



PLANNING BOARD REPORT PORTLAND, MAINE

Mixed Use Development at 321 Commercial Street

Level III Site Plan/Subdivision,

J B Brown & Sons, Applicant.

Project ID 2012-615

CBL: 40-E-3

Submitted to: Portland Planning Board Public Hearing Date: January 22 nd , 2013	Prepared by: Jean Fraser, Planner Date: January 18 th , 2013 Planning Board Report # 02-13
---	--

I. INTRODUCTION

Vincent Veroneau of J B Brown & Sons has requested a Level III Site Plan, Subdivision and Traffic Movement Permit review for a mixed use development at 321 Commercial Street. The project is located on an existing gravel parking lot at the corner of Commercial and Maple Streets and comprises a new six story 113,321 sq ft mixed use building to include a restaurant, a 131 room hotel (Courtyard by Marriott) and 14 residential units. A total of 110 parking spaces are also proposed to serve the development: 24 parking spaces on the site and 86 off-site spaces for valet and restaurant employee parking on nearby parking lots owned by the applicant. In addition, there are 9 parking spaces on site for Baxter Place users that are part of a joint access arrangement.

Required reviews: The proposal is being reviewed by the Planning Board under the Land Use Code provisions 14-497 (Subdivisions); 14-526 (Site Plan); and Traffic Movement Permit (delegated authority from the State). The proposal is also subject to Historic Preservation Board review (Certificate of appropriateness) as it is located within the Old Port Historic District, and therefore the proposal is exempt from some of the Site Plan B5b design standards.

The applicant has asked for waivers as listed below:

<i>Requested Waiver</i>	<i>Standard and any waiver provisions</i>
Location and spacing of driveways: Driveway Separation , to allow driveways 80 feet apart on Maple Street (details in <u>Att.E</u>)	<i>Technical Manual Section 1.7.1.7.</i> Along arterial, collector and local streets, the minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel for 30mph speed limit, minimum separation of 125 feet.
Stormwater: Flooding standard to allow the negligible increase in flow into the city's storm drain system as it meets the waiver criteria.	<i>Technical Manual Section 5 III 4 E (2) (a) and (b).</i> A project is eligible for a waiver from the flooding standard as follows: (a) Discharge to the ocean, a great pond, or a major river segment subject to conditions; and (b) Insignificant increases in peak flow rates from a project site.
Public Crosswalks: Vehicular Sight Distance to allow parking closer to the crosswalk (as on Sheet CO4 in <u>Plan 5</u>) to limit the loss of parking to 2 spaces rather than 4 spaces as would be needed to meet this standard	<i>Technical Manual Section 1.20.1 Critical Physical Factors-</i> Vehicular Sight Distance: Parking shall be prohibited within twenty (20) feet from the centerline of a crosswalk.
Parking Lot Design: Aisle width to allow a 20 ft width as shown on Sheet C04 in <u>Plan 5</u> , as the aisle is the drive access that has been agreed at 20 ft to allow for a 12 foot wide pedestrian path along the Baxter building.	<i>Technical Manual Section 1.14</i> Parking Lot design shall conform to Figures I-28 thru I-32, which indicate that a 24 foot aisle is required for 90 degree parking.
Site Lighting: Illumination Levels and Light Trespass to allow localized highs up to 9.0 foot candles in approximately 10 locations under wall mounted lights and two small areas of trespass along the west boundary.	<i>Technical Manual Sections 12.2.3 Illumination Levels and 12.2.5 Light Trespass</i> which specify a maximum illumination level of 5.0 foot candles within the site and a maximum of .1 foot candle at the property line.

II. PROJECT DATA (updated based on info from applicant 1.15.2013)

<i>DATA</i>	<i>Proposed new building</i>
Applicant:	J B Brown & Sons
Consultants:	Opechee Construction Corporation (engineers and architects)
Total Site Acreage	38,770 sq ft
Existing Zoning	B5b
Existing Use	Gravel parking lot
Proposed Uses	Hotel, Restaurant and Residential
Proposed number of residential units	14
Proposed residential unit size	Seven 1-bedroom; seven 2-bedroom
Proposed structure height	64 ft 10 in average
Total Disturbed Area	58,173 sq ft (including area within ROW)
Existing impervious areas	50,307 sq ft
Proposed impervious areas	53,279 sq ft
New Impervious surface	2,972 sq ft
Proposed building footprint	19,501 sq ft
Proposed floorspace	
• Restaurant:	• 7,185 sq ft
• Hotel:	• 86,608 sq ft
• 14 Residential Units:	• 18,764 sq ft (plus 764 sq ft lobby)
• Total:	• 113,321 sq ft
Proposed parking spaces	33 on site (9 of which are for Baxter Place)
Proposed handicapped parking spaces	2 on site
Proposed total number of parking spaces	24 on site and 86 off site for proposed development
Proposed No of new bicycle parking spaces	26 (20 on site; 6 within residential storage on 6 th floor)
Estimated Cost of Project:	\$17.5 million
Uses in Vicinity:	Commercial; Gulf of Maine Research; Fish Pier; lumber yard; also pending applications for a high school, office, residential (adj Baxter Place).

III. EXISTING CONDITIONS



Prepared by Department of Planning and Development based on GIS Workgroup Data

The site is currently a gravel parking lot at an important gateway location on the west side of Commercial Street and within the Old Port Historic District. The Fish Pier, the Cumberland Cold Storage Building (now Pierce Atwood)



From Commercial Street

and the Gulf of Maine Research Institute are on the opposite side of Commercial Street. The Fassett designed Baxter Place commercial and residential building is immediately to the north, separated from the site by Foundry Lane (one-way towards Commercial Street, with cobbles and lined with four street trees). There is a concrete sidewalk, an unused curb cut, and four street trees along the property frontage on Commercial Street. There is a curb cut and no sidewalks on the Maple Street property frontage.

Foundry Lane is a discontinued street (discontinued in 1995) where the City has reserved pedestrian and utility access rights. The discontinuance agreement requires that the Planning Board review the site plan for any changes in Foundry lane (Attachment 9).

To the west of the site is an existing landscaped parking lot that serves the Cannery at 14 York Street; although adjacent to the site it will remain as serving the Cannery and will not be utilized for the proposed development.



Foundry Lane looking towards Commercial Street; Baxter Place building to left



Maple Street looking towards Commercial Street; parking area on left not part of proposal except re sidewalk



Location for Baxter Academy (high school) on opposite side of Maple St

Across Maple Street to the south is Rufus Deering and the building at the corner of York and Maple is currently under site plan review for the Baxter Academy (Charter) High School.

IV. PROPOSED DEVELOPMENT

The applicant has submitted a final plan set and associated details for the following key features (see all Plans):

- A six story (approximately 65 feet high) mixed use building totaling 113,321 sq ft comprising;
 - Hotel (86,608 sq ft) on the remainder of the first floor and the next four floors (18,764 sq ft each) with a main entrance on Commercial Street near Foundry Lane highlighted by a canopy and large bumpout in Commercial Street
 - Restaurant (7,185 sq ft) located on the first floor with a main entrance on Commercial Street near Maple Street and a patio on the corner of Commercial and Maple Streets
 - 14 residential units on the sixth floor totaling 18,764 sq ft, with a single entrance to a separate lobby from Maple Street
- On site parking for 33 vehicles and 86 off-site parking spaces, with 9 of the spaces for Baxter Place
- A joint access area at Foundry Lane that incorporates the main drive access (two-way) for the development plus a 12 ft wide pedestrian link to York Street and parking for Baxter Place
- Sidewalks on both street frontages, plus a new sidewalk extension on Maple Street up to York Street, a wide pedestrian path in the Foundry Lane area, and a crosswalk across Commercial Street
- Street trees and a stormwater planter on Commercial Street (the first commercial rain garden planter in Portland)

Supporting documents include:

- Traffic Movement Permit (TMP) documents
- Parking Information
- Transportation Demand Management (TDM) documents
- Site Plans
- Elevations and renderings showing architectural detailing and materials
- Plat and condo docs

Primary vehicle access to the site is proposed to be via Foundry Lane, converted to a 2-way access, which leads to a porte cochere for the hotel on the rear of the building. There is a secondary two-way access on Maple Street, and some service vehicles will use the access to the adjacent site on Maple Street (nearer to York Street). The project requires a Traffic Movement Permit and there have been three TMP submissions (Attachments G.1; G.4 and G.5) which address staff review issues.

There is no zoning requirement for parking in this B5b zone and under the Site Plan ordinance the Planning Board shall determine the parking requirement based on the applicant's parking study and the recommendation of the City Transportation Engineer because the total floor area is over 50,000 sq ft. The applicant has submitted a parking analysis entitled *Parking Study* (Attachment G.2). It indicates a total of 86 parking spaces are required for the hotel, 10 for the restaurant operation, and 14 for the 14 residential units (overall total of 110 spaces). This need will be met by 24 on-site, plus 86 off site parking spaces in two nearby off- site parking lots on York Street (shown in yellow dotted line on the aerial above and in Attachment L). These are already owned by the applicant; they received site plan approval many years ago for parking.

The applicant's calculation of the parking requirements for the hotel is based on an assumption that Transportation Demand Management (TDM) measures will result in a 10% reduction in parking demand. The TDM Study is attached at Attachment G.3, with additional information in Attachment G.6.

The site also includes 9 on-site parking spaces to be used by Baxter Place occupants in accordance with the joint access agreement that allows Foundry Lane to be used as a two-way access drive to the hotel (Attachment D). On-street parking is proposed to be reorganized, with a net increase of one space along the frontage, and a loss of parking on the other side of Commercial Street to safely accommodate the new pedestrian crossing proposed by the applicant.

The applicant proposes to construct new brick sidewalks along the site frontage on Commercial Street and all of the north side of Maple Street, including new and replacement street trees and a stormwater planter. The Foundry Lane area is proposed to be completely reorganized with hard and soft landscape and lighting, including a wide pedestrian path to connect with the existing path to York Street. Screen planting around the rear of the building is also proposed.

I. PUBLIC COMMENT AND WORKSHOP SUMMARY

A. Public Comment:

Notice has been sent to 130 property owners and interested citizens in the vicinity of the project and was printed in the January 14th and 15th, 2013 editions of the *Portland Press Herald*. The Planning Division has received three public comments. One public comment (Broucek - Attachment 10.a.) was received just before the first Workshop and was circulated at that meeting. The second public comment (Greater Portland Landmarks Attachment 10.b.) was received at the first Planning Board workshop; the same organization provided additional comments at the second Workshop (Attachment 10.c.). No further comments have been received since the second PB Workshop in December.

B. Neighborhood Meeting: The applicants held the required Neighborhood Meeting on November 8th, 2012 which was attended by 5 people. The notice, attendance and minutes of this meeting are provided in Attachment M.

C. December 18th, 2012 (second) Planning Board Workshop

At the second Workshop the applicant indicated how the plans may evolve to address historic preservation concerns about the footprint better relating to the property boundary at the north end near Foundry Lane. The Planning Board members broadly supported the project with the revised footprint and suggested that:

- Provision of the crosswalk on Commercial Street was welcome in the location shown;
- The arrangements for truck deliveries should be clarified;
- It would be preferable to have more bike racks accessible to public.

The applicant has prepared final plans that show a revised footprint to address the historic preservation concerns. The new building line adjacent to Foundry Lane has been angled to align with the original line of Foundry Lane and with the footprint of the Baxter Place building. The Foundry Lane area has been revised to allow Foundry Lane to be more clearly "read" as a lane and to allow the pedestrian path that starts at York Street to remain at a consistent width (12 feet) all the way to Commercial Street without any parking along it.

In addition the applicant has provided additional information as requested in relation to the TMP and addressed the site plan review comments outlined and discussed at the second Workshop (summarized in applicant's updated memo in Attachment V.) The waiver requests have been adjusted and now exclude a waiver for bicycle parking but include several other technical waiver requests.

II. ZONING ASSESSMENT

The Zoning Administrator has reviewed the submitted information and confirmed that the proposal meets the B5b zoning requirements subject to conditions concerning signage and HVAC as below, which has been included as a potential condition of approval:

Separate permits will be required for any signage. All HVAC systems must meet the maximum allowable noise requirements of the zone. At the time of permits, it will be necessary to submit data concerning the dBA out-put for individual units.

The applicant has confirmed that there will be three condominium units: a Hotel unit; a Retail unit and a Residential unit (14 individual apartments) that will be rental units (Attachments R. and S.).

III. TRAFFIC MOVEMENT PERMIT (TMP)

The proposed development requires a State of Maine Traffic Movement Permit (TMP) as it generates between 100 and 200 trips. The TMP would be issued by the City under delegated authority.

The following TMP documents have been submitted:

- Application and scoping documentation was submitted 10.11.2012 (Attachment G.1)
- *TMP Traffic Analysis Memorandum* (John Adams) dated 11.30.2012 (Attachment G.4) response to TMP Scoping Meeting held on 11.7.2012
- *TMP Response to Traffic Comment* John Adams 12.28.2012 (Attachment G.5) re queuing at Commercial Street access drive

The Traffic Engineering Reviewer, Tom Errico, raised an issue at the second Workshop, which has now been addressed as below:

I have reviewed the traffic study and find the methods and conclusions to be acceptable. In summary the project is not expected to negatively impact traffic conditions in the vicinity of the project. There is one outstanding item that needs to be evaluated. The applicant should conduct an evaluation of queue spillback from the Commercial Street/Center Street intersection and whether blockage of the project driveway will be problematic and if improvements are recommended.

