

2008-0038

39-B-15  
87 Spring St.  
Parking lot  
Portland Museum of Art

# Verrill Dana<sub>LLP</sub>

Attorneys at Law

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February 28, 2007

## BY HAND DELIVERY

City of Portland  
Planning Board  
389 Congress Street  
Portland, Maine 04101

Dear Sir or Madam:

My client, the YWCA of Greater Portland (the “YWCA”), hereby appeals the City of Portland’s denial of the demolition permit and a change of use for its property located at 87 Spring Street, Portland, Maine. The YWCA respectfully requests that the Planning Board grant a change of use from residential to commercial at 87 Spring Street or allow demolition of the property to proceed because (1) the YWCA’s initial proposal to Portland’s City Council was a project of special merit, and (2) Section 14-483, “Preservation and Replacement of Housing Units” (the “Ordinance”), is unconstitutional and thus the absence of either replacement housing or a payment to the City’s housing fund cannot serve as a valid basis for the denial.

The YWCA’s proposal to the City Council of Portland, as set forth in the YWCA’s December 28, 2006 letter to Mayor Nicholas M. Mavodones, Jr., was a project of special merit. Pursuant to Section 14-483(n)(2) of the Ordinance, the City Council could and should have excluded the 87 Spring Street property from the scope of the Ordinance as part of a “project of special merit.” The YWCA’s “project” would have been of special merit to the City in that a guaranteed amount of money would have been paid to the City’s housing fund; additional guaranteed amounts would have been paid to the Maine State Housing Authority (“MSHA”) for housing, and, in addition, any surplus resulting from the sale of the property would have been paid to the City and/or MSHA to further housing goals. Additionally, the YWCA would have donated its 6-unit property at 22 Park Avenue to Youth Alternatives, which would allow it to continue providing housing and services to young families.

Moreover, even if the YWCA’s project is not of special merit, the Ordinance does not pass constitutional muster under both the United States and Maine Constitutions on several grounds including, but not necessarily limited to: (1) a violation of the YWCA’s Equal Protection rights, (2) a violation of the YWCA’s Due Process rights, (3) an impermissible taking under both state and federal law, (4) an unconstitutional tax, and (5) an invalid fee. Accordingly, any noncompliance with the Ordinance does not serve as a valid basis for the denial.

February 28, 2007

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For the foregoing reasons, the YWCA respectfully requests that the Planning Board grant a change of use from residential to commercial at 87 Spring Street or, in the alternative, to allow for demolition to proceed unencumbered by the requirements of the Ordinance.

Very truly yours,

  
Daniel L. Rosenthal

DLR:sms

cc: Lee Urban, Director of Planning and Development  
Penny Littell, Esq., Corporation Counsel  
Margaret Cleveland, YWCA Board Chair  
Roger Clement, Esq.

YWCA OF GREATER PORTLAND  
c/o Margaret F. Cleveland, Board Chair  
31 Alba Street  
Portland, ME 04103

December 28, 2006

Mayor Nicholas M. Mavodones, Jr.  
City of Portland  
389 Congress St.  
Portland, ME 04101

Re: YWCA Request for Project of Special Merit Exception

Dear Mayor Mavodones:

Enclosed is a letter setting forth the request by the YWCA of Greater Portland for a "project of special merit" exception under the City's replacement housing ordinance (the "Ordinance"). Yesterday, after my letter was substantially complete, the Director of the Maine State Housing Authority ("Maine Housing") informed me by telephone that the impact of the Ordinance, along with discovery of asbestos in the YWCA's building, have caused Maine Housing to be unwilling to execute the agreement that would have served as an "opening bid" of \$1.2 million and would have obligated Maine Housing to release its housing covenant in exchange for \$200,000 payment by the YWCA.

I have asked Maine Housing to honor its agreement (reached in October 2006) to release its covenant in exchange for the negotiated amount of \$200,000. Because the agreement was memorialized in numerous writings, because the YWCA has relied on the agreement, and because the parties even contemplated and drafted a provision for this very circumstance--that Maine Housing would not wish to proceed to purchase the property for any number of reasons<sup>1</sup>--I have every expectation that Maine Housing will in fact honor its agreement.

Because of time constraints, I have not redrafted the portions of my letter to you that are based on the YWCA's agreement with Maine House.<sup>2</sup> As it relates to Maine Housing, the central point of the proposal is that the YWCA shall pay \$200,000 from sale proceeds to Maine

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<sup>1</sup> Under this circumstance, Maine Housing would still be obligated to release the covenant in exchange for payment of \$200,000.

<sup>2</sup> Because the latest version had included (at the YWCA's request) a prohibition on disclosing the amount of the release fee, Maine Housing's opening bid, and option amount, we had asked Maine Housing for permission to disclose those amounts to the Council. Because Maine Housing failed to respond to our several requests, because of Maine Housing's decision to not go forward with the agreement as drafted, because all of this is subject to Freedom of Information Act disclosure in any event, because the confidentiality provision was inserted at the YWCA's request in the first place, and, finally, because complete transparency is critical to the YWCA's presentation to the Council, we have decided to disclose the figures.

Housing. Maine Housing has informed the YWCA in writing that it would use those funds as a subsidy toward replacing housing units for women in Portland. The YWCA respectfully requests that the Council consider its proposal using the assumption that the YWCA will pay the \$200,000 release fee to Maine Housing, and that Maine Housing will use it for the purposes specified. The YWCA would consent to the Council conditioning the grant of an exception to the YWCA upon Maine Housing receiving the \$200,000 release fee, and Maine Housing using those funds for housing in Portland.

Realizing that you and the other Council Members are extremely busy, and recognizing that my enclosed letter is quite lengthy, I will set forth here the specific points of the YWCA's proposed project of special merit. The YWCA proposes that the council permit the sale of the property at 87 Spring Street free of the restraints of the Ordinance, conditioned upon the

1. The YWCA shall pay into the City's housing fund all surplus sale proceeds up to the Maine Housing Option price of \$2,842,000 (after paying the \$200,000 fee to Maine Housing and all valid claims), provided, however, that the minimum to be paid to the housing fund shall be \$200,000 regardless of the actual surplus. (By way of example, if the total debts are \$2,000,000 and the sale price is \$2,500,000, then the City would receive \$500,000 under this provision. By way of further example, if the total debts are \$2,000,000 and the sale price is \$2,000,000, then the City would receive the guaranteed minimum--\$200,000)
2. The YWCA shall pay \$200,000 to Maine Housing in exchange for the release of its covenant. Maine Housing has stated that it will use these funds as a subsidy for housing for women in Portland, and any exception from the Ordinance would be conditioned on Maine Housing's confirmation of this intention.
3. The YWCA shall pay \$90,321 to Maine Housing in exchange for a release of Maine Housing's mortgage.
4. The YWCA shall donate its 6-unit property at 22 Park Avenue to Youth Alternatives, thereby allowing that valuable non-profit to continue its mission of providing housing and services to young families.
5. The YWCA shall donate any surplus sale proceeds up to the Maine Housing option price of \$2,842,000 (after paying \$200,000 to Maine Housing and paying all creditors) to the City of Portland in furtherance of housing goals. (By way of example, if the total debts are \$2,000,000 and the sale price is \$2,500,000, then the City would receive \$500,000 under this provision).

Mayor Nicholas M. Mavodones, Jr.

December 28, 2006

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6. The YWCA shall donate any surplus resulting in a sale price higher than \$2,842,000 to Maine Housing, thereby furthering housing goals.
7. The YWCA shall give Maine Housing a "head start" in any bidding by allowing it to credit bid its \$200,000 release fee and its \$90,321 mortgage claim, and by granting it an absolute right to purchase the property for \$2,842,000. The YWCA shall also allow a \$200,000 credit to any buyer that does not wish to have the Maine Housing covenant removed.
8. The YWCA shall use sale proceeds to pay employees and other creditors.

Thank you for your consideration of this very important matter.

Sincerely,



Margaret Cleveland, Board Chair

MC:pcr  
Enclosure

cc: Members of the Portland City Council  
Dale McCormick, Director, Maine Housing  
Joseph E. Gray, City Manager  
Gary Wood, Corporation Counsel  
Lee Urban, Director of Planning and Development  
Doug Gardner, Director of Health and Human Services  
Penny Littell, Asst. Corporation Counsel  
Alex Jaegerman, Director of Planning  
Brenda Harvey, DHHS  
Jane Lincoln, Office of Governor John Baldacci  
Board members, YWCA  
Roger A. Clement, Esq.

# Verrill Dana<sup>LLP</sup>

Attorneys at Law

ROGER A. CLEMENT, JR.  
PARTNER  
rclement@verrilldana.com  
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ONE PORTLAND SQUARE  
PORTLAND, MAINE 04112-0586  
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July 13, 2007

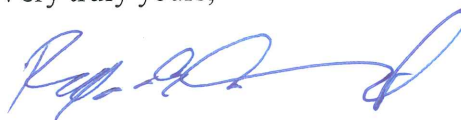
City of Portland  
Planning Board  
389 Congress Street  
Portland, ME 04101

Dear Sir or Madam:

The YWCA of Greater Portland hereby withdraws its appeal, filed under cover letter dated February 28, 2007, of the City of Portland's denial of the demolition permit and change of use permit for its property located at 87 Spring Street.

If you have questions, please do not hesitate to call me.

Very truly yours,



Roger A. Clement, Jr.

RAC:mjh

cc: Lee Urban, Director of Planning and Development  
Penny Littell, Esq. Corporation Counsel  
Margaret Cleveland, YWCA Board Chair  
Benjamin E. Marcus, Esq., Counsel to Portland Museum of Art  
Daniel L. Rosenthal, Esq.

P:\Departments\Bankr\88080\Ltrs\CityofPortland.07.13.07.doc

Fraser

Dan, Tom, Jimi, Penny, Jeff



**To:** All reviewers  
**From:** Jean Fraser  
**Date:** May 7 2008

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Additional information submitted for the following project:

**Application ID #:** 2008-0038  
**Project Name:** PMA parking lot and gardens  
**Project Address:** 87 Spring Street

**Comments needed by:** PB Workshop Memo being completed Friday, May 9 lunchtime so if you can comment please send to me by then or for the Board on Tuesday (May 13) afternoon

**THESE RECEIVED 10AM MAY 7th**





**To:** All reviewers except Fire Department

**From:** Jean Fraser, Planner

**Date:** April 16, 2008

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Additional information submitted for the following project:

**Application ID #:** 2008-0038

**Project Name:** PMA Parking Lot

**Project Address:** 87 Spring Street

**Comments needed by:** April 30, 2008 (PB Workshop May 13<sup>th</sup>, 2008)

Please see supplementary information regarding lighting, railings and retaining wall treatment, and timeframe for this development (ie they state it will be 15-20 years before permanently developed).

April 11, 2008

Ms. Barbara Barhydt, Development Review Services Manager  
City of Portland Planning Department  
389 Congress St.  
Portland, ME 04101

**Re: Supplemental Submission Information  
Portland Museum of Art, Spring Street Site Plan Submission  
Tax Map 39B, Lot 15**

Dear Barbara:

Thank you for the call yesterday alerting me to the change in schedule for the workshop for the Museum's Spring Street Parking and Garden project. We have informed the client of the change in the workshop date to May 13, 2008, and as discussed with you will continue to follow-up with City staff to resolve any issues that may arise as you continue your review of this application. Per our conversation, I submit the following supplemental information on behalf of the Museum in support of the pending request for Conditional Use and Minor Site Plan approval.

1. Photometrics:

We have completed the revisions to the site lighting plan (Sheet L2.1) and have had the attached photometric chart prepared for the site. As you can see we have maintained an average of one foot candle within the parking lot and are in conformance with the minimum to maximum requirement of the Technical Supplement. The height of the lights on this plan have been reduced to 15 feet and the wattage of each fixture reduced to 100, which we find to be a better solution than the one previously outlined in our submission of March 30, 2008.

2. Railing at the Existing Retaining Wall:

The existing retaining wall that separates the Museum property from the Harper Hotel has the proper safety barrier between the upper and lower lots. In two areas the existing fence is attached to the top of the wall and in the middle section chain link fencing has been placed against the wall at the upper level to create the appropriate barrier. We enclose a revised plan (L2.0) and section (L5.2) which indicates that the Museum proposes to repair and paint the two sections of chain-link fence that comply with code and to install new, lower chain-link fence in the middle section of the retaining wall so that the existing larger panels can be removed. We have confirmed that the wall is on the Museum's property and that they have the necessary rights to make the improvements discussed above.

3. Short and Long-Range Plans for the Site:

As discussed with the City staff in March, the Museum has developed the current plan as a short-range, interim plan that will provide the Museum with some use of the property while they develop a long-range plan for this parcel. The Board of Trustees recognized the importance of securing the property when the YWCA was closed, and acted to secure the property to help meet the long-term mission of the Portland Museum of Art. The Museum believes that it will take 20 to 25 years to properly develop a long-range plan for the property,

implement a capital program/campaign and start the construction related to the long-range plan for the property. Accordingly, the interim use of this parcel for parking and gardens is viewed by the Museum as a 15 to 20 year commitment. The design of the project has been based upon this time frame and is reflected in the selection of plant materials, the utility design and the other site improvements proposed for the property.

Please review this supplemental information and the enclosed plans and call if you have any questions. We can meet with you and/or Ms. Frasier if you want to review any of the submission material in greater detail.

Sincerely,



Stephen B. Mohr, ASLA

Cc: Mr. Dan O'Leary, PMA  
Mr. Thomas Denenberg, PMA  
Mr. Charlton Ames  
Mr. Hans Underdahl

April 23, 2008

Ms. Jean Fraser, Planner  
City of Portland  
389 Congress St.  
Portland, ME 04101-3503

**Re: Portland Museum of Art Site Plan Submission Response to Staff Questions  
Spring Street Parking and Gardens**

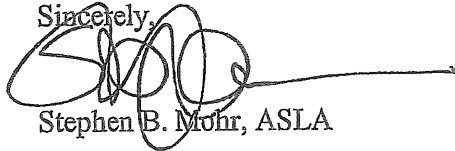
Dear Ms. Fraser:

Thank you for the telephone message on Friday regarding staff issues that have been raised for the Museum's proposed project on Spring Street. I offer the information below in response to your questions, and each item as a separate issue;

1. **Use of the Parking Lot by the PMA**  
As indicated in our submission dated March 31, 2008, the 45 car parking lot is being constructed to serve the Museum's administration, staff and volunteers. Based on input from the Museum we know that the Museum administration, staff, volunteers and docents will be using this parking area on a daily basis, and therefore the 20 foot wide travel lane and tandem parking can be successfully managed. There will be other occasions when the Museum Trustees, visiting artists, special exhibit curators, exhibit installers, contractors or contracted work forces for the Museum may use this parking lot for specific short-term needs. The Museum is not constructing this parking lot for use by the general public. I trust this detailed response will address the staff concerns regarding the travel lane width and use of the tandem parking spaces.
2. **Trellis and Wall Fence Details:**  
Our initial submission I indicated that the existing concrete wall would have trellises attached to it at 10' intervals on part of the wall. On top of the wall sections of the existing chain-link fence will be preserved, but new 22" high chain-link fence will be installed where a temporary chain-link barrier has been placed. In the supplemental submission made to the department on April 11, 2008 we included a section of the wall showing these improvements on drawing L5.2. At the time of the workshop we will provide additional graphics that further define the design of both the trellis and the new fence.
3. **Proposed Site Lighting:**  
The photometric plan that was prepared and submitted on April 11, 2008 for the lighting for the project provides safe and sufficient light levels for the use of the parking based upon our discussions with the Museum, our experience, and generally accepted lighting standards for parking lots. As can be seen in the summary chart on drawing L2.1 there is an average level of 1.02 footcandles in the parking lot and the

minimum to maximum light range falls within the range of 0 fc to 6.9 fc. There are three locations within the parking lot where the illumination level is considered low at a level of 0.1 fc. It is our opinion that these isolated areas of lower light levels will in fact be sufficiently illuminated due to the lighting sources adjacent to this property, including illumination from the Holiday Inn on Spring Street. It is our intent to request a waiver from the Planning Board for any areas of nonconformity with the City's Technical Standards because the Museum does not want to create excessive light levels in this part of their property.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Mohr", with a long horizontal line extending to the right.

Stephen B. Mohr, ASLA

Cc: Hans Underdahl  
Charlton Ames  
Dan O'Leary  
Tom Denenberg



April 23, 2008

Ms. Jean Fraser, Planner  
City of Portland  
389 Congress St.  
Portland, ME 04101-3503

**Re: Portland Museum of Art Site Plan Submission Response to Staff Questions  
Spring Street Parking and Gardens**

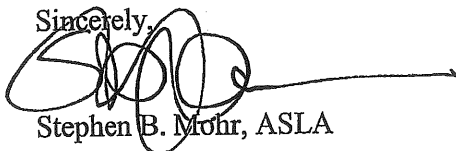
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Stephen B. Mohr, ASLA

Cc: Hans Underdahl  
Charlton Ames  
Dan O'Leary  
Tom Denenberg

March 31, 2008

Ms. Barbara Barhydt, Development Review Services Manager  
City of Portland Planning Department  
389 Congress St.  
Portland, ME 04101

**Re: Portland Museum of Art, Spring Street Site Plan Submission  
Tax Map 39B, Lot 15**

Dear Barbara:

On behalf of the Portland Museum of Art (The Museum) we submit the attached site plan and Conditional Use applications, plans, and documents in support of a request for Conditional Use Site Plan approval for the property at 83 Spring Street recently purchased by The Museum. As you know from our meetings and discussions, The Museum is proposing to utilize this property for parking to support the Museum's mission, for outdoor gardens and to improve the appearance of the Museum's facilities on Spring Street. The Museum is putting forth this plan as an interim measure while it develops a long-range Master Plan for the former YWCA property.

The 38,500 s.f. parcel is located at the corner of Oak and Spring Streets and is within the B-3 Downtown Business Zoning District. Parking is permitted within this zone as a Conditional Use and requires Planning Board approval of a site plan developed in conformance with Portland's Land Use Ordinance. The proposal by The Museum is to create a paved parking area for 45 vehicles on the southwesterly corner of the property and to regrade 16,000 s.f. of the lot to create three landscaped terraces paralleling Spring Street. The site improvements will include new storm drainage, site lighting and planting.

Our office has developed this site plan in response to the specific program of The Museum, the historic residential precedents on Spring Street, and the functional issues which exist at this parcel. The proposed parking area includes 35 regular spaces and 10 tandem spaces for a total count of 45 vehicles. This lot will be used primarily by Museum staff, volunteers, docents, and therefore the tandem parking can be successfully used given The Museum's control over, and management of, this lot. The three terraces reflect the prior residential development on Spring Street that was removed to construct the YWCA and the slopes between the terraces reinforce the location of the original house lots that existed on the west side of Spring Street. The bosques of birch trees suggest the massing of the removed homes and are The Museum's landscape statement identifying this parcel as a part of their campus.

