

APL

REVIEW



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

Planning Division
Alexander Jaegerman, Director

October 2, 2009

Demetrios Dasco, Managing Member
Village at Oceangate, LLC
35 Fay Street, 107B
Boston, MA 02118

David White, Architect
P.O. Box 447
Goffstown, NH 03045

Project Name:	The Bay House	Project ID:	09-99600006
Address:	113 Newbury Street	CBL:	020-D-032-001
Applicant:	Village at Oceangate, LLC		
Planner:	Barbara Barhydt, Development Review Services Manager		

Dear Mr. Dasco and Mr. White:

On September 22, 2009 the Portland Planning Board considered the Bay House for 82 residential units, commercial space, and two levels of parking with 159 spaces. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously (4-0, Lewis, Lowry, and Tevanian absent) to approve the application with the following motion(s), waivers, and condition(s) as presented below.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #35-09, which is attached.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #35-09 and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan of 2009 is in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines subject to the following conditions:

1. The developer shall provide the additional documentation regarding final average grades used to determine the building height and the projected noise levels for proposed HVAC systems, as requested by Marge Schmuckal, Zoning Administrator in her 9/17/09 review prior to the issuance of a building permit.
2. The developer shall submit the details of the awning and signage for the buildings, a schedule

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of materials and colors for each façade, and details of the square windows and all window glass specification within the base façade prior to the issuance of a building permit.

3. The developer shall expand the width of the Newbury Street pedestrian stairway to a minimum of five (5) feet and a maximum of six (6) feet.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #35-09 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board waives the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Middle Street with a four foot setback from the Middle Street façade as shown on the amended subdivision plat.
2. Technical Standard, Section III 2A (b), which requires a 24-foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Hancock Street.
3. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
4. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #35-09, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions required as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of September 16, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 27, 2008 and contained in David Margolis-Pineo,

Deputy City Engineer's, September 16, 2009 memorandum shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;

OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur a Pavement Restoration fee equal to \$65 per square yard (from the edge of its frontage to India Street).

6. The Retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two (2) years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.
10. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Consulting Traffic Engineer's, memorandum of September 17, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

Site Plan

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 35-09, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.
4. Revised plans and information meeting the recommendations contained in Jeff Tarling, City Arborist's memorandum of September 11, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The applicant shall submit the specifications for the opaqueness of the windows for the Planning Authority's review and approval, prior to the issuance of a building permit.
6. Any changes to the window material, including but not limited to bars on sidewalk windows, shall be submitted to the Planning Authority for review and approval.
7. The defect guarantee covering landscape improvements shall be extended for a two (2) year time period.

STANDARD CONDITIONS OF APPROVAL

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

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site

plan by the Planning Board or the Planning Authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the Planning Authority or Planning Board, and field changes approved by the Public Services Authority as provided herein, by any authority or department shall authorize any such modification or alteration.

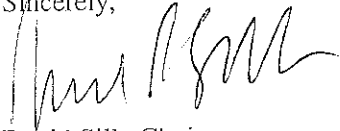
4. The above approvals do not constitute approval of building plans, which must be submitted for review and approval by the City of Portland's Inspection Division.
5. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven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

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date

required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. Marge Schmuckal, Zoning Administrator, September 17, 2009
2. Thomas Errico, PE, Consulting Traffic Engineer, September 17, 2009
3. Stephen Bushey, P.E., Consulting Engineer, September 16, 2009
4. David Margolis-Pineo, Deputy City Engineer, September 16, 2009
5. Jeff Tarling, City Arborist, September 11, 2009
6. Planning Board Report #35-09
7. Planning Board Report #34-08
8. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

Zoning Administrator Marge Schmuckal

09/17/09

This project is a revision of previous submittals. The project is within a Conditional/Contract Zone #C-52 (C-47 preceded revisions). This Conditional/Contract Zone is a modification of the B-5b Zone. Generally the footprint is the same as previous renditions.

The current proposal for Phase #1 is for 82 residential dwelling units (a maximum of 110 d.u. is allowed), with 5742 square feet of retail (no less than 5,700 square feet required). The parking requires 1 parking per dwelling unit. 160 spaces are shown with 38 bike spaces (33 minimum per requirements).

The height allowance under the Conditional/Contract is 74' by the methods normally used by the Zoning Administrator. That methodology is to begin at average the grade and end at the top of the structural beam. First of all, the height requirement is being met. The previous average grade that I had use was 33.21'. Currently the average grade shown on the plans is 35.15'. Using the worst case scenario, the height of the building is 64.29 feet, which is almost 10' under the maximum allowed. For further clarification, I would like to see how the average grade was determined using the current plans. I again clarify, the height of the structure is meeting the maximum height limits allowed under the Conditional/Contract Zone.

In future submissions, I would like to verify that the HVAC systems are meeting the B-5b noise limitations. I would also like to look at signage proposals to be sure sign requirements will be met.

From: "Tom Errico" <thomas.errico@tylin.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Thursday, September 17, 2009 8:56:24 AM
Subject: Bay House

Barbara -

In response to your request I have reviewed the September 8, 2009 submittal prepared by David M. White, Architect and offer the following new comments as it relates to the revised plan. Please note that my comments from the prior approval continue to remain valid.

. The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.

. New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.

. On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

. The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.

. Based upon the increase in parking supply being provided for the project, the parking management plan is not required and should be eliminated as a condition of approval.

. The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.

. Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.

. There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

If you have any questions, please call me.

Best regards,

Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

CC: "Katherine Earley" <KAS@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

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- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: September 16, 2009

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Bay House

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 09-08-09 relating to the Bay House project. The submission package includes revised plans and a letter containing additional information pertaining the most recent project changes. Specifically an additional level of parking has been added to the development program, resulting in there being 160 spaces of structured parking within the building. We note that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist show weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.

5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

We have no further comments on the plans at this time. On the basis on this review we can recommend the plans be presented to the Planning Board for approval with the condition that the aforementioned items be addressed prior to release of a building permit. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

Deputy City Engineer
David Margolis-Pineo

September 16, 2009

To: Barbara Barhydt
From: David Margolis-Pineo
And Public Service Staff
Re: The Bay House

1. When the construction fence gets installed make sure the points on the fence are down and not up.
2. No granite curb sections shall be installed less than four feet in length.
3. This project shall not interfere with the water main work that is currently underway.
4. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
5. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
6. Street opening permit fees are \$223 each.
7. Street, parking space and sidewalk occupancy fees are \$10/day per each.
8. Any work in the right of way will require an approved traffic plan by Public Services.
9. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
10. Handicap ramps shown on the plans do not meet ADA or City standards.

From: Jeff Tarling
To: Barbara Barhydt
Date: Friday, September 11, 2009 5:01:22 PM
Subject: Bay House Landscape Review

Hi Barbara -

I have reviewed the proposed Bay House project and offer the following recommendations & review:

a) **Street-trees** - The street-tree layout looks good as shown on Sheet 8, request would be to check to make sure that tree placement matches any on-street parking or loading zone requirements. Ideal placement of street-trees where on-street parking exists is to have the trees match up to the space between parked vehicles and not mid-car or where passengers were unloading. Tree spacing is also to include review of all underground utilities required set backs. Sidewalk widths should meet ADA standards between the tree grate & building.

b) **Courtyard landscape** - The interior courtyard is not visible from the street view, the proposed landscape treatment should make this area pleasant. Plant choices given the shade / sun requirements appear to be well thought out.

Recommendations for the courtyard at the street-view would be to use plants with a taller vertical element along the Newbury Street frontage. Since this area is relatively narrow the recommended plants should be upright in form.

Suggestions, this space might benefit be best treated with a planting of upright small trees or shrubs, or climbing vine & combination one suggestion might be 'Climbing Hydrangea', or perhaps 'Heptacodium'. A second recommendation on the Middle Street courtyard would be to include a small planting space to the right of the driveway entrance. This is the space from the building plane to the garage door opening leaving space (pavement) along the drive on both sides.

Both of the landscape elements or planters proposed in this recommendation would benefit from irrigation which should be able to be extended from the interior courtyard.

I would be glad to meet with the Project Team & Planning staff to review.

Thanks,

Jeff Tarling
City Arborist

CC: David Margolis-Pineo



PLANNING BOARD REPORT PORTLAND, MAINE

THE BAY HOUSE
113 NEWBURY STREET
VILLAGE AT OCEAN GATE LLC, OWNER/APPLICANT

Submitted to: Portland Planning Board: Public Hearing Date: September 22, 2009 Project No. 09-99600006 Report Number – #35-09	Prepared by: Barbara Barhydt, Development Review Services Manager Date: September 17, 2009
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I. INTRODUCTION

The Village at Ocean Gate LLC submitted an application for an amended site plan and subdivision for the Bay House at 113 Newbury Street (Applicant's Submittal, Attachment B). As stated in the cover letter, the applicant "has an opportunity to convey or partner phase I of this property to/with Eric Cianchette of Portland, ME." In order to increase the financial viability of Phase I, the applicant is seeking to add a second level of structured parking to this project, which requires an increase in the building height of five (5) feet, revisions to the ground level of the façade, and a garage entrance onto Hancock Street. Amended plans for the Bay House were approved on July 8, 2008 and this approval expires on July 8, 2010. The parcel is located within Conditional Zone C47. The 2008 review of the amended subdivision and site plan is included as Attachment C, Planning Board Report #34-08.

Notice of the public hearing appeared in the Portland Press Herald on September 14 and 15 and 175 notices were sent to property owners and the interested citizen list.

II. CHRONOLOGY OF REVIEW

The original conditional rezoning agreement for the Village at Ocean Gate was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement became effective on July 2, 2008 (Attachment 1).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Attachment C, item 3 is the 2007 Approval Letter). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the

subdivision was signed by the Planning Board, but was not recorded.

On July 8, 2008, the Planning Board approved the amended site plan and subdivision plan included the following revisions:

- a. The subdivision plat was revised to incorporate 1,602 square feet of land into Phase I;
- b. The number of units in Phase I was reduced from 84 to 82 residential units;
- c. The commercial space was reduced to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. The first level of Phase I was revised to provide storage areas for the units, 80 vehicle parking spaces and 38 bicycle spaces; and
- e. There were modifications to the exterior materials and building design.

A copy of the 2008 approval letter is included as Attachment 2 and the letter authorizing the extension of approval to 2010 is included as Attachment 3. The recording plat was signed, but it has not been recorded. The waivers were recorded at the Registry within 90 days.

III. PROJECT DATA

Existing Zoning:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Use:	82 condominiums, commercial space and two level parking garage
Parcel Size Phase I:	50,088.16 sf
Impervious Surface Area:	
Existing- Phase I:	50,088.16 sf
Proposed:	50,088.16 sf
Net Change:	0
Building Area:	
Proposed Floor Area:	215,960 sq. ft.
Residential Data:	
Proposed Residential Units:	82 residential condominiums (Unchanged). The conditional rezoning allows up to 110 units in Phase I.
Unit Types (Unchanged):	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Vehicle Parking Spaces:	
Required parking cond. rezone:	1 space/unit plus 6 spaces for the retail space
Proposed:	159 spaces on-site (revision)
Number Handicapped Spaces:	6 handicapped spaces (unchanged)
Bicycle Parking Spaces:	
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008. A small rack is also shown adjacent to the Middle Street parking entrance near the commercial spaces. (unchanged)

Middle Street Driveway/Entrance: Access to the lower level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007 and 2008.

Proposed Hancock Street Driveway/Entrance: Access to the second level of parking is proposed from Hancock Street. The applicant is seeking a waiver from the Technical Standards to allow this curb cut to be the same as the Middle Street entrance (22-foot wide driveway and 18-foot wide garage entrance.

Estimated Cost of Project: \$17,000,000 (current estimate)

Uses in Vicinity: The uses in the vicinity include the Parking Garage across Middle Street; Marriott extended stay hotel, the Shipyard Brewery, residential uses on Newbury, Federal and Hancock Streets and mixed commercial and residential uses on India Street.

IV. PROJECT REVISIONS FOR PHASE I

1. Revised On-Site Parking

The 2008 approved subdivision and site plan has 82 residential units and 80 parking spaces on one level of structured parking. The 2009 revised plan proposes two levels of parking with 159 parking spaces. The lower level of parking is shown with 70 spaces and the upper level is shown with 89 spaces, which extends over the retail spaces located on the lower level. The applicant intends to offer one space per unit and then offer condominium owners the opportunity to purchase an extra space.

Access for the first level of parking is from Middle Street. The garage entrance received a waiver from the technical standards for a 22 foot side driveway and an 18 foot wide garage door. A garage entrance to the upper level of parking is proposed off Hancock Street. This entrance is designed with the same dimensions as the Middle Street entrance and thus also requires a waiver of the technical standards.

The 2008 conditional rezoning agreement includes a requirement for a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The proposed number of parking spaces exceeds the number of spaces per unit required in the conditional zoning agreement and exceeds the recently amended zoning requirement of one space per residential unit on the peninsula. This condition of the conditional rezoning agreement remains in effect, should the Planning Board determine there is a need for parking mitigation.

The 2008 amended rezoning agreement revised the parking requirements to require 80 on-site spaces, 8 space in the Riverwalk Parking Garage (aka Longfellow garage, aka Ocean Gateway Garage) and 33 on-site bicycle parking spaces (Attachment 1). As stated above, the applicant is proposing 159 on-site parking spaces and bicycle racks for 38 bicycles are shown on the lower parking level. The requirement for parking spaces in the Longfellow garage for the retail space remains a requirement for this project.

2. Revised Floor Plans

The conditional rezoning agreement requires 5,200 to 5,700 square feet of commercial space in Phase I. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The amount of proposed square footage for the retail remains the same. The applicant has added a community room, exercise room, association office, and restrooms over the retail space in building #2 with roughly 2,880 square feet of area. The two residential buildings in Phase I remain unchanged in terms of the floor plans and exterior design.

The layout of the parking levels are shown on the G.1 and G.2 floor plans for the two parking levels. The lower level parking has three handicapped parking space and bicycle racks for 38 bicycles. The upper level has three handicapped spaces and no bicycle racks are proposed on this floor. There are 48 storage bins and a designated canoe and kayak area proposed on the lower level. A total of 92 storage bins are proposed on the upper level. The vestibules, lobby, mail room and trash room are located on the lower parking level.

3. Revised Building Height

The proposed addition of a second parking level requires that building height be raised by five feet. According to the cover letter prepared by David White, Architect (Attachment B), the increase in height is the “minimum needed to accomplish this change and the maximum that can be done to insure no change in the proposed construction type.” The increase in height changes the base level of the structure and raises the elevation of the central courtyard. According to Marge Schmuckal’s review estimates that the building height is 64.29 feet, which is below the 74 feet permitted in the Conditional Rezoning Agreement.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, “the Plans for Phase I”), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

In 2008, the applicant sought to make modifications to the exterior of Buildings #1 and #2 (refer to Attachment C, Planning Board Report #34-08). The Planning Board found the revised elevations and exterior materials to be in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines (Attachment 2, Approval Letter). The 2008 elevations are included in Attachment C, item 15, excerpt of plan set.

The applicant is proposing to use the same exterior materials, which were approved previously. With the proposed addition of a second level of parking, the overall height of the structure increases by five feet. The upper floors of the residential buildings remain unchanged. In general the ground level façade or base of the building is increased in height. The exterior modifications for the ground level façade include the following:

1. **Fenestration:** The applicant is proposing windows above the storefront six store fronts along Middle Street. The windows would serve the community room, office and exercise room on the upper parking level in Building #2. In Building #1, the windows would be located in the parking garage. Square decorative windows are proposed above the Middle Street Garage entrance and along the facades facing Hancock and Newbury Streets. The specifications and transparency for the square windows has not been submitted at this time.
2. **Courtyard:** The elevation of the courtyard is now raised by five feet. The stairway leading to the courtyard from Middle Street has been removed as it required two and half flights of stairs to reach the courtyard. The stairway leading to the courtyard along Newbury Street has increased from 4 steps to twelve.

V. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines.

1. Right Title and Interest

The original and amended applications in 2006 and 2008, respectively, included the right, title and interest for the Bay House. As stated in the cover letter, the Village at Ocean Gate LLC has the opportunity to partner or convey the Bay House to Eric Cianchette. Attachment B, item 4 is a letter from Demetri Dasco, Village at Ocean Gate LLC, confirming the business agreement with Eric Cianchette.

2. Financial Capacity

Mr. Eric Cianchette has submitted a letter from Bangor Savings confirming he has the financial and technical capacity to undertake this project (Attachment B, item 5).

3. Recording Plat and Plan

There is a plat that was signed after July 8, 2008 approvals. A revised plat will need to be submitted for review and signature that incorporates the Planning Board's final conditions of approval prior to the issuance of a building permit.

4. Zoning

Marge Schmuckal, Zoning Administrator, reviewed the amended plans for the Bay House (Attachment 4). She has found that the density, square footage of retail space, bicycle parking and on-site vehicle parking spaces meet the Conditional Rezoning Agreement for Phase I. Ms. Schmuckal has determined that the proposed height is less than allowed and her evaluation of the height is as follows:

The height allowance under the Conditional/Contract is 74' by the methods normally used by the Zoning Administrator. That methodology is to begin at average the grade and end at the top of the structural beam. First of all, the height requirement is being met. The previous average grade that I had used was 33.21'. Currently the average grade shown on the plans is 35.15'. Using the worst case scenario, the height of the building is 64.29 feet, which is almost 10' under the

maximum allowed. For further clarification, I would like to see how the average grade was determined using the current plans. I again clarify, the height of the structure is meeting the maximum height limits allowed under the Conditional/Contract Zone.

In addition, Marge Schmuckal is requesting additional information to verify that the HVAC systems are meeting the B-5b noise limitations and request that proposals for signage be submitted to be sure sign requirements will be met.

1. Fire Department

In 2008, the Planning Board imposed the following condition of approval for the site plan based upon a review conducted by Captain Cass:

The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Captain Keith Gautreau has reviewed the plans and recommends that the above condition of approval remain in effect.

2. Traffic

In the 2008 plan, a total of 80 parking spaces on site were proposed with spaces reserved in the Parking Garage for the commercial uses. The conditional rezoning agreement includes a requirement for a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis conducted by the developer six months after issuance of the certificate of occupancy. The revised plan now includes a total of 159 parking spaces on-site, which exceeds the number of spaces per unit required in the conditional zoning agreement and exceeds the recently amended zoning requirement of one space per residential unit on the peninsula. Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans (Attachment 5) and finds the proposed residential parking should be sufficient. The provisions for a parking analysis and potential mitigation plan remain in effect from the conditional rezoning agreement.

Mr. Errico is recommending that the technical standards be waived for the Hancock Street garage entrance, which is consistent with the Middle Street entrance. He does recommend that his comments from the prior approval (Attachment C, item 8) be retained and adds the following comments:

- The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.
- New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.
- On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

- The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.
- The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.
- Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.
- There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

3. Public Infrastructure/Stormwater

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted the following review (Attachment 6). Mr. Bushey notes that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. He notes that there remain a few minor technical items that should be addressed by the engineer prior to construction. On the basis of Mr. Bushey's review he recommends the plans be presented to the Planning Board for approval with the following potential conditions:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist should weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32' to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

The Department of Public Services has reviewed the plans and Mr. David Margolis-Pineo has submitted the following comments (Attachment 7):

1. The previous comments from Michael Farmer remain valid and should be retained as part of an approval.

2. The condition of approval regarding the City's expectation for street improvements and associated fees should be retained in an approval.
3. When the construction fence gets installed make sure the points on the fence are down and not up.
4. No granite curb sections shall be installed less than four feet in length.
5. This project shall not interfere with the water main work that is currently underway.
6. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
7. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
8. Street opening permit fees are \$223 each.
9. Street, parking space and sidewalk occupancy fees are \$10/day per each.
10. Any work in the right of way will require an approved traffic plan by Public Services.
11. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
12. Handicap ramps shown on the plans do not meet ADA or City standards.

4. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment C, item 6 Waterfront Guidelines) for B. Buildings/Architecture, Alexander Jaegerman, Planning Division Director, offers the following comments:

1. Building Composition:

a. Placement: In general the buildings are placed along the sidewalk. The residential entrances face Middle, Hancock and Newbury Street. The Middle Street façade extends a two story base across the courtyard between Buildings #2 to Building #1. The residential entrance for building #2, the westerly tower, is located within the parking level between the two towers. The residential entrance is lent prominence through use of glass panels on either side of the door and the Middle Street garage entrance is made subordinate by virtue of a four foot recess from the front building plane. The building base comprising the two store fronts, the residential entry, and the garage entry, is visually tied together through a continuous first floor plane and materials palette (polished concrete), with the prominent glazed doorway feature. There is a substantial retail component in three identical store front bays in the base of each tower, and the storefronts wrap the corners at the westerly building corner and at the intersection of Hancock. The proposed building placement and entries are reasonable design solutions relative to the design standards. The additional height resulting from the second parking tray is manifest in the Middle Street facade in a set of windows capping the first floor storefronts, with the second level appearing as a half- story or mezzanine in scale. Three square windows mark the second parking level in the space between the towers. There is unassigned usable building floor space in the area behind the windows above the retail in the westerly tower. There is parking located behind the windows above the retail in the easterly tower. There are 15 square windows in the garage façade along Hancock Street, and 12 such windows in the garage façade on Newbury Street.

- b. Height:** The proposed height of the building has increased by five feet and is within the limits of the conditional rezoning agreement.
- c. Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. Proportion:** The base of the building along Middle Street is punctuated with 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, residential entrance, garage entry to the upper parking deck, and square garage windows along the parking facade course.
- e. Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street. The base is articulated with a storefront (about 30 feet in length) and a residential entrance, the garage entry and the square garage windows. The base level height along Hancock Street varies from 22 feet at the corner to about 6 feet at the Newbury corner. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards. Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present a base middle and top.
- f. Materials:** The middle portions of the buildings are clad in brick and concrete is used to clad the box bays. The westerly tower brick is brown in color, and the easterly tower at the corner of Middle and Hancock is red brick. There were portions of yellow brick in the earlier project, but this does not appear to be proposed for the current phase. The applicant should provide a schedule of materials and colors for each façade as an update to clarify the current plan for façade treatment. The base course is now proposed as a polished concrete block that resembles granite. The applicant is proposing Hardi-plank (cement cladding material) on the projecting bays and top floor. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The additional height of the base necessitated by the extra parking tray is handled visually by the base cladding articulation and square window treatment, mitigating the blankness of parking structure along the sidewalk edge to a reasonable effect. The staff recommends conditions of approval to submit the details of the awning and signage for the buildings, a schedule of materials and colors for each façade, and details of the square windows and all window glass specification within the base facade.

5. Landscaping

The landscaping plan is essentially the same as in 2008. The number of street trees to be installed is the same; however the locations of street trees along Hancock Street have been adjusted to accommodate the Hancock Street entrance. Jeff Tarling, City Arborist, has

reviewed the plan (Attachment 8). With the increase in height of the building base due to the additional parking level, he is recommending some additional landscaping and more vertical elements along portions of Newbury Street and Middle Street. Mr. Tarling's comments are as follows:

a) **Street-trees** - The street-tree layout looks good as shown on Sheet 8, request would be to check to make sure that tree placement matches any on-street parking or loading zone requirements. Ideal placement of street-trees where on-street parking exists is to have the trees match up to the space between parked vehicles and not mid-car or where passengers were unloading. Tree spacing is also to include review of all underground utilities required set backs. Sidewalk widths should meet ADA standards between the tree grate & building.

b) **Courtyard landscape** - The interior courtyard is not visible from the street view; the proposed landscape treatment should make this area pleasant. Plant choices given the shade / sun requirements appear to be well thought out.

Recommendations for the courtyard at the street-view would be to use plants with a taller vertical element along the Newbury Street frontage. Since this area is relatively narrow the recommended plants should be upright in form. Suggestions, this space might benefit be best treated with a planting of upright small trees or shrubs, or climbing vine & combination one suggestion might be 'Climbing Hydrangea', or perhaps 'Heptacodium'. A second recommendation on the Middle Street courtyard would be to include a small planting space to the right of the driveway entrance. This is the space from the building plane to the garage door opening leaving space (pavement) along the drive on both sides. Both of the landscape elements or planters proposed in this recommendation would benefit from irrigation which should be able to be extended from the interior courtyard.

VI. STAFF RECOMMENDATION

The Planning Staff recommend approval of the plan subject to the conditions of approval imposed on the Amended Plan for Phase I in 2008 with new or revised conditions relevant to the 2009 amended plan.

VII. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The conditions from 2008 are listed below along with revised or new conditions.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #35-09 and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan of 2009 (**is or is not**) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines subject to the following conditions:

1. The developer shall provide the additional documentation regarding final average grades used to determine the building height and the projected noise levels for proposed HVAC systems, as requested by Marge Schmuckal, Zoning Administrator in her 9/17/09 review prior to the issuance of a building permit.
2. The developer shall submit the details of the awning and signage for the buildings, a schedule of materials and colors for each façade, and details of the square windows and all window glass specification within the base façade prior to the issuance of a building permit.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

3. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
4. Technical Standard, Section III 2A (b), which requires a 24-foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Hancock Street.
5. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
6. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #35-09, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of September 16, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 and contained in David Margolis-Pineo's, Deputy City Engineer, September 16, 2009 memorandum shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;

OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The Retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.
10. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Consulting Traffic Engineer's, memorandum of September 17, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

Site Plan

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 35-09, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.
4. Revised plans and information meeting the recommendations contained in Jeff Tarling, City Arborist's memorandum of September 11, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

Attachments:

1. Conditional Rezone Agreement
2. Planning Board Approval Letter for July 8, 2008
3. Planning Approval Extension letter
4. Marge Schmuckal, Zoning Administrator, September 17, 2009
5. Thomas Errico, PE, Consulting Traffic Engineer, September 17, 2009
6. Stephen Bushey, P.E., Consulting Engineer, September 17, 2009
7. David Margolis-Pineo, Deputy City Engineer, September 16, 2009
8. Jeff Tarling, City Arborist, September 11, 2009

Attachment B: Applicant's Submittal 2009

1. Application
2. Cover Letter, dated September 8, 2009
3. Quitclaim Deed with Covenant
4. Letter from Demetrios Dasco, Managing Member, Village at Ocean Gate LLC, dated September 16, 2009
5. Letter from Bangor Savings Bank, dated September 16, 2009
6. E-mail, Chris DiMatteo, Sebago Technics, lot area
7. Plan Set
 - a. The Bay House, Phase I, Sebago Technics Plans, Sheets 1 through 15
 - b. Building floor plans and elevations, David White, Architect, Sheets G.1 and G.2, B1-2 plans, B2-2 plans and Elevations E.1-E.7.

Attachment C: Planning Board Report #34-08 (separate Document in Packet)

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet
 - iii. Notice
 - iv. Neighborhood Certification
2. Amended Conditional Rezoning Agreement
3. Approval Letter for the July 10, 2007 site plan and subdivision approval
4. Planning Board Report #30-07
5. David M. White Architect, April 23, 2008 correspondence
6. Eastern Waterfront Design Standards
7. Carrie Marsh, April review
8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
13. Tracked Changes from the July 10, 2007 motions
14. Approved Building Elevations, July 10, 2007
15. **Excerpts** from Plan Set- The Bay House
 - a. Sebago Technics Plans:
 1. Subdivision Plat, 6-23-08
 2. Site Plan, 6-23-08
 3. Grading Plan, 6-3-08
 4. Utility Plan, 6-3-08
 5. Landscape and Lighting Plan, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings; B1-1 and B2-1, E.1 through E.7;
 - c. Bike Rack Details

PLANNING BOARD REPORT #34-08

**THE BAY HOUSE (FORMERLY THE VILLAGE AT OCEANGATE)
VICINITY OF
112 NEWBURY STREET
AMENDED SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEANGATE LLC. , APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 8, 2008

Prepared by:

Barbara Barhydt, Development Review Services Manager

July 3, 2008

I. INTRODUCTION

The Village at OceanGate LLC has submitted an application to amend the site plan and subdivision plan for The Bay House, which was formerly called the Village at OceanGate (Attachment 1). The original conditional rezoning agreement was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement becomes effective on July 2, 2008 (Attachment 2).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Approval Letter, Attachment 3). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the subdivision was signed by the Planning Board, but has not yet been recorded. A copy of the original application and the applicant's supplemental information for the Village at OceanGate will be available at the public hearing for the Planning Board's reference. A copy of the Planning Board report #30-07 is included as Attachment 4.

The applicant is seeking to revise the proposed project as follows:

- a. Revise the subdivision plat to incorporate 1,602 square feet of land into Phase I;
- b. Reduce the number of units in Phase I from 84 to 82 residential units;
- c. Reduce the commercial space to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. Modify the first level of Phase I to provide storage areas for the units, 80 vehicle parking spaces and 33 bicycle spaces; and
- e. Provide substitutes for some of the exterior materials and design modifications to the buildings.

The amended plans are being reviewed under the standards contained in the City's Subdivision and Site Plan Ordinances.

A total of 194 notices were sent to area residents the notice appeared in the Monday, June 30th and Tuesday July 1, 2008 editions of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

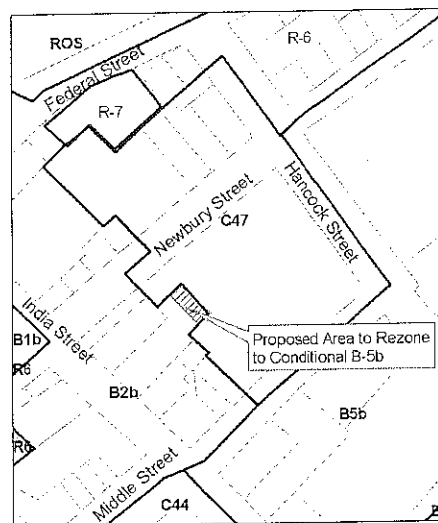
Total Land Area of Phase I:	50,008 sf, (based upon Boundary and Topography Sheet by Sebago Technics, dated 7/12/05, revised 6/3/08)
Total Land Area of Phase II:	30,697 sf
Zone:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Uses:	82 Residential units, 80 space parking level and retail/commercial spaces along Middle Street
Unit Types:	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Required Minimum Lot Area:	none

Proposed Square Footage:	Building #1: 63,050 SF Building #2: 67,790 SF Garage Level: 45,495 SF
Required parking:	1 space/unit plus 6 spaces for the retail space
Proposed parking:	80 spaces on-site and 8 spaces at the Longfellow Garage
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008.
Proposed Driveway/Entrance:	Access to the first level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007.

III. PROJECT REVISIONS FOR PHASE I

1. Phase I Parcel Revised:

The conditional rezoning map as shown here has been revised to include an area of 1,602 square feet from the rear of the adjoining lot owned by Pearl Properties LLC at 61 India Street (Tax Map 20-E-021). The Pearl Properties site contains the Tackle Shop, which will remain. The strip of land to be transferred to the Village at OceanGate LLC is vacant. This land area is now shown on the amended subdivision plat and subdivision/site plan (refer to Plan Set, Attachment 15).



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC
112-113 Newbury Street
April 2008

2. Revised Number of Residential Units:

Phase I was approved with 84 units during subdivision review in 2007. The amended application is for 82 units. The applicant is seeking to create larger units to meet market demand. The conditional rezoning agreement allows up to 110 units in Phase I, thus the proposed density is within the provisions of the agreement.

3. Revised Parking:

The original rezoning agreement required a post development parking analysis, which is to be conducted six (6) months after the issuance of a certificate of occupancy. The amended agreement has been revised to require a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The amended rezoning agreement also revises the parking requirements to require 80 on-site spaces, 8 space in the Longfellow garage and 33 on-site bicycle parking spaces (Attachment 2).

The conditional rezoning agreement was revised to reduce the amount of commercial space in Phase I to an area between 5,200 and 5,700 square feet. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The residential entrance to Building # 2 is proposed along the Middle Street frontage near the garage entrance. Eighty

(80) parking spaces and 38 bicycle parking spaces are proposed in the enclosed parking level. Storage areas for the units are proposed within three areas of the parking garage. In the original proposal, the applicant presented a letter from Mr. Swenson stating that the applicant could secure up to leased spaces in the Longfellow Garage.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

The applicant is seeking to make modifications to the exterior of Buildings #1 and #2. For the workshop memo, David M. White, Architect, provided a list of revisions to the building on April 23, 2008, which is included as Attachment 5 was updated with the revised drawings and Mr. Shinberg's correspondence of May 27, 2008 (Attachment 1). Based upon the Planning Board's discussion of the potential revisions at the June 10, 2008 workshop, the exterior modifications to the plans before the Board at this time are as follows (Plan Set, Attachment 15):

1. **Exterior Materials:** All previously approved metal panel work is proposed as Hardie board with battens. The material sample was presented at the workshop and was submitted to the planning at the meeting. In Mr. Shinberg correspondence, he notes that the product is a quality product with a 50 year warranty for the material and a 25 year warranty for the paint. He states that the Hardie board warranty is equal or better to the metal siding approved in 2007 for this project.
2. **Fenestration:** The applicant had proposed changing the fifth floor windows from arched to flat-top windows; however, the revised plans have returned to the original proposal with arched windows on the fifth floor along street frontages. Flat-top windows on the fifth level are shown for those units facing the internal courtyards.
3. **Commercial Space and Entrance for Building #2:** The storefronts along Middle Street have been simplified and awnings added to the façade. The applicant is proposing to have three commercial spaces in Building #2 as shown on the building elevations (Attachment 15 b). It provides symmetry in the facades for both Building #1 and #2 and maximizes the usable commercial space. This proposed revision requires relocating the Building #2 entrance from the base of Building #2 to a location closer to the garage entrance. As designed, the residential doorway is on the same plane as the retail facade and the façade continues to the stairway leading to the courtyard. The Middle Street entrance has been revised so that it is more prominent with glass panels on either side of the door. The garage entrance is recessed four feet within the façade, which creates an arch to screen part of the fresh air intake (labeled as the carbon monoxide intake grill on the elevations) located above the garage door. It also carries the polished concrete block along the full length of the Middle Street façade. Attachment 15 b shows the layout of the first level with the three retail spaces of equivalent size and the entry near the garage.

4. **Other Exterior Revisions:** Other revisions that are highlighted in Mr. David White's April correspondence (Attachment 5) include the following:

1. The base of the project is polished concrete block with a polished granite look.
2. Fireplace exhaust hoods have been added and will be painted to match the color of the siding.
3. The building height has been reduced from 57.5 to 56.85 feet.
4. The brick along Hancock Street will remain as approved in 2007;
5. The Hancock entrance has been modified from a double door with an arched window above to an entrance with glass panels framing the door and a transom above it. An awning is proposed.
6. The retail window on Hancock Street is simplified to match the windows on Middle Street and the same type of window is proposed on the corner of the building facing the alley.
7. A more prominent entrance is proposed to Building #2 on Newbury Street
8. Brick wraps the corner of the Building #2 and then the applicant proposes Hardie-plank on the alley side of the building. This is the same treatment as shown for the courtyards, which was approved in 2007.

The Conditional Rezoning Agreement, as amended, states that the Planning Board may modify or alter the plans approved in 2007 in accordance with the Design Standards of the Eastern Waterfront. A copy of the standards is included as Attachment 6 and Carrie Marsh's comments submitted in April are included for your reference (Attachment 7). The staff review of the most recent submittal is below in Section IV, paragraph 8.

IV. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The Planning Board report from July 10, 2007 is included as Attachment 4 and the staff review below is an evaluation of the proposed revisions.

1. **Right Title and Interest**

The applicant has submitted the purchase agreement for the additional land to be added to Phase I (Attachment 1). The original application included the right, title and interest for the project.

2. **Easements**

A five foot wide pedestrian easement to benefit Block E lot 21 is depicted on the recording plat. The applicant submitted a copy of the easement on July 3, 2008, so it has not been reviewed. The other easements on this property were part of the 2007 application.

3. **Recording Plat and Plan**

The notes on the recording plat were updated per the staff recommendations. The plat lists the waiver granted by the Planning Board on July 10, 2007 regarding the required contribution to the street tree fund. The plat also lists all of the conditions of approval from the July 10, 2007 approval. The plat will need to be revised to reflect Board's final conditions of approval.

4. **Fire Department**

Captain Gregory Cass has reviewed the proposed plan and has the following comments:

The existing fire protection narrative and prior conditions are still in effect unless rescinded by the owner. The enclosed parking garage requires a ventilation system. Please provide details.

The following potential condition of approval is suggested to replace the condition of approval included in 2007:

1. *The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.*

The 2007 condition stated, "The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass."

5. Traffic

Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans and his review is included as Attachment 8. In summary, Mr. Errico finds the proposed number of parking spaces and parking layout to be acceptable. He notes that the City will install no parking signs on Middle Street as shown on the applicant's plan and that the applicant shall reimburse the City for this expense. The proposed crosswalks shall be shown with parallel lines per the City's standards. He also recommends that the applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

The Planning Board granted a waiver of the garage entrance width in 2007, which remains part of the proposal. The change in the entrance is now the setback four feet from the Middle Street façade. He states the following:

Garage Entrance: I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

The planning staff recommends that the waiver for the driveway be restated for the Middle Street entrance, noting the four foot setback modification as shown on the most recent plans. Based upon Mr. Errico's review, potential conditions of approval are suggested below to replace the condition included in 2007:

- *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
- *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*

The 2007 condition stated, " Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.

The revised plans show three bike racks proposed in the garage with the capacity to accommodate 38 bicycles, which exceeds the requirements of the site plan ordinance. The proposed rack detail meets the requirements of the City's technical standards, thus the condition included in 2007 to submit the design details for the bike racks prior to the issuance of a building permit may be deleted.

6. Public Infrastructure/Stormwater

Michael Farmer, Project Engineer, reviewed the revised plans and his memo, dated June 12, 2008 is included as Attachment 9. Based upon the revised scope of utility work within the public right-of-way, the Department of Public Services requires the following:

- Reconstruct (i.e. full depth reconstruction) Middle Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.

A meeting was held with the Portland Water District, City staff and the applicant's representatives on June 20, 2008 to clarify the specifics of these requirements.

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted comments for this project on June 23, 2008 (Attachment 10). In his review he notes a dozen items to address on the plans. Michael Farmer, Project Engineer, was asked to evaluate whether any of Mr. Bushey's comments were addressed in the Public Services review. Mr. Farmer's assessment is contained in his memo dated June 27, 2008 (Attachment 11) in which he concurs with Mr. Bushey's review with the following clarifications:

- The tree grate on Sheet 5 is correct and the detail on Sheet 11 should be changed to be consistent with Sheet 5.
- The proposed grading problem on Hancock identified by Mr. Bushey does not meet City standards, so he recommends a revised plan be submitted meeting the City standards.
- Mr. Farmer recommends that the grease trap and sampling manhole be moved to private property.

Mr. Bushey reviewed the revised applicant's revised plans that were submitted on June 23, 2008 (memo dated June 30, 2008, Attachment 12). The revised plans had been prepared without the benefit of Mr. Bushey's review, so his review contained in the June 23, 2008 memo continue to apply.

Potential conditions of approval are suggested below to replace the conditions placed on the project in 2007:

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer for the Department of Public Services, memorandums of June 12, 2008 and June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of June 23, 2008 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

The conditions in 2007 cited the memos from Mr. Farmer and Mr. Bushey dated June 28, 2007 and July 5, 2007, respectively.

7. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment 6) for B. Buildings/Architecture, the planning staff offers the following comments:

1. **Building Composition:**

- a. **Placement:** In general the buildings are placed along the sidewalk. The entrances face Middle, Hancock and Newbury Street. The applicant is proposing to extend the Middle Street façade from Building #2 to Building #1. The residential entrance is located within the parking level between the two towers. The residential entrance has become more prominent with glass panels on either side of the door and the garage entrance is setback four feet. The original placement located the residential entry within the base level of the residential tower above, which provided a positive visual orientation between these building elements. The applicant proposes to move the entry east of the tower, and seeks to visually relate the entry to the residential tower through an extension of a continuous first floor plane and materials palette (polished concrete), with a prominent glazed doorway feature. This provides for a somewhat larger retail component in three identical store front bays, which is also an attractive solution for the tower base. The proposed building placement and entry are reasonable design solutions relative to the design standards.
- b. **Height:** The proposed height of the building has been lowered slightly and is within the limits of the conditional rezoning agreement. It is also consistent with the approved plans for the Longfellow project and the industrial development across Hancock Street.
- c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. **Proportion:** The base of the building along Middle Street is punctuated with 5 or 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, building entrance, and windows along the base course.
- e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street rather stepped as shown in 2007. This provides a stronger base along the street. The base is articulated with storefronts and entrances. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards (the courtyard application of this material was approved in 2007). Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices

- are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present the base middle and top.
- f. **Materials:** A number of exterior material options have been discussed during the review of the amended conditional rezoning agreement. Based upon those discussions, the applicant has retained the brick exteriors approved in 2007. The base course is now proposed as a polished concrete block that looks like granite, which resembles the granite material that had been approved before. The applicant is proposing Hardi-plank as a substitute for the metal siding and is shown on the projecting bays and top floor. As noted above, the applicant states that the quality and longevity of the material is equal to or better than the metal panels. The applicant has submitted samples and the warranty information for the Hardi-plank. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The staff recommends that the conditions of approval regarding urban design be eliminated except for the condition to submit the details of the awning and signage for the buildings.

8. Exterior Lighting

There was a condition in 2007 that a lighting plan meeting the City's Technical Standards be submitted for review and approval. The plans submitted in November of 2007 met the standards. The most recent submission does not propose any changes to the lighting, so the condition may be removed.

9. Landscaping

In 2007 the Board placed a condition on the plan that City Arborist review and approve a revised landscape plan. The applicant submitted revised plans in November 2007, which were approved by the City Arborist and revisions have not been proposed at this time. This condition of the original approval may be deleted.

10. Neighborhood Meeting

A neighborhood meeting was held on June 30, 2008 and the minutes, sign-in sheet and other materials from that meeting are included as Attachment 1.

V. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The original conditions that are applicable are listed below along with the revised or new conditions. Those conditions that have been met have been eliminated. A tracked change version of the original motion as revised is included as Attachment 13.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
2. *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of June,23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet

- iii. Notice
- iv. Neighborhood Certification
- 2. Amended Conditional Rezoning Agreement
- 3. Approval Letter for the July 10, 2007 site plan and subdivision approval
- 4. Planning Board Report #30-07
- 5. David M. White Architect, April 23, 2008 correspondence
- 6. Eastern Waterfront Design Standards
- 7. Carrie Marsh, April review
- 8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
- 9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
- 10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
- 11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
- 12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
- 13. Tracked Changes from the July 10, 2007 motions
- 14. Approved Building Elevations, July 10, 2007
- 15. Plan Set- The Bay House
 - a. Sebago Technics Plans:
 - 1. Cover Sheet
 - 2. Boundary and Topography Survey, 6-3-08
 - 3. Demolition Plan, 6-23-08
 - 4. Subdivision Plat, 6-23-08
 - 5. Site Plan, 6-23-08
 - 6. Grading Plan, 6-3-08
 - 7. Utility Plan, 6-3-08
 - 8. Landscape and Lighting Plan, 6-3-08
 - 9. Profile, 6-3-08
 - 10. Profile, 6-3-08
 - 11. Details, 6-3-08
 - 12. Details, 6-3-08
 - 13. Details, 6-3-08
 - 14. Details, 6-3-08
 - 15. Stormtech Details, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings B1-1 to B1-6; B2-1 to B2-6; E.1 through E.7;
 - c. Bike Rack Details
 - d. Two Color Renderings of Middle Street Facade

CITY OF PORTLAND, MAINE

PLANNING BOARD

Janice E. Tevanian, Chair
David Silk, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Shalom Odokara
Michael J. Patterson

July 24, 2008

Mr. Demetri Dasco
The Village at OceanGate LLC
35 Fay St. Ste 107-b
Boston, MA 02118

Mr. Greg Shinberg
Greg Shinberg Consulting, LLC
477 Congress St, 5th Floor
Portland, ME 04101-3427

RE: The Amended Subdivision and Site Plan for the Bay House

CBL: 020 E009001
Application ID: 2008-0067

Dear Mr. Dasco and Mr. Shinberg:

On July 8, 2008 the Portland Planning Board considered amended subdivision and site plan for The Bays House (formerly known as the Village at OceanGate). The Planning Board reviewed the proposal for conformance with the standards of the Conditional Rezoning Agreement, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted to approve the application with the following motions, waivers, and conditions as presented below.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 1 (Patterson opposed, Odokara and Lewis absent) that the amended *Phase I* plan in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) to waive the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined

by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;

OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.

by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions required as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
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- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plans.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;

OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.

8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #34-08, which is attached.

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

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. The subdivision approval is valid for three (3) years.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Steve Bushey, Consulting Engineer, Memos, dated June 23 and June 30, 2008
2. Michael Farmer, Project Engineer, Memorandum, June 27, 2008
3. Planning Board Report #34-08
4. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Jeanie Bourke, Inspections Division
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Farley, Public Works
Bill Clark, Public Works
Michael Farmer, Public Works
Jim Carmody, City Transportation Engineer
Jane Ward, Public Works
Captain Greg Cass, Fire Prevention
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

DH

Attachment 1

MEMORANDUM

DATE: June 23, 2008
TO: Barbara Barhydt, Portland Planning
FROM: Stephen R. Bushey, P.E.
SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-03-08 relating to the Village at Ocean Gate project. The submission package includes revised plans and a letter containing additional information pertaining to phase one of the project. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate size indicated on Sheet 5 suggests a 4' x 6' grate which does not match the 36" square grate indicated on the detail on sheet 11.
2. The grading along the Hancock Street sidewalk and the street suggests as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location.
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 10" SD exiting the building at the Middle Street entrance.
4. Additional separation may be required between the 6" sewer and existing hydrant to be reconnected on Newbury Street. Typically a 10' separation is required between utilities.
5. The location of the grease trap may need refinement. We recommend the inspection covers be positioned as to not be in front of a doorway if possible. Further, the alignment of the grease trap's discharge pipe should be from either the end or the side typically. The discharge pipe can't exit from the corner of the structure. The location of the sampling manhole may also need to be refined to allow for the 6" underdrain to pass by it.

Attachment 1

6. There are multiple utility crossings particularly in Middle Street. The profiles lack sufficient detail to determine if conflicts exist particularly with the proposed water and drainage pipes. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
7. The 8" water main on Middle Street appears to have a conflict with the existing electric vault on Hancock Street. Rerouting of the water main may be necessary.
8. The Water District should access the need for an 8 x8 cross at the Newbury Street and Hancock Street intersection. We also assume the District will require shut off valves for the Newbury Street services into each of the buildings.
9. The storm drain schedule should be updated to include two additional inverts into DMH-4
10. The water main profiles should include minimum cover depths to satisfy the District's requirements. The label for DMH-5 on the Middle Street Profile also needs to be updated to match the drainage schedule.
11. The Middle Street Section on sheet 13 should be modified to reflect the proper granite curb aggregate backfill requirements. The City standard requires Type A gravel around the curb and not subbase material.
12. The engineer should clarify if granular backfill is allowed below the subbase gravel section for the backfill above the foundation underdrain indicated on Detail 5 on sheet 13.

If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

DH

Attachment 1

MEMORANDUM

DATE: June 30, 2008
TO: Barbara Barhydt, Portland Planning
FROM: Stephen R. Bushey, P.E.
SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-23-08 relating to the Village at Ocean Gate project. The submission package includes several revised plans. However these plan revisions did not benefit from my earlier memo of June 23, 2008, therefore each of the comments contained in my June 23, 2008 memo still seem to apply. We assume the applicant can review that memo and make the necessary design revisions. We appreciate that Mr. Farmer of the Public Works Dept. has also been able to review the comment letter and he seems to concur with our general findings. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

PLANNING BOARD REPORT #34-08

**THE BAY HOUSE (FORMERLY THE VILLAGE AT OCEANGATE)
VICINITY OF
112 NEWBURY STREET
AMENDED SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEANGATE LLC., APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 8, 2008

Prepared by:

Barbara Barhydt, Development Review Services Manager

July 3, 2008

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division**

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 27, 2008
RE: Village at Oceangate project (Newbury Street)

I reviewed the comments in the June 23, 2008 memo to you from Steve Bushey of DeLuca-Hoffman Associates. I will offer the following additional comments regarding this project and the issues that Steve Bushey brought up.

1. In Steve Bushey's first comment, he noted a discrepancy regarding tree grate sizes called for on sheet 5 and the detail on sheet 11. I think the tree grate sizes called for on sheet 5 are correct. The tree grate detail on sheet 11 should be changed so it is consistent with sheet 5.
2. Steve Bushey's second comment notes a possible grading problem on Hancock Street, where the proposed sidewalk grades and "top of curb" grades along Hancock Street (between elevations 32' and 34') could lead to 12 inches of curb reveal at one location. A 12" curb reveal would be unacceptable to the Dept. of Public Services (DPS). Our design standards require 7 inches of curb reveal, and the typical cross slope on sidewalks is 2%, sloping downhill toward the curb. I recommend that the plans be revised in light of Steve Bushey's comment and the above noted standards for curb reveal and sidewalk cross slope.
3. Steve Bushey's 5th comment states that the location of the grease trap may need refinement. I do not disagree with the comments he presents in this regard. However, my view is that the grease trap and the associated sampling manhole are private property that would be more appropriate to locate outside of the street right of way.
4. I concur with Steve Bushey's other comments.

I. INTRODUCTION

The Village at OceanGate LLC has submitted an application to amend the site plan and subdivision plan for The Bay House, which was formerly called the Village at OceanGate (Attachment 1). The original conditional rezoning agreement was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement becomes effective on July 2, 2008 (Attachment 2).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Approval Letter, Attachment 3). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the subdivision was signed by the Planning Board, but has not yet been recorded. A copy of the original application and the applicant's supplemental information for the Village at OceanGate will be available at the public hearing for the Planning Board's reference. A copy of the Planning Board report #30-07 is included as Attachment 4.

The applicant is seeking to revise the proposed project as follows:

- a. Revise the subdivision plat to incorporate 1,602 square feet of land into Phase I;
- b. Reduce the number of units in Phase I from 84 to 82 residential units;
- c. Reduce the commercial space to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. Modify the first level of Phase I to provide storage areas for the units, 80 vehicle parking spaces and 33 bicycle spaces; and
- e. Provide substitutes for some of the exterior materials and design modifications to the buildings.

The amended plans are being reviewed under the standards contained in the City's Subdivision and Site Plan Ordinances.

A total of 194 notices were sent to area residents the notice appeared in the Monday, June 30th and Tuesday July 1, 2008 editions of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

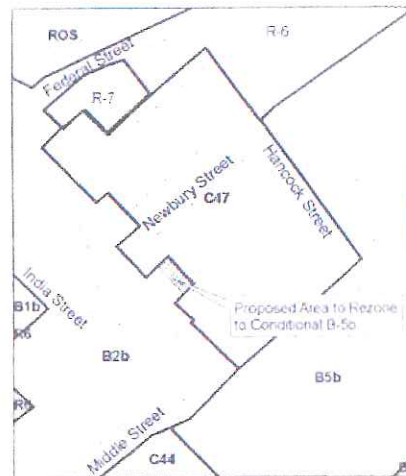
Total Land Area of Phase I:	50,008 sf, (based upon Boundary and Topography Sheet by Sebago Technics, dated 7/12/05, revised 6/3/08)
Total Land Area of Phase II:	30,697 sf
Zone:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Uses:	82 Residential units, 80 space parking level and retail/commercial spaces along Middle Street
Unit Types:	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Required Minimum Lot Area:	none

Proposed Square Footage:	Building #1: 63,050 SF Building #2: 67,790 SF Garage Level: 45,495 SF
Required parking:	1 space/unit plus 6 spaces for the retail space
Proposed parking:	80 spaces on-site and 8 spaces at the Longfellow Garage
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008.
Proposed Driveway/Entrance:	Access to the first level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007.

III. PROJECT REVISIONS FOR PHASE I

1. Phase I Parcel Revised:

The conditional rezoning map as shown here has been revised to include an area of 1,602 square feet from the rear of the adjoining lot owned by Pearl Properties LLC at 61 India Street (Tax Map 20-E-021). The Pearl Properties site contains the Tackle Shop, which will remain. The strip of land to be transferred to the Village at OceanGate LLC is vacant. This land area is now shown on the amended subdivision plat and subdivision/site plan (refer to Plan Set, Attachment 15).



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

Prepared for the Department of Planning and Development
Town of OceanGate, Florida



2. Revised Number of Residential Units:

Phase I was approved with 84 units during subdivision review in 2007. The amended application is for 82 units. The applicant is seeking to create larger units to meet market demand. The conditional rezoning agreement allows up to 110 units in Phase I, thus the proposed density is within the provisions of the agreement.

3. Revised Parking:

The original rezoning agreement required a post development parking analysis, which is to be conducted six (6) months after the issuance of a certificate of occupancy. The amended agreement has been revised to require a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The amended rezoning agreement also revises the parking requirements to require 80 on-site spaces, 8 space in the Longfellow garage and 33 on-site bicycle parking spaces (Attachment 2).

The conditional rezoning agreement was revised to reduce the amount of commercial space in Phase I to an area between 5,200 and 5,700 square feet. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The residential entrance to Building # 2 is proposed along the Middle Street frontage near the garage entrance. Eighty

(80) parking spaces and 38 bicycle parking spaces are proposed in the enclosed parking level. Storage areas for the units are proposed within three areas of the parking garage. In the original proposal, the applicant presented a letter from Mr. Swenson stating that the applicant could secure up to leased spaces in the Longfellow Garage.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

The applicant is seeking to make modifications to the exterior of Buildings #1 and #2. For the workshop memo, David M. White, Architect, provided a list of revisions to the building on April 23, 2008, which is included as Attachment 5 was updated with the revised drawings and Mr. Shinberg's correspondence of May 27, 2008 (Attachment 1). Based upon the Planning Board's discussion of the potential revisions at the June 10, 2008 workshop, the exterior modifications to the plans before the Board at this time are as follows (Plan Set, Attachment 15):

1. **Exterior Materials:** All previously approved metal panel work is proposed as Hardie board with battens. The material sample was presented at the workshop and was submitted to the planning at the meeting. In Mr. Shinberg correspondence, he notes that the product is a quality product with a 50 year warranty for the material and a 25 year warranty for the paint. He states that the Hardie board warranty is equal or better to the metal siding approved in 2007 for this project.
2. **Fenestration:** The applicant had proposed changing the fifth floor windows from arched to flat-top windows; however, the revised plans have returned to the original proposal with arched windows on the fifth floor along street frontages. Flat-top windows on the fifth level are shown for those units facing the internal courtyards.
3. **Commercial Space and Entrance for Building #2:** The storefronts along Middle Street have been simplified and awnings added to the façade. The applicant is proposing to have three commercial spaces in Building #2 as shown on the building elevations (Attachment 15 b). It provides symmetry in the facades for both Building #1 and #2 and maximizes the usable commercial space. This proposed revision requires relocating the Building #2 entrance from the base of Building #2 to a location closer to the garage entrance. As designed, the residential doorway is on the same plane as the retail facade and the façade continues to the stairway leading to the courtyard. The Middle Street entrance has been revised so that it is more prominent with glass panels on either side of the door. The garage entrance is recessed four feet within the façade, which creates an arch to screen part of the fresh air intake (labeled as the carbon monoxide intake grill on the elevations) located above the garage door. It also carries the polished concrete block along the full length of the Middle Street façade. Attachment 15 b shows the layout of the first level with the three retail spaces of equivalent size and the entry near the garage.

4. Other Exterior Revisions: Other revisions that are highlighted in Mr. David White's April correspondence ([Attachment 5](#)) include the following:

1. The base of the project is polished concrete block with a polished granite look.
2. Fireplace exhaust hoods have been added and will be painted to match the color of the siding.
3. The building height has been reduced from 57.5 to 56.85 feet.
4. The brick along Hancock Street will remain as approved in 2007;
5. The Hancock entrance has been modified from a double door with an arched window above to an entrance with glass panels framing the door and a transom above it. An awning is proposed.
6. The retail window on Hancock Street is simplified to match the windows on Middle Street and the same type of window is proposed on the corner of the building facing the alley.
7. A more prominent entrance is proposed to Building #2 on Newbury Street
8. Brick wraps the corner of the Building #2 and then the applicant proposes Hardie-plank on the alley side of the building. This is the same treatment as shown for the courtyards, which was approved in 2007.

The Conditional Rezoning Agreement, as amended, states that the Planning Board may modify or alter the plans approved in 2007 in accordance with the Design Standards of the Eastern Waterfront. A copy of the standards is included as [Attachment 6](#) and Carrie Marsh's comments submitted in April are included for your reference ([Attachment 7](#)). The staff review of the most recent submittal is below in Section IV, paragraph 8.

IV. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The Planning Board report from July 10, 2007 is included as [Attachment 4](#) and the staff review below is an evaluation of the proposed revisions.

1. Right Title and Interest

The applicant has submitted the purchase agreement for the additional land to be added to Phase I ([Attachment 1](#)). The original application included the right, title and interest for the project.

2. Easements

A five foot wide pedestrian easement to benefit Block E lot 21 is depicted on the recording plat. The applicant submitted a copy of the easement on July 3, 2008, so it has not been reviewed. The other easements on this property were part of the 2007 application.

3. Recording Plat and Plan

The notes on the recording plat were updated per the staff recommendations. The plat lists the waiver granted by the Planning Board on July 10, 2007 regarding the required contribution to the street tree fund. The plat also lists all of the conditions of approval from the July 10, 2007 approval. The plat will need to be revised to reflect Board's final conditions of approval.

4. Fire Department

Captain Gregory Cass has reviewed the proposed plan and has the following comments:

The existing fire protection narrative and prior conditions are still in effect unless rescinded by the owner. The enclosed parking garage requires a ventilation system. Please provide details.

The following potential condition of approval is suggested to replace the condition of approval included in 2007:

1. *The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.*

The 2007 condition stated, "The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass."

5. Traffic

Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans and his review is included as Attachment 8. In summary, Mr. Errico finds the proposed number of parking spaces and parking layout to be acceptable. He notes that the City will install no parking signs on Middle Street as shown on the applicant's plan and that the applicant shall reimburse the City for this expense. The proposed crosswalks shall be shown with parallel lines per the City's standards. He also recommends that the applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

The Planning Board granted a waiver of the garage entrance width in 2007, which remains part of the proposal. The change in the entrance is now the setback four feet from the Middle Street façade. He states the following:

Garage Entrance: I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

The planning staff recommends that the waiver for the driveway be restated for the Middle Street entrance, noting the four foot setback modification as shown on the most recent plans. Based upon Mr. Errico's review, potential conditions of approval are suggested below to replace the condition included in 2007:

- *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
- *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*

The 2007 condition stated, " Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.

The revised plans show three bike racks proposed in the garage with the capacity to accommodate 38 bicycles, which exceeds the requirements of the site plan ordinance. The proposed rack detail meets the requirements of the City's technical standards, thus the condition included in 2007 to submit the design details for the bike racks prior to the issuance of a building permit may be deleted.

6. Public Infrastructure/Stormwater

Michael Farmer, Project Engineer, reviewed the revised plans and his memo, dated June 12, 2008 is included as Attachment 9. Based upon the revised scope of utility work within the public right-of-way, the Department of Public Services requires the following:

- Reconstruct (i.e. full depth reconstruction) Middle Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.

A meeting was held with the Portland Water District, City staff and the applicant's representatives on June 20, 2008 to clarify the specifics of these requirements.

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted comments for this project on June 23, 2008 (Attachment 10). In his review he notes a dozen items to address on the plans. Michael Farmer, Project Engineer, was asked to evaluate whether any of Mr. Bushey's comments were addressed in the Public Services review. Mr. Farmer's assessment is contained in his memo dated June 27, 2008 (Attachment 11) in which he concurs with Mr. Bushey's review with the following clarifications:

- The tree grate on Sheet 5 is correct and the detail on Sheet 11 should be changed to be consistent with Sheet 5.
- The proposed grading problem on Hancock identified by Mr. Bushey does not meet City standards, so he recommends a revised plan be submitted meeting the City standards.
- Mr. Farmer recommends that the grease trap and sampling manhole be moved to private property.

Mr. Bushey reviewed the revised applicant's revised plans that were submitted on June 23, 2008 (memo dated June 30, 2008, Attachment 12). The revised plans had been prepared without the benefit of Mr. Bushey's review, so his review contained in the June 23, 2008 memo continue to apply.

Potential conditions of approval are suggested below to replace the conditions placed on the project in 2007:

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer for the Department of Public Services, memorandums of June 12, 2008 and June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of June 23, 2008 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

The conditions in 2007 cited the memos from Mr. Farmer and Mr. Bushey dated June 28, 2007 and July 5, 2007, respectively.

7. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment 6) for B. Buildings/Architecture, the planning staff offers the following comments:

1. **Building Composition:**

- a. **Placement:** In general the buildings are placed along the sidewalk. The entrances face Middle, Hancock and Newbury Street. The applicant is proposing to extend the Middle Street façade from Building #2 to Building #1. The residential entrance is located within the parking level between the two towers. The residential entrance has become more prominent with glass panels on either side of the door and the garage entrance is setback four feet. The original placement located the residential entry within the base level of the residential tower above, which provided a positive visual orientation between these building elements. The applicant proposes to move the entry east of the tower, and seeks to visually relate the entry to the residential tower through an extension of a continuous first floor plane and materials palette (polished concrete), with a prominent glazed doorway feature. This provides for a somewhat larger retail component in three identical store front bays, which is also an attractive solution for the tower base. The proposed building placement and entry are reasonable design solutions relative to the design standards.
- b. **Height:** The proposed height of the building has been lowered slightly and is within the limits of the conditional rezoning agreement. It is also consistent with the approved plans for the Longfellow project and the industrial development across Hancock Street.
- c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. **Proportion:** The base of the building along Middle Street is punctuated with 5 or 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, building entrance, and windows along the base course.
- e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street rather stepped as shown in 2007. This provides a stronger base along the street. The base is articulated with storefronts and entrances. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards (the courtyard application of this material was approved in 2007). Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices

- are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present the base middle and top.
- f. **Materials:** A number of exterior material options have been discussed during the review of the amended conditional rezoning agreement. Based upon those discussions, the applicant has retained the brick exteriors approved in 2007. The base course is now proposed as a polished concrete block that looks like granite, which resembles the granite material that had been approved before. The applicant is proposing Hardi-plank as a substitute for the metal siding and is shown on the projecting bays and top floor. As noted above, the applicant states that the quality and longevity of the material is equal to or better than the metal panels. The applicant has submitted samples and the warranty information for the Hardi-plank. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The staff recommends that the conditions of approval regarding urban design be eliminated except for the condition to submit the details of the awning and signage for the buildings.

8. Exterior Lighting

There was a condition in 2007 that a lighting plan meeting the City's Technical Standards be submitted for review and approval. The plans submitted in November of 2007 met the standards. The most recent submission does not propose any changes to the lighting, so the condition may be removed.

9. Landscaping

In 2007 the Board placed a condition on the plan that City Arborist review and approve a revised landscape plan. The applicant submitted revised plans in November 2007, which were approved by the City Arborist and revisions have not been proposed at this time. This condition of the original approval may be deleted.

10. Neighborhood Meeting

A neighborhood meeting was held on June 30, 2008 and the minutes, sign-in sheet and other materials from that meeting are included as Attachment 1.

V. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The original conditions that are applicable are listed below along with the revised or new conditions. Those conditions that have been met have been eliminated. A tracked change version of the original motion as revised is included as Attachment 13.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
2. *All financial contributions required as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of June, 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easments
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet

iii. Notice

iv. Neighborhood Certification

2. Amended Conditional Rezoning Agreement
3. Approval Letter for the July 10, 2007 site plan and subdivision approval
4. Planning Board Report #30-07
5. David M. White Architect, April 23, 2008 correspondence
6. Eastern Waterfront Design Standards
7. Carrie Marsh, April review
8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
13. Tracked Changes from the July 10, 2007 motions
14. Approved Building Elevations, July 10, 2007
15. Plan Set- The Bay House
 - a. Sebago Technics Plans:
 1. Cover Sheet
 2. Boundary and Topography Survey, 6-3-08
 3. Demolition Plan, 6-23-08
 4. Subdivision Plat, 6-23-08
 5. Site Plan, 6-23-08
 6. Grading Plan, 6-3-08
 7. Utility Plan, 6-3-08
 8. Landscape and Lighting Plan, 6-3-08
 9. Profile, 6-3-08
 10. Profile, 6-3-08
 11. Details, 6-3-08
 12. Details, 6-3-08
 13. Details, 6-3-08
 14. Details, 6-3-08
 15. Stormtech Details, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings B1-1 to B1-6; B2-1 to B2-6; E.1 through E.7;
 - c. Bike Rack Details
 - d. Two Color Renderings of Middle Street Facade

From: "Tom Errico" <thomas.errico@tylin.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Thursday, September 17, 2009 8:56:24 AM
Subject: Bay House

Barbara -

In response to your request I have reviewed the September 8, 2009 submittal prepared by David M. White, Architect and offer the following new comments as it relates to the revised plan. Please note that my comments from the prior approval continue to remain valid.

. The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.

. New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.

. On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

. The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.

. Based upon the increase in parking supply being provided for the project, the parking management plan is not required and should be eliminated as a condition of approval.

. The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.

. Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.

. There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

If you have any questions, please call me.

Best regards,

Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

CC: "Katherine Earley" <KAS@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: September 16, 2009

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Bay House

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 09-08-09 relating to the Bay House project. The submission package includes revised plans and a letter containing additional information pertaining the most recent project changes. Specifically an additional level of parking has been added to the development program, resulting in there being 160 spaces of structured parking within the building. We note that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist show weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

We have no further comments on the plans at this time. On the basis on this review we can recommend the plans be presented to the Planning Board for approval with the condition that the aforementioned items be addressed prior to release of a building permit. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

**Deputy City Engineer
David Margolis-Pineo**

September 16, 2009

To: Barbara Barhydt
From: David Margolis-Pineo
And Public Service Staff
Re: The Bay House

1. The previous comments from Michael Farmer remain valid and should be retained as part of an approval.
2. The condition of approval regarding the City's expectation with regard to street improvements and associated fees should be retained in an approval.
3. When the construction fence gets installed make sure the points on the fence are down and not up.
4. No granite curb sections shall be installed less than four feet in length.
5. This project shall not interfere with the water main work that is currently underway.
6. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
7. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
8. Street opening permit fees are \$223 each.
9. Street, parking space and sidewalk occupancy fees are \$10/day per each.
10. Any work in the right of way will require an approved traffic plan by Public Services.
11. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
12. Handicap ramps shown on the plans do not meet ADA or City standards.

IMPORTANT NOTICE FROM CITY OF PORTLAND

RE: 113 Newbury Street

To residents and property owners: The Portland Planning Board will hold a public hearing to consider an amended site plan by Village at Oceangate, LLC. The owner is proposing to revise the approved site plan by adding a parking level, increasing the building height by 5 feet, and creating a garage entrance on Hancock Street. Zoning for the site is Condition Zone C47. The project will be reviewed for compliance with the site plan and subdivision ordinances.

Public comments will be taken at this meeting.

The AFTERNOON public hearing meeting will be held:

Tuesday, September 22nd, 2009
4:30 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 Barbara Barhydt, Development Review Services Manager, Planning Division, City Hall, 4th Floor, 389 Congress Street, Portland, Maine 04101, contact by phone at 874-8699 or e-mail at bab@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>

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From: "Chris DiMatteo" <cdimatteo@sebagotechnics.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Friday, September 04, 2009 1:32:23 PM
Subject: RE: (Block) Bay House

Hi Barbara,

There was no attachment to the email you sent. With regard to plans, can we submit the revised site plan and grading plan which will show the pertinent changes and follow up later with a full plan set? There is 16 or so sheets that we need to comb through to make sure they correspond to the new changes, even though there great majority of them won't be affected, so it would help to have extra time.

With regard to the conditions of approval, the drawings were revised to reflect most of them and I have attached the comments I believe were the last ones the City had provided. Let me know if you are aware of additional comments. The only thing we have not addressed is the questions around the grease trap. I have a call into the client to discuss.

So please let me know if only a revised site plan and grading plan would suffice for Tuesday at noon?

Thanks!
Chris

Christopher Di Matteo, R.L.A.
Sebago Technics, Inc.
One Chabot Street, P.O.Box 1339
Westbrook, Maine 04098-1339
p: 207-856-0277 Ext: 281 f: 207-856-2206
cdimatteo@sebagotechnics.com
www.sebagotechnics.com

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

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Friday, September 04, 2009 10:31 AM
To: dmwarch@comcast.net; Chris DiMatteo
Cc: Alex Jaegerman ; Penny Littell
Subject: (Block) Bay House

Good morning:

I just got off the phone with David regarding an amended site plan and subdivision application for the Bay House. I am attaching the application in both a pdf and word document.

In order to be on the Planning Board agenda on the 22nd for a public hearing, we will need 7 sets of the revised site plan and elevations by noon on September 8, 2009. Notices will be sent out that week and it will appear in the local paper. I will distribute the plans on Wednesday and ask for all review comments to be submitted one week from the 9th (9/16). The Planning Board report must be done by Friday, September 18th for delivery to the Board.

Thank you.

Barbara

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

Message containing double extensions/CLSID exploit.
This message contained attachments that have been blocked
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more details

CC: "05109" <05109@sebagotechnics.com>

From: "Barbara Barhydt" <BAB@portlandmaine.gov>
To: "Chris DiMatteo" <cdimatteo@sebagotechnics.com>, <gls@shinbergconsulting.com>
Date: Wednesday, October 08, 2008 3:17:40 PM
Subject: Fwd: Bay House Comments

Hello:

I just received these comments from public services regarding the recently submitted plans. Jeff Tarling has looked at the revised plans and has found them to be acceptable. I will forward his e-mail separately.

I have looked at the plans also. The foundation plan detail on sheet 7 includes the extended parking spaces. This needs to be revised to reflect the detail as shown on sheet 5.

The building elevations have a note regarding the awnings. Please submit that detail. All other aspects of the building elevations were acceptable.

In this most recent plan set the building floor plans were not included nor the sheet showing the screening of the roof top mechanicals. Have there been changes to those sheets? Please include 3 sets of these sheets in the final submission.

The final plans will need to be reviewed once again to determine if the plans meet the comments of Public Services.

Thank you.

Barbara

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>>> Frank Brancely Wednesday, October 08, 2008 3:01 PM >>>
Good Afternoon Barbara,

I have just reviewed the Revised Construction Bid Set submitted 9/19/08.

1. The grease trap detail, on page 13, is still incomplete. It is still missing a third (middle) port, for inspection and maintenance.
2. The grease trap, shown on sheet 7) is still not out of the City's street R.O.W. Move it out, please.
3. The volume of process waste is still unknown. The 1000 gallon

grease trap, as shown on sheet 7, limits the average daily process flow to 667 gallons.

4. The storm drain structure schedule (sheet 7) regarding a missing invert into DMH-4 is okay.

5. The label, for DMH-4 (sheet 10) [not DMH-5, as originally stated, in my 9/19/08 e-mail] still needs another 15" invert in, in order to match the drainage structure schedule (sheet 7).

6. The "Middle & Newbury Street Section" detail (Detail No. 9, Sheet 13) still needs to be revised to reflect the proper granite curb aggregate type A backfill requirements around the curb (Note: Type B gravel is now an acceptable replacement for Type A gravel).

Thank you,

Frank Brancely,
Senior Engineering Technician,
Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991
(207) 874-8832 (phone),
(207) 874-8852 (fax),
<fjb@portlandmaine.gov>

CC: "Alex Jaegerman " <AQJ@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>, "Frank Brancely" <FJB@portlandmaine.gov>, "Jeanie Bourke" <JMB@portlandmaine.gov>, "Marge Schmuckal" <MES@portlandmaine.gov>, "Philip DiPierro " <PD@portlandmaine.gov>, "Penny Littell " <PL@portlandmaine.gov>

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CC: "05109" <05109@sebagotechnics.com>

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Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: David White

Company: _____

Fax #: 1-603-497-2783

Date: Sept. 8, 2009

From: Garbana Sedgwick

You should receive 8 page(s) including this cover sheet.

Comments:

MODE = MEMORY TRANSMISSION

START=SEP-08 09:42

END=SEP-08 09:44

FILE NO.=857

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	*	916034972783	008/008	00:01:23

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Department of Planning and Development
Planning Division
 389 Congress Street, 4th Floor
 Portland ME 04101
 (207)874-8721 or (207)874-8719
 Fax: (207)756-8258



FAX

To: David White

Company: _____

Fax #: 1-603-497-2783

Date: Sept. 8, 2009

From: Garbura & Sadynski

You should receive 8 page(s) including this cover sheet.

Comments:

City of Portland
Department of Planning and Development
Planning Division
389 Congress Street, 4th Floor
Portland ME 04101
(207)874-8721 or (207)874-8719
Fax: (207)756-8258



FAX

To: Chris DiMatteo

Company: Sebago Technics

Fax #: 856-2206

Date: Sept. 11, 2009

From: Barbara Saltyet

You should receive 3 page(s) including this cover sheet.

Comments:

MODE = MEMORY TRANSMISSION

START=SEP-11 11:40

END=SEP-11 11:42

FILE NO.=870

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-CITY OF PORTLAND -

***** -PLANNING DEPT. - ***** 2077568258-*****

City of Portland
Department of Planning and Development
Planning Division
 389 Congress Street, 4th Floor
 Portland ME 04101
 (207)874-8721 or (207)874-8719
 Fax: (207)756-6258



FAX

To: Chris DiMatteo

Company: Sebago Technics

Fax #: 856-2206

Date: Sept. 11, 2009

From: Barbara Gadydt

You should receive 3 page(s) including this cover sheet.

Comments:

Sept. 22, 2009

The Bay House

1. Alex - review of Eastern Waterfront Guidelines
 - details on window treatment

- storefront - wraps

- 3 entrances

2. Applicant - Presentation -

1. Dave White - Architect -

- groundbreaking - in Oct 2008

- Expressed interest - not viable

- full + offer additional parking

- Original scheme - 2 levels of parking + 5 level of bldg

- eliminated - a floor - + 1 level of parking -

- raised - 5 - access

Lower Setback - 30' - away from
Shoring issue

- 2 Facade - along Hancock + Newbury St
 - East Time Blvd to lose fenestr

- fenestration - windows - not open

Same facade treatment above

- added fenestration -
- continuation of ~~cuts~~ - windows
- Garage door - Hancock - original location

- Elevation Newbury St

Building 1 + 2 -

- additional stairs -
- windows here continue
- to accentuate

Building 2 facade + entrance
off Middle St -

Public Hearing

1. Hugh Naylor 50 Federal St

- end unit of Federal St -
- appropriateness of massing - Phase I
- recommend approval
- Phase II - never has been approved scale + massing inappropriate
- This bldg. closer to parking garage
- more appropriate too large -

more marketable

2. Alison Brown -
125 Newbury

- Suggest project
- what is there now is horrible
 - a nuisance -
 - encourage you to approve

— close public comment

— Board members —

1. Michael Patterson -

- ① Roof a mechanical penthouse
- elevator penthouse - same
 - bright @ 20 per cent -
 - b) vent stacks
 - c) exhaust vents
 - d) condensing units / part of units - only for retail

- ② 1 to 1 parking -
- want to understand why a
 - looking at higher end client?
 - Design a project - elsewhere
 - 1.75 cars/unit - (for 1+2 bcd units)

Older owners might have 2 vehicles
~~is~~

Hope that those w/ 2 cars —
may get rid of 2nd car —

Those who

Hancock St - garage door —
2 spaces —

Carol Manisette

1. 5' - pedestrian traffic —
- 1 flight of stairs —

- early discussion - public passage —
- always opposed —
- doesn't make sense to have
public access through
court yard —
- eliminated front stairs —
 - cut down on parking
- maintain access, but private access
- some from Newbury

2. Design Standards - views on road

Bill Hall

- 3 pages of conditions -

summary of Δ

David silk

- understood reason for increase
- looking at photo of Newbury St

- Ontim - looks like a fat
1st 6' - unvern -

- walkway - narrow

- fortress along Hancock
- avoid large exposures

- engaging displays

- could you do something grander
for walkway -

- not consistent w/
standard

David White

① - widening stair - 4' -
widening to 5 or 6'

4x4
or 3x3

② windows - parking garage below
- carried those around

- (3) not shown on plans -
- any landscaping - between
2 bldgs not shown
Bedding on Building #1,
- space between R.O.W. & bldg
could include more
landscaping
- glazing - opaque -
so can't look in
mirrored glass -

Michael Patterson -

- Community Room -
- Building #2 -
- Building #1 -> move
to Berkeley level -

- appreciate use of windows -

- Newbury St -
- like addition of windows
- opaque - not mirror

Aq. tend to transparency -

Building # 2 — not undulating
— diversity —
— trying to create diversity

Michael —

Hancock St — Garage

— Pedestrian experience —

— Beep system — for door

— middle st — recessed —

— could probably do a recess
door —

Sept. 3, 2009

Bay House -

1. Built to specifications
2. Financing
3. Construction costs

- Concepts - David White -
 - 4.5 bldg types
 - architecture - done here -

David White / of Residential - up - all the same
- floors + exterior materials

- b) adding a floor of parking

for Bldg code - can't have
2 floors of parking -

- (1) - raising bldg 5 ft -
- (2) soils issue on Newbury St. ✓

- Earlier version had 2 floors
- open up w/ glass -

- up to courtyard - 23 feet -
- affects parking spaces
- interior - 14 + 15 before - 10' now for retail space

71 spaces - lower level parking
upper level - 91

- un-assigned - room / amenity -
gym -

- one space / unit -
- can buy 2nd space -

160 spaces -

Sheet 8 -

plan

Final construction
- drawings - reflect
- recent \rightarrow to street
inflect

- losing 1 tree at end -

add 1 -

- entry off courtyard?

to be eliminated
to be left
to be kept
to be removed
to be kept

Sheet 13 of 15

- grease trap detail -

- say it is to be eliminated

Bicycle details -

Water mains - PWD -

- street opening permit

- refigure

Elevations - g-2 - + g-1 -

Storage units - lower level - 48 bins
bicycle racks - 8 / 12 / 18 = 38

130 bins
- more bike space

upper level - bins - 9 + 23 + 60 = 92

- no bicycle racks

Review of Sheets

Green Shinkley -
↳ construction
- Drawings

1. Shinkley - still Project manager?
2. Structural Engineer?
3. Demolition - - same
4. Title - section for Joe Reynolds?
5. Financial Capability?
6. Proposed sidewalk - Easement (do we have it?)
7. Sheet 4 - stairs - same -
- still shows gate -

- # street trees same - modified spacing
lights + spacing same

? Question / angled handicapped ramp - perpendicular?

8. Phrasing - sidewalk - 7.5 (2)

9. Parking condition # 8 / revise

Conditions of approval

- 1. T.E

2. S. Bushey -

3. David - meet Mike Farmer's review

4. - Park + Rd

5. Financial in

chk ← 6. Bicycle Rack

7. Condo docs + easement given to Copco

8. Urban Design

9. Reimburse no-park (sit)

10. ——— fees etc

2

ck 1. - access easement -

Sheet 5 of 15 -

- areas or parking levels not labeled
~~the prop~~ uses

* Construction Mgt Plan -

should this be a condition of approval

- steps - $\frac{1-2}{3}$ 3 steps - 12 steps -

- no views of courtyard anymore

book 15 - says 4 steps - man

- treatment along front facade
Newbury St -

Δ in height of plaza $\frac{?}{?}$

Fundamentals Plan -

1 parking garage level
- 2?

Sheet 7 -

- relocate pole - loop - underground?

on the upper level parking

- Page 2 description - need to understand -

ck - front courtyard wall to the right
Tower

ck - windows Δ - to match some windows
where Newbury St - wall intersects resid. wa

- roof-top appurtenance

- 10/23/08 - review letter

1. Front st
2. Bay House
3. Yacht
4. Molly - site plan
- 5. Convenience stores
6. wetland
7. Park - work is still going on -
- big event - next Saturday -

- some

Joe Dumay

272-5980

pocket



- 2 seat swing
- Play structures
- Climbing Rock - donation

recycled

≈ 32 x 32

Dis safe - ok

≈ 1,000

- dug - 1 ft -

- mulch - playground

- No -

- dead-end cul-de-sac

- near entrance

- Westbrook St / Back entrance - bridge
- walk - at top island - walk to -

Plaza - 43.5' - grade
48

E3 - pg 16 -

Elevations

~~B1~~

B1 - 2 - 3 - unit - corner
- appears to be when
- bathrooing over stairwell
- star fr courtyard

Elevations → awnings - ck

- windows above - transparent? - material

- carbon monoxide intake?

Roof elevation

92.5 → 97.5

- Hancock Elevation - little sq windows vs

larger - double ang -

- design - 4 sq vs a round?

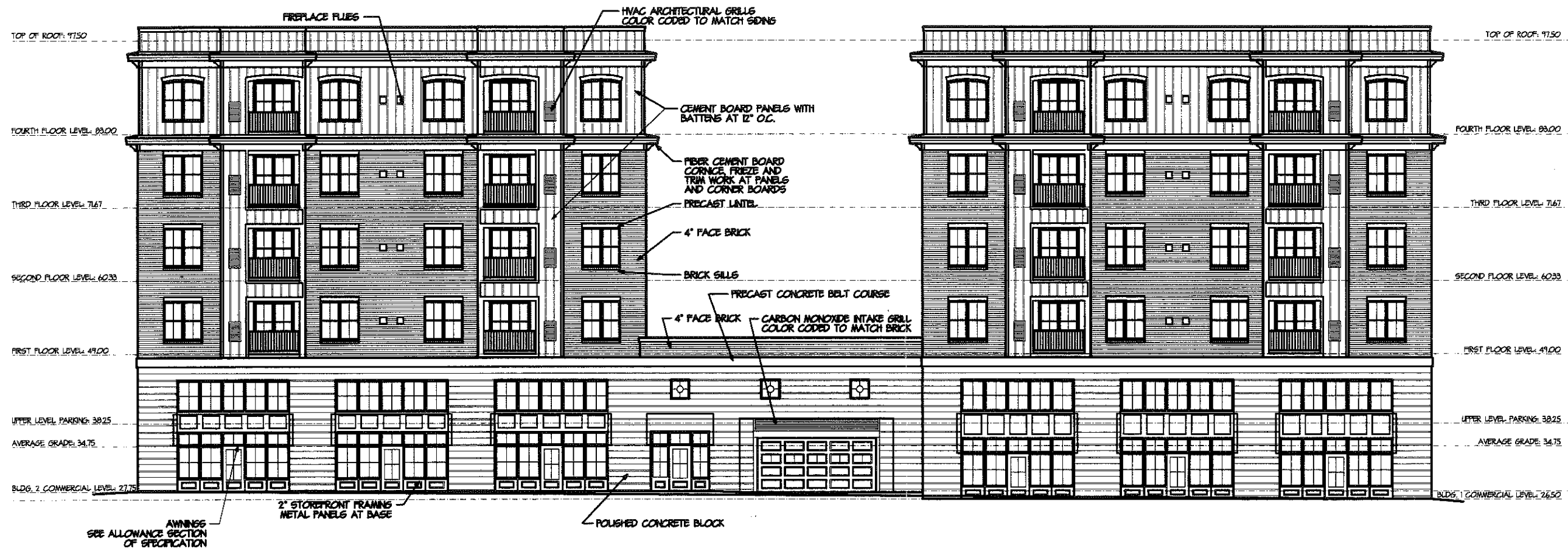
- over door - entrance - ~~so~~ little window

bicycle - racks the same

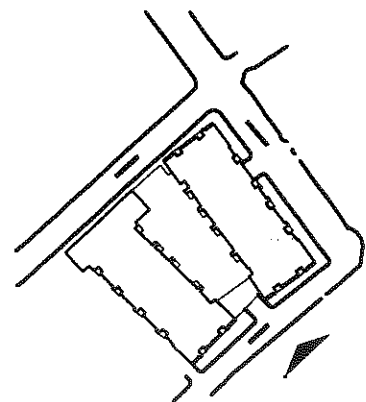
- Δ in elevation

- materials for smaller windows - $\frac{D_{window}}{W_{window}}$

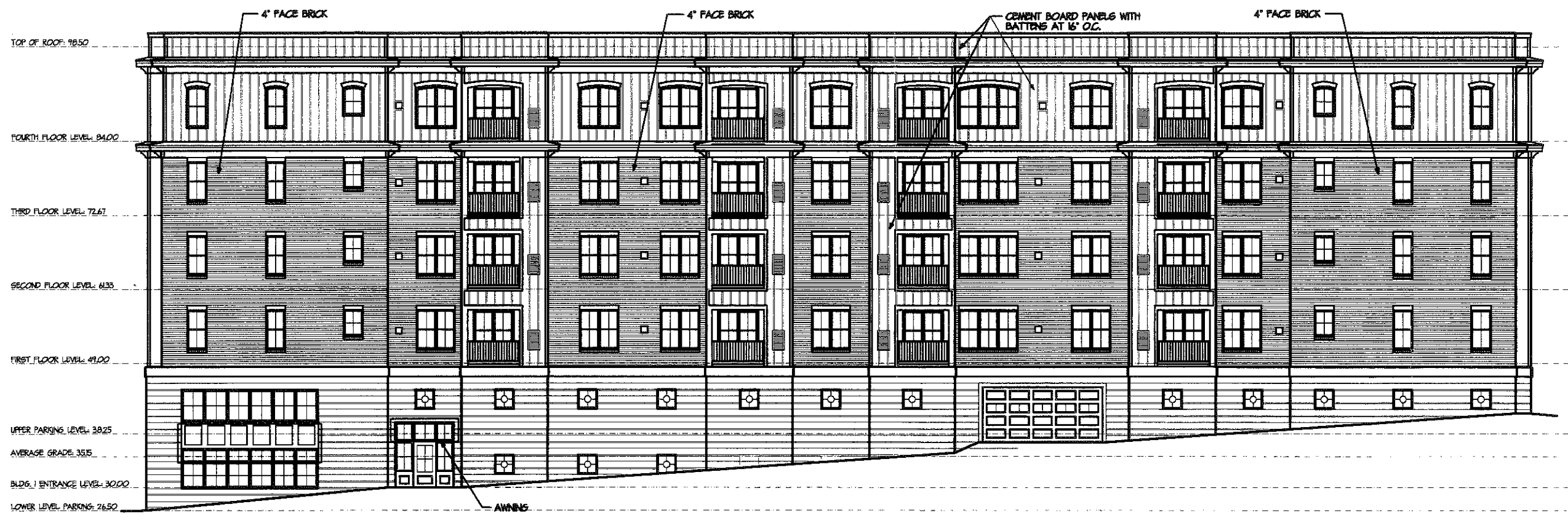
3-2 Newbury -
Kayak - canoe storage



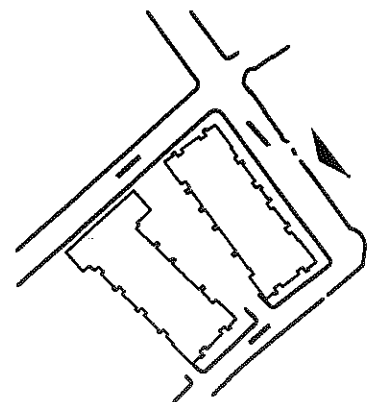
BUILDINGS 1 & 2
MIDDLE STREET ELEVATION



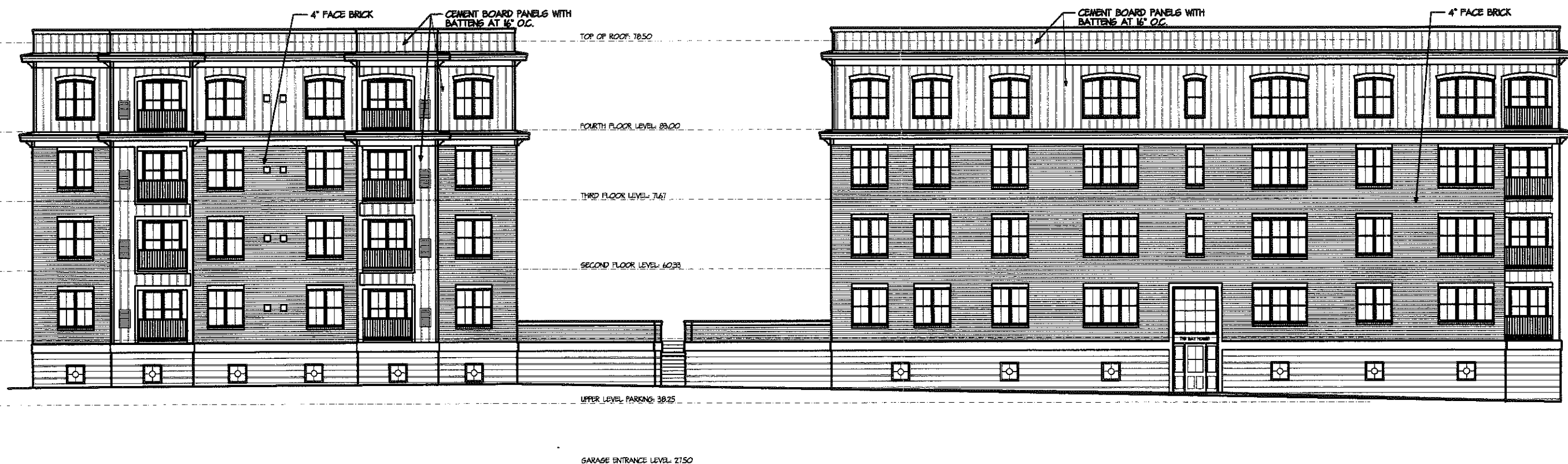
THE BAY HOUSE
 DAVID M. WHITE, ARCHITECT
 SEPTEMBER 2, 2009



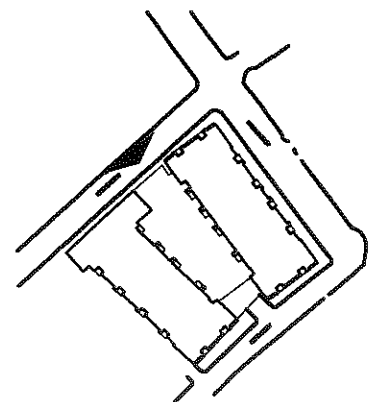
BUILDING 1
HANCOCK STREET ELEVATION



THE BAY HOUSE
 DAVID M. WHITE, ARCHITECT
 SEPTEMBER 2, 2009



BUILDINGS 1 & 2
 NEWBURY STREET ELEVATION

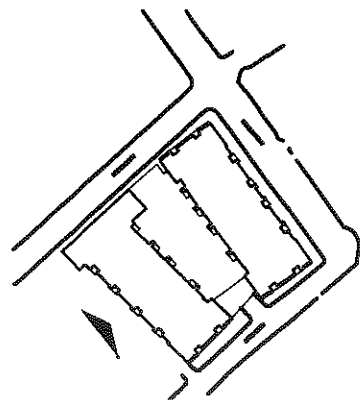


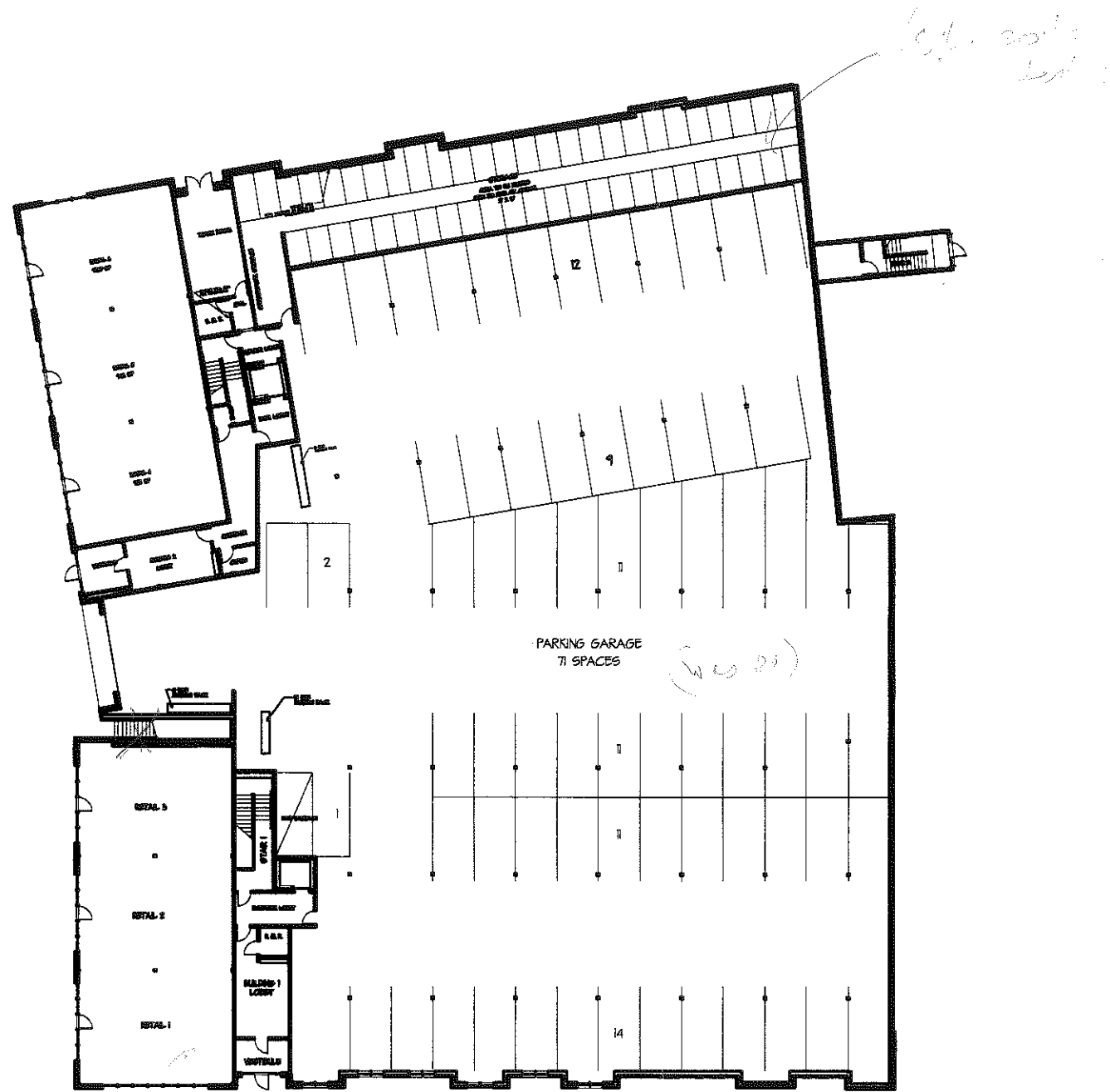
THE BAY HOUSE
 DAVID M. WHITE, ARCHITECT
 SEPTEMBER 2, 2009



BUILDING 2
WEST ELEVATION

THE BAY HOUSE
DAVID M. WHITE, ARCHITECT
SEPTEMBER 2, 2009



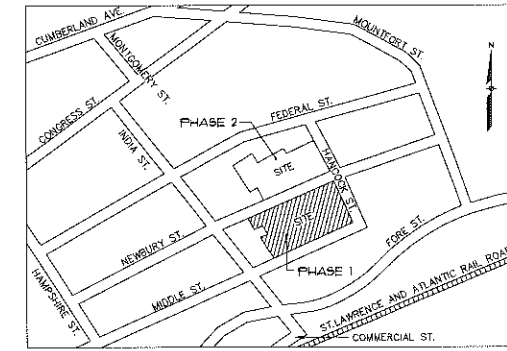


LOWER LEVEL PARKING

THE BAY HOUSE
 DAVID M. WHITE, ARCHITECT
 SEPTEMBER 2, 2009

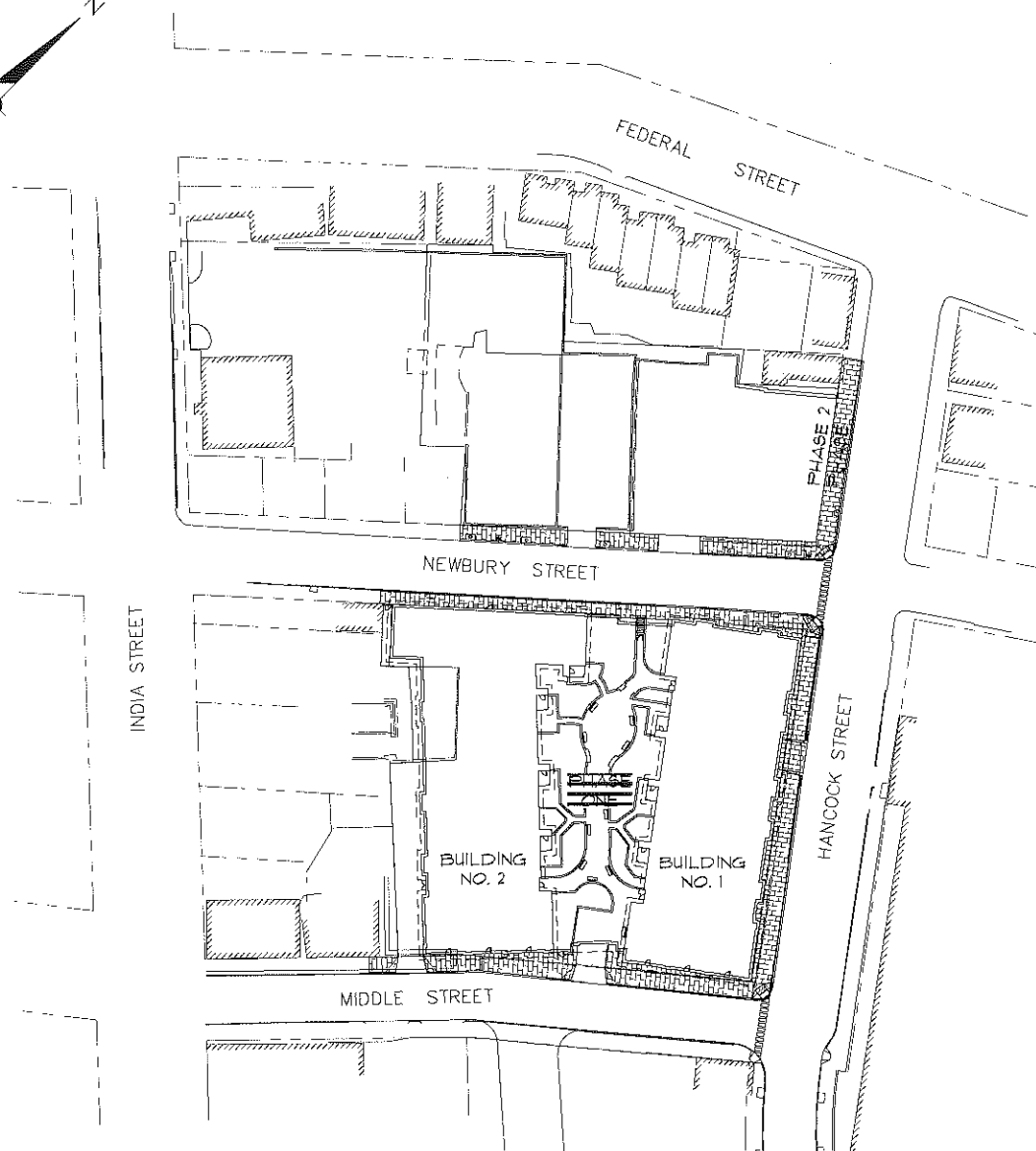
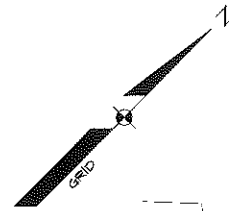
THE BAY HOUSE - PHASE 1

112-113 NEWBURY STREET/40 HANCOCK STREET
PORTLAND, MAINE



LOCATION MAP

N.T.S.



APPLICANT/OWNER:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

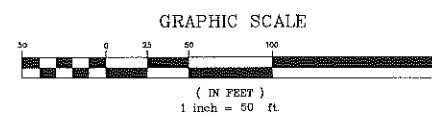
ARCHITECT:
DAVID M. WHITE ARCHITECT
P.O. BOX 447, 403 TIBBETTS HILL RD.
GOFFSTOWN NH, 03045-0447

PROJECT MANAGER
SHINBERG CONSULTING, LLC
477 CONGRESS STREET, SUITE 1012
PORTLAND, MAINE 04101

**ENGINEER/SURVEYOR/
LANDSCAPE ARCHITECT:**

Sebago Technics

Engineering Expertise You Can Build On
One Chabot Street
Westbrook, Me 04098-1339
Tel (207) 856-0277



THE BAY HOUSE - PHASE 1
2ND AMMENDED SUBDIVISION/SITE PLAN

SHT. NO.	SHEET NAME
1	COVER SHEET
2	BOUNDARY & TOPOGRAPHY SURVEY
3	DEMOLITION PLAN
4	SUBDIVISION PLAT
5	SITE PLAN
6	GRADING PLAN
7	UTILITY PLAN
8	LANDSCAPE AND LIGHTING PLAN
9	PROFILE
10	PROFILE
11	DETAILS
12	DETAILS
13	DETAILS
14	DETAILS
15	STORMTECH DETAILS

REVISED SUBDIVISION/SITE PLAN: 9/8/09

05109-1-C.dwg TAB:PERMIT

JOHN FITZPATRICK PO BOX 8118 PORTLAND, ME 04104 BLOCK B LOT 13 BOOK 16910 PAGE 0006	MICUCCI BROTHERS INC. 139 HARLEY STREET PORTLAND, ME 04103 BLOCK D LOT 27 BOOK 11090 PAGE 193	FRANCIS JACKSON 139 HARLEY STREET PORTLAND, ME 04103 BLOCK D LOT 19 BOOK 13590 PAGE 340	ALISON AND DAVID BROWN 125 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 23 BOOK 15768 PAGE 132	BARTLETT ISLAND LLC 67 INDIA STREET PORTLAND, ME 04101 BLOCK E LOT 19 BOOK 17068 PAGE 212
CATAMONT PROPERTIES LLC 30 LEDGEWOOD DRIVE FALMOUTH, ME 04105 BLOCK B LOT 14 BOOK 18863 PAGE 14C	TIM HARDY 1728 ASTORIA STREET CHICAGO, IL 60640 BLOCK D LOT 1 AND 28 BOOK 12154 PAGE 5D	44 FEDERAL STREET LLC 4646 NORTH HERMITAGE CHICAGO, IL 60640 BLOCK D LOT 11 BOOK 22369 PAGE 122	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 24 BOOK 14437 PAGE 268	MAHC INC. 28 PORTLAND AVENUE OLD ORCHARD, ME 04064 BLOCK E LOT 20 BOOK 15767 PAGE 177
HADLEY M. BROWN 97 NEWBURY STREET PORTLAND, ME 04101 BLOCK B LOT 17 BOOK 3934 PAGE 216	DAVID FILIPPO 36 FEDERAL STREET #3 PORTLAND, ME 04101 BLOCK D LOT 2 BOOK 15976 PAGE 285	ROLAND SMALLEY JR. 73 WALL STREET PORTLAND, ME 04103 BLOCK D LOT 12 BOOK 12574 PAGE 217	BETTY POWROY PO BOX 432 WESTBROOK, ME 04098 BLOCK D LOT 25 BOOK 6706 PAGE 276	WOODEN NICKEL LLC 42 CHAMBERLAIN AVENUE PORTLAND, ME 04101 BLOCK E LOT 21 BOOK 14219 PAGE 166
SHIPYARD BREWING CO. LLC 86 NEWBURY STREET PORTLAND, ME 04101 BLOCK C LOT 9 BOOK 12206 PAGE 17D	JONATHAN PRESTON PO BOX 1516 CHARLESTOWN, RI 02813 BLOCK D LOT 8 BOOK 15902 PAGE 237	VILLAGE CAFE INC. 106 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 13, 14, 15 BOOK 15585 PAGE 30A	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 22 BOOK 15585 PAGE 30A	WOODEN NICKEL LLC 42 CHAMBERLAIN AVENUE PORTLAND, ME 04101 BLOCK E LOT 22 BOOK 14219 PAGE 166
MICUCCI BROTHERS INC. 43 INDIA STREET PORTLAND, ME 04103 BLOCK C LOT 21 BOOK 13107 PAGE 126	KAC LLC 19 ASTORIA DRIVE SOUTH PORTLAND, ME 04106 BLOCK D LOT 9 BOOK 21962 PAGE 258	THOMAS AND MARCIA CARLISTA 123 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 31 BOOK 15416 PAGE 137	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 31 BOOK 15585 PAGE 307	HILARY AND STEPHEN ANDREW 25 MIDDLE STREET PORTLAND, ME 04101 BLOCK E LOT 23 & 25 BOOK 19479 PAGE 27B

ABUTTERS LIST: TAX MAP 20 BLOCKS B, C, D, & E

LEGAL DESCRIPTION

PARCEL 1

A CERTAIN LOT OR PARCEL OF LAND SITUATED ON THE SOUTHERLY SIDE OF NEWBURY STREET, IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, STATE OF MAINE, NOW OR FORMERLY OF THE VILLAGE CAFE, INC., BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF NEWBURY STREET, HAVING A RIGHT OF WAY WIDTH OF 50 FEET, SAID POINT BEING THE NORTHERLY CORNER OF LAND NOW OR FORMERLY OWNED BY BARTLETT ISLAND LLC, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 17068 PAGE 212, AND THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-47'-16" E, A DISTANCE OF 256.87 FEET, BY AND ALONG SAID SOUTHERLY SIDE OF NEWBURY STREET TO THE WESTERLY SIDE OF HANCOCK STREET, HAVING A RIGHT OF WAY OF 66 FEET, TO A POINT, SAID POINT BEING THE MOST NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 36°-27'-23" E, A DISTANCE OF 220.42 FEET, BY AND ALONG THE SOUTHERLY SIDE OF SAID HANCOCK STREET TO THE WESTERLY CORNER OF MIDDLE STREET, HAVING A RIGHT OF WAY OF 49.5 FEET, TO A POINT, SAID POINT BEING THE MOST EASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 50°-24'-52" W, BY AND ALONG SAID WESTERLY SIDE OF MIDDLE STREET, A DISTANCE OF 172.32 FEET, TO A POINT, SAID POINT BEING A SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 44°-09'-52" W, BY AND ALONG SAID MIDDLE STREET, A DISTANCE OF 44.04 FEET, TO A POINT, SAID POINT BEING THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY HILARY AND STEPHEN ANDREW RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15479 PAGE 226 AND THE MOST SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-17'-18" W, BY AND ALONG THE LAND OF SAID ANDREW, A DISTANCE OF 78.88 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING THE MOST NORTHERLY CORNER OF LAND OF SAID ANDREW AND THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY WOODEN NICKEL LLC RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 14219 PAGE 166 AND A SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-17'-18" W, BY AND ALONG SAID LAND OF WOODEN NICKEL LLC, A DISTANCE OF 39.00 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING AN EASTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-31'-4" E, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 40.16 FEET, TO A P/K NAIL FOUND AT THE EASTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-38'-58" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 56.58 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING THE MOST NORTHERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 45°-55'-20" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 47.65 FEET, TO 5/8" REBAR FOUND AT THE NORTHWESTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-26'-53" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC AND LAND OF SAID BARTLETT ISLAND LLC, A DISTANCE OF 38.09 FEET, TO THE POINT OF BEGINNING,

MEANING AND INTENDING TO DESCRIBE A CERTAIN PARCEL OF LAND CONTAINING 48,482 SQUARE FEET OR 1.11 ACRES, MORE OR LESS.

PARCEL 2

A CERTAIN LOT OR PARCEL OF LAND SITUATED ON THE NORTHERLY SIDE OF NEWBURY STREET, IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, STATE OF MAINE, NOW OR FORMERLY OF THE VILLAGE CAFE, INC., BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY SIDE OF HANCOCK STREET, HAVING A RIGHT OF WAY WIDTH OF 66 FEET, SAID POINT BEING THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY ROLAND SMALLEY JR. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 12574 PAGE 217 AND THE MOST NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 36°-27'-23" E, BY AND ALONG THE WESTERLY SIDE OF SAID HANCOCK STREET, A DISTANCE OF 94.41 FEET TO A POINT ON THE NORTHERLY SIDE OF NEWBURY STREET, HAVING A RIGHT OF WAY OF 50 FEET, SAID POINT BEING THE MOST EASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 47°-47'-16" W, BY AND ALONG THE NORTHERLY SIDE OF SAID NEWBURY STREET, HAVING A RIGHT OF WAY WIDTH OF 50 FEET, A DISTANCE OF 217.13 FEET, TO A POINT, SAID POINT BEING THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY THOMAS AND MARCIA CARLISTA, RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15416 PAGE 137, AND THE MOST SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 40°-57'-08" W, BY AND ALONG THE LAND OF SAID THOMAS AND MARCIA CARLISTA, A DISTANCE OF 47.80 FEET, TO A P/K NAIL FOUND AT THE NORTHERLY CORNER OF LAND OF SAID CARLISTA AND A SOUTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 45°-26'-24" W, BY AND ALONG THE LAND OF SAID CARLISTA, A DISTANCE OF 27.42 FEET, TO A POINT ON THE FACE OF SAID BUILDING, SAID POINT BEING THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY DOMINIC REALTY LLC, RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15585 PAGE 307, AND A SOUTHWESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-49'-31" W, BY AND ALONG THE LAND OF SAID DOMINIC REALTY LLC, A DISTANCE OF 122.49 FEET, TO A POINT, SAID POINT BEING THE MOST NORTHERLY CORNER OF LAND OF SAID DOMINIC REALTY LLC AND THE MOST WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 45°-49'-42" E, BY AND ALONG THE LAND NOW OR FORMERLY OWNED BY JONATHAN PRESTON, RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 18007 PAGE 237, AND LAND NOW OR FORMERLY OWNED BY 44 FEDERAL STREET LLC RECORDED IN SAID REGISTRY IN BOOK 22369 PAGE 122, A DISTANCE OF 40.08 FEET, TO A POINT, SAID POINT BEING A SOUTHERLY CORNER OF LAND OF SAID JONATHAN PRESTON, AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 44°-10'-18" E, BY AND ALONG THE LAND OF SAID 44 FEDERAL STREET LLC, A DISTANCE OF 4.09 FEET, TO A POINT, SAID POINT BEING A SOUTHWESTERLY CORNER OF SAID 44 FEDERAL STREET LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-14'-55" E, BY AND ALONG THE LAND OF SAID 44 FEDERAL STREET LLC, A DISTANCE OF 45.34 FEET, TO A POINT, SAID POINT BEING A SOUTHWESTERLY CORNER OF LAND OF SAID 44 FEDERAL STREET LLC, AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

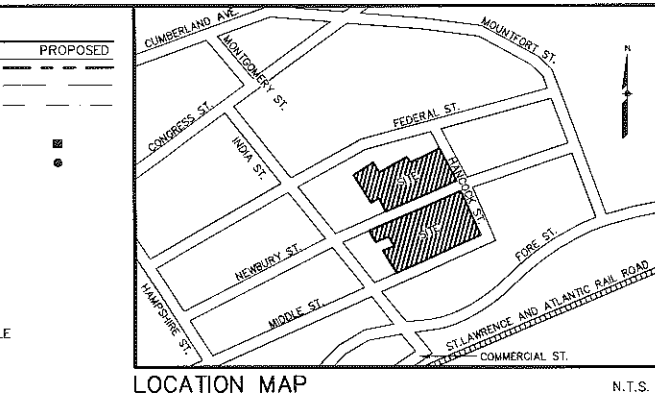
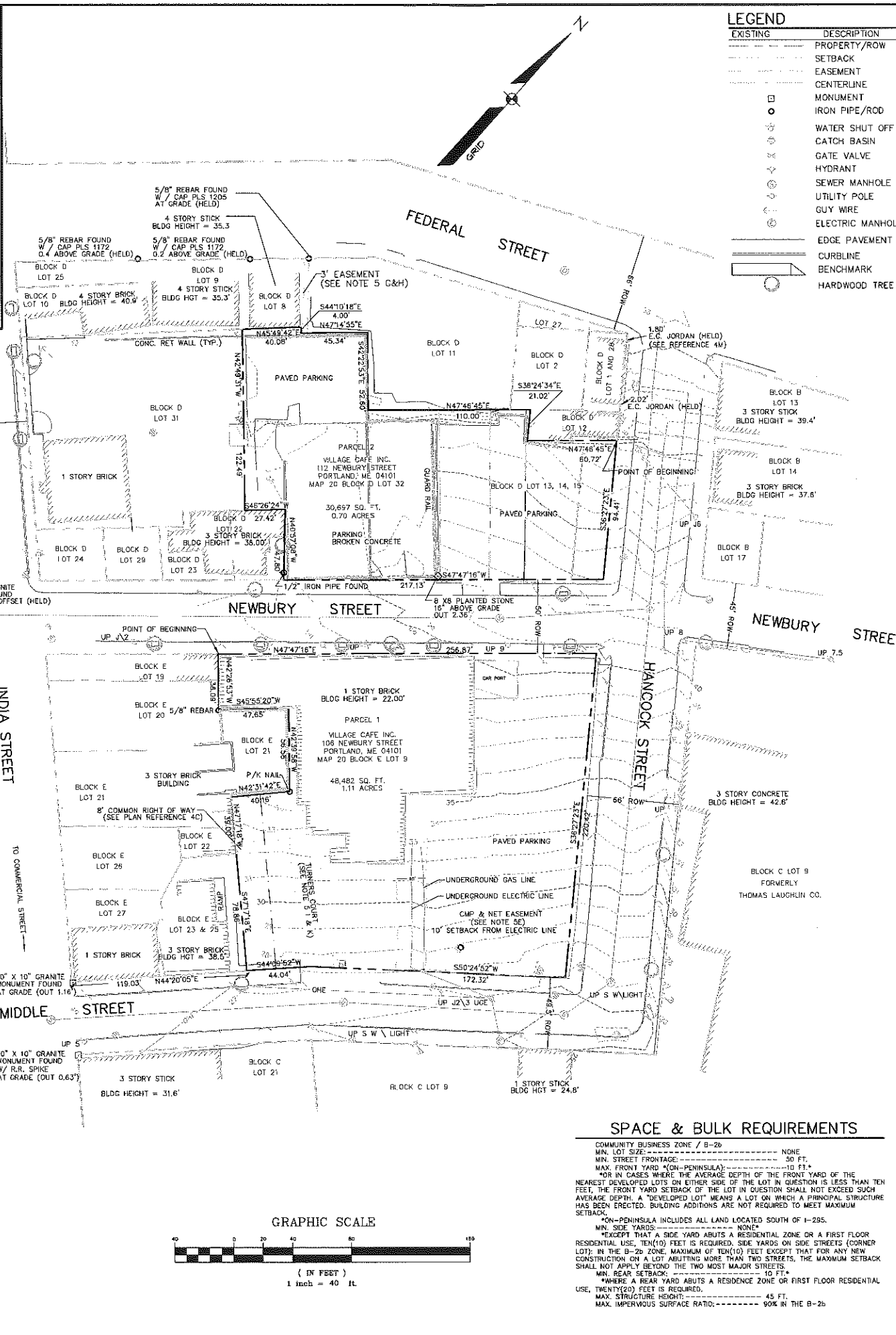
THENCE, S 42°-22'-53" E, BY AND ALONG THE LAND OF SAID 44 FEDERAL STREET LLC, A DISTANCE OF 52.60 FEET, TO A POINT, SAID POINT BEING A SOUTHERLY CORNER OF LAND OF SAID 44 FEDERAL STREET LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-46'-45" E, BY AND ALONG THE LAND OF SAID 44 FEDERAL STREET LLC AND THE LAND NOW OR FORMERLY OWNED BY DAVID FILIPPO, RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15976 PAGE 285, A DISTANCE OF 110.00 FEET, TO A POINT, SAID POINT BEING THE SOUTHWESTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY SAID ROLAND SMALLEY JR. AND A NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 36°-24'-34" E, BY AND ALONG THE LAND OF SAID ROLAND SMALLEY JR., A DISTANCE OF 21.02 FEET, TO A POINT, SAID POINT BEING THE MOST SOUTHERLY CORNER OF LAND OF SAID SMALLEY AND A NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-46'-45" E, BY AND ALONG THE LAND OF SAID ROLAND SMALLEY JR., A DISTANCE OF 60.72 FEET, TO THE POINT OF BEGINNING.

MEANING AND INTENDING TO DESCRIBE A CERTAIN PARCEL OF LAND CONTAINING 30,697 SQUARE FEET OR 0.70 ACRES, MORE OR LESS.



GENERAL NOTES:

- THE RECORD OWNER OF THE PROPERTY IS VILLAGE CAFE INC. DEEDS TO SUBJECT PARCELS ARE 1731/187, 3191/504, 4357/291, 3217/83, 3004/226, 3051/203, 3752/140, 3112/131, 3024/132, 3281/260, 2896/237, 2896/235, 4307/289, 4094/222, 9520/73.
- THE PROPERTY IS DEPICTED ON THE TOWN OF PORTLAND TAX MAP 20; BLOCK E LOT D AND BLOCK D, LOTS 13, 14, 15, AND 32.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH NAD 1983 MAINE WEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NGVD 1929 VERTICAL DATUM.
- PLAN REFERENCES:
 - PLAN TITLED "ALTA / ACSM TITLE SURVEY OF JORDAN'S MEATS PROPERTY, PREPARED FOR FINE LIMITED PARTNERSHIP, BY SEBAGO TECHNICS, INC., DATED 4/29/05.
 - PLAN TITLED "PLAN OF LAND STANDARD BOUNDARY SURVEY ON FORE, INDIA, MIDDLE NEWBURY, HANCOCK, & MOUNTFORD STREETS, PORTLAND MAINE" PREPARED FOR AMERICAN HOUSING & DEVELOPMENT, BY OWEN HASKELL, INC., DATED APRIL OF 1987.
 - ALTA/ACSM LAND TITLE SURVEY, PREPARED FOR ARI REAL ESTATE HOLDINGS BY OWEN HASKELL INC., DATED NOV. 8, 2001.
 - PLAN TITLED "CITY OF PORTLAND, MAINE PUBLIC WORKS DEPARTMENT ENGINEERING SECTION - HAMPSHIRE STREET 5L WORKSHEET" BY THE CITY OF PORTLAND ENGINEERS OFFICE, DATED FEB. 2002.
 - RIGHT OF WAY MAPS BY THE CITY OF PORTLAND; # 21, 52, 73, AND 113.
 - PLAN OF SEWER LINE - NEWBURY STREET, BUILT JUNE 1877, CITY PLAN #425/5.
 - PLAN OF SEWER LINE - MIDDLE STREET, RE-BUILT AUG. 1928, CITY PLAN #244/10.
 - PLAN OF SEWER LINE - INDIA, NEWBURY, FEDERAL, AND CONGRESS ST., RE-BUILT AUG. 1926, CITY PLAN #440/25.
 - PLAN OF PROPERTY IN PORTLAND, MAINE, PREPARED FOR THOMAS LAUGHLIN CO., DATED SEPT. 2 1955; DRAWING #473/8.
 - PLAN OF PORTLAND SEWER SYSTEM INFILTRATION - IN-LOW ANALYSIS, PREPARED FOR PORTLAND WATER DISTRICT BY HUNTER-BALLEW ASSOCIATES, CITY DRAWING #V-4.
 - PORTLAND WATER DISTRICT, PORTLAND SHEET 9.
 - PLAN TITLED "PLAN OF LAND STANDARD BOUNDARY SURVEY ON FORE, INDIA, MIDDLE NEWBURY, HANCOCK, & MOUNTFORD STREETS, PORTLAND MAINE" PREPARED FOR SHIPYARD BREWING COMPANY, BY OWEN HASKELL, INC., DATED APRIL OF 1987, REVISED 11/2/95.
 - SITE PLAN "ADDITIONS TO: THE VILLAGE CAFE, PORTLAND, ME. BY JOHN H. LEASURE - ARCHITECT, INC., DATED JAN. 4, 1985.
 - PLAN TITLED "INDIA ST. REBUILDING SEWER - MIDDLE ST. TO CONGRESS ST., BY THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS, DRAWN ON 11/4/55, DRAWING #659/8.
 - "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR VILLAGE CAFE" DATED 4-10-84 BY EC JORDAN.
- SUBJECT TO:
 - RIGHTS AND EASEMENTS GRANTED TO CO CENTRAL MAINE POWER COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3406 PAGE 116.
 - RIGHTS AND EASEMENTS GRANTED TO THOMAS LAUGHLIN COMPANY FOR HOSE, VIBRATION, SMOKE, SOOT, CONDENS, FLAMES, GASES AND VAPORS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN THE FOLLOWING BOOKS AND PAGES; 1611/362, 2064/472, 1899/75, 1611/327, 1611/321, 1658/313, 2041/135.
 - RIGHTS AND EASEMENTS GRANTED BY AMEDED REALI AND BRIGIDA DIMILLO TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE CO. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2806 PAGE 166.
 - RIGHTS AND EASEMENTS GRANTED BY AMEDED REALI AND BRIGIDA DIMILLO TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE CO. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3027 PAGE 170.
 - RIGHTS AND EASEMENTS GRANTED TO THE VILLAGE CAFE, INC. TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 6793 PAGE 349.
 - RIGHTS AND EASEMENTS GRANTED BY WARWICK CORPORATION TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3211 PAGE 957.
 - THREE FOOT WIDE RIGHT OF WAY LOCATED OFF THE SOUTHERLY SIDELINE OF FEDERAL STREET AS DESCRIBED IN DEED FROM GEBINGER REALTY CO. TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3142 PAGE 190.
 - 10 FOOT RIGHT OF WAY REFERENCED FROM BOOK 7270 PAGE 0336, QUOTED AS READING "THE ABOVE DESCRIBED PREMISES MAY BE SUBJECT TO A RIGHT OF WAY ABOUT 10 FEET WIDE AND A 42 FEET LONG LOCATED OFF THE SOUTHERLY SIDELINE OF FEDERAL STREET AS DESCRIBED IN A DEED TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 3142, PAGE 190." NOT SHOWN ON PLAN.
 - RIGHTS OF OTHERS TO PASS OVER PARCEL 1 TO AND FROM TURNER'S COURT AS DESCRIBED IN DEED FROM GEBRIFFER I. RICE TO VILLAGE CAFE, INC. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 4308 PAGE 125.
 - RIGHTS DESCRIBED IN DEED FROM ARNOLD M. SICILIANO TO MARIA DELIPPO NAVARRO RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1148 PAGE 240
 - LIMITS OF TURNER'S COURT ARE BASED ON PLAN REFERENCE "M".
 - BUILDING AND OVERHANG EASEMENT FOR BLOCK D LOT 8 DESCRIBED IN BOOK 7575 PAGE 0074.
 - THERE IS NO 100 YEAR FLOOD PLAIN LOCATED ON THE SITE AND IS DESIGNATED AS ZONE C PER THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF PORTLAND, MAINE, COMMUNITY PANEL NUMBER 230051 0014 B DATED JULY 17, 1996.
 - PUBLIC WATER AND SEWER IS PROVIDED TO SUBJECT PARCELS.
- THIS PLAN IS BASED UPON A BOUNDARY SURVEY PERFORMED IN ACCORDANCE WITH THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE WITH THE EXCEPTION THAT NO NEW MONUMENT HAS BEEN SET AT THE ISSUANCE OF THIS PLAN.

SURVEYOR'S STATEMENT

THE UNDERSIGNED HEREBY STATE: TO GFI ACQUISITIONS I, LLC, INC. AND FIRST AMERICAN TITLE INSURANCE COMPANY, THAT THIS SURVEY WAS ACTUALLY MADE UPON THE GROUND; THAT IT AND THE INFORMATION, COURSES, ANGLES AND DISTANCES SHOWN THEREON ARE CORRECT; THAT THIS SURVEY CORRECTLY SHOWS THE LOCATION OF ALL BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS ON THE PREMISES, INCLUDING WITHOUT LIMITATION, ALL STREETS, EASEMENTS, RIGHT-OF-WAY AND UTILITY LINES; AND THAT, EXCEPT AS SHOWN, THERE ARE NO (A) EASEMENTS OR RIGHT-OF-WAY ACROSS THE PREMISES; (B) PARTY WALLS; (C) ENCROACHMENTS ON ADJOINING PREMISES, STREETS OR ALLEYS OF ANY OF SAID BUILDINGS, STRUCTURES OR IMPROVEMENTS; OR (D) ENCROACHMENTS UPON THE PREMISES BY ANY BUILDING, STRUCTURE OR OTHER IMPROVEMENTS SITUATED ON ANY ADJOINING PREMISES; PHYSICAL EVIDENCE OF BOUNDARY LINES ON ALL SIDES OF THE PREMISES IS AS STATED ON THE SURVEY; AND THAT THE IMPROVEMENTS DO NOT VIOLATE ANY SETBACK OR OTHER BUILDING LINES.

THIS SURVEY IS MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENT FOR ALTA/ACSM LAND TITLE SURVEYS", JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1999 AND INCLUDES ITEMS 1, 2, 3, 4, 6, 7(A), 8, 9, 10, 11, AND 13 OF TABLE THEREOF AND PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM IN 2000) OF AN "URBAN" SURVEY.

SIGNED BY: _____ DATE: _____

DATE	SCALE
7/12/05	1"=40'
SHEET 1 OF 1	

ALTA / ACSM LAND TITLE SURVEY

FOR: VILLAGE CAFE INC., 113 NEWBURY ST., 40 HANCOCK ST., PORTLAND, MAINE

FOR: GFI ACQUISITIONS I, LLC, 133 PEARL STREET, SUITE 400, BOSTON, MA 02101

PROJECT NO. FIELD BOOK DESIGN CHKD. DRAWN

05109 DIGITAL DCS DFB

DATE: 7/12/05

REV. BY: DCS

STATUS: PER DCS REVISIONS

BOUNDARY REVISION 7/20/05

BOUNDARY & MISC REVISIONS 8/02/05

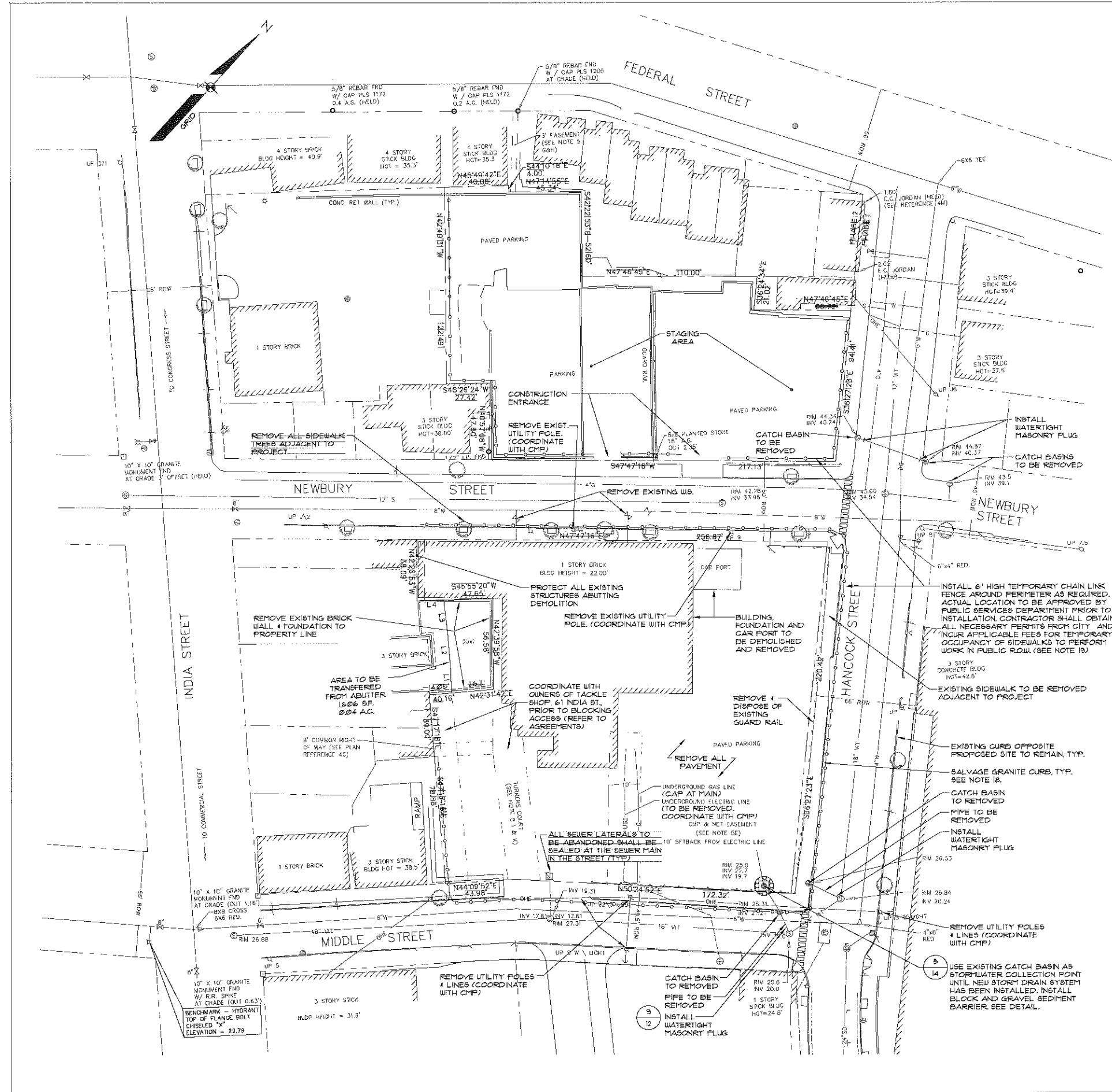
REVISE HANCOCK STREET SIDELINE 11/29/05

ADDED METES & BOUNDS ALONG MIDDLE ST. NEAR INDIA ST. 4/14/06

UPDATE PARCEL 1, ADD ABUTTER EXISTING BUILDING 4/4/06

AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

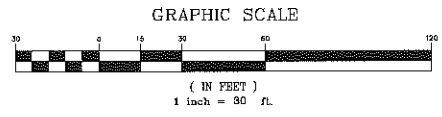
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.



LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	MONUMENT	---
---	IRON PIPE/ROD	---
---	DRILLHOLE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVER-HEAD ELEC. & TEL.	---
---	UNDERGROUND ELEC. & TEL.	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	CHAIN LINK FENCE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---

- SITE DEMOLITION NOTES**
- ALL SITE/DEMOLITION IMPROVEMENTS WILL BE DONE IN ACCORDANCE WITH APPROVED HASP.
 - ALL EXISTING FEATURES AND UTILITIES SHOWN HEREON ARE BASED ON EXISTING RECORD PLANS, ON-SITE FIELD OBSERVATIONS, AND EXISTING SITE CONDITIONS PLANS AS PROVIDED BY SEBAGO TECHNICS, INC. THE SITE CONTRACTOR SHALL PERFORM AN ABOVE GROUND VISUAL SURVEY AND USE A UTILITY MARKING COMPANY TO VERIFY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION TO CONFIRM THE AVAILABLE INFORMATION AND NOTIFY THE ENGINEER OF ANY INCONSISTENCIES. CONTRACTOR SHALL NOTIFY AND COMPLY WITH DIG SAFE REQUIREMENTS.
 - UTILITIES SHOWN HEREON MAY OR MAY NOT CONSTITUTE ALL UTILITIES ON OR ADJACENT TO THIS SITE. THE INDICATED PIPE SIZES, VALVES, STRUCTURES AND MATERIALS HAVE NOT BEEN VERIFIED FOR ANY UTILITIES SHOWN.
 - SITE DEMOLITION WORK SHALL INCLUDE SURFACE DEMOLITION AND SUBSURFACE DEMOLITION OF EXISTING FOUNDATIONS (IF ENCOUNTERED) AND UTILITY LINES.
 - ALL EXISTING IMPROVEMENTS WITHIN THE LIMITS OF THE PROPOSED WORK (UNLESS SHOWN TO REMAIN) SHALL BE DEMOLISHED. THIS INCLUDES EXISTING PAVING, UNSUITABLE ON SITE FILLS, CURBING, SIDEWALKS AND AGGREGATE BASE TO THE EXTENT NECESSARY TO SUPPORT THE PROPOSED DESIGN.
 - EXISTING UTILITY LINES (OPERATIVE OR ABANDONED) LOCATED WITHIN THE AREA OF THE NEW BUILDINGS SHALL BE REMOVED. SITE CONTRACTOR SHALL BE RESPONSIBLE FOR BACK FILLING AND CONTRACTING THE RESULTANT TRENCHES AS APPROPRIATE TO SUPPORT THE NEW DESIGN.
 - PLUG OPENINGS IN CATCH BASINS LEFT BY REMOVED STORM DRAIN PIPE WITH BRICK AND MORTAR.
 - PLUG OPENINGS IN SANITARY MANHOLES LEFT BY REMOVED SEWER LINES WITH BRICK AND MORTAR ANY SEWER LATERAL ABANDONED SHALL BE SEALED AT THE SEWER MAIN IN STREET.
 - SAW OUT PAVEMENT AT THE LIMITS OF DEMOLITION IN ACCORDANCE WITH THE PAVEMENT JOINT DETAIL ON THE PLAN SET.
 - ANY QUESTIONS ON THE EXTENT OF SURFACE OR SUBSURFACE DEMOLITION SHALL BE PRESENTED TO THE ENGINEER.
 - EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE START OF DEMOLITION ACTIVITIES.
 - ALL DISTURBED AREAS NOT SUBJECT TO BUILDING CONSTRUCTION OR PAVING SHALL BE LOANED, SEEDED AND MULCHED.
 - SEE UTILITY PLAN FOR ROAD REPAIR ASSOCIATED WITH UTILITY INSTALLATION.
 - TERMINATE UTILITIES IN ACCORDANCE WITH STATE AND LOCAL RULES AND REGULATIONS, THE NATIONALLY RECOGNIZED CODE, AND THE REQUIREMENTS OF THE UTILITY PROVIDER COVERING THE SPECIFIC UTILITY AND APPROVED BY THE ENGINEER.
 - ABANDONMENT OF UTILITY SYSTEMS SHALL BE DONE IN A MANNER THAT CONFORMS TO APPLICABLE CODES AND REGULATIONS. REMOVED THEIR PRESENCE FROM THE GROUND SURFACE AND CLEARLY INDICATES THAT THEY HAVE BEEN ABANDONED. UTILITIES SHALL NOT BE ABANDONED IN PLACE UNDERNEATH OR WITHIN 10 FEET OF ANY NEW FACILITIES.
 - DEMOLITION WORK SHALL INCLUDE THE DEMOLITION, REMOVAL AND LEGAL DISPOSAL OF EXISTING CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE NEW CONSTRUCTION. THE CONTRACTOR SHALL TAKE CARE TO PREVENT DAMAGES TO EXISTING UTILITIES, CONSTRUCTION AND MATERIALS NOT SCHEDULED FOR DEMOLITION, REPAIR OR REPLACEMENT, AND SHALL REPAIR DAMAGES TO THE CONSTRUCTION AND MATERIALS TO THE SATISFACTION OF THE ENGINEER AND AT NO ADDITIONAL COST TO THE OWNER.
 - WHENEVER POSSIBLE, ALL FEATURES DEMOLISHED SHALL BE SALVAGED OR RECYCLED IN LIEU OF BEING DISPOSED OF AS WASTE IN A LAND FILL. EXISTING FEATURES TO BE DEMOLISHED WHICH ARE NOT INDICATED AS SALVAGEABLE OR RECYCLED SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE PROJECT SITE. TITLE TO MATERIALS RESULTING FROM DEMOLITION AND MATERIALS AND EQUIPMENT TO BE REMOVED, IS VESTED IN THE CONTRACTOR UPON APPROVAL BY THE ENGINEER OF THE CONTRACTOR'S DEMOLITION PLAN, AND AUTHORIZATION BY THE ENGINEER TO BEGIN DEMOLITION. THE OWNER WILL NOT BE RESPONSIBLE FOR THE CONDITION, LOSS OF, OR DAMAGE TO, SUCH PROPERTY AFTER CONTRACT AWARD. MATERIALS AND EQUIPMENT SHALL NOT BE VIEWED BY PROSPECTIVE PURCHASERS OR SOLD ON THE SITE.
 - ALL EXISTING GRANITE CURBS TO BE REMOVED AND REPLACED SHALL BE DELIVERED TO THE CITY'S STOCKYARD FOR SALVAGE. SEE CITY SHEET 2 FOR NEW CURB LOCATIONS.
 - COORDINATE WITH PORTLAND PUBLIC SERVICES REGARDING MAINTENANCE OF VEHICULAR & PEDESTRIAN MOVEMENT IN AND AROUND CONSTRUCTION AREA. CONTRACTOR SHALL PROVIDE A DETOUR PLAN FOR PUBLIC SERVICES REVIEW AND APPROVAL.
 - STORM DRAINAGE AND SEWER REMOVAL/PLUGS IN HANCOCK, MIDDLE AND NEWBURY STREETS TO BE COMPLETED IN COORDINATION WITH STREET IMPROVEMENTS AND UTILITY INSTALLATION.
 - REFER TO UTILITY PLAN FOR REMOVAL OF WATER LINES AND APPURTENANCES. ALL WORK SHALL BE COORDINATED WITH THE PORTLAND WATER DISTRICT.
 - REMOVAL OF EXISTING ELECTRICAL LINE AND UTILITY POLES SHALL BE COORDINATED WITH CMP TO ENSURE NO DISRUPTION OF SERVICES. NEW UNDERGROUND UTILITIES TO BE INSTALLED AND ACTIVATED PRIOR TO REMOVAL OF EXISTING ACTIVE LINES.



DATE	SCALE
8/3/05	1" = 30'
SHEET 3 OF 15	

DEMOLITION PLAN
 OF THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 FOR LAND, MAINE
 FOR THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110
 CBT109-1-DEM.dwg, TAB:DEM

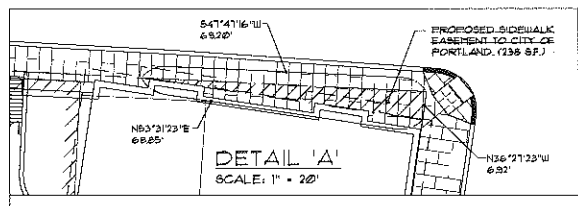
9/29/05 SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
 10/13/05 REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
 9/12/06 REVISED PER CITY STAFF COMMENTS
 7/17/06 REVISED AND SUBMITTED FOR CONSTRUCTION BID
 11/19/07 SUBMITTED FOR CONSTRUCTION BID

REV: (BY: DATE: STATUS:)

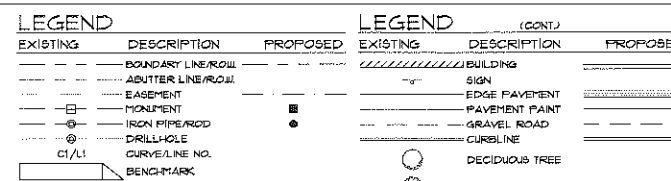
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

Sebago Technics
 Engineering Experience You Can Build On
 One Chesnut Street
 Westbrook, ME 04098-1339
 Tel: (207) 858-0277

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
 05109 SAG OAM SAB

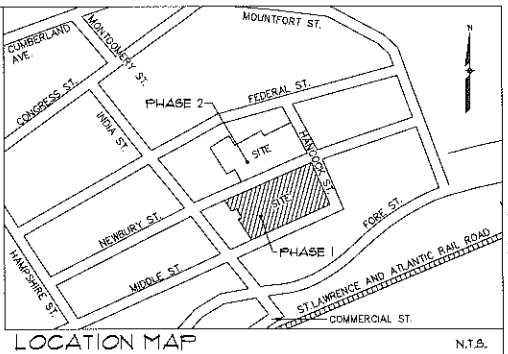


LINE	BEARING	LENGTH
L1	N45°16'56"W	16.96
L2	N46°41'05"W	20.14
L3	N49°22'41"W	20.62
L4	S41°36'06"W	16.99



GENERAL NOTES:

- THE RECORD OWNER OF PHASE I IS THE VILLAGE AT OCEANGATE LLC AS DESCRIBED IN A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 15453 PAGE 378 AND DEED OF WOODS NOGEL, LLC TO BE RECORDED.
- THE PROPERTY IS DEPICED ON THE CITY OF PORTLAND TAX MAP 201 BLOCK E LOT 9 AND A PORTION OF LOT 21 (PHASE ONE) AND BLOCK D LOTS 13, 14, 15 AND 32 (PHASE TWO)
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND ALTA SURVEY TITLED "ALTA SURVEY OF THE VILLAGE AT OCEANGATE INC. FOR 40 ACQUISITIONS I, LLC BY SEBAGO TECHNICS, INC. PERFORMED DATED JULY 12, 2009 REVISED THROUGH APRIL 14, 2009.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH NAD 1983 MAINE WEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NGVD 1929 VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 186 AC. (PHASE ONE) 138 AC. (PHASE TWO) 100 AC.
- ZONING DISTRICT: CONDITIONAL REZONING-9-96 URBAN COMMERCIAL MIXED USE ZONE.



GENERAL NOTES:

- THE PLANNING BOARD GRANTED WAIVERS FOR THE FOLLOWING TECHNICAL STANDARDS: SECTION 17.3A (2) WHICH REQUIRES A 24 FOOT WIDE DRIVEWAY TO BE REQUIRED TO 18 AND 22 FEET AT THE GARAGE ENTRANCES ON NEWBURY AND MIDDLE STREETS, AND SECTION XV H, PHOTOMETRIC PLANS REQUIRING PHOTOMETRIC PLANS FOR THE INTERIOR COURTYARDS ONLY.

CONDOMINIUM UNITS

- BUILDING NO. 1: 40 UNITS
- BUILDING NO. 2: 42 UNITS
- PHASE ONE TOTAL: 82 UNITS

CONDITIONS OF APPROVAL

- REVISIONS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN THOMAS BERRICO, PE, TRAFFIC CONSULTING ENGINEERS REVIEW DATED JUNE 26, 2007 SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISIONS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN STEVE BUSHBY, PE, CONSULTING ENGINEER, MEMORANDUMS OF JULY 9, 2007 AND JUNE 23, 2008 SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISIONS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN MICHAEL FARMER, PROJECT ENGINEER'S MEMORANDUMS OF JUNE 28, 2007 AND JUNE 21, 2008 TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE RESTAURANT AND/OR RETAIL/COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE "RIVERSIDE" PARKING GARAGE LOCATED ALONG MIDDLE STREET AND THAT DOCUMENTATION OF SUCH PARTICIPATION WILL BE PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO YEARS.
- ALL FINANCIAL CONTRIBUTIONS REQUIRED AS PART OF THE CONDITIONAL REZONING SHALL BE SUBMITTED TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE DESIGN DETAILS FOR THE BIKE RACKS SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED CONDOMINIUM DOCUMENTS AND A COPY OF THE PEDESTRIAN EASEMENT SHALL BE SUBMITTED FOR REVIEW BY CORPORATION COUNSEL'S OFFICE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THAT THE APPLICANT SHALT REIMBURSE THE CITY FOR THE INSTALLATION OF NO PARKING SIGNS ON THE NORTH SIDE OF MIDDLE STREET AND RESET THE SIGNS AS NECESSARY DURING CONSTRUCTION.
- THE FOLLOWING SCHEDULE OUTLINES THE CITY'S EXPECTATION WITH REGARD TO ITS STREET IMPROVEMENTS AND ASSOCIATED FEES TO BE PAID BY THE DEVELOPER.

HANCOCK STREET

- THE DEVELOPER SHALL PAY TO THE CITY A STREET OPENING FEE OF \$7500 X 2
- THE DEVELOPER SHALL UNDERTAKE ITS OWN TRENCH WORK IN HANCOCK STREET (FROM MIDDLE TO THE END OF ITS PHASE II FRONTAGE). IN ADDITION TO SUCH TRENCHING THE DEVELOPER SHALL PAY TO THE CITY \$45,000.00 WHICH WILL GO TOWARDS THE HANCOCK STREET IMPROVEMENTS. THE DEVELOPER SHALL NOT BE OBLIGATED TO PAY A PAVEMENT RESTORATION FEE AS THE CITY WILL CONSIDER THIS FEE COVERED BY THE \$45,000.00 PAYMENT.

NEWBURY STREET

- THE DEVELOPER SHALL RECONSTRUCT NEWBURY STREET FROM INDIA TO HANCOCK STREET CONSISTENT WITH THE CITY'S DESIGN STANDARDS AND WITH ALL THE UTILITIES AS SHOWN ON THE SUBDIVISION PLAN.

MIDDLE STREET

- THE DEVELOPER SHALL PAY TO THE CITY A STREET OPENING FEE OF \$7500 X 1
- THE DEVELOPER MAY CHOOSE ONE OF THE FOLLOWING TWO OPTIONS:
OR
THE DEVELOPER SHALL RECONSTRUCT THE ENTIRE FRONTAGE OF ITS SITE (FROM HANCOCK STREET THROUGH MIDDLE STREET) AND TRENCH THE REPAIRS TO INDIA. IF THE DEVELOPER CHOOSES THIS OPTION IT WILL ALSO INCUR PAVEMENT RESTORATION FEE EQUAL TO \$65,000 SQUARE YARD (FROM THE EDGE OF ITS FRONTAGE TO INDIA STREET)

INDIA STREET

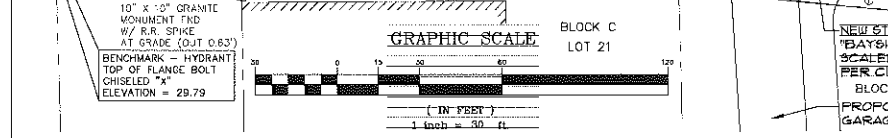
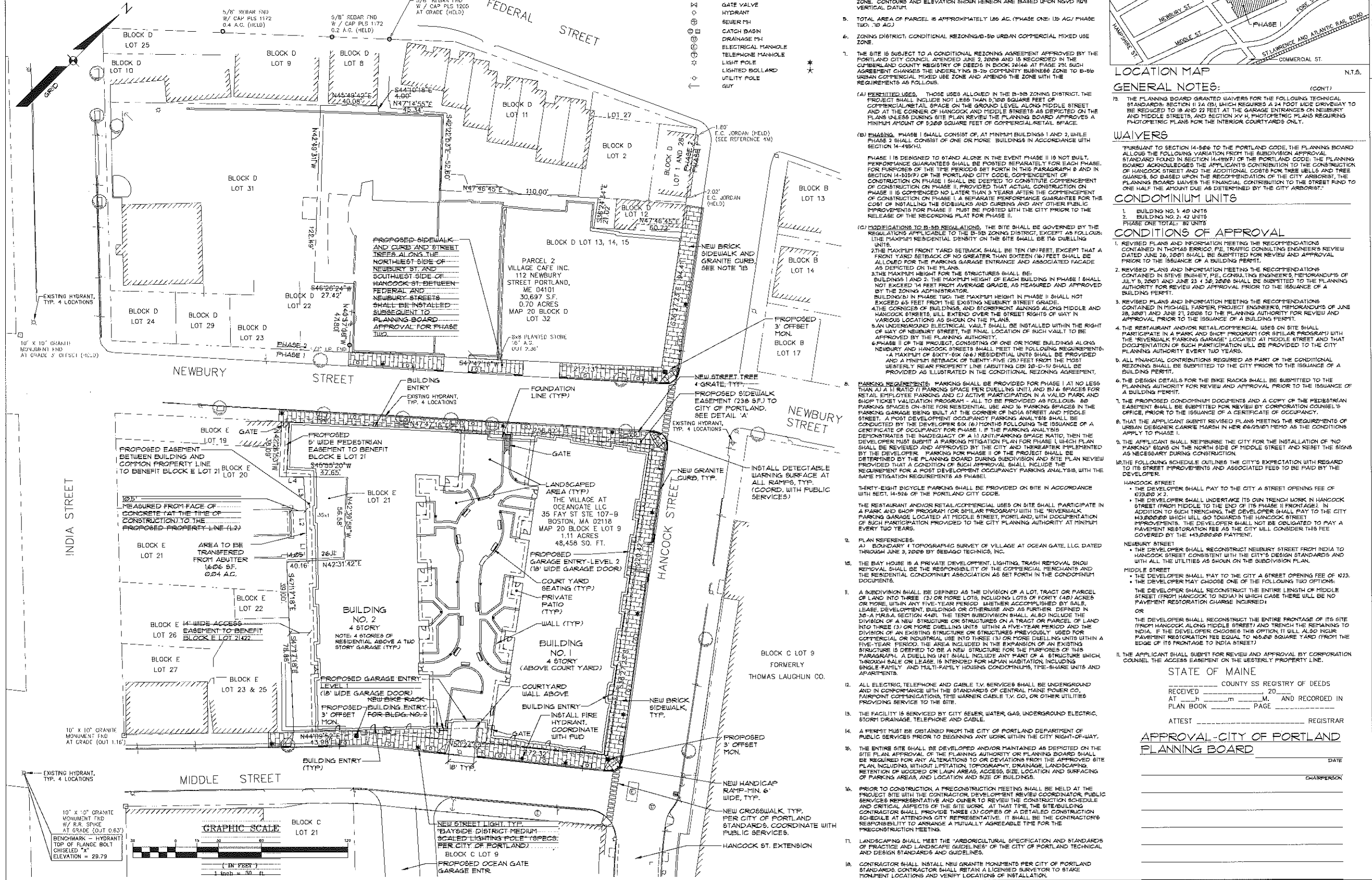
- THE APPLICANT SHALL SUBMIT FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL THE ACCESS EASEMENT ON THE WESTERLY PROPERTY LINE.

DATE	8/3/05
SCALE	1" = 30'

NO.	DATE	BY	STATUS
1	8-3-05	CD	SUBMIT TO CITY FOR SITE/SUBDIV AMENDMENT REVIEW

Segabo Technics
 Engineers, Planners, Architects, Surveyors
 One Quabod Street
 Westbrook, ME 04092-1330
 Tel: (207) 856-6277

2ND AMENDED SUBDIVISION PLAT
 OF:
 THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR RECORD OWNER:
 THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

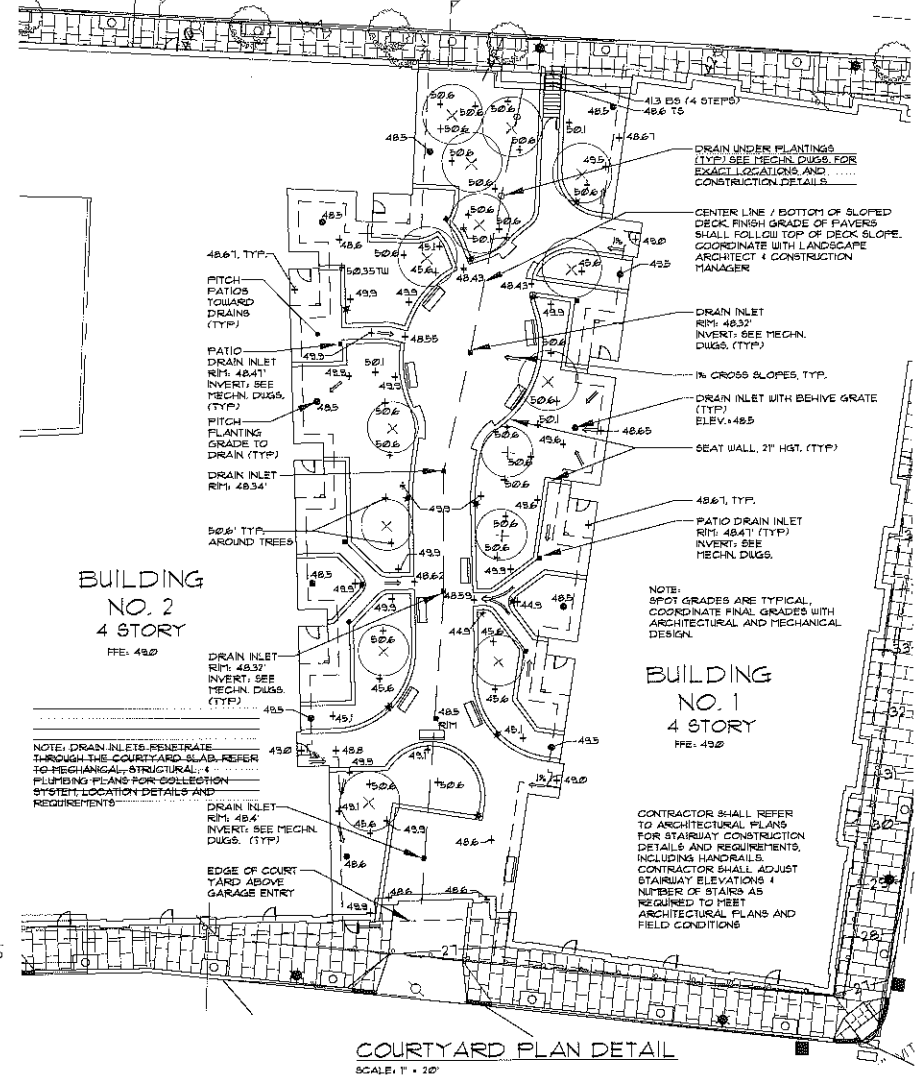
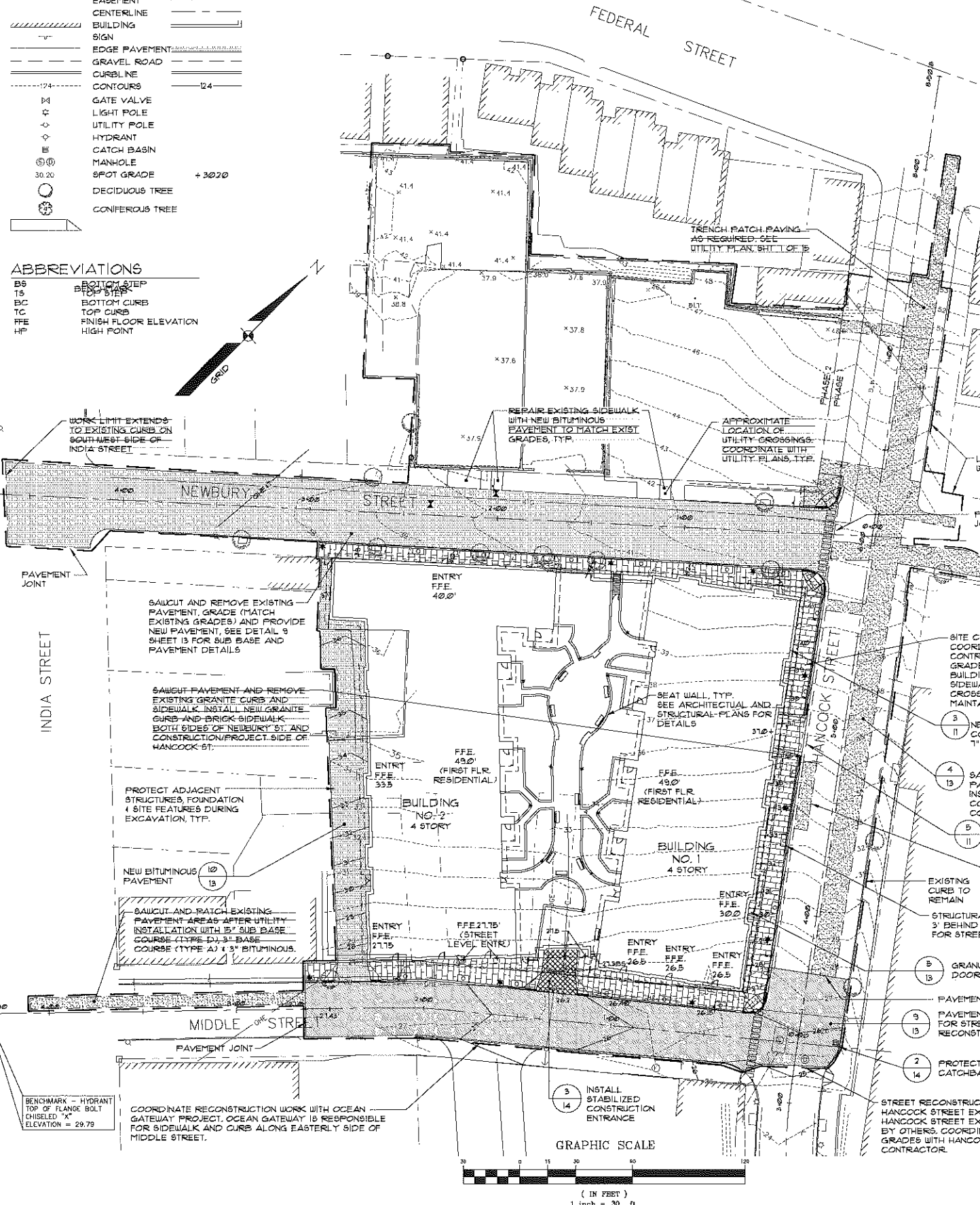


EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	CONTOURS	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	SPOT GRADE	+ 30.20
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---

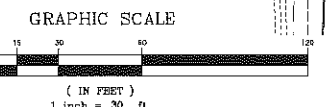
ABBREVIATIONS	DESCRIPTION
BS	BOTTOM STEP
TS	TOP STEP
BC	BOTTOM CURB
TC	TOP CURB
FFE	FINISH FLOOR ELEVATION
HP	HIGH POINT

CONSTRUCTION NOTES

- ALL CURBS SHALL BE DESIGNED AND BUILT WITH TYPICALS AT ALL DRIVEWAYS AND CROSSWALKS, IN ACCORDANCE WITH THE PUBLIC SERVICES TECHNICAL STANDARDS AND GUIDELINES.
- AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE. THE DEVELOPER OR AN AUTHORIZED AGENT MUST BE AVAILABLE AT ALL TIMES DURING CONSTRUCTION.
- WARNING SIGNS, BARRICADES OR FLAGMEN, APPROPRIATE FOR THE TYPE OF CONSTRUCTION MUST BE EMPLOYED TO REGULATE TRAFFIC.
- CONSTRUCTION DEBRIS SHALL BE CONTAINERIZED AND DISPOSED OF IN ACCORDANCE WITH CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 2.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO INSURE THEIR INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
- ALL SANITARY SERVICES AND APPURTEANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT. MUST BE NOTIFIED AT LEAST 24 HOURS PRIOR TO COMMENCEMENT TO ALLOW FOR INSPECTION.
- ALL NEW CONNECTIONS, RECONNECTIONS, ETC. TO SANITARY OR STORM SEWERS SHALL REQUIRE A CONNECTION PERMIT PRIOR TO BEGINNING ANY WORK. THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT MUST BE NOTIFIED AT LEAST 24 HOURS PRIOR TO COMMENCEMENT TO ALLOW FOR INSPECTION.
- LANDSCAPING SHALL MEET THE "ARBORETOLOGICAL SPECIFICATION AND STANDARDS OF PRACTICE AND GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREA ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREA SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER MATERIALS AS REQUIRED BY BEST MANAGEMENT PRACTICES.
- THE CONTRACTOR SHALL UTILIZE A SEDIMENT CONTROL "DIRTBAO" WHEN DETERMINING TO PUBLIC SEWER. SEE SHEET 13 FOR DETAIL.
- CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE HIM OR HERSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIM OR HERSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONTINUING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY INJURY, CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
- CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC SPACES DUE TO CONSTRUCTION.
- CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, UTILITIES, FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN DRAWINGS.
- THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIG SAFE (1-800-DIGSAFE) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEPOSITION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES.
- CONTRACTOR SHALL BE AWARE THAT DIG SAFE ONLY NOTIFIES THE MEMBER UTILITIES ABOUT THE DIG. WHEN NOTIFIED, DIG SAFE WILL ADVISE CONTRACTOR OF MEMBER UTILITIES IN THE AREA. CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND CONTACTING NON-MEMBER UTILITIES PRESENTLY NON-MEMBER UTILITIES MAY INCLUDE TOWN OR CITY WATER AND SEWER DISTRICTS AND SMALL LOCAL UTILITIES, AS WELL AS USG PUBLIC SERVICES SYSTEMS.
- CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 23 MRS 3360-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.
- ALL PAVEMENT MARKINGS AND DIRECTIONAL SIGNAGE SHOWN ON THE PLAN SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS.
- ALL PAVEMENT JOINTS SHALL BE SAUGHT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
- NO HOLES, TRENCHES OR STRUCTURES SHALL BE LEFT OPEN OVERNIGHT IN ANY EXCAVATION ACCESSIBLE TO THE PUBLIC OR IN PUBLIC RIGHTS-OF-WAY.
- IMMEDIATELY UPON COMPLETION OF CURB/FILL, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL NOTES AND AS SPECIFIED ON PLANS.
- THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE RETROVAL, REPLACEMENT AND REPAIR OF ALL DAMAGED AND DEFECTIVE MATERIAL AND WORKMANSHIP IN CONNECTION WITH THE CONTRACT WORK. THE CONTRACTOR SHALL REPLACE OR REPAIR AS DIRECTED BY THE OWNER ALL SUCH DAMAGED OR DEFECTIVE MATERIALS WHICH APPEAR WITHIN A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
- THE GENERAL CONTRACTOR SHALL PROVIDE ALL NECESSARY PROTECTION FOR THE WORK UNTIL TURNED OVER TO THE OWNER.
- THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DRAWINGS ON SITE DURING ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES.
- DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. ANY MODIFICATION TO SIZE FIELD DIMENSION AND CONDITION SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO ANY WORK.
- BEFORE THE FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT AND MATERIALS, REPAIR OR REPLACE PRIVATE OR PUBLIC PROPERTY WHICH MAY HAVE BEEN DAMAGED OR DISTURBED DURING CONSTRUCTION. CLEAN THE AREAS WITHIN AND ADJACENT TO THE PROJECT WHICH HAVE BEEN OBSTRUCTED BY HEAVY OPERATIONS, AND LEAVE THE PROJECT AREA NEAT AND PRESENTABLE.
- ALL SUBSURFACE UTILITY LINES SHOWN HEREON ARE BASED SOLELY ON THE FIELD LOCATION OF VISIBLE STRUCTURES, WITH THE EXCEPTS HYDRANTS ETC. IN CONNECTION WITH DESIGN AND OR AS-BUILT PLANS SUPPLIED TO SEBAGO TECHNICS INC. BY OTHERS. PRIOR TO ANY CONSTRUCTION, EXCAVATION, TEST BORING, DRILLING, ETC. DIG SAFE MUST BE NOTIFIED AND A SITE IDENTIFICATION NUMBER OBTAINED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THE LOCATION, DEPTH AND MATERIAL OF ALL SUBSURFACE UTILITY LINES SHOWN HEREON AND ANY AND ALL OTHERS LOCATED ON SITE WITHIN THE CONSTRUCTION AREA.
- PRIOR TO BIDDING AND CONSTRUCTION, CONTRACTOR SHALL REVIEW ARCHITECTURAL, MECHANICAL, ELECTRICAL AND FOUNDATION PLANS FOR COORDINATION WITH SITE PLANS. ANY AND ALL DISCREPANCIES SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION. PRIOR TO BIDDING AND SHALL BE RESOLVED PRIOR TO BIDDING.
- SEE ARCHITECTURAL/MECHANICAL/ELECTRICAL PLANS FOR LOCATIONS AND REQUIREMENTS FOR UTILITY SERVICES TO BUILDINGS AND SITE INCLUDING BUT NOT LIMITED TO ELECTRICAL, GAS, WATER, SEWER, AND DRAINAGE. CONTRACTOR SHALL INSTALL UNDERGROUND ELECTRICAL, TELEPHONE, AND CABLE SERVICES TO ALL BUILDINGS AND SHALL COORDINATE WITH RESPECTIVE UTILITIES FOR LOCATIONS OF SERVICE LINES, TRANSFORMER PADS, AND THE NECESSARY STRUCTURES. THIS SHALL BE COMPLETED BY THE CONTRACTORS AS PART OF THE BIDDING PROCESS AND SHALL BE COORDINATED WITH THE OWNER.
- ELECTRICAL, TELEPHONE & CABLE LINES SHOWN APPROXIMATE LOCATIONS AND MUST BE CONFIRMED WITH APPLICABLE UTILITY COMPANY, AS A RESULT, ACTUAL LOCATIONS MAY VARY PENDING UTILITY COMPANY REVIEW & APPROVAL.
- COORDINATE GRADES AT BUILDINGS WITH ARCHITECTURAL PLANS AND CONSTRUCTION MANAGER. ADJUSTMENTS MAY BE REQUIRED AND SHALL BE COORDINATED WITH THE SITE CONSTRUCTION MANAGER.



COORDINATE RECONSTRUCTION WORK WITH OCEAN GATEWAY PROJECT. OCEAN GATEWAY IS RESPONSIBLE FOR SIDEWALK AND CURB ALONG EASTERLY SIDE OF MIDDLE STREET.



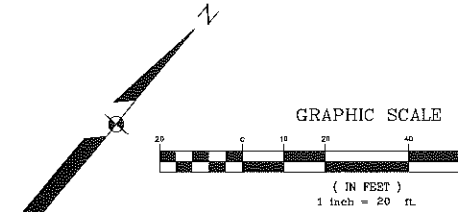
<p>Sebago Technics Engineering (Because You Can Build On) One Ocean Gate Street Westbrook, Me 04091-1339 Tel: (207) 686-0777</p>	
<p>PROJECT NO. 05109</p>	<p>DATE: 09-08-09</p>
<p>REVISION: 01</p>	<p>STATUS: REVISED FOR 2ND GARAGE LEVEL - TO CITY/SITE PLAN AWARD</p>
<p>DESIGN: CHD</p>	<p>DRAWN: SAB</p>
<p>FILED BOOK: CD</p>	<p>SCALE: AS NOTED</p>
<p>GRADING PLAN</p>	<p>DATE: 09-08-09</p>
<p>OF: THE BAY HOUSE 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST. PORTLAND, MAINE</p>	<p>SCALE: AS NOTED</p>
<p>FOR: THE VILLAGE AT OCEAN GATE, LLC 133 PEARL STREET, SUITE 400 BOSTON, MA 02110</p>	<p>SHEET 6 OF 15</p>

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE
AA	ACER X FREEMANII 'ARMSTRONG'	ARMSTRONG RED MAPLE	2 1/2" CAL.
AEU	ASARUM EUROPAEUM	EUROPEAN WILD GINGER	1 QUART
AG	AMELANCHIER GRANDIFLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	8'-10" HGT. CLUMP, NO. 1 CONT.
BFJ	BRUNNERA MACROPHYLLA 'JACK FROST'	JACK FROST FORGET-ME-NOT	NO. 1 CONT.
BP	BETULA Papyrifera 'RENAISSANCE REFLECTION'	PAPER WHITE BIRCH	10'-12" HGT. CLUMP
OK	CORNUS KOUSA 'CHINENSIS'	CHINESE DOGWOOD	2 1/2" CAL.
HBA	HOSTA BLUE ANGEL	BLUE ANGEL HOSTA	NO. 1 CONT.
HGU	HOSTA 'GUACAMOLE'	GUACAMOLE HOSTA	NO. 1 CONT.
HKR	HOSTA KROBBA REGAL	KROBBA REGAL HOSTA	NO. 1 CONT.
HVS	HEUCHERELLA 'VIKING SHIP'	FOAMING BELLS	NO. 1 CONT.
KL	KALMIA LATIFOLIA 'SNOWDRIFT'	SNOWDRIFT MOUNTAIN LAUREL	24"-30"
LF	LEUCOTHOE FONTANESIANA 'COMPACTA'	COMPACT DROOPING LEUCOTHOE	18"-24"
SR	SYRINGA RETICULATA 'JAPANESE LILAC'	JAPANESE TREE LILAC	2" CAL. SINGLE STEM
TC	TAXUS CUSPIDATA 'CAPitata'	UPRIGHT JAPANESE YEW	1'-8" HGT.
TS	TAXUS CUSPIDATA	SPREADING JAPANESE YEW	2'-3" HGT.
VC	VIBURNUM CARLESI	CARLESI VIBURNUM	24"-30"
ZS	ZELKOYA SERRATA	GREEN VALE ZELKOYA	2"-2 1/2" CAL.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
----	ADJUTER LINE/ROW	----
	BUILDING	
○	DECIDUOUS TREE	○
●	CONIFEROUS TREE	●
+	SIGN	+
—	LIGHT POLE/WALL	—

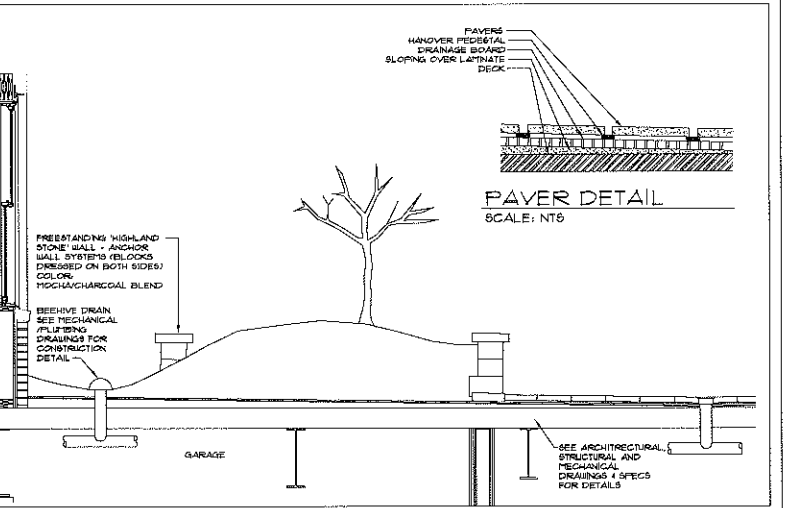
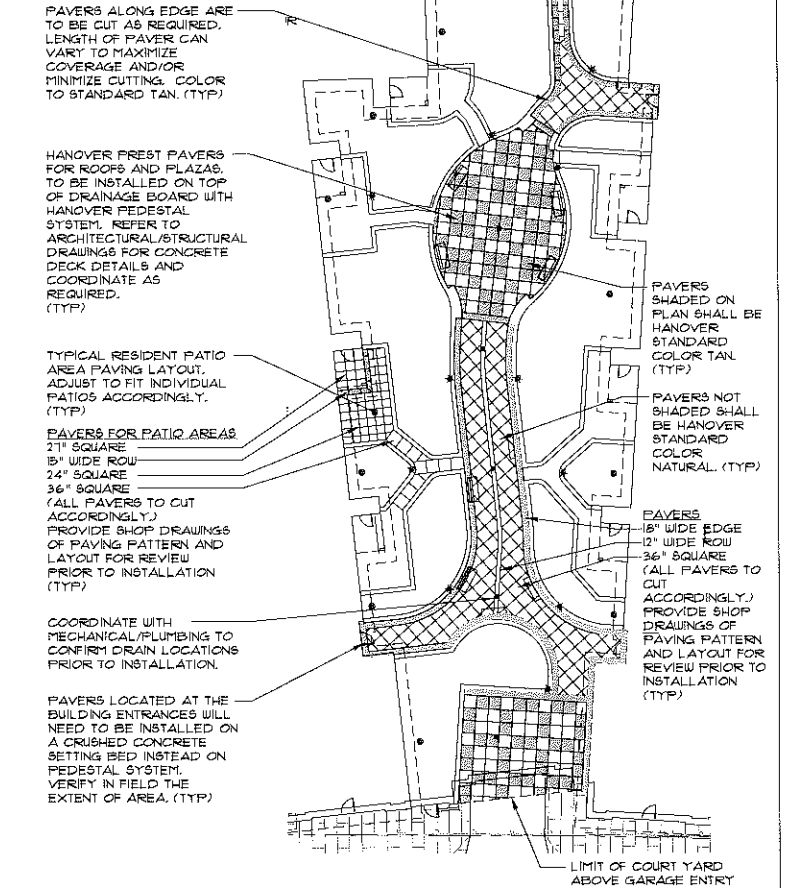
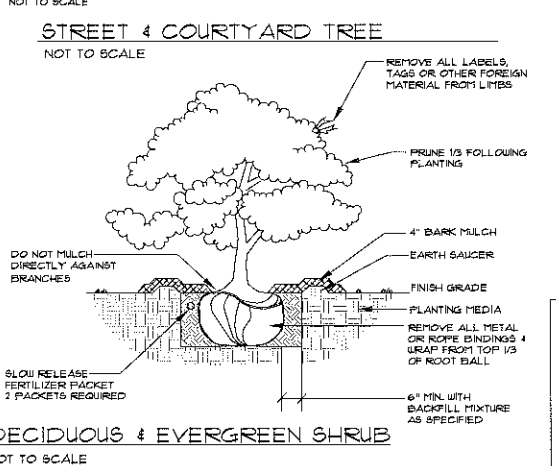
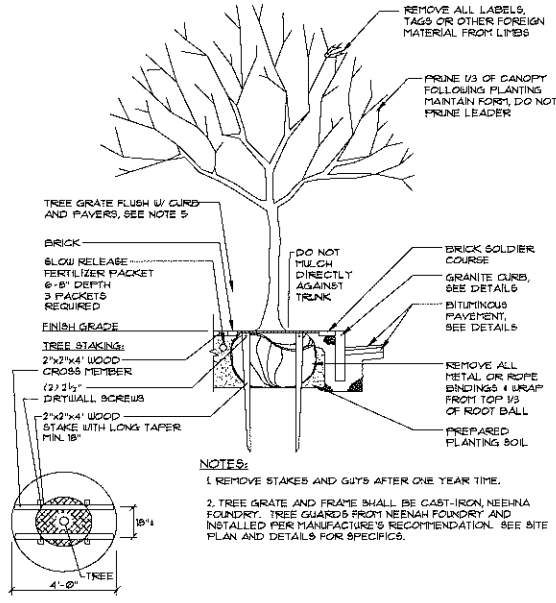
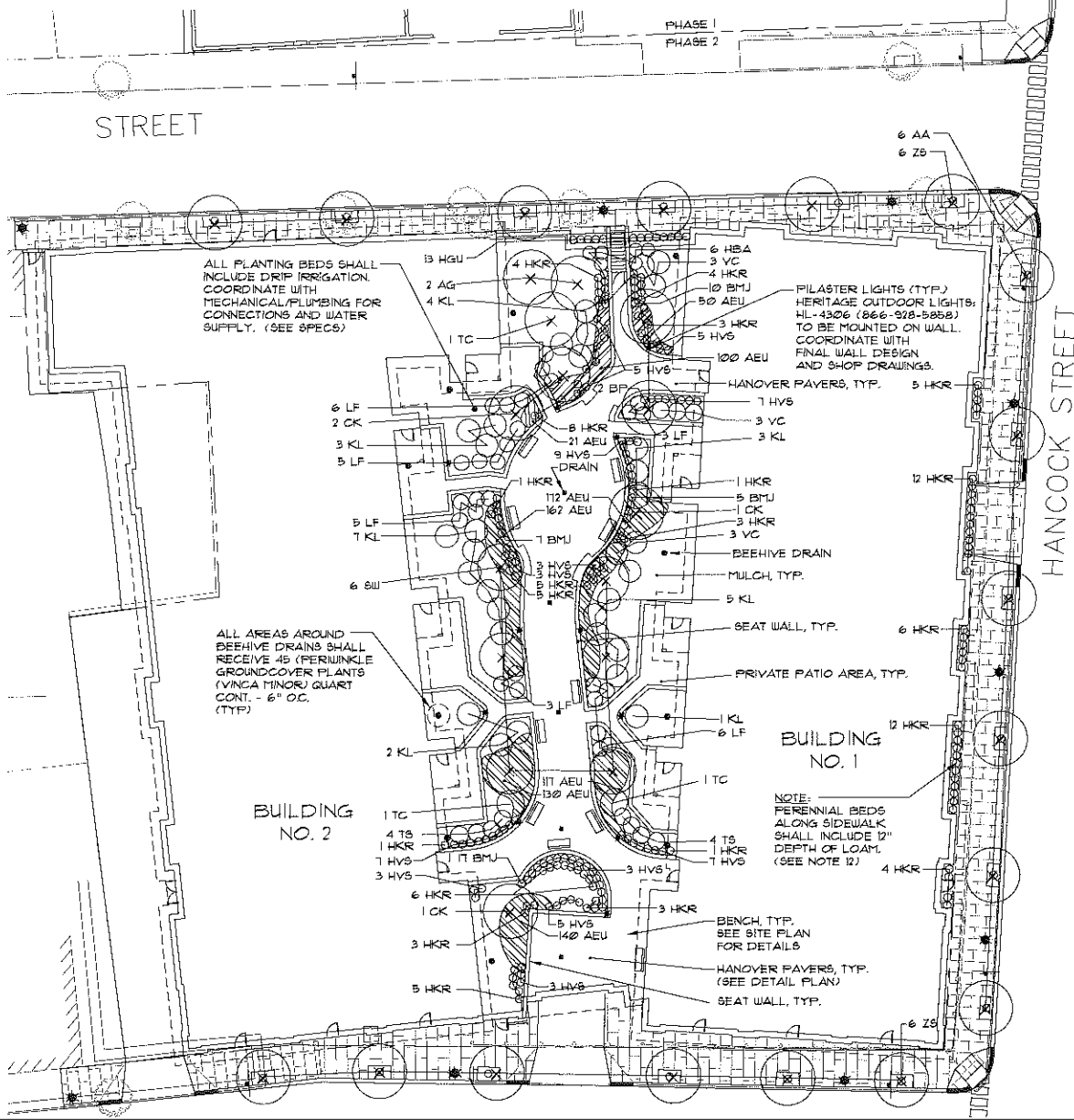


LANDSCAPE NOTES

- PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF "USA STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERMEN, INC.
- ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
- ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE FIT PREPARATION, PRUNING, STAKING OR GUYING, BRACING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
- PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD, DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING, WALKS, CURBS, ETC. DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
- ALL PLANTING BEDS SHALL BE MULCHED WITH 3" CLEAN SHREDDED DARK BROWN DARK MULCH.
- THE CONTRACTOR SHALL PROVIDE STRUCTURAL SOIL FOR STREET TREES AND ADJACENT AREA (3' BEHIND CURB) AND PROVIDE PLANTING MEDIUM FOR INTENSIVE GREEN ROOF APPLICATION FOR ALL COURTYARD PLANTING AREAS. SPECIFICATIONS FOR STRUCTURAL SOIL SHALL MEET PERMITS (1-877-151-6284/WWW.PERMITSILL.COM) OR CU-STRUCTURAL SOIL, URBAN HORTICULTURAL INSTITUTE (WWW.HORTICULTURE.EDU/HE). PLANTING MEDIUM FOR THE COURTYARD SHALL MEET SPECIFICATIONS FOR PERMITS INTENSIVE GREEN ROOF MEDIA OR APPROVED EQUAL. THERE ARE VARIOUS DEPTHS OF PLANTING MEDIA. REFER TO GRADING PLAN AND SPECIFICATIONS FOR ACTUAL DEPTHS.
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
- WHERE INDICATED ON PLAN, PLANTING SOIL MIXTURE FOR PERENNIAL AND ANNUAL FLOWER BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS SFT/ANNUAL FEAT MOSS, AND ONE PART HORTICULTURAL PERLITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-ROTTED OR DEHYDRATED MANURE OR COMPOST. ROOTBALL BEDS TO A DEPTH OF 8 INCHES.

NOTE: THE FINAL DESIGN OF CONCRETE BLOCK SEAT WALL IS SUBJECT TO CHANGE AND THE OUTLINE SHOWN ON THE PLANS MAY NOT BE THE FINAL LAYOUT. PRIOR TO ORDERING MATERIALS AND INSTALLATION OF PAVERS COORDINATE AND REFER TO FINAL SEAT WALL SHOP DRAWINGS.

SUBMITTAL AND REVIEW OF SHOP DRAWINGS, SAMPLES AND ON SITE MOCKUP OF COURTYARD PAVERS IS REQUIRED PRIOR TO ORDERING MATERIALS AND INSTALLATION.



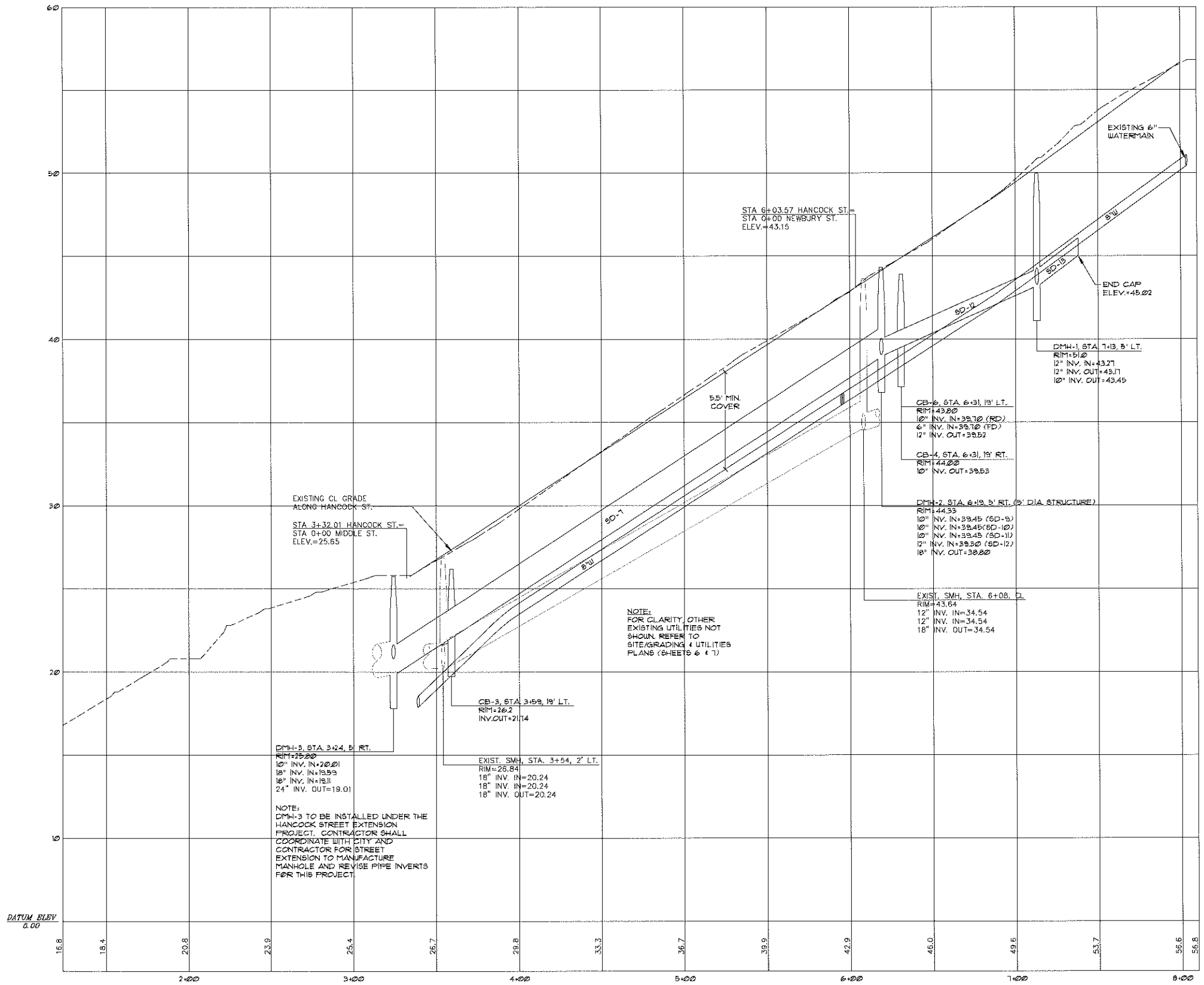
REV.	DATE	STATUS
1	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS
2	07/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BIDS
3	08/12/08	REVISED PER CITY STAFF COMMENTS
4	09/08/08	REVISED FOR 2ND GARAGE LEVEL - TO CITY/SITE PLAN AMEND.

