

**City of Portland, Maine – Building or Use Permit Application** 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 143 Commercial St. 141-151 Fore St., 1-11 Market St. Eric Cianchette ELC Mgmt		Owner: Eric Cianchette ELC Mgmt	Phone: 774-1000	Permit No: 99102
Owner Address: 42 Market St. Portland, ME	Lessee/Buyer's Name: NA	Phone: N/A	Business Name: N/A	Permit Issued: 12/22
Contractor Name: Cianbro Corp.	Address: 328 W. Commercial St. 04102	Phone: 773-5852 ext. 110	Phone: 253-1561	
Past Use: Vacant/Demolished Site	Proposed Use: Retail Office Bldg.	COST OF WORK: \$ 3,172,260	PERMIT FEE: \$ ALL FEES ALREADY HAVE BEEN PAID	Zone: B-3 CBL: 029-S-001
		FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group <i>9/1</i> Type: <i>1B</i> <i>DOCA 96</i>	
Proposed Project Description: <u>CONTINUATION OF WORK</u> Construction of 3 story, steel framed, brick & granite clad retail office building as approved by Planning Board on Sept. 14, 1999. Building Permit Number is #991102. This is a Continuation of Work for steel erection and architectural details including brick, granite, roof, metal studs etc.		Signature: <i>[Signature]</i>	Signature: <i>[Signature]</i>	Zoning Approval: <i>[Signature]</i> Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/> <i>conducting 12/21/99</i>
Permit Taken By: UB	Date Applied For: 12-13-99	PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	Date:	

- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

**\*\*Call for Pick Up Ernie Selberg 253-1561**

**Zoning Appeal**

Variance  
 Miscellaneous  
 Conditional Use  
 Interpretation  
 Approved *see previous permits*  
 Denied

**Historic Preservation**

Not in District or Landmark  
 Does Not Require Review  
 Requires Review

**Action:**

Approved  
 Approved with Conditions  
 Denied

Date: *Alan Holt/Ked*

**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT \_\_\_\_\_ ADDRESS: \_\_\_\_\_ DATE: 12-13-99 PHONE: \_\_\_\_\_

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE \_\_\_\_\_ PHONE: \_\_\_\_\_

**PERMIT ISSUED WITH REQUIREMENTS**  
**CEO DISTRICT**  
 UB SAM

Applicant:

Date: 7/29/99

Address:

Harborview Block

C-B-L: 29-5-1

CHECK-LIST AGAINST ZONING ORDINANCE

Date - New

Zone Location - B-3 Zone

PAD overlay - Both streets of front & corner lot

Historic 25' within 40' of the frontage

Interior or corner lot -

financial services shall be located in this area

Proposed Use/Work -

Sewage Disposal -

Lot Street Frontage -

pg 18 -> 13,500 retail space / 21,500 office space

Front Yard -

- 2,000 - no parking req

Rear Yard -

11,500 retail  
- 1,350 bulk storage

22,000 # ÷ 400 = 55 APPRA

Side Yard -

10,150 ÷ 200# = 51 spaces

55  
51  
106

Projections -

1200 for each floor above 1st floor

Sec. 14-334  
to be located on same lot - with a reason = be def 14-343 - joint use appeal

Width of Lot - 14-220  
Height - 35' within 50' of street frontage  
Lot Area -

street wall build-to-line: All bldgs shall be located within 5' of the property line unless the Planning Board approves an additional distance

Lot Coverage/ Impervious Surface - 100%

Area per Family -

Statement Off-street Parking - off-street parking determined by zoning -

Page 6 - Page 18 They say 106 off-site parking spaces - because under 50,000#

Loading Bays - retail over 5,000# - Deluca Hoffman - Applicant owns 320 spaces in the area / 165 already

Site Plan - Loading Bay area

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

TO: Portland City Councilors and Robert Ganley, City Manager  
FROM: Joseph Gray, Jr., Director of Planning & Urban Development  
RE: Harborview Project - Commercial Street & Fore Street  
DATE: August 6, 1999

In light of the recent publicity surrounding the new Harborview proposal, I thought it necessary to clarify issues and actions the City has taken.

The review of the first submitted proposal clearly did not meet the current ordinance language concerning minimum height requirements in the downtown B-3 zone. In an attempt to maintain the momentum of the project, a text amendment was proposed. Soon after, the City received a revised plan that significantly modified the proposal by adding an entire floor. This additional floor made the project work in terms of meeting the existing height requirements. There was no change in the way the zoning compliance was determined. Any immediate text changes are not required at this time.

Essentially this project was not treated any differently than any other project. Normally there are many discussions back and forth between the City and an applicant during the process of preparing an application for completeness before presenting it to the Planning Board. The City processes are based on a foundation of a public process such as the Planning Board reviews. Normally, the initial stages of preparing an application for review are not part of a structured public process, although any actions the City takes is open to review by the public. This particular project for whatever reason became overly public during these early stages of discussion. Our discussions with the architect and developer continue and will continue until the project has its final approvals.

During our discussions with the owner and developer, there were some valid comments and suggestions concerning how to interpret the height requirements. Our staff would like to take the time to continue this discussion and perhaps suggest changes of clarification to this section and get feedback from the Planning Board under a public process. So this may be an item that the Council sees in the future.



**CITY OF PORTLAND**

To: Marge Schmuckal, Zoning Administrator ✓  
From: Alan Holt, Urban Designer  
Date: September 1, 1999  
RE: Harborview development proposal, 145 Commercial Street

I understand that the Harborview development proposal is requesting a variance regarding the zoning requirement of providing an off-street loading area to serve the proposed retail space. As the development review coordinator assigned to this project, I have been working with the applicant through the Historic Preservation review and the Planning Board review. The applicant is working with a unique site which have several overlapping, and sometimes conflicting, development standards. The applicant has made considerable changes and good faith efforts to comply with Site Plan standards, B-3 standards, the Downtown Urban Design Guidelines, the Pedestrian Activities District (PAD) requirements, and the Standards for New Construction for an Historic District.

This development proposal fills a full block, defined by Commercial, Market, Fore and Silver Streets. All four sides of the proposal front on a street which falls under the Waterfront Historic District, the PAD Overlay District, and the requirements of the Downtown Urban Design Guidelines. Development requirements in each of these three standards/guidelines emphasize the importance of pedestrian friendly street walls and underscore the importance of contextual, compatible building design at the street level. Additionally, since this building has frontage on all sides, the creation of a loading area is also in conflict with the B-3 five-foot setback limitation. In my opinion, the requirement to provide an off-street loading area at this site cannot be met without violating several other more important standards.

cc: Joe Gray, Director of Planning and Urban Development  
Alex Jaegerman, Chief Planner  
Penny Littell, Corporation Council  
Joe Malone, representative of the applicant  
Cynthia Orcutt, landscape architect; Orcutt Associates



**CITY OF PORTLAND**

TO: Alan Holt, Planner  
FROM: Marge Schmuckal, Zoning Administrator  
SUBJECT: Harborview Block - B-3 Zone - PAD overlay - Historic - Old Port Overlay - 29-S-1  
DATE: July 29, 1999

143 Commercial  
check to be sure this  
is CDed

Alan, I have reviewed the site plan submittal dated July 28, 1999. The following are areas of zoning concerns. I am aware that some of these areas are already being addressed by ordinance text changes.

A. Minimum Building Height - being addressed by text changes.

B. PAD overlay - It is understood that Commercial Street will be retail within the 40' depth from frontage. It is also stated that Fore Street will have financial services within the 40' depth from frontage.

REQUEST: As soon as possible I would request floor plans so that I can confirm that PAD requirements are being met.

C. Loading Bay - The proposal states that there will be 13,000 sq. ft. of retail space. Sec. 14-351 states that if there is over 5,000 sq. ft. of retail space is provided, 1 loading bay is required (14'x50'). Presently none is shown. The proposal suggests a variance appeal. The variance is usually done prior to Planning Board review. Please note that a variance thru the Zoning Board of Appeals is a very difficult appeal.

D. Off-Street Parking - The proposal states that there will be 13,500 sq. ft. of retail space. The reduction for the first 2,000 sq. ft and for bulk storage results in 10,150 sq. ft and a requirement of 51 parking spaces for retail.

It is stated that there will be 22,000 sq. ft. of office space resulting in a requirement of 55 spaces for offices. That is a total of 106 parking spaces required. None of the required parking is on site. Documentation should be provided to show that the provided parking off-site is not presently required for other previous parking approvals. All parking is to be provided more that 100 feet from the proposed development. Section 14-334 allows for a miscellaneous appeal thru the Board of Appeals if the provided parking is within a reasonable distance and ownership or leases of those spaces are provided. The proposal also suggests a miscellaneous appeal for joint use of spaces (sec. 14-343). These appeals do not have a severe test for approval such as the variance. Again, these appeals should be commenced as soon as possible to gain the necessary Zoning Board of approvals.