The site plan has been developed to include stormwater management measures on the property to address the quantity of runoff as well as water quality. When the YWCA was located on this parcel approximately 90% of the property was impervious and 10% was green space. The design as proposed includes approximately 40% green space and 60% impervious area. The redesign of the drainage system on the property directs the runoff from the parking area into a bio-retention cell/rain garden. This is a low-lying vegetated basin that is constructed with a soil underdrain that will result in runoff with a water quality that meets the City standards. The rain garden will have both an underdrain and an emergency overflow that will be connected to the separated storm drainage system in Spring Street. Runoff from the lawn terraces will be controlled by small drain inlets and underdrains which will also be tied into the separated storm drainage system. A stormwater management plan has been prepared by Steve Blais, PE, of Land Consulting Engineers and is attached with this submission.



will there be a water demand of domestic use. The stormwater flows leaving the site will be substantially reduced, and have the qualities improved. Based upon these two facts we believe that the public facilities in Spring Street have the capacity to meet the needs of the proposed project.

The Museum plans to proceed with the work immediately upon receipt of the permit from the City. Work will commence in June, and the planting and lawn will be installed by mid to late August, with a completion date by mid-September, 2008. No other state or federal permits are required to perform the work.

This submission includes the following:

1. Site Plan Application and fee.
2. Completed Site Plan Checklist
3. Letter of Agency
4. Letter of Financial Capacity
5. Property deed as evidence of Right, Title and Interest
6. Stormwater Management Report by Steve Blais, PE
7. Written Erosion Control Plan.
8. Traffic statement by William Bray, P.E.
9. Lighting Specifications
10. Perspective Sketches
11. Conditional Use Application and fee.
12. Statement of Conformance with Conditional Use Criteria.
13. Plans
  - S1 -- Standard Boundary Survey
  - L1.0 -- Existing Conditions Plan
  - L2.0 -- Layout, Materials and Lighting Plan
  - L3.0 -- Grading, Drainage, Erosion Control & Utilities Plan
  - L4.0 -- Landscape and Planting Plan
  - L5.0 -- Site Details
  - L5.1 -- Site Details
  - L5.2 -- Site Detail
  - D1 -- Drainage Plan
  - D2 -- Drainage Details and Sections

Please call if you require any other information, or if you want to meet to review this submission.

Sincerely,



Stephen B. Mohr, ASLA

Cc: Mr. Dan O'Leary, PMA  
Mr. Charlton Ames  
Mr. Hans Underdahl



MOHR & SEREDIN

Landscape Architects, Inc.

18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

## MEMORANDUM

Date: March 31, 2008

To: Ms. Barbara Barhydt, Development Review Services Manager

From: Michael King, Mohr & Seredin Landscape Architects, Inc.

Re: **Supplemental Information: Portland Fire Department Site Plan**  
Portland Museum of Art, Spring Street Parking and Garden

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Attached please find supplemental information in support of the Portland Museum of Art's pending Minor Site Plan Review application. Sheet "FD1.0 – Portland Fire Department Site Plan," dated 28 March 28 2008, includes the Fire Department checklist, as outlined in the Department of Planning's Site Plan Review checklist. Two 24" x 36" copies of FD1.0 are included – one for the Portland Fire Department and one for the Planning Department files. Also included is an 11" x 17" copy of FD1.0.

Please contact Stephen Mohr or myself if you have comments or questions as the staff reviews the Minor Site Plan Review Application. Thank you.

18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

## MEMORANDUM

Date: June 10, 2008

To: Ms. Jean Fraser

From: Michael King, Mohr & Seredin Landscape Architects, Inc.  
Stephen Mohr, Mohr & Seredin Landscape Architects, Inc.

Re: **Supplemental Information:**  
Portland Museum of Art, Spring Street Parking and Garden

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Attached please find supplemental information in support of the Portland Museum of Art's recently approved Minor Site Plan Review application. This additional information was requested by the Planning Board and Planning Staff as part of the project's conditional approval.

1. Tree Mounted Light Fixtures: Attached is a product cut sheet from B-K Lighting for its "Nite Star II" product. The cut sheet shows the MR-16 lamp recessed 1-inch from the glass lens, making it compliant with IESNA recommendations per the City of Portland's Technical and Design Standards and Guidelines.
2. License Agreement: We received your email containing Peggy Littell's comments regarding the License Agreement. Attached is the revised License Agreement, which addresses Peggy's comments.
3. Revised Walkway Photometrics: Attached is revised sheet L2.1 showing revised photometrics along the walkway. The plan shows four (4) ten-foot high poles with 70-watt pulse start metal halide light fixtures (identified as Type "A".) The photometrics as shown on revised L2.1 are compliant with the City of Portland's Technical and Design Standards and Guidelines.
4. Irrigation Lines: Attached revised sheet L3.0 shows an irrigation line for the vines at the base of the existing retaining wall. Also, the revised sheet notes that the irrigation system will have three zones – the vines, the shrub beds and the birch trees.
5. Sidewalk Detail: Attached revised sheet L5.1 shows a concrete walk detail. This detail complies with the City of Portland's Technical and Design Standards and Guidelines.

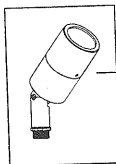
6. Chain Link Fence at Retaining Wall: Attached is revised sheet L5.3 showing the revised height of the proposed chain link fence. L5.3 notes the proposed fence should match the height of the existing fence behind the Children's Museum.

Please contact Stephen Mohr or myself if you have comments or questions regarding this supplemental information. Thank you.

Enc. "Nite Star II" product cut sheet, from B-K Lighting  
Revised Licensed Agreement  
Revised L2.1, dated 10 June 2008.  
Revised L3.0, dated 10 June 2008.  
Revised L5.1, dated 10 June 2008.  
Revised L5.3, dated 10 June 2008.

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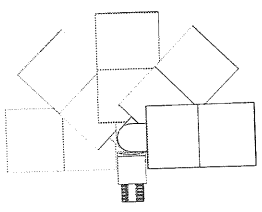
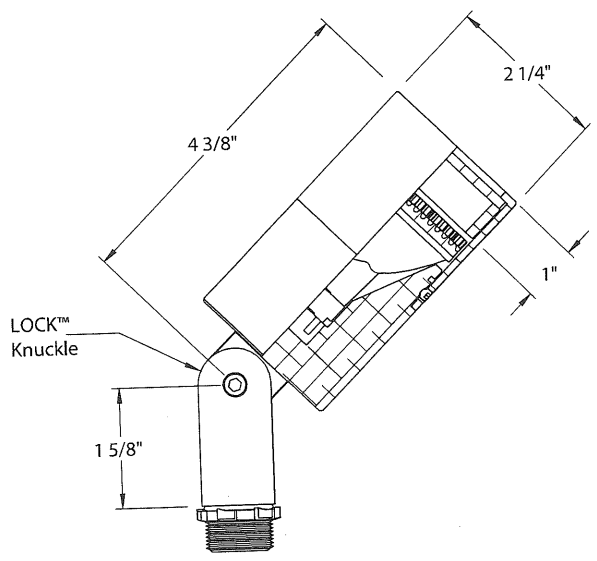
# NITE STAR II™



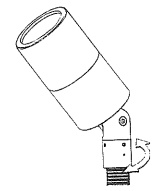
MR-16 Halogen

PROJECT:	
TYPE:	

**SIDE VIEW**



**180° Vertical adjustment**  
(Standard)



**Horizontal Rotation**  
(Optional 360SL™ Knuckle)

## SPECIFICATIONS

**Body**  
Fully machined from solid, copper-free aluminum. Also available in solid machined brass. Unibody design provides enclosed, water-proof wireway and heat sink to maximize lamp life. Integral knuckle for maximum mechanical strength. High temperature, silicone 'O' Ring provides water-tight seal.

**Knuckle**  
The LOCK™ (Locking 'O' Ring Compression Knuckle) is comprised of two components. The first is integral to the body and features an interior, machined taper. The second is machined from solid billet and features a second, reverse angle taper. The resultant mechanical taper-lock allows a full 180° vertical adjustment without the use of serrated teeth, which inherently limit aiming. High temperature, silicone 'O' Ring provides water-tight seal and compressive resistance to maintain fixture position. Design withstands 73 lb. static load prior to movement to ensure decades of optical alignment. 1/2" pipe thread for mounting.

Optional 360SL™ Knuckle Mounting System additionally provides biaxial source control with 360° horizontal rotation in addition to vertical adjustment.

**Cap**  
Machined from copper-free aluminum. Also available in machined brass. 1" deep cutoff with flush mounted lens. Accommodates up to (2) lens or louver media.

**Lens**  
Shock resistant, tempered, clear glass lens is factory adhered to fixture cap and provides hermetically sealed optical compartment.

**Lamp**  
For use with 50 watt maximum, MR-16 lamp.\*  
\*Except GE Light Q42MR16/C/VNSP9 (EZY).

**Transformer**  
For use with 12 VAC remote transformer.

**Socket**  
Specification grade, ceramic body lamp holder. GU5.3 base. Nickel alloy contacts and heat resistant, spring loaded, stainless steel lamp retaining clips.

**Wiring**  
Teflon® coated wire, 18AWG, 600V, 250° C rated and certified to UL 1659 standard. Leads extend 6" beyond knuckle.

**Hardware**  
Flush mounted, tamper-resistant, stainless steel hardware. LOCK™ vertical aiming screw is additionally black oxidized.

**Finish**  
StarGuard® (Pat. Pend.), a 15 stage chromate-free process cleans and conversion coats aluminum components prior to application of Class 'A' TGIC polyester powder coating. Brass components are available in powder coat or handcrafted metal finish.

**Warranty**  
5 year limited warranty.

**Listings**  
ARL and CSA listed to UL 1838 standard. Suitable for indoor or outdoor use. Suitable for use in wet locations.



\*Teflon is a registered trademark of DuPont Corporation.

<h1>B-K LIGHTING</h1>	40429 Brickyard Drive • Madera, CA 93636 • USA 559.438.5800 • FAX 559.438.5900 www.bklighting.com • info@bklighting.com	SUBMITTAL DATE 03-19-08	DRAWING NUMBER SUB-1121-02
	© 2008 B-K Lighting, Inc. All rights reserved.		

## LICENSE AGREEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the **PORTLAND MUSEUM OF ART**, a Maine non-profit corporation with a place of business at Seven Congress Square, Portland, Maine 04101 ("PMA"), hereby grants to the **CITY OF PORTLAND**, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the "City"), a revocable license to occupy portions of land owned by PMA on or near Spring Street in Portland, Cumberland County, Maine, such licensed land being depicted on **Exhibit A** attached hereto. The foregoing license being for the purpose of allowing limited public use of the licensed land, subject and pursuant to the conditions contained below. The license granted in this license agreement is subject to the following conditions:

1. This license agreement is not assignable by the City.
2. The license is subject to the following conditions:
  - a. No dogs shall be allowed on the licensed land.
  - b. The public may use the licensed land only during daylight hours (i.e., sunrise to sunset).
  - c. The licensed land may be used only for passive recreational activities (i.e., no athletic activities, no street performers, no bicycles).
3. The City shall not be responsible for maintenance of the landscaping and other improvements on the licensed land. The City shall not make any improvements or alterations to the licensed land.
4. This license agreement may be revoked and terminated by PMA in the event that: (i) PMA intends to develop the licensed land; (ii) the licensed land is being used in violation of the conditions of this license agreement; or (iii) the improvements on the licensed land are being vandalized or the landscaping and other improvements thereon damaged from overuse or misuse.

IN WITNESS WHEREOF, Portland Museum of Art has caused this license agreement to be executed this \_\_\_ day of June, 2008.

PORTLAND MUSEUM OF ART

By: \_\_\_\_\_  
\_\_\_\_\_  
Its Executive Director

STATE OF MAINE  
CUMBERLAND, ss.

June \_\_\_\_\_, 2008

PERSONALLY APPEARED before me the above named \_\_\_\_\_,  
Executive Director of the Portland Museum of Art as aforesaid, and acknowledged the  
foregoing instrument to be his free act and deed in his said capacity and the free act and  
deed of said entity.

\_\_\_\_\_  
Notary Public/Attorney at Law  
Print name:  
My commission expires:



MOHR & SEREDIN  
Landscape Architects, Inc.

18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

**MEMORANDUM**

Date: May 21, 2008  
To: Ms. Jean Fraser  
From: Michael King, Mohr & Seredin Landscape Architects, Inc.  
Re: **Supplemental Information: L2.1 -- Photometrics Plan**  
Portland Museum of Art, Spring Street Parking and Garden

---

Attached please find supplemental information in support of the Portland Museum of Art's pending Minor Site Plan Review application. Revised sheet L2.1 reflects the changes requested by the Planning Board (addition of lighting in tree areas) and the Holiday Inn (use of light poles instead of bollard lights.)

Please contact Stephen Mohr or myself if you have comments or questions as the staff reviews the Minor Site Plan Review Application. Thank you.



Barbara  
alex  
Marge } 11x17  
Junc }  
Tom E. - none  
Jeff T - ~~11x17~~ scaled.  
Greg C - 11x17  
Dan G. - scaled  
Penny - 11x17  
Deb. A. - 11x17.  
all e-mailed pdfs Fri. 5/16/08

May 15, 2008

Ms. Jean Fraser  
City of Portland  
398 Congress St.  
Portland, ME 04101

**Re: Revised Submission Materials  
Portland Museum of Art Spring Street Parking and Garden Project**

Dear Jean:

As you requested, we submit the attached PDF images of the plans for the Spring Street project. These plans have been revised to include the comments set forth in your memo as well as comments made by the Planning Board at the workshop on May 13, 2008. The specific revisions to the plans are as follows:

1. Electronic gate for parking control:  
The plans have been revised to include an electronic gate and 18-foot long control arm. The gate has been located to control access into, and out of, the new parking lot. The gate is designed with both a key pad and magnetic swipe card so that access will be limited to the persons set forth in our earlier correspondence. The control key pad has been located on a granite block on the drivers' side of the entry aisle for ease of convenience. The details for the control gate are included on the detail sheet for the project.
2. Sidewalk repairs and improvement in Spring and Oak Streets:  
We have included on our plans the information showing the extent of the sidewalk repair and improvements on Oak and Spring Streets. The work limits are in conformance with Mr. Farmer's memo. We are replacing the concrete sidewalks with brick as is required in this district. The details are shown on the project detail sheet.
3. Treatment of the rear wall:  
The information that was presented to the Board for the treatment of the rear wall has been included on a separate drawing, L5.3, submitted in this package. As presented to the Board, we will be installing cables on the rear wall as an armature for the vines. The layout and construction details for the cables are shown on the newly inserted project sheet.
4. Planting:  
As discussed with the City Arborist, and reviewed with the Planning Board, we have added an additional vine species, Sweet Autumn Clematis, to the plant list for the rear wall. We have also increased the plant quantities and increased plant

sizes for some of the vines. These changes are shown on drawing L4.0 and are noted in the plant list included on drawing L4.0. All other plantings remain as previously shown on the plans.

5. Lighting:

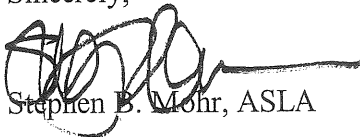
We have revised the lighting plan to address the staff and Board's concerns about illumination levels on the walkway, adjacent to the parking areas, and within the landscaped terraces. The bollard lights have been replaced with 100-watt pole-mounted lights at a 10-foot height parallel to the walkway. The light pole locations within the lot have been adjusted to provide more even illumination levels. After exploring several options the lighting for the landscaped terraces will consist of four (4), 50-watt downlights located on each of the three terraces. The downlights will be mounted at an 8-foot height and will be angled downward at 45 degrees. This lighting will provide a well dispersed, low-level of light within the center of each bosque of birch trees. The revised photometric plan will be sent to you under separate cover as we waiting for it to be completed.

6. Bicycle rack:

The previous submission included a detail for the proposed bicycle rack that is located on the west side of the Clapp House. We have revised that detail to provide a lower profile bicycle rack.

We have been in contact with the Museum's attorney who will be sending the draft license agreement under separate cover. I trust this will address all the issues raised by the Board and City staff. We will deliver four (4) copies of full-sized prints to your office on Friday, May 16.

Sincerely,



Stephen B. Mohr, ASLA

Cc: Hans Underdahl  
Tom Denenberg  
Charlton Ames

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Janice E. Tevanian, Chair  
David Silk, Vice Chair  
Bill Hall  
Joe Lewis  
Lee Lowry, III  
Shalom Odokara  
Michael J. Patterson

June 10, 2008

Stephen B. Mohr, ASLA  
Mohr & Sereidin Landscape Architects Inc.  
18 Pleasant Street  
Portland, Maine 04101

RE: Portland Museum of Art Parking Lot, 87 Spring Street, Portland  
CBL: 039 B015 001  
Application ID: 2008-0038

Dear Mr. Mohr:

On May 27, 2008, the Portland Planning Board considered the Portland Museum of Art proposal for a 45 space surface parking lot and associated access, lighting and landscaping improvements on the site of the former YWCA on Spring Street. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use and Site Plan Ordinances.

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #27-08 relevant to standards for conditional use and site plan regulations, and other findings, the Planning Board approved the application with the following motions, waivers and conditions as presented below.

### CONDITIONAL USE

The Planning Board voted (5-0, Hall and Odokara absent) that the proposed plans are in conformance with the conditional use standards of the Land Use Code, subject to the following conditions:

- i. The applicant shall submit for final review and approval by Corporation Counsel, and execute prior to the issuance of a Certificate of Occupancy, the license to the City of Portland for limited public access to the landscape gardens associated with the parking lot; and
- ii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the biodetention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority.

### LIGHTING WAIVER

The Planning Board voted 5-0 (Hall and Odokara absent) to waive the Technical Standard, Section XV 3., which requires all lighting fixtures to be of the "cut off" type, to allow for the proposed tree-mounted downlighters, subject to confirmation that this lighting proposal meets the current Illuminating Engineering Society of North America (IESNA) recommendations as per the City's Site Lighting Technical Standards. This waiver is given in recognition of the applicant's objective to provide security lighting within the landscaped areas.

