

City of Portland  
Development Review Application  
Planning Division Transmittal form

**Application Number:** 09-79900017      **Application Date:** 11/02/09  
**Project Name:** DEMOLITION & NEW CONSTRUCT  
**Address:** 231 York St      **CBL:** 044 - E-003-001  
**Project Description:** York Street - 231; Demolition & New Construction; Dana Fisher, LLC  
**Zoning:** B-1

**Other Reviews Required:**

**Review Type:** MINOR SITE PLAN

Dana Fisher, LLC  
P.O. Box 169

Portland Me 04112  
Tod Dana  
P.O. Box 169

Portland Me 04112

*circ to Reviewers 11/4/09  
plans/docs uploaded 11/5/09*

**Distribution List:**

<input checked="" type="checkbox"/> Planner	Barbara Barhydt	<input checked="" type="checkbox"/> City Arborist	Jeff Tarling
<input checked="" type="checkbox"/> Zoning Administrator	Marge Schmuckal	<input type="checkbox"/> Design Review	Alex Jaegerman
<input checked="" type="checkbox"/> Traffic	Tom Errico	<input type="checkbox"/> Corporation Counsel	Danielle West-Chuhta
<input type="checkbox"/> Inspections	Tammy Munson	<input type="checkbox"/> Sanitary Sewer	John Emerson
<input checked="" type="checkbox"/> Fire Department	Keith Gautreau	<input checked="" type="checkbox"/> Stormwater	Dan Goyette
<input type="checkbox"/> Parking	John Peverada	<input type="checkbox"/> Historic Preservation	Deb Andrews
<input checked="" type="checkbox"/> Engineering	David Margolis-Pineo	<input type="checkbox"/> Outside Agency	
<input type="checkbox"/> DRC Coordinator	Phil DiPierro		

**Preliminary Comments needed by:**

**Final Comments needed by:**



Development Review Application  
PORTLAND, MAINE

Department of Planning and Urban Development,  
Planning Division and Planning Board

PROJECT NAME: 231 YORK STREET

PROPOSED DEVELOPMENT ADDRESS:

231 YORK STREET

PROJECT DESCRIPTION:

DEMOLISH EXISTING COMMERCIAL BUILDING  
AND CONSTRUCT NEW BUILDING FOR RESTAURANT USE.

CHART/BLOCK/LOT: 44-E-3

CONTACT INFORMATION:

APPLICANT

Name: DANA FISHER, LLC

Address: P.O. BOX 169  
PORTLAND, MAINE

Zip Code: 04112

Work #: 207.775.0066

\* Cell #: 207.671.5566

Fax #: 207.775.0022

Home: 207.772.9578

E-mail: qsigwest@aol.com

PROPERTY OWNER

Name: DANA FISHER, LLC

Address: SAME

Zip Code: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

BILLING ADDRESS

Name: DANA FISHER, LLC

Address: SAME

Zip: \_\_\_\_\_

Work #: \_\_\_\_\_

Cell #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Home: \_\_\_\_\_

E-mail: \_\_\_\_\_

RECEIVED

NOV - 2 2009

City of Portland  
Planning Division

~As applicable, please include additional contact information on the next page~

AGENT/REPRESENTATIVE

Name: TOD DANA  
 Address: P.O. Box 169  
PORTLAND, ME.  
 Zip Code: 04112  
 Work #: 207.775.0066  
 Cell #: 207.671.5566  
 Fax #: 207.775-0022  
 Home: 207.772.9578  
 E-mail: asiawest@aol.com

ENGINEER

Name: ALLIED ENGINEERING  
 Address: 160 VERANDA ST.  
PORTLAND, MAINE  
 Zip Code: 04103  
 Work #: 207.221.2260  
 Cell #: \_\_\_\_\_  
 Fax #: 207.221.2266  
 Home: \_\_\_\_\_  
 E-mail: cfaucher@allied-eng.com

ARCHITECT

Name: LEE HULST  
 Address: 278 SPRING ST.  
PORTLAND, MAINE  
 Zip Code: 04102  
 Work #: 207.239.6477  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: 207.773-2843  
 E-mail: lhulst@maine.rr.com

CONSULTANT

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_  
 Work #: \_\_\_\_\_  
 Cell #: \_\_\_\_\_  
 Fax #: \_\_\_\_\_  
 Home: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

SURVEYOR

Name: OWEN HASKELL, INC.  
 Address: 390 US RT. 1  
FALMOUTH, MAINE  
 Zip Code: 04105  
 Work #: 207.774-0424  
 Cell #: \_\_\_\_\_  
 Fax #: 207.774-0511  
 Home: \_\_\_\_\_  
 E-mail: \_\_\_\_\_

ATTORNEY

Name: BILL FLETCHER (VERRILL DANA)  
 Address: 1 PORTLAND SQUARE  
PORTLAND, MAINE  
 Zip Code: 04101  
 Work #: 207.253-4422  
 Cell #: \_\_\_\_\_  
 Fax #: 207.774-7499  
 Home: \_\_\_\_\_  
 E-mail: wfletcher@verrilldana.com



## PROJECT DATA

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

Total Site Area 4110.8 sq. ft.  
Proposed Total Disturbed Area of the Site 3810 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

Proposed Total Paved Area 580 sq. ft.  
Existing Total Impervious Area 2795 sq. ft.  
Proposed Total Impervious Area 3303 sq. ft.  
Proposed Impervious Net Change 508 sq. ft.

### BUILDING AREA

Existing Building Footprint 1523 sq. ft.  
Proposed Building Footprint 2711 sq. ft.  
Proposed Building Footprint Net change 1188 sq. ft.  
Existing Total Building Floor Area 1523 sq. ft.  
Proposed Total Building Floor Area 4044 sq. ft.  
Proposed Building Floor Area Net Change 2521 sq. ft.  
New Building YES (yes or no)

### ZONING

Existing B-1  
Proposed, if applicable \_\_\_\_\_

### LAND USE

Existing COMMERCIAL  
Proposed \_\_\_\_\_

### RESIDENTIAL, IF APPLICABLE

Proposed Number of Affordable Housing Units N/A  
Proposed Number of Residential Units to be Demolished \_\_\_\_\_  
Existing Number of Residential Units \_\_\_\_\_  
Proposed Number of Residential Units \_\_\_\_\_  
Subdivision, Proposed Number of Lots \_\_\_\_\_

### PARKING SPACES

Existing Number of Parking Spaces 0  
Proposed Number of Parking Spaces 0  
Number of Handicapped Parking Spaces 0  
Proposed Total Parking Spaces 0

### BICYCLE PARKING SPACES

Existing Number of Bicycle Parking Spaces 0  
Proposed Number of Bicycle Parking Spaces 0  
Total Bicycle Parking Spaces 0

### ESTIMATED COST OF PROJECT

\$ 707,700.-

Please check all reviews that apply to the proposed development

Design Review <input checked="" type="checkbox"/>	Stormwater Quality _____
Flood Plain Review _____	Traffic Movement _____
Historic Preservation _____	Zoning Variance _____
Housing Replacement _____	Historic District/Landmark _____
14-403 Street Review _____	Off Site Parking _____
Shoreland _____	Multi-Family Dwelling _____
Site Location Act Local Review _____	B-3 Pedestrian Activity Review _____
Single Family Dwelling _____	Change of Use _____
2 Family Dwelling _____	





**MEMO**  
**Planning and Urban Development**  
**Planning Division**

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**To:** Councilor Marshall  
**From:** Barbara Barhydt, Development Review Services Manager  
**Date:** November 4, 2009  
**Re:** 231 York Street

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Dana Fisher LLC (Tod Dana) has submitted a minor site plan for the demolition of Popeye's and the construction of a new restaurant on the site. One existing structure on the lot will be retained and connected to the new building. It has received a variance for on-site parking and a conditional use permit from the Zoning Board of Appeals. If you have questions, please let me know.

Thank you and congratulations on your re-election.

