



Tuck O'Brien  
City Planning Director, Planning Division

Date May 24, 2106

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** Project ID: 2016-052  
Address: 62 India Street CBL: 028 P008, P009, P015, P019, P020  
Applicant: India Newbury Residences, LLC  
Planner: Caitlin Cameron

Dear Mr. Dasco:

On May 24, 2016, the Planning Authority approved with conditions a Level II site plan for India Newbury Residences for 29 residential units, 3 retail bays, and structured parking at 62 India Street. The decision is based upon the application, documents, and plans as submitted by India Newbury Residences, LLC and prepared by Sebago Technics, Civil Engineers, and Mark Mueller Architects. The proposal was reviewed for conformance with the standards of Portland's site plan ordinance.

#### WAIVERS

1. Parking Drive Aisle Width  
The Planning Authority waives the Technical Standard, Section 1.14 for the parking aisle width to be 1'-8" to 6'-0" narrower than the dimensions allowed in Figure I-27.
2. Compact Parking Stall Size  
The Planning Authority waives the Technical Standard, Section 1.14 for the compact parking stall size proposed to be 1' longer than allowed in Figure I-29.
3. Compact Parking %  
The Planning Authority waives the Technical Standard, Section 1.14 for the number of compact parking stalls proposed which is 14 total and represents more than 20% allowed by the City's standard.

#### SITE PLAN REVIEW

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval and the standard conditions of approval prior to the issuance of a building permit:

1. 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.
2. The applicant shall provide revised drawings showing correct area calculations.

3. The applicant shall provide revised drawings showing correct dimensions for final review and approval by the Planning Authority.
4. The final Site Plan shall be stamped by a professional engineer.
5. 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.
6. The applicant is required to provide a final Construction Management Plan for review and approval by the Department of Public Works and the Planning Authority.
7. The applicant shall document that the parking spaces meet ADA requirements.
8. Conditions of approval associated with the Historic Preservation Certificate of Appropriateness shall be reflected in the final Site Plan drawing set.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

#### **STANDARD CONDITIONS OF APPROVAL**

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

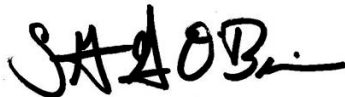
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after March 31, 2016, shall require 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 Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
  
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 Caitlin Cameron at (207) 874-8901

Sincerely,



Stuart G. O'Brien  
City Planning Director

**Attachments:**

1. Applicable staff memos
2. 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  
Caitlin Cameron, Planner/Urban Designer  
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

## 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.

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## 62 India - final check

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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

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## 62 India Street - Final Traffic Comments

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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 25<sup>th</sup> 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.**

- It is my understanding the driveway design is being revised to provide tip-down curbing at the driveway per 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/crosswalk design.

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  
**TYLIN**INTERNATIONAL T.Y. Lin International

12 Northbrook Drive

Falmouth, ME 04105

[207.781.4721](tel:207.781.4721) (main)

[207.347.4354](tel:207.347.4354) (direct)

[207.400.0719](tel:207.400.0719) (mobile)

[207.781.4753](tel:207.781.4753) (fax)

[thomas.errico@tylin.com](mailto: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

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**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" at 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.

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## MEMORANDUM

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**To:** FILE  
**From:** Caitlin Cameron  
**Subject:** Application ID: 2016-052  
**Date:** 5/20/2016

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**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.



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