitations within the buildings.
- (v) Parking lots have been designed to withstand site conditions. The parking lots will be paved and graded to drain to a formal drainage system.

b. Location and Required Number of Bicycle Parking Spaces:

- (i) The project will include interior bicycle storage for each unit. Additional street racks will also be provided at one or more locations with the adjacent sidewalks systems.

c. Motorcycles and Scooter Parking:

- (i) The project provides designated motorcycle/scooter parking in the parking structure facility.

d. Snow Storage:

(i) Snow storage management will employ two strategies;

1. On-site snow storage around the perimeter of the site.
2. Snow removal and offsite storage. Generally speaking the nature of the proposed site use precludes the need for significant snow removal.

5. Transportation Demand Management (TDM):

- a. A TDM plan is not required for the project.

(b) Environmental Quality Standards

1. Preservation of Significant Natural Features:

- a. The existing site retains no prominent significant natural features therefore no issue related to the preservation of these features applies.
- b. The applicant is not requesting a waiver from this standard.

2. Landscaping and Landscaping Preservation:

a. Landscape Preservation.

- (i) The site's existing tree population is limited so there is no formal tree preservation proposed.
- (ii) Not applicable
- (iii) Not applicable
- (iv) The applicant will not require a waiver from this standard.

b. Site Landscaping.

(i) Landscaped Buffers:

- (a) There are no observable service or loading areas.
- (b) The development will be designed to meet the understory planting requirements of Section 4 of the Technical Manual. The landscaping plans will be prepared by a licensed landscape architect.
- (c) Not applicable.

(ii) Parking Lot Landscaping:

- a) All parking is below grade or interior of the building therefore no parking lot planting is required.

H. 4

b) Not applicable.

c) Not applicable.

(iii) Not applicable.

3. Water Quality, Stormwater Management and Erosion Control:

a. Stormwater:

(i) All stormwater draining onto the site from adjacent properties will be accounted for in the pipe sizing and redirection to a new discharge location as necessary. Runoff from the site will continue to be directed to the City's storm drainage systems in the streets.

(ii) All stormwater runoff is proposed to discharge to the City street systems. The project will not adversely impact adjacent lots or the City street system.

(iii) All stormwater runoff is proposed to discharge to the City street systems. The project will not adversely impact adjacent lots or the City street system.

(iv) All stormwater runoff is proposed to discharge to the City street systems. The project will not adversely impact adjacent lots or the City street system.

b. The Stormwater Management Plan will meet the requirements and goals stated in Section 5 of the Technical Manual.

c. The project is not located in a watershed of an urban impaired stream as listed by the MeDEP.

d. N/A

e. The project is serviced by both a public wastewater system and public drainage system. The project will not pose a risk of groundwater contamination.

f. The project will be connected to the public sanitary sewer system which is adequately sized for the project flows.

(c) Public Infrastructure and Community Safety Standards.

1. Consistency with City Master Plans:

a. The project has been designed to be consistent with the City's Zoning Ordinance (pending rezoning and text changes) and off-site infrastructure.

b. Not applicable.

2. Public Safety and Fire Prevention:

a. The site has been designed to promote safe and inviting public and residential access. Controlled access into the interior parking spaces has been designed into the site plan through the use of emergency ready parking gates.

- H. 3
- b. No changes to emergency access conditions within the surrounding streets is proposed.
 - c. Fire hydrants are located within the adjacent street system. The new buildings will be fully sprinklered.
3. Availability and Adequate Capacity of Public Utilities:
- a. The applicant will secure letters from all applicable utilities stating their ability to serve this project. The project will require new utility service infrastructure to serve the new buildings.
 - b. All on site electrical lines will be underground.
 - c. All new utility infrastructures will meet the provisions of the Technical Manual.
 - d. The project will require a new service connection to the sewer system in Hampshire Street
 - e. The sanitary sewer collection system will be designed to meet all applicable sections of the Technical Manual. A stormwater management system is not required based on the project size.
 - f. The project will use an interior trash room to store trash and recyclables temporarily until a contracted waste management company can pick up and dispose of the solid waste.

(d) Site Design Standards.

1. Massing, Ventilation and Wind Impact:
- a. The bulk, location and height of the proposed building will have been designed to not result in adverse impacts to abutting properties. The elevations depicting building massing are enclosed in the site plan package.
 - b. HVAC venting is proposed to be directed to the building roof and directed away from public spaces.
2. Shadows:
- a. The development is located in the B-2b Zone and this standard is not applicable.
3. Snow and Ice Loading:
- a. The proposed buildings will be designed and located such that accumulated snow and ice will not fall onto adjacent properties or public ways.
4. View Corridors:
- a. The project site is located outside the Downtown Vision View Corridor Protection Plan.

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5. Historic Resources:

- a. The development is not located in a historic district, historic landscape district or City designated landmark.
- b. The development is not located adjacent to or within 100 ft. of a designated landmark, historic district, or historic landscape district.
- c. There are no known archaeological resources on the site.

6. Exterior Lighting:

- a. Site Lighting.
 - (i) Exterior lighting will be designed to meet the requirements of Section 12 of the Technical Manual.

7. Noise and Vibration:

The project noise levels will be designed to meet the permitted levels as outlined in the B-2b Zone. All HVAC and mechanical equipment is proposed to be mounted on the roof.

