Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 04/11/17

CITY OF PORTLAND, MAINE
PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrissette
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

May 24, 2016

India Newbury Residence, LLC
c/o Joe Dasco
35 Fay Street, Suite 107B
Boston, MA 02118

Sebago Technics
c/o William Conway
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Project Name: India Newbury Residences
Address: 62 India Street
Applicant: India Newbury Residences, LLC
Planner: Caitlin Cameron

Project ID: 2016-096
CBL: 028 P008, P009, P015, P019, P020

Dear Mr. Dasco:

On May 24, 2016, the Planning Board considered the project at 62 India Street for 29 residential units, 3 retail bays, and structured parking. The Planning Board reviewed the proposal for conformance with the standards of the Level III Subdivision Review and for Conditional Use Review to Ensure Workforce Housing. The Planning Board voted 6-0 (Boepple absent) to approve the Subdivision application and 6-0 (Boepple absent) to approve the Conditional Use application with the following waivers and condition(s) as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on March 22, 2016 for application 2016-021 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. ***Driveway Width***
   The Planning Board voted 6-0, based upon the consulting transportation engineer's review, that future non-compliance with the *Technical Manual* may result from strict compliance with the *Technical Manual* standard *(Section 1.7.2.3)* which requires a minimum driveway width (two-way): Any site with driveway access to a street shall have a minimum width of 20 feet for two-way ingress and egress, with a preferred width of 24 feet., that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the

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2. That the site plan shall be revised for City Arborist review and approval reflecting the p 5 additional Red Cedar trees (5' to 6' high) along the Commercial Street side of the fer of the main driveway) to improve the screening of the site. The final location of the tre consider the presence of utilities.

3. That the final site plan shall be updated for Planning Authority review and approval reflecting the location of new exterior lighting.

SHORELAND REGULATIONS REVIEW
The Planning Board voted 5 to 0 (Dundon and Morrissette absent) that the plan is in conformance with the Shoreland Standards of the Land Use Code.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application #2016-085 which is attached.

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

1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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 Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

5. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held 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 Development Review Coordina confirm that the contractor is working from the approved site plan. The site/building contracto provide three (3) copies of a detailed construction schedule to the attending City representative be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting. (If applicable)

CITY OF PORTLAND, MAINE RESURGAM
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7. **Department of Public Services Permits** 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. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*,dwg), release AutoCAD 2005 or greater.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 Richard Knowland at (207) 874-8725.

Sincerely,

Elizabeth Boepple
Chair
Portland Planning Board

Attachments:
1. Staff memos
2. Planning Board Report
3. City Code: Chapter 32
4. Sample Stormwater Maintenance Agreement [if applicable]
5. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Planner/Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services

Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File
Peggy McGehee, Perkins-Thompson, 1 Canal Plaza, Portland, ME. 04112

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COMMITMENT & INTEGRITY DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

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MEMORANDUM

TO: Caitlin Cameron, Planner
FROM: Lauren Swett, PE
DATE: May 16, 2016
RE: 62 India Street, Site Plan Application – Response to Comments

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Woodard & Curran has reviewed the Response to Comments on the Site Plan Application for the proposed development located at 62 India Street, in Portland, Maine. The project involves the construction of a mixed use building at the southwest corner block of India and Newbury.

Documents Reviewed by Woodard & Curran

- Response to Comments Letter and attachments, dated May 12, 2016, prepared by Sebago Technics, on behalf of India Newbury Residences LLC.
- Engineering Plans, dated May 13, 2016, prepared by Sebago Technics, on behalf of India Newbury Residences LLC.

Comments

1) The Site Plan has been stamped by a landscape architect and has not been stamped by a professional engineer. In accordance with Section 14-527, sub-section (f) of the City of Portland Land Use Ordinance, the final Site Plan must be stamped by a professional engineer.
2) The Precast Sewer Manhole Detail shown on Sheet 11 should comply with Figure II-1 of the City of Portland Technical Manual for work within the City Right-of-Way.

Portland Maine | Yes. Google's good here.

Caitlin Cameron <ccameron@portlandm

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62 India - final check

David Margolis-Pineo <dmp@portlandmaine.gov> Fri, May 13, 2016 at 2:57 PM
To: William Clark <wbc@portlandmaine.gov>
Cc: Caitlin Cameron <ccameron@portlandmaine.gov>, "Hyman, Bruce" <bhyman@portlandmaine.gov>, "thomas.errico@tylin.com" <thomas.errico@tylin.com>, Lauren Swett <lswett@woodardcurran.com>

May 13, 2016

Memo To: Barbara Barhydt

Caitlin Cameron

From: David Margolis-Pineo

Re: Final Review Comments for 62 India Street – India Newbury Residences, LLC (2016-052)

All previous comments raised by the Department of Public Works have been addressed by the applicant except for the following survey comment by Bill Clark.

