

29-L-1

#99700001

207-209 Fore Street

Hampton Inn Hotel (former Jordan's Site)

Old Port Hospitality

TO: Jeanie Bourke, Building Inspections
FROM: Bill Needelman, Senior Planner
DATE: May 28, 2010
RE: Opechee Request for Foundation-Only Building Permit at 207-209 Fore Street (former Jordan's Meats site)
CBL: 029-L-001,002,003
Appl. ID: 99700001

Opechee Construction is requesting their foundation only building permit so that they can begin to drive piles at the Jordan's site on Tuesday. The conditions of approval necessary to commence foundation work have been met, subject to receipt of the performance guarantee and a \$1200 traffic contribution. According to Greg Kirsh, Opechee Vice Pres and Counsel, the PG has been signed and will be faxed today (original by Fed Ex by Tuesday) and the contribution will come in Tuesday morning.

When the two issues above are met, I will let Lannie know that Planning is has signed off. I will then document the sign off in Naviline.

The Foundation-Only permit should be subject to the following conditions, as per the Planning Board approval. Prior to issuance of the full building permit the applicant shall provide:

A revised glazing sample for review and approval of the Planning Staff showing clear or virtually clear glass for the street level openings and a suitable glass for upper floors consistent with the building program.

Material details and design specifications for the roof cornice canopy and brackets at the Fore and Franklin Street corner of the building.

Please call or email with any questions. Thank you

**REVOCABLE LICENSE FOR INSTALLATION and MAINTENANCE OF
ARCHITECTURAL PROJECTIONS
RE: HOTEL, RESTAURANT AND PORTSIDE RESIDENCES CONDOMINIUM
207 & 209 FORE STREET, PORTLAND, MAINE**

This revocable license is granted by the City of Portland (hereinafter "CITY") to Old Port Hospitality, LLC (hereinafter "OWNER") for the installation of two ornamental steel and glass canopies, one wall-mounted vertical banner sign, and a roof cornice (hereinafter the "Architectural Projections") on the Hotel, Restaurant, and Portside Residences Condominium Building, 207 & 209 Fore Street, Portland, Maine, on property owned by the City in the vicinity of the northeasterly sideline of Franklin Street between Fore Street and Middle Street, Portland, Maine, as more particularly shown on Exhibits A & B attached hereto. The installation and maintenance of the Architectural Projections shall be governed by the terms of this License Agreement.

1. The Architectural Projections may be installed on the Hotel, Restaurant, and Portside Residences Condominium Building, 207 & 209 Fore Street, Portland, Maine, as shown on Exhibits A & B attached hereto and in accordance with the site plans for the Condominium Building approved by the Planning Board approval (hereinafter the "Approved Plans").

2. OWNER is hereby permitted to occupy portions of the airspace above the City property located in the vicinity of the northeasterly sideline of Franklin Street between Fore Street and Middle Street, Portland, Maine for the placement of the Architectural Projections as shown on Exhibits A & B attached hereto.

3. OWNER shall be responsible for the proper installation and proper maintenance of the Architectural Projections. In the event of damage to the same, OWNER shall promptly repair/restore the Architectural Projections in accordance with the Approved Plans.

4. OWNER shall procure and maintain liability insurance in an amount of not less than Four Hundred Thousand Dollars (\$400,000) combined single limit (or the amount stated in the Maine Tort Claims Act as the same may be amended from time to time), covering claims for bodily injury, death and property damage and shall name the CITY as an additional insured with respect to such coverage.

5. OWNER, by execution of this License Agreement, hereby agrees to assume responsibility for any and all claims and/or damage to persons or property arising out of or in any way related to its entry upon CITY property located in the vicinity of the northeasterly sideline of Franklin Street between Fore Street and Middle Street, Portland, Maine and does hereby forever waive, release, relinquish, remise and discharge the CITY, its agents, employees, successors and assigns from any and all losses, costs or expenses (including reasonable attorneys' fees), damages, demands, liabilities, claims, actions, causes of action, suits, or judgments (collectively, "Claims") whatsoever of every name and nature, in law and in equity, including without limitation those related in any manner to any accident or injury to, or death of, any person, or any damage to property occurring on, in or in the vicinity of the area covered by this

License Agreement, arising out of the presence in and use by the OWNER of the area covered by this License Agreement.

6. This License Agreement is assignable to any subsequent owners of the OWNER'S property located at 207 & 209 Fore Street, Portland, Maine, including owners of Units and/or the Unit Owners Association of the Hotel, Restaurant, and Portside Residences Condominium to be declared by OWNER at said property.

7. This License may be revoked upon three (3) months written notice from the CITY to the OWNER and shall automatically terminate in the event that the building located at 207 & 209 Fore Street, Portland, Maine is destroyed, removed or otherwise ceases to exist on the site.

Date Sonia Bean

CITY OF PORTLAND

Joseph E. Gray, Jr.
Joseph E. Gray, Jr.,
City Manager

Date 5-28-2010

OWNER
OLD PORT HOSPITALITY, LLC

Mark Woglom
Mark Woglom
Manager

STATE OF MAINE
CUMBERLAND, ss.

Personally appeared the above-named Joseph E. Gray, Jr. and gave oath that the foregoing statements made by him are true to the best of his knowledge, information and belief, and where based upon information and belief, he believes the same to be true.

Before me,

Sonia T. Bean
Notary Public/Attorney-at-Law Date

STATE OF NEW HAMPSHIRE
BELKNAP, ss.

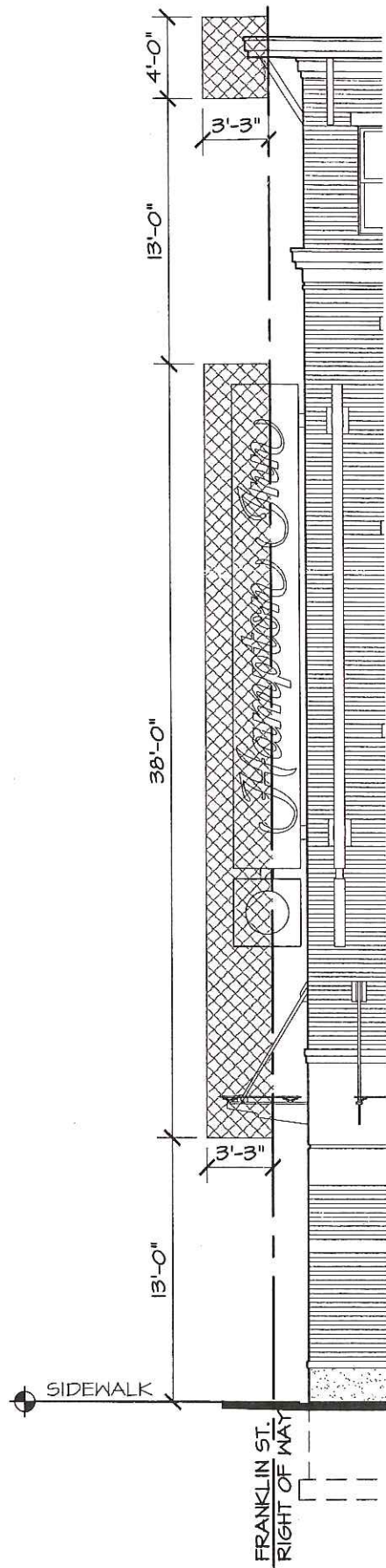
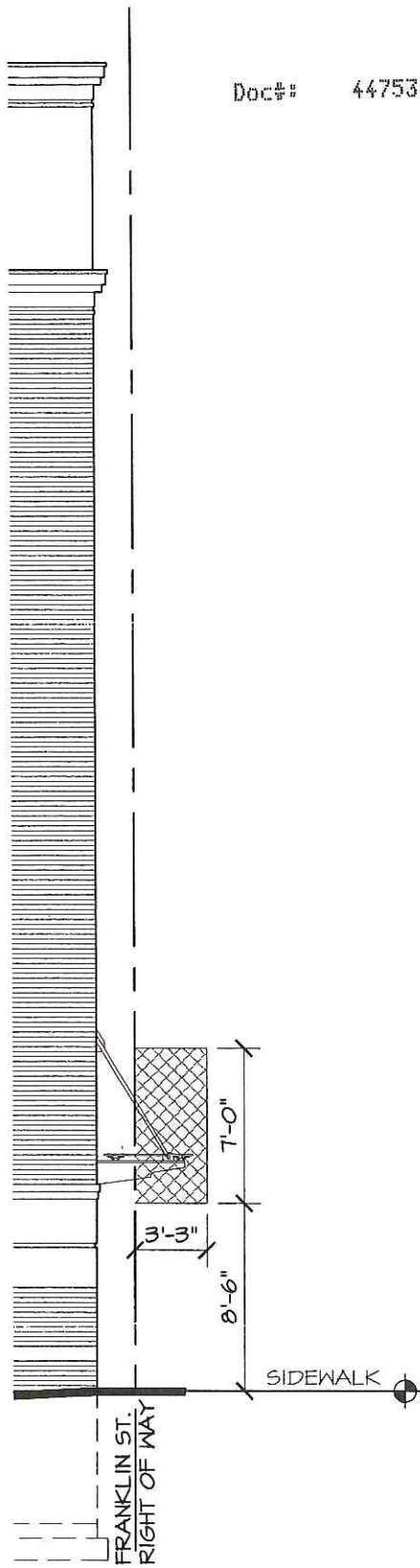
SONIA T. BEAN
Notary Public - Maine
My Commission Expires

Personally appeared the above-named Mark Woglom and gave oath that the foregoing statements made by him/her are true to the best of his/her knowledge, information and belief, and where based upon information and belief, he/she believes the same to be true.

Before me,

Paulette Caruso 5/28/10
Notary Public Date

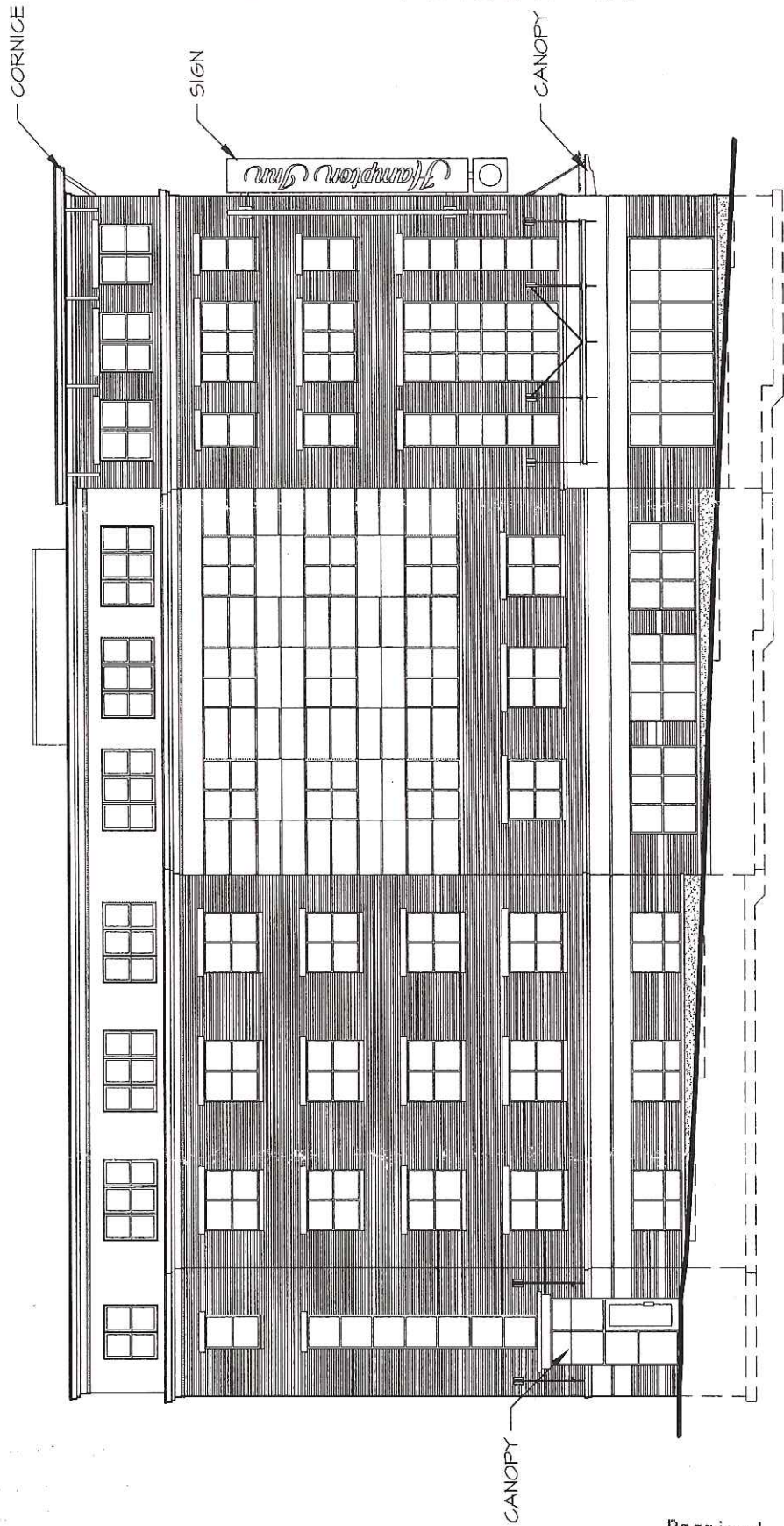




FRANKLIN STREET LICENSE AREAS

1/16" = 1'-0"

EXHIBIT B



FRANKLIN STREET ELEVATION

1/16" = 1'-0"

Received
 Recorded Register of Deeds
 Aug 24, 2010 03:37:57P
 Cumberland County
 Pamela E. Lovley

PRODUCER (603)224-2562 FAX (603)224-8012
The Rowley Agency, Inc.
139 Loudon Road
P.O. Box 511
Concord, NH 03302-0511

INSURED **Old Port Hospitality, LLC**
C/O Opechee Construction Corp.
11 Corporate Drive
Belmont, NH 03220

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: Acadia Insurance Company	31325
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> CG 0001 10/01 GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC	CPA0120746-15	08/01/2009	08/01/2010	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000				
					MED EXP (Any one person) \$ 5,000
					PERSONAL & ADV INJURY \$ 1,000,000
					GENERAL AGGREGATE \$ 2,000,000
					PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident) \$
					BODILY INJURY (Per person) \$
					BODILY INJURY (Per accident) \$
					PROPERTY DAMAGE (Per accident) \$
	GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT \$
					OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
	EXCESS / UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE RETENTION \$				EACH OCCURRENCE \$
					AGGREGATE \$
					\$
					\$
					\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under SPECIAL PROVISIONS below				WC STATUTORY LIMITS OTH-ER
					E.L. EACH ACCIDENT \$
					E.L. DISEASE - EA EMPLOYEE \$
	OTHER				E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
RE: Revocable License for Projections
City of Portland, ME is an additional insured.

***except 10 days for nonpayment of premium**

CERTIFICATE HOLDER

City of Portland, ME
Corporation Counsel's Office
389 Congress St
Rm 211, City Hall
Portland, ME 04103

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL **30*** DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Jennifer Porter/JLP

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.

207-209 Fore St. Review
2-25-10, AS, DA, BN

City of Portland
Code of Ordinances
Sec. 14-525

Land Use
Chapter 14
Rev. 8-4-09

existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;

3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;
 4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;
 5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;
 - a. Two-family or multiple-family dwellings shall not be converted to lodging houses unless all units in the building have been vacant for at least one (1) year prior to the date conversion is sought or unless the individual multiple-family units are less than one thousand (1,000) square feet in size. In no event shall any single-family dwelling in the R-5 or R-6 zone be converted in whole or in part to a lodging house.
- (16) Development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions

and illustrations in the Downtown Urban Design Guidelines. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

a. Relationship to the pedestrian environment:

1. General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:

(a) Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency and contemporary design;

*need
glass
sample*

(b) Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;

*See
west
signage*

(c) Blank facades; and ✓

(d) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways. ✓

2. Pedestrian activities district (PAD): In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) overlay zone, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed

N/A

to accommodate pedestrian-oriented uses at the street level. In determining such design, the following factors should be considered:

- (a) The exterior design of the street level building facade, including the placement of entrances, potential entrances, and window openings;
 - (b) The design and placement of impenetrable exterior building features such as columns, piers, bearing walls and retaining walls;
 - (c) The orientation of proposed street level uses to the street and the accessibility of floor area to the street by virtue of grade elevations and access;
 - (d) The adequacy of the interior layout of the first twenty(20) feet in depth of the building along specified streets to accommodate viable pedestrian-oriented uses;
 - (e) The continuity of street level uses as impacted by service entrances to parking structures or lots, drive-through facilities or other interruptions.
3. *NA* Pedestrian activities district (PAD) encouragement areas: In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection 2 of this section.

4. *Sidewalk areas and open space*: The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform with special City of Portland streetscape programs described in the Technical and Design Standards and Guidelines, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:

*Need a Meter Box
Xwalk, B
Irrigation, drains,
Speers*

- (a) Sidewalk, crosswalk, and street paving materials;
- (b) Landscaping, planters, irrigation, and tree guards and grates; *OK*
- (c) Lighting; *metered, NO VA WASH*
- (d) Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and
- (e) Sidewalk vendors and sidewalk cafes.

b. *Relationship to existing development*:

1. *General*: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following existing patterns:

*Need Present/old
Context
Perspective
Views*

- From: Franklin Federal*
- ② Fore ~~...~~
Buyer Safety*
- ③ Fore Indian (Pump)*
- ④ Community/Function
(@ Casco Bay, Gourse)*

- (a) Street walls and building setbacks;
- (b) Open space;

Distinct Massing
elements @
key corners - @
frontrun
especially
stronger @
simpler @
(single unit)
middle/w/formation
fore

- (c) Building form, scale and massing;
- (d) Facade proportion and composition;
- (e) Pedestrian circulation and building entrances;
- (f) Parking.

2. Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:

- (a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;
- (b) Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;
- (c) Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and
- (d) The area of setback is of high quality and character of design and of acceptable

orientation to solar access and wind impacts as to be attractive to pedestrian activity.

need
plan

- c. *Roof top appurtenances:* All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines;
- d. *Shadow impact on open space:* The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as described and illustrated in the Downtown Urban Design Guidelines;
- e. *Wind impacts:* The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed on the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;
- f. *Setbacks from existing structures:* The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;

- g. *Building tops:* Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines;
- (17) The applicant has submitted all information required by this article and the development complies with all applicable provisions of this Code;
- (18) a. Developments affecting designated landmarks or within designated historic districts or historic landscape districts: Any proposed development required to obtain a certificate of appropriateness under article IX (historic preservation) of the land use code shall be exempt from the following design standards included in this article:
1. Section 14-526(16) (development in B-3 zone), except for (16)(b)(2) (increasing setback beyond street build-to line), 16(d) (shadow impact on open space), 16(e) (wind impacts), and 16(f) (setbacks from existing structures);
 2. Section 14-526(26) (development in B-5 and B-5b zones), except for 26(a) (shared infrastructure) and 26(d) (parking lot location);
 3. Section 14-526(28) (small residential lot development in R-6 zone);
 4. Section 14-526(29) (University of Southern Maine);
 5. Section 14-526(30) (development in B-7 zone), except for 30(a) (transportation demand management);
 6. Section 14-526(31) (development in eastern waterfront zone).

Draft Preliminary Design Review Comments for 207-209 Fore Street:
Old Port Hospitality (Jordan's Meats site) 2-26-10

The following review comments are offered by the Planning Staff after reviewing the preliminary design of a hotel, restaurant and residential development proposed by Opechee Construction Corp. for the former Jordan's Meats site at 207 to 209 Fore Street.

The review was based on site plan drawings supplied with the development application dated 2-16-10 and rendered elevation drawings supplied by email from Mark Woglom on 2-22-10.

Review comments below are provided in *italics* in response to land use code text and the applicable site plan standards for development in the B-3 zone, as shown in underline. Review comments were further informed by language found within the *Downtown Urban Design Guidelines*.

Site Plan Standards 14-526 (a)

- (16) Development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

a. *Relationship to the pedestrian environment:*

1. *General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:*

General Comment: The elevation drawings are at a concept level of development and greater detail will be needed for final review prior to public hearing.

It is unclear from the site plan and elevations whether the Fore and Franklin Street door to the restaurant is oriented to the corner or to Fore Street - Clarification requested.

- (a) Storefronts and building facades, including such

factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency and contemporary design;

Comment: Provide details and specifications on the storefront design and first floor windows including the transparency index and sample of the proposed glass. Visual permeability between interior and exterior spaces at the pedestrian level is indicated by this standard. Highly tinted or reflective glass at the pedestrian level is not recommended.

- (b) Building entrances, including such factors as compatibility with the building's façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;

Comment: The prominence and frequency of pedestrian entrances along Fore Street is undermined by the lack of canopy and/or signage at the mid-block shared entrance (for the restaurant and hotel) and the location of the hotel lobby entrance at the porte-cochere. Consider adding a prominent pedestrian door to the Fore Street façade adjacent to the vehicle entrance. Also consider adjusting signage location from the Franklin/Fore intersection to the pedestrian entrance to the lobby.

- (c) Blank facades; and

The building is generally well fenestrated and does not show excessive blank walls in the pedestrian areas.

- (d) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.

The pedestrian access stairs from Middle Street are well positioned for use and are integrated with the site and building design. Consideration may be given to replacing the existing "cobra head" light fixture with a district street light pole and fixture to better integrate the stairs with the street. Design Note: The City Arborist suggests utilizing the historic granite plank and cobble from the existing alley in this area into the design.

2. Pedestrian activities district (PAD):

Not Applicable

3. Pedestrian activities district (PAD) encouragement areas:
In addition to subsection 1 of this section, proposed development located within the pedestrian activities district (PAD) encouragement areas, as shown on the pedestrian activities district map, a copy of which is on file in the department of planning and urban development, shall be designed and constructed to be reasonably capable of being converted to accommodate uses permitted in the PAD overlay zone in accordance with the factors set forth in subsection 2 of this section.

Applicable to Middle Street only for any later phase of development.

4. Sidewalk areas and open space: The design of publicly accessible sidewalk areas and open space shall complement the general pattern of the downtown pedestrian environment, conform with special City of Portland streetscape programs described in the Technical and Design Standards and Guidelines, and enhance the attractiveness, comfort, security, and usability of the pedestrian environment. Factors to be considered include the design, placement, character, durability, and quality of the following:

- (a) Sidewalk, crosswalk, and street paving materials:

Cross walk design is being addressed by Public Services. There has been discussion of bumping the Middle Street curbing out to shorten the crossing distance from Hampshire Street to the proposed pedestrian stairs.

