

CITY OF PORTLAND, MAINE

PLANNING BOARD

Joe Lewis, Chair
Carol Morrissette, Vice Chair
Lee Lowry, III
Stuart G. O'Brien
Michael J. Patterson
David Silk
Bill Hall

July 26th, 2011

Jonathan Culley
Harborview Development LLC dba Redfern Properties LLC
P.O. Box 8816
Portland, Maine 04104

Project Name: Harborview Townhomes
New building comprising 7 residential units
(19 space parking lot shared with existing 12 unit residential building)
Project ID: 2011-214
Project Address: 127 York Street (aka 121-129 York Street)
CBL: 44 - A-004/005

Dear Mr Culley:

On June 28, 2011 the Portland Planning Board considered and approved a Level III Final Site Plan and Subdivision proposal to construct a 7 unit residential building on a .32 acre parcel at 127 York Street, including the provision of a 19 space parking lot that serves both the new building and the adjacent existing 12 unit building.

On July 12, 2011 the Planning Board reconsidered the June 28th decision in respect of the Site Plan only and approved the Site Plan with a revised condition.

The Planning Board approved the application with the following motions and conditions as presented below.

SUBDIVISION REVIEW – June 28th, 2011

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 13-11 for Harborview Townhomes, 127 York Street Application # 2011-214 relevant to the Site Plan and Subdivision reviews and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

The Planning Board voted 4-0 (O'Brien, Patterson and Silk absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following five (5) conditions of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services and include detailed references to approval dates, easements, the Condominium Association documents and relevant conditions; and
- ii. That the Condominium Association documents for both buildings, comprising all 19 units, including the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, shall be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and

- iii. That the applicant and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer /contractor /subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on City standards and state guidelines. A maintenance agreement for the stormwater drainage system, as included in Attachment L of this Report, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and
- iv. That the applicant shall revise Note #1 on the "Offsite Snow Removal Plan" dated 6-21-2011 so that it states: " SNOW MAY BE STORED WITHIN THE TEMPORARY SNOW STORAGE AREAS *ONLY*"; and
- v. That trash removal vehicles shall not block York Street during the afternoon peak travel times (after 3pm) on weekdays.

WAIVER – July 12th, 2011

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report # 13-11 and #13-11A for Harborview Townhomes, 127 York Street Application # 2011-214 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearings:

The Planning Board voted 6-0 (Morrissette absent) to waive Technical Standard, Section 1.14 to allow 4 of the 19 parking spaces to be compact parking spaces, as shown in the submitted plan "Exhibit A" (Attachment 4, page 4) dated 7.5.2011.

SITE PLAN REVIEW – July 12th, 2011

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report # 13-11 and #13-11A for Harborview Townhomes, 127 York Street Application # 2011-214 relevant to the Site Plan review and other regulations, and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

The Planning Board voted 5-1 (Lewis opposed; Morrissette absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following seven (7) conditions of approval:

- i. That the applicant shall submit an example of the fence product proposed for the frontage of the property (or identify a location in the area where it can be seen) for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit revised site plans to incorporate the walkway route and associated revisions as shown in the submitted plan "Exhibit A" (Attachment 4, page 4) dated 7.5.2011, with the walkway section within the parking lot drive aisle to be a stamped pavement material of a different and visible color, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- iii. That the applicant shall submit revised plans/documents that address the 6.23.2011 Woodard & Curran Engineering Review comments for review and approval by the Planning Authority prior to the issuance of a building permit; and

- iv. That the applicant shall obtain easements or temporary construction agreements for all work outside the boundaries of the site; and
- v. That the applicant shall submit a revised Landscape Plan that addresses the 6.24.2011 City Arborist comments in respect of preservation of existing trees; planting details; and 11 new street trees/contribution to the Street Tree Fund, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- vi. That a detail for the bicycle parking that shows : a) spacing between the racks; b) spacing from front of rack to wall; and c) dimensions for the entire bicycle parking area, shall be submitted for review and approval prior to the issuance of a Certificate of occupancy; and
- vii. That any additional site lighting, including exterior wall mounted lighting, shall meet the City's standards as currently set out in Section 12 *Site Lighting Standards* in the City's Technical Manual.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Reports #13-11 and #13-11A for application 2011-214, which are attached. The standard conditions of approval are listed below.