## **Dana/Fisher LLC**

P.O. Box 169 \* Portland, Maine 04112  
Phone: 207-671-5566 \* Fax: 207-775-0022  
[asiawest@aol.com](mailto:asiawest@aol.com)

Portland Planning Department  
389 Congress Street  
Portland, Maine 04101

October 30, 2009

Dear Planning Staff,

We, Dana/Fisher LLC (a partnership between Tod Dana and Alex Fisher), are submitting the following application for Minor Site Plan Review. We are proposing to demolish an existing building at 231 York Street (formerly "Popeye's Ice House) and construct a new building on the site. We purchased this building in August 2008 after receiving approval of our Conditional Use Appeal to operate a restaurant at this location, and approval of our Variance Appeal to waive the off-street parking requirement.

Our restaurant will be a partnership with Cheryl Lewis and Norine Kotts, our former partners at Portland Lobster Co. and two of Maine's most respected restaurateurs. We plan to open a "fresh" Mexican restaurant (fresh ingredients, no preservatives, etc.) with approximately 35-50 seats that served lunch and dinner.

Our plan would be to demolish the existing (and dilapidated) building and construct an attractive, new building on the site, which would be in keeping the architectural style of the neighborhood. We estimate the construction project to take approximately 12 months once we receive the requisite approvals.

Thank you for your consideration.

Sincerely,



Tod Dana  
671-5566

## APPLICATION FEE:

Check all reviews that apply. Payment may be made in cash or check to the City of Portland.

<b>Major Development (more than 10,000 sq. ft.)</b> <input type="checkbox"/> Under 50,000 sq. ft. (\$500.00) <input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000.00) <input type="checkbox"/> Parking Lots over 100 spaces (\$1,000.00) <input type="checkbox"/> 100,000 - 200,000 sq. ft. (\$2,000.00) <input type="checkbox"/> 200,000 - 300,000 sq. ft. (\$3,000.00) <input type="checkbox"/> Over 300,000 sq. ft. (\$5,000.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	<b>Plan Amendments</b> <input type="checkbox"/> Planning Staff Review (\$250.00) <input type="checkbox"/> Planning Board Review (\$500.00)  <b>Subdivision</b> <input type="checkbox"/> Subdivision (\$500.00) + amount of lots _____ (\$25.00 per lot) \$ _____ + (applicable Major site plan fee)
<b>Minor Site Plan Review</b> <input checked="" type="checkbox"/> Less than 10,000 sq. ft. (\$400.00) <input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)	<b>Other Reviews</b> <input type="checkbox"/> Site Location of Development (\$3,000.00) (except for residential projects which shall be \$200.00' per lot _____) <input type="checkbox"/> Traffic Movement (\$1,000.00) <input type="checkbox"/> Storm water Quality (\$250.00) <input type="checkbox"/> Section 14-403 Review (\$400.00 + \$25.00 per lot) <input type="checkbox"/> Other _____

## DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submissions shall include seven (7) packets with folded plans containing the following materials:

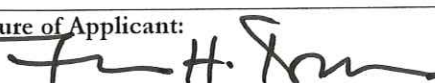
1. Seven (7) full size site plans that must be folded.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All Written Submittals (Sec. 14-525 2. (c), including evidence of right, title and interest.
5. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 100 feet.
6. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
7. Copy of the checklist completed for the proposal listing the material contained in the submitted application.
8. One (1) set of plans reduced to 11 x 17.

Refer to the application checklist (page 9) 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](http://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 site review only; a Performance Guarantee, Inspection Fee, Building Permit Application and associated fees will be required prior to construction.

Signature of Applicant: 	Date: 10/30/09
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# Site Plan Checklist

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

**231 YORK STREET**

Project Name, Address of Project

(The form is to be completed by the Applicant or Designated Representative)

Application Number

Check Submitted

Required Information

Section 14-525 (b,c)

Applicant

Staff

✓	yes	Standard boundary survey (stamped by a registered surveyor, at a scale of not less than 1 inch to 100 feet and including:	1
✓	✓	Name and address of applicant and name of proposed development	a
✓	✓	* Scale and north points	b
✓	✓	* Boundaries of the site	c
✓	✓	* Total land area of site	d
✓	✓	* Topography - existing and proposed (2 feet intervals or less)	e
✓	✓	Plans based on the boundary survey including:	2
N/A		* Existing soil conditions	a
N/A		* Location of water courses, wetlands, marshes, rock outcroppings and wooded areas	b
✓	✓	* Location, ground floor area and grade elevations of building and other structures existing and proposed, elevation drawings of exterior facades, and materials to be used	c
✓	✓	* Approx location of buildings or other structures on parcels abutting the site and a zoning summary of applicable dimensional standards (example page 11 of packet)	d
✓	✓	* Location of on-site waste receptacles	e
✓	✓	* Public utilities	e
✓	✓	* Water and sewer mains	e
✓	✓	* Culverts, drains, existing and proposed, showing size and directions of flows	e
✓	✓	* Location and dimensions, and ownership of easements, public or private rights-of-way, both existing and proposed	f
✓	✓	* Location and dimensions of on-site pedestrian and vehicular access ways	g
N/A		* Parking areas	g
N/A		* Loading facilities	g
N/A		* Design of ingress and egress of vehicles to and from the site onto public streets	g
✓	✓	* Curb and sidewalks	g
✓	✓	Landscape plan showing:	h
✓	✓	* Location of existing vegetation and proposed vegetation	h
✓	✓	* Type of vegetation	h
✓	✓	* Quantity of plantings	h
✓	✓	* Size of proposed landscaping	h
✓	✓	* Existing areas to be preserved	h
✓	✓	* Preservation measures to be employed	h
✓	✓	* Details of planting and preservation specifications	h
✓	✓	* Location and dimensions of all fencing and screening	i
✓	✓	Location and intensity of outdoor lighting system	j
✓	✓	Location of fire hydrants, existing and proposed (refer to Fire Department checklist - page 11)	k
✓	✓	Written statements to include:	c
✓	✓	* Description of proposed uses to be located on site	cl
✓	✓	* Quantity and type of residential, if any	cl
✓	✓	* Total land area of the site	c2
✓	✓	* Total floor area, total disturbed area and ground coverage of each proposed Building and structure	c2
✓	✓	* General summary of existing and proposed easements or other burdens	c3
✓	✓	* Type, quantity and method of handling solid waste disposal	c4
✓	✓	* Applicant's evaluation or evidence of availability of off-site public facilities, including sewer, water and streets (refer to the wastewater capacity application - page 12)	c5
✓	✓	* Description of existing surface drainage and a proposed stormwater management plan or description of measures to control surface runoff.	c6



- \* An estimate of the time period required for completion of the development 7
- \* A list of all state and federal regulatory approvals to which the development may be subject to. 8  
the status of any pending applications, anticipated timeframe for obtaining such permits, or letters of non-jurisdiction.
- \* Evidence of financial and technical capability to undertake and complete the development including a letter from a responsible financial institution stating that it has reviewed the planned development and would seriously consider financing it when approved.
- \* Evidence of applicant's right title or interest, including deeds, leases, purchase options or other documentation.
- \* A description of any unusual natural areas, wildlife and fisheries habitats, or archaeological sites located on or near the site.

A jpeg or pdf of the proposed site plan, if available.

Final sets of the approved plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater. **(PDF)**

Note: Depending on the size and scope of the proposed development, the Planning Board or Planning Authority may request additional information, including (but not limited to):

- drainage patterns and facilities
- erosion and sedimentation controls to be used during construction
- a parking and/or traffic study
- emissions
- a wind impact analysis
- an environmental impact study
- a sun shadow study
- a study of particulates and any other noxious
- a noise study

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### ZONING BOARD APPEAL DECISION

**To:** City Clerk

**From:** Marge Schmuckal, Zoning Administrator

**Date:** May 26, 2009

**RE:** Action taken by the Zoning Board of Appeals on May 21, 2009.

**Members Present:** Philip Saucier (chair), Gordon Smith (secretary), Peter Coyne, William Getz, Sara Moppin and Deborah Rutter.

