



Memorandum
Department of Planning and Development
Planning Division

To: Chair Lewis and Members of the Portland Planning Board
From: Jean Fraser, Planner
Date: Prepared for: July 12, 2011 Planning Board
Re: **Harborview Townhomes. vicinity 127 York Street**
Request for Reconsideration of Site Plan

1. On June 29, 2011 Redfern Properties, LLC, on behalf of Harborview Development LLC requested that the Board reconsider its decision on the Site Plan, as voted on June 28, 2011 ([Attachment 1](#)).
2. The applicant is making this request because of the difficulty of complying with condition ii of the Site Plan approval which states (see Draft Approval letter in [Attachment 3](#)) :
 - i. *That the site plans shall be revised to extend the existing sidewalk along the eastern side of existing building to the proposed building and remove the pedestrian striping from the parking lot drive aisle, for review and approval by the Planning Authority prior to the issuance of a building permit; and*
3. The condition ii was the subject of a motion at the 6.28.2011 hearing to strike it from the list of suggested conditions in PBR# 13-11 ([Attachment 7](#)), which failed with a 3-1 vote (Hall, Morrissette and Lowry in favor; Lewis opposed).
4. The applicant has provided a more detailed letter ([Attachment 4](#)) which provides additional information to illustrate the difficulties of complying with the condition and the benefits of addressing the pedestrian walkway objectives in a different way. Core issues relate to the importance of Life Safety access requirements on this site and the interpretation of the relevant Ordinance that requires “*continuous internal walkways between ...public sidewalks adjacent to the site...and primary building entrances*”.
5. The Redfern Properties LLC request ([Attachment 1 and 4](#)) has been sent pursuant to the “Rules of the Planning Board” ARTICLE VII DELIBERATIONS, VOTING, DECISIONS Section 6 which states:

“When a vote is completed it shall be in order for any member who voted in the majority, in the negative in a tie vote, or otherwise on the prevailing side, to move for reconsideration thereof at the same or at the next regular meeting but not afterwards; and when the motion for reconsideration is decided, that vote shall not be reconsidered. No motion to reconsider a vote completed at a previous meeting shall be in order for consideration at the next regular meeting unless an item to that effect is contained on the agenda for such regular meeting or unless four (4) members consent to such reconsideration.”
6. The Associate Corporation Council has advised ([Attachment 5](#)) that if the Board grants the applicant's request for reconsideration, the entire site plan application is back in front of the Board for review in exactly the same posture and with exactly the same record as it existed just before the initial vote. See Roberts Rules of Order (10th Edition) at p. 318.1[1]

Technically, therefore, all of the issues that were originally before the Board are back before the Board and the Board can vote to take additional comments or evidence on any of those issues. For the sake of efficiency, and in accordance with the Planning Board’s Rules of Procedure in Article VI (B) (Public

1[1] The effect of the adoption of the motion to reconsider is immediately to place before the assembly again the question on which the vote is to be reconsidered – in the exact position it occupied the moment before it was voted on originally. [Roberts Rules of Order at p. 318.]

Hearings), the Board can also limit additional public comment and evidence from the public or abutters to the issues raised in the applicant's request for reconsideration.

To the extent that a majority of the Board decides to take public comment on just the applicant's issues, the Board should first allow the applicant to present its case in support of the issues it has raised. This process does not eliminate any testimony or evidence contained in the original record. It will add to that record.

7. If the Planning Board consents to reconsideration of the Site Plan approval for this project, particularly condition ii, staff recommends that the reconsideration take place immediately to allow the applicant to proceed with construction. A Hearing Report Addendum (#13-11A in Attachment 2) has been prepared which further discusses the attachments listed below and includes staff comments and suggested motions for the Board to consider. The first Planning Board Hearing Report #13-11, as considered at the 6.28.2011 Hearing, is also attached (Attachment 7).