Note: IF any of the retail space is on a floor that could be considered a second floor, the parking requirements are changed from 1 per 200 sq. ft. to 1 per 700 sq. ft. I would be glad to review any floor plans to see if this alternative allowance could be utilized.

Sum →  
to Alan

E. Street wall build-to line - Section 14-220 requirements are not presently met. I understand that there is an agreement for some City purchase of land to meet this requirement.

F. Signage. Presently there is no submittal for proposed signage. It is the City's normal practice to review the proposed signage during its site plan review stages. It is strongly urged to submit those plans as soon as possible.

cc: Joseph Gray, Jr., Director of Planning & Urban Dev.  
George Campbell, City Councilor  
Penny Littell, Corporation Council

# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

## Section 14-526 Standards

### Section 14-526(1) and (2) - traffic

Please refer to the attached memorandum submitted by Mr. Peter Hedrick, traffic engineer for DeLuca Hoffman Engineering, outlining traffic and parking requirements for this development.

The memorandum indicates that the proposed development will require 106 off-site parking spaces. The applicant owns parking areas near the development that total 320 spaces. Existing developments owned by the Applicant require 165 of these spaces leaving 155 spaces available for use by the Harborview Block. The Applicant owns ample parking spaces to satisfy the parking requirements for this development.



July 27, 1999

Ms. Cynthia Orcutt  
Orcutt Associates  
25 Bridge Road  
Yarmouth, Maine 04096

Fax: 846-5107

**RE: HarborView Block  
Traffic and Parking Review**

Dear Cynthia:

DeLuca-Hoffman Associates, Inc. has reviewed the traffic and parking elements for the proposed redevelopment of the former Key Bank site on Commercial Street in Portland. The proposed building would occupy the entire block bounded by Commercial Street, Market Street, Fore Street, and Silver Street, and will therefore have no driveways serving the site. The building would contain three stories with a total of approximately 13,500 square feet of retail space and 21,500 square feet of office space. The site is in the B-3 zone and also the Pedestrian Activities District along Commercial and Fore Streets. The results of our initial review are as follows:

**Traffic:**

The site is currently occupied by a former Key Bank of approximately 2,700 square feet and associated parking areas. Traffic generation for this former use and the proposed uses as estimated utilizing ITE Trip Generation, Sixth Edition, is as follows:

Trip Generation Summary				
Use	ITE Land Use Code	Trip Generation		
		AM Peak Hour	PM Peak Hour	24-Hour Weekday
Proposed Office	Gen. Office - 710	56	61	415
Proposed Retail	Specialty Retail - 814	15	36	570
<b>Total</b>		<b>71</b>	<b>97</b>	<b>985</b>
Former Bank	Walk-In Bank - 911	11	90	423
<b>Net</b>		<b>60</b>	<b>7</b>	<b>562</b>

The above table shows that projected traffic generation for the redeveloped site would be less than 100 trip ends for both the morning and evening peak hours. Net traffic generation would be only 7 trip ends for the typically critical evening peak hour. The office will generate the majority of the traffic associated with the project, with parking to be provided at up to three separate lots. This will provide dispersion of the site-generated traffic which will minimize any traffic impacts. Also, a significant amount of the specialty retail traffic will likely be pedestrians, further reducing the vehicular traffic impacts.



Ms. Cynthia Orcutt  
July 27, 1999  
Page 2

A state traffic permit will not be required, and the City will need to evaluate the above information to determine whether they would require a traffic study.

**Parking:**

The proposed development would eliminate all onsite parking, with the anticipated demand to be served by other lots owned by the developer. There are currently ten angled spaces along Commercial Street and potential for parallel spaces along Fore Street once the parking structure is removed. The required parking supply based on City ordinances is as follows:

**Retail:** One space per 200 square feet of floor space in excess of 2,000 square feet, not including bulk storage. Assuming 10% of the retail area would be "bulk storage", the 13,500 square feet of retail space nets to 10,150 square feet requiring 51 parking spaces.

**Office:** One space per 400 square feet of floor space. The 22,000 square feet of office would require 55 spaces.

The total City requirement is therefore 106 parking spaces. We would expect that most of the retail customer parking would be satisfied by on-street parking and that the site's location in the Pedestrian Activity District would minimize the parking needs. We suggest that ten off-street employee parking spaces be provided for the retail area and that the full complement of 55 spaces be provided for the office uses. Therefore, a total of 65 off-street spaces should be provided, but a variance would be needed to reduce the retail space requirement.

The ordinance requires parking to be located within 100' of the building or Board of Appeals approval would be required. Therefore, the use of remote parking lots will require Board of Appeals approval. Additionally, the availability of parking within those lots would need to be confirmed and possibly approved by the Board of Appeals if this is considered "joint use" by the Board.

14-334  
misc Appeals  
within P.A.D.  
Dist.  
14-343  
Joint use

**Loading:**

The ordinance requires one loading space of 14' x 50' for retail uses of 5-40,000 square feet. This space shall be located completely off the street. This space will need to be provided or a variance obtained to eliminate the requirement.

14-351

**Summary:**

The proposed project is predicted to generate less than 100 trip ends during the morning and evening peak hours and would therefore not require a State traffic permit. The City will need to determine if a traffic study is needed, given the minimal net traffic increase and dispersion of traffic to remote parking areas.

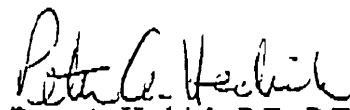
Ms. Cynthia Orcutt  
July 27, 1999  
Page 3

Variances will be required to use remote parking areas for either the full amount of 106 spaces or a net amount of 65 spaces if an additional variance for reducing the number of retail spaces is pursued. Likewise, a variance would be required to eliminate the one required loading space.

Should you have any questions or require additional information, please contact me.

Sincerely,

DeLUCA-HOFFMAN ASSOCIATES, INC.



Peter A. Hedrich, P.E., P.T.O.E.  
Senior Engineer

PAH/sq/JN1883/Orcutt7-27

c: Mike DeLuca

***E.L.C. Inc.  
42 Market St.  
Portland, ME 04101  
207-774-1000  
Fax 207-774-2946***

July 27, 1999

Cynthia Orcutt  
Orcutt Associates

Cynthia,

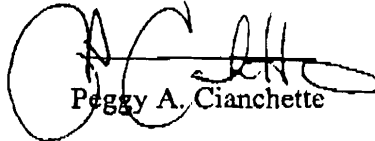
Below are the parking lots that we have under our control:

Market and Silver St. Lot:	46 Spaces
Silver St. Lot	46 Spaces
Pearl & Middle St.	228 Spaces

Out of the above lots, the Regency requires parking for 50 vehicles. In addition, we require parking for 115 of our own tenants within these lots.

Let me know if you have any additional questions regarding parking.

Sincerely,

  
Peggy A. Cianchette

# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

## 14-525(b)(3)(c)(1) Description of proposed use

The proposed development fits inside a City block bordered by Fore, Commercial, Market and Silver Streets, adjacent to the ~~Old Port~~. The proposed building is a three story structure containing approximately 39,000 SF of both retail and office users.

*ok* Entrances to the building will be off Fore, Commercial and Market Streets. The ~~lower level of retail space~~ will be accessed via a direct street-level entrance from Commercial Street. The second level, housing a ~~financial services user~~ will be accessed via ramped and stepped entrance from Fore Street, facing Boothby Square. A third level of office space will be accessed via a direct street-level lobby and elevator off Market Street.

*PAD of Fore St*

Attached are the proposed elevations that describe the general materials and height of the proposed building. The building has granite-clad facades at street level with brick above. The color and texture of the granite and brick will match the brick and granite found in the adjacent Armory building (the Portland Regency Hotel).

The building is surrounded by brick sidewalks and granite curbs. The building edge facing Boothby Square is setback from the street edge in a relationship similar to the Armory Building across Fore Street. This increased setback allows for a widening of the pedestrian space of Boothby Square. This setback is discussed in detail in Section 14-526(16)(b)(2).

There are no proposed residential units in this development.

# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

Site Zoning: B-3 Downtown Business Zone with PAD Overlay

The proposed development contains the following structures and pedestrian amenities:

- an office, financial services and retail building.
- a widened street edge providing seating, street trees, landscaping and lighting fronting Boothby Square.
- three edges of sidewalk with lighting tying into the City sidewalk grid.
- a location for public art facing the Market/Fore Street intersection.