**Member Absent:** Jill Hunter.

#### **1. New Business:**

##### **A. Conditional Use Appeal:**

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Conditional Use appeal on November 13, 2008 to Dana Fisher, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The appellant is now requesting a six month extension of the Conditional Use Appeal Approval that was granted while they continue to pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana. **The Board voted 6-0 to grant the six month extension of the Conditional Use Appeal.**

##### **B. Variance Appeal:**

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

The Zoning Board of Appeals granted a Variance Appeal on August 7, 2008 to Dana Fisher, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted while they pursue their construction plans for the restaurant. Representing the appeal is the applicant, Tod Dana. **The Board voted 6-0 to grant the six month extension of the Variance Appeal.**

#### **Enclosure:**

Agenda of May 21, 2009

Original Zoning Board Decision

one dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

T.J. Martzial, Housing & Neighborhood Services Division



# WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS**, that I, Bernard L. Orne, now of Windham, County of Cumberland, State of Maine,

in consideration of one dollar (\$1.00) and other valuable considerations

paid by Dana Fisher, LLC, a Maine limited liability company, with principal place of business at Portland, County of Cumberland, State of Maine, whose mailing address is P.O. Box 169, Portland, Maine 04112,

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the aforesaid Dana Fisher, LLC, its successors and assigns forever,

that realty located 231 York Street in Portland, County of Cumberland, State of Maine, more particularly described and set forth in Exhibit A, which is attached hereto and made a part hereof.

Being the same premises as those described in a deed recorded in the Cumberland County Registry of Deeds at Book 14547, Page 161.

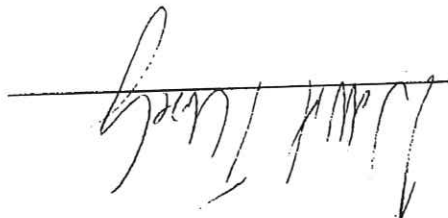
And I, the aforesaid Bernard L. Orne, do covenant with the aforesaid Grantee, its successors and assigns, that I am lawfully seised in fee of the premises; that they are free of all encumbrances; that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to the aforesaid Grantee, its heirs and assigns forever, against the lawful claims and demands of all persons.

**To have and to hold** the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to the said Dana Fisher, LLC, its successors and assigns, to their own use and behoof forever.

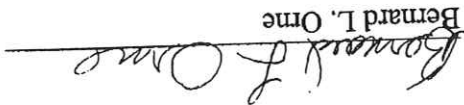
**IN WITNESS WHEREOF**, I, the aforesaid Bernard L. Orne, relinquishing and conveying all rights by descent and all other rights to the above described premises, have hereunto set my hand and seal this 13<sup>th</sup> day of August, 2008.

MAINE REAL ESTATE TAX PAID

Signed, Sealed and Delivered  
in the presence of



Bernard L. Orne

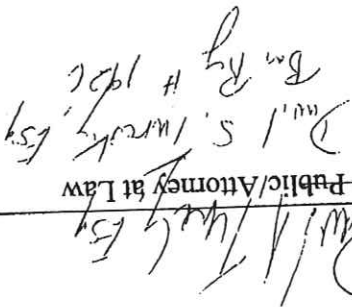


STATE OF MAINE  
COUNTY OF CUMBERLAND

Personally appeared before me the above-named Bernard L. Orne and acknowledged  
the foregoing instrument to be his free act and deed.

August 13, 2008

Notary Public/Attorney at Law



David S. Lusk, Esq.  
Bar # 1926

EXHIBIT A

A certain lot or parcel of land together with the buildings thereon, situated at the northeast corner of Brackett Street and York Street in the City of Portland, County of Cumberland and State of Maine, and bounded and described as follows:

Beginning at the corner formed by the intersection of the Northeastly side of Brackett Street with the Northwestly side of York Street; thence Northeastly by said York Street fifty-nine (59) feet to land now or formerly of one Olesen; thence Northwestly by said Olesen land and seventy (70) feet to land now or formerly of the Hammond heirs; thence Southwestly by said Hammond heirs land fifty-nine (59) feet to said Brackett Street; thence Southeastly by said Brackett Street seventy (70) feet to the point of beginning.

Received  
Recorded Register of Deeds  
Aug 13, 2008 01:41:57P  
Cumberland County  
Pamela E. Lovley





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

April 30, 2010

Tod Dana  
Dana Fisher LLC  
PO Box 169  
Portland ME 04112

**Project Name:** Demolition and Construction of New Restaurant  
231 York Street

**Applicant:** Dana Fisher, LLC  
**Project ID:** 09-79900017  
**CBL:** 044-E-003-001

Dear Tod Dana/Dana Fisher LLC:

On April 30, 2010, the Portland Planning Authority approved a minor site plan for 231 York Street comprising demolition of the larger existing building on York Street and construction of a new 4044 sq ft restaurant (connected to the small existing structure at the rear of the site); as submitted by the applicant and shown on the approved site plans prepared by Sebago Technics and dated April 21, 2010; building plans prepared by Leland Hulst Architectural Services dated March 8, 2010 (elevations) and September 16, 2009 (1<sup>st</sup> and 2<sup>nd</sup> floor plans); and Photometric Plan prepared by Allied Engineering "Site Lighting Point-by-Point" ES-100 dated January 27, 2010, with the following conditions:

**Specific Conditions of Approval:**

- i. That the applicant shall supply and install four (4) street trees in the vicinity of the project (none on York Street) prior to the issuance of a Certificate of Occupancy, location and species to be agreed with the City Arborist; and
- ii. That the applicant shall supply and install two (2) bike racks or hitches (which will hold 2 bikes each) in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location to be agreed with the City (Public Services and City Arborist); these may be in the ROW or on City land but if so located shall be one of the 2 types described in the City's Technical Standards; and
- iii. That the applicant shall paint the vents and all other roof equipment (excepting those parts which must remain free of paint for maintenance or functional reasons) to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and

- iv. That the cumulative noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the B1 Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and
- v. That the applicant shall submit, for review and approval by the Planning Authority prior to the issuance of the building permit, the catalog cut for the lighting shown as "Type "L" on the approved photometric plan Plan ES-100 dated 01/27/2010; if it is not full cut off the applicant shall install full cut off lights at these locations that meet the City's Technical and Design Standards and shall verify that any substitute lamps do not increase the photometric levels in the vicinity of these lamps as shown on the approved photometric plan; and
- vi. That prior to any construction work commencing, a licensed surveyor shall stake out the building foundation locations, for review by the Planning Authority, to confirm that the setbacks and building location are consistent with the approved plans; and
- vii. That there shall be no public seating on the second floor of the new building; and
- viii. That the hours of operation of the restaurant (including exterior lighting) are limited to between 6:00am and 11:00 pm each day; and
- ix. That any new signage would require a separate permit and that prior to demolition the applicant shall obtain a seal drain permit and a demolition permit.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

### **Standard Conditions of Approval**

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

1. 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 of Chapter 14 of the Portland city Code.
2. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. 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.
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 a building permit. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
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. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. 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.
8. 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.)

The 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 the Planning Division 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 there are any questions, please contact Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman  
Planning Division Director

Attachment: 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  
Inspections Division Director  
Gayle Guertin, Inspections Division  
Lisa Danforth, 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, Traffic Engineering Reviewer  
Dan Goyette, Woodard & Curran  
Assessor's Office  
Approval Letter File

**Hard Copy:** Project File



**Jean Fraser - CO for restaurant 231 York Street ID 09-79900017**

---

**From:** Jean Fraser  
**To:** DiPierro, Philip  
**Date:** 5/23/2013 10:45 AM  
**Subject:** CO for restaurant 231 York Street ID 09-79900017

---

Phil

I am writing to confirm that the project as built meets the following condition of approval (letter dated April 30, 2010):

- i. That the applicant shall paint the vents and all other roof equipment (excepting those parts which must remain free of paint for maintenance or functional reasons) to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and

I have made this determination after a site visit and found that:

- The roof top mechanical equipment is lower/placed lower than shown on the submitted plans (elevations dated 3.8.2010), which were the basis for recommending the condition;
- The roof top equipment is largely screened by the pitched roofs near them;
- The materials of the roof equipment already "match" the roof color (gray shingles);
- The likely future peeling or flaking of paint would be more unsightly than maintaining the existing materials unpainted.

[However, I would note that the approved landscaping/fencing is not yet completed].

Thanks

Jean (original planner for 2010 review)

*Jean Fraser, Planner*  
*City of Portland*  
874 8728

# WinonaLED

## STEP01 Square

Type: **L**

Qty:

Ref #:

**STEP01 Square** is a surface mount step light with a concealed optic. Eight LED colors are available in both normal and high output configurations.

