

**LEVEL III SITE PLAN REVIEW**  
 CONDITIONS OF APPROVAL  
 (See Approval letter dated March 17, 2015 from the City of Portland)

a) **Transportation Standards**

- The applicant shall provide a detailed Construction Management Plan as a condition of approval. The plan shall be submitted for review and approval by Public Services prior to issuance of any City permit.
- The configuration of the sidewalk with the indented parking area in front of Midtown 4 will be revised to provide the pedestrian environment along the Elm Street sidewalk. A re-design of this Elm Street frontage is required to comply with the B-7 Design Principles and Standards. Therefore, 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 cutting must be implemented in a manner that will match an MDOF approved. City plan to modify Elm Street to eliminate that narrow sidewalk at the corner of the Tassier Joe's Building.
- The final plans shall be updated for review and approval by Public Services 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:
  - The ramp and landing system on the NE corner of Elm Street - Somerset Street must be revised to achieve 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.
  - An updated ADA-compliant accessible pedestrian route graphic (previously C-2.08) 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 (not outdoor seating, etc.).
  - The section of sidewalk along Elm Street between Midtown 3 and Midtown 4 does not provide a direct accessible pedestrian route (as depicted on Sheet C-2.08) along Elm Street - the applicant shall provide an updated C-2.08 to show revised pedestrian access routes based on the reconfigured sidewalks and ramps on Somerset Street.
  - The configuration of several curb ramps shall be revised for review and approval, so the ramps are aligned to be perpendicular to the flush curb portion of the ramp; and
  - Portions of the accessible pedestrian route depicted on C-2.08 are not ADA-compliant due to reliance on crossing the flange of a curb ramp and the final plans shall be revised for review and approval - the applicant shall provide an updated C-2.08 to show revised pedestrian access routes based on the reconfigured sidewalks and ramps on Somerset Street.
- Required easements for pedestrian public access along the ADA - compliant accessible pedestrian routes located on private property shall be provided for review and approval by Corporation Counsel.
- The curb extension on the north side of Somerset Street near the News must be extended to the beginning of the nearest on-street parking space along Somerset Street.
- The applicant shall adjust the final plans to address the pedestrian routings along Chestnut Street and that the path of accessibility shall not be provided for review and approval by the Traffic Engineer for review and approval by the Traffic Engineer and Planning Authority.
- The final design of the sidewalk on the south side of Somerset Street shall be submitted for review and approval by the Planning Authority.
- The applicant shall provide the specific design details for the pedestrian facility infrastructure for all routings and compliant cross slopes, including driveway apron for review and approval.
- An in-line Transit Stop on Somerset Street is required and coordination with METRO is required to finalize details for the bus shelter. The proposed bus stop location does not provide the required ADA-compliant bus stop landing area (5' x 8') nor does the bus stop directly connect to the ADA-compliant pedestrian access route at this location (per drawing C-2.08). The final plans must address ADA compliance and the applicant must confirm that METRO has reviewed and approved the location.
- The applicant shall provide a parking demand and supply analysis that demonstrates the adequacy of the proposed parking garage for the entire project as part of the TDM to be reviewed and approved by the Traffic Engineer and the Planning Authority.
- The final plans shall be revised to provide the following:
  - Adequate spacing between the racks or with adequate spacing from the street or other structures, defined as spacing of 36" (min.) on center between bike hitches that are parallel to each other; spacing of 72" (min.) on center between bike hitches that are in line with each other; separation of 30" (min.) on center between a bike hitch mounted parallel to a structure, wall or building; 48" (min.) on center between a bike rack mounted perpendicular to a structure, wall or building.
  - The selected bike racks (shown on Sheet L4.0, the Olympia Rack) do not meet the Technical Manual standards for installation on the public right-of-way. These racks should be replaced with either the Bike Hitch or Downtown rack; and
  - A detailed layout of the bicycle parking with the parking garage should be provided to ensure the functionality and accessibility to the clusters of bike racks, with 2 clusters per level. It does not appear that the racks will be fully accessible when cars are parked immediately adjacent to the clusters.
- The TDM plan shall be finalized for review and approval by the Traffic Engineer and the Planning Authority. Portland Trails and METRO shall be provided the opportunity to comment on the TDM prior to approval. An annual monitoring program is required for the TDM with reports provided to the City and pursuant to which other strategies will be reviewed on an annual basis.
- The applicant shall be responsible for the maintenance and repair of all stairways, landings and retaining walls required by the department located within the public right-of-way along Midtown's street frontage and shall secure a license from the City Council for these improvements, which shall be recorded at the registry of deeds. This responsibility shall be noted on both the subdivision plat and the site plan.
- That the site plan shall be revised depicting details of the Bayside Trail as having a minimum width of 16 feet.
- Applicant shall be responsible for all costs associated with the repair or reconstruction of the Bayside Trail when damaged or disturbed by applicant construction associated with the project.

