

August 28, 2011
05109

Barbara Barhydt, Development Review Services Manager
City of Portland Planning Division
City Hall, 4th Floor
389 Congress St.
Portland, ME 04101

Village at Ocean Gate LLC, - Bay House (Middle, Newbury and Hancock Streets)
Responses to Conditions of Level III Site and Subdivision Plan Approval

Dear Ms. Barhydt:

On behalf of Village at Ocean Gate LLC., please find one (1) copy of the revised Level III Site/Subdivision Plan associated design plans which are response to the conditions of approval as set forth by the Portland Planning Board at the June 12, 2012 hearing, and as outlined in your letter of approval dated June 15th 2012. Specifically, Sebago Technics has addressed or responded to the various technical and design issues raised by memorandums submitted by the Public Services (David Margolis-Pineo, PE), the Consulting Engineer (Steve Bushey, PE), the Consulting Traffic Engineer(Thomas Errico, PE), and the City Arborist (Jeffrey Tarling).

To assist all involved in tracking these responses we have attempted to answer these in the same order as they were generated by each reviewer. The conditions of approval for the Subdivision review are noted on page two of the June 15th approval letter. Item #5 requests that plan revisions shall be required addressing the recommendations of Steve Bushey's memorandums dated September 16, 2009 and June 7, 2012. Those responses are as follows.

September 16, 2009 Memo:

1. Tree grates have been revised and updated to City Standards and included on the detail sheets to be square. A cut sheet showing the selected 36 inch by 72 inch grate was provided for review at the final plan submission.
2. Road grades along Hancock Street will require adjusting to accommodate dips and differences of the gutter grade along the proposed curb. We have provided an updated grading plan and will adjust the grades accordingly with shim gravel before restoring the final paving grade. The City has accepted a financial contribution in lieu of repairing the entire street section.
3. The building program is a design build, such that we are not certain to the exact locations of all internal roof and internal drainage collection systems for the garage. We have been forced to relocate a detention and collection system under the garage

slab that was previously located in the Alley to the west. Since the project was started in 2007, the abutting owners have had utilities such as water, gas and sewer installed. And given that our system was installed at a significant depth near the farthest end away from Middle Street the shoring, bracing for the soils, and foundation protection, as well as the need to possibly relocate the utilities squeezing their separation distances, would be an expensive and challenging construction. Our latest plan intends to provide a collection point for roof, garage catch basins and court yard catch basins through the stormwater detention system under the garage floor. The system will detain the equivalent as the system had been proposed in the alley, and will discharge through a 15 inch drain into a collector pipe proposed in Middle Street. Additional roof leaders and foundation drain locations will be provided off the corners of both building to tie into the same storm drain system in Middle Street.

4. The reviewer requested that the engineer drawings confirm clearances and elevations of all utilities and services in Middle Street since there are many potential conflicts with the Portland Water District Water mains. We have discovered that the water main was replaced since the original design, and that there is little documentation to the depth the water main was set. We have assumed that the standard practice of 5.5 feet depth was maintained when it was installed. In addition we have revised the Middle Street grading to accommodate the existing curb line on the southerly side as it has been constructed by the Ocean Gate Parking Garage. With the many conflict, and adjustments, we have been coordinating directly with Public Services to rectify grading for adequate reveal on proposed curbs, and for alignments of the proposed storm drain to avoid as many conflicts as possible. It appears that the contractor will need lower the water main elevation near the garage access on Middle Street to allow us access to install necessary storm drains and sewer laterals. We have provided plan and profile sections for Middle Street showing the new surface grading, and utility layouts to address these conflicts of utility elevations.

The second memo, June 7, 2012 memo:

1. All site plans and details have been updated to show a common date for Final Plan - Conditional Approval Review Submittal.
2. The parking stall spacing and concerns for turning movements and garage parking layout will be addressed by installation of appropriate signs and pavement markings indicating both handicap and compact space locations. Some spaces will be assigned to particular residents, and signs and parking numbers could be assigned to delineate reserved locations and direct residents to their designated locations. It is also our understanding that visitors will not be parking in this garage, as it will be gated access for residents only. We would request that prior to occupancy that we submit a parking space management plan. Aisle spacing is per City requirements at 24 feet and some spaces in the middle are deeper to allow for inadvertent traffic to turnaround if spacing is occupied.
3. The proposal for installation of underground electrical and communication services has been an on going deliberation between the Owners, the City and CMP. Following

a recent meeting we have developed a plan to install underground electrical 3-Phase power lines and, an above ground transformer. The issue appears to be now with regards to the aesthetics of the transformer enclosure. A sketch of the proposed masonry enclosure has been submitted for Planning Staff review and we are waiting further comments. Functionally both the Public Services and CMP are satisfied with the alignment and connection into the existing power circuit in the neighborhood.

