

AMENDMENT NOTE
THIS PLAN AMENDS THE SECOND AMENDED SUBDIVISION PLAN OF THE BAY HOUSE LAST REVISED SEPTEMBER 8, 2023. THIS THIRD AMENDMENT SHOWS THE CONVEYANCE OF A 4.0 SF. AREA FROM THE LOCUS PARCEL TO AN ABUTTER PEARL PROPERTIES, LLC AT 61 INDIA STREET (MAP 20 BLOCK E LOT 2) AND CONVEYANCE OF A 4.4 SF. AREA FROM THE ABUTTER PARCEL TO PEARL PROPERTIES, LLC AT 61 INDIA STREET TO THE LOCUS PARCEL.

LEGEND

EXISTING	DESCRIPTION	PROPOSED	EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---	▨	BUILDING	▨
---	ABUTTER LINE/ROW	---	---	EDGE PAVEMENT	---
---	EASEMENT	---	---	EDGE GRAVEL	---
○	MONUMENT	○	---	CURBLINE	---
○	IRON PIPE/ROD	○	○	DECIDUOUS TREE	○
○	DRILLHOLE	○	○	HYDRANT	○
○	CURVE/LINE NO.	○			
○	BENCHMARK	○			

**APARTMENT/
CONDOMINIUM UNITS**

1. BUILDING NO. 1: 40 UNITS
2. BUILDING NO. 2: 42 UNITS
TOTAL: 82 UNITS

GENERAL NOTES:

- THE RECORD OWNER IS THE VILLAGE AT OCEANGATE LLC AS DESCRIBED IN A DEED RECORDED AT THE PORTLAND AND COUNTY REGISTERY OF DEEDS (COP) IN BOOK 25625 PAGE 215, BOOK 21688 PAGE 258, BOOK 28198 PAGE 81, AND BOOK 25109 PAGE 316.
- THE PROPERTY IS DEPICTED ON THE CITY OF PORTLAND TAX MAP 20 BLOCK E LOT 9.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED UPON AN ON THE GROUND ALTA AND TITLE SURVEY OF THE VILLAGE AT OCEANGATE LLC FOR GFI ACQUISITIONS I LLC BY DAVID ST. CLAIR, JR. PL 8 2311 OF SEBAGO TECHNIQS, INC. DATED JULY 12, 2023 REVISED THROUGH APRIL 14, 2024. UPDATES OF RESEARCH AND BOUNDARY CONVEYANCES WERE PERFORMED BY MATTHEW W. EK, PL 8 211 OF SEBAGO TECHNIQS, INC.
- THE BEARINGS SHOWN HEREON ARE BASED UPON GRID NORTH NAD 1983 MAINE WEST ZONE. ELEVATIONS SHOWN HEREON ARE BASED UPON THE CITY OF PORTLAND VERTICAL DATUM.
- TOTAL AREA OF PARCEL IS APPROXIMATELY 1.5 ACRES.
- ZONING DISTRICT: CONDITIONAL REZONING B-5B URBAN COMMERCIAL MIXED USE ZONE.
- THE SITE IS SUBJECT TO A CONDITIONAL REZONING AGREEMENT REFERRED TO AS THE THIRD AMENDMENT TO CONDITIONAL ZONING AGREEMENT FOR THE VILLAGE AT OCEANGATE (aka BAYHOUSE) APPROVED BY THE PORTLAND CITY COUNCIL ON AUGUST 6, 2012 AND IS RECORDED IN THE CUMBERLAND COUNTY REGISTERY OF DEEDS IN BOOK 25832 PAGE 41. SUCH AGREEMENT CHANGES THE UNDERLYING B-2B COMMUNITY BUSINESS ZONE TO B-5B URBAN COMMERCIAL MIXED USE ZONE AND AMENDS THE ZONE WITH THE REQUIREMENTS AS FOLLOWS.
 - PERMITTED USES:** THOSE USES ALLOWED IN THE B-5B ZONING DISTRICT. THE PROJECT SHALL INCLUDE NOT LESS THAN 5,100 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).
