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April 18, 2011

Jean Fraser  
City of Portland, Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

Re: 121-129 York St./Harborview Townhouses

Dear Jean:

Thank you for your email of April 13. We have reviewed Marge Schmuckal's comments regarding the Zoning considerations for 121-129 York Street/Harborview Townhouses. We believe that her concerns were a result of unclear or incomplete application in our proposal. We apologize for the confusion that this has caused.

Attached is our response to the seven issues that Marge referred to in her comments. We continue to believe that our project complies with the R-6 Zoning regulations and we have provided a much more clear explanation in the attached. Again, we apologize that our initial proposal did not provide adequate clarity.

We would be pleased to have a discussion with you or with Marge if any questions or issues remain after you have reviewed the attached. As always, please do not hesitate to call (207-776-9715) or email me ([jonathan@redfernproperties.com](mailto:jonathan@redfernproperties.com)). You are also welcome to call Jesse Thompson at Kaplan Thompson Architects (207-842-2888) or email ([jesse@kaplanthompson.com](mailto:jesse@kaplanthompson.com)).

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Culley", is written over a horizontal line.

Jonathan Culley  
Redfern Properties LLC  
Harborview Development LLC

Cc: Marge Schmuckal, Zoning Administrator



**TO: CITY OF PORTLAND PLANNING AUTHORITY**  
**DATE: APRIL 14, 2011**  
**RE: REPLY TO LEVEL III SITE PLAN REVIEW COMMENTS DATED**  
**APRIL 12, 2011**

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Subject: 127 – 129 York St.  
Owner Applicant: Harborview Development LLC

1. The applicant did not apply section 14-139(b)1 correctly. This land can only allow a maximum of 18 dwelling units instead of the total of 19 being proposed.

The existing twelve (12) unit building is neither new construction, nor an addition and therefore the minimum land area per dwelling unit should be calculated at 1,000 SF/unit for these twelve (12) units. The first three (3) units of the proposed new construction should be calculated at 1,000 SF/unit, and the remaining four (4) units calculated at 1,200 sf/unit. This would total 19,800 SF of land area required under the City of Portland Code of Ordinances Sec. 14-139 (b) 1. The total land area is 21,239 SF, therefore we have adequate land area for 19 units.

2. I was given the average grade, but I do not see the elevation of the top of the highest roof beam. Before I can determine the height of this building I would need to see that figure.

Please see the attached, revised building elevation. The roof beam at the tallest part of the building is 44'-6" above grade.

3. The building elevation sketches lead me to believe that the proposed building may be 4 stories and not three stories. I would need more information to analyze that compliance. If it turns out that this building is actually 4 stories, then the side setbacks are wrong on the plans. 12' instead of 10' would be required.

See again the attached, revised building elevation. The back two units have a mezzanine level between the second and third floor. As per 2009 IRC, Section R202 (p. 17), Definitions: Mezzanine, Loft. "An intermediate level or levels between the floor and ceiling an any story with an aggregate floor area of not more than one-third of the area of the room or space in which the level or levels are located."

4. I do not think that the open space ratio was correctly determined. I would want supporting documentation concerning this. The open space cannot include impervious surfaces nor parking. It does not appear that 66% of the lot meets the definition of open space as defined in the Ordinance.

According to 14-139 (h) Open space ratio, 1. *Uses other than bed and breakfast*. Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units.”

See the attached letter from Acorn Engineering outlining the areas of open space. Project Data Sheet calculations have been revised.

5. I am not sure that all overhangs and projections have been shown on the building site plan.

See the revised Site Plan.

6. I am not sure what all the markings around the building refer to.

See the revised Site Plan – markings are explained in the Symbols Legend.

7. I am also seeing a mention on the plans that two signs on either side of the driveway would be proposed. Two signs would not be allowed and not within 5’ of the property line for site line purposes. Sign permits are a separate application, but I don’t mind reviewing the concepts at this stage.

See the revised Site Plan. These are street fences with the property address on one of them, not signs.



**TO: CITY OF PORTLAND PLANNING AUTHORITY**  
**DATE: MARCH 28, 2011**  
**RE: APPLICATION FOR LEVEL III SITE PLAN REVIEW**

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Subject: 127 – 129 York St.  
Owner Applicant: Harborview Development LLC

Kaplan Thompson Architects has prepared a submission package for a Level III Site Plan Review on behalf of Harborview Development LLC, the current property owner and applicant.

The proposed project is located at 127 – 129 York St (Tax Map 44, Block A, Lots 004 & 005) and currently contains a 12 unit residential structure and gravel parking lot. The project site is located in the Residential Zone (R-6).

The proposed project includes construction of a new building containing seven (7) residential units, totaling 4,160 SF footprint size and a total building area of 12,480 SF. The new building as proposed meets all applicable zoning standards to the best of our understanding, including area, lot coverage and lot setbacks. Utility infrastructure including domestic water service, sanitary sewer service and underground power / telephone / cable, as well as gas, will be extended into the building from York St. The proposed building will be a wood-framed townhouse building which will integrate well into the existing neighborhood of apartments, condominiums and residences of similar construction.

The design of the new building will feature a three-story face towards York St, with a uniform wall height and roof edge and a residential scale, including two oriel windows which will provide a variety of visual scale. Materials will include fiber-cement siding with decorative metal accents.

The building will be fully sprinkered, be built to low-energy standards and have high-efficiency heating systems throughout. The building is intended to advance the state of art in sustainable buildings in the Portland area and be built to a high level of LEED certification equivalent.

The site will continue to be accessed off York St, for both pedestrian and vehicular travel. There will be new landscape fencing along York St containing project signage which will hold and improve the existing street edge, while screening parking and trash receptacles from view from York St. Pedestrian access off York St will be available along the edge of the existing building along new landscaped pathways, with bicycle parking accessed off these pathways as well. Parking will meet R-6 standards of one space per dwelling unit.

The existing site is pitched toward York St, and stormwater runoff from the site will remain generally unchanged. Although the percentage of impervious area will increase with the proposed development, we foresee little impact on the site's stormwater regime, given the site's existing conditions. The engineering team will work closely with the Portland Public Works to ensure no negative aspects to the nearby stormwater collection and conveyance systems.



Erosion and sediment control measures will be carefully installed and maintained. The project will include a small amount of excavation, and erosion control measures will principally consist of silt fence and temporary stabilization measures to minimize mud and tracking of dirt onto adjacent streets.