4. Planning Staff was requested to look into the bike rack proposed and as part of the final plan report prepared by the planning staff; they had approved the bike rack and its location in the garage.
5. The comments raised were regarding the garage drainage which has been explained and responded in Comment #3 from the 2009 comments raised above.

The City's Public Services has memos from both Michael Farmer and David Margolis Pineo which have been incorporated into the conditions of approval. First we will respond to Mr. Farmers comments raised in his June 28, 2007:

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. *This has previously been addressed.*
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 Department 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. *This layout has been revised from the 2008 layout and plans now meet City specifications for sidewalk, curb reveal, and ADA crossslope.*
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. *The sampling manhole has been located just outside the right-of-way to Middle Street near the garage entrance*
4. I concur with Steve Bushey's other comments.

Mr. David Margolis-Pineo's comments from September 16, 2009 are as follows:

1. Concerns with construction fence will be addressed with points facing down.
2. Curbing sections shall be not less than four feet in length. This issue is difficult given the City's detail for new handicap ramp locations and the design of the curved and

straight tip-down transition requires one section to be 3 feet per their standards. We can correct the section such that the tip down of the curved and straight section be extended to 8 feet rather than 7 feet to provide two 4 foot sections. We have shown the required detail per their Technical details for the new handicap access ramps.

3. The construction work in Middle Street was not to interfere with water main work planned to be under way in 2009. The work for the water main is complete but we will need to adjust the depths of the water main to accommodate storm drainage in Middle Street. The proposal will have the PWD replace the water main in Newbury Street as part of the full box cut replacement. No other utilities are expected to be replaced in Newbury Street.
4. All design plans will be stamped by a professional engineer.
5. Water main work will be performed by the Portland Water District, or under their inspection.
6. We will pay the necessary street opening fees as determined by the Condition of Approval #7 under Subdivision Review.
7. Street occupancy for parking space and sidewalk space are noted at \$10 per each per day has been forwarded to the owner.
8. The contractor shall provide a traffic plan to Public Services before commencement of construction activity and shall submit to Public Services for approval, preferably at the pre-construction meeting.
9. Stormwater regulations have been previously reviewed and the plan will detain the same volume as approved in the ally way now under the under the garage slab.
10. Handicap ramps are now in compliance with ADA and City requirements as shown on the Site and Grading plans.

Mr. David Margolis-Pineo's comments from June 8, 2012 are as follows:

1. Concerns over sidewalk notes to be in compliance with ADA and City requirements have been added to details. We have met with Bruce Hyman and reviewed crosswalk locations in the field and have adjusted the plans accordingly on Newbury and Hancock Streets to address orientation concerns. All other crosswalks were deemed acceptable.
2. Notes have been added to the Grading, Utility, and Site Plans, indicating that the work in the City Right-of-Way must be conducted to meet City technical design standards.
3. Water main work in Newbury Street has been noted to be constructed in accordance with PWD specifications (on the Utility Plan).

4. The electrical transformer location and manhole locations have been discussed in the field with CMP the City Engineer (Mike Farmer), and the owners' representative (Marc Gagnon) and determined to be satisfactory for alignment, operation, and providing manholes for future connectivity into the 3-phase power network. Final screening of the above ground transformer will require approval by the Planning Staff before installation.
5. All catch basins have been shown with 3 foot sumps on the detail sheet.