- (b) Landscaping, planters, irrigation, and tree guards and grates:

See City Arborist comments.

Provide planter details for drainage and irrigation that promote the viability of plantings and minimize impacts to the public sidewalk.

- (c) Lighting:

The plans show appropriate street lighting styles and spacing (see comment above regarding the pedestrian stairs.) Building mounted lighting details have not yet been provided. Private site lighting of the parking area should be provided with cut-off fixtures.

Applicant should anticipate the an electrical distribution system with a metering box suitable for serving all fixtures to be owned by the City

- (d) Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and

Granite benches are proposed for Fore Street and a granite seat wall is proposed for the head of the Middle Street stairs.

- (e) Sidewalk vendors and sidewalk cafes.

The restaurant use is proposed to extend onto the Fore Street façade of the building near Franklin Street.

b. Relationship to existing development:

1. General: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following existing patterns:

General Comment: Context information is not provided. The development should be shown within its context by use of perspective drawings, photomontage, or other graphic means. Suggested views are from Franklin Arterial at Federal Street (Court House and Lincoln Park), Fore Street in front of Bangor Savings, Commercial and Franklin Street (from the Casco Bay Garage, and Fore Street and India Street (from the sewer pump station.)

- (a) Street walls and building setbacks;

The street walls of Fore and Franklin are enforced by this development.

- (b) Open space;

NA

- (c) Building form, scale and massing;

See below:

- (d) Facade proportion and composition;

The building massing and composition does not provide distinct massing elements at the key corners at Franklin Street. Given the visibility of the building from Franklin, Fore (as the terminating view from the Old Port) and Commercial Street, these corners are important.

The Middle and Franklin corner has no vertical differentiation from the main mass of the building and is un-fenestrated. The Fore and Franklin corner is punctuated by only a minor parapet rise at the center of the bay.

The design's relationship to its prominent location and to other buildings in the downtown and Old Port will be strengthened by vertical differentiation and fenestration of the building corner at Middle Street and simplifying and enlarging the punctuation at Fore Street. If fenestration of the top story of the Middle Street corner interferes with proposed signage, an alternative location for signage should be considered on the body of the building.

(e) Pedestrian circulation and building entrances;

Addressed above

(f) Parking.

2. Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:

(a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;

(b) Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining corners, or create a sense of discontinuity in particularly consistent or continuous settings;

- (c) Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and
- (d) The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

Standards for set back appear to be met.

- c. Roof top appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines;

Need details – none provided. Readily visible mechanical equipment requires screening

- d. Shadow impact on open space: The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as described and illustrated in the Downtown Urban Design Guidelines;

NA

- e. Wind impacts: The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed on the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;

Undue wind impacts are not anticipated.

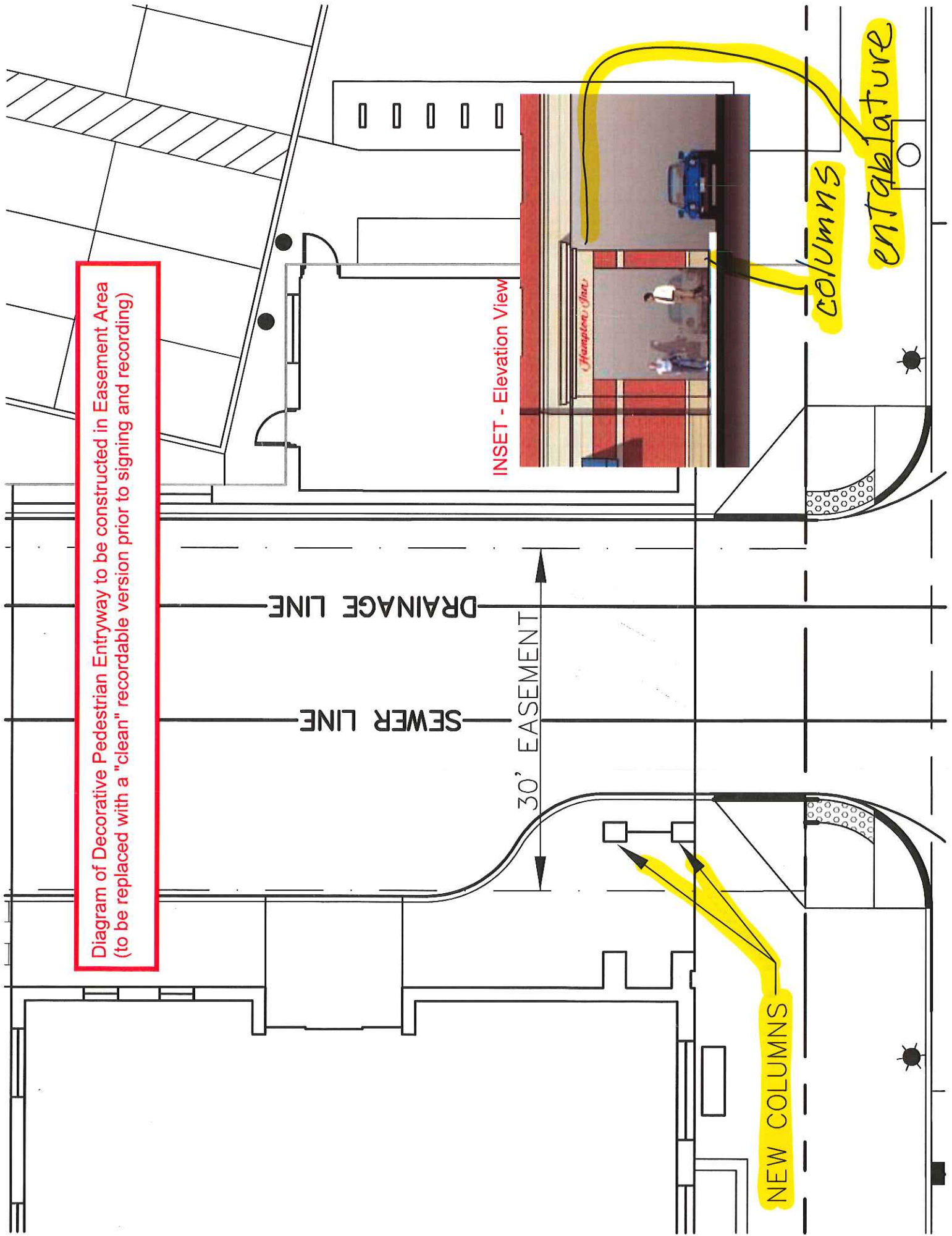
- f. Setbacks from existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;

Set backs from the adjacent building at Franklin and Middle will be increased.

- g. Building tops: Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines;

NA

Diagram of Decorative Pedestrian Entryway to be constructed in Easement Area
(to be replaced with a "clean" recordable version prior to signing and recording)



INSET - Elevation View

SEWER LINE

DRAINAGE LINE

30' EASEMENT

NEW COLUMNS

columns

entablature

City of Portland
 Development Review Application
 Planning Division Transmittal form

Application Number: 2011-255 **Application Date:** 5/16/2011 12:00:00 AM

Project Name: 207-209 Fore Street - Plan Amendment

Address: 207-209 Fore Street

Project Description:

Zoning:

Other Reviews Required:

Review Type:

Distribution List:

<input type="checkbox"/> Planner	Bill Needelman	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Stormwater	Dan Goyette	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input type="checkbox"/> Fire Department	Keith Gautreau	<input type="checkbox"/> Inspections	Tammy Munson
<input type="checkbox"/> City Arborist	Jeff Tarling	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Preliminary Comments needed by: May 25, 2011

Final Comments needed by: June 1, 2011

City of Portland
 Development Review Application
 Planning Division Transmittal form

Application Number: 2011-255 **Application Date:** 5/16/2011 12:00:00 AM

Project Name: 207-209 Fore Street - Plan Amendment

Address: 207-209 Fore Street

Project Description:

Zoning:

Other Reviews Required:

Review Type:

Distribution List:

<input type="checkbox"/> Planner	Bill Needelman	<input type="checkbox"/> Parking	John Peverada
<input type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
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		<input type="checkbox"/> DRC Coordinator	Phil DiPierro

Preliminary Comments needed by: May 25, 2011

Final Comments needed by: June 1, 2011



PLANNING BOARD REPORT PORTLAND, MAINE

HOTEL, RESIDENCES, AND RESTAURANT
207-209 FORE STREET (FORMER JORDAN'S MEATS SITE)
MAJOR SITE PLAN, SUBDIVISION, AND MDOT TRAFFIC MOVEMENT PERMIT
PROJECT ID #99700001
OLD PORT HOSPITALITY, LLC., OPECHEE CONSTRUCTION, APPLICANT

Submitted to: Portland Planning Board Public Hearing Date: APRIL 13, 2010	Prepared by: Bill Needelman, Senior Planner Date: April 9, 2010
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I. INTRODUCTION

Opechee Construction Corporation, doing business as, Old Port Hospitality, LLC., requests a public with the Planning Board to review a proposed hotel, restaurant, and residential development at 207-209 Fore Street on the former Jordan's Meats production plant site. The project anticipates total clearance and redevelopment of the site and is being reviewed as a major site plan, subdivision, conditional use (surface parking in the B-3 zone), and for an MDOT Traffic Movement Permit under delegated review authority.

As the Board will remember, this site has been the subject of extensive development review process, including a conditional rezoning and approval of a Westin Hotel/condominium project, and the recent reversion of the conditional rezoning to the underlying B-3 zone.

The Planning Board held a March 9, 2010 workshop covering the relevant issues regarding this application and the applicant has provided updated material responding to review comments. Updated material is provided in the attachments and has been reviewed by City staff for compliance with the relevant standards of the land use code.

154 notices were sent to area residents and interested parties by mail and an additional 60 interested parties were notified by email. Notices also appeared in the April 5 and April 6, 2010 editions of the *Portland Press Herald*.

The applicant held the require neighborhood meeting on March 18. The

II. PROJECT DATA

Total area of Lot: 72,290 sq. ft.
Zone: B-3 Downtown Business
Existing Uses: Food packaging plant (vacant) and commercial parking
Proposed Use: Hotel (122 rooms), restaurant (7000 sf) and 12 residential condominiums
Proposed bldg height: 65 feet (six stories)
Proposed floorspace: 96,953 sq. ft
Proposed parking: 93 parking spaces on site with 16-19 on-street spaces gained
Proposed bicycle pkg.: 22
Impervious surface:
Existing: 70,580
Proposed: 49,420

Traffic Trip generation: "Net" after subtracting out 50 "existing" trips from the Jordan's site activity –
70 am peak hour,
95 pm peak hour,
137 Saturday peak hour.

III. PROPOSED DEVELOPMENT

a. Proposal Site and Context

The subject development parcel encompasses a nearly full city block of 1.75 acres in the heart of Portland's urban core. The site does not include an abutting two-story brick building at the corner of Franklin and Middle Streets, which currently houses Hugo's restaurant, Rabelais Books, and the Pepper Club restaurant. The surrounding area is a transitional district that links the Old Port retail/office area with the India Street neighborhood. As one moves east from the subject site, the area's character transitions from the mixed use India Street area to the Eastern Waterfront district, which has recently been improved with the Ocean Gateway Garage and the Residence Inn hotel on Fore Street.

The site currently reflects its industrial past showing nearly complete impervious surface. The Franklin Street side of the lot is improved with a concrete sidewalk and esplanade. The Middle Street frontage of the subject parcel begins at the North West corner near the extension of the Hampshire Street right of way (across the street to the north at the end of the Hugos building.) The cobbled alley way from Middle Street (currently fenced) at the Pepper Club end of the abutting building is on the subject parcel. The Middle Street corridor is dominated by the concrete block façade of the Jordan's plant and has hourly parking and a bituminous sidewalk in poor condition. The Jordan's building steps back

from the India Street frontage of the site and is served by a brick sidewalk in good condition with on-street parking. Fore Street previously served as the truck loading and parking area for the site, and reflects this use with no sidewalks, broken and intermittent curbing, and limited on-street parking.

The Jordan's complex is separated into two buildings. The westerly structure is a garage and maintenance building located adjacent to Franklin Street and shares a party wall with the Hugo's building to the north. The site property line follows this party wall from Franklin Street to Middle Street. Starting at the cobbled alley along Middle Street, the main Jordan's plant building extends nearly 320 feet toward India Street.

With the abandonment of meat processing several years ago, commercial parking is the only current activity on the site and is somewhat randomly distributed within the previous loading and circulation areas for the plant. As of the writing of this report, the applicant has begun the environmental remediation and interior demolition of the Jordan's plant and exterior demolition has been approved by the City.

The site slopes from Middle to Fore Street with drainage currently utilizing a combination of sheet flow and on-site drainage structures to carry storm water into the municipal combined sewer system at Fore and Franklin Streets. A public sewer easement currently crosses the site diagonally from Middle Street to Franklin Street running south down the cobbled alley and turning west along the front of the garage building.

On March 15 of this year, the applicant received City Council approval to relocate the sewer easement from its current location to a new corridor from Middle to Fore Street. The revised sewer easement is shown on the draft subdivision plat (Attachment Y.)

The site is served by all public utilities.

4. Proposed Development

The current proposal shows a single six-story building oriented to the Fore and Franklin Street corner of the site. The site is proposed to be cleared of all buildings resulting in the Hugos building, which currently shares a party wall with the westerly Jordan's structure, being opened to light and air on its southerly side.

a. Program

The first floor of the building is split nearly evenly between restaurant and hotel use. The restaurant occupies the corner location and includes an outside seating area at the Fore Street sidewalk. The restaurant has a primary entrance at the corner facing Fore Street and a secondary shared pedestrian entrance toward the middle of the Fore Street façade. The hotel lobby is located toward the easterly side of the building accessed from a porte cochere/valet entry from Fore Street. The easterly end of the Fore Street façade has a dedicated pedestrian lobby and elevator core for residential condominiums.

Floors two to five are entirely occupied by hotel use and the top floor is entirely

residential units.

The easterly portion of the site is occupied by surface parking which is buffered by a 35-foot strip of green space at Fore, India and Middle Streets (as required by B-3 conditional use standards.)

b. Circulation

There is a single vehicle entrance proposed through the building from Fore Street. The vehicle entrance serves a valet area at the hotel door, the parking area, and a loading/trash area facing Middle Street and the rear of the Hugos building. According to the applicant, a portion of the trash area is covered by a roof in updated plans provided.

Pedestrian circulation to the site is provided from the City sidewalks at Fore, Franklin and Middle Streets. The building has three pedestrian entrances from Fore Street and a pedestrian connection from Fore Street to the valet area and hotel lobby door. Previously, there were no doors proposed at Franklin Street, but in the revised drawings a secondary pedestrian entrance is shown on the Franklin façade providing access to an interior stair tower at the northwesterly corner of the building. Pedestrian access from Franklin Street is also proposed by a set of exterior stairs shown between the proposed structure and the Hugos building. Likewise, the applicants propose a set of stairs from Middle Street in the approximate location and orientation of the Hampshire Street right of way projected into the site.

Note: there are no public pedestrian rights over the exterior stair passages shown, but the applicant is willing to condition approval with these passages being kept open to the public. The applicant has provided a note on the draft subdivision plat and a condition of approval is suggested with the subdivision motions.

A mid block crosswalk at the Hampshire Street projection is proposed and has been reviewed by the City's Crosswalk Committee and has been conditionally recommended for approval by the Planning Board. The cross walk is improved with a "bump out" curb to shorten the crossing distance and to improve pedestrian visibility between cars parked on Middle Street.

New brick sidewalks are proposed along Fore and Franklin frontages of the site. The applicant proposes bituminous sidewalks along Middle Street, as a later phase of development is hoped for in the foreseeable future. The applicant is willing to post a performance guarantee equal to the value of a brick sidewalk for Middle Street in case a future development does not occur within a reasonable timeframe. A condition of approval is suggested in the site plan motions.

c. Parking

The 93 surface parking spaces are proposed and are designed to conform to the 35-foot street set back requirements of the B-3 zone. The applicant proposes stacking the hotel spaces in tandem as these spaces can be managed by the hotel valet staff. The residential spaces are proposed for the non-tandem spots in the surface lot and handicapped spaces

are proposed near the loading area. Eleven bike racks (22 bicycle spaces) are shown adjacent to the easterly end of the building along Fore Street at the residential lobby. No parking is proposed for the restaurant.

d. Building Architecture

The proposed building is a conservative brick and concrete block structure oriented to Fore Street. The applicants have provided revised elevations responding an initial staff review. See the B-3 Design Review comments below.

Generally, the design respects the direction and intent of the applicable design standards.

e. Utilities

The applicants are proposing upgrades for all utilities.

A public sewer easement currently crosses the site from Middle to Franklin, carrying combined wastewater from on-site and off-site sources. As noted above, the proposal will move the easement to the area in line with the Hampshire Street right of way projection from Middle Street, under the valet area, out to Fore Street. The applicants have designed separated storm and sanitary lines through the site to Fore Street continuing all the way to Franklin Street. The applicant's design will also pick up previously separated storm water lines from the Hampshire Street area. The Hampshire Street connection is significant as it will result in over six acres of watershed being removed from the combined system.

New waterlines are proposed from Franklin Street. Underground electrical service will route from Franklin down Fore through the valet area to an on-site transformer in the loading area. Gas will route from Middle Street.

Telecommunications, sewer, water, gas, and electrical "ability to serve" letters have been provided.

**IV. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-525) and
SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS
(Section 14-496)**

The application material provided is sufficiently complete to allow adequate review of the proposal under applicable standards. After the March 9 Planning Board Workshop, the applicant has provided an updated set of plans, and building drawings reflecting comments previously provided.

Planning Staff is requesting additional specifications on certain architectural details, as noted in the design discussion below. Additionally, a condition of approval is suggested that the applicant provide a revised site plan addressing pavement marking adjustments and the installation of parking meter posts. Site plan comments are more fully described below.

The draft subdivision plat contains the minimum required information for recording, however, the Public Services surveying staff have recommended that certain horizontal locations and vertical datum be adjusted or referenced to City survey control. (See Public Services Review Memo, April 7, 2010, Attachment 4.) Furthermore, it is recommended that mutual access easements between lots created through this subdivision should be noted with greater clarity on the subdivision plat with recording information. A condition of approval is recommended in the suggested motions.

V. WAIVER REQUESTS

The applicant is requesting waivers from certain technical standards as part of this project review. The waiver narrative below was supplied by the applicant (applicant comments in ***bold italics***) followed by Planning Staff comments. Waiver motions for the Board to consider, with recommended conditions, are provided in the Motions section at the conclusion of this report.

A. B-3 Build-To Line:

Section 14-220 (c) (Zoning Ord.): All buildings or structures shall be located within five (5) feet of the property line along street frontages, unless the Planning Board requires or approves an additional distance to comply with the requirements of section 14-526(a)(16)

This waiver is required in order to place the south side of the building a distance greater than 5' from the property line. The increased distance will provide adequate room for the outdoor eating area associated with the proposed restaurant. The waiver also allows for increased pedestrian access along the southern side of the building.

Planning Staff Comment: The B-3 site plan standards are addressed below. Planning Staff supports this waiver.

B. Driveway curb radius:

Standard: Under the City's 'Technical and Design Standards and Guidelines' **Section III, 2 (c) Curbing of Driveways**, requires that the minimum radius be 20 feet.

The waiver is required in order to provide 10 foot wide curb radii at the driveway. The smaller curb radii are proposed in order to decrease the length of pedestrian travel across the driveway mouth. However, with the proposed on-street parking along Fore Street, the entrance can accommodate 20-foot turning radii and will accommodate truck turning movements.

Planning Staff Comment: The City's consulting traffic engineer, Tom Errico, has reviewed this request and has no concerns with the waiver.

C. Parking Layout:

Standard: Under the City's 'Technical and Design Standards and Guidelines' **Section III, 3 C Parking Layout:** Lot layout shall conform to figures III-1 and III-2.

A waiver is required in order to provide a parking lot layout that includes tandem valet spaces. These spaces will smaller than the required 9 foot by 19 foot standard parking space. These spaces will be utilized by the valet service attendants only.

Planning Staff Comment: The City's consulting traffic engineer, Tom Errico, has reviewed this request and has no concerns with the waiver.

D. Required Brick Sidewalk along Middle Street:

As shown on the Sidewalk Replacement Material Map.

A waiver is required in order to replace a portion of the sidewalk along Middle Street with a bituminous sidewalk where a brick sidewalk is required. This portion of sidewalk is intended to be temporary. A brick sidewalk will be installed in the future. A bond will be provided for the installation of a brick sidewalk if none is installed in the next three years.

Planning Staff Comment: The sidewalk material policy of the city is a separate ordinance subject to City Council review and is not subject to waiver by the Planning Board. The applicant is committed to the eventual installation of the required brick material, but asks for a temporary asphalt sidewalk to serve this site while development plans for the easterly portion of the site mature. The installation of temporary asphalt sidewalks in the downtown on lots that have planned or anticipated future development has been approved for other developments in the vicinity of the subject site. Public Services and Planning Staff support allowing a temporary asphalt sidewalk for a portion of Middle Street, subject to the performance guarantee condition. A condition of approval requiring a performance guarantee for the brick sidewalk is suggested in the Site Plan motions.

E. Building facade illumination:

Standard: Under the City's 'Technical and Design Standards and Guidelines' **Section XV: Site Lighting Standards, 3. General Standards,** All fixtures, including wall packs, shall be a "cut-off" type where...no direct light shall be directed at or above the horizontal plane.

A waiver is required in order to provide the building facade with illumination. Illumination that directs light above a horizontal plane has

been integrated into the exterior design of the structure to help create a greater sense of security and interest for pedestrians, patrons, and residents. Also, facade illumination will help draw the awareness of new patrons to the building that are unfamiliar with the City.

Planning Staff Comment: Planning Staff was only provided a short period of time to evaluate the lighting submission. Regarding the architectural up-lighting, the fixtures proposed (LED panels) are new to Portland, and the illumination levels shown on the building façade appear greater than have been previously approved by the Planning Board for comparable projects. Planning Staff would like to take additional time to evaluate the architectural lighting for the building and there is a suggested condition of approval that the architectural lighting for the development be subject to staff review and approval prior to issuance of an electrical permit.