The project will include new landscaping along York St. We anticipate there will be minimal change to the York St curb and street conditions. We plan on extending the brick sidewalk and granite curbing as necessary. Additional street trees are planned along York St. We will work closely with the City Arborist on these new street tree plantings and locations.

## ZONING ASSESSMENT

1. Property is located in the R-6 Zone
2. Parcel Acreage: 0.49 AC (21,239 SF)

<b>Regulations</b>	<u>Required / Allowed</u>	<u>Provided</u>
Min. Lot Area:	4,500 sf	21,239 sf
Min. Lot Area/Dwelling-existing:	1,000 sf (12)	
Min. Lot Area/Dwelling-new:	1,000 sf (3); 1,200 sf (4)	19,800 total sf
Min. Lot Width:	40'	60'
Min. Street Frontage:	40'	121.42'
Min. Front Yard Setback:	10' Min.	~130'
Min. Rear Yard Setback:	20' Min.	20'
Min. Side Yard Setbacks:	10' for 1-3 stories	10'
Max. Building Height:	45'	45'
Min. Parking:	1 space/Unit	1 space/unit
Max. Lot Coverage	50% if <20 units	34%
Min. Open Space Ratio:	20% if <20 units	23%
Average Grade:		51.89'
Spot grade for the four corners of the proposed building: +46.87', +46.87', +56.6', +57.2' / 4 = <b>51.89'</b>		

## EASEMENTS OR OTHER BURDENS

Not Applicable

## REQUESTS FOR WAIVERS

None at this time.

## TRAFFIC ANALYSIS

See Appendix A



## SIGNIFICANT NATURAL FEATURES

The site contains no unusual natural areas, wildlife or fisheries habitats or archaeological sites, to the best of our knowledge.

## CONSISTENCY WITH CITY MASTER PLANS

The City of Portland's Comprehensive Plans lays out the following Policies in order to sustain the City as a healthy urban center in which to live and work. We believe our project helps realize ALL the following Policies, by building a compact, extremely energy efficient, aesthetically compatible and accessible supply of new housing on previously developed land on the Peninsula of Portland.

### I. HOUSING: SUSTAINING PORTLAND'S FUTURE – November 18, 2002

#### Policies

- Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.
  - Target Portland to achieve and maintain a 25% share of Cumberland County's population.
  - Integrate Portland's housing and economic development incentives to encourage growth and take advantage of the City's capacity to accommodate more people.
  - Monitor and assess the impacts of growth on the City's infrastructure and adjust policies accordingly.
- Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.
- Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.
- Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.
- Locate and design housing to reduce impacts on environmentally sensitive areas.
- Design housing to use new technologies and materials that reduce costs and increase energy efficiency.

## DESIGN STANDARDS

In response to the City of Portland Design Manual, paragraph (i) (points 1-6) :

1) This project is a 7-unit multi-family townhouse structure common to its two-block neighborhood, located and designed so as not to displace the pre-existing, zoning mandated off-street parking or negatively impact stormwater management.

The scale and bulk of the building have been carefully designed to complement and enhance its nearby neighbors. It is a 3-story building with its principal narrow façade facing York Street, with the long, narrow axis along the length of the lot, a common pattern of the neighborhood.

The principal façade has character-defining features common to the neighborhood: flat roof, cornice, bay / oriel windows, and a rhythm and proportion that relates to the neighboring buildings.

The mass of the building is further articulated by shading devices, inset windows, carefully placed rain leaders, bay / oriel windows, and shifting the mass of the building based on unit type (along the long axis). The siding material is a solid panel system, with accents of a contrasting material / color. This is in



keeping with its neighbors as well, especially the brick building on the same lot (i.e. no corner boards & a monolithic character)

2/5) The York St street edge is accentuated and maintained by the construction of new large, flanking multi-functional planters that help screen the existing parking lot and garbage collection area, provide a welcoming entrance including signage & lighting, provide additional space for street trees, and tie materially to its neighbors: using masonry, wood and highly durable metal screens.

Visual privacy is provided by elevating the front living units above the adjacent entry and existing parking lot by about 2 feet, and by using fencing that relates materially to the entry planters. Transition spaces are provided by covered entries for each unit as well as level changes and plantings.

Generous open space has been created, even for a dense urban lot, with each new living unit having access to private open space.

3) All private open space areas are to the rear or sides of the building, maintaining the pattern of the neighborhood.

4) All units have generous windows, and sufficient storage.

5) The existing gravel parking lot to be improved with new paving and striping and will be integrated with new walks, fencing and storm water retention strategies. The parking will be better screened and landscaped from adjacent properties and streets.

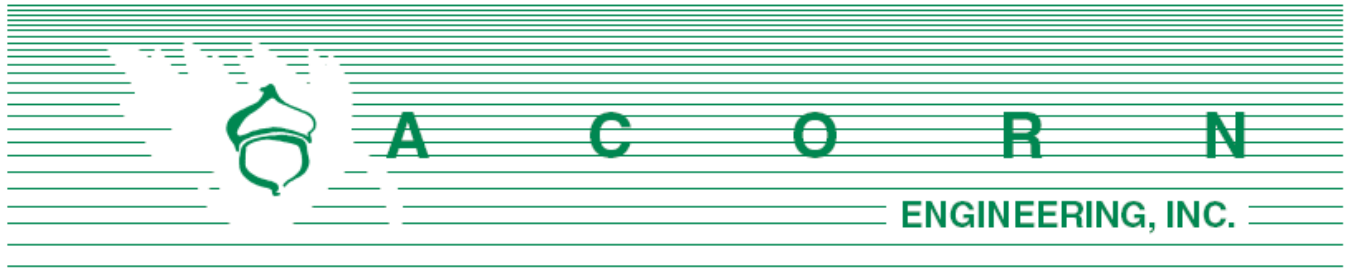
6) All units will be owner-occupied, and will not be converted to a lodging house.



