

MEMORANDUM

From: Steve Long
To: Jean Fraser, Planner
Date: ~~December 4, 2012~~, **Revised 01-02-13**
Subject: Commercial & Maple Street Mixed Use Development – Responses to Comments

In an attempt to make it as simple as possible for you to review this submission, I have copied and pasted below all of the “next steps” items that you organized for us in your email to me dated November 14, 2012. I have also included comments from staff. Our responses are shown in ***bold italic typeface*** after each item.

Suggested Next Steps:

- Address zoning comments.
See attached response to zoning comments from Marge Schmuckal.
01-02-13 Response the same as above.
- Clarify whether residential units are apartments or condos; if condos, submit Draft Condo docs.
There will be three condominium units: a Hotel unit, a Retail unit and a Residential unit (14 individual apartments). Attached is the draft declaration. We do not expect to create the plats and record the condo docs until the building is basically complete.
01-02-13 Response the same as above.
- Revise survey and subdivision plan.
We have contacted the surveyor and will revise the survey and subdivision plans per the Department of Public Services comments.
01-02-13 Response: With the exception of comment #8 from Public Services, both plans have been revised to address the comments.
- Respond to Traffic Movement Scoping meeting and Transportation Review comments, including re parking requirements.
A response to the Traffic Movement Scoping meeting has been submitted by John Adams of Milone & MacBroom under separate cover. He has also addressed the parking comments in an attached memo and public comment from Margaret Broucek regarding traffic from the site. Please see attached.
01-02-13 Response: Further traffic comments have been addressed in a new memo. Please see the attached “Response to Traffic Comment” from our traffic engineer, John Adams.

- Address stormwater and landscaping comments, especially regarding the incorporation of stormwater planters.

Responses to the stormwater comments from the Department of Public Services and Woodard & Curran are attached. The landscaping comments from the City Arborist are dependent on the final layout of Foundry Lane and will be incorporated into the final plan submission.

01-02-13 Response: Please see our responses to stormwater comments below. The landscaping three comments from Jeff Tarling were addressed as follows:

Comment a) No response necessary

Comment b) The Crab-apple trees have be changed to Oxydendrum (Common name "Sourwood") as suggested by the City Arborist

Comment c) We are now proposing a stormwater planter in the proposed bump out at the intersection of Commercial and Maple Street. In addition, we are proposing a larger 6'x9' flush tree planter in the proposed bump out at the intersection of Foundry Lane and Commercial Street.

- Reconsider the layout and design of Foundry Lane.

Please see attached submission to the Historic Preservation Board.

01-02-13 Response: We have revised the layout and design of Foundry Lane. The building was reconfigured at the corner of Foundry Lane and Commercial Street to match the angle of the Baxter Building at Foundry Lane. Also, Foundry Lane was revised to continue the width and consistent detailing of the walkway from York Street to Commercial Street. With that said, revisions resulted in a reduction of proposed parking spaces, a reduction in the driveway width, the bike rack was relocated, and the site lighting is now proposed to strictly match the adjacent existing lighting of the upper parking lot and Foundry Lane.

- Increase bicycle parking provision.

We are still requesting a waiver of bicycle parking spaces. In determining the required number of bicycle parking spaces, the city's Land Use Ordinance provides only two categories, Residential and Non-Residential. All of the non-residential requirements are based solely on required car parking. If we look at the different uses and a reasonable rate per the use:

<i>Apartments = 2 bikes per 5 dwelling units</i>	<i>= 14/5 x 2</i>	<i>= 6 spaces (within storage room)</i>
<i>Hotel = 1 bike per 20 rooms</i>	<i>= 131/20</i>	<i>= 7 spaces (on site)</i>
<i>Restaurant = 1 bike per 1,000 sq.ft.</i>	<i>= 7,000/1000</i>	<i>= 7 spaces (on site)</i>

We feel that the 20 bicycle spaces provided for this project will be adequate.

01-02-13 Response: We have reconsidered requesting this waiver and all the required bicycle parking is now provided.

- Address comments from the Fire and Public Services Departments.

The building and site will meet all of the applicable standards specified by Captain Pirone. Responses to the Public Services Department comments are attached.

01-02-13 Response the same as above.