## SITE PLAN REVIEW

The Planning Board voted (5-0, Hall and Odokara absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- i. That the applicant submit for review and approval of the Planning Authority prior to the issuance of a building permit, the detail of the concrete sidewalk repair proposed within the Right of Way, which should comply with the City of Portland Technical Standards; and
- ii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the bioretention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority; and
- iii. That the applicant shall submit revised proposals for the lighting along the pedestrian walkway through the site, which meet the City's Site Lighting Standards, for review and approval of the Planning Authority prior to the issuance of a building permit; and
- iv. That any signs, including the proposed sign at the corner of Spring and Oak Streets shown in Plan 5.0, shall be subject to detailed review and approval prior to the issuance of a Certificate of Occupancy; and
- v. That the applicant shall revise the design of the central portion of the fencing along the top of the existing retaining wall to address the concerns of the Children's Museum of Maine, to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.

The approval is based on the submitted plans and the findings related to conditional use and site plan review standards as contained in Planning Report #27-08, which is attached.

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

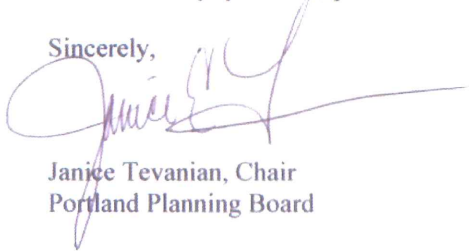
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



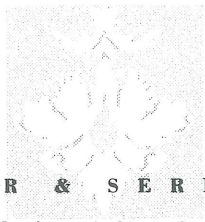
Janice Tevanian, Chair  
Portland Planning Board

Attachments:

1. Planning Board Report #27-08
2. Performance Guarantee Packet

Electronic Distribution:

cc: Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public Works  
Michael Farmer, Public Works  
Jim Carmody, City Transportation Engineer  
Jane Ward, Public Works  
Captain Greg Cass, Fire Prevention  
Jeff Tarling, City Arborist  
Tom Errico, Wilbur Smith Consulting Engineers  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
**Hard Copy:** Project File



M O H R & S E R E D I N  
Landscape Architects, Inc.

July 3, 2008

Ms. Jean Fraser, Planner  
City of Portland  
389 Congress St.  
Portland, ME 04101-3503

**Re: Portland Museum of Art -- Spring Street Parking and Garden  
License Agreement**

Dear Ms. Fraser:

Attached please find the signed and notarized Portland Museum of Art Spring Street Parking ad Garden License Agreement. This is the original signed agreement and it has not been forwarded to the City of Portland Legal Department.

We believe this is the final outstanding item of the Planning Board's Condition of Approval, dated June 10, 2008. Thanks for your help and make us aware if there are other items in need of our attention.

Sincerely,  
*Mike*

Michael King  
Mohr & Seredin Landscape Architects, Inc.

Enc. License Agreement, dated July 2, 2008

*Penny agreed  
license wording on 5-27-08  
(e-mail to Michael King)*

## LICENSE AGREEMENT

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the **PORTLAND MUSEUM OF ART**, a Maine non-profit corporation with a place of business at Seven Congress Square, Portland, Maine 04101 (“PMA”), hereby grants to the **CITY OF PORTLAND**, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the “City”), a revocable license to occupy portions of land owned by PMA on or near Spring Street in Portland, Cumberland County, Maine, such licensed land being depicted on **Exhibit A** attached hereto. The foregoing license being for the purpose of allowing limited public use of the licensed land, subject and pursuant to the conditions contained below. The license granted in this license agreement is subject to the following conditions:

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  - a. No dogs shall be allowed on the licensed land.
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  - c. The licensed land may be used only for passive recreational activities (i.e., no athletic activities, no street performers, no bicycles).
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IN WITNESS WHEREOF, Portland Museum of Art has caused this license agreement to be executed this 2 day of July, 2008.

PORTLAND MUSEUM OF ART

By:

  
Thomas Derenberg  
Its Executive Director

STATE OF MAINE  
CUMBERLAND, ss.

July 2, 2008

PERSONALLY APPEARED before me the above named Thomas Dewberry  
Executive Director of the Portland Museum of Art as aforesaid, and acknowledged the  
foregoing instrument to be his free act and deed in his said capacity and the free act and  
deed of said entity.

Susan Stinson

Notary Public/Attorney at Law

Print name: Susan Stinson

My commission expires:

**SUSAN STINSON**  
Notary Public, Maine  
My Commission Expires August 26, 2013



**From:** Jean Fraser  
**To:** DiPierro , Philip; Schmuckal, Marge  
**Date:** 6/13/2008 6:32:54 PM  
**Subject:** PMA Parking Lot

Update

They have submitted final plans and I am awaiting a sign off from Mike Farmer (Barbara - see separate note on this)

In the meantime they want to progress re PG and BP processes- Phil has the final plans (not stamped but approved) for these purposes. I have asked them to send more sets.

I have not had time to update UI- sorry.

I am on vacation until June 23rd and I think they need to move quickly on this.

Thanks  
Jean

**CC:** Barhydt, Barbara

**From:** Jean Fraser  
**To:** King, Michael W.  
**Date:** 6/12/2008 4:55:46 PM  
**Subject:** Re: FW: Portland Museum of Art -- Spring Street Parking and Garden Project

Michael,

Attached please find a copy of the signed Approval letter and a paper copy is in the mail.

Thank you for the e-mail from Chris and I confirm our earlier telephone conversation in which I indicated that a letter from the Holiday Inn is not necessary.

I am awaiting comments from Public Services re the sidewalk details.

Jean

>>> "Michael W. King" <mking@mohrseredin.com> 6/12/2008 1:54:56 PM >>>  
Hi Jean --

As we discussed this morning, attached is Chris Sullivan's email concerning his review of sheet L5.3. Please include a copy of this email in your project file.

We will be starting the Performance Bond process and Building Permit application process early next week. Thanks.

Michael King  
Mohr & Seredin Landscape Architects, Inc.

---

From: chris sullivan [<mailto:chris@kitetails.com>]  
Sent: Wednesday, June 11, 2008 12:20 PM  
To: Michael W. King  
Cc: Stephen Mohr; Suzanne Olson  
Subject: RE: Portland Museum of Art -- Spring Street Parking and Garden Project

Michael:

I have reviewed sheet L5.3, and the improvements cover our safety concern about the easily accessible height. Having a 6' barrier makes us much more comfortable with regards to any of our pedestrian patrons. Thank you for taking the time to consider and answer our concerns.

Sincerely,

Christopher Sullivan  
Operations Manager  
Children's Museum of Maine  
142 Free St.  
Portland, Maine 04101  
(207)828-1234, x 234  
[www.kitetails.com](http://www.kitetails.com)

-----Original Message-----

From: Michael W. King [mailto:mking@mohrseredin.com]

Sent: Tuesday, June 10, 2008 5:02 PM

To: [chris@kitetails.com](mailto:chris@kitetails.com)

Cc: Stephen Mohr

Subject: Portland Museum of Art -- Spring Street Parking and Garden Project

Hi Chris --

This is a follow-up email to your telephone conversation with Stephen Mohr (Mohr & Seredin Landscape Architects, Inc.) this afternoon. Stephen asked to have the attached PDF sent to you. The PDF shows sheet L5.3, which shows the proposed improvements of the existing retaining wall. I've highlighted (in red) the areas on the drawing where we direct the contractor to match the height of the proposed chain link fence to the height of the existing chain link fence (behind the Children's Museum of Maine.) We believe the height of the proposed fence will be approximately six-feet above existing grade (+/-12-inches exposed concrete wall and +/- 5-feet of chain link fence.)

The City of Portland has asked to have documentation from the Children's Museum of Maine verifying that CMM agrees to the proposed height of the chain link fence. We ask that you review this information and (via email) indicate your approval of the fence height. We will print your email and submit it to the City as part of the Planning Board approval process.

If you need additional information for this request, please give Stephen or myself a call. Thanks.

Michael King  
Mohr & Seredin Landscape Architects, Inc.  
207.871.0003

E-mail message checked by Spyware Doctor (5.5.0.212)  
Database version: 5.10010  
<http://www.pctools.com/spyware-doctor/>  
<<http://www.pctools.com/en/spyware-doctor/>>

E-mail message checked by Spyware Doctor (5.5.0.212)  
Database version: 5.10020  
<http://www.pctools.com/en/spyware-doctor/>

CC: Mohr, Stephen

**From:** "Michael W. King" <mking@mohrseredin.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 6/12/2008 1:55:31 PM  
**Subject:** FW: Portland Museum of Art -- Spring Street Parking and Garden Project

Hi Jean --

As we discussed this morning, attached is Chris Sullivan's email concerning his review of sheet L5.3. Please include a copy of this email in your project file.

We will be starting the Performance Bond process and Building Permit application process early next week. Thanks.

Michael King  
Mohr & Seredin Landscape Architects, Inc.

---

From: chris sullivan [mailto:chris@kitetails.com]  
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Christopher Sullivan  
Operations Manager  
Children's Museum of Maine  
142 Free St.  
Portland, Maine 04101  
(207)828-1234, x 234  
www.kitetails.com

-----Original Message-----

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Sent: Tuesday, June 10, 2008 5:02 PM  
To: chris@kitetails.com  
Cc: Stephen Mohr  
Subject: Portland Museum of Art -- Spring Street Parking and Garden Project

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Michael King  
Mohr & Seredin Landscape Architects, Inc.  
207.871.0003

E-mail message checked by Spyware Doctor (5.5.0.212)  
Database version: 5.10010  
<http://www.pctools.com/spyware-doctor/>  
<<http://www.pctools.com/en/spyware-doctor/>>

E-mail message checked by Spyware Doctor (5.5.0.212)  
Database version: 5.10020  
<http://www.pctools.com/en/spyware-doctor/>

**CC:** "Stephen Mohr" <[smohr@mohrseredin.com](mailto:smohr@mohrseredin.com)>

**From:** "Michael W. King" <mking@mohrseredin.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>  
**Date:** 6/12/2008 1:55:31 PM  
**Subject:** FW: Portland Museum of Art -- Spring Street Parking and Garden Project

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Michael King  
Mohr & Seredin Landscape Architects, Inc.

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Operations Manager  
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(207)828-1234, x 234  
www.kitetails.com

-----Original Message-----

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If you need additional information for this request, please give Stephen or myself a call. Thanks.

Michael King  
Mohr & Seredin Landscape Architects, Inc.  
207.871.0003

E-mail message checked by Spyware Doctor (5.5.0.212)  
Database version: 5.10010  
<http://www.pctools.com/spyware-doctor/>  
<<http://www.pctools.com/en/spyware-doctor/>>

E-mail message checked by Spyware Doctor (5.5.0.212)  
Database version: 5.10020  
<http://www.pctools.com/en/spyware-doctor/>

**CC:** "Stephen Mohr" <[smohr@mohrseredin.com](mailto:smohr@mohrseredin.com)>

**From:** Michael Farmer  
**To:** Fraser, Jean  
**Date:** 6/12/2008 9:47:26 AM  
**Subject:** PMA Parking Lot - 87 Spring St.

With regards to the proposed brick sidewalk construction, which is required by the City, the detail on plan sheet L5.1 should be changed to reflect the following. The minimum depth of crushed gravel should be 10 inches. The brick courses along each edge of the sidewalk should be set in wet cement mortar.

I could not find any information on the plans you provided to me (L2.1, L3.0, L5.1, and L5.3) that states explicitly what the limits of the proposed brick sidewalk are. Perhaps this is provided on another plan. If not, perhaps a note could be added to the plans to clarify this.

Michael Farmer, Project Engineer  
Dept. of Public Works  
55 Portland Street  
Portland, ME 04101  
phone: 207-874-8845  
fax: 207-874-8852

**CC:** Merkle, Todd

6/25/08  
Dan Goyette confirmed that Mike Farmer's  
Comments referred to previous plans and  
that the current set are OK as is the  
concrete repair detail.



**From:** "Stephen Mohr" <smohr@mohrseredin.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>, "Stephen Mohr" <smohr@mohrseredin.com>  
**Date:** 6/11/2008 7:37:12 AM  
**Subject:** RE: Portland Museum of Art

Jean;

Thanks for the follow-up email and call.

I spoke with Chris at the Children's Museum yesterday, and we sent him the plan for the fence changes. He will send us an email response which we will forward to you, hopefully today. He said that the changes were acceptable.

I have drafted a letter for the Holiday Inn, and will follow-up today to try to meet with them to get their sign-off on the changes. The issue for me is that the Board insisted on having the lighting levels meet the current technical standards, thus any request for a letter from the Inn stating that the Inn supports the changes is in conflict with the original intent of their plan and our goals for the project. This is not a big deal, I just see it as another layer of follow-up that will require delicate negotiations.

Thank you for your help.

Stephen

**CC:** "Michael W. King" <mking@mohrseredin.com>, "Barbara Barhydt" <BAB@portlandmaine.gov>

**From:** Penny Littell  
**To:** Barbara Barhydt; Jean Fraser  
**Date:** 6/12/2008 9:33:51 AM  
**Subject:** PMA

I am comfortable that PMA is obligated, via its site plan approval, to install the approved lights on their property (despite the fact that the Holiday Inn may actually own the lights) and maintain the approved photometric plan without a letter from the Holiday Inn. Phil, during your inspection after the build out, please ensure the proper lighting is installed and it meets the photometrics submitted to the City.

**CC:** Philip DiPierro

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Janice E. Tevanian, Chair  
David Silk, Vice Chair  
Bill Hall  
Joe Lewis  
Lee Lowry, III  
Shalom Odokara  
Michael J. Patterson

June 10, 2008

Stephen B. Mohr, ASLA  
Mohr & Seredin Landscape Architects Inc.  
18 Pleasant Street  
Portland, Maine 04101

RE: Portland Museum of Art Parking Lot, 87 Spring Street, Portland  
CBL: 039 B015 001  
Application ID: 2008-0038

Dear Mr. Mohr:

On May 27, 2008, the Portland Planning Board considered the Portland Museum of Art proposal for a 45 space surface parking lot and associated access, lighting and landscaping improvements on the site of the former YWCA on Spring Street. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use and Site Plan Ordinances.

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #27-08 relevant to standards for conditional use and site plan regulations, and other findings, the Planning Board approved the application with the following motions, waivers and conditions as presented below.

### CONDITIONAL USE

The Planning Board voted (5-0, Hall and Odokara absent) that the proposed plans are in conformance with the conditional use standards of the Land Use Code, subject to the following conditions:

- i. The applicant shall submit for final review and approval by Corporation Counsel, and execute prior to the issuance of a Certificate of Occupancy, the license to the City of Portland for limited public access to the landscape gardens associated with the parking lot; and
- ii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the bioretention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority.

### LIGHTING WAIVER

The Planning Board voted 5-0 (Hall and Odokara absent) to waive the Technical Standard, Section XV 3., which requires all lighting fixtures to be of the "cut off" type, to allow for the proposed tree-mounted downlighters, subject to confirmation that this lighting proposal meets the current Illuminating Engineering Society of North America (IESNA) recommendations as per the City's Site Lighting Technical Standards. This waiver is given in recognition of the applicant's objective to provide security lighting within the landscaped areas.

## SITE PLAN REVIEW

The Planning Board voted (5-0, Hall and Odokara absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

- i. That the applicant submit for review and approval of the Planning Authority prior to the issuance of a building permit, the detail of the concrete sidewalk repair proposed within the Right of Way, which should comply with the City of Portland Technical Standards; and
- ii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the biodetention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority; and
- iii. That the applicant shall submit revised proposals for the lighting along the pedestrian walkway through the site, which meet the City's Site Lighting Standards, for review and approval of the Planning Authority prior to the issuance of a building permit; and
- iv. That any signs, including the proposed sign at the corner of Spring and Oak Streets shown in Plan 5.0, shall be subject to detailed review and approval prior to the issuance of a Certificate of Occupancy; and
- v. That the applicant shall revise the design of the central portion of the fencing along the top of the existing retaining wall to address the concerns of the Children's Museum of Maine, to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.

The approval is based on the submitted plans and the findings related to conditional use and site plan review standards as contained in Planning Report #27-08, which is attached.

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

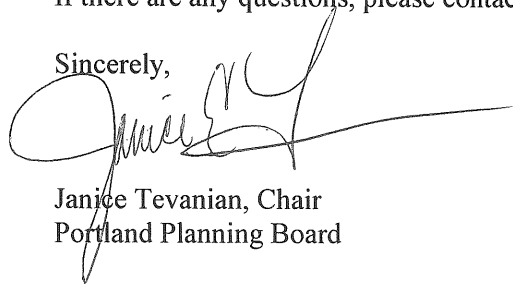
1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
5. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

6. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
7. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Jean Fraser at 874-8728.

Sincerely,



Janice Tevanian, Chair  
Portland Planning Board

**Attachments:**

1. Planning Board Report #27-08
2. Performance Guarantee Packet

**Electronic Distribution:**

cc: Alexander Jaegerman, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Jean Fraser, Planner  
Philip DiPierro, Development Review Coordinator  
Marge Schmuckal, Zoning Administrator  
Jeanie Bourke, Inspections Division  
Lisa Danforth, Administrative Assistant  
Michael Bobinsky, Public Works Director  
Kathi Earley, Public Works  
Bill Clark, Public Works  
Michael Farmer, Public Works  
Jim Carmody, City Transportation Engineer  
Jane Ward, Public Works  
Captain Greg Cass, Fire Prevention  
Jeff Tarling, City Arborist  
Tom Errico, Wilbur Smith Consulting Engineers  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File  
**Hard Copy:** Project File

jean



18 Pleasant Street, Portland, Maine 04101  
ph: 1.207.871.0003  
fax: 1.207.871.1419

## MEMORANDUM

Date: June 10, 2008

To: Ms. Jean Fraser

From: Michael King, Mohr & Seredin Landscape Architects, Inc.  
Stephen Mohr, Mohr & Seredin Landscape Architects, Inc.

Re: **Supplemental Information:**  
Portland Museum of Art, Spring Street Parking and Garden

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Attached please find supplemental information in support of the Portland Museum of Art's recently approved Minor Site Plan Review application. This additional information was requested by the Planning Board and Planning Staff as part of the project's conditional approval.

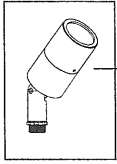
1. Tree Mounted Light Fixtures: Attached is a product cut sheet from B-K Lighting for its "Nite Star II" product. The cut sheet shows the MR-16 lamp recessed 1-inch from the glass lens, making it compliant with IESNA recommendations per the City of Portland's Technical and Design Standards and Guidelines.
2. License Agreement: We received your email containing Peggy Littell's comments regarding the License Agreement. Attached is the revised License Agreement, which addresses Peggy's comments.
3. Revised Walkway Photometrics: Attached is revised sheet L2.1 showing revised photometrics along the walkway. The plan shows four (4) ten-foot high poles with 70-watt pulse start metal halide light fixtures (identified as Type "A'.) The photometrics as shown on revised L2.1 are compliant with the City of Portland's Technical and Design Standards and Guidelines.
4. Irrigation Lines: Attached revised sheet L3.0 shows an irrigation line for the vines at the base of the existing retaining wall. Also, the revised sheet notes that the irrigation system will have three zones – the vines, the shrub beds and the birch trees.
5. Sidewalk Detail: Attached revised sheet L5.1 shows a concrete walk detail. This detail complies with the City of Portland's Technical and Design Standards and Guidelines.