## PROJECT DATA

<b>Total Site Area</b>	<b>21,239 SF</b>
<b>Proposed Total Disturbed Area of the Site</b> sq. ft.	<b>~14,000 SF</b>
<b>(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)</b>	
<b>IMPERVIOUS SURFACE AREA</b>	
• Proposed Total Paved Area	5,550 SF
• Existing Total Impervious Area	8,100 SF
• Proposed Total Impervious Area	16,310 SF
• Proposed Total Impervious Area	
• Proposed Impervious Net Change	8,210 SF
<b>BUILDING AREA</b>	
• Proposed Building Footprint	7,240 SF (4,160 + 3,080)
• Proposed Building Footprint Net change	+4,160 SF
• Existing Total Building Floor Area	11,764 SF
• Proposed Total Building Floor Area	24,244
• Proposed Building Floor Area Net Change	+12,480 SF
• New Building	YES
<b>ZONING</b>	
• Existing	R-6
• Proposed, if applicable	R-6
<b>LAND USE</b>	
• Existing	RESIDENTIAL
• Proposed	RESIDENTIAL
<b>RESIDENTIAL, IF APPLICABLE</b>	
• Proposed Number of Affordable Housing Units	0
• Proposed Number of Residential Units to be Demolished	0
• Existing Number of Residential Units	12
• Proposed Number of Residential Units	19
• Subdivision, Proposed Number of Lots	NA
<b>PARKING SPACES</b>	
• Existing Number of Parking Spaces	12
• Proposed Number of Parking Spaces	19
• Number of Handicapped Parking Spaces	NA
• Proposed Total Parking Spaces	19
<b>BICYCLE PARKING SPACES</b>	
• Existing Number of Bicycle Parking Spaces	0
• Existing Number of Bicycle Parking Spaces	
• Proposed Number of Bicycle Parking Spaces	10
• Total Bicycle Parking Spaces	10
<b>ESTIMATED COST OF PROJECT</b>	





City of Portland  
 Planning Division  
 Fourth Floor, City Hall  
 389 Congress Street  
 Portland, Maine 04101

April 14, 2011

Subject: 127 York Street – Harborview Townhouses – 044-A-4 & 5 - #2011-214  
 Response to City Zoning Comments – dated 4/12/11

Dear Marge Schmuckal,

Acorn Engineering, Inc. on behalf of the project team is pleased to respond to the Comment 4 provided within your letter regarding the calculation of the open space ratio. As you mention the open space ratio was incorrectly determined. The open space ratio should have been calculated by dividing the total impervious area, provided below in Table 1, by the total lot area and then subtracting that ratio from one.

Table 1					
Existing Impervious			Total Impervious		
Building Area	3,080	sf	Building Area	7,240	sf
Parking Area	4,600	sf	Parking Area	5,550	sf
Sidewalk Area	420	sf	Sidewalk Area	1,770	sf
			Patio Area	1,750	sf
<b>Total Area</b>	<b>8,100</b>	<b>sf</b>		<b>16,310</b>	<b>sf</b>

The total impervious area was measured from the plans titled Boundary Survey and the proposed Preliminary Site Plan. The Boundary Survey, General Note 3 provides a Total Lot Area of 21,239 square feet (sf). The open space ratio is calculated as follows.

1 - Total Impervious Area / Total Lot Area or,

$$1 - (16,310 \text{ sf} / 21,239 \text{ sf}) = .23$$

**Open Space Ratio: 23%**

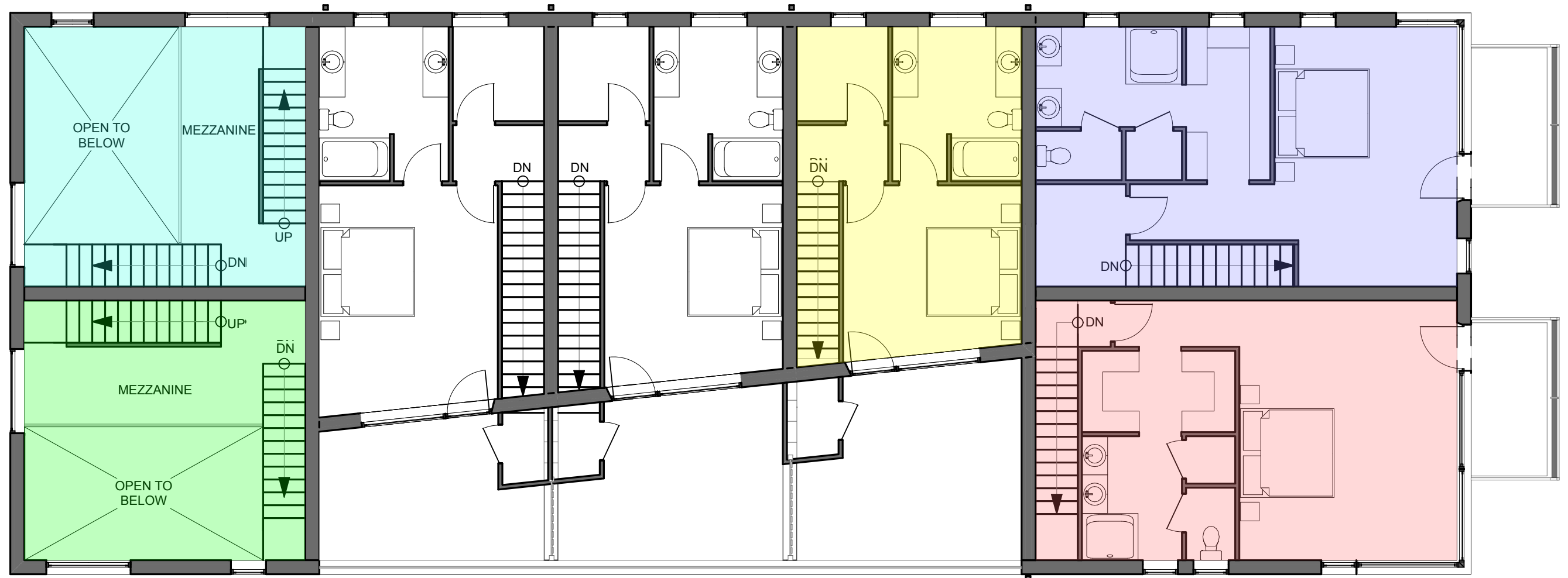
An open space ratio of 23% is greater than the minimum required ratio of 20% for those lots which contain fewer than 20 dwelling units as defined in the City of Portland Land Use Ordinance 14-139 (h) 1.

Acorn Engineering and the project team appreciates the comments provided by the City. Please do not hesitate to contact me with any further questions or comments.

Very Truly Yours,

A handwritten signature in cursive script that reads "William H. Savage".

William H. Savage, P.E.  
Project Manager  
Acorn Engineering, Inc.