Status: *The applicant has provided updated analysis as it relates to blockage of the driveway. It was noted that vehicles in the eastbound through lane from the Center Street intersection will block the driveway. Following a review of area conditions, it is my opinion that the driveway should function safely. Vehicles turning left from the site will have the center lane to wait in (the applicants analysis indicates the left-turn lane queue from Center Street does not block the driveway), thus not blocking westbound Commercial Street traffic. I would also note that if left-turn movements become difficult, alternative routing to Maple Street and York Street. No action is required by the applicant. (Attachment 18.)*

In addition, during the review Mr Errico had highlighted the question of a contribution as follows:

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 an estimate of the contribution amount in the future.

Status: *The contribution calculation is based upon the number of trips being generated by the project at the subject intersection. The contribution amount is \$12,500.00.*

A potential condition of approval re the TMP has been included in the motion for the Board to consider.

IV. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted plans and information that address all of the ordinance submission requirements, and has revised the survey to address staff comments (see narrative in Attachment R, new submissions in Attachments S, T and U and all Plans). DPS has reviewed the final survey and considers all issues have been resolved (Attachment 19).

The draft Subdivision Plan has been submitted (Plan17) along with the Condominium boundary plans (Plans18-21). The Condo boundary plans would not form part of the Site Plan/Subdivision Plan set (are for information only) but the draft Subdivision Plan needs the following information added, and a suggested condition of approval relates to this requirement:

- Floorspaces of the three uses
- Parking provision on and off site
- Stormwater and waste collection management
- All easements, including reference to new easements needed eg for pedestrian access on private land
- Reference to condominium documents
- Notes to clarify maintenance and management of Foundry Lane area, including clarification as to responsibilities re sidewalks
- Street trees

The Draft Condominium Documents have been submitted (Attachment O). These clarify that although the three units are the hotel, retail and residential units, the residential unit may be further subdivided and the proposal for 14 rental units triggers the subdivision review. The documents have been reviewed by Corporation Counsel who recommends that further references be included to clarify solid waste collection, floorspace of each of the units, and the detail of site plan/subdivision approvals (Attachment 20).

The applicant has confirmed that “we do not expect to create the plats and record the condo docs until the building is

basically complete” (Attachment R.). It should be noted that while this may be acceptable in respect of the condo documents, subject to Corporation Counsel review and approval, the Subdivision Plat must be recorded prior to any sale or development of the site (Section 14-504 of the City’s Land Use Ordinance).

The applicant has provided evidence of right, title and interest in Attachment B. Foundry Lane is not owned by the applicant, and an access agreement (Attachment D) allows the applicant access over Foundry Lane subject to parking and access for the abutter being maintained in this corridor.

B. Subdivision Review: 14-497. Subdivision General Requirements (a) Review Criteria

- (1) *Will not result in undue water or air pollution.*
- (2) *Has sufficient water available for the reasonably foreseeable needs of the subdivision;*
- (3) *Will not cause unreasonable burden on an existing water supply; and*
- (4) *Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

The applicant has submitted a capacity letter from the Portland Water District dated 10.15.2012 (Attachment J). The applicant has also submitted a Stormwater Pollution Prevention Plan (updated for hearing, in Attachment I.2) that addresses erosion and water pollution and is considered satisfactory (Attachment 3).

- (5) *Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;*

See **Section III Traffic Movement Permit.**

- (6) *Will provide for adequate sanitary waste and storm water disposal and will not cause an unreasonable burden on municipal services if they are utilized;*

A capacity to serve letter was issued 12.4.2012 (Attachment N.).

Storm water

The site is currently gravel and impervious, with stormwater runoff flowing into a closed drainage system and then into the municipal system in Maple Street and then to Casco Bay. The proposed stormwater management system also will pipe stormwater to the municipal system with little change between the pre and post development flows (see Stormwater Management Plan in Attachment I.1).

The proposal results in 2,972 sq ft. net increase in impervious surface (including new impervious surfaces in the right of way and the final Foundry Lane layout) (Plan 5) and this leads to a requirement to treat some stormwater. The applicant has proposed a stormwater planter in the sidewalk bump-out nearest to Maple Street and this is acceptable subject to (Attachment 14) :

- a revision to the way it connects to the city’s stormwater system. A condition of approval is recommended to require the underdrain for the stormwater planter to connect to the City’s stormdrain in Commercial Street; and
- a stormwater maintenance agreement between the applicant and the City of Portland that is needed to ensure the applicant is responsible for the ongoing inspection and maintenance of the system; this is referenced in a potential condition of approval regarding a list of easements and agreements that are required for the project.

- (7) *Will not cause an unreasonable burden on the ability of the city to dispose of solid waste and sewage if municipal services are to be utilized;*

The submissions (Attachments J and Plan 5) show an enclosed refuse enclosure is proposed at the rear of the site near Maple Street with a walkway leading from the receptacle area to the rear circulation area. The narrative confirms the refuse enclosure would be managed by a commercial waste removal firm. However, the waste receptacle can only be accessed from the adjacent lot and its separate site entrance off of Maple Street, which is owned by the applicant but a separate lot that has been described as likely to be developed in the

future. A permanent access easement or agreement for large vehicles will be required to ensure that solid waste removal can function in the longer term, and this easement/agreement is included in a potential condition of approval requiring a number of easements and agreements.

- (8) *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.*

The subdivision requirement would be one tree per residential unit or 14 street trees. The current proposal results in the loss of about 13 small trees and proposes 13 new street trees along Commercial Street, Maple Street and Foundry Lane (Plan 21). The City Arborist has recommended additional trees within the patio area at the corner of Commercial and Maple Streets (Attachment 16) to meet the City standard. A suggested condition of approval requiring revisions to address the City Arborist comments is included in the motions for the Board to consider. All of the street trees should be shown on the Subdivision Plat.

The proposed brick sidewalk on Maple Street between the proposed site entrance and York Street would impact 3-4 existing street trees and associated planting, and a further recommendation is that a plan showing the detail of the sidewalk construction and associated replacement planting should be submitted for review and approval prior to any work in this area (see discussion re *Sidewalks* below).

- (9) *Is in conformance with the land development plan or its successor;*

The applicant has referred to the Comprehensive Plan policies (Attachment J) and the project is compatible with Comprehensive Plan goals and policies.

- (10) *The subdivider has adequate financial and technical capacity to meet the standards of this section;*

The applicant has submitted a letter dated 10.17.2012 from Bangor Savings Bank and provided background information on the Opechee Construction Company (Attachment F).

- (11) *(Whenever situated, in whole or in part, within the watershed of any pond or lake or within two hundred fifty (250) feet of any wetland, great pond or river as defined in Title 38, chapter 3, subchapter I, article 2-B, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water;*
(12) *Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;*
(13) *Is or is not in a flood-prone area, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant.*
(14) *All potential wetlands within the proposed subdivision shall be identified on any maps submitted as part of the application, regardless of the size of those wetlands.*
(15) *Any river, stream or brook within or abutting the proposed subdivision shall be identified on any maps submitted as part of the application.*

These review criteria do not apply to this project.

Section 14-499. Required improvements.

This section of the ordinance specifies improvements required of subdivisions, including sidewalks, surfacing, street lighting, public water, erosion control, Street trees, and underground utilities. The proposed subdivision meets all of the relevant requirements of this section.

C. SITE PLAN REVIEW 14-526 Site Plan Level III Final Plan Requirements

1. Transportation Standards

Impact on Surrounding Street Systems and Site Vehicle Access

The TMP review (above) addresses the impact on the surrounding streets.

Access and circulation, loading and servicing

The main access to the hotel is proposed to be via Foundry Lane, converted to two way operation and 20 feet wide. A secondary access is proposed from Maple Street (also two-way). The internal circulation is broadly acceptable and the applicant has addressed most of the detailed comments raised by Tom Errico (Attachments 7, 15 and 18).

Mr Errico has supported the requested waivers for driveway separation on Maple Street, the width of the 5-space parking aisle near Foundry Lane, and the reduced sightlines for the proposed crosswalk across Commercial Street.

The question of servicing for the restaurant and hotel has been addressed by Note 6 on Plan 5 that states: "*Delivery vehicles will utilize the Commercial Street median when making deliveries to the proposed building. Coordination of deliveries shall be such that the proposed crosswalk is not blocked by trucks.*" This note replaced a previous note that indicated servicing would take place via the abutting lot, at the same location as the waste receptacle, about which the Engineering Reviewer raised concerns (Attachment 18):

November 9, 2012 Comment: The applicant should provide details on how truck deliveries will be accommodated. December 12, 2012 Comment: This comment is outstanding.

January 9, 2013 Comment: We are concerned that the provision of a truck loading area on the adjacent lot is not likely to be used by delivery trucks due to the difficulty in hauling goods to the site. We are also concerned about the long-term viability of the proposed location given future development possibilities. Additional comments are noted below.

- *The applicant should provide details on where deliveries will enter the building.*
- *The City is comfortable if delivery trucks park in the Commercial Street median. This practice occurs along other sections of Commercial Street. If considered to be an option, coordination with delivery trucks will be required so that the proposed crosswalk is not blocked.*
- *The City does not want delivery trucks blocking Maple Street given special traffic circulation needs for the future Baxter Charter School.*

Status: A condition of approval is being included on vehicle deliveries and I am comfortable with the noted details.

Staff are particularly concerned about the possibility that large vehicles would park in Maple Street rather than use the separate lot entrance or Commercial Street, as this would cause congestion in the vicinity of the high school drop off/pick up area and present safety issues. A potential condition of approval is included for the Board to consider:

That vehicle deliveries and collection of waste shall take place on the site, on the adjacent site, or on Commercial Street, and that delivery vehicles shall not be allowed to park on Maple Street in order to serve the development;

Sidewalks and Pedestrian Access

The applicant has proposed sidewalks or pedestrian walkways in the following locations:

- A brick sidewalk (6-7 feet wide) along the entire length of Maple Street on the development frontage, including the section in front of the existing parking lot (separate JB Brown parcel) that goes up to the York Street pedestrian crossing;
- A brick sidewalk (10+ feet wide) along the entire length of Commercial Street on the development frontage, incorporating bump-outs around angled parking and a tipdown to the new Commercial Street crossing at the corner with Maple Street;
- A 12 wide brick (edged with cobbles) walkway connecting Commercial Street to the existing walkway up to York Street that is technically Foundry Lane.

These proposals are well-designed pedestrian amenities. Some of the sidewalk is on private property as is the walkway along Foundry Lane. The potential conditions of approval include a requirement for additional Subdivision Plat notes and public access easements to confirm public access to both sidewalks and walkways, and to clarify maintenance responsibilities for the public walkway.

The new section of sidewalk along Maple Street between the new site entrance and York Street impacts existing trees and planting, so a suggested condition of approval requires a plan showing reinstatement and other planting to integrate the new sidewalk into the area.

Crosswalk in Commercial Street

The applicant has proposed a new crosswalk in Commercial Street that will serve the hotel and restaurant patrons and is a welcome pedestrian feature in this part of Commercial Street (shown in Plan 5). This proposal is subject to review by the City's Crosswalk Committee and the Traffic Engineering Reviewer has documented the review (Attachment 18):

November 9, 2012 Comment: 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.

December 12, 2012 Comment: The provision of a crosswalk at this location needs to be reviewed by the City Crosswalk Committee. A request to add this to their January 3, 2013 agenda should be undertaken by Planning staff. I would note that I am in support of a crosswalk at the Commercial Street/Maple Street intersection location.

Status: I support the proposed crosswalk on Commercial Street with the following suggested changes. I would further note that this crosswalk was reviewed by the City's Crosswalk Committee and the Committee provided conditional support. Final approval of the details by the Committee will be required:

- *The Commercial Street crosswalk shall not intersect the Maple Street crosswalk at an "apex" location. Separate crosswalk ramps shall be constructed on the project site corner. This change may require some adjustment to the proposed stormwater planter.*
- *For improved safety it is suggested that an additional parking space be eliminated on Commercial Street abutting the proposed crosswalk. Accordingly, the striped island will need to be expanded.*
- *The applicant shall install crosswalk warning signs that meet standards in the MUTCD.*

Foundry Lane

The applicant does not own the portion of Foundry Lane that is being proposed for the main hotel site access and associated pedestrian walkway.

Foundry Lane was discontinued as a public street in 1995 in association with earlier developments by the applicant. The discontinuance was subject to an order by the City of Portland that stated it was subject to "the retention of a public access easement and an easement for public utility facilities" (Attachment 9).

The discontinuance was also subject to an agreement between the City of Portland and J. B. Brown & Sons and Baxter Place Associates. The portion of Foundry Lane near York Street is now owned by J B Brown, and the section closest to Commercial Street is owned by Baxter Place Associates. The discontinuance agreement included the following requirements (Attachment 9):

- No structures located in the area of the discontinued street;
- That a site plan for any changes to the area of the discontinued streets be reviewed by the Planning Board ;
- That if J B Brown does not utilize the cobblestones from the discontinued street in its site improvements, then any unused cobblestones shall be returned to the City;
- That the City shall retain the right to reacquire the title to the street under certain conditions.

