

(2nd PB
workshop)

Att. A.1



October 22, 2012

City of Portland
Planning and Urban Development Department
City Hall, Fourth Floor
389 Congress Street
Portland, Maine 04101

Re: Final Site Plan Review Application – Commercial and Middle Street Mixed Use Development

Dear Madams and Sirs,

On behalf of the property owner and applicant J B Brown & Sons, Opechee Construction Corporation is pleased to submit the enclosed application for site plan approval (Level III) for the above-referenced project. The proposal includes a 131 room hotel, 7,000 sf of restaurant, and 14 residences. The proposed development is located at the corner of Commercial and Maple Street, on the site of an existing gravel surface parking lot.

We look forward to working with you again.

Sincerely,

A handwritten signature in black ink, appearing to be "Steve Long", written in a cursive style.

Steve Long, PE
Project Manager

PROPOSED DEVELOPMENT



COMMERCIAL & MAPLE STREET MIXED USE DEVELOPMENT 321 COMMERCIAL STREET

SITE PLAN/SUBDIVISION APPLICATION

OCTOBER 22, 2012

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The following material has been prepared to address the written statement requirements of the City of Portland Site Plan Review Ordinance identified in Section 14-527(c) and (f) of the Land Use Ordinance and to provide additional information required by the City of Portland Development Review application requirements.

Applicant/Owner

J B Brown & Sons
36 Danforth Street
Portland, ME 04101
Phone: (207) 774-5908
Fax: (207) 774-0898
Email: veroneau@jbbrown.com

Evidence of the applicant's right, title, and interest in the property is included in Section 4 of the General Submissions

GENERAL SUBMISSIONS

1. Application form

The Site Plan Development Review Application has been completed and is attached. A City of Portland Wastewater Capacity Application is also attached.

A.7

PROJECT NAME: Commercial & Maple Street Mixed Use Development

PROPOSED DEVELOPMENT ADDRESS:

311-331 Commercial Street

PROJECT DESCRIPTION:

Six-story mixed-use building containing restaurant space, a 131 room hotel and 14 residential units located at the corner of Commercial and Maple Streets.

CHART/BLOCK/LOT: Tax Map 40, Block E, Lot 3

PRELIMINARY PLAN _____ (date)
FINAL PLAN 10-22-12 (date)

CONTACT INFORMATION:

Applicant's Contact for electronic plans
Name: Steve Long
e-mail: slong@opechee.com
work # (603) 527-9090

Applicant – must be owner, Lessee or Buyer
Name: J B Brown & Sons c/o Vincent Veroneau
Business Name, if applicable:
Address: P O Box 207
City/State : Portland ME Zip Code: 04112

Applicant Contact Information
Work # (207) 774-5908
Home#
Cell # Fax# (207) 774-0898
e-mail: veroneau@jbbrown.com

Owner – (if different from Applicant)
Name:
Address:
City/State : Zip Code:

Owner Contact Information
Work #
Home#
Cell # Fax#
e-mail:

Agent/ Representative
Name: Steve Long, PE
Address: 11 Corporate Drive
City/State : Belmont, NH Zip Code: 03220

Agent/Representative Contact information
Work # (603) 527-9090
Cell # (603) 455-9483
e-mail: stevel@opechee.com

Billing Information
Name: Geoff Gray
Address: 11 Corporate Drive
City/State : Belmont, NH Zip Code: 03220

Billing Information
Work # (603) 527-9090
Cell # n/a Fax# (603) 527-9191
e-mail: geoffg@opechee.com

Engineer Name: Steve Long, PE Address: 11 Corporate Drive City/State : Belmont, NH Zip Code: 03220	Engineer Contact Information Work # (603) 527-9090 Cell # (603) 455-9483 Fax# (603) 527-9191 e-mail: stevel@opechee.com
Surveyor Horizons Engineering, Inc. Name: Andrew Nadeau, PLS Address: 34 School Street City/State : Littleton NH, Zip Code: 03561	Surveyor Contact Information Work # (603) 444-4111 Cell # n/a Fax# (603) 444-1343 e-mail: anadeau@horizonsengineering.com
Architect Name: Don Blajda Address: 11 Corporate Drive City/State : Belmont, NH Zip Code: 03220	Architect Contact Information Work # (603) 527-9090 Cell # n/a Fax# (603) 527-9191 e-mail: donb@opechee.com
Attorney Name: David L. Galgay, Jr., Partner Address: One Portland Square City/State : Portland, ME Zip Code: 04112	Attorney Contact Information Work # (207) 774-4000, X4514 Cell # Fax# e-mail:

APPLICATION SUBMISSION

All site plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

Submissions shall include one (1) paper packet with folded plans containing the following materials:


1. One (1) full size set of plans that must be folded.
2. One (1) copy of all written materials as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
6. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist for a detailed list of submittal requirements.

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

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

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 10-17-12
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PROJECT DATA

(The following information is required where applicable, in order complete the application)

Total Site Area	38,770 sq.ft.	
Proposed Total Disturbed Area of the Site	56,780 sq.ft.	sq. ft.
(If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland)		
IMPERVIOUS SURFACE AREA (inclusive of the disturbed area within the city R.O.W.)		
• Proposed Total Paved Area (incl. brick & pavers)	34,053 sq.ft.	sq. ft.
• Existing Total Impervious Area	48,736 sq.ft.	sq. ft.
• Proposed Total Impervious Area	51,249 sq.ft.	sq. ft.
• Proposed Impervious Net Change	2,513 sq.ft.	sq. ft.
BUILDING AREA		
• Proposed Building Footprint	19,324	sq. ft.
• Proposed Building Footprint Net change	+ 19,324	sq. ft.
• Existing Total Building Floor Area	0	sq. ft.
• Proposed Total Building Floor Area	111,180	sq. ft.
• Proposed Building Floor Area Net Change	+ 111,180	sq. ft.
• New Building	YES	(yes or no)
ZONING		
• Existing	B-5b	
• Proposed, if applicable	NA	
LAND USE		
• Existing	Gravel Parking Lot	
• Proposed	Restaurant, Hotel, Residential	
RESIDENTIAL, IF APPLICABLE		
• Proposed Number of Affordable Housing Units	0	
• Proposed Number of Residential Units to be Demolished	0	
• Existing Number of Residential Units	0	
• Proposed Number of Residential Units	14	
• Subdivision, Proposed Number of Lots	NA	
PARKING SPACES		
• Existing Number of Parking Spaces	109	
• Proposed Number of Parking Spaces	26 (non-HC)	
• Number of Handicapped Parking Spaces	2	
• Proposed Total Parking Spaces	28	
BICYCLE PARKING SPACES		
• Existing Number of Bicycle Parking Spaces	0	
• Proposed Number of Bicycle Parking Spaces	20	
• Total Bicycle Parking Spaces	20	
ESTIMATED COST OF PROJECT	\$17.5 million	

Existing and proposed easements or public or private rights of way.

General Submittal Requirements – Final Plan (Required)
Level III Site Plan
Final Plan Phase Check list (including items listed above in General Requirements for Preliminary Plan, if applicant did not elect to submit for a preliminary plan review)

Applicant Checklist	Planner Checklist	Number of Copies	Written Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of financial and technical capacity.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Evidence of utilities' capacity to serve the development.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of fire safety (referencing NFPA fire code and Section 3 of the City of Portland Technical Manual).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Construction management plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Traffic Plan (if development will (1) generate 100 or more PCE or (2) generate 25 or more PCE and is located on an arterial, within 1/2 mile of a high crash location, and/or within ¼ mile of an intersection identified in a previous traffic study as a failing intersection).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Stormwater management plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written summary of solid waste generation and proposed management of solid waste.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Written assessment of conformity with applicable design standards.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Manufacturer's verification that HVAC and manufacturing equipment meets applicable state and federal emissions requirements.

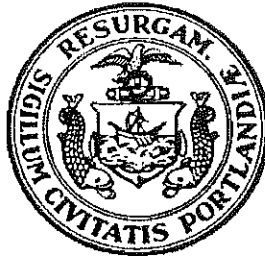
Final Plan Phase		Number of Copies	Written Submittal Requirement
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	Final Site Plan Including the following
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Existing and proposed structures on the site with distance from property line (including location of proposed piers, docks or wharves if in Shoreland Zone).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Location of adjacent streets and intersections and approximate location of structures on abutting properties.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed site access and circulation.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed grading and contours.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Location and dimension of existing and proposed paved areas including all parking areas and vehicle, bicycle and pedestrian access ways. Proposed curb lines must be shown.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed loading and servicing areas, including applicable turning templates for delivery vehicles
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed snow storage areas or snow removal plan.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed trash and recycling facilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Landscape plan including existing vegetation to be preserved, proposed site landscaping and street trees.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Existing and proposed utilities.
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Location and details of proposed infrastructure improvements (e.g. - curb and sidewalk improvements, roadway intersection modifications, utility connections, public transit infrastructure, roadway improvements).
<input type="checkbox"/> n/a	<input type="checkbox"/>		<input type="checkbox"/> Proposed septic system, if not connecting to municipal sewer. (Portland Waste Water Application included in this application)
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed finish floor elevation (FFE).
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Exterior building elevation(s) (showing all 4 sides). Elevations to be updated prior to Planning Board Meeting
<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/> Proposed stormwater management and erosion controls.

-
-
- n/a
- n/a
-
- n/a
- n/a
-

<ul style="list-style-type: none"> ▪ Exterior lighting plan, including street lighting improvements..
<ul style="list-style-type: none"> ▪ Proposed signage. (To be determined)
<ul style="list-style-type: none"> ▪ Identification of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code). Wetlands must be delineated.
<ul style="list-style-type: none"> ▪ Proposed alterations to and protection measures for of existing significant natural features located on the site (including wetlands, ponds, watercourses, floodplains, significant wildlife habitats and fisheries or other important natural features listed in Section 14-526 (b)1. of the Land Use Code).
<ul style="list-style-type: none"> ▪ Total area and limits of proposed land disturbance.
<ul style="list-style-type: none"> ▪ Soil type and location of test pits and borings.
<ul style="list-style-type: none"> ▪ Details of proposed pier rehabilitation (Shoreland areas only).
<ul style="list-style-type: none"> ▪ Existing and proposed easements or public or private rights of way.

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Department of Public Services,
55 Portland Street,
Portland, Maine 04101-2991



Mr. Frank J. Brancely,
Senior Engineering Technician,
Phone #: (207) 874-8832,
Fax #: (207) 874-8852,
E-mail: fjb@portlandmaine.gov

Date: September 13, 2012

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 311 Commercial Street
 (Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at LMK@portlandmaine.gov)

Proposed Use: Hotel, Restaurant, & Residences

Previous Use: Parking Lot

Existing Sanitary Flows: 0 GPD

Existing Process Flows: 0 GPD

Description and location of City sewer, at proposed building sewer lateral connection: _____

Chart Block Lot Number: 040 E003001

Site Category	Commercial	<u>X</u>
	Industrial (complete part 4 below)	_____
	Governmental	_____
	Residential	<u>X</u>
	Other (specify)	_____

Clearly, indicate the proposed connection, on the submitted plans.

2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 20,375 GPD

Peaking Factor/ Peak Times: The Hotel contributes approx. 75% of total flow and will peak between 6am to 8am.

Specify the source of design guidelines: (i.e. "Handbook of Subsurface Wastewater Disposal in Maine," "Plumbers and Pipe Fitters Calculation Manual," Portland Water District Records, Other (specify)

Water bills from a similar facility - The Hampton Inn/Sebago Brewing/ Portside Residences

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

3. Please, Submit Contact Information.

Owner/Developer Name: J B Brown & Sons Attn: Vincent Veroneau

Owner/Developer Address: 36 Danforth Street, P.O. Box 207, Portland Maine 04112

Phone: 207-774-5908 Fax: 207-774-0898 E-mail: veroneau@jbbrown.com

Engineering Consultant Name: Opechee Construction Corporation Attn: Steve Long, P.E.

Engineering Consultant Address: 11 Corporate Drive, Belmont, NH 03220

Phone: 603-527-9090 Fax: 603-527-9191 E-mail: stevel@opechee.com

City Planner's Name: _____ Phone: _____

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

4. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: Not Applicable GPD

Do you currently hold Federal or State discharge permits? Yes _____ No _____

Is the process wastewater termed categorical under CFR 40? Yes _____ No _____

OSHA Standard Industrial Code (SIC): _____ (<http://www.osha.gov/oshstats/sicser.html>)

Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show the locations, where the building's sanitary, and process water sewer laterals, exit the facility, where they enter the city's sewer, the location of any control manholes, wet wells, or other access points, and the locations of any filters, strainers, or grease traps.

Notes, Comments, or Calculations:

Existing Restaurant - Sebago Brewing
158 seats
22 bar stools
14 employees

Proposed Restaurant
158 seats
22 bar stools
14 employees

Existing Hotel - Hampton Inn
34 single beds
36 single beds w/ pullout sofa
52 double beds
Total = 174 beds + 36 pullout sofas
15 Employees

Proposed Hotel
3 single beds
50 single beds w/ pullout sofa
71 double beds
7 double beds w/ pullout sofa
Total = 209 beds + 57 pullout sofas
15 Employees

Existing Portside Residences
10 two bedrooms
2 one bedroom

Proposed Residences
7 two bedrooms
1 one bedroom

Comparing the two projects the residences and restaurants will be approximately the same and a small portion of the overall flow totals. Comparing the hotels considering the number of potential beds (including the pullout couches as a bed) the proposed hotel will have:

$$((209 + 57) - (174 + 36)) / 100 = 27\% \text{ larger wastewater flow.}$$

Please see the attached water bill for the Hampton / Sebago / Portside project. This bill is the total for the entire building. Looking at the 13 month consumption summary we can see that in November 2011 a separate meter was put on the irrigation system. We can also see that the highest wastewater flows occurred in August 2012 with a flow of 69,300 cubic feet of water over a period of 33 days. Being conservative and taking the highest monthly value this converts to a daily flow of:

$$(69,300 \text{ cu.ft} \times 7.48 \text{ gal/cu.ft}) / 33 \text{ days} = 15,708 \text{ GPD}$$

Using a value 27% larger for the proposed building the flow is:

$$15,708 \times 1.27 = 19,950 \text{ GPD}$$

The proposed hotel will also have a 78 seat lounge area with 3 employees

Using $78 \times 10 \text{ GPD/seat} = 780 \text{ GPD}$

$$3 \times 15 \text{ GPD/employee} = 45 \text{ GPD}$$

$$\text{Total Proposed Flow} = 19,550 + 780 + 45 = 20,375 \text{ GPD}$$



Portland Water District

Send Correspondence to:

Address:
225 Douglass St.
P.O. Box 3553
Portland, ME 04104-3553

Office Hours:
8:00 a.m. - 4:30 p.m.
Monday through Friday
Phone: 207.761.8310

Web Site and E-Mail:
www.pwd.org
customerservice@pwd.org

Customer Name **HRPR:CONDO ASSOCIATION** **A.15** Account Number **203215-02**
Service Address **207 FORE ST PORTLAND**

ACCOUNT DETAILS	MEMBER WATER CHARGES	CITY OF PORTLAND WASTEWATER CHARGES	TOTAL
PREVIOUS BALANCE			\$6,226.32
Payment - Thank You			\$6,226.32 CR
BALANCE FORWARD			\$0.00
CURRENT CHARGES			
Consumption Charge	\$878.96	\$4,849.78	\$5,728.74
Sales Tax	\$43.95	\$0.00	\$43.95
Total Current Charges	\$922.91	\$4,849.78	\$5,772.69
TOTAL AMOUNT DUE			\$5,772.69

WASTEWATER RATES ARE SET BY THE CITY OF PORTLAND

Customer Meter Summary:

METER TYPE: P = Primary S = Submeter R = Reverse Submeter F = Fireline

YOUR 13 MONTH CONSUMPTION SUMMARY

(Hundred Cubic Feet)

Month	Water	Waste Water	Days
09/12	702	643	28
07/12	617	507	30
06/12	492	452	29
05/12	478	476	32
04/12	424	424	29
03/12	370	370	30
02/12	339	339	33
01/12	415	415	33
12/11	416	416	28
11/11	555	535	31
10/11	702	702	33

Hundred Cubic Feet = 748 Gallons

METER ID	METER TYPE	DATE	METER READING	METER READING	METER READING	DIFFERENCE	
A21107877M	P	09/20/12	08/21/12	10/05/12	5425	4959	466
A21107877B	P	09/20/12	08/21/12	10/05/12	2291	2158	133
A19573082	S	09/20/12	08/21/12	10/05/12	404	403	1

Notes

Want free tap water for a year? Read the enclosed insert to learn more.

Refer to back for customer information, online payment options, or to make mailing address changes.
Remit Total Payments to:

Portland Water District
PO Box 6800
Lewiston ME 04243-6800



HRPR CONDO ASSOCIATION
NIAGRA SQUARE STATION
PO BOX 480
BUFFALO, NY 14201

9758

BILL DUE UPON RECEIPT

Account Number: 203215-02

Water	\$
Wastewater	\$
TOTAL ENCLOSURE	\$
To Avoid Late Fees Or Penalties For Water	
Pay 6650% For Wastewater	
TOTAL AMOUNT DUE BEFORE TAXES	

Total Amount Due: **\$5,772.69**



12032150200092291004849780005772692

2. Application fees

A list of Application fees to be paid to the City of Portland is attached.

A.17

APPLICATION FEES:

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of Portland.)

Level III Development (check applicable reviews)	Fees Paid (office use)	Other Reviews (check applicable reviews)	Fees Paid (office use)
<input type="checkbox"/> Less than 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000) <input checked="" type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000) <input type="checkbox"/> over \$300,00 sq. ft. (\$5,000) <input type="checkbox"/> Parking lots over 11 spaces (\$1,000) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> Traffic Movement (\$1,000) <input checked="" type="checkbox"/> Stormwater Quality (\$250) <input checked="" type="checkbox"/> Subdivisions (\$500 + \$25/lot) # of Lots ___ x \$25/lot = _____ <input type="checkbox"/> Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = _____	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> - Notices (\$.75 each) - Legal Ad (% of total Ad) - Planning Review (\$40.00 hour) - Legal Review (\$75.00 hour) <p>Third party review is assessed separately.</p>		<input type="checkbox"/> Other _____ <input type="checkbox"/> Change of Use <input type="checkbox"/> Flood Plain <input type="checkbox"/> Shoreland <input type="checkbox"/> Design Review <input type="checkbox"/> Housing Replacement <input type="checkbox"/> Historic Preservation	
<p>Plan Amendments (check applicable reviews)</p> <input type="checkbox"/> Planning Staff Review (\$250) <input type="checkbox"/> Planning Board Review (\$500)	<p>Fees Paid (office use)</p> <input type="checkbox"/> <input type="checkbox"/>		

3. Project Description

J.B. Brown & Sons is proposing a mixed-use development at the corner of Maple Street and Commercial Street. The site is shown on the site plan which is attached to this application. The proposal includes a 131 room hotel, 7,000 sf of restaurant use, and 14 residences. The proposed development is located on the west side of Commercial Street on the site of an existing gravel surface parking lot (#311-331 Commercial Street). The site is bordered by Commercial Street to the east, Maple Street to the south, a commercial building and parking lot to the north and a parking lot to the west. The project site is identified on City of Portland tax maps as Map 40, Block E, Lot 3. The site is surrounded by a mix of business, commercial, and residential uses including; hotels, parking lots, restaurants, office space, apartments, condominiums and other commercial uses.

The following summarizes the proposed building floor space:

- The Restaurant will occupy:
7,460 sq.ft. on the first floor.

- The 131 room Hotel will occupy
10,920 sq.ft. on the first floor
18,365 sq.ft. on the second floor
18,365 sq.ft. on the third floor
18,365 sq.ft. on the fourth floor
18,365 sq.ft. on the fifth

- 14 Residential Units
944 sq.ft. on the first floor
18,396 on the sixth floor

- Total gross building area = 111,180 sq.ft.

X. Construction Management Plan

A Construction Management Plan has been prepared for the demolition and construction of the proposed mixed use building. This plans include specifications for traffic control in order to provide pedestrians, bicycles, transit providers and motorist's safe passage around the site. The plan is part of the Site Plan set.

B.1

4. Evidence of right, title and interest

The record owner of the subject property is the applicant, J B Brown & Sons. Deeds granting the subject property to the applicant are the following: a deed from Joseph A. Symonds, John Marshall Brown and Philip G. Brown, dated May 16, 1904 and recorded in the Cumberland County Registry of Deeds in Book 749, Page 43; a deed from Poultry Processing, Inc., dated May 2, 1978 and recorded in said registry in Book 4208, Page 56, and a deed from Poultry Processing, Inc., dated August 29, 1979 and recorded in said registry in Book 4486, Page 50.

A copy of the deeds are attached

Marranty Deed

CORPORATION

FROM

POULTRY PROCESSING, INC.

TO

J. B. BROWN & SONS

Dated 19.79

State of Maine

ss. Registry of Deeds

Received 19.....

at H., M., M., and

recorded in Book Page

ATTEST:

..... REGISTER

FROM THE OFFICE OF

Robert B. Patterson, Jr., Esq.
Verrill & Dana, Two Canal Plaza
Portland, Maine 04112

DISCOUNT MARTIN, INC., PORTLAND, ME., OFFICE FURNI-
TURE AND SUPPLIES, TYPEWRITERS, ADDING MACHINES,
FILING CABINETS, SAFES, ETC.

MARTIN'S FORM NO. 8 - STANDARD REGISTRY FORM

B.2

B.3

4208-56
51878

9974
No. 101

56

Know All Men by these Presents,

That POULTRY PROCESSING, INC., a Maine corporation with a place of business at 329 Commercial Street, Portland, Maine, successor by merger with Pine State Beef Company, the said Pine State Beef Company being a successor by merger with Ash Realty Corp., also known as Ash Realty Co.

in consideration of One Dollar and other good and valuable considerations

paid by J. B. BROWN & SONS, a Maine corporation with a principal place of business at 57 Exchange Street, Portland, Maine

It does hereby acknowledge, ~~do~~ hereby give, grant, bargain, sell and convey, unto the said J. B. Brown & Sons, its Successors

Maxxx and Assigns forever,

~~the following described property~~
A certain lot or parcel of land, with the buildings and improvements thereon, situated on the Northeasterly side of Maple Street in the City of Portland, County of Cumberland, and State of Maine bounded and described as follows:

Beginning at the Northwesterly corner of land conveyed to New England Cold Storage Company by J.W. Bishop Company by deed dated April 25, 1914 and recorded in the Cumberland County Registry of Deeds in Book 930, Page 287, said point of beginning being distant 75.65 feet as measured along the Northeasterly sideline of said Maple Street on a bearing of South 24° 00' East from the intersection of said Northeasterly sideline of Maple Street and the Southeasterly sideline of York Street;

Thence, from said point of beginning, South 24° 00' East along the Northeasterly sideline of said Maple Street 43.72 feet;

Thence North 66° 07' 30" East across land being retained by the Grantor and along a brick wall 45.46 feet;

Thence North 23° 47' West across said land being retained by the Grantor and along a brick wall 21.39 feet;

Thence North 66° 07' 30" East across said land being retained by the Grantor 82.78 feet to other land of Grantee;

Thence North 25° 32' 20" West along said other land of Grantee 36.69 feet;

Thence South 62° 30' 30" West along said other land of Grantee 81.83 feet;

Thence South 23° 47' East along said other land of Grantee 8.27 feet;

Thence South 64° 56' 30" West along said other land of Grantee 45.64 feet to the Northeasterly sideline of said Maple Street and the point of beginning, containing 4,820 square feet;

Being a portion of the premises conveyed by The Pell Corporation to Ash Realty Co. (also known as Ash Realty Corp.) by deed dated June 1, 1965 and recorded in said Registry of Deeds in Book 2898, Page 523. Ash Realty Corp. merged into Pine State Beef Company, and Pine State Beef Company merged into Poultry Processing, Inc.; the Grantor herein. Reference is hereby made to a Certificate by Markham L. Gartley, Secretary of State of Maine, relating to said merger, recorded in said Registry of Deeds in Book 4157, Page 138.

All bearings are magnetic in the year 1978.

Reference is made to a plan entitled "Plan of Land in Portland, Maine for J.B. Brown & Sons" by Owen Haskell, Inc. dated March 27, 1978, to be recorded in said Registry of Deeds, for a further description of this parcel.

We have and in hold the aforegranted and bargained premises, with all privileges and appurtenances thereof to the said

J. B. Brown & Sons, Its Successors

holds and Assigns, to It and their use and behoof forever.

And Poultry Processing, Inc. does Its Successors and Assigns, that It is lawfully seized in fee of the premises; that they are free of all incumbrances;

that It has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that It and Its/ shall and will warrant and defend the same to the said Grantee, Its Successors and Assigns forever, against the lawful claims and demands of all persons.

85

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8.31.79

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Know All Men by These Presents.

That POULTRY PROCESSING, INC.,

a Corporation organized and existing under the laws of the State of Maine and located at Portland in the County of Cumberland and State of Maine in consideration of One Dollar (\$1.00) and other valuable considerations

paid by J. B. BROWN & SONS, a Maine corporation with a principal place of business at 57 Exchange Street, in the City of Portland, County of Cumberland and State of Maine

the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey unto the said J. B. BROWN & SONS, its successors

and assigns forever,

a certain lot or parcel of land, together with the buildings and improvements thereon, situated at the intersection of the easterly side of Maple Street and the westerly side of Commercial Street, in the City of Portland, County of Cumberland and State of Maine, being bounded and described as follows:

Beginning at the intersection of the said easterly side of Maple Street and the westerly side of Commercial Street, and thence proceeding North 45° 38' East along the westerly side of Commercial Street a distance of one hundred forty and sixty-sixths hundredths (140.66) feet to other land of J.B. Brown & Sons; thence proceeding North 25° 32' 20" West along other land of J.B. Brown & Sons a distance of one hundred thirty-one and ninety-seven hundredths (131.97) feet to a corner of land conveyed by Poultry Processing Inc. to J.B. Brown & Sons, by deed dated May 2, 1978, and recorded in the Cumberland County Registry of Deeds in Book 4208, Page 56; thence proceeding South 66° 07' 30" West along other land of J.B. Brown & Sons a distance of eighty-two and seventy-eight hundredths (82.78) feet; thence proceeding South 23° 47' East along other land of J.B. Brown & Sons, a distance of twenty-one and thirty-nine hundredths (21.39) feet; thence proceeding South 66° 07' 30" West along other land of J.B. Brown & Sons a distance of forty-five and forty-sixths hundredths (45.46) feet to the easterly side of Maple Street; thence proceeding South 24° 00' East along the easterly side of Maple Street a distance of one hundred fifty-nine and eight-tenths (159.8) feet to the intersection of the easterly side of Maple Street and the westerly side of Commercial Street, and the point of beginning.

Also hereby conveying all right, title and interest, if any, in and to all party walls, passageways, lanes, streets or alleys situated between Maple Street, York Street, Foundary Lane, and Commercial Street.

Being a portion of the premises conveyed by The Fall Corporation to Ash Realty Co. (also known as Ash Realty Corp.) by deed dated June 1, 1965, and recorded in said Registry of Deeds in Book 2898, Page 523. Ash Realty Corp. merged into Pine State Beef Company, and Pine State

privileges and app tenances thereof, to the s d J. B. BROWN & SONS, its successors
 heirs and assigns, to its and their use and behoof forever.

POULTRY PROCESSING, INC.
 And the said Grantor/Corporation does hereby warrant with the said successors
 Grantee , its/ heirs and assigns, that it is lawfully seized in fee of the premises, that they are free of all incumbrances;

that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors, shall and will Warrant and Defend the same to the said Grantee , its successors heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said POULTRY PROCESSING, INC.

has caused this instrument to be sealed with its corporate seal and signed in its corporate name by GEORGE I LEWIS, its VICE PRESIDENT thereunto duly authorized, this 29th day of AUGUST in the year one thousand nine hundred and seventy-nine.

Signed, Sealed and Delivered in presence of

Herald R. Lavigne

POULTRY PROCESSING, INC.
 By George I Lewis
 Its vice president
 (CORPORATE SEAL)

State of Maine, Cumberland ss. August 29 19 79.

Personally appeared the above named George I Lewis, vice president of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said corporation.

Before me,
John A. Fajlante
 Justice of the Peace
 Notary Public

AUG 31 1979

REGISTRY OF DEEDS CUMBERLAND COUNTY, MAINE
 Received at 11 A.M. and recorded in
 BOOK 4486 PAGE 30 Leslie Stubbette Deputy Register

B.7

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Beef Company merged into Poultry Processing, Inc., the Grantor herein. Reference is hereby made to a Certificate by Markham L. Gartley, Secretary of State of Maine, relating to said mergers, recorded in said Registry of Deeds in Book 4157, Page 138.

Reference is made to a plan entitled "Plan of Land in Portland, Maine for J. B. Brown & Sons" by Owen Haskell, Inc., dated March 27, 1978, and recorded in said Registry of Deeds in Plan Book 119, Page 40, for a further description of this parcel.

therein written, was at the time of the taking of such proof or acknowledgment, a Notary Public, within and for said Commonwealth of Maine, and that I am well acquainted with the handwriting of said Notary, and verily believe that the signature to the said certificate is genuine, and I certify that the said instrument is executed and acknowledged according to the laws of this State.



In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Springfield this 15th day of April A.D. 1904.

Robert O. Morris Esq.

Received April 30, 1904, at 11 h. 10 m. A.M., and recorded according to the original
Attest
Ryft Keaton Register.

Know all Men by these Presents, that we, Joseph C. Symonds, and Philip Brown Esq. of Portland, in the County of Cumberland and State of Maine, and John Marshall Brown of Scarborough in said County, Trustees under the last Will and testament of John D. Brown, late of said Portland, deceased, hereby duly authorized by the provisions of said Will and by a decree of the Supreme Judicial Court of the State of Maine, filed November 24, 1903, in consideration of one dollar and other good and valuable considerations to us, as such Trustees, paid by the J. D. Brown & Sons, a corporation created by and existing under and by virtue of the laws of the State of Maine, the receipt whereof we do, as such Trustees, hereby acknowledge, do hereby as such Trustees remise, release, bargain, sell, convey and forever quit-claim unto the said J. D. Brown & Sons, its successors and assigns forever, all our right, title and interest, as such Trustees, in and to any and all real estate of every name and description, however the same may be bounded, described, acquired or held, situated in Portland, South Portland and Cape Elizabeth, County of Cumberland and State of Maine.

Philip Brown Esq.
J. D. Brown & Sons
Deed

Excepting, however, from this conveyance the lot of lands on the Northwesterly corner of Congress and Brown Streets, in said Portland, with the four story block of stores thereon held in trust by us under the fifth Paragraph of said Will.

To have and to hold all the same, together with all the privileges and appurtenances therunto belonging to it, the said J. D. Brown & Sons, its successors and assigns forever.

In witness whereof, we, the said Joseph C. Symonds, Philip M. Brown and John Marshall Brown, as such Trustees, have hereunto set our hands and seals this sixteenth day of May in the year of our Lord one thousand

some hundred and four.
Signed, Sealed and Delivered

in the presence of:
Lynn F. Cronlow
to J. C. S. —
Charles L. Masaton
to J. M. O. and P. H. O. —

Joseph C. Symonds Seal
John Marshall Cronm Seal
Philip H. Cronm Seal
Trustees under the will of John O. Cronm

State of Maine
Lumbland ss.

May 16th 1904

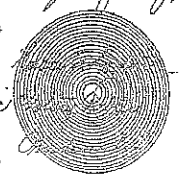
Personally appeared the above named Joseph C. Symonds, Philip H. Cronm, and John Marshall Cronm and acknowledged the above instrument by them signed to be their free act and deed as such Trustees.
Before me, Charles L. Masaton
Justice of the Peace.

Received May 18, 1904, at 2 h: 25 mi. P. M., and recorded according to the original
Attest
Ray F. Cole Register

Belknaf Know all men by these Presents, that Almira Belknaf mortgagee-
owner of a certain mortgage given by Fred S. McDonald to me, said
McDonald Almira Belknaf dated April 9th A. D. 1902, and recorded in the Lumbland
Registry of Deeds, Book 689, Page 49, do hereby acknowledge that I
Discharge have received full payment and satisfaction of the same and of the debt
thereby secured, and in consideration thereof I do hereby cancel and dis-
charge said mortgage, and release unto the said Fred S. McDonald, his
heir and assigns forever the premises therein described.

In Witness Whereof, the said Almira Belknaf, has hereunto set
her hand and seal this — day of April A. D. 1904
Signed, Sealed, and Delivered:
in Presence of
Grace F. Horton
Albert W. Smith
Almira Belknaf Seal

State of Rhode Island
County of Providence ss. Providence April 30, 1904. Then personally
appeared the above named Almira Belknaf and acknowledged the foregoing
instrument to be her free act and deed, before me,
Grace F. Horton
Notary Public



with all the privileges and appurtenances to the same belonging to him the said John Waterman and his heirs and assigns to his and their only proper use and benefit forever And we the said John Farwell & Elizabeth and our heirs, executors & administrators do hereby covenant, grant and agree, to and with the said Waterman and his heirs and assigns that until the delivery hereof we are the lawful owners of the said premises, and are seized and possessed thereof in our own right in fee simple and have full power and lawful authority to grant and convey the same in manner aforesaid that the said premises are free and clear of all and every incumbrance whatsoever by reason of any act of ours or on our account; and that we and our heirs, executors and administrators, shall & will warrant the same to the said Waterman and his heirs and assigns against the lawful claims and demands of any person or persons whomsoever, claiming by or under us.

In Witness Whereof we have hereunto set our hands and seals, this twenty eighth day of June in the year of our Lord one thousand eight hundred and forty five.

Signed, Sealed & Delivered

in presence of us
Interlocutors made before
signing John Anderson

John Farwell
Elizabeth W. Farwell

Cumberland ss) State of Maine June 30th 1845

Personally appearing the above named John & Elizabeth acknowledged the foregoing instrument to be their voluntary act and deed.

Before me
John Anderson Justice of Peace.

Received Dec. 9, 1852 at 10.23 A.M. Recorded from the original.
By William Ross Regr.

Know all men by these presents, That Elizabeth Dyer, Henry Dyer, Joseph W. Dyer, Augustus A. Dyer, Harold L. Dyer, William W. Dyer, Samuel Dyer, Harriet W. Dyer, Augustus P. Fuller and Elizabeth W. Fuller, wife of said Augustus in her right, Joseph E. Turner and Almira E. Turner wife of said Joseph E. in her right all of Portland in the County of Cumberland & State of Maine & Ezekiel Dyer of Cape

Elizabeth Dyer
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Pg 5
573-575

Elizabeth in said County and State in considera-
 -tion of the sum of two thousand dollars paid by
 John B. Brown of said Portland, the receipt whereof
 we do hereby acknowledge do hereby give, grant, bargain,
 sell and convey unto the said John B. Brown his heirs and
 assigns forever one half of a piece of land and flats in
 common and undivided, together with the buildings on
 the same situated at the west end of Portland aforesaid
 on Pine Street, being four rods on said Street and con-
 -tinuing the width of four rods to the channel of the river.

Also one half in common and undivided as above
 of another piece of flats, adjoining the above, beginning at high
 water mark, the same being four rods wide, and continuing
 that width to the channel. Meaning hereby to convey all the
 flats and buildings as above (and no more) which M. P.
 Sawyer conveyed to the late Samuel Sawyer by deed dated
 December 20, 1744 recorded in Cumberland's Registry, Book 19,
 Page 18; to which reference is to be had.

To have and to hold the aforesaid and bargained
 premises, with all the privileges and appurtenances thereof to
 the said John B. Brown, his heirs and assigns to their
 use and behoof forever. And we do covenant with the said
 John B. Brown his heirs and assigns, that we are lawfully
 seized in fee of the premises, that they are free of all in-
 -cumbrances, that we have good right to sell and convey the same
 to the said John B. Brown to hold as aforesaid. And that
 we and our heirs shall and will warrant and defend the
 same to the said John B. Brown his heirs and assigns
 forever, against the lawful claims and demands of all persons.

In Witness whereof the said Elizabeth, Henry Joseph
 M. Augustus of Chas. E. Milligan, M. Samuel, Harriet M.
 Augustus P. Elizabeth W., Joseph E. and Almira A. and
 Ezekiel, together with Betsey P. wife of said Henry, Catherine
 P. wife of said Joseph W., Harriet wife of said Ezekiel, Mary
 C. wife of said Augustus A. & Hannah A. wife of said Abel
 L. in testimony of their relinquishment of their right of Dower
 in the above described premises, have hereunto set our hands
 and seals this twenty fifth day of October in the year of our
 Lord one thousand eight hundred and fifty two.

Signed, Sealed and Delivered in presence of

C. A. Stackpole Witness to all except Hannah M. Dyer }	Elizabeth Dyer	(S)
	Henry Dyer	(S)
	Elizabeth P. Dyer	(S)
	Joseph M. Dyer	(S)
	Catharine H. Dyer	(S)
	Augustus A. Dyer by J. M. Dyer his atty	(S)
	Mary C. Dyer	(S)
	Israel L. Dyer by J. M. Dyer his atty	(S)
	Hannah M. Dyer	(S)
	Ezekiel Dyer	(S)
	Harrist Dyer	(S)
	Mrs. M. Dyer	(S)
	Samuel Dyer	(S)
	Harrist W. Dyer	(S)
	Aug. P. Fuller	(S)
Elizabeth M. Fuller	(S)	
Joseph C. Turner	(S)	
Almira A. Turner	(S)	

Cumberland Co., 3 December 1852 Personally appeared the above named Elizabeth Dyer, Henry Dyer, Joseph M. Dyer as Principal and Attorney for Israel L. Dyer & Augustus A. Dyer, Ezekiel Dyer, William W. Dyer, Samuel Dyer, Augustus P. Fuller, Elizabeth M. Fuller, Joseph C. Turner, & Almira A. Turner & acknowledged the above deeds to be their free acts and deeds & the said Joseph Attorney for Israel L. & Augustus A. that the same is his free act and deed & the free act and deed of the said Israel L. & Augustus A.

Before me James T. McCobb Justice of the Peace.
Received Dec 10, 1852 at 8.30 AM, & recorded from the original.
By William Roub Regr.

Know all men by these presents, That I Samuel Fependen of Portland in the County of Cumberland and State of Maine, Esquire Administrator de bonis with the will annexed of George Turner late of Portland aforesaid, Gentleman, deceased, in consideration of four hundred and eighty dollars to me paid in my said capacity of Administrator by John H. Williams of Portland in the County & State aforesaid, Esquire, the receipt whereof

Geo. Turner's Est
to
John H. Williams

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B.13

KNOW ALL MEN BY THESE PRESENTS, THAT

I, Thomas C. Knight of Portland County of Cumberland, State of Maine
in consideration of the sum of one thousand Dollars
paid by J. B. Brown of Portland County & State aforesaid

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said J. B. Brown, his

heirs and assigns forever,

one undivided half of a certain parcel of land and flats described as follows, viz., beginning at the bank at high water mark at the westerly corner of a parcel of flat formerly owned by Nathan Winslow & conveyed to Josiah Fickett, thence running South 57 degrees West, four rods or so far as to make the lot four rods wide, thence extending the width of four rods South thirty nine degrees East to low water mark, together with all the banks or upland lying between the above described premises & York Street, formerly Dow Street. Also one other parcel of flats adjoining the above beginning at the westerly corner of the above granted premises at the bank at high water mark, thence running West thirty degrees South four rods; thence South thirty nine degrees East the width of four rods to low water mark with all the buildings thereon, being the same banks, flats and buildings that I purchased of James Deering as per his deed dated July 4, 1847 and recorded book 201, Page 145, in Cumberland Registry.

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To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof to the said J. B. Brown his heirs and assigns, to their use and behoof forever.

And I do covenant with the said J. B. Brown his heirs and assigns, that I lawfully seized in fee of the premises; that they are free of all incumbrances; that I have good right to sell and convey the same to the said

J. B. Brown to hold as aforesaid: and that I and my heirs shall and will warrant and defend the same to the said J. B. Brown his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Thomas C. Knight and Dorcas R. wife of the said Thomas C. Knight in testimony of her relinquishment of her right of dower in the above described premises have hereunto set our hand and seal this tenth day of December in the year of our Lord one thousand eight hundred and forty nine.

Signed, Sealed and Delivered in presence of
J. W. Williams
Thomas C. Knight - JS
Dorcas R. Knight - JS

CUMBERLAND, SS. Dec. 10. 1849. Personally appeared the above named Thomas C. Knight and acknowledged the above instrument to be his free act and deed. BEFORE ME,

J. W. Williams Justice of the Peace.
Received Dec. 19. 1849 at 3 o'clock, 25 m. P. M., and recorded from the original. By William Rolt Register.

exhibit to us the said mortgage deed and the notes therein described and then and then in our presence did declare that he entered upon the said lands and tenements for a breach of the conditions of said mortgage and for the purpose of holding the same for and on account of said breach and with a design to foreclose the said mortgage.

Jeth. B. Dunn.
William Ferry.

Cumberland ss. Poland July 10. 1845. Personally appeared before me the above named Jeth. B. Dunn and William Ferry and made oath to the truth of the above certificate by them signed.

John Mezzuris. Justice of the Peace.
Received July 21. 1845 at 12.30. P. M. and recorded from the original.
By William R. P. Rego

Know all men by these presents that I Peter Skurlow mortgages within named in consideration of one hundred dollars paid by Solomon H. Chandler of New Gloucester in the County of Cumberland the receipt whereof I do hereby acknowledge, do hereby grant, bargain, sell, transfer, and assign, the within described premises, and the notes secured by the within deed. I covenant and agree with said Chandler that the premises within described, are free and clear of all incumbrances except the right of the mortgagor to redeem the same.

P. Skurlow
to
S. H. Chandler

In witness whereof I hereunto set my hand and seal this the twelfth day of July in the year, eighteen hundred and forty five.

In the presence of
Huldah Raymond.

Peter Skurlow (LS)

Cumberland ss. July 12. 1845. Personally appeared the above named, Peter Skurlow and acknowledged the above assignment by him signed to be his free act and deed.

Assignment
For original see
B 192. 39329.

Wm. Bradbury. Justice of the Peace

Received July 21. 1845. at 12.30. P. M. and recorded from the original.
By William R. P. Rego

Know all men by these presents, that I Joseph Noble of Boston County of Suffolk, State of Massachusetts, Merchant, in consideration of, thirty five hundred dollars, to me paid by John B. Brown of Portland, County of Cumberland State of Maine, Merchant, the receipt whereof is hereby acknowledged do by these presents, grant, remise, release, and forever quitclaim unto the said John B. Brown his heirs and assigns all, my right title, interest, and estate in and to, a certain lot of land, wharf, and fields in said Portland bounded as follows, (viz) beginning at the northerly corner of a lot of land on Erie Street now or lately owned by Nathaniel and M. P. Sawyer, thence running by said street one hundred and forty feet, more or less to land which Meyer and Noble

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P45
399:400

CUMBERLAND COUNTY REGISTRY OF DEEDS
BOOK NUMBER 189 CONTAINING 528 PAGES

purchase of Sarah Philbrick and now owned by said Noble. then turning and running by said Noble's lands and lands of late occupied by Staples and Bartol. to low water mark, then turning and running westerly ten rods more or less to the flats now or lately owned by said Steering and Sawyer. then turning and running by said Steering and Sawyer's flats and lands to the place of beginning excepting from this conveyance so much of the above described premises as is owned by William Ironsides of said Portland, also a passage way from said street twenty one feet wide as described in a deed of from said Noble to Elias Staples and H. V. Bartol. to be used in common & undivided by said Noble & Brown said Staples and Bartol and their assigns. for the passage way to be kept unobstructed and for the purpose of making & keeping or repair drains from the premises of the abutters thereon.

To have and to hold the above released premises to him the said John B. Brown heirs and assigns to his use and behoof forever. so that neither I the said Noble nor my heirs or any person or persons claiming by or from or under me or them or in the name right or stead of me or them shall or will by any way or means have claim or demands any right or title to the above released premises onto any part or parcel thereof forever.

In witness whereof I the said Joseph Noble have hereunto set my hand and seal this tenth day of May in the year of our Lord eighteen hundred and forty five.

Signed, Sealed & delivered.
In presence of the word Noble
intending before signing
George W. Bourne Joseph Noble (S)
Frank A. Hall

Commonwealth of Massachusetts. Boston July 11. A.D. 1845. Then personally appeared the above named and acknowledged the foregoing instrument to be his free act and deed. Before me

W. Bigelow, Justice of the Peace
Received July 25, 1845. at 2.30 P.M. and recorded from the original
By William Rufus Regr.

J. Perkins
To
J. Perkins

It now all men by these presents that I Francis Perkins of Northampton in the County of Hampshire and Commonwealth of Massachusetts Mechanic in consideration of fifty dollars to me in hand paid by Thomas Perkins of Auburn, Cumberland County in the State of Maine. From the receipt whereof I do hereby acknowledge, have, remised, released, and forever quitclaimed and do for myself and my heirs by these presents, remise, release and forever quitclaim unto the said Thomas his heirs and assigns forever all my right in and title to certain piece or parcels of undivided lands containing fifteen acres more or less bounded and described as follows formerly owned by Mrs Emma of Portland Maine, & deeds to Emack Perkins by the

10. Boundary Survey

The boundaries of the subject property are shown on the plan entitled, "Standard Boundary Survey of Land of J.B. Brown & Sons, P.O. Box 207, Portland, Maine, 04112 located on Commercial Street & Maple Street – Portland Maine, Made for Opechee Construction Corporation, 11 Corporate Drive, Belmont, NH, 03220", dated 9-24-12. A copy of the plan is submitted with this application.

5. Evidence of state and/or federal approvals

The project site will be fully developed and less than two acres in size. The site will not require an MDEP Site Location of Development.

With respect to the Stormwater Management Law, the project consists of redevelopment of impervious gravel parking lot. This results in an increase in impervious area of 2,513 sq.ft. This is under the 1 acre threshold of the Permit by Rule (PBR) requirements. A Stormwater Permit By Rule application is being submitted for review by the city of Portland

This project qualifies for a Stormwater Permit by Rule (PBR) and is required to comply with the Basic Standards defined in Chapter 500 of the Stormwater Management Law. As such, the applicant will be concurrently filing a Notice of Intent to comply with the Maine Pollutant Discharge Elimination System (MPDES) General Construction Permit by filing a PBR.

Based on the traffic study scoping documentation, this project will generate between 100 and 200 trips and will therefore require a State of Maine Traffic Movement Permit (TMP) issued by the City under its delegated authority. The TMP application and scoping documentation has been submitted to the City Traffic Engineer prior to this site plan application.

We do not anticipate that the project is subject to any other State or Federal approvals, and we are unaware of any pending applications related the project site.

Attachment C.1

6. Compliance with applicable zoning requirements

Space and Bulk criteria for the B-5b Urban Commercial Mixed Use Zone:

Criteria	Required	Provided
Min. Lot Size:	None	38,770 sq.ft.
Min. Street Frontage:	None	414.74 ft.
Max. Front Yard Setback:	10 ft.	1.83 ft. (Maple) 5.63 ft. (Commercial)
Min. Yard Dimensions:	None	NA
Min Lot Width:	None	NA
Max. Lot Coverage:	100%	90%
Max. Building Height:	65 ft.	64'-10"
Maximum Resid. Density:	60 units/acre	14

* Average Building Grade Calculations are attached.

C.2

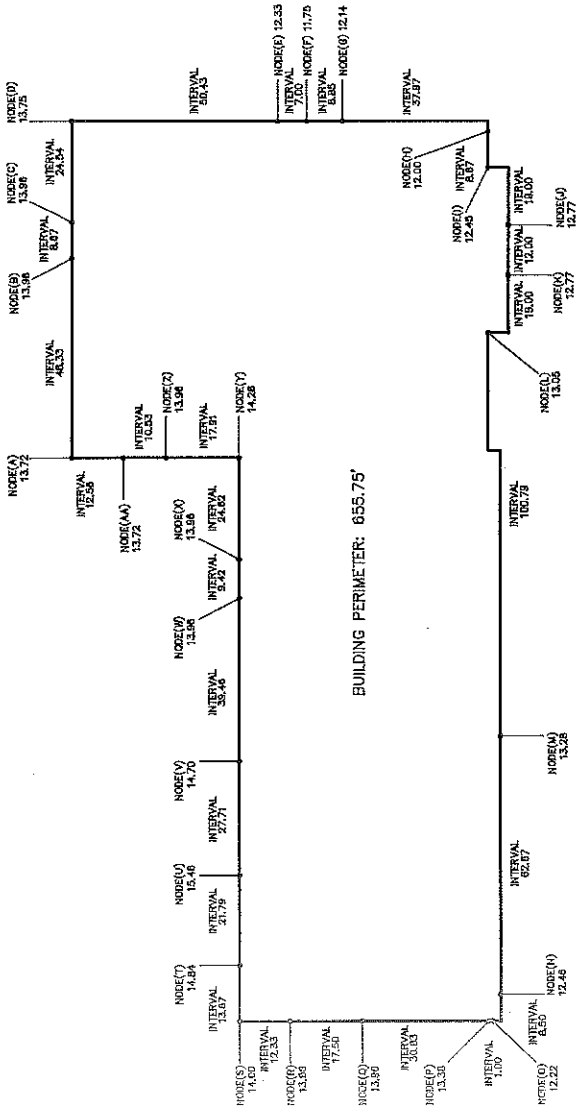
Project: Mixed-Use Redevelopment
 Applicant: 321 Commercial Street, Portland, Maine
 Date: 10/11/2012

Average Building Grade Calculation

Node	Spot Elevations	Notes	Average Grade	Interval (feet)
A	13.72	A-B	13.8	48.33
B	13.96	B-C	14.0	8.07
C	13.96	C-D	13.9	24.54
D	13.75	D-E	13.0	50.83
E	12.33	E-F	12.0	7.00
F	11.75	F-G	11.9	8.85
G	12.14	G-H	12.1	37.97
H	12.60	H-I	12.2	8.67
I	12.45	I-J	12.6	19.00
J	12.77	J-K	12.8	12.00
K	12.77	K-L	12.9	19.00
L	13.05	L-M	13.2	100.79
M	13.28	M-N	12.9	62.67
N	12.46	N-O	12.3	8.50
O	12.22	O-P	12.8	1.00
P	13.38	P-Q	13.7	30.83
Q	13.56	Q-R	13.9	17.50
R	13.88	R-S	13.9	12.33
S	14.09	S-T	14.4	13.67
T	14.04	T-U	15.2	21.79
U	15.46	U-V	15.1	27.71
V	14.70	V-W	14.3	39.46
W	13.96	W-X	14.0	9.42
X	13.56	X-Y	14.1	24.62
Y	14.28	Y-Z	14.1	17.91
Z	13.96	Z-AA	13.8	10.53
AA	13.72	A-AA	13.7	12.56

Building Perimeter: 655.75

Weighted Average Grade: 13.5




DATE	REVISION SCHEDULE	BY
	REVISION PROPORTION	

COPECHEE
 CONSTRUCTION CORPORATION
 11 COPPERMINE DRIVE, BELMONT 01759
 PHONE (603) 880-8888 FAX (603) 874-9100

AVERAGE BUILDING GRADE CALCULATION

PROJECT: **MIXED-USE REDEVELOPMENT**
 PORTLAND, ME

DATE: 10-22-12
 SCALE: 1"=50'
 DRAWN BY: B.S.

 SHEET: 1 OF 1

Attachment D.1

7. Easements

A draft of the proposed easements affecting the subject property is attached.

revised since
First PB workshop

Draft - 10/25/2012

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT (this "Agreement"), made as of the ____ day of _____, 201_, by and between BAXTER PLACE, LLC, a Maine limited liability company with a mailing address at 305 Commercial Street, Portland, Maine 04101 ("Baxter") and J.B. BROWN & SONS, a Maine corporation, with a business address of 36 Danforth Street, Portland, Maine 04101 ("JBBrown");

WITNESSETH:

WHEREAS, Baxter is the owner of certain real estate located in the City of Portland, Cumberland County, Maine, and more particularly described in Exhibit "A" which is attached hereto and incorporated herein (the "Baxter Place Property"), a portion of which is an approximate thirty (30) foot wide driveway located on the southwesterly side of the Baxter Place Property and abutting the easterly side of the JBB Property (as defined below), which driveway is formerly known as Foundry Lane and more particularly described in Exhibit A-1 attached hereto and incorporated herein (the "Foundry Lane Parcel"); and

WHEREAS, JBBrown owns certain real property adjacent to, and westerly of, the Baxter Place Property, which property is more particularly described on Exhibit "B" attached hereto and incorporated herein (the "JBB Property"); and

WHEREAS, JBBrown desires to have access for ingress and egress to and from the JBB Property on, over and across the Foundry Lane Parcel in the location depicted as the grid line area and labeled **Area "D"** on Exhibit "C", attached hereto and incorporated herein; and

WHEREAS, Baxter desires to have access for ingress and egress to and from the Baxter Place Property on, over and across the portion of the JBB Property depicted on Exhibit C with the "+" symbols and labeled **Area "E"**, and

WHEREAS, Baxter has agreed, among other things, to grant to JBBrown an irrevocable, non-exclusive, perpetual easement on, over and across the Baxter Place Property located within the Foundry Lane Parcel for access, ingress and egress to and from the JBB Property, and a temporary construction easement during the construction of the improvements to the JBB Property and to the Foundry Lane Parcel, all on the terms and conditions set forth herein; and

WHEREAS, JBBrown has agreed, among other things, to grant to Baxter an irrevocable, non-exclusive, perpetual easement on, over and across the JBB Property located within the said Area "E" for access, ingress and egress to and from the Baxter Property, all on the terms and conditions set forth herein;

NOW, THEREFORE, for and in consideration of the foregoing and of the mutual covenants contained herein, and other good and valuable consideration, the receipt, adequacy and sufficiency whereof are hereby acknowledged, the parties hereto, intending to be legally bound, do hereby agree as follows:

1. Access Easement. (a) Baxter hereby grants to JBBrown a non-exclusive, perpetual easement for pedestrian and vehicular ingress, egress and access, including "utilities services" as defined in 33 M.R.S.A. Section 458, for the benefit, use and operation of the JBB Property by tenants, guests, occupants, customers, invitees, contractors, servicemen, successors and assigns thereof, in, over, on, across and through the Baxter Place Property located within the Foundry Lane Parcel as depicted on Exhibit C as Area "B" and Area "D", but expressly excepting and reserving to Baxter the right to the eleven (11) exclusive parking spaces to be situated on the Foundry Lane Parcel and depicted on Exhibit C in the cross-hatched area labeled Area "C" (the "Baxter Place Parking Spaces").

(b) JBBrown hereby grants to Baxter a non-exclusive, perpetual easement for pedestrian and vehicular ingress, egress and access for the benefit, use and operation of the Baxter Property by tenants, guests, occupants, customers, invitees, contractors, servicemen, successors and assigns thereof, in, over, on, across and through the JBB Property located within the said Area "E". Hereinafter Area "B", Area "C", Area "D" and Area "E" are collectively referred to herein as the "Access Easement Area"; and Area "B", Area "D" and Area "E" are collectively referred to herein as the "Access Easement".

(c) Baxter and JBBrown each reserve, for itself, its successors and assigns, the use and enjoyment of the Access Easement for all purposes consistent with the foregoing use described in Paragraphs (a) and (b) above, including without limitation: (i) the right to regulate traffic in, upon, over and across its respective property; and (ii) the right to maintain, repair and replace any such driveways, roadways and any entrances, exits and other paved surfaces, sidewalks, and curbing located upon the Access Easement so long as reasonably equivalent and convenient access is provided. The easements described in this Section 1 and shall be appurtenant to and run for the benefit of the JBB Property and the Baxter Property, respectively.

(d) JBBrown, and its successors and assigns, shall be responsible, at its sole cost and expense, for the repair and maintenance of the Access Easement Area, including snow and ice removal, in a timely manner so as to provide normal access for each land owner's respective employees, tenants, guests, occupants, visitors and invitees.

(e) Notwithstanding Baxter's exclusive reservation to the Baxter Place Parking Spaces as described in paragraph (a) above, JBBrown shall have the right, but not the obligation, to lease at market rates one or more of the available Baxter Place Parking Spaces, as needed, during the overnight hours commencing each evening at 7:00pm and ending the following morning at 7:00am.

(f) Nothing in this Agreement or the Access Easement described in this Section 1 shall be deemed or construed to supersede, modify or diminish the rights set forth in that certain "Order Discontinuing Foundry Lane" attached to the Agreement between City of Portland and J.B. Brown & Sons and Baxter Place Associates dated May 16, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11924, Page 10, that expressly preserved "the retention of a public access easement and an easement for public utility facilities" on the Foundry Lane Parcel.