Attachments:

1. E-mail from Redfern Properties LLC (Jonathan Culley) 6.29.2011
2. Hearing Report #13A-11(Addendum to #13-11 below)
3. Draft Approval Letter based on decisions at 6.28.2011 PB Hearing
4. Letter from Redfern Properties LLC (Jonathan Culley) 7.7.2011
5. Associate corporation council comments 7.7.2011
6. Fire Department comments 7.7.2011
7. Hearing Report #13-11 (as presented at 6.28.2011 Planning Board Hearing)



PLANNING BOARD REPORT PORTLAND, MAINE

Harborview Townhomes
127 YORK STREET (aka 121-129 York Street)
CBL: 44-A-4, 5

Subdivision and Site Plan
Project ID 2011-214
Harborview Development LLC, Applicant

Submitted to: Portland Planning Board
Public Hearing Date: July 12, 2011

Prepared by: Jean Fraser, Planner
Date: July 7, 2011
**Planning Board Report # 13A-11 (Addendum to
PB Hearing Report #13-11)**

I. INTRODUCTION

On June 28, 2011 the Planning Board approved the final site plan as part of a Level III subdivision and site plan review of the proposed new 7 unit residential building at this address and the draft approval letter is included at Attachment 1 (the Planning Board Report #13-11 presented at the 6.28.2011 hearing is attached at Attachment 7). The approved site plan included a parking lot for 19 vehicles to serve both the new building and the existing 12 unit building next door.

The applicant requested reconsideration of the site plan (Attachment 1 and 4), in particular condition ii regarding the required provision of a segregated walkway between the public sidewalk and the entrance to the new building. This Addendum to the Hearing Report is provided for consideration by the Board if it decides to reconsider the site plan.

Redfern Properties LLC has submitted a letter and supporting plans (Attachment 4) focused on their concerns regarding condition ii of the site plan approval, which states:

- ii. *That the site plans shall be revised to extend the existing sidewalk along the eastern side of existing building to the proposed building and remove the pedestrian striping from the parking lot drive aisle, for review and approval by the Planning Authority prior to the issuance of a building permit; and*

The applicant has stated that the provision of a walkway in the location specified in the condition is not feasible without losing 2 parking spaces and undermining Life Safety access requirements, and that a continuous internal walkway (as required by the ordinance) can be met in another way.

Notices of this request for reconsideration/reconsideration were sent out to 171 neighbors and interested parties, and a public notice also appeared in the July 4 and 5, 2011 editions of the *Portland Press-Herald*.

II. STAFF COMMENTS

The design of the parking lot was revised as between the Preliminary and Final Plans and the inter-relationship of the parking space layout with emergency access requirements and pedestrian accommodations was not fully clarified in the original Hearing Report regarding the Final Plan.

Condition ii was included as a suggested condition based on the comments of the Traffic Engineer, Tom Errico (Attachment 7 (Att3)) which suggested this requirement to meet the ordinance standard that states:

Site Plan Standards - 14-526

(a) Transportation

c. Sidewalks

(iii) Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings and primary building entrances on the site.

The narrowness of the site and constraints of the existing building limit the applicant's ability to meet all of the reviewer's and Board's concerns, and the revised plan represents a compromise which addresses the issues that have been raised.

The applicant has presented the issues, outlined his preferred proposal (Exhibit A in Attachment 4), and provided more detailed and dimensioned layout information for the parking lot and walkway connections in the letter of 7.7.2011 (Attachment 4). Based on a review of the submissions the key issues appear to be:

Conflicts of requirements

- As shown in Plan "Exhibit B" (Attachment 4, page 5), the pathway specified in condition ii would require the 2 parking spaces nearest the entrance to be 12' 11" in length, almost 2 feet less than the 15 feet required for a compact space and 5 foot less than the 18 feet for a standard parking space;
- Keith Gautreau of the Fire Department raised concerns over emergency access at the Workshop on the preliminary Plan and has advised the applicant and staff (written comments arrived too late for inclusion in the Report) that he sees the 24 foot parking drive aisle as a minimum to ensure ambulances and other emergency vehicles can get to the new building which is 110 feet from York Street. To protect the 24 feet width he considers that the parking spaces near the building should not be compact as larger vehicles would inevitably park in these spaces and narrow the drive aisle;
- The pathway specified in condition ii would require pedestrians going from the public sidewalk to the entrance of the new building to go up 3 steps and then down 2 steps (as this pathway accesses an existing entrance to the existing 12 unit building) before continuing to the back of the site (see "Exhibit B" (Attachment 4, page 5)). It would not be convenient for handicapped persons and the steps would also discourage others from using it.