"The proposed three foot offset monument center needs to be at the intersection of the three foot offset lines; on the plan the corner of the monument is shown at the intersection of the three foot offset lines."

This department is supportive to waive the minimum 20' driveway width requirement to the applicant's requested width of 18.5'.

[Quoted text hidden]

--
David Margolis-Pineo
Deputy City Engineer
Department of Public Services
55 Portland St.
Portland, ME 04101
Office 207-874-8850
Cell 207-400-6695
dmp@portlandmaine.gov

Portland Maine Yes. Google's good here.

Caitlin Cameron <ccameron@portlandm

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62 India Street - Final Traffic Comments

Tom Errico <thomas.errico@tylin.com> Wed, May 18, 2016 at 3:35 PM
To: "Cameron, Caitlin" <ccameron@portlandmaine.gov>
Cc: David Margolis-Pineo <dmp@portlandmaine.gov>, Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <jst@portlandmaine.gov>

Hi Caitlin – The following is a status update of my March 25th comments and represent my final comments.

- The applicant has conducted a trip generation analysis for the project. I generally find the methods for estimating traffic generation to be acceptable. As noted the project would be expected to generate 58 PM peak hour trips. The level of traffic does not meet the threshold for a Traffic Movement Permit. However, given development activity in the area, I would suggest that the applicant conduct an evaluation of the India Street/Newbury Street intersection during AM and PM peak hours. The evaluation should include a review of traffic volumes, level of service, safety history and pedestrian conditions.

Status: The applicant has conducted a detailed traffic analysis. The evaluation concluded the subject intersection operates at an acceptable level of service and crash data did not indicate any safety deficiencies. Accordingly, in my professional opinion the project will not create unreasonable traffic safety or congestion deficiencies.

- As noted in the application materials, a construction management plan will be provided in the future and upon receipt I will provide comments.

Status: The applicant has submitted a conceptual construction management plan. I would recommend that the plan maintain a temporary pedestrian walkway along India Street along the property frontage given pedestrian demand. This will likely require the temporary elimination of on-street parking. Providing a sidewalk detour on Newbury Street seems reasonable and final details will need to be provided for review and approval.

- The applicant should document that none of the existing parking users are associated with a previously approved site plan.

Status: The applicant has noted that current parkers are not related to site plan approvals and therefore I have no further comment.

- The applicant is proposing an 18'-4" foot wide driveway on Newbury Street and is requesting a waiver from City standards. I support a waiver given the project and Newbury Street characteristics, particularly that the project is locating the driveway on the minor lower volume street.

Status: I have no further comment.

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- It is my understanding the driveway design is being revised to provide tip-down curbing at the drivew DPW comments. I support this change.

Status: The plans have been revised to include tip-down curbing. I would note that the design of the driveway apron shall include a 5-foot section along the path of the sidewalk that has a maximum cross-slope of 2 percent.

- The applicant should provide information that notes the ADA parking spaces meet dimensional ADA requirements and are accessible given the location of the building column.

Status: The applicant should document that the spaces meet ADA requirements as a condition of approval.

- Parking aisle widths should be dimensioned on the plans.

Status: The applicant has provided dimensions and I find the plans to be acceptable. I support waivers from the City's Technical Standards for aisle width.

- The applicant should specifically note the details of the waiver for percent of compact parking spaces (what is the proposed %) and supporting documentation on the need for the waiver.

Status: I support a waiver for the number of compact spaces given site constraints, the users will be long-term duration parkers, and the spaces are slightly larger than the City's dimensional standard for compact parking spaces.

- The compact parking spaces are slightly longer than City standards and I support a waiver.

Status: I have no further comment.

- The project will require changes to on-street parking regulations that will require City Council approval and the applicant shall be responsible for providing supporting documentation for the Council packet.

Status: I have no further comment.

- It is my understanding Bruce Hyman is providing comments on the pedestrian facility/sidewalk/cross design.

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Prior Status: The ramp configuration results in a narrow sidewalk width between the top of the Newbury Street ramp and the corner of the proposed building. A minimum 5-foot width shall be provided.

Current Status: The subject corner has been modified and includes the requested 5-foot separation. However, the ramp design does not meet City standards from a separation perspective. It is my understanding that Bruce Hyman is working with City staff on a suggested layout recommendation.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
T.Y. Lin International

12 Northbrook Drive

Falmouth, ME 04105

207.781.4721 (main)

207.347.4354 (direct)

207.400.0719 (mobile)

207.781.4753 (fax)

thomas.errico@tylin.com

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MEMORANDUM

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To: FILE

From: Caitlin Cameron

Subject: Application ID: 2016-052

Date: 5/20/2016

Comments Submitted by: Deb Andrews/Historic on 5/18/2016

On May 18, following two preliminary workshops, the HP Board voted 6-0 (Turk absent) to approve the application, subject to the following conditions:

* All brick faces of the building to feature 2/2 windows; cementitious siding faces to feature 1/1 windows.