8. Signage and Wayfinding:

- a. All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.
 - (i) The project is not located in a historic district or subject to Article IX.
 - (ii) Proposed commercial signage is still being designed and subject to a condition of approval.
 - (iii) All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

9. Zoning Related Design Standards:

- a. The project is designed to be a high density development with multiple story building, interior parking structures and attractive public space.

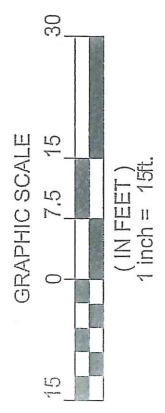
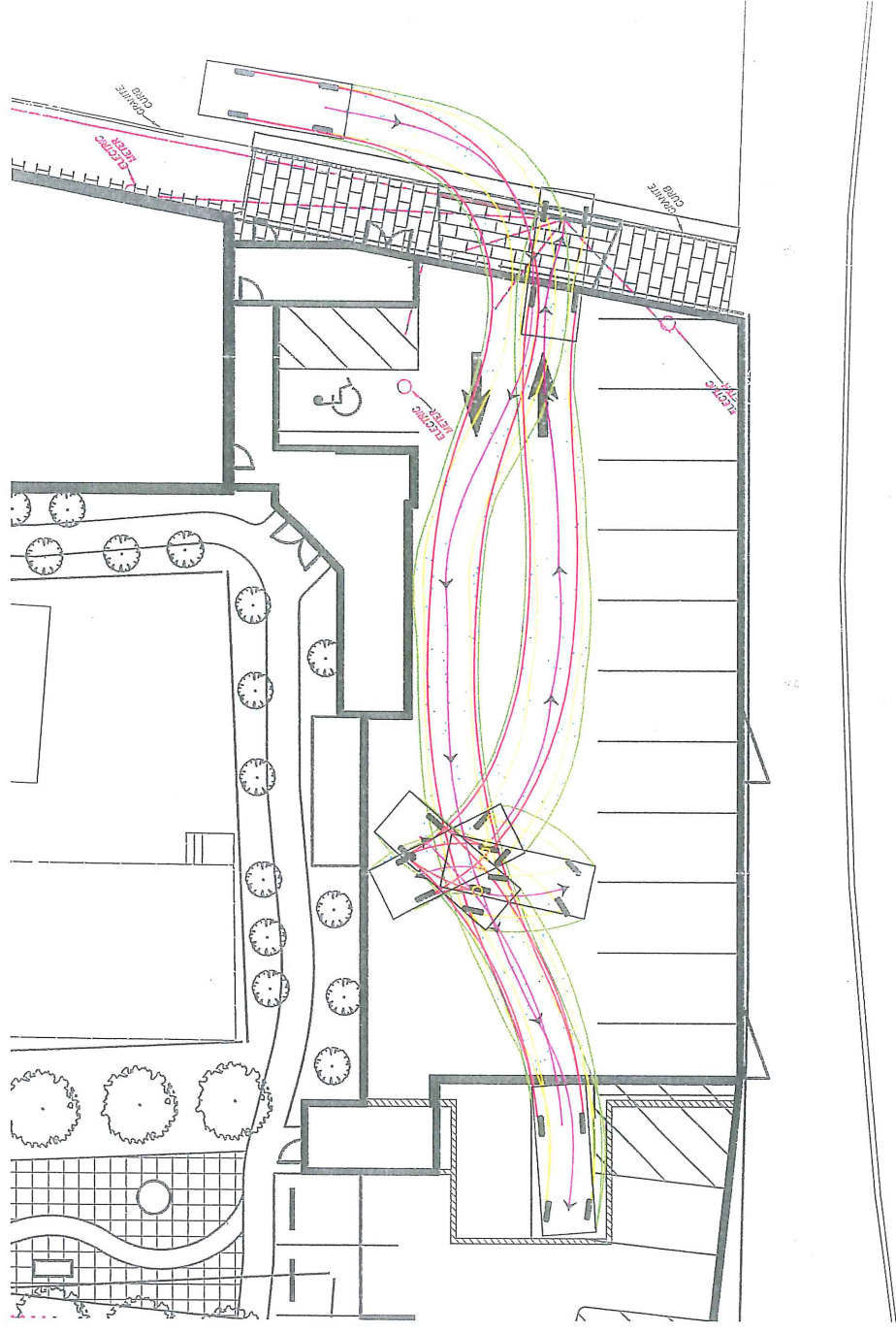
3.2 ATTACHMENTS