**Distribution:** Three light distribution patterns are available.

Short: For narrow corridors.

Medium: For wide corridors.

Long: For large area illumination.

**Construction:** Extruded aluminum LED module with solid aluminum, brass, or stainless steel face plates.

**Mounting:** Luminaire is mounted to standard switch junction box (supplied by others) with two fasteners. Steel City 'CX' series or equivalent (by others) recommended.

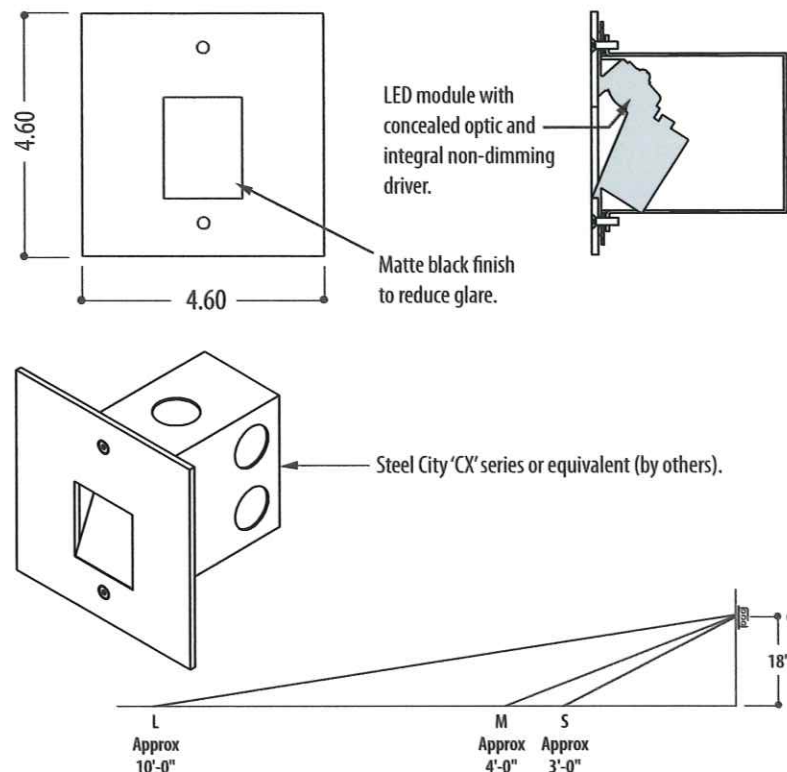
**Integral Driver:** Integral non-dimming drivers available for 90-250V AC and 12V AC. Dimmable driver 12V-40V DC only.

**Finish:** Recessed areas always have matte black finish to reduce glare. Face plates in *natural metal finishes*, except stainless steel, have protective clear top coat. Face plates in *painted* are finished with a two part wet paint system. Primer only option allows for field painting.

**Dimming:** True 0-100% dimming is available with exclusive LightLink dimming system interface which is compatible with both 0V-10V sink and source-type dimmers.

**Power Consumption:** Luminaire consumes maximum of 4W depending on LED color.

**UL Listed:** Dry Location, Wet Location optional



### LED - STEP01 - SQU - L

### - 001/HO - ND120V -

### - WL - STD

#### SOURCE

#### MOUNT

#### FACE

#### DISTRIBUTION

#### LED CODE

#### VOLTAGE

#### FINISH

#### OPTIONS

#### SPECIAL

MOUNT:  
STEP01 = STEP LIGHT

FACE:  
SQU = SQUARE

See individual drawings for these other options:  
RECT = RECTANGLE  
RND = ROUND

DISTRIBUTION:  
S = SHORT  
M = MEDIUM  
L = LONG

CODE	COLOR	OUTPUT
001	WARM WHITE 3000K	NORMAL
001/HO	WARM WHITE 3000K	HIGH
002	COOL WHITE 6200K	NORMAL
002/HO	COOL WHITE 6200K	HIGH
003	AMBER	NORMAL
003/HO	AMBER	HIGH
004	BLUE	NORMAL
004/HO	BLUE	HIGH
005	CYAN	NORMAL
005/HO	CYAN	HIGH
006	GREEN	NORMAL
006/HO	GREEN	HIGH
007	RED-ORANGE	NORMAL
007/HO	RED-ORANGE	HIGH
008	RED	NORMAL
008/HO	RED	HIGH

**VOLTAGE:**  
*Non-Dimming*  
ND120V = 90V-250VAC  
ND12V = 12VAC  
*Dimming*  
DM24V = 12V-40VDC\*  
\*LightLink dimming system interface maximum fifty luminaires per LightLink, one LightLink per dimming zone.

**FINISH:**  
*Natural Metal Finishes*  
ABS = ANTIQUE BRASS  
BAL = BRUSHED ALUMINUM  
BB = BRUSHED BRASS  
BSS = BRUSHED STAINLESS STEEL  
CMF = CUSTOM METAL FINISH  
PB = POLISHED BRASS  
PSS = POLISHED STAINLESS STEEL  
*Painted*  
CPF = CUSTOM PAINTED FINISH  
LBPS = LIGHT BRONZE PAINT SMOOTH  
PRM = PRIMER ONLY  
SGB = SEMI-GLOSS BLACK  
SGW = SEMI-GLOSS WHITE

**OPTIONS:**  
X = NO OPTIONS  
WL = WET LOCATION

**SPECIAL:**  
STD = STANDARD  
MOD = MODIFIED

**MODIFICATIONS:**  
Please use this space to list any modifications.



\*IES report available for normal & high output. (See website)

Revised: 2/28/08



Winona Lighting | 3760 West Fourth Street | Winona, MN 55987 | 800-328-5291 | www.winonalighting.com

All STEPS models are available with Dimming and Non-Dimming internal drivers. Non-Dimming drivers accept 90V-260V AC (ND120V code) and 11-15V AC (ND12V code). All Dimming drivers require low voltage DC power supply to operate. Size and model of the power supply will vary according to size of installation and other requirements.

**Do not connect line voltage to Dimming drivers! Do not make live connections!**

## NON-DIMMING INSTALLATIONS

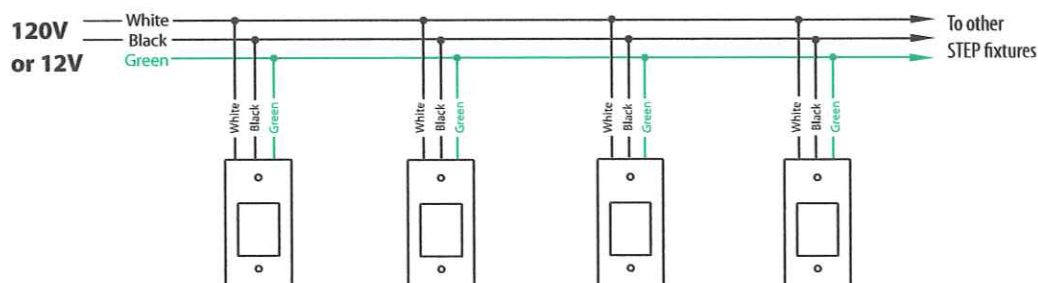
Non-dimming luminaires are supplied with an internal driver with either line voltage (90V-264V AC) or low voltage (12V AC) input. Verify you have the correct driver for your application and power supply before proceeding. Use the following diagram for either type.