(g) If either party's use of the Access Easement Area results in damages thereto (except for normal wear and tear) arising from accidents, negligence, or use in a manner not consistent with use by a reasonably prudent operator, such party causing the damage shall be solely responsible for the costs of repairing such damage.

2. Temporary Construction Easement. Baxter does also hereby grant and convey unto JBBrown, its successors and assigns, during the Construction Easement Term (as defined in Section 6 below) for the benefit of the JBB Property, an easement for vehicular and pedestrian ingress, egress and access (including ingress, egress and access for and by construction vehicles), and temporary storage of materials or equipment, over the Baxter Place Property located within or near the Access Easement Area, for the purpose of construction, installation, repair, maintenance and replacement of improvements relating to the JBB Property plus an additional turn-around area for construction vehicles located on the Baxter Place Property depicted as Area "A" and shown on the attached Exhibit "C". The Construction Easement granted herein shall include during the Construction Easement Term the right to enter the JBB Property with persons and equipment for the above stated purposes, and including, without limitation, the right to construct driveways, curb cuts, turn-outs for driveways, pavement aprons, roadside landscaping, sidewalks and pedestrian walkways on the Access Easement Area. The Construction Easement shall also include the right to dig up earth and remove vegetation, trees and stones in, on and under the Foundry Lane Parcel located to such depth as may be deemed by JBBrown as necessary and convenient for the construction of the Access Easement Area and the Baxter Place Parking Spaces (hereinafter, the foregoing shall be called the "Construction Easement"). JBBrown shall, at its sole cost and expense, except for the improvements made thereto, restore the Foundry Lane Parcel to substantially the condition that it was in immediately prior to JBBrown's entry thereon. JBBrown shall (i) conduct such construction work at its sole cost, expense and risk, in a good and workmanlike manner; and (ii) comply with such rules and conditions as may reasonably be imposed and agreed to by the parties hereto in connection with such construction work.

3. Hazardous Materials. Neither JBBrown nor Baxter shall cause or permit any hazardous material to be brought upon, kept or used by it or its agents, employees, contractors, sublessees, tenants or invitees in or about the Access Easement Area, unless such hazardous material is necessary to the business of any such person or entity and such hazardous material is used, kept, stored and disposed of in a manner that complies with all applicable laws regulating any such hazardous material so brought upon or used or kept in or about the Access Easement Area.

4. Interference. The parties shall cause all construction, installation, maintenance and repair work required of either party hereunder to be conducted so as not to unreasonably interfere with any construction or business activities of the other party, its tenants, guests, customers, invitees, contractors, servicemen, on the JBB Property or the Baxter Place Property, respectively. Neither the owner of the JBB Property nor the Baxter Place Property, respectively shall, except for the improvements to the Access Easement Area erect or allow to be erected any structures or improvements on or in the Access Easement Area and shall not plant or allow to be planted or grown any trees or other plantings therein nor perform any work therein which may obstruct, impede or interfere with the use of the Access Easement Area for the purposes stated

herein.

5. Indemnity. JBBrown and Baxter each hereby indemnifies and holds the other harmless from and against any loss, cost, damage or expense, including all claims for death or injury to person or damage to or destruction of property, and including, without limitation, actually incurred reasonable attorneys' fees and court costs, which the other suffers or incurs and which arise out of or in connection with or by reason of the negligence or intentional misconduct of such indemnifying party, its tenants, occupants, customers, invitees, servicemen, agents, representatives, contractors or employees, in the conduct of the construction or maintenance performed, or the use, exercise or enjoyment of the rights and easements provided herein or related to mechanic's, materialmen's or other liens or claims arising out of such work or exercise of rights and easement herein, by such indemnifying party as contemplated under this Agreement. JBBrown and Baxter, each of them and their respective successors and assigns, shall obtain and maintain at all times commercial general liability insurance with respect to its respective property.

6. Duration and Effective Date of Construction Easements. Except as otherwise provided herein, the Construction Easement created by this Agreement shall be irrevocable during the period of the construction of the JBB Property (the "Construction Easement Term") and is effective upon the execution of this Agreement and the Construction Easement shall remain in effect throughout the Construction Easement Term, as the Construction Easement Term may be extended from time to time.

7. Grant of Easements Only. JBBrown and Baxter are not hereby conveying any land or title thereto, but merely are granting the rights, privileges and easements hereinabove set forth.

8. Priority of Easements. The easements granted by this Agreement are and will be superior in priority to any mortgages, security deeds, deeds of trust or liens, the foreclosure of which could terminate such easements.

9. Notices. Any notice, request or other communication required or permitted to be given hereunder must be in writing. All notices shall be either (a) sent by overnight delivery using a nationally recognized overnight courier, in which case notice shall be deemed delivered one Business Day after deposit with such courier, (b) sent by certified or regular U.S. mail, postage prepaid, in which case notice shall be deemed delivered two Business Days after deposit in such mails, (c) sent by facsimile or electronic mail, in which case notice shall be deemed delivered upon the mechanical confirmation of delivery or (d) sent by personal delivery, in which case notice shall be deemed delivered upon receipt or refusal of delivery, or if such receipt or delivery occurs on a day that is not a Business Day, on the next Business Day. All notices shall be addressed to each party at its address as set forth below:

If to JBBrown:

J.B. Brown & Sons
36 Danforth Street
Portland, Maine 04112
Attention: Vincent P. Veroneau
veroneau@jbbrown.com

If to Baxter:

Baxter Place, LLC
305 Commercial Street
Portland, Maine 04101
Attention: Elizabeth K. Astor
elizabethastor@aol.com

Any party may designate a change of address by written notice to the other party delivered at least ten (10) days before such change of address is to become effective.

10. Amendment. The provisions of this Agreement may be abrogated, modified, rescinded or amended in whole or in part only with the consent of the parties hereto, their successors and assigns, in a written instrument duly executed, delivered and recorded.

11. Governing Law. This Agreement shall be governed by, interpreted under, and construed and enforced exclusively in accordance with the provisions hereof and the laws of the State of Maine.

12. Binding Effect. The easement rights, obligations and restrictions created hereby shall be rights, obligations and restrictions running with the land and shall be binding upon and inure to the benefit of the owner of the Baxter Place Property and the owner of the JBB Property land, and their respective heirs, successors and assigns.

IN WITNESS WHEREOF, the undersigned have executed and delivered this Agreement under seal as of the day and year first above written.

BAXTER PLACE, LLC

By: _____
Elizabeth K. Astor
Its

D.7 2nd workshop

J. B. BROWN & SONS

By: _____
Vincent P. Veroneau
Its President

STATE OF MAINE
County of Cumberland _____, 201_

Personally appeared the above-named, Elizabeth K. Astor, the _____ of
Baxter Place, LLC and acknowledged the foregoing instrument to be her free act and deed
and the free act and deed of said Baxter Place, LLC.

Before me,

Notary Public/Attorney at Law

Printed Name

STATE OF MAINE
COUNTY OF CUMBERLAND _____, 201_

Personally appeared the above-name Vincent P. Veroneau, the President of J.B.
Brown & Sons and acknowledged the foregoing instrument to be his free act and deed
and the free act and deed of said J.B. Brown & Sons.

Before me,

Notary Public/Attorney at Law

Printed Name

EXHIBIT A
(Baxter Place Property)

Certain real property, together with any improvements thereon, situated on Commercial Street in the City of Portland, Cumberland County, Maine and more particularly described as follows:

Beginning at the Southwesterly corner of Center Street with the northwesterly corner of Commercial Street; thence N 20° 26' 35" W, 228.64 feet to a monument on the Westerly side of Center Street; thence N 20° 24' 20" W along the Westerly side of Center Street, 147.47 feet to an iron; thence along property now or formerly owned by J.B. Brown & Sons S 69° 35' 40" W, 69.48 feet to a point; thence S 32° 13' 43.15" W, 47.91 feet to a point; thence S 17° 24' 28.71" W, 5.67 feet to a point; thence S 29° 05' 2.80" E, 43.24 feet to a point; thence S 20° 24' 20" E, 47.12 feet to a point; thence S 27° 55' 50.68" W, 109.19 feet to a point; thence S 20° 38' 42.83" E, 75.29 feet to a point; thence S 41° 56' 25" E, 19.10 feet to an iron; thence S 56° 51' 9.87" W, 30.04 feet to a point; thence S 30° 09' 00" E, 166.23 feet along land now or formerly of J.B. Brown & Sons to the Northwesterly side of Commercial Street; thence N 41° 28' 00" E, 6.17 feet to an angle point; thence N 44° 50' 50" E, 25.40 feet to the building corner; thence N 44° 50' 50" E, 166.87 feet to the point of beginning, containing approximately 1.51 acres.

Being the same premises conveyed to Baxter Place, LLC in a Corrective Short Form Quitclaim Deed dated March 29, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23803, Page 51.

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EXHIBIT A-1
(Foundry Lane Parcel)

A certain lot or parcel of land situated on the westerly side of Commercial Street in the City of Portland, County of Cumberland, and State of Maine and being all of **Parcel C** as delineated on a plan entitled "Land of Baxter Place Associates and Disposition of Foundry Lane, Portland, Maine" by Herbert P. Gray dated May 16, 1995 (hereinafter the "Plan") recorded in the Cumberland County Registry of Deeds in Plan Book 195 Page 127 and being further bounded and described as follows:

Starting at a point which is at the most southwesterly corner of land owned by J.B. Brown & Sons and delineated on the Plan as Parcel A; thence S 44° 50' 50" W, along Commercial Street, 25.40 feet to a point; thence S 41° 28' 00" W, along Commercial Street, 6.17 feet to a point; thence N 30° 09' 00" W, along property now or formerly of J.B. Brown & Sons, 166.23 feet to a point, thence N 56° 51' 9.87" E, 30.04 feet to a 5/8" rod with cap #509; thence S 30° 17' 30" E, 159.28 feet to the point of beginning.

The above described premises being the southerly portion of the former Foundry Lane having been discontinued by the Portland City Council by Order #197, dated March 20, 1995, and being more particularly described in that certain Agreement between the City of Portland and J. B. Brown & Sons and Baxter Place Associates dated May 16, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11924, Page 10.

EXHIBIT B
(JBB Property)

A certain lot or parcel of land situated on the westerly side of Commercial Street in the City of Portland, County of Cumberland, and State of Maine, and being bounded and described as follows:

Beginning at the northeast corner of the property, at a point on the west side of Commercial Street at the southerly intersection with the former Foundry lane, land now or formerly owned by Baxter Place, LLC; thence South $22^{\circ} 04' 28''$ West along the west side of Commercial Street a distance of 238.08' to a point; thence along a curve to the right having a radius of 11.21' a distance of 21.58' to a point; thence North $47^{\circ} 39' 05''$ West along the north side of Maple Street a distance of 155.08' to a 5/8-inch iron rod found 6" below grade, having a cap stamped "HP GRAY PLS 387"; thence North $42^{\circ} 17' 26''$ East along land now or formerly owned by J B Brown & Sons a distance of 73.09' to a 5/8-inch iron rod found 6" below grade, having a cap stamped "HP GRAY PLS 387"; thence North $8^{\circ} 30' 56''$ East along land now or formerly owned by J B Brown & Sons a distance of 186.34' to a point; thence South $61^{\circ} 19' 32''$ East along the former Foundry Lane, land now or formerly owned by J B Brown & Sons a distance of 21.40' to a PK spike found in pavement; thence South $49^{\circ} 32' 32''$ East along the former Foundry Lane, land now or formerly owned by Baxter Place, LLC a distance of 166.23' to the point of beginning.

ALSO a certain lot or parcel of land, situated at the intersection of the southeasterly side of York Street and the easterly side of Maple Street, in the City of Portland, County of Cumberland and State of Maine, and being bounded and described as follows:

Beginning at the intersection of the easterly side of Maple Street and the southeasterly side of York Street, and thence proceeding N $47^{\circ} 57' 00''$ E along the southeasterly side of York Street, 234.74 feet to the intersection of the southeasterly side of York Street and the former westerly side of Foundry Lane, now of J.B. Brown & Sons; thence proceeding S $41^{\circ} 56' 00''$ E along said land of J.B. Brown & Sons in said former line of Foundry Lane, 138.50 feet; thence proceeding S $27^{\circ} 57' 00''$ W, 186.17 feet to a point; thence proceeding S $61^{\circ} 50' 00''$ W, 73.27 feet to the easterly side of Maple Street; thence proceeding N $28^{\circ} 10' 00''$ W along the easterly side of Maple Street, 107.39 feet to the intersection of said Maple and York Streets and the point of beginning.

ALSO, a certain lot or parcel of land situated on the southeasterly side of York Street in the City of Portland, County of Cumberland, and State of Maine and being all of **Parcel D** as delineated on a plan entitled "Land of Baxter Place Associates and Disposition of Foundry Lane, Portland, Maine" by Herbert P. Gray dated May 16, 1995 (hereinafter the "Plan") recorded in the

D. 11

Cumberland County Registry of Deeds in Plan Book 195 Page 127 and being further bounded and described as follows:

Starting at a 5/8" rod set with cap #509 on the southeast corner of York Street; thence along the southerly side of J. B. Brown & Sons' property delineated on the Plan as Parcel B S 41'-56'-25" E, 175.31 feet to a 5/8" rod with cap #509; thence S 56°-51'-9.87" W, 30.04 feet to a point; thence N 41°-56'-00" W, along property now or formerly of J. B. Brown & Sons, 159.85 feet to a point, thence N 27°-57'-00" E, 31.61 feet along the southeasterly side of York Street to the 5/8" rod set with cap #509 being the point of beginning.

The above described premises being the northerly portion of the former Foundry Lane having been discontinued by the Portland City Council by Order #197, dated March 20, 1995, and being more particularly described in that certain Agreement between the City of Portland and J. B. Brown & Sons and Baxter Place Associates dated May 16, 1995 and recorded in the Cumberland County Registry of Deeds in Book 11924, Page 10.

(to be modified to reflect final Foundry Lane layout) D.12

LOT 40-E-1
EXHIBIT B

EXHIBIT C

N37°27'43"E
30.06'

LIMITS OF FORMER
FOUNDRY LANE
DEDICATED TO BAXTER
EXHIBIT A-1

AREA "E": ACCESS AND
DRIVEWAY EASEMENT TO
BENEFIT BAXTER

AREA "A": TEMPORARY
CONSTRUCTION EASEMENT
TO BENEFIT J B BROWN

LOT 40-E-3
EXHIBIT B

LOT 40-F-9
EXHIBIT A

AREA "B": PUBLIC
PEDESTRIAN EASEMENT

AREA "C": 11 PARKING SPACES

AREA "D": ACCESS AND
DRIVEWAY EASEMENT TO
BENEFIT J B BROWN

N49°32'33"W
166.23'

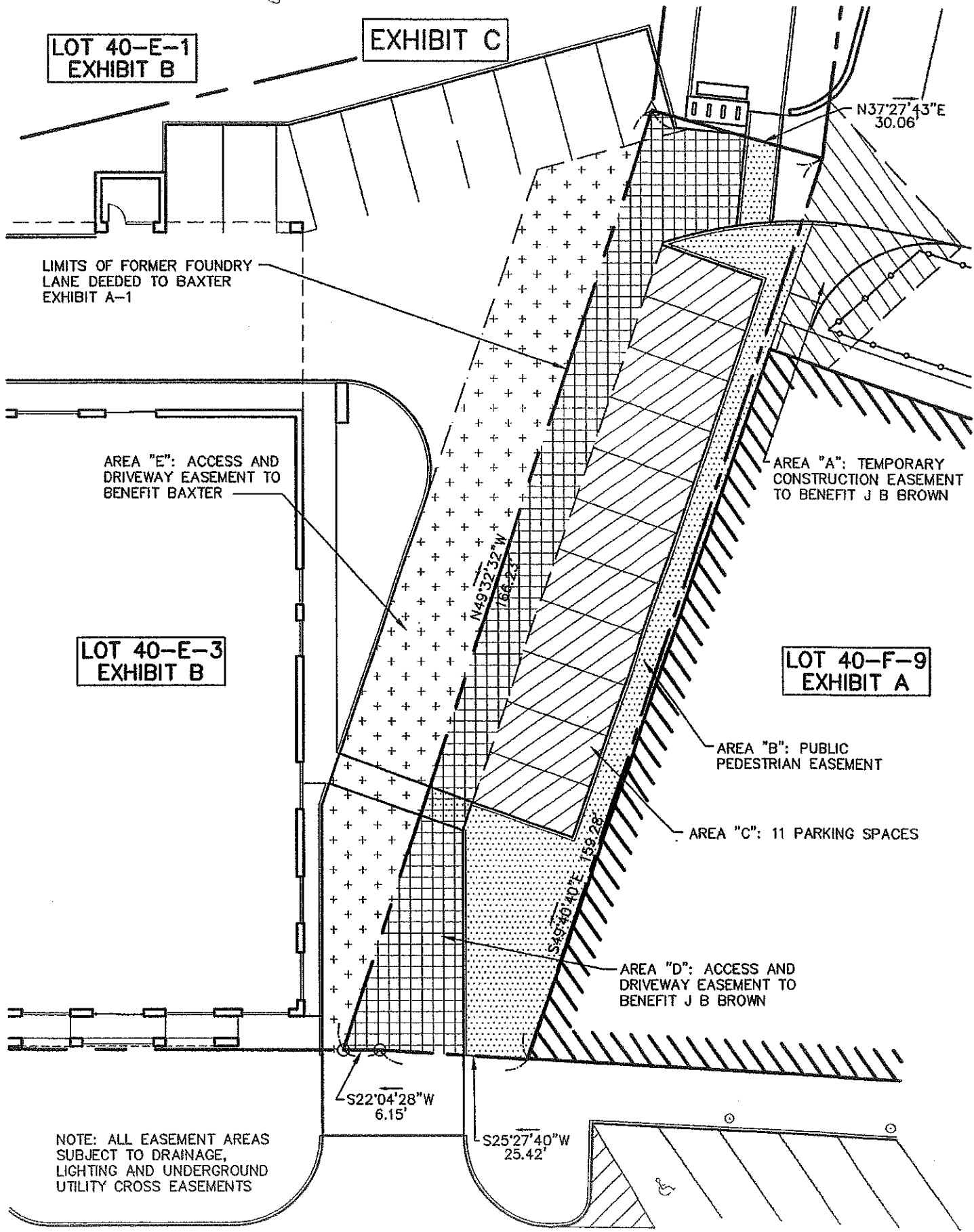
S49°40'40"E
159.28'

S22°04'28"W
6.15'

S25°27'40"W
25.42'

NOTE: ALL EASEMENT AREAS
SUBJECT TO DRAINAGE,
LIGHTING AND UNDERGROUND
UTILITY CROSS EASEMENTS

COMMERCIAL STREET



8. Requested Waivers

1. Location and spacing of driveways:

Standard: Under the City's 'Technical Manual' Section 1.7.2.7 Location and spacing of driveways, requires that along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below: for roads with a speed limit of 30 mph the minimum separation shall be 125' (including driveways on both sides of the street).

The waiver is required in order to allow the driveway on Maple Street. This driveway is approximately 80' from the driveway to the existing paved parking lot on Maple Street. It will be almost directly across from a parking area/driveway to the Rufus Deering property and will be approximately 100' from the driveway to the lumber yard across the street. The distances are required for safe traffic movement considering the speed limit of the street the driveway is exiting on. There is no posted speed limit on Maple Street and we are being conservative in assuming a 30 mph limit. In actuality the speeds are typically less than 30 due to the natural traffic calming. There is a short distance of 275' from Commercial Street to York Street/Maple Street intersection with stop signs at either end. There are also parallel parking spaces on both sides of Maple Street. This combination greatly reduces speeds along Maple Street. The sight distance has also been review by the traffic engineer John Adams, P.E., PTOE, who found it satisfactory. Considering the reduced speeds and the satisfactory sight distance for the proposed driveway it should operate safely as proposed.

2. Required number of bicycle parking spaces:

Standard: Under the city's Land Use Ordinance Section 14-526 (a) 4. b. (ii) The reviewing authority may reduce the required number of bicycle parking spaces if it determined, based on evidence submitted by the applicant that the proposed development is expected to generate a reduced demand for bicycle parking.

The required number of bicycle parking spaces is based on the required parking spaces. The parking requirements for this project are to be determined by the planning board because the project is greater than 50,000 sq.ft. This determination is based on a parking analysis. Therefore our required bicycle parking based on the parking analysis will be:

Bicycle Parking Required:

$$\begin{aligned} \text{Residential} &= 2 \text{ bikes/5 dwelling units} = 14/5 \times 2 = \underline{6 \text{ spaces}} \\ \text{Non-residential} &= 2 \text{ bike/10 parking spaces req.} \\ &= 86 \text{ hotel spaces} + 10 \text{ restaurant spaces} \\ &= 96/2 \times 10 = \underline{20 \text{ spaces}} \end{aligned}$$

The required number of bicycle parking spaces is 26. The greatest number of parking spaces is generated by the hotel which will require the fewest bicycle parking spaces. Virtually no hotel guest will arrive by bicycle. Furthermore very few will bring a bike to ride around the city. We are providing 14 bicycle parking spaces around the site which should be adequate for the residents, restaurant patrons, and employees of the restaurant and hotel. There will also be space for 6 residential bikes within a storage room on the sixth floor.

9. Financial and Technical Capacity

Technical Capability

The project will be designed and built by Opechee Construction Corporation. Opechee has shown their technical ability with the construction and designs related to the redevelopment of the former Jordan's Meats site. A curriculum vitae is attached to this exhibit.

Financial Capability

Attached is a letter indicating the applicant's financial ability to complete the project.



October 17, 2012

City of Portland Planning Board

Re: Proposed Hotel/Apartment and Retail project, 311 Commercial Street

To Whom It May Concern:

The project developer, J.B. Brown & Sons have presented the Bank with preliminary plans and budgets for the proposed mixed-use project consisting of a 130 room hotel, first floor retail space and 14 apartment units. The Bank is familiar with the sponsor and has experience with its development capabilities. The Bank has also reviewed the sponsor's financials and is very comfortable with J.B. Brown's financial condition. As such the Bank has a high degree of interest in providing construction financing for the project.

Based on the developer's financial capacity, development experience, and a preliminary review of the project's cash flow projections, we believe that the project and sponsor have the necessary components to develop and operate the project successfully.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael P. O'Reilly".

Michael P. O'Reilly
Vice President, Commercial Banking



Key Employees

Mark Woglom

Position: President

Responsibilities: Business Management, Sales, Estimating, Project Management

Education: University of New Hampshire
Bachelor of Science – Business Administration

Experience: 1990 – 1996 Opechee Construction Management Corporation
Vice President

1988 – 1990 Keewaydin Properties
Development Coordinator

Gregory Kirsch, Esq.

Position: Vice President, Secretary and General Counsel
President of Astoria Properties (Development Affiliate)

Responsibilities: Legal Counsel, Real Estate Development

Education: University of Virginia
Jurist Doctor – Master of Business Administration

Harvard College
Bachelor of Arts

Experience: 1990 – 1996 Sulloway & Hollis, PLLC
Attorney

1994 – 1996 US Court of Appeals
Law Clerk

1986 – 1991 Burnham Bros, Inc.
President and CEO

1985 – 1986 Computer Aided Communications
Vice President and General Manager

1980 – 1982 Marriott Corporation
Financial Analyst

Tim Daigneault

Position: Vice President

Responsibilities: Project Management, Design Management, Estimating

Education: University of New Hampshire
Bachelor of Arts – Political Science

Experience: 1995 – 1997 Trapper Brown Corporation
Vice President

1993 – 1994 International Resistor Corporation
Materials Manager

1987 – 1992 Northern Insulation
President

1986 – 1987 3D Builders
Owner

1983 – 1986 Sprague Electric Company
Material Manager/International Service Representative

Geoffrey Gray

Position: Financial Controller & Treasurer

Responsibilities: Finances, Office Oversight

Education: Southern New Hampshire University
Bachelor of Science – Accounting

Experience: 1999 – 2004 Robert G. Stinson & Associates, P.C.
Staff Accountant, Payroll/Bookkeeping Manager

Jason Blais, P.E.

Position: Project Manager

Responsibilities: Project Management, Design Management, Site Layout, Approval Management

Education: University of New Hampshire
Bachelor of Science – Civil Engineering

Experience: 1983 – 1994 Assoc. Engineering Services
Civil Engineer/Surveyor

Steve Long, P.E.

Position: Civil Engineer

Responsibilities: Design Management, CADD Management, Site Layout, Approval Management

Education: University of New Hampshire
Bachelor of Science – Civil Engineering

Experience: 1991 – 1993 Patrowicz Land Development Engineering
Civil Engineer

1990 – 1991 North East Transmission Surveys, Inc.
Surveyor

1987 – 1990 A.J. Maillet, Inc.
Civil Engineer

Don Blajda, R.A.

Position: Project Architect

Responsibilities: Architecture, Design Management

Education: New Hampshire Technical Institute
Associate Degree – Architectural Engineering Technology

Experience: 1988 – 2000 State of New Hampshire DOT
Project Manager, Architectural Engineer

1988 Levine Professional Engineering
CAD Designer

1986 – 1988 White Mountain Design Group
Designer/Draftsman

Keith Hemingway, R.A.

Position: Project Architect

Responsibilities: Architecture, Design Management

Education: New Hampshire Technical Institute
Associate Degree – Architectural Engineering Technology

Experience: 1987 – 2010 Self Employed
Architect

1997 – 2001 Opechee Construction
Project Architect

1990 – 1992 Lavalley-Brensinger Architects
Project Architect

1978 – 1987 Frank P Marinace, Architect, PA
Project Architect

2. Traffic Studies

Traffic Study

Based on the traffic study scoping documentation, this project will generate between 100 and 200 trips and will therefore require a State of Maine Traffic Movement Permit (TMP) issued by the City under its delegated authority. The TMP application and scoping documentation has been submitted to the City Traffic Engineer prior to or simultaneously with this site plan application. It is anticipated that the scoping meeting will be held in October and the completed traffic study submitted in November.

Parking Study

A Parking Study has been prepared for this project and is attached.

Transportation Demand Management (TDM) Plan

A Transportation Demand Management (TDM) Plan has been prepared for this project and is attached.

*Engineering,
Landscape Architecture
and Environmental Science*



**REQUEST FOR SCOPING MEETING
TRAFFIC MOVEMENT PERMIT SUBMISSION**

**Mixed-Use Development
311-331 Commercial Street
Portland, Maine**

On behalf of

**J.B. Brown & Sons, Inc.
P.O. Box 207
Portland, ME 04112**

October 11, 2012

G.1.2

October 11, 2012

Ms. Barbara Barhydt
Development Review Services Manager
Development Review Program
City of Portland
389 Congress Street
Portland, ME 04101-3509

**RE: Request for Traffic Movement Permit (TMP) Scoping Meeting
Proposed Mixed-Use Development
Commercial Street, Portland, Maine
MMI #5002-01-2**

Dear Barbara:

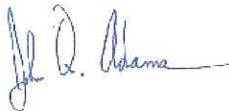
Milone & MacBroom, Inc. is working with J. B. Brown & Sons, Inc. on the redevelopment of a mixed-use development located at the intersection of Maple Street and Commercial Street. The proposed mixed-use development will consist of the following uses: a 131-room hotel, 7,000-square-foot restaurant, and 14 residences. Currently, a gravel surface parking lot use occupies the site, which will be removed.

Copies of the "Notice of Intent to File," which is being submitted to the City of Portland, the Maine Department of Transportation (MDOT), and all of the abutters concurrently with this filing, are included in this application.

Prior to submission of this TMP scoping document, we have had preapplication discussions with city staff and the city's Traffic Engineer. While we believe this package is complete, please do not hesitate to contact me should you have any questions or require additional information. The applicant looks forward to proceeding with the City of Portland's review of the TMP for this project so that construction can be commenced in early 2013. As such, we welcome the opportunity to meet with you in the near future at a formal scoping meeting.

Very truly yours,

MILONE & MACBROOM, INC.



John Q. Adams, P.E., PTOE
Maine Regional Manager

Enclosures

cc: J. B. Brown & Sons, Inc.
Opechee Construction
Derek Olson, MDOT Southern Region Traffic Engineer

04271

G.I.B.

Department of Transportation
Traffic Engineering Division
16 State House Station
Augusta, Maine 04333
Telephone: 207-624-3620

FOR MDOT USE
ID #

1/2000

Total Fees:
Date Received:

PERMIT APPLICATION - TRAFFIC
TRAFFIC MOVEMENT PERMIT, 23 M.R.S.A. § 704 - A

Please type or print:

This application is for: Traffic 100-200 PCE's
Traffic 200+ PCE's

Name of Applicant: JB Brown & Sons, Inc.

Address: PO Box 207, Portland, ME 04112 Telephone: (207) 774-5908

Name of local contact or agent: John Q. Adams, P.E., PTOE, Milone & MacBroom, Inc.

Address: 100 Commercial St., Suite 417, Portland, ME 04101 Telephone: (207) 541-9544

Name and type of development: Mixed-Use Development Including; Hotel, Restaurant and Residences

Location of development including road, street, or nearest route number: Corner of Maple Street at 311 Commercial Street

City/Town/Plantation: Portland, County: Cumberland Tax Map # 40, Lot # 3

Do you want a consolidated review with DEP pursuant to 23 M.R.S.A. § 704-A (7)? Yes No

Was this development started prior to obtaining a traffic permit? No

Is the project located in an area designated as a growth area (as defined in M.R.S.A. title 30 - A, chapter 187)?
Yes No

Is this project located within a compact area of an urban compact municipality? Yes No

Is this development or any portion of the site currently subject to state or municipal enforcement action?
No

Existing DEP or MDOT permit number (if applicable): N/A

Name(s) of DOT staff person(s) contacted concerning this application: Tom Errico, P.E., City Traffic Review Engineer and Derek Olson, P.E., MDOT Southern Region Traffic Engineer

Name(s) of DOT staff person(s) present at the scoping meeting for 200+ applications: _____

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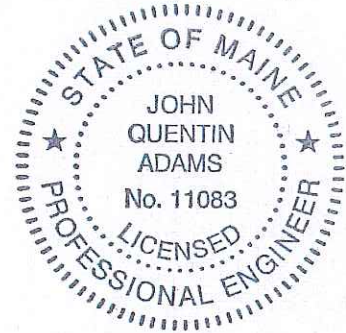
CERTIFICATION

The traffic engineer responsible for preparing this application and/or attaching pertinent site and traffic information hereto, by signing below, certifies that the application for traffic approval is complete and accurate to the best of his/her knowledge.

Signature: John Q. Adams Re/Cert/Lic No.: 11083

Name (print): John Q. Adams, P.E., PTOE

Date: October 9, 2012



If the signature below is not the applicant's signature, attach letter of agent authorization signed by applicant.

"I certify under penalty of law that I have personally examined the information submitted in this document and all attachments thereto and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the information is true, accurate, and complete. I authorize the Department to enter the property that is the subject of this application, at reasonable hours, including buildings, structures or conveyances on the property, to determine the accuracy of any information provided herein. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

JB Brown & Sons, Inc.
By Vincent Veroneau, President & CEO

Vincent P. Veroneau
Signature of applicant

.... 10/9/2012
Date

NOTICE OF INTENT TO FILE

Please take notice that

JB Brown & Sons, Inc.
PO Box 207
Portland, ME 04112
(207) 774-5908

is intending to file a Traffic Movement Permit application with the Maine Department of Transportation pursuant to the provisions of 23 M.R.S.A. § 704 - A on or about the:

10/9/12

The application is for:

A mixed-use development on the site of an existing gravel parking lot located at 311 Commercial Street at the corner of Maple Street in Portland. The development will consist of a 131 room hotel, 7,000 sf of restaurant use and 14 residences. The site will be served by a proposed entrance on Maple Street and the existing site entrance on Commercial Street. Both site entrances will be full-access. New trips generated by the proposed development will consist of 109 trip-ends during a typical weekday AM peak hour and 137 trip-ends during a typical weekday PM peak hour. Construction and occupancy are anticipated in 2014.

at the following location:

The proposed project is located on the west side of Commercial Street (#311) at the corner of Maple Street in the City of Portland.

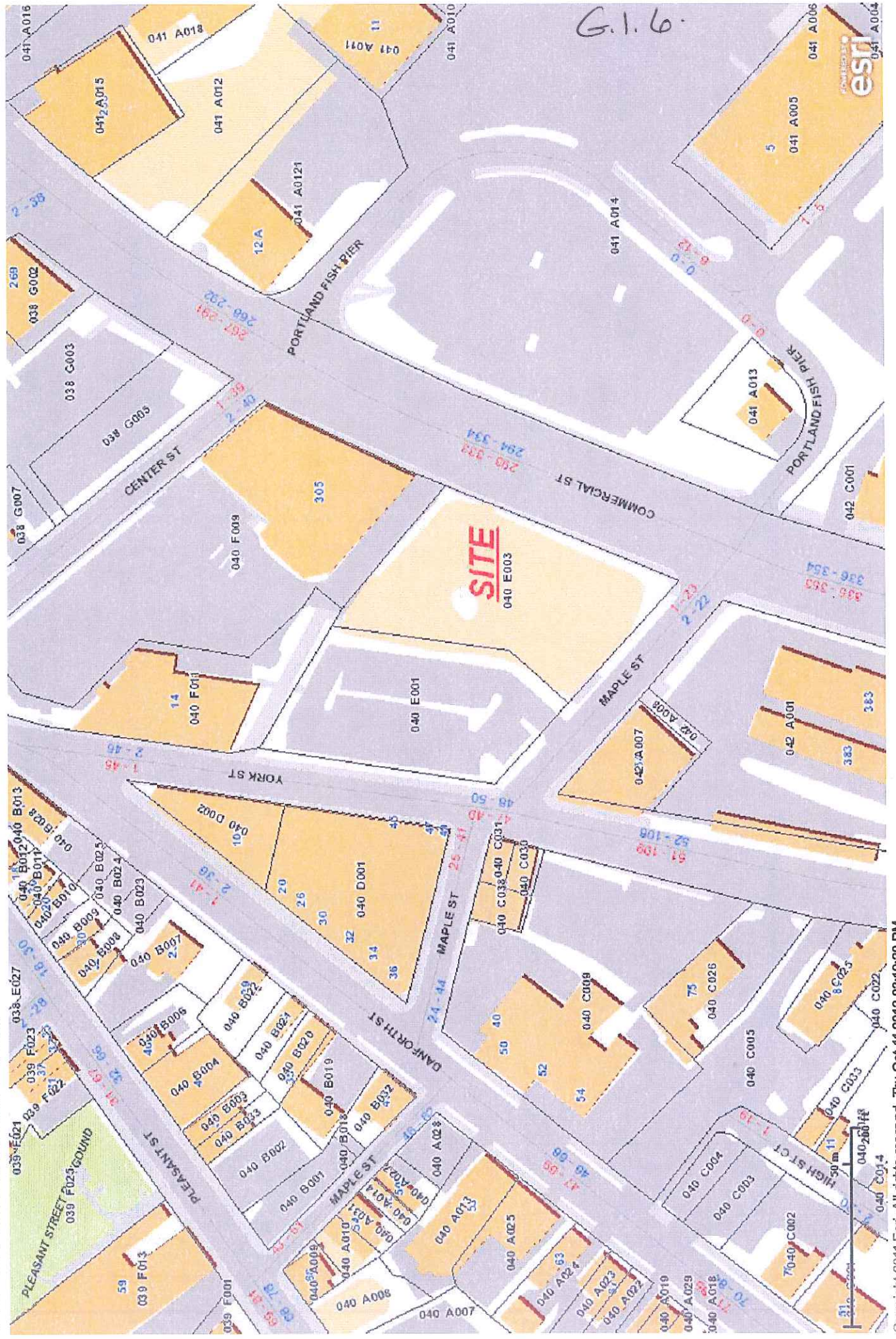
A request for a public hearing must be received by the Department, in writing, no later than 20 days after the application is found by the Department to be complete and is accepted for processing. Public comment on the application will be accepted throughout the processing of the application.

The application will be filed for public inspection at the Department of Transportation Division office (Scarborough) during normal working hours. A copy of the application may also be seen at the municipal offices in Portland, Maine.

Written public comments may be sent to the Department of Transportation, Traffic Engineering Division, 16 State House Station, Augusta, Maine 04333.

Mixed-Use Development - J.B. Brown & Sons

311-331 Commercial Street



G.1.7

CBL	OWNR_NAME1	OWNR_NAME2	OWNR_CITY	OWNR_STATE	MAIL_ADDR1	ZIPCODE
038 E019001	EMSWORTH PROPERTY LLC		CHICAGO	IL	2136 NORTH SEMINARY AVE	60614
038 E020001	7-19 PLEASANT STREET LLC		PORTLAND	ME	PO BOX 7225	4112
038 E021001	7-19 PLEASANT STREET LLC		PORTLAND	ME	PO BOX 7225	4112
038 E023001	7-19 PLEASANT STREET LLC		PORTLAND	ME	PO BOX 7225	4112
038 E024001	STEINBERG HENRY		SOUTH PORTLAND	ME	PO BOX 2187	4116
038 E027001	FIVE SOUTH STREET LLC		PORTLAND	ME	5 SOUTH ST	4101
038 G001001	RREEF AMERICA REIT III CORP Z4		SCOTSDALE	AZ	PO BOX 4900 DEPT 207	85261
038 G00202A	STEWART J JASON		NEW YORK	NY	332 EAST 84TH ST 1-B	10028
038 G00202B	MARR JEAN		FALMOUTH	ME	64 UNDERWOOD RD	4105
038 G00202C	GREEN DESIGN LLC		CAPE ELIZABETH	ME	20 BIRCH KNOLLS	4107
038 G00202D	MCDEVITT JERRY S		CAPE ELIZABETH	ME	110 SHERBORNE DR	15317
038 G00202E	VEILLEUX CASEY J		MCMURRAY	PA	269 COMMERCIAL ST # 2E	4101
038 G00202F	SERAICHICK PETER J &	SUSAN SERAICHICK JTS	PHOENIX	AZ	5612 E CALLE CAMELIA	85018
038 G00203A	CLARK FREDERICK A &	MARCIA J CLARK JTS	PORTLAND	ME	269 COMMERCIAL ST # 3A	4101
038 G00203B	RICE LEE P		FREMONT	NH	17 POPLIN DR	3044
038 G00203C	LEWIS LAWRENCE &	JOANNE LEWIS	PORTLAND	ME	199 VAUGHAN ST # 6	4102
038 G00203D	HUDON WILFRED R		WELLS	ME	P.O.BOX 718	4090
038 G00203E	CONKLIN HENRY C		ISLEBORO	ME	PO BOX 219	4848
038 G00203F	TUCKER HAROLD W III		TOPSHAM	ME	41 MALLETT DR	4086
038 G00204A	NOYES TODD W &	TAMMY W NOYES JTS	TOPSHAM	ME	6 E SCHOOLHOUSE CROSSING RD	4086
038 G00204B	EADS TYLER G		PORTLAND	ME	269 COMMERCIAL ST # 4B	4101
038 G00204C	MCDEVITT JOHN J IV		PORTLAND	ME	269 COMMERCIAL ST # 4C	4101
038 G00204D	KIMBLE ELLEN SUE		PORTLAND	ME	269 COMMERCIAL ST # 4D	4101
038 G00204E	LOWRY KATE &	BENJAMIN LOWRY	FALMOUTH	ME	8 BOWDOIN DR	4105
038 G00204F	WONG ROCKET &	LILLIANA M ACUNA JTS	PORTLAND	ME	269 COMMERCIAL ST # 4F	4101
038 G00205A	BERG ERIC O JR TRUSTEE	OF ERIC O BERG REVOCABLE TRUST	WATKINSVILLE	GA	1190 MOUNTAIN LAUREL DR	30677
038 G00205B	TARBOX JEFFERY H		WASHINGTON	DC	400 MASSACHUSETTS AVE NW # 518	20001
038 G00205C	TALBOT CHELSEA E &	ANTHONY G BERLUCCHI JTS	GREENLAND	NH	1 NIBLUCK LN	3840
038 G00205D	DONOHUE CHERYL A		BOSTON	MA	9 APPLETON ST # 400	2216
038 G00205E	FLAHERTY CHRISTOPHER F		JACKSONVILLE	FL	1431 RIVERPLACE BLVD # 3103	32207
038 G00205F	MANN CHRISTIANA E		PORTLAND	ME	269 COMMERCIAL ST # 5F	4101
038 G002267	MCNULTY BEVIN A		PORTLAND	ME	86A PLEASANT ST	4101
038 G002271	JKC LLC		PORTLAND	ME	267 WARREN AVE	4103
039 F023001	RENNER RICHARD K		PORTLAND	ME	35 PLEASANT ST	4101
040 A013001	53 DANFORTH STREET LP		PORTLAND	ME	ONE CITY CENTER 4TH FLOOR	4101
040 A027001	ST PIERRE TRACY M &	MARGARET A BROUCEK JTS	PORTLAND	ME	50 MAPLE ST	4101
040 A028001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 B001001	BAKERY LILIMITED LIABILITY CO		PORTLAND	ME	61 PLEASANT ST	4101
040 B002001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 B003001	COSTIN MICHAEL N &	MARY ELIZABETH BROWNE JTS	PORTLAND	ME	98 PLEASANT ST # 2	4101
040 B004001	ORA PROPERTIES LLC		CAPE ELIZABETH	ME	13 HUNTS POINT RD	4107
040 B006001	MCCARTHY EDWARD A &	SYBIL R MCCARTHY JTS	PORTLAND	ME	40 PLEASANT ST	4101

G.1.8

CBL	OWNR_NAME1	OWNR_NAME2	OWNR_CITY	OWNR_STATE	MAIL_ADDR1	ZIPCODE
040 B007001	SCHWARTZ DONNA L		PORTLAND	ME	85 CLINTON ST	4103
040 B008001	32 PLEASANT STREET LLC		PORTLAND	ME	32 PLEASANT ST	4101
040 B009001	30 PLEASANT STREET LLC		PORTLAND	ME	32 PLEASANT ST	4112
040 B010001	IRACE JOHN & ADELINE I IRACE TRUSTEES		FALMOUTH	ME	29 THORNHURST RD	4105
040 B012001	18 PLEASANT ST ASSOC		PORTLAND	ME	18 PLEASANT ST	4101
040 B013001	GIOBBI CARLO JR		SOUTH PORTLAND	ME	2 COTTAGE RD	4106
040 B015001	GIOBBI CARLO JR		SOUTH PORTLAND	ME	2 COTTAGE RD	4106
040 B017001	GIOBBI ARCHIE S & MATILDA M JTS		PORTLAND	ME	1184 WASHINGTON AVE	4103
040 B018001	BERLINGIERI WILLIAM M & SUZANN B KOLE JTS		PEAKS ISLAND	ME	146 CENTRAL AVE	4108
040 B020001	TOBEY LINDA W		PORTLAND	ME	37 DANFORTH ST	4101
040 B021001	FOX STEPHEN H		PORTLAND	ME	33 DANFORTH ST	4101
040 B022001	MCCARTHY EDWARD A & SYBL R MCCARTHY		PORTLAND	ME	40 PLEASANT ST	4101
040 B023001	WRIGHT-RYAN REAL ESTATE LLC		PORTLAND	ME	10 DANFORTH ST	4101
040 B028001	GIOBBI ARCHIE S & MATILDA M JTS		PORTLAND	ME	1184 WASHINGTON AVE	4103
040 B032001	TREEHOUSE LLC		PORTLAND	ME	70 CENTER ST 3RD FLOOR	4101
040 B033001	RIVOLI KELLY L & JAMES A RIVOLI JTS		PORTLAND	ME	56 PLEASANT ST # 1	4101
040 B033002	BARTHELMAN TIMOTHY S		PORTLAND	ME	56 PLEASANT ST # 2	4101
040 B033003	RUNNING SALLY		PORTLAND	ME	56 PLEASANT ST # 3	4101
040 C003001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 C004001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 C005001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 C009001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 C018001	BROWN J B & SONS		PORTLAND	ME	482 CONGRESS ST	4112
040 C022001	HARBORVIEW LLC		PORTLAND	ME	482 CONGRESS ST	4101
040 C022002	HARBORVIEW LLC		PORTLAND	ME	482 CONGRESS ST	4101
040 C025001	BROWN J B & SONS		PORTLAND	ME	36 DANFORTH ST	4101
040 C026001	75 YORK STREET LLC		PORTLAND	ME	15 FRANKLIN ST	4101
040 C030001	ALL IN ENTERPRISES LLC		SCARBOROUGH	ME	5 LINCOLN AVE	4074
040 C033001	BROWN J B & SONS		PORTLAND	ME	482 CONGRESS ST	4101
040 D001001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 D002001	WRIGHT-RYAN REAL ESTATE LLC		PORTLAND	ME	10 DANFORTH ST	4101
040 E001001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 E003001	BROWN J B & SONS		PORTLAND	ME	PO BOX 207	4112
040 F009001	BAXTER PLACE LLC		PORTLAND	ME	PO BOX 207	4112
040 F011001	BROWN J B & SONS		PORTLAND	ME	305 COMMERCIAL ST	4101
041 A001002	VESSELL SERVICES INC	ATTN: DAVID LEEMAN	PORTLAND	ME	PO BOX 207	4112
041 A015001	WATERFRONT MAINE BT LLC		NEW YORK	NY	PORTLAND FISH PIER	10001
042 A001001	MILLIKEN SMITH BLOCK LLC		PORTLAND	ME	224 12TH AVE	4101
042 A007001	RUFUS DEERING COMPANY		PORTLAND	ME	383 COMMERCIAL ST	4101
042 C001001	GULF OF MAINE PROPERTIES INC		PORTLAND	ME	PO BOX 7549	4112
042 C003001	GULF OF MAINE RESEARCH INSTITUTE		PORTLAND	ME	350 COMMERCIAL ST	4101

Table of Contents

- *Cover Letter*
- *Traffic Movement Permit Application & Notice of Intent to File*
- *Tax Map & Abutters List*

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Accident Data	2
Development Entrances and Exits	3
Title Right or Interest	4
Public or Private Rights-of-Way (Including Site and Boundary Plans)	5
Construction Schedule	6

5002-01

Section 1 Site and Traffic Information

1.1 Site Plan and Development History

J.B. Brown & Sons is proposing a mixed-use development at the corner of Maple Street and Commercial Street. The site is shown on the site location plan attached at the end of this section. The proposal includes a 131-room hotel, 7,000 sf of restaurant use, and 14 residences. The proposed development is located on the north side of Commercial Street on the site of an existing gravel surface parking lot (#311-331 Commercial Street). The site is bordered by Commercial Street to the south, Maple Street to the west, a commercial building and parking lot to the east, and a parking lot to the north. The project site is identified on City of Portland tax maps as Map 40, Block E, Lot 3. The site is surrounded by a mix of business, commercial, and residential uses including hotels, parking lots, restaurants, office space, apartments, condominiums, and other commercial uses.

Access to the site is currently provided by a full-access entrance on Commercial Street. Under the proposed condition, the site will be served by two full-access site entrances on Commercial Street and Maple Street. The site entrances are shown on the preliminary site plan attached in Section 5. Major access routes to the site will be from Franklin Street to the north and Commercial Street to the east and south.

Commercial Street in the vicinity of the project is a two-lane, bi-directional roadway with a width of approximately 86 feet with on-street parking on both sides traversing from south to north through commercial, industrial, retail, and residential areas of Portland. The posted speed on Commercial Street is 30 mph.

Maple Street in the vicinity of the project is a two-lane, bi-directional roadway with a width of approximately 32 to 34 feet with on-street parking along both sides traversing from south to north through commercial, retail, and residential areas of Portland. We assumed the speed limit on Maple Street to be 30 mph.

1.2 Existing and Proposed Site Uses

The existing site currently has a gravel surface parking lot with 109 spaces leased on a monthly basis. The parking lot will be removed. The proposal includes a 131-room hotel, 7,000 sf of restaurant use, and 14 residences. Twenty-eight spaces will be provided on site. Of the 28 spaces, 14 will be reserved for the residences, and 14 will be available for the hotel staff for temporary short-term parking of hotel vehicles for guests that are going "in and out" of the hotel and need their vehicle close at hand. Hotel guest vehicles will be valet parked off site at a 120-space parking lot off York Street located approximately one block south of the site. A full parking study will be submitted to the city as part of the Site Plan Application.

1.3 Site and Vicinity Boundaries

A regional map showing the development site and its traffic influence areas as defined in Maine DOT's Chapter 305 of the General Rules of the Department of Transportation (Section 6B) is presented on the proposed site plan (located in Section 5) and location map enclosed at the end of Section 1.

1.4 Proposed Uses in the Vicinity of the Site

To our knowledge, the only significant trip generator that has applied for a permit with the City of Portland is a proposed 300-student high school to be located at the intersection of Maple Street at York Street. These trips will be included in the background traffic volumes for analysis purposes.

1.5 Trip Generation

Trip generation calculations were completed for the proposed development according to Maine DOT guidelines. The proposed trip generation was calculated using the following Land Use Codes (LUC): 310 Hotel, 932 Restaurant, and 230 Residential Condominiums, utilizing the average rates. The results are shown below.

TABLE 1
Proposed Trip Generation

Use	AM Peak Hour	PM Peak Hour
131-Room Hotel	68.1	79.9
7,000 sf Restaurant* ¹	47.4	64.7
14 Residences	6.1	7.3
Subtotal	121.6	151.9
Total w/ 10% TDM*² Reductions	109	137

Notes:

*¹Restaurant Trips reduced by 50% for shared trips with hotel use consistent with Jordan's Phase 1 development trip generation calculations.

*²Traffic Demand Management (TDM) Reductions based on ITE studies published in *ITE Trip Generation Handbook*, 2nd Edition, Appendix B, June 2004. Average Reduction Rate of 10% utilized, based on 8% to 24% reductions reported in Studies of TDM measures including transportation services and economic incentives. In addition, it is expected that the urban setting of this project will tend to reduce vehicular traffic due to the typically moderate to heavy pedestrian traffic observed in this area of Portland.

A full Transportation Demand Management study will be submitted to the city as part of the Site Plan application.

The results of our trip generation calculations indicate that the mixed-use development will generate a total of 109 AM peak-hour trip ends and 137 PM peak-hour trip ends. A more detailed breakdown of expected trip generation is provided at the end of this section in Table 2. Based on these results, the proposed development will require a Traffic Movement Permit (TMP) from the Maine DOT through the City of Portland's delegated

review authority.

1.6 Trip Distribution

Milone & MacBroom, Inc. has obtained the ratio of entering and exiting traffic for the proposed development based on ITE information for the following Land Use Codes (LUC): 310 Hotel, 932 Restaurant, and 230 Residential Condominiums. The weekday AM and PM peak-hour distributions are as follows:

<u>Land Use</u>	<u>AM Peak Hour</u>	<u>PM Peak Hour</u>
LUC 310 Hotel:	88% Enter, 12% Exit	17% Enter, 83% Exit
LUC 932 Restaurant:	61% Enter, 39% Exit	49% Enter, 51% Exit
LUC 230 Residential Condos:	19% Enter, 81% Exit	64% Enter, 36% Exit
Composite Average:	74% Enter, 36% Exit	33% Enter, 67% Exit

1.7 Trip Composition

We also reviewed information available from ITE to determine the typical breakdown of trip composition for the proposed development. Trip composition for Land Use Codes (LUC) 310 Hotel, 932 High Turnover Restaurant, and 230 Residential Condominiums were reviewed. Table 3 summarizes our findings.

TABLE 3
Weekday Peak-Hour Trip Composition

<u>Type of Trip</u> <u>Use</u>	<u>Primary/Diverted</u>		<u>Pass-By</u>		<u>Total</u>	
	<u>AM</u>	<u>PM</u>	<u>AM</u>	<u>PM</u>	<u>AM</u>	<u>PM</u>
Proposed LUC 310 Hotel	100%		0%		100%	
	61.3	71.9	0	0	61.3	71.9
Proposed LUC 932 Restaurant	60%		40%		100%	
	25.6	34.9	17.1	23.3	42.7	58.2
Proposed LUC 230 Residential Condominiums	100%		0%		100%	
	5.6	6.6	0	0	5.6	6.6

1.8 Trip Assignment

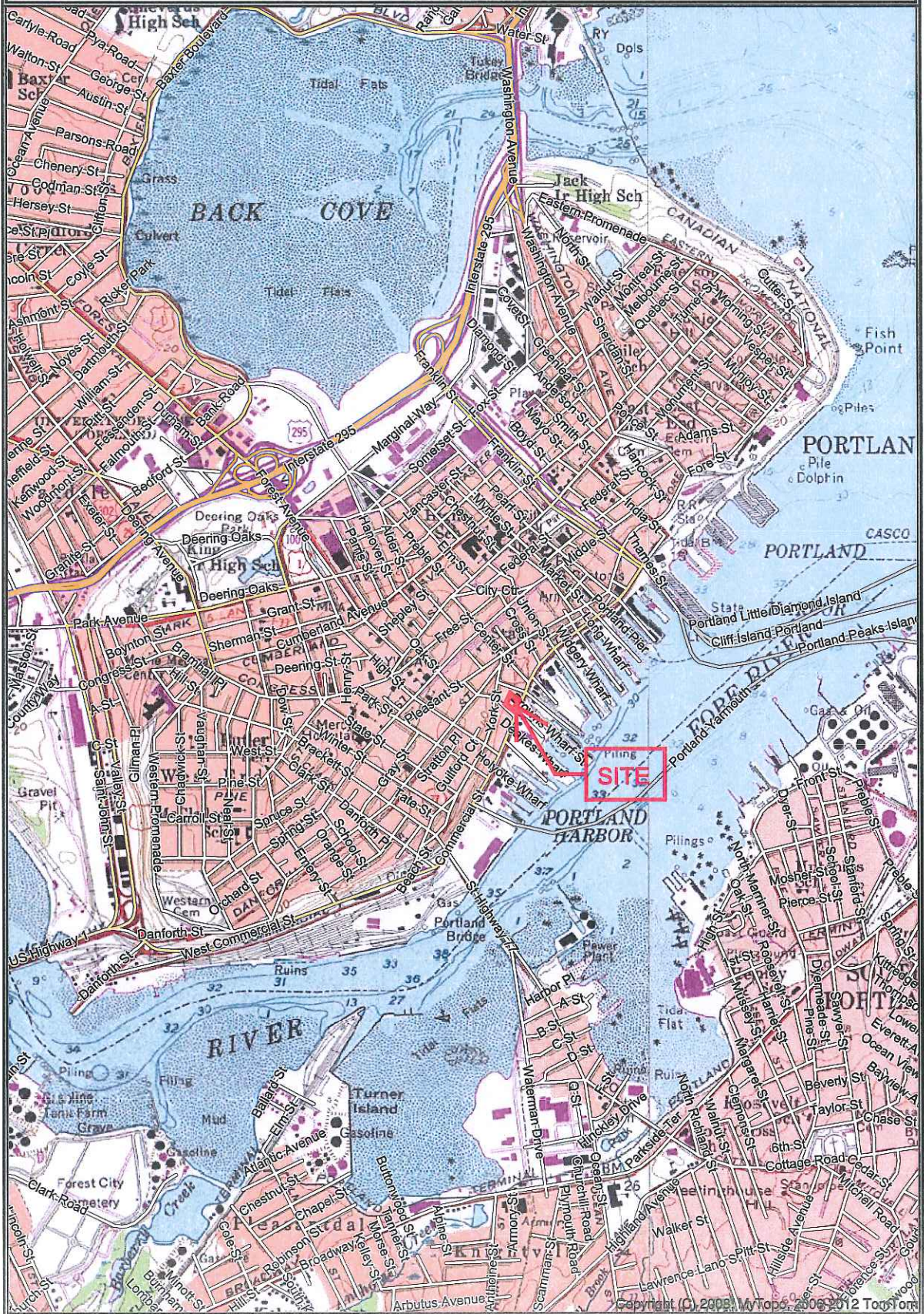
The site-generated trips were distributed based on 2010 Maine DOT AADT counts taken nearby on Commercial Street and York Street. Maine DOT AADT counts on Commercial Street north of High Street indicated 14,870 vehicles and on York Street south of Danforth Street indicated 4,610 vehicles. Based on these AADT counts, we distributed the trips as follows:

- 75% to/from Commercial Street
- 25% to/from York Street

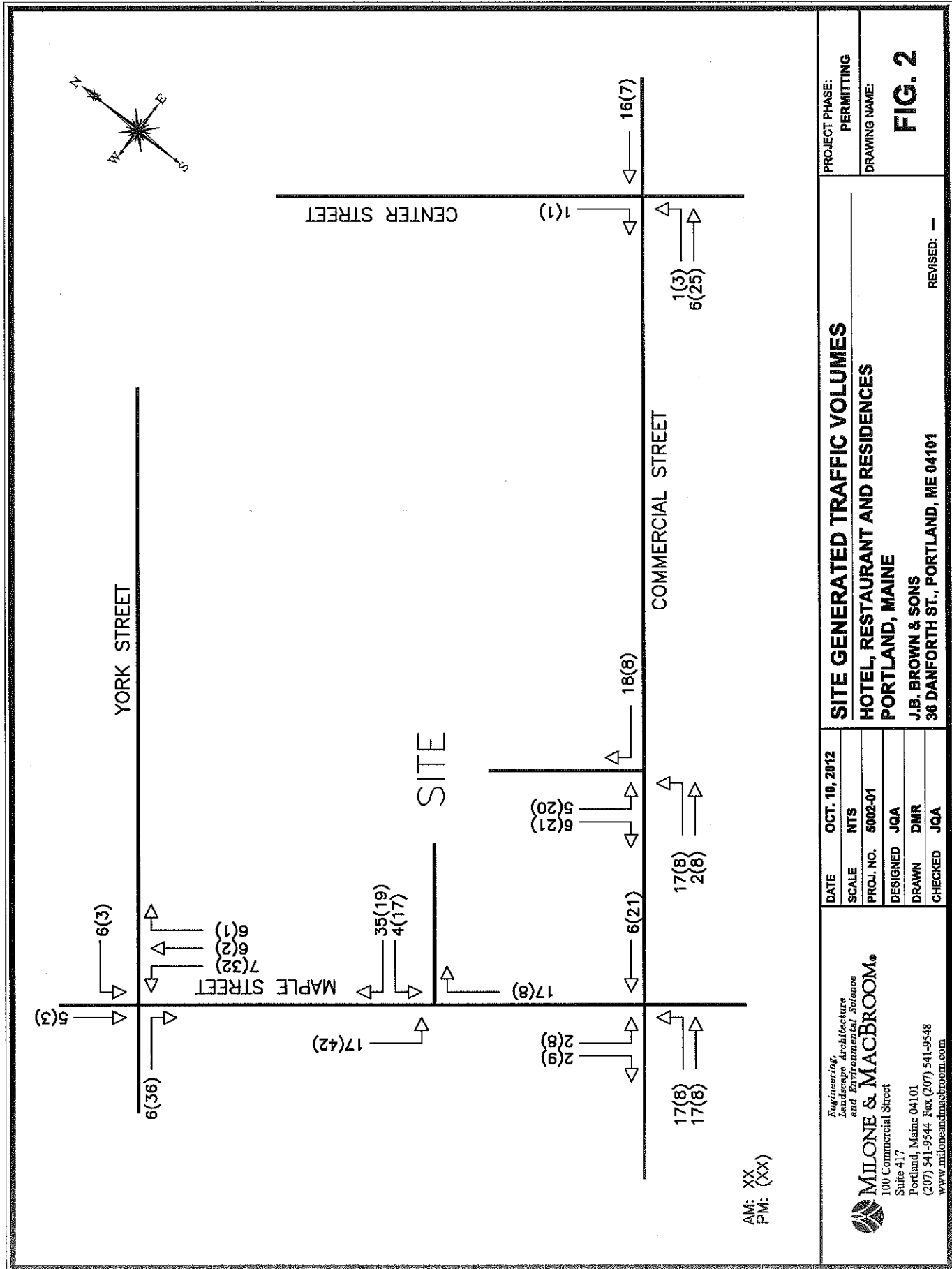
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The assignment of site-generated trips is shown on Figure 2 for both the weekday AM and PM peak hours. The assignment of site-generated trips also reflects the hotel guest vehicles being parked off site at the nearby York Street parking lot. In addition, the assignment of site-generated trips reflects a reduction by 50% of restaurant trips due to no on-site parking being provided for this use and the remaining 50% representing vehicles entering and exiting the site to drop off passengers before parking off site. Figure 3 shows the other development trips from the proposed 300-student school at the intersection of York Street and Maple Street.