6. Chain Link Fence at Retaining Wall: Attached is revised sheet L5.3 showing the revised height of the proposed chain link fence. L5.3 notes the proposed fence should match the height of the existing fence behind the Children's Museum.

Please contact Stephen Mohr or myself if you have comments or questions regarding this supplemental information. Thank you.

Enc. "Nite Star II" product cut sheet, from B-K Lighting  
Revised Licensed Agreement  
Revised L2.1, dated 10 June 2008.  
Revised L3.0, dated 10 June 2008.  
Revised L5.1, dated 10 June 2008.  
Revised L5.3, dated 10 June 2008.

\\Server\company\Projects\688-Portland Museum\permitting\jeanfraser6-10-08.doc

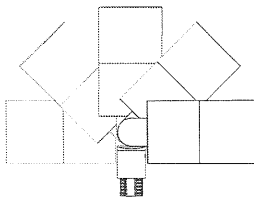
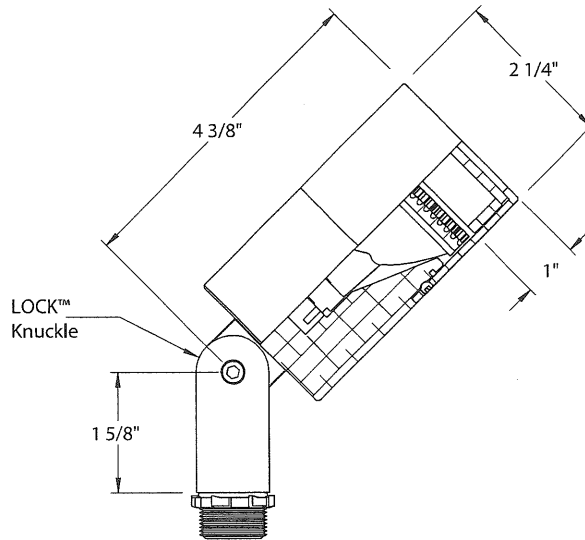


MR-16 Halogen

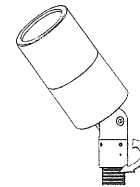
# NITE STAR II™

PROJECT:	
TYPE:	

## SIDE VIEW



180° Vertical adjustment  
(Standard)



Horizontal Rotation  
(Optional 360SL™ Knuckle)

## SPECIFICATIONS

### Body

Fully machined from solid, copper-free aluminum. Also available in solid machined brass. Unibody design provides enclosed, water-proof wireway and heat sink to maximize lamp life. Integral knuckle for maximum mechanical strength. High temperature, silicone 'O' Ring provides water-tight seal.

### Knuckle

The LOCK™ (Locking 'O' Ring Compression Knuckle) is comprised of two components. The first is integral to the body and features an interior, machined taper. The second is machined from solid billet and features a second, reverse angle taper. The resultant mechanical taper-lock allows a full 180° vertical adjustment without the use of serrated teeth, which inherently limit aiming. High temperature, silicone 'O' Ring provides water-tight seal and compressive resistance to maintain fixture position. Design withstands 73 lb. static load prior to movement to ensure decades of optical alignment. 1/2" pipe thread for mounting.

Optional 360SL™ Knuckle Mounting System additionally provides biaxial source control with 360° horizontal rotation in addition to vertical adjustment.

### Cap

Machined from copper-free aluminum. Also available in machined brass. 1" deep cutoff with flush mounted lens. Accommodates up to (2) lens or louver media.

### Lens

Shock resistant, tempered, clear glass lens is factory adhered to fixture cap and provides hermetically sealed optical compartment.

### Lamp

For use with 50 watt maximum, MR-16 lamp.\*  
\*Except GE Light Q42MR16/CVNSP9 (EZY).

### Transformer

For use with 12 VAC remote transformer.

### Socket

Specification grade, ceramic body lamp holder. GU5.3 base. Nickel alloy contacts and heat resistant, spring loaded, stainless steel lamp retaining clips.

### Wiring

Teflon® coated wire, 18AWG, 600V, 250° C rated and certified to UL 1659 standard. Leads extend 6" beyond knuckle.

### Hardware

Flush mounted, tamper-resistant, stainless steel hardware. LOCK™ vertical aiming screw is additionally black oxidized.

### Finish

StarGuard® (Pat. Pend.), a 15 stage chromate-free process cleans and conversion coats aluminum components prior to application of Class 'A' TGIC polyester powder coating. Brass components are available in powder coat or handcrafted metal finish.

### Warranty

5 year limited warranty.

### Listings

ARL and CSA listed to UL 1838 standard. Suitable for indoor or outdoor use. Suitable for use in wet locations.



\*Teflon is a registered trademark of DuPont Corporation.

**B-K LIGHTING**

40429 Brickyard Drive • Madera, CA 93636 • USA  
559.438.5800 • FAX 559.438.5900  
www.bklighting.com • info@bklighting.com

SUBMITTAL DATE  
03-19-08

DRAWING NUMBER  
SUB-1121-02



**LICENSE AGREEMENT**

FOR VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, the **PORTLAND MUSEUM OF ART**, a Maine non-profit corporation with a place of business at Seven Congress Square, Portland, Maine 04101 (“PMA”), hereby grants to the **CITY OF PORTLAND**, a Maine body corporate and politic, with a mailing address of City Hall, 389 Congress Street, Portland, Maine 04101 (the “City”), a revocable license to occupy portions of land owned by PMA on or near Spring Street in Portland, Cumberland County, Maine, such licensed land being depicted on **Exhibit A** attached hereto. The foregoing license being for the purpose of allowing limited public use of the licensed land, subject and pursuant to the conditions contained below. The license granted in this license agreement is subject to the following conditions:

1. This license agreement is not assignable by the City.
2. The license is subject to the following conditions:
  - a. No dogs shall be allowed on the licensed land.
  - b. The public may use the licensed land only during daylight hours (i.e., sunrise to sunset).
  - c. The licensed land may be used only for passive recreational activities (i.e., no athletic activities, no street performers, no bicycles).
3. The City shall not be responsible for maintenance of the landscaping and other improvements on the licensed land. The City shall not make any improvements or alterations to the licensed land.
4. This license agreement may be revoked and terminated by PMA in the event that: (i) PMA intends to develop the licensed land; (ii) the licensed land is being used in violation of the conditions of this license agreement; or (iii) the improvements on the licensed land are being vandalized or the landscaping and other improvements thereon damaged from overuse or misuse.

IN WITNESS WHEREOF, Portland Museum of Art has caused this license agreement to be executed this \_\_\_ day of June, 2008.

PORTLAND MUSEUM OF ART

By: \_\_\_\_\_  
\_\_\_\_\_  
Its Executive Director

STATE OF MAINE  
CUMBERLAND, ss.

June \_\_\_\_\_, 2008

PERSONALLY APPEARED before me the above named \_\_\_\_\_,  
Executive Director of the Portland Museum of Art as aforesaid, and acknowledged the  
foregoing instrument to be his free act and deed in his said capacity and the free act and  
deed of said entity.

\_\_\_\_\_  
Notary Public/Attorney at Law

Print name:

My commission expires:

**From:** "Stephen Mohr" <smohr@mohrseredin.com>  
**To:** "Jean Fraser" <JF@portlandmaine.gov>, "Barbara Barhydt" <BAB@portlandmaine.gov>  
**Date:** 6/9/2008 6:01:19 PM  
**Subject:** RE: Portland Museum of Art

Jean;

I am surprised to learn that you are requesting that we submit letters from the Holiday Inn and Children's Museum as a part of our response to the City PB conditions. I have never encountered that as a part of a Condition Compliance in Portland, and more importantly, the PB did not require that of the PMA. Our submission to you for the fence height responds the way the Children's Museum asked by raising the new fence to the height of the existing fence. Also, the PB said we must comply with the lighting standards of the ordinance, not with the Holiday Inn's stated/existing lighting levels. We know we will not get a letter from the Inn endorsing the changes, and why must the Children Museum agree to what we put in, when in fact we did what they asked?

In my opinion, and looking at my notes from the meeting, this is not what the Board required for their conditions. It seems a bit onerous given what we have done with respect to doing what the PB requested. Can you help us with this, or tell us where this is coming from?

Many Thanks,

Stephen

-----Original Message-----

From: Jean Fraser [mailto:JF@portlandmaine.gov]  
Sent: Monday, June 09, 2008 5:00 PM  
To: Michael W. King  
Cc: Stephen Mohr  
Subject: Re: Portland Museum of Art

Hello Michael

Good question- if the changes are only re the walkway lighting, sidewalk detail and central area of fencing on the retaining wall, then 2 copies of scaled plans and 2 11X17 sets. A pdf is useful as it means that if I need an extra copy for some reason I can easily print it without troubling you but it is not required.

If any other changes, then another set of each please.

Letters from the third parties involved (Children's Museum and Holiday Inn) verifying they are OK with the changes should also be submitted.

Thanks  
Jean (Fraser)  
Planner  
874 8728

>>> "Michael W. King" <mking@mohrseredin.com> 6/9/2008 2:22:28 PM >>>  
Hi Jean --

We are finalizing our "final plan set" in preparation for submission tomorrow. How many copies and what size/format is required? Do you want a set of PDFs as well? Thanks.

Michael King  
Mohr & Seredin Landscape Architects, Inc.

**CC:** "Michael W. King" <mking@mohrseredin.com>

**Portland Museum of Art  
Proposed Parking lot and associated landscaping**

**Staff presentation: PB HEARING May 27, 2008**

1. The proposal includes a surface parking lot for 45 vehicles set back from Spring Street about 65 feet. Associated landscaping along Spring Street has been designed as gardens with a formal historic theme. A raingarden that doubles as a water treatment bioretention cell is located at the northeast end of the site near Oak Street.
2. The proposal is an interim use of the former YWCA site while the Museum develops long term plans for the site as part of the overall Museum development.
3. This is a conditional use within the B3 zone and is subject to particular requirements in the B3 Zoning ordinance, the Site Plan standards and the B3 Downtown Urban Design Guidelines.
4. One public comment was received from the Children's Museum of Maine, whose parking lot abuts the site. This was received late on Friday and added to the packet in haste as the last Attachment in 9.
5. The parking lot is anticipated to be used only by Museum administration and be in place for 15-20 years. Since the Workshop an electronically operated gate has been added to the proposals at the throat of the parking area which will help ensure it is used by Museum -related personnel.
6. Lighting levels with the parking area have been increased since the Workshop and broadly meet the City's lighting standards; however, on the pedestrian walkway there are two areas where levels need to be reduced as they are almost twice as high as maximum in the standard and several other areas that are well over the standard of 5 foot candles; a suggested condition is included. ✓
7. The landscaped garden area will be open to the public and since the Workshop the proposals have been revised to include low level lighting comprising angled lights mounted on the trees in the center of each terrace. These require a waiver as they are not cut-off lamps.
8. A draft license has been submitted that grants the City of Portland limited public use of the gardens area (Attachment 8 with conditions listed on page 9); this is satisfactory to Corporation Counsel and it may be possible to remove the suggested condition. ✓
9. The existing rear wall is currently unattractive and the applicant proposes to paint the wall, repair and repaint the outer sections of the existing chain link fencing and install lower black pvc coated chain link fencing in the central section. The proposed vine planting has revised as presented to the Workshop and is satisfactory to the City Arborist. There are 2 concerns:
  - a. Historic Preservation staff remain concerned that the proposed planting will be inadequate to obscure this expanse of chain link fencing (note that the Report incorrectly states that this area of planting will have irrigation)
  - b. The Children's Museum of Maine have that the installation of a new central section of lower chain link fencing could pose a safety risk to children as the chain link fencing is climbable and is only 22 inches high above a 22 inch high retaining wall. A specific suggested condition has been included to address this point.
10. The bioretention cell is the subject of two conditions because the proposed design does not comply with MDEP standards for such features and staff suggest that its future maintenance and management may be a conditional use issue.

PMA5-27-08Hearing

1. JF presentation - (in haste)

2. Hansel <sup>Underdahl</sup> - Chair PMA Bd. of Trustees - brief intro.

3. S.M. - bio retention cell -  
 - MDEP and problematic  
 - 2<sup>nd</sup> cond. covers this.

- lighting along the walkway  
 - prev. were ballards H.I. thought too low + HI spec higher stds

- OK to raise chain link fencing  
 (not on dr. plan) - do have irrigation

---

JL/

Discussion re lights on walkway - PL need look at easement; message to HI from Board would help.

MP/ ~~can~~ what is issue re DEP: PL confirmed not a requirement.

LL/ clar. re raising chain link fence; PMA agreeing to raise because of child safety.

DS/ are they asking for waiver for those hotspots along ped. walk?

Disc. re Cond iv. & Sm suggested  
diff. language re lighting iv. + whether  
ex. sit. and hotspots. Bd. agreed to condition

Joe Lewis on behalf

BH - disappointed at yet another surface  
parking lot.

Board approved 5-0 based on  
omission of cond<sup>II</sup> i and revised wording  
of cond II i iv.

VF  
annotated  
JFD

**PLANNING BOARD REPORT #27-08**

**PMA PARKING LOT  
VICINITY OF 87 SPRING STREET  
(SITE OF FORMER YWCA)  
CONDITIONAL USE AND SITE PLAN REVIEW  
PORTLAND MUSEUM OF ART, APPLICANT**

**Submitted to:**

Portland Planning Board  
Portland, Maine

May 27, 2008

**Submitted by:**  
Jean Fraser, Planner

May 23, 2008



## I. INTRODUCTION

Mohr & Seredin, on behalf of the Portland Museum of Art, has requested conditional use and site plan approval for a proposal to use an existing vacant site of 38,500 sq ft (.88 acre) as a surface parking lot for 45 vehicles, with associated access, lighting and landscaping improvements. The site is located at the corner of Spring Street and Oak Street and was formerly occupied by the YWCA, which has now been demolished. The Museum has been using an area of existing graveled for parking, with the numbers of vehicles at or below the numbers using the site when the YWCA occupied the site.

The proposed parking lot (and associated access) comprises 60% of the site and would be for the use of Museum administration staff, volunteers and docents and not for the general public. The proposed landscaping comprises 16,000 sq ft of gardens which would cover 40% of the site. The gardens are intended as a "landscape statement identifying this parcel as part of the [Museum] campus" (Attachment 1). The proposals include upgraded vehicle and pedestrian access from Spring Street, new storm drainage, site lighting and planting.

The proposal is anticipated to be an interim use for 15-20 years while the Museum develops a longer range plan for Museum use of this site (see Attachments 1 & 2). Staff suggests that the Board review this proposal as if it were a permanent use and site plan development.

The property is zoned B-3 and this development will be reviewed for compliance with the B-3 Zone, Site Plan, and Conditional Use (14-218(3)) standards of the Land Use Code. This site is adjacent to a Historic Landmark (Clapp House) but not within the Historic District.

A total of 104 notices were sent to area residents and interested citizens and a notice also appeared in the *Portland Press Herald*. The Children's Museum of Maine have commented that they are concerned about the proposed new section of (lower) chain link fencing as it poses a safety risk to their patrons (Attachment 9b, <sup>Public Comment</sup> received just as this Report was going to print).

### *Proposal Site*

The site is currently vacant and level, following the recent demolition of the former YWCA building that covered most of the parcel (see Boundary Survey in Attachment 13b). It is bounded to the west by the boundary of the Historic District and Clapp House, designated a Historic Landmark and on the national Historic Register. Behind the site towards Free Street, at a higher level, is a parking area for the Holiday Inn which is also used by visitors to the Children's Museum of Maine. A walkway with stairs up to this parking area runs through the site alongside the access drive and is the subject, along with the adjacent lighting, of an 8 foot easement to Holiday Inn.



Spring Street, looking west



Spring Street, looking east



Corner near Oak Street sidewalk

Along the back of the site there is an existing concrete retaining wall (on Museum property) with chain link fencing above it. The central sections of the existing chain link fencing are not fixed permanently to the retaining wall and the panels currently rest on the ground (on other side of the wall from the site). There are 10 trees within the site in addition to one existing street tree (See Land Title survey and Existing Conditions

Plan L1.0 in Attachment 13 and Attachment 10 for additional photographs taken by staff).

## II. SUMMARY OF FINDINGS

Zoning:	B-3
Parcel Size:	38,500 sq ft (0.88 acre)
Existing Parking Spaces:	24-26 spaces
Proposed Parking Spaces:	35 spaces plus 10 "tandem" spaces; total of 45 parking spaces
Area of site for gardens:	16,000 sq ft (.37 acre)

## III. PROPOSED DEVELOPMENT

The proposed Layout is shown in Plan L2.0 (Attachment 13d) and includes the following:

- Paving and striping of a parking lot towards the rear of the site, with lighting around the perimeter and new drainage infrastructure;
- Widening and repaving of the access driveway, with brick pedestrian path alongside the accessway and relocated lighting with new fixtures;
- New bioretention cell/raingarden at east end of the parking lot (near Oak Street) as part of an improved drainage and water treatment system;
- Three landscaped terraces along Spring Street, with lawn areas and bosques of birch trees (with irrigation; some existing trees to be removed including adjacent to Clapp House) (also see Landscape Plan L4.0 and sketches in Attachments 11 and 13);
- Other tree and shrub planting to screen proposed parking and retaining wall (with irrigation);
- Repainting of concrete wall along the wall to rear, to be covered with vines and climbing plants plus repair and repainting of existing chain link on top of wall with new sections of lower chain link in the central section (See L5.3 in Attachment 13k); and
- New Museum sign at the corner of Spring and Oak Streets (shown on Attachment 13h).

Following discussion at the Planning Board Workshop, the applicant has revised the proposals to also include (see letter of 5.15.2008 Attachment 6 and Plan Set in Attachment 13):

- An electronically controlled gate at the throat of the parking area;
- Revised sidewalk repairs and improvements to meet the City standards;
- Revised proposals for improving the existing rear wall, based on the sketch plan circulated to the Planning Board at the Workshop, including additional vine species and increased plant quantities;
- Revised lighting to increase illumination in the walkway and parking areas, and introduce lighting within the terraced garden areas;
- Revised bicycle rack design; and
- License to the City for limited public access to the landscaped gardens associated with the parking lot.

## IV. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the conditional use and site plan ordinances. Staff comments are highlighted in this report.

