

**CITY OF PORTLAND PLANNING BOARD SUBDIVISION CONDITIONS OF APPROVAL  
FOR MIDTOWN DEVELOPMENT FROM PUBLIC HEARING HELD ON MARCH 3RD, 2015  
AS PROVIDED FOR IN APPROVAL LETTER DATED MARCH 17, 2015**

1. The configuration of the Elm Street sidewalk frontage with the indented parking area in front of Midtown 4 will be re-designed as follows: the on-street parking bay shall be shifted to the south so that it does not constrain the sidewalk in front of building Four. In addition, the sidewalk and curbing must be implemented in a manner that will match an MDT approved, City plan to modify Elm Street to eliminate that narrow sidewalk at the corner of the Trader Joe's Building. The plans shall be revised in coordination with and in accordance with input from Public Services and the Planning Authority.
2. The final plans shall be updated for review and approval to address the Technical Manual standards for ADA compliance and meet the streetscape design and pedestrian accessibility standards as described by the B-7 Design Principles and Standards as follows:
  - i. Continue to improve the ramp and landing system on the NE corner of Elm Street – Somerset Street for ADA compliance and to provide quality pedestrian street crossings and a quality pedestrian environment along Elm Street and Somerset Street. The new configuration is to be reviewed and approved by the Traffic Engineer and Planning Authority;
  - ii. An updated ADA-compliant accessible pedestrian route graphic (previously C-2.0B) shall be prepared for review and approval. The earlier version (October 2014) relies heavily on the building frontage zone immediately adjacent to all of the buildings. Assurances shall be provided that no intrusions will restrict the accessibility of this route by the retail/commercial uses within (no outdoor seating, etc.);
  - iii. The applicant shall provide an updated sheet C-2.0B to show revised pedestrian access routes based on the reconfigured sidewalks and ramps on Somerset Street that will provide a direct accessible pedestrian route along Elm Street;
  - iv. The configuration of several curb ramps shall be revised for review and approval by the Traffic Engineer and Planning Authority, so the ramps are aligned to be perpendicular to the flush curb portion of the ramp; and
  - v. In order to bring the project into compliance with the ADA, the applicant shall provide an updated sheet C-2.0B to show revised pedestrian access routes based on the reconfigured sidewalks and ramps on Somerset Street.
3. All ramps/stairs/planters/retaining walls for the midtown development that are located within the street right of way shall require a license from the Portland City Council, the terms of which shall require the owner and assigns to be responsible for the maintenance, repair, and long term upkeep of such improvements. Such license shall be recorded in the Cumberland County Registry of Deeds. This responsibility shall be expressly noted on the subdivision plat and in any lease, assignment or other agreements purporting to transfer that responsibility.
4. The applicant shall provide public pedestrian access easements for all sidewalks on private property that are adjacent to the street right of way. All easements, Counsel review and approval. Easements shall specify the function, responsibility of maintenance and repair, as well as ownership of all shall be submitted for Public Services, Planning Authority and Corporation improvements. The ADA compliant accessible route shall meet the Technical Manual standards for ADA- compliance and the streetscape design and pedestrian accessibility standards as described by the B-7 Design Principles and Standards be resolved to the satisfaction of the Planning Authority.
5. The curb extension on the north side of Somerset Street near the Mews must be extended to the beginning of the nearest on-street parking space along Somerset Street.
6. The applicant shall adjust the final plans to address the pedestrian routings along Chestnut Street and the path of accessibility shall not include the ramp features at the Bayside Trail on Chestnut Street. These revised plans shall be submitted for review and approval by the Traffic Engineer and Planning Authority.
7. The final design of the sidewalk on the south side of Somerset Street shall be submitted for review and approval by the Planning Authority.
8. The applicant shall provide the specific design details for the pedestrian facility infrastructure for all routings and compliant cross slopes, including driveway aprons and which meet the standards contained in Technical Manual for final review and approval by the Traffic Engineer and the Planning Authority.
9. The Applicant's submittal is in conformance with the requirements of the City's Stormwater Management Standards and the MaineDEP Chapter 500 Stormwater Management Standards relative to Site Location of Development, including the Basic and General Standards. All stormwater infrastructure designed to provide water quality treatment to meet the General Standards, including infrastructure proposed in the public right-of-way shall be privately maintained as stated in the notes on the recording plat and subject to the following conditions:
  - i. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.
  - ii. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.
  - iii. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed prior to the issuance of a building permit with a copy to the Department of Public Services.
  - iv. Applicant shall secure a license from the Portland City Council for the installation of all stormwater quality treatment units located within the public rights of way. Such license shall be recorded in the Cumberland County Registry of Deeds.
10. The proposed development will require filing a notice of intent to comply with the Maine Construction General Permit with the MaineDEP; a copy of this notice shall be submitted to the City upon filing with MaineDEP for the project record.
11. The Applicant shall continue to coordinate their design with all impacted utility providers, including but not limited to the Portland Water District, Unitil, Central Maine Power, Fairpoint, and Time Warner Cable, to ensure that the design meets applicable standards and to meet specific conditions and requests made by each utility. The location of all exterior utility and gas meters shall be reviewed and approved by the Planning Authority and City Arborist.