F. Illumination levels above the maximum:

Standard: Under the City's 'Technical and Design Standards and Guidelines' **Section XV: Site Lighting Standards, 4. Specific Standards**, Maximum illumination level of 5.0 foot candles shall be measured at the grade.

A waiver is required in order to integrate down lighting on the building facade to highlight the restaurant entrance. Maximum illumination level of 5.0 foot-candles will be exceeded as a result light accumulated from the restaurant's proposed down lighting and the public street lights. Since the ambient light that is spilled onto the property from the public street lights is not addressed in the standards, a wavier is being sought to highlight the restaurant entrance with building facade down lighting. This outside lighting often makes the first impression to the pedestrian customer and can attract customers passing by the establishment. Also, the facade down light illumination will relay a sense of security and comfort during the outdoor dining season.

Planning Staff Comment: The applicant's lighting plan shows illumination levels of over 8 foot candles near a rear door to the residential lobby, and over 10 foot candles near the restaurant main entrance. These levels would not be expected to cause significant glare or undue impacts to the surrounding area. Planning Staff supports this waiver.

VI. PUBLIC COMMENT AND WORKSHOP SUMMARY

- A. Public Comment: Other than at the Planning Board workshop and the required Neighborhood Meeting, no public comment has been received during this review.
- B. Neighborhood Meeting: The applicants held the required Neighborhood Meeting on March 18, 2010. The notice, attendance and minutes of this meeting are provided in Attachment AA of this report. As suggested by the Planning Board, the neighborhood meeting was noticed to the Franklin Arterial "revisioning"

contact list by email.

C. March 9, 2010 Planning Board Workshop

Issues raised by public were largely regarding the project's relationship to Franklin Street and mid-construction circulation issues.

The Planning Board explored the project in detail with both the applicants and staff. Some Board members questioned the details of design on the building and the landscaping around the parking lot. Several Board members expressed the opinion that additional landscaping was needed.

The pedestrian routes through the site received considerable discussion, mostly related to what public rights would be secured and by what means. The Board appeared comfortable with pedestrian access tied to a condition of approval as a compromise mechanism less than a pedestrian easement.

As the Planning Board is the authority that sets the parking requirement for the project, the Board discussed the parking proposal to some detail. Given that the applicant is not proposing parking to be dedicated to the restaurant, options for this parking were discussed with the applicant.

VII. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance, site plan ordinances, the requirements of the B-3 zone, and a Traffic Movement Permit under delegated authority from the Maine Department of Transportation. Staff comments are highlighted in this report.

A. ZONING ASSESSMENT

Initial Zoning Comments from Zoning Administrator, Marge Schmuckal, February 25, 2010

The entire property is located within a B-3 Downtown Business Zone. It is not within a Pedestrian Activities District (PAD). However the street frontage along Middle Street is considered a PAD Encouragement District. No structure is being proposed along Middle Street at this time. It is not in a Historic District.

The applicant is proposing to redevelop the site to include a new 180 seat restaurant, a 122 room hotel, and 12 residential condominiums. This is considered a change of use for the property. On an adjoining lot a parking lot for 93 parking spaces is being proposed. The proposed uses are meeting the allowable uses listed in the B-3 Zone. The surface parking lot use is a conditional use appeal before the Planning Board. The surface parking lot is required to be no closer than 35 feet to any street line. This submitted plan is showing all parking 35 feet from all the street lines. Because the proposed project is over 50,000 square feet in floor area, parking requirements are to be determined by the Planning Board under section 14-332(t). 22 bike spaces are proposed.

The B-3 Zone requires a street build-to setback of no more than 5 feet, unless the Planning Board reviews and approves an appropriate setback further back. The applicant has requested a further setback of approximately 10 feet for outdoor seating for the first floor restaurant use.

Because there will be 12 residential condominiums, this project must also be approved under Subdivision requirements.

I believe that this project is probably meeting the maximum building height of 65 feet for this area of the City. However, I would like to confirm that supposition with more information from the applicant using the same methodology that I use with all applicants. I would like to know the grades around the outside of the proposed building so that I can average the grades. The actual height of the structure can be determined from that information.

I would also like to confirm where the property line is located at the rear of the proposed building where the stairs descend from the street. It was unclear to me.

It is noted that no official loading bays are required under section 14-351. However, it may be useful to indicate how the rear dumpster area will be accessed and utilized by servicing vehicles. This area may also service deliveries, linen services and the like.

Separate permits from Inspection Services will be required for the demolition of existing structures and for signage.

The project is not in a Shoreland Zone. The project is not in a 100-year flood zone.

Final Zoning Comments for Public Hearing: March 22, 2010

On 3/17/10 Barry Stowe, Opechee, Construction, submitted (by e-mail) building height calculations for review. The calcs use the standard methodology for determining heights. It is understood that the building plans are still being created at this juncture. It is further understood that the development of the building plans will not differ significantly to violate the required building heights.

B. CONDITIONAL USE STANDARDS

As noted above, surface parking in the B-3 zone is a conditional use. Such parking is subject to a set back requirement where any surface parking must be located 35 feet from any public street. The proposed design meets this requirement.

The proposed development has additionally been reviewed by staff for conformance with the relevant Conditional Use standards of Portland's Zoning Ordinance.

- 1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.*

2. *There will an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*
3. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

The proposed parking is not anticipated to have unique characteristics or effects, will not adversely impact the surrounding area, and does not differ substantially from other surface parking lots in the B-3 zone.

B. SUBDIVISION STANDARDS

The proposed development has been reviewed by staff for conformance with the relevant review standards of the subdivision ordinance and applicable regulations. Staff comments are listed below.

1. Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)

The proposed development is not anticipated to cause undue water, air or soil pollution or erosion.

At the time of the previous review, the applicant was asked to make various amendments to the plans to improve the storm water quality. The revised plans are described in the applicant's Attachment BB and respond proactively to City comments. The revised plans have altered the proposed storm water system to route parking runoff into a vegetated swale and through "tree box" filters. The applicant has additionally increased catch basin sump depth as suggested. Given that storm water quality treatment is not technically required, Staff appreciates the applicant's willingness to improve the environmental infrastructure for the site.

Through extensive sewer separation, improved storm water quality enhancements, and reduced impervious surface, the proposed development should improve environmental impacts of the subject site.

Revised engineering comments are provided in Attachment 4 of this report.

- 2/3. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The applicant has received a water capacity letter from the Portland Water District the Portland Fire Safety Officer, Captain Keith Gautreau had recommended that adequate hydrant access is available.

4. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

Traffic movement and parking are additionally addressed in the Site Plan section

of this report, below. Regarding the latest submission by the applicants, Consulting Traffic Engineer, Tom Errico, has offered the following comments. Mr. Errico's complete memo, including previous comments, is included as Attachment 5 of this report.

- ***On-street parking stalls on Fore Street should not include pavement marking lines.***
- ***The pavement markings delineating the radii at the entrance should be removed.***
- ***The applicant should make a contribution of \$1,200.00 towards improvements at the India Street/Middle Street intersection.***
- ***Based upon the results of the traffic study and need to retime the Franklin Street signal at Fore Street, the applicant shall be responsible for the development of a signal timing plan for Franklin Street that ensures optimal operations. It should be noted that coordination with other intersections may be necessary.***
- ***On-street parking stalls on Fore Street should have a width of 8 feet. Accordingly, two 13-foot travel lanes with a center line shall be provided.***
- ***A STOP sign shall be installed at the driveway on Fore Street.***
- ***Crosswalks should have a minimum width of 8 feet.***

Conditions of approval, as needed to satisfy the comments above, are suggested in the Site Plan motions below.

5. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

Sewer capacity for the site has been documented by a letter from Public Services, and is included as Attachment 3 of this report.

As was noted during the workshop review on March 9, this project will aid the City in removing storm water from +/-6 acres of urban land from the combined sewer system in the India Street area and the separated stormwater system has the capacity to handle the additional flows as far as the outlet to Portland Harbor at the foot of Franklin Arterial.

Solid waste will be handled by a private hauler.

6. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a)

8)

The applicant has provided letters from state agencies showing no significant natural or historic resources in the area. Additionally, the site is not subject to local historic preservation protections.

7. Comprehensive Plan (Section 14-497 (a) 9)

The project is designed to be compliant with the B-3 zone which implements the relevant components of the City's Comprehensive Plan for this portion of the Downtown.

8. Financial Capability (Section 14-497 (a) 10)

The applicant's submissions include letters of financial and technical capacity to complete the proposed project in Attachment I of this report.

9. Shoreland Impact (Section 14-497 (a) 11) and Flood Hazard (Section 14-497 (a) 13). Not applicable.

10. Groundwater (Section 14-497 (a) 12), Wetlands (Section 14-497 (a) 14) and Streams (Section 14-497 (a) 15). No ground or surface water impacts are anticipated. See Environmental standards section above

C. SITE PLAN STANDARDS

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Traffic (Section 14-526 (a) 1), Vehicle and Bicycle Parking (Section 14-526 (a) 2a, b and c), and Bayside B-7 Transportation Demand Management (Section 14-526 (a) 30)

Traffic:

See Subdivision Section above and Attachment 5 for complete comments by the Consulting Traffic Engineer.

Vehicle Parking:

Status: I have performed a review of the Parking Analysis conducted by the applicant dated February 26, 2010 and offer the following input.

- **Based upon the analysis provided, the project is anticipated to have a parking demand of 92 vehicles. This assumes the 122 room hotel generates a need for 80 parking spaces and 12 spaces are designated to the 12 residential condominium units. Parking will not be provided for the proposed restaurant.**

Accordingly, the applicant concludes that the 93 parking spaces will adequately serve the project.

- **According to the Parking Generation Manual, Institute of Transportation Engineers (ITE), a Business Type Hotel generates 0.64 parking spaces per room. This correlates to 78 parking spaces for the 122 room hotel. This closely matches that estimated by the applicant.**
- **I support the assumption that one parking space per residential unit is appropriate. Although some residential units may have more than one vehicle, the City has been permitting projects that provide one parking space per unit. Accordingly, 12 parking spaces will be required.**
- **According to ITE and other publications, the restaurant can be expected to generate a parking demand of between 43 and 67 spaces. Considering the project location, the City has recognized that many restaurant patrons will be captured from existing businesses and therefore would not generate the need defined in the professional publications. As a compromise, the City has required restaurant developments to provide for parking for their employees only, and customers can utilize on-street or public parking facilities. Based upon the applicants documents, the proposed restaurant can be expected to have 14 employees during peak time periods. To account for alternative modes of transport, I would estimate the need for 10 parking spaces. The City is in the process of implementing a fee-in-lieu parking program and such would suggest that the applicant make a contribution that would be used toward increasing the parking supply in the vicinity of the project. Based upon parking contribution rates being considered (the lower end is \$5,000 per space), the applicant should contribute \$50,000.00.**

The Planning Staff recommends that the off-street parking supply proposed for the hotel and residential components of the development are adequate for the anticipated demand of the development. The lack of parking proposed for the restaurant component of the development has the potential to increase pressure on the on-street parking supply for the area. The Planning Board is recommended to impose a \$50,000 contribution of funds for use by the City to increase the on-street parking supply in the vicinity of the subject property. The funds may be used for the design and construction necessary to adjust curbing, install signage, install meters, or implement other physical improvements needed to increase public auto and bicycle parking supply within 1500 feet of the subject property.

The applicant has indicated their agreement to this condition.

2. Bulk, Location, Health, Safety Air (Section 14-526 (a) 3) and Bulk, Location, Height of Proposed Buildings (Section 14-526 (a) 4)

The applicant has provided a context massing study of the proposed development

and surrounding area for the Board's evaluation. Please see Attachment ZZ. 9-ZZ.13. The bulk height and location of the development is not anticipated to negatively impact surrounding properties.

3. Sewers, Storm drains, Water (Section 14-526 (a) 5), Soils and Drainage (Section 14-526 (a) 8), and Consistent with City Infrastructure (Section 14-526 (a) 11)

See Subdivision comments above and the City Engineer comments in Attachment 4.

The development is designed to be consistent with surrounding City infrastructure, including sewers, storm drains, and roadways.

The Franklin Street corridor has conceptual alternatives for future redevelopment and the proposed changes do not prohibit additional changes to the corridor.

4. Landscaping and Buffering (Section 14-526 (a) 6) and Minimizes Disturbance or Destruction of Existing Vegetation (Section 14-526 (a) 7)

At the time of the March 9 workshop, the City Arborist had several comments regarding additional trees and landscaping amendments to the site. The revised plans respond to these suggestions and the Arborist supports the new design.

5. Exterior Lighting (Section 14-526 (a) 9)

Exterior lighting is discussed in the "waiver" section above.

6. Fire and Emergency Access (Section 14-526 (a) 10)

Captain Keith Gautreau has conducted a review of the submitted plans and offers the following comments:

The initial Fire review is all set for the Jordan's project 207 & 209 Fore Street. Access to the structure will be adequate and the water supply (hydrants) are acceptable and in compliance with NFPA 1.

7. Industrial Development (Section 14-526 (a) 12)

Not applicable.

8. Existing Natural Resources (Section 14-526 (a) 20) and Significant Groundwater Aquifer (Section 14-526 (a) 21)

No significant natural or ground water resources will be impacted by this development. See subdivision standards, above.

9. Residence Professional Zone – Design Standard (Section 14-526 (a) 13)
Not applicable.
10. Planned Residential Unit Development Review (Section 14-526 (a) 14)
Not applicable.
11. Multi-family and Other Housing Types Design Standard (Section 14-526 (a) 15)
Not applicable.
12. B-3 Design Standards (Section 14-526 (a) 16)

Planning Staff has reviewed the project for conformance with the B-3 Design Standards and the applicable Downtown Urban Design Guidelines. The following review comments are offered by the Planning Staff after reviewing the revised design of a hotel, restaurant and residential development proposed by Opechee Construction Corp. for the former Jordan's Meats site at 207 to 209 Fore Street.

The review was based on site plan drawings supplied with the development application dated March 23, 2010. Review comments below are provided in *italics* in response to land use code text and the applicable site plan standards for development in the B-3 zone, as shown in underline. Review comments were further informed by language found within the Downtown Urban Design Guidelines.

Site Plan Standards 14-526 (a)

(16) Development located within the B-3 zone shall also meet the following standards. Adequacy in meeting these standards will be evaluated on the basis of descriptions and illustrations in the Downtown Urban Design Guidelines. Nothing in this section is intended to discourage creative and responsive design or to mandate similarity or mimicry of design in order to achieve the standards herein:

a. Relationship to the pedestrian environment:

1. General: The exterior design of portions of buildings within the first thirty-five (35) feet of height shall enhance the character, attractiveness, comfort, security, and usability of the street level pedestrian environment. Factors to be considered include the design, placement, character and quality of the following:

(a) Storefronts and building facades, including such factors as relationship to adjacent or nearby structures or open space, pedestrian character, materials and detailing, transparency and contemporary design;

Comment: Visual permeability between interior and exterior spaces at the pedestrian level is indicated by this standard. The sample glass provided appears overly opaque and more transparent glazing is recommended – particularly at the street level. A condition of approval is suggested.

- (b) Building entrances, including such factors as compatibility with the building’s façade, prominence along the street, access to the street, and accessibility for physically handicapped or for those with special needs;

Comment: The prominence and frequency of pedestrian entrances along Fore Street has been improved with the revised design. The mid-block entry has a more pronounced treatment, which has been repeated at the valet area to accentuate the pedestrian entrance to the lobby from the street.

- (c) Blank facades; and

The building is generally well fenestrated and does not show excessive blank walls in the pedestrian areas.

- (d) Special features, such as selective use of such features as building arcades and skywalks or elevated walkways.

The pedestrian access stairs from Middle Street are well positioned for use and are integrated with the site and building design.

2. Pedestrian activities district (PAD):

Not Applicable

3. Pedestrian activities district (PAD) encouragement areas:

Applicable to Middle Street only for any later phase of development.

4. Sidewalk areas and open space:

- (a) Sidewalk, crosswalk, and street paving materials;

Cross walk design pavement materials have been addressed above

- (b) Landscaping, planters, irrigation, and tree guards and

grates;

See City Arborist comments.

Provide planter details for drainage and irrigation that promote the viability of plantings and minimize impacts to the public sidewalk.

(c) Lighting;

Addressed above in the waiver site plan sections.

(d) Pedestrian amenities such as benches and other seating, trash receptacles, kiosks, bus shelters, artwork, directional and informational signage, fountains, and other special features; and

Granite benches are proposed for Fore Street and a granite seat wall is proposed for the head of the Middle Street stairs.

(e) Sidewalk vendors and sidewalk cafes.

The restaurant use is proposed to extend onto the Fore Street façade of the building near Franklin Street.

b. Relationship to existing development:

1. General: Proposed development shall respect, enhance, and be integrated with the existing character of the general pattern of development in the downtown, surrounding building environment and streetscape, as described and illustrated in the Downtown Urban Design Guidelines. Factors to be considered include the relationship to the following existing patterns:

General Comment: Context information is provided with new materials in Attachments ZZ. The proposal is compatible with the general development pattern of the downtown area.

(a) Street walls and building setbacks;

The street walls of Fore and Franklin are enforced by this development.

(b) Open space;

NA

(c) Building form, scale and massing;

See below:

(d) Facade proportion and composition;

The revised elevation drawings adequately address proportion and composition issues previously addressed. Additional detail on the cornice feature shown at the Fore and Franklin Street corner should be provided prior to issuance of a building permit.

(e) Pedestrian circulation and building entrances;

Addressed above.

(f) Parking.

Surface parking is not typically associated with downtown development, but with the setbacks shown, there is room to develop around the parking or, more predictably, convert it to structured parking in a later development phase. The expanse of pavement is off-set by the augmented landscaping shown in the revised plans.

2. Standards for increasing setback beyond street build-to line: A proposed development may exceed maximum setbacks as required in section 14-220(c) only where the applicant demonstrates to the Planning Board that the introduction of increased building setbacks at the street level:

(a) Provides substantial and viable publicly accessible open space or other amenity at the street level that supports and reinforces pedestrian activity and interest. Such amenities may include without limitation plazas, outdoor eating spaces and cafes, or wider sidewalk circulation areas in locations of substantial pedestrian congestion;

The Fore Street façade sets back to accommodate outside seating and an expanded sidewalk and landscaped area.

(b) Does not substantially detract from the prevailing street wall character by introducing such additional setback at critical building locations such as prominent form-defining

corners, or create a sense of discontinuity in particularly consistent or continuous settings;

Prevailing street walls will not be interrupted by the setback.

- (c) Does not detract from existing publicly accessible open space by creating an excessive amount of open space in one (1) area or by diminishing the viability or liveliness of that existing open space; and

Not applicable

- (d) The area of setback is of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

The area of set back is on the southerly side of the building and should be attractive to pedestrian activity.

Standards for set back appear to be met. Staff recommends approval of the larger setback.

- c. Roof top appurtenances: All mechanical equipment, ventilating and air conditioning and other building systems, elevators, stairways, radio or television masts or equipment, or other rooftop elements not intended for human occupancy shall be fully enclosed in a manner consistent with the character, shape and materials of the principal building, as described and illustrated in the Downtown Urban Design Guidelines;

The applicant has provided section drawings (Attachment ZZ.3) showing that the roof top mechanicals will have no visibility from pedestrians in the area of the site. It is possible that rooftop mechanical equipment will be visible at a distance from Franklin Street at Congress Street and the area around Lincoln Park. The Board may want to explore with the applicant whether additional screening is needed for views at this distance.

- d. Shadow impact on open space: The location, massing and orientation of portions of buildings in excess of sixty-five (65) feet in height shall be such that substantial shadow impacts on public plazas, parks, and other publicly accessible open space are avoided. In determining the impact of shadows, the following factors shall be taken into account: the amount of area shadowed, the time and duration of the shadow, and the importance of sunlight to the utility of the type of open space being shadowed, as

described and illustrated in the Downtown Urban Design Guidelines;

NA

- e. Wind impacts: The location, massing, orientation and architectural design of a new building or a building addition shall be such that no significant adverse wind impacts are created. In determining the impact of winds, the following factors shall be taken into account: the pre-development and projected post-development wind speeds and their impact on pedestrian movement, comfort and safety; and the impact of projected wind speed on the use of and comfort within existing and proposed pedestrian seating areas and other adverse impacts upon the surrounding area;

Undue wind impacts are not anticipated.

- f. Setbacks from existing structures: The location and design of proposed structures shall not create a detrimental impact on the structural integrity or the safety of adjacent structures or the occupants thereof;

Set backs from the adjacent building at Franklin and Middle will be increased.

- g. Building tops: Buildings or structures which exceed one hundred fifty (150) feet in height shall be designed so as to provide a distinctive top to the building which visually conveys a sense of interest and vertical termination to the building, as described and illustrated in the Downtown Urban Design Guidelines;

NA

13. Adjacent or within 100 feet of a Historic Resource (Section 14-526 (a) 18)

The Historic Preservation Staff participated in the design review of the building and does not find the design incongruous with the near by waterfront historic district.

14. View Corridors (Section 14-526 (a) 19)

None impacted.

15. and 16 Signage (Section 14-526 (a) 22 and 23), Design Standards for Major and Minor Businesses (Section 14-526 (a) 24)

Signage will be reviewed at the time of building permit application. The

schematic signs shown appear compatible with comparable developments in the B-3 zone.

17. Design Standards for Development in Industrial Zones (Section 14-526 (a) 25)
Not applicable.
18. Design Standards for B-5 and B-5b (Section 14-526 (a) 26)
Not applicable.
19. Design Standards for B-1, B-1b, B-2 and B-2b (Section 14-526 (a) 27)
Not applicable.
20. Design Standards for R-6 Small Residential Lot Development (Section 14-526 (a) 28)
Not applicable.
21. University of Southern Maine Design Standards (Section 14-526 (a) 29)
Not applicable.
22. Bayside B-7 Design Standards (Section 14-526 (a) 30)
Not applicable.
23. Eastern Waterfront Design Standards (Section 14-526 (a) 31)

Geographically, the subject parcel is covered both by the Downtown Urban Design Guidelines (as reflected in the B-3 design standards above) and the Eastern Waterfront Design Guidelines. The two sets of design parameters are highly compatible, with the B-3 standards being the more specific and generally more rigorous of the two. Design *standards* for the Eastern Waterfront have not yet been adopted.

I. STAFF RECOMMENDATION

Subject to the condition suggested below, staff recommends approval of the proposed development. The waivers requested are reasonable accommodations to the specifics of the proposed uses and the site and will not unreasonably impact surrounding properties or the public.