Map Name: PORTLAND WEST Scale: 1 inch = 2,000 ft. Horizontal Datum: NAD83
Print Date: 09/12/12 Map Center: 043° 39' 20.98" N 0



G.I. 15



PROJECT PHASE:
PERMITTING

DRAWING NAME:
FIG. 2

SITE GENERATED TRAFFIC VOLUMES

HOTEL, RESTAURANT AND RESIDENCES

PORTLAND, MAINE

J.B. BROWN & SONS

36 DANFORTH ST., PORTLAND, ME 04101

REVISED: —

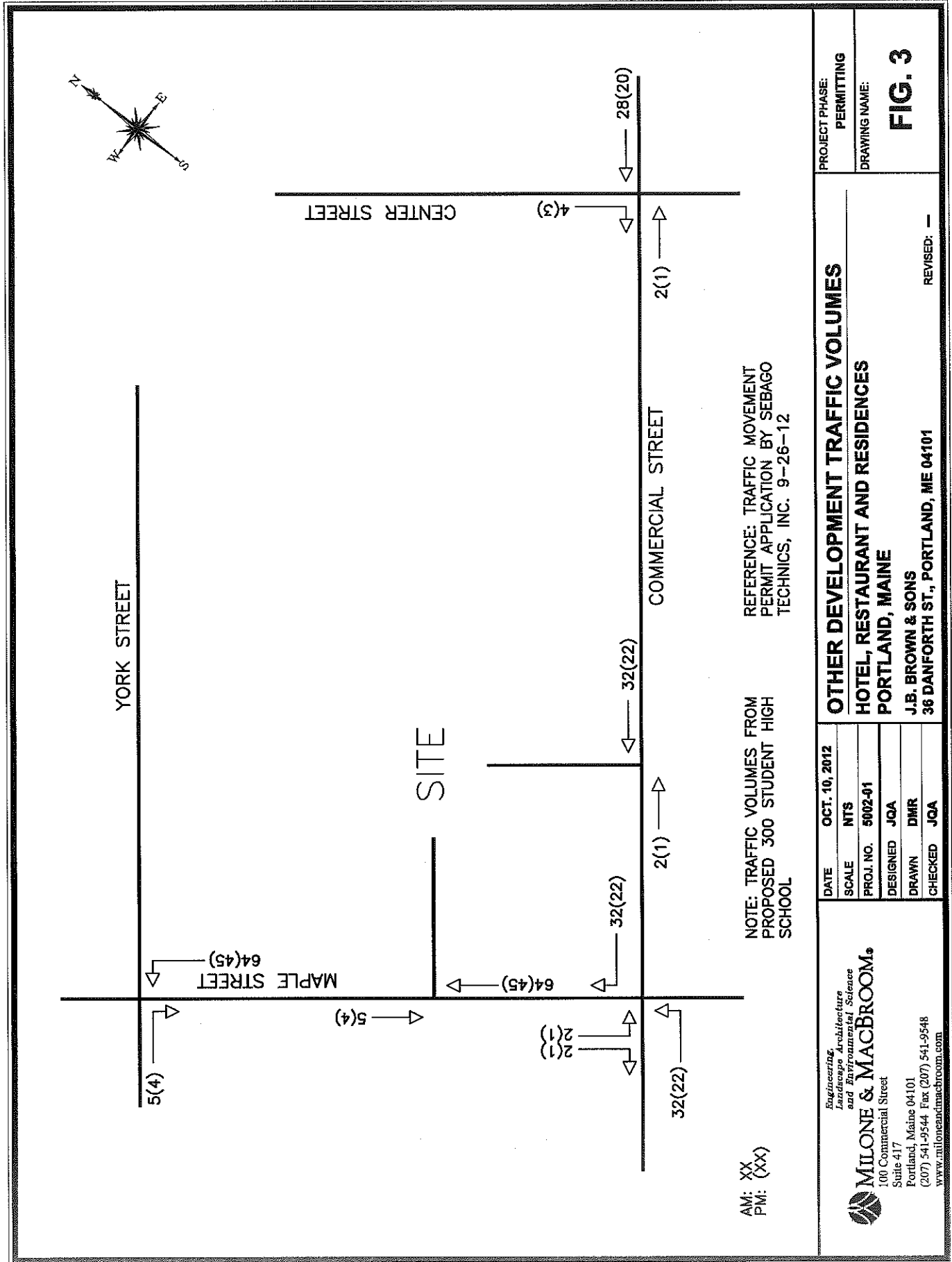
DATE	OCT. 10, 2012
SCALE	NTS
PROJ. NO.	5002-01
DESIGNED	JQA
DRAWN	DMR
CHECKED	JQA

Engineering, Architecture and Environmental Science

MILONE & MACBROOM, Inc.

100 Commercial Street
Suite 417
Portland, Maine 04101
(207) 541-9544 Fax (207) 541-9548
www.miloneandmacbroom.com

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AM: XX
PM: (XX)

NOTE: TRAFFIC VOLUMES FROM PROPOSED 300 STUDENT HIGH SCHOOL

REFERENCE: TRAFFIC MOVEMENT PERMIT APPLICATION BY SEBAGO TECHNICS, INC. 9-26-12

<p>PROJECT PHASE: PERMITTING</p>	
<p>DRAWING NAME: FIG. 3</p>	
<p>OTHER DEVELOPMENT TRAFFIC VOLUMES</p>	
<p>HOTEL, RESTAURANT AND RESIDENCES PORTLAND, MAINE</p>	
<p>J.B. BROWN & SONS 36 DANFORTH ST., PORTLAND, ME 04101</p>	
<p>REVISED: —</p>	
DATE	OCT. 10, 2012
SCALE	NTS
PROJ. NO.	5002-01
DESIGNED	JQA
DRAWN	DMR
CHECKED	JQA
<p>MILONE & MACBROOM, Engineering, Landscape Architecture and Environmental Science 100 Commercial Street Suite 417 Portland, Maine 04101 (207) 541-9544 Fax (207) 541-9548 www.miloneandmacbroom.com</p>	

TABLE 2
Mixed-Use Development 311-331 Commercial St
Maple St/Commercial St, Portland

Trip Generation

LUC 932 High Turnover Restaurant*				With Reduction Factors		
Time Period	Size (sf)	Rate (trips/1000sf)	Trip-Ends	Enter	Exit	
Weekday AM Peak Hour Roadway 7-9 AM	7,000	11.52	40.3	22.1	14.2	
Weekday PM Peak Hour Roadway 4-6 PM	7,000	11.15	39.0	17.2	16.9	
Weekday AM Peak Hour Generator	7,000	13.53	47.4	26.0	16.6	
Weekday PM Peak Hour Generator	7,000	18.49	64.7	28.5	29.7	
LUC 310 Hotel						
Time Period	Rooms	Rate (trips/room)	Trip-Ends	Enter	Exit	
Weekday AM Peak Hour Roadway 7-9 AM	131	0.56	73.4	58.1	7.9	
Weekday PM Peak Hour Roadway 4-6 PM	131	0.59	77.3	11.8	57.7	
Weekday AM Peak Hour Generator	131	0.52	68.1	54.0	7.4	
Weekday PM Peak Hour Generator	131	0.61	79.9	12.2	59.7	
LUC 230 Residential Townhouse/Condo						
Time Period	Units	Rate (trips/Unit)	Trip-Ends	Enter	Exit	
Weekday AM Peak Hour Roadway 7-9 AM	14	0.44	6.16	0.9	4.6	
Weekday PM Peak Hour Roadway 4-6 PM	14	0.52	7.28	4.4	2.2	
Weekday AM Peak Hour Generator	14	0.44	6.16	1.1	4.5	
Weekday PM Peak Hour Generator	14	0.52	7.28	4.2	2.4	
Total Trip-Ends		Subtotal	TOTAL with TDM**	Enter	Exit	Composite Enter/Exit %
Weekday AM Peak Hour Roadway 7-9 AM		119.8	108	81.2	26.7	75%
Weekday PM Peak Hour Roadway 4-6 PM		123.6	111	33.4	76.8	30%
Weekday AM Peak Hour Generator		121.6	109	81.0	28.5	74%
Weekday PM Peak Hour Generator		151.9	137	45.0	91.8	33%

6.1.17

Notes

*Restaurant Trips Reduced by 50% to account for use by hotel guests, consistent with recently approved Jordan's Phase 1 Development Application,
 ***Overall 10% Reduction taken for TDM measures, based on urban project setting, and 8% to 24% reductions reported in Studies of TDM measures including:
 transportation services & economic incentives.

5002-01

Section 2 Accident Data

Traffic accident data from Maine DOT was reviewed in the vicinity of the development on Maple Street, Commercial Street, Center Street, High Street, and York Street for the latest available three-year period (2009-2011). Consistent with MDOT policies for developments that generate 100 to 200 new peak-hour trips, we have focused our review area on the site entrance and significant adjacent intersections only.

Our review of the data indicates that there is one high crash location (HCL) in the vicinity of the proposed development. The intersection of High Street and Commercial Street is considered an HCL with a total of eight accidents in the last three years and a Critical Rate Factor of 1.50. An intersection or section of roadway is considered to be a high crash location if it has a minimum of eight crashes in a three-year period and a Critical Rate Factor of 1.0 or greater.

The intersection experienced a total of eight accidents, of which seven were rear-end/sideswipe type, and one was an intersection movement. Significant accident patterns included four rear-end accidents on the High Street approach and two rear-end accidents on the Commercial Street northbound approach.

The following intersections and sections of roadway were reviewed and are listed with the number of accidents and HCL status. Back-up accident data provided by the Maine DOT is provided herein.

Intersections

<u>Node</u>	<u>Description</u>	<u># Accidents</u>	<u>CRF</u>	<u>HCL</u>
18529	High St at York St	10	0.82	No
18980	York St at Maple St	0	0.00	No
18964	Middle St at Pleasant St	3	0.22	No
16788	Commercial St at Center St	8	0.44	No
16785	Commercial St at Maple St	2	0.39	No
16784	Commercial St at High St	8	1.50	Yes
18968	Commercial St at Foundry Ln	0	0.00	No
18967	York St at Foundry Ln	0	0.00	No
19130	Danforth St at York St	1	0.11	No

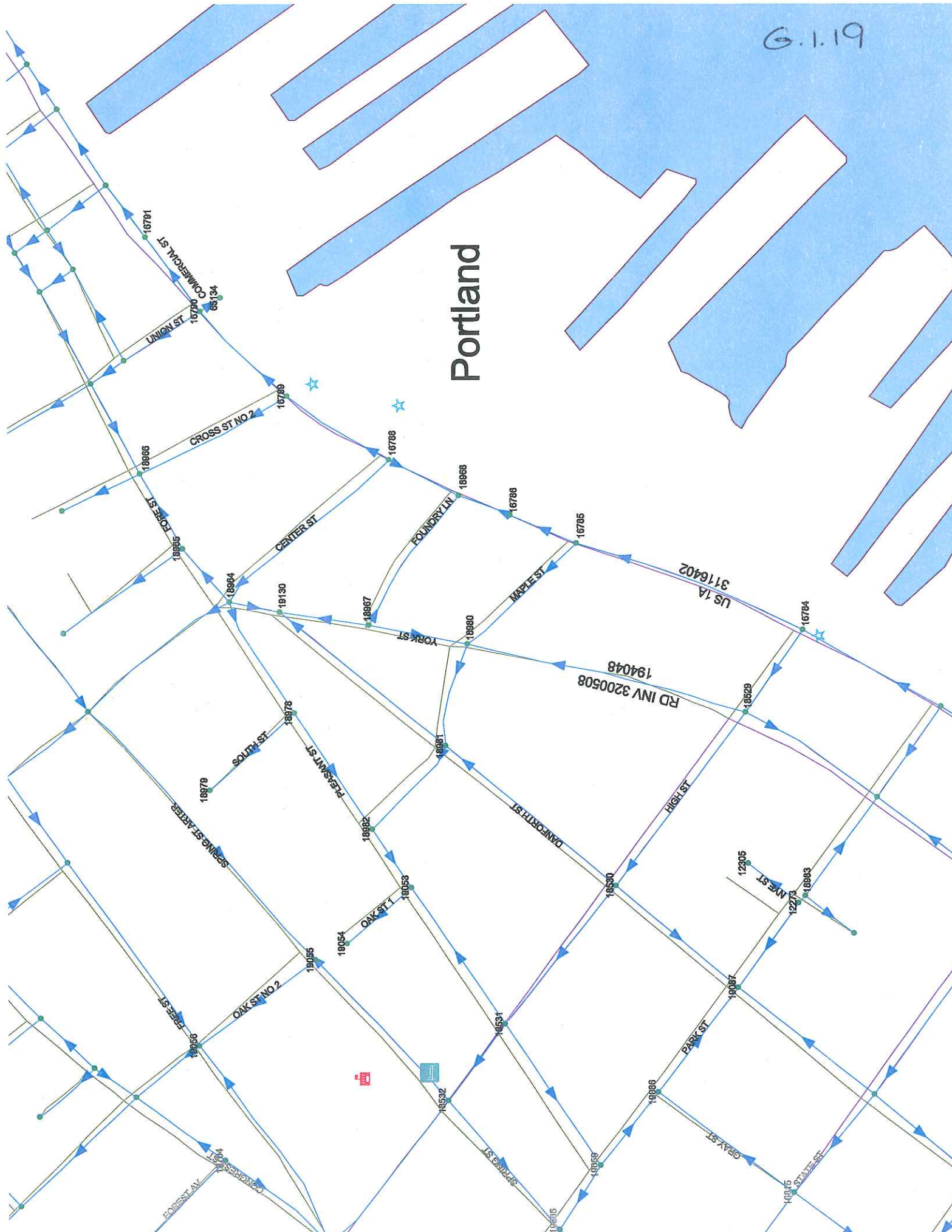
Roadway Sections

<u>Nodes</u>	<u>Description</u>	<u># Accidents</u>	<u>CRF</u>	<u>HCL</u>
16784 – 16785	Commercial St, High St to Maple St	6	0.80	No
16785 – 16786	Commercial St, Maple St to Int	3	1.11	No
16788 – 18968	Commercial St, Center St to Foundry Ln	1	0.30	No
16786 – 18968	Commercial St, Int to Foundry Ln	1	0.38	No
18529 – 18980	York St, High St to Maple St	2	0.33	No
18964 – 19130	York St, Danforth St to Center	1	1.19	No
18967 – 18980	York St, Maple St to Foundry Ln	0	0.00	No
18967 – 19130	York St, Foundry Ln to Danforth St	0	0.00	No

*Crash Reports
not incl. in
PB packet -
available on
request.*

G.1.19

Portland



Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I -
Single Node

Section Detail

Crash Summary II

1320 Included

1320 & Driver Report Included

REPORT DESCRIPTION

1A_High

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 0001A

Start Node: 16784

End Node: 16784

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.1.20

G.1.21

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary I

Nodes														
Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Ent-Veh	Percent Annual M	Crash Rate	Critical Rate	CRF
16784	0001A - 11.15	Int of COMMERCIAL ST HIGH ST	2	8	0	0	1	2	5	37.5	5.816	0.46	0.30	1.50
												Statewide Crash Rate: 0.12		
Study Years: 3.00				8	0	0	1	2	5	37.5	5.816	0.46	0.31	1.50
NODE TOTALS:				8	0	0	1	2	5	37.5	5.816	0.46	0.31	1.50

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

- Crash Summary I - Single Node
- Section Detail
- Crash Summary II
- 1320 Included
- 1320 & Driver Report Included

REPORT DESCRIPTION

1A_Maple

REPORT PARAMETERS

Year: 2009, Start Month: 1 through Year: 2011 End Month: 12

Route: 0001A

Start Node: 16785

End Node: 16785

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.1.22

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Ent-Veh	Percent Annual M	Crash Rate	Critical Rate	CRF
16785	0001A - 11.27	Int of COMMERCIAL ST MAPLE ST	2	2	0	0	0	1	1	50.0	5.507	0.12	0.31	0.00
													Statewide Crash Rate: 0.12	
Study Years: 3.00			NODE TOTALS:		2	0	0	0	1	50.0	5.507	0.12	0.31	0.39

G. I. 23

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

- Crash Summary I -
 Single Node
- Section Detail Crash Summary II 1320 Included 1320 & Driver Report Included

REPORT DESCRIPTION

1A_Center

REPORT PARAMETERS

Year: 2009, Start Month: 1 through Year: 2011 End Month: 12

Route: 0001A

Start Node: 16788

End Node: 16788

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.1.24

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Ent-Veh	Percent Annual M	Crash Rate	Critical Rate	CRF	
16788	0001A - 11.37	Int of CENTER ST, COMMERCIAL ST	9	8	0	0	1	1	6	25.0	5.645	0.47	1.08	0.00	
													Statewide Crash Rate: 0.62		
Study Years: 3.00			NODE TOTALS:		8	0	0	1	1	6	25.0	5.645	0.47	1.08	0.44

G.1.25

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Included 1320 & Driver Report Included

REPORT DESCRIPTION

1A, Center to Maple

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 0001A

Start Node: 16785

End Node: 16788

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.1.26

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury	Percent Annual M	Crash Rate	Critical Rate	CRF	
16786	0001A - 11.30	Non Int COMMERCIAL ST	2	0	0	0	0	0	0	0.0	5.382	0.00	0.31	0.00	
18968	0001A - 11.33	Int of COMMERCIAL ST FOUNDRY LN	2	0	0	0	0	0	0	0.0	5.466	0.00	0.31	0.00	
Study Years: 3.00															
NODE TOTALS:			0	0	0	0	0	0	0	0.0	10.848	0.00	0.26	0.00	

G.1.27

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	Injury Crashes A B C	PD	Percent Injury	Annual HIMVM	Crash Rate	Critical Rate	CRF
16785	16786	3130488	0 - 0.03	0001A - 11.27	0.03	3	0 0 1	2	33.3	0.00163	614.36	551.60	1.11
Int of COMMERCIAL ST MAPLE ST US 1A													
16788	18968	3119256	0 - 0.04	0001A - 11.29	0.04	1	0 0 0	1	0.0	0.00216	154.31	513.16	0.00
Int of CENTER ST, COMMERCIAL ST US 1A													
16786	18968	3118839	0 - 0.03	0001A - 11.30	0.03	1	0 0 0	1	0.0	0.00160	208.12	553.84	0.00
Non Int COMMERCIAL ST US 1A													
Study Years:		3.00	Section Totals:		0.10	5	0 0 1	4	20.0	0.00539	309.24	405.68	0.76
Grand Totals:			Grand Totals:		0.10	5	0 0 1	4	20.0	0.00539	309.24	566.26	0.55

G.1.28

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

G.I.29

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I -
Single Node

Section Detail

Crash Summary II

1320 Included

1320 & Driver Report Included

REPORT DESCRIPTION

York_High

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 0077W

Start Node: 18529

End Node: 18529

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Ent-Veh	Percent Annual M	Crash Rate	Critical Rate	CRF
18529	0077W - 1.39	Int of HIGH ST YORK ST	9	10	0	0	0	3	6	33.3	3.377	0.99	1.21	0.00
Study Years: 3.00													0.62	0.82
NODE TOTALS:													0.99	1.21

Statewide Crash Rate: 0.62

G.1.30

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I -
Single Node

Section Detail

Crash Summary II

1320 Included

1320 & Driver Report Included

REPORT DESCRIPTION

York_Center

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 0560122

Start Node: 18964

End Node: 18964

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G. 1.31

Maine Department Of Transportation - Traffic Engineering, Crash Records Section

Crash Summary I

Nodes														
Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Crashes	Percent Annual M Injury Ent-Veh	Crash Rate	Critical Rate	CRF
18964	0560122 - 0.10	Int of CENTER ST, FORE ST, PLEASANT ST, YORK ST	9	3	0	0	0	1	2	33.3	3.777	0.26	1.18	0.00
Study Years: 3.00 STATEWIDE CRASH RATE: 0.62														
NODE TOTALS:				3	0	0	0	1	2	33.3	3.777	0.26	1.18	0.22

G.1.32

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

- Crash Summary I - Single Node Section Detail Crash Summary II 1320 Included 1320 & Driver Report Included

REPORT DESCRIPTION

York_Maple

REPORT PARAMETERS

Year: 2009, Start Month: 1 through Year: 2011 End Month: 12

Route: 0560475

Start Node: 18980

End Node: 18980

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.I. 33

G.1.34

Crash Summary I

Nodes															
Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury Crashes	Percent Annual M Injury Ent-Veh	Crash Rate	Critical Rate	CRF	
18980	0560475 - 0.07	0509400 POR,MAPLE,YORK ST.	2	0	0	0	0	0	0	0	0.0	1.849	0.00	0.43	0.00
												Statewide Crash Rate: 0.13			
Study Years: 3.00			NODE TOTALS:												
			0	0	0	0	0	0	0	0	0.0	1.849	0.00	0.43	0.00

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I Section Detail Crash Summary II 1320 Included 1320 & Driver Report Included

REPORT DESCRIPTION

York, Center to Maple

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 3200508

Start Node: 18964

End Node: 18980

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.1.35

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary I

Nodes

Node	Route - MP	Node Description	U/R	Total Crashes	K	A	B	C	PD	Injury	Percent Annual M Ent-Veh	Crash Rate	Critical Rate	CRF
19130	3200508 - 0.02	Int of DANFORTH ST YORK ST	9	1	0	0	0	0	1	0.0	2.346	0.14	1.31	0.00
												Statewide Crash Rate: 0.62		
18967	3200508 - 0.06	0509387 POR,YORK,FOUNDRY LA.	2	0	0	0	0	0	0	0.0	0.930	0.00	0.51	0.00
												Statewide Crash Rate: 0.13		
Study Years: 3.00				NODE TOTALS:	1	0	0	0	1	0.0	3.276	0.10	1.00	0.10

G.1.36

G: 1.37

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	A	B	C	PD	Injury Crashes	Percent Injury	Annual HIMVM	Crash Rate	Critical Rate	CRF
18964	19130	3106830 Int of CENTER ST, FORE ST, PLEASANT ST, YORK ST	0 - 0.02	3200508 - 0 RD INV 3200508	0.02	2	1	0	0	0	1	0	0.0	0.00046	721.13	607.04	1.19
18967	18980	194650 0509387 POR,YORK,FOUNDRY LA.	0 - 0.04	3200508 - 0.02 RD INV 3200508	0.04	2	0	0	0	0	0	0	0.0	0.00067	0.00	1142.01	0.00
18967	19130	194651 0509387 POR,YORK,FOUNDRY LA.	0 - 0.04	3200508 - 0.02 RD INV 3200508	0.04	2	0	0	0	0	0	0	0.0	0.00067	0.00	1142.01	0.00
Study Years: 3.00																	
Section Totals: 0.10 1 0 0 0 0 1 0.0 0.00180 185.56 787.18 0.24																	
Grand Totals: 0.10 2 0 0 0 0 2 0.0 0.00180 371.12 971.48 0.38																	

Maine Department Of Transportation - Traffic Engineering, Crash Records Section
Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I -
Single Element

Section Detail

Crash Summary II

1320 Included

1320 & Driver Report Included

REPORT DESCRIPTION

York, High to Maple

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 3200508

Start Node: 18980

End Node: 18529

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G. 1. 38

Crash Summary Report

Report Selections and Input Parameters

REPORT SELECTIONS

Crash Summary I -
Single Element

Section Detail

Crash Summary II

1320 Included

1320 & Driver Report Included

REPORT DESCRIPTION

1A, High to Maple

REPORT PARAMETERS

Year 2009, Start Month 1 through Year 2011 End Month: 12

Route: 0001A

Start Node: 16784

End Node: 16785

Start Offset: 0

End Offset: 0

Exclude First Node

Exclude Last Node

G.1.40

Crash Summary I

Sections

Start Node	End Node	Element	Offset Begin - End	Route - MP	Section U/R Length	Total Crashes	K	A	B	C	PD	Injury Crashes	Percent Injury	Annual HMVM	Crash Rate	Critical Rate	CRF
16784	16785	3116402	0 - 0.12	0001A - 11.15	0.12	6	0	0	0	1	5	1	16.7	0.00645	309.87	387.92	0.00
		Int of COMMERCIAL ST HIGH ST		US 1A											Statewide Crash Rate: 171.39		
Study Years:		3.00		Section Totals:		6	0	0	0	1	5	1	16.7	0.00645	309.87	387.92	0.80

G.1.41

5002-01

Section 3 Development Entrances and Exits

Sight distance was measured in each direction from the proposed site entrance on Maple Street and Commercial Street. The posted speed limit on the streets is 30 mph. Based on a 30 mph posted speed limit, the City of Portland requires a minimum of 250 feet of sight distance. We have included a table below that summarizes the sight distance requirements from the MDOT/City of Portland.

The site will utilize Foundry Lane as its site entrance on Commercial Street. Sight distances were measured in the field looking both left (north) and right (south) from this entrance. We measured the sight distance and found it to be a minimum of 500 feet looking to the left (north) and a minimum of 800 feet looking to the right (south). There is a traffic signal located approximately 200 feet to the north on Commercial Street at the intersection with Center Street. The sight distance may require the adjustment of one on-street parking space on the north side of the Commercial Street entrance to provide an unobstructed view. This will be coordinated and confirmed with the City Traffic Engineer to minimize impacts to available on-street parking.

We also measured sight distance from the proposed Maple Street entrance, which is located approximately 180 feet north of Commercial Street. Our measurements indicated that the sight distance looking left extended 200 feet to the intersections of Commercial Street to the east and extended 190 feet to the right to York Street to the west. The sight distance may require the adjustment of one on-street parking space on either side of the Maple Street entrance to provide an unobstructed view. This will be coordinated and confirmed with the City Traffic Engineer to minimize impacts to available on-street parking.

Therefore, it is our opinion that the proposed site entrances will provide satisfactory sight distances. The sight distances are shown on the reduced site plan titled, "Preliminary Site Plan," Sheet C01, 1 of 1, by Opechee Construction Corp, dated 10/8/12, at the end of this section.

TABLE 5
City of Portland/MDOT Sight Distance Guidelines for Driveways

Posted Speed (mph)	MDOT Required Sight Distance (feet)
25	200
30	250
35	305
40	360
45	425
50	495
55	570



PRELIMINARY SITE PLAN

MIXED-USE REDEVELOPMENT
PROJECT
DATE: 05/15/12
SCALE: AS SHOWN
SHEET: C01



GENERAL NOTES:

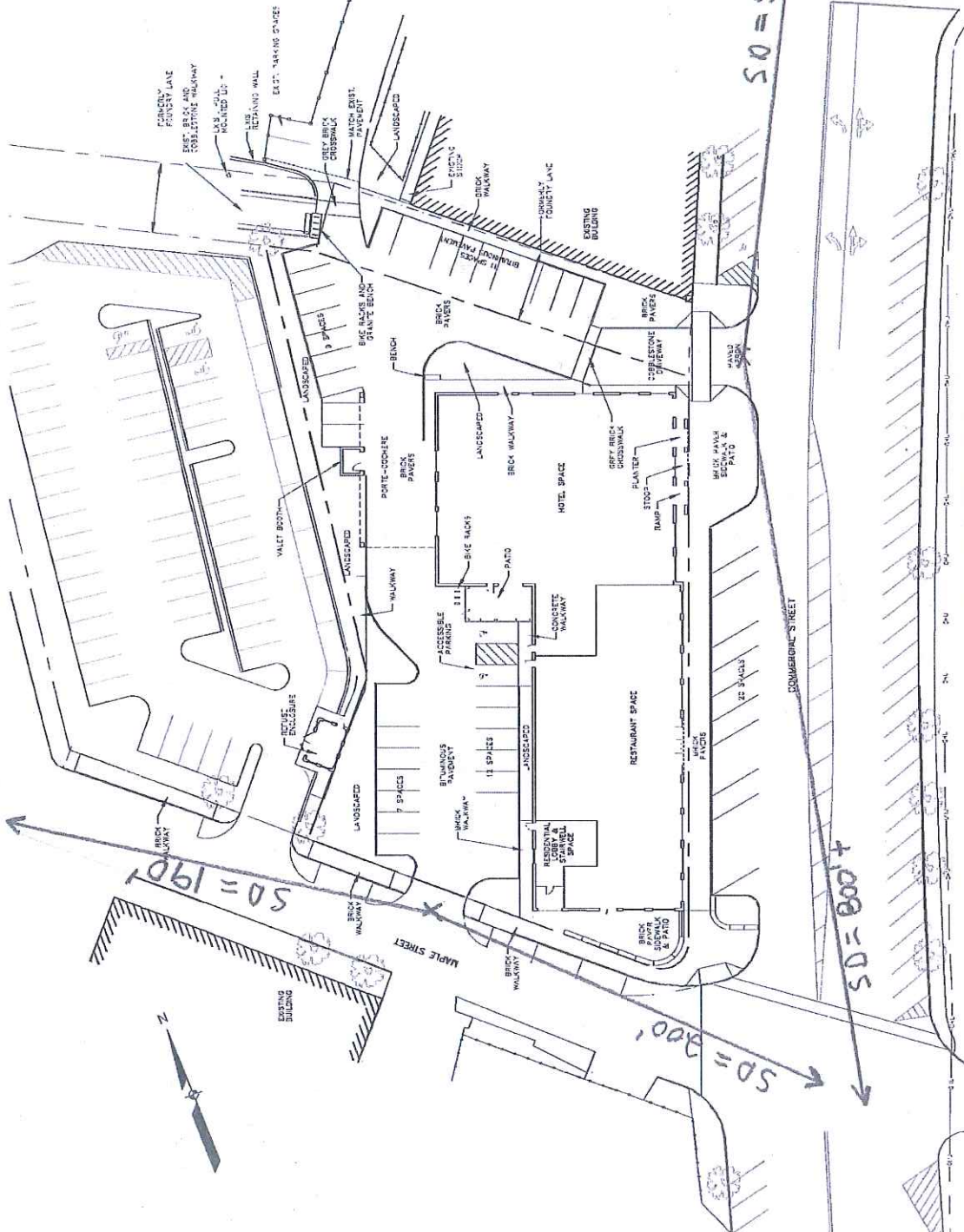
- 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF PORTLAND ZONING ORDINANCE.
- 2. THE DEVELOPER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF PORTLAND.
- 3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- 4. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
- 5. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TREES UNLESS OTHERWISE NOTED.
- 6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING DRIVEWAYS UNLESS OTHERWISE NOTED.
- 7. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SIDEWALKS UNLESS OTHERWISE NOTED.
- 8. THE DEVELOPER SHALL MAINTAIN ALL EXISTING STAIRS UNLESS OTHERWISE NOTED.
- 9. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ELEVATORS UNLESS OTHERWISE NOTED.
- 10. THE DEVELOPER SHALL MAINTAIN ALL EXISTING MECHANICAL SYSTEMS UNLESS OTHERWISE NOTED.
- 11. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ELECTRICAL SYSTEMS UNLESS OTHERWISE NOTED.
- 12. THE DEVELOPER SHALL MAINTAIN ALL EXISTING PLUMBING SYSTEMS UNLESS OTHERWISE NOTED.
- 13. THE DEVELOPER SHALL MAINTAIN ALL EXISTING GAS SYSTEMS UNLESS OTHERWISE NOTED.
- 14. THE DEVELOPER SHALL MAINTAIN ALL EXISTING TELEPHONE SYSTEMS UNLESS OTHERWISE NOTED.
- 15. THE DEVELOPER SHALL MAINTAIN ALL EXISTING CABLE SYSTEMS UNLESS OTHERWISE NOTED.
- 16. THE DEVELOPER SHALL MAINTAIN ALL EXISTING FIBER OPTIC SYSTEMS UNLESS OTHERWISE NOTED.
- 17. THE DEVELOPER SHALL MAINTAIN ALL EXISTING ANTENNA SYSTEMS UNLESS OTHERWISE NOTED.
- 18. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SECURITY SYSTEMS UNLESS OTHERWISE NOTED.
- 19. THE DEVELOPER SHALL MAINTAIN ALL EXISTING FIRE ALARMS UNLESS OTHERWISE NOTED.
- 20. THE DEVELOPER SHALL MAINTAIN ALL EXISTING SMOKE DETECTORS UNLESS OTHERWISE NOTED.

ZONING SUMMARY:

- 1. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 2. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 3. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 4. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 5. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 6. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 7. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 8. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 9. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 10. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 11. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 12. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 13. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 14. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 15. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 16. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 17. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 18. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 19. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)
- 20. ZONING DISTRICT: SB-3 (SINGLE-BUILDING BUSINESS)



*For Sight Distance Only



POSTED SPEED = 30 mph
REQUIRED S.D. = 250 FT.

G.I. 44

5002-01

Section 4 Title Right or Interest

Please see the following document.

- Deeds to Parcel

*see Attachment B
to PB Packet.*

G.1.45

5002-01

Section 5 Public or Private Rights-of-Way

Please see the following plans.

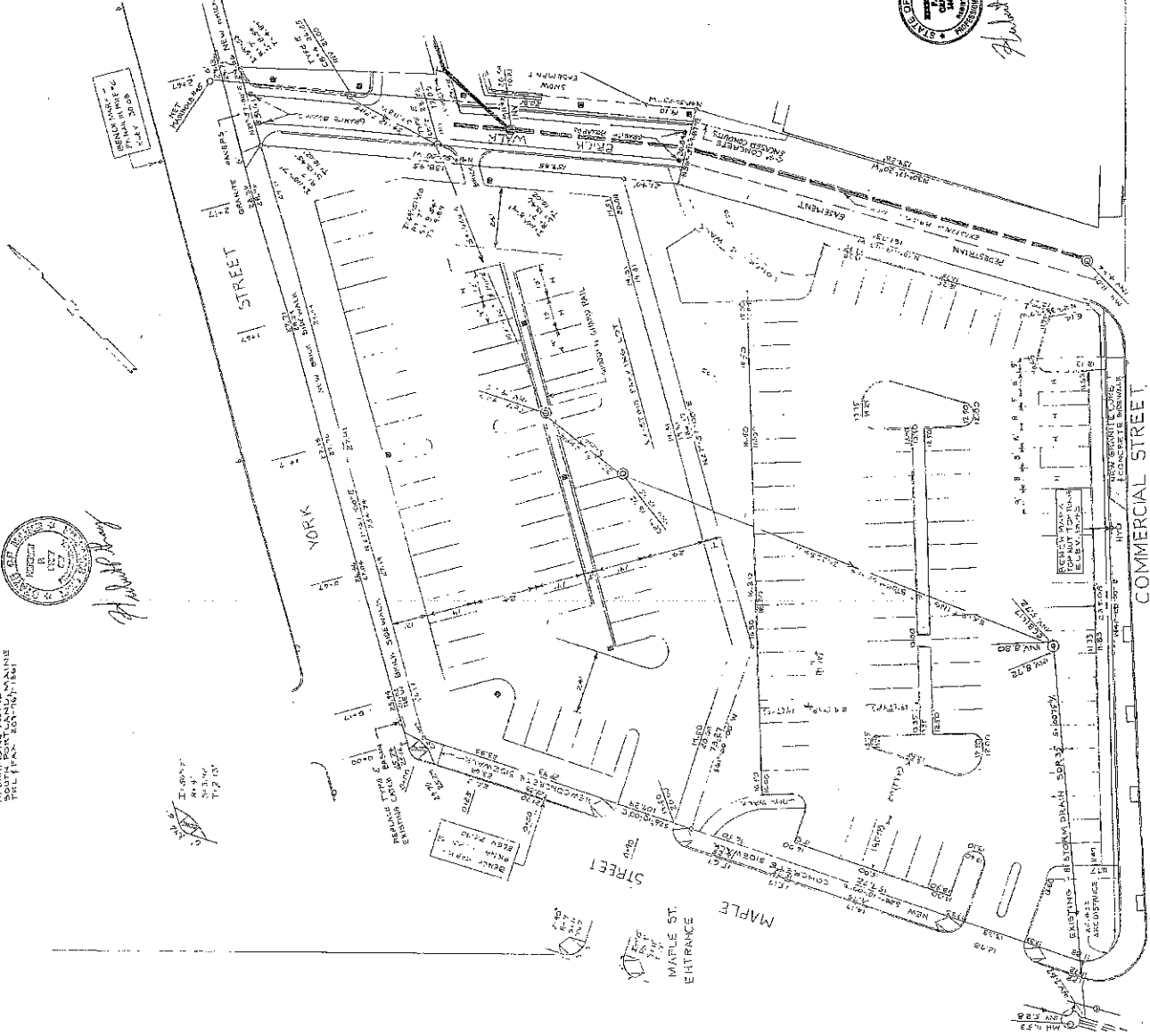
- "Alignment & Grading" 311-331 Commercial Street, Portland Maine, J. B. Brown & Sons, Dwg 4 of 4, Prepared by Herbert P. Gray, Revised 4/29/98, Scale 1"=20'
- "Preliminary Site Plan" Mixed Use Development, Portland, Maine, Sheet C01, 1 of 1, Prepared By: Opechee Construction Corp., Dated 10/8/12, Scale 1"=20'

CERTIFICATION
 HERBERT P. GRAY P.E. 65387
 SURVEYOR
 111 SIMMONS ROAD, SCARSDALE, N.Y. 11583
 I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF THE ORIGINAL ASSESSED MAP FOR LOT 3

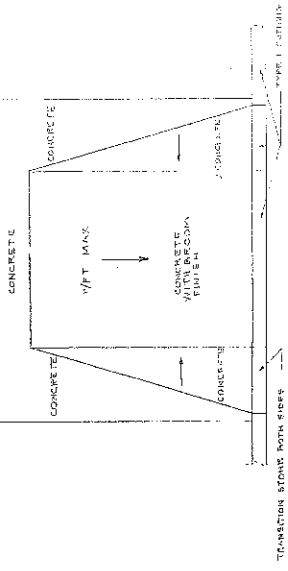


Herbert P. Gray

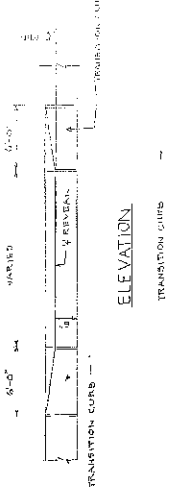
COMMISSIONER
 STATE OF NEW YORK
 DEPARTMENT OF TAXATION AND FINANCE
 110 NASSAU ST., NEW YORK, N.Y. 10038



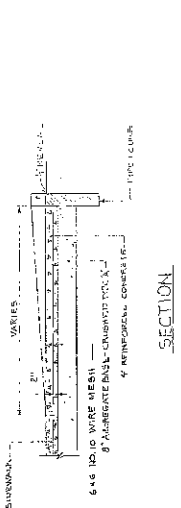
J.B. Brown & Sons



PLAN



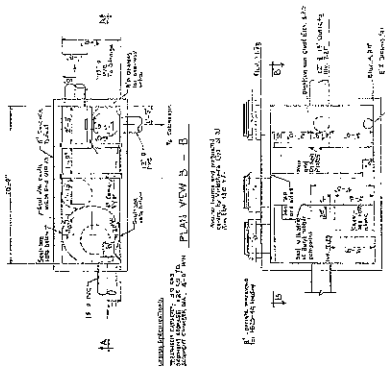
ELEVATION



SECTION

SIDEWALK RAMP DETAIL
 NEW TO SITE

NOTE:
 EXISTING (AS SHOWN) CONC. SIDEWALK FROM PREVIOUS WORKING



SECTION A - A
 STORMWATER TREATMENT SYSTEM
 YORK ST. BLOCK 2000
 SCALE: 1\"/>

G.146

NEW PIPE INTO EXISTING STRUCTURE

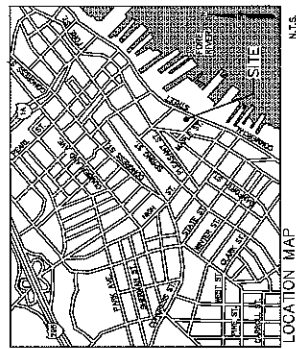
ALIGNMENT & GRADING
 PARKING LOT
 31131 COMMERCIAL STREET
 PORTLAND, MAINE
 J.B. BROWN & SONS

HERBERT P. GRAY
 111 SIMMONS ROAD, SCARSDALE, N.Y. 11583
 SCALE: 1\"/>

DATE: 4/29/73
 DRAWN BY: D.J.B.
 CHECKED BY: H.W.S.
 4 OF 1

DATE: 10-08-12	PROJECT: 11800 NE 15TH AVENUE SUITE 300
DRAWN BY: [blank]	SCALE: 1" = 30'
CHECKED BY: [blank]	PROJECT NO: [blank]
APPROVED BY: [blank]	DATE: [blank]

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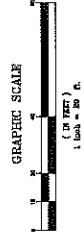
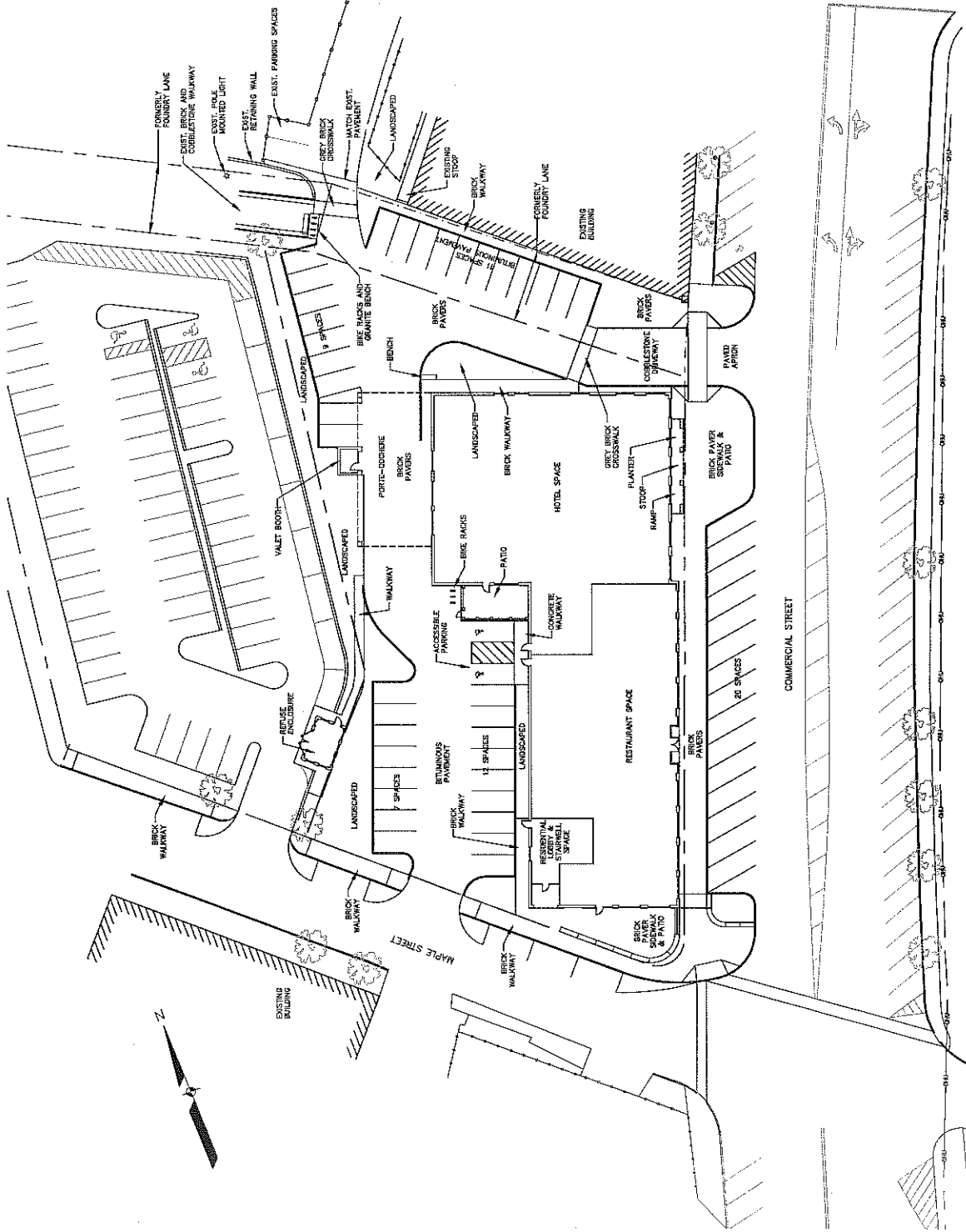


GENERAL NOTES:

1. THESE PLANS ARE BASED ON ANY OF THE RECORDS OF LANDINGS AND ARE THE PROPERTY OF OPACHEE COMMUNICATION CORPORATION. ANY CHANGES TO THESE PLANS SHALL BE THE RESPONSIBILITY OF THE CLIENT. ANY CHANGES TO THESE PLANS SHALL BE THE RESPONSIBILITY OF THE CLIENT.
2. ALL RECORDS WITHIN THE PROJECT SHALL BE KEPT UP TO DATE AND WILL BE THE RESPONSIBILITY OF THE CLIENT.
3. ALL RECORDS WITHIN THE PROJECT SHALL BE KEPT UP TO DATE AND WILL BE THE RESPONSIBILITY OF THE CLIENT.
4. ALL RECORDS WITHIN THE PROJECT SHALL BE KEPT UP TO DATE AND WILL BE THE RESPONSIBILITY OF THE CLIENT.

ZONING SUMMARY:

1. SUBJECT PROPERTY IS ZONED U-2 (COMMERCIAL) BY THE CITY OF PORTLAND. THE MAXIMUM BUILDING HEIGHT IS 35 FEET.
2. TOTAL LAND AREA OF SUBJECT PROPERTY IS APPROXIMATELY 0.25 ACRES.
3. ZONING DISTRICT: SUBJECT PROPERTY IS LOCATED IN THE URBAN COMMERCIAL ZONING DISTRICT.
4. SPACE AND BUILDING HEIGHTS: THE MAXIMUM BUILDING HEIGHT IS 35 FEET. THE MAXIMUM BUILDING FOOTPRINT IS 10,000 SQ. FT.
5. MINIMUM LOT FRONTAGE: 100 FEET.
6. MINIMUM LOT DEPTH: 100 FEET.
7. MINIMUM SETBACKS: 10 FEET FRONT, 5 FEET SIDE, 5 FEET REAR.
8. MAXIMUM NUMBER OF UNITS: 10 UNITS.
9. MAXIMUM GROUND COVER: 100 PERCENT.
10. MAXIMUM BUILDING HEIGHT: 35 FEET.
11. MAXIMUM BUILDING FOOTPRINT: 10,000 SQ. FT.



G. 1. 48

5002-01

Section 6 Schedule

Construction is scheduled to commence in 2013 with completion in 2014.

5002-01-2-o1012-app (sections 2-6).doc

PARKING STUDY MEMORANDUM

TO: Ms. Barbara Barhydt - Development Review Services Manager
Development Review Program, City of Portland

FROM: John Q. Adams, P.E., PTOE
Senior Transportation Engineer
Milone & MacBroom, Inc.

DATE: October 22, 2012

RE: Parking Study
Applicant - J. B. Brown & Sons
Proposed Hotel, Restaurant, and Residences
Commercial Street, Portland, Maine
MMI #5002-01-5



Introduction

- 1. Project Description:** The applicant is proposing a mixed-use development comprised of a 131-room limited service hotel, 14 residences, and a casual restaurant of approximately 7,000 square feet (sf). In total, the development will occupy approximately 111,180 sf of space. The plan calls for 28 on-site parking spaces, with another 82 spaces provided off site at a nearby surface parking lot on York Street. The York Street parking lot is located 300 feet south of the York Street at Maple Street intersection and is owned by J. B. Brown & Sons. On-street parking will be impacted slightly by this development.
- 2. Zoning Ratios:** Section 14-332 of the City of Portland Zoning Ordinance requires that, *"In all zones where off-street parking is required, the following minimum off-street parking requirements shall be provided ..."*

TABLE 1
Parking Ratios Per Section 14-332

Use	Size	Required Ratio	Total Required
Hotel Rooms	131 rooms	0.25 spaces per room	33
Condominiums (on peninsula)	14 units	one space per room	14
Restaurant	4,300 sf	one space per 150 sf (excludes kitchen/storage)	29
Totals			76

3. **Parking Standards:** Section 14-332 of the City of Portland Zoning Ordinance provides an exception to the standard ratios as follows: "... the parking requirement for any new structure in excess of fifty thousand (50,000) square feet shall be as established by the Planning Board." The proposed development is approximately 111,180 sf and, as such, is subject to this exception. Further, Section 14-526 of the City of Portland Site Plan Review Regulations specifies that "Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the Planning Board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant, which shall be reviewed by the city traffic engineer, and upon the recommendation of the city traffic engineer..."
4. **Recommended Parking Demand:** While the quantity of parking spaces applicable to the project is sufficient to meet the standard parking ratios established for projects less than 50,000 sf, the applicant is proposing to utilize the proposed parking in a method that will best accommodate the anticipated demand for the mixed uses within the development. The following summarizes the means by which parking will be accommodated for each use:
- **Residences:** *We recommend that each residence in the development be provided one dedicated parking space within the proposed surface parking lot, for a total of 14 dedicated spaces.* It should be noted that as part of the Transportation Demand Management (TDM) Plan, parking spaces can potentially be unbundled from the residences, which could reduce demand should the occupant opt not to have a dedicated parking space.
 - **Hotel:** Experience from data provided by Hilton Worldwide indicates that urban hotel properties generate approximately two customer vehicles per three occupied rooms (0.65 vehicles per occupied room). This is attributable to the fact that some guests arrive by taxi, hotel courtesy van, or other means of public transportation. Further, some guests (such as families or business groups) will arrive in a single vehicle but occupy more than one room. During full occupancy, a 0.65 vehicles/room ratio would be expected to generate approximately 86 guest vehicles. This is higher and more conservative when compared to the zoning ordinance, which defined the parking requirement to be 33 parking spaces. All of the guest vehicles would be parked by valet personnel. Fourteen spaces have been provided on site for temporary and short-term parking of guest vehicles. Another 72 spaces will be provided at the York Street valet parking lot. In the few instances where full occupancy might generate an atypical parking ratio in excess of .65 vehicles per room, the few extra employee and/or customer vehicles can easily be accommodated at J. B. Brown & Sons' nearby York Street surface parking lot. *Based on the parking analysis for the proposed hotel use, we recommend that a total of 86 parking spaces be provided on site and off site at the York Street valet parking lot.*
 - **Restaurant:** It is anticipated that most of the restaurant customers will already be shopping, working, or touring the Old Port neighborhoods and, as such, will not generate significant parking demand. However, to be consistent with the previous Jordan's Meats site development project, which also included a hotel, restaurant, and residences, we will provide the restaurant with up to 10 dedicated spaces in the York Street parking lot for restaurant employees. This arrangement will offset parking demand if necessary for area on-street, surface, and garage parking. Similar to the hotel, peak demand for the restaurant will occur during times that are off peak for most of the area businesses, providing good utilization of the several public parking spaces/garages within a couple of blocks of the proposed development. Many of the restaurant employees will walk or

take the bus to this location, and others will use the available public parking opportunities. During peak hours, the restaurant would employ approximately 14 people. ***Based on the parking analysis for the proposed restaurant, we recommend that 10 spaces be provided. This is consistent with the city's requirements for the recent Jordan's Meats site mixed-use redevelopment, which also had a 7,000 sf restaurant.***

5. Bicycle Parking Spaces

- **Required number of bicycle parking spaces:**

Standard: Under the city's Land Use Ordinance Section 14-526 (a) 4. b. (ii), the reviewing authority may reduce the required number of bicycle parking spaces if it determined based on evidence submitted by the applicant that the proposed development is expected to generate a reduced demand for bicycle parking.

The required number of bicycle parking spaces is based on the required parking spaces. The parking requirements for this project are to be determined by the Planning Board because the project is greater than 50,000 sf. This determination is based on a parking analysis. Therefore, our required bicycle parking based on the parking analysis will be:

Bicycle Parking Required:

Residential = 2 bikes/5 dwelling units = $14/5 \times 2 = 6$ spaces
 Nonresidential = 2 bikes/10 parking spaces required
 = 86 hotel spaces + 10 restaurant spaces
 = $96/2 \times 10 = 20$ spaces

The required number of bicycle parking spaces is 26. The greatest number of parking spaces is generated by the hotel, which will require the fewest bicycle parking spaces. Virtually no hotel guests will arrive by bicycle. Furthermore, very few will bring a bike to ride around the city. We are providing 20 bicycle parking spaces, which should be adequate for the residents, restaurant patrons, and employees of the restaurant and hotel. Fourteen of the bicycle spaces will be provided outdoors on site, and six will be provided indoors in a dedicated storage room for use by the residents. This will require the approval of a waiver by the Planning Board.

6. Impacts to On-Street Parking

The project will impact on-street parking on Commercial Street and Maple Street as follows:

Commercial Street: Will be provided with 16 angled parking spaces. In addition, new sidewalks with curb-line extensions (bumpouts) will be constructed, which will have added benefits of better defining on-street parking, providing a refuge area from exiting traffic on Commercial Street, and providing pedestrians with a larger walking area and an area of refuge when they attempt to cross Commercial Street. The net impact on Commercial Street will be the addition of four spaces.

Maple Street: Will be provided with four parallel on-street spaces along the site's Maple Street frontage. Currently, there are seven spaces along this same area, which is a reduction of three spaces. The construction of the site's Maple Street entrance necessitates this reduction.