Sebago Technics
 Engineering Expenses: You Can Build On
 One Oxford Street
 Westbrook, ME 04090-1339
 Tel: (207) 686-0277

PROJECT NO. FIELD BOOK DESIGN CHRD DRAWN
 05109 - - - - - CD - - - - - SAB

LANDSCAPE/COURTYARD PAVING PLAN
 OF: THE BAY HOUSE
 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR: THE VILLAGE AT OCEAN GATE, LLC
 137 DEAR STREET, SUITE 400
 BOSTON, MA 02110

DATE: 8/3/05 SCALE: 1"=20'
 SHEET 8 OF 15



PROFILE: HANCOCK STREET
 HORIZ. SCALE: 1" = 30'
 VERT. SCALE: 1" = 3'

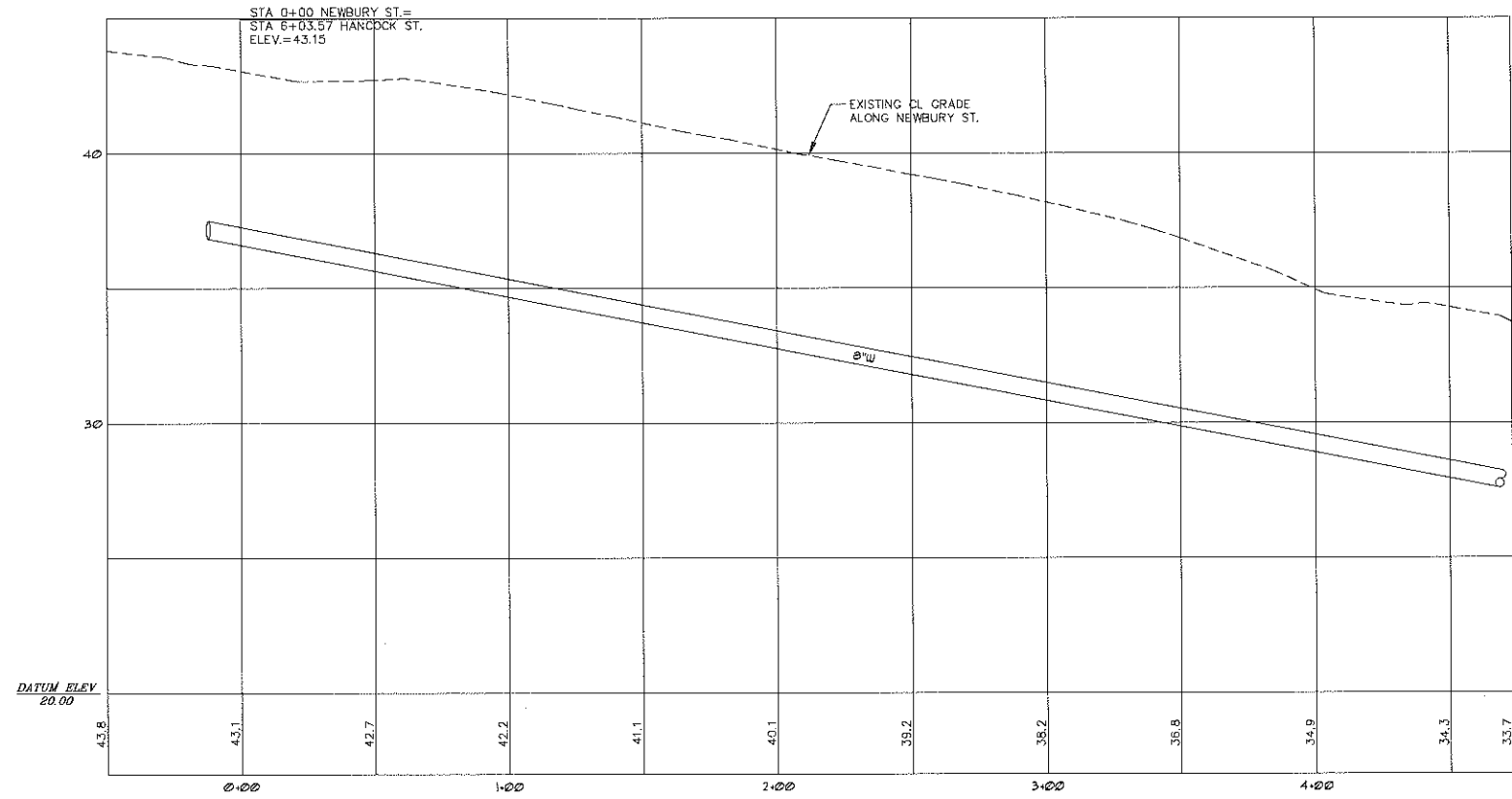
PROFILE OF:
 THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR:
 THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE: 8/3/05
 SCALE: 1" = 30'

SHEET 9 OF 15

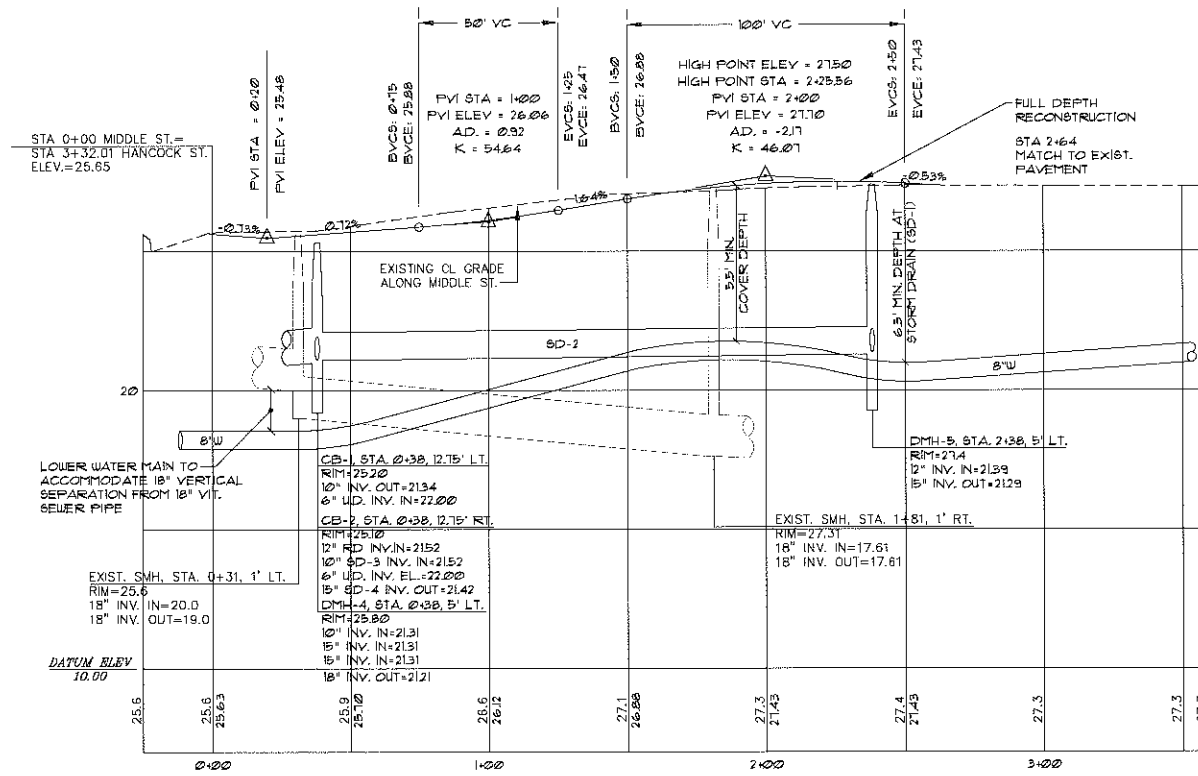
Sebago Technics
 Engineering Expertise You Can Build On
 One Chudot Street
 Westbrook, ME 04092
 Phone: (207) 686-8277

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



PROFILE: NEWBURY STREET

HORIZ. SCALE: 1" = 30'
VERT. SCALE: 1" = 3'



PROFILE: MIDDLE STREET

HORIZ. SCALE: 1" = 30'
VERT. SCALE: 1" = 3'

REV	BY	DATE	STATUS
A	CD	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS
B	CD	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
C	CD	9/12/08	REVISED PER CITY STAFF COMMENTS
D	CD	9/18/08	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW

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

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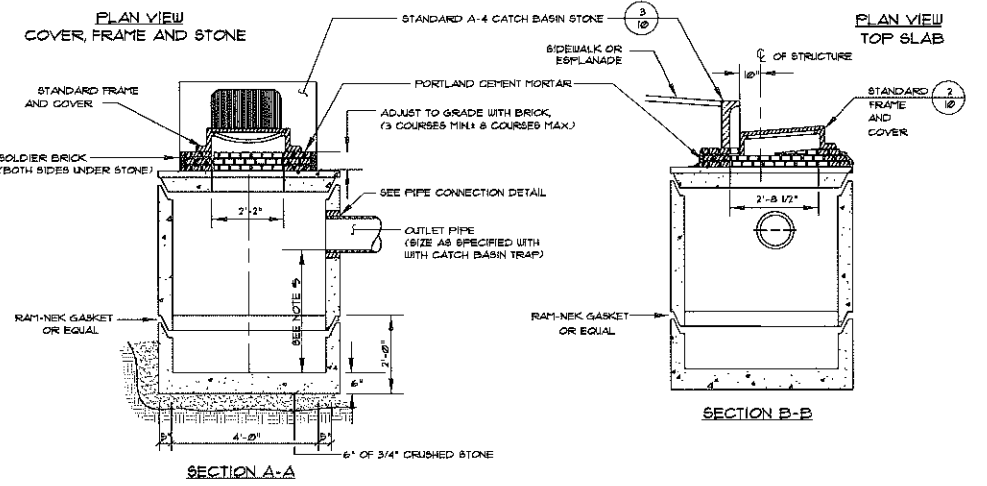
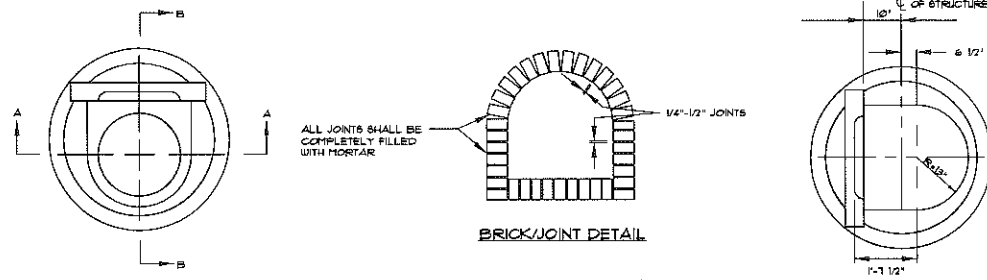
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FIELD BOOK	
DESIGN	SAG
CHKD	
DRAWN	SAB

PROFILE
OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE	8/3/05	SCALE	1" = 30'
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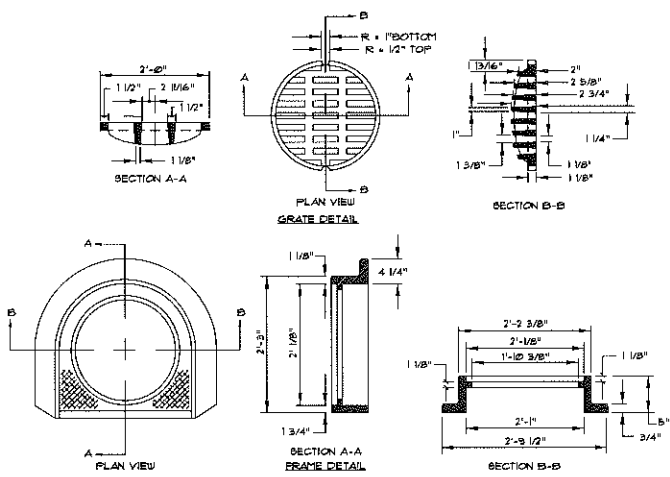
SHEET 10 OF 15

05109-1-P.dwg, TAB: P2

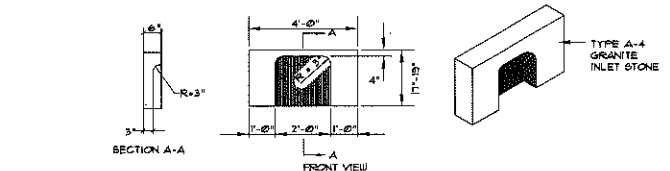


- NOTES:**
- 4'-8\"/>

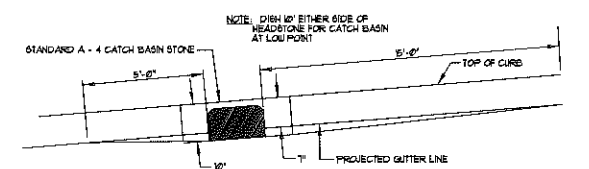
1 PRECAST CONCRETE CATCH BASIN - TYPE "E"
NOT TO SCALE



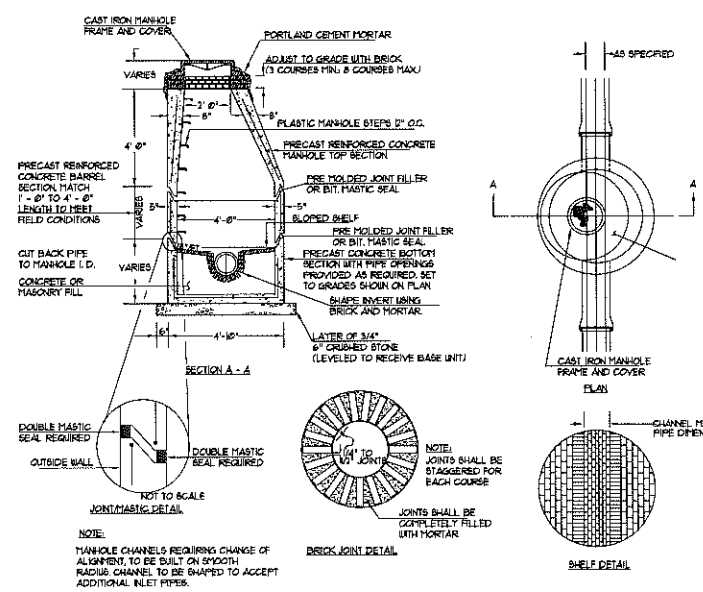
2 CATCH BASIN TYPE "D"-FRAME & COVER DETAIL
NOT TO SCALE



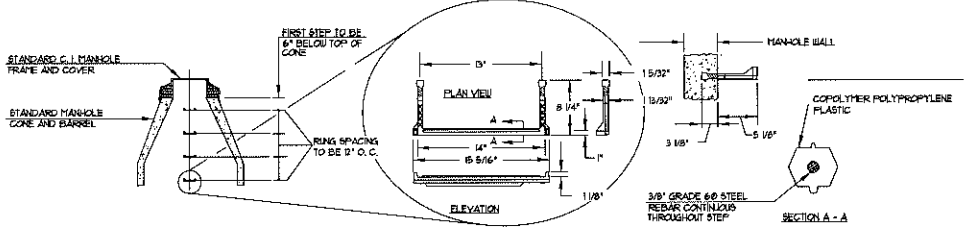
3 TYPE A-4 GRANITE CATCH BASIN INLET STONE DETAIL
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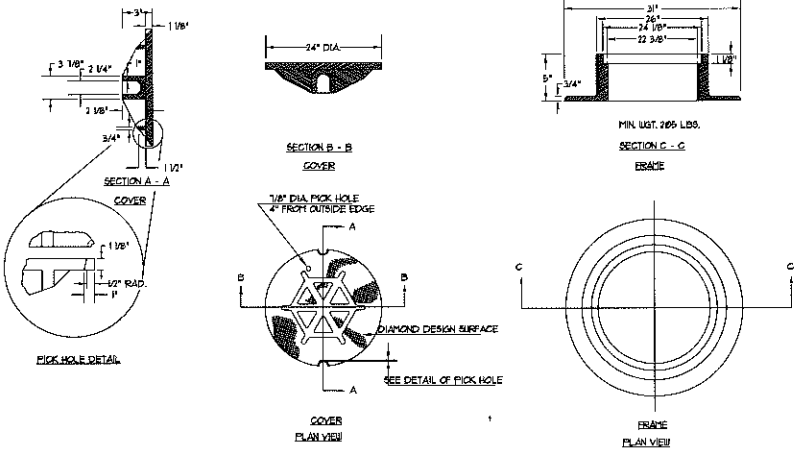
4 TYPICAL PAVEMENT GRADING ON SLOPES FOR CATCH BASIN AND INLET
NOT TO SCALE



5 PRECAST CONCRETE MANHOLE TYPE "A"
NOT TO SCALE

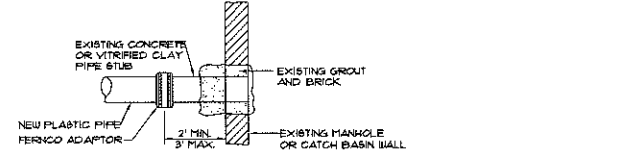


6 PLASTIC MANHOLE STEPS
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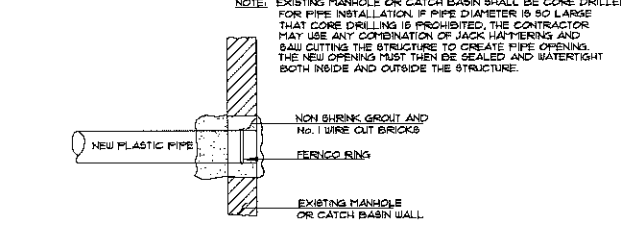


7 TYPE "A" CAST IRON MANHOLE COVER AND FRAME
NOT TO SCALE

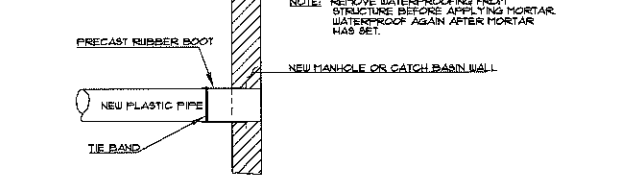
- GENERAL NOTES FOR MANHOLES AND CATCH BASINS**
- ALL CONCRETE SHALL BE CLASS "A" AND HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 PSI PER SQ. INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
 - PRECAST REINFORCED CONE BARREL, MANUFACTURED PER ASTM SPEC. C-418-87
 - SEWER BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-37-63, GRADE PA AND SA.
 - ALL MANHOLES SHALL HAVE A BITUMINOUS WATERPROOFING APPLIED TO THE EXTERIOR SURFACE IF CONSTRUCTED OF BRICK MASONRY. SURFACE SHALL BE PLASTERED WITH A SMOOTH MORTAR FINISH 3/8\"/>



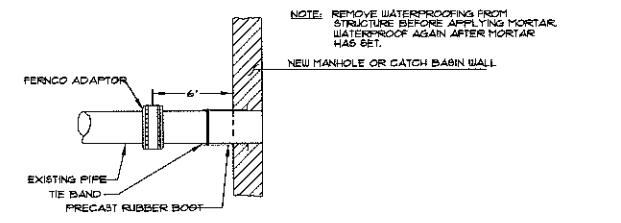
METHOD 4 - NEW PIPE TO EXISTING STRUCTURE STUB



METHOD 3 - NEW PIPE INTO EXISTING STRUCTURE

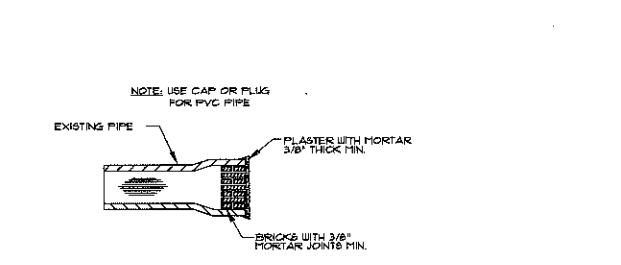


METHOD 2 - NEW CONSTRUCTION



METHOD 1 - EXISTING PIPE INTO NEW STRUCTURE

8 PLASTIC PIPE CONNECTION DETAIL
NOT TO SCALE



9 MASONRY PLUG DETAIL
NOT TO SCALE

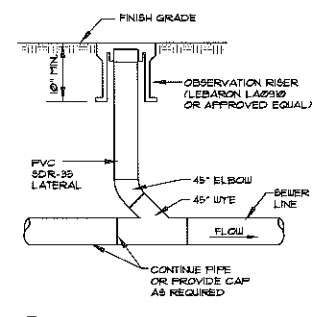
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2	CD	9/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
3	CD	2-2-07	SUBMITTED FOR CONSTRUCTION BIDS

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One Chestnut Street
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Tel: (207) 868-0177

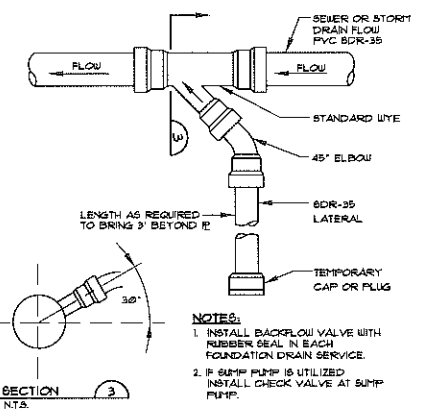
PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
05109		SAC	OAM	SAB

DETAILS OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 BEAK STREET, SUITE 400
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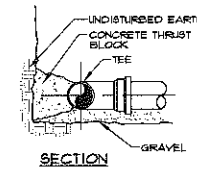
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8/3/05	AS SHOWN



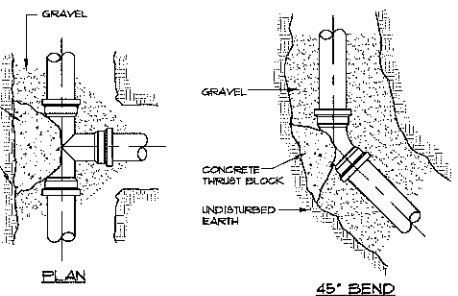
1 SEWER CLEANOUT
NOT TO SCALE



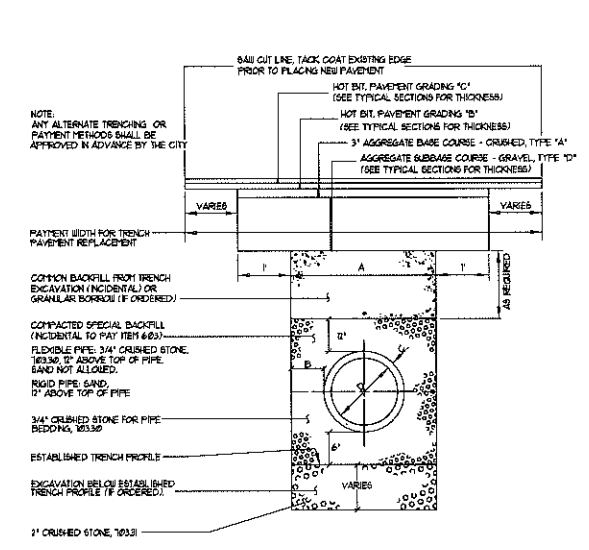
2 SEWER / FOUNDATION DRAIN SERVICE CONNECTION
NOT TO SCALE



CONCRETE THRUST BLOCK SIZE REQUIREMENTS			
	SQ. FT. OF BEARINGS ON UNDISTURBED SOIL		
FITTINGS	90° BENDS	45° BENDS TEES AND PLUGS	
PIPE SIZE	6"	8"	12"
	4.0	4.0	10
	7.0	4.0	10
	3.0	6.0	10



3 TEE AND BEND DETAIL
NOT TO SCALE



4 TYPICAL PIPE INSTALLATION DETAIL
NOT TO SCALE

TABLE OF DIMENSIONS
PVC TRUSS, CMP, & POLYETHYLENE PIPE

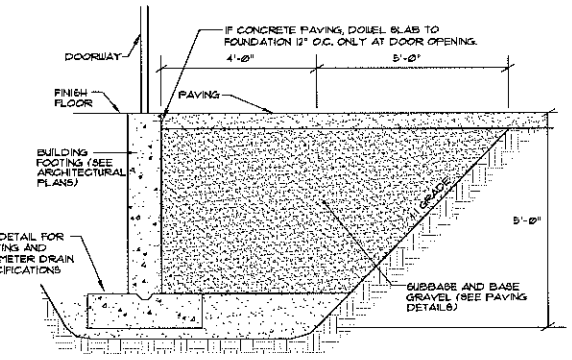
D	A	B	C	VOL. BASE /100'
8"	3'-0"	1'-1 1/2"	0'-1 1/2"	7.958
10"	3'-0"	1'-0 3/8"	0'-0 5/8"	7.958
12"	3'-0"	0'-11 3/8"	0'-0 5/8"	7.958
16"	3'-0"	0'-10 3/8"	0'-0 5/8"	6.176
18"	3'-0"	0'-9 1/4"	0'-0 3/4"	8.663
24"	3'-0"	0'-7 3/8"	0'-0 3/4"	8.663
30"	3'-0"	0'-6 1/4"	0'-1 1/8"	10.959
36"	3'-0"	0'-5 1/4"	0'-1 1/8"	12.156
42"	3'-0"	0'-4 1/2"	0'-1 3/8"	13.513
48"	3'-0"	0'-4"	0'-1 3/8"	14.810

A = WIDTH OF UNSHEATHED TRENCH

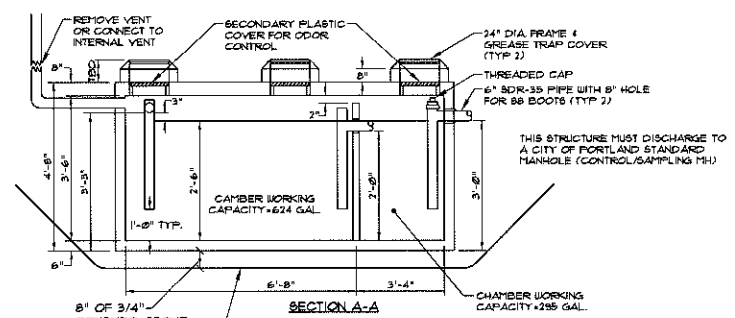
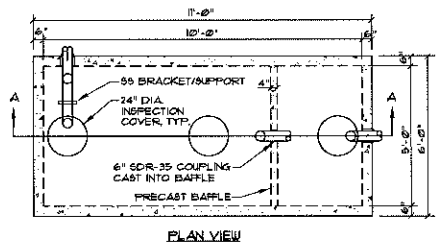
TABLE OF DIMENSIONS
REINFORCED CONCRETE PIPE

D	A	B	C	VOL. BASE /100'
12"	3'-0"	0'-10"	0'-2"	8.919
15"	3'-0"	0'-8 1/4"	0'-2 1/4"	8.826
18"	3'-0"	0'-8 1/2"	0'-2 1/4"	8.925
21"	3'-0"	0'-7 1/2"	0'-2 3/4"	9.268
24"	3'-0"	0'-6"	0'-3"	11.233
27"	3'-0"	0'-5 1/2"	0'-3 1/4"	12.655
30"	3'-0"	0'-5"	0'-3 1/2"	14.120
33"	3'-0"	0'-4 1/2"	0'-3 3/4"	15.722
36"	3'-0"	0'-4"	0'-4"	17.338
42"	3'-0"	0'-3 1/2"	0'-4 1/2"	20.726
48"	3'-0"	0'-3"	0'-5"	24.463
54"	3'-0"	0'-2 1/2"	0'-5 1/2"	28.404
60"	3'-0"	0'-2"	0'-6"	32.507
66"	3'-0"	0'-1 1/2"	0'-6 1/2"	37.074
72"	3'-0"	0'-1"	0'-7"	41.985
78"	3'-0"	0'-9 1/2"	0'-7 1/2"	48.881
84"	3'-0"	0'-9"	0'-8"	52.149
90"	3'-0"	0'-8 1/2"	0'-8 1/2"	57.761
96"	3'-0"	0'-8"	0'-9"	63.552

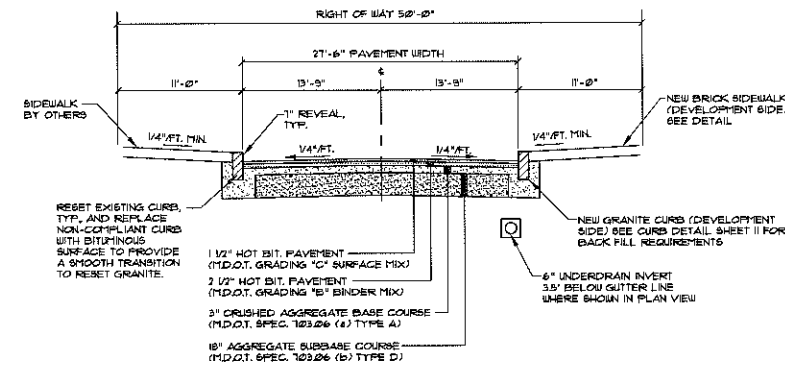
27 in. THROUGH 96 in. INCLUSIVE - TONGUE & GROOVE JOINTS



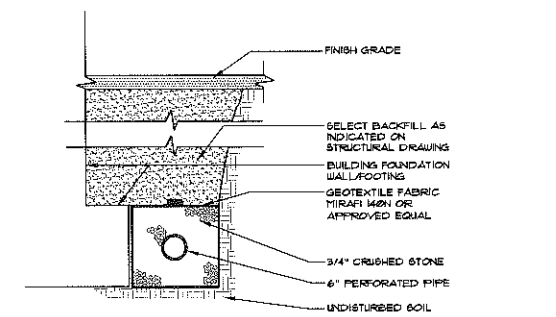
5 5' GRANULAR BASE @ DOOR THRESHOLD
NOT TO SCALE



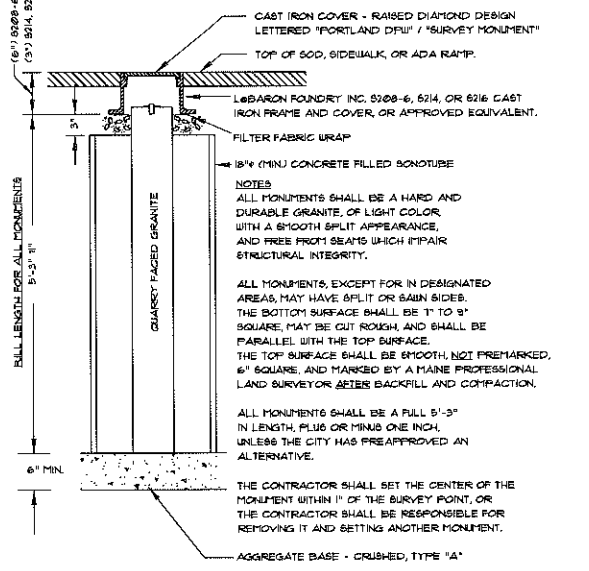
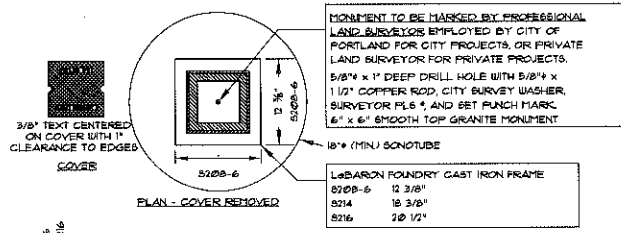
6 GREASE TRAP
NOT TO SCALE



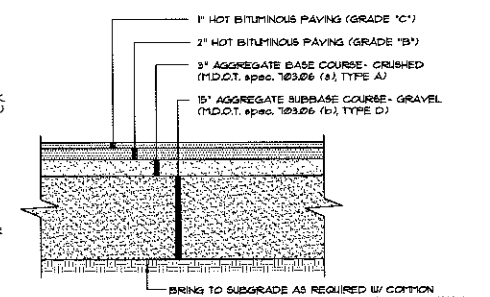
9 MIDDLE & NEWBURY STREET SECTION
NOT TO SCALE



7 TYP. PERFORATED FOUNDATION DRAIN TRENCH SECTION
NOT TO SCALE



8 GRANITE STREET MONUMENT
NOT TO SCALE



10 TYP. PAVED DRIVEWAY SECTION
NOT TO SCALE

REV.	DATE	BY	STATUS
E	9/8/08	CD	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
D	10/13/08	CD	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
C	9/12/08	CD	REVISED PER CITY STAFF COMMENTS
B	7/17/08	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	11/09/07	CD	SUBMITTED FOR CONSTRUCTION BIDS

Sebago Technics
Engineering Expense You Can Build On
One Ocean Street
Portland, Maine
Tel: (207) 895-0217

PROJECT NO. FIELD BOOK DESIGN CHD DRAWN SAB
05109 - - - SAG OAM

DETAILS
OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE SCALE
8/3/05 AS SHOWN

SHEET 13 OF 15

CONSTRUCTION NOTES

- ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.
- CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSAL. MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
- CONTRACTOR SHALL NOTIFY ENGINEER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND IN THE FIELD.
- INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S LOCAL CODES AND OWNER'S REQUIREMENTS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
- CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
- CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN DRAWINGS.
- SITE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO CONSTRUCTION.
- ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" PUBLISHED BY THE CUPHEMBA AND COUNTY SOIL AND WATER DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION (MARCH 2002) OR LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.
- THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIG SAFE (1-888-DIGSAFE) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DESTRUCTION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES. CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLYING WITH THE REQUIREMENTS OF 23 MRS.A 3364-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.

- IMMEDIATELY UPON COMPLETION OF CUTS/FILLS, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL NOTES AND AS SPECIFIED ON PLANS.
- PRIOR TO CONSTRUCTION, THE SITE CONTRACTOR SHALL CONFIRM SETBACKS AND BUILDING DIMENSIONS WITH ARCHITECTURAL DRAWINGS. CONTRACTOR SHALL NOTIFY ENGINEER AND OWNER OF ANY DISCREPANCIES AFFECTING BUILDING OR SITE CONSTRUCTION.
- REMOVE TOPSOIL AND REGRADE SUBGRADE TO ESTABLISH SUITABLE INTERFACE FOR ALL FILLS.

- PRE-CONSTRUCTION PHASE
 - PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, FILTER FABRIC FENCING WILL BE STAKED ACROSS THE SLOPES, ON THE CONTOUR, AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SILT FENCE SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THE EROSION CONTROL PLAN. DETAILS IN THE PLAN SET. THIS NETWORK IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 65%-80% VIGOROUS PERENNIAL VEGETATIVE GROWTH AND CONSTRUCTION ACTIVITY IN THE AREA HAS BEEN COMPLETED.
 - PRIOR TO ANY CLEARING, GRUBBING, STRIPPING OR MULCHING CONSTRUCTION ENTRANCE(S) SHALL BE CONSTRUCTED AT THE APPROVED ACCESS POINTS TO THE PROJECT SITE FROM THE EXISTING PUBLIC ROADWAY TO AVOID TRACKING OF MUD, DUST AND DEBRIS FROM THE SITE.
 - PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PREPARE A DETAILED SCHEDULE AND MARKED UP PLAN INDICATING AREAS AND COMPONENTS OF THE WORK AND KEY DATES SHOWING DATE OF DISTURBANCE AND COMPLETION OF THE WORK. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE MUNICIPAL STAFF. THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED PRE-CONSTRUCTION MEETING. SPECIAL ATTENTION SHALL BE GIVEN TO THE 14 DAY LIMIT OF DISTURBANCE IN THE SCHEDULE ADDRESSING TEMPORARY AND PERMANENT VEGETATION MEASURES. THE FOLLOWING EROSION CONTROL MEASURES SHALL BE FOLLOWED BY THE CONTRACTOR THROUGHOUT CONSTRUCTION OF THIS PROJECT.

- CONSTRUCTION AND POST-CONSTRUCTION PHASE
 - AREAS UNDERGOING ACTUAL CONSTRUCTION SHALL ONLY EXPOSE THAT AMOUNT OF MINERAL SOIL NECESSARY FOR PROGRESSIVE AND EFFICIENT CONSTRUCTION AND SHALL NOT EXCEED 14 DAYS. AREAS THAT WILL NOT BE COMPLETED (COVERED AND/OR FINISH GRADED) WITHIN FOURTEEN (14) DAYS OF DISTURBANCE SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL MEASURES WITHIN FOURTEEN (14) DAYS OF DISTURBANCE. TEMPORARY EROSION CONTROL SHALL INCLUDE EROSION CONTROL MESH, NETTING OR MULCH AS DIRECTED BY THE INSPECTING ENGINEER AND AS SHOWN ON THE DESIGN PLANS. IF MULCH IS USED, HAY OR STRAW MULCH SHALL BE APPLIED AT THE RATE OF 2 BALES PER 1000 SQUARE FEET. APPLICATION AREA SHALL BE SUFFICIENTLY COVERED WITH MULCH TO AVOID ANY VISIBLE SOIL EXPOSURE. MULCH SHALL BE KEPT MOIST TO AVOID LOSS DUE TO WIND, MULCH AND NETTINGS SHALL BE APPLIED IN THE BASE OF ALL GRASSED WATERWAYS (I.E. ROADWAY DITCHES) AND IN SLOPES WHICH EXCEED 15% AND ANY DISTURBED AREAS WITHIN 100' OF WETLANDS OR STREAMS.
 - IF DISTURBED AREAS DO NOT RECEIVE FINAL SEEDING BY SEPTEMBER 15TH OF THE YEAR OF CONSTRUCTION, THEN ALL DISTURBED AREAS SHALL BE SEEDDED WITH A WINTER COVER CROP OF RYE AT THE RATE OF 3 LBS./1000 SF. TO PROVIDE WINTER PROTECTION. WINTER SEEDINGS SHALL BE COVERED WITH EROSION CONTROL MESH (MULCH AND NETTING). HEAVY GRADE PLATS SHALL BE USED IN THE BASE OF ALL GRASSED WATERWAYS, ON SLOPES EQUAL TO OR GREATER THAN 15%, AND ANY DISTURBED AREAS WITHIN 100' OF WETLANDS OR STREAMS. MULCH AND NETTING SHALL ALSO BE APPLIED FOR ADDITIONAL WINTER PROTECTION ALONG SIDE SLOPES OF GRASSED WATERWAYS AND IN ALL AREAS EQUAL TO OR GREATER THAN 6:1 SLOPE.
 - DURING WINTER CONDITIONS, AREAS THAT WILL NOT BE COMPLETED (COVERED AND/OR FINISH GRADED) WITHIN SEVEN (7) DAYS OF DISTURBANCE SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL MEASURES WITHIN SEVEN (7) DAYS OF DISTURBANCE. TEMPORARY EROSION CONTROL SHALL INCLUDE EROSION CONTROL MESH, NETTING OR MULCH AS DIRECTED BY THE INSPECTING ENGINEER AND AS SHOWN ON THE DESIGN PLANS. IF MULCH IS USED, HAY OR STRAW MULCH SHALL BE APPLIED TO PROVIDE A MINIMUM UNIFORM MULCH DEPTH OF 4". THE APPLICATION AREA SHALL BE SUFFICIENTLY COVERED WITH MULCH TO AVOID ANY VISIBLE SOIL EXPOSURE.
 - ALL TOPSOIL SHALL BE COLLECTED, STOCKPILED, SEEDDED WITH RYE AT 3 LBS./1000 SF. AND MULCHED, AND RE-USED AS REQUIRED. SILTATION FENCING SHALL BE PLACED DOWN GRADIENT FROM STOCKPILED LOAM. LOAM SHALL BE STOCKPILED AT LOCATIONS DESIGNATED BY THE OWNER AND INSPECTING ENGINEER.

3. ALL SILT FENCES AND EROSION CONTROL MEASURES SHALL BE INSTALLED ACCORDING TO THIS PLAN. THESE SHALL BE MAINTAINED DURING DEVELOPMENT TO REMOVE SEDIMENT FROM RUNOFF WATER. ALL SILT FENCES AND EROSION CONTROL MEASURES SHALL BE INSPECTED BEFORE AND AFTER ANY RAINFALL OR RUNOFF EVENT, MAINTAINED AND CLEANED UNTIL ALL AREAS HAVE AT LEAST 65%-80% VIGOROUS PERENNIAL VEGETATIVE COVER OF GRASSES.

4. A CONSTRUCTION ENTRANCE SHALL BE BUILT AT THE INTERSECTION OF THE EXISTING ROAD AND THE ACCESS DRIVE. ROADWAY AREAS SHALL BE PERIODICALLY SWEEP OR WASHED TO AVOID TRACKING OF MUD, DUST OR DEBRIS FROM THE CONSTRUCTION AREA. DUST CONTROL DURING CONSTRUCTION SHALL BE ACHIEVED BY THE USE OF A WATERING TRUCK TO PERIODICALLY SPRINKLE THE EXPOSED ROADWAY AREAS AS NECESSARY TO REDUCE DUST DURING THE DRY MONTHS.

5. CATCH BASIN INLET PROTECTION SHALL BE PLACED WITHIN EXISTING CATCH BASINS IN THE CONSTRUCTION AREA PRIOR TO CONSTRUCTION. INLET PROTECTION FOR PROPOSED CATCH BASINS SHALL BE INSTALLED IMMEDIATELY FOLLOWING THE INSTALLATION OF THE CURB AND FINING.

6. ALL AREAS SHALL BE SEEDDED AND STABILIZED IN ACCORDANCE WITH THE FOLLOWING VEGETATION PLAN.

C. VEGETATION PLAN. REVEGETATION MEASURES SHALL COMMENCE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION OF THE ROADWAY IMPROVEMENTS. DISTURBED AREAS SHALL ALSO BE MULCHED AND ANCHORED PRIOR TO ANY STORM EVENT. SEE MULCHING REQUIREMENTS IN SECTION 6(A) ABOVE. IF FINAL SEEDING CANNOT BE ACCOMPLISHED BY SEPTEMBER 15TH, THEN ALL DISTURBED AREAS SHALL BE SEEDDED WITH A WINTER COVER CROP OF RYE AT THE RATE OF 3 LBS./1000 SF. TO PROVIDE WINTER PROTECTION. SEEDDED AREAS SHALL BE COVERED WITH EROSION CONTROL MESH. SEE WINTER PROTECTION REQUIREMENTS IN SECTION 6 (B) ABOVE.

REVEGETATION MEASURES SHALL CONSIST OF THE FOLLOWING:

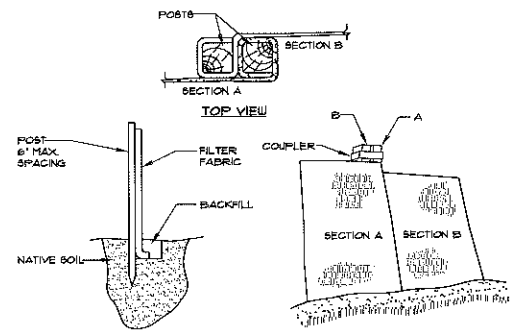
- FOUR INCHES OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE. LOAM SHALL BE FREE OF SUBSOIL, CLAY LUMPS, STONES AND OTHER OBJECTS OVER 1" IN DIAMETER, AND WITHOUT WEEDS, ROOTS OR OTHER OBJECTIONABLE MATERIAL.
- SOIL TESTS SHALL BE TAKEN AT THE TIME OF SOIL STRIPPING TO DETERMINE FERTILIZATION REQUIREMENTS. SOIL TEST SHALL BE TAKEN PROPERLY AS TO NOT INTERFERE WITH THE 14 DAY LIMIT ON SOIL EXPOSURE. BASED UPON TEST RESULTS, SOIL AMENDMENTS SHALL BE INCORPORATED INTO THE SOIL PRIOR TO FINAL SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS:
 TEST APPLICATION RATE
 10-20-20 FERTILIZER 15 LBS./1000 SF.
 (N-P2O5-K2O OR EQUAL)
 GROUND LIMESTONE (50% 135 LBS./1000 SF.
 CALCIUM + MAGNESIUM OXIDE)
- FOLLOWING SEED BED PREPARATION, SMALL AREAS, FILL AREAS AND BACK SLOPES SHALL BE SEEDDED AT A RATE OF 3 LBS./1000 SF. WITH A MIXTURE OF 35% CREEPING RED FESCUE, 6% RED TOP, 24% KENTUCKY BLUEGRASS, 10% PERENNIAL RYEGRASS, 26% ANNUAL RYEGRASS AND 5% WHITE DUTCH CLOVER.
- EROSION CONTROL MESH SHALL BE APPLIED IN ACCORDANCE WITH THE PLANS OVER ALL FINISH SEEDDED AREAS AS SPECIFIED ON THE DESIGN PLANS.
- ALL HAY BALE AND/OR FILTER FABRIC BARRIERS WILL REMAIN IN PLACE UNTIL SEEDINGS HAVE BECOME 65%-80% ESTABLISHED AND THEN REMOVED WITHIN 10 DAYS.
- THE INSPECTING ENGINEER AT HIS/HER DISCRETION, MAY REQUIRE ADDITIONAL EROSION CONTROL MEASURES AND/OR SUPPLEMENTAL VEGETATIVE PROVISIONS TO MAINTAIN STABILITY OF EARTHWORKS AND FINISH GRADED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND INSTALLING ANY SUPPLEMENTAL MEASURES AS DIRECTED BY THE INSPECTING ENGINEER. FAILURE TO COMPLY WITH THE ENGINEER'S DIRECTIONS WILL RESULT IN DISCONTINUATION OF CONSTRUCTION ACTIVITIES.

D. CONSTRUCTION SCHEDULE
 SITE IMPROVEMENTS ARE SCHEDULED TO BEGIN IN FALL OF 2024. CONSTRUCTION DURATION IS ANTICIPATED TO BE 36 MONTHS TO THE OF SUBSTANTIAL COMPLETION.

SCHEDULE	ACTIVITY	DURATION
1.	EROSION CONTROL MEASURES PLACED.	WEEK 1- WEEK 2
2.	SITE CLEARING AND GRUBBING.	MONTH 1-ONGOING
3.	CONSTRUCTION OF SITE IMPROVEMENTS.	MONTH 1-MONTH 36
4.	MULCH SPREAD FOR WINTER EROSION CONTROL.	OCT. 15 OF CONSTRUCTION YEAR
5.	START FINAL SEEDINGS ON PREPARED AREAS. (DURING GROWTH SEASON)	MONTH 15
6.	BIWEEKLY MONITORING OF VEGETATIVE GROWTH.	MONTH 15
7.	RESEEDING OF AREAS, IF NEEDED.	MONTH 15
8.	REMOVAL OF EROSION CONTROL DEVICES.	UPON FINAL PROJECT COMPLETION

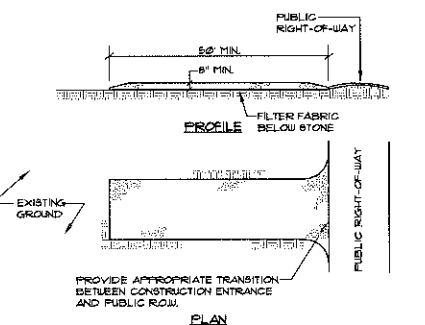
* DATES ARE SUBJECT TO CHANGE AT THE DISCRETION OF THE ENGINEER, DEPENDING ON CONSTRUCTION PROGRESS.

- INSPECTIONS/MONITORING MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, THE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PERFORM REPAIRS AS NEEDED TO ALLOW CONTINUED PROPER FUNCTIONING OF THE EROSION CONTROL MEASURE. THE CONTRACTOR SHALL PROVIDE THE MUNICIPALITY WITH WRITTEN DOCUMENTATION DESCRIBING DATES OF INSPECTIONS AND NECESSARY FOLLOW-UP WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS OF THIS PLAN FOLLOWING THE TEMPORARY AND/OR FINAL SEEDINGS. THE CONTRACTOR SHALL INSPECT THE WORK AREA SPONTANEOUSLY UNTIL THE SEEDINGS HAVE BEEN ESTABLISHED. ESTABLISHED MEANS A MINIMUM OF 65%-80% OF AREAS VEGETATED WITH VIGOROUS GROWTH. RESEEDING SHALL BE CARRIED OUT BY THE CONTRACTOR WITH FOLLOW-UP INSPECTIONS IN THE EVENT OF ANY FAILURES UNTIL VEGETATION IS ADEQUATELY ESTABLISHED.



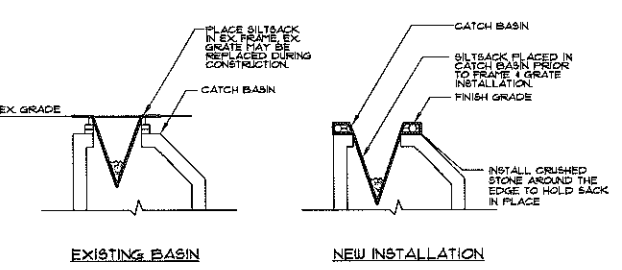
- INSTALLATION:**
- EXCAVATE A 6" x 6" TRENCH ALONG THE LINE OF PLACEMENT FOR THE FILTER BARRIER.
 - UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM) WALL OF THE TRENCH.
 - DRIVE POSTS INTO THE GROUND UNTIL APPROXIMATELY 2" OF FABRIC IS LYING ON THE TRENCH BOTTOM.
 - LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH. BACKFILL THE TRENCH AND TAMP THE SOIL. TOE-IN CAN ALSO BE ACCOMPLISHED BY LAYING THE FABRIC FLAP ON UNDISTURBED GROUND AND PILING AND TAMPING FILL AT THE BASE, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.
 - JOIN SECTION AS SHOWN ABOVE.
 - BARRIER SHALL BE MIRAFI SILT FENCE OR EQUAL.

1 FILTER BARRIER NOT TO SCALE



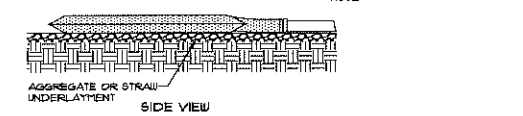
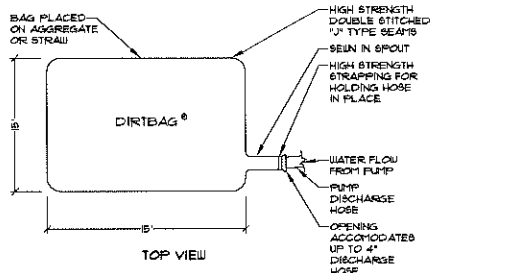
- NOTES:**
- STONE SIZE - ASHITO DESIGNATION #13, SIZE NO. 2 (2 1/2" TO 1 1/2") USE CRUSHED STONE.
 - LENGTH - AS SHOWN ON PLANS, MIN. 50 FEET.
 - THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
 - WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINT OF INGRESS OR EGRESS.
 - MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.

3 STABILIZED CONSTRUCTION ENTRANCE NOT TO SCALE

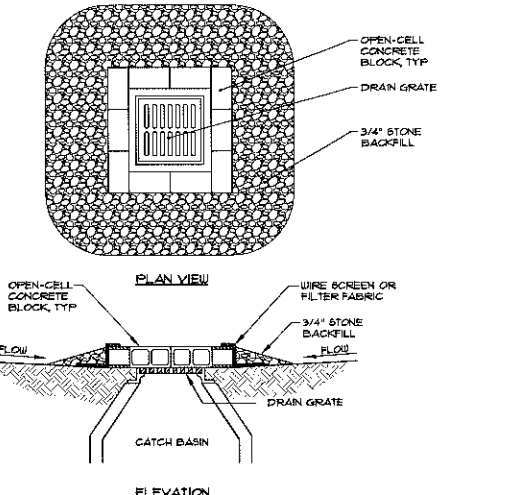


- NOTES:**
- PRIOR TO FINAL GRADING AND PAVING OPERATIONS BEGIN A CATCH BASIN INSERT (SUCH AS A SILT BACK OR A DANDY BAG) MUST BE INSTALLED IN EACH BASIN PER MANUFACTURER'S INSTRUCTIONS. HAY BALES SHOULD BE REMOVED ONCE INSERTS ARE INSTALLED.

2 CATCH BASIN PROTECTION DETAIL (FOR PAVED AREAS) NOT TO SCALE



4 DIRTBAG PUMPED SILT CONTROL SYSTEM NOT TO SCALE



5 BLOCK SEDIMENT BARRIER NOT TO SCALE

REV.	DATE	BY	REASON
E	9/8/08	CD	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
D	10/11/08	CD	REVISION PER CITY STAFF COMMENTS / ISSUED TO CLIENT
C	9/10/08	CD	REVISION PER CITY STAFF COMMENTS
B	7/17/08	CD	REVISION AND SUBMITTED FOR CONSTRUCTION BID
A	11/09/07	CD	STATUS: SUBMITTED FOR CONSTRUCTION BIDS

REV. BY: DATE: REASON: NOT BE CHANGED WITHOUT WRITTEN PERMISSION FROM DESIGNER. TECHNICAL AND ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

Sebago Technics
 Engineering Experience You Can Build On
 One Chesel Street
 Westbrook, Me 04095-1329
 Tel: (207) 866-0277

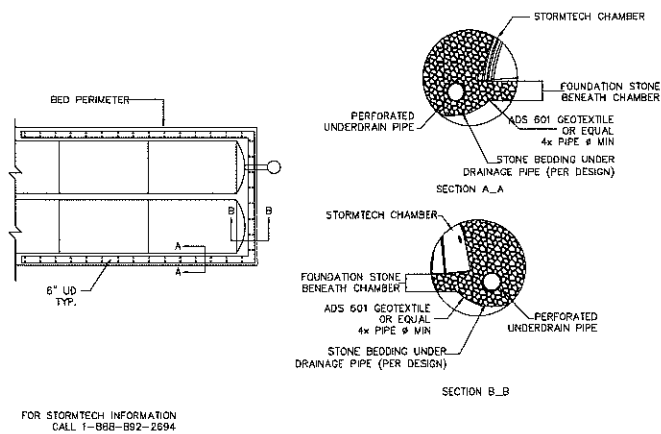
PROJECT NO.: FIELD BOOK DESIGN CHRD DRAWN
 08109 01 - - - - - OAM SAB

DETAILS OF:
THE BAY HOUSE
 115 BURNING ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR: **THE VILLAGE AT OCEAN GATE, LLC**
 13 REAR STREET, SUITE 400
 BOSTON, MA 02110

DATE: 8/3/05 SCALE: AS SHOWN

SHEET 14 OF 15

08109-11-D.dwg, TAB: 04



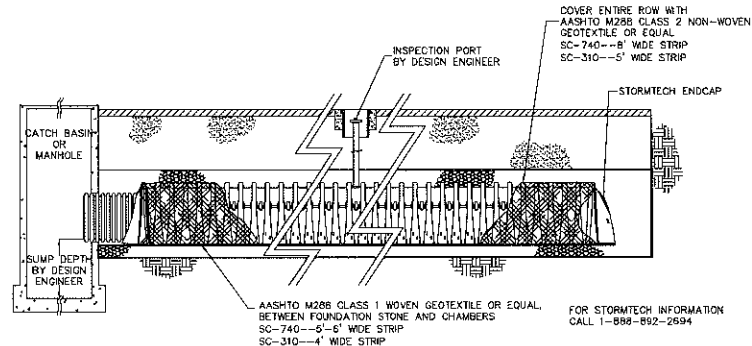
STORMTECH UNDERDRAIN DETAIL

ACCEPTABLE FILL MATERIALS
STORMTECH SC-740 CHAMBER SYSTEMS

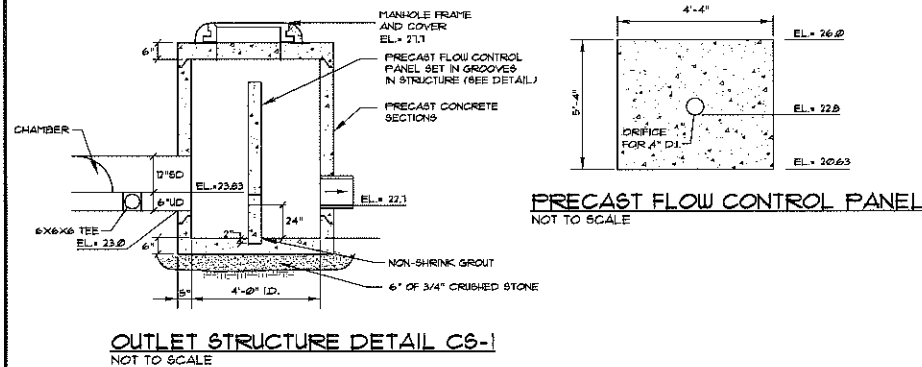
MATERIAL LOCATION	DESCRIPTION	AASHTO M43 DESIGNATION	AASHTO M145 DESIGNATION	COMPACTION/DENSITY REQUIREMENT
FILL MATERIAL FROM 18" TO GRADE ABOVE CHAMBERS	ANY SOIL/ROCK MATERIALS, NATIVE SOILS OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	N/A	PREPARE PER ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRICTER MATERIAL AND PREPARATION REQUIREMENTS.
FILL MATERIAL FOR 6" TO 18" ELEVATION ABOVE CHAMBERS (24" FOR UNPAVED INSTALLATIONS)	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <30% FINES.	3, 357, 4, 457, 5, 56, 57, 6, 67, 68, 7, 76, 8, 89, 9, 10	A-1, A-2, A-3	COMPACT IN 6" LIFTS TO A MINIMUM 95% STANDARD PROCTOR DENSITY. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 LBS. DYNAMIC FORCE NOT TO EXCEED 20,000 LBS.
EMBEDMENT STONE SURROUNDING AND TO A 6" ELEVATION ABOVE CHAMBERS	WASHED ANGULAR STONE WITH THE MAJORITY OF PARTICLES BETWEEN 3/4" - 2 INCH	3, 357, 4, 467, 5, 56, 57	N/A	NO COMPACTION REQUIRED
FOUNDATION STONE BELOW CHAMBERS	WASHED ANGULAR STONE WITH THE MAJORITY OF PARTICLES BETWEEN 3/4" - 2 INCH	3, 357, 4, 467, 5, 56, 57	N/A	PLATE COMPACT OR ROLL TO ACHIEVE A BOX STANDARD PROCTOR DENSITY.

PLEASE NOTE: THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE WASHED CRUSHED ANGULAR. FOR EXAMPLE, THE STONE MUST BE SPECIFIED AS WASHED, CRUSHED, ANGULAR NO. 4 STONE.

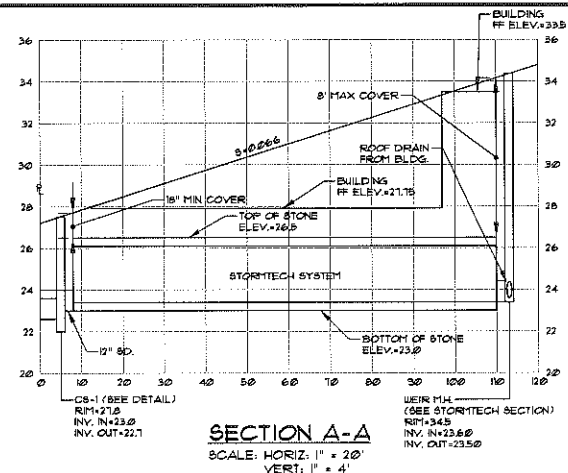
STORMTECH ACCEPTABLE FILL MATERIALS



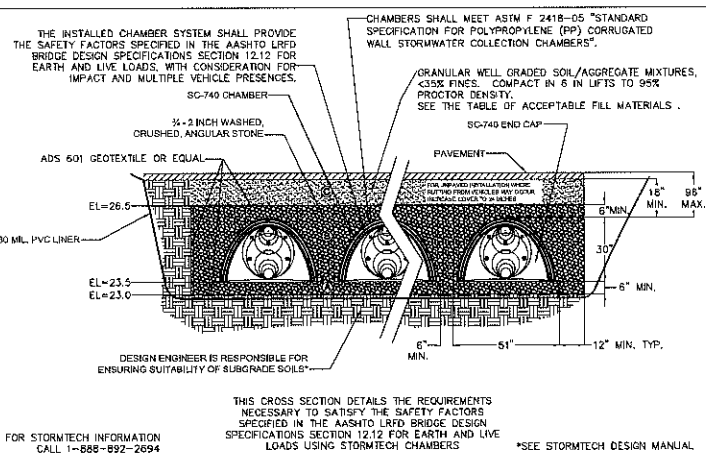
STORMTECH ISOLATOR™ ROW DETAIL



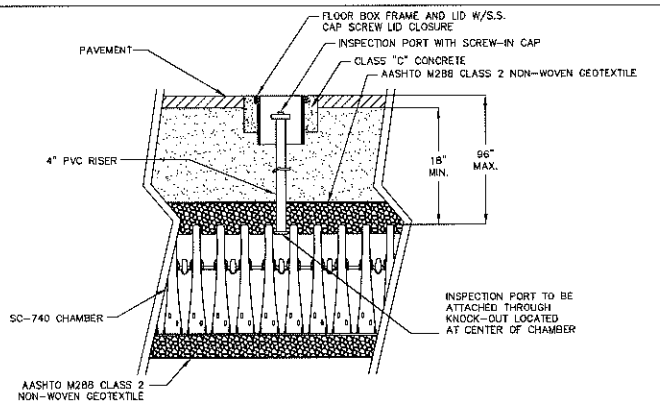
OUTLET STRUCTURE DETAIL CS-1
NOT TO SCALE



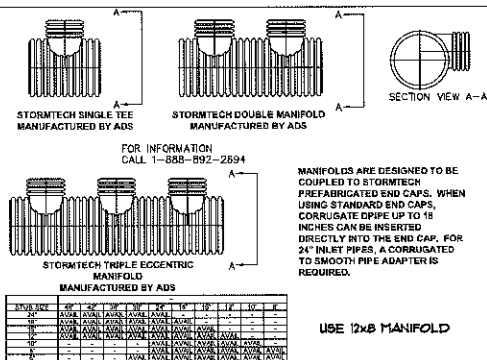
SECTION A-A
SCALE: HORIZ: 1" = 20'
VERT: 1" = 4'



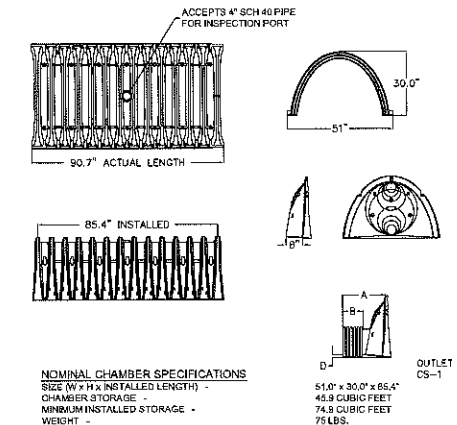
SC-740 TYPICAL CROSS SECTION



STORMTECH INSPECTION PORT DETAIL



ADS MANIFOLD DETAILS



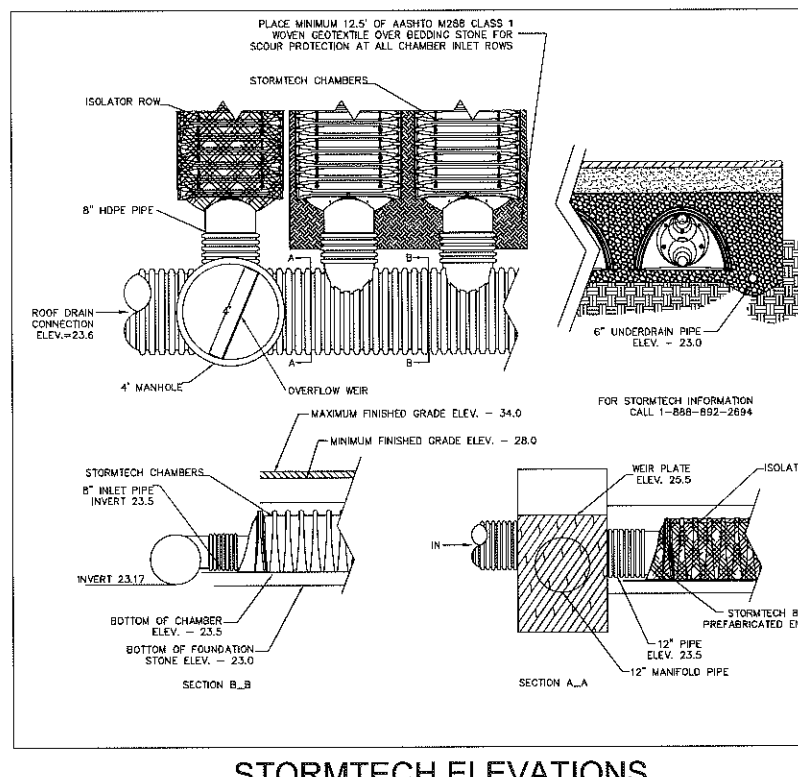
STUBS AT TOP OF END CAP FOR PARTS NUMBERS ENDING WITH "A"

PART #	CHAMBER	W	H	L	STORAGE	WEIGHT
SC740PE24A	SC 740	24 in (610 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	NA
SC740PE28A	SC 740	28 in (711 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	NA
SC740PE32A	SC 740	32 in (813 mm)	10.90 in (277 mm)	3.50 in (89 mm)	12.55 in (318 mm)	NA
SC740PE36A	SC 740	36 in (914 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	1.25 in (31 mm)
SC740PE40A	SC 740	40 in (1016 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	NA
SC740PE44A	SC 740	44 in (1118 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	1.50 in (38 mm)
SC740PE48A	SC 740	48 in (1219 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	NA
SC740PE52A	SC 740	52 in (1321 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	1.80 in (46 mm)
SC740PE56A	SC 740	56 in (1423 mm)	10.90 in (277 mm)	3.50 in (89 mm)	NA	2.10 in (53 mm)

STUBS AT BOTTOM OF END CAP FOR PARTS NUMBERS ENDING WITH "B"

NOTE: ALL DIMENSIONS ARE NOMINAL. ALL STUBS, EXCEPT FOR THE SC740PE24B ARE PLACED AT BOTTOM OF END CAP APPROXIMATELY 1.75" BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SETS LEVEL.

TECHNICAL DETAILS



STORMTECH ELEVATIONS

NO.	DATE	BY	DATE	STATUS	DESCRIPTION
D	8/16/05	CD	8/16/05	SUBMITTED FOR AMENDED SITE PLAN REVIEW	
C	8/17/05	CD	8/17/05	REVISED PER CITY STAFF COMMENTS	
B	8/17/05	CD	8/17/05	REVISED AND SUBMITTED FOR CONSTRUCTION BID	
A	8/17/05	CD	8/17/05	SUBMITTED FOR CONSTRUCTION BIDS	

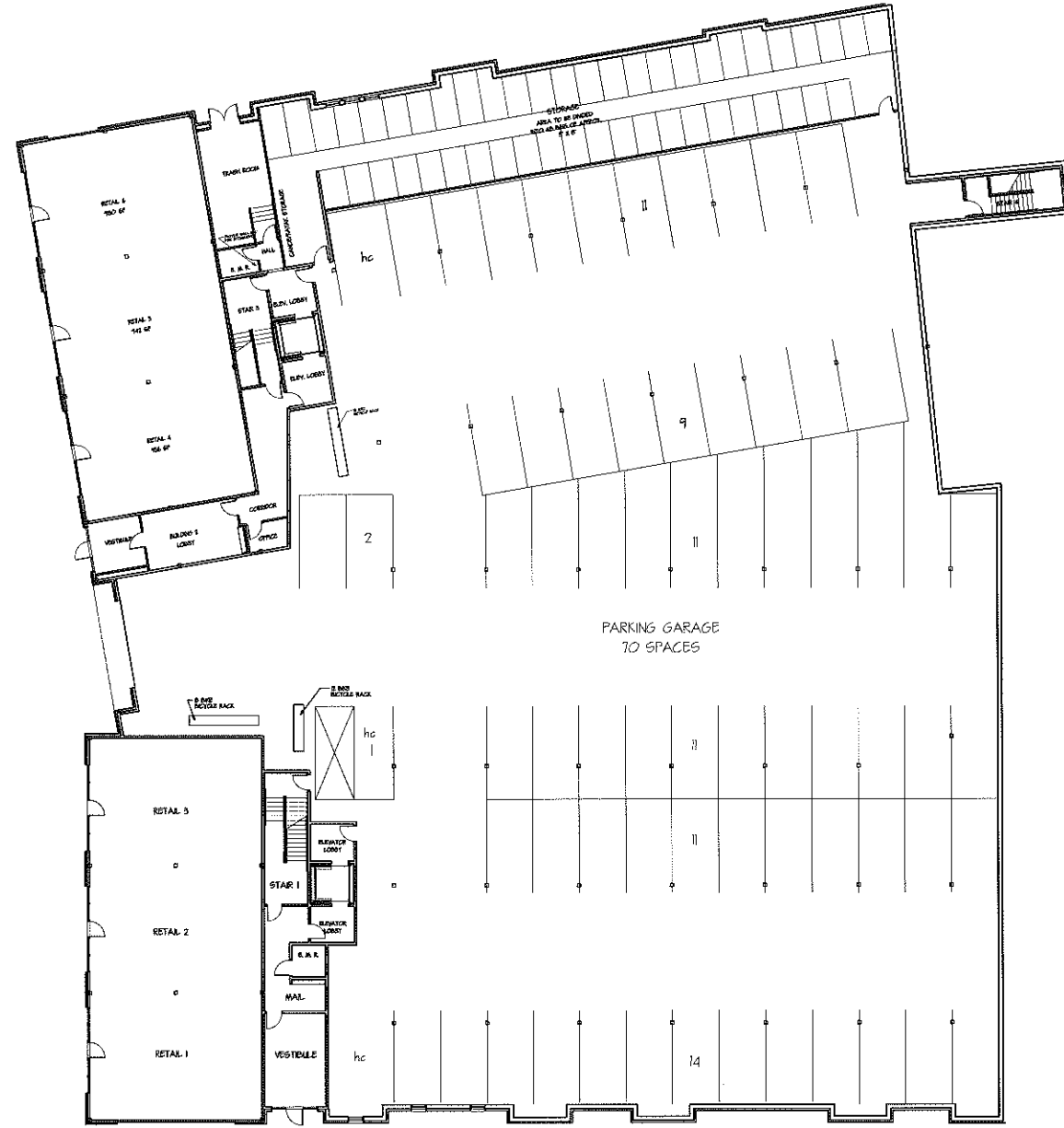
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

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One Chesol Street
Westbrook, Me 04098-1339
Tel (207) 858-0277

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
05109 - - - - - SAC OAM SAB

STORMTECH DETAILS
THE BAY HOUSE
112 NEWBURY ST., 40 HANCOCK ST.
FORKLAND, MAINE
FOR THE VILLAGE AT OCEAN GATE, LLC
133 PEACOCK STREET, SUITE 400
BOSTON, MA 02110

DATE: 8/3/05 SCALE: AS SHOWN
SHEET 15 OF 15



LOWER LEVEL PARKING - BASEMENT PLAN

SCALE: 1/16" = 1' 0"
 GROSS FLOOR AREA: 39,418 SF

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 403 Tibbetts Hill Road
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 Goffstown, New Hampshire 03045
 (603) 497-3405

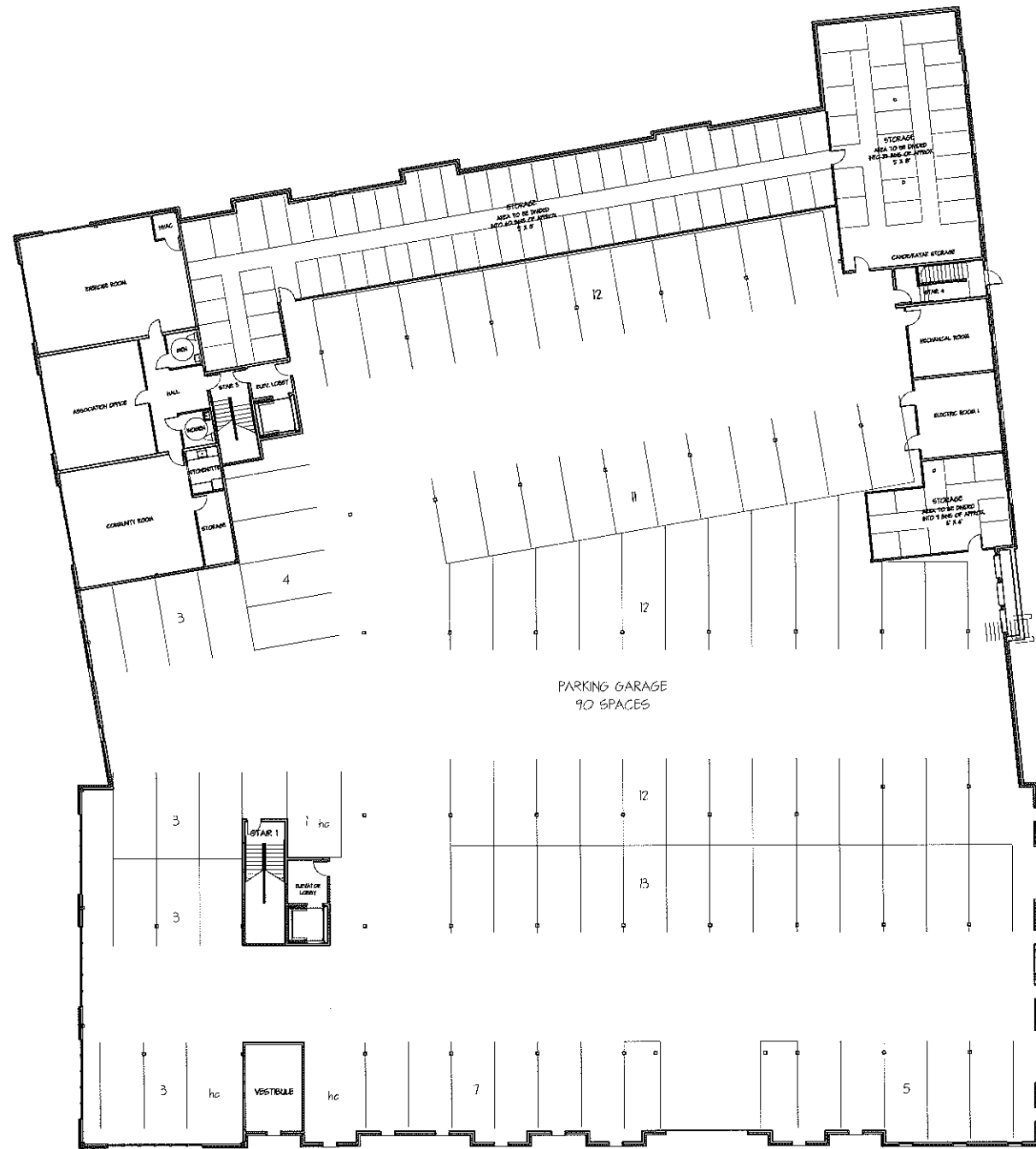
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

THE BAY HOUSE
 Middle Street
 Portland, Maine

BASEMENT LEVEL
 Buildings 1 & 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 G.1



UPPER LEVEL PARKING - FIRST FLOOR PLAN

SCALE: 1/16" = 1' 0"
 GROSS FLOOR AREA: 45,702 SF

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 Goffstown, New Hampshire 03045
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 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

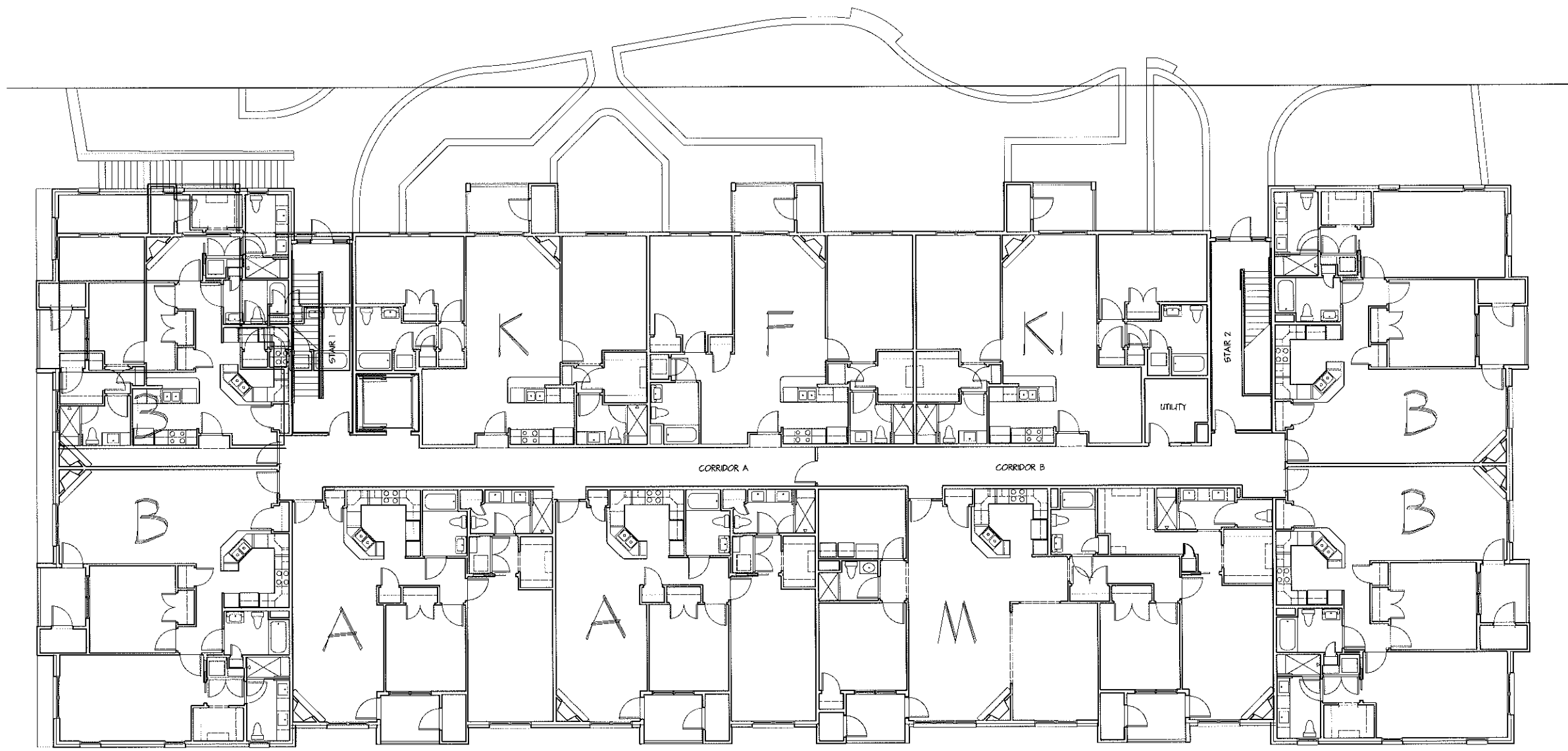
THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Buildings 1 & 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.

G.2



2nd FLOOR PLAN
 PHASE I, BUILDING I
 SCALE: 1/8" = 1' 0"
 GROSS FLOOR AREA INCLUDING PATIOS: 15,790 SF

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 403 Tippetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

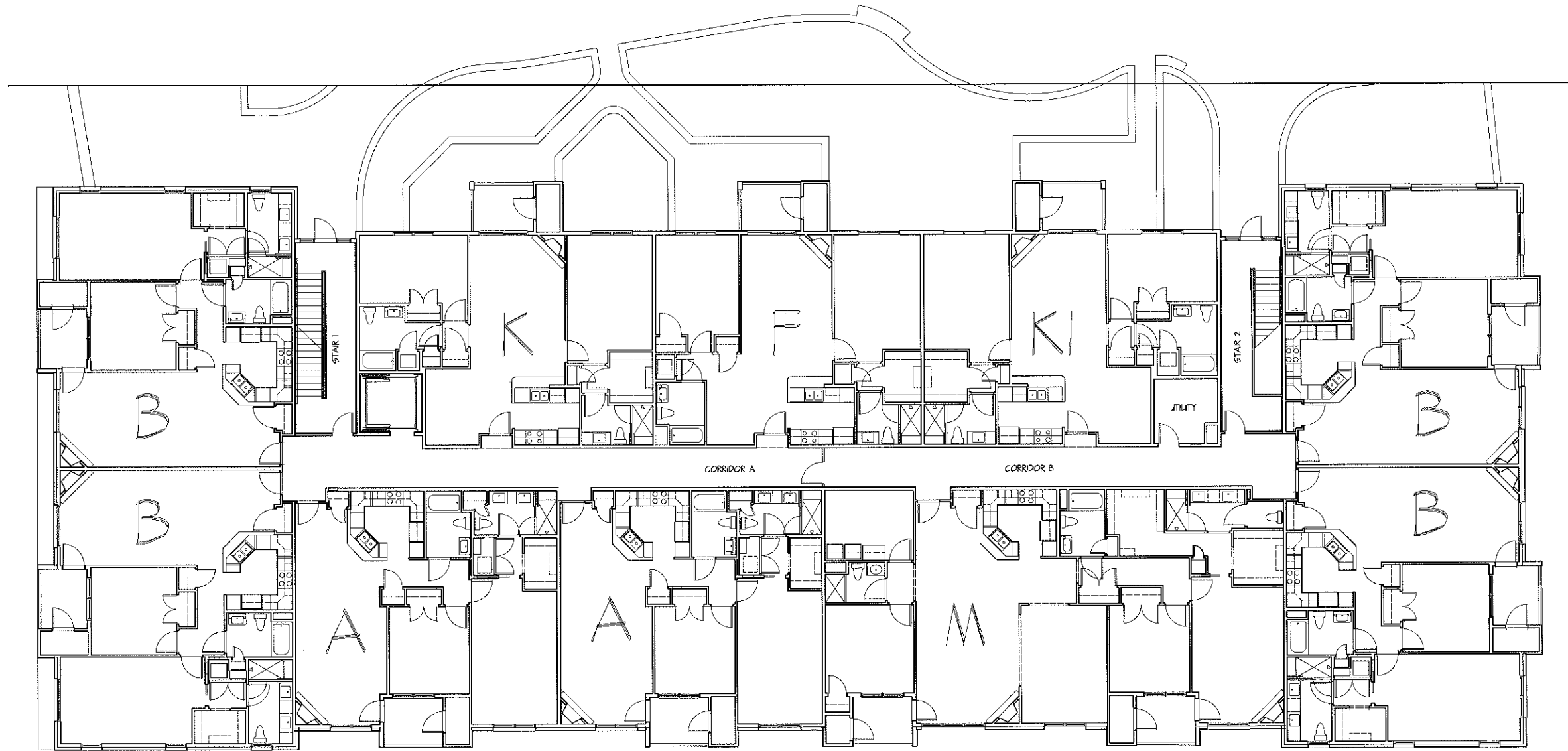
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 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

THE BAY HOUSE
 Middle Street
 Portland, Maine

SECOND FLOOR PLAN
 Phase I/Building I
 Scale: 1/8" = 1' 0"
 Commission No.: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 B1-2



2nd FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING PATIOS: 15,790 SF

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403 Tabetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

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C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

SECOND FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-2



3rd FLOOR PLAN
BUILDING I

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,790 SF

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THE BAY HOUSE
Middle Street
Portland, Maine

THIRD FLOOR PLAN
Building I
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B1-3



4th FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,790 SF

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(603) 497-3405

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C/O Atlas Investments Group
35 Foy Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FOURTH FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B1-4



5th FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"
GROSS FLOOR AREA INCLUDING DECKS: 15,680 SF
DECK AREA: 677 SF

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(603) 497-3405

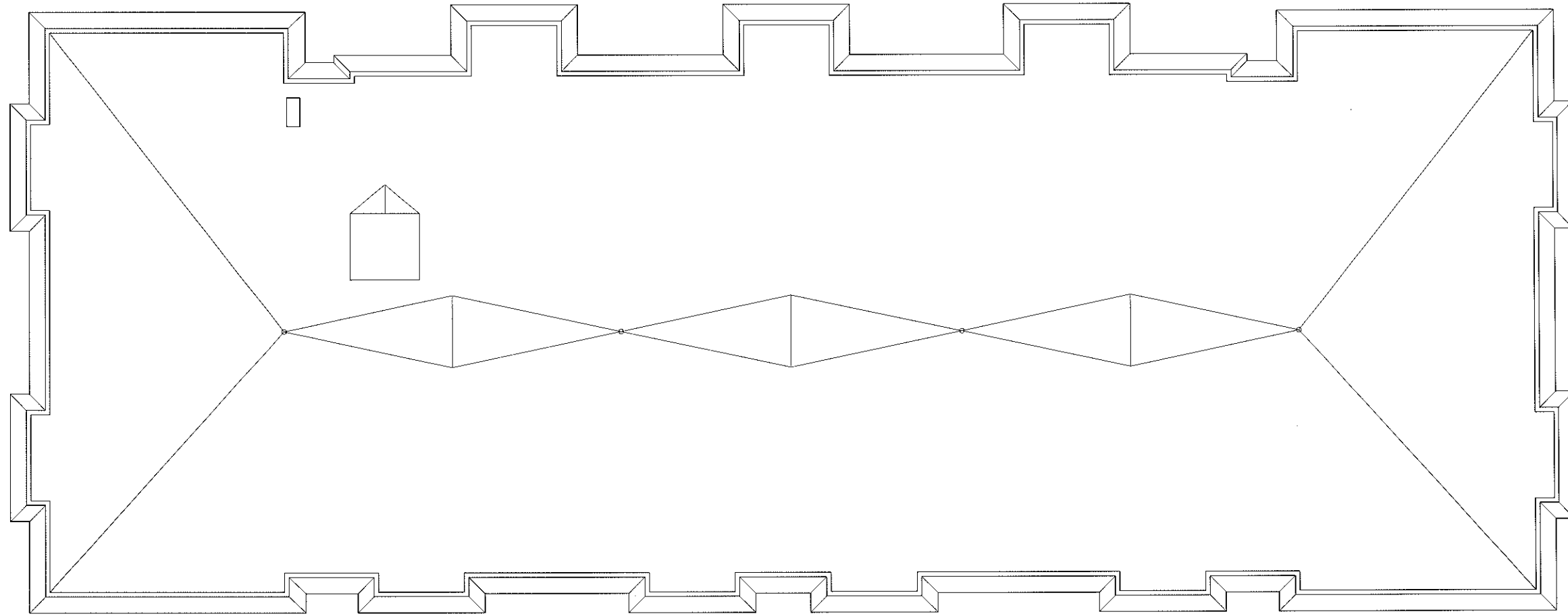
THE VILLAGE AT OCEAN GATE, LLC
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35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FIFTH FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-006
Date: September 8, 2009

REVISIONS:

DRG. NO.
B1-5



ROOF PLAN
 BUILDING 1
 SCALE: 1/8" = 1' 0"

DAVID M. WHITE, ARCHITECT
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 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 477-3405

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 Boston, MA 02118

THE BAY HOUSE
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 Portland, Maine

ROOF PLAN
 Building 1
 Scale: 1/8" = 1' 0"
 Commission No: 06-006
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 B1-6



2nd FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"
GROSS FLOOR AREA INCLUDING PATIOS: 16,991 SF

DAVID M. WHITE, ARCHITECT
403 Tippetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

SECOND FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-2



3rd FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"
GROSS FLOOR AREA INCLUDING DECKS: 16,991 SF

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405 Tibbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

THIRD FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B2-3



4th FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 16,991 SF

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(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fey Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FOURTH FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-4



5th FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 16,817 SF

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(603) 497-3405

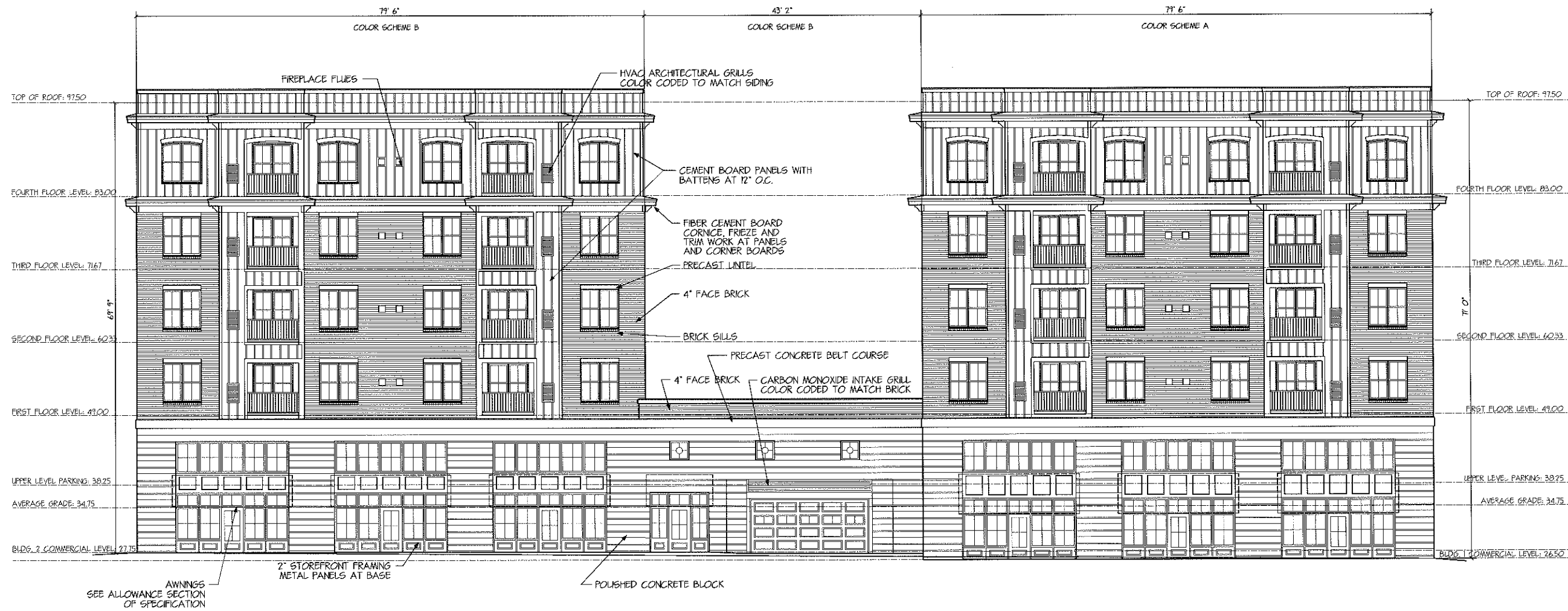
THE VILLAGE AT OCEAN GATE, LLC
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THE BAY HOUSE
Middle Street
Portland, Maine

FIFTH FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-5



BUILDINGS 1 & 2
MIDDLE STREET ELEVATION
SCALE: 1/16" = 1' 0"

NOTES:
LOCATION OF TOILET AND LAUNDRY EXHAUST VENTS TO BE FIELD COORDINATED TO LINE UP VERTICALLY.
ALL EXTERIOR APPURTANCES SUCH AS EXHAUST HOODS, HVAC GRILLES AND FIREPLACE FLUES TO BE EITHER FACTORY FINISHED OR FIELD FINISHED TO COORDINATE WITH THE COLOR OF THE MATERIAL IN WHICH THEY ARE TO BE INSTALLED.

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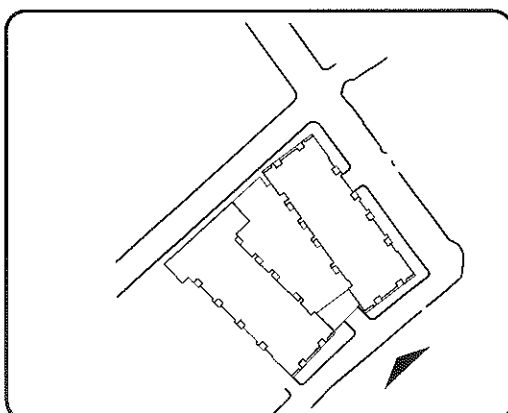
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Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

SOUTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
11





BUILDING 1
HANCOCK STREET ELEVATION

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EAST ELEVATION
Phase 1/Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.2



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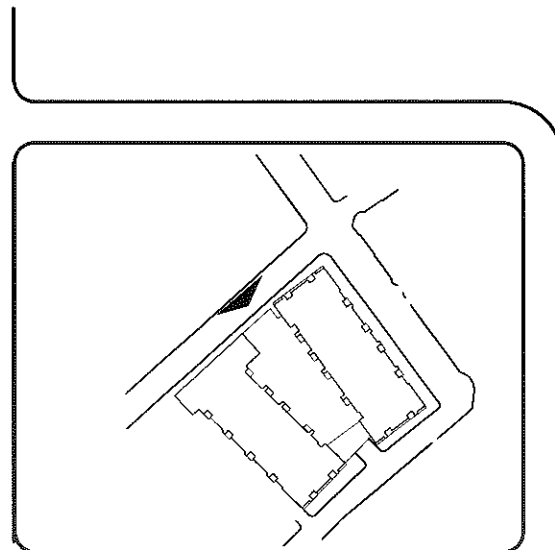
THE BAY HOUSE
 Middle Street
 Portland, Maine

NORTH ELEVATION
 Phase 1/Building 1 & 2
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

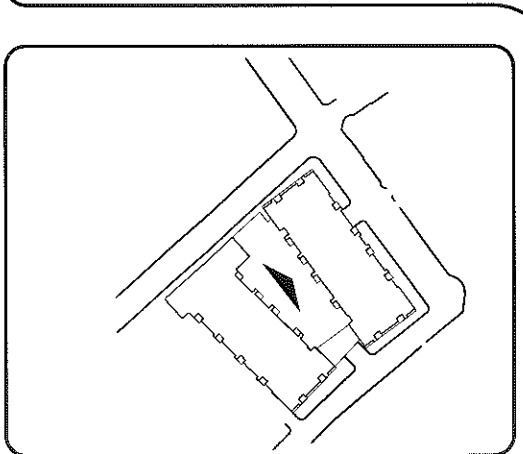
DRG. NO.
 51.3

BUILDINGS 1 & 2
 NEWBURY STREET ELEVATION
 SCALE: 1/16" = 1' 0"





BUILDING 1
 WEST COURTYARD ELEVATION
 SCALE: 1/16" = 1' 0"



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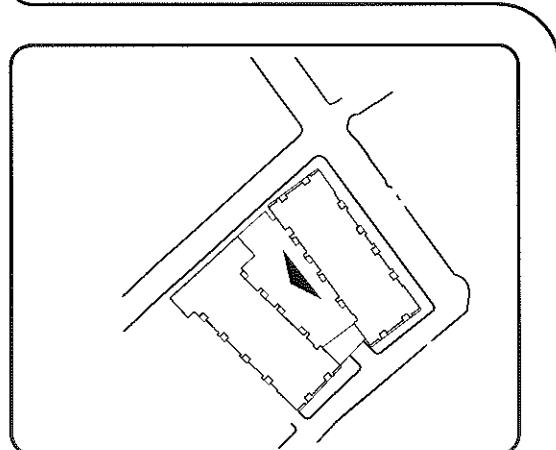
WEST ELEVATION
 Phase 1/Building 1
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 E.4



BUILDING 2
 EAST COURTYARD ELEVATION
 SCALE: 1/16" = 1' 0"



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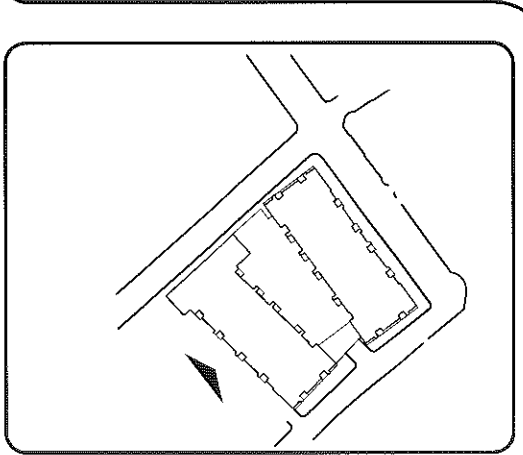
EAST ELEVATION
 Phase 1/Building 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 E.5



BUILDING 2
WEST ELEVATION
SCALE: 1/16" = 1' 0"



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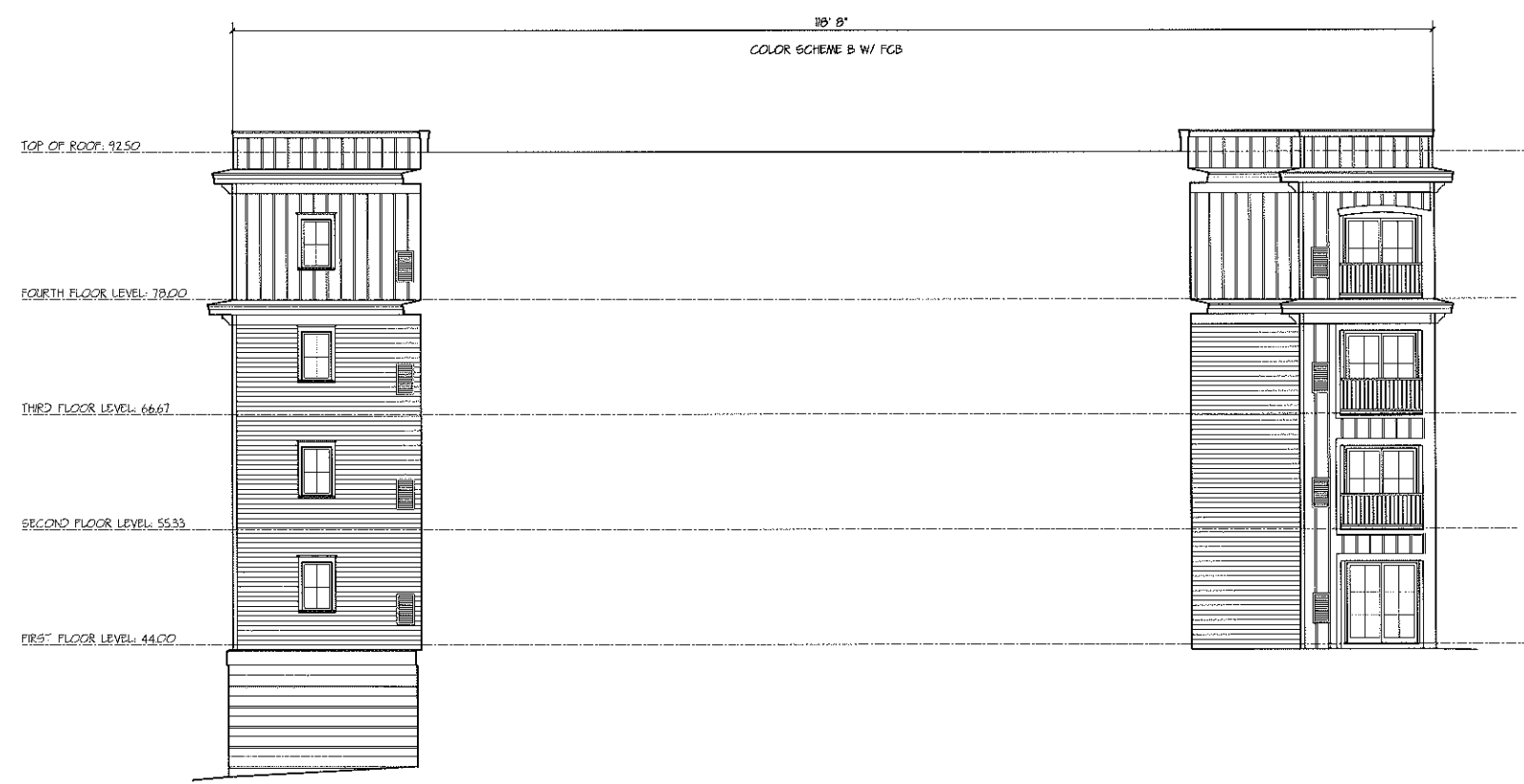
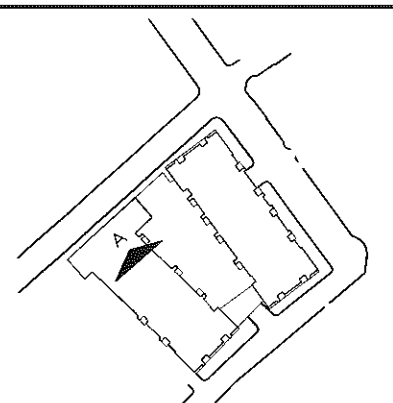
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C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

WEST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.6



ELEVATION A

BUILDING 2
ELEVATION A THROUGH BUILDING
SCALE: 1/16" = 1' 0"

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(603) 497-3405

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C/O Atlas Investment Group
35 Foy Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

ELEVATION A
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No. 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

E.7

Memorandum
Department of Planning and Urban Development
Planning Division



TO: Chair Silk and Portland Planning Board

FROM: Barbara Barhydt, Development Review Services Manager

DATE: September 4, 2009

RE: **Communication: Bay House – Pending Amended Plan**

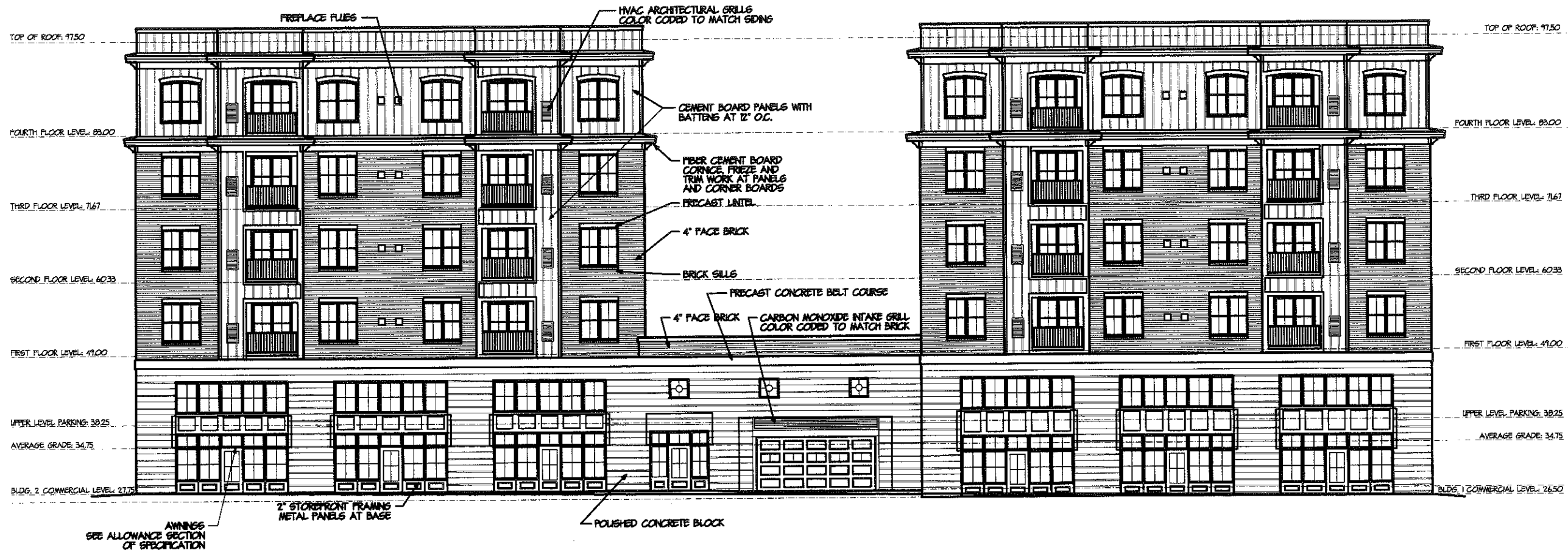
The Bay House at 1192 Newbury Street is requesting an amendment to their approved site and subdivision plan. The most recent version of this plan was approved on July 8, 2008 and the approval is valid through July 8, 2010.

The proposal includes an additional level of parking, adds 5 feet to the building height, adds a curb cut and parking level entrance on Hancock Street and some modifications to the ground level facades of the Phase I project. The upper stories remain unchanged. In order to secure financing for this project, the applicant is seeking the Board's consideration of the revisions at a public hearing on September 22, 2009. The proposed concepts are attached.

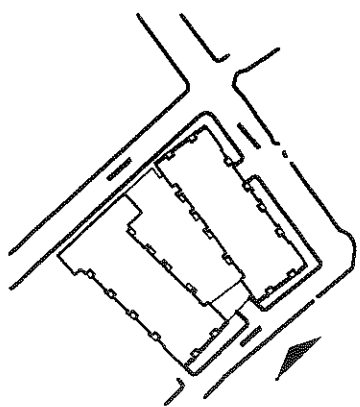
Attachments:

The Bay House Building Elevations, Setpember 2, 2009

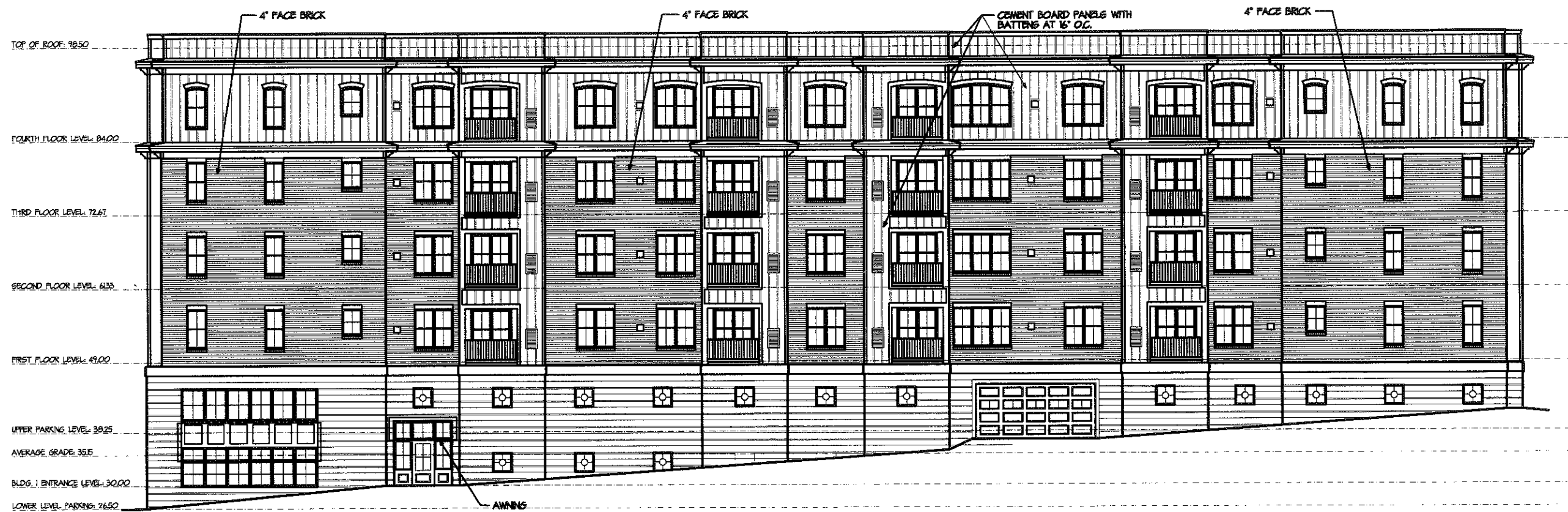
Cc: Penny St. Louis Littell, Director, Department of Planning and Urban Development
Alexander Jaegerman, Planning Division Director



BUILDINGS 1 & 2
MIDDLE STREET ELEVATION

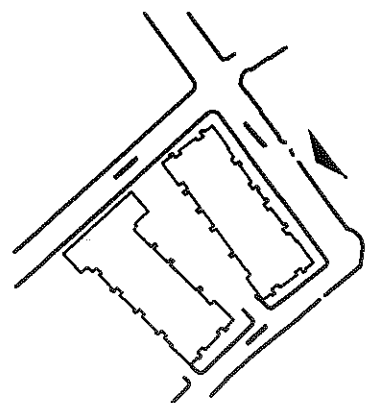


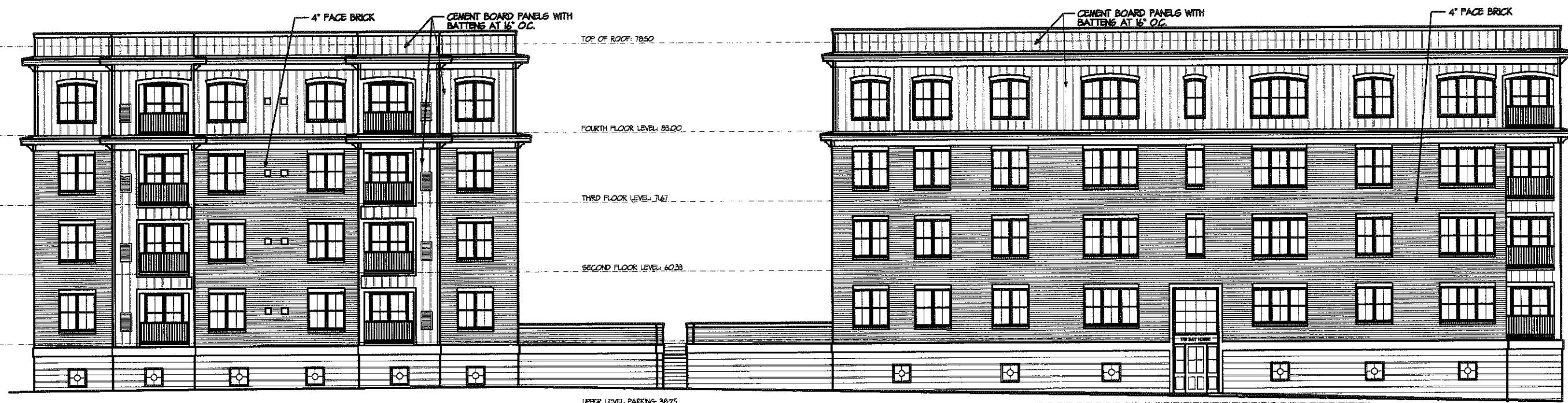
THE BAY HOUSE
DAVID M. WHITE, ARCHITECT
SEPTEMBER 2, 2009



BUILDING 1
HANCOCK STREET ELEVATION

THE BAY HOUSE
DAVID M. WHITE, ARCHITECT
SEPTEMBER 2, 2009





TOP OF ROOF: 78.50

FOURTH FLOOR LEVEL: 83.00

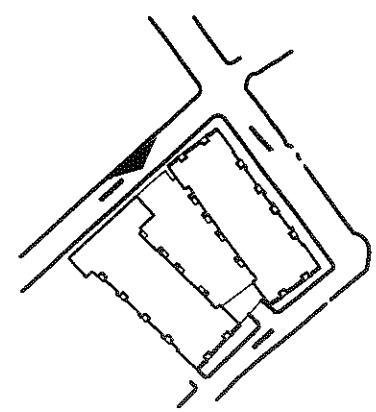
THIRD FLOOR LEVEL: 74.67

SECOND FLOOR LEVEL: 60.25

UPPER LEVEL PARKING: 30.25

GARAGE ENTRANCE LEVEL: 27.50

BUILDINGS 1 & 2
 NEWBURY STREET ELEVATION

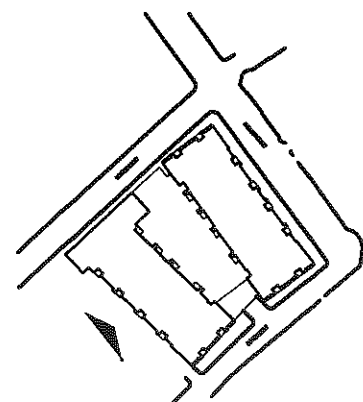


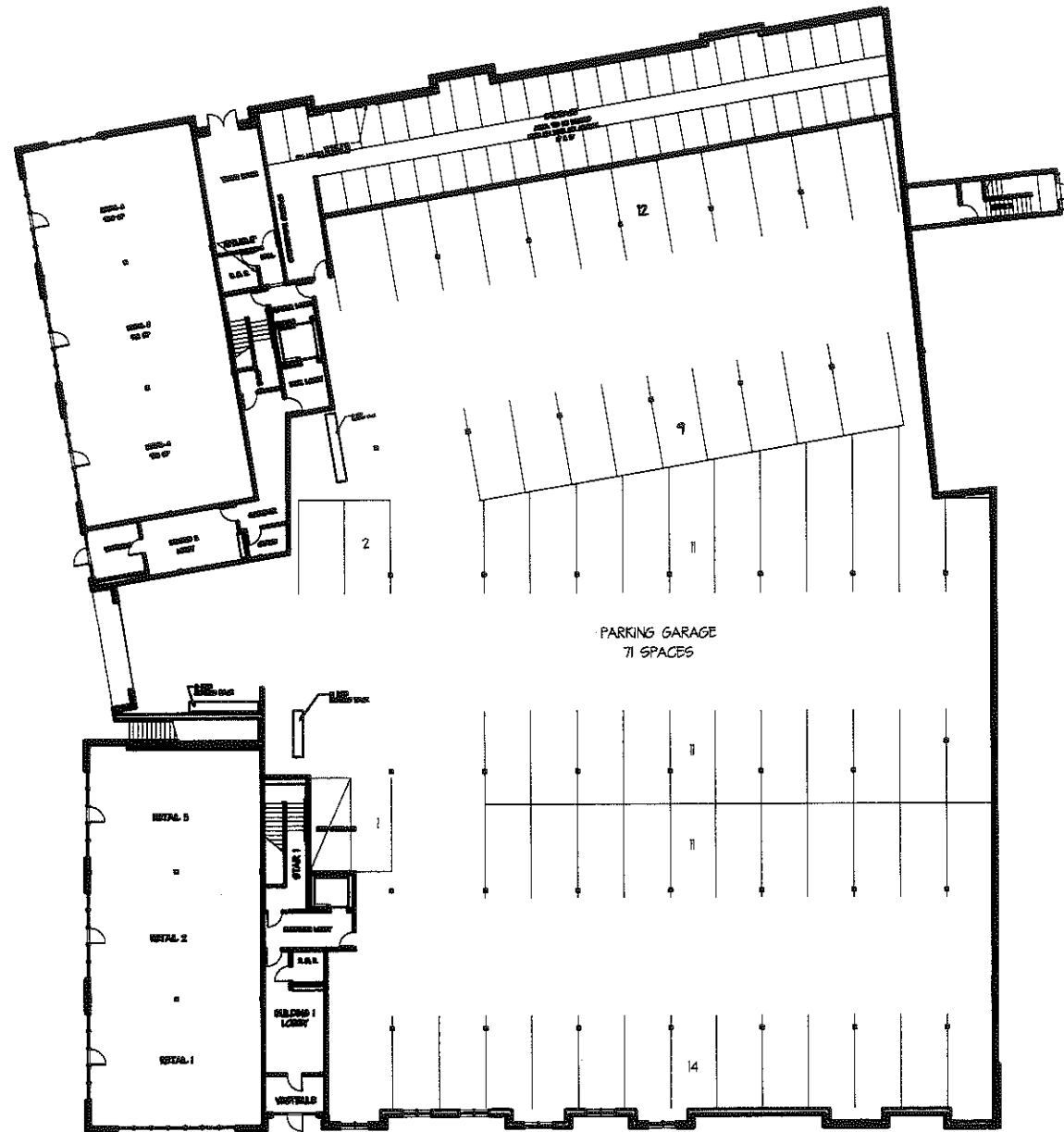
THE BAY HOUSE
 DAVID M. WHITE, ARCHITECT
 SEPTEMBER 2, 2009



BUILDING 2
WEST ELEVATION

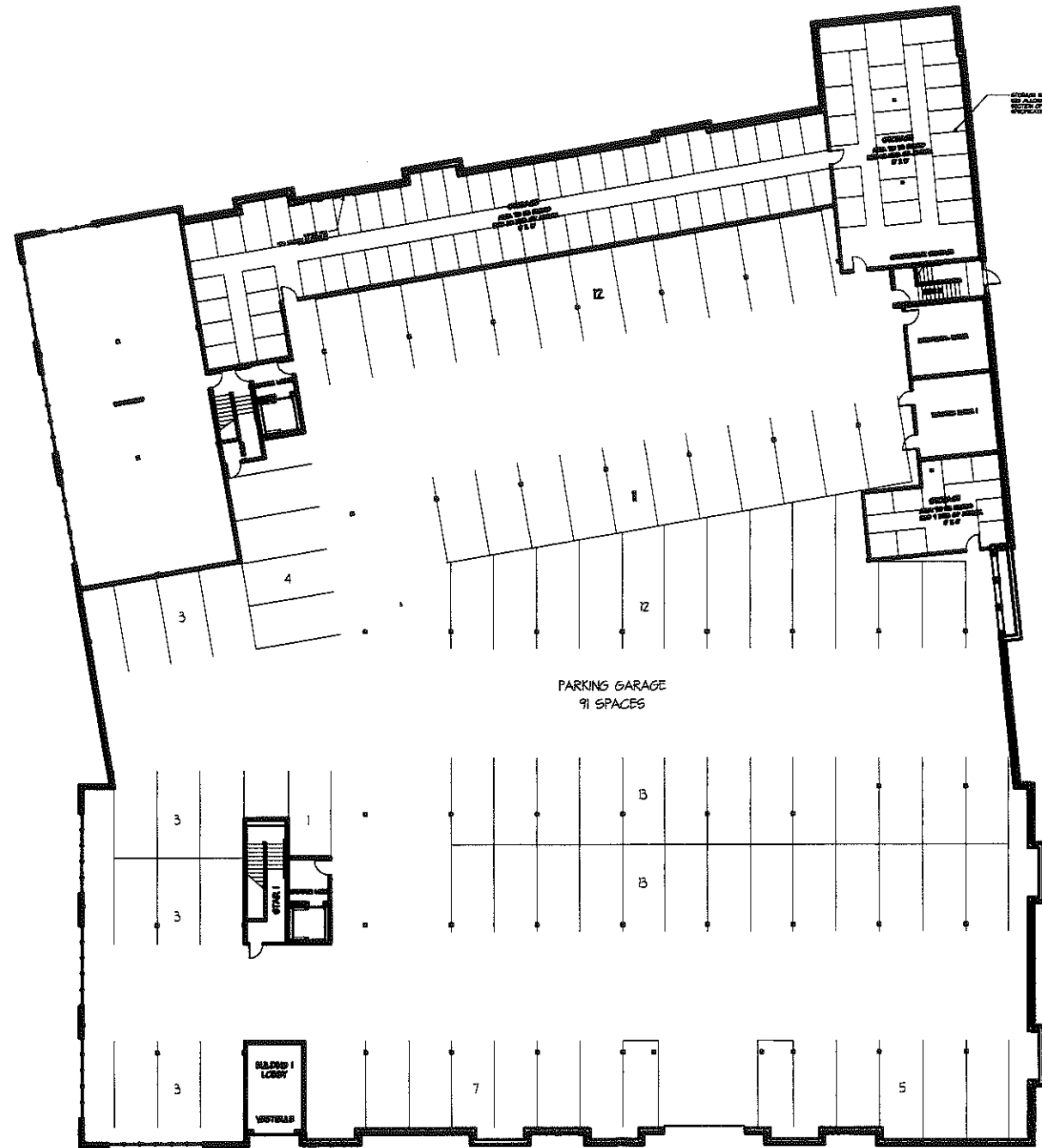
THE BAY HOUSE
DAVID M. WHITE, ARCHITECT
SEPTEMBER 2, 2009





LOWER LEVEL PARKING

THE BAY HOUSE
DAVID M. WHITE, ARCHITECT
SEPTEMBER 2, 2009



UPPER LEVEL PARKING

THE BAY HOUSE
 DAVID M. WHITE, ARCHITECT
 SEPTEMBER 2, 2009

PLANNING BOARD REPORT PORTLAND, MAINE

THE BAY HOUSE
113 NEWBURY STREET
VILLAGE AT OCEAN GATE LLC, OWNER/APPLICANT



I. INTRODUCTION

The Village at Ocean Gate LLC submitted an application for an amended site plan and subdivision for the Bay House at 113 Newbury Street (Applicant's Submittal, Attachment B). As stated in the cover letter, the applicant "has an opportunity to convey or partner phase 1 of this property to/with Eric Cianchette of Portland, ME." In order to increase the financial viability of Phase I, the applicant is seeking to add a second level of structured parking to this project, which requires an increase in the building height of five (5) feet, revisions to the ground level of the facade, and a garage entrance onto Hancock Street. Amended plans for the Bay House were approved on July 8, 2008 and this approval expires on July 8, 2010. The parcel is located within Conditional Zone C47. The 2008 review of the amended subdivision and site plan is included as Attachment C, Planning Board Report #34-08.

Notice of the public hearing appeared in the Portland Press Herald on September 14 and 15 and 175 notices were sent to property owners and the interested citizen list.

II. CHRONOLOGY OF REVIEW

The original conditional rezoning agreement for the Village at Ocean Gate was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement became effective on July 2, 2008 (Attachment I).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Attachment C, item 3 is the 2007 Approval Letter). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the

Submitted to: Portland Planning Board: Public Hearing Date: September 22, 2009 Project No. 09-996600006 Report Number - #35-09	Prepared by: Barbara Barhydt, Development Review Services Manager Date: September 17, 2009
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subdivision was signed by the Planning Board, but was not recorded.

On July 8, 2008, the Planning Board approved the amended site plan and subdivision plan included the following revisions:

- a. The subdivision plat was revised to incorporate 1,602 square feet of land into Phase I;
- b. The number of units in Phase I was reduced from 84 to 82 residential units;
- c. The commercial space was reduced to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. The first level of Phase I was revised to provide storage areas for the units, 80 vehicle parking spaces and 38 bicycle spaces; and
- e. There were modifications to the exterior materials and building design.

A copy of the 2008 approval letter is included as Attachment 2 and the letter authorizing the extension of approval to 2010 is included as Attachment 3. The recording plat was signed, but it has not been recorded. The waivers were recorded at the Registry within 90 days.

III. PROJECT DATA

Existing Zoning:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Use:	82 condominiums, commercial space and two level parking garage
Parcel Size Phase I:	50,088.16 sf
Impervious Surface Area:	
Existing- Phase I:	50,088.16 sf
Proposed:	50,088.16 sf
Net Change:	0
Building Area:	
Proposed Floor Area:	215,960 sq. ft.
Residential Data:	
Proposed Residential Units:	82 residential condominiums (Unchanged). The conditional rezoning allows up to 110 units in Phase I.
Unit Types (Unchanged):	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Vehicle Parking Spaces:	
Required parking cond. rezone:	1 space/unit plus 6 spaces for the retail space
Proposed:	159 spaces on-site (revision)
Number Handicapped Spaces:	6 handicapped spaces (unchanged)
Bicycle Parking Spaces:	
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008. A small rack is also shown adjacent to the Middle Street parking entrance near the commercial spaces. (unchanged)

Middle Street Driveway/Entrance: Access to the lower level of parking is from Middle Street. There is a 22-foot wide driveway to the 18-foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007 and 2008.

Proposed Hancock Street Driveway/Entrance: Access to the second level of parking is proposed from Hancock Street. The applicant is seeking a waiver from the Technical Standards to allow this curb cut to be the same as the Middle Street entrance (22-foot wide driveway and 18-foot wide garage entrance).

Estimated Cost of Project: \$17,000,000 (current estimate)

Uses in Vicinity: The uses in the vicinity include the Parking Garage across Middle Street; Marriott extended stay hotel, the Shipyard Brewery, residential uses on Newbury, Federal and Hancock Streets and mixed commercial and residential uses on India Street.

IV. PROJECT REVISIONS FOR PHASE I

1. Revised On-Site Parking

The 2008 approved subdivision and site plan has 82 residential units and 80 parking spaces on one level of structured parking. The 2009 revised plan proposes two levels of parking with 159 parking spaces. The lower level of parking is shown with 70 spaces and the upper level is shown with 89 spaces, which extends over the retail spaces located on the lower level. The applicant intends to offer one space per unit and then offer condominium owners the opportunity to purchase an extra space.

Access for the first level of parking is from Middle Street. The garage entrance received a waiver from the technical standards for a 22-foot side driveway and an 18-foot wide garage door. A garage entrance to the upper level of parking is proposed off Hancock Street. This entrance is designed with the same dimensions as the Middle Street entrance and thus also requires a waiver of the technical standards.

The 2008 conditional rezoning agreement includes a requirement for a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The proposed number of parking spaces exceeds the number of spaces per unit required in the conditional zoning agreement and exceeds the recently amended zoning requirement of one space per residential unit on the peninsula. This condition of the conditional rezoning agreement remains in effect, should the Planning Board determine there is a need for parking mitigation.

The 2008 amended rezoning agreement revised the parking requirements to require 80 on-site spaces, 8 space in the Riverwalk Parking Garage (aka Longfellow garage, aka Ocean Gateway Garage) and 33 on-site bicycle parking spaces (Attachment 1). As stated above, the applicant is proposing 159 on-site parking spaces and bicycle racks for 38 bicycles are shown on the lower parking level. The requirement for parking spaces in the Longfellow garage for the retail space remains a requirement for this project.

2. Revised Floor Plans

The conditional rezoning agreement requires 5,200 to 5,700 square feet of commercial space in Phase I. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The amount of proposed square footage for the retail remains the same. The applicant has added a community room, exercise room, association office, and restrooms over the retail space in building #2 with roughly 2,880 square feet of area. The two residential buildings in Phase I remain unchanged in terms of the floor plans and exterior design.

The layout of the parking levels are shown on the G.1 and G.2 floor plans for the two parking levels. The lower level parking has three handicapped parking space and bicycle racks for 38 bicycles. The upper level has three handicapped spaces and no bicycle racks are proposed on this floor. There are 48 storage bins and a designated canoe and kayak area proposed on the lower level. A total of 92 storage bins are proposed on the upper level. The vestibules, lobby, mail room and trash room are located on the lower parking level.

3. Revised Building Height

The proposed addition of a second parking level requires that building height be raised by five feet. According to the cover letter prepared by David White, Architect (Attachment B), the increase in height is the “minimum needed to accomplish this change and the maximum that can be done to insure no change in the proposed construction type.” The increase in height changes the base level of the structure and raises the elevation of the central courtyard. According to Marge Schmuckal’s review estimates that the building height is 64.29 feet, which is below the 74 feet permitted in the Conditional Rezoning Agreement.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, “the Plans for Phase I”), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

In 2008, the applicant sought to make modifications to the exterior of Buildings #1 and #2 (refer to Attachment C, Planning Board Report #34-08). The Planning Board found the revised elevations and exterior materials to be in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines (Attachment 2, Approval Letter). The 2008 elevations are included in Attachment C, item 15, excerpt of plan set.

The applicant is proposing to use the same exterior materials, which were approved previously. With the proposed addition of a second level of parking, the overall height of the structure increases by five feet. The upper floors of the residential buildings remain unchanged. In general the ground level façade or base of the building is increased in height. The exterior modifications for the ground level façade include the following:

1. **Fenestration:** The applicant is proposing windows above the storefront six store fronts along Middle Street. The windows would serve the community room, office and exercise room on the upper parking level in Building #2. In Building #1, the windows would be located in the parking garage. Square decorative windows are proposed above the Middle Street Garage entrance and along the facades facing Hancock and Newbury Streets. The specifications and transparency for the square windows has not been submitted at this time.
2. **Courtyard:** The elevation of the courtyard is now raised by five feet. The stairway leading to the courtyard from Middle Street has been removed as it required two and half flights of stairs to reach the courtyard. The stairway leading to the courtyard along Newbury Street has increased from 4 steps to twelve.

V. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines.

1. Right Title and Interest

The original and amended applications in 2006 and 2008, respectively, included the right, title and interest for the Bay House. As stated in the cover letter, the Village at Ocean Gate LLC has the opportunity to partner or convey the Bay House to Eric Cianchette. Attachment B, item 4 is a letter from Demetri Dasco, Village at Ocean Gate LLC, confirming the business agreement with Eric Cianchette.

2. Financial Capacity

Mr. Eric Cianchette has submitted a letter from Bangor Savings confirming he has the financial and technical capacity to undertake this project (Attachment B, item 5).

3. Recording Plat and Plan

There is a plat that was signed after July 8, 2008 approvals. A revised plat will need to be submitted for review and signature that incorporates the Planning Board's final conditions of approval prior to the issuance of a building permit.

4. Zoning

Marge Schmuckal, Zoning Administrator, reviewed the amended plans for the Bay House (Attachment 4). She has found that the density, square footage of retail space, bicycle parking and on-site vehicle parking spaces meet the Conditional Rezoning Agreement for Phase I. Ms. Schmuckal has determined that the proposed height is less than allowed and her evaluation of the height is as follows:

The height allowance under the Conditional/Contract is 74' by the methods normally used by the Zoning Administrator. That methodology is to begin at average the grade and end at the top of the structural beam. First of all, the height requirement is being met. The previous average grade that I had used was 33.21'. Currently the average grade shown on the plans is 35.15'. Using the worst case scenario, the height of the building is 64.29 feet, which is almost 10' under the

maximum allowed. For further clarification, I would like to see how the average grade was determined using the current plans. I again clarify, the height of the structure is meeting the maximum height limits allowed under the Conditional/Contract Zone.

In addition, Marge Schmuckal is requesting additional information to verify that the HVAC systems are meeting the B-5b noise limitations and request that proposals for signage be submitted to be sure sign requirements will be met.

1. Fire Department

In 2008, the Planning Board imposed the following condition of approval for the site plan based upon a review conducted by Captain Cass:

The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Captain Keith Gautreau has reviewed the plans and recommends that the above condition of approval remain in effect.

2. Traffic

In the 2008 plan, a total of 80 parking spaces on site were proposed with spaces reserved in the Parking Garage for the commercial uses. The conditional rezoning agreement includes a requirement for a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis conducted by the developer six months after issuance of the certificate of occupancy. The revised plan now includes a total of 159 parking spaces on-site, which exceeds the number of spaces per unit required in the conditional zoning agreement and exceeds the recently amended zoning requirement of one space per residential unit on the peninsula. Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans (Attachment 5) and finds the proposed residential parking should be sufficient. The provisions for a parking analysis and potential mitigation plan remain in effect from the conditional rezoning agreement.

Mr. Errico is recommending that the technical standards be waived for the Hancock Street garage entrance, which is consistent with the Middle Street entrance. He does recommend that his comments from the prior approval (Attachment C, item 8) be retained and adds the following comments:

- The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.
- New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.
- On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

- The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.
- The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.
- Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.
- There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

3. Public Infrastructure/Stormwater

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted the following review ([Attachment 6](#)). Mr. Bushey notes that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. He notes that there remain a few minor technical items that should be addressed by the engineer prior to construction. On the basis of Mr. Bushey's review he recommends the plans be presented to the Planning Board for approval with the following potential conditions:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist should weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32' to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

The Department of Public Services has reviewed the plans and Mr. David Margolis-Pineo has submitted the following comments ([Attachment 7](#)):

1. The previous comments from Michael Farmer remain valid and should be retained as part of an approval.

2. The condition of approval regarding the City's expectation for street improvements and associated fees should be retained in an approval.
3. When the construction fence gets installed make sure the points on the fence are down and not up.
4. No granite curb sections shall be installed less than four feet in length.
5. This project shall not interfere with the water main work that is currently underway.
6. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
7. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
8. Street opening permit fees are \$223 each.
9. Street, parking space and sidewalk occupancy fees are \$10/day per each.
10. Any work in the right of way will require an approved traffic plan by Public Services.
11. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
12. Handicap ramps shown on the plans do not meet ADA or City standards.

4. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment C, item 6 Waterfront Guidelines) for B. Buildings/Architecture, Alexander Jaegerman, Planning Division Director, offers the following comments:

1. Building Composition:

a. Placement: In general the buildings are placed along the sidewalk. The residential entrances face Middle, Hancock and Newbury Street. The Middle Street façade extends a two story base across the courtyard between Buildings #2 to Building #1. The residential entrance for building #2, the westerly tower, is located within the parking level between the two towers. The residential entrance is lent prominence through use of glass panels on either side of the door and the Middle Street garage entrance is made subordinate by virtue of a four foot recess from the front building plane. The building base comprising the two store fronts, the residential entry, and the garage entry, is visually tied together through a continuous first floor plane and materials palette (polished concrete), with the prominent glazed doorway feature. There is a substantial retail component in three identical store front bays in the base of each tower, and the storefronts wrap the corners at the westerly building corner and at the intersection of Hancock. The proposed building placement and entries are reasonable design solutions relative to the design standards. The additional height resulting from the second parking tray is manifest in the Middle Street facade in a set of windows capping the first floor storefronts, with the second level appearing as a half- story or mezzanine in scale. Three square windows mark the second parking level in the space between the towers. There is unassigned usable building floor space in the area behind the windows above the retail in the westerly tower. There is parking located behind the windows above the retail in the easterly tower. There are 15 square windows in the garage façade along Hancock Street, and 12 such windows in the garage façade on Newbury Street.

- b. Height:** The proposed height of the building has increased by five feet and is within the limits of the conditional rezoning agreement.
- c. Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. Proportion:** The base of the building along Middle Street is punctuated with 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, residential entrance, garage entry to the upper parking deck, and square garage windows along the parking facade course.
- e. Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street. The base is articulated with a storefront (about 30 feet in length) and a residential entrance, the garage entry and the square garage windows. The base level height along Hancock Street varies from 22 feet at the corner to about 6 feet at the Newbury corner. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards. Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present a base middle and top.
- f. Materials:** The middle portions of the buildings are clad in brick and concrete is used to clad the box bays. The westerly tower brick is brown in color, and the easterly tower at the corner of Middle and Hancock is red brick. There were portions of yellow brick in the earlier project, but this does not appear to be proposed for the current phase. The applicant should provide a schedule of materials and colors for each façade as an update to clarify the current plan for façade treatment. The base course is now proposed as a polished concrete block that resembles granite. The applicant is proposing Hardi-plank (cement cladding material) on the projecting bays and top floor. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The additional height of the base necessitated by the extra parking tray is handled visually by the base cladding articulation and square window treatment, mitigating the blankness of parking structure along the sidewalk edge to a reasonable effect. The staff recommends conditions of approval to submit the details of the awning and signage for the buildings, a schedule of materials and colors for each façade, and details of the square windows and all window glass specification within the base facade.

5. Landscaping

The landscaping plan is essentially the same as in 2008. The number of street trees to be installed is the same; however the locations of street trees along Hancock Street have been adjusted to accommodate the Hancock Street entrance. Jeff Tarling, City Arborist, has

reviewed the plan (Attachment 8). With the increase in height of the building base due to the additional parking level, he is recommending some additional landscaping and more vertical elements along portions of Newbury Street and Middle Street. Mr. Tarling's comments are as follows:

a) Street-trees - The street-tree layout looks good as shown on Sheet 8, request would be to check to make sure that tree placement matches any on-street parking or loading zone requirements. Ideal placement of street-trees where on-street parking exists is to have the trees match up to the space between parked vehicles and not mid-car or where passengers were unloading. Tree spacing is also to include review of all underground utilities required set backs. Sidewalk widths should meet ADA standards between the tree grate & building.

b) Courtyard landscape - The interior courtyard is not visible from the street view; the proposed landscape treatment should make this area pleasant. Plant choices given the shade / sun requirements appear to be well thought out.

Recommendations for the courtyard at the street-view would be to use plants with a taller vertical element along the Newbury Street frontage. Since this area is relatively narrow the recommended plants should be upright in form. Suggestions, this space might benefit be best treated with a planting of upright small trees or shrubs, or climbing vine & combination one suggestion might be 'Climbing Hydrangea', or perhaps 'Heptacodium'. A second recommendation on the Middle Street courtyard would be to include a small planting space to the right of the driveway entrance. This is the space from the building plane to the garage door opening leaving space (pavement) along the drive on both sides. Both of the landscape elements or planters proposed in this recommendation would benefit from irrigation which should be able to be extended from the interior courtyard.

VI. STAFF RECOMMENDATION

The Planning Staff recommend approval of the plan subject to the conditions of approval imposed on the Amended Plan for Phase I in 2008 with new or revised conditions relevant to the 2009 amended plan.

VII. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The conditions from 2008 are listed below along with revised or new conditions.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #35-09 and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan of 2009 (**is or is not**) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines subject to the following conditions:

1. The developer shall provide the additional documentation regarding final average grades used to determine the building height and the projected noise levels for proposed HVAC systems, as requested by Marge Schmuckal, Zoning Administrator in her 9/17/09 review prior to the issuance of a building permit.
2. The developer shall submit the details of the awning and signage for the buildings, a schedule of materials and colors for each façade, and details of the square windows and all window glass specification within the base façade prior to the issuance of a building permit.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

3. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
4. Technical Standard, Section III 2A (b), which requires a 24-foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Hancock Street.
5. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
6. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #35-09, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of September 16, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 and contained in David Margolis-Pineo's, Deputy City Engineer, September 16, 2009 memorandum shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;
OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The Retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.
10. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Consulting Traffic Engineer's, memorandum of September 17, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

Site Plan

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 35-09, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **(is/is not)** in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.
4. Revised plans and information meeting the recommendations contained in Jeff Tarling, City Arborist's memorandum of September 11, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

Attachments:

1. Conditional Rezone Agreement
2. Planning Board Approval Letter for July 8, 2008
3. Planning Approval Extension letter
4. Marge Schmuckal, Zoning Administrator, September 17, 2009
5. Thomas Errico, PE, Consulting Traffic Engineer, September 17, 2009
6. Stephen Bushey, P.E., Consulting Engineer, September 17, 2009
7. David Margolis-Pineo, Deputy City Engineer, September 16, 2009
8. Jeff Tarling, City Arborist, September 11, 2009

Attachment B: Applicant's Submittal 2009

1. Application
2. Cover Letter, dated September 8, 2009
3. Quitclaim Deed with Covenant
4. Letter from Demetrios Dasco, Managing Member, Village at Ocean Gate LLC, dated September 16, 2009
5. Letter from Bangor Savings Bank, dated September 16, 2009
6. E-mail, Chris DiMatteo, Sebago Technics, lot area
7. Plan Set
 - a. The Bay House, Phase I, Sebago Technics Plans, Sheets 1 through 15
 - b. Building floor plans and elevations, David White, Architect, Sheets G.1 and G.2, B1-2 plans, B2-2 plans and Elevations E.1-E.7.

Attachment C: Planning Board Report #34-08 (separate Document in Packet)

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet
 - iii. Notice
 - iv. Neighborhood Certification
2. Amended Conditional Rezoning Agreement
3. Approval Letter for the July 10, 2007 site plan and subdivision approval
4. Planning Board Report #30-07
5. David M. White Architect, April 23, 2008 correspondence
6. Eastern Waterfront Design Standards
7. Carrie Marsh, April review
8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
13. Tracked Changes from the July 10, 2007 motions
14. Approved Building Elevations, July 10, 2007
15. **Excerpts** from Plan Set- The Bay House
 - a. Sebago Technics Plans:
 1. Subdivision Plat, 6-23-08
 2. Site Plan, 6-23-08
 3. Grading Plan, 6-3-08
 4. Utility Plan, 6-3-08
 5. Landscape and Lighting Plan, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings; B1-1 and B2-1, E.1 through E.7;
 - c. Bike Rack Details

Order 265-07/08
Given first reading on 5/19/08
Public Hearing & Passage: 6/2/08 9-0

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
112-113 NEWBURY STREET, PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Village at Ocean Gate LLC, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**First Amendment to Conditional Zoning Agreement
The Village At Ocean Gate (aka Bayhouse)**

This amendment and agreement is made as of the ___ day of _____, 2008 by **THE VILLAGE AT OCEAN GATE, LLC**, a Maine Limited Liability Corporation having a principal place of business at Boston, Massachusetts (hereinafter "**DEVELOPER**").

WHEREAS, DEVELOPER, as assignee of the rights of the purchaser under a purchase and sale agreement with the Village Café, Inc., has the right to purchase the property located at 112-113 Newbury Street and 40 Hancock Street, Portland, Maine, consisting of the property shown on the Portland Assessor's Map as parcels 20-E-9, 20-D-13-15 and 20-D-32 and described in the Cumberland County Registry of Deeds at Book 17317, Page 167, Book 3161, Page 504, Book 4357, Page 291, Book 3217, Page 83, Book 3004, Page 226, Book 3091, Page 703, Book 3752, Page 140, Book 3112, Page 131, Book 3024, Page 132, Book 3291, Page 260, Book 2996, Pages 235 and 237, Book 4357, Page 289, Book 4094, Page 222 and Book 9520, Page 73 (hereinafter the "**SITE**"); and

WHEREAS, the **SITE** is currently in the B-2b zoning district and is adjacent to a B-5b district to the southeast; and

WHEREAS, Developer has filed a Zone Change Application with the City of Portland (hereinafter "**CITY**") to rezone the **SITE** to the B-5b zoning district subject to certain modifications and conditions set forth in this Agreement in order to accommodate a mixed-use development consisting of up to 176 residential units; space for a 150- to 200-seat restaurant; and sidewalk-level commercial space in a complex of buildings of varying sizes and heights (hereinafter the "project"); and

WHEREAS, the Portland Planning Board has determined that the rezoning would provide needed housing, would create a vibrant new neighborhood and would assist in revitalizing adjacent areas; and

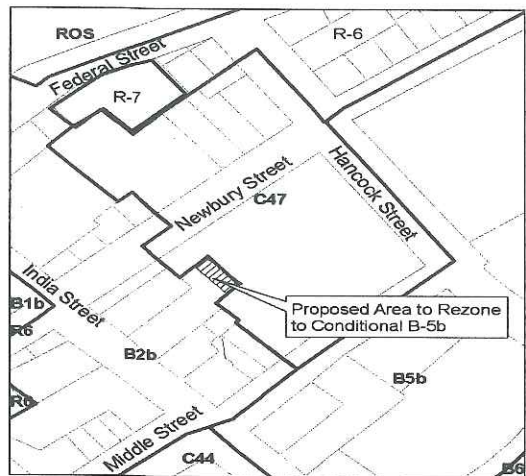
WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. § 4352(8), and after notice and hearing and due deliberation, recommended rezoning the SITE; and

WHEREAS, the CITY, by and through its City Council, has determined that the rezoning is appropriate due to the unusual nature and unique location of the development proposed, that the uses proposed are consistent with the existing and permitted uses within the B-5b zone and that the rezoning would be pursuant to and consistent with the CITY's Comprehensive Plan; and

WHEREAS, DEVELOPER has agreed to enter into this Agreement and the Amendment thereto, with its concomitant terms and conditions, which shall hereinafter bind DEVELOPER, its successors and assigns;

NOW, THEREFORE, in consideration of the rezoning of the SITE, DEVELOPER agrees to be bound by the following terms and conditions:

1. Map. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change. The underlying zone is changed from B-2b to B-5b.



**Proposed Area to Rezone from
B-2b to Conditional Rezoning to B-5b
for The Village at OceanGate, LLC
112-113 Newbury Street
April 2008**

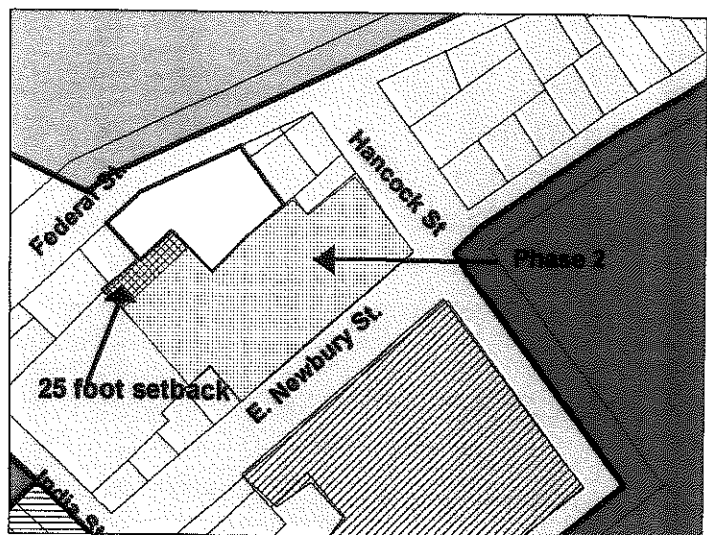
Prepared by the Department of Planning and Development
based upon GIS Workgroup Data.



2. Subdivision and Overall Site Plan. Except as otherwise provided in this paragraph 2, the SITE will be developed substantially in accordance with the Subdivision and Overall Site

Plan, Attachment 1 submitted by Sebago Technics, Inc., dated August 3, 2005 as revised April 22, 2008. Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments. Phase II of the project, consisting of one or more buildings along Newbury and Hancock Streets shall meet the following requirements:

- a maximum of sixty six (66) residential units shall be provided; and
- a minimum setback of twenty five (25) feet from the most westerly rear property line (abutting CBL 20-D-11) shall be provided and as illustrated below ; and



Required Minimum Setback of 25 feet in Phase II
Depiction - Not to Scale

Prepared by the Department of Planning and Development
based upon GIS Workgroup Data.



- the maximum height of any building(s) in Phase II shall be sixty-five (65) feet measured from the existing Newbury Street grade.

The Planning Board shall review both the Phase I and Phase II proposals and apply the site plan and subdivision standards of the Portland Land Use Code and the applicable standards of the Eastern Waterfront Design Standards to each.

After the initial approval of the Plans for Phase I, and any plans submitted in connection with the development of Phase II, the Planning Board may, upon application of

DEVELOPER and without the necessity of amending this Conditional Rezoning Agreement, approve subsequent changes to the Plans for Phase I which decrease building dimensions or reduce the density of development, provided that any such decrease or reduction shall nonetheless be determined to substantially conform to the Plans.

The project shall incorporate light fixtures in "Downtown Black," specifications to be provided by the Planning Authority during subdivision review. In addition, all other streetscape improvements will be consistent with the Hancock Street Extension Plans, which improvements are currently represented on the Plans.

3. Permitted uses: Those uses allowed in the B-5b zoning district. The project shall include not less than 5,700 square feet of commercial/retail space on the ground level along Middle Street and at the corner of Hancock and Middle Streets as depicted on the Plans unless during site plan review the Planning Board approves a minimum amount of 5,200 square feet of commercial/retail space.
4. Phase I shall consist of, at minimum Buildings 1 and 2, while Phase 2 shall consist of one or more Buildings in accordance with §14-495(h).
5. Modifications to B-5b Regulations. The **SITE** shall be governed by the regulations applicable to the B-5b zoning district, except as follows:
 - a. The maximum residential density on the **SITE** shall be 176 dwelling units.
 - b. The maximum front yard setback shall be ten (10) feet, except that a front yard setback of no greater than sixteen (16) feet shall be allowed for the parking garage entrance and associated façade as depicted on the Plans for Phase I.
 - c. The maximum height for the structures shall be:

Buildings 1 and 2: The maximum height of each building in Phase I shall not exceed 74 feet from average grade, as measured and approved by the Zoning Administrator.

Building(s) in Phase II: The maximum height in Phase II shall not exceed sixty-five (65) feet measured from the existing Newbury Street grade.
 - d. The cornices of buildings, and storefront awnings along Middle and Hancock Streets, will extend over the street rights of way in various locations as shown on the Plans. The **CITY** hereby grants license for such overhangs and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.
 - e. An underground electrical vault will be installed within the right of way of Newbury Street, the final location of such vault to be approved by the Planning Authority. The **CITY** hereby grants license for such installation and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.

6. Community Contribution. The community contribution under this Agreement shall be \$200,000.00 , to be dedicated to extending Hancock Street between Middle Street and the Commercial Street extension or to reimburse the City for expenses it incurs in such extension; \$5,000.00 dedicated to the India/Middle Street traffic improvements to be commissioned by the City; and \$5,000.00 to be dedicated to the Eastern Waterfront Post-Development Traffic Impact Study to be commissioned by the City. The community contribution under this Agreement is independent of any conditions which the Planning Board may lawfully require under site plan review or subdivision review. The community contribution shall be made prior to the issuance of a building permit for Phase I.

The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage located at Middle Street, Portland, with documentation of such participation provided to the City Planning Authority at minimum every two years.

7. This conditional rezoning shall become null and void and the **SITE** shall revert to the existing B-2b zoning district in the event that **DEVELOPER** fails to commence construction of Phase I within two years from the date of the Council vote, with the ability of the Planning Authority, in its sole discretion, to extend this period by an additional one year and Phase II of the project must be commenced within two years following the issuance of a certificate of occupancy for Phase I. If any required approval, including the approval of the conditional rezoning, has been appealed, and if **DEVELOPER** fails to commence construction within one (1) year from the final disposition of such appeal, this conditional rezoning shall become null and void and shall revert.
8. Phasing: **DEVELOPER** may construct the project in two phases as shown on the Plans. Phase I is designed to stand alone in the event Phase II is not built. Performance guarantees shall be posted separately for each phase. For purposes of the time periods set forth in this paragraph 8 and in section 14-525(f) of the Portland City Code, commencement of construction on Phase I shall be deemed to constitute commencement of construction on Phase II, provided that actual construction on Phase II is commenced no later than 3 years after the commencement of construction on Phase I. A separate performance guarantee for the cost of installing the sidewalks and curbing and any other public improvements for Phase II must be posted with the City prior to the release of the recording Plat for Phase II.
9. Parking shall be provided for Phase I at no less than a) a 1:1 ratio (1 parking space per dwelling unit), and b) 6 spaces for retail employee parking and c) active participation in a valid Park and Shop ticket validation program – all to be provided as follows: 80 parking spaces on-site for residential use and 8 parking spaces in the parking garage being built at the corner of India Street and Middle Street. A post development occupancy parking analysis shall be conducted by the **DEVELOPER** six (6) months following the issuance of a certificate of occupancy for Phase I. If the parking analysis demonstrates the inadequacy of a 1:1 /unit:parking space ratio, then the **DEVELOPER** must submit a parking mitigation plan for Phase I, which plan shall be reviewed and approved by the City and thereafter implemented by the **DEVELOPER**. Parking for Phase II of the

project shall be determined by the Planning Board during subdivision and site plan review provided that a condition of such approval shall include the requirement for a post development occupancy parking analysis, with the same mitigation requirements as Phase I.

Thirty-three bicycle parking spaces shall be provided on site in accordance with §14-526 of the Portland City Code.

- 10. The rezoning shall run with the **SITE**, shall bind and benefit **DEVELOPER** and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within thirty (30) days of the City Council's passing of the Conditional Zone, **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **SITE**. **DEVELOPER** shall provide to the **CITY** the Book and Page number of said recording.
- 11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 12. Except as expressly modified herein, the development, use, and occupancy of the **SITE** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 13. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and City Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **SITE** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **SITE** rezoned.

WITNESS:

THE VILLAGE AT OCEAN GATE, LLC

Its Managing Member

State of Maine
Cumberland, ss.

Date:

AH 1.7

Personally appeared the above-named _____, Managing Member of The Village At Ocean Gate, LLC, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of The Village At Ocean Gate, LLC.

Notary Public

O:\OFFICE\PENNY\CONTRACT\rezone\VilageAdt041108.doc

CITY OF PORTLAND, MAINE
PLANNING BOARD

Janice E. Tevanian, Chair
 David Silk, Vice Chair
 Bill Hall
 Joe Lewis
 Lee Lowry, III
 Shalom Odokara
 Michael J. Patterson

July 24, 2008

Mr. Demetri Dasco
 The Village at OceanGate LLC
 35 Fay St. Ste 107-b
 Boston, MA 02118

Mr. Greg Shinberg
 Greg Shinberg Consulting, LLC
 477 Congress St, 5th Floor
 Portland, ME 04101-3427

RE: The Amended Subdivision and Site Plan for the Bay House

CBL: 020 E009001
 Application ID: 2008-0067

Dear Mr. Dasco and Mr. Shinberg:

On July 8, 2008 the Portland Planning Board considered amended subdivision and site plan for The Bays House (formerly known as the Village at OceanGate). The Planning Board reviewed the proposal for conformance with the standards of the Conditional Rezoning Agreement, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted to approve the application with the following motions, waivers, and conditions as presented below.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 1 (Patterson opposed, Odokara and Lewis absent) that the amended *Phase I* plan in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) to waive the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined

by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;

OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.

8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #34-08, which is attached.

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

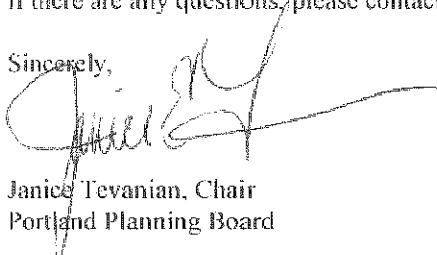
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. The subdivision approval is valid for three (3) years.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

- 1. Steve Bushey, Consulting Engineer, Memos, dated June 23 and June 30, 2008
- 2. Michael Farmer, Project Engineer, Memorandum, June 27, 2008
- 3. Planning Board Report #34-08
- 4. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Little, Director of Planning and Urban Development
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Philip DiPierro, Development Review Coordinator
 Marge Schmuckal, Zoning Administrator
 Jeanie Bourke, Inspections Division
 Lisa Danforth, Administrative Assistant
 Michael Bobinsky, Public Services Director
 Kathi Earley, Public Works
 Bill Clark, Public Works
 Michael Farmer, Public Works
 Jim Carmody, City Transportation Engineer
 Jane Ward, Public Works
 Captain Greg Cass, Fire Prevention
 Jeff Taring, City Arborist
 Tom Errico, Wilbur Smith Consulting Engineers
 Dan Goyette, Woodard & Curran
 Assessor's Office
 Approval Letter File
Hard Copy: Project File

AH 2.5

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL: 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

DH

Attachment 1

MEMORANDUM

DATE: June 23, 2008

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-03-08 relating to the Village at Ocean Gate project. The submission package includes revised plans and a letter containing additional information pertaining to phase one of the project. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate size indicated on Sheet 5 suggests a 4' x 6' grate which does not match the 36" square grate indicated on the detail on sheet 11.
2. The grading along the Hancock Street sidewalk and the street suggests as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location.
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 10" SD exiting the building at the Middle Street entrance.
4. Additional separation may be required between the 6" sewer and existing hydrant to be reconnected on Newbury Street. Typically a 10' separation is required between utilities.
5. The location of the grease trap may need refinement. We recommend the inspection covers be positioned as to not be in front of a doorway if possible. Further, the alignment of the grease trap's discharge pipe should be from either the end or the side typically. The discharge pipe can't exit from the corner of the structure. The location of the sampling manhole may also need to be refined to allow for the 6" underdrain to pass by it.

Attachment 1

6. There are multiple utility crossings particularly in Middle Street. The profiles lack sufficient detail to determine if conflicts exist particularly with the proposed water and drainage pipes. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
7. The 8" water main on Middle Street appears to have a conflict with the existing electric vault on Hancock Street. Rerouting of the water main may be necessary.
8. The Water District should access the need for an 8 x8 cross at the Newbury Street and Hancock Street intersection. We also assume the District will require shut off valves for the Newbury Street services into each of the buildings.
9. The storm drain schedule should be updated to include two additional inverts into DMH-4
10. The water main profiles should include minimum cover depths to satisfy the District's requirements. The label for DMH-5 on the Middle Street Profile also needs to be updated to match the drainage schedule.
11. The Middle Street Section on sheet 13 should be modified to reflect the proper granite curb aggregate backfill requirements. The City standard requires Type A gravel around the curb and not subbase material.
12. The engineer should clarify if granular backfill is allowed below the subbase gravel section for the backfill above the foundation underdrain indicated on Detail 5 on sheet 13.

If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

AH. 2.7

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

DH

Attachment 1

MEMORANDUM

DATE: June 30, 2008

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-23-08 relating to the Village at Ocean Gate project. The submission package includes several revised plans. However these plan revisions did not benefit from my earlier memo of June 23, 2008, therefore each of the comments contained in my June 23, 2008 memo still seem to apply. We assume the applicant can review that memo and make the necessary design revisions. We appreciate that Mr. Farmer of the Public Works Dept. has also been able to review the comment letter and he seems to concur with our general findings. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 27, 2008
RE: Village at Oceangate project (Newbury Street)

I reviewed the comments in the June 23, 2008 memo to you from Steve Bushey of DeLuca-Hoffman Associates. I will offer the following additional comments regarding this project and the issues that Steve Bushey brought up.

1. In Steve Bushey's first comment, he noted a discrepancy regarding tree grate sizes called for on sheet 5 and the detail on sheet 11. I think the tree grate sizes called for on sheet 5 are correct. The tree grate detail on sheet 11 should be changed so it is consistent with sheet 5.
2. Steve Bushey's second comment notes a possible grading problem on Hancock Street, where the proposed sidewalk grades and "top of curb" grades along Hancock Street (between elevations 32' and 34') could lead to 12 inches of curb reveal at one location. A 12" curb reveal would be unacceptable to the Dept. of Public Services (DPS). Our design standards require 7 inches of curb reveal, and the typical cross slope on sidewalks is 2%, sloping downhill toward the curb. I recommend that the plans be revised in light of Steve Bushey's comment and the above noted standards for curb reveal and sidewalk cross slope.
3. Steve Bushey's 5th comment states that the location of the grease trap may need refinement. I do not disagree with the comments he presents in this regard. However, my view is that the grease trap and the associated sampling manhole are private property that would be more appropriate to locate outside of the street right of way.
4. I concur with Steve Bushey's other comments.

PLANNING BOARD REPORT #34-08

**THE BAY HOUSE (FORMERLY THE VILLAGE AT OCEANGATE)
VICINITY OF
112 NEWBURY STREET
AMENDED SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEANGATE LLC. , APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 8, 2008

Prepared by:

Barbara Barhydt, Development Review Services Manager

July 3, 2008

I. INTRODUCTION

The Village at OceanGate LLC has submitted an application to amend the site plan and subdivision plan for The Bay House, which was formerly called the Village at OceanGate (Attachment 1). The original conditional rezoning agreement was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement becomes effective on July 2, 2008 (Attachment 2).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Approval Letter, Attachment 3). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the subdivision was signed by the Planning Board, but has not yet been recorded. A copy of the original application and the applicant's supplemental information for the Village at OceanGate will be available at the public hearing for the Planning Board's reference. A copy of the Planning Board report #30-07 is included as Attachment 4.

The applicant is seeking to revise the proposed project as follows:

- a. Revise the subdivision plat to incorporate 1,602 square feet of land into Phase I;
- b. Reduce the number of units in Phase I from 84 to 82 residential units;
- c. Reduce the commercial space to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. Modify the first level of Phase I to provide storage areas for the units, 80 vehicle parking spaces and 33 bicycle spaces; and
- e. Provide substitutes for some of the exterior materials and design modifications to the buildings.

The amended plans are being reviewed under the standards contained in the City's Subdivision and Site Plan Ordinances.

A total of 194 notices were sent to area residents the notice appeared in the Monday, June 30th and Tuesday July 1, 2008 editions of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

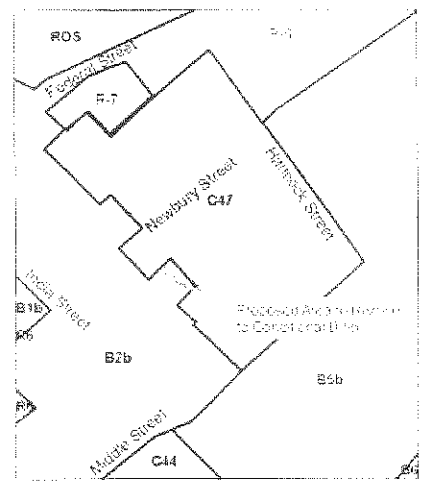
Total Land Area of Phase I:	50,008 sf. (based upon Boundary and Topography Sheet by Sebago Technics, dated 7/12/05, revised 6/3/08)
Total Land Area of Phase II:	30,697 sf
Zone:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Uses:	82 Residential units, 80 space parking level and retail commercial spaces along Middle Street
Unit Types:	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Required Minimum Lot Area:	none

Proposed Square Footage:	Building #1: 63,050 SF Building #2: 67,790 SF Garage Level: 45,495 SF
Required parking:	1 space/unit plus 6 spaces for the retail space
Proposed parking:	80 spaces on-site and 8 spaces at the Longfellow Garage
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008.
Proposed Driveway/Entrance:	Access to the first level of parking is from Middle Street. There is a 22-foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007.

III. PROJECT REVISIONS FOR PHASE I

1. Phase I Parcel Revised:

The conditional rezoning map as shown here has been revised to include an area of 1,602 square feet from the rear of the adjoining lot owned by Pearl Properties LLC at 61 India Street (Tax Map 20-4-021). The Pearl Properties site contains the Tackle Shop, which will remain. The strip of land to be transferred to the Village at OceanGate LLC is vacant. This land area is now shown on the amended subdivision plat and subdivision/site plan (refer to Plan Set Attachment 15).



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

2. Revised Number of Residential Units:

Phase I was approved with 84 units during subdivision review in 2007. The amended application is for 82 units. The applicant is seeking to create larger units to meet market demand. The conditional rezoning agreement allows up to 110 units in Phase I, thus the proposed density is within the provisions of the agreement.

3. Revised Parking:

The original rezoning agreement required a post development parking analysis, which is to be conducted six (6) months after the issuance of a certificate of occupancy. The amended agreement has been revised to require a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The amended rezoning agreement also revises the parking requirements to require 80 on-site spaces, 8 space in the Longfellow garage and 33 on-site bicycle parking spaces (Attachment 2).

The conditional rezoning agreement was revised to reduce the amount of commercial space in Phase I to an area between 5,200 and 5,700 square feet. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The residential entrance to Building # 2 is proposed along the Middle Street frontage near the garage entrance. Eighty

(80) parking spaces and 38 bicycle parking spaces are proposed in the enclosed parking level. Storage areas for the units are proposed within three areas of the parking garage. In the original proposal, the applicant presented a letter from Mr. Swenson stating that the applicant could secure up to leased spaces in the Longfellow Garage.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

The applicant is seeking to make modifications to the exterior of Buildings #1 and #2. For the workshop memo, David M. White, Architect, provided a list of revisions to the building on April 23, 2008, which is included as Attachment 5 was updated with the revised drawings and Mr. Shinberg's correspondence of May 27, 2008 (Attachment 1). Based upon the Planning Board's discussion of the potential revisions at the June 10, 2008 workshop, the exterior modifications to the plans before the Board at this time are as follows (Plan Set, Attachment 15):

1. **Exterior Materials:** All previously approved metal panel work is proposed as Hardie board with battens. The material sample was presented at the workshop and was submitted to the planning at the meeting. In Mr. Shinberg correspondence, he notes that the product is a quality product with a 50 year warranty for the material and a 25 year warranty for the paint. He states that the Hardie board warranty is equal or better to the metal siding approved in 2007 for this project.
2. **Fenestration:** The applicant had proposed changing the fifth floor windows from arched to flat-top windows; however, the revised plans have returned to the original proposal with arched windows on the fifth floor along street frontages. Flat-top windows on the fifth level are shown for those units facing the internal courtyards.
3. **Commercial Space and Entrance for Building #2:** The storefronts along Middle Street have been simplified and awnings added to the façade. The applicant is proposing to have three commercial spaces in Building #2 as shown on the building elevations (Attachment 15 b). It provides symmetry in the facades for both Building #1 and #2 and maximizes the usable commercial space. This proposed revision requires relocating the Building #2 entrance from the base of Building #2 to a location closer to the garage entrance. As designed, the residential doorway is on the same plane as the retail facade and the façade continues to the stairway leading to the courtyard. The Middle Street entrance has been revised so that it is more prominent with glass panels on either side of the door. The garage entrance is recessed four feet within the façade, which creates an arch to screen part of the fresh air intake (labeled as the carbon monoxide intake grill on the elevations) located above the garage door. It also carries the polished concrete block along the full length of the Middle Street façade. Attachment 15 b shows the layout of the first level with the three retail spaces of equivalent size and the entry near the garage.

4. **Other Exterior Revisions:** Other revisions that are highlighted in Mr. David White's April correspondence (Attachment 5) include the following:

1. The base of the project is polished concrete block with a polished granite look.
2. Fireplace exhaust hoods have been added and will be painted to match the color of the siding.
3. The building height has been reduced from 57.5 to 56.85 feet.
4. The brick along Hancock Street will remain as approved in 2007;
5. The Hancock entrance has been modified from a double door with an arched window above to an entrance with glass panels framing the door and a transom above it. An awning is proposed.
6. The retail window on Hancock Street is simplified to match the windows on Middle Street and the same type of window is proposed on the corner of the building facing the alley.
7. A more prominent entrance is proposed to Building #2 on Newbury Street
8. Brick wraps the corner of the Building #2 and then the applicant proposes Hardie-plank on the alley side of the building. This is the same treatment as shown for the courtyards, which was approved in 2007.

The Conditional Rezoning Agreement, as amended, states that the Planning Board may modify or alter the plans approved in 2007 in accordance with the Design Standards of the Eastern Waterfront. A copy of the standards is included as Attachment 6 and Carrie Marsh's comments submitted in April are included for your reference (Attachment 7). The staff review of the most recent submittal is below in Section IV, paragraph 8.

IV. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The Planning Board report from July 10, 2007 is included as Attachment 4 and the staff review below is an evaluation of the proposed revisions.

1. Right Title and Interest

The applicant has submitted the purchase agreement for the additional land to be added to Phase 1 (Attachment 1). The original application included the right, title and interest for the project.

2. Easements

A five foot wide pedestrian easement to benefit Block E lot 21 is depicted on the recording plat. The applicant submitted a copy of the easement on July 3, 2008, so it has not been reviewed. The other easements on this property were part of the 2007 application.

3. Recording Plat and Plan

The notes on the recording plat were updated per the staff recommendations. The plat lists the waiver granted by the Planning Board on July 10, 2007 regarding the required contribution to the street tree fund. The plat also lists all of the conditions of approval from the July 10, 2007 approval. The plat will need to be revised to reflect Board's final conditions of approval.

4. Fire Department

Captain Gregory Cass has reviewed the proposed plan and has the following comments:

The existing fire protection narrative and prior conditions are still in effect unless rescinded by the owner. The enclosed parking garage requires a ventilation system. Please provide details.

The following potential condition of approval is suggested to replace the condition of approval included in 2007:

- 1. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.*

The 2007 condition stated, "The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass."

5. Traffic

Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans and his review is included as Attachment 8. In summary, Mr. Errico finds the proposed number of parking spaces and parking layout to be acceptable. He notes that the City will install no parking signs on Middle Street as shown on the applicant's plan and that the applicant shall reimburse the City for this expense. The proposed crosswalks shall be shown with parallel lines per the City's standards. He also recommends that the applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

The Planning Board granted a waiver of the garage entrance width in 2007, which remains part of the proposal. The change in the entrance is now the setback four feet from the Middle Street façade. He states the following:

Garage Entrance: I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

The planning staff recommends that the waiver for the driveway be restated for the Middle Street entrance, noting the four foot setback modification as shown on the most recent plans. Based upon Mr. Errico's review, potential conditions of approval are suggested below to replace the condition included in 2007:

- *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
- *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*

The 2007 condition stated, " Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.

The revised plans show three bike racks proposed in the garage with the capacity to accommodate 38 bicycles, which exceeds the requirements of the site plan ordinance. The proposed rack detail meets the requirements of the City's technical standards, thus the condition included in 2007 to submit the design details for the bike racks prior to the issuance of a building permit may be deleted.

6. Public Infrastructure/Stormwater

Michael Farmer, Project Engineer, reviewed the revised plans and his memo, dated June 12, 2008 is included as Attachment 9. Based upon the revised scope of utility work within the public right-of-way, the Department of Public Services requires the following:

- Reconstruct (i.e. full depth reconstruction) Middle Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.

A meeting was held with the Portland Water District, City staff and the applicant's representatives on June 20, 2008 to clarify the specifics of these requirements.

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted comments for this project on June 23, 2008 (Attachment 10). In his review he notes a dozen items to address on the plans. Michael Farmer, Project Engineer, was asked to evaluate whether any of Mr. Bushey's comments were addressed in the Public Services review. Mr. Farmer's assessment is contained in his memo dated June 27, 2008 (Attachment 11) in which he concurs with Mr. Bushey's review with the following clarifications:

- The tree grate on Sheet 5 is correct and the detail on Sheet 11 should be changed to be consistent with Sheet 5.
- The proposed grading problem on Hancock identified by Mr. Bushey does not meet City standards, so he recommends a revised plan be submitted meeting the City standards.
- Mr. Farmer recommends that the grease trap and sampling manhole be moved to private property.

Mr. Bushey reviewed the revised applicant's revised plans that were submitted on June 23, 2008 (memo dated June 30, 2008, Attachment 12). The revised plans had been prepared without the benefit of Mr. Bushey's review, so his review contained in the June 23, 2008 memo continue to apply.

Potential conditions of approval are suggested below to replace the conditions placed on the project in 2007:

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer for the Department of Public Services, memorandums of June 12, 2008 and June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of June 23, 2008 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

The conditions in 2007 cited the memos from Mr. Farmer and Mr. Bushey dated June 28, 2007 and July 5, 2007, respectively.

7. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment 6) for B. Buildings/Architecture, the planning staff offers the following comments:

1. **Building Composition:**

- a. **Placement:** In general the buildings are placed along the sidewalk. The entrances face Middle, Hancock and Newbury Street. The applicant is proposing to extend the Middle Street façade from Building #2 to Building #1. The residential entrance is located within the parking level between the two towers. The residential entrance has become more prominent with glass panels on either side of the door and the garage entrance is setback four feet. The original placement located the residential entry within the base level of the residential tower above, which provided a positive visual orientation between these building elements. The applicant proposes to move the entry east of the tower, and seeks to visually relate the entry to the residential tower through an extension of a continuous first floor plane and materials palette (polished concrete), with a prominent glazed doorway feature. This provides for a somewhat larger retail component in three identical store front bays, which is also an attractive solution for the tower base. The proposed building placement and entry are reasonable design solutions relative to the design standards.
- b. **Height:** The proposed height of the building has been lowered slightly and is within the limits of the conditional rezoning agreement. It is also consistent with the approved plans for the Longfellow project and the industrial development across Hancock Street.
- c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. **Proportion:** The base of the building along Middle Street is punctuated with 5 or 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, building entrance, and windows along the base course.
- e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street rather stepped as shown in 2007. This provides a stronger base along the street. The base is articulated with storefronts and entrances. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards (the courtyard application of this material was approved in 2007). Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices

are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present the base middle and top.

- f. **Materials:** A number of exterior material options have been discussed during the review of the amended conditional rezoning agreement. Based upon those discussions, the applicant has retained the brick exteriors approved in 2007. The base course is now proposed as a polished concrete block that looks like granite, which resembles the granite material that had been approved before. The applicant is proposing Hardi-plank as a substitute for the metal siding and is shown on the projecting bays and top floor. As noted above, the applicant states that the quality and longevity of the material is equal to or better than the metal panels. The applicant has submitted samples and the warranty information for the Hardi-plank. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The staff recommends that the conditions of approval regarding urban design be eliminated except for the condition to submit the details of the awning and signage for the buildings.

8. Exterior Lighting

There was a condition in 2007 that a lighting plan meeting the City's Technical Standards be submitted for review and approval. The plans submitted in November of 2007 met the standards. The most recent submission does not propose any changes to the lighting, so the condition may be removed.

9. Landscaping

In 2007 the Board placed a condition on the plan that City Arborist review and approve a revised landscape plan. The applicant submitted revised plans in November 2007, which were approved by the City Arborist and revisions have not been proposed at this time. This condition of the original approval may be deleted.

10. Neighborhood Meeting

A neighborhood meeting was held on June 30, 2008 and the minutes, sign-in sheet and other materials from that meeting are included as Attachment 1.

V. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The original conditions that are applicable are listed below along with the revised or new conditions. Those conditions that have been met have been eliminated. A tracked change version of the original motion as revised is included as Attachment 13.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
2. *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of June,23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet

- iii. Notice
- iv. Neighborhood Certification
- 2. Amended Conditional Rezoning Agreement
- 3. Approval Letter for the July 10, 2007 site plan and subdivision approval
- 4. Planning Board Report #30-07
- 5. David M. White Architect, April 23, 2008 correspondence
- 6. Eastern Waterfront Design Standards
- 7. Carrie Marsh, April review
- 8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
- 9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
- 10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
- 11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
- 12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
- 13. Tracked Changes from the July 10, 2007 motions
- 14. Approved Building Elevations, July 10, 2007
- 15. Plan Set- The Bay House
 - a. Sebago Technics Plans:
 - 1. Cover Sheet
 - 2. Boundary and Topography Survey, 6-3-08
 - 3. Demolition Plan, 6-23-08
 - 4. Subdivision Plat, 6-23-08
 - 5. Site Plan, 6-23-08
 - 6. Grading Plan, 6-3-08
 - 7. Utility Plan, 6-3-08
 - 8. Landscape and Lighting Plan, 6-3-08
 - 9. Profile, 6-3-08
 - 10. Profile, 6-3-08
 - 11. Details, 6-3-08
 - 12. Details, 6-3-08
 - 13. Details, 6-3-08
 - 14. Details, 6-3-08
 - 15. Stormtech Details, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings B1-1 to B1-6; B2-1 to B2-6; E.1 through E.7;
 - c. Bike Rack Details
 - d. Two Color Renderings of Middle Street Facade



Strengthening a Remarkable City. Building a Community for the Future.

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

Planning Division
Alexander Jaegerman, Director

June 8, 2009

Marc C. Gagnon, President
Landmarc Construction
415 Congress Street, Suite 202
P.O. Box 460
Portland, ME 04112

RE: The Bay House
CBI: 020- E009001
Application ID: 2008-0067

Dear Mr. Gagnon:

Thank you for your recent letter requesting an extension to the Bay House Project for the development located at 112 Newbury Street. I understand that your request for a one-year extension is based on the applicant's continued efforts to secure financing. The applicant intends to begin construction this summer or fall.

In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your approval to **July 8, 2010**. Please be advised that prior to obtaining a building permit, the final site plans must be submitted for review and approval meeting the conditions of the 2008 approval, and a performance guarantee for site improvements must be submitted for review and approval. If you have any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,

Alexander Jaegerman
Planning Division Director

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPierro, Development Review Coordinator
Marge Schmuuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Taring, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyelle, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

Zoning Administrator Marge Schmuckal

09/17/09

This project is a revision of previous submittals. The project is within a Conditional/Contract Zone #C-52 (C-47 preceded revisions). This Conditional/Contract Zone is a modification of the B-5b Zone. Generally the footprint is the same as previous renditions.

The current proposal for Phase #1 is for 82 residential dwelling units (a maximum of 110 d.u. is allowed), with 5742 square feet of retail (no less than 5,700 square feet required). The parking requires 1 parking per dwelling unit. 160 spaces are shown with 38 bike spaces (33 minimum per requirements).

The height allowance under the Conditional/Contract is 74' by the methods normally used by the Zoning Administrator. That methodology is to begin at average the grade and end at the top of the structural beam. First of all, the height requirement is being met. The previous average grade that I had use was 33.21'. Currently the average grade shown on the plans is 35.15'. Using the worst case scenario, the height of the building is 64.29 feet, which is almost 10' under the maximum allowed. For further clarification, I would like to see how the average grade was determined using the current plans. I again clarify, the height of the structure is meeting the maximum height limits allowed under the Conditional/Contract Zone.

In future submissions, I would like to verify that the HVAC systems are meeting the B-5b noise limitations. I would also like to look at signage proposals to be sure sign requirements will be met.

Att. 5

From: "Tom Errico" <thomas.errico@tylin.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: 9/18/2009 10:44:27 AM
Subject: The Bay House

Barbara -

In response to your request I have reviewed the September 8, 2009 submittal prepared by David M. White, Architect and offer the following new comments as it relates to the revised plan. Please note that my comments from the prior approval continue to remain valid.

. The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.

. New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.

. On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

. The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.

. The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.

. Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.

. There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

5.1

If you have any questions, please call me.

Best regards,

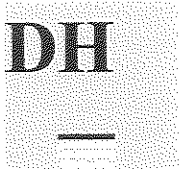
Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

CC: "Katherine Earley" <KAS@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>, "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>, "Jennifer Dorr" <JMY@portlandmaine.gov>



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- Att. 6
- ROADWAY DESIGN
 - ENVIRONMENTAL ENGINEERING
 - TRAFFIC STUDIES AND MANAGEMENT
 - PERMITTING
 - AIRPORT ENGINEERING
 - SITE PLANNING
 - CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: September 16, 2009

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Bay House

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 09-08-09 relating to the Bay House project. The submission package includes revised plans and a letter containing additional information pertaining the most recent project changes. Specifically an additional level of parking has been added to the development program, resulting in there being 160 spaces of structured parking within the building. We note that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist show weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

We have no further comments on the plans at this time. On the basis on this review we can recommend the plans be presented to the Planning Board for approval with the condition that the aforementioned items be addressed prior to release of a building permit. If you or the applicant's representatives have any questions regarding these comments please contact this office.

A46.1

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

**Deputy City Engineer
David Margolis-Pineo**

Att 7

September 16, 2009

To: Barbara Barhydt
From: David Margolis-Pineo
And Public Service Staff
Re: The Bay House

1. The previous comments from Michael Farmer remain valid and should be retained as part of an approval.
2. The condition of approval regarding the City's expectation with regard to street improvements and associated fees should be retained in an approval.
3. When the construction fence gets installed make sure the points on the fence are down and not up.
4. No granite curb sections shall be installed less than four feet in length.
5. This project shall not interfere with the water main work that is currently underway.
6. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
7. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
8. Street opening permit fees are \$223 each.
9. Street, parking space and sidewalk occupancy fees are \$10/day per each.
10. Any work in the right of way will require an approved traffic plan by Public Services.
11. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
12. Handicap ramps shown on the plans do not meet ADA or City standards.

AA 8

From: Jeff Tarling
To: Barbara Barhydt
Date: Friday, September 11, 2009 5:01:22 PM
Subject: Bay House Landscape Review

Hi Barbara -

I have reviewed the proposed Bay House project and offer the following recommendations & review:

a) Street-trees - The street-tree layout looks good as shown on Sheet 8, request would be to check to make sure that tree placement matches any on-street parking or loading zone requirements. Ideal placement of street-trees where on-street parking exists is to have the trees match up to the space between parked vehicles and not mid-car or where passengers were unloading. Tree spacing is also to include review of all underground utilities required set backs. Sidewalk widths should meet ADA standards between the tree grate & building.

b) Courtyard landscape - The interior courtyard is not visible from the street view, the proposed landscape treatment should make this area pleasant. Plant choices given the shade / sun requirements appear to be well thought out.

Recommendations for the courtyard at the street-view would be to use plants with a taller vertical element along the Newbury Street frontage. Since this area is relatively narrow the recommended plants should be upright in form. Suggestions, this space might benefit be best treated with a planting of upright small trees or shrubs, or climbing vine & combination one suggestion might be 'Climbing Hydrangea', or perhaps 'Heptacodium'. A second recommendation on the Middle Street courtyard would be to include a small planting space to the right of the driveway entrance. This is the space from the building plane to the garage door opening leaving space (pavement) along the drive on both sides. Both of the landscape elements or planters proposed in this recommendation would benefit from irrigation which should be able to be extended from the interior courtyard.

I would be glad to meet with the Project Team & Planning staff to review.

Thanks,

Jeff Tarling
City Arborist

CC: David Margolis-Pineo

Applicant's Submittal

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 09-99600006 **Application Date:** 9/08/09

Project Name: THE BAY HOUSE

Address: 113 Newbury St **CBL:** 020 - D-032-001

Project Description: Newbury Street - 112; The Bay House; David White

Zoning: C47/C52

Other Reviews Required: *PB*

Review Type: ~~ADMINISTRATIVE~~ AMENDED SITE PLAN

David White
P.O. Box 447

Portland Me 04101

Distribution List:

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

Preliminary Comments needed by:

Final Comments needed by: *9/16/09*



Development Review Application
PORTLAND, MAINE

Department of Planning and Urban Development,
Planning Division and Planning Board

PROJECT NAME: The Bay House (formerly "The Village at Ocean Gate")

PROPOSED DEVELOPMENT ADDRESS:

112 Newbury Street

PROJECT DESCRIPTION:

Mixed use 82 residential units/5742 sq retail/
2878 sq residential community space/storage/parking

CHART/BLOCK/LOT: 20/E/9

CONTACT INFORMATION:

APPLICANT

Name: David M. Whitz
Address: PO Box 447
Goffstown, NH 03045
Zip Code: 03045
Work #: 603 497 3405
Cell #: _____
Fax #: 603 497 2783
Home: _____
E-mail: dmwardh@comcast.net

PROPERTY OWNER

Name: Village at Ocean Gate, LLC
Address: 35 Fay Street 107B
Boston, MA
Zip Code: 02118
Work #: 617 482 3004 x 202
Cell #: _____
Fax #: 617 482 3007
Home: _____
E-mail: _____

BILLING ADDRESS

Name: Village at Ocean Gate, LLC
Address: 35 Fay Street 107B
Boston, MA
Zip: 02118
Work #: 617 482 3004 x 204
Cell #: _____
Fax #: 617 482 3007
Home: _____
E-mail: _____

RECEIVED

SEP - 8 2009

City of Portland
Planning Division

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

AGENT/REPRESENTATIVE

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

ENGINEER

Name: Chris DiMatteo
Sebago Technics, Inc.
Address: 1 Chabot Street
Westbrook, ME
Zip Code: 04098
Work #: 207.856.0277 x281
Cell #: _____
Fax #: 207.856.2206
Home: _____
E-mail: cdimatteo@sebagotechnics.com

ARCHITECT

Name: David M. White, Architect
Address: PO Box 447
Goffstown, NH
Zip Code: 03045
Work #: 603 497 3405
Cell #: _____
Fax #: 603 497 2783
Home: _____
E-mail: dwmwarch@comcast.net

CONSULTANT

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

SURVEYOR

Name: Mathew Ek
Sebago Technics
Address: 1 Chabot Street
Westbrook, ME
Zip Code: 04098
Work #: 207.856.0277
Cell #: _____
Fax #: 207.856.2206
Home: _____
E-mail: mek@sebagotechnics.com

ATTORNEY

Name: Thomas Hanson, Esq.
Bernstein, Shur Sawyers & Nelson
Address: 108 Middle Street / PO Box 9129
Portland, ME
Zip Code: 04112
Work #: 207 772 2422
Cell #: _____
Fax #: 207 774 5114
Home: _____
E-mail: _____

PROJECT DATA

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

Total Site Area 78,843.6 sq. ft.
 Proposed Total Undisturbed Area of the Site 78,843.6 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 78,843.6 sq. ft.
 Existing Total Impervious Area 78,843.6 sq. ft. (prior to demolition)
 Proposed Total Impervious Area 78,843.6 sq. ft.
 Proposed Impervious Net Change 0 sq. ft.

BUILDING AREA

Existing Building Footprint 0 sq. ft.
 Proposed Building Footprint 215,960 sq. ft. (demolished)
 Proposed Building Footprint Net Change 0 sq. ft.
 Existing Total Building Floor Area 0 sq. ft.
 Proposed Total Building Floor Area 215,960 sq. ft.
 Proposed Building Floor Area Net Change 215,960 sq. ft.
 New Building yes (check one)

ZONING

Existing _____
 Proposed, if applicable CU1/CS2 COR

LAND USE

Existing _____
 Proposed vacant/formerly restaurant mixed use

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units 0
 Proposed Number of Residential Units to be Demolished 0
 Existing Number of Residential Units 0
 Proposed Number of Residential Units 82
 Subdivision, Proposed Number of Lots 1

PARKING SPACES

Existing Number of Parking Spaces _____
 Proposed Number of Parking Spaces 160
 Number of Handicapped Parking Spaces 6
 Proposed Total Parking Spaces 160

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0
 Proposed Number of Bicycle Parking Spaces 38
 Total Bicycle Parking Spaces 38

ESTIMATED COST OF PROJECT

\$17,000,000

Please check all reviews that apply to the proposed development

Design Review	_____	Stormwater Quality	_____
Flood Plain Review	_____	Traffic Movement	_____
Historic Preservation	_____	Zoning Variance	_____
Housing Replacement	_____	Historic District Landmark	_____
14-403 Street Review	_____	Off Site Parking	_____
Shoreland	_____	Multi-Family Dwelling	_____
Site Location Act Local Review	_____	B.Y. Pedestrian Access Review	_____
Single Family Dwelling	_____	Change of Use	_____
2 Family Dwelling	_____		

AH B1.5

APPLICATION FEE:

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

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 500,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 500,000 sq. ft. (\$5,000.00)</p> <p><input type="checkbox"/> After the fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input checked="" type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$5,000 + amount of lots (\$25.00 per lot) \$ _____ + applicable Major site plan fees)</p>
<p>Minor Site Plan Review</p> <p><input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After the fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00 (except for residential projects which shall be \$200.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm Water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot)</p> <p><input type="checkbox"/> Other _____</p>

DEVELOPMENT REVIEW APPLICATION SUBMISSION

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

1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-523 2. (c)), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17".

Refer to the application checklist (page 9) 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 14-403) 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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: September 8, 2009</p>
--	--------------------------------

DAVID M. WHITE, ARCHITECT

403 tibbetts hill rd.
p.o. box 447
goffstown, nh 03045-0447
603-497-3405
fax 603-497-2783

8 September, 2009

Barbara Barhydt, Senior Planner
Department of Planning and Development
Planning Division
389 Congress Street
Portland, ME 04101

Re: The Bay House
Formerly The Village at Ocean Gate
Cover letter for an amended submittal

Dear Barbara,

The Owner, The Village at Ocean Gate, LLC, has an opportunity to convey or partner phase 1 of this property to/with Eric Cianchette of Portland, ME. Financial institutions have made it nearly impossible for the construction of condominium projects despite, in this case, the positive response by prospective buyers. Mr. Cianchette, recognizing these constraints, has entered into an agreement for phase 1 of the project. In his due diligence phase he has made it clear that the project in order to be marketable needs to have additional parking.

The attached civil plans, architectural plans and elevations reflect the addition of a basement level called the Lower Level Garage. The original garage level is now the Upper Level Garage. The new parking count is 160 parking spaces compared to the original count of 80 parking spaces. The Upper Level Garage has been extended over the retail spaces and now has 90 spaces. In addition the area over the westerly retail space is slated as Community Space (Community Room and Exercise Room in addition to Restrooms. In order to accomplish this change the residential portion of the project has been raised 5'. This 5' is the minimum needed to accomplish this change and the maximum that can be done to insure no change in the proposed construction type. Because of this 5' change, the stair from Middle Street to the Courtyard has been eliminated, the stair from Newbury Street to the Courtyard remains. The elimination of the Middle Street stair is based on two factors. The first the Courtyard is now 23' above the Street (two and a half flights of residential stairs); the second the extension of the stair would affect the parking layout resulting in the loss of 6 parking spaces.

As was previously shown on an earlier submittal that did have two parking levels, there is a garage door off Hancock street serving the Upper Level Garage. Different window types have been used around three sides of the Upper parking Garage and on the Lower Level Parking on Hancock where they fit. The two front towers on Middle Street have glass fenestration at the Upper Level Parking, the right side for the parking and the left side for the Community space. This again is similar to the previous two level parking scheme.

With one exception the residential area elevations have not changed. This exception is because of the extension of the front courtyard wall to the right tower. The windows of the first residential floor have changed on this wall to match the same windows where the Newbury Street wall intersects the residential wall.

All materials and colors have remained the same from the previously approved scheme. There was a question previously about screening any mechanical equipment on the roof. Since there are no major elements sitting on the roof, any screening would be more offensive than the equipment themselves. The items on the roof are mushroom type ventilators for the flat roof, plumbing vent stacks and condensing units for the corridor make up air units. The elevator hoistway extends above the roof plane by approximately 3' 6" and the roof is surrounded by a parapet of approximately 2' 0".

The civil drawings have been updated to reflect the changes as noted above. In addition the grease trap has been eliminated as no restaurant will be constructed in the retail space. All previous comments from the 10/23/08 review have been incorporated into these drawings.

I trust that this letter covers the proposed changes and we look forward to meeting with the Planning Board on the 22nd of September to present the material and answer any questions regarding this amended proposal.

Respectfully submitted,



David M. White, AIA

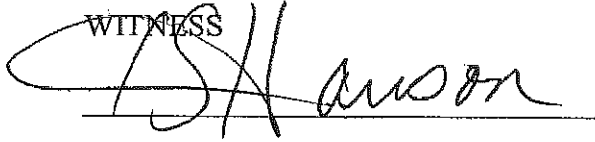
Cc: Demetri Dasco, The Village at Ocean Gate, LLC
Eric Cianchette

QUITCLAIM DEED WITH COVENANT


VILLAGE CAFÉ, INC., a Maine corporation with a place of a business at 112 Newbury Street, Portland, Maine 04101, FOR CONSIDERATION PAID, grants to THE VILLAGE AT OCEANGATE, LLC, a Maine limited liability company with a mailing address of 35 Fay Street, Suite 107-B, Boston, Massachusetts 02118, with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, located at 112-113 Newbury Street, Portland, County of Cumberland and State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Village Café, Inc. has caused this instrument to be executed under seal by John Reali, its Treasurer thereunto duly authorized, this 15th day of November, 2007.

WITNESS



VILLAGE CAFÉ, INC.

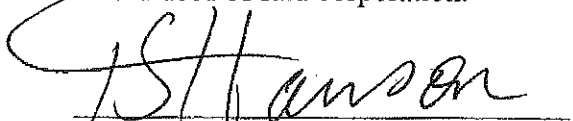
By: 
John Reali
Its duly authorized Treasurer

MAINE REAL ESTATE TAX PAD

State of Maine
County of Cumberland

November 15, 2007

PERSONALLY APPEARED before me the above-named John Reali, duly authorized Treasurer of Village Café, Inc., as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.



Notary Public/Attorney At Law
Commission Expires: N/A
Print Name: Tom S. Hanson

EXHIBIT A

PARCEL 1

A CERTAIN LOT OR PARCEL OF LAND SITUATED ON THE SOUTHERLY SIDE OF NEWBURY STREET, IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, STATE OF MAINE, NOW OR FORMERLY OF THE VILLAGE CAFE, INC., BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF NEWBURY STREET, HAVING A RIGHT OF WAY WIDTH OF 50 FEET, SAID POINT BEING THE NORTHERLY CORNER OF LAND NOW OR FORMERLY OWNED BY BARTLETT ISLAND LLC, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1706B PAGE 212, AND THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-47'-16" E, A DISTANCE OF 258.80 FEET, BY AND ALONG SAID SOUTHERLY SIDE OF NEWBURY STREET TO THE WESTERLY SIDE OF HANCOCK STREET, HAVING A RIGHT OF WAY OF 66 FEET, TO A POINT, SAID POINT BEING THE MOST NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 36°-58'-45" E, A DISTANCE OF 218.60 FEET, BY AND ALONG THE SOUTHERLY SIDE OF SAID HANCOCK STREET TO THE WESTERLY SIDE OF MIDDLE STREET, HAVING A RIGHT OF WAY OF 49.5 FEET, TO A POINT, SAID POINT BEING THE MOST EASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 50°-09'-17" W, BY AND ALONG SAID WESTERLY SIDE OF MIDDLE STREET, A DISTANCE OF 177.17 FEET, TO A POINT, SAID POINT BEING A SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 43°-54'-17" W, BY AND ALONG SAID MIDDLE STREET, A DISTANCE OF 43.31 FEET, TO A POINT, SAID POINT BEING THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY HILARY AND STEPHEN ANDREW RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 19479 PAGE 226 AND THE MOST SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-17'-23" W, BY AND ALONG THE LAND OF SAID ANDREW, A DISTANCE OF 78.41 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING THE MOST NORTHERLY CORNER OF LAND OF SAID ANDREW AND THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY WOODEN NICKEL LLC RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 14219 PAGE 166 AND A SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47°-17'-23" W, BY AND ALONG SAID LAND OF WOODEN NICKEL LLC, A DISTANCE OF 39.00 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING AN EASTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-35'-21" E, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 40.20 FEET, TO A POINT, SAID POINT BEING AN EASTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-36'-19" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 56.58 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING THE MOST NORTHERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 46°-27'-27" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 47.76 FEET, TO A POINT, SAID POINT BEING A NORTHWESTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42°-26'-53" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC AND LAND OF SAID BARTLETT ISLAND LLC, A DISTANCE OF 37.23 FEET, TO THE POINT OF BEGINNING. MEANING AND INTENDING TO DESCRIBE A CERTAIN PARCEL OF LAND CONTAINING 48,805 SQUARE FEET OR 1.12 ACRES, MORE OR LESS.