## V. SITE PLAN REVIEW (numbering refers to Ordinance 14-526 Standards paragraph numbers)

### 1/2. Traffic

The proposals retain the existing site access pattern, which comprise a single existing curb cut from Spring Street near Clapp House. The existing driveway into the parking lot is proposed to be widened from 16 feet to 20 feet. An existing 6 foot wide pedestrian path and associated lighting (subject to an easement with Harper Hotels Inc for a pedestrian connection between the Holiday Inn and parking on Free Street) adjacent to

the access drive is relocated to accommodate the widened drive and proposed to be resurfaced in brick with new lighting alongside.

The parking lot to the rear of the site is designed for 35 regular spaces and 10 tandem spaces for a total of 45 spaces. The previous use as a YWCA had 24-26 parking spaces on the site. A summary traffic statement by William Bray PE has been submitted (Attachment 1). The parking will be limited to vehicles directly involved in the administration of the Museum such as staff, volunteers, docents and occasional specialists associated with specific Museum activities such as setting up exhibits- this is described in more detail in the letters from Mohr & Seredin dated 4.23.2008 and 5.6.08 (Attachments 3 & 4). At the workshop and in Attachment 6 the applicant confirmed that an electronically controlled gate will be installed at the throat of the parking area to ensure that the use of the parking area is limited as proposed.

Thomas Errico the City's Traffic Engineering Reviewer, has confirmed that the proposed driveway design and parking space layout is acceptable as based on the confirmation that it will be used for long term duration vehicles (eg Museum employees) (Attachment 5c). He has also reviewed the proposal for the installation of the gate and found this to be satisfactory (Attachment 9c).

Mr Errico requested further clarification as to where the employees currently park. The applicant has responded in a letter from Mohr & Seredin dated 5.6.08 (Attachment 4) that employees currently park in non-metered street locations, metered parking on surrounding streets and daily fee parking on Free/Spring Streets.

The proposal includes a bicycle parking rack for at least eight bicycles located on the applicant's property to the rear of Clapp House (shown on Drawing No L2.0 (Attachment 13d), which is near the rear entrance to the Museum. This number meets the City's Bicycle Ordinance requirements and the design (see L5.2 in Attachment 13j) is similar to that recommended in the City's Bicycle Parking technical and design standards and guidelines although the spacing is closer than the recommended specification.

#### 3/4. Bulk, Location, Health, Safety Air/ Height of Proposed Buildings

see min 36"  
prop. min approx.  
to be 5'

The proposal does not include any buildings or substantial structures and therefore this standard does not apply.

#### 5. Sewers, Stormdrains, Water

The proposals do not include any structures and will not place any burden on the existing sewer system. Stormwater run-off from the parking area is proposed to be directed into a bio-retention cell/rain garden with an underdrain and emergency overflow into the separated storm drainage system in Spring Street (described in Attachment 1). The applicant has revised the proposals to address the Engineering Review comments of 4.24.2008 (Attachment 5b) and the proposals are acceptable subject to the provision of a concrete sidewalk detail (latest Engineering Review comments in Attachment 9a).

The applicant was particularly advised of the concerns regarding the proposed depth of the bio-retention cell (See staff e-mail of 5.1.2008 in Attachment 5c) as the viability of the proposed herbaceous plantings may be affected by the design of this water treatment system. The Engineering Review comments state:

*It was noted that the proposed bioretention cell has a ponding depth of 18". Maine DEP standards for BMPs call for a maximum ponding depth of 6" to allow for plant growth. Woodard & Curran finds the 18" ponding depth acceptable as long as the application can ensure the selected plants will survive. However, we would recommend the applicant also get approval from the DEP. (Attachment 9a)*

The City Arborist also has commented on this issue:

*The proposed rain garden should be a positive site feature, as in all rain gardens the duration and frequency of flooding has much to do with the success of the plant material. Often the long summer dry spells are tough on the moisture tolerant plant material. (Attachment 9d).*

Staff has suggested two potential conditions of approval to address this issue: one requiring the approval of the MDEP to the proposed design and one regarding the ongoing maintenance of the rain gardens.

The applicant has requested a capacity letter from the Portland Water District but none has been submitted to date. The applicant has explained in a letter of 5.6.2008 (Attachment 4) that the anticipated water use associated with the proposed irrigation system will be much less than the water demand associated with the YWCA use; therefore Staff has not included a suggested condition on this matter.

6. Landscaping and Existing Vegetation

See below under “Compliance with B3 Design Standards”.

7. Soils and Drainage

See above under “Sewers, Stormdrains, Water”

8. Exterior Lighting

See below under “Compliance with B3 Design Standards”.

9. Fire

The Fire Department does not have any concerns regarding the proposals (Attachment 9b).

10. City Infrastructure (sidewalks)

See below under “Compliance with B3 Design Standards”

16. Compliance with B3 Design Standards

B-3 Site Plan Standard- Design Standards

The site plan ordinance includes standard 16, which addresses design standards for proposals within the B-3 zone. The first section of this standard relates to the pedestrian environment and sub-paragraph 4 addresses sidewalk areas and open space. This standard applies to the proposal and is as follows:

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;
  - b. Landscaping, planters, irrigation, and tree guards and grates;
  - c. Lighting;
  - 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.

These design features of the proposal are described and reviewed below:

a. Sidewalk

Public Works have outlined the scale of improvements required to the sidewalks and sidewalk ramp at the corner of Oak Street and Spring Street (Attachment 5d). The applicant has revised the proposals and they are satisfactory subject to the submission of a concrete sidewalk detail (Attachment 9a).

*Aug. cond.*

b. Landscaping

The landscape proposals are described in the Application (Attachment 1) and illustrated on Plan L4.0 Landscape and Planting Plan (Attachment 13g). The proposals along Spring Street comprise a visual landscape design that suggest the massing of the historic homes removed from this site (prior to the YWCA); three flat terraces are separated by slopes with formal birch planting in the terraced areas. These tree plantings are augmented by groups of shrub planting and lawn; irrigation has been incorporated to assure survival of the planting.

The original proposals for this garden area did not include amenities that would encourage or support public access such as stone dust paths, lighting, benches, artwork etc. The proposals have been revised to include low level lighting attached to trees in the center of each terrace (see section "c. Lighting" below).

At the east end of the proposed parking lot there is a proposed unfenced bioretention cell that will operate as a rain garden with herbaceous water plants. There has been some discussion regarding whether the depth of this cell will support adequate plant growth (summarized above under "5. Sewers, Stormdrains, Water"), but generally this proposal is acceptable as a drainage and landscape feature.

Based upon the landscape plan, it appears that all of the existing trees along the Spring Street frontage, including a large conifer adjacent to Clapp House, will be removed. Five trees along the rear of the site at the west end are retained.

Additional tree planting (mostly red maples) are proposed in groups of three at the throat of the parking lot and in four places along the rear of the site in front of the concrete retaining wall. The treatment of the concrete retaining wall is proposed to be painted with anti-vandal paint and the creation of an "armature of plant growth on the entire wall" (Attachment 4, second page).

The staff had indicated to the landscape architects (Attachment 5f) that the quality of the rear wall treatment is an issue given the number of years that this is going to be "exposed". The applicants agents have described the chain link fence as a "safety barrier" in Attachment 2 (which is an important function given the height of the retaining wall) and they propose to upgrade and paint the existing higher fence sections black and install a new central section at a lower height than the two existing sections. The new central section is black PVC covered and would provide safety barrier protection for the parking area at the higher level of 22 inches retaining wall topped by 22 inches chain link fence - see Plan 5.3 in Attachment 13k). The Children's Museum of Maine have commented (Attachment 9b) that they consider this is too low to afford a safety barrier as the combination of retaining wall and chain link would pose a safety risk to their patrons. A suggested condition of approval has been included to address these comments.

Any screening of the chain link fencing (as viewed from Spring and Oak Streets) would be by the

proposed trees and climbing vines for part of the year. The City Arborist offered recommendations on the submitted proposal (below) and the Historic Preservation Program Manager also raised this as a concern (see comments under "Historic Congruity" below). The City Arborist commented on the original submitted proposals:

*"Recommendations would include the adding to the screening of the back walls. While the plan proposes a wide variety of vine treatments the number or density of plants perhaps should be increased especially behind the five parking spaces near the top of the landscape sheet L4. To the right and left of this area trees help with the screening. Either a greater number of vines, espalier trees perhaps would help meet the screening goals."* (Attachment 5h)

The revised proposals are shown in Attachments 13g and k and include additional vine species and an increased number of vine plantings but no increase in the number of new trees. The proposals are acceptable to the City Arborist (Attachment 9d) who notes that *"Added vines along the wall should help cover the wall area more effectively. In time they should be able to reach the chain link fence area as well"*. The previous comments Historic Preservation Program Manager still stand (Attachment 5g).

c. Lighting

Attachment 1 includes a description of the lighting as originally proposed, which has been updated by the proposals described in Attachments 6, 7 and 8 and illustrated in Attachments 13d and e. The proposals now comprise:

- Parking lot: 5 pole mounted lights, specification as "Dallas" (full cut off) as in Attachment 8, with revised locations and illumination levels as shown on Attachment 13e; the illumination levels were increased in response to staff concerns that the original low levels of illumination, particularly along the walkway and in parts of the parking lot, would compromise security;
- Along walkway: 5 new pole-mounted lights, also Dallas (full cut off), described in Attachments 6 and 8 and shown on the Photometric Plan in Attachment 13e. These have addressed the previous concern about lighting levels being too low, but now create several areas where illumination is well over the City standards- see comments below)
- Landscaped terraces: Four 50 watt downlights located within each of the three terraces, mounted on trees at an 8-foot height and angled downward at 45degrees (see description in Attachment 6 and locations and photometrics in Attachment 13e)

The City's Technical and Design Standards set a minimum of 0.2 foot candles and a maximum of 5.0 footcandles for areas "intended to be lighted", which in this case are the walkway and parking areas. The photometric in Attachment 13e shows that while the parking lot is generally at illumination levels that comply with the City standards, there are two spots of over 9 footcandles along the walkway and this is almost double the City's maximum. An e-mail from Mohr and Seredin (Attachment 8) explains:

*"The existing five walkway lights (identified as 'A') are owned, controlled and maintained by the Holiday Inn, who has an easement across the PMA property. These lights were originally installed prior to the current technical standards. We are relocating these existing five walkway lights because the City has requested a twenty-foot driveway. Aside from this relocation, the proposed lighting plan replicates the existing walkway*

*light levels. We will discuss the possibility of decreasing the light levels with the Holiday Inn.”*

Staff understand that these walkway lights are new fixtures and new locations and therefore have suggested a condition that requires the walkway lighting to be revised in order to bring the illumination levels into compliance with City standards.

In the Workshop Memo Staff recommended “that some low level lighting should be included within the gardens area, perhaps by the use of bollards, illuminating the birch trees or other creative solution, which enhance the attractiveness, comfort, security and usability of the area.” The proposed inclusion of tree-mounted downlighters addresses this concern and appears acceptable; it is described as being low level and well dispersed” (Attachment 6). However, the fixtures are not “cut off” in design. The City’s Technical Standards allow non-cutoff fixtures provided that the photometrics fall within IESNA Guidelines. Staff recommends a lighting waiver be granted for the downlighting proposals, subject to confirmation that the proposals fall within the IESNA Guidelines.

d. Pedestrian Amenities

The proposed gardens comprise about a third of the site and all of the Spring Street frontage. The Workshop Memo noted that the original design did not include benches, lighting of the gardens or other amenities and indicated that “some lighting may be desirable for security and aesthetic purposes, and other amenities might make the space more usable”. The revised proposals include low level lighting as described above.

18. Determination not to be incongruous with nearby historic landmark

Site Plan Standard 15-526 (18) requires that “*if any part of a proposed structure or object is within one hundred (100) feet of any landmark...subject to the protection of article IX and not separated from such landmark or district by any public street, or any portion of any such street, such structure or object shall be determined not to be incongruous to the architectural style or character of those portions of such designated landmark or district as are currently visible to the development when viewed from a street or public open space*”. The proposals have therefore been reviewed by the City’s Historic Preservation Program Manager (Deb Andrews) and have been determined to meet this standard (Attachment 5g).

However, Ms Andrews has raised a potential concern regarding the choice of retaining/replacing the chain link fence on the top of the retaining wall. She has reviewed the revised proposals and indicated that her previous comments still stand.

## VII. **CONDITIONAL USE REVIEW**

Museums are a permitted institutional use under the B-3 Zoning Ordinance, but surface parking lots are a conditional use in the B-3 Zone and therefore must meet the following standards as set out under (14-218) (see relevant extracts below with staff comments):

*(b) The following uses are permitted as provided in section 14-474 (conditional uses), provided that, notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the board of appeals as the reviewing authority:*

*(5) Surface parking provided that:*

- a/b. *In the case of lot undergoing minor/major site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;*
- c. *No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.*

Staff comment: These standards have been met.

The proposals have been reviewed against 14-474 (Conditional Uses) and the applicant has addressed the three standards of section 14-474 in their Conditional Use application "Statement of Conformance with Conditional Use Criteria"(Attachment 1). Staff has the following comments:

- (2) *Standards. Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:*
  - a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*

Staff comment: As outlined in the submitted note in Attachment 1, the previous use of the site for the YWCA did include parking for 24-26 spaces and the gardens are suggested as having a positive effect for the public using Spring and Oak Streets and for adjacent properties. The recent submission of a draft license agreement to the City of Portland (Attachment 8, last document) allows for limited public access to the garden area subject to the following conditions:

1. *This license agreement is not assignable by the City.*
2. *The license is subject to the following conditions:*
  - a. *No dogs shall be allowed on the licensed land.*
  - b. *The public may use the licensed land only during daylight hours (i.e. sunrise to sunset).*
  - c. *The licensed land may be used only for passive recreational activities (i.e., no athletic activities, no street performers, no bicycles).*
3. *The City shall not be responsible for maintenance of the landscaping and other improvements on the licensed land. The City shall not make any improvements or alterations to the licensed land.*
4. *This license agreement may be revoked by PMA in the event that: (i) PMA intends to develop the licensed land; (ii) the licensed land is being used in violation of the conditions of this license agreement; or (iii) the improvements on the licensed land are being vandalized or the landscaping and other improvements thereon damaged from overuse or misuse.*

Public access reinforces the positive effect of the landscaping aspects of the parking lot proposal. The draft license was submitted on May 22, 2008 and staff has not had time to review the suggested language; hence the inclusion of a potential condition requiring Corporation Counsel approval to the proposed license and its execution prior to the Certificate of Occupancy.

- b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*

Staff comment: The revised lighting proposals are considered by staff to improve the security of the overall site for pedestrians using the paths across the site (Spring Street to the upper level parking for the Hotel; pedestrians coming from the Museum to the parking lot) and for pedestrians using Spring Street when it is dark/at night.



It should be noted that there is no fencing around the bio-retention cell/raingarden area; this may require further consideration if it presents safety concern and the suggested condition regarding this feature would cover this possibility.

- c. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

Staff comment: The B3 Zone and B3 Urban Design Standards include statements regarding the character of the B3 Zone, such as:

*Downtown Portland is the center of the region's business, governmental, cultural, and residential communities. It is also a physical environment comprised of a variety of individual buildings, streetscapes, parks, and districts in which people carry on with day-to-day interactions. As a physical environment, it should be designed to facilitate these uses in a setting that has beauty, is comfortable and secure, which provides amenity and interest for the pedestrian, and which celebrates the coming together of people in a concentrated pedestrian world. (page 1 of the Urban Design Guidelines).*

Staff appreciate there is a practical timetable for the Museum which means that this site is unlikely to be developed for a permanent Museum facility for at least 15-20 years. The need for parking is recognized and the proposals in terms of that use do not create an inconsistent impact.

- (d) *Conditions on conditional use permits. The board of appeals may impose such reasonable conditions upon the premises benefited by a conditional use as may be necessary to prevent or minimize adverse effects therefrom upon other property in the neighborhood. Such conditions shall be expressly set forth in the resolution authorizing the conditional use permit and in the permit. Violation of such conditions shall be a violation of this article.*

## VI. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #27-08 relevant to standards for conditional use and site plan regulations, and other findings as follows:

### I. Lighting Waiver

That the Planning Board [does/does not] waive the Technical Standard (Section XV 3., which requires all lighting fixtures to be of the "cut off" type) to allow for the proposed tree-mounted downlighters, subject to confirmation that this lighting proposal meets the current Illuminating Engineering Society of North America (IESNA) recommendations as per the City's Site Lighting Technical Standards. This waiver is given in recognition of the applicant's objective to provide security lighting within the landscaped areas.

### II. Site Plan Approval

1. That the site plan [is/is not] in conformance with the site plan standards of the land use code with the following conditions of approval:

Potential Conditions of Approval

*Plan 5-0*

- i. That the applicant submit for review and approval of the Planning Authority prior to the issuance of a building permit, the detail of the concrete sidewalk repair proposed within the Right of Way, which should comply with the City of Portland Technical Standards; and
- ii. That the applicant submit ~~evidence~~ of MDEP approval to the design of the bio-retention cell prior to the issuance of a building permit; and
- iii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the biodetention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority; and
- iv. That the applicant shall submit revised proposals for the lighting along the pedestrian walkway through the site, for review and approval of the Planning Authority prior to the issuance of a building permit; and  
*which meet the City's Site Lighting Tech Specs*
- v. That any signs, including the proposed sign at the corner of Spring and Oak Streets shown in Plan 5.0, shall be subject to detailed review and approval prior to the issuance of a Certificate of Occupancy; and
- vi. [to address comments from the Children's Museum of Maine] That the applicant shall revise the design of the central portion of the fencing along the top of the existing retaining wall to address the concerns of the Children's Museum of Maine, to be submitted for review and approval by the Planning Authority prior to the issuance of a building permit.

III. Conditional Use Approval

*5-0*

- 1. That the site plan [is/is not] in conformance with the conditional use standards of the land use code with the following conditions of approval:

Potential conditions of approval

- i. The applicant shall submit for final review and approval by Corporation Counsel, and execute prior to the issuance of a Certificate of Occupancy, the license to the City of Portland for limited public access to the landscape gardens associated with the parking lot; and
- xii. That the applicant shall be responsible for ongoing maintenance and monitoring of the operation of the biodetention cell/raingarden, and immediately address any problems that may arise (eg re survival of plantings, safety for the public), whether identified by the applicant or other parties, to the satisfaction of the Planning Authority.