* Staff to review and approve final color palette.

Comments Submitted by: Jeff Tarling/City Arborist on 5/20/2016

Thirteen of the trees shown on the landscape plan can be counted towards the street tree requirement.
Revise the design of the street tree well at the curb extension on India Street so the tree well is within the curb extension area and the shape follows the curb line. This final design should be a condition of approval with final review with staff for the revised design.

Comments Submitted by: Bruce Hyman/Planning / Transportation on 5/20/2016

Bike rack spacing, interior - seems addressed per their memo - the dimensions on the site plan (Sheet 4) don't look placed correctly though.
Driveway - neither the detail nor the site plan drawing addresses (that I found) the need for a minimum 5' ADA-compliant pedestrian access route cross-slope across the driveway on Newbury Street - this will likely require a grade break OR them annotating the drawing such that it defines that the cross-slope as ADA-compliant.
Curb ramp detail - they seem to have addressed the maximum "lip" a the base of the ramp is 1/4" instead of 1/2" but I wish it mostly just referenced "flush" with the 1/4" referenced as maximum tolerance.
Curb ramps at India/Newbury - the design appears to address Tom's requirement of 5' clearance from top of ramp to building, but it further lessens the distance between the two ramps to 1' length of granite, moving farther away from our 4' minimum.

MEMORANDUM

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To: FILE

From: Caitlin Cameron

Subject: Application ID: 2016-052

Date: 5/20/2016

Comments Submitted by: Caitlin Cameron/Planning on 5/16/2016

Comments Submitted by: Keith Gautreau/Fire on 3/24/2016

Hydrant locations are okay in this section of downtown.

2009 NFPA 1 18.4 Fire Flow Requirements for Buildings
Upon conducting a fire flow analysis this may require additional installation of fire hydrants to meet fire flow requirements.

Comments Submitted by: Keith Gautreau/Fire on 3/24/2016

Premises Identification
The main entrance of the building must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.
Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer.
If the building entry faces a different street, both the street name and number should be large enough to read from the street.
Address numbers must be a minimum of 4 inches high.

Comments Submitted by: Keith Gautreau/Fire on 3/24/2016

Emergency vehicle access is good with adequate access to two full sides of the building on India and Newbury.

Comments Submitted by: Keith Gautreau/Fire on 3/24/2016

Note*- Pay special attention to code requirements reference carbon monoxide protection since there is parking in the structure.

Comments Submitted by: Keith Gautreau/Fire on 3/24/2016

Construction Management Plan
Streets must maintain a 20' width for Fire Department access at all times.
Fire Hydrants shall not be blocked or enclosed by fencing. A 3' foot clearance must be kept at all times around the fire hydrant.
If gates are locked, a Portland Fire Department Knox padlock must be purchased by the applicant to allow access for the Fire Department.
The Construction Company' emergency contact information shall be posted on the property in case of an after hours emergency.
All construction shall comply with 2009 NFPA 1 Chapter 16 Safeguards During Building Construction, Alteration, and Demolition Operations.
Any cutting and welding done will require a Hot Work Permit from Fire Department.

Comments Submitted by: Keith Gautreau/Fire on 4/29/2016

I have reviewed the revised plans and the Fire Dept. approves as proposed. All construction will have conditions of approval attached with the Building Permit.

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

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To: Caitlin Cameron, Urban Designer, Planning & Urban Development Department

From: Tyler Norod, Housing Planner, Housing & Community Development Division

Date: April 29, 2016

Subject: 62 India Street – Inclusionary Zoning Conditional Use

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Conditional Use is authorized by Division 30, Section 14-487, Ensuring Workforce Housing, to secure the creation of Workforce Housing Units as part of new residential projects that propose 10 or more units. The ordinance requires a minimum of 10% of the project to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 62 India Street proposes the creation of 29 units of for-sale housing. The Applicant has chosen to fulfill the inclusionary zoning requirements by paying a fee-in lieu equivalent to today's rate of $100,000 per owed workforce unit. The proposed project would thus be required to pay a total fee of $290,000 into the City's Housing Trust Fund in lieu of the creation of actual housing units for workforce households. Should at a later date any change in total unit count be considered, a revised proportional fee-in lieu payment will also be required. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff recommends the Board Approve this Conditional Use provided the Applicant and the Applicant agrees to pay a fee in full of $290,000 into the City's Housing Trust Fund based on the 29 units being created as part of the project before a Certificate of Occupancy may be issued. The Applicant and the City may enter into a written agreement to codify this requirement and a Certificate of Compliance may be issued by the Planning Authority at the Applicant's request once the full payment has been received by the City.