 - MODIFICATIONS TO B-5B REGULATIONS:** THE SITE SHALL BE GOVERNED BY THE REGULATIONS APPLICABLE TO THE B-5B ZONING DISTRICT, EXCEPT AS FOLLOWS:
 - THE MAXIMUM RESIDENTIAL DENSITY ON THE SITE SHALL BE 110 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 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 ADMINISTRATOR.
 - THE CORNERS 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.
 - 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.
 - PARKING REQUIREMENTS:**
 - A 1:1 RATIO (1 PARKING SPACE PER DWELLING UNIT), AND
 - 8 SPACES FOR RETAIL PARKING, AND
 - 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 20 PARKING SPACES OF WHICH (14) SPACES ARE FOR RESIDENTIAL USE AND 6 SPACES ARE FOR COMMERCIAL USE TO BE UTILIZED IN THE OCEAN GATEWAY PARKING GARAGE AT THE CORNER OF HANCOCK 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. IF THE PARKING ANALYSIS DEMONSTRATES THE INADEQUACY OF A 1:1 UNIT/PARKING SPACE RATIO, THEN THE DEVELOPER MUST SUBMIT A PARKING MITIGATION PLAN, WHICH SHALL BE REVIEWED AND APPROVED BY THE CITY AND THEREAFTER IMPLEMENTED BY THE DEVELOPER.
- PROVISIONS FOR THIRTY-EIGHT (38) BICYCLE PARKING SPACES SHALL BE PROVIDED ON SITE IN ACCORDANCE WITH SECT. 14-526 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 OCEAN GATEWAY 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 AND TOPOGRAPHIC SURVEY OF THE BAY HOUSE DATED JULY 12, 2023 WITH SUBSEQUENT REVISIONS, BY SEBAGO TECHNIQS, INC. (PROJECT 05192). SEE THIS PLAN FOR FURTHER PLAN REFERENCES.
- THE BAY HOUSE IS A PRIVATE DEVELOPMENT. LIGHTING, TRASH REMOVAL, SNOW 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, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD, WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.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, 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 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 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, EASEMENT, SIZE, 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, PUBLIC SERVICES REPRESENTATIVE AND OWNER TO REVIEW THE CONSTRUCTION SCHEDULE AND CRITICAL ASPECTS OF THE SITE WORK. AT THAT TIME, THE SITE BUILDING CONTRACTORS SHALL PROVIDE THREE (3) COPIES OF THE 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 "ARBORETCULTURAL SPECIFICATION AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- CONTRACTOR SHALL INSTALL NEW RIGHT-OF-WAY GRANITE MONUMENTS PER CITY OF PORTLAND STANDARDS AND SPECIFICATIONS. A LICENSED SURVEYOR TO STAKE MONUMENT LOCATIONS AND VERIFY LOCATIONS OF INSTALLATION.