The proposed development satisfies eight of the eleven purposes of this zone, as stated in Section 14-216 Purpose. One exception is item (3), encouragement of increased housing opportunity downtown, as this use does not include a housing component. The other exceptions are items (6), as there are no significant existing structures on this site to be reused and item (11) as no residents will be displaced by this development. The site is currently an unoccupied Bank building and parking deck. All other purposes are clearly met by the proposed project.

Permitted Uses: General and business offices  
Professional offices  
Personal services  
Retail establishments  
Business services

PAD overlay zone: Applicable

At least 75% of the street level frontage of the building has the following uses required in the PAD overlay zone:

Personal services  
Retail establishments  
Banks, financial and other business services with customer services only located in this area.

There is no storage, services entrances, including loading docks, dumpsters and compactors or food preparation areas located on any of the street frontage located in the PAD overlay zone. (Fore and Commercial Streets)

*40' Deep*

*would like  
A floor plan  
to verify*

# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

## Section 14-220. Dimensional Requirements.

Min. lot size:	None
Min. street frontage:	15 feet;  The lot has 124.62 feet of frontage on Fore Street. The lot has 123.61 feet of frontage on Commercial Street.
Street wall build-to line:	5 feet;  Additional distance is proposed along Fore Street ; see section 14-526(a)(16)(b)(2)
Min. yard dimensions:	None
Min. lot width:	None
Max. length of blank wall:	15 feet (PAD overlay zone)  There are no proposed blank walls. This building has articulated granite and window walls facing Fore and Commercial Streets. The granite pilasters are 2 feet wide with 8 foot window openings. The arched, recessed openings at the entrances on each street are 16 feet in width.
Max. lot coverage:	100 percent
Min. building height:	35 feet - 50' deep  Average building height on Fore Street is 36'-0" Average building height on Commercial Street is 43'-0" Average building height on Market Street is 39'-6" Average building height on Commercial Street is 38'-6"
Max. building height:	125 feet

No side  
facades  
shown

getting an  
Amendment

# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

## Section 14-221. Other requirements and standards.

Downtown urban design guidelines: applicable; The design of the articulated brick and granite building façade, direct street level entrances, creation of a widened pedestrian activity area facing Boothby Square, sidewalk design, planting, lighting, seating, building form, scale and massing have all been designed in response to the Downtown Urban Design Guidelines.

The increased setback of the building facing Fore Street will have a positive shadow impact on Boothby Square. The building does not adversely affect wind patterns, which currently run along Silver and Market Streets. These patterns will continue and pedestrian spaces have been placed along Fore and Commercial Street, in areas of less intense wind activity.

Items VI., VII., and VIII are not applicable.

The applicant has requested a condition of approval that allows for the future review of signage. Awnings are proposed along the Commercial Street façade, continuing the line of street level awnings along this street edge.

Off-street parking and loading: applicable; off-street parking in nearby parking lot on opposite corner of Boothby Square, off Fore Street at Pearl Street.

Signs: Request a condition of approval that allows for the future review of building and tenant signage.

Exterior storage: There is no exterior storage.

Storage of vehicles: No unregistered vehicles shall be stored outside for a period in excess of thirty days.

Shoreland and flood plain regs.: not applicable.

Downtown arts program: not applicable.

Relocation of displaced residents: not applicable.

Historic resources: applicable; the Portland Historic Preservation Committee is currently reviewing the project.

# of SPACES  
Need A breakdown of SPACES to determine # of SPACES

# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

## Section 14-221.1. External effects.

- Enclosed structure: All uses shall be operated within a completely enclosed structure.
- Noise: All noise levels generated by the use will be within acceptable ranges.
- Vibration: Vibration inherently and recurrently generated shall be imperceptible at lot boundaries.
- Heat: Heat shall be imperceptible at lot boundaries. There will be no heating elements located within sidewalk paving.
- Glare, radiation or fumes: Glare, radiation or fumes shall be imperceptible at lot boundaries.
- Smoke: Smoke shall not be emitted at a density in excess of classified levels.
- Materials or waste: No materials or wastes shall be deposited in such a manner that they may be transferred beyond the lot boundary by natural causes or forces. All materials which might cause fumes or dust, or constitute a fire hazard shall be in closed containers. No area will attract large numbers of birds, rodents or insects.



# HARBORVIEW BLOCK

Site Plan Review • Portland, Maine

July 28, 1999

## 14-525(b)(3)(c)(2) Total land area calculations

Total land area of the site: 15,876 SF

Total floor area: 39,020 SF

Total ground coverage of proposed buildings: 85.41 %

Total ground coverage of paved area and buildings: 97.25 %

## 14-525(b)(3)(c)(3) Summary of easements

No new easements or burdens will be placed on this property.

CITY OF PORTLAND, MAINE  
PLANNING BOARD

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John H. Carroll, Chair  
Jaimey Caron, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hagge  
Deborah Krichels  
Erin Rodriguez  
Mark Malone

November 29, 1999

Ms. Cynthia Orcutt  
Orcutt Associates  
81 Bridge Street  
Yarmouth, ME 04096

RE: HarborView Block, 145 Commercial Street 029-S-001

Dear Ms. Orcutt:

On September 14, 1999 the Portland Planning Board voted 5 - 1 to approve your Site Plan application. The Board found that the application met the standards of the Site Plan ordinance of the Land Use code.

The approval was granted for the project with the following condition(s):

- a. that the applicant submit additional information related to storm water management, erosion controls, a plan for vehicular and pedestrian safety during construction, and an updated existing and proposed site plan. These submissions should follow the recommendations of the Dufrense-Henry letter of 9/7/99, and the submissions are to be reviewed and approved by the Planning Office and the acting Development Review Coordinator.
- b. that the applicant coordinate final selection of streetlights, streetscape furnishings and details with the Planning staff to coordinate with the City's plans for the Boothby Square renovations.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #38-99, which is attached.

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

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.

O:\PLAN\DEVREVW\COMME145\APPRLET.WPD

CITY OF PORTLAND, MAINE  
PLANNING BOARD

---

John H. Carroll, Chair  
Jaimey Caron, Vice Chair  
Kenneth M. Cole III  
Cyrus Y. Hage  
Deborah Krichels  
Erin Rodriguez  
Mark Malone

November 29, 1999

Ms. Cynthia Orcutt  
Orcutt Associates  
81 Bridge Street  
Yarmouth, ME 04096

RE: HarborView Block, 145 Commercial Street

029-S-001

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O:\PLAN\DEVREVW\COMME145\APPRLET.WPD

29-5-1

September 2, 1999

Zoning Board of Appeals  
389 congress Street  
3<sup>rd</sup> Floor, Room 315  
Portland, Maine 04101

Dear Ms. Bordowitz and Members of the Zoning Board of Appeals:

We own The Moulton Block (The Whip and Spoon building), 161 Commercial Street, which is located on the corner of Commercial and Market Streets directly across from Eric Cianchette's proposed new building.

We enthusiastically support the construction of this new building but we do have one major concern - how the loading/unloading area will be handled. Since we have owned 161 Commercial Street (25 years) and for many years before that this building receives freight from a signed "Loading Zone " on Market Street. On the current plans for Eric's project it looks as though that loading area will be directly opposite ours. We are concerned that the creation of a second loading zone on Market Street will interfere with our existing loading zone. There must be a way to accommodate the freight needs of both buildings but we want absolute assurance that the loading zone area of 161 Commercial Street not be compromised or changed in any way.

Would your Board please request that Eric commit to us in writing that his loading zone will not interfere with ours at any time regardless of who owns the building he plans to construct?

Thank you for you kind consideration.

Sincerely yours,



John O. Robertson



Sonia Bill Robertson  
336 Danforth Street  
Portland, Maine 04102

Cc: Arthur Rowe  
David Caddell

**Orcutt**  
*Associates*

*Architecture*  
*Landscape Architecture*  
*Interior Design*  
*Planning*

August 4, 1999

Mr. Alan Holt  
Project Manager and Urban Designer  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Mr. Holt,

Enclosed are revisions to the Site Plan application for the Harborview Block in Portland, Maine. These revisions reflect changes in the design of the building, coordination of the site plan with the proposed Boothby Square design effort and response to the initial review comments forwarded by your office.

The following is a summary of the major revisions:

1. Decrease in the width of Fore Street.

The proposed Boothby Square design plan reduces the width of Fore Street to 15 feet in front of the proposed building. This causes the sidewalk in front of Harborview Block to increase in width.

After discussion with both Sarah Marshall, designer of the Boothby Square plan and Planning staff it was recommended that Fore Street be 17' in width. This slight increase over the original design will allow for the periodic stopping of service vehicles on Fore Street to service the Harborview Block.

