

CITY OF PORTLAND, MAINE

PLANNING BOARD

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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

ordinance. The Planning Board waives the *Technical Manual* standard (*Section 1.7.2.3*) to allow the driveway and access easement width of 18.5’.

2. *Street Trees*

The Planning Board voted 6-0 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 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 16 trees.

SUBDIVISION REVIEW

The Planning Board voted 6-0 that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval to be met prior to the signing of the plat and issuance of a building permit, unless otherwise stated:

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 Newbury Street and India Street rights-of-way;
 - c. License from the City of Portland to India Newbury Residences, LLC for roof overhangs on India Street and Newbury Street rights-of-way;
 - d. Access easement from 62 India Street to 39-47 Middle Street.
6. The electrical service to the site is underground and meets the requirement for underground utilities. A Conditional waiver of *Sec. 14-499. Required improvements (h)* is permitted to allow the existing non-site utility service to remain above ground.

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 2016-096 which is attached.

CONDITIONAL USE REVIEW

The Planning Board voted 6-0 that the plan is in conformance with Division 30, Section 14-487 Ensuring Workforce Housing of the Land Use Code, subject to the following condition(s) of approval to be met prior to the issuing of the Certificate of Occupancy:

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

STANDARD CONDITIONS OF APPROVAL

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

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **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 the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **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.
5. **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.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an 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 subdivision plat for

recording at the Cumberland County of Deeds, and 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.

8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **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.
10. **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.)
11. **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.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to 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 874-8901.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Staff memos
2. Planning Board Report

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
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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