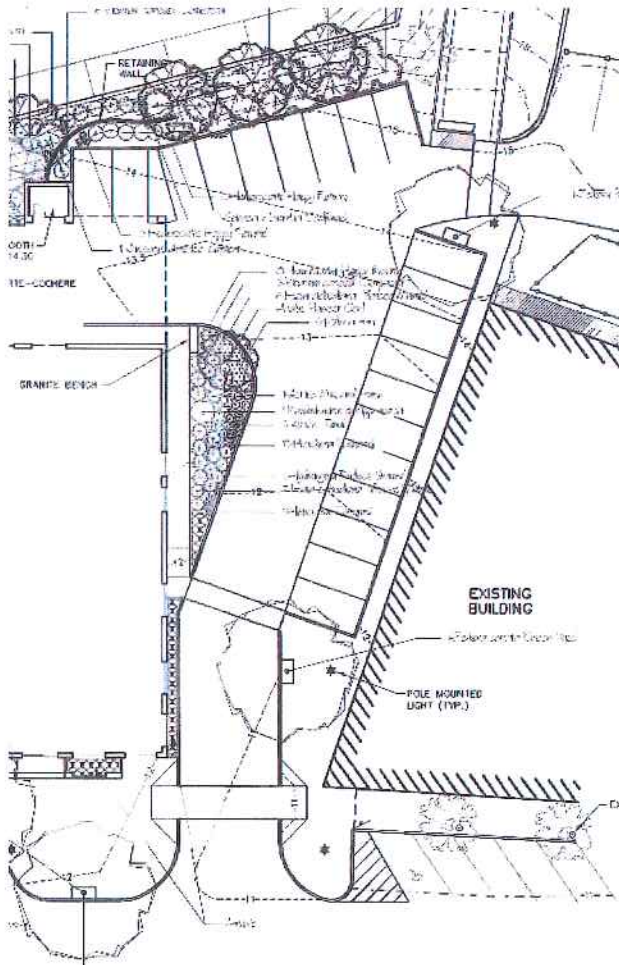


Foundry Lane looking towards Commercial Street

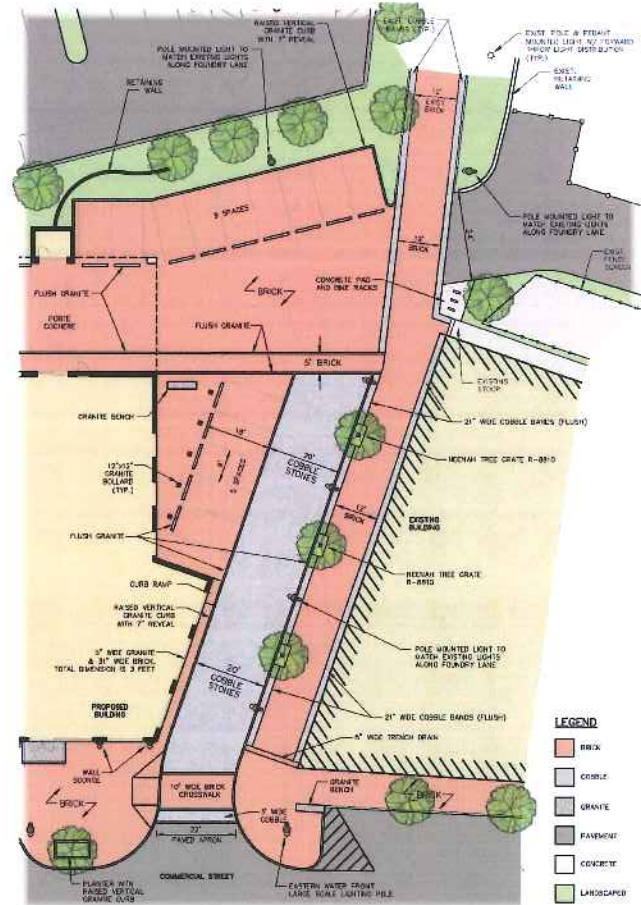
J B Brown installed the pedestrian improvements, as approved as part of the Cannery Project at 14 York Street, for their portion of Foundry Lane. The current Site Plan addresses the area owned by Baxter Place Associates.

A proposed Access Easement Agreement with the owner of the abutting property (Baxter Place) has been submitted in Attachment D. The proposal allows for joint access over the area and provides 11 parking spaces that may be used by Baxter Place. The easement needs to be updated to reflect the final layout and parking for the Foundry Lane area, cross reference a public access easement and confirm maintenance responsibilities. It is understood that this area will be maintained by the applicant and a new public access easement will be defined and recorded (Attachment R, page 5). Accordingly, these are included in the potential conditions of approval.

The two plans below compare the original submission to the final proposal:



Above: As proposed at the First PB Workshop



Above: Final proposal

The two Workshop Memos have detailed the discussions and comments on the layout for this area, which focused on achieving a wide pedestrian walkway that continued the existing walkway, ensuring a safe integration of pedestrians and vehicles, and addressing historic preservation objectives. The final layout at right has been approved by the Historic Preservation Board on 1.16.2013 and is acceptable in terms of site plan standards.

Public Transit

The ordinance requirements do not apply to this project.

Vehicle Parking

There is no zoning requirement for parking in this B5b zone and under the Site Plan ordinance the Planning Board shall determine the parking requirement based on the applicant's parking study and the recommendation of the City Transportation Engineer because the total floor area is over 50,000 sq ft.

The applicant has submitted a *Parking Study Memorandum* dated 10.22.2012 ([Attachment G.2](#)) and updated comments in [Attachment T](#) which assess the parking requirements for each of the proposed components of the project, as follows:

Hotel:	86 spaces
Restaurant:	10 spaces
Residences (14 units):	14 spaces

These calculations allow for a 10% reduction based on the assumption that the Transportation Demand Management Plan (see below) will meet its 10% target.

The applicant can opt for on-site provision, off-site provision, or payment in lieu of parking. The applicant has proposed to include 24 parking spaces on site (to rear, near Maple Street) to address the 14 residential units and 10 of the hotel space requirements, and a further 86 parking spaces are proposed off-site for the hotel (76 valet-only spaces) and restaurant (retail) use (10 spaces). The off-site spaces for the hotel will be provided as valet-only parking spaces on two nearby off-site parking lots (50-70 Danforth Street, as shown in yellow dotted line on the aerial above and in [Attachment L](#)) accessed from York Street that are already owned by the applicant.

The Zoning Administrator has reviewed the legal uses of these proposed off-site parking areas and confirmed that both lots are considered legal parking lots, but that one of them appears to serve uses in the building on the same lot ([Attachment 5](#)). Further information was requested to confirm there is adequate parking for both these uses and the proposed hotel. This information was submitted ([Attachment R, page 2](#)); it confirms there is sufficient parking available.

The applicant is retaining the on-street parking spaces along Commercial and Maple Streets nearest the site, with a net increase of one space. These modifications, along with those on the other side of Commercial Street associated with the crosswalk, will require City Council approval to the modified parking Schedule and this is the subject of a potential condition of approval.

The Traffic Engineering Reviewer has confirmed the proposals are acceptable ([Attachment 18](#)) with one comment that necessitates a potential condition of approval:

November 9, 2012 Comment: I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.).

December 12, 2012 Comment: The dimension of the diagonal parking spaces are not consistent with existing diagonal parking spaces located on Commercial Street. The spaces seem to be longer. I'll need to coordinate with DPS staff.

Status: It is suggested (not recommended) that the parking space dimensions match those of other parking spaces on Commercial Street. I'm comfortable if the parking space dimensions remain unchanged if the alignment of the westbound travel lane on Commercial Street is not off-set or requires vehicles to shift

The Board should note that the on-site parking for the residential units is managed by the "hotel unit" (see Condo Docs, page 12, [Attachment O.](#)) and staff recommend a condition that confirms the number and location of the on-site and off-site parking spaces that are proposed to meet the parking requirements as determined by the Planning Board.

The applicant's Transportation Engineer (John Adams) has also addressed the public comments ([Attachment 10.a.](#)) that raised concerns regarding the displacement of existing parking on the site and the mix of the valet parking traffic on Maple and York with Baxter Academy School traffic ([Attachment T](#)).

Bicycle parking

The ordinance requires a total of 26 bicycle parking spaces on the site based on:

Non-residential:	2 bicycle parking spaces per 10 required car parking spaces up to 100 and 1 per 10 required parking spaces over 100.
Residential:	2 bicycle parking spaces for every 5 dwelling units

Originally the applicant requested a waiver to reduce the requirement, but have now agreed to the full provision as both staff and the Planning Board were uncomfortable with supporting any waiver (Attachment 19).

Snow Storage

The Site Plan in Plan 5 includes a note #1 that confirms that : “*Snow may be stored only on the grassed/landscaped areas on site and no parking spaces shall be lost to snow storage. When necessary, snow shall be removed from the site and transported to a proper location if accumulated snow impairs any entrance/exit, pedestrian circulation, or otherwise presents a hazard.*” Staff consider this acceptable.

Transportation Demand Management plan

The applicant submitted a *Transportation Demand Management Plan* (TDM) dated 11.22.2012 (Attachment G.3), as updated by a TDM memo (Attachment G.6) that addresses the staff request that the applicant identify the TDM strategies they are intending to implement. (Attachment 15)

The TDM is considered acceptable (Attachment 18) but as it underpins the parking study assessment of parking need and relates to a condominium of several uses, a suggested condition of approval is included to ensure it is implemented and monitored in the future.

2. Environmental Quality Standards

Preservation of significant natural features

See above under *Subdivision Review*.

Site Landscaping

See above under *Subdivision Review*. The applicant has submitted a detailed Landscaping Plan (Plan 9) which incorporates the suggested stormwater planter and tree grates and is generally acceptable. The City Arborist has made some detailed recommendations regarding the species of street trees and other planting (Attachment 16) and a potential condition of approval requires revisions to address these comments.

Water quality, Stormwater Management and Erosion Control

As discussed above under *Subdivision Review*.

3. Public Infrastructure and Community Safety Standards

Public Infrastructure

See discussion of sidewalks and utilities under *Subdivision Review*.

Public Safety (CPTED)

The proposals have incorporated the principles as outlined in the site plan ordinance and the presence of valet drivers on site also addresses this issue.

Fire Prevention

Captain Chris Pirone of the Fire Department has provided general comments (Attachment 2) and these have been addressed by the proposals. The applicant has confirmed that hydrants are available in both Maple and Commercial Street.

Capacity of Public utilities

The submissions (Attachment J) includes confirmation from utilities.

Massing, Ventilation and Wind Impact

Plans 22 to 26 illustrate the scale and massing of the proposed building. The massing of the proposal is one of the

characteristics reviewed by the Historic Preservation Board. These final submissions were reviewed by the HP Board at a hearing on January 16, 2013 and have been approved subject to some minor revisions to materials for the windows and cornice.

View Corridors - There are no view corridors that impact this site.

Historic Resources

The entire site is within the Portland Waterfront Historic District and requires a Certificate of Appropriateness from the Historic Preservation Board. (The applicant has addressed the HP standards in Attachment K.)

The two previous Workshop memos have included Historic Preservation review comments which focused on the footprint of the building as it related to the geometry of the site, on architectural details and features, and on the layout of Foundry Lane which originally showed more prominent parking.

The proposals included in this Planning Board Hearing Report are as have been approved by the Historic Preservation Board with two minor exceptions:

- Some minor last minute revisions to retaining wall finishes, fencing, cornice design and signage were presented to the Historic Preservation board on 1.16.2013; and
- The Historic preservation Board requested some additional revisions to the cornice and upper windows as a condition of approval.

A suggested condition of approval clarifies that the final details of these items shall be in conformance with the Historic Preservation Board approvals.

Exterior Lighting

The proposals include 6 new pole-mounted lights in the Foundry Lane area and rear parking lot, plus 15 wall mounted lights of two different types (see Photometric Plan in Plan 10 and lighting specifications in Attachment J.) These are subject to Historic Preservation review and it is understood these were approved at the PH hearing on January 16, 2013. The potential condition of approval regarding the Historic Preservation Board final approval would include any final revisions to the lighting details.

The Photometric Plan shows some localized high illumination levels of up to 9.0 foot candles in approximately 10 locations under wall mounted lights, and two small areas of light trespass along the west boundary. These contribute to pedestrian safety and are localized in areas that are not sensitive.

In addition the applicant is proposing 7 new street lights in accordance with the City's Technical Manual.

Signage and Wayfinding

A signage and wayfinding plan is recommended to be submitted in view of the three uses in the building (and four/five entrances) and to ensure the vehicle circulation is managed efficiently. The applicant has confirmed that these plans will be submitted at a later time (Attachment R.) but have not yet been received. A suggested condition of approval requires this to be submitted for review and approval.

Construction Management Plan

The Construction Management Plan has been submitted (Plan 16) and reviewed by Tom Errico, and a suggested condition of approval has been included to address his final comments:

November 9, 2012 Comment: 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. December 12, 2012 Comment: This comment remains valid.

Status: The applicant shall submit a detailed construction management plan for review and approval prior to construction. I would note that the sidewalk detour on Maple Street includes a section where a sidewalk is not provided and thus changes may be required. I would also note that with the closure of Foundry Lane,

traffic will be diverted to Center Street (behind the Baxter Building). This diversion may require changes to existing circulation restrictions. Lastly, construction vehicle access needs to be reviewed particularly in light of the proposed Charter School which is expected to be open later this summer.

Zoning Related Design Standards: B5b Design Standards

The applicant has submitted a narrative addressing the design standards listed below in Attachment K. It should be noted that only Standards **a.** and **d.** are subject to the Planning Board site plan review. Criteria **b.** and **c.** are exempt from Planning Board review as they are within the purview of the Historic Preservation Certificate of Appropriateness.

(c) B-5 AND B5-B URBAN COMMERCIAL BUSINESS ZONES:

(1) **STANDARDS.** Development located in the B-5 and B-5b zones shall meet the following additional standards:

- a. **Shared infrastructure:** Shared circulation, parking, and transportation infrastructure shall be provided to the extent practicable, with utilization of joint curb cuts, walkways, service alleys, bus pull-out areas, and related infrastructure shared with abutting lots and roadways. Easements for access for abutting properties and shared internal access points at property lines shall be provided where possible to facilitate present or future sharing of access and infrastructure.
- b. **Buildings and uses** shall be located close to the street where practicable. Corner lots shall fill into the corner and shall provide an architectural presence and focus to mark the corner.
- c. **Buildings** shall be oriented toward the street and shall include prominent facades with windows and entrances oriented toward the street. Uses that include public access to a building or commercial/office uses in mixed-use developments shall be oriented toward major streets whenever possible.
- d. **Parking lots** shall be located to the maximum extent practicable toward the rear of the property and shall be located along property lines where joint use or combined parking areas with abutting properties are proposed or anticipated.