Sincerely,

Tyler Norod
Housing Planner

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PLANNING BOARD REPORT
PORTLAND, MAINE

India Newbury Residences
62 India Street
Subdivision & Conditional Use Review
2016-096
India Newbury Residences, LLC

Submitted to: Portland Planning Board Date: May 20, 2016 Public Hearing Date: May 24, 2016	Prepared by: Caitlin Cameron, Urban Designer CBLs: 028 P008, P009, P015, P019, P0120 Project #: 2016-096

I. INTRODUCTION

India Newbury Residences, LLC has requested a final subdivision and conditional use review for a four-story residential development at 62 India Street at Newbury Street. The proposed 49,449 SF development includes structured parking on the ground floor, three retail spaces, and 29 market rate condominiums. The proposal is also subject to the Inclusionary Zoning Ordinance and is in the India Street Historic District.

This development is subject to Level II Site Plan for compliance with the standards of the India Street Form Based Code and Site Plan ordinance. The design review and approval is through the Historic Preservation Board. The Planning Board is only reviewing the Level III Subdivision and compliance with Division 30 (inclusionary zoning).

A total of 220 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on May 2 and May 3, 2016.

Applicant: Joe Dasco, India Newbury Residences, LLC
Consultants: Will Conway, Sebago Technics, Inc.; Mark Mueller, Mark Mueller Architects

II. REQUIRED REVIEWS

Waiver Requests	***Applicable Standards***
Driveway width – to allow driveway 18.5 feet on Newbury Street to enter garage. *Supported by Traffic Engineer*	Technical Manual, *Section 1.7.2.3.* Minimum driveway width (two-way): Any site with driveway access to a street shall have a minimum width of 20 feet for two-way ingress and egress, with a preferred width of 24 feet.
Street trees – project includes 13 street trees, less than required *Supported by City Arborist*	Site Plan Standard, *Section 14-526(b)2.b(iii)* and Technical Manual, *Section 4.6.1.* All multi-family development shall provide one street tree per unit. Waiver permitted where site constraints prevent it, with applicant contributing proportionate amount to Tree Fund. *29 units = 29 street trees required. Contribution for 16 trees at $200 per tree suggested.*

Review	***Applicable Standards***
Site Plan Level II (staff review/approval)	*Section 14-526*
Certificate of Appropriateness (HP Board)	*Section 14-650-659*
Subdivision Level III (Planning Board)	*Section 14-497*

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III. PROJECT DATA

Existing Zoning	IS-FBC
Existing Use	Parking, Commercial
Proposed Use	Mixed-Use Residential and Commercial Retail
Proposed Development Program	29 condominium units (7 1-bedroom, 17 2-bedroom, 5 3-bedroom) + 3 retail spaces (less than 2,000sf each)
Parcel Size	20,825 SF

	Existing	*Proposed*	*Net Change*
Building Footprint	3,332 SF	16,547 SF	13,215 SF
Building Floor Area	3,332 SF	49,449 SF	46,117 SF
Impervious Surface Area	19,322 SF	18,416 SF (88%)	906 SF
Parking Spaces (on-site)	46	27 structured	19
Bicycle Parking Spaces	none	16 (6 interior)	16
Estimated Cost of Project	Not given		