b) **Environmental Quality Standards**

- A final landscape plan shall be submitted that makes the following changes to the last plan submitted:
  - Show all tree save areas, protection areas and protection measures, including physical barriers/protective fencing during construction. No construction equipment or storage shall take place near root zones.
  - Specify that the landscape contractor shall properly prepare trees to be relocated to be made available to the city of Portland for reuse. Such preparation includes digging and preparing the root ball with "balled and burlap" standard. Trees shall be cared for on-site as needed for an agreed upon period of time, which includes watering and site protection in a safe location.
  - All plant material shall meet the size and species requirements of the arboricultural standards of Portland's Technical Manual, with the exception that some Dog Woods may be included in the tree mix.
  - The raised granite planter for the street trees should change from saw-cut to "Thermal Top".
  - Landscape plant sizes shall be 5 gallon for shrubs, green vines and perennials shall be a minimum 3 gallon size.
  - The 28 Pagoda Dogwood trees on the trail side of Midtown Three should be upgraded to a larger tree species such as Yellow Birch, River Birch, Red Maple, or Swamp Oak and planted in fewer numbers, if grown if feasible.
- The applicant's submit is in conformance with the requirements of the City's Stormwater Management Standards and the Maine DEP Chapter 500 Stormwater Management Standards related 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:
  - 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;
  - 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, biennial, and long-term maintenance and reporting requirements;
  - 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; and
  - Applicant shall secure a license from the City Council for the installation of stormwater quality treatment units within public rights-of-way.
- The proposed development will require filing a notice of intent to comply with the Maine Construction General Permit with the Maine DEP. A copy of this notice shall be submitted to the City upon filing with Maine DEP for the proposed project.
- The applicant shall continue to coordinate their design with all impacted utility providers, including but not limited to the Portland Water District, Union, 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 Arboret.
- For the areas behind midtown One and midtown Two, from Bayside Trail STA 6+50 to STA 12+50 (refer to sheets C.0 and C.1.2), the face of the retaining wall and fence as 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 to abutment for their review and comment, and the applicant shall work together with the City and abutment to coordinate reasonable resolutions to any outstanding details of the street interface with abutting property.
- 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 2<sup>ND</sup> AMENDMENT TO PURCHASE AND SALE AGREEMENT, DATED OCTOBER 14, 2014, FOR THIS WORK"

c) **Public Infrastructure and Community Safety Standards**

- The final location of the hydrant to be relocated along Lancaster street shall be reviewed and approved by the Fire Department.
- A Dumpster is proposed to be placed inside of Midtown Three for the trash holding area. Although this building will be provided with a full sprinkler system, a two-hour separation between this space and the remainder of the building shall be required.
- The new proposed curb cut and access off Elm Street to the small side of Midtown Four must be a minimum of 16' wide for fire access. The final plans shall be revised showing the required signage and striping on the driveway indicating Fire Lane NO PARKING for review and approval.