Standard Conditions of Approval

Please note the following standard conditions of approval and requirements for all approved site plans:

1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a building permit.
2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms o of the Site Plan Ordinance of Portland's Land Use Code.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. prior to the release of the subdivision plat for recording at the Registry of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
5. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. The subdivision approval is valid for three (3) years.
7. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
8. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
9. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

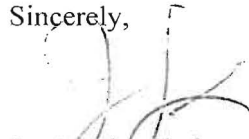
10. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor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

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632.

Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If you have any questions, please contact Jean Fraser at 874 8728 or jf@portlandmaine.gov.

Sincerely,



Joe Lewis, Chair
Portland Planning Board

Attachments:

1. 6.23.2011 Woodard & Curran Engineering Review comments
2. 6.24.2011 City Arborist comments
3. Planning Board Report #13-11
4. Planning Board Report #13-11A
5. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services

Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, TY Lin
David Senus, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File



COMMITMENT & INTEGRITY
DRIVE RESULTS

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

MEMORANDUM

TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: June 23, 2011
RE: Harborview Townhouses, Level III Final Site Plan Application

Woodard & Curran has reviewed the Response to Comments for the Final Level III Site Plan Application for the Harborview Townhouses located at 127-129 York Street in Portland, Maine. The project includes the construction of a new three story 4,160 square foot (footprint) building to house seven new residential units on an urban infill lot, along with associated site improvements.

Documents Provided By Applicant (documents reviewed by Woodard & Curran italicized)

- *Response to Comments Letter dated June 21, 2011, prepared by Acorn Engineering, Inc., on behalf of Harborview Development, LLC.*
- *Email Summary of Plan Changes, dated June 21, 2011, sent by Will Savage*
- *Engineering Plans, Sheets C-1-C-6, dated June 21, 2011 (REV.), prepared by Acorn Engineering, Inc., on behalf of Harborview Development, LLC.*
- *Snow Removal Plan, Sheet S, dated June 21, 2011, prepared by Acorn Engineering, Inc., on behalf of Harborview Development, LLC.*
- *Post Construction – Stormwater Inspection & Maintenance Plan, dated June 2011, prepared by Acorn Engineering, Inc., on behalf of Harborview Development, LLC.*
- *Stormwater Drainage System Maintenance Agreement to be recorded with Declaration of Condominium for Harborview Townhomes Condominium.*
- Declaration of Condominium for Harborview Townhomes Condominium.

Comments

- In the Applicant's response to comments letter, an explanation was provided on how the proposed grading will match into adjacent, existing conditions; however, this is not clearly presented on the most recent plans. Proposed contours along the majority of the perimeter of the property are not shown to connect to existing contours. Additional clarification is needed on the plans, especially along the eastern side of the property and the northwest portion of the parking lot.
- The updated plans show proposed grading on the adjacent McCormick Place Condominium property as a means to match into the existing conditions. Because this work will occur beyond the applicant's property, the applicant must provide appropriate easements or temporary construction rights granted by the adjacent land owner(s).
- The updated plans still do not provide clarity to the location and type of proposed curbing and sidewalks within the site.
- The applicant has provided additional documentation for the Stormwater Maintenance and Inspection Plan. The plan suggests that the Subsurface Sand Filter (SSSF) should be inspected annually. The frequency of SSSF inspections should be revised to reflect the requirements outlined in Section 7.3 of Volume III of the Maine Department of Environmental Protection's BMP Manual: "*The system should be inspected after every major storm in the first few months to ensure proper function. Thereafter, the filter should be inspected at least once every six months to ensure that it is draining within 24 hours to 36 hours.*"

