

CITY OF PORTLAND, MAINE
PLANNING BOARD

Jaimey Caron, Chair
Mark Malone, Vice Chair
Orlando E. Delogu
Kevin Beal
Lee Lowry III
Michael Patterson
Janice E. Tevastian

November 3, 2003

Mr. James H. Brady, VP Acquisitions and Development
Olympia Equity Investors
50 Monument Square, Suite 302
Portland, Maine 04101

RE: 280 Fore Street

CBL: 029 K003001

Dear Mr. Brady:

On October 28, 2003, the Portland Planning Board voted unanimously to approve the following motions:

On the basis of plans and materials submitted by the applicant and on the basis of information provided in Planning Board Report #48-03 relevant to standards for site plan and historic preservation review, the Board finds:

i. Historic Preservation:

That the plan (**meets**) the Standards for Review of Construction and the Standards for Review of Alterations of the Historic Preservation Ordinance subject to the following conditions of approval:

1. *That the projecting entrance bay on the on the Fore Street elevation continue at its full depth to the roofline, rather than step back at the fifth floor.*
2. *That an alternative design for the proposed wall projections above the cornice be presented for final review and approval by the Historic Preservation Committee.*

ii. Traffic Movement Permit

That the project (**is**) in conformance with the standards of a Traffic Movement Permit subject to the following condition of approval:

1. *That the design for the eastbound approach of Fore Street to the Franklin Arterial intersection be reconfigured to provide a dedicated left turn lane and a through/right lane.*

iii. Site Plan

That the plan (**is**) in conformance with the Site Plan Standards of the Land Use Code including the design standards of the B-3 Zone District subject to the following conditions of approval:

1. *Executed leases for the 165 off-site parking spaces shall be provided for the review and approval of City Corporation Counsel.*

2. *Should the building owner no longer maintain control over the proposed off-site parking spaces, the owner shall be required to provide evidence to the Planning Authority of its control over an equal number of off-site parking spaces, in accordance with section 14-334 of the Land Use Code.*
3. *That the easterly sideline and median strip of Franklin Arterial, at its intersection with the southerly Fore Street Cross walk, be made ADA accessible.*
4. *That any additional lighting and signage be provided for Planning, Zoning and Historic Preservation staff review and approval.*
5. *That the applicant secure all necessary licenses for construction within the City rights of way prior to issuance of a building permit*

iv. Hilton Garden Inn Site Plan

That the included amendments to the Hilton Garden Inn Site Plan, at 65 Commercial Street, **(are)** in conformance with the Site Plan Standards of the Land Use Code.

The approval is for a six-story office and parking structure located at the corner of Fore Street and Franklin Arterial.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #48-03, which is attached.

Please note the following provisions and requirements for all site plan approvals:

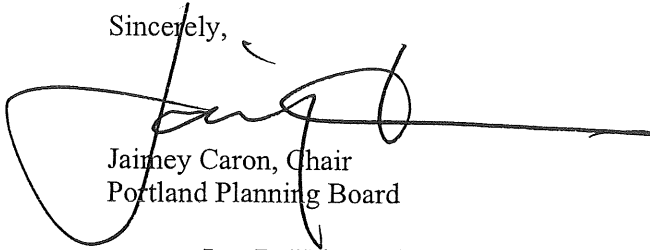
1. Where submission drawings are available in electronic form, the applicant shall submit any available electronic CADD.DXF files with seven (7) sets of the final plans.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
5. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, 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 preconstruction meeting.

6. 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.)

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 Department at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Bill Needelman, Senior Planner, at 874-8722.

Sincerely,



Jainey Caron, Chair
Portland Planning Board

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Sarah Hopkins, Development Review Services Manager
Bill Needelman, Senior Planner
Jay Reynolds, Development Review Coordinator
— Marge Schmuckal, Zoning Administrator
Karen Dunfey, Inspections
Michael Bobinsky, Public Works Director
Traffic Division
Tony Lombardo, Project Engineer
Eric Labelle, City Engineer
Jeff Tarling, City Arborist
Penny Littell, Associate Corporation Counsel
Lt. Gaylen McDougall, Fire Prevention
Don Hall, Appraiser, Assessor's Office
Approval Letter File