Attachment A – Turning Template Figures

ATTACHMENT A

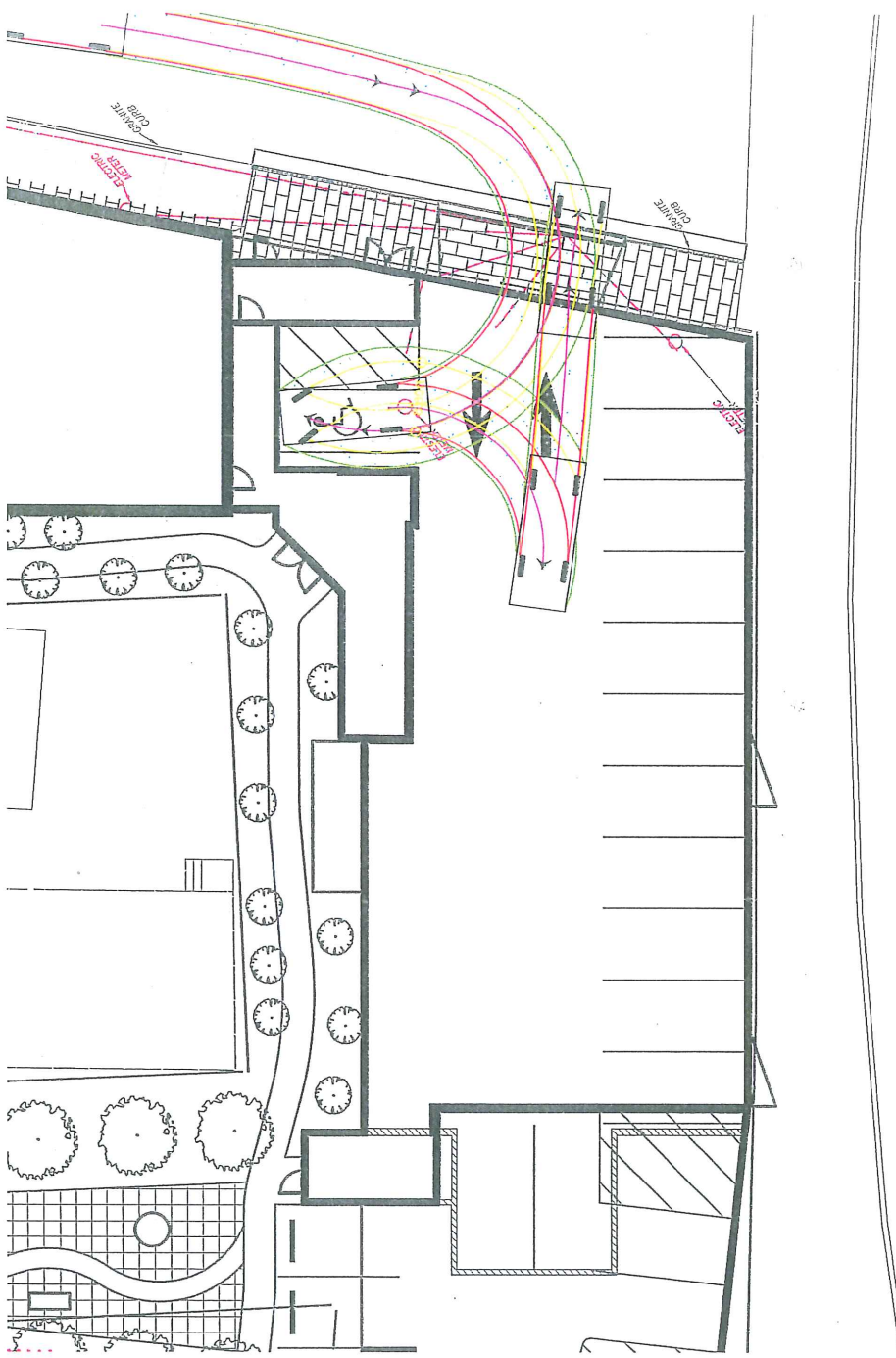
Turning Template Figures

11.8



 DeLuca-Hoffman Associates, Inc. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM	DRAWN: BEK DESIGNED: RJW CHECKED: SRB FILE NAME: 3127-AUTOTURN.DWG	DATE: JULY 2012 SCALE: 1" = 15' JOB NO. 3127	FIGURE 7
	NEWBURY LOFTS PORTLAND, ME		AUTO-TURN ANALYSIS PASSENGER VEHICLE SPACE 12