Received
Recorded Register of Deeds
Nov 16, 2007 03:36:44P
Cumberland County
Pamela E. Lovley

AH B 4.1

Village At Ocean Gate LLC

35 Fay Street 107-b
Boston Ma. 02118

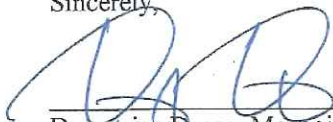
September 16, 2009

Penny St. Louis Littell
Director
Planning & Urban Development
City of Portland

Dear Penny:

Please be advised that the Village at Ocean Gate LLC have entered into a business arrangement with Eric Cianchette to invest and/or purchase Bay House Condominium Project Phase I. We are working together to re-permit the project per the plans in your possession for the September 22nd meeting. As you are aware the parking change is pre-requisite to the consummation of our agreement with Mr. Cianchette. If you have any additional questions please don't hesitate to call me.

Sincerely,



Demetrios Dasco, Managing Member
Village At Ocean Gate LLC

Bangor

You matter more

AH B-5.1

September 17, 2009

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland Planning Department
389 Congress Street
Portland, Maine 04101

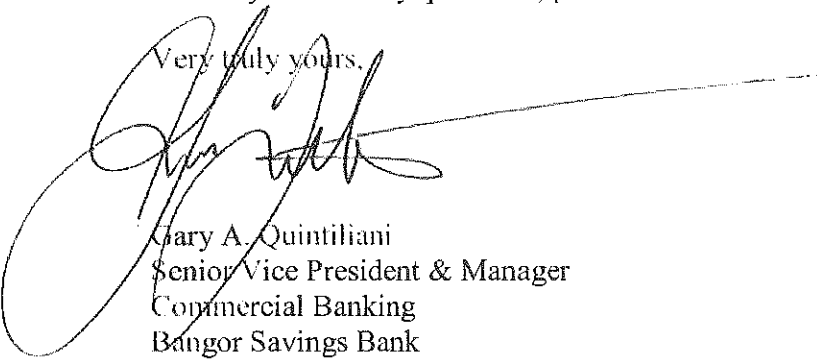
RE: Bayview Condominium Project

Dear Barbara:

This letter will confirm that Bangor Savings Bank has had business relationships with Eric Cianchette. Based on his business and real estate development experience we believe he has the capacity and expertise to complete the proposed project.

Should you have any questions, please feel free to contact me directly.

Very truly yours,



Gary A. Quintiliani
Senior Vice President & Manager
Commercial Banking
Bangor Savings Bank
280 Fore Street, Suite 200
Portland, ME 04101

* This is not a commitment to lend and no formal credit underwriting has been performed.

Att B 6.1

From: "Chris DiMatteo" <cdimatteo@sebagotechnics.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Thursday, September 17, 2009 1:29:00 PM
Subject: Bay House; clarification on Lot area size numbers

Hi Barbara,

After looking at the plans again it look as though I gave David the area for both Phase One and Phase Two.

The area calculations for Phase One are:

48,482.16 S.F. + 1,606 S.F. (proposed conveyance from Joe Reynolds/Tackle Shop) = 50,088.16 S.F. for the Phase One parcel. With regard to the existing impervious area, I would still say that it equals the lot area. If you want to interpret it differently, however, and consider the previously developed area behind the Tack Shop (a portion of which is being conveyed) as impervious area since there are woody plant volunteers growing where there once was a building, then perhaps you can record 1,606 S.F. as impervious.

I hope this helps. Please let me know if you need additional information.

Chris

Christopher Di Matteo, R.L.A.

Sebago Technics, Inc.

One Chabot Street, P.O.Box 1339

Westbrook, Maine 04098-1339

p: 207-856-0277 Ext: 281 f: 207-856-2206

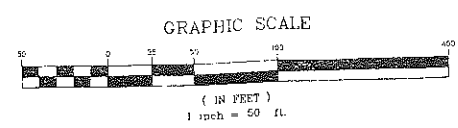
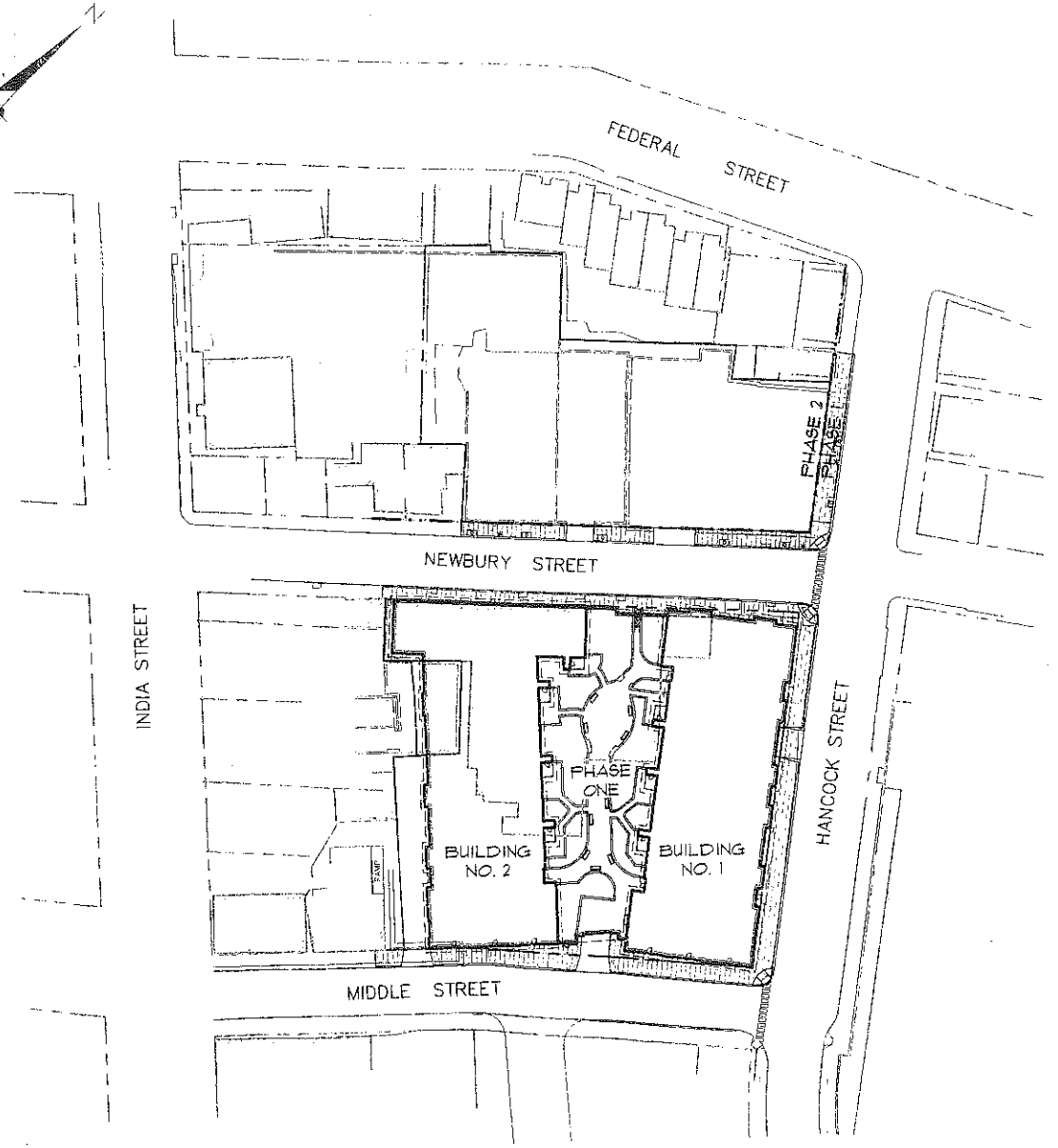
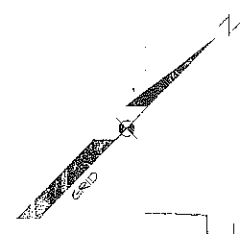
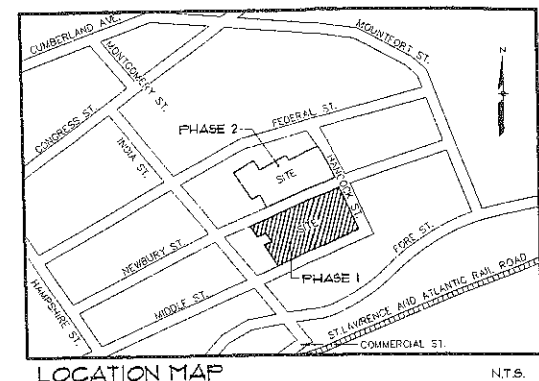
cdimatteo@sebagotechnics.com <mailto:cdimatteo@sebagotechnics.com>

www.sebagotechnics.com <http://www.sebagotechnics.com>

CC: "David White" <dmwarch@comcast.net>, "05109" <05109@sebagotechnics.com>

THE BAY HOUSE - PHASE 1

112-113 NEWBURY STREET/40 HANCOCK STREET
PORTLAND, MAINE



APPLICANT/OWNER:
 THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

ARCHITECT:
 DAVID M. WHITE ARCHITECT
 P.O. BOX 447, 403 TIBBETTS HILL RD.
 GOFFSTOWN NH, 03045-0447

PROJECT MANAGER
 SHINBERG CONSULTING, LLC
 471 CONGRESS STREET, SUITE 1012
 PORTLAND, MAINE 04101

**ENGINEER/SURVEYOR/
 LANDSCAPE ARCHITECT:**

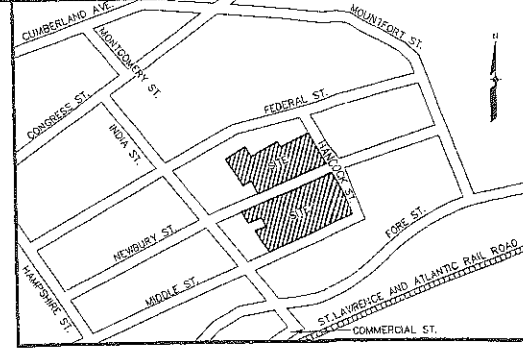
Sebago Technics 
 Engineering Expertise You Can Build On
 One Chobot Street
 Westbrook, Me 04098-1339
 Tel (207) 856-0277

**THE BAY HOUSE - PHASE 1
 2ND AMMENDED SUBDIVISION/SITE PLAN**

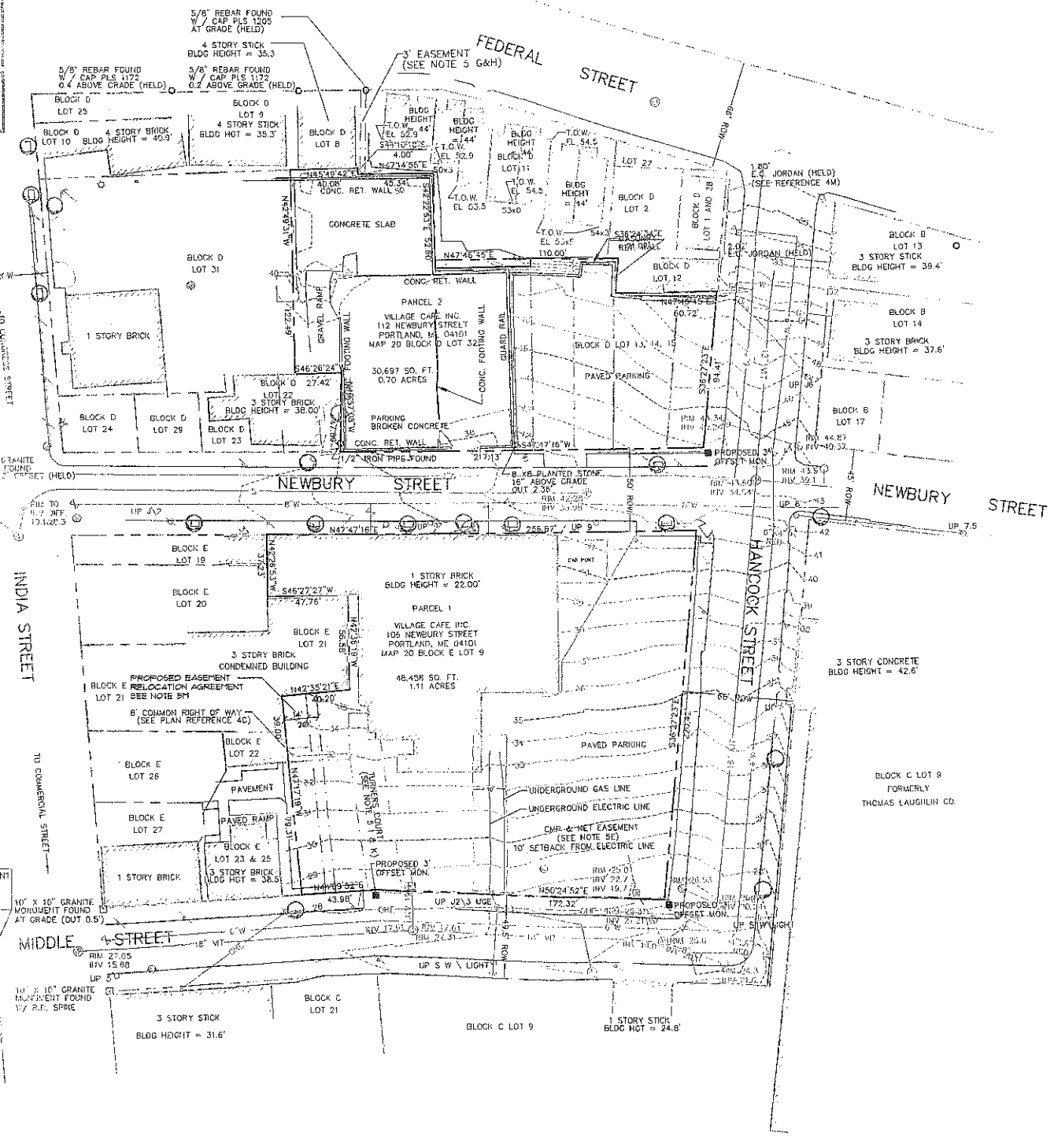
SHT. NO.	SHEET NAME
1	COVER SHEET
2	BOUNDARY & TOPOGRAPHY SURVEY
3	DEMOLITION PLAN
4	SUBDIVISION PLAT
5	SITE PLAN
6	GRADING PLAN
7	UTILITY PLAN
8	LANDSCAPE AND LIGHTING PLAN
9	PROFILE
10	PROFILE
11	DETAILS
12	DETAILS
13	DETAILS
14	DETAILS
15	STORMTECH DETAILS

JOHN FITZPATRICK PO BOX 8118 PORTLAND, ME 04104 BLOCK B LOT 13 BOOK 16910 PAGE 0008	MIJCCI BROTHERS INC 45 INDIAN STREET PORTLAND, ME 04103 BLOCK C LOT 27 BOOK 11090 PAGE 193	FRANCIS JACKSON 130 HARTLEY STREET PORTLAND, ME 04103 BLOCK D LOT 10 BOOK 13590 PAGE 340	ALLISON AND DAVID BROWN 125 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 23 BOOK 15768 PAGE 132	DARTLETT ISLAND LLC 67 INDIAN STREET PORTLAND, ME 04101 BLOCK E LOT 19 BOOK 17058 PAGE 212
CATAVONT PROPERTIES LLC 36 LEDGEMOOR DRIVE FALMOUTH, ME 04105 BLOCK D LOT 14 BOOK 16863 PAGE 140	TIM HARDY 1728 ASTORIC STREET STANFORD, CT 06306 BLOCK D LOT 1 AND 28 BOOK 12154 PAGE 50	44 FEDERAL STREET LLC 4546 NORTH HERMITAGE CHICAGO, IL 60610 BLOCK D LOT 11 BOOK 22269 PAGE 122	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 24 BOOK 14437 PAGE 266	MAHC INC. 28 PORTLAND AVENUE OLD ORCHARD, ME 04054 BLOCK E LOT 20 BOOK 15267 PAGE 127
HADLEY M. BROWN 97 NEWBURY STREET PORTLAND, ME 04101 BLOCK B LOT 17 BOOK 3134 PAGE 715	DAVID FILIPPO 36 FEDERAL STREET #3 PORTLAND, ME 04101 BLOCK D LOT 9 BOOK 15970 PAGE 285	ROLAND SMALLEY JR. 73 WALL STREET PORTLAND, ME 04103 BLOCK D LOT 12 BOOK 12574 PAGE 217	BETTY POWROY PO BOX 432 WESTBORO, MA 01581 BLOCK D LOT 25 BOOK 8706 PAGE 276	WOODEN NICKEL LLC 42 CHAMBERLAIN AVENUE PORTLAND, ME 04101 BLOCK E LOT 21 BOOK 14219 PAGE 166
SUNNY HILL BREWING CO. LLC 65 JEWELRY STREET PORTLAND, ME 04101 BLOCK C LOT 8 BOOK 12208 PAGE 110	JONATHAN PRESTON PO BOX 1516 CHARLESTON, RI 02813 BLOCK D LOT 8 BOOK 18807 PAGE 237	VILLAGE CAFE INC. 106 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 13, 14, 15	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 23 BOOK 15585 PAGE 304	WOODEN NICKEL LLC 42 CHAMBERLAIN AVENUE PORTLAND, ME 04101 BLOCK E LOT 22 BOOK 14219 PAGE 166
INDIA AND MIDDLE LLC PO BOX 2009 50 PORTLAND, ME 04116 BLOCK E LOT 26 AND 27 BOOK 12682 PAGE 143	KAC LLC 18 VISTA DRIVE SOUTH PORTLAND, ME 04106 BLOCK D LOT 9 BOOK 21962 PAGE 258	THOMAS AND MARCO CATALISTA 123 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 22 BOOK 15416 PAGE 117	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 31 BOOK 11585 PAGE 307	HILARY AND STEPHEN ANDREW 25 MIDDLE STREET PORTLAND, ME 04101 BLOCK D LOT 23 & 24 BOOK 19479 PAGE 272

ABUTTERS LIST-TAX MAP 20 BLOCKS B, C, D, & E



LOCATION MAP N.T.S.



LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	CENTRLINE	---
---	MONUMENT	---
○	IRON PIPE/ROD	○
⊕	WATER SHUT OFF	⊕
⊕	CATCH BASIN	⊕
⊕	GATE VALVE	⊕
⊕	HYDRANT	⊕
⊕	SEWER MANHOLE	⊕
⊕	UTILITY POLE	⊕
⊕	GUY WIRE	⊕
⊕	ELECTRIC MANHOLE	⊕
---	EDGE PAVEMENT	---
---	CURBLINE	---
---	BENCHMARK	---
---	HARDWOOD TREE	---
---	BUILDING	---



GENERAL NOTES:

- THE RECORD OWNER OF THE PROPERTY IS VILLAGE CAFE INC. DEEDS TO SUBJECT PARCELS ARE: 17317/167, 3161/504, 4357/291, 3217/183, 3004/226, 3081/703, 3792/140, 3112/131, 3024/132, 3291/260, 2998/237, 2984/235, 4357/289, 4084/222, 6529/73.
- THE PROPERTY IS DELETED ON THE TOWN OF PORTLAND TAX MAP 20; BLOCK E LOT 9 AND BLOCK D, LOTS 13, 14, 15, AND 32.
- THE BEARINGS AND ELEVATION SHOWN HEREON ARE BASED UPON GRID NORTH HAD 1983 MAINE WEST ZONE, CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON MVD 1928 VERTICAL DATUM.
- PLAN REFERENCES:
 - PLAN TITLED "ALTA / ACSM TITLE SURVEY OF JORDAN'S MEATS PROPERTY, PREPARED FOR PME LIMITED PARTNERSHIP, BY SEBAGO TECHNICS, INC., DATED 4/29/05.
 - PLAN TITLED "PLAN OF LAND STANDARD BOUNDARY SURVEY ON FORE, INDIAN, MIDDLE NEWBURY, HANCOCK, & MOUNTFORD STREETS, PORTLAND MAINE" PREPARED FOR AMERICAN HOIST & GERRICK CO., BY OWEN HASKELL, INC., DATED APRIL OF 1987.
 - ALTA/ACSM LAND TITLE SURVEY, PREPARED FOR ARI REAL ESTATE HOLDINGS BY OWEN HASKELL INC., DATED NOV. 8, 2001.
 - PLAN TITLED "CITY OF PORTLAND, MAINE PUBLIC WORKS DEPARTMENT ENGINEERING SECTION - HAMPSHIRE STREET S.W.S. WORKSHEET" BY THE CITY OF PORTLAND ENGINEERS OFFICE, DATED FEB. 2002.
 - RIGHT OF WAY MAPS BY THE CITY OF PORTLAND; # 21, 52, 73, AND 113.
 - PLAN OF SEWER LINE - NEWBURY STREET, BUILT JUNE 1877, CITY PLAN #425/5.
 - PLAN OF SEWER LINE - MIDDLE STREET, FC-BUILT AUG. 1926, CITY PLAN #424/10.
 - PLAN OF SEWER LINE - INDIAN, NEWBURY, FEDERAL, AND CONGRESS STS. FC-BUILT AUG. 1926, CITY PLAN #440/25.
 - PLAN OF PROPERTY IN PORTLAND, MAINE, PREPARED FOR THOMAS LAUGHLIN CO., DATED SEPT. 2 1955; DRAWING #473/9.
 - PLAN OF PORTLAND SEWER SYSTEM INFILTRATION - INFLOW ANALYSIS, PREPARED FOR PORTLAND WATER DISTRICT BY HUNTER-BALLEW ASSOCIATES, CITY DRAWING #4-4.
 - PORTLAND WATER DISTRICT, PORTLAND SHEET D.
 - PLAN TITLED "PLAN OF LAND STANDARD BOUNDARY SURVEY ON FORE, INDIAN, MIDDLE NEWBURY, HANCOCK, & MOUNTFORD STREETS, PORTLAND MAINE" PREPARED FOR SHIPYARD BREWING COMPANY, BY OWEN HASKELL, INC., DATED APRIL OF 1987, REVISED 11/2/95.
 - SITE PLAN "ADDITIONS TO THE VILLAGE CAFE, PORTLAND, ME. BY JOHN H. LEASURE - ARCHITECT, INC., DATED JAN. 4, 1988.
 - PLAN TITLED "INDIA ST. REBUILDING SEWER - MIDDLE ST. TO CONGRESS ST., BY THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS, DRAWN ON 11/4/55, DRAWING #659/8.
 - "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR VILLAGE CAFE" DATED 4-10-84 BY ED JORDAN.
- SUBJECT TO:
 - RIGHTS AND EASEMENTS GRANTED TO CO CENTRAL MAINE POWER COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3406 PAGE 116.
 - RIGHTS AND EASEMENTS GRANTED TO THOMAS LAUGHLIN COMPANY FOR NOISE, VIBRATION, SMOKE, SOOT, CINDERS, FLAMES, GASES, AND VAPORS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN THE FOLLOWING BOOKS AND PAGES: 1611/362, 2084/472, 1899/75, 1611/327, 1611/321, 1658/313, 2041/135.
 - RIGHTS AND EASEMENTS GRANTED BY AMEREO REALI AND BRIGIDA DIMILLO TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE CO. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2806 PAGE 166.
 - RIGHTS AND EASEMENTS GRANTED BY AMEREO REALI AND BRIGIDA DIMILLO TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE CO. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3027 PAGE 770.
 - RIGHTS AND EASEMENTS GRANTED TO THE VILLAGE CAFE, INC. TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 6713 PAGE 345.
 - RIGHTS AND EASEMENTS GRANTED BY WARWICK CORPORATION TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3211 PAGE 557.
 - THREE FOOT WIDE RIGHT OF WAY LOCATED OFF THE SOUTHERLY SIDELINE OF FEDERAL STREET AS DESCRIBED IN DEED FROM GEISINGER REALTY CO. TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3142 PAGE 190.
 - 10 FOOT RIGHT OF WAY REFERENCED FROM BOOK 7270 PAGE 0036, QUOTED AS READING "THE ABOVE DESCRIBED PREMISES MAY BE SUBJECT TO A RIGHT OF WAY ABOUT 10 FEET WIDE AND 42 FEET LONG LOCATED OFF THE SOUTHERLY SIDELINE OF FEDERAL STREET AS DESCRIBED IN A DEED TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 3142, PAGE 190 NOT SHOWN ON PLAN.
 - RIGHTS OF OTHERS TO PASS OVER PARCEL 1 TO AND FROM TURNER'S COURT AS DESCRIBED IN DEED FROM GEORGEY I. RICE TO VILLAGE CAFE, INC. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 4308 PAGE 125.
 - RIGHTS DESCRIBED IN DEED FROM ARNOLD M. SICILIANO TO MARIA DELIUPPO NAVARRO RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1148 PAGE 240.
 - LIMITS OF TURNER'S COURT ARE BASED ON PLAN REFERENCE "M".
 - BUILDING AND OVERHANGING EASEMENT FOR BLOCK D LOT 8 DESCRIBED IN BOOK 7573 PAGE 0074.
 - EASEMENT RELOCATION AGREEMENT BETWEEN VILLAGE CAFE, INC. AND PEARL PROPERTIES, LLC AS DESCRIBED IN A CERTAIN INSTRUMENT AS EITHER A NEW 14 FOOT OR A NEW 20 FOOT EASEMENT, DEPENDENT ON THE SATISFACTION OF CERTAIN CONDITIONS HEREIN, FOR ACCESS TO THE PEARL PROPERTY FROM MIDDLE STREET (THE "NEW EASEMENT") AND...
 - THERE IS NO 100 YEAR FLOOD PLAIN LOCATED ON THE SITE AND IS DESIGNATED AS ZONE C PER THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF PORTLAND, MAINE, COMMUNITY PANEL NUMBER 230051 0014 B DATED JULY 17, 1986.
 - PUBLIC WATER AND SEWER IS PROVIDED TO SUBJECT PARCELS.
 - THIS PLAN IS BASED UPON A BOUNDARY SURVEY PERFORMED IN ACCORDANCE WITH THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE WITH THE EXCEPTION THAT NO NEW MONUMENTATION HAS BEEN SET AT THE ISSUANCE OF THIS PLAN.



REV.	DATE	BY	STATUS
1	9/7/07	DC	REVISED & SUBMITTED FINAL DRAWINGS TO CITY
2	3-20-07	DC	SUBMIT TO CITY FOR SITE PLAN REVIEW-2ND WORKSHOP
3	2-2-07	DC	SUBMIT TO CITY FOR SITE PLAN REVIEW

Sebago Technics
Engineering Expertise You Can Build On
One Chestnut Street
Westbrook, ME 04095-1339
Tel: (207) 668-0277

BOUNDARY & TOPOGRAPHIC SURVEY
OF:
THE VILLAGE AT OCEAN GATE
113 NEWBURY ST., 40 HANCOCK ST.,
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC

DATE	SCALE
7/12/05	1"=40'

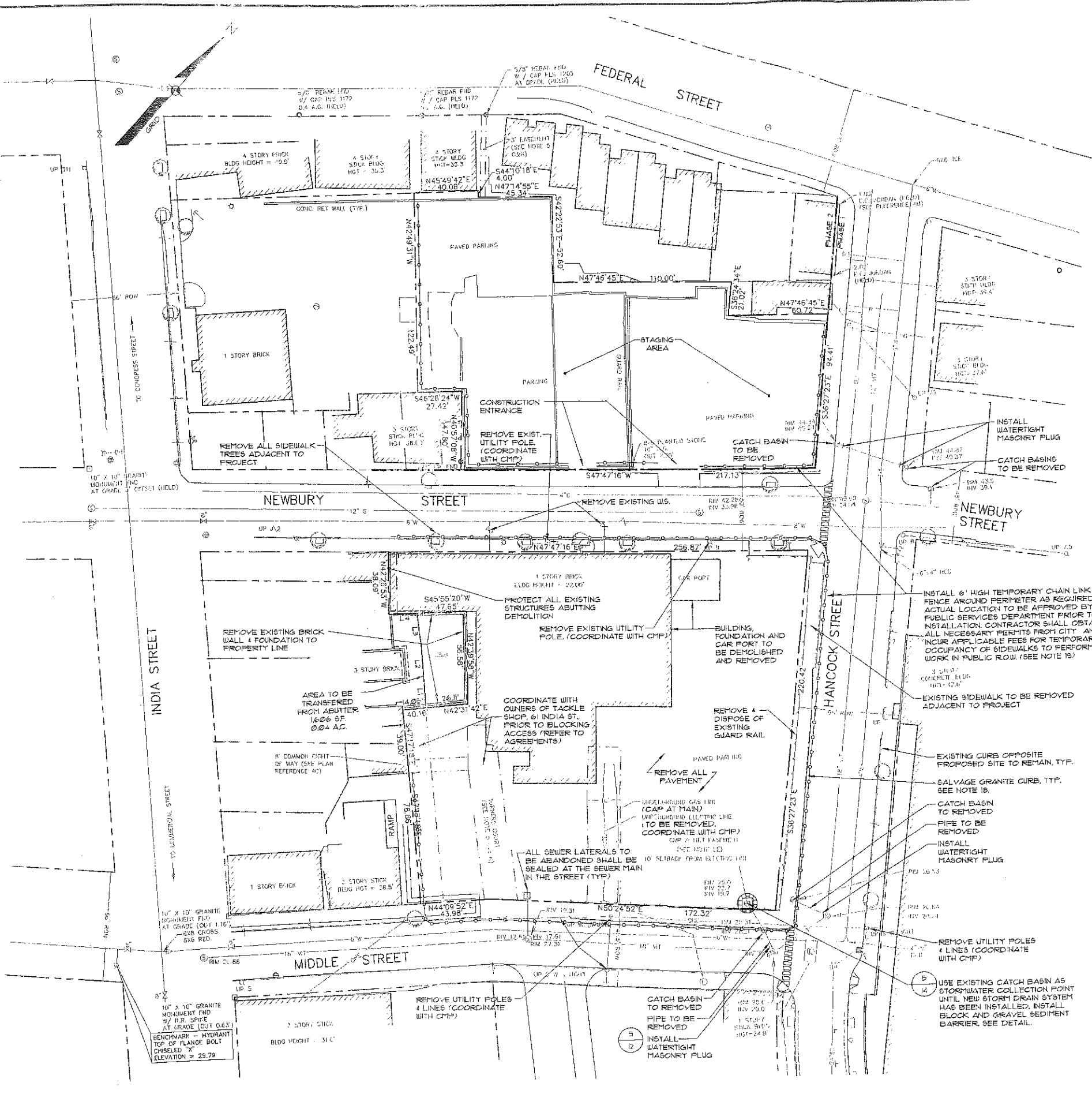
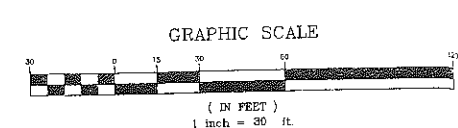
B7.3

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	MONUMENT	---
---	IRON PIPE/ROD	---
---	DRILLHOLE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVERHEAD ELEC. & TEL.	---
---	UNDERGROUND ELEC. & TEL.	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	CHAIN LINK FENCE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---

SITE DEMOLITION NOTES

- ALL SITE/DEMOLITION IMPROVEMENTS WILL BE DONE IN ACCORDANCE WITH APPROVED HASP.
- ALL EXISTING FEATURES AND UTILITIES SHOWN HEREON ARE BASED ON EXISTING RECORD PLANS, ON-SITE FIELD OBSERVATIONS, AND EXISTING SITE CONDITIONS PLANS, AS PROVIDED BY SEBAGO TECHNIKS, INC. THE SITE CONTRACTOR SHALL PERFORM AN ABOVE GROUND VISUAL INSPECTION AND USE A UTILITY MARKING COMPANY TO VERIFY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION TO CORRECT THE AVAILABLE INFORMATION AND NOTIFY THE ENGINEER OF ANY INCONSISTENCIES. CONTRACTOR SHALL NOTIFY AND COMPLY WITH DIG SAFE REQUIREMENTS.
- UTILITIES SHOWN HEREON MAY OR MAY NOT CONSTITUTE ALL UTILITIES ON OR ADJACENT TO THIS SITE. THE INDICATED PIPE SIZES, VALVES, STRUCTURES AND MATERIALS HAVE NOT BEEN VERIFIED FOR ANY UTILITIES SHOWN.
- SITE DEMOLITION WORK SHALL INCLUDE SURFACE DEMOLITION AND SUBSURFACE DEMOLITION OF EXISTING FOUNDATIONS (IF ENCOUNTERED) AND UTILITY LINES.
- ALL EXISTING IMPROVEMENTS WITHIN THE LIMITS OF THE PROPOSED WORK (UNLESS SHOWN TO REMAIN) SHALL BE DEMOLISHED. THIS INCLUDES EXISTING PAVING, UNDESIRABLE ON SITE FILLS, CURBS, SIDEWALKS AND AGGREGATE BASE TO THE EXTENT NECESSARY TO SUPPORT THE PROPOSED DESIGN.
- EXISTING UTILITY LINES (OPERATIVE OR ABANDONED) LOCATED WITHIN THE AREA OF THE NEW BUILDINGS SHALL BE REMOVED. SITE CONTRACTOR SHALL BE RESPONSIBLE FOR BACK-FILLING AND COMPACTING THE RESULTANT TRENCHES AS APPROPRIATE TO SUPPORT THE NEW DESIGN.
- PLUG OPENINGS IN CATCH BASINS LEFT BY REMOVED STORM DRAIN PIPE WITH BRICK AND MORTAR.
- PLUG OPENINGS IN SANITARY MANHOLES LEFT BY REMOVED SEWER LINES WITH BRICK AND MORTAR. ANY SEWER LATERAL ABANDONED SHALL BE SEALED AT THE SEWER MAIN IN STREET.
- SAW CUT PAVEMENT AT THE LIMITS OF DEMOLITION IN ACCORDANCE WITH THE PAVEMENT JOINT DETAIL ON THE PLAN SET.
- ANY QUESTIONS ON THE EXTENT OF SURFACE OR SUBSURFACE DEMOLITION SHALL BE PRESENTED TO THE ENGINEER.
- EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE START OF DEMOLITION ACTIVITIES.
- ALL DISTURBED AREAS NOT SUBJECT TO BUILDING CONSTRUCTION OR PAVING SHALL BE LOADED, SEEDED AND MULCHED.
- SEE UTILITY PLAN FOR ROAD REPAIR ASSOCIATED WITH UTILITY INSTALLATION.
- TERMINATE UTILITIES IN ACCORDANCE WITH STATE AND LOCAL RULES AND REGULATIONS, THE NATIONALLY RECOGNIZED CODE AND THE REQUIREMENTS OF THE UTILITY PROVIDER COVERING THE SPECIFIC UTILITY AND APPROVED BY THE ENGINEER.
- ABANDONMENT OF UTILITY SYSTEMS SHALL BE DONE IN A MANNER THAT CONFORMS TO APPLICABLE CODES AND REGULATIONS. REMOVED THEIR PRESENCE FROM THE GROUND SURFACE AND CLEARLY INDICATES THAT THEY HAVE BEEN ABANDONED. UTILITIES SHALL NOT BE ABANDONED IN PLACE UNDERNEATH OR WITHIN 10 FEET OF ANY NEW FACILITIES.
- DEMOLITION WORK SHALL INCLUDE THE DEMOLITION REMOVAL AND LEGAL DISPOSAL OF EXISTING CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE NEW CONSTRUCTION. THE CONTRACTOR SHALL TAKE CARE TO PREVENT DAMAGES TO EXISTING UTILITIES, CONSTRUCTION AND MATERIALS NOT SCHEDULED FOR DEMOLITION, REPAIR OR REPLACEMENT, AND SHALL REPAIR DAMAGES TO THE CONSTRUCTION AND MATERIALS TO THE SATISFACTION OF THE ENGINEER AND AT NO ADDITIONAL COST TO THE OWNER.
- WHENEVER POSSIBLE, ALL FEATURES DEMOLISHED SHALL BE SALVAGED OR RECYCLED IN LIEU OF BEING DISPOSED OF AS WASTE IN A LAND FILL. EXISTING FEATURES TO BE DEMOLISHED WHICH ARE NOT INDICATED AS SALVAGEABLE OR RECYCLED, SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE PROJECT SITE TITLE TO MATERIALS RESULTING FROM DEMOLITION AND SHALL BE REMOVED FROM THE PROJECT SITE TO BE REMOVED, IS VESTED IN THE CONTRACTOR UPON APPROVAL BY THE ENGINEER OF THE CONTRACTOR'S DEMOLITION PLAN AND AUTHORIZATION BY THE ENGINEER TO BEGIN DEMOLITION. THE OWNER WILL NOT BE RESPONSIBLE FOR THE CONDITION, LOSS OR OR DAMAGE TO, SUCH PROSPECTIVE PURCHASERS OR SOLD ON THE SITE.
- ALL EXISTING GRANITE CURBS TO BE REMOVED AND REPLACED SHALL BE DELIVERED TO THE CITY'S STOCKYARD FOR SALVAGE. SEE SITE PLAN, SHEET 5, FOR NEW CURB LOCATIONS.
- COORDINATE WITH PORTLAND PUBLIC SERVICES REGARDING MAINTENANCE OF VEHICULAR & PEDESTRIAN MOVEMENT IN AND AROUND CONSTRUCTION AREA. CONTRACTOR SHALL PROVIDE A DETOUR PLAN FOR PUBLIC SERVICES REVIEW AND APPROVAL.
- STORM DRAINAGE AND SEWER REMOVALS/PLUGS IN HANCOCK, MIDDLE AND NEWBURY STREETS TO BE COMPLETED IN COORDINATION WITH STREET IMPROVEMENTS AND UTILITY INSTALLATION.
- REFER TO UTILITY PLAN FOR REMOVAL OF WATER LINES AND APPURTENANCES. ALL WORK SHALL BE COORDINATED WITH THE PORTLAND WATER DISTRICT.
- REMOVAL OF EXISTING ELECTRICAL LINE AND UTILITY POLES SHALL BE COORDINATED WITH CMP TO ENSURE NO DISRUPTION OF SERVICES. NEW UNDERGROUND UTILITIES TO BE INSTALLED AND ACTIVATED PRIOR TO REMOVAL OF EXISTING ACTIVE LINES.



REV.	BY:	DATE:	STATUS:
E	CD	9/8/08	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
D	CD	10/27/08	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
C	CD	9/17/08	REVISED PER CITY STAFF COMMENTS
B	CD	9/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	CD	11/7/07	SUBMITTED FOR CONSTRUCTION BID

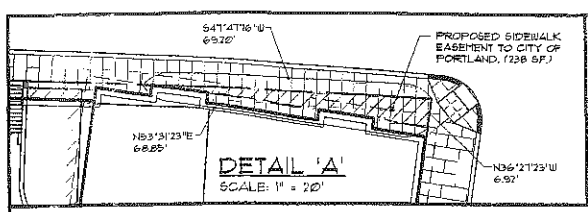
Sebago Techniks
 Engineering, Excavation, You Can Build On.
 133 Pearl Street
 Westbrook, ME 04098-1339
 Tel: (207) 866-0977

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
 05109 - - - SAG OAM SAB

DEMOLITION PLAN
 OF:
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR:
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE	SCALE
8/3/08	1"=30'

SHEET 3 OF 15



PROPERTY LINE DATA

LINE	BEARING	LENGTH
L1	N45°18'56"W	16.96
L2	N46°47'23"W	20.14
L3	N49°22'41"W	20.62
L4	S47°36'06"W	16.99

LEGEND

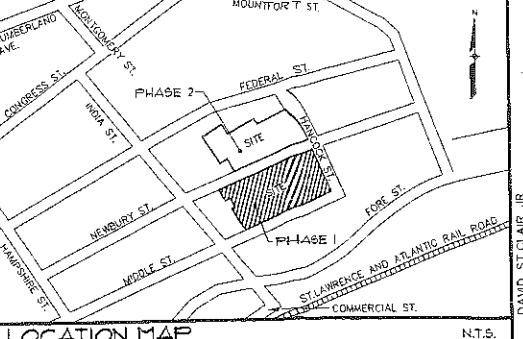
EXISTING	DESCRIPTION	PROPOSED	EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---	---	BOUNDARY LINE/ROW	---
---	ADJUTER LINE/ROW	---	---	ADJUTER LINE/ROW	---
---	EASEMENT	---	---	EASEMENT	---
---	MONUMENT	---	---	MONUMENT	---
---	IRON PIPE/ROD	---	---	IRON PIPE/ROD	---
---	DRILLHOLE	---	---	DRILLHOLE	---
---	CURVE/LINE NO.	---	---	CURVE/LINE NO.	---
---	BENCHMARK	---	---	BENCHMARK	---

LEGEND (CONT.)

EXISTING	DESCRIPTION	PROPOSED
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	PAVEMENT PAINT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	GATE VALVE	---
---	HYDRANT	---
---	SEWER MH	---
---	CATCH BASIN	---
---	DRAINAGE MH	---
---	ELECTRICAL MANHOLE	---
---	TELEPHONE MANHOLE	---
---	LIGHT POLE	---
---	LIGHTED BOLLARD	---
---	UTILITY POLE	---
---	SUTY	---

GENERAL NOTES:

- THE RECORD OWNER OF PHASE I IS THE VILLAGE AT OCEANGATE LLC AS DEEBED IN A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 25675 PAGE 276 AND DEED OF WOODEN NICKEL, LLC TO BE RECORDED.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND TAX MAP 207 BLOCK E LOT 9 AND A PORTION OF LOT 31 (PHASE ONE) AND BLOCK D LOTS 13, 14, 15 AND 32 (PHASE TWO).
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND ALTA SURVEY TITLED ALTA/ACSM LAND TITLE SURVEY OF THE VILLAGE CAFE INC. FOR GFI ACQUISITIONS I LLC BY SEBAGO TECHNIQS, INC. PERFORMED DATED JULY 2, 2009 REVISED THROUGH APRIL 2011.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH HAD 1983 MAINE WEST ZONE. COORDINATES AND ELEVATION SHOWN HEREON ARE BASED UPON NSVD 1979 VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 165 AC. (PHASE ONE US AC/ PHASE TWO 130 AC).
- ZONING DISTRICT: CONDITIONAL REZONING/10-30B URBAN COMMERCIAL MIXED USE ZONE.
- THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT APPROVED BY THE PORTLAND CITY COUNCIL AMENDED JUNE 2, 2008 AND IS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 26446 AT PAGE 283 SUCH AGREEMENT CHANGES THE UNDERLYING B-50 COMMUNITY BUSINESS ZONE TO B-50 URBAN COMMERCIAL MIXED USE ZONE AND AMENDS THE ZONE WITH THE REQUIREMENTS AS FOLLOWS:
 - PERMITTED USES:** THOSE USES ALLOWED IN THE B-50 ZONING DISTRICT. THE PROJECT SHALL INCLUDE NOT LESS THAN 5,000 SQUARE FEET OF COMMERCIAL/RETAIL SPACE ON THE GROUND LEVEL ALONG MIDDLE STREET AND AT THE CORNER OF HANCOCK AND MIDDLE STREETS AS DEPICTED ON THE PLANS UNLESS DURING SITE PLAN REVIEW THE PLANNING BOARD APPROVES A MINIMUM AMOUNT OF 5,000 SQUARE FEET OF COMMERCIAL/RETAIL SPACE.
 - PHASING:** PHASE I SHALL CONSIST OF AT MINIMUM BUILDINGS 1 AND 2 WHILE PHASE II SHALL CONSIST OF ONE OR MORE BUILDINGS IN ACCORDANCE WITH SECTION 14-52B(1).
 - PHASE I:** IS DESIGNED TO STAND ALONE IN THE EVENT PHASE II IS NOT BUILT. PERFORMANCE GUARANTEES SHALL BE POSTED SEPARATELY FOR EACH PHASE. FOR PURPOSES OF THE PERIODS SET FORTH IN THIS PARAGRAPH 18 AND IN SECTION 14-52B(1) OF THE PORTLAND CITY CODE, COMMENCEMENT OF CONSTRUCTION ON PHASE I SHALL BE DEEMED TO CONSTITUTE COMMENCEMENT OF CONSTRUCTION ON PHASE II PROVIDED THAT ACTUAL CONSTRUCTION ON PHASE II IS COMMENCED NO LATER THAN 5 YEARS AFTER THE COMMENCEMENT OF CONSTRUCTION ON PHASE I. A SEPARATE PERFORMANCE GUARANTEE FOR THE COST OF INSTALLING THE SIDEWALKS AND CURBING AND ANY OTHER PUBLIC IMPROVEMENTS FOR PHASE II MUST BE POSTED WITH THE CITY PRIOR TO THE RELEASE OF THE RECORDS FOR PHASE I.
 - MODIFICATIONS TO B-50 REGULATIONS:** THE SITE SHALL BE GOVERNED BY THE REGULATIONS APPLICABLE TO THE B-50 ZONING DISTRICT, EXCEPT AS FOLLOWS:
 - THE MAXIMUM RESIDENTIAL DENSITY ON THE SITE SHALL BE 160 DWELLING UNITS.
 - THE MAXIMUM FRONT YARD SETBACK SHALL BE TEN (10) FEET, EXCEPT THAT A FRONT YARD SETBACK OF NO GREATER THAN SIXTEEN (16) FEET SHALL BE ALLOWED FOR THE PARKING GARAGE ENTRANCE AND ASSOCIATED FACADE AS DEPICTED ON THE PLANS.
 - THE MAXIMUM HEIGHT FOR THE STRUCTURES IN PHASE I SHALL NOT EXCEED 34 FEET FROM AVERAGE GRADE, AS MEASURED AND APPROVED BY THE ZONING ADMINISTRATOR.
 - BUILDINGS IN PHASE TWO: THE MAXIMUM HEIGHT IN PHASE II SHALL NOT EXCEED 45 FEET FROM THE EXISTING NEUBURY STREET GRADE. EXCEPT AS SET FORTH IN THE ZONING CODE, STOREFRONT AWNINGS ALONG MIDDLE AND HANCOCK STREETS WILL EXTEND OVER THE STREET RIGHTS OF WAY IN VARIOUS LOCATIONS AS SHOWN ON THE PLANS.
 - AN UNDERGROUND ELECTRICAL VAULT SHALL BE INSTALLED WITHIN THE RIGHT OF WAY OF NEUBURY STREET. THE FINAL LOCATION OF SUCH VAULT TO BE APPROVED BY THE CITY AUTHORITY.
 - PHASE II OF THE PROJECT, CONSISTING OF ONE OR MORE BUILDINGS ALONG NEUBURY AND HANCOCK STREETS SHALL MEET THE FOLLOWING REQUIREMENTS:
 - A MAXIMUM OF SEVENTY-SIX (76) RESIDENT UNITS TO BE PROVIDED.
 - A MINIMUM SETBACK OF TWENTY-FIVE (25) FEET FROM THE MOST WESTERLY REAR PROPERTY LINE (ADJUTING CEI 20-D-11) SHALL BE PROVIDED AS ILLUSTRATED IN THE CONDITIONAL REZONING AGREEMENT.
- PARKING REQUIREMENTS: PARKING SHALL BE PROVIDED FOR PHASE I AT NO LESS THAN A 1:1 RATIO TO PARKING SPACES PER DWELLING UNIT AND 160 SPACES FOR RETAIL EMPLOYEE PARKING AND C/ACTIVE PARTICIPATION IN A VALID PARK AND SHOP TICKET VALIDATION PROGRAM - ALL TO BE PROVIDED AS FOLLOWS: 80 SPACES IN A PARKING GARAGE BEING BUILT AT THE CORNER OF INDIA STREET AND MIDDLE STREET. A POST DEVELOPMENT OCCUPANCY PARKING ANALYSIS SHALL BE CONDUCTED BY THE DEVELOPER SIX (6) MONTHS FOLLOWING THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR PHASE I. THE ANALYSIS SHALL DEMONSTRATE THE ADEQUACY OF A 1:1 UNIT/PARKING SPACE RATIO. THEN THE DEVELOPER MUST SUBMIT A PARKING MITIGATION PLAN FOR PHASE I WHICH SHALL BE APPROVED BY THE CITY. AND THEREAFTER IMPLEMENTED BY THE DEVELOPER. PARKING FOR PHASE II OF THE PROJECT SHALL BE DETERMINED BY THE PLANNING BOARD DURING SUBDIVISION AND SITE PLAN REVIEW PROVIDED THAT SUCH ANALYSIS SHALL INCLUDE THE REQUIREMENTS FOR A POST DEVELOPMENT OCCUPANCY PARKING ANALYSIS, WITH THE SAME MITIGATION REQUIREMENTS AS PHASE I.
- THIRTY-EIGHT BICYCLE PARKINGS SHALL BE PROVIDED ON SITE IN ACCORDANCE WITH SECT. 14-52B OF THE PORTLAND CITY CODE.
- THE RESTAURANT AND/OR RETAIL/COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM FOR \$PILAR PROGRAM) WITH THE "REVENUE" PARKING GARAGE LOCATED AT MIDDLE STREET, PORTLAND, WITH DOCUMENTATION OF SUCH PARTICIPATION PROVIDED TO THE CITY PLANNING AUTHORITY AT MINIMUM EVERY TWO YEARS.
- PLAN REFERENCES:
 - BOUNDARY & TOPOGRAPHIC SURVEY OF VILLAGE AT OCEANGATE LLC, DATED THROUGH JUNE 3, 2008 BY SEBAGO TECHNIQS, INC.
- THE BAY HOUSE IS A PRIVATE DEVELOPMENT. LIGHTING, TRASH REMOVAL SNOW AND REMOVAL SHALL BE THE RESPONSIBILITY OF THE COMMERCIAL/RETAIL/RESIDENTIAL AND THE RESIDENTIAL CONDOMINIUM ASSOCIATION AS SET FORTH IN THE CONDOMINIUM DOCUMENTS.
- A SUBDIVISION SHALL BE DEFINED AS THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD, WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDING OR OTHERWISE AND AS FURTHER DEFINED IN 30-A MRS.A. SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD, AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL, OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSES OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTI-FAMILY HOUSING CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS.
- ALL ELECTRIC, TELEPHONE AND CABLE TV SERVICES SHALL BE UNDERGROUND AND IN CONFORMANCE WITH THE STANDARDS OF CENTRAL MAINE POWER CO. FIREPOINT COMMUNICATIONS, THE WARRIOR CABLE TV CO. OR OTHER UTILITIES PROVIDING SERVICE TO THE SITE.
- THE FACILITY IS SERVICED BY CITY SEWER WATER, GAS, UNDERGROUND ELECTRIC, STORM DRAINAGE, TELEPHONE AND CABLE.
- A PERMIT MUST BE OBTAINED FROM THE CITY OF PORTLAND DEPARTMENT OF PUBLIC SERVICES PRIOR TO BEGINNING ANY WORK WITHIN THE CITY RIGHT-OF-WAY.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR CITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATIONS TO OR DEVIATIONS FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODS OR LAWN AREAS, ACCESS, SIGN LOCATION AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
- PRIOR TO CONSTRUCTION A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC SERVICES REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORKS AT THAT TIME. THE SITE BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE AT ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
- LANDSCAPING SHALL MEET THE "ARBORETOLOGICAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- CONTRACTOR SHALL INSTALL NEW GRANITE MONUMENTS PER CITY OF PORTLAND STANDARDS. CONTRACTOR SHALL RETAIN A LICENSED SURVEYOR TO OBTAIN MONUMENT LOCATIONS AND VERIFY LOCATIONS OF INSTALLATION.



GENERAL NOTES:

- THE PLANNING BOARD GRANTED WAIVERS FOR THE FOLLOWING TECHNICAL STANDARDS: SECTION 11.2A (B) WHICH REQUIRES A 24 FOOT WIDE DRIVEWAY TO BE REDUCED TO 18 AND 22 FEET AT THE GARAGE ENTRANCES ON NEUBURY AND MIDDLE STREETS, AND SECTION XV.4 PHOTOMETRIC PLANS REQUIRING PHOTOMETRIC PLANS FOR THE INTERIOR COURTYARDS ONLY.

CONDOMINIUM UNITS

- BUILDING NO. 1: 48 UNITS
- BUILDING NO. 2: 42 UNITS
- PHASE ONE TOTAL: 90 UNITS

CONDITIONS OF APPROVAL

- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN THOMAS BERRICO, PE, TRAFFIC CONSULTING ENGINEERS' REVIEW DATED JUNE 16, 2009 SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN STEVE BUSHEY, PE, CONSULTING ENGINEERS' MEMORANDUMS OF JULY 9, 2009 AND JULY 23, 2009 SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN MICHAEL FARRER, PROJECT ENGINEER'S MEMORANDUMS OF JUNE 28, 2009 AND JUNE 21, 2009 TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE RESTAURANT AND/OR RETAIL/COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE "REVENUE" PARKING GARAGE LOCATED AT MIDDLE STREET AND THAT DOCUMENTATION OF SUCH PARTICIPATION WILL BE PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO YEARS.
- ALL FINANCIAL CONTRIBUTIONS REQUIRED AS PART OF THE CONDITIONAL REZONING SHALL BE SUBMITTED TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE DESIGN DETAILS FOR THE BIKE RACKS SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED CONDOMINIUM DOCUMENTS AND A COPY OF THE PEDESTRIAN EASEMENT SHALL BE SUBMITTED FOR REVIEW BY CORPORATION COUNSEL'S OFFICE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THAT THE APPLICANT SUBMIT REVISIONS IN HER 26/25/07 MEMO AS THE CONDITIONS APPLY TO PHASE I.
- THE APPLICANT SHALL REIMBURSE THE CITY FOR THE INSTALLATION OF "NO PARKING" SIGNS ON THE NORTH SIDE OF MIDDLE STREET AND RESET THE SIGNS AS NECESSARY DURING CONSTRUCTION.
- THE FOLLOWING SCHEDULE OUTLINES THE CITY'S EXPECTATION WITH REGARD TO ITS STREET IMPROVEMENTS AND ASSOCIATED FEES TO BE PAID BY THE DEVELOPER.

STREET	DEVELOPER SHALL PAY TO THE CITY A STREET OPENING FEE OF
HANCOCK STREET	\$23,500 X 2
• THE DEVELOPER SHALL UNDERTAKE ITS OWN TRENCH WORK IN HANCOCK STREET (FROM MIDDLE TO THE END OF ITS PHASE II FRONTAGE) IN ADDITION TO SUCH TRENCHING THE DEVELOPER SHALL PAY TO THE CITY \$40,000 WHICH WILL GO TOWARDS THE HANCOCK STREET IMPROVEMENTS. THE DEVELOPER SHALL NOT BE OBLIGATED TO PAY A PAVEMENT RESTORATION FEE AS THE CITY WILL CONSIDER THIS FEE COVERED BY THE \$40,000.00 PAYMENT.	
NEUBURY STREET	• THE DEVELOPER SHALL RECONSTRUCT NEUBURY STREET FROM INDIA TO HANCOCK STREET CONSISTENT WITH THE CITY'S DESIGN STANDARDS AND WITH ALL THE UTILITIES AS SHOWN ON THE SUBDIVISION PLAN.
MIDDLE STREET	• THE DEVELOPER SHALL PAY TO THE CITY A STREET OPENING FEE OF 1223.
• THE DEVELOPER MAY CHOOSE ONE OF THE FOLLOWING TWO OPTIONS:	
THE DEVELOPER SHALL RECONSTRUCT THE ENTIRE LENGTH OF MIDDLE STREET (FROM HANCOCK TO INDIA) IN WHICH CASE THERE WILL BE NO PAVEMENT RESTORATION CHARGE INCURRED;	
OR	
THE DEVELOPER SHALL RECONSTRUCT THE ENTIRE FRONTAGE OF ITS SITE (FROM HANCOCK ALONG MIDDLE STREET) AND TRENCH THE REMAINING TO INDIA. IF THE DEVELOPER CHOOSES THIS OPTION, IT WILL ALSO INCUR PAVEMENT RESTORATION FEE EQUAL TO \$65.00 SQUARE YARD (FROM THE EDGE OF ITS FRONTAGE TO INDIA STREET).	
- THE APPLICANT SHALL SUBMIT FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL THE ACCESS EASEMENT ON THE WESTERLY PROPERTY LINE.

STATE OF MAINE

COUNTY SS REGISTRY OF DEEDS
 RECEIVED _____ 20____ AT _____ M AND RECORDED IN
 AT _____ M PAGE _____
 ATTEST _____ REGISTRAR

**APPROVAL-CITY OF PORTLAND
 PLANNING BOARD**

DATE _____ DATE _____
 ATTEST _____ CHAIRPERSON

B7A.4

WAIVERS

PERMIT TO CITY FOR SITE/SUBDIVISION AMENDMENT REVIEW

CONDOMINIUM UNITS

CONDITIONS OF APPROVAL

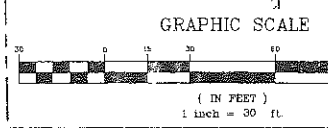
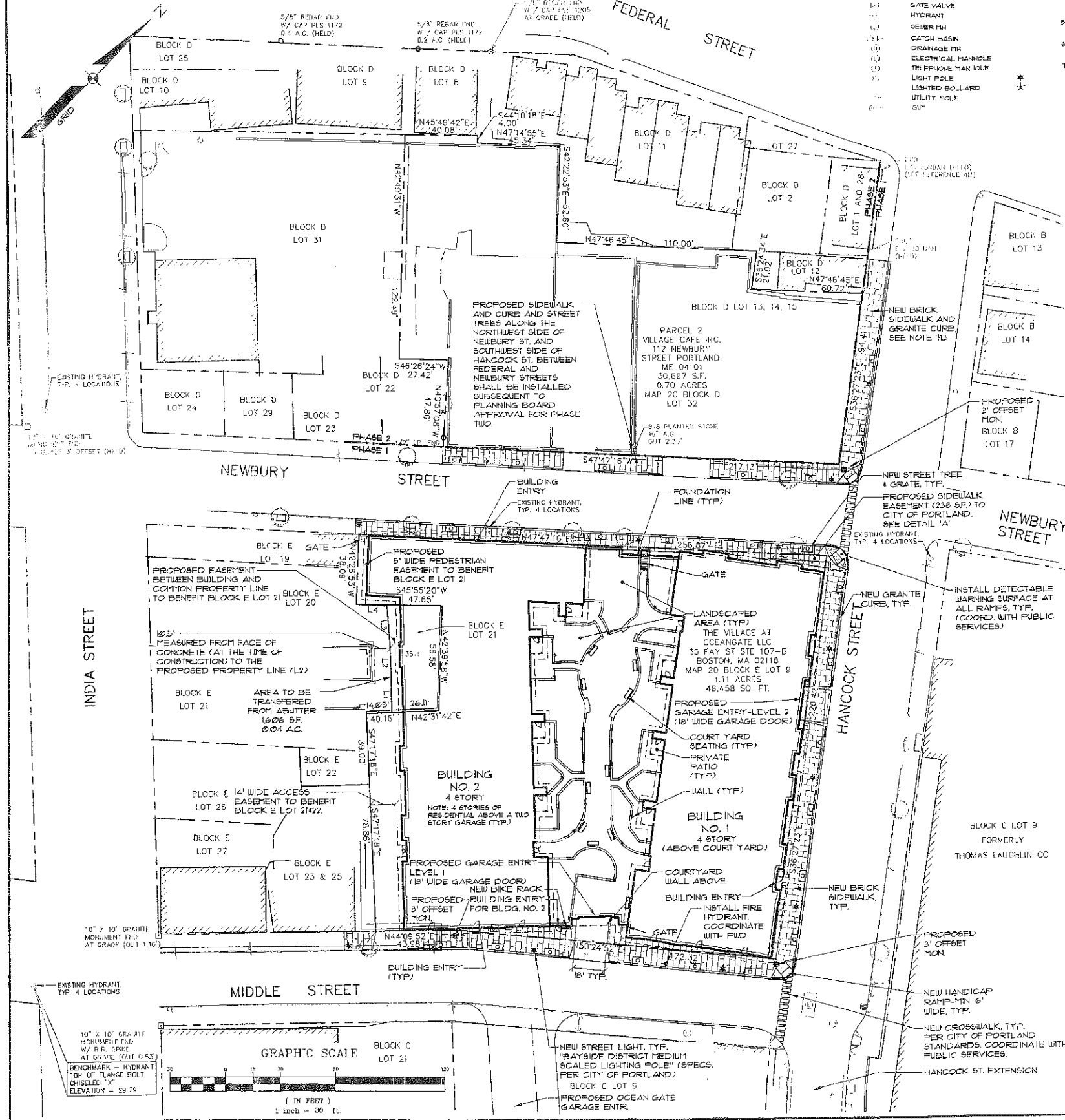
9-8-09
 SUBMIT TO CITY FOR SITE/SUBDIVISION AMENDMENT REVIEW

Sebago Technics
 Engineering Experience You Can Build On
 One Chesnut Street
 Portland, Maine 04101
 Tel: (207) 856-0277

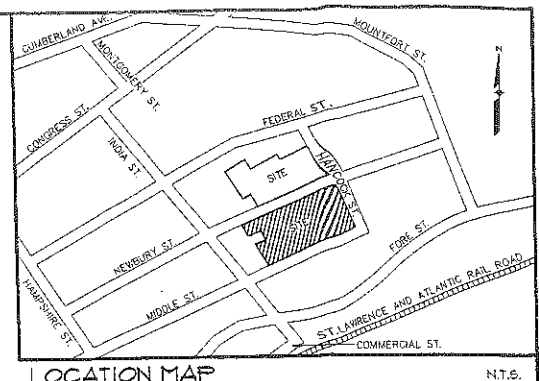
2ND AMENDED SUBDIVISION PLAN

OF THE BAY HOUSE
 111 NEUBURY ST., PORTLAND, MAINE
 FOR RECORD OWNER:
 TUE VILLAGE AT OCEANGATE LLC

DATE 8/3/05
 SCALE 1" = 30'
 SHEET 4 OF 0



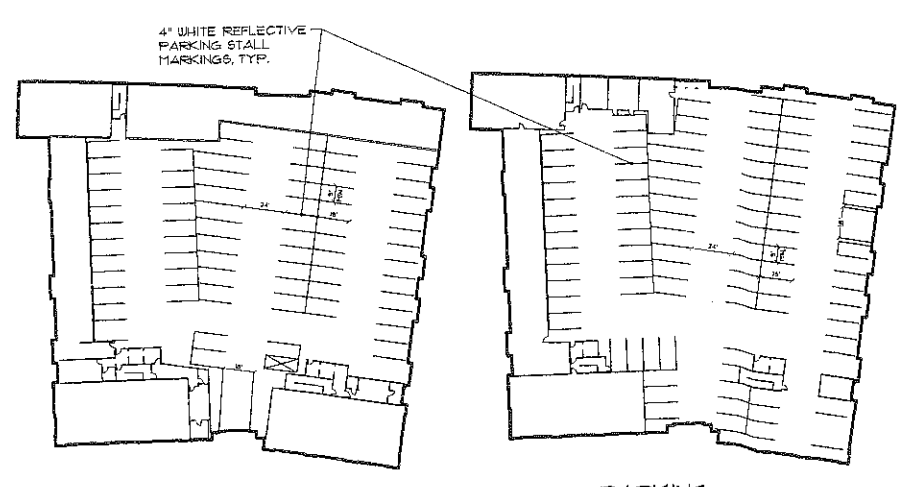
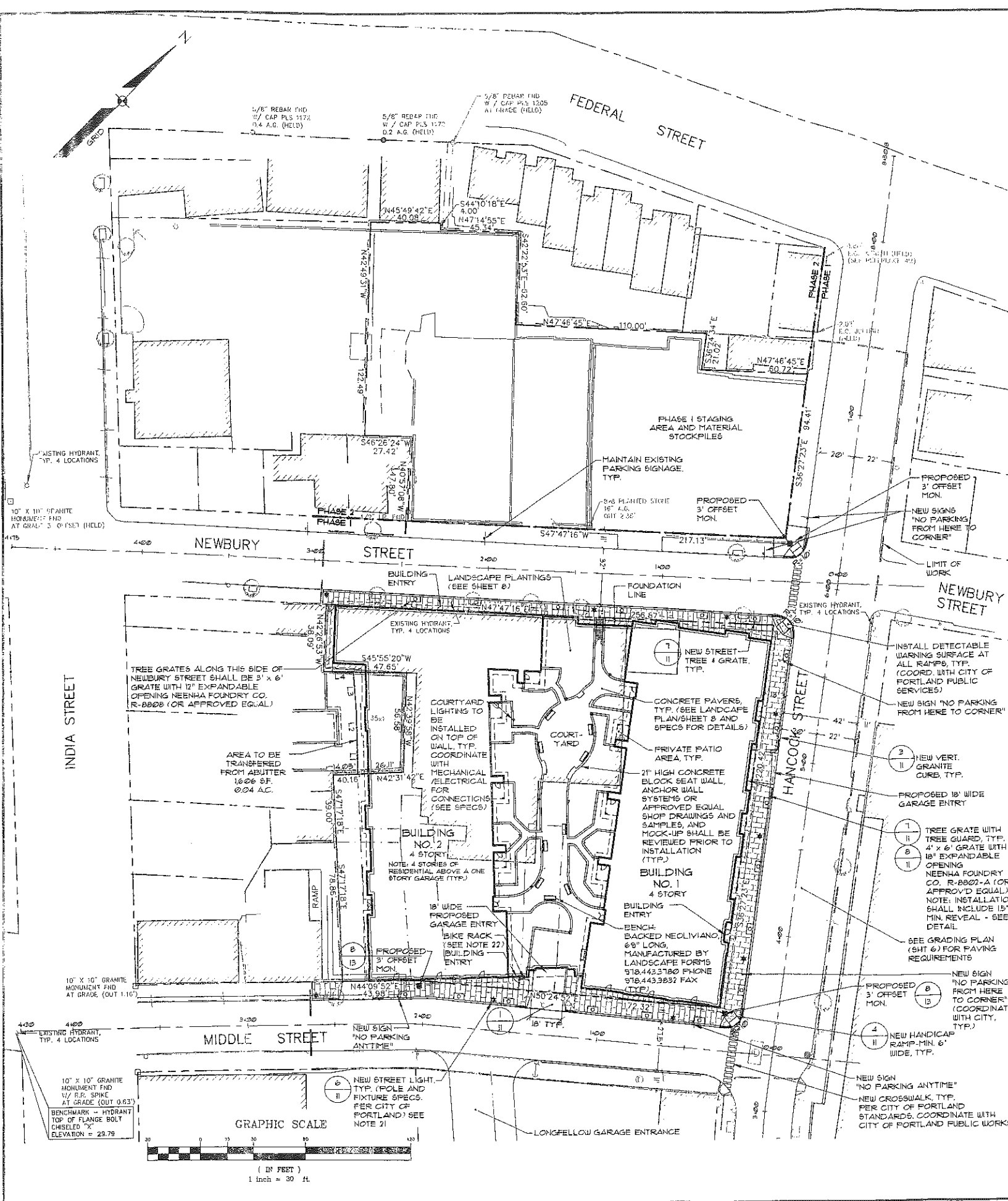
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B7.5



EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
---	ABUTTER LINE/ROW	---
---	EASEMENT	---
---	MONUMENT	---
---	IRON PIPE/ROD	---
---	DRILLHOLE	---
---	CURVE/LINE NO.	---
---	BENCHMARK	---
---	BUILDING	---
---	EDGE PAVEMENT	---
---	PAVEMENT PAINT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	GATE VALVE	---
---	HYDRANT	---
---	SEWER MS	---
---	CATCH BASIN	---
---	DRAINAGE MH	---
---	ELECTRICAL MANHOLE	---
---	TELEPHONE MANHOLE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	OUT	---

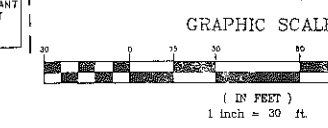
GENERAL NOTES:

- THE RECORD OWNER OF THE PROPERTY IS THE VILLAGE AT OCEANGATE LLC AS DESCRIBED IN A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 75625 PAGE 219.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND TAX MAP 701 BLOCK E LOT 8 AND A PORTION OF LOT 21 (PHASE ONE) AND BLOCK D LOTS 19, 14, 15, AND 32 (PHASE TWO).
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN OF THE GROUND ALTA SURVEY TITLED ALTA/SURVEY OF THE VILLAGE AT OCEANGATE LLC FOR GFI ACQUISITIONS I LLC BY SEBAGO TECHNICS, INC. PERFORMED DATED JULY 11, 2009 REVISED THROUGH APRIL 14, 2009.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH NAD 83 HANE WEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NGVD 1989 VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 185 AC. (PHASE ONE) 115 AC. (PHASE TWO). TO AC.
- ZONING DISTRICT: CONDITIONAL REZONING-B-BB URBAN COMMERCIAL MIXED USE ZONE.
- SPACE AND BULK CRITERIA PER B-BB ZONE:
 - (a) MIN. LOT SIZE: NONE
 - (b) MIN. STREET FRONTAGE: NONE
 - (c) MIN. YARD DIMENSIONS: NONE
 - (d) MAX. FRONT YARD SETBACK: 10 FEET
 - (e) MAX. LOT COVERAGE: 100%
 - (f) MAX. RESIDENTIAL DENSITY: 60 DWELLING UNITS PER ACRE
 - (g) MAX. BLDG. HEIGHT: 65 FEET
- SEE ITEM B BELOW
- THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT APPROVED BY THE PORTLAND CITY COUNCIL, AMENDED JUNE 2, 2009 AND IS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 26146 AT PAGE 791. SUCH AGREEMENT CHANGES THE UNDERLYING B-BB COMMUNITY BUSINESS ZONE TO B-BB URBAN COMMERCIAL MIXED USE ZONE AND AMENDS THE ZONE. SEE PLAT PLAN FOR REQUIREMENTS.
- THE VILLAGE AT OCEANGATE IS A PRIVATE DEVELOPMENT. LIGHTING, TRASH REMOVAL/SNOW REMOVAL SHALL BE THE RESPONSIBILITY OF THE COMMERCIAL MERCHANTS AND THE RESIDENTIAL CONDOMINIUM ASSOCIATION.
- METHODS AND MATERIALS USED IN THE CONSTRUCTION OF THE IMPROVEMENTS WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CURRENT CITY CONSTRUCTION STANDARDS AND SPECIFICATIONS AND/OR CURRENT P.D.O.T STANDARDS AND SPECIFICATIONS.
- ALL ELECTRIC, TELEPHONE AND CABLE TV SERVICES SHALL BE UNDERGROUND AND IN CONFORMANCE WITH THE STANDARDS OF CENTRAL PLANE POWER CO., VERIZON WIRELESS, TIME WARNER CABLE TV, CO, OR OTHER UTILITIES PROVIDING SERVICE TO THE SITE.
- ALL WATER MAINS SERVICES AND ASSOCIATED APPURTENANCES SHALL BE IN CONFORMANCE WITH PORTLAND WATER DISTRICT STANDARDS.
- ALL NATURAL GAS MAINS SERVICES AND ASSOCIATED APPURTENANCES SHALL BE IN CONFORMANCE WITH NORTHERN UTILITIES STANDARDS.
- ALL BEDDENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCA 891 OR LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.
- THE FACILITY IS SERVICED BY CITY SEWER, WATER, GAS, UNDERGROUND ELECTRIC, STORM DRAINAGE, TELEPHONE AND CABLE.
- A PERMIT MUST BE OBTAINED FROM THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT AND DEPARTMENT PRIOR TO BEGINNING ANY WORK WITHIN THE CITY RIGHT-OF-WAY. THE CONTRACTOR OR DEVELOPER IS REQUIRED TO NOTIFY THE CITY OF PORTLAND PARKS AND RECREATION SERVICES DIVISION IN WRITING THREE (3) DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION (874-8300 EXT. 8838). SHOULD THE IMPROVEMENTS BE OF SIGNIFICANT CONCERN OR IN A SENSITIVE AREA, A PRE-CONSTRUCTION MEETING MAY BE REQUIRED AT THE DISCRETION OF THE AUTHORITY.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATIONS TO OR DEVIATIONS FROM THE APPROVED SITE PLAN, INCLUDING WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
- PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE/BUILDING CONTRACTOR SHALL PROVIDE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE AT ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
- LANDSCAPING SHALL MEET THE "ARBORETCULTURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- CONTRACTOR SHALL UTILIZE PARKING LOT AREAS IN PHASE II FOR STAGINGS AND MATERIAL STORAGE.
- STREET LIGHTING SHALL CONFORM TO THE CITY OF PORTLAND 'BAYSIDE MEDIUM SCALE LIGHTING POLE' TO INCLUDE THE FOLLOWING:
 - DECORATIVE POLE BASE: HOLLOWMARE CAMBRIDGE SERIES
 - POLE: ROUND TAPERED STEEL 15 FEET HIGH
 - BRACKET ARM: HOLLOWMARE UCC SERIES
 - FIXTURE: HOLLOWMARE ERM-ANDE SERIES
 - PAINT: POLYESTER POWDER COAT PAINT, BLACK (RAL NO. TO BE SELECTED BY CITY)
 - A SHOP DRAWING SHALL BE SUBMITTED TO CITY ENGINEER FOR REVIEW PRIOR TO INSTALLATION.
- BIKE RACK SHALL BE MODEL PLO FROM LANDSCAPE FORMS, INC.



PARKING:
LOWER LEVEL
SCALE: 1"=50'
TOTAL: 80 SPACES

PARKING:
UPPER LEVEL
SCALE: 1"=50'
TOTAL: 90 SPACES



DATE:	09-08-09	REVISED TO INCLUDE 2ND GARAGE LEVEL/SUBMIT TO CITY
BY:	A	STATUS:
SCALE:	1"=50'	

Sebago Technics
 Engineers/Architects You Can Build On
 One Quaker Street
 Westbrook, ME 04092-1339
 Tel: (207) 656-0277

SECOND AMENDED SITE PLAN
 OF:
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR:
THE VII AGF AT OCEAN GATE, LLC

DATE:	09-08-09	SCALE:	1"=50'
SHEET 5 OF			

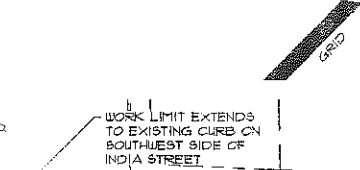
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LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	CONTOURS	---
+	GATE VALVE	+
*	LIGHT POLE	*
o	UTILITY POLE	o
+	HYDRANT	+
+	CATCH BASIN	+
o	MANHOLE	o
30.20	SPOT GRADE	+ 30.20
o	DECIDUOUS TREE	o
o	CONIFEROUS TREE	o

ABBREVIATIONS

BS	BOTTOM STEP
TS	TOP STEP
TC	BOTTOM CURB
TF	TOP CURB
FF	FINISH FLOOR ELEVATION
HP	HIGH POINT



WORK LIMIT EXTENDS TO EXISTING CURB ON SOUTHWEST SIDE OF INDIA STREET.

PAVEMENT JOINT

SAWCUT AND REMOVE EXISTING PAVEMENT, GRADE (MATCH EXISTING GRADES) AND PROVIDE NEW PAVEMENT, SEE DETAIL 3 SHEET 13 FOR SUB BASE AND PAVEMENT DETAILS.

SAWCUT PAVEMENT AND REMOVE EXISTING GRANITE CURBS AND SIDEWALK. INSTALL NEW GRANITE CURBS AND BRICK SIDEWALK BOTH SIDES OF NEWBURY ST. AND CONSTRUCTION PROJECT SIDE OF HANCOCK ST.

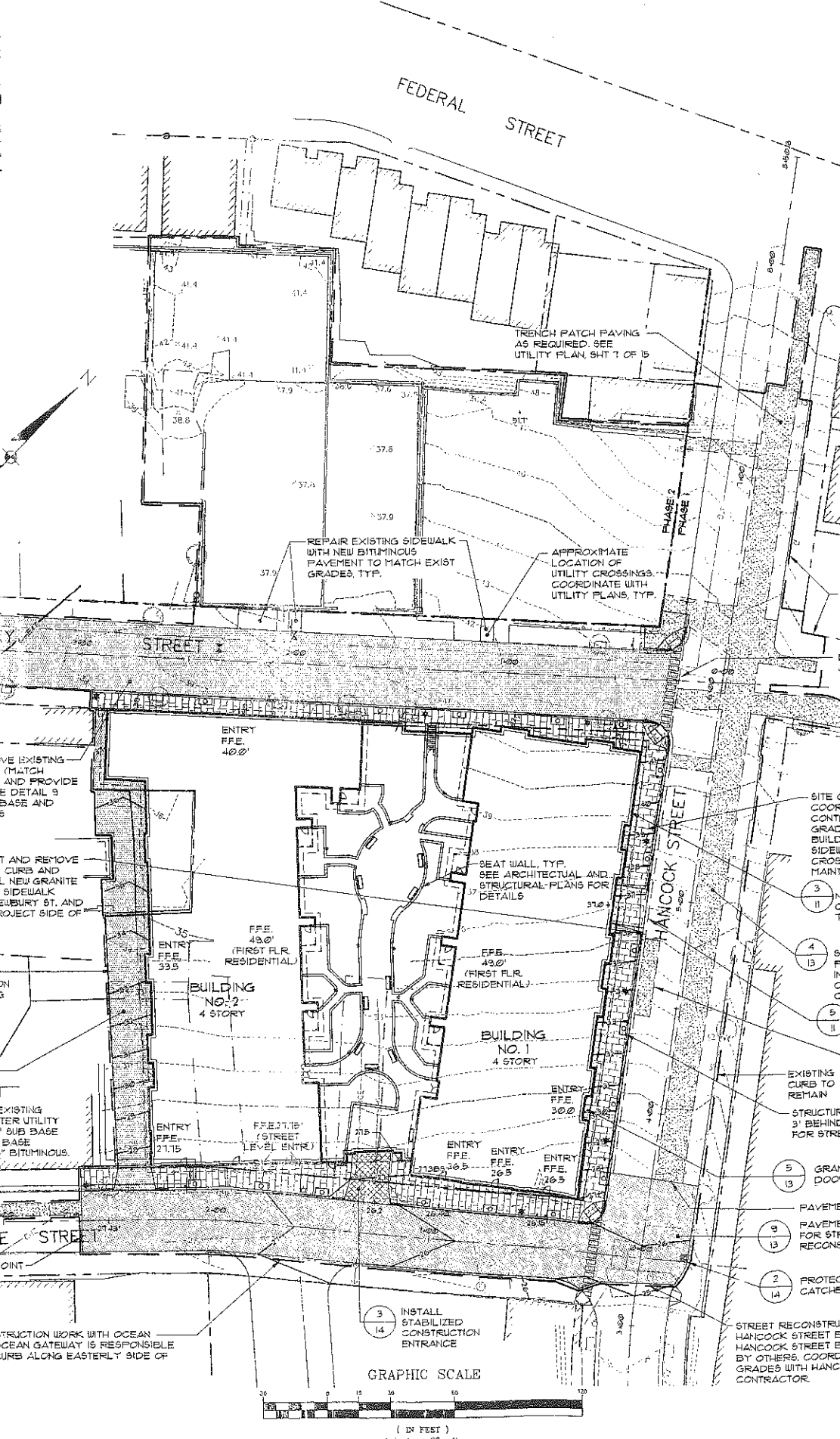
PROTECT ADJACENT STRUCTURES, FOUNDATION & SITE FEATURES DURING EXCAVATION, TYP.

NEW BITUMINOUS PAVEMENT

SAWCUT AND PATCH EXISTING PAVEMENT AREAS AFTER UTILITY INSTALLATION WITH 15" SUB BASE COURSE (TYPE D), 3" BASE COURSE (TYPE A) & 3" BITUMINOUS.

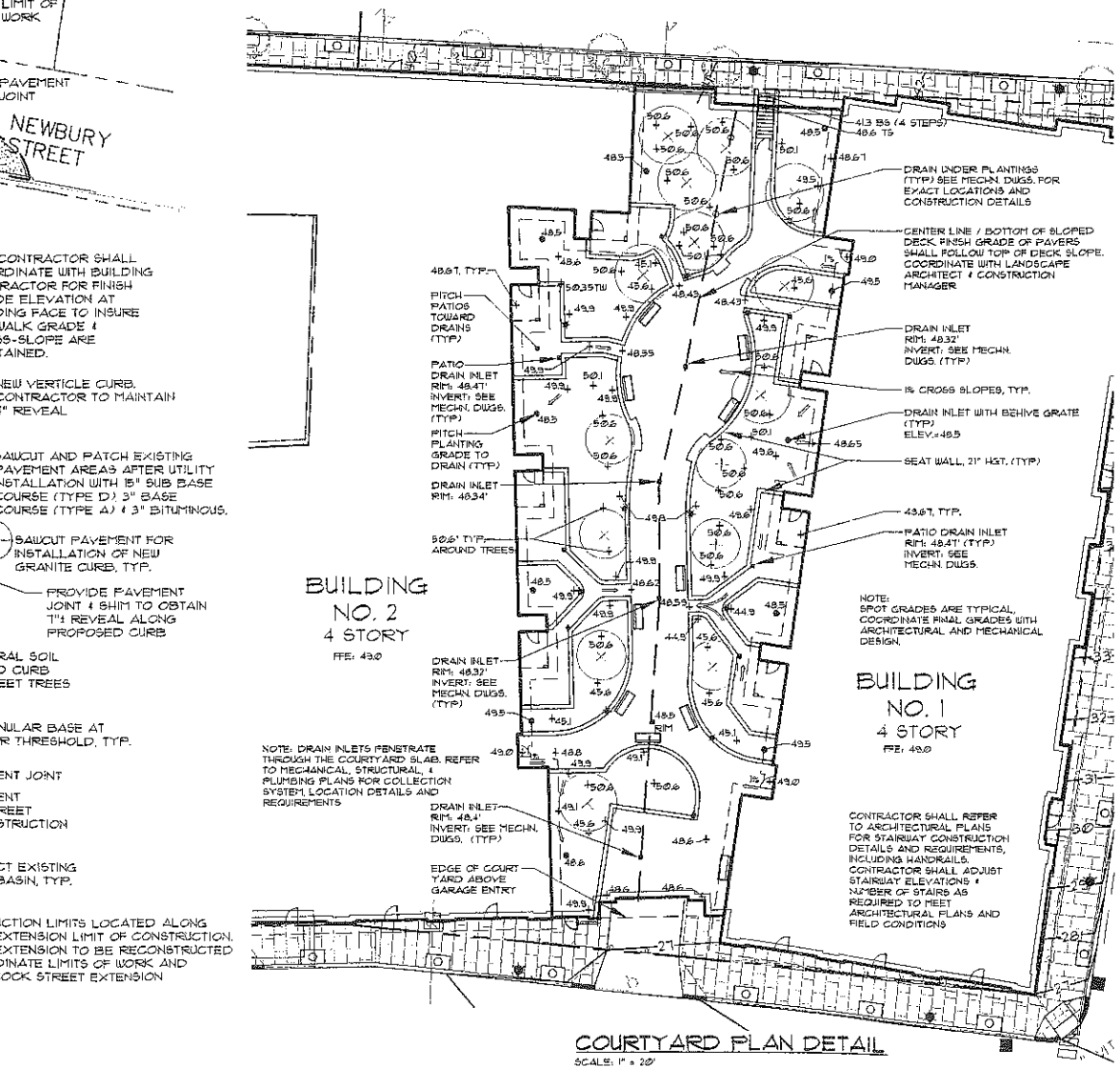
BENCHMARK - HYDRANT TOP OF FLANGE BOLT "X" ELEVATION = 29.79

COORDINATE RECONSTRUCTION WORK WITH OCEAN GATEWAY PROJECT. OCEAN GATEWAY IS RESPONSIBLE FOR SIDEWALK AND CURBS ALONG EASTERLY SIDE OF MIDDLE STREET.



CONSTRUCTION NOTES

- ALL CURBS SHALL BE DESIGNED AND BUILT WITH TOP EDGES AT ALL DRIVEWAYS AND CROSSWALKS, IN ACCORDANCE WITH THE PUBLIC SERVICES, TECHNICAL STANDARDS AND GUIDELINES.
- AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE. THE DEVELOPER OR AN AUTHORIZED AGENT, MUST BE AVAILABLE AT ALL TIMES DURING CONSTRUCTION.
- TRAINING SIGNS, MARKERS, BARRICADES OR FLAGPENS, APPROPRIATE FOR THE TYPE OF CONSTRUCTION MUST BE ERECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- CONSTRUCTION DEBRIS SHALL BE CONTAINED AND DISPOSED OF IN ACCORDANCE WITH CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 9.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO MAINTAIN THEIR INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR'S/DEVELOPER'S EXPENSE.
- ALL SANITARY SERVICES AND APPURTENANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT.
- ALL NEW CONNECTIONS, RECONNECTIONS, ETC. TO SANITARY OR STORM SEWERS SHALL REQUIRE A CONNECTION PERMIT PRIOR TO BEGINNING ANY WORK. THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT MUST BE NOTIFIED AT LEAST 24 HOURS PRIOR TO CONSTRUCTION TO ALLOW FOR INSPECTION.
- LANDSCAPING SHALL MEET THE "AGRICULTURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREA ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER MATERIALS AS REQUIRED BY BEST MANAGEMENT PRACTICES.
- THE CONTRACTOR SHALL UTILIZE A SEDIMENT CONTROL "DITCH" WHEN DISCHARGING TO PUBLIC SEWER. SEE SHEET 10 FOR DETAIL.
- CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE HIM OR HERSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIM OR HERSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND CONDITIONS AND CONDITIONS THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
- CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
- CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN DRAWINGS.
- THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIG SAFE (1-888-DIGSAFE) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES.
- CONTRACTOR SHALL BE AWARE THAT DIG SAFE ONLY NOTIFIES ITS "MEMBER" UTILITIES ABOUT THE DIG. WHEN NOTIFIED, DIG SAFE WILL ADVISE CONTRACTOR OF MEMBER UTILITIES IN THE AREA. CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND CONTACTING NON-MEMBER UTILITIES DIRECTLY. NON-MEMBER UTILITIES MAY INCLUDE TOWN OR CITY WATER AND SEWER DISTRICTS AND SHALL LOCAL UTILITIES AS WELL AS USG PUBLIC SERVICES SYSTEMS.
- CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 13 NEBA 3348-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.
- ALL PAVEMENT MARKINGS AND DIRECTIONAL SIGNAGE SHOWN ON THE PLAN SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS.
- ALL PAVEMENT JOINTS SHALL BE SAUCUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
- NO HOLES, TRENCHES OR STRUCTURES SHALL BE LEFT OPEN OVERNIGHT IN ANY EXCAVATION ACCESSIBLE TO THE PUBLIC OR IN A PUBLIC RIGHT-OF-WAY.
- IMMEDIATELY UPON COMPLETION OF CUTSILLS, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL NOTES AND AS SPECIFIED ON PLANS.
- THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE REMOVAL, REPLACEMENT AND REGRINDING OF ALL DAMAGED AND DEFECTIVE MATERIAL AND WORKMANSHIP IN CONNECTION WITH THE CONTRACT WORK. THE CONTRACTOR SHALL REPLACE OR REPAIR AS DIRECTED BY THE OWNER ALL SUCH DAMAGED OR DEFECTIVE MATERIALS WHICH APPEAR WITHIN A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
- THE GENERAL CONTRACTOR SHALL PROVIDE ALL NECESSARY PROTECTION FOR THE WORK UNTIL TURNED OVER TO THE OWNER.
- THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DRAWINGS ON SITE DURING ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES.
- DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. ANY MODIFICATION TO SET FIELD DIMENSION AND CONDITION SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO ANY WORK.
- BEFORE THE FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT AND MATERIALS, REPAIR OR REPLACE PRIVATE OR PUBLIC PROPERTY WHICH MAY HAVE BEEN DAMAGED OR DESTROYED DURING CONSTRUCTION, CLEAN THE AREAS WITHIN AND ADJACENT TO THE PROJECT WHICH HAVE BEEN OBTAINED BY HIS/HER OPERATIONS, AND LEAVE THE PROJECT AREA NEAT AND PRESENTABLE.
- ALL SUBSURFACE UTILITY LINES SHOWN HEREON ARE BASED SOLELY ON THE FIELD LOCATION OF VISIBLE STRUCTURES, SPITS, COB, HYDRANTS, ETC. IN CONJUNCTION WITH DESIGN AND OR AS-BUILT PLANS SUPPLIED TO SEBAGO TECHNICS INC BY OTHERS. PRIOR TO ANY CONSTRUCTION EXCAVATION, TEST BORINGS, DRILLING, ETC. DIG SAFE MUST BE NOTIFIED AND A SITE IDENTIFICATION NUMBER ALONG WITH A SAFE TO DIG DATE OBTAINED. THE SITE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THE LOCATION, DEPTH AND MATERIAL OF ALL SUBSURFACE UTILITY LINES SHOWN HEREON AND ANY AND ALL OTHERS LOCATED ON SITE WITHIN THE CONSTRUCTION AREA.
- PRIOR TO BIDDING AND CONSTRUCTION CONTRACTOR SHALL REVIEW ARCHITECTURAL, MECHANICAL, ELECTRICAL, AND FOUNDATION PLANS FOR COORDINATION WITH SITE PLANS. ANY AND ALL DISCREPANCIES SHALL BE BROUGHT TO THE ENGINEER'S ATTENTION PRIOR TO BIDDING AND SHALL BE RESOLVED PRIOR TO BIDDING.
- SEE ARCHITECTURAL, MECHANICAL, ELECTRICAL PLANS FOR LOCATIONS AND REQUIREMENTS FOR UTILITY SERVICES TO BUILDINGS AND SITE INCLUDING BUT NOT LIMITED TO ELECTRICAL, GAS, WATER, SEWER AND DRAINAGE. CONTRACTOR SHALL INSTALL UNDERGROUND ELECTRICAL, TELEPHONE AND CABLE SERVICES TO ALL BUILDINGS AND SHALL COORDINATE WITH RESPECTIVE UTILITIES FOR LOCATIONS OF SERVICE UNITS, TRANSFORMER PADS, AND THE NECESSARY STRUCTURES. THIS SHALL BE COMPLETED BY THE CONTRACTOR AS PART OF THE BIDDING PROCESS AND SHALL BE COORDINATED WITH THE OWNER.
- ELECTRICAL, TELEPHONE & CABLE LINES SHOWN APPROPRIATE LOCATIONS AND MUST BE COORDINATED WITH APPLICABLE UTILITY COMPANY. AS A RESULT, ACTUAL LOCATIONS MAY VARY PENDING UTILITY COMPANY REVIEW & APPROVAL.
- COORDINATE GRADES AT BUILDING WITH ARCHITECTURAL PLANS AND CONSTRUCTION MANAGER. ADJUSTMENT MAY BE REQUIRED AND SHALL BE COORDINATED WITH THE SITE CONSTRUCTION MANAGER.



COURTYARD PLAN DETAIL
SCALE: 1" = 20'

Sebago Technics
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Portland, Maine
Tel: (207) 865-0277

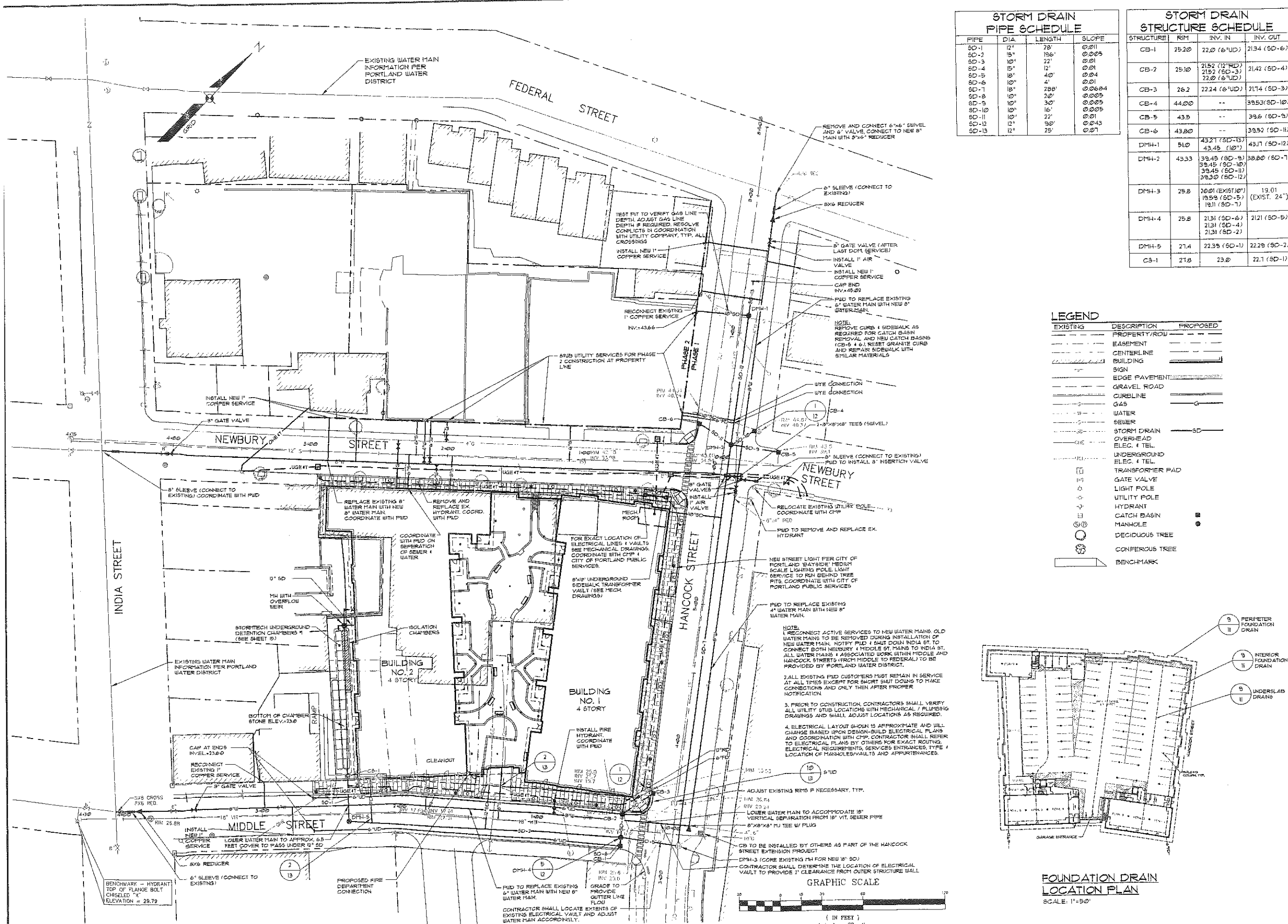
GRADING PLAN
OF THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.,
PORTLAND, MAINE
FOR THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE: 09-08-09
SCALE: AS NOTED

SHEET 6 OF 15

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
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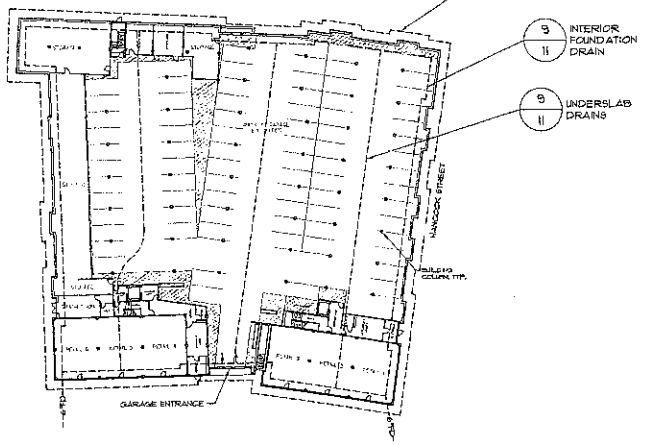
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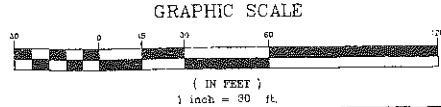
STORM DRAIN PIPE SCHEDULE			
PIPE	DIA.	LENGTH	SLOPE
SD-1	12"	28'	0.01
SD-2	15"	196'	0.005
SD-3	10"	22'	0.01
SD-4	15"	12'	0.01
SD-5	10"	40'	0.04
SD-6	10"	4'	0.01
SD-7	18"	288'	0.00684
SD-8	10"	20'	0.0025
SD-9	10"	30'	0.0025
SD-10	10"	16'	0.0025
SD-11	10"	22'	0.01
SD-12	12"	90'	0.043
SD-13	12"	25'	0.07

STORM DRAIN STRUCTURE SCHEDULE			
STRUCTURE	RIM	INV. IN	INV. OUT
CB-1	25.20	22.0 (6"UD)	21.34 (SD-6)
CB-2	25.10	21.52 (2"RED)	21.42 (SD-4)
CB-3	26.2	22.24 (6"UD)	21.74 (SD-3)
CB-4	44.00	--	39.53 (SD-10)
CB-5	43.5	--	39.6 (SD-9)
CB-6	43.80	--	39.52 (SD-11)
DMH-1	51.0	43.21 (SD-13)	43.11 (SD-12)
DMH-2	43.33	39.45 (SD-9)	38.80 (SD-7)
DMH-3	25.8	20.01 (EXIST. 10")	19.01 (EXIST. 24")
DMH-4	25.8	21.31 (SD-6)	21.21 (SD-5)
DMH-5	21.4	22.39 (SD-1)	22.29 (SD-2)
CS-1	21.8	23.0	22.1 (SD-1)

LEGEND		
EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVERHEAD ELEC. 4 TEL	---
---	UNDERGROUND ELEC. 4 TEL	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---



FOUNDATION DRAIN LOCATION PLAN
SCALE: 1"=50'



REV.	BY:	DATE:	DESCRIPTION:
A	CAD	09-08-09	REVISED FOR 2ND GARAGE LEVEL TO CITY/SITE PLAN AMEND.

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

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One Chatham Street
Westport, Maine 04091
Tel: (207) 685-4027

PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
06109 - - - SAG OAM SAB

UTILITY PLAN
OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE: 09-08-09 SCALE: 1"=30'

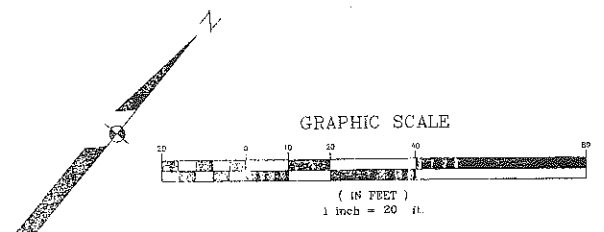
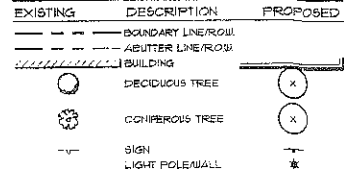
SHEET 7 OF 15

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PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE
AA	ACER X FREEMANII 'ARM-STRONG'	ARM-STRONG RED MAPLE	2 1/2" CAL.
AEU	ASARUM EUROPAEUM	EUROPEAN WILD GINGER	1 QUART
AG	AMELANCHIER GRANDIFLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SPREADING DOGWOOD	2" CAL. HGT. CLUMP
BMJ	BRUNNERA MACROPHYLLA 'JACK FROST'	JACK FROST FORGET-ME-NOT	NO. 1 CONT.
CK	BETULA Papyrifera 'RENAISSANCE REFLECTION'	PAPER WHITE BIRCH	10" HGT. CLUMP
BP	CORNUS KOUSA 'CHINENSIS'	CHINESE DOGWOOD	2 1/2" CAL.
HBA	HOSTA 'BLUE ANGEL'	BLUE ANGEL HOSTA	NO. 1 CONT.
HGU	HOSTA 'GUACAMOLE'	GUACAMOLE HOSTA	NO. 1 CONT.
HKR	HOSTA 'KROSSA REGAL'	KROSSA REGAL HOSTA	NO. 1 CONT.
HVS	HEUCHERELLA 'VIKING SHIP'	FOAMING BELLS	NO. 1 CONT.
KL	KALMIA LATIFOLIA 'SNOWDRIFT'	SNOWDRIFT MOUNTAIN LAUREL	24"-30"
LF	LEUCOTHOE FONTANEBIANA 'COMPACTA'	COMPACT FRODOPING LEUCOTHOE	18"-24"
SR	SYRINGA RETICULATA	JAPANESE TREE LILAC	2" CAL. SINGLE STEM
SU	SYRINGA RETICULATA 'WILLAMETTE'	IVORY PILLAR TREE LILAC	1 1/2"-2" CAL.
TC	TAXUS CUSPIDATA 'CAPitata'	UPRIGHT JAPANESE YEW	1'-8" HGT.
TS	TAXUS CUSPIDATA	SPREADING JAPANESE YEW	2'-3" HGT.
VC	VIBURNUM CARLESI	CARLESI VIBURNUM	24"-30"
ZS	ZELKOVA SERRATA	GREEN VALE ZELKOVA	2'-2 1/2" CAL.

LEGEND

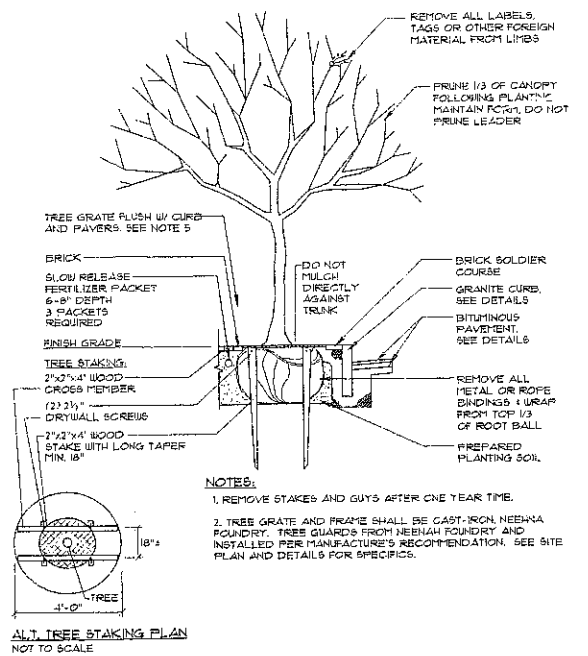
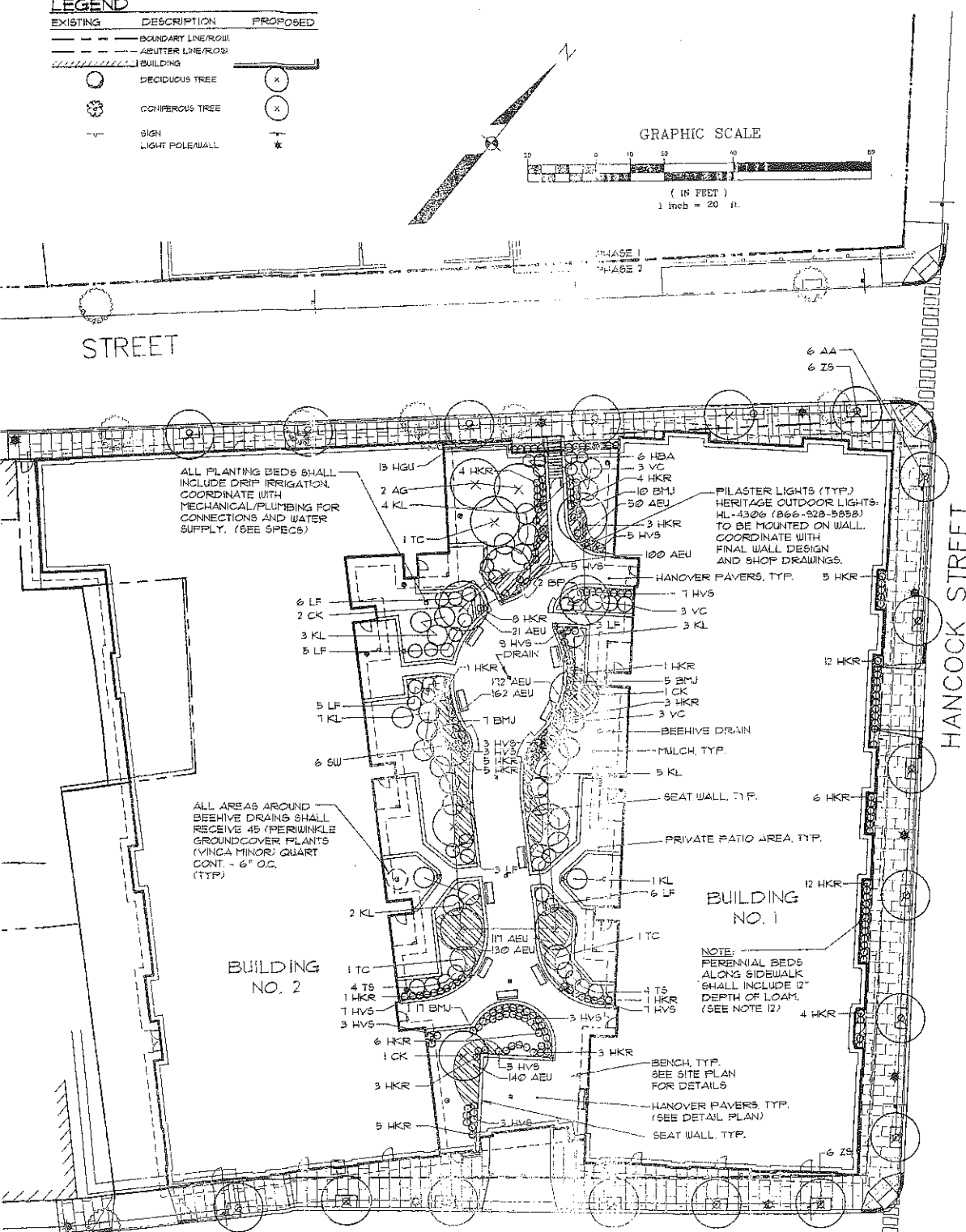


LANDSCAPE NOTES

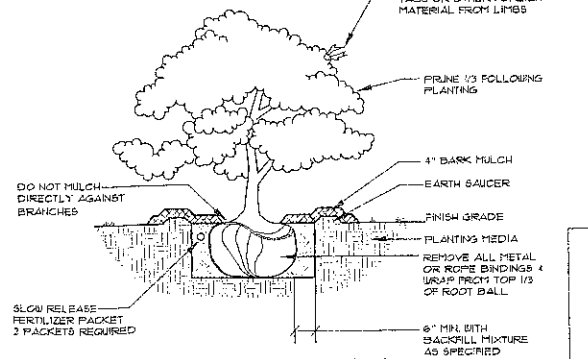
- PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF 'USA STANDARD FOR NURSERY STOCK' BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
- ALL PLANTINGS SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUYS, WRAPPING, SPRAYING FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
- PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE JUNIOR. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING WALKS, CURBS, ETC. DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
- ALL PLANTING BEDS SHALL BE MULCHED WITH 3" CLEAN SHREDDED DARK BROWN BARK MULCH.
- THE CONTRACTOR SHALL PROVIDE STRUCTURAL SOIL FOR STREET TREES AND ADJACENT AREA (3' BEHIND CURB) AND PROVIDE PLANTING MEDIUM (INTENSIVE GREEN ROOF APPLICATION) FOR ALL COURTYARD PLANTING AREAS. SPECIFICATIONS FOR STRUCTURAL SOIL SHALL MEET PERMITS: 11-BIT-121-6784(UNIFORMITY) LCOM OR CIVIL-STRUCTURAL SOIL, URBAN HORTICULTURAL INSTITUTE (WWW.HORTICORREL.EDU/HSI). PLANTING MEDIUM FOR THE COURTYARD SHALL MEET SPECIFICATIONS FOR FERTILITATIVE INTENSIVE GREEN ROOF MEDIA OR APPROVED EQUAL. THERE ARE VARIOUS DEPTHS OF PLANTING MEDIA. REFER TO GRADING PLAN AND SPECIFICATIONS FOR ACTUAL DEPTHS.
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND MUNICIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
- WHERE INDICATED ON PLAN PLANTING SOIL MIXTURE FOR PERENNIAL AND ANNUAL PLANTING BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS SPHAGNUM PEAT MOSS, AND ONE PART HORTICULTURAL PERLITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-ROTTED OR DEHYDRATED MANURE OR COMPOST. ROTOTILL BEDS TO A DEPTH OF 8 INCHES.

NOTE: THE FINAL DESIGN OF CONCRETE BLOCK SEAT WALL IS SUBJECT TO CHANGE AND THE OUTLINE SHOWN ON THE PLANS MAY NOT BE THE FINAL LAYOUT. PRIOR TO ORDERING MATERIALS AND INSTALLATION OF PAVERS COORDINATE AND REFER TO FINAL SEAT WALL SHOP DRAWINGS.

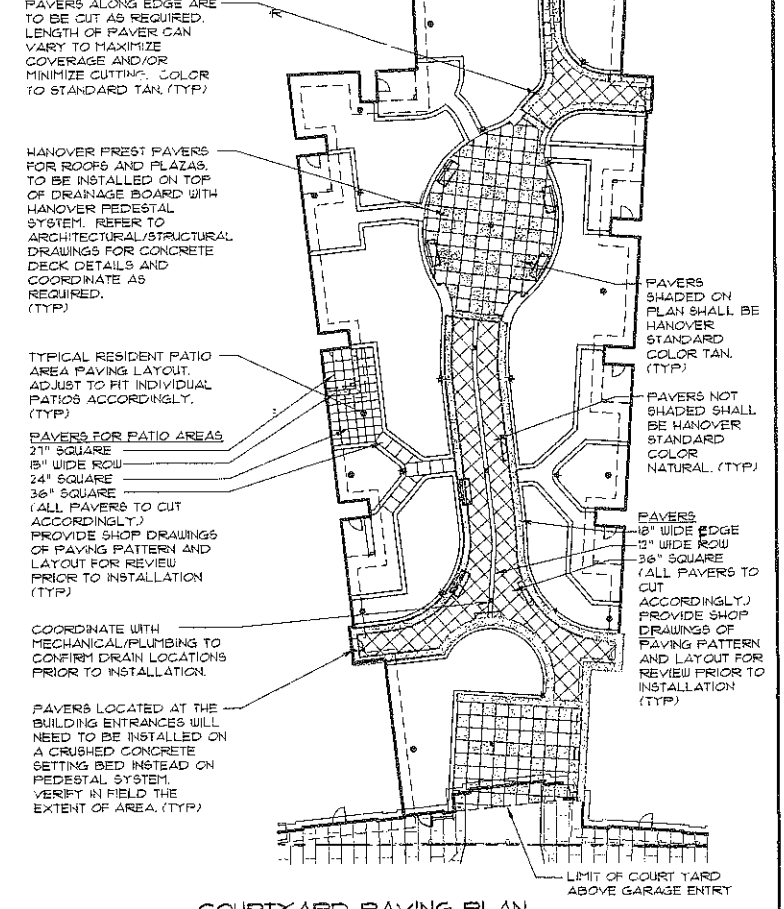
SUBMITTAL AND REVIEW OF SHOP DRAWINGS, SAMPLES AND ON SITE MOCKUP OF COURTYARD PAVERS IS REQUIRED PRIOR TO ORDERING MATERIALS AND INSTALLATION.



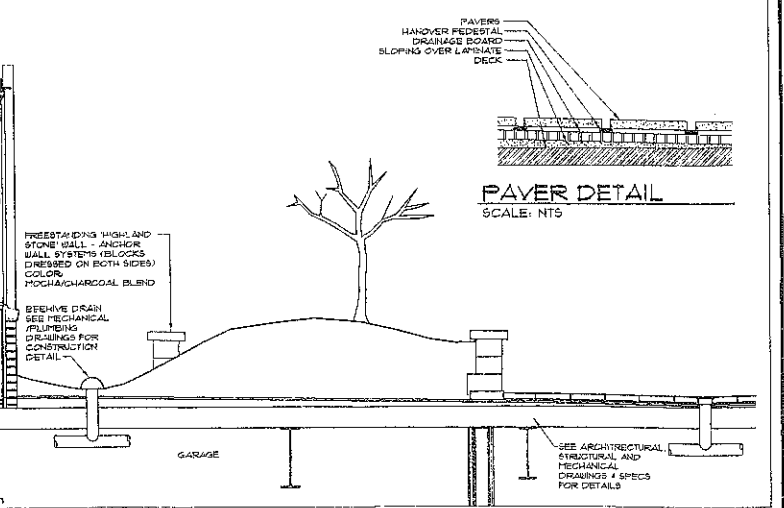
STREET & COURTYARD TREE NOT TO SCALE



DECIDUOUS & EVERGREEN SHRUB NOT TO SCALE



COURTYARD PAVING PLAN SCALE: 1"=20'



TYPICAL COURTYARD SECTION SCALE: NTS

REV	DATE	STATUS
CD	9/8/05	REVISED FOR 2ND GARAGE LEVEL - TO CITY/SITE PLAN AMEND.
CD	9/12/05	REVISED PER CITY STAFF COMMENTS
B	7/17/05	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS

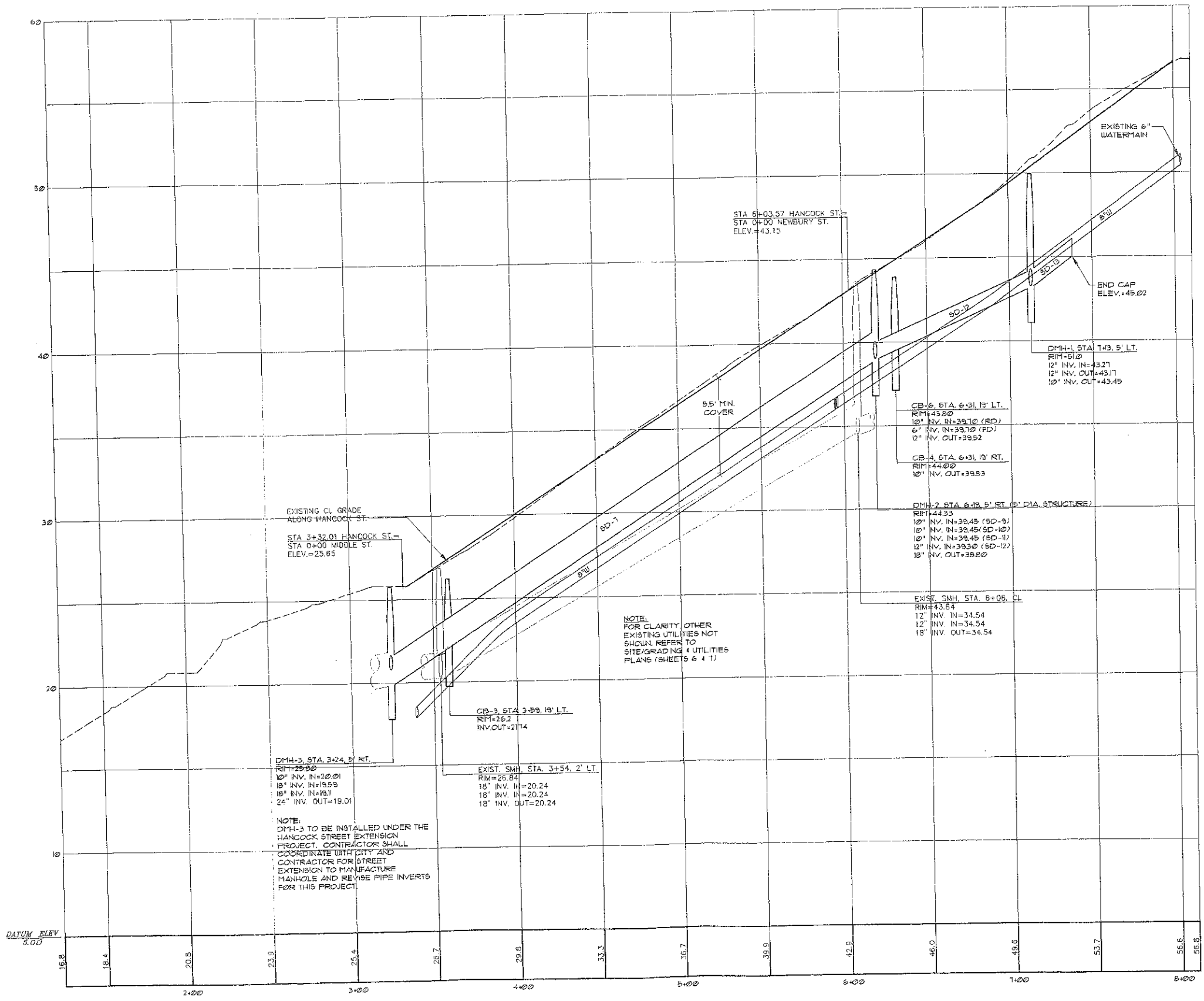
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 Westbrook, Maine 04092-1338
 Tel: (207) 698-6677

PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN	SAD
05109			CD		

LANDSCAPE/COURTYARD PAVING PLAN
 OF THE BAY HOUSE
 112 NEWBURY ST., 40 HANCOCK ST.
 172 ISLAND, MAINE
 FOR THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE	SCALE
8/3/05	1"=20'

SHEET 8 OF 15



PROFILE: HANCOCK STREET
 HORIZ. SCALE: 1" = 30'
 VERT. SCALE: 1" = 3'

B7.9

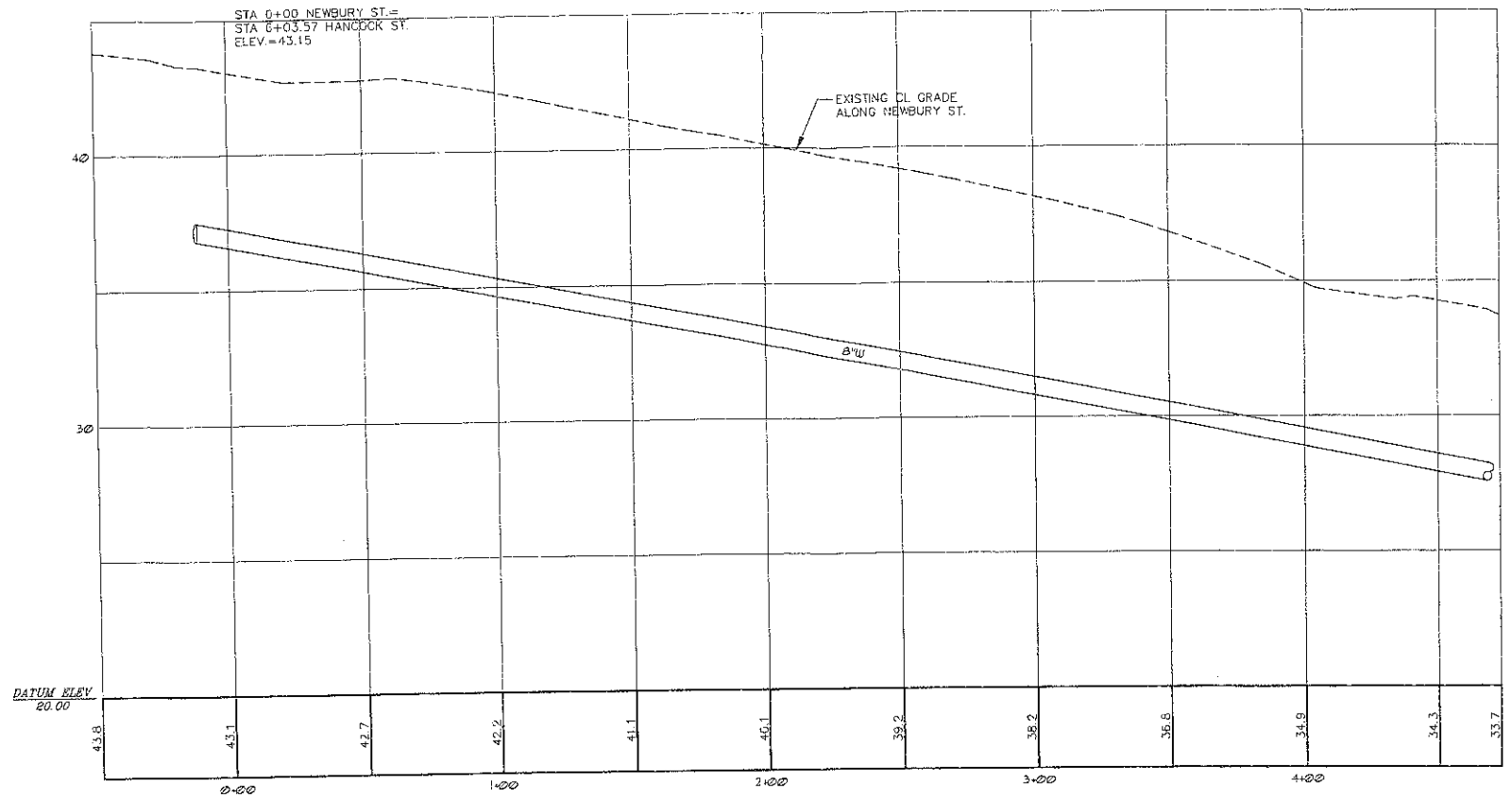
Sebago Technics
 Engineering Experts You Can Build On
 One Ocean Street
 Westbrook, ME 04092-1339
 Tel: (207) 636-4277

PROJECT NO. | FIELD BOOK | DESIGN | CHKD | OAM | DRAWN | SAB
 05109 | | | | | | |

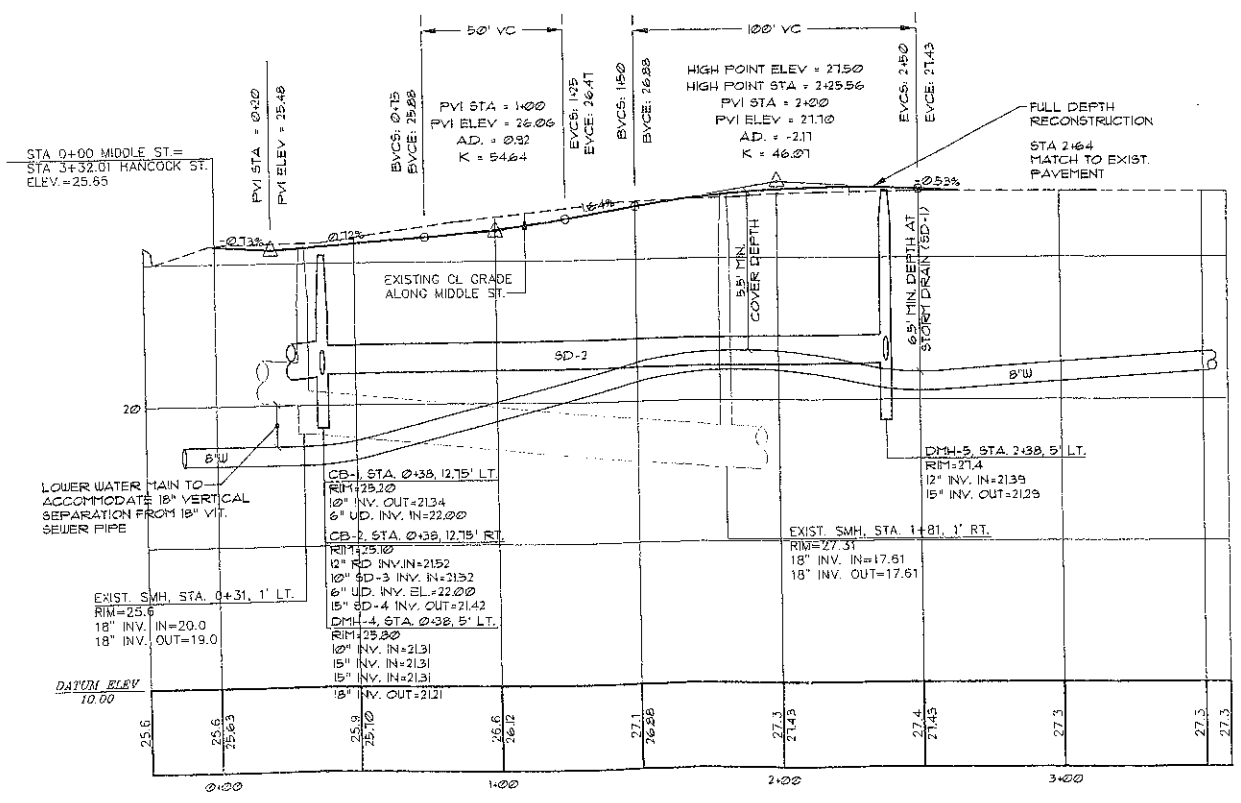
PROFILE OF:
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR THE
THE VILLAGE AT OCEAN GATE, LLC
 132 PEARL STREET, SUITE 400
 BOSTON, MA 02110

05109-1-F.dwg, TAB: P1

A
BT.10



PROFILE: NEWBURY STREET
 HORIZ. SCALE: 1" = 30'
 VERT. SCALE: 1" = 3'



PROFILE: MIDDLE STREET
 HORIZ. SCALE: 1" = 30'
 VERT. SCALE: 1" = 3'

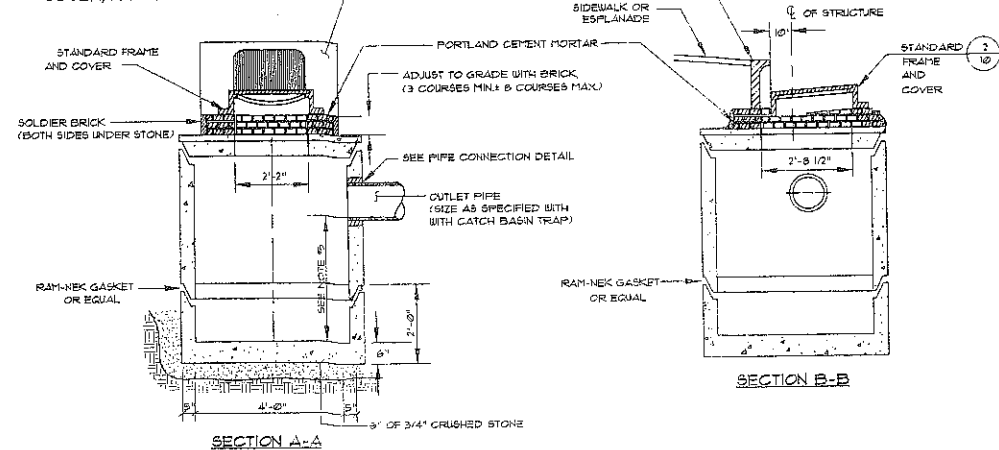
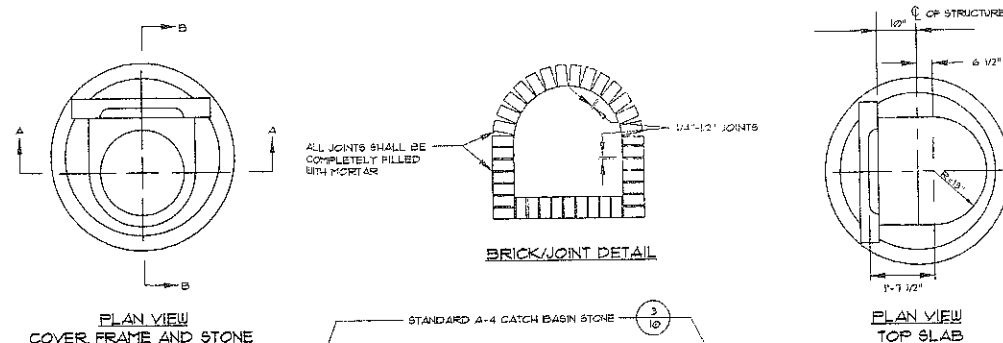
REV.	BY:	DATE:	STATUS:
D	CD	9/8/09	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
C	CD	9/12/08	REVISED PER CITY STAFF COMMENTS
B	CD	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	CD	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS

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PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
05109			DAM	SAB

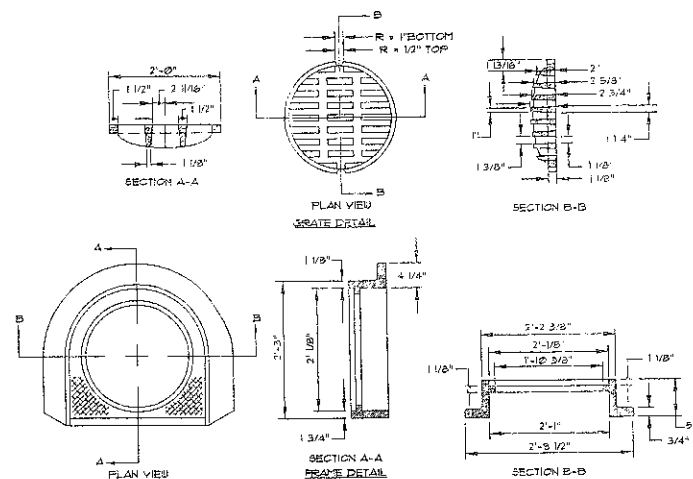
PROFILE OF:
THE BAY HOUSE
 112 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110



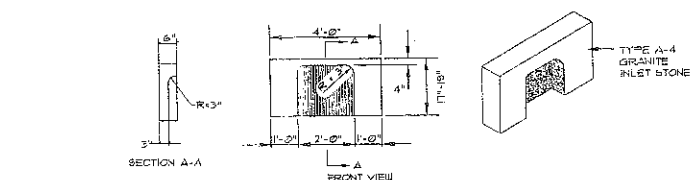
NOTES:

1. 4'-0" I.D. TYPICAL. SOME STRUCTURES MAY REQUIRE LARGER I.D. PROVIDE SHOP DRAWINGS FOR APPROVAL.
2. DRAINAGE STRUCTURES TO BE DESIGNED FOR H-20 LOADING.
3. PIPE SIZES AND INVERTS AS NOTED ON PLANS.
4. CATCH BASIN FRAME - NO GRATE TO ACCOMMODATE 2" MIN. GRADE (H-20 LOADING & BICYCLE SAFE). PROVIDE SHOP DRAWINGS FOR ENGINEER'S / OWNER REPRESENTATIVE'S APPROVAL.
5. SLOPES TO BE 2" WITHIN CITY OF PORTLAND RIGHT-OF-WAY AND 2" MIN. IN ALL OTHER LOCATIONS.

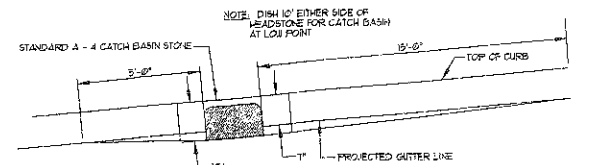
1 PRECAST CONCRETE CATCH BASIN - TYPE "E"
NOT TO SCALE



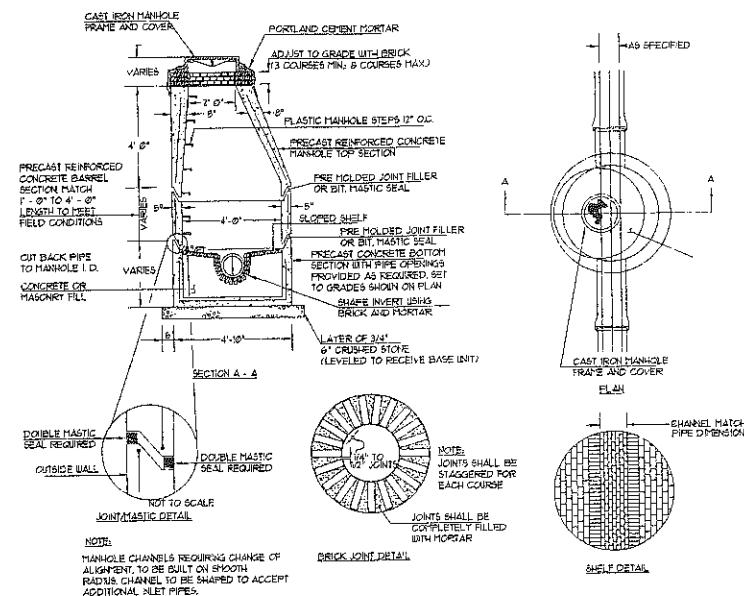
2 CATCH BASIN TYPE "D"-FRAME & COVER DETAIL
NOT TO SCALE



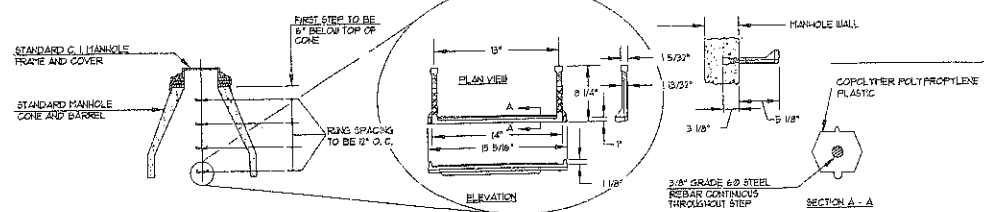
3 TYPE A-4 GRANITE CATCH BASIN INLET STONE DETAIL
NOT TO SCALE



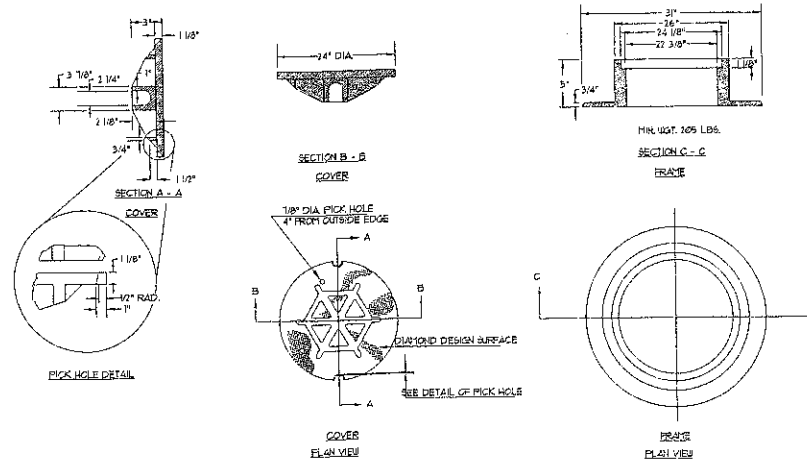
4 TYPICAL PAVEMENT GRADING ON SLOPES FOR CATCH BASIN AND INLET
NOT TO SCALE



5 PRECAST CONCRETE MANHOLE TYPE "A"
NOT TO SCALE



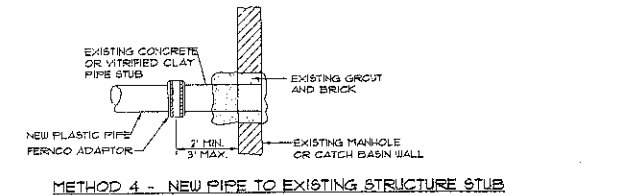
6 PLASTIC MANHOLE STEPS
NOT TO SCALE



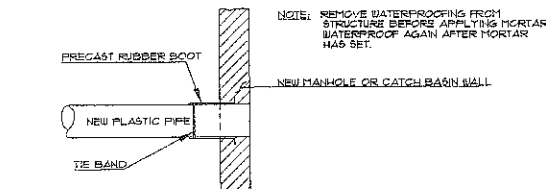
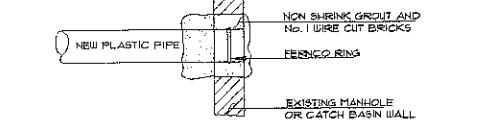
7 TYPE "A" CAST IRON MANHOLE COVER AND FRAME
NOT TO SCALE

GENERAL NOTES FOR MANHOLES AND CATCH BASINS

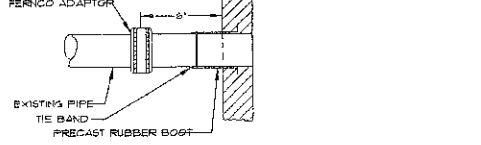
1. ALL CONCRETE SHALL BE CLASS "A" AND HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 PSI, PER SQ. INCH AT THE END OF 28 DAYS UNLESS OTHERWISE NOTED.
2. PRECAST REINFORCED CONE BARREL MANUFACTURED PER ASTM SPEC. C-118-91
3. REBAR BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-31-63, GRADE #4 AND SA.
4. ALL MANHOLES SHALL HAVE A BITUMINOUS WATERPROOFING APPLIED TO THE EXTERIOR SURFACE. IF CONSTRUCTED OF BRICK MASONRY, SURFACE SHALL BE PLASTERED WITH A SMOOTH MORTAR FINISH 5/8" THICK, AFTER THE MORTAR HAS SET, THE SURFACE SHALL BE WATERPROOFED AS REQUIRED BY SUPPLEMENTAL SPECIFICATIONS SECTION 604.
5. CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 30. ALL PARTS OF CASTINGS, EXCEPT FINISHED SURFACE, SHALL RECEIVE A COAT OF COAL TAR PITCH VARNISH OR ASPHALT PAINT WHICH SHALL BE SMOOTH AND TOUGH BUT NOT BRITTLE.
6. MANHOLES MAY BE CONSTRUCTED OF MASONRY, PRECAST REINFORCED CONCRETE, OR CAST IN PLACE.
7. ALL PRECAST MANHOLES AND CATCH BASINS SHALL BE IDENTIFIED BY STATION AND CISEL PAINTED ON THE SIDE OF THE STRUCTURE BY THE MANUFACTURER.
8. STORM AND SEWER MANHOLES SHALL HAVE SOLID COVERS WITH ONE DRILLED PICK HOLE.
9. EXISTING MANHOLES, CATCH BASINS, FRAMES, AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR, AND SHALL REMAIN THE PROPERTY OF THE CITY OF PORTLAND.



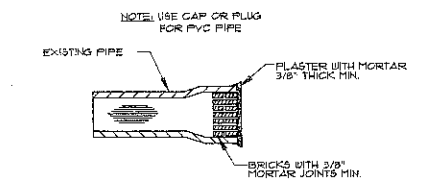
NOTE: EXISTING MANHOLE OR CATCH BASIN SHALL BE CORE DRILLED FOR PIPE INSTALLATION. IF PIPE DIAMETER IS SO LARGE THAT CORE DRILLING IS PROHIBITED, THE CONTRACTOR MAY USE ANY COMBINATION OF JACK HARRINGERS AND SAW CUTTING THE STRUCTURE TO CREATE PIPE OPENINGS. THE NEW OPENINGS MUST THEN BE SEALED AND WATERTIGHT BOTH INSIDE AND OUTSIDE THE STRUCTURE.



NOTE: REMOVE WATERPROOFING FROM STRUCTURE BEFORE APPLYING MORTAR. WATERPROOF AGAIN AFTER MORTAR HAS SET.



8 PLASTIC PIPE CONNECTION DETAIL
NOT TO SCALE



9 MASONRY PLUG DETAIL
NOT TO SCALE

A
07.12

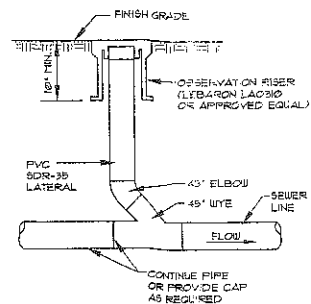
REV	BY	DATE	STATUS
C	CD	9/12/08	REVISED PER CITY STAFF COMMENTS
B	CD	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	CD	2-2-07	SUBMITTED FOR CONSTRUCTION BIDS

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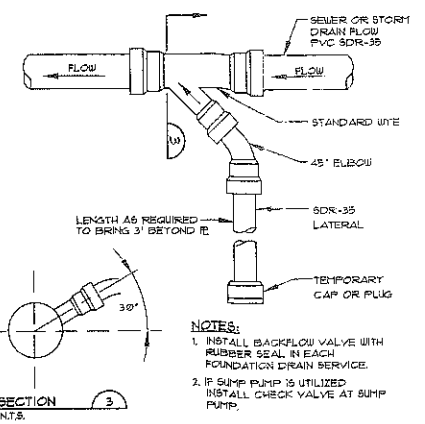
PROJECT NO.	FIELD BOOK	DESIGN	CHKD	DRAWN
05109		SAG	OAM	SAB

DETAILS OF:
THE BAY HOUSE
113 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR THE VILLAGE AT OCEAN GATE, LLC
100 BAY STREET, SUITE 400
BOSTON, MA 02110

A
BT.13



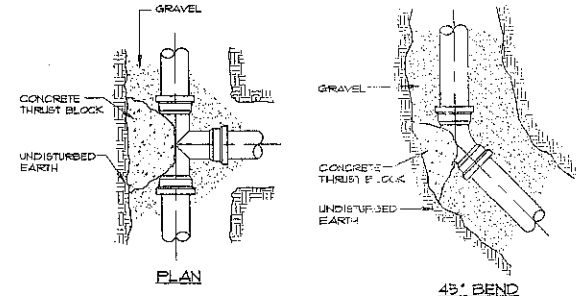
1 SEWER CLEANOUT
NOT TO SCALE



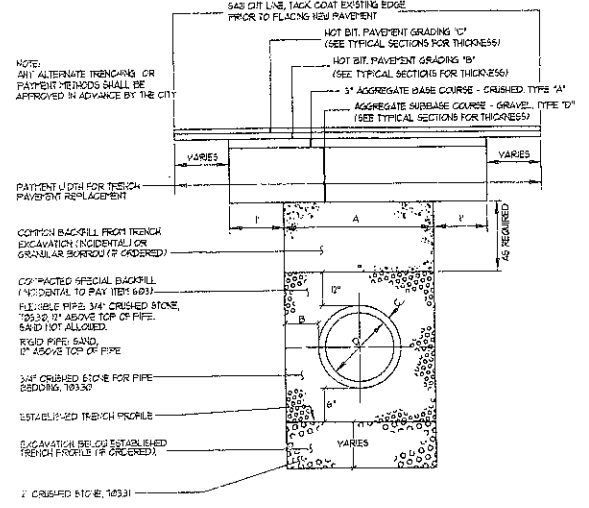
2 SEWER / FOUNDATION DRAIN SERVICE CONNECTION
NOT TO SCALE

CONCRETE THRUST BLOCK SIZE REQUIREMENTS

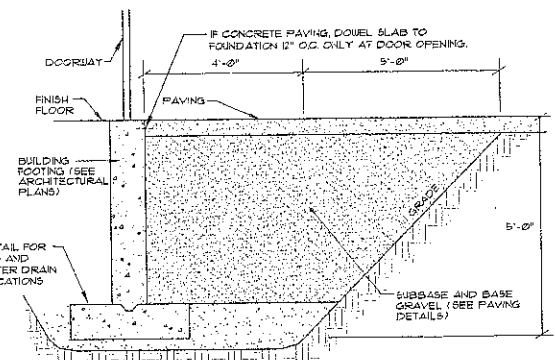
FITTINGS	SQ. FT. OF BEARING ON UNDISTURBED SOIL			
	90° BENDS	45° BENDS	TEES	PLUGS
PIPE SIZE	6"	8"	10"	12"
	4.0	3.0	3.0	3.0
	8.0	4.0	6.0	6.0
	15	10	10	10



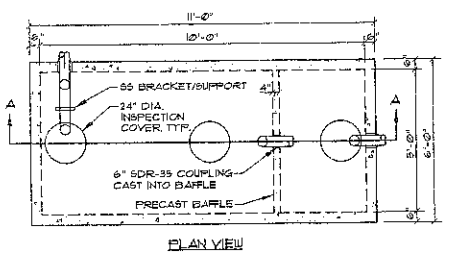
3 TEE AND BEND DETAIL
NOT TO SCALE



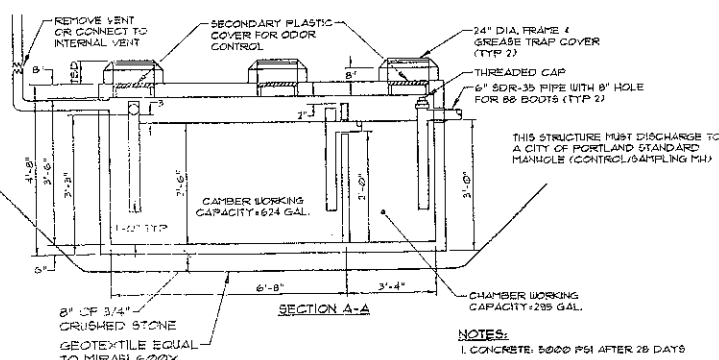
4 TYPICAL PIPE INSTALLATION DETAIL
NOT TO SCALE



5 5' GRANULAR BASE @ DOOR THRESHOLD
NOT TO SCALE



6 GREASE TRAP
NOT TO SCALE



7 GREASE TRAP SECTION A-A
NOT TO SCALE

TABLE OF DIMENSIONS
PVC TRUSS, CMP, & POLYETHYLENE PIPE

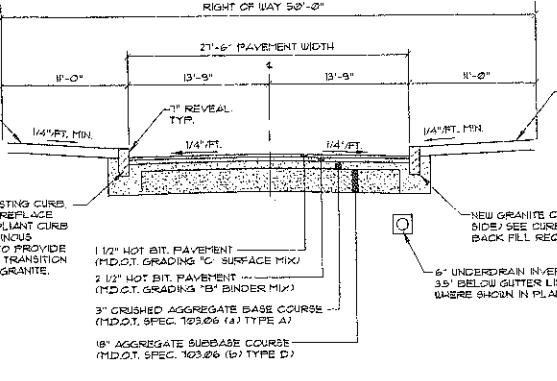
D	A	B	C	VOL. BASE / 100 (UNSHIELDED) O. G. SOCKET
8"	3'-0"	1'-1 1/2"	0'-1 1/2"	7.356
10"	3'-0"	1'-0 3/8"	0'-0 5/8"	7.609
12"	3'-0"	1'-11 3/8"	0'-0 5/8"	7.932
14"	3'-0"	0'-10 3/8"	0'-0 5/8"	8.179
16"	3'-0"	0'-9 1/4"	0'-0 3/4"	8.447
18"	3'-0"	0'-8 1/4"	0'-0 3/4"	8.663
20"	3'-0"	0'-7 3/8"	0'-0 3/4"	8.915
22"	3'-0"	0'-6 3/8"	0'-0 3/4"	9.033
24"	3'-0"	0'-5 1/2"	0'-1 1/8"	10.959
26"	3'-0"	0'-4 1/2"	0'-1 1/8"	12.156
28"	3'-0"	0'-3 1/2"	0'-1 1/8"	13.353
30"	3'-0"	0'-2 3/4"	0'-1 3/8"	14.910

A = WIDTH OF UNSHEATHED TRENCH

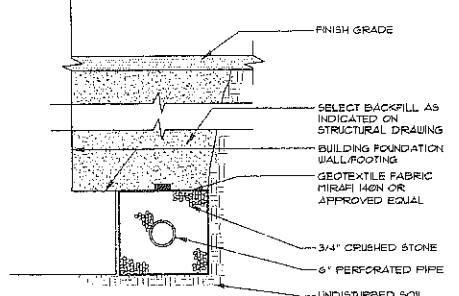
TABLE OF DIMENSIONS
REINFORCED CONCRETE PIPE

D	A	B	C	VOL. BASE / 100 (UNSHIELDED) O. G. BELL
12"	3'-0"	0'-10"	0'-2"	8.319
14"	3'-0"	0'-8 1/2"	0'-2 1/2"	8.656
16"	3'-0"	0'-7 1/2"	0'-2 1/2"	8.925
21"	3'-0"	0'-6"	0'-2 1/4"	9.456
24"	3'-0"	0'-5"	0'-2 1/4"	11.223
28"	3'-0"	0'-4 1/2"	0'-3 1/4"	12.655
30"	3'-0"	0'-4"	0'-3 1/2"	14.120
33"	3'-0"	0'-3 1/2"	0'-3 3/4"	15.224
36"	3'-0"	0'-3"	0'-4"	17.336
42"	3'-0"	0'-2 1/2"	0'-4 1/2"	20.226
48"	3'-0"	0'-2"	0'-4"	24.463
54"	3'-0"	0'-1 1/2"	0'-5 1/2"	28.464
60"	3'-0"	0'-1"	0'-6"	32.607
66"	3'-0"	0'-1/2"	0'-6 1/2"	37.074
72"	3'-0"	0'-1"	0'-7"	41.886
78"	3'-0"	0'-1/2"	0'-7 1/2"	46.881
84"	3'-0"	0'-1"	0'-8"	52.149
90"	3'-0"	0'-1/2"	0'-8 1/2"	57.589
96"	3'-0"	0'-1"	0'-9"	63.392

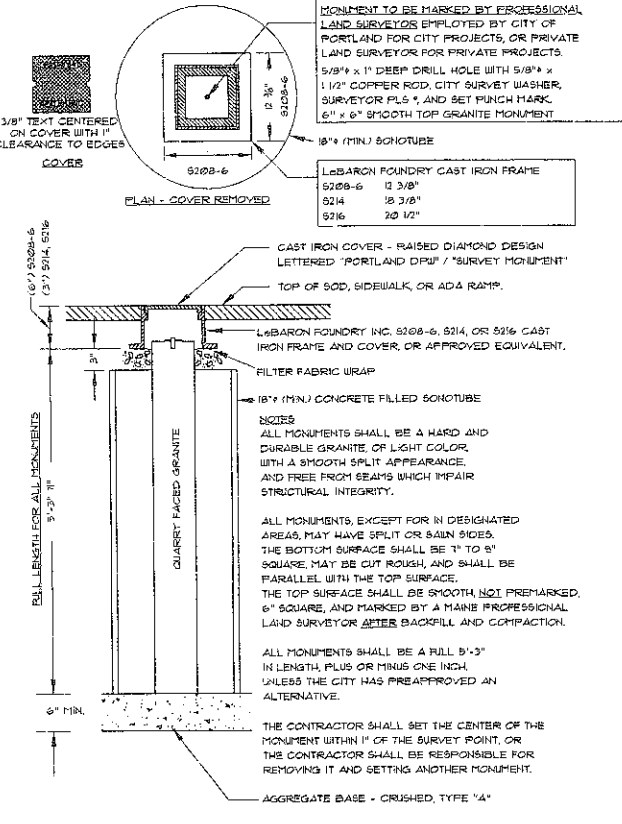
27 IN. THROUGH 96 IN. INCLUSIVE - YONGUE & GROUVE, DIMS



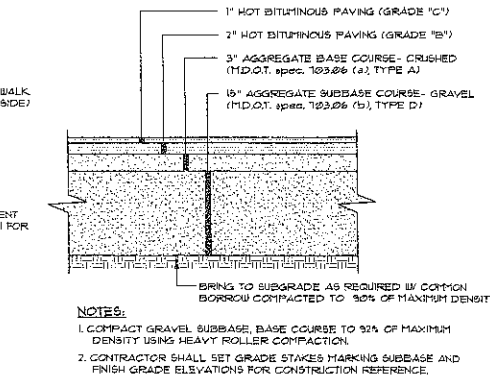
9 MIDDLE & NEWBURY STREET SECTION
NOT TO SCALE



10 TYP. PERFORATED FOUNDATION DRAIN TRENCH SECTION
NOT TO SCALE



8 GRANITE STREET MONUMENT
NOT TO SCALE



11 TYP. PAVED DRIVEWAY SECTION
NOT TO SCALE

REVISIONS

NO.	DATE	DESCRIPTION
1	9/8/09	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
2	10/13/09	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
3	9/12/08	REVISED PER CITY STAFF COMMENTS
4	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
5	11/09/07	STATUS: FOR CONSTRUCTION BIDS

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Portland, Maine
Tel: (207) 856-0277

PROJECT NO: FIELD BOOK: DESIGN: CHD: DRAWN: SAG
05109 - - - - - SAG OAM SAB

DETAILS
OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE	SCALE
8/3/05	AS SHOWN

SHEET 13 OF 15

05109-11-D.dwg TAB:03

CONSTRUCTION NOTES

1. ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.

2. CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIVISIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO THE BEGINNING OF CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.

3. CONTRACTOR SHALL NOTIFY ENGINEER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND IN THE FIELD.

4. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS AND OWNER'S REQUIREMENTS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.

5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.

6. CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.

7. CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN DRAWINGS.

8. SITE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO CONSTRUCTION.

9. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 1991 OR LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.

10. THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIS UTILITIES (1-NUMBER GREENS) STRIPPING OR THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.

11. IMMEDIATELY UPON COMPLETION OF CUT/FILLS, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL NOTES AND AS SPECIFIED ON PLANS.

12. PRIOR TO CONSTRUCTION, THE SITE CONTRACTOR SHALL CONFIRM SETBACKS AND BUILDING DIMENSIONS WITH ARCHITECTURAL DRAWINGS. CONTRACTOR SHALL NOTIFY ENGINEER AND OWNER OF ANY DIFFERENCES AFFECTING BUILDING OR SITE CONSTRUCTION.

13. REMOVE TOPSOIL AND ROUGHEN SUBGRADE TO ESTABLISH SUITABLE INTERFACE FOR ALL FILLS.

A. PRE-CONSTRUCTION PHASE

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, FILTER FABRIC FENCING WILL BE STAKED ACCROSS THE SLOPE(S) ON THE CONTOUR AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SILT FENCES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THE EROSION CONTROL PLAN DETAILS IN THE PLAN SET. THIS NETWORK IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 85%-92% VIGOROUS PERENNIAL VEGETATIVE COVER AND CONSTRUCTION ACTIVITY IN THE AREA HAS BEEN COMPLETED.

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PREPARE A DETAILED SCHEDULE AND MARKED UP PLAN INDICATING AREAS AND COMPONENTS OF THE WORK, AND KEY DATES SHOWING DATE OF DISTURBANCE AND COMPLETION OF THE WORK. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE MUNICIPAL STAFF THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED PRE-CONSTRUCTION MEETING. SPECIAL ATTENTION SHALL BE GIVEN TO THE 14 DAY LIMIT OF DISTURBANCE IN THE SCHEDULE ADDRESSING TEMPORARY AND PERMANENT VEGETATION MEASURES. THE FOLLOWING EROSION CONTROL MEASURES SHALL BE FOLLOWED BY THE CONTRACTOR THROUGHOUT CONSTRUCTION OF THIS PROJECT.

B. CONSTRUCTION AND POST-CONSTRUCTION PHASE

1. ALL AREAS UNDERGOING ACTUAL CONSTRUCTION SHALL ONLY EXPOSE THAT AMOUNT OF MINERAL SOIL NECESSARY FOR PROGRESSIVE AND EFFICIENT CONSTRUCTION AND SHALL NOT EXCEED 14 DAYS. AREAS THAT WILL NOT BE COMPLETED (COVERED AND/OR FINISH GRADED) WITHIN FOURTEEN (14) DAYS OF DISTURBANCE SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL MEASURES WITHIN FOURTEEN (14) DAYS OF DISTURBANCE. TEMPORARY EROSION CONTROL SHALL INCLUDE EROSION CONTROL MESH, NETTING OR MULCH AS DIRECTED BY THE INSPECTING ENGINEER AND AS SHOWN ON THE DESIGN PLANS. IF MULCH IS USED, MULCH OR STRAW MULCH SHALL BE APPLIED AT THE RATE OF 2 BAGS PER 1000 SQUARE FEET. APPLICATION AREA SHALL BE SUFFICIENTLY COVERED WITH MULCH TO AVOID ANY VISIBLE SOIL EXPOSURE. MULCH SHALL BE KEPT MOIST TO AVOID LOSS DUE TO WIND. MULCH AND NETTING SHALL BE APPLIED IN THE BASE OF ALL GRASSED WATERWAYS (IE, ROADWAY DITCHES) AND IN SLOPES WHICH EXCEED 5% AND ANY DISTURBED AREAS WITHIN 10' OF WETLANDS OR STREAMS.

2. IF DISTURBED AREAS DO NOT RECEIVE FINAL SEEDING BY SEPTEMBER 15TH OF THE YEAR OF CONSTRUCTION, THEN ALL DISTURBED AREAS SHALL BE SEEDING WITH A WINTER COVER CROP OF RYE AT THE RATE OF 3 LBS./1000 SF. TO PROVIDE WINTER PROTECTION. WINTER SEEDINGS SHALL BE COVERED WITH EROSION CONTROL MESH (MULCH AND NETTING) HEAVY GRADE MATS SHALL BE USED IN THE BASE OF ALL GRASSED WATERWAYS ON SLOPES EQUAL TO OR GREATER THAN 5%, AND ANY DISTURBED AREAS WITHIN 100' OF WETLANDS OR STREAMS. MULCH AND NETTING SHALL ALSO BE APPLIED FOR ADDITIONAL WINTER PROTECTION ALONG SIDE SLOPES OF GRASSED WATERWAYS AND IN ALL AREAS EQUAL TO OR GREATER THAN 5% SLOPE.

3. DURING WINTER CONDITIONS, AREAS THAT WILL NOT BE COMPLETED /COVERED AND/OR FINISH GRADED/ WITHIN SEVEN (7) DAYS OF DISTURBANCE SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL MEASURES WITHIN SEVEN (7) DAYS OF DISTURBANCE. TEMPORARY EROSION CONTROL SHALL INCLUDE EROSION CONTROL MESH, NETTING OR MULCH AS DIRECTED BY THE INSPECTING ENGINEER AND AS SHOWN ON THE DESIGN PLANS. IF MULCH IS USED, MULCH OR STRAW MULCH SHALL BE APPLIED TO PROVIDE A MINIMUM UNIFORM MULCH DEPTH OF 4". THE APPLICATION AREA SHALL BE SUFFICIENTLY COVERED WITH MULCH TO AVOID ANY VISIBLE SOIL EXPOSURE.

4. ALL TOPSOIL SHALL BE COLLECTED, STOCKPILED, SEEDING WITH RYE AT 3 LBS./1000 SF. AND MULCHED, AND RE-USED AS REQUIRED. SILTATION FENCING SHALL BE PLACED DOWN GRADIENT FROM STOCKPILED LOAM. LOAM SHALL BE STOCKPILED AT LOCATIONS DESIGNATED BY THE OWNER AND INSPECTING ENGINEER.

3. ALL SILT FENCES AND EROSION CONTROL MEASURES SHALL BE INSTALLED ACCORDING TO THIS PLAN. THESE SHALL BE MAINTAINED DURING DEVELOPMENT TO REMOVE SEDIMENT FROM RUNOFF WATER. ALL THE SILT FENCES AND EROSION CONTROL MEASURES SHALL BE INSPECTED BEFORE AND AFTER ANY RAINFALL OR RUNOFF EVENT, MAINTAINED AND CLEANED UNTIL ALL AREAS HAVE AT LEAST 85%-92% VIGOROUS PERENNIAL VEGETATIVE COVER OF GRASSES.

4. A CONSTRUCTION ENTRANCE SHALL BE BUILT AT THE INTERSECTION OF THE EXISTING ROAD AND THE ACCESS DRIVE. ROADWAY AREAS SHALL BE PERIODICALLY SUPT OR WASHED TO AVOID TRACKING OF MUD, DUST OR DEBRIS FROM THE CONSTRUCTION AREA. DUST CONTROL DURING CONSTRUCTION SHALL BE ACHIEVED BY THE USE OF A WATERING TRUCK TO PERIODICALLY SPRINKLE THE EXPOSED ROADWAY AREAS AS NECESSARY TO REDUCE DUST DURING THE DRY MONTHS.

5. CATCH BASIN INLET PROTECTION SHALL BE PLACED WITH EXISTING CATCH BASINS IN THE CONSTRUCTION AREA PRIOR TO CONSTRUCTION. INLET PROTECTION FOR PROPOSED CATCH BASINS SHALL BE INSTALLED IMMEDIATELY FOLLOWING THE INSTALLATION OF THE OUTFALL PIPING.

6. ALL AREAS SHALL BE SEEDING AND STABILIZED IN ACCORDANCE WITH THE FOLLOWING VEGETATION PLAN.

C. VEGETATION PLAN. REVEGETATION MEASURES SHALL COMMENCE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION OF THE ROADWAY IMPROVEMENTS. DISTURBED AREAS SHALL ALSO BE MULCHED AND ANCHORED PRIOR TO ANY STORM EVENT. SEE MULCHING REQUIREMENTS IN SECTION B(14) ABOVE. IF FINAL SEEDING CANNOT BE ACCOMPLISHED BY SEPTEMBER 15TH, THEN ALL DISTURBED AREAS SHALL BE SEEDING WITH A WINTER COVER CROP OF RYE AT THE RATE OF 3 LBS./1000 SQ. FT. TO PROVIDE WINTER PROTECTION. SEEDING AREAS SHALL BE COVERED WITH EROSION CONTROL MESH. SEE WINTER PROTECTION REQUIREMENTS IN SECTION B (15) ABOVE.

REVEGETATION MEASURES SHALL CONSIST OF THE FOLLOWING:

1. FOUR INCHES OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE. LOAM SHALL BE FREE OF SUBSOIL, CLAY LUMPS, STONES AND OTHER OBJECTS OVER 1" IN DIAMETER AND WITHOUT WEEDS, ROOTS OR OTHER OBJECTIONABLE MATERIAL.

2. SOILS TESTS SHALL BE TAKEN AT THE TIME OF SOIL STRIPPING TO DETERMINE FERTILIZATION REQUIREMENTS. SOILS TEST SHALL BE TAKEN PROMPTLY AS TO NOT INTERFERE WITH THE 14 DAY LIMIT ON SOIL EXPOSURE BASED UPON TEST RESULTS. SOIL AMENDMENTS SHALL BE INCORPORATED INTO THE SOIL PRIOR TO FINAL SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS:

10-10-10 FERTILIZER	154 LB./1000 SF
04-P205-K20 CR. SOVAL	
GROUND LIMESTONE (50% CALCIUM + MAGNESIUM OXIDE)	105 LB./1000 SF

3. FOLLOWING SEED BED PREPARATION, SHALE AREAS, FILL AREAS AND BACK SLOPES SHALL BE SEEDING AT A RATE OF 3 LBS./1000 SF. WITH A MIXTURE OF 35% CREEPING RED FESCUE, 6% RED TOP, 24% KENTUCKY BLUEGRASS, 10% PERENNIAL RYEGRASS, 20% ANNUAL RYEGRASS AND 5% WHITE DUTCH CLOVER.

4. EROSION CONTROL MESH SHALL BE APPLIED IN ACCORDANCE WITH THE PLANS OVER ALL FINISH SEEDING AREAS AS SPECIFIED ON THE DESIGN PLANS.

5. ALL HAY BALE AND/OR FILTER FABRIC BARRIERS WILL REMAIN IN PLACE UNTIL SEEDINGS HAVE BECOME 85%-92% ESTABLISHED AND THEN REMOVED WITHIN 10 DAYS.

6. THE INSPECTING ENGINEER AT HIS/HER DISCRETION, MAY REQUIRE ADDITIONAL EROSION CONTROL MEASURES AND/OR SUPPLEMENTAL VEGETATIVE PROVISIONS TO MAINTAIN STABILITY OF EARTHWORKS AND FINIS GRADED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND INSTALLING ANY SUPPLEMENTAL MEASURES AS DIRECTED BY THE INSPECTING ENGINEER. FAILURE TO COMPLY WITH THE ENGINEER'S DIRECTIONS WILL RESULT IN DISCONTINUATION OF CONSTRUCTION ACTIVITIES.

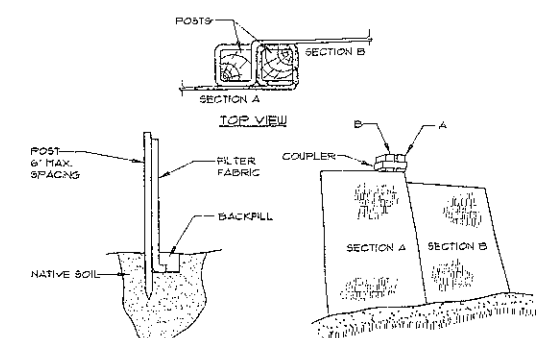
D. CONSTRUCTION SCHEDULE

SITE IMPROVEMENTS ARE SCHEDULED TO BEGIN IN FALL OF 2004. CONSTRUCTION DURATION IS ANTICIPATED TO BE 36 MONTHS TO TIME OF SUBSTANTIAL COMPLETION.

SCHEDULE	WEEK 1 - WEEK 7
1. EROSION CONTROL MEASURES PLACED.	MONTH 1 - ONGOING
2. SITS CLEARING AND GRUBBING	MONTH 1 - MONTH 36
3. CONSTRUCTION OF SITE IMPROVEMENTS.	MONTH 1 - MONTH 36
4. MULCH SPREAD FOR WINTER EROSION CONTROL.	OCT. 15 OF CONSTRUCTION YEAR
5. START FINAL SEEDINGS ON PREPARED AREAS. (DURING GROWTH SEASON)	MONTH 15
6. BIWEEKLY MONITORING OF VEGETATIVE GROWTH.	MONTH 15
7. RESEEDING OF AREAS, IF NEEDED	MONTH 15
8. REMOVAL OF EROSION CONTROL DEVICES	UPON FINAL PROJECT COMPLETION

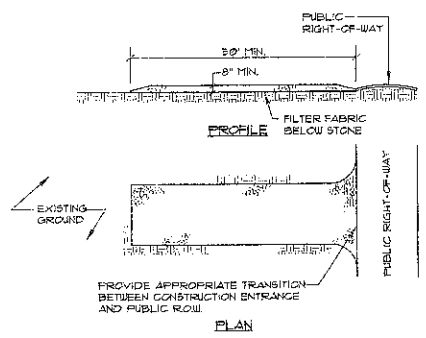
* DATES ARE SUBJECT TO CHANGE AT THE DISCRETION OF THE ENGINEER, DEPENDING ON CONSTRUCTION PROGRESS.

E. INSPECTIONS/MONITORING MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, THE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PERFORM REPAIRS AS NEEDED TO ALLOW CONTINUED PROPER FUNCTIONING OF THE EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PROVIDE THE MUNICIPALITY WITH WRITTEN DOCUMENTATION DESCRIBING DATES OF INSPECTIONS AND NECESSARY FOLLOW-UP WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS OF THIS PLAN. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDINGS, THE CONTRACTOR SHALL INSPECT THE WORK AREA BI-MONTHLY UNTIL THE SEEDINGS HAVE BEEN ESTABLISHED. ESTABLISHED MEANS A MINIMUM OF 85%-92% OF AREAS VEGETATED WITH VIGOROUS GROWTH. RESEEDING SHALL BE CARRIED OUT BY THE CONTRACTOR WITH FOLLOW-UP INSPECTIONS IN THE EVENT OF ANY FAILURES UNTIL VEGETATION IS ADEQUATELY ESTABLISHED.



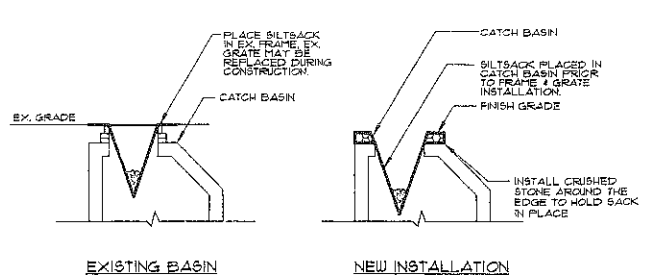
- INSTALLATION:**
1. EXCAVATE A 6" x 6" TRENCH ALONG THE LINE OF PLACEMENT FOR THE FILTER BARRIER.
 2. UNROLL A SECTION AT A TIME AND POSITION THE BACK (DOWNSTREAM) WALL OF THE TRENCH.
 3. DRIVE POSTS INTO THE GROUND UNTIL APPROXIMATELY 2" OF FABRIC IS LYING ON THE TRENCH BOTTOM.
 4. LAY THE TOE-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH. BACKFILL THE TRENCH AND TAMP THE SOIL. TOE-IN CAN ALSO BE ACCOMPLISHED BY LAYING THE FABRIC FLAP ON UNDISTURBED GROUND AND PILING AND TAMING FILL AT THE BASE, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.
 5. JOIN SECTION AS SHOWN ABOVE.
 6. BARRIER SHALL BE MIRAP SILT FENCE OR EQUAL.

1 FILTER BARRIER
NOT TO SCALE



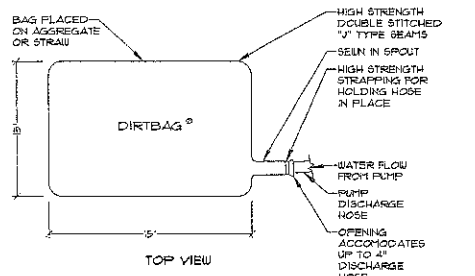
- NOTES:**
1. STONE SIZE - AASHTO DESIGNATION M45, SIZE NO. 2 (2 1/2" TO 1 1/2") USE CRUSHED STONE.
 2. LENGTH - AS SHOWN ON PLANS, MIN. 50 FEET.
 3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
 4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINT OF INGRESS OR EGRESS.
 5. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.

3 STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE

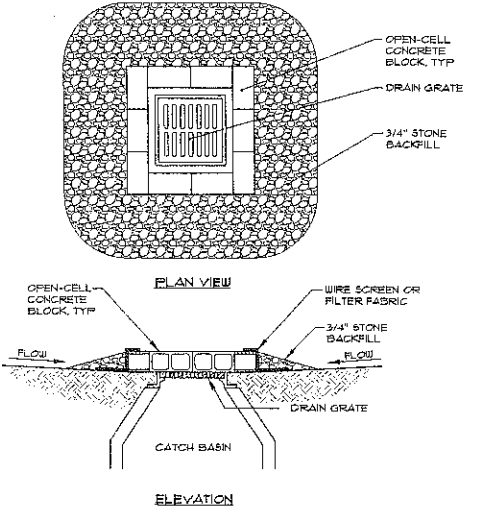


- NOTES:**
- PRIOR TO FINAL GRADING AND PAVING OPERATIONS BEGIN A CATCH BASIN INSERT (SUCH AS A SILT SACK OR A DANDY BAG) MUST BE INSTALLED IN EACH BASIN PER MANUFACTURER'S INSTRUCTIONS. HAY BALES SHOULD BE REMOVED ONCE INSERTS ARE INSTALLED.

2 CATCH BASIN PROTECTION DETAIL (FOR PAVED AREAS)
NOT TO SCALE



4 DIRTBAG PUMPED SILT CONTROL SYSTEM
NOT TO SCALE



5 BLOCK SEDIMENT BARRIER
NOT TO SCALE

A
57.14

REV.	DATE	BY	STATUS
E	9/8/09	CD	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
D	10/13/08	CD	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
C	9/12/08	CD	REVISED PER CITY STAFF COMMENTS /
B	7/17/08	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	11/09/07	CD	SUBMITTED FOR CONSTRUCTION BIDS

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Sebago Technics
Engineering Expertise You Can Build On
One Orchard Street
Newbury, MA 01895
Tel: (307) 856-0977

PROJECT NO. FIELD BOOK DESIGN CHRD DRAWN
05109 1-0-09 OAM SAB

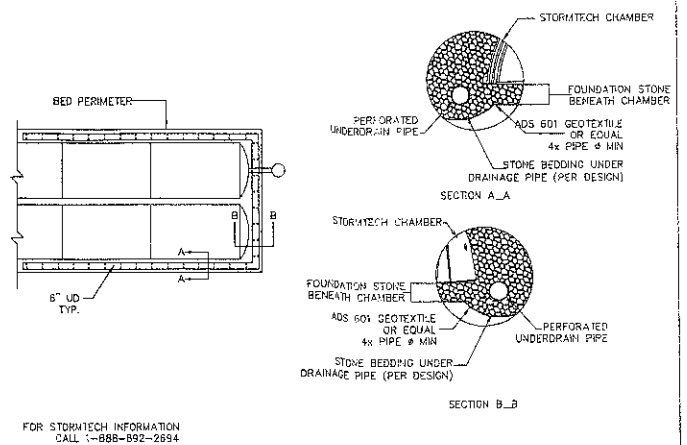
DETAILS

OF:
THE BAY HOUSE
112 NEWBURY ST., 4C HANCOCK ST.
PORTLAND, MAINE

FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

TAB:D4

A
B7.15



FOR STORMTECH INFORMATION
CALL 1-888-892-2694

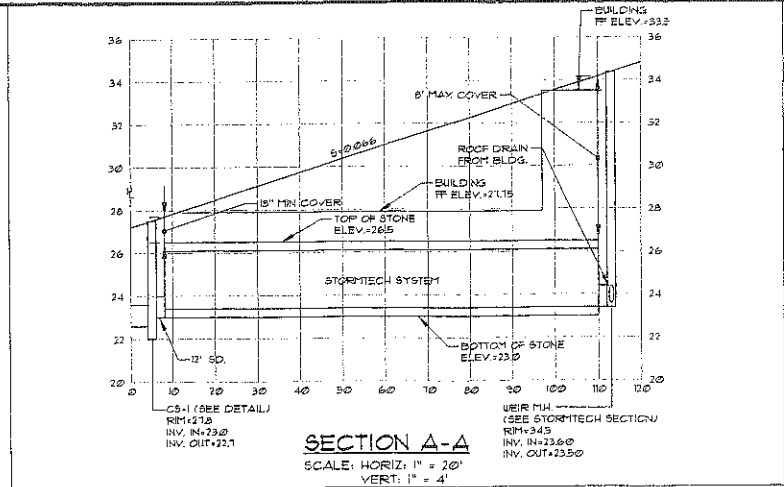
STORMTECH UNDERDRAIN DETAIL

**ACCEPTABLE FILL MATERIALS
STORMTECH SC-740 CHAMBER SYSTEMS**

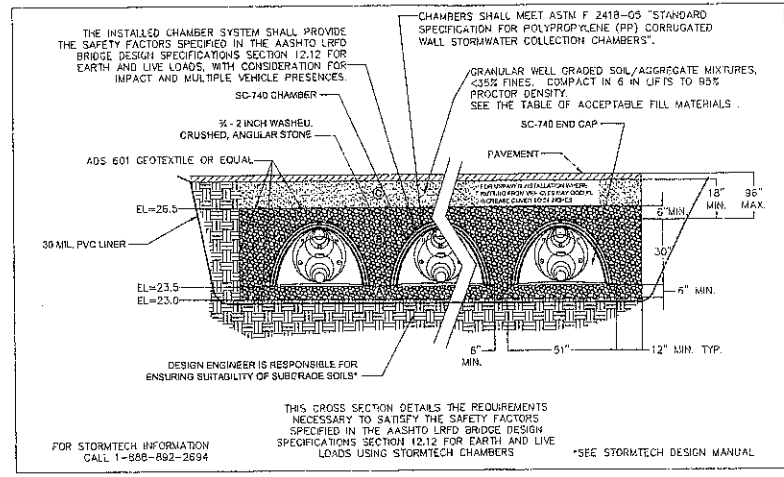
MATERIAL LOCATION	DESCRIPTION	AASHTO M43 DESIGNATION	AASHTO M145 DESIGNATION	COMPACTION/DENSITY REQUIREMENT
FILL MATERIAL FROM 18" TO GRADE ABOVE CHAMBERS	ANY SOIL/ROCK MATERIALS, NATIVE SOILS OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	N/A	PREPARE PER ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
FILL MATERIAL FOR 6" TO 18" ELEVATION ABOVE CHAMBERS (24" FOR UNPAVED INSTALLATIONS)	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES.	3, 357, 4, 487, 5, 56, 57, 6, 67, 68, 7, 76, 8, 86, 9, 10	A-1, A-2, A-3	COMPACT IN 8" LIFTS TO A MINIMUM 95% STANDARD PROCTOR DENSITY. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 LBS DYNAMIC FORCE. NOT TO EXCEED 20,000 LBS.
EMBODIMENT STONE SURROUNDING AND TO A 6" ELEVATION ABOVE CHAMBERS	WASHED ANGULAR STONE WITH THE MAJORITY OF PARTICLES BETWEEN 1/4-2 INCH.	3, 357, 4, 487, 5, 56, 57	N/A	NO COMPACTION REQUIRED
FOUNDATION STONE BELOW CHAMBERS	WASHED ANGULAR STONE WITH THE MAJORITY OF PARTICLES BETWEEN 1/4-2 INCH.	3, 357, 4, 487, 5, 56, 57	N/A	FLAT, COMPACT OR ROLL TO ACHIEVE A 95% STANDARD PROCTOR DENSITY

PLEASE NOTE: THE LISTED AASHTO DESIGNATIONS ARE FOR GRAVATIONS ONLY. THE STONE MUST ALSO BE WASHED CRUSHED ANGULAR. FOR EXAMPLE, THE STONE MUST BE SPECIFIED AS WASHED, CRUSHED, ANGULAR NO. 4 STONE.

STORMTECH ACCEPTABLE FILL MATERIALS

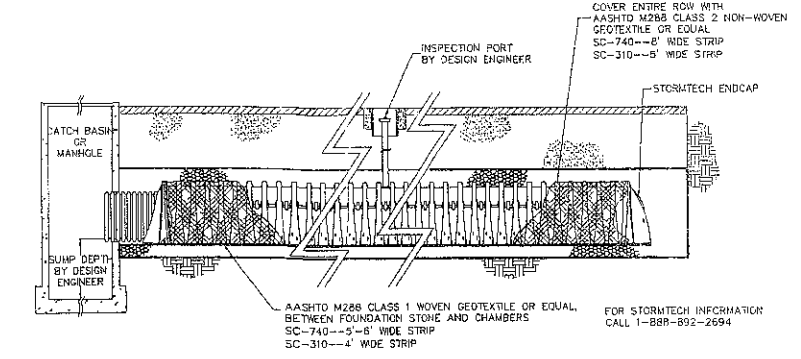


SECTION A-A
SCALE: HORIZ. 1" = 20'
VERT. 1" = 4'



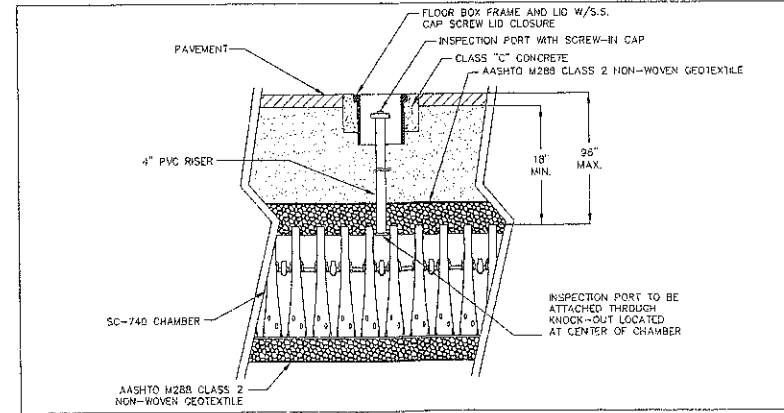
FOR STORMTECH INFORMATION
CALL 1-888-892-2694

SC-740 TYPICAL CROSS SECTION

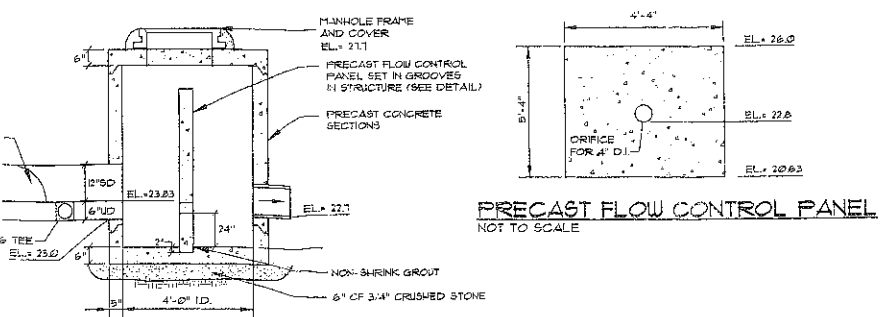


FOR STORMTECH INFORMATION
CALL 1-888-892-2694

STORMTECH ISOLATOR™ ROW DETAIL

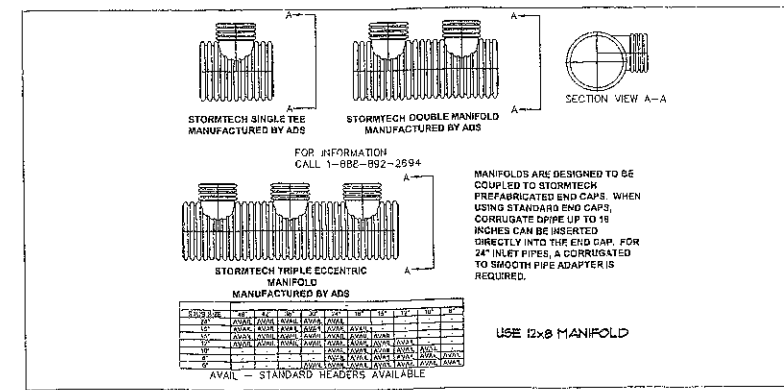


STORMTECH INSPECTION PORT DETAIL

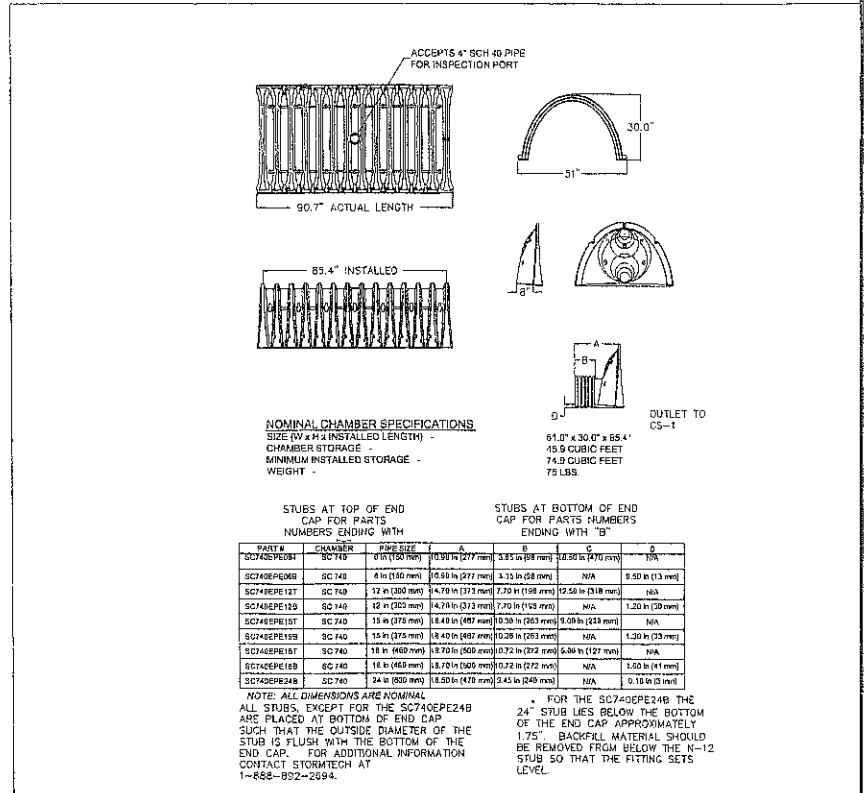


PRECAST FLOW CONTROL PANEL
NOT TO SCALE

OUTLET STRUCTURE DETAIL CS-1
NOT TO SCALE



ADS MANIFOLD DETAILS



NOMINAL CHAMBER SPECIFICATIONS

SIZE (W x H x INSTALLED LENGTH) -
CHAMBER STORAGE -
MINIMUM INSTALLED STORAGE -
WEIGHT -

61.0" x 30.0" x 65.4"
49.9 CUBIC FEET
74.9 CUBIC FEET
75 LBS.

STUBS AT TOP OF END CAP FOR PARTS ENDING WITH 'B'

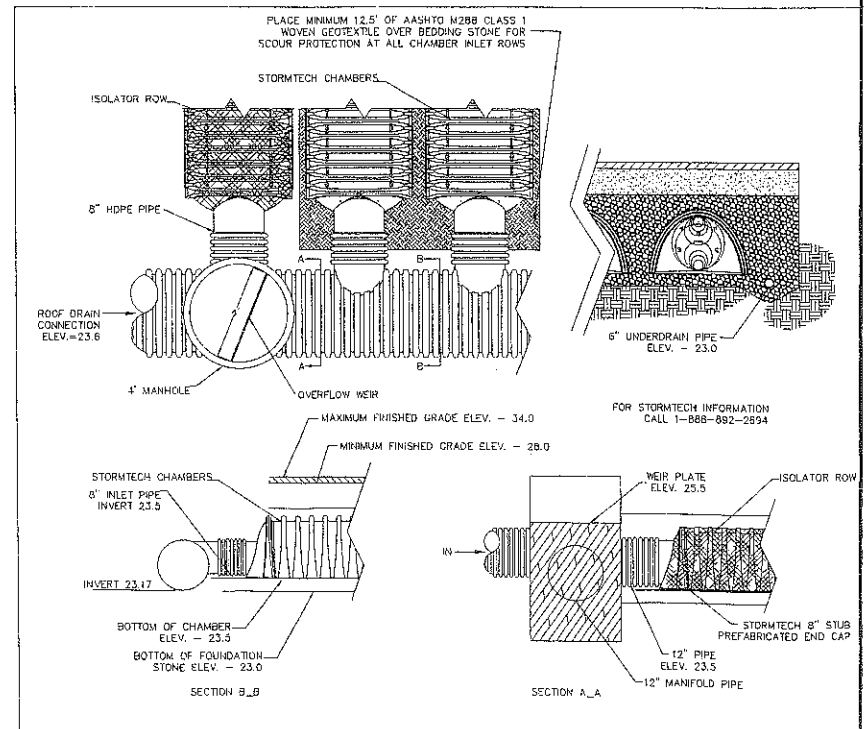
PART #	CHAMBER	PIPE SIZE	A	B	C	D
SC740PE20B	SC 740	6" (152 mm)	30.90 in (777 mm)	3.85 in (98 mm)	22.20 in (567 mm)	N/A
SC740PE20B	SC 740	6" (152 mm)	30.90 in (777 mm)	3.85 in (98 mm)	22.20 in (567 mm)	8.50 in (213 mm)
SC740PE12T	SC 740	12" (305 mm)	4.70 in (119 mm)	7.70 in (196 mm)	12.50 in (318 mm)	N/A
SC740PE12B	SC 740	12" (305 mm)	4.70 in (119 mm)	7.70 in (196 mm)	12.50 in (318 mm)	1.20 in (30 mm)
SC740PE18T	SC 740	18" (457 mm)	4.40 in (112 mm)	8.30 in (211 mm)	8.00 in (203 mm)	N/A
SC740PE18B	SC 740	18" (457 mm)	4.40 in (112 mm)	8.30 in (211 mm)	8.00 in (203 mm)	1.20 in (30 mm)
SC740PE24T	SC 740	24" (609 mm)	3.70 in (94 mm)	11.20 in (285 mm)	6.20 in (157 mm)	N/A
SC740PE24B	SC 740	24" (609 mm)	3.70 in (94 mm)	11.20 in (285 mm)	6.20 in (157 mm)	1.60 in (41 mm)

STUBS AT BOTTOM OF END CAP FOR PARTS ENDING WITH 'B'

NOTE: ALL DIMENSIONS ARE NOMINAL. ALL STUBS, EXCEPT FOR THE SC740PE24B ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2694.

FOR THE SC740PE24B THE 24" STUB LIES BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 1.75" BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SETS LEVEL.