12. For the areas behind midtown One and midtown Two, from Bayside Trail STA 6+50 to STA 12+50 (refer to sheets C-3.0 and C-7.12), the face of the retaining wall and fence are proposed primarily on the property line between City of Portland (Bayside Trail) property and the parcels located north of the Bayside Trail. Temporary construction agreements shall be obtained by the Applicant from the adjacent property owner(s) to complete the work as proposed.
13. The City has agreed to design and fund the installation of the 24" storm drain pipe in Elm Street from Somerset Street to the existing 24" pipe in Elm Street. This extension of 24" pipe shall be constructed by the applicant in the course of project development, at City cost, with the City billed directly by contractor if permissible under applicable procurement policies, otherwise to reimburse applicant directly and within a reasonable time following payment requisition.
14. The Applicant has submitted Figure 1, Somerset Street Schematic Maintain 18" of Freeboard Adjacent to Noyes Building, rev. dated January 26, 2015. The civil engineering plans do not currently reflect the layout, grading, drainage, and materials presented on Figure 1 within the Somerset Street Right-of-Way. The Applicant shall update the plans depicting the proposed improvements to the Somerset Right-of-Way to reflect the concepts presented on Figure 1 as part of their final plan, to be submitted for Public Services review and approval prior to issuance of a building permit. Prior to approval of the final grading plan, the City shall make such plans available to abutters for their review and comment, and the applicant shall work together with the City and abutters to coordinate reasonable resolutions to any outstanding details of the street interface with abutting property.
15. The following note shall be amended to read on all final plans: "midtown HAS BEEN DESIGNED TO REFLECT THE PROPOSED RAISING AT SOMERSET STREET BASED ON CITY GUIDANCE. SOMERSET STREET DESIGN AND IMPROVEMENT CONSTRUCTION SHALL BE COMPLETED IN ACCORDANCE WITH THE COST SHARING ARRANGEMENT EMBODIED IN EXHIBIT C TO 2nd AMENDMENT TO PURCHASE AND SALE AGREEMENT, DATED OCTOBER 14, 2014, FOR THIS WORK".
16. That the site plan shall be revised depicting all areas of the Bayside Trail as having a minimum width of 16 feet.
17. Applicant shall be responsible for all costs associated with the repair or reconstruction of the Bayside Trail where damaged or disturbed by applicant construction activity associated with the project. If the plans submitted show changes to the trail grading that are not identified as being completed by others, the applicant is responsible for the costs of those changes.
18. The applicant shall submit examples of other development projects undertaken by the applicant to confirm technical capacity to meet the standards of the subdivision ordinance for Planning Authority review and approval.
19. The Subdivision Plans and Recording Plat shall be subject to review and approval of the Planning Authority, Corporation Counsel, and Department of Public Services, including but not limited to the following:
  - i. Detailed references to labeling of easements, content and dimensions of easements, temporary construction easements, subdivision notes, maintenance and repair responsibilities, ownership of all improvements, and other relevant conditions;
  - ii. The DPS comments submitted on the Amended Subdivision /Recording Plat, dated April 10, 2013 must be met and the plan shall be stamped by a registered land surveyor;
  - iii. The applicant shall submit a deed for the proposed four foot widening of Somerset Street and the recording plat shall be revised to show the widening on the plat;
  - iv. All relevant plans and documents cited in notes shall be recorded; and
  - v. The Subdivision Plat shall be revised to show property pins to be set at all locations to define the applicant's property.
20. In the event that the elevation of Somerset Street is raised east of Pearl Street, the applicant or successor shall be responsible for removing ramps, steps and other impediments in providing a continuous at-grade pedestrian access along the front of midtown One. Applicant or successor shall also be responsible for installing new streetscape materials and amenities that achieves a continuous at-grade sidewalk with review and approval by the Planning Authority. The applicant or its successor shall also be responsible for sidewalk and related improvements within their property line along Pearl Street extension should Pearl Street extension be reconstructed in the future.


THIS PLAN IS INTENDED TO SUPPLEMENT THE AMENDED SUBDIVISION RECORDING PLAT FOR MIDTOWN DEVELOPMENT BY INDICATING CITY OF PORTLAND PLANNING BOARD SUBDIVISION CONDITIONS OF APPROVAL

OWNER OF RECORD:  
CITY OF PORTLAND C.C.R.D. BOOK 27870 PAGE 299

**CERTIFICATE:**

OWEN HASKELL, INC. CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE.

DATE \_\_\_\_\_ JOHN W. SWAN, PLS NO. 1038

04.14.16	FINAL SUBDIVISION PLANS WITH CONDITIONS OF APPROVAL		
02.23.16	FINAL SUBDIVISION PLANS WITH CONDITIONS OF APPROVAL		
02.17.16	FINAL SUBDIVISION PLANS WITH CONDITIONS OF APPROVAL		
AMENDED SUBDIVISION RECORDING PLAT FOR MIDTOWN DEVELOPMENT, PLAN SHEET 2 OF 2 ON SOMERSET STREET, PORTLAND, MAINE MADE FOR FEDEQ DVO01, LLC PO BOX 37008 MIAMI FL, 33137-4110			
 <b>OWEN HASKELL, INC.</b> 390 U.S. ROUTE ONE, PALMOUTH, ME 04105 (207) 774-0424 PROFESSIONAL LAND SURVEYORS			
Drwn By	EB	Date	Job No.
Trace By	JLW	APRIL 10, 2013	2012-180 P
Check By	JWS	Scale	Drwg. No.
Book No.	FILE	1" = 40'	C-1.21