- Submit signage and way finding plan.
A signage and way finding plan will be submitted at a later time.
01-02-13 Response the same as above.
- Submit further information including capacity letters, service vehicles, and snow storage
Frank Brancely in Public Services is currently reviewing our application for wastewater capacity. All other capacity letters have been submitted. A location for service vehicles and deliveries along with notes addressing snow storage will be added to the final plan set.
01-02-13 Response: Notes #1 and #6 are provided on the Site Plan, sheet C04 to address deliveries and snow storage.
- Clarify lighting proposals and review re light trespass.
A lighting concept is being presented to the Historic Preservation Board as part of the Foundry Lane layout. A Photometric Plan will be submitted when the lighting layout has been finalized.
01-02-13 Response: We proposing to match the existing Foundry Lane walkway located northwest of the site. The lighting type and location are dictated by the existing layout. The objective is to create a consistent look from Commercial Street to York Street.
- Address any Planning Board comments.
Responses to the Planning Board Concerns are attached.
01-02-13 Response the same as above.

Zoning comments from Marge Schmuckal dated 11/08/12

This parking lot is part of the entire lot with a principal structure already on it and is considered accessory to the existing building and its uses. If the Applicant wants to use this lot, we would need to see a zoning analysis of the uses in the building and the required number of spaces for the building. Any "left over" parking spaces could be used for the Hotel.

There are three tenants at 50 Danforth Street:

- *A bakery – 4,650sf (500sf retail, 700sf office, 3,450sf production)*
- *Personal trainer – 3,200sf*
- *Warehouse/storage – 3,600sf*

In a B-3 Zone, J B Brown is not required to provide them parking, but with that said there are approximately 25 paved parking spaces on the north and east sides of the building that more than satisfies there current needs. They do not use any of the spaces in the gravel lot proposed for valet parking.

01-02-13 Response the same as above.

Department of Public Services comments dated 11/07/12

The Department of Public Services has the following preliminary comments concerning this proposed project. Final comments may be forthcoming.

1. I disagree with the applicant's assessment that very few hotel occupants will bring bicycles and do not support the request for a waiver for less bike parking. I feel the full 26 required bike parking spaces should be provided since Portland already is and will continue to be more bike friendly. The applicant should try to find spaces for bike parking on Commercial Street side of the property.
We are still requesting a waiver of bicycle parking spaces. See previous response.
01-02-13 Response: We have reconsidered requesting this waiver and all the required bicycle parking is now provided.
2. It is noted that the stormwater drainage system will be removed from the site. How will drainage on to the site from the pipe to be plugged be affected? Please refer to the City of Portland Technical Manual Section 2.4.11. for the requirements to abandon sewer pipes in the City right of way. Please indicate on the plans how the contractor will meet this requirement.
Details and notes will be added to the final plans indicating how the contractor will plug and abandon existing pipes.
01-02-13 Response: There is no proposal to plug, abandon, or "dead end" any existing stormwater or sewer pipes. All existing pipes indicated to be removed will be done so entirely and the stormwater drainage onto the site will be conveyed through the proposed drainage systems.
3. It would be desirable to use portion(s) of the proposed bump outs for green area stormwater treatment.
A green area stormwater treatment area is now being proposed within the bump out at the Commercial Street site entrance. Please see attached plan showing the treatment area and the area to be treated.
01-02-13 Response: A stormwater planter is now being shown in the proposed bump out at the intersection of Commercial Street and Maple Street.
4. The applicant is proposing to install a brick sidewalk the entire length of Maple St. near York St there is a utility pole and fire hydrant. If possible it would be desirable to install an esplanade with this sidewalk.
We are not proposing an esplanade in this area in order to match the surrounding sidewalk layouts. In the vicinity of the site there are no existing esplanades.
01-02-13 Response the same as above.