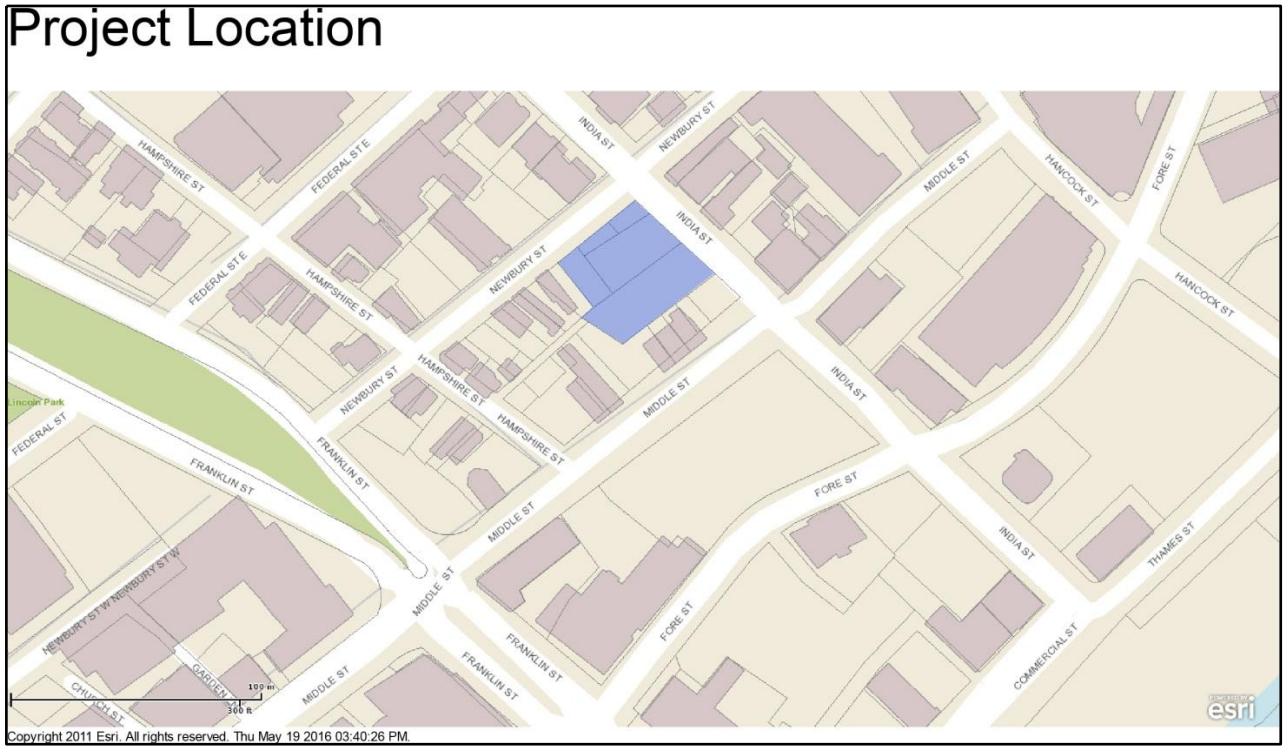


Figure 1 – Project Location

IV. BACKGROUND & EXISTING CONDITIONS

62 India Street lies at the corner of India and Newbury streets with India as the principal frontage. The current uses are surface parking lot and Port City Glass. India Street is considered the main street of the India Street Neighborhood. The sidewalk design shall be revised to allow for ADA compliant design at the corner of India and Newbury Street. The project, in the India Street Historic District, requires brick sidewalk and driveway apron. Street trees and street lighting shall be added to contribute to the improvement of India Street as the main street. The overall impervious surface is slightly reduced.

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The site is actually a collection of several distinct lots, all of which are held under common ownership *(Plan 1)*. The site is zoned India Street Form-based Code Zone with an Urban Active (UA) and Urban Neighborhood (UN) subdistrict and borders UN streets with a smaller vernacular built fabric. The site is in the India Street Historic District and is subject to Historic Preservation design review to obtain a Certificate of Appropriateness. The blocks along India Street, such as the applicant's site, serves as an important mixed-use active street wall and the zoning requires active frontage be built facing India to promote this goal. Infill development is highly desirable on India Street to improve the activity and the coherent streetscape.

V. PROPOSED DEVELOPMENT

The applicant proposes to reconfigure several existing lots in order to create a single contiguous lot for purposes of this development *(Plan 1)*. The development would consist of a four-story building with approximately 135 feet of frontage on India Street and 100 feet of frontage on Newbury Street. Three retail bays on the ground floor face India Street. Structured parking would occupy the ground floor, with car and pedestrian access from Newbury Street. Vehicular parking for 27 cars would be provided (26 required) in the structure situated behind the retail space. 29 residential apartments would occupy the upper three floors, with principal access from Newbury Street.

New brick sidewalks, street lighting, and street trees are proposed on Newbury and India streets. The site lighting shall be provided by new Old Port fixtures and additional lighting is provided by the building lighting (*Attachment K)*. The landscape plan (*Plan 9)* also includes low landscaping and Greenscreen along the building face on the Newbury Street frontage, and additional landscaping between the building and neighboring properties as well as a fence to screen the parking structure and the transformer pad.



Figure 2 – India Street Building Elevation

VI. PUBLIC COMMENT

During the preliminary review, staff fielded a telephone call from a neighbor who expressed concern about the proposed design and was directed to give written comments to the Historic Preservation Board for their hearing on the design. No written comments have been submitted regarding site plan, subdivision, or inclusionary zoning review.

The applicant hosted a neighborhood meeting on March 24, 2016 in conformance with the subdivision ordinance.