TECHNICAL DETAILS



STORMTECH ELEVATIONS

9/8/09 SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
CD 9/12/08 REUSED PER CITY STAFF COMMENTS
CD 7/17/08 REUSED AND SUBMITTED FOR CONSTRUCTION BID
CD 11/09/07 SUBMITTED FOR CONSTRUCTION BIDS

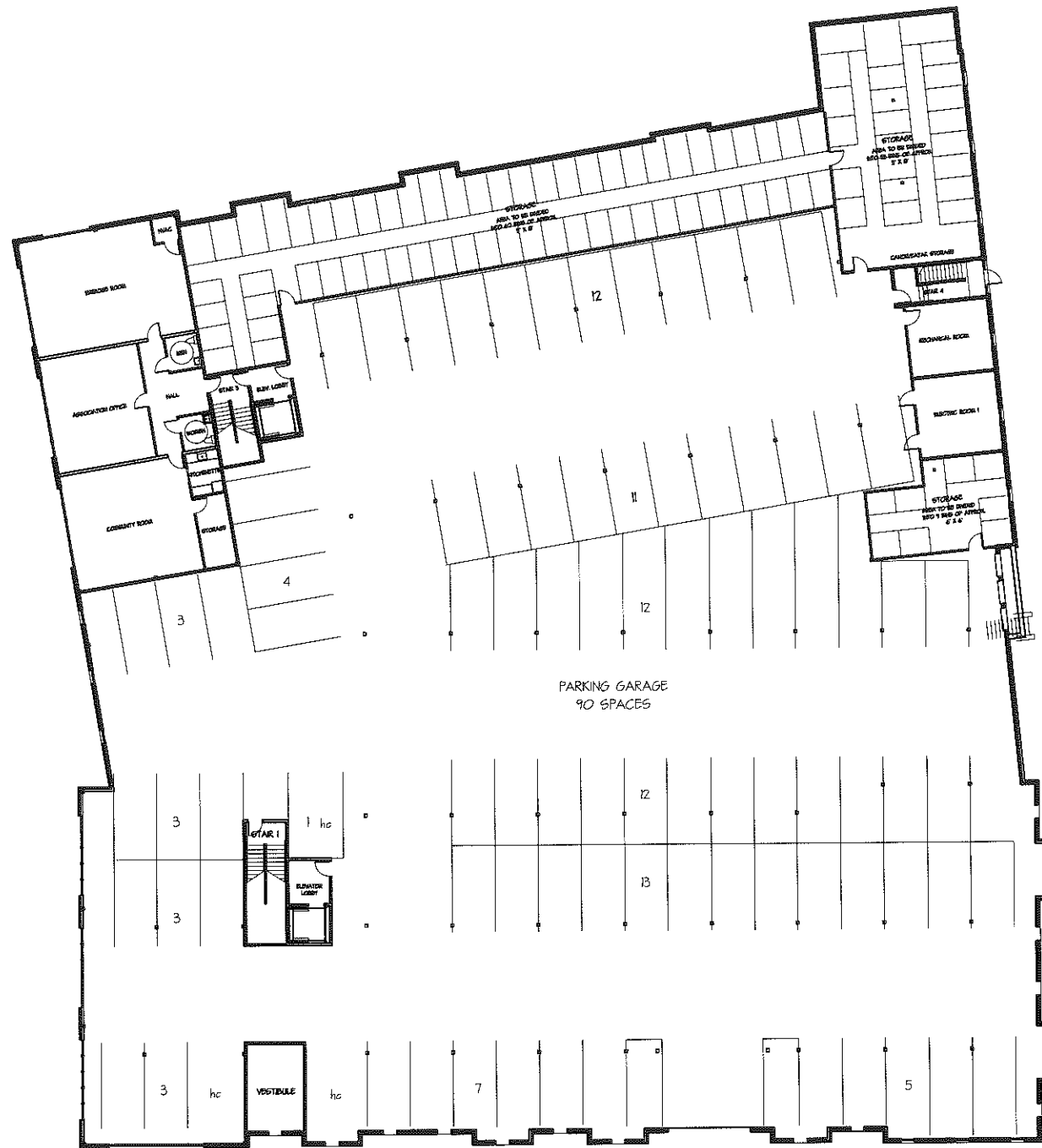
REV: BY: DATE: STATUS:

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Engineering Support You Can Build On
One Chestnut Street
Webster, MA 01468-1339
Tel: (807) 888-8277

PROJECT NO: FIELD BOOK DESIGN CHKD. DRAWN
05109 SAG OAM SAB

STORMTECH DETAILS
OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110



UPPER LEVEL PARKING - FIRST FLOOR PLAN

SCALE: 1/16" = 1' 0"
 GROSS FLOOR AREA: 45,702 SF

B7b.1

DAVID W. WHITE, ARCHITECT
 403 T. J. Bhatt's Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

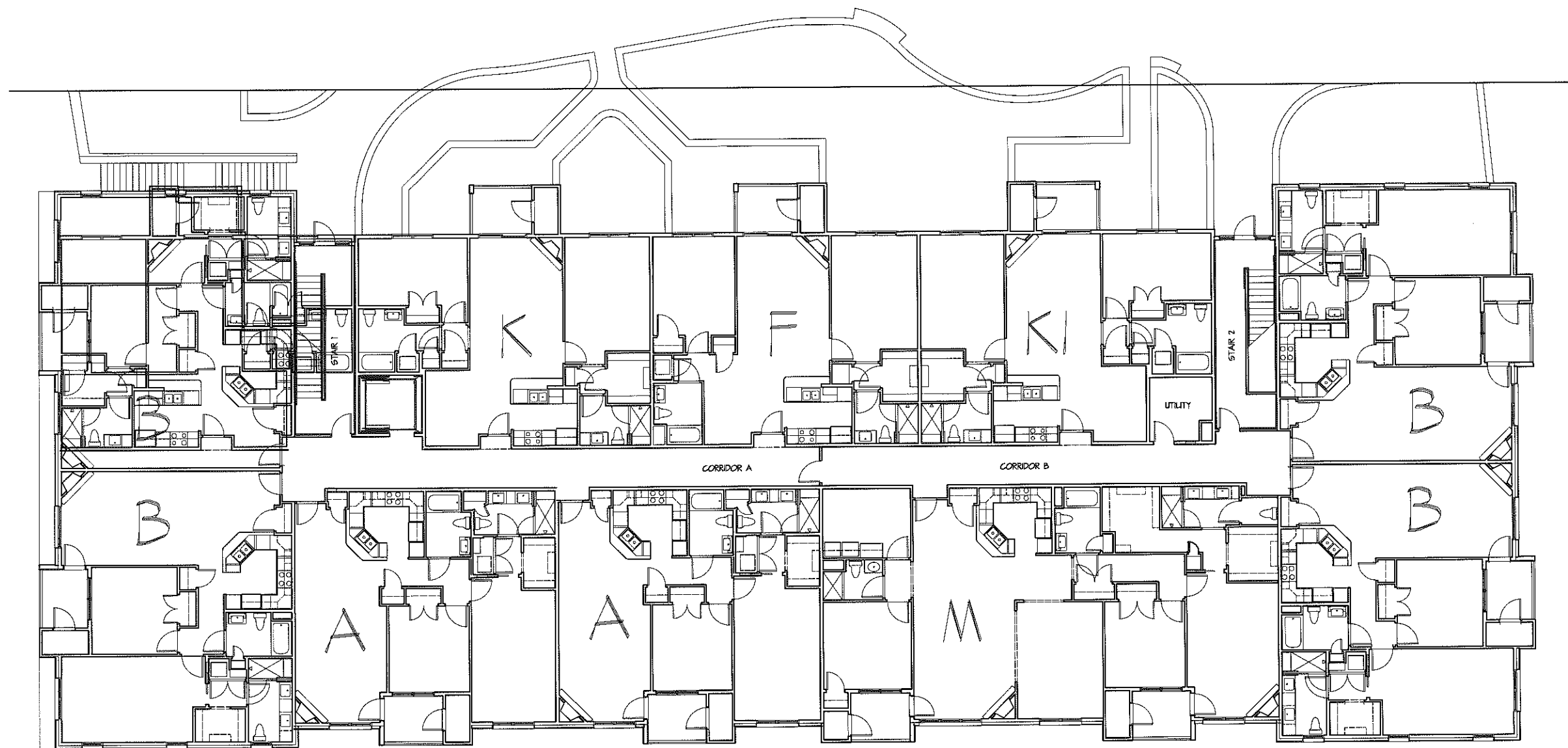
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Buildings 1 & 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 G.2



2nd FLOOR PLAN
 PHASE I, BUILDING I
 SCALE: 1/8" = 1' 0"
 GROSS FLOOR AREA INCLUDING PATIOS: 15,790 SF

B7b.2

DAVID M. WHITE, ARCHITECT
 403 Tabbette Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

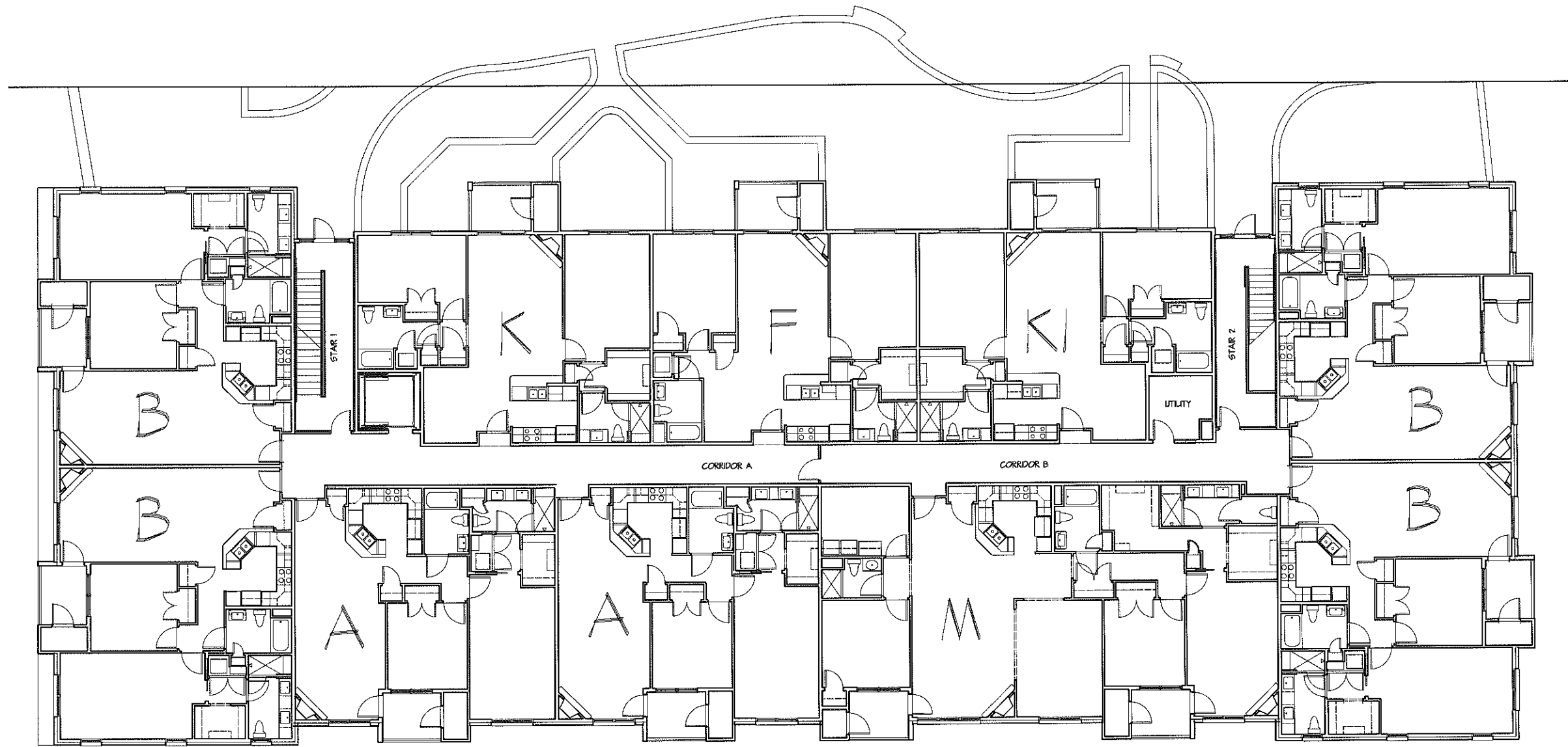
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

THE BAY HOUSE
 Middle Street
 Portland, Maine

SECOND FLOOR PLAN
 Phase I/Building I
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 B1-2



2nd FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING PATIOS: 15,790 SF

B7b.3

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

SECOND FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-2



3rd FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,790 SF

07b4

DAVID M. WHITE, ARCHITECT
403 Tbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

THIRD FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B1-3



4th FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,790 SF

B76.5

DAVID M. WHITE, ARCHITECT
403 Tabbets Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

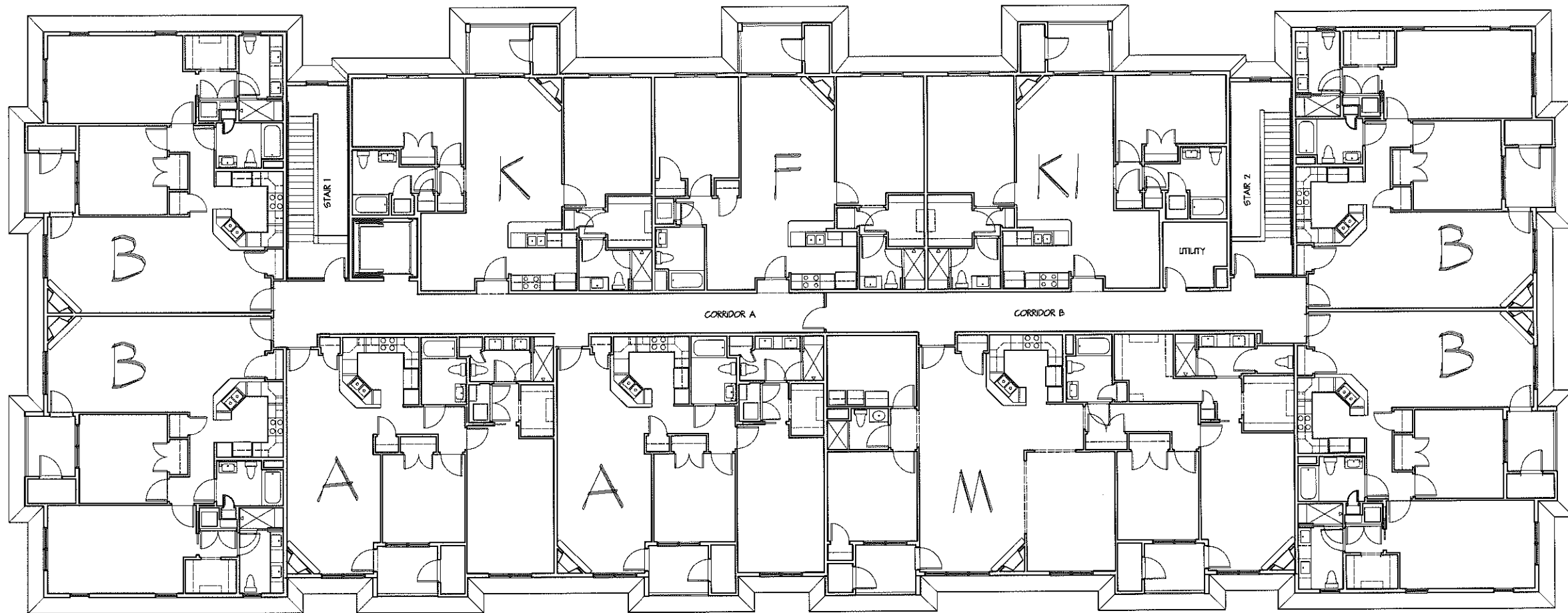
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02116

THE BAY HOUSE
Middle Street
Portland, Maine

FOURTH FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B1-4



5th FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"
GROSS FLOOR AREA INCLUDING DECKS: 15,680 SF
DECK AREA: 677 SF

B7b.6

DAVID M. WHITE, ARCHITECT
403 Tibbets Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

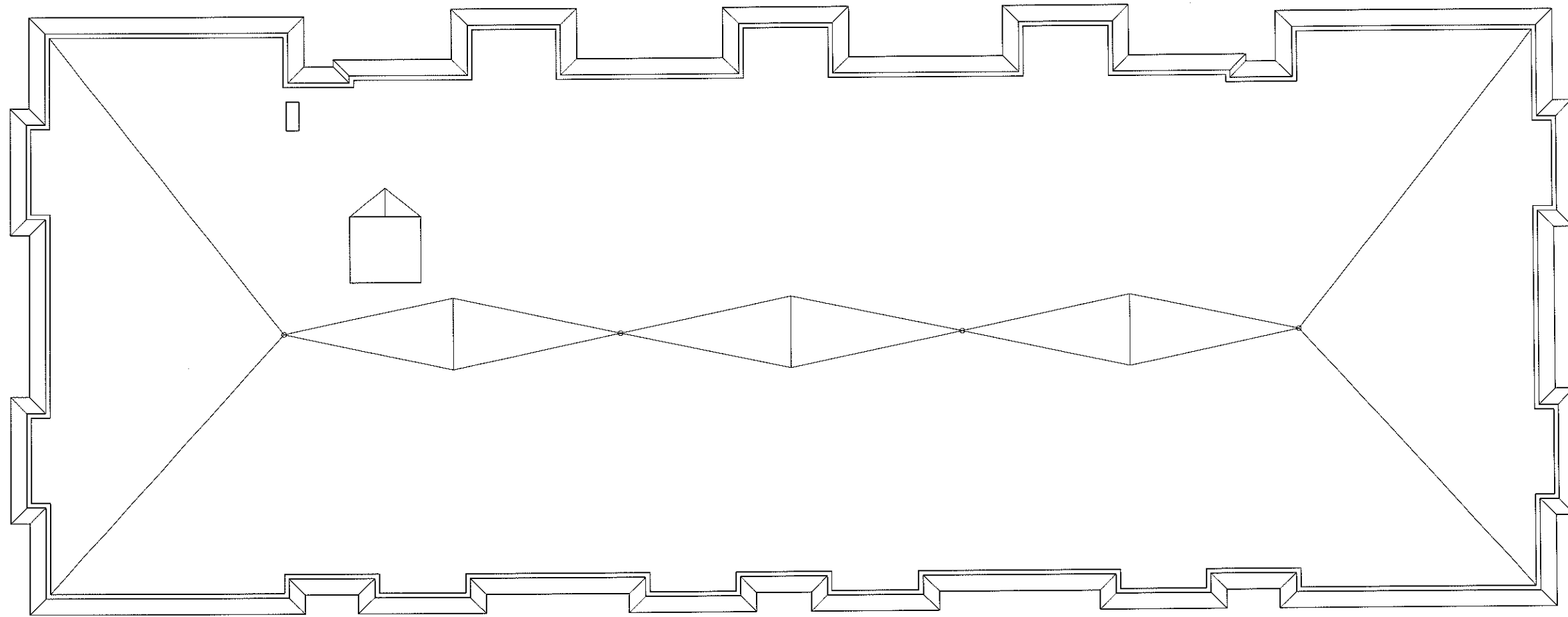
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FIFTH FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B1-5



ROOF PLAN
 BUILDING 1
 SCALE: 1/8" = 1' 0"

576.7

DAVID M. WHITE, ARCHITECT
 403 Tobbetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

THE BAY HOUSE
 Middle Street
 Portland, Maine

ROOF PLAN
 Building 1
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 B1-6

9.9LB

3rd FLOOR PLAN BUILDING 2

SCALE: 1/8" = 1' 0"
GROSS FLOOR AREA INCLUDING DECKS: 16,991 SF



DRG. NO.

B2-3

REVISIONS:

THIRD FLOOR PLAN Building 2

Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

THE BAY HOUSE

Middle Street
Portland, Maine

THE VILLAGE AT OCEAN GATE, LLC

C/O Atlas Investments Group
35 Foy Street Suite 5-2
Boston, MA 02118

DAVID M. WHITE, ARCHITECT

403 Tibbatts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405



4th FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 16,991 SF

B7b.8

DAVID M. WHITE, ARCHITECT
403 Tippetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FOURTH FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B2-4



5th FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 16,817 SF

1376.9

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

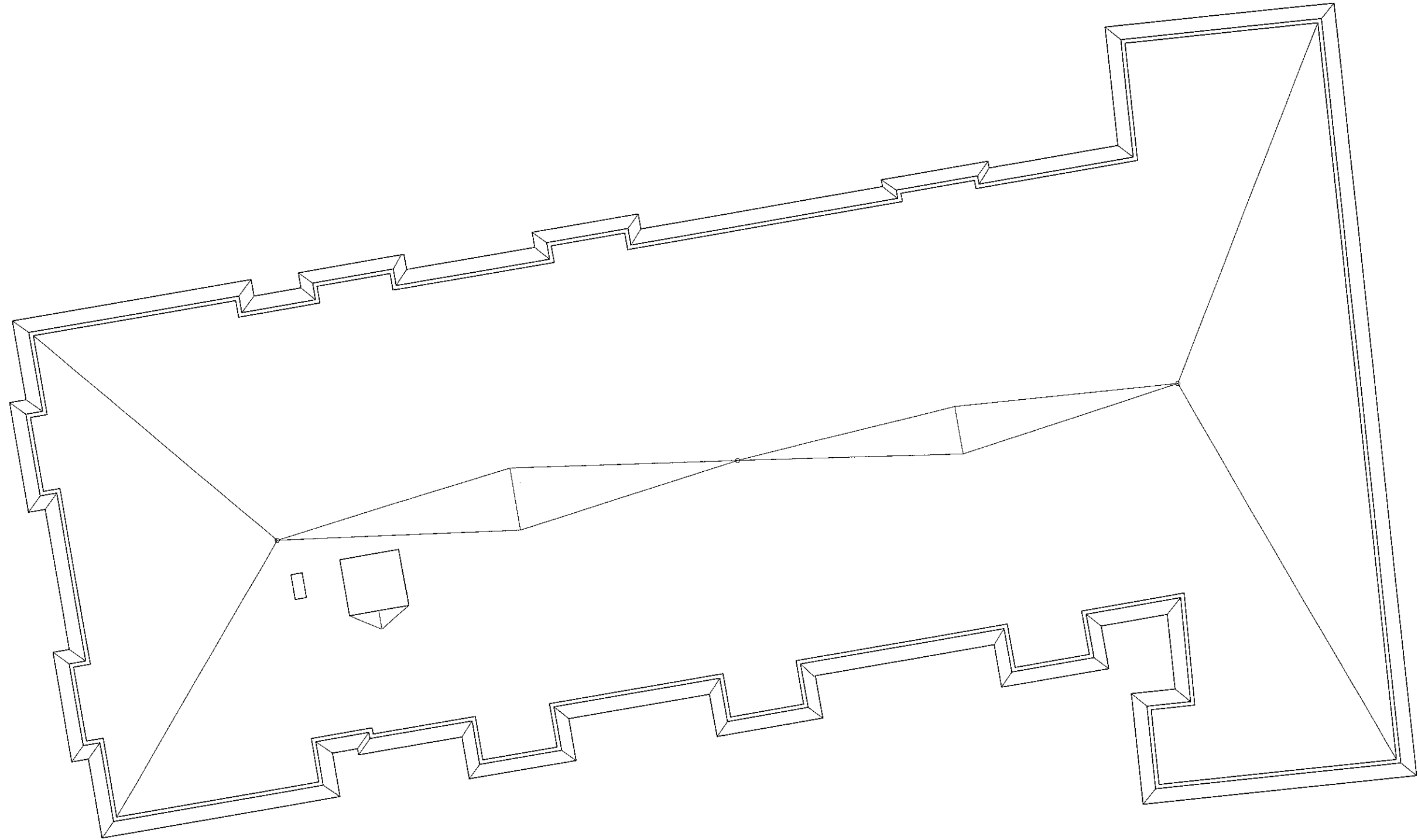
THE BAY HOUSE
Middle Street
Portland, Maine

FIFTH FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B2-5



ROOF PLAN
BUILDING 2

B7b.9

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
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(603) 497-3405

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C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

ROOF PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-6

B76.10

DAVID M. WHITE, ARCHITECT
403 Tibbets Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

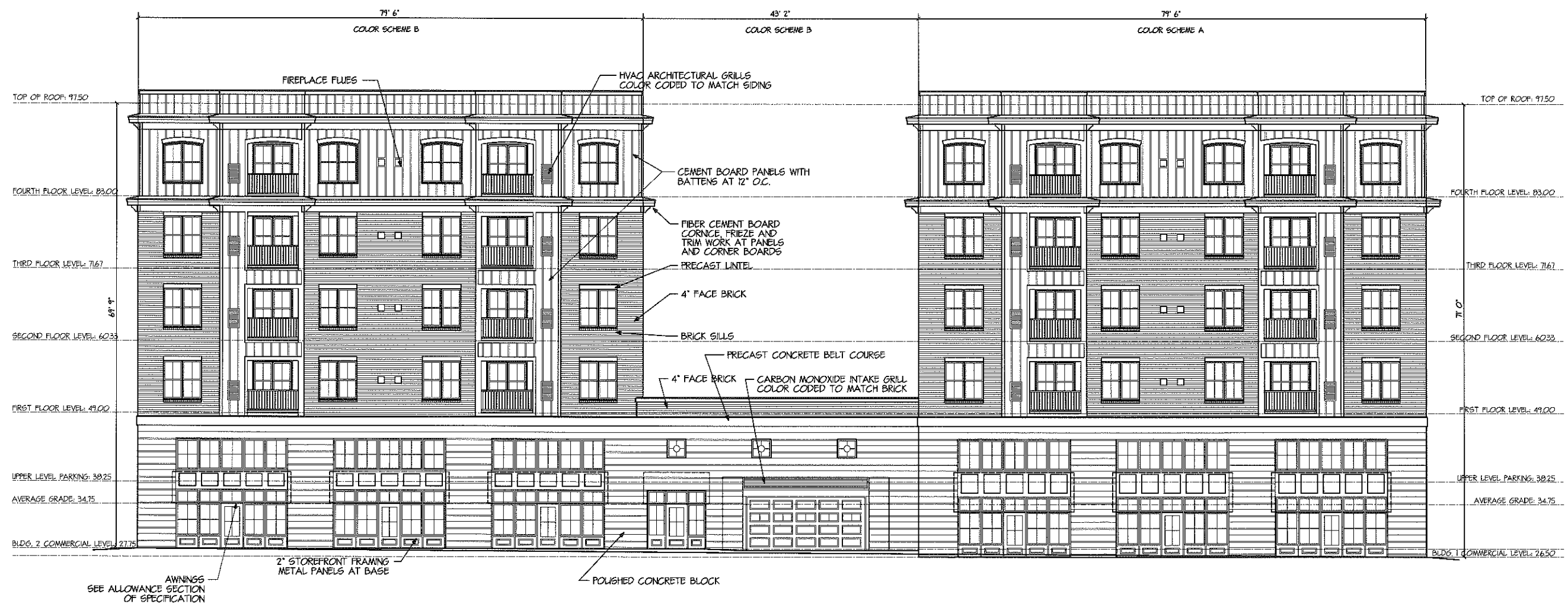
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

SOUTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

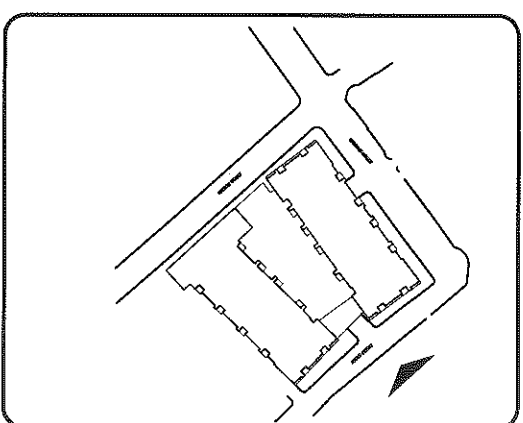
REVISIONS:

DRG. NO.
E.1



BUILDINGS 1 & 2
MIDDLE STREET ELEVATION
SCALE: 1/16" = 1' 0"

NOTES:
LOCATION OF TOILET AND LAUNDRY EXHAUST VENTS
TO BE FIELD COORDINATED TO LINE UP VERTICALLY.
ALL EXTERIOR APPURTANCES SUCH AS EXHAUST
HOODS, HVAC GRILLES AND FIREPLACE FLUES TO BE
EITHER FACTORY FINISHED OR FIELD FINISHED TO
COORDINATE WITH THE COLOR OF THE MATERIAL IN
WHICH THEY ARE TO BE INSTALLED.



B7b.11

DAVID M. WHITE, ARCHITECT
403 Tibbets Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

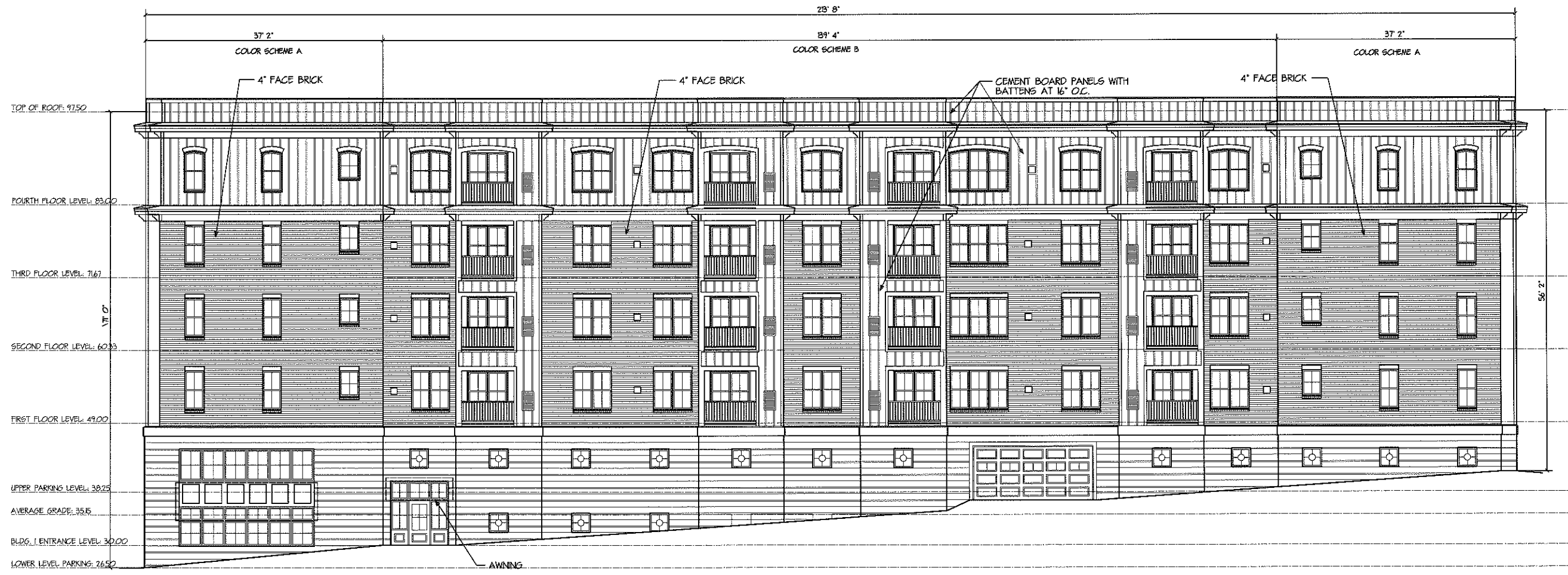
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fry Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

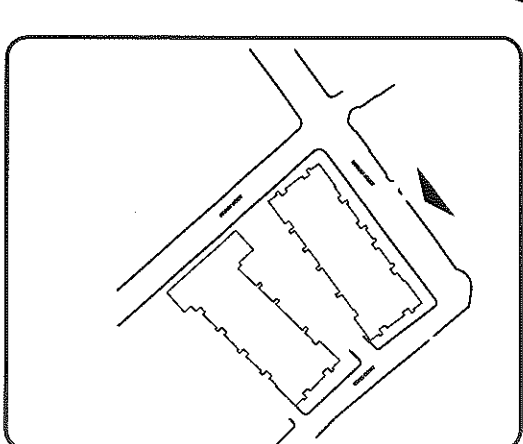
EAST ELEVATION
Phase 1/Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.2



BUILDING 1
HANCOCK STREET ELEVATION



07b.12

DAVID M. WHITE, ARCHITECT
403 Tibbets Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fry Street Suite 5-2
Boston, MA 02108

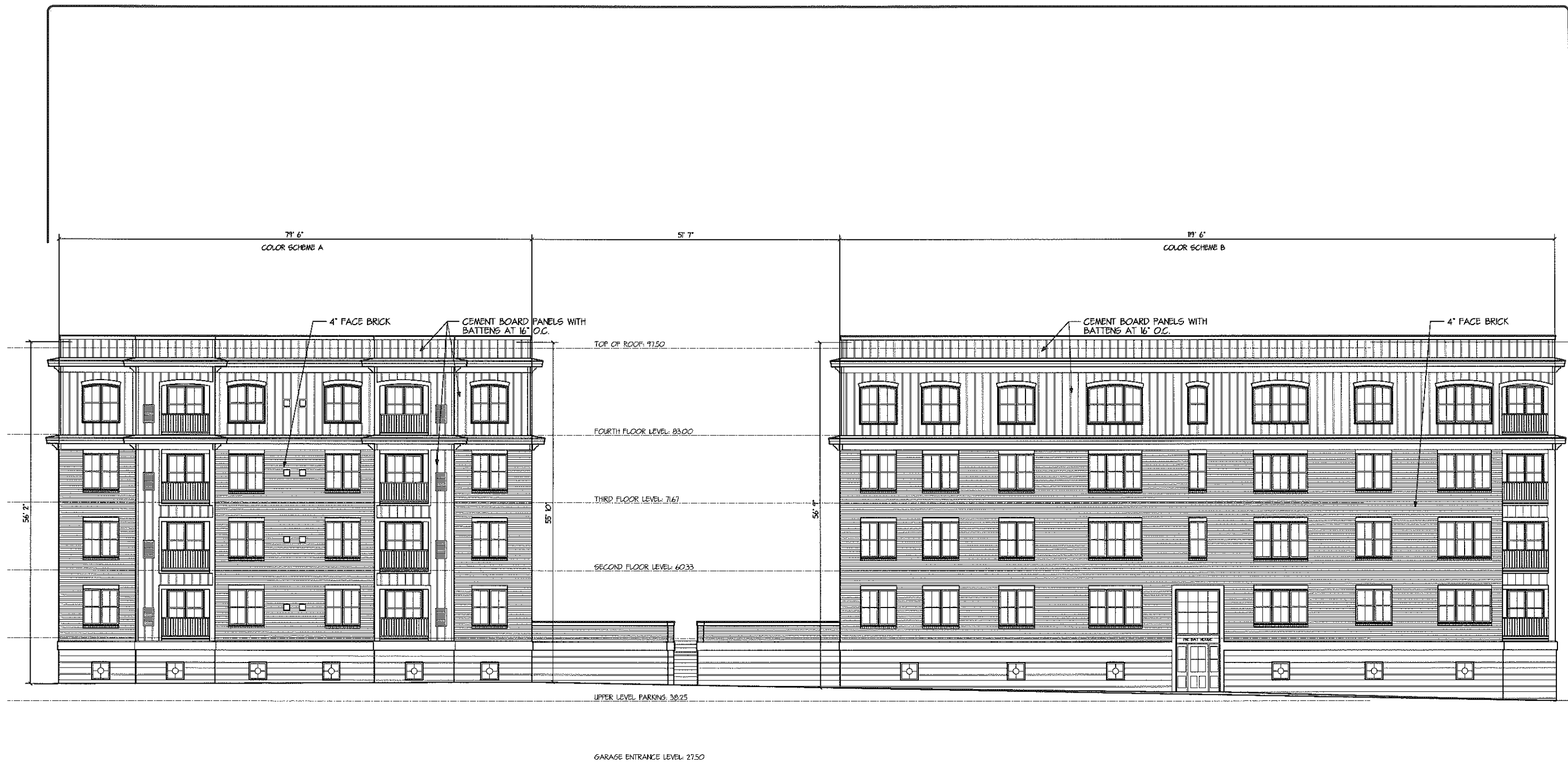
THE BAY HOUSE
Middle Street
Portland, Maine

NORTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

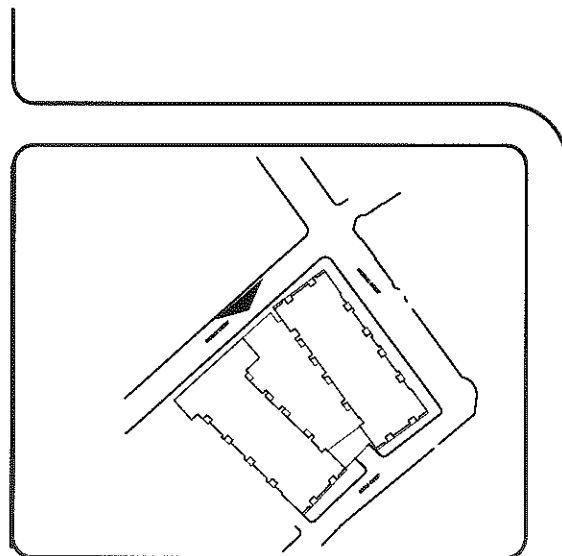
REVISIONS:

DRG. NO.

13



BUILDINGS 1 & 2
NEWBURY STREET ELEVATION
SCALE: 1/16" = 1' 0"



07b.13

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

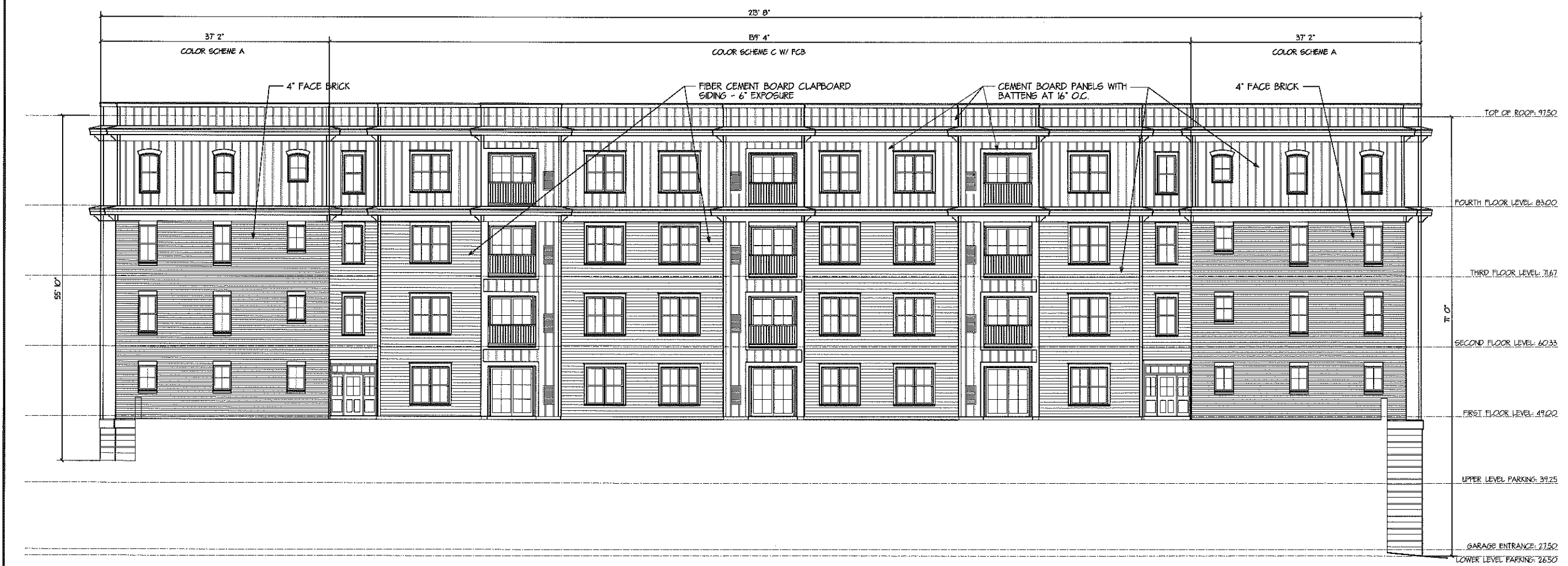
THE BAY HOUSE
Middle Street
Portland, Maine

WEST ELEVATION
Phase 1/Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

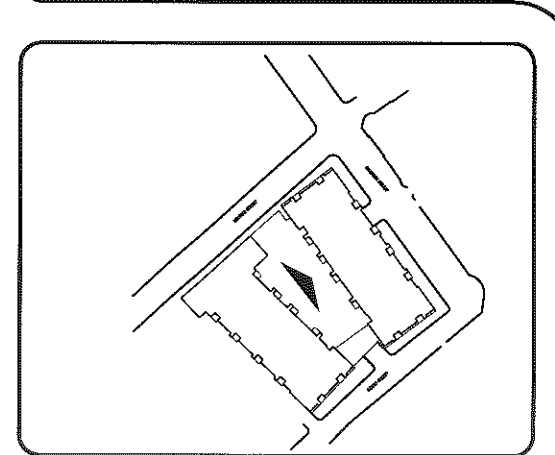
REVISIONS:

DRG. NO.

E.4



BUILDING 1
WEST COURTYARD ELEVATION
SCALE: 1/16" = 1' 0"



B76.14

DAVID M. WHITE, ARCHITECT
403 Tobbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

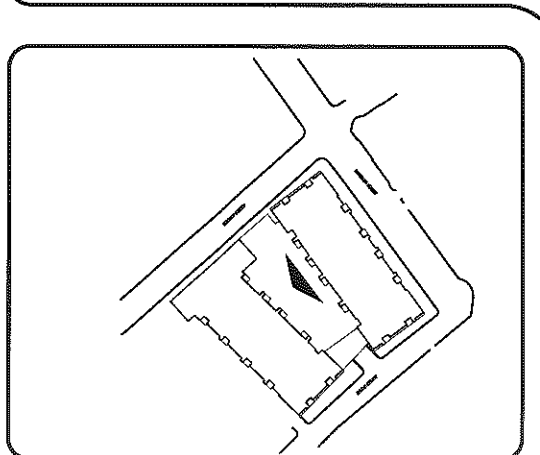
EAST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.5



BUILDING 2
EAST COURTYARD ELEVATION
SCALE: 1/16" = 1' 0"



B76.15

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
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Goffstown, New Hampshire 03045
(603) 497-3405

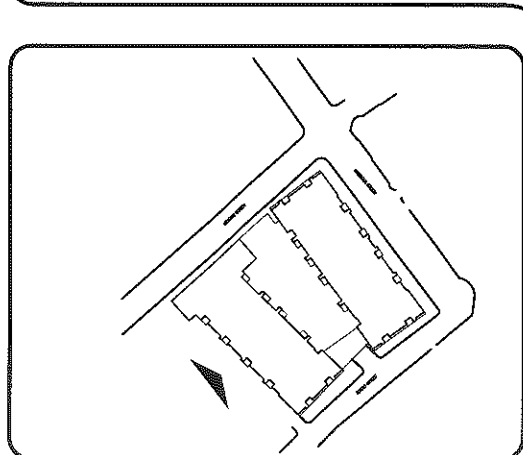
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

WEST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.6



BUILDING 2
WEST ELEVATION
SCALE: 1/16" = 1' 0"

1576.16

DAVID M. WHITE, ARCHITECT
403 Tbbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 477-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

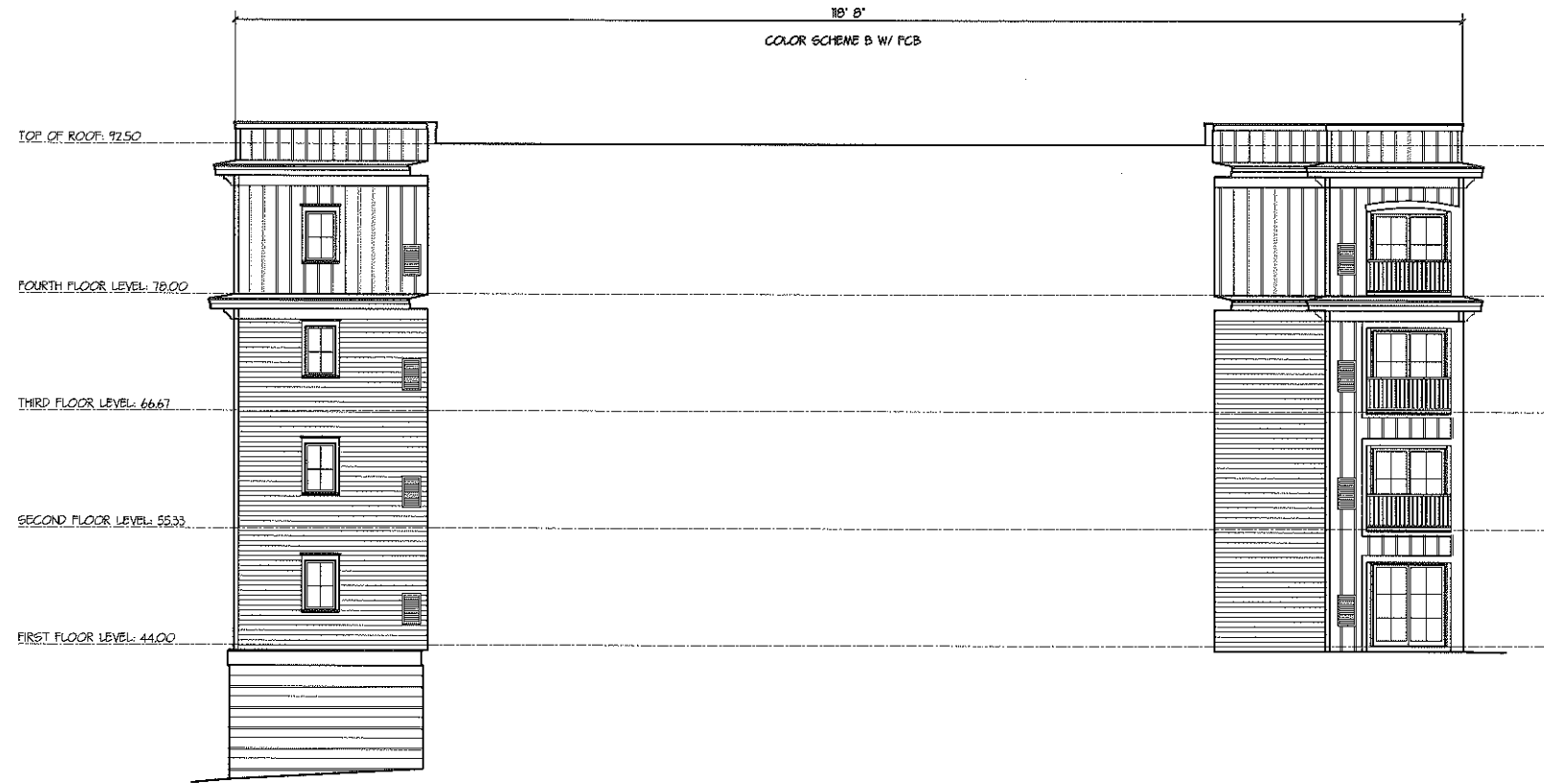
THE BAY HOUSE
Middle Street
Portland, Maine

ELEVATION A
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

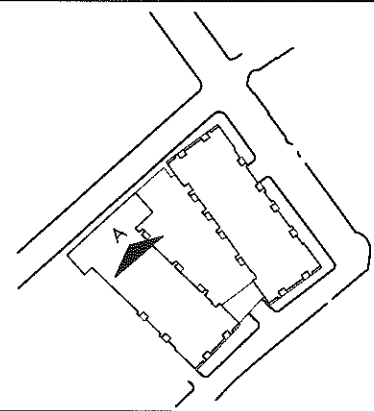
DRG. NO.

E.7



ELEVATION A

BUILDING 2
ELEVATION A THROUGH BUILDING
SCALE: 1/16" = 1' 0"



ATTACHMENT C
Planning Board Report #34-08, submitted to the Planning Board on July 8, 2008
(Separate Document)

Contents of Attachment:

I. Planning Board Report #34-08

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet
 - iii. Notice
 - iv. Neighborhood Certification
2. Amended Conditional Rezoning Agreement
3. Approval Letter for the July 10, 2007 site plan and subdivision approval
4. Planning Board Report #30-07
5. David M. White Architect, April 23, 2008 correspondence
6. Eastern Waterfront Design Standards
7. Carrie Marsh, April review
8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
13. Tracked Changes from the July 10, 2007 motions
14. Approved Building Elevations, July 10, 2007
15. **Excerpts** from Plan Set- The Bay House
 - a. Sebago Technics Plans:
 1. Subdivision Plat, 6-23-08
 2. Site Plan, 6-23-08
 3. Grading Plan, 6-3-08
 4. Utility Plan, 6-3-08
 5. Landscape and Lighting Plan, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings; B1-1 and B2-1, E.1 through E.7;
 - c. Bike Rack Details

**THE BAY HOUSE (FORMERLY THE VILLAGE AT OCEANGATE)
VICINITY OF
112 NEWBURY STREET
AMENDED SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEANGATE LLC. , APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 8, 2008

Prepared by:

Barbara Barhydt, Development Review Services Manager
July 3, 2008

I. INTRODUCTION

The Village at OceanGate LLC has submitted an application to amend the site plan and subdivision plan for The Bay House, which was formerly called the Village at OceanGate (Attachment 1). The original conditional rezoning agreement was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement becomes effective on July 2, 2008 (Attachment 2).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Approval Letter, Attachment 3). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the subdivision was signed by the Planning Board, but has not yet been recorded. A copy of the original application and the applicant's supplemental information for the Village at OceanGate will be available at the public hearing for the Planning Board's reference. A copy of the Planning Board report #30-07 is included as Attachment 4.

The applicant is seeking to revise the proposed project as follows:

- a. Revise the subdivision plat to incorporate 1,602 square feet of land into Phase I;
- b. Reduce the number of units in Phase I from 84 to 82 residential units;
- c. Reduce the commercial space to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. Modify the first level of Phase I to provide storage areas for the units, 80 vehicle parking spaces and 33 bicycle spaces; and
- e. Provide substitutes for some of the exterior materials and design modifications to the buildings.

The amended plans are being reviewed under the standards contained in the City's Subdivision and Site Plan Ordinances.

A total of 194 notices were sent to area residents the notice appeared in the Monday, June 30th and Tuesday July 1, 2008 editions of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

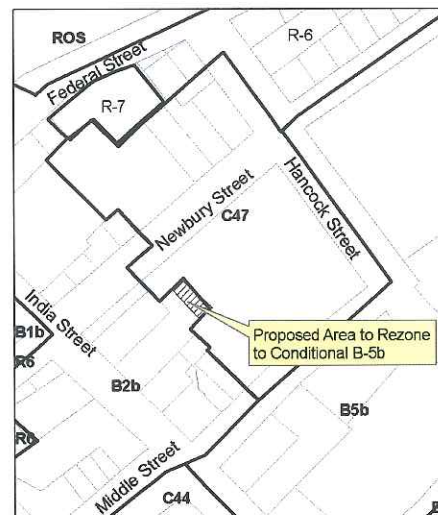
Total Land Area of Phase I:	50,008 sf, (based upon Boundary and Topography Sheet by Sebago Technics, dated 7/12/05, revised 6/3/08)
Total Land Area of Phase II:	30,697 sf
Zone:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Uses:	82 Residential units, 80 space parking level and retail/commercial spaces along Middle Street
Unit Types:	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Required Minimum Lot Area:	none

Proposed Square Footage:	Building #1: 63,050 SF Building #2: 67,790 SF Garage Level: 45,495 SF
Required parking:	1 space/unit plus 6 spaces for the retail space
Proposed parking:	80 spaces on-site and 8 spaces at the Longfellow Garage
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008.
Proposed Driveway/Entrance:	Access to the first level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007.

III. PROJECT REVISIONS FOR PHASE I

1. Phase I Parcel Revised:

The conditional rezoning map as shown here has been revised to include an area of 1,602 square feet from the rear of the adjoining lot owned by Pearl Properties LLC at 61 India Street (Tax Map 20-E-021). The Pearl Properties site contains the Tackle Shop, which will remain. The strip of land to be transferred to the Village at OceanGate LLC is vacant. This land area is now shown on the amended subdivision plat and subdivision/site plan (refer to Plan Set, Attachment 15).



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

Prepared by the Department of Planning and Development based upon GIS Workgroup Data.



2. Revised Number of Residential Units:

Phase I was approved with 84 units during subdivision review in 2007. The amended application is for 82 units. The applicant is seeking to create larger units to meet market demand. The conditional rezoning agreement allows up to 110 units in Phase I, thus the proposed density is within the provisions of the agreement.

3. Revised Parking:

The original rezoning agreement required a post development parking analysis, which is to be conducted six (6) months after the issuance of a certificate of occupancy. The amended agreement has been revised to require a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The amended rezoning agreement also revises the parking requirements to require 80 on-site spaces, 8 space in the Longfellow garage and 33 on-site bicycle parking spaces (Attachment 2).

The conditional rezoning agreement was revised to reduce the amount of commercial space in Phase I to an area between 5,200 and 5,700 square feet. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The residential entrance to Building # 2 is proposed along the Middle Street frontage near the garage entrance. Eighty

(80) parking spaces and 38 bicycle parking spaces are proposed in the enclosed parking level. Storage areas for the units are proposed within three areas of the parking garage. In the original proposal, the applicant presented a letter from Mr. Swenson stating that the applicant could secure up to leased spaces in the Longfellow Garage.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

The applicant is seeking to make modifications to the exterior of Buildings #1 and #2. For the workshop memo, David M. White, Architect, provided a list of revisions to the building on April 23, 2008, which is included as Attachment 5 was updated with the revised drawings and Mr. Shinberg's correspondence of May 27, 2008 (Attachment 1). Based upon the Planning Board's discussion of the potential revisions at the June 10, 2008 workshop, the exterior modifications to the plans before the Board at this time are as follows (Plan Set, Attachment 15):

1. **Exterior Materials:** All previously approved metal panel work is proposed as Hardie board with battens. The material sample was presented at the workshop and was submitted to the planning at the meeting. In Mr. Shinberg correspondence, he notes that the product is a quality product with a 50 year warranty for the material and a 25 year warranty for the paint. He states that the Hardie board warranty is equal or better to the metal siding approved in 2007 for this project.
2. **Fenestration:** The applicant had proposed changing the fifth floor windows from arched to flat-top windows; however, the revised plans have returned to the original proposal with arched windows on the fifth floor along street frontages. Flat-top windows on the fifth level are shown for those units facing the internal courtyards.
3. **Commercial Space and Entrance for Building #2:** The storefronts along Middle Street have been simplified and awnings added to the façade. The applicant is proposing to have three commercial spaces in Building #2 as shown on the building elevations (Attachment 15 b). It provides symmetry in the facades for both Building #1 and #2 and maximizes the usable commercial space. This proposed revision requires relocating the Building #2 entrance from the base of Building #2 to a location closer to the garage entrance. As designed, the residential doorway is on the same plane as the retail facade and the façade continues to the stairway leading to the courtyard. The Middle Street entrance has been revised so that it is more prominent with glass panels on either side of the door. The garage entrance is recessed four feet within the façade, which creates an arch to screen part of the fresh air intake (labeled as the carbon monoxide intake grill on the elevations) located above the garage door. It also carries the polished concrete block along the full length of the Middle Street façade. Attachment 15 b shows the layout of the first level with the three retail spaces of equivalent size and the entry near the garage.

4. **Other Exterior Revisions:** Other revisions that are highlighted in Mr. David White's April correspondence (Attachment 5) include the following:

1. The base of the project is polished concrete block with a polished granite look.
2. Fireplace exhaust hoods have been added and will be painted to match the color of the siding.
3. The building height has been reduced from 57.5 to 56.85 feet.
4. The brick along Hancock Street will remain as approved in 2007;
5. The Hancock entrance has been modified from a double door with an arched window above to an entrance with glass panels framing the door and a transom above it. An awning is proposed.
6. The retail window on Hancock Street is simplified to match the windows on Middle Street and the same type of window is proposed on the corner of the building facing the alley.
7. A more prominent entrance is proposed to Building #2 on Newbury Street
8. Brick wraps the corner of the Building #2 and then the applicant proposes Hardie-plank on the alley side of the building. This is the same treatment as shown for the courtyards, which was approved in 2007.

The Conditional Rezoning Agreement, as amended, states that the Planning Board may modify or alter the plans approved in 2007 in accordance with the Design Standards of the Eastern Waterfront. A copy of the standards is included as Attachment 6 and Carrie Marsh's comments submitted in April are included for your reference (Attachment 7). The staff review of the most recent submittal is below in Section IV, paragraph 8.

IV. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The Planning Board report from July 10, 2007 is included as Attachment 4 and the staff review below is an evaluation of the proposed revisions.

1. Right Title and Interest

The applicant has submitted the purchase agreement for the additional land to be added to Phase I (Attachment 1). The original application included the right, title and interest for the project.

2. Easements

A five foot wide pedestrian easement to benefit Block E lot 21 is depicted on the recording plat. The applicant submitted a copy of the easement on July 3, 2008, so it has not been reviewed. The other easements on this property were part of the 2007 application.

3. Recording Plat and Plan

The notes on the recording plat were updated per the staff recommendations. The plat lists the waiver granted by the Planning Board on July 10, 2007 regarding the required contribution to the street tree fund. The plat also lists all of the conditions of approval from the July 10, 2007 approval. The plat will need to be revised to reflect Board's final conditions of approval.

4. Fire Department

Captain Gregory Cass has reviewed the proposed plan and has the following comments:

The existing fire protection narrative and prior conditions are still in effect unless rescinded by the owner. The enclosed parking garage requires a ventilation system. Please provide details.

The following potential condition of approval is suggested to replace the condition of approval included in 2007:

- 1. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.*

The 2007 condition stated, "The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass."

5. Traffic

Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans and his review is included as Attachment 8. In summary, Mr. Errico finds the proposed number of parking spaces and parking layout to be acceptable. He notes that the City will install no parking signs on Middle Street as shown on the applicant's plan and that the applicant shall reimburse the City for this expense. The proposed crosswalks shall be shown with parallel lines per the City's standards. He also recommends that the applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

The Planning Board granted a waiver of the garage entrance width in 2007, which remains part of the proposal. The change in the entrance is now the setback four feet from the Middle Street façade. He states the following:

Garage Entrance: I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

The planning staff recommends that the waiver for the driveway be restated for the Middle Street entrance, noting the four foot setback modification as shown on the most recent plans. Based upon Mr. Errico's review, potential conditions of approval are suggested below to replace the condition included in 2007:

- *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
- *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*

The 2007 condition stated, “ Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer’s review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.

The revised plans show three bike racks proposed in the garage with the capacity to accommodate 38 bicycles, which exceeds the requirements of the site plan ordinance. The proposed rack detail meets the requirements of the City’s technical standards, thus the condition included in 2007 to submit the design details for the bike racks prior to the issuance of a building permit may be deleted.

6. Public Infrastructure/Stormwater

Michael Farmer, Project Engineer, reviewed the revised plans and his memo, dated June 12, 2008 is included as Attachment 9. Based upon the revised scope of utility work within the public right-of-way, the Department of Public Services requires the following:

- Reconstruct (i.e. full depth reconstruction) Middle Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.

A meeting was held with the Portland Water District, City staff and the applicant’s representatives on June 20, 2008 to clarify the specifics of these requirements.

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted comments for this project on June 23, 2008 (Attachment 10). In his review he notes a dozen items to address on the plans. Michael Farmer, Project Engineer, was asked to evaluate whether any of Mr. Bushey’s comments were addressed in the Public Services review. Mr. Farmer’s assessment is contained in his memo dated June 27, 2008 (Attachment 11) in which he concurs with Mr. Bushey’s review with the following clarifications:

- The tree grate on Sheet 5 is correct and the detail on Sheet 11 should be changed to be consistent with Sheet 5.
- The proposed grading problem on Hancock identified by Mr. Bushey does not meet City standards, so he recommends a revised plan be submitted meeting the City standards.
- Mr. Farmer recommends that the grease trap and sampling manhole be moved to private property.

Mr. Bushey reviewed the revised applicant’s revised plans that were submitted on June 23, 2008 (memo dated June 30, 2008, Attachment 12). The revised plans had been prepared without the benefit of Mr. Bushey’s review, so his review contained in the June 23, 2008 memo continue to apply.

Potential conditions of approval are suggested below to replace the conditions placed on the project in 2007:

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer for the Department of Public Services, memorandums of June 12, 2008 and June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of June 23, 2008 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

The conditions in 2007 cited the memos from Mr. Farmer and Mr. Bushey dated June 28, 2007 and July 5, 2007, respectively.

7. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment 6) for B. Buildings/Architecture, the planning staff offers the following comments:

1. **Building Composition:**

- a. **Placement:** In general the buildings are placed along the sidewalk. The entrances face Middle, Hancock and Newbury Street. The applicant is proposing to extend the Middle Street façade from Building #2 to Building #1. The residential entrance is located within the parking level between the two towers. The residential entrance has become more prominent with glass panels on either side of the door and the garage entrance is setback four feet. The original placement located the residential entry within the base level of the residential tower above, which provided a positive visual orientation between these building elements. The applicant proposes to move the entry east of the tower, and seeks to visually relate the entry to the residential tower through an extension of a continuous first floor plane and materials palette (polished concrete), with a prominent glazed doorway feature. This provides for a somewhat larger retail component in three identical store front bays, which is also an attractive solution for the tower base. The proposed building placement and entry are reasonable design solutions relative to the design standards.
- b. **Height:** The proposed height of the building has been lowered slightly and is within the limits of the conditional rezoning agreement. It is also consistent with the approved plans for the Longfellow project and the industrial development across Hancock Street.
- c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. **Proportion:** The base of the building along Middle Street is punctuated with 5 or 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, building entrance, and windows along the base course.
- e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street rather stepped as shown in 2007. This provides a stronger base along the street. The base is articulated with storefronts and entrances. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards (the courtyard application of this material was approved in 2007). Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices

are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present the base middle and top.

- f. **Materials:** A number of exterior material options have been discussed during the review of the amended conditional rezoning agreement. Based upon those discussions, the applicant has retained the brick exteriors approved in 2007. The base course is now proposed as a polished concrete block that looks like granite, which resembles the granite material that had been approved before. The applicant is proposing Hardi-plank as a substitute for the metal siding and is shown on the projecting bays and top floor. As noted above, the applicant states that the quality and longevity of the material is equal to or better than the metal panels. The applicant has submitted samples and the warranty information for the Hardi-plank. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The staff recommends that the conditions of approval regarding urban design be eliminated except for the condition to submit the details of the awning and signage for the buildings.

8. Exterior Lighting

There was a condition in 2007 that a lighting plan meeting the City's Technical Standards be submitted for review and approval. The plans submitted in November of 2007 met the standards. The most recent submission does not propose any changes to the lighting, so the condition may be removed.

9. Landscaping

In 2007 the Board placed a condition on the plan that City Arborist review and approve a revised landscape plan. The applicant submitted revised plans in November 2007, which were approved by the City Arborist and revisions have not been proposed at this time. This condition of the original approval may be deleted.

10. Neighborhood Meeting

A neighborhood meeting was held on June 30, 2008 and the minutes, sign-in sheet and other materials from that meeting are included as Attachment 1.

V. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The original conditions that are applicable are listed below along with the revised or new conditions. Those conditions that have been met have been eliminated. A tracked change version of the original motion as revised is included as Attachment 13.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
2. *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of June,23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the “Riverwalk Parking Garage” located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel’s Office prior to the issuance of a certificate of occupancy.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easments
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet

- iii. Notice
- iv. Neighborhood Certification
- 2. Amended Conditional Rezoning Agreement
- 3. Approval Letter for the July 10, 2007 site plan and subdivision approval
- 4. Planning Board Report #30-07
- 5. David M. White Architect, April 23, 2008 correspondence
- 6. Eastern Waterfront Design Standards
- 7. Carrie Marsh, April review
- 8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
- 9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
- 10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
- 11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
- 12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
- 13. Tracked Changes from the July 10, 2007 motions
- 14. Approved Building Elevations, July 10, 2007
- 15. Plan Set- The Bay House
 - a. Sebago Technics Plans:
 - 1. Cover Sheet
 - 2. Boundary and Topography Survey, 6-3-08
 - 3. Demolition Plan, 6-23-08
 - 4. Subdivision Plat, 6-23-08
 - 5. Site Plan, 6-23-08
 - 6. Grading Plan, 6-3-08
 - 7. Utility Plan, 6-3-08
 - 8. Landscape and Lighting Plan, 6-3-08
 - 9. Profile, 6-3-08
 - 10. Profile, 6-3-08
 - 11. Details, 6-3-08
 - 12. Details, 6-3-08
 - 13. Details, 6-3-08
 - 14. Details, 6-3-08
 - 15. Stormtech Details, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings B1-1 to B1-6; B2-1 to B2-6; E.1 through E.7;
 - c. Bike Rack Details
 - d. Two Color Renderings of Middle Street Facade

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Copy

Att. 1 a

2008-0067
Application I. D. Number

5/28/2008
Application Date

The Bay House
Project Name/Description

The Village At Oceangate Llc
Applicant
35 Fay St Ste 107-b , Boston , MA 02118
Applicant's Mailing Address

Consultant/Agent
Agent Ph: _____ Agent Fax: _____
Applicant or Agent Daytime Telephone, Fax

112 - 112 Newbury St, Portland, Maine
Address of Proposed Site
020 E009001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units 80445 Acreage of Site 0 Proposed Total Disturbed Area of the Site _____ Zoning _____

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$500.00 Subdivision _____ Engineer Review _____ Date 5/29/2008

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	date	amount	
<input type="checkbox"/> Building Permit Issue	date		
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	<input type="checkbox"/> Conditions (See Attached)	expiration date
<input type="checkbox"/> Final Inspection	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	date		
<input type="checkbox"/> Performance Guarantee Released	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	date	signature	

1a



Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: 112 NEWBURY STREET PORTLAND, MAINE		
Zone: B56		
Project Name: THE BAY HOUSE		
Existing Building Size: 15,914 sq. ft.	Proposed Building Size: 65,105 sq. ft.	
Existing Acreage of Site: 78,843.6 sq. ft.	Proposed Acreage of Site: 80,445 sq. ft.	
Proposed Total Disturbed Area of the Site: 80,445 sq. ft. *		
* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).		
Tax Assessor's Chart, Block & Lot:	Property Owners Name/ Mailing address:	Telephone #:
Chart # 20 20 20 Block # E D D Lot # 9 13-15 32	VILLAGE AT OCEANGATE LLC 35 FAY ST 107B BOSTON, MA 02118	617 482 3004 X 204
Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone #:	Applicant's Name/ Mailing Address:	Telephone #:
GREG SHINBERG SHINBERG CONSULTING 477 CONGRESS ST SUITE PORTLAND ME 04101 207 772 7070	VILLAGE AT OCEANGATE LLC 35 FAY ST 107B BOSTON, MA 02118	617 482 3004 X 204
Fee for Service Deposit (all applications) <u>207 772 7070</u> <u>653 7510</u> ✓ (\$200.00)		
Proposed Development (check all that apply)		
<input type="checkbox"/> New Building <input type="checkbox"/> Building Addition <input type="checkbox"/> Change of Use <input type="checkbox"/> Residential <input type="checkbox"/> Office <input type="checkbox"/> Retail <input type="checkbox"/> Manufacturing <input type="checkbox"/> Warehouse/Distribution <input type="checkbox"/> Parking lot <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00 per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____		
~ Please see next page ~		

Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Billing Address: (name, address and contact information)

VILLAGE AT OCEANGATE, LLC
 35 FAY ST 107 B
 BOSTON, MA 02118

ATTN ALEX DASCIO

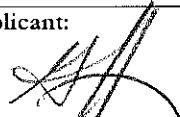
Submittals shall include **seven (7) folded** packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 5/27/08
--	------------------



Site Plan Checklist Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

1 a

THE BAY HOUSE
Project Name, Address of Project

Application Number

The form is to be completed by the Applicant or Designated Representative:

Check Submitted	Site Plan Item	Required Information	Section 14-525 (b,c)
✓	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
✓	(2)	Name and address of applicant and name of proposed development	a
✓	(3)	Scale and north points	b
✓	(4)	Boundaries of the site	c
✓	(5)	Total land area of site	d
✓	(6)	Topography - existing and proposed (2 feet intervals or less)	e
✓	(7)	Plans based on the boundary survey including:	2
✓	(8)	Existing soil conditions	a
✓	(9)	Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
✓	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
✓	(11)	Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 9 of packet)	d
✓	(12)	Location of on-site waste receptacles	e
✓	(13)	Public utilities	e
✓	(14)	Water and sewer mains	e
✓	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
✓	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
✓	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
✓	(18)	Parking areas	g
✓	(19)	Loading facilities	g
✓	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
✓	(21)	Curb and sidewalks	g
✓	(22)	Landscape plan showing:	h
✓	(23)	Location of existing vegetation and proposed vegetation	h
✓	(24)	Type of vegetation	b
✓	(25)	Quantity of plantings	h
✓	(26)	Size of proposed landscaping	h
✓	(27)	Existing areas to be preserved	h
✓	(28)	Preservation measures to be employed	h
✓	(29)	Details of planting and preservation specifications	h
✓	(30)	Location and dimensions of all fencing and screening	i
✓	(31)	Location and intensity of outdoor lighting system	j
✓	(32)	Location of fire hydrants, existing and proposed (refer to Fire Department checklist)	k
✓	(33)	Written statements to include:	c
✓	(34)	Description of proposed uses to be located on site	c1
✓	(35)	Quantity and type of residential, if any	c1
✓	(36)	Total land area of the site	c2
✓	(37)	Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
✓	(38)	General summary of existing and proposed easements or other burdens	c3
✓	(39)	Type, quantity and method of handling solid waste disposal	c4
✓	(40)	Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets	c5
✓	(41)	Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6 c6

✓ NA	(42)	An estimate of the time period required for completion of the development	7
✓	(43)	A list of all state and federal regulatory approvals to which the development may be subject to. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.	8
✓	(47)	Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.	h8
✓	(48)	Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.	
NA	(49)	A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.	
—	(50)	A jpeg or pdf of the proposed site plan, if available.	
—	(51)	Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.	

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study

Other comments:

Shinberg Consulting, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101-3427
207 772 7070 Office
207 772 7080 Fax

May 27, 2008

Mr. Alexander Jaegerman, Ms. Barbara Barhydt
Planning Division Director, City of Portland
and City of Portland Planning Board Members
389 Congress Street
Portland, Maine 04101

**RE: The Bay House, Amendment to the Site Plan
112 Newbury Street, Portland, Maine**

Dear Mr. Jaegerman, Ms. Barhydt and Board Members:

Enclosed is a submission for The Bay House Condominiums project proposed for 112 Newbury Street. The project has been amended to incorporate 1,602 square feet of land that will be acquired from the next door neighbor, Pearl Properties, LLC, whose property affronts 61 India Street. The total number of units has been decreased from 84 to 82 units.

On April 29th at the Public Hearing we received a unanimous recommendation from the Planning Board supporting our request to amend the Conditional Contract Zone. At that time, some members of the Planning Board asked that we work with staff to address the following items:

1. The use of the cement / fiber board siding material (also known as Hardiplank) on the exterior skin;
2. Changing the windows on the 5th floor from arched top to a square top;
3. Relocation of the entrance to Building 2 on Middle Street.

The following is our response to these items discussed:

1. *Hardiplank is a high quality material that has been used on projects around the country for many years. The product has a 50 year warranty for the material and a 25 year warranty for the paint finish. Compared to the metal siding that was previously submitted and approved, the warranty is equal to or better than most metal siding products that are available to purchase. The material is both attractive and sturdy and provides a quality appearance that compliments the character of the other buildings located nearby.*

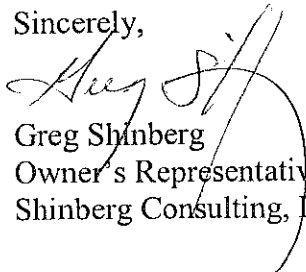
Recently, additions and renovations at LL Bean in Freeport have utilized a similar board and batten Hardiplank material. Several other projects located in Portland have also used Hardiplank with great success. See the attached elevations.

- 2. After a careful analysis with Staff we have added the arched windows to all the 5th floor windows that face Newbury, Hancock and Middle Streets. See the attached elevations;*
- 3. The entrance to Building 2 has been changed from its original location to accommodate a better layout of the retail space on Middle Street. The new location will provide for a more attractive store front at the retail spaces located on the westerly side of Middle Street. Additionally, the garage entrance has been recessed to further provide for a distinct entrance to the parking garage. See the attached elevations.*

Attached are the revised Site Plans by Sebago Technics, and the revised Floor Plans and Elevations by David M. White Architects.

We look forward to presenting the application at the Planning Board Workshop that is scheduled for June 10th, 2008.

Sincerely,



Greg Shinberg
 Owner's Representative and Project Manager
 Shinberg Consulting, LLC

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PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into this 27TH day of February, 2008 by and between Pearl Properties, LLC, a Maine limited liability company (Seller) and Village at Ocean Gate, LLC of 35 Fay Street, 107B Boston Massachusetts (Buyer).

Handwritten initials

WITNESSETH:

1. PREMISES. Seller agrees to sell and Buyer agrees to buy the land situated at the rear of 61 India Street, Portland, Maine (collectively the Premises), such land being approximately ~~1,700~~^{1,680} square feet and depicted on Exhibit A, subject to the provisions of Section 14 below. The Westerly boundary of the Premises shall be no less than twelve (12) feet from the recently poured foundation on the Seller's remaining land. Seller shall have the right, but not the obligation to salvage, remove and retain for its ownership and use, any and all walls and bricks located upon the Premises prior to the closing. Included in the sale of the Premises will be a construction easement to use that approximately 14 foot wide area of Seller's retained land, also depicted on Exhibit A, for temporary construction purposes for the initial construction of Buyer's project to last the duration of the construction project and for the future maintenance of the portions of the constructed building thereof.

2. PURCHASE PRICE. Subject to any adjustments and pro-rations hereinafter described, Buyer agrees to pay for the Premises the sum of Two Hundred Thousand Dollars (\$200,000), payable as follows:

Handwritten initials JM DC

- (a) Deposit. Two Thousand Dollars (\$2,000.00) paid to Seller as a deposit ~~at the time of the execution of this Agreement~~ ^{NO LATER THAN FEB. 29TH 2008}, which shall be credited toward the purchase price at the closing.
- (b) Cash at Closing. One Hundred Ninety-Eight Thousand Dollars (\$198,000.00) shall be paid to the Seller by certified check or bank cashier (s) check at the closing.

2.A. ADDITIONAL CONSIDERATION. In addition to the Purchase Price, the Buyer shall deliver the following to Seller at closing:

Handwritten initials JM DC

- (i) Pedestrian Easement. Buyer shall grant, subject to the condition below in this paragraph, Seller an approximately ~~six (6)~~^{FIVE (5)} foot wide pedestrian easement, in such form and on any other reasonably ~~necessary~~ terms and conditions reasonably satisfactory to Seller, over land of the Buyer from the remaining land of the Seller to Newbury Street in the area shown on Exhibit A. Buyer shall not be obligated to grant the foregoing easement to Seller in the event that doing so materially and adversely affects any municipal approvals for Seller's Bay House Condominium project.
- (ii) Courtyard & 14-Foot Easement Paving. Buyer shall finish pave the courtyard area on Seller's remaining land lying easterly of the recently poured foundation on the Seller's

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remaining land and westerly of the Premises. In addition, Buyer shall finish pave the 14-foot easement running from Seller's remaining land to Middle Street and more particularly described in an instrument recorded in the Cumberland County Registry of Deeds in Book 25615, Page 187. The finish paving shall be of the same type, finish and quality as the paving that Buyer installs on the Premises. Such paving shall be completed within THIRTY (30) days of paving the Premises but no later than DEC. 31ST, 2009. In the event that the Buyer defaults in its obligation to pave hereunder, Seller shall be entitled to any and all legal and equitable remedies including but not limited to any and all costs, expenses and attorney's fees associated and/or incurred by Seller in enforcing or attempting to enforce the provisions of this section. The provisions of this section shall survive closing.

3. TITLE. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens. The Premises shall be conveyed subject to exceptions from coverage set forth in Tigor Title Insurance Company Owner's Policy # 74106-161258, as the same has been amended by endorsement, except for any mortgages or other liens referenced therein. In the event that Seller is unable to convey title as aforesaid, upon written notice from Buyer, Seller shall use reasonable efforts to remedy all title defects. In the event that said defects are not remedied within Forty-Five (45) days from the date of such notice, then the Deposit shall be returned to Buyer and this Agreement, and Seller (s) and Buyer (s) obligations hereunder, will terminate. Buyer may, at Buyer(s) option, elect to close notwithstanding such defects as may exist.

4. CLOSING. The closing of this transaction shall take place in the office of Tom Hanson, Bernstein Shur, 100 Middle Street, PO Box 9729, Portland, ME 04104-5029 (or, if the Buyer and the Seller mutually agree in advance and in writing, at another time and place) within Fifteen (15) Days of the date of the approval by the City of Portland City Council of the amended contract zone that shall include the Premises. Notwithstanding the foregoing, the closing shall occur no later than August 1, 2008. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the purchase price, a Warranty Deed to the Premises (the Deed).

5. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE. Prior to the closing, the Premises shall be the sole responsibility of Seller and Seller shall bear the risk of any loss to the Premises whether by fire or otherwise. In the event of any casualty loss, Buyer shall have the alternative of either terminating this Agreement by written notice, whereupon Buyer shall receive back the Deposit plus accrued interest, or of accepting the insurance proceeds made available, if any, and closing notwithstanding such loss.

6. INSPECTION. At all reasonable times during the term hereof, Buyer shall have the right to enter the Premises and perform such inspections, engineering tests, soil tests, surveys, hazardous waste investigations, water tests, or other inspections as Buyer deems necessary or appropriate provided that the Buyer's activities shall not damage the Premises. Seller shall have the right but not the obligation to have a representative present at each inspection. Buyer shall keep the Premises free of all liens in connection with its inspection of the Premises or shall

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remove any liens immediately upon being notified of them. Buyer agrees to indemnify, defend and hold Seller harmless from all damage, loss or claims relating directly or indirectly to any physical damage to the Premises resulting from inspections or studies of the Premises made by Buyer or its agents, which indemnity shall survive Closing. Buyer agrees to provide Seller with copies of each of the reports completed regarding the Premises. Buyer agrees to return the Premises as nearly as possible to its original condition after all of such tests and inspections. If the results of a hazardous waste or other investigation done pursuant to this Paragraph are unsatisfactory to Buyer, Buyer shall have the right to terminate this Agreement by written notice and receive back the Deposit, plus accrued interest.

7. REPRESENTATIONS AND WARRANTIES. As a material part of the consideration for this Agreement, Buyer represents to Seller that Buyer knows, has examined, and has investigated (or, prior to the closing, shall know, shall have examined, and shall have investigated) to Buyer's satisfaction, operating information, environmental condition, physical nature and condition of the Premises. Buyer agrees to take the Premises "AS IS", with all latent and patent defects and no warranty by Seller that the Premises are fit for a particular purpose. Buyer takes the Premises with the agreement that there are no express or implied warranties or representations by Seller as to its physical condition, quality of construction or workmanship, or any other matter. Furthermore, Seller makes no agreement to alter, repair, or improve the Premises.

8. POSSESSION. Seller shall deliver possession of the Premises to the Buyer upon transfer of title free and clear of all leases, tenancies and occupancies by any person.

9. ADJUSTMENTS, PRORATION AND CLOSING COSTS. Real estate taxes and assessments and all utilities shall be prorated as of the closing on the basis of the latest available tax bill. The Maine real estate transfer tax shall be paid equally by Seller and Buyer. The recording fee for the Deed and any expenses related to Buyer (s) financing will be paid for by the Buyer.

10. CONDITIONS PRECEDENT. Buyer (s) obligation to close hereunder is subject to satisfaction of the following conditions at or before closing:

- (a) As of the date hereof, and as of the date of closing, all of Seller (s) representations and warranties shall be true and correct.
- (b) Approval by the City of Portland City Council of the amended contract zone that shall include the Premises.

If the above listed condition is not satisfied within the time specified or if no time is specified, by the closing date, Buyer shall be entitled to receive back the Deposit plus accrued interest, whereupon this Agreement shall terminate and neither party will be under any further obligation hereunder.

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11. DEFAULT AND REMEDIES. In the event that Buyer fails to close hereunder for a reason other than the default of Seller, Seller shall retain the Deposit plus accrued interest as full and complete liquidated damages in lieu of any other legal or equitable remedy, whereupon this Agreement will terminate and neither party will be under any further obligation hereunder. In the event of Seller (s) default hereunder, Buyer may, as its sole and exclusive remedy, either (i) terminate this Contract and be entitled to the return of the Deposit or (ii) seek specific performance.

12. ACCEPTANCE DATE. This contract shall not be valid unless executed by all parties by 5:00 p.m. ~~February 28, 2008.~~

13. MISCELLANEOUS.

- (a) Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed as follows:

TO SELLER: Pearl Properties, LLC
c/o Joseph W. Reynolds
198 Tuttle Road
Cumberland, ME 04021

TO BUYER: Village at Ocean Gate, LLC
35 Fay Street 107B
Boston, MA 02118

Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Seller (s) representations and warranties shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any

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provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.


14. SURVEY. Buyer shall obtain, at Buyer's sole cost and expense, a standard boundary survey and metes and bounds description of the Premises, which survey will depict the temporary construction easement area and the pedestrian easement area (collectively, the "Survey") prior to closing. The Survey shall evidence the setback compliance of the rear portion of the Seller's remaining land and shall be otherwise reasonably satisfactory to Seller in all respects.

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

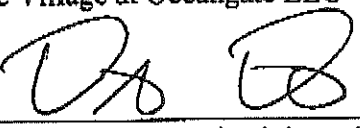
WITNESS:

Pearl Properties, LLC




By: Joe Reynolds, its duly authorized Manager
2/27/08
Date



The Village at Oceangate LLC

By: Demetri Dasco, its duly authorized Manager
Buyer
2/27/08
Date

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OALAWOFFICEREALTYReynoldsIndiaSale of back lotPearl Properties Purchase Contract 225-08 rev.doc

1d

37-54-10-100

<p>PLA / ACSM LAND TITLE SURVEY VILLAGE CAFE INC GRACIA ACQUISITIONS I, LLC</p>		<p>Sebago Technics Surveying & Mapping 115 Main Street, Suite 100 Scarborough, ME 04072 Tel: 603.883.1111 Fax: 603.883.1112 Email: info@sebagotechnics.com</p>	
DATE	PROJECT	SCALE	SHEET
02/28/2008	VILLAGE CAFE INC	AS SHOWN	1 OF 1

LOCATION MAP

GENERAL NOTES:

1. THIS SURVEY WAS MADE FOR THE PURPOSE OF RECORDING THE CONVEYANCE OF THE INTEREST IN THE ABOVE DESCRIBED REAL ESTATE TO GRACIA ACQUISITIONS I, LLC BY VILLAGE CAFE INC.

2. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

3. THE SURVEY WAS MADE ON THE 28th DAY OF FEBRUARY, 2008.

4. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

5. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

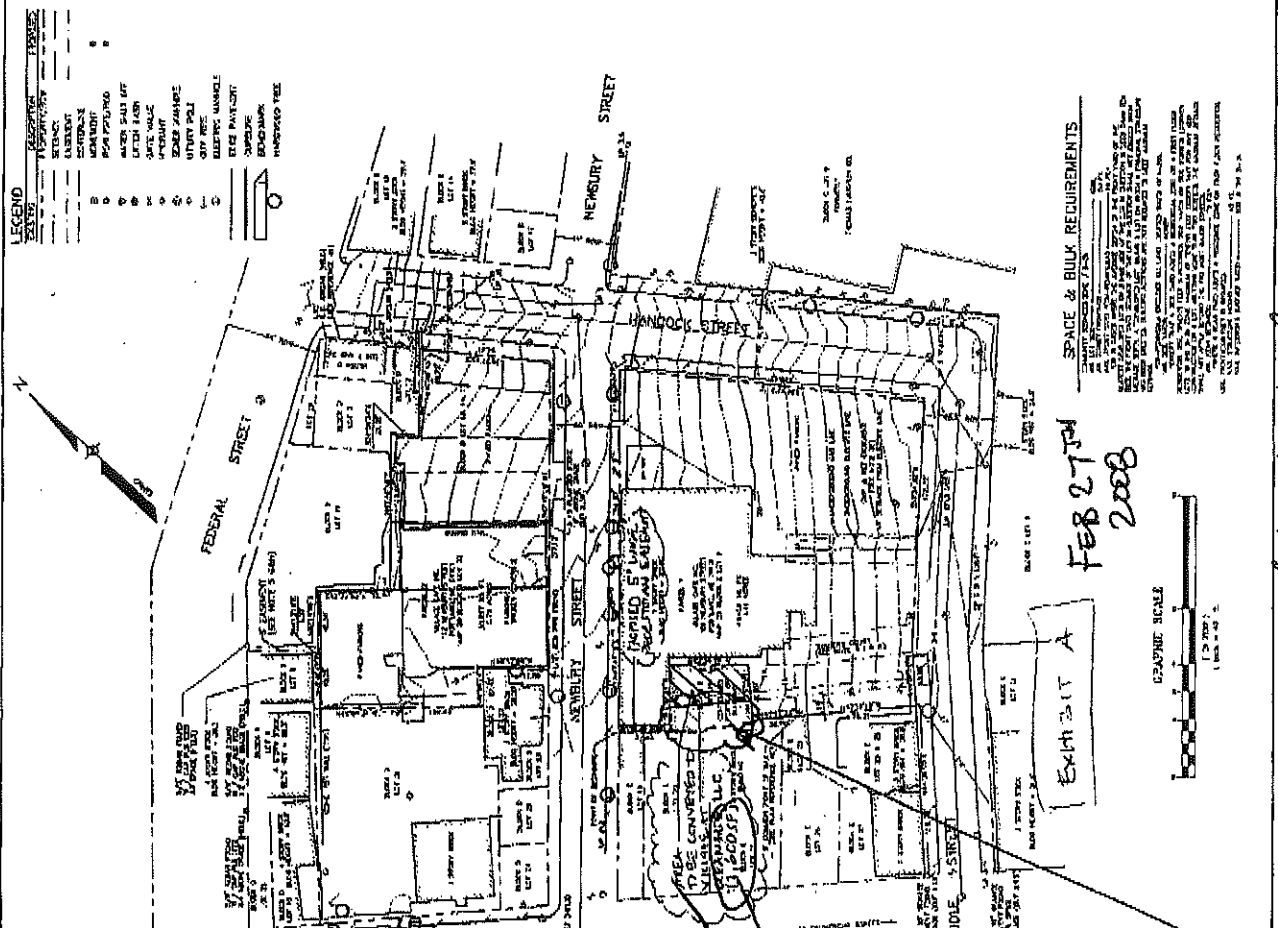
6. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

7. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

8. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

9. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.

10. THE SURVEY WAS MADE BY THE SURVEYOR'S FIELD NOTES AND MEASUREMENTS.



ABUTTERS	LEGAL DESCRIPTION	ADJACENT PROPERTY	ADJACENT PROPERTY	ADJACENT PROPERTY
...

SPACE & BULK REQUIREMENTS

...

EXHIBIT A

FEB 27th 2008

AREA OF TEMPORARY CONSTRUCTION BASEMENT AS PER SECTION 1 OF THE PURCHASE & SALE AGREEMENT DATED FEB 27, 2008

FROM P/S AGREEMENT WITH ^{ld}
PEARL PROPERTIES
EXHIBIT A 6/27/08

05109

**Land to be Transferred
to
The Village at Ocean Gate, LLC**

A certain lot or parcel of land situated on the southerly side of, but not adjacent to Newbury Street, in the City of Portland, County of Cumberland, State of Maine, being depicted on a plan of land titled "Boundary & Topographic Survey of The Bay House", dated through June 3, 2008 by Sebago Technics, Inc., said parcel being more particularly bounded and described as follows:

Beginning at a 5/8 inch rebar found at a corner of land now or formerly of Wooden Nickel, LLC, as described in a deed recorded at the Cumberland County Registry of Deeds in Book 14219, Page 166, said rebar being a corner of property now or formerly of The Village at Ocean Gate, LLC, as described in a deed recorded in Book 25625, Page 275;

Thence N 45°-55'-20" E, by and along land of The Village at Ocean Gate, LLC, a distance of 47.65 feet to a point;

Thence S 42°-39'-58" E, by and along land of The Village at Ocean Gate, LLC, a distance of 56.58 feet to a PK nail found;

Thence S 42°-31'-42" W, by and along land of The Village at Ocean Gate, LLC, a distance of 26.11 feet to a capped 5/8 inch rebar set;

Thence N 45°-16'-56" W, passing through land of the grantor, a distance of 16.96 feet to a capped 5/8 inch rebar set;

Thence N 46°-47'-05" W, passing through land of the grantor, a distance of 20.14 feet to a capped 5/8 inch rebar set;

Thence N 49°-22'-47" W, passing through land of the grantor, a distance of 20.62 feet to a capped 5/8 inch rebar set;

Thence S 47°-36'-06" W, passing through land of the grantor, a distance of 16.99 feet to the point of beginning.

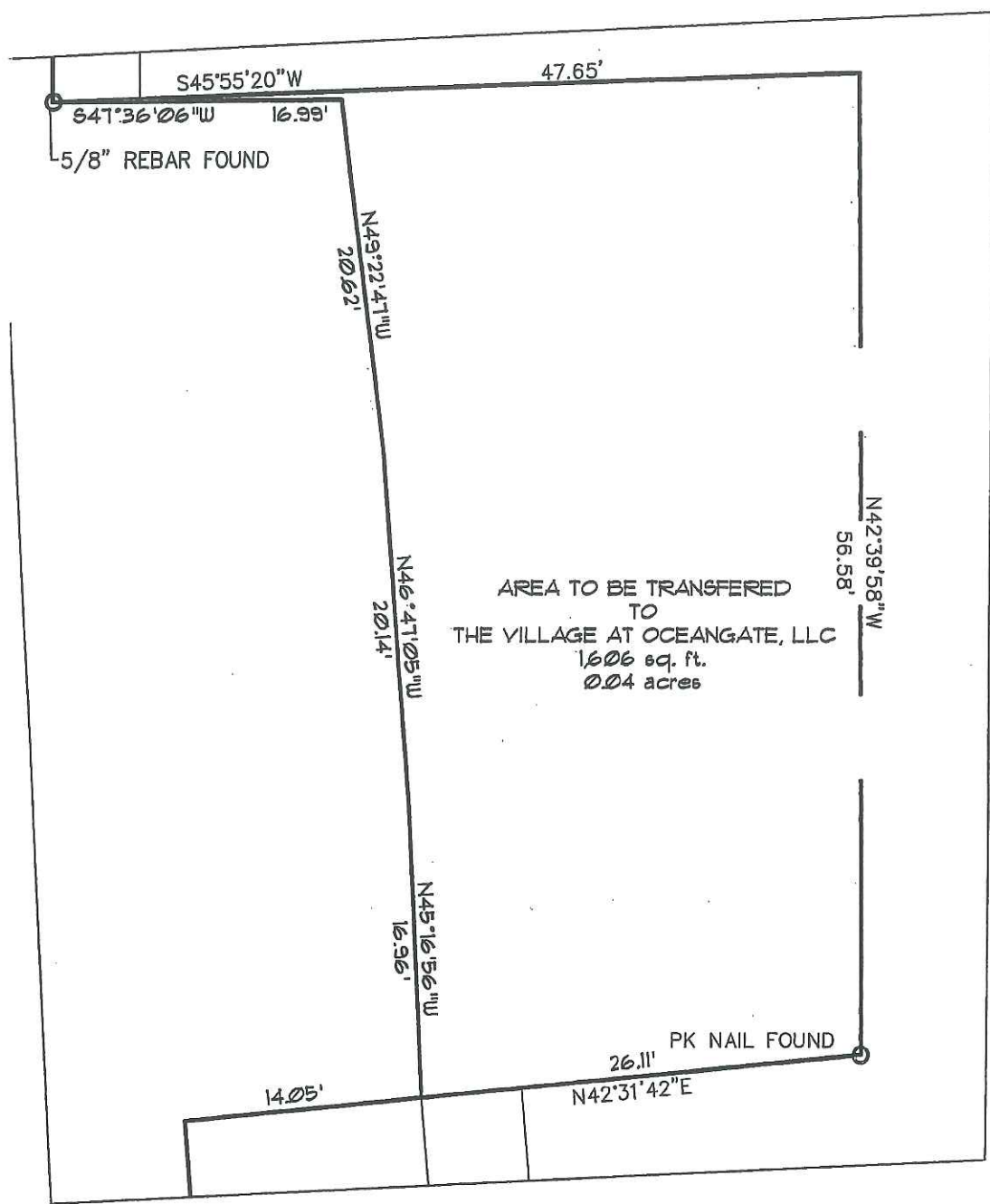
Meaning and intending to describe a certain parcel of land containing 1,606 square feet, more or less being depicted as "Area to be transferred to The Village at Ocean Gate, LLC", as shown on a plan of land titled "Boundary & Topographic Survey of The Bay House" dated through June 3, 2008 by Sebago Technics, Inc.

The bearings referenced herein are based upon Grid North NAD 1983 Maine West Zone.

DCS/cb
June 20, 2008

Pls Agreement w/
Pearl Properties
6/25/08

EXHIBIT A-Continued



DETAIL OF LAND TO BE TRANSFERED
SCALE 1"=10'

From Pls Agreement with 1d
Pearl Properties 6/20/08
EXHIBIT B

05109

Proposed 5 Foot Wide Pedestrian Easement

A certain pedestrian easement situated on the southerly side of Newbury Street, in the City of Portland, County of Cumberland, State of Maine, being depicted on a plan of land titled "Boundary & Topographic Survey of The Bay House", dated through June 03, 2008 by Sebago Technics, Inc., said easement being more particularly bounded and described as follows:

Beginning at a 5/8 inch rebar found at a corner of land now or formerly of Wooden Nickel, LLC, as described in a deed recorded at the Cumberland County Registry of Deeds in Book 14219, Page 166, said rebar being a corner of property now or formerly of The Village at Ocean Gate, LLC, as described in a deed recorded in Book 25625, Page 275;

Thence N 42°-26'-53" W, by and along land now or formerly of Bartlett Island, LLC, as described in a deed recorded in Book 17068, Page 212, and by and along land now or formerly of MAHC, Inc., as described in a deed recorded in Book 15267, Page 127, a total distance of 38.09 feet to a point in the southerly side of Newbury Street;

Thence N 47°-47'-16" E, by and along Newbury Street, a distance of 5.00 feet to a point;

Thence S 42°-26'-53" E, passing through land of the grantor, a distance of 38.08 feet to a point in the line of land of Wooden Nickel, LLC;

Thence S 47°-36'-06" W, by and along land of Wooden Nickel, LLC, a distance of 5.00 feet to the point of beginning.

Meaning and intending to describe a certain 5 foot wide pedestrian access easement containing 190 square feet, more or less being depicted as a "Proposed 5 foot wide pedestrian access easement to benefit Block E, Lot 21", as shown on a plan of land titled "Boundary & Topographic Survey of The Bay House" dated through June 03, 2008 by Sebago Technics, Inc.

The bearings referenced herein are based upon Grid North NAD 1983 Maine West Zone.

DCS/cb
June 20, 2008



477 Congress Street, Suite 1012 Portland Maine
207 772 7070

June 30, 2008

Mr. Alexander Jaegerman, Ms. Barbara Barhydt
Planning Division Director, City of Portland
and City of Portland Planning Board Members
389 Congress Street
Portland, Maine 04101

**RE: The Bay House, Amendment to the Site Plan
112 Newbury Street, Portland, Maine**

Dear Mr. Jaegerman, Ms. Barhydt and Board Members:

Enclosed is a submission for The Bay House Condominiums project proposed for 112 Newbury Street. The project has been amended to incorporate 1,602 square feet of land that will be acquired from the next door neighbor, Pearl Properties, LLC, whose property affronts 61 India Street. The total number of units has been decreased from 84 to 82 units.

On June 10, 2008 at the Planning Board workshop we discussed the following items:

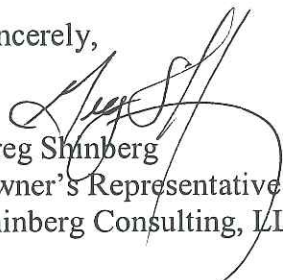
1. The use of the cement / fiber board siding material (also known as Hardiplank) on the exterior skin;
2. The use of the arched top windows that remain at all of the 5th floor units except those located in the interior part of the courtyard;
3. Relocation of the entrance to Building 2 on Middle Street and enhancing that entrance to provide a more prominent entrance to the building;
4. The location and number of the bicycle storage racks in the garage and on the property.

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Attached are the revised Site Plans by Sebago Technics, the revised Floor Plans and Elevations by David M. White Architects and 2 color renderings on the Middle Street side of the building.

Since the Workshop, we have worked with the City Staff to address the concerns presented by the Planning Board and submit this final presentation for your review at the Planning Board Public Hearing that is scheduled for July 8th, 2008.

Sincerely,



Greg Shinberg
Owner's Representative and Project Manager
Shinberg Consulting, LLC

Att. 1f

CANTERBURY INTERNATIONAL

800-935-7111

323-936-7111



home

clocks

- tower clocks
- street clocks
- wall-mounted
- specialty
- skeleton clocks
- clock dials
- clock hands
- bezel types

umbrellas

seating

- bovery
- 1890 benches
- metal benches
- wood benches
- concrete legs
- tables & chairs

trash

- bovery
- padc
- silhouette
- miscellaneous

fountains

- pet bowl

bollards

- standard
- reinforced

tree grates

- standard
- custom

tree guards

sculptures

planters

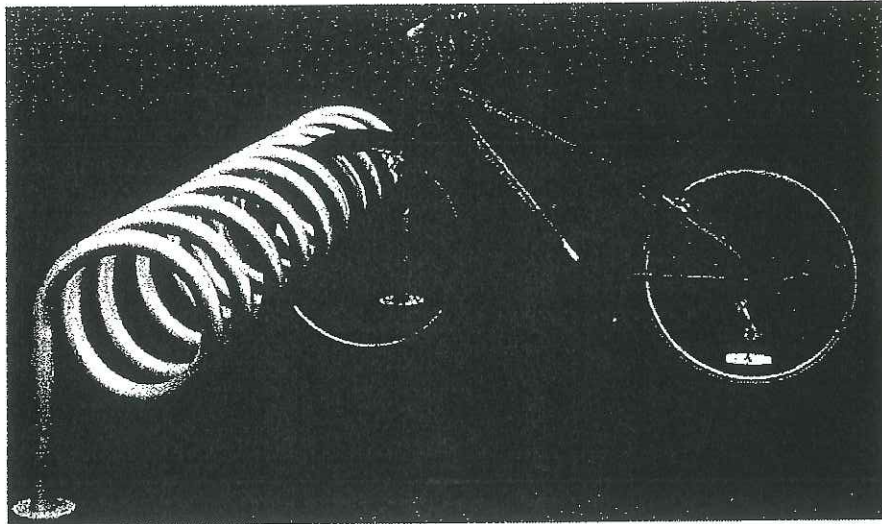
miscellaneous

- murals, etc.
- bike racks

color chart

contact us

©2008 canterbury international design by voa



Bike Rack Spiral Removable

copyright © 1999-2005 Canterbury International





James Hardie® Building Products

10901 Elm Avenue Fontana, CA 92337

Hardiplank® Lap Siding Hardipanel® Vertical Siding

50-Year Express Limited Transferable Product Warranty

1. LIMITED WARRANTY COVERAGE: James Hardie Building Products, Inc. ("Hardie") warrants (for installation within the U.S. and Puerto Rico) to the purchaser and all transferees prior to and including the first owner of the structure to which the Product is applied, and the first transferee of such structure (each a "covered person") that when manufactured, the Hardie Fiber-Cement Plank or Panel Product HARDIPLANK® or HARDIPANEL®, (the "Product") complies with ASTM C1186, and is free from defects in material and manufacture. When used for its intended purpose, properly installed and maintained according to Hardie's published installation instructions, the Product for a period of 50 years from the date of purchase will (a) remain non-combustible, (b) resist damage caused by hail or termite attacks, and (c) will not crack, rot or delaminate. If during the Warranty period, any Product proves to be defective, Hardie, in its sole discretion, shall replace the defective Product before it is installed, or, during the first year, reimburse the covered person for resulting losses up to twice the retail cost of the defective portion of the Product. During the 2nd through the 50th year, the warranty payment shall be reduced by 2% each year such that after the 50th year no warranty shall be applicable. If the original retail cost cannot be established by the covered person, the cost shall be determined by Hardie in its sole and reasonable discretion. Hardie's replacement of the defective Product or granting of a refund pursuant to Section 1 of this Warranty SHALL BE THE SOLE EXCLUSIVE REMEDY available to the covered person with respect to any defect. Hardie will not refund or pay any costs in connection with labor or accessory materials.

2. CONDITIONS OF WARRANTY: Hardie's liability hereunder to the covered person shall be subject to the following terms and conditions:

- A. The claimant must provide proof that he/she is a covered person.
- B. The Product must be stored according to the manufacturer's instructions at all times between purchase and installation.
- C. The Product must be installed according to Hardie's printed installation instructions and all building codes adopted by federal, state or local governments or government agencies and applicable to the installation. Failure to install and finish the product per the manufacturer's published instructions may effect Product performance and voids the Warranty.
- D. The covered person must provide written notice to James Hardie Building Products, Inc. within 30 days after discovery of any claimed defect or failure covered by this Warranty and before beginning any permanent repair. The notice must describe the location and details of the defect and such information as is necessary for Hardie to investigate the claim. Photos of the product, showing the defect or failure are not only helpful, but also must accompany the notice, when appropriate.
- E. Upon discovery of a possible defect or failure, the covered person must immediately, and at the covered person's own expense, provide for protection of all property that could be affected until the defect or failure is remedied. Before any permanent repair to the Product, the covered person must allow Hardie or Hardie's agent to enter the property and structure where the Product is installed, and examine, photograph and take samples of the Product.

3. EXCLUSIONS: This Warranty does not cover damage or defects resulting from or in any way attributable to: (a) the improper storage, shipping, handling or installation of the Product (including, without limitation, failure of the Product to be installed in strict compliance with the terms and conditions set forth in Section 2 (c) of this warranty) and/or improper installation of studs or other accessories; (b) neglect; (c) abuse;

(d) misuse; (e) repair or alteration; (f) settlement or structural movement and/or movement of materials to which the Product is attached; (g) damage from incorrect design of the structure; (h) exceeding the maximum designed wind loads; (i) acts of God including, but not limited to, hurricanes, tornados, floods, earthquakes, severe weather or other natural phenomena, (including, but not limited to, unusual climate conditions); (j) efflorescence or performance of any paints and/or coatings which are not Hardie and/or Hardie affiliated applied; (k) growth of mold, mildew, fungi, bacteria, or any organism on any surface of the siding (whether on the exposed or unexposed surfaces) and in this respect, ANY CLAIMS OF DAMAGE CAUSED BY MOLD OR MILDEW ARE EXPRESSLY EXCLUDED; (l) lack of proper maintenance; (m) any cause other than manufacturing defects attributable to Hardie.

4. DISCLAIMER:

The statements in this Warranty constitute the only warranty extended by Hardie for the Product. HARDIE DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, EXCEPT WHERE PRODUCT PURCHASE IS SUBJECT TO CONSUMER PRODUCT WARRANTY LAW, OR BY USAGE OF TRADE OR COURSE OF DEALING IN WHICH INSTANCES THE DURATION OF ANY APPLICABLE IMPLIED WARRANTIES ARE LIMITED TO THE FIRST ELAPSE OF THE WARRANTY PERIOD PROVIDED ABOVE, OR SUCH SHORTER PERIOD AS APPLICABLE LAW PERMITS OR REQUIRES. Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.

NO OTHER WARRANTY WILL BE MADE BY OR ON BEHALF OF THE MANUFACTURER OR THE SELLER OR BY OPERATION OF LAW OR BY USAGE OF TRADE OR COURSE OF DEALING WITH RESPECT TO THE PRODUCT OR ITS INSTALLATION, STORAGE, HANDLING, MAINTENANCE, USE, REPLACEMENT OR REPAIR. This Warranty gives you specific legal rights and you may also have other rights which vary from state to state.

5. EXCLUSION OF INCIDENTAL AND CONSEQUENTIAL DAMAGES: IN NO EVENT WILL HARDIE BE LIABLE FOR ANY INCIDENTAL, SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES, WHETHER RESULTING FROM NONDELIVERY OR FROM THE USE, MISUSE, OR INABILITY TO USE THE PRODUCT OR FROM DEFECTS IN THE PRODUCT. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation may not apply to you.

6. MODIFICATIONS AND ALTERATIONS OF PRODUCT: Hardie shall have no responsibility hereunder for defective Product subjected to further processing or alteration after shipment.

7. SETTLEMENT OF CLAIM: Any refund or material replacement by Hardie pursuant to Section 1 hereof shall constitute a full settlement and release of all claims of any covered person hereunder for damages or other relief, and shall be a complete bar to any litigation filed subsequently to the covered person's acceptance of such an agreement.

8. MODIFICATION OR DISCONTINUATION OF PRODUCTS: Hardie reserves the right to modify or discontinue any of its products without notice and shall not be liable as a result of such modification or discontinuation.



James Hardie®
1-800-9-HARDIE



MORIN DIVISION

LIMITED WARRANTY: In accordance with hereinafter Definitions, this Warranty expressly Warrants the factory-applied finish noted below against Chalking, Fading, Excessive Color Change, Noticeable Blisters, Chips, Cracks, Flaking or Peeling not within the Performance Standards set forth below.

CUSTOMER:

PROJECT:

CONTRACT NUMBER:

Substantial Completion Date:

WARRANTED FINISH:

Valspar Fluoropon

COLOR(S):

- (1) The Subject Material described above, which is intended to be furnished on the above noted project, will have an exterior protective coating of Morin's Fluoropon coating which is applied in accordance with the coating manufacturer's specifications.

PERFORMANCE STANDARDS:

- (2) Morin Warrants that the above coating is a factory-applied film on Morin wall / roof panels, and will not, as a result of exposure to Normal Atmospheric Conditions:
- (a) Chalk in excess of an ASTM D-4214-89 Eight (8) rating within a period of Twenty (20) years from the date of substantial completion.
 - (b) Fade. Morin warrants against any Fade in excess of Five (5) numerical units within a period of Twenty (20) years when tested in accordance with ASTM D-2244-86. Fade is determined by cleaning the painted surfaces of excess deposits then by measuring the cleaned, painted surfaces against corresponding values measured on the original or unexposed-coated surfaces.
 - (c) Noticeable blisters, chips, cracks, flaking or peeling within Twenty (20) years when tested in accordance with either ASTM D-3359-87 or ASTM D-2798-94.

COMPLIANCE:

- (3) Morin Warrants that the goods furnished will comply with any performance standards stated above. No other Warranties, express or implied, have been made by Morin in reference to the goods which are purchased "AS IS" unless expressly included herein between Morin and the Customer.
- (4) In the event that the Subject Materials do not comply with this Warranty, Morin must be notified in writing along with a copy of this Warranty document within the period of this Warranty. The date of such notice to Morin will be the date upon which Morin receives such notice. Such Subject Materials will thereby be inspected by or at Morin's direction. If upon a finding that such Subject Materials do not comply with the warranty, Morin will, at its discretion, either refinish, recover, or replace the Subject Materials. Failure to acknowledge the performance of any work performed pursuant to the Warranty shall render the Warranty null and void.

CERTIFICATE NUMBER: _____

WARRANTY LIMITATIONS:

(5) This warranty should apply only to the Warranted Finish as herein defined which has been exposed to normal atmospheric conditions, and shall not apply where any failure of the Warranted Finish is the result of fire, vandalism, radiation, harmful fumes, foreign substances in the atmosphere including corrosive or aggressive atmospheres such as those contaminated with chemical fumes or salt spray, mishandling, falling objects, acts of God; including hurricanes, tornadoes, floods, damage from winds, storm, etc; deliberate damage, riots, civil commotions, acts of war, improper handling by erectors, mechanical damage or any other physical damage. In addition, this Warranty shall not apply to any failure of, or damage to, the Warranted Finish as a result of moisture entrapment or other contamination which is detrimental to the Warranted Finish prior to its use by the Customer; nor to damage to the Warranted Finish as the result of improper handling, storage, fabrication, shipping, processing and/or installation of the coated material by the Customer; nor to any damage to the Warranted Finish resulting from the installation thereof in circumstances where it is subjected to continuously generated abrasive forces or continual or periodic submersion in water or any other circumstances where the Warranted Finish would be subjected to continual washing or abrading conditions. Owner is required to adhere to maintenance instructions attached.

ASSIGNMENT:

(6) This Warranty shall only extend to the Customer as the purchaser, and to the ultimate original consumer of the Warranted Finish and shall be null and void upon any other assignment or upon the cessation of the Consumer's usual course of business, or should the Consumer become insolvent or bankrupt.

WARRANTY EFFECTIVE DATE:

(7) This Warranty only becomes effective upon remittance of payment in full and when Morin receives a signed copy within 90 (ninety) days from the date the Customer receives the original Warranty.

(8) No other Warranties, or agreements, express or implied, have been made by Morin in reference to the Subject Materials unless expressly included herein between Morin and the Customer.

† DEFINITIONS:

As used herein, the following words shall be ascribed the respective meanings as set forth below:

- (a) Customer - The person, firm, or corporation to whom this Warranty runs.
- (b) Normal Atmospheric Conditions - This term as used herein shall exclude any and all atmospheric conditions not in compliance with the established air quality standards set forth in the U.S. Clean Air Act as well as any and all other applicable laws of the U.S. government or any state or local governmental body upon the date the Subject Material is hereby Warranted.
- (c) Morin - Morin Corp. or Morin Corporation.
- (d) Warranted Finish - The exterior finish used herein when applied to vertical wall or roof panels and when exposed to normal atmospheric conditions.
- (e) Chalk - Chalk or Chalking is the gradual erosion of film.
- (f) Fade - Fade or Fading is the change of color in the film.
- (g) Subject Material - The product purchased by the Customer from Morin to which this Warranty applies.

* NOTE: All other words used herein shall be attributed with meanings particular to Morin's custom, trade, or usage.

Metecno USA - MORIN Division

By: _____
David McCriston, Technical Manager

Date: _____

Owner: _____

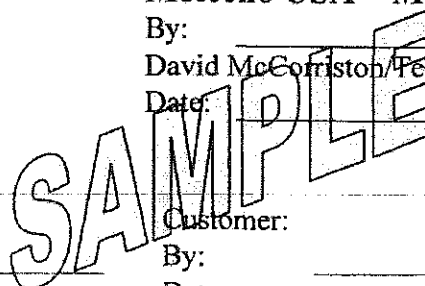
By: _____

Date: _____

Customer: _____

By: _____

Date: _____



12i

SHERIDAN STREET, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101
207 772 7070 Office
207 772 7080 Fax

To: Alex Jaegerman, Barbara Barhydt and Portland Planning Board Members
From: Greg Shinberg, Owner's Representative, Shinberg Consulting, LLC
Date: June 30, 2008
RE: Minutes from the Neighborhood Meeting held on June 10, 2008 for The Bay House located at 112 Newbury Street, Portland Maine

The following is a record of the Neighborhood Meeting held from 6:00 to 7:30 PM at the Cummings Community Center on June 10, 2008.

Present on behalf of The Bay House owned by Village at Ocean Gate, LLC

Greg Shinberg, Shinberg Consulting, LLC (GS)

The following neighbors were present:

Hugh Nazor 50 Federal Street (HN)
Linda Murnik 50 Federal Street (LM)

The handouts provided by the City were provided to the neighbors. Attached is the sign in sheet.

The meeting started at 6:45 PM to allow for some late arrivals.

GS provided an overview of the project. What items have changed since the approvals by the Planning Board were granted last year;

GS provided an update on the current status of the demolition and anticipated time frame to start construction in the fall of 2008 and 16 months to complete;

GS reviewed the elevations and floor plans;

LM asked how many units are sold; GS responded that we have taken 13 Reservations to date;

1 Q:

HN asked who the partners are; GS responded that The Village at Oceangate, LLC has 3 investors – 2 from Boston and one from Buffalo NY;

HN asked about the current layout of the units – number size etc; GS reviewed the plans to explain the concept – 2 towers over the parking garage etc;

HN asked who the General Contractor will be; GS responded that we are planning to hire Portland Builders – the same company that built the model unit located at 46 Market Street located in Old Port;

HN asked about the status of Phase II; GS responded that no work has been done on Phase II other than the reduction in planned work for the sidewalks and curbing as approved by the City Council; HN commented that he understands the reasoning for that approach;

Both HN and LM said that they like the look of the materials and proposed elevations;

Meeting adjourned at 7:35.

THE BAY HOUSE JUNE 10

NEIGHBORHOOD MEETING

NAME

HUGH NAZOR
LINDA MURNIK

ADDRESS

50 FEDERAL ST
"

1 Shin

SHINBERG CONSULTING, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101

June 3, 2008

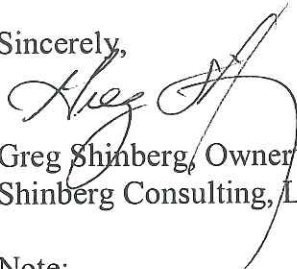
Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans to amend the Approved Site Plan for the Village at Ocean Gate Project (now known as "The Bay House") which will be located at 112 Newbury Street, in Portland, Maine.

Meeting Location: Cummings Community Center, 134 Congress Street, Portland, Maine
Meeting Date: Wednesday June 11th, 2008
Meeting Time: 6:00 to 7:30 PM

If you have any questions, please call Greg Shinberg at 207 772 7070.

Sincerely,



Greg Shinberg, Owner's Representative
Shinberg Consulting, LLC

Note:

Under Section 14-32 (C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.

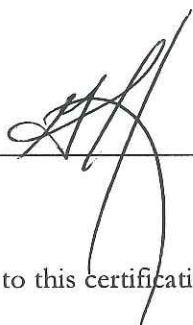
1 Div

Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting), invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and the residents on the "interested parties" list.

Signed,



6/30/08 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

Att 2

Order 265-07/08
Given first reading on 5/19/08
Public Hearing & Passage: 6/2/08 9-0

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
112-113 NEWBURY STREET, PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Village at Ocean Gate LLC, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**First Amendment to Conditional Zoning Agreement
The Village At Ocean Gate (aka Bayhouse)**

This amendment and agreement is made as of the __ day of _____ 2008 by **THE VILLAGE AT OCEAN GATE, LLC**, a Maine Limited Liability Corporation having a principal place of business at Boston, Massachusetts (hereinafter "**DEVELOPER**").

WHEREAS, DEVELOPER, as assignee of the rights of the purchaser under a purchase and sale agreement with the Village Café, Inc., has the right to purchase the property located at 112-113 Newbury Street and 40 Hancock Street, Portland, Maine, consisting of the property shown on the Portland Assessor's Map as parcels 20-E-9, 20-D-13-15 and 20-D-32 and described in the Cumberland County Registry of Deeds at Book 17317, Page 167, Book 3161, Page 504, Book 4357, Page 291, Book 3217, Page 83, Book 3004, Page 226, Book 3091, Page 703, Book 3752, Page 140, Book 3112, Page 131, Book 3024, Page 132, Book 3291, Page 260, Book 2996, Pages 235 and 237, Book 4357, Page 289, Book 4094, Page 222 and Book 9520, Page 73 (hereinafter the "**SITE**"); and

WHEREAS, the **SITE** is currently in the B-2b zoning district and is adjacent to a B-5b district to the southeast; and

WHEREAS, Developer has filed a Zone Change Application with the City of Portland (hereinafter "**CITY**") to rezone the **SITE** to the B-5b zoning district subject to certain modifications and conditions set forth in this Agreement in order to accommodate a mixed-use development consisting of up to 176 residential units; space for a 150- to 200-seat restaurant; and sidewalk-level commercial space in a complex of buildings of varying sizes and heights (hereinafter the "**project**"); and

WHEREAS, the Portland Planning Board has determined that the rezoning would provide needed housing, would create a vibrant new neighborhood and would assist in revitalizing adjacent areas; and

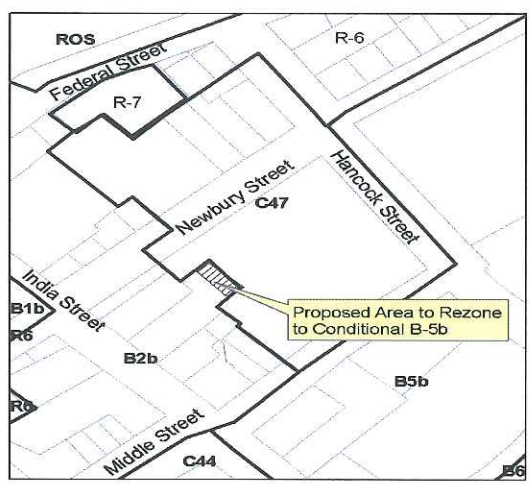
WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. § 4352(8), and after notice and hearing and due deliberation, recommended rezoning the **SITE**; and

WHEREAS, the **CITY**, by and through its City Council, has determined that the rezoning is appropriate due to the unusual nature and unique location of the development proposed, that the uses proposed are consistent with the existing and permitted uses within the B-5b zone and that the rezoning would be pursuant to and consistent with the **CITY**'s Comprehensive Plan; and

WHEREAS, **DEVELOPER** has agreed to enter into this Agreement and the Amendment thereto, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER**, its successors and assigns;

NOW, THEREFORE, in consideration of the rezoning of the **SITE**, **DEVELOPER** agrees to be bound by the following terms and conditions:

1. Map. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change. The underlying zone is changed from B-2b to B-5b.



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

Prepared by the Department of Planning and Development based upon GIS Workgroup Data.

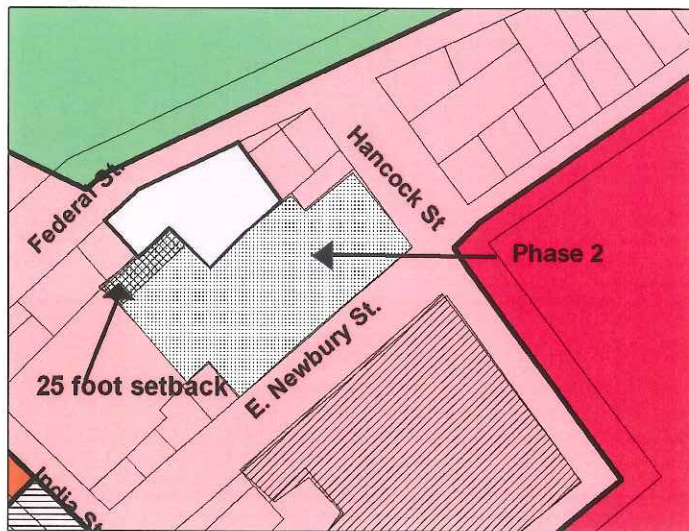


2. Subdivision and Overall Site Plan. Except as otherwise provided in this paragraph 2, the **SITE** will be developed substantially in accordance with the Subdivision and Overall Site

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Plan, Attachment 1 submitted by Sebago Technics, Inc., dated August 3, 2005 as revised April 22, 2008. Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments. Phase II of the project, consisting of one or more buildings along Newbury and Hancock Streets shall meet the following requirements:

- a maximum of sixty six (66) residential units shall be provided; and
- a minimum setback of twenty five (25) feet from the most westerly rear property line (abutting CBL 20-D-11) shall be provided and as illustrated below ; and



Required Minimum Setback of 25 feet in Phase II
Depiction - Not to Scale

Prepared by the Department of Planning and Development
based upon GIS Workgroup Data.



- the maximum height of any building(s) in Phase II shall be sixty-five (65) feet measured from the existing Newbury Street grade.

The Planning Board shall review both the Phase I and Phase II proposals and apply the site plan and subdivision standards of the Portland Land Use Code and the applicable standards of the Eastern Waterfront Design Standards to each.

After the initial approval of the Plans for Phase I, and any plans submitted in connection with the development of Phase II, the Planning Board may, upon application of

DEVELOPER and without the necessity of amending this Conditional Rezoning Agreement, approve subsequent changes to the Plans for Phase I which decrease building dimensions or reduce the density of development, provided that any such decrease or reduction shall nonetheless be determined to substantially conform to the Plans.

The project shall incorporate light fixtures in “Downtown Black,” specifications to be provided by the Planning Authority during subdivision review. In addition, all other streetscape improvements will be consistent with the Hancock Street Extension Plans, which improvements are currently represented on the Plans.

3. Permitted uses: Those uses allowed in the B-5b zoning district. The project shall include not less than 5,700 square feet of commercial/retail space on the ground level along Middle Street and at the corner of Hancock and Middle Streets as depicted on the Plans unless during site plan review the Planning Board approves a minimum amount of 5,200 square feet of commercial/retail space.
4. Phase I shall consist of, at minimum Buildings 1 and 2, while Phase 2 shall consist of one or more Buildings in accordance with §14-495(h).
5. Modifications to B-5b Regulations. The **SITE** shall be governed by the regulations applicable to the B-5b zoning district, except as follows:
 - a. The maximum residential density on the **SITE** shall be 176 dwelling units.
 - b. The maximum front yard setback shall be ten (10) feet, except that a front yard setback of no greater than sixteen (16) feet shall be allowed for the parking garage entrance and associated façade as depicted on the Plans for Phase I.
 - c. The maximum height for the structures shall be:

Buildings 1 and 2: The maximum height of each building in Phase I shall not exceed 74 feet from average grade, as measured and approved by the Zoning Administrator.

Building(s) in Phase II: The maximum height in Phase II shall not exceed sixty-five (65) feet measured from the existing Newbury Street grade.
 - d. The cornices of buildings, and storefront awnings along Middle and Hancock Streets, will extend over the street rights of way in various locations as shown on the Plans. The **CITY** hereby grants license for such overhangs and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.
 - e. An underground electrical vault will be installed within the right of way of Newbury Street, the final location of such vault to be approved by the Planning Authority. The **CITY** hereby grants license for such installation and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.

- 6. Community Contribution. The community contribution under this Agreement shall be \$200,000.00 , to be dedicated to extending Hancock Street between Middle Street and the Commercial Street extension or to reimburse the City for expenses it incurs in such extension; \$5,000.00 dedicated to the India/Middle Street traffic improvements to be commissioned by the City; and \$5,000.00 to be dedicated to the Eastern Waterfront Post-Development Traffic Impact Study to be commissioned by the City. The community contribution under this Agreement is independent of any conditions which the Planning Board may lawfully require under site plan review or subdivision review. The community contribution shall be made prior to the issuance of a building permit for Phase I.

The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the “Riverwalk Parking Garage located at Middle Street, Portland, with documentation of such participation provided to the City Planning Authority at minimum every two years.

- 7. This conditional rezoning shall become null and void and the **SITE** shall revert to the existing B-2b zoning district in the event that **DEVELOPER** fails to commence construction of Phase I within two years from the date of the Council vote, with the ability of the Planning Authority, in its sole discretion, to extend this period by an additional one year and Phase II of the project must be commenced within two years following the issuance of a certificate of occupancy for Phase I. If any required approval, including the approval of the conditional rezoning, has been appealed, and if **DEVELOPER** fails to commence construction within one (1) year from the final disposition of such appeal, this conditional rezoning shall become null and void and shall revert.
- 8. Phasing: **DEVELOPER** may construct the project in two phases as shown on the Plans. Phase I is designed to stand alone in the event Phase II is not built. Performance guarantees shall be posted separately for each phase. For purposes of the time periods set forth in this paragraph 8 and in section 14-525(f) of the Portland City Code, commencement of construction on Phase I shall be deemed to constitute commencement of construction on Phase II, provided that actual construction on Phase II is commenced no later than 3 years after the commencement of construction on Phase I. A separate performance guarantee for the cost of installing the sidewalks and curbing and any other public improvements for Phase II must be posted with the City prior to the release of the recording Plat for Phase II.
- 9. Parking shall be provided for Phase I at no less than a) a 1:1 ratio (1 parking space per dwelling unit), and b) 6 spaces for retail employee parking and c) active participation in a valid Park and Shop ticket validation program – all to be provided as follows: 80 parking spaces on-site for residential use and 8 parking spaces in the parking garage being built at the corner of India Street and Middle Street. A post development occupancy parking analysis shall be conducted by the **DEVELOPER** six (6) months following the issuance of a certificate of occupancy for Phase I. If the parking analysis demonstrates the inadequacy of a 1:1 /unit:parking space ratio, then the **DEVELOPER** must submit a parking mitigation plan for Phase I, which plan shall be reviewed and approved by the City and thereafter implemented by the **DEVELOPER**. Parking for Phase II of the

project shall be determined by the Planning Board during subdivision and site plan review provided that a condition of such approval shall include the requirement for a post development occupancy parking analysis, with the same mitigation requirements as Phase I.

Thirty-three bicycle parking spaces shall be provided on site in accordance with §14-526 of the Portland City Code.

- 10. The rezoning shall run with the **SITE**, shall bind and benefit **DEVELOPER** and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within thirty (30) days of the City Council's passing of the Conditional Zone, **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **SITE**. **DEVELOPER** shall provide to the **CITY** the Book and Page number of said recording.
- 11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 12. Except as expressly modified herein, the development, use, and occupancy of the **SITE** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 13. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and City Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **SITE** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **SITE** rezoned.

WITNESS:

THE VILLAGE AT OCEAN GATE, LLC

Its Managing Member

State of Maine
Cumberland, ss.

Date:

AH 2

Personally appeared the above-named _____, Managing Member of The Village At Ocean Gate, LLC, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of The Village At Ocean Gate, LLC.

Notary Public

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CITY OF PORTLAND, MAINE
PLANNING BOARD

Michael Patterson, Chair
Janice E. Tevanian, Vice Chair
Kevin Beal
Bill Hall
Lee Lowry III
Shalom Odokara
David Silk

July 20, 2007

Mr. Demetri Dasco
Village Café Inc.
112 Newbury Street
Portland, ME 04101

Christopher DiMatteo
Sebago Technics
One Chabot Street
P.O. Box 1339
Westbrook, Maine 04098-1339

RE: The Village at Ocean Gate, 112 Newbury Street
CBL: Chart 20, Block D, Lots 13-15 and 32, Chart 20, Block E, lot 9
Application ID: 2007-0021

Dear Mr. Dasco and Mr. DiMatteo:

On July 10, 2007 the Portland Planning Board considered the Village at Ocean Gate proposal for a two-phased project consisting of 138 residential units and 6,772 square feet of retail space. A one level parking structure with two buildings above the parking is proposed for each phase. The Planning Board reviewed the proposal for conformance with the provisions of the conditional rezoning agreement and the standards of Portland's subdivision and site plan ordinances. The Planning Board approved Phase I with waivers and conditions and tabled Phase II. The Planning Board's motions are as follows:

Conformance with Conditional Rezoning Agreement

The Planning Board voted unanimously (7-0) that the *Phase I* plan is in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines, with the condition that the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.

The Portland Planning Board voted unanimously (7-0) to table *Phase II* regarding the plan's conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines and thus cannot act upon the Subdivision and Site Plan.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #30-07 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board waives the Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be between 18 and 22 feet at the garage entrances on Newbury and Middle Street as shown on the subdivision plat.
2. The Planning Board waives Technical Standard, Section XV H, Photometric plans requiring

photometric plans for the interior courtyards only.

3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

The Planning Board voted unanimously (7-0) that the Phase I plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval as applicable to Phase I:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of July 5, 2007 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 28, 2007, to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.
6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

- 9. The proposed condominium documents shall be submitted for review by Penny Littell, Associate Corporation Counsel, prior to the issuance of a certificate of occupancy.
- 10. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.

Site Plan:

The Planning Board voted unanimously (7-0) that the Phase I plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval as applicable to Phase I:

- 1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
- 2. Revisions to the landscape plan should be submitted for review and approval by the City Arborist.
- 3. The applicant shall submit a unified plan for signage and awnings for review and approval by Carrie Marsh, Urban Designer prior to the issuance of a certificate of occupancy.
- 4. The applicant shall submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.
- 5. Recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.
- 6. The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass.
- 7. The site plan shall be revised to show awnings on Buildings #1 and #2 for review and approval by Carrie Marsh, Urban Designer.

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

- 1. Updated plans meeting the Planning Board's conditions of approval must be submitted for review and approval by the Planning Office prior to the issuance of any permits.
- 2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by Portland's Inspection Division.
- 3. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in

electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

- 4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
- 5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
- 6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
- 8. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Barbara Barhydt at 874-8699.

Sincerely,



Michael J. Patterson, Chair
Portland Planning Board

- cc: Lee D. Urban, Planning and Development Department Director
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Philip DiPierro, Development Review Coordinator
 Marge Schmuckal, Zoning Administrator
 Jeanie Bourke, Inspections Division
 Michael Bobinsky, Public Works Director
 Kathi Earley, Public Works
 Bill Clark, Public works
 Jim Carmody, Transportation Manager
 Michael Farmer, Public Works

A# 3

Leslie Kaynor, Public Works
Jeff Tarling, City Arborist
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File

Attachments:

1. E-mail, Thomas Errico, PE, Consulting Traffic Engineer, 6-26-07
2. Memo, Stephen R. Bushey, PE., Consulting Engineer, 7-5-07
3. Memo, Michael Farmer, Project Engineer, June 28, 2007, revised June 29, 2007
4. Memo, Carrie Marsh, Urban Designer, 6-29-07

From: "Thomas Errico" terrigo@wilbursmith.com
 To: "Barbara Barhydt" <BAB@portlandmaine.gov>
 Date: 6/26/2007 2:59:03 PM
 Subject: The Village at Ocean Gate

Attachment 1

Barbara -

The following presents my previous comments and their current status based upon the June 12, 2007 Site Plan Review Application.

1. April 2007 Comment: The applicant should provide a detailed summary of parking conditions both on-site and at the proposed nearby Longfellow Garage. This summary should document anticipated usage of the proposed garage by other developments in the area.

May 2007 Comment: The applicant will be providing on-site parking in two phases and securing parking spaces at the nearby Ocean Gateway Parking Garage. The exact parking supply to be provided by the applicant is not clear. According to the site plan, a total of 118 parking spaces will be provided (71 spaces in Phase I and 47 spaces in Phase II). Bill Eaton's plan notes that 130 parking spaces will be provided on-site. This issue should be clarified. Bill Eaton's parking analysis indicates a parking demand of 150 parking spaces. Bill's assumptions are consistent with prior projects permitted by the City and therefore I support his estimate. I would further note that Phase I will consist of 84 residential units and 6,772 square feet of commercial space. According to the applicant's parking estimate, 94 parking spaces are required. The current plan does not provide sufficient parking for Phase I (71 parking spaces on-site plus 10 leased parking spaces).

Current Status: As noted in the applicant's application, 130 on-site parking spaces are proposed with an additional 18 spaces to be secured at the nearby future Longfellow Garage. This plan results in a 1:1 residential unit to parking space ratio. Based upon other similar permitted projects in the City, I find the proposed parking supply to be acceptable. Please refer to other comments below for parking layout issues.

2. April 2007 Comment: The applicant should expect to make a contribution to the conduct of a Neighborhood Traffic Monitoring Study.

May 2007 Comment: The applicant should make a contribution of \$5,000 towards the conduct of a Neighborhood Traffic Monitoring Study.

Current Status: The applicant has agreed to make this contribution and I have no further comment.

3. April 2007: The applicant should expect to make a contribution to improvements at the India Street/Middle Street intersection.

May 2007: The applicant should make a contribution of \$5,000 towards improvements at the India Street/Middle Street intersection.

Current Status: The applicant has agreed to make this contribution and I have no further comment.

Attachment 1

4. April 2007: The applicant has provided turning templates that illustrates passenger cars can adequately maneuver into and out of the on-site parking areas. I need to independently review this to confirm adequate access and egress conditions will be provided. I also need to review on-site circulation and layout.

May 2007: I have reviewed the access and egress information provided and that information indicates sufficient maneuver space will exist at the garage entrances for passenger cars. The driveway/garage door widths range in width from between 18 and 22 feet. This width does not meet City standards, but I do support a waiver based upon the facility use and minimal parking turnover.

Current Status: I have no further comment.

5. April 2007: The applicant should provide a summary of how truck delivery and trash removal will occur at the site.

May 2007: It is my understanding that trash removal will occur at street level and will not require truck access into the garage. Accordingly, I have no further comment.

Current Status: I have no further comment.

6. April 2007: The applicant should provide a summary of pedestrian routings and facility adequacy between the proposed Longfellow Garage and the proposed site.

May 2007: The applicant has provided information noting that adequate sidewalks and crosswalks will be provided in the vicinity of the project and I have no further comments.

Current Status: I have no further comment.

7. April 2007: The City will need to coordinate with the applicant on the identification of on-street parking regulations along the street frontage of the project. The applicant will be responsible for all costs associated with any modification.

May 2007: The applicant has indicated that two 15-minute on-street spaces are requested. I will continue to review this issue, and seek input for John Peverada.

Current Status: This issue needs to be reviewed by John Peverada. I will forward this comment to John. The applicant has not committed to all costs related to the on-street parking changes.

8. May 2007: The parking layout illustrates spaces that will either be difficult (or impossible because the spaces are block by other vehicles) to enter and exit and other spaces that appear to be useless due to the

location of building columns. The applicant should revise the parking layout to ensure acceptable parking accommodations.

Attachment I

Current Status: Many of the problems noted above have been addressed. However, some issues remain including:

- * There are some parking spaces that continue to have building columns located directly in the middle of the space. These spaces will not be accessible.
- * I requested a detail of the building columns to better understand how parking maneuvers will be impacted. I have not received this detail. I recognize that the spaces will be wide (9.5 feet), but further review is necessary.
- * The Phase 2 parking area does not illustrate building columns. The applicant should provide that information for review, if applicable.
- * The plans provided by David White note parking space(s) to be occupied by Kayak and canoes. The parking supply tabulation should reflect site use characteristics.

9. May 2007: The Phase II parking layout does not allow for turnaround possibilities at the end of the aisles and therefore will be difficult to maneuver for users of the garage.

Current Status: The Phase 2 parking garage continues to provide end aisles that do not allow for turnaround parking. The applicant notes that parking turnover is limited and therefore backing maneuvers should not present any safety problems. The City has generally required parking lots and garages to have turnaround areas. I will consult other City staff and decisions on other similar permitted projects. It may be that this issue will need planning board direction.

10. May 2007: The configuration of the ADA sidewalk ramps at the intersection corners may need to be re-configured to confirm to current City practices. Further coordination on this issue is needed.

Current Status: Outstanding

If you have any questions or comments, please contact me.

Best Regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com
www.WilburSmith.com <<http://www.wilbursmith.com/>>

CC: "James Carmody" <JPC@portlandmaine.gov>

AH 3



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

DH

MEMORANDUM

Attachment 2

DATE: July 5, 2007

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-12-07 relating to the Village at Ocean Gate project. The current plans reflect additional engineering and technical detail addressing our previous comments as well as those from others. The drawings are satisfactory for Final site Plan consideration in our opinion. We offer the following final comments for review by the applicant and their engineers. These comments can be taken care of as a condition of approval.

1. The sidewalk contours along Building #1 adjacent Hancock and Middle streets appear to be incorrect in that the sidewalk is lower than the street. There appears to be a bust at the Hancock Street entrance labeled as FFE 29.5 and then the sidewalk becomes almost 1' lower than the adjacent street grade. This is also true for the contours labeled 26' and 27' along Middle Street.
2. The catch basins in Middle Street should be cast to include openings for the street underdrains. The outlet control structures for the two underground chamber storage systems should also be cast to include both the chamber outlet pipes and the underdrain from the chamber stone layers.
3. The alignment of an external grease trap for a restaurant will need to be reviewed and approved by Steve Harris of the Public Works Dept.

At this time we see no major issues against the applicant's site plan application. If you have any further questions please call.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division**

M E M O

TO: Barbara Barhydt
 FROM: Michael Farmer, Project Engineer
 DATE: June 28, 2007
REVISED June 29, 2007 by Kathi Earley, Engineering Manager/City Engineer
 RE: Village at Oceangate project

The following comments are submitted on behalf of the DPW, based on the plans revised as of 6-12-2007.

1. If the applicant is proposing to use any existing sewer laterals on the site or in the public rights of way for the new project, each lateral proposed for reuse should be inspected by closed circuit TV to verify that it is sound. The results of the inspection should be made available to the City inspector who will determine whether or not the existing lateral can be reused. If a sewer lateral is to be reused, it shall be capped outside the building to seal it during construction. If any sewer lateral is to be abandoned, it shall be sealed at the sewer main in the street.
2. The 6-12-2007 plans show that a proposed "mill and overlay" pavement rehabilitation treatment on Hancock Street. The DPW previously recommended full depth reconstruction of Hancock Street instead of the mill and overlay. A June 26th e-mail message from Sebago Technics to Greg Shinburg, which was forwarded to Planning, indicates that the applicant is now proposing to reclaim and repave Hancock Street, which is a higher cost pavement rehabilitation method than the mill and overlay method previously proposed. The applicant apparently feels that the cost to rebuild Hancock Street, in addition to the cost of other public improvements and the monetary contribution linked with contract zoning approval, is too high. The DPW approves of the proposal to reclaim and repave Hancock Street instead of full depth reconstruction. In lieu of having the applicant reclaim and repave Hancock Street, the DPW requests that the applicant be required to pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The Sebago Technics e-mail message indicates that the estimated cost of reclaiming and repaving Hancock Street is \$43,000. If the applicant is agreeable to pay the cost of reclaiming and repaving Hancock Street to the City, I would like an opportunity to review the cost estimate before agreeing to accept it as the actual payment amount. With this thought in mind, I request that Sebago Technics submit documentation for review, which shows how the \$43,000 value was determined.
3. If there are any proposed restaurant uses, or proposed retail uses that might be converted to restaurant uses, that are part of this project, the site plan should make provisions for grease traps. Each restaurant should have an exterior grease trap of at least 1,000 gallons capacity (connected to the kitchen drain line) and a wastewater sampling manhole downstream of the grease trap. Grease traps and the sampling manholes should be located on private land (not in the right of way).
4. The site plan indicates that the sidewalk on the southeast side of Newbury Street is narrow, and that there would not be enough clearance between the six proposed 4' x 6' tree grates and the right of way. I recommend the following changes to address this situation. The tree grates at 0+53 left, 1+20 left, 1+60 left, 2+10 left and 2+40 left should be changed to 3' x 6' grates. The tree grate at 0+84 left should be changed to a 3' x 6" grate and moved to 0+75 left. From about 0+90 back to Hancock Street, the applicant should provide a 2' wide sidewalk easement adjacent to the right of way line. If the City cannot get the this sidewalk easement, the tree wells and grates at 0+53 left and 0+75 left should be eliminated.
5. Site plan approval for this project should not be construed as City approval for the temporary construction fence shown in the paved street areas on sheet 3 (the demolition plan). The location of the fence will be subject to City staff approval, which will depend on the applicant submitting an acceptable pedestrian

detour plan and the applicant's willingness to pay the City fees for temporary occupancy of sidewalks (\$10 per sidewalk block per day) and parking spaces (\$10 per parking space per day).

6. The site plan indicates that a utility pole will be relocated to about 0-95, right, along Middle Street. Will this pole serve any purpose for the Village at Ocean Gate project? It seems possible that the pole will have no function after the Longfellow Garage, Hancock Street, and the Village at Ocean Gate projects are completed. If the pole will have no function, it would be desirable nice to eliminate it.
7. The demolition plan states that an existing catch basin near Middle Street shall be used as the stormwater collection point until the new storm drain system has been installed. The City wants the applicant to connect to the new storm drain system that will be built in Hancock Street as soon as it is available. The applicant should also be aware that the construction contractor will have to collect and treat site runoff and the site dewatering discharge before release to the public sewer system and drainage system. The applicant should contact Steve Harris in the Engineering Division of Public Works for more information regarding site dewatering.

AH 3

**Memorandum
Department of Planning and Development
Planning Division**

Attachment 4



To: Chair Patterson and Members of the City of Portland Planning Board
From: Carrie M. Marsh, AICP, Urban Designer, City of Portland, Planning Division
Date: 06/29/07
Re: The Village at Ocean Gate; India, Middle, Hancock and Newbury Streets

I. Introduction

The Village at Ocean Gate will be reviewed at an upcoming Planning Board Public Hearing. This memo reviews the elevations dated 06/26/07, and the renderings in the Site Plan Review Application dated 06/12/07. Chris Di Matteo of Sebago Technics provided a memo dated 06/12/07 which addresses the concerns expressed by the Planning Board on 05/22/07. The applicant's architect, David White, provided a memo dated 06/11/07 which addresses items in the staff memo of 05/22/07. The applicant provided a narrative dated 06/12/07 which discusses compliance with the *Design Guidelines for the Eastern Waterfront*.

II. Background

The project was reviewed under the *Design Guidelines for the Eastern Waterfront* in memos to the Planning Board dated 02/23/07 and 05/16/07 (attached). The applicant met with staff on 05/31/07 to discuss items raised by the Planning Board on 05/22/07 (summarized below).

- **Massing:** The question was raised about the massing of the project, particularly of Phase Two, in relation to the R-6 neighborhood, and the transition to Federal Street. Members of the Board expressed reservation about the scale of the massing for Phase Two, which has been repeated throughout the review process.
- **Context:** A request was made for renderings of the transition between Phase Two and the surrounding residential uses, and a perspective of the rear view of Phase Two.
- **Shadow Study:** The applicant noted that the shadow study shown in the packet is wrong, so a new shadow study was requested by the Planning Board.
- **Fenestration:** The applicant was asked to provide more fenestration on Buildings One and Three along Hancock Street in order to provide active uses at the street level.
- **Entrances:** The question was raised as to why there is not an entrance to Building One at Newbury Street, with the answer that it would affect the parking below.
- **Roof:** The question was raised as to the height of roof apparatus, with the answer that the roof apparatus will be 12-13 feet above the top floor, and 14 feet above the top floor for the elevator. The applicant was asked to show all roof apparatus on the measured elevations.
- **Public Space:** The question was raised as to whether the garden plaza could be public space?
- **Bike Racks:** The question was raised as to whether bike racks will be provided and where?

III. Discussion

Massing

At the Planning Board on 05/22/07, the question was raised about the massing of the project, particularly of Phase Two, in relation to the R-6 neighborhood, and the transition to Federal Street. Members of the Board expressed reservation about the scale of the massing for Phase Two, which has been repeated throughout the review process.

As noted in previous memos, the *Design Guidelines for the Eastern Waterfront* notes that "the massing of new development should be compatible with the existing development found in the surrounding neighborhoods. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages."

The applicant's opinion on the massing is included in the memo from the Mr. White dated 06/11/07 page 3, the Sebago Technics dated 06/12/07 page 2, and the Project Narrative dated 06/12/07 page 9-11. Architectural perspectives and photo simulations are provided in the appendix of the application that illustrate the massing of the project in relation to its context.

The massing of the project is generally the same as previously reviewed, with Building One along having the largest street presence with five stories and 213 feet in length along Hancock Street. The applicant has incorporated building bays, fenestration, change of materials and colors, and cornice lines to create vertical and horizontal fenestration throughout the project.

The applicant did remove two units from Building Three along Hancock Street. This allowed the east end of the building, closest to the houses on Newbury Street, to be lowered to three stories with an average height of 42 feet along Hancock Street.

Contextual Design

A request was made for renderings of the transition between Phase Two and the surrounding residential uses, and a perspective of the rear view of Phase Two. This information was provided in the Site Plan Review Application in Appendices 2 and 3. A photo simulation also is provided that illustrates the massing of the project in its context.

The *Design Guidelines for the Eastern Waterfront* note that "new buildings should be compatible with surrounding neighborhoods...Compatibility refers to the recognition of existing development patterns and characteristics, and a responsiveness in new building design that respects these established patterns. The placement, height, massing, proportion, articulation, and materials of new structures should encourage a vision that supports the idea that the Eastern Waterfront develop into an extension of the surrounding neighborhoods..."

Shadow Study

A Shadow Study is provided in the Appendix of the Site Plan Review Application dated 06/12/07. The Sebago Technics memo of 06/12/07 notes that the Shadow Study was revised and includes the rendered elevations of the affect of the shadows on Federal Street properties.

A Shadow Study is shown through the year. Please note that the times of day of the study are not consistent for each of the dates measured (the applicant may need to clarify).

Attachment 4

The study indicates that the shadows from Buildings Three and Four will extend to the adjacent properties on Federal Street, and across Newbury Street during the course of day on December 21. The study indicates that the shadows from Buildings Three and Four will extend to the adjacent properties on Federal Street in the mornings on March 21, June 21 and September 21.

Fenestration

The Planning Board asked the applicant to provide more fenestration on Buildings One and Three along Hancock Street in order to provide active uses at the street level.

The applicant provided additional windows on both buildings along Hancock Street. Staff notes that the top alignment of the four northerly windows on Building One may need to be adjusted.

Mr. White notes that the storefronts on Building One and Two were revised to match. Canvas awnings are not shown on the plans, but will be provided for the retail space on Middle Street.

The rear courtyard elevation of Building Four includes an additional set of windows.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. However, this intended landscaping is not shown on the plans, elevations, or renderings.

Mr. White notes that the landscaping along the rear elevation of Building Four has been "beefed up" to mask the area of the building at the rear elevation that does not have windows.

Entrances

The question was raised at the Planning Board on 05/22/07 as to why there isn't an entrance to Building One at Newbury Street. The answer was that it would affect the parking below.

Roof

The question was raised at the Planning Board on 05/22/07 as to the height of roof apparatus. The answer given was that the roof apparatus will be 12-13 feet above the top floor, and the elevator will be 14 feet above the top floor. The applicant was asked to show all roof apparatus on the measured elevations.

The roof top appurtances were not shown on the measured elevations provided dated 06/26/07.

Staff notes that the roof plans shown on H1.5, H2.5, H3.5, and H4.5 show the location of dryer vents, HVAC units, and plumbing vents in plan view with typical views of each element. However, no elevator tower or stair tower, etc are shown on the roof top plans.

The Sebago Technics memo of 06/12/07 notes that the roof top appurtances do not extend more that 2 feet above the building's parapet, so there is no need for screening. Any elevator or stair towers would be subject to screening.

Public Space

The question was raised as to whether the garden plaza could be public space? The Sebago Technics memo of 06/12/07 notes that the applicant has previously addressed this concern and continues to maintain that it is not interested in public access to the courtyards due to the liability and access issues, and the importance to ensure privacy for the residents.

Bike Racks

The Sebago Technics memo of 06/12/07 notes that the bike racks will be located 1) inside both garages; 2) along the side and towards the rear of Building Three along Hancock Street; and 3) to the left of the garage entrance in Phase One along Middle Street.

Materials and Specifications

The Supplemental Site Plan Review Application Information dated 06/29/07 shows that the exterior walls in the courtyards have been revised to show cement clapboards instead of the brick that was previously shown.

Staff expects that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown in a plan or memo. Any future change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors, balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components were provided, but the specifications are required.

III. Considerations**Massing**

Building Three was reduced by two units. This allowed the east end of the building, closest to the houses on Newbury Street, to be lowered to three stories with an average height of 42 feet along Hancock Street. Consideration should be made as to whether this meets the intent of the *Design Guidelines for the Eastern Waterfront* which note that "the massing of new development should be compatible with the existing development found in the surrounding neighborhoods."

Fenestration

The applicant provided additional windows at the ground level on Building One along Hancock Street. Staff notes that the top alignment of the four northerly windows may need to be adjusted.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. This intended landscaping should be shown on the plans, and is subject to approval.

Roof

All roof top appurtances (including elevator towers, stair towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtances would be subject to screening.

Materials and Specifications

Staff understands that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown on a plan or in a memo. Any change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors, balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components have been provided. However, the specifications are required.

IV. Conditions for Approval

Fenestration

The applicant provided additional windows at the ground level on Building One along Hancock Street. Staff notes that the top alignment of the four northerly windows may need to be adjusted.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. This intended landscaping should be shown on the plans, and is subject to approval.

Roof

All roof top appurtances (including elevator towers, stair towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtances would be subject to screening.

Materials and Specifications

Staff understands that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown on a plan or in a memo. Any change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors, balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components have been provided. However, the specifications are required.

PLANNING BOARD REPORT #30-07

**THE VILLAGE AT OCEAN GATE
VICINITY OF 112 NEWBURY STREET AND 40 HANCOCK STREET
SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEAN GATE, LLC, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 10, 2007

Prepared by:

Barbara Barhydt, Development Review Manager
July 6, 2007

I. INTRODUCTION

The Village at Ocean Gate LLC is requesting the Planning Board’s review of a mixed-use project at 112 Newbury Street and 40 Hancock Street under the City’s Subdivision and Site Plan ordinances. A conditional rezoning from B-2b to B-5b was granted by the City Council for this project on November 20, 2006. The applicant is seeking a Planning Board public hearing on the revised proposal, which now consists of 138 residential units, structured on-site parking for 130 vehicles, and 6,772 square feet of commercial space along Middle Street. The Planning Board held workshops on this proposal on February 22, 2007 and May 22, 2007. The representatives for the applicant include Sebago Technics, David White, Architect, Eaton Traffic Engineers, R.W. Sullivan, Inc. and Greg Shinberg, Shinberg Consulting.

A total of 189 notices were sent to area residents. A notice also appeared in the July 2, 2007 editions of the *Portland Press Herald*.

II. PROPOSED DEVELOPMENT

The Village at Ocean Gate LLC’s proposes a two-phased mixed-use project that is located on two separate parcels bounded by Middle, Hancock, and Newbury Streets. The scope of this project has been reduced since its original submittal. At the February workshop, the applicant presented a proposal with four five-story structures in both phases and two levels of structured parking in Phase I. The current proposal is for four residential buildings with generally four floors over one level of structured parking in both phases. In Phase II, Building #3 is stepped down to three stories at the corner of Newbury and Hancock Streets. Thus, the total number of residential units for this project has been reduced from 167 in February to 140 in May and now to 138 units. The conditional rezoning agreement for this project allows up to 176 residential units. Phase I contains 84 residential units and Phase II contains 54 units.

The applicant’s submittal includes a cover letter, a narrative from Sebago Technics and a letter from David White regarding the revisions to the Village at Ocean Gate project. The cover letter is in response to points raised by the staff after the May 22, 2007 workshop and includes statements regarding the design and massing of the project. The project narrative addresses the *Design Guidelines of Portland’s Waterfront in Attachment 1 e pages 6 through 14*. A letter from David M. White, Architect, dated June 11, 2007, is included in Attachment 1 n, which explains the changes to the structures and addresses the massing of the buildings. The applicant has submitted revised shadow study, shadow study –perspective view, architectural perspectives, photo simulations and building elevations (Attachment 1 q, r, s, t and v, respectively). Revised elevations showing exterior details including the addition of cement board clapboard siding on the interior courtyards were submitted on June 29, 2007 and are included as Attachment 2 c.

The total footprint of the building has expanded to 65,675 square feet. The expansion occurred in Phase I to accommodate the redesign of the single parking level and incorporates more area toward the alley. The building height in Phase I is reduced from 74 feet to 57.04 feet (per Zoning Administrator’s calculations as measured from average grade). The building height in Phase II is reduced from 65 feet to 58.25 feet as measured from Newbury Street (calculated by zoning administrator). The terrace level in Phase I is lowered by six feet, which eliminates the lower terrace along Middle Street and thus the Middle Street steps now lead to the terrace between buildings # 1 and 2. This modification also reduces the number of steps leading to the terrace on both Newbury and Middle Streets. The commercial space proposed in Phase I along Middle Street remains at a total of 6,772 square feet as stipulated in the conditional rezoning agreement. The community room is no longer proposed in Phase I.

In February, the proposal included 185 on-site parking spaces within the two phases of development, which was intended to provide one space per condominium and spaces to serve employees of the commercial uses. With the elimination of the second level of parking in Phase I, the garage entrance on Hancock Street and the community room were eliminated. Currently, the total number of proposed parking spaces on-site is 130 with an additional 18 spaces to be leased from the “Riverwalk Garage” (now known as the Longfellow Garage), which would serve eight residential units and ten employees. In addition, the Conditional Rezoning Agreement for this project states that the restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the “Riverwalk Parking Garage” located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.

III. SUMMARY OF FINDINGS

Zoning:	Conditional B-5b (<u>Attachment 1 f</u>)
Parcel Size:	1.81 acres
Building Floor Area:	260,951 square feet
Ground Floor Area:	65,675 square feet (Expanded footprint toward alley to accommodate parking in Phase I.)
Required Setbacks:	Front yard: maximum 10 feet except Conditional Zone allows a front setback of no more than 16 feet for parking garage entrance and associated façade. Side and Rear: none required in B-5b, except a 25 foot rear setback from the most westerly rear property line abutting CBL 20- D-11 shall be provided.
Proposed Setbacks:	<u>Phase I:</u> Newbury Street: No setback except at corner where building is within 10 feet of street line. Hancock Street: No setback except for building step backs of three feet. Middle Street: shown as required by conditional rezoning agreement. Side yard along alley and India Street properties ranges from roughly 3 feet to 15 feet. <u>Phase II:</u> Newbury Street: no setbacks, except for building bay setbacks of approximately 3 feet and 6 feet for the garage entrance. Hancock Street: Ranges from 0 to 7 feet setback from property line. Rear setback: Garage level no setback at rear most line. Building #4 setback is 25 feet. Building #3 is 15 to 40 feet.
Proposed Uses:	138 residential units 6, 772 square feet for commercial space and restaurant One level of structured parking in each phase
Number of Units:	138 proposed, maximum permitted is 176 units
Total Unit breakdown:	102 two-bedroom and 36 one-bedroom units
Unit breakdown :	Building #1: 40 two-bedroom and 4 one-bedroom units Building #2: 28 two-bedroom and 12 one-bedroom units Building #3: 22 two-bedroom and 4 one-bedroom units Building #4: 12 two-bedroom and 16 one-bedroom units
Phased Units:	Phase I: 84 units Phase II: 54 units
Parking Spaces:	Total 130 spaces on-site. The proposal is to lease 18 spaces. Eight leased spaces for residential units and 10 spaces for employees. Phase I: 79 parking spaces on-site. Phase II: 51 spaces on-site

Parking Ratio:	1 space/unit and 10 employee parking spaces for commercial uses with the inclusion of the leased spaces. Parking for customers will be available through a Park and Shop program at the "Riverwalk" Garage with documentation of participation to the Planning Authority every two years.
Building Height:	Maximum height allowed for Buildings 1 and 2, shall not exceed 74 feet above average grade. Building(s) in Phase II shall not exceed 65 feet measured from the existing grade of Newbury Street. Proposed heights are 57.04 feet in Phase I (measured from average grade) and 58.25 feet in Phase II as measured from Newbury Street.
Land Uses in area:	The Longfellow Garage is being built across from this site on Middle Street and the rest of the Longfellow Project is located off India Street and the extension of Commercial Street. The Shipyard Brewery is located across from the site on Hancock Street and a Residence Inn Hotel was recently approved for the corner of Fore and Hancock Street. India Street includes a mix of commercial uses. Residential uses are located along Federal Street and the easterly portion of Newbury Street with a mix of single and multifamily buildings.

IV. STAFF REVIEW

The proposed development is subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The staff review includes the following subsections:

1. Zoning, Right Title and Interest, and Neighborhood Meeting
2. Subdivision Review
3. Site Plan Review

1. ZONING, RIGHT TITLE AND INTEREST AND NEIGHBORHOOD MEETING

A. Zoning

Marge Schmuckal, Zoning Administrator, has reviewed the plans for the Village at Ocean Gate and has found them to be in compliance with the Conditional Rezoning to B-5b for this project (Attachment 4). Based upon the plans and information submitted, Marge Schmuckal determined that the proposed building height of Phase I is 57.04 feet (measured from average grade) and Phase II is 58.25 feet measured from Newbury Street. Phase II is within the maximum height of 65 feet measured from the existing Newbury Street grade of the conditional rezoning (Attachment 1 f page 2).

B. Conditional Rezone and Eastern Waterfront Design Guidelines

Throughout this project, the issue of the project design and massing has been the subject of interest and concern. Provision 2 of the Conditional Rezoning Agreement (Attachment 1 f) requires the project to meet the Eastern Waterfront Design Guidelines. The Board has held several workshops at which these design issues have been discussed, and Urban Designer Carrie Marsh has provided input in two memos, which are attached to her June 29, 2007 review (Attachment 5). A key concern has centered on the massing of the project, especially the phase 2 portion above

Newbury Street. The City Council discussed this at length in their deliberations regarding the conditional rezoning. The conclusion reflected in the conditional rezoning limits the height along Newbury Street to 65 feet, and requires a 25' setback from the westerly rear property line toward Federal Street. The project as proposed meets those requirements. Another massing issue centered on the same phase, whether the building should be longer and shorter, i.e. a single building, or should be broken into two buildings. The City Council left the resolution of that issue to the Planning Board. On the advice of City staff, the applicant has proposed to create two buildings along Newbury Street, rather than one long building.

As design development has progressed, the applicants have ultimately reduced the number of units in the whole project, due to limitations of the site and construction costs of multi level parking decks. The reductions have been spread throughout the project phases. The applicant determined that it is not financially feasible to increase the mass of phase one to decrease the mass of phase 2. They have, however, further reduced the phase 2 units and thereby reduced the building mass at the portion of the phase 2 project at the corner of Hancock and Newbury. Urban Designer Carrie Marsh has consistently asked that the massing be mitigated within phase two, and at the last workshop, the Planning Board emphasized their concern with this issue. The applicant has attempted to mitigate the massing with setbacks, unit count reductions, breaking phase two into two buildings, and the stepping of building height as described above. The Board is charged with the final determination as to whether these efforts have successfully resulted in a project massing that is compatible with the surrounding neighborhood. This finding and determination is presented in the Motions for the Board to Consider section, as compliance with the conditional rezoning agreement and Eastern Waterfront Design Guidelines.

C. Right, Title and Interest

The applicant has submitted evidence of right title and interest. The material includes a Contract for Sale of Real Estate, Assignment of the Contract, Deeds, Easements, Easement Relocation Agreement and a Temporary Construction Easement. The materials are contained in Attachment 1 c.

D. Neighborhood Meeting

A neighborhood meeting was held on March 23, 2007 and the meeting certification, notes, sign-in sheet and meeting notice are included as Attachment 3 f.

2. **SUBDIVISION REVIEW**

The proposed development is subject to review under the City's Subdivision Ordinance, Article IV, of the City's Land Use Code. The review criteria are found in Section 14-497, General Requirements.

A. Subdivision Plat

The applicant has submitted a recording plat for the proposed subdivision. The staff recommends that as a condition of approval, a revised recording plat be submitted for signature that contains the following additional information:

- a. *All conditions of subdivision approval must be noted on the plan.*

B. Subdivision Review Criteria

1. Water and Air Pollution

The proposed project will be served by public water and sewer. Letters stating there is sufficient water and sewer capacity to serve the project have been submitted from the Portland Water District (Attachment 1 h) and the Department of Public Works (Attachment 1 j), so the project will not over burden soils for waste water disposal. It is not located within a floodplain. The proposed mixed-use project will not result in undue water or air pollution.

2/3. Water

A capacity letters has been submitted from the Portland Water District (Attachment 1 h). The proposed project has sufficient water available for the foreseeable needs of the subdivision and will not cause an unreasonable burden on the existing water supply.

4. Soil Erosion

The grading plan proposes soil and erosion control measures in accordance with Maine's Erosion and Sedimentation Control for Construction: Best Management Practices. The plans have been reviewed by Steve Bushey, Consulting Engineer, (Attachment 6) and he does not identify any issues regarding soil erosion. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water.

5. Traffic

Eaton Traffic Engineers have prepared the traffic analysis for this project (Attachments 1 L and 1 O -excerpts of traffic impact study) and a revised parking analysis (Attachment 1 k) for the downsized proposal. The community contribution contained in the conditional rezoning agreement requires the applicant to contribute:

- a) \$200,000 to be dedicated to the extension or the reimbursement to the City for costs incurred in the extension of Hancock Street;
- b) \$5,000 to be dedicated to the India/Middle Street traffic improvements to be commissioned by the City;
- c) \$5,000 to be dedicated to the Eastern Waterfront Post Development Traffic Impact Study to be commissioned by the City.

As stated in the agreement, the community contribution under the Agreement is independent of any conditions which the Planning Board may require under site plan or subdivision review. The Planning Staff suggests a potential condition of approval that clarifies *all financial contributions stipulated in the Conditional Rezoning Agreement shall be paid to the City prior to the issuance of a building permit*. In addition, the Agreement states that the restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years. The Planning Staff recommend that these provisions *be included as a condition of approval*.

Thomas Errico, P.E., Consulting Traffic Engineer, reviewed the most recent submission (Attachment 7). His memo contains reviews of this proposal in April and May. Items 1 through 3, 5 and 6 have been met and Mr. Errico supports a waiver of the driveway widths for the garage entrances. The remaining items to address include the applicant's request for two fifteen minute

parking spaces, the parking garage layouts, reconfiguration of ADA ramps for the public sidewalks, and recalculation of parking due to the spaces used for storage of kayaks and other items. Mr. Errico's review and most recent comments (June 26, 2007) are summarized below:

1. As noted in the applicant's application, 130 on-site parking spaces are proposed with an additional 18 spaces to be secured at the nearby future Longfellow Garage. This plan results in a 1:1 residential unit to parking space ratio. Based upon other similar permitted projects in the City, I find the proposed parking supply to be acceptable. Please refer to other comments below for parking layout issues.
2. The applicant should make a contribution of \$5,000 towards the conduct of a Neighborhood Traffic Monitoring Study. The applicant has agreed to make this contribution and I have no further comment.
3. The applicant should make a contribution of \$5,000 towards improvements at the India Street/Middle Street intersection. The applicant has agreed to make this contribution and I have no further comment.
4. I have reviewed the access and egress information provided and that information indicates sufficient maneuver space will exist at the garage entrances for passenger cars. The driveway/garage door widths range in width from between 18 and 22 feet. This width does not meet City standards, but I do support a waiver based upon the facility use and minimal parking turnover.
5. It is my understanding that trash removal will occur at street level and will not require truck access into the garage. Accordingly, I have no further comment.
6. The applicant has provided information noting that adequate sidewalks and crosswalks will be provided in the vicinity of the project and I have no further comments.
7. The applicant has indicated that two 15-minute on-street spaces are requested. I will continue to review this issue, and seek input from John Peverada. Current Status: This issue needs to be reviewed by John Peverada. I will forward this comment to John. The applicant has not committed to all costs related to the on-street parking changes.
8. The parking layout illustrates spaces that will either be difficult (or impossible because the spaces are blocked by other vehicles) to enter and exit and other spaces that appear to be useless due to the location of building columns. The applicant should revise the parking layout to ensure acceptable parking accommodations. Current Status: Many of the problems noted above have been addressed. However, some issues remain including:
 - There are some parking spaces that continue to have building columns located directly in the middle of the space. These spaces will not be accessible.
 - I requested a detail of the building columns to better understand how parking maneuvers will be impacted. I have not received this detail. I recognize that the spaces will be wide (9.5 feet), but further review is necessary.
 - The Phase 2 parking area does not illustrate building columns. The applicant should provide that information for review, if applicable.
 - The plans provided by David White note parking space(s) to be occupied by Kayak and canoes. The parking supply tabulation should reflect site use

characteristics.

9. The Phase II parking layout does not allow for turnaround possibilities at the end of the aisles and therefore will be difficult to maneuver for users of the garage. The Phase 2 parking garage continues to provide end aisles that do not allow for turnaround parking. The applicant notes that parking turnover is limited and therefore backing maneuvers should not present any safety problems. The City has generally required parking lots and garages to have turnaround areas. I will consult other City staff and decisions on other similar permitted projects. It may be that this issue will need planning board direction.

10. The configuration of the ADA sidewalk ramps at the intersection corners may need to be re-configured to conform to current City practices. Further coordination on this issue is needed. Current Status: Outstanding

Steve Bushey, PE, Consulting Engineer, notes that the sidewalk contours along Building #1 appear to be incorrect in that the sidewalk is lower than the street (Attachment 6). The applicant will need to revise the plans to correct this drafting error.

Michael Farmer, Project Engineer, has reviewed the plans and addresses the work required in Hancock Street (Attachment 8). At the May 22, 2007 workshop, Public Works recommended that the applicant undertake a full reconstruction of Hancock Street rather than do a "mill and overlay" pavement rehabilitation treatment. On June 26th, the applicant submitted an e-mail indicating that the applicant is now proposing to reclaim and repave Hancock Street. The Department of Public Works has reviewed and supports this alternative. As stated in Mr. Farmer's memo, "in lieu of having the applicant reclaim and repave Hancock Street, DPW requests that the applicant be required to pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time." Sebago Technics estimates that it will cost \$43,000 to mill and overlay Hancock Street and that the applicant is willing to pay this to the City. Mr. Farmer is requesting an opportunity to review this estimate and requests that documentation for this cost estimate be submitted to Public Works for review.

At the last workshop, the Planning Board inquired about bicycle facilities for this project. The cover letter (Attachment 1b, page 3) states that bike racks are proposed inside both garages, along the side and towards the rear of Building #3 along Hancock Street and to the left of the garage entrance in Phase I along Middle Street. These locations for the racks are shown on the site plan, sheet 5 (Attachment 1u) and bike areas are noted on the garage plans shown on sheet 1 of the building plans (Attachment 1v). The Planning Staff may want to consider a condition of approval *seeking to have the bike rack details or specifications submitted for review and approval.*

Potential conditions of approval to address the traffic and parking for the proposal include the following:

- *Revised plans and information meeting the recommendations contained in Thomas Errico, P.E, Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.*
- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of July 5, 2007 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 28, 2007, to the Planning Authority for review and approval prior to the issuance of a building permit.*
- *In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.*
- *The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.*
- *All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.*
- *The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

6. Sanitary Sewer/Stormwater

The Department of Public Works has submitted a letter stating there is sufficient sewer capacity to serve this project (Attachment 1 j), stating there is sufficient water and sewer capacity to serve the project. Michael Farmer, Project Engineer, reviewed the plans and his review is included Attachment 8. He recommends that any existing sewer laterals proposed for reuse should be inspected by closed circuit TV. The results of the inspection will be reviewed by the City Inspector to determine if it is suitable for reuse or if it must be sealed off. He also recommends that the applicant make provisions for an exterior grease trap with a capacity of at least 1,000 gallons and a wastewater manhole be located on private property.

Steve Bushey, Consulting Engineer, finds the revised plans to reflect additional engineering and technical detail, which address his previous comments (Attachment 6). In regards to the stormwater management plan, he does recommend the following:

- The catch basins in Middle Street should be cast to include openings for the street underdrains. The outlet control structures for the two underground chamber storage systems should also be cast to include both the chamber outlet pipes and the underdrain from the chamber stone layers.
- The alignment of an external grease trap for a restaurant will need to be reviewed and approved by Steve Harris of the Public Works Department.

Michael Farmer, Project Engineer, reviewed the demolition plan and recommends that the applicant connect to the new system in Hancock Street as soon as possible. He also notes that during construction, the contractor must collect and treat site runoff and treat the site dewatering discharge before release to the public sewer and drainage systems. This on-site treatment must be coordinated with Steve Harris of Public Works. Lastly, he notes that there is an electrical service pole on Middle Street that the City would like eliminated if possible. The applicant is working with CMP to see if this pole can be removed and they are coordinating with CMP for the underground electrical lines.

As stated above, two potential conditions of approval are to have revised plans submitted meeting the recommendations of Steve Bushey and Mike Farmer prior to the issuance of a building permit.

The project will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services subject to the above recommendations.

7. Solid Waste

The applicant states in the revised project narrative (Attachment 1e) that the solid waste will be contained inside the service areas of the facilities (shown as 'trash rooms' on the architectural plans) and disposed by a licensed operator between the hours of 6 AM and 7 PM as required by the B-5b zone. The architectural plans (Attachment 1v) indicate a receiving area and trash room with access from the alley in Phase I and one trash room next to the garage entrance off Newbury Street in Phase II. The Planning Staff is recommending that the condominium documents include provisions addressing solid waste management as described in the application. A potential condition of approval is *that the condominium documents be submitted for review and approval by the Penny Littell, Associate Corporation Counsel, prior to the issuance of a building permit.*

8. Scenic Beauty

The applicant submitted letters from the Department of Conservation, Maine Department of Inland Fisheries and Wildlife indicating that the project will not have an adverse impacts on any significant or rare wildlife habitats or natural areas (Attachment 3 a, 3 b and 3c). The project site is not located within a designated historic district and does not impact any designated historic structures.

The required improvements of the subdivision ordinance list two trees per residence. In the applicant's cover letter (Attachment 1 a, page 5), they are requesting a waiver from the requirement for two trees per unit. The applicant is proposing to install 26 (according to Planning's count) street trees along Middle, Hancock and Newbury Streets with tree grates and tree guards meeting the City's specifications. The courtyards include twenty-five trees and a variety of shrubs and plant material. The applicant seeks the waiver for the following reasons:

The applicant is requesting that the Board reconsider the requirement for two trees pwer unit due to the contribution that has already been committed under the Contract Zone Agreement. This contribution was determined by staff and the Community Development Committee back in February 2006 when the project was planning for 190 units. The project has since been reduced by almost 30 percent in density. We request a waiver of the City requirement that two trees per unit be planted as a part of the landscape plan. Thirty two (32) trees will be planed in Phase I and nineteen (19) trees will be planed in Phase II. It is reasonable to assert that the \$200,000 Community Contributioin pledged to extend Hancock Street between Middle Street and the Commercial Street extension is a very generous pledge for inifrastructure improvements in the neighborhood.

Jeff Tarling has reviewed the landscaping plan and has found it be acceptable. He does support a contribution to the City's tree fund, which would be used in the vicinity of Newbury and Hancock Streets. Acknowledging the contribution being made to Hancock Street and the additional cost of installing tree wells and tree guards, a reduced contribution to the tree fund of approximately half could be a potential option for the Board's consideration. Mr. Tarling estimates that the cost of trees between the required number and the proposed tree count is roughly \$25,000 (\$200/tree for approximately 225 trees). The Planning Board will need to consider the waiver or an alternative contribution in lieu of planting the required number of street trees.

9. Comprehensive Plan

Relevant portions of the City’s comprehensive plan that pertain to this proposal include housing policies and the policies contained in the Eastern Waterfront Master Plan.

Housing: Sustaining Portland’s Future encourages new housing to sustain Portland as a healthy city. Specific policies include the following:

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including:
 - Housing units for decreasing household sizes, such as young professionals, empty nesters, single-parent households and senior citizens.
- Encourage higher density multi-family developments and mixed use projects with housing, along major public transportation routes, near service areas, and in redevelopment or infill areas.
- Maximize development where public infrastructure and amenities, such as school, parks, public/alternative transportation, sewer lines, and roads exist or may expanded at minimal costs.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Locate and design housing to reduce impacts on environmentally sensitive areas.
- Encourage housing within and adjacent to the downtown.

Eastern Waterfront Master Plan

Goal: Character and Impact of Development: Development within the eastern waterfront will be compatible with the surrounding areas neighborhoods and natural environment and maritime uses:

Objectives:

- Encourage compatible architectures.
- Establish a new street and pedestrian network that integrates with the surrounding street and trail network.
- Preserve significant public view corridors to and from water and along the waterfront.

Goal: Mixed Us: Development within the Eastern Waterfront will create a vital and active mixed-use urban area that generates life and use every day of the year and all hours of the day.

Objectives:

- Provide opportunity for mixed-use non-marine development and activities in locations and in ways that are compatible with the use of maritime resources.
- Increase public use of the water, waterfront and shore through public access and green space development.
- Maintain and enhance recreational trail access.

Goal: Economically Responsible Development: Development in the eastern waterfront will provide a significant benefit to the City and regional economy.

Objectives:

- Encourage a positive economic return to the City.
- Enhance the economic viability of the eastern waterfront’s property and facilities.
- Assure that public investment and development benefit the residents of the greater Portland community.
- Provide adaptable, flexible infrastructure that will allow the City to adjust to future technologies and trends.
- Enhance multi-modal transportation opportunities.

This project is proposed within the Eastern Waterfront Redevelopment Area and it is for a mixed-use project with 138 market-rate residential units and over 6,000 square feet of commercial space. The majority of the site is being used for surface parking lots and includes the Village Café restaurant. A mix of one and two-bedroom units are proposed with one designated parking space per unit. The site is within walking distance of the waterfront and downtown. Public transportation options are available nearby. The applicant is contributing to the extension of Hancock Street to re-establish a street grid pattern in this neighborhood and preserves views to the waterfront. The site is in the vicinity of the residential uses on Federal and Newbury Streets and adjoins the mix of commercial, office and housing uses located along India Street. It is located across from the Shipyard Brewery and the Longfellow Garage and condominium project.

10. Financial Capability

The applicant has submitted a letter from Robert Brown of Key Bank, dated March 20, 2007 as evidence of financial capability.

11/12. Watershed/Groundwater

The proposed project is on Portland's peninsula and it is not situated near any pond, lake, wetland or river. The project will not adversely affect the shoreline of a water body nor will it adversely affect the quality or quantity of groundwater.

13. Flood Hazard/Shoreland

The site is not located within a Flood Hazard or Shoreland Area.

14/15. Wetlands and River, Stream and Brook

The site is currently a parking lot and restaurant. It has an impervious coverage of almost 100%. Letters have been submitted from the Department of Conservation, Maine Department of Inland Fisheries and Wildlife stating that the project will not have an adverse impacts on natural habitats (Attachment 3 a, 3 b and 3c). There are no wetlands or other water bodies on the site.

16. Condominium Documents

Condominium documents were not submitted as part of the application and the applicant is requesting that the condominium documents be submitted prior to the issuance of a certificate of occupancy (Attachment 1 a, page 4. The Planning Staff recommends that *the proposed condominium documents be submitted for review by Penny Littell, Associate Corporation Counsel, prior to the issuance of a certificate of occupancy.*

3. SITE PLAN REVIEW

The proposed development is subject to review under the City's Site Plan Ordinance, Article V of the City's Land Use Code. The Site Plan Standards of Review are found under Section 14-526, Standards.

A. Site Plan Review Criteria

1/2. Traffic

Refer to Section 5 of Subdivision Review above.

3. Bulk, Location, Health, Safety Air

The applicant has submitted revised shadow studies and perspective shadow studies to illustrate the shadow impacts on adjoining buildings with the reduced building height and the proposed

setbacks. The fourth floor has been reduced on Building #3, so that there are three floors at the intersection of Hancock and Newbury Street. As stipulated in the conditional rezoning, Building #4 is 25 feet from the rear most property boundary. Marge Schmuckal, Zoning Administrator, has confirmed that the proposed building meets the dimensional standards of the Conditional Rezoning in both phases and that the proposed building height for Phase II is 58.25 feet (less than the 65 feet maximum height of any building in Phase II as measured from the existing Newbury Street grade).

Carrie Marsh, Urban Designer has evaluated the plans and her review is included as Attachment 5. A potential condition of approval contained in Carrie Marsh's memo is as follows:

- Roof: All roof top appurtenances (including elevator towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtenances would be subject to screening.

The applicant submitted a building cross-section on July 5, 2007, which depicts the height of the elevator as 3 feet 5 3/8 inches above the roof. This plan is referenced in the above condition of approval and Carrie will review the latest submission.

4. Bulk, Location, Height of Proposed Buildings

Carrie Marsh, Urban Designer, reviewed the proposed plans under the Design Guidelines for the Eastern Waterfront. Her review is included as Attachment 5 and includes as attachments her evaluations of the project dated February 23, 2007 and May 16, 2007. Her recommendations for conditions of approval include the following:

Fenestration

The applicant provided additional windows at the ground level on Building One along Hancock Street. Staff notes that the top alignment of the four northerly windows may need to be adjusted.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. This intended landscaping should be shown on the plans, and is subject to approval.

Roof

All roof top appurtenances (including elevator towers, stair towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtenances would be subject to screening.

Materials and Specifications

Staff understands that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown on a plan or in a memo. Any change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors,

balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components have been provided. However, the specifications are required.

A potential condition of approval is to have the *applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo.*

5. Sewers, Stormdrains, Water

Refer to Section 6 of Subdivision Review above.

6. Landscaping and Existing Vegetation

The applicant is proposing to install 26 street trees along Middle, Hancock and Newbury Streets. The applicant coordinated the location of the street trees with the proposed trees along the Hancock Street extension, so the street will have a consistent pattern along the street. Tree grates and tree guards meeting the City's specifications are proposed. The courtyards include twenty-five trees and a variety of shrubs and plant material. Jeff Tarling has reviewed the landscape plan and details and found the plan to be consistent with City standards as presented. Mr. Tarling is aware of Mr. Farmer's recommendation to narrow the tree grates in specific locations and Jeff concurs with that recommendation. As noted in Carrie Marsh's review (Attachment 5), David White references in his memo that the applicant intends to install low growing shrubs with the setback areas of Building #1 and #3. A potential condition of approval is that *revisions to the landscape plan should be submitted for review and approval by the City Arborist.* Refer to section 8 of the Subdivision Review for discussion about the applicant's request for a waiver from the subdivision requirement of two trees per unit.

7. Soils and Drainage

Refer to Section 1 and 2/3 of Subdivision Review above.

8. Exterior Lighting

The applicant will be providing specialty streetlights for this district. The luminaries will be leased from CMP and the developer will provide the poles, bracket arms, decorative bases and conduit. The Bayside Black street lights will be used for this project, which is consistent with the plans for Hancock Street.

The applicant requests a waiver from preparing a photometric plan for the courtyards where 42 inch high bollard lights as shown in Attachment 3d are presented. The other architectural lights are proposed for steps and inset wall lights directed downward. The applicant has submitted a photometric plan for the exterior of the buildings. The light levels adjoining the residential area on Federal Street meet the City's standards. There are "hot spots" at some of the entrances and utility spaces. The staff recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.

9. Fire

Additional material pertaining to fire protection was submitted on Friday 29, 2007 for his review. Captain Cass's review is pending.

10. City Infrastructure

The Eastern Waterfront is experiencing significant redevelopment. The proposed site is constrained by adjoining buildings, is being built to property lines, and significant construction is

occurring on nearby parcels. A construction management site plan should be submitted for review and approval that outlines how the site will be managed during construction, identifies any impacts on the public right-of-way, identifies ways to provide safe pedestrian passage, and provides the estimated construction schedule. *This is recommended as a condition of approval.*

31. Eastern Waterfront Guidelines

The proposal has been reduced in size and building height over the course of this review. It is within the dimensional parameters of the conditional rezoning to B-5b as confirmed by the Zoning Administrator. Since the May workshop, the applicant has eliminated two units in Building #3, so a three-story structure, rather than four stories, will be located at the corner of Hancock and Newbury Street, which is near the established R-6 neighborhood. Additional fenestration is proposed on the rear of Building #3 and additional landscaping is proposed in the courtyard behind Building#3. The applicant has submitted revised shadow studies and architectural perspectives (Attachments 1 q, 1 r, 1 s, 1 t, 1 v and revised elevations 2c). The proposal is being reviewed under the Eastern Waterfront Design Guidelines and Carrie Marsh’s review is included as Attachment 5.

22. Signs

The applicant has not submitted any plans for signs and states that awnings will be used on the building. The Planning Staff recommends that the applicant submit a unified plan for signage and awnings for review and approval by Carrie Marsh, Urban Designer.

VI. MOTIONS FOR THE BOARD TO CONSIDER

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #30-07, and the testimony presented at the Planning Board hearing, the Planning Board finds:

- 1. That the plan [is or is not] in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines
Potential Conditions of Approval:
 - a. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #30-07 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland’s Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

- 1. The Planning Board (waives/does not waive) Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be between 18 and 22 feet at the garage entrances on Newbury and Middle Street as shown on the subdivision plat.

2. The Planning Board (waives/does not waive) Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of July 5, 2007 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 28, 2007, to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.
6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
9. The proposed condominium documents shall be submitted for review by Penny Littell, Associate Corporation Counsel, prior to the issuance of a certificate of occupancy.
10. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie

Marsh in her 06/29/07 memo.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 30-07, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. Revisions to the landscape plan should be submitted for review and approval by the City Arborist.
3. The applicant shall submit a unified plan for signage and awnings for review and approval by Carrie Marsh, Urban Designer prior to the issuance of a certificate of occupancy.
4. The applicant shall submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo.
5. Recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.
6. The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass.

Attachments:

Applicants Submittals – Included as a Separate Document in the Packet

- 1 June 12, 2007 Submittal for July 10, 2007 Public Hearing
 - a. Table of Contents
 - b. Cover Letter, Christopher Di Matteo, Sebago Technics, June 12, 2007
 - c. City of Portland Site Plan Application, including Right, Title and Interest and proposed Easement
 - d. Letter, Robert Brown, Key Bank, March 20, 2007 and GFI material for technical capability
 - e. Project Narrative, Revised June 12, 2007
 - f. Conditional Zoning Agreement, The Village at Ocean Gate, 112-113 Newbury Street, Portland Maine
 - g. Stormwater Narrative, The Village at Ocean Gate, Revised February 1, 2007
 - h. Letter, David Coffin, Portland Water District, July 11, 2005
 - i. Letter, Paul DuPerre, Central Maine Power, June 8, 2007
 - j. Letter, Frank Brancely, Department of Public Works, Mardh 22, 2007
 - k. Parking Calculation for Revised Village at Ocean Gate Development, April 17, 2007
 - l. Response to Traffic Related Comments from the City Traffic Engineer, Christopher Di

Matteo, Sebago Technics, August 29, 2006

- m. Letter of Intent for Longterm Lease, May 16, 2007, between The Village at Ocean Gate and Ocean Gateway Garage and Riverwalk LLC.
 - n. Architecture, letter, David M. White, June 11, 2007
 - o. Engineering, Christopher DiMatteo, June 12, 2007
 - p. Excerpts of Traffic Impact Study Narrative
 - q. Revised Shadow Study
 - r. Shadow Study – Perspective View
 - s. Architectural Perspectives
 - t. Photo Simulation
 - u. Subdivision and Site Plan – Sheets 1 through 15
 - v. Building Elevations Sheets 1 through 13
 - w. Phase I Parking Garage
 - x. Roof Plan H1.5 thorough H4.5
- 2. Supplemental Site Plan Review Application Information , June 29, 2007**
- a. Cover Letter, Christopher DiMatteo, Sebago Technics, June 29, 2007
 - b. Photometric plans with exterior light information.
 - c. Revised elevations showing exterior details including the addition of cement board clapboard siding at the interior courtyards.
 - d. Parking garage column base detail.
 - e. Revised hydrant flow information.
 - f. Light pole base detail
 - g. Additional exterior perspective image at Phase II.
- 3. Excerpt of Applicant’s materials for the May 22, 2007 Workshop**
- a. Letter from Toni Pied, Department of conservation, July 12, 2005
 - b. Letter from Brian Lewis, Maine Department of Inland Fisheries and Wildlife, July 11, 2005
 - c. Letter from Scott Lindsay, Department of Inland Fisheries and Wildlife, June 30, 2005
 - d. Catalog cuts for bollard lights
 - e. Exterior Materials, Memo, David White, dated 3/31/07
 - f. Neighborhood Meeting, notice, certification, minutes and sign-in sheet
- 4. Memo, Marge Schmuckal, Zoning Administrator, 7-3-07
 - 5. Memo, Carrie Marsh, Urban Designer, 6-29-07
 - 6. Memo, Stephen R. Bushey, PE., Consulting Engineer, 7-5-07
 - 7. E-mail, Thomas Errico, PE, Consulting Traffic Engineer, 6-26-07
 - 8. Memo, Michael Farmer, Project Engineer, June 28, 2007, revised June 29, 2007

DAVID M. WHITE, ARCHITECT

403 tibbetts hill rd.
p.o. box 447
goffstown, n.h. 03045
603-497-3405
fax 603-497-2783

MEMO

Date: April 23, 2008

From: David White

To: Barbara Barhydt

Project: The Village at Ocean Gate

Copy To: The Village at Ocean Gate,

Number: 01

LLC

Reference: Plan and elevation
changes

The following is an outline of the changes made to the plans and elevations since the previous submission to the Planning Board that led to the conditional approval.

First some general items:

1. With the option to purchase the Reynolds' property Building 2 has been "squared" off to increase the saleable square footage. The number of units in the overall project had been increased to 92, but since our last meeting in early April the overall number of units has been reduced to 82. We have created larger units to meet this demand by prospective buyers.
2. The first floor plan has been changed to reflect a change in the structural system resulting in a changed parking layout and an increase in area available for buyer storage space and bike storage.
3. All metal panel work has been changed to Hardie board with battens.
4. The base of the project, from the belt course to grade has been changed from a combination of granite at the retail areas and brick under the residential areas has been change to polished concrete block with a polished granite look.
5. The windows at the fifth floor have been changed from arch top windows to flat top windows. These windows do now have a crowned head casing.
6. Fireplace exhaust hoods have been diagrammatically added. These will be painted to match the field color in which they are located.
7. We have adjusted the floor to floor height of the building and the average grade plane based on the new building perimeter. The overall height of

the building is 56.85' which is less than our previous height of 57.5' and considerably less than the 74' allowed by the conditional rezoning.

Middle Street Elevation (P.10):

1. No change to the brick above the belt course.
2. Simplification of the storefront detailing at the retail spaces. Standard 2" mullions instead of built up mullions. No change to color or panels. Awnings are now indicated.
3. The entrance to Building 2 has been relocated between the massing of Building 2 and the garage door. This change was made as an attempt to increase the amount of rentable retail area. This also creates symmetry with the retail areas for both Buildings 1 & 2.

Hancock Street elevation (P.11):

1. The location of brick above the belt course remains the same as the previous submission.
2. The entrance to Building 1 is now similar to the entrance to Building 1. The previous entrance detail would not work with the proposed awning.
3. Three sets of windows were moved to accommodate the units' fireplaces. These are the two end windows in the brown brick field and the triple window.
4. The window in the retail area has been simplified in the same manner as the Storefronts.

Newbury Street elevation (P.12):

1. The brick remains in Building 1.
2. Changes to the elevation of Building 2 include a large, more prominent entrance (no awning), relocation of the balconies from the rear of this section to the Newbury street side and slight rework of the windows for that unit with the balcony change.

Alley elevation (P.13 & P.16):

1. No change to the area above the belt course at the Middle Street block.
2. The window to the retail area in the Middle Street block has been scaled down and is consistent with the storefront detailing.
3. The brick previously shown from the Middle Street section to the new relocated balcony at the Newbury Street block has been changed to Hardie-plank clapboard siding similar to the courtyard elevations. Note that this area did have this siding in the area now infilled with the addition of the Reynolds' property.

4. Window and deck locations from the Middle Street Block to Newbury Street have been revised to reflect the additional constructed space in Building 2.

Building 1 Courtyard elevation (P.14):

1. No change

Building 2 Courtyard elevation (P.15 & P.16):

1. No change to the Middle Street or Newbury Street blocks.
2. The area between these two sections has been change to reflect the revised unit configurations. This is indicated by only 3 decks per floor instead of the original 4.

I trust that this accurately reflects the changes made to the plans and elevations since that previous submission. We will be pleased to answer any question on these changes at the Planning Board meeting.

As part of this submission we have included the revised plans and elevations and renderings indicating the changes outlined in this narrative.

Respectfully submitted,



David M. White, AIA

Cc: The Village at Ocean Gate, LLC

**Waterfront Master Planning Committee, Subcommittee
Design Guidelines Draft, 1-17-02**

Design Guidelines for Portland's Eastern Waterfront

Introduction

The redevelopment of the Eastern Waterfront provides a unique opportunity for the City of Portland. The construction of a world-class marine passenger terminal in one of the East Coast's premiere deepwater ports will spur interest and vitality into a neglected and underutilized portion of Portland's urban waterfront. Development will serve to integrate the working waterfront, commercial business areas and the Munjoy Hill neighborhood. For integration to be successful, high quality design for all aspects construction is imperative. With care and attention paid to details and quality, the design of **streets, buildings, open space, parking**, and changes to the **water's edge** will contribute to the value of public and private property and the quality of life for Portland residents.

These Design Guidelines have three intended applications: (1) As an evaluative framework for City sponsored projects or projects located on City controlled land, (2) As a handbook for private developers to comply with the City's vision for the Eastern Waterfront, and (3) As a policy basis for future zoning and land use ordinance changes for the Eastern Waterfront.

The public process for the Waterfront Development and Master Planning Committee demonstrated a clear desire by Portland citizens that the Eastern Waterfront become a benefit to City residents. The Master Plan, along with these Guidelines, promotes development that will be an asset, not a liability, to the surrounding neighborhoods and community at large. By adhering to the following criteria, public and private development can respect the concerns, hard work and wisdom of the Citizens of Portland, and create the greatest possible public benefit.