5. A pedestrian easement is shown on the south side of the former Foundry Lane. A sidewalk is now proposed on the north side of the former Foundry Lane. Will a new easement be necessary?
We are working with the Historic Preservation Board to determine the layout of Foundry Lane. When this is finalized a Public Access/Pedestrian Easement will be defined and recorded in the location of the proposed sidewalk.
01-02-13 Response: When the project is approved and the layout finalized, a new Public Access/Pedestrian Easement will be defined and recorded. We request the Board handle this as a condition of approval.
6. Please refer to the City of Portland Technical Manual, Figure II-19 for sizing and design of the proposed an external grease trap.
The external grease trap will be sized appropriately as per the City of Portland Technical Manual. The final plans will indicate the appropriate size and calculations used to determine the size.
01-02-13 Response: The grease trap has been sized as a 4,500 gallon tank. The calculation have been added to the Utility Plan, sheet C05.
7. Foundry Lane was discontinued by the City of Portland on March 20, 1995. The city retained 1.) A Public Access Easement and 2.) An easement for Public Utility Facilities. There is a "Pedestrian Easement" shown in Foundry Lane. The discontinuance does not call for a Pedestrian Easement. Is there a recorded document which defines it as a Pedestrian Easement?
We are working with the Historic Preservation Board to determine the layout of Foundry Lane. When this is finalized a Public Access/Pedestrian Easement will be defined and recorded in the location of the proposed sidewalk.
01-02-13 Response: Yes, there are two recorded plans that references a "Pedestrian Easement." However, there is no supporting easement deed creating an easement. When the project is approved and the layout finalized, a new Public Access/Pedestrian Easements will be defined and recorded. We request the Board handle this as a condition of approval.
8. MDOT took a non-tangent curve at the corner of Commercial Street and Foundry Lane in 1991. This is not shown.
We have discussed this with the surveyor, Andrew Nadeau, and information regarding this issue has been sent to DPS. We are awaiting their response.
01-02-13 Response: We are still awaiting DPS response to our surveyor's findings.
9. Curve at Commercial Street and Maple Street needs a chord bearing and distance for mathematical closure. This was a MDOT 1991 taking.
This information will be added to the final plan.
01-02-13 Response: The chord data as been added to the applicable plans.
10. Note 8. Elevations. The monument referred to is not an Official City of Portland Benchmark Monument. Michelle Sweeney of this office has called the surveyor and brought it to his attention.
A reference to an official City of Portland Benchmark will be added to the plan.
01-02-13 Response: The benchmark note and plan labels have been revised on the applicable plans.

11. "BM: Bolt in Top Ring of Hydrant" on northerly side of Commercial Street. Is that the top flange of the hydrant? Is it a top of a bolt over the main Fire Department connection spout or one of the side spouts?
A more definitive note will be added to the final plan.
01-02-13 Response: The plan labels have been revised to be more descriptive.
12. Suggest adding another benchmark to allow for checking in to since we have experienced fire hydrants being repaired or altered between the plan preparation and the building construction phases.
An additional benchmark will be referenced on the final plan.
01-02-13 Response: An additional benchmark has been added on the hydrant between Maple Street and the upper parking lot.
13. No City of Portland Right of Way plans have been referenced. Please state which plans were used.
References to the appropriate plans will be added.
01-02-13 Response: The City Right of Way plans are now referenced.
14. No City of Portland Sewer or Utility plans have been referenced. Plan reference will aid in evaluation of the infrastructure as shown. Please state which plans were used. It would be helpful to indicate flow direction on sewers.
References to the appropriate plans will be added.
01-02-13 Response: No plans were reference because the City did not have any reliable sewer and stormwater utility plan for this area. All information shown is a result of a field survey.
15. Shading and hatching of areas obscures text in various locations.
The final plan will be revised to eliminate obscured text.
01-02-13 Response: The shading and hatching has been revised to hopefully improve clarity. However, please note prints from scanned plans will not have the clarity as prints from the PDF files or original's from our office. The shading and hatch are important in indicating the various pavements and textures. So, we would be happy to provide anyone with prints from our office or PDF files.
16. North Arrow refers to Magnetic North and not Grid North.
The North Arrow will be corrected on the final plan.
01-02-13 Response:
17. Proposed three-foot offset survey monuments will be requested at four locations to be determined.
Once the locations have been determined we will add them to the plans.
01-02-13 Response the same as above.

Woodard & Curran Comments dated 11/06/12

1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards:

a) Basic Standards: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of Maine DEP Chapter 500.

No response necessary.

b) General Standards: The project primarily includes re-development of existing impervious areas. However, the project does include 2,513 square feet of new impervious area. Redevelopment of the existing impervious areas of the site qualifies for an exemption from meeting the General Standards; however, the Applicant must provide stormwater treatment in accordance with the General Standards for an area equivalent to the proposed 2,513 square feet of new impervious area. Inspection and maintenance of any proposed stormwater quality treatment features will need to be included in the Inspection and Maintenance Plan in accordance with and in reference to Maine DEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances

A green area stormwater treatment area is now being proposed within the bump out at the Commercial Street site entrance. Please see attached plan showing the treatment area and the area to be treated. Inspection and maintenance of this stormwater quality treatment feature will be added to the Inspection and Maintenance Plan