There were eleven attendees. The meeting minutes show that neighbors raised questions about loss of on-street parking on Newbury Street, details about outdoor spaces, design of the parapets, impacts on neighboring restaurants and their service access, Newbury becoming a one-way street, unit mix and pricing, and parking garage details *(Attachment P)*.

VII. RIGHT, TITLE, & INTEREST

The applicant's submittal includes deeds as evidence of right, title, and interest. The project will combine two lots of record – 62 and 50 India Street as part of this subdivision. Corporation Counsel and the Zoning Administrator reviewed the plan for the new division of lots *(Plan 1)* and have not identified concerns.

The applicant proposes to grant a 5' wide access easement to 39-47 Middle Street as an access point to the rear service area of those buildings. This easement shall be recorded and appear on the Subdivision Plat (*Plan 1*).

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the development has not been provided. The applicant has submitted a letter from East Boston Savings Bank indicating that their intent to consider financing for the project. *(Attachment D)*.

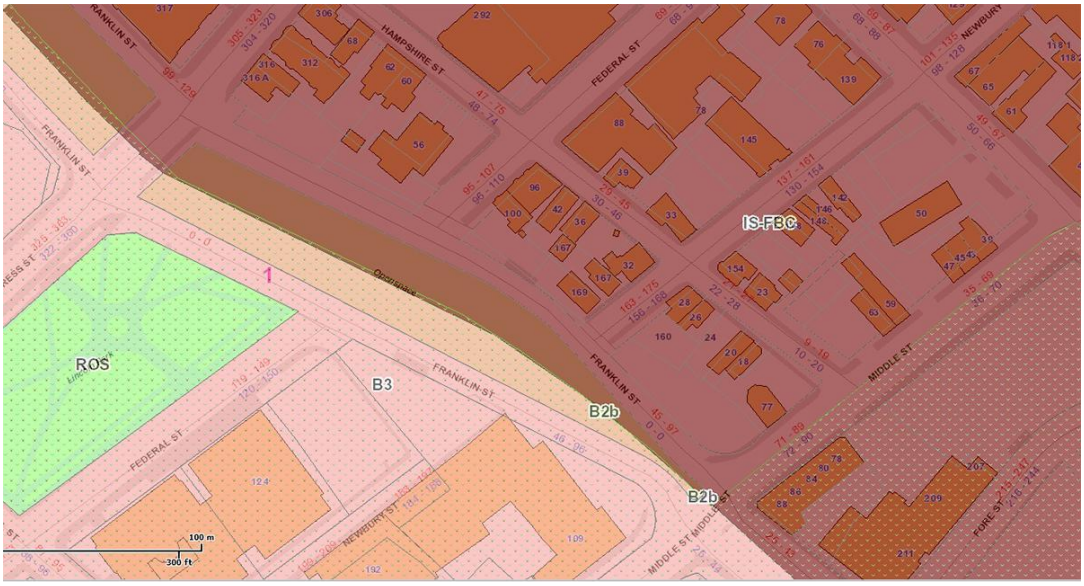


Figure 3 - Zone

IX. ZONING & LEVEL II SITE PLAN

The project is in the India Street Form-based Code zone and is on the corner of two streets – India Street (Urban Active) and Newbury Street (Urban Neighborhood). Urban Active is the dominant subdistrict in this case. The total project area is under 50,000 square feet and is therefore subject to Level II Site Plan review which is a staff level review and approval. Site Plan review includes review of zoning and site design such as landscape, traffic, stormwater, and parking. The project has received Level II Site Plan approval with conditions.

IX. DESIGN REVIEW – INDIA STREET HISTORIC DISTRICT

The project is in the India Street Historic District. As new construction, a Certificate of Appropriateness is required and the design review is conducted by the Historic Preservation Board according to the Historic Preservation Review Standards. The project was approved with conditions on Wednesday, May 18th (*Attachment 4*).

X. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS *(Section 14-496)*

The applicant has provided a subdivision plat for review by the city's surveyor. Finalizing this plat per *Section 14-*

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496 has been included as a condition of approval. In addition, the project includes condominium units. As such, condominium documents have also been included as a condition of approval.

In the submittal, the applicant proposes the following easements and licenses:

- Temporary construction easement from the City of Portland to India Newbury Residences, LLC;
- License from the City of Portland to India Newbury Residences, LLC for building footings on India Street and Newbury Street rights-of-way;
- License from the City of Portland to India Newbury Residences, LLC for roof overhang on India Street and Newbury Street rights-of-way;
- Access easement from 62 India Street to 39-47 Middle Street.

In their final submittal, the applicant has also indicated that construction easements will be necessary from the City of Portland. These easements should also be noted on the construction management plans. Final construction management plans shall be required as part of post-approval process for Site Plan Level II.

All of these easements have been suggested as conditions of approval.