Line Voltage Drivers:

1. Connect driver **WHITE & BLACK** to **120V** supply
2. Connect chassis **GREEN** wire to supply **GROUND**

Low Voltage Drivers:

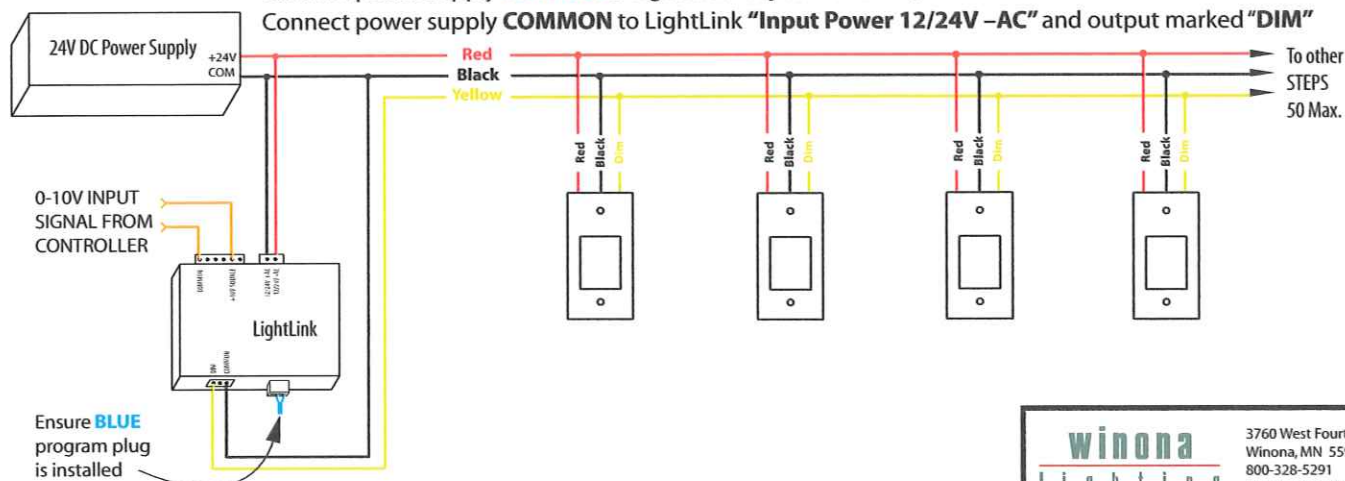
1. Connect driver **GREY** wires to **12V** supply
2. Connect chassis **GREEN** wire to electrical box



## DIMMING INSTALLATIONS

All dimming installations require the use of the LightLink dimming module which is spliced inline with the control signal output from the dimming control system. The LightLink module will accept any 0-10V dimming signal input (source or sink) from any dimming control system as well as PWM input and analog input from room sensors or other devices. Refer to LightLink documentation for detailed installation and operating instructions. Mount the LightLink module close to and feed it power from the same 24V DC power supply used for the STEP fixtures. On installations requiring more than one transformer, a LightLink module must be used for each supply. Multiple LightLink modules may be connected to the same power supply. Use minimum of 12 gauge wire for remote power supply installations.

- Connect STEP **RED** wire to power supply **+24V DC**
- Connect STEP **BLACK** wire to power supply **COMMON**
- Connect STEP **YELLOW** wire to LightLink Output marked **"DIM"**
- Connect 1 to 10V Dimmer supply Wire to LightLink Control Input marked **"+10V Source"**
- Connect 1 to 10V Dimmer common Wire to LightLink Control Input marked **"Common"**
- Connect power supply **+24V DC** to LightLink **"Input Power 12/24V +AC"**
- Connect power supply **COMMON** to LightLink **"Input Power 12/24V -AC"** and output marked **"DIM"**



Ensure **BLUE** program plug is installed



## Angle Shades

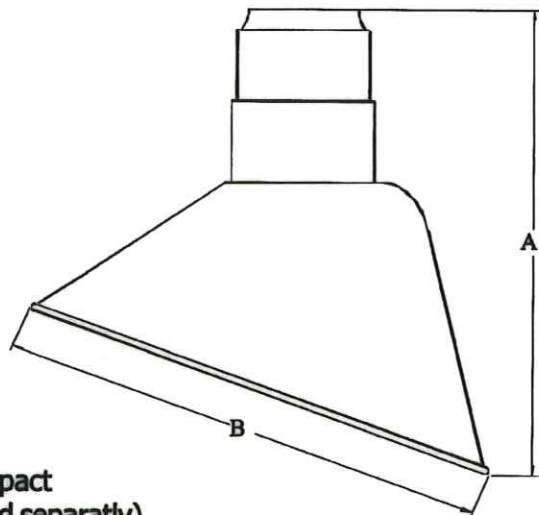
**MODEL NO.** A807-xx-E1-100W

**TYPE:** M

**JOB NAME:**

**CERTIFICATION: UL LISTED**

Model No.	A (Height in Inches)	B (Diameter in Inches)
A807	7 1/4	7
A810	10	10
A812	12	12
A814	14	14



**FINISH-** Available in high quality powder coat, or anodized finish.

**LAMP OPTIONS-** Accommodates Incandescent, Compact Fluorescent or High Intensity Discharge Lamps. (ordered separately)

**MOUNTING-** 1/2" is 3/4" tapped hub is supplied. Fixtures are pre-wired with 48" or 96" leads. Not available with cord sets.

**REFLECTOR-** Spun out of heavy-duty Aluminum or Galvanized construction.

**SOCKETS-** Incandescent (rated for 600Watt/660Volt), and HID (4kv pulse rated) are medium base porcelain. Compact fluorescent are thermoplastic. (4-pin triple tube lamps)

Model #	Color	Mounting Source	Light Source			Globe	Accessories
			Inc.	CF	HID (MH & HPS)		
A807	40,41,42,	Pg. 39-41 for arm ext.	100W	26W*	35 or 50W*	Pg. 50	Pg. 49
A810	43,44,45,	Pg. 42-44 for post mts. & poles	150W	26,32, or 42W*	35, 50, 70 or 100W*		
A812	46,48,49,	pg. 48 for mounting hubs	200W	26,32, or 42W*	35, 50, 70 or 100W*		
A814	50,51,52,		200W	26,32, or 42W*	35, 50, 70 or 100W*		
	53,54,55,						
	57,58,59,						
	60,61,62,						
	63						