Interpretation of the Ordinance standard

The applicant has developed a "preferred" option which maintains the parking drive aisle at 24 feet, avoids compact or sub-compact spaces near the entrance and incorporates a continuous internal walkway from the sidewalk to the new building entrance. The walkway is partly through the parking lot drive aisle but the revised layout includes a range of details to create a convenient and direct pedestrian walkway that could be used by handicapped persons. It also is designed to ensure drivers would be aware of pedestrian use of the part within the drive aisle. The applicant's letter describes these details but in summary they are:

- Segregation of the first part of the walkway from York Street sidewalk to the drive aisle using consistent materials and curbing;
- Introduction of bollards and curbing to ensure the cars do not overhang the segregated portion of the walkway;
- Where the walkway enters the parking lot drive aisle it would continue on a stamped (not striped) surface that is visually distinct from the parking lot; [we discussed using the stamped crosswalks as used in Route 1 Falmouth with an embedded white grid pattern];
- The stamped area will link to all other pedestrian facilities and entrance areas;
- The walkway does not involve any steps;
- This walkway design would require 4 of the parking spaces to be compact.

Compact Spaces

To achieve the revised layout preferred by the applicant, 4 spaces would need to be "compact" as defined in the Technical standards (15 feet by 8 feet). The rest (15 spaces) meet the standard for parking spaces. The Technical Standards allow up to 20% of the parking spaces to be compact where the total is over 10 spaces. In this case the applicant would be allowed $20\% \times 19 = 3.8$ spaces.

Therefore the applicant is requesting a waiver of the Technical Standard to allow .2 compact parking space over the 20% allowed. A suggested waiver is included in the motions for the Board to consider.

Tom Errico was on vacation at the time of preparation of this Report but plans to attend the Hearing in respect of the reconsideration and will provide comments at that time if requested. Other staff recommends that the Board remove the condition ii as decided on June 28, 2011 and replace it with a condition that requires the final site

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plans to incorporate the revisions outlined in the applicants letter and attached “Exhibit B” (Attachment 4, page 5) (the applicant’s preferred option with the walkway partly within the parking lot drive aisle), and approve the associated waiver allowing a total of 4 compact spaces.

IX. PROPOSED MOTIONS

WAIVER

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 hearing:

The Planning Board (**waives/ does not 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 B” (Attachment 4, page 5) dated 7.5.2011.

DEVELOPMENT REVIEW

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 hearing, the Planning Board finds the following:

1. SITE PLAN REVIEW

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

Potential conditions of approval:

- i. That the 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 site plans shall be revised to extend the existing sidewalk along the eastern side of existing building to the proposed building and remove the “pedestrian striping from the parking lot drive aisle, for review and approval by the Planning Authority prior to the issuance of a building permit; and~~
- New ii That the applicant shall submit revised site plans to incorporate the pathway route and associated revisions as shown in the submitted plan “Exhibit B” (Attachment 4, page 5) dated 7.5.2011. 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 additional trees 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.

ATTACHMENTS:

[Att 1 is cover PB Memo; Att 2 is this Report]

3. Draft Approval Letter based on decisions at 6.28.2011 PB Hearing
4. Letter from Redfern Properties LLC (Jonathan Culley) 7.7.2011
5. Associate Corporation Counsel comments 7.7.2011
6. Fire Department comments (arrived too late for inclusion in the report)
7. Hearing Report #13-11 (as presented at 6.28.2011 Planning Board Hearing)

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

DRAFT

July 12th, 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 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.

The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4 to 0 (O'Brien, Patterson and Silk absent) to approve the application with the following motions and conditions as presented below.

DEVELOPMENT REVIEW

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:

SUBDIVISION REVIEW

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.

SITE PLAN REVIEW

The Planning Board voted 4-0 (O’Brien, Patterson and Silk 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
- viii. That the site plans shall be revised to extend the existing sidewalk along the eastern side of existing building to the proposed building and remove the “pedestrian striping from the parking lot drive aisle, for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ix. 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
- x. That the applicant shall obtain easements or temporary construction agreements for all work outside the boundaries of the site; and
- xi. 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

- xii. 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
- xiii. 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 Report #13-11 for application 2011-214 which is 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. 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
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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, instera-tees must meet the mainline perpendicular)

Attachment 2 to draft Approval Letter

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