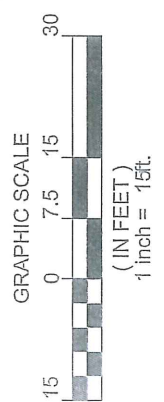
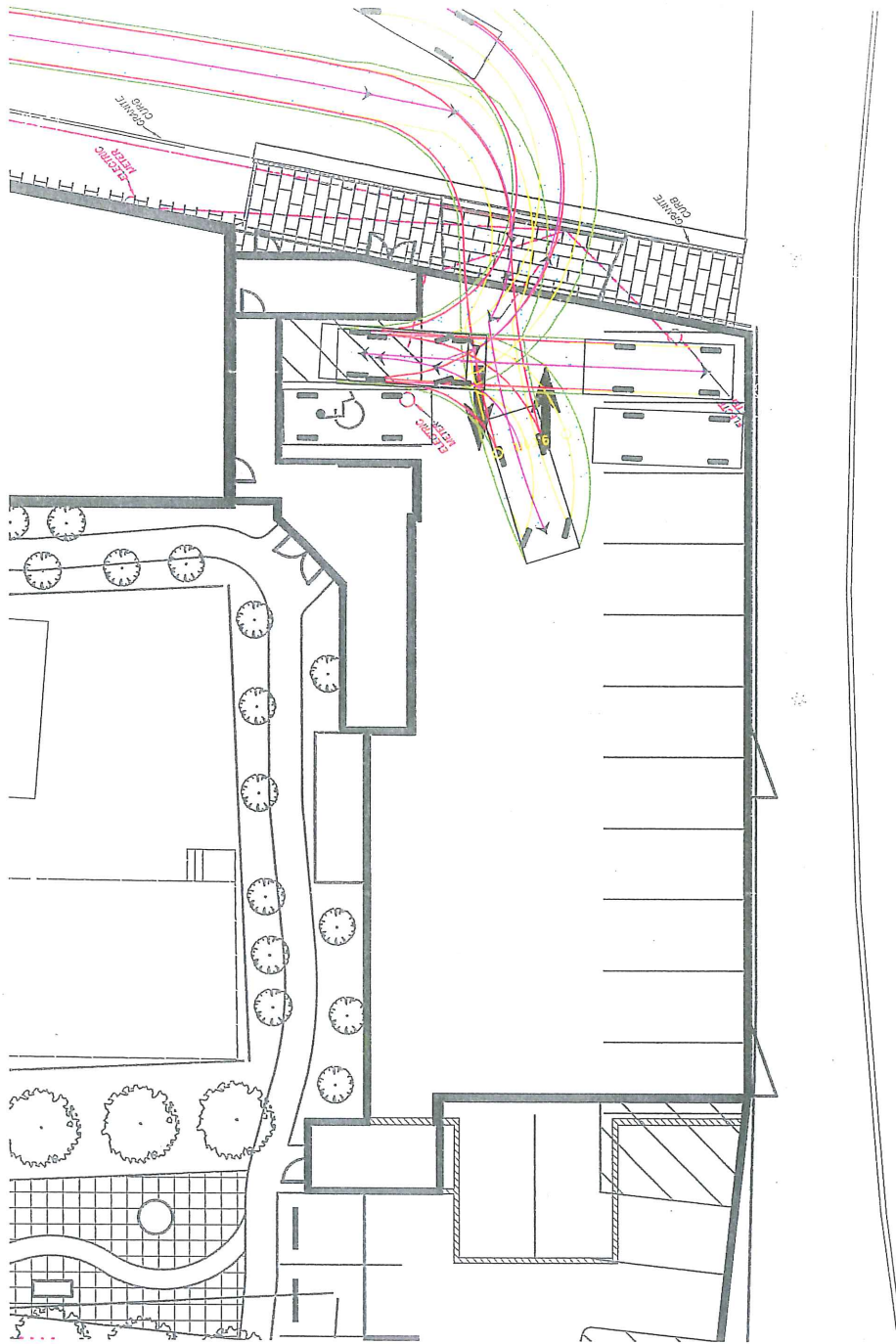
H.9



FRANKLIN ARTERIAL

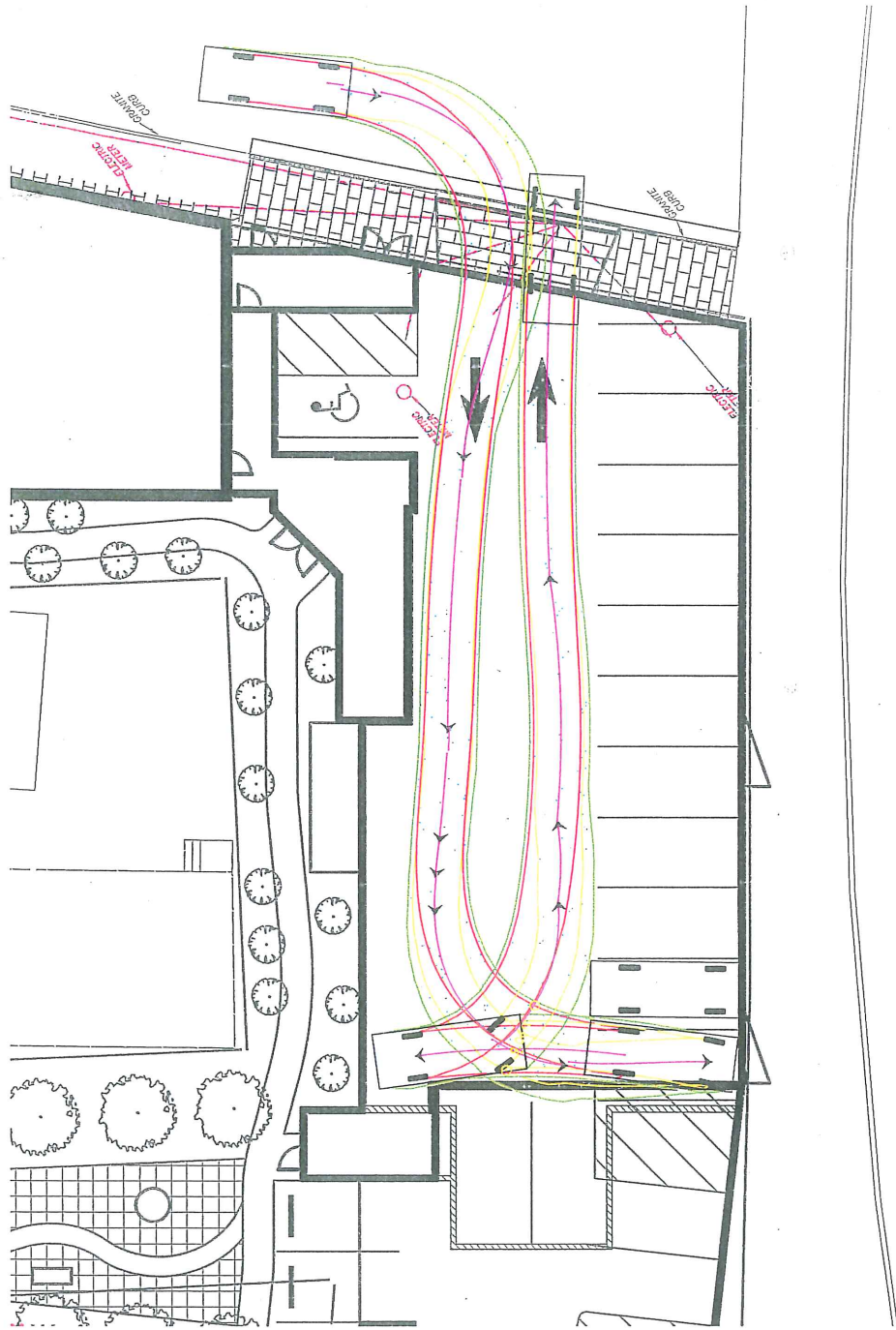
	DeLuca-Hoffman Associates, Inc. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM		DRAWN: BEK DESIGNED: RJW CHECKED: SRB FILE NAME: 3127-AUTOTURN.DWG	DATE: JULY 2012 SCALE: 1" = 15' JOB NO. 3127	NEWBURY LOFTS PORTLAND, ME	AUTO-TURN ANALYSIS PASSENGER VEHICLE SPACE 24	FIGURE 6
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K.70