The proposals, including the revised plan for the Foundry Lane (Plan 28), integrate well with the existing infrastructure and allow for shared circulation, parking and pedestrian facilities and are considered to meet standards **a.** and **d.**

V. STAFF RECOMMENDATION

The Planning staff recommend approval of this project subject to the suggested conditions of approval as cited in the proposed motions. The large number of conditions in part is due to the extensive Historic Preservation review required to resolve the building footprint and Foundry Lane, and the applicants request for an early development approval to facilitate an early start of construction.

VI. PROPOSED MOTIONS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 02 -13 for the Mixed Use Development at 321 Commercial Street (corner Maple Street) relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

WAIVERS

1. Location and Spacing of Driveways

The Planning Board (**waives/does not waive**) the Technical Standard, Section 1.20.1, to allow a two way site entrance on Maple Street approximately 80 feet from the existing access to the adjacent lot.

2. Parking Aisle:

The Planning Board (**waives/ does not waive**) Technical Standard, Section 1.14, Figures I-28 to I-32 which requires a 24 foot wide drive aisle, to allow a reduction to 20 feet width behind the 5 parking spaces adjacent to the drive access near Foundry Lane.

3. *Crosswalk Sight Distance:*

The Planning Board (**waives/does not waive**) the Technical Standard, Section 1.20.1, to allow a reduction in the required sight distance to the centerline of the crosswalk on the east side of Commercial Street, subject to the removal of the parking space nearest to the crosswalk.

4. *Flooding:*

The Planning Board (**waives/does not waive**) the Technical Standard, Section 5 III 4 E (2) (a) and (b), to allow the minor increase in post-development stormwater flows.

5. *Site Lighting:*

The Planning Board (**waives/does not waive**) the Technical Standard, Sections 12.2.3 Illumination Levels and 12.2.5 Light Trespass, to allow 10 locations near the building where maximum light levels are exceeded by up to 4 foot candles, and to allow some minor trespass at the property boundaries that benefit the pedestrian areas.

TRAFFIC MOVEMENT PERMIT

That the Planning Board finds that the proposed plan [**is/is not**] in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits.

Potential conditions of approval:

- i. That the applicant shall contribute \$12,500 to an account maintained by the City that will be used to fund traffic improvements to the intersection at Commercial Street / High Street.

SUBDIVISION

That the Planning Board finds that the plan (**is/is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions of approval:

Potential conditions of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel and include references to the hotel and restaurant (retail) floorspace maximums, off site parking requirement, stormwater management, waste collection, maintenance responsibilities for the Foundry Lane area, easements, street trees, Condominium Association documents and relevant conditions; and
- ii. That the following shall be finalized to the satisfaction of the Corporation Counsel prior to the issuance of a Certificate of Occupancy:
 - a. Pedestrian access easement for the areas of the sidewalk that are not in the right of way;
 - b. Public Access Easement for Foundry Lane;
 - c. Stormwater management agreement;
 - d. Easement or agreement (permanent) to allow access to waste collection and service delivery area over a different lot and access;
 - e. Access Easement Agreement (applicant and Baxter Place) for Foundry Lane to reflect final proposals; and
- iii. That the Condominium Association documents be revised to include references to the Stormwater Management Plan (inspection and reporting requirements), TDM Plan, HVAC requirements, management and maintenance arrangements for the Foundry Lane area, solid waste collection, floorspace of each of the units, and the detail of site plan/subdivision approvals, and shall be finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel prior to the issuance of a Certificate of Occupancy; and
- iv. That the Condominium Association shall develop, implement and manage the approved Transportation Demand Management (TDM) plan as set out in the submitted October 22, 2012 TDM Plan and the response to comments letter prepared by John Adams dated January 9, 2013, which include a Post-Development Monitoring Phase; and

- v. That the applicant shall submit a revised Landscape Plan that addresses the comments of the City Arborist dated January 11, 2013, which include details of the sidewalk construction and associated replacement planting along Maple Street between the new site entrance and York Street, for review and approval by the City Arborist and Planning Authority prior to the issuance of a building permit; and
- vi. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted Stormwater Management and Stormwater Pollution Prevention Plans (dated October 22, 2012 and updated January 2, 2013) and the approved plans, and meet City standards and state guidelines.

SITE PLAN

The Planning Board finds that the plan (is/is not) in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

Potential conditions of approval:

- i. That the parking required for the proposed mixed use development has been determined by the Planning Board to be 110 spaces for the proposed uses within the mixed use building, as based on a total floorspace of 113,321 sq ft (7,185 sq ft floorspace for restaurant/retail; 86,608 floorspace for hotel; and up to 14 residential units), of which 24 parking spaces are located on site; 10 parking spaces are located off site; and 76 valet-only parking spaces are located off site. The off-site parking spaces shall be located at 50-70 Danforth Street (where previous site plan approvals for parking are in place) unless an alternative site is submitted for review and approval by the Planning Authority; and
- ii. That vehicle deliveries and collection of waste shall take place on the site, on the adjacent site, or on Commercial Street, and that delivery vehicles shall not be allowed to park on Maple Street in order to serve the development; and
- iii. That the building architecture and material details, including lighting, retaining walls, signage, fencing and enclosure of roof top mechanical equipment, shall be reviewed and approved by the Historic Preservation Board/Program Manager (as appropriate) for conformance with Historic Preservation Board approvals, prior to the issuance of a Building Permit; and
- iv. That the proposed crosswalk in Commercial Street shall be revised in accordance with the comments of the Traffic Engineering Reviewer, Tom Errico dated 1.16.2013, for review and approval by the Planning Authority, Department of Public Services and the Crosswalk Committee prior to any construction related to the crosswalk; and
- v. That the applicant shall arrange for a revised parking schedule for on-street parking on Commercial and Maple Streets to be approved by the City Council; and
- vi. That the applicant shall submit, for review and approval by the Planning Authority and the Department of Public Services, a revised Construction Management Plan that addresses the comments of Tom Errico, Traffic Engineering Reviewer, dated 1.16. 2012 prior to the start of construction; and
- vii. That the applicant shall obtain a license from the City, subject to review and approval by the Corporation Counsel's office, for any canopies that extend over the City right-of-way, prior to the issuance of a Certificate of Occupancy; and
- viii. That the Stormwater Planter underdrains shall not be tied into the existing catch basin in Maple Street, but shall be directly connected to the City's 18inch RCP stormdrain in Commercial Street via an insert-tee connection; and
- ix. That the applicant shall submit for review and approval by the Planning Authority a signage and wayfinding plan that would assist the different users of the site; and

- x. All HVAC systems and external mechanical equipment shall meet the maximum allowable noise requirements of the zone; each unit shall submit documentation of dBA output to confirm compliance of both the unit and the building in respect of rated noise levels and cumulative noise levels, to the satisfaction of the Zoning Administrator prior to the issuance of a Building Permit for that unit. This requirement shall be included in the Condominium documents.

ATTACHMENTS:

REPORT ATTACHMENTS PREVIOUSLY INCLUDED IN PB MEMOS

1. City Arborist comments 11.8.2012 (updated from 11.2.2012)
2. Fire Department comments 11.1.2012
3. Peer Engineer comments 11.6.2012
4. DPS comments 11.7.2012
5. Zoning Administrator comments re off site parking areas 11.5.2012
6. Zoning Administrator comments re the proposal 11.8.2012
7. Traffic Reviewer comments 11.9.2012
8. Historic preservation summary of 11.7.2012 HP Workshop
9. Background Info Foundry Lane - Discontinuance Order and Agreement (**updated for Hearing**)
10. Public comments
 - a. Margaret Broucek 11.13.2012 (circulated at first PB Workshop)
 - b. Greater Portland Landmarks 11.13.2012 as presented during first PB workshop
 - c. Greater Portland Landmarks as received 12.14.2012
11. Staff summary of first Workshop issues 11.14.2012
12. Further staff comments on Foundry Lane 11.26.2012
13. Zoning update comments 12.8.2012
14. Peer Engineering update comments 12.12.2012
15. Traffic Engineering update comments 12.12.2012

HEARING REPORT NEW ATTACHMENTS

16. City Arborist updated comments 1.17.2013
17. Peer Engineering Reviewer updated comments 1.10.2013 and 1.16.2013
18. Traffic Engineering Reviewer updated comments 1.16.2013
19. DPS comments 1.17.2013
20. Corporation counsel comments on condo documents 1.17.2013

APPLICANT'S SUBMITTAL

- A. Cover letter and Site Plan Application 10.22.2012
- B. Right, Title and Interest; State/Federal approvals required; Ref to Boundary survey
- C. Compliance with Zoning Requirements
- D. Proposed Access Easement for Foundry Lane area as draft 10.25.2012
- E. Waiver Requests (**updated version 1.2.2013**- not as in earlier PB Memos)
- F. Financial and Technical Capacity letter 10.17.2012
- G. Traffic and parking reports
 1. TMP submission dated 10.11.2012
 2. Parking Study 10.22.2012
 3. TDM - Transportation Demand Management Plan 10.22.2012
 4. TMP Traffic Analysis memo dated 11.30.2012 (Response to TMP Scoping meeting)
 5. TMP Response to Traffic (TMP) Comment (re queuing at drive) 12.28.2012 (**rec'd since 2nd PB Wkshop**)
 6. TDM Memo with additional TDM Actions and Strategies John Adams 1.9.2012 (**rec'd since 2nd PB Wkshop**)

- H. Significant Natural Features and Project Narrative
- I. Stormwater Analysis
 - 1. Stormwater Management Plan 10.22.2012 as updated 1.2.2013 **updated version**
 - 2. Stormwater Pollution Prevention Plan 10.22.2013 as updated and received 1.7.2013 **updated version**
- J. Remainder of written materials, including lighting specs **updated version re lighting**
- K. Consistency with Design standards
- L. Off Site Lots intended for valet parking
- M. Neighborhood Meeting Certificate dated 11.14.2012
- N. Stormwater Capacity letter dated 12.4.2012
- O. Draft Condominium Association documents
- P. Opechee (Barry Stowe) Letter Responses & Revisions to Foundry Lane 12.29.2012 (superseded by final design)
- Q. Vin Veroneau Letter to HP Board 12.30.2012
- R. Opechee (Steve Long) Memorandum 12.4.2012, as updated 1.2.2013
- S. Opechee (Steve Long) Confirmation re residential units
- T. John Adams Response to Traffic Public and Staff Comments 12.3.2012
- U. Materials and Wall Details submitted for HP and PB Jan 2013
- V. Photographs from applicant

PLANS

- Plan 1 Cover Sheet
- Plan 2 Boundary Survey
- Plan 3 CO2 Existing conditions
- Plan 4 CO3 Demolition Plan
- Plan 5 CO4 Site plan
- Plan 6 CO5 Utility Plan
- Plan 7 CO6 Grading Plan
- Plan 8 CO7 Temporary Erosion & Sediment Control Plan
- Plan 9 CO8 Landscaping Plan
- Plan 10 CO9 Photometric Plan
- Plan 11 C10 Construction Details
- Plan 12 C11 Construction Details
- Plan 13 C12 (Civil) Sanitary Sewer and Storm Drain Details
- Plan 14 C13 Exterior Building Elevations
- Plan 15 C14 Exterior Building Elevations
- Plan 16 CMTC Construction management and Traffic Control Plan
- Plan 17 SO1 Subdivision Plan
- Plans 18-21 Sheets 1-4 Condominium Plans (show floorplans and sections)
- Plan 22 Elevations colored with materials annotated
- Plan 23 Elevations colored with materials annotated
- Plans 24-26 Rendered perspectives
- Plan 27 Colored version of Site Plan CO4
- Plan 28 Foundry Lane colored and enlarged

Attachment 1.1

[Set for 2nd PB Workshop]
+ Hearing

From: Jeff Tarling
To: Jean Fraser
CC: David Margolis-Pineo
Date: 11/8/2012 1:47 PM (updated from 11.2.12)
Subject: 321 Commercial Street

Hi Jean -

I reviewed the landscape plan for the proposed 321 Commercial Street project and offer the following landscape comments:

- a) The landscape plan includes 'street-tree' planting along Commercial Street. The proposed trees, Zelkova and Honeylocust are planted in rectangular tree wells with tree grates. Tree grates are spaced in between the diagonal parking spaces which should reduce the vehicle impact. While we strive to plant all trees when possible in raised planters to protect them from compaction and deicing salts this location might be best treated with flush rectangular tree-wells with Neenah tree grates.
- b) In addition to the proposed street-trees the landscape plan also includes ornamental landscape planting in the parking area to the back of the building along with several crab-apple trees. Recommendation would be to use a larger species (taller) where possible to provide shade and screening to the building scale. The proposed crabapples would mature around 15' height by the same width. A recent site visit revealed nearby that narrow but tall, Ginkgo trees looked perfect in the nearby parking lot landscape. Other options could include: Upright Pin Oak or other Oak cultivars like 'Crimson Spire', 'Regal Prince' - similar types used on Fore Street in front of the Evie Cianchette building; Katsura tree, or Oxydendrum.
- c) Additional planting spaces - there appears to be opportunity to use the two parking lot bump-outs along the right or easterly side of the building to create a larger planting space for tree(s) / landscape planting. Currently the plan shows a tree within a tree grate near the parking lot. A similar treatment proposed in item (a) for Commercial Street and the area near Foundry Lane that could be used to expand the landscape & tree space. Providing larger soil volume for the trees help ensure their survival along with protecting them from winter deicing salt provided by the raised granite planter.