1 Mezzanine/Third Floor

  
**KAPLAN THOMPSON**  
**ARCHITECTS**  
 424 FORE ST., PORTLAND, ME 04101  
 207-842-2888 FAX:842-2828

**PROJECT:**  
**HARBORVIEW DEVELOPMENT LLC**  
 DBA REDFERN HOMES LLC  
 121 YORK STREET  
 PORTLAND, ME

**DRAWING:** MEZZANINE/THIRD FLOOR

**PRELIMINARY SITE PLAN**

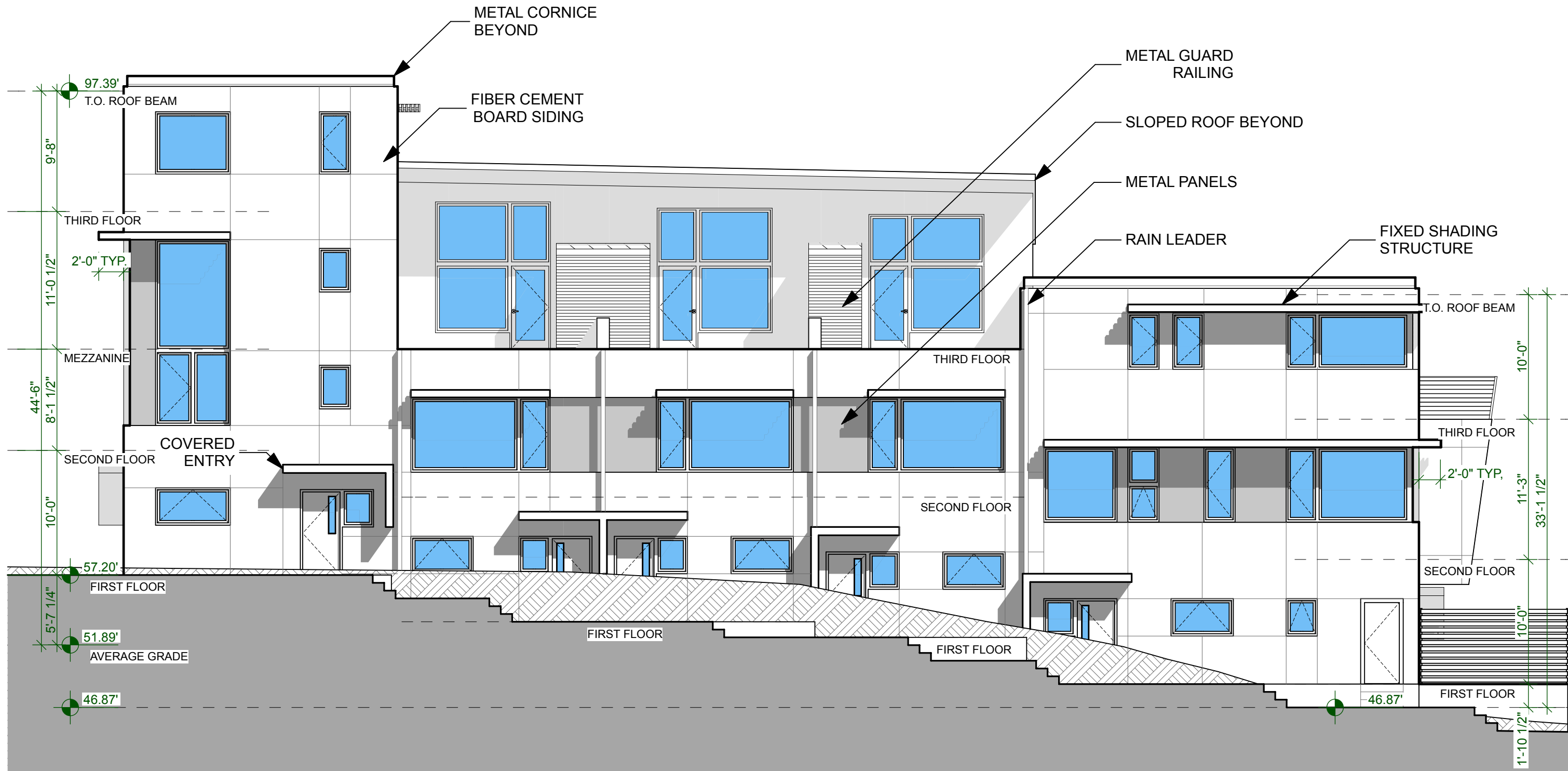
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**DRAWN BY:** JB