A. Streets

Purpose

Design guidelines for streets in the Eastern Waterfront Redevelopment Area encourage the retention and expansion of a pedestrian scaled street grid. The surrounding neighborhoods of the Old Port, India Street and Munjoy Hill generally have a walkable small block street system that provides a comfortable, safe and enjoyable pedestrian environment. The traditional street block system allows for efficient and flexible vehicular circulation for residents, visitors and the working waterfront while retaining options for traffic management to reduce negative impacts on existing neighborhoods. The street guidelines outlined below provide for an expanded street network that will (1) connect the Eastern

Waterfront Redevelopment Area into the city fabric of Portland, (2) provide appropriately scaled streets for the expected vehicle and pedestrian traffic, and (3) encourage pedestrian oriented, mixed-use development in the Eastern Waterfront.

Guidelines

1. Public Streets

Public Streets should provide the primary vehicle and pedestrian circulation infrastructure for the Eastern Waterfront. Public and private development should use the existing street grid as a framework and should expand the public street network as necessary to provide circulation for new development. Development of new and extended streets should be generally in scale with the existing street network found along Portland's waterfront and Munjoy Hill neighborhoods.

Note: The design and construction of public streets need to comply with the City Public Works Technical Standards.

2. Appropriate Street Design

New streets should be designed to accommodate expected vehicles and pedestrians safely and efficiently while encouraging appropriate speeds. Streets should provide on-street parking along curb lines wherever possible to provide a buffer between pedestrians and moving traffic and to serve the retail, residential and commercial uses in the area.

a. Suggested Street Hierarchy

For the purpose of these guidelines, **Primary Streets** include Commercial Street and its extension, Fore Street, India Street, Hancock Street and its extension, and Middle Street between India and Franklin Arterial. **Secondary Streets** include Mountfort Street, Middle Street between India Street and Hancock Street, and other new streets within the Central Redevelopment Area that are not extensions of existing streets.

b. Street Sections

Refer to the attached street section drawings and associated key map for application of suggested street sections within the eastern waterfront. These drawings illustrate a hierarchy of primary and secondary streets that reflect their intended character and uses.

3. Sidewalks

Sidewalks are key to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, and street trees. Sidewalk cafes, temporary art installations, and seasonal lighting are encouraged along public sidewalks as means to encourage the year round activity.

4. View Corridors

Street corridor placement and design should provide for views to and from the water, as well as for permanent installations of public art in key focal point locations. See attached map for key view corridor locations and focal point locations.

5. Railroad Right of Way

The Commercial Street section drawing includes the Narrow Gauge Railroad adjacent to the Commercial Street corridor. The railroad could add a dynamic inter-modal element to Portland's transportation system if integrated with the surrounding streets, sidewalks, trails and private development. In designing an integrated Narrow Gauge Rail corridor, the train should share as much of its width as possible with adjacent compatible uses. The Narrow Gauge right-of-way should be used as both a transportation corridor and a buffer for transportation facilities and Eastern Prom Trail.

Note: Designers need to recognize State and Federal regulations regarding design changes within the rail right-of-way.

6. Underground Utilities

Overhead utilities should be avoided within the Eastern Waterfront.

7. Marine Passenger Terminal Circulation

Streets serving the proposed marine passenger terminal should be a seamless extension of existing streets and be constructed in compliance with these guidelines. Circulation infrastructure constructed solely for the use of the terminal facility should be integrated with the public street and pedestrian network and designed to meet the transportation related needs of the facility.

B. Buildings/Architecture

Purpose

Design guidelines for buildings in the Eastern Waterfront Redevelopment Area encourage architecture that enhances the development of a mixed-use and marine inter-modal transportation center, and is compatible with the surrounding neighborhoods. New construction should respect the historic character of Portland’s waterfront, while representing the best elements of contemporary design.

Guidelines

1. Contextual Design

New buildings should be designed in response to their context and should be compatible with surrounding neighborhoods. Broadly stated, compatibility refers to the recognition of existing development patterns and characteristics, and a responsiveness in new building design that respects these established patterns. **The placement, height, massing, proportion, articulation, and materials** of new structures should encourage the Eastern Waterfront to develop into an extension of the surrounding areas while establishing its own identity as a new urban neighborhood.

2. Building Composition

The combination of design elements will determine the character of new buildings and neighborhoods. While specific solutions for any given setting cannot be anticipated in a single set of guidelines, the following building characteristics can be used to guide visual compatibility of new development.

a. Placement

In general, buildings should be placed at the sidewalk with their primary entrances oriented to the street.

b. Height

Building heights should be compatible with surrounding development and neighborhoods. The attached Building Height Key Map provides a general direction for building heights in the Eastern Waterfront district. These Guidelines recommend that any future rezoning process for the Eastern Waterfront should be preceded by a building height analysis comparable to the Downtown Height Study for the B-3 Zone.

c. Massing

The massing of new development should be compatible with the existing development found in the surrounding neighborhoods. Portland is characterized by human scaled architecture that compliments a pleasant pedestrian environment. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.

d. Proportion

The façade proportions used in new development should be compatible with the existing development found in Portland's waterfront. While some buildings on Portland's Waterfront project a predominantly vertical or horizontal orientation, most use architectural details, storefront design, window openings, and roof shapes to balance the proportions of facades into pleasant and cohesive compositions. In smaller in-fill development, proportions of features such as windows, entryways, and storefronts should be designed to achieve compatibility with abutting structures and surrounding development.

e. Articulation

Traditional arrangement of façade components into base, middle, top composition can be used to achieve compatibility and continuity with the surrounding architectural context. Additionally, projecting bays, recessed balconies, and roof shape variation can be judiciously utilized to provide interest, individuality, and appropriate scale to new development.

f. Materials

Materials used in new development should reflect the historic character of Portland's waterfront. A straightforward use of natural and traditional building materials is encouraged. Brick, stone, high quality metals, cast concrete, wood, and glass will achieve the greatest level of compatibility with the surrounding area and will best stand the test of time; both regarding changing community tastes and withstanding the maritime climate of the Eastern Waterfront.

3. Pedestrian Environment

Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture, and lighting that encourage year round pedestrian use. Buildings sited along Primary Streets should utilize traditional storefront design principles along the ground floor, and provide engaging displays and clear glazing to enhance the pedestrian experience.

4. Primary Entrances and Service Entrances

Primary entrances should open onto public sidewalks along the primary street frontage. Service entrances and loading facilities should be located at the rear or side of structures. Where buildings face more than one public street, service and loading circulation may be located along secondary streets where appropriate. Where no off-street options are available, loading and service entrances located along public streets should occupy the minimum space necessary and be compatible with the other uses of the street including pedestrian activities, retail development, and traffic flow. The sharing of service circulation and loading facilities between buildings is encouraged.

5. Parking Structures

Parking structures should be compatible with adjacent uses and architecture in form, bulk, massing, articulation, and materials. The design of parking structures should create a visually attractive and active pedestrian environment by incorporating retail, commercial, and residential uses along all public streets.

a. Mixed-use Architecture

Parking uses and the appearance of parking structures should not dominate public streetscapes. All above grade parking structures should include usable retail, commercial, and /or residential uses along street frontages to create a high quality urban environment. Parking structures on Primary Streets should have at least two stories of mixed uses integrated along the street frontage. On Secondary Streets at least one story of mixed uses should buffer the street.

b. Vertical and Horizontal Articulation

Visible diagonal ramps and non-horizontal parking plates should be screened from all visible angles whenever possible and not allowed on primary facades.

c. Lighting

Light fixtures installed in the interiors of parking garages should be fully screened from the exterior or utilize full cut-off shielding as defined in the City's Technical Standards.

6. Infill and Small Scale Development

Infill development should fill open space along existing streets to reestablish street wall continuity. Likewise, small-scale development without a directly abutting neighbor should look to prevailing adjacent development patterns as a means to incrementally fill empty portions of the streetscape and achieve compatibility with surrounding neighborhoods.

7. Historic Structures

Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated consistent with their original architectural intent. The challenge and opportunity is to adaptively reuse significant structures while retaining their historic character. New additions to historically significant buildings should be designed to be compatible with the original structure in size, composition and material and result in the minimum necessary loss of original architectural material.

Note: Portions of the westerly section of the Eastern Waterfront are located in the Waterfront Historic District and are subject to the City's Historic Preservation Ordinance.

8. Civic Structures

Civic Structures represent the public commitment to creating a high quality urban environment. Civic buildings should distinguish themselves through their quality, placement, and use of materials. Traditionally, civic structures in Portland (City Hall, Union Station, Customs House, Federal and County Court Buildings, among others) used the highest quality materials and design to assign a sense of permanence and importance to their role in the community. Additionally, these structures relate strongly to the streets and open spaces where they are located, sharing their importance with their surroundings. The Eastern Waterfront will hold a new transportation center in one of the most visible sites on Portland's waterfront. The proposed marine passenger terminal should meet the same high standard for design and construction of Portland's other great public buildings.

9. Marine Development

There are locations, specifically in the marine support areas, where development may have difficulty adhering to the building guidelines section above. Marine dependent structures should be allowed to reflect their intended uses through the use of practical materials and straightforward design. Outbuildings, sheds and temporary marine-use structures should be sited and designed to minimize negative visual impacts. Through use of building placement, incorporation of design details, and use of landscaping and screening, designers should look for economical solutions to provide utilitarian marine structures with visual interest and character befitting their use.

C. Open Space and the Public Realm

Purpose

The character of public streets and sidewalks is the primary determinant of the quality of the public realm. The public realm is further defined and enhanced by the incorporation of quality open spaces. These guidelines aim to create comfortable, safe, accessible, and appropriately located open spaces to provide pedestrian interest and convenience. Open spaces can range in scale from building forecourts, to public trails, to public plazas and public parks. All open spaces should be barrier-free and accessible. Landscaping, pedestrian amenities, outdoor furniture and lighting should be incorporated where appropriate. Opportunities for public art and historical references are encouraged.

Guidelines

1. Public Open Space and Plazas

The Eastern Waterfront will contain publicly owned and constructed open space. Generally associated with the water's edge east of Pier 2, City owned open space should provide opportunities for public enjoyment and use of the water and add value to public and private development.

a. Visual Accessibility

To ensure that open space is well used, it is essential that the space should be visible and easily accessible from public areas (building entrances, sidewalks, and trail). Orient open spaces to the harbor, views and sun.

b. Physical Accessibility

Open spaces should have direct access from the adjacent streets, sidewalks, and trail, should allow for multiple points of entry, and provide for universal accessibility. They should also be visually permeable from the sidewalk and trail, allowing passersby to see directly into the space.

c. Buffering

Open space should be well buffered from moving cars so that users can enjoy and relax in the space. The space may be visible from streets or internal drives but should not be wholly exposed to them. “Outdoor rooms” that are partially enclosed with building walls, freestanding walls, landscaping, raised planters, or on-street parking buffers are encouraged.

d. Perimeters

The perimeter of public spaces should consist of active uses that provide pedestrian traffic. Public use of the waterfront, such as the passenger terminal and small marinas, retail, cafes and restaurants, and high-density residential uses all provide context for open space.

e. Trees and Plantings

Plants used in landscaped areas should be the highest quality and of sufficient quantity and scale to make a visual impact. Plantings should be selected and located so that their functional and aesthetic qualities can be maximized. Trees of reasonable caliper should be installed at a density adequate to provide shade, habitat, and visual interest to public open space and care should be taken that appropriate species should be selected for the soil conditions. Adequate space should be given to each planting and adequate irrigation and drainage should be provided.

f. Amenities

Public open space should be provided with adequate amenities, such as trash receptacles, seating, and drinking fountains for use by the general public.

g. **Materials**

Public open spaces and plazas should be built with high quality, durable materials that reflect thoughtful detailing consistent and compatible with the architectural character and historic maritime heritage of the Eastern Waterfront. Quality detailing implies attention to jointing, building and street edges, and technically correct construction techniques. Paving materials should be selected according to the intended use of the space. Designers are encouraged to utilize permeable paving materials wherever possible to reduce and treat stormwater runoff.

2. Private Open Space and Plazas

Privately developed open space should contribute to the public realm through enhancement of the pedestrian environment and increased recreation opportunities.

a. **Internal Open Space**

Internal public space must be designed properly to be safe and usable, providing wide pathways, seating, and amenities.

b. **Internal/External Interplay**

Take the "indoors" outdoors by spilling interior space (e.g. dining areas, merchandise displays) onto walkways and plazas and bring the "outdoors" into the building by opening interior spaces (e.g. atriums) to views and sunshine.

c. **Passageways**

Open-air pedestrian passageways (with or without overhead cover) are generally more visible and more inviting than interior hallways. Passageways can be attractive, successful locations for store entries, window displays, and/or restaurant/café seating and should be integrated with the public sidewalk system.

3. Historic Sites

Sites of historic interest should be appropriately commemorated and marked with signage and public art. Specific emphasis should be paid to the maritime and transportation heritage of the Eastern Waterfront.

4. Public Art

Public art adds to the vitality and beauty of the city while giving a sense of identity to a place. Development in the Eastern Waterfront should integrate artwork into a variety of public and private settings and display art to the public as they engage in the activities of the City.

a. Public Spaces

Public art within open space is encouraged. Artwork may consist of freestanding pieces (e.g. a sculpture or water fountain) or may integrate into its surroundings (e.g. relief sculpture imbedded in pavement or a wall, a mosaic or mural on a wall, lighting or sound effects, or decorative railing or lighting).

Note: Designers should be aware that public art placed on public property is subject to review under the City Public Art Ordinance and/or Maine Art Commission.

b. Private Spaces

Property owners are encouraged to provide outdoor public art on their property to enrich the pedestrian experience and create a stronger sense of place. Developers are strongly encouraged to incorporate artists into the design team in order to integrate works of art into their projects.

c. Contextual Siting

Artwork should be appropriate, and ideally, custom-made for its site. The artwork should complement and reinforce the character of the site in terms of its subject, scale, style, and materials. For example, art may be used to reveal historical facts about the site, or draw attention to a unique physical quality of the site. Care should be taken that the siting of public art does not diminish street wall development, but should emphasize the importance of key focal points.

5. View Protection

Portland's relationship to the water is an important part of its unique character and identity. Key views of the harbor are a community resource to be preserved and protected.

Note: Please refer to Street Design and Water's Edge Guidelines for more on view protection.

C

c. Internal Buffering

Wide expanses of surface pavement should be broken up visually by planted medians with shade trees. Shade tree location should be buffer pedestrian circulation routes and should respect view corridors to the water. All parking lots should be planted with sufficient trees so that within ten years a significant majority of the surface area of the lot is shaded.

d. Storm Water Management

New and reused surface paving utilized for parking and vehicle queuing will shed polluted stormwater into Portland Harbor. Stormwater management should be provided to control and treat stormwater reasonably and effectively. Permeable paving materials, vegetated buffers and infiltration systems should be used wherever possible and practical to reduce the volume and improve the quality of stormwater.

2. Shared Use and Partnerships

These guidelines encourage public and private parking and vehicle queuing partnerships. Marine related transportation development and nearby mixed-use development plans should cooperate to minimize surface asphalt, and provide shared use of facilities taking advantage of offsetting times of peak use wherever possible. Shared parking is also strongly encouraged between private adjacent or vertically mixed uses with offsetting peak demand. (e.g. offices and residential)

E. Water's Edge

Purpose

The interaction of land activities with harbor activities creates the essential value and character of the Eastern Waterfront district. Portland has a long tradition of port development. Waterfront trade and industry have made the city prosperous throughout its history. The challenge for planning the Eastern Waterfront is to preserve the value and marine utility of the water's edge, while stimulating appropriate development throughout the area for the benefit of the general population.

The relationship between the water's edge and the adjacent upland is complex and intense. The convergence of transportation systems, downtown commercial activity, residential neighborhood, marine industry, and community recreation

resources creates a vital mix of complementary activity concentrated into a compact urban space. The intensive concentration of these uses creates value exceeding the individual parts. The successful accommodation of a diverse mixture of people and activity through quality design will best maximize the value of the water's edge.

Guidelines

1. Inter-modal Transportation

The Eastern Waterfront is a hub for a wide range of transportation modes, including passenger vessels, private boats, emergency vessels, cars, buses, excursion (rail, boat, and amphibious vehicle), bicycles, pedestrians, roller-bladers, trucks, etc. The function of this area as an inter-modal transportation center must be designed into every building and infrastructure element to facilitate integration and coordination of the various current and potential future modes of transportation.

2. Berthing and Upland Development

Berthing opportunities for both large and small vessels exist along Portland's Eastern Waterfront. The available water depth creates a functional transition in the scale of vessels that can be berthed, which translates to a variation in the scale of upland support facilities, the nature of use and access, and the associated intensity of use impacts.

a. Deep Water Berthing

The deepest water is available between Pier 2 and Maine State Pier and will serve the proposed marine passenger terminal facility. Development within this berthing area, and the upland adjacent to the water's edge, should promote and foster the utilization of the deep-water resource.

b. Shallow Water Berthing

The shore and submerged lands east of Pier 2 have shallower water depths, and are appropriate for smaller vessel berthing and activities oriented to small and medium sized boats. In the future, the east side of Pier 2 could be dredged to accommodate deep water berthing. Development that unreasonably limits the expansion of berthing at Pier 2 should be avoided.

3. Public Access To Water

The extent and nature of public access to the water's edge will depend upon the scale and character of the marine use on the water; but access should be provided in the most generous and integrated way that is compatible with the function of the maritime activity.

Interest in water access for active and passive purposes is widespread and should be accommodated to the maximum extent possible. Large facilities should present visitation and viewing opportunities for residents, visitors, and the traveling public as limited by security requirements. Small facilities should be developed to give visitors, island residents, and community residents access to the water's edge for boating opportunities, tie up for private boats, boating education, and fishing opportunities to maintain the connection of Portland's population with its maritime heritage.

a. Security

Security for the marine passenger terminal should be accomplished by careful, subtle, and sensitive design, the use of clever separation, and avoidance of obvious or harsh features such as chain link fencing, guard houses, or razor wire. The best security will be imperceptible to users or the general public unless trespassed.

b. Marine Passenger Terminal

The marine passenger terminal should allow for safe observation of the facility and visiting vessels when in operation and should provide for reasonable casual visitation when the facility is not engaged in active loading/offloading functions. Convenient and attractive alternative routes through or around the facility should be provided for the general public and passersby when security and safety dictate that certain areas be cordoned off from the public. Whenever and wherever reasonable, the facility should accommodate safe pier-side pedestrian access and recreational fishing opportunities.

4. Non-Automotive Travel Opportunities

The Ocean Gateway facility should be a model of multi-modal transportation. Pedestrians, bicyclists, car-free vacationers, transit users, and other non-car travelers should be provided with first quality access to the facility and accommodation for their transportation needs.



Memorandum
Department of Planning and Development
Planning Division

To: Chair Tavanian and members of the City of Portland Planning Board
From: Carrie M. Marsh, Urban Designer, City of Portland, Planning Division
Date: 04/24/08
Re: The Village at Ocean Gate; a.k.a. The Bay House

I. Introduction

The Village at Ocean Gate (a.k.a. The Bay House) will be reviewed at an upcoming Planning Board Public Hearing. This memo reviews revisions to the approved design of the project, as indicated on floor plans and elevations (04/18/08) and renderings (04/21/08). A memo was provided by project architect David White (04/23/08) which presents the proposed changes.

The approved plans for the project are included in the packet and dated June 26, 2008

II. Proposed Changes

A memo was provided by project architect David White (04/23/08) which presents the proposed changes (Attachment 5).

III. Comments

The following changes are the more obvious changes on prominent facades which may warrant further consideration by the board. If desired, the revision of these elements may be a condition for approval.

Materials

The approved metal siding has been changed to vertical Hardie board and batten. The first floor granite facing has been changed to polished concrete block.

Entrances

Building 2 along Middle Street was approved with the front door in the base of the building. The applicant has proposed to move the door to the area in between Building 1 and 2, next to the garage door. This has been presented in several scenarios by the applicant, all noted as P.10. Staff prefers the alternative which was approved, with the entrance in the base of Building 2.

However, the applicant has indicated a desire to change the retail space in Building 2, and has moved the pedestrian entrance to the parking garage. If the Planning Board accepts this change, staff recommends that the façade material for the portion of the façade that contains the pedestrian and automobile entrance be the same material (indicated as polished concrete block) as the base of Building 2.

The entrance to Building 1 along Hancock Street has been changed from the design that was originally approved. Staff prefers the approved entrance, and recommends that all of the doors in to the project remain of a scale and detailing that is readily visible in a large building mass.

Windows

The approved façade design for the Hancock Street elevation included a fenestration pattern of bays and windows that was regularly spaced and reflective of traditional buildings. The size and spacing of some windows on the Hancock Street elevation have changed, in order to accommodate fireplace vents. This has created a fenestration pattern that is more asymmetrical throughout the expanse of the façade. Also, the number and size of windows on the street level of the Hancock Street elevation have been reduced in number, and the trim has been changed.

Conditions for Approval

The location of the pedestrian entrance to Building 2 on Middle Street is a condition for approval, as well as any other items that the Planning Board would recommend.

A final set of building samples, and specifications of doors, windows and other details should be submitted prior to consideration of the amended agreement by the City Council.

A# 8

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Tuesday, July 01, 2008 11:58:01 AM
Subject: Bay House - Final Traffic Comments

Barbara -

My final traffic comments are noted below and include a status update on my June 6, 2008 comments.

1. The applicant shall provided a 1"-20' scaled drawing of the parking layout for review. There are a few parking spaces that may be difficult to maneuver into and out of and I would like to check those spaces with a vehicle turning template.

Status: A plan has been provided and I find the parking layout to be acceptable. Some parking spaces will be difficult to enter and exit, but they are located such that traffic conflicts should be minimized.

2. I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

3. I will work with City staff on suggesting specific messages for the No Parking signs.

Status: The City will be installing "No Parking" signs on the north side of Middle Street in conjunction with the Gateway Parking Garage. The applicant will be responsible for reimbursing the City for this cost (the project was to fund these signs under the prior approval) and resetting the signs as necessary during construction.

5. Recreation and Excursion Integration

Recreation and excursion access to the eastern waterfront area should be fully integrated into the buildings and infrastructure. Facilities should be oriented toward inter-modal activities and carefully executed so that they do not develop a carnival like image that could detract from the quality of life of residents.

6. Amenity Design

Design details for such features as lighting, paving, bollards, benches, pavilions, or other amenities should be carefully selected to reflect the maritime heritage and current maritime use of the area. Such features should be coordinated as much as possible between public and private improvements. The quality and durability of these amenities should be of the highest standards, and of timeless aesthetic character to withstand many years of use.

7. Lighting

Lighting at the water’s edge is highly visible and sensitive to reflective glare off the water. Lighting for all areas, including the marine passenger terminal facility and private security lighting, should be as unobtrusive as possible, and meet all City Technical Standards for intensity, glare, and spillover. Special attention should be paid to avoid navigational hazards created by excessive glare in the harbor.

8. Visual Access

Shallow water marine uses east of Pier 2 should provide visual interest to passersby. Fencing for security and safety should be coated chain link where more ornamental materials would be inappropriate for the use. Such fencing should be no higher or more extensive than needed to provide general safety or security needs.

9. View Protection

Views to the water should be preserved from critical public vantage points. Private views to the water should be respected where possible. Massing and placement of buildings should be designed to minimize impacts on water views and retain value for upland development potential.

10. Parking

Parking that is not directly marine related should not be located along the water’s edge.

AH 8

4. I believe the crosswalks should be two parallel lines. I'll confirm this with City staff.

Status: The crosswalks on the plans shall be two parallel lines per City design standards.

Additional Comments:

1. I concur with the applicants parking supply program in respect to providing 80 parking spaces on-site and leasing additional required parking spaces at the Gateway Parking garage. The applicants parking proposals results in a 1:1 residential unit to parking spaces ratio, which is consistent with other recently approved projects.

2. The applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

If you have questions or comments, please contact me.

Best regards,

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

AH 8

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com <mailto:TErrico@WilburSmith.com>

www.WilburSmith.com <http://www.wilbursmith.com/>

CC: "James Carmody" <JPC@portlandmaine.gov>, "Katherine Earley" <KAS@portlandmaine.gov>, "Michael Bobinsky" <mbobinsky@portlandmaine.gov>

AH 9

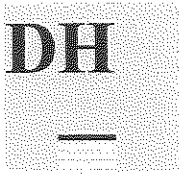
**CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division**

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 12, 2008
RE: Village at Oceangate (Bay House) project

My understanding of this project is that it was originally approved in July, 2007, with various conditions of approval, including the following requirements. The developer would have to reconstruct Middle Street across the full width of the project's frontage on Middle Street. The developer would have to pay the City the cost of milling and repaving Newbury Street across the full width of the project frontage on Newbury Street. On Hancock Street, the developer would have to pay the City the cost of milling and repaving Hancock Street across the full width of the project frontage on Hancock Street. These requirements were based on the plans submitted to the City for review prior to approval of the project by the Planning Board.

The developer submitted revised plans to the City in September 2007, which showed that the scope of the proposed utility work in the public streets around the project had expanded. According to the September plans, they are now proposing to do utility work that extends on Middle Street from Hancock Street to India Street, on Newbury Street from Hancock Street to India Street, and on Hancock Street from Middle Street to Federal Street. Based on this change in project scope, the Department of Public Services requests that the developer be required to do the following: (1) reconstruct (i. e. full depth reconstruction) Middle Street from Hancock Street to India Street; (2) pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street; and (3) pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- AA 10
- ROADWAY DESIGN
 - ENVIRONMENTAL ENGINEERING
 - TRAFFIC STUDIES AND MANAGEMENT
 - PERMITTING
 - AIRPORT ENGINEERING
 - SITE PLANNING
 - CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: June 23, 2008

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-03-08 relating to the Village at Ocean Gate project. The submission package includes revised plans and a letter containing additional information pertaining to phase one of the project. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate size indicated on Sheet 5 suggests a 4' x 6' grate which does not match the 36" square grate indicated on the detail on sheet 11.
2. The grading along the Hancock Street sidewalk and the street suggests as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location.
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 10" SD exiting the building at the Middle Street entrance.
4. Additional separation may be required between the 6" sewer and existing hydrant to be reconnected on Newbury Street. Typically a 10' separation is required between utilities.
5. The location of the grease trap may need refinement. We recommend the inspection covers be positioned as to not be in front of a doorway if possible. Further, the alignment of the grease trap's discharge pipe should be from either the end or the side typically. The discharge pipe can't exit from the corner of the structure. The location of the sampling manhole may also need to be refined to allow for the 6" underdrain to pass by it.
6. There are multiple utility crossings particularly in Middle Street. The profiles lack sufficient detail to determine if conflicts exist particularly with the proposed water and drainage pipes. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
7. The 8" water main on Middle Street appears to have a conflict with the existing electric vault on Hancock Street. Rerouting of the water main may be necessary.

8. The Water District should address the need for an 8 x8 cross at the Newbury Street and Hancock Street intersection. We also assume the District will require shut off valves for the Newbury Street services into each of the buildings.
9. The storm drain schedule should be updated to include two additional inverts into DMH-4
10. The water main profiles should include minimum cover depths to satisfy the District's requirements. The label for DMH-5 on the Middle Street Profile also needs to be updated to match the drainage schedule.
11. The Middle Street Section on sheet 13 should be modified to reflect the proper granite curb aggregate backfill requirements. The City standard requires Type A gravel around the curb and not subbase material.
12. The engineer should clarify if granular backfill is allowed below the subbase gravel section for the backfill above the foundation underdrain indicated on Detail 5 on sheet 13.

If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division

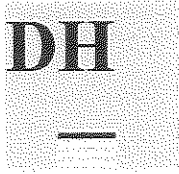
M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 27, 2008
RE: Village at Oceangate project (Newbury Street)

I reviewed the comments in the June 23, 2008 memo to you from Steve Bushey of DeLuca-Hoffman Associates. I will offer the following additional comments regarding this project and the issues that Steve Bushey brought up.

1. In Steve Bushey's first comment, he noted a discrepancy regarding tree grate sizes called for on sheet 5 and the detail on sheet 11. I think the tree grate sizes called for on sheet 5 are correct. The tree grate detail on sheet 11 should be changed so it is consistent with sheet 5.
2. Steve Bushey's second comment notes a possible grading problem on Hancock Street, where the proposed sidewalk grades and "top of curb" grades along Hancock Street (between elevations 32' and 34') could lead to 12 inches of curb reveal at one location. A 12" curb reveal would be unacceptable to the Dept. of Public Services (DPS). Our design standards require 7 inches of curb reveal, and the typical cross slope on sidewalks is 2%, sloping downhill toward the curb. I recommend that the plans be revised in light of Steve Bushey's comment and the above noted standards for curb reveal and sidewalk cross slope.
3. Steve Bushey's 5th comment states that the location of the grease trap may need refinement. I do not disagree with the comments he presents in this regard. However, my view is that the grease trap and the associated sampling manhole are private property that would be more appropriate to locate outside of the street right of way.
4. I concur with Steve Bushey's other comments.

AH 12



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

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- ENVIRONMENTAL ENGINEERING
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- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: June 30, 2008
TO: Barbara Barhydt, Portland Planning
FROM: Stephen R. Bushey, P.E.
SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-23-08 relating to the Village at Ocean Gate project. The submission package includes several revised plans. However these plan revisions did not benefit from my earlier memo of June 23, 2008, therefore each of the comments contained in my June 23, 2008 memo still seem to apply. We assume the applicant can review that memo and make the necessary design revisions. We appreciate that Mr. Farmer of the Public Works Dept. has also been able to review the comment letter and he seems to concur with our general findings. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended Phase I plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines, ~~with the condition that the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.~~

~~The Portland Planning Board voted unanimously (7-0) to table Phase II regarding the plan's conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines and thus cannot act upon the Subdivision and Site Plan.~~

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board (waives, does not waive) the Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be ~~between 18 and 22 feet~~ at the garage entrances on ~~Newbury and Middle Street~~ with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. The Planning Board waives Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

- ~~1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.~~
- ~~2. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.~~
 1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
 2. All financial contributions required as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.

3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of ~~July 5, 2007~~ June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of ~~June 28, 2007, 23~~ and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

~~7.5.~~ In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

~~8.6.~~ The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.

~~9.7.~~ All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.

~~6. The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit~~

~~9.8.~~ The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by ~~Penny Littell, Associate~~ Corporation Counsel's Office, prior to the issuance of a certificate of occupancy.

~~8. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.~~

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.

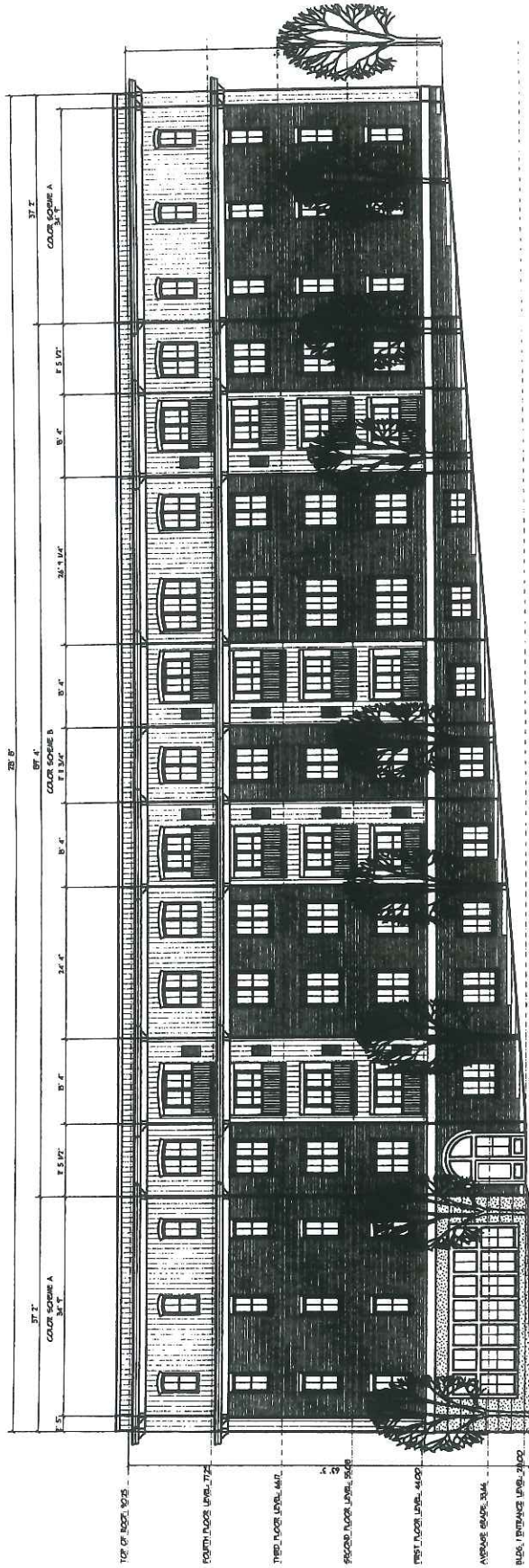
~~2. Revisions to the landscape plan should be submitted for review and approval by the City Arborist.~~

~~3.2.~~ The applicant shall submit a unified plan for signage and awnings for review and approval by ~~Carrie Marsh, Urban Designer~~ the Planning Authority prior to the issuance of

a certificate of occupancy.

4. ~~The applicant shall submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.~~
5. ~~Recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.~~
- 5.3. ~~The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.~~
7. ~~The site plan shall be revised to show awnings on Buildings #1 and #2 for review and approval by Carrie Marsh, Urban Designer.~~

18



BUILDING 1
HANCOCK STREET ELEVATION

SCALE: 1/8" = 1'-0"

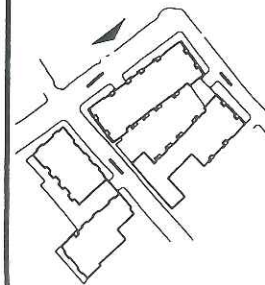


THE VILLAGE AT OCEAN GATE
WINDLE, NEWBERT AND HANCOCK STREETS
PORTLAND, MAINE

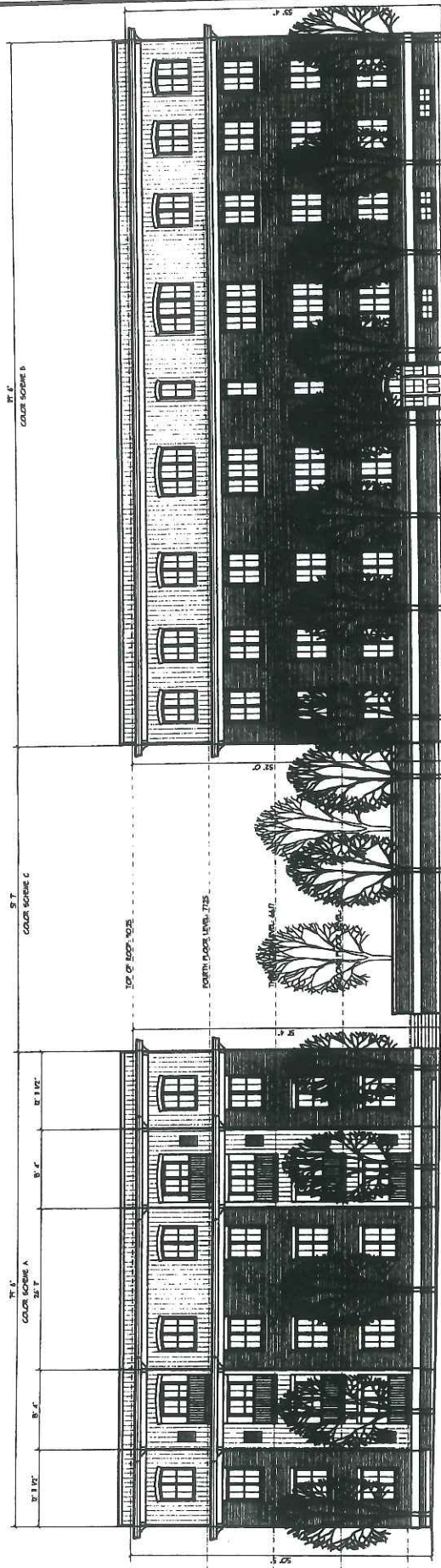
THE VILLAGE AT OCEAN GATE, LLC
GR PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
GOTTSTOWN, NEW HAMPSHIRE
JUNE 26, 2007

SHEET 4



1/2



BUILDINGS 1 & 2
NEWBURY STREET ELEVATION

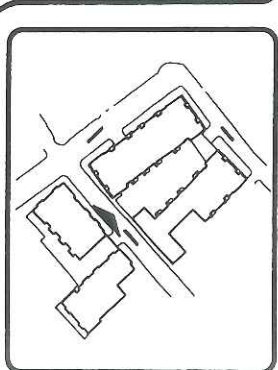
SCALE: 1/8" = 1'-0"



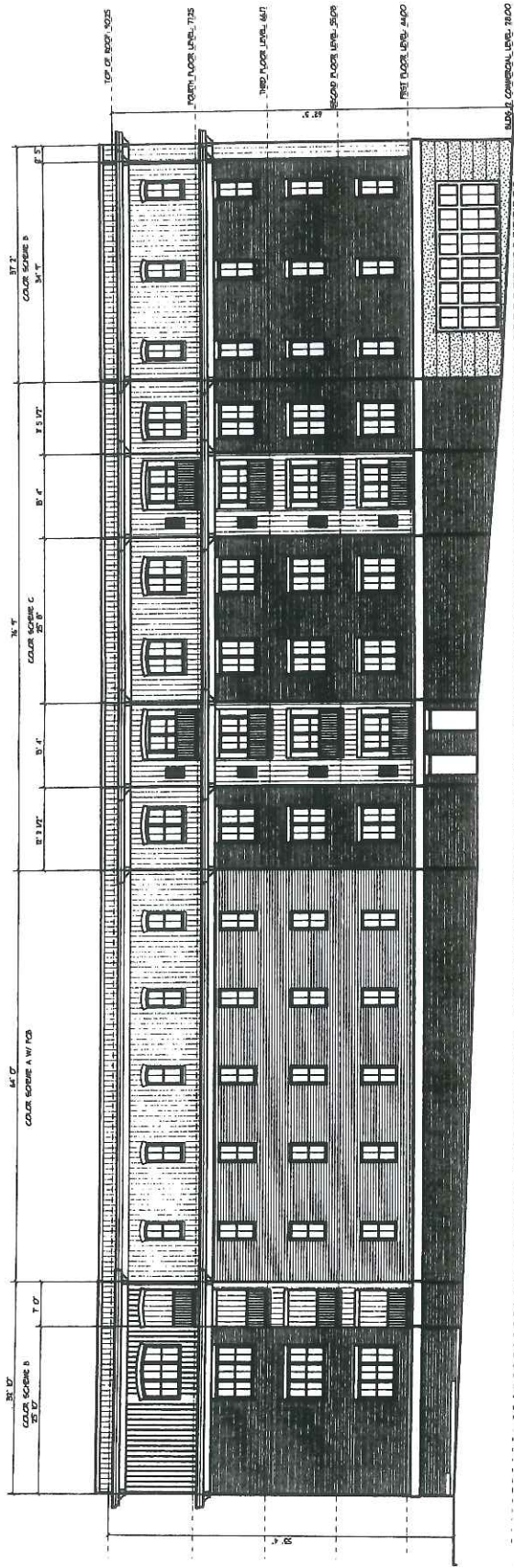
THE VILLAGE AT OCEAN GATE
RODOLFO, FERRELLI AND HANCOCK ARCHITECTS
PORTLAND, MAINE

THE VILLAGE AT OCEAN GATE, LLC
GF PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
GORTON TOWN, NEW HAMPSHIRE
JUNE 28, 2007
SHEET 5



11/18



**BUILDING 2
WEST ELEVATION**

SCALE: 1/8" = 1'-0"

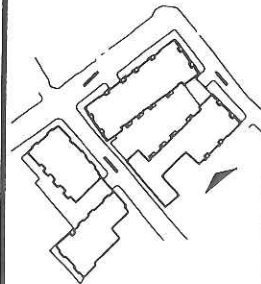


THE VILLAGE AT OCEAN GATE
10001, VERNON AVENUE AND HANCOCK STREET
PORTLAND, MAINE

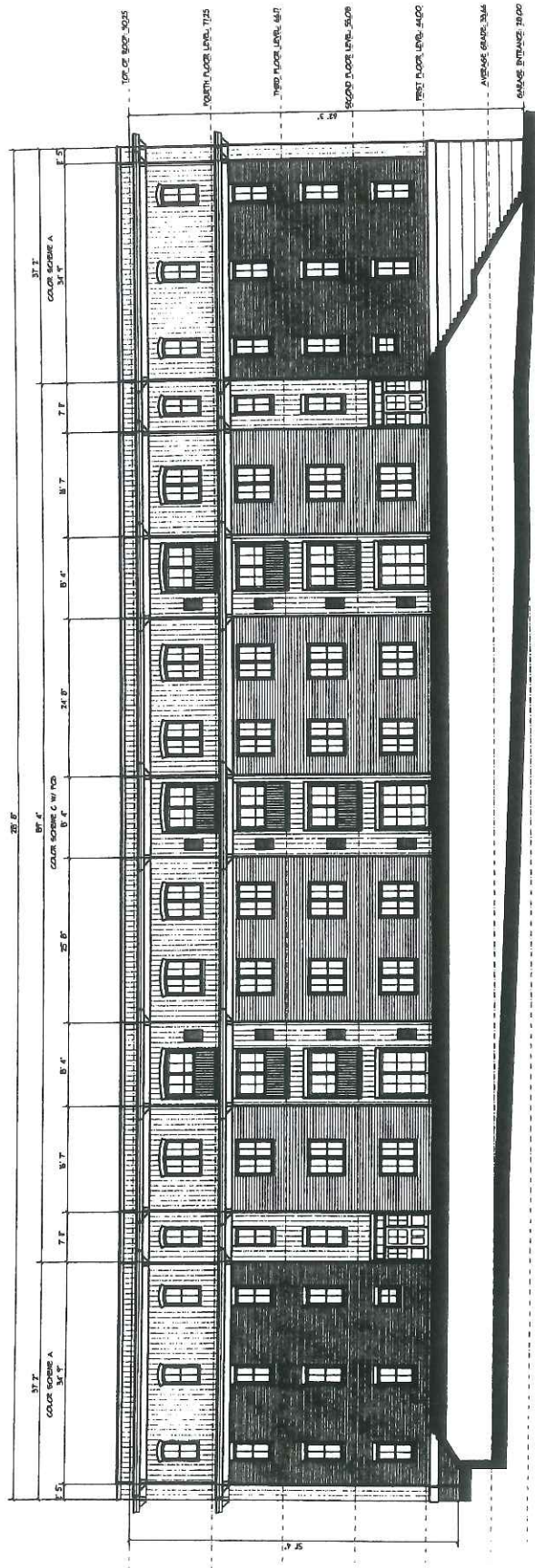
THE VILLAGE AT OCEAN GATE, LLC
GFI PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
GORTSTOWN, NEW HAMPSHIRE
JUNE 26, 2007

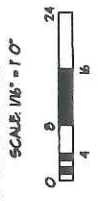
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84



BUILDING 1
WEST COURTYARD ELEVATION

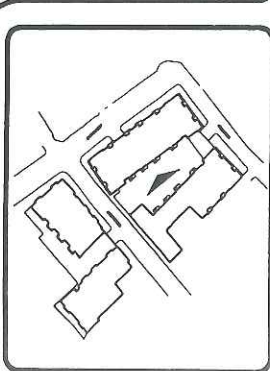


THE VILLAGE AT OCEAN GATE
 APPLE, HERRICK AND MARCOCK STREETS
 PORTLAND, MAINE

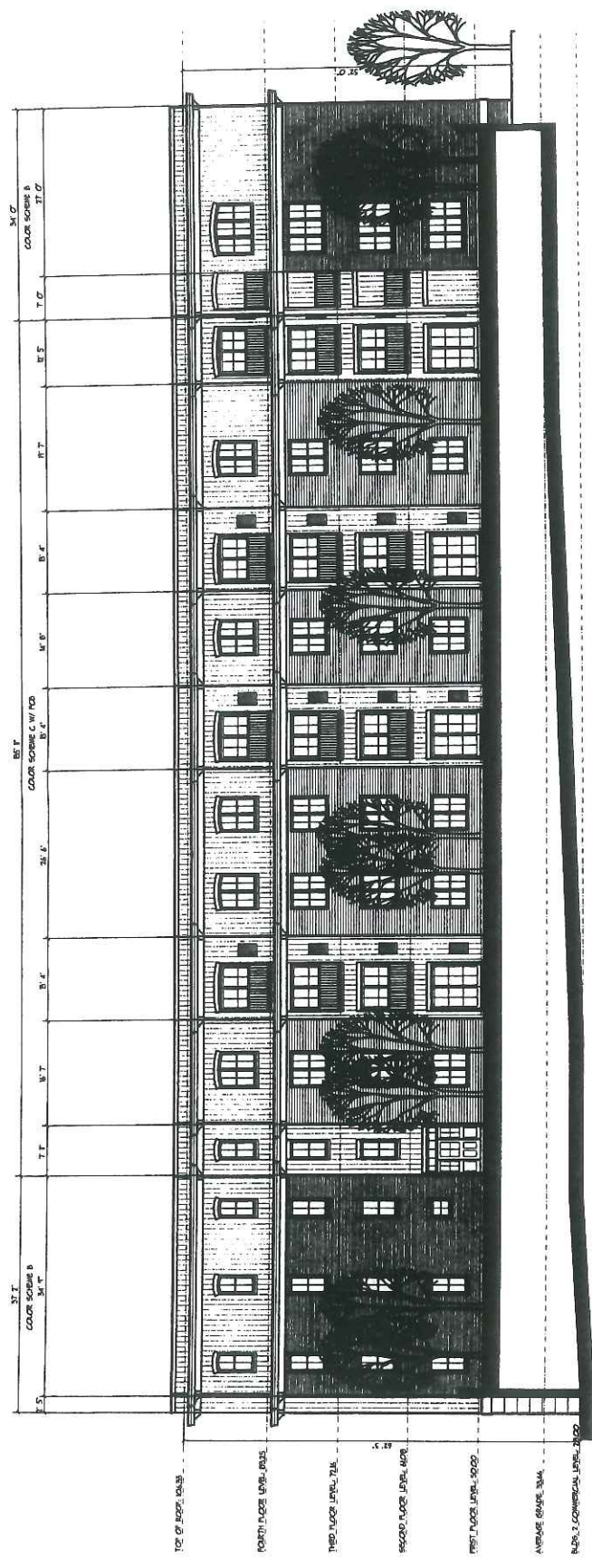
THE VILLAGE AT OCEAN GATE, LLC
 GR PARTNERS, LLC
 BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
 COTTSTON, NEW HAMPSHIRE
 JUNE 26, 2007

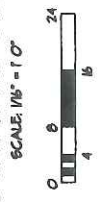
SHEET 7



HP



BUILDING 2
EAST COURTYARD ELEVATION

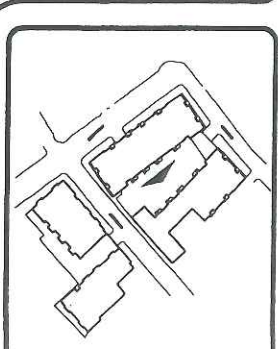


THE VILLAGE AT OCEAN GATE
 800 S. HENRIET AND HANCOCK STREETS
 PORTLAND, MAINE

THE VILLAGE AT OCEAN GATE, LLC
 GR PARTNERS, LLC
 BOSTON, MASSACHUSETTS

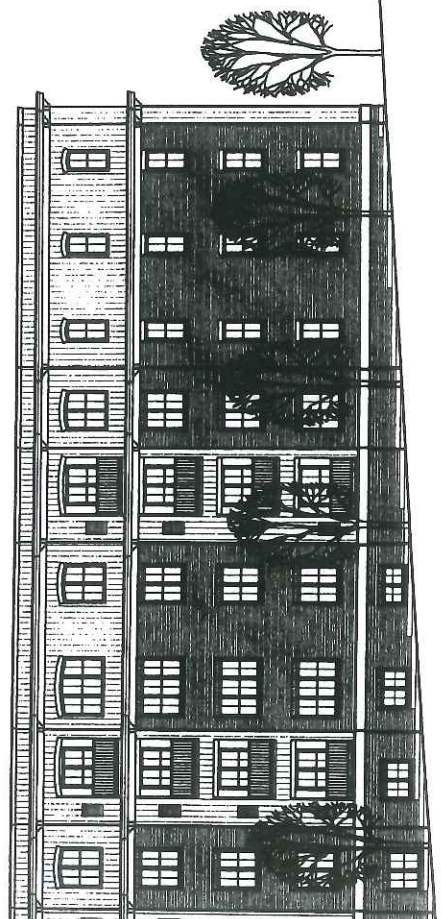
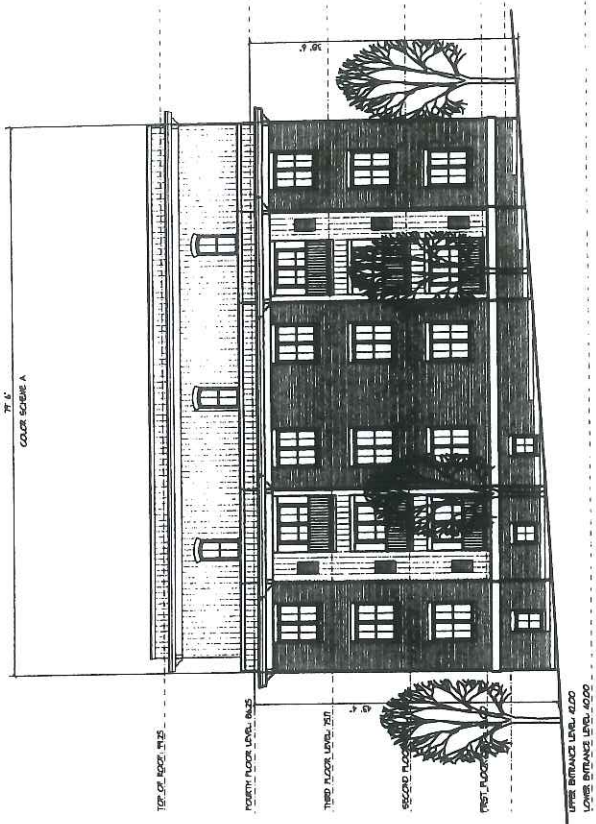
DAVID M. WHITE, ARCHITECT
 GORTSTOWN, NEW HAMPSHIRE
 JUNE 26, 2007

SHEET 0



14

7/1
COLOR SCHEME A



BUILDINGS 1 & 3
HANCOCK STREET ELEVATION

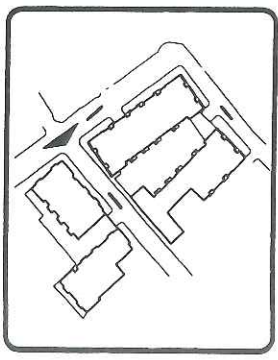


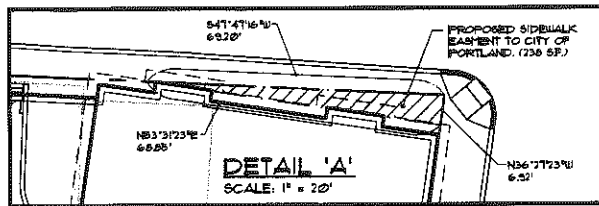
THE VILLAGE AT OCEAN GATE
800 E. HENRIETY AND HANCOCK STREETS
PORTLAND, MAINE

THE VILLAGE AT OCEAN GATE, LLC
GFI PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
GOTTSTOWN, NEW HAMPSHIRE
JUNE 24, 2007

SHEET 9

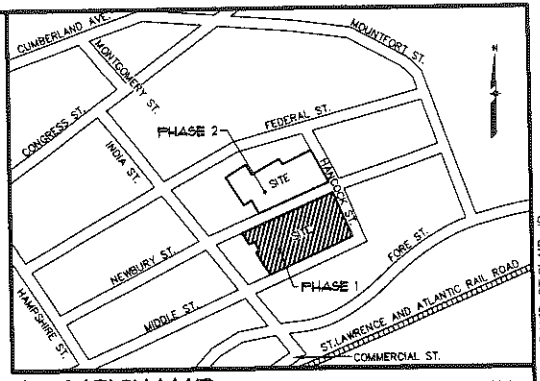




LINE	BEARING	LENGTH
L1	N45°16'36"W	16.96
L2	N46°41'05"W	20.14
L3	N45°22'41"W	20.62
L4	S41°36'06"W	16.99

LEGEND			LEGEND (CONT)		
EXISTING	DESCRIPTION	PROPOSED	EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROIL	---	---	BUILDING	---
---	ABUTTER LINE/ROIL	---	---	SIGN	---
---	EASEMENT	---	---	EDGE PAVEMENT	---
---	MONUMENT	---	---	PAVEMENT PART	---
---	IRON PIPE/ROD	---	---	GRAVEL, ROAD	---
---	DRILLHOLE	---	---	CURBLINE	---
---	CURVE/LINE NO.	---	---	DECIDUOUS TREE	---
---	BENCHMARK	---	---	CONIFEROUS TREE	---
---		---	---	GATE VALVE	---
---		---	---	HYDRANT	---
---		---	---	SEWER MH	---
---		---	---	CATCH BASIN	---
---		---	---	DRAINAGE FM	---
---		---	---	ELECTRICAL MANHOLE	---
---		---	---	TELEPHONE MANHOLE	---
---		---	---	LIGHT POLE	---
---		---	---	LIGHTED BOLLARD	---
---		---	---	UTILITY POLE	---
---		---	---	GUY	---

- ### GENERAL NOTES:
- THE RECORD OWNER OF THE PROPERTY IS THE VILLAGE AT OCEANGATE LLC AS DESCRIBED IN A DEED RECORDED AT THE GUNBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 28625 PAGE 75.
 - THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND TAX MAP 201 BLOCK E LOT 12 AND A PORTION OF LOT 11 (PHASE ONE) AND BLOCK D LOTS 13, 14, 15 AND 27 (PHASE TWO).
 - BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND ALTA SURVEY TITLED ALTA SURVEY OF THE VILLAGE AT OCEANGATE LLC FOR ACQUISITIONS I LLC BY SEBAGO TECHINCS, INC. PERFORMED DATED JULY 12, 2005 REVISED THROUGH APRIL 14, 2006.
 - THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH HAD 1983 HANS WEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NAVD 1983 VERTICAL DATUM.
 - TOTAL AREA OF PARCEL IS APPROXIMATELY 185 AC. (PHASE ONE) 15 AC/ PHASE TWO) 70 AC.
 - ZONING DISTRICT: CONDITIONAL REZONING B-55 URBAN COMMERCIAL MIXED USE ZONE.
 - THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT APPROVED BY THE PORTLAND CITY COUNCIL AND RECORDED IN BOOK 28146 AT PAGE 281. SUCH AGREEMENT CHANGES THE UNDERLYING B-70 COMMUNITY BUSINESS ZONE TO B-55 URBAN COMMERCIAL MIXED USE ZONE AND AMENDS THE ZONE WITH THE REQUIREMENTS AS FOLLOWS:
 - PERMITTED USES: THOSE USES ALLOWED IN THE B-55 ZONING DISTRICT. THE PROJECT SHALL INCLUDE NOT LESS THAN 5,000 SQUARE FEET OF COMMERCIAL RETAIL SPACE ON THE GROUND LEVEL ALONG MIDDLE STREET AND AT THE CORNER OF HANCOCK AND MIDDLE STREETS AS DEPICTED ON THE PLANS UNLESS DURING THE PLAN REVIEW THE PLANNING BOARD APPROVES A MAXIMUM AREA OF 5,000 SQUARE FEET OF COMMERCIAL/RETAIL SPACE.
 - IMAGES: PHASE I SHALL CONSIST OF AT MINIMUM BUILDINGS 1 AND 2, WHILE PHASE II SHALL CONSIST OF ONE OR MORE BUILDINGS IN ACCORDANCE WITH SECTION 14-58(B).
 - PHASE I IS DESIGNED TO STAND ALONE IN THE EVENT PHASE II IS NOT BUILT. PERFORMANCE GUARANTEES SHALL BE POSTED SEPARATELY FOR EACH PHASE FOR PURPOSES OF THE TIME PERIODS SET FORTH IN THIS PARAGRAPH 6 AND IN SECTION 14-58(B) OF THE PORTLAND CITY CODE. COMMENCEMENT OF CONSTRUCTION ON PHASE I SHALL BE DEEMED TO CONSTITUTE COMMENCEMENT OF CONSTRUCTION ON PHASE II, PROVIDED THAT ACTUAL CONSTRUCTION ON PHASE II IS COMPLETED NO LATER THAN 3 YEARS AFTER THE COMMENCEMENT OF CONSTRUCTION ON PHASE I. A SEPARATE PERFORMANCE GUARANTEE FOR THE COST OF INSTALLING THE SIDEWALKS AND CURBS AND ANY OTHER PUBLIC IMPROVEMENTS FOR PHASE II MUST BE POSTED WITH THE CITY PRIOR TO THE REVISION OF THE RECORDING PLAN FOR PHASE II.
 - MODIFICATIONS TO B-55 REGULATIONS: THE SITE SHALL BE GOVERNED BY THE REGULATIONS APPLICABLE TO THE B-55 ZONING DISTRICT AS FOLLOWS:
 - THE MAXIMUM RESIDENTIAL DENSITY ON THE SITE SHALL BE 76 DWELLING UNITS.
 - THE MAXIMUM FRONT YARD SETBACK SHALL BE TEN (10) FEET, EXCEPT THAT A FRONT SETBACK OF NO GREATER THAN SIXTEEN (16) FEET SHALL BE ALLOWED FOR THE PARKING GARAGE ENTRANCE AND ASSOCIATED FACADE AS DEPICTED ON THE PLANS.
 - THE MAXIMUM HEIGHT FOR THE STRUCTURES SHALL BE:
 - BUILDINGS 1 AND 2: THE MAXIMUM HEIGHT OF EACH BUILDING IN PHASE I SHALL NOT EXCEED 14 FEET FROM AVERAGE GRADE, AS MEASURED AND APPROVED BY THE ZONING ADMINISTRATOR.
 - BUILDING 3 IN PHASE TWO: THE MAXIMUM HEIGHT IN PHASE II SHALL NOT EXCEED 65 FEET FROM THE EXISTING NEWBURY STREET GRADE.
 - THE MAXIMUM HEIGHT FOR THE STRUCTURES ALONG MIDDLE AND HANCOCK STREETS AND STOREFRONT ALONG MIDDLE AND HANCOCK STREETS SHALL BE AS SHOWN ON THE PLANS.
 - AN UNDERGROUND ELECTRICAL VAULT SHALL BE INSTALLED WITHIN THE RIGHT OF WAY OR OVERGROUND OVER THE STREET RIGHTS OF WAY IN VARIOUS LOCATIONS AS SHOWN ON THE PLANS.
 - PHASE II OF THE PROJECT, CONSISTING OF ONE OR MORE BUILDINGS ALONG NEWBURY AND HANCOCK STREETS SHALL BE SUBJECT TO THE FOLLOWING REQUIREMENTS:
 - A MAXIMUM OF SIXTY-SIX (66) RESIDENTIAL UNITS SHALL BE PROVIDED AND A MINIMUM SETBACK OF TWENTY-FIVE (25) FEET FROM THE MOST WESTERLY REAR PROPERTY LINE SHALL BE MAINTAINED FOR EACH UNIT, PROVIDED AS ILLUSTRATED IN THE CONDITIONAL REZONING AGREEMENT.



- ### GENERAL NOTES:
- LANDSCAPING SHALL MEET THE "ARBORE/CULTURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
 - CONTRACTOR SHALL INSTALL NEW GRANITE MONUMENTS PER CITY OF PORTLAND STANDARDS. CONTRACTOR SHALL RETAIN A LICENSED SURVEYOR TO STAKE MONUMENT LOCATIONS AND VERIFY LOCATIONS OF INSTALLATION.
 - THE PLANNING BOARD GRANTED A WAIVER FROM TECHNICAL STANDARD 11.2A (B) WHICH REQUIRES A 24 FOOT WIDE DRIVEWAY TO BE REDUCED TO 18 AND 22 FEET AT THE GARAGE ENTRANCES ON NEWBURY AND MIDDLE STREETS.

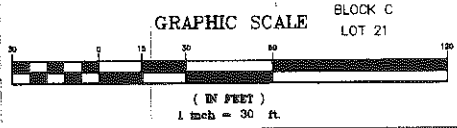
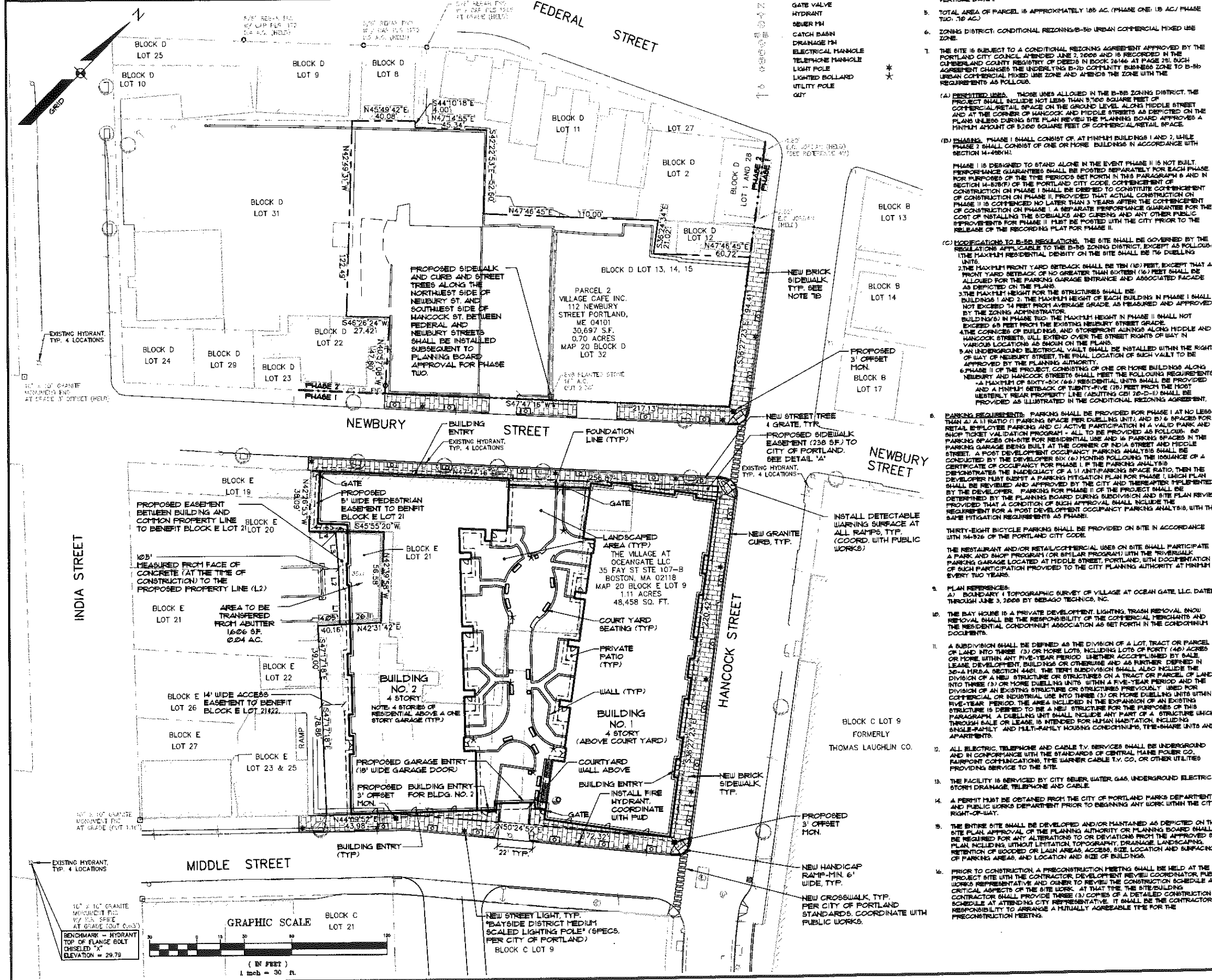
- ### CONDITIONS OF APPROVAL
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN THOMAS ERICSON, P.E. TRAFFIC CONSULTING ENGINEERS REVIEW DATED AND 24-0071 SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN STEVE BUNNET, P.E. CONSULTING ENGINEERS MEMORANDUM OF JULY 5, 2007 SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN MICHAEL PARKER, PROJECT ENGINEER'S MEMORANDUM OF JUNE 28, 2007 SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - IN LIEU OF THE APPLICANT RECLAIMING AND REPAIRING A PORTION OF HANCOCK STREET, THE DEPARTMENT OF PUBLIC WORKS REQUESTS THAT THE APPLICANT PAY THE COST OF RECLAIMING AND REPAIRING HANCOCK STREET TO THE CITY, SO THAT THE CITY CAN USE THESE FUNDS TO COVER PART OF THE COST OF REHABILITATING HANCOCK STREET AT A FUTURE DATE. THE ESTIMATED COST OF RECLAIMING AND REPAIRING THE STREET MUST BE REVIEWED AND APPROVED BY PUBLIC WORKS.
 - THE RESTAURANT AND/OR RETAIL/COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE "TRIVIALITY" PARKING GARAGE LOCATED AT MIDDLE STREET AND THAT DOCUMENTATION OF SUCH PARTICIPATION WILL BE PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO YEARS.
 - ALL FINANCIAL CONTRIBUTIONS REQUIRED AS PART OF THE CONDITIONAL REZONING SHALL BE SUBMITTED TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - THE DESIGN DETAILS FOR THE BIKE RACKS SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - THE PROPOSED CONDOMINIUM DOCUMENTS SHALL BE SUBMITTED FOR REVIEW BY PENNY LITTELL, ASSOCIATE CORPORATION COUNSEL OFFICE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 - THAT THE APPLICANT SUBMIT REVISED PLANS MEETING THE REQUIREMENTS OF URBAN DESIGNER GARRIE HANSH IN HER 06-0701 MEMO AS THE CONDITIONS APPLY TO PHASE I.

- ### WAIVERS
- PURSUANT TO SECTION 14-506 TO THE PORTLAND CODE, THE PLANNING BOARD ALLOWS THE FOLLOWING VARIATION FROM THE SUBDIVISION APPROVAL STANDARD FOUND IN SECTION 14-509 OF THE PORTLAND CODE: THE PLANNING BOARD ACKNOWLEDGES THE APPLICANT'S CONTRIBUTION TO THE CONSTRUCTION OF HANCOCK STREET AND THE ADDITIONAL COSTS FOR TREE BELLS AND TREE GUARDS, SO BASED UPON THE RECOMMENDATION OF THE CITY ARBORIST, THE PLANNING BOARD WAIVES THE FINANCIAL CONTRIBUTION TO THE STREET FUND TO ONE HALF THE AMOUNT DUE AS DETERMINED BY THE CITY ARBORIST.

- ### CONDOMINIUM UNITS
- BUILDING NO. 1: 40 UNITS
 - BUILDING NO. 2: 45 UNITS
 - PHASE ONE TOTAL: 85 UNITS

STATE OF MAINE
 COUNTY SS REGISTRY OF DEEDS
 RECEIVED _____ 20____
 AT _____ M _____ AND RECORDED IN
 PLAN BOOK _____ PAGE _____
 ATTEST _____ REGISTRAR

APPROVAL:
 CITY OF PORTLAND
 PLANNING BOARD
 _____ DATE _____
 _____ CHAIRPERSON



REV.	DATE	BY	DESCRIPTION
6/23/08	6/23/08	CD	REV. PER STAFF COMMENTS/ISSUED TO CLIENT FOR P.B. SUBMITTAL
6/3/08	6/3/08	CD	ISSUED TO CLIENT FOR P.B. SUBMITTAL
5-26-08	5-26-08	CD	REVISED PER CLIENT'S COMMENTS/SUBM. TO CLIENT FOR P.B.
4-17-08	4-17-08	CD	REVISED PER CLIENT'S COMMENTS
4-8-08	4-8-08	CD	SUBMIT TO CITY FOR ZONING AMENDMENT REVIEW

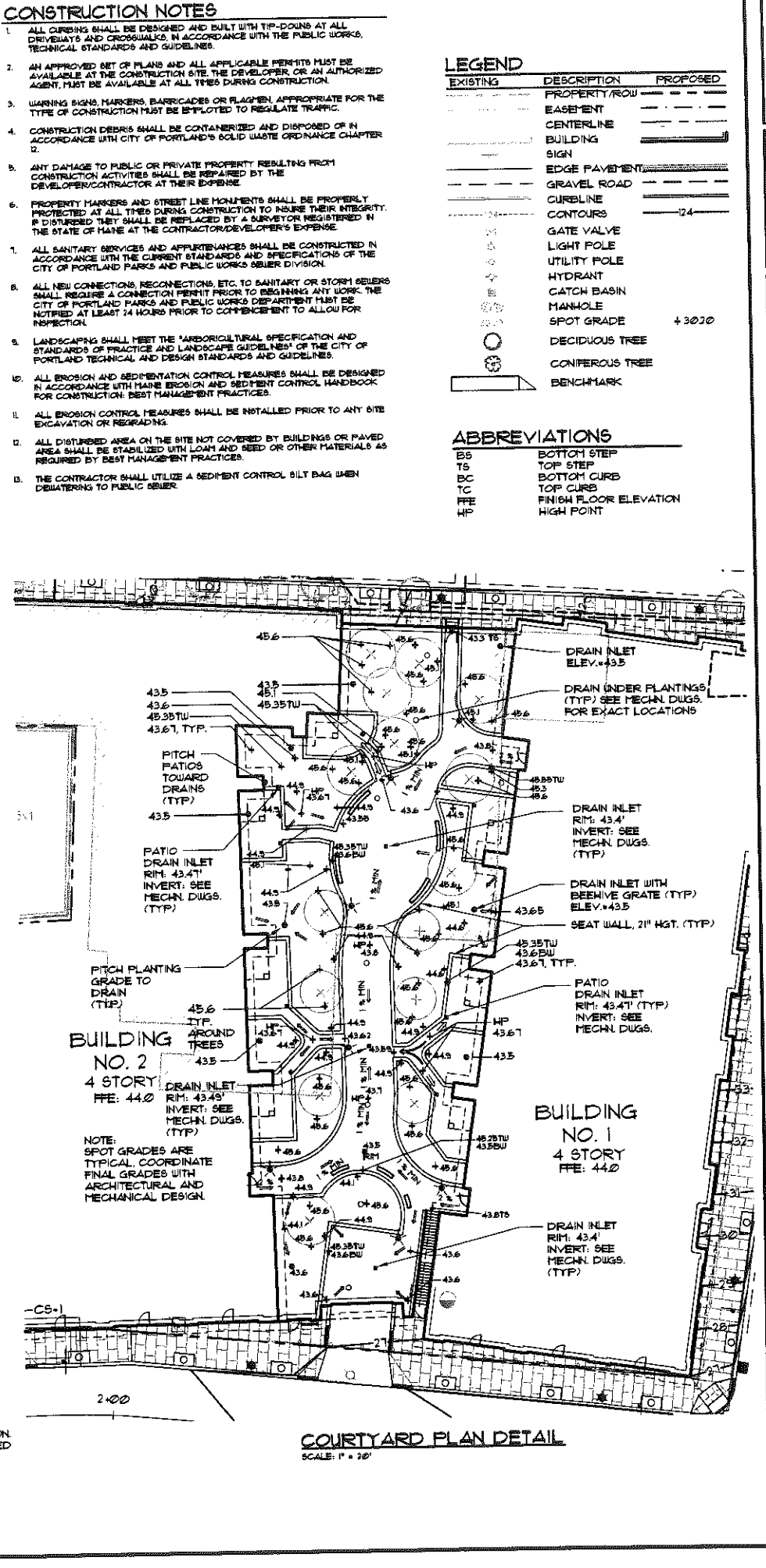
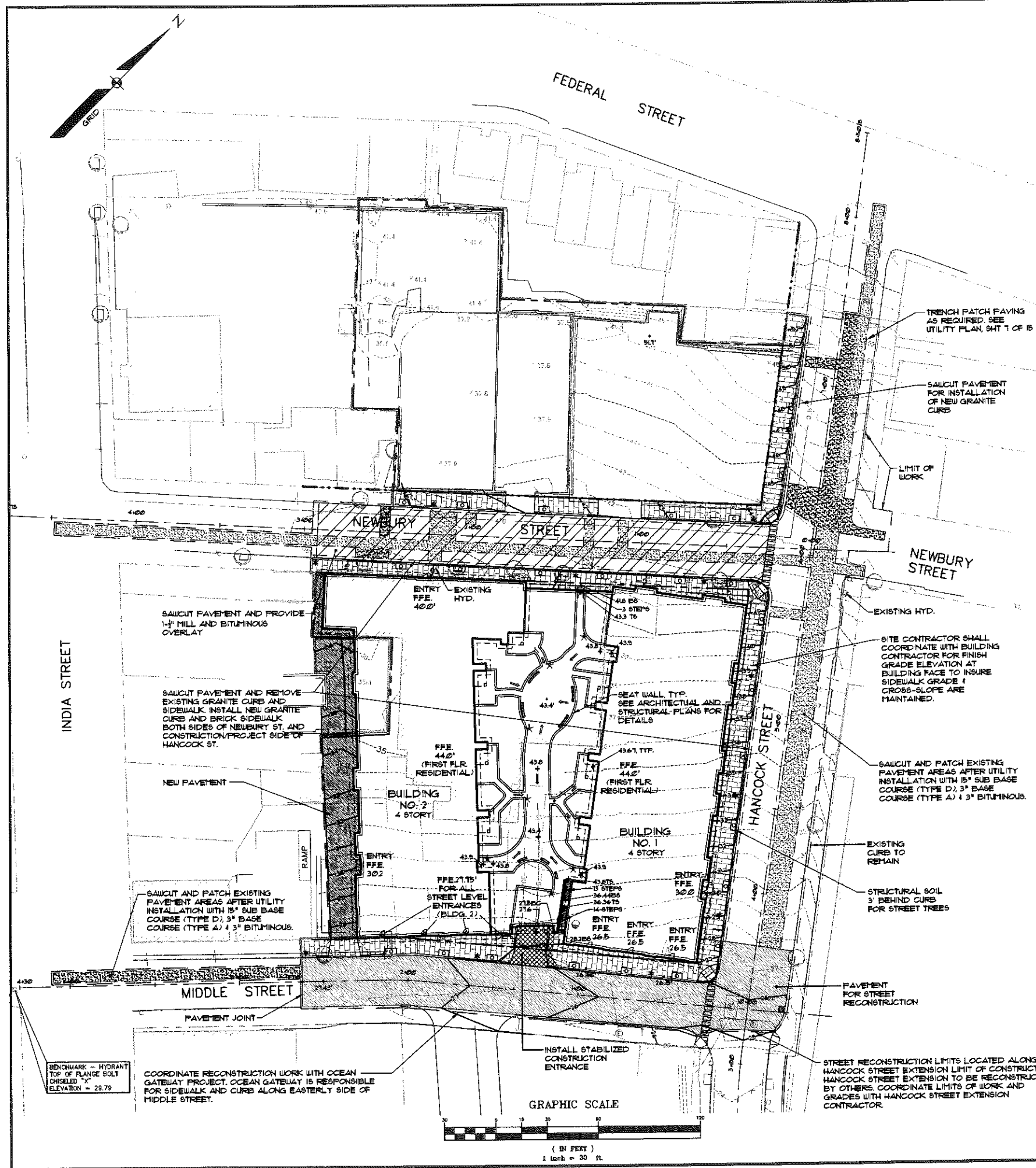
THIS PLAN SHALL NOT BE USED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHINCS, INC. ANY ALTERATIONS, REVISIONS, OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHINCS, INC.

PROJECT NO. FIELD BOOK DESIGN CHKO DRAWN
 05109 CD SAG

AMENDED SUBDIVISION PLAT
 OF:
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR RECORD OWNER:
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE SCALE
 8/3/05 1"=30'

SHEET 4 OF 15



ISSUED TO CLIENT FOR AMENITIES, SUBMISSION/SITE PLAN

REVISED PER STAFF COMMENTS AND SUBMITTED TO CITY

REVISED NEWBURY ST. PAVING

REVISED AND SUBMITTED TO CITY FOR FINAL PLANS

PROGRESS PRINT FOR JSN/DAVID WHITE

STATUS:

DATE:

BY:

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

Sebago Technics
Engineering Excellence You Can Build On
One Oyster Street
Westbrook, Me. 04095-1339
Tel (207) 856-0277

PROJECT NO. FIELD BOOK DESIGN CHKO DRAWN

CD

SAB

05109

GRADING PLAN

OF:

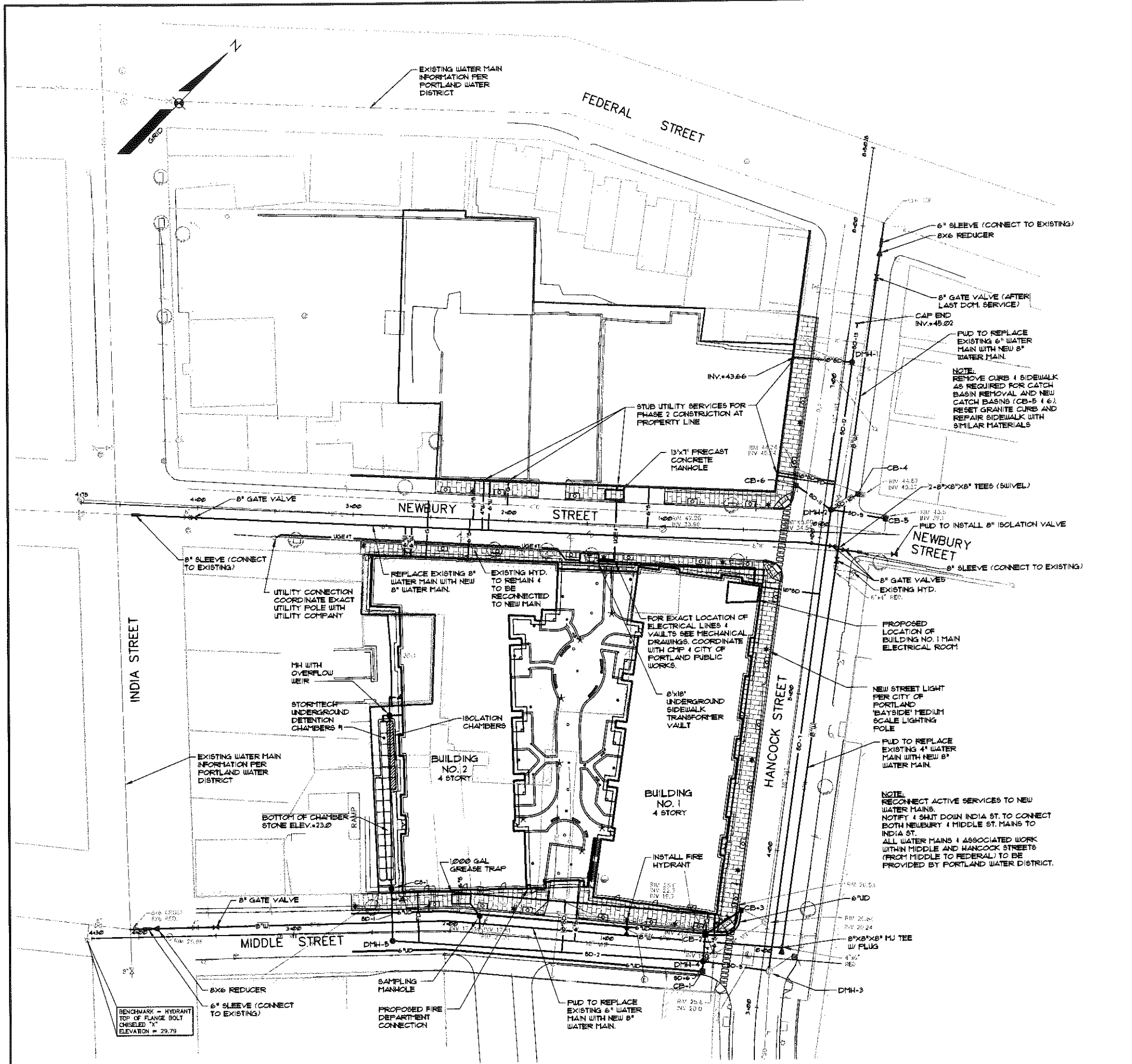
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE

FOR:

THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE: 8/3/05 **SCALE:** AS NOTED

SHEET 6 OF 15



LEGEND

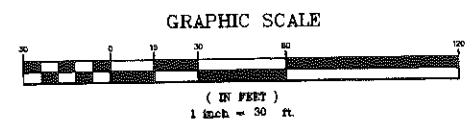
EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVERHEAD ELEC. + TEL.	---
---	UNDERGROUND ELEC. + TEL.	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---

STORM DRAIN STRUCTURE SCHEDULE

STRUCTURE	RIM	INV. IN	INV. OUT
CB-1	25.20	22.0 (6"UD)	21.34
CB-2	25.10	21.52 (SD-4) 22.0 (6"UD)	21.42
CB-3	26.2	22.24 (6"UD)	21.74
CB-4	44.00	--	39.53
CB-5	43.5	--	39.6
CB-6	43.80	--	39.67
DMH-1	51.0	43.27	43.7
DMH-2	43.33	39.45 (SD-9) 39.45 (SD-10) 39.45 (SD-11) 39.30 (SD-12)	38.80
DMH-3	25.8	20.01 (10") 19.53 (15") 19.11 (18")	19.01 (EXIST.)
DMH-4	25.8	21.31	21.21
DMH-5	27.4	22.35	22.29
CS-1	27.8	23.0	22.7
CS-2	51.0	44.50	44.30

STORM DRAIN PIPE SCHEDULE

PIPE	DIA	LENGTH	SLOPE
SD-1	12"	28'	0.011
SD-2	12"	196'	0.005
SD-3	10"	22'	0.01
SD-4	10"	12'	0.01
SD-5	15"	40'	0.04
SD-6	10"	4'	0.01
SD-7	18"	288'	0.0684
SD-8	10"	20'	0.005
SD-9	10"	30'	0.005
SD-10	10"	16'	0.005
SD-11	10"	22'	0.01
SD-12	12"	90'	0.043
SD-13	12"	25'	0.01



REV.	BY	DATE	STATUS
H	CD	6/3/08	ISSUED TO CLIENT FOR AMENDED SUBMISSION/SITE PLAN
G	CD	11/7/07	REVISED & SUBMITTED TO CITY
F	CD	9/4/07	REVISED & SUBMITTED TO CITY FOR PUBLIC HEARING

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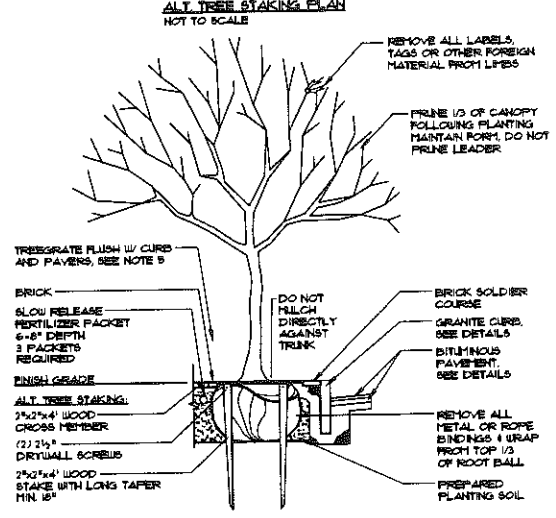
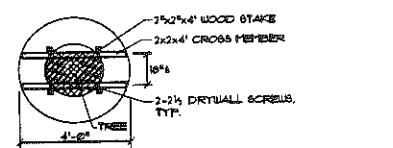
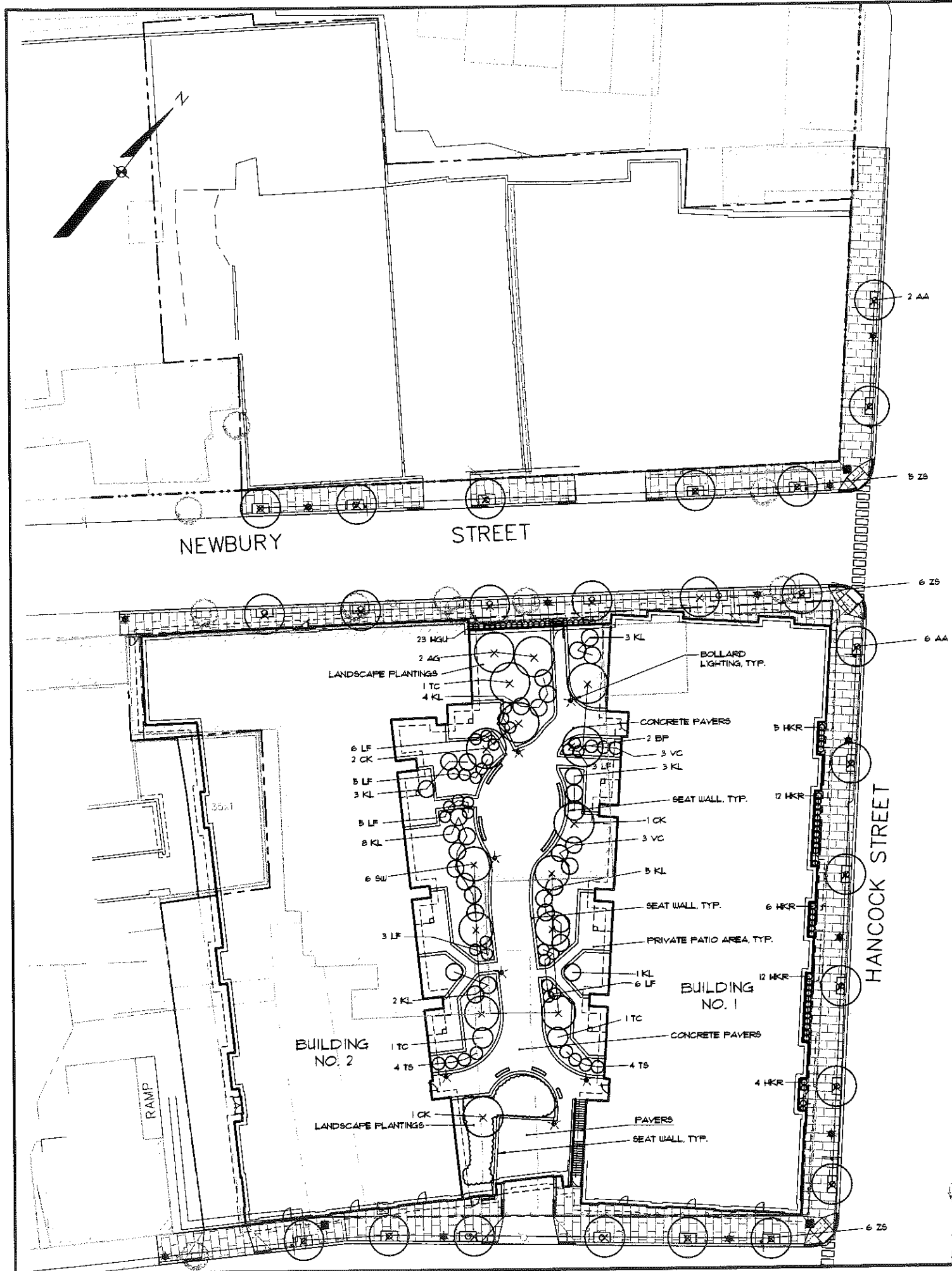
Sebago Technics
 Engineering Experts You Can Build On
 One Grant Street
 Westbrook, ME 04091-1339
 Tel: (207) 656-0277

PROJECT NO. FIELD BOOK DESIGN CHKC DRAWN
 05109 - - - - - CD - - - - - SAB

UTILITY PLAN
 OF
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR:
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

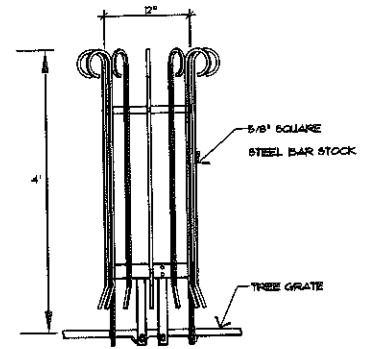
DATE: 8/3/05 SCALE: 1"=30'

SHEET 7 OF 15



- NOTES:**
 INSTALL STAKES AND GUTS TO TREES IF THE FOLLOWING APPLY:
 1. THE TREE IS OF SUBSTANTIAL SIZE.
 2. THE PLANTING LOCATION IS EXTREMELY WINDY, AS ON OPEN UNDEVELOPED SITES.
 3. THE PLANTING LOCATION IS COMPOSED OF SAND OR OTHER LOOSE TEXTURED SOILS.
 4. IF STAKES AND GUTS ARE REQUIRED, REMOVE AFTER ONE YEAR.
 5. TREE GRATE AND FRAME SHALL BE CAST-IRON NEEBANA FOUNDRY BOULEVARD COLLECTION R-8811-(48\"/>

STREET TREE 3\"/>



MATERIAL: ALL HOT ROLLED MILD STEEL
FINISH: PAINTED WITH ONE COAT LO-LUSTRE BLACK ENAMEL
 Neenah Foundry Co. (neenah.com), Item: Type A, L4, 12\"/>

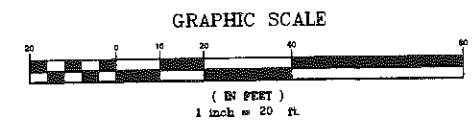
TYPICAL TREE GUARD
 NOT TO SCALE

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE
AA	ACER X FREEMANI 'ARMSTRONG'	ARMSTRONG RED MAPLE	2 1/2\"/>
AG	AMELANCHIER GRAND FLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SERVICEBERRY	8\"/>
BP	BETULA PAYERI 'RENAISSANCE REFLECTION'	PAPER WHITE BIRCH	10\"/>
CK	CORNUS KOUSA 'CHINENSIS'	CHINESE DOGWOOD	2 1/2\"/>
HGU	HOSTA 'GUACAMOLE'	GUACAMOLE HOSTA	NO. 1 CONT.
HKR	HOSTA 'KROSSA REGAL'	KROSSA REGAL HOSTA	NO. 1 CONT.
KL	KALMIA LATIFOLIA 'SNOWDRIFT'	SNOWDRIFT MOUNTAIN LAUREL	24\"/>
LF	LEUCOTHOE FONTANESIANA 'COMPACTA'	JAPANESE TREE LILAC	18\"/>
SR	SYRINGA RETICULATA	IVORY PILLAR TREE LILAC	2\"/>
SU	SYRINGA RETICULATA 'WILLABELLE'	UPRIGHT JAPANESE YEW	7\"/>
TS	TAXUS CUSPIDATA 'CAPitata'	SPREADING JAPANESE YEW	2\"/>
VC	VIBURNUM CARLESI	CARLESI VIBURNUM	24\"/>
ZS	ZELKOVA SERRATA	GREEN VALE ZELKOVA	2\"/>

LANDSCAPE NOTES

- PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF "U.S.A. STANDARD FOR NURSERY STOCK" BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
- ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUTTING, WRAPPING, SPRAYING, FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
- PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING WALKS, CURBING, ETC. DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
- ALL PLANTING BEDS SHALL BE MULCHED WITH 3\"/>

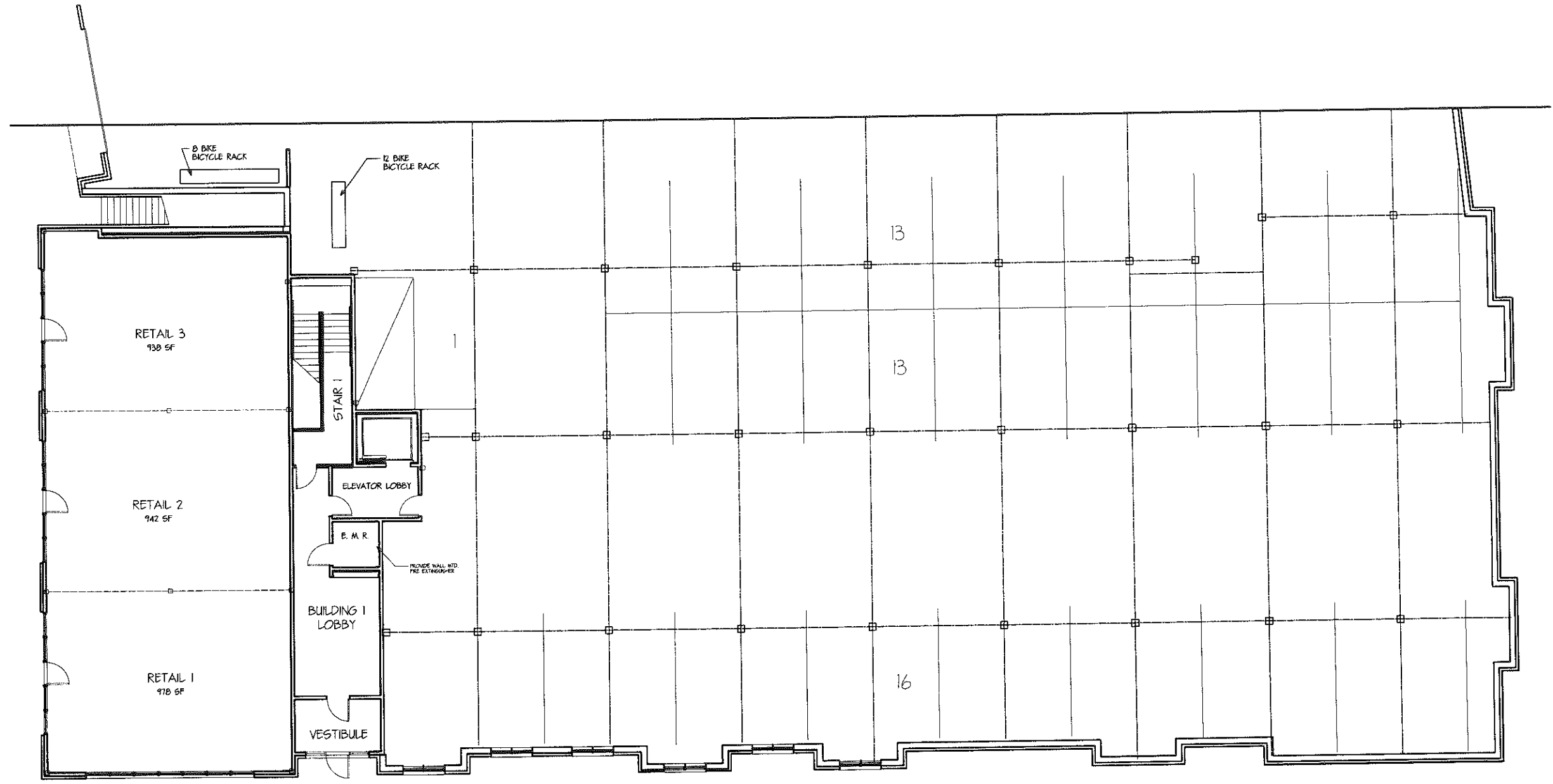


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 Tel: (207) 856-0277

PROJECT NO. FIELD BOOK DESIGN CHKO DRAWN SAG
 05109 - - - - - CD - - - - -

LANDSCAPE AND LIGHTING PLAN
 OF: **THE BAY HOUSE**
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR: **THE VILLAGE AT OCEAN GATE, LLC**
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE: 8/3/05 SCALE: 1"=20'
 SHEET 8 OF 15



PARTIAL GARAGE LEVEL PLAN
 PHASE I, BUILDING I
 SCALE: 1/8" = 1' 0"

DAVID M. WHITE, ARCHITECT
 403 Tibbets Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02119

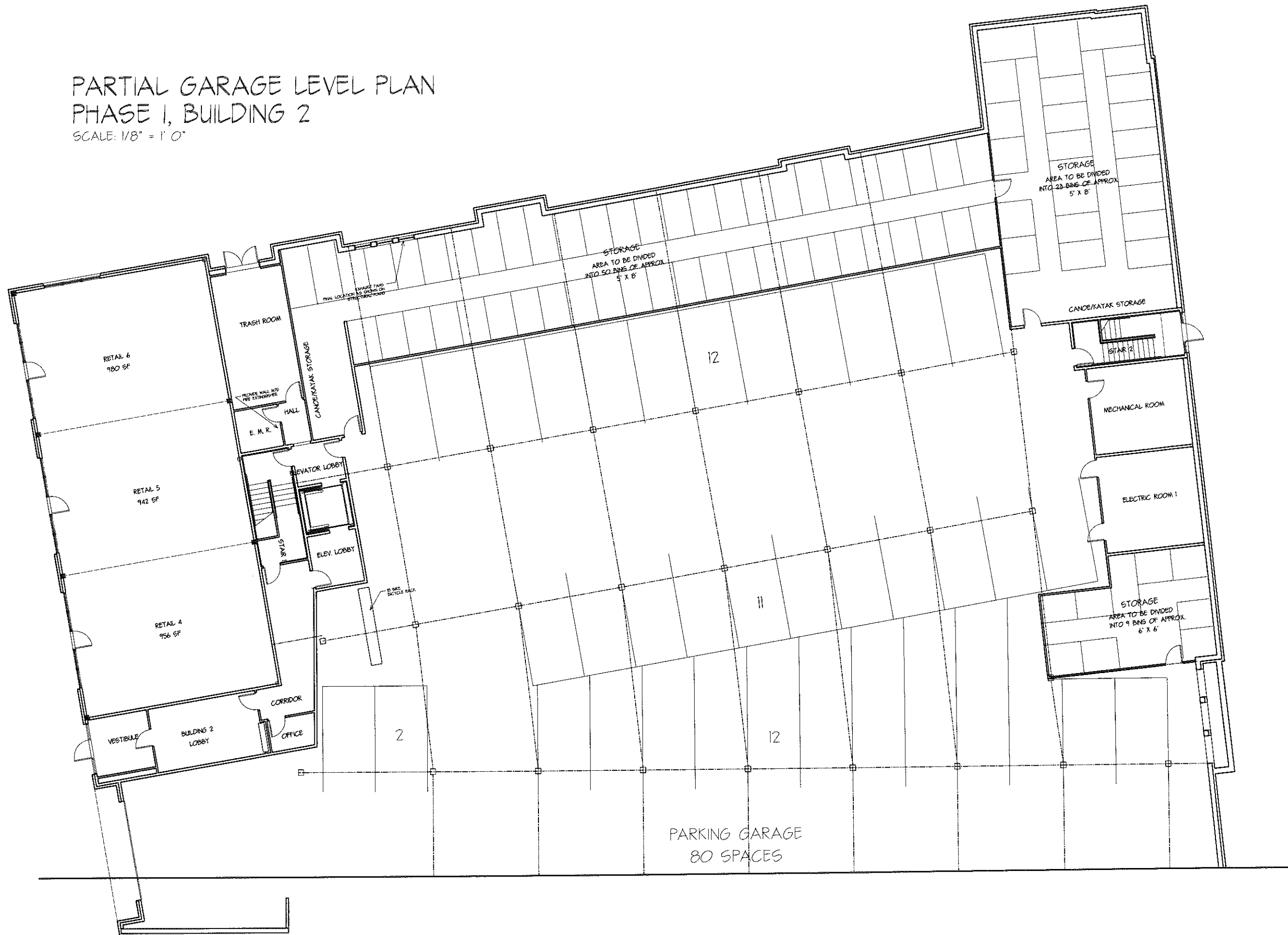
THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Phase I/Building I
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

DRG. NO.
 B-1

PARTIAL GARAGE LEVEL PLAN
 PHASE I, BUILDING 2
 SCALE: 1/8" = 1' 0"



DAVID M. WHITE, ARCHITECT
 403 Tibbets Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

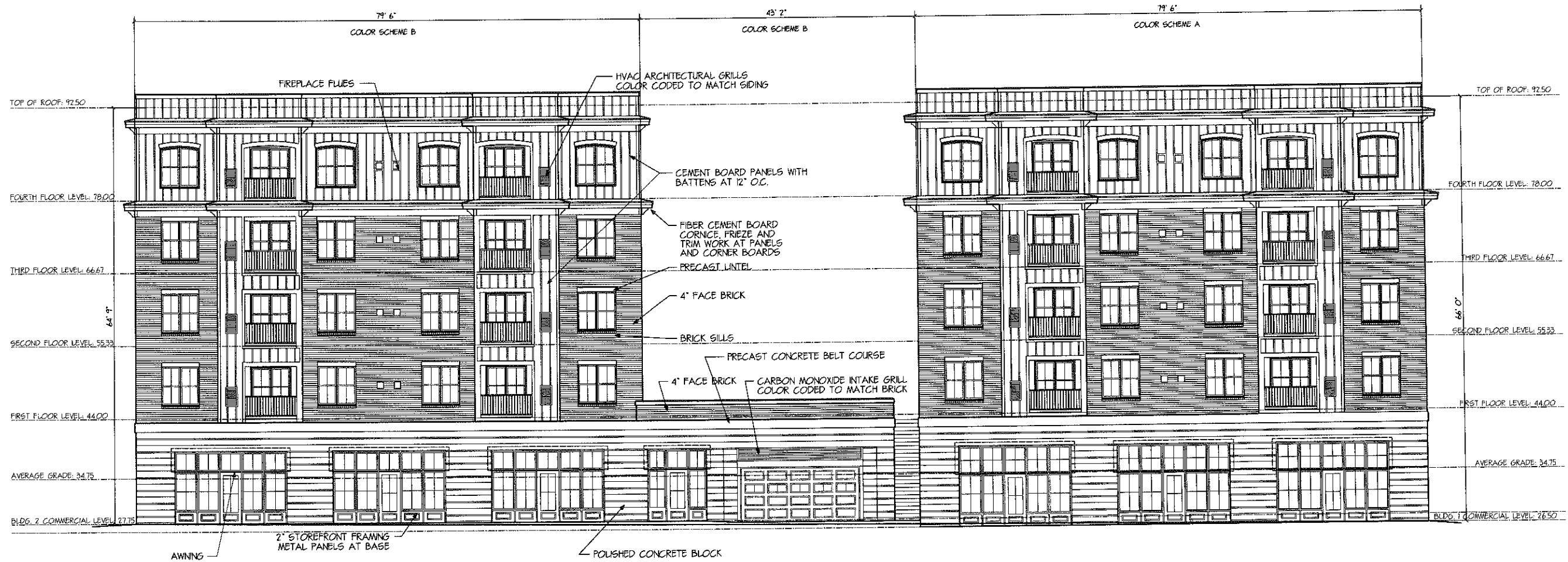
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Foy Street Suite 5-2
 Boston, MA 02119

THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Phase I/Building 2
 Scale: 1/8" = 1' 0"
 Commission No. 06-008
 Date: June 23, 2008

REVISIONS:

DRG. NO.
 B2-1



BUILDINGS 1 & 2
MIDDLE STREET ELEVATION
SCALE: 1/16" = 1' 0"

NOTES:
LOCATION OF TOILET AND LAUNDRY EXHAUST VENTS TO BE FIELD COORDINATED TO LINE UP VERTICALLY. ALL EXTERIOR APPURTANCES SUCH AS EXHAUST HOODS, HVAC GRILLES AND FIREPLACE FLUES TO BE EITHER FACTORY FINISHED OR FIELD FINISHED TO COORDINATE WITH THE COLOR OF THE MATERIAL IN WHICH THEY ARE TO BE INSTALLED.

DAVID M. WHITE, ARCHITECT
403 Tbbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

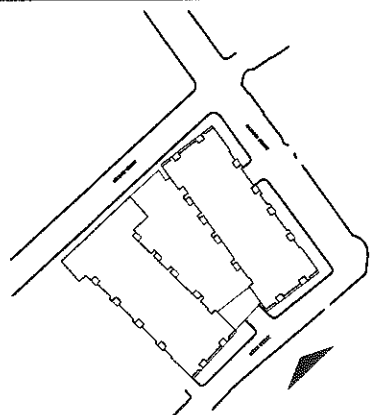
THE BAY HOUSE
Middle Street
Portland, Maine

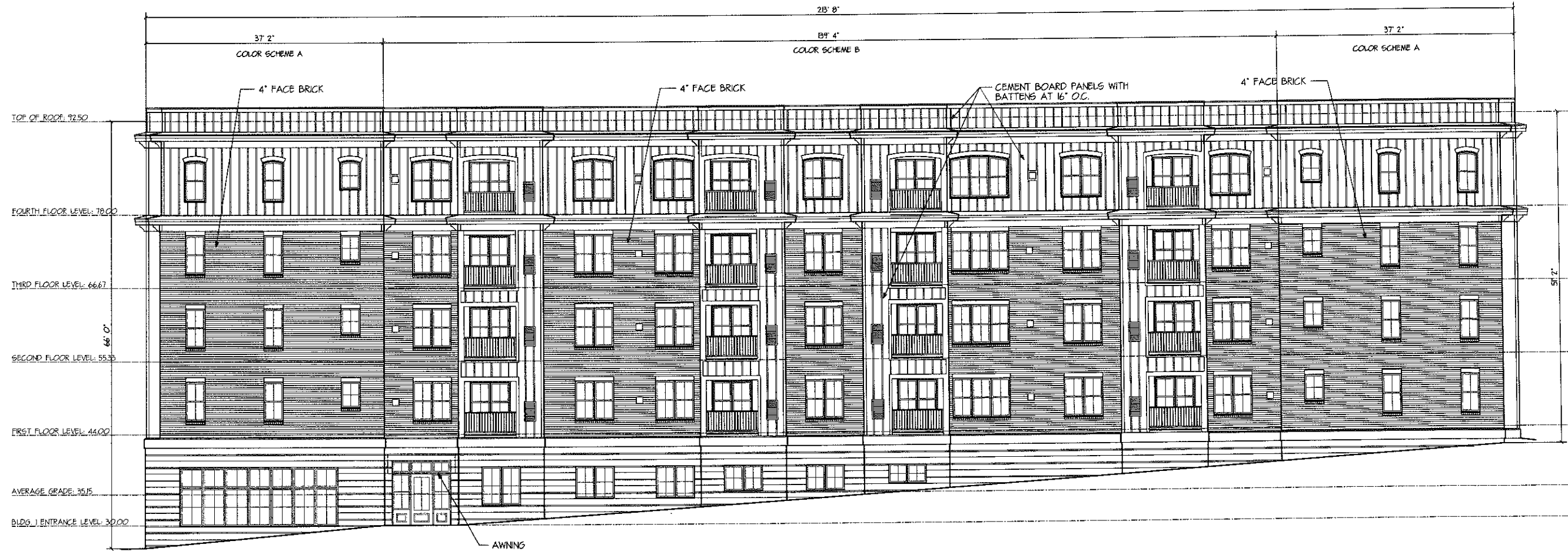
SOUTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: June 23, 2008

REVISIONS:

DRG. NO.

E.1





BUILDING 1
HANCOCK STREET ELEVATION

DAVID M. WHITE, ARCHITECT
403 Tbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

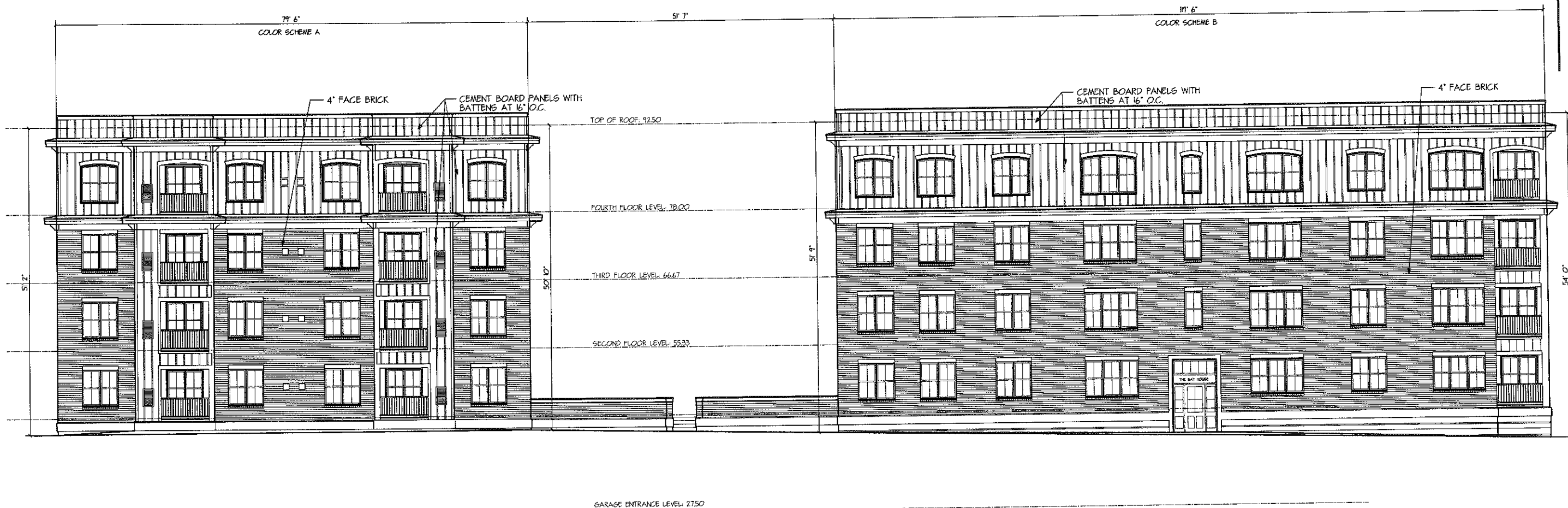
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

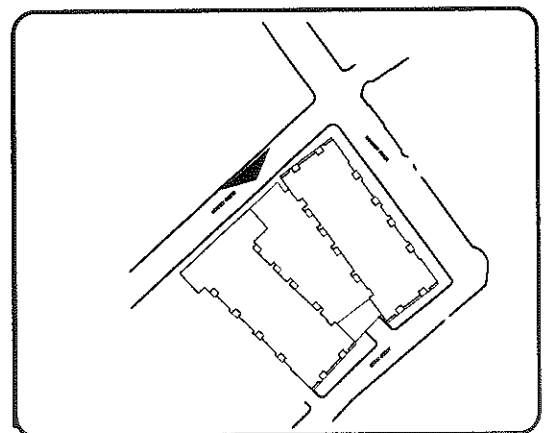
EAST ELEVATION
Phase 1/Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: June 23, 2008

REVISIONS:

DRG. NO.
E.2



BUILDINGS 1 & 2
 NEWBURY STREET ELEVATION
 SCALE: 1/16" = 1' 0"



DAVID M. WHITE, ARCHITECT
 403 Tbetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

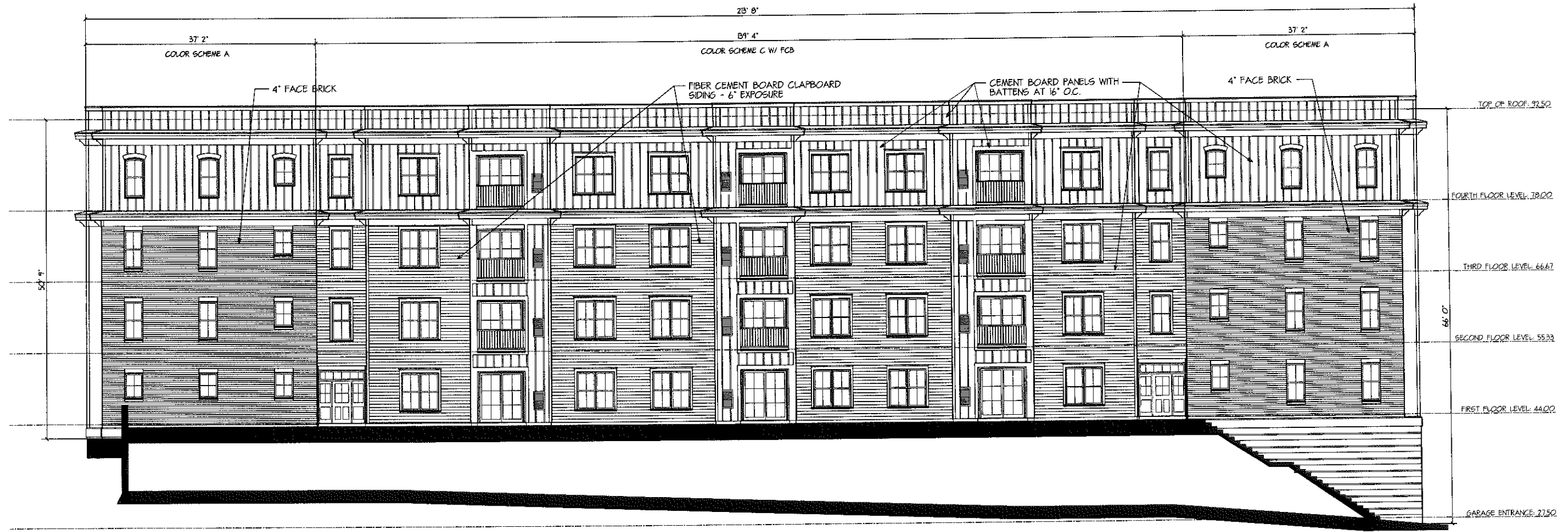
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investment Group
 35 Fay Street Suite 5-2
 Boston, MA 02108

THE BAY HOUSE
 Middle Street
 Portland, Maine

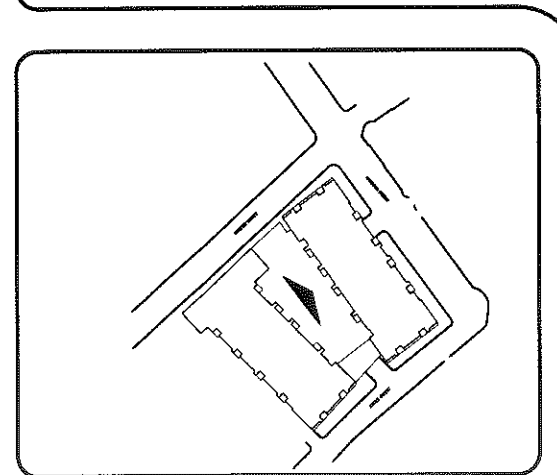
NORTH ELEVATION
 Phase 1/ Building 1 & 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

DRG. NO.
 E.3



BUILDING 1
 WEST COURTYARD ELEVATION
 SCALE: 1/16" = 1' 0"



DAVID M. WHITE, ARCHITECT
 403 Tibbetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

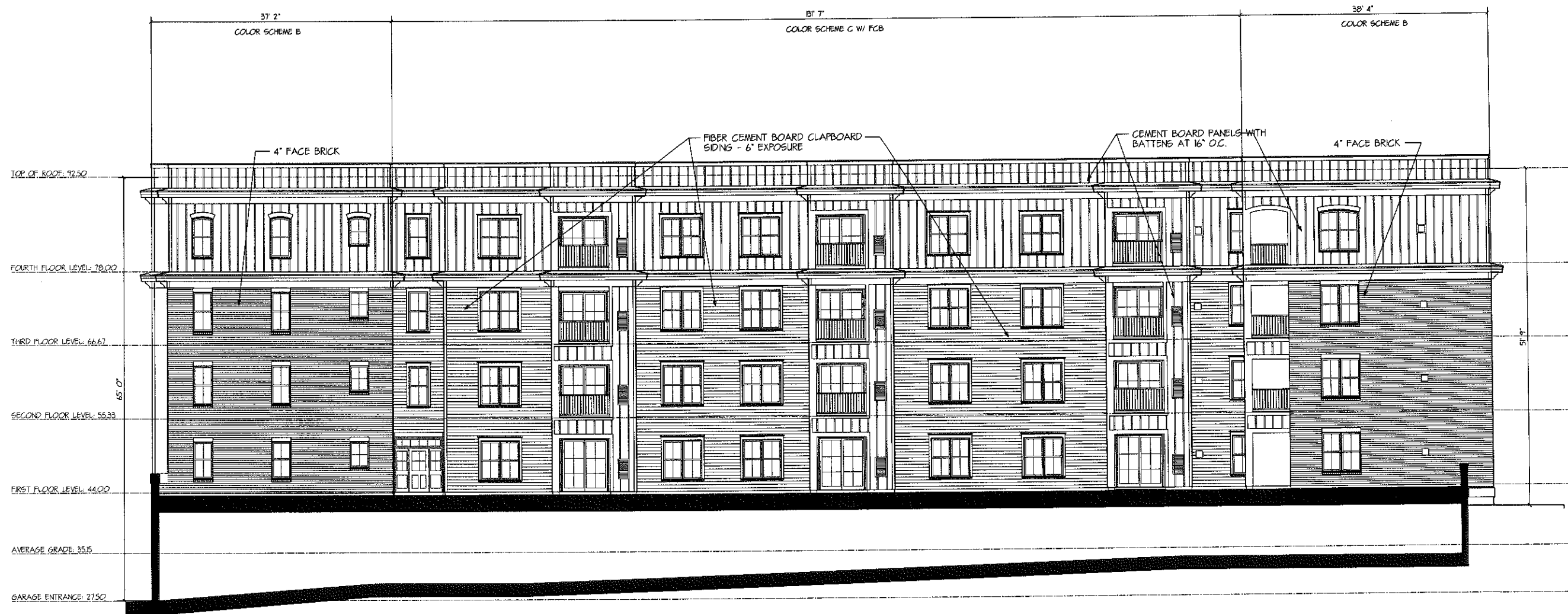
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investment Group
 35 Fay Street Suite 5-2
 Boston, MA 02108

THE BAY HOUSE
 Middle Street
 Portland, Maine

WEST ELEVATION
 Phase 1/Building 1
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

DRG. NO.
 E.4



DAVID M. WHITE, ARCHITECT
 403 Tabbetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investment Group
 35 Fay Street Suite 5-2
 Boston, MA 02108

THE BAY HOUSE
 Middle Street
 Portland, Maine

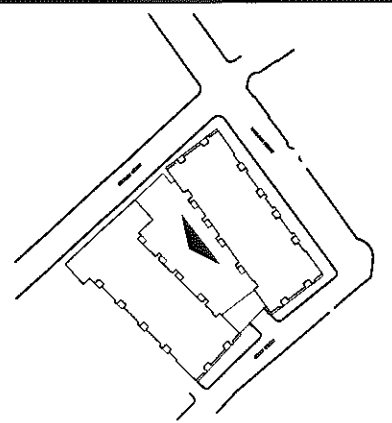
EAST ELEVATION
 Phase 1/Building 2
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

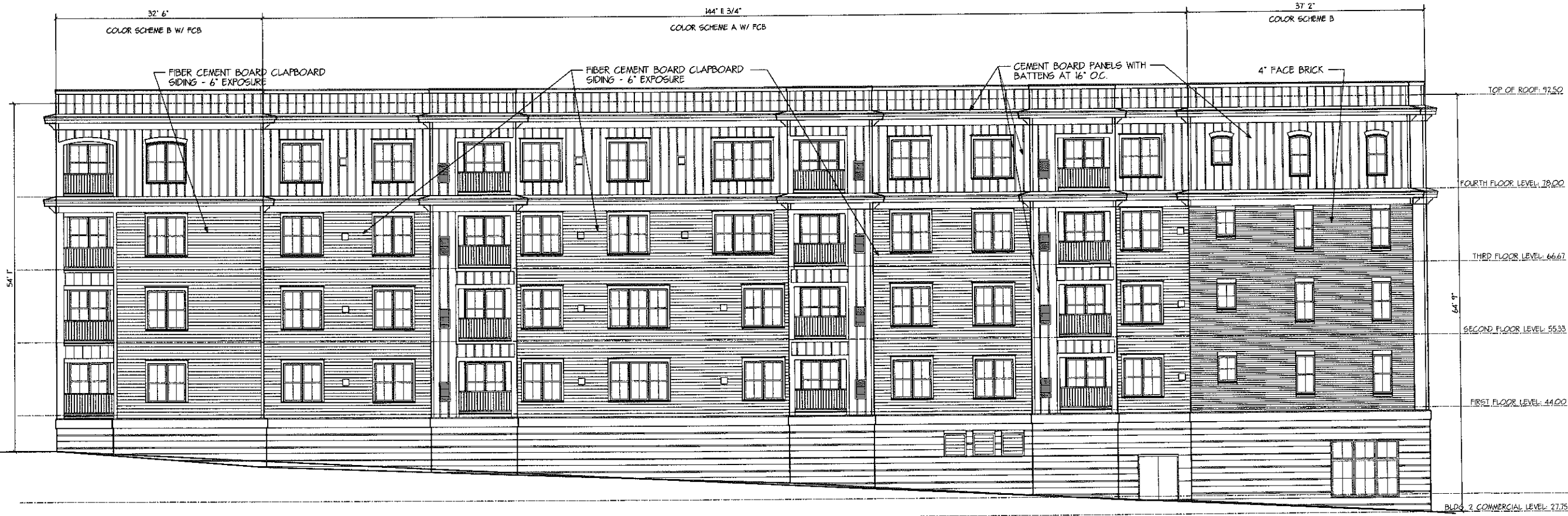
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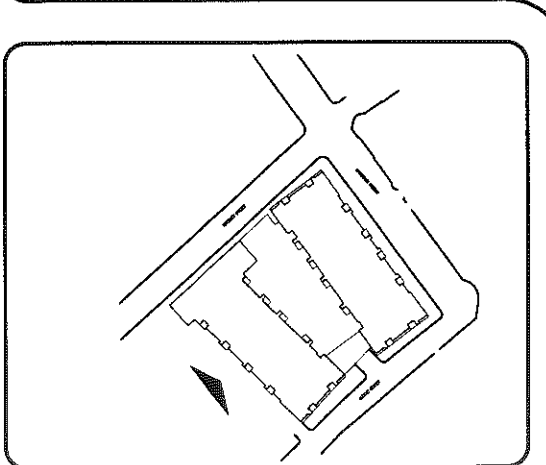
E.5

BUILDING 2
 EAST COURTYARD ELEVATION
 SCALE: 1/16" = 1' 0"





BUILDING 2
WEST ELEVATION
SCALE: 1/16" = 1' 0"



DAVID M. WHITE, ARCHITECT
403 Tibbets Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

WEST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: June 23, 2008

REVISIONS:

DRG. NO.
E.6

DAVID M. WHITE, ARCHITECT
403 Tibbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

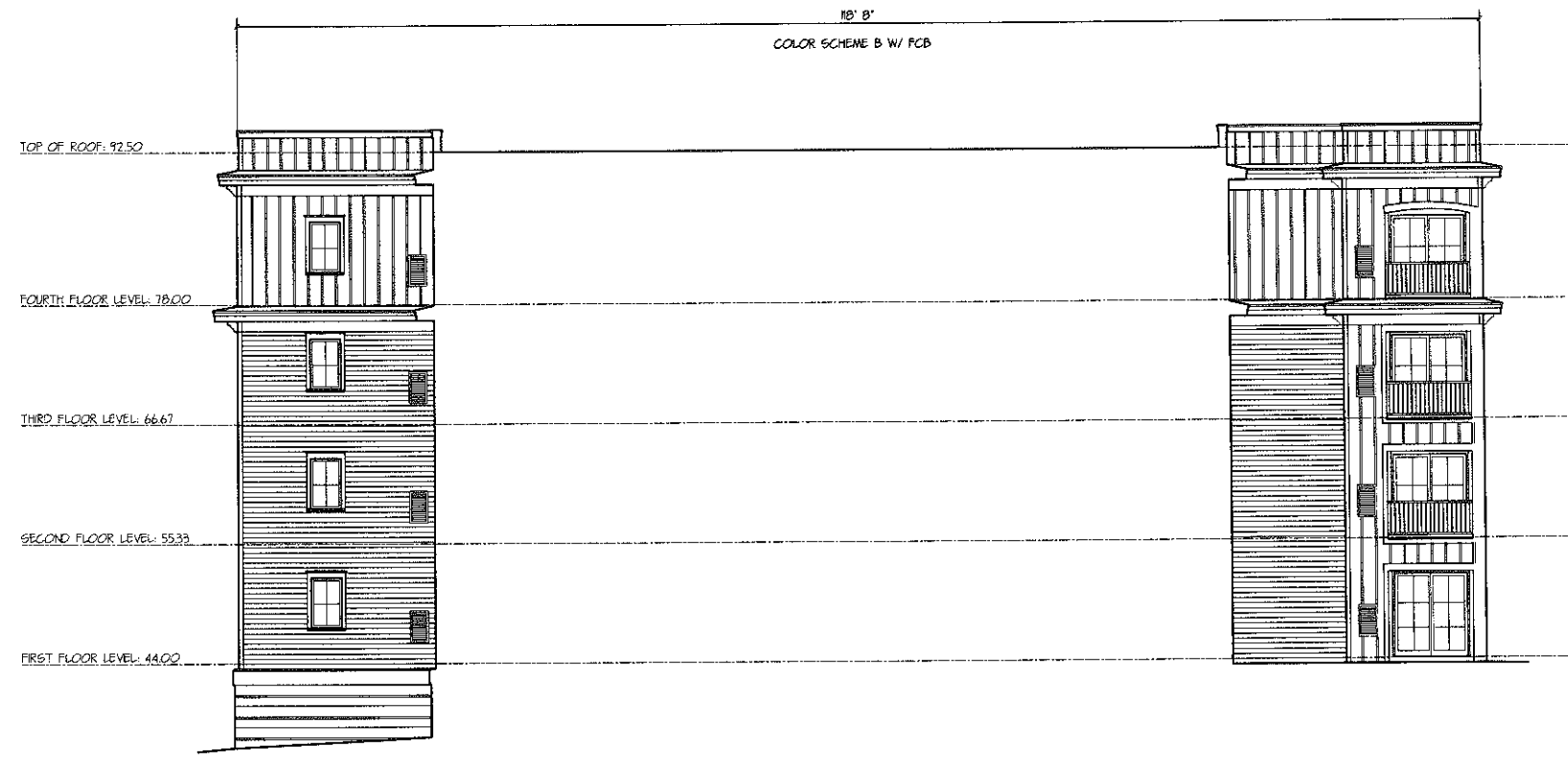
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

ELEVATION A
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: June 23, 2008

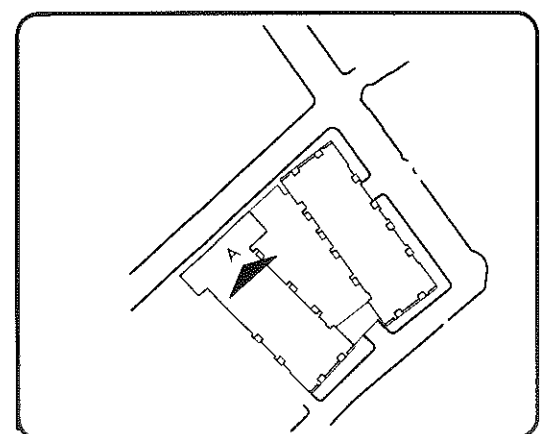
REVISIONS:

DRG. NO.
E.7



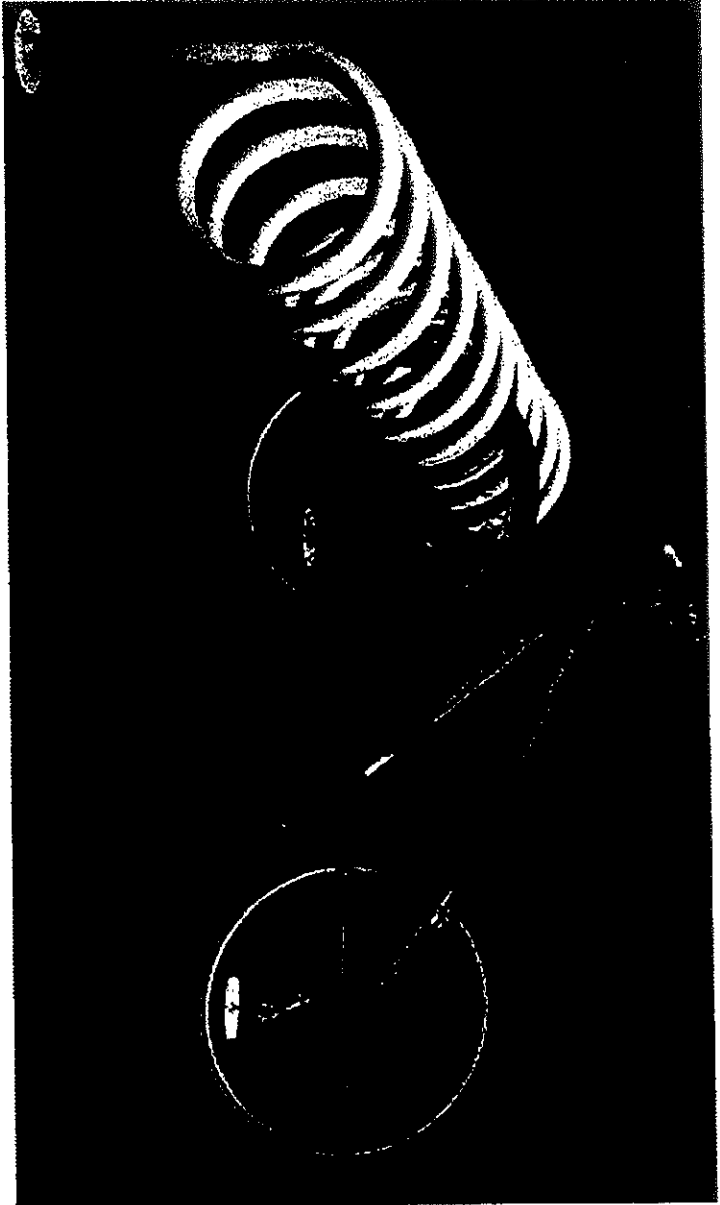
ELEVATION A

BUILDING 2
ELEVATION A THROUGH BUILDING
SCALE: 1/16" = 1' 0"





- home
 - clocks
 - tower clocks
 - street clocks
 - wall-mounted
 - specialty
 - skeleton clocks
 - clock dials
 - clock hands
 - bezel types
 - umbrellas
 - seating
 - bovery
 - 1990 benches
 - metal benches
 - wood benches
 - concrete legs
 - tables & chairs
- trash
 - bovery
 - pads
 - silhouette
 - miscellaneous
 - fountains
 - pal bowl
 - bollards
 - standard
 - reinforced
 - tree grates
 - standard
 - custom
 - tree guards
 - sculptures
 - planters
 - miscellaneous
 - murals, etc.
 - bike racks
 - color chart
 - contact us



Bike Rack Spiral Removable

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PLANNING BOARD REPORT PORTLAND, MAINE

THE BAY HOUSE
113 NEWBURY STREET
VILLAGE AT OCEAN GATE LLC, OWNER/APPLICANT

Submitted to: Portland Planning Board: Public Hearing Date: September 22, 2009 Project No. 09-99600006 Report Number – #35-09	Prepared by: Barbara Barhydt, Development Review Services Manager Date: September 17, 2009
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I. INTRODUCTION

The Village at Ocean Gate LLC submitted an application for an amended site plan and subdivision for the Bay House at 113 Newbury Street (Applicant's Submittal, Attachment B). As stated in the cover letter, the applicant "has an opportunity to convey or partner phase 1 of this property to/with Eric Cianchette of Portland, ME." In order to increase the financial viability of Phase I, the applicant is seeking to add a second level of structured parking to this project, which requires an increase in the building height of five (5) feet, revisions to the ground level of the façade, and a garage entrance onto Hancock Street. Amended plans for the Bay House were approved on July 8, 2008 and this approval expires on July 8, 2010. The parcel is located within Conditional Zone C47. The 2008 review of the amended subdivision and site plan is included as Attachment C, Planning Board Report #34-08.

Notice of the public hearing appeared in the Portland Press Herald on September 14 and 15 and 175 notices were sent to property owners and the interested citizen list.

II. CHRONOLOGY OF REVIEW

The original conditional rezoning agreement for the Village at Ocean Gate was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement became effective on July 2, 2008 (Attachment 1).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Attachment C, item 3 is the 2007 Approval Letter). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the

Phase I
110

subdivision was signed by the Planning Board, but was not recorded.

On July 8, 2008, the Planning Board approved the amended site plan and subdivision plan included the following revisions:

- a. The subdivision plat was revised to incorporate 1,602 square feet of land into Phase I;
- b. The number of units in Phase I was reduced from 84 to 82 residential units;
- c. The commercial space was reduced to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. The first level of Phase I was revised to provide storage areas for the units, 80 vehicle parking spaces and 38 bicycle spaces; and
- e. There were modifications to the exterior materials and building design.

A copy of the 2008 approval letter is included as Attachment 2 and the letter authorizing the extension of approval to 2010 is included as Attachment 3. The recording plat was signed, but it has not been recorded. The waivers were recorded at the Registry within 90 days.

III. PROJECT DATA

Existing Zoning:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Use:	82 condominiums, commercial space and two level parking garage
Parcel Size Phase I:	50,088.16 sf
Impervious Surface Area:	
Existing- Phase I:	50,088.16 sf
Proposed:	50,088.16 sf
Net Change:	0
Building Area:	
Proposed Floor Area:	215,960 sq. ft.
Residential Data:	
Proposed Residential Units:	82 residential condominiums (Unchanged). The conditional rezoning allows up to 110 units in Phase I.
Unit Types (Unchanged):	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Vehicle Parking Spaces:	
Required parking cond. rezone:	1 space/unit plus 6 spaces for the retail space
Proposed:	159 spaces on-site (revision)
Number Handicapped Spaces:	6 handicapped spaces (unchanged)
Bicycle Parking Spaces:	
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008. A small rack is also shown adjacent to the Middle Street parking entrance near the commercial spaces. (unchanged)

Middle Street Driveway/Entrance: Access to the lower level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007 and 2008.

Proposed Hancock Street Driveway/Entrance: Access to the second level of parking is proposed from Hancock Street. The applicant is seeking a waiver from the Technical Standards to allow this curb cut to be the same as the Middle Street entrance (22-foot wide driveway and 18-foot wide garage entrance.

Estimated Cost of Project: \$17,000,000 (current estimate)

Uses in Vicinity: The uses in the vicinity include the Parking Garage across Middle Street; Marriott extended stay hotel, the Shipyard Brewery, residential uses on Newbury, Federal and Hancock Streets and mixed commercial and residential uses on India Street.

IV. PROJECT REVISIONS FOR PHASE I

1. Revised On-Site Parking

The 2008 approved subdivision and site plan has 82 residential units and 80 parking spaces on one level of structured parking. The 2009 revised plan proposes two levels of parking with 159 parking spaces. The lower level of parking is shown with 70 spaces and the upper level is shown with 89 spaces, which extends over the retail spaces located on the lower level. The applicant intends to offer one space per unit and then offer condominium owners the opportunity to purchase an extra space.

Access for the first level of parking is from Middle Street. The garage entrance received a waiver from the technical standards for a 22 foot side driveway and an 18 foot wide garage door. A garage entrance to the upper level of parking is proposed off Hancock Street. This entrance is designed with the same dimensions as the Middle Street entrance and thus also requires a waiver of the technical standards.

The 2008 conditional rezoning agreement includes a requirement for a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The proposed number of parking spaces exceeds the number of spaces per unit required in the conditional zoning agreement and exceeds the recently amended zoning requirement of one space per residential unit on the peninsula. This condition of the conditional rezoning agreement remains in effect, should the Planning Board determine there is a need for parking mitigation.

The 2008 amended rezoning agreement revised the parking requirements to require 80 on-site spaces, 8 space in the Riverwalk Parking Garage (aka Longfellow garage, aka Ocean Gateway Garage) and 33 on-site bicycle parking spaces (Attachment 1). As stated above, the applicant is proposing 159 on-site parking spaces and bicycle racks for 38 bicycles are shown on the lower parking level. The requirement for parking spaces in the Longfellow garage for the retail space remains a requirement for this project.

2. **Revised Floor Plans**

The conditional rezoning agreement requires 5,200 to 5,700 square feet of commercial space in Phase I. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The amount of proposed square footage for the retail remains the same. The applicant has added a community room, exercise room, association office, and restrooms over the retail space in building #2 with roughly 2,880 square feet of area. The two residential buildings in Phase I remain unchanged in terms of the floor plans and exterior design.

The layout of the parking levels are shown on the G.1 and G.2 floor plans for the two parking levels. The lower level parking has three handicapped parking space and bicycle racks for 38 bicycles. The upper level has three handicapped spaces and no bicycle racks are proposed on this floor. There are 48 storage bins and a designated canoe and kayak area proposed on the lower level. A total of 92 storage bins are proposed on the upper level. The vestibules, lobby, mail room and trash room are located on the lower parking level.

3. **Revised Building Height**

The proposed addition of a second parking level requires that building height be raised by five feet. According to the cover letter prepared by David White, Architect (Attachment B), the increase in height is the "minimum needed to accomplish this change and the maximum that can be done to insure no change in the proposed construction type." The increase in height changes the base level of the structure and raises the elevation of the central courtyard. According to Marge Schmuckal's review estimates that the building height is 64.29 feet, which is below the 74 feet permitted in the Conditional Rezoning Agreement.

4. **Revised Exterior Elevations and Materials**

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

In 2008, the applicant sought to make modifications to the exterior of Buildings #1 and #2 (refer to Attachment C, Planning Board Report #34-08). The Planning Board found the revised elevations and exterior materials to be in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines (Attachment 2, Approval Letter). The 2008 elevations are included in Attachment C, item 15, excerpt of plan set.

The applicant is proposing to use the same exterior materials, which were approved previously. With the proposed addition of a second level of parking, the overall height of the structure increases by five feet. The upper floors of the residential buildings remain unchanged. In general the ground level façade or base of the building is increased in height. The exterior modifications for the ground level façade include the following:

1. **Fenestration:** The applicant is proposing windows above the storefront six store fronts along Middle Street. The windows would serve the community room, office and exercise room on the upper parking level in Building #2. In Building #1, the windows would be located in the parking garage. Square decorative windows are proposed above the Middle Street Garage entrance and along the facades facing Hancock and Newbury Streets. The specifications and transparency for the square windows has not been submitted at this time.
2. **Courtyard:** The elevation of the courtyard is now raised by five feet. The stairway leading to the courtyard from Middle Street has been removed as it required two and half flights of stairs to reach the courtyard. The stairway leading to the courtyard along Newbury Street has increased from 4 steps to twelve.

V. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines.

1. Right Title and Interest

The original and amended applications in 2006 and 2008, respectively, included the right, title and interest for the Bay House. As stated in the cover letter, the Village at Ocean Gate LLC has the opportunity to partner or convey the Bay House to Eric Cianchette. Attachment B, item 4 is a letter from Demetri Dasco, Village at Ocean Gate LLC, confirming the business agreement with Eric Cianchette.

2. Financial Capacity

Mr. Eric Cianchette has submitted a letter from Bangor Savings confirming he has the financial and technical capacity to undertake this project (Attachment B, item 5).

3. Recording Plat and Plan

There is a plat that was signed after July 8, 2008 approvals. A revised plat will need to be submitted for review and signature that incorporates the Planning Board's final conditions of approval prior to the issuance of a building permit.

4. Zoning

Marge Schmuckal, Zoning Administrator, reviewed the amended plans for the Bay House (Attachment 4). She has found that the density, square footage of retail space, bicycle parking and on-site vehicle parking spaces meet the Conditional Rezoning Agreement for Phase I. Ms. Schmuckal has determined that the proposed height is less than allowed and her evaluation of the height is as follows:

→ The height allowance under the Conditional/Contract is 74' by the methods normally used by the Zoning Administrator. That methodology is to begin at average the grade and end at the top of the structural beam. First of all, the height requirement is being met. The previous average grade that I had used was 33.21'. Currently the average grade shown on the plans is 35.15'. Using the worst case scenario, the height of the building is 64.29 feet, which is almost 10' under the

maximum allowed. For further clarification, I would like to see how the average grade was determined using the current plans. I again clarify, the height of the structure is meeting the maximum height limits allowed under the Conditional/Contract Zone.

In addition, Marge Schmuckal is requesting additional information to verify that the HVAC systems are meeting the B-5b noise limitations and request that proposals for signage be submitted to be sure sign requirements will be met.

1. Fire Department

In 2008, the Planning Board imposed the following condition of approval for the site plan based upon a review conducted by Captain Cass:

The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Captain Keith Gautreau has reviewed the plans and recommends that the above condition of approval remain in effect.

2. Traffic

In the 2008 plan, a total of 80 parking spaces on site were proposed with spaces reserved in the Parking Garage for the commercial uses. The conditional rezoning agreement includes a requirement for a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis conducted by the developer six months after issuance of the certificate of occupancy. The revised plan now includes a total of 159 parking spaces on-site, which exceeds the number of spaces per unit required in the conditional zoning agreement and exceeds the recently amended zoning requirement of one space per residential unit on the peninsula. Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans (Attachment 5) and finds the proposed residential parking should be sufficient. The provisions for a parking analysis and potential mitigation plan remain in effect from the conditional rezoning agreement.

Mr. Errico is recommending that the technical standards be waived for the Hancock Street garage entrance, which is consistent with the Middle Street entrance. He does recommend that his comments from the prior approval (Attachment C, item 8) be retained and adds the following comments:

- The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.
- New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.
- On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

- The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.
- The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.
- Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.
- There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

3. Public Infrastructure/Stormwater

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted the following review (Attachment 6). Mr. Bushey notes that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. He notes that there remain a few minor technical items that should be addressed by the engineer prior to construction. On the basis of Mr. Bushey's review he recommends the plans be presented to the Planning Board for approval with the following potential conditions:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist should weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32' to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

The Department of Public Services has reviewed the plans and Mr. David Margolis-Pineo has submitted the following comments (Attachment 7):

1. The previous comments from Michael Farmer remain valid and should be retained as part of an approval.

2. The condition of approval regarding the City's expectation for street improvements and associated fees should be retained in an approval.
3. When the construction fence gets installed make sure the points on the fence are down and not up.
4. No granite curb sections shall be installed less than four feet in length.
5. This project shall not interfere with the water main work that is currently underway.
6. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
7. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
8. Street opening permit fees are \$223 each.
9. Street, parking space and sidewalk occupancy fees are \$10/day per each.
10. Any work in the right of way will require an approved traffic plan by Public Services.
11. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
12. Handicap ramps shown on the plans do not meet ADA or City standards.

4. **Eastern Waterfront Design Standards**

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment C, item 6 Waterfront Guidelines) for B. Buildings/Architecture, Alexander Jaegerman, Planning Division Director, offers the following comments:

1. **Building Composition:**

a. **Placement:** In general the buildings are placed along the sidewalk. The residential entrances face Middle, Hancock and Newbury Street. The Middle Street façade extends a two story base across the courtyard between Buildings #2 to Building #1. The residential entrance for building #2, the westerly tower, is located within the parking level between the two towers. The residential entrance is lent prominence through use of glass panels on either side of the door and the Middle Street garage entrance is made subordinate by virtue of a four foot recess from the front building plane. The building base comprising the two store fronts, the residential entry, and the garage entry, is visually tied together through a continuous first floor plane and materials palette (polished concrete), with the prominent glazed doorway feature. There is a substantial retail component in three identical store front bays in the base of each tower, and the storefronts wrap the corners at the westerly building corner and at the intersection of Hancock. The proposed building placement and entries are reasonable design solutions relative to the design standards. The additional height resulting from the second parking tray is manifest in the Middle Street facade in a set of windows capping the first floor storefronts, with the second level appearing as a half-story or mezzanine in scale. Three square windows mark the second parking level in the space between the towers. There is unassigned usable building floor space in the area behind the windows above the retail in the westerly tower. There is parking located behind the windows above the retail in the easterly tower. There are 15 square windows in the garage façade along Hancock Street, and 12 such windows in the garage façade on Newbury Street.

- b. **Height:** The proposed height of the building has increased by five feet and is within the limits of the conditional rezoning agreement.
- c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. **Proportion:** The base of the building along Middle Street is punctuated with 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, residential entrance, garage entry to the upper parking deck, and square garage windows along the parking facade course.
- e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street. The base is articulated with a storefront (about 30 feet in length) and a residential entrance, the garage entry and the square garage windows. The base level height along Hancock Street varies from 22 feet at the corner to about 6 feet at the Newbury corner. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards. Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present a base middle and top.
- f. **Materials:** The middle portions of the buildings are clad in brick and concrete is used to clad the box bays. The westerly tower brick is brown in color, and the easterly tower at the corner of Middle and Hancock is red brick. There were portions of yellow brick in the earlier project, but this does not appear to be proposed for the current phase. The applicant should provide a schedule of materials and colors for each façade as an update to clarify the current plan for façade treatment. The base course is now proposed as a polished concrete block that resembles granite. The applicant is proposing Hardi-plank (cement cladding material) on the projecting bays and top floor. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The additional height of the base necessitated by the extra parking tray is handled visually by the base cladding articulation and square window treatment, mitigating the blankness of parking structure along the sidewalk edge to a reasonable effect. The staff recommends conditions of approval to submit the details of the awning and signage for the buildings, a schedule of materials and colors for each façade, and details of the square windows and all window glass specification within the base facade.

5. Landscaping

The landscaping plan is essentially the same as in 2008. The number of street trees to be installed is the same; however the locations of street trees along Hancock Street have been adjusted to accommodate the Hancock Street entrance. Jeff Tarling, City Arborist, has

reviewed the plan (Attachment 8). With the increase in height of the building base due to the additional parking level, he is recommending some additional landscaping and more vertical elements along portions of Newbury Street and Middle Street. Mr. Tarling's comments are as follows:

a) **Street-trees** - The street-tree layout looks good as shown on Sheet 8, request would be to check to make sure that tree placement matches any on-street parking or loading zone requirements. Ideal placement of street-trees where on-street parking exists is to have the trees match up to the space between parked vehicles and not mid-car or where passengers were unloading. Tree spacing is also to include review of all underground utilities required set backs. Sidewalk widths should meet ADA standards between the tree grate & building.

b) **Courtyard landscape** - The interior courtyard is not visible from the street view; the proposed landscape treatment should make this area pleasant. Plant choices given the shade / sun requirements appear to be well thought out.

Recommendations for the courtyard at the street-view would be to use plants with a taller vertical element along the Newbury Street frontage. Since this area is relatively narrow the recommended plants should be upright in form. Suggestions, this space might benefit be best treated with a planting of upright small trees or shrubs, or climbing vine & combination one suggestion might be 'Climbing Hydrangea', or perhaps 'Heptacodium'. A second recommendation on the Middle Street courtyard would be to include a small planting space to the right of the driveway entrance. This is the space from the building plane to the garage door opening leaving space (pavement) along the drive on both sides. Both of the landscape elements or planters proposed in this recommendation would benefit from irrigation which should be able to be extended from the interior courtyard.

VI. STAFF RECOMMENDATION

The Planning Staff recommend approval of the plan subject to the conditions of approval imposed on the Amended Plan for Phase I in 2008 with new or revised conditions relevant to the 2009 amended plan.

VII. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The conditions from 2008 are listed below along with revised or new conditions.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #35-09 and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan of 2009 **(is or is not)** in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines subject to the following conditions:

absent - Lee
- Joe
Teremian

1. The developer shall provide the additional documentation regarding final average grades used to determine the building height and the projected noise levels for proposed HVAC systems, as requested by Marge Schmuckal, Zoning Administrator in her 9/17/09 review prior to the issuance of a building permit.
2. The developer shall submit the details of the awning and signage for the buildings, a schedule of materials and colors for each façade, and details of the square windows and all window glass specification within the base façade prior to the issuance of a building permit.

2nd
4-0
4-0 memorandum

3. The developer shall expand the pedestrian sidewalk on Hancock St to a min of 5 to max of 6 feet.

Waiver
On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #35-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

- 1 ~~3~~ Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
- 2 ~~4~~ Technical Standard, Section III 2A (b), which requires a 24-foot wide driveway for two-way ingress and egress, to allow the access to be 18 feet at the garage entrance on Hancock Street.
- 3 ~~5~~ Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
- 4 ~~6~~ The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

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Subdivision

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #35-09, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of September 16, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 and contained in David Margolis-Pineo's, Deputy City Engineer, September 16, 2009 memorandum shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;
OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The Retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.
10. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Consulting Traffic Engineer's, memorandum of September 17, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

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Site Plan

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 35-09, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.
4. Revised plans and information meeting the recommendations contained in Jeff Tarling, City Arborist's memorandum of September 11, 2009 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

5. Prior to the issuance of a bldg permit the P. shall approve the appearance of the windows

Attachments:

1. Conditional Rezone Agreement
2. Planning Board Approval Letter for July 8, 2008
3. Planning Approval Extension letter
4. Marge Schmuckal, Zoning Administrator, September 17, 2009
5. Thomas Errico, PE, Consulting Traffic Engineer, September 17, 2009
6. Stephen Bushey, P.E., Consulting Engineer, September 17, 2009
7. David Margolis-Pineo, Deputy City Engineer, September 16, 2009
8. Jeff Tarling, City Arborist, September 11, 2009

6. The developer shall not make any alterations to street level windows, including awnings - any bars can be removed

Attachment B: Applicant's Submittal 2009

1. Application
2. Cover Letter, dated September 8, 2009
3. Quitclaim Deed with Covenant
4. Letter from Demetrios Dasco, Managing Member, Village at Ocean Gate LLC, dated September 16, 2009
5. Letter from Bangor Savings Bank, dated September 16, 2009
6. E-mail, Chris DiMatteo, Sebago Technics, lot area
7. Plan Set
 - a. The Bay House, Phase I, Sebago Technics Plans, Sheets 1 through 15
 - b. Building floor plans and elevations, David White, Architect, Sheets G.1 and G.2, B1-2 plans, B2-2 plans and Elevations E.1-E.7.

7. Defect guarantee to be in place for 2 years

Defect guarantee to extend for 2 yr for landscaping to ensure meet B.W. Sued

5,45.

amend 4-0

Handwritten marks and scribbles at the bottom of the page.

Attachment C: Planning Board Report #34-08 (separate Document in Packet)

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet
 - iii. Notice
 - iv. Neighborhood Certification
2. Amended Conditional Rezoning Agreement
3. Approval Letter for the July 10, 2007 site plan and subdivision approval
4. Planning Board Report #30-07
5. David M. White Architect, April 23, 2008 correspondence
6. Eastern Waterfront Design Standards
7. Carrie Marsh, April review
8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
13. Tracked Changes from the July 10, 2007 motions
14. Approved Building Elevations, July 10, 2007
15. **Excerpts from Plan Set- The Bay House**
 - a. Sebago Technics Plans:
 1. Subdivision Plat, 6-23-08
 2. Site Plan, 6-23-08
 3. Grading Plan, 6-3-08
 4. Utility Plan, 6-3-08
 5. Landscape and Lighting Plan, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings; B1-1 and B2-1, E.1 through E.7;
 - c. Bike Rack Details

Order 265-07/08
Given first reading on 5/19/08
Public Hearing & Passage: 6/2/08 9-0
EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
112-113 NEWBURY STREET, PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Village at Ocean Gate LLC, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**First Amendment to Conditional Zoning Agreement
The Village At Ocean Gate (aka Bayhouse)**

This amendment and agreement is made as of the ___ day of _____ 2008 by **THE VILLAGE AT OCEAN GATE, LLC**, a Maine Limited Liability Corporation having a principal place of business at Boston, Massachusetts (hereinafter "**DEVELOPER**").

WHEREAS, DEVELOPER, as assignee of the rights of the purchaser under a purchase and sale agreement with the Village Café, Inc., has the right to purchase the property located at 112-113 Newbury Street and 40 Hancock Street, Portland, Maine, consisting of the property shown on the Portland Assessor's Map as parcels 20-E-9, 20-D-13-15 and 20-D-32 and described in the Cumberland County Registry of Deeds at Book 17317, Page 167, Book 3161, Page 504, Book 4357, Page 291, Book 3217, Page 83, Book 3004, Page 226, Book 3091, Page 703, Book 3752, Page 140, Book 3112, Page 131, Book 3024, Page 132, Book 3291, Page 260, Book 2996, Pages 235 and 237, Book 4357, Page 289, Book 4094, Page 222 and Book 9520, Page 73 (hereinafter the "**SITE**"); and

WHEREAS, the **SITE** is currently in the B-2b zoning district and is adjacent to a B-5b district to the southeast; and

WHEREAS, Developer has filed a Zone Change Application with the City of Portland (hereinafter "**CITY**") to rezone the **SITE** to the B-5b zoning district subject to certain modifications and conditions set forth in this Agreement in order to accommodate a mixed-use development consisting of up to 176 residential units; space for a 150- to 200-seat restaurant; and sidewalk-level commercial space in a complex of buildings of varying sizes and heights (hereinafter the "**project**"); and

WHEREAS, the Portland Planning Board has determined that the rezoning would provide needed housing, would create a vibrant new neighborhood and would assist in revitalizing adjacent areas; and

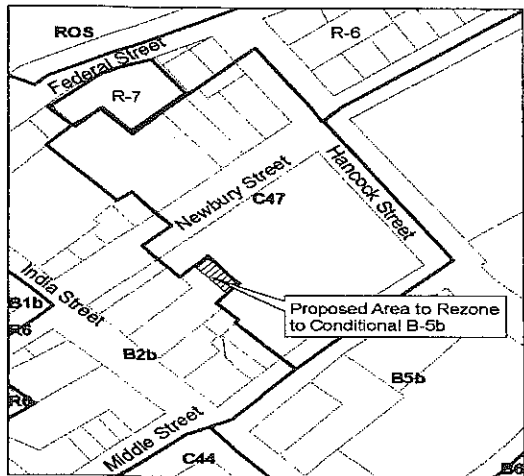
WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. § 4352(8), and after notice and hearing and due deliberation, recommended rezoning the SITE; and

WHEREAS, the CITY, by and through its City Council, has determined that the rezoning is appropriate due to the unusual nature and unique location of the development proposed, that the uses proposed are consistent with the existing and permitted uses within the B-5b zone and that the rezoning would be pursuant to and consistent with the CITY's Comprehensive Plan; and

WHEREAS, DEVELOPER has agreed to enter into this Agreement and the Amendment thereto, with its concomitant terms and conditions, which shall hereinafter bind DEVELOPER, its successors and assigns;

NOW, THEREFORE, in consideration of the rezoning of the SITE, DEVELOPER agrees to be bound by the following terms and conditions:

1. Map. The CITY shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change. The underlying zone is changed from B-2b to B-5b.



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

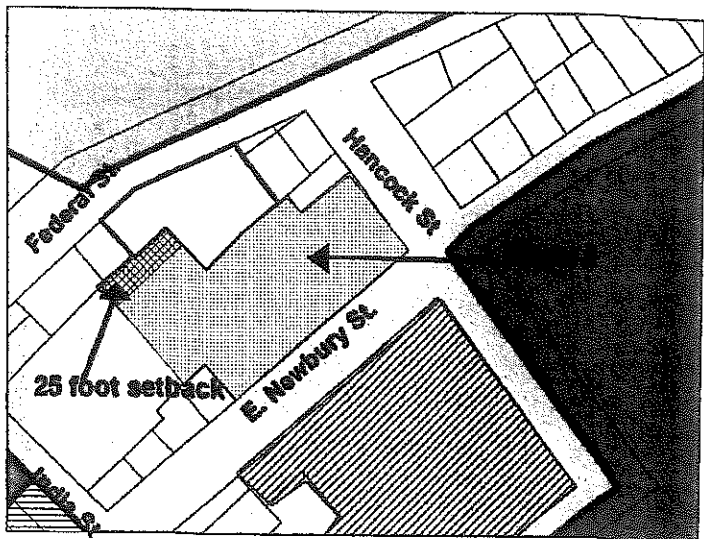
Prepared by the Department of Planning and Development based upon GIS Workgroup Data.



2. Subdivision and Overall Site Plan. Except as otherwise provided in this paragraph 2, the SITE will be developed substantially in accordance with the Subdivision and Overall Site

Plan, Attachment 1 submitted by Sebago Technics, Inc., dated August 3, 2005 as revised April 22, 2008. Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments. Phase II of the project, consisting of one or more buildings along Newbury and Hancock Streets shall meet the following requirements:

- a maximum of sixty six (66) residential units shall be provided; and
- a minimum setback of twenty five (25) feet from the most westerly rear property line (abutting CBL 20-D-11) shall be provided and as illustrated below ; and



Required Minimum Setback of 25 feet in Phase II
Depiction - Not to Scale

Prepared by the Department of Planning and Development based upon GIS Workgroup Data.



- the maximum height of any building(s) in Phase II shall be sixty-five (65) feet measured from the existing Newbury Street grade.

The Planning Board shall review both the Phase I and Phase II proposals and apply the site plan and subdivision standards of the Portland Land Use Code and the applicable standards of the Eastern Waterfront Design Standards to each.

After the initial approval of the Plans for Phase I, and any plans submitted in connection with the development of Phase II, the Planning Board may, upon application of

DEVELOPER and without the necessity of amending this Conditional Rezoning Agreement, approve subsequent changes to the Plans for Phase I which decrease building dimensions or reduce the density of development, provided that any such decrease or reduction shall nonetheless be determined to substantially conform to the Plans.

The project shall incorporate light fixtures in "Downtown Black," specifications to be provided by the Planning Authority during subdivision review. In addition, all other streetscape improvements will be consistent with the Hancock Street Extension Plans, which improvements are currently represented on the Plans.

- 3. Permitted uses: Those uses allowed in the B-5b zoning district. The project shall include not less than 5,700 square feet of commercial/retail space on the ground level along Middle Street and at the corner of Hancock and Middle Streets as depicted on the Plans unless during site plan review the Planning Board approves a minimum amount of 5,200 square feet of commercial/retail space.
- 4. Phase I shall consist of, at minimum Buildings 1 and 2, while Phase 2 shall consist of one or more Buildings in accordance with §14-495(h).
- 5. Modifications to B-5b Regulations. The **SITE** shall be governed by the regulations applicable to the B-5b zoning district, except as follows:
 - a. The maximum residential density on the **SITE** shall be 176 dwelling units.
 - b. The maximum front yard setback shall be ten (10) feet, except that a front yard setback of no greater than sixteen (16) feet shall be allowed for the parking garage entrance and associated façade as depicted on the Plans for Phase I.
 - c. The maximum height for the structures shall be:
 - Buildings 1 and 2: The maximum height of each building in Phase I shall not exceed 74 feet from average grade, as measured and approved by the Zoning Administrator.
 - Building(s) in Phase II: The maximum height in Phase II shall not exceed sixty-five (65) feet measured from the existing Newbury Street grade.
 - d. The cornices of buildings, and storefront awnings along Middle and Hancock Streets, will extend over the street rights of way in various locations as shown on the Plans. The **CITY** hereby grants license for such overhangs and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.
 - e. An underground electrical vault will be installed within the right of way of Newbury Street, the final location of such vault to be approved by the Planning Authority. The **CITY** hereby grants license for such installation and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.

Att 1.5

6. Community Contribution. The community contribution under this Agreement shall be \$200,000.00 , to be dedicated to extending Hancock Street between Middle Street and the Commercial Street extension or to reimburse the City for expenses it incurs in such extension; \$5,000.00 dedicated to the India/Middle Street traffic improvements to be commissioned by the City; and \$5,000.00 to be dedicated to the Eastern Waterfront Post-Development Traffic Impact Study to be commissioned by the City. The community contribution under this Agreement is independent of any conditions which the Planning Board may lawfully require under site plan review or subdivision review. The community contribution shall be made prior to the issuance of a building permit for Phase I.

The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage located at Middle Street, Portland, with documentation of such participation provided to the City Planning Authority at minimum every two years.

7. This conditional rezoning shall become null and void and the **SITE** shall revert to the existing B-2b zoning district in the event that **DEVELOPER** fails to commence construction of Phase I within two years from the date of the Council vote, with the ability of the Planning Authority, in its sole discretion, to extend this period by an additional one year and Phase II of the project must be commenced within two years following the issuance of a certificate of occupancy for Phase I. If any required approval, including the approval of the conditional rezoning, has been appealed, and if **DEVELOPER** fails to commence construction within one (1) year from the final disposition of such appeal, this conditional rezoning shall become null and void and shall revert.
8. Phasing: **DEVELOPER** may construct the project in two phases as shown on the Plans. Phase I is designed to stand alone in the event Phase II is not built. Performance guarantees shall be posted separately for each phase. For purposes of the time periods set forth in this paragraph 8 and in section 14-525(f) of the Portland City Code, commencement of construction on Phase I shall be deemed to constitute commencement of construction on Phase II, provided that actual construction on Phase II is commenced no later than 3 years after the commencement of construction on Phase I. A separate performance guarantee for the cost of installing the sidewalks and curbing and any other public improvements for Phase II must be posted with the City prior to the release of the recording Plat for Phase II.
9. Parking shall be provided for Phase I at no less than a) a 1:1 ratio (1 parking space per dwelling unit), and b) 6 spaces for retail employee parking and c) active participation in a valid Park and Shop ticket validation program – all to be provided as follows: 80 parking spaces on-site for residential use and 8 parking spaces in the parking garage being built at the corner of India Street and Middle Street. A post development occupancy parking analysis shall be conducted by the **DEVELOPER** six (6) months following the issuance of a certificate of occupancy for Phase I. If the parking analysis demonstrates the inadequacy of a 1:1 /unit:parking space ratio, then the **DEVELOPER** must submit a parking mitigation plan for Phase I, which plan shall be reviewed and approved by the City and thereafter implemented by the **DEVELOPER**. Parking for Phase II of the

project shall be determined by the Planning Board during subdivision and site plan review provided that a condition of such approval shall include the requirement for a post development occupancy parking analysis, with the same mitigation requirements as Phase I.

Thirty-three bicycle parking spaces shall be provided on site in accordance with §14-526 of the Portland City Code.

- 10. The rezoning shall run with the **SITE**, shall bind and benefit **DEVELOPER** and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within thirty (30) days of the City Council's passing of the Conditional Zone, **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **SITE**. **DEVELOPER** shall provide to the **CITY** the Book and Page number of said recording.
- 11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 12. Except as expressly modified herein, the development, use, and occupancy of the **SITE** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 13. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and City Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **SITE** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **SITE** rezoned.

WITNESS:

THE VILLAGE AT OCEAN GATE, LLC

Its Managing Member

State of Maine
Cumberland, ss.

Date:

AH 2.7

Personally appeared the above-named _____, Managing Member of The Village At Ocean Gate, LLC, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of The Village At Ocean Gate, LLC.

Notary Public

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CITY OF PORTLAND, MAINE
PLANNING BOARD

Janice E. Tevanian, Chair
 David Silk, Vice Chair
 Bill Hall
 Joe Lewis
 Lee Lowry, III
 Shalom Odokara
 Michael J. Patterson

July 24, 2008

Mr. Demetri Dasco
 The Village at OceanGate LLC
 35 Fay St. Ste 107-b
 Boston, MA 02118

Mr. Greg Shinberg
 Greg Shinberg Consulting, LLC
 477 Congress St, 5th Floor
 Portland, ME 04101-3427

RE: The Amended Subdivision and Site Plan for the Bay House

CBL: 020 E009001
 Application ID: 2008-0067

Dear Mr. Dasco and Mr. Shinberg:

On July 8, 2008 the Portland Planning Board considered amended subdivision and site plan for The Bays House (formerly known as the Village at OceanGate). The Planning Board reviewed the proposal for conformance with the standards of the Conditional Rezoning Agreement, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted to approve the application with the following motions, waivers, and conditions as presented below.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board voted 4 to 1 (Patterson opposed, Odokara and Lewis absent) that the amended *Phase I* plan in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) to waive the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined

by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
2. All financial contributions required as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Busley, P.E., Consulting Engineer's memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer's, Project Engineer, memorandum of June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. The following schedule outlines the City's expectation with regard to its street improvements and associated fees to be paid by the developer.

Hancock Street

- The developer shall pay to the City a Street Opening Fee of \$223 x 2.
- The developer shall undertake its own trench work in Hancock Street (From Middle to the end of its Phase II frontage). In addition to such trenching, the developer shall pay to the City \$43,000 which will go towards the Hancock Street improvements. The developer shall not be obligated to pay a Pavement Restoration fee as the City will consider this fee covered by the \$43,000 payment.

Newbury Street

- The developer shall reconstruct Newbury Street from India to Hancock Street consistent with the City's design standards and with all the utilities as shown on the subdivision plan.

Middle Street

- The developer shall pay to the City a Street Opening Fee of \$223.
- The developer may choose one of the following two options:

The developer shall reconstruct the entire length of Middle Street (from Hancock to India) in which case there will be no Pavement Restoration charge incurred;

OR

The developer shall reconstruct the entire frontage of its site (from Hancock along Middle Street) and trench the remaining to India. If the developer chooses this option, it will also incur Pavement Restoration fee equal to \$65 square yard (from the edge of its frontage to India Street)

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.

8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.
9. The applicant shall submit for review and approval by Corporation Counsel the access easement on the westerly property line.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented, the Planning Board voted unanimously (5-0, Odokara and Lewis absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report #34-08, which is attached.

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

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. The subdivision approval is valid for three (3) years.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

- 7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
- 8. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,

 Janice Tevanian, Chair
 Portland Planning Board

Attachments:

- 1. Steve Bushey, Consulting Engineer, Memos, dated June 23 and June 30, 2008
- 2. Michael Farmer, Project Engineer, Memorandum, June 27, 2008
- 3. Planning Board Report #34-08
- 4. Performance Guarantee Packet

Electronic Distribution:

- Penny St. Louis Littell, Director of Planning and Urban Development
- Alexander Jaegerman, Planning Division Director
- Barbara Barhydt, Development Review Services Manager
- Philip DiPierro, Development Review Coordinator
- Marge Schmuckal, Zoning Administrator
- Jeanie Bourke, Inspections Division
- Lisa Danforth, Administrative Assistant
- Michael Bobinsky, Public Services Director
- Kathi Earley, Public Works
- Bill Clark, Public Works
- Michael Farmer, Public Works
- Jim Carmody, City Transportation Engineer
- Jane Ward, Public Works
- Captain Greg Cass, Fire Prevention
- Jeff Tarling, City Arborist
- Tom Errico, Wilbur Smith Consulting Engineers
- Dan Goyette, Woodard & Curran
- Assessor's Office
- Approval Letter File
- Hard Copy: Project File

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

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

DH

Attachment 1

MEMORANDUM

DATE: June 23, 2008

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-03-08 relating to the Village at Ocean Gate project. The submission package includes revised plans and a letter containing additional information pertaining to phase one of the project. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate size indicated on Sheet 5 suggests a 4' x 6' grate which does not match the 36" square grate indicated on the detail on sheet 11.
2. The grading along the Hancock Street sidewalk and the street suggests as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location.
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 10" SD exiting the building at the Middle Street entrance.
4. Additional separation may be required between the 6" sewer and existing hydrant to be reconnected on Newbury Street. Typically a 10' separation is required between utilities.
5. The location of the grease trap may need refinement. We recommend the inspection covers be positioned as to not be in front of a doorway if possible. Further, the alignment of the grease trap's discharge pipe should be from either the end or the side typically. The discharge pipe can't exit from the corner of the structure. The location of the sampling manhole may also need to be refined to allow for the 6" underdrain to pass by it.

Attachment 1

6. There are multiple utility crossings particularly in Middle Street. The profiles lack sufficient detail to determine if conflicts exist particularly with the proposed water and drainage pipes. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
7. The 8" water main on Middle Street appears to have a conflict with the existing electric vault on Hancock Street. Rerouting of the water main may be necessary.
8. The Water District should assess the need for an 8 x 8 cross at the Newbury Street and Hancock Street intersection. We also assume the District will require shut off valves for the Newbury Street services into each of the buildings.
9. The storm drain schedule should be updated to include two additional inverts into DMH-4.
10. The water main profiles should include minimum cover depths to satisfy the District's requirements. The label for DMH-5 on the Middle Street Profile also needs to be updated to match the drainage schedule.
11. The Middle Street Section on sheet 13 should be modified to reflect the proper granite curb aggregate backfill requirements. The City standard requires Type A gravel around the curb and not subbase material.
12. The engineer should clarify if granular backfill is allowed below the subbase gravel section for the backfill above the foundation underdrain indicated on Detail 5 on sheet 13.

If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 3
SOUTH PORTLAND, MAINE 04106
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- CONSTRUCTION ADMINISTRATION

DH

Attachment 1

MEMORANDUM

DATE: June 30, 2008

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-23-08 relating to the Village at Ocean Gate project. The submission package includes several revised plans. However these plan revisions did not benefit from my earlier memo of June 23, 2008, therefore each of the comments contained in my June 23, 2008 memo still seem to apply. We assume the applicant can review that memo and make the necessary design revisions. We appreciate that Mr. Farmer of the Public Works Dept. has also been able to review the comment letter and he seems to concur with our general findings. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 27, 2008
RE: Village at Oceangate project (Newbury Street)

I reviewed the comments in the June 23, 2008 memo to you from Steve Bushey of DeLuca-Hoffman Associates. I will offer the following additional comments regarding this project and the issues that Steve Bushey brought up.

1. In Steve Bushey's first comment, he noted a discrepancy regarding tree grate sizes called for on sheet 5 and the detail on sheet 11. I think the tree grate sizes called for on sheet 5 are correct. The tree grate detail on sheet 11 should be changed so it is consistent with sheet 5.
2. Steve Bushey's second comment notes a possible grading problem on Hancock Street, where the proposed sidewalk grades and "top of curb" grades along Hancock Street (between elevations 32' and 34') could lead to 12 inches of curb reveal at one location. A 12" curb reveal would be unacceptable to the Dept. of Public Services (DPS). Our design standards require 7 inches of curb reveal, and the typical cross slope on sidewalks is 2%, sloping downhill toward the curb. I recommend that the plans be revised in light of Steve Bushey's comment and the above noted standards for curb reveal and sidewalk cross slope.
3. Steve Bushey's 5th comment states that the location of the grease trap may need refinement. I do not disagree with the comments he presents in this regard. However, my view is that the grease trap and the associated sampling manhole are private property that would be more appropriate to locate outside of the street right of way.
4. I concur with Steve Bushey's other comments.

PLANNING BOARD REPORT #34-08

THE BAY HOUSE (FORMERLY THE VILLAGE AT OCEANGATE)
VICINITY OF
112 NEWBURY STREET
AMENDED SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEANGATE LLC. , APPLICANT

Submitted to:

Portland Planning Board
Portland, Maine

July 8, 2008

Prepared by:

Barbara Barhydt, Development Review Services Manager

July 3, 2008

I. INTRODUCTION

The Village at OceanGate LLC has submitted an application to amend the site plan and subdivision plan for The Bay House, which was formerly called the Village at OceanGate (Attachment 1). The original conditional rezoning agreement was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement becomes effective on July 2, 2008 (Attachment 2).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Approval Letter, Attachment 3). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the subdivision was signed by the Planning Board, but has not yet been recorded. A copy of the original application and the applicant's supplemental information for the Village at OceanGate will be available at the public hearing for the Planning Board's reference. A copy of the Planning Board report #30-07 is included as Attachment 4.

The applicant is seeking to revise the proposed project as follows:

- a. Revise the subdivision plat to incorporate 1,602 square feet of land into Phase I;
- b. Reduce the number of units in Phase I from 84 to 82 residential units;
- c. Reduce the commercial space to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. Modify the first level of Phase I to provide storage areas for the units, 80 vehicle parking spaces and 33 bicycle spaces; and
- e. Provide substitutes for some of the exterior materials and design modifications to the buildings.

The amended plans are being reviewed under the standards contained in the City's Subdivision and Site Plan Ordinances.

A total of 194 notices were sent to area residents the notice appeared in the Monday, June 30th and Tuesday July 1, 2008 editions of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

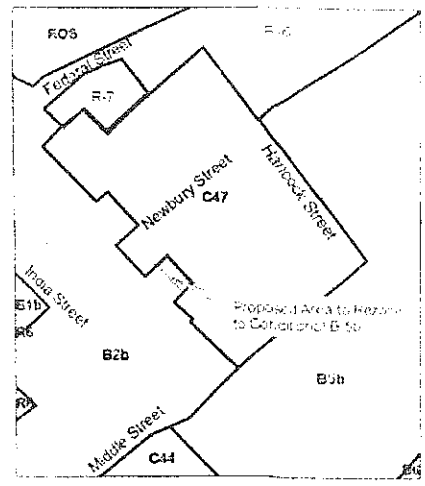
Total Land Area of Phase I:	50,008 sf, (based upon Boundary and Topography Sheet by Sebago Technics, dated 7/12/05, revised 6/3/08)
Total Land Area of Phase II:	30,697 sf
Zone:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Uses:	82 Residential units, 80 space parking level and retail commercial spaces along Middle Street
Unit Types:	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Required Minimum Lot Area:	none

Proposed Square Footage:	Building #1: 63,050 SF Building #2: 67,790 SF Garage Level: 45,495 SF
Required parking:	1 space/unit plus 6 spaces for the retail space
Proposed parking:	80 spaces on-site and 8 spaces at the Longfellow Garage
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008.
Proposed Driveway/Entrance:	Access to the first level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007.

III. PROJECT REVISIONS FOR PHASE I

1. Phase I Parcel Revised:

The conditional rezoning map as shown here has been revised to include an area of 1,602 square feet from the rear of the adjoining lot owned by Pearl Properties LLC at 61 India Street (Tax Map 20-E-021). The Pearl Properties site contains the Tackle Shop, which will remain. The strip of land to be transferred to the Village at OceanGate LLC is vacant. This land area is now shown on the amended subdivision plat and subdivision/site plan refer to Plan Set, Attachment 15.



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

2. Revised Number of Residential Units:

Phase I was approved with 84 units during subdivision review in 2007. The amended application is for 82 units. The applicant is seeking to create larger units to meet market demand. The conditional rezoning agreement allows up to 110 units in Phase I, thus the proposed density is within the provisions of the agreement.

3. Revised Parking:

The original rezoning agreement required a post development parking analysis, which is to be conducted six (6) months after the issuance of a certificate of occupancy. The amended agreement has been revised to require a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The amended rezoning agreement also revises the parking requirements to require 80 on-site spaces, 8 space in the Longfellow garage and 33 on-site bicycle parking spaces (Attachment 2).

The conditional rezoning agreement was revised to reduce the amount of commercial space in Phase I to an area between 5,200 and 5,700 square feet. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The residential entrance to Building # 2 is proposed along the Middle Street frontage near the garage entrance. Eighty

(80) parking spaces and 38 bicycle parking spaces are proposed in the enclosed parking level. Storage areas for the units are proposed within three areas of the parking garage. In the original proposal, the applicant presented a letter from Mr. Swenson stating that the applicant could secure up to leased spaces in the Longfellow Garage.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

The applicant is seeking to make modifications to the exterior of Buildings #1 and #2. For the workshop memo, David M. White, Architect, provided a list of revisions to the building on April 23, 2008, which is included as Attachment 5 was updated with the revised drawings and Mr. Shinberg's correspondence of May 27, 2008 (Attachment 1). Based upon the Planning Board's discussion of the potential revisions at the June 10, 2008 workshop, the exterior modifications to the plans before the Board at this time are as follows (Plan Set, Attachment 15):

1. **Exterior Materials:** All previously approved metal panel work is proposed as Hardie board with battens. The material sample was presented at the workshop and was submitted to the planning at the meeting. In Mr. Shinberg correspondence, he notes that the product is a quality product with a 50 year warranty for the material and a 25 year warranty for the paint. He states that the Hardie board warranty is equal or better to the metal siding approved in 2007 for this project.
2. **fenestration:** The applicant had proposed changing the fifth floor windows from arched to flat-top windows; however, the revised plans have returned to the original proposal with arched windows on the fifth floor along street frontages. Flat-top windows on the fifth level are shown for those units facing the internal courtyards.
3. **Commercial Space and Entrance for Building #2:** The storefronts along Middle Street have been simplified and awnings added to the façade. The applicant is proposing to have three commercial spaces in Building #2 as shown on the building elevations (Attachment 15 b). It provides symmetry in the facades for both Building #1 and #2 and maximizes the usable commercial space. This proposed revision requires relocating the Building #2 entrance from the base of Building #2 to a location closer to the garage entrance. As designed, the residential doorway is on the same plane as the retail facade and the façade continues to the stairway leading to the courtyard. The Middle Street entrance has been revised so that it is more prominent with glass panels on either side of the door. The garage entrance is recessed four feet within the façade, which creates an arch to screen part of the fresh air intake (labeled as the carbon monoxide intake grill on the elevations) located above the garage door. It also carries the polished concrete block along the full length of the Middle Street façade. Attachment 15 b shows the layout of the first level with the three retail spaces of equivalent size and the entry near the garage.

4. Other Exterior Revisions: Other revisions that are highlighted in Mr. David White's April correspondence (Attachment 5) include the following:

1. The base of the project is polished concrete block with a polished granite look.
2. Fireplace exhaust hoods have been added and will be painted to match the color of the siding.
3. The building height has been reduced from 57.5 to 56.85 feet.
4. The brick along Hancock Street will remain as approved in 2007;
5. The Hancock entrance has been modified from a double door with an arched window above to an entrance with glass panels framing the door and a transom above it. An awning is proposed.
6. The retail window on Hancock Street is simplified to match the windows on Middle Street and the same type of window is proposed on the corner of the building facing the alley.
7. A more prominent entrance is proposed to Building #2 on Newbury Street
8. Brick wraps the corner of the Building #2 and then the applicant proposes Hardie-plank on the alley side of the building. This is the same treatment as shown for the courtyards, which was approved in 2007.

The Conditional Rezoning Agreement, as amended, states that the Planning Board may modify or alter the plans approved in 2007 in accordance with the Design Standards of the Eastern Waterfront. A copy of the standards is included as Attachment 6 and Carrie Marsh's comments submitted in April are included for your reference (Attachment 7). The staff review of the most recent submittal is below in Section IV, paragraph 8.

IV. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The Planning Board report from July 10, 2007 is included as Attachment 4 and the staff review below is an evaluation of the proposed revisions.

1. Right Title and Interest

The applicant has submitted the purchase agreement for the additional land to be added to Phase I (Attachment 1). The original application included the right, title and interest for the project.

2. Easements

A five foot wide pedestrian easement to benefit Block B lot 21 is depicted on the recording plat. The applicant submitted a copy of the easement on July 3, 2008, so it has not been reviewed. The other easements on this property were part of the 2007 application.

3. Recording Plat and Plan

The notes on the recording plat were updated per the staff recommendations. The plat lists the waiver granted by the Planning Board on July 10, 2007 regarding the required contribution to the street tree fund. The plat also lists all of the conditions of approval from the July 10, 2007 approval. The plat will need to be revised to reflect Board's final conditions of approval.

4. Fire Department

Captain Gregory Cass has reviewed the proposed plan and has the following comments:

The existing fire protection narrative and prior conditions are still in effect unless rescinded by the owner. The enclosed parking garage requires a ventilation system. Please provide details.

The following potential condition of approval is suggested to replace the condition of approval included in 2007:

- L. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.*

The 2007 condition stated, "The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass."

5. Traffic

Thomas Errio, Consulting Traffic Engineer, has reviewed the revised plans and his review is included as Attachment 8. In summary, Mr. Errio finds the proposed number of parking spaces and parking layout to be acceptable. He notes that the City will install no parking signs on Middle Street as shown on the applicant's plan and that the applicant shall reimburse the City for this expense. The proposed crosswalks shall be shown with parallel lines per the City's standards. He also recommends that the applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

The Planning Board granted a waiver of the garage entrance width in 2007, which remains part of the proposal. The change in the entrance is now the setback four feet from the Middle Street façade. He states the following:

Garage Entrance: I find the garage driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

The planning staff recommends that the waiver for the driveway be restated for the Middle Street entrance, noting the four foot setback modification as shown on the most recent plans. Based upon Mr. Errio's review, potential conditions of approval are suggested below to replace the condition included in 2007:

- * *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
- * *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*

The 2007 condition stated, " Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.

The revised plans show three bike racks proposed in the garage with the capacity to accommodate 38 bicycles, which exceeds the requirements of the site plan ordinance. The proposed rack detail meets the requirements of the City's technical standards, thus the condition included in 2007 to submit the design details for the bike racks prior to the issuance of a building permit may be deleted.

6. Public Infrastructure/Stormwater

Michael Farmer, Project Engineer, reviewed the revised plans and his memo, dated June 12, 2008 is included as Attachment 9. Based upon the revised scope of utility work within the public right-of-way, the Department of Public Services requires the following:

- Reconstruct (i.e. full depth reconstruction) Middle Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.

A meeting was held with the Portland Water District, City staff and the applicant's representatives on June 20, 2008 to clarify the specifics of these requirements.

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted comments for this project on June 23, 2008 (Attachment 10). In his review he notes a dozen items to address on the plans. Michael Farmer, Project Engineer, was asked to evaluate whether any of Mr. Bushey's comments were addressed in the Public Services review. Mr. Farmer's assessment is contained in his memo dated June 27, 2008 (Attachment 11) in which he concurs with Mr. Bushey's review with the following clarifications:

- The tree grate on Sheet 5 is correct and the detail on Sheet 11 should be changed to be consistent with Sheet 5.
- The proposed grading problem on Hancock identified by Mr. Bushey does not meet City standards, so he recommends a revised plan be submitted meeting the City standards.
- Mr. Farmer recommends that the grease trap and sampling manhole be moved to private property.

Mr. Bushey reviewed the revised applicant's revised plans that were submitted on June 23, 2008 (memo dated June 30, 2008, Attachment 12). The revised plans had been prepared without the benefit of Mr. Bushey's review, so his review contained in the June 23, 2008 memo continue to apply.

Potential conditions of approval are suggested below to replace the conditions placed on the project in 2007:

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer for the Department of Public Services, memorandums of June 12, 2008 and June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of June 23, 2008 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

The conditions in 2007 cited the memos from Mr. Farmer and Mr. Bushey dated June 28, 2007 and July 5, 2007, respectively.

7. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment 6) for B. Buildings/Architecture, the planning staff offers the following comments:

1. **Building Composition:**
 - a. **Placement:** In general the buildings are placed along the sidewalk. The entrances face Middle, Hancock and Newbury Street. The applicant is proposing to extend the Middle Street façade from Building #2 to Building #1. The residential entrance is located within the parking level between the two towers. The residential entrance has become more prominent with glass panels on either side of the door and the garage entrance is setback four feet. The original placement located the residential entry within the base level of the residential tower above, which provided a positive visual orientation between these building elements. The applicant proposes to move the entry east of the tower, and seeks to visually relate the entry to the residential tower through an extension of a continuous first floor plane and materials palette (polished concrete), with a prominent glazed doorway feature. This provides for a somewhat larger retail component in three identical store front bays, which is also an attractive solution for the tower base. The proposed building placement and entry are reasonable design solutions relative to the design standards.
 - b. **Height:** The proposed height of the building has been lowered slightly and is within the limits of the conditional rezoning agreement. It is also consistent with the approved plans for the Longfellow project and the industrial development across Hancock Street.
 - c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
 - d. **Proportion:** The base of the building along Middle Street is punctuated with 5 or 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, building entrance, and windows along the base course.
 - e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street rather stepped as shown in 2007. This provides a stronger base along the street. The base is articulated with storefronts and entrances. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards (the courtyard application of this material was approved in 2007). Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices

- are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present the base middle and top.
- f. **Materials:** A number of exterior material options have been discussed during the review of the amended conditional rezoning agreement. Based upon those discussions, the applicant has retained the brick exteriors approved in 2007. The base course is now proposed as a polished concrete block that looks like granite, which resembles the granite material that had been approved before. The applicant is proposing Hardi-plank as a substitute for the metal siding and is shown on the projecting bays and top floor. As noted above, the applicant states that the quality and longevity of the material is equal to or better than the metal panels. The applicant has submitted samples and the warranty information for the Hardi-plank. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The staff recommends that the conditions of approval regarding urban design be eliminated except for the condition to submit the details of the awning and signage for the buildings.

8. Exterior Lighting

There was a condition in 2007 that a lighting plan meeting the City's Technical Standards be submitted for review and approval. The plans submitted in November of 2007 met the standards. The most recent submission does not propose any changes to the lighting, so the condition may be removed.

9. Landscaping

In 2007 the Board placed a condition on the plan that City Arborist review and approve a revised landscape plan. The applicant submitted revised plans in November 2007, which were approved by the City Arborist and revisions have not been proposed at this time. This condition of the original approval may be deleted.

10. Neighborhood Meeting

A neighborhood meeting was held on June 30, 2008 and the minutes, sign-in sheet and other materials from that meeting are included as Attachment 1.

V. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The original conditions that are applicable are listed below along with the revised or new conditions. Those conditions that have been met have been eliminated. A tracked change version of the original motion as revised is included as Attachment 13.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
2. *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of June,23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel's Office prior to the issuance of a certificate of occupancy.

Site Plan:

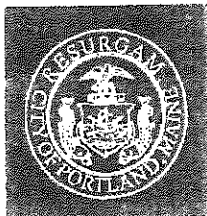
On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Attachments:

- I. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easments
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet

- iii. Notice
- iv. Neighborhood Certification
- 2. Amended Conditional Rezoning Agreement
- 3. Approval Letter for the July 10, 2007 site plan and subdivision approval
- 4. Planning Board Report #30-07
- 5. David M. White Architect, April 23, 2008 correspondence
- 6. Eastern Waterfront Design Standards
- 7. Carrie Marsh, April review
- 8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
- 9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
- 10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
- 11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
- 12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
- 13. Tracked Changes from the July 10, 2007 motions
- 14. Approved Building Elevations, July 10, 2007
- 15. Plan Set- The Bay House
 - a. Sebago Technics Plans:
 - 1. Cover Sheet
 - 2. Boundary and Topography Survey, 6-3-08
 - 3. Demolition Plan, 6-23-08
 - 4. Subdivision Plat, 6-23-08
 - 5. Site Plan, 6-23-08
 - 6. Grading Plan, 6-3-08
 - 7. Utility Plan, 6-3-08
 - 8. Landscape and Lighting Plan, 6-3-08
 - 9. Profile, 6-3-08
 - 10. Profile, 6-3-08
 - 11. Details, 6-3-08
 - 12. Details, 6-3-08
 - 13. Details, 6-3-08
 - 14. Details, 6-3-08
 - 15. Stormtech Details, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings B1-1 to B1-6; B2-1 to B2-6; E.1 through E.7;
 - c. Bike Rack Details
 - d. Two Color Renderings of Middle Street Facade



Strengthening a Remarkable City. Building a Community for the Future.

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

Planning Division
Alexander Jaegerman, Director

June 8, 2009

Marc C. Gagnon, President
Landmark Construction
415 Congress Street, Suite 202
P.O. Box 460
Portland, ME 04112

RE: The Bay House
CBL: 020- E009001
Application ID: 2008-0067

Dear Mr. Gagnon:

Thank you for your recent letter requesting an extension to the Bay House Project for the development located at 112 Newbury Street. I understand that your request for a one-year extension is based on the applicant's continued efforts to secure financing. The applicant intends to begin construction this summer or fall.

In my capacity as Planning Division Director for the City of Portland, I am granting your request to extend your approval to **July 8, 2010**. Please be advised that prior to obtaining a building permit, the final site plans must be submitted for review and approval meeting the conditions of the 2008 approval, and a performance guarantee for site improvements must be submitted for review and approval. If you have any questions, please contact Barbara Barhydt, Development Review Services Manager at 874-8699.

Sincerely,

Alexander Jaegerman
Planning Division Director

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Philip DiPiero, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

Zoning Administrator Marge Schmuckal
09/17/09

This project is a revision of previous submittals. The project is within a Conditional/Contract Zone #C-52 (C-47 preceded revisions). This Conditional/Contract Zone is a modification of the B-5b Zone. Generally the footprint is the same as previous renditions.

The current proposal for Phase #1 is for 82 residential dwelling units (a maximum of 110 d.u. is allowed), with 5742 square feet of retail (no less than 5,700 square feet required). The parking requires 1 parking per dwelling unit. 160 spaces are shown with 38 bike spaces (33 minimum per requirements).