The revised plan illustrates Fore Street at a 17' width and moves Harborview Block closer to Fore Street than the July 28, 1999 Site Plan. All other relationships between the building and site design on Fore Street remain unchanged.

2. Historic Granite Steps

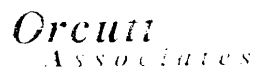
The proposed Boothby Square design plan calls for retaining the historic granite steps at the corner of Fore and Market Streets. These steps have been added to the Site Plan.

3. Loading Space on Commercial Street

The City's Parking Manager requested a loading/service space be provided for the building. The revised plan proposes designating one of the existing parking spaces off Commercial Street as a 15-minute loading only space. It would be possible to limit the time for loading to certain hours in order to provide vehicular parking at other times.

*81 Bridge Street  
Yarmouth, Maine  
04096*

*Telephone 207 846 7702  
Facsimile 207 846 5107*



4. Relocation of existing tree

One of the existing trees (Summit Ash) on Commercial Street sits directly in front of the opening entrance to the building. This tree will be relocated in an adjacent planting spot and the entrance to the building will remain free of planting. If the Summit Ash does not survive transplanting, the applicant will replace the tree with a matching specimen.

5. Modification of Site Walls

The landscape area fronting the building facing Fore Street has been modified to include a surround of low granite curbing. This curbing will contain the landscape edge and provide a neat foreground to the building.

Also included in the package is documentation that addresses issues raised in staff review including the following:

Zoning Administrator Review

*a. Building Heights*

The building heights have been recalculated according to criteria outlined by Planning staff.

*b. PAD Overlay*

Floor plans are included in this submittal.

*c. Loading Bay*

See Item #3 above.

*d. Off Street Parking*

The applicant will submit a miscellaneous appeal for the off-street parking.

*e. Street wall build-to line*

The building heights have been recalculated according to the criteria outlined by Planning staff.

*f. Signage*

The applicant is requesting a condition of approval to return to the Planning Board with details on signage once tenants for the building have been finalized.

3

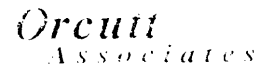
?

a



Dufresne-Henry, Inc. Review

- g. All sidewalks and curbing surrounding the building will be replaced during construction of this project. Please refer to the enclosed memorandum from Cianbro Construction, Inc., Construction Managers for the project, that outlines construction procedures for the development.
- h. Final engineering drawings for this development have not yet been submitted. These items will be addressed in the final engineering drawings.
- i. Underdrainage for the development has not been designed. Final engineering drawings will describe this system.
- j. Please refer to the Cianbro memorandum for construction storage and safety issues.
- k. Silt fencing will remain around the perimeter of the site, as indicated on the drawings, throughout construction. More detailed erosion control measures will be submitted.
- l. More detailed stormwater management will be addressed in the next submittal.
- m. See Item d above.
- n. See Item #3 above.
- o. A detail sheet for these items will be submitted.
- p. The final plans will be stamped by a Maine Registered Professional Engineer.



Urban Designer Review

- 1.a. A location for future public art has been identified on the Site Plan. A piece of public art is not part of this submission.
- 1.b. All street furnishings will be coordinated with final City choices for street furnishings in this area.
- 1.c. All four revised building elevations are part of this submission.
- 1.d. Buildings on adjacent parcels have been added to Site Plan.
- 1.e. Existing fire hydrants are located on the Site Plan.
- 2.a. The building height has changed substantially as a third floor has been added to the structure. See Item a above.
- 3.a. Final engineering drawings for this development have not yet been submitted. These items will be addressed in the final engineering drawings.

Parking Manager Review

Please refer to Items #1, #3, c. and d. above.

Please do not hesitate to contact me should you have any questions regarding the above issues.

Sincerely yours,

A handwritten signature in black ink, appearing to read "C. Plank Orcutt".

Cynthia Plank Orcutt, ASLA  
Principal



**CIANBRO**  
CORPORATION**THE CONSTRUCTORS**

328 West Commercial Street  
Portland, Maine 04102  
August 3, 1999



Mr. John R. Orcutt  
Orcutt Associates  
81 Bridge Street  
Yarmouth, ME 04096

RE: Harbor View Block – Construction Overview

Dear John:

As Construction Manager for the Harbor View Block Retail Development Project, Cianbro has reviewed the documents submitted to the planning board on July 28, 1999. This "down town" development is an exciting project for us and also brings it challenges since the building occupies the majority of the site. The following is a construction overview:

**SAFETY**

Cianbro's No. 1 priority and responsibility is to provide a safe work environment for our employees and we strive for 0 incidents. With over 1,500,000 work hours expended to date this year, we have a Lost Time Incident Rate of 0 and a Recordable Incident Rate of 3.44. We will maintain this same philosophy in the protection of pedestrian and vehicular traffic around the perimeter of the site. Cianbro will coordinate the continuation of the flow of pedestrian and vehicular traffic with the Portland Police and Public Works Department.

Prior to demolishing the existing building, a perimeter site fence will be installed outside of the curb line as noted on your drawing No. CO. Silver and Market streets have an additional sidewalk on the opposite side of the road that can be utilized by the public. Commercial and Fore street have sidewalks on the opposite side of the street however, we believe we can maintain pedestrian traffic through the use of solid barricades that will be positioned where hazards to pedestrian and vehicular traffic exist.

**SEQUENCE OF CONSTRUCTION**

As noted in the schedule attached with the submittal, demolition will begin around the last week of August and will have a duration of approximately 3-4 weeks. The concrete apron and sidewalk between Fore street and the existing parking structure will remain as long as practicable for crane and temporary field office access. It is anticipated that building construction will begin with site work around the last week of September followed by pile driving, foundations and steel erection. The completion of

328 West Commercial Street • Portland, Maine 04102 • (207) 773-5852 • Fax (207) 773-7617

the building shell is scheduled for June 1999 with up to four months of interior fit-up following the shell construction.

#### SITE ACCESS/STAGING

Gated access will be provided to the site at both Silver and Market streets for work south of the existing retaining wall. A gate will be required on the Fore street side for crane and field office access. If Commercial street power lines can be relocated below ground then a gate may be installed there as well.

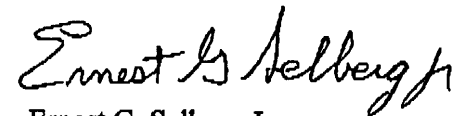
Through proper planning, materials will be coordinated to be off-loaded directly into the project site. Materials requiring staging will be staged at our Portland West Commercial Street Facility or small amounts may be stored at Eric Cianchette's existing parking lot off Fore street. It is anticipated that approximately six parking spaces would be temporarily eliminated. It is also anticipated that the majority of the work force will be transported from our facility or from other remote facilities, therefore eliminating the need for on street spaces for construction personnel.

Due to "curb to curb" construction, temporary blockage of streets will be required. This will occur mainly during the erection of structural steel that is scheduled for mid November through December of this year. The majority of steel can be erected without blocking traffic, however as we get to the bays closest to the streets, the crane will have to move further out. The two most likely locations for the crane to sit is on the Fore street side and the Commercial street side. The power lines will have to be installed below ground for the Commercial street location to work and only partial blockage would be required. On the Fore street location, the crane would sit between the existing retaining wall and would just protrude into the street. Barricades would be installed between the crane and traffic. Complete blockage would take place for the erection of the last bay. Other temporary blockage will take place, mainly on Market & Silver, for off-loading of steel and other sizable materials. Once again, Cianbro will coordinate all of the above with the Portland Police and Public Works Department.

We hope this overview helps clarify the construction process and look forward to refining these issues as the project moves forward. Please call me should you have any questions.

Very truly yours,

CIANBRO CORPORATION



Ernest G. Selberg Jr.  
Project Manager

EGS/egs

c: Linc Denison, Regional, Job File

City of Portland

Memo

To: Alan Holt, Urban Designer  
From: John Peverada, Parking Manager  
Date: July 28, 1999  
Re: Harborview Block

After reviewing the submittal for the proposed "Harborview Block", I am quite impressed with the project and believe that it will be a wonderful improvement and addition to that site. However, I do have a few comments concerning the letter of July 27, 1999 from Mr. Peter Hedrick, PE to Ms. Cynthia Orcutt regarding his Traffic and Parking Review. While I agree that the majority of the parking requirements for the retail spaces (excluding employees) will be satisfied by on street parking, existing garages, etc, I do not believe that the ordinance requirement of one parking space per 400 sq. ft. of office is sufficient. Therefore the developer should be required to provide over 100 off street parking spaces. Hopefully if necessary the Board of Appeals will approve the location of the parking spaces if they should be over 100' from the building.