Mr. Thomas Errico's comments from May 18, 2012 are as outlined below with our response in italics:

1. Plans have been sealed by a professional engineer.
2. Sidewalks ramps have been designed per City standards.
3. The applicant should be responsible for all regulatory sign changes. *We have added a note to the Site plan noting this requirement.*
4. A Traffic Demand Management plan will be required for the project prior to occupancy. *We will provide a plan discussing parking demands, public transportation opportunities, and discuss methods to reduce traffic generation prior to the occupancy permit of the first constructed building.*
5. Mr. Errico supports the waiver for the reduced entrance to 18 feet width.
6. The project will impact on street parking regulations and would be expected to support staff in seeking City Council approval. *We concur with his findings.*

Mr. Jeff Tarling's comments from June 8, 2012 are as outlined below with our response:

1. The use of structural soil will be added to our landscaping plans and details to assure the street trees will have a greater opportunity for root zone.
2. The area near the Middle Street garage entrance has been redesigned with a raised curb island/planter near both building corners for additional green space.
3. The street tree per unit fee has remained unchanged from earlier proposals and a contribution will be paid to the City for the difference required versus what is planted.

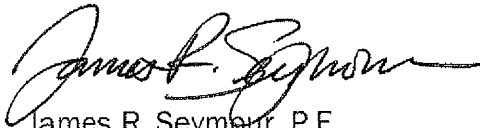
We have included with this response as noted earlier plans to address the construction of both Middle and Newbury Streets. It is our understanding that Middle Street will require the installation of sewer and drainage infrastructure to support the project which will impact the existing water main, and require a section to be deeper. In addition all overhead services will be removed from the building front on Middle Street under the supervision of CMP. The street will be constructed to restore pavement for the full street width from the extent of the projects western corner property iron to the intersection with Hancock as shown on the attached drawings.

Newbury Street will be constructed of a full box cut with a new water line extended from the far side of India Street to the intersection of Hancock Street with a new 8 inch main. All other utilities will remain in place, but the street will receive a new sub-base and base course of aggregates, as well as a base and finish courses of bituminous pavement. All construction will be in accordance with City specifications. After meeting with City engineers all offsite curbing and sidewalks except where pointed out will remain in place and constructed to achieve to the most practicable extent a reveal of 7 inches. All sidewalk and curbing along the site will be installed as new.

Our understanding is that our project has been tentatively placed on the August 29th Planning Staff's weekly meeting agenda for review and discussion. If you have any questions on this response letter or attached plans, please do not hesitate to contact us. We thank you for your cooperative efforts and look forward to completion of the Approval Conditions such that the owner may attain a building permit as soon as possible.

Sincerely,

SEBAGO TECHNICS, INC.



James R. Seymour, P.E.
Project Manager

JRS:jrs/dlf

DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

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- ROADWAY DESIGN
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- GRAPHIC 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.



DeLUCA-HOFFMAN ASSOCIATES, INC.
CONSULTING ENGINEERS

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- CONSTRUCTION ADMINISTRATION

MEMORANDUM

DATE: June 7, 2012

TO: Barbara Barhydt, City of Portland Planning

FROM: Steve Bushey

SUBJECT: The Bay House, Site Plan review

Barbara,

I have briefly reviewed the plans and supporting documents as made available on the EPlan site and I have just a couple of comments, which are:

1. Prior to Final approval a final set of updated plans with a common Revision date reflecting the current submission should be submitted just to maintain clarity, given the number of submissions there have been over time.
2. I believe the parking layout is probably acceptable for vehicle movements in and out of the space, however, it might be beneficial to simply see various vehicle turning movements within the garage to determine any spots where additional warning signage or space for maneuvering is needed. As an example, might there be some spots signed for compact vehicles or motorcycles? It might be useful to add some signage in the area of the handicap spaces to alert oncoming vehicles of the handicap spaces and to look for pedestrians. Somewhat obvious, but it's a tight space in the parking garage. We assume that lighting of the parking garage space as been covered in a separate submittal. Will the parking garage be gated, as this might help with access control in/out to a certain degree? This might overlap with comments from Tom Errico, so I will defer to anything further he may desire for information.
3. We understand that underground power/communications will be installed in Newberry Street. We have no specific comments regarding this proposal and understand that challenge that the existing street and infrastructure present for placement of new facilities. Ultimately, the installation of any new underground infrastructure should be accurately located on record drawings for the City's long term benefit. Existing utilities, as they are encountered during trenching etc. should also be recorded for horizontal and vertical location.
4. Planning staff should review the bike rack type being proposed and determine if they are acceptable as they appear to be different than the DERO style recommended under the technical standards.
5. Regarding our comments from September 16, 2009, we find that three is still a bit of outstanding question regarding the drainage within the parking areas, however I'm sure this can be worked out with the final construction drawings.