Thus a Recommendation / condition would be to create an ornamental planter(s) in the new Commercial Street bump-out, the bricked in space along Foundry Lane and perhaps a space in the parking lot near Maple Street that would serve also as a storm-water planter. These spaces could be planted with shade tree / ornamental trees, woody and herbaceous planting. These planter(s) could be created by using a second granite curb within the bump-out similar to one used at 494 Congress Street and or the detail sheets in the storm-water information attachment.

Jeff Tarling
City Arborist

Re Stormwater Planters

portlandonline • subscribe • sign in

Search Green Streets

type your search here

Home What We Do Customer Services Programs Library

Sustainable Stormwater Tabor to the River Sewer Construction Projects Watershed Restoration Portland Brownfields CWSP Clean Rivers Education

POL → Government → Bureaus & Offices → Environmental Services → Programs → Sustainable Stormwater → Case Studies → Green Streets

SW 12th Avenue Green Street - Printable Version

The SW 12th Avenue Green Street at SW 12th and Montgomery on the Portland State University campus utilizes a series of landscaped stormwater planters designed to capture and infiltrate approximately 8,000 square feet of street runoff.

This innovative streetscape project effectively manages street runoff while still maintaining strong pedestrian circulation and on-street parking.

Built in summer 2005, this street retrofit project demonstrates how both new and existing streets in downtown or highly urbanized areas can be designed to provide direct environmental benefits and be aesthetically integrated into the urban streetscape.

This green street project is effective and functional, and it also successfully integrates landscaped stormwater planters into the urban fabric.



Case Studies

Green Streets

Ecoroof

Commercial/Institutional Property

Multifamily Residential Property

Pervious Pavement

Table of Contents

[SE Ankeny Green Street Report](#)

[NE Fremont Green Street Report](#)

[SW 12th Avenue Green Street Report](#)

[SE Tibbetts Street Fact Sheet](#)

[SE Ankeny Green Street](#)

[New Seasons Fact Sheet](#)

[SW 12th Avenue Green Street](#)

[NE Siskiyou Green Street Fact Sheet](#)

[NE Siskiyou Green Street Report](#)

[SW Texas Green Street](#)

Questions & Comments

If you have any questions or comments, please contact our [site administrator](#).

How It Works

The 12th Avenue Green Street project disconnects street stormwater runoff from a storm sewer that drains directly into the Willamette River and manages it on-site using a landscape approach. Stormwater runoff from SW 12th flows downhill along the existing curb until it reaches the first of four stormwater planters.

A 12-inch curb cut channels the street runoff into the first stormwater planter. Once inside the planter, the water is allowed to collect until it reaches a depth of six inches. The landscape system within each planter allows the water to infiltrate in the soil at a rate of four inches per hour.

If a rain event is intense enough, water will exit through the planter's second curb cut, flow back out into the street and eventually enter the next downstream stormwater planter.



Depending on how intense a particular storm is, runoff will continue its downhill "dance" from planter to planter until all of the stormwater planters are at capacity. Once exceeding capacity, the water exits the last stormwater planter and enters the storm sewer.

With the new stormwater facilities now in place, nearly all of SW 12th Avenue's annual street runoff, estimated at 180,000 gallons, is managed by its landscape system.

Design Challenges

The main challenge for retrofitting SW 12th Avenue was finding enough space for pedestrians, on-street parking, street trees, landscaping, street lighting, signage, **and** stormwater planters within an eight-foot wide space.

A three-foot wide parking egress zone was dedicated for people to access their vehicles without competing with the stormwater planters. Perpendicular pathways were located between each stormwater planter so that a pedestrian would not have to walk very far to access their cars or the sidewalk.

A four-inch curb exposure at each planter indicates to the pedestrian that there is a drop in grade. Each curb cut that allows the street runoff to enter the stormwater planters has an ADA accessible grate to allow for unencumbered pedestrian flow along the parking egress zone.



An Award Winning Design

The SW 12th Avenue Green Street Project has received a [national award of honor from the American Society of Landscape Architects \(ASLA\)](#). Bureau of Environmental Services green street specialist Kevin Robert Perry designed the innovative street stormwater project. The city completed the construction of the \$30,000 demonstration project in June 2005 and has continually monitored its performance over the



From: Chris Pirone
To: Fraser, Jean
Date: 11/1/2012 5:07 PM
Subject: 321 Commercial Fire Comments

Fire Comments:

All construction and installation shall comply with 2009 NFPA 1, 2009 NFPA 101.

All construction and installation shall comply with City Code Chapter 10.
<http://www.portlandmaine.gov/citycode/chapter010.pdf>

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.

2009 NFPA 11.14 Plan Review

1.14.2 The applicant shall be responsible that the following conditions are met:
The construction documents include all of the fire protection requirements.
The shop drawings are correct and in compliance with applicable codes and standards.
The contractor maintains an approved set of construction documents on site.

2009 NFPA 1 Chapter 18 Fire Department Access and Water Supply

2009 NFPA 1 18.2.3 Fire Department Access Roads

18.2.3.1 Required Access
18.2.3.2 Access to Building
18.2.3.3 Multiple Access Roads
2009 NFPA 1 18.2.3.4 Specifications

2009 NFPA 1 18.2.3.4.1 Dimensions

18.2.3.4.1.1 Fire Department access roads shall have an unobstructed width of not less than 20 ft.
18.2.3.4.1.2 Fire department access roads shall have an unobstructed vertical clearance of not less than 13 ft 6 in.

18.2.4 Obstruction and Control of Fire Department Access Road.

18.2.4.2 Closure of Accessways.

2009 NFPA 1 18.2.3.4.1 Dimensions

18.2.3.4.1.1 Fire Department access roads shall have an unobstructed width of not less than 20 ft.
18.2.4 Obstruction and Control of Fire Department Access Road.
18.2.4.1.1 The required width of a fire department access road shall not be obstructed in any manner, including by the parking of vehicles.
18.2.4.2 Closure of Accessways.

18.2.4.2.2 Where required, gates and barricades shall be secured in an approved manner.

-Knox padlocks are required at gates (locks are to be ordered at Central Fire Station 380 Congress St.)

18.3 Water Supplies and Fire Hydrants

18.3.4.1 Clear Space Around Hydrants. A 3 ft clear space shall be maintained around the circumference

of fire hydrants except as otherwise required or approved.

-If the building has a sprinkler system; fire hydrants must be within 100' but no closer than 40'.

-Fire Department Connections shall not be located where large diameter hose may block egress.

-Private fire mains and fire hydrants shall be maintained, tested and painted in accordance with Fire Department Regulations.

<http://www.portlandmaine.gov/fireprevention/fdrulesandregulations.pdf>

18.4 Fire Flow Requirements for Buildings

All construction and installation shall comply with City of Portland Fire Department Building Regulations.

<http://www.portlandmaine.gov/fireprevention/fdrulesandregulations.pdf>

Pay special attention to: Chapter 3 Fire Department Access Equipment

Pay special attention to: Chapter 4 Building, Stair, Suite and Room Designation

Pay special attention to: Chapter 5 Emergency Alarm Systems

Pay special attention to: Chapter 6 Suppression Systems

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

**COMMITMENT & INTEGRITY
DRIVE RESULTS**41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.comT 800.426.4262
T 207.774.2112
F 207.774.6635**MEMORANDUM**

TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: November 6, 2012
RE: 321 Commercial St. Mixed Use Development, Level III Final Site Plan/Subdivision Application

Woodard & Curran has reviewed the Level III Final Site Plan/Subdivision Application for the Mixed Use Development located at 321 Commercial Street in Portland, Maine. The project consists of development of a six story mixed use building with a 131 room hotel, 7,000 Square-Feet (SF) of restaurant space, and 14 residential units on the site of an existing gravel surface parking lot. The project proposes a net increase of 2,513 square feet of impervious area on the site.

Documents Provided By Applicant

- Level III Site Plan/Subdivision Application and attachments dated October 22, 2012, prepared by Opechee Construction Corporation, on behalf of J.B. Brown & Sons.
- Engineering Plans, Sheets C01-C13, CMTC, S01 & CP01-CP04, dated October 22, 2012, prepared by Opechee Construction Corporation, on behalf of J.B. Brown & Sons.

Comments

- 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 MaineDEP Chapter 500.
 - 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 MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances
 - 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.
- 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
- 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.

November 7, 2012

TO: Barbara Barhydt
Jean Fraser
FROM: David Margolis-Pineo
RE: Review Comments: 311 - 331 Commercial Street -

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.
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.
3. It would be desirable to use portion(s) of the proposed bump outs for green area stormwater treatment.
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.
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?
6. Please refer to the City of Portland Technical Manual, Figure II-19 for sizing and design of the proposed an external grease trap.
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?
8. MDOT took a non-tangent curve at the corner of Commercial Street and Foundry Lane in 1991. This is not shown.
9. Curve at Commercial Street and Maple Street needs a chord bearing and distance for mathematical closure. This was a MDOT 1991 taking.
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.
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?
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.
13. No City of Portland Right of Way plans have been referenced. Please state which plans were used.
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.
15. Shading and hatching of areas obscures text in various locations.
16. North Arrow refers to Magnetic North and not Grid North.
17. Proposed three-foot offset survey monuments will be requested at four locations to be determined.

Attachment 5

Zoning comments re
of-site parking lots

From: Marge Schmuckal
To: Jean Fraser
CC: Alex Jaegerman; Barbara Barhydt
Date: 11/5/2012 10:45 AM
Subject: Re: Parking lots at 60-70 Danforth Street for Commercial Street Hotel

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.

Marge

>>> Jean Fraser 11/2/2012 1:54 PM >>>

Marge

I have just received confirmation from the applicant as to which parking lots are proposed to be used for valet parking (see attached, which is from the applicant).

In addition to the one you researched, they are also proposing to use the nearer lot on York that is part of 50 Danforth Street (040 C009); its indicated as "manufacturing and construction" in the Assessors records. Could you please confirm that this parking area is a legal parking lot.

Thank you
Jean

>>> Marge Schmuckal 10/31/2012 12:03 PM >>>

I have found two allowances for parking lots on file for 60-70 Danforth Street.

The first is the two lots right on Danforth Street. That parking lot was approved by the Planning Board as evidenced by an approval letter from the Planning Director (would anyone like to tell me if they remember who the Planning Director was in 1959?). There is a certificate of occupancy for that parking lot on file also.

The parking lot in the rear was approved by a Board of Appeals decision on 12/3/1959. I didn't find a certificate of occupancy on file, but I consider it to be a legal parking lot.

Marge

Zoning comments re proposal

Jean Fraser - 311-221 Commercial Street

From: Marge Schmuckal
To: Jean Fraser
Date: 11/8/2012 12:38 PM
Subject: 311-221 Commercial Street

One Solution is not working, so here is an e-mail:

311-331 Commercial Street - 040-E-003
#2012-615 B-5b and Historic Overlay
11/8/2012

This project is proposing a structure with 131 Hotel units with restaurant/retail and 14 residential dwelling units. The entire project is located in the B-5b Zone. All the proposed uses are allowed in the B-5b zone.

The zoning analysis stated that an average building grade calculations were attached. I could not find that page. Please direct me to where that information is located or provide separately. The elevations indicate that the average grade is 13.5 elevation. Based on that unverified information, the height of the building is given as 64' 10". The maximum building height is 65'.

The application stated that there were 14 residential dwelling units. However the information on the floors breakdown stated that there was a 944 sq. ft. dwelling unit on the first floor. Where is that located? Is that still part of the project? The sixth floor is currently showing 14 residential dwelling units. Are there really 15 residential units? I want to confirm the type of residential units. Are these leased or condominium units?

14-332.1 (g) in the parking section of the Ordinance states that there are no zoning parking requirements.

Separate permits will be required for any signage. All HVAC systems must meet the maximum allowable noise requirements of the zone. At the time of permits, it will be necessary to submit data concerning the dBA out-put for individual units.

Marge Schmuckal
Zoning Administrator

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: "Margolis-Pineo, David" <DMP@portlandmaine.gov>, "jbartlett@portlandmaine.gov" <jbartlett@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>
Date: 11/9/2012 8:43 AM
Subject: 321 Commercial Street

Jean - I have reviewed the plans and my preliminary comments are noted below. I would note that a Traffic Movement Permit scoping meeting occurred today and therefore comments regarding the traffic impact study will be transmitted at a later date.

- * 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.
- * 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.
- * 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.
- * The painted areas at the driveway entry on Maple Street should be removed.
- * 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.
- * It appears that a pedestrian easement will be required for sidewalks areas abutting the project.
- * 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.
- * I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.).
- * 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.
- * 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.
- * The applicant should provide details on how truck deliveries will be accommodated.
- * 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%.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

Jean Fraser - Summary of Historic Preservation Board's Preliminary Workshop on Proposed Hotel at 321 Commercial

From: Deb Andrews
To: Jean Fraser
Date: 11/9/2012 11:21 AM
Subject: Summary of Historic Preservation Board's Preliminary Workshop on Proposed Hotel at 321 Commercial

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.

BK11924PG010

FOUNDRYLANEDIS.COM.001
02.16.95

21428

AGREEMENT BETWEEN
CITY OF PORTLAND

AND

J.B. BROWN & SONS AND BAXTER PLACE ASSOCIATES

AGREEMENT made this 6 day of May, 1995 by and between the CITY OF PORTLAND, a body corporate and politic, located in Cumberland County and State of Maine (hereinafter the "CITY"), J.B. BROWN & SONS, a Maine , located in Portland, Maine (hereinafter "J.B. BROWN"), and BAXTER PLACE ASSOCIATES, a Maine , located in Falmouth, Maine (hereinafter "BAXTER PLACE").