 DeLuca-Hoffman Associates, Inc. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1121 WWW.DELUCAHOFFMAN.COM	DRAWN: BEK DESIGNED: R/W CHECKED: SRB FILE NAME: 3127-AUTOTURN.DWG	DATE: JULY 2012 SCALE: 1" = 15' JOB NO. 3127	FIGURE 5
	NEWBURY LOFTS PORTLAND, ME		AUTO-TURN ANALYSIS PASSENGER VEHICLE SPACE 23

H.11



FRANKLIN ARTERIAL

DeLuca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207.775.1121
 WWW.DELUCAHOFFMAN.COM

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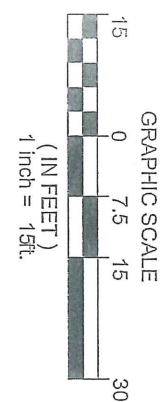
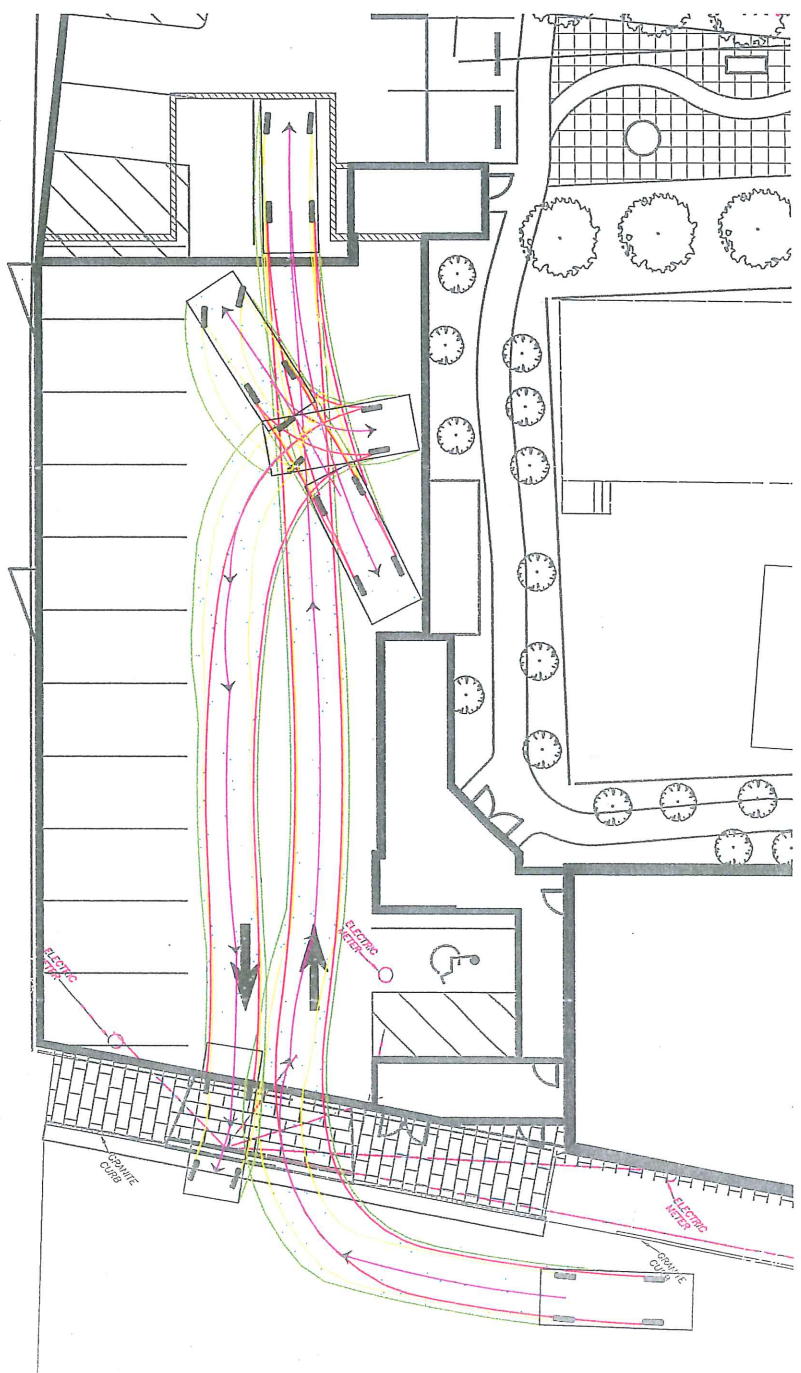
NEWBURY LOFTS
 PORTLAND, ME