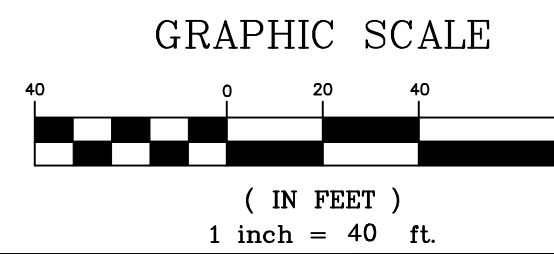
d) **Site Design Standards**

- The lighting plan with the photometrics shall be subject to the Planning Authority's review and approval.
- Signage shall meet zoning ordinance requirements and the overall signage plan shall be subject to the Planning Authority's review and approval.
  - Per NFPA 1, 16.3.4, Access for firefighting equipment.
  - Per NFPA 16.4.3.1, Fire Protection during construction, (Water supply)
  - Per NFPA 16.4.3.2, Standpipe installations in Buildings under construction.
  - Per NFPA 16.7.1.6, Fire Extinguishers
  - Per NFPA 16.7.2, Fuel Systems.
- References to snow storage within the Bayside Trail Corridor shall be removed from all plans and the final management of snow storage submitted for review and approval by the Planning Authority.
- The location of all exterior utility and gas meters shall be reviewed and approved by the Planning Authority and City Arboret.
- Applicant shall submit catalog cut and/or samples of exterior materials used for the retaining walls and stairs for Planning Staff review and approval.
- The proposed development is consistent with the B-7 Design Standards subject to the following conditions of approval:
  - The mid-block permeability plan is subject to the following conditions of approval:
    - Clear posting that the public is welcome to travel through the space during normal business hours shall be provided.
    - That a plan for public access through the first floor of Midtown Three during normal business hours (which are assumed will approximate 9am-5pm daily) but must by necessity be allowed to fluctuate in accordance with particular tenant arrangements, holiday schedules, and other commercially reasonable variables), including a fully ADA accessible route with functional access doors on both the Somerset Street side and, when removed and resultant conditions permit, the Bayside Trail side of Midtown Three, shall be submitted for Planning Authority review and approval prior to issuance of an occupancy permit for the first floor of Midtown Three.
    - That the City and Federated shall work together to resolve the costs and responsibilities for installation of contained berm soils as well under the project buildings to the extent feasible or, to the extent required, at City expense the removal of such soils and establishment of post development grading, and for landscape, surface treatments and access ways between the northern facade of Midtown Three and the Bayside Trail. Plans for this area shall be determined collaboratively with the Planning Authority and, to the extent it is necessary, approval shall not be unreasonably withheld.
- The massing and building articulation Standards E-3 and E-4 are subject to the following condition of approval:
  - That Midtown Three revised architectural elevations and renderings shall be submitted for Planning Board review and approval to address the large expanse of unadorned facade, to break up the monolithic run of facade and rooftop, and to create a human scale of the building at street level.
- Standard E-4: Sidewalks and Crosswalks: The 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 resolved to the satisfaction of the Planning Authority.
- Standard E-10: Encroachments: The 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 resolved to the satisfaction of the Planning Authority.
- Standard E-5: Public Art and other special features: The treatment of any building location shown to potentially host public art should be subject to approval of the Planning Authority and, as the rest of the ground level, be completed in materials on the "pre-dominant materials" list in Standard E-12.
- Standard E-12: Materials: Final storefront design shall be subject to approval of the Planning Authority and, as the rest of the ground level, be completed in materials on the "pre-dominant materials" list in Standard E-12.
- Prior to receiving a building permit, the applicant shall submit a final set of elevations and site plans dated March 3, 2015 or a later date that shall remove any reviewers errors and incorporate any changes made in the plans between the initial submission and Planning Board approval.
- The new proposed curb cut and access off Elm Street to the small side of Midtown Four must be a minimum of 16' wide for fire access. The final plans shall be revised showing the required signage and striping on the driveway indicating Fire Lane NO PARKING for review and approval.