01-02-13 Response: A stormwater planter is now shown in the proposed bump out at the intersection of Commercial Street and Maple Street. Please see the Construction Details, sheet C11 for the details plan and sections. The treatment area is approximately 4,000 square feet. Inspection and maintenance of this stormwater planter has been added to the Inspection and Maintenance portion of the Storm Water Pollution Prevention Plan.

c) Flooding Standard: The project will result in approximately 2,513 SF of new impervious surface. The Applicant has submitted a detailed stormwater model indicating a minor increase in post development runoff rates for the project relative to pre-development conditions during certain storm events. Stormwater from the project site will enter the City storm drain system which ultimately discharges to the tidal Fore River, a tributary to Casco Bay (the Atlantic Ocean). Projects that discharge to the Ocean are eligible for a waiver from the Flooding Standard. The project qualifies for a waiver from meeting the flooding standard so long as the City of Portland Department of Public Services confirms capacity to accept the minor increase in flow into the City storm drain system.

We would like to request a waiver of the flooding standard based on the fact that there is a negligible increase in flow to the City storm drain system. The site is located near the base of the watershed and the peak flows from the site would occur prior to the upstream peak.

01-02-13 Response: We are requesting a waiver.

2) The following details should be provided for work within the City Right-of-Way, in accordance with the City of Portland Technical Manual:

a) A brick driveway apron with bituminous base, per Figure I-11

A brick driveway apron with bituminous base, per Figure I-11 will be added to the details.

01-02-13 Response: The detail has been added to the Construction Details, Sheet C10.

3) Please clarify the use of the "Catch Basin Inlet" detail versus the "Precast Catch Basin" detail (Sheet C11). Unless unique situations warrant, the City would require the "Precast Catch Basin" detail with 3' sump & outlet trap.

The "Catch Basin Inlet" was specified in error and will be removed from the final plan.

01-02-13 Response: The detail has been deleted.

Tom Errico Traffic Comments dated 11/09/12

- I have reviewed the conceptual Construction Management Plan and generally find the concept to be acceptable (maintaining sidewalk and bicycle facilities on Commercial Street). I would note that specific details will need to be coordinated prior to construction.

Specific details can be added prior to construction.

01-02-13 Response is the same as above.

- I have conducted a preliminary review of the parking demand analysis and generally find the methods to be acceptable. The applicant should provide additional supporting data for the use of the 0.65 parking rate for the hotel. Given the availability of good parking generation information at the existing Hampton Inn, I would like to gain an understanding on the rates computed locally, versus those established by Hilton Worldwide. I would note that I do not expect the parking demand numbers to change significantly.

A memo from John Adams addressing the parking rate is attached.

01-02-13 Response: The above mentioned memo was submitted previously.

- The driveway on Maple Street will require a waiver from the City's technical standards for driveway separation. Given the volume and speed of traffic on Maple Street I support a waiver from the City's technical standards.

A waiver request has been submitted.

01-02-13 Response is the same as above.

- The painted areas at the driveway entry on Maple Street should be removed.

There is a plan label on the Site Plan indicating that parking spaces along Maple Street are delineated to show quantity and location of spaces. Do not paint.

01-02-13 Response is the same as above.

- The applicant has illustrated a proposed crosswalk on Commercial Street at the easterly corner of Maple Street. I need to review this proposal. My general sense is additional features are needed for safe pedestrian crossing. I would also note that the alignment of the crosswalk on the site plan will need to be adjusted to meet the City's perpendicular alignment design preference. The crosswalk paint detail would also need to be "Block" style.
Additional review is necessary.
01-02-13 Response: The crosswalk has been aligned to meet the City's perpendicular alignment design preference. As a result, two City parking spaces were lost across the street from the site and a new curb ramp (parallel type) is being proposed in the sidewalk. The crosswalk paint detail has been revised to provide the "block" style. Further, this layout across Commercial Street requires waiver relief from parking within 20' of the centerline of a crosswalk. This waiver has been requested.
- It appears that a pedestrian easement will be required for sidewalks areas abutting the project.
A pedestrian easement will be required for the sidewalk areas abutting the proposed building. This information will be submitted to the city for review.
01-02-13 Response: When the project is approved and the layout finalized, new easements will be defined and recorded. We request the Board handle review of such easements as a condition of approval.
- The 11 parking spaces on the former Foundry Lane do not appear to meet City dimensional standards. A waiver will be required. I would also note that there is general concern about pedestrian accessibility in this area and modifications to the plan may be necessary.
The layout of Foundry Lane has been revised please see the submission to the Historic Preservation Board.
01-02-13 Response: Foundry Lane has been revised from the previous submission. However, a waiver is required for the new proposal as well. The waiver requested is to allow a 20 foot drive aisle behind parking spaces.
- I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.).
The diagonal parking on Commercial meets the cities dimensional specifications.
01-02-13 Response is the same as above.
- For on-street parking changes, a city council approval will be required. The applicant will be responsible for providing materials in support of the Parking Schedule change.
This information will be provided to city council.
01-02-13 Response is the same as above.
- For development projects in the area, the City has been requesting monetary contributions towards the installation of a traffic signal at the Commercial Street/High Street intersection. I will provide and estimate of the contribution amount in the future.
A contribution amount has yet to be determined.
01-02-13 Response is the same as above.