12260 East End Ave.  
Chino, Ca. 91710  
Phone 877-999-1990  
Fax 877-999-1955

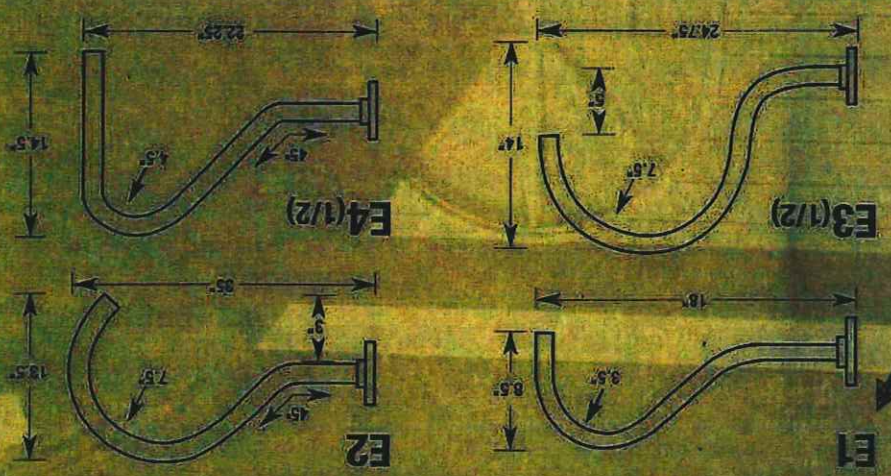


wet location

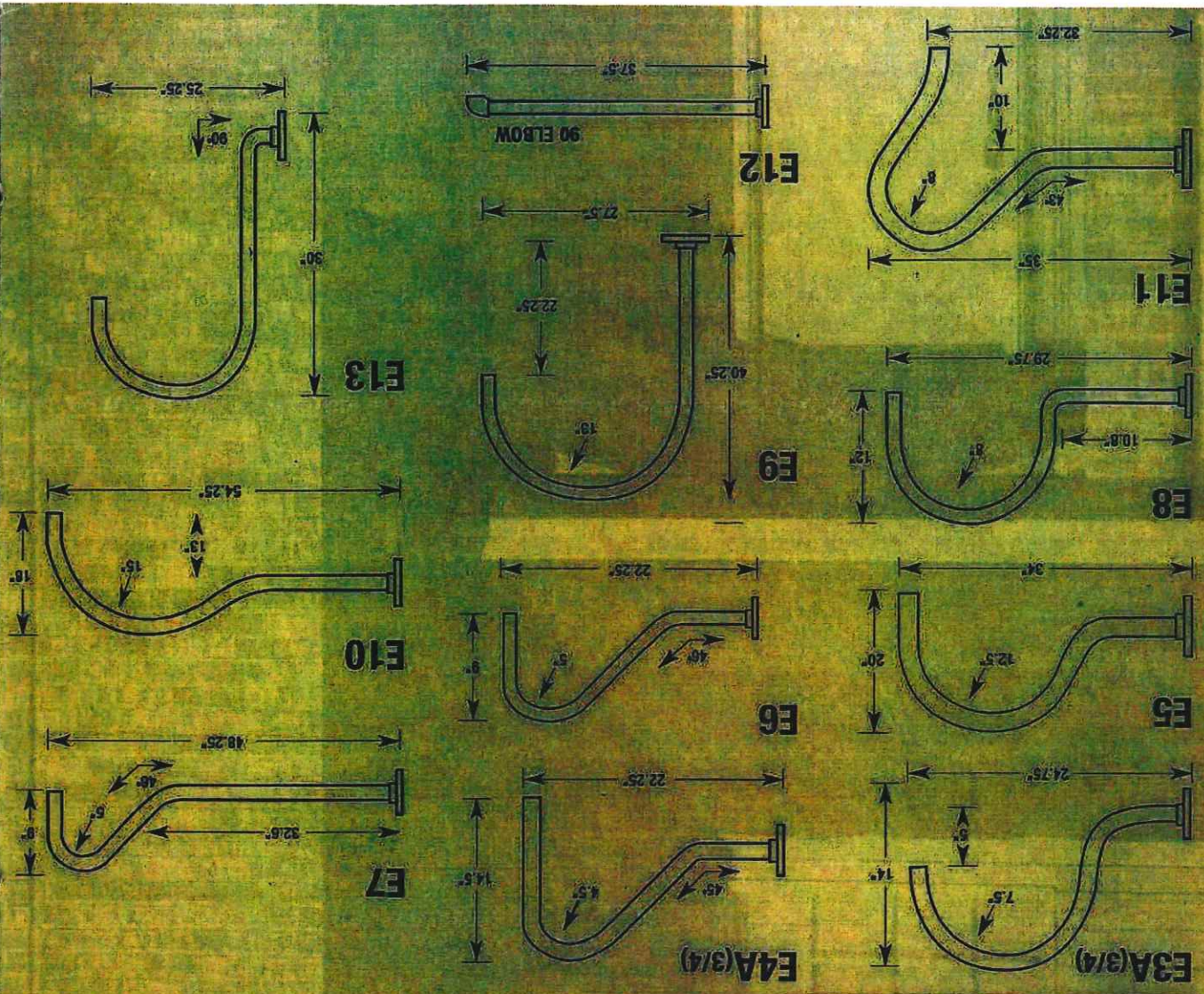


# ARM EXTENSIONS

## Extensions - 1/2" Diameter



## Extensions - 3/4" Diameter



Baselle will take your sketch and fabricate a custom arm extension to meet your needs



CREATE YOUR OWN

All arms sold with Cast Backplate (CB)



note: 6/11/2010 Phil confirmed no action on PG; cond v. (lighting) has been met. Jt.

# MINOR SITE PLAN DEVELOPMENT REVIEW

## Final review and sign off

231 York St

Plans to Assessors

Lft. & DPS Insp

PROJECT: 09-799 000 17 Application #: \_\_\_\_\_

Date of completion: 4-27-2010

Review item	Status	Who signed off on this
Evidence of Right, Title & Interest	updated survey submitted	✓
MDEP/MP etc issues	none	
Additional info provided as requested: see letter 11/30/09	- ventilation and HVAC - details of landscape - " " lighting	submitted + renewed
Access and parking layout (including contributions)		sign off TE 11-30-09
Bicycle parking	bicycle hitches to be provided note on site plan	cond re this
Stormwater Management		DPS (O m - P) sign off 4/7/10
Other engineering issues	none	
Zoning	note variances	needs cond re noise from HVAC
Fire Department	Prelim S/O 11-17-09 will look at closely re permits	
Building materials etc	elevations OK	
Landscape	provided screening to res. stream agreed trees in pots at side, st trees	Jeff Turling Sign off 3-26-10
Two trees/lot; two foundation plantings per lot		+ Jean got notes on to 4-21-10 site plan
Lighting	Basically OK - Photometric 1-27-10 OK	cond. needed re specs.
Letter of financial capability	✓	✓
Capacity letter water		✓
Capacity letter sewer		✓
Sidewalk/Curbing	City to do, along with vault + monument - cov	needed re bike racks + street trees
Dumpster location and enclosure/waste collection	OK - at side to be done	some screening
Other issues	Roof + rear mounted HVAC + venting seems alot - had mty 4-5-10 to go through +	

not much scope for change given code - but conditions re painting should minimize intrusion

## Jean Fraser - Re: Site Plan approval letter re 231 York

---

**From:** Jean Fraser  
**To:** Tod  
**Date:** 5/7/2010 9:54 AM  
**Subject:** Re: Site Plan approval letter re 231 York  
**Attachments:** APPR LTR 231 York Street.pdf

---

Tod,

I have found the letter which should have gone out Monday; our admin support has been hit by "vacation" turnover a bit early so I apologize.

The pdf is attached- its shrunk a bit but you can see it is signed.

I was requested to add Condition vi by other reviewers; it is a substitute for you having to set pins - Inspectors require such verification during construction in any case but we commonly put this condition in where there is a small site/large building footprint and where setbacks are important - so that everyone is aware of the need for accuracy.

The actual letter will go out in the mail at 2:45 pm today unless you want to send someone to pick it up- if the latter, please let me know so I can leave it at the Planning Division reception desk.

Thank you and apologies again for the few days delay on this.

Jean

>>> Tod <asiawest@aol.com> 5/7/2010 6:55 AM >>>  
Hi Jean. I have not received the letter yet. Thanks for following up.

Tod Dana

On May 6, 2010, at 4:48 PM, "Jean Fraser" <JF@portlandmaine.gov> wrote:

> Tod  
>  
> Have you received the signed approval letter?  
>  
> I am just checking as it was signed on April 30th but it appears it  
> was not copied around internally. Please let me know if you have  
> not received it and I will follow up.  
>  
> Thanks  
> Jean

## Jean Fraser - Re: Fwd: 231 York St- REVISED PLANS draft conditions of approval

---

**From:** Jean Fraser  
**To:** asiawest@aol.com  
**Date:** 4/26/2010 2:30 PM  
**Subject:** Re: Fwd: 231 York St- REVISED PLANS draft conditions of approval

---

Tod,

Am hopeful that the approval letter can be signed on Wed but still need a final word with DPS.

Could you please have Lee Hulst send me the catalog cut for "type "L" on Plan ES-100 (i2systems #AC120-0350-1)- this lamp needs to be full cut off.

Thank you  
Jean

>>> <asiawest@aol.com> 4/21/2010 8:12 PM >>>  
Hi Jean. Here is the revised SP.

Thanks,

Tod Dana

-----Original Message-----

From: Dan Riley <driley@sebagotechnics.com>  
To: asiawest@aol.com  
Sent: Wed, Apr 21, 2010 1:08 pm  
Subject: RE: 231 York St- REVISED PLANS draft conditions of approval

Hi Todd,

Attached are revised plans for 231 York Street as we discussed:

- Eliminated the bike Rack and added note 22 to the site plan (Sheet 1)
- I have revised site plan (Sheet 1) related to the Bracket Street Sidewalk, adding note 23 stating the City will construct the sidewalk
- Revised the evergreen species at the rear of the lot. Added 4 trees in barrel planters in the alley.
- Added notes related to the foundation drain construction to address Public Services comments

Please call with any questions or if additional revision are needed.

Dan

Daniel L. Riley, P.E.  
Senior Project Manager-Team Leader  
Sebago Technics, Inc.  
1 Chabot Street



Westbrook, ME 04103  
(207) 856-0277 ext 226 ph  
(207) 615-7912 mobile  
(207) 856-2206 fax  
[driley@sebagotechnics.com](mailto:driley@sebagotechnics.com)

---

**From:** [asiawest@aol.com](mailto:asiawest@aol.com) [<mailto:asiawest@aol.com>]  
**Sent:** Tuesday, April 20, 2010 11:01 AM  
**To:** [JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)  
**Cc:** [JST@portlandmaine.gov](mailto:JST@portlandmaine.gov); Dan Riley  
**Subject:** Re: 231 York St- draft conditions of approval

Hi Jean. Dan Riley (Sebago Technics) said he will have the revised SP to me late today or tomorrow. I will forward it to you promptly and will get you seven full size copies upon my return from vacation late next week.