The height allowance under the Conditional/Contract is 74' by the methods normally used by the Zoning Administrator. That methodology is to begin at average the grade and end at the top of the structural beam. First of all, the height requirement is being met. The previous average grade that I had use was 33.21'. Currently the average grade shown on the plans is 35.15'. Using the worst case scenario, the height of the building is 64.29 feet, which is almost 10' under the maximum allowed. For further clarification, I would like to see how the average grade was determined using the current plans. I again clarify, the height of the structure is meeting the maximum height limits allowed under the Conditional/Contract Zone.

In future submissions, I would like to verify that the HVAC systems are meeting the B-5b noise limitations. I would also like to look at signage proposals to be sure sign requirements will be met.

Att. 5

From: "Tom Errico" <thomas.errico@tylin.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: 9/18/2009 10:44:27 AM
Subject: The Bay House

Barbara -

In response to your request I have reviewed the September 8, 2009 submittal prepared by David M. White, Architect and offer the following new comments as it relates to the revised plan. Please note that my comments from the prior approval continue to remain valid.

. The plans must be stamped by a licensed Professional Engineer and these comments should be considered preliminary until the plans have been stamped.

. New corner handicapped ramps shall meet the proposed City of Portland design standards such that they are located at the tangent of the radius (two ramps per corner, typical). The applicant shall be responsible for altering the crosswalk markings as needed to appropriately orientate the markings between the proposed and existing ramps.

. On Sheet 4 of 15 the General Notes references a restaurant and leased parking in the adjacent Gateway garage. The plans should be updated to reflect current proposed parking conditions. I would note that the project has significantly increased the number of parking spaces and I find conditions to be acceptable.

. The applicant shall be responsible for all regulatory sign modifications (parking, STOP, etc.) associated with improvements along their property frontage on Hancock Street, Middle Street, and Newbury Street.

. The proposed driveway on Hancock Street does not meet City design standards, but I support a waiver due to the low turnover parking activity and private use of the parking lot.

. Some on-street parking spaces will be eliminated on Hancock Street as a result of the construction of the new driveway. The applicant will likely have to obtain City of Portland Council approval for the loss of the on-street parking spaces.

. There appears to be some inconsistent parking supply numbers included in the submittal. The applicant should confirm the exact number of parking spaces to be provided.

5.1

If you have any questions, please call me.

Best regards,

Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

CC: "Katherine Earley" <KAS@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>, "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>, "Jennifer Dorr" <JMY@portlandmaine.gov>



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

AA. 6
■ ROADWAY DESIGN
■ ENVIRONMENTAL ENGINEERING
■ TRAFFIC STUDIES AND MANAGEMENT
■ PERMITTING
■ AIRPORT ENGINEERING
■ SITE PLANNING
■ CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: September 16, 2009
TO: Barbara Barhydt, Portland Planning
FROM: Stephen R. Bushey, P.E.
SUBJECT: The Bay House

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 09-08-09 relating to the Bay House project. The submission package includes revised plans and a letter containing additional information pertaining the most recent project changes. Specifically an additional level of parking has been added to the development program, resulting in there being 160 spaces of structured parking within the building. We note that the second amended site plan incorrectly identifies there being 80 spaces on the lower level parking when there is actually only 70 spaces. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate should match the tree grates provided along the frontages of the Gateway Parking garage along Middle and Hancock Street. While graphically the plan depicts a rectangular grate I believe the actual grates are square. The City Arborist show weigh in on what is required.
2. The grading along a portion of the Hancock Street sidewalk continues to suggest as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location. I believe Public Services has weighed in that the curb reveal shall be 7".
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 12" SD exiting the building at the Middle Street entrance.
4. There are multiple utility crossings particularly in Middle Street. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
5. Final Stamped drawings should be provided for the City's records and for Planning Board Signatures.

We have no further comments on the plans at this time. On the basis on this review we can recommend the plans be presented to the Planning Board for approval with the condition that the aforementioned items be addressed prior to release of a building permit. If you or the applicant's representatives have any questions regarding these comments please contact this office.

A46.1

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

Deputy City Engineer
David Margolis-Pineo

AH 7

September 16, 2009

To: Barbara Barhydt
From: David Margolis-Pineo
And Public Service Staff
Re: The Bay House

1. The previous comments from Michael Farmer remain valid and should be retained as part of an approval.
2. The condition of approval regarding the City's expectation with regard to street improvements and associated fees should be retained in an approval.
3. When the construction fence gets installed make sure the points on the fence are down and not up.
4. No granite curb sections shall be installed less than four feet in length.
5. This project shall not interfere with the water main work that is currently underway.
6. THERE IS NO P. E. STAMP ON THESE PLANS. This department can not sign off on these plans until they are stamped.
7. The grading and utility plan indicate water main construction. This work is being completed by others and is not part of this project. This proposed work should be deleted from the plans.
8. Street opening permit fees are \$223 each.
9. Street, parking space and sidewalk occupancy fees are \$10/day per each.
10. Any work in the right of way will require an approved traffic plan by Public Services.
11. The site will adhere strictly with the new storm water regulations pertaining to site plan work.
12. Handicap ramps shown on the plans do not meet ADA or City standards.

AA 8

From: Jeff Tarling
To: Barbara Barhydt
Date: Friday, September 11, 2009 5:01:22 PM
Subject: Bay House Landscape Review

Hi Barbara -

I have reviewed the proposed Bay House project and offer the following recommendations & review:

a) Street-trees - The street-tree layout looks good as shown on Sheet 8, request would be to check to make sure that tree placement matches any on-street parking or loading zone requirements. Ideal placement of street-trees where on-street parking exists is to have the trees match up to the space between parked vehicles and not mid-car or where passengers were unloading. Tree spacing is also to include review of all underground utilities required set backs. Sidewalk widths should meet ADA standards between the tree grate & building.

b) Courtyard landscape - The interior courtyard is not visible from the street view, the proposed landscape treatment should make this area pleasant. Plant choices given the shade / sun requirements appear to be well thought out.

Recommendations for the courtyard at the street-view would be to use plants with a taller vertical element along the Newbury Street frontage. Since this area is relatively narrow the recommended plants should be upright in form. Suggestions, this space might benefit be best treated with a planting of upright small trees or shrubs, or climbing vine & combination one suggestion might be 'Climbing Hydrangea', or perhaps 'Heptacodium'. A second recommendation on the Middle Street courtyard would be to include a small planting space to the right of the driveway entrance. This is the space from the building plane to the garage door opening leaving space (pavement) along the drive on both sides. Both of the landscape elements or planters proposed in this recommendation would benefit from irrigation which should be able to be extended from the interior courtyard.

I would be glad to meet with the Project Team & Planning staff to review.

Thanks,

Jeff Tarling
City Arborist

CC: David Margolis-Pineo

Applicant's Submittal

ATTACHMENT C
Planning Board Report #34-08, submitted to the Planning Board on July 8, 2008
(Separate Document)

Contents of Attachment:

I. Planning Board Report #34-08

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
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12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
13. Tracked Changes from the July 10, 2007 motions
14. Approved Building Elevations, July 10, 2007
15. **Excerpts** from Plan Set- The Bay House
 - a. Sebago Technics Plans:
 1. Subdivision Plat, 6-23-08
 2. Site Plan, 6-23-08
 3. Grading Plan, 6-3-08
 4. Utility Plan, 6-3-08
 5. Landscape and Lighting Plan, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings; B1-1 and B2-1, E.1 through E.7;
 - c. Bike Rack Details

City of Portland
Development Review Application
Planning Division Transmittal form

Application Number: 09-99600006 Application Date: 9/08/09
Project Name: THE BAY HOUSE
Address: 113 Newbury St CBL: 020 - D-032-001
Project Description: Newbury Street - 112; The Bay House; David White
Zoning: C47/C52
Other Reviews Required: *PB*
Review Type: ~~ADMINISTRATIVE~~ AMENDED SITE PLAN

David White
P.O. Box 447

Portland Me 04101

Distribution List:

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

Preliminary Comments needed by:

Final Comments needed by: *9/16/09*



Development Review Application
 PORTLAND, MAINE

Department of Planning and Urban Development,
 Planning Division and Planning Board

PROJECT NAME: The Bay House (formerly "The Village at Ocean Gate")

PROPOSED DEVELOPMENT ADDRESS:

112 Newbury Street

PROJECT DESCRIPTION:

Mixed use 82 residential units/5742 sq retail/
 2878 sq residential community space/storage/parking

CHART/BLOCK/LOT: 20/E/9

CONTACT INFORMATION:

APPLICANT

Name: David M. Whitz
 Address: PO Box 447
Goffstown, NH 03045
 Zip Code: 03045
 Work #: 603 497 3405
 Cell #: _____
 Fax #: 603 497 2783
 Home: _____
 E-mail: dmwardh@comcast.net

PROPERTY OWNER

Name: Village at Ocean Gate, LLC
 Address: 35 Fay Street 107B
Boston, MA
 Zip Code: 02118
 Work #: 617 482 3004 x 202
 Cell #: _____
 Fax #: 617 482 3007
 Home: _____
 E-mail: _____

BILLING ADDRESS

Name: Village at Ocean Gate, LLC
 Address: 35 Fay Street 107B
Boston, MA
 Zip: 02118
 Work #: 617 482 3004 x 204
 Cell #: _____
 Fax #: 617 482 3007
 Home: _____
 E-mail: _____

RECEIVED

SEP - 8 2009

City of Portland
 Planning Division

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

AGENT/REPRESENTATIVE

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

ENGINEER

Name: Chris DiMatteo
Address: Sebago Technics, Inc.
1 Chabot Street
Westbrook, ME
Zip Code: 04098
Work #: 207.856.0277 x281
Cell #: _____
Fax #: 207 856 7206
Home: _____
E-mail: cdimatteo@sebagotechnics.com

ARCHITECT

Name: David M. White, Architect
Address: PO Box 447
Goffstown, NH
Zip Code: 03045
Work #: 603 497 3405
Cell #: _____
Fax #: 603 497 2783
Home: _____
E-mail: dmmwarch@comcast.net

CONSULTANT

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

SURVEYOR

Name: Matthew Ek
Address: Sebago Technics
1 Chabot Street
Westbrook, ME
Zip Code: 04098
Work #: 207 856 0277
Cell #: _____
Fax #: 207 856 2206
Home: _____
E-mail: mek@sebagotechnics.com

ATTORNEY

Name: Thomas Hanson, Esq.
Address: Bernstein, Shur Sawyers & Nelson
100 Middle Street / PO Box 9129
Portland, ME
Zip Code: 04112
Work #: 207 772 2422
Cell #: _____
Fax #: 207 774 5114
Home: _____
E-mail: _____

PROJECT DATA

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

Total Site Area 78,843.6 sq. ft.
 Proposed Total Disturbed Area of the Site 78,843.6 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 78,843.6 sq. ft. (prior to demolition)
 Proposed Total Impervious Area 78,843.6 sq. ft.
 Proposed Impervious Net Change 0 sq. ft.

BUILDING AREA

Existing Building Footprint _____ sq. ft.
 Proposed Building Footprint _____ sq. ft.
 Proposed Building Footprint Net Change _____ sq. ft.
 Existing Total Building Floor Area 0 sq. ft. (demolished)
 Proposed Total Building Floor Area 215,960 sq. ft.
 Proposed Building Floor Area Net Change _____ sq. ft.
 New Building yes (yes or no)

ZONING

Existing _____
 Proposed, if applicable CM1/CS2 CMR

LAND USE

Existing _____
 Proposed vacant/formerly restaurant mixed use

RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units 0
 Proposed Number of Residential Units to be Demolished 0
 Existing Number of Residential Units 0
 Proposed Number of Residential Units 82
 Subdivision, Proposed Number of Lots 1

PARKING SPACES

Existing Number of Parking Spaces _____
 Proposed Number of Parking Spaces 160
 Number of Handicapped Parking Spaces 6
 Proposed Total Parking Spaces 160

BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0
 Proposed Number of Bicycle Parking Spaces 38
 Total Bicycle Parking Spaces 38

ESTIMATED COST OF PROJECT

\$17,000,000

Please check all reviews that apply to the proposed development

Design Review	_____	Stormwater Quality	_____
Flood Plain Review	_____	Traffic Movement	_____
Historic Preservation	_____	Zoning Variance	_____
Housing Replacement	_____	Historic District Landmark	_____
14-403 Street Review	_____	Off Site Parking	_____
Shoreland	_____	Single Family Dwelling	_____
Site Location Act Local Review	_____	B-3 Pedestrian Activity Review	_____
Single Family Dwelling	_____	Change of Use	_____
2 Family Dwelling	_____		

AH B 1.5

APPLICATION FEE:

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

<p>Major Development (more than 10,000 sq. ft.)</p> <p><input type="checkbox"/> Under 50,000 sq. ft. (\$500.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00)</p> <p><input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00)</p> <p><input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00)</p> <p><input type="checkbox"/> 200,000 - 500,000 sq. ft. (\$3,000.00)</p> <p><input type="checkbox"/> Over 500,000 sq. ft. (\$5,000.00)</p> <p>After the fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Plan Amendments</p> <p><input type="checkbox"/> Planning Staff Review (\$250.00)</p> <p><input checked="" type="checkbox"/> Planning Board Review (\$500.00)</p> <p>Subdivision</p> <p><input type="checkbox"/> Subdivision (\$50.000 - amount of lots _____ (\$25.00 per lot) \$ _____ (applicable Minor site plan fee)</p>
<p>Minor Site Plan Review</p> <p><input type="checkbox"/> Less than 10,000 sq. ft. (\$400.00)</p> <p><input type="checkbox"/> After the fact Review (\$1,000.00 plus applicable application fee)</p>	<p>Other Reviews</p> <p><input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$2,000.00 per lot _____)</p> <p><input type="checkbox"/> Traffic Movement (\$1,000.00)</p> <p><input type="checkbox"/> Storm water Quality (\$250.00)</p> <p><input type="checkbox"/> Section 14-403 Review (\$100.00 + \$25.00 per lot)</p> <p>Other _____</p>

DEVELOPMENT REVIEW APPLICATION SUBMISSION

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

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

Refer to the application checklist (page 9) 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 14-401) 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 or 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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

<p>Signature of Applicant: </p>	<p>Date: <u>September 8, 2009</u></p>
--	---------------------------------------

DAVID M. WHITE, ARCHITECT

403 tibbetts hill rd.
p.o. box 447
goffstown, nh 03045-0447
603-497-3405
fax 603-497-2783

8 September, 2009

Barbara Barhydt, Senior Planner
Department of Planning and Development
Planning Division
389 Congress Street
Portland, ME 04101

Re: The Bay House
Formerly The Village at Ocean Gate
Cover letter for an amended submittal

Dear Barbara,

The Owner, The Village at Ocean Gate, LLC, has an opportunity to convey or partner phase 1 of this property to/with Eric Cianchette of Portland, ME. Financial institutions have made it nearly impossible for the construction of condominium projects despite, in this case, the positive response by prospective buyers. Mr. Cianchette, recognizing these constraints, has entered into an agreement for phase 1 of the project. In his due diligence phase he has made it clear that the project in order to be marketable needs to have additional parking.

The attached civil plans, architectural plans and elevations reflect the addition of a basement level called the Lower Level Garage. The original garage level is now the Upper Level Garage. The new parking count is 160 parking spaces compared to the original count of 80 parking spaces. The Upper Level Garage has been extended over the retail spaces and now has 90 spaces, in addition the area over the westerly retail space is slated as Community Space (Community Room and Exercise Room in addition to Restrooms. In order to accomplish this change the residential portion of the project has been raised 5'. This 5' is the minimum needed to accomplish this change and the maximum that can be done to insure no change in the proposed construction type. Because of this 5' change, the stair from Middle Street to the Courtyard has been eliminated, the stair from Newbury Street to the Courtyard remains. The elimination of the Middle Street stair is based on two factors. The first the Courtyard is now 23' above the Street (two and a half flights of residential stairs); the second the extension of the stair would affect the parking layout resulting in the loss of 6 parking spaces.

As was previously shown on an earlier submittal that did have two parking levels, there is a garage door off Hancock street serving the Upper Level Garage. Different window types have been used around three sides of the Upper parking Garage and on the Lower Level Parking on Hancock where they fit. The two front towers on Middle Street have glass fenestration at the Upper Level Parking, the right side for the parking and the left side for the Community space. This again is similar to the previous two level parking scheme.

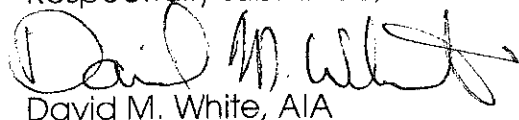
With one exception the residential area elevations have not changed. This exception is because of the extension of the front courtyard wall to the right tower. The windows of the first residential floor have changed on this wall to match the same windows where the Newbury Street wall intersects the residential wall.

All materials and colors have remained the same from the previously approved scheme. There was a question previously about screening any mechanical equipment on the roof. Since there are no major elements sitting on the roof, any screening would be more offensive than the equipment themselves. The items on the roof are mushroom type ventilators for the flat roof, plumbing vent stacks and condensing units for the corridor make up air units. The elevator hoistway extends above the roof plane by approximately 3' 6" and the roof is surrounded by a parapet of approximately 2' 0".

The civil drawings have been updated to reflect the changes as noted above. In addition the grease trap has been eliminated as no restaurant will be constructed in the retail space. All previous comments from the 10/23/08 review have been incorporated into these drawings.

I trust that this letter covers the proposed changes and we look forward to meeting with the Planning Board on the 22nd of September to present the material and answer any questions regarding this amended proposal.

Respectfully submitted,



David M. White, AIA

Cc: Demetri Dasco, The Village at Ocean Gate, LLC
Eric Cianchette

QUITCLAIM DEED WITH COVENANT

VILLAGE CAFÉ, INC., a Maine corporation with a place of a business at 112 Newbury Street, Portland, Maine 04101, FOR CONSIDERATION PAID, grants to THE VILLAGE AT OCEANGATE, LLC, a Maine limited liability company with a mailing address of 35 Fay Street, Suite 107-B, Boston, Massachusetts 02118, with QUITCLAIM COVENANT, certain real property, together with any improvements thereon, located at 112-113 Newbury Street, Portland, County of Cumberland and State of Maine, more particularly described on Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, Village Café, Inc. has caused this instrument to be executed under seal by John Reali, its Treasurer thereunto duly authorized, this 15th day of November, 2007.

WITNESS

T. S. Hanson

VILLAGE CAFÉ, INC.

By: *John Reali*
John Reali
Its duly authorized Treasurer

State of Maine
County of Cumberland

November 15, 2007

PERSONALLY APPEARED before me the above-named John Reali, duly authorized Treasurer of Village Café, Inc., as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

T. S. Hanson

Notary Public/Attorney At Law
Commission Expires: *N/A*
Print Name: *Tom S. Hanson*

MAINE REAL ESTATE TAX PAID

EXHIBIT A

PARCEL 1

A CERTAIN LOT OR PARCEL OF LAND SITUATED ON THE SOUTHERLY SIDE OF NEWBURY STREET, IN THE CITY OF PORTLAND, COUNTY OF CUMBERLAND, STATE OF MAINE, NOW OR FORMERLY OF THE VILLAGE CAFE, INC., BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY SIDE OF NEWBURY STREET, HAVING A RIGHT OF WAY WIDTH OF 50 FEET, SAID POINT BEING THE NORTHERLY CORNER OF LAND NOW OR FORMERLY OWNED BY BARTLETT ISLAND LLC, RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 17068 PAGE 212, AND THE NORTHWEST CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47'-47'-16" E, A DISTANCE OF 258.80 FEET, BY AND ALONG SAID SOUTHERLY SIDE OF NEWBURY STREET TO THE WESTERLY SIDE OF HANCOCK STREET, HAVING A RIGHT OF WAY OF 66 FEET, TO A POINT, SAID POINT BEING THE MOST NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 36'-58'-45" E, A DISTANCE OF 218.60 FEET, BY AND ALONG THE SOUTHERLY SIDE OF SAID HANCOCK STREET TO THE WESTERLY SIDE OF MIDDLE STREET, HAVING A RIGHT OF WAY OF 49.5 FEET, TO A POINT, SAID POINT BEING THE MOST EASTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 50'-09'-17" W, BY AND ALONG SAID WESTERLY SIDE OF MIDDLE STREET, A DISTANCE OF 177.17 FEET, TO A POINT, SAID POINT BEING A SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 43'-54'-17" W, BY AND ALONG SAID MIDDLE STREET, A DISTANCE OF 43.31 FEET, TO A POINT, SAID POINT BEING THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY HILARY AND STEPHEN ANDREW RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 19479 PAGE 226 AND THE MOST SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47'-17'-23" W, BY AND ALONG THE LAND OF SAID ANDREW, A DISTANCE OF 78.41 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING THE MOST NORTHERLY CORNER OF LAND OF SAID ANDREW AND THE EASTERLY CORNER OF LAND NOW OR FORMERLY OWNED BY WOODEN NICKEL LLC RECORDED IN SAID CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 14219 PAGE 166 AND A SOUTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 47'-17'-23" W, BY AND ALONG SAID LAND OF WOODEN NICKEL LLC, A DISTANCE OF 39.00 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING AN EASTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42'-35'-21" E, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 40.20 FEET, TO A POINT, SAID POINT BEING AN EASTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42'-36'-19" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 56.58 FEET, TO A BRICK BUILDING CORNER, SAID BUILDING CORNER BEING THE MOST NORTHERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, S 46'-27'-27" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC, A DISTANCE OF 47.76 FEET, TO A POINT, SAID POINT BEING A NORTHWESTERLY CORNER OF LAND OF SAID WOODEN NICKEL LLC AND A WESTERLY CORNER OF THE PARCEL HEREIN DESCRIBED,

THENCE, N 42'-26'-53" W, BY AND ALONG THE LAND OF SAID WOODEN NICKEL LLC AND LAND OF SAID BARTLETT ISLAND LLC, A DISTANCE OF 37.23 FEET, TO THE POINT OF BEGINNING, MEANING AND INTENDING TO DESCRIBE A CERTAIN PARCEL OF LAND CONTAINING 48,805 SQUARE FEET OR 1.12 ACRES, MORE OR LESS.

Received
Recorded Register of Deeds
Nov 16, 2007 03:36:44P
Cumberland County
Pamela E. Lovley

AH B 4.1

Village At Ocean Gate LLC

35 Fay Street 107-b
Boston Ma. 02118

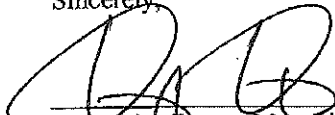
September 16, 2009

Penny St. Louis Littell
Director
Planning & Urban Development
City of Portland

Dear Penny:

Please be advised that the Village at Ocean Gate LLC have entered into a business arrangement with Eric Cianchette to invest and/or purchase Bay House Condominium Project Phase I. We are working together to re-permit the project per the plans in your possession for the September 22nd meeting. As you are aware the parking change is pre-requisite to the consummation of our agreement with Mr. Cianchette. If you have any additional questions please don't hesitate to call me.

Sincerely,



Demetrios Dasco, Managing Member
Village At Ocean Gate LLC

Bangor

You matter more

AH B-5.1

September 17, 2009

Ms. Barbara Barhydt
Development Review Services Manager
City of Portland Planning Department
389 Congress Street
Portland, Maine 04101

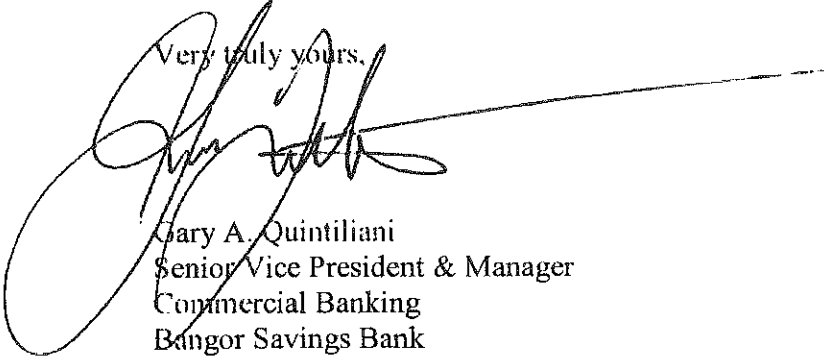
RE: Bayview Condominium Project

Dear Barbara:

This letter will confirm that Bangor Savings Bank has had business relationships with Eric Cianchette. Based on his business and real estate development experience we believe he has the capacity and expertise to complete the proposed project.

Should you have any questions, please feel free to contact me directly.

Very truly yours,



Gary A. Quintiliani
Senior Vice President & Manager
Commercial Banking
Bangor Savings Bank
280 Fore Street, Suite 200
Portland, ME 04101

* This is not a commitment to lend and no formal credit underwriting has been performed.

Att B 6.1

From: "Chris DiMatteo" <cdimatteo@sebagotechnics.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Thursday, September 17, 2009 1:29:00 PM
Subject: Bay House; clarification on Lot area size numbers

Hi Barbara,

After looking at the plans again it look as though I gave David the area for both Phase One and Phase Two.

The area calculations for Phase One are:

48,482.16 S.F. + 1,606 S.F.(proposed conveyance from Joe Reynolds/Tackle Shop) = 50,088.16 S.F. for the Phase One parcel. With regard to the existing impervious area, I would still say that it equals the lot area. If you want to interpret it differently, however, and consider the previously developed area behind the Tack Shop (a portion of which is being conveyed) as impervious area since there are woody plant volunteers growing where there once was a building, then perhaps you can record 1,606 S.F. as impervious.

I hope this helps. Please let me know if you need additional information.

Chris

Christopher Di Matteo, R.L.A.

Sebago Technics, Inc.

One Chabot Street, P.O.Box 1339

Westbrook, Maine 04098-1339

p: 207-856-0277 Ext: 281 f.: 207-856-2206

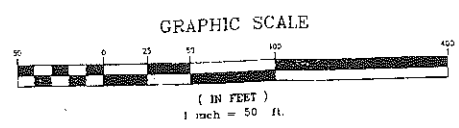
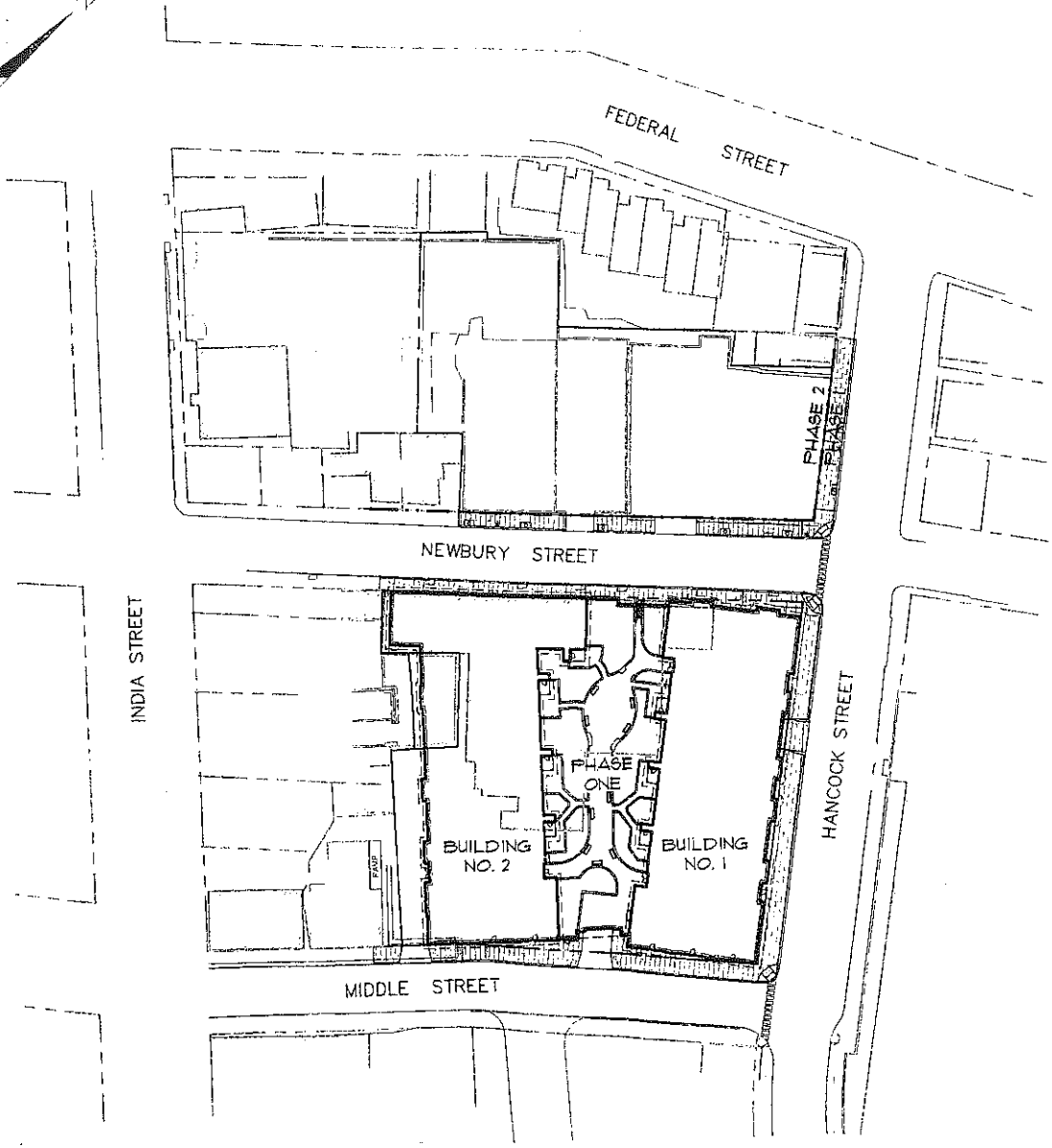
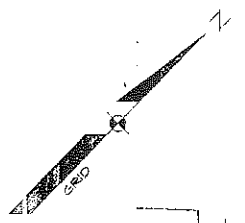
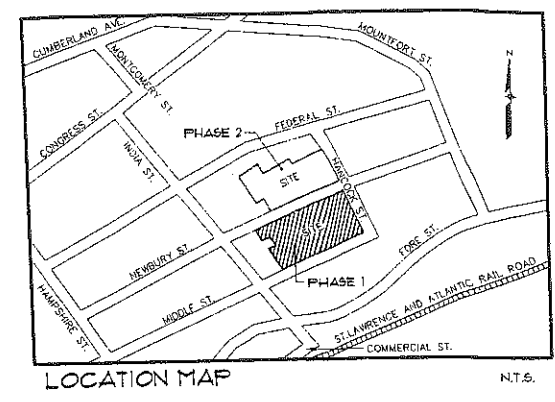
cdimatteo@sebagotechnics.com <mailto:cdimatteo@sebagotechnics.com>

www.sebagotechnics.com <http://www.sebagotechnics.com>

CC: "David White" <dmwarch@comcast.net>, "05109" <05109@sebagotechnics.com>

THE BAY HOUSE - PHASE 1

112-113 NEWBURY STREET/40 HANCOCK STREET
PORTLAND, MAINE



APPLICANT/OWNER:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

ARCHITECT:
DAVID M. WHITE ARCHITECT
P.O. BOX 447, 403 TIBBETTS HILL RD.
GOFFSTOWN NH, 03045-0447

PROJECT MANAGER
SHINBERG CONSULTING, LLC
477 CONGRESS STREET, SUITE 1012
PORTLAND, MAINE 04101

**ENGINEER/SURVEYOR/
LANDSCAPE ARCHITECT:**

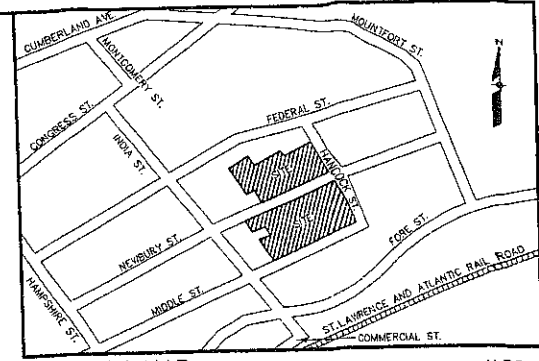
Sebago Technics 
Engineering Expertise You Can Build On
One Chabot Street
Westbrook, Me 04098-1339
Tel (207) 856-0277

**THE BAY HOUSE - PHASE 1
2ND AMMENDED SUBDIVISION/SITE PLAN**

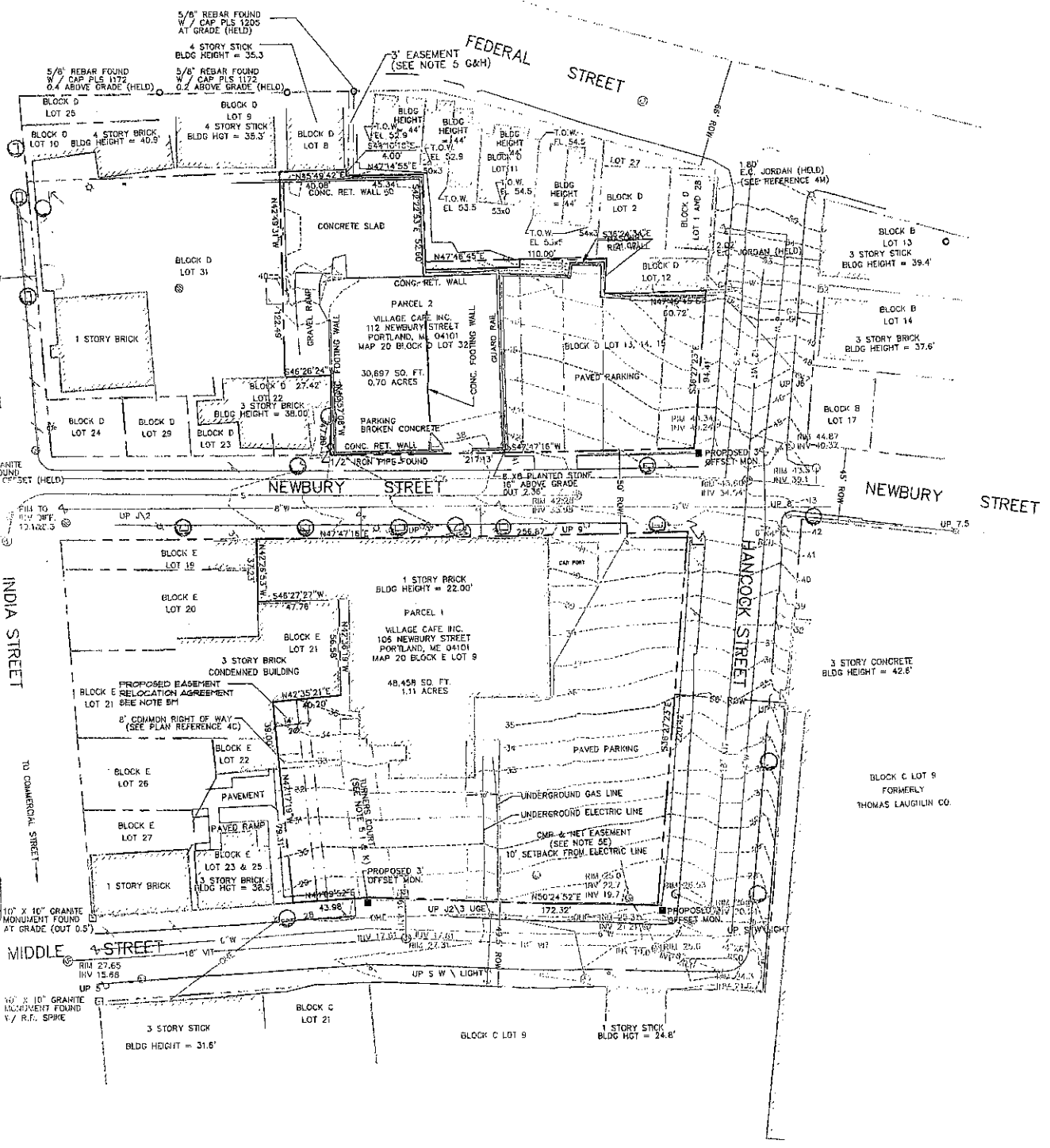
SHT. NO.	SHEET NAME
1	COVER SHEET
2	BOUNDARY & TOPOGRAPHY SURVEY
3	DEMOLITION PLAN
4	SUBDIVISION PLAT
5	SITE PLAN
6	GRADING PLAN
7	UTILITY PLAN
8	LANDSCAPE AND LIGHTING PLAN
9	PROFILE
10	PROFILE
11	DETAILS
12	DETAILS
13	DETAILS
14	DETAILS
15	STORMTECH DETAILS

JOHN FITZPATRICK PO BOX 818 PORTLAND, ME 04104 BLOCK B LOT 13 BOOK 15910 PAGE 0068	MUCCI BROTHERS INC. 43 WINDY STREET PORTLAND, ME 04103 BLOCK C LOT 27 BOOK 11060 PAGE 193	FRANCIS JACKSON 139 HARTLEY STREET PORTLAND, ME 04103 BLOCK D LOT 10 BOOK 13590 PAGE 310	ALISON AND DAVID BROWN 125 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 23 BOOK 15768 PAGE 132	DARTLETT ISLAND LLC 87 INDIA STREET PORTLAND, ME 04101 BLOCK E LOT 20 BOOK 17058 PAGE 212
CATAMOUNT PROPERTIES LLC 30 LODGEWOOD DRIVE FALMOUTH, ME 04105 BLOCK D LOT 1 AND 28 BOOK 12154 PAGE 140	TIM HARDY 1728 ASTORAS STREET ST. AUGUSTINE, FL 32080 BLOCK D LOT 11 BOOK 22369 PAGE 122	44 FEDERAL STREET LLC 4646 NORTH HERMITAGE CHICAGO, IL 60640 BLOCK D LOT 11 BOOK 12574 PAGE 217	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 24 BOOK 14437 PAGE 256	MAHC INC. 28 PORTLAND AVENUE OLD ORCHARD, ME 04064 BLOCK E LOT 20 BOOK 15267 PAGE 127
HADLEY M. BROWN 87 NEWBURY STREET PORTLAND, ME 04101 BLOCK B LOT 17 BOOK 13034 PAGE 215	DAVID FILIPOS 36 FEDERAL STREET #3 PORTLAND, ME 04101 BLOCK D LOT 2 BOOK 15976 PAGE 285	ROLAND SMALLEY JR. 73 WALL STREET PORTLAND, ME 04103 BLOCK D LOT 12 BOOK 12574 PAGE 217	BETTY POWROY PO BOX 432 WESTBROOK, ME 04096 BLOCK D LOT 25 BOOK 6706 PAGE 276	WOODEN NICKEL LLC 42 CHAMBERLAIN AVENUE PORTLAND, ME 04101 BLOCK E LOT 21 BOOK 14219 PAGE 166
SIFBY RD BREWING CO LLC 66 NEWBURY STREET PORTLAND, ME 04101 BLOCK C LOT 8 BOOK 12208 PAGE 110	JONATHAN PRESTON PO BOX 1206 CHARLESTOWN, NH 02813 BLOCK D LOT 8 BOOK 18922 PAGE 237	VILLAGE CAFE INC. 109 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 13, 14, 15 BOOK 15416 PAGE 143	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 28 BOOK 15585 PAGE 304	WOODEN NICKEL LLC 42 CHAMBERLAIN AVENUE PORTLAND, ME 04101 BLOCK E LOT 21 BOOK 14219 PAGE 166
MUCCI BROTHERS INC. 43 WINDY STREET PORTLAND, ME 04103 BLOCK C LOT 21 BOOK 13427 PAGE 125	KAC LLC 18 VISTA DRIVE SOUTH PORTLAND, ME 04106 BLOCK D LOT 9 BOOK 21962 PAGE 258	THOMAS AND MARCO CARLUZZI 123 NEWBURY STREET PORTLAND, ME 04101 BLOCK D LOT 22 BOOK 15416 PAGE 143	DOMINIC REALTY LLC 312 ST. JOHN STREET PORTLAND, ME 04102 BLOCK D LOT 31 BOOK 15585 PAGE 307	HILARY AND STEPHEN ANDREW 23 MIDDLE STREET PORTLAND, ME 04101 BLOCK E LOT 23 & 25 BOOK 18479 PAGE 242

ABUTTERS LIST: TAX MAP 20 BLOCKS B, C, D, & E



LOCATION MAP N.T.S.

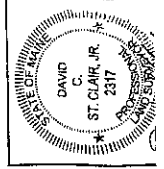
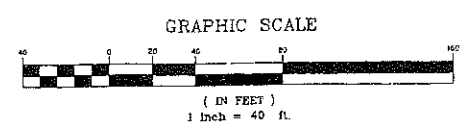


GENERAL NOTES:

- THE RECORD OWNER OF THE PROPERTY IS VILLAGE CAFE INC. DEEDS TO SUBJECT PARCELS ARE 17317187, 3161304, 43271291, 321783, 3004226, 3091703, 37524, 3112131, 3024132, 3291280, 2094237, 2896235, 4357286, 4084222, 952073.
- THE PROPERTY IS DEPICTED ON THE TOWN OF PORTLAND TAX MAP 20; BLOCK E LOT 9 AND BLOCK D, LOTS 13, 14, 15, AND 32.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH NAD 1983 MAINE WEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NGVD 1929 VERTICAL DATUM.
- PLAN REFERENCES:
 - A) PLAN TITLED "ALTA / ACSM TITLE SURVEY OF JORDAN'S MEATS PROPERTY, PREPARED FOR P.M.E. LIMITED PARTNERSHIP, BY SEBAGO TECHNICS, INC., DATED 4/29/05.
 - B) PLAN TITLED "PLAN OF LAND STANDARD BOUNDARY SURVEY ON FORE, INDIA, MIDDLE NEWBURY, HANCOCK, & MOUNTFORD STREETS, PORTLAND MAINE" PREPARED FOR AMERICAN HOIST & Derrick CO., BY OWEN HASKELL, INC., DATED APRIL OF 1957.
 - C) ALTA/ACSM LAND TITLE SURVEY, PREPARED FOR ARI REAL ESTATE HOLDINGS BY OWEN HASKELL INC., DATED NOV. 8, 2001.
 - D) PLAN TITLED "CITY OF PORTLAND, MAINE PUBLIC WORKS DEPARTMENT ENGINEERING SECTION - HANPSHURE STREET SL WORKSHEET" BY THE CITY OF PORTLAND ENGINEERS OFFICE, DATED FEB. 2002.
 - E) RIGHT OF WAY MAPS BY THE CITY OF PORTLAND; # 21, 52, 73, AND 113.
 - F) PLAN OF SEWER LINE - NEWBURY STREET, BUILT JUNE 1977, CITY PLAN #425/3.
 - G) PLAN OF SEWER LINE - MIDDLE STREET, RE-BUILT AUG. 1926, CITY PLAN #424/10.
 - H) PLAN OF SEWER LINE - INDIA, NEWBURY, FEDERAL, AND CONGRESS STS. RE-BUILT AUG. 1926, CITY PLAN #440/25.
 - I) PLAN OF PROPERTY IN PORTLAND, MAINE, PREPARED FOR THOMAS LAUGHLIN CO., DATED SEPT. 2 1955; DRAWING #473/9.
 - J) PLAN OF PORTLAND SEWER SYSTEM INSTALLATION - INFLOW ANALYSIS, PREPARED FOR PORTLAND WATER DISTRICT BY HUNTER-BULLER ASSOCIATES, CITY DRAWING #W-4.
 - K) PORTLAND WATER DISTRICT, PORTLAND SHEET B.
 - L) PLAN TITLED "PLAN OF LAND STANDARD BOUNDARY SURVEY ON FORE, INDIA, MIDDLE NEWBURY, HANCOCK, & MOUNTFORD STREETS, PORTLAND MAINE" PREPARED FOR SHIPARD BREWING COMPANY, BY OWEN HASKELL, INC., DATED APRIL OF 1957, REWSED 11/2/85.
 - M) SITE PLAN "ADDITIONS TO THE VILLAGE CAFE, PORTLAND, ME. BY JOHN H. LEASURE - ARCHITECT, INC., DATED JAN. 4, 1995.
 - N) PLAN TITLED "INDIA ST. REBUILDING SEWER - MIDDLE ST. TO CONGRESS ST., BY THE CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS, DRAWN ON 11/4/95, DRAWING #59/8.
 - O) "PLAN OF PROPERTY IN PORTLAND, MAINE MADE FOR VILLAGE CAFE" DATED 4-10-84 BY EC JORDAN.
- SUBJECT TO:
 - A) RIGHTS AND EASEMENT GRANTED TO CO CENTRAL MAINE POWER COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3408 PAGE 116.
 - B) RIGHTS AND EASEMENT GRANTED TO THOMAS LAUGHLIN COMPANY FOR NOISE, VIBRATION, SMOKE, SOOT, CINDERS, FUMES, GASES, AND VAPORS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN THE FOLLOWING BOOKS AND PAGES: 1611132, 2084472, 189975, 1611132, 1511321, 1658133, 2041135.
 - C) RIGHTS AND EASEMENT GRANTED BY ANDEO REALI AND BRIGIDA DIMILLO TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE CO. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 2805 PAGE 166.
 - D) RIGHTS AND EASEMENTS GRANTED BY ANDEO REALI AND BRIGIDA DIMILLO TO CENTRAL MAINE POWER CO. AND NEW ENGLAND TELEPHONE CO. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3027 PAGE 770.
 - E) RIGHTS AND EASEMENTS GRANTED TO THE VILLAGE CAFE, INC. TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 6793 PAGE 348.
 - F) RIGHTS AND EASEMENTS GRANTED BY WARWICK CORPORATION TO CENTRAL MAINE POWER COMPANY AND NEW ENGLAND TELEPHONE COMPANY RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3211 PAGE 357.
 - G) THREE FOOT WIDE RIGHT OF WAY LOCATED OFF THE SOUTHERLY SIDELINE OF FEDERAL STREET AS DESCRIBED IN DEED FROM GESHINGER REALTY CO. TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 3142 PAGE 183.
 - H) 10 FOOT RIGHT OF WAY REFERENCED FROM BOOK 7270 PAGE 0036, QUOTED AS READING "THE ABOVE DESCRIBED PREMISES MAY BE SUBJECT TO A RIGHT OF WAY ABOUT 10 FEET WIDE AND 42 FEET LONG LOCATED OFF THE SOUTHERLY SIDELINE OF FEDERAL STREET AS DESCRIBED IN A DEED TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 3142, PAGE 180, NOT SHOWN ON PLAN.
 - I) RIGHTS OF OTHERS TO PASS OVER PARCEL 1 TO AND FROM TURNER'S COURT AS DESCRIBED IN DEED FROM GEDDREY I. BURT TO VILLAGE CAFE, INC. RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 4308 PAGE 125.
 - J) RIGHTS DESCRIBED IN DEED FROM GESHINGER REALTY CO. TO WARWICK CORPORATION RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 1148 PAGE 240.
 - K) LIMITS OF TURNER'S COURT ARE BASED ON PLAN REFERENCE "M".
 - L) BUILDING AND OVERHANG EASEMENT FOR BLOCK D LOT 8 DESCRIBED IN BOOK 7573 PAGE 0074.
 - M) EASEMENT RELOCATION AGREEMENT BETWEEN VILLAGE CAFE, INC. AND PEARL PROPERTIES, LLC AS DESCRIBED IN A CERTAIN INSTRUMENT AS - EITHER A NEW 14 FOOT OR A NEW 20 FOOT EASEMENT, DEPENDENT ON THE SATISFACTION OF CERTAIN CONDITIONS HEREIN, FOR ACCESS TO THE PEARL PROPERTY FROM MIDDLE STREET (THE "NEW EASEMENT"), AND...
 - N) THERE IS NO 100 YEAR FLOOD PLAIN LOCATED ON THE SITE AND IS DESIGNATED AS ZONE C FOR THE FLOOD INSURANCE RATE MAP FOR THE TOWN OF PORTLAND, MAINE, COMMUNITY PANEL NUMBER 230051 0014 B DATED JULY 17, 1986.
 - O) PUBLIC WATER AND SEWER IS PROVIDED TO SUBJECT PARCELS.
 - P) THIS PLAN IS BASED UPON A BOUNDARY SURVEY PERFORMED IN ACCORDANCE WITH THE STATE OF MAINE BOARD OF LICENSED PROFESSIONAL LAND SURVEYORS STANDARDS OF PRACTICE WITH THE EXCEPTION THAT NO NEW MONUMENTATION HAS BEEN SET AT THE ISSUANCE OF THIS PLAN.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	CENTERLINE	---
⊙	MONUMENT	⊙
⊕	IRON PIPE/ROD	⊕
⊖	WATER SHUT OFF	⊖
⊗	CATCH BASIN	⊗
⊘	GATE VALVE	⊘
⊙	HYDRANT	⊙
⊕	SEWER MANHOLE	⊕
⊖	UTILITY POLE	⊖
⊗	GUY WIRE	⊗
⊘	ELECTRIC MANHOLE	⊘
---	EDGE PAVEMENT	---
---	CURBLINE	---
---	BENCHMARK	---
⊙	HARDWOOD TREE	⊙
⊕	BUILDING	⊕



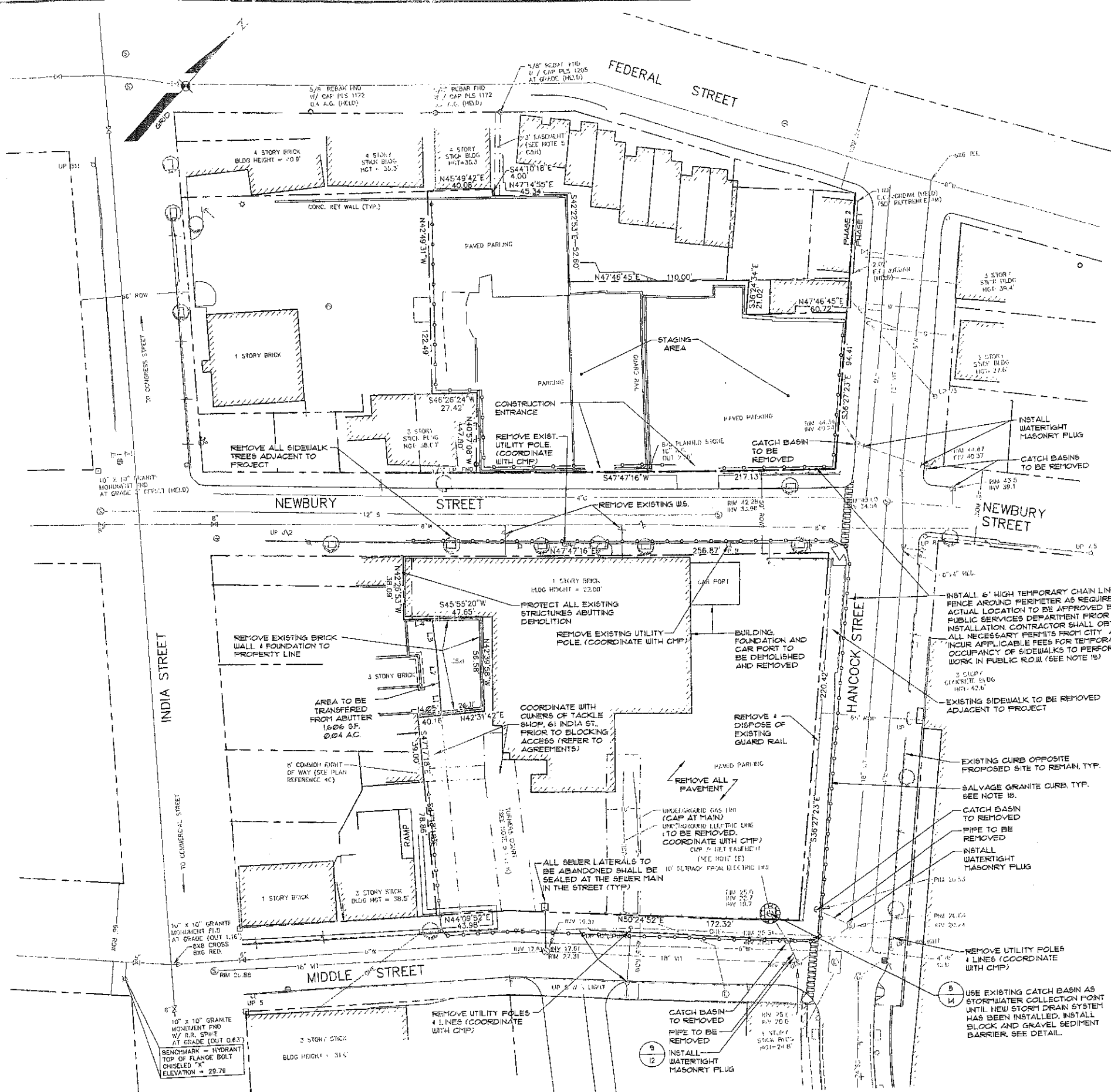
DAVID C. CLAIR, JR. ST. CLAIR, JR. 2517	REVISIONS	DATE	BY
1	REVISED & SUBMITTED FINAL DRAWINGS TO CITY	9/7/07	CD
2	SUBMIT TO CITY FOR SITE PLAN REVIEW	3-20-07	CD
3	SUBMIT TO CITY FOR SITE PLAN REVIEW	2-2-07	CD
4	STATUS		

Sebago Technics
Engineering Expenses You Can Build On
One Church Street
Westbrook, ME 04091
TEL (207) 894-0272

BOUNDARY & TOPOGRAPHIC SURVEY
BY: THE VILLAGE AT OCEAN GATE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
OR: THE VILLAGE AT OCEAN GATE, LLC
112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE

DATE	SCALE
7/12/05	1"=40'

67.3



LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	SETBACK	---
---	EASEMENT	---
---	MONUMENT	---
---	IRON PIPE/ROD	---
---	DRILLHOLE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVERHEAD ELEC. & TEL.	---
---	UNDERGROUND ELEC. & TEL.	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	CHAIN LINK FENCE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---

SITE DEMOLITION NOTES

- ALL SITE/DEMOLITION IMPROVEMENTS WILL BE DONE IN ACCORDANCE WITH APPROVED HASP.
- ALL EXISTING FEATURES AND UTILITIES SHOWN HEREON ARE BASED ON EXISTING RECORD PLANS, ON-SITE FIELD OBSERVATIONS, AND EXISTING SITE CONDITIONS PLANS AS PROVIDED BY SEBAGO TECHNICS, INC. THE SITE CONTRACTOR SHALL VERIFY ALL ABOVE-GROUND VISUAL INSPECTION AND USE A UTILITY MARKING COMPANY TO VERIFY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY AND COMPLY WITH DIG SAFE REQUIREMENTS.
- UTILITIES SHOWN HEREON MAY OR MAY NOT CONSTITUTE ALL UTILITIES ON OR ADJACENT TO THIS SITE. THE INDICATED PIPE SIZES, VALVES, STRUCTURES AND MATERIALS HAVE NOT BEEN VERIFIED FOR ANY UTILITIES SHOWN.
- SITE DEMOLITION WORK SHALL INCLUDE SURFACE DEMOLITION AND SUBSURFACE DEMOLITION OF EXISTING FOUNDATIONS (IF ENCOUNTERED) AND UTILITY LINES.
- ALL EXISTING IMPROVEMENTS WITHIN THE LIMITS OF THE PROPOSED WORK (UNLESS SHOWN TO REMAIN) SHALL BE DEMOLISHED. THIS INCLUDES EXISTING PAVING UNDESIRABLE ON SITE FILLS, CURBING, SIDEWALKS AND AGGREGATE BASE TO THE EXTENT NECESSARY TO SUPPORT THE PROPOSED DESIGN.
- EXISTING UTILITY LINES (OPERATIVE OR ABANDONED) LOCATED WITHIN THE AREA OF THE NEW BUILDINGS SHALL BE REMOVED. SITE CONTRACTOR SHALL BE RESPONSIBLE FOR BACK FILLING AND COMPACTING THE RESULTANT TRENCHES AS APPROPRIATE TO SUPPORT THE NEW DESIGN.
- PLUG OPENINGS IN CATCH BASINS LEFT BY REMOVED STORM DRAIN PIPE WITH BRICK AND MORTAR.
- PLUG OPENINGS IN SANITARY MANHOLES LEFT BY REMOVED SEWER LINES WITH BRICK AND MORTAR AND OTHER LATERAL ABANDONED SHALL BE SEALED AT THE SEWER MAIN IN STREET.
- SAW CUT PAVEMENT AT THE LIMITS OF DEMOLITION IN ACCORDANCE WITH THE PAVEMENT JOINT DETAIL ON THE PLAN SET.
- ANY QUESTIONS ON THE EXTENT OF SURFACE OR SUBSURFACE DEMOLITION SHALL BE PRESENTED TO THE ENGINEER.
- EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO THE START OF DEMOLITION ACTIVITIES.
- ALL DISTURBED AREAS NOT SUBJECT TO BUILDING CONSTRUCTION OR PAVING SHALL BE LOAMED, SEEDED AND MULCHED.
- SEE UTILITY PLAN FOR ROAD REPAIR ASSOCIATED WITH UTILITY INSTALLATION.
- TERMINATE UTILITIES IN ACCORDANCE WITH STATE AND LOCAL RULES AND REGULATIONS, THE NATIONALLY RECOGNIZED CODES, AND THE REQUIREMENTS OF THE UTILITY PROVIDER COVERING THE SPECIFIC UTILITY AND APPROVED BY THE ENGINEER.
- ABANDONMENT OF UTILITY SYSTEMS SHALL BE DONE IN A MANNER THAT CONFORMS TO APPLICABLE CODES AND REGULATIONS. REMOVES THEIR PRESENCE FROM THE GROUND SURFACE AND CLEARLY INDICATED THAT THEY HAVE BEEN ABANDONED. UTILITIES SHALL NOT BE ABANDONED IN PLACE UNDERNEATH OR WITHIN 10 FEET OF ANY NEW FACILITIES.
- DEMOLITION WORK SHALL INCLUDE THE DEMOLITION, REMOVAL AND LEGAL DISPOSAL OF EXISTING CONSTRUCTION AS REQUIRED TO ACCOMMODATE THE NEW CONSTRUCTION. THE CONTRACTOR SHALL TAKE CARE TO PREVENT DAMAGES TO EXISTING UTILITIES. CONSTRUCTION AND MATERIALS NOT SCHEDULED FOR DEMOLITION, REPAIR OR REPLACEMENT, AND SHALL REPAIR DAMAGES TO THE CONSTRUCTION AND MATERIALS TO THE SATISFACTION OF THE ENGINEER AND AT NO ADDITIONAL COST TO THE OWNER.
- WHENEVER POSSIBLE ALL FEATURES DEMOLISHED SHALL BE SALVAGED OR RECYCLED IN LIEU OF BEING DISPOSED OF AS WASTE IN A LAND FILL. EXISTING FEATURES TO BE DEMOLISHED WHICH ARE NOT INDICATED AS SALVAGEABLE OR REUSED, SHALL BECOME THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE PROJECT SITE TITLE TO MATERIALS RESULTING FROM DEMOLITION, AND MATERIALS AND EQUIPMENT TO BE REMOVED, IS VESTED IN THE CONTRACTOR UPON APPROVAL BY THE ENGINEER OF THE CONTRACTOR'S DEMOLITION PLAN, AND AUTHORIZATION BY THE ENGINEER TO BEGIN DEMOLITION. THE OWNER WILL NOT BE RESPONSIBLE FOR THE CONDITION, LOSS OF OR DAMAGE TO SUCH PROPERTY AFTER CONTRACT AWARD. MATERIALS AND EQUIPMENT SHALL NOT BE VIEWED BY PROSPECTIVE PURCHASERS OR SOLD ON THE SITE.
- ALL EXISTING GRANITE CURBS TO BE REMOVED AND REPLACED SHALL BE DELIVERED TO THE CITY'S STOCKYARD FOR SALVAGE. SEE SITE PLAN, SHEET 5, FOR NEW CURB LOCATIONS.
- COORDINATE WITH PORTLAND PUBLIC SERVICES REGARDING MAINTENANCE OF VEHICULAR & PEDESTRIAN MOVEMENT IN AND AROUND CONSTRUCTION AREA. CONTRACTOR SHALL PROVIDE A DETOUR PLAN FOR PUBLIC SERVICES REVIEW AND APPROVAL.
- STORM DRAINAGE AND SEWER REMOVALS/PLUGS IN HANCOCK, MIDDLE AND NEWBURY STREETS TO BE COMPLETED IN COORDINATION WITH STREET IMPROVEMENTS AND UTILITY INSTALLATION.
- REFER TO UTILITY PLAN FOR REMOVAL OF WATER LINES AND APPURTENANCES. ALL WORK SHALL BE COORDINATED WITH THE PORTLAND WATER DISTRICT.
- REMOVAL OF EXISTING ELECTRICAL LINE AND UTILITY POLES SHALL BE COORDINATED WITH CMP TO ENSURE NO DISRUPTION OF SERVICES. NEW UNDERGROUND UTILITIES TO BE INSTALLED AND ACTIVATED PRIOR TO REMOVAL OF EXISTING ACTIVE LINES.

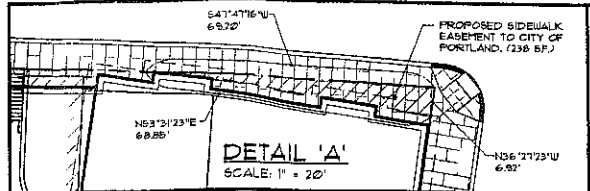
REV.	DATE	BY	STATUS
1	9/8/05	CD	REVISION TO CITY FOR AMENDED SITE PLAN REVIEW
2	10/13/05	CD	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
3	9/12/05	CD	REVISED PER CITY STAFF COMMENTS
4	7/17/05	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID
5	11/9/07	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID

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 One Chesnut Street
 Westbrook, ME 04098-1339
 Tel: (207) 866-0277

PROJECT NO: FIELD BOOK DESIGN CHKD DRAWN
 05109 SAG DAM SAG

DEMOLITION PLAN
 OF:
THE BAY HOUSE
 102 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR:
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE	SCALE
8/3/05	1"=30'

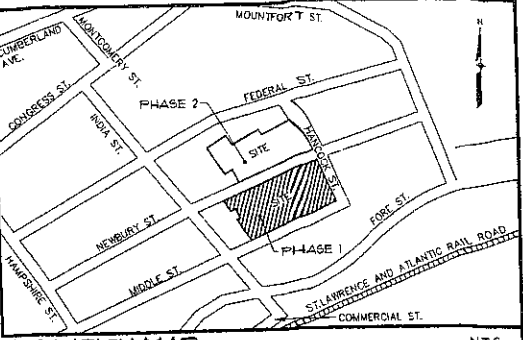


LINE	BEARING	LENGTH
L1	N45°16'56"W	16.96
L2	N46°47'05"W	20.14
L3	N49°22'41"W	20.62
L4	S47°36'06"W	16.99

LEGEND		LEGEND (CONT)	
EXISTING	DESCRIPTION	EXISTING	DESCRIPTION
---	BOUNDARY LINE/ROSL	---	BUILDING
---	ABUTTER LINE/ROSL	---	SIGN
---	EASEMENT	---	EDGE PAVEMENT
---	MONUMENT	---	PAVEMENT PAINT
---	IRON PIPE/ROD	---	GRAVEL ROAD
---	DRILLHOLE	---	CURBLINE
---	CURVE/LINE NO.	---	DECIDUOUS TREE
---	BENCHMARK	---	CONIFEROUS TREE
---		---	GATE VALVE
---		---	HYDRANT
---		---	SEWER MH
---		---	CATCH BASIN
---		---	DRAINAGE MH
---		---	ELECTRICAL MANHOLE
---		---	TELEPHONE MANHOLE
---		---	LIGHT POLE
---		---	LIGHTED BOLLARD
---		---	UTILITY POLE
---		---	SUT

GENERAL NOTES:

- THE RECORD OWNER OF PHASE I IS THE VILLAGE AT OCEANGATE LLC AS DESCRIBED IN A DEED RECORDED AT THE GARDEN AND COUNTY REGISTRY OF DEEDS IN 1995 PAGE 215 AND DEED OF WOODEN NICKEL, LLC TO BE RECORDED.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND TAX MAP 26/ BLOCK E LOT 5 AND A PORTION OF LOT 2 (PHASE ONE) AND BLOCK D LOTS 5, 14, 15 AND 31 (PHASE TWO).
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND ALTA SURVEY TITLED "ALTA SURVEY OF THE VILLAGE AT OCEANGATE LLC ACQUISITIONS I, LLC BY SEBAGO TECHNICS, INC. PERFORMED DATED JULY 10, 2005 REVISED THROUGH APRIL 14, 2006.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH NAD 83 MAINE WEST ZONE. CONTIGUOUS AND ELEVATION SHOWN HEREON ARE BASED UPON NAVD 83 VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 185 AC. (PHASE ONE: 115 AC/ PHASE TWO: 70 AC).
- ZONING DISTRICT: CONDITIONAL REZONING/RS-55 URBAN COMMERCIAL MIXED USE ZONE.
- THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT APPROVED BY THE PORTLAND CITY COUNCIL JANUARY 2, 2008 AND IS RECORDED IN THE GARDEN AND COUNTY REGISTRY OF DEEDS IN BOOK 26146 AT PAGE 201 SUCH AGREEMENT CHANGES THE UNDERLYING RS-55 COMMUNITY BUSINESS ZONE TO RS-55 URBAN COMMERCIAL MIXED USE ZONE AND APPEALS THE ZONE WITH THE REQUIREMENTS AS FOLLOWS:
 - DEVELOPMENT: THOSE USES ALLOWED IN THE RS-55 ZONING DISTRICT, THE PROJECT SHALL INCLUDE NOT LESS THAN 5,000 SQUARE FEET OF COMMERCIAL/RETAIL SPACE ON THE GROUND LEVEL, ALONG MIDDLE STREET AND AT THE CORNER OF HANCOCK AND MIDDLE STREETS AS DEPICTED ON THE PLAN, UNLESS DURING SITE PLAN REVIEW THE PLANNING BOARD APPROVES A MINIMUM AMOUNT OF 5,000 SQUARE FEET OF COMMERCIAL/RETAIL SPACE.
 - PHASING: PHASE I SHALL CONSIST OF AT MINIMUM BUILDINGS 1 AND 2, WHILE PHASE 2 SHALL CONSIST OF ONE OR MORE BUILDINGS IN ACCORDANCE WITH SECTION 14-483(F).
 - PHASE I IS DESIGNED TO STAND ALONE IN THE EVENT PHASE II IS NOT BUILT. PERFORMANCE GUARANTEES SHALL BE POSTED SEPARATELY FOR EACH PHASE. FOR PURPOSES OF THE TIME PERIODS SET FORTH IN THIS PARAGRAPH 8 AND IN SECTION 14-537(F) OF THE PORTLAND CITY CODE, CONTEMPORANEOUS CONSTRUCTION ON PHASE I SHALL BE DEEMED TO CONSTITUTE COMMENCEMENT OF CONSTRUCTION ON PHASE II, PROVIDED THAT ACTUAL CONSTRUCTION ON PHASE II IS COMMENCED NO LATER THAN 3 YEARS AFTER THE COMMENCEMENT OF CONSTRUCTION ON PHASE I. A SEPARATE GUARANTEE FOR THE COST OF INSTALLING THE SIDEWALKS AND CURBS AND ANY OTHER PUBLIC IMPROVEMENTS FOR PHASE II MUST BE POSTED WITH THE CITY PRIOR TO THE RELEASE OF THE RECORDING PLAT FOR PHASE II.
 - MODIFICATIONS TO RS-55 REGULATIONS: THE SITE SHALL BE GOVERNED BY THE REGULATIONS APPLICABLE TO THE RS-55 ZONING DISTRICT, EXCEPT AS FOLLOWS:
 - THE MAXIMUM RESIDENTIAL DENSITY ON THE SITE SHALL BE 16 DUELLING UNITS.
 - THE MAXIMUM FRONT YARD SETBACK SHALL BE TEN (10) FEET, EXCEPT THAT A FRONT YARD SETBACK OF NO GREATER THAN SIXTEEN (16) FEET SHALL BE ALLOWED FOR THE PARKING GARAGE ENTRANCE AND ASSOCIATED FACADE AS DEPICTED ON THE PLANS.
 - THE MAXIMUM HEIGHT FOR THE STRUCTURES SHALL BE:
 - BUILDINGS 1 AND 2: THE MAXIMUM HEIGHT OF EACH BUILDING SHALL NOT EXCEED 14 FEET FROM AVERAGE GRADE, AS MEASURED AND APPROVED BY THE ZONING DEPARTMENT.
 - BUILDINGS 3 IN PHASE TWO: THE MAXIMUM HEIGHT IN PHASE II SHALL NOT EXCEED 65 FEET FROM THE EXISTING NEBURY STREET GRADE.
 - THE CORNICES OF BUILDINGS AND STOREFRONT AWNINGS ALONG MIDDLE AND HANCOCK STREETS, WILL EXTEND OVER THE STREET RIGHTS OF WAY IN VARIOUS LOCATIONS AS SHOWN ON THE PLANS.
 - UNDERGROUND AND STOREFRONT AWNINGS ALONG MIDDLE AND HANCOCK STREETS SHALL BE INSTALLED WITHIN THE RIGHT OF WAY OF NEBURY STREET. THE FINAL LOCATION OF SUCH VAULT TO BE APPROVED BY THE PLANNING AUTHORITY.
 - PHASE II OF THE PROJECT SHALL BE SUBJECT TO ONE OR MORE BUILDINGS ALONG NEBURY AND HANCOCK STREETS SHALL MEET THE FOLLOWING REQUIREMENTS:
 - A MAXIMUM SETBACK OF 15 FEET FROM THE MOST RESTRICTED PROPERTY LINE (ABUTTING CB) 20'-D-11 SHALL BE PROVIDED AS ILLUSTRATED IN THE CONDITIONAL REZONING AGREEMENT.



LOCATION MAP

GENERAL NOTES:

- THE PLANNING BOARD GRANTED WAIVERS FOR THE FOLLOWING TECHNICAL STANDARDS: SECTION 11.24 (B), WHICH REQUIRES A 24 FOOT WIDE DRIVEWAY TO BE REDUCED TO 16 AND 22 FEET AT THE GARAGE ENTRANCES ON NEBURY AND MIDDLE STREETS AND SECTION XV.H, PHOTOMETRIC PLANS REQUIRING AND PHOTOMETRIC PLANS FOR THE INTERIOR COURTYARDS ONLY.

WAIVERS

PURSUANT TO SECTION 14-506 OF THE PORTLAND CODE, THE PLANNING BOARD ALLOWS THE FOLLOWING VARIATION FROM THE SUBDIVISION APPROVAL STANDARDS IN SECTION 14-493(F) OF THE PORTLAND CODE: THE PLANNING BOARD ACKNOWLEDGES THE APPLICANT'S CONTRIBUTION TO THE CONSTRUCTION OF HANCOCK STREET AND THE ADDITIONAL COSTS FOR TREE BELLS AND TREE GUARDS, SO BASED UPON THE RECOMMENDATION OF THE CITY ARBORIST, THE PLANNING BOARD WAIVES THE FINANCIAL CONTRIBUTION TO THE STREET FUND TO ONE HALF THE AMOUNT DUE AS DETERMINED BY THE CITY ARBORIST.

CONDOMINIUM UNITS

- BUILDING NO. 1: 40 UNITS
- BUILDING NO. 2: 42 UNITS
- PHASE ONE TOTAL: 82 UNITS

CONDITIONS OF APPROVAL

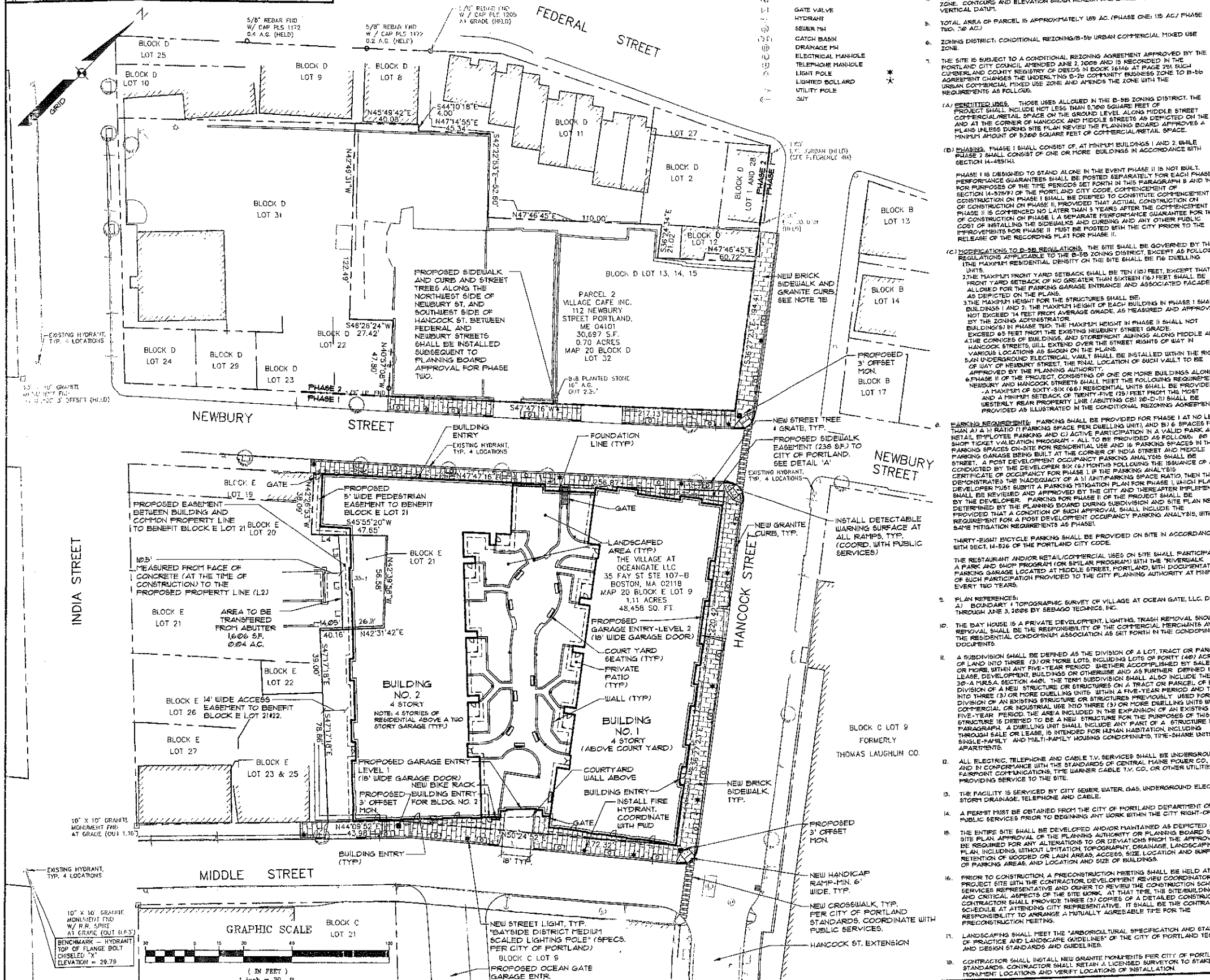
- REVISIONS PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN THOMAS ERICCO, P.E. TRAFFIC CONSULTING ENGINEER'S REVIEW DATED JUNE 26, 2007 SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISIONS PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN STEVE BUSHBY, P.E. CONSULTING ENGINEER'S MEMORANDUMS OF JUNE 26, 2007 AND JUNE 27, 2008 TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISIONS PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN MICHAEL FARMER, PROJECT ENGINEER'S MEMORANDUMS OF JUNE 26, 2007 AND JUNE 27, 2008 TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE RESTAURANT AND/OR RETAIL/COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE CITY. THE EQUAL PARKING GARAGE LOCATED AT MIDDLE STREET AND THAT DOCUMENTATION OF SUCH PARTICIPATION WILL BE PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO YEARS.
- ALL FINANCIAL CONTRIBUTIONS REQUIRED AS PART OF THE CONDITIONAL REZONING SHALL BE SUBMITTED TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE DESIGN DETAILS FOR THE BIKE RACKS SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED CONDOMINIUM DOCUMENTS AND A COPY OF THE PEDESTRIAN EASEMENT SHALL BE SUBMITTED FOR REVIEW BY CORPORATION COUNSEL'S OFFICE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THE APPLICANT SHALL REIMBURSE THE CITY FOR THE INSTALLATION OF NO PARKING SIGNS ON THE NORTH SIDE OF MIDDLE STREET AND RESET THE SIGNS AS NECESSARY DURING CONSTRUCTION.
- THE APPLICANT SHALL REIMBURSE THE CITY FOR THE INSTALLATION OF NO PARKING SIGNS ON THE NORTH SIDE OF MIDDLE STREET AND RESET THE SIGNS AS NECESSARY DURING CONSTRUCTION.
- THE FOLLOWING SCHEDULE OUTLINES THE CITY'S EXPECTATION WITH REGARD TO ITS STREET IMPROVEMENTS AND ASSOCIATED FEES TO BE PAID BY THE DEVELOPER.
 - HANCOCK STREET
 - THE DEVELOPER SHALL PAY TO THE CITY A STREET OPENING FEE OF \$25,000.00.
 - THE DEVELOPER SHALL UNDERTAKE ITS OWN TRENCH WORK IN HANCOCK STREET FROM MIDDLE TO THE END OF ITS PHASE II FRONTAGE. IN ADDITION TO SUCH TRENCHING, THE DEVELOPER SHALL PAY TO THE CITY \$45,000.00 WHICH WILL GO TOWARDS THE HANCOCK STREET IMPROVEMENTS. THE DEVELOPER SHALL NOT BE OBLIGATED TO PAY A PAVEMENT RESTORATION FEE AS THE CITY WILL CONSIDER THIS FEE COVERED BY THE \$45,000.00 PAYMENT.
 - NEBURY STREET
 - THE DEVELOPER SHALL RECONSTRUCT NEBURY STREET FROM INDIA TO HANCOCK STREET CONSISTENT WITH THE CITY'S DESIGN STANDARDS AND WITH ALL THE UTILITIES AS SHOWN ON THE SUBDIVISION PLAN.
 - MIDDLE STREET
 - THE DEVELOPER SHALL PAY TO THE CITY A STREET OPENING FEE OF \$25,000.00.
 - THE DEVELOPER MAY CHOOSE ONE OF THE FOLLOWING TWO OPTIONS:
 - THE DEVELOPER SHALL RECONSTRUCT THE ENTIRE LENGTH OF MIDDLE STREET FROM HANCOCK TO INDIA IN WHICH CASE THERE WILL BE NO PAVEMENT RESTORATION CHARGE INCURRED.
 - OR
 - THE DEVELOPER SHALL RECONSTRUCT THE ENTIRE FRONTAGE OF ITS SITE FROM HANCOCK ALONG MIDDLE STREET AND TRENCH THE REMAINING TO INDIA. IF THE DEVELOPER CHOOSES THIS OPTION, IT WILL ALSO INCUR PAVEMENT RESTORATION FEE EQUAL TO \$45,000.00 SQUARE YARD (FROM THE EDGE OF ITS FRONTAGE TO INDIA STREET).
- THE APPLICANT SHALL SUBMIT FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL THE EASEMENT ON THE WESTERLY PROPERTY LINE.

STATE OF MAINE

RECEIVED _____ COUNTY SS REGISTRY OF DEEDS
 AT _____ ON _____ 20____
 AND RECORDED IN
 PLAN BOOK _____ PAGE _____

APPROVAL - CITY OF PORTLAND PLANNING BOARD

ATTEST _____ REGISTRAR
 _____ DATE _____
 _____ CHAIRPERSON



BT.4

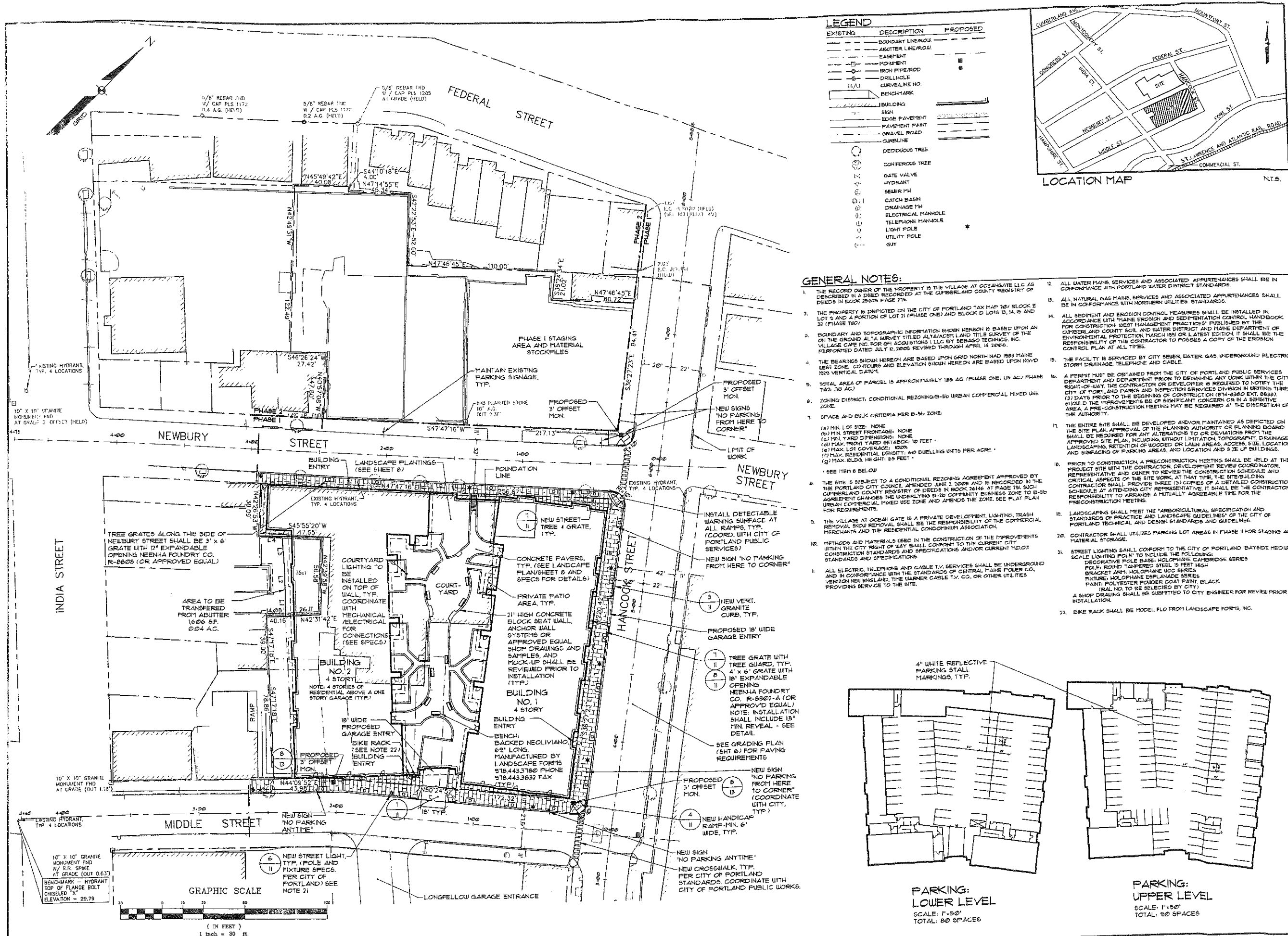
DAVID ST. CLAIR JR.

DATE	SC
8/3/05	1"
SHEET 4 OF 0	

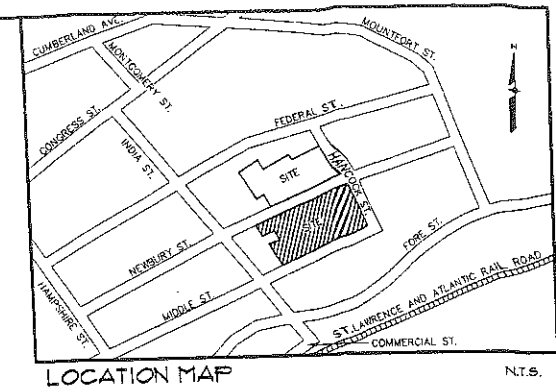
Sebago Technics
 Engineering Experience You Can Build On
 One Church St., Portland, ME 04101
 Tel: (207) 655-0277

2ND AMENDED SUBDIVISION PLAT
 OF
THE BAY HOUSE
 113 NEBURY ST., PORTLAND, MAINE
 FOR RECORD OWNER: TULSA WILACE

A
B7.5



EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
---	ABUTTER LINE/ROW	---
---	EASEMENT	---
○	MONUMENT	○
○	IRON PIPE/ROD	○
○	DRILLHOLE	○
(C/A)	CURVILINE NO. BENCHMARK	(C/A)
▭	BUILDING	▭
---	SIGN	---
---	EDGE PAVEMENT	---
---	PAVEMENT PAINT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
○	DECIDUOUS TREE	○
○	CONIFEROUS TREE	○
○	GATE VALVE	○
○	HYDRANT	○
○	SEWER MH	○
○	CATCH BASIN	○
○	DRAINAGE MH	○
○	ELECTRICAL MANHOLE	○
○	TELEPHONE MANHOLE	○
○	LIGHT POLE	○
○	UTILITY POLE	○
○	GUT	○



GENERAL NOTES:

- THE RECORD OWNER OF THE PROPERTY IS THE VILLAGE AT OCEANGATE LLC AS DESCRIBED IN A DEED RECORDED AT THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 26675 PAGE 775.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND TAX MAP 20V BLOCK E LOT 3 AND A PORTION OF LOT 2 (PHASE ONE) AND BLOCK D LOTS 13, 14, 15 AND 32 (PHASE TWO).
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ORIGINAL SURVEY TITLED 'ALTAIACSM LAND TITLE SURVEY OF THE VILLAGE GATE INC. FOR GFI ACQUISITIONS I, LLC BY SEBAGO TECHNICS, INC. PERFORMED DATED JULY 12, 2005 REVISED THROUGH APRIL 14, 2006.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH HAD 1893 MAINE BEST ZONE. CONTOURS AND ELEVATION SHOWN HEREON ARE BASED UPON NSVD 1974 VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 185 AC. (PHASE ONE: 115 AC / PHASE TWO: 70 AC).
- ZONING DISTRICT: CONDITIONAL REZONING-B-6b URBAN COMMERCIAL MIXED USE ZONE.
- SPACE AND BULK CRITERIA PER B-6b ZONE:
 - (a) MIN. LOT SIZE: NONE
 - (b) MIN. STREET FRONTAGE: NONE
 - (c) MIN. YARD DIMENSIONS: NONE
 - (d) MAX. FRONT YARD SETBACK: 10 FEET
 - (e) MAX. LOT COVERAGE: 100%
 - (f) MAX. RESIDENTIAL DENSITY: 60 DWELLING UNITS PER ACRE
 - (g) MAX. BLDG. HEIGHT: 65 FEET
 - (h) SEE ITEM 8 BELOW
- THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT APPROVED BY THE PORTLAND CITY COUNCIL, AMENDED JUNE 7, 2009 AND IS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS IN BOOK 26186 AT PAGE 19. SUCH AGREEMENT CHANGES THE UNDERLYING B-10 COMMUNITY BUSINESS ZONE TO B-6b URBAN COMMERCIAL MIXED USE ZONE AND AMENDS THE ZONE. SEE PLAT PLAN FOR REQUIREMENTS.
- THE VILLAGE AT OCEANGATE IS A PRIVATE DEVELOPMENT. LIGHTING, TRASH REMOVAL AND MATERIALS REMOVAL SHALL BE THE RESPONSIBILITY OF THE COMMERCIAL MERCHANTS AND THE RESIDENTIAL CONDOMINIUM ASSOCIATION.
- METHODS AND MATERIALS USED IN THE CONSTRUCTION OF THE IMPROVEMENTS WITHIN THE CITY RIGHT OF WAY SHALL CONFORM TO THE CURRENT CITY CONSTRUCTION STANDARDS AND SPECIFICATIONS AND/OR CURRENT M.D.O.T STANDARDS AND SPECIFICATIONS.
- ALL ELECTRIC, TELEPHONE AND CABLE TV SERVICES SHALL BE UNDERGROUND AND IN CONFORMANCE WITH THE STANDARDS OF CENTRAL MAINE POWER CO., VERIZON NEW ENGLAND, THE WARNER CABLE TV CO. OR OTHER UTILITIES PROVIDING SERVICE TO THE SITE.
- ALL WATER MAINS SERVICES AND ASSOCIATED APPURTENANCES SHALL BE IN CONFORMANCE WITH PORTLAND WATER DISTRICT STANDARDS.
- ALL NATURAL GAS MAINS SERVICES AND ASSOCIATED APPURTENANCES SHALL BE IN CONFORMANCE WITH NORTHERN UTILITIES STANDARDS.
- ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH 'MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION: BEST MANAGEMENT PRACTICES' PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER DISTRICT AND MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION MARCH 1991 OR LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.
- THE FACILITY IS SERVICED BY CITY SEWER, WATER, GAS, UNDERGROUND ELECTRIC, STORM DRAINAGE, TELEPHONE AND CABLE.
- A PERMIT MUST BE OBTAINED FROM THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT AND DEPARTMENT PRIOR TO BEGINNING ANY WORK WITHIN THE CITY RIGHT-OF-WAY. THE CONTRACTOR OR DEVELOPER IS REQUIRED TO NOTIFY THE CITY OF PORTLAND PARKS AND INSPECTION SERVICES DIVISION IN WRITING THREE (3) DAYS PRIOR TO THE BEGINNING OF CONSTRUCTION (874-8560 EXT. 8839). SHOULD THE IMPROVEMENTS BE OF SIGNIFICANT CONCERN OR IN A SENSITIVE AREA, A PRE-CONSTRUCTION MEETING MAY BE REQUIRED AT THE DISCRETION OF THE AUTHORITY.
- THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATIONS TO OR DEVIATIONS FROM THE APPROVED SITE PLAN, INCLUDING WITHOUT LIMITATION TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODS OR LAWN AREAS, ACCESS, SIDE, LOCATION AND SURFACING OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
- PRIOR TO CONSTRUCTION A PRE-CONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE BUILDING CONTRACTOR SHALL PREPARE THREE (3) COPIES OF A DETAILED CONSTRUCTION SCHEDULE AT ATTENDING CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRE-CONSTRUCTION MEETING.
- LANDSCAPING SHALL MEET THE 'HARBORCULTURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES' OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- CONTRACTOR SHALL UTILIZE PARKING LOT AREAS IN PHASE II FOR STAGING AND MATERIAL STORAGE.
- STREET LIGHTING SHALL CONFORM TO THE CITY OF PORTLAND 'BAYSIDE MEDIUM SCALE LIGHTING POLE' TO INCLUDE THE FOLLOWING:
 - DECORATIVE POLE BASE: HOLLOWPHANE CAMBRIDGE SERIES
 - POLE: ROUND TAPERED STEEL 15 FEET HIGH
 - BRACKET ARM: HOLLOWPHANE UCC SERIES
 - FIXTURE: HOLLOWPHANE ESPLANADE SERIES
 - PAINT: POLYESTER POWDER COAT PAINT, BLACK
 - (REAL NO. TO BE SELECTED BY CITY)
 A SHOP DRAWING SHALL BE SUBMITTED TO CITY ENGINEER FOR REVIEW PRIOR TO INSTALLATION.
- BIKE RACK SHALL BE MODEL FLO FROM LANDSCAPE FORMS, INC.



NO.	DATE	BY	REVISION
1	09-08-09	A	REVISION TO INCLUDE 2ND GARAGE LEVEL/SUBMIT TO CITY

Sebago Technics
 Engineering Experts You Can Build On
 One Chestnut Street
 Westbrook, ME 04095-1339
 Tel: (207) 468-0272

SECOND AMENDED SITE PLAN
 OF:
THE BAY HOUSE
 112 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR:
THE VILLAGE AT OCEANGATE, LLC

DATE: 09-08-09
 SCALE: 1"=50'
 SHEET 5 OF 11

A
B7.6

LEGEND

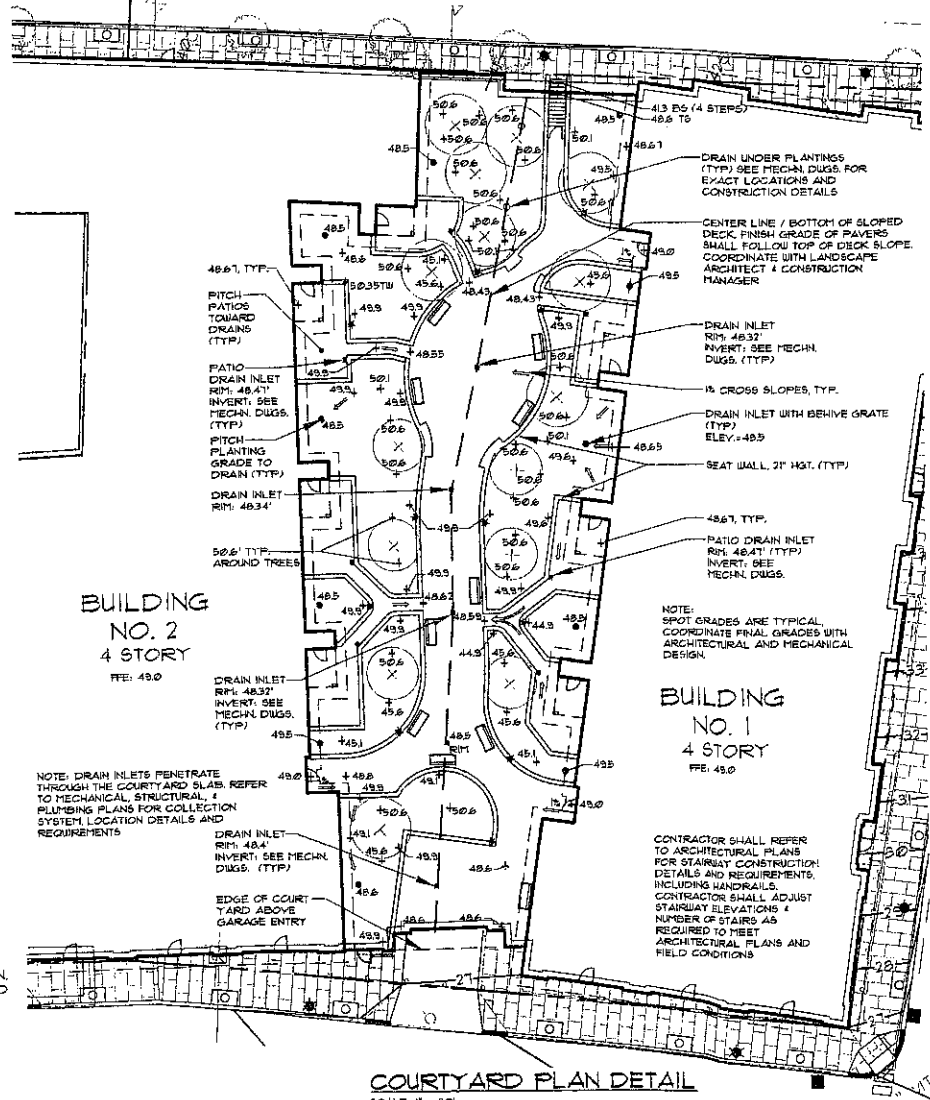
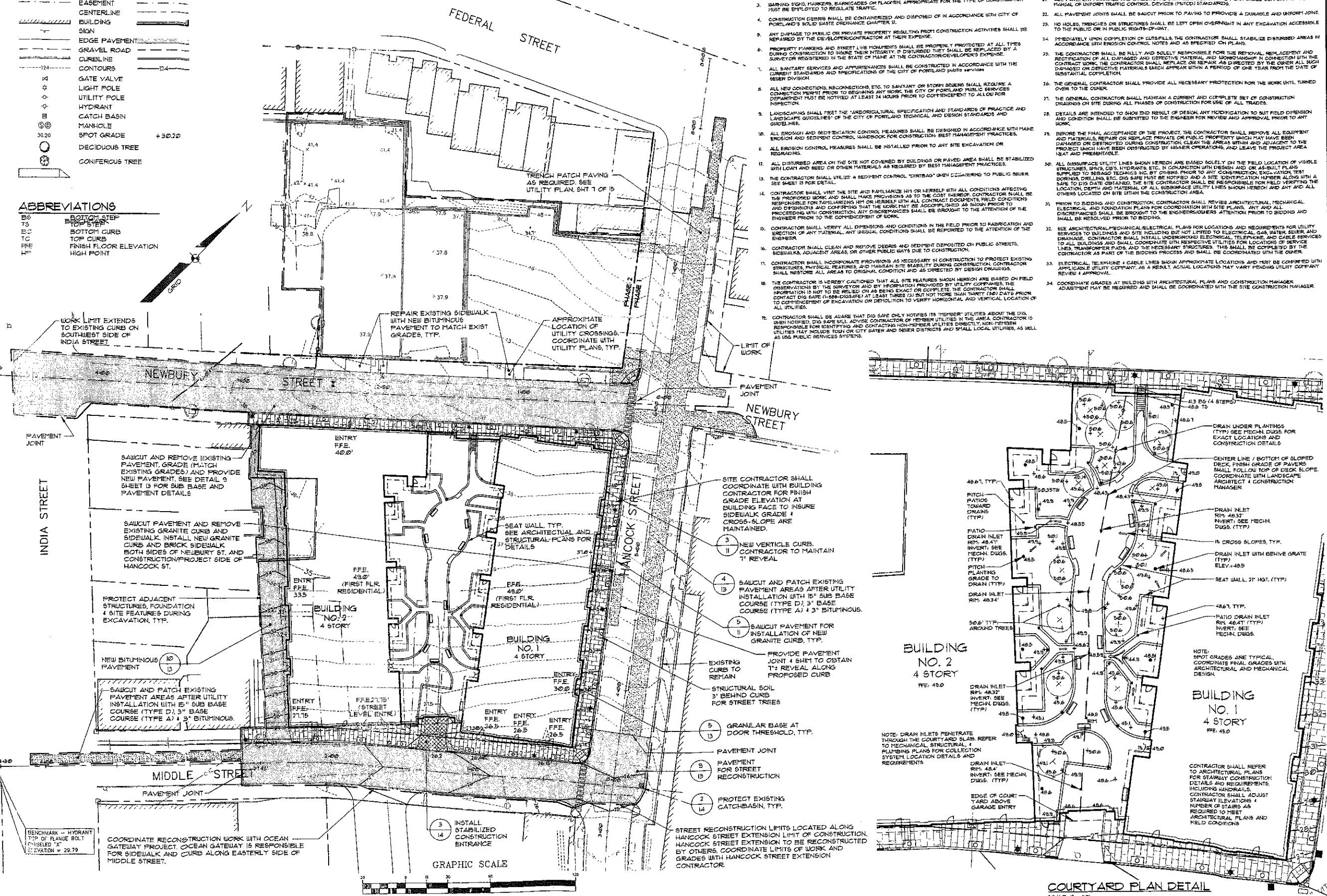
EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SKIN	---
---	EDGE PAVEMENT	---
---	CURVE ROAD	---
---	CURELINE	---
---	CONTOURS	---
○	GATE VALVE	○
○	LIGHT POLE	○
○	UTILITY POLE	○
○	HYDRANT	○
○	CATCH BASIN	○
○	MANHOLE	○
○	SPOT GRADE	+30.20
○	DECIDUOUS TREE	○
○	CONIFEROUS TREE	○

ABBREVIATIONS

BS	BOTTOM STEP
TS	TOP STEP
EC	BOTTOM CURB
TC	TOP CURB
F.F.E.	FINISH FLOOR ELEVATION
H.P.	HIGH POINT

CONSTRUCTION NOTES

- ALL CURBS SHALL BE DESIGNED AND BUILT WITH TIP-DOWNS AT ALL DRIVEWAYS AND CROSSWALKS IN ACCORDANCE WITH THE PUBLIC SERVICES TECHNICAL STANDARDS AND GUIDELINES.
- AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE. THE DEVELOPER OR AN AUTHORIZED AGENT MUST BE AVAILABLE AT ALL TIMES DURING CONSTRUCTION.
- WARNING SIGNS, MARKERS, BARRICADES OR FLAGMEN, APPROPRIATE FOR THE TYPE OF CONSTRUCTION MUST BE EMPLOYED TO REGULATE TRAFFIC.
- CONSTRUCTION DEBRIS SHALL BE CONTAINERIZED AND DISPOSED OF IN ACCORDANCE WITH CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 15.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO INSURE THEIR INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
- ALL SANITARY SERVICES AND APPURTENANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND (PUB. SERVICES).
- ALL NEW CONNECTIONS, RECONNECTIONS ETC. TO SANITARY OR STORM SEWERS SHALL REQUIRE A CONNECTION PERMIT PRIOR TO BEGINNING ANY WORK. THE CITY OF PORTLAND PUBLIC SERVICES DEPARTMENT MUST BE NOTIFIED AT LEAST 24 HOURS PRIOR TO COMMENCEMENT TO ALLOW FOR INSPECTION.
- LANDSCAPING SHALL MEET THE 'ARBORETOURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES' OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH MAINE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR NEAR AND PRESENTATION.
- ALL DISTURBED AREA ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREA SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER MATERIALS AS REQUIRED BY BEST MANAGEMENT PRACTICES.
- THE CONTRACTOR SHALL UTILIZE A SEDIMENT CONTROL 'DIRT BAG' WHEN CONSIDERING TO PUBLIC SEWER. SEE SHEET 13 FOR DETAIL.
- CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE HIM OR HERSELF WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL MAKE PROVISIONS AS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING HIM OR HERSELF WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO COMMENCING CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
- CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
- CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN CHANGES.
- THE CONTRACTOR IS HEREBY CAUTIONED THAT DIG SAFE ONLY NOTICES ITS 'NEEDER' UTILITIES ABOUT THE DIG. WHEN NOTIFIED DIG SAFE WILL ADVISE CONTRACTOR OF 'NEEDER' UTILITIES IN THE AREA. CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND CONTACTING NON-NEEDER UTILITIES DIRECTLY. NON-NEEDER UTILITIES THAT INCLUDE TOWN OR CITY WATER AND SEWER DISTRICTS AND SMALL LOCAL UTILITIES, AS WELL AS USG PUBLIC SERVICES SYSTEMS.
- CONTRACTOR SHALL BE AWARE THAT DIG SAFE ONLY NOTICES ITS 'NEEDER' UTILITIES ABOUT THE DIG. WHEN NOTIFIED DIG SAFE WILL ADVISE CONTRACTOR OF 'NEEDER' UTILITIES IN THE AREA. CONTRACTOR IS RESPONSIBLE FOR IDENTIFYING AND CONTACTING NON-NEEDER UTILITIES DIRECTLY. NON-NEEDER UTILITIES THAT INCLUDE TOWN OR CITY WATER AND SEWER DISTRICTS AND SMALL LOCAL UTILITIES, AS WELL AS USG PUBLIC SERVICES SYSTEMS.
- CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 13 MRSA 376.6-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN AUTHORIZATION PRIOR TO RELOCATION OF ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.
- ALL PAVEMENT MARKINGS AND DIRECTIONAL SIGNAGE SHOWN ON THE PLAN SHALL CONFORM TO THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) STANDARDS.
- ALL PAVEMENT JOINTS SHALL BE SAUCUT PRIOR TO PAVING TO PROVIDE A DURABLE AND UNIFORM JOINT.
- NO HOLES, TRENCHES OR STRUCTURES SHALL BE LEFT OPEN OVERNIGHT IN ANY EXCAVATION ACCESSIBLE TO THE PUBLIC OR IN PUBLIC RIGHTS-OF-WAY.
- IMMEDIATELY UPON COMPLETION OF CUT/FILLS, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL, NOTES AND AS SPECIFIED ON PLANS.
- THE CONTRACTOR SHALL BE FULLY AND SOLELY RESPONSIBLE FOR THE REMOVAL, REPLACEMENT AND RELOCATION OF ALL DAMAGED AND OBSCURE MATERIAL AND WORKMANSHIP IN CONNECTION WITH THE CONTRACT WORK. THE CONTRACTOR SHALL REPLACE OR REPAIR AS DIRECTED BY THE OWNER ALL SUCH DAMAGED OR OBSCURE MATERIALS WHICH APPEAR WITHIN A PERIOD OF ONE YEAR FROM THE DATE OF SUBSTANTIAL COMPLETION.
- THE GENERAL CONTRACTOR SHALL PROVIDE ALL NECESSARY PROTECTION FOR THE WORK UNTIL TURNED OVER TO THE OWNER.
- THE GENERAL CONTRACTOR SHALL MAINTAIN A CURRENT AND COMPLETE SET OF CONSTRUCTION DRAWINGS ON SITE DURING ALL PHASES OF CONSTRUCTION FOR USE OF ALL TRADES.
- DETAILS ARE INTENDED TO SHOW END RESULT OF DESIGN. ANY MODIFICATION TO SUIT FIELD DIMENSION AND CONDITION SHALL BE SUBMITTED TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO ANY WORK.
- BEFORE THE FINAL ACCEPTANCE OF THE PROJECT, THE CONTRACTOR SHALL REMOVE ALL EQUIPMENT AND MATERIALS, REPAIR OR REPLACE PRIVATE OR PUBLIC PROPERTY WHICH MAY HAVE BEEN DAMAGED OR DESTROYED DURING CONSTRUCTION. CLEAN THE AREAS WITHIN AND ADJACENT TO THE PROJECT WHICH HAVE BEEN OBTAINED BY HIS OPERATIONS, AND LEAVE THE PROJECT AREA NEAT AND PRESENTABLE.
- ALL SUBSURFACE UTILITY LINES SHOWN HEREON ARE BASED SOLELY ON THE FIELD LOCATION OF VISIBLE STRUCTURES, SPINS, CDS, HYDRANTS, ETC. IN CONNECTION WITH DESIGN AND OR AS-BUILT PLANS. SUPPLIED TO SEBAGO TECHNICS INC. BY OTHERS. PRIOR TO ANY CONSTRUCTION, EXCAVATION TEST BORINGS, DRILLINGS, ETC. DIG SAFE MUST BE NOTIFIED AND A SITE IDENTIFICATION NUMBER ALONG WITH A SAFE TO DIG DATE OBTAINED. THE SITE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THE LOCATION, DEPTH AND MATERIALS OF ALL SUBSURFACE UTILITY LINES SHOWN HEREON AND ANY AND ALL OTHERS LOCATED ON SITE WITHIN THE CONSTRUCTION AREA.
- PRIOR TO BIDDING AND CONSTRUCTION, CONTRACTOR SHALL REVIEW ARCHITECTURAL, MECHANICAL, ELECTRICAL AND FOUNDATION PLANS FOR COORDINATION WITH SITE PLANS. ANY AND ALL DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER/OWNER'S ATTENTION PRIOR TO BIDDING AND SHALL BE RESOLVED PRIOR TO BIDDING.
- SEE ARCHITECTURAL, MECHANICAL, ELECTRICAL PLANS FOR LOCATIONS AND REQUIREMENTS FOR UTILITY SERVICES TO BUILDINGS AND SITE INCLUDING BUT NOT LIMITED TO ELECTRICAL, GAS, WATER, SEWER AND LANDSCAPE. CONTRACTOR SHALL INSTALL UNDERGROUND ELECTRICAL, TELEPHONE, AND CABLE SERVICES TO ALL BUILDINGS AND SHALL COORDINATE WITH RESPECTIVE UTILITIES FOR LOCATIONS OF SERVICE LINES, TRANSFORMER PADS, AND THE NECESSARY STRUCTURES. THIS SHALL BE COMPLETED BY THE CONTRACTOR AS PART OF THE BIDDING PROCESS AND SHALL BE COORDINATED WITH THE OWNER.
- ELECTRICAL, TELEPHONE & CABLE LINES SHOWN APPROXIMATE LOCATIONS AND MUST BE CONFIRMED WITH APPLICABLE UTILITY COMPANY. AS A RESULT, ACTUAL LOCATIONS MAY VARY FROM UTILITY COMPANY REVIEW & APPROVAL.
- COORDINATE GRADES AT BUILDINGS WITH ARCHITECTURAL PLANS AND THE SITE CONSTRUCTION MANAGER. ADJUSTMENT MAY BE REQUIRED AND SHALL BE COORDINATED WITH THE SITE CONSTRUCTION MANAGER.



NO.	DATE	BY	REVISION
1	09-08-09	REVISED FOR 2ND GARAGE LEVEL TO CITY/SITE PLAN AMEND.	
2	09-08-09	STATUS:	
3	09-08-09	DATE:	
4	09-08-09	BY:	
5	09-08-09	REV:	

Sebago Technics
 Engineering Experts You Can Build On
 One Orono Street
 Portland, ME 04106
 Phone: (207) 455-0277
 Fax: (207) 455-0277

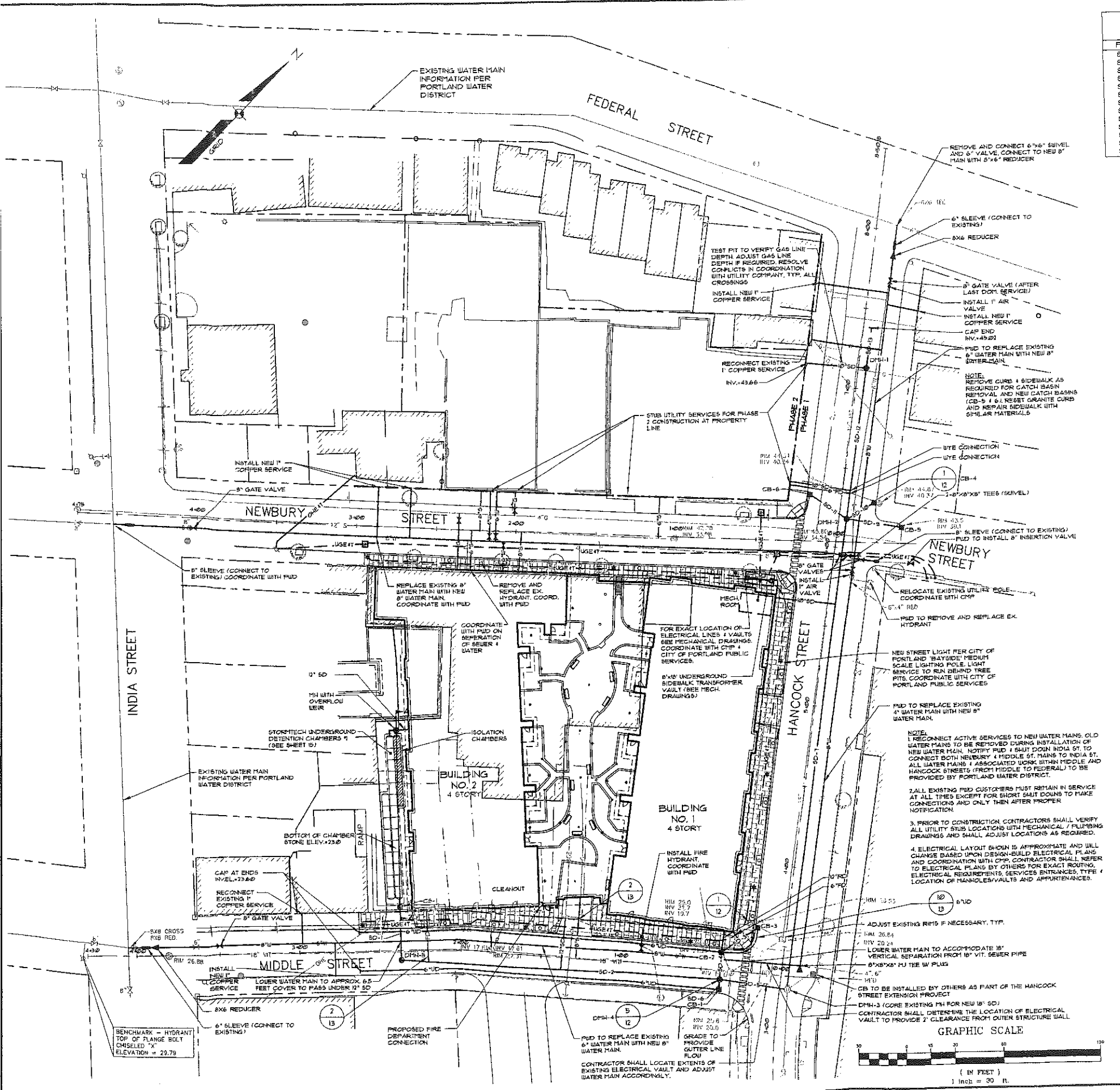
GRADING PLAN
 OF
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.,
 PORTLAND, MAINE
 FOR
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE	SCALE
09-08-09	AS NOTED

SHEET 6 OF 15

09/08/09 11:26.dwg 1/8"=1'

A
B.7.7



STORM DRAIN PIPE SCHEDULE

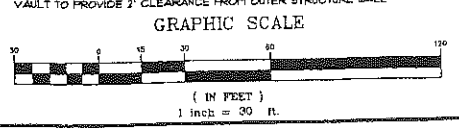
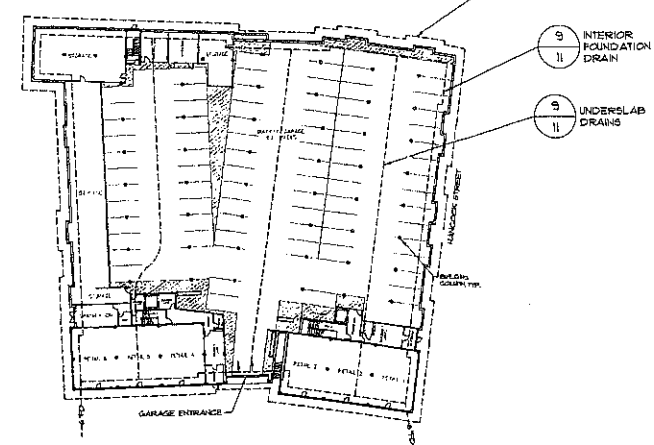
PIPE	DIA.	LENGTH	SLOPE
SD-1	12"	28'	0.011
SD-2	15"	196'	0.005
SD-3	15"	22'	0.01
SD-4	15"	17'	0.01
SD-5	18"	42'	0.04
SD-6	10"	4'	0.01
SD-7	18"	288'	0.0084
SD-8	10"	20'	0.005
SD-9	10"	30'	0.005
SD-10	10"	16'	0.005
SD-11	10"	22'	0.01
SD-12	12"	90'	0.043
SD-13	12"	25'	0.01

STORM DRAIN STRUCTURE SCHEDULE

STRUCTURE	RIM	INV. IN	INV. OUT
CB-1	25.20	22.0 (6" UD)	21.34 (SD-6)
CB-2	25.10	21.52 (12" RD)	21.42 (SD-4)
CB-3	26.2	22.24 (6" UD)	21.74 (SD-3)
CB-4	44.00	--	39.93 (SD-10)
CB-5	43.5	--	38.6 (SD-9)
CB-6	43.80	--	38.52 (SD-11)
DMH-1	51.0	43.21 (SD-13)	43.45 (SD-7)
DMH-2	43.33	39.45 (SD-9)	38.80 (SD-7)
DMH-3	25.8	20.01 (EXIST 10")	19.01 (EXIST 24")
DMH-4	25.8	21.31 (SD-6)	21.21 (SD-5)
DMH-5	27.4	22.39 (SD-1)	22.29 (SD-2)
CS-1	27.8	23.0	22.7 (SD-1)

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVERHEAD ELEC. & TEL.	---
---	UNDERGROUND ELEC. & TEL.	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---



FOUNDATION DRAIN LOCATION PLAN
SCALE: 1"=50'

REV	DATE	BY	CHKD	DRWN
09-08-09				
A	CAD			

PROJECT NO: FIELD BOOK DESIGN CHGD DRAWN
05109 - - - SAG CAM SAG

Sebago Technics
Engineering Department You Can Build On
One Orchard Street, Suite 1339
Portland, ME 04103
Tel: (207) 858-0277

UTILITY PLAN
OF:
THE BAY HOUSE
110 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE: 09-08-09 SCALE: 1"=30'

SHEET 7 OF 15

BT.8

PLANT LIST

KEY	BOTANICAL NAME	COMMON NAME	SIZE
AA	ACER X FREEMANI 'ARMSTRONG'	ARMSTRONG RED MAPLE	2 1/2" CAL.
AEU	ASARUM EUROPAEUM	EUROPEAN WILD GINGER	1 QUART
AG	AMELANCHIER GRANDIFLORA 'AUTUMN BRILLIANCE'	AUTUMN BRILLIANCE SHIP VIBURNUM	8"-10" HGT. CLUMP, NO. 1 CONT.
BJU	BRUNERA MACROPHYLLA 'JACK FROST'	JACK FROST FOREGET-ME-NOT	NO. 1 CONT.
BP	BETULA Papyrifera 'RENAISSANCE REFLECTION'	PAPER WHITE BIRCH	10"-12" HGT. CLUMP
CK	CORNUS KOUSA 'CHINENSIS'	CHINESE DOGWOOD	3 1/2" CAL.
HBA	HOSTA 'BLUE ANGEL'	BLUE ANGEL HOSTA	NO. 1 CONT.
HGU	HOSTA 'GUACAMOLE'	GUACAMOLE HOSTA	NO. 1 CONT.
HKR	HOSTA 'KROSSA REGAL'	KROSSA REGAL HOSTA	NO. 1 CONT.
HVS	HEUCHERELLA 'VIKING SHIP'	FOAMING BELLS	NO. 1 CONT.
KL	KALMIA LATIFOLIA 'SNOWDRIFT'	SNOWDRIFT MOUNTAIN LAUREL	24"-30"
LF	LEUCOTHOE FONTANESIANA 'COMPACTA'	COMPACT DROOPING LEUCOTHOE	18"-24"
SR	SYRINGA RETICULATA	JAPANESE TREE LILAC	2" CAL. SINGLE STEM
SU	SYRINGA RETICULATA 'WILLAMELITE'	IVORY PILLAR TREE LILAC	1 1/2"-2" CAL.
TC	TAXUS CUSPIDATA 'CAPitata'	UPRIGHT JAPANESE YEW	1'-8" HGT.
TS	TAXUS CUSPIDATA	SPREADING JAPANESE YEW	7'-3" HGT.
VC	VIBURNUM CARLESI	CARLESI VIBURNUM	24"-30"
ZS	ZELKOVA SERRATA	GREEN VALE ZELKOVA	2"-2 1/2" CAL.

LEGEND

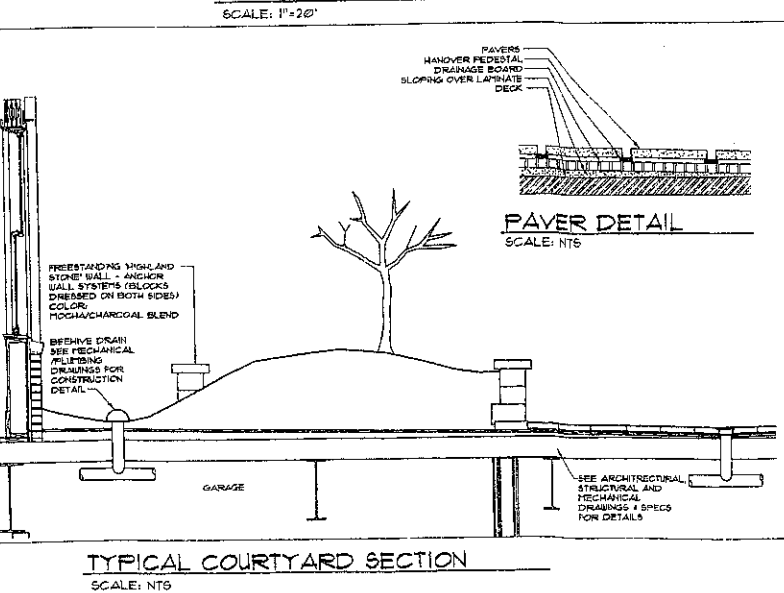
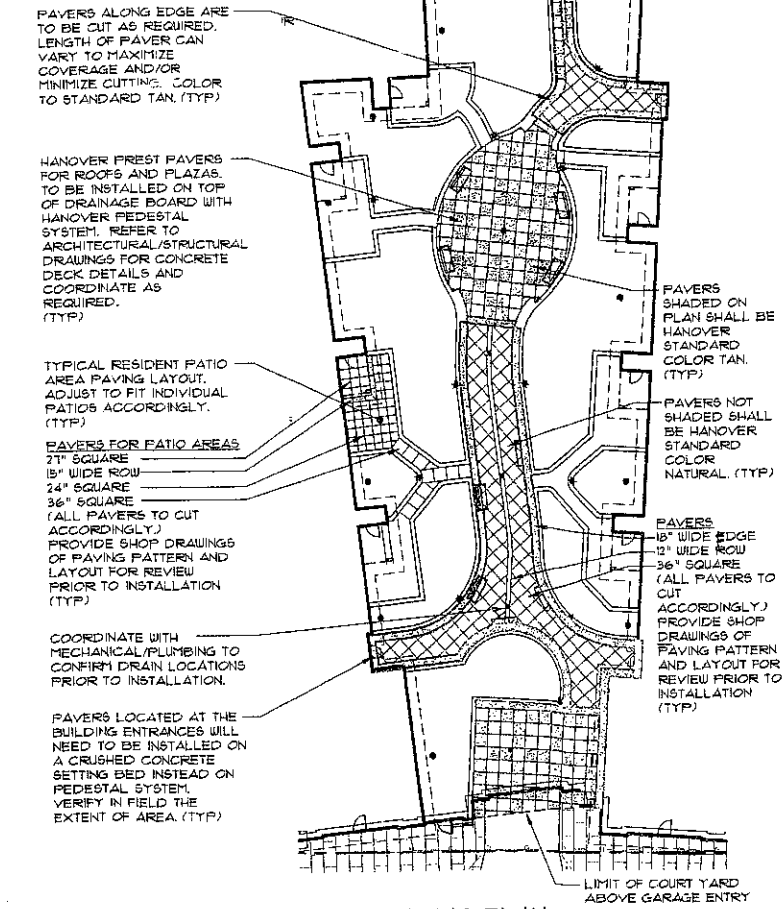
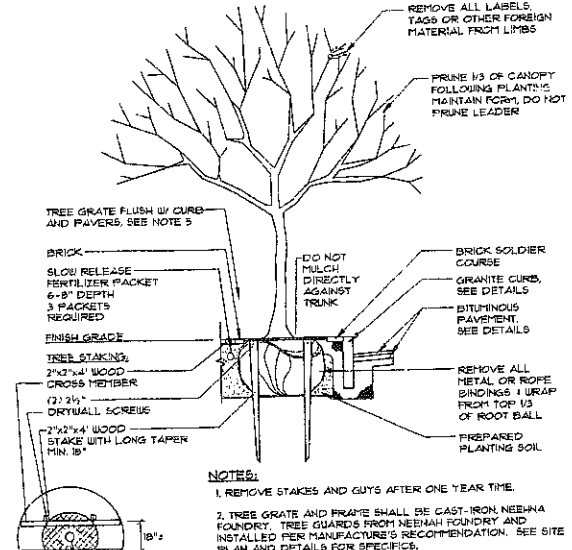
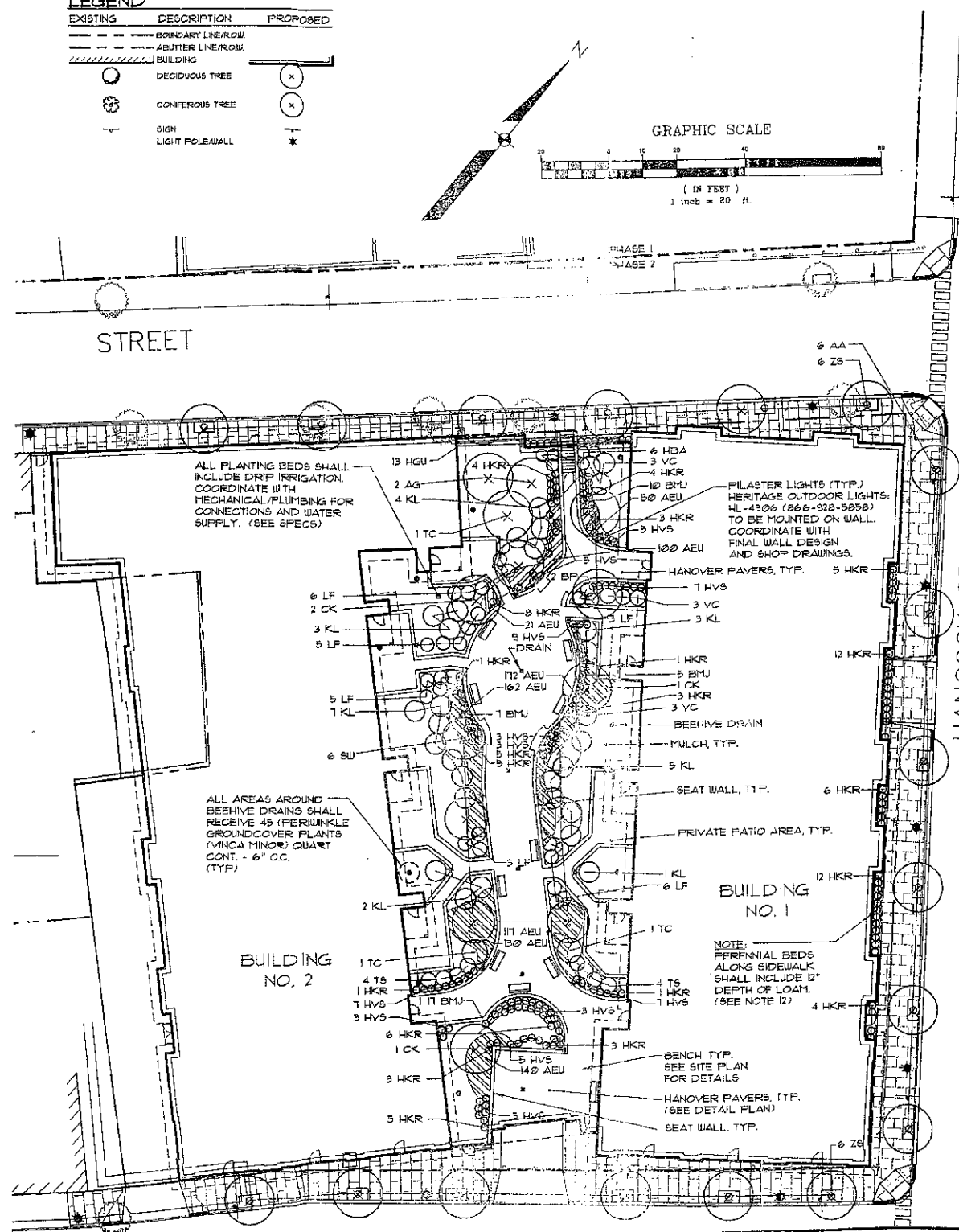
EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
---	ADJUTER LINE/ROW	---
---	BUILDING	---
○	DECIDUOUS TREE	○
●	CONIFEROUS TREE	●
+	SIGN	+
+	LIGHT POLE/WALL	+

LANDSCAPE NOTES

- PLANT QUANTITIES SHOWN ON PLANT LISTS ARE FOR CONVENIENCE TO THE CONTRACTOR ONLY. THE CONTRACTOR IS RESPONSIBLE FOR ALL PLANT MATERIAL INSTALLATION AS SHOWN ON PLANS.
- SIZE AND GRADING STANDARDS OF PLANT MATERIALS SHALL CONFORM TO THE LATEST EDITION OF U.S.A. STANDARD FOR NURSERY STOCK BY THE AMERICAN ASSOCIATION OF NURSERYMEN, INC.
- ALL PLANT MATERIAL SHALL BE FREE FROM INSECTS AND DISEASE.
- ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH ACCEPTABLE HORTICULTURAL PRACTICES. THIS IS TO INCLUDE PROPER PLANTING MIX, PLANT BED AND TREE PIT PREPARATION, PRUNING, STAKING OR GUYING, WRAPPING, SPRAYING FERTILIZATION, PLANTING AND ADEQUATE MAINTENANCE UNTIL ACCEPTANCE BY THE OWNER.
- PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BY THE CONTRACTOR AND A PERIOD OF TWO YEARS THEREAFTER BY THE OWNER FROM DATE OF INSTALLATION. DURING THE ONE YEAR GUARANTEE PERIOD, DEAD PLANT MATERIAL SHALL BE REPLACED AT NO COST TO THE OWNER. AT THE END OF THE ONE YEAR PERIOD, THE CONTRACTOR SHALL OBTAIN FINAL ACCEPTANCE FROM THE OWNER.
- ALL GRASS, OTHER VEGETATION AND DEBRIS SHALL BE REMOVED FROM ALL PLANTING AREAS PRIOR TO PLANTING.
- EXISTING TREES TO BE PRESERVED WILL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.
- THE LANDSCAPE CONTRACTOR IS ADVISED OF THE PRESENCE OF THE UNDERGROUND UTILITIES AND SHALL VERIFY THE EXISTENCE AND LOCATION OF SAME BEFORE COMMENCING AND DIGGING OPERATIONS. THE LANDSCAPE CONTRACTOR SHALL REPLACE OR REPAIR UTILITIES, PAVING, WALKS, CURBING, BIT, DAMAGED IN PERFORMANCE OF THIS JOB AT NO ADDITIONAL COST TO THE OWNER.
- ALL PLANTING BEDS SHALL BE MULCHED WITH 3" CLEAN SHREDDED DARK BROWN BARK MULCH.
- THE CONTRACTOR SHALL PROVIDE STRUCTURAL SOIL FOR STREET TREES AND ADJACENT AREA (3' BEHIND CURB) AND PROVIDE PLANTING MEDIUM (INTENSIVE GREEN ROOF APPLICATION) FOR ALL COURTYARD PLANTING AREAS. SPECIFICATIONS FOR STRUCTURAL SOIL SHALL MEET YEN HILL (11-111-131-1314/WWW.YENHILL.COM) OR CIVIL-STRUCTURAL SOIL, URBAN (11-111-131-1314/WWW.YENHILL.COM). PLANTING MEDIUM FOR HORTICULTURAL INSTITUTE (WWW.HORTICORNEILL.COM). PLANTING MEDIUM FOR THE COURTYARD SHALL MEET SPECIFICATIONS FOR FERTILIZING INTENSIVE GREEN ROOF MEDIA OR APPROVED EQUAL. THERE ARE VARIOUS DEPTHS OF PLANTING MEDIA. REFER TO GRADING PLAN AND SPECIFICATIONS FOR ACTUAL DEPTHS.
- ANY DEVIATION FROM THE LANDSCAPE PLAN, INCLUDING PLANT LOCATION, SELECTION, SIZE, QUANTITY OR CONDITION SHALL BE REVIEWED AND APPROVED BY THE OWNER AND LANDSCAPE ARCHITECT (AND PRINCIPAL AUTHORITY, IF APPLICABLE) PRIOR TO INSTALLATION ON SITE.
- WHERE INDICATED ON PLAN, PLANTING SOIL MIXTURE FOR PERENNIAL AND ANNUAL FLOWER BED AREAS SHALL CONSIST OF FOUR PARTS TOPSOIL, TWO PARTS PERENNIAL PEAT MOSS, AND ONE PART HORTICULTURAL PERLITE BY VOLUME. PEAT MOSS MAY BE SUBSTITUTED WITH WELL-ROTTED OR DEHYDRATED MANURE OR COMPOST. ROTOTILL BEDS TO A DEPTH OF 8 INCHES.

NOTE: THE FINAL DESIGN OF CONCRETE BLOCK SEAT WALL IS SUBJECT TO CHANGE AND THE OUTLINE SHOWN ON THE PLANS MAY NOT BE THE FINAL LAYOUT. PRIOR TO ORDERING MATERIALS AND INSTALLATION OF PAVERS COORDINATE AND REFER TO FINAL SEAT WALL SHOP DRAWINGS.

SUBMITTAL AND REVIEW OF SHOP DRAWINGS, SAMPLES AND ON SITE MOCKUP OF COURTYARD PAVERS IS REQUIRED PRIOR TO ORDERING MATERIALS AND INSTALLATION.



REV.	DATE	BY	DESCRIPTION
1	9/5/05	CD	REVISED FOR 2ND GARAGE LEVEL - TO CITY/SITE PLAN AMEND.
2	9/12/05	CD	REVISED PER CITY STAFF COMMENTS
3	7/17/06	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID
4	11/09/07	CD	SUBMITTED FOR CONSTRUCTION BIDS

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PROJECT NO. 05109
 FIELD BOOK DESIGN CD DRAWN SAB

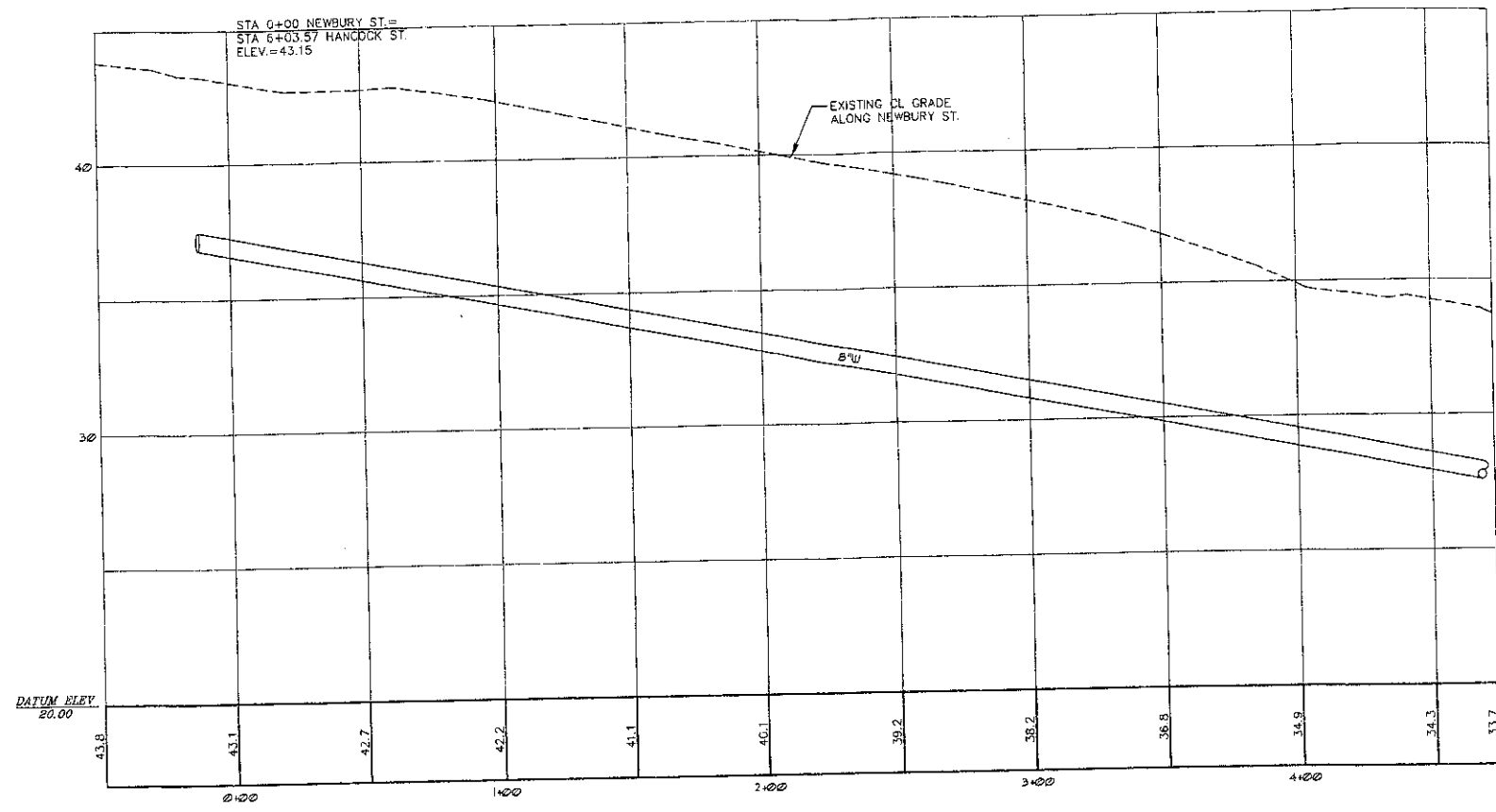
LANDSCAPE/COURTYARD PAVING PLAN
 OF THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 FORTLAND, MAINE
 THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE	SCALE
8/3/05	1"=20'

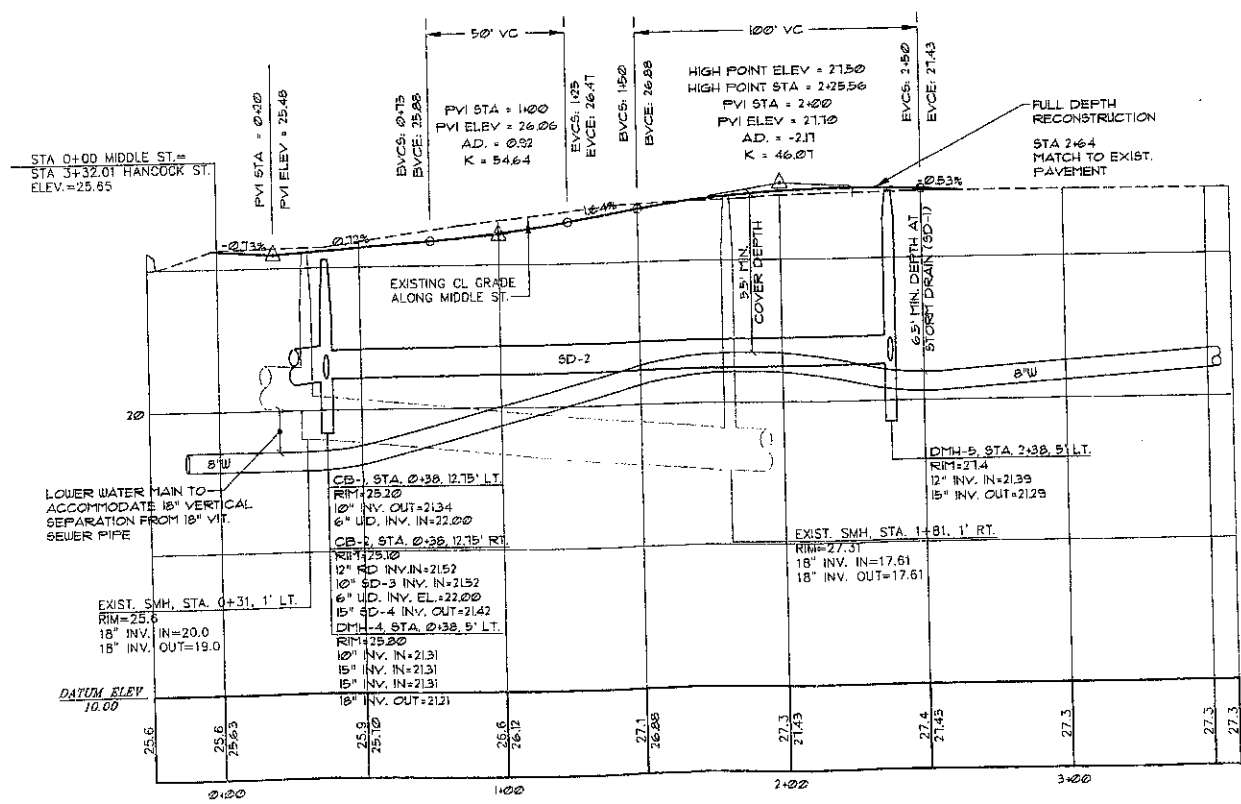
SHEET 8 OF 15

05109-11-L.dwg (TAB.1)

A
BT.10



PROFILE: NEWBURY STREET
 HORIZ. SCALE: 1" = 30'
 VERT. SCALE: 1" = 3'



PROFILE: MIDDLE STREET
 HORIZ. SCALE: 1" = 30'
 VERT. SCALE: 1" = 3'

REV.	BY:	DATE:	STATUS:
D	CD	9/8/09	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
C	CD	9/12/08	REVISED PER CITY STAFF COMMENTS
B	CD	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	CD	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS

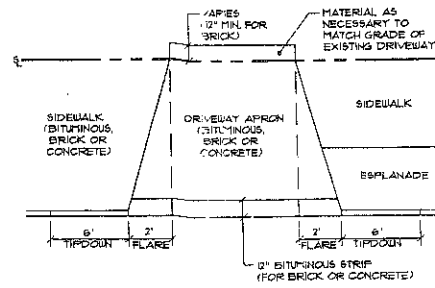
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

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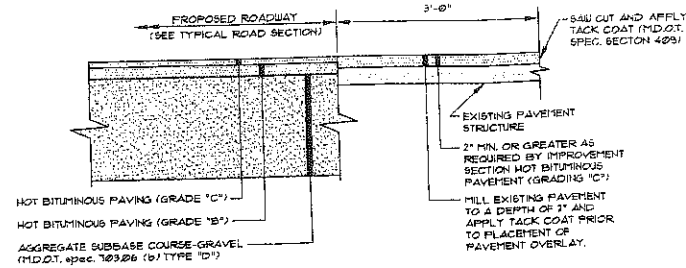
PROJECT NO. 05103
 FIELD BOOK DESIGN CHRD DRAWN
 SAG OAM SAB

PROFILE OF:
THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET SUITE 400
 BOSTON, MA 02110

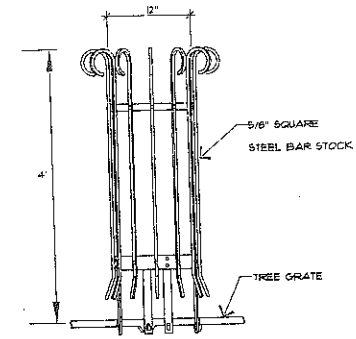
DATE	SCALE
8/3/05	1" = 30'



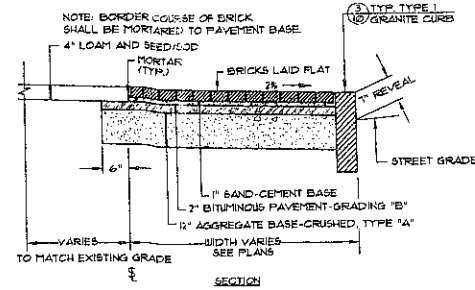
1 SIDEWALK & DRIVEWAY CONSTRUCTION
NOT TO SCALE



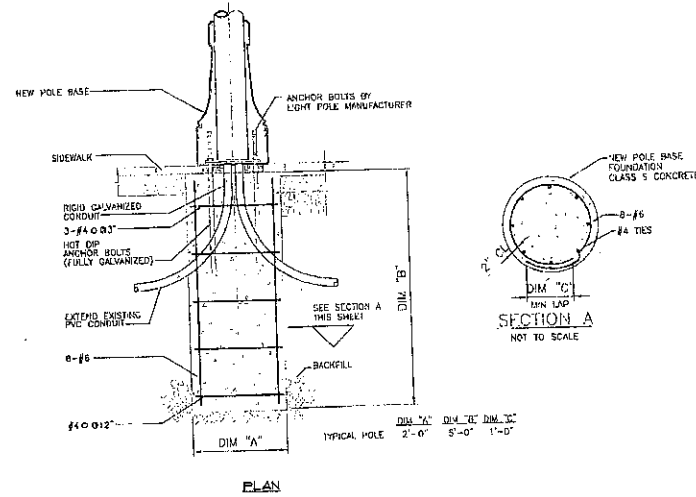
5 PAVEMENT SAW CUT DETAIL
NOT TO SCALE



8 TYPICAL TREE GUARD
NOT TO SCALE

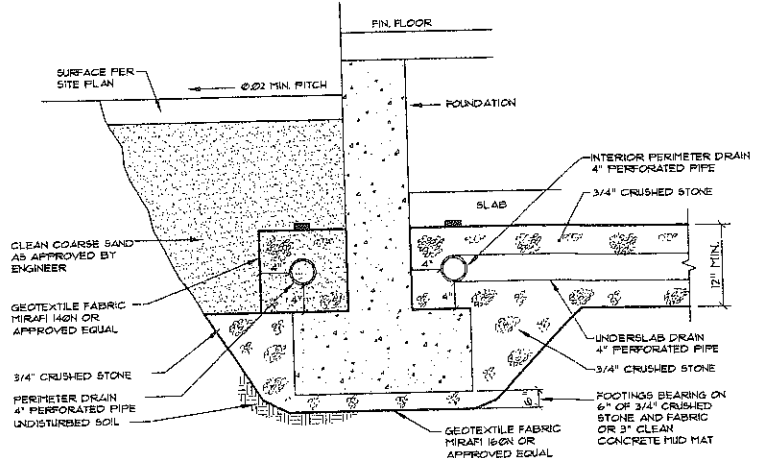


2 BRICK SIDEWALK DETAIL-NO ESPLANADE
NOT TO SCALE

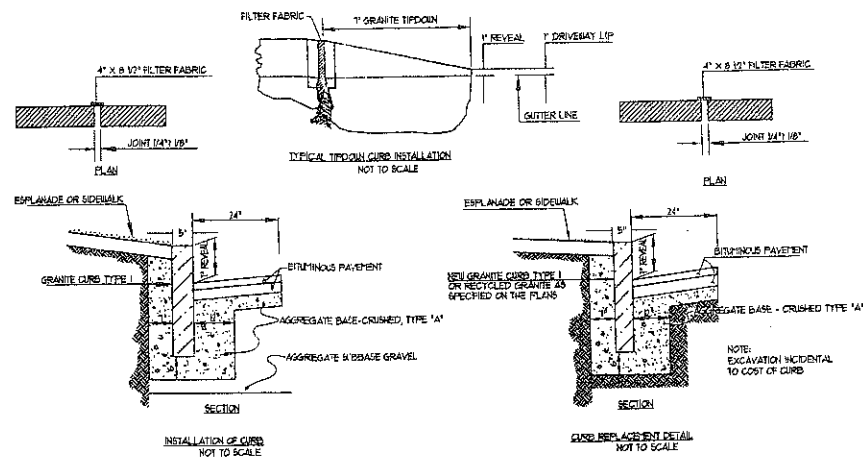


- NOTES:
1. CONCRETE (C-4000 PM)
 2. REINP. STEEL GRADE 40 NEW BARS
 3. CONCRETE 3/4\"/>

6 TYPICAL LIGHT POLE BASE
NOT TO SCALE

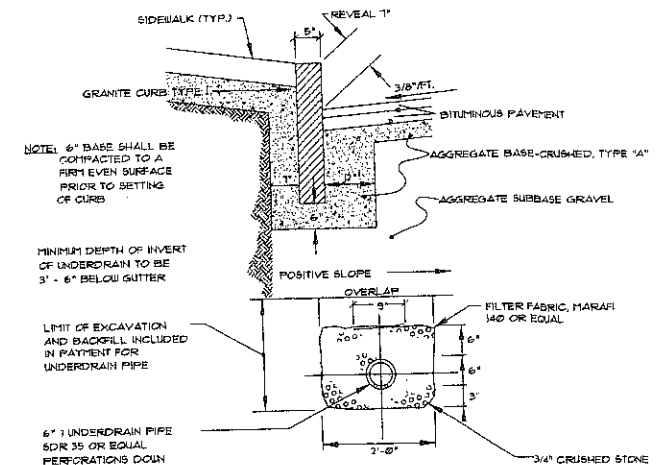


9 FOUNDATION DRAIN SECTION
NOT TO SCALE

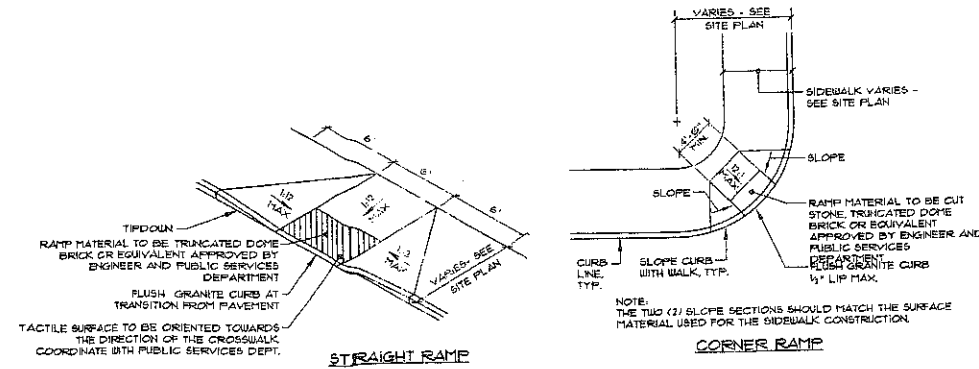


3 TYP. INSTALLATION OF CURB TYPE 1
NOT TO SCALE

6 TYPICAL LIGHT POLE BASE
NOT TO SCALE



10 TYPE "B" UNDERDRAIN WITH CURB INSTALLATION
NOT TO SCALE



4 HANDICAP RAMP
NOT TO SCALE

7 TREE GRATE DETAIL
NOT TO SCALE

A
07.11

CD	9/8/09	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
CD	10/13/08	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
CD	9/12/08	REVISED PER CITY STAFF COMMENTS
CD	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
CD	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS

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PROJECT NO. FIELD BOOK DESIGN CHECK DRAWN
05109 5/49 5/49 5/49

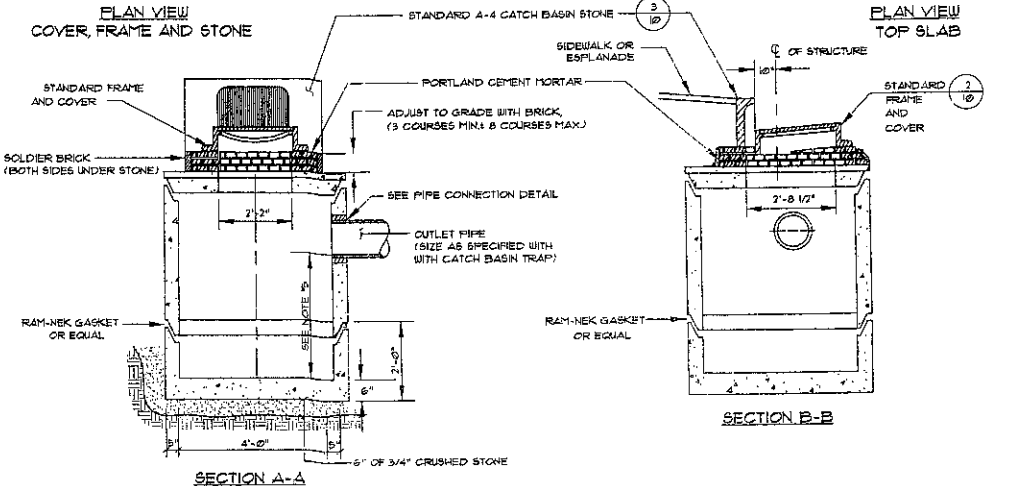
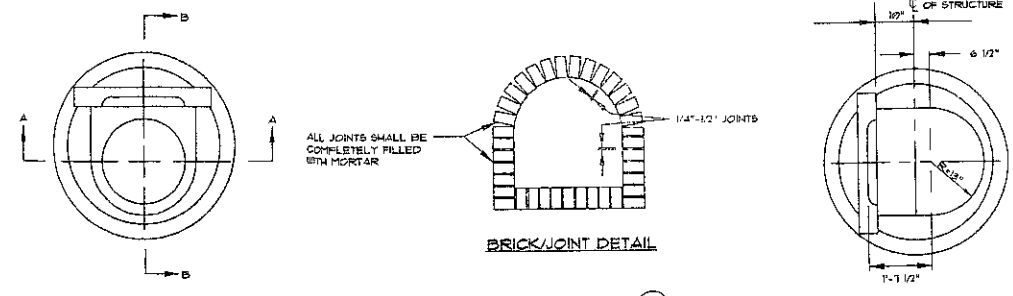
DETAILS OF:
THE BAY HOUSE
112 NEWBURY ST., 113 NEWBURY ST., 40 HANGCOCK ST.
FOR THE:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE	SCALE
8/3/05	AS SHOWN

SHEET 11 OF 15

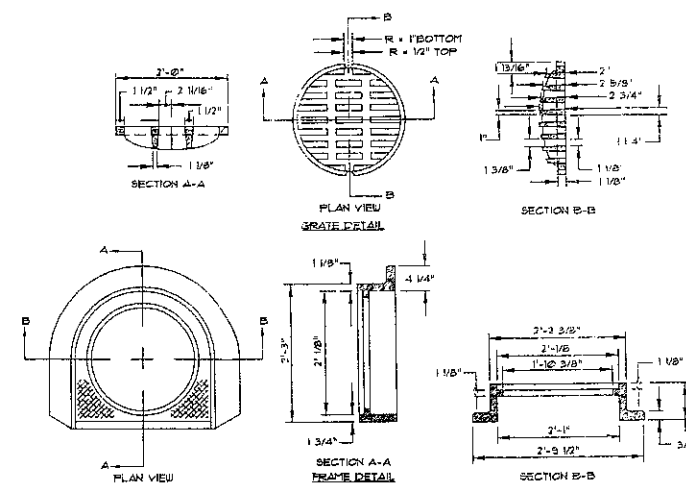
05109-1-L-Dwg. TAB:D

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07.1a

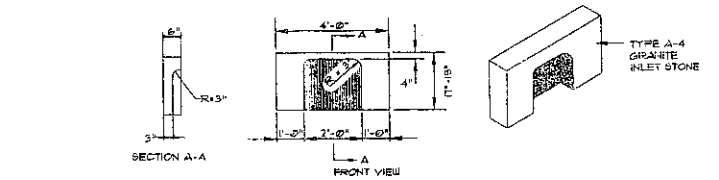


- NOTES:**
- 4\"/>

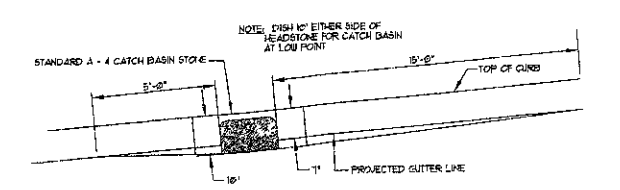
1 PRECAST CONCRETE CATCH BASIN - TYPE "E"
NOT TO SCALE



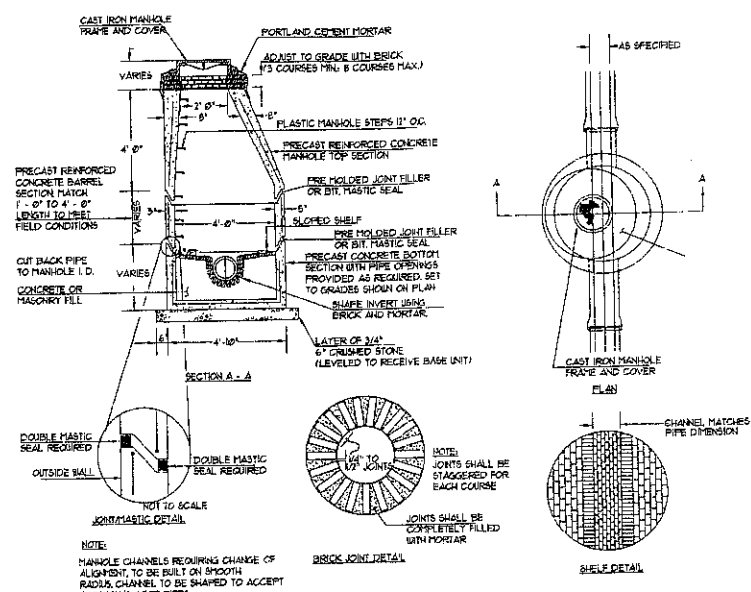
2 CATCH BASIN TYPE "D" - FRAME & COVER DETAIL
NOT TO SCALE



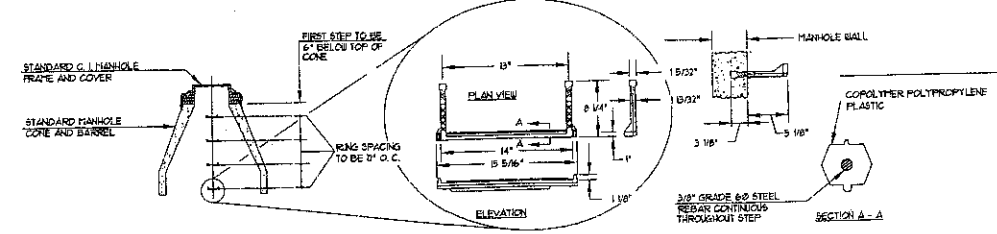
3 TYPE A-4 GRANITE CATCH BASIN INLET STONE DETAIL
NOT TO SCALE



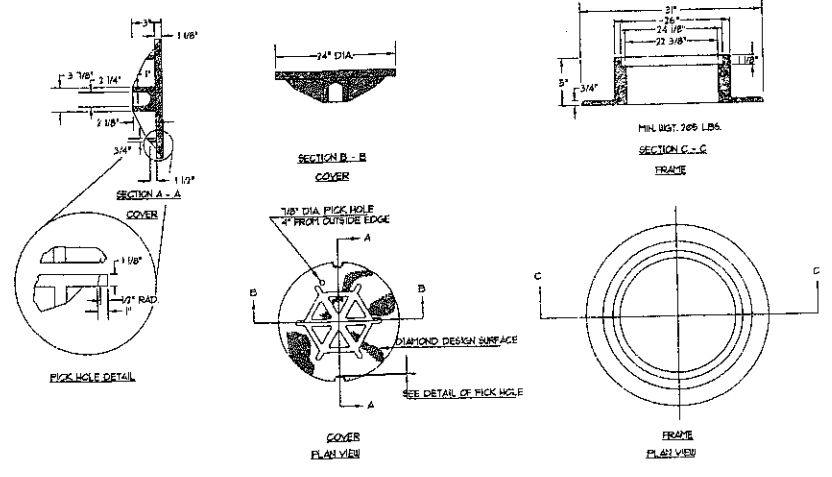
4 TYPICAL PAVEMENT GRADING ON SLOPES FOR CATCH BASIN AND INLET
NOT TO SCALE



5 PRECAST CONCRETE MANHOLE TYPE "A"
NOT TO SCALE



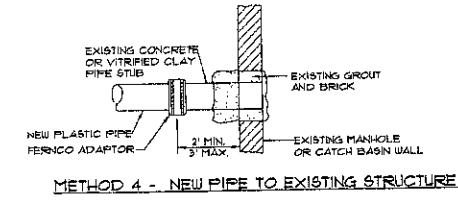
6 PLASTIC MANHOLE STEPS
NOT TO SCALE



7 TYPE "A" CAST IRON MANHOLE COVER AND FRAME
NOT TO SCALE

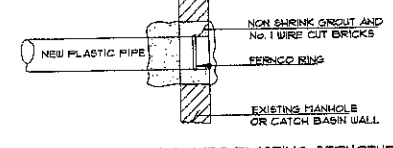
GENERAL NOTES FOR MANHOLES AND CATCH BASINS

- ALL CONCRETE SHALL BE CLASS "A" AND HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 PSI PER SQ. INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
- PRECAST REINFORCED CORE BARREL MANUFACTURED PER ASTM SPEC. C-478-01.
- SEWER BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-37-63, GRADE 7A AND 5A.
- ALL MANHOLES SHALL HAVE A BITUMINOUS WATERPROOFING APPLIED TO THE EXTERIOR SURFACE. IF CONSTRUCTED OF BRICK MASONRY, SURFACE SHALL BE PLASTERED WITH A SMOOTH MORTAR FINISH 3/8" THICK AFTER THE MORTAR HAS SET. THE SURFACE SHALL BE WATERPROOFED AS REQUIRED BY SUPPLEMENTAL SPECIFICATIONS SECTION 604.
- CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 30. ALL PARTS OF CASTINGS EXCEPT FINISHED SURFACE SHALL RECEIVE A COAT OF COAL TAR PITCH VARNISH OR ASPHALTUM PAINT WHICH SHALL BE SMOOTH AND TOUGH BUT NOT BRITTLE.
- MANHOLES MAY BE CONSTRUCTED OF MASONRY, PRECAST REINFORCED CONCRETE, OR CAST IN PLACE.
- ALL PRECAST MANHOLES AND CATCH BASINS SHALL BE IDENTIFIED BY STATION AND ELEVATION, PAINTED ON THE SIDE OF THE STRUCTURE BY THE MANUFACTURER.
- STORM AND SEWER MANHOLES SHALL HAVE SOLID COVERS WITH ONE DRILLED PICK-HOLE.
- EXISTING MANHOLES, CATCH BASINS, FRAMES, AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR AND SHALL REMAIN THE PROPERTY OF THE CITY OF PORTLAND.



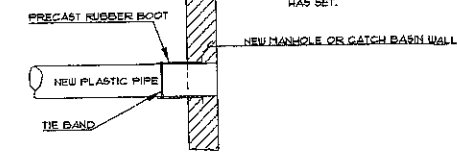
METHOD 4 - NEW PIPE TO EXISTING STRUCTURE STUB

NOTE: EXISTING MANHOLE OR CATCH BASIN SHALL BE CORE DRILLED FOR PIPE INSTALLATION IF PIPE DIAMETER IS SO LARGE THAT CORE DRILLING IS PROHIBITED. THE CONTRACTOR MAY USE ANY COMBINATION OF JACK HAMMERS AND SAW CUTTING THE STRUCTURE TO CREATE PIPE OPENING. THE NEW OPENING MUST THEN BE SEALED AND WATER TIGHT BOTH INSIDE AND OUTSIDE THE STRUCTURE.

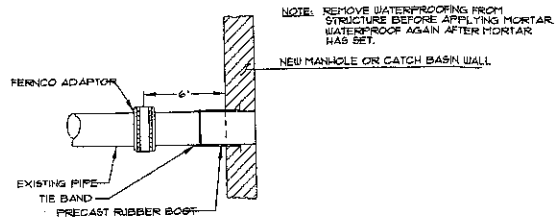


METHOD 3 - NEW PIPE INTO EXISTING STRUCTURE

NOTE: REMOVE WATERPROOFING FROM STRUCTURE BEFORE APPLYING MORTAR. WATERPROOF AGAIN AFTER MORTAR HAS SET.

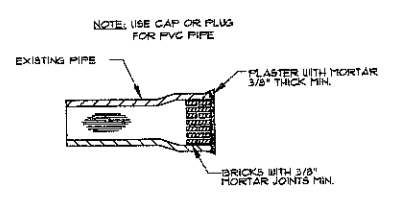


METHOD 2 - NEW CONSTRUCTION



METHOD 1 - EXISTING PIPE INTO NEW STRUCTURE

8 PLASTIC PIPE CONNECTION DETAIL
NOT TO SCALE



9 MASONRY PLUG DETAIL
NOT TO SCALE

REV:	DATE:	BY:	STATUS:
C	9/17/08	CD	REVISED PER CITY STAFF COMMENTS
B	7/7/08	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	2-2-07	CD	SUBMITTED FOR CONSTRUCTION BIDS

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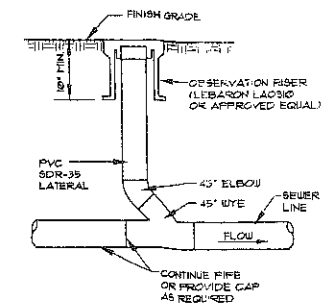
PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
05109 - - - SAG DAM SAB

DETAILS OF:
THE BAY HOUSE
113 HENRIETY ST., 113 HENRIETY ST., 40 HANCOCK ST.,
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

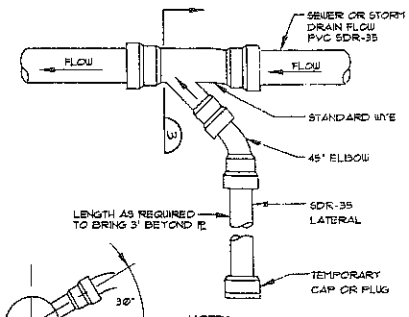
DATE	SCALE
8/3/05	AS SHOWN

05109-1-D.dwg TAB:02

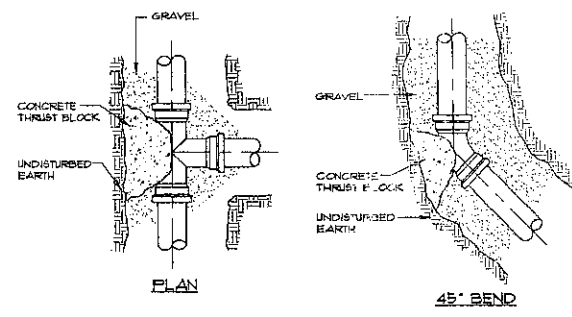
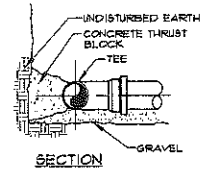
A
BT.13



1 SEWER CLEANOUT NOT TO SCALE

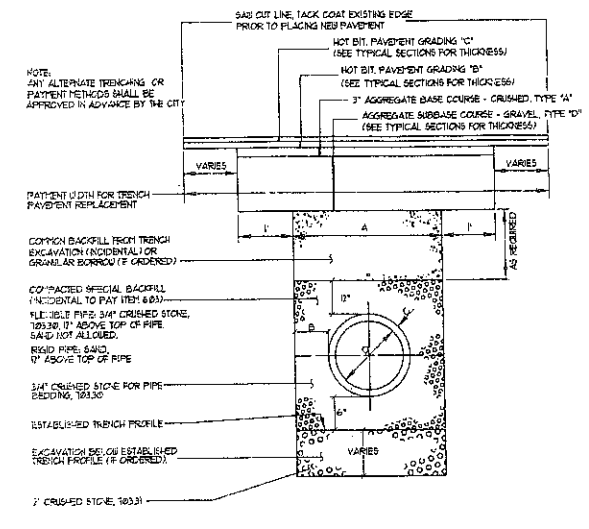


2 SEWER / FOUNDATION DRAIN SERVICE CONNECTION NOT TO SCALE



3 TEE AND BEND DETAIL NOT TO SCALE

CONCRETE THRUST BLOCK SIZE REQUIREMENTS			
SQ. FT. OF BEARING ON UNDISTURBED SOIL			
FITTINGS	30" BENDS	45" BENDS TEES AND PLUGS	
PIPE SIZE	6"	8"	10"
	4.0	4.2	6.0
	8.0	10	16



4 TYPICAL PIPE INSTALLATION DETAIL NOT TO SCALE

TABLE OF DIMENSIONS
PVC TRUSS CMP & POLYETHYLENE PIPE

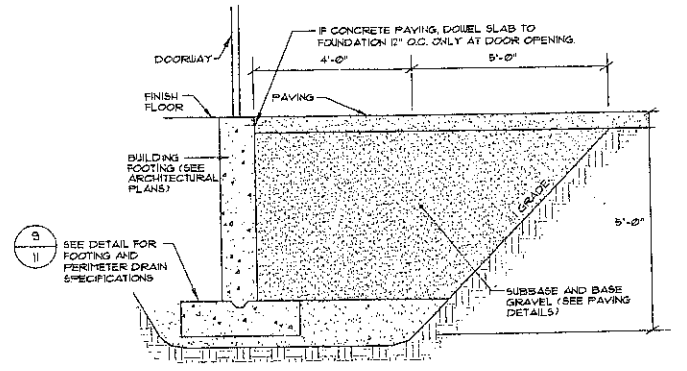
D	A	B	C	VOL. BASE / 100' UNPERFORATED SOCKET
8"	3'-0"	1'-1 1/2"	0'-1 1/2"	7.358
10"	3'-0"	1'-0 3/8"	0'-0 3/8"	7.658
12"	3'-0"	0'-11 3/8"	0'-0 5/8"	7.812
14"	3'-0"	0'-10 3/8"	0'-0 3/8"	8.170
16"	3'-0"	0'-8 1/2"	0'-0 3/4"	8.447
18"	3'-0"	0'-8 1/4"	0'-0 3/4"	8.663
20"	3'-0"	0'-7 3/8"	0'-0 3/4"	8.815
22"	3'-1 3/4"	0'-8"	0'-0 7/8"	9.333
24"	3'-1 3/4"	0'-6"	0'-1 1/8"	10.559
26"	3'-1 3/4"	0'-6"	0'-1 1/8"	10.758
28"	3'-1 3/4"	0'-6"	0'-1 3/8"	11.513
30"	3'-2 3/8"	0'-6"	0'-1 3/8"	11.910

A = WIDTH OF UNSHEETED TRENCH

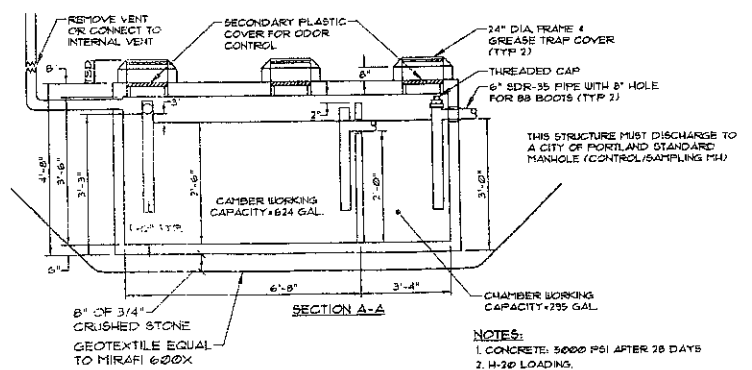
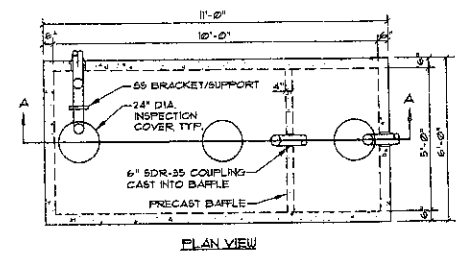
TABLE OF DIMENSIONS
REINFORCED CONCRETE PIPE

D	A	B	C	VOL. BASE / 100' ASSUMED 10" BELL
12"	3'-0"	0'-10"	0'-2"	8.319
15"	3'-0"	0'-8 1/4"	0'-2 1/4"	8.626
18"	3'-0"	0'-6 1/2"	0'-2 1/2"	8.923
21"	3'-0"	0'-5 1/2"	0'-2 3/4"	9.266
24"	3'-0"	0'-6"	0'-3"	11.253
27"	3'-5 1/2"	0'-6"	0'-3 1/4"	12.855
30"	3'-5 1/2"	0'-6"	0'-3 1/2"	14.120
33"	4'-1 1/2"	0'-6"	0'-3 3/4"	15.222
36"	4'-8"	0'-6"	0'-4 1/2"	17.358
42"	5'-3"	0'-6"	0'-4 1/2"	20.726
48"	5'-10"	0'-6"	0'-5"	24.453
54"	6'-5"	0'-6"	0'-5 1/2"	28.464
60"	7'-0"	0'-6"	0'-5 1/2"	32.591
66"	7'-7"	0'-6"	0'-6 1/2"	37.074
72"	8'-2"	0'-6"	0'-7"	41.885
78"	8'-9"	0'-6"	0'-7 1/2"	45.881
84"	9'-4"	0'-6"	0'-8"	50.149
90"	9'-11"	0'-6"	0'-8 1/2"	53.758
96"	10'-6"	0'-6"	0'-9"	57.592

27" to THROUGH 96" INCLUSIVE - TONGUE & GROOVE JOINTS

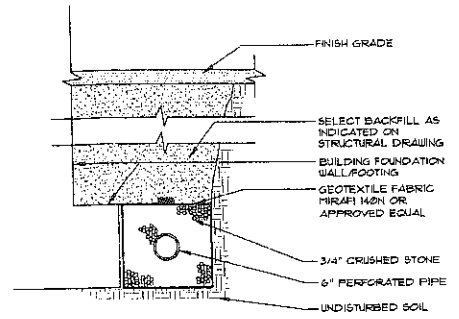


5 5' GRANULAR BASE @ DOOR THRESHOLD NOT TO SCALE

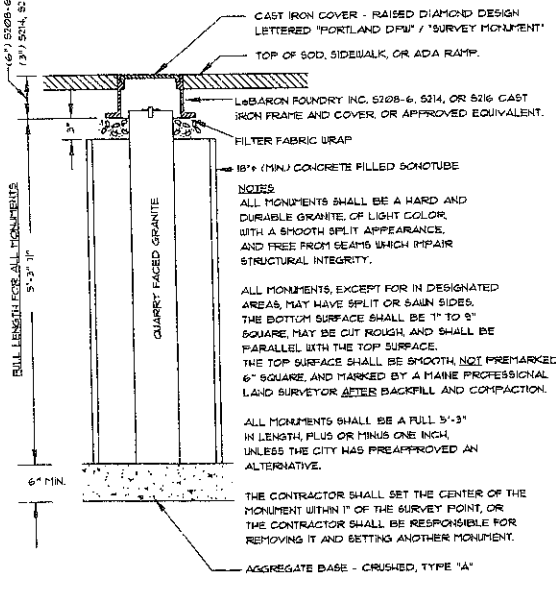
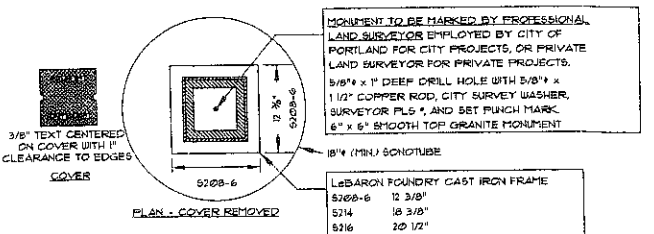


6 GREASE TRAP NOT TO SCALE

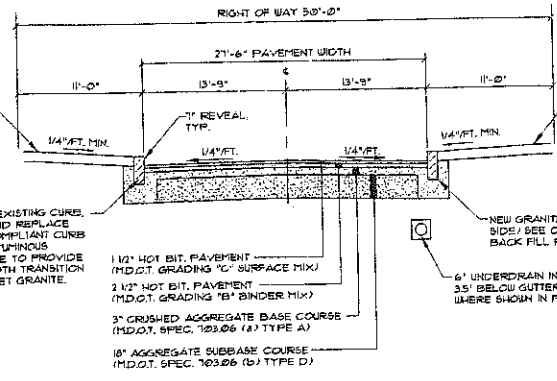
- NOTES:
1. CONCRETE: 5000 PSI AFTER 28 DAYS
 2. 1/4-20 LOADINGS
 3. JOINTS SEALED WITH BUTYL RUBBER JOINT SEALANT, AASHTO M-19.
 4. ALL TEES/Baffles PROVIDED BY PRECAST



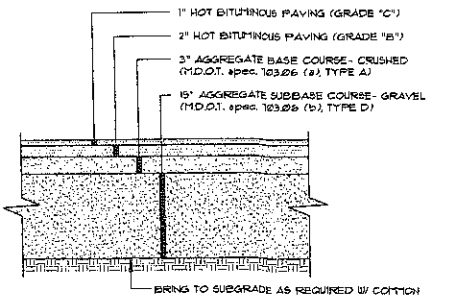
7 TYP. PERFORATED FOUNDATION DRAIN TRENCH SECTION NOT TO SCALE



8 GRANITE STREET MONUMENT NOT TO SCALE



9 MIDDLE & NEWBURY STREET SECTION NOT TO SCALE



10 TYP. PAVED DRIVEWAY SECTION NOT TO SCALE

REV.	DATE	BY	DESCRIPTION
E	9/29/09	CD	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
D	10/17/09	CD	REVISED PER CITY STAFF COMMENTS / ISSUED TO CLIENT
C	9/12/09	CD	REVISED PER CITY STAFF COMMENTS
B	7/17/09	CD	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	11/09/07	CD	SUBMITTED FOR CONSTRUCTION BIDS

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

Sebago Technics
Engineering Expertise You Can Build On.
One Street
113 Pearl Street, Suite 400
Portland, Maine 04101
Tel: (207) 858-0277

PROJECT NO: 05109
FIELD BOOK:
DESIGN: SAG
CHECK: CAM
DRAWN: SAB

DETAILS OF:
THE BAY HOUSE
112 NEWBURY ST., 40 HANCOCK ST.,
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE	SCALE
8/3/05	AS SHOWN

SHEET 13 OF 15

CONSTRUCTION NOTES

1. ALL WORK SHALL CONFORM TO THE APPLICABLE CODES AND ORDINANCES.
2. CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE THEMSELVES WITH ALL CONDITIONS AFFECTING THE PROPOSED WORK AND SHALL TAKE THE NECESSARY PRECAUTIONS TO THE COST THEREOF. CONTRACTOR SHALL BE RESPONSIBLE FOR FAMILIARIZING THEMSELVES WITH ALL CONTRACT DOCUMENTS, FIELD CONDITIONS AND DIMENSIONS AND CONFIRMING THAT THE WORK MAY BE ACCOMPLISHED AS SHOWN PRIOR TO THE PROCEEDING WITH CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO THE COMMENCEMENT OF WORK.
3. CONTRACTOR SHALL NOTIFY ENGINEER OF ALL PRODUCTS OR ITEMS NOTED AS "EXISTING" WHICH ARE NOT FOUND IN THE FIELD.
4. INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS AND OWNER'S REQUIREMENTS UNLESS SPECIFICALLY OTHERWISE INDICATED OR WHERE LOCAL CODES OR REGULATIONS TAKE PRECEDENCE.
5. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS IN THE FIELD PRIOR TO FABRICATION AND ERECTION OF ANY MATERIAL. ANY UNUSUAL CONDITIONS SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER.
6. CONTRACTOR SHALL CLEAN AND REMOVE DEBRIS AND SEDIMENT DEPOSITED ON PUBLIC STREETS, SIDEWALKS, ADJACENT AREAS, OR OTHER PUBLIC WAYS DUE TO CONSTRUCTION.
7. CONTRACTOR SHALL INCORPORATE PROVISIONS AS NECESSARY IN CONSTRUCTION TO PROTECT EXISTING STRUCTURES, PHYSICAL FEATURES, AND MAINTAIN SITE STABILITY DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ALL AREAS TO ORIGINAL CONDITION AND AS DIRECTED BY DESIGN DRAWINGS.
8. SITE CONTRACTOR SHALL OBTAIN ALL REQUIRED PERMITS PRIOR TO CONSTRUCTION.
9. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED IN ACCORDANCE WITH "MAINE EROSION AND SEDIMENTATION CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES" PUBLISHED BY THE CUMBERLAND COUNTY SOIL AND WATER DISTRICT, 1100 DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 1993 OR LATEST EDITION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO POSSESS A COPY OF THE EROSION CONTROL PLAN AT ALL TIMES.

10. THE CONTRACTOR IS HEREBY CAUTIONED THAT ALL SITE FEATURES SHOWN HEREON ARE BASED ON FIELD OBSERVATIONS BY THE SURVEYOR AND BY INFORMATION PROVIDED BY UTILITY COMPANIES. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR SHALL CONTACT DIG SAFE (1-888-DIGSAFE) AT LEAST THREE (3) BUT NOT MORE THAN THIRTY (30) DAYS PRIOR TO COMMENCEMENT OF EXCAVATION OR DESTRUCTION TO VERIFY HORIZONTAL AND VERTICAL LOCATION OF ALL UTILITIES. CONTRACTORS SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THE REQUIREMENTS OF 25 MRS. 3640-A. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH THE APPROPRIATE UTILITIES TO OBTAIN PERMISSION PRIOR TO RELOCATION OR ANY EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THESE PLANS. IF A UTILITY CONFLICT ARISES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY THE OWNER, THE MUNICIPALITY AND APPROPRIATE UTILITY COMPANY PRIOR TO PROCEEDING WITH ANY RELOCATION.

11. IMMEDIATELY UPON COMPLETION OF CUTS/FILLS, THE CONTRACTOR SHALL STABILIZE DISTURBED AREAS IN ACCORDANCE WITH EROSION CONTROL NOTES AND AS SPECIFIED ON PLANS.

12. PRIOR TO CONSTRUCTION, THE SITE CONTRACTOR SHALL CONFIRM SETBACKS AND BUILDING DIMENSIONS WITH ARCHITECTURAL DRAWINGS. CONTRACTOR SHALL NOTIFY ENGINEER AND OWNER OF ANY DISCREPANCIES AFFECTING BUILDING OR SITE CONSTRUCTION.

13. REMOVE TOPSOIL AND ROUGHEN SUBGRADE TO ESTABLISH SUITABLE INTERFACE FOR ALL FILLS.

A. PRE-CONSTRUCTION PHASE

PRIOR TO THE BEGINNING OF ANY CONSTRUCTION, FILTER FABRIC FENCING WILL BE STAKED ACROSS THE SLOPES, ON THE CONTOUR, AT OR JUST BELOW THE LIMITS OF CLEARING OR GRUBBING, AND/OR JUST ABOVE ANY ADJACENT PROPERTY LINE OR WATERCOURSE TO PROTECT AGAINST CONSTRUCTION RELATED EROSION. THE PLACEMENT OF SILT FENCES SHALL BE COMPLETED IN ACCORDANCE WITH GUIDELINES ESTABLISHED IN BEST MANAGEMENT PRACTICES AND IN ACCORDANCE WITH THE EROSION CONTROL PLAN & DETAILS IN THE PLAN SET. THIS NETWORK IS TO BE MAINTAINED BY THE CONTRACTOR UNTIL ALL EXPOSED SLOPES HAVE AT LEAST 85%-90% VIGOROUS PERENNIAL VEGETATIVE COVER AND CONSTRUCTION ACTIVITY IN THE AREA HAS BEEN COMPLETED.

PRIOR TO ANY CLEARING, GRUBBING, STRIPPING OR PULVERIZING CONSTRUCTION ENTRANCES/ AREAS BE CONSTRUCTED AT THE APPROVED ACCESS POINTS TO THE PROJECT SITE FROM THE EXISTING PUBLIC ROADWAY TO AVOID TRACKING OF MUD, DUST AND DEBRIS FROM THE SITE.

PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL PREPARE A DETAILED SCHEDULE AND MARKED UP PLAN INDICATING AREAS AND COMPONENTS OF THE WORK AND KEY DATES SHOWING DATE OF DISTURBANCE AND COMPLETION OF THE WORK. THE CONTRACTOR SHALL SCHEDULE A PRE-CONSTRUCTION MEETING WITH THE MUNICIPAL STAFF. THREE COPIES OF THE SCHEDULE AND MARKED UP PLAN SHALL BE PROVIDED TO THE MUNICIPALITY THREE DAYS PRIOR TO THE SCHEDULED PRE-CONSTRUCTION MEETING. SPECIAL ATTENTION SHALL BE GIVEN TO THE 14 DAY LIMIT OF DISTURBANCE IN THE SCHEDULE ADDRESSING TEMPORARY AND PERMANENT VEGETATION MEASURES. THE FOLLOWING EROSION CONTROL MEASURES SHALL BE FOLLOWED BY THE CONTRACTOR THROUGHOUT CONSTRUCTION OF THIS PROJECT.

B. CONSTRUCTION AND POST-CONSTRUCTION PHASE

1. ALL AREAS UNDERGOING ACTUAL CONSTRUCTION SHALL ONLY EXPOSE THAT AMOUNT OF MINERAL SOIL NECESSARY FOR PROGRESSIVE AND EFFICIENT CONSTRUCTION AND SHALL NOT EXCEED 14 DAYS. AREAS THAT WILL NOT BE COMPLETED, COVERED AND/OR FINISH GRADED WITHIN FOURTEEN (14) DAYS OF DISTURBANCE SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL MEASURES WITHIN FOURTEEN (14) DAYS OF DISTURBANCE. TEMPORARY EROSION CONTROL SHALL INCLUDE EROSION CONTROL MESH, NETTING OR MULCH AS DIRECTED BY THE INSPECTING ENGINEER AND AS SHOWN ON THE DESIGN PLANS. IF MULCH IS USED, HAY OR STRAW MULCH SHALL BE APPLIED AT THE RATE OF 2 BALES PER 1000 SQUARE FEET. APPLICATION AREA SHALL BE SUFFICIENTLY COVERED WITH MULCH TO AVOID ANY VISIBLE SOIL EXPOSURE. MULCH SHALL BE KEPT MOIST TO AVOID LOSS DUE TO WIND. MULCH AND NETTING SHALL BE APPLIED IN THE BASE OF ALL GRASSED WATERWAYS (I.E. ROADWAY DITCHES) AND SLOPES WHICH EXCEED 8% AND ANY DISTURBED AREAS WITHIN 10' OF WETLANDS OR STREAMS.

2. IF DISTURBED AREAS DO NOT RECEIVE FINAL SEEDING BY SEPTEMBER 15TH OF THE YEAR OF CONSTRUCTION, THEN ALL DISTURBED AREAS SHALL BE SEED WITH A WINTER COVER CROP OF RYE AT THE RATE OF 3 LBS/1000 SF. TO PROVIDE WINTER PROTECTION. WINTER SEEDINGS SHALL BE COVERED WITH EROSION CONTROL MESH (MULCH AND NETTING) HEAVY GRADE MATS SHALL BE USED IN THE BASE OF ALL GRASSED WATERWAYS, ON SLOPES EQUAL TO OR GREATER THAN 8%, AND ANY DISTURBED AREAS WITHIN 10' OF WETLANDS OR STREAMS. MULCH AND NETTING SHALL ALSO BE APPLIED FOR ADDITIONAL WINTER PROTECTION ALONG SIDE SLOPES OF GRASSED WATERWAYS AND IN ALL AREAS EQUAL TO OR GREATER THAN 8% SLOPE.

3. DURING WINTER CONDITIONS, AREAS THAT WILL NOT BE COMPLETED /COVERED AND/OR FINISH GRADED WITHIN SEVEN (7) DAYS OF DISTURBANCE SHALL BE ANCHORED WITH TEMPORARY EROSION CONTROL MEASURES WITHIN SEVEN (7) DAYS OF DISTURBANCE. TEMPORARY EROSION CONTROL SHALL INCLUDE EROSION CONTROL MESH, NETTING OR MULCH AS DIRECTED BY THE INSPECTING ENGINEER AND AS SHOWN ON THE DESIGN PLANS. IF MULCH IS USED, HAY OR STRAW MULCH SHALL BE APPLIED TO PROVIDE A MINIMUM UNIFORM MULCH DEPTH OF 4". THE APPLICATION AREA SHALL BE SUFFICIENTLY COVERED WITH MULCH TO AVOID ANY VISIBLE SOIL EXPOSURE.

4. ALL TOPSOIL SHALL BE COLLECTED, STOCKPILED, SEED WITH RYE AT 3 LBS/1000 SF. AND MULCHED, AND RE-USED AS REQUIRED. SILTATION FENCING SHALL BE PLACED AT 100% GRADIENT FROM STOCKPILED LOAM. LOAM SHALL BE STOCKPILED AT LOCATIONS DESIGNATED BY THE OWNER AND INSPECTING ENGINEER.

5. ALL SILT FENCES AND EROSION CONTROL MEASURES SHALL BE INSTALLED ACCORDING TO THIS PLAN. THESE SHALL BE MAINTAINED DURING DEVELOPMENT TO REMOVE SEDIMENT FROM RAINOFF WATER. ALL THE SILT FENCES AND EROSION CONTROL MEASURES SHALL BE INSPECTED BEFORE AND AFTER ANY RAINFALL OR RINOFF EVENT, MAINTAINED AND CLEANED UNTIL ALL AREAS HAVE AT LEAST 85%-90% VIGOROUS PERENNIAL VEGETATIVE COVER OF GRASSES.

6. A CONSTRUCTION ENTRANCE SHALL BE BUILT AT THE INTERSECTION OF THE EXISTING ROAD AND THE ACCESS DRIVE. ROADWAY AREAS SHALL BE PERIODICALLY SUPT OR WASHED TO AVOID TRACKING OF MUD, DUST OR DEBRIS FROM THE CONSTRUCTION AREA. DUST CONTROL CURBS CONSTRUCTION SHALL BE ACHIEVED BY THE USE OF A WATERING TRUCK TO PERIODICALLY SPRINKLE THE EXPOSED ROADWAY AREAS AS NECESSARY TO REDUCE DUST DURING THE DRY MONTHS.

7. CATCH BASIN INLET PROTECTION SHALL BE PLACED WITHIN EXISTING CATCH BASIN IN THE CONSTRUCTION AREA PRIOR TO CONSTRUCTION. INLET PROTECTION FOR PROPOSED CATCH BASINS SHALL BE INSTALLED IMMEDIATELY FOLLOWING THE INSTALLATION OF THE OUTFALL PIPING.