The applicants have provided amenities and site design considerations that go beyond the minimums required by standards, including providing public access across the site and enhanced storm water management.

The off-street parking supplied by the proposal is a reasonable compromise that addressed the needs of the hotel and residential components of the program and mitigates the proposed restaurant parking impacts through direct increase in the on-street supply of parking on Fore Street and the funding of additional on-street spaces as will be identified and constructed in the area.

VI. MOTIONS FOR THE BOARD TO CONSIDER

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 application # **99700001** relevant to the Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. Planning Board (waives/does not waive) the Technical Standard for the Driveway curb radius, Section III, 2 (c)
2. The Planning Board (waives/does not waive) the Technical Standard for Parking Layout, Section III, 3 C
3. The Planning Board (waives/does not waive) the Technical Standard requiring full cut off light fixtures, Section XV: Site Lighting Standards, 3.

Subject to the following condition:

That the lighting plans and specifications provided for architectural up-lighting require additional evaluation of illumination levels and potential light pollution impacts. Architectural lighting for the development is subject to staff review and approval prior to issuance of an electrical permit.

4. The Planning Board (waives/does not waive) the Technical Standard for maximum illumination levels, Section XV: Site Lighting Standards, 4.
5. The Planning Board finds that the increased building setback beyond the requirements set forth in Section 14-220 (c), namely that *all buildings or structures shall be located within five (5) feet of the property line along street frontages:*

(a) (Does/Does not) Provide substantial and viable publicly accessible

- open space or other amenity at the street level that supports and reinforces pedestrian activity and interest;
- (b) (Does/Does not) substantially detract from the prevailing street wall character;
 - (c) (Does/ Does not) detract from existing publicly accessible open space; and,
 - (d) The area of setback (is/is not) of high quality and character of design and of acceptable orientation to solar access and wind impacts as to be attractive to pedestrian activity.

Therefore the (**waives/does not waive**) the 5-foot maximum building set back as per Site plan standard 14-526(a)16 b.2.

B. 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 application # **99700001** relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for surface parking in the B-3 zone (does or does not) meet the standards of Section 14-474 and 14-218(b)5 subject to the following conditions of approval:

That the condominium documents for the site contain a provision that allow surface parking to transition to structured parking or be relocated to allow future development of the easterly portion of the site.

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 application # **99700001** relevant to the Subdivision Ordinance and other 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, subject to the following conditions of approval:

1. Public pedestrian access shall be maintained through the site from Middle Street to Fore Street over stairs and passageways shown on the site plans and noted on the subdivision plat note 38. Such access shall not be removed or interrupted, accept for routine safety or maintenance reasons without prior written request by

the applicant or subsequent property owner subject to review and approval by the Planning Board.

2. The applicant shall submit a revised recording plat for Public Services review and approval prior to signature by the Planning Board. Plat revisions will include citations for recorded parking and access easements between the subdivision lots and shall address bearing and elevation datum revisions issues addressed in the Public Services review memo dated April 7, 2010, included in Attachment 4 of this report.
3. That the applicants provide copies of the condominium documents for City Legal staff review and approval prior to recording the subdivision plat.

D. Site Plan:

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 application # **99700001** relevant to the Site Plan Ordinance and a Maine Department of Transportation Traffic Movement Permit under delegated review authority and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

1. Prior to issuance of a building permit, the applicant shall provide a revised site plan for staff review and approval showing revised pavement striping and installation of parking meter posts on Fore Street. The pavement markings shall remove on-street parking stalls and turning demarcations and shall adjust the center line markings to reflect proposed curb and parking adjustments to Fore Street.
2. Prior to issuance of a building permit, the applicant shall post a performance guarantee equal to the value of installing brick sidewalk for the entire length of the Middle Street frontage of the subject parcel. The term of the performance guarantee shall be no-longer than 2 years after the date of approval for the subject development, as may be extended at the City's sole discretion. If after 2 years following the date of site plan approval, the applicant has not installed a brick sidewalk along the entire Middle Street lot frontage, the City may draw on the Performance Guarantee funds to complete such and improvement.

3. Prior to the issuance of a building permit, the applicant should make a contribution of \$1,200.00 towards improvements at the India Street/Middle Street intersection.
4. Prior to the issuance of a certificate of occupancy, the applicant shall development and implement a signal timing plan for Franklin Street subject to Public Services review and approval that ensures optimal operations, including coordination with other intersections as may be necessary to mitigate impacts of the development.
5. Prior to issuance of a building Permit, the applicant shall contribute \$50,000 for use by the City to increase the on-street parking supply in the vicinity of the subject property. The funds may be used for the design and construction necessary to adjust curbing, install signage, install meters, or implement other physical improvements needed to increase public auto and bicycle parking supply within 1500 feet of the subject property. If not used within 10 years of the date of project approval, any remaining funds will be returned to the applicant.
6. Prior to issuance of a building permit the applicant shall provide an revised glazing sample for review and approval of the Planning Staff showing clear or virtually clear glass for the street level openings and a highly transparent glass for upper floors.
7. Prior to issuance of a building permit the applicant shall provide material details and design specifications for the roof cornice canopy and brackets at the Fore and Franklin Street corner of the building.

Attachments

1. Traffic Permit Scoping Meeting Notes, Tom Errico, Consulting Traffic Engineer
2. Hotel Parking Statistics, John Peverada, City Parking Manager
3. Sewer Capacity Letter, March 9, 2010
4. Public Services comment, April 7, 2010
5. Traffic Engineering comment, April 5, 2010

Applicant's Submittal

- AA. Neighborhood meeting information
- BB. Updated Project narrative and response to City Development Review Comments, March 23, 2010
- CC. Lighting fixture specifications
- A. Cover and Application Forms
- B. Table of Contents
- C. Narrative and Land Area Stats
- D. Easements
- E. Solid Waste
- F. Off Site Facilities and Utility Capacity
- G. Storm Water
- GG. Storm Water Management Plan Addendum, calculations omitted, March 23, 2010
- H. Construction Plan and Regulatory Approvals
- I. Technical and Financial Capacity
- J. Right Title and Interest
- K. Natural and Historic Areas
- L. Recyclable Material
- M. Traffic Management
- MM. Traffic Movement Permit Submission, calculations omitted, March 22, 2010
- N. Parking Analysis
- O. Schedule
- P. Conditional Use Permit Application
- Q. Waiver Requests, revised April 7, 2010
- R. Sewer Easement Draft
- S. Plan Set Cover, Existing Conditions, and Demolition Plans
- T. Site Plan
- V. Landscaping
- U. Grading and Utilities
- W. Details
- X. Traffic Turning Templates
- Y. Subdivision Plat – Draft, Updated March 23, 2010
- Z. Lighting photometric plans and elevations
- ZZ. Architectural Drawings – Floor Plans, Elevations, Rendering, Massing Models (Updated, March 23, 2010)

City of Portland

TRAFFIC MOVEMENT PERMIT SCOPING MEETING

Permit Category: [X] 100 - 200 PCEs [] 200 + PCEs
[] New [] Modification

Attendance: Date: 3/3/2010

John Adams, Mark Woglom, Tom Errico

Meeting Location: Planning Department, City Hall

Project Name: 207 & 209 Fore Street - Hotel, Restaurant and Residences

Address: 207 & 209 Fore Street, Portland, Maine

Applicant: Old Port Hospitality

Address: 11 Corporate Drive Belmont, NH 03220

Project Engineer: Sebago Technics (John Adams)

Address: One Chabot Street, Westbrook, ME 04098-1339

Portland Traffic Engineer (reviewer): Tom Errico

Filings: Has the Applicant notified abutters via certified mail at least 7 days prior to this meeting? Yes
Has the "Notice of Intent to File" been published in a local newspaper? Yes

Section 1 - Site and Traffic Information

1A. Site Plan

Size of development parcel (acres): 1.75

Size of development parcel to be left non-vegetated (acres):

Traffic Movement Permit Scoping Meeting
 Project Name: 207 & 209 Fore Street

1B. Existing and Proposed Site Uses

Type of development:

<u>USE</u>	<u>SIZE</u>
<u>Hotel</u>	<u>122 Rooms</u>
<u>Restaurant</u>	<u>7,022 SF</u>
<u>Residential</u>	<u>12 Units</u>

1C. Site and Vicinity Boundaries

- Boundary or title survey signed and sealed by a professional land surveyor
- Vicinity map provided

1D. Proposed Uses in the Vicinity of Proposed Development

Other approved development(s): Riverwalk and Bayview (We discussed Ready Bros. but I directed them that it was too small to include)

1E. Trip Generation

Summary tables for each land use code:

<u>ITE (LUC)</u>	<u>Weekday</u>	<u>AM Peak</u>	<u>PM Peak</u>	<u>Saturday Peak</u>
<u>Hotel LUC 310</u>	<u> </u>	<u>68</u>	<u>74</u>	<u>88</u>
<u>Restaurant LUC 932</u>	<u> </u>	<u>48</u>	<u>66</u>	<u>70</u>
<u>Residential LUC 230</u>	<u> </u>	<u>4</u>	<u>5</u>	<u>4</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Trip rates obtained from other sources:
 Number of locations where driveway counts taken: _____
 Dates & time periods when driveway counts taken: _____
 Locations where driveway counts were taken: _____

1F. Trip Distribution

- Stick diagram for each major intersection on either side of the development driveway(s)?
- ITE trip generation handbook
- Actual survey done? Location? _____
- Other. Explain. Distribution from turning movement counts

Comments: _____

1G. Trip Assignment

- Stick diagram for each major intersection on either side of the development driveway(s)?
- Percent primary trips 55% (Restaurant)
- Percent passer-by trips 45%
- Percent diverted trips

Traffic Movement Permit Scoping Meeting
Project Name: 207 & 209 Fore Street

Basis for using above-listed percentages:

- Existing traffic patterns of adjacent street
- Zip code survey
- Gravity model
- Other. Explain. _____

Comments: _____

Section 2 - Traffic Crashes

- 2006-08 Year(s) of MDOT crash records for study area
- 1 Number of high crash locations
- No Collision diagrams provided

Mitigation provided for each high crash location: _____

Other traffic problems: _____

Comments: A collision diagram and crash analysis will be prepared by the applicant at the India Street and Middle Street intersection.

Section 3 - Development Entrances and Exits

3A. Entrance and Exit Locations

- _____ Distance to nearest intersecting road or town line (to the nearest hundredth of a mile)
- _____ Number, width and surface of each proposed entrance/exit

3B. Plan View of Each Intersection Created

Names of intersecting road Fore Street and Driveway

Posted speed limits 30 mph (assumed) on Fore Street (The City will investigate parking ordinance in proximity of _____ to determine whether spaces needs to be removed)

Entrance/Exit Sight Distance:	Left	Right
Fore Street	350 feet	350 feet
_____	_____	_____
_____	_____	_____
_____	_____	_____

Traffic Movement Permit Scoping Meeting
Project Name: 207 & 209 Fore Street

Usage and location of all driveways and roads located adjacent to the development site:

3C. Entrance/Exit Design

- Lighting
- Driveway spacing and corner clearance (Access Management)
- Adequate sight distance for vehicles exiting development
- Entrance grade (see fact sheet)
- Entrance/exit widths less than 42 feet (12.8 meters)
- Left turn lane
- Right turn lane
- Signal warranted
- Lane encroachment
- Separation islands (see fact sheet)
- Drainage study using 50 year storm for culverts and to connect to MDOT system
- Capacity Analysis
- Queuing Analysis
- Study to be submitted to MDOT Division Engineer

Comments: _____

Section 4 - Title, Right or Interest

- Title, right or interest in project site
- Title, right or interest in entrance/exits
- Title, right or interest in drainage easement affecting MDOT

Section 5 - Public or Private Rights-of-Way

- Location and width of proposed streets, easements and other public or private rights-of-way
- No signs, structures or pavement connected to the entrance

Section 6 - Schedule

Project schedule: Complete in 2011

Further study items required (\$500.00 additional fee): _____

Section 7 - Full Traffic Study

_____ \$1,500.00 additional fee required

Build-out year (Phase 1): 2011
Build-out year (Full Occupancy): _____

FS 1. Time Period(s) for Traffic Engineering Analysis

- _____ AM weekday peak hour of adjacent street.
- _____ Noontime weekday peak hour of adjacent street
- x PM weekday peak hour of adjacent street.
- _____ Noontime Saturday peak hour of adjacent street.
- _____ Other. Explain. The applicant confirmed that AM volumes are lower than PM and therefore AM study is not required.

FS 2. Background Annual Traffic Growth Rate

Type of counts taken:
X Peak hour
 _____ AADT
yes Base counts less than 2 years old?

FS 3. Study Area to Include the Following Intersections

Franklin Street/Middle Street, Franklin Street/Fore Street, Fore Street/Site Drive

Additional intersection(s) required if one hour volumes from development are:
 25 vehicles in left turn only lane
 35 vehicles in through, right turn lane or combined through and right turn
 35 vehicles (multiplying the left turn volume by 1.5) in a combined left turn and through lane, or a combined left turn, through and right turn lane

FS 4. Intersection Capacity Analysis

_____ Isolated
X Interconnected. Intersection(s) Franklin Street/Fore Street and Franklin Street/Middle Street

Software package (isolated): _____
 Software package (interconnected): Synchro/SimTraffic

FS 5. Analyze or Evaluate the Following

	<u>Location</u>
_____ Left turn lane warranted	_____
_____ Right turn lane warranted	_____
_____ Traffic signal warranted	_____
_____ Sight distance evaluation	_____
_____ Truck climbing lane warranted	_____
_____ Truck/RV turning radii evaluation	_____
<u>X</u> Investigation of HCL	<u>India Street and Middle Street</u>

Traffic Movement Permit Scoping Meeting
Project Name: 207 & 209 Fore Street

FS 6. Other Development Traffic To Be Included in Study

Noted previously

FS 7. List Location(s) and Date(s) of Completion of Other Projects and Their Traffic Engineer

Other Items: The applicant will review the implication of queuing at the study intersections, particularly as it relates to queuing on Fore Street and whether vehicles will block the proposed driveway.

Att. 2

Parking Provided for Existing Portland Hotels

Hotel Name	Address	# of Rooms	# of Available Parking Spaces	Sq. Ft. Exhibit Space	Sq. Ft. of Banquet Space	Sq. Ft. of Restaurant Space	Sq. Ft. of Retail Space
Westin Hotel	38 India Street	229 rooms 97 condos 17 hotelominiums	324 pkg spaces	n/a		5,871 sq. ft.	15,374 sq.ft.
Holiday Inn	Spring Street	238 rooms	320 total Parking garage Free St pkg lot Pleasant St pkg lot. Free St pkg lot open to public but only when there are no large events going on.	12,500	10,000 sq. ft.	110 seating ca	n/a
Hilton Gardens Hc	Commercial/Fr	120 rooms	86 total 46 on site but leased 40 off site at two locations. Max out all of the pkg when there is an event.	n/a	1,200 sq. ft.	46 seating	n/a
Double Tree Hotel	Congress Stre	149 rooms	200 total	n/a	5,000 sq. ft.		n/a
PtInd Regency	Milk Street	95 rooms	28 total but lease spaces for overflow pkg when needed	n/a	5,800 sq. ft.	54 seating	n/a
PtInd Harbor Hotel	Fore Street	97 rooms	50 spaces leased at parking garage on site	n/a	1,800 sq. ft.	54 seating	n/a

HOTEL PARKING REQUIREMENTS

Portland, ME

<u>Zoning Ord.</u>	<u>NPA</u>	<u>Parking</u>	<u>Prkng 101</u>	<u>ITE 3rd Edit</u>
1 sp per 4 guest Rm	1 per Rm	1 per Room + 1 per 4 Ees + Rstrnt/Bar/Bnqt.	1 per Room + 1 per 4 Ees 1.2 Bus.Hotel .66 per rm	peak .91 per Room Suites 1.1 per & employees 1.2



PORTLAND MAINE

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Public Services Department
Michael J. Bobinsky, Director

9 March 2010

Mr. Daniel Riley, P.E.,
Sebago Technics, Inc.,
P.O. Box 1339,
Westbrook, Maine 04098-1339

RE: The Capacity to Handle Anticipated Wastewater and Stormwater Flows, from a Proposed Hotel, Restaurant, and Residential Units Development, at 207-209 Fore Street.

Dear Mr. Riley:

Corrected Copy

This corrected letter supercedes the letter of March 8, 2010. The existing thirty-inch diameter, vitrified clay, sanitary sewer pipe, located in Franklin Street, has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat**, the total anticipated wastewater flows of **(117,940) GPD**, from this proposed development project.

<u>Anticipated Wastewater Flows from</u>		
The Proposed Restaurant:		
158 Proposed Three-Meal-Restaurant Seats @ 45 GPD/Seat	=	7,110 GPD
22 Proposed Lounge-Bar Seats @ 20 GPD/Seat	=	440 GPD
20 Proposed Employees @ 15 GPD/Employee	=	300 GPD
The Proposed Residential Units:		
10 Proposed Two-Bedroom Units @ 180 GPD/Unit	=	1,800 GPD
2 Proposed One-Bedroom Units @ 120 GPD/Unit	=	240 GPD
The Proposed Hotel:		
34 Proposed Single Bed Hotel Rooms @ 100 GPD/Hotel Room	=	3,400 GPD
36 Proposed Single Bed Hotel Rooms w/ Pullout Sofa @ 200 GPD/Hotel Room	=	7,200 GPD
52 Proposed Double Bed Hotel Rooms @ 200 GPD/Hotel Room	=	10,400 GPD
15 Proposed Employees @ 15 GPD/Employee	=	225 GPD
Total Design Wastewater Flow, for Proposed Hotel, etc., Project:	=	31,115 GPD
Less Wastewater Flow, from Previous Owners (Jordan Meats):	=	149,055 GPD
Total Net Wastewater Flows for this Project	=	(117,940) GPD

The City combined sewer overflow (C.S.O.) abatement consent agreement, with the U.S.E.P.A. and with the Maine D.E.P., requires C.S.O. abatement, as well as storm water mitigation, from all projects, in order to offset any increase in sanitary flows.

This project proposes to relocate and separate the existing combined sewer traversing the site, and

separate that portion of the Fore Street combined sewer, from the point where the site-separated sanitary and storm lines enter Fore Street, to their respective connections, in the Franklin Arterial. The proposed storm drain, in Fore Street, will connect to a forty-eight inch combined sewer overflow drain, in the Franklin Arterial, which eventually drains to Casco Bay. The proposed storm drain will separate all storm drainage, from the eastern half of the project site, and all of Fore Street, between India Street and the Franklin Arterial.

<u>Anticipated Existing & Developed Two Year Stormwater Flows from the:</u>		
	<u>Existing</u>	<u>Developed</u>
30 Inch Combined Franklin Arterial Sewer.	29.7	24.8
48 Inch Combined Franklin Arterial Sewer Overflow.	28.3	28.8

In a two-year design storm, of three inches, in twenty-four hours, the peak rate runoff, to the thirty-inch diameter combined sewer outlet, located in the northbound lanes, of the Franklin Arterial, at the intersection of Franklin, at Fore, is reduced from twenty-nine point seven cubic feet per second, in predevelopment conditions, to twenty-four point eight c.f.s., post development. This decrease in runoff is the result of the proposed storm drainage separation that removes over six acres from the combined sewer system.

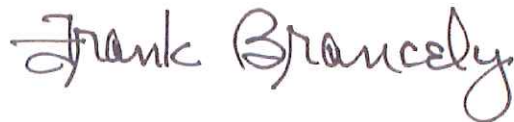
In that same two-year design storm, the predevelopment to post development peak rate runoff, shows increases, from twenty-eight point three c.f.s., to twenty-eight point eight c.f.s., for the existing forty-eight inch combined sewer overflow drain outlet, designed to convey storm overflows out of the combined sewer system.

The existing forty-eight-inch diameter, reinforced concrete, combined sewer overflow pipe, located in Franklin Street, has adequate capacity to **transport** storm water flows of **twenty-eight point eight cubic feet per second**, from this project.

Moreover, redevelopment of the site will reduce impervious cover by approximately 20,000 square feet.

If The City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND



Frank J Brancely, B.A., M.A.
Senior Engineering Technician

FJB

- CC: Penny Littell, Director, Department of Planning, and Urban Development, City of Portland
- Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
- William Needelman, Senior Planner, Planning Division, Department of Planning, and Urban Development, City of Portland
- David Margolis-Pineo, Deputy City Engineer, City of Portland
- Michael Farmer, P.E., Project Engineer, City of Portland
- Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
- Stephen K. Harris, Assistant Engineer, City of Portland
- John Emerson, Wastewater Coordinator, City of Portland
- Jane Ward, Administrative Assistant, City of Portland
- Desk file

February 24, 2010

April 7, 2010

From: Deputy City Engineer
 David Margolis-Pineo

To: Barbara Barhydt
 Bill Needleman

Re: Old Port Hospitality LLC
 Former Jordan Meat Site

The following are responses to the applicant's comments with the remainder being final comments from the Dept. of Public Services

1. None of the streets around the Jordan Meat site are under a moratorium.
No response necessary.
2. Any proposed sewer laterals to be abandoned from this site must follow City requirements for permitting and sealing. Any manholes associated located on laterals to be abandoned shall be removed and all associated pipes sealed.
The applicant has responded and all required "Seal Drain Permits" will be obtained. The applicant shall coordinate with John Emerson of this department (207)-318-0239 with any questions or inspections concerning the sewer system.
3. There is no mention made as to how the existing 30" sewer which passes through the lot to Franklin Street will be abandoned. This issue will need to be coordinated with John Emerson (874-8468) of this department.
Addressed by the Applicant.
4. Since the City has no interest to enter the proposed 30' sanitary and stormwater easement area for any future system maintenance, and due to the proposed 12' over head canopy clearance, it is requested that the applicant use ductile iron pipe from the manholes in Middle St to the manholes in Fore St for both sewer lines.
This issue has been discussed and addressed by the Applicant.
5. All catch basins shall have three foot sumps, not just the catch basins within the city street right of ways.
The catchbasin detail has been revised to show three foot sumps.
6. All manholes with external drop connections shall meet TR-16 design and city detail standards.
This issue has been discussed and addressed by the Applicant.
7. Applicant may use Type "B" gravels in lieu of Type "A" gravels.
This issue has been discussed and addressed by the Applicant.
8. We will continue to review plan details for city standards.
No response necessary.
9. The Following are comments relating to the site survey. Any questions should be directed to Bill Clark of this department, 874-8847

a. The incorrect vertical datum of NAVD88 was used, and the City of Portland Datum was not used. This is significant introducing and vertical difference of 0.7 feet, and can lead to serious problems.