W I T N E S S E T H:

WHEREAS, J.B. BROWN and BAXTER PLACE did request, pursuant to 23 M.R.S.A. §3026, a discontinuance of Foundry Lane, a street accepted and owned by the CITY, in order to facilitate development by J.B. BROWN of a site located on York Street in Portland which contains the Lewis Building, and rearrangement of the site owned by BAXTER PLACE in order to further assist in this development; and

WHEREAS, the Planning Board of the City of Portland, pursuant to §14-30(14) of the Portland City Code, and after notice and hearing and due deliberation thereon, recommended that the City Council discontinue the street, subject to certain limitations and restrictions; and

WHEREAS, the CITY by and through its City Council agreed to discontinue Foundry Lane pursuant to 23 M.R.S.A. §3026 in order to

FOUNDRYLANEDIS.CON.001
02.16.95

assist in the redevelopment of these properties and further authorized the execution of this Agreement on May 16, 1995;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. The CITY shall discontinue Foundry Lane pursuant to 23 M.R.S.A. §3026. Said discontinuance shall be subject to the easements retained in the discontinuance order, a copy of which is attached hereto as Exhibit A.
2. There shall be no structures located in the area of the discontinued street.
3. J.B. BROWN and BAXTER PLACE shall submit a site plan or site plans for any changes to the area of the discontinued streets. Such site plan or plans shall be reviewed by the Planning Board and may be submitted as part of the site plan for the Lewis Building change of use.
4. If J.B. BROWN does not utilize the cobblestones from the discontinued street in its site improvements, then any cobblestones not so used shall be returned to the CITY.
5. It is understood by each of the parties to this Agreement that the discontinuance of Foundry Lane has been approved by the CITY in order to facilitate the renovation and reuse of the Lewis Building. The CITY shall retain the right to reacquire the title to the street in the event that J.B. BROWN or a successor developer has not completed the renovation or begun the new use of the building within three (3) years of the date of this Agreement. The CITY shall have the right to reacquire Foundry Lane by simply demanding that J.B. BROWN and BAXTER PLACE, or their successors and assigns, reconvey Foundry Lane to the CITY in consideration of one dollar.
6. In the event that the CITY elects to have Foundry Lane reconveyed to it, it may also require J.B. BROWN, BAXTER PLACE, or their successors and assigns, to restore Foundry Lane to a passable condition.

FOUNDRYLANEDIS.CON.001
02.16.95

WITNESS:

Sonia S. Bean

Robert P. Patterson

CITY OF PORTLAND

By Robert B. Ganley
Robert B. Ganley
Its City Manager

J.B. BROWN & SONS

By Charles E. Prinn III
Charles E. Prinn III
Its President

BAXTER PLACE ASSOCIATES

By [Signature]
Its Partner

STATE OF MAINE
CUMBERLAND, ss. , 1995

Personally appeared the above-named Robert B. Ganley, in his capacity as City Manager, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Portland.

Before me,
Sonia S. Bean
Notary Public/Attorney-at-Law

STATE OF MAINE
CUMBERLAND, ss. May 16, 1995

Personally appeared the above-named Charles E. Prinn III, in his capacity as President, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of J.B. Brown, Inc.

Before me,
Robert P. Patterson
Notary Public/Attorney at Law

FOUNDRYLANEDIS.CON.001
02.16.95

STATE OF MAINE
CUMBERLAND, ss.

April 13, 1995

Personally appeared the above-named *Kenneth A. Astor*, in his capacity as *Partner*, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Baxter Place Associates.

Before me

Ch. M. Allen

Notary Public/~~Attorney at Law~~

My Commission expires

May 13, 2000

SEAL

9.5

0197

ORDER

DISCONTINUING FOUNDRY LANE

(The Planning Board, Kenneth Cole III, Chair)

IN THE CITY COUNCIL

March 20, 1995

James M. Daniels

Attest: _____
City Clerk

Yes No

Councilor Allen made a motion for passage of Order 197. Motion seconded by Councilor McDonough. Order 197 passed; 8 yeas. (Councilor Campbell out.)

A TRUE COPY ATTEST:

James M. Daniels

CITY OF
DATED APR 25 1995

BK119246014

9.5

BK 11924 PG 015

Order 147
Feb 10 3-6-95

9.6

City of Portland, Maine
IN THE CITY COUNCIL

ORDER DISCONTINUING FOUNDRY LANE

ORDERED, that Foundry Lane, as described in Exhibit A, be and hereby is discontinued, pursuant to 23 M.R.S.A. §3026. This discontinuance shall be subject to the retention of a public access easement and an easement for public utility facilities.

The names of the abutting property owners are:

J.B. Brown & Sons
482 Congress Street
Portland, Maine 04112-0207.

Baxter Place Associates
170 U.S. Route One
Falmouth, Maine 04105.

The amount of damages awarded as a result of this discontinuance is : \$0.00.

FOUNDRYLANEDIS.ORD .
02.24.95

EXHIBIT "A"

Beginning at the corner of a granite plinth on the Northwestern side line of Commercial Street, distant Northeasterly two hundred fifty-four and sixty-two one hundredths (254.62) feet from the intersection of the Northwestern side line of Commercial Street with the Easterly side line of Maple Street; thence Westerly with an included angle of one hundred eight degrees and twenty-three minutes ($108^{\circ}23'$) from the Southwesterly direction of Commercial Street a distance of one hundred sixty-five and nine tenths (165.90) feet to a point; thence Westerly with a deflection angle to the left of eleven degrees and forty-seven minutes ($11^{\circ}47'$) a distance of one hundred fifty-nine and eighty-five hundredths (159.85) feet to a point in the Southeasterly side line of York Street. Said street to be thirty (30) feet wide and to lie on the Easterly side of the above described line and to be called Foundry Lane; and all the land lying between the above described line and the Easterly side line of Foundry Lane so hereby taken for said street.

The above description was copied from City of Portland Records, Volume 36, page 90 and 91 and was accepted by the City Council on October 7, 1907.

RECEIVED
RECORDED REGISTRY OF DEEDS

95 MAY 19 PM 2:04

CUMBERLAND COUNTY

John B. O'Brien

Jean Fraser - Re: Hotel at Commercial and Maple

From: Margaret Broucek <margaret.broucek@gmail.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 11/13/2012 11:59 AM
Subject: Re: Hotel at Commercial and Maple
CC: Barbara Barhydt <BAB@portlandmaine.gov>, Marge Schmuckal <MES@portlandma...>

Thanks for contacting me, Jean. And thank you, Marge for forwarding my message. I don't think I can make the meeting today. I would appreciate it very much if you would circulate the email I sent. A few other points: I just went out and counted the cars parked in both affected lots and came up with a total of 154. And the plan to valet up Maple and over on York has the hotel valet traffic going around what will be Baxter Academy (science and technology school), so the school traffic will mix in with the hotel cars on that corner and create a stressful situation.

Best regards,
Margaret Broucek

On Tue, Nov 13, 2012 at 11:24 AM, Jean Fraser <JF@portlandmaine.gov> wrote:

Margaret

I don't know if you were advised, at the neighborhood meeting, that this project is being considered at a Planning Board Workshop today (estimated time 4:30pm - see attached agenda). Members of the public are invited to comment on agenda items during a "public comments" section of the Workshop, and you may wish to attend and speak so that the Board is aware of your concerns.

If you are unable to attend, you could send me an e-mail now (which I would circulate to the Planning Board at today's meeting) or confirm that its OK for me to circulate (to the Planning Board) the e-mail you sent to Marge Schmuckal.

The PB Memorandum on this project is available on the City's Website- the link is:

http://www.portlandmaine.gov/planning.htm#Current_Backup_Material

... and look under the Workshop date and the project address (311-321 Commercial).

Please do no hesitate to call me if you would like further information.

Jean

Jean Fraser, Planner

City of Portland

874 8728

>>> Marge Schmuckal 11/13/2012 9:41 AM >>>

The hotel is located in a B-5 zone. The parking section of the Ordinance exempts the B-5 zone from parking requirements. I understand what you are saying. I am copying your e-mail to the person in Planning who is overseeing this project (Jean).

Marge

>>> Margaret Broucek <margaret.broucek@gmail.com> 11/9/2012 7:58 AM >>>

Hi Marge,

See over

10.9.2

2nd PB Wkshop

I hope you are doing well. We went to a neighborhood meeting last night about the proposed hotel at Commercial and Maple. It looks like a nice building, but they are planning no parking onsite for the guests. The lot they will valet park in will first be cleared of all current parking space renters. These cars, along with the cars that currently park where the hotel will sit, will put a lot of pressure on the street parking in the area. I am wondering if there really are no requirements from the city for onsite parking for new hotels. Seems odd. Brown didn't mention that they were asking for any variances, though.

Thanks for any info you can provide.

Best,

Margaret Broucek

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

PUBLIC COMMENT

Attachment 10. b

2nd PB Workshop.

Greater Portland Landmarks

Questions for Planning Board consideration of the Proposed Development at 321 Commercial Street (11/13/12)

Greater Portland Landmarks Public Issues Committee will meet later this week with Vin Veroneau of J.B. Brown to discuss this proposed hotel project. After this meeting the Committee will discuss whether to take a position on the project. However, since the project is moving quickly through City review processes we would like to raise a few questions for Planning Board members to consider in this workshop.

The project site is located within the Old Port Historic District, making it subject to review by the Historic Preservation Board to obtain a certificate of appropriateness. The site is a prominent gateway location. The north side of Commercial Street presents an iconic view to passersby. We would like to ask about how the building footprint is set on the site: what is the underlying rationale behind the proposed site orientation? Have the developers considered having the building footprint conform to the property lines of this parallelogram site like the historic buildings do along the Commercial Street frontage?

Landmarks has often commented that buildings in Portland tend to be of human scale, reinforced by attention to the pedestrian realm and pedestrian experience. These are characteristics that have supported the national recognition Portland has achieved as a highly desirable livable city. We would like to ask how will the project address the pedestrian realm and experience along Commercial Street, Foundry Lane, and Maple Street. Specifically we are interested in the pedestrian crossings at Foundry Lane and Maple Street, as well as the three primary entrances onto the public ways for the hotel, restaurant and residences.

We appreciate the opportunity to raise these questions to the Planning Board as you consider this project and we look forward to learning more about how this project can complement the historic character of the west end gateway of the Old Port Historic District.

Read out during "Public Comment"
by Julie Larry at 11-13-12 PB Workshop.



93 High Street
Portland, ME 04101
207-774-5561
207-774-2509 Fax
www.portlandlandmarks.org

TRUSTEES

Robert E. Cleaves, IV
Malcolm L. Collins
Joseph Conforti
James Cram
Carol J. DeTine
Thomas Dowd
Thomas Elliman
Marjorie Getz
Richard Gilbane
Claire Hammen
Julie Larry
Candice Thornton Lee
Lynda Means
Michael Mertaugh
Sharon Miller
Patrick Morin
Norman Nelson
Nicholas Noyes
Sally G. Oldham
Roxanne Quimby
David Robinson
Nan Sawyer
Nate Stevens
Ruth Townsend Story
Thomas Stoughton
Anna Marie Thron

Marjorie Getz
President

David Robinson
Executive Vice President

Thomas Dowd
Treasurer

Sharon Miller
Secretary

PUBLIC
COMMENT

Attachment 10.C.1

MEMORANDUM

Comments on the Preliminary Designs for 321 Commercial Street at Historic Preservation Board Workshop Dec. 12, 2012

+ sent to Planning Div
for PB workshop.
12-18-2012

First, we would like to thank Vin Veroneau for meeting with Landmarks' Public Issues Committee on Nov. 15 to discuss the project. The revitalization of Commercial Street has been a major success over the past 20 years, and recent projects for the Gulf of Maine Research Institute and Pierce Atwood have created new vitality on the western part of the street.

We have evaluated the materials prepared in advance of the Dec. 12 meeting in light of the comments we provided to J.B. Brown on November 19. The posted backup materials did not contain a site plan and included a preliminary sketch of the elevations instead of detailed renderings. This makes it more difficult for us and the board to address the project. Our recommendations are in bold.

1. Gateway to Historic District:

Make the most of this gateway site and the opportunity to create a strong presence and identity as one enters the Old Port Historic District. The design, as shown in the advance materials, does not capitalize on the important gateway to the historic district from the western side of Commercial Street. *Addressing the gateway is essential in our view.*

2. Site:

Build the structure to or parallel to the lot lines, which is a pattern that is consistent with the historic development along the street. The proposed design does not follow the lot lines, and does not respond to the corner of Commercial and Maple Streets, which is the western edge of the historic district. At the east side of the building, the new design does not reflect the angled nature of the lot line that parallels the Baxter Building next door. *We believe that the project should address the lot lines, and the form of the site.*

3. Foundry Lane:

Preserve and enhance Foundry Lane as a character-defining access point to the hotel. Retain use of the historic cobblestones as one means of reinforcing this historic character. The form of Foundry Lane appears to be subsumed to the needs of parking and traffic, and the siting of the building independent to the lot form. *Foundry Lane is an essential part of the historic character of the site.*

- 4. The hotel's volume, length, scale and form along Commercial Street are ideal to continue the street wall and complement the historic architecture in this unique location.** The design has as strong horizontal emphasis and simplified forms, and uses the material and color palette consistent with the historic buildings. However, the rendering lacks detail, and lacks design emphasis, making it less successful than it could be. The Commercial Street entrances especially lack the detailing and distinction that could make this a more dynamic design. *The design details need to be further developed.*
- 5. Design Details:**
Refine design details carefully, especially the windows, entrances, and exterior materials used to reflect a level of design detail and of high quality materials commensurate with that of adjacent buildings. *The sketches need more detail to show how the design elements will be realized and how they will integrate with the overall building design, and exhibit a similar quality to that of the adjacent historic buildings.*
- 6. Pedestrian Realm:**
Consider the quality of the pedestrian realm and the way the building integrates with the sidewalks as a high priority. *The sketches and site plan need greater detail, including a site plan, to understand fully how the plan addresses the pedestrian realm.*

Attachment 11.1

Jean Fraser - Fwd: Follow up to PB Workshop: Commercial & Maple Street Mixed Use Development

From: Jean Fraser

Subject: Fwd: Follow up to PB Workshop: Commercial & Maple Street Mixed Use Development

>>> Jean Fraser 11/14/2012 2:48 PM >>>

Steve

Thank for the Neighborhood Meeting information; it will go into the next Planning Board document. The next scheduled Planning Board meetings are **December 11th** and **January 8th** and please let us know what timetable you would like to pursue.