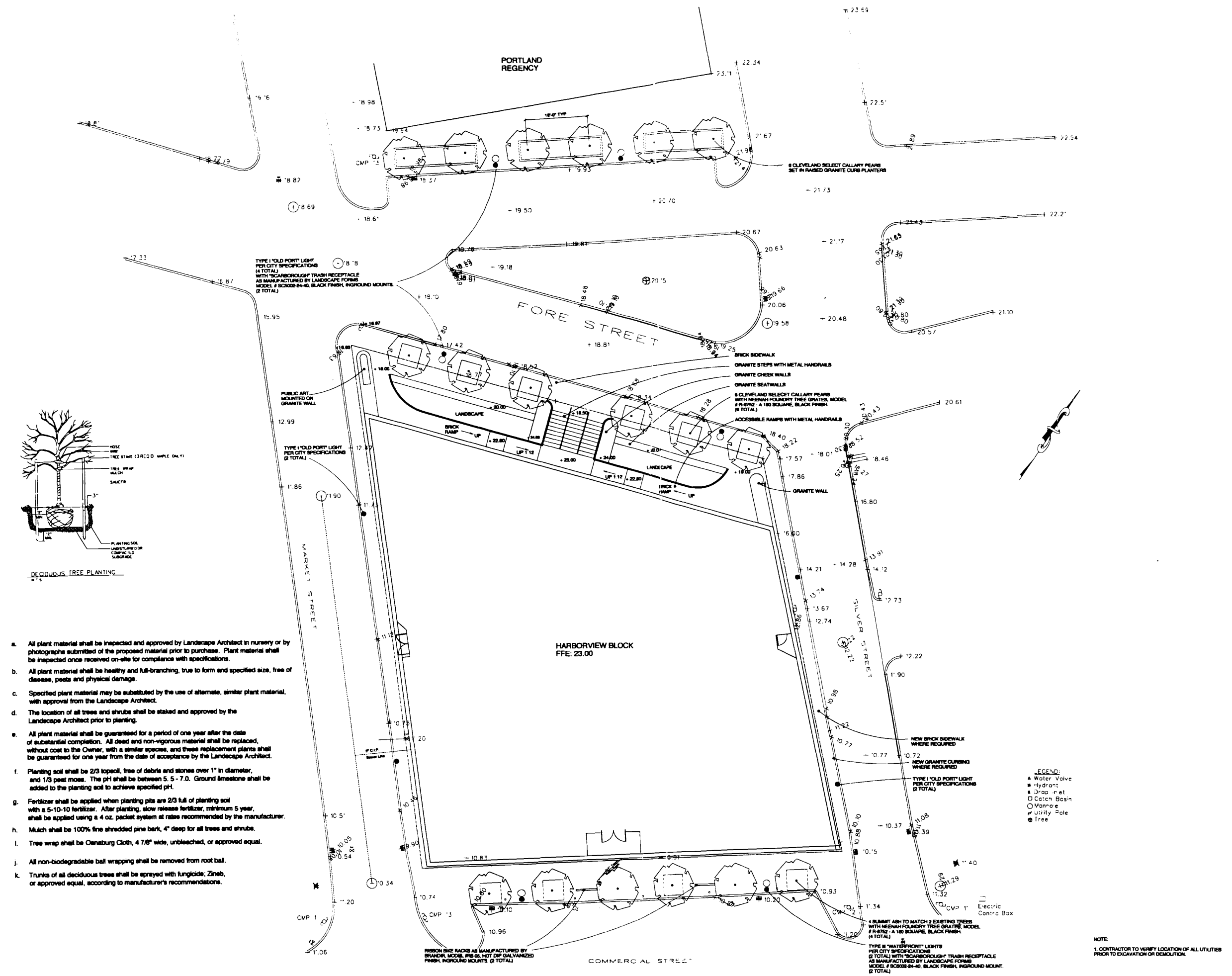
The developers have identified a total of 320 parking spaces in three lots currently under their control of which 165 are needed for their other properties potentially leaving 155 spaces available for this project. I just think that the staff should verify that none of these spaces are already being counted for other projects. The fact that there is not a driveway servicing this building bothers me. This project will have approx. 13,500 sq. ft. of retail space. The ordinance requires one off street space of 14' x 50', for retail uses of 5 - 40,000 sq. ft. which may be somewhat excessive. Since the intent of that size space is to accommodate a tractor-trailer, truck and with the exception of moving vans we will see few of those at this site. However many retailers get very frustrated when it is difficult for them to get deliveries, or their customers have no place to park for a quick pick up. The best example of this is the shops at 2 Portland Square. Two of the retailers are constantly complaining that they receive parking tickets while parked in the No Parking Zone in front of their businesses (and they have a loading door at the rear of the building but they say it is inconvenient). Many times when vehicles are parked in a No Parking Zone traffic becomes congested and safety issues arise. To avoid future conflicts, and to attract and retain tenants I think that it would be prudent for the developer to provide an off street delivery area even if it ends up being an enclosed area only accessible via an overhead door.

Since Market and Silver streets are so narrow, there should be a five minute drop off zone at the Fore Street entrance which could be accommodated by a tear drop / indentation in the curbing. Finally, due to the size and scope of this project, I think that the developer should be required to insist that the contractor, sub-contractor and employees of the same park their vehicles off site and not tie up valuable on street spaces. During the construction of Merrill Auditorium similar language was added to the construction documents.

If you should have any questions or concerns about my comments, please do not hesitate to contact me. Once again I think that the proposed Harborview Block will be noticeable improvements to the site.

CC: Joe Gray, Director of Planning and Urban Development  
Gloria Thomas, Department Head

BCC Mary S.  
LARRY ASH



- a. All plant material shall be inspected and approved by Landscape Architect in nursery or by photographs submitted of the proposed material prior to purchase. Plant material shall be inspected once received on-site for compliance with specifications.
- b. All plant material shall be healthy and full-branching, true to form and specified size, free of disease, pests and physical damage.
- c. Specified plant material may be substituted by the use of alternate, similar plant material, with approval from the Landscape Architect.
- d. The location of all trees and shrubs shall be staked and approved by the Landscape Architect prior to planting.
- e. All plant material shall be guaranteed for a period of one year after the date of substantial completion. All dead and non-vigorous material shall be replaced, without cost to the Owner, with a similar species, and these replacement plants shall be guaranteed for one year from the date of acceptance by the Landscape Architect.
- f. Planting soil shall be 2/3 topsoil, free of debris and stones over 1" in diameter, and 1/3 peat moss. The pH shall be between 5.5 - 7.0. Ground limestone shall be added to the planting soil to achieve specified pH.
- g. Fertilizer shall be applied when planting pits are 2/3 full of planting soil with a 5-10-10 fertilizer. After planting, slow release fertilizer, minimum 5 year, shall be applied using a 4 oz. packet system at rates recommended by the manufacturer.
- h. Mulch shall be 100% fine shredded pine bark, 4" deep for all trees and shrubs.
- i. Tree wrap shall be Oensburg Cloth, 4 7/8" wide, unbleached, or approved equal.
- j. All non-biodegradable ball wrapping shall be removed from root ball.
- k. Trunks of all deciduous trees shall be sprayed with fungicide; Zineb, or approved equal, according to manufacturer's recommendations.