B. The GRID bearing of India Street between Middle St and Fore St is 00 degrees 11' 37" different from the bearing used by the City of Portland for Ocean Gateway, and as used by Owen Haskell Inc for the Ocean Gateway Subdivision and Ocean Gateway Garage projects. This amounts to a horizontal difference of approximately 0.62 feet in the 182.01 feet along the southwesterly line of India Street; this may not amount to much for a parking lot, but may be of consequence for a building in the future. Retracing the street lines on the Peninsula can be difficult, and it did take a good deal of effort to retrace the line of India Street from Commercial Street to Congress Street. I would be more than willing to provide a copy of our survey.

C. The monument at the easterly corner of India Street and Middle Street is incorrectly shown. That monument is what we call an "M" monument where the back corner of the monument is the street line corner, and not the middle of the monument.

D. The monument at the northerly corner of India Street and Middle Street should not be used, as it was disturbed by City crews in the 1990s.

E. Proposed 3 foot offset Monuments will be requested on the subdivision plan at the following locations.

Corner of India St and Middle St

Corner of Middle St and Franklin St Art

Corner of Fore St and Franklin St Art

Fore St PC 123.41' southwesterly of 3 foot offset monument near India

St.

The following are additional comments by Bill Clark:

A few things to note regarding the Opechee Construction Corporation response letter to William Needelman dated March 5, 2010.

Vertical Datum

Sebago Technics used the correct datum on the Village Cafe Project, but not on this one. I would expect that they know the correct datum to use by now as they have been an engineering consultant for the City of Portland.

Sebago Technics used the incorrect datum on the Autumn Glen Subdivision, and had to correct all the elevations on the As-Built Plans prior to us accepting the streets.

In the interest of making this project move ahead I would make it (as a condition for accepting the relocated sewer and occupancy permit) that the final As-Built Plans be submitted with all elevations on the City Datum, and not to just have a note stating the difference. We will require City Datum elevations on the As-Built Plans because in the future someone could make an expensive error if they used the information from the As-Built plan without seeing a note stating that the elevations are on the wrong datum.

Plan of Streets

It is true that the DPW Survey plan I sent on March 2, 2010 to Sebago Technics for India Street, Fore Street, Middle Street, and Hancock Street is not on file at the Cumberland County Registry of Deeds.

However, I sent the same plan (without the 2008 title block) to Sebago Technics on August 30, 2005, and Sebago Technics used the DPW Survey plan for the definition of Middle Street and Hancock Street on the Village Cafe Project.

The bearings from the DPW Survey plan were used on the Ocean Gateway were also used by Owen Haskell for the Shipyard Brewery Subdivision and Ocean Gateway Garage project.

At this point in time I do not see the line of India Street as a large stumbling block or anything to hold up the project as only parking is proposed along India Street.

Proposed Survey Monuments

I agree that we will not be able to set the monuments as proposed due to conflicts with electrical duct banks in the sidewalks.

**Please contact me if you need more information.
Bill Clark**

- 10. Stormwater treatment is (not) technically required for projects such as this. However, the applicant is encouraged to consider treatment options such as tree or shrub box filters which can be relocated if future changes to the site are desired. **The applicant has agreed to install measures to improve stormwater quality. The City is very appreciative of these efforts.**
- 11. The City is reviewing and may ask the applicant to extend the sidewalk on Middle St to the property line. **To be honest, I question the intent of this statement and I'm not sure where it came from. The applicant intends to reinstall the granite curbing and install new bituminous sidewalks along their frontage on Middle St. See following comment.**
- 12. Instead of installing new granite curbing on Middle Street, for environmental reasons, no manufacturing or transporting of new curbing, we would like the

applicant to consider re-installing the existing curbing. Either way it is understood that the applicant would like to keep the material of this walk bituminous to accommodate future expansion. Since the existing sidewalk is not in great condition and the curb line is being modified, we would ask that the applicant re-pave the sidewalk. And since the sidewalk material policy in this section of the city is for brick sidewalks, the applicant is requested to post a two year Performance Guarantee to cover the installation of a brick walk in the likelihood the next phase of the development does not materialize.

The application has agreed to reuse the granite curbing but has not agreed to post a Performance Guarantee if after two years the next phase of the development does not materialize. I would qualify that the two year period may be extended with mutual agreement.

13. The applicant is request to submit the anticipated quantity of wastewater which will be added to the city's sewer system.

This has been done.

14. This department is still reviewing lighting standards for this project, i.e. light pole spacing and power feed requirements with CMP.

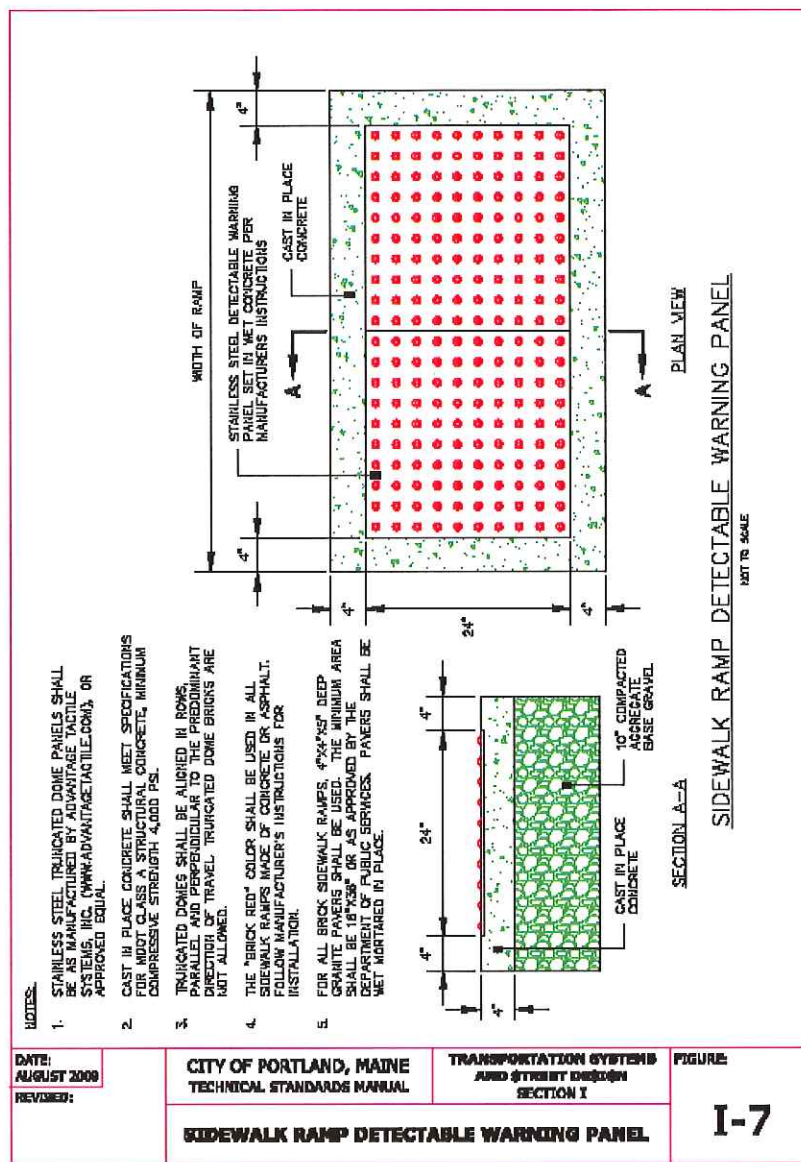
No response necessary.

15. The sidewalk ramp tactile warning strips shall be as follows and colored Tan.

Issue addressed.

16. I did not see any provisions for bicycle parking. Did I miss it?

Issue addressed.



Additional Comments:

17. The applicant initially proposed installing a brick driveway apron on their drive cut off Fore St. City guidelines require paved aprons in this area. After additional review and realizing that the applicant is installing a brick drive to site, if the applicant still wishes, the City is agreeable to waving the bituminous drive apron for this project. This may be done as a deminius change after project approval.
18. Per City requirements, the applicant is required to submit an Annual Inspection and Maintenance Plan for the stormwater treatment units.
19. The applicant is asked to install parking meter posts along the property line east of the drive cut on Fore St. and along the curb line to the west of the

drive cut. This also may be done as a deminius change after project approval.

20. The applicant shall be responsible to assure that no ponding of street drainage results from building the cross walk bump out on Middle St. at Hampshire St.
21. The applicant is reminded that the occupancy of the sidewalk area has a fee of \$10/day and occupancy of each street parking spot has a fee of \$10/day.

This department has no further comments.

Traffic Engineering Review Comments.**April 5, 2010**

The following presents a status report on my February 24, 2010 comments, as well as new comments associated with the review of the traffic study and revised site plans.

February 24, 2010 Comments

- The driveway is proposed to be 33 feet wide. Based upon anticipated traffic volumes I find this width to be excessive. Additionally, the radii seem large. One possibility would be to provide a 24-foot driveway in the public right-of-way and then widen to 33 feet on-site to accommodate valet parking needs. In any event the applicant should provide an auto-turn analysis that supports the design (I would note that we normally don't overdesign for infrequent large vehicle turning movements).

Status: The plans have been revised and I have no further comment.

- The proposed crosswalks at the Franklin Street/Fore Street and India Street/Fore Street intersections should be two parallel lines.

Status: The plans have been revised and I have no further comment.

- The applicant should assess the design of the sidewalk ramp at the northwest corner of the India Street/Fore Street intersection such that separate ramps are provided for crossing India Street north of the intersection and Fore Street west of the intersection.

Status: The applicant has attempted to provide the suggested ramp layout, but intersection geometry prevents them from making changes. The plans are acceptable.

- A waiver from the City's Technical Standard will be required for the size of the parking spaces (9'x18' spaces are proposed). I support this waiver.

Status: No comment necessary.

- A waiver from the City's Technical Standard for provision of compact parking is required. I support this waiver.

Status: No comment necessary.

- The applicant will be required to prepare a preliminary Maintenance of Traffic plan that addresses any anticipated closures of either public streets or sidewalks.

Status: A plan has been provided and we will continue to work with the applicant in the implementation of a safe and appropriate Traffic Control Plan.

- The provision of a crosswalk on Middle Street at Hampshire Street is to be reviewed by the City's Crosswalk Committee on March 4th. Comments will be provided soon after.

Status: The City's Crosswalk Committee approved a crosswalk at the noted location with the installation of a curb extension on the south side of Middle Street. The site plan illustrates the proposed crosswalk and I have no further comment, other than the advance warning sign should be eliminated.

- The applicant should provide a summary on how truck deliveries will take place, including types of vehicles, locations where loadings will occur, and whether the 12-foot clearance allows for large vehicle movements entering and exiting the site.

Status: The applicant has provided vehicle turning templates and adequate maneuvering space will be provided. I have no further comment.

- I will provide an opinion of parking supply adequacy upon receipt and review of the parking analysis to be provided by the applicant.

Status: I have performed a review of the Parking Analysis conducted by the applicant dated February 26, 2010 and offer the following input.

- ***Based upon the analysis provided, the project is anticipated to have a parking demand of 92 vehicles. This assumes the 122 room hotel generates a need for 80 parking spaces and 12 spaces are designated to the 12 residential condominium units. Parking will not be provided for the proposed restaurant. Accordingly, the applicant concludes that the 93 parking spaces will adequately serve the project.***
- ***According to the Parking Generation Manual, Institute of Transportation Engineers (ITE), a Business Type Hotel generates 0.64 parking spaces per room. This correlates to 78 parking spaces for the 122 room hotel. This closely matches that estimated by the applicant.***
- ***I support the assumption that one parking space per residential unit is appropriate. Although some residential units may have more than one vehicle, the City has been permitting projects that provide one parking space per unit. Accordingly, 12 parking spaces will be required.***
- ***According to ITE and other publications, the restaurant can be expected to generate a parking demand of between 43 and 67 spaces. Considering the project location, the City has recognized that many restaurant patrons will be captured from existing businesses and therefore would not generate the need defined in the professional publications. As a compromise, the City has required restaurant developments to provide for parking for their employees only, and customers can utilize on-street or public parking facilities. Based upon the applicants documents, the proposed restaurant can be expected to have 14 employees during peak time periods. To account for alternative modes of transport, I would estimate the need for 10 parking spaces. The City is in the process of implementing a fee-in-lieu parking program and such would suggest that the applicant make a contribution that would be used toward increasing the parking supply in the vicinity of the***

project. Based upon parking contribution rates being considered (the lower end is \$5,000 per space), the applicant should contribute \$50,000.00.

- I would note that the City supports the plan for on-street parking on Fore Street. We currently are assessing appropriate parking regulations (e.g. time limit or meters) and will provide a recommendation in the future. I would ask the applicant provide an opinion of what is preferred for parking on Fore Street. Lastly, I would note that parking regulation changes will likely require City Council action and the applicant will be required to provide the necessary information in support of the Council review (with support from City staff).

Status: Based upon feedback from the City Parking Manager, parking meters shall be installed on Fore Street. The applicant will be responsible for installing the meter posts.

New Traffic Comments

- ***On-street parking stalls on Fore Street should not include pavement marking lines.***
- ***The pavement markings delineating the radii at the entrance should be removed.***
- ***I would suggest that the curb line on Franklin Street between Fore Street and Middle Street be adjusted to reflect a consistent roadway width.***
- ***The applicant should make a contribution of \$1,200.00 towards improvements at the India Street/Middle Street intersection.***
- ***Based upon the results of the traffic study and need to retime the Franklin Street signal at Fore Street, the applicant shall be responsible for the development of a signal timing plan for Franklin Street that ensures optimal operations. It should be noted that coordination with other intersections may be necessary.***
- ***On-street parking stalls on Fore Street should have a width of 8 feet. Accordingly, two 13-foot travel lanes with a center line shall be provided.***
- ***A STOP sign shall be installed at the driveway on Fore Street.***
- ***Crosswalks should have a minimum width of 8 feet.***

If you have any questions on the above, please contact me.

Best regards,

Thomas A. Errico, P.E.

TYLIN INTERNATIONAL

12 Northbrook Drive
Building A, Suite One
Falmouth, ME 04105

207.347.4354 (Direct)
207.781.4721 (Main)
207.781.4753 (Fax)
207.400.0719 (Mobile)

Applicant's Submittal

Neighborhood Meeting Certification

I, Greg Kirsch, Member of Old Port Hospitality, LLC, hereby certify that a neighborhood meeting was held on Thursday March 18, 2010 at 6:00pm at the Public Market House, 28 Monument Square, Portland, Maine 04101.

I also certify that on Thursday March 11, 2010, invitations were mailed to all addresses on the mailing list provided by the Planning Division, which I understand included the property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

Signed,



Greg Kirsch

3-22-2010
Date

Enclosed with this certification are:

1. Copy of the invitation sent
2. Sign-in sheet
3. Meeting Minutes

Old Port Hospitality, LLC
11 Corporate Drive
Belmont, NH 03220
603-527-9090

AA.2

COPY

March 11, 2010

RE: Neighborhood Meeting Invitation – Discussion of Development Plans for the former Jordan's Meats Site

Dear Neighbor,

Please join us for a neighborhood meeting to discuss our plans for a hotel, restaurant and residential condominium development located at 207-209 Fore Street, formerly known as 38 India St.

Meeting Location: Public Market House - Upstairs, 28 Monument Square
Meeting Date: Thursday March 18, 2010
Meeting Time: 6:00PM

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Brent Berc at 603-527-9090.

Sincerely,



Brent Berc
Old Port Hospitality, LLC

Note:

Under Section 14-32(C) of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 207-874-8721 or send written comments to the Department of Planning and Development, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email to: bab@portlandmaine.gov.



AA. 3

COPY

Wednesday, March 10, 2010

RE: Former Jordan's Meats Site

Dear Neighbor,

The City Inspection Department requires that adjoining property owners be notified that demolition will be taking place. Please note that the demolition of the Jordan's Meats buildings is scheduled to begin on or about April 1st, 2010.

If you have any questions, please feel free to give me a call.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Adams", is written over a horizontal line.

Dana Adams
2010.03.10 15:21:52 -05'00'

Dana M. Adams
Executive Vice President

Sign-in Sheet

Pepper Paine @cutscup.net

Name	Address
1	Mary Ann Thomas Paine (Pepperclub Rest)
2	Marni Maynard Newbury Street
3	David Heideh ...
4	SAMANTHA LINDGREN 20 Middle St. RABELAIS
5	Bob & NWA / EVANS / HUGO'S ...
6	DEAN DINGHAM (DEAN'S SWEETS) 31 MIDDLE ST
7	John Armstrong Properties Northeast 5 Milk St
8	Mike Marino ...
9	Eddie Tit ...
10	Nike Zimmerman 280 Fore St
11	GAROL McCRACKEN
12	
13	John J Napolitano 14716dm@ucanet.org
14	
15	
16	
17	
18	DEAN@DEANSSWEETS.COM
19	
20	
21	Chris Tucker LIUNA
22	
23	
24	John Evans ironw496@myfairpoint.net
25	
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HUGO'S MA ...

Neighborhood Meeting Minutes
Site Plan and Subdivision Application for Hotel, Restaurant & Residences
207-209 Fore Street (former Jordan's Meats site)

Date: March 18, 2010

Time: 6:00pm

Location: Public Market House, 28 Monument Square, Portland, ME

Presenters: Greg Kirsch of Old Port Hospitality, LLC; Brent Berc of Opechee Construction Corporation; approximately 20 neighbors (see sign up sheet, only 15 signed in)

A general overview was given by Greg Kirsch to open up the meeting. A rendering from Franklin Street and Fore Street was displayed and a description of the site layout and subdivision was given. Lot 1 - hotel, restaurant and residences, lot 2 - surface parking for now but a good site for office use with structure parking

- Neighbors raised concerns regarding the orientation of the hotel, specifically that it was not facing Middle Street and pulled attention and traffic away from the existing businesses on Middle Street. This disappointment with the orientation of the hotel was expressed by a number of the neighbors, all of whom owned or operated business on Middle Street. Greg Kirsch informed the neighbors that the orientation of the hotel and restaurant "front door" was determined by a number of factors, primarily the operator's best business judgment as to which orientation would generate the most patronage.
 - Neighbors commented that Middle Street had a significant amount of businesses and foot traffic that the hotel could contribute to if it were facing Middle Street. Greg Kirsch informed the neighbors that the attractiveness of the Port, the shops, shops and restaurants on Fore Street and near the water was a large component of the feasibility of this project.
 - One neighbor suggested that everyone keep in mind the developments on the East End that are in various stages, which might bring more attention in the future. The neighbor suggested that the Owners not focus solely on Fore Street and Franklin Street as feasible frontages.
 - One neighbor asked why we don't simply put the hotel directly on the Jordan's building foundation rather than on the parking area where the hotel is proposed. Greg Kirsch explained that by the time an appropriate demolition and environmental remediation was performed, the entire site would be essentially one flat area and there would be no advantage from a construction standpoint or cost-saving to locating on the India Street side as opposed to the Franklin Street side.

Discussion shifted to the future development of proposed Lot 2. Questions were raised regarding what the development might look like and how Lot 2 might be laid out. Greg Kirsch explained that the design of that site has been discussed internally, but nothing has been finalized nor submitted to the City, and that the only component of the current application on Lot 2 is the proposed surface parking lot as shown on the plans.

- Neighbors expressed interest in seeing more attention given to Middle Street in future phases.
- Neighbors also pointed out that the sidewalk on Middle Street in front of the current Jordan's building is in disrepair and asked what was being planned for that sidewalk. Greg Kirsch informed the neighbors that phase 1 of the proposed project included a repaving of the sidewalk surface with asphalt, but that a performance guarantee for the installation of brick pavers on that sidewalk would be posted by the owners and eventually that side walk would be paved in brick.
 - The operator of Pepper Club inquired whether or not the brick would stop at Pepper Club. Kirsch responded that it would and reiterated that no brick would be laid on Middle Street until Lot 2 is developed.
- Neighbors inquired as to where the structured parking lot might be located on Lot 2. Greg Kirsch reiterated that the design of that site cannot be finalized until a use and user for Lot 2 is determined.

A neighbor asked when demolition of the site would begin. Kirsch responded that on or about April 1 the removal of special materials (asbestos, etc.) would begin and that might take a couple of weeks and then the full-scale demolition would start.

A representative from the Laborer's Union commented that the unions could not bid competitively because of the high cost of providing health care to their members and asked that the developer/contractor consider that. Extended discussion of union issues ensued. A steel worker also commented on his desire to work on the job and informed Kirsch that he had worked on recent projects near the site. He expressed his interest in seeing locals work on the site, instead of out of state sub-contractors. Kirsch informed the Union representative and the steel worker that all bids would be considered fairly.

Greg Kirsch provided a presentation of the architectural elevations of the site and discussion ensued regarding Sebago Brewery's space and parking arrangement.

- Neighbors inquired as to whether or not Sebago Brewery would have parking on the site. Greg Kirsch informed the neighbors that Sebago would not have parking on the site, just as they now do not have or rely on dedicated parking in their current location.
 - A neighbor commented (apparently in jest) that one parking space in the surface parking lot should be given to everyone property owner on Middle Street.