Best,

Tod Dana

-----Original Message-----

From: Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)>  
To: Tod Dana <[asiawest@aol.com](mailto:asiawest@aol.com)>  
Cc: Jeff Tarling <[JST@portlandmaine.gov](mailto:JST@portlandmaine.gov)>  
Sent: Thu, Apr 15, 2010 9:51 am  
Subject: 231 York St- draft conditions of approval

Good morning Tod,

As promised I list below the DRAFT conditions of approval that reflect the various points discussed over the last few weeks and my understanding of the resolution that has been agreed. Hopefully there are no surprises but if any of the wording is troublesome to you please let me know and I will look at again.

Jeff Tarling (City Arborist) will soon be setting up a meeting with you, Dan Riley and other people in Public Services to discuss coordination re the sidewalk/curbing/street trees/bike racks and the issue of who installs what and when etc will be resolved in that discussion- he needs to identify the location of the tree wells soon so it can be incorporated into the re-paving design/contract. The monument would be reset by Public Services as part of the repaving of the sidewalk- so that condition has disappeared. If you would prefer to make a cash contribution to cover the trees and bike racks that may be possible too but could be arranged direct at that meeting.

I will also add a note to the approval letter that confirms that Public Services will be installing new curbing and brick sidewalk on Brackett Street this summer so that and associated items would not be your responsibility.

If you have time you might want to consider revising the Site Plan before this approval letter is issued (and the letter would refer to the revised version) to clarify and confirm the responsibilities with notes etc on the plan (and you could revise the arborvitae etc at the same time and get rid of some of the conditions) and avoid confusion down the road....I will not be involved much after the approval letter is issued and one of my colleagues (Phil DiPierro) will be tracking conditions, doing site inspections and ensuring that any issues are resolved. That is up to you- I will hold on issuing the approval letter if you want to revise the Site Plan.

Please do not hesitate to call me if any questions.

Thank you

Jean (874 8728)

**DRAFT CONDITIONS OF APPROVAL:**

1. That the applicant shall supply and install four (4) street trees in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location and species to be agreed with the City Arborist (none on York Street); and
2. That the applicant shall supply and install two (2) bike racks or hitches (which will hold 2 bikes each) in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location to be agreed with the City (Public Services and City Arborist); these may be in the ROW or on City land but if so located shall be one of the 2 types described in the City's Technical Standards; and
3. That the applicant shall paint the vents and all other roof equipment to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and
4. That the cumulative noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the B1 Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and
5. That the applicant install the 6" foundation drain at an elevation where it may be extended over the top of the existing sewer if the City installs a separate stormwater sewer on the easterly side of York Street in the future; and
6. That the applicant shall submit a revised site plan prior to the issuance of a building permit that shows "Techney Arborvitae" instead of the proposed "Pyramidalis" (10 trees at rear of the site) and introduces trees in pots along the side yard that would be visible from the street; and
7. That the applicant shall submit the catalog cut for the lighting shown as "Type "L" on Plan ES-100 (photometric); and
8. That there shall be no public seating on the second floor of the new building; and
9. That the hours of operation of the restaurant are limited to between 6:00 am and 11:00 pm each day; and
10. That any new signage would require a separate permit and that prior to demolition the applicant shall obtain a seal drain permit and a demolition permit.

[Note: in addition to these there would be a number of "standard" conditions which go on all approval letters that set out requirements for the Performance Guarantee/Inspection fee/final sets of plans (after revising to meet conditions) etc as per the documents I gave you at the meeting]



## Jean Fraser - 231 York St- draft conditions of approval

---

**From:** Jean Fraser  
**To:** Dana, Tod  
**Date:** 4/15/2010 9:51 AM  
**Subject:** 231 York St- draft conditions of approval  
**CC:** Tarling, Jeff

---

Good morning Tod,

As promised I list below the DRAFT conditions of approval that reflect the various points discussed over the last few weeks and my understanding of the resolution that has been agreed. Hopefully there are no surprises but if any of the wording is troublesome to you please let me know and I will look at again.

Jeff Tarling (City Arborist) will soon be setting up a meeting with you, Dan Riley and other people in Public Services to discuss coordination re the sidewalk/curbing/street trees/bike racks and the issue of who installs what and when etc will be resolved in that discussion- he needs to identify the location of the tree wells soon so it can be incorporated into the re-paving design/contract. The monument would be reset by Public Services as part of the repaving of the sidewalk- so that condition has disappeared. If you would prefer to make a cash contribution to cover the trees and bike racks that may be possible too but could be arranged direct at that meeting.

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Please do not hesitate to call me if any questions.

Thank you  
 Jean (874 8728)

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3. That the applicant shall paint the vents and all other roof equipment to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and
4. That the cumulative noise levels of the external HVAC and other mechanical equipment shall



comply with the noise standards of the B1 Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and

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[Note: in addition to these there would be a number of "standard" conditions which go on all approval letters that set out requirements for the Performance Guarantee/Inspection fee/final sets of plans (after revising to meet conditions) etc as per the documents I gave you at the meeting]

see circled conds →

4/15/10 Ted Dana called; wants to revise Site Plan

Agreed these changes:

- 1) Add note re city doing sidewalk, curbing, monument + granite - repair
- 2) Add note re bike racks + remove bike racks from plan
- 3) Chg arborvitae cultivation
- 4) Add re pots/trees

Lean to revise wording of 3. so where can't be painted this would not apply

Lee to send lighting catalog cut so cond. can be removed.

## Jean Fraser - Re: Conditions re 231 York Street (restaurant)

---

**From:** Barbara Barhydt  
**To:** Clark, William; Fraser, Jean  
**Date:** 4/15/2010 9:55 AM  
**Subject:** Re: Conditions re 231 York Street (restaurant)  
**CC:** Margolis-Pineo, David; Schmuckal, Marge; Tarling, Jeff; West-Chuhta, ...

---

Hi Bill:

We had Danielle West-Chuhta review the material you sent and she looked at several other laws. I will forward her e-mail to you. We discuss this with David and Danielle at a Wednesday development review meeting. Sorry you were not in the loop. My apologies.

Barbara

>>> Jean Fraser Thursday, April 15, 2010 9:50 AM >>>  
Bill

I believe Barbara and I saw these when you forwarded them previously and these were taken into account in taking the decision that I mentioned.

Jean

>>> William Clark 4/15/2010 9:45 AM >>>  
Hi Jean,

Survey property corners are required by the Standards of Practice administered by the Board of Licensure for Professional Land Surveyors unless specifically excluded in a note on the survey plan.

Please see the attached excerpts from the Maine Board of Licensure for Professional Land Surveyors Rules. I can send the entire Rules document if you wish.

Bill

>>> Jean Fraser April 15, 2010 9:23 AM >>>  
David,

Since you wrote those comments I believe you had a conversation with Barbara Barhydt in which it was agreed that the setting of the pins may be good surveying practice but we had no basis in law/ordinance to require these pins (based on Danielle's advice). I was instructed to tell Mr Dana that these were not required and I did so at the meeting with him on April 5th.

Therefore I think your previous comment needs to be updated.

It is my recollection that we are not able (in law) to make this request unless there is a good reason; I think we can ask (when inspecting the construction work) to have the building tied into whatever is on the ground in the way of survey markers (in this case the monument I guess).

I will let Barbara confirm that my recollection is correct.

Thanks

Jean

>>> David Margolis-Pineo (David Margolis-Pineo) 4/14/2010 4:41 PM >>>

1. Survey pins should be set at the property corners.

I feel this should also be in the approval letter. It was one of my comments.

All other issues have been resolved.

>>> Jean Fraser 4/13/2010 5:56 PM >>>

Hi

I am finalizing the approval letter and want to be sure that all of your concerns have been met.