**DATE:** MARCH 30, 2011

**REVISED:** APRIL 15, 2011

**A-1.3**



1 **SOUTHWEST ELEVATION**

  
**KAPLAN THOMPSON**  
**ARCHITECTS**  
 424 FORE ST., PORTLAND, ME 04101  
 207-842-2888 FAX:842-2828

**PROJECT:**  
**HARBORVIEW DEVELOPMENT LLC**  
 DBA REDFERN HOMES LLC  
 121 YORK STREET  
 PORTLAND, ME

**DRAWING:** SOUTHWEST ELEVATION

**PRELIMINARY SITE PLAN**

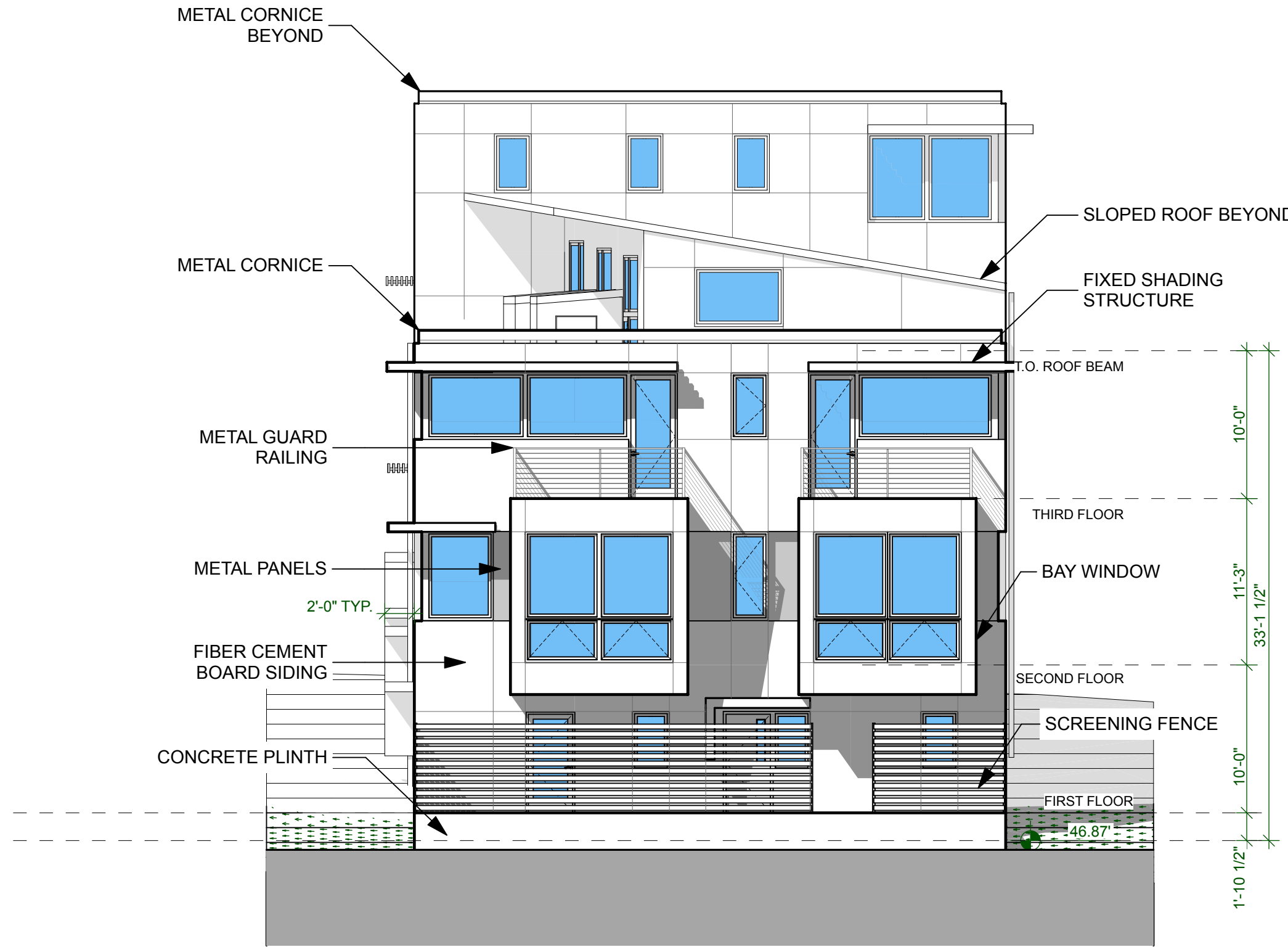
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**DRAWN BY:** JB