WAIVERS

- TECHNICAL MANUAL, SECTION 1, SUBSECTION 112.3 MINIMUM DRIVEWAY WIDTH WHICH REQUIRES A MINIMUM OF 20 FEET WITH A PREFERRED WIDTH OF 24 FOOT WIDE DRIVEWAY FOR TWO-WAY INGRESS AND EGRESS, IS WAVED TO ALLOW THE ACCESS TO BE 16 FEET AT THE GARAGE ENTRANCE ON MIDDLE STREET WITH A FOUR FOOT SETBACK FROM MIDDLE STREET FACADE, AS SHOWN ON THE AMENDED SUBDIVISION PLAN.
- TECHNICAL STANDARD, SECTION 12.8 SUBMISSION WHICH REQUIRES A PHOTO-METRIC PLAN, IS WAVED FOR THE INTERIOR COURTYARD ONLY.
- 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 WHICH WAS TWO TREES - PER UNIT IN 2023) AS DETERMINED BY THE CITY ARBORIST. THIS FINANCIAL CONTRIBUTION TO THE CITY'S STREET TREE FUND WILL BE CALCULATED AT ONE TREE PER UNIT WITH THE DEDUCTION FOR STREET TREES PROPOSED FOR THE PROJECT.

CONDITIONS OF APPROVAL

- THE APPROVALS FOR THE THIRD AMENDED SUBDIVISION AND AMENDED SITE PLAN FOR THE BAY HOUSE ARE CONTINGENT UPON THE CITY COUNCIL ADOPTING OF THE THIRD AMENDED CONDITIONAL ZONING AGREEMENT FOR THE BAY HOUSE.
- THE APPROVALS FOR THE AMENDED SUBDIVISION AND AMENDED SITE PLANS FOR THE BAY HOUSE DEVELOPMENT, DATED JUNE 1, 2012, SHALL EXPIRE ON SEPTEMBER 22, 2012 AND NO FURTHER EXTENSIONS MAY BE GRANTED IN THE EVENT THAT THE DEVELOPER FAILS TO COMMENCE CONSTRUCTION OF THE SITE BY SEPTEMBER 22, 2012.
- ALL FINANCIAL CONTRIBUTIONS REQUIRED AS PART OF THE THIRD AMENDED CONDITIONAL ZONING APPROVAL SHALL BE SUBMITTED TO THE CITY AS STIPULATED IN THE THIRD AMENDED CONDITIONAL ZONING AGREEMENT FOR THE BAY HOUSE.
- THE APPLICANT SHALL REIMBURSE THE CITY FOR THE INSTALLATION OF NO STREET TREES AND SIGNAGE ON THE NORTH SIDE OF MIDDLE STREET AND RESET THE SIGNS AS NECESSARY DURING CONSTRUCTION.
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN STEVE BUSHEY, P.E. CONSULTING ENGINEER'S MEMORANDUM OF SEPTEMBER 16, 2023 AND JUNE 1, 2012 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 FARREY, PROJECT ENGINEER'S MEMORANDUM OF JUNE 21, 2023 AND CONTAINED IN DAVID MARGOLIS-PINEO, DEPUTY CITY ENGINEER'S, SEPTEMBER 16, 2023 AND JUNE 8, 2012 MEMORANDUM SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
- 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 WILL CONTRIBUTE \$43,000 TO THE CITY FOR THE RECONSTRUCTION OF HANCOCK STREET FOR THE AGREED UPON PORTION BETWEEN MIDDLE AND NEWBURY STREETS PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.
 - 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 GRADING AND UTILITY PLAN IN THE SUBDIVISION PLAN SET.
 - MIDDLE STREET**
 - THE DEVELOPER SHALL PAY TO THE CITY CURRENT STREET OPENING FEES, AS APPLICABLE.
- 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 PER SQUARE YARD (FROM THE EDGE OF ITS FRONTAGE TO INDIA STREET)
- THE RETAIL COMMERCIAL USES ON SITE SHALL PARTICIPATE IN A PARK AND SHOP PROGRAM (OR SIMILAR PROGRAM) WITH THE OCEAN GATEWAY PARKING GARAGE LOCATED AT MIDDLE STREET AND THAT DOCUMENTATION OF SUCH PARTICIPATION WILL BE PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO (2) YEARS.
- THE PROPOSED CONDOMINIUM DOCUMENTS, IF APPLICABLE, 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.
- THE APPLICANT SHALL SUBMIT FOR REVIEW AND APPROVAL BY CORPORATION COUNSEL THE ACCESS EASEMENT ON THE WESTERLY PROPERTY LINE.
- A COPY OF THE LEASE FOR THE 14 PARKING SPACES FOR RESIDENTIAL UNITS AND 6 RETAIL SPACES TO BE PROVIDED IN THE OCEAN GATEWAY PARKING GARAGE AS REQUIRED IN THE THIRD AMENDMENT OF THE CONDITIONAL ZONING AGREEMENT FOR THE BAY HOUSE SHALL BE PROVIDED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND THEN PROVIDED TO THE CITY PLANNING AUTHORITY EVERY TWO (2) YEARS.
- THE APPLICANT SHALL PREPARE A TRANSPORTATION DEMAND MANAGEMENT PLAN OR THE PROJECT THAT ADDRESSES THE STRATEGIES THE PROJECT WILL EMPLOY SUCH THAT PARKING DEMAND AND TRAFFIC GENERATION IS MINIMIZED AND THE PLAN WILL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- REVISED PLANS AND INFORMATION MEETING THE RECOMMENDATIONS CONTAINED IN THOMAS ERRICO, P.E. CONSULTING TRAFFIC ENGINEER'S MEMORANDUM OF MAY 18, 2012 SHALL BE SUBMITTED TO THE PLANNING AUTHORITY FOR REVIEW AND APPROVAL PRIOR TO THE ISSUANCE OF A BUILDING PERMIT, UNLESS STATED OTHERWISE IN THE CONDITIONS OF APPROVAL.