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Overall: The net number of parking spaces along these sections of Commercial Street and Maple Street will be increased by one space.

7. Summary

- The proposed development will be provided with a total of 110 parking spaces, with 28 on-site parking spaces and 82 spaces at the identified York Street valet parking lot, which is owned by J. B. Brown & Sons.
- A breakdown of off-street parking provided by use includes:
 1. Hotel – 86 spaces (14 on site and 72 off site at the York Street parking facility)
 2. Residences – 14 spaces on site
 3. Restaurant – 10 spaces at the York Street parking facility (consistent with city approval of recent similar Jordan's Meats site redevelopment project)
- Typical full occupancy hotel demand (± 86 cars) will be serviced as follows: Fourteen spaces will be reserved on site for hotel guests with 72 spaces provided at the nearby York Street surface parking facility. The hotel guests parking on site will typically be temporary while loading and unloading or short term in duration. The remaining 72 parking spaces will be serviced by valet service only to an existing York Street surface parking lot. The York Street surface lot has a maximum capacity of 120 spaces and will dedicate a sufficient number of spaces for use by hotel guests. This lot is owned by J. B. Brown & Sons. Therefore, the off-site parking of hotel vehicles will not create a significant flow of guest pedestrian traffic between the hotel and the York Street parking lot.
- Both the restaurant and hotel peak parking demands occur during "off-peak" parking times for public parking spaces, leading to efficient utilization of existing public parking facilities.
- The 110 total parking spaces provided are more than the 76 spaces suggested by the city ordinance (for developments under 50,000 sf).
- The necessity for restaurant customers to park in other Old Port or Eastern Waterfront locations will encourage pedestrian activity in the area consistent with the existing conditions in this area and the master planning goals for the Old Port and Eastern Waterfront and enhancing the viability of future retail uses in the neighborhood.
- Overall, the proposed development will result in a net increase of one parking space along the impacted sections of Commercial Street and Maple Street. There will be four spaces added along Commercial Street and three spaces removed along Maple Street.

cc: Tom Errico, City Traffic Engineer
J. B. Brown & Sons, Inc.
Opechee Construction Corp., Inc.

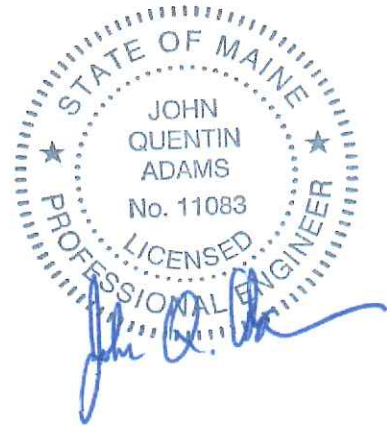
TRANSPORTATION DEMAND MANAGEMENT PLAN

TO: Ms. Barbara Barhydt - Development Review Services Manager
Development Review Program, City of Portland

FROM: John Q. Adams, P.E., PTOE
Senior Transportation Engineer
Milone & MacBroom, Inc.

DATE: October 22, 2012

RE: Transportation Demand Management Plan
Applicant - J. B. Brown & Sons
Proposed Hotel, Restaurant, and Residences
Commercial Street, Portland, Maine
MMI #5002-01-6



Project Description

The applicant is proposing a mixed-use development comprised of a 131-room limited service hotel, 14 residences, and a casual restaurant of approximately 7,000 sf. In total the development will occupy approximately 111,180 sf of space. The plan calls for 28 on-site parking spaces, with another 82 spaces provided off-site at a nearby surface parking lot on York Street. The York Street parking lot is located 300 ft south of the York Street at Maple St intersection and is owned by J.B. Brown & Sons.

The ownership structure is a significant consideration in this TDM Plan. It is the intent of J.B Brown & Sons, Inc. (JB) to maintain significant ownership of the development upon completion. This will allow JB to commence and maintain the goals of this TDM plan over the long term.

Project Location Relative to Transportation Context

At its location on the Portland peninsula and along the waterfront with Casco Bay, the Project is currently served by a transportation network comprised of local streets, an “arterial” street (Commercial St.), bus routes, pedestrian sidewalks, bikeways and the Casco Bay island ferry system. Moreover, the Project’s location is an area with a high density of residents and commuters ensures that the Project will be positioned to take advantage of the bicycle and pedestrian initiatives that are currently being developed as part of the city’s Comprehensive Plan and improvements in the mass transit (METRO) system. Additionally, this project is located on the western edge of the City’s Pedestrian Activities District. The goals of this district are to improve walkability and increase pedestrian oriented development and retail uses.

From the perspective of automobile transportation, the Project’s location is well suited for an on-peninsula project. Access to the site includes Franklin Street to the east, Commercial Street to the south, Route 77 to the south connecting to South Portland via the Casco Bay Bridge, and on a more regional basis by I-295 north of the project. Drivers to and from the site will have choices on how to access the site. Drivers can utilize I-295 and the Franklin Street interchange north and east of the site and can also access I-295 from the west at Congress Street and the Fore River Parkway interchanges. The Project will provide a mix of dedicated on-site parking and off-site parking by valet services, totaling 110 spaces (28 on-site and 82 off-site). A detailed Parking Study for the Project has also been submitted concurrently with this TDM plan. The Project developers believe that the mix of parking provided an

appropriate number of parking spaces for the hotel and residences while also acknowledging that many retail and restaurant uses are not supplied with any off-site parking. However, we have proposed to supply the restaurant use with 10 spaces for employees off-site at the proposed York Street valet parking lot.

The central peninsula location will promote walking and bicycling to work (both from and to the Project) as well as to restaurants, shopping, recreation and cultural amenities. The area is served by excellent sidewalks with illumination, ADA curb ramps, and crossing signals on Commercial Street at the intersections at Center Street and Union Street, and illumination and ADA curb ramps at other intersections.

The project location will have access to several modes of mass transit services including; the METRO Bus lines, South Portland bus service, Concord Coach Bus services and the Amtrak Downeaster.

METRO Bus Lines

The project location will allow easy access to the Metro 8 line which runs nearby on Danforth Street. It also provides access to the Metro Pulse, 1, 2, 3, 4, and 5 lines via Congress Street which is approximately a ¼ mile walk. These also provide access to the Portland Transportation Center on Thompsons Point, which then gains access to all 8 of the Greater Portland Transit District bus lines. Once at the Portland Transportation Center there are connections to the Downeaster rail service and to the Concord Coach intercity bus service

South Portland Bus Service

The South Portland bus Service (SPBS) currently has three routes which travel to Portland and loops around York Street, Union Street, Congress Street and High Street. These routes have transfers to the Metro routes on Congress Street and Elm Street and provide convenient route runs for potential users adjacent to the site on York Street.

Concord Coach (CC)

This intercity bus service provides non-stop service southerly to South Station in Boston and northerly to Augusta and Bangor Maine. CC also provides service to the Maine mid-coast regions also. This service allows access to connections from South Station in Boston via CC or other bus lines and rail services such as the Downeaster and the MBTA. To the north in Bangor, the CC provides connection services to Cyr Bus lines which provide service to points north in Aroostook County.

Amtrak Downeaster

This passenger rail service provides service from Freeport to the north southerly through Portland and to points south including North Station in Boston. Currently this service provides five round-trips per day.

Casco Bay Ferry Lines

This project would be an excellent work location for residents of Peaks Island and the other islands, with the ferry terminal less than ½ mile (on sidewalks) from the site along Commercial Street.

Purpose of the TDM Plan

The City of Portland requires the creation of a TDM plan for all projects in excess of 50,000 sf, or with 100 or more employees or students. This proposed mixed-use development is comprised of a hotel, restaurant and residences that will total 111,180 sf., which meets the criteria. The TDM plan will serve

a series of important needs. The Federal Transit Administration (FTA) defines Transit Oriented Developments (TOD) as mixed-use development within walking distance of public transportation. TOD's are key elements in creating and enhancing sustainable and livable communities and neighborhoods. There is a strong relationship between transit and economic development. TOD's tend to increase usage and ridership of transit services while reducing reliance on automobiles which decreases congestion and in some cases can improve air quality.

With these purposes in mind, J.B. Brown & Sons offers the following TDM plan objectives:

- Maximize the use of existing transit services in the area of the project
- Encourage public and private partnerships that will help to provide a reliable and safe transportation network that enhances quality of life and contributes to economic development.
- Reduce impacts of congestion especially during the peak hour hours on the adjacent roadway network.
- Make reductions to the amount of on-site parking.
- Reduce the use of single occupancy vehicles (SOV's)

Set Trip Generation and Parking Demand Reduction Targets

The Technical Manual requires applicants to develop a reduction target that begins with parking and trip generation projections based on either Institute of Traffic Engineers (ITE) projections or project-specific projections.

Detailed traffic and parking analyses have been prepared by licensed professional engineers and submitted to the City Planning Department as part of the Project's application for site plan approval. The trip generation estimates were based on ITE rates and the parking demand estimates were based on a mix of the City's ordinances, available industry data, and on the recently approved and in use redeveloped Jordan's Meat site. These are summarized below:

Trip Generation Summary (ITE *Trip Generation*, 8th Ed., see applicant's traffic study for details)

	Size	Trips	Enter	Exit
Hotel Weekday AM Peak Hr	131 room	61.3	53.9	7.4
Hotel Weekday PM Peak Hr	131 room	71.9	12.2	59.7
Restaurant Weekday AM Peak Hr	7,000 sf	42.6	26.0	16.6
Restaurant Weekday PM Peak Hr	7,000 sf	58.2	28.5	29.7
Residences: Weekday AM Peak Hr	14 units	5.5	1.1	4.4
Residences: Weekday PM Peak Hr	14 units	6.6	4.2	2.4
TOTAL: Weekday AM Peak		109	81	29
TOTAL: Weekday PM Peak		137	45	91.8

Parking Generation Summary (see applicant's parking study for details)

	Size	Rate/Ratio	Cars Parked
Hotel	131 rooms	0.65	86
Restaurant	7,000 sf	10 for the restaurant	10
Residences	14 units	1/unit	14
TOTAL			110

Target Trip and Parking Reduction Percentages. As the Technical Manual and the guidance at www.tdm2go.com recognizes, it is necessary to survey the specific employers, employees, residents and users to establish meaningful, achievable trip and parking reduction targets. Based on consultation and review of the existing literature, an appropriate and objective basis for trip reduction targets at this stage of development is set forth in *ITE Trip Generation Handbook*, 2d Ed., Appendix B “Effects of Transportation Demand Management (TDM) and Transit on Trip Generation.” A detailed analysis of the data and methodologies presented in that ITE article is beyond the scope of this plan, but the applicant and its consultants believe that the studies cited in the article generally support a 10% reduction in trips and parking. The applicant believes that through the implementation of a dynamic and robust TDM the 10% goals will be achieved.

TDM Coordinator

JB will be either hiring a part-time TDM coordinator or appoint a hotel employee the duties of the part-time TDM coordinator. The TDM coordinator will work with tenants to encourage and enhance the following services and items by residents, employees, and guests of the proposed uses.

- Promote and increase the use of alternatives to single occupancy vehicle travel with other available services including; Metro bus lines, Concord Coach lines, South Portland bus lines, other available bus lines, Amtrak Downeaster, U Car Share, airport shuttles
- Promote rideshare services and opportunities
- Encourage and increase bicycling and walking.
- Monitoring the amount of site parking utilized in conjunction with parking management staff.
- Continually strive to enhance and update the TDM plan. This TDM plan is not a static document, it is and should be a dynamic document that is continually monitored and improved.

The TDM Coordinator will also work with each of the users (hotel, restaurant and residences) to customize and apply the goals of the TDM plan to their individual uses.

Customized Parking and Trip Reduction Strategies

The Technical Manual recognizes that “every TDM plan must be customized to reflect the specific mix of use proposed for the development” and that “the administration of the TDM plan and the role of the TDM coordinator must adequately respond to the scale of the development, the uses in the development, and management of the facility. The TDM Plan for the project also recognizes the importance of customized, employer-specific TDM measures and appropriately will rely on input from the employers of the hotel and restaurant to customize and define strategies.

Specific Actions, Items and Elements that will be employed to promote the goals and objectives of the TDM plan will include and not be limited to:

Educational TDM Information Bulletin Board

A bulletin board will be installed in the hotel lobby with information and location of:

- Various mass transit and alternatives transportations services available.
- Tourist attractions within walking distance and those conveniently accessible by mass transit in the area.

In addition, a shelf would be installed adjacent to the bulletin board with info, pamphlets and maps available for guest to take for free. The applicant would also work with the restaurant operator to also have available in their lobby similar information. Periodically, pamphlets could be sent to the residents

promoting local mass transit and alternative transportation modes.

Resident, Employee & Customer Surveys

A key to an effective and dynamic TDM plan will be to solicit feedback from the sites users. The initial survey will be used to shape the first year TDM plan. Annual surveys will be conducted thereafter to continually monitor and customize the TDM to better match the site and its users. JB will coordinate with the individual tenants to perform surveys. The surveys will be tailored to each of the users of this development including;

1. Residents
2. Employees
3. Customers.

The survey will ask questions to discern such items as:

- What modes of travel are being utilized (cars, motorcycles, bus, walking etc.)
- Satisfaction with chosen modes of travel
- Potential for users to consider and employ alternates to single occupancy vehicles for travel.
- What are their concerns or deterrents to using mass-transit and alternative modes of travel.
- What types of changes/incentives could be employed by the TDM Coordinator to increase the use of mass-transit and alternative modes of travel. Examples could include subsidizing a portion or all of mass transit fares by employers, or offering parking to ridesharing employees.

The surveys would be made effectively available to each user.

Residents: A Periodic survey could be sent to each resident. Incentives to complete and return the survey could be offered such as transit vouchers or gift certificates to the restaurant use.

Employees: Information could be included on the bulletin board or sent along with paychecks. Incentives to complete the surveys could be offered such as mass transit vouchers or incentives to car pool or rideshare.

Customers: Surveys could be included with hotel or restaurant bill with incentives to complete the surveys such as; offering discounts on bills or cost associated with parking.

New Employee/Resident TDM Information Packets.

The Project developers will provide each new resident with a packet of educational information about TDM and the Project's TDM programs and commuting information. The agreements with the hotel and restaurant operators will require every employer to provide a TDM Information Packet to each new employee. This will be the responsibility of JB.

Carpools & Vanpools

The TDM Coordinator will contact Go Maine Commuter Services and coordinate with employers at the hotel and restaurant to find co-workers and other employees with similar addresses and schedules to promote the use of this service. The TDM Coordinator will work with the employers to encourage use of the vanpools and carpools by creating acceptable incentive programs.

Create Carpool Plan

The employers of the hotel and restaurant will create a plan and provide parking either on-site or at the York Street valet parking lot for employees who car pool with a least one other employee.

Ridesharing

The TDM Coordinator will encourage residents, employees and customers to use the services available.

Promotional strategies may include; email blasts, social media updates, reservation confirmations, info included with bills and checkouts.

U Car Share

U Car share is a service that is available in the City of Portland. This service provides vehicles on an hourly and daily basis. Information on this service will be provided to residents, employees and hotel guests. The information can be put on the bulletin board, included in initial information packets and sent out through social media.

Public Transit

Offer free public transit passes to hotel guests. Employers of the hotel and restaurant would be encouraged to provide subsidies for use of transit by their employees. This will be the responsibility of the hotel and restaurant employers.

Shuttle Service

The hotel would provide shuttle service to the Portland Jetport, Amtrak and Metro station on Thompsons Point. Arrangements could also be made for special events such that hotel guest are shuttled to and from the hotel and event. This will be the responsibility of the hotel.

Install Bike Racks

Bike racks have been proposed for the site by JB. The current program will include space for 14 bicycles on-site plus an additional 6 spaces will be provided to the residents in a storage room. The installation of the bicycle racks will be the responsibility of the applicant JB Brown & Sons.

Unbundle Parking from Residences

The TDM Coordinator will work with JB to provide incentives (cost differentials) for including or not including a dedicated on-site parking space with the residential unit. This will be the responsibility of JB.

Build Wider Sidewalk with Pedestrian Amenities

Wider sidewalks 6 ft in width will be utilized in the site plan design. This will encourage pedestrian use of Commercial Street and Maple Street. In addition curb extensions will be added with ramps and truncated domes which will better define on-street parking and provide refuge areas for pedestrian waiting to cross streets. This will also shorten walk distances and provide better sight distances between vehicles and pedestrians. This will be the responsibility of the applicant JB Brown & Sons.

Reimburse Employee Cycling Expenses

The hotel and restaurant employers will provide a reimbursement and incentive for employees to ride to work. The amount of reimbursement will be determined by the TDM Coordinator working with the employer.

Scooter/Motorcycle Parking

Although dedicated parking spaces are not specifically defined on the site plan, the valet parking staff will be able to accommodate this mode of travel either on-site or at the York Street parking lot. This will be the responsibility of the hotel valet staff.

Promote Walkability

The TDM Coordinator will work with residents and the hotel guest to promote the many nearby tourists

attractions and trail networks that are accessible and walkable from the site. This will be the responsibility of JB.

Monitoring Information and Updating TDM Plan

Development and Start-Up Phase. Within 3 months after the project reaches 85% occupancy, JB Brown & Sons will through the appointed TDM Coordinator prepare and submit to the Planning Department a status report containing the following information:

- Status of implementation of development and start-up phase measures of this TDM Plan
- Status of occupancy for the hotel, restaurant and residential units.
- Identity and description of all occupants (number of occupants for residences; identity and description of operations, including number of employees, for each employer)
- Proposed enhancements or changes to post-development TDM measures based, if any
- Status and summary of TDM surveys and TDM plan design for each employer in the Project, listing measures as implemented or proposed in near future and noting any coordinated approaches
- Baseline measurements of actual parking and SOV trips (against which future monitoring data can be compared).
- Identity of any consultant or firm retained to assist with TDM monitoring and implementation

Post-Development Phase. One year after the Project reaches 85% occupancy, the TDM Coordinator working with on-site employer representatives and residents will conduct the following monitoring activities, with a report to the City's Planning Division TDM Manager approximately 8 weeks after the monitoring studies are conducted.

- Status of occupancy for the hotel, restaurant and residential units.
- Identity and description of all occupants (number of occupants for residences; identity and description of operations, including number of employees, for each employer)
- Employees and residents at the Project will be surveyed regarding their commuting/transportation modes, frequency, timing, parking (vehicle and/or bicycle), and available and desired transportation options. A report of these survey results will be presented in a format to be developed in consultation with the City's TDM Manager.
- Employers will be surveyed regarding their TDM programs and summaries will be reported.
- Detailed measurements of parking and SOV reductions against targets
- Any proposed enhancements or changes to implemented TDM measures, or proposed additional TDM measures, as considered effective to achieve targets
- Identity of any consultant or firm retained to assist with TDM monitoring and implementation

After the first post-development monitoring and reporting cycle is completed, the TDM Coordinating Committee will consult with the City TDM Manager with respect to proposed improvements to the Project's TDM programs and/or modifications to the monitoring and reporting actions.

cc: Tom Errico, City Traffic Engineer
J. B. Brown & Sons, Inc.
Opechee Construction Corp., Inc.

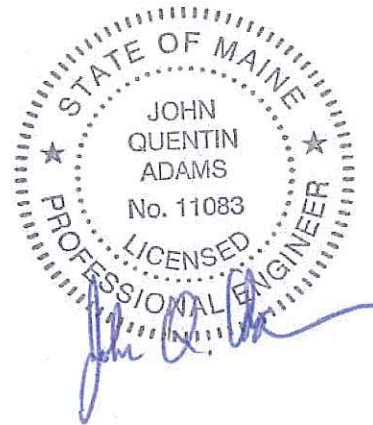
TRAFFIC ANALYSIS MEMORANDUM

TO: Ms. Jean Fraser
Planner
City of Portland

FROM: John Q. Adams, P.E., PTOE
Senior Transportation Engineer
Milone & MacBroom, Inc.

DATE: November 30, 2012

RE: Response to Traffic Movement Permit
(TMP) Scoping Meeting
JB Brown & Sons
Proposed Hotel, Restaurant, and
Residences
321 Commercial Street, Portland, Maine
MMI #5002-01-3



Introduction

The purpose of this memo is to respond to the requests for additional information and traffic analysis that were determined at the Traffic Movement Permit Scoping Meeting held at the City of Portland's Department of Planning on November 7, 2012. The following items were requested:

1. Traffic operations and queuing analysis should be performed during both the weekday AM and PM peak hours for the intersections of:
 - Maple Street at Commercial Street
 - Proposed site entrance on Commercial Street
 - Proposed site entrance on Maple Street
2. Other development trips to be included in the traffic analysis should include the proposed school located at the intersection of Maple Street and York Street and the Canal Plaza Hotel development located at the intersection of Union Street and York Street.
3. The intersection of High Street at Commercial Street was identified as a high crash location with eight crashes and a critical rate factor of 1.50. Of the eight crashes, four were rear-ends on the High Street approach. An accident diagram of the intersection and an analysis of contributing factors to the rear-end accident pattern were requested.

Proposed Development

The requested response to the scoping meeting was for the proposed mixed-use development, including a 131-room hotel, 7,000-square-foot (sf) restaurant, and 14 residences. The development is located at the corner of Commercial Street and Maple Street in Portland. Figure 1 at the end of this memorandum shows the project site and area extents. The site will be served by a full-access site entrance on Commercial Street located approximately 300 feet north of Maple Street and a full-access site entrance located 250 feet west of Commercial Street.

During the weekday AM and PM peak hours, the proposed development is expected to generate the following trip ends:

- Weekday AM Peak Hour (of Site) – 109 trip ends
- Weekday AM Peak Hour (of Roadway 7-9 AM) – 108 trip ends
- Weekday PM Peak Hour (of Site) – 137 trip ends
- Weekday PM Peak Hour (of Roadway 4-6 PM) – 111 trip ends

Traffic Operations and Queuing Analysis

Traffic operations analysis was performed for the requested study intersections, including Maple Street at Commercial Street, site entrance at Commercial Street, and the site entrance at Maple Street.

Assignment of Site-Generated Trips

In performing the analysis, we first distributed the site-generated trip ends to the area roadway networks as follows:

- Generally 75% of trip ends entering and exiting the site utilized Commercial Street, and 25% utilized York Street.
- For trips utilizing Commercial Street, 2/3 generally entered/exited from the south and 1/3 to/from the north.
- We also assumed that the hotel trips that utilize the York Street valet parking areas would utilize the Maple Street site entrance via a right turn out of the site and a left turn into the site. These movements have been adjusted (increased) to reflect these activities.

The site-generated trip ends are shown in Figure 2 located at the end of this memorandum. The "Other Development Trips" for developments in the permitting process but not yet approved or built are shown in Figure 3. The other development trips include the proposed school at the intersection of Maple Street and Commercial Street and the One Canal Plaza Hotel development at the corner of Union Street and Fore Street.

Traffic Counts and Adjustments

We performed traffic counts at the intersection of Maple Street and Commercial Street on Wednesday, November 14, 2012. Traffic count data sheets are included in the appendix. These traffic volumes are shown in Figure 4. These traffic counts were adjusted both seasonally and annually to account for the 2014 build year. The seasonal adjustment was based on Commercial Street being classified as a Type 1 urban commuter/roadway. The seasonal adjustment to the sixth highest week resulted in a 10% increase. Based on a flattening and decreasing trend in Maine Department of Transportation (DOT) annual average daily traffic counts in the area, the annual adjustment applied was 0.5% per year for a 1% increase total. The adjusted traffic volumes are shown in Figure 5. The other development trips shown in Figure 3 were combined with adjusted traffic volumes shown in Figure 5 to compile the 2014 background traffic volumes shown in Figure 6.

The background traffic volumes in Figure 6 were combined with the site-generated trips shown in Figure 2 to arrive at the 2014 Post Development Traffic Volumes shown in Figure 7.

Weekday AM and PM Peak-Hour Traffic Operations Analysis

We have performed traffic operations analysis at the study intersections, including Maple Street at Commercial Street, site entrance at Commercial Street, and the site entrance at Maple Street. The analysis was completed for unsignalized intersections utilizing *SimTraffic* traffic modeling software with data inputs utilizing *Synchro* 7.

Commercial Street was modeled as having enough width for through vehicles to bypass left-turning vehicles at Maple Street and at the site entrance on Commercial Street. This was based on both field observations of traffic operations and on roadway widths in each direction on Commercial Street at Maple Street (approximate widths of 30 feet northbound half section, 24 feet southbound half section) and at the site entrance on Commercial Street (approximate widths of 24 to 30 feet northbound half section).

Tables 1, 2, and 3 summarize the results of the traffic operations analysis under the 2014 weekday AM and PM peak hours for the background and postdevelopment conditions.

Synchro traffic data input sheets along with *SimTraffic* analysis outputs are enclosed in the appendix.

TABLE 1
Maple Street at Commercial Street
Traffic Operations Analysis
SimTraffic

	2014 AM Peak Hour		2014 PM Peak Hour	
	Background	Postdevelopment	Background	Postdevelopment
	LOS/Delay/95 th Q	LOS/Delay/95 th Q	LOS/Delay/95 th Q	LOS/Delay/95 th Q
Overall	A / 3.6 s	A / 3.9 s	A / 4.1 s	A / 3.6 s
Commercial NB	A / 4.4 s / 49 ft	A / 4.8 s / 50 ft	A / 3.2 s / 62 ft	A / 3.0 s / 59 ft
Commercial SB	A / 0.9 s / 6 ft	A / 0.6 s / 6 ft	A / 2.7 s / 8 ft	A / 1.2 s / 8 ft
Maple Street EB	A / 6.1 s / 48 ft	A / 7.2 s / 52 ft	C / 24.6 s / 92 ft	C / 23.0 s / 108 ft
Browns Wharf WB	B / 14.6 s / 32 ft	D / 25.2 s / 36 ft	D / 32.8 s / 37 ft	E / 37.7 s / 48 ft

Notes: LOS = Level of Service
 Q = queue
 s = seconds
 ft = feet
 NB = northbound, SB = southbound, EB = eastbound, WB = westbound

TABLE 2
Site Entrance at Maple Street
Traffic Operations Analysis
SimTraffic

	2014 AM Peak Hour		2014 PM Peak Hour	
	Background	Postdevelopment	Background	Postdevelopment
	LOS/Delay/95 th Q	LOS/Delay/95 th Q	LOS/Delay/95 th Q	LOS/Delay/95 th Q
Overall	-	A / 1.0 s	-	A / 1.0 s
Maple St EB	-	A / 0.5 s / 23 ft	-	A / 0.4 s / 21 ft
Maple St WB	-	A / 0.4 s / -	-	A / 0.6 s / -
Site SB	-	A / 2.7 s / 51 ft	-	A / 2.8 s / 5 ft

Notes: LOS = Level of Service
 Q = queue
 s = seconds
 ft = feet
 NB = northbound, SB = southbound, EB = eastbound, WB = westbound

G.4.5

TABLE 3
Site Entrance at Commercial Street
Traffic Operations Analysis
SimTraffic

	2014 AM Peak Hour		2014 PM Peak Hour	
	Background	Postdevelopment	Background	Postdevelopment
	LOS/Delay/95 th Q	LOS/Delay/95 th Q	LOS/Delay/95 th Q	LOS/Delay/95 th Q
Overall	-	A / 0.9 s	-	A / 1.6 s
Commercial NB	-	A / 0.9 s / 26 ft	-	A / 0.5 s / 25 ft
Commercial SB	-	A / 0.6 s / -	-	A / 1.5 s / 3 ft
Site EB	-	A / 5.6 s / 33 ft	-	C / 18.7 s / 65 ft

Notes: LOS = Level of Service
 Q = queue
 s = seconds
 ft = feet
 NB = northbound, SB = southbound, EB = eastbound, WB = westbound

The results of the *SimTraffic* analysis indicate that all of the intersections will function satisfactorily under the weekday AM and PM peak-hour postdevelopment conditions. At the intersection of Maple Street at Commercial Street, the Browns Wharf approach will experience some delay but will operate at Levels of Service (LOS) D and E in the AM and PM peak hours, respectively.

Accident Analysis – High Street at Commercial Street

Accident data from the Maine DOT was reviewed for the latest three-year period (2009 – 2011). We have prepared an accident diagram for the eight accidents recorded at the intersection. The diagram is located in the appendix to this memorandum. A review of the accident reports indicates that there is an accident pattern on the High Street approach to the intersection. We have reviewed the accident reports for the rear-end accident pattern on the High Street approach to the intersection and concluded the following:

Rear-end Accidents on High Street

- Two of the accidents occurred at night and two in daylight.
- Weather did not appear to be a factor as the accident reports indicated that they all occurred in clear and dry conditions.
- All were due to "driver following too closely."

The one factor common to all of the accidents was the steep grade of the High Street approach. The grade based on initial measurements from Google Earth maps is approximately -7%. This is likely a contributing factor in this rear-end accident pattern.

Conclusions

We have performed the requested analysis and offer the following conclusions:

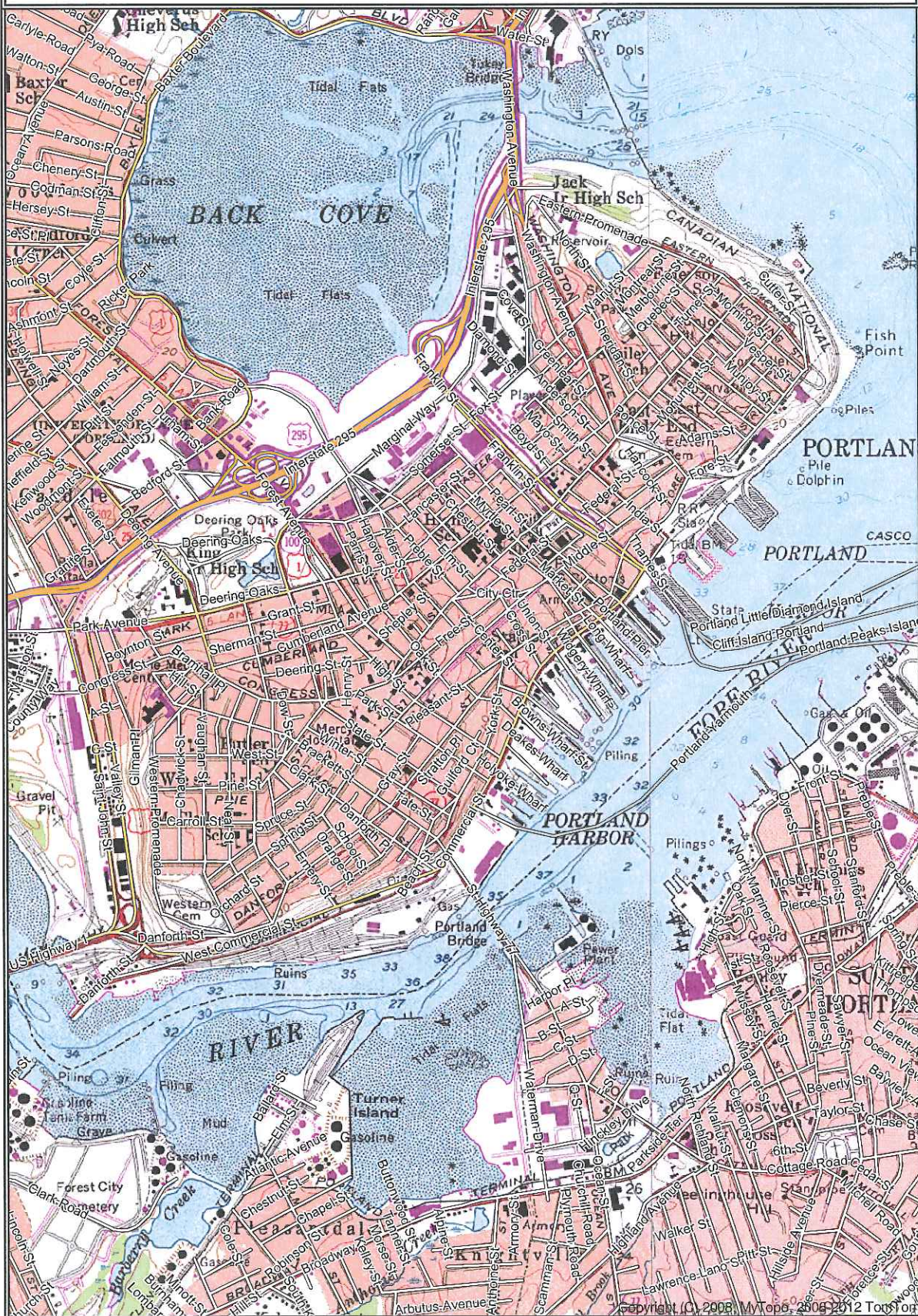
- The proposed development will include a 131-room hotel, 7,000-sf restaurant, and 14 residences.
- Traffic operations have been analyzed for the weekday AM and PM peak hours at the following requested study intersections:
 - Maple Street at Commercial Street
 - Proposed site entrance on Commercial Street
 - Proposed site entrance on Maple Street
- Traffic operations from a LOS and delay standpoint will function satisfactory at the study intersections.
- There was no excessive queuing noted in the analysis.
- There is an accident pattern on the High Street approach to Commercial Street, including four rear-end type accidents over a three-year period (2009 – 2011). The excessive grade on the High Street approach (-7%) appears to be a contributing factor.

Overall, it is our opinion that we do not expect the proposed development to have a significant impact on existing traffic operations at the study intersections. We trust that the above analysis has addressed the concerns of the City of Portland. Please let us know if you need any further information.

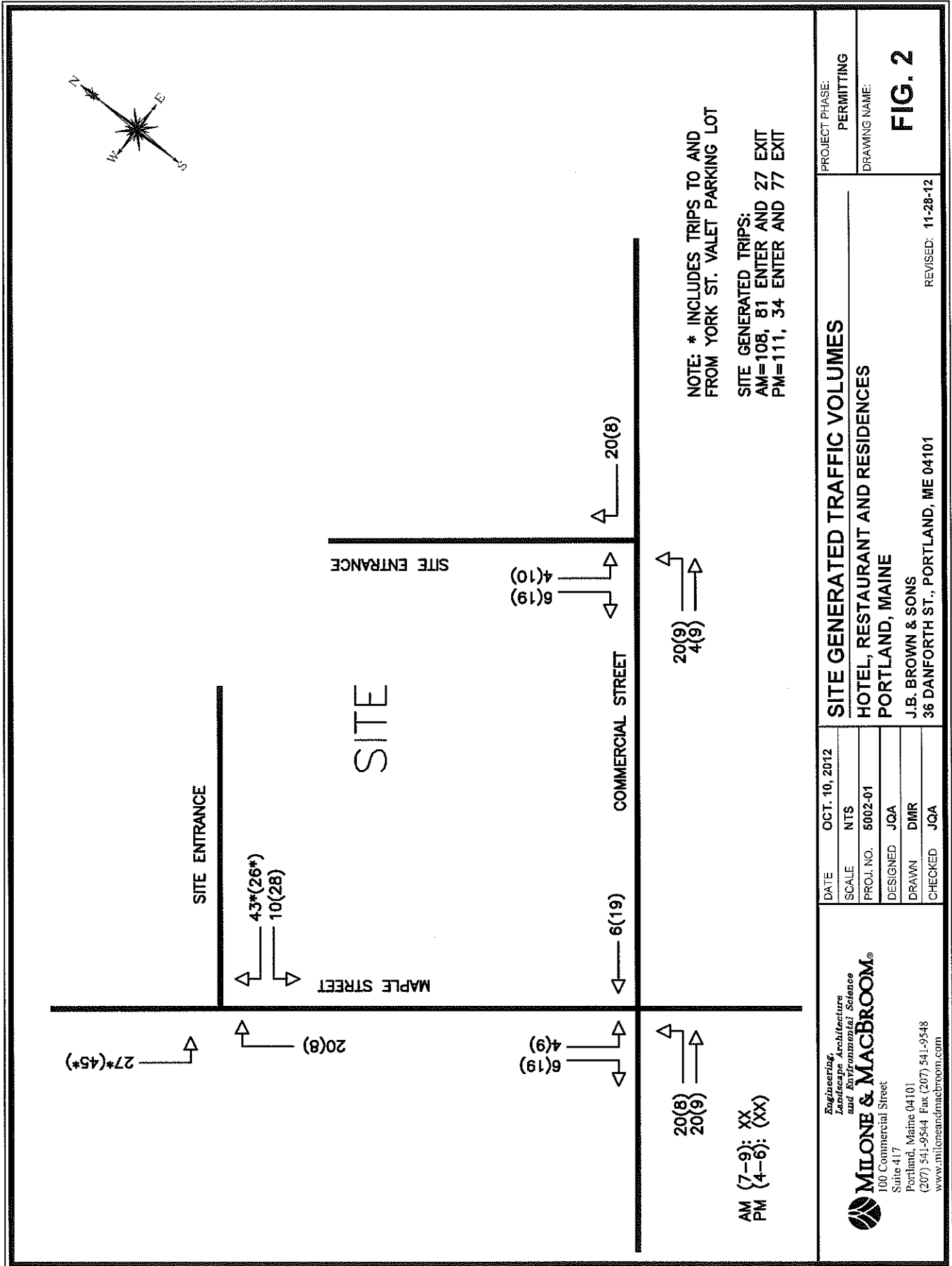
cc: Tom Errico, City Traffic Engineer
Opechee Construction Corp., LLC
Derek Olson, Region Traffic Engineer, MDOT Scarborough

G.4.7.

Map Name: PORTLAND WEST Scale: 1 inch = 2,000 ft. Horizontal Datum: NAD83
Print Date: 09/12/12 Map Center: 043° 39' 20.98" N 0



G. 4. 8



PROJECT PHASE:
 PERMITTING

DRAWING NAME:
FIG. 2

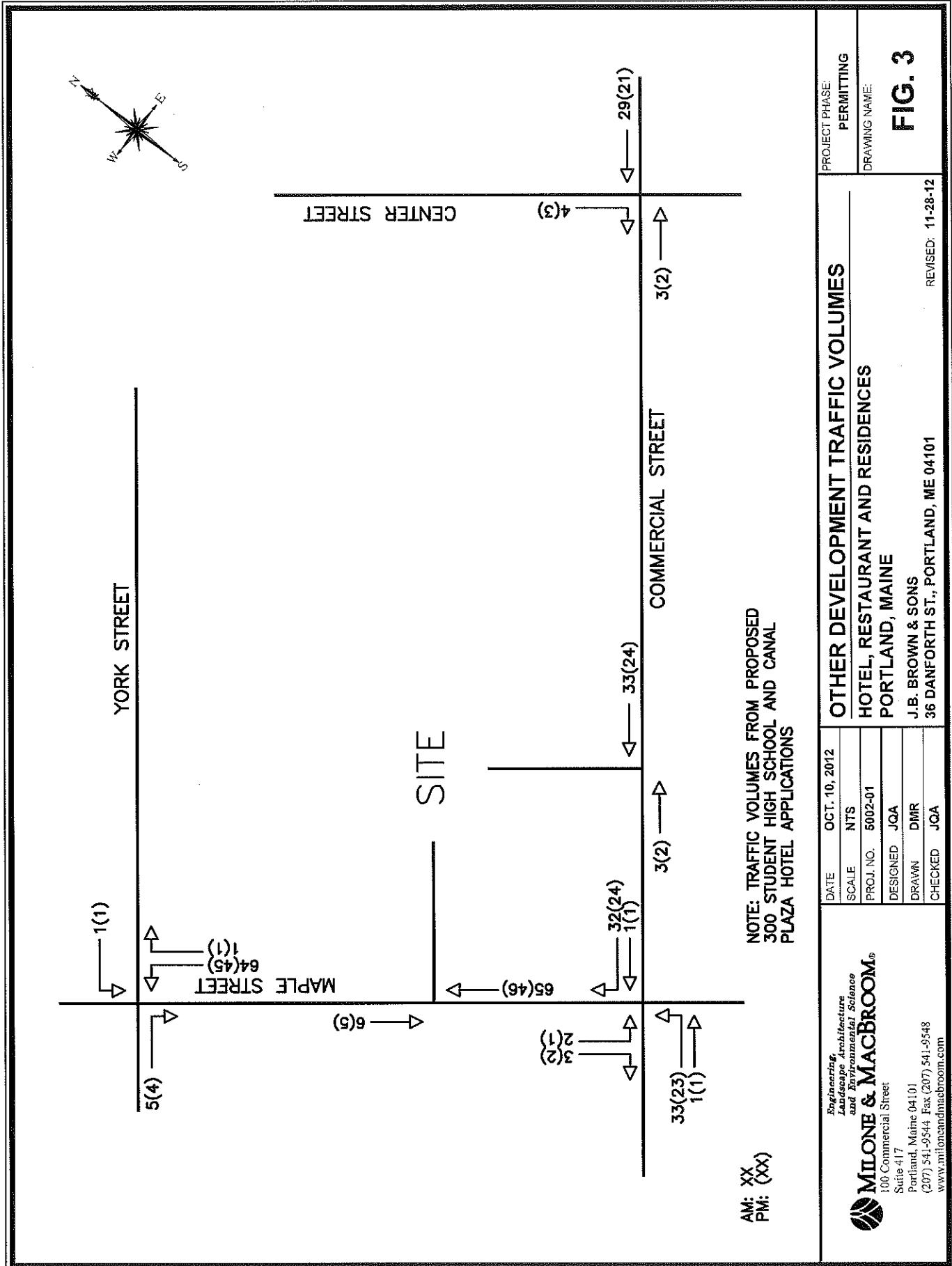
SITE GENERATED TRAFFIC VOLUMES
HOTEL, RESTAURANT AND RESIDENCES
PORTLAND, MAINE
 J.B. BROWN & SONS
 36 DANFORTH ST., PORTLAND, ME 04101

DATE: OCT. 10, 2012
 SCALE: NTS
 PROJ. NO.: 6002-01
 DESIGNED: JOA
 DRAWN: DMIR
 CHECKED: JOA

REVISED: 11-28-12

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PROJECT PHASE:
PERMITTING

DRAWING NAME:
FIG. 3

OTHER DEVELOPMENT TRAFFIC VOLUMES

HOTEL, RESTAURANT AND RESIDENCES
PORTLAND, MAINE
J.B. BROWN & SONS
36 DANFORTH ST., PORTLAND, ME 04101

REVISED: 11-28-12

DATE: OCT. 10, 2012

SCALE: NTS

PROJ. NO.: 5002-01

DESIGNED: JQA

DRAWN: DMIR

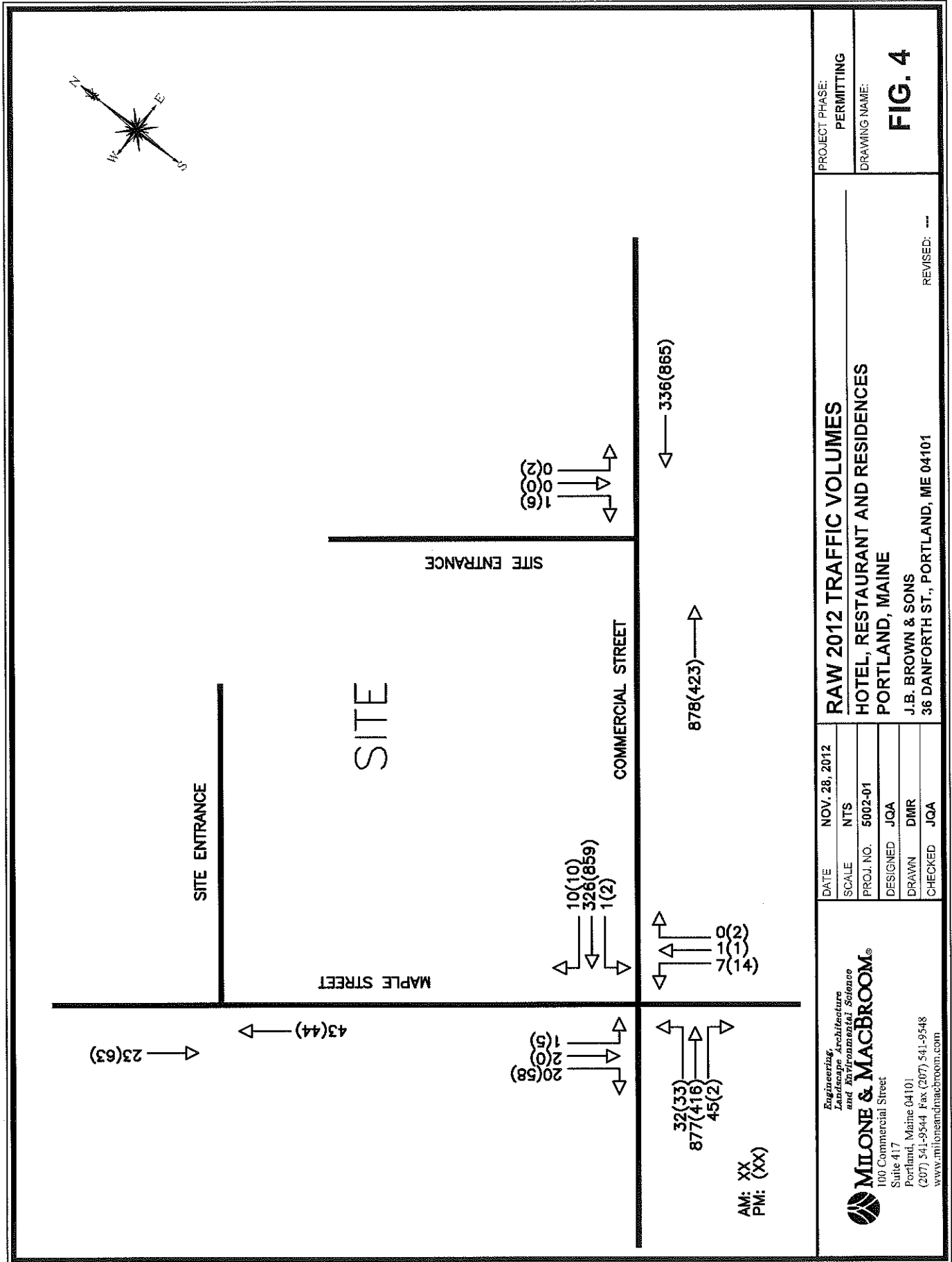
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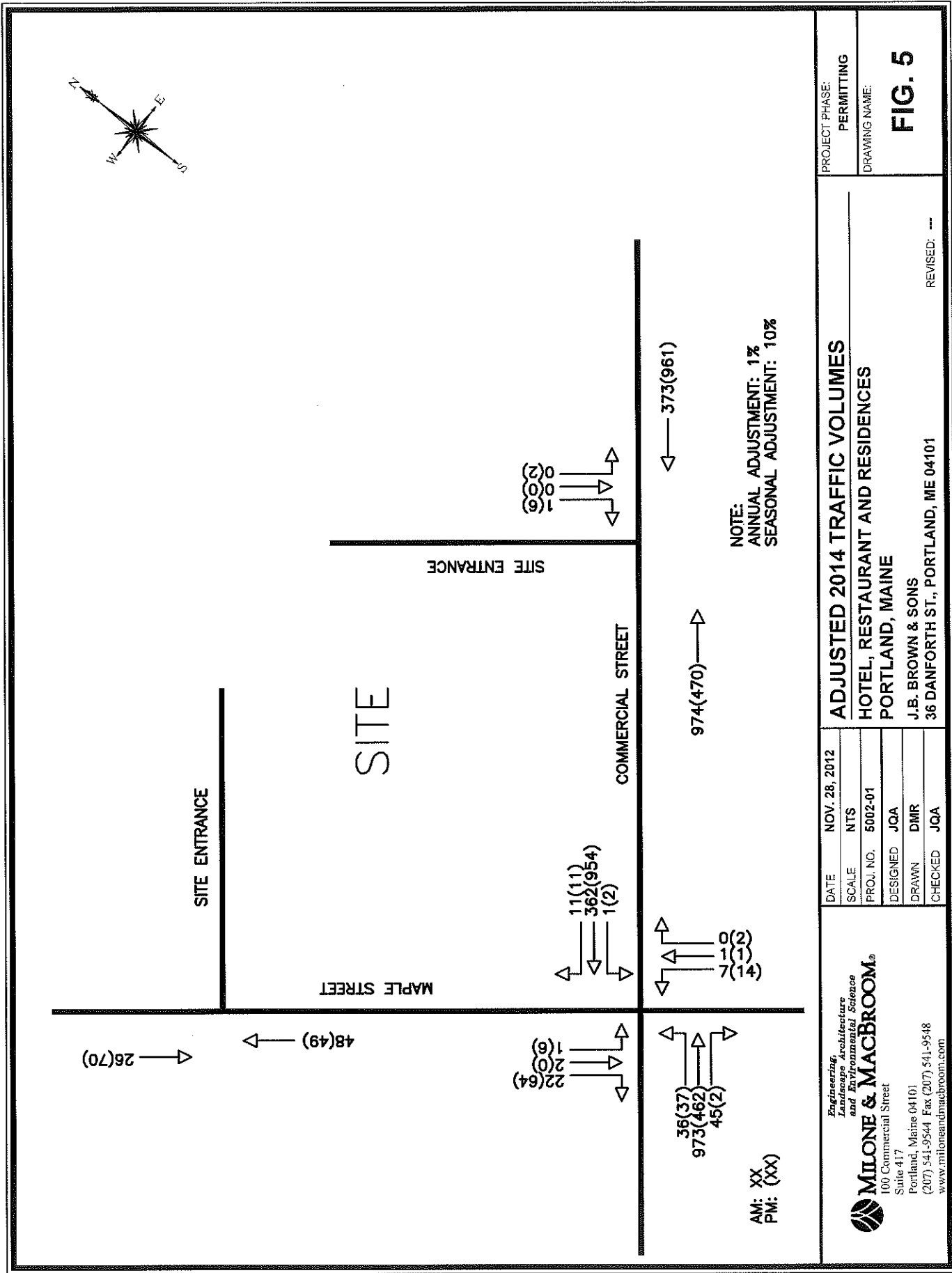
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G.4.10



G.4.11



PROJECT PHASE:
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DRAWING NAME:
FIG. 5

ADJUSTED 2014 TRAFFIC VOLUMES
HOTEL, RESTAURANT AND RESIDENCES
PORTLAND, MAINE
J.B. BROWN & SONS
36 DANFORTH ST., PORTLAND, ME 04101

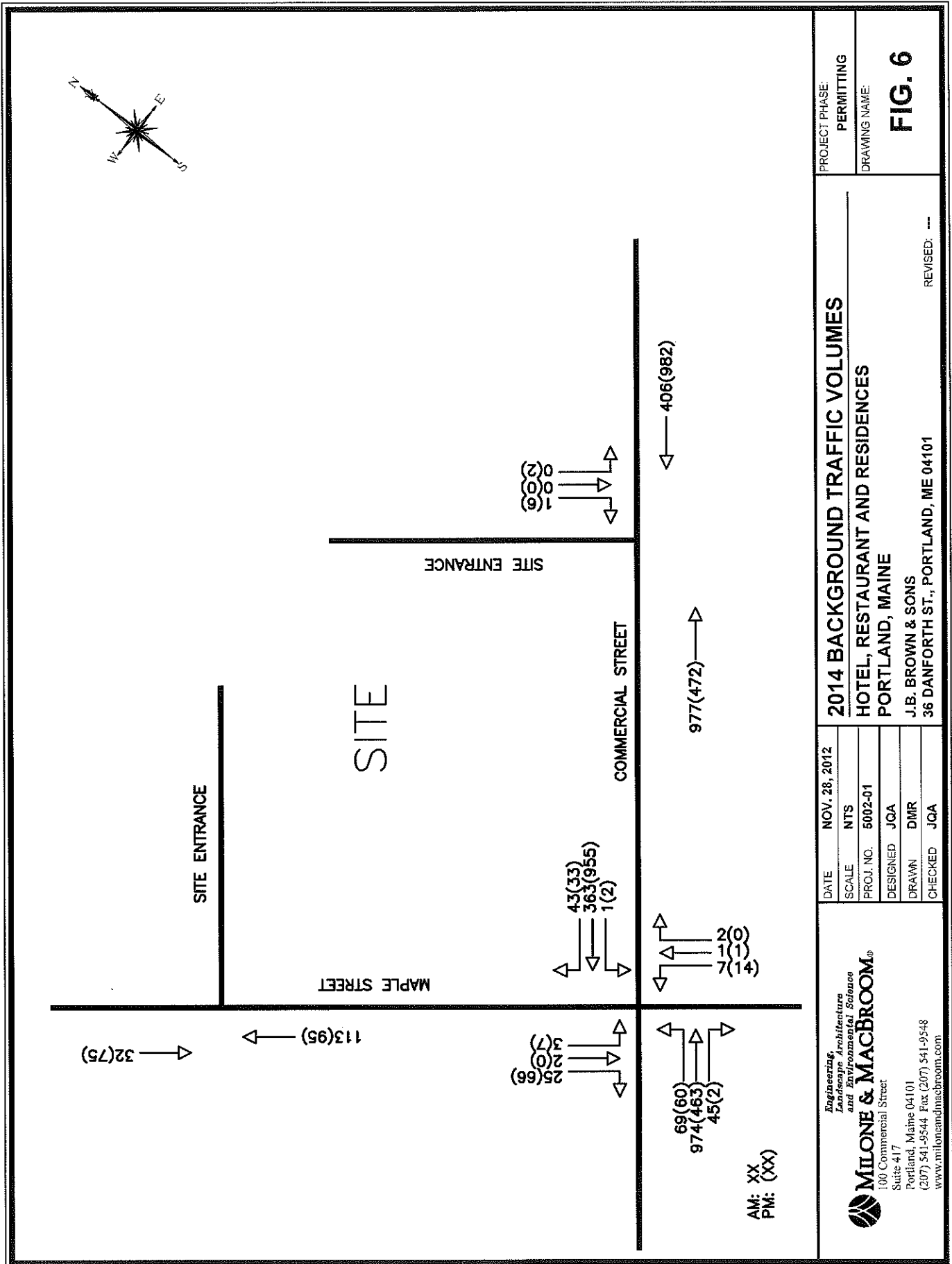
REVISD: ---

DATE: NOV. 28, 2012
SCALE: NTS
PROJ. NO.: 5002-01
DESIGNED: JQA
DRAWN: DMR
CHECKED: JQA

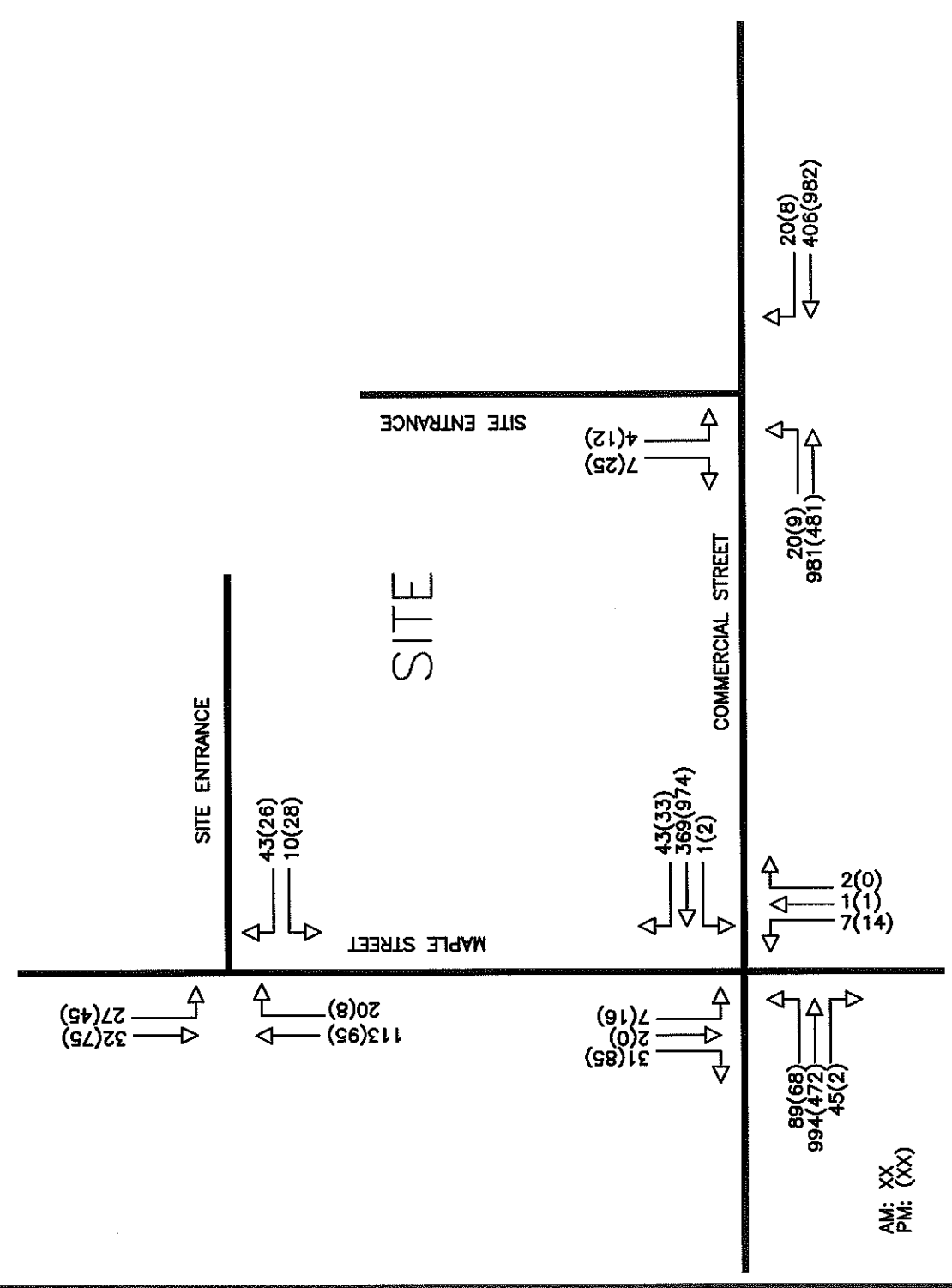
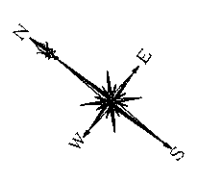
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G.4.12