8. ALL AREAS SHALL BE SEED AND STABILIZED IN ACCORDANCE WITH THE FOLLOWING VEGETATION PLAN.

C. VEGETATION PLAN. REVEGETATION MEASURES SHALL COMMENCE IMMEDIATELY UPON COMPLETION OF CONSTRUCTION OF THE ROADWAY IMPROVEMENTS. DISTURBED AREAS SHALL ALSO BE MULCHED AND ANCHORED PRIOR TO ANY STORM EVENT. SEE MULCHING REQUIREMENTS IN SECTION B(1)J ABOVE. IF FINAL SEEDING CANNOT BE ACCOMPLISHED BY SEPTEMBER 15TH, THEN ALL DISTURBED AREAS SHALL BE SEED WITH A WINTER COVER CROP OF RYE AT THE RATE OF 3 LBS/1000 SQ. FT. TO PROVIDE WINTER PROTECTION. SEEDING AREAS SHALL BE COVERED WITH EROSION CONTROL MESH. SEE WINTER PROTECTION REQUIREMENTS IN SECTION B (1)J ABOVE.

REVEGETATION MEASURES SHALL CONSIST OF THE FOLLOWING:

1. FOUR INCHES OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE. LOAM SHALL BE FREE OF SUBSOIL, CLAY LUMPS, STONES AND OTHER OBJECTS OVER 1" IN DIAMETER, AND WITHOUT WEEDS, ROOTS OR OTHER OBJECTIONABLE MATERIAL.

2. SOIL TESTS SHALL BE TAKEN AT THE TIME OF SOIL STRIPPING TO DETERMINE FERTILIZATION REQUIREMENTS. SOIL TEST SHALL BE TAKEN PROMPTLY AS TO NOT INTERFERE WITH THE 14 DAY LIMIT ON SOIL EXPOSURE. BASED UPON TEST RESULTS, SOIL AMENDMENTS SHALL BE INCORPORATED INTO THE SOIL PRIOR TO FINAL SEEDING. IN LIEU OF SOIL TESTS, SOIL AMENDMENTS MAY BE APPLIED AS FOLLOWS:

16-10-10 FERTILIZER (N-P2O5-K2O) OR EQUAL
18.4 LBS/1000 SF

GROUND LIME STONES (50% CALCIUM + MAGNESIUM OXIDE)
15.0 LBS/1000 SF

3. FOLLOWING SEED BED PREPARATION, SWALE AREAS, FILL AREAS AND BACK SLOPES SHALL BE SEED AT A RATE OF 3 LBS/1000 SF WITH A MIXTURE OF 35% CREeping RED FESCUE, 55% RED TOP, 10% KENTUCKY BLUEGRASS, 10% PERENNIAL KYRGRASS, 20% ANNUAL KYRGRASS AND 5% WHITE DUTCH CLOVER.

4. EROSION CONTROL MESH SHALL BE APPLIED IN ACCORDANCE WITH THE PLANS OVER ALL FINISH SEEDED AREAS AS SPECIFIED ON THE DESIGN PLANS.

5. ALL HAY BALE AND/OR FILTER FABRIC BARRIERS WILL REMAIN IN PLACE UNTIL SEEDINGS HAVE BECOME 85%-90% ESTABLISHED AND THEN REMOVED WITHIN 10 DAYS.

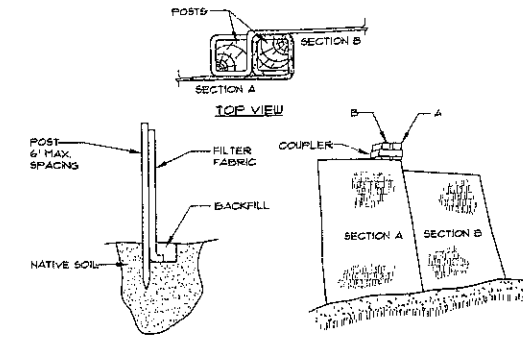
6. THE INSPECTING ENGINEER AT HIS/HER DISCRETION MAY REQUIRE ADDITIONAL EROSION CONTROL MEASURES AND/OR SUPPLEMENTAL VEGETATIVE PROVISIONS TO MAINTAIN STABILITY OF EARTHWORKS AND FINISH GRADED AREAS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING AND INSTALLING ANY SUPPLEMENTAL MEASURES AS DIRECTED BY THE INSPECTING ENGINEER. FAILURE TO COMPLY WITH THE ENGINEER'S DIRECTIONS WILL RESULT IN DISCONTINUATION OF CONSTRUCTION ACTIVITIES.

D. CONSTRUCTION SCHEDULE
SITE IMPROVEMENTS ARE SCHEDULED TO BEGIN IN FALL OF 2024. CONSTRUCTION DURATION IS ANTICIPATED TO BE 36 MONTHS TO TIME OF SUBSTANTIAL COMPLETION.

SCHEDULE	1. EROSION CONTROL MEASURES PLACED.	WEEK 1 - WEEK 2
2. SITE CLEARING AND GRUBBING	MONTH 1-ONGOING	
3. CONSTRUCTION OF SITE IMPROVEMENTS.	MONTH 1-MONTH 36	
4. MULCH SPREAD FOR WINTER EROSION CONTROL.	OCT. 15 OF CONSTRUCTION YEAR	
5. START FINAL SEEDINGS ON PREPARED AREAS. (DURING GROWTH SEASON)	MONTH 15	
6. BIMEEKLly MONITORING OF VEGETATIVE GROWTH.	MONTH 15	
7. RESEEDING OF AREAS, IF NEEDED.	MONTH 15	
8. REMOVAL OF EROSION CONTROL DEVICES	UPON FINAL PROJECT COMPLETION	

* DATES ARE SUBJECT TO CHANGE AT THE DISCRETION OF THE ENGINEER, DEPENDING ON CONSTRUCTION PROGRESS.

E. INSPECTIONS/MONITORING MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION CYCLE. AFTER EACH RAINFALL, THE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES. THE CONTRACTOR SHALL PERFORM REPAIRS AS NEEDED TO ALLOW CONTINUED PROPER FUNCTIONING OF THE EROSION CONTROL MEASURE. THE CONTRACTOR SHALL PROVIDE THE MUNICIPALITY WITH WRITTEN DOCUMENTATION DESCRIBING DATES OF INSPECTIONS AND NECESSARY FOLLOW-UP WORK TO MAINTAIN EROSION CONTROL MEASURES MEETING THE REQUIREMENTS OF THIS PLAN. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDINGS, THE CONTRACTOR SHALL INSPECT THE WORK AREA SEMI-MONTHLY UNTIL THE SEEDINGS HAVE BEEN ESTABLISHED. ESTABLISHED MEANS A MINIMUM OF 85%-90% OF AREAS VEGETATED WITH VIGOROUS GROWTH. RESEEDING SHALL BE CARRIED OUT BY THE CONTRACTOR WITH FOLLOW-UP INSPECTIONS IN THE EVENT OF ANY FAILURES UNTIL VEGETATION IS ADEQUATELY ESTABLISHED.

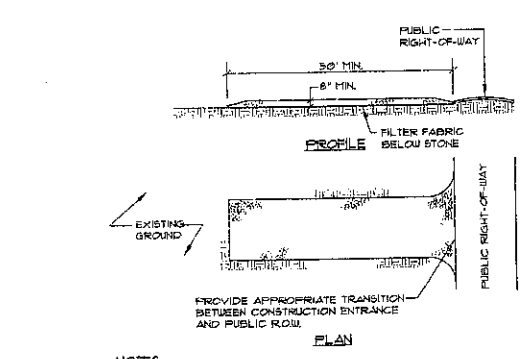


1. FILTER BARRIER
NOT TO SCALE

- INSTALLATION:**
1. EXCAVATE A 6" x 6" TRENCH ALONG THE LINE OF PLACEMENT FOR THE FILTER BARRIER.
 2. UNROLL A SECTION AT A TIME AND POSITION THE POSTS AGAINST THE BACK (DOWNSTREAM) WALL OF THE TRENCH.
 3. DRIVE POSTS INTO THE GROUND UNTIL APPROXIMATELY 2" OF FABRIC IS LYING ON THE TRENCH BOTTOM.
 4. LAY THE 10'-IN FLAP OF FABRIC ONTO THE UNDISTURBED BOTTOM OF THE TRENCH. BACKFILL THE TRENCH AND TAMP THE SOIL. 10'-IN CAN ALSO BE ACCOMPLISHED BY LAYING THE FABRIC FLAP ON UNDISTURBED GROUND AND PILING AND TAMMING FILL AT THE BASE, BUT MUST BE ACCOMPANIED BY AN INTERCEPTION DITCH.
 5. JOIN SECTION AS SHOWN ABOVE.
 6. BARRIER SHALL BE MIRAP SILT FENCE OR EQUAL.

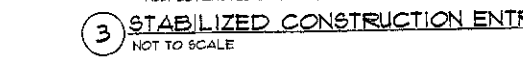


2. CATCH BASIN PROTECTION DETAIL
(FOR PAVED AREAS)
NOT TO SCALE



3. STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE

- NOTES:**
1. STONE SIZE - AASHTO DESIGNATION M45, SIZE NO. 2 (2 1/2" TO 1 1/2") USE CRUSHED STONE.
 2. LENGTH - AS SHOWN ON PLANS, MIN. 50 FEET.
 3. THICKNESS - NOT LESS THAN EIGHT (8) INCHES.
 4. WIDTH - NOT LESS THAN FULL WIDTH OF ALL POINT OF INGRESS OR EGRESS.
- MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT MUST BE REMOVED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.



4. DIRTBAG PUMPED SILT CONTROL SYSTEM
NOT TO SCALE



5. BLOCK SEDIMENT BARRIER
NOT TO SCALE

A
07.14

REV.	DATE	BY	STATUS
E	9/5/09	CD	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
D	10/13/08	CD	REVIS PER CITY STAFF COMMENTS / ISSUED TO CLIENT
C	9/12/08	CD	REVIS PER CITY STAFF COMMENTS
B	7/17/08	CD	REVIS AND SUBMITTED FOR CONSTRUCTION BID
A	11/09/07	CD	SUBMITTED FOR CONSTRUCTION BIDS

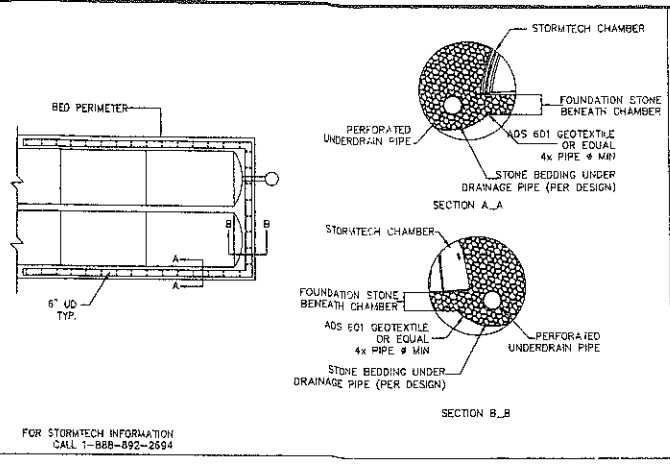
Sebago Technics
Engineering Excellence You Can Build On
One Church Street, Suite 139
Portland, Maine 04101
Tel: (207) 856-0277

PROJECT NO: FIELD BOOK DESIGN: CHRD DRAWN: OAM
05105 SAG

DETAILS
OF:
THE BAY HOUSE
112 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
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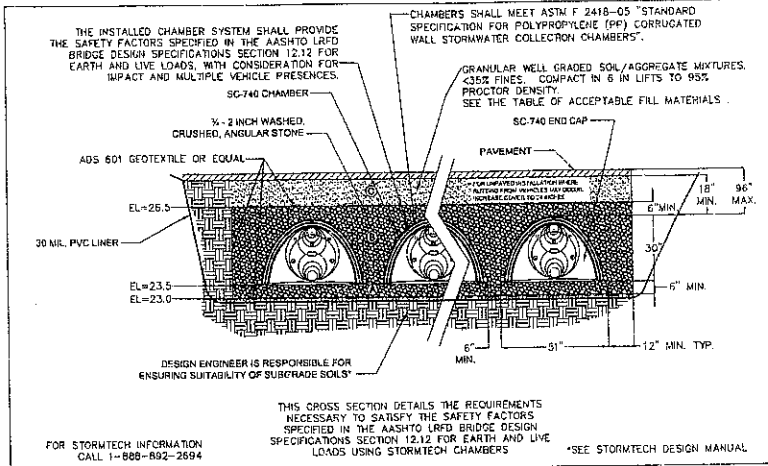
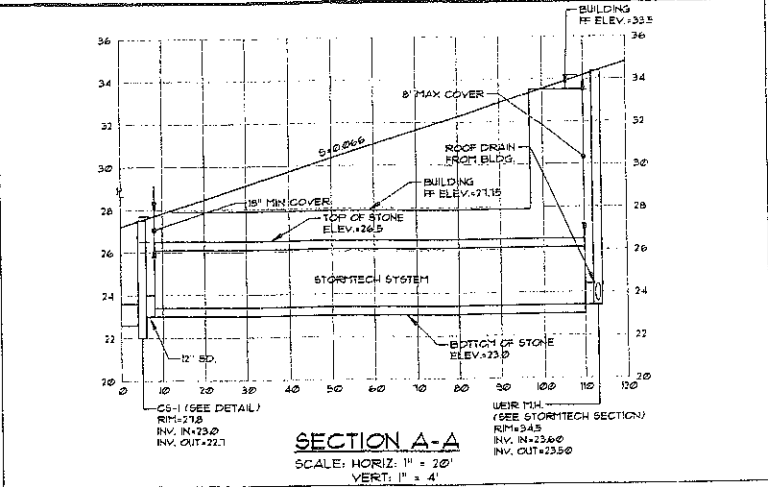
DATE	SCALE
8/3/05	AS SHOWN

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B7.15



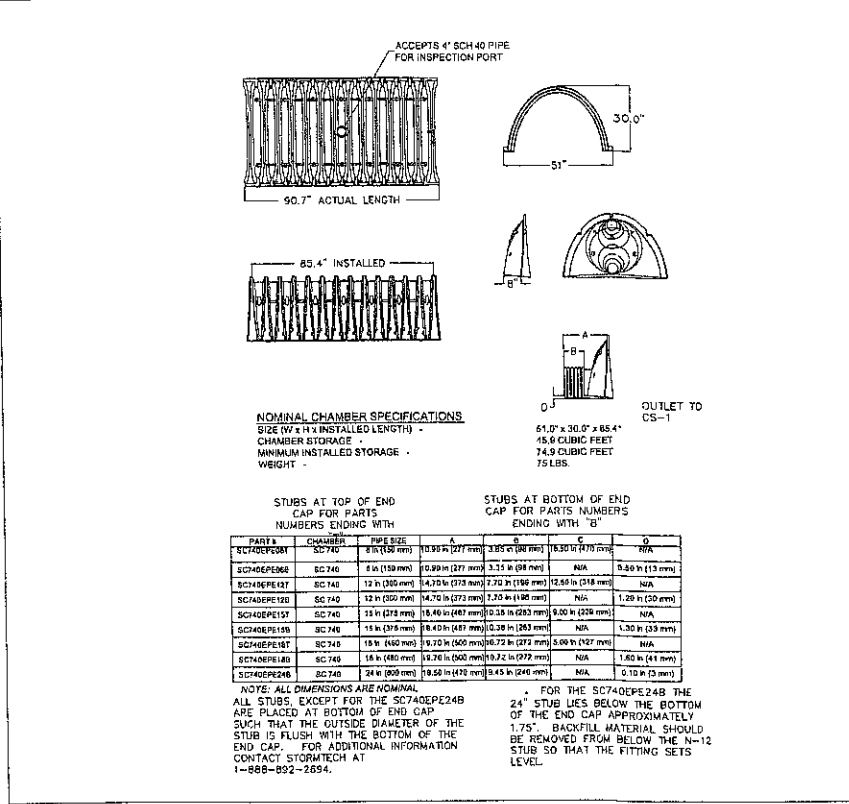
FOR STORMTECH INFORMATION
CALL 1-888-892-2694

STORMTECH UNDERDRAIN DETAIL



FOR STORMTECH INFORMATION
CALL 1-888-892-2694

SC-740 TYPICAL CROSS SECTION



PART #	CHAMBER	PIPE SIZE	A	B	C	D
SC740PE248	SC 740	8" (203 mm)	10.89" (277 mm)	3.85" (98 mm)	16.30" (413 mm)	N/A
SC740PE248	SC 740	8" (203 mm)	10.89" (277 mm)	3.15" (80 mm)	N/A	5.80" (148 mm)
SC740PE187	SC 740	8" (203 mm)	10.89" (277 mm)	2.70" (69 mm)	12.68" (321 mm)	N/A
SC740PE187	SC 740	12" (305 mm)	14.70" (373 mm)	2.70" (69 mm)	N/A	1.28" (33 mm)
SC740PE157	SC 740	12" (305 mm)	18.40" (468 mm)	2.38" (60 mm)	N/A	N/A
SC740PE157	SC 740	12" (305 mm)	18.40" (468 mm)	2.38" (60 mm)	8.00" (203 mm)	N/A
SC740PE158	SC 740	12" (305 mm)	18.40" (468 mm)	2.38" (60 mm)	N/A	1.30" (33 mm)
SC740PE158	SC 740	18" (457 mm)	22.20" (565 mm)	2.72" (69 mm)	8.00" (203 mm)	N/A
SC740PE183	SC 740	18" (457 mm)	22.20" (565 mm)	2.72" (69 mm)	N/A	1.80" (46 mm)
SC740PE248	SC 740	24" (609 mm)	28.58" (727 mm)	3.45" (88 mm)	N/A	2.10" (53 mm)

NOTE: ALL DIMENSIONS ARE NOMINAL. ALL STUBS, EXCEPT FOR THE SC740PE248 ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2694.

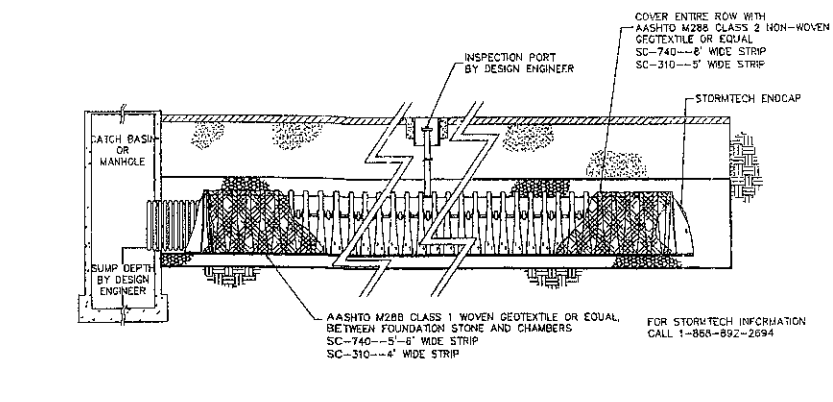
FOR THE SC740PE248 THE 24" STUB IS BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 1.75". BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SETS LEVEL.

ACCEPTABLE FILL MATERIALS
STORMTECH SC-740 CHAMBER SYSTEMS

MATERIAL LOCATION	DESCRIPTION	AASHTO M43 DESIGNATION	AASHTO M145 DESIGNATION	COMPACTION/DENSITY REQUIREMENT
FILL MATERIAL FROM 18" TO GRADE ABOVE CHAMBERS	ANY SOIL/ROCK MATERIALS, NATIVE SOILS OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	N/A	PREPARE PER ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
FILL MATERIAL FOR 6" TO 18" ELEVATION ABOVE CHAMBERS (24" FOR UNPAVED INSTALLATIONS)	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES.	3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10	A-1, A-2, A-3	COMPACT IN 6" LIFTS TO A MINIMUM 95% STANDARD PROCTOR DENSITY. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 LBS. DYNAMIC FORCE NOT TO EXCEED 20,000 LBS.
EMBEDMENT STONE SURROUNDING AND TO A 6" ELEVATION ABOVE CHAMBERS	WASHED ANGULAR STONE WITH THE MAJORITY OF PARTICLES BETWEEN 1/2 - 2 INCH	3, 357, 4, 467, 5, 56, 57	N/A	NO COMPACTION REQUIRED
FOUNDATION STONE BELOW CHAMBERS	WASHED ANGULAR STONE WITH THE MAJORITY OF PARTICLES BETWEEN 1/2 - 2 INCH	3, 357, 4, 467, 5, 56, 57	N/A	PLATE COMPACT OR ROLL TO ACHIEVE A 95% STANDARD PROCTOR DENSITY

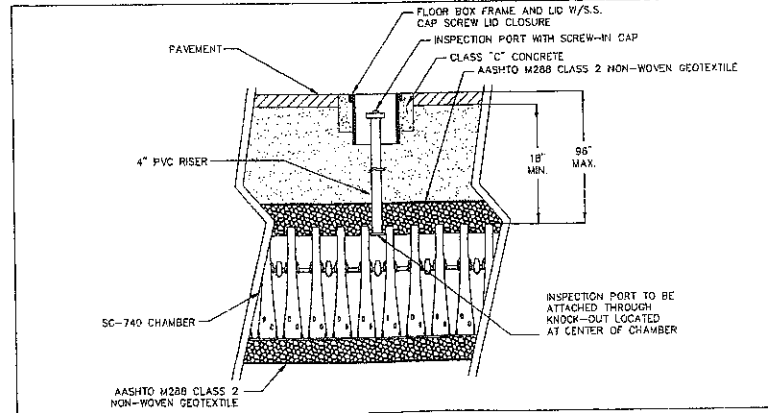
PLEASE NOTE: THE LISTED AASHTO DESIGNATIONS ARE FOR ORIGINATIONS ONLY. THE STONE MUST ALSO BE WASHED CRUSHED ANGULAR. FOR EXAMPLE, THE STONE MUST BE SPECIFIED AS WASHED, CRUSHED, ANGULAR 1/2 - 2 STONE.

STORMTECH ACCEPTABLE FILL MATERIALS

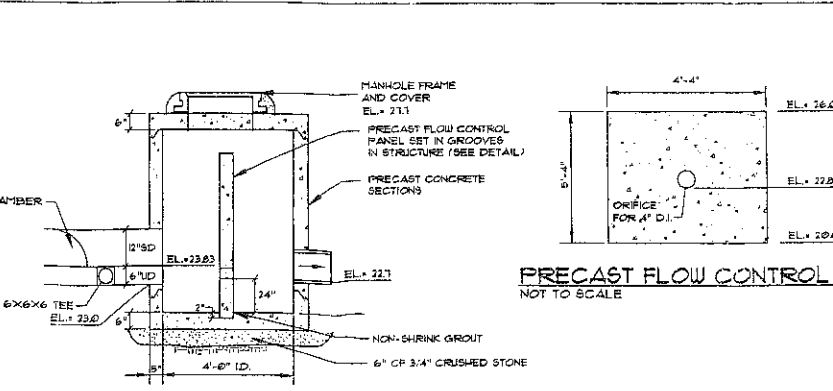


FOR STORMTECH INFORMATION
CALL 1-888-892-2694

STORMTECH ISOLATOR™ ROW DETAIL

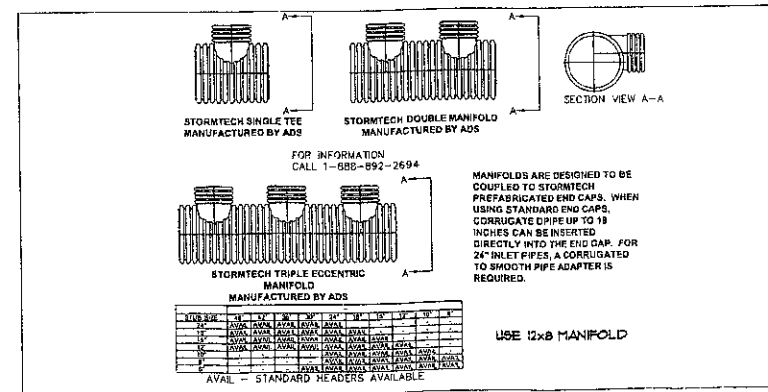


STORMTECH INSPECTION PORT DETAIL

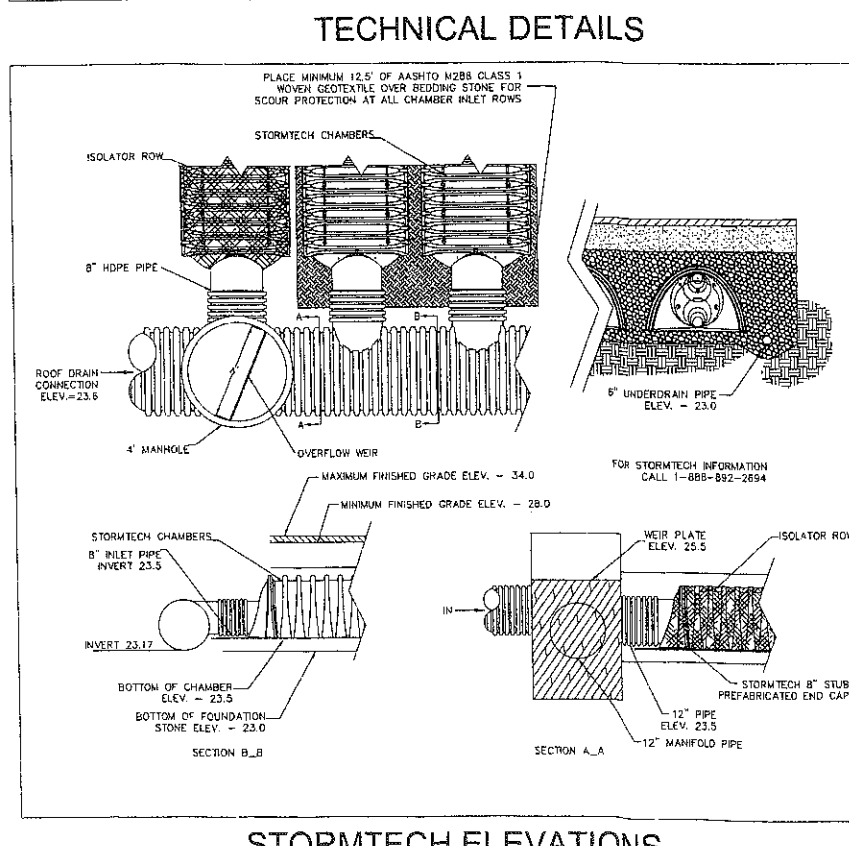


NOT TO SCALE

OUTLET STRUCTURE DETAIL CS-1



ADS MANIFOLD DETAILS



STORMTECH ELEVATIONS

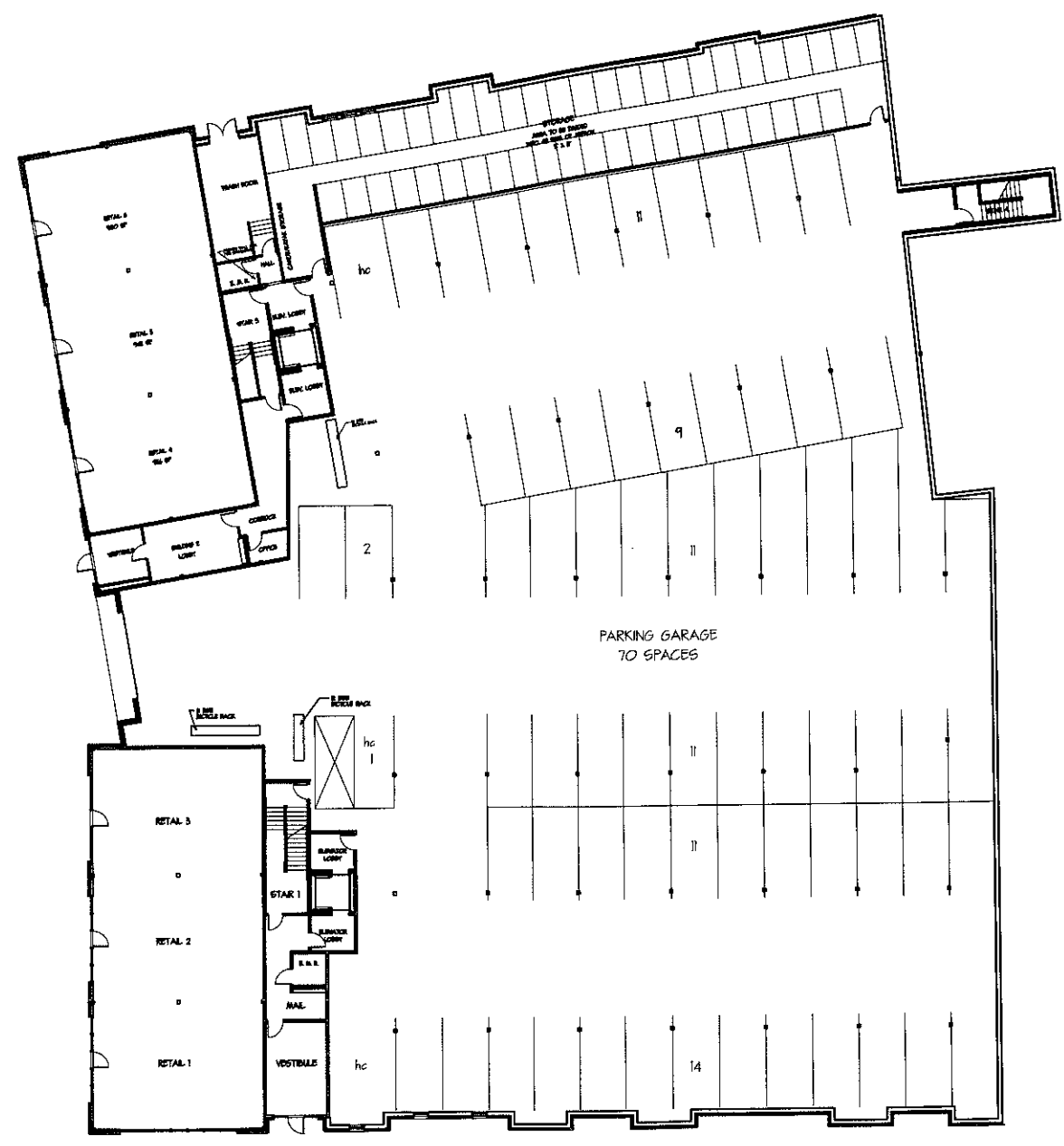
REV.	BY	DATE	STATUS
D	CD	9/8/09	SUBMIT TO CITY FOR AMENDED SITE PLAN REVIEW
C	CD	9/12/08	REVISED PER CITY STAFF COMMENTS
B	CD	7/17/08	REVISED AND SUBMITTED FOR CONSTRUCTION BID
A	CD	11/09/07	SUBMITTED FOR CONSTRUCTION BIDS

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PROJECT NO. FIELD BOOK DESIGN CHRD DRAWN
05109 05109 SAG DAM S/B

STORMTECH DETAILS
OF
THE BAY HOUSE
112 NEWBURY ST., 40 HANCOCK ST.
PORTLAND, MAINE
FOR:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE	SCALE
8/3/05	AS SHOWN



LOWER LEVEL PARKING - BASEMENT PLAN

SCALE: 1/16" = 1' 0"
GROSS FLOOR AREA: 39,418 SF

DAVID M. WHITE, ARCHITECT
403 Tabbatis Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

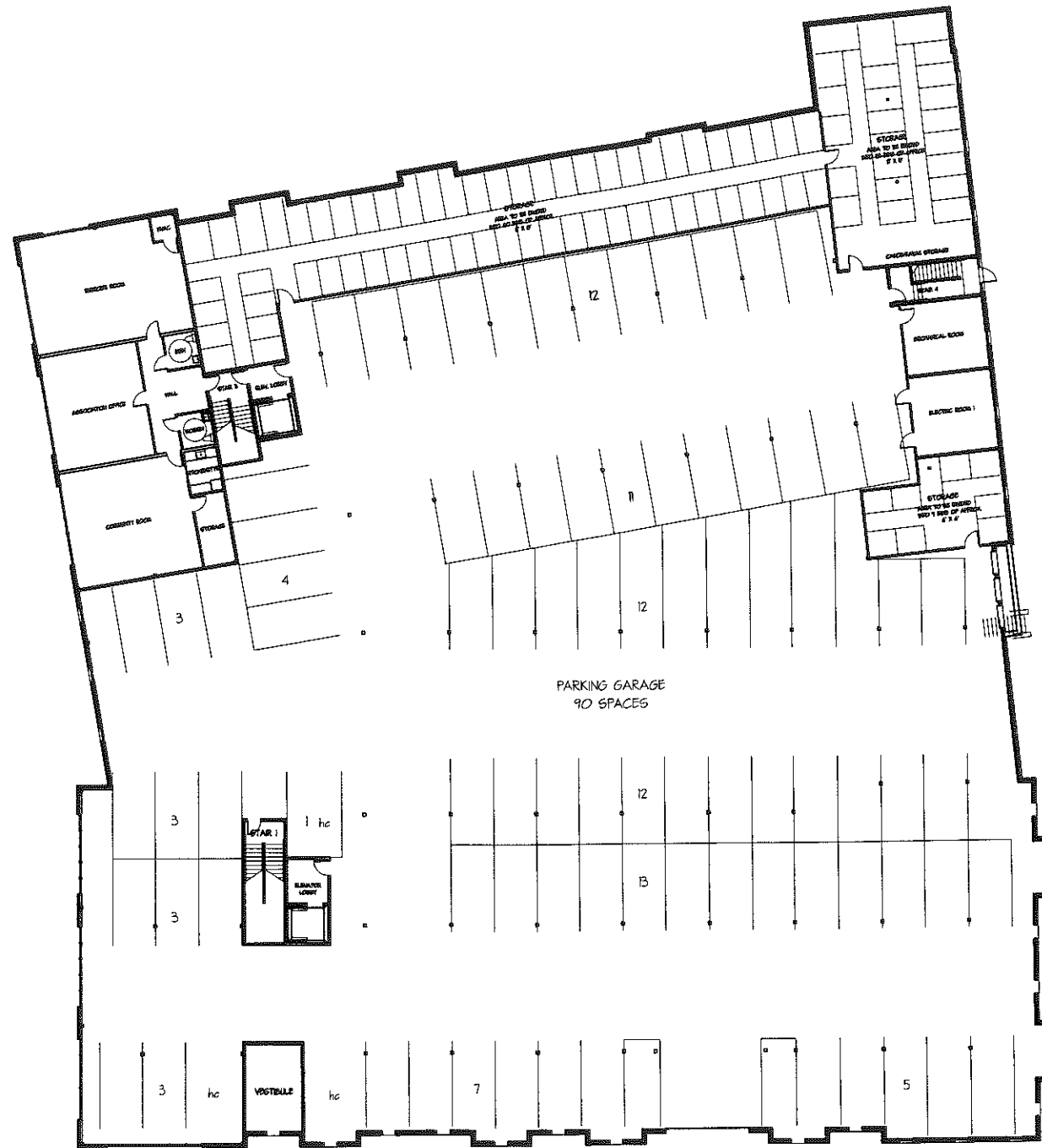
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

BASEMENT LEVEL
Buildings 1 & 2
Scale: 1/16" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
G.1



UPPER LEVEL PARKING - FIRST FLOOR PLAN

SCALE: 1/16" = 1' 0"
 GROSS FLOOR AREA: 45,702 SF

B7b.1

DAVID M. WHITE, ARCHITECT
 403 Tabbetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 471-3405

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

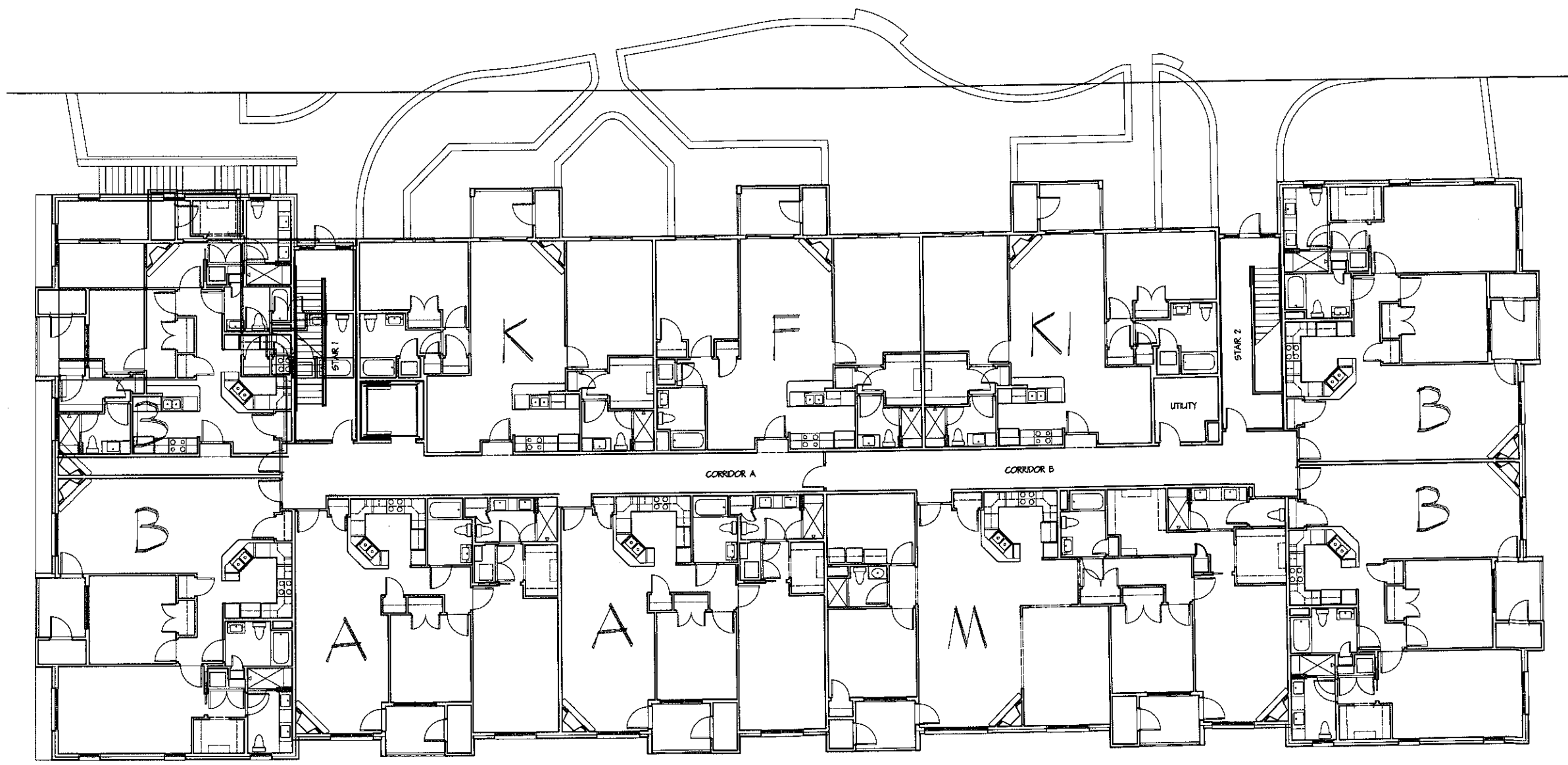
THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Buildings 1 & 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.

G.2



2nd FLOOR PLAN
 PHASE I, BUILDING I
 SCALE: 1/8" = 1' 0"
 GROSS FLOOR AREA INCLUDING PATIOS: 15,790 SF

B7b.2

DAVID M. WHITE, ARCHITECT
 403 Tbetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

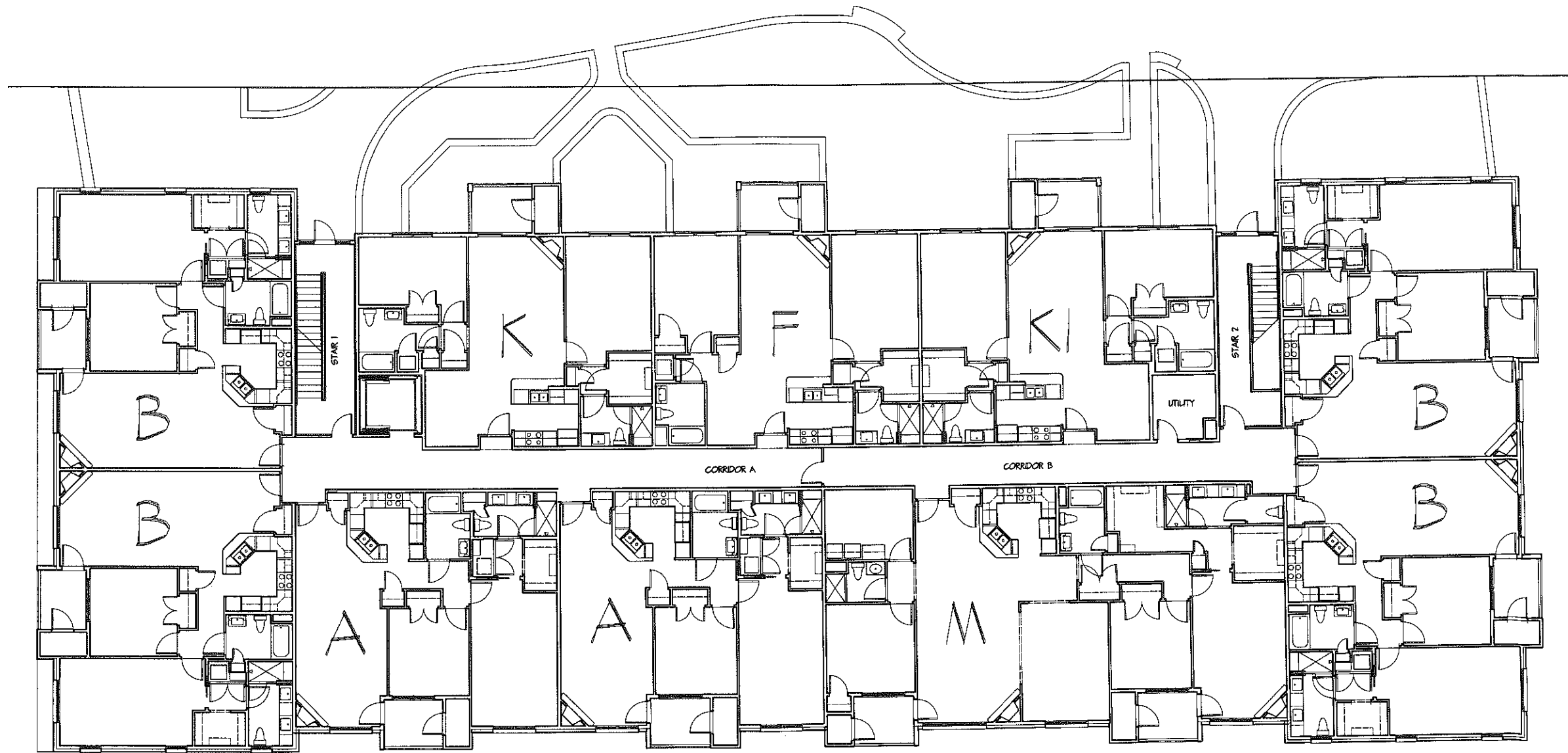
THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

THE BAY HOUSE
 Middle Street
 Portland, Maine

SECOND FLOOR PLAN
 Phase I/Building I
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.
 B1-2



2nd FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING PATIOS: 15,790 SF

B7b.3

DAVID M. WHITE, ARCHITECT
403 Tbbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

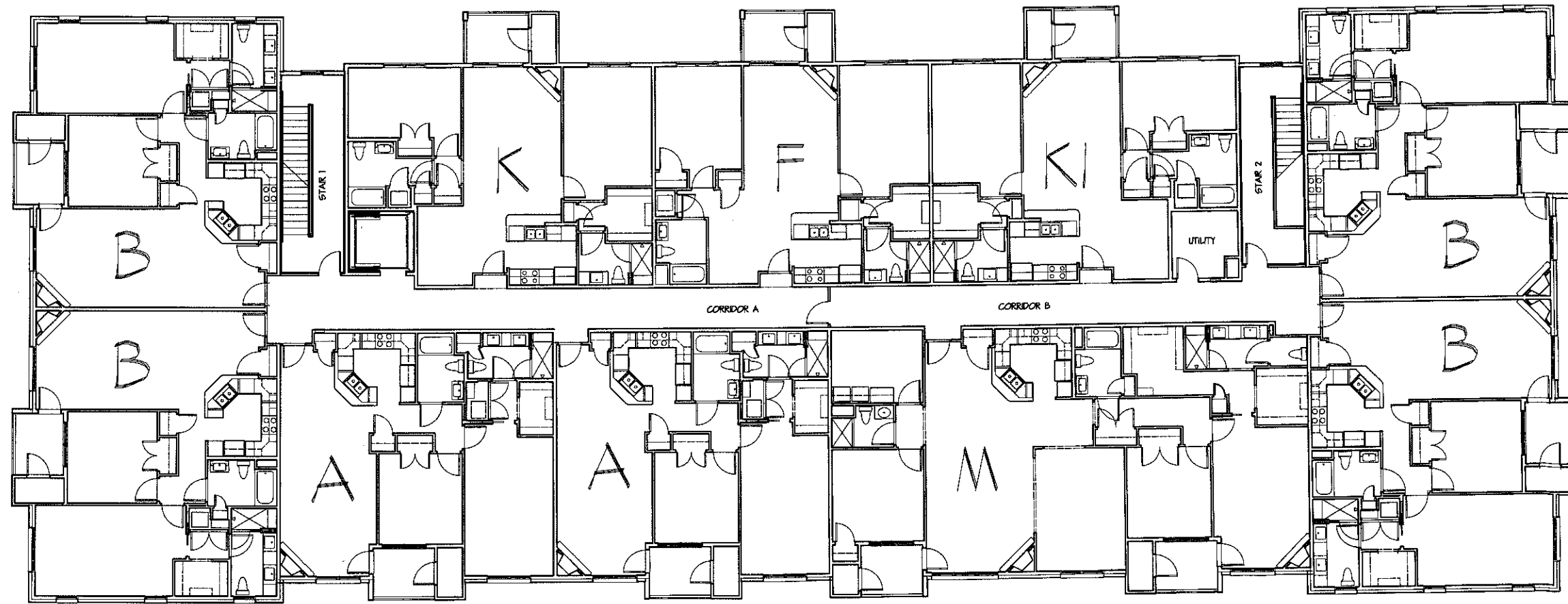
THE BAY HOUSE
Middle Street
Portland, Maine

SECOND FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-2



3rd FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,790 SF

07b4

DAVID M. WHITE, ARCHITECT
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P. O. Box 447
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(603) 497-3405

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C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE

Middle Street
Portland, Maine

THIRD FLOOR PLAN
Building 1

Scale: 1/8" = 1' 0"
Commission No: 06-006
Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-3



4th FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,790 SF

B76.5

DAVID M. WHITE, ARCHITECT
403 Tibbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

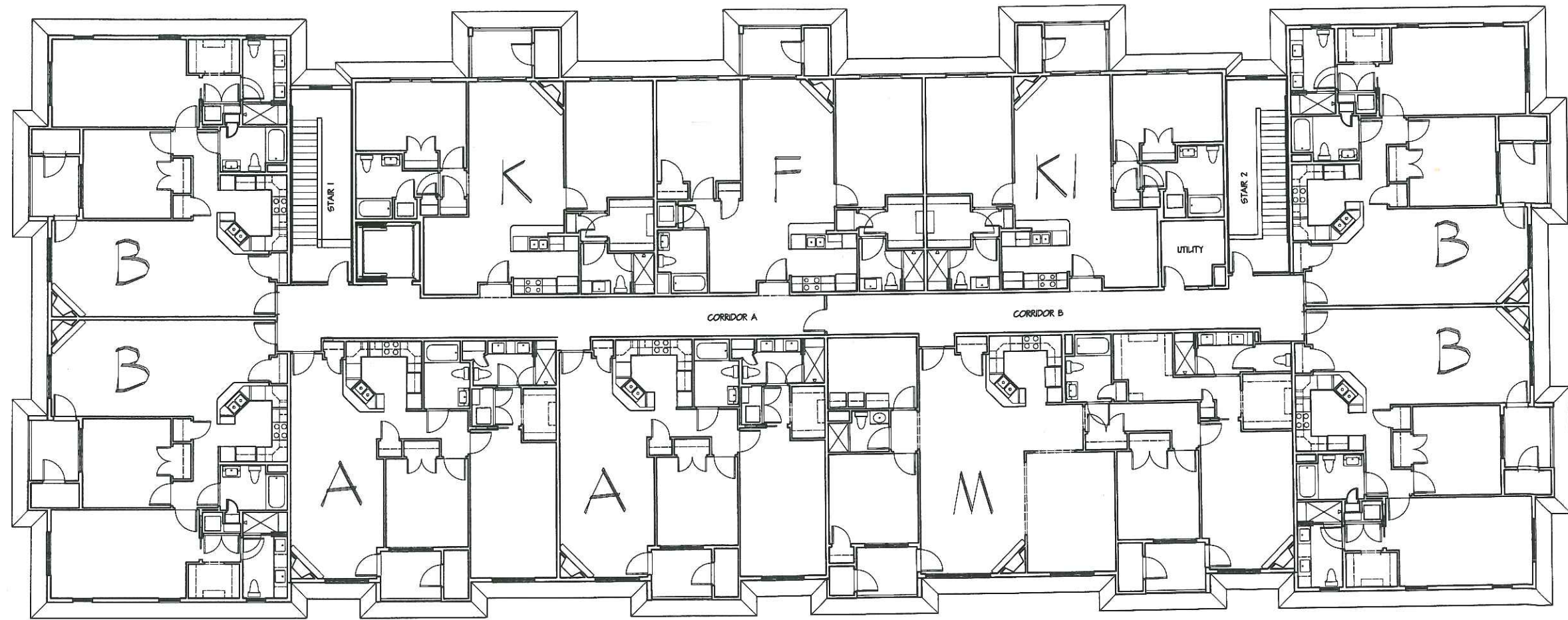
THE BAY HOUSE
Middle Street
Portland, Maine

FOURTH FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-4



5th FLOOR PLAN
BUILDING 1

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 15,680 SF

DECK AREA: 677 SF

B7b.6

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

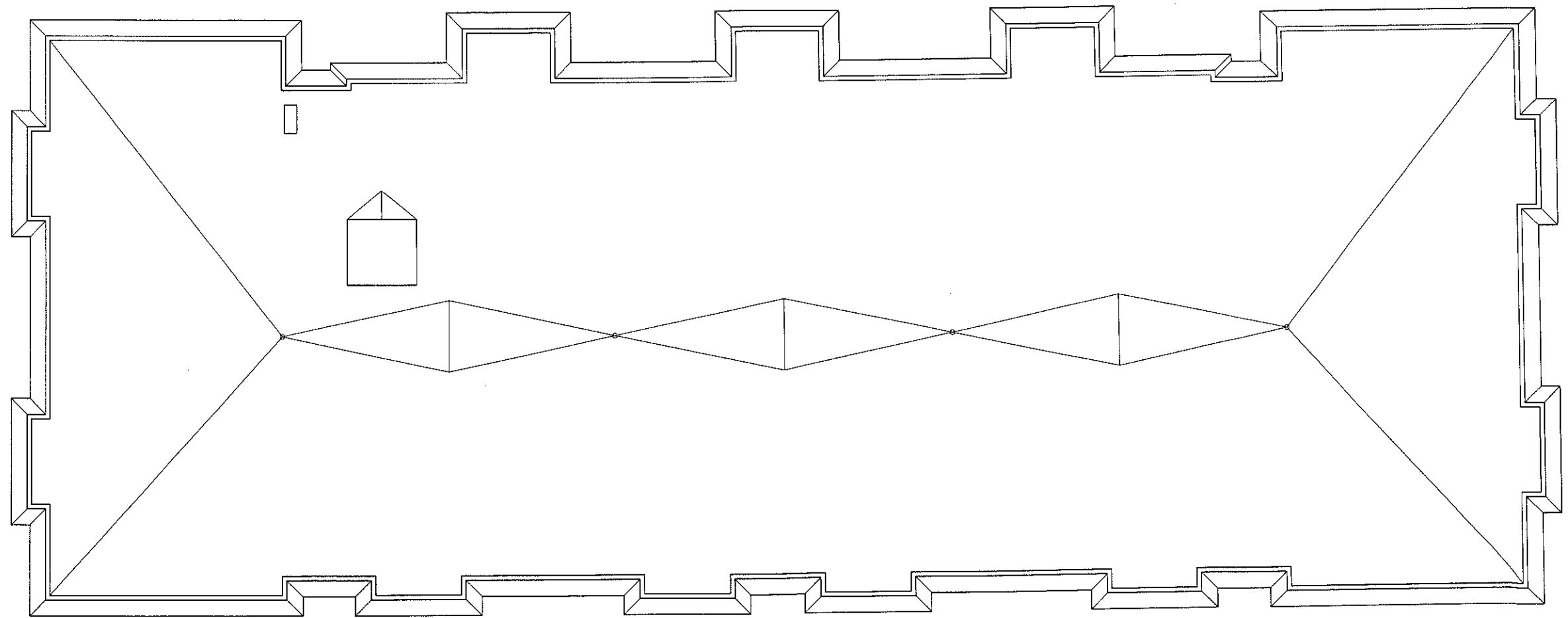
THE BAY HOUSE
Middle Street
Portland, Maine

FIFTH FLOOR PLAN
Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-5



ROOF PLAN
 BUILDING 1
 SCALE: 1/8" = 1' 0"

B76.7

DAVID M. WHITE, ARCHITECT
 403 Tbbatts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
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THE BAY HOUSE
 Middle Street
 Portland, Maine

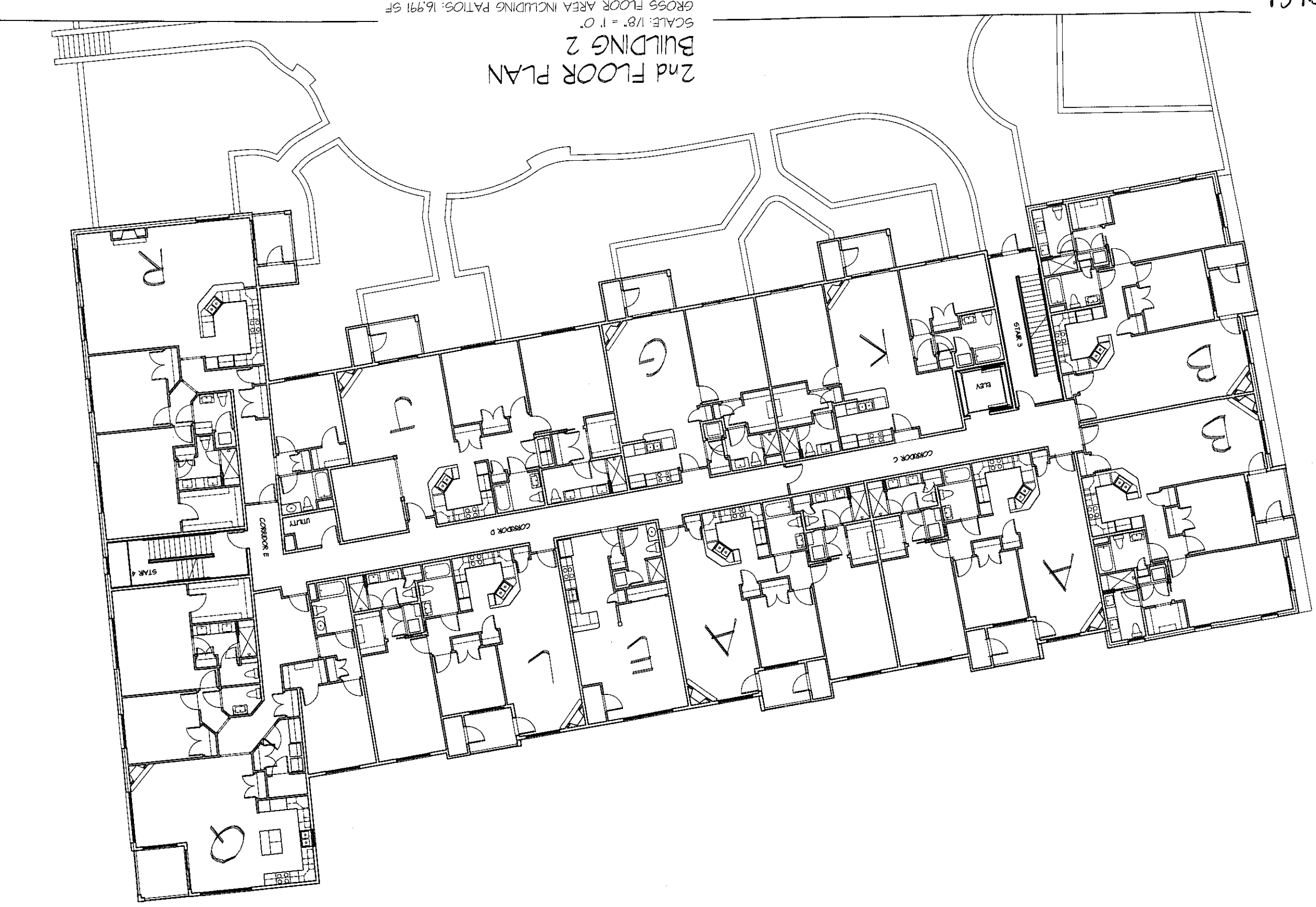
ROOF PLAN
 Building 1
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

REVISIONS:

DRG. NO.

B1-6

8.9L9



2nd FLOOR PLAN
 BUILDING 2
 SCALE: 1/8" = 1' 0"
 GROSS FLOOR AREA INCLUDING PATIOS: 16,991 SF

B2-2

DRG. NO.

REVISIONS:

SECOND FLOOR PLAN
 Building 2
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: September 8, 2009

THE BAY HOUSE
 Middle Street
 Portland, Maine

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

DAVID M. WHITE, ARCHITECT
 403 Tippetts Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

B.9LB

3rd FLOOR PLAN BUILDING 2

SCALE: 1/8" = 1' 0"
GROSS FLOOR AREA INCLUDING DECKS: 16,991 SF



B2-3

DRG. NO.

REVISIONS:

THIRD FLOOR PLAN Building 2

Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

THE BAY HOUSE

Middle Street
Portland, Maine

THE VILLAGE AT OCEAN GATE, LLC

C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

DAVID M. WHITE, ARCHITECT

403 Tabbotts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405



4th FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 16,991 SF

1576.8

DAVID M. WHITE, ARCHITECT
403 Tebbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

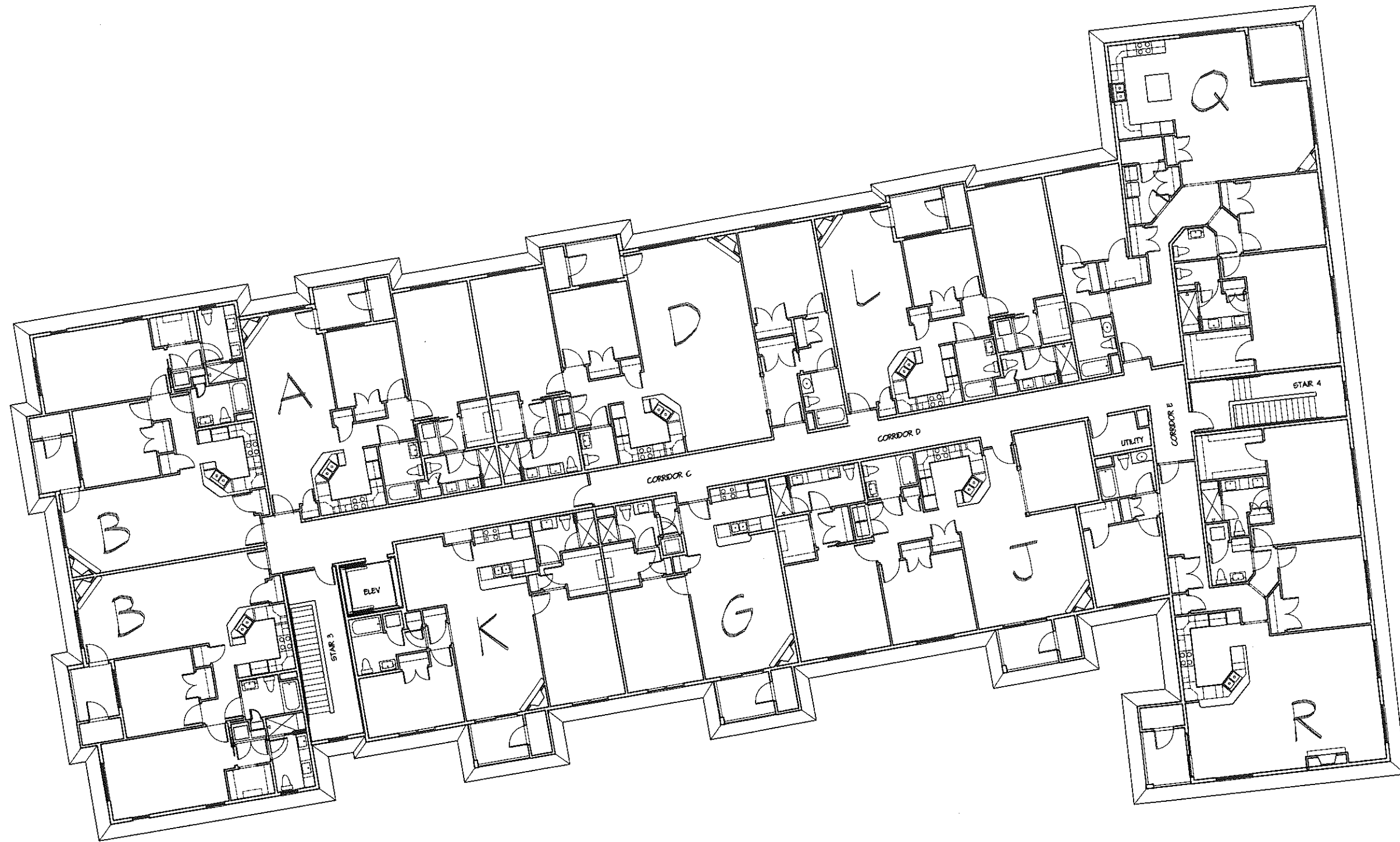
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FOURTH FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-4



5th FLOOR PLAN
BUILDING 2

SCALE: 1/8" = 1' 0"

GROSS FLOOR AREA INCLUDING DECKS: 16,817 SF

376.9

DAVID M. WHITE, ARCHITECT
403 Tbetts Hill Road
P. O. Box 447
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(603) 497-3405

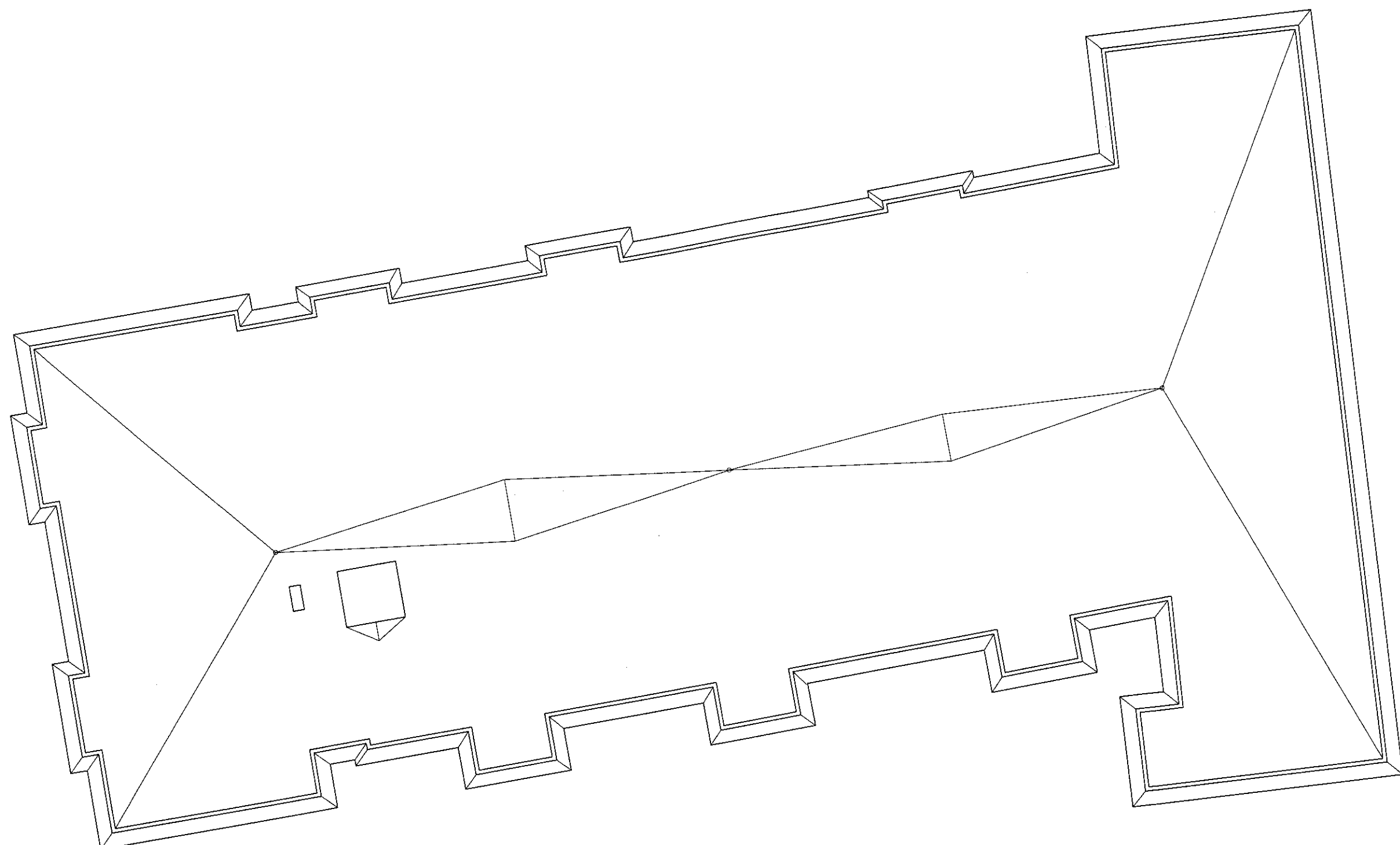
THE VILLAGE AT OCEAN GATE, LLC
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Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

FIFTH FLOOR PLAN
Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-5



ROOF PLAN
BUILDING 2

B7b.9

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C/O Atlas Investments Group
35 Fay Street Suite 5-2
Boston, MA 02118

THE BAY HOUSE
Middle Street
Portland, Maine

ROOF PLAN
Building 2
Scale: 1/8" = 1'-0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
B2-6

B7b.10

DAVID M. WHITE, ARCHITECT
403 Tabbett's Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

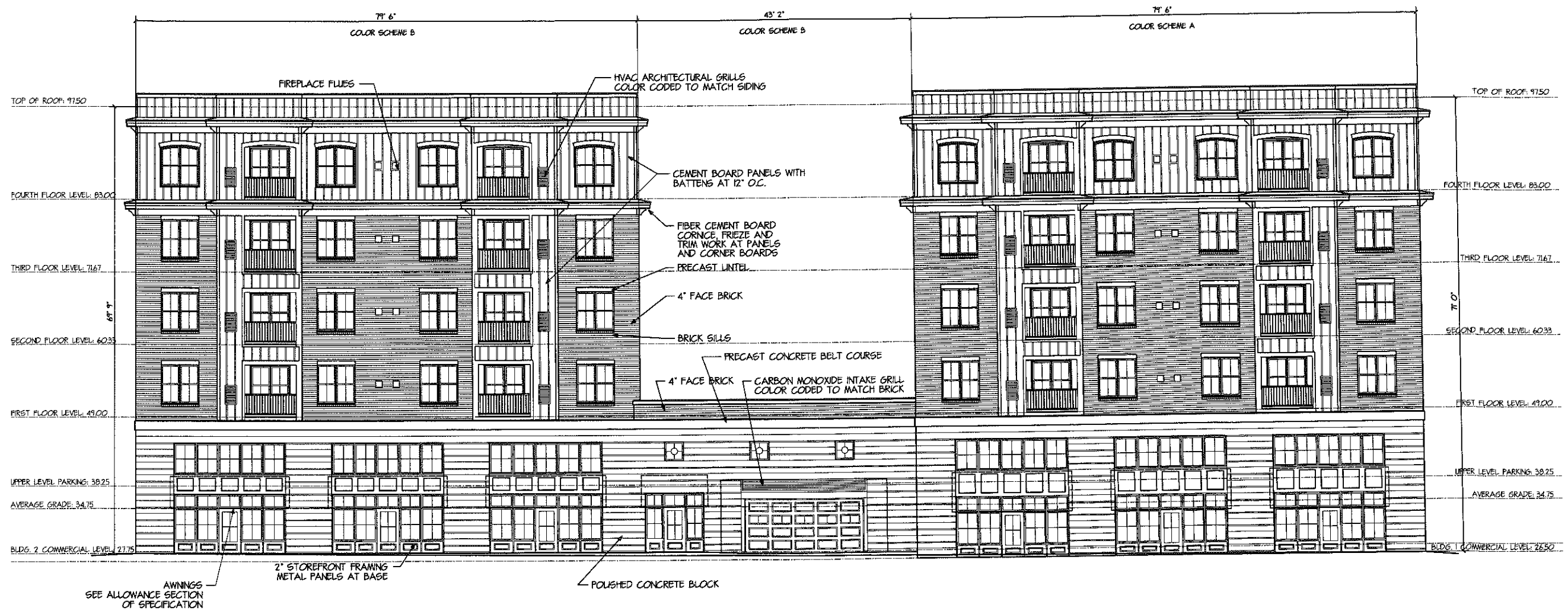
THE BAY HOUSE
Middle Street
Portland, Maine

SOUTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

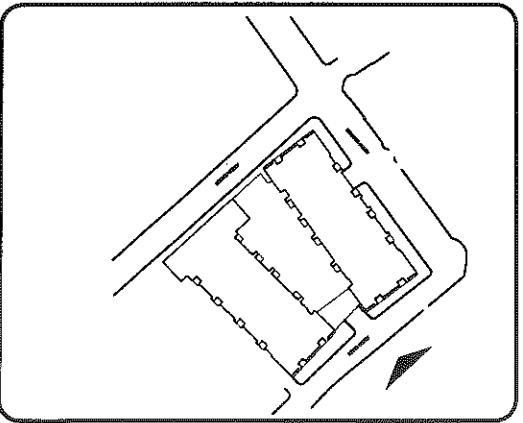
DRG. NO.

1



BUILDINGS 1 & 2
MIDDLE STREET ELEVATION
SCALE: 1/16" = 1' 0"

NOTES:
LOCATION OF TOILET AND LAUNDRY EXHAUST VENTS
TO BE FIELD COORDINATED TO LINE UP VERTICALLY.
ALL EXTERIOR APPURTANCES SUCH AS EXHAUST
HOODS, HVAC GRILLES AND FIREPLACE FLUES TO BE
EITHER FACTORY FINISHED OR FIELD FINISHED TO
COORDINATE WITH THE COLOR OF THE MATERIAL IN
WHICH THEY ARE TO BE INSTALLED.



AWNINGS
SEE ALLOWANCE SECTION
OF SPECIFICATION

2" STOREFRONT FRAMING
METAL PANELS AT BASE

POLISHED CONCRETE BLOCK

B76.11

DAVID M. WHITE, ARCHITECT
403 Tibbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

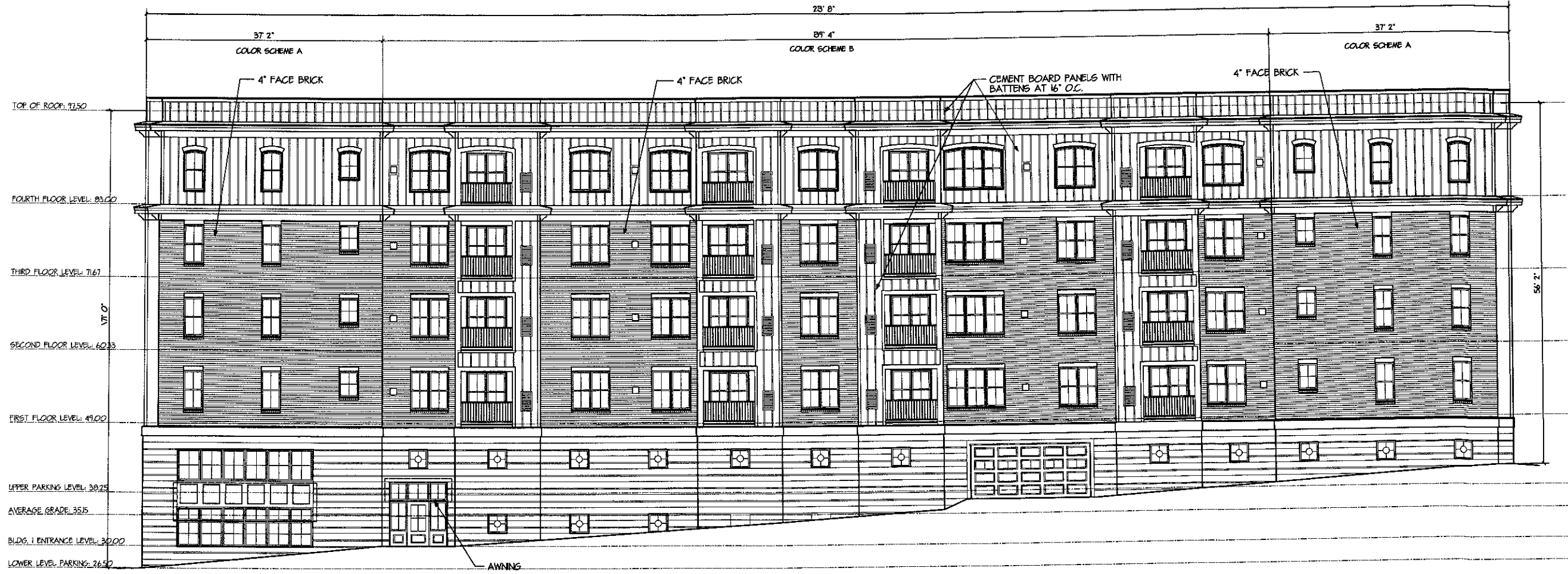
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

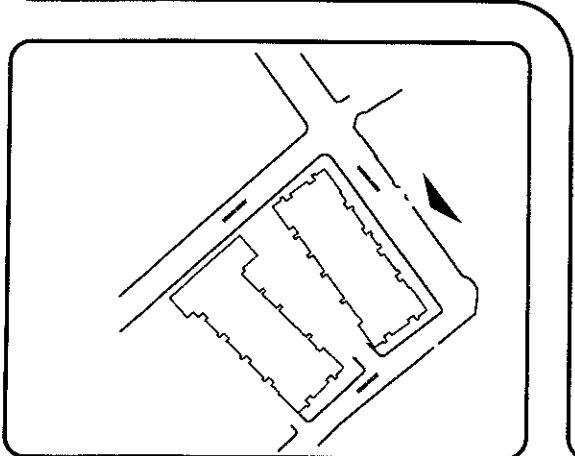
EAST ELEVATION
Phase 1/Building 1
Scale: 1/8" = 1'-0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.2



BUILDING 1
HANCOCK STREET ELEVATION



07b.12

DAVID M. WHITE, ARCHITECT
403 Tabbatts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

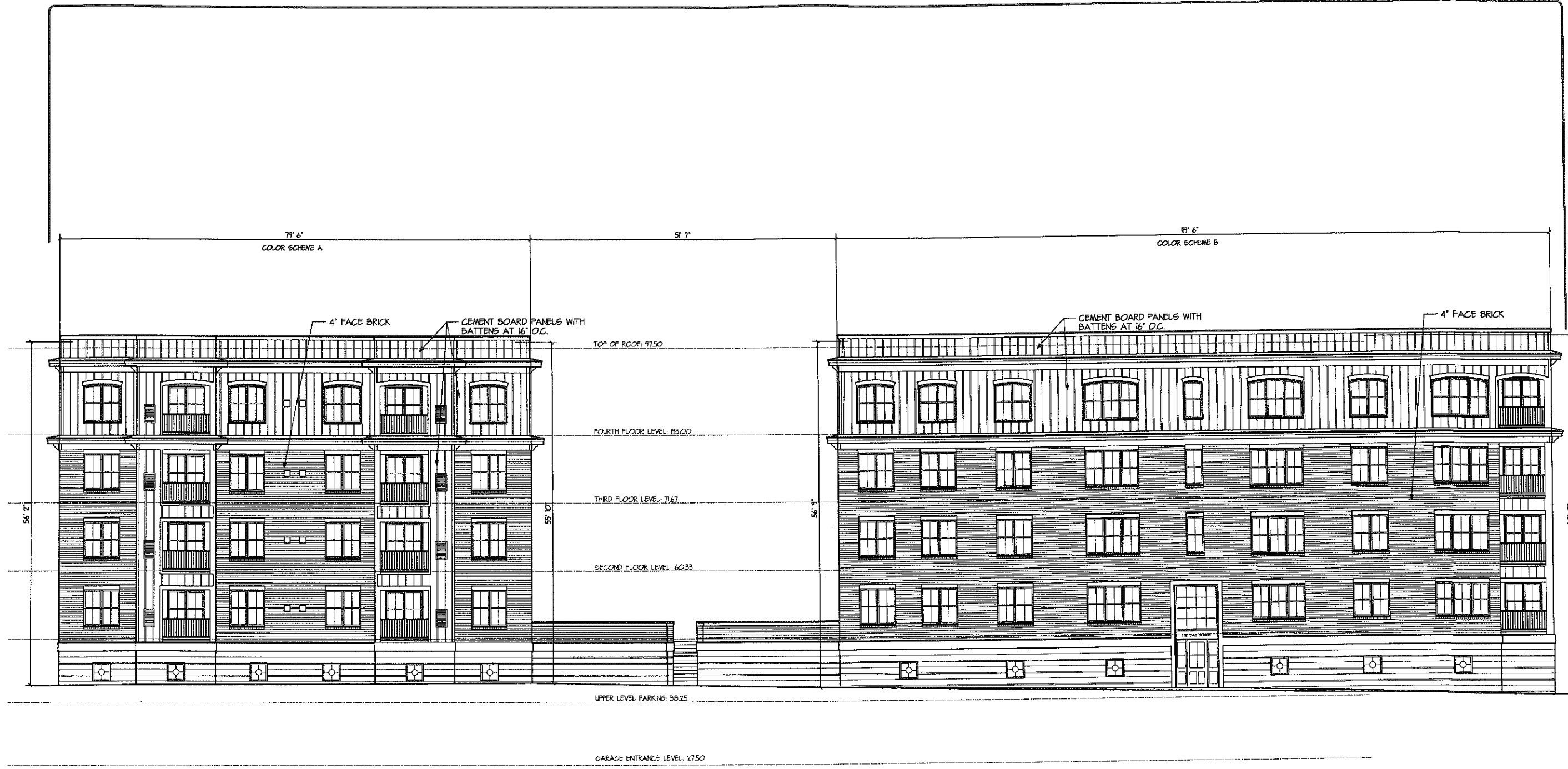
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

NORTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.3



BUILDINGS 1 & 2
NEWBURY STREET ELEVATION
SCALE: 1/16" = 1' 0"

B7b.13

DAVID M. WHITE, ARCHITECT
403 Tebetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

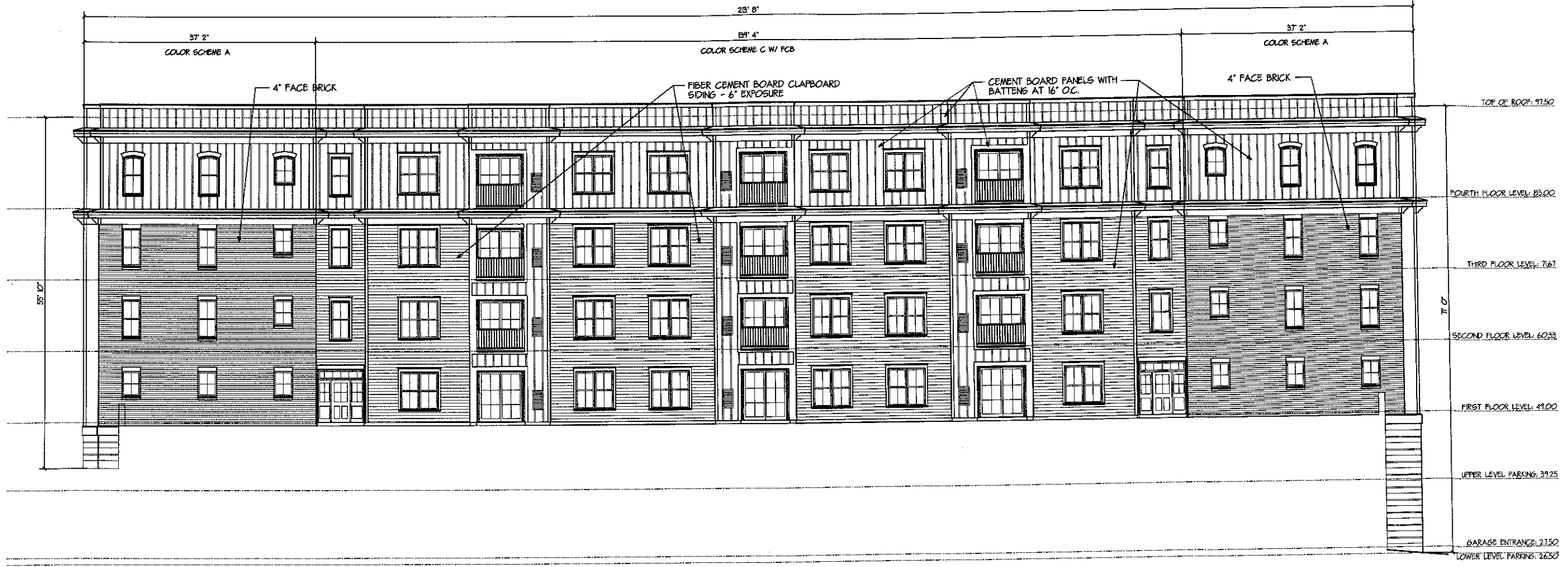
THE BAY HOUSE
Middle Street
Portland, Maine

WEST ELEVATION
Phase I/Building I
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

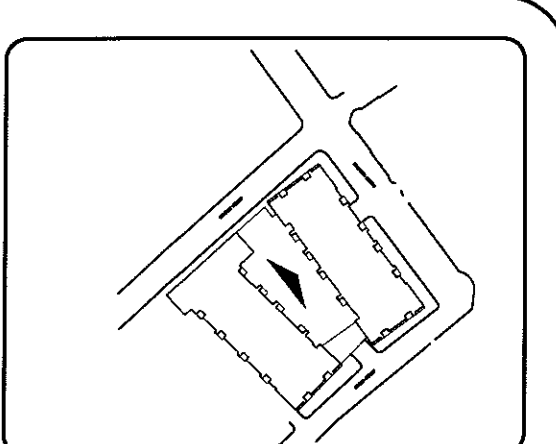
REVISIONS:

DRG. NO.

E.4



BUILDING I
WEST COURTYARD ELEVATION
SCALE: 1/16" = 1' 0"



B7b.14

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

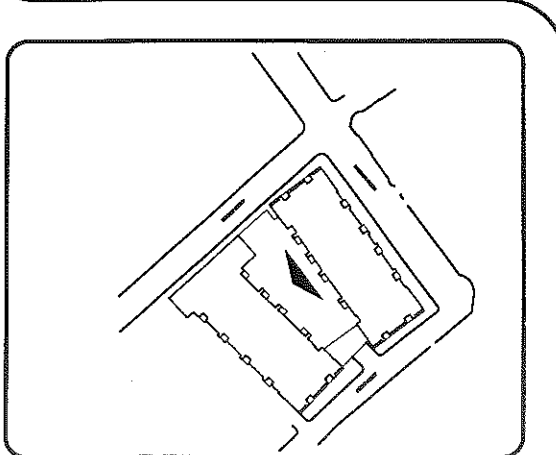
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

EAST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.5



BUILDING 2
EAST COURTYARD ELEVATION
SCALE: 1/8" = 1' 0"

0710.15

DAVID M. WHITE, ARCHITECT
403 Tibbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

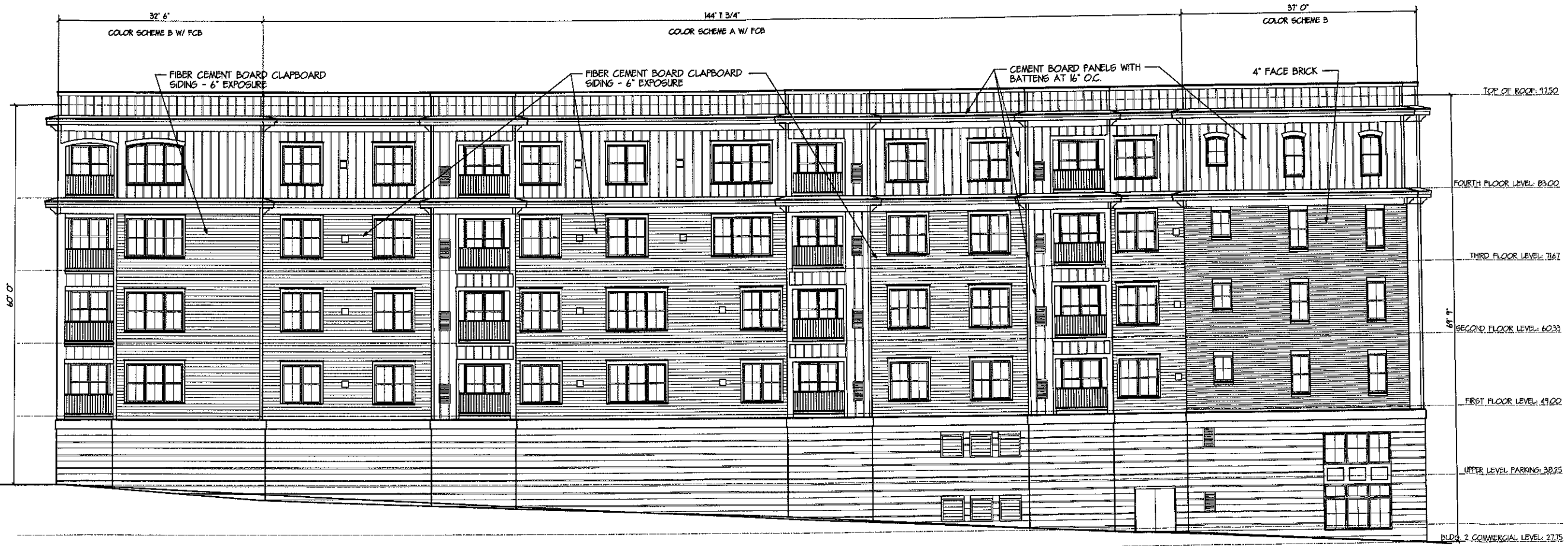
THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

THE BAY HOUSE
Middle Street
Portland, Maine

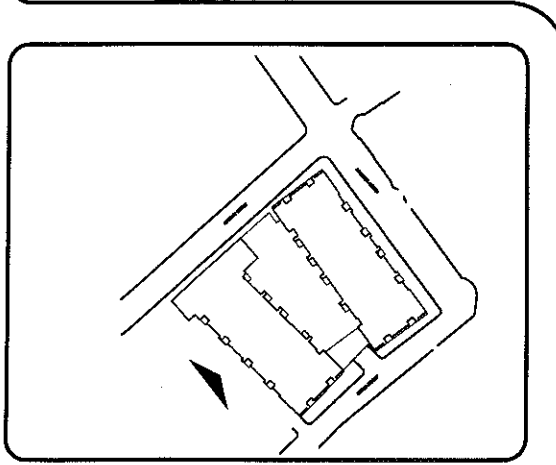
WEST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.
E.6



BUILDING 2
WEST ELEVATION
SCALE: 1/16" = 1' 0"



157b.16

DAVID M. WHITE, ARCHITECT
403 Tabbetts Hill Road
P. O. Box 447
Goffstown, New Hampshire 03045
(603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
C/O Atlas Investment Group
35 Fay Street Suite 5-2
Boston, MA 02108

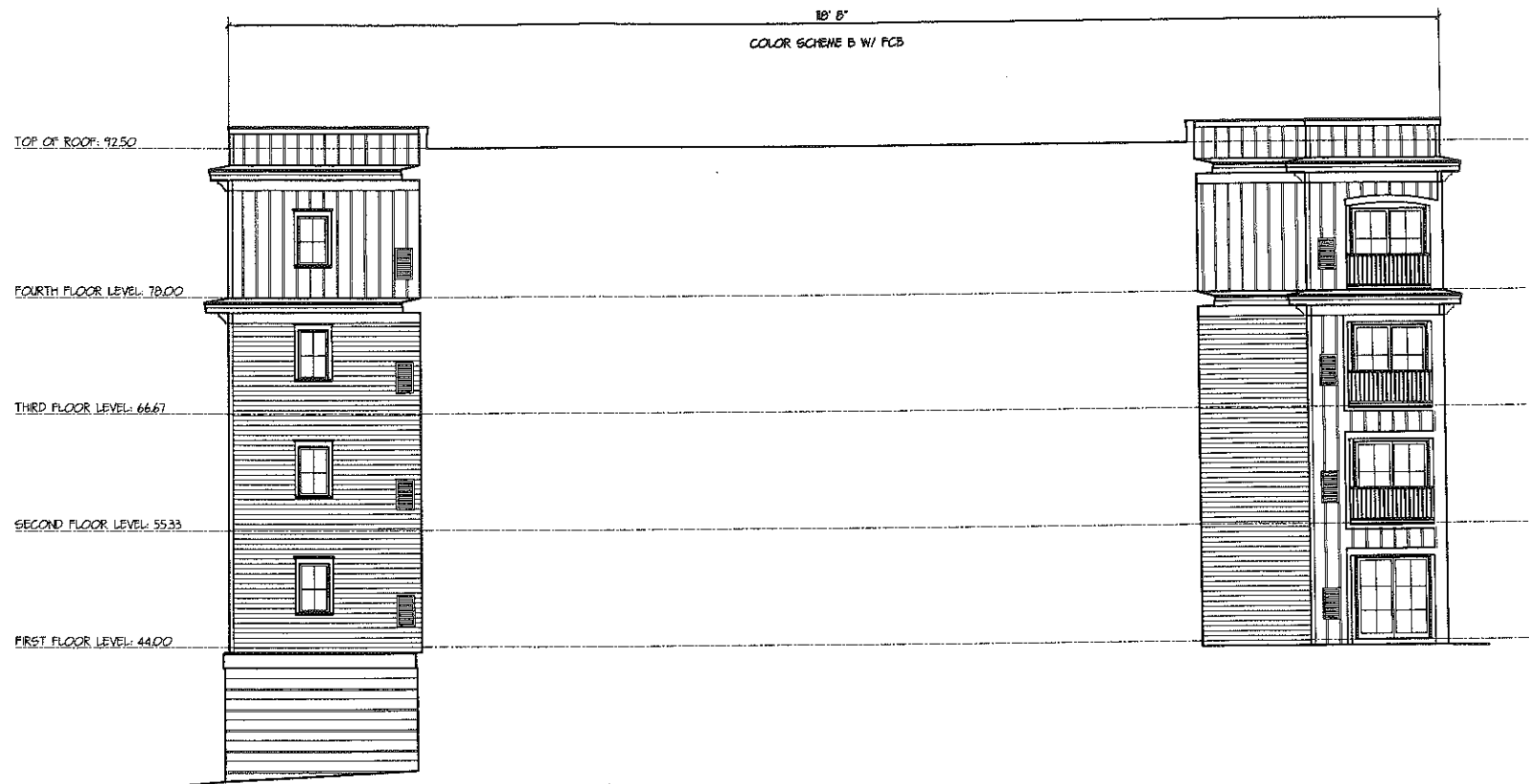
THE BAY HOUSE
Middle Street
Portland, Maine

ELEVATION A
Phase 1/Building 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: September 8, 2009

REVISIONS:

DRG. NO.

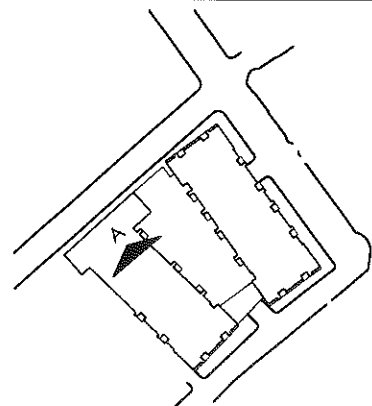
E.7



ELEVATION A

BUILDING 2
ELEVATION A THROUGH BUILDING

SCALE: 1/16" = 1' 0"



**THE BAY HOUSE (FORMERLY THE VILLAGE AT OCEANGATE)
VICINITY OF
112 NEWBURY STREET
AMENDED SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEANGATE LLC. , APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 8, 2008

Prepared by:

Barbara Barhydt, Development Review Services Manager

July 3, 2008

I. INTRODUCTION

The Village at OceanGate LLC has submitted an application to amend the site plan and subdivision plan for The Bay House, which was formerly called the Village at OceanGate (Attachment 1). The original conditional rezoning agreement was adopted by the City Council on November 20, 2006, which allows up to 176 residential units in Phases I and II, with a maximum of 66 residential units stipulated for Phase II. The City Council adopted the amended rezoning agreement per the Planning Board's recommendations on June 2, 2008 and the agreement becomes effective on July 2, 2008 (Attachment 2).

The Planning Board approved the subdivision/site plan for Phase I with 84 residential units on July 10, 2007 and the Planning Board tabled Phase II at that meeting (Approval Letter, Attachment 3). A waiver of the Landscaping requirements for the project was re-approved on November 13, 2007 and recorded at the Cumberland County Registry of Deeds. The original recording plat for the subdivision was signed by the Planning Board, but has not yet been recorded. A copy of the original application and the applicant's supplemental information for the Village at OceanGate will be available at the public hearing for the Planning Board's reference. A copy of the Planning Board report #30-07 is included as Attachment 4.

The applicant is seeking to revise the proposed project as follows:

- a. Revise the subdivision plat to incorporate 1,602 square feet of land into Phase I;
- b. Reduce the number of units in Phase I from 84 to 82 residential units;
- c. Reduce the commercial space to 5,736 square feet with three retail spaces in Building #2 and the vestibule is located near the garage entrance.
- d. Modify the first level of Phase I to provide storage areas for the units, 80 vehicle parking spaces and 33 bicycle spaces; and
- e. Provide substitutes for some of the exterior materials and design modifications to the buildings.

The amended plans are being reviewed under the standards contained in the City's Subdivision and Site Plan Ordinances.

A total of 194 notices were sent to area residents the notice appeared in the Monday, June 30th and Tuesday July 1, 2008 editions of the *Portland Press Herald*.

II. SUMMARY OF FINDINGS

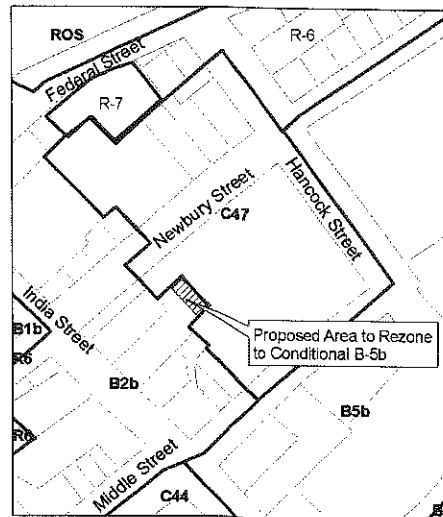
Total Land Area of Phase I:	50,008 sf, (based upon Boundary and Topography Sheet by Sebago Technics, dated 7/12/05, revised 6/3/08)
Total Land Area of Phase II:	30,697 sf
Zone:	Revised Conditional Rezoning Agreement to B-5b, adopted by City Council on June 2, 2008
Proposed Uses:	82 Residential units, 80 space parking level and retail/commercial spaces along Middle Street
Unit Types:	2 Studio Units 4 One Bedroom Units 62 Two-Bedroom Units 14 Two-Bedroom plus den units
Required Minimum Lot Area:	none

Proposed Square Footage:	Building #1: 63,050 SF Building #2: 67,790 SF Garage Level: 45,495 SF
Required parking:	1 space/unit plus 6 spaces for the retail space
Proposed parking:	80 spaces on-site and 8 spaces at the Longfellow Garage
Required Bicycle Parking:	33 spaces
Proposed Bicycle Parking:	38 provided in three designated spaces in the parking level as shown on Floor Plan B1-1 and B2-1 dated June 23, 2008.
Proposed Driveway/Entrance:	Access to the first level of parking is from Middle Street. There is a 22 -foot wide driveway to the 18 foot wide garage entrance. Waivers from the Technical Standards were granted for this design in 2007.

III. PROJECT REVISIONS FOR PHASE I

1. Phase I Parcel Revised:

The conditional rezoning map as shown here has been revised to include an area of 1,602 square feet from the rear of the adjoining lot owned by Pearl Properties LLC at 61 India Street (Tax Map 20-E-021). The Pearl Properties site contains the Tackle Shop, which will remain. The strip of land to be transferred to the Village at OceanGate LLC is vacant. This land area is now shown on the amended subdivision plat and subdivision/site plan (refer to Plan Set, Attachment 15).



Proposed Area to Rezone from B-2b to Conditional Rezoning to B-5b for The Village at OceanGate, LLC 112-113 Newbury Street April 2008

Prepared by the Department of Planning and Development based upon GIS Workgroup Data.



2. Revised Number of Residential Units:

Phase I was approved with 84 units during subdivision review in 2007. The amended application is for 82 units. The applicant is seeking to create larger units to meet market demand. The conditional rezoning agreement allows up to 110 units in Phase I, thus the proposed density is within the provisions of the agreement.

3. Revised Parking:

The original rezoning agreement required a post development parking analysis, which is to be conducted six (6) months after the issuance of a certificate of occupancy. The amended agreement has been revised to require a parking mitigation plan if the Planning Board finds that the parking is inadequate based upon the parking analysis. The amended rezoning agreement also revises the parking requirements to require 80 on-site spaces, 8 space in the Longfellow garage and 33 on-site bicycle parking spaces (Attachment 2).

The conditional rezoning agreement was revised to reduce the amount of commercial space in Phase I to an area between 5,200 and 5,700 square feet. The applicant is proposing to provide three retail spaces in each building (Building #1 and #2) with a total of 5,736 square feet of commercial space. The residential entrance to Building # 2 is proposed along the Middle Street frontage near the garage entrance. Eighty

(80) parking spaces and 38 bicycle parking spaces are proposed in the enclosed parking level. Storage areas for the units are proposed within three areas of the parking garage. In the original proposal, the applicant presented a letter from Mr. Swenson stating that the applicant could secure up to leased spaces in the Longfellow Garage.

4. Revised Exterior Elevations and Materials

The amended conditional rezoning agreement states:

Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments.

The applicant is seeking to make modifications to the exterior of Buildings #1 and #2. For the workshop memo, David M. White, Architect, provided a list of revisions to the building on April 23, 2008, which is included as Attachment 5 was updated with the revised drawings and Mr. Shinberg's correspondence of May 27, 2008 (Attachment 1). Based upon the Planning Board's discussion of the potential revisions at the June 10, 2008 workshop, the exterior modifications to the plans before the Board at this time are as follows (Plan Set, Attachment 15):

1. **Exterior Materials:** All previously approved metal panel work is proposed as Hardie board with battens. The material sample was presented at the workshop and was submitted to the planning at the meeting. In Mr. Shinberg correspondence, he notes that the product is a quality product with a 50 year warranty for the material and a 25 year warranty for the paint. He states that the Hardie board warranty is equal or better to the metal siding approved in 2007 for this project.
2. **Fenestration:** The applicant had proposed changing the fifth floor windows from arched to flat-top windows; however, the revised plans have returned to the original proposal with arched windows on the fifth floor along street frontages. Flat-top windows on the fifth level are shown for those units facing the internal courtyards.
3. **Commercial Space and Entrance for Building #2:** The storefronts along Middle Street have been simplified and awnings added to the façade. The applicant is proposing to have three commercial spaces in Building #2 as shown on the building elevations (Attachment 15 b). It provides symmetry in the facades for both Building #1 and #2 and maximizes the usable commercial space. This proposed revision requires relocating the Building #2 entrance from the base of Building #2 to a location closer to the garage entrance. As designed, the residential doorway is on the same plane as the retail facade and the façade continues to the stairway leading to the courtyard. The Middle Street entrance has been revised so that it is more prominent with glass panels on either side of the door. The garage entrance is recessed four feet within the façade, which creates an arch to screen part of the fresh air intake (labeled as the carbon monoxide intake grill on the elevations) located above the garage door. It also carries the polished concrete block along the full length of the Middle Street façade. Attachment 15 b shows the layout of the first level with the three retail spaces of equivalent size and the entry near the garage.

4. **Other Exterior Revisions:** Other revisions that are highlighted in Mr. David White's April correspondence (Attachment 5) include the following:

1. The base of the project is polished concrete block with a polished granite look.
2. Fireplace exhaust hoods have been added and will be painted to match the color of the siding.
3. The building height has been reduced from 57.5 to 56.85 feet.
4. The brick along Hancock Street will remain as approved in 2007;
5. The Hancock entrance has been modified from a double door with an arched window above to an entrance with glass panels framing the door and a transom above it. An awning is proposed.
6. The retail window on Hancock Street is simplified to match the windows on Middle Street and the same type of window is proposed on the corner of the building facing the alley.
7. A more prominent entrance is proposed to Building #2 on Newbury Street
8. Brick wraps the corner of the Building #2 and then the applicant proposes Hardie-plank on the alley side of the building. This is the same treatment as shown for the courtyards, which was approved in 2007.

The Conditional Rezoning Agreement, as amended, states that the Planning Board may modify or alter the plans approved in 2007 in accordance with the Design Standards of the Eastern Waterfront. A copy of the standards is included as Attachment 6 and Carrie Marsh's comments submitted in April are included for your reference (Attachment 7). The staff review of the most recent submittal is below in Section IV, paragraph 8.

IV. STAFF REVIEW

The amended plans for The Bay House are subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The Planning Board report from July 10, 2007 is included as Attachment 4 and the staff review below is an evaluation of the proposed revisions.

1. **Right Title and Interest**

The applicant has submitted the purchase agreement for the additional land to be added to Phase I (Attachment 1). The original application included the right, title and interest for the project.

2. **Easements**

A five foot wide pedestrian easement to benefit Block E lot 21 is depicted on the recording plat. The applicant submitted a copy of the easement on July 3, 2008, so it has not been reviewed. The other easements on this property were part of the 2007 application.

3. **Recording Plat and Plan**

The notes on the recording plat were updated per the staff recommendations. The plat lists the waiver granted by the Planning Board on July 10, 2007 regarding the required contribution to the street tree fund. The plat also lists all of the conditions of approval from the July 10, 2007 approval. The plat will need to be revised to reflect Board's final conditions of approval.

4. **Fire Department**

Captain Gregory Cass has reviewed the proposed plan and has the following comments:

The existing fire protection narrative and prior conditions are still in effect unless rescinded by the owner. The enclosed parking garage requires a ventilation system. Please provide details.

The following potential condition of approval is suggested to replace the condition of approval included in 2007:

1. *The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.*

The 2007 condition stated, "The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass."

5. Traffic

Thomas Errico, Consulting Traffic Engineer, has reviewed the revised plans and his review is included as Attachment 8. In summary, Mr. Errico finds the proposed number of parking spaces and parking layout to be acceptable. He notes that the City will install no parking signs on Middle Street as shown on the applicant's plan and that the applicant shall reimburse the City for this expense. The proposed crosswalks shall be shown with parallel lines per the City's standards. He also recommends that the applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

The Planning Board granted a waiver of the garage entrance width in 2007, which remains part of the proposal. The change in the entrance is now the setback four feet from the Middle Street façade. He states the following:

Garage Entrance: I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

The planning staff recommends that the waiver for the driveway be restated for the Middle Street entrance, noting the four foot setback modification as shown on the most recent plans. Based upon Mr. Errico's review, potential conditions of approval are suggested below to replace the condition included in 2007:

- *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
- *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*

The 2007 condition stated, “ Revised plans and information meeting the recommendations contained in Thomas Errico, P.E. Traffic Consulting Engineer’s review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.

The revised plans show three bike racks proposed in the garage with the capacity to accommodate 38 bicycles, which exceeds the requirements of the site plan ordinance. The proposed rack detail meets the requirements of the City’s technical standards, thus the condition included in 2007 to submit the design details for the bike racks prior to the issuance of a building permit may be deleted.

6. Public Infrastructure/Stormwater

Michael Farmer, Project Engineer, reviewed the revised plans and his memo, dated June 12, 2008 is included as Attachment 9. Based upon the revised scope of utility work within the public right-of-way, the Department of Public Services requires the following:

- Reconstruct (i.e. full depth reconstruction) Middle Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street;
- Pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.

A meeting was held with the Portland Water District, City staff and the applicant’s representatives on June 20, 2008 to clarify the specifics of these requirements.

Steve Bushey, Consulting Engineer, is the third party reviewer of this project and he submitted comments for this project on June 23, 2008 (Attachment 10). In his review he notes a dozen items to address on the plans. Michael Farmer, Project Engineer, was asked to evaluate whether any of Mr. Bushey’s comments were addressed in the Public Services review. Mr. Farmer’s assessment is contained in his memo dated June 27, 2008 (Attachment 11) in which he concurs with Mr. Bushey’s review with the following clarifications:

- The tree grate on Sheet 5 is correct and the detail on Sheet 11 should be changed to be consistent with Sheet 5.
- The proposed grading problem on Hancock identified by Mr. Bushey does not meet City standards, so he recommends a revised plan be submitted meeting the City standards.
- Mr. Farmer recommends that the grease trap and sampling manhole be moved to private property.

Mr. Bushey reviewed the revised applicant’s revised plans that were submitted on June 23, 2008 (memo dated June 30, 2008, Attachment 12). The revised plans had been prepared without the benefit of Mr. Bushey’s review, so his review contained in the June 23, 2008 memo continue to apply.

Potential conditions of approval are suggested below to replace the conditions placed on the project in 2007:

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer for the Department of Public Services, memorandums of June 12, 2008 and June 27, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of June 23, 2008 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

The conditions in 2007 cited the memos from Mr. Farmer and Mr. Bushey dated June 28, 2007 and July 5, 2007, respectively.

7. Eastern Waterfront Design Standards

In reference to the proposed architectural revisions and the Eastern Waterfront Design Guidelines (Attachment 6) for B. Buildings/Architecture, the planning staff offers the following comments:

1. **Building Composition:**

- a. **Placement:** In general the buildings are placed along the sidewalk. The entrances face Middle, Hancock and Newbury Street. The applicant is proposing to extend the Middle Street façade from Building #2 to Building #1. The residential entrance is located within the parking level between the two towers. The residential entrance has become more prominent with glass panels on either side of the door and the garage entrance is setback four feet. The original placement located the residential entry within the base level of the residential tower above, which provided a positive visual orientation between these building elements. The applicant proposes to move the entry east of the tower, and seeks to visually relate the entry to the residential tower through an extension of a continuous first floor plane and materials palette (polished concrete), with a prominent glazed doorway feature. This provides for a somewhat larger retail component in three identical store front bays, which is also an attractive solution for the tower base. The proposed building placement and entry are reasonable design solutions relative to the design standards.
- b. **Height:** The proposed height of the building has been lowered slightly and is within the limits of the conditional rezoning agreement. It is also consistent with the approved plans for the Longfellow project and the industrial development across Hancock Street.
- c. **Massing:** The proposed massing is broken into two buildings with a center courtyard. Vertical elements are created with the balconies and projecting bays, fenestration and use of a variety of building materials.
- d. **Proportion:** The base of the building along Middle Street is punctuated with 5 or 6 storefronts, the Building #2 entry and the garage entrance. The Hancock Street façade contains a retail window, building entrance, and windows along the base course.
- e. **Articulation:** The building base along Middle and Hancock Street is shown with polished concrete block to accentuate the base of the structure. The base course along Hancock Street runs horizontally along the street rather stepped as shown in 2007. This provides a stronger base along the street. The base is articulated with storefronts and entrances. Projecting bays and fenestration articulate the upper three floors of the building, which are clad in brick along street frontages and turn the corner of each tower. The top floor and projecting bays are proposed with a contrasting material (Hardi-plank), which is also proposed within the courtyards (the courtyard application of this material was approved in 2007). Arch topped windows are proposed on the fifth floor to articulate the building top along the street frontages and turn the corners of each building. The arched windows are not used within the courtyards. Cornices

are proposed between the fourth and fifth floors and above the fifth floor to define this level. Building's # 1 and 2 are articulated to present the base middle and top.

- f. **Materials:** A number of exterior material options have been discussed during the review of the amended conditional rezoning agreement. Based upon those discussions, the applicant has retained the brick exteriors approved in 2007. The base course is now proposed as a polished concrete block that looks like granite, which resembles the granite material that had been approved before. The applicant is proposing Hardi-plank as a substitute for the metal siding and is shown on the projecting bays and top floor. As noted above, the applicant states that the quality and longevity of the material is equal to or better than the metal panels. The applicant has submitted samples and the warranty information for the Hardi-plank. Awnings are noted above the commercial windows and doorways. The signage for the building has not been proposed at this time.

Based upon the information submitted, the Bay House, Phase I, the planning staff finds the buildings in Phase I to be consistent with the Eastern Waterfront Design Guidelines. The staff recommends that the conditions of approval regarding urban design be eliminated except for the condition to submit the details of the awning and signage for the buildings.

8. Exterior Lighting

There was a condition in 2007 that a lighting plan meeting the City's Technical Standards be submitted for review and approval. The plans submitted in November of 2007 met the standards. The most recent submission does not propose any changes to the lighting, so the condition may be removed.

9. Landscaping

In 2007 the Board placed a condition on the plan that City Arborist review and approve a revised landscape plan. The applicant submitted revised plans in November 2007, which were approved by the City Arborist and revisions have not been proposed at this time. This condition of the original approval may be deleted.

10. Neighborhood Meeting

A neighborhood meeting was held on June 30, 2008 and the minutes, sign-in sheet and other materials from that meeting are included as Attachment 1.

V. MOTIONS FOR THE BOARD TO CONSIDER

The following motions apply to Phase I of the Bay House only and do not constitute an approval of Phase II, which was unanimously tabled by the Planning Board on July 10, 2007. The original conditions that are applicable are listed below along with the revised or new conditions. Those conditions that have been met have been eliminated. A tracked change version of the original motion as revised is included as Attachment 13.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended *Phase I* plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board (waives, does not waive) the following technical standards:

1. Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be 18 at the garage entrance on Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

1. *The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.*
2. *All financial contributions requires as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.*
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of June, 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.

6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the “Riverwalk Parking Garage” located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Corporation Counsel’s Office prior to the issuance of a certificate of occupancy.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. The applicant shall submit a unified plan for signage and awnings for review and approval by the Planning Authority prior to the issuance of a certificate of occupancy.
3. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.

Attachments:

1. Application
 - a. Application form
 - b. Letter, Greg Shinberg, May 27, 2008
 - c. Right Title and Interest for the additional property
 - d. Area of Property Construction Easement and written easements
 - e. Letter, Greg Shinberg, June 30, 2008
 - f. Bicycle Rack Detail
 - g. Hardiplank Warranty
 - h. Neighborhood Packet:
 - i. Minutes
 - ii. Sign-in Sheet

- iii. Notice
- iv. Neighborhood Certification
- 2. Amended Conditional Rezoning Agreement
- 3. Approval Letter for the July 10, 2007 site plan and subdivision approval
- 4. Planning Board Report #30-07
- 5. David M. White Architect, April 23, 2008 correspondence
- 6. Eastern Waterfront Design Standards
- 7. Carrie Marsh, April review
- 8. Thomas Errico, Consulting Engineer, e-mail correspondence, July 1, 2008
- 9. Michael Farmer, Project Engineer, Department of Public Services, June 12, 2008
- 10. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 23, 2008
- 11. Michael Farmer, Project Engineer, Department of Public Services, June 27, 2008
- 12. Stephen Bushey, P.E., Delucca Hoffman Associates, Inc., June 30, 2008
- 13. Tracked Changes from the July 10, 2007 motions
- 14. Approved Building Elevations, July 10, 2007
- 15. Plan Set- The Bay House
 - a. Sebago Technics Plans:
 - 1. Cover Sheet
 - 2. Boundary and Topography Survey, 6-3-08
 - 3. Demolition Plan, 6-23-08
 - 4. Subdivision Plat, 6-23-08
 - 5. Site Plan, 6-23-08
 - 6. Grading Plan, 6-3-08
 - 7. Utility Plan, 6-3-08
 - 8. Landscape and Lighting Plan, 6-3-08
 - 9. Profile, 6-3-08
 - 10. Profile, 6-3-08
 - 11. Details, 6-3-08
 - 12. Details, 6-3-08
 - 13. Details, 6-3-08
 - 14. Details, 6-3-08
 - 15. Stormtech Details, 6-3-08
 - b. Plans prepared by David M. White Architect, Drawings B1-1 to B1-6; B2-1 to B2-6; E.1 through E.7;
 - c. Bike Rack Details
 - d. Two Color Renderings of Middle Street Facade

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Planning Copy

Att. 1a

2008-0067
Application I. D. Number

5/28/2008
Application Date

The Bay House
Project Name/Description

The Village At Oceangate Lic
Applicant
35 Fay St Ste 107-b , Boston , MA 02118
Applicant's Mailing Address

Consultant/Agent
Agent Ph: _____ Agent Fax: _____
Applicant or Agent Daytime Telephone, Fax

112 - 112 Newbury St, Portland, Maine
Address of Proposed Site
020 E009001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify) _____

Proposed Building square Feet or # of Units 80445 Acreage of Site 0 Proposed Total Disturbed Area of the Site _____ Zoning _____

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots _____
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Other _____
- After the Fact - Minor PAD Review 14-403 Streets Review

Fees Paid: Site Plan \$500.00 Subdivision _____ Engineer Review _____ Date 5/29/2008

Planning Approval Status:

Reviewer _____

- Approved Approved w/Conditions See Attached Denied

Approval Date _____ Approval Expiration _____ Extension to _____ Additional Sheets Attached

OK to Issue Building Permit _____ signature _____ date _____

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	_____	_____	_____
	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	_____	_____	
	date	amount	
<input type="checkbox"/> Building Permit Issue	_____		
	date		
<input type="checkbox"/> Performance Guarantee Reduced	_____	_____	_____
	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	_____	<input type="checkbox"/> Conditions (See Attached)	_____
	date		expiration date
<input type="checkbox"/> Final Inspection	_____	_____	
	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	_____		
	date		
<input type="checkbox"/> Performance Guarantee Released	_____	_____	
	date	signature	
<input type="checkbox"/> Defect Guarantee Submitted	_____	_____	_____
	submitted date	amount	expiration date
<input type="checkbox"/> Defect Guarantee Released	_____	_____	
	date	signature	



Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: 112 NEWBURY STREET
PORTLAND, MAINE

Zone: B56

Project Name: THE BAY HOUSE

Existing Building Size: 15,914 sq. ft.

Proposed Building Size: 65,105 sq. ft.

Existing Acreage of Site: 78,843.6 sq. ft.

Proposed Acreage of Site: 80,445 sq. ft.

Proposed Total Disturbed Area of the Site: 80,445 sq. ft. *

* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).

Tax Assessor's Chart, Block & Lot:

Chart # 20 20 20
Block # E D D
Lot # 9 13-15 32

Property Owners Name/
Mailing address:

VILLAGE AT OCEANGATE
LLC
35 FAY ST 107B
BOSTON, MA 02118

Telephone #: 617 482 3004

Cell Phone #: X204

Consultant/Agent Name,
Mailing Address, Telephone #, Fax #
and Cell Phone #:

GREG SHINBERG
SHINBERG CONSULTING
477 CONGRESS ST SUITE
PORTLAND ME 1012
04101

Applicant's Name/
Mailing Address:

VILLAGE AT OCEANGATE
LLC
35 FAY ST 107B
BOSTON, MA 02118

Telephone #: 617 482 3004

Cell Phone #: X204

207 772 7070 C 653 7510 ✓
Fee for Service Deposit (all applications) _____ (\$200.00)

Proposed Development (check all that apply)

- New Building Building Addition Change of Use Residential Office Retail
- Manufacturing Warehouse/Distribution Parking lot
- Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + major site plan fee if applicable
- Site Location of Development (\$3,000.00)
(except for residential projects which shall be \$200.00 per lot _____)
- Traffic Movement (\$1,000.00) Storm water Quality (\$250.00)
- Section 14-403 Review (\$400.00 + \$25.00 per lot)
- Other _____

~ Please see next page ~

Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Billing Address: (name, address and contact information)

VILLAGE AT OCEANGATE, LLC
 35 FAY ST 107 B
 BOSTON, MA 02118

ATTN ALEX DASCO

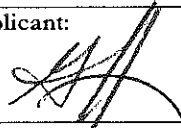
Submittals shall include **seven (7) folded packets** containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 5/27/08
--	------------------



Site Plan Checklist Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

THE BAY HOUSE

Project Name, Address of Project

Application Number

The form is to be completed by the Applicant or Designated Representative:

Check Submitted	Site Plan Item	Required Information	Section 14-525 (b,c)
✓	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
✓	(2)	Name and address of applicant and name of proposed development	a
✓	(3)	Scale and north points	b
✓	(4)	Boundaries of the site	c
✓	(5)	Total land area of site	d
✓	(6)	Topography - existing and proposed (2 feet intervals or less)	e
✓	(7)	Plans based on the boundary survey including:	2
✓	(8)	Existing soil conditions	a
✓	(9)	Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
✓	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
✓	(11)	Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 9 of packet)	d
✓	(12)	Location of on-site waste receptacles	e
✓	(13)	Public utilities	e
✓	(14)	Water and sewer mains	e
✓	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
✓	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
✓	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
✓	(18)	Parking areas	g
✓	(19)	Loading facilities	g
✓	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
✓	(21)	Curb and sidewalks	g
✓	(22)	Landscape plan showing:	h
✓	(23)	Location of existing vegetation and proposed vegetation	h
✓	(24)	Type of vegetation	h
✓	(25)	Quantity of plantings	h
✓	(26)	Size of proposed landscaping	h
✓	(27)	Existing areas to be preserved	h
✓	(28)	Preservation measures to be employed	h
✓	(29)	Details of planting and preservation specifications	h
✓	(30)	Location and dimensions of all fencing and screening	i
✓	(31)	Location and intensity of outdoor lighting system	j
✓	(32)	Location of fire hydrants, existing and proposed (refer to Fire Department checklist)	k
✓	(33)	Written statements to include:	c
✓	(34)	Description of proposed uses to be located on site	cl
✓	(35)	Quantity and type of residential, if any	cl
✓	(36)	Total land area of the site	c2
✓	(37)	Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
✓	(38)	General summary of existing and proposed easements or other burdens	c3
✓	(39)	Type, quantity and method of handling solid waste disposal	c4
✓	(40)	Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets	c5
✓	(41)	Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6

Shinberg Consulting, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101-3427
207 772 7070 Office
207 772 7080 Fax

May 27, 2008

Mr. Alexander Jaegerman, Ms. Barbara Barhydt
Planning Division Director, City of Portland
and City of Portland Planning Board Members
389 Congress Street
Portland, Maine 04101

**RE: The Bay House, Amendment to the Site Plan
112 Newbury Street, Portland, Maine**

Dear Mr. Jaegerman, Ms. Barhydt and Board Members:

Enclosed is a submission for The Bay House Condominiums project proposed for 112 Newbury Street. The project has been amended to incorporate 1,602 square feet of land that will be acquired from the next door neighbor, Pearl Properties, LLC, whose property affronts 61 India Street. The total number of units has been decreased from 84 to 82 units.

On April 29th at the Public Hearing we received a unanimous recommendation from the Planning Board supporting our request to amend the Conditional Contract Zone. At that time, some members of the Planning Board asked that we work with staff to address the following items:

1. The use of the cement / fiber board siding material (also known as Hardiplank) on the exterior skin;
2. Changing the windows on the 5th floor from arched top to a square top;
3. Relocation of the entrance to Building 2 on Middle Street.

The following is our response to these items discussed:

1. *Hardiplank is a high quality material that has been used on projects around the country for many years. The product has a 50 year warranty for the material and a 25 year warranty for the paint finish. Compared to the metal siding that was previously submitted and approved, the warranty is equal to or better than most metal siding products that are available to purchase. The material is both attractive and sturdy and provides a quality appearance that compliments the character of the other buildings located nearby.*

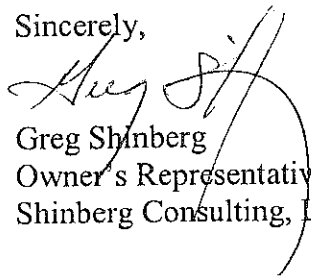
Recently, additions and renovations at L.L. Bean in Freeport have utilized a similar board and batten Hardiplank material. Several other projects located in Portland have also used Hardiplank with great success. See the attached elevations.

- 2. After a careful analysis with Staff we have added the arched windows to all the 5th floor windows that face Newbury, Hancock and Middle Streets. See the attached elevations;*
- 3. The entrance to Building 2 has been changed from its original location to accommodate a better layout of the retail space on Middle Street. The new location will provide for a more attractive store front at the retail spaces located on the westerly side of Middle Street. Additionally, the garage entrance has been recessed to further provide for a distinct entrance to the parking garage. See the attached elevations.*

Attached are the revised Site Plans by Sebago Technics, and the revised Floor Plans and Elevations by David M. White Architects.

We look forward to presenting the application at the Planning Board Workshop that is scheduled for June 10th, 2008.

Sincerely,



Greg Shinberg
 Owner's Representative and Project Manager
 Shinberg Consulting, LLC

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PURCHASE AND SALE AGREEMENT

THIS AGREEMENT made and entered into this 27TH day of February, 2008 by and between Pearl Properties, LLC, a Maine limited liability company (Seller) and Village at Ocean Gate, LLC of 35 Fay Street, 107B Boston Massachusetts (Buyer).

AM

WITNESSETH:

1. PREMISES. Seller agrees to sell and Buyer agrees to buy the land situated at the rear of 61 India Street, Portland, Maine (collectively the Premises), such land being approximately ~~1,700~~^{1,688} square feet and depicted on Exhibit A, subject to the provisions of Section 14 below. The Westerly boundary of the Premises shall be no less than twelve (12) feet from the recently poured foundation on the Seller's remaining land. Seller shall have the right, but not the obligation to salvage, remove and retain for its ownership and use, any and all walls and bricks located upon the Premises prior to the closing. Included in the sale of the Premises will be a construction easement to use that approximately 14 foot wide area of Seller's retained land, also depicted on Exhibit A, for temporary construction purposes for the initial construction of Buyer's project to last the duration of the construction project and for the future maintenance of the portions of the constructed building thereof.

2. PURCHASE PRICE. Subject to any adjustments and pro-rations hereinafter described, Buyer agrees to pay for the Premises the sum of Two Hundred Thousand Dollars (\$200,000), payable as follows:

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(a) Deposit. Two Thousand Dollars (\$2,000.00) paid to Seller as a deposit ^{NO LATER THAN FEB. 29TH 2008} ~~at the time of the execution of this Agreement~~, which shall be credited toward the purchase price at the closing.

(b) Cash at Closing. One Hundred Ninety-Eight Thousand Dollars (\$198,000.00) shall be paid to the Seller by certified check or bank cashier (s) check at the closing.

2.A. ADDITIONAL CONSIDERATION. In addition to the Purchase Price, the Buyer shall deliver the following to Seller at closing:

AM
DC

(i) Pedestrian Easement. Buyer shall grant, subject to the condition below in this paragraph, Seller an approximately ~~six (6)~~^{five (5)} foot wide pedestrian easement, in such form and on any other reasonably necessary terms and conditions reasonably satisfactory to Seller, over land of the Buyer from the remaining land of the Seller to Newbury Street in the area shown on Exhibit A. Buyer shall not be obligated to grant the foregoing easement to Seller in the event that doing so materially and adversely affects any municipal approvals for Seller's Bay House Condominium project.

(ii) Courtyard & 14-Foot Easement Paving. Buyer shall finish pave the courtyard area on Seller's remaining land lying easterly of the recently poured foundation on the Seller's

AM
OO

remaining land and westerly of the Premises. In addition, Buyer shall finish pave the 14-foot easement running from Seller's remaining land to Middle Street and more particularly described in an instrument recorded in the Cumberland County Registry of Deeds in Book 25615, Page 187. The finish paving shall be of the same type, finish and quality as the paving that Buyer installs on the Premises. Such paving shall be completed within THIRTY (30) days of paving the Premises but no later than DEC. 31ST, 2009. In the event that the Buyer defaults in its obligation to pave hereunder, Seller shall be entitled to any and all legal and equitable remedies including but not limited to any and all costs, expenses and attorney's fees associated and/or incurred by Seller in enforcing or attempting to enforce the provisions of this section. The provisions of this section shall survive closing.

3. TITLE. Seller shall convey the Premises to Buyer at the closing in fee simple with good and marketable title, free and clear of all liens. The Premises shall be conveyed subject to exceptions from coverage set forth in Ticor Title Insurance Company Owner's Policy # 74106-161258, as the same has been amended by endorsement, except for any mortgages or other liens referenced therein. In the event that Seller is unable to convey title as aforesaid, upon written notice from Buyer, Seller shall use reasonable efforts to remedy all title defects. In the event that said defects are not remedied within Forty-Five (45) days from the date of such notice, then the Deposit shall be returned to Buyer and this Agreement, and Seller (s) and Buyer (s) obligations hereunder, will terminate. Buyer may, at Buyer(s) option, elect to close notwithstanding such defects as may exist.

4. CLOSING. The closing of this transaction shall take place in the office of Tom Hanson, Bernstein Shur, 100 Middle Street, PO Box 9729, Portland, ME 04104-5029 (or, if the Buyer and the Seller mutually agree in advance and in writing, at another time and place) within Fifteen (15) Days of the date of the approval by the City of Portland City Council of the amended contract zone that shall include the Premises. Notwithstanding the foregoing, the closing shall occur no later than August 1, 2008. At the closing, Seller shall execute and deliver to Buyer, against payment of the balance of the purchase price, a Warranty Deed to the Premises (the Deed).

5. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE. Prior to the closing, the Premises shall be the sole responsibility of Seller and Seller shall bear the risk of any loss to the Premises whether by fire or otherwise. In the event of any casualty loss, Buyer shall have the alternative of either terminating this Agreement by written notice, whereupon Buyer shall receive back the Deposit plus accrued interest, or of accepting the insurance proceeds made available, if any, and closing notwithstanding such loss.

6. INSPECTION. At all reasonable times during the term hereof, Buyer shall have the right to enter the Premises and perform such inspections, engineering tests, soil tests, surveys, hazardous waste investigations, water tests, or other inspections as Buyer deems necessary or appropriate provided that the Buyer's activities shall not damage the Premises. Seller shall have the right but not the obligation to have a representative present at each inspection. Buyer shall keep the Premises free of all liens in connection with its inspection of the Premises or shall

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remove any liens immediately upon being notified of them. Buyer agrees to indemnify, defend and hold Seller harmless from all damage, loss or claims relating directly or indirectly to any physical damage to the Premises resulting from inspections or studies of the Premises made by Buyer or its agents, which indemnity shall survive Closing. Buyer agrees to provide Seller with copies of each of the reports completed regarding the Premises. Buyer agrees to return the Premises as nearly as possible to its original condition after all of such tests and inspections. If the results of a hazardous waste or other investigation done pursuant to this Paragraph are unsatisfactory to Buyer, Buyer shall have the right to terminate this Agreement by written notice and receive back the Deposit, plus accrued interest.

7. REPRESENTATIONS AND WARRANTIES. As a material part of the consideration for this Agreement, Buyer represents to Seller that Buyer knows, has examined, and has investigated (or, prior to the closing, shall know, shall have examined, and shall have investigated) to Buyer's satisfaction, operating information, environmental condition, physical nature and condition of the Premises. Buyer agrees to take the Premises "AS IS", with all latent and patent defects and no warranty by Seller that the Premises are fit for a particular purpose. Buyer takes the Premises with the agreement that there are no express or implied warranties or representations by Seller as to its physical condition, quality of construction or workmanship, or any other matter. Furthermore, Seller makes no agreement to alter, repair, or improve the Premises.

8. POSSESSION. Seller shall deliver possession of the Premises to the Buyer upon transfer of title free and clear of all leases, tenancies and occupancies by any person.

9. ADJUSTMENTS, PRORATION AND CLOSING COSTS. Real estate taxes and assessments and all utilities shall be prorated as of the closing on the basis of the latest available tax bill. The Maine real estate transfer tax shall be paid equally by Seller and Buyer. The recording fee for the Deed and any expenses related to Buyer (s) financing will be paid for by the Buyer.

10. CONDITIONS PRECEDENT. Buyer (s) obligation to close hereunder is subject to satisfaction of the following conditions at or before closing:

- (a) As of the date hereof, and as of the date of closing, all of Seller (s) representations and warranties shall be true and correct.
- (b) Approval by the City of Portland City Council of the amended contract zone that shall include the Premises.

If the above listed condition is not satisfied within the time specified or if no time is specified, by the closing date, Buyer shall be entitled to receive back the Deposit plus accrued interest, whereupon this Agreement shall terminate and neither party will be under any further obligation hereunder.

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11. DEFAULT AND REMEDIES. In the event that Buyer fails to close hereunder for a reason other than the default of Seller, Seller shall retain the Deposit plus accrued interest as full and complete liquidated damages in lieu of any other legal or equitable remedy, whereupon this Agreement will terminate and neither party will be under any further obligation hereunder. In the event of Seller (s) default hereunder, Buyer may, as its sole and exclusive remedy, either (i) terminate this Contract and be entitled to the return of the Deposit or (ii) seek specific performance.

12. ACCEPTANCE DATE. This contract shall not be valid unless executed by all parties by 5:00 p.m. ~~February 28, 2008.~~

13. MISCELLANEOUS.

- (a) Time is of the essence of this Agreement. All notices, demands and other communications hereunder shall be in writing and shall be deemed to have been duly given on the date of service if served personally on the party to whom notice is to be given, or on the first business day after mailing if mailed to the party to whom notice is to be given by first class mail, postage prepaid, certified, return receipt requested, addressed as follows:

TO SELLER: Pearl Properties, LLC
c/o Joseph W. Reynolds
198 Tuttle Road
Cumberland, ME 04021

TO BUYER: Village at Ocean Gate, LLC
35 Fay Street 107B
Boston, MA 02118

Either party may change addresses for purposes of this paragraph by giving the other party notice of the new address in the manner described herein. Seller (s) representations and warranties shall survive the closing. This Agreement will inure to the benefit of and bind the respective successors and assigns of Seller and Buyer. This Agreement may be simultaneously executed in any number of counterparts, each of which when so executed and delivered shall be deemed an original, but all of which together shall constitute one and the same instrument. As used in this Agreement, the singular number shall include the plural, the plural the singular, and the use of the masculine shall include, where appropriate, the feminine and neuter. This Agreement shall be governed by and construed in accordance with the laws of Maine. If any

12

provision of this Agreement is determined to be invalid or unenforceable, it shall not affect the validity or enforcement of the remaining provisions hereof.

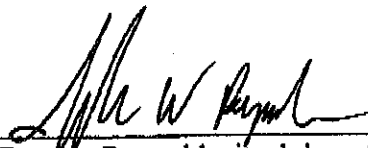
14. SURVEY. Buyer shall obtain, at Buyer's sole cost and expense, a standard boundary survey and metes and bounds description of the Premises, which survey will depict the temporary construction easement area and the pedestrian easement area (collectively, the "Survey") prior to closing. The Survey shall evidence the setback compliance of the rear portion of the Seller's remaining land and shall be otherwise reasonably satisfactory to Seller in all respects.

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

WITNESS:

Pearl Properties, LLC






By: Joe Reynolds, its duly authorized Manager

2/27/08

Date

The Village at Oceangate LLC





By: Demetri Dasco, its duly authorized Manager
Buyer

2/27/08

Date

lc

O:\LAWOFFICER\REALTY\Rcynold\India Sale of back lot\Pearl Properties Purchase Contract 225-08 rev.doc

From P/S AGREEMENT WITH ^{1 d}
~~PARCEL~~ PROPERTIES
EXHIBIT A
6/27/08

05109

**Land to be Transferred
to
The Village at Ocean Gate, LLC**

A certain lot or parcel of land situated on the southerly side of, but not adjacent to Newbury Street, in the City of Portland, County of Cumberland, State of Maine, being depicted on a plan of land titled "Boundary & Topographic Survey of The Bay House", dated through June 3, 2008 by Sebago Technics, Inc., said parcel being more particularly bounded and described as follows:

Beginning at a 5/8 inch rebar found at a corner of land now or formerly of Wooden Nickel, LLC, as described in a deed recorded at the Cumberland County Registry of Deeds in Book 14219, Page 166, said rebar being a corner of property now or formerly of The Village at Ocean Gate, LLC, as described in a deed recorded in Book 25625, Page 275;

Thence N 45°-55'-20" E, by and along land of The Village at Ocean Gate, LLC, a distance of 47.65 feet to a point;

Thence S 42°-39'-58" E, by and along land of The Village at Ocean Gate, LLC, a distance of 56.58 feet to a PK nail found;

Thence S 42°-31'-42" W, by and along land of The Village at Ocean Gate, LLC, a distance of 26.11 feet to a capped 5/8 inch rebar set;

Thence N 45°-16'-56" W, passing through land of the grantor, a distance of 16.96 feet to a capped 5/8 inch rebar set;

Thence N 46°-47'-05" W, passing through land of the grantor, a distance of 20.14 feet to a capped 5/8 inch rebar set;

Thence N 49°-22'-47" W, passing through land of the grantor, a distance of 20.62 feet to a capped 5/8 inch rebar set;

Thence S 47°-36'-06" W, passing through land of the grantor, a distance of 16.99 feet to the point of beginning.

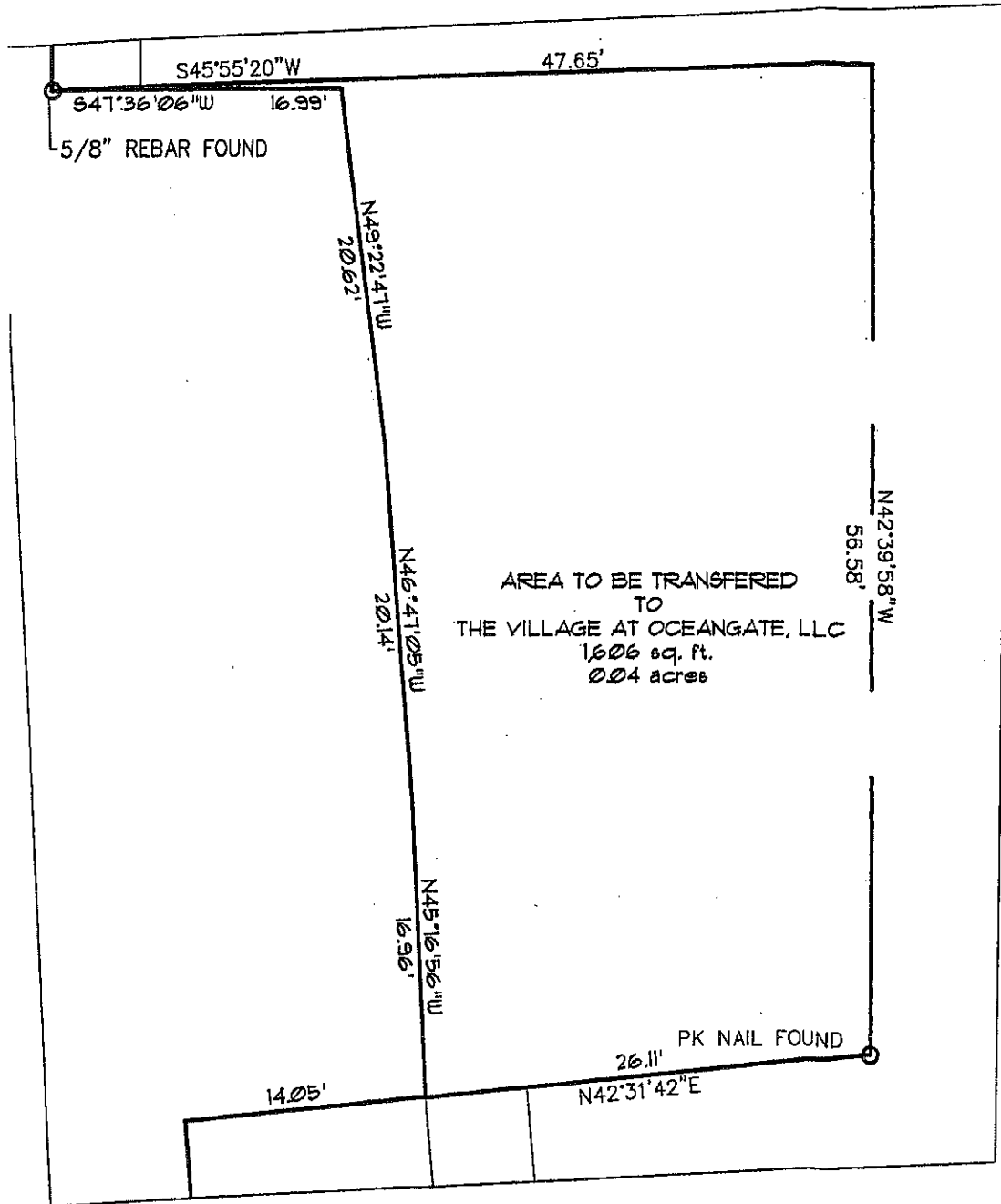
Meaning and intending to describe a certain parcel of land containing 1,606 square feet, more or less being depicted as "Area to be transferred to The Village at Ocean Gate, LLC", as shown on a plan of land titled "Boundary & Topographic Survey of The Bay House" dated through June 3, 2008 by Sebago Technics, Inc.

The bearings referenced herein are based upon Grid North NAD 1983 Maine West Zone.

DCS/cb
June 20, 2008

Pls Agreement w. Pearl Properties Ltd
6/25/08

EXHIBIT A-Continued



DETAIL OF LAND TO BE TRANSFERED

SCALE 1"=10'

From p/s Agreement with 1d
Pearl Properties 6/20/08
EXHIBIT B

05109

**Proposed 5 Foot Wide
Pedestrian Easement**

A certain pedestrian easement situated on the southerly side of Newbury Street, in the City of Portland, County of Cumberland, State of Maine, being depicted on a plan of land titled "Boundary & Topographic Survey of The Bay House", dated through June 03, 2008 by Sebago Technics, Inc., said easement being more particularly bounded and described as follows:

Beginning at a 5/8 inch rebar found at a corner of land now or formerly of Wooden Nickel, LLC, as described in a deed recorded at the Cumberland County Registry of Deeds in Book 14219, Page 166, said rebar being a corner of property now or formerly of The Village at Ocean Gate, LLC, as described in a deed recorded in Book 25625, Page 275;

Thence N 42°-26'53" W, by and along land now or formerly of Bartlett Island, LLC, as described in a deed recorded in Book 17068, Page 212, and by and along land now or formerly of MAHC, Inc., as described in a deed recorded in Book 15267, Page 127, a total distance of 38.09 feet to a point in the southerly side of Newbury Street;

Thence N 47°-47'-16" E, by and along Newbury Street, a distance of 5.00 feet to a point;

Thence S 42°-26'-53" E, passing through land of the grantor, a distance of 38.08 feet to a point in the line of land of Wooden Nickel, LLC;

Thence S 47°-36'-06" W, by and along land of Wooden Nickel, LLC, a distance of 5.00 feet to the point of beginning.

Meaning and intending to describe a certain 5 foot wide pedestrian access easement containing 190 square feet, more or less being depicted as a "Proposed 5 foot wide pedestrian access easement to benefit Block E, Lot 21", as shown on a plan of land titled "Boundary & Topographic Survey of The Bay House" dated through June 03, 2008 by Sebago Technics, Inc.

The bearings referenced herein are based upon Grid North NAD 1983 Maine West Zone.

DCS/cb
June 20, 2008

shinberg

CONSULTING, LLC

477 Congress Street, Suite 1012 Portland Maine
207 772 7070

June 30, 2008

Mr. Alexander Jaegerman, Ms. Barbara Barhydt
Planning Division Director, City of Portland
and City of Portland Planning Board Members
389 Congress Street
Portland, Maine 04101

**RE: The Bay House, Amendment to the Site Plan
112 Newbury Street, Portland, Maine**

Dear Mr. Jaegerman, Ms. Barhydt and Board Members:

Enclosed is a submission for The Bay House Condominiums project proposed for 112 Newbury Street. The project has been amended to incorporate 1,602 square feet of land that will be acquired from the next door neighbor, Pearl Properties, LLC, whose property affronts 61 India Street. The total number of units has been decreased from 84 to 82 units.

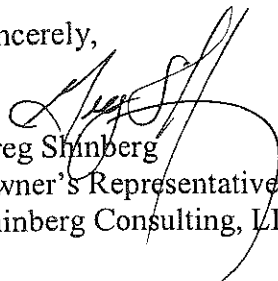
On June 10, 2008 at the Planning Board workshop we discussed the following items:

1. The use of the cement / fiber board siding material (also known as Hardiplank) on the exterior skin;
2. The use of the arched top windows that remain at all of the 5th floor units except those located in the interior part of the courtyard;
3. Relocation of the entrance to Building 2 on Middle Street and enhancing that entrance to provide a more prominent entrance to the building;
4. The location and number of the bicycle storage racks in the garage and on the property.

Attached are the revised Site Plans by Sebago Technics, the revised Floor Plans and Elevations by David M. White Architects and 2 color renderings on the Middle Street side of the building.

Since the Workshop, we have worked with the City Staff to address the concerns presented by the Planning Board and submit this final presentation for your review at the Planning Board Public Hearing that is scheduled for July 8th, 2008.

Sincerely,



Greg Shinberg
Owner's Representative and Project Manager
Shinberg Consulting, LLC

AH. If

CANTERBURY INTERNATIONAL

800-935-7111

323-936-7111



home

clocks

- tower clocks
- street clocks
- wall-mounted
- specialty
- skeleton clocks
- clock dials
- clock hands
- bezel types

umbrellas

seating

- bowery
- 1890 benches
- metal benches
- wood benches
- concrete legs
- tables & chairs

trash

- bowery
- pads
- silhouette
- miscellaneous

fountains

- pet bowl

bollards

- standard
- reinforced

tree grates

- standard
- custom
- tree guards

sculptures

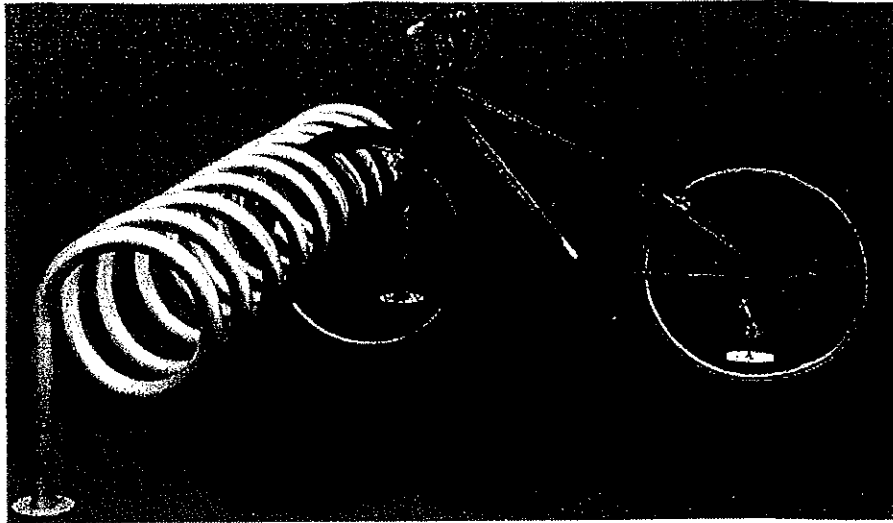
planters

miscellaneous

- murals, etc.
- bike racks

color chart

contact us



Bike Rack Spiral Removable

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James Hardie® Building Products

10901 Elm Avenue Fontana, CA 92337

Hardiplank® Lap Siding Hardipanel® Vertical Siding

50-Year Express Limited Transferable Product Warranty

1. LIMITED WARRANTY COVERAGE: James Hardie Building Products, Inc. ("Hardie") warrants (for installation within the U.S. and Puerto Rico) to the purchaser and all transferees prior to and including the first owner of the structure to which the Product is applied, and the first transferee of such structure (each a "covered person") that when manufactured, the Hardie Fiber-Cement Plank or Panel Product HARDIPLANK® or HARDIPANEL®, (the "Product") complies with ASTM C1186, and is free from defects in material and manufacture. When used for its intended purpose, properly installed and maintained according to Hardie's published installation instructions, the Product for a period of 50 years from the date of purchase will (a) remain non-combustible, (b) resist damage caused by hail or termite attacks, and (c) will not crack, rot or delaminate. If during the Warranty period, any Product proves to be defective, Hardie, in its sole discretion, shall replace the defective Product before it is installed, or, during the first year, reimburse the covered person for resulting losses up to twice the retail cost of the defective portion of the Product. During the 2nd through the 50th year, the warranty payment shall be reduced by 2% each year such that after the 50th year no warranty shall be applicable. If the original retail cost cannot be established by the covered person, the cost shall be determined by Hardie in its sole and reasonable discretion. Hardie's replacement of the defective Product or granting of a refund pursuant to Section 1 of this Warranty SHALL BE THE SOLE EXCLUSIVE REMEDY available to the covered person with respect to any defect. Hardie will not refund or pay any costs in connection with labor or accessory materials.

2. CONDITIONS OF WARRANTY: Hardie's liability hereunder to the covered person shall be subject to the following terms and conditions:

- A. The claimant must provide proof that he/she is a covered person.
- B. The Product must be stored according to the manufacturer's instructions at all times between purchase and installation.
- C. The Product must be installed according to Hardie's printed installation instructions and all building codes adopted by federal, state or local governments or government agencies and applicable to the installation. Failure to install and finish the product per the manufacturer's published instructions may effect Product performance and voids the Warranty.
- D. The covered person must provide written notice to James Hardie Building Products, Inc. within 30 days after discovery of any claimed defect or failure covered by this Warranty and before beginning any permanent repair. The notice must describe the location and details of the defect and such information as is necessary for Hardie to investigate the claim. Photos of the product, showing the defect or failure are not only helpful, but also must accompany the notice, when appropriate.
- E. Upon discovery of a possible defect or failure, the covered person must immediately, and at the covered person's own expense, provide for protection of all property that could be affected until the defect or failure is remedied. Before any permanent repair to the Product, the covered person must allow Hardie or Hardie's agent to enter the property and structure where the Product is installed, and examine, photograph and take samples of the Product.

3. EXCLUSIONS: This Warranty does not cover damage or defects resulting from or in any way attributable to: (a) the improper storage, shipping, handling or installation of the Product (including, without limitation, failure of the Product to be installed in strict compliance with the terms and conditions set forth in Section 2 (c) of this warranty) and/or improper installation of studs or other accessories; (b) neglect; (c) abuse;

(d) misuse; (e) repair or alteration; (f) settlement or structural movement and/or movement of materials to which the Product is attached; (g) damage from incorrect design of the structure; (h) exceeding the maximum designed wind loads; (i) acts of God including, but not limited to, hurricanes, tornados, floods, earthquakes, severe weather or other natural phenomena, (including, but not limited to, unusual climate conditions); (j) efflorescence or performance of any paints and/or coatings which are not Hardie and/or Hardie affiliated applied; (k) growth of mold, mildew, fungi, bacteria, or any organism on any surface of the siding (whether on the exposed or unexposed surfaces) and in this respect, ANY CLAIMS OF DAMAGE CAUSED BY MOLD OR MILDEW ARE EXPRESSLY EXCLUDED; (l) lack of proper maintenance; (m) any cause other than manufacturing defects attributable to Hardie.

4. DISCLAIMER:

The statements in this Warranty constitute the only warranty extended by Hardie for the Product. HARDIE DISCLAIMS ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING ANY IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, EXCEPT WHERE PRODUCT PURCHASE IS SUBJECT TO CONSUMER PRODUCT WARRANTY LAW, OR BY USAGE OF TRADE OR COURSE OF DEALING IN WHICH INSTANCES THE DURATION OF ANY APPLICABLE IMPLIED WARRANTIES ARE LIMITED TO THE FIRST ELAPSE OF THE WARRANTY PERIOD PROVIDED ABOVE, OR SUCH SHORTER PERIOD AS APPLICABLE LAW PERMITS OR REQUIRES. Some states do not allow limitations on how long an implied warranty lasts, so the above limitation may not apply to you.

NO OTHER WARRANTY WILL BE MADE BY OR ON BEHALF OF THE MANUFACTURER OR THE SELLER OR BY OPERATION OF LAW OR BY USAGE OF TRADE OR COURSE OF DEALING WITH RESPECT TO THE PRODUCT OR ITS INSTALLATION, STORAGE, HANDLING, MAINTENANCE, USE, REPLACEMENT OR REPAIR. This Warranty gives you specific legal rights and you may also have other rights which vary from state to state.

5. EXCLUSION OF INCIDENTAL AND CONSEQUENTIAL DAMAGES:

IN NO EVENT WILL HARDIE BE LIABLE FOR ANY INCIDENTAL, SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES, WHETHER RESULTING FROM NONDELIVERY OR FROM THE USE, MISUSE, OR INABILITY TO USE THE PRODUCT OR FROM DEFECTS IN THE PRODUCT. Some states do not allow the exclusion or limitation of incidental or consequential damages, so the above limitation may not apply to you.

6. MODIFICATIONS AND ALTERATIONS OF PRODUCT:

Hardie shall have no responsibility hereunder for defective Product subjected to further processing or alteration after shipment.

7. SETTLEMENT OF CLAIM:

Any refund or material replacement by Hardie pursuant to Section 1 hereof shall constitute a full settlement and release of all claims of any covered person hereunder for damages or other relief, and shall be a complete bar to any litigation filed subsequently to the covered person's acceptance of such an agreement.

8. MODIFICATION OR DISCONTINUATION OF PRODUCTS:

Hardie reserves the right to modify or discontinue any of its products without notice and shall not be liable as a result of such modification or discontinuation.



James Hardie®
1-800-9-HARDIE



MORIN DIVISION

LIMITED WARRANTY: In accordance with hereinafter Definitions, this Warranty expressly Warrants the factory-applied finish noted below against Chalking, Fading, Excessive Color Change, Noticeable Blisters, Chips, Cracks, Flaking or Peeling not within the Performance Standards set forth below.

CUSTOMER:

PROJECT:

CONTRACT NUMBER:

Substantial Completion Date:

WARRANTED FINISH: Valspar Fluoropon **COLOR(S):**

- (1) The Subject Material described above, which is intended to be furnished on the above noted project, will have an exterior protective coating of Morin's Fluoropon coating which is applied in accordance with the coating manufacturer's specifications.

PERFORMANCE STANDARDS:

- (2) Morin Warrants that the above coating is a factory-applied film on Morin wall / roof panels, and will not, as a result of exposure to Normal Atmospheric Conditions:
- (a) Chalk in excess of an ASTM D-4214-89 **Eight (8)** rating within a period of **Twenty (20)** years from the date of substantial completion.
 - (b) Fade. Morin warrants against any Fade in excess of **Five (5)** numerical units within a period of **Twenty (20)** years when tested in accordance with ASTM D-2244-86. Fade is determined by cleaning the painted surfaces of excess deposits then by measuring the cleaned, painted surfaces against corresponding values measured on the original or unexposed-coated surfaces.
 - (c) Noticeable blisters, chips, cracks, flaking or peeling within **Twenty (20)** years when tested in accordance with either ASTM D-3359-87 or ASTM D-2798-94.

COMPLIANCE:

- (3) Morin Warrants that the goods furnished will comply with any performance standards stated above. No other Warranties, express or implied, have been made by Morin in reference to the goods which are purchased "AS IS" unless expressly included herein between Morin and the Customer.
- (4) In the event that the Subject Materials do not comply with this Warranty, Morin must be notified in writing along with a copy of this Warranty document within the period of this Warranty. The date of such notice to Morin will be the date upon which Morin receives such notice. Such Subject Materials will thereby be inspected by or at Morin's direction. If upon a finding that such Subject Materials do not comply with the warranty, Morin will, at its discretion, either refinish, recover, or replace the Subject Materials. Failure to acknowledge the performance of any work performed pursuant to the Warranty shall render the Warranty null and void.

CERTIFICATE NUMBER: _____

WARRANTY LIMITATIONS:

(5) This warranty should apply only to the Warranted Finish as herein defined which has been exposed to normal atmospheric conditions, and shall not apply where any failure of the Warranted Finish is the result of fire, vandalism, radiation, harmful fumes, foreign substances in the atmosphere including corrosive or aggressive atmospheres such as those contaminated with chemical fumes or salt spray, mishandling, falling objects, acts of God; including hurricanes, tornadoes, floods, damage from winds, storm, etc; deliberate damage, riots, civil commotions, acts of war, improper handling by erectors, mechanical damage or any other physical damage. In addition, this Warranty shall not apply to any failure of, or damage to, the Warranted Finish as a result of moisture entrapment or other contamination which is detrimental to the Warranted Finish prior to its use by the Customer; nor to damage to the Warranted Finish as the result of improper handling, storage, fabrication, shipping, processing and/or installation of the coated material by the Customer; nor to any damage to the Warranted Finish resulting from the installation thereof in circumstances where it is subjected to continuously generated abrasive forces or continual or periodic submersion in water or any other circumstances where the Warranted Finish would be subjected to continual washing or abrading conditions. Owner is required to adhere to maintenance instructions attached.

ASSIGNMENT:

(6) This Warranty shall only extend to the Customer as the purchaser, and to the ultimate original consumer of the Warranted Finish and shall be null and void upon any other assignment or upon the cessation of the Consumer's usual course of business, or should the Consumer become insolvent or bankrupt.

WARRANTY EFFECTIVE DATE:

(7) This Warranty only becomes effective upon remittance of payment in full and when Morin receives a signed copy within 90 (ninety) days from the date the Customer receives the original Warranty.

(8) No other Warranties, or agreements, express or implied, have been made by Morin in reference to the Subject Materials unless expressly included herein between Morin and the Customer.

† DEFINITIONS:

As used herein, the following words shall be ascribed the respective meanings as set forth below:

- (a) Customer - The person, firm, or corporation to whom this Warranty runs.
- (b) Normal Atmospheric Conditions - This term as used herein shall exclude any and all atmospheric conditions not in compliance with the established air quality standards set forth in the U.S. Clean Air Act as well as any and all other applicable laws of the U.S. government or any state or local governmental body upon the date the Subject Material is hereby Warranted.
- (c) Morin - Morin Corp. or Morin Corporation.
- (d) Warranted Finish - The exterior finish used herein when applied to vertical wall or roof panels and when exposed to normal atmospheric conditions.
- (e) Chalk - Chalk or Chalking is the gradual erosion of film.
- (f) Fade - Fade or Fading is the change of color in the film.
- (g) Subject Material - The product purchased by the Customer from Morin to which this Warranty applies.

* NOTE: All other words used herein shall be attributed with meanings particular to Morin's custom, trade, or usage.

Metecno USA - MORIN Division

By: _____

David McCormiston / Technical Manager

Date: _____

SAMPLE

Owner: _____

By: _____

Date: _____

Customer: _____

By: _____

Date: _____

1 Q: i

SHERIDAN STREET, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101
207 772 7070 Office
207 772 7080 Fax

To: Alex Jaegerman, Barbara Barhydt and Portland Planning Board Members
From: Greg Shinberg, Owner's Representative, Shinberg Consulting, LLC
Date: June 30, 2008
RE: Minutes from the Neighborhood Meeting held on June 10, 2008 for The Bay House located at 112 Newbury Street, Portland Maine

The following is a record of the Neighborhood Meeting held from 6:00 to 7:30 PM at the Cummings Community Center on June 10, 2008.

Present on behalf of The Bay House owned by Village at Ocean Gate, LLC

Greg Shinberg, Shinberg Consulting, LLC (GS)

The following neighbors were present:

Hugh Nazor 50 Federal Street (HN)
Linda Murnik 50 Federal Street (LM)

The handouts provided by the City were provided to the neighbors. Attached is the sign in sheet.

The meeting started at 6:45 PM to allow for some late arrivals.

GS provided an overview of the project. What items have changed since the approvals by the Planning Board were granted last year;

GS provided an update on the current status of the demolition and anticipated time frame to start construction in the fall of 2008 and 16 months to complete;

GS reviewed the elevations and floor plans;

LM asked how many units are sold; GS responded that we have taken 13 Reservations to date;

1 Q:

HN asked who the partners are; GS responded that The Village at Oceangate, LLC has 3 investors – 2 from Boston and one from Buffalo NY;

HN asked about the current layout of the units – number size etc; GS reviewed the plans to explain the concept – 2 towers over the parking garage etc;

HN asked who the General Contractor will be; GS responded that we are planning to hire Portland Builders – the same company that built the model unit located at 46 Market Street located in Old Port;

HN asked about the status of Phase II; GS responded that no work has been done on Phase II other than the reduction in planned work for the sidewalks and curbing as approved by the City Council; HN commented that he understands the reasoning for that approach;

Both HN and LM said that they like the look of the materials and proposed elevations;

Meeting adjourned at 7:35.

THE BAY HOUSE JUNE 10

NEIGHBORHOOD MEETING

NAME

ADDRESS

HUGH NAZOR
LINDA MURNIK

50 FEDERAL ST
"

1 Shin

SHINBERG CONSULTING, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101

June 3, 2008

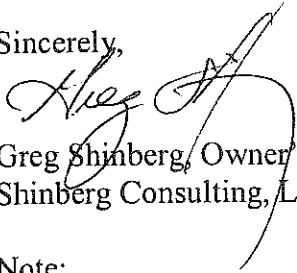
Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans to amend the Approved Site Plan for the Village at Ocean Gate Project (now known as "The Bay House") which will be located at 112 Newbury Street, in Portland, Maine.

Meeting Location: Cummings Community Center, 134 Congress Street, Portland, Maine
Meeting Date: Wednesday June 11th, 2008
Meeting Time: 6:00 to 7:30 PM

If you have any questions, please call Greg Shinberg at 207 772 7070.

Sincerely,



Greg Shinberg, Owner's Representative
Shinberg Consulting, LLC

Note:

Under Section 14-32 (C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal.


1 Riv

Neighborhood Meeting Certification

I, (applicant/consultant) hereby certify that a neighborhood meeting was held on (date) at (location) at (time).

I also certify that on (date at least seven days prior to the neighborhood meeting), invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development or within 1000 feet of a proposed development in an industrial zone and the residents on the "interested parties" list.

Signed,



6/30/08 (date)

Attached to this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting minutes

Att 2

Order 265-07/08
Given first reading on 5/19/08
Public Hearing & Passage: 6/2/08 9-0

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER AUTHORIZING AMENDMENT TO
CONDITIONAL ZONE FOR PROPERTY
IN THE VICINITY OF
112-113 NEWBURY STREET, PORTLAND, MAINE**

ORDERED, that the Conditional Zone by and between the City of Portland and The Village at Ocean Gate LLC, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

**First Amendment to Conditional Zoning Agreement
The Village At Ocean Gate (aka Bayhouse)**

This amendment and agreement is made as of the ___ day of _____ 2008 by **THE VILLAGE AT OCEAN GATE, LLC**, a Maine Limited Liability Corporation having a principal place of business at Boston, Massachusetts (hereinafter "**DEVELOPER**").

WHEREAS, DEVELOPER, as assignee of the rights of the purchaser under a purchase and sale agreement with the Village Café, Inc., has the right to purchase the property located at 112-113 Newbury Street and 40 Hancock Street, Portland, Maine, consisting of the property shown on the Portland Assessor's Map as parcels 20-E-9, 20-D-13-15 and 20-D-32 and described in the Cumberland County Registry of Deeds at Book 17317, Page 167, Book 3161, Page 504, Book 4357, Page 291, Book 3217, Page 83, Book 3004, Page 226, Book 3091, Page 703, Book 3752, Page 140, Book 3112, Page 131, Book 3024, Page 132, Book 3291, Page 260, Book 2996, Pages 235 and 237, Book 4357, Page 289, Book 4094, Page 222 and Book 9520, Page 73 (hereinafter the "**SITE**"); and

WHEREAS, the **SITE** is currently in the B-2b zoning district and is adjacent to a B-5b district to the southeast; and

WHEREAS, Developer has filed a Zone Change Application with the City of Portland (hereinafter "**CITY**") to rezone the **SITE** to the B-5b zoning district subject to certain modifications and conditions set forth in this Agreement in order to accommodate a mixed-use development consisting of up to 176 residential units; space for a 150- to 200-seat restaurant; and sidewalk-level commercial space in a complex of buildings of varying sizes and heights (hereinafter the "**project**"); and

WHEREAS, the Portland Planning Board has determined that the rezoning would provide needed housing, would create a vibrant new neighborhood and would assist in revitalizing adjacent areas; and

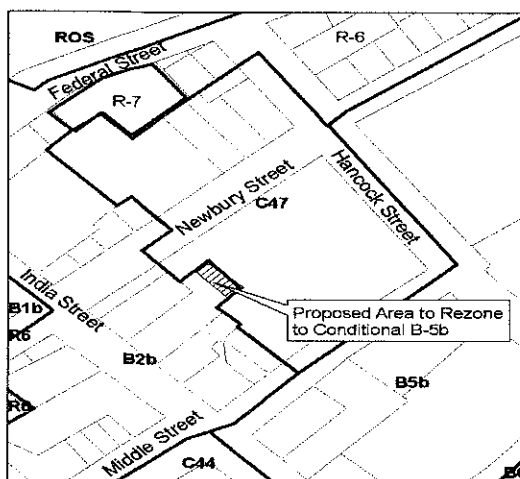
WHEREAS, the Portland Planning Board, pursuant to 30-A M.R.S.A. § 4352(8), and after notice and hearing and due deliberation, recommended rezoning the **SITE**; and

WHEREAS, the **CITY**, by and through its City Council, has determined that the rezoning is appropriate due to the unusual nature and unique location of the development proposed, that the uses proposed are consistent with the existing and permitted uses within the B-5b zone and that the rezoning would be pursuant to and consistent with the **CITY**'s Comprehensive Plan; and

WHEREAS, **DEVELOPER** has agreed to enter into this Agreement and the Amendment thereto, with its concomitant terms and conditions, which shall hereinafter bind **DEVELOPER**, its successors and assigns;

NOW, THEREFORE, in consideration of the rezoning of the **SITE**, **DEVELOPER** agrees to be bound by the following terms and conditions:

1. Map. The **CITY** shall amend the Zoning Map of the City of Portland, dated December 2000, as amended and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, by adopting the following map change. The underlying zone is changed from B-2b to B-5b.



**Proposed Area to Rezone from
B-2b to Conditional Rezoning to B-5b
for The Village at OceanGate, LLC
112-113 Newbury Street
April 2008**

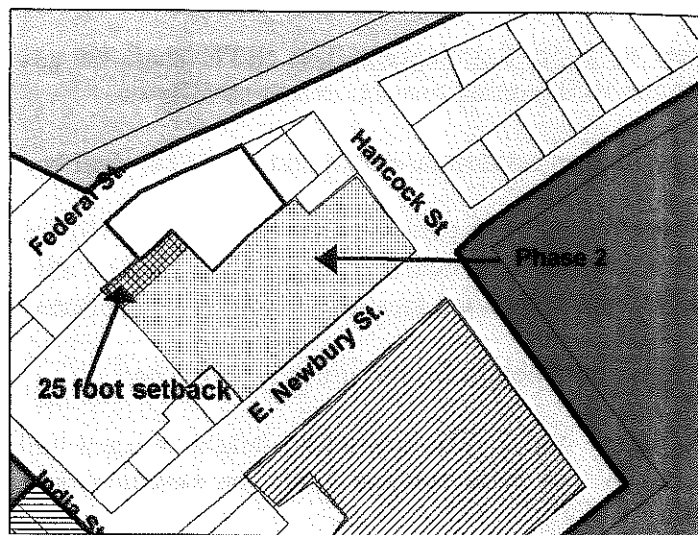
Prepared by the Department of Planning and Development
based upon GIS Workgroup Data.



2. Subdivision and Overall Site Plan. Except as otherwise provided in this paragraph 2, the **SITE** will be developed substantially in accordance with the Subdivision and Overall Site

Plan, Attachment 1 submitted by Sebago Technics, Inc., dated August 3, 2005 as revised April 22, 2008. Phase I of the project shall consist of two buildings along Middle, Hancock and Newbury Streets. The final building elevations shall be approved by the Planning Board during the required subdivision and site plan amendment process. The previously approved building elevations for Phase I, submitted by David M. White, Architect, dated June 26, 2007, Attachment 2 (collectively, "the Plans for Phase I"), may be modified or altered by the Planning Board in accordance with the Design Standards for the Eastern Waterfront in connection with the site plan and subdivision amendments. Phase II of the project, consisting of one or more buildings along Newbury and Hancock Streets shall meet the following requirements:

- a maximum of sixty six (66) residential units shall be provided; and
- a minimum setback of twenty five (25) feet from the most westerly rear property line (abutting CBL 20-D-11) shall be provided and as illustrated below ; and



**Required Minimum Setback of 25 feet in Phase II
Depiction - Not to Scale**

Prepared by the Department of Planning and Development
based upon GIS Workgroup Data.



- the maximum height of any building(s) in Phase II shall be sixty-five (65) feet measured from the existing Newbury Street grade.

The Planning Board shall review both the Phase I and Phase II proposals and apply the site plan and subdivision standards of the Portland Land Use Code and the applicable standards of the Eastern Waterfront Design Standards to each.

After the initial approval of the Plans for Phase I, and any plans submitted in connection with the development of Phase II, the Planning Board may, upon application of

DEVELOPER and without the necessity of amending this Conditional Rezoning Agreement, approve subsequent changes to the Plans for Phase I which decrease building dimensions or reduce the density of development, provided that any such decrease or reduction shall nonetheless be determined to substantially conform to the Plans.

The project shall incorporate light fixtures in "Downtown Black," specifications to be provided by the Planning Authority during subdivision review. In addition, all other streetscape improvements will be consistent with the Hancock Street Extension Plans, which improvements are currently represented on the Plans.

- 3. Permitted uses: Those uses allowed in the B-5b zoning district. The project shall include not less than 5,700 square feet of commercial/retail space on the ground level along Middle Street and at the corner of Hancock and Middle Streets as depicted on the Plans unless during site plan review the Planning Board approves a minimum amount of 5,200 square feet of commercial/retail space.
- 4. Phase I shall consist of, at minimum Buildings 1 and 2, while Phase 2 shall consist of one or more Buildings in accordance with §14-495(h).
- 5. Modifications to B-5b Regulations. The **SITE** shall be governed by the regulations applicable to the B-5b zoning district, except as follows:

- a. The maximum residential density on the **SITE** shall be 176 dwelling units.
- b. The maximum front yard setback shall be ten (10) feet, except that a front yard setback of no greater than sixteen (16) feet shall be allowed for the parking garage entrance and associated façade as depicted on the Plans for Phase I.

- c. The maximum height for the structures shall be:

Buildings 1 and 2: The maximum height of each building in Phase I shall not exceed 74 feet from average grade, as measured and approved by the Zoning Administrator.

Building(s) in Phase II: The maximum height in Phase II shall not exceed sixty-five (65) feet measured from the existing Newbury Street grade.

- d. The cornices of buildings, and storefront awnings along Middle and Hancock Streets, will extend over the street rights of way in various locations as shown on the Plans. The **CITY** hereby grants license for such overhangs and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.
- e. An underground electrical vault will be installed within the right of way of Newbury Street, the final location of such vault to be approved by the Planning Authority. The **CITY** hereby grants license for such installation and authorizes the City Manager to execute said license in such form and with such terms and conditions as he deems appropriate.

6. Community Contribution. The community contribution under this Agreement shall be \$200,000.00 , to be dedicated to extending Hancock Street between Middle Street and the Commercial Street extension or to reimburse the City for expenses it incurs in such extension; \$5,000.00 dedicated to the India/Middle Street traffic improvements to be commissioned by the City; and \$5,000.00 to be dedicated to the Eastern Waterfront Post-Development Traffic Impact Study to be commissioned by the City. The community contribution under this Agreement is independent of any conditions which the Planning Board may lawfully require under site plan review or subdivision review. The community contribution shall be made prior to the issuance of a building permit for Phase I.

The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage located at Middle Street, Portland, with documentation of such participation provided to the City Planning Authority at minimum every two years.

7. This conditional rezoning shall become null and void and the **SITE** shall revert to the existing B-2b zoning district in the event that **DEVELOPER** fails to commence construction of Phase I within two years from the date of the Council vote, with the ability of the Planning Authority, in its sole discretion, to extend this period by an additional one year and Phase II of the project must be commenced within two years following the issuance of a certificate of occupancy for Phase I. If any required approval, including the approval of the conditional rezoning, has been appealed, and if **DEVELOPER** fails to commence construction within one (1) year from the final disposition of such appeal, this conditional rezoning shall become null and void and shall revert.
8. Phasing: **DEVELOPER** may construct the project in two phases as shown on the Plans. Phase I is designed to stand alone in the event Phase II is not built. Performance guarantees shall be posted separately for each phase. For purposes of the time periods set forth in this paragraph 8 and in section 14-525(f) of the Portland City Code, commencement of construction on Phase I shall be deemed to constitute commencement of construction on Phase II, provided that actual construction on Phase II is commenced no later than 3 years after the commencement of construction on Phase I. A separate performance guarantee for the cost of installing the sidewalks and curbing and any other public improvements for Phase II must be posted with the City prior to the release of the recording Plat for Phase II.
9. Parking shall be provided for Phase I at no less than a) a 1:1 ratio (1 parking space per dwelling unit), and b) 6 spaces for retail employee parking and c) active participation in a valid Park and Shop ticket validation program – all to be provided as follows: 80 parking spaces on-site for residential use and 8 parking spaces in the parking garage being built at the corner of India Street and Middle Street. A post development occupancy parking analysis shall be conducted by the **DEVELOPER** six (6) months following the issuance of a certificate of occupancy for Phase I. If the parking analysis demonstrates the inadequacy of a 1:1 /unit:parking space ratio, then the **DEVELOPER** must submit a parking mitigation plan for Phase I, which plan shall be reviewed and approved by the City and thereafter implemented by the **DEVELOPER**. Parking for Phase II of the

project shall be determined by the Planning Board during subdivision and site plan review provided that a condition of such approval shall include the requirement for a post development occupancy parking analysis, with the same mitigation requirements as Phase I.

Thirty-three bicycle parking spaces shall be provided on site in accordance with §14-526 of the Portland City Code.

- 10. The rezoning shall run with the **SITE**, shall bind and benefit **DEVELOPER** and any of its successors and assigns, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. Within thirty (30) days of the City Council's passing of the Conditional Zone, **DEVELOPER** shall file a copy of this Agreement in the Cumberland County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **SITE**. **DEVELOPER** shall provide to the **CITY** the Book and Page number of said recording.
- 11. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.
- 12. Except as expressly modified herein, the development, use, and occupancy of the **SITE** shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.
- 13. This conditional rezoning agreement shall be enforced pursuant to the land use enforcement provisions of state law (including 30-A M.R.S.A. § 4452) and City Ordinance. No alleged violation of this rezoning Agreement may be prosecuted, however, until the **CITY** has delivered written notice of the alleged violation(s) to the owner or operator of the **SITE** and given the owner or operator an opportunity to cure the violation(s) within thirty (30) days of receipt of the notice. Following any determination of a zoning violation by the Court, either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Contract Rezoning be modified or the **SITE** rezoned.

WITNESS:

THE VILLAGE AT OCEAN GATE, LLC

Its Managing Member

State of Maine
Cumberland, ss.

Date:

Personally appeared the above-named _____, Managing Member of The Village At Ocean Gate, LLC, and acknowledged the foregoing Agreement to be his free act and deed in his said capacity and the free act and deed of The Village At Ocean Gate, LLC.

Notary Public

O:\OFFICE\PENNY\CONTRACT\rezone\VillageAdt041108.doc

Att. 3

**CITY OF PORTLAND, MAINE
PLANNING BOARD**

Michael Patterson, Chair
Janice E. Tevanian, Vice Chair
Kevin Beal
Bill Hall
Lee Lowry III
Shalom Odokara
David Silk

July 20, 2007

Mr. Demetri Dasco
Village Café Inc.
112 Newbury Street
Portland, ME 04101

Christopher DiMatteo
Sebago Technics
One Chabot Street
P.O. Box 1339
Westbrook, Maine 04098-1339

RE: The Village at Ocean Gate, 112 Newbury Street
CBL: Chart 20, Block D, Lots 13-15 and 32, Chart 20, Block E, lot 9
Application ID: 2007-0021

Dear Mr. Dasco and Mr. DiMatteo:

On July 10, 2007 the Portland Planning Board considered the Village at Ocean Gate proposal for a two-phased project consisting of 138 residential units and 6,772 square feet of retail space. A one level parking structure with two buildings above the parking is proposed for each phase. The Planning Board reviewed the proposal for conformance with the provisions of the conditional rezoning agreement and the standards of Portland's subdivision and site plan ordinances. The Planning Board approved Phase I with waivers and conditions and tabled Phase II. The Planning Board's motions are as follows:

Conformance with Conditional Rezoning Agreement

The Planning Board voted unanimously (7-0) that the *Phase I* plan is in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines, with the condition that the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.

The Portland Planning Board voted unanimously (7-0) to table *Phase II* regarding the plan's conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines and thus cannot act upon the Subdivision and Site Plan.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #30-07 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board waives the Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be between 18 and 22 feet at the garage entrances on Newbury and Middle Street as shown on the subdivision plat.
2. The Planning Board waives Technical Standard, Section XV H, Photometric plans requiring

photometric plans for the interior courtyards only.

3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

The Planning Board voted unanimously (7-0) that the Phase I plan is in conformance with the subdivision standards of the land use code, subject to the following conditions of approval as applicable to Phase I:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.
3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of July 5, 2007 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 28, 2007, to the Planning Authority for review and approval prior to the issuance of a building permit.
5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.
6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
8. The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.

- 9. The proposed condominium documents shall be submitted for review by Penny Littell, Associate Corporation Counsel, prior to the issuance of a certificate of occupancy.
- 10. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.

Site Plan:

The Planning Board voted unanimously (7-0) that the Phase I plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval as applicable to Phase I:

- 1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
- 2. Revisions to the landscape plan should be submitted for review and approval by the City Arborist.
- 3. The applicant shall submit a unified plan for signage and awnings for review and approval by Carrie Marsh, Urban Designer prior to the issuance of a certificate of occupancy.
- 4. The applicant shall submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.
- 5. Recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.
- 6. The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass.
- 7. The site plan shall be revised to show awnings on Buildings #1 and #2 for review and approval by Carrie Marsh, Urban Designer.

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

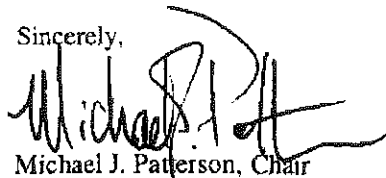
- 1. Updated plans meeting the Planning Board's conditions of approval must be submitted for review and approval by the Planning Office prior to the issuance of any permits.
- 2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by Portland's Inspection Division.
- 3. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat. Where submission drawings are available in

electronic form, the applicant shall submit any available electronic Autocad files (*.dwg), release 14 or greater, with seven (7) sets of the final plans.

4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount must be submitted to and approved by the Planning Division and Public works prior to the recording of the subdivision plat. The subdivision approval is valid for three (3) years.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
8. The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions regarding the Board's actions, please contact Barbara Barhydt at 874-8699.

Sincerely,



Michael J. Patterson, Chair
Portland Planning Board

- cc: Lee D. Urban, Planning and Development Department Director
 Alexander Jaegerman, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Philip DiPierro, Development Review Coordinator
 Marge Schmuckal, Zoning Administrator
 Jeanie Bourke, Inspections Division
 Michael Bobinsky, Public Works Director
 Kathi Earley, Public Works
 Bill Clark, Public works
 Jim Carmody, Transportation Manager
 Michael Farmer, Public Works

A# 3

Leslie Kaynor, Public Works
Jeff Tarling, City Arborist
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File

Attachments:

1. E-mail, Thomas Errico, PE, Consulting Traffic Engineer, 6-26-07
2. Memo, Stephen R. Bushey, PE., Consulting Engineer, 7-5-07
3. Memo, Michael Farmer, Project Engineer, June 28, 2007, revised June 29, 2007
4. Memo, Carrie Marsh, Urban Designer, 6-29-07

From: "Thomas Errico" terrico@wilbursmith.com
 To: "Barbara Barhydt" <BAB@portlandmaine.gov>
 Date: 6/26/2007 2:59:03 PM
 Subject: The Village at Ocean Gate

Attachment 1

Barbara -

The following presents my previous comments and their current status based upon the June 12, 2007 Site Plan Review Application.

1. April 2007 Comment: The applicant should provide a detailed summary of parking conditions both on-site and at the proposed nearby Longfellow Garage. This summary should document anticipated usage of the proposed garage by other developments in the area.

May 2007 Comment: The applicant will be providing on-site parking in two phases and securing parking spaces at the nearby Ocean Gateway Parking Garage. The exact parking supply to be provided by the applicant is not clear. According to the site plan, a total of 118 parking spaces will be provided (71 spaces in Phase I and 47 spaces in Phase II). Bill Eaton's plan notes that 130 parking spaces will be provided on-site. This issue should be clarified. Bill Eaton's parking analysis indicates a parking demand of 150 parking spaces. Bill's assumptions are consistent with prior projects permitted by the City and therefore I support his estimate. I would further note that Phase I will consist of 84 residential units and 6,772 square feet of commercial space. According to the applicant's parking estimate, 94 parking spaces are required. The current plan does not provide sufficient parking for Phase I (71 parking spaces on-site plus 10 leased parking spaces).

Current Status: As noted in the applicant's application, 130 on-site parking spaces are proposed with an additional 18 spaces to be secured at the nearby future Longfellow Garage. This plan results in a 1:1 residential unit to parking space ratio. Based upon other similar permitted projects in the City, I find the proposed parking supply to be acceptable. Please refer to other comments below for parking layout issues.

2. April 2007 Comment: The applicant should expect to make a contribution to the conduct of a Neighborhood Traffic Monitoring Study.

May 2007 Comment: The applicant should make a contribution of \$5,000 towards the conduct of a Neighborhood Traffic Monitoring Study.

Current Status: The applicant has agreed to make this contribution and I have no further comment.

3. April 2007: The applicant should expect to make a contribution to improvements at the India Street/Middle Street intersection.

May 2007: The applicant should make a contribution of \$5,000 towards improvements at the India Street/Middle Street intersection.

Current Status: The applicant has agreed to make this contribution and I have no further comment.

Attachment 1

4. April 2007: The applicant has provided turning templates that illustrates passenger cars can adequately maneuver into and out of the on-site parking areas. I need to independently review this to confirm adequate access and egress conditions will be provided. I also need to review on-site circulation and layout.

May 2007: I have reviewed the access and egress information provided and that information indicates sufficient maneuver space will exist at the garage entrances for passenger cars. The driveway/garage door widths range in width from between 18 and 22 feet. This width does not meet City standards, but I do support a waiver based upon the facility use and minimal parking turnover.

Current Status: I have no further comment.

5. April 2007: The applicant should provide a summary of how truck delivery and trash removal will occur at the site.

May 2007: It is my understanding that trash removal will occur at street level and will not require truck access into the garage. Accordingly, I have no further comment.

Current Status: I have no further comment.

6. April 2007: The applicant should provide a summary of pedestrian routings and facility adequacy between the proposed Longfellow Garage and the proposed site.

May 2007: The applicant has provided information noting that adequate sidewalks and crosswalks will be provided in the vicinity of the project and I have no further comments.

Current Status: I have no further comment.

7. April 2007: The City will need to coordinate with the applicant on the identification of on-street parking regulations along the street frontage of the project. The applicant will be responsible for all costs associated with any modification.

May 2007: The applicant has indicated that two 15-minute on-street spaces are requested. I will continue to review this issue, and seek input for John Peverada.

Current Status: This issue needs to be reviewed by John Peverada. I will forward this comment to John. The applicant has not committed to all costs related to the on-street parking changes.

8. May 2007: The parking layout illustrates spaces that will either be difficult (or impossible because the spaces are block by other vehicles) to enter and exit and other spaces that appear to be useless due to the

location of building columns. The applicant should revise the parking layout to ensure acceptable parking accommodations.

Attachment 1

Current Status: Many of the problems noted above have been addressed. However, some issues remain including:

* There are some parking spaces that continue to have building columns located directly in the middle of the space. These spaces will not be accessible.

* I requested a detail of the building columns to better understand how parking maneuvers will be impacted. I have not received this detail. I recognize that the spaces will be wide (9.5 feet), but further review is necessary.

* The Phase 2 parking area does not illustrate building columns. The applicant should provide that information for review, if applicable.

* The plans provided by David White note parking space(s) to be occupied by Kayak and canoes. The parking supply tabulation should reflect site use characteristics.

9. May 2007: The Phase II parking layout does not allow for turnaround possibilities at the end of the aisles and therefore will be difficult to maneuver for users of the garage.

Current Status: The Phase 2 parking garage continues to provide end aisles that do not allow for turnaround parking. The applicant notes that parking turnover is limited and therefore backing maneuvers should not present any safety problems. The City has generally required parking lots and garages to have turnaround areas. I will consult other City staff and decisions on other similar permitted projects. It may be that this issue will need planning board direction.

10. May 2007: The configuration of the ADA sidewalk ramps at the intersection corners may need to be re-configured to confirm to current City practices. Further coordination on this issue is needed.

Current Status: Outstanding

If you have any questions or comments, please contact me.

Best Regards,

Thomas A. Errico, P.E.
Senior Transportation Engineer
Wilbur Smith Associates
59 Middle Street
Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825
TErrico@WilburSmith.com
www.WilburSmith.com <<http://www.wilbursmith.com/>>

CC: "James Carmody" <JPC@portlandmaine.gov>

AH 3



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

DH

MEMORANDUM

Attachment 2

DATE: July 5, 2007

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-12-07 relating to the Village at Ocean Gate project. The current plans reflect additional engineering and technical detail addressing our previous comments as well as those from others. The drawings are satisfactory for Final site Plan consideration in our opinion. We offer the following final comments for review by the applicant and their engineers. These comments can be taken care of as a condition of approval.

1. The sidewalk contours along Building #1 adjacent Hancock and Middle streets appear to be incorrect in that the sidewalk is lower than the street. There appears to be a bump at the Hancock Street entrance labeled as FFE 29.5 and then the sidewalk becomes almost 1' lower than the adjacent street grade. This is also true for the contours labeled 26' and 27' along Middle Street.
2. The catch basins in Middle Street should be cast to include openings for the street underdrains. The outlet control structures for the two underground chamber storage systems should also be cast to include both the chamber outlet pipes and the underdrain from the chamber stone layers.
3. The alignment of an external grease trap for a restaurant will need to be reviewed and approved by Steve Harris of the Public Works Dept.

At this time we see no major issues against the applicant's site plan application. If you have any further questions please call.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

CITY OF PORTLAND
DEPARTMENT OF PUBLIC WORKS
Engineering Division

MEMO

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 28, 2007
REVISED June 29, 2007 by Kathi Earley, Engineering Manager/City Engineer
RE: Village at Oceangate project

The following comments are submitted on behalf of the DPW, based on the plans revised as of 6-12-2007.

1. If the applicant is proposing to use any existing sewer laterals on the site or in the public rights of way for the new project, each lateral proposed for reuse should be inspected by closed circuit TV to verify that it is sound. The results of the inspection should be made available to the City inspector who will determine whether or not the existing lateral can be reused. If a sewer lateral is to be reused, it shall be capped outside the building to seal it during construction. If any sewer lateral is to be abandoned, it shall be sealed at the sewer main in the street.
2. The 6-12-2007 plans show that a proposed "mill and overlay" pavement rehabilitation treatment on Hancock Street. The DPW previously recommended full depth reconstruction of Hancock Street instead of the mill and overlay. A June 26th e-mail message from Sebago Technics to Greg Shinburg, which was forwarded to Planning, indicates that the applicant is now proposing to reclaim and repave Hancock Street, which is a higher cost pavement rehabilitation method than the mill and overlay method previously proposed. The applicant apparently feels that the cost to rebuild Hancock Street, in addition to the cost of other public improvements and the monetary contribution linked with contract zoning approval, is too high. The DPW approves of the proposal to reclaim and repave Hancock Street instead of full depth reconstruction. In lieu of having the applicant reclaim and repave Hancock Street, the DPW requests that the applicant be required to pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The Sebago Technics e-mail message indicates that the estimated cost of reclaiming and repaving Hancock Street is \$43,000. If the applicant is agreeable to pay the cost of reclaiming and repaving Hancock Street to the City, I would like an opportunity to review the cost estimate before agreeing to accept it as the actual payment amount. With this thought in mind, I request that Sebago Technics submit documentation for review, which shows how the \$43,000 value was determined.
3. If there are any proposed restaurant uses, or proposed retail uses that might be converted to restaurant uses, that are part of this project, the site plan should make provisions for grease traps. Each restaurant should have an exterior grease trap of at least 1,000 gallons capacity (connected to the kitchen drain line) and a wastewater sampling manhole downstream of the grease trap. Grease traps and the sampling manholes should be located on private land (not in the right of way).
4. The site plan indicates that the sidewalk on the southeast side of Newbury Street is narrow, and that there would not be enough clearance between the six proposed 4' x 6' tree grates and the right of way. I recommend the following changes to address this situation. The tree grates at 0+53 left, 1+20 left, 1+60 left, 2+10 left and 2+40 left should be changed to 3' x 6' grates. The tree grate at 0+84 left should be changed to a 3' x 6" grate and moved to 0+75 left. From about 0+90 back to Hancock Street, the applicant should provide a 2' wide sidewalk easement adjacent to the right of way line. If the City cannot get the this sidewalk easement, the tree wells and grates at 0+53 left and 0+75 left should be eliminated.
5. Site plan approval for this project should not be construed as City approval for the temporary construction fence shown in the paved street areas on sheet 3 (the demolition plan). The location of the fence will be subject to City staff approval, which will depend on the applicant submitting an acceptable pedestrian

detour plan and the applicant's willingness to pay the City fees for temporary occupancy of sidewalks (\$10 per sidewalk block per day) and parking spaces (\$10 per parking space per day).

6. The site plan indicates that a utility pole will be relocated to about 0-95, right, along Middle Street. Will this pole serve any purpose for the Village at Ocean Gate project? It seems possible that the pole will have no function after the Longfellow Garage, Hancock Street, and the Village at Ocean Gate projects are completed. If the pole will have no function, it would be desirable nice to eliminate it.
7. The demolition plan states that an existing catch basin near Middle Street shall be used as the stormwater collection point until the new storm drain system has been installed. The City wants the applicant to connect to the new storm drain system that will be built in Hancock Street as soon as it is available. The applicant should also be aware that the construction contractor will have to collect and treat site runoff and the site dewatering discharge before release to the public sewer system and drainage system. The applicant should contact Steve Harris in the Engineering Division of Public Works for more information regarding site dewatering

AH3

**Memorandum
Department of Planning and Development
Planning Division**

Attachment 4



To: Chair Patterson and Members of the City of Portland Planning Board
From: Carrie M. Marsh, AICP, Urban Designer, City of Portland, Planning Division
Date: 06/29/07
Re: The Village at Ocean Gate; India, Middle, Hancock and Newbury Streets

I. Introduction

The Village at Ocean Gate will be reviewed at an upcoming Planning Board Public Hearing. This memo reviews the elevations dated 06/26/07, and the renderings in the Site Plan Review Application dated 06/12/07. Chris Di Matteo of Sebago Technics provided a memo dated 06/12/07 which addresses the concerns expressed by the Planning Board on 05/22/07. The applicant's architect, David White, provided a memo dated 05/11/07 which addresses items in the staff memo of 05/22/07. The applicant provided a narrative dated 06/12/07 which discusses compliance with the *Design Guidelines for the Eastern Waterfront*.

