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December 10, 2013
File: 13105

Ms. Jean Fraser
City of Portland
389 Congress Street, 4th Floor
Portland, ME 04101

RE: 133 YORK STREET
RESPONSE TO PLANNING BOARD COMMENTS

Dear Jean,

Below is our response to the Planning Board Hearing comment of November 12, 2013:

Potential 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 easements, snow removal, green wall maintenance, Condominium Association documents and relevant conditions; and*

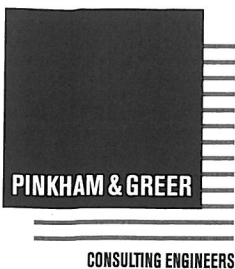
Snow removal requirements added as note 18 on C1.0. The Green Wall has been removed.

- ii. *That the Condominium Association documents shall reference the Stormwater Maintenance Agreement and Stormwater Inspection and Maintenance Plan, adequate snow removal and the ongoing maintenance of the green wall, to be reviewed and approved by Corporation Counsel. The documents shall also address the relevant conditions of approval and be finalized to the satisfaction of the Corporation Counsel prior to the recording of the Subdivision Plat; and*

The owners are revising the documents. They will be submitted shortly.

- 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 described in Attachment L and W of this Report, shall be approved by Corporation Counsel and Department of Public Services, and submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Services; and*

Stormwater requirements added as Note 19 on C1.0.



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- iv. *That the applicant shall ensure that tree preservation/protection measures are undertaken in accordance with the comments of the City Arborist dated 9.6.2013 and 11.1.2013, and that the Condominium Association documents shall include responsibilities for ongoing tree preservation measures; and*

Tree preservation requirements added as Note 20 on C1.0 and as specified on sheet C1.4, Landscape Notes #1.

- v. *That the applicant shall add a note on the Subdivision Plat that the Condominium Association shall be responsible for the maintenance of the green wall, both the structure and the planting, and that any damage from vehicles backing into green wall shall be repaired within one week; and*

Green screen wall is removed.

- vi. *That the Subdivision Plat shall include a note confirming the Snow Removal Plan details and that the Condominium Association is responsible for this being undertaken in a timely fashion.*

Snow removal requirements added as Note 18 on C1.0.

2. *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:

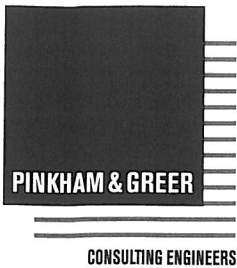
- i. *That the applicant shall submit a revised proposal for the materials (including color scheme) and rear elevation articulation of the proposed building, for review and approval by the Planning Authority prior to the issuance of a building permit; and*

Attached are revised building elevations for the project.

- ii. *That the applicant shall submit a revised Landscape Plan that addresses the 11.1.2013 City Arborist comments in respect of planting material and green wall, for review and approval by the Planning Authority and City Arborist prior to the issuance of a building permit; and*

Green wall is removed. Plant sizes are revised per 11/1/13 memo.

- iii. *That the applicant shall obtain easements or temporary construction agreements for all work outside the boundaries of the site; these (if any) shall be provided to the Planning Division prior to the issuance of a building permit; and*



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We have met with the neighbors and have an understanding of an easement. Once it is finalized it will be submitted to the City.

- iv. *That the applicant shall submit a Construction (traffic) Management Plan for activities in York Street, for review and approval prior to the issuance of any City permits. In view of the high level of traffic on York Street, it is very likely that construction activity will not be allowed during peak traffic time periods; and*

Attached is a plan for the City's review.

- v. *That the applicant shall submit a more detailed Construction Plan for the area to the north side and rear of the site that includes the items listed in the Engineering comments dated 11.7.2013 (and identify the method of supervision) and submit the plans for the temporary metal sheeting and associated excavation stamped by a professional engineer, all for review and approval by the Planning Authority prior to the issuance of a demolition permit for the existing building; and*

This information will be submitted with the building permit application.

- vi. *That the applicant shall submit a revised Site Plan that relocates the bicycle parking rack so that it does not impede access to parking spaces, for review and approval prior to the issuance of a building permit; and*

Bike rack moved to interior garage wall – see architects plan A-001. These can be accessed by visitors, as there are no doors on the parking.

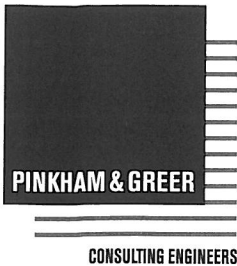
- vii. *That the FDC connection shall be located at York Street; and*

Sprinkler connection added.

- viii. *That the Condominium Association documents shall include the requirement that any external condensers for heating or cooling units shall be located out of sight of neighbor and include sound baffling so that the sound level at the property line is at or below 45dBA between 10pm and 7am, and below 50 dBA between 7am and 10pm; and*

Extend condenser requirements added as Note 15 on C1.1.

- ix. *That the applicant ensure, at their cost, that the electrical lines (from Park Street into the building to be demolished) are removed prior to the issuance of a Demolition Permit; and that the pole is removed prior to the issuance of a Certificate of Occupancy. If the pole and light are to remain to serve the parking lot at McCormick Place, the applicant shall provide evidence that the cost of the*



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electricity to serve the retained light is being borne by a private party and not the City; and

Note added to Site Plan, C1.1, and Utility Plan C1.3.

- x. *That the applicant shall submit a revised photometric plan, prior to the installation of the garage lighting and bollard lighting, that shows that the light levels from revised ceiling mounted lights within the parking garage area and the proposed bollards along the drive access meet the standards set out in Section 12 Site Lighting Standards in the City's Technical Manual.*

Attached is a revised Photometric Plan and light fixture catalog cuts.

Sincerely,

PINKHAM & GREER

A handwritten signature in black ink, appearing to read "Thomas S. Greer". The signature is stylized and cursive. Below the signature, the text "Thomas S. Greer, P.E." is printed in a black, sans-serif font.

Enclosures

cc: Jeremy Benn/Joe Flynn, Bob Howe, File

TSG/rjs