XI. SUBDIVISION REVIEW

(14-497(a). Review Criteria)
The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance. Staff comments are below and in *Attachments 1-6.*

1. Water, Air Pollution
The project is not anticipated to result in undue air or water pollution.

2 & 3. Adequacy of Water Supply
The plans show water service from a 8" main in Newbury Street. The applicant has provided evidence of capacity from the Portland Water District with conditions *(Attachment E)*.

4. Soil Erosion
No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated. The new construction will be governed by the provisions of the VRAP and the Soil Management Plan prepared for this site (*Attachments H and I*).

5. Impacts on Existing or Proposed Highways and Public Roads
The applicant has provided a traffic and transportation analysis *(Attachment J)*. Tom Errico, the city's consulting traffic engineer, has reviewed the study and provided comments *(Attachment 3)*, which states the project is not expected to cause unreasonable highway or public road congestion or unsafe conditions.

6. Sanitary Sewer/Stormwater Disposal
An 8-inch sewer line is proposed to service the building and would outlet to India Street. An 8-inch roof drain is proposed and will outlet to Newbury Street. No grease trap is proposed; in the event that a future retail tenant includes a restaurant use, one will be required. The applicant has submitted a wastewater capacity application to the Department of Public Works with an approval letter granted 4/28/16 *(Attachment F)*.

7. Solid Waste
The applicant has proposed a trash and recycling room on the ground floor in the structured parking area and has indicated in the condominium documents that residents are responsible for engaging a waste management

contractor to provide waste removal service. The project is not anticipated to cause an unreasonable burden on the ability of the city to dispose of solid waste (*Attachment A and O)*.

8. Scenic Beauty
This proposal is not deemed to have an adverse impact on the scenic beauty of the area. The project is within historic district and the Historic Preservation Board approved the proposal with conditions (Attachment 4).

9. Comprehensive Plan
India Street Sustainable Neighborhood Plan
This newly adopted neighborhood plan includes the following goals and principles which are met by this proposal:
Goal – Vitality – The project adds 29 new units bringing more people to the neighborhood
Principle 4: **Mixed-Use Neighborhood** – As a new mixed-use project, the mixed-use aspect of the project is continued and strengthened.
Principle 6: **Retail Corridors** – The project adds three new retail spaces to India Street, the main street of the neighborhood identified as a commercial corridor to be strengthened.
Principle 7: **Guided Growth** – The project provides dense residential development on India Street, one of the areas identified as potential growth and infill development sites.
Principle 8: Form of Development – High residential density, maintaining the pedestrian-scale blocks, continuous sidewalks, and street-oriented buildings – these concepts are all included in the project.

Incentives for Affordable Housing and ***Housing – Sustaining Portland's Future***
The city believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The proposed project is required under the newly adopted Division 30, Section 14-487, Ensuring Workforce Housing to provide at least 10% workforce housing units. As described below and in (*Attachment 6)*, the project will pay the fee-in-lieu rather than build the units on or off-site. In addition to the required affordable housing, the project adds 29 new residential units to the neighborhood and peninsula. The new housing stock is placed in a multi-modal neighborhood with good connections to several neighborhoods, offices, and services.

10. Financial and Technical Capacity
As noted above, the applicant has provided evidence of financial and technical capacity (*Attachment D*).

11. Wetland/Water Body Impacts
Project is not located within a watershed of any pond or lake or within 250 feet of any wetland, great pond or river.

12. Groundwater Impacts
There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area
Per the FEMA flood maps, the site is not located in a flood zone.

14. Wetland/Water Body Impacts
No potential wetlands within the proposed subdivision.

15. Wetland/Water Body Impacts
No river, stream or brook within or abutting the proposed subdivision.

(14-497(c) Conformity with Code) *Any proposed subdivision shall be in conformity with all relevant provisions of this Code.* Project has completed Level II Site Plan approval with conditions at the time of this public hearing to determine conformity with all relevant provisions of the Code. The project has also received approval with conditions for the Historic Preservation Certificate of Appropriateness (*Attachment 4*).

XII. INCLUSIONARY ZONING CONDITIONAL USE

Housing Planner Tyler Norod reviewed the Conditional Use for Affordable Housing application at 62 India Street. Conditional Use is authorized by Division 30, Section 14-487, Ensuring Workforce Housing, to secure the creation of Workforce Housing Units as part of new residential projects that propose 10 or more units. The ordinance requires a minimum of 10% of the project to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 62 India Street proposes the creation of 29 condominium units. Based on the total number of units the project will be required to provide at least two (2) workforce units.