Attachments as presented to the PB Workshop May 13, 2008

1. Applicant's application, including Mohr & Seredin written statement re conditional use and Right, Title, Interest information, Stormwater analysis, Traffic Note & Lighting Catalog cuts dated March 31, 2008
2. Mohr & Seredin letter of April 11, 2008 regarding lighting, existing retaining wall and short/long range plans for the site
3. Mohr & Seredin letter of April 23, 2008 regarding parking lot use, retaining wall treatment and lighting
4. Mohr & Seredin letter of May 6, 2008 regarding engineering details, current and proposed staff parking, retaining wall treatment and omission of benches from the gardens
5. Staff Comments
  - a. Zoning comments dated April 11, 2008
  - b. Engineering Review (Dan Goyette of Woodard & Curran) Memo of April 24, 2008
  - c. Planning staff e-mail of May 1, 2008
  - d. Public Services Memo re sidewalk improvements of May 1, 2008
  - e. Traffic Engineering Reviewer (Tom Errico) comments e-mail of May 6, 2008
  - f. Planning staff e-mail of May 6, 2008
  - g. Historic Preservation Program Manager comments of May 8, 2008
  - h. City Arborist Comments e-mail dated May 9, 2008

Attachments since PB Workshop May 13, 2008 for May 27, 2008 Hearing

6. Mohr & Seredin letter of May 15, 2008 (re gate, sidewalk repairs, revised treatment of rear wall, planting, lighting and bicycle rack)
7. Mohr & Seredin memorandum of May 21, 2008
8. Mohr & Seredin e-mail (Michael King) of May 22, 2008 including catalog cuts for revised lighting and draft public access license
9. Updated staff comments
  - a. Engineering Review (Dan Goyette of Woodard & Curran) Memo of May 19, 2008
  - b. Fire Department e-mail of May 20, 2008
  - c. Traffic Engineering Reviewer (Tom Errico) comments e-mail of May 21, 2008
  - d. City Arborist Comments e-mail dated May 22, 2008
- 9b. Children's Museum of Maine e-mail comments of May 23, 2008
10. Photographs of existing (staff)
11. Submitted Sketches (March 2008)
12. Updated rear wall proposal as circulated to PB Workshop
13. Plan Set (final revisions as received May 16, 2008 except where indicated)
  - a. Cover Sheet
  - b. Land Title Survey
  - c. L1.0 Existing Conditions
  - d. L2.0 Layout, Materials and Lighting Plan
  - e. L2.1 Lighting Photometric Plan (received May 21, 2008)
  - f. L3.0 Grading, Drainage, Utilities and Erosion Control Plan
  - g. L4.0 Landscape and Planting Plan
  - h. L5.0 Site Details (including sign)
  - i. L5.1 Site Details
  - j. L5.2 Site Details (including Bike Rack)
  - k. L5.3 Existing Retaining Wall: Elevations and Details
  - l. C-1 Drainage Improvements Plan
  - m. C-2 Existing and Proposed Conditions Maps
  - n. C-3 Drainage Improvements Details
  - o. C-4 Overall Neighborhood Drainage Plan

Public  
comment

PMA Hearing report.  
ORIGINALS

pl. ck. #'s are in order

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  - e. Traffic Engineering Reviewer (Tom Errico) comments e-mail of May 6, 2008
  - f. Planning staff e-mail of May 6, 2008
  - g. Historic Preservation Program Manager comments of May 8, 2008
  - h. City Arborist Comments e-mail dated May 9, 2008

Attachments since PB Workshop May 13, 2008 for May 27, 2008 Hearing

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7. Mohr & Seredin memorandum of May 21, 2008
8. Mohr & Seredin e-mail (Michael King) of May 22, 2008
9. Updated staff comments
  - a. Engineering Review (Dan Goyette of Woodard & Curran) Memo of May 19, 2008
  - b. Fire Department e-mail of May 20, 2008
  - c. Traffic Engineering Reviewer (Tom Errico) comments e-mail of May 21, 2008
  - d. Historic Preservation Program Manager comments of May XX, 2008
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*attached*

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  - a. Cover Sheet
  - b. Land Title Survey
  - c. L1.0 Existing Conditions
  - d. L2.0 Layout, Materials and Lighting Plan
  - e. L2.1 Lighting Photometric Plan (dated XXXX)
  - f. L3.0 Grading, Drainage, Utilities and Erosion Control Plan
  - g. L4.0 Landscape and Planting Plan
  - h. L5.0 Site Details
  - i. L5.1 Site Details
  - j. L5.2 Site Details (including for retaining wall treatment)
  - k. L5.3
  - l. C-1 Drainage Improvements Plan
  - m. C-2 Existing and Proposed Conditions Maps
  - n. C-3 Drainage Improvements Details
  - o. C-4 Overall Neighborhood Drainage Plan



M O H R & S E R E D I N  
Landscape Architects, Inc.

March 31, 2008

Ms. Barbara Barhydt, Development Review Services Manager  
City of Portland Planning Department  
389 Congress St.  
Portland, ME 04101

**Re: Portland Museum of Art, Spring Street Site Plan Submission  
Tax Map 39B, Lot 15**

Dear Barbara:

On behalf of the Portland Museum of Art (The Museum) we submit the attached site plan and Conditional Use applications, plans, and documents in support of a request for Conditional Use Site Plan approval for the property at 83 Spring Street recently purchased by The Museum. As you know from our meetings and discussions, The Museum is proposing to utilize this property for parking to support the Museum's mission, for outdoor gardens and to improve the appearance of the Museum's facilities on Spring Street. The Museum is putting forth this plan as an interim measure while it develops a long-range Master Plan for the former YWCA property.

The 38,500 s.f. parcel is located at the corner of Oak and Spring Streets and is within the B-3 Downtown Business Zoning District. Parking is permitted within this zone as a Conditional Use and requires Planning Board approval of a site plan developed in conformance with Portland's Land Use Ordinance. The proposal by The Museum is to create a paved parking area for 45 vehicles on the southwesterly corner of the property and to regrade 16,000 s.f. of the lot to create three landscaped terraces paralleling Spring Street. The site improvements will include new storm drainage, site lighting and planting.

Our office has developed this site plan in response to the specific program of The Museum, the historic residential precedents on Spring Street, and the functional issues which exist at this parcel. The proposed parking area includes 35 regular spaces and 10 tandem spaces for a total count of 45 vehicles. This lot will be used primarily by Museum staff, volunteers, docents, and therefore the tandem parking can be successfully used given The Museum's control over, and management of, this lot. The three terraces reflect the prior residential development on Spring Street that was removed to construct the YWCA and the slopes between the terraces reinforce the location of the original house lots that existed on the west side of Spring Street. The bosques of birch trees suggest the massing of the removed homes and are The Musuem's landscape statement identifying this parcel as a part of their campus.

The site plan has been developed to include stormwater management measures on the property to address the quantity of runoff as well as water quality. When the YWCA was located on this parcel approximately 90% of the property was impervious and 10% was green space. The design as proposed includes approximately 40% green space and 60% impervious area. The redesign of the drainage system on the property directs the runoff from the parking area into a bio-retention cell/rain garden. This is a low-lying vegetated basin that is constructed with a soil underdrain that will result in runoff with a water quality that meets the City standards. The rain garden will have both an underdrain and an emergency overflow that will be connected to the separated storm drainage system in Spring Street. Runoff from the lawn terraces will be controlled by small drain inlets and underdrains which will also be tied into the separated storm drainage system. A stormwater management plan has been prepared by Steve Blais, PE, of Land Consulting Engineers and is attached with this submission.

Site lighting will be provided via low-level lights on the pedestrian walkway that crosses the southern end of the property and pole mounted lights on the western edge of the parking lot. The walkway lights are proposed as 50-watt metal halide bollard lights. These will be placed parallel to the walkway, adjacent to the parking area, to provide a lower-level, soft, polite illumination level at the edges of the parking lot closest to pedestrian activity. The four pole mounted lights will be located at the western side of the parking lot. These will be metal halide fixtures mounted at a 15-foot height. Both fixture types are simple, anodized black lights that comply with the City of Portland standards. By design the illumination levels are likely to be less than the City standards but as proposed are sufficient to provide safe, nighttime use of this area. An illumination diagram for the site has been included in this submission which shows the footcandle levels within the property. A proposed photometrics plan will be submitted under separate cover.

We have reviewed the traffic and circulation issues for the project and consulted with William Bray, P.E. regarding traffic issues. Prior to the demolition of the YWCA there were 24 to 26 parking spaces that utilized the existing 16-foot wide driveway from Spring Street. The proposed plan expands the parking spaces to 45, and we are proposing to widen the existing driveway to a 20-foot travel width. In doing so, we will relocate the existing 4-foot wide sidewalk in order to accommodate the additional travel width of the driveway. The use of the property by the YWCA produced a daily trip generation level that will not be matched by the proposed use of the space for 20 additional vehicles for parking. Mr. Bray has prepared a summary traffic statement that is attached with this submission.

The three bosques of birch trees are a significant element in the overall landscape design for this project. In order to showcase these plantings we are proposing to remove all of the existing Norway Maples that are on the property. The London Plane tree that is within the Spring Street right-of-way will be preserved. The birches and the proposed shrub masses will meet the intent of the parking lot landscaping guidelines set forth in the City's Technical Supplement. To assure survival of the planting they will all be irrigated as will the lawn areas on the terraces. The existing concrete wall will be treated with a paint that assures graffiti removal, and will be planted with vines on wires as well as on metal trellises. Details for the landscaping are included in this submission with a specific plant list for all proposed plantings.

The design for this property is based upon a simple terraced landform and the massing of the white birch trees that screen the proposed parking on the site. Accordingly, site improvements will be kept to a minimum to allow the strength of the planting and lawn terraces to be revealed. One sign will be located at the driveway entrance stating that the parking is for the Portland Museum of Art staff and a Portland Art Museum identification sign will be placed at the corner of Oak and Spring Streets. No other signs are proposed for the parcel. Granite seating may be incorporated into the park design in a form consistent with the seating found at The Museum entrance. The existing pre-cast concrete pedestrian walkway will be reconstructed with a brick surface to provide color contrast as well as a historical reference with the surface materials.

The property has an eight (8) foot wide easement held by Harper Hotels, Inc. for a pedestrian walkway and utilities. This easement is used by the Holiday Inn to provide pedestrian connection to the Free Street parking lot owned by Harper Hotels, Inc. No other easement are located on the parcel. The Museum is evaluating the issue of public access to the proposed landscaped areas and will discuss that issue with the Planning Board at the April Workshop.

There are no trash cans, solid waste facilities or dumpsters proposed for the project. The Museum handles these needs via their existing facilities so none are included on the site plan. The proposal does not include any structures, so there will be no effluent placed into the City's sanitary sewer system nor

will there be a water demand of domestic use. The stormwater flows leaving the site will be substantially reduced, and have the qualities improved. Based upon these two facts we believe that the public facilities in Spring Street have the capacity to meet the needs of the proposed project.

The Museum plans to proceed with the work immediately upon receipt of the permit from the City. Work will commence in June, and the planting and lawn will be installed by mid to late August, with a completion date by mid-September, 2008. No other state or federal permits are required to perform the work.

This submission includes the following:

1. Site Plan Application and fee.
2. Completed Site Plan Checklist
3. Letter of Agency
4. Letter of Financial Capacity
5. Property deed as evidence of Right, Title and Interest
6. Stormwater Management Report by Steve Blais, PE
7. Written Erosion Control Plan.
8. Traffic statement by William Bray, P.E.
9. Lighting Specifications
10. Perspective Sketches
11. Conditional Use Application and fee.
12. Statement of Conformance with Conditional Use Criteria.
13. Plans
  - S1 -- Standard Boundary Survey
  - L1.0 -- Existing Conditions Plan
  - L2.0 -- Layout, Materials and Lighting Plan
  - L3.0 -- Grading, Drainage, Erosion Control & Utilities Plan
  - L4.0 -- Landscape and Planting Plan
  - L5.0 -- Site Details
  - L5.1 -- Site Details
  - L5.2 -- Site Detail
  - D1 -- Drainage Plan
  - D2 -- Drainage Details and Sections

Please call if you require any other information, or if you want to meet to review this submission.

Sincerely,



Stephen B. Mohr, ASLA

Cc: Mr. Dan O'Leary, PMA  
Mr. Charlton Ames  
Mr. Hans Underdahl





# Portland Museum of Art

February 12, 2008

Alexander Q. Jaegerman, Director  
Planning and Development Department  
City of Portland  
389 Congress Street  
Portland, ME 04101-3509

Dear Alexander:

Thank you for the opportunity to meet with you and Lee Urban yesterday and to review the plans the Portland Museum of Art is developing for the property adjacent to the Museum at 87 Spring Street.

As I explained in our meeting, we have completed the search process for an engineering and landscaping consultant for this project and expect to proceed very soon with preparation of a site plan for review.

As we pursue this process, we understand that the Museum should not employ the site for new purposes, such as expanded or public parking, which would first require formal review and approval by the city.

We therefore are making every effort to restrict vehicle access to the site and to insure that our activity will conform to the same use established when the land was controlled by the previous owner. The YWCA maintained parking places for approximately 25 vehicles at the rear of the property. We have taken steps to limit our use to the same level and also to the same approximate location. We will also limit access to Museum staff, trustees, and occasional contractors, and we will monitor the area so that unauthorized use will not occur.

We look forward to making significant improvements to this property that will be valuable to our institution and to the city of Portland, and we appreciate your efforts to help us achieve a successful outcome.

Sincerely,

Daniel E. O'Leary  
Director

Copy Lee, Barbara  
This is Dan's  
response to our  
concern about  
parking - I  
asked him to

include a plan  
showing where  
parking is  
presently allowed.

Alex



# Conditional Use Application

Att. 1.5

Department of Planning and Development  
Portland Planning Board

1. Applicant Information:

PORTLAND MUSEUM OF ART

Name

SEVEN CONGRESS SQ.

Address

PORTLAND, ME 04101

775-6148

Phone

Fax

2. Subject Property:

87 SPRING STREET

Address

30 B LOT 15

Assessor's Reference (Chart-Block-Lot)

3. Property Owner:  Applicant  Other

SAME AS APPLICANT

Name

Address

Phone

Fax

4. Current Zoning Designation(s):

B-3 DOWNTOWN BUSINESS

5. Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

THE MUSEUM OWNS THE LOT IN FEE SIMPLE INTEREST (DEED ATTACHED)

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

6. Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

SEE PROJECT PLAN CONR SHEET (EXEMPT ATTACHED)

7. Existing Use:

Describe the existing use of the subject property: FORMER YWCA SITE; EXISTING USE IS OPEN SPACE and PARKING AREA FOR 25/26 VEHICLES

8. Type of Conditional Use Proposed:

SURFACE PARKING GREATER THAN 35 FEET FROM STREET LINES AS SET FORTH IN 14-218 (b) (5)



9. **Sketch Plan:** On a separate sheet please provide a sketch plan of the property, showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1"=10' to 1"=100'.) *SEE ATTACHED PLAN SET*

10. **Conditional Use Authorized by:** Section 14- *218 (b) (5) REVIEW BY PLANNING BOARD*

11. **Standards - Criteria for Conditional Use Appeal**

*SEE ATTACHED WRITTEN RESPONSE*

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

12. **Application Fee:** A fee for must be submitted by check payable to the City of Portland in accordance with Section 14-54 of the Municipal Code (see below). The applicant also agrees to pay all costs of publication (or advertising) of the Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.

Fee for Service Deposit (\$200.00)  
(Required for all applications in addition to the applicable application fee listed below)

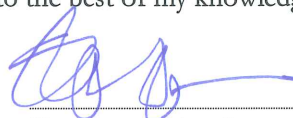
<input checked="" type="checkbox"/> Conditional Use	\$100.00
Legal Advertisements	percent of total bill
Notices (workshop and public hearing)	.55 cents each

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all Newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

13. **Signature:** The above information is true and accurate to the best of my knowledge.

*30 MARCH 08*

\_\_\_\_\_  
Date of Filing



\_\_\_\_\_  
Signature of Applicant

**Further Information:** Please contact the Planning Division for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

Applicants are encouraged to include a letter or narrative to accompany the conditional use application which can provide additional background or contextual information, and describe the proposed conditional use and reasons for the request in a manner that best suits the situation.

Portland Planning Board, Portland, Maine- Effective: July 6, 1998

## Statement of Conformance with Conditional Use Criteria

The Portland Museum of Art (PMA) is proposing to construct a parking lot and landscaped terraces on the property that they recently acquired at 87 Spring Street. This 38,500 s.f. parcel was formerly occupied by the YWCA structure; the buildings that occupied the parcel have been removed and a site plan developed by PMA for the reuse of the property. The proposed plan includes a parking lot for 45 cars on the southwest corner of the lot and the development of three landscape terraces adjacent to Spring Street.

The construction of surface parking lot in the B-3 Zoning District is permitted as a Conditional Use under Section 14-218(b)(5) of the City of Portland Land Use Ordinance. This section states that surface parking can be provided as long as it is reviewed as a Conditional Use by the Planning Board; that there is no parking located within 35 feet of any street and that no parking space shall be encumbered by a lease or other use commitment exceeding a 24-month term.

Our response to the criteria for the Conditional Use are set forth below based upon the plan as proposed by PMA. The ordinance states that a Conditional Use permit shall be granted unless the Board determines that the following criteria apply to a property or project.

a. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*

When the YWCA occupied this property there was parking for 24 to 26 vehicles and a structure with a footprint of approximately 26,200 s.f. that housed residential uses, office space and indoor recreational facilities. The proposed uses include parking for 45 vehicles, related site improvements, and landscaped open space. Reuse of the site for parking will not create any unique or distinctive characteristics differing from those that existed on the property when it was owned and used by the YWCA.

Some of the negative effects of the former use of the site will be offset by the proposed uses through the inclusion of water quality and stormwater management measures and the separation of sanitary and stormwater flows leaving the property. The proposal to develop over 40% of the property as landscaped/garden area is a unique and distinctive characteristic, but results in a positive effect for adjoining properties. The proposed terracing and planting will enhance the historic qualities seen in the McLellan and Clapp Houses and will provide an aesthetic benefit for the public on Spring and Oak Streets and for the adjacent properties.

b. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;*

Reuse of this site for parking for 45 vehicles and the development of 16,000 s.f. of landscaped open space will not result in any adverse impacts upon the adjoining lots, surrounding area, or upon the health, safety or welfare of the public. A traffic and circulation assessment has been performed by William Bray which indicates the 20 vehicle increase in on-site parking from that formerly found on the property will not create any traffic or safety hazards. The development has been designed to minimize the

visibility of the parking area and to manage the runoff for stormwater quality and quantity.

The redevelopment of the property for the proposed uses will remove all combined sanitary sewer flows from the property and direct the runoff to the portion of the City stormwater system that is a separated drainage system. There will be no shadowing of neighboring properties, there will be no unusual noise or site lighting levels resulting from the proposed project and the inclusion of green space will improve the appearance of the property to the public that travel Spring Street.