**DATE:** MARCH 30, 2011

**REVISED:** APRIL 15, 2011

**A-2.1**



1 **SOUTHEAST ELEVATION**

  
**KAPLAN THOMPSON**  
**ARCHITECTS**  
 424 FORE ST., PORTLAND, ME 04101  
 207-842-2888 FAX:842-2828

**PROJECT:**  
**HARBORVIEW DEVELOPMENT LLC**  
 DBA REDFERN HOMES LLC  
 121 YORK STREET  
 PORTLAND, ME

**DRAWING:** SOUTHEAST ELEVATION

**PRELIMINARY SITE PLAN**

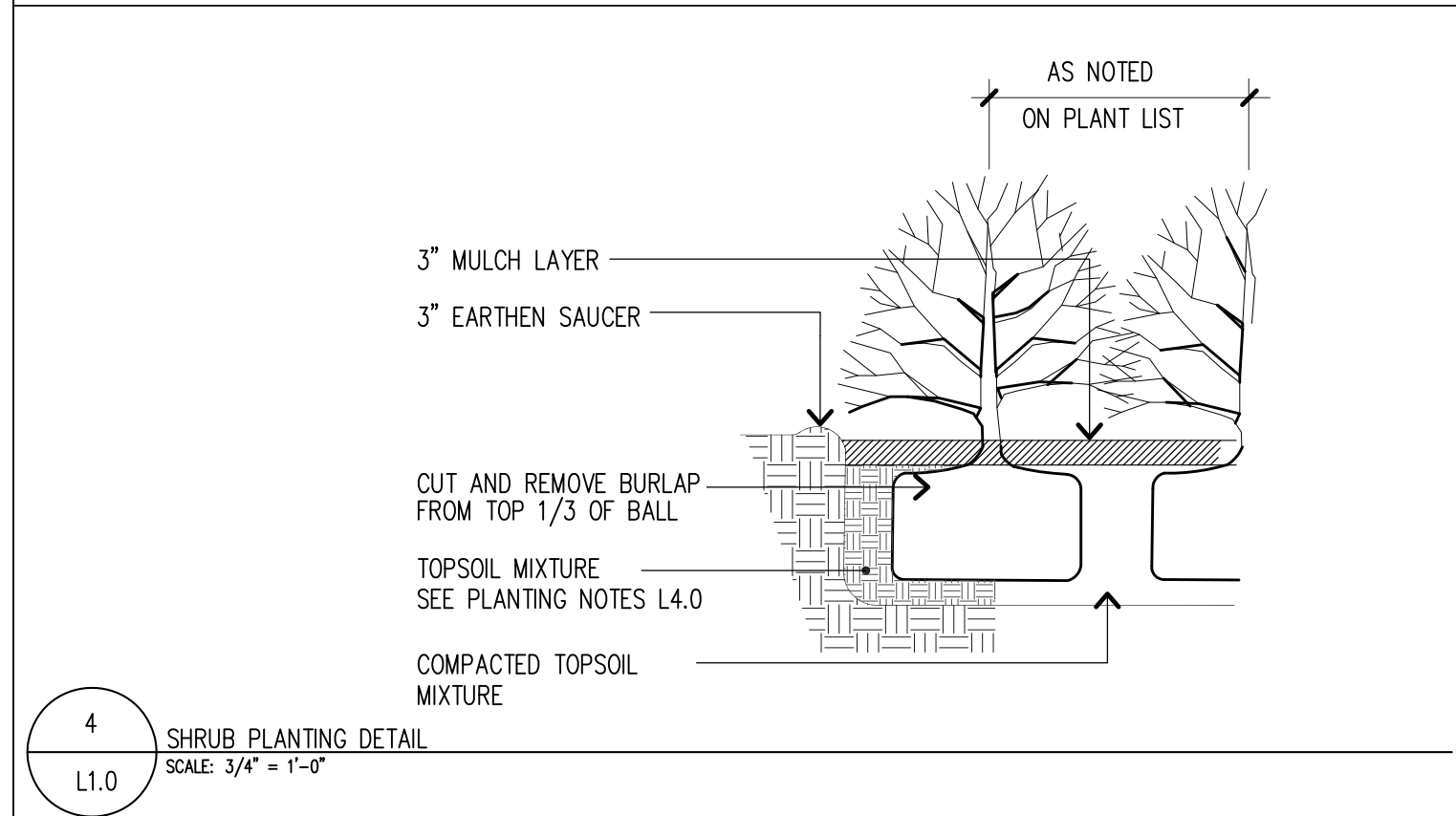
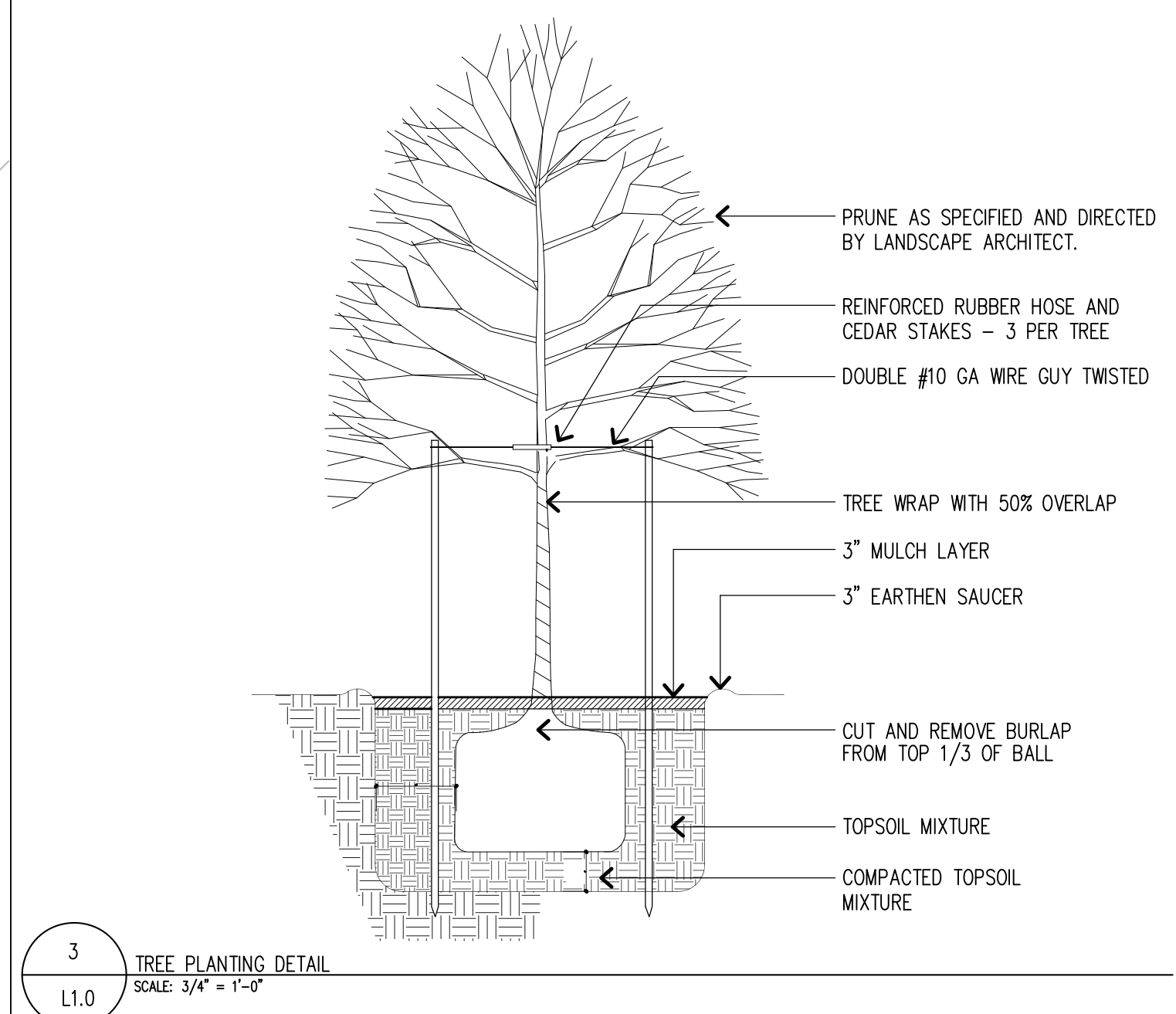
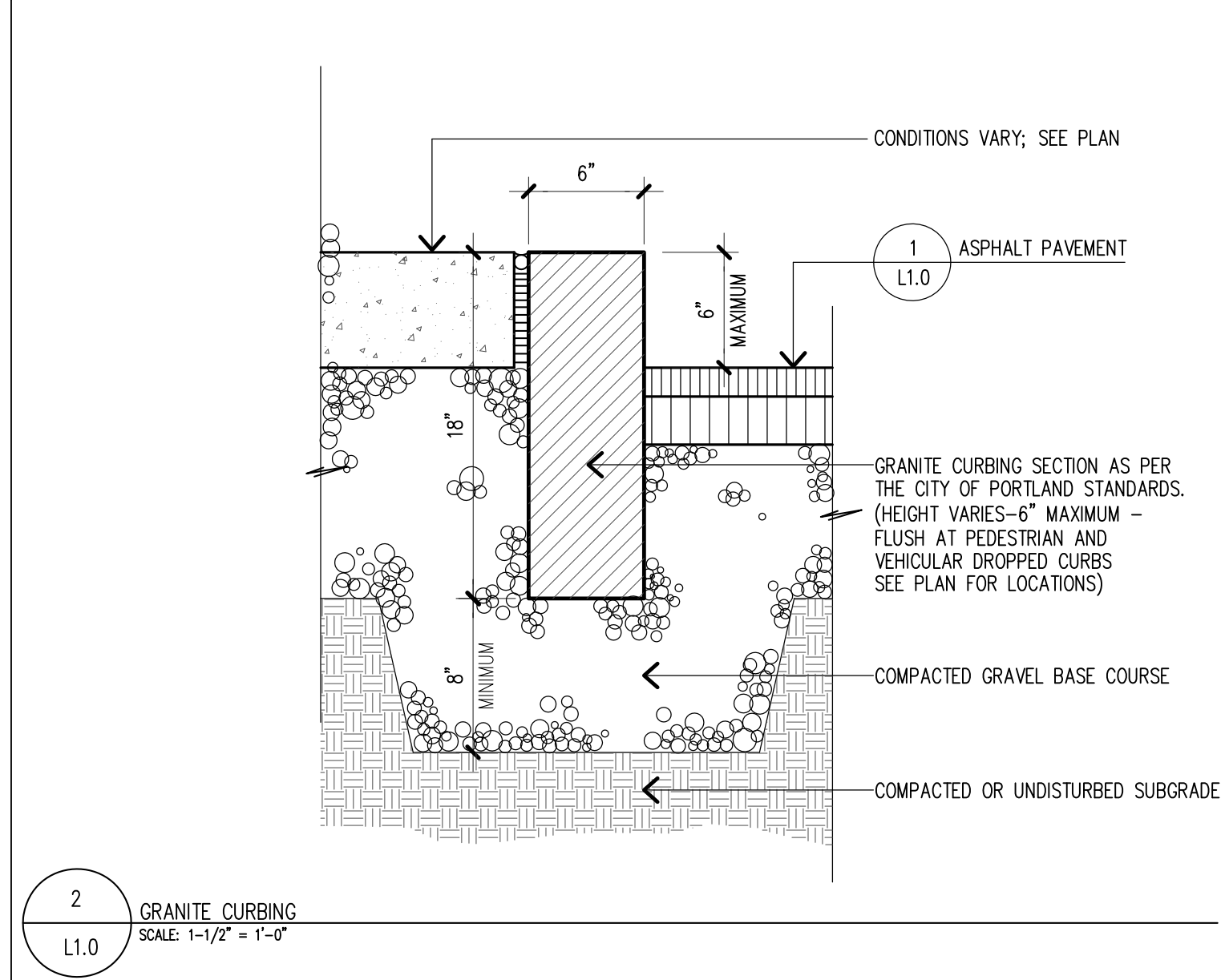
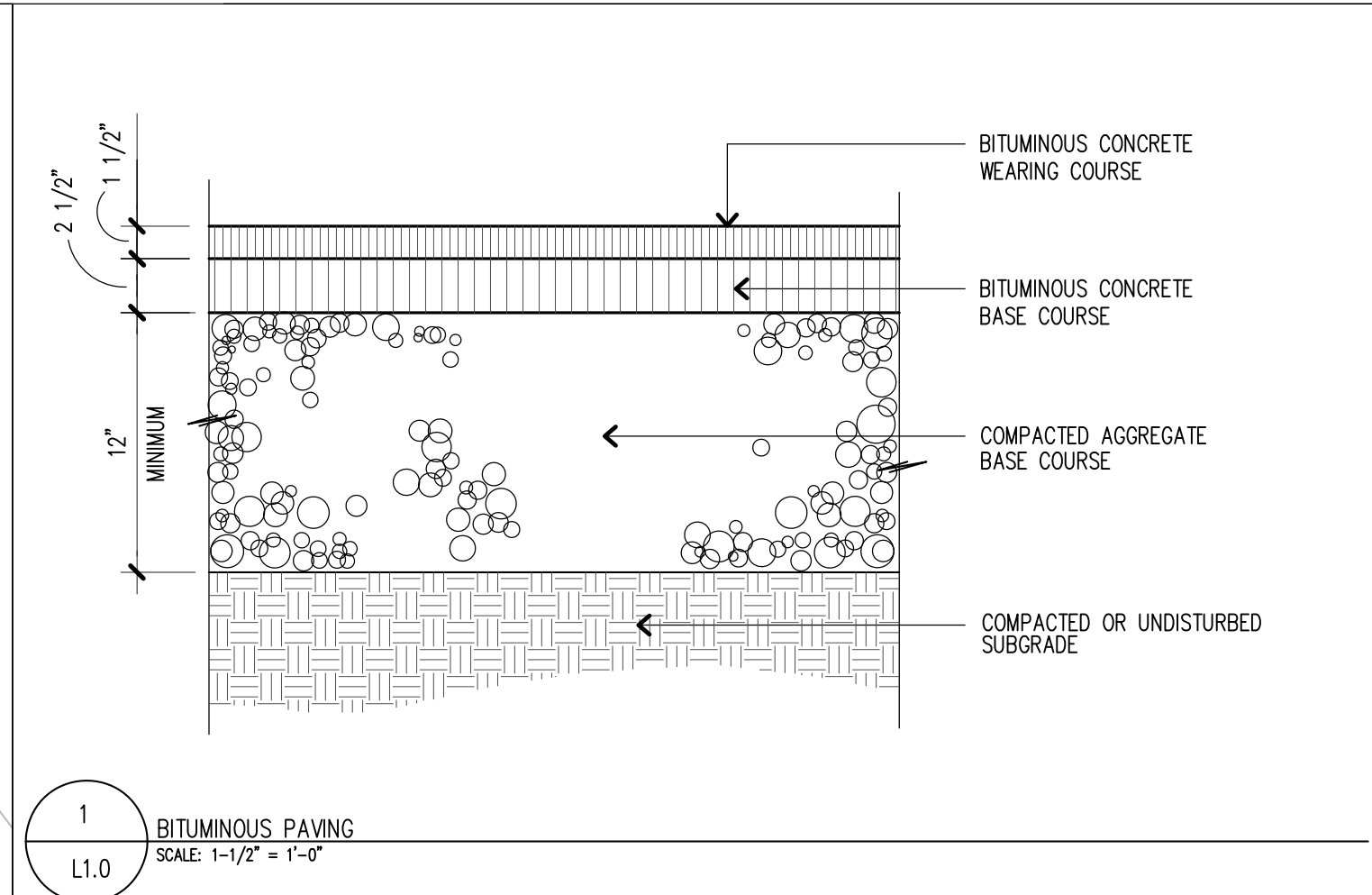
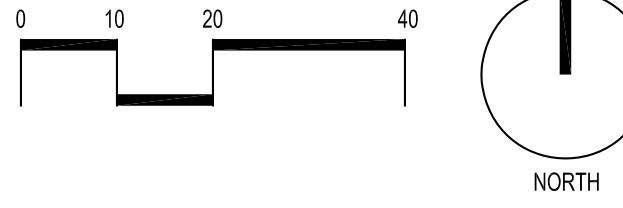
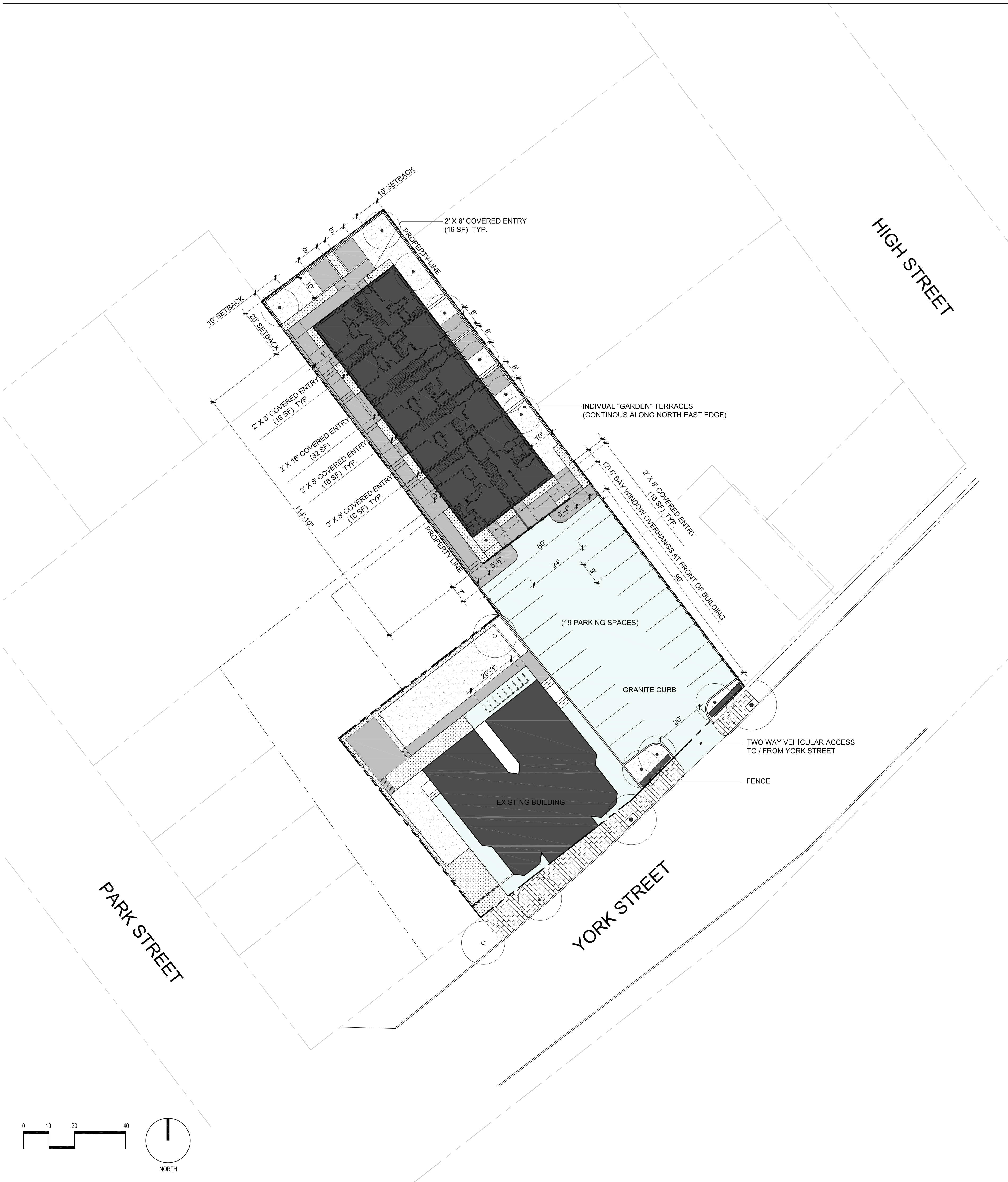
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**DRAWN BY:** JB