G.4.13



AM: XX
PM: (XX)

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<p>2014 POST-DEVELOPMENT TRAFFIC VOLUMES</p> <p>HOTEL, RESTAURANT AND RESIDENCES</p> <p>PORTLAND, MAINE</p> <p>J.B. BROWN & SONS</p> <p>36 DANFORTH ST., PORTLAND, ME 04101</p> <p>REVISED: ---</p>			

Appendix

- **Traffic Count Data Sheets – Maple Street at Commercial Street**
- ***Synchro SimTraffic* Outputs**
- **Accident Diagram – High Street at Commercial Street**

G. 4. 15

DATE LOCATION: 11/14/2012 COMMERCIAL STREET AT MAPLE STREET, PORTLAND, ME
 ~WEEKDAY AM PEAK HOURS~

TIME	MOVEMENTS																		TOTALS						
	MAPLE ST EASTBOUND						COMMERCIAL ST NORTHBOUND						BROWNS WARF WESTBOUND						COMMERCIAL ST SOUTHBOUND						15 Minute Totals
	1	2	3	Peds	15 Minute Totals	4	5	6	Peds	15 Minute Totals	7	8	9	Peds	15 Minute Totals	10	11	12	Peds	15 Minute Totals	15 Minute Totals				
700 - 715	0	1	4	7	5	1	92	4	0	0	1	0	0	5	1	1	57	0	1	58					
715 - 730	1	1	1	4	3	5	146	6	0	2	2	0	5	4	0	0	81	3	0	84					
730 - 745	1	0	6	6	7	7	195	7	0	1	0	0	4	1	0	0	96	1	0	97					
745 - 800	0	0	4	7	4	5	243	10	3	1	0	0	4	1	0	0	79	3	0	82					
800 - 815	0	0	3	2	3	13	222	11	1	1	1	0	5	2	1	1	76	3	1	80					
815 - 830	0	1	8	3	9	6	216	12	0	0	0	0	5	0	0	0	85	0	0	85					
830 - 845	1	1	5	1	7	8	196	12	0	5	0	0	4	5	0	0	86	4	1	90					
845 - 900	3	0	9	6	12	1	187	7	0	1	0	1	2	2	2	2	85	3	0	90					
PHF	0.64						0.92						0.40						0.94						
PEAK HOUR % Heavy	1.0%	1.0%	1.0%	1.0%		1.0%	2.0%	1.0%		1.0%	1.0%	1.0%	1.0%		1.0%	1.0%	5.0%	1.0%							
PEAK HOUR TOTALS	1	2	20	13	23	32	877	45	4	954	7	1	0	18	8	1	326	10	2	337					
																					1322				

DATE LOCATION: 11/14/2012 COMMERCIAL STREET AT MAPLE STREET, PORTLAND, ME
 ~WEEKDAY PM PEAK HOURS~

TIME	MOVEMENTS															TOTALS					
	MAPLE ST EASTBOUND					COMMERCIAL ST NORTHBOUND					BROWNS WARF WESTBOUND					COMMERCIAL ST SOUTHBOUND					15 Minute Totals
	1	2	3	Peds	15 Minute Totals	4	5	6	Peds	15 Minute Totals	7	8	9	Peds	15 Minute Totals	10	11	12	Peds	15 Minute Totals	Totals
430 - 445 PM	0	0	17	1	17	2	102	1	2	105	5	0	0	2	5	0	193	1	1	194	321
445 - 500 PM	2	0	17	3	19	8	97	1	3	106	7	0	0	3	7	0	186	2	1	188	320
500 - 515 PM	3	0	16	1	19	9	118	0	1	127	3	0	0	2	3	0	236	2	3	238	387
515 - 530 PM	0	0	12	2	12	7	103	1	1	111	1	0	2	2	3	2	233	2	2	237	363
530 - 545 PM	0	0	13	4	13	9	98	0	1	107	3	1	0	1	4	0	204	4	0	208	332
545 - 600 PM	3	0	20	2	23	3	97	1	0	101	3	0	0	1	3	2	161	4	1	167	294
PHF	0.83					0.89					0.61					0.91					
PEAK HOUR % Heavy	1.0%	0.0%	1.0%			1.0%	4.0%	1.0%			2.0%	1.0%	1.0%			1.0%	2.0%	1.0%			
PEAK HOUR TOTALS	5	0	58	10	63	33	416	2	6	451	14	1	2	8	17	2	859	10	6	871	1402

PEAK HOUR FACTOR:

$$PHF = \frac{\text{(Addition of the 4 - 15 minute Intervals)}}{\text{(Highest 15 minute Interval) X (4)}}$$

G. 4. 17

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:40	7:40	7:40	7:40	7:40	7:40
End Time	8:45	8:45	8:45	8:45	8:45	8:45
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intvls	1	1	1	1	1	1
Vehs Entered	1517	1614	1501	1476	1494	1522
Vehs Exited	1523	1612	1506	1483	1485	1522
Starting Vehs	15	14	17	14	9	13
Ending Vehs	9	16	12	7	18	12
Denied Entry Before	0	1	1	1	0	1
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	339	363	335	331	335	341
Travel Time (hr)	13.8	14.8	13.3	13.3	13.2	13.7
Total Delay (hr)	2.1	2.3	1.7	1.9	1.6	1.9
Total Stops	67	60	79	59	63	66
Fuel Used (gal)	11.5	12.2	11.2	11.1	11.0	11.4

Interval #0 Information Seeding

Start Time	7:40
End Time	7:45
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:45
End Time	8:45
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1517	1614	1501	1476	1494	1522
Vehs Exited	1523	1612	1506	1483	1485	1522
Starting Vehs	15	14	17	14	9	13
Ending Vehs	9	16	12	7	18	12
Denied Entry Before	0	1	1	1	0	1
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	339	363	335	331	335	341
Travel Time (hr)	13.8	14.8	13.3	13.3	13.2	13.7
Total Delay (hr)	2.1	2.3	1.7	1.9	1.6	1.9
Total Stops	67	60	79	59	63	66
Fuel Used (gal)	11.5	12.2	11.2	11.1	11.0	11.4

6.4.18

JB Brown - Hotel, Restaurant & Residences
Commercial at Maple

2014 Background AM Peak Hour
11/28/2012

3: Maple & Commercial Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Delay / Veh (s)	16.8	16.2	4.3	20.1	12.2	7.1	9.8	4.1	3.4		0.9	0.7

3: Maple & Commercial Performance by movement

Movement	All
Delay / Veh (s)	3.6

Total Network Performance

Delay / Veh (s)	4.5
-----------------	-----

G. 4. 19

JB Brown - Hotel, Restaurant & Residences
Commercial at Maple

2014 Background AM Peak Hour
11/28/2012

Intersection: 3: Maple & Commercial

Movement	EB	WB	NB	SB	SB
Directions Served	LTR	LTR	L	L	TR
Maximum Queue (ft)	54	35	56	12	8
Average Queue (ft)	19	9	20	0	0
95th Queue (ft)	48	32	49	6	4
Link Distance (ft)	177	152			580
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)			100	100	
Storage Blk Time (%)					
Queuing Penalty (veh)					

Network Summary

Network wide Queuing Penalty: 0

G.4.20

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:40	4:40	4:40	4:40	4:40	4:40
End Time	5:45	5:45	5:45	5:45	5:45	5:45
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intvls	1	1	1	1	1	1
Vehs Entered	1576	1690	1628	1597	1566	1611
Vehs Exited	1573	1687	1637	1601	1563	1612
Starting Vehs	11	14	18	12	14	13
Ending Vehs	14	17	9	8	17	12
Denied Entry Before	0	1	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	354	379	367	358	352	362
Travel Time (hr)	14.1	16.1	15.1	14.3	14.1	14.8
Total Delay (hr)	1.9	3.0	2.5	2.0	2.0	2.3
Total Stops	142	154	125	152	122	139
Fuel Used (gal)	11.7	12.9	12.5	11.9	11.7	12.1

Interval #0 Information Seeding

Start Time	4:40
End Time	4:45
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:45
End Time	5:45
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1576	1690	1628	1597	1566	1611
Vehs Exited	1573	1687	1637	1601	1563	1612
Starting Vehs	11	14	18	12	14	13
Ending Vehs	14	17	9	8	17	12
Denied Entry Before	0	1	0	0	0	0
Denied Entry After	0	0	0	0	0	0
Travel Distance (mi)	354	379	367	358	352	362
Travel Time (hr)	14.1	16.1	15.1	14.3	14.1	14.8
Total Delay (hr)	1.9	3.0	2.5	2.0	2.0	2.3
Total Stops	142	154	125	152	122	139
Fuel Used (gal)	11.7	12.9	12.5	11.9	11.7	12.1

G.4.21

JB Brown - Hotel, Restaurant & Residences
Baseline

2014 Background PM Peak Hour
11/28/2012

3: Maple & Commercial Performance by movement

Movement	EBL	EBR	WBL	WBT	NBL	NBT	NBR	SBL	SBT	SBR	All
Delay / Veh (s)	41.5	22.4	33.5	29.1	16.4	1.4	1.8	7.8	2.7	2.1	4.1

Total Network Performance

Delay / Veh (s)	5.0
-----------------	-----

G.4.22

JB Brown - Hotel, Restaurant & Residences
Baseline

2014 Background PM Peak Hour
11/28/2012

Intersection: 3: Maple & Commercial

Movement	EB	WB	NB	SB	SB
Directions Served	LR	LTR	L	L	TR
Maximum Queue (ft)	132	39	82	12	15
Average Queue (ft)	44	12	32	1	1
95th Queue (ft)	92	37	62	8	9
Link Distance (ft)	177	152			580
Upstream Blk Time (%)	0				
Queuing Penalty (veh)	0				
Storage Bay Dist (ft)			100	100	
Storage Blk Time (%)			0		
Queuing Penalty (veh)			0		

Network Summary

Network wide Queuing Penalty: 0

G. 4. 23

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	7:40	7:40	7:40	7:40	7:40	7:40
End Time	8:45	8:45	8:45	8:45	8:45	8:45
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intvl	1	1	1	1	1	1
Vehs Entered	1714	1804	1684	1717	1649	1712
Vehs Exited	1715	1802	1690	1716	1653	1714
Starting Vehs	12	14	16	16	18	16
Ending Vehs	11	16	10	17	14	12
Denied Entry Before	2	2	1	2	0	1
Denied Entry After	0	1	2	0	1	1
Travel Distance (mi)	371	388	359	367	354	368
Travel Time (hr)	15.5	16.4	15.2	15.2	14.3	15.3
Total Delay (hr)	2.5	2.7	2.5	2.3	1.8	2.4
Total Stops	178	163	179	154	166	166
Fuel Used (gal)	12.8	13.6	12.6	12.7	12.0	12.7

Interval #0 Information Seeding

Start Time	7:40
End Time	7:45
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	7:45
End Time	8:45
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1714	1804	1684	1717	1649	1712
Vehs Exited	1715	1802	1690	1716	1653	1714
Starting Vehs	12	14	16	16	18	16
Ending Vehs	11	16	10	17	14	12
Denied Entry Before	2	2	1	2	0	1
Denied Entry After	0	1	2	0	1	1
Travel Distance (mi)	371	388	359	367	354	368
Travel Time (hr)	15.5	16.4	15.2	15.2	14.3	15.3
Total Delay (hr)	2.5	2.7	2.5	2.3	1.8	2.4
Total Stops	178	163	179	154	166	166
Fuel Used (gal)	12.8	13.6	12.6	12.7	12.0	12.7

3: Maple & Commercial Performance by movement

Movement	EBL	EBT	EBR	WBL	WBR	NBL	NBT	NBR	SBL	SBT	SBR	All
Delay / Veh (s)	18.6	10.4	5.5	28.5	15.3	9.7	4.4	4.1	3.6	0.7	0.3	3.9

6: Maple & Site Performance by movement

Movement	EBL	EBT	WBT	WBR	SBL	SBR	All
Delay / Veh (s)	0.8	0.2	0.4	0.4	3.6	2.5	1.0

8: Commercial & Performance by movement

Movement	EBL	EBR	NBL	NBT	SBT	SBR	All
Delay / Veh (s)	10.3	4.2	3.6	0.9	0.6	0.5	0.9

Total Network Performance

Delay / Veh (s)													5.0
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G.4.25

Intersection: 3: Maple & Commercial

Movement	EB	WB	NB	SB	SB
Directions Served	LTR	LTR	L	L	TR
Maximum Queue (ft)	58	43	61	12	4
Average Queue (ft)	24	11	22	0	0
95th Queue (ft)	52	36	50	6	5
Link Distance (ft)	206	152			258
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)			100	100	
Storage Blk Time (%)					
Queuing Penalty (veh)					

Intersection: 6: Maple & Site

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	40	54
Average Queue (ft)	4	28
95th Queue (ft)	23	51
Link Distance (ft)	91	92
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 8: Commercial &

Movement	EB	NB
Directions Served	LR	L
Maximum Queue (ft)	34	36
Average Queue (ft)	10	6
95th Queue (ft)	33	26
Link Distance (ft)	68	
Upstream Blk Time (%)	0	
Queuing Penalty (veh)	0	
Storage Bay Dist (ft)		50
Storage Blk Time (%)		0
Queuing Penalty (veh)		1

Network Summary

Network wide Queuing Penalty: 1

G. 4. 26

JB Brown - Hotel, Restaurant & Residences
 SimTraffic Simulation Summary

2014 Post Development PM Peak Hour
 11/28/2012

Summary of All Intervals

Run Number	1	2	3	4	5	Avg
Start Time	4:40	4:40	4:40	4:40	4:40	4:40
End Time	5:45	5:45	5:45	5:45	5:45	5:45
Total Time (min)	65	65	65	65	65	65
Time Recorded (min)	60	60	60	60	60	60
# of Intervals	2	2	2	2	2	2
# of Recorded Intvl's	1	1	1	1	1	1
Vehs Entered	1794	1763	1727	1773	1672	1745
Vehs Exited	1790	1772	1723	1775	1672	1747
Starting Vehs	13	20	13	17	10	13
Ending Vehs	17	11	17	15	10	14
Denied Entry Before	1	1	0	0	0	0
Denied Entry After	0	0	1	0	2	1
Travel Distance (mi)	389	382	374	382	361	378
Travel Time (hr)	16.7	16.7	15.6	16.4	15.3	16.1
Total Delay (hr)	3.0	3.2	2.4	2.9	2.5	2.8
Total Stops	269	288	285	290	267	279
Fuel Used (gal)	13.7	13.4	13.0	13.4	12.6	13.2

Interval #0 Information Seeding

Start Time	4:40
End Time	4:45
Total Time (min)	5
Volumes adjusted by Growth Factors.	
No data recorded this interval.	

Interval #1 Information Recording

Start Time	4:45
End Time	5:45
Total Time (min)	60
Volumes adjusted by Growth Factors.	

Run Number	1	2	3	4	5	Avg
Vehs Entered	1794	1763	1727	1773	1672	1745
Vehs Exited	1790	1772	1723	1775	1672	1747
Starting Vehs	13	20	13	17	10	13
Ending Vehs	17	11	17	15	10	14
Denied Entry Before	1	1	0	0	0	0
Denied Entry After	0	0	1	0	2	1
Travel Distance (mi)	389	382	374	382	361	378
Travel Time (hr)	16.7	16.7	15.6	16.4	15.3	16.1
Total Delay (hr)	3.0	3.2	2.4	2.9	2.5	2.8
Total Stops	269	288	285	290	267	279
Fuel Used (gal)	13.7	13.4	13.0	13.4	12.6	13.2

G.4.27

JB Brown - Hotel, Restaurant & Residences
SimTraffic Performance Report

2014 Post Development PM Peak Hour
11/28/2012

3: Maple & Commercial Performance by movement

Movement	EBL	EBT	EBR	WBL	WBT	NBL	NBT	NBR	SBL	SBT	SBR	All
Delay / Veh (s)	34.4	1.0	22.1	36.4	58.5	15.2	1.4	1.5	5.8	1.2	0.6	3.6

6: Maple & Site Performance by movement

Movement	EBL	EBT	WBT	WBR	SBL	SBR	All
Delay / Veh (s)	0.7	0.2	0.6	0.4	3.4	2.2	1.0

8: Site & Commercial Performance by movement

Movement	EBL	EBR	NBL	NBT	SBT	SBR	All
Delay / Veh (s)	23.1	14.3	7.0	0.3	1.5	1.2	1.6

Total Network Performance

Delay / Veh (s)	5.8
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G.4.28

JB Brown - Hotel, Restaurant & Residences
 Queuing and Blocking Report

2014 Post Development PM Peak Hour
 11/28/2012

Intersection: 3: Maple & Commercial

Movement	EB	WB	NB	SB	SB
Directions Served	LR	LTR	L	L	TR
Maximum Queue (ft)	132	53	78	18	9
Average Queue (ft)	57	18	29	1	0
95th Queue (ft)	108	48	59	8	4
Link Distance (ft)	206	152			258
Upstream Blk Time (%)					
Queuing Penalty (veh)					
Storage Bay Dist (ft)			100	100	
Storage Blk Time (%)			0		
Queuing Penalty (veh)			0		

Intersection: 6: Maple & Site

Movement	EB	SB
Directions Served	LT	LR
Maximum Queue (ft)	35	64
Average Queue (ft)	4	29
95th Queue (ft)	21	52
Link Distance (ft)	91	92
Upstream Blk Time (%)		0
Queuing Penalty (veh)		0
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 8: Site & Commercial

Movement	EB	NB	SB
Directions Served	LR	L	TR
Maximum Queue (ft)	81	31	4
Average Queue (ft)	29	6	0
95th Queue (ft)	65	25	3
Link Distance (ft)	68		266
Upstream Blk Time (%)	2		
Queuing Penalty (veh)	0		
Storage Bay Dist (ft)		50	
Storage Blk Time (%)		0	
Queuing Penalty (veh)		0	

Network Summary

Network wide Queuing Penalty: 0

G.4.29

JB Brown - Hotel, Restaurant & Residences
3: Maple & Commercial

Synchro Inputs 2014 AM Background
11/30/2012



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↕	↕		↕	↕	
Volume (vph)	3	2	25	7	1	2	69	974	45	1	363	43
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	10	12	12	10	12	12
Grade (%)		-5%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	100		0	100		0
Storage Lanes	0		0	0		0	1		0	1		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Fr _t		0.888			0.973			0.993			0.984	
Fit Protected		0.995			0.965		0.950			0.950		
Satd. Flow (prot)	0	1687	0	0	1749	0	1652	1850	0	1652	1786	0
Fit Permitted		0.995			0.965		0.950			0.950		
Satd. Flow (perm)	0	1687	0	0	1749	0	1652	1850	0	1652	1786	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		210			185			627			608	
Travel Time (s)		4.8			4.2			14.3			13.8	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.64	0.64	0.64	0.40	0.40	0.40	0.92	0.92	0.92	0.94	0.94	0.94
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	5%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	5	3	39	18	3	5	75	1059	49	1	386	46
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	47	0	0	25	0	75	1108	0	1	432	0
Sign Control		Stop			Stop			Free			Free	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 67.3%

ICU Level of Service C

Analysis Period (min) 15

G.4.30

JB Brown - Hotel, Restaurant, Residences
3: Maple & Commercial

Synchro Inputs 2014 PM Background
11/30/2012



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↕	↕		↕	↕	
Volume (vph)	7	0	66	14	1	0	60	463	2	2	955	33
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	10	12	12	10	12	12
Grade (%)		-5%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	100		0	100		0
Storage Lanes	0		0	0		0	1		0	1		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt		0.877						0.999			0.995	
Flt Protected		0.995			0.956		0.950			0.950		
Satd. Flow (prot)	0	1666	0	0	1781	0	1652	1825	0	1652	1853	0
Flt Permitted		0.995			0.956		0.950			0.950		
Satd. Flow (perm)	0	1666	0	0	1781	0	1652	1825	0	1652	1853	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		210			185			627			608	
Travel Time (s)		4.8			4.2			14.3			13.8	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.83	0.83	0.83	0.61	0.61	0.61	0.84	0.84	0.84	0.90	0.90	0.90
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	4%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	8	0	80	23	2	0	71	551	2	2	1061	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	88	0	0	25	0	71	553	0	2	1098	0
Sign Control		Stop			Stop			Free			Free	

Intersection Summary
 Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 63.7% ICU Level of Service B
 Analysis Period (min) 15

G.4.31

JB Brown - Hotel, Restaurant & Residences
3: Maple & Commercial

Synchro Inputs 2014 AM PostDevelopment
11/30/2012



Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↕	↕		↕	↕	
Volume (vph)	7	2	31	7	1	2	89	994	45	1	369	43
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	10	12	12	10	12	12
Grade (%)		0%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	100		0	100		0
Storage Lanes	0		0	0		0	1		0	1		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt		0.895			0.973			0.993			0.984	
Flt Protected		0.991			0.965		0.950			0.950		
Satd. Flow (prot)	0	1652	0	0	1749	0	1652	1850	0	1652	1786	0
Flt Permitted		0.991			0.965		0.950			0.950		
Satd. Flow (perm)	0	1652	0	0	1749	0	1652	1850	0	1652	1786	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		273			185			627			308	
Travel Time (s)		6.2			4.2			14.3			7.0	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.64	0.64	0.64	0.40	0.40	0.40	0.92	0.92	0.92	0.94	0.94	0.94
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	2%	2%	2%	5%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	11	3	48	18	3	5	97	1080	49	1	393	46
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	62	0	0	25	0	97	1129	0	1	439	0
Sign Control		Stop			Stop			Free			Free	

Intersection Summary

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 71.7%

ICU Level of Service C

Analysis Period (min) 15

G.4.32

JB Brown - Hotel, Restaurant & Residences
6: Maple & Site

Synchro Inputs 2014 AM PostDevelopment
11/30/2012



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Volume (vph)	27	32	113	20	10	43
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		-5%	5%		0%	
Storage Length (ft)	0			0	0	0
Storage Lanes	0			0	1	0
Taper Length (ft)	25			25	25	25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt			0.980		0.891	
Flt Protected		0.978			0.991	
Satd. Flow (prot)	0	1867	1780	0	1645	0
Flt Permitted		0.978			0.991	
Satd. Flow (perm)	0	1867	1780	0	1645	0
Link Speed (mph)		30	30		30	
Link Distance (ft)		113	273		120	
Travel Time (s)		2.6	6.2		2.7	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	29	35	123	22	11	47
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	64	145	0	58	0
Sign Control		Free	Free		Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	23.8%
ICU Level of Service	A
Analysis Period (min)	15

JB Brown - Hotel, Restaurant & Residences
8: Site & Commercial

Synchro Inputs 2014 AM PostDevelopment
11/30/2012



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (vph)	4	7	20	981	406	20
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	10	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	50			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25	25	25			25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.910				0.994	
Flt Protected	0.984		0.950			
Satd. Flow (prot)	1668	0	1652	1863	1801	0
Flt Permitted	0.984		0.950			
Satd. Flow (perm)	1668	0	1652	1863	1801	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	101			308	300	
Travel Time (s)	2.3			7.0	6.8	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	5%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	4	8	22	1066	441	22
Shared Lane Traffic (%)						
Lane Group Flow (vph)	12	0	22	1066	463	0
Sign Control	Stop			Free	Free	

Intersection Summary

Area Type: Other
 Control Type: Unsignalized
 Intersection Capacity Utilization 61.6% ICU Level of Service B
 Analysis Period (min) 15

G.4.34

JB Brown - Hotel, Restaurant & Residences
3: Maple & Commercial

Synchro Inputs 2014 PM Post Development
11/30/2012

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (vph)	16	0	85	14	1	0	68	472	2	2	974	33
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12	10	12	12	10	12	12
Grade (%)		-5%			0%			0%			0%	
Storage Length (ft)	0		0	0		0	100		0	100		0
Storage Lanes	0		0	0		0	1		0	1		0
Taper Length (ft)	25		25	25		25	25		25	25		25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor												
Frt		0.886						0.999			0.995	
Flt Protected		0.992			0.956		0.950			0.950		
Satd. Flow (prot)	0	1678	0	0	1781	0	1652	1825	0	1652	1853	0
Flt Permitted		0.992			0.956		0.950			0.950		
Satd. Flow (perm)	0	1678	0	0	1781	0	1652	1825	0	1652	1853	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		273			185			627			308	
Travel Time (s)		6.2			4.2			14.3			7.0	
Confl. Peds. (#/hr)												
Confl. Bikes (#/hr)												
Peak Hour Factor	0.83	0.83	0.83	0.61	0.61	0.61	0.84	0.84	0.84	0.90	0.90	0.90
Growth Factor	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%	2%	4%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0	0	0	0	0	0	0
Parking (#/hr)												
Mid-Block Traffic (%)		0%			0%			0%			0%	
Adj. Flow (vph)	19	0	102	23	2	0	81	562	2	2	1082	37
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	121	0	0	25	0	81	564	0	2	1119	0
Sign Control		Stop			Stop			Free			Free	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	69.0%
	ICU Level of Service C
Analysis Period (min)	15

JB Brown - Hotel, Restaurant & Residences
6: Maple & Site

Synchro Inputs 2014 PM Post Development
11/30/2012

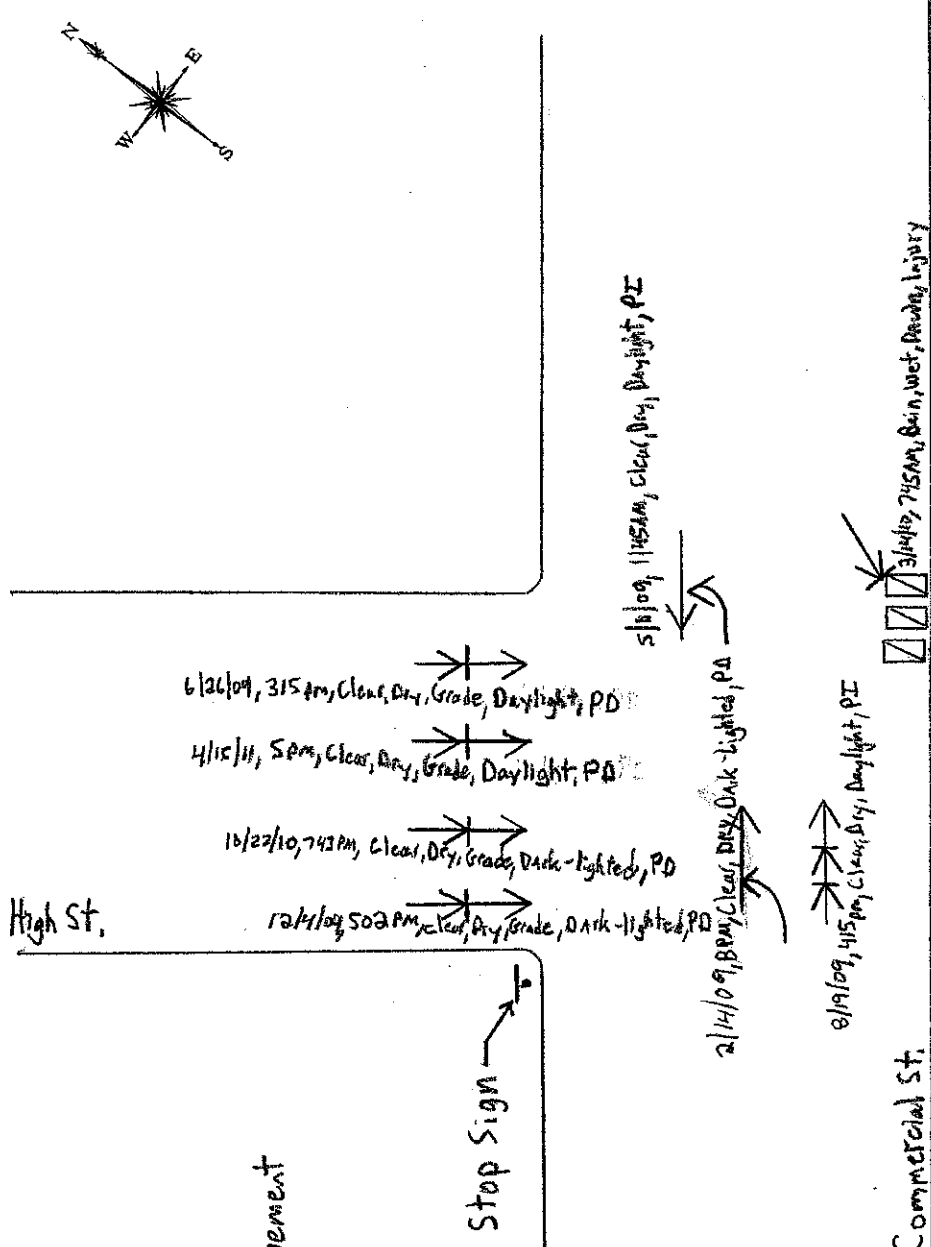
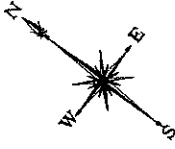


Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Volume (vph)	45	75	95	8	28	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	12	12	12	12
Grade (%)		-5%	5%		0%	
Storage Length (ft)	0			0	0	0
Storage Lanes	0			0	1	0
Taper Length (ft)	25			25	25	25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt			0.989		0.935	
Flt Protected		0.982			0.975	
Satd. Flow (prot)	0	1875	1796	0	1698	0
Flt Permitted		0.982			0.975	
Satd. Flow (perm)	0	1875	1796	0	1698	0
Link Speed (mph)		30	30		30	
Link Distance (ft)		113	273		120	
Travel Time (s)		2.6	6.2		2.7	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	2%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)		0%	0%		0%	
Adj. Flow (vph)	49	82	103	9	30	28
Shared Lane Traffic (%)						
Lane Group Flow (vph)	0	131	112	0	58	0
Sign Control		Free	Free		Stop	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	23.1%
	ICU Level of Service A
Analysis Period (min)	15



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Volume (vph)	21	25	9	481	982	8
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Lane Width (ft)	12	12	10	12	12	12
Grade (%)	0%			0%	0%	
Storage Length (ft)	0	0	50			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25	25	25			25
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Ped Bike Factor						
Frt	0.927				0.999	
Frt Protected	0.978		0.950			
Satd. Flow (prot)	1689	0	1652	1827	1861	0
Frt Permitted	0.978		0.950			
Satd. Flow (perm)	1689	0	1652	1827	1861	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	101			308	300	
Travel Time (s)	2.3			7.0	6.8	
Confl. Peds. (#/hr)						
Confl. Bikes (#/hr)						
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Growth Factor	100%	100%	100%	100%	100%	100%
Heavy Vehicles (%)	2%	2%	2%	4%	2%	2%
Bus Blockages (#/hr)	0	0	0	0	0	0
Parking (#/hr)						
Mid-Block Traffic (%)	0%			0%	0%	
Adj. Flow (vph)	23	27	10	523	1067	9
Shared Lane Traffic (%)						
Lane Group Flow (vph)	50	0	10	523	1076	0
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	62.2%			ICU Level of Service B		
Analysis Period (min)	15					



Accidents

- 5 - Rear-Ends
- 2 - Side swipes
- 1 - Intersection Movement

Stop Sign →

PD = Property Damage
 PI = Possible Injury

BASED ON MDT ACCIDENT DATA (2009-2011)

<p>PROJECT PHASE: PERMITTING</p>	
<p>DRAWING NAME: FIG. 8</p>	
<p>ACCIDENT DIAGRAM</p>	
<p>HIGH STREET AT COMMERCIAL STREET</p>	
<p>PORTLAND, MAINE</p>	
<p>J.B. BROWN & SONS 36 DANFORTH ST., PORTLAND, ME 04101</p>	
<p>REVISED: ---</p>	
DATE	NOV. 28, 2012
SCALE	NTS
PROJ. NO.	5002-01
DESIGNED	--
DRAWN	JQA
CHECKED	--


MILONE & MACBROOM
 Engineering, Landscape Architecture and Environmental Science
 100 Commercial Street
 Suite 417
 Portland, Maine 04101
 (207) 541-9544 Fax (207) 541-9548
 www.miloneandmacbroom.com

3. Significant Natural Features

This site was reviewed by state and federal wildlife agencies and the Maine Natural Areas Program.

The Maine Department of Inland Fisheries and Wildlife was contacted to determine whether there are any significant wildlife/fisheries habitats identified within the vicinity of the project. Attached is a copy of a letter from the Department which indicates that there are no known threatened or endangered fish species or habitats in the vicinity of the project.

The U.S. Fish and Wildlife Service was contacted to determine whether there are any significant wildlife/fisheries species identified within the vicinity of the project. The Maine Field office has updated their website to allow users to review their development for possible species within the project area. Attached is a copy of the species summary table.

The Maine Natural Areas Program was contacted to determine if any known rare or unique botanical features exist on the property or in the immediate vicinity. Attached is a copy of a letter from the Natural Areas Program which indicates that there are no known rare botanical features documented specifically within the project area.

The subject parcel is within the Old Port Historic District. An application for a Certificate of Appropriateness will be submitted to the Historic Preservation Board for review and approval.

H.2



Maine Department of Inland
Fisheries and Wildlife
358 Shaker Road
Gray, Maine 04039



Telephone: 207-657-2345 ext.113
Fax: 207-657-2980
Email: brian.lewis@maine.gov

Paul R.. LePage, Governor

Chandler E. Woodcock,
Commissioner

September 17, 2012

Steve Long
Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

RE: Marriott Courtyard, Portland

Dear Steve Long,

I have reviewed your request for fishery resource information, and there are no known threatened/endangered fish species or habitat in the vicinity of the proposed project. There are also no known inland fisheries resources within the proposed project area. However, the proposed project area is adjacent to Portland harbor which is tidal in nature. The Maine Department of Marine Resources should be contacted for concerns regarding projects near tidal waters. Our regional riparian buffer policy is outlined below.

Stream systems are vulnerable to environmental impacts associated with increased development and encroachment. If present, this project should be sensitive to these resource issues by including provisions for riparian buffers and minimizing any other potential stream impacts. Our regional buffer policy requests 100 foot undisturbed buffers along both sides of any stream or stream-associated wetlands. Buffers should be measured from the upland wetland edge of stream-associated wetlands, and if the natural vegetation has been previously altered then restoration may be warranted. This buffer requirement improves erosion/sedimentation problems; reduces thermal impacts; maintains water quality; supplies leaf litter and woody debris for the system; and provides valuable wildlife habitat. Protection of these important riparian functions insures that the overall health of the stream habitat is maintained.

Stream crossings must include provisions for adequate fish passage, and any in-stream work needs to be done between the first of July and the first of October. Project design should minimize the number of stream crossings. If you have any additional questions or concerns then feel free to contact us.

Sincerely,

Brian Lewis
Fishery Specialist
MDIFW

Species Summary Table

Your name: Steve Long

Project name used in IPaC: Mixed Use Development 321 Commercial Street, Portland, ME

Date: 10-09-12

Step 2 Listed or candidate species that are likely present according to the Official Species List from IPaC?	Step 2 Is your action area in critical habitat (only for Canada lynx or Atlantic salmon)? Yes or No	Step 3A Is suitable habitat for listed or candidate species present in your action area?	Step 3B Does the species occur in your action area?	Step 4 Is your project likely to take or disturb eagles and require an Eagle Act permit?	Step 5 Determinations for the Endangered Species Act – only Federal agencies complete this column	Notes and Documentation (provide additional information if needed)
"No Species" or IPaC species list Bald eagle nests from Step 4.		"suitable habitat present" "suitable habitat not present" "Don't know"	"Species present" "Species not present" ""	"Will not disturb" "May disturb" "Don't know"	"No effect" "May effect" No effect	Project action area is a gravel parking lot in an urban area
Cottontail Rabbit				Will not disturb	No effect	
Bald Eagle						

H.3

Notes:



STATE OF MAINE
DEPARTMENT OF CONSERVATION
93 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0093

H. 4

PAUL R. LEPAGE
GOVERNOR

WILLIAM H. BEARDSLEY
COMMISSIONER

September 26, 2012

Steve Long
Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

Re: Rare and exemplary botanical features in proximity to: Marriott Courtyard, Commercial Street, Portland, Maine

Dear Mr. Long:

I have searched the Natural Areas Program's Biological and Conservation Data System files in response to your request received September 12, 2012 for information on the presence of rare or unique botanical features documented from the vicinity of the project site in Portland, Maine. Rare and unique botanical features include the habitat of rare, threatened, or endangered plant species and unique or exemplary natural communities. Our review involves examining maps, manual and computerized records, other sources of information such as scientific articles or published references, and the personal knowledge of staff or cooperating experts.

Our official response covers only botanical features. For authoritative information and official response for zoological features you must make a similar request to the Maine Department of Inland Fisheries and Wildlife, 284 State Street, Augusta, Maine 04333.

According to the information currently in our Biological and Conservation Data System files, there are no rare botanical features documented specifically within the project area. Based on the information in our files and the landscape context of this project, there is a low probability that rare or significant botanical features occur at this project location.

This finding is available and appropriate for preparation and review of environmental assessments, but it is not a substitute for on-site surveys. Comprehensive field surveys do not exist for all natural areas in Maine, and in the absence of a specific field investigation, the Maine Natural Areas Program cannot provide a definitive statement on the presence or absence of unusual natural features at this site.

The Natural Areas Program is continuously working to achieve a more comprehensive database of exemplary natural features in Maine. We would appreciate the contribution of any information obtained should you decide to do field work. The Natural Areas Program welcomes coordination with individuals or organizations proposing environmental alteration, or conducting environmental assessments. If, however, data provided by the Natural Areas Program are to be published in any form, the Program should be informed at the outset and credited as the source.

H.5

Letter to Opechee
Comments RE: Marriott Courtyard
September 26, 2012
Page 2 of 2

The Natural Areas Program has instituted a fee structure of \$75.00 an hour to recover the actual cost of processing your request for information. You will receive an invoice for \$150.00 for our services.

Thank you for using the Natural Areas Program in the environmental review process. Please do not hesitate to contact me if you have further questions about the Natural Areas Program or about rare or unique botanical features on this site.

Sincerely,



Don Cameron
Ecologist
Maine Natural Areas Program
207-287-8041
don.s.cameron@maine.gov

4. Narrative describing the site.

J.B. Brown & Sons is proposing a mixed-use development at the corner of Maple Street and Commercial Street. The site is shown on the site plan which is attached to this application. The proposal includes a 131 room hotel, 7,000 sf of restaurant use, and 14 residences. The proposed development is located on the west side of Commercial Street on the site of an existing gravel surface parking lot (#311-331 Commercial Street). The site is bordered by Commercial Street to the east, Maple Street to the south, a commercial building and parking lot to the north and a parking lot to the west. The project site is identified on City of Portland tax maps as Map 40, Block E, Lot 3. The site is surrounded by a mix of business, commercial, and residential uses including; hotels, parking lots, restaurants, office space, apartments, condominiums and other commercial uses.

The following summarizes the proposed building floor space:

- The Restaurant will occupy:
7,460 sq.ft. on the first floor.

- The 131 room Hotel will occupy
10,920 sq.ft. on the first floor
18,365 sq.ft. on the second floor
18,365 sq.ft. on the third floor
18,365 sq.ft. on the fourth floor
18,365 sq.ft. on the fifth

- 14 Residential Units
944 sq.ft. on the first floor
18,396 sq.ft. on the sixth floor

- Total gross building area = 111,180 sq.ft.

The project is located on the corner of Maple and Commercial Street in a fully developed area of the City. There is significant utility infrastructure, including water, sewer, natural gas, electrical power, and telecommunications within close proximity to the project.

The project's on-site drainage system will discharge runoff into the City's municipal system located in Commercial Street. The drainage flows enter a manhole at the intersection of Maple and Commercial Street and are directed to Casco Bay.

During large storm events overflow from the combined sewer system enters the drainage system via a sewer manhole located in front of the lumberyard entrance on Maple Street. Flows that go above the overflow are diverted to the drain manhole located at the intersection of Commercial Street via two 15" RCP pipes. This manhole directs flows to Casco Bay.

H.7

A comparison of the original impervious area on site to the full redevelopment is as follows:

Original Site Impervious

Gravel Parking Lot = 34,708 sf
Total impervious = 34,708 / 38,770 = 90%

Mixed Use Development

Hotel, Restaurant and Residences = 34,980 sf
Total impervious = 34,980 / 38,770 = 90%

Improved pedestrian amenities will include the addition of a brick sidewalk to be added along Maple Street, an outdoor patio associated with the proposed restaurant at the corner of Commercial and Maple Street, granite benches and seating walls and a new wider brick walkway along the Commercial Street frontage. These improvements will enhance the pedestrian activity and flow around the site.

The full development combines restaurant, hospitality and residential uses and will convert an urban gravel parking lot into a hub of varied activities for residents, workers, and visitors.

Attachment I

5. Stormwater Runoff Calculations

A Stormwater Management Plan has been prepared, and is attached.

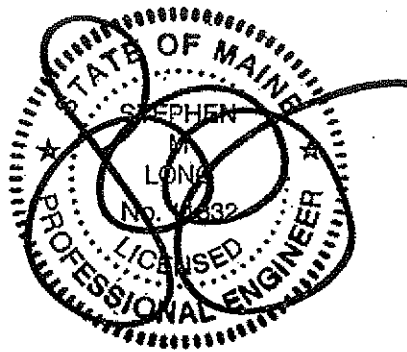


STORMWATER MANAGEMENT PLAN

Commercial & Maple Street Mixed Use Development Portland, ME

Applicant:
J B Brown & Sons
36 Danforth Street
Portland, ME 04101

October 22, 2012



Prepared By

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

Stormwater Drainage Analysis
Mixed Use Development
321 Commercial Street

TABLE OF CONTENTS

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- Introduction
- Predevelopment
- Post-development
- Conclusion

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- Soil Map – Cumberland County Area, Maine
- Pre-development HydroCAD Diagram
- Existing Drainage Plan
- Post-development HydroCAD Diagram
- Proposed Drainage Plan

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SECTION IV – Drainage Computations

- Existing 2-Year Storm Event
- Existing 10-Year Storm Event
- Existing 25-Year Storm Event
- Proposed 2-Year Storm Event
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- Proposed 25-Year Storm Event

I. 1. 3

SECTION I: Narrative

Mixed Use Development
Stormwater Drainage Analysis
October 22, 2012

INTRODUCTION

J.B. Brown & Sons is proposing a mixed-use development at the corner of Maple Street and Commercial Street. The proposal includes a 131 room hotel, 7,000 sf of restaurant use, and 14 residences. The proposed development is located on the west side of Commercial Street on the site of an existing gravel surface parking lot (#311-331 Commercial Street). The site is bordered by Commercial Street to the east, Maple Street to the south, a commercial building and parking lot to the north and a parking lot to the west. The project site is identified on City of Portland tax maps as Map 40, Block E, Lot 3. The site is surrounded by a mix of business, commercial, and residential uses including; hotels, parking lots, restaurants, office space, apartments, condominiums and other commercial uses.

Currently runoff from the existing gravel parking lot and the paved parking lot at the corner of Maple and York Street drain to a closed drainage system. The existing catch basins are connected in series. The runoff is directed to an 8" PVC pipe connecting to the municipal overflow located in Maple Street. Stormwater is eventually discharged to Casco Bay.

The proposed closed drainage system will intercept the stormwater from the existing paved parking lot and direct it through the site. The project's on-site drainage system will discharge runoff into the City's municipal system located in Commercial Street. The drainage flows enter a manhole at the intersection of Maple and Commercial Street and are directed to Casco Bay. The roof drain will be connected to the existing 8" PVC pipe at the southeast corner of the property.

During large storm events overflow from the combined sewer system enters the drainage system via a sewer manhole located in front of the lumberyard entrance on Maple Street. Flows that go above the overflow weir are diverted to the drain manhole located at the intersection of Commercial Street via two 15" RCP pipes. This manhole directs flows to Casco Bay.

The USDA Natural Resources Conservation Service Web Soil Survey 2.3 was utilized to determine the hydrologic soil groups for the pre-development and post-development drainage analysis. The assumed Hydrologic Soil Group (HSG) for the proposed watershed areas on-site are as follows:

Cu – Cut and Fill land - HSG C

H1B – Hinckley gravelly sandy loam, 3 to 8 percent slopes – HSG A

The drainage design analyzes for the new project utilizes HydroCAD 10.0. HydroCAD is a Computer Aided Design system for modeling the hydrology and hydraulics of stormwater runoff. For a given rainfall event, techniques are used to generate hydrographs throughout a watershed. This allows us to verify that a given drainage system is adequate for the area under consideration, or to predict where flooding or erosion is likely to occur. A feature of this software is the use of a watershed routing diagram to visually display watershed flows and the relationships between each area. We have superimposed the flow diagrams onto the watershed area plans to correlate the model to the plan.

PRE-DEVELOPMENT CONDITION

The predevelopment condition was analyzed for the 2, 10 and 25-year frequency storm events. For Bar Harbor, the 24-hour rain intensity is 3.00, 4.70 and 5.50 inches respectively. The site was analyzed using two separate study points. The following table lists the runoff from each area for the predevelopment condition:

Existing Design Point	2-Year Storm	10-Year Storm	25-Year Storm
1	4.8 cfs	8.2 cfs	9.9 cfs
2	0.8 cfs	1.4 cfs	1.6 cfs

POST-DEVELOPMENT CONDITION

Post development runoff will be directed to the same design points as the pre-development model. Runoff from the project area will be collected by catch basins. The proposed system will discharge runoff into the City's municipal system located in Commercial Street. Roof water will be collected and directed to an existing 8" PVC pipe. The following table lists the total runoff from each area for the post-development condition:

Proposed Design Point	2-Year Storm	10-Year Storm	25-Year Storm
1	5.2 cfs	8.8 cfs	10.5 cfs
2	1.0 cfs	1.6 cfs	1.9 cfs

CONCLUSION

In conclusion, all components of the post-development drainage system have been sized appropriately. See the runoff rate summary table below:

Overall Design Point	2-year Storm		10-year Storm		25-year Storm	
	Pre	Post	Pre	Post	Pre	Post
1	4.8cfs	5.2 cfs	8.2cfs	8.8 cfs	9.9 cfs	10.5 cfs
2	0.8 cfs	1.0 cfs	1.4cfs	1.6 cfs	1.6 cfs	1.9 cfs

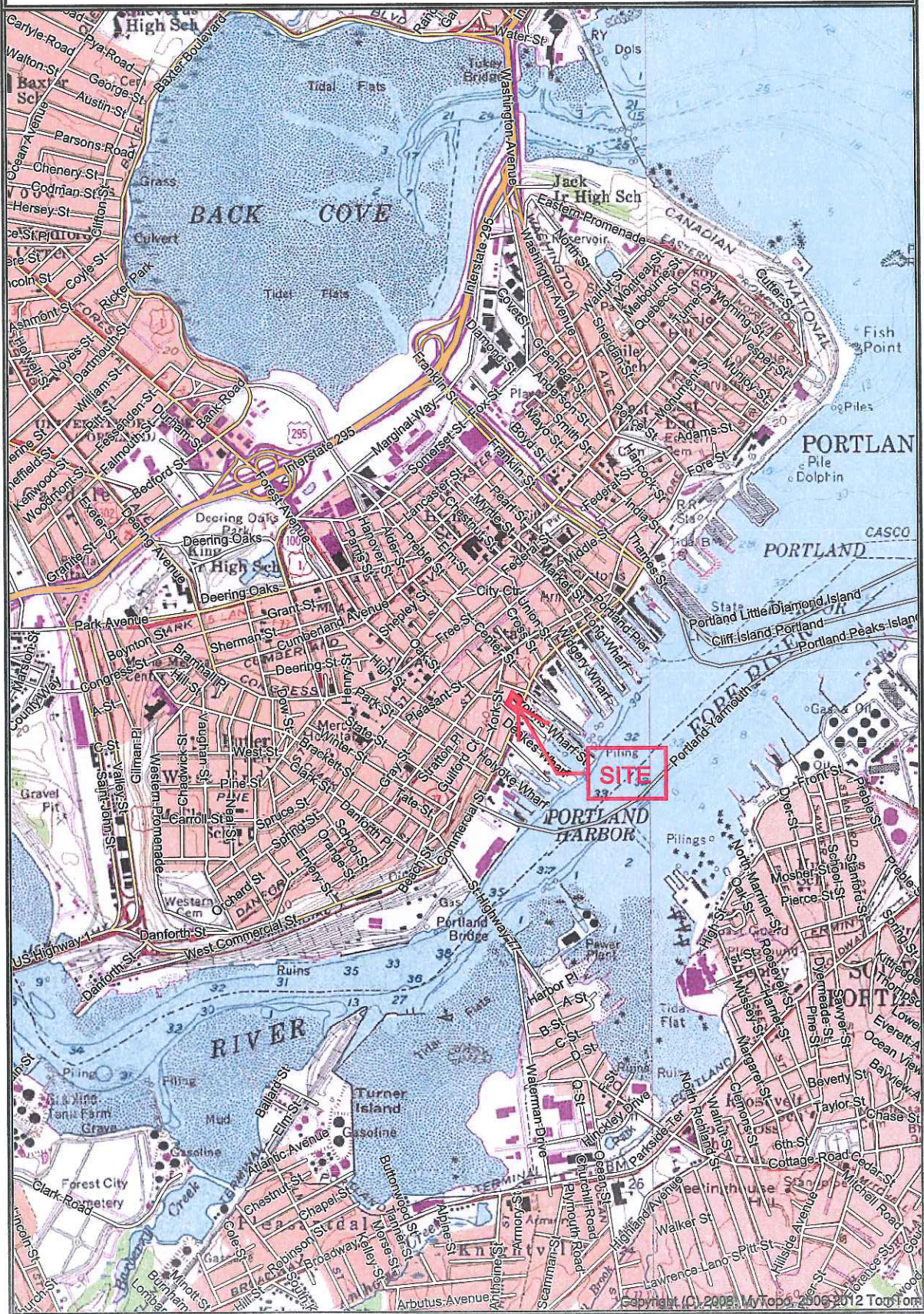
The increases in flows from the site are insignificant. The site will have no adverse affects on abutting properties or the existing drainage systems.