- c. *Such impact differs substantially from the impact which would normally occur from such a use in that zone.*

The impacts that result from the use of this property for parking and green space do not differ from uses that occur within the broader B-3 Downtown Zoning District. As noted above this property had parking for 24 to 26 vehicles and therefore the small expansion of the parking is substantially the same use as existed on the property prior to this application. The inclusion of open space, planting, and the related site improvements are all uses that occur throughout the downtown area and in large measure provide benefits within this zone and do not negatively impact abutters, neighbors, the public or the larger Portland community.



# Development Review Application Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Address of Proposed Development: **87 SPRING STREET**

Zone: **B-3 DOWNTOWN BUSINESS**

Project Name: **PORTLAND MUSEUM OF ART SPRING STREET PARKING and GARDENS**

Existing Building Size: **NO BUILDINGS ON THE LOT** sq. ft.

Proposed Building Size: **NO BUILDINGS PROPOSED** sq. ft.

Existing Acreage of Site: **38,737 (0.89 AC)** sq. ft.

Proposed Acreage of Site: **SAME** sq. ft.

Proposed Total Disturbed Area of the Site: **38,200** sq. ft. \*

\* If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) or Chapter 500, Stormwater Management Permit with the Maine Department of Environmental Protection (DEP).

Tax Assessor's Chart, Block & Lot: Chart # Block # Lot #	Property Owners Name/ Mailing address: <b>PORTLAND MUSEUM OF ART          SEVEN CONGRESS SQ.          PORTLAND, ME 04101</b>  CONTACT: <b>MR DAN O'LEARY          MUSEUM DIRECTOR</b>	Telephone #:  Cell Phone #:
Consultant/Agent Name, Mailing Address, Telephone #, Fax # and Cell Phone # : <b>MOHR &amp; SERBIN          LANDSCAPE ARCHITECTS, INC.          18 PLEASANT ST PORTLAND          04101 871-0003 (PH)</b>	Applicant's Name/ Mailing Address:  <b>SAME AS OWNER</b>	Telephone #: <b>SAME AS OWNER</b> Cell Phone #: <b>N/A</b>

Fee for Service Deposit (all applications)  (\$200.00)

Proposed Development (check all that apply)

- New Building  Building Addition  Change of Use  Residential  Office  Retail
- Manufacturing  Warehouse/Distribution  Parking lot
- Subdivision (\$500.00) + amount of lots \_\_\_\_\_ (\$25.00 per lot) \$ \_\_\_\_\_ + major site plan fee if applicable
- Site Location of Development (\$3,000.00)  
(except for residential projects which shall be \$200.00 per lot \_\_\_\_\_)
- Traffic Movement (\$1,000.00)  Storm water Quality (\$250.00)
- Section 14-403 Review (\$400.00 + \$25.00 per lot)
- Other **CONDITIONAL USE**  
**(SEPARATE APPLICATION ATTACHED)**

~ Please see next page ~

Major Development (more than 10,000 sq. ft.)

- Under 50,000 sq. ft. (\$500.00)
- 50,000 - 100,000 sq. ft. (\$1,000.00)
- Parking Lots over 100 spaces (\$1,000.00)
- 100,000 - 200,000 sq. ft. (\$2,000.00)
- 200,000 - 300,000 sq. ft. (\$3,000.00)
- Over 300,000 sq. ft. (\$5,000.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Minor Site Plan Review

- Less than 10,000 sq. ft. (\$400.00)
- After-the-fact Review (\$1,000.00 + applicable application fee)

Plan Amendments

- Planning Staff Review (\$250.00)
- Planning Board Review (\$500.00)

Billing Address: (name, address and contact information)

MOHR & SEREDIN  
 18 PLEASANT ST.  
 PORTLAND, ME 04101

PHONE 871-0003  
 FAX 871-1419

ATTN: STEPHEN MOHR  
 & TANJA SEREDIN


Submittals shall include seven (7) folded packets containing of the following materials:

- A. Copy of the application.
- B. Cover letter stating the nature of the project.
- C. Written Submittal (Sec. 14-525 2. (c), including evidence of right, title and interest.
- D. A standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
- E. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
- E. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
- F. In addition to the seven (7) sets of documents listed above, one (1) set of the site plans reduced to 11 x 17 must be submitted.

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site: [www.portlandmaine.gov](http://www.portlandmaine.gov) Copies of the ordinances may be purchased through the Planning Division.

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

This application is for site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 30 MARCH 2008
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# Site Plan Checklist Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

PORTLAND MUSEUM OF ART  
SPRING STREET PARKING and GARDENS - 87 SPRING ST.

Project Name, Address of Project

Application Number

The form is to be completed by the Applicant or Designated Representative:

Check Submitted	Site Plan Item	Required Information	Section 14-525 (b,c)
✓ SUB S-1	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
✓ COVER SHEET	(2)	Name and address of applicant and name of proposed development	a
✓ L-1 - L-4	(3)	Scale and north points	b
✓ S-1	(4)	Boundaries of the site	c
S-1 and COVER SHEET	(5)	Total land area of site	d
L-1 and L-3	(6)	Topography - existing and proposed (2 feet intervals or less)	e
✓	(7)	Plans based on the boundary survey including:	2
COVER SHEET	(8)	Existing soil conditions	a
N/A or L-1	(9)	Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
N/A NO BUILDINGS	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
✓ COVER SHEET	(11)	Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 9 of packet)	d
N/A NONE EXIST.	(12)	Location of on-site waste receptacles	e
✓ L-1	(13)	Public utilities	e
✓ L-1	(14)	Water and sewer mains	e
✓ L-1 and L-3	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
✓ S-1	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
✓ S-1 and L-1 to L-4	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
✓ L-1 THRU L-4	(18)	Parking areas	g
EXISTING L-1	(19)	Loading facilities	g
✓ L-1 THRU L-4	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
✓ L-1 THRU L-4	(21)	Curbs and sidewalks	g
✓ L-4	(22)	Landscape plan showing:	h
✓ L-1 and L-4	(23)	Location of existing vegetation and proposed vegetation	h
✓ L-1 and L-4	(24)	Type of vegetation	h
✓ L-4	(25)	Quantity of plantings	h
✓ L-4	(26)	Size of proposed landscaping	h
✓ L-4	(27)	Existing areas to be preserved	h
✓ L-5	(28)	Preservation measures to be employed	h
✓ L-5	(29)	Details of planting and preservation specifications	h
✓ L-4	(30)	Location and dimensions of all fencing and screening	i
L-2	(31)	Location and intensity of outdoor lighting system	j
L-1	(32)	Location of fire hydrants, existing and proposed (refer to Fire Department checklist)	k
COVER LETTER	(33)	Written statements to include:	c
COVER LETTER	(34)	Description of proposed uses to be located on site	cl
N/A	(35)	Quantity and type of residential, if any	cl
COVER LETTER	(36)	Total land area of the site	c2
N/A COVER LETTER	(37)	Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
COVER LETTER	(38)	General summary of existing and proposed easements or other burdens	c3
N/A	(39)	Type, quantity and method of handling solid waste disposal	c4
COVER LETTER	(40)	Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets	c5
COVER LETTER and PLANS REPORT	(41)	Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6



- ✓ COVER LETTER (42) An estimate of the time period required for completion of the development 7
- COVER LETTER (43) A list of all state and federal regulatory approvals to which the development may be subject to. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. 8
- LETTER FROM PMA (47) Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved. h8
- DEED SUBMITTED (48) Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
- N/A (49) A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.
- WITH SUBMISSION (50) A jpeg or pdf of the proposed site plan, if available.
- \_\_\_\_\_ (51) Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- ↙ drainage patterns and facilities
- ↘ erosion and sedimentation controls to be used during construction
- ↖ a parking and/or traffic study
- ↗ emissions
- NO a wind impact analysis
- NO an environmental impact study
- NO a sun shadow study
- NO a study of particulates and any other noxious
- NO a noise study

Other comments:

THIS SUBMISSION INCLUDES:

- EROSION & SEDIMENTATION CONTROL PLAN (S. MCGHEE, PE)
- TRAFFIC STATEMENT (W. BRAD, P.E.)
- DRAINAGE STUDY (S. BUAIS, PE)



Att. 1.13

# Site Plan Checklist Portland, Maine

Department of Planning and Development, Planning Division and Planning Board

Project Name, Address of Project

Application Number

The form is to be completed by the Applicant or Designated Representative:

Check Submitted	Site Plan Item	Required Information	Section 14-525 (b,c)
✓ <u>OH. ALTA SURVEY</u>	(1)	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
✓ <u>ON COVER SHEET</u>	(2)	Name and address of applicant and name of proposed development	a
✓	(3)	Scale and north points	b
✓	(4)	Boundaries of the site	c
✓	(5)	Total land area of site	d
✓ <u>ON EXIST. CONDS</u>	(6)	Topography - existing and proposed (2 feet intervals or less)	e
✓	(7)	Plans based on the boundary survey including:	2
✓ <u>UTILITIES</u>	(8)	Existing soil conditions	a
N/A	(9)	Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
N/A	(10)	Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
✓ <u>ON COVER SHEET</u>	(11)	Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 9 of packet)	d
N/A	(12)	Location of on-site waste receptacles	e
✓ <u>EX. COND. PLAN</u>	(13)	Public utilities	e
✓	(14)	Water and sewer mains	e
✓	(15)	Culverts, drains, existing and proposed, showing size and directions of flows	e
✓ <u>ON OH ALTA SURVEY</u>	(16)	Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
✓	(17)	Location and dimensions of on-site pedestrian and vehicular access ways	g
✓	(18)	Parking areas	g
✓ <u>EXISTING PMA</u>	(19)	Loading facilities	g
✓	(20)	Design of ingress and egress of vehicles to and from the site onto public streets	g
✓	(21)	Curb and sidewalks	g
✓	(22)	Landscape plan showing:	h
✓	(23)	Location of existing vegetation and proposed vegetation	h
✓	(24)	Type of vegetation	h
✓	(25)	Quantity of plantings	h
✓	(26)	Size of proposed landscaping	h
✓	(27)	Existing areas to be preserved	h
✓	(28)	Preservation measures to be employed	h
✓	(29)	Details of planting and preservation specifications	h
✓	(30)	Location and dimensions of all fencing and screening	i
✓	(31)	Location and intensity of outdoor lighting system	j
✓ <u>EXISTING ON SPANS</u>	(32)	Location of fire hydrants, existing and proposed (refer to Fire Department checklist)	k
✓	(33)	Written statements to include:	c
✓	(34)	Description of proposed uses to be located on site	cl
✓	(35)	Quantity and type of residential, if any	cl
✓	(36)	Total land area of the site	c2
✓ <u>N/A NO BUILDINGS PROPOSED</u>	(37)	Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
✓	(38)	General summary of existing and proposed easements or other burdens	c3
✓ <u>NO MS PROPOSED</u>	(39)	Type, quantity and method of handling solid waste disposal	c4
✓ <u>IN CONSULTATION</u>	(40)	Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets	c5
✓ <u>STREAM DRAINAGE REPORT</u>	(41)	Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6 c6

- ✓ \_\_\_\_\_ (42) An estimate of the time period required for completion of the development 7
- ✓ \_\_\_\_\_ (43) A list of all state and federal regulatory approvals to which the development may be subject to. Include the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction. 8
- ✓ \_\_\_\_\_ (47) Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved. h8
- ✓ DEED SUBMITTED \_\_\_\_\_ (48) Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
- N/A \_\_\_\_\_ (49) A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.
- ✓ ON DISC \_\_\_\_\_ (50) A jpeg or pdf of the proposed site plan, if available.  
UNIT SUBMITTED
- \_\_\_\_\_ (51) Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study

Other comments:

~~At~~ The following additional information has been submitted with this applicata

- Storm Drainage Study (Lund Consulting Engineers)
- Erosion Control Plan (M&E)
- Traffic/Circulation Statement (William Brown, PE)

At. 1.15



# Portland Museum of Art

March 25, 2008

To whom it may concern:

Mohr & Seredin, Landscape Architects, Inc. is authorized to act on behalf of the Portland Museum of Art for the purposes of securing City of Portland permits for the PMA Spring Street Site Improvements Project at 87 Spring Street.

Yours truly,

Hans Underdahl

President

Portland Museum of Art Board of Trustees



# Portland Museum of Art

March 25, 2008

To whom it may concern:

The cost to complete the PMA Spring Street Site Improvements Project is estimated not to exceed \$280,000. The Portland Museum of Art's Board of Trustees, at their meeting on March 19, 2008, voted to authorize sufficient funds be set aside to complete this project as budgeted. This money will be available through existing funds.

Yours truly,

Elena Murdock  
Deputy Director for Finance and Operations

Att. 1.107

**QUITCLAIM DEED**

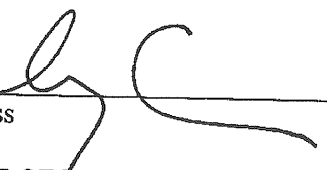
**THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF PORTLAND, MAINE**, a Maine nonprofit corporation, for consideration paid, GRANTS to the **PORTLAND MUSEUM OF ART**, a Maine nonprofit corporation having a mailing address of Seven Congress Square, Portland, Maine 04101, certain real estate located in Portland, Cumberland County, Maine, which is more particularly described in Exhibit A attached hereto and made a part hereof.


Reference is hereby made to the following deeds: State of Maine to Young Women's Christian Association of Portland, Maine by quitclaim deed dated November 19, 1958 and recorded in the Cumberland County Registry of Deeds in Book 2451, Page 19; and Porteous, Mitchell & Braun Company to Young Women's Christian Association of Portland, Maine by warranty deed dated August 12, 1966 and recorded in the Cumberland County Registry of Deeds in Book 3303, Page 47. Further reference is made to that certain "ALTA/ACSM LAND TITLE SURVEY at 87 Spring Street, Portland, Maine made for Maine State Housing Authority" dated December 1, 2006 and prepared by Owen Haskell, Inc.

IN WITNESS WHEREOF, this instrument is executed on behalf of The Young Women's Christian Association of Portland, Maine this 10<sup>th</sup> day of July, 2007 by Margaret F. Cleveland, its President, thereunto duly authorized.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF

THE YOUNG WOMEN'S CHRISTIAN  
ASSOCIATION OF PORTLAND, MAINE

Witness 

  
Margaret F. Cleveland, its President

STATE OF MAINE  
County of Cumberland, SS.

July 10, 2007

Then personally appeared the above-named Margaret F. Cleveland, President of The Young Women's Christian Association of Portland, Maine, and acknowledged the foregoing instrument to be her free act and deed in said capacity and the free act and deed of The Young Women's Christian Association of Portland, Maine.

Before me,  
  
Notary Public/Maine Attorney-at-Law

SEAL

Printed Name: JOLEEN M. RICE  
NOTARY PUBLIC, MAINE  
COMMISSION EXPIRES MAY 3, 2012

EXHIBIT A

87 Spring Street, Portland, Maine

A certain lot or parcel of land, with the buildings thereon, situated on the northerly side of Spring Street and the westerly side of Oak Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the aforementioned intersection of Spring and Oak Streets;

Thence S 61° 29' 20" W along said northerly side of Spring Street, 264.94 feet to land now or formerly of the Portland Society of Art;

Thence, leaving said Spring Street, N 25° 44' 40" W along said Portland Society of Art land 114.90 feet;

Thence N 24° 10' 40" W, continuing along said Portland Society of Art land 47.37 feet to land now or formerly of Harper Hotels Inc.;

Thence, along said Harper Hotels Inc. the following courses and distances:

N 63° 27' 20" E a distance of 72.75 feet;

N 68° 06' 18" E a distance of 127.15 feet;

S 27° 48' 20" E a distance of 30.48 feet;

N 68° 56' 12" E a distance of 71.57 feet to the westerly side of the aforementioned Oak Street;

Thence S 21° 02' 20" E along said Oak Street 106.00 feet to the point of beginning and containing 0.89 acres, more or less.

Together with the benefit of rights and easements granted to The Young Women's Christian Association of Portland, Maine by Portland Society of Art as set forth in an Indenture dated October 8, 1980 and recorded in the Cumberland County Registry of Deeds in Book 4689, Page 284, and subject to the rights and easements granted to the Portland Society of Art in said instrument and the terms and conditions contained therein, as affected by an Amendment to Indenture dated December 1, 1982 and recorded in said Registry of Deeds in Book 5089, Page 116.

Subject to an easement granted to Harper Hotels, Inc. by The Young Women's Christian Association of Portland, Maine as set forth in an Easement Deed dated September 30, 1992 and recorded in the Cumberland County Registry of Deeds in Book 10376, Page 112.

Received  
Recorded Register of Deeds  
Jul 10, 2007 01:19:15P  
Cumberland County  
Pamela E. Lovley



**STORMWATER ANALYSIS**  
**For**  
**PORTLAND MUSEUM OF ART**  
**SPRING STREET PARKING and GARDENS**  
**March 25, 2008**

## INTRODUCTION

As requested by Mohr & Seredin Landscape Architects, we have prepared this report to evaluate stormwater runoff from the interim Portland Museum of Art's Spring Street Parking and Gardens development, in Portland, Maine. This stormwater analysis will be updated as the Museum develops a long term Master Plan for the property.

The 0.89 ± acre parcel is located on the northwest corner of Spring Street and Oak Street in Portland, Maine. There is approximately ten feet of elevation change over the length of the 106 foot by 264 foot lot. This parcel will be referred to as the "Site" for the remainder of this report.

In this analysis the existing condition refers to the Site conditions prior to demolition of the Young Women's Christian Association (YWCA) Building. The Portland Museum of Art's plans for the Site are to construct an interim parking facility with 35 vehicles spaces and 10 tandem parking spaces separated from Spring Street by a series of landscaped terraces.

The proposed development reduces the amount of impervious areas on the Site due to the introduction of the new landscaped areas. The additional landscaped areas will absorb more rainwater, thus reducing the Site's stormwater impacts. To further reduce stormwater impacts, the Museum is proposing to construct an interim bioretention cell to treat the runoff from the proposed parking area and a portion of the driveway near the museum.

## DATA COLLECTION AND ASSUMPTIONS

The following information sources were used to create a HydroCAD drainage model of the Site:

- CAD files from Mohr & Seredin.
- Field observations and data collected in the field by LCE.





HydroCAD is a Computer Aided Design program for modeling the hydrology and hydraulics of stormwater runoff. It is based largely on hydrology techniques developed by the Soil Conservation Service (now the Natural Resources Conservation Service), combined with other hydrology and hydraulics calculations. For a given rainfall event, these techniques are used to generate hydrographs throughout a watershed. This allows LCE to verify that a given drainage system is adequate for the area under consideration, or to predict where flooding or erosion problems are likely to occur.