AUTO-TURN ANALYSIS
 PASSENGER VEHICLE SPACE 13

FIGURE

4





 DeLuca-Hoffman Associates, Inc. 778 MAIN STREET, SUITE 8 SOUTH PORTLAND, ME 04106 207.775.1712 WWW.DELUCAHOFFMAN.COM	DRAWN:	BEK	DATE:	JULY 2012	NEWBURY LOFTS PORTLAND, ME	AUTO-TURN ANALYSIS PASSENGER VEHICLE SPACE 11	FIGURE: 3
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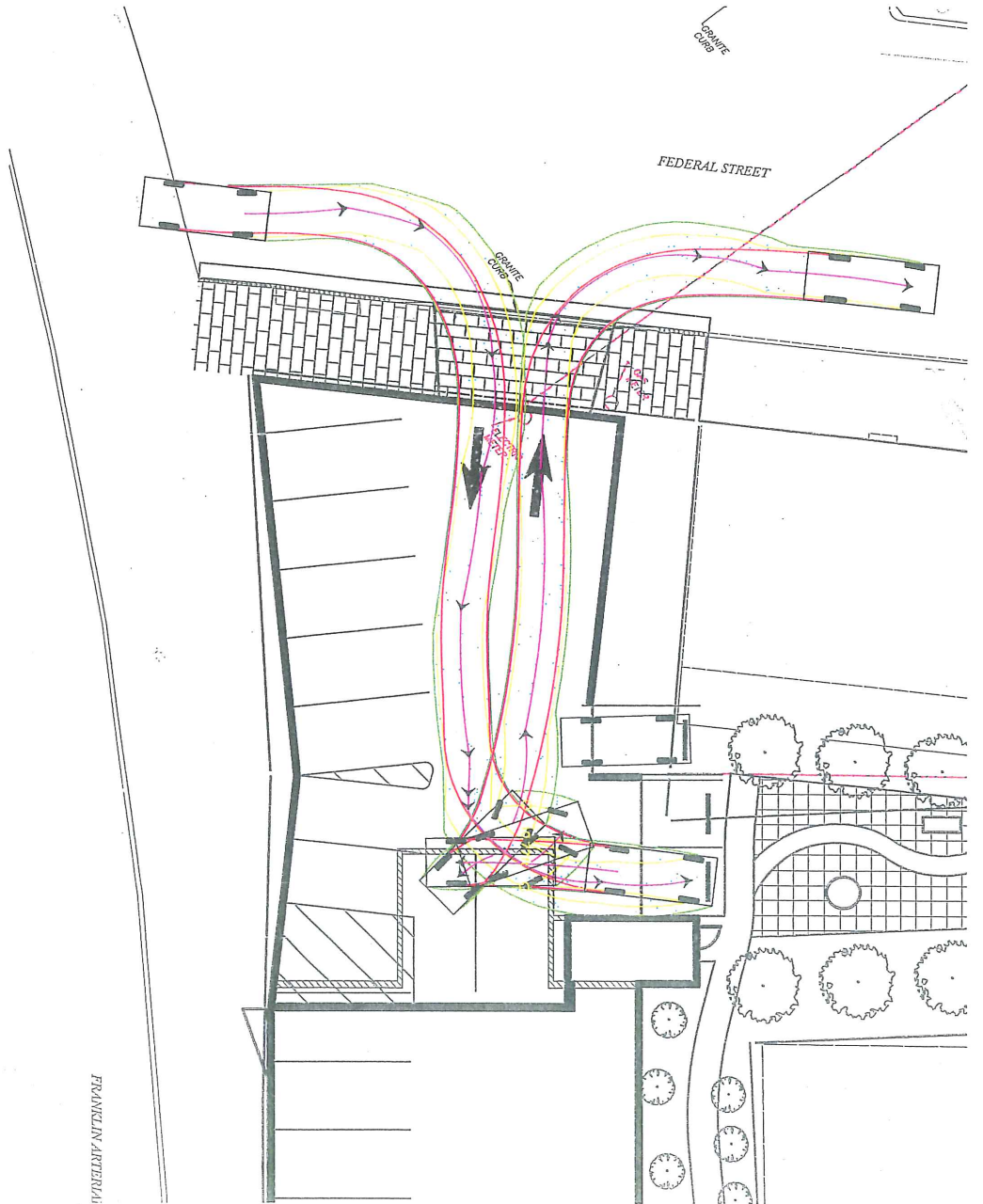
DH
 Deluca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207/781-1121
 WWW.DELUCAHOFFMAN.COM