In addition to the list of next steps outlined in the PB Memo (copied at end of this e-mail), these are the points I noted from the Planning Board discussion:

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

Please also note that Tom Errico is awaiting further information as identified at the TMP Scoping meeting and may have further comments/recommendations after that; I know he is concerned about pedestrian safety/accommodations in the vicinity and also will have further detailed comments on the TDM Study.

Please note there is a subdivision "required improvement" (14-499h) that requires all utility lines to be placed underground.

I also attach the two sets of public comments (one from Greater Portland Landmarks that was read at the meeting) that were received by the Planning Board and urge you to address these in the next submission.

I would also like to ask for clarification: Mark Woglum indicated at the Workshop that the 11 spaces within Foundry Lane are "exclusively dedicated to Baxter Place" but the draft Access Easement between Baxter place LLC and J B Brown & Sons (copy attached, as submitted) states (1e page 2) "Notwithstanding Baxter's exclusive reservation to the Baxter Place Parking Spaces....J B Brown shall have the right to use said Baxter Place Parking Spaces during the following days and times....". So the parking appears to benefit the proposed hotel too.

Thank you

Jean

11.2

Jean Fraser, Planner
City of Portland
874 8728

FROM PLANNING BOARD MEMO: Suggested next steps include:

- Address zoning comments
- Clarify whether residential units are apartments or condos; if condos, submit Draft Condo docs
- Revise survey and subdivision plan
- Respond to Traffic Movement Scoping meeting and Transportation Review comments, including re parking requirements
- Address stormwater and landscaping comments, especially regarding the incorporation of stormwater planters
- Reconsider the layout and design of Foundry Lane
- Increase bicycle parking provision
- Address comments from the Fire and Public Services Departments
- Submit signage and wayfinding plan
- Submit further information including capacity letters, service vehicles, and snow storage
- Clarify lighting proposals and review re light trespass
- Address any Planning Board comments

Attachment 12.1

Jean Fraser - Re: Comments on 11.20.2012 draft Foundry lane improvements re JB Brown mixed use project

From: Jean Fraser
To: Stowe, Barry
Date: 11/26/2012 12:35 PM
Subject: Re: Comments on 11.20.2012 draft Foundry lane improvements re JB Brown mixed use project
CC: Long, Steve; Veroneau, Vincent; Woglom, Mark
Attachments: City Landscape & DA comments on 11.20.2012 version Foundry Lane.pdf; IMG_2249.JPG

Barry

I have consulted my colleagues (Alex Jaegerman; Tom Errico; Jeff Tarling (City Arborist); DPS) and we have the following comments from a Site Plan review point of view. Deb Andrews has also added a couple of preliminary comments - but her HP Board will be reviewing this comprehensively at the December 12th HP meeting and will provide the formal HP feedback:

- Overall layout appears to address the concerns we discussed, but there are some detailed comments;
- Traffic comments:
 - The general concept is acceptable; the 22-foot entry width is acceptable. A few comments:
 - The driveway at the location of the compact parking space is very tight. A vehicle parked in that space will extend out into the driveway and will reduce the effective width. A detail of this area illustrating how it will work is suggested.
 - The applicant should provide a turning template for the three parking spaces where the parking aisle is only 18 feet wide. In general I think it is workable, but I'm not sure if the bollard is going to be a problem.
- Landscape comments: see attached handwritten comments on attached- in summary:
 - Moving 2 of the trees along Foundry into the adjacent large triangular areas, with large planters to give them maximum room for soil and water; these areas suggested curbed with landscape rather than hard surface (Deb Andrews considers that the one nearest Commercial Street should be soft landscape edged with granite/cobbles for all of the triangular area, including the area of the bike racks, so that the 9 ft walkway section reads as a separate linear feature);
 - Two trees in between suggested to have "Neenah Tree Grate R.8801" as indicated in handwritten note (so that they will survive);
 - Suggest the street tree in sidewalk just south of Foundry should have a large granite planter so it will survive; and
 - Landscape details needed for some areas (but OK in principle).
- Cobbles:
 - Suggest a row of cobbles or granite stone at the back edge of each of the parking spaces (not continuous; one line of cobbles or linear stone for each space) would help delineate parking spaces and break up the expanse of brick (it is assumed there will be no striping);
 - Please specify the width of the cobble band along each side of the new section of pedestrian

12.2

- walkway and also along the existing section;
- Cobbles within Apron: I am waiting for confirmation from DPS that the cobbles are OK in the ROW - will get back to you but leave them in for now. Please specify width.
 - Other:
 - The original submitted plan for Foundry Lane (CO4, as submitted to Planning Board) showed 2 pole-mounted lights adjacent to the new walkway that gave light coverage to the new section of pedestrian walkway and continued the row of lights (see photo attached) that are along the existing walkway leading to York Street. I'm not sure the lights now proposed near the hotel will adequately light the central section of the new section of walkway and suggest some additional lighting should be incorporated to adequately illuminate the new section of the pedestrian walkway and address CPTED standards.
 - A rendering of the view from the Commercial Street entrance of the drive looking towards York (with Baxter Place on right and proposed hotel on left) would be helpful for HP to understand how this layout will "read";

Please call me if any of this is not clear. You are welcome to send another draft for us to look at (from site plan viewpoint) before finalizing it for HP; just let me know and I will run it by the Site Plan reviewers.

Jean

Jean Fraser, Planner
City of Portland
874 8728

>>> Barry Stowe <barrys@opechee.com> 11/20/2012 4:32 PM >>>
Hi Jean,

Attached please find our conceptual plan for the City's review with regards to the Foundry Lane improvements. In our meeting we discussed keeping the same pedestrian "feel" through Foundry Lane to Commercial Street but with a little less width. I believe we have accomplished this in our attached concept. The proposed improvements will continue to provide pedestrians with a brick walkway banded with cobblestones, and trees along the south side the walkway. The proposed improvements utilize pavement textures, granite bollards, and trees to provide motorist with visual barriers for maneuvering and parking.

Please feel free to contact me with any questions.

Thanks,

Barry Stowe



Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220
P (603) 527-9090
F (603) 527-9191

barrys@opechee.com

From: Marge Schmuckal
To: Jean Fraser
Date: 11/8/2012 12:38 PM
Subject: 311-221 Commercial Street

Update for 2nd PB workshop.

One Solution is not working, so here is an e-mail:

311-331 Commercial Street - 040-E-003
#2012-615 B-5b and Historic Overlay
11/8/2012

This project is proposing a structure with 131 Hotel units with restaurant/retail and 14 residential dwelling units. The entire project is located in the B-5b Zone. All the proposed uses are allowed in the B-5b zone.

The zoning analysis stated that an average building grade calculations were attached. I could not find that page. Please direct me to where that information is located or provide separately. The elevations indicate that the average grade is 13.5 elevation. Based on that unverified information, the height of the building is given as 64' 10". The maximum building height is 65'.

The application stated that there were 14 residential dwelling units. However the information on the floors breakdown stated that there was a 944 sq. ft. dwelling unit on the first floor. Where is that located? Is that still part of the project? The sixth floor is currently showing 14 residential dwelling units. Are there really 15 residential units? I want to confirm the type of residential units. Are these leased or condominium units?

14-332.1 (g) in the parking section of the Ordinance states that there are no zoning parking requirements.

Separate permits will be required for any signage. All HVAC systems must meet the maximum allowable noise requirements of the zone. At the time of permits, it will be necessary to submit data concerning the dBA out-put for individual units.

Marge Schmuckal
Zoning Administrator

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com
T 800.426.4262
T 207.774.2112
F 207.774.6635

MEMORANDUM

update for 2nd PRS workshop



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: December 12, 2012
RE: 321 Commercial St. Mixed Use Development, Level III Final Site Plan/Subdivision Application

Woodard & Curran has reviewed the Response to Comments letter for the Level III Final Site Plan/Subdivision Application for the Mixed Use Development located at 321 Commercial Street in Portland, Maine. The project consists of a six story mixed use building with a 131 room hotel, 7,000 sq ft of restaurant space, and 14 residential units on the site of an existing gravel surface parking lot. The project proposes a net increase of 2,513 sq ft of impervious area on the site.

Documents Reviewed by Woodard & Curran

- Response to Comments Memorandum and attachments dated December 4, 2012, prepared by Opechee Construction Corporation, on behalf of J.B. Brown & Sons.

Comments

1. The Applicant has identified a "green area stormwater treatment" system within a bump-out on Commercial Street to provide water quality treatment for approximately 6,810 sq ft of sidewalk, roadway, and on-street parking area. This system would provide treatment for an area in excess of the proposed new impervious area resulting from the project (2,513 sq ft). Pending review of the design details associated with this system, the proposal provides an acceptable means of meeting the City of Portland's water quality treatment requirements. We understand that additional information and plan revisions are forthcoming, and we anticipate reviewing engineering calculations for the treatment system, specifically the ability to provide water quality treatment for the 1", 24-hour storm event. In addition, we will review design details and modifications to the Inspection and Maintenance Plan. The system is proposed within the municipal Right-of-Way, so the Applicant will need to execute an agreement with the City of Portland specific to inspection and maintenance responsibilities.

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Jeff Tarling <JST@portlandmaine.gov>

Date: 12/12/2012 4:16 PM
Subject: 321 Commercial Street - Updated Traffic Comments

Jean - I have reviewed the revised plans and traffic information and I have provided the following update on my November 9, 2012 comments.

- * 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.
Status: This comment remains valid.

- * 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.
Status: I have reviewed the response by the applicant and concur with the methods used for calculating parking demand for the project and therefore find the projects parking supply estimate to be acceptable.

- * 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.
Status: I have no further comment.

- * The painted areas at the driveway entry on Maple Street should be removed.
Status: The plans have been revised to note that areas are not to be painted. I have no further comment.

- * 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.
Status: The provision of a crosswalk at this location needs to be reviewed by the City Crosswalk Committee. A request to add this to their January 3, 2013 agenda should be undertaken by Planning staff. I would note that I am in support of a crosswalk at the Commercial Street/Maple Street intersection location.

- * It appears that a pedestrian easement will be required for sidewalks areas abutting the project.
Status: The applicant understands the need for an easement and will be providing the necessary information.

- * 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.
Status: The applicant has submitted a revised plan and the design details indicate waivers will

be required. I support waivers from the City's Technical Standards given the desire to provide a dedicated pedestrian facility leading to York Street. I have reviewed the responses from the applicant on comments as it relates to the access to the compact vehicle parking space and a narrow aisle width. I find their responses to be reasonable and as noted above support waivers from City standards.

- * I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.).
Status: The dimension of the diagonal parking spaces are not consistent with existing diagonal parking spaces located on Commercial Street. The spaces seem to be longer. I'll need to coordinate with DPS staff.
- * 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.
Status: I have no further comment.
- * 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.
Status: The contribution calculation is based upon the number of trips being generated by the project at the subject intersection. The contribution amount is \$12,500.00
- * The applicant should provide details on how truck deliveries will be accommodated.
Status: This comment is outstanding.
- * 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%.
Status: The TDM Plan offers many strategies for meeting the projects target traffic reduction goal, although many are noted to be the responsibility of the hotel in terms of implementation. I would suggest that the applicant identify the strategies that they are committed to be implemented when the project is completed, so that a fair assessment trip reductions strategies can take place.

New Comments:

- * I have reviewed the traffic study and find the methods and conclusions to be acceptable. In summary the project is not expected to negatively impact traffic conditions in the vicinity of the project. There is one outstanding item that needs to be evaluated. The applicant should conduct an evaluation of queue spillback from the Commercial Street/Center Street intersection and whether blockage of the project driveway will be problematic and if improvements are recommended.
- * The proposed Baxter Charter School project will be upgrading pedestrian facilities at the York Street/Maple Street intersection and therefore no action is required by this applicant.

If you have any questions, please contact me.

Best regards,
Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International]T.Y. Lin International
12 Northbrook Drive, Falmouth, ME 04105

update for Hearing

Jean Fraser - Re: 321 Commercial Street Hotel

From: Jeff Tarling
To: Jean Fraser
Date: 1/17/2013 12:56 PM
Subject: Re: 321 Commercial Street Hotel
CC: David Margolis-Pineo
Attachments: UprightOak.JPG; AcerS.JPG

>>> Jeff Tarling 1/11/2013 4:51 PM >>>
Hi Jean -

I have reviewed the landscape plan for 321 Commercial Street and offer the following comments / conditions:

- a) Street-trees - I would recommend the Zelkova trees selected for the Commercial Street frontage be the Zelkova 'Musashino' variety vs 'Green Vase'. The Musashino types are more narrow vase shaped 45' tall by 20' wide vs 50' tall by 40' wide. This will fit in next the proposed development with less canopy impact in the future. (recommendation)
- b) Maple Street entrance planting area - this area is well landscape in regards to the number of plants, however, the planting lacks height. An additional two or three trees within the landscape area should be included as a condition. The plant / tree types and location would be flexible to fit into the overall theme of the proposed project. Suggested tree types could be River Birch, American Hornbeam, Three Flower Maple, Katsura, Magnolia... Metasequoia, Swiss Stone Pine, Serbian Spruce for conifers. This could be in place of the proposed Mugo Pines.
(condition)
- c) Rain-garden Planter - The 321 Commercial Street project will install the first commercial rain garden planter in Portland. We would be willing to assist on the planting types if interested. (recommendation)
- d) Patio on Maple Street - The addition of the patio space on Maple Street is a positive feature of the proposed site plan. From a quick review the proposed street-tree on the corner of Maple Street and Commercial Street might be impacted by narrow space between the tree and the patio wall. It might be best for the tree, landscape and sidewalk plowing effort to include the tree into the patio area. Patio landscape - as proposed is void of vegetation, it might be a positive feature to include landscape "space" that could support tree / shrub or ornamental garden features at the right scale that does not effect the proposed use, but complements it.