I.1.6

SECTION II: Site Location Maps & Plans

I. 1. 7

Map Name: PORTLAND WEST Scale: 1 inch = 2,000 ft. Horizontal Datum: NAD83
Print Date: 09/12/12 Map Center: 043° 39' 20.98" N 0



I. 1. 8.

Soil Map—Cumberland County and Part of Oxford County, Maine

70° 15' 27"

70° 15' 21"

43° 39' 14"

43° 39' 14"



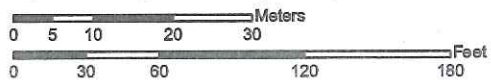
43° 39' 7"

43° 39' 7"

70° 15' 27"



Map Scale: 1:901 if printed on A size (8.5" x 11") sheet



70° 15' 21"

I. 1.9

MAP INFORMATION

Map Scale: 1:901 if printed on A size (8.5" x 11") sheet.
 The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 19N NAD83














This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
 Survey Area Date: Version 7, Jan 8, 2009

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

MAP LEGEND

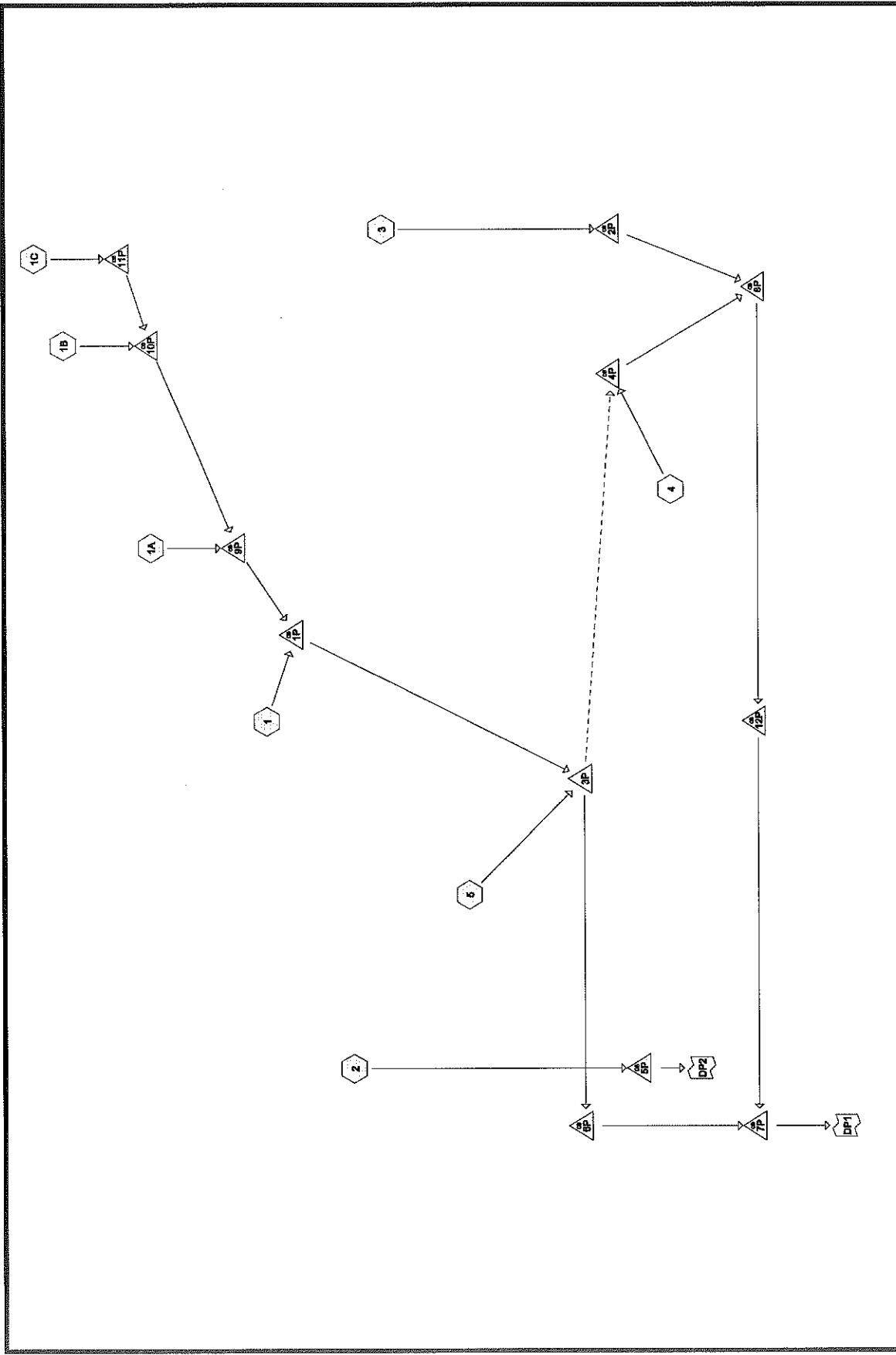
 Area of Interest (AOI)	 Very Stony Spot
 Soils	 Wet Spot
 Area of Interest (AOI)	 Other
 Soil Map Units	Special Line Features
 Special Point Features	 Gully
 Blowout	 Short Steep Slope
 Borrow Pit	 Other
 Clay Spot	Political Features
 Closed Depression	 Cities
 Gravel Pit	Water Features
 Gravelly Spot	 Streams and Canals
 Landfill	Transportation
 Lava Flow	 Rails
 Marsh or swamp	 Interstate Highways
 Mine or Quarry	 US Routes
 Miscellaneous Water	 Major Roads
Perennial Water	 Local Roads
Rock Outcrop	
Saline Spot	
Sandy Spot	
Severely Eroded Spot	
Sinkhole	
Slide or Slip	
Sodlic Spot	
Spoil Area	
Stony Spot	

1.1.10





Map Unit Legend

Cumberland County and Part of Oxford County, Maine (ME005)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Cu	Cut and fill land	2.0	79.2%
HIB	Hinckley gravelly sandy loam, 3 to 8 percent slopes	0.5	20.8%
Totals for Area of Interest		2.5	100.0%

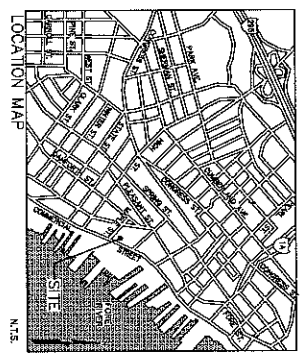
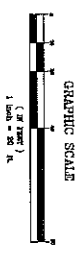
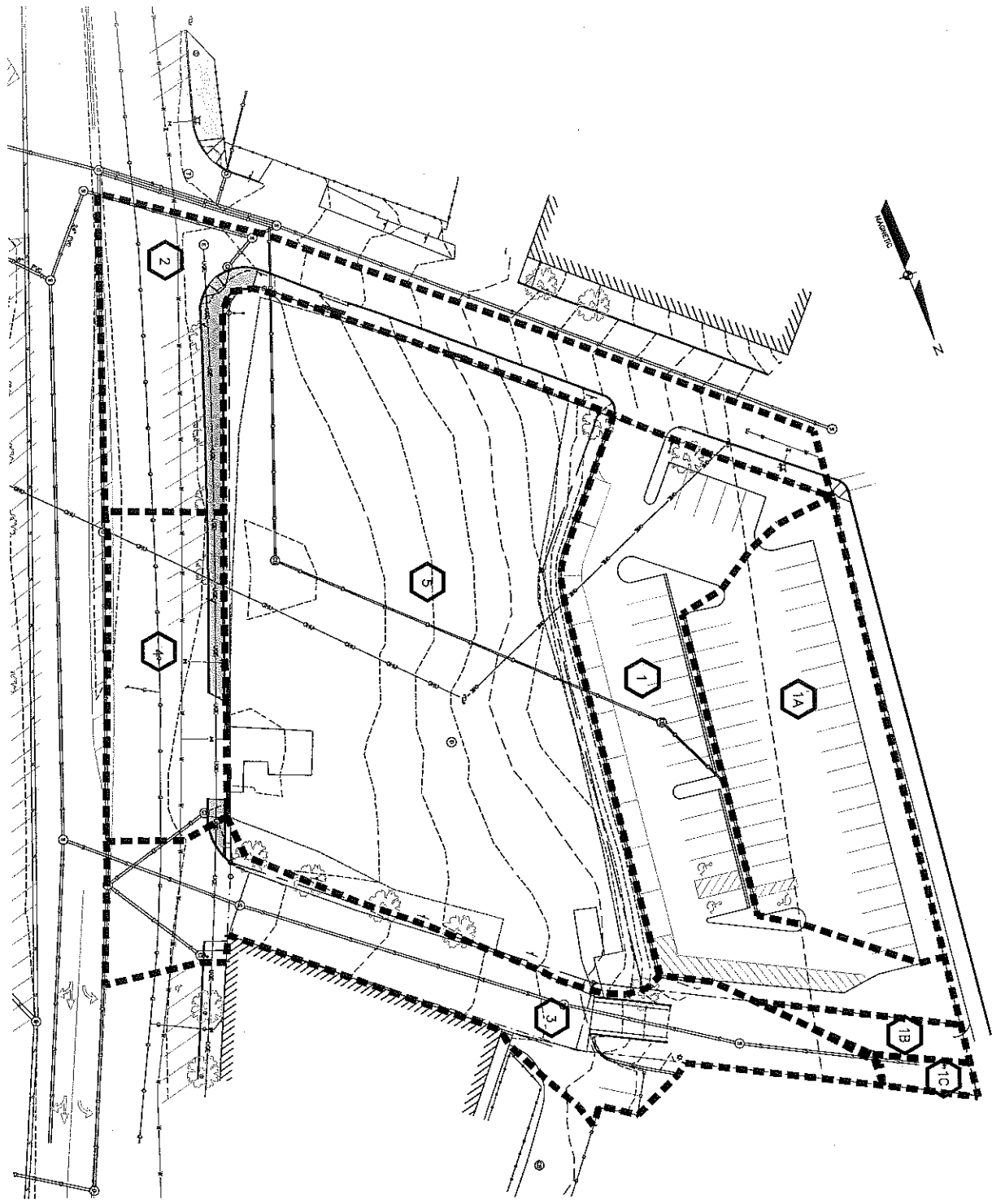
H.1.11



Routing Diagram for Marriott Courtyard Portland Pre
Prepared by Opechee Construction Corporation
HydroCAD® 10.00 s/n 01241 © 2012 HydroCAD Software Solutions LLC

	Subcat
	Reach
	Pond
	Link

I.1.12



D01
 SHEET 1 OF 4

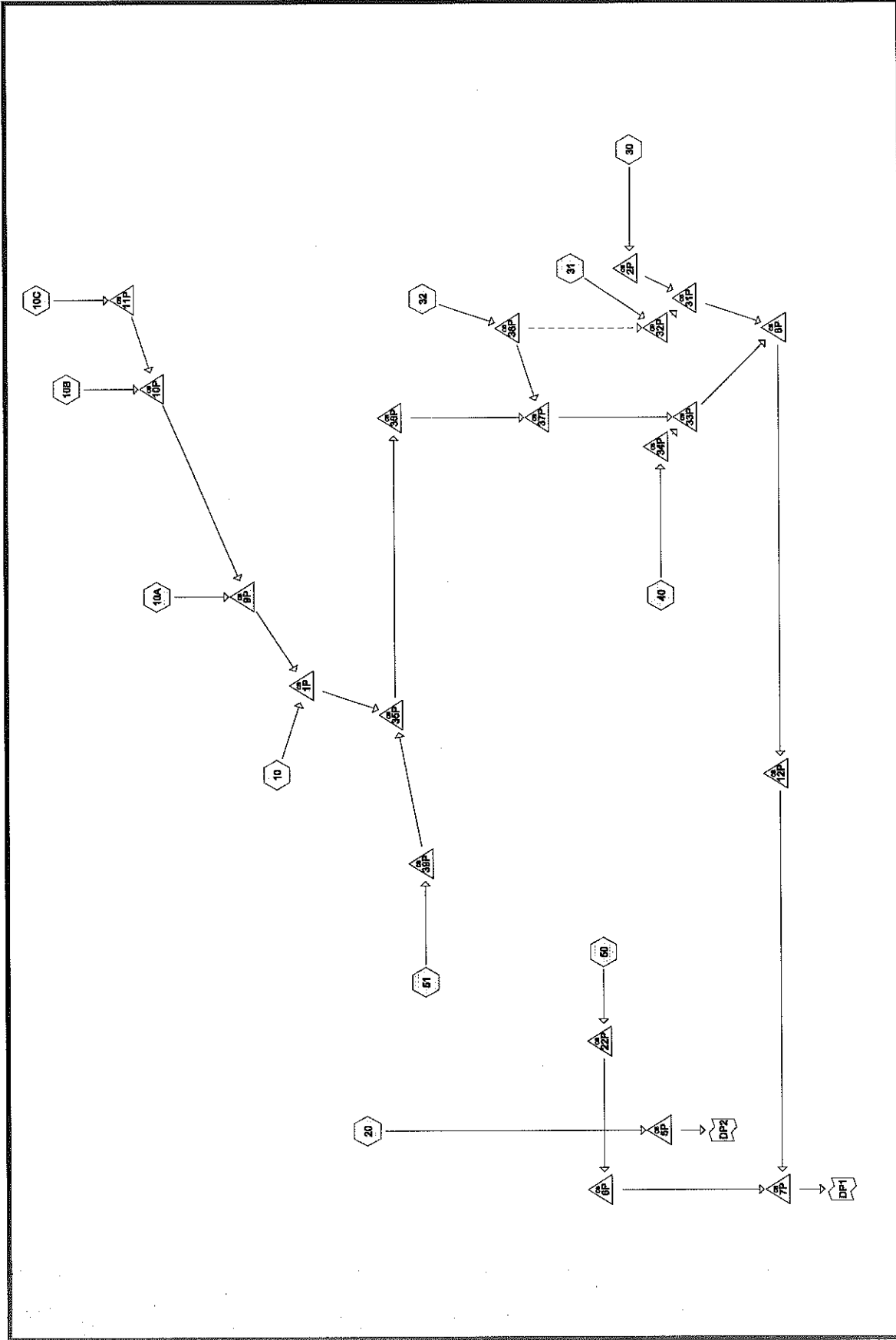
PROJECT: **MIXED-USE REDEVELOPMENT**
 PORTLAND, ME

PRE-DEVELOPMENT DRAINAGE PLAN

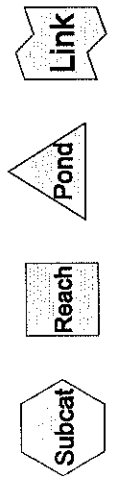
COPECHEE
 CONSTRUCTION CORPORATION
 11 CONCORDS DRIVE, BELLEVILLE DE 03115
 ENGINEER: (603) 877-9111 FAX: (603) 877-9111

DATE	REVISION	BY

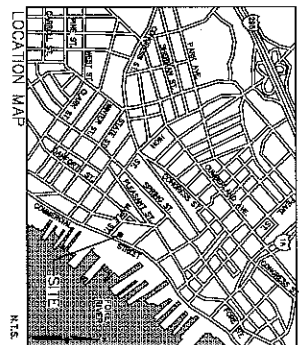
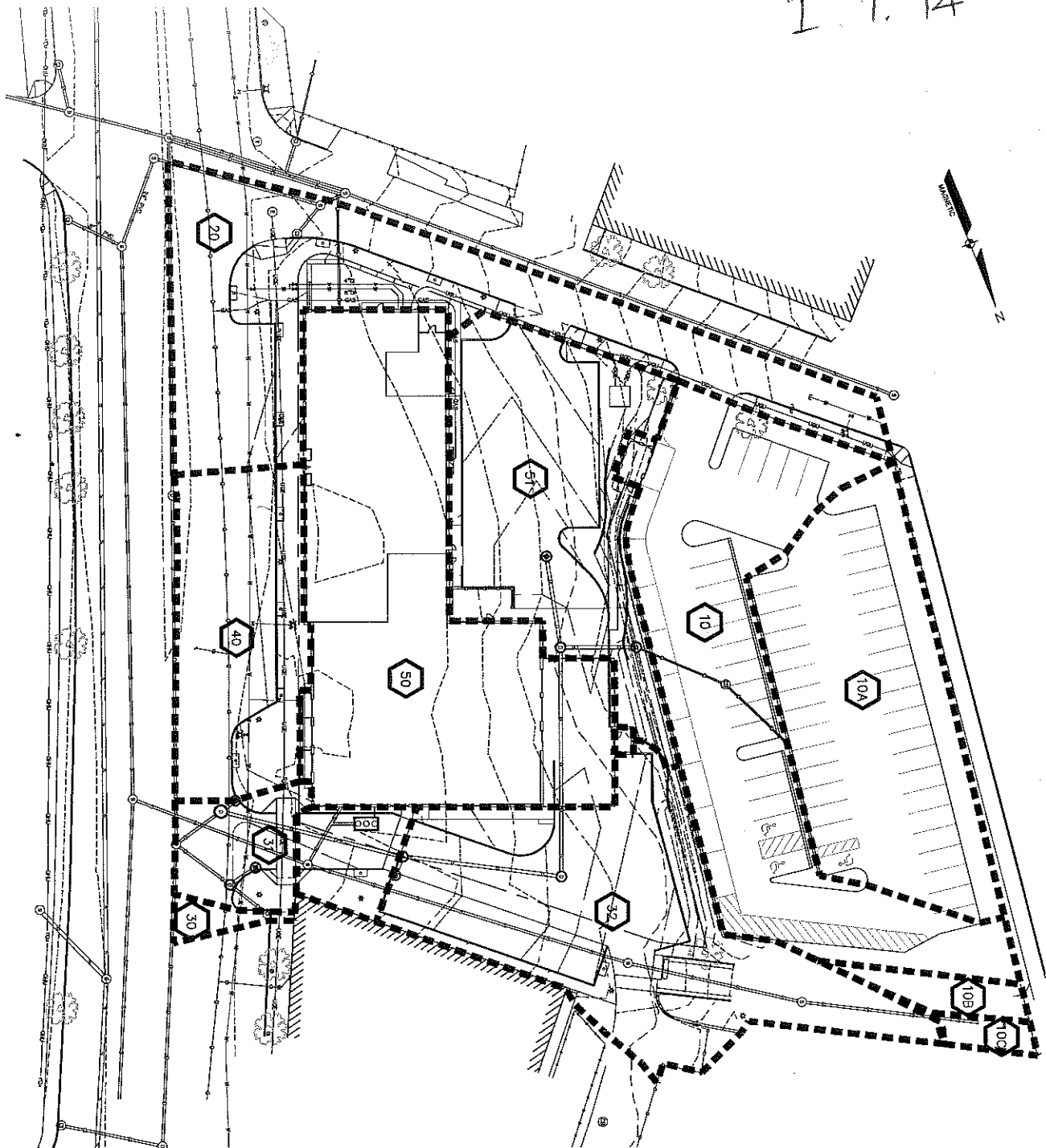
I. 1. 13



Routing Diagram for Marriott Courtyard Portland Post
Prepared by Opechee Construction Corporation
HydroCAD® 10.00 s/n 01241 © 2012 HydroCAD Software Solutions LLC



I. 1. 14



PROJECT: MIXED-USE REDEVELOPMENT
 PORTLAND, ME

POST-DEVELOPMENT DRAINAGE PLAN

COPECHEE
 CONSTRUCTION CORPORATION
 11 CORPORATE DRIVE, BELMONT ME 04914
 PHONE (603) 837-8888 FAX (603) 837-8181

DATE	REVISION	DESCRIPTION	BY

I. 1. 15

SECTION III: Site Photos

I. 1. 16



Photo 1



Photo 2

I. 1. 17



Photo 3



Photo 4

I. 1. 18



Photo 5



Photo 6

I.1.19



Photo 7



Photo 8

I. 1. 20

SECTION IV: Drainage Computations

(not included in
PB attachments -
available on request)

Stormwater Pollution Prevention Plan

For:

Commercial Street & Maple Street
Mixed Use Development
321 Commercial Street
Portland, ME

Operator:

Opechee Construction Corporation (OCC)
11 Corporate Drive
Belmont, NH 03220
Office Phone: (603) 527-9090
Office Fax: (603) 527-9191

SWPPP Contact:

Opechee Construction Corporation (OCC)
Steve Long
11 Corporate Drive
Belmont, NH 03220
Office Phone: (603) 527-9090
Office Fax: (603) 527-9191

SWPPP Preparation Date:

10-22-12

Estimated Project Dates:

Start of Construction: February 2013
Completion of Construction: May 2014

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Appendix K - Demolition, Site, Grading and Erosion Control Plans

SECTION 1 Project/Site Information**1.1 - Project Name and Location: (Latitude, Longitude, or Address)**

Commercial & Maple Street
Mixed Use Development
321 Commercial Street
Portland, Cumberland County, ME
Lat: 43° 39' 34.51" N
Long: -070° 15' 04.29" W

1.2 - Owner Name and Address:

J B Brown & Sons
36 Danforth Street
Portland, ME 04101

1.3 - Operators Name, Address, Phone Number:

Opechee Construction Corporation
Steve Long
11 Corporate Drive
Belmont, NH 03220
Office Phone: (603) 527-9090
Office Fax: (603) 527-9191
Email: stevel@opechee.com

Description of Operator's Control:

Opechee Construction Corporation (OCC) has been hired by the applicant to design and permit the project and oversee all aspects of the construction phase of the project, including preparation and implementation of the SWPPP to meet Maine's Construction General Permit. OCC will be responsible for general oversight of the project and will retain operational control over construction plans and specifications, including review of the SWPPP and any amendments, inspection reports, corrective actions and changes to stormwater conveyance or control designs. OCC will implement and maintain the best management practices (BMPs) specified in Sections 2 and 3, conduct inspections (Section 5) and address stormwater over the entire site including all areas disturbed by construction activities, areas used for materials storage, discharge points, and construction exits.

1.4 - Nature of Construction Activity:

J.B. Brown & Sons is proposing a mixed-use development at the corner of Maple Street and Commercial Street. The site is shown on the site plan which is attached to this application. The proposal includes a 131 room hotel, 7,000 sf of restaurant use, and 14 residences. The proposed development is located on the west side of Commercial Street on the site of an existing gravel surface parking lot (#311-331 Commercial Street). The site is bordered by Commercial Street to the east, Maple Street to the south, a commercial building and parking lot to the north and a parking lot to the west. The project site is identified on City of Portland tax maps as Map 40, Block E, Lot 3. The site is surrounded by a mix of business, commercial, and residential uses including; hotels, parking lots, restaurants, office space, apartments, condominiums and other commercial uses.

The project's on-site drainage system will discharge runoff into the City's municipal system located in Commercial Street. The drainage flows enter a manhole at the intersection of Maple and Commercial Street and are directed to Casco Bay. During large storm events overflow from the combined sewer system enters the drainage system via a sewer manhole with a weir. This manhole is located in front of the lumberyard entrance on Maple Street. Flows that go above the weir are diverted to the drain manhole located at the intersection of Commercial Street via two 15" RCP pipes. This manhole directs flows to Casco Bay.

Soil disturbing activities will include following: Demolition, minimal clearing & grubbing, excavation for sewer, storm drainage, underground utilities, building foundations, cuts and fills, grading, and preparation for final seeding and plantings.

1.5 - Project Area:

The site is approximately 0.89 acres size and is currently a surface parking lot. This project proposes a six-story mixed-use building containing 7,460 sf of restaurant space, 84,280 sf of hotel space, and 14 residential units. The project will disturb approximately 1.3 acres.

1.6 - Construction Site Estimates:

Total Project Area (area of parcel):	0.89 Acres
Construction Site Area to be disturbed (including right-of-way):	1.3 Acres
Impervious area before construction:	48,736 sq.ft.
Runoff coefficient before construction (SCS Method):	95
Impervious area after construction:	51,249 sq.ft.
Runoff coefficient after construction (SCS Method):	96

1.7 - Receiving Waters:

The impervious surfaces of the site drain into the municipal system surrounding the site and then discharge into the Fore River near the entrance to Casco Bay (Atlantic Ocean).

1.8 - Sequence and Timing of Major Activities:

1. Clear & grub, and demolish as necessary to install a stabilized construction exit, and the sediment barriers as indicated in the construction details in the site plans.
2. Install stabilized construction exit, sediment barriers, and sediment traps as specified in the construction details.
3. Continue to clear & grub, and perform demolition as required.
4. Construct temporary drainage and/or erosion control facilities as necessary (i.e. sediment traps, and/or dandy sacks).
5. Strip and remove any loam, unsuitable materials, and unsuitable soils from the site. Then where necessary, replace with a clean backfill as specified by a Geotechnical Engineer.
6. Perform cuts and fills as required.
7. Temporary stabilize any exposed soils that will not be worked for more than 7 days with seed, mulch or other non-erodable cover. See Section 2.2 below for direction on temporary stabilization practices.
8. Construct any additional temporary sediment and erosion control facilities as required. (i.e. stone check dams and/or dandy sacks).
9. Begin constructing municipal sewer and drainage systems
10. Begin constructing building foundation.
11. Finishing constructing stormwater conveyance systems as required.
12. Finish constructing wastewater conveyance systems as required.
13. Install all other utilities as required.
14. Place bank run gravel course in areas to be paved.
15. Loam, and permanently seed (or sod) all areas that are not to be worked for more than one year or that has been brought to final grade. See Section 2.2 below for direction on permanent stabilization practices.
16. Place crush gravel and construct pads for exterior concrete flatwork and pavement areas.
17. Finish grade, construct, and place all areas of concrete and base course pavement.
18. Install catch basin inlet sediment traps (i.e. silt sacks).
19. Complete loaming, permanent seeding (or sod), and mulching. Reseed any areas that have not been established from prior seeding.
20. Complete final paving (wearing course).
23. When all construction activity is complete and the site is stabilized, remove temporary erosion control measures and reseed (or sod) any areas disturbed by their removal.

1.9 - Potential Sources of Pollution

Potential sources of sediment to stormwater runoff:

- Demolition
- Clearing and grubbing operations
- Topsoil stripping and stockpiling
- Grading and site excavation operations
- Vehicle tracking
- Landscaping operations

Potential pollutants and sources, other than sediment, to stormwater runoff:

- Combined Staging Area – small fueling activities, minor equipment maintenance, sanitary facilities, and hazardous waste storage.
- Materials Storage Area – general building materials, solvents, adhesives, paving materials, paints, aggregates, trash, and so on.
- Construction Activity – paving, curb installation, concrete pouring,/mortar
- Concrete Washout Area

Inventory of Potential construction site pollutants:

- | | | |
|---------------------|------------------------|----------------------|
| • Concrete | • Wood Preservatives | • Plaster |
| • Detergents | • Masonry block | • Gasoline |
| • Paints | • Roofing Material | • Diesel fuel |
| • Metal Studs | • Glue, adhesives | • Kerosene |
| • Steel Beams | • Brick | • Antifreeze/coolant |
| • Asphalt | • Insulation | • Sanitary toilets |
| • Fertilizers | • Curing compounds | |
| • Pesticides | • Hydraulic oil/fluids | |
| • Cleaning solvents | • Sheetrock | |

1.10 - Non-Stormwater Discharges:

It is expected that the following non-stormwater discharges will occur from the site during the construction period:

- Fire hydrant flushing;
- Potable water including uncontaminated water line flushing;
- Sprinkler testing;
- Pavement & concrete wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- Uncontaminated groundwater or spring water;
- Waters used to wash vehicles where detergents are not used;
- Water used to control dust;
- Uncontaminated air conditioning or compressor condensate;
- Uncontaminated excavation dewatering;
- Landscape irrigation;
- Foundation or footing drains where flows are not contaminated with process materials such as solvents.

All non-storm water discharges will be directed through sediment control measures before discharge.

1.11 – Endangered Species Certification

The Maine Department of Inland Fisheries and Wildlife, US Fish and Wildlife Service, Maine Natural Areas Program databases were checked for records of rare species and exemplary natural communities near the project area. The species considered include those listed as threatened or endangered by either the State of Maine or the federal government. Currently there are no recorded occurrences for sensitive species near this project area. Please see Appendix C for supporting documentation.

1.12 - Applicable State, Tribal, or Local Programs

- Local City of Portland Planning Board Approval is required.
- A Certificate of Appropriateness is required from the Portland Historic Preservation Commission is required.
- The city of Portland is the designated authority for approval of Stormwater Management.

1.12 - Maps

Please see Appendix K – For the Demolition, Site, Grading and Erosion Control Plans

SECTION 2 Erosion and Sediment Control BMPS

2.1 - Overview of the Stormwater Management System:

Stormwater runoff from the newly constructed impervious areas will be controlled and conveyed by the use of curbing, catch basins with sumps, and drainage manholes. This on-site drainage system will discharge the runoff into the City’s municipal system located in Commercial Street. The drainage flows enter a manhole at the intersection of Maple and Commercial Street and are directed to Casco Bay. During large storm events overflow from the combined sewer system enters the drainage system via a sewer manhole with a weir. This manhole is located in front of the lumberyard entrance on Maple Street. Flows that go above the weir are diverted to the drain manhole located at the intersection of Commercial Street via two 15” RCP pipes. This manhole directs flows to Casco Bay.

The proposed project only slightly increase the on-site impervious cover. Thus detention of stormwater runoff for purposes of mitigating peak flow rates is not required.

Open space areas will be graded as per the site plan and will have permanent seeding or plantings. When construction is completed and the site is stabilized, all accumulated sediment and temporary erosion control devices will be removed from the site and be properly disposed of.

2.2 - Stabilization Practices:

- **Temporary Stabilization** measures shall be performed with mulch or other non-erodable cover any exposed soils that will not be worked for more than 7 days. Stabilize areas within 75 feet of a wetland or water body within 48 hours of the initial disturbance of the soil or prior to any storm event, whichever comes first.

If temporary seeding is being utilized, the mixture will vary based on time of seeding:

4/01 – 5/15	oats	2.0 lbs/1,000 sq.ft.
5/16 - 8/14	sudangrass	1.0 lbs/1,000 sq.ft.
5/16 - 8/14	annual ryegrass	2.0 lbs/1,000 sq.ft.
8/15 - 9/15	winter rye	2.5 lbs/1,000 sq.ft.
9/16 - 3/31	winter rye (protect w/ mulch cover)	2.5 lbs/1,000 sq.ft.

Prior to seeding, all stones and trash that will interfere with the seeding should be removed, the soil should be tilled to a depth of 3 inches (where feasible), and the area should be fertilized with a minimum 7 pounds per 1,000 sq.ft. of a 10-10-10 fertilizer. After seeding, the area is to be mulched with straw.

● Winter Stabilization is necessary when construction activity is performed during the period from November 1st through April 15th. If disturbed areas are not stabilized with permanent measures by November 1st or new soil disturbance occurs after November 1st, but before April 15th, then these areas must be protected and runoff from them must be controlled by additional measures and restrictions.

● Permanent Stabilization measures shall be performed if an area will not be worked for more than one year or has been brought to final grade, then permanently stabilize the area within 7 days by planting vegetation, seeding, sod, or through the use of permanent mulch, or riprap, or road sub-base. If using vegetation for stabilization, select the proper vegetation for the light, soil, and moisture conditions; amend areas of disturbed subsoils with topsoil, compost, or fertilizers; protect seeded areas with mulch or, if necessary, erosion control blankets; and schedule sodding, planting, and seeding to avoid die-off from summer drought and fall frosts. Newly seeded or sodded areas must be protected from vehicle traffic, excessive pedestrian traffic, and concentrated runoff until the vegetation is well-established. If necessary, areas must be seeded and mulched again if germination is sparse, plant coverage is spotty, or topsoil erosion is evident. One or more of the following may apply to a particular.

An area shall be considered permanently stable if:

- (a) *Seeded Areas* shall have a 90% cover of healthy plants with no evidence of washing or rilling of the topsoil.
- (b) *Sodded Areas* shall have a complete binding of the sod roots into the underlying soil with no slumping of the sod or die-off.
- (c) *Permanent Mulched* areas shall have a total coverage of the exposed area with an approved mulch material. Erosion control mix may be used as mulch for permanent stabilization according to the approved application rates and limitations.
- (d) *Riprap* used to stabilize slopes shall have an appropriate backing of well-graded gravel or approved geotextile to prevent soil movement from behind the stone. The stone must be sized appropriately. It is recommended that angular stone be used.
- (e) *Paved areas* shall have completed installing the compacted gravel subbase.
- (f) *Ditches, Channels, and Swales* shall have 90% cover of healthy vegetation, with a well-graded riprap lining, or with another non-erosive lining such as concrete or asphalt pavement. There must be no evidence of slumping of the channel lining, undercutting of the channel banks, or down-cutting of the channel.

Use permanent seed mixes and rates between 5/15 and 9/30. Permanent lawn mixtures shall be as follows:

Sun areas:	7 to 9 pounds per 1,000 sq.ft.	50% fine fescue 20% perennial ryegrass 20% Kentucky bluegrass 10% Dutch white clover
Shade areas:	4 to 5 pounds per 1,000 sq.ft.	70% fine fescue 20% perennial ryegrass 10% Kentucky bluegrass * *(shade tolerant variety)

Prior to seeding, apply 100 lbs/1,000 sq.ft. of lime and till into the upper 3 inches of soil. Then rake a starter-type fertilizer into the upper inch of soil that delivers 1 lb. of actual Nitrogen per 1000 sq.ft. After seeding, areas shall be mulched with straw.

2.3 - Temporary Erosion Control Devices:

- Compost Filled Silt Socks are a type of contained compost filter berm. It is a mesh tube filled with composted material that is placed perpendicular to sheet-flow runoff to control erosion and retain sediment in disturbed areas. The filter sock can be used in place of a traditional sediment and erosion control tool such as a silt fence or straw bale barrier.
- Dandy Sacks are sediment trap devices to be used with catch basin grates to filter out all the sediment-laden stormwater. The suspended solids are allowed to settle out of the slowed flow and are captured by the sack after entering the catch basin inlet.
- Stabilized Construction Exit are a stone stabilized pad located where vehicles leave a construction site. They provide an area where mud can be dislodged from tires before the vehicle leaves the construction site to reduce the amount of mud transported onto paved roads.

2.4 - Schedule of Controls/Measures:

- Prior to construction, properly install the Stabilized Construction Exit
- Prior to construction, properly install sediment barriers at the edge of any down gradient disturbed area and adjacent to any drainage channels within the disturbed area.
- Prior to construction, properly install dandy sacks in inlets of any down gradient catch basins from the disturbed area.
- Maintain the sediment controls until the disturbed area is permanently stabilized.
- Once construction activity ceases permanently in an area, that area will be stabilized with permanent seed or mulch. After the entire site is stabilized, all accumulated sediment will be removed from any grassed swales, catch basins, riprap, and silt fences.
- Remove any temporary sediment control measures within 30 days after permanent stabilization is attained.
- A log shall be kept to document the timing and description of grading and stabilization activities. Please see Appendix I for the Grading and Stabilization Activities Log.

SECTION 3 Good Housekeeping BMPS**3.1 - Waste Management:**

- Construction waste materials

All waste materials will be collected and stored securely in a metal dumpster rented from a local solid waste management company. The dumpster will meet all local and state solid waste management regulations. The dumpster will be emptied as necessary, and the trash will be hauled to the local dump or transfer center. No waste materials generated by construction will be buried onsite. All personnel will be instructed regarding the correct procedure for waste disposal. Notices stating these practices will be posted in the office trailer and the site superintendent managing the day-to-day site operations; will be responsible for seeing that these procedures are followed.

- Hazardous waste

All hazardous waste materials will be disposed of in the manner specified by local or state regulation or by the manufacturer. Site personnel will be instructed in these practices and the site superintendent will be responsible for seeing that these practices are followed.

- Sanitary Waste

A local licensed sanitary waste management contractor will collect all sanitary waste from the portable units.

3.2 - Offsite Vehicle Tracking:

A stabilized construction entrance will be provided to help reduce vehicle tracking of sediments. The paved street into to the site entrance will be swept as necessary (could be as frequent as daily during heavy earth hauling operations) to remove any excess mud, dirt or rock tracked from the site. Dump trucks hauling material from the construction site will be covered with a tarpaulin.

3.3 - Concrete Washout Area:

Concrete trucks shall only discharge washed out surplus concrete or drum wash water into an above grade concrete washout area. The temporary concrete washout area will be constructed with sufficient quantity and volume to contain all liquid and concrete waste generated by washout operations. The washout area shall be lined with plastic sheeting at least 10 mils thick and free of any holes or tears. Concrete mixer trucks and chutes will be washed in the designated area or concrete wastes will be properly disposed of off-site. The washout area will be cleaned out once the area is filled to 75 percent of the holding capacity or when the temporary washout area is no longer needed for the construction project. The concrete wastes will be allowed to harden; the concrete wastes will be broken up, removed and taken to a landfill for disposal. If the washout area is needed, the plastic sheeting will be replaced if tears occur during the removal of concrete wastes.

The wash water is alkaline and contains high levels of chromium, which can leach into the ground and contaminate groundwater. It can also migrate to a storm drain, which can increase the pH of area waters and harm aquatic life. Solids that are improperly disposed of can clog storm drain pipes and cause flooding. Installing concrete washout facilities not only prevents pollution but also is a matter of good housekeeping at your construction site.

3.4 – Spill Prevention:

- The following are material management practices that will be followed onsite during the construction project to reduce the risk of spills or other accidental exposures of material and substances to stormwater runoff.
 - An effort will be made to store only enough product required to do the job
 - All materials stored onsite will be stored in a neat, orderly manner in their appropriate containers and, if possible, under a roof or other enclosure
 - Products will be kept in their original containers with the original manufacturer's label
 - Substances will not be mixed with one another unless recommended by the manufacturer
 - Whenever possible, all of a product will be used up before disposing of the container
 - Manufacturer's recommendations for proper use and disposal will be followed
 - The site superintendent will inspect daily to ensure proper use and disposal of materials
 - Products will be kept in original containers unless they are not re-sealable
 - Original labels and material safety data will be retained; they contain important product information
 - If surplus product must be disposed of, manufacturers' or local and State recommended methods for proper disposal will be followed.
- The following product specific practices will be followed onsite:
 - Petroleum Products:
All onsite vehicles will be monitored for leaks and receive regular preventive maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations.
 - Fertilizers:
Fertilizers used will be applied only in the minimum amounts recommended by the manufacturer. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater. Storage will be in a covered shed or trailer. The contents of any partially used bags of fertilizer will be transferred to a sealable plastic bin to avoid spills.
 - Paints:
All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the storm sewer system but will be properly disposed of according to manufacturers' instructions or State and local regulations.
- In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:
 - Manufacturers' recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies.
 - Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will include but not be limited to brooms, dustpans, mops, rags, gloves, goggles, absorbent (i.e. clay kitty litter), sand, sawdust, and plastic and metal trash containers specifically for this purpose.
 - All spills will be cleaned up immediately after discovery.
 - The spill area will be kept well ventilated and personnel will wear appropriate protective clothing to prevent injury from contact with a hazardous substance.
 - Spills of toxic or hazardous material shall be reported to the appropriated state or local government agency, regardless of the size of the area involved or the quantity of material spilled.

- The spill prevention plan shall be adjusted to include measures to prevent this type of spill from reoccurring and how to cleanup the spill if it recurs.
- The site superintendent responsible for the day-to-day site operations will be the spill prevention and cleanup coordinator. All site sub-contractors are responsible for providing at least one site personnel apiece who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names of responsible spill personnel will be posted in the material storage area and in the office trailer onsite.

SECTION 4**Inspections****4.1 – Inspection Personnel**

- Opechee Construction Corporation's on-site project manager is the compliance officer for OCC and is responsible for site compliance with the SWPPP and EPA's Construction General Permit. Opechee Construction Corporation's on-site project manager will conduct inspections for all areas of the site disturbed by construction activities, areas used for storage of materials that are exposed to precipitation, discharge points, and construction exits.

In absence of an Opechee Construction Corporation's on-site project manager, the SWPPP contact for the operator (OCC) will conduct inspections

4.2 – Inspection Schedule and Procedures:**Schedule:**

- Inspections of the site will be performed once every 14 days and within 24-hours of the end of a storm event of one-half inch or greater. The inspections will verify that all BMPs required in this SWPPP are implemented, maintained, and effectively minimizing erosion and preventing stormwater contamination from construction materials. For a copy of the inspection report, see Appendix J.

Procedures:

- The contractor shall remove all accumulated sediment and debris from the Dandy Pop panels and surface and vicinity of unit after each rain event or as directed by engineer/inspector. Dispose of unit no longer in use at an appropriate recycling or solid waste facility.
- Accumulated sediment shall be removed from the dandy sacks when the containment sack is one-third full. Remove the sacks with lifting straps and empty using dumping straps.
- The catch basin sumps will be inspected for sediment build-up and cleaned when sediment has accumulated within 12" of the outlet.
- Temporary and permanent seeding and planting will be inspected for bare spots, washouts and healthy growth
- A maintenance inspection report will be made after each inspection
- All necessary repairs to erosion control measures must be made as soon as possible.

Corrective Actions:

- If corrective actions are identified by OCC's on-site project manager during the inspection, they will notify and submit a copy of the inspection report to the OCC's project manager. For corrective actions identified, OCC's on-site project manager will be responsible for initiating the corrective action within 24-hours of the report and completing maintenance as soon as possible or before the next storm event. For any corrective actions requiring a SWPPP amendment or change to a stormwater conveyance or control design, OCC's on-site project manager will notify the project manager as soon as possible before initiating the corrective action.
- When corrective actions are completed, a log will be kept to describe the repair, replacement, and maintenance of BMPs undertaken as a result of the inspections and maintenance procedures described above. The log entry should reference the specific inspection report related to finding the deficiencies. Please see Appendix H for the Corrective Action Log.
- If changes and updates of the SWPPP are necessary, a log will be kept to describe any additions of new BMPs, replacement of failed BMPs, significant changes in the activities or their timing on the project, changes in personnel, changes in inspection and maintenance procedures, updates to site maps, and so on. Please see Appendix G for the Corrective Action Log.

4.3 – Post Construction Inspection Schedule and Procedures:**Per Chapter 32 of the City of Portland Code of Ordinances:**

Any person owning, operating, or otherwise having control over a BMP required by a post construction stormwater management plan shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

- (a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage manholes, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.
- (b) *Maintenance and repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public services ("DPS") in the annual report.
- (c) *Annual report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that they are adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.

(d) *Filing fee.* Any persons required to file and annual certification under this section shall include with the annual certification a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.

(e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

Maintenance Schedule:

- The dumpster area shall be inspected routinely for spillage and should be cleaned as necessary. All outside waste receptacles provided for public use should be routinely emptied.
- The catch basins and drain manholes shall be inspected at least twice annually and after major storm events to ensure they are functioning properly. At a minimum the catch basins on site shall be cleaned biannually. Sediment shall be removed when it approaches half of the sump depth. If floating hydrocarbons are observed during an inspection, the materials shall be removed immediately by skimming, absorbent materials, or other method and disposed in conformance with applicable state and federal regulations.
- The preferred method of removing and cleaning the sediments, debris, and hydrocarbons from the drainage structures is by a vacuum truck. Other reasonable methods will be allowed.

Inspection & Maintenance Overview:

- All sediments and hydrocarbons shall be properly handled and disposed, in accordance with local, state and federal guidelines and regulations.
- The dumpster areas shall be inspected routinely for spillage and shall be routinely emptied. All outside waste receptacles provided for public use shall be routinely emptied.

I.2.15

SECTION 5 CERTIFICATION AND NOTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Name: Steve Long Title: Project Manager

Signature: _____ Date: _____

I. 2. 16

SWPPP APPENDICES

Attach the following documentation to the SWPPP:

- Appendix A – Maine Construction General Permit**
- Appendix B – General Map**
- Appendix C – Essential Habitat Inquiry Results**
- Appendix D – Delegation of Authority**
- Appendix E – Subcontractor Certifications/Agreements**
- Appendix F – SWPPP Amendment Log**
- Appendix G – Corrective Action Log**
- Appendix H – Grading and Stabilization Activities Log**
- Appendix I – Inspection Form**
- Appendix J - Chapter 32 of the City of Portland Code of Ordinances**
- Appendix K – Demolition, Site, Grading and Erosion Control Plans**

*All submitted
+ available
on request to
Planning*

6. Consistency with City Master Plans

The project developers and their architects have carefully considered the City of Portland Comprehensive Plan and believe that the project is very consistent with both the broad goals and specific design guidelines:

The project is located in the B-5b Urban Commercial Mixed Use Zone, and is also in Old Port Historic District.

Highlights of the proposal's consistency with applicable master plans are as follows:

Mixed Use

A theme of the Urban Commercial Mixed Use Zone is to develop mixed use projects that will **create a vital and active mixed use urban area that generates life and use every day of the year and all hours of the day.** The applicant's believe that the project achieves that goal fully: the projects combine restaurant, hospitality and residential uses and will convert an urban gravel parking lot into a hub of varied activities for residents, workers, and visitors.

Pedestrian-Oriented

The redevelopment of this corner lot at the intersection of Commercial and Maple Street will provide broad brick sidewalks, ADA accessible curbs, elegant and functional lighting, fixed street furniture, and street trees. The street-level spaces are pedestrian-oriented uses, consisting of separate entrances for the different uses. The proposed restaurant will have a sidewalk café component. The parking for the residences and hotel valet will be located behind the building. These design elements closely follow the Design Guidelines and will create a walkable and enjoyable pedestrian environment.

Contextual Architecture

The architectural design is evocative of the historic look and scale of buildings in the area, while bringing the best elements of contemporary design. The following aspects of the design are all fully consistent with the Design Guidelines:

- The buildings are placed at the sidewalk with primary entrances oriented to the street.
- The building height is consistent with the recommendations of the Design Guidelines and is consistent with the adjacent Baxter building.
- The building design employs variation in materials, window types and sizes, and architectural details.
- Brick, stone-like cast concrete, glass, and high-quality metals are arranged to create visual interest and variety and to relate to surrounding structures.

7. Availability of Off-Site Facilities

The project is located on the corner of Maple and Commercial Street in a fully developed area of the City. There is significant utility infrastructure, including water, sewer, natural gas, electrical power, and telecommunications within close proximity to the project.

An Existing Conditions Plan is included in the site plan set of this application which indicates the location of existing utility infrastructure abutting the site.

Water

Existing utilities abutting this project site include a 12 inch cast iron water main water in Commercial Street. Water service will be provided to the site via a connection this main. We have contacted the Portland Water District. The District has provided an "Ability to Serve" letter.

Natural Gas

Natural gas service will be provided by Unitil from an existing main in Commercial Street. Unitil has provided an "Ability to Serve" letter.

Storm Drainage

The site fronts on public right-of-ways in a fully developed urban area. Stormwater flows from the mixed use building roof will connect into the existing storm drain line running to Maple Street. Stormwater from drainage structures, directing flows through the site to the existing drainage structures at the intersection of Maple and Commercial Street, will be diverted around the proposed building to existing drainage structures at the intersection of Commercial and the former Foundry Lane.

The stormwater management report included in this application addresses the design and analysis of the proposed storm drainage system in detail.

Sanitary Sewer

One new sanitary sewer connection is proposed as part of this project. There will be a grease trap connected to the hotel and restaurant kitchen areas. The grease trap will then be connected via a wye connection to the 8" domestic service. The 8" service line will then be connected to the existing sewer main located in the former Foundry Lane. This connection will be accomplished by coring a new 8 inch sewer line into an existing sewer manhole.

A Wastewater Capacity Application has been completed and is included as part of the submission material.

Electrical Power

Existing overhead power is provided by Central Maine Power on pole lines within the public right-of-way. The proposed service will be brought from an existing pole on York Street to an existing pole on Maple Street. From this pole the service will be brought via underground conduit to a pad mounted transformer. From the transformer electric power will be brought to the building in underground conduit. CMP has provided an "Ability to Serve" letter.

J.3

Telecommunications

Fairpoint's telecommunications facilities are located on York Street. The proposed service will be brought from an existing pole on York Street to an existing pole on Maple Street. From this pole the service will be brought to the building via underground conduit. Fairpoint has provided an "Ability to Serve" letter.

Cable television is provided by Time Warner Cable and will be provided to the site via underground conduit located adjacent to the telecommunication lines. Time Warner Cable has provided an "Ability to Serve" letter.



J. 4

Portland Water District

FROM SEBAGO LAKE TO CASCO BAY

October 15, 2012

Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

Attn: Steve Long
Re: Marriott Courtyard; 311 Commercial Street, Portland
Ability to Serve with PWD Water

Dear Mr. Long:

The Portland Water District has received your request for an Ability to Serve determination for the noted site submitted on September 12, 2012. Based on the information provided, we can confirm that the District will be able to serve the proposed project as further described in this letter.

Please note that this letter does not constitute approval of this project from the District. Please review this letter for any special conditions specified by the District and to determine the appropriate next steps to take to move your project through the submittal and approval process.

Existing Site Service

According to District records, the project site does currently have existing water service. A 1-inch diameter copper water service line, located as shown on the attached water service card, provides water service to this site. Please refer to the "Conditions of Service" section of this letter for requirements related to the use of this service.

Water System Characteristics

According to District records, there is a 12-inch diameter cast iron water main on the west side of Commercial Street and a public fire hydrant located adjacent to the site.

The current data from the nearest hydrant with flow test information is as follows:

Hydrant Location: Commercial Street 200' east of Maple Street
Hydrant Number: POD-HYD00061
Last Tested: 8/14/1992
Static Pressure: 103 psi
Residual Pressure: Not Measured
Flow: 1,537 GPM



Public Fire Protection

It is anticipated that this project will not include the installation of new public hydrants to be accepted into the District water system. The decision to require new hydrants and to determine their locations is solely that of the local fire department. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of the proposed hotel, restaurant and residential units. Based on the high water pressure in this area, we recommend that you consider the installation of pressure reducing devices that comply with state plumbing codes.

Private Fire Protection Water Needs

It is anticipated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Should private fire protection be required, please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact the MEANS Division to request a hydrant flow test and we will work with you to get more complete data.

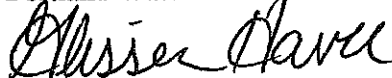
Conditions of Service

The District can confirm that the existing water system has the capacity to serve the proposed mixed use development. As your project progresses, we advise that you submit any preliminary design plans to the MEANS Division for review of the water service line configuration. We will work with you or your representative to ensure that the design meets our current standards. If the District can be of further assistance in this matter, please let us know.

If the existing 1-inch diameter water service at this site will no longer be used, then it must be retired by shutting the corporation valve and cutting the pipe from the water main.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District



Glissen Havu, E.I.
Design Engineer

J. 6



October 3, 2012

Steve Long
Opechee Construction Corporation
11 Corporate Drive
Belmont NH 03220

Re: Marriott Courtyard, Commercial Street, Portland, ME

Thank you for your interest in using natural gas for the above referenced project.

Unitil does have natural gas in the vicinity of this project to provide service. The evaluation, to complete the design, costs and determining if any customer contribution is required, will need to be completed prior to commitment to provide service to this project. Unitil welcomes the opportunity for further discussions regarding this project. Please contact me to identify what information Unitil will require to complete this evaluation.

If you have any further questions or require additional information, please contact me directly at (207) 541-2505 or at fowler@unitil.com.

Sincerely,

Kelly Fowler

Kelly Fowler
Sr. Business Development Representative

1075 Forest Avenue,
Portland, ME 04103-3321

Phone: 866-933-3821



Central Maine Power

J. 7

September 13, 2012

Opechee Construction Company
C/O Mr. Steve Long
11 Corporate Drive
Belmont, NH 03220

RE: Three Phase Electric Service, Marriott Courtyard, Commercial Street, Portland,
Maine

Dear Mr. Long,

This letter is to advise you Central Maine Power has sufficient three phase electrical capacity in the area to serve the subject project.

Once the project is accepted by the City of Portland, the owner will need to call our Customer Service Center at 1-800-565-3181 to sign up for a New Account and a Work Request Order so we may provide an actual cost.

I will need to know what size service and voltage the Customer will be requesting.

If you have any questions please feel free to call me at 828-2882.

Sincerely,

Paul DuPerre
Energy Service Specialist

An equal opportunity employer

162 Canco Road | Portland, Maine 04103
tel (800) 750-4000

www.cmpco.com

Central Maine Power
An Energy Services Company

J. 8

Fairpoint Communications
Engineering Dept.
5 Davis Farm Rd
Portland, Me. 04103
June 11, 2010

Steve Long
Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220
P (603) 527-9090
F (603) 527-9191
C (603) 387-7099

To whom it may concern:

Fairpoint Communications does have the ability to service the proposed building at 311 Commercial St. Portland, Me. per the Public Utilities Commission Tariff.

Design requirements if underground are 4" conduit with pull string, Backboard & ground source.

Service must be requested through the Fairpoint business office 1-866-984-3001

Sincerely,

John Caprio
Engineer
Fairpoint Communications
207-797-1678
jcaprio@fairpoint.com

J. 9

From: Pelletier, Mark [mark.pelletier@twcable.com]
Sent: Thursday, September 27, 2012 12:49 PM
To: Steve Long
Subject: RE: Marriott Courtyard - Commercial Street
Steve, J.B.Brown & Sons,

Time Warner Cable does have Aerial facilities on existing pole line on York St and Commercial St's. We do not have any facilities on Maple St between York and Commercial. We can provide services to the Hotel, restaurant and residential units.

Please keep me in the to preconstruction meetings and route to bldg as I will like to attend a few to state what is needed, getting plans etc.

Mark

Mark Pelletier
Construction Project Coordinator
Time Warner Cable
118 Johnson Rd
Portland, Maine 04102
207-253-2324
mark.pelletier@twcable.com

From: Steve Long [mailto:stevell@opechee.com]
Sent: Tuesday, September 25, 2012 9:36 AM
To: Pelletier, Mark
Subject: FW: Marriott Courtyard - Commercial Street

Mark

Opechee Construction Corporation (OCC), on behalf of our clients, J B Brown & Sons, is requesting an "ability to serve letter" for the above mentioned project. OCC will be submitting a site plan application to begin the approval process with the city of Portland. The applicant is seeking to construct a new six-story building which will include a 131 room hotel, a 7,000 sq.ft. restaurant and 14 residential units. Currently the property is used as a parking lot.

Attached is a Conceptual Site Plan to assist you with your review.

Please do not hesitate to contact me if you require more information or have any questions.

Thank you

Steve Long



Opechee Construction Corporation
11 Corporate Drive
Belmont, NH 03220

J.10

8. Solid Waste

Solid waste for the hotel, restaurant and residences will be placed in a trash area located on the west side of the building, adjacent to the existing Maple Street parking lot. This area will be screened. Hotel and restaurant waste will be collected by their staff on a daily basis. Residents will bring their trash to the trash area individually. The dumpster and recycling bins will be purchased or leased from a commercial waste removal vendor.

J. 11

9. Code summary per NFPA 1 and Fire Dept. Standards

Fire/Building Codes - The building will be designed in accordance with the City Building Code, as well as all applicable local, state, and federal codes/laws. The building will be fully sprinklered in accordance with NFPA 13, and will have fire detection/alarm systems as dictated by NFPA 72 and the underlying codes.

Technical Standard 3.2 - Fire Hydrants: Municipal fire hydrants are readily available on Maple Street and Commercial Street.

Technical Standard 3.3 - One/Two Family Sprinklers - Not applicable

Technical Standard 3.4 - Fire Department Access: Fire department access is provided via City Streets for 2 sides of the building. The building will display the assigned street numbers, and all elevators will accommodate an 80 x 24 stretcher.

Technical Standard 3.5 - Access Lanes and Gates - Not applicable

Technical Standard 3.6 - Subdivision Standards - Not applicable

Technical Standards 3.7 through 3.11- Blasting - Geotechnical investigations show no evidence of ledge in the proposed development area. Accordingly, blasting operations are not anticipated.

J.12

11. Verification HVAC meets state and federal emissions requirements

HVAC equipment has not been specified and selected yet, but Opechee Construction Corporation, as an experienced design/build general contractor with on-staff licensed architects and engineers, will ensure that all systems are specified and installed in full compliance with all codes and regulations, including but not limited to state and federal emissions requirements.

J.13

(Lighting)

APPENDIX

J.14

Project: Commercial & Maple Street Mixed Use Development
Location: Portland, Maine
Date: 10-22-12

LIGHTING FIXTURE SCHEDULE

Lamp numbers refer to Osram Sylvania designations. Also approved are equal lamps manufactured by General Electric, and Philips. Voltage for exterior luminaires shall be verified with the project electrical engineer.



Type: S1

Description: Street light luminaire and pole as identified by the City of Portland Waterfront Commercial District large series. Luminaire shall include dropped refractor to provide Type IV optical distribution. Pole shall be tapered steel, 20'-0" in height with a 4'-4" top bracket arm. Luminaire finish shall be black. Provide integral photocell with luminaire.

Lamps: (1) MS175/PS/BU-ONLY

Manufacturers: *Holophane Lighting* # ESU 175PM MA CMA 45-64319 (luminaire)
Holophane Lighting # OUC 6063-T6 (bracket Arm)
Holophane Lighting # Cambridge series (pole base)

Type: S2

Description: Similar to Type S1 except City of Portland Waterfront Commercial District medium series. Pole shall be 15'-0" in height.

Lamps: (1) MS175/PS/BU-ONLY

Manufacturers: *Holophane Lighting* # ESU 175PM MA CMA 45-64319 (luminaire)
Holophane Lighting # OUC 6063-T6 (bracket Arm)
Holophane Lighting # Cambridge series (pole base)



Luminaire Dimensions: Height = 13" Diameter = 22"

Type: S3

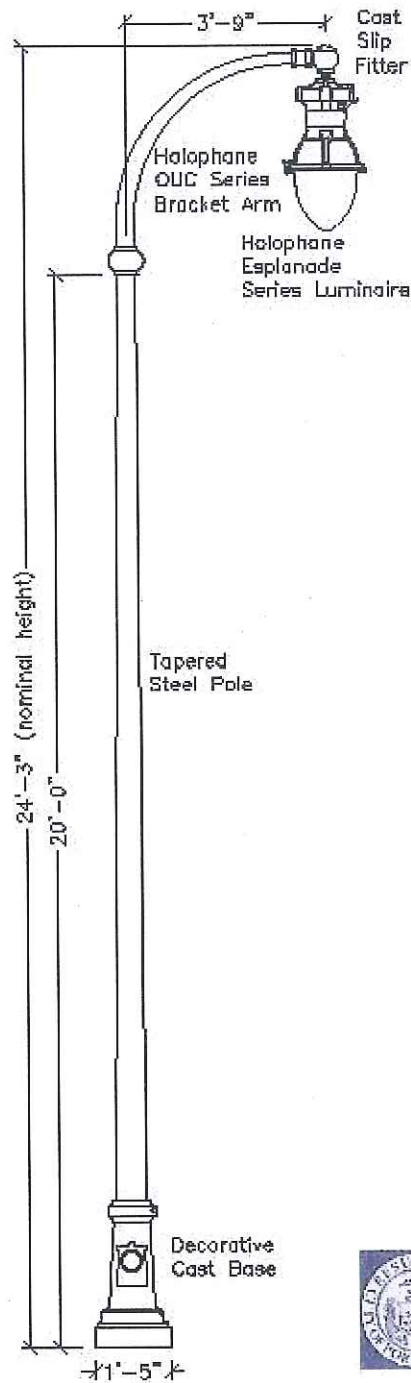
Description: Street light luminaire with full cut-off optical distribution. Luminaire shall include a flush, flat tempered glass lens. Pole shall be round tapered aluminum, 15'-0" in height with a top bracket arm. Luminaire and pole finish shall be black. Provide integral photocell with luminaire.

Lamps: (1) MS175/HOR

Manufacturers: *U.S. Architectural* # DSCP/HR-III/175MH/PC (luminaire)
U.S. Architectural # XPK (bracket Arm)
U.S. Architectural # 2064-188/PT27/RBC (pole)

Type S1

J.15



LUMINAIRE

Holophane Lighting model ESU175MH12A4-R
Luminaire shall be furnished and installed by The Central Maine Power Company under the municipal lease agreement for street lighting.
Luminaire shall be manufacturer's standard black color.

LAMP

Holophane Lighting model S-M175/U 84471
vertical mounted, 175 watt mogul base clear metal halide lamp.

BRACKET ARM

Holophane Lighting model OUC 6063-T8
Aluminum crossarm with a post-top fitting for a 3-1/2" by 8" tenon.
Bracket arm shall be manufacturer's standard black color.

SUP FITTER

Holophane Lighting model BHLF200-SCA/AS (Boston Harbor Series)
2-3/8" O.D. with swivel coat fitter.
Slip fitter shall be manufacturer's standard black color.

LIGHTING POLE

Tapered steel pole shaft rated for a 90mph wind load with a 1.3 gust factor. Provide four hot-dipped galvanized steel L-type anchor bolts.

Lighting pole shall be manufacturer's standard black color.

DECORATIVE POLE BASE

Holophane Lighting model Cambridge Series
Decorative clamshell cast aluminum base. Hardware shall be stainless steel.
Decorative pole base shall be manufacturer's standard black color.

APPLICATION

Street/Sidewalk lighting for two-way streets with parking on both sides.

Suggested layout:

- 90-100 ft on center (one side only)
- 175-225 ft on center (staggered pattern both sides)

City of Portland, Maine

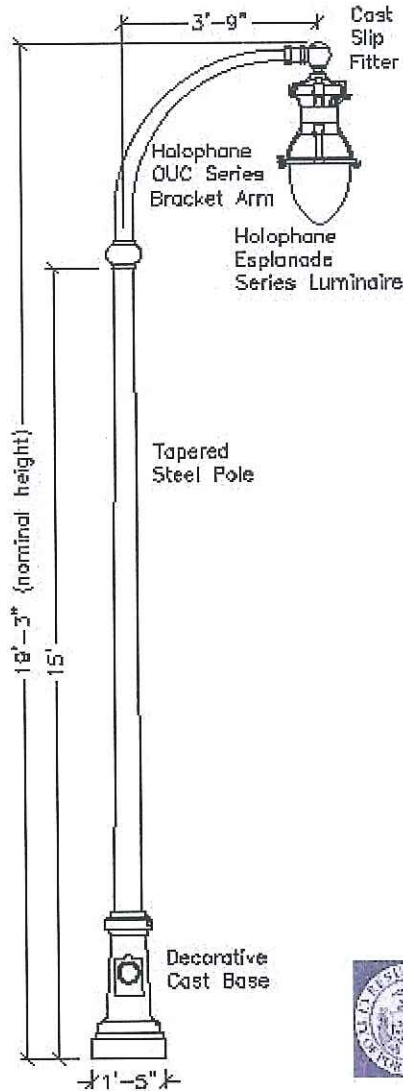
Street & Sidewalk Lighting
WATERFRONT COMMERCIAL DISTRICT
Large Scale Lighting Pole



08/15/07

<p>DATE: AUGUST 2009</p>	<p>CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL</p>	<p>MUNICIPAL STREET LIGHTING STANDARDS SECTION X</p>	<p>FIGURE:</p>
<p>REVISED:</p>	<p>EASTERN WATERFRONT DISTRICT LARGE SCALE LIGHTING POLE</p>		<p>X-5B</p>

J.16



LUMINAIRE

Holophane Lighting model ESU175MH12A4-R
 Luminaire shall be furnished and installed by The Central Maine Power Company under the municipal lease agreement for street lighting.
 Luminaire shall be manufacturer's standard black color.