- LEGEND:**
- ▲ Water Valve
  - Hydrant
  - Drain Inlet
  - Catch Basin
  - Manhole
  - ⊕ Utility Pole
  - Tree

**NOTE:**  
 1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO EXCAVATION OR DEMOLITION.

**NOT FOR CONSTRUCTION**

No.	Description	Date

**HarborView Block  
 Portland, ME**

**Site Plan**

Scale: 1" = 10'-0" Date: 7/26/06  
 Drawn By: MHR  
 Checked By: CPO  
 Approved By: CPO  
 Project No: 09035.00

DWG NO: **L1**

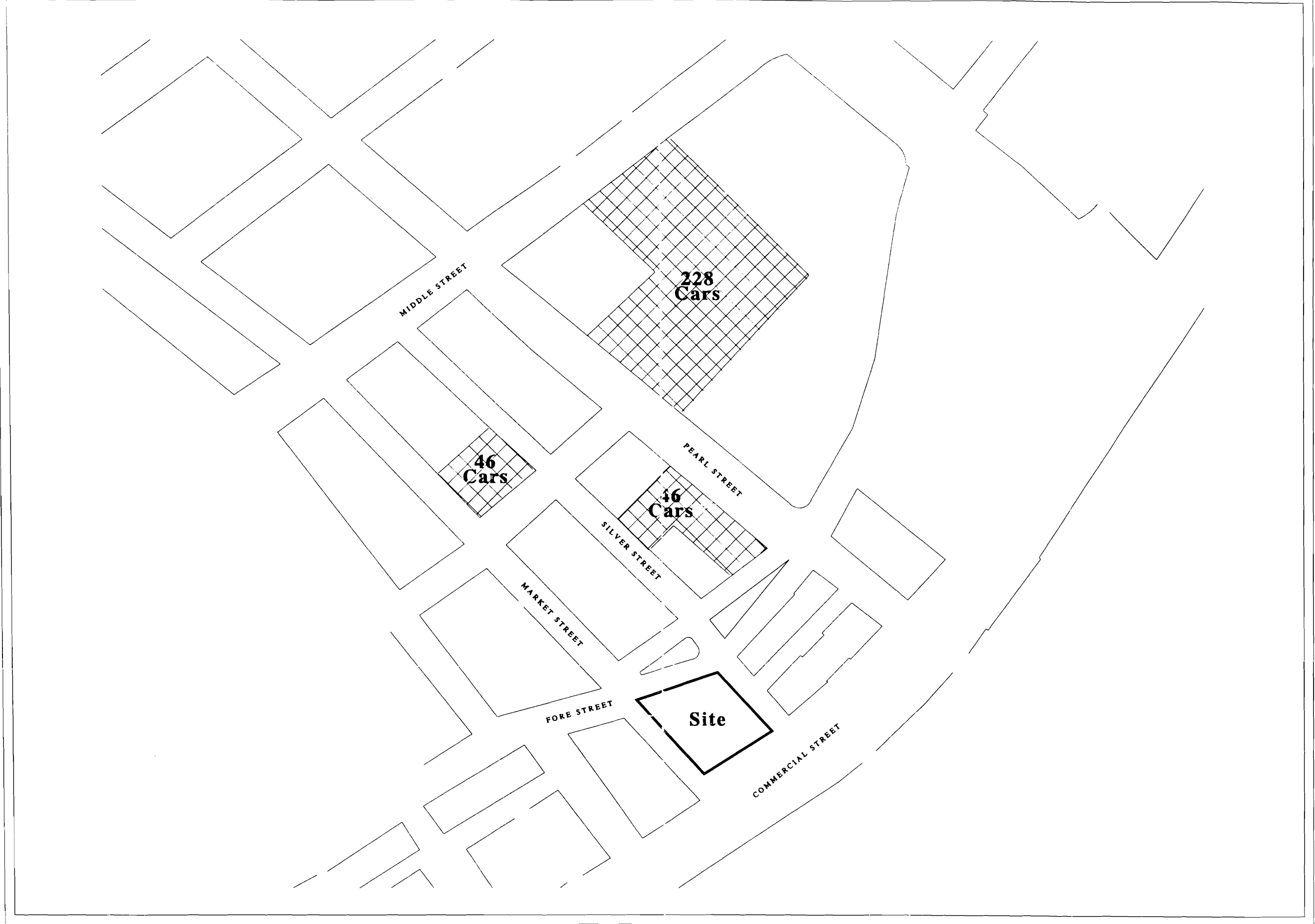


FORE STREET ELEVATION

**Harbor View Block**  
Portland, Maine

Scale: 1" = 20'-0"  
Date: July 9, 1999

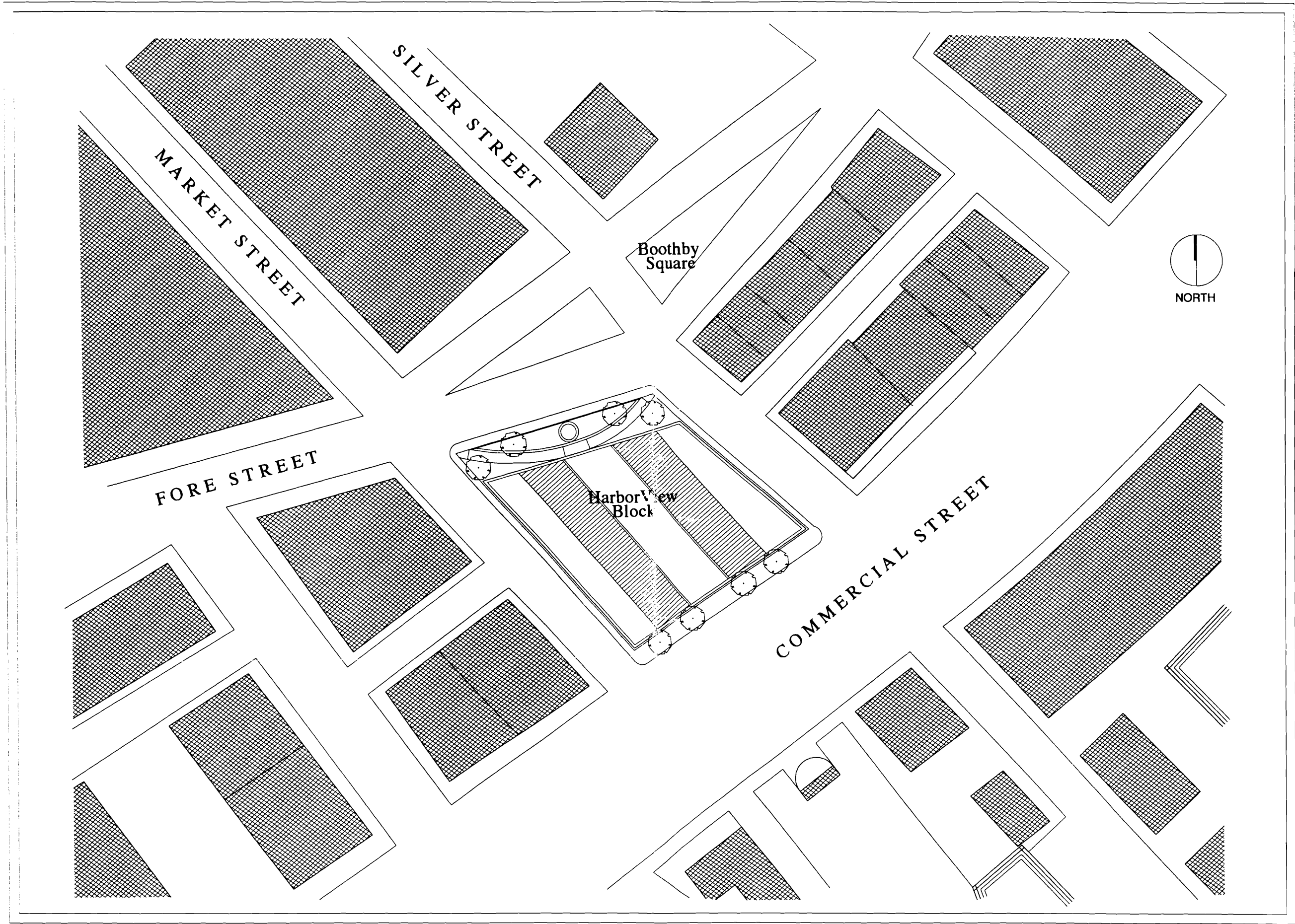
**Orcutt**  
ASSOCIATES  
81 Bridge Street  
Yarmouth, Maine 04096