We have no further comments at this time.

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.

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.

5. b

June 8, 2012

TO: Barbara Barhydt
FROM: David Margolis-Pineo Dept. of Public Services
RE: Review Comments: 112 Newbury Street -- The Bay House

The Department of Public Services has the following comments on the above referenced project.

1. Please add note to the plans that all proposed sidewalk ADA handicap ramps and crosswalk layout and locations shall be reviewed and approved prior to construction by Bruce Hyman (400-9243) Portland's Bike/Ped Coordinator.
2. Please add note to plans that all work within the street right of way will meet City of Portland Technical Manual standards.
3. As previously agreed, the applicant shall install the water main and appurtenances on Newbury St. to the specifications of the Portland Water District.
4. Central Maine Power (CMP) representatives state the proposed underground electrical conduit as shown will not be permitted. If approved, a condition should be added that the applicant, CMP and the City shall meet to determine a mutually agreeable design to include an electrical manhole in the intersection of Newbury and Hancock to facilitate future underground electrical on Hancock. The proposed underground electrical shall be design and constructed to incorporate future needs for the area.
5. All catch basin sumps shall be three feet in depth.

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Barbara Barhydt - Bay House

From: Tom Errico <thomas.errico@tylin.com>
 To: Barbara Barhydt <BAB@portlandmaine.gov>
 Date: Friday, May 18, 2012 9:44 AM
 Subject: Bay House
 CC: Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo <DMP@port...

Barbara – The following summarizes a status report based on my September 17, 2009 comments and the revised application materials for the above noted project.

- 9/17/2009 Comment – The plans must be stamped by a professional engineer.

Status – The plans have been sealed and I have no further comment.

- 9/17/2009 Comment – Sidewalk ramps shall meet city standards.

Status – The plans meet this requirement and I have no further comment.

- 9/17/2009 Comment – The applicant should be responsible for all regulatory sign changes impacted by their project.

Status – This comment remains valid.

- 9/17/2009 Comment – Based upon the proposed parking supply provided, a Parking Management Plan is not required.

Status – The project will be providing 81 parking spaces for 94 residential units and retail uses. It is my recommendation that the project prepare a Transportation Demand Management Plan for the project that addresses what strategies the project will employ such that parking demand and traffic generation is minimized.

- 9/17/2009 Comment – The driveway on Middle Street does not meet City standards for width.

Status – I support a waiver from City standards.

- 9/17/2009 Comment – The project will impact on-street parking regulations and would be expected to support staff in seeking City Council approval.

Status – This comment remains valid.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
 Senior Associate
 Traffic Engineering Director

Att. 6

Barbara Barhydt - The Bay House Landscape Review

From: Jeff Tarling
To: Barbara Barhydt
Date: Friday, June 08, 2012 8:45 AM
Subject: The Bay House Landscape Review
Attachments: 05109JEFF2.PDF; 05109JEFF1.PDF

Hi Barbara -

The Bayhouse project proposes to plant 20 new street-trees using upright 'Armstrong' Red Maple and Zelkova trees to be planted in treewells. The spec does mention to use 'structural soil' in the planting of the street-trees, this important feature to create greater root zone for the sidewalk trees should be followed in the construction phase.
(Note: we often see that the site contractors not follow this spec)

As mentioned in the earlier landscape review comments that the interior courtyard landscape has been reduced or simplified. The project may want to consider future landscape options for this area depending on the use and function of this space to enhance the use & living space.

Landscape condition recommendations - Additional landscape greening is needed in the area near the Middle Street entrance. This can be in the form of curbed landscape planter near the building or 'green-wall' treatment. In this area the sidewalk width appears wide enough to accommodate additional planting space.

The "street-tree / per unit" contribution recommendation is unchanged from the earlier memo of one tree per unit minus the trees planted in public space around the proposed project.

Thanks,

Jeff Tarling
City Arborist