

**CITY OF PORTLAND  
CERTIFICATE OF SUBDIVISION WAIVER APPROVAL**

I, Alex Jaegerman, Planning Division Director, acting on behalf of the duly appointed Chair of the Planning Board for the City of Portland, Cumberland County, State of Maine, hereby certify that on the 14<sup>th</sup> day of August, 2012, the Portland Planning Board, acting pursuant to M.R.S.A §§ 4403(7) and 4406(B) and Section 14-506 of the Portland Land Use Code, granted to applicant Fore India Middle, LLC the following waivers from subdivision approval standards found in the Portland Land Use Code:

**Current Property Owner:** Fore India Middle, LLC

**Property:** 203 Fore Street, Portland ME  
CBL 29-3-L  
Cumberland County Registry of Deeds reference: Quitclaim Deed With  
Covenant from Old Port Hospitality, LLC to Fore India Middle, LLC  
dated June 11, 2010, and recorded in Book 27850, Page 83

**Waivers**

1. *Setback farther than 5 feet from the property line:*

“The Planning Board found that the increased building setback at the corner of Fore Street and India Street 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 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 not substantially detract from the prevailing street wall character;
- (c) Does not detract from existing publicly accessible 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.”

Therefore the Planning Board waives the 5-foot maximum building setback as per Site Plan standard 14-526(d)(9).

2. *Driveway width:*

The Planning Board waives Technical Standard, Section 1.7.1.4 which allows a maximum of 36 feet wide driveway width, to allow a driveway of 42 feet wide on Middle Street to accommodate a 24-foot wide entry into the parking garage, a 15-foot wide loading bay, and a 3-foot wide support column between the two drives.

3. *Driveway curb radius:*

The Planning Board waives Technical Standard, Section 1.7.1.5 which allows a minimum curb radius of 15 feet, to allow the curb radius to be reduced to 10 feet in order to decrease the length of pedestrian travel across the driveway mouth, with vehicle movements accommodated by the wide driveway entrance.

4. *Number of compact spaces:*

The Planning Board waives Technical Standard, Section 1.14 which allows parking lots with greater than 10 spaces to be comprised of up to 20% compact parking spaces, to allow 56 compact parking spaces in the Fore Street Garage (representing 49% of the spaces in the Fore Street Garage and 31% of the total number of spaces in both garages that are within the Phase II development), subject to those spaces being only for 24-hour valet parking which would ensure appropriate use of the spaces.

5. *Standard parking space size:*

The Planning Board waives Technical Standard, Section 1.14 which requires standard parking spaces to be 9 feet by 18 feet, to allow slightly smaller or larger spaces to take account of the columns and tandem parking arrangements as shown on approved Plan C11 (on file with the Planning Division), subject to "valet compact" spaces being controlled by 24-hour valet operation.

6. *Compact parking space size:*

The Planning Board waives Technical Standard, Section 1.14 which requires compact parking spaces to be 8 feet by 15 feet, to allow the 56 compact spaces in the Fore Street garage (valet-parked) to be slightly smaller or larger to take account of the columns, tandem parking arrangements, and because they will only be used for 24-hour valet parking as described in the *Updated Parking Study* and shown on approved Plan C11 (on file with the Planning Division).

7. *Parking aisle:*

The Planning Board waives Technical Standard, Section 1.14, Figure I-27 and I-29 which requires a 24-foot wide drive aisle, to allow the reduction to 22 feet in both garages to accommodate structural columns, based on the parking use limited to 24-hour valet and regular users where depicted on the approved Plan C11 (on file with the Planning Division).

8. *Glass materials:*

The Planning Board waives the Design Standard a) Relationship to the pedestrian environment (1) which requires a VT of .7 or higher, to allow the window glass to be a VT of .64 (similar to the standard) to reduce solar heat gain, and allow the curtain wall to

be a VT of .42 to reduce solar heat gain and as it is the full height of the building and encloses well-lit lobby areas.

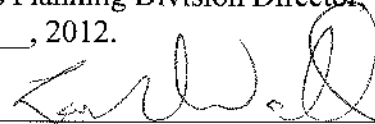
IN WITNESS WHEREOF, I have hereto set my hand and seal this 16<sup>th</sup> day of October, 2012.



Alex Jaegerman, Planning Division Director  
City of Portland Planning and Urban  
Development Department

STATE OF MAINE  
CUMBERLAND, ss.

PERSONALLY APPEARED the above-named Alex Jaegerman and acknowledged the above certificate to be his free act and deed in his capacity as Planning Division Director, with his signature witnessed on this 16<sup>th</sup> day of October, 2012.



~~Notary Public~~ / Attorney at Law

LAWRENCE C WALDEN  
Bar No 2818