**DRAFT FOR HEARING REPORT TO PB 1.22.2013**

1. **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.

1. *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 adjacent to the 5 parking spaces adjacent to the drive access near Foundry Lane.

1. *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.

1. *Flooding:*

The Planning Board (**waives/does not waive**) the Technical Standard, Section 5 III 4 E (2) (a) and (b), to allow

1. *Site Lighting:*

The Planning Board (**waives/does not waive**) the Technical Standard, Sections 12.2.3 Illumination Levels, to allow several areas up to 3.5 fc above the maximum where they are immediately under the lights and not near sensitive uses.

**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:

1. That the applicant shall submit, for review and approval prior to the issuance of a Building Permit, a plan showing off-site improvements in the vicinity of the proposed two-way access near Foundry Lane that address the comments of the Traffic Engineering Reviewer dated XXXXX; and

**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:

* + 1. 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

* + 1. That the following shall be finalized to the satisfaction of the Corporation Counsel prior to the issuance of a Certificate of Occupancy; and

1. Pedestrian access easement for the areas of the sidewalk that are not in the right of way, including for Foundry Lane
2. Stormwater management easement
3. Easement to allow access to waste collection and truck delivery area over a different lot and access
4. Access Easement agreement for Foundry Lane
   * 1. That the Condominium Association documents be revised to include references to the Stormwater Management Plan (inspection and reporting requirements), TDM Plan, HVAC requirements, and management and maintenance arrangements for the Foundry Lane area, 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
     2. That the Condominium Association shall develop, implement and manage the approved Transportation Demand Management (TDM) plan {refer to the 2 submissions]. If a *Post-Development* monitoring {???2 years from CO?] shows that the target of 10% reduction in SOV trips/parking has not been achieved, a *Post-Development* status report is required that specifies what adjustments will be made to achieve the 10% target and shall be referred to the Planning Authority for review; and.
     3. That the applicant shall submit revised plans/documents that address 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 Planning Authority prior to the issuance of a building permit; and
     4. **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 XX as updated xx) and approved Plans X in Attachments XXX to this Report, 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:

1. 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 (XXX sq ft floorspace for restaurant/retail; XXX floorspace for hotel; and up to14 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. If the floorspace allocations are revised, a revised parking need analysis shall be submitted to the Planning Authority to establish whether additional parking needs to be provided. The off-site parking spaces are to be located at XXXX unless an alternative location is submitted for review and approval by the Planning Authority; and

1. That the applicant shall make a $12,500 contribution to an account maintained by the City prior to the issuance of a building permit, to be used to fund the installation of a traffic signal at the Commercial Street/High Street intersection**; and**
2. **That all large vehicle deliveries and collections, including of waste, shall take place on the site or on the adjacent site (towards York Street) and that such vehicles shall not be allowed to park in Maple Street to serve the mixed use development; and**
3. **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) prior to the issuance of a Building Permit; and**
4. That the applicant shall arrange for the revised on street parking to be approved by the City Council through the “Parking Schedule Change” process; and
5. That the applicant shall submit a revised Construction Management Plan that includes further details prior to the start of any work at the site; and
6. That the applicant shall obtain a license from the City for any canopies that extend over the City right-of-way, prior to the issuance of a Certificate of Occupancy; and
7. 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 written into the Condominium Association documentation.