- The applicant should provide details on how truck deliveries will be accommodated.
Once the final site layout has been determined based on input from the Historic Preservation and Planning Board details on how truck deliveries will be added to the plans.
01-02-13 Response: Note #6 has been added to the Site Plan, sheet C04.
- I have reviewed the TDM and generally find the program to be acceptable. Some of the details of the program need to be clarified/expanded, but overall the approach is acceptable. I'll provide clarifying comments in the future. I would note that the traffic impact study will assume an evaluation of impacts assuming a 10% reduction in vehicle trips based upon the implementation of TDM strategies. Accordingly, the program should credibly reduce traffic by 10%.
Additional comments are pending.
01-02-13 Response: Further traffic comments have been addressed in a new memo. Please the attached "Response to Traffic Comment" from our traffic engineer, John Adams.

The Historic Preservation Board comments dated 11/09/12

The Historic Preservation Board held a preliminary review of the proposed hotel development at 321 Commercial Street on November 7th. Recognizing that the plans, elevations and perspective views were still quite preliminary, Historic Preservation Board members did express a threshold concern about the plan and massing of the proposed building as it relates to the geometry of the subject parcel and the abutting street and alleyway. They also raised a number of questions and concerns about the building design. Regarding Foundry Lane, Board members noted that its treatment at the top of the block, done as part of an earlier project, was very successful in that it preserved the memory of the historic alleyway and created an attractive pedestrian corridor. They felt it was important that this treatment continue on the lower portion of Foundry Lane to the extent possible.

Please see the attached submission to the Historic Preservation Board.

01-02-13 Response: We have revised the layout and design of Foundry Lane. The building was reconfigured at the corner of Foundry Lane and Commercial Street to match the angle of the Baxter Building at Foundry Lane. Also, Foundry Lane was revised to continue the width and consistent detailing of the walkway from York Street to Commercial Street. With that said, revisions resulted in a reduction of proposed parking spaces, a reduction in the driveway width, the bike rack was relocated, and the site lighting is now proposed to strictly match the adjacent existing lighting of the upper parking lot and Foundry Lane.

Planning Board comments from the 11/13/12 Planning Board Workshop

1. Board looking for wider walkway through Foundry Lane (connecting existing to Commercial Street sidewalk);

Please see the attached submission to the Historic Preservation Board.

01-02-13 Response: The width of Foundry Lane walkway is now being proposed at a consistent width from York Street to Commercial Street.

2. Board requested further info to support waiver request re bicycles (see DPS comments plus I would note that bike parking is also for users of the retail and visitors to the residential; also encouraging bicycle use is part of TDM);
We are still requesting a waiver of bicycle parking spaces. See previous response.
01-02-13 Response: We have reconsidered requesting this waiver and all the required bicycle parking is now provided.
3. Board OK for patio to be replaced with building to corner as per HP issue, but some of the Board members liked outdoor space to "interact with city" (my comment: so ideally some outdoor area can be included somewhere eg smaller patio at Maple as Mark mentioned or maybe near Foundry Lane?);
The building at the corner of Maple and Commercial Street has not changed and the outdoor patio space remains as previously presented.
01-02-13 Response the same as above
4. Board looking for more street trees: the required number is 14 (one per residential unit) under subdivision - there is an argument that in addition, the four existing ones on Commercial Street should be replaced. We would count those proposed along Foundry Lane as street trees.
The street tree layout will be changed with the revision of Foundry Lane. There will be a total of 15 trees including those proposed along Foundry Lane.
01-02-13 Response: There are 14 street trees proposed including those along Foundry Lane