LAMP

Holophane Lighting model S-M175/U 64471
 Vertical mounted, 175 watt mogul base clear metal halide lamp.

BRACKET ARM

Holophane Lighting model OUC 6063-T8
 Aluminum crossarm with a post-top fitting for a 3-1/2" by 6" tenon.
 Bracket arm shall be manufacturer's standard black color.

SLIP FITTER

Holophane Lighting model BHLF200-SCA/AS (Boston Harbor Series)
 2-3/8" O.D. with swivel cast fitter.
 Slip fitter shall be manufacturer's standard black color.

LIGHTING POLE

Tapered steel pole shaft rated for a 90mph wind load with a 1.3 gust factor. Provide four hot-dipped galvanized steel L-type anchor bolts.
 Lighting pole shall be manufacturer's standard black color.

DECORATIVE POLE BASE

Holophane Lighting model Cambridge Series
 Decorative clamshell cast aluminum base. Hardware shall be stainless steel.
 Decorative pole base shall be manufacturer's standard black color.

APPLICATION

Street/Sidewalk lighting for two-way streets with parking on one sides, or one-way streets.
 Suggested layout:
 80-100 ft on center (one side only)
 150-200 ft on center (staggered pattern both sides)



City of Portland, Maine

**Street & Sidewalk Lighting
 WATERFRONT COMMERCIAL DISTRICT
 Medium Scale Lighting Pole**

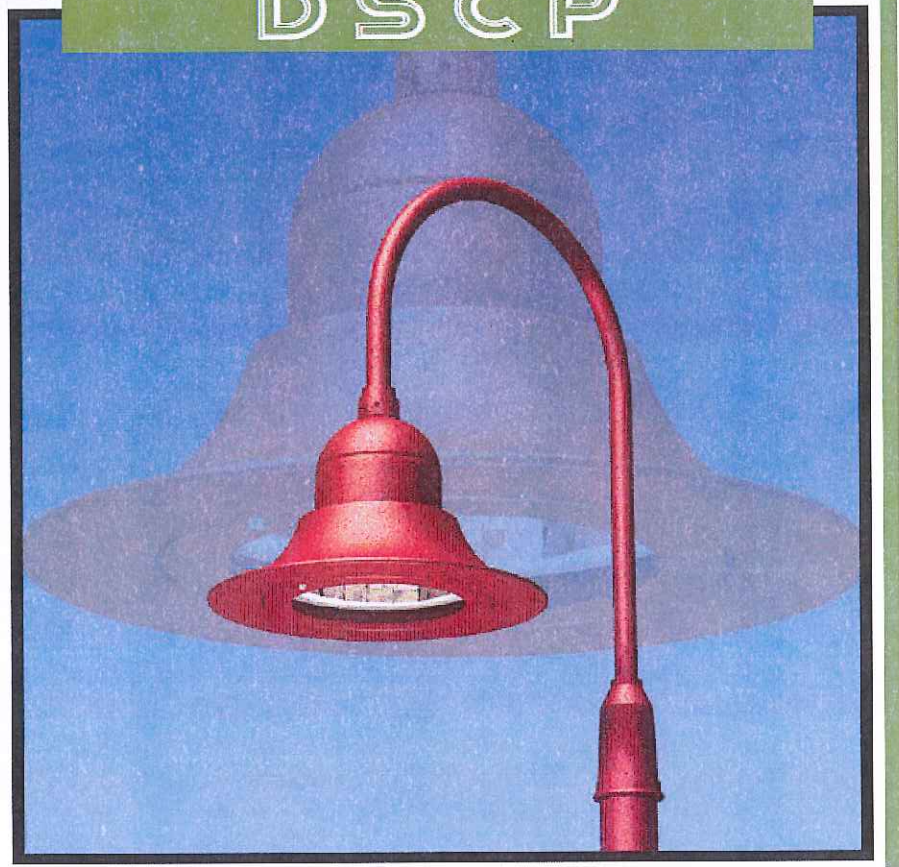
09/05/07

<p>DATE: AUGUST 2009</p>	<p>CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL</p>	<p>MUNICIPAL STREET LIGHTING STANDARDS SECTION X</p>	<p>FIGURE:</p>
<p>REVISED:</p>	<p>EASTERN WATERFRONT DISTRICT MEDIUM SCALE LIGHTING POLE</p>		<p>X-5C</p>

J.17

Type S3

DSCP



SPECIFICATIONS

HOUSING: ONE PIECE HEAVY WALL ALUMINUM CONSTRUCTION WITH REMOVABLE BALLAST TRAY FOR EASY BALLAST ACCESS.

LENS ASS'Y: ONE PIECE HINGED HEAVY GAUGE DIE FORMED ALUMINUM DOOR FRAME SURROUNDS 3/16" CLEAR TEMPERED GLASS LENS. GLASS IS SEALED TO DOOR WITH HIGH TEMPERATURE SILICONE SEAL. CAPTIVE THUMB SCREW DISENGAGES LENS ASSEMBLY AND ACTIVATES ACCUHINGE™ TO ALLOW LENS ASSEMBLY TO HINGE AWAY FROM HOUSING FOR LUMINAIRE ACCESS WITHOUT THE USE OF TOOLS.

OPTICS: COMPUTER DESIGNED ONE PIECE SPECULAR SEGMENTED SIDE REFLECTORS COMBINE WITH AN AUXILIARY SPECULAR TOP REFLECTOR TO PRODUCE A HIGHLY EFFICIENT, SHARP CUTOFF. OPTICAL ASSEMBLY IS ROTATABLE IN 90° INCREMENTS.

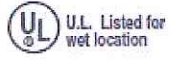
GASKETING: CLOSED CELL EPDM GASKETING COMPRESSED BETWEEN DOOR AND HOUSING WORKS IN COMBINATION WITH ACCUHINGE™ TO PRESSURE SEAL OPTICAL CHAMBER.

LAMP HOLDER: MEDIUM OR M06UL BASE PORCELAIN. LAMP HOLDER EQUIPPED WITH FACTORY INSTALLED QUICK DISCONNECT PLUG.

LAMP: (BY OTHERS)

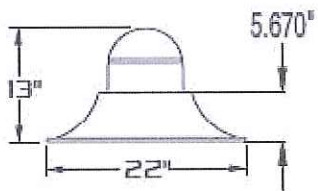
BALLAST: H.P.F./C.W.A. AUTOTRANSFORMER. -20° STARTING TEMPERATURE. ELECTRICAL COMPONENTS ARE MOUNTED TO A REMOVABLE BALLAST TRAY. BALLAST IS EQUIPPED WITH FACTORY INSTALLED QUICK DISCONNECT PLUG.

FINISH: POLYESTER POWDER COAT-STATE OF THE ART 20 PSI PRESSURE POWER WASH AT 140° TEMPERATURE INCORPORATES FOUR STEP IRON PHOSPHATE PROCESS TO CLEANSE AND PRETREAT THE METAL SURFACE FOR MAXIMUM PAINT ADHESION. ELECTROSTATICALLY APPLIED TEXTURED POLYESTER POWDER TOPCOAT IS BAKED AT 400° TEMPERATURE FOR MAXIMUM HARDNESS AND EXTERIOR DURABILITY.

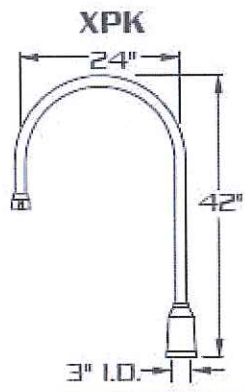


Type S3

J.18



DSCP1



XPK

MODEL NO.:	OPTICS	LAMP	MOUNTING	FINISH	OPTIONS
D S C P	HORIZONTAL LAMP REFLECTORS	WATTAGE TYPE VOLTAGE	<input type="checkbox"/> XPK <input type="checkbox"/> XPS	STANDARD TEXTURED FINISH	<input type="checkbox"/> CONVEX GLASS.....DG
	<input type="checkbox"/> TYPE II HR-II..... (segmented)	<input type="checkbox"/> 250 <input type="checkbox"/> HPS <input type="checkbox"/> 120V	<input type="checkbox"/> XPD <input type="checkbox"/> WM	<input type="checkbox"/> BLACK RAL-9005-T	<input type="checkbox"/> CLEAR CONVEX POLYCARBONATE DIFFUSER.....LEX
	<input type="checkbox"/> TYPE III HR-III..... (segmented)	<input type="checkbox"/> 175 <input type="checkbox"/> MH <input type="checkbox"/> 208	<input type="checkbox"/> 1	<input type="checkbox"/> WHITE RAL-9003-T	<input type="checkbox"/> 3/4" IPS STEM MOUNT AND SWIVEL CANOPY (4'-0" MAX.).....SM
	<input type="checkbox"/> TYPE IV (FORWARD THROW) HR-IV..... (segmented)	<input type="checkbox"/> 150 <input type="checkbox"/> MV <input type="checkbox"/> 240		<input type="checkbox"/> GREY RAL-7004-T	<input type="checkbox"/> CHAIN MOUNTED (4'-0" MAX.).....CM
	<input type="checkbox"/> TYPE V HR-V-SQ (segmented)	<input type="checkbox"/> 100 <input type="checkbox"/> 277		<input type="checkbox"/> DRK BRONZE RAL-9019-T	<input type="checkbox"/> HOUSE SIDE SHIELD.....HS
	<input type="checkbox"/> TYPE V VR-V-SQ (segmented)	<input type="checkbox"/> 75 <input type="checkbox"/> 480		<input type="checkbox"/> GREEN RAL-6005-T	<input type="checkbox"/> QUARTZ RESTRIKE.....QTZ
	VERTICAL LAMP REFLECTORS	<input type="checkbox"/> 70 <input type="checkbox"/> MT			<input type="checkbox"/> PHOTO CELL + VOLTAGE (EXAMPLE: PC120V).....PC+V
	<input type="checkbox"/> ASYMMETRIC VR-ASY... (segmented)	<input type="checkbox"/> 50			<input type="checkbox"/> SINGLE FUSE (120V., 277V).....SF
	<input type="checkbox"/> TYPE V VR-V-SQ (segmented)				<input type="checkbox"/> DOUBLE FUSE (208V., 240V).....DF
	VERTICAL LAMP REFLECTOR REQUIRES CONVEX GLASS				

DSCP25
USE MOGUL BASE LAMPS

DSCP1
USE MEDIUM BASE LAMPS

SEE
ARM SECTION
FOR
ADDITIONAL
ARMS

FOR SMOOTH
FINISH REMOVE
SUFFIX "T"
(EXAMPLE:
RAL-9500)

SEE WEBSITE FOR
ADDITIONAL COLORS

U.S. ARCHITECTURAL LIGHTING

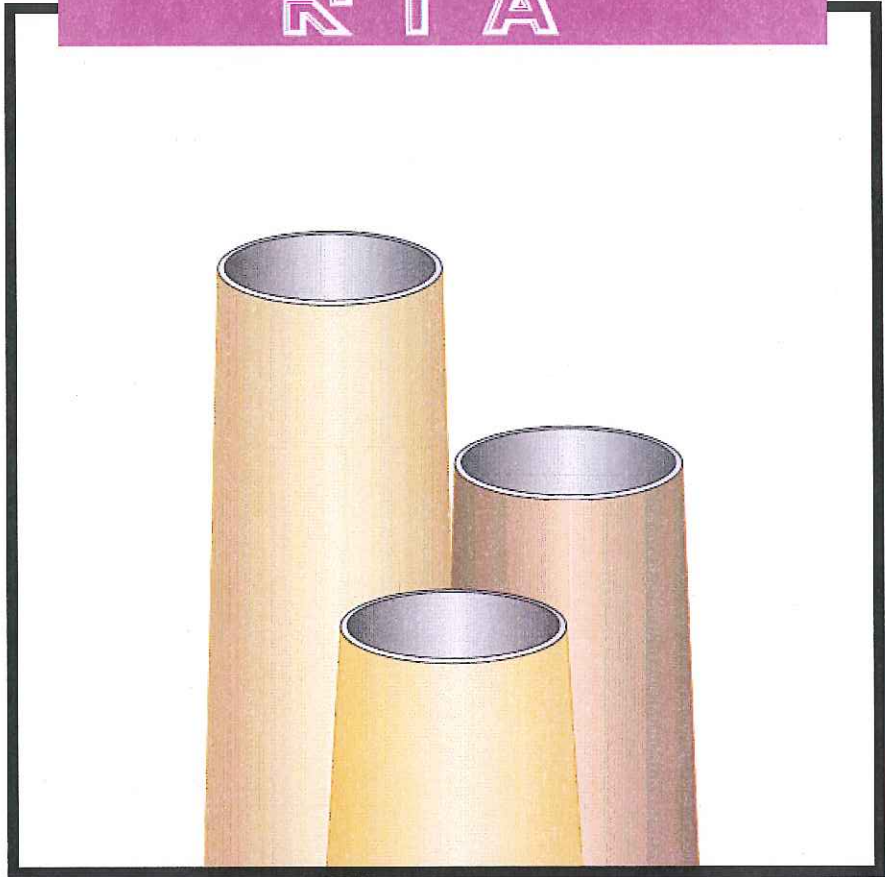
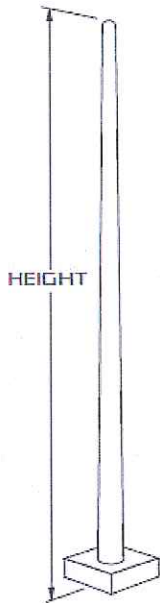
660 WEST AVENUE O, PALMDALE, CA. 93551
(861) 293-2000
FAX NO. (861) 293-2001
www.usaltg.com

B2-12

Type S3

RTA

J.19



ROUND TAPERED ALUMINUM

SPECIFICATIONS

- SHAFT:** SPUN TAPERED FROM 6063 ALLOY ALUMINUM TUBING. HEAT TREATED TO PRODUCE A T6 TEMPER. SHAFT INCLUDES A PERIPHERALLY REINFORCED HAND HOLE FURNISHED WITH COVER. SHAFT IS FURNISHED WITH GROUND LUG LOCATED ON CAST ALUMINUM BASE PLATE.
- BASE PLATE:** CAST ALUMINUM CONSTRUCTED OF A-356 ALUMINUM ALLOY HEAT TREATED TO PRODUCE A T6 TEMPER. STRUCTURALLY ENGINEERED BASE INCLUDES EIGHT HEAVY WALL REINFORCING VERTICAL GUSSETS, BASE TELESCOPES AND IS CIRCUMFERENTIALLY WELDED TO SHAFT AT BOTH THE OUTSIDE TOP AND INSIDE BOTTOM OF THE BASE.
- ANCHORAGE:** [4] ANCHOR BOLTS FABRICATED FROM HOT ROLLED STEEL BAR. MINIMUM YIELD STRENGTH OF 50,000 P.S.I. BOLTS HAVE "L" BEND ON ONE END AND ARE THREADED ON THE OTHER END. BOLTS ARE FULLY GALVANIZED AND ARE FURNISHED WITH TWO NUTS AND TWO WASHERS.
- BASE COVER:** FABRICATED FROM HEAVY WALL ALUMINUM CONSTRUCTION. TWO PIECE COVER ENTIRELY CONCEALS BASE
- FINISH:** POLYESTER POWDER COAT-STATE OF THE ART 20 PSI PRESSURE POWER WASH AT 140° TEMPERATURE INCORPORATES FOUR STEP IRON PHOSPHATE PROCESS TO CLEANSE AND PRETREAT THE METAL SURFACE FOR MAXIMUM PAINT ADHESION. ELECTROSTATICALLY APPLIED TEXTURED POLYESTER POWDER TOPCOAT IS BAKED AT 400° TEMPERATURE FOR MAXIMUM HARDNESS AND EXTERIOR DURABILITY.

U.S. ARCHITECTURAL
LIGHTING

680 WEST AVENUE O, PALMDALE, CA. 93551
(881) 233-2000
FAX NO. (881) 233-2001
www.usaltg.com

F1-41

Type S3

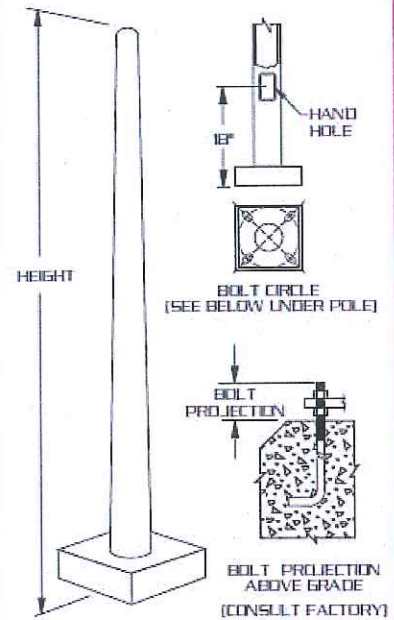
J.20

RTA SERIES

ENGINEERING DATA
Maximum EPA - Square Feet

Catalog Number	Maximum Fixt. wgt.	100 MPH	90 MPH	80 MPH	70 MPH
RTA 1443-125	50	2.2	3.0	4.5	6.2
RTA 1643-125	50	1.1	1.8	2.9	4.4
RTA 1853-188	100	4.1	5.6	7.6	10.8
RTA 2064-188	200	5.6	7.5	10.1	14.2
RTA 2574-188	225	5.7	7.3	9.5	13.6
RTA 3084-188	200	5.6	7.4	9.9	13.5
RTA 3584-188	100	3.8	5.1	7.0	9.3
RTA 4084-250	200	4.2	5.4	7.6	10.7

All above design calculations are based on sustained wind forces plus additional 1.3 wind gust
(Example: Pole rated at 80 MPH withstands 104 MPH gusts)



ORDERING INFORMATION

MODEL NO.:	POLES	MOUNTING	FINISH	OPTIONS																																																						
RTA																																																										
MODEL NO.:	POLES	MOUNTING	FINISH	OPTIONS																																																						
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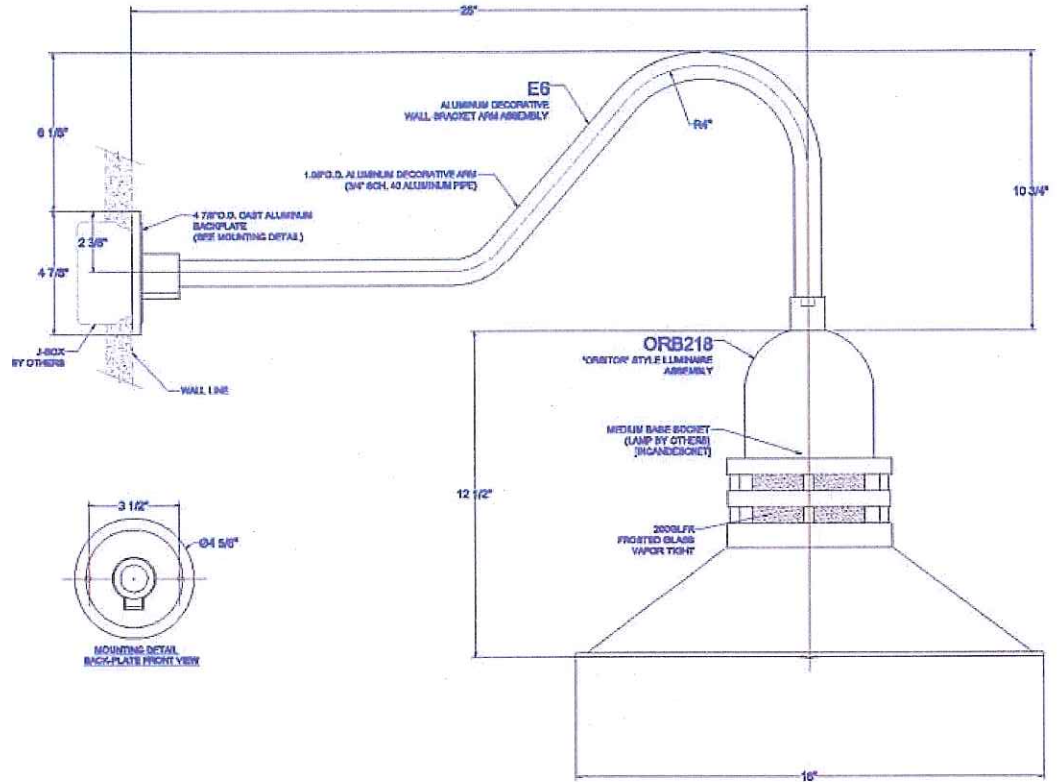
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FINISH: #41-BLACK	DESIGNER: E. ORDAZ
DATE: 11/01/09	SCALE: N.T.S.

Sheet: 1 of 1

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10. Consistency With Design Standards

As described in other sections of this application, the project is consistent with the general design standards contained in Section 14-526 of the Land Use Ordinance. In addition, there are specific design standards applicable to the B-5b Urban Commercial Zone that are set forth in the City of Portland Design Manual. For convenience and to ensure completeness of this section of the application, the B-5b Zone Design Standards are reproduced below and the applicant's statements regarding consistency follow each section in italics.

Excerpt from City of Portland Design Manual (Adopted May 11, 2010)

(c) B-5b URBAN COMMERCIAL ZONE:

(1) 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. *There will be shared circulation and parking over the former Foundry Lane. There will also be common drainage and sewer infrastructure located within the former roadway.*
- 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. *The proposed building will be located within a few feet of the right of way along Commercial Street. New brick sidewalk will be constructed between the building and curb line. This will allow for greater pedestrian access around the site. The lot is at the corner of Commercial and Maple Street. Interest and architectural presence will be given to the corner with the addition of a brick patio with outdoor seating to be used by the proposed restaurant. This patio will be accented with a granite seating wall at the perimeter.*
- 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. *The building is oriented toward the street with entrances and facades allowing for pedestrian movement and adding architectural interest. The hotel and restaurant will have entrances on Commercial Street. The restaurant will have an outdoor patio with seating along Maple Street extending to the corner of Commercial Street. The residences will have a separate entrance on Maple Street.*
- 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 parking lot for the residences and hotel valet will be located behind the building and adjacent to an existing parking lot on Maple Street.*

HISTORIC DISTRICT:**Section 14-651. Standards for review of new construction****(a) Scale and form:**

1. Height. In addition to the applicable requirements of articles III, IV and V of this chapter, the proposed height shall be visibly compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines. *The proposed building is approximately the same height as the Baxter Place building to the immediate North of this site.*

2. Width. The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines. *The Commercial Street elevation of the proposed building is approximately the same length as the neighboring Baxter Place building.*

3. Proportion of principal facades. The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related. *The proposed building is, as noted above, very similar in scale to the only other building in the immediate vicinity.*

4. Roof shapes. The roof shape of a structure shall be visually compatible with the structures to which it is visually related. *The proposed building will have a low slope, internally drained roof similar to the Baxter Place building.*

5. Scale of a structure. The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related. *The proposed building will be 6 stories in height, the Baxter Place building is 5 ½ stories above street level. The proposed building has large windows and a different wall material at pedestrian level similar to Baxter Place and other commercial structures in downtown Portland. The upper floors have numerous windows spaced according to the use of the interior spaces and a combination of brick and accent materials.*

6. Applicability to Congress Street historic district. In the Congress Street historic district, for new construction within the B3 zone, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements (Sec 14-220) of the B3 zone. *N/A*

(b) Composition of principal facades:

1. Proportion of openings. The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways and places to which the building is visually related. *While the windows at the intermediate floors are uniform in size and shape, the windows at the top floor are varied in width to reflect the different spaces at this level.*

2. Rhythm of solids to voids in facades. The relationship of solids to voids in the facade of a structure shall be visually compatible with structures, public ways and places to which it is

visually related. *The percentage of wall openings as compared to solid wall on the facades is comparable in relationship to the adjacent structures.*

3. Rhythm of entrance porch and other projections. The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways and places to which they are visually related. *An entrance "porch" is provided at the main Commercial Street entrance to the hotel with steps and a concealed ramp to street level similar to the entrances at Baxter Place.*

4. Relationship of materials. The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related. *As noted above, the predominant façade materials are brick and granite with accent materials as shown on the proposed building elevations.*

5. Signs. Any new sign, and any change in the appearance of an existing sign located on a landmark within an historic district or within an historic landscape district, which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual. *Signage has yet to be determined but will comply with the applicable regulations*

(c) Relationship to street:

1. Walls of continuity. Facades and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related. *The Commercial Street façade of the proposed building aligns closely to the Baxter Place building with regards to relationship to the street.*

2. Rhythm of spacing and structures on streets. The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related. *The space between the proposed building and Baxter Place is at a minimum to allow traffic flow without a significant separation between the buildings, creating a continuity of the street line of the buildings.*

3. Directional expression of principal elevation. A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character. *The proposed building continues the overall horizontal character of the adjacent building with vertical accents utilized to provide interest to the façade. Baxter Place uses similar vertical surface treatment to pleasing effect.*

4. Streetscape, pedestrian improvements. Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a landmark, within an historic district or within an historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the design manual. *Street/pedestrian level elements have been designed to provide interest and variety in keeping with neighboring buildings.*

K. 4.

Such elements as planters, benches, trees, and street lighting are planned for the Commercial Street pedestrian ways in front of the building.

(d) Other standards:

1. Compatible uses. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose. ***The proposed building will add to the character and street life of this section of Commercial Street and reinforce the character of the neighborhood as an important commercial/residential destination.***

2. Distinguishing original character. The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible. ***The proposed building will be replacing an existing parking lot.***

3. Archeological resources. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken. *N/A*

4. Contemporary design. Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material and character of the property, neighborhood and environment. *N/A*

5. Additions. Wherever possible, new additions to structures and objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the structure would be unimpaired. *N/A*

Attachment L. 1

From: Steve Long <stevel@opechee.com>
To: 'Jean Fraser' <JF@portlandmaine.gov>
Date: 11/2/2012 10:57 AM
Subject: RE: 321 Commercial St- Site Plan Review
Attachments: Parking Lot.pdf

Jean

The attached portion of the tax map, shows the lots intended for use as valet parking. All of the land is owned by J B Brown & Sons.

Let me know if you need additional info.

Thanks

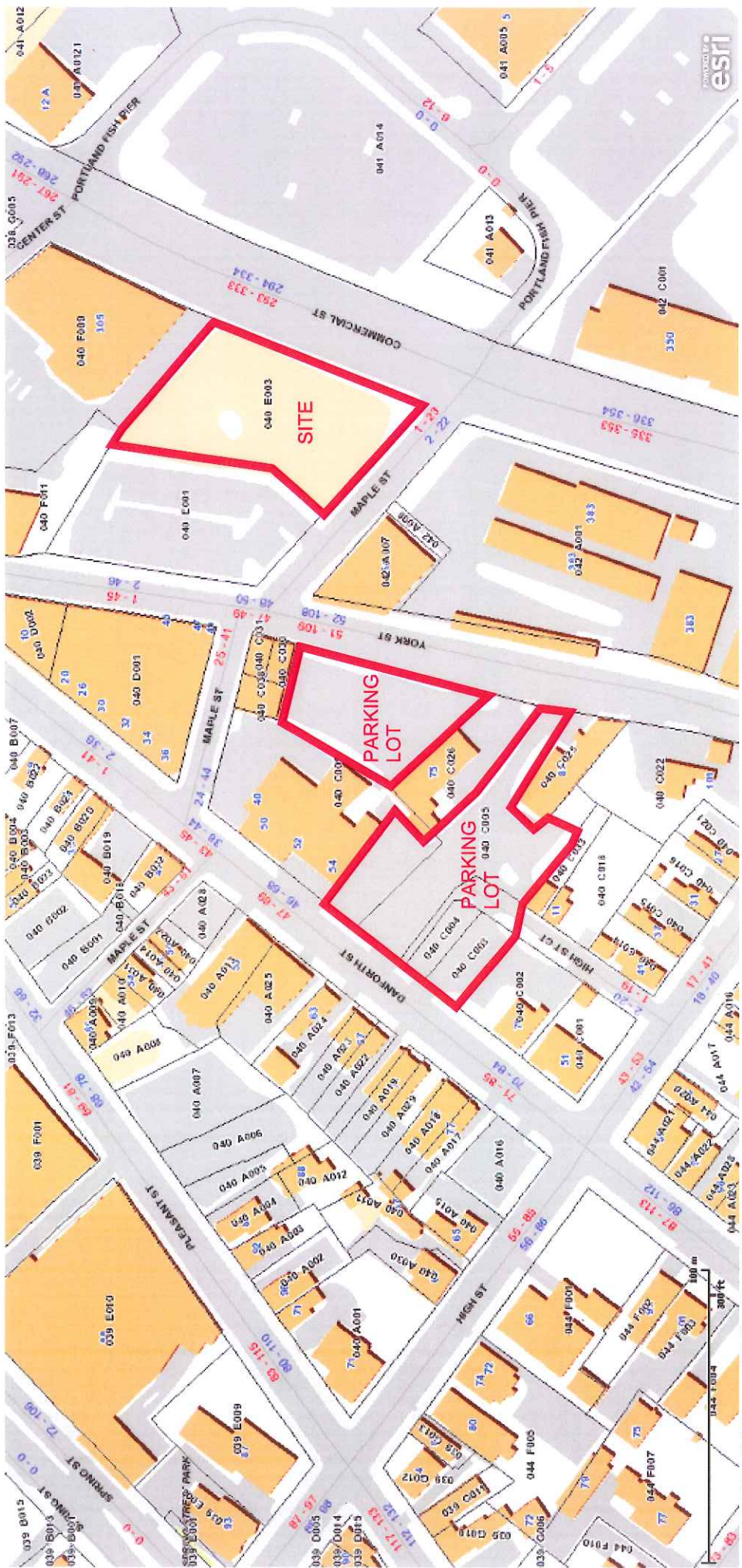
Steve Long

[cid:774525214@02112012-1ED6]

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

stevel@opechee.com<mailto:stevel@opechee.com>

L.2



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with email dated 11.2.2012

2nd workshop

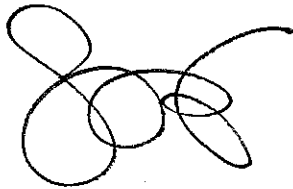
Attachment M.1

Neighborhood Meeting Certification

I, Steve Long of Opechee Construction Corporation, consultant for J B Brown & Sons, hereby certify that a neighborhood meeting was held on November 8, 2012, at 30 Danforth Street, Suite 206, Portland, ME at 5:30 pm.

I also certify that on October 26, 2012, invitations were mailed to all addresses on the mailing list provided by the Planning Division, including property owners within 500 feet of the proposed development and the residents on the "interested parties" list.

Signed,



November 14, 2012

Steve Long

Attached to this certification are:

1. Scanned copy of actual invitation sent.
2. Meeting sign-in sheet.
3. Meeting minutes.

M.2



October 26, 2012

RE: Neighborhood Meeting Invitation – Discussion of the Commercial & Maple Street Mixed Use Development

Dear Neighbor,

Please join us for a neighborhood meeting to discuss the Commercial & Maple Street Mixed Use Development. This proposal includes a 131 room hotel, 7,000 square feet of restaurant, and 14 residential units. The proposed development is located at the corner of Commercial and Maple Street, on the site of an existing gravel surface parking lot.

Meeting Location:	Suite 206, 30 Danforth Street, Portland ME 04101
Meeting Date:	Thursday, November 8, 2012
Meeting Time:	5:30 PM

The City code requires that property owners within 500 feet of the proposed development and residents on an "interested parties list" be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.

If you have any questions, please call Steve Long at 603-527-9090.

Sincerely,

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Steve Long, PE
Project Manager

Note: Under Section 14-32(C) and 14-525 of the City Code of Ordinances, an applicant for a major development, subdivision of over five lots/units, or zone change is required to hold a neighborhood meeting within three weeks of submitting a preliminary application or two weeks of submitting a final site plan application if a preliminary application was not submitted. The neighborhood meeting must be held at least seven days prior to the Planning Board public hearing on the proposal. Should you wish to offer additional comments on this proposed development, you may contact the Planning Division at 207-874-8721 or send written comments to the Department of Planning and Development, Planning Division 4th Floor, 389 Congress Street Portland, ME 04101 or by email to: bab@portlandmaine.gov.

Neighborhood Meeting
Commercial & Maple Street Mixed Use Development
November 8, 2012 @ 5:30PM -Suite 206, 30 Danforth Street, Portland

Vin Veroneau of J.B. Brown & Sons provided an overview of the 321 Commercial Street project explaining that the project will consist of a 131-room hotel, 14 residential units, a 7,000+sf retail space, and limited on-site parking. The hotel will valet parkers to lots owned by J.B. Brown in the area. The project will also eliminate a curb cut on Commercial Street by sharing an access to the site with the Baxter Place via land they own at the former Foundry Lane. A curb cut on Maple Street will be relocated further away from the intersection of Commercial Street. Keith Hemingway, an architect with Opechee Construction attended and was available to answer questions on the building design.

- **Is the project approved?** Not yet, we had a Historic Preservation meeting last evening and a Planning Board workshop next week, so we are at the beginning of the municipal approval process. Our goal is to have approvals in January and begin construction in order to meet a May/June 2014 opening date.
- **What is the pedestrian access?** There will be sidewalks reconstructed on Commercial and Maple. A sidewalk will be added in the upper section of Maple Street currently without a sidewalk. Pedestrian access will also be provided on the former Foundry Lane.
- **Will there be a crosswalk across Commercial Street?** Yes, we are not sure at this point whether it will cross from the west side or east side of Maple Street.
- **Will you build parking?** We will have limited on-site parking for the hotel and one space for each residential unit. The balance of the hotel parking will be valeted to lots J.B. Brown owns on York Street.
- **Do hotels usually have parking garages?** In downtown Portland, most new hotels valet park.
- **How will the traffic flow?** We assume guests will enter at Foundry Lane and their cars will be valeted to York Street via Maple Street.
- **Will there be any improvements to the intersection of York & Maple because the alignment of the upper and lower sections of Maple Street is a straight shot?** We have not planned to make changes to that intersection and I do not believe the traffic study will warrant changes, but that is a municipal decision.

- **Who is the contractor?** Opechee Construction.
- **Is this I.B. Brown's first new building development?** No, historically the company has built many buildings in Portland. Recently, the company constructed a retail/office project in Falmouth, an office building on Washington Ave, and an office building in South Portland.
- **General comments:**
This looks like a great development and a nice improvement to the area.

I like the building design.

I am concerned that the displaced parkers on your lots plus the hotel parking will create a stress on on-street parking in the neighborhood.

I have concerns that Opechee does not use union labor and feel that as a result they deliver an inferior product. I believe labor union contractors are better trained and receive better benefits. I cannot support the project because sub-contractors are non-union, but would support the project if union sub-contractors are used.

Attachment N. 1



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Public Services Department
Michael J. Bobinsky, Director

4 December 2012

Mr. Steve Long, P.E.,
Civil Engineer,
Opechee Construction Corporation,
11 Corporate Drive,
Belmont, New Hampshire 03220

**RE: The Capacity to Handle Additional Wastewater Flows, from the
Proposed "Courtyard by Marriott" Hotel, at 311 Commercial Street.**

Dear Mr. Long:

The existing seventeen-inch brick sewer pipe, located upstream, of the manhole, in Foundry Lane, before Commercial Street, or the eighteen-inch vitrified clay sewer pipe, located downstream, of the manhole, in Foundry Lane, before Commercial Street, has adequate capacity to **transport**, while The Portland Water District sewage treatment facility, located off Marginal Way, has adequate capacity to **treat**, the total anticipated net increase in wastewater flows of **20,375 GPD**, from the proposed hotel.

The City combined sewer overflow (C.S.O.) abatement consent agreement (with the U.S.E.P.A., and with the Maine D.E.P.) requires C.S.O. abatement, as well as storm water mitigation, in order to offset any increase in sanitary flows, from all projects.

If the City can be of further assistance, please call 874-8832.

Sincerely,
CITY OF PORTLAND

Frank J. Brancely, B.A., M.A.
Senior Engineering Technician

FJB

N.2

Anticipated Wastewater Flows from

The Proposed Restaurant:

158 Proposed Three-Meal-Restaurant Seats @ 45 GPD/Seat	=	7,110 GPD
22 Proposed Lounge-Bar Seats @ 20 GPD/Seat	=	440 GPD
14 Proposed Employees @ 15 GPD/Employee	=	210 GPD

The Proposed Residential Units:

7 Proposed Two-Bedroom Units @ 180 GPD/Unit	=	1,260 GPD
1 Proposed One-Bedroom Units @ 120 GPD/Unit	=	120 GPD

The Proposed Hotel:

3 Proposed Single Bed Hotel Rooms @ 100 GPD/Hotel Room	=	300 GPD
50 Proposed Single Bed Hotel Rooms with Pullout Sofa @ 200 GPD/Hotel Room	=	10,000 GPD
71 Proposed Double Bed Hotel Rooms @ 200 GPD/Hotel Room	=	14,200 GPD
7 Proposed Double Bed Hotel Rooms with Pullout Sofa @ 300 GPD/Hotel Room	=	2,100 GPD
15 Proposed Employees @ 15 GPD/Employee	=	<u>225 GPD</u>

Total Design Wastewater Flow, for Proposed Hotel, etc., Project: = 33,215 GPD

- CC: Jeffrey Levine, Director, Department of Planning, and Urban Development, City of Portland
 Barbara Barhydt, Development Review Services Manager, Department of Planning, and Urban Development, City of Portland
 Jean Fraser, Planner, Department of Planning, and Urban Development, City of Portland
 David Margolis-Pineo, Deputy City Engineer, City of Portland
 Michael Farmer, P.E., Project Engineer, City of Portland
 Bradley A. Roland, P.E., Environmental Projects Engineer, City of Portland
 John Emerson, Wastewater Coordinator, City of Portland
 Rhonda Zazzara, Field Inspection Coordinator, City of Portland
 Jane Ward, Administrative Assistant, City of Portland

Draft

Received in

Pl. DN. 12.5.2012.

DECLARATION OF CONDOMINIUM

FOR THE

321 COMMERCIAL STREET CONDOMINIUM

PORTLAND, CUMBERLAND COUNTY, MAINE

DECLARANT:

J.B. BROWN & SONS

**DECLARATION OF CONDOMINIUM
FOR THE
321 COMMERCIAL STREET CONDOMINIUM**

THIS DECLARATION OF CONDOMINIUM is made as of the ___ day of _____, 201_, by J.B. BROWN & SONS, a Maine corporation, with a business address of 36 Danforth Street, Portland, Maine 04101 (the "Declarant"), for itself, its successors and assigns.

BACKGROUND

Declarant is the owner of that certain real property consisting of a parcel of land situated at or near 321 Commercial Street in Portland, Cumberland County, Maine, and more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Real Estate"). Declarant intends to develop the Real Estate as shown on the Plats and Plans (as hereinafter defined) as a mixed-use condominium to be known as the "321 Commercial Street Condominium". Declarant is recording this Declaration to create a condominium with respect to the Real Estate and the improvements constructed and to be constructed thereon pursuant to the Maine Condominium Act, 33 M.R.S.A. §§ 1601-101, *et seq.* (the "Act"), subject to all the terms and conditions hereof.

WITNESSETH:

NOW, THEREFORE, the Declarant hereby declares and covenants, for itself and its successors and assigns, that the Real Estate and all buildings and improvements now or hereafter constructed thereon are and shall be held, transferred, sold, conveyed, divided, subdivided, used, occupied, improved, and encumbered under and subject to the covenants, restrictions, charges, liabilities, liens, easements and conditions set forth in this Declaration, all of which shall run with the Real Estate and each of the Units (as hereinafter defined), and all buildings and other improvements now or hereafter constructed thereon, as follows:

ARTICLE I - DEFINITIONS; CONSTRUCTION AND INTERPRETATION

1.01 Act Definitions and Section References. Capitalized terms used herein that are defined in the Act shall have the meanings ascribed to them in the Act. Terms that are defined in the Act and that are also defined herein shall have the general meanings ascribed to them in the Act and, in addition, the specific meanings ascribed to them in this Declaration.

1.02 Defined Terms. Supplementing the terms defined in the Act and elsewhere in this Declaration, the following terms, when used herein, shall have the meanings ascribed to them in this Section 1.02:

"Act" - the Maine Condominium Act, 33 M.R.S.A. §§ 1601-101, *et seq.*, as amended from time to time, or any successor statute governing condominiums in the State of Maine.

"Assessments" - amounts levied or assessed by the Association against the Units from time to time, pursuant to this Declaration and the Act, including (without limitation) Assessments for General Common Expenses, Limited Common Expenses (to the extent provided herein), Special Assessments and amounts assessed as a special allocation of Common Expenses pursuant to the Act. The term "Assessments" also includes amounts levied and assessed as fines, late charges, collection costs and attorneys' fees pursuant to any of the Condominium Documents.

"Association" - the "321 Commercial Street Condominium Owners Association", which shall be a Maine non-profit corporation and shall be organized on or before the date the first Unit is transferred to a Unit Owner other than Declarant.

"Board" or "Executive Board" - the Executive Board of the Association to be appointed by the Unit Owners pursuant to Article 3 of the Act, this Declaration and the Bylaws.

"Building" - the building to be built on the Real Estate that will contain the Units, as well as certain Common Elements.

"Bylaws" - the Bylaws of the Association as amended from time to time. The Bylaws shall bind the Association and all Unit Owners whether or not they are recorded.

"Common Elements" - the Common Elements of the Condominium, as defined in the Act, this Declaration and on the Plats and Plans.

"Common Expense Liability" - the liability appurtenant to each Unit to pay the share of the Common Expenses and Assessments that is allocated to such Unit under this Declaration and the Act.

"Common Expenses" - either General Common Expenses or Limited Common Expenses, as applicable under the circumstances.

"Condominium" - the condominium created hereby, known as the "321 Commercial Street Condominium".

"Condominium Documents" - this Declaration, the Plats and Plans, the Bylaws, and the Regulations (each as the same may be amended from time to time) or whichever of them apply to a particular circumstance, as the context requires.

"Declarant" - the Declarant originally named herein and any successor to Special Declarant Rights (as hereinafter defined).

"Declaration" - this Declaration together with the Plats and Plans, as amended from time to time. The Plats and Plans are a part of this Declaration, and any reference to this Declaration shall be deemed to include reference to any applicable part of the Plats and Plans, as they may be amended from time to time. Words such as "herein", "hereof" and "hereto" refer to this Declaration in its entirety unless the context otherwise clearly requires.

"Director" - a member of the Executive Board.

"Executive Board" or "Board" - the Executive Board of the Association to be appointed by the Unit Owners pursuant to Article 3 of the Act, this Declaration and the Bylaws.

"General Common Expenses" - the actual and estimated expenses incurred from time to time for the general benefit of the Association and all Unit Owners, including but not limited to (i) general overhead, administrative and operating expenses of the Association including common utility expenses, if any, (ii) taxes or other governmental charges levied or assessed against the Association or its property under any federal, state, local or municipal tax law, regulation or ordinance, (iii) premiums for insurance and bonds carried by the Association, (iv) the costs of maintaining, managing, insuring and repairing the Common Elements, including the Limited Common Elements, and making any necessary replacements thereto or thereof (except to the extent this Declaration specifies that such costs are the responsibility of one or more of the Unit Owners), (v) amounts set aside or budgeted to be set aside as operating and capital reserves, (vi) expenses of prosecuting or defending any litigation or other proceedings by, against or affecting the Association, the Unit Owners, the Real Estate or any of the Units which the Association may bring, defend or otherwise participate in pursuant to this Declaration, including (without limitation) the expenses of enforcing or attempting to enforce the Condominium Documents, (vii) the fees or other compensation payable to any manager or management company that may be engaged by the Association to assist the Association in managing, operating or administering the Association or the Common Elements, (viii) the compensation, benefits and other expense of employees of the Association, and (ix) all other expenses and liabilities incurred or that may be incurred by the Association in carrying out or performing its rights, duties and functions, other than those expenses (if any) associated with the maintenance, repair or replacement of Limited Common Elements that are required to be separately accounted for and charged as Limited Common Expenses pursuant to this Declaration.

"Limited Common Element" - a part of the Common Elements that is allocated for the exclusive use or benefit of one or more, but fewer than all, of the Units, pursuant to the Act or this Declaration.

"Limited Common Expenses" - the expenses of maintaining, repairing, insuring and/or replacing any Limited Common Element, to the extent this

Declaration specifies that such expenses will be segregated from General Common Expenses and charged as Limited Common Expenses.

"Member"- a Unit Owner in his, her or its capacity as a member of the Association.

"Owner" - the owner(s) of a Unit (including the Declarant with respect to Units that it owns) other than a Person holding such title solely as security for an obligation.

"Percentage Interest" - the undivided percentage interest in Common Elements appurtenant to each Unit, as shown on Exhibit "D" attached hereto and made a part hereof. A Unit's Percentage Interest is the same as the percentage of Common Expense Liability allocated to that Unit. The Percentage Interest for each Unit is calculated based on the following formula: a ratio of the percentage of the approximate gross floor area square footage of one Unit compared to the approximate gross floor area square footage of all Units (i.e., a 1,000 square foot Unit out of a total of 100,000 square feet of units equals a 1% Percentage Interest allocated to that Unit). If any Unit should be added to or withdrawn from the Condominium, then the Percentage Interest of each Unit shall be recalculated based on the foregoing formula. Additionally, the Percentage Interests shown on Exhibit "D" may be revised by the Declarant subsequent to construction based upon as-built measurements, provided that in the absence of manifest error in such revisions and/or measurements, no Unit Owner shall have the right to compel or require as-built measurements and all such determinations of Percentage Interest by the Declarant shall be conclusive upon all Unit Owners.

"Person" - a natural person, corporation, limited liability company, partnership, trust or any other legal entity, existing by statute, contract or common law.

"Plats and Plans" - the site plans depicting the Condominium and the development of the Real Estate, and the buildings and improvements constructed or proposed to be constructed thereon pursuant to Section 1602-109 of the Act, attached hereto as, or identified on, Exhibit "C" attached hereto and made a part hereof, as they may be amended from time to time.

"Real Estate" - the land described on Exhibit "A" attached hereto and made a part hereof and on the Plats, together with all improvements now or hereafter constructed thereon, and all easements, rights and privileges appurtenant thereto, except for any such easements, rights and privileges appurtenant thereto as may be specifically excluded therefrom in said Exhibit A.

"Regulations" - the rules, regulations and policies adopted by the Executive Board from time to time regulating the Unit Owners' use and enjoyment of the Common Elements and the Units.

"Special Assessment" - an Assessment levied by the Executive Board, in excess of the regular Common Expense Assessment, against some or all of the Units for any purpose permitted by this Declaration, including without limitation (i) an Assessment to pay the costs of unanticipated repairs to or replacement of any Common Elements, and (ii) an assessment levied against one or more (but less than all) Units to recover the costs of repairing damages to the Common Elements caused by the resident(s) or occupants of such Units.

"Special Declarant Rights" - has the meaning given to such term in the Act and includes, without limitation, any rights reserved by Declarant hereunder to (i) complete the improvements shown on the Plats and Plans, (ii) maintain offices, signs and models, (iii) use easements through the Common Elements for the purpose of making improvements within the Real Estate, (iv) convert a Unit into Common Elements, or into two (2) or more Units and Common Elements, or change the boundary lines between Units and/or between Units and Common Elements, and (v) exercise any other rights of the Declarant constituting "Special Declarant Rights" under the Act, whether or not expressly designated as such in this Declaration.

"Sub-Association" - the unit owners' association of a Sub-Condominium. A Sub-Association shall be considered to be the agent of the Sub-Unit Owners within any Sub-Condominium with respect to matters under this Declaration and the Association and the other Unit Owners are authorized to deal with such Sub-Association as if it were the Unit Owner of the Unit in which the Sub-Condominium is created.

"Sub-Association Board" - the Executive Board of a Sub-Association.

"Sub-Condominium" - any Unit of this Condominium that is itself declared a condominium. It is anticipated that the Declarant or a subsequent Owner of the Residence Unit may, in its sole discretion, declare a Sub-Condominium of the Residence Unit.

"Sub-Unit" - a Unit in a Sub-Condominium.

"Sub-Unit Owner" - the owner of a Sub-Unit.

"Supplemental Declaration" - a supplement or amendment to this Declaration recorded pursuant to the Act and Article X of this Declaration by the Declarant for the purpose of exercising the Declarant's right to subdivide Units owned by the Declarant, or for any other purpose in order for the Declarant to exercise any of the rights described in Section 1601-103(25), Section 1602-105(a)(7) and (8), Section 1602-109(f), Section 1602-110, Section 1602-108 and Section 1602-113 of the Act, to the extent such rights have been reserved hereby.

"Unit" - a physical portion of the Condominium designated for separate ownership or occupancy, as described on the Plats and Plans, together with

the Unit's appurtenant Percentage Interest in Common Elements, Limited Common Elements, voting rights and Common Expense Liability.

"Unit Owner" - the owner(s) of a Unit (including the Declarant with respect to Units that it owns) other than a Person holding such title solely as security for an obligation. If a Sub-Condominium is created within a Unit as permitted under this Declaration, the Sub-Association for that Sub-Condominium may be treated as the Unit Owner of the Unit for all purposes under this Declaration and the Bylaws.

1.03 Number and Gender. Wherever any provision of this Declaration refers to the singular, it shall be deemed to include the plural whenever necessary or appropriate to give effect to such provision; and the use of any gender includes any other gender.

1.04 Construction. If there is a conflict or inconsistency between this Declaration and the Bylaws, this Declaration shall control (unless contrary to the Act). If there is a conflict or inconsistency between the Declaration or the Bylaws, on the one hand, and the Regulations, on the other hand, the Declaration or the Bylaws, as applicable, shall control (unless contrary to the Act). If there is any conflict between the Condominium Documents and the Act, the Condominium Documents shall control to the maximum extent allowed by law.

ARTICLE II - SUBMISSION OF REAL ESTATE TO ACT; UNIT BOUNDARIES; APPLICABILITY OF DECLARATION

2.01 Name and Location of Condominium. The Condominium shall be known as the "321 Commercial Street Condominium". The Condominium is located in Portland, Cumberland County, Maine. The Condominium consists of the Real Estate, together with the improvements constructed and to be constructed thereon, subject to the Act and the terms and conditions of this Declaration.

2.02 Submission to Act; Applicability of Condominium Documents. The Declarant hereby creates a condominium with respect to the Real Estate pursuant to the Act, subject to this Declaration. All present and future Unit Owners, and their respective tenants, subtenants, family members, invitees, agents, servants, employees and any other Persons occupying or using any Unit or the Common Elements, shall be bound by the Condominium Documents. Any mortgage or other lien encumbering a Unit that is recorded after the recording of this Declaration shall be under and subject to this Declaration.

All present and future Unit Owners, Sub-Unit Owners, tenants and occupants of Units shall be subject to and shall comply with the provisions of the Act, this Declaration, the Bylaws, and the Regulations, as these instruments and statutes may be amended and/or restated from time to time. The acceptance of a deed or conveyance, or the entering into of a lease, or the entering into occupancy of any Unit shall constitute an acceptance by such owner, tenant or occupant of the provisions of such instruments

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as they may from time to time be amended and/or restated. The provisions contained in such instruments shall be covenants running with the land and shall bind any person having at any time any interest or estate in such Unit, as though such provisions were recited and fully stipulated in each deed, conveyance or lease thereof.

2.03 Easements, Etc. The Condominium is on the date hereof subject to and benefitted by those recorded easements and other matters of record identified on Exhibits "A" and/or "B" attached hereto and made a part hereof, and to those other easements, notes, conditions and restrictions as are set forth herein, on the Plats and Plans, and on the approved and recorded subdivision plan of the Real Estate.

ARTICLE III - THE UNITS

3.01 Number of Units. The Condominium consists of three (3) Units comprising: (i) the Hotel Unit; (ii) the Retail Unit, and (iii) the Residence Unit, which Units are hereby created by the Declarant by the recordation of this Declaration.

3.02 Unit Boundaries. The boundaries of each Unit are shown on the Plats and Plans and generally consist of the space(s) within the following boundaries:

(a) Upper and Lower Horizontal Boundaries. The upper and lower boundaries of each Unit shall be the following, extended to an intersection with the lateral boundaries of such Unit:

(i) The upper boundary shall be the ceiling of the Unit (as further set forth in Section 1602-102(1) of the Act); and

(ii) The lower boundary shall be the floor of the Unit (as further set forth in Section 1602-102(1) of the Act).

(b) Lateral Boundaries. The lateral or vertical boundaries shall be (i) the perimeter walls of the Unit (as further set forth in Section 1602-102(1) of the Act), extended to intersections with each other, and with the upper and lower boundaries as described in Section 3.02(a) above, which do not separate the Unit from any other Unit, and (ii) the center line of party walls which separate the Unit from any other Unit(s), and (iii) the exterior surface of windows and doors that enclose such space and separate the interior space of the Unit from any adjoining Unit or Common Elements or any space outside of the Building, including such windows and doors, window and door frames and window and door hardware.

(c) Included Spaces. Each Unit shall include the items within the boundaries as described in Sections 1602-102(1) and (3) of the Act and shall have the benefit of the use of all Limited Common Elements described in Section 1602-102 of the Act, or designated on the Plats and Plans or herein as being allocated to such Unit.

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3.03 Contents of Unit; Noncontiguous Parts of a Unit.

(a) Each Unit shall include all spaces and improvements lying within its boundaries described in Section 3.02 hereof and on the Plats and Plans, including (i) all walls, partitions and dividers wholly within such boundary lines (but excluding any wires, ducts, cables, conduits or other facilities contained within such walls or partitions that do not serve that Unit exclusively), (ii) all wall board, plaster board, paneling, wallpaper, paint, tile, carpeting, wood flooring and other materials constituting the finished surfaces of walls, floors or ceilings, (iii) all plumbing and plumbing fixtures, kitchen equipment, exhaust fans, and all lighting fixtures, electrical outlets and receptacles and wiring systems that are located wholly within the Unit boundaries to the extent they serve only that Unit, as well as the heating and cooling systems that serve that Unit exclusively, and the grilles and registers covering air ducts, (iv) all doors and passages located wholly within the Unit boundaries or that form such boundaries, and all windows and window glass, frames, assemblies, handles, locks and hardware associated therewith. In addition, each Unit includes the following, even though located partly or entirely outside the boundaries of the Unit as described in Section 3.02 hereof: (1) any heat pump, heating/ventilation/air-conditioning ("HVAC") unit, hot water tank or similar appliance or equipment, and its accessory components, wiring, plumbing, ductwork and piping, that serve only that Unit, and (2) the spaces (and improvements and facilities within the spaces) containing electrical switches, wiring, pipes, ducts, conduits, smoke detector or security systems and communications, telephone, television, computer and electrical receptacles and boxes serving that Unit exclusively, the surface of the foregoing being the boundaries of such Unit whether or not such spaces are contiguous.

(b) Unless specifically included by other provisions hereof, the following are excluded from each Unit: (i) the spaces and improvements lying outside the Unit boundaries described in Section 3.02 hereof, (ii) all chutes, pipes, flues, ducts, wires, conduits, plumbing, electrical and other facilities running through, along or within any interior wall or partition, or otherwise within the space(s) defined by the boundaries described in Section 3.02, that serve other Units and/or the Common Elements, and (iii) any foundations, structural supports, structural columns or any other parts of systems, services or utilities serving multiple Units or other parts of the Real Estate.

3.04 Maintenance of Units. Each Unit Owner is solely responsible for the maintenance, repair or replacement of his, her or its Unit, the improvements within and components and equipment that are part of the Unit, and all contents thereof, whether real property, personal property or mixed including, but not limited to, all appliances, doors, windows, interior partitions and walls, HVAC equipment, hot water heater, heat pump, ducts, lighting fixtures, floor coverings, wall coverings, wall board and plumbing, kitchen and bathroom fixtures and appliances.

3.05 Identifying Names. The identifying names of the Units are as shown on the Plats and Plans and on Exhibit "D" attached hereto and made a part hereof.