Curve numbers (CNs) assigned to differing land cover and soil types were taken from tables within the HydroCAD software, which are from the SCS TR-55 manual, revised 1986. Because the Sites soils have been altered over the years, we have assumed them to have a hydrologic soil classification (HSG) of C.

24-hour rainfall depths were taken from the "City of Portland, Maine Technical and Design Standards and Guidelines, Adopted September 1987, March 2000". Times of concentrations were calculated with the HydroCAD software using the TR-55 methodologies including sheet flow, shallow concentrated flow, and circular channel flow.

Watershed subcatchments for the existing and proposed conditions are shown on the enclosed Drawing C-2. Modeling assumptions made for each subcatchment are summarized in the attached HydroCAD output.

## EXISTING SITE CONDITIONS

The total impervious area for the Site's existing conditions is approximately 39,358 square feet. This area includes the former YWCA building, driveway, and parking area. The building had a flat roof, which we were told by YWCA staff and a building contractor connected directly into the City's stormwater system in Spring Street via a closed conduit system.

The Site generally slopes towards the northeast and has an elevation change of approximately 10 feet. Runoff from the Site flowed into the City of Portland's storm sewer system in Spring Street. There was no treatment that we are aware of for the Site's stormwater runoff other than a Casco Bay trap in the single parking lot catch basin located on the Site.



## PROPOSED DEVELOPMENT CONDITIONS

The proposed project converts a portion of the existing building footprint into landscaped area; it reconfigures and expands, the existing parking, and it adds a new stormwater collection and treatment system on the property.

The total impervious area in the proposed condition is 20,945 square feet, an 18,413 square foot decrease from existing conditions. Land cover changes include converting impervious area to lawn/landscaped area as discussed above.

Positive drainage will be provided from the landscaped areas and new parking lot by sheet flow/vertical relief, and drainage inlets. The new parking area will drain via overland flow to a bioretention cell at the southeast corner of the Site. This BMP (best management practices) device will treat frequent "first flush" stormwater flows. A catch basin in the bioretention cell will serve as an overflow spillway for larger storms. This catch basin will be connected to the existing separated stormwater system in Spring Street via a 12-inch pipe.

The landscaped area includes a series of three stepped terraces. These terraces will be drained by smaller drain inlets which will be interconnected by 8" pipes and released into the City stormwater system as shown on Drawing C-1. Stormwater pipes and culverts are designed to pass the 25-year storm-event.

## WATER QUANTITY

The interim development will have less runoff quantity than left the property in the existing conditions without use of any detention in the proposed stormwater management plan. This is due to the roughly 30% reduction in impervious area proposed by the plan.

The bioretention cell will further decrease stormwater flows. The table below compares the existing conditions to the interim developed condition's peak flows for the 2, 10, and 25-year storm events.



**Table Comparing Peak Flows  
 Portland Museum of Art - Spring Street Gardens  
 March 25, 2008**

Storm Event	Existing Conditions Peak Flow (cfs)	Interim Conditions Peak Flow (cfs)
2-Year	2.46	0.68
10-Year	4.61	3.50
25-Year	5.61	4.37

**WATER QUALITY**

In existing conditions, the Site had no water quality treatment devices other than a casco bay trap in the parking lot catch basin. Reducing the Sites impervious area reduces its stormwater quality impact.

The bioretention cell is designed using Maine Department of Environmental Protection standards. It will treat 1.0 inch of water from impervious surfaces and 0.4 inches of water from landscaped areas. The attached calculations and HydroCad data show the design of the bioretention cell.

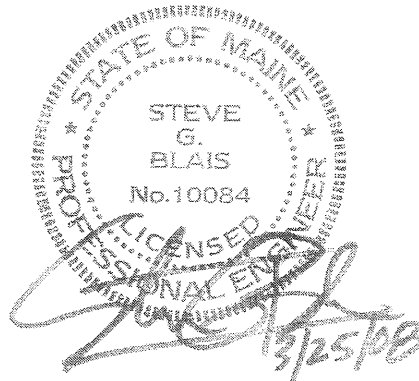
All construction will be in accordance with the most current Maine Erosion and Sedimentation Control Best Management Practices.

**CONCLUSIONS**

Due to the significant decreases in impervious area, the interim design described in this report will have less stormwater impacts than the YWCA Site did. The bioretention cell will provide additional stormwater mitigation.

This analysis will be revised when the Master Plan is completed. Stormwater quality and quantity will be compared between developed conditions of the Master Plan and existing conditions of the YWCA building Site.

Steve G. Blais, PE



Att. 1.23

PORTLAND MUSEUM OF ART  
 SPRING STREET GARDENS  
 Water Quality Computations  
 March 21, 2008

Water Quality Treatment Table

Treatment Unit	Treated Impervious Area	Treated Landscaped/Lawn Area	Total Treated Area	Required WQ Volume	Provided WQ Volume	Subcatchment
Bioretention Cell	13,700 SF	9,937 SF	23,637 SF	1,473 CF	1,483 CF	1.25

- Notes: 1. WQ Volume = (1.0" x Treated Impervious Area) + (0.4" x Treated Landscaped Area)  
 2. Req'd Filter Area = 5% of Treated Impervious Area + 2% of Treated Landscaped/Lawn Area

# WATER QUALITY VOLUME CALCS.

08109

Type III 24-hr 2-Yr Rainfall=2.60"

Prepared by LAND CONSULTING ENGINEERS, PA

Printed 3/22/2008

HydroCAD® 8.50 s/n 003530 © 2007 HydroCAD Software Solutions LLC

## Stage-Area-Storage for Pond 1.2P: BIO. CELL

Elevation (feet)	Surface (sq-ft)	Storage (cubic-feet)
93.50	550	0
93.55	565	28
93.60	580	56
93.65	595	86
93.70	610	116
93.75	625	147
93.80	640	178
93.85	655	211
93.90	670	244
93.95	685	278
94.00	700	313
94.05	720	348
94.10	740	384
94.15	760	422
94.20	780	461
94.25	800	500
94.30	820	540
94.35	840	582
94.40	860	625
94.45	880	668
94.50	900	713
94.55	920	758
94.60	940	804
94.65	960	852
94.70	980	901
94.75	1,000	950
94.80	1,020	1,000
94.85	1,040	1,052
94.90	1,060	1,105
94.95	1,080	1,158
95.00	1,100	1,213
95.05	1,136	1,268
95.10	1,172	1,326
95.15	1,208	1,386
95.20	1,244	1,447
95.25	1,280	1,510
95.30	1,316	1,575
95.35	1,352	1,642
95.40	1,388	1,710
95.45	1,424	1,780
95.50	1,460	1,853
95.55	1,496	1,926
95.60	1,532	2,002
95.65	1,568	2,080
95.70	1,604	2,159
95.75	1,640	2,240
95.80	1,676	2,323
95.85	1,712	2,408
95.90	1,748	2,494
95.95	1,784	2,582
96.00	1,820	2,673

SURFACE STORAGE = 1,213 CF

STORAGE IN SOIL MEDIA:

$550 \text{ FT}^2 \times 1.5 \text{ FT} \times 30\% = 270 \text{ FT}^3$

$$\begin{array}{r}
 1,213 \text{ CF} \\
 + 270 \text{ CF} \\
 \hline
 1,483 \text{ CF} = \text{Total Water Quality Volume Provided}
 \end{array}$$



SGB  
3/21/08

**EROSION AND SEDIMENTATION CONTROL PLAN**  
for  
**Portland Museum of Art**  
**Spring Street Parking and Gardens**

87 Spring Street  
Portland, Maine

March 30, 2008

**INTRODUCTION**

The following plan for controlling sedimentation and erosion in this project is based on conservation practices found in the Maine Erosion & Sediment Control BMPS Manual, Maine Department of Environmental Protection (DEP), March 2003, or latest edition. The contractor who implements this plan shall be familiar with this publication and adhere to it and the practices presented herein.

The project site is at the former YWCA property at the corner of Oak and Spring Streets in Portland, Maine. The proposed site work consists of approximately 38,200 s.f. of regrading of the site to create a parking lot for 45 vehicles and 16,000 s.f. of terraced landscape area.

The site is 38,737 s.f. in size and the work will involve the majority of the site, all of which is currently disturbed gravel and loam surface. There are currently erosion issues in the parts of the lot not used for parking which this project will address.

**GENERAL EROSION AND SEDIMENTATION CONTROL PRACTICES**

The following is a list of general erosion control practices that will be used to prevent erosion and sedimentation before, during and after the construction of this project. In addition, special care shall be used at all times to:

- 1) Limit disturbance and, hence, erosion;
- 2) Correct any erosion problems immediately;
- 3) Regularly monitor the implemented practices, especially after every rainfall;
- 4) Revegetate disturbed areas as soon as possible after construction;
- 5) Topsoil shall not be removed from the site.

Haybales and/or Silt Fence

As noted on the plans, haybales and/or silt fencing is to be installed at the toe of work area near Spring and Oak Streets which are the limits of the property and soil disturbance.

Temporary Protection Measures for Drainage Structures

As shown on the plan the existing catchbasin will be covered with a solid grate to prevent runoff from entering the system.

Construction Entrance

The existing driveway from Spring Street and the related on-site parking lot entrance will serve as the construction entrance for construction equipment necessary for work of this project. Wheeled or tracked equipment will travel over a stone construction entrance in the parking lot prior to driving over the paved drive leading to Spring Street.

### On Site Sediment Basin

The rain garden area will be excavated at the start of the project so that it can serve as a temporary sediment basin for the proposed construction activities.

### **CONSTRUCTION PHASE**

The following general practices will be implemented to prevent erosion during construction on this project:

1. Only those areas under active construction will be left in an untreated or unvegetated condition. Once construction of an area is complete, final grading, loaming and seeding shall occur immediately (refer to "Post Construction Revegetation" section). If final grading, loaming and seeding cannot occur immediately, it shall be done prior to any storm event and within 15 days of completing construction in the area. If final grading, loaming and seeding cannot occur within 15 days, or if the area is not under active construction for a period longer than 15 days, see Item No. 5 below.
2. Prior to the start of construction in a specific area, silt fencing, haybales and/or erosion control mix berms will be installed at the toe of slope and in areas as located on the plans to protect against any construction related erosion.
3. Topsoil will not be removed from the site and will be stockpiled when necessary in areas which have minimum potential for erosion and will be kept as far as possible from existing drainage areas. All stockpiles expected to remain longer than 15 days shall be:
  - A. Treated with anchored mulch (within 5 days of the last deposit of stockpiled soil).
  - B. Stockpiles expected to remain longer than 3 days shall be encircled with haybales or silt fence at the toe of the pile.
4. All disturbed areas expected to remain longer than 15 days shall be:
  - A. Treated with straw at a rate of 70-90 lbs. per 1000 square feet from 4/14 to 10/1, or at a rate of 150-200 lbs. per 1000 square feet from 10/1 to 4/15.
  - B. Seeded with conservation mix of perennial rye grass (1.0 lbs/1000 sq.ft.) and mulched immediately. From 10/1 to 4/15, follow the seeding rates as outlined below in sub-section 4.D. of the "Post Construction Revegetation" section.
  - C. Monitored every two weeks until seeding can occur and remulched as needed to protect slopes.
5. All grading will be held to a maximum 3:1 slope where practical. Greater slopes may be used where the banks are protected with soft armour matting, or riprap. All slopes will be stabilized with permanent seeding immediately after final grading is complete. (It is understood that immediately means within 5 days of the completion of work. See Post-Construction revegetation for seeding specification.)

- 6. Construction traffic will be directed over the construction entrance into the site area. Any areas subject to rutting will be stabilized immediately. The crushed stone construction entrance shall be maintained by the addition of more crushed stone as needed as the voids become filled. The entrance driveway and Spring Street shall be swept daily should mud be left on these paved surfaces by construction activities.

**POST CONSTRUCTION REVEGETATION**

The following general practices will be implemented to prevent erosion as soon as an area is ready to undergo final grading:

- 1. A minimum of 6" of loam will be spread over disturbed areas and graded to a uniform depth and natural appearance.
- 2. If final grading is accomplished during the normal growing season (4/15 to 10/1), permanent seeding will be done as specified below. Prior to seeding, limestone shall be applied at a rate of 100 lbs/1000 sq. ft. and 10:20:20 fertilizer at a rate of 18.4 lbs/1000 sq. ft. will be applied. Broadcast seeding at the following rates:

<u>Lawns</u>		<u>Swales</u>	
Hard Fescue	0.60 lbs/1000 sf	Creeping Red Fescue	0.46 lbs/1000 sf
Creeping Red Fescue	0.46 lbs/1000 sf	Red Top	0.05 lbs/1000 sf
Perennial Ryegrass	0.11 lbs/1000 sf	Tall Fescue	0.46 lbs/1000 sf

If permanent seeding areas that have received winter mulching, the top two inches of winter mulching shall be removed.

- 3. An area shall be mulched immediately after it has been seeded. Mulching shall consist of hay mulch, hydro-mulch or any suitable substitute deemed acceptable by the Design Professional.
  - A. Hay mulch shall be applied at the rate of 2 tons per acre. Hay mulch shall be secured by one of the following:
    - 1. Drive over with tracked construction equipment on grades of 5% and less.
    - 2. Blanket with tacked photodegradable/biodegradable netting on grades greater than 5%.
  - B. Hydro-mulch shall consist of a mixture of binder, wood fibre or paper fibre and water which is sprayed over a seeded area. Hydro-mulch shall not be used between 10/1 and 4/15.
- 4. Construction shall be planned to eliminate the need for seeding between October 1st and April 15<sup>th</sup>. Should seeding be necessary between these dates, the following procedure shall be followed:
  - A. Only unfrozen loam shall be used.
  - B. Loaming, seeding and mulching will not be done over snow or ice cover. If snow exists, it must be removed prior to placement of seed.
  - C. Where permanent seeding is necessary, Annual Winter Rye (1.2 lbs/1000 s.f.) shall be sown instead of the previously noted seeding rate.



- D. Where temporary seeding is required, Annual Winter Rye (2.5 lbs/1000 s.f.) shall be sown instead of the previously noted seeding rate.
  - E. Fertilizing, seeding and mulching shall be done on loam the day the loam is spread.
  - F. Hay mulch shall be secured with photodegradable/biodegradable netting. Tracking by machinery alone will not suffice. Winter mulching rates, as specified above in subsection 5.A. of the "Construction Phase" section, should be applied during this period.
5. Following final seeding, the site will be inspected every 30 days until 80% cover has been established. Reseeding will be carried out by the contractor within 10 days of notification by the Design Professional that the existing catch is inadequate.

**MONITORING SCHEDULE**

The contractor shall be responsible for installing, monitoring, maintaining, repairing, replacing and removing all of the erosion and sedimentation controls or appointing a qualified subcontractor to do so.

Maintenance measures will be applied as needed during the entire construction cycle. Immediately following any significant rainfall, and at least once a week, a visual inspection will be made of all erosion and sedimentation controls as follows:

- 1. Haybale barriers and silt fence shall be inspected and repaired. Sediment trapped behind these barriers shall be excavated when it reaches a depth of 6" and redistributed to areas undergoing final grading. Should the haybale barriers prove to be ineffective, the contractor shall install silt fence behind the haybales.
- 2. Construction entrance (crushed stone per details) shall be visually inspected daily. Spring Street and the access drive shall be swept should mud or debris be deposited/tracked onto them.

**EROSION CONTROL REMOVAL**

An area is considered stable if it is paved or if 80% growth of planted seeds are established. Once an area is considered stable, the erosion control measures can be removed as follows:

- 1. Haybales and Silt Fence

The haybales and silt fence shall be disposed of legally and properly off-site. All sediment trapped behind these controls shall be distributed to an area undergoing final grading or removed and relocated off-site.

The above erosion controls must be removed within 30 days of final stabilization of the site.

Conformance with this plan, and following these practices, will result in a project that complies with the State Regulations, and will protect water quality in areas downstream from the project.



Stephen B. Mohr, ASLA  
Mohr & Seredin Landscape Architects, Inc.

*William J. Bray, P.E.*  
235 Bancroft Street  
Portland, Maine 04102  
Phone (207) 774-3603  
[trafficsolutions@maine.rr.com](mailto:trafficsolutions@maine.rr.com)

March 27, 2008

Stephen B. Mohr, ASLA  
Mohr & Seredin, Landscape Architects, Inc.  
18 Pleasant Street  
Portland, Maine 04101

RE: Portland Museum of Art – Parking Lot Access

Dear Steve:

It is my understanding that the Portland Museum of Art is proposing to develop a 42 to 45-space surface parking lot in the general area of the recently removed YWCA building. Access to the facility will be provided across an existing 16-foot wide driveway that intersects Spring Street directly opposite the Holiday Inn parking garage entrance. Your March 11<sup>th</sup> note asks that I address the following two project design issues:

- Is the existing 16-foot wide access drive adequate for safe ingress/egress to the parking lot?
- Are there other traffic safety issues that need to be addressed with development of the proposed parking lot?

The American Association of State Highway and Transportation Officials (AASHTO) handbook, which presents national standards for the design and construction of highways and streets, has been adopted by the Maine Department of Transportation to provide uniform design practices within the State of Maine. The most recent 2004 edition of the AASHTO manual establishes the design width of a passenger vehicle at 7'0". In my opinion, based upon this design dimension, two passenger vehicles, one entering and a second departing, the proposed parking lot would have considerable difficulty passing each other safely with an overall driveway dimension of 16-feet. It is suggested that the driveway be widened to a minimum width of 20-feet, which provides a reasonable dimension for both vehicles to safely pass each other.

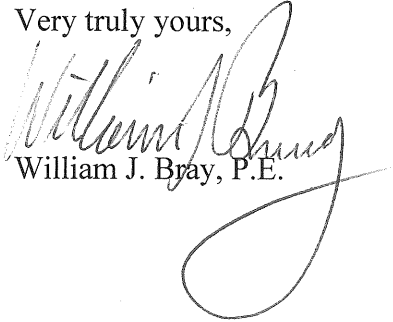
Vehicle sightlines were examined at the existing driveway intersection with Spring Street to determine if vehicles leaving the parking lot are visible to approaching vehicles traveling west on Spring Street. A clear line of sight in excess of 200-feet is attainable "looking" to the center of the approaching travel lanes on Spring Street, which is adequate for approach speeds of 25mph. Based upon the existing conditions plan that you provided for my review, the existing

driveway apron is flared to 22-feet at the gutter line of Spring Street, which in my opinion should be more than adequate width to minimize possible encroachment problems of vehicles entering and departing the proposed parking lot.

In summary, it would be my professional opinion that the proposed parking lot project, with acceptance of the increased driveway width of 20-feet, will have no measurable impact on traffic safety on Spring Street.

Please contact me at 400-6890 with questions or clarification of the information presented above.

Very truly yours,



William J. Bray, P.E.