**Below is the draft of the proposed conditions of approval- please check that these cover all the residual concerns re this project and confirm.**

Thanks

1. That the applicant shall supply and install four (4) street trees in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location and species to be agreed with the City Arborist (none on York Street); and
2. That the applicant shall supply and install two (2) bike racks or hitches (which will hold 2 bikes each) in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location to be agreed with the City (Public Services and City Arborist); these may be in the ROW or on City land but if so located shall be one of the 2 types described in the City's Technical Standards; and
3. That the applicant shall paint the vents and all other roof equipment to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and
4. That the cumulative noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the B1 Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and
5. That the applicant install the 6" foundation drain at an elevation where it may be extended over the top of the existing sewer if the City installs a separate stormwater sewer on the easterly side of York Street in the future; and
6. That the applicant shall submit a revised site plan prior to the issuance of a building permit that shows "Techney Arborvitae" instead of the proposed "Pyramidalis" (10 trees at rear of the site) and introduces trees in pots along the side yard that would be visible from the street; and
7. That the applicant shall submit the catalog cut for the lighting shown as "Type L" on Plan ES-100 (photometric); and
8. That there shall be no public seating on the second floor of the new building; and
9. That the hours of operation of the restaurant are limited to between 6:00 am and 11:00 pm each day; and
10. That any new signage would require a separate permit and that prior to demolition the applicant shall obtain a seal drain permit and a demolition permit.



## Jean Fraser - Re: Conditions re 231 York Street (restaurant)

---

**From:** Marge Schmuckal  
**To:** David Margolis-Pineo; Jean Fraser; Jeff Tarling  
**Date:** 4/14/2010 9:55 AM  
**Subject:** Re: Conditions re 231 York Street (restaurant)  
**CC:** Barbara Barhydt

---

looks good to me  
Marge

>>> Jean Fraser 4/13/2010 5:56 PM >>>  
Hi

I am finalizing the approval letter and want to be sure that all of your concerns have been met.

**Below is the draft of the proposed conditions of approval- please check that these cover all the residual concerns re this project and confirm.**

Thanks

1. That the applicant shall supply and install four (4) street trees in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location and species to be agreed with the City Arborist (none on York Street); and
2. That the applicant shall supply and install two (2) bike racks or hitches (which will hold 2 bikes each) in the vicinity of the project prior to the issuance of a Certificate of Occupancy, location to be agreed with the City (Public Services and City Arborist); these may be in the ROW or on City land but if so located shall be one of the 2 types described in the City's Technical Standards; and
3. That the applicant shall paint the vents and all other roof equipment to match the color of the roof material prior to the issuance of a Certificate of Occupancy; and
4. That the cumulative noise levels of the external HVAC and other mechanical equipment shall comply with the noise standards of the B1 Zone, and the applicant shall submit documentation to confirm compliance (rated noise levels etc) to the satisfaction of the Zoning Administrator prior to the issuance of a building permit; and
5. That the applicant install the 6" foundation drain at an elevation where it may be extended over the top of the existing sewer if the City installs a separate stormwater sewer on the easterly side of York Street in the future; and
6. That the applicant shall submit a revised site plan prior to the issuance of a building permit that shows "Techney Arborvitae" instead of the proposed "Pyramidalis" (10 trees at rear of the site) and introduces trees in pots along the side yard that would be visible from the street; and
7. That the applicant shall submit the catalog cut for the lighting shown as "Type "L" on Plan ES-100 (photometric); and
8. That there shall be no public seating on the second floor of the new building; and
9. That the hours of operation of the restaurant are limited to between 6:00 am and 11:00 pm each day; and

10. That any new signage would require a separate permit and that prior to demolition the applicant shall obtain a seal drain permit and a demolition permit.

**Jean Fraser - Re: Bike racks re 231 York St Site Plan**

---

**From:** <asiawest@aol.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 4/13/2010 1:08 PM  
**Subject:** Re: Bike racks re 231 York St Site Plan

---

Perfect. Thanks Jean.

-----Original Message-----

From: Jean Fraser <JF@portlandmaine.gov>  
To: asiawest@aol.com  
Sent: Tue, Apr 13, 2010 11:56 am  
Subject: Re: Bike racks re 231 York St Site Plan

Tod,

I misunderstood- I thought you had been given some.

I attach the City's "Technical Standard" which includes a "placement" guide and 2 types of bike rack which are the ones we require if the racks are located on city property or in the ROW (I understand that of these the "hitch" is preferred).

The easiest way forward is for the condition to indicate that you will supply and install bike racks for 4 bikes (actually this is only 2 bike racks or hitches as each holds 2 bikes), location to be agreed with the City and may be in the ROW or on city land in the vicinity of the project. (it may be that the city installs these if they are in the sidewalk that is being replaced).

I will send you a draft of the conditions (latest tomorrow) to ensure that there are no misunderstandings.

Thanks

Jean

>>> <[asiawest@aol.com](mailto:asiawest@aol.com)> 4/13/2010 11:20 AM >>>

Hi Jean. We have not purchased them yet so I am willing to choose the one's that the City prefers. We did purchase some for El Rayo Taqueria, which I could forward a photo of.

Let me know if that is helpful. Thanks Jean.

Tod

-----Original Message-----

From: Jean Fraser <[JF@portlandmaine.gov](mailto:JF@portlandmaine.gov)>  
To: Tod Dana <[asiawest@aol.com](mailto:asiawest@aol.com)>  
Sent: Tue, Apr 13, 2010 11:12 am  
Subject: Bike racks re 231 York St Site Plan

Tod,

I am finalizing the approval letter in consultation with senior staff.



Would it be possible for you to send a fax or pdf of the design/photo of the bike racks that you have available? - if they are similar to the Citys standard it would help resolve this issue. How many do you have?

My **fax** number is: 756 8258.

thank you

Jean

Jean Fraser, Planner  
City of Portland  
874 8728

Dev Review Meeting  
Wednesday, March 31, 2010  
Planning Conference Room - 10 a.m. to Noon

**AGENDA**

April 13, 2010

Workshop: Site Plan Procedures

5:30 Public Hearing: Contract Zone; 18 Luther Street; Peaks

**7:30 Public Hearing:** Bangor Savings Bank Allen Avenue, 207-20S9 Fore Street; Hotel and Restaurant,

A. Preliminary Reviews (Please share preliminary comments on new or revised plans distributed week before)

1. Brentwood Community Gardens...sw
2. Bangor Savings Bank Allen Ave (next Walgreens).....jf
3. 207-209 Fore Street, Jordan's Meats....final, final comments by early next week at the latest. ... bn
4. 125 Forest Ave. USPS.....eg

B. Final Written Reviews - Major Site Plans ( Planning Board Review)

1. 18 Luther Street...sw

C. Final Written Review - Minor Site Plans (Administrative Review)

1. 231 York St (restaurant).....jf
2. 132 Riverside St (Burger King revised driveway).....mc

D. Pressing Issues, Questions, Exemptions, and Curb Cuts

E. Distribution of New or Revised Plans

1. Morse Street Duplex...eg
2. Jetport Final Plans...eg
3. Rowe Street Amended Subdivision...eg

1. Re granite vault - David M-P to clarify comments
2. Re BI Std + vents/HVAC - BB + AJ concerned + hope can be recessed / removed / relocated / enclosed. Also noise / cumulative noise.

November 17, 2009

**March 25, 2010**

**March 31, 2010 (Revision to item #7)**

***April 7, 2010 (please see comment 10)***

To: Jean Fraser  
Barbara Barhydt  
From: David Margolis-Pineo  
Re: 231 York Street - Public Services Review Comments

1. The applicant is asked to close the curb cut on Brackett Street with raised granite curbing and a new brick sidewalk. The brick sidewalk on Brackett Street is currently in poor condition whereas the brick sidewalk on York Street is in very good condition. Therefore the applicant is asked to replace the entire brick sidewalk on Brackett Street from the street right of way to curb from the York Street sidewalk to the property line on Brackett Street with the Pinehall Paver bricks now specified by the City.

**The applicant has agreed to do so.**

2. The plans are not stamped.

**The plans are now stamped**

3. The applicant is asked to evaluate an alternative to discharging the proposed foundation drain to the City's sanitary sewer. Is it possible to discharge to catch basin where future stormwater separation would remove this water from the sanitary system?

**The applicant is requesting to run a 6" foundation drain to the sanitary sewer on York St. Since no separated stormwater and sanitary system exists, this request is allowed. Again, a backflow preventer is advised and the applicant is requested to install the 6" foundation drain at an elevation where it may be extended over the top