The project has proposed to pay the fee-in-lieu to meet the requirements of this ordinance. The fee is $100,000 per owed workforce unit. In this case, the amount owed is 10% of 29 units = 2.9 x $100,000 or $290,000 to be paid into the City's Housing Trust Fund. By agreeing to pay the $290,000 fee-in-lieu, the project has met the minimum requirements set forth in Section 14-487.

Please refer to the memo from the Housing Planner for the complete analysis (*Attachment 6*).

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the planning board approve the Subdivision and Conditional Use for the proposed residential development at 62 India Street.

XIV. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on May 24, 2016 for application 2016-096 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The planning board **finds/does not find**, based upon the consulting transportation engineer's review, that future non-compliance with the *Technical Manual* may result from strict compliance with the *Technical Manual* standard *(Section 1.7.2.3)* which requires a minimum driveway width (two-way): Any site with driveway access to a street shall have a minimum width of 20 feet for two-way ingress and egress, with a preferred width of 24 feet., that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The planning board **waives/does not waive** the *Technical Manual* standard *(Section 1.7.2.3)* to allow the driveway and access easement width as shown on the plans.
2. The planning board **finds/does not find** that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The planning board **waives/does not waive** the site plan standard (*Section 14-526 (b) (iii)* requiring one street tree per unit for multi-family development and concludes that the applicant shall contribute $3,200 to Portland's tree fund for 13 trees.

C. 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 for the public hearing on May 24, 2016 for application 2016-096 relevant to the subdivision 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 and **approves/does not approve** the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
2. Prior to Certificate of Occupancy, the applicant shall provide condominium documents for review and approval by Corporation Counsel;
3. That the final design of the sidewalk including cross slope, curb extension, and street tree well shall be revised and submitted to staff for final approval.
4. The approved drawing set shall be revised to reflect the correct building area calculations.
5. The applicant shall provide drafts of all necessary easements for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit, including but not limited to:
    a. Temporary construction easement from the City of Portland to India Newbury Residences, LLC;
    b. License from the City of Portland to India Newbury Residences, LLC for building footings on India Street and Newbury Street rights-of-way;
    c. License from the City of Portland to India Newbury Residences, LLC for roof overhang on India Street and Newbury Street rights-of-way;
    d. Access easement from 62 India Street to 39-47 Middle Street.

D. INCLUSIONARY ZONING CONDITIONAL USE

On the basis of the application, plans, reports, and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on May 24, 2016 for application 2016-052 relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the planning board hearing, the planning board finds that the Conditional Use **is/is not** in conformance with the standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval:

a. Provided the Applicant pays a fee of $290,000 into the City's Housing Trust Fund before a Certificate of Occupancy may be issued.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Civil Engineer review (memo from Lauren Swett, PE, 5/16/16)
2. City Engineer review (memo from David Margolis-Pinneo, 5/13/16)
3. Traffic Engineer review (memo from Thomas Errico, 5/18/16)
4. Historic Preservation, City Arborist, Transportation review (memo from Deb Andrews, Jeff Tarling and Bruce Hyman, 5/20/16)
5. Fire Safety review (memo from Keith Gautreau, 3/24/16)
6. Housing Planner review (memo from Tyler Norod, 4/29/16)

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 04/11/17

APPLICANT'S SUBMITTALS

A. Level III Subdivision application and Project Data
B. Workforce Housing application
C. Evidence of Right, Title, and Interest
D. Financial Capacity
E. Water Capacity Letter
F. Wastewater Capacity Letter
G. Stormwater Management Report
H. Site Investigation Report
I. Soil Management Plan
J. Traffic Evaluation
K. Site Lighting Fixtures
L. Screen Cut Sheet
M. Bench Cut Sheet
N. Requested Waivers
O. Condominium Documents
P. Neighborhood Meeting Minutes

PLANS

Plan 1. Subdivision Plat
Plan 2. Cover Sheet
Plan 3. Existing Conditions
Plan 4. Demolition Plan
Plan 5. Site Plan 1
Plan 6. Site Plan 2
Plan 7. Grading and Utilities Plan 1
Plan 8. Grading and Utilities Plan 2
Plan 9. Landscape Plan
Plan 10. Site Details1
Plan 11. Site Details 2
Plan 12. Site Details 3
Plan 13. Lighting and Photometric Plan
Plan 14. Preliminary Construction Management Plan
Plan 15. Cover Sheet
Plan 16. Floor Plan A1.1 Lower Level Plan
Plan 17. Floor Plan A1.2 Second Level Plan
Plan 18. Floor Plan A1.3 Third Level Plan
Plan 19. Floor Plan A1.4 Fourth Level Plan
Plan 20. Floor Plan A1.5 Roof Plan
Plan 21. Elevation A2.4
Plan 22. Building Section A3.0
Plan 23. Area Calculations