- A neighbor commented that the site would be grossly over-parked (apparently meaning that there was not enough new parking being created to accommodate the demand for parking that would be generated).
- A neighbor asked whether the surface parking lot would be flat. Kirsch responded that it would not be perfectly flat and that few are for drainage reasons.
 - Additional questions were raised regarding the change in grade of the site and parking lot from Fore Street to Middle Street. Kirsch replied that the change in grade from Fore to Middle Street was approximately 9-10 feet; the change in grade of the parking lot is approximately 5-8 feet.
- A neighbor asked whether there was a landscaping plan for the site. Brent Berc of Opechee Construction laid out a landscaping plan for all to view, and a number of interested persons were observed reviewing the plan at the back of the room.
- A neighbor asked if snow would be piled up on Middle Street during plowing. Kirsch replied that the 35 foot grassed/landscaped setbacks around the paved area provided ample room for snow storage.
- A neighbor commented that the neighborhood was happy that the site was being developed but did not want Middle Street to be treated like a back alley.
- Neighbors inquired whether or not underground parking had been contemplated for the site. Greg Kirsch informed the neighbors that the site plan did not contemplate digging down below grade to provide parking, but that the grade change from Middle to Fore effectively would make a lower parking deck appear to be below-grade as viewed from Middle St. Kirsch also explained that future development of the site would likely include measures to make the structured parking areas inconspicuous from the street level, such as with retail or residential “wrapper” spaces at street level as encouraged by the City of Portland.
- Neighbors raised the question as to how long the surface parking lot would exist on Lot 2. Greg Kirsch informed the neighbors that the parking lot is zoning compliant and there is no legal restriction on the time that it is allowed to exist. Kirsch went on to state the we have tremendous economic incentive to use the valuable Lot 2 land for a higher and better use than surface parking, and that he was hopeful that a proposal for development of Lot 2 might follow the Lot 1 proposal relatively soon.
- A neighbor asked if the project was still in the design phase. Kirsch responded that it was in the sense that final plans are being submitted on March 23 with the intention of holding the public hearing on April 13.
- One neighbor of the site raised questions regarding the type of foundation that the site would be built on. The concern was apparently about the noise and vibration involved in driving traditional piles into the soil. Kirsch stated that the geotechnical aspects were not his area of expertise, but that he believed the site was upgradient of the fill areas (e.g., Commercial St.) that require piles and that the hotel would be built on a “geo-pier” foundation. Kirsch stated that Sebago Technics had designed the foundation and that they would be better suited to explain the foundation.

- Neighbors raised further concerns that the site would be over-parked. Kirsch informed the neighbors that the Ocean Gateway garage had a surplus of parking available a few hundred feet from the site and that the development would add metered parking spaces on Fore Street.
 - Neighbors responded that Ocean Gateway garage was not an adequate parking option in the summer and there is a need for more parking.
- A neighbor raised a question regarding future structured parking and whether or not there would be times during the day when the spaces might be made available to the public, perhaps during the evening when office users did not need it. Kirsch replied that the idea had potential, but would depend on the needs and requirements of the tenants for any building that might be developed on the site. A neighbor commented that such an arrangement would be a useful way to get cars off of the street.
- A neighbor asked if the hotel was totally set back from Middle Street or if it extended over the Hugo's/Pepperclub building. Further discussions of the site plan and lay out ensued. Kirsch showed an elevation of the hotel as seen from Middle St. with a scaled photo of the Hugo's/Pepperclub building superimposed. That image showed that the service areas of the hotel would be shielded from view and that much of the hotel façade was not visible from Middle Street.
- Neighbors raised questions as to where the construction workers would park and that the neighbors did not want construction workers' vehicles parking in spaces that customers and businesses would otherwise use. Kirsch committed to set up site rules that all construction workers would park on the site to the maximum extent feasibly possible, but that it might be difficult to enforce violations of the rules.
 - A neighbor suggested that construction workers be required to place stickers on their vehicles so neighbors could identify any construction workers' vehicles parking in public space.
- Neighbors asked whether Sebago Brewery would be willing to validate parking in the Ocean Gateway garage. Kirsch replied that the owners of Sebago Brewery would have to make that decision.

Greg Kirsch continued with a presentation of each of the building elevations and with a marker indicated the building foot print and the new pedestrian ways to be created from Middle to Fore Street and between the proposed hotel and the 80-90 Corps building.

- Neighbors inquired as to whether or not pedestrians could walk through the site from Middle to Fore Street. Kirsch replied that they could.
- Neighbors also inquired as to what the pedestrian way between the hotel and the 80-90 Corps building would look like. Kirsch provided an explanation of the walk way.
- A neighbor inquired as to how the pest problem (i.e., rats) in the Jordan's building would be addressed. Kirsch replied that he was not familiar with the demolition of a building that had a pest problem. Kirsch indicated that he would advise the demolition project team to be prepared for the potential of rat issues.

Business owners asked that lines of communication remain open between them and the owner, Kirsch agreed and asked that the business owners select a point person for all communication to go through. Email addresses were exchanged. Kirsch stated that he would work to set up some system for advising the Middle Street business neighbors in regard to upcoming construction phases, street closures, etc.

Brent Berc of Opechee Construction gave a presentation on the early stages of demolition of the project and the effects the demolition would have on pedestrian and vehicular traffic. The key dates / components of demolition are as follows:

- April 1, demolition begins. A temporary chain link fence will be put up around the perimeter of the site including the sidewalk adjacent to the site on Middle Street. Vehicular traffic access will not change in the earliest stage of demolition. Brent illustrated how pedestrian foot traffic on Middle Street and Fore Street would be altered.
 - Neighbors commented that Memorial Day weekend was not a good weekend for traffic to be disrupted.
 - Neighbors commented that a sidewalk on the North side of Fore street did not exist and they were pleased to see that a pedestrian way would be provided on Fore Street would have jersey barriers to separate it from vehicular traffic.
- May 1, separation of the sewer and drainage lines on Middle Street at the Hampshire Street intersection will begin and last approximately 2 weeks. At this time no thru traffic will be allowed on Middle Street between Franklin and Fore and on Hampshire Street near the intersection with Middle.
 - Neighbors questioned how customers and employees would get to their businesses during the temporary road closures. Brent responded by saying that vehicles and pedestrians would be allowed on Middle Street during this phase and that clear access to driveways and parking areas on Middle would be provided, but thru traffic would not be allowed.
 - Neighbors asked if the parking spaces on Middle Street would remain available during this phase. Brent responded that most of them would, however, any spaces near or over the area where excavation will occur to access the sewer and drainage lines would be temporarily unavailable. Brent illustrated where the excavation would occur on a set of demolition plans.
 - Neighbors inquired whether the temporary fence would extend up Franklin Street to the corner of Middle Street. Brent responded that the plan indicated that it would, but revisions could be made to the plan if necessary. The neighbors preferred that the temporary fence on Franklin Street stop at the start of the 80-90 corps building.
- June 1, sewer and drainage line separation continues on Fore Street, working west down Fore Street. Brent illustrated that during this phase of demolition Middle Street would have normal vehicular access, but vehicular traffic between India and Franklin Street would be temporarily re-routed in order to allow the installation of the sewer and drainage lines. Brent illustrated on demolition plans

that the temporary detour from Fore Street would re-route cars thru Middle Street. Brent illustrated how pedestrian traffic on Fore Street would be re-routed minimally.

- June 15, sewer and drainage connection on Franklin Street. Brent illustrated that during this phase of demolition, excavation on Franklin Street in the intersection with Fore Street would require that east bound traffic on Fore would not be allowed to cross Franklin Street and continue on Fore, that traffic would be re-routed to Middle Street. Upon the completion of the work in the Franklin and Fore intersection, it is anticipated that all vehicular ways will return to normal, Brent estimated this to be before July 1.
- December 2010, completion of the brick sidewalk bordering Franklin street. All pedestrian ways surrounding the site are open to the public, with the exception the Fore Street pedestrian way which will remain a temporary way until the completion of the project, anticipated for Memorial Day weekend 2011.

There were no additional questions or comments from the neighbors.

The neighborhood meeting was adjourned at approximately 8:30 p.m.

The above are the best efforts of Greg Kirsch and Brent Berc to create a true and complete record of the meeting. If any comments or suggestions are missing it is unintentional.



Greg Kirsch March 20, 2010



March 23, 2010

Mr. William Needelman, Senior Planner
Planning Division
389 Congress Street, 4th floor
Portland, ME 04101

Re: Response Letter for the March 9th Planning Board Workshop
Project: Hotel, Restaurant, & Portside Residences
Address: 207 & 209 Fore Street (formerly 38 India Street)
Applicant: Old Port Hospitality, LLC

Dear Bill,

Please find below Old Port Hospitality, LLC responses to the review comments received to date for the above mentioned project. The responses are brought to attention with bold italic text.

► Bill Needelman, Senior Planner, City of Portland:

- 1. Right Title Interest: From your deed, "Terms and provisions" of the MDEP Protection Orders, Book 19244, Page 271. We need copy.
The MDEP Protection Orders were submitted to Bill Needelman via email on March 3rd.
- 2. 33' driveway with a 10' curb radius.
The applicant will withdraw the waiver request for the driveway width. The driveway has been revised to provide a 24 foot width with 10' curb radii. Also, the line striping will be revised to delineate 20' turning radii.
- 3. Parking management plan.
A parking management plan has been submitted to planning and review comments are pending.
- 4. Building lighting.
The lighting designs for the building façade illumination are forth coming.
- 5. Provide the Planning Department with materials sample board.
Material samples were provided to the Planning Department on March 4th.

► Woodward & Curran:

- 1. As currently shown, the lawn areas surrounding the parking lot are sloped towards the parking lot. We ask that the applicant consider sloping the parking lot toward the grassed area, resulting in some treatment of the stormwater runoff from the pavement.
The revised grading and utility plan eliminates the sidewalk adjacent to the valet parking spaces and runoff will now drain into a swale with tree box filters.

2. The stormwater report references the decision to use 3' sumps for stormwater quality treatment in the parking lots. The catch basin detail should be modified to say that 3' sumps are required for all catch basins, not just those in the City right-of-way as the detail currently states.

The catch basin details have been revised as requested.

3. The project will be separating and rerouting the combined sewer that currently crosses the site. The plans currently do not show how the existing combined sewer will be demolished or abandoned. The existing pipe is shown ending at the sidewalk on the utility plan. More detail should be provided as to how the existing combined sewer will be abandoned.

A Site and Utility Demolition plan has been added to the plan set. The plan notes now indicate that the contractor is required to secure Pipe Sealing permits from Public Services Department and shall plug, remove or abandon storm drains and sanitary sewers in accordance with City standards. All abandoned manholes will be removed. The 30" sewer will be removed within the site limits. We have met with public services staff to confirm pipe sealing and abandonment requirements within the right of way. Staff has indicated that they may prefer that some pipes be abandoned in place to minimize excavation in Franklin Arterial.

► T.Y. Lin International:

1. The driveway is proposed to be 33 feet wide. Based upon anticipated traffic volumes I find this width to be excessive. Additionally, the radii seem large. One possibility would be to provide a 24-foot driveway in the public right-of-way and then widen to 33 feet on-site to accommodate valet parking needs. In any event the applicant should provide an auto-turn analysis that supports the design (I would note that we normally don't overdesign for infrequent large vehicle turning movements).

The applicant is withdrawing the waiver request for the driveway width. The driveway has been revised to provide a 24 foot width with 10' curb radii. Also, the line striping has been revised to delineate 20' turning radii.

2. The proposed crosswalks at the Franklin Street/Fore Street and India Street/Fore Street intersections should be two parallel lines.

The crosswalk striping has been revised as requested.

3. The applicant should assess the design of the sidewalk ramp at the northwest corner of the India Street/Fore Street intersection such that separate ramps are provided for crossing India Street north of the intersection and Fore Street west of the intersection.

It was discussed at the Traffic Permit Scoping Meeting on March 3rd that we will review and revise the ramp configuration to the extent possible. Due to the unusual geometry of this intersection, and the location of the existing ramps on the east side of India Street and south side of Fore Street creating completely separate ramps that cross perpendicular to the curb lines are not feasible. A revised ramp, with separated detectable warning strips has been provided.

4. A waiver from the City's Technical Standard will be required for the size of the parking spaces (9'x18' spaces are proposed). I support this waiver.

The applicant is still seeking relief from the City's Technical Standards with this matter.

5. A waiver from the City's Technical Standard for provision of compact parking is required. I support this waiver.

The applicant is still seeking relief from the City's Technical Standards with this matter.

6. The applicant will be required to prepare a preliminary Maintenance of Traffic plan that addresses any anticipated closures of either public streets or sidewalks.

Traffic control plans are included in this revised submittal.

7. The provision of a crosswalk on Middle Street at Hampshire Street is to be reviewed by the City's Crosswalk Committee on March 4th. Comments will be provided soon after.

Comments were received and revisions were made as requested.

8. The applicant should provide a summary on how truck deliveries will take place, including types of vehicles, locations where loadings will occur, and whether the 12-foot clearance allows for large vehicle movements entering and exiting the site.

The hotel valet area has been revised to provide a 14'-foot clearance in the driveway aisle. An Autoturn Analysis Plan has been submitted to illustrate intended delivery movements and where the loading will occur. It is anticipated that the delivery schedule will be as follows:

<i>Hotel:</i>	<i>Continental Breakfast –</i>	<i>1 to 2 deliveries per week (SU Box Truck)</i>
	<i>Hotel Supplies –</i>	<i>1 to 2 deliveries per month (WB-40 Truck)</i>
	<i>Vending –</i>	<i>1 delivery per week (van)</i>
<i>Restaurant:</i>	<i>Monday –</i>	<i>4 deliveries (1 van & 3 rest SU or WB-40 trucks)</i>
	<i>Tues thru Sat –</i>	<i>1 to 3 deliveries (1 van & rest SU or WB-40 trucks)</i>
	<i>Sunday -</i>	<i>No deliveries</i>

9. I will provide an opinion of parking supply adequacy upon receipt and review of the parking analysis to be provided by the applicant.

A parking management plan has been submitted.

10. I would note that the City supports the plan for on-street parking on Fore Street. We currently are assessing appropriate parking regulations (e.g. time limit or meters) and will provide a recommendation in the future. I would ask the applicant provide an opinion of what is preferred for parking on Fore Street. Lastly, I would note that parking regulation changes will likely require City Council action and the applicant will be required to provide the necessary information in support of the Council review (with support from City staff).

The applicant's will install the City's recommended choice.

► David Margolis-Pineo, Deputy City Engineer, City of Portland:

1. None of the streets around the Jordan Meat site are under a moratorium.

No response necessary.

2. Any proposed sewer laterals to be abandoned from this site must follow City requirements for permitting and sealing. Any manholes associated located on laterals to be abandoned shall be removed and all associated pipes sealed.
A Site and Utility Demolition plan will be added to the plan set. The plan notes will indicate that the contractor is required to secure Pipe Sealing permits from Public Services Department and shall plug, remove or abandon storm drains and sanitary sewers in accordance with City standards. The notes on the demolition plan are based on the City's latest draft Technical standard. All abandoned manholes will be removed. The 30" sewer will be removed within the site limits. We will meet with public services staff to confirm pipe sealing and abandonment requirements within the right of way. Staff has indicated that they may prefer that some pipes be abandoned in place to minimize excavation in Franklin Arterial.
3. There is no mention made as to how the existing 30" sewer which passes through the lot to Franklin Street will be abandoned. This issue will need to be coordinated with John Emerson (874-8468) of this department.
A Site and Utility Demolition plan will be added to the plan set. The plan notes indicate that the contractor is required to secure Pipe Sealing permits from Public Services Department. The 30' combined sewer will be removed within the site limits. The drain will be sealed at the manhole in Franklin arterial, backfilled with concrete and abandoned in place to be in accordance with City standards.
4. Since the City has no interest to enter the proposed 30' sanitary and stormwater easement area for any future system maintenance, and due to the proposed 12' over head canopy clearance, it is requested that the applicant use ductile iron pipe from the manholes in Middle St to the manholes in Fore St for both sewer lines.
We have discussed this Public Services And have agreed that all new sanitary and storm drains will be SDR-35 PVC sewer pipe. As we discussed with the Planning and Public Services Staff, the plans have been revised to alter one segment of the proposed 30" storm drain in Fore Street. Due to utility conflicts, storm drain SD-6 has been changed from a single 30" pipe to (2) parallel 24" pipes. Supporting calculations for this revision are included in the Stormwater Management Plan Addendum attached to this letter.
5. All catch basins shall have three foot sumps, not just the catch basins within the city street right of ways.
The catch basin details have been revised as requested.
6. All manholes with external drop connections shall meet TR-16 design and city detail standards.
We have revised the drop manhole detail as requested. Based on our discussion with Mr. Emerson, drops of more than 2' within a sewer manhole require a drop structure. There is a single existing 8" sewer connection at SMH-1 that will require a drop.
7. Applicant may use Type "B" gravels in lieu of Type "A" gravels.
The materials have been revised as recommended.
8. We will continue to review plan details for city standards.
No response necessary.
9. The Following are comments relating to the site survey. Any questions should be directed to Bill Clark of this department, 874-8847

The incorrect vertical datum of NAVD88 was used, and the City of Portland Datum was not used. This is significant introducing and vertical difference of 0.7 feet, and can lead to serious problems.

The NAVD 88 datum for this site was established as part of an ALTA survey completed in 2005 and was maintained throughout the design and permitting of the previously approved projects on this site. As part of the original survey Sebago Technics performed a level loop to a U.S. Geodetic survey monument for which the City has an established elevation. Note 6 on the ALTA survey and existing conditions plans documents the datum elevations as follows:

THE BEARINGS, COORDINATES, AND ELEVATIONS SHOWN HEREON ARE BASED UPON THE MAINE STATE PLANE COORDINATE GRID, WEST ZONE 1802 ON NAD83 AND NAVD 88. THE CITY DATUM WAS VERIFIED UTILIZING U.S. COAST AND GEODETIC SURVEY BENCHMARK, BEING A DRILL HOLE LOCATED IN THE GRANITE STEPS OF THE CUSTOM HOUSE ON COMMERCIAL STREET. THE CITY ELEVATION IS 14.072', THE NGVD 29 ELEVATION IS 14.042', AND NAVD88 IS 13.30'

As we discussed with planning staff, as significant number of design and legal documents have been prepared based on the survey work completed to date. We have addressed the concern regarding the datum by adding notes the each plan where elevation are referenced that will clearly indicates that design plans are based on the NAVD 88 datum and provides a formula to convert from NAVD88 to the City Datum.. In addition, any as-built plans for public infrastructure will note the NAVD88 and City datum elevations.

B. The GRID bearing of India Street between Middle St and Fore St is 00 degrees 11' 37" different from the bearing used by the City of Portland for Ocean Gateway, and as used by Owen Haskell Inc for the Ocean Gateway Subdivision and Ocean Gateway Garage projects. This amounts to a horizontal difference of approximately 0.62 feet in the 182.01 feet along the southwesterly line of India Street; this may not amount to much for a parking lot, but may be of consequence for a building in the future. Retracing the street lines on the Peninsula can be difficult, and it did take a good deal of effort to retrace the line of India Street from Commercial Street to Congress Street. I would be more than willing to provide a copy of our survey.

We have received a copy of the City survey completed in 2008. In it's determination of the easterly right of India Street Right of Way the City survey created an angle point on the easterly side of India Street that is not reflected in any of the street acceptance documents for India Street or the deed references for our project site. The City plan includes a note stating:

"DURING THE COURSE OF THIS SURVEY IS WAS DISCOVERED THAT AN ANGLE EXISTS IN THE LINE OF INDIA STREET. THE ACCEPTANCE OF INDIA STREET DOES NOT CALL FOR AN ANGLE POINT. HOWEVER, OVER THE YEARS BETWEEN APPROXIMATELY 1850 TO 2005, AN ANGLE POINT HAS DEVELOPED. THIS MAY BE DUE TO THE PAST PRACTICE OF SURVEYING "BLOCK TO BLOCK" AND HOLDING CITY OF PORTLAND GRANITE SURVEY MONUMENTS THAT WERE SET TO DEFINE THE STREET LINES"

It is the introduction of this angle point that is causing the difference in bearings between the two plans. The City's plan has not yet been recorded and was therefore not identified in our recent survey research. It appears that the introduced angle point and bearing will move the India Street Right of Way northeasterly, away from the project site, potentially increasing the size of the parcel by approximately 76 square feet.

We are reviewing the implications of this potential change on previously recorded documents and the subdivision plans. We will discuss this further with Mr. Clark and the city to determine if the locus property boundary along India Street property line should be adjusted.

In the interim, we added the City Survey as an unrecorded plan reference on our survey and subdivision plan. If appropriate we will note the differences in bearings between the two surveys.

We have added the City Survey as a plan reference on our survey and subdivision plans. It is our opinion that until the City Council takes action to re-define the India Street right of way, there are no additional revisions required.

C. The monument at the easterly corner of India Street and Middle Street is incorrectly shown. That monument is what we call an "M" monument where the back corner of the monument is the street line corner, and not the middle of the monument.

We are aware that this is an "M" monument. The back (Micucci's) corner of the monument was located as part of our survey. The discrepancy noted is simply due to the graphic symbol used on the plan and the scale of the drawing. We have added a note to our plan documenting the monument location as follows: "10"X10" GRANITE "M" MONUMENT, EASTERLY CORNER OF MONUMENT LOCATED"

D. The monument at the northerly corner of India Street and Middle Street should not be used, as it was disturbed by City crews in the 1990s.

The monument discussed was determined in our survey to be off the right of way corner by approximately 1.25 feet. Although several pieces of monumentation were located during the survey, the monument was not held. Monuments that were held to establish the locus property are noted as "held" on the plan.

E. Proposed 3 foot offset Monuments will be requested on the subdivision plan at the following locations.

Corner of India St and Middle St

Corner of Middle St and Franklin St Art

Corner of Fore St and Franklin St Art

Fore St PC 123.41' southwesterly of 3 foot offset monument near India St.

We have discussed the placement of monuments with Mr. Clark and have proposed the following:

- *A monument is not proposed at the corner of India Street and Middle Street due to a conflict with an existing underground electrical duct bank.*
 - *A monument is not proposed at the corner of Middle Street and Franklin Arterial, This location is not part of the locus site's boundary and there is a conflict with an existing underground electrical manhole and duct bank.*
 - *A monument is not proposed at the corner of Fore Street and Franklin Street Arterial due to a conflict with an existing underground electrical manhole and ductbank.*
 - *The subdivision plan will be revised to include a 3-ft offset monument on Fore Street at the PC 123.41 southwesterly of the monument near India Street as requested.*
- Rebar corner pins will be installed where the proposed 30' utility easement meets Middle Street. The intersections of the easement at Fore Street fall within the proposed brick sidewalk/driveway apron and immediately adjacent to a granite curb. As such, pins are not proposed at Fore Street.*

10. Stormwater treatment is technically not required for projects such as this. However, the applicant is encouraged to consider treatment options such as tree or shrub box filters which can be relocated if future changes to the site are desired.

The revised site, grading and utility plans eliminate the sidewalk adjacent to the valet parking spaces. Runoff will now drain into a swale with tree box filters.

11. The City is reviewing and may ask the applicant to extend the sidewalk on Middle St to the property line. ***This request has not been required of the applicant to date.***

12. Instead of installing new granite curbing on Middle Street, for environmental reasons, no manufacturing or transporting of new curbing, we would like the applicant to consider re-installing the existing curbing. Either way it is understood that the applicant would like to keep the material of this walk bituminous to accommodate future expansion. Since the existing sidewalk is not in great condition and the curb line is being modified, we would ask that the applicant re-pave the sidewalk. And since the sidewalk material policy in this section of the city is for brick sidewalks, the applicant is requested to post a two year Performance Guarantee to cover the installation of a brick walk in the likelihood the next phase of the development does not materialize.