- Based on the clarification provided in the applicant's response to comments, we understand the applicant is considering using underdrains with down-facing perforations for the proposed foundation drain system, which will also convey surface drainage from area drains & roof leaders. We also understand that the applicant will coordinate and review the use of the building foundation drain with the project's geotechnical and structural engineers (per applicant's response to comments letter). The applicant should ensure that the design of the underdrain system from a geotechnical and structural building foundation perspective is not compromised by the addition of surface flows into the subsurface drainage gravels.
- Based on the applicant's response to comments letter, we understand that the utility contractor installed the proposed sewer, water, and storm drain connections within the City ROW on June 9th – 10th following approval of this work by Planning and DPS. The plans should be updated to reflect the work performed to date, and should clarify how these connections were installed (ie. - The plans currently reflect proposed inserta-tee connections at 45 degree angles to both the sewer and storm drain lines; however, inserta-tees must meet the mainline perpendicular)

From: Jeff Tarling
To: Jean Fraser
CC: Barbara Barhydt
Date: 6/24/2011 2:15 PM
Subject: 121 York Street Landscape Plan

Hi Jean -

I have reviewed the landscape plan for the proposed 121 York Street project and offer the following recommendations:

a) Landscape plan - the landscape plan, shown on sheets L-1.0 L-2.0 and L-3.0 should include a plant key or schedule that lists botanical and common plant name and location on the plan. While Sheet L-1.0 does show a Symbols Legend with plant names it would be good to have a more detailed plant key or schedule, Sheet L 1.0 shows (8) Amelanchier SP (1.75" CAL.) and (8) 'Armstrong' Red Maple (2.5" CAL.) with the later showing a larger graphic symbol finding the actual trees on the sheet could be clearer, I counted 17 circles or trees on design sheet and 16 trees on the Symbols Legend.

b) Tree Saves - the landscape plan Sheet L 3.0 shows details on tree protection, Sheet L 1.0 shows three trees, two along the sidewalk and one near the back corner of the existing building to be saved. The project should also take measures to protect trees on adjacent properties during site work, this would include root pruning exposed roots found during excavation and pruning any damaged limbs during construction. These items can be reviewed during the project 'Pre-Construction' meeting.

c) Street-trees & Parking Lot trees - The landscape plan includes two existing street trees along York Street and proposes to plant two additional trees ('Armstrong' Red Maples near the entrance driveway. The new street-trees are planted with tree grates, (Neenah R-8810 recommended) the location of tree on the right or High Street side of driveway may need to be adjusted to maintain sidewalk width for snow plowing and access. A second option would be to include this tree into the planting space with the other two trees. Parking Lot trees - the parking lot area contains 19 parking space creating a need for 10 trees to meet the Parking Lot Landscape Standard. The plan proposes six trees near the York Street entrance, three near the proposed building front and one near the existing building - which is "close". Ideally, one additional tree perhaps planted on the adjacent private property mid way up the right side of the parking lot would be a creative solution. It would help the parking lot standard and additional screening for the neighboring property.

d) Landscape treatment - In addition to the 'tree saves' and 'street & parking lot' trees the project mentions "planted landscape buffer" near the York Street entrance, 'individual garden terraces', 'raised planters along entry corridor', 'front patio garden' and two 'lawn' areas near the existing building are shown on Sheet L 2.0. Landscape treatment details, shrub and herbaceous landscape plant information and placement is needed on the plan. The landscape legend as shown does not mention any shrub planting.

The lawn areas proposed in near the existing brick building are in shade, these locations may be better served with the addition of shade tolerant trees, shrubs, herbaceous plants to add interest and screening. Possible lawn & landscape area. A recent visit to condos on High Street near the project site has a very successful patio landscape that provides space for residents and screening could be used as an example.

Recommendations / Conditions :

- 1) Landscape Key / Plant List needed for trees, shrubs & herbaceous planting.
- 2) Tree Save - include tree protection measures to include 'off-site' trees.
- 3) Landscape Treatment, trees / shrub proposed for the areas shown as 'individual garden terraces', 'raised planters along entry corridor', 'front patio garden' should be included or shown in detail on the landscape plan.
- 4) to meet the standards of trees per unit and parking lot landscape three additional trees are needed.

Jeff Tarling
City Arborist