II. Background

The project was reviewed under the *Design Guidelines for the Eastern Waterfront* in memos to the Planning Board dated 02/23/07 and 05/16/07 (attached). The applicant met with staff on 05/31/07 to discuss items raised by the Planning Board on 05/22/07 (summarized below).

- **Massing:** The question was raised about the massing of the project, particularly of Phase Two, in relation to the R-6 neighborhood, and the transition to Federal Street. Members of the Board expressed reservation about the scale of the massing for Phase Two, which has been repeated throughout the review process.
- **Context:** A request was made for renderings of the transition between Phase Two and the surrounding residential uses, and a perspective of the rear view of Phase Two.
- **Shadow Study:** The applicant noted that the shadow study shown in the packet is wrong, so a new shadow study was requested by the Planning Board.
- **Fenestration:** The applicant was asked to provide more fenestration on Buildings One and Three along Hancock Street in order to provide active uses at the street level.
- **Entrances:** The question was raised as to why there is not an entrance to Building One at Newbury Street, with the answer that it would affect the parking below.
- **Roof:** The question was raised as to the height of roof apparatus, with the answer that the roof apparatus will be 12-13 feet above the top floor, and 14 feet above the top floor for the elevator. The applicant was asked to show all roof apparatus on the measured elevations.
- **Public Space:** The question was raised as to whether the garden plaza could be public space?
- **Bike Racks:** The question was raised as to whether bike racks will be provided and where?

III. Discussion

Attachment 4

Massing

At the Planning Board on 05/22/07, the question was raised about the massing of the project, particularly of Phase Two, in relation to the R-6 neighborhood, and the transition to Federal Street. Members of the Board expressed reservation about the scale of the massing for Phase Two, which has been repeated throughout the review process.

As noted in previous memos, the *Design Guidelines for the Eastern Waterfront* notes that "the massing of new development should be compatible with the existing development found in the surrounding neighborhoods. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages."

The applicant's opinion on the massing is included in the memo from the Mr. White dated 06/11/07 page 3, the Sebago Technics dated 06/12/07 page 2, and the Project Narrative dated 06/12/07 page 9-11. Architectural perspectives and photo simulations are provided in the appendix of the application that illustrate the massing of the project in relation to its context.

The massing of the project is generally the same as previously reviewed, with Building One along having the largest street presence with five stories and 213 feet in length along Hancock Street. The applicant has incorporated building bays, fenestration, change of materials and colors, and cornice lines to create vertical and horizontal fenestration throughout the project.

The applicant did remove two units from Building Three along Hancock Street. This allowed the east end of the building, closest to the houses on Newbury Street, to be lowered to three stories with an average height of 42 feet along Hancock Street.

Contextual Design

A request was made for renderings of the transition between Phase Two and the surrounding residential uses, and a perspective of the rear view of Phase Two. This information was provided in the Site Plan Review Application in Appendices 2 and 3. A photo simulation also is provided that illustrates the massing of the project in its context.

The *Design Guidelines for the Eastern Waterfront* note that "new buildings should be compatible with surrounding neighborhoods... Compatibility refers to the recognition of existing development patterns and characteristics, and a responsiveness in new building design that respects these established patterns. The placement, height, massing, proportion, articulation, and materials of new structures should encourage a vision that supports the idea that the Eastern Waterfront develop into an extension of the surrounding neighborhoods..."

Shadow Study

A Shadow Study is provided in the Appendix of the Site Plan Review Application dated 06/12/07. The Sebago Technics memo of 06/12/07 notes that the Shadow Study was revised and includes the rendered elevations of the affect of the shadows on Federal Street properties.

A Shadow Study is shown through the year. Please note that the times of day of the study are not consistent for each of the dates measured (the applicant may need to clarify).

Attachment 4

The study indicates that the shadows from Buildings Three and Four will extend to the adjacent properties on Federal Street, and across Newbury Street during the course of day on December 21. The study indicates that the shadows from Buildings Three and Four will extend to the adjacent properties on Federal Street in the mornings on March 21, June 21 and September 21.

Fenestration

The Planning Board asked the applicant to provide more fenestration on Buildings One and Three along Hancock Street in order to provide active uses at the street level.

The applicant provided additional windows on both buildings along Hancock Street. Staff notes that the top alignment of the four northerly windows on Building One may need to be adjusted.

Mr. White notes that the storefronts on Building One and Two were revised to match. Canvas awnings are not shown on the plans, but will be provided for the retail space on Middle Street.

The rear courtyard elevation of Building Four includes an additional set of windows.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. However, this intended landscaping is not shown on the plans, elevations, or renderings.

Mr. White notes that the landscaping along the rear elevation of Building Four has been "beefed up" to mask the area of the building at the rear elevation that does not have windows.

Entrances

The question was raised at the Planning Board on 05/22/07 as to why there isn't an entrance to Building One at Newbury Street. The answer was that it would affect the parking below.

Roof

The question was raised at the Planning Board on 05/22/07 as to the height of roof apparatus. The answer given was that the roof apparatus will be 12-13 feet above the top floor, and the elevator will be 14 feet above the top floor. The applicant was asked to show all roof apparatus on the measured elevations.

The roof top appurtenances were not shown on the measured elevations provided dated 06/26/07.

Staff notes that the roof plans shown on H1.5, H2.5, H3.5, and H4.5 show the location of dryer vents, HVAC units, and plumbing vents in plan view with typical views of each element. However, no elevator tower or stair tower, etc are shown on the roof top plans.

The Sebago Technics memo of 06/12/07 notes that the roof top appurtenances do not extend more than 2 feet above the building's parapet, so there is no need for screening. Any elevator or stair towers would be subject to screening.

Public Space

The question was raised as to whether the garden plaza could be public space? The Sebago Technics memo of 06/12/07 notes that the applicant has previously addressed this concern and continues to maintain that it is not interested in public access to the courtyards due to the liability and access issues, and the importance to ensure privacy for the residents.

Bike Racks

The Sebago Technics memo of 06/12/07 notes that the bike racks will be located 1) inside both garages; 2) along the side and towards the rear of Building Three along Hancock Street; and 3) to the left of the garage entrance in Phase One along Middle Street.

Materials and Specifications

The Supplemental Site Plan Review Application Information dated 06/29/07 shows that the exterior walls in the courtyards have been revised to show cement clapboards instead of the brick that was previously shown.

Staff expects that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown in a plan or memo. Any future change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors, balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components were provided, but the specifications are required.

III. Considerations**Massing**

Building Three was reduced by two units. This allowed the east end of the building, closest to the houses on Newbury Street, to be lowered to three stories with an average height of 42 feet along Hancock Street. Consideration should be made as to whether this meets the intent of the

Design Guidelines for the Eastern Waterfront which note that "the massing of new development should be compatible with the existing development found in the surrounding neighborhoods."

Fenestration

The applicant provided additional windows at the ground level on Building One along Hancock Street. Staff notes that the top alignment of the four northerly windows may need to be adjusted.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. This intended landscaping should be shown on the plans, and is subject to approval.

Roof

All roof top appurtenances (including elevator towers, stair towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtenances would be subject to screening.

Materials and Specifications

Staff understands that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown on a plan or in a memo. Any change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors, balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components have been provided. However, the specifications are required.

IV. Conditions for Approval

Fenestration

The applicant provided additional windows at the ground level on Building One along Hancock Street. Staff notes that the top alignment of the four northerly windows may need to be adjusted.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. This intended landscaping should be shown on the plans, and is subject to approval.

Roof

All roof top appurtenances (including elevator towers, stair towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtenances would be subject to screening.

Materials and Specifications

Staff understands that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown on a plan or in a memo. Any change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors, balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components have been provided. However, the specifications are required.

AA 4

PLANNING BOARD REPORT #30-07

**THE VILLAGE AT OCEAN GATE
VICINITY OF 112 NEWBURY STREET AND 40 HANCOCK STREET
SUBDIVISION AND SITE PLAN REVIEW
VILLAGE AT OCEAN GATE, LLC, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine

July 10, 2007

Prepared by:

Barbara Barhydt, Development Review Manager

July 6, 2007

I. INTRODUCTION

The Village at Ocean Gate LLC is requesting the Planning Board's review of a mixed-use project at 112 Newbury Street and 40 Hancock Street under the City's Subdivision and Site Plan ordinances. A conditional rezoning from B-2b to B-5b was granted by the City Council for this project on November 20, 2006. The applicant is seeking a Planning Board public hearing on the revised proposal, which now consists of 138 residential units, structured on-site parking for 130 vehicles, and 6,772 square feet of commercial space along Middle Street. The Planning Board held workshops on this proposal on February 22, 2007 and May 22, 2007. The representatives for the applicant include Sebago Technics, David White, Architect, Eaton Traffic Engineers, R.W. Sullivan, Inc. and Greg Shinberg, Shinberg Consulting.

A total of 189 notices were sent to area residents. A notice also appeared in the July 2, 2007 editions of the *Portland Press Herald*.

II. PROPOSED DEVELOPMENT

The Village at Ocean Gate LLC's proposes a two-phased mixed-use project that is located on two separate parcels bounded by Middle, Hancock, and Newbury Streets. The scope of this project has been reduced since it original submittal. At the February workshop, the applicant presented a proposal with four five-story structures in both phases and two levels of structured parking in Phase I. The current proposal is for four residential buildings with generally four floors over one level of structured parking in both phases. In Phase II, Building #3 is stepped down to three stories at the corner of Newbury and Hancock Streets. Thus, the total number of residential units for this project has been reduced from 167 in February to 140 in May and now to 138 units. The conditional rezoning agreement for this project allows up to 176 residential units. Phase I contains 84 residential units and Phase II contains 54 units.

The applicant's submittal includes a cover letter, a narrative from Sebago Technics and a letter from David White regarding the revisions to the Village at Ocean Gate project. The cover letter is in response to points raised by the staff after the May 22, 2007 workshop and includes statements regarding the design and massing of the project. The project narrative addresses the *Design Guidelines of Portland's Waterfront in Attachment 1 e pages 6 through 14*. A letter from David M. White, Architect, dated June 11, 2007, is included in Attachment 1 n, which explains the changes to the structures and addresses the massing of the buildings. The applicant has submitted revised shadow study, shadow study -perspective view, architectural perspectives, photo simulations and building elevations (Attachment 1 q, r, s, t and v, respectively). Revised elations showing exterior details including the addition of cement board clapboard siding on the interior courtyards were submitted on June 29, 2007 and are included as Attachment 2 c.

The total footprint of the building has expanded to 65,675 square feet. The expansion occurred in Phase I to accommodate the redesign of the single parking level and incorporates more area toward the alley. The building height in Phase I is reduced from 74 feet to 57.04 feet (per Zoning Administrator's calculations as measured from average grade). The building height in Phase II is reduced from 65 feet to 58.25 feet as measured from Newbury Street (calculated by zoning administrator). The terrace level in Phase I is lowered by six feet, which eliminates the lower terrace along Middle Street and thus the Middle Street steps now lead to the terrace between buildings # 1 and 2. This modification also reduces the number of steps leading to the terrace on both Newbury and Middle Streets. The commercial space proposed in Phase I along Middle Street remains at a total of 6,772 square feet as stipulated in the conditional rezoning agreement. The community room is no longer proposed in Phase I.

In February, the proposal included 185 on-site parking spaces within the two phases of development, which was intended to provide one space per condominium and spaces to serve employees of the commercial uses. With the elimination of the second level of parking in Phase I, the garage entrance on Hancock Street and the community room were eliminated. Currently, the total number of proposed parking spaces on-site is 130 with an additional 18 spaces to be leased from the “Riverwalk Garage” (now known as the Longfellow Garage), which would serve eight residential units and ten employees. In addition, the Conditional Rezoning Agreement for this project states that the restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the “Riverwalk Parking Garage” located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.

III. SUMMARY OF FINDINGS

Zoning:	Conditional B-5b (<u>Attachment 1 f</u>)
Parcel Size:	1.81 acres
Building Floor Area:	260,951 square feet
Ground Floor Area:	65,675 square feet (Expanded footprint toward alley to accommodate parking in Phase I.)
Required Setbacks:	Front yard: maximum 10 feet except Conditional Zone allows a front setback of no more than 16 feet for parking garage entrance and associated façade. Side and Rear: none required in B-5b, except a 25 foot rear setback from the most westerly rear property line abutting CBL 20- D-11 shall be provided.
Proposed Setbacks:	<u>Phase I:</u> Newbury Street: No setback except at corner where building is within 10 feet of street line. Hancock Street: No setback except for building step backs of three feet. Middle Street: shown as required by conditional rezoning agreement. Side yard along alley and India Street properties ranges from roughly 3 feet to 15 feet. <u>Phase II:</u> Newbury Street: no setbacks, except for building bay stepbacks of approximately 3 feet and 6 feet for the garage entrance. Hancock Street: Ranges from 0 to 7 feet setback from property line. Rear setback: Garage level no setback at rear most line. Building #4 setback is 25 feet. Building #3 is 15 to 40 feet.
Proposed Uses:	138 residential units 6, 772 square feet for commercial space and restaurant One level of structured parking in each phase
Number of Units:	138 proposed, maximum permitted is 176 units
Total Unit breakdown:	102 two-bedroom and 36 one-bedroom units
Unit breakdown :	Building #1: 40 two-bedroom and 4 one-bedroom units Building #2: 28 two-bedroom and 12 one-bedroom units Building #3: 22 two-bedroom and 4 one-bedroom units Building #4: 12 two-bedroom and 16 one-bedroom units
Phased Units:	Phase I: 84 units Phase II: 54 units
Parking Spaces:	Total 130 spaces on-site. The proposal is to lease 18 spaces. Eight leased spaces for residential units and 10 spaces for employees. Phase I: 79 parking spaces on-site. Phase II: 51 spaces on-site

Parking Ratio:	1 space/unit and 10 employee parking spaces for commercial uses with the inclusion of the leased spaces. Parking for customers will be available through a Park and Shop program at the "Riverwalk" Garage with documentation of participation to the Planning Authority every two years.
Building Height:	Maximum height allowed for Buildings 1 and 2, shall not exceed 74 feet above average grade. Building(s) in Phase II shall not exceed 65 feet measured from the existing grade of Newbury Street. Proposed heights are 57.04 feet in Phase I (measured from average grade) and 58.25 feet in Phase II as measured from Newbury Street.
Land Uses in area:	The Longfellow Garage is being built across from this site on Middle Street and the rest of the Longfellow Project is located off India Street and the extension of Commercial Street. The Shipyard Brewery is located across from the site on Hancock Street and a Residence Inn Hotel was recently approved for the corner of Fore and Hancock Street. India Street includes a mix of commercial uses. Residential uses are located along Federal Street and the easterly portion of Newbury Street with a mix of single and multifamily buildings.

IV. STAFF REVIEW

The proposed development is subject to review under the City's Subdivision and Site Plan Ordinances of the City's Land Use Code. In addition, the proposal shall be reviewed under the applicable standards of the Eastern Waterfront Design Guidelines. The staff review includes the following subsections:

1. Zoning, Right Title and Interest, and Neighborhood Meeting
2. Subdivision Review
3. Site Plan Review

1. ZONING, RIGHT TITLE AND INTEREST AND NEIGHBORHOOD MEETING

A. Zoning

Marge Schmuckal, Zoning Administrator, has reviewed the plans for the Village at Ocean Gate and has found them to be in compliance with the Conditional Rezoning to B-5b for this project (Attachment 4). Based upon the plans and information submitted, Marge Schmuckal determined that the proposed building height of Phase I is 57.04 feet (measured from average grade) and Phase II is 58.25 feet measured from Newbury Street. Phase II is within the maximum height of 65 feet measured from the existing Newbury Street grade of the conditional rezoning (Attachment 1 f page 2).

B. Conditional Rezone and Eastern Waterfront Design Guidelines

Throughout this project, the issue of the project design and massing has been the subject of interest and concern. Provision 2 of the Conditional Rezoning Agreement (Attachment 1 f) requires the project to meet the Eastern Waterfront Design Guidelines. The Board has held several workshops at which these design issues have been discussed, and Urban Designer Carrie Marsh has provided input in two memos, which are attached to her June 29, 2007 review (Attachment 5). A key concern has centered on the massing of the project, especially the phase 2 portion above

Newbury Street. The City Council discussed this at length in their deliberations regarding the conditional rezoning. The conclusion reflected in the conditional rezoning limits the height along Newbury Street to 65 feet, and requires a 25' setback from the westerly rear property line toward Federal Street. The project as proposed meets those requirements. Another massing issue centered on the same phase, whether the building should be longer and shorter, i.e. a single building, or should be broken into two buildings. The City Council left the resolution of that issue to the Planning Board. On the advice of City staff, the applicant has proposed to create two buildings along Newbury Street, rather than one long building.

As design development has progressed, the applicants have ultimately reduced the number of units in the whole project, due to limitations of the site and construction costs of multi level parking decks. The reductions have been spread throughout the project phases. The applicant determined that it is not financially feasible to increase the mass of phase one to decrease the mass of phase 2. They have, however, further reduced the phase 2 units and thereby reduced the building mass at the portion of the phase 2 project at the corner of Hancock and Newbury. Urban Designer Carrie Marsh has consistently asked that the massing be mitigated within phase two, and at the last workshop, the Planning Board emphasized their concern with this issue. The applicant has attempted to mitigate the massing with setbacks, unit count reductions, breaking phase two into two buildings, and the stepping of building height as described above. The Board is charged with the final determination as to whether these efforts have successfully resulted in a project massing that is compatible with the surrounding neighborhood. This finding and determination is presented in the Motions for the Board to Consider section, as compliance with the conditional rezoning agreement and Eastern Waterfront Design Guidelines.

C. Right, Title and Interest

The applicant has submitted evidence of right title and interest. The material includes a Contract for Sale of Real Estate, Assignment of the Contract, Deeds, Easements, Easement Relocation Agreement and a Temporary Construction Easement. The materials are contained in Attachment 1 c.

D. Neighborhood Meeting

A neighborhood meeting was held on March 23, 2007 and the meeting certification, notes, sign-in sheet and meeting notice are included as Attachment 3 f).

2. **SUBDIVISION REVIEW**

The proposed development is subject to review under the City's Subdivision Ordinance, Article IV, of the City's Land Use Code. The review criteria are found in Section 14-497, General Requirements.

A. Subdivision Plat

The applicant has submitted a recording plat for the proposed subdivision. The staff recommends that as a condition of approval, a revised recording plat be submitted for signature that contains the following additional information:

- a. *All conditions of subdivision approval must be noted on the plan.*

B. Subdivision Review Criteria

1. Water and Air Pollution

The proposed project will be served by public water and sewer. Letters stating there is sufficient water and sewer capacity to serve the project have been submitted from the Portland Water District (Attachment 1 h) and the Department of Public Works (Attachment 1 j), so the project will not over burden soils for waste water disposal. It is not located within a floodplain. The proposed mixed-use project will not result in undue water or air pollution.

2/3. Water

A capacity letters has been submitted from the Portland Water District (Attachment 1 h). The proposed project has sufficient water available for the foreseeable needs of the subdivision and will not cause an unreasonable burden on the existing water supply.

4. Soil Erosion

The grading plan proposes soil and erosion control measures in accordance with Maine's Erosion and Sedimentation Control for Construction: Best Management Practices. The plans have been reviewed by Steve Bushey, Consulting Engineer, (Attachment 6) and he does not identify any issues regarding soil erosion. The proposal will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water.

5. Traffic

Eaton Traffic Engineers have prepared the traffic analysis for this project (Attachments 1 L and 1 O -excerpts of traffic impact study) and a revised parking analysis (Attachment 1 k) for the downsized proposal. The community contribution contained in the conditional rezoning agreement requires the applicant to contribute:

- a) \$200,000 to be dedicated to the extension or the reimbursement to the City for costs incurred in the extension of Hancock Street;
- b) \$5,000 to be dedicated to the India/Middle Street traffic improvements to be commissioned by the City;
- c) \$5,000 to be dedicated to the Eastern Waterfront Post Development Traffic Impact Study to be commissioned by the City.

As stated in the agreement, the community contribution under the Agreement is independent of any conditions which the Planning Board may require under site plan or subdivision review. The Planning Staff suggests a potential condition of approval that clarifies *all financial contributions stipulated in the Conditional Rezoning Agreement shall be paid to the City prior to the issuance of a building permit*. In addition, the Agreement states that the restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years. The Planning Staff recommend that these provisions *be included as a condition of approval*.

Thomas Errico, P.E., Consulting Traffic Engineer, reviewed the most recent submission (Attachment 7). His memo contains reviews of this proposal in April and May. Items 1 through 3, 5 and 6 have been met and Mr. Errico supports a waiver of the driveway widths for the garage entrances. The remaining items to address include the applicant's request for two fifteen minute

parking spaces, the parking garage layouts, reconfiguration of ADA ramps for the public sidewalks, and recalculation of parking due to the spaces used for storage of kayaks and other items. Mr. Errico's review and most recent comments (June 26, 2007) are summarized below:

1. As noted in the applicant's application, 130 on-site parking spaces are proposed with an additional 18 spaces to be secured at the nearby future Longfellow Garage. This plan results in a 1:1 residential unit to parking space ratio. Based upon other similar permitted projects in the City, I find the proposed parking supply to be acceptable. Please refer to other comments below for parking layout issues.

2. The applicant should make a contribution of \$5,000 towards the conduct of a Neighborhood Traffic Monitoring Study. The applicant has agreed to make this contribution and I have no further comment.

3. The applicant should make a contribution of \$5,000 towards improvements at the India Street/Middle Street intersection. The applicant has agreed to make this contribution and I have no further comment.

4. I have reviewed the access and egress information provided and that information indicates sufficient maneuver space will exist at the garage entrances for passenger cars. The driveway/garage door widths range in width from between 18 and 22 feet. This width does not meet City standards, but I do support a waiver based upon the facility use and minimal parking turnover.

5. It is my understanding that trash removal will occur at street level and will not require truck access into the garage. Accordingly, I have no further comment.

6. The applicant has provided information noting that adequate sidewalks and crosswalks will be provided in the vicinity of the project and I have no further comments.

7. The applicant has indicated that two 15-minute on-street spaces are requested. I will continue to review this issue, and seek input from John Peverada. Current Status: This issue needs to be reviewed by John Peverada. I will forward this comment to John. The applicant has not committed to all costs related to the on-street parking changes.

8. The parking layout illustrates spaces that will either be difficult (or impossible because the spaces are blocked by other vehicles) to enter and exit and other spaces that appear to be useless due to the location of building columns. The applicant should revise the parking layout to ensure acceptable parking accommodations. Current Status: Many of the problems noted above have been addressed. However, some issues remain including:

- There are some parking spaces that continue to have building columns located directly in the middle of the space. These spaces will not be accessible.
- I requested a detail of the building columns to better understand how parking maneuvers will be impacted. I have not received this detail. I recognize that the spaces will be wide (9.5 feet), but further review is necessary.
- The Phase 2 parking area does not illustrate building columns. The applicant should provide that information for review, if applicable.
- The plans provided by David White note parking space(s) to be occupied by Kayak and canoes. The parking supply tabulation should reflect site use

AH 4

characteristics.

9. The Phase II parking layout does not allow for turnaround possibilities at the end of the aisles and therefore will be difficult to maneuver for users of the garage. The Phase 2 parking garage continues to provide end aisles that do not allow for turnaround parking. The applicant notes that parking turnover is limited and therefore backing maneuvers should not present any safety problems. The City has generally required parking lots and garages to have turnaround areas. I will consult other City staff and decisions on other similar permitted projects. It may be that this issue will need planning board direction.

10. The configuration of the ADA sidewalk ramps at the intersection corners may need to be re-configured to conform to current City practices. Further coordination on this issue is needed. Current Status: Outstanding

Steve Bushey, PE, Consulting Engineer, notes that the sidewalk contours along Building #1 appear to be incorrect in that the sidewalk is lower than the street (Attachment 6). The applicant will need to revise the plans to correct this drafting error.

Michael Farmer, Project Engineer, has reviewed the plans and addresses the work required in Hancock Street (Attachment 8). At the May 22, 2007 workshop, Public Works recommended that the applicant undertake a full reconstruction of Hancock Street rather than do a "mill and overlay" pavement rehabilitation treatment. On June 26th, the applicant submitted an e-mail indicating that the applicant is now proposing to reclaim and repave Hancock Street. The Department of Public Works has reviewed and supports this alternative. As stated in Mr. Farmer's memo, "in lieu of having the applicant reclaim and repave Hancock Street, DPW requests that the applicant be required to pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time." Sebago Technics estimates that it will cost \$43,000 to mill and overlay Hancock Street and that the applicant is willing to pay this to the City. Mr. Farmer is requesting an opportunity to review this estimate and requests that documentation for this cost estimate be submitted to Public Works for review.

At the last workshop, the Planning Board inquired about bicycle facilities for this project. The cover letter (Attachment 1b, page 3) states that bike racks are proposed inside both garages, along the side and towards the rear of Building #3 along Hancock Street and to the left of the garage entrance in Phase I along Middle Street. These locations for the racks are shown on the site plan, sheet 5 (Attachment 1u) and bike areas are noted on the garage plans shown on sheet 1 of the building plans (Attachment 1v). The Planning Staff may want to consider a condition of approval *seeking to have the bike rack details or specifications submitted for review and approval.*

Potential conditions of approval to address the traffic and parking for the proposal include the following:

- *Revised plans and information meeting the recommendations contained in Thomas Errico, P.E, Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.*
- *Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of July 5, 2007 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

- *Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 28, 2007, to the Planning Authority for review and approval prior to the issuance of a building permit.*
- *In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.*
- *The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.*
- *All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.*
- *The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.*

6. Sanitary Sewer/Stormwater

The Department of Public Works has submitted a letter stating there is sufficient sewer capacity to serve this project (Attachment 1 j), stating there is sufficient water and sewer capacity to serve the project. Michael Farmer, Project Engineer, reviewed the plans and his review is included Attachment 8. He recommends that any existing sewer laterals proposed for reuse should be inspected by closed circuit TV. The results of the inspection will be reviewed by the City Inspector to determine if it is suitable for reuse or if it must be sealed off. He also recommends that the applicant make provisions for an exterior grease trap with a capacity of at least 1,000 gallons and a wastewater manhole be located on private property.

Steve Bushey, Consulting Engineer, finds the revised plans to reflect additional engineering and technical detail, which address his previous comments (Attachment 6). In regards to the stormwater management plan, he does recommend the following:

- The catch basins in Middle Street should be cast to include openings for the street underdrains. The outlet control structures for the two underground chamber storage systems should also be cast to include both the chamber outlet pipes and the underdrain from the chamber stone layers.
- The alignment of an external grease trap for a restaurant will need to be reviewed and approved by Steve Harris of the Public Works Department.

Michael Farmer, Project Engineer, reviewed the demolition plan and recommends that the applicant connect to the new system in Hancock Street as soon as possible. He also notes that during construction, the contractor must collect and treat site runoff and treat the site dewatering discharge before release to the public sewer and drainage systems. This on-site treatment must be coordinated with Steve Harris of Public Works. Lastly, he notes that there is an electrical service pole on Middle Street that the City would like eliminated if possible. The applicant is working with CMP to see if this pole can be removed and they are coordinating with CMP for the underground electrical lines.

As stated above, two potential conditions of approval are to have revised plans submitted meeting the recommendations of Steve Bushey and Mike Farmer prior to the issuance of a building permit.

The project will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services subject to the above recommendations.

7. Solid Waste

The applicant states in the revised project narrative (Attachment 1e) that the solid waste will be contained inside the service areas of the facilities (shown as 'trash rooms' on the architectural plans) and disposed by a licensed operator between the hours of 6 AM and 7 PM as required by the B-5b zone. The architectural plans (Attachment 1v) indicate a receiving area and trash room with access from the alley in Phase I and one trash room next to the garage entrance off Newbury Street in Phase II. The Planning Staff is recommending that the condominium documents include provisions addressing solid waste management as described in the application. A potential condition of approval is *that the condominium documents be submitted for review and approval by the Penny Littell, Associate Corporation Counsel, prior to the issuance of a building permit.*

8. Scenic Beauty

The applicant submitted letters from the Department of Conservation, Maine Department of Inland Fisheries and Wildlife indicating that the project will not have an adverse impacts on any significant or rare wildlife habitats or natural areas (Attachment 3 a, 3 b and 3c). The project site is not located within a designated historic district and does not impact any designated historic structures.

The required improvements of the subdivision ordinance list two trees per residence. In the applicant's cover letter (Attachment 1 a, page 5), they are requesting a waiver from the requirement for two trees per unit. The applicant is proposing to install 26 (according to Planning's count) street trees along Middle, Hancock and Newbury Streets with tree grates and tree guards meeting the City's specifications. The courtyards include twenty-five trees and a variety of shrubs and plant material. The applicant seeks the waiver for the following reasons:

The applicant is requesting that the Board reconsider the requirement for two trees per unit due to the contribution that has already been committed under the Contract Zone Agreement. This contribution was determined by staff and the Community Development Committee back in February 2006 when the project was planning for 190 units. The project has since been reduced by almost 30 percent in density. We request a waiver of the City requirement that two trees per unit be planted as a part of the landscape plan. Thirty two (32) trees will be planted in Phase I and nineteen (19) trees will be planted in Phase II. It is reasonable to assert that the \$200,000 Community Contribution pledged to extend Hancock Street between Middle Street and the Commercial Street extension is a very generous pledge for infrastructure improvements in the neighborhood.

Jeff Tarling has reviewed the landscaping plan and has found it be acceptable. He does support a contribution to the City's tree fund, which would be used in the vicinity of Newbury and Hancock Streets. Acknowledging the contribution being made to Hancock Street and the additional cost of installing tree wells and tree guards, a reduced contribution to the tree fund of approximately half could be a potential option for the Board's consideration. Mr. Tarling estimates that the cost of trees between the required number and the proposed tree count is roughly \$25,000 (\$200/tree for approximately 225 trees). The Planning Board will need to consider the waiver or an alternative contribution in lieu of planting the required number of street trees.

9. Comprehensive Plan

Relevant portions of the City's comprehensive plan that pertain to this proposal include housing policies and the policies contained in the Eastern Waterfront Master Plan.

Housing: Sustaining Portland's Future encourages new housing to sustain Portland as a healthy city. Specific policies include the following:

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including:
 - Housing units for decreasing household sizes, such as young professionals, empty nesters, single-parent households and senior citizens.
- Encourage higher density multi-family developments and mixed use projects with housing, along major public transportation routes, near service areas, and in redevelopment or infill areas.
- Maximize development where public infrastructure and amenities, such as school, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Locate and design housing to reduce impacts on environmentally sensitive areas.
- Encourage housing within and adjacent to the downtown.

Eastern Waterfront Master Plan

Goal: Character and Impact of Development: Development within the eastern waterfront will be compatible with the surrounding areas neighborhoods and natural environment and maritime uses:

Objectives:

- Encourage compatible architectures.
- Establish a new street and pedestrian network that integrates with the surrounding street and trail network.
- Preserve significant public view corridors to and from water and along the waterfront.

Goal: Mixed Use: Development within the Eastern Waterfront will create a vital and active mixed-use urban area that generates life and use every day of the year and all hours of the day.

Objectives:

- Provide opportunity for mixed-use non-marine development and activities in locations and in ways that are compatible with the use of maritime resources.
- Increase public use of the water, waterfront and shore through public access and green space development.
- Maintain and enhance recreational trail access.

Goal: Economically Responsible Development: Development in the eastern waterfront will provide a significant benefit to the City and regional economy.

Objectives:

- Encourage a positive economic return to the City.
- Enhance the economic viability of the eastern waterfront's property and facilities.
- Assure that public investment and development benefit the residents of the greater Portland community.
- Provide adaptable, flexible infrastructure that will allow the City to adjust to future technologies and trends.
- Enhance multi-modal transportation opportunities.

This project is proposed within the Eastern Waterfront Redevelopment Area and it is for a mixed-use project with 138 market-rate residential units and over 6,000 square feet of commercial space. The majority of the site is being used for surface parking lots and includes the Village Café restaurant. A mix of one and two-bedroom units are proposed with one designated parking space per unit. The site is within walking distance of the waterfront and downtown. Public transportation options are available nearby. The applicant is contributing to the extension of Hancock Street to re-establish a street grid pattern in this neighborhood and preserves views to the waterfront. The site is in the vicinity of the residential uses on Federal and Newbury Streets and adjoins the mix of commercial, office and housing uses located along India Street. It is located across from the Shipyard Brewery and the Longfellow Garage and condominium project.

10. Financial Capability

The applicant has submitted a letter from Robert Brown of Key Bank, dated March 20, 2007 as evidence of financial capability.

11/12. Watershed/Groundwater

The proposed project is on Portland's peninsula and it is not situated near any pond, lake, wetland or river. The project will not adversely affect the shoreline of a water body nor will it adversely affect the quality or quantity of groundwater.

13. Flood Hazard/Shoreland

The site is not located within a Flood Hazard or Shoreland Area.

14/15. Wetlands and River, Stream and Brook

The site is currently a parking lot and restaurant. It has an impervious coverage of almost 100%. Letters have been submitted from the Department of Conservation, Maine Department of Inland Fisheries and Wildlife stating that the project will not have an adverse impacts on natural habitats (Attachment 3 a, 3 b and 3c). There are no wetlands or other water bodies on the site.

16. Condominium Documents

Condominium documents were not submitted as part of the application and the applicant is requesting that the condominium documents be submitted prior to the issuance of a certificate of occupancy (Attachment 1 a, page 4. The Planning Staff recommends that *the proposed condominium documents be submitted for review by Penny Littell, Associate Corporation Counsel, prior to the issuance of a certificate of occupancy.*

3. **SITE PLAN REVIEW**

The proposed development is subject to review under the City's Site Plan Ordinance, Article V of the City's Land Use Code. The Site Plan Standards of Review are found under Section 14-526, Standards.

A. Site Plan Review Criteria

1/2. Traffic

Refer to Section 5 of Subdivision Review above.

3. Bulk, Location, Health, Safety Air

The applicant has submitted revised shadow studies and perspective shadow studies to illustrate the shadow impacts on adjoining buildings with the reduced building height and the proposed

setbacks. The fourth floor has been reduced on Building #3, so that there are three floors at the intersection of Hancock and Newbury Street. As stipulated in the conditional rezoning, Building #4 is 25 feet from the rear most property boundary. Marge Schmuckal, Zoning Administrator, has confirmed that the proposed building meets the dimensional standards of the Conditional Rezoning in both phases and that the proposed building height for Phase II is 58.25 feet (less than the 65 feet maximum height of any building in Phase II as measured from the existing Newbury Street grade).

Carrie Marsh, Urban Designer has evaluated the plans and her review is included as Attachment 5. A potential condition of approval contained in Carrie Marsh's memo is as follows:

- Roof: All roof top appurtenances (including elevator towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtenances would be subject to screening.

The applicant submitted a building cross-section on July 5, 2007, which depicts the height of the elevator as 3 feet 5 3/8 inches above the roof. This plan is referenced in the above condition of approval and Carrie will review the latest submission.

4. Bulk, Location, Height of Proposed Buildings

Carrie Marsh, Urban Designer, reviewed the proposed plans under the Design Guidelines for the Eastern Waterfront. Her review is included as Attachment 5 and includes as attachments her evaluations of the project dated February 23, 2007 and May 16, 2007. Her recommendations for conditions of approval include the following:

Fenestration

The applicant provided additional windows at the ground level on Building One along Hancock Street. Staff notes that the top alignment of the four northerly windows may need to be adjusted.

Landscaping

Mr. White's memo of 06/11/07 notes that it is the applicant's intent to add low growing shrubs to the setback areas (approximately 2'8" deep) along Buildings One and Three on Hancock Street. This intended landscaping should be shown on the plans, and is subject to approval.

Roof

All roof top appurtenances (including elevator towers, stair towers, or other building elements as well as plumbing vents, dryer vents and HVAC units) should be shown on the measured elevations and roof top plans, and be subject to approval. Any appurtenances would be subject to screening.

Materials and Specifications

Staff understands that the materials that were physically presented by the applicant will be the actual materials provided for construction. The manufacturers need to be shown on a plan or in a memo. Any change to materials during the construction phase would need to be approved.

The specifications of building components (doors, windows, storefronts, garage doors,

balconies, cornices, awnings, etc) have not been provided in the text or plans. The manufacturers for the various building components have been provided. However, the specifications are required.

A potential condition of approval is to have the *applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo.*

5. Sewers, Stormdrains, Water

Refer to Section 6 of Subdivision Review above.

6. Landscaping and Existing Vegetation

The applicant is proposing to install 26 street trees along Middle, Hancock and Newbury Streets. The applicant coordinated the location of the street trees with the proposed trees along the Hancock Street extension, so the street will have a consistent pattern along the street. Tree grates and tree guards meeting the City's specifications are proposed. The courtyards include twenty-five trees and a variety of shrubs and plant material. Jeff Tarling has reviewed the landscape plan and details and found the plan to be consistent with City standards as presented. Mr. Tarling is aware of Mr. Farmer's recommendation to narrow the tree grates in specific locations and Jeff concurs with that recommendation. As noted in Carrie Marsh's review (Attachment 5), David White references in his memo that the applicant intends to install low growing shrubs with the setback areas of Building #1 and #3. A potential condition of approval is that *revisions to the landscape plan should be submitted for review and approval by the City Arborist.* Refer to section 8 of the Subdivision Review for discussion about the applicant's request for a waiver from the subdivision requirement of two trees per unit.

7. Soils and Drainage

Refer to Section 1 and 2/3 of Subdivision Review above.

8. Exterior Lighting

The applicant will be providing specialty streetlights for this district. The luminaries will be leased from CMP and the developer will provide the poles, bracket arms, decorative bases and conduit. The Bayside Black street lights will be used for this project, which is consistent with the plans for Hancock Street.

The applicant requests a waiver from preparing a photometric plan for the courtyards where 42 inch high bollard lights as shown in Attachment 3d are presented. The other architectural lights are proposed for steps and inset wall lights directed downward. The applicant has submitted a photometric plan for the exterior of the buildings. The light levels adjoining the residential area on Federal Street meet the City's standards. There are "hot spots" at some of the entrances and utility spaces. The staff recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.

9. Fire

Additional material pertaining to fire protection was submitted on Friday 29, 2007 for his review. Captain Cass's review is pending.

10. City Infrastructure

The Eastern Waterfront is experiencing significant redevelopment. The proposed site is constrained by adjoining buildings, is being built to property lines, and significant construction is

occurring on nearby parcels. A construction management site plan should be submitted for review and approval that outlines how the site will be managed during construction, identifies any impacts on the public right-of-way, identifies ways to provide safe pedestrian passage, and provides the estimated construction schedule. *This is recommended as a condition of approval.*

31. Eastern Waterfront Guidelines

The proposal has been reduced in size and building height over the course of this review. It is within the dimensional parameters of the conditional rezoning to B-5b as confirmed by the Zoning Administrator. Since the May workshop, the applicant has eliminated two units in Building #3, so a three-story structure, rather than four stories, will be located at the corner of Hancock and Newbury Street, which is near the established R-6 neighborhood. Additional fenestration is proposed on the rear of Building #3 and additional landscaping is proposed in the courtyard behind Building#3. The applicant has submitted revised shadow studies and architectural perspectives (Attachments 1 q, 1 r, 1 s, 1 t, 1v and revised elevations 2c). The proposal is being reviewed under the Eastern Waterfront Design Guidelines and Carrie Marsh's review is included as Attachment 5.

22. Signs

The applicant has not submitted any plans for signs and states that awnings will be used on the building. The Planning Staff recommends that the applicant submit a unified plan for signage and awnings for review and approval by Carrie Marsh, Urban Designer.

VI. MOTIONS FOR THE BOARD TO CONSIDER

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #30-07, and the testimony presented at the Planning Board hearing, the Planning Board finds:

1. That the plan [is or is not] in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines

Potential Conditions of Approval:

- a. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo.

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #30-07 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board (waives/does not waive) Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be between 18 and 22 feet at the garage entrances on Newbury and Middle Street as shown on the subdivision plat.

- 2. The Planning Board (waives/does not waive) Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

- 1. A revised recording plat listing all conditions of subdivision approval must submitted for review and signature prior to the issuance of a performance guarantee.
- 2. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E, Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.
- 3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandum of July 5, 2007 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
- 4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandum of June 28, 2007, to the Planning Authority for review and approval prior to the issuance of a building permit.
- 5. In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.
- 6. The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
- 7. All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
- 8. The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit
- 9. The proposed condominium documents shall be submitted for review by Penny Littell, Associate Corporation Counsel, prior to the issuance of a certificate of occupancy.
- 10. That the applicant submit revised plans meeting the requirements of Urban Designer Carrie

Marsh in her 06/29/07 memo.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 30-07, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
2. Revisions to the landscape plan should be submitted for review and approval by the City Arborist.
3. The applicant shall submit a unified plan for signage and awnings for review and approval by Carrie Marsh, Urban Designer prior to the issuance of a certificate of occupancy.
4. The applicant shall submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo.
5. Recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.
6. The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass.

Attachments:

Applicants Submittals – Included as a Separate Document in the Packet

- 1 June 12, 2007 Submittal for July 10, 2007 Public Hearing
 - a. Table of Contents
 - b. Cover Letter, Christopher Di Matteo, Sebago Technics, June 12, 2007
 - c. City of Portland Site Plan Application, including Right, Title and Interest and proposed Easement
 - d. Letter, Robert Brown, Key Bank, March 20, 2007 and GFI material for technical capability
 - e. Project Narrative, Revised June 12, 2007
 - f. Conditional Zoning Agreement, The Village at Ocean Gate, 112-113 Newbury Street, Portland Maine
 - g. Stormwater Narrative, The Village at Ocean Gate, Revised February 1, 2007
 - h. Letter, David Coffin, Portland Water District, July 11, 2005
 - i. Letter, Paul DuPerre, Central Maine Power, June 8, 2007
 - j. Letter, Frank Brancely, Department of Public Works, March 22, 2007
 - k. Parking Calculation for Revised Village at Ocean Gate Development, April 17, 2007
 - l. Response to Traffic Related Comments from the City Traffic Engineer, Christopher Di

Matteo, Sebago Technics, August 29, 2006

- m. Letter of Intent for Longterm Lease, May 16, 2007, between The Village at Ocean Gate and Ocean Gateway Garage and Riverwalk LLC.
 - n. Architecture, letter, David M. White, June 11, 2007
 - o. Engineering, Christopher DiMatteo, June 12, 2007
 - p. Excerpts of Traffic Impact Study Narrative
 - q. Revised Shadow Study
 - r. Shadow Study – Perspective View
 - s. Architectural Perspectives
 - t. Photo Simulation
 - u. Subdivision and Site Plan – Sheets 1 through 15
 - v. Building Elevations Sheets 1 through 13
 - w. Phase I Parking Garage
 - x. Roof Plan H1.5 through H4.5
- 2. Supplemental Site Plan Review Application Information , June 29, 2007**
- a. Cover Letter, Christopher DiMatteo, Sebago Technics, June 29, 2007
 - b. Photometric plans with exterior light information.
 - c. Revised elevations showing exterior details including the addition of cement board clapboard siding at the interior courtyards.
 - d. Parking garage column base detail.
 - e. Revised hydrant flow information.
 - f. Light pole base detail
 - g. Additional exterior perspective image at Phase II.
- 3. Excerpt of Applicant's materials for the May 22, 2007 Workshop**
- a. Letter from Toni Pied, Department of conservation, July 12, 2005
 - b. Letter from Brian Lewis, Maine Department of Inland Fisheries and Wildlife, July 11, 2005
 - c. Letter from Scott Lindsay, Department of Inland Fisheries and Wildlife, June 30, 2005
 - d. Catalog cuts for bollard lights
 - e. Exterior Materials, Memo, David White, dated 3/31/07
 - f. Neighborhood Meeting, notice, certification, minutes and sign-in sheet
- 4. Memo, Marge Schmuckal, Zoning Administrator, 7-3-07
 - 5. Memo, Carrie Marsh, Urban Designer, 6-29-07
 - 6. Memo, Stephen R. Bushey, PE., Consulting Engineer, 7-5-07
 - 7. E-mail, Thomas Errico, PE, Consulting Traffic Engineer, 6-26-07
 - 8. Memo, Michael Farmer, Project Engineer, June 28, 2007, revised June 29, 2007

DAVID M. WHITE, ARCHITECT

403 fibbetts hill rd,
p.o. box 447
goffstown, n.h. 03045
603-497-3405
fax 603-497-2783

MEMO

Date: April 23, 2008

From: David White

To: Barbara Barhydt

Project: The Village at Ocean Gate

Copy To: The Village at Ocean Gate,

Number: 01

LLC

Reference: Plan and elevation
changes

The following is an outline of the changes made to the plans and elevations since the previous submission to the Planning Board that led to the conditional approval.

First some general items:

1. With the option to purchase the Reynolds' property Building 2 has been "squared" off to increase the saleable square footage. The number of units in the overall project had been increased to 92, but since our last meeting in early April the overall number of units has been reduced to 82. We have created larger units to meet this demand by prospective buyers.
2. The first floor plan has been changed to reflect a change in the structural system resulting in a changed parking layout and an increase in area available for buyer storage space and bike storage.
3. All metal panel work has been changed to Hardie board with battens.
4. The base of the project, from the belt course to grade has been changed from a combination of granite at the retail areas and brick under the residential areas has been change to polished concrete block with a polished granite look.
5. The windows at the fifth floor have been changed from arch top windows to flat top windows. These windows do now have a crowned head casing.
6. Fireplace exhaust hoods have been diagrammatically added. These will be painted to match the field color in which they are located.
7. We have adjusted the floor to floor height of the building and the average grade plane based on the new building perimeter. The overall height of

the building is 56.85' which is less than our previous height of 57.5' and considerably less than the 74' allowed by the conditional rezoning.

Middle Street Elevation (P.10):

1. No change to the brick above the belt course.
2. Simplification of the storefront detailing at the retail spaces. Standard 2" mullions instead of built up mullions. No change to color or panels. Awnings are now indicated.
3. The entrance to Building 2 has been relocated between the massing of Building 2 and the garage door. This change was made as an attempt to increase the amount of rentable retail area. This also creates symmetry with the retail areas for both Buildings 1 & 2.

Hancock Street elevation (P.11):

1. The location of brick above the belt course remains the same as the previous submission.
2. The entrance to Building 1 is now similar to the entrance to Building 1. The previous entrance detail would not work with the proposed awning.
3. Three sets of windows were moved to accommodate the units' fireplaces. These are the two end windows in the brown brick field and the triple window.
4. The window in the retail area has been simplified in the same manner as the Storefronts.

Newbury Street elevation (P.12):

1. The brick remains in Building 1.
2. Changes to the elevation of Building 2 include a large, more prominent entrance (no awning), relocation of the balconies from the rear of this section to the Newbury street side and slight rework of the windows for that unit with the balcony change.

Alley elevation (P.13 & P.16):

1. No change to the area above the belt course at the Middle Street block.
2. The window to the retail area in the Middle Street block has been scaled down and is consistent with the storefront detailing.
3. The brick previously shown from the Middle Street section to the new relocated balcony at the Newbury Street block has been changed to Hardie-plank clapboard siding similar to the courtyard elevations. Note that this area did have this siding in the area now infilled with the addition of the Reynolds' property.

4. Window and deck locations from the Middle Street Block to Newbury Street have been revised to reflect the additional constructed space in Building 2.

Building 1 Courtyard elevation (P.14):

1. No change


Building 2 Courtyard elevation (P.15 & P.16):

1. No change to the Middle Street or Newbury Street blocks.
2. The area between these two sections has been changed to reflect the revised unit configurations. This is indicated by only 3 decks per floor instead of the original 4.

I trust that this accurately reflects the changes made to the plans and elevations since that previous submission. We will be pleased to answer any question on these changes at the Planning Board meeting.

As part of this submission we have included the revised plans and elevations and renderings indicating the changes outlined in this narrative.

Respectfully submitted,



David M. White, AIA

Cc: The Village at Ocean Gate, LLC

Design Guidelines for Portland's Eastern Waterfront

Introduction

The redevelopment of the Eastern Waterfront provides a unique opportunity for the City of Portland. The construction of a world-class marine passenger terminal in one of the East Coast's premiere deepwater ports will spur interest and vitality into a neglected and underutilized portion of Portland's urban waterfront. Development will serve to integrate the working waterfront, commercial business areas and the Munjoy Hill neighborhood. For integration to be successful, high quality design for all aspects construction is imperative. With care and attention paid to details and quality, the design of **streets, buildings, open space, parking**, and changes to the **water's edge** will contribute to the value of public and private property and the quality of life for Portland residents.

These Design Guidelines have three intended applications: (1) As an evaluative framework for City sponsored projects or projects located on City controlled land, (2) As a handbook for private developers to comply with the City's vision for the Eastern Waterfront, and (3) As a policy basis for future zoning and land use ordinance changes for the Eastern Waterfront.

The public process for the Waterfront Development and Master Planning Committee demonstrated a clear desire by Portland citizens that the Eastern Waterfront become a benefit to City residents. The Master Plan, along with these Guidelines, promotes development that will be an asset, not a liability, to the surrounding neighborhoods and community at large. By adhering to the following criteria, public and private development can respect the concerns, hard work and wisdom of the Citizens of Portland, and create the greatest possible public benefit.

A. Streets

Purpose

Design guidelines for streets in the Eastern Waterfront Redevelopment Area encourage the retention and expansion of a pedestrian scaled street grid. The surrounding neighborhoods of the Old Port, India Street and Munjoy Hill generally have a walkable small block street system that provides a comfortable, safe and enjoyable pedestrian environment. The traditional street block system allows for efficient and flexible vehicular circulation for residents, visitors and the working waterfront while retaining options for traffic management to reduce negative impacts on existing neighborhoods. The street guidelines outlined below provide for an expanded street network that will (1) connect the Eastern

Waterfront Redevelopment Area into the city fabric of Portland, (2) provide appropriately scaled streets for the expected vehicle and pedestrian traffic, and (3) encourage pedestrian oriented, mixed-use development in the Eastern Waterfront.

Guidelines

1. Public Streets

Public Streets should provide the primary vehicle and pedestrian circulation infrastructure for the Eastern Waterfront. Public and private development should use the existing street grid as a framework and should expand the public street network as necessary to provide circulation for new development. Development of new and extended streets should be generally in scale with the existing street network found along Portland's waterfront and Munjoy Hill neighborhoods.

Note: The design and construction of public streets need to comply with the City Public Works Technical Standards.

2. Appropriate Street Design

New streets should be designed to accommodate expected vehicles and pedestrians safely and efficiently while encouraging appropriate speeds. Streets should provide on-street parking along curb lines wherever possible to provide a buffer between pedestrians and moving traffic and to serve the retail, residential and commercial uses in the area.

a. Suggested Street Hierarchy

For the purpose of these guidelines, **Primary Streets** include Commercial Street and its extension, Fore Street, India Street, Hancock Street and its extension, and Middle Street between India and Franklin Arterial. **Secondary Streets** include Mountfort Street, Middle Street between India Street and Hancock Street, and other new streets within the Central Redevelopment Area that are not extensions of existing streets.

b. Street Sections

Refer to the attached street section drawings and associated key map for application of suggested street sections within the eastern waterfront. These drawings illustrate a hierarchy of primary and secondary streets that reflect their intended character and uses.

3. Sidewalks

Sidewalks are key to defining streets as civic places. Sidewalks should be provided along both sides of all streets and should be wide enough to accommodate visiting and residential pedestrians comfortably and safely. The pedestrian environment should be further enhanced through the use of fixed street furniture, compatible and consistent lighting, and street trees. Sidewalk cafes, temporary art installations, and seasonal lighting are encouraged along public sidewalks as means to encourage the year round activity.

4. View Corridors

Street corridor placement and design should provide for views to and from the water, as well as for permanent installations of public art in key focal point locations. See attached map for key view corridor locations and focal point locations.

5. Railroad Right of Way

The Commercial Street section drawing includes the Narrow Gauge Railroad adjacent to the Commercial Street corridor. The railroad could add a dynamic inter-modal element to Portland's transportation system if integrated with the surrounding streets, sidewalks, trails and private development. In designing an integrated Narrow Gauge Rail corridor, the train should share as much of its width as possible with adjacent compatible uses. The Narrow Gauge right-of-way should be used as both a transportation corridor and a buffer for transportation facilities and Eastern Prom Trail.

Note: Designers need to recognize State and Federal regulations regarding design changes within the rail right-of-way.

6. Underground Utilities

Overhead utilities should be avoided within the Eastern Waterfront.

7. Marine Passenger Terminal Circulation

Streets serving the proposed marine passenger terminal should be a seamless extension of existing streets and be constructed in compliance with these guidelines. Circulation infrastructure constructed solely for the use of the terminal facility should be integrated with the public street and pedestrian network and designed to meet the transportation related needs of the facility.

B. Buildings/Architecture

Purpose

Design guidelines for buildings in the Eastern Waterfront Redevelopment Area encourage architecture that enhances the development of a mixed-use and marine inter-modal transportation center, and is compatible with the surrounding neighborhoods. New construction should respect the historic character of Portland's waterfront, while representing the best elements of contemporary design.

Guidelines

1. Contextual Design

New buildings should be designed in response to their context and should be compatible with surrounding neighborhoods. Broadly stated, compatibility refers to the recognition of existing development patterns and characteristics, and a responsiveness in new building design that respects these established patterns. **The placement, height, massing, proportion, articulation, and materials** of new structures should encourage the Eastern Waterfront to develop into an extension of the surrounding areas while establishing its own identity as a new urban neighborhood.

2. Building Composition

The combination of design elements will determine the character of new buildings and neighborhoods. While specific solutions for any given setting cannot be anticipated in a single set of guidelines, the following building characteristics can be used to guide visual compatibility of new development.

a. Placement

In general, buildings should be placed at the sidewalk with their primary entrances oriented to the street.

b. Height

Building heights should be compatible with surrounding development and neighborhoods. The attached Building Height Key Map provides a general direction for building heights in the Eastern Waterfront district. These Guidelines recommend that any future rezoning process for the Eastern Waterfront should be preceded by a building height analysis comparable to the Downtown Height Study for the B-3 Zone.

c. Massing

The massing of new development should be compatible with the existing development found in the surrounding neighborhoods. Portland is characterized by human scaled architecture that compliments a pleasant pedestrian environment. New development along the Eastern Waterfront should avoid large monolithic massing along all street frontages. Where new structures are larger than buildings characteristically found in Portland's waterfront, horizontal and vertical variation should be used to break large expanses of building into components that are in scale with the context to which they most closely relate.

d. Proportion

The façade proportions used in new development should be compatible with the existing development found in Portland's waterfront. While some buildings on Portland's Waterfront project a predominantly vertical or horizontal orientation, most use architectural details, storefront design, window openings, and roof shapes to balance the proportions of facades into pleasant and cohesive compositions. In smaller in-fill development, proportions of features such as windows, entryways, and storefronts should be designed to achieve compatibility with abutting structures and surrounding development.

e. Articulation

Traditional arrangement of façade components into base, middle, top composition can be used to achieve compatibility and continuity with the surrounding architectural context. Additionally, projecting bays, recessed balconies, and roof shape variation can be judiciously utilized to provide interest, individuality, and appropriate scale to new development.

f. Materials

Materials used in new development should reflect the historic character of Portland's waterfront. A straightforward use of natural and traditional building materials is encouraged. Brick, stone, high quality metals, cast concrete, wood, and glass will achieve the greatest level of compatibility with the surrounding area and will best stand the test of time; both regarding changing community tastes and withstanding the maritime climate of the Eastern Waterfront.

3. Pedestrian Environment

Development along new or existing public streets should foster a walkable and enjoyable pedestrian environment. New development should avoid large expanses of blank walls, should provide frequent street level entries, and should provide sidewalk amenities such as street furniture, and lighting that encourage year round pedestrian use. Buildings sited along Primary Streets should utilize traditional storefront design principles along the ground floor, and provide engaging displays and clear glazing to enhance the pedestrian experience.

4. Primary Entrances and Service Entrances

Primary entrances should open onto public sidewalks along the primary street frontage. Service entrances and loading facilities should be located at the rear or side of structures. Where buildings face more than one public street, service and loading circulation may be located along secondary streets where appropriate. Where no off-street options are available, loading and service entrances located along public streets should occupy the minimum space necessary and be compatible with the other uses of the street including pedestrian activities, retail development, and traffic flow. The sharing of service circulation and loading facilities between buildings is encouraged.

5. Parking Structures

Parking structures should be compatible with adjacent uses and architecture in form, bulk, massing, articulation, and materials. The design of parking structures should create a visually attractive and active pedestrian environment by incorporating retail, commercial, and residential uses along all public streets.

a. Mixed-use Architecture

Parking uses and the appearance of parking structures should not dominate public streetscapes. All above grade parking structures should include usable retail, commercial, and /or residential uses along street frontages to create a high quality urban environment. Parking structures on Primary Streets should have at least two stories of mixed uses integrated along the street frontage. On Secondary Streets at least one story of mixed uses should buffer the street.

b. Vertical and Horizontal Articulation

Visible diagonal ramps and non-horizontal parking plates should be screened from all visible angles whenever possible and not allowed on primary facades.

c. Lighting

Light fixtures installed in the interiors of parking garages should be fully screened from the exterior or utilize full cut-off shielding as defined in the City's Technical Standards.

6. Infill and Small Scale Development

Infill development should fill open space along existing streets to reestablish street wall continuity. Likewise, small-scale development without a directly abutting neighbor should look to prevailing adjacent development patterns as a means to incrementally fill empty portions of the streetscape and achieve compatibility with surrounding neighborhoods.

7. Historic Structures

Historically and architecturally significant structures and sites should be inventoried and protected from demolition and carefully rehabilitated consistent with their original architectural intent. The challenge and opportunity is to adaptively reuse significant structures while retaining their historic character. New additions to historically significant buildings should be designed to be compatible with the original structure in size, composition and material and result in the minimum necessary loss of original architectural material.

Note: Portions of the westerly section of the Eastern Waterfront are located in the Waterfront Historic District and are subject to the City's Historic Preservation Ordinance.

8. Civic Structures

Civic Structures represent the public commitment to creating a high quality urban environment. Civic buildings should distinguish themselves through their quality, placement, and use of materials. Traditionally, civic structures in Portland (City Hall, Union Station, Customs House, Federal and County Court Buildings, among others) used the highest quality materials and design to assign a sense of permanence and importance to their role in the community. Additionally, these structures relate strongly to the streets and open spaces where they are located, sharing their importance with their surroundings. The Eastern Waterfront will hold a new transportation center in one of the most visible sites on Portland's waterfront. The proposed marine passenger terminal should meet the same high standard for design and construction of Portland's other great public buildings.

9. Marine Development

There are locations, specifically in the marine support areas, where development may have difficulty adhering to the building guidelines section above. Marine dependent structures should be allowed to reflect their intended uses through the use of practical materials and straightforward design. Outbuildings, sheds and temporary marine-use structures should be sited and designed to minimize negative visual impacts. Through use of building placement, incorporation of design details, and use of landscaping and screening, designers should look for economical solutions to provide utilitarian marine structures with visual interest and character befitting their use.

C. Open Space and the Public Realm

Purpose

The character of public streets and sidewalks is the primary determinant of the quality of the public realm. The public realm is further defined and enhanced by the incorporation of quality open spaces. These guidelines aim to create comfortable, safe, accessible, and appropriately located open spaces to provide pedestrian interest and convenience. Open spaces can range in scale from building forecourts, to public trails, to public plazas and public parks. All open spaces should be barrier-free and accessible. Landscaping, pedestrian amenities, outdoor furniture and lighting should be incorporated where appropriate. Opportunities for public art and historical references are encouraged.

Guidelines

1. Public Open Space and Plazas

The Eastern Waterfront will contain publicly owned and constructed open space. Generally associated with the water's edge east of Pier 2, City owned open space should provide opportunities for public enjoyment and use of the water and add value to public and private development.

a. Visual Accessibility

To ensure that open space is well used, it is essential that the space should be visible and easily accessible from public areas (building entrances, sidewalks, and trail). Orient open spaces to the harbor, views and sun.

b. Physical Accessibility

Open spaces should have direct access from the adjacent streets, sidewalks, and trail, should allow for multiple points of entry, and provide for universal accessibility. They should also be visually permeable from the sidewalk and trail, allowing passersby to see directly into the space.

c. Buffering

Open space should be well buffered from moving cars so that users can enjoy and relax in the space. The space may be visible from streets or internal drives but should not be wholly exposed to them. "Outdoor rooms" that are partially enclosed with building walls, freestanding walls, landscaping, raised planters, or on-street parking buffers are encouraged.

d. Perimeters

The perimeter of public spaces should consist of active uses that provide pedestrian traffic. Public use of the waterfront, such as the passenger terminal and small marinas, retail, cafes and restaurants, and high-density residential uses all provide context for open space.

e. Trees and Plantings

Plants used in landscaped areas should be the highest quality and of sufficient quantity and scale to make a visual impact. Plantings should be selected and located so that their functional and aesthetic qualities can be maximized. Trees of reasonable caliper should be installed at a density adequate to provide shade, habitat, and visual interest to public open space and care should be taken that appropriate species should be selected for the soil conditions. Adequate space should be given to each planting and adequate irrigation and drainage should be provided.

f. Amenities

Public open space should be provided with adequate amenities, such as trash receptacles, seating, and drinking fountains for use by the general public.

g. **Materials**

Public open spaces and plazas should be built with high quality, durable materials that reflect thoughtful detailing consistent and compatible with the architectural character and historic maritime heritage of the Eastern Waterfront. Quality detailing implies attention to jointing, building and street edges, and technically correct construction techniques. Paving materials should be selected according to the intended use of the space. Designers are encouraged to utilize permeable paving materials wherever possible to reduce and treat stormwater runoff.

2. Private Open Space and Plazas

Privately developed open space should contribute to the public realm through enhancement of the pedestrian environment and increased recreation opportunities.

a. **Internal Open Space**

Internal public space must be designed properly to be safe and usable, providing wide pathways, seating, and amenities.

b. **Internal/External Interplay**

Take the "indoors" outdoors by spilling interior space (e.g. dining areas, merchandise displays) onto walkways and plazas and bring the "outdoors" into the building by opening interior spaces (e.g. atriums) to views and sunshine.

c. **Passageways**

Open-air pedestrian passageways (with or without overhead cover) are generally more visible and more inviting than interior hallways. Passageways can be attractive, successful locations for store entries, window displays, and/or restaurant/café seating and should be integrated with the public sidewalk system.

3. Historic Sites

Sites of historic interest should be appropriately commemorated and marked with signage and public art. Specific emphasis should be paid to the maritime and transportation heritage of the Eastern Waterfront.

4. Public Art

Public art adds to the vitality and beauty of the city while giving a sense of identity to a place. Development in the Eastern Waterfront should integrate artwork into a variety of public and private settings and display art to the public as they engage in the activities of the City.

a. Public Spaces

Public art within open space is encouraged. Artwork may consist of freestanding pieces (e.g. a sculpture or water fountain) or may integrate into its surroundings (e.g. relief sculpture imbedded in pavement or a wall, a mosaic or mural on a wall, lighting or sound effects, or decorative railing or lighting).

Note: Designers should be aware that public art placed on public property is subject to review under the City Public Art Ordinance and/or Maine Art Commission.

b. Private Spaces

Property owners are encouraged to provide outdoor public art on their property to enrich the pedestrian experience and create a stronger sense of place. Developers are strongly encouraged to incorporate artists into the design team in order to integrate works of art into their projects.

c. Contextual Siting

Artwork should be appropriate, and ideally, custom-made for its site. The artwork should complement and reinforce the character of the site in terms of its subject, scale, style, and materials. For example, art may be used to reveal historical facts about the site, or draw attention to a unique physical quality of the site. Care should be taken that the siting of public art does not diminish street wall development, but should emphasize the importance of key focal points.

5. View Protection

Portland's relationship to the water is an important part of its unique character and identity. Key views of the harbor are a community resource to be preserved and protected.

Note: Please refer to Street Design and Water's Edge Guidelines for more on view protection.

D. Surface Parking and Vehicle Queuing

Purpose

Development in the Eastern Waterfront will require construction of areas dedicated to vehicle queuing (for the international ferry operations, and for bus and taxi drop-offs / pick-ups), as well as surface parking lots. The most critical elements to consider in evaluating the design of vehicle queuing and surface parking areas are the impacts on adjacent streets and sidewalks, security, landscaping and buffering, and lighting. The areas devoted to surface parking and vehicle queuing should be minimized as much as possible and visual impact of such areas should be mitigated through buffering and landscaping. Land devoted to surface parking lots should be reduced over time through redevelopment and construction of structured parking facilities. Parking should not develop incrementally on a project-by-project basis but should develop according to a planned build-out of shared parking structures to provide the most efficient utilization of valuable land.

Guidelines

1. Limit Impact

Parking lots and vehicle queuing areas should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact the environment or surrounding developments.

a. Location

Parking lots should be located behind buildings or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or no more than 64 feet, whichever is less.

b. Screening

Parking lots and vehicle queuing areas should be screened from streets, pedestrian ways, and significant views with landscaping, fencing and/or walls.

C

c. Internal Buffering

Wide expanses of surface pavement should be broken up visually by planted medians with shade trees. Shade tree location should be buffer pedestrian circulation routes and should respect view corridors to the water. All parking lots should be planted with sufficient trees so that within ten years a significant majority of the surface area of the lot is shaded.

d. Storm Water Management

New and reused surface paving utilized for parking and vehicle queuing will shed polluted stormwater into Portland Harbor. Stormwater management should be provided to control and treat stormwater reasonably and effectively. Permeable paving materials, vegetated buffers and infiltration systems should be used wherever possible and practical to reduce the volume and improve the quality of stormwater.

2. Shared Use and Partnerships

These guidelines encourage public and private parking and vehicle queuing partnerships. Marine related transportation development and nearby mixed-use development plans should cooperate to minimize surface asphalt, and provide shared use of facilities taking advantage of offsetting times of peak use wherever possible. Shared parking is also strongly encouraged between private adjacent or vertically mixed uses with offsetting peak demand. (e.g. offices and residential)

E. Water's Edge

Purpose

The interaction of land activities with harbor activities creates the essential value and character of the Eastern Waterfront district. Portland has a long tradition of port development. Waterfront trade and industry have made the city prosperous throughout its history. The challenge for planning the Eastern Waterfront is to preserve the value and marine utility of the water's edge, while stimulating appropriate development throughout the area for the benefit of the general population.

The relationship between the water's edge and the adjacent upland is complex and intense. The convergence of transportation systems, downtown commercial activity, residential neighborhood, marine industry, and community recreation

resources creates a vital mix of complementary activity concentrated into a compact urban space. The intensive concentration of these uses creates value exceeding the individual parts. The successful accommodation of a diverse mixture of people and activity through quality design will best maximize the value of the water's edge.

Guidelines

1. Inter-modal Transportation

The Eastern Waterfront is a hub for a wide range of transportation modes, including passenger vessels, private boats, emergency vessels, cars, buses, excursion (rail, boat, and amphibious vehicle), bicycles, pedestrians, roller-bladers, trucks, etc. The function of this area as an inter-modal transportation center must be designed into every building and infrastructure element to facilitate integration and coordination of the various current and potential future modes of transportation.

2. Berthing and Upland Development

Berthing opportunities for both large and small vessels exist along Portland's Eastern Waterfront. The available water depth creates a functional transition in the scale of vessels that can be berthed, which translates to a variation in the scale of upland support facilities, the nature of use and access, and the associated intensity of use impacts.

a. Deep Water Berthing

The deepest water is available between Pier 2 and Maine State Pier and will serve the proposed marine passenger terminal facility. Development within this berthing area, and the upland adjacent to the water's edge, should promote and foster the utilization of the deep-water resource.

b. Shallow Water Berthing

The shore and submerged lands east of Pier 2 have shallower water depths, and are appropriate for smaller vessel berthing and activities oriented to small and medium sized boats. In the future, the east side of Pier 2 could be dredged to accommodate deep water berthing. Development that unreasonably limits the expansion of berthing at Pier 2 should be avoided.

3. Public Access To Water

The extent and nature of public access to the water's edge will depend upon the scale and character of the marine use on the water; but access should be provided in the most generous and integrated way that is compatible with the function of the maritime activity.

Interest in water access for active and passive purposes is widespread and should be accommodated to the maximum extent possible. Large facilities should present visitation and viewing opportunities for residents, visitors, and the traveling public as limited by security requirements. Small facilities should be developed to give visitors, island residents, and community residents access to the water's edge for boating opportunities, tie up for private boats, boating education, and fishing opportunities to maintain the connection of Portland's population with its maritime heritage.

a. Security

Security for the marine passenger terminal should be accomplished by careful, subtle, and sensitive design, the use of clever separation, and avoidance of obvious or harsh features such as chain link fencing, guard houses, or razor wire. The best security will be imperceptible to users or the general public unless trespassed.

b. Marine Passenger Terminal

The marine passenger terminal should allow for safe observation of the facility and visiting vessels when in operation and should provide for reasonable casual visitation when the facility is not engaged in active loading/offloading functions. Convenient and attractive alternative routes through or around the facility should be provided for the general public and passersby when security and safety dictate that certain areas be cordoned off from the public. Whenever and wherever reasonable, the facility should accommodate safe pier-side pedestrian access and recreational fishing opportunities.

4. Non-Automotive Travel Opportunities

The Ocean Gateway facility should be a model of multi-modal transportation. Pedestrians, bicyclists, car-free vacationers, transit users, and other non-car travelers should be provided with first quality access to the facility and accommodation for their transportation needs.

AH 7



**Memorandum
Department of Planning and Development
Planning Division**

To: Chair Tavanian and members of the City of Portland Planning Board
From: Carrie M. Marsh, Urban Designer, City of Portland, Planning Division
Date: 04/24/08
Re: The Village at Ocean Gate; a.k.a. The Bay House

I. Introduction

The Village at Ocean Gate (a.k.a. The Bay House) will be reviewed at an upcoming Planning Board Public Hearing. This memo reviews revisions to the approved design of the project, as indicated on floor plans and elevations (04/18/08) and renderings (04/21/08). A memo was provided by project architect David White (04/23/08) which presents the proposed changes.

The approved plans for the project are included in the packet and dated June 26, 2008

II. Proposed Changes

A memo was provided by project architect David White (04/23/08) which presents the proposed changes (Attachment 5).

III. Comments

The following changes are the more obvious changes on prominent facades which may warrant further consideration by the board. If desired, the revision of these elements may be a condition for approval.

Materials

The approved metal siding has been changed to vertical Hardie board and batten. The first floor granite facing has been changed to polished concrete block.

Entrances

Building 2 along Middle Street was approved with the front door in the base of the building. The applicant has proposed to move the door to the area in between Building 1 and 2, next to the garage door. This has been presented in several scenarios by the applicant, all noted as P.10. Staff prefers the alternative which was approved, with the entrance in the base of Building 2.

However, the applicant has indicated a desire to change the retail space in Building 2, and has moved the pedestrian entrance to the parking garage. If the Planning Board accepts this change, staff recommends that the façade material for the portion of the façade that contains the pedestrian and automobile entrance be the same material (indicated as polished concrete block) as the base of Building 2.

The entrance to Building 1 along Hancock Street has been changed from the design that was originally approved. Staff prefers the approved entrance, and recommends that all of the doors in to the project remain of a scale and detailing that is readily visible in a large building mass.

Windows

The approved façade design for the Hancock Street elevation included a fenestration pattern of bays and windows that was regularly spaced and reflective of traditional buildings. The size and spacing of some windows on the Hancock Street elevation have changed, in order to accommodate fireplace vents. This has created a fenestration pattern that is more asymmetrical throughout the expanse of the façade. Also, the number and size of windows on the street level of the Hancock Street elevation have been reduced in number, and the trim has been changed.

Conditions for Approval

The location of the pedestrian entrance to Building 2 on Middle Street is a condition for approval, as well as any other items that the Planning Board would recommend.

A final set of building samples, and specifications of doors, windows and other details should be submitted prior to consideration of the amended agreement by the City Council.

AH 8

From: "Errico, Thomas A" <TERRICO@wilbursmith.com>
To: "Barbara Barhydt" <BAB@portlandmaine.gov>
Date: Tuesday, July 01, 2008 11:58:01 AM
Subject: Bay House - Final Traffic Comments

Barbara -

My final traffic comments are noted below and include a status update on my June 6, 2008 comments.

1. The applicant shall provided a 1"-20' scaled drawing of the parking layout for review. There are a few parking spaces that may be difficult to maneuver into and out of and I would like to check those spaces with a vehicle turning template.

Status: A plan has been provided and I find the parking layout to be acceptable. Some parking spaces will be difficult to enter and exit, but they are located such that traffic conflicts should be minimized.

2. I find the garage/driveway design to be acceptable and would support a width waiver for the proposed 18-foot driveway. The offset nature of the proposed driveway and the Longfellow Parking garage is not ideal, but the applicant had previously provided traffic information indicating the separation is not anticipated to be problematic based upon traffic volumes entering and exiting both driveways. In essence limited vehicle queuing on Middle Street should prevent problems. I also support the recessed nature of the garage door, as it should improve sight lines to pedestrians walking on the sidewalk.

Status: I would further add that I find the location of the of the building entry door near the garage opening to be acceptable.

3. I will work with City staff on suggesting specific messages for the No Parking signs.

Status: The City will be installing "No Parking" signs on the north side of Middle Street in conjunction with the Gateway Parking Garage. The applicant will be responsible for reimbursing the City for this cost (the project was to fund these signs under the prior approval) and resetting the signs as necessary during construction.

5. Recreation and Excursion Integration

Recreation and excursion access to the eastern waterfront area should be fully integrated into the buildings and infrastructure. Facilities should be oriented toward inter-modal activities and carefully executed so that they do not develop a carnival like image that could detract from the quality of life of residents.

6. Amenity Design

Design details for such features as lighting, paving, bollards, benches, pavilions, or other amenities should be carefully selected to reflect the maritime heritage and current maritime use of the area. Such features should be coordinated as much as possible between public and private improvements. The quality and durability of these amenities should be of the highest standards, and of timeless aesthetic character to withstand many years of use.

7. Lighting

Lighting at the water's edge is highly visible and sensitive to reflective glare off the water. Lighting for all areas, including the marine passenger terminal facility and private security lighting, should be as unobtrusive as possible, and meet all City Technical Standards for intensity, glare, and spillover. Special attention should be paid to avoid navigational hazards created by excessive glare in the harbor.

8. Visual Access

Shallow water marine uses east of Pier 2 should provide visual interest to passersby. Fencing for security and safety should be coated chain link where more ornamental materials would be inappropriate for the use. Such fencing should be no higher or more extensive than needed to provide general safety or security needs.

9. View Protection

Views to the water should be preserved from critical public vantage points. Private views to the water should be respected where possible. Massing and placement of buildings should be designed to minimize impacts on water views and retain value for upland development potential.

10. Parking

Parking that is not directly marine related should not be located along the water's edge.

A4 B

4. I believe the crosswalks should be two parallel lines. I'll confirm this with City staff.

Status: The crosswalks on the plans shall be two parallel lines per City design standards.

Additional Comments:

1. I concur with the applicants parking supply program in respect to providing 80 parking spaces on-site and leasing additional required parking spaces at the Gateway Parking garage. The applicants parking proposals results in a 1:1 residential unit to parking spaces ratio, which is consistent with other recently approved projects.

2. The applicant should continue to be required to make a \$5,000.00 contribution towards a Neighborhood Traffic Monitoring Study and \$5,000.00 towards future improvements at the India Street/Middle Street intersection.

If you have questions or comments, please contact me.

Best regards,

Thomas A. Errico, P.E.

Senior Transportation Engineer

Wilbur Smith Associates

59 Middle Street

AH 8

Portland, Maine 04101

w: 207.871.1785 f: 207.871.5825

TErrico@WilburSmith.com <mailto:TErrico@WilburSmith.com>

www.WilburSmith.com <http://www.wilbursmith.com/>

CC: "James Carmody" <JPC@portlandmaine.gov>, "Katherine Earley" <KAS@portlandmaine.gov>, "Michael Bobinsky" <mbobinsky@portlandmaine.gov>

AH 9

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division**

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 12, 2008
RE: Village at Oceangate (Bay House) project

My understanding of this project is that it was originally approved in July, 2007, with various conditions of approval, including the following requirements. The developer would have to reconstruct Middle Street across the full width of the project's frontage on Middle Street. The developer would have to pay the City the cost of milling and repaving Newbury Street across the full width of the project frontage on Newbury Street. On Hancock Street, the developer would have to pay the City the cost of milling and repaving Hancock Street across the full width of the project frontage on Hancock Street. These requirements were based on the plans submitted to the City for review prior to approval of the project by the Planning Board.

The developer submitted revised plans to the City in September 2007, which showed that the scope of the proposed utility work in the public streets around the project had expanded. According to the September plans, they are now proposing to do utility work that extends on Middle Street from Hancock Street to India Street, on Newbury Street from Hancock Street to India Street, and on Hancock Street from Middle Street to Federal Street. Based on this change in project scope, the Department of Public Services requests that the developer be required to do the following: (1) reconstruct (i. e. full depth reconstruction) Middle Street from Hancock Street to India Street; (2) pay the City the cost of milling and repaving Newbury Street from Hancock Street to India Street; and (3) pay the City the cost of milling and repaving Hancock Street across the full frontage of the project.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
FAX 207 879 0896

AH 10

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: June 23, 2008

TO: Barbara Barhydt, Portland Planning

FROM: Stephen R. Bushey, P.E.

SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-03-08 relating to the Village at Ocean Gate project. The submission package includes revised plans and a letter containing additional information pertaining to phase one of the project. Based on our review there remains a few minor technical items that should be addressed by the engineer prior to construction. These items can likely be addressed when the construction phase drawings are issued and should not hold up the Board's current consideration. These comments are as follows:

1. The tree grate size indicated on Sheet 5 suggests a 4' x 6' grate which does not match the 36" square grate indicated on the detail on sheet 11.
2. The grading along the Hancock Street sidewalk and the street suggests as much as a 12" reveal along the sidewalk, particularly between elevation 32 to 34'. Either a shim course is warranted or the street is reworked to make the adjustment to the street grade at this location.
3. The current plans do not appear to contain any information on the drainage system within the building's parking level. Additional information on any internal drainage system should be provided for the Department's records once it is prepared as part of the building plans. We assume this system will exit the building as part of the 10" SD exiting the building at the Middle Street entrance.
4. Additional separation may be required between the 6" sewer and existing hydrant to be reconnected on Newbury Street. Typically a 10' separation is required between utilities.
5. The location of the grease trap may need refinement. We recommend the inspection covers be positioned as to not be in front of a doorway if possible. Further, the alignment of the grease trap's discharge pipe should be from either the end or the side typically. The discharge pipe can't exit from the corner of the structure. The location of the sampling manhole may also need to be refined to allow for the 6" underdrain to pass by it.
6. There are multiple utility crossings particularly in Middle Street. The profiles lack sufficient detail to determine if conflicts exist particularly with the proposed water and drainage pipes. We recommend the engineer verify clearances at all crossings and provide the necessary profiles to the Portland Water District in the event the District installs the water main under separate contract. In this case it will be necessary that the District's contractor be aware of the water main installation depth needed to avoid the other pipes to be installed.
7. The 8" water main on Middle Street appears to have a conflict with the existing electric vault on Hancock Street. Rerouting of the water main may be necessary.

Att 10

8. The Water District should access the need for an 8 x8 cross at the Newbury Street and Hancock Street intersection. We also assume the District will require shut off valves for the Newbury Street services into each of the buildings.
9. The storm drain schedule should be updated to include two additional inverts into DMH-4
10. The water main profiles should include minimum cover depths to satisfy the District's requirements. The label for DMH-5 on the Middle Street Profile also needs to be updated to match the drainage schedule.
11. The Middle Street Section on sheet 13 should be modified to reflect the proper granite curb aggregate backfill requirements. The City standard requires Type A gravel around the curb and not subbase material.
12. The engineer should clarify if granular backfill is allowed below the subbase gravel section for the backfill above the foundation underdrain indicated on Detail 5 on sheet 13.

If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

44 11

**CITY OF PORTLAND
DEPARTMENT OF PUBLIC SERVICES
Engineering Division**

M E M O

TO: Barbara Barhydt
FROM: Michael Farmer, Project Engineer
DATE: June 27, 2008
RE: Village at Oceangate project (Newbury Street)

I reviewed the comments in the June 23, 2008 memo to you from Steve Bushey of DeLuca-Hoffman Associates. I will offer the following additional comments regarding this project and the issues that Steve Bushey brought up.

1. In Steve Bushey's first comment, he noted a discrepancy regarding tree grate sizes called for on sheet 5 and the detail on sheet 11. I think the tree grate sizes called for on sheet 5 are correct. The tree grate detail on sheet 11 should be changed so it is consistent with sheet 5.
2. Steve Bushey's second comment notes a possible grading problem on Hancock Street, where the proposed sidewalk grades and "top of curb" grades along Hancock Street (between elevations 32' and 34') could lead to 12 inches of curb reveal at one location. A 12" curb reveal would be unacceptable to the Dept. of Public Services (DPS). Our design standards require 7 inches of curb reveal, and the typical cross slope on sidewalks is 2%, sloping downhill toward the curb. I recommend that the plans be revised in light of Steve Bushey's comment and the above noted standards for curb reveal and sidewalk cross slope.
3. Steve Bushey's 5th comment states that the location of the grease trap may need refinement. I do not disagree with the comments he presents in this regard. However, my view is that the grease trap and the associated sampling manhole are private property that would be more appropriate to locate outside of the street right of way.
4. I concur with Steve Bushey's other comments.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

778 MAIN STREET
SUITE 8
SOUTH PORTLAND, MAINE 04106
TEL. 207 775 1121
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AH 12

- ROADWAY DESIGN
- ENVIRONMENTAL ENGINEERING
- TRAFFIC STUDIES AND MANAGEMENT
- PERMITTING
- AIRPORT ENGINEERING
- SITE PLANNING
- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: June 30, 2008
TO: Barbara Barhydt, Portland Planning
FROM: Stephen R. Bushey, P.E.
SUBJECT: The Village at Ocean Gate

Barbara,

DeLuca-Hoffman Associates, Inc. has reviewed the submission materials prepared by Sebago Technics dated 06-23-08 relating to the Village at Ocean Gate project. The submission package includes several revised plans. However these plan revisions did not benefit from my earlier memo of June 23, 2008, therefore each of the comments contained in my June 23, 2008 memo still seem to apply. We assume the applicant can review that memo and make the necessary design revisions. We appreciate that Mr. Farmer of the Public Works Dept. has also been able to review the comment letter and he seems to concur with our general findings. If you or the applicant's representatives have any questions regarding these comments please contact this office.

Regards,

Steve Bushey, PE
Senior Engineer
DeLuca-Hoffman Associates, Inc.

Conformance with Conditional Rezoning Agreement

On the basis of the application, plans, reports, conditional rezoning agreement and other information submitted by the applicant, the findings and recommendations contained in the Planning Board Report #34-08, and the testimony presented at the Planning Board hearing, the Planning Board finds:

The amended Phase I plan (is or is not) in conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines, ~~with the condition that the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.~~

~~The Portland Planning Board voted unanimously (7-0) to table Phase II regarding the plan's conformance with the Conditional Rezoning Agreement and the Eastern Waterfront Design Guidelines and thus cannot act upon the Subdivision and Site Plan.~~

Waiver

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report #34-08 relevant to the Subdivision Ordinance, Site Plan Ordinance, Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. The Planning Board (waives, does not waive) the Technical Standard, Section III 2 A (b), which requires a 24 foot wide driveway for two-way ingress and egress, to allow the access to be between 18 and 22 feet at the garage entrances on Newbury and Middle Street with a four foot setback from the Middle Street facade as shown on the amended subdivision plat.
2. The Planning Board waives Technical Standard, Section XV H, Photometric plans requiring photometric plans for the interior courtyards only.
3. The Planning Board acknowledges the applicant's contribution to the construction of Hancock Street and the additional costs for tree wells and tree guards, so based upon the recommendation of the City Arborist the Planning Board waives the financial contribution to the street fund to one half the amount due as determined by the City Arborist.

Subdivision:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report #30-07, relevant to the Subdivision Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

- ~~1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.~~
- ~~2. Revised plans and information meeting the recommendations contained in Thomas Errico, P.E., Traffic Consulting Engineer's review dated June 26, 2007 shall be submitted for review and approval prior to the issuance of a building permit.~~
 1. The applicant shall reimburse the City for the installation of No Parking signs on the north side of Middle Street and reset the signs as necessary during construction.
 2. All financial contributions required as part of the Conditional Rezoning shall be submitted to the City prior to the issuance of a building permit.

3. Revised plans and information meeting the recommendations contained in Steve Bushey, P.E., Consulting Engineer's, memorandums of ~~July 5, 2007~~ June 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
4. Revised plans and information meeting the recommendations contained in Michael Farmer, Project Engineer's, memorandums of ~~June 28, 2007~~ 23 and June 30, 2008 shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit.
- ~~7.5.~~ In lieu of the applicant reclaiming and repaving a portion of Hancock Street, the Department of Public Works requests that the applicant pay the cost of reclaiming and repaving Hancock Street to the City, so that the City can use these funds to cover part of the cost of rehabilitating Hancock Street at a future time. The estimated cost of reclaiming and repaving the street must be reviewed and approved by Public Works.
- ~~8.6.~~ The restaurant and/or retail/commercial uses on site shall participate in a Park and Shop Program (or similar program) with the "Riverwalk Parking Garage" located at Middle Street and that documentation of such participation will be provided to the City Planning Authority every two years.
- ~~9.7.~~ All financial contributions required as part of the conditional rezoning shall be submitted to the City prior to the issuance of a building permit.
- ~~6.~~ The design details for the bike racks shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit
- ~~9.8.~~ The proposed condominium documents and a copy of the pedestrian easement to benefit the adjoining property shall be submitted for review by Penny Littell, Associate Corporation Counsel's Office, prior to the issuance of a certificate of occupancy.
- ~~8.~~ That the applicant submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.

Site Plan:

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 34-08, relevant to the Site Plan Ordinance and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. A construction management site plan that shows any potential impacts on sidewalks and on the public right-of-way along with mitigation measures and the estimated construction schedule must be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.
- ~~2.~~ Revisions to the landscape plan should be submitted for review and approval by the City Arborist.
- ~~3.2.~~ The applicant shall submit a unified plan for signage and awnings for review and approval by ~~Carrie Marsh, Urban Designer~~ the Planning Authority prior to the issuance of

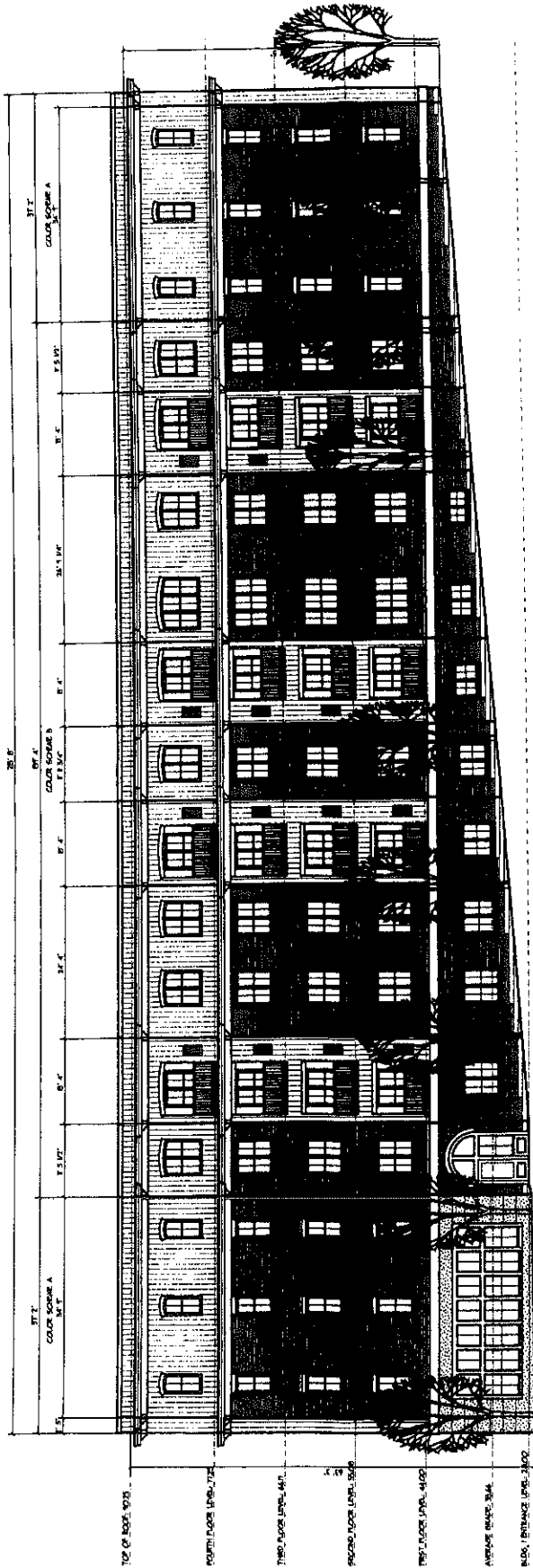
a certificate of occupancy.

~~4. The applicant shall submit revised plans meeting the requirements of Urban Designer Carrie Marsh in her 06/29/07 memo as the conditions apply to Phase I.~~

~~5. Recommends that a revised light plan for the exterior building lights and meeting the City's standards be submitted to the Planning Authority for review and approval.~~

~~5.3. The final plans will conform with the City's Fire Regulations as reviewed and approved by Captain Cass. The fire protection approval based upon the narrative and conditions from the approval in 2007 shall remain in effect unless revisions are reviewed and approved by the Fire Department. The enclosed parking garage ventilation system must be submitted for review and approval by the Fire Department prior to the release of a building permit.~~

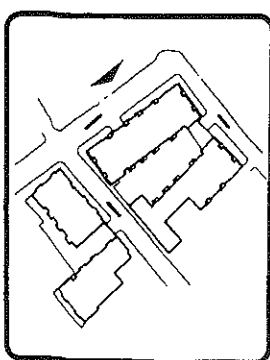
~~7. The site plan shall be revised to show awnings on Buildings #1 and #2 for review and approval by Carrie Marsh, Urban Designer.~~



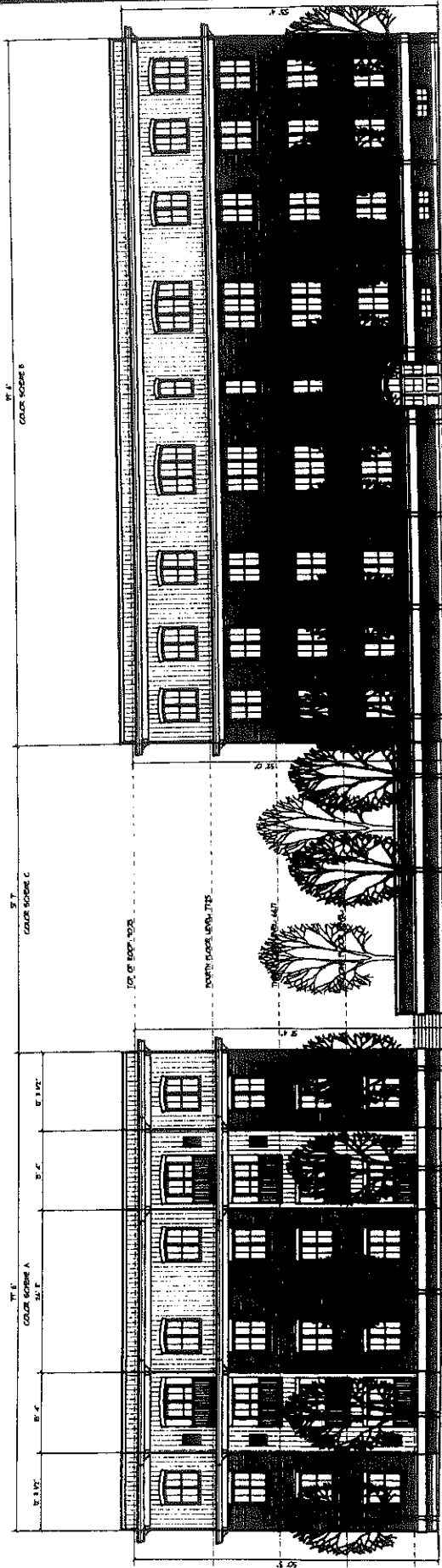
BUILDING 1
 HANCOCK STREET ELEVATION
 SCALE: 1/8" = 1'-0"



THE VILLAGE AT OCEAN GATE
 PORTLAND, MAINE
 THE VILLAGE AT OCEAN GATE, LLC
 GR PARTNERS, LLC
 BOSTON, MASSACHUSETTS
 DAVID A. WHITE, ARCHITECT
 GORTON TOWN, NEW HAMPSHIRE
 JULIE 26, 2007
 SHEET 4



9/10



BUILDINGS 1 & 2
NEWBURY STREET ELEVATION

SCALE: 1/8" = 1'-0"

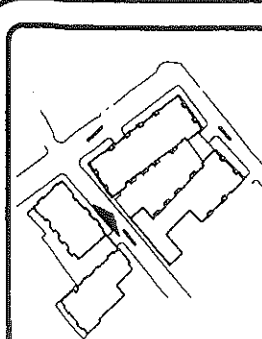


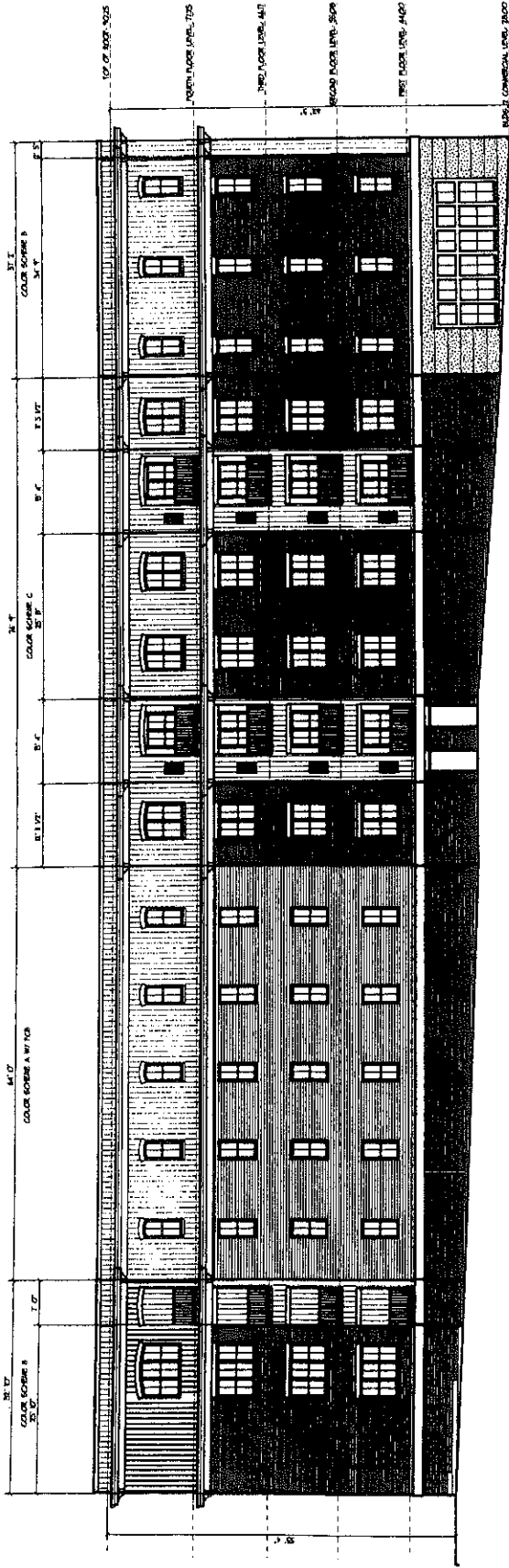
THE VILLAGE AT OCEAN GATE
1000, 1000, AND 1000 STREETS
PORTLAND, MAINE

THE VILLAGE AT OCEAN GATE, LLC
GRI PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
GOTTSTOWN, NEW HAMPSHIRE
JUNE 26, 2007

SHEET 5





BUILDING 2
WEST ELEVATION
SCALE 1/8" = 1'-0"

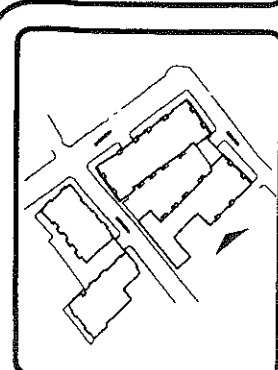


THE VILLAGE AT OCEAN GATE
RODLE, WINDY AND HANCOCK STREETS
PORTLAND, MAINE

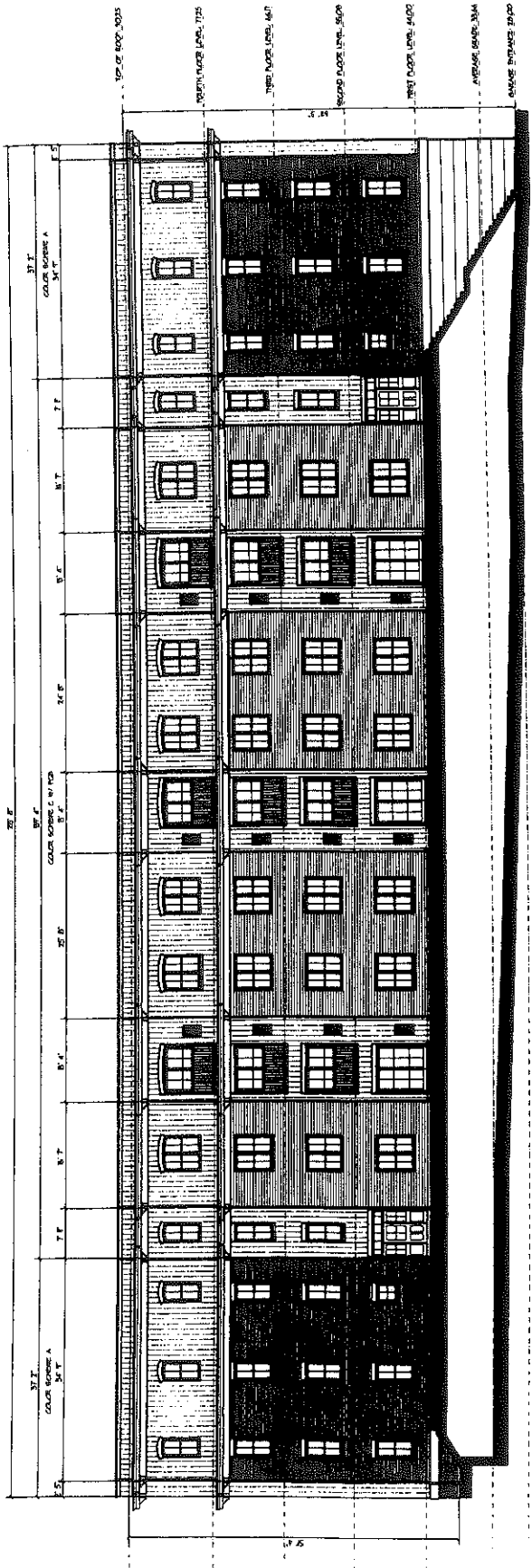
THE VILLAGE AT OCEAN GATE, LLC
GPI PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID H. WHITE, ARCHITECT
GORTSTOWN, NEW HAMPSHIRE
JUNE 26, 2007

SHEET 6



176

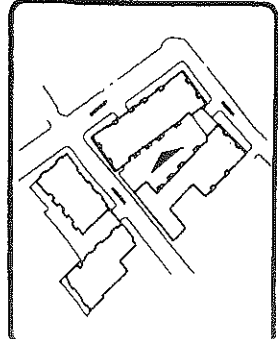


BUILDING 1
WEST COURTYARD ELEVATION

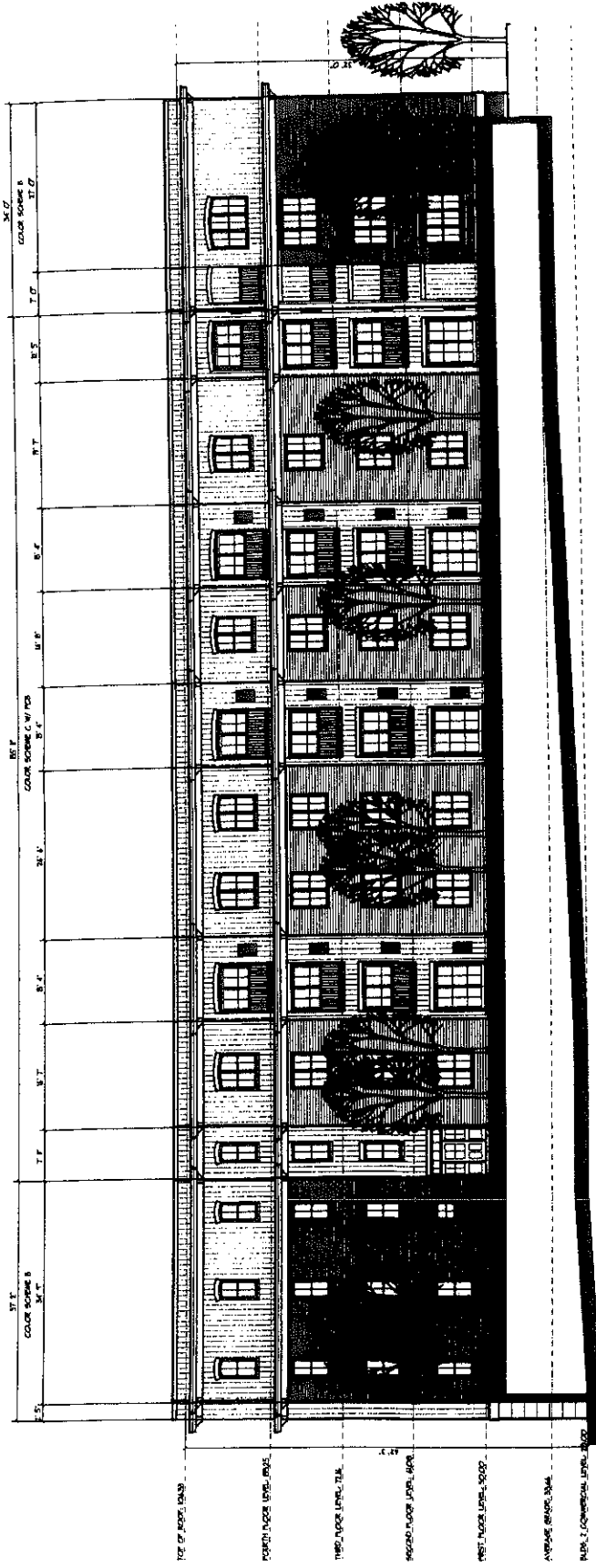
SCALE 1/8" = 1'-0"



THE VILLAGE AT OCEAN GATE
 80001, NEWBURY AND WINDSOR STREETS
 NORTUARD, MASS
 THE VILLAGE AT OCEAN GATE, LLC
 CRT PARTNERS, LLC
 BOSTON, MASSACHUSETTS
 DAVID H. WHITE, ARCHITECT
 GOTTSTOWN, NEW HAMPSHIRE
 JUNE 24, 2007
 SHEET 7



HP



BUILDING 2
EAST COURTYARD ELEVATION
SCALE: 1/8" = 1'-0"

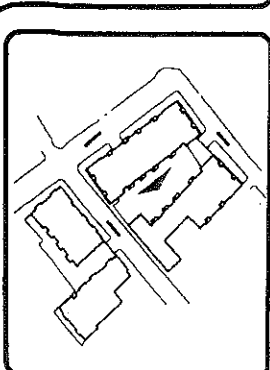


THE VILLAGE AT OCEAN GATE
ARLING, NEWBURY, AND WIMBORNE STREETS
PORTLAND, MAINE

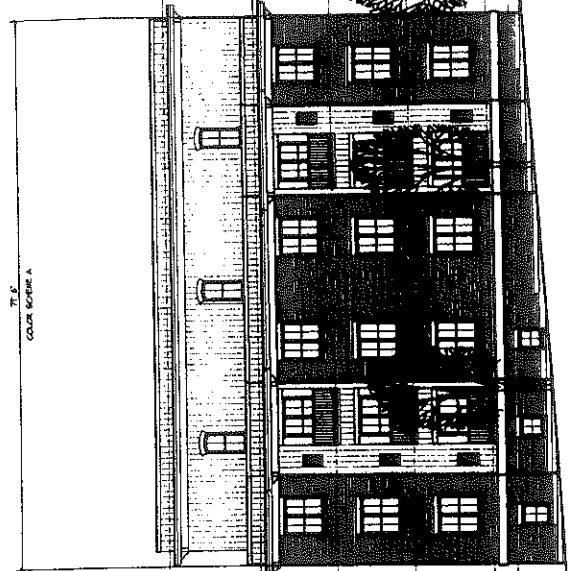
THE VILLAGE AT OCEAN GATE, LLC
GR PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
CORPUSCOLI NEW HAMPSHIRE
JUNE 26, 2007

SHEET 0



118



77' 8"
GRADE SCENE A

TOP OF ROOF LINE

FIFTH FLOOR LEVEL

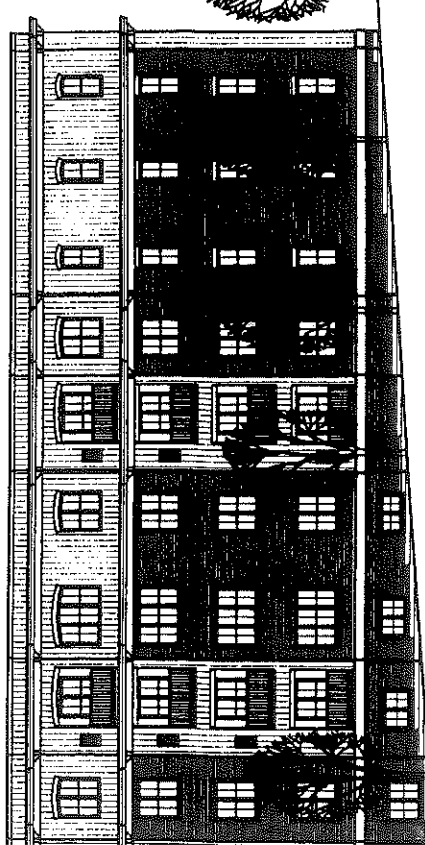
THIRD FLOOR LEVEL

SECOND FLOOR LEVEL

FIRST FLOOR LEVEL

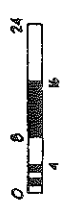
UTILITY ENTRANCE LEVEL

LANDSCAPE ELEVATION



BUILDINGS 1 & 3 HANCOCK STREET ELEVATION

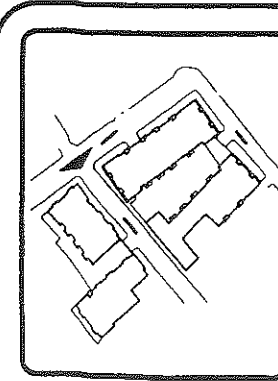
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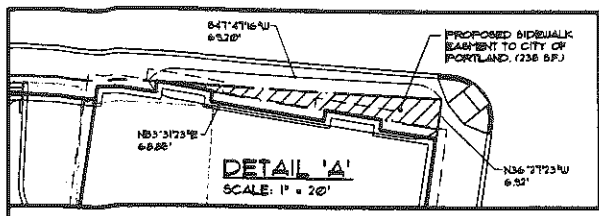


THE VILLAGE AT OCEAN GATE
1000 E. HANCOCK AND HANCOCK STREETS
PORTLAND, MAINE

THE VILLAGE AT OCEAN GATE, LLC
GPI PARTNERS, LLC
BOSTON, MASSACHUSETTS

DAVID M. WHITE, ARCHITECT
SCOTTSMOOR, NEW HAMPSHIRE
JUNE 26, 2007
SHEET 9





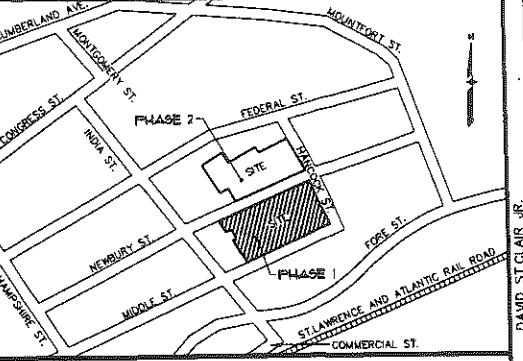
LINE	BEARING	LENGTH
L1	N48°16'56"W	16.96
L2	N46°47'08"W	20.14
L3	N48°22'47"W	20.62
L4	S41°36'06"W	16.99

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
---	EASEMENT	---
○	MONUMENT	○
○	IRON PIPE/ROD	○
○	DRILLHOLE	○
○	CURVILINE NO.	○
○	BENCHMARK	○

EXISTING	DESCRIPTION	PROPOSED
▬	BUILDING	▬
▬	EDGE PAVEMENT	▬
▬	PAVEMENT PART	▬
▬	GRAVEL ROAD	▬
▬	CURBLINE	▬
○	DECIDUOUS TREE	○
○	CONIFEROUS TREE	○
○	GATE VALVE	○
○	HYDRANT	○
○	SEWER MN	○
○	CATCH BASIN	○
○	DRAINAGE MN	○
○	ELECTRICAL MANHOLE	○
○	TELEPHONE MANHOLE	○
○	LIGHT POLE	○
○	LIGHTED BOLLARD	○
○	UTILITY POLE	○
○	GUY	○

GENERAL NOTES:

- THE RECORD OWNER OF THE PROPERTY IS THE VILLAGE AT OCEAN GATE LLC AS DESCRIBED IN A DEED RECORDED AT THE CLERK OF COURTS COUNTY REGISTRY OF DEEDS IN BOOK 26475 PAGE 278.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND MAP 20/ BLOCK E LOT 9 AND A PORTION OF LOT 21 (PHASE ONE) AND BLOCK D LOTS 13, 14, 15 AND 27 (PHASE TWO).
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND SURVEY TITLED ALTA SURVEY LAND TITLE SURVEY OF THE VILLAGE AT OCEAN GATE ACQUISITION I LLC BY SEBAGO TECHINCS, INC. PERFORMED DATED JULY 2, 2008 REVISED THROUGH JAN. 14, 2009.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH HAD 1983 MARE WEST ZONE. CONTIGUOUS AND ELEVATION SHOWN HEREON ARE BASED UPON NGVD 1929 VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 128 AC (PHASE ONE: 118 AC / PHASE TWO: 10 AC).
- ZONING DISTRICT: CONDITIONAL REZONING-B-25 URBAN COMMERCIAL MIXED USE ZONE.
- THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT APPROVED BY THE PORTLAND CITY COUNCIL AMENDED JUNE 2, 2008 AND IS RECORDED IN THE PORTLAND CITY COUNTY REGISTRY OF DEEDS IN BOOK 26146 AT PAGE 731. SUCH AGREEMENT CHANGES THE UNDERLYING B-25 COMPLYMENT BUSINESS ZONE TO B-25 URBAN COMMERCIAL MIXED USE ZONE AND AMENDS THE ZONE WITH THE REQUIREMENTS AS FOLLOWS:
 - PERMITTED USES:** THOSE USES ALLOWED IN THE B-25 ZONING DISTRICT. THE PROJECT SHALL INCLUDE BUT NOT BE LIMITED TO 5,000 SQUARE FEET OF COMMERCIAL SPACE ON THE GROUND LEVEL ALONG MIDDLE STREET AND AT THE CORNER OF HANCOCK AND MIDDLE STREETS AS DEPICTED IN THE PLANS UNLESS DURING SITE PLAN REVIEW THE PLANNING BOARD APPROVES A MINIMUM AMOUNT OF 5,000 SQUARE FEET OF COMMERCIAL RETAIL SPACE.
 - PHASES:** PHASE I SHALL CONSIST OF ONE OR MORE BUILDINGS IN ACCORDANCE WITH SECTION 14-458(K).
 - PHASE II:** PHASE II IS NOT BUILT. PERFORMANCE GUARANTEES SHALL BE POSTED SEPARATELY FOR EACH PHASE. FOR PURPOSES OF THE TIME PERIODS SET FORTH IN THIS PARAGRAPH 8 AND IN SECTION 14-458(F) OF THE PORTLAND CITY CODE, CONSTRUCTION OF PHASE I SHALL BE DEEMED TO CONSTITUTE COMMENCEMENT OF CONSTRUCTION ON PHASE II, PROVIDED THAT ACTUAL CONSTRUCTION OF PHASE II IS COMMENCED NO LATER THAN 1 YEAR AFTER THE COMMENCEMENT OF CONSTRUCTION ON PHASE I. A SEPARATE PERFORMANCE GUARANTEE FOR THE COST OF INSTALLING THE SIDEWALKS AND CURBS AND ANY OTHER PUBLIC IMPROVEMENTS FOR PHASE II MUST BE POSTED WITH THE CITY PRIOR TO THE RELEASE OF THE RECORDING.
 - MODIFICATIONS TO B-25 REGULATIONS:** THE SITE SHALL BE GOVERNED BY THE REGULATIONS APPLICABLE TO THE B-25 ZONING DISTRICT, EXCEPT AS FOLLOWS:
 - THE MAXIMUM RESIDENTIAL DENSITY ON THE SITE SHALL BE 16 DUELING UNITS.
 - THE MAXIMUM FRONT YARD SETBACK SHALL BE TEN (10) FEET, EXCEPT THAT A FRONT YARD SETBACK OF NO GREATER THAN SIXTEEN (16) FEET SHALL BE ALLOWED FOR THE PARKING GARAGE ENTRANCE AND ASSOCIATED FACADE AS DEPICTED ON THE PLANS.
 - THE MAXIMUM HEIGHT FOR THE STRUCTURES SHALL BE BUILDINGS 1 AND 2; THE MAXIMUM HEIGHT OF EACH BUILDING IN PHASE I SHALL NOT EXCEED 14 FEET FROM AVERAGE GRADE AS MEASURED AND APPROVED BY THE ZONING ADMINISTRATOR.
 - THE MAXIMUM HEIGHT IN PHASE II SHALL NOT EXCEED 40 FEET FROM THE EXISTING NEWBURY STREET GRADE.
 - THE CORNERS OF BUILDINGS AND STOREFRONT AWNINGS ALONG MIDDLE AND HANCOCK STREETS SHALL EXTEND OVER THE STREET RIGHTS OF WAY IN VARIOUS LOCATIONS AS SHOWN ON THE PLANS.
 - AN UNDERGROUND ELECTRICAL VAULT SHALL BE INSTALLED WITHIN THE RIGHT OF WAY OF NEWBURY STREET. THE FINAL LOCATION OF SUCH VAULT TO BE APPROVED BY THE PLANNING AUTHORITY.
 - PHASE II OF THE PROJECT, CONSISTING OF ONE OR MORE BUILDINGS ALONG HANCOCK AND HANCOCK STREET SHALL MEET THE FOLLOWING REQUIREMENTS:
 - A MAXIMUM OF SIXTY (60) RESIDENTIAL UNITS SHALL BE PROVIDED.
 - A MINIMUM SETBACK OF TWENTY-FIVE (25) FEET FROM THE WESTERLY REAR PROPERTY LINE (AS SHOWN ON THE PLANS) SHALL BE MAINTAINED AS ILLUSTRATED IN THE CONDITIONAL REZONING AGREEMENT.
- PARKING REQUIREMENTS:** PARKING SHALL BE PROVIDED FOR PHASE I AT NO LESS THAN (A) A 5:1 RATIO (1 PARKING SPACE PER DUELING UNIT), AND (B) 6 SPACES PER RETAIL EMPLOYEE PARKING AND (C) ACTIVE PARTICIPATION IN A VALID PARK AND SHOP TICKET VALIDATION PROGRAM - ALL TO BE PROVIDED AS FOLLOWS:
 - PHASE I SHALL PROVIDE 100 PARKING SPACES IN THE PARKING GARAGE BEING BUILT AT THE CORNER OF MIDDLE STREET AND HANCOCK STREET. A POST DEVELOPMENT OCCUPANCY PARKING ANALYSIS SHALL BE CONDUCTED BY THE DEVELOPER SIX (6) MONTHS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR PHASE I. IF THE PARKING ANALYSIS DEMONSTRATES THE INADEQUACY OF A 5:1 UNIT-PARKING SPACE RATIO, THEN THE DEVELOPER MUST SUBMIT A PARKING PLAN TO THE CITY AND THEREAFTER IMPLEMENTED BY THE DEVELOPER. PARKING FOR PHASE II OF THE PROJECT SHALL BE DETERMINED BY THE PLANNING BOARD DURING SUBSEQUENT PLAN REVIEW PROVIDED THAT A PARKING PLAN IS APPROVED BY THE CITY AND THEREAFTER IMPLEMENTED BY THE DEVELOPER. PARKING FOR PHASE II OF THE PROJECT SHALL BE DETERMINED BY THE PLANNING BOARD DURING SUBSEQUENT PLAN REVIEW PROVIDED THAT A PARKING PLAN IS APPROVED BY THE CITY AND THEREAFTER IMPLEMENTED BY THE DEVELOPER. PARKING FOR PHASE II OF THE PROJECT SHALL BE DETERMINED BY THE PLANNING BOARD DURING SUBSEQUENT PLAN REVIEW PROVIDED THAT A PARKING PLAN IS APPROVED BY THE CITY AND THEREAFTER IMPLEMENTED BY THE DEVELOPER.
 - THIRTY-EIGHT (38) BICYCLE PARKING SPACES SHALL BE PROVIDED ON SITE IN ACCORDANCE WITH 14-826 OF THE PORTLAND CITY CODE.
- THE RESTAURANT AND/OR RETAIL COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE TRAVELER PARKING GARAGE LOCATED AT MIDDLE STREET, PORTLAND, AND CONSTRUCTION OF SUCH PARTICIPATION PROVIDED TO THE CITY PLANNING AUTHORITY AT MINIMUM EVERY TWO YEARS.
- PLAN REFERENCES:**
 - BOUNDARY AND TOPOGRAPHIC SURVEY OF VILLAGE AT OCEAN GATE, LLC, DATED THROUGH JUNE 3, 2008 BY SEBAGO TECHINCS, INC.
 - THE BAY HOUSE IS A PRIVATE DEVELOPMENT. LIGHTING, TRASH REMOVAL AND REMOVAL SHALL BE THE RESPONSIBILITY OF THE COMMERCIAL MERCHANTS AND THE RESIDENTIAL CONDOMINIUM ASSOCIATION AS SET FORTH IN THE CONDOMINIUM DOCUMENTS.
 - A SUBDIVISION SHALL BE DEFINED AS THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, TRACTS OR PARCELS (40) ACRES OR MORE WITHIN ANY FIVE-YEAR PERIOD. WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDING OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.A. SECTION 440. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DUELING UNITS WITHIN A FIVE-YEAR PERIOD OR THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DUELING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSES OF THIS PARAGRAPH. A DUELING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH THROUGH SALE OR LEASE IS INTENDED FOR SINGLE-FAMILY RESIDENCE INCLUDING SINGLE-FAMILY AND MULTI-FAMILY HOUSING CONDOMINIUMS, THE-SHARE UNITS AND APARTMENTS.
 - ALL ELECTRIC TELEPHONE AND CABLE TV SERVICES SHALL BE UNDERGROUND AND IN CONFORMANCE WITH THE STANDARDS OF CENTRAL MAINE POWER CO., FAIRPOINT COMMUNICATIONS, THE WARNER CABLE TV CO., OR OTHER UTILITIES PROVIDING SERVICE TO THE SITE.
 - THE FACILITY IS SERVICED BY CITY SEWER WATER GAS, UNDERGROUND ELECTRIC, STORM DRAINAGE, TELEPHONE AND CABLE.
 - A PERMIT MUST BE OBTAINED FROM THE CITY OF PORTLAND PARKS DEPARTMENT AND PUBLIC WORKS DEPARTMENT PRIOR TO BEGINNING ANY WORK WITHIN THE CITY RIGHT-OF-WAY.
 - THE ENTIRE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN APPROVED BY THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATIONS TO OR DEVIATIONS FROM THE APPROVED SITE PLAN INCLUDING, WITHOUT LIMITATION TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SITE LOCATION AND SURFACES OF PARKING AREAS, AND LOCATION AND SIZE OF BUILDINGS.
 - PRIOR TO CONSTRUCTION, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITEBUILDING SCHEDULE AT APPROVED CITY REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.



GENERAL NOTES: (CONT.)

- LANDSCAPING SHALL MEET THE "ARBOREICULTURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- CONTRACTOR SHALL INSTALL NEW GRANITE MONUMENTS PER CITY OF PORTLAND STANDARDS. CONTRACTOR SHALL RETAIN A LICENSED SURVEYOR TO STAKE MONUMENT LOCATIONS AND VERIFY LOCATIONS OF INSTALLATION.
- THE PLANNING BOARD GRANTED A WAIVER FOR TECHNICAL STANDARD, SECTION 11.2A (B), WHICH REQUIRES A 24 FOOT WIDE DRIVEWAY TO BE REDUCED TO 18 AND 22 FEET AT THE GARAGE ENTRANCES ON NEWBURY AND MIDDLE STREETS.

CONDITIONS OF APPROVAL

- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN THOMAS LAUGHLIN, P.E. TRAFFIC CONSULTING ENGINEER'S REVIEW DATED JUNE 2, 2009 SHALL BE SUBMITTED FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN STEVE DUNNEY, P.E. CONSULTING ENGINEER'S MEMORANDUM OF JULY 8, 2009 SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN MICHAEL PARKER, PROJECT ENGINEER'S MEMORANDUM OF JUNE 28, 2009 TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- IN LIEU OF THE APPLICANT RECLAIMING AND REPAVING A PORTION OF HANCOCK STREET, THE DEPARTMENT OF PUBLIC WORKS REQUESTS THAT THE APPLICANT PAY THE COST OF RECLAIMING AND REPAVING HANCOCK STREET TO THE CITY, SO THAT THE CITY CAN USE THESE FUNDS TO COVER PART OF THE COST OF REHABILITATING HANCOCK STREET AT A FUTURE TIME. THE ESTIMATED COST OF RECLAIMING AND REPAVING THE STREET MUST BE REVIEWED AND APPROVED BY PUBLIC WORKS.
- THE RESTAURANT AND/OR RETAIL COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE TRAVELER PARKING GARAGE LOCATED AT MIDDLE STREET AND THAT DOCUMENTATION OF SUCH PARTICIPATION WILL BE PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO YEARS.
- ALL FINANCIAL CONTRIBUTIONS REQUIRED AS PART OF THE CONDITIONAL REZONING SHALL BE SUBMITTED TO THE CITY PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE DESIGN DETAILS FOR THE BIKE RACKS SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- THE PROPOSED CONDOMINIUM DOCUMENTS SHALL BE SUBMITTED FOR REVIEW BY PERCY LITTLE, ASSOCIATE CORPORATION COUNSEL OFFICE, PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THAT THE APPLICANT SUBMIT REVISED PLANS MEETING THE REQUIREMENTS OF URBAN DESIGNER GARRETT HARRIS IN HER 06/29/09 MEMO AS THE CONDITIONS APPLY TO PHASE I.

WAIVERS

PERMIT TO SECTION 14-806 TO THE PORTLAND CODE THE PLANNING BOARD ALLOWS THE FOLLOWING VARIATION FROM THE SUBDIVISION APPROVAL STANDARD BOUND IN SECTION 14-806(F) OF THE PORTLAND CODE: THE PLANNING BOARD ACCORDS TO THE APPLICANT'S CONTRIBUTION TO THE CONSTRUCTION OF HANCOCK STREET AND THE ADDITIONAL COSTS FOR TREE WELLS AND TREE GUARDS, SO BASED UPON THE RECOMMENDATION OF THE CITY ARBORIST, THE PLANNING BOARD WAIVES THE FINANCIAL CONTRIBUTION TO THE STREET FUND TO ONE HALF THE AMOUNT DUE AS DETERMINED BY THE CITY ARBORIST.

CONDOMINIUM UNITS

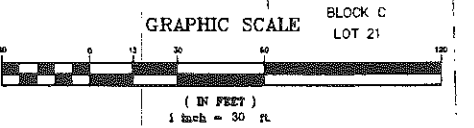
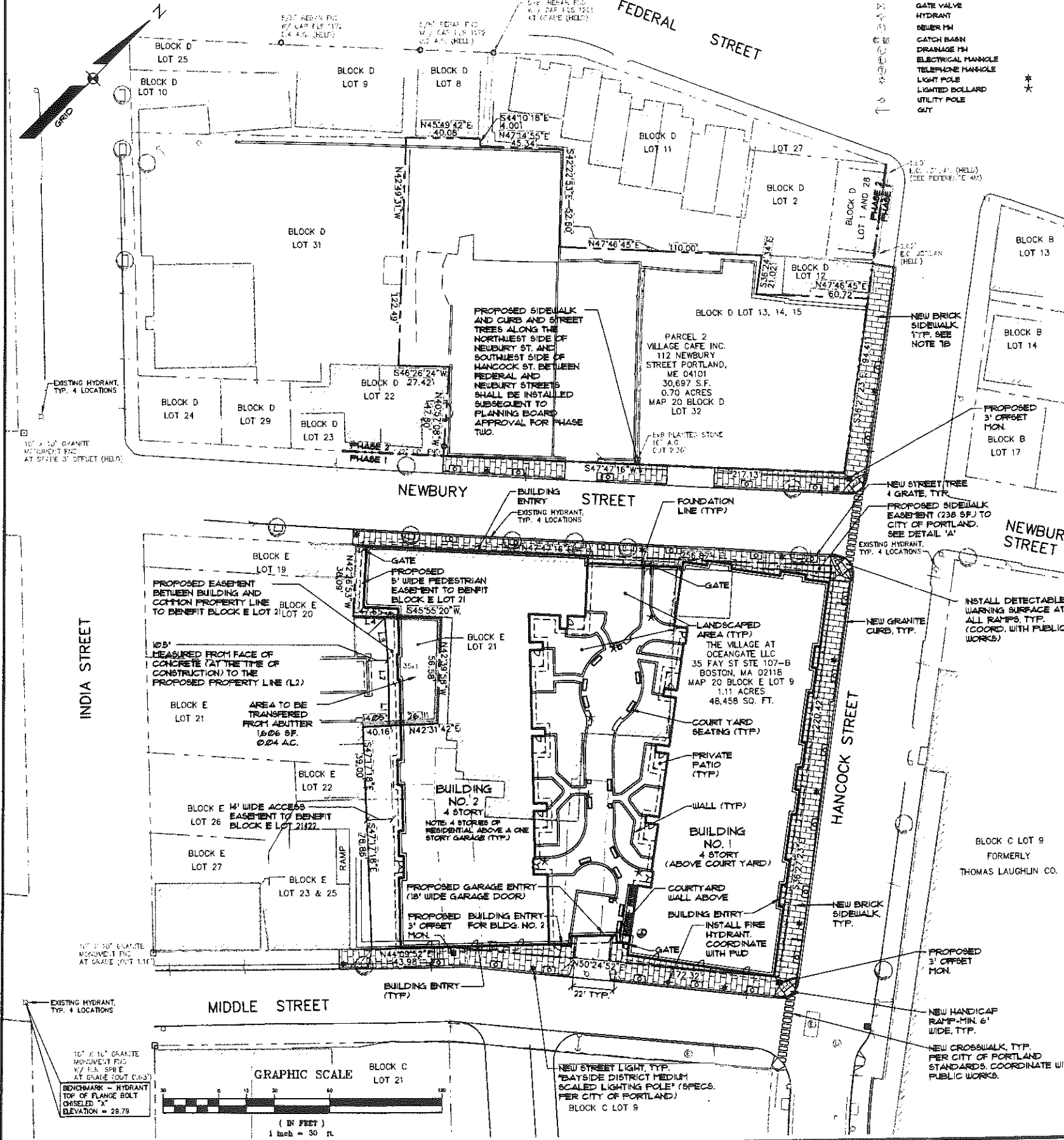
- BUILDING NO. 1: 48 UNITS
- BUILDING NO. 2: 42 UNITS
- TOTAL: 90 UNITS

STATE OF MAINE

RECEIVED _____ COUNTY SS REGISTRY OF DEEDS
 AT _____ h _____ m _____ M. AND RECORDED IN
 PLAN BOOK _____ PAGE _____
 ATTEST _____ REGISTRAR

APPROVAL: CITY OF PORTLAND PLANNING BOARD

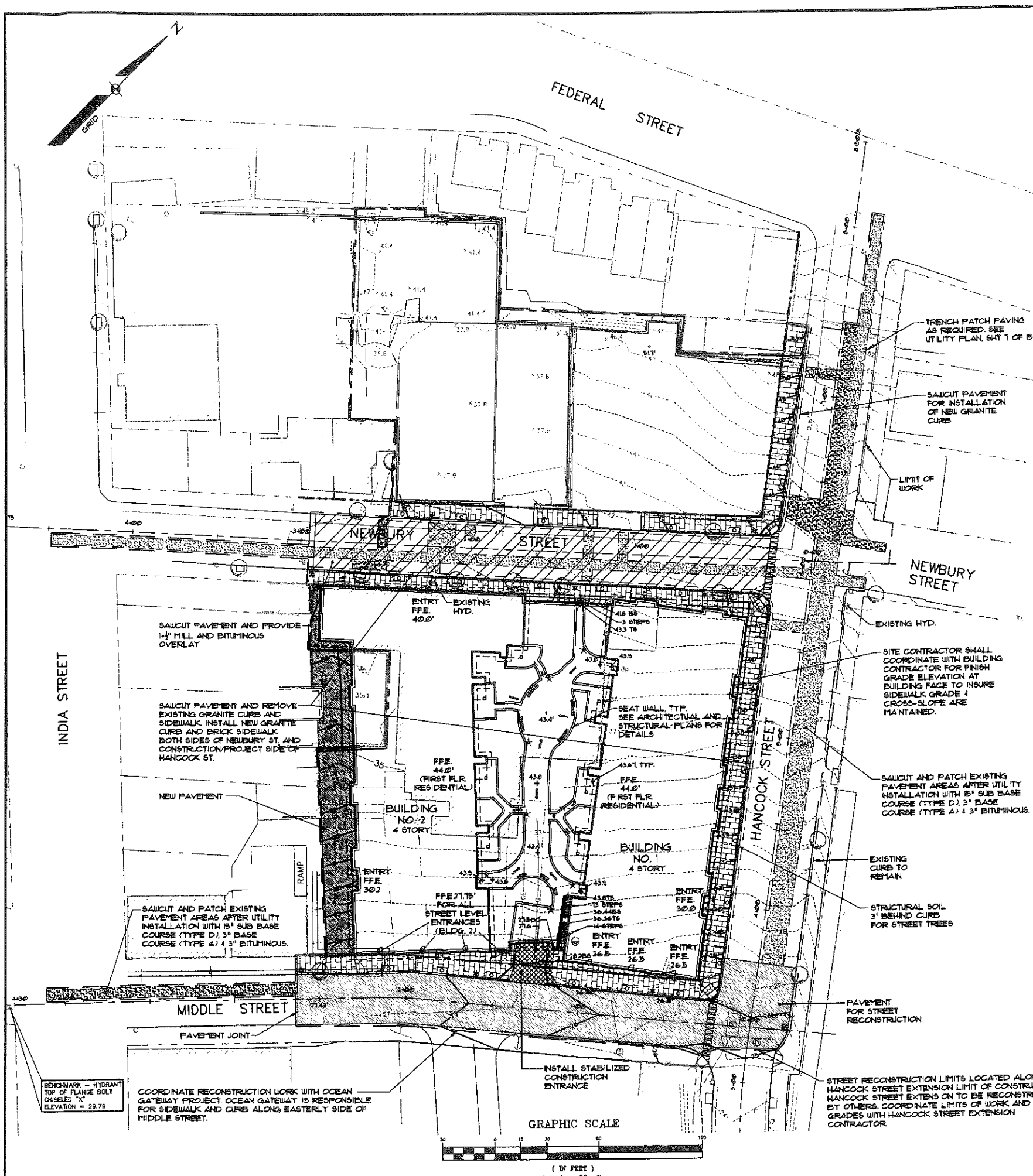
DATE _____
 CHAIRPERSON _____



REV.	DATE	BY	STATUS
6/23/08	6/23/08	CD	ISSUED PER STAFF COMMENTS/ISSUED TO CLIENT FOR P.B. SUBMITTAL
6/23/08	6/23/08	CD	ISSUED PER CLIENT'S COMMENTS/SUBM. TO CLIENT FOR P.B.
5-26-08	5-26-08	CD	REVISED PER CLIENT'S COMMENTS
4-17-08	4-17-08	CD	SUBMIT TO CITY FOR ZONING AMENDMENT REVIEW
4-8-08	4-8-08	CD	STATUS

Sebago Technics
 Engineering Expenses You Can Build On
 One Oyster Street
 Westbrook, ME 04092
 Tel: (207) 666-0077

AMENDED SUBDIVISION PLAT
 OF THE BAY HOUSE
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.,
 PORTLAND, MAINE
 FOR RECORD OWNER
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110
 DATE 8/3/05 SCALE 1"=30'
SHEET 4 OF 15



CONSTRUCTION NOTES

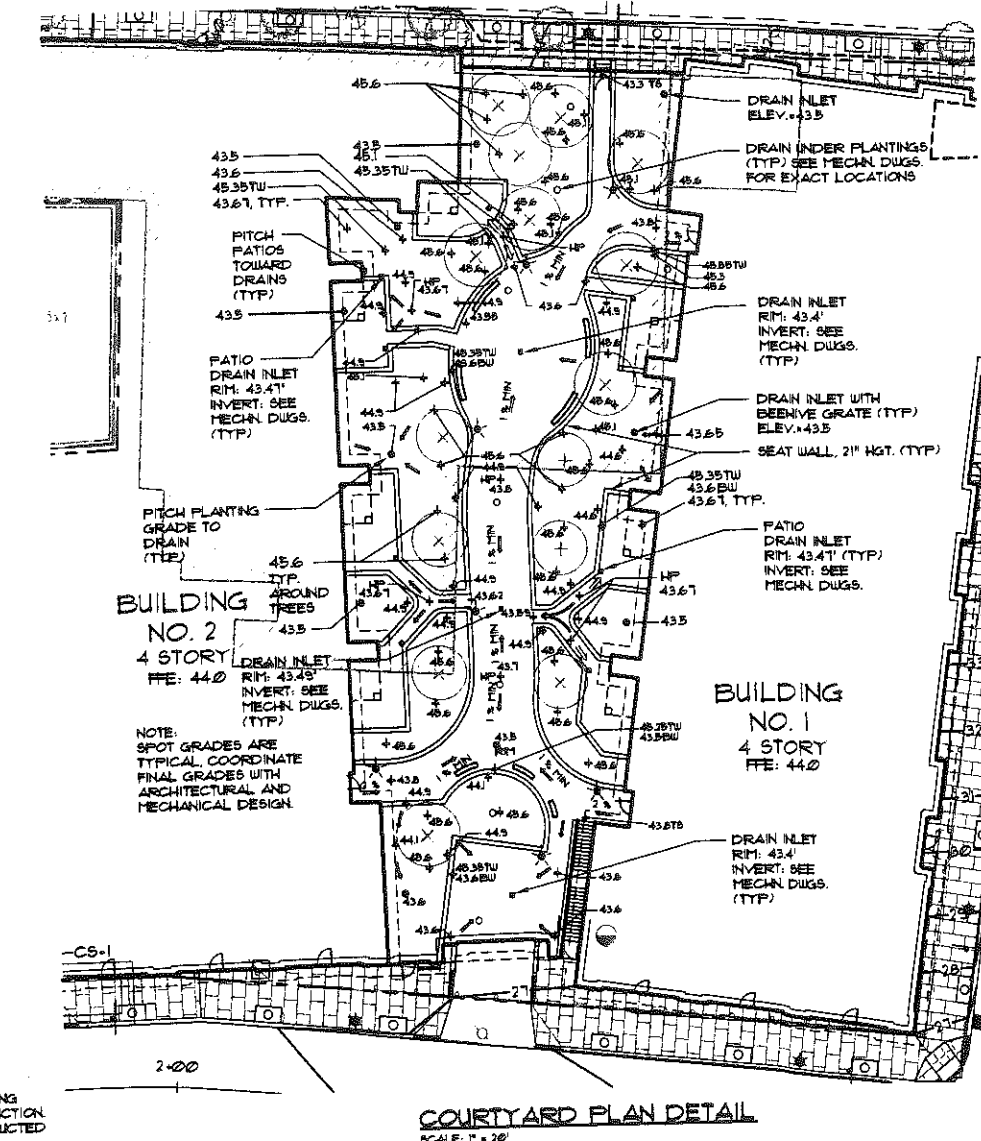
- ALL CURBS SHALL BE DESIGNED AND BUILT WITH TYP-DOWNS AT ALL DRIVEWAYS AND CROSSWALKS, IN ACCORDANCE WITH THE PUBLIC WORKS TECHNICAL STANDARDS AND GUIDELINES.
- AN APPROVED SET OF PLANS AND ALL APPLICABLE PERMITS MUST BE AVAILABLE AT THE CONSTRUCTION SITE, THE DEVELOPER, OR AN AUTHORIZED AGENT, MUST BE AVAILABLE AT ALL TIMES DURING CONSTRUCTION.
- WARNING SIGNS, BARRICADES OR FLAGMEN, APPROPRIATE FOR THE TYPE OF CONSTRUCTION MUST BE EMPLOYED TO REGULATE TRAFFIC.
- CONSTRUCTION DEBRIS SHALL BE CONTAINED AND DISPOSED OF IN ACCORDANCE WITH CITY OF PORTLAND'S SOLID WASTE ORDINANCE CHAPTER 21.
- ANY DAMAGE TO PUBLIC OR PRIVATE PROPERTY RESULTING FROM CONSTRUCTION ACTIVITIES SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR AT THEIR EXPENSE.
- PROPERTY MARKERS AND STREET LINE MONUMENTS SHALL BE PROPERLY PROTECTED AT ALL TIMES DURING CONSTRUCTION TO INSURE THEIR INTEGRITY. IF DISTURBED THEY SHALL BE REPLACED BY A SURVEYOR REGISTERED IN THE STATE OF MAINE AT THE CONTRACTOR/DEVELOPER'S EXPENSE.
- ALL SANITARY SERVICES AND APPURTENANCES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF PORTLAND PARKS AND PUBLIC WORKS BELLER DIVISION.
- ALL NEW CONNECTIONS, RECONNECTIONS, ETC. TO SANITARY OR STORM SEWERS SHALL REQUIRE A CONNECTION PERMIT PRIOR TO BEGINNING ANY WORK. THE CITY OF PORTLAND PARKS AND PUBLIC WORKS DEPARTMENT MUST BE NOTIFIED AT LEAST 24 HOURS PRIOR TO COMMENCEMENT TO ALLOW FOR INSPECTION.
- LANDSCAPING SHALL MEET THE "LANDSCAPE SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION AND SEDIMENTATION CONTROL MEASURES SHALL BE DESIGNED IN ACCORDANCE WITH THESE EROSION AND SEDIMENT CONTROL HANDBOOK FOR CONSTRUCTION BEST MANAGEMENT PRACTICES.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREA ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREA SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER MATERIALS AS REQUIRED BY BEST MANAGEMENT PRACTICES.
- THE CONTRACTOR SHALL UTILIZE A SEDIMENT CONTROL SILT BAG WHEN DEWATERING TO PUBLIC SEWER.

LEGEND

EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	CONTOURS	124
○	GATE VALVE	
○	LIGHT POLE	
○	UTILITY POLE	
○	HYDRANT	
○	CATCH BASIN	
○	MANHOLE	
○	SPOT GRADE	+30.20
○	DECIDUOUS TREE	
○	CONIFEROUS TREE	
○	BENCHMARK	

ABBREVIATIONS

BS	BOTTOM STEP
TS	TOP STEP
BC	BOTTOM CURB
TC	TOP CURB
FPE	FINISH FLOOR ELEVATION
HP	HIGH POINT



REV.	BY	DATE	DESCRIPTION
K	CD	8/3/08	ISSUED TO CLIENT FOR AMENDED SUBDIVISION/SITE PLAN
J	CD	9/17/07	REVISED PER STAFF COMMENTS AND SUBMITTED TO CITY
I	CD	9/19/07	REVISED NEWBURY ST. PAVING
H	CD	9/19/07	REVISED AND SUBMITTED TO CITY FOR FINAL PLANS
G	CD	9/19/07	PROGRESS PRINT FOR SEN./DAVID WHITE
F	CD	9/17/07	STATUS:

Sebago Technics
 Engineering Experience You Can Build On
 One Chestnut Street, Suite 1339
 Portland, Maine 04101
 Tel: (707) 858-0277

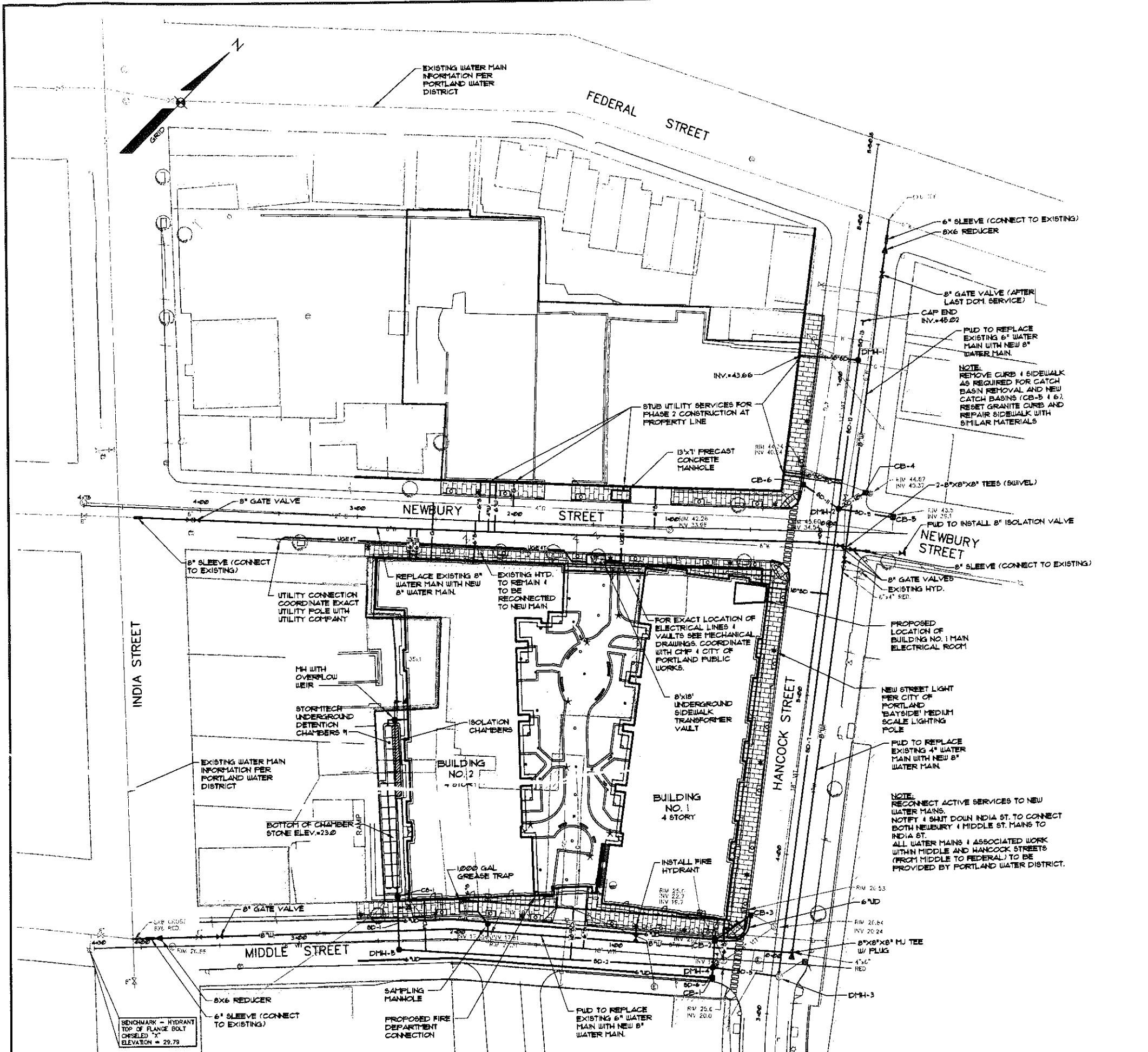
PROJECT NO. FIELD BOOK DESIGN CHKD DRAWN
 CD CD CD CD CD
 05109

GRADING PLAN
 OF
THE BAY HOUSE
 112 NEWBURY ST., 115 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE

FOR
THE VILLAGE AT OCEAN GATE, LLC
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110

DATE: 8/3/05 SCALE: AS NOTED

SHEET 6 OF 15



LEGEND

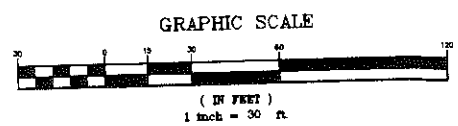
EXISTING	DESCRIPTION	PROPOSED
---	PROPERTY/ROW	---
---	EASEMENT	---
---	CENTERLINE	---
---	BUILDING	---
---	SIGN	---
---	EDGE PAVEMENT	---
---	GRAVEL ROAD	---
---	CURBLINE	---
---	GAS	---
---	WATER	---
---	SEWER	---
---	STORM DRAIN	---
---	OVERHEAD ELEC. 4 TEL.	---
---	UNDERGROUND ELEC. 4 TEL.	---
---	TRANSFORMER PAD	---
---	GATE VALVE	---
---	LIGHT POLE	---
---	UTILITY POLE	---
---	HYDRANT	---
---	CATCH BASIN	---
---	MANHOLE	---
---	DECIDUOUS TREE	---
---	CONIFEROUS TREE	---
---	BENCHMARK	---

STORM DRAIN STRUCTURE SCHEDULE

STRUCTURE	RM	INV. IN	INV. OUT
CB-1	25.20	22.0 (6"UD)	21.34
CB-2	25.10	21.52 (SD-4) 22.0 (6"UD)	21.42
CB-3	26.2	22.24 (6"UD)	21.74
CB-4	44.00	--	39.53
CB-5	43.5	--	39.6
CB-6	43.80	--	39.67
DMH-1	51.0	43.27	43.71
DMH-2	43.33	39.45 (SD-8) 39.45 (SD-10) 39.45 (SD-11) 39.30 (SD-12)	39.80
DMH-3	25.8	20.01 (10") 19.59 (8") 19.11 (18")	19.01 (EXIST.)
DMH-4	25.8	21.31	21.21
DMH-5	21.4	22.39	22.29
CS-1	21.8	23.0	22.7
CS-2	51.0	44.50	44.30

STORM DRAIN PIPE SCHEDULE

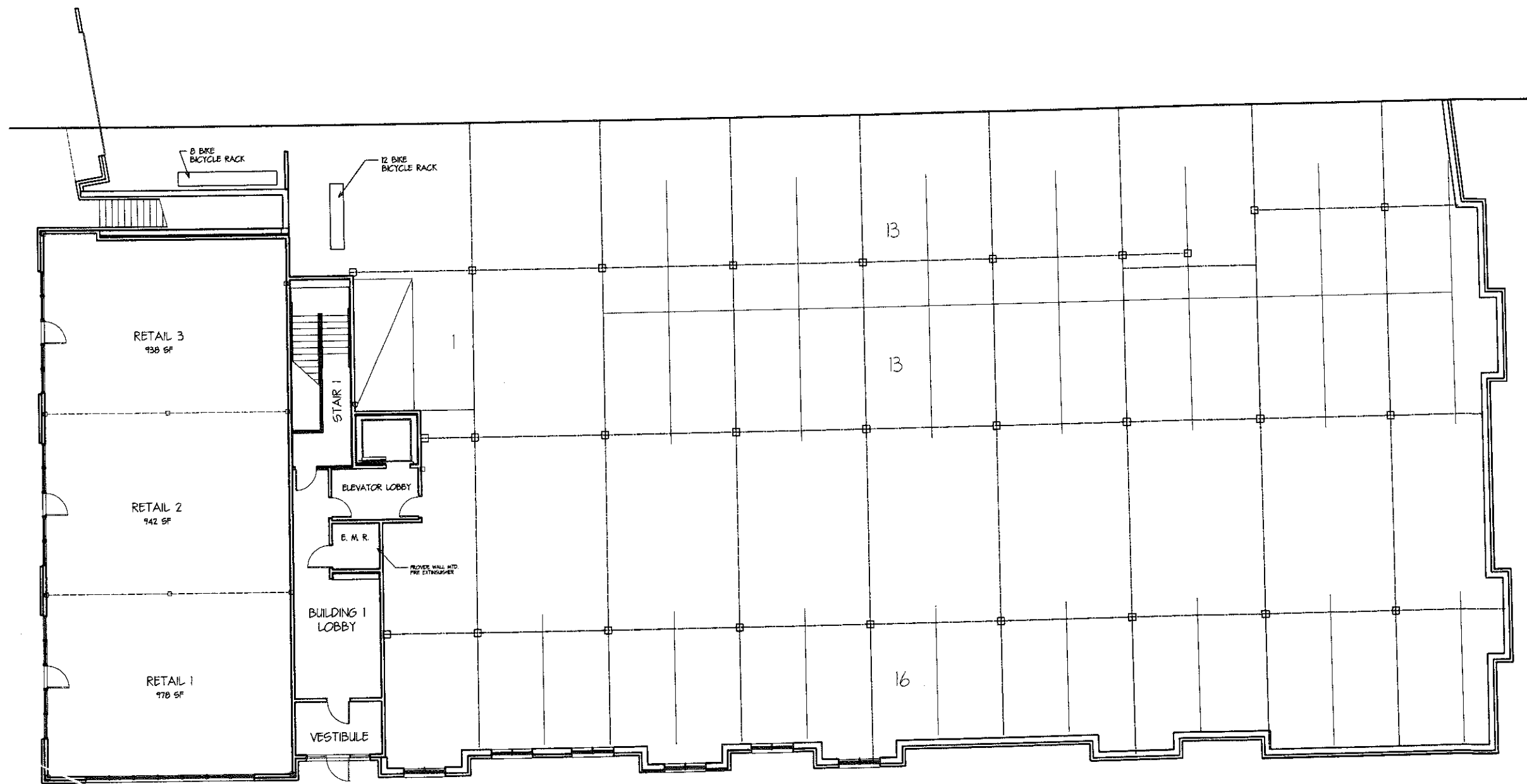
PIPE	DIA	LENGTH	SLOPE
SD-1	12"	28'	0.011
SD-2	12"	156'	0.005
SD-3	10"	22'	0.01
SD-4	10"	12'	0.01
SD-5	18"	40'	0.01
SD-6	10"	4'	0.01
SD-7	10"	288'	0.0684
SD-8	10"	20'	0.005
SD-9	10"	30'	0.005
SD-10	10"	16'	0.005
SD-11	10"	22'	0.01
SD-12	12"	90'	0.043
SD-13	12"	25'	0.01



ISSUED TO CLIENT FOR AMENDED SUBDIVISION/SITE PLAN
 REVISED & SUBMITTED TO CITY
 REVISED & SUBMITTED TO CITY FOR PUBLIC HEARING
 DATE: 6/3/05
 DATE: 11/1/07
 DATE: 9/4/07
 BY: [Signature]
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 05109 CD CD SAB

UTILITY PLAN
 OF: **THE BAY HOUSE**
 112 NEWBURY ST., 113 NEWBURY ST., 40 HANCOCK ST.
 PORTLAND, MAINE
 FOR: **THE VILLAGE AT OCEAN GATE, LLC**
 133 PEARL STREET, SUITE 400
 BOSTON, MA 02110
 DATE: 8/3/05 SCALE: 1" = 30'
SHEET 7 OF 15



PARTIAL GARAGE LEVEL PLAN
 PHASE I, BUILDING 1

SCALE: 1/8" = 1' 0"

DAVID M. WHITE, ARCHITECT
 403 Tibbets Hill Road
 P. O. Box 447
 Goffstown, New Hampshire 03045
 (603) 497-3405

THE VILLAGE AT OCEAN GATE, LLC
 C/O Atlas Investments Group
 35 Fay Street Suite 5-2
 Boston, MA 02118

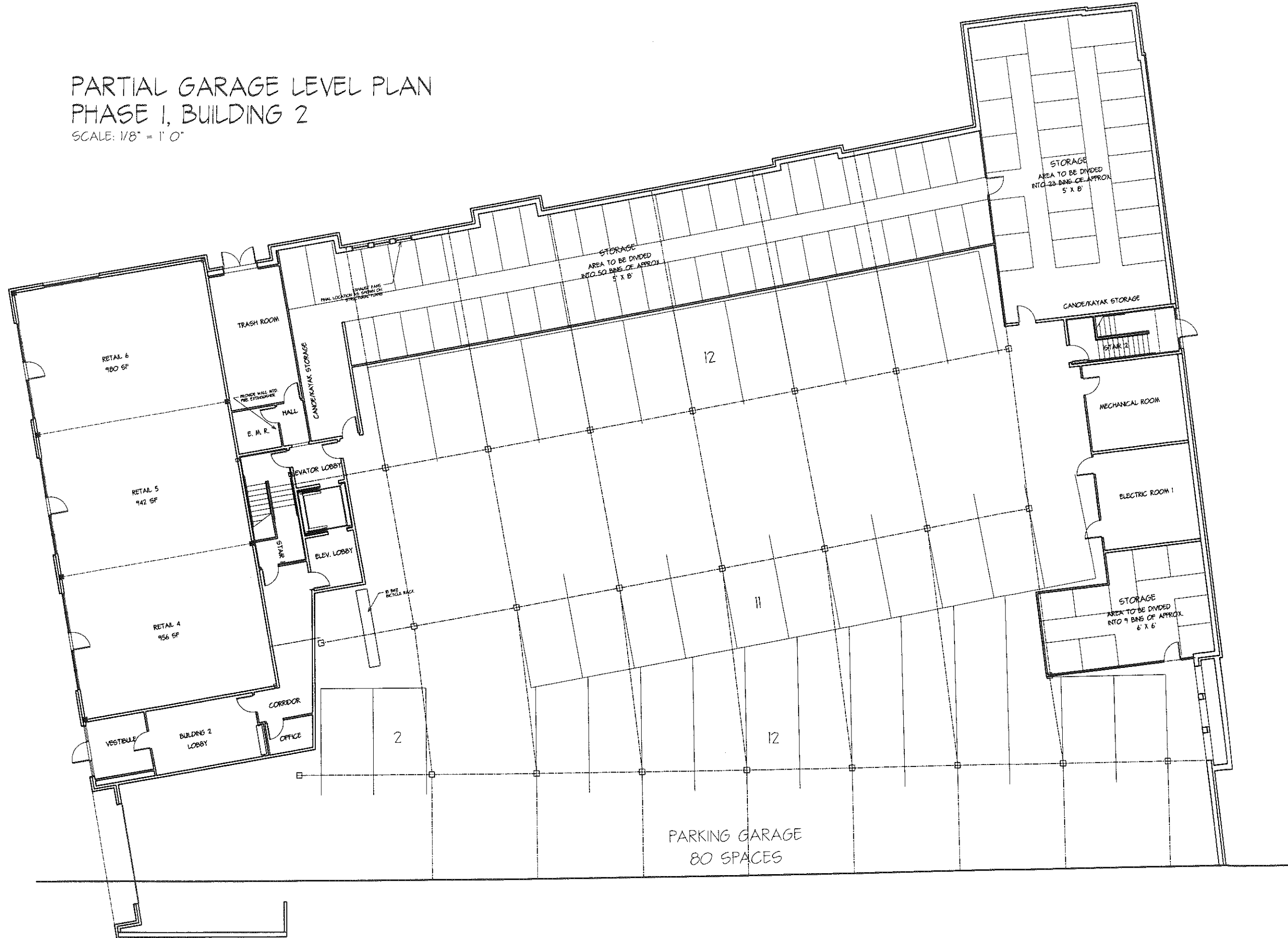
THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Phase I/Building 1
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

DRG. NO.
 B-1

PARTIAL GARAGE LEVEL PLAN
 PHASE I, BUILDING 2
 SCALE: 1/8" = 1' 0"



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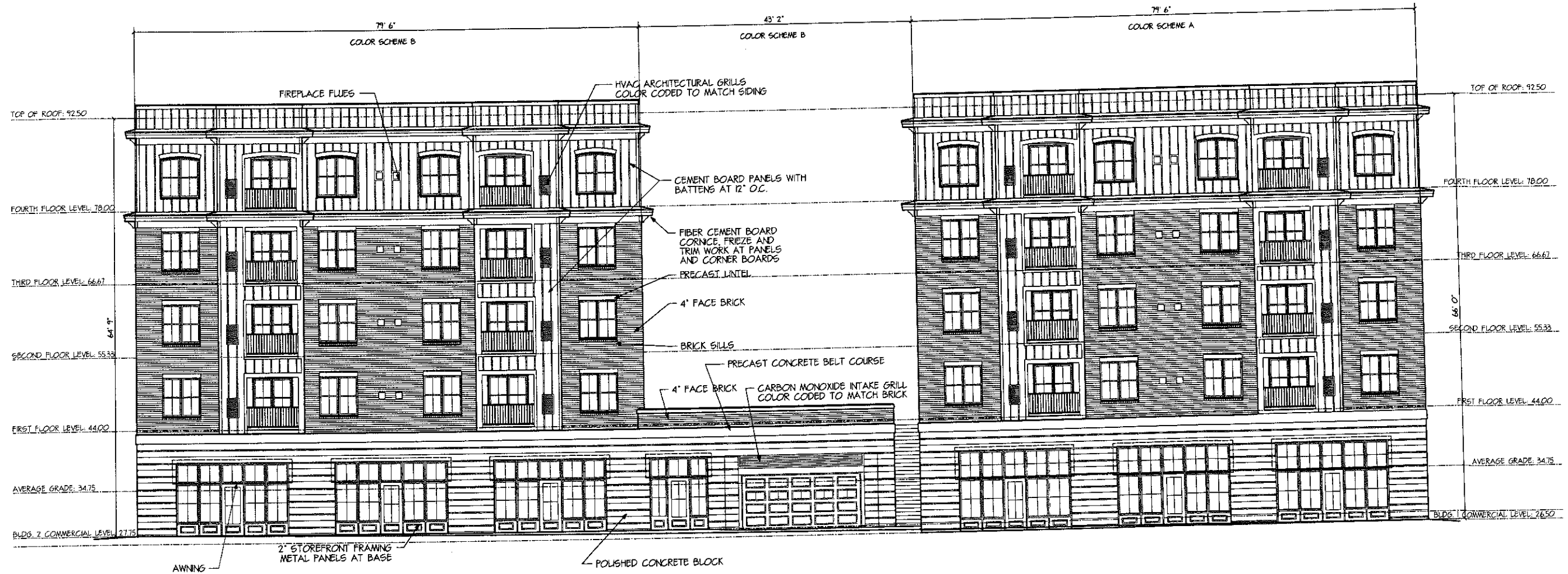
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THE BAY HOUSE
 Middle Street
 Portland, Maine

FIRST FLOOR PLAN
 Phase I/Building 2
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

DRG. NO.
 B2-1



BUILDINGS 1 & 2
MIDDLE STREET ELEVATION
SCALE: 1/16" = 1' 0"

NOTES:
LOCATION OF TOILET AND LAUNDRY EXHAUST VENTS TO BE FIELD COORDINATED TO LINE UP VERTICALLY. ALL EXTERIOR APPURTANCES SUCH AS EXHAUST HOODS, HVAC GRILLES AND FIREPLACE FLUES TO BE EITHER FACTORY FINISHED OR FIELD FINISHED TO COORDINATE WITH THE COLOR OF THE MATERIAL IN WHICH THEY ARE TO BE INSTALLED.

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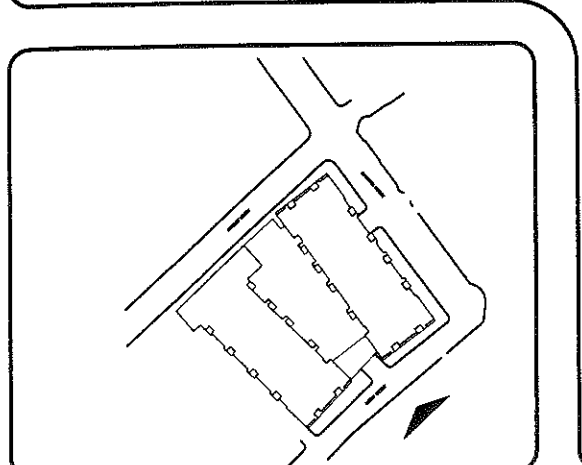
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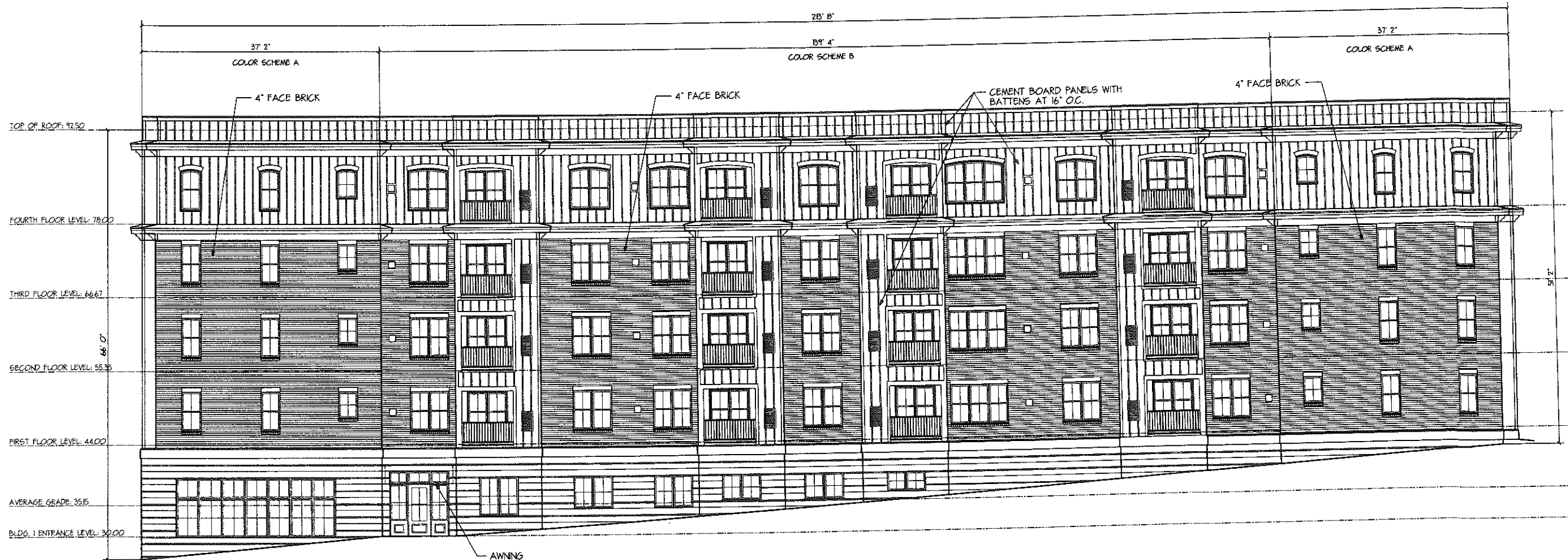
THE BAY HOUSE
Middle Street
Portland, Maine

SOUTH ELEVATION
Phase 1/Building 1 & 2
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: June 23, 2008

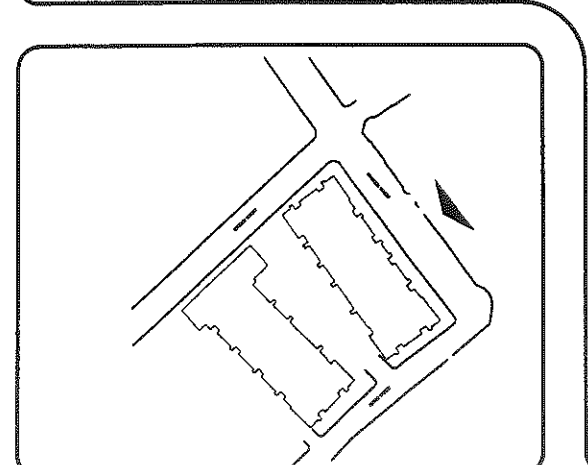
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BUILDING 1
HANCOCK STREET ELEVATION



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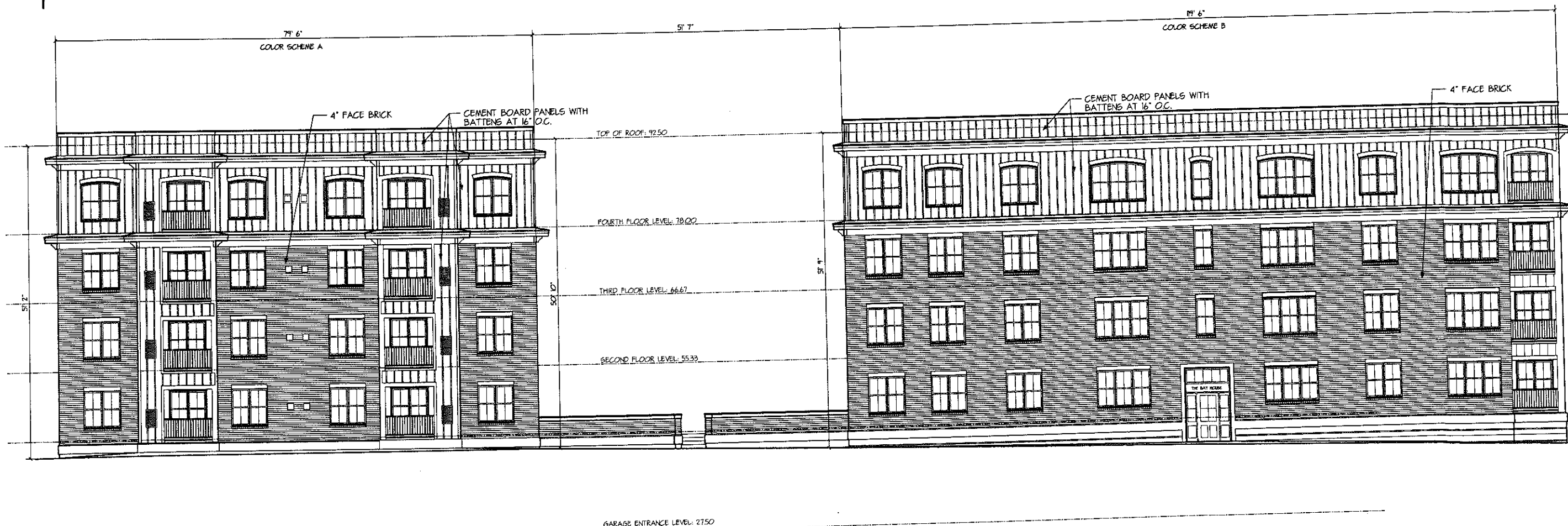
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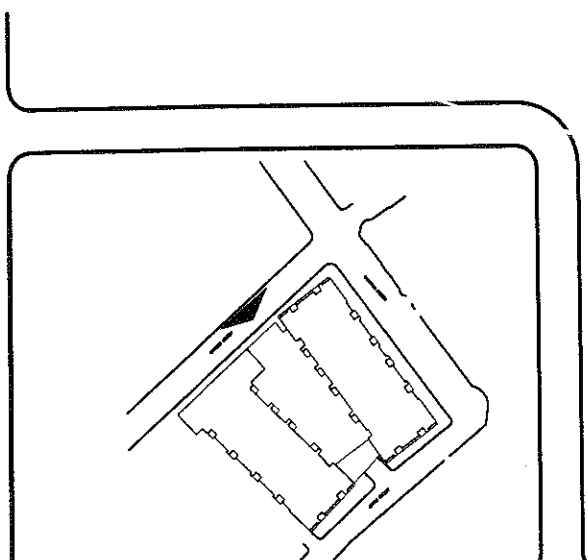
EAST ELEVATION
Phase 1/Building 1
Scale: 1/8" = 1' 0"
Commission No: 06-008
Date: June 23, 2008

REVISIONS:

DRG. NO.
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BUILDINGS 1 & 2
 NEWBURY STREET ELEVATION
 SCALE: 1/16" = 1' 0"



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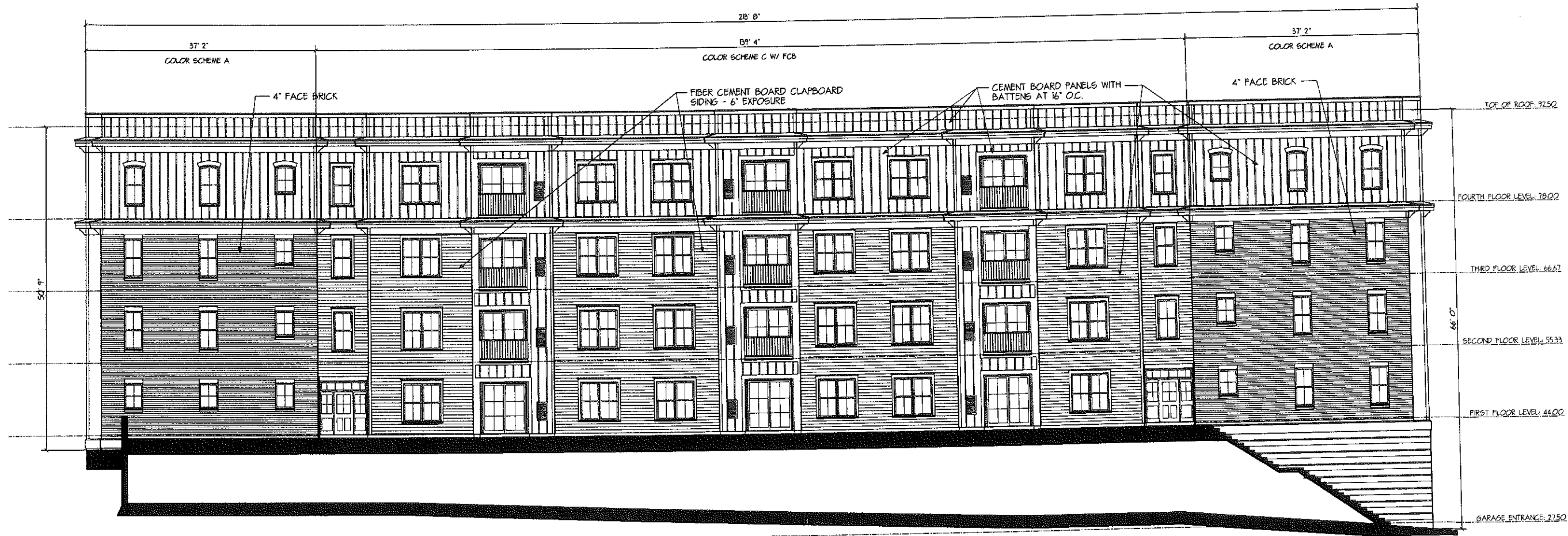
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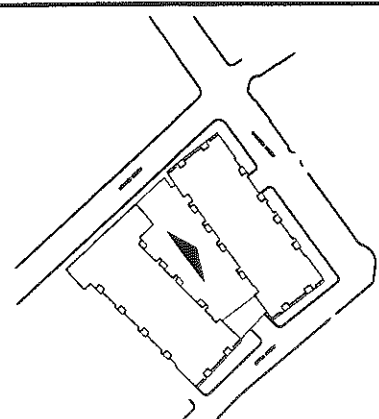
NORTH ELEVATION
 Phase 1/Building 1 & 2
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

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 E.3



BUILDING 1
 WEST COURTYARD ELEVATION
 SCALE: 1/16" = 1' 0"



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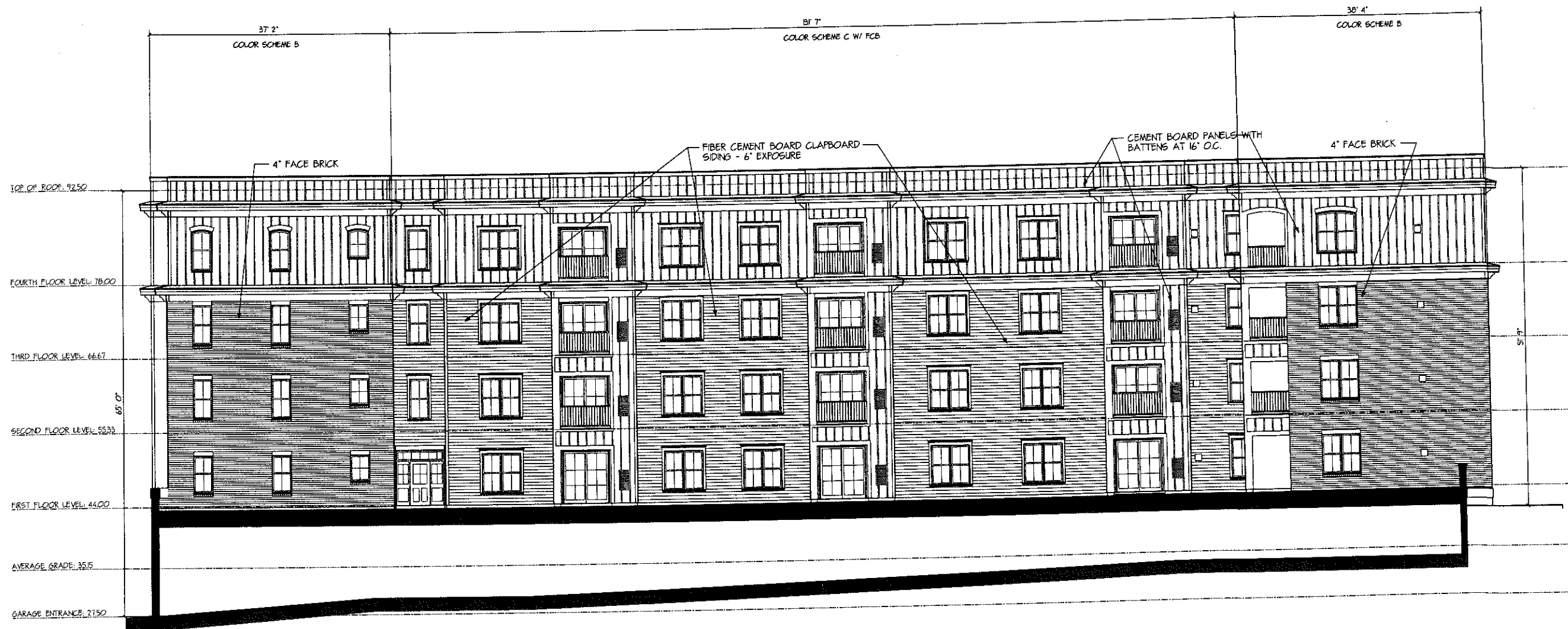
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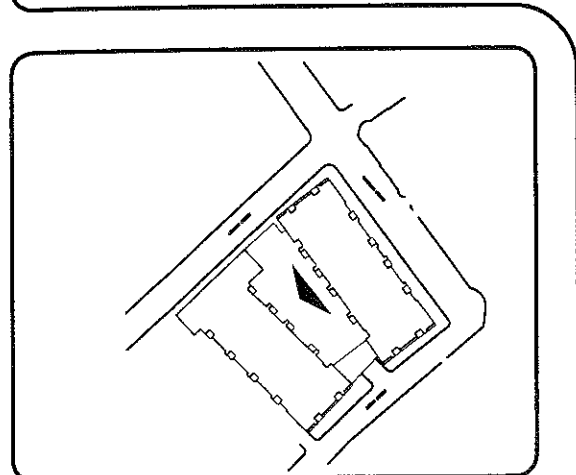
WEST ELEVATION
 Phase 1/Building 1
 Scale: 1/16" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

REVISIONS:

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BUILDING 2
 EAST COURTYARD ELEVATION
 SCALE: 1/16" = 1' 0"



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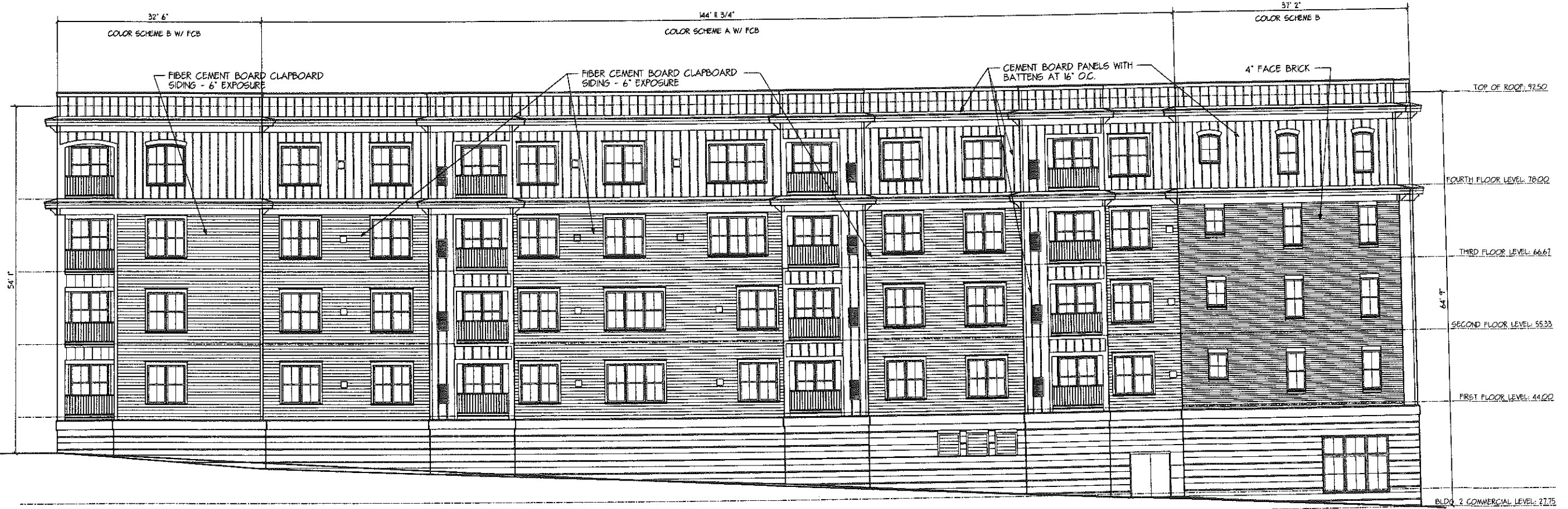
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EAST ELEVATION
 Phase 1/Building 2
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

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 55



BUILDING 2
WEST ELEVATION
SCALE: 1/16" = 1' 0"

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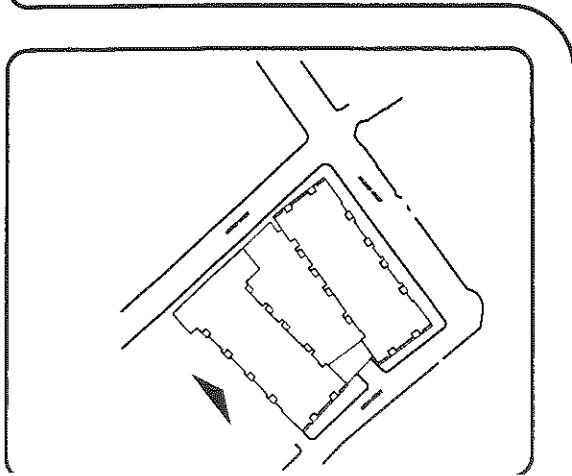
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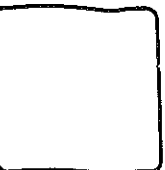
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WEST ELEVATION
Phase 1/Building 2
Scale: 1/8" = 1' 0"
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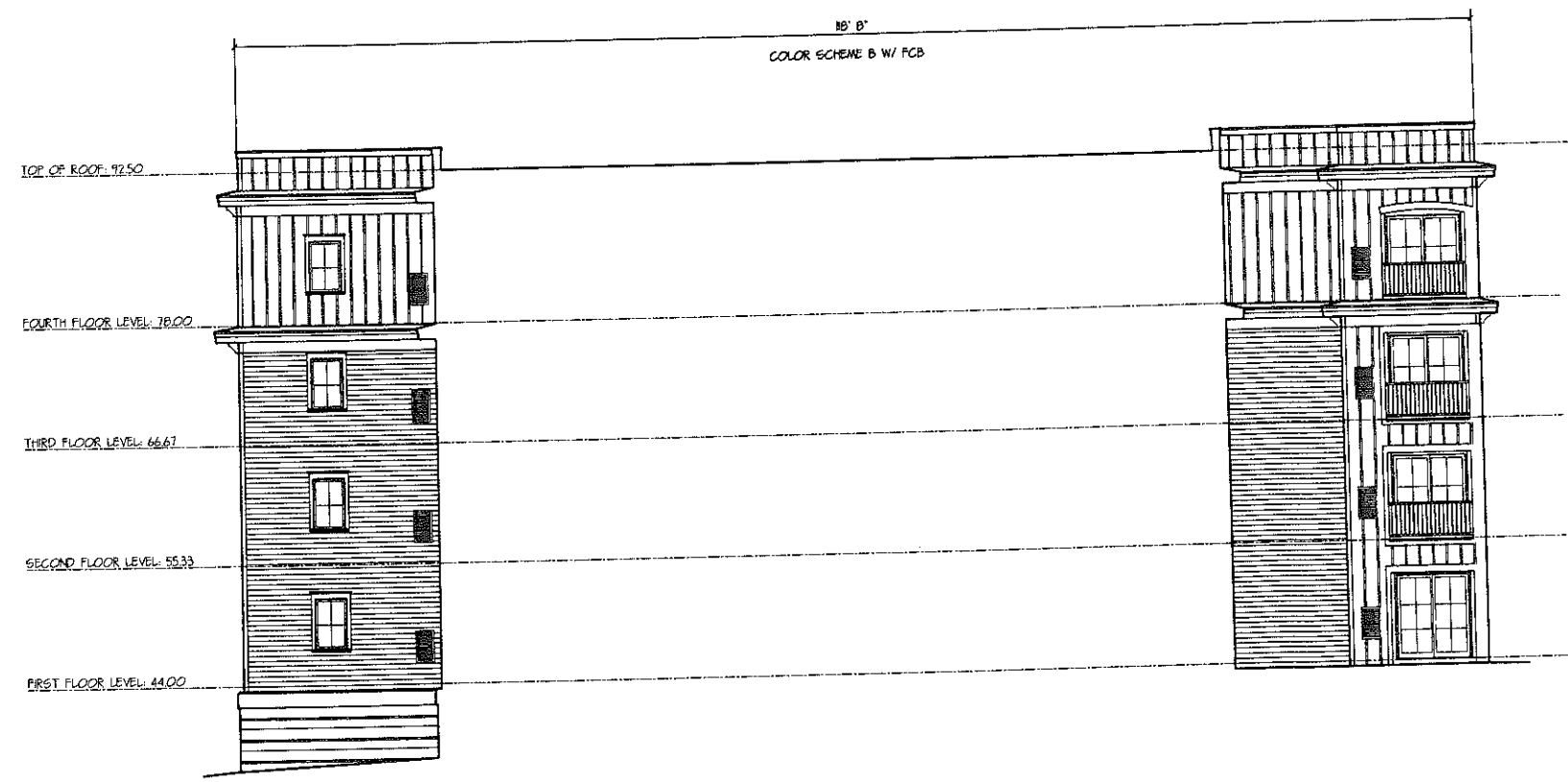
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THE BAY HOUSE
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ELEVATION A
 Phase 1/Building 2
 Scale: 1/8" = 1' 0"
 Commission No: 06-008
 Date: June 23, 2008

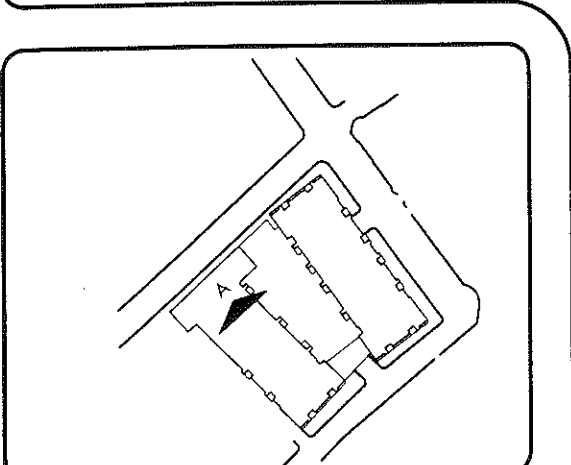
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ELEVATION A

BUILDING 2
 ELEVATION A THROUGH BUILDING
 SCALE: 1/16" = 1' 0"



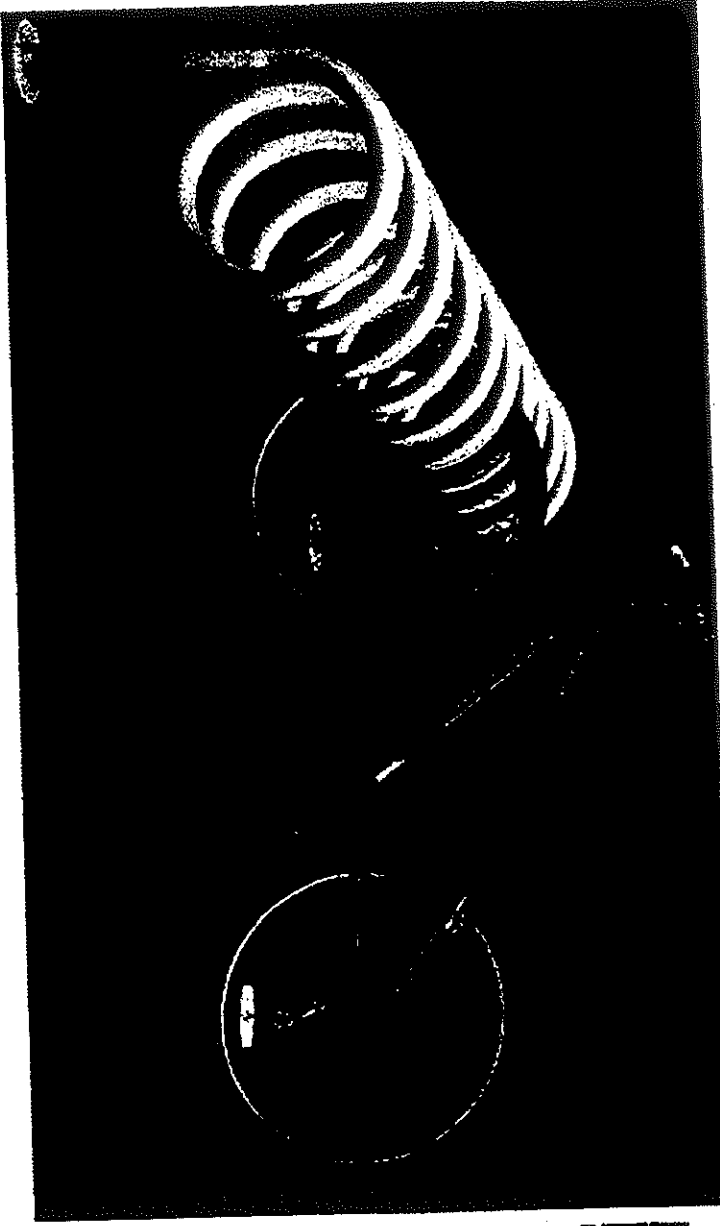








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