The plans have been revised as requested. The Site and Utility Demolition plan will indicate the limits of curbing to be removed and salvaged for re-installation. The site plan indicates that salvaged curbing is to be reinstalled.

13. The applicant is request to submit the anticipated quantity of wastewater which will be added to the city's sewer system.

A Wastewater Capacity Application has been submitted and approved.

14. This department is still reviewing lighting standards for this project, i.e. light pole spacing and power feed requirements with CMP.

No response necessary.

15. The sidewalk ramp tactile warning strips shall be as follows and colored Tan.

A tactile warning strip detail has been added.

► Marge Schmuckal, Zoning Administrator, City of Portland:

1. I believe that this project is probably meeting the maximum building height of 65 feet for this area of the City. However, I would like to confirm that supposition with more information from the applicant using the same methodology that I use with all applicants. I would like to know the grades around the outside of the proposed building so that I can average the grades. I would also like to know where the top of the structural beams will be located on the structure. The actual height of the structure can be determined from that information.

Building height calculations have been reviewed by Ms. Schmuckal.

2. I would also like to confirm where the property line is located at the rear of the proposed building where the stairs descend from the street. It was unclear to me.

The property line follows the southerly and easterly wall of the existing building to remain at the corner of Middle Street and Franklin Street Arterial. This building is the property of 80-90 Corps that hosts Hugo's Restaurant.

3. It is noted that no official loading bays are required under section 14-351. However, it may be useful to indicate how the rear dumpster area will be accessed and utilized by servicing vehicles. This area may also service deliveries, linen services and the like.

The hotel valet area has been revised to provide a 14'-foot clearance in the driveway aisle. An Autoturn Analysis Plan has been submitted to illustrate intended delivery movements and where the loading will occur. It is anticipated that the delivery schedule will be as follows:

<i>Hotel:</i>	<i>Continental Breakfast –</i>	<i>1 to 2 deliveries per week (SU Box Truck)</i>
	<i>Hotel Supplies –</i>	<i>1 to 2 deliveries per month (WB-40 Truck)</i>
	<i>Vending –</i>	<i>1 delivery per week (van)</i>

<i>Restaurant:</i>	<i>Monday –</i>	<i>4 deliveries (1 van & 3 rest SU or WB-40 trucks)</i>
	<i>Tues thru Sat –</i>	<i>1 to 3 deliveries (1 van & rest SU or WB-40 trucks)</i>
	<i>Sunday -</i>	<i>No deliveries.</i>

4. Separate permits from Inspection Services will be required for the demolition of existing structures and for signage.

Agreed.

► Jeff Tarling, City Arborist, City of Portland:

a) Street-trees - The project proposes to include planting various shade trees within the sidewalk / public way along Franklin Street & Fore Street. Placement of these trees should be coordinated with the on-street parking to ensure that car doors do not open into the planted tree. Also, the placement of parking meters is typically recommended to alternate with tree planting, post with 2 parking meters between car spaces, then tree well, then parking meter... Placing the tree well near the end of the spaces as proposed may work; just want to have this considered. Tree types are good as shown, tree grates & guards should be reviewed to make sure the finish, painted black or core-10 steel is preferred...

We have discussed the tree spacing with the City Arborist. The proposed tree spacing along Fore Street is coordinated with the revised parking stalls shown on the site plan. The proposed parking stall striping has been added to the landscape plan to clarify. The trees are located near the end of the parking stalls to minimize potential conflicts with car doors. The tree grates are clear of the parking stall striping to avoid conflicts with meters should they be installed.

We have revised the tree grate and tree guard details to clarify that tree guards are to be painted with one coat shop primer and two coats of low luster black enamel paint. Tree grates will be weathering (COR-TEN) steel.

b) Esplanade or sidewalk with trees on Franklin Street... "If" future on-street parking is considered for Franklin Street, then the proposed wide sidewalk with street trees with tree grates is good, if not, the use of a turf esplanade with trees should be considered. The proposed planter at the corner of Fore & Franklin should allow enough space for pedestrian travel & sidewalk snow plowing between the two sidewalk tip down ramps.
We have discussed the sidewalk/esplanade design with Staff and the Planning Board. To date, no revisions have been made.

c) Parking lot trees & landscape - Will the six street-trees w/ tree grates in the sidewalk proposed for Fore Street near the temporary parking lot be in the way of future development? An option to plant on the lawn area could be considered.
It is not anticipate that the street trees along Fore Street will be in the way of the future development.

Tree / landscape density - Recommend adding one more Birch tree to the proposed two birch tree groups spaced along Middle Street. The lawn area along India Street should have some buffering / tree planting. One suggestion would be to slightly berm or contour the lawn area, perhaps 1-2' to help buffer the parking lot and help prevent cut-through from the parking lot to the sidewalk area.
The plan has been revised to include an additional birch tree to the Middle Street plantings and additional birch trees in the lawn area adjacent to India Street. The lawn area surrounding the surface parking is proposed with a berm to help buffer the parking lot.

d) Hampshire Street access to Fore Street - The Middle Street gateway to the proposed development is well landscaped and should help with pedestrian circulation. Recommend reuse of the existing granite slabs in the old section of Hampshire Street / crosswalk in this small plaza design or on site if possible.
The plan has been revised to include salvaged granite slabs from the site into the design.

► Planning Staff, City of Portland:

Site Plan Standards 14-526 (a)(16) a.1.

General Comment: The elevation drawings are at a concept level of development and greater detail will be needed for final review prior to public hearing.

More detailed building elevations have been submitted.

It is unclear from the site plan and elevations whether the Fore and Franklin Street door to the restaurant is oriented to the corner or to Fore Street - Clarification requested.

The applicant has revised the building architecture as per the discussions with William Needelman and Alex Jagerman.

Site Plan Standards 14-526 (a)(16) a.1.(a)

Comment: Provide details and specifications on the storefront design and first floor windows including the transparency index and sample of the proposed glass. Visual permeability between interior and exterior spaces at the pedestrian level is indicated by this standard. Highly tinted or reflective glass at the pedestrian level is not recommended.

The applicant has revised the building architecture as per the discussions with William Needelman and Alex Jagerman.

Site Plan Standards 14-526 (a)(16) a.1.(b)

Comment: The prominence and frequency of pedestrian entrances along Fore Street is undermined by the lack of canopy and/or signage at the mid-block shared entrance (for the restaurant and hotel) and the location of the hotel lobby entrance at the porte-cochere. Consider adding a prominent pedestrian door to the Fore Street façade adjacent to the vehicle entrance. Also consider adjusting signage location from the Franklin/Fore intersection to the pedestrian entrance to the lobby.

The applicant has revised the building architecture as per the discussions with William Needelman and Alex Jagerman.

Site Plan Standards 14-526 (a)(16) a.1.(c)

The building is generally well fenestrated and does not show excessive blank walls in the pedestrian areas.

No response necessary

Site Plan Standards 14-526 (a)(16) a.1.(d)

The pedestrian access stairs from Middle Street are well positioned for use and are integrated with the site and building design. Consideration may be given to replacing the existing “cobra head” light fixture with a district street light pole and fixture to better integrate the stairs with the street. Design Note: The City Arborist suggests utilizing the historic granite plank and cobble from the existing alley in this area into the design.

The plans have been revised to include salvaged granite slabs from the site into the design. The applicant is still reviewing the possibility of removing the existing cobra head light to add a district street light. More information on this matter will be forthcoming.

Site Plan Standards 14-526 (a)(16) a. 2.

Not Applicable

No response necessary

Site Plan Standards 14-526 (a)(16) a. 3.

Applicable to Middle Street only for any later phase of development.

No response necessary

Site Plan Standards 14-526 (a)(16) a.4.(a)

Cross walk design is being addressed by Public Services. There has been discussion of bumping the Middle Street curbing out to shorten the crossing distance from Hampshire Street to the proposed pedestrian stairs.

The plans have been revised to incorporate a bump out into Middle Street.

Site Plan Standards 14-526 (a)(16) a.4.(b)

See City Arborist comments.

Provide planter details for drainage and irrigation that promote the viability of plantings and minimize impacts to the public sidewalk.

A planter detail has been added to the plans. The proposed development will be implementing some green practices into the design of the facility and in the interest of conserving water; irrigation will not be installed.

Site Plan Standards 14-526 (a)(16) a.4.(c)

The plans show appropriate street lighting styles and spacing (see comment above regarding the pedestrian stairs.) Building mounted lighting details have not yet been provided. Private site lighting of the parking area should be provided with cut-off fixtures.

Building mounted lighting details will be forthcoming. Cut-off fixtures will be provided for the private site lights.

Applicant should anticipate the an electrical distribution system with a metering box suitable for serving all fixtures to be owned by the City

We have identified a proposed electric panel & meter location on the plans.

Site Plan Standards 14-526 (a)(16) a. 4. (d)

Granite benches are proposed for Fore Street and a granite seat wall is proposed for the head of the Middle Street stairs.

No response necessary

Site Plan Standards 14-526 (a)(16) a. 4. (e)

The restaurant use is proposed to extend onto the Fore Street façade of the building near Franklin Street.

No response necessary

Site Plan Standards 14-526 (a)(16) b. 1.

General Comment: Context information is not provided. The development should be shown within its context by use of perspective drawings, photomontage, or other graphic means. Suggested views are from Franklin Arterial at Federal Street (Court House and Lincoln Park), Fore Street in front of Bangor Savings, Commercial and Franklin Street (from the Casco Bay Garage, and Fore Street and India Street (from the sewer pump station.)

The requested graphics to assist the Planning Staff and the Planning Board with their review of the project has been submitted.

Site Plan Standards 14-526 (a)(16) b.1.(a)

The street walls of Fore and Franklin are enforced by this development.

No response necessary.

Site Plan Standards 14-526 (a)(16) b. 1. (b)

NA

No response necessary.

Site Plan Standards 14-526 (a)(16) b. 1. (c)

See below:

No response necessary.

Site Plan Standards 14-526 (a)(16) b. 1. (d)

The building massing and composition does not provide distinct massing elements at the key corners at Franklin Street. Given the visibility of the building from Franklin, Fore (as the terminating view from the Old Port) and Commercial Street, these corners are important.

The applicant has revised the building architecture as per the discussions with William Needelman and Alex Jagerman.

The Middle and Franklin corner has no vertical differentiation from the main mass of the building and is un-fenestrated. The Fore and Franklin corner is punctuated by only a minor parapet rise at the center of the bay.

The applicant has revised the building architecture as per the discussions with William Needelman and Alex Jagerman.

The design's relationship to its prominent location and to other buildings in the downtown and Old Port will be strengthened by vertical differentiation and fenestration of the building corner at Middle Street and simplifying and enlarging the punctuation at Fore Street. If fenestration of the top story of the Middle Street corner interferes with proposed signage, an alternative location for signage should be considered on the body of the building.

The applicant has revised the building architecture as per the discussions with William Needelman and Alex Jagerman.

Site Plan Standards 14-526 (a)(16) b. 1. (e)

Addressed above

No response necessary.

Site Plan Standards 14-526 (a)(16) b. 1. (f)

No comment was made.

Site Plan Standards 14-526 (a)(16) b. 2. (a, b, c, & d)

Standards for set back appear to be met.

No response necessary.

Site Plan Standards 14-526 (a)(16) c.

Need details – none provided. Readily visible mechanical equipment requires screening

Details have been added to the revised application submittal.

Site Plan Standards 14-526 (a)(16) d.

NA

No response necessary.

Site Plan Standards 14-526 (a)(16) e.

Undue wind impacts are not anticipated.

Agreed.

Site Plan Standards 14-526 (a)(16) f.

Set backs from the adjacent building at Franklin and Middle will be increased.

Agreed.

Site Plan Standards 14-526 (a)(16) g.

NA

No response necessary.

The applicant and design team looks forward to working in close cooperation with the Planning Staff and the Planning Board to develop, permit, and ultimately construct this viable project.

Sincerely,

Opechee Construction Corporation



Barry Stowe

Project: Old Port Hospitality
Location: Portland, Maine
Date: April 5, 2010

Bartlett Design
942 Washington Street, Bath, ME
(T) 207-443-5447 (F) 207-443-5560

LIGHTING FIXTURE SCHEDULE

Lamp numbers refer to Osram Sylvania designations. Also approved are equal lamps manufactured by General Electric, and Philips. Voltage for exterior luminaires shall be verified with the project electrical engineer.



Type: S1

Description: Street light luminaire and pole as identified by the City of Portland Waterfront Commercial District large series. Luminaire shall include dropped refractor to provide Type IV optical distribution. Pole shall be tapered steel, 20'-0" in height with a 4'-4" top bracket arm. Luminaire finish shall be black. Provide integral photocell with luminaire.

Lamps: (1) MS175/PS/BU-ONLY

Manufacturers: *Holophane Lighting* # ESU 175PM MA CMA 45-64319 (luminaire)
Holophane Lighting # OUC 6063-T6 (bracket Arm)
Holophane Lighting # Cambridge series (pole base)

Type: S2

Description: Similar to Type S1 except City of Portland Waterfront Commercial District medium series. Pole shall be 15'-0" in height.

Lamps: (1) MS175/PS/BU-ONLY

Manufacturers: *Holophane Lighting* # ESU 175PM MA CMA 45-64319 (luminaire)
Holophane Lighting # OUC 6063-T6 (bracket Arm)
Holophane Lighting # Cambridge series (pole base)



Luminaire Dimensions: **Height = 13" Diameter = 22"**

Type: S3

Description: Street light luminaire with full cut-off optical distribution. Luminaire shall include a flush, flat tempered glass lens. Pole shall be round tapered aluminum, 20'-0" in height with a top bracket arm. Luminaire and pole finish shall be black. Provide integral photocell with luminaire.

Lamps: (1) MS175/HOR

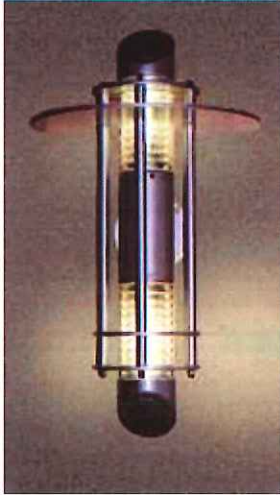
Manufacturers: *U.S. Architectural* # DSCP/HR-III/175MH/PC (luminaire)
U.S. Architectural # XPK (bracket Arm)
U.S. Architectural # 2064-188/PT27/RBC (pole)

Type: S4

Description: Similar to Type S3 except pole shall be 14'-0" in height and luminaire shall utilize a 100 watt lamp.

Lamps: (1) MP100/U/MED

Manufacturers: U.S. Architectural # DSCP/HR-III/100MH/PC (luminaire)
U.S. Architectural # XPK (bracket Arm)
U.S. Architectural # 1443-125/PT27/RBC (pole)



Dimensions: Height = 26 3/8" Diameter = 15" Projection = 14 1/8"

Type: S5

Description: Decorative wall sconce UL listed for wet locations. Luminaire shall include an aluminum housing, acrylic diffuser, and an aluminum top shield. Luminaire finish shall be black.

Lamps: (2) CF26DD/E/835

Manufacturers: Se'Lux # SA90-MR-Q26-BK-120



Dimensions: Height = 10" Diameter = 9 1/2" Projection = 17"

Type: S6

Description: Wall mounted luminaire with cast aluminum housing and flush, flat bottom diffuser lens. Luminaire finish shall be white. Luminaire shall be UL listed for wet locations. Install luminaire at decorative stone band as directed by the architect.

Lamps: (1) CF42DT/E/IN/830/ECO

Manufacturers: Luminis Lighting # WF1220-F142-WHT

Type: S7

Description: Identical to Type S1 except with 70 watt metal halide lamp.

Lamps: (1) MCP70/U/MED/830PB

Manufacturers: Luminis Lighting # WF1220-F142-WHT



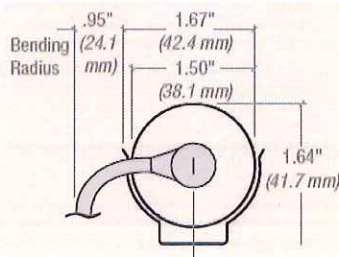
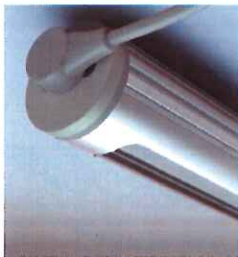
Dimensions: Height = 6 1/2" Width = 12 1/2"

Type: S8

Description: Adjustable wall mounted LED accent light, UL Listed for Wet locations installed as an upright unit. Luminaire shall be capable of being rotated 350 degrees and tilted 110 degrees and shall have a locking base to secure the fixture after aiming. Luminaire optics shall produce a 10 degree beam spread. Luminaires shall be equipped with a top glare shield. Luminaire and shield finish shall be white. Provide a single scene controller for all Type S8 lights, as well as a data enabler (to be installed within the building at a location directed by the architect). Also provide all necessary inter-connecting wiring. Controller and enabler shall facilitate color output of luminaires. Install luminaires just above the decorative stone band as directed by the architect.

Lamps: LED (by manufacturer)

Manufacturers: *Color Kinetics* # 523-000033-00/120-000070-00/120-000009-03 (luminaire)
Color Kinetics # 503-000001-00 (scene controller)
Color Kinetics # 523-000006-00 (data enabler)



Dimensions: Overall Length = 18 1/4"

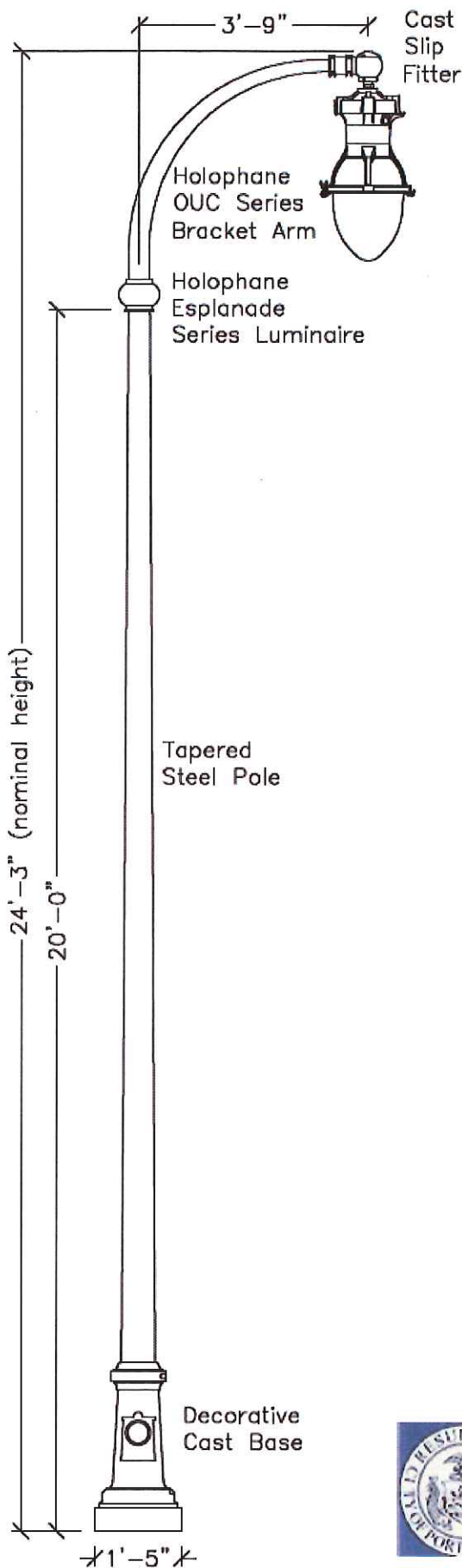
Type: S9

Description: Linear LED strip light with aluminum housing, UL listed for wet locations. Strip light shall be mounted in a down-light configuration and shall be installed to storefront window frame, directed downward through glass canopy. Provide all necessary fittings to make a complete assembly. Strip light shall be mounted with adjustable wall brackets that allow fixture aiming. Provide remote LED driver to be installed immediately inside above the closest accessible ceiling. Provide a single driver for each canopy LED system.

Lamps: LED (by manufacturer)

Manufacturers: *IO Lighting* # 0.10.E.3KHO.10.100.1.18 (strip light)
IO Lighting # DR200AM (driver)

Type S1



LUMINAIRE

Holophane Lighting model ESU 175PM MA CMC 45-64319
 Cast aluminum housing with stainless steel hardware. Dropped refractor shall be thermal resistant borosilicate glass. Internal reflector and prismatic diffuser shall provide an IES Type IV distribution pattern. Luminaire shall include an integral ballast with modular wiring connectors and multi-voltage taps. Provide an internal receptacle type photocell control. Luminaire shall be manufacturer's standard color black.

LAMP

Sylvania model MS175/PS/BU-ONLY
 Vertical mounted, 175 watt mogul base clear metal halide lamp.

BRACKET ARM

Holophane Lighting model OUC 6063-T6
 Aluminum crossarm with a post-top fitting for a 3-1/2" by 8" tenon. Bracket arm shall be manufacturer's standard black color.

SLIP FITTER

Holophane Lighting model BHLF200-SCA/AS (Boston Harbor Series)
 2-3/8" O.D. with swivel cast fitter. Slip fitter shall be manufacturer's standard black color.

LIGHTING POLE

Tapered steel pole shaft rated for a 90mph wind load with a 1.3 gust factor. Provide four hot-dipped galvanized steel L-type anchor bolts. Lighting pole shall be manufacturer's standard black color.

DECORATIVE POLE BASE

Holophane Lighting model Cambridge Series
 Decorative clamshell cast aluminum base. Hardware shall be stainless steel. Decorative pole base shall be manufacturer's standard black color.

SERVICE CONNECTION

New street/sidewalk lighting shall be connected to a metered electrical service from The Central Maine Power Company unless the City directs otherwise.

APPLICATION

Street/Sidewalk lighting for two-way streets with parking on both sides.