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NEWBURY LOFTS
 PORTLAND, ME

AUTO-TURN ANALYSIS
 PASSENGER VEHICLE SPACE 10

FIGURE
 2



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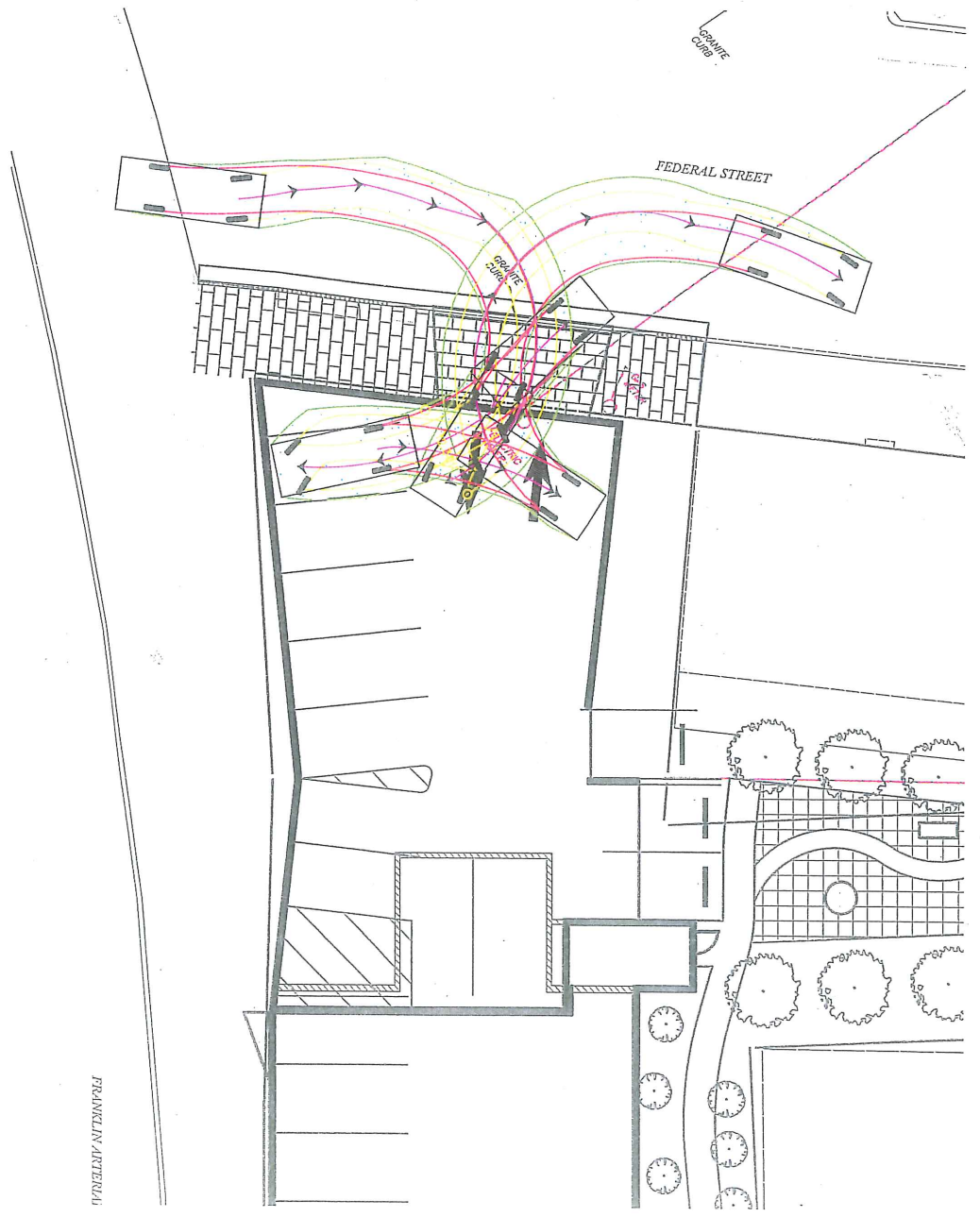
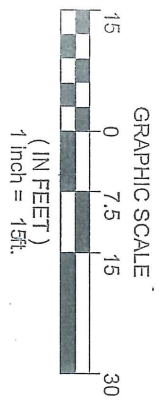
DH
 Deluca-Hoffman Associates, Inc.
 778 MAIN STREET, SUITE 8
 SOUTH PORTLAND, ME 04106
 207.753.1121
 WWW.DELUCAHOFFMAN.COM

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NEWBURY LOFTS
 PORTLAND, ME

AUTO-TURN ANALYSIS
 PASSENGER VEHICLE SPACE 1

FIGURE
 1



Handwritten initials: H. J.

FEDERLE | MAHONEY

AH. I. 1

Jennifer Yeaton, Office Manager
Planning and Urban Development
City of Portland
389 Congress St, 4th Floor
Portland, ME 04101

July 19, 2012

RE: Neighborhood Meeting Certification

Dear Jennifer:

I, Thomas B. Federle, on behalf of Hampshire Street Properties, hereby certify that a Neighborhood Meeting was held on July 17, 2012 at Micucci's Grocery at 45 India Street, Portland Maine at 5pm.