There are a number of small 'patio' sized trees that could provide some shade, screening for the patrons, along with a pocket of vegetation that might include ornamental planting. (recommendation)

Attached a couple of photos of nearby landscape - the first on Fore Street at Boothby Square showing street tree with ornamental garden space and the second at Longfellow Square where space has been created for outdoor dining near small tree planting. In both cases - the added trees / landscape improve the experience.

Jeff Tarling
City Arborist



16.3



Updates for Hearing

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: January 10, 2013
RE: 321 Commercial St. Mixed Use Development, Level III Final Site Plan/Subdivision Application

Woodard & Curran has reviewed the Response to Comments on the Level III Final Site Plan/Subdivision Application for the Mixed Use Development located at 321 Commercial Street in Portland, Maine. The project consists of a six story mixed use building with a 131 room hotel, 7,000 sq ft of restaurant space, and 14 residential units on the site of an existing gravel surface parking lot. The project proposes a net increase of 2,513 sq ft of impervious area on the site.

Documents Reviewed by Woodard & Curran

- Response to Comments Letter, dated January 2, 2013, prepared by Opechee Construction Corporation on behalf of J.B. Brown & Sons.
- Stormwater Management Plan, revised January 2, 2013, prepared by Opechee Construction Corporation on behalf of J.B. Brown & Sons.
- Stormwater Pollution Prevention Plan, dated October 22, 2012, prepared by Opechee Construction Corporation on behalf of J.B. Brown & Sons.
- Engineering Plans, Sheets C01-C14, revised January 2, 2013, prepared by Opechee Construction Corporation on behalf of J.B. Brown & Sons.
- Typical Retaining Wall Section, dated February 17, 2010, prepared by RediScapes.

Comments

1. The Applicant has proposed a "stormwater planter" system within a bump-out on Commercial Street to provide water quality treatment for approximately 4,000 sq ft of impervious area. This system will provide water quality treatment for an area in excess of the proposed new impervious area resulting from the project (2,513 sq ft). In general, the system provides an acceptable means of meeting the water quality standards for the project; however, the Applicant should address the following comments:
 - a. The system appears to be designed to allow for the infiltration of stormwater into the underlying subsoil, as no underdrains are depicted on the plan or detail sheets. If the Applicant proposes to infiltrate stormwater with the system, the infiltration capacity of the existing subsoils should be evaluated to ensure that the system can infiltrate the design storm event (1" of runoff over 24 hours from the contributing impervious area). Alternatively, the Applicant may choose to install underdrains for the system, which must be connected to the City's storm drain system.
 - b. The system is proposed within the Commercial Street Right-of-Way. As such, a stormwater maintenance agreement will be necessary between the City of the Portland and the Applicant to ensure that the Applicant is responsible for the ongoing inspection and maintenance of the system.

See next page

COMMITMENT & INTEGRITY
DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

updates for hearing

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E.
DATE: January 16, 2013
RE: 321 Commercial St. Mixed Use Development, Level III Final Site Plan/Subdivision Application

Woodard & Curran has reviewed the Response to Comments submitted on January 15, 2013 for the Level III Final Site Plan/Subdivision Application for the Mixed Use Development located at 321 Commercial Street in Portland, Maine.

Documents Reviewed by Woodard & Curran

- Revised Drainage Analysis dated January 14, 2013, prepared by Opechee Construction Corporation on behalf of J.B. Brown & Sons.
- Engineering Plans, Sheets C05, C06, C07, C11, C12, revised January 15, 2013, prepared by Opechee Construction Corporation on behalf of J.B. Brown & Sons.

Comments

1. The Applicant has revised the project drawings to include a 6" underdrain below the Stormwater Planter with a proposed connection to an existing catch basin on Maple Street. The existing catch basin connects to the City's combined sewer system. We request that the Applicant revise the drawings to show the underdrain directly connected to the City's 18" RCP stormdrain in Commercial Street via an Inserta-tee connection.

Jean Fraser - 321 Commercial Street - Final Traffic Comments

Update for Hearing

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 1/16/2013 4:25 PM
Subject: 321 Commercial Street - Final Traffic Comments
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>

Jean – I have reviewed the revised plans and traffic information and the following represents my final comments.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: This comment remains valid.

Status: The applicant shall submit a detailed construction management plan for review and approval prior to construction. I would note that the sidewalk detour on Maple Street includes a section where a sidewalk is not provided and thus changes may be required. I would also note that with the closure of Foundry Lane, traffic will be diverted to Center Street (behind the Baxter Building). This diversion may require changes to existing circulation restrictions. Lastly, construction vehicle access needs to be reviewed particularly in light of the proposed Charter School which is expected to be open later this summer.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: I have reviewed the response by the applicant and concur with the methods used for calculating parking demand for the project and therefore find the projects parking supply estimate to be acceptable.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: I have no further comment.

- November 9, 2012 Comment: The painted areas at the driveway entry on Maple Street should be removed.

December 12, 2012 Comment: The plans have been revised to note that areas are not to be painted. I

have no further comment.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: The provision of a crosswalk at this location needs to be reviewed by the City Crosswalk Committee. A request to add this to their January 3, 2013 agenda should be undertaken by Planning staff. I would note that I am in support of a crosswalk at the Commercial Street/Maple Street intersection location.

Status: I support the proposed crosswalk on Commercial Street with the following suggested changes. I would further note that this crosswalk was reviewed by the City's Crosswalk Committee and the Committee provided conditional support. Final approval of the details by the Committee will be required:

- **The Commercial Street crosswalk shall not intersect the Maple Street crosswalk at an "apex" location. Separate crosswalk ramps shall be constructed on the project site corner. This change may require some adjustment to the proposed stormwater planter.**
 - **For improved safety it is suggested that an additional parking space be eliminated on Commercial Street abutting the proposed crosswalk. Accordingly, the striped island will need to be expanded.**
 - **The applicant shall install crosswalk warning signs that meet standards in the MUTCD.**
- November 9, 2012 Comment: It appears that a pedestrian easement will be required for sidewalks areas abutting the project.

December 12, 2012 Comment: The applicant understands the need for an easement and will be providing the necessary information.

Status: A condition of approval notes a requirement to provide appropriate pedestrian easements. I have no further comment.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: The applicant has submitted a revised plan and the design details indicate waivers will be required. I support waivers from the City's Technical Standards given the desire to provide a dedicated pedestrian facility leading to York Street. I have reviewed the responses from the applicant on comments as it relates to the access to the compact vehicle parking space and a narrow aisle width. I find their responses to be reasonable and as noted above support waivers from City standards.

Status: I had some prior comments that noted concern about the width of the brick crosswalk treatment on Foundry Lane at Commercial Street and the width of the paved area abutting the building on Foundry Lane. The plans have been revised and I have no further comment.

- November 9, 2012 Comment: I need to review the design details on the diagonal parking on Commercial

18.3

Street (e.g. dimensions, painted corner areas, etc.).

December 12, 2012 Comment: The dimension of the diagonal parking spaces are not consistent with existing diagonal parking spaces located on Commercial Street. The spaces seem to be longer. I'll need to coordinate with DPS staff.

Status: It is suggested (not recommended) that the parking space dimensions match those of other parking spaces on Commercial Street. I'm comfortable if the parking space dimensions remain unchanged if the alignment of the westbound travel lane on Commercial Street is not off-set or requires vehicles to shift.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: I have no further comment.

- November 9, 2012 Comment: 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.

December 12, 2012 Comment: The contribution calculation is based upon the number of trips being generated by the project at the subject intersection. The contribution amount is \$12,500.00

- November 9, 2012 Comment: The applicant should provide details on how truck deliveries will be accommodated.

December 12, 2012 Comment: This comment is outstanding.

January 9, 2013 Comment: We are concerned that the provision of a truck loading area on the adjacent lot is not likely to be used by delivery trucks due to the difficulty in hauling goods to the site. We are also concerned about the long-term viability of the proposed location given future development possibilities. Additional comments are noted below.

- The applicant should provide details on where deliveries will enter the building.
- The City is comfortable if delivery trucks park in the Commercial Street median. This practice occurs along other sections of Commercial Street. If considered to be an option, coordination with delivery trucks will be required so that the proposed crosswalk is not blocked.
- The City does not want delivery trucks blocking Maple Street given special traffic circulation needs for the future Baxter Charter School.

Status: A condition of approval is being included on vehicle deliveries and I am comfortable with the noted details.

- November 9, 2012 Comment: 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%.

December 12, 2012 Comment: The TDM Plan offers many strategies for meeting the projects target

traffic reduction goal, although many are noted to be the responsibility of the hotel in terms of implementation. I would suggest that the applicant identify the strategies that they are committed to be implemented when the project is completed, so that a fair assessment trip reductions strategies can take place.

Status: I have reviewed the original October 22, 2012 TDM Plan and the response to comments letter prepared by John Adams dated January 9, 2013. I find their TDM Plan to be acceptable. It should be noted that the acceptable TDM Plan includes the specific actions contained in the January 9, 2013 letter and the Monitoring Information and Updating the Plan details contained in the October 22, 2012 TDM report.

- December 12, 2012 Comment: I have reviewed the traffic study and find the methods and conclusions to be acceptable. In summary the project is not expected to negatively impact traffic conditions in the vicinity of the project. There is one outstanding item that needs to be evaluated. The applicant should conduct an evaluation of queue spillback from the Commercial Street/Center Street intersection and whether blockage of the project driveway will be problematic and if improvements are recommended.

Status: The applicant has provided updated analysis as it relates to blockage of the driveway. It was noted that vehicles in the eastbound through lane from the Center Street intersection will block the driveway. Following a review of area conditions, it is my opinion that the driveway should function safely. Vehicles turning left from the site will have the center lane to wait in (the applicants analysis indicates the left-turn lane queue from Center Street does not block the driveway), thus not blocking westbound Commercial Street traffic. I would also note that if left-turn movements become difficult, alternative routing to Maple Street and York Street. No action is required by the applicant.

- December 12, 2012 Comment: The proposed Baxter Charter School project will be upgrading pedestrian facilities at the York Street/Maple Street intersection and therefore no action is required by this applicant.

Status: I have no further comment.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

TYLININTERNATIONAL

12 Northbrook Drive
Falmouth, ME 04105
207.347.4354 direct
207.400.0719 mobile
207.781.4753 fax

thomas.errico@tylin.com

Visit us online at www.tylin.com

"One Vision, One Company"
Please consider the environment before printing.

November 7, 2012
December 14, 2012
January 17, 2013

TO: Barbara Barhydt
Jean Fraser
FROM: David Margolis-Pineo
RE: Review Comments: 311 - 331 Commercial Street -

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 provide 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.
This Department is not supportive of the applicant's request to waive this requirement.
The applicant has agreed to supply all the required bike parking. Thank you.
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.
This issue will be handled during construction.
3. It would be desirable to use portion(s) of the proposed bump outs for green area stormwater treatment.
The applicant is now showing a stormwater treatment system in the bump out. Thank you.
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.
This issues has been discuss and the sidewalk will remain along the curb line.
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?
This issue has been resolved.
6. Please refer to the City of Portland Technical Manual, Figure II-19 for sizing and design of the proposed an external grease trap.
No comment necessary
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?
This issue has been resolved.
8. MDOT took a non-tangent curve at the corner of Commercial Street and Foundry Lane in 1991. This is not shown.
We are comfortable with the plans as shown.

9. Curve at Commercial Street and Maple Street needs a chord bearing and distance for mathematical closure. This was a MDOT 1991 taking.
Issue resolved.
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.
Issue resolved.
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?
Issue resolved.
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.
Issue resolved.
13. No City of Portland Right of Way plans have been referenced. Please state which plans were used.
Issue resolved.
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.
Applicant states that do to the unreliable information on city plans, they were not used,
15. Shading and hatching of areas obscures text in various locations.
No response required
16. North Arrow refers to Magnetic North and not Grid North.
Issue resolved.
17. Proposed three-foot offset survey monuments will be requested at four locations to be determined.
No response required.
18. *This Department support the waiver request for the driveway location and spacing.*

*for hearing***Jean Fraser - Condo Docs - 321 Commercial Street Condominium**

From: Danielle West-Chuhta
To: Jean Fraser
Date: 1/17/2013 1:59 PM
Subject: Condo Docs - 321 Commercial Street Condominium

Jean:

I have reviewed the 321 Commercial Street Condo docs. They are a few edits I think need to be made.

- 1) They need to spell out who is providing trash pick up (i.e. not the City and include what expense item this will be covered under - i.e. limited common or common, etc.).
- 2) on Page 4 - the Plats and Plans should include in the definition or cite to the plans approved by the City of Portland.
- 3) I just wanted to make sure that any easements with regard to the property would be separately recorded documents even though they are referenced in the condo docs.
- 4) Make sure the section on Page 9 regarding subdivision of units indicates that it requires City approval (unless it does not or the Board is approving this now).
- 5) On Page 28 the hotel, retail and residential units are described - there should be reference to the total amount of floor space for each and indicate it is as permitted by the City approvals.
- 6) Finally, we may want to cite to any TDM they may have - and specify the amount of parking required by the City/Planning Board.

Thanks,

Danielle