**DATE:** MARCH 30, 2011

**REVISED:** APRIL 15, 2011

**A-2.2**



### SYMBOLS LEGEND

- EXISTING TREE
- PROPOSED AMELANCHIER SP. (1.75" CAL.)
- PROPOSED Acer Rubrum (2.5" CAL.)
- CONCRETE PAVING
- EXISTING BRICK PAVING
- ASPHALT PAVING
- PERMEABLE PLANTED SURFACE
- PROPOSED PLANTER CONTAINING NATIVE SHRUBS AND GROUNDCOVER (LIST TBD)
- PROPOSED STEPS
- 6' TALL WOOD FENCE
- BICYCLE PARKING (10 SPACES)

- ### PLANTING NOTES
1. Planting contractor shall visit site prior to submitting bid to become completely familiar with site conditions.
  2. No planting will be installed until all grading and construction has been completed in immediate area.
  3. Contractor to verify all utilities on property and to protect all utilities during excavation for plants.
  4. If there is a discrepancy between the number of plants shown on the plan and the number of plants shown in plant list, the number of plants shown on plan will take precedence.
  5. All container material to be grown in container a minimum of 6 months.
  6. All material shall comply with the latest edition of the American Standard for Nursery Stock, American Association of Nurseryman.
  7. Contractor shall repair all damage to property from planting operations at no cost to the owner.
  8. Contractor shall guarantee new plant material through one calendar year from time of provisional acceptance.
  9. The Landscape Architect will tag all plants at the nursery and inspect them after delivery to the site. All plant materials shall be inspected by the Landscape Architect on site prior to installation.
  10. All proposed plants shall be located carefully as shown on the plans and the placements shall be approved by Landscape Architect before the plants are installed.
  11. All disturbed areas not to be paved or planted shall be loamed and seeded as shown. The seed mix specifications are as follows: LESCO Fine Fescue Links Blend of 35% hard fescue, 35% creeping red fescue, 20% chewings fescue and 10% sheep fescue. Add 5% Little Bluestem and 5% Northeast Wildflower seed mixture by weight to the Links Blend.
  12. Staking and guying shall be determined by the Landscape Architect on a tree by tree basis. For pricing purposes, provide a per tree unit cost for staking and guying. If staking and guying is required, remove tree wrap, stakes, and guy wires at end of first growing season.
  13. For tree planting in lawn areas, any disturbed lawn shall be loamed and seeded as necessary.
  14. Landscape Architect to flag trees to be protected on site.

PROJECT:  
**121 YORK ST.**  
PORTLAND, MAINE

CLIENT:  
HARBORVIEW DEVELOPMENT LLC.  
DBA, RED FERN PROPERTIES

date: MARCH 24, 2011  
revisions: APRIL 15, 2011  
scale: As Noted  
drawn: sd  
checked:

TITLE:  
**PRELIMINARY SITE PLAN**  
(NOT FOR CONSTRUCTION)

SHEET:  
**L1.0**

SOREN DENIORD DESIGN STUDIO  
43 WELLWOOD RD.  
PORTLAND, ME 04103  
t: 207-400-2450  
soren@sorendenior.com