STATE OF MAINE

RECEIVED _____ 20____
AT _____ h _____ m _____ M. AND RECORDED IN
PLAN BOOK _____ PAGE _____

ATTEST _____ REGISTRAR

**APPROVAL-CITY OF PORTLAND
PLANNING BOARD**

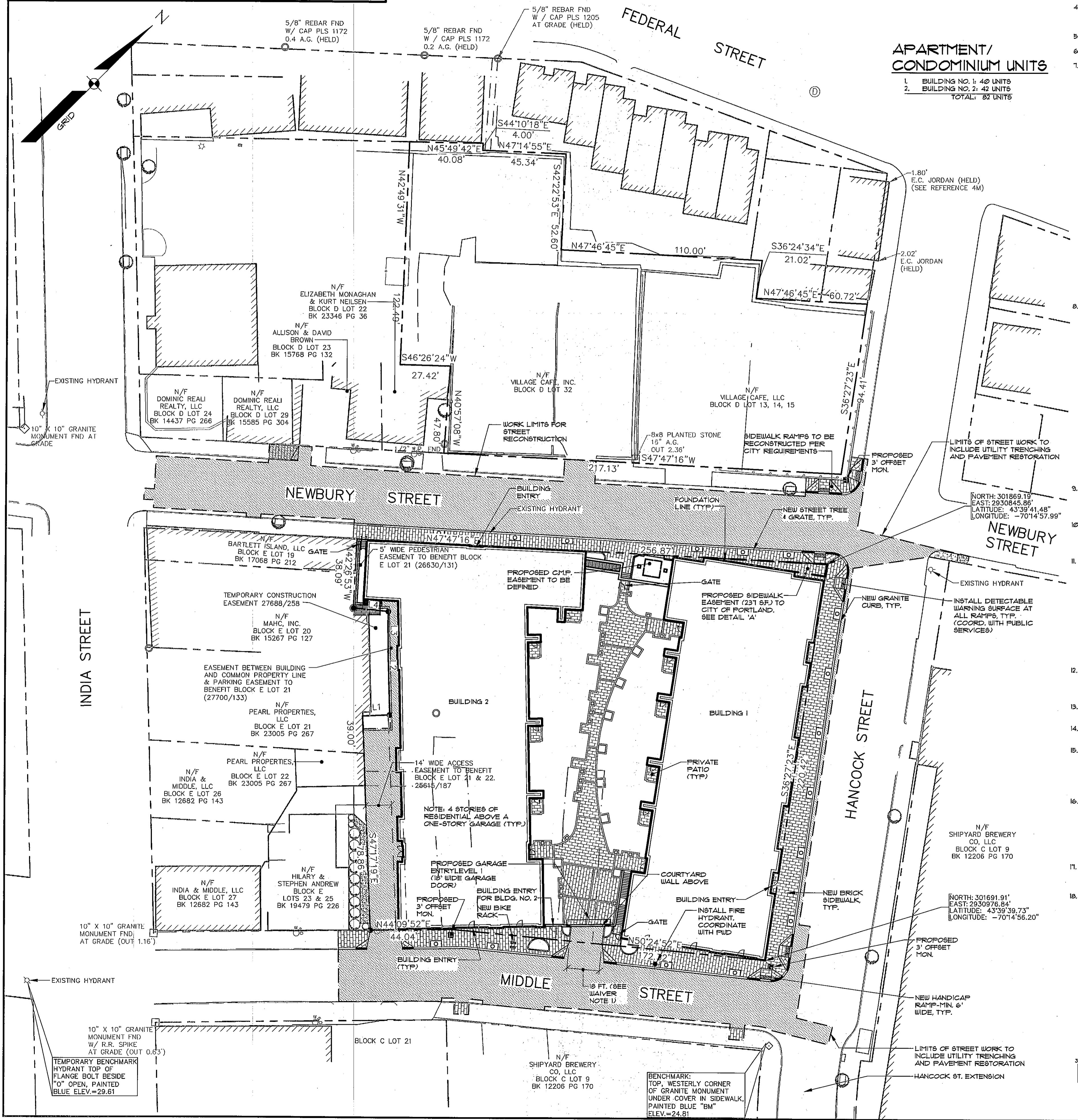
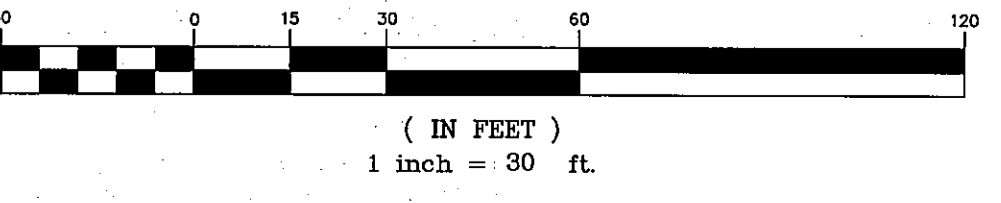
DATE _____

CHAIRPERSON

LINE TABLE

LINE	LENGTH	BEARING
L1	14.79'	N42°31'42"E
L2	35.87'	S46°40'00"E
L3	20.85'	S44°39'29"E
L4	19.14'	N50°04'29"E

GRAPHIC SCALE



MATTHEW W. EK, PLS 2117

ISSUED TO CITY FOR REVIEW	REVISOR	DATE	STATUS
09-05-12	JRS	05-11-12	REVISED PER CONDITIONS OF APPROVAL
05-11-12	JRS	05-17-12	ISSUED TO CITY FOR REVIEW
05-17-12	A		REVISED PROPERTY LINE / ISSUED FOR PLANNING BOARD REVIEW
	BY:	DATE:	STATUS:

SEBAGO
WWW.SEBAGOTECHNIQS.COM
55 South Portland, ME 04106
Tel: 207-787-8555

PROJECT NO. 05109
FIELD BOOK
DESIGN
CHKD
DRAWN
MWE
MWE

3RD AMENDED SUBDIVISION PLAN
OF:
THE BAY HOUSE
112-113 NEWBURY STREET / 40 HANCOCK STREET
PORTLAND, MAINE
FOR RECORD OWNER:
THE VILLAGE AT OCEAN GATE, LLC
133 PEARL STREET, SUITE 400
BOSTON, MA 02110

DATE 05-16-11 SCALE 1"=30'

SHEET 4 OF 18