Suggested layout:

90-100 ft on center (one side only)

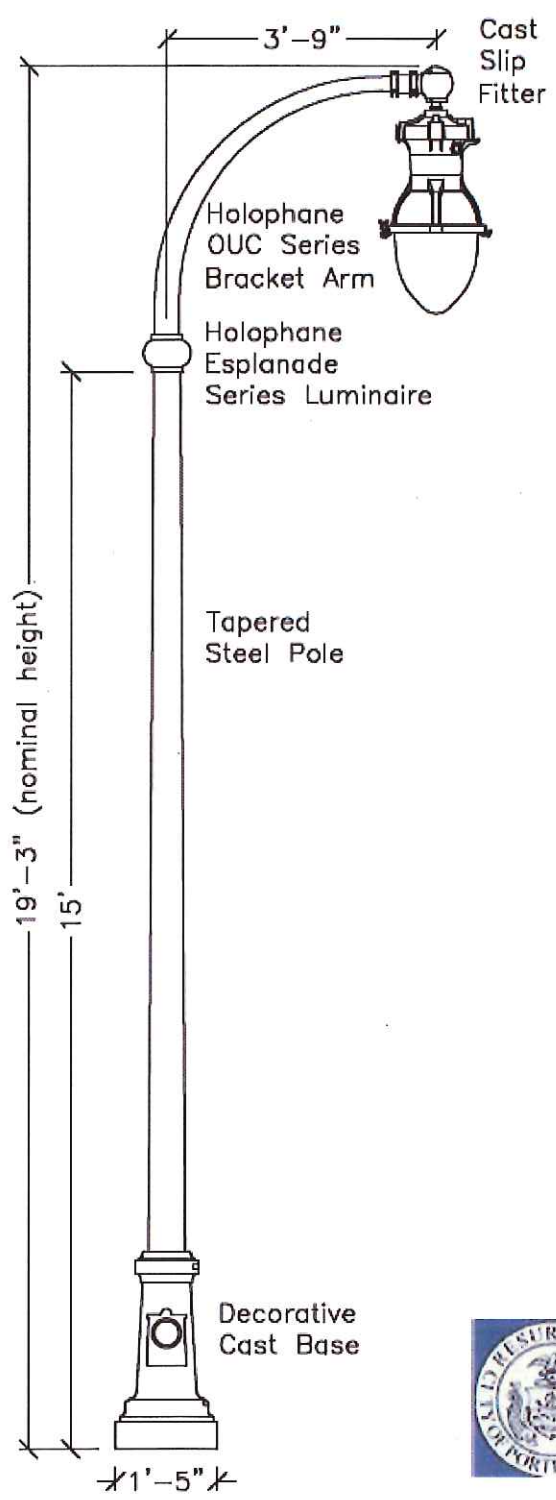
175-225 ft on center (staggered pattern both sides)

City of Portland, Maine

**Street & Sidewalk Lighting
 WATERFRONT COMMERCIAL DISTRICT
 Large Scale Lighting Pole**



Type S2



LUMINAIRE

Holophane Lighting model ESU 175PM MA CMC 45-64319
 Cast aluminum housing with stainless steel hardware.
 Dropped refractor shall be thermal resistant borosilicate glass. Internal reflector and prismatic diffuser shall provide an IES Type IV distribution pattern. Luminaire shall include an integral ballast with modular wiring connectors and multi-voltage taps. Provide an internal receptacle type photocell control. Luminaire shall be manufacturer's standard color black.

LAMP

Sylvania model MS175/PS/BU-ONLY
 Vertical mounted, 175 watt mogul base clear metal halide lamp.

BRACKET ARM

Holophane Lighting model OUC 6063-T6
 Aluminum crossarm with a post-top fitting for a 3-1/2" by 8" tenon. Bracket arm shall be manufacturer's standard black color.

SLIP FITTER

Holophane Lighting model BHLF200-SCA/AS (Boston Harbor Series)
 2-3/8" O.D. with swivel cast fitter. Slip fitter shall be manufacturer's standard black color.

LIGHTING POLE

Tapered steel pole shaft rated for a 90mph wind load with a 1.3 gust factor. Provide four hot-dipped galvanized steel L-type anchor bolts. Lighting pole shall be manufacturer's standard black color.

DECORATIVE POLE BASE

Holophane Lighting model Cambridge Series
 Decorative clamshell cast aluminum base. Hardware shall be stainless steel. Decorative pole base shall be manufacturer's standard black color.

SERVICE CONNECTION

New street/sidewalk lighting shall be connected to a metered electrical service from The Central Maine Power Company unless the City directs otherwise.

APPLICATION

Street/Sidewalk lighting for two-way streets with parking on one sides, or one-way streets.
 Suggested layout:
 80-100 ft on center (one side only)
 150-200 ft on center (staggered pattern both sides)

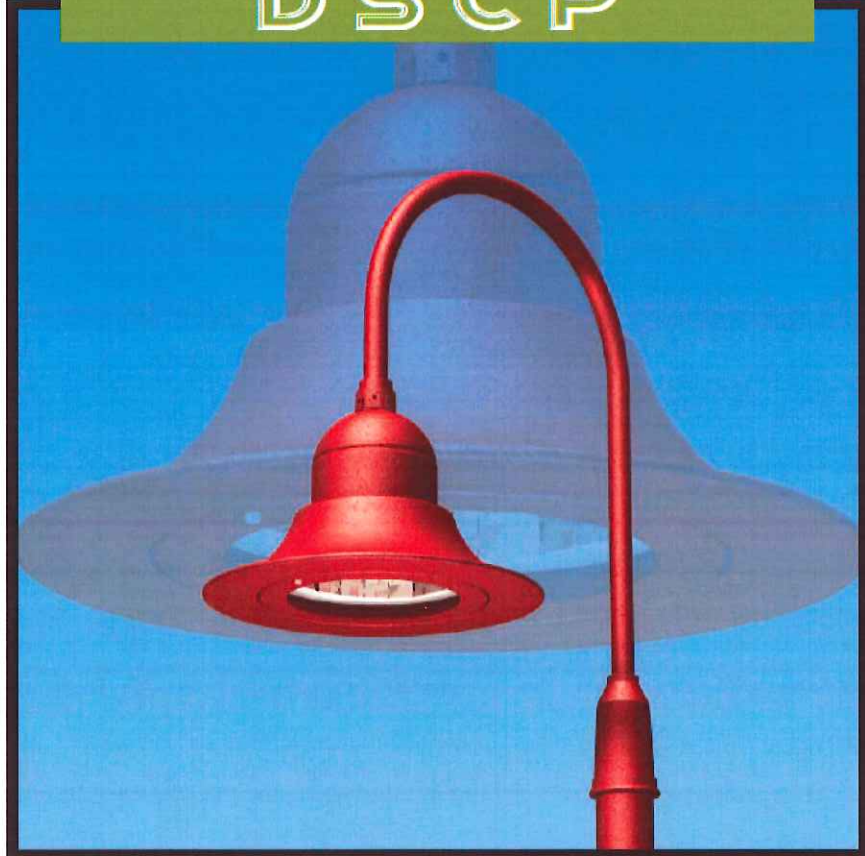


City of Portland, Maine
 Street & Sidewalk Lighting
WATERFRONT COMMERCIAL DISTRICT
 Medium Scale Lighting Pole

CC 6

DSCP

Type S3



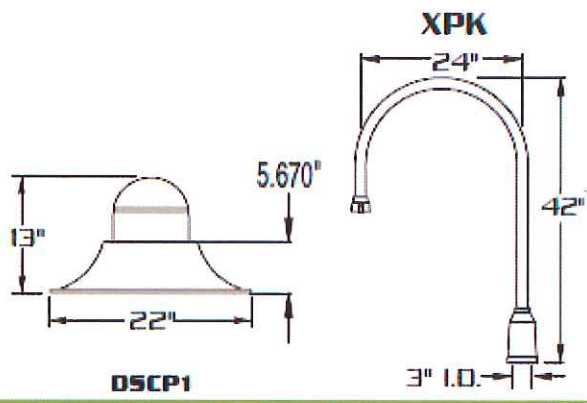
SPECIFICATIONS

- HOUSING:** ONE PIECE HEAVY WALL ALUMINUM CONSTRUCTION WITH REMOVABLE BALLAST TRAY FOR EASY BALLAST ACCESS.
- LENS ASS'Y:** ONE PIECE HINGED HEAVY GAUGE DIE FORMED ALUMINUM DOOR FRAME SURROUNDS 3/16" CLEAR TEMPERED GLASS LENS. GLASS IS SEALED TO DOOR WITH HIGH TEMPERATURE SILICONE SEAL. CAPTIVE THUMB SCREW DISENGAGES LENS ASSEMBLY AND ACTIVATES ACCUHINGE™ TO ALLOW LENS ASSEMBLY TO HINGE AWAY FROM HOUSING FOR LUMINAIRE ACCESS WITHOUT THE USE OF TOOLS.
- OPTICS:** COMPUTER DESIGNED ONE PIECE SPECULAR SEGMENTED SIDE REFLECTORS COMBINE WITH AN AUXILIARY SPECULAR TOP REFLECTOR TO PRODUCE A HIGHLY EFFICIENT, SHARP CUTOFF. OPTICAL ASSEMBLY IS ROTATABLE IN 90° INCREMENTS.
- GASKETING:** CLOSED CELL EPDM GASKETING COMPRESSED BETWEEN DOOR AND HOUSING WORKS IN COMBINATION WITH ACCUHINGE™ TO PRESSURE SEAL OPTICAL CHAMBER.
- LAMP HOLDER:** MEDIUM OR MOGUL BASE PORCELAIN. LAMP HOLDER EQUIPPED WITH FACTORY INSTALLED QUICK DISCONNECT PLUG.
- LAMP:** (BY OTHERS)
- BALLAST:** H.P.F./C.W.A. AUTOTRANSFORMER. -20° STARTING TEMPERATURE. ELECTRICAL COMPONENTS ARE MOUNTED TO A REMOVABLE BALLAST TRAY. BALLAST IS EQUIPPED WITH FACTORY INSTALLED QUICK DISCONNECT PLUG.
- FINISH:** POLYESTER POWDER COAT-STATE OF THE ART 20 PSI PRESSURE POWER WASH AT 140° TEMPERATURE INCORPORATES FOUR STEP IRON PHOSPHATE PROCESS TO CLEANSE AND PRETREAT THE METAL SURFACE FOR MAXIMUM PAINT ADHESION. ELECTROSTATICALLY APPLIED TEXTURED POLYESTER POWDER TOPCOAT IS BAKED AT 400° TEMPERATURE FOR MAXIMUM HARDNESS AND EXTERIOR DURABILITY.



CC.7

Type S3



MODEL NO.:	OPTICS	LAMP	MOUNTING	FINISH	OPTIONS
D S C P	HORIZONTAL LAMP REFLECTORS	WATTAGE TYPE VOLTAGE	<input type="checkbox"/> XPK <input type="checkbox"/> XPS	STANDARD TEXTURED FINISH	<input type="checkbox"/> CONVEX GLASS.....DG
	<input type="checkbox"/> TYPE II HR-II (segmented)	<input type="checkbox"/> 250 <input type="checkbox"/> HPS <input type="checkbox"/> 120	<input type="checkbox"/> XPD	<input type="checkbox"/> BLACK RAL-9005-T	<input type="checkbox"/> CLEAR CONVEX POLYCARBONATE DIFFUSER.....LEX
	<input type="checkbox"/> TYPE III HR-III (segmented)	<input type="checkbox"/> 175 <input type="checkbox"/> MH <input type="checkbox"/> 208	<input type="checkbox"/> WM	<input type="checkbox"/> WHITE RAL-9003-T	<input type="checkbox"/> 3/4" IPS STEM MOUNT AND SWIVEL CANOPY (4'-0" MAX.).....SM
	<input type="checkbox"/> TYPE IV (FORWARD THROW) HR-IV (segmented)	<input type="checkbox"/> 150 <input type="checkbox"/> MV <input type="checkbox"/> 240	<input type="checkbox"/> 1	<input type="checkbox"/> GREY RAL-7004-T	<input type="checkbox"/> CHAIN MOUNTED (4'-0" MAX.).....CM
	<input type="checkbox"/> TYPE V HR-V-SQ (segmented)	<input type="checkbox"/> 100 <input type="checkbox"/> 277		<input type="checkbox"/> DRK BRONZE RAL-8019-T	<input type="checkbox"/> HOUSE SIDE SHIELD.....HS
	<input type="checkbox"/> TYPE V HR-V-SQ (segmented)	<input type="checkbox"/> 75 <input type="checkbox"/> 480		<input type="checkbox"/> GREEN RAL-6005-T	<input type="checkbox"/> QUARTZ RESTRIKE.....QTZ
	VERTICAL LAMP REFLECTORS	<input type="checkbox"/> 70 <input type="checkbox"/> MT			<input type="checkbox"/> PHOTO CELL + VOLTAGE (EXAMPLE: PC120V).....PC+V
	<input type="checkbox"/> ASYMMETRIC VR-ASY (segmented)	<input type="checkbox"/> 50			<input type="checkbox"/> SINGLE FUSE (120V., 277V).....SF
	<input type="checkbox"/> TYPE V VR-V-SQ (segmented)				<input type="checkbox"/> DOUBLE FUSE (208V., 240V).....DF
	VERTICAL LAMP REFLECTOR REQUIRES CONVEX GLASS				

DSCP1

XPK

U.S. ARCHITECTURAL LIGHTING

680 WEST AVENUE O, PALMDALE, CA. 93551
 (661) 233-2000
 FAX NO. (661) 233-2001
 www.usaltg.com

B2-12

Type S3

RTA



ROUND TAPERED ALUMINUM



SPECIFICATIONS

SHAFT: SPUN TAPERED FROM 6063 ALLOY ALUMINUM TUBING. HEAT TREATED TO PRODUCE A T6 TEMPER. SHAFT INCLUDES A PERIPHERALLY REINFORCED HAND HOLE FURNISHED WITH COVER. SHAFT IS FURNISHED WITH GROUND LUG LOCATED ON CAST ALUMINUM BASE PLATE.

BASE PLATE: CAST ALUMINUM CONSTRUCTED OF A-356 ALUMINUM ALLOY HEAT TREATED TO PRODUCE A T6 TEMPER. STRUCTURALLY ENGINEERED BASE INCLUDES EIGHT HEAVY WALL REINFORCING VERTICAL GUSSETS. BASE TELESCOPES AND IS CIRCUMFERENTIALLY WELDED TO SHAFT AT BOTH THE OUTSIDE TOP AND INSIDE BOTTOM OF THE BASE.

ANCHORAGE: [4] ANCHOR BOLTS FABRICATED FROM HOT ROLLED STEEL BAR. MINIMUM YIELD STRENGTH OF 50,000 P.S.I. BOLTS HAVE "L" BEND ON ONE END AND ARE THREADED ON THE OTHER END. BOLTS ARE FULLY GALVANIZED AND ARE FURNISHED WITH TWO NUTS AND TWO WASHERS.

BASE COVER: FABRICATED FROM HEAVY WALL ALUMINUM CONSTRUCTION. TWO PIECE COVER ENTIRELY CONCEALS BASE

FINISH: POLYESTER POWDER COAT-STATE OF THE ART 20 PSI PRESSURE POWER WASH AT 140° TEMPERATURE INCORPORATES FOUR STEP IRON PHOSPHATE PROCESS TO CLEANSE AND PRETREAT THE METAL SURFACE FOR MAXIMUM PAINT ADHESION. ELECTROSTATICALLY APPLIED TEXTURED POLYESTER POWDER TOPCOAT IS BAKED AT 400° TEMPERATURE FOR MAXIMUM HARDNESS AND EXTERIOR DURABILITY.

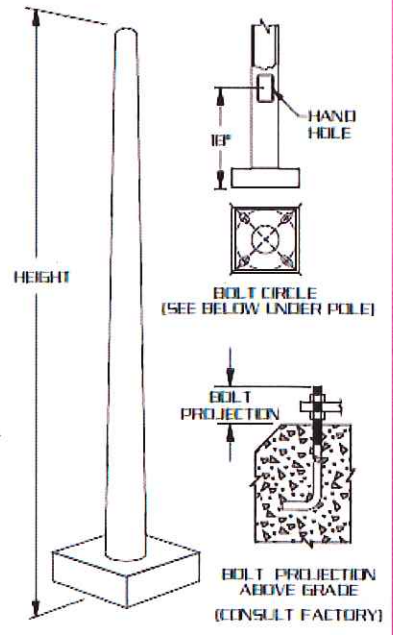
CC.9

Type S3

RTA SERIES

ENGINEERING DATA
Maximum EPA - Square Feet

Catalog Number	Maximum Fixt. wgt.	100 MPH	90 MPH	80 MPH	70 MPH
RTA 1443-125	50	2.2	3.0	4.5	6.2
RTA 1643-125	50	1.1	1.8	2.9	4.4
RTA 1853-188	100	4.1	5.6	7.6	10.8
RTA 2064-188	200	5.6	7.5	10.1	14.2
RTA 2574-188	225	5.7	7.3	9.5	13.6
RTA 3084-188	200	5.6	7.4	9.9	13.5
RTA 3584-188	100	3.8	5.1	7.0	9.3
RTA 4084-250	200	4.2	5.4	7.6	10.7



All above design calculations are based on sustained wind forces plus additional 1.3 wind gust (Example: Pole rated at 80 MPH withstands 104 MPH gusts)

ORDERING INFORMATION

MODEL NO.: RTA	POLES	MOUNTING	FINISH	OPTIONS																																													
RTA	<table border="1"> <thead> <tr> <th>POLE HEIGHT</th> <th>SHAFT SIZE</th> <th>WALL THICKNESS</th> <th>BOLT CIRCLE</th> <th>ANCHORAGE</th> </tr> </thead> <tbody> <tr> <td><input type="checkbox"/> 1443-125 14'</td> <td>4.0X3.0</td> <td>.125</td> <td>10 1/4"</td> <td>3/4"X18"X3"</td> </tr> <tr> <td><input type="checkbox"/> 1643-125 16'</td> <td>4.0X3.0</td> <td>.125</td> <td>11 1/4"</td> <td>3/4"X18"X3"</td> </tr> <tr> <td><input type="checkbox"/> 1853-188 18'</td> <td>5.0X3.0</td> <td>.188</td> <td>11 1/4"</td> <td>1"X36"X4"</td> </tr> <tr> <td><input type="checkbox"/> 2064-188 20'</td> <td>6.0X4.0</td> <td>.188</td> <td>13"</td> <td>1"X36"X4"</td> </tr> <tr> <td><input type="checkbox"/> 2574-188 25'</td> <td>7.0X4.0</td> <td>.188</td> <td>13"</td> <td>1"X36"X4"</td> </tr> <tr> <td><input type="checkbox"/> 3084-188 30'</td> <td>8.0X4.0</td> <td>.188</td> <td>13"</td> <td>1"X36"X4"</td> </tr> <tr> <td><input type="checkbox"/> 3584-188 35'</td> <td>8.0X4.0</td> <td>.188</td> <td>13"</td> <td>1"X36"X4"</td> </tr> <tr> <td><input type="checkbox"/> 4084-250 40'</td> <td>8.0X4.0</td> <td>.188</td> <td>13"</td> <td>1"X36"X4"</td> </tr> </tbody> </table> <p><input type="checkbox"/> OTHER HEIGHTS SPECIFY _____</p>	POLE HEIGHT	SHAFT SIZE	WALL THICKNESS	BOLT CIRCLE	ANCHORAGE	<input type="checkbox"/> 1443-125 14'	4.0X3.0	.125	10 1/4"	3/4"X18"X3"	<input type="checkbox"/> 1643-125 16'	4.0X3.0	.125	11 1/4"	3/4"X18"X3"	<input type="checkbox"/> 1853-188 18'	5.0X3.0	.188	11 1/4"	1"X36"X4"	<input type="checkbox"/> 2064-188 20'	6.0X4.0	.188	13"	1"X36"X4"	<input type="checkbox"/> 2574-188 25'	7.0X4.0	.188	13"	1"X36"X4"	<input type="checkbox"/> 3084-188 30'	8.0X4.0	.188	13"	1"X36"X4"	<input type="checkbox"/> 3584-188 35'	8.0X4.0	.188	13"	1"X36"X4"	<input type="checkbox"/> 4084-250 40'	8.0X4.0	.188	13"	1"X36"X4"	<p><input type="checkbox"/> 2 3/8"X4" TENON PT23</p> <p><input type="checkbox"/> 2 7/8"X4" TENON PT27</p> <p><input type="checkbox"/> OTHER TENON MT _____</p> <p>DRILL MOUNT</p> <p><input type="checkbox"/> 1..... </p> <p><input type="checkbox"/> 2-180..... </p> <p><input type="checkbox"/> 2-90..... </p> <p><input type="checkbox"/> 3-90..... </p> <p><input type="checkbox"/> 4-90..... </p> <p><input type="checkbox"/> 3-120..... </p> <p>2-90, 3-90, 4-90 REQUIRES PT27 AND T490 ADAPTER</p> <p>3-120 REQUIRES PT27 AND T3120 ADAPTER</p>	<p>STANDARD TEXTURED FINISH</p> <p><input type="checkbox"/> BLACK RAL-9005-T</p> <p><input type="checkbox"/> WHITE RAL-9003-T</p> <p><input type="checkbox"/> GREY RAL-7004-T</p> <p><input type="checkbox"/> DRK BRONZE RAL-8019-T</p> <p><input type="checkbox"/> GREEN RAL-6005-T</p> <p>OPTION:</p> <p><input type="checkbox"/> BRONZE ANODIZED AZ313</p> <p><input type="checkbox"/> NATURAL ANODIZED AZ</p> <p><input type="checkbox"/> BLACK ANODIZED AZ8K</p> <p>FOR SMOOTH FINISH REMOVE SUFFIX "T" (EXAMPLE: RAL-9500)</p> <p>SEE WEBSITE FOR ADDITIONAL COLORS</p>	<p><input type="checkbox"/> DUPLEX RECEPTACLE DUP</p> <p><input type="checkbox"/> GFI RECEPTACLE GFI</p> <p><input type="checkbox"/> 3 WAY ADAPTER T3120</p> <p><input type="checkbox"/> 4 WAY ADAPTER T490</p> <p><input type="checkbox"/> ROUND BASE COVER RBC</p> <p><input type="checkbox"/> 1/2" COUPLING CPLN1/2</p> <p><input type="checkbox"/> 3/4" COUPLING CPLN3/4</p> <p><input type="checkbox"/> 2" COUPLING CPLN2 (SPECIFY COUPLING LOCATION)</p> <p>SEE ACCESSORIES SECTION FOR OTHER OPTIONS.</p>
POLE HEIGHT	SHAFT SIZE	WALL THICKNESS	BOLT CIRCLE	ANCHORAGE																																													
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