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3.06 Ownership Interest in Common Elements; Conveyance of Unit. In addition to owning his, her or its Unit, each Unit Owner shall also own that Unit's undivided Percentage Interest in Common Elements and the interest in Limited Common Elements allocated to such Unit. Except as otherwise provided by the Act, each Unit, together with its undivided interest in Common Elements and allocated Limited Common Elements, constitutes a separate parcel of real estate for all purposes. Conveyance of a Unit automatically includes the Percentage Interest in Common Elements, voting rights, Common Expense Liability and the right to any Limited Common Elements allocated to that Unit hereunder. Neither membership in the Association nor the Percentage Interest in Common Elements and the Limited Common Elements allocated to a Unit may be conveyed, encumbered, assigned or otherwise transferred in any manner except by conveyance of the Unit to which such rights are appurtenant. Any other transfer or attempted transfer thereof by a Unit Owner is void.

3.07 Subdivision of the Units.

(a) The Hotel Unit Owner shall have the right, without the consent or approval of the Executive Board or the other Unit Owners, to subdivide the Hotel Unit into two or more Units and associated Common Elements or Limited Common Elements. In the event of such subdivision, the Hotel Unit Owner shall, at its expense, execute and record an amendment to this Declaration, including an amendment to the Plats and Plans, as necessary. In connection therewith, the Hotel Unit Owner shall allocate the Percentage Interest, Common Expense Liability, Limited Common Elements, voting rights (as set forth in Section 5.03(a) hereof) and right to designate a Director (as set forth in Section 5.04(b) hereof) allocable to the Hotel Unit (provided that the aggregate Percentage Interest in Common Elements and Common Expense Liability appurtenant to the Units resulting from the subdivision is not less than the Percentage Interest and Common Expense Liability appurtenant to the Hotel Unit before such subdivision; and provided that the voting rights and right to designate a Director appurtenant to the Units resulting from the subdivision is not more than the voting rights and right to designate a Director appurtenant to the Hotel Unit before such subdivision). Such reallocation shall be made by the amendment to the Declaration recorded by the Hotel Unit Owner pursuant to this Section.

(b) The Retail Unit Owner shall have the right, without the consent or approval of the Executive Board or the other Unit Owners, to subdivide the Retail Unit into two or more Units and associated Common Elements or Limited Common Elements. In the event of such subdivision, the Retail Unit Owner shall, at its expense, execute and record an amendment to this Declaration, including an amendment to the Plats and Plans, as necessary. In connection therewith, the Retail Unit Owner shall allocate the Percentage Interest, Common Expense Liability, Limited Common Elements, voting rights (as set forth in Section 5.03(a) hereof) and right to designate a Director (as set forth in Section 5.04(b) hereof) allocable to the Retail Unit (provided that the aggregate Percentage Interest in Common Elements and Common Expense Liability appurtenant to the Units resulting from the subdivision is not less than

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the Percentage Interest and Common Expense Liability appurtenant to the Retail Unit before such subdivision; and provided that the voting rights and right to designate a Director appurtenant to the Units resulting from the subdivision is not more than the voting rights and right to designate a Director appurtenant to the Retail Unit before such subdivision). Such reallocation shall be made by the amendment to the Declaration recorded by the Retail Unit Owner pursuant to this Section.

(c) A Unit Owner other than the Hotel Unit Owner or the Retail Unit Owner may not subdivide Units without the approval of the Executive Board, which may be granted or withheld in its sole and unfettered discretion. Provided, however, that this limitation shall not be deemed to prohibit or limit the right of the Residence Unit Owner to declare the Residence Unit a Sub-Condominium comprised of not more than twelve (12) Sub-Units as permitted under this Declaration.

3.08 Relocation of Boundaries Between Adjoining Units. Any Unit Owner shall have the right, without the consent of the Executive Board or the other Unit Owners, to relocate boundaries between adjoining Units that it owns. If a Unit Owner does so, the Unit Owner shall execute and record, at its expense, an amendment to this Declaration and an amendment to the Plats and Plans. In connection therewith, the Unit Owner shall reallocate the Percentage Interest, Common Expense Liability and Limited Common Elements allocable to those Units (provided that the aggregate Percentage Interest in Common Elements and Common Expense Liability after such relocation is not less than the sum of the Percentage Interests and Common Expense Liability appurtenant to the affected Units before such relocation). Such reallocation shall be made by the amendment to the Declaration recorded by the Unit Owner pursuant to this Section.

3.09 Sub-Condominiums. No Unit Owner other than the Owner of the Residence Unit and the Owner of the Hotel Unit may declare such Unit Owner's Unit to be a Sub-Condominium. It is anticipated that the Declarant, or a successor to the Declarant, will initially create a Sub-Condominium of the Residence Unit to comprise not more than twelve (12) Sub-Units (hereinafter referred to as the "Residence Unit Sub-Condominium") provided, however, that the Declarant, or any successor to the Declarant, shall not be obligated to do so.

ARTICLE IV - DESCRIPTION OF COMMON ELEMENTS
AND LIMITED COMMON ELEMENTS

4.01 Common Elements. The Common Elements consist of all parts of the Real Estate and improvements thereon other than the Units and those improvements or facilities (if any) conveyed to or owned by any public or private utilities or other entities furnishing utility service to the Condominium. Without limiting the generality of the preceding, unless otherwise provided in this Declaration or designated on the Plat and Plans, Common Elements include, without limitation, any and all exterior portions of the Building, including the roof, structural components and common utility systems of or serving the Building and not included within the boundaries of Units, any and all portions of the Real Estate that are dedicated to or made available for public

access, and otherwise all portions of the Real Estate not included within the boundaries of the Units themselves.

4.02 Limited Common Elements-Generally. In addition to Limited Common Elements elsewhere described in this Declaration, including on the Plats and Plans, and/or those designated as Limited Common Elements pursuant to the Act, the following are Limited Common Elements, assigned and allocated to the Units as provided below:

(a) Pipes, ducts, wires, cables, conduits or other installations for services and utilities located outside the boundaries of, but serving only a particular Unit, are Limited Common Elements allocated only to that Unit (except for such that are part of the Unit as defined in Section 3.03(a)).

(b) Individual utility meters located outside the boundaries of a Unit but serving only a single Unit are Limited Common Elements allocated only to such Unit, unless owned by the applicable utility service provider.

(a) Limited Common Elements of the type described in this Section 4.02 shall automatically be allocated as Limited Common Elements for the exclusive use and benefits of the Unit(s) they are designed and constructed to serve, or to which they are allocated as provided herein, without any further action or document required, whether or not such Limited Common Elements are expressly so designated on the Plats and Plans.

4.03 Other Limited Common Elements.

(a) Retail Patio Area. The area designated "Patio Retail Unit LCE" on the Plats and Plans shall be allocated as a Limited Common Element appurtenant to the Retail Unit. The owner of the Retail Unit shall be responsible for obtaining any and all City of Portland and State of Maine permits and approvals that may be necessary for its use of said Retail Patio Area.

(b) Sign Areas. The areas located on the exterior façade of the Building designated "Hotel Unit Signage" and "Retail Unit Signage" as shown on the Plats and Plans shall be allocated as Limited Common Elements appurtenant to the Hotel Unit and the Retail Unit, respectively, for the limited purpose of installing signage in compliance with applicable ordinances and regulations relating to the hotel, restaurant, and retail businesses occupying said Units. All signage installed in the Retail Unit Signage area shall be subject to prior review by and written approval of the Owner of the Hotel Unit, which shall not be unreasonably withheld, conditioned or delayed.

(c) Porte-Cochere Area. The open, covered area on the westerly side of the Hotel Unit that is designated "Porte-Cochere Hotel Unit LCE" on the Plat and Plans shall be allocated as a Limited Common Element appurtenant to the

Hotel Unit, provided, however, that the Retail Unit and the Residence Unit shall have the right to cross and re-cross through the Porte-Cochere Area for purposes of pedestrian and vehicular access from Commercial Street to the rear of the Building and to any parking area located on land adjacent to the Condominium on which there may be located any parking facility utilized by any Unit Owner or Sub-Unit Owner, as the case may be, in accordance with reasonable rules and regulations that may be established by the Hotel Unit Owner.

4.04 On-Site Parking. The paved areas of the Real Estate shall be leased to J.B. Brown & Sons, a Maine corporation and owner or lessee of nearby or adjacent parking lots (the "Parking Space Landlord") pursuant to a long term lease with the Association at a nominal annual fee (the "Surface Area Lease"). The Parking Space Landlord shall lease at market rates to the Hotel Unit Owner not fewer than twenty-four (24) valet parking spaces located on the Real Estate. The Parking Space Landlord may also, based on availability, lease at market rates, parking spaces to the other Unit Owners. Pursuant to the terms of the Surface Area Lease, the Parking Space Landlord may relocate said parking spaces and driveways on the Real Estate from time to time in its sole discretion so long as it maintains the ingress and egress access right and number of parking spaces leased on site.

4.05 Off-Site Parking. Pursuant to on or more parking leases or subleases with the Parking Space Landlord, Memoranda of which shall be recorded in the Cumberland County Registry of Deeds subsequent to the recording of this Declaration (collectively herein called the "Parking Agreement") the Declarant has the right, as appurtenant to and for the benefit of the Unit Owners to perpetually use _____ (_____) surface parking spaces on adjacent or nearby parking lots owned or leased by the Parking Space Landlord, and which further provides that the Parking Space Landlord may relocate said parking spaces from time to time so long as the distance from the Building remains substantially the same.

4.06 Use and Enjoyment of Common Elements. Subject to Regulations in effect from time to time, the Common Elements (except the Limited Common Elements) shall be for the exclusive use, enjoyment and benefit of the Unit Owners, their tenants and members of their households and invitees (including without limitation the registered guests of the Hotel Unit Owner); provided, however, that the Association may suspend the right of any Unit Owner to use Common Elements that are not necessary for the use of the Unit as contemplated by this Declaration if such Unit Owner is delinquent in the payment of Assessments or in material violation of the Condominium Documents after notice and opportunity to cure or contest as provided herein or in the Bylaws. The Limited Common Elements shall be for the exclusive use, enjoyment and benefit of the Unit Owners owning the Unit(s) to which such Limited Common Elements are allocated hereunder and their respective tenants and members of their households and invitees (including without limitation the registered guests of the Hotel Unit Owner). In addition to the use of common facilities for waste disposal and recycling, the Retail Unit Owner shall have the right to place in the Service Area (as defined in Section 4.09(b)(iii) below) equipment and containers for recycling and reuse

of bottles and containers for beverages and one or more grease and/or food waste containers in accordance with such reasonable rules and regulations that may be established by the Hotel Unit Owner consistent with usual and customary practice in the industry and in properties of this type.

4.07 Alteration of Common Elements. Except as otherwise set forth herein, no Unit Owner (other than the Declarant) may alter the appearance or character of any Common Elements, or perform any construction or work on any Common Elements. The foregoing does not limit the power of the Association to alter the appearance or character of the Common Elements, in accordance with the terms of the Act, this Declaration, and the Bylaws. Until the Declarant has completed all Units and Common Elements, the Declarant reserves the right to modify the appearance and structural character of the Common Elements, other than Limited Common Elements allocated to specific Units, from time to time, without the permission of the Executive Board.

4.08 Declarant's Rights and Obligations With Respect to Common Elements.

(a) Declarant reserves the right to construct all improvements planned or contemplated for construction within the Condominium, including, without limitation, any interior streets or drives, parking areas, sidewalks, curbing, street lighting, utilities, storm water management facilities, paths and all other improvements shown on the Plats and Plans, the Building and all improvements and Common Elements therein, and Units planned for construction as depicted either generally or specifically on the Plats and Plans or herein.

(b) No provision hereof shall require the Declarant to construct or provide to the Association any facilities or improvements not shown on the Plats and Plans.

4.09 Maintenance, Repair and Replacement of Common Elements.

(a) Except as otherwise set forth herein, the Association shall be responsible for the maintenance, repair and replacement of the Common Elements, including the Limited Common Elements and any and all portions of the Real Estate that are dedicated to or made available for public access, and shall include in its budget (and, if necessary, amend the then-current budget and increase the then-current Common Expense Assessment) such amounts as necessary to pay the estimated costs of maintaining, repairing and insuring the same. In addition, the Association shall be responsible for trash removal from the Real Estate, the lighting fixtures located on any Common Elements, including the Limited Common Elements, snow removal on the public sidewalks abutting the Real Estate, and the maintenance of any on-site stormwater management facilities. It is specifically noted that the City of Portland will not provide trash removal services to the Condominium or to any Unit Owner, as set forth in the terms of the Site Plan and Subdivision approvals of the Condominium.

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(b) Notwithstanding the foregoing or anything to the contrary otherwise set forth herein, in the Bylaws or in the Act:

(i) the Retail Unit Owner shall be responsible for, and shall pay all costs and expenses relating to, the maintenance, repair and replacement of the Patio Retail Unit LCE (including any fence or other improvements, furniture or fixtures located within or upon the boundary thereof);

(ii) the Hotel Unit Owner shall have the exclusive right but not the obligation, at its election to be made by notice in writing given to the Association (as it may be amended by a supplemental notice by the Hotel Unit Owner to the Association), to undertake all such maintenance and repair of such Common Elements and Limited Common Elements, including the Building exterior, the exterior landscaped areas and any parking areas that are Common Elements available for use by all Unit Owners, as shall be provided by the Hotel Unit Owner in such notice, at the Hotel Unit Owner's sole cost and expense and not as an Association or Unit Owners' expense (however, notwithstanding the foregoing, the Hotel Unit Owner may allocate and charge to the Retail Unit Owner and to the Residence Unit Sub-Association -that percentage of the actual cost of snow removal and salting/sanding and sweeping of the sidewalks and paved areas including any such parking areas that are Common Elements available for use by all Unit Owners), that is equal to their percentage of Common Expense Liability. Such right shall include the right to alter the appearance of such Common Elements so long as such alteration is consistent in quality and style with the appearance being altered and is not in violation of any permits and approvals or any other applicable local, State or federal ordinances and regulations applicable to the Condominium; such arrangement to continue until such time as the Hotel Unit Owner provides the Association with not less than three (3) months' notice of the Hotel Unit Owner's decision to terminate such election at which time such matters shall thereafter be undertaken by the Association in accordance with the terms and provisions hereof, provided, however, that this election shall not be deemed to require the Hotel Unit Owner to assume responsibility for undertaking any capital repairs and improvements to the Condominium such as, for example, repaving of exterior areas or the replacement of the roof of the Building or to pay any costs and expenses relating thereto beyond its Percentage Interest provided herein, which capital repairs and improvements shall remain the responsibility of the Association in accordance with the terms and provisions hereof; and

(iii) the Hotel Unit Owner shall have the exclusive right but not the obligation, at its election to be made by notice in writing given to the Association (as it may be amended by an supplemental notice by the Hotel Unit Owner to the Association) in accordance with reasonable business practices and at a reasonable cost to purchase and replace such dumpsters, containers, compactors and the like as are usual and customary for buildings used for the purposes for which the Units are to be used as contemplated by this Declaration (collectively, the "Waste Facilities") for the handling, disposal, and/or recycling of trash, grease, and other waste

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produced from the Units ("Waste"), which Waste Facilities shall be located in the Refuse Enclosure as shown on the Plats and Plans (the "Service Area"). Such right shall include the right to enter reasonable contracts with one or more trash handlers and to pay the reasonable costs for the removal and disposal or recycling of Waste, and to bill the Retail and Residence Unit for their share of the actual costs thereof in accordance with such allocation as shall be reasonably determined by the Hotel Unit Owner in good faith on a monthly basis based upon the amount and type of Waste produced by said Units, which shares shall be paid by the Retail Unit and Residence Unit Owners within thirty (30) days of receipt of the bills therefor, such arrangement to continue until such time as the Hotel Unit Owner provides the Association with not less than one (1) year's notice of the Hotel Unit Owner's decision to terminate such election at which time such matters shall thereafter be undertaken by the Association in accordance with the terms and provisions hereof. The Retail Unit Owner and the Residence Unit Owner (or the Sub-Association of Residence Sub-Unit Owners) shall have the right to challenge such allocation, and if the dispute cannot be resolved, to demand dispute resolution for Covered Claims under Article XI of this Declaration.

4.10 Conveyance and Encumbrance by the Association. Except as hereinafter expressly provided, the Association shall not convey, mortgage, pledge or encumber the Common Elements without the approval of (i) Members entitled to cast one hundred percent (100%) of the votes that all Members are entitled to cast, including one hundred percent (100%) of the votes allocated to Units not owned by the Declarant, and (ii) the Declarant, during the Declarant Control Period. Proceeds of any such conveyance, mortgage, pledge or encumbrance shall be assets of the Association.

4.11 Demolition. If any Common Element (other than the Common Elements that are integral to the structural or mechanical integrity of the Building as a complete architectural unit) is determined by the Executive Board to be obsolete or in such state of disrepair so that it is not economically feasible or desirable to repair or replace the same, the Executive Board may call a meeting for the purpose of determining whether such Common Element should be demolished, removed and/or replaced. The determination thereof shall be made by the vote of Unit Owners entitled to cast one hundred percent (100%) of the votes that all Unit Owners are entitled to cast, including one hundred percent (100%) of the votes allocated to Units not owned by the Declarant. The costs of such demolition, removal, and/or replacement shall be assessed as a General Common Expense.

4.12 Disposition of Common Elements Upon Termination. Upon any termination of the Condominium, the Common Elements shall be disposed of in the manner described in Section 1602-118 of the Act.

4.13 Warranty. **DECLARANT MAKES NO WARRANTIES, EXPRESS OR IMPLIED, OTHER THAN THOSE PROVIDED BY SECTIONS 1604-112 AND 1604-113 OF THE ACT (AS SUCH WARRANTIES ARE AFFECTED BY THE TERMS OF THE LIMITED WARRANTY CONTAINED IN THE AGREEMENT OF SALE ENTERED INTO BETWEEN DECLARANT AND EACH UNIT OWNER) AND SUCH**

(pages 16-52 available on request - cover standard Condo clauses + incomplete Schedules J)



November 29, 2012

Historical Preservation Board
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Commercial and Middle Street Mixed Use Development
Foundry Lane comments, responses & revisions

Dear Board Members,

Enclosed please find a revised Conceptual Plan of J.B. Brown's proposed improvements to Foundry Lane. The proposal was revised to address a majority of staff's preliminary comments outlined in Jean Fraser's email to me on Monday, November 26th, 2012. I have included the comments below followed by a written response indicating how we will be addressing each comment.

Traffic comments:

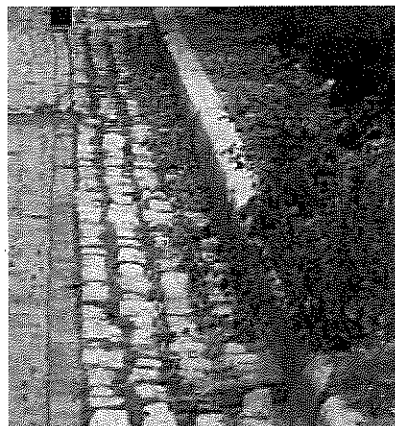
- The general concept is acceptable; the 22-foot entry width is acceptable. A few comments:
- The driveway at the location of the compact parking space is very tight. A vehicle parked in that space will extend out into the driveway and will reduce the effective width. A detail of this area illustrating how it will work is suggested.
 - *The compact parking space is 15 feet in length as required and signage will be utilized to indicate compact cars only. Compact vehicles 15 feet in length or shorter will not extend into the parking aisle. To assist motorist in identifying parking space locations and length, we have added a flush granite stone "header" within the brick pavers. In addition, I have added parking aisle dimensions at this location to indicate a 22 feet at the aisle's most narrow width. This width will accommodate the turning maneuvers of a compact vehicle. A detail utilizing the turning template of a compact vehicle can be provided if the reviewer still deems it necessary.*
- 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.
 - *The fire department has indicated they require 20 ft wide access roads. Thus we have revised this parking aisle width to 20 feet. In addition, the three parking spaces mentioned above are angled slightly provide smoother turning maneuvers in and out of the parking spaces along this one-way parking aisle. Further, two raised curbed islands have been added to the plan. One of the islands is in this location, and as a result, we have reduced the number of granite bollards and their location. The granite bollard specifically mentioned above has been deleted from the plan.*

Landscape comments:

- 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);
 - *We have implemented this revision.*
- Two trees in between suggested to have "Neenah Tree Grate R.8801" as indicated in handwritten note (so that they will survive)
 - *I believe this comment meant the Neenah Tree Grate R-8810 as required by the technical standards. The details in the site plans indicate this tree grate as required.*
- Suggest the street tree in sidewalk just south of Foundry should have a large granite planter so it will survive
 - *We have implemented this revision.*
- Landscape details needed for some areas (but OK in principle).
 - *Landscape details will be provided in the final site plan set.*

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)
 - *We have implemented this revision.*
- Please specify the width of the cobble band along each side of the new section of pedestrian walkway and also along the existing section
 - *A picture of the existing cobble bands below depicts 4 rows of cobbles running parallel with the brick walkway and generally a single cobble is 5" in the applicable dimension. With that said, the existing cobble bands are generally 21 or 22 inches in width. It is our intent to provide 4 rows of cobbles as the picture below. The Conceptual Plan depicts a 21 inch width for the proposed cobble bands.*



- 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.
 - *The Conceptual Plan depicts a 3 foot width. This will be approximately 7 rows of cobbles.*

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.
 - *We have revised the proposed lighting along Foundry Lane. The intent of the revisions is to use the lighting to further help Foundry Lane read as a separate linear feature to the driveway and walkway along the proposed building. In Foundry Lane, we are now proposing a rhythm of pole mounted lights and trees along walkway. The lighting mounted in a post-top configuration and will have circular distribution to equally illuminate the walkway and the parking spaces. Along the proposed building, we are proposing a rhythm of building mounted lighting with forward light distribution to illuminate the 5' walkway and driveway. Also, we are revising the light fixtures in this area to match the existing lights along the existing Foundry Lane to the northwest. The mounting of the lights will be different to better accommodate light distributions. Please see the below examples. A photometric plan will be provided to Planning pending the Historical Preservation Board's feedback.*



Existing pole & pendant mounted light fixture along Foundry Lane



Example of the proposed pole & post-top mount for circular light distribution (fixture to match existing)



Example of proposed building mount

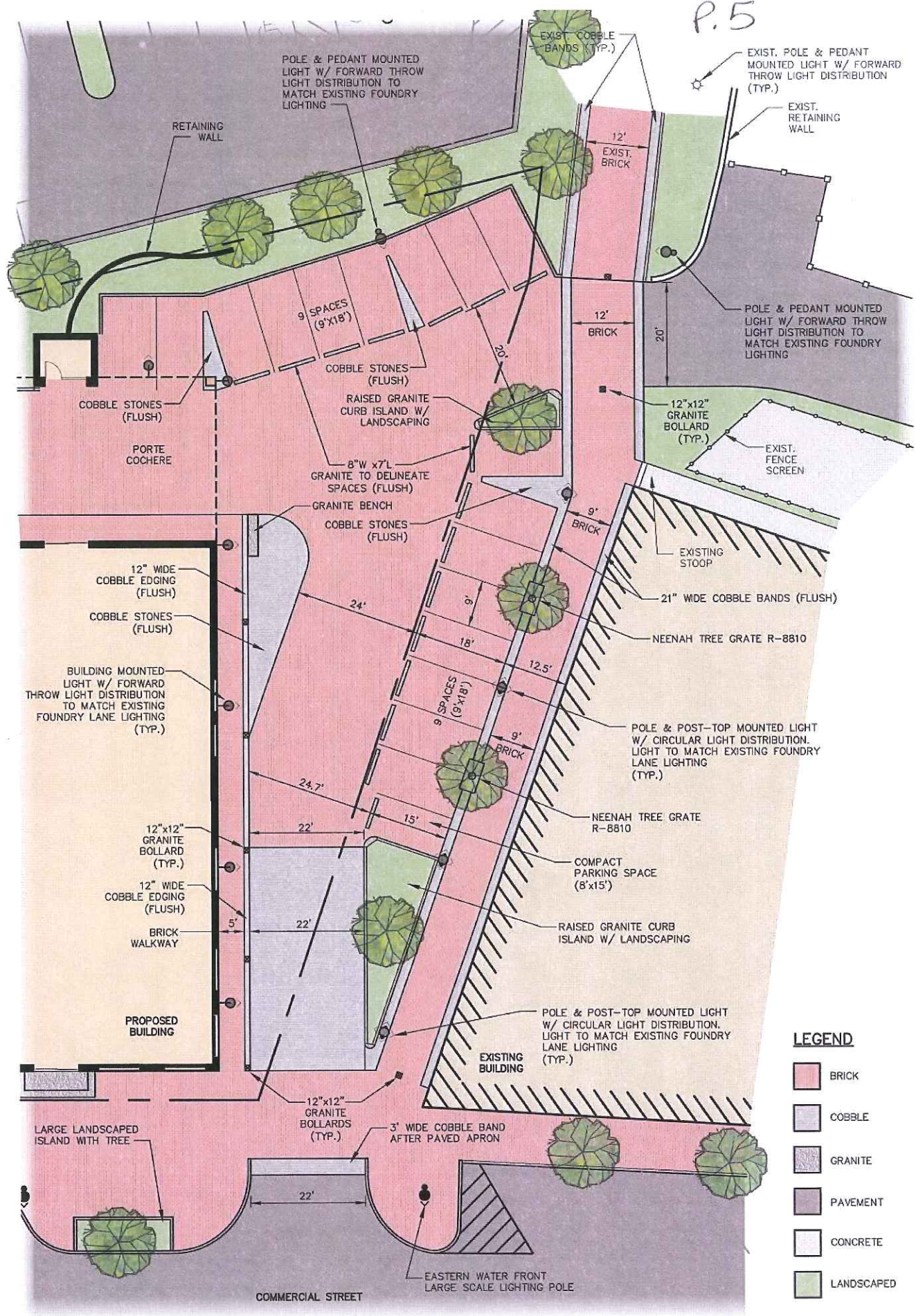
- A rendering of the view from the Commercial Street entrance of the drive looking towards York (with Baxter Place on right and proposed hotel on left) would be helpful for HP to understand how this layout will "read"
 - *A rendered site plan has been provided for the HP to review the proposed improvements and provide feedback. Because of time constraints in submitting to staff for the workshop, a rendered perspective view has not been provided at this time. However, we can provide a rendered perspective view at the workshop if the Board desires.*

Respectfully,

A handwritten signature in blue ink that reads "Barry Stowe". The signature is fluid and cursive, with a long horizontal stroke at the end.

Barry Stowe
Site/Civil Project Manager
Agent for the Owner/Applicant

P.5



LEGEND

- BRICK
- COBBLE
- GRANITE
- PAVEMENT
- CONCRETE
- LANDSCAPED

J.B. Brown & Sons
36 Danforth Street
Portland, ME 04101
207-774-5908

November 30, 2012

Historic Preservation Board
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Mixed use development -321 Commercial Street (40-E-3)

Dear Board Members,

As a backdrop for our December 12th meeting, I thought it would be helpful for me to share the original concept (attached) we developed for the hotel as a way to understand how we ended up where we are today. After considering the original concept with its mid-block break and the condition of Foundry Lane, we decided to change direction to a full block development. The result was a much larger/more expensive project than initially envisioned (added 13 hotel rooms, 14 apartments, and 7,400sf of retail), but overall we felt it accomplished far more out of the gate than our first concept; primarily an improved Foundry Lane and a building with significant scale. Based on these considerations, we approached the Baxter Place to negotiate access to accomplish this more ambitious plan.

In addition, I have attached some historic pictures of buildings previously located on the property to give a sense of how the site was used in the past. As you can see, the building closest to the Baxter Building is fairly similar in scale to our original hotel concept in that it did not extend the entire block and there was an open parking area and vehicle access point mid-block. The Sealtest Building was a single story structure at the corner of Maple Street.

Since the November 7th workshop, we have attempted to address the primary concerns raised: the design of Foundry Lane, façade material/design, and massing along Maple Street. Below is a summary of our efforts:

- Foundry Lane: As stated previously, Foundry Lane is not owned by J.B. Brown & Sons. We have negotiated an easement with the Baxter Building owner to use the area for access to our porte-cochere provided we maintain at least 11 parking spaces for their use. They currently park between 16-17 cars in that area.

The primary design change increased the width of the pedestrian walk from 5' to 12.5', which creates a defined walk from York Street to Commercial Street. It resulted in the loss of 2 of the Baxter parking spaces, but we have agreed to let them use two spaces on our property as replacement parking. Additional refinements include changes to lighting, landscaping, cobble stone usage, ect, which all benefit the pedestrian experience and significantly improve the current condition and use of the area.

Q. 2

Historic Preservation Board
November 30, 2012
Page 2

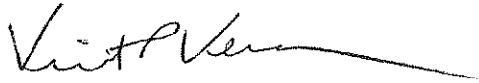
- Building façade: The materials consist of scored granite, brick, storefront, and a metal cornice. Closest to the Baxter Building the granite extends two floors and then transitions to a typical single store granite base. This treatment creates a strong entrance at the hotel lobby and provides a nice transition from the Baxter Building. The use of granite sills, granite bands, and several reveal points add definition to the building. The storefront and windows will be slate grey. We believe the re-design captures a historical perspective, but with some contemporary elements.
- Maple Street: The massing and property line concerns expressed by the Board have been the most difficult to address. Because of grade issues, simply flipping the building so that the long end is along Maple Street is not possible as it would not allow porte-cochere access from Maple Street.

Although creating an angled wall at Maple Street is technically feasible, it carries a cost that is difficult to absorb a actual visual benefit which may be negligible. I believe the patio space created with the current design offers a more pleasant pedestrian experience. Given the historic building was single story at the corner; I think the current concept is not as great a deviation than originally perceived. I believe we can design a patio wall following the angle of Maple Street that will act to define the street as the single story structure might have in the past, but with an improved pedestrian and visual experience.

Although we have not been able to addressed 100% of the Board's concerns, I believe the changes made substantially address the comments and provides for a building that will be a great addition to the fabric of Portland.

Thank you for your time and consideration. I look forward to discussing the project in more detail at the December 12th workshop.

Respectfully,



Vincent P. Veroneau
President

Q.3



Site Plan 1" = 40'

Courtyard by Marriott

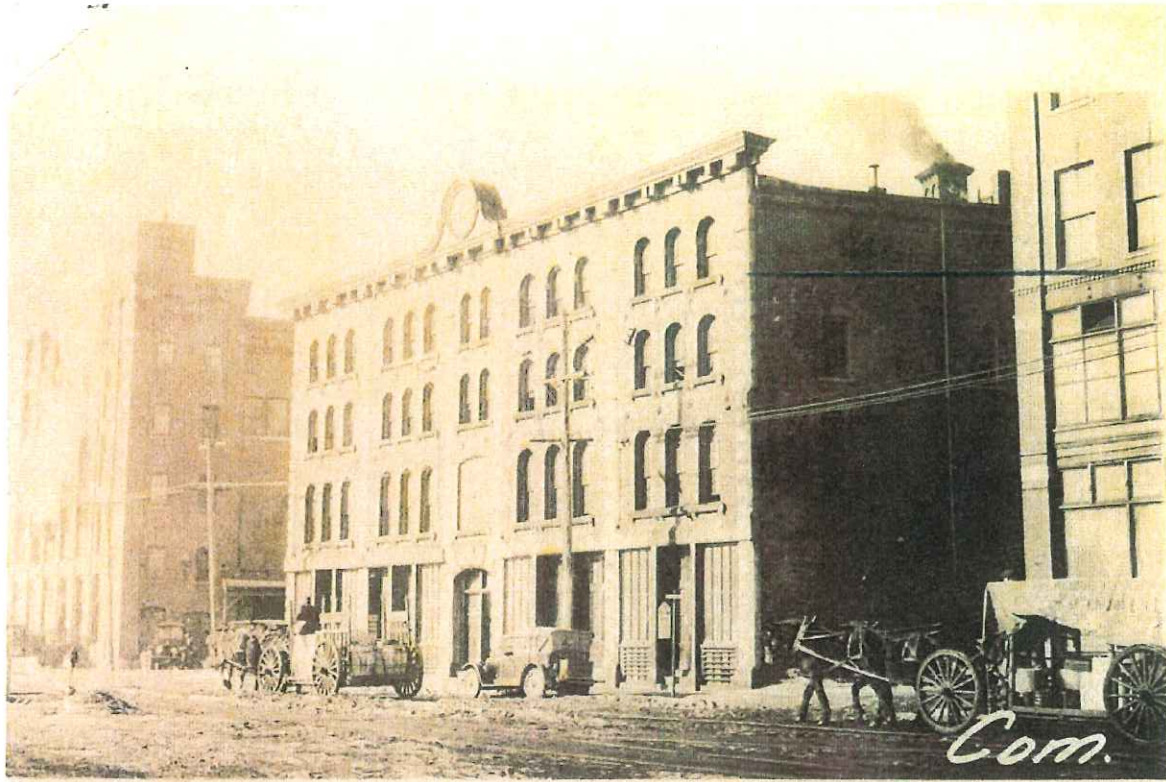
PORTLAND, MAINE

June 01, 2012



Q.4

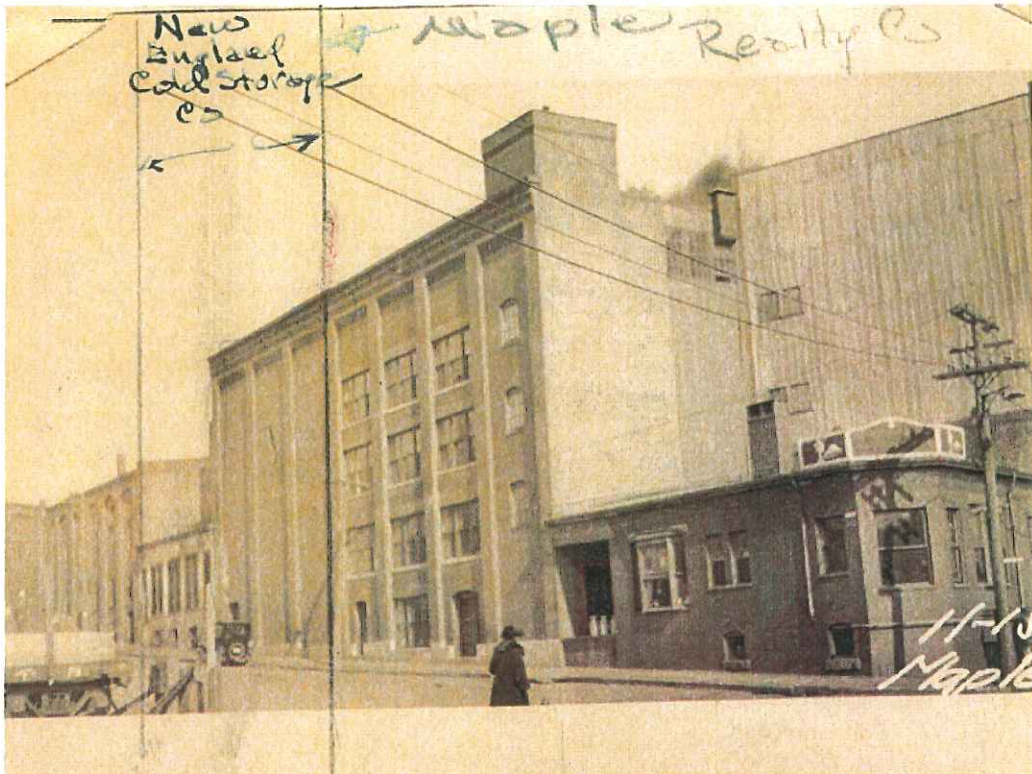
1924 Portland Tax Records: 311-321 Commercial Street, Portland, ME



Owner: J.B. Brown & Sons
Address: 311-321 Commercial Street, Waterfront, Portland, Maine
Use: Storage

Q.5

1924 Portland Tax Records: 11-15 Maple Street, Portland, ME



Owner: New England Cold Storage Company
Address: 11-15 Maple Street, Waterfront, Portland, Maine
Use: Storage - Cold

Q.6



Q.7



Commercial Street Elevation



Maple Street Elevation

November 19, 2012



Courtyard by Marriott

PORTLAND, MAINE





MEMORANDUM

From: Steve Long
To: Jean Fraser, Planner
Date: December 4, 2012
Subject: Commercial & Maple Street Mixed Use Development – Responses to Comments

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

Suggested Next Steps:

- Address zoning comments.
See attached response to zoning comments from Marge Schmuckal.
- Clarify whether residential units are apartments or condos; if condos, submit Draft Condo docs.
There will be three condominium units: a Hotel unit, a Retail unit and a Residential unit (14 individual apartments). Attached is the draft declaration. We do not expect to create the plats and record the condo docs until the building is basically complete.
- Revise survey and subdivision plan.
We have contacted the surveyor and will revise the survey and subdivision plans per the Department of Public Services comments.
- Respond to Traffic Movement Scoping meeting and Transportation Review comments, including re parking requirements.
A response to the Traffic Movement Scoping meeting has been submitted by John Adams of Milone & MacBroom under separate cover. He has also addressed the parking comments in an attached memo and public comment from Margaret Broucek regarding traffic from the site. Please see attached.
- Address stormwater and landscaping comments, especially regarding the incorporation of stormwater planters.
Responses to the stormwater comments from the Department of Public Services and Woodard & Curran are attached. The landscaping comments from the City Arborist are dependent on the final layout of Foundry Lane and will be incorporated into the final plan submission.
- Reconsider the layout and design of Foundry Lane.
Please see attached submission to the Historic Preservation Board.

See
Att. G, A →

See
Att. T →

Att. P →

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

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

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

- Address comments from the Fire and Public Services Departments.
The building and site will meet all of the applicable standards specified by Captain Pirone. Responses to the Public Services Department comments are attached.
- Submit signage and way finding plan.
A signage and way finding plan will be submitted at a later time.
- Submit further information including capacity letters, service vehicles, and snow storage
Frank Brancely in Public Services is currently reviewing our application for wastewater capacity. All other capacity letters have been submitted. A location for service vehicles and deliveries along with notes addressing snow storage will be added to the final plan set.
- Clarify lighting proposals and review re light trespass.
A lighting concept is being presented to the Historic Preservation Board as part of the Foundry Lane layout. A Photometric Plan will be submitted when the lighting layout has been finalized.
- Address any Planning Board comments.
Responses to the Planning Board Concerns are attached.

letter in Att. N

Zoning comments from Marge Schmuckal dated 11/08/12

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

There are three tenants at 50 Danforth Street:

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

In a B-3 Zone, JB Brown is not required to provide them parking, but with that said there are approximately 25 paved parking spaces on the north and east sides of the building that more than

satisfies their current needs. They do not use any of the spaces in the gravel lot proposed for valet parking.

Department of Public Services comments dated 11/07/12

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

1. I disagree with the applicant's assessment that very few hotel occupants will bring bicycles and do not support the request for a waiver for less bike parking. I feel the full 26 required bike parking spaces should be provided since Portland already is and will continue to be more bike friendly. The applicant should try to find spaces for bike parking on Commercial Street side of the property.
We are still requesting a waiver of bicycle parking spaces. See previous response.
2. It is noted that the stormwater drainage system will be removed from the site. How will drainage on to the site from the pipe to be plugged be affected? Please refer to the City of Portland Technical Manual Section 2.4.11. for the requirements to abandon sewer pipes in the City right of way. Please indicate on the plans how the contractor will meet this requirement.
Details and notes will be added to the final plans indicating how the contractor will plug and abandon existing pipes.
3. It would be desirable to use portion(s) of the proposed bump outs for green area stormwater treatment.
A green area stormwater treatment area is now being proposed within the bump out at the Commercial Street site entrance. Please see attached plan showing the treatment area and the area to be treated.
4. The applicant is proposing to install a brick sidewalk the entire length of Maple St. near York St there is a utility pole and fire hydrant. If possible it would be desirable to install an esplanade with this sidewalk.
We are not proposing an esplanade in this area in order to match the surrounding sidewalk layouts. In the vicinity of the site there are no existing esplanades.
5. A pedestrian easement is shown on the south side of the former Foundry Lane. A sidewalk is now proposed on the north side of the former Foundry Lane. Will a new easement be necessary?
We are working with the Historic Preservation Board to determine the layout of Foundry Lane. When this is finalized a Public Access/Pedestrian Easement will be defined and recorded in the location of the proposed sidewalk.
6. Please refer to the City of Portland Technical Manual, Figure II-19 for sizing and design of the proposed an external grease trap.
The external grease trap will be sized appropriately as per the City of Portland Technical Manual. The final plans will indicate the appropriate size and calculations used to determine the size.

7. Foundry Lane was discontinued by the City of Portland on March 20, 1995. The city retained 1.) A Public Access Easement and 2.) An easement for Public Utility Facilities. There is a "Pedestrian Easement" shown in Foundry Lane. The discontinuance does not call for a Pedestrian Easement. Is there a recorded document which defines it as a Pedestrian Easement?
We are working with the Historic Preservation Board to determine the layout of Foundry Lane. When this is finalized a Public Access/Pedestrian Easement will be defined and recorded in the location of the proposed sidewalk.
8. MDOT took a non-tangent curve at the corner of Commercial Street and Foundry Lane in 1991. This is not shown.
We have discussed this with the surveyor, Andrew Nadeau, and information regarding this issue has been sent to DPS. We are awaiting their response.
9. Curve at Commercial Street and Maple Street needs a chord bearing and distance for mathematical closure. This was a MDOT 1991 taking.
This information will be added to the final plan.
10. Note 8. Elevations. The monument referred to is not an Official City of Portland Benchmark Monument. Michelle Sweeney of this office has called the surveyor and brought it to his attention.
A reference to an official City of Portland Benchmark will be added to the plan.
11. "BM: Bolt in Top Ring of Hydrant" on northerly side of Commercial Street. Is that the top flange of the hydrant? Is it a top of a bolt over the main Fire Department connection spout or one of the side spouts?
A more definitive note will be added to the final plan.
12. Suggest adding another benchmark to allow for checking in to since we have experienced fire hydrants being repaired or altered between the plan preparation and the building construction phases.
An additional benchmark will be referenced on the final plan.
13. No City of Portland Right of Way plans have been referenced. Please state which plans were used.
References to the appropriate plans will be added.
14. No City of Portland Sewer or Utility plans have been referenced. Plan reference will aid in evaluation of the infrastructure as shown. Please state which plans were used. It would be helpful to indicate flow direction on sewers.
References to the appropriate plans will be added.
15. Shading and hatching of areas obscures text in various locations.
The final plan will be revised to eliminate obscured text.

16. North Arrow refers to Magnetic North and not Grid North.
The North Arrow will be corrected on the final plan.
17. Proposed three-foot offset survey monuments will be requested at four locations to be determined.
Once the locations have been determined we will add them to the plans.

Woodard & Curran Comments dated 11/06/12

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

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

No response necessary.

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

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

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

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

R.6

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

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

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

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

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

Tom Errico Traffic Comments dated 11/09/12

- I have reviewed the conceptual Construction Management Plan and generally find the concept to be acceptable (maintaining sidewalk and bicycle facilities on Commercial Street). I would note that specific details will need to be coordinated prior to construction.
Specific details can be added prior to construction.
- I have conducted a preliminary review of the parking demand analysis and generally find the methods to be acceptable. The applicant should provide additional supporting data for the use of the 0.65 parking rate for the hotel. Given the availability of good parking generation information at the existing Hampton Inn, I would like to gain an understanding on the rates computed locally, versus those established by Hilton Worldwide. I would note that I do not expect the parking demand numbers to change significantly.
A memo from John Adams addressing the parking rate is attached.
- The driveway on Maple Street will require a waiver from the City's technical standards for driveway separation. Given the volume and speed of traffic on Maple Street I support a waiver from the City's technical standards.
A waiver request has been submitted.
- The painted areas at the driveway entry on Maple Street should be removed.
There is a plan label on the Site Plan indicating that parking spaces along Maple Street are delineated to show quantity and location of spaces. Do not paint.
- The applicant has illustrated a proposed crosswalk on Commercial Street at the easterly corner of Maple Street. I need to review this proposal. My general sense is additional features are needed for safe pedestrian crossing. I would also note that the alignment of the crosswalk on the site plan will need to be adjusted to meet the City's perpendicular alignment design preference. The crosswalk paint detail would also need to be "Block" style.
Additional review is necessary.
- It appears that a pedestrian easement will be required for sidewalk areas abutting the project.
A pedestrian easement will be required for the sidewalk areas abutting the proposed building. This information will be submitted to the city for review.

- The 11 parking spaces on the former Foundry Lane do not appear to meet City dimensional standards. A waiver will be required. I would also note that there is general concern about pedestrian accessibility in this area and modifications to the plan may be necessary.
The layout of Foundry Lane has been revised please see the submission to the Historic Preservation Board.
- I need to review the design details on the diagonal parking on Commercial Street (e.g. dimensions, painted corner areas, etc.).
The diagonal parking on Commercial meets the cities dimensional specifications.
- For on-street parking changes, a city council approval will be required. The applicant will be responsible for providing materials in support of the Parking Schedule change.
This information will be provided to city council.
- For development projects in the area, the City has been requesting monetary contributions towards the installation of a traffic signal at the Commercial Street/High Street intersection. I will provide and estimate of the contribution amount in the future.
A contribution amount has yet to be determined.
- The applicant should provide details on how truck deliveries will be accommodated.
Once the final site layout has been determined based on input from the Historic Preservation and Planning Board details on how truck deliveries will be accommodated will be added to the plans.
- I have reviewed the TDM and generally find the program to be acceptable. Some of the details of the program need to be clarified/expanded, but overall the approach is acceptable. I'll provide clarifying comments in the future. I would note that the traffic impact study will assume an evaluation of impacts assuming a 10% reduction in vehicle trips based upon the implementation of TDM strategies. Accordingly, the program should credibly reduce traffic by 10%.
Additional comments are pending.

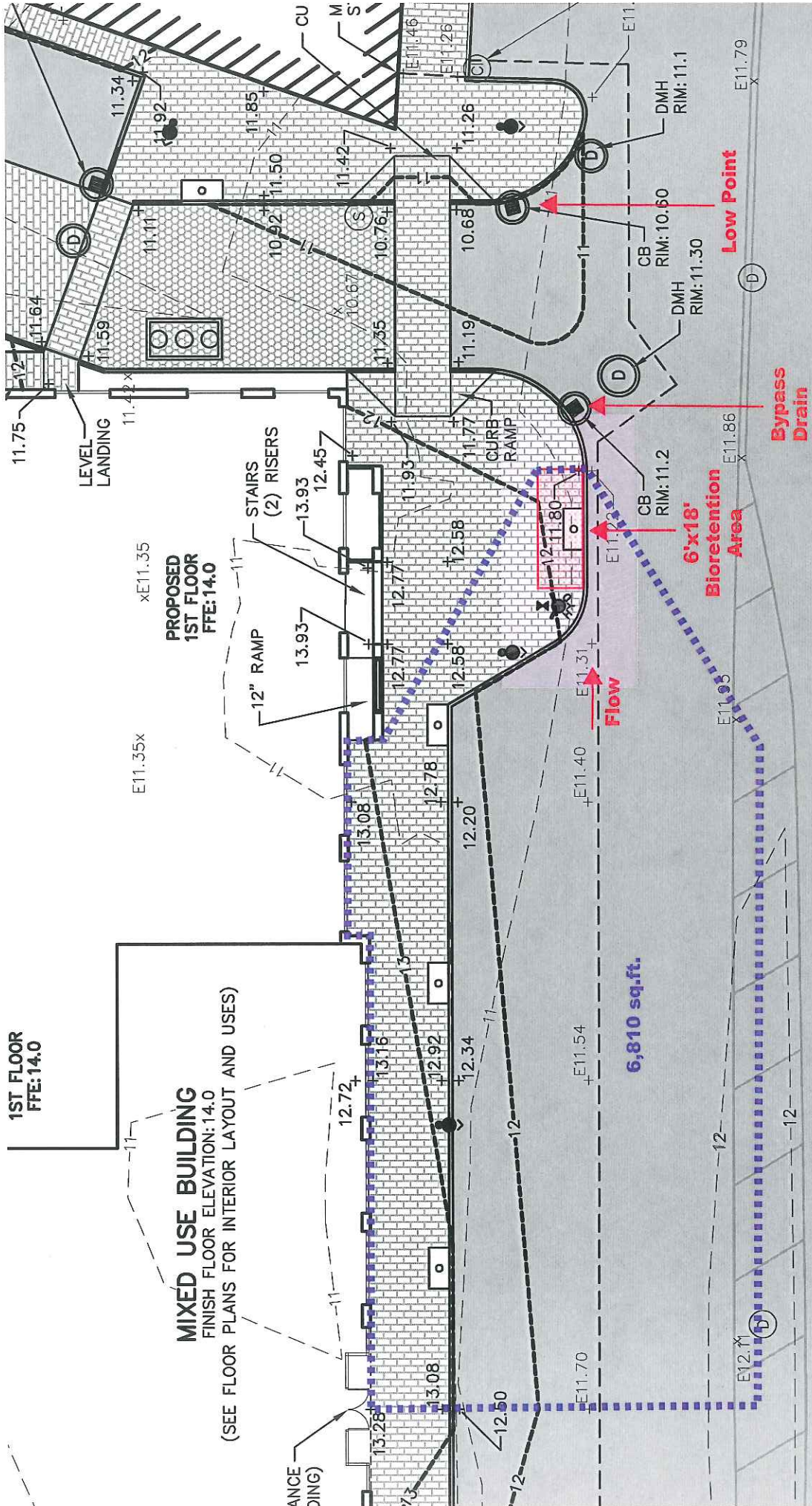
The Historic Preservation Board comments dated 11/09/12

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

Please see the attached submission to the Historic Preservation Board.

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

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



1ST FLOOR
FFE: 14.0

MIXED USE BUILDING
FINISH FLOOR ELEVATION: 14.0
(SEE FLOOR PLANS FOR INTERIOR LAYOUT AND USES)

PROPOSED
1ST FLOOR
FFE: 14.0

6,810 sq.ft.

Stormwater Revision

Low Point

Bypass Drain

6'x18' Bioretention Area

Flow

LEVEL LANDING

STAIRS
(2) RISERS

12" RAMP

CURB
RAMP

E11.35x

E11.35x

E11.54

E11.70

E11.40

E11.31

E11.79

E11.86

E11.79

E11.46

E11.26

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Jean Fraser - Fwd: RE: recent submission 321 Commercial

From: Jean Fraser
To: Fraser, Jean
Date: 12/11/2012 10:35 AM
Subject: Fwd: RE: recent submission 321 Commercial

>>> Steve Long <stevel@opechee.com> 12/6/2012 4:56 PM >>>
Jean

The 6th floor is one condominium unit that contains 14 apartments, which will be rental units. Essentially, it can be conceptualized as a 14 -unit apartment building, but owned as a condo rather than a free-standing building.

Steve Long



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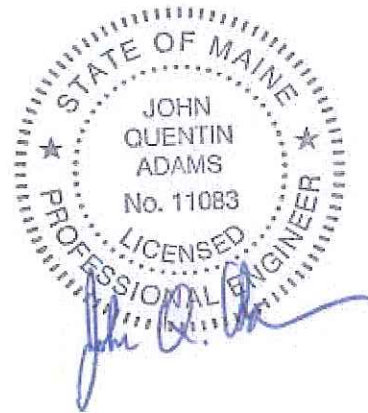
Response to Traffic Comments

TO: Ms. Jean Fraser, Planner
Development Review Program, City of Portland

FROM: John Q. Adams, P.E., PTOE
Senior Transportation Engineer
Milone & MacBroom, Inc.

DATE: December 3, 2012

RE: Response to Traffic Comments
Applicant - J. B. Brown & Sons
Proposed Hotel, Restaurant, and Residences
321 Commercial Street, Portland, Maine
MMI #5002-01-4



Purpose

The purpose of this memo is to address three traffic comments received for the proposed JB Brown & Sons Level III Site Plan/Subdivision application for the Mixed-Use development at 321 Commercial Street.

The following comments were received:

➤ **Public Comments received from the Planning Board**

1. *Comment: 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.*

Response: Only the AM peak hour traffic from the Baxter School and the proposed mixed-use development will occur at the same time. The PM peak hour traffic from the proposed development will generally be later than the School's PM peak hour. It is our opinion that the traffic added by the proposed mixed-use development to the intersection of Maple Street and York Street will not have significant impact to traffic operations and safety.

The intersection of York Street at Maple Street currently handles low to moderate amounts of traffic and operates well. The intersection will continue to operate satisfactory with trips added from the Baxter School. We have verified this by reviewing the traffic operations analysis results from the traffic study recently submitted for the Baxter School. The study indicates that during the weekday AM peak hour the intersection will function at a level-of-service (LOS) "A" with all traffic movements on all four legs of the intersection also functioning at LOS "A" (based on Simtraffic traffic operations results). The LOS "A" indicates vehicles will experience a small amount of delay as they drive through the intersection. The LOS "A" equates to an average delay per vehicle of only 10 seconds or less.

The analysis of queuing (or vehicle back-ups) from the Baxter School study for the AM peak hour indicates that all of the approaches will experience minimal queuing. Based on the LOS "A" and the minimal queuing, the intersection and all of the approaches have capacity available to handle the

additional trips from the development at 321 Commercial Street. The proposed development will add approximately 70 trip-ends to the intersection of Maple Street and York Street during both the weekday AM and PM peak hours.

2. *Comment: 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 enters. 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.*

Response: The City of Portland does have requirements for developments to provide parking to meet its expected parking demand. In this instance the proposed mixed-use development is over 50,000 sf and therefore consistent with City ordinance, the appropriate parking supply is determined by the Planning Board. Parking demand can be met in a variety of ways including; on-site parking spaces, offsite valet parking, arrangements with other nearby surface parking and parking garages, and the use of available on-street parking. In addition, efforts to reduce vehicles trips (and parking demand) associated with this development will be employed by the applicant. A transportation demand management (TDM) plan has been prepared by the applicant which will be implemented as the development is built and becomes operational.

A parking study has already been completed and submitted by the applicant. In summary of the parking study, the applicant is proposing to provide a total of 110 parking spaces for the proposed hotel, restaurant and residences. A breakdown of the parking spaces provided is shown below:

1. Hotel – 86 spaces (14 on site and 72 off site at the York Street parking facilities)
2. Residences – 14 spaces on site
3. Restaurant – 10 spaces for employees at the York Street parking facility (consistent with city approval of recent similar Jordan's Meats site redevelopment project).

As can be seen from the above parking breakdown, the applicant will be providing a total of 28 spaces on-site at 321 Commercial Street. The remaining 82 spaces will be provided nearby at 2 parking lots currently owned and operated by the applicant on York Street. This type of parking supply arrangement is not atypical of recent and current mixed use developments approved by the City.

3. **Comment received from City Traffic Review Engineer, Tom Errico related to the appropriate parking rate for the proposed 131 hotel use.**

Comment: *The applicant should provide additional supporting data for use of the 0.65 parking rate for the hotel.*

Response: The applicant is basing the 0.65 parking demand rate on several sources of parking demand data, including:

- Hilton Worldwide parking demand rate of 0.65 spaces per occupied room: Experience from data provided by Hilton Worldwide indicates that urban hotel properties generate approximately two customer vehicles per three occupied rooms (0.65 vehicles per occupied room). This is attributable to the fact that

some guests arrive by taxi, hotel courtesy van, or other means of public transportation. Further, some guests (such as families or business groups) will arrive in a single vehicle but occupy more than one room. During full occupancy, a 0.65 vehicles/room ratio would be expected to generate approximately 86 guest vehicles. This is consistent with the approval of the Jordan's Meats site proposed hotel which utilized the 0.65 rate.

- ITE Parking Generation Manual, 4th Edition: We have reviewed data available for Land Use Code 310, for Hotels, from the Manual. On page 73 of this Manual, Hotels in urban sites are specifically discussed. Parking demand data for 5 urban sites were reviewed and indicated a weekday average peak parking demand of 0.64 vehicles per occupied room. Based on this rate the proposed 131 room hotel would require 84 parking spaces. In our original parking study for the site we referenced the 0.65 rate from Hampton Worldwide data, noted in Item 1 above. Use of the ITE rate of 0.64 would result in 2 less spaces being provided.

The two methodologies result in nearly identical parking requirements (86 spaces, compared to 84 spaces), however both are substantially higher than the City ordinance, 14-332(c), which would require only 33 spaces based on a rate of 0.25 spaces per room.

Based on this updated parking demand analysis, we recommend utilizing the 86 hotel spaces determined in our original parking demand analysis submission.

We trust we have addressed your comments and concerns. Please contact me should you have any questions or needs for additional information.

cc: Tom Errico, City Traffic Engineer
J. B. Brown & Sons, Inc.
Opechee Construction Corp., Inc.