LEGEND	
	EXISTING PROPERTY BOUNDARY
	PROPOSED PROPERTY BOUNDARY
	ABUTTING BUILDING
	PROPOSED BUILDINGS
	BRICK SIDEWALK (PER CITY STANDARDS)
	PROPOSED PAVEMENT
	GREEN SPACE/PLANTERS (BY MITCHELL ASSOCIATES)
	PROPOSED PERVIOUS PAVEMENT
	PROPOSED LANDING, PLANTER AND RAMP
	SNOW STORAGE AREA
	PROPOSED BITUMINOUS WALK
	PROPOSED CAST-IN-PLACE REINFORCED CONCRETE SIDEWALK / TRAIL
	EXISTING HARDESCAPED TRAIL
	EXISTING PAVED TRAIL
	PAVEMENT GRIND, REPAVE AND RESTRIPEZONE

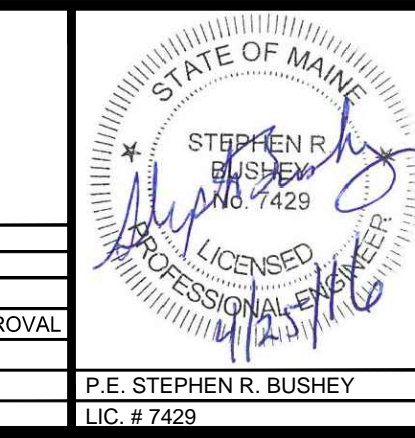
BAYSIDE TRAIL LINE TABLE: ALIGNMENTS		
ID	LENGTH	DIRECTION
L1	11.70	N71° 04' 02.06"E
L2	34.95	N50° 11' 33.96"E
L3	82.21	N38° 43' 25.92"E
L4	44.18	N30° 40' 45.73"E
L5	20.19	N49° 00' 22.29"E
L6	106.00	N58° 43' 25.61"E
L7	21.70	N50° 49' 52.46"E
L8	20.19	N49° 00' 22.29"E
L9	95.15	N61° 14' 33.58"E
L10	32.69	N48° 56' 24.17"E
L11	284.79	N42° 26' 52.98"E
L12	13.41	N23° 46' 17.31"E
L13	50.38	N51° 49' 50.37"E

BAYSIDE TRAIL CURVE TABLE: ALIGNMENTS						
ID	RADIUS	ARC LENGTH	DELTA	TANGENT	PC STATION	PT STATION
C1	50.00	18.22	020° 52'	9.21	0+11.70	0+29.91
C2	50.00	10.01	011° 28'	5.02	0+64.86	0+74.87
C3	200.00	28.08	008° 03'	14.06	1+57.08	1+85.16
C4	200.00	63.97	018° 20'	32.26	2+29.34	2+93.31
C5	200.00	33.92	009° 43'	17.00	3+13.50	3+47.42
C6	400.00	52.25	007° 29'	26.16	4+53.42	5+05.66
C7	200.00	36.34	010° 25'	18.22	5+27.37	5+63.71
C8	300.00	64.42	012° 18'	32.33	6+58.86	7+23.28
C9	1000.00	113.31	006° 30'	56.71	7+55.97	8+69.28
C10	150.00	48.90	018° 41'	24.67	11+54.07	12+02.96
C11	170.00	83.25	028° 04'	42.48	12+16.37	12+99.62



**PRELIMINARY - NOT FOR CONSTRUCTION**

PROJECT	midtown PORTLAND, MAINE
SHEET TITLE	OVERALL SITE PLAN
CLIENT	FEDEQ DV001, LLC
DESIGNED BY	BEK
CHECKED BY	SRB
FILE NAME	3062-SITE
DRAWN BY	LA
DATE	OCTOBER 2014
SCALE	1" = 40'
JOB NO.	195350127
SHEET	C-2.0



**FAY, SPOFFORD & THORNDIKE ENGINEERS - PLANNERS - SCIENTISTS**  
 778 MAIN ST., SUITE 8, SOUTH PORTLAND, ME 04106  
 FORMERLY DELUCA-HOFFMAN ASSOCIATES