I also certify that on July 10, 2012 invitations were mailed to all addresses on the mailing list provided by the Planning Department, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

I am enclosing a copy of the invitation sent, the sign-in sheet, and the meeting minutes.

Best Regards,

Thomas B. Federle
Hampshire Street Properties

Enc.: Copy of invitation sent; sign-in sheet; meeting minutes

FEDERLE | MAHONEY

Neighborhood Meeting Invitation

July 10, 2012

Dear Neighbor:

On behalf of Hampshire Street Properties, I am writing to invite you to join a neighborhood meeting to discuss a Site Plan Application relating to the redevelopment of properties located at 24 Hampshire Street, 32 Hampshire Street, 42 Hampshire Street, 160 Newbury Street, 167 Newbury Street, 169 Newbury Street, 96 Federal Street and 100 Federal Street. The meeting information is as follows:

Meeting location: 2nd Floor of Micucci's Grocery Store at 45 India Street (enter from Middle Street)

Meeting date: July 17, 2012

Meeting time: 5:00 pm to 6:15 pm

The City land use ordinance requires that property owners within 500 feet of the proposed development and residents on an "interested party" list be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call me at 207.841.4092.

Regards,

Thomas B. Federle

Note: Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a Level III development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application, if a preliminary plan was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 874-8721 or send written correspondence to the Planning and Urban Development Department, Planning Division 4th Floor, 389 Congress Street, Portland, ME 04101 or by email to: bab@portlandmaine.gov

T.2

Site Plan Application Neighborhood Meeting

Hampshire Street Properties

Meeting Minutes

7/17/12

Location: Micucci's Grocery (2nd Floor), 45 India Street

Pre-meeting: Hugh Nazor discussed July 2 meeting he had with the Mayor and City Manager and others regarding the planning process for the broader India Street neighborhood and the decision to pursue a form-based code for the area.

Meeting began 5:05.

Attendance sheet circulated

An overview was provided by Tom Federle

- This is the second official Neighborhood Meeting—the first was part of our application for a zone change; the second is for our application for Site Plan approval.
- Introduction of Development Team: David Lloyd of Archetype and Kevin Bunker of Developers Collaborative.
- Showed new renderings and discussed each
- David gave architectural overview
- Tom explained we are before the Planning Board next week for workshop meeting on the Site Plan application and for a Public Hearing on the zoning application.
- The Public Hearing for the Site Plan application will likely be in August. August 6th may be the date that the City Council first considers the application for a zone change.
- We are continuing to work on design, civil, marketing, etc.
- Hope to break ground in fall

At that point, Tom opened the meeting up to questions from attendees.

Q: What is the Franklin process?

A: Tom gave his understanding of the current status of an anticipated Phase 2 study of alternative designs for Franklin Street. Hugh Nazor, a member of that anticipated study group, said any start of construction on Franklin is at least 3-4 years out in a best case scenario.

Q: Do you favor any re-connections?

A: Tom answered that the project has been designed based on existing conditions without interconnection but also designed so as not to impede future interconnections. The project is working with existing grades on Newbury and Federal so as not to further complicate reconnections. Entrances off of Newbury and Federal were located far enough away from Franklin so that project could fit safely in the event of reconnections. Tom indicated that he and the development team are proponents of an improved Franklin and believe that locating 24 new unit owners along Franklin, and siting the main façade of the building along Franklin, is a positive lurch forward for redesigning the arterial. Tom also said that the India Street Neighborhood Association has told him several times that they want redevelopment of the block sooner not later and not to wait to see how Franklin may or may not evolve. Given the complexity of that infrastructure project and its cost it should realistically be viewed as having a 5-10 year horizon before any new design is built.

Hugh discussed traffic circulation issues with re-connecting streets to Franklin and what would happen to on-street parking. Alison Brown expressed a desire that there be no reconnections of either Newbury or Federal to Franklin. She thought it would simply bring auto traffic through the neighborhood and wouldn't serve much of a purpose.

Discussion of overall traffic issues in City including Spring St. and State and High Sts. and how long studies have taken in the past. Discussion that there might be more impetus to redesign Spring Street before Franklin and that all of them are interconnected so the whole discussion was likely to get more complex.

Discussion of façade. Jack Solely, a property owner on Hampshire Street, commented that he was surprised but pleased to see such high density. He noted that the façade of the building along Franklin is far more interesting than the façade along Hampshire Street. He expressed that the Franklin façade has a lot of interest and is quite good and that is appropriate because its massing is most evident there.

Opinion expressed from the attendees that this will be the conversation piece of the City for some time afterward due to design elements and architectural features and high visibility.

Q: Will PB pull in other properties to be re-zoned? Discussion followed.

A: Tom explained the PB discussion at the workshop on the zoning application. The Planning Board provided notice to the larger R-6 zone residents that it was considering a change to the larger R-6 zone in the India Street area. The Planning Board also discussed that it would focus on a rectangle connecting existing B-2b running up Hampshire Street and b/w Hampshire and Franklin. This added three parcels to the requested zone change. 2 of those 3 applicants have expressed a desire to be included in the new zone. The third has not responded to any notices, attended any meetings or otherwise been heard from.

Meeting adjourned; invitation to come to Planning Board on 24th to comment on plan.