Parking Diagram  
Not to Scale  
July 28, 1999

**HarborView Block**  
Portland, Maine

**Orcutt**  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096



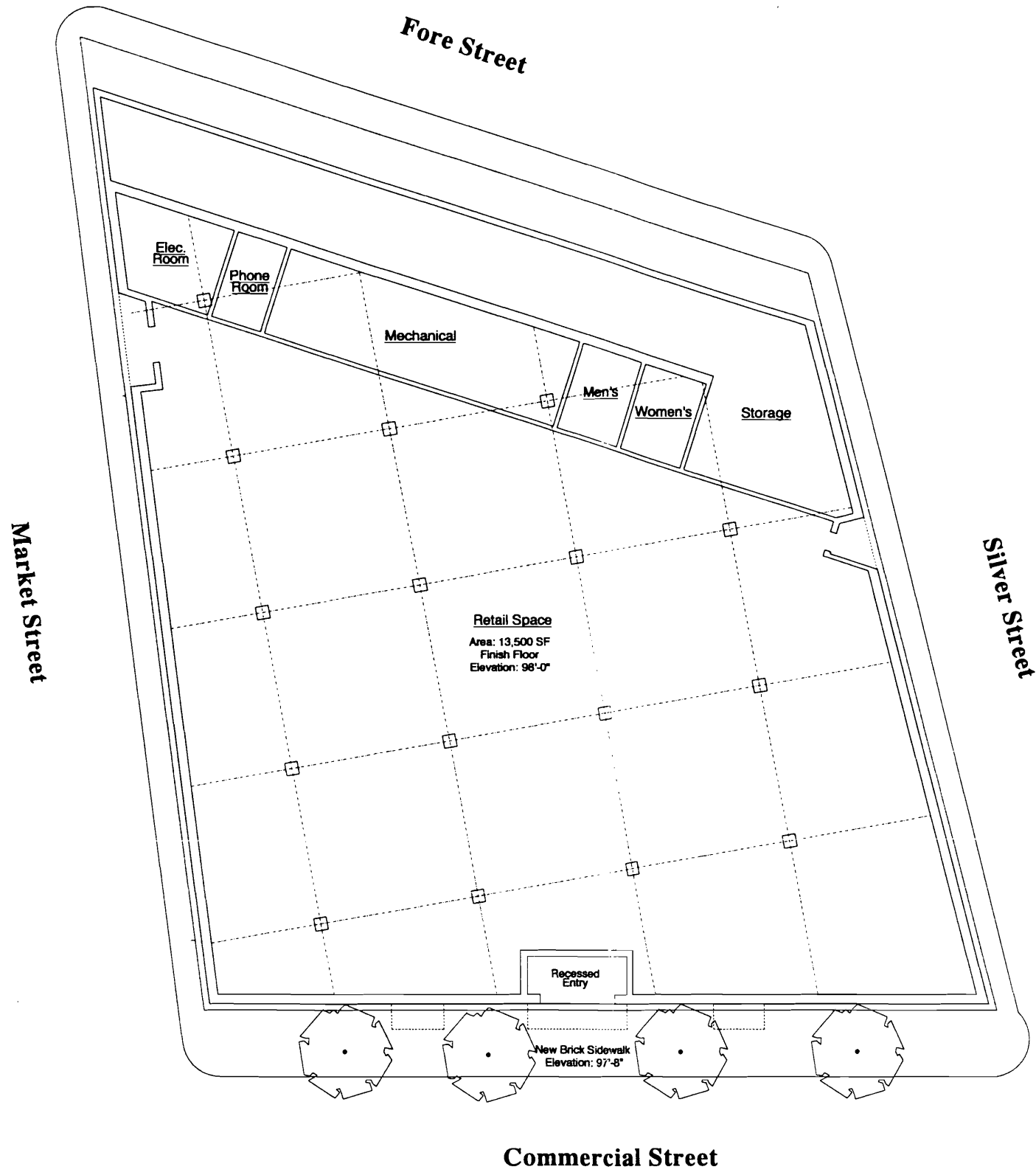
Preliminary Site Plan  
 Scale: 1" = 50'-0"  
 Date: July 9, 1999

**HarborView Block**  
 Portland, Maine

*Cranchette*

**Orcutt**  
 ASSOCIATES  
 81 Bridge Street  
 Yarmouth, Maine 04096

7/20/99

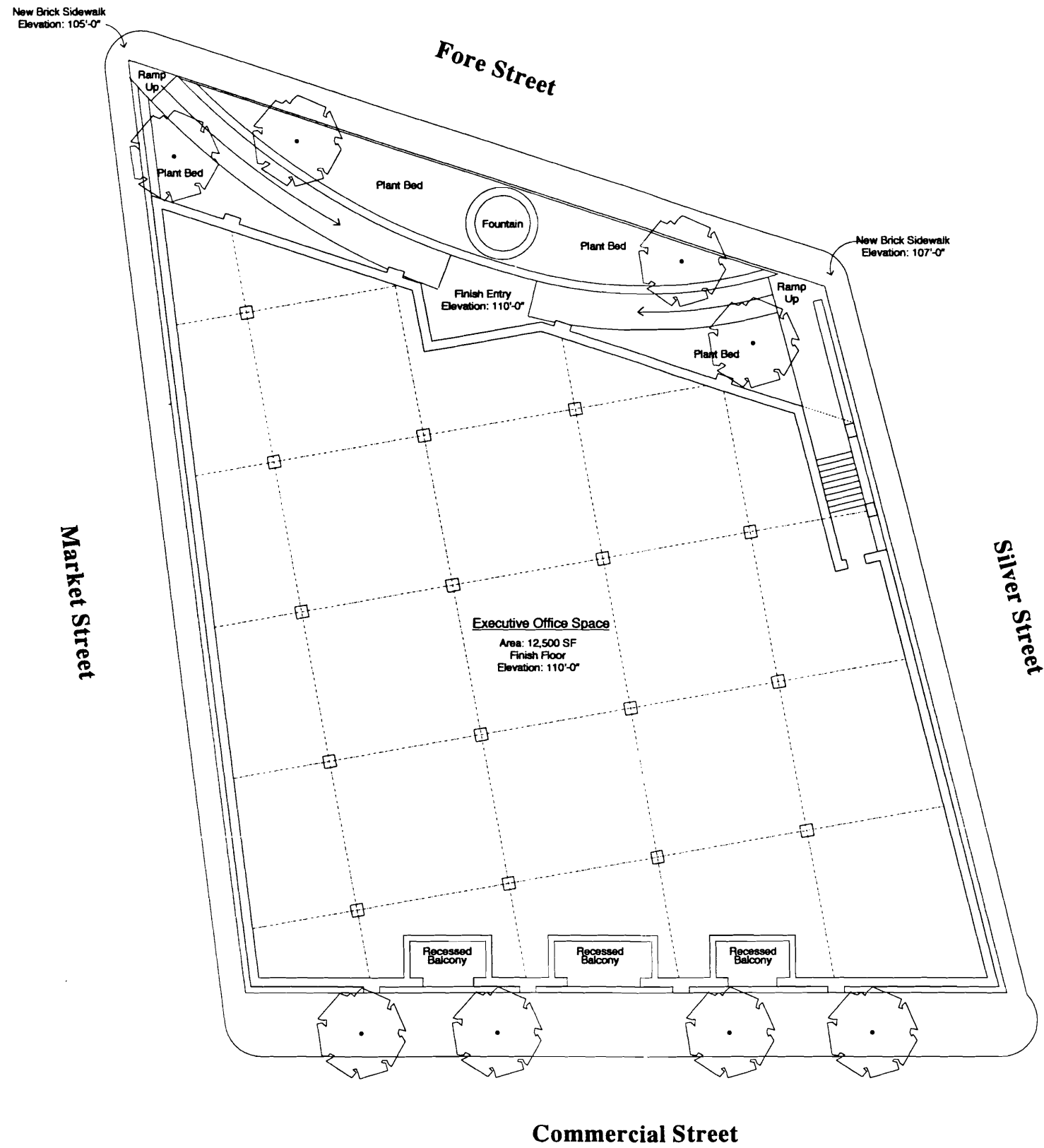


Lower Level Plan  
 Scale: 1" = 20'-0"  
 Date: July 12, 1999

**HarborView Block**  
 Portland, Maine

*Orcutt*  
 Associates  
 81 Bridge Street  
 Yarmouth, Maine 04096

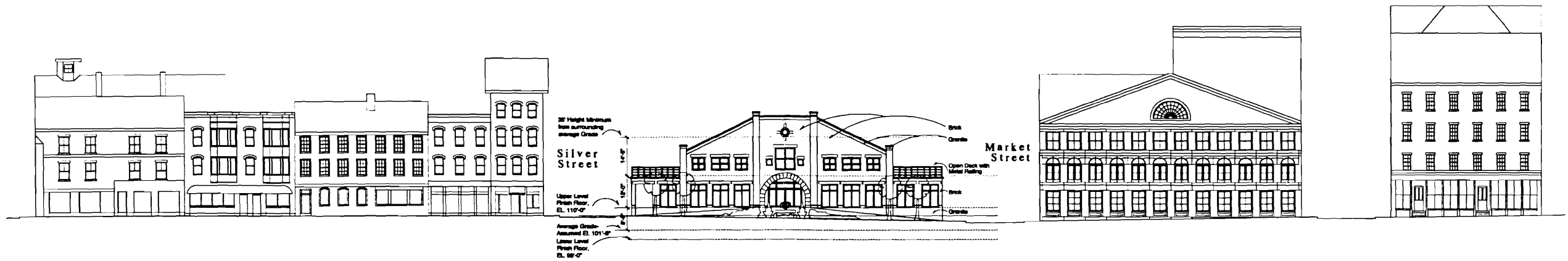




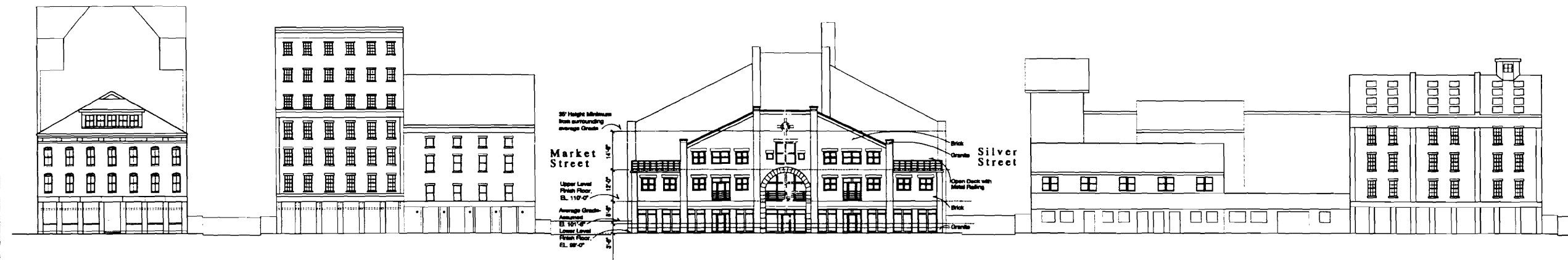
Upper Level Plan - Scheme 1  
 Scale: 1" = 20'-0"  
 Date: July 12, 1999

**HarborView Block**  
 Portland, Maine

**Orcutt**  
 Associates  
 81 Bridge Street  
 Yarmouth, Maine 04096



FORE STREET ELEVATION

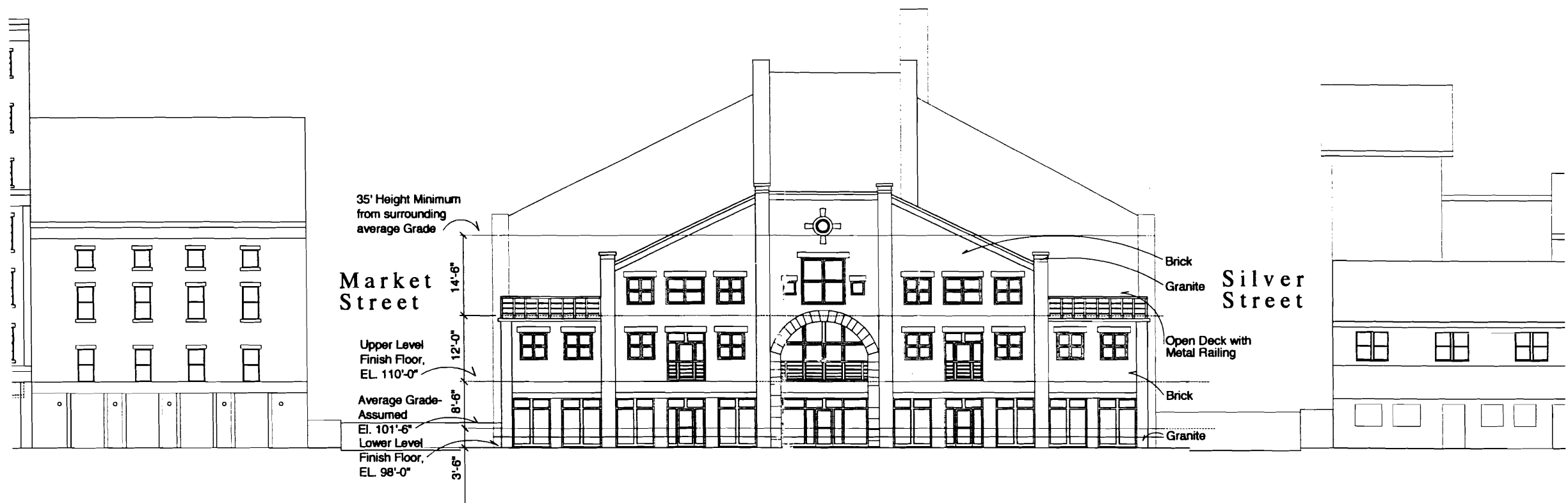


COMMERCIAL STREET ELEVATION

Street Elevations  
 Scale: 1" = 50'-0"  
 Date: July 9, 1999

**HarborView Block**  
 Portland, Maine

**Orcutt**  
 ASSOCIATES  
 81 Bridge Street  
 Yarmouth, Maine 04096

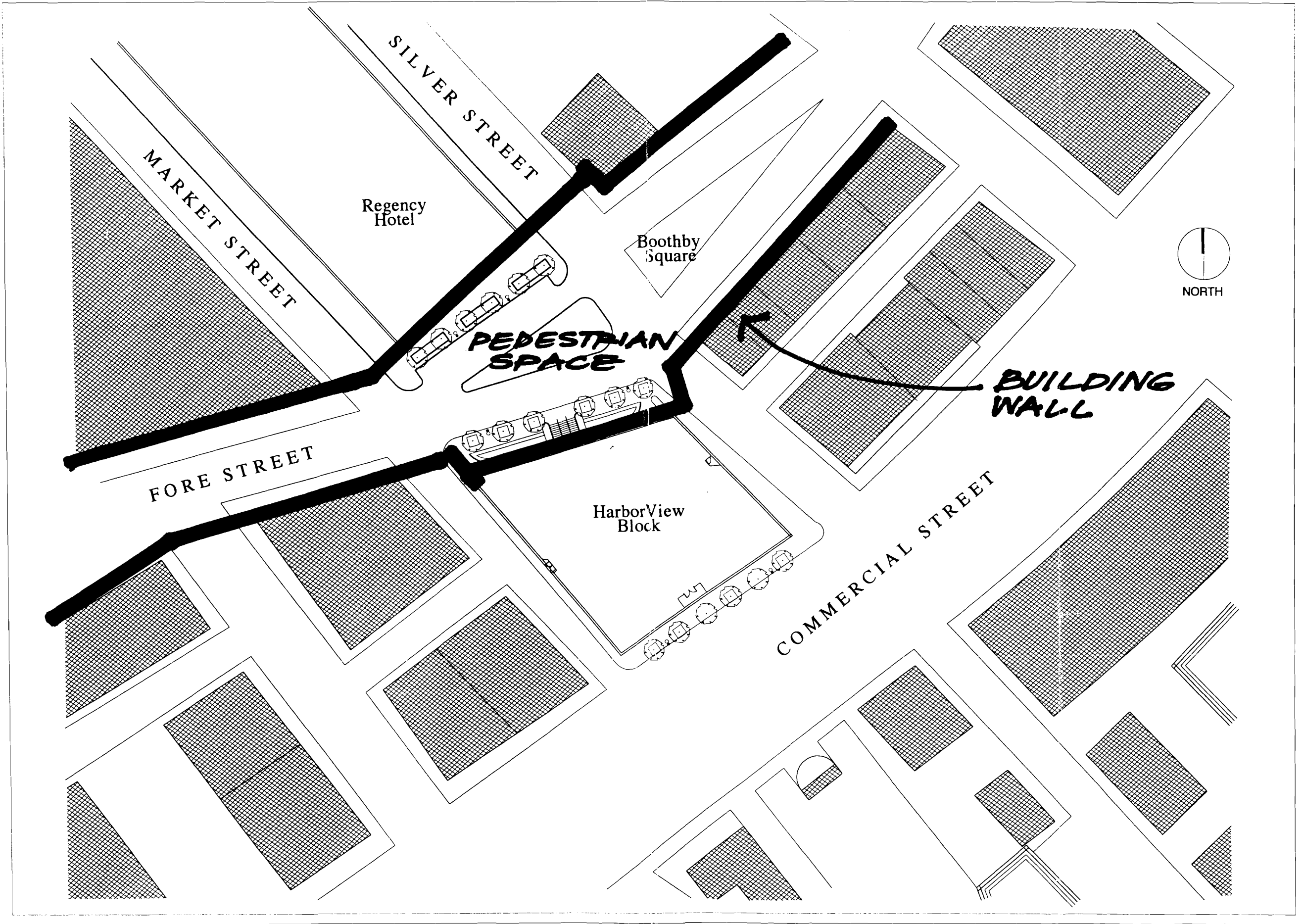


COMMERCIAL STREET ELEVATION

**HarborView Block**  
Portland, Maine

Scale: 1" = 20'-0"  
Date: July 9, 1999

**Orcutt**  
Associates  
81 Bridge Street  
Yarmouth, Maine 04096



Context Plan  
 Not to Scale  
 July 28, 1999

**HarborView Block**  
 Portland, Maine

**Orcutt**  
 Associates  
 81 Bridge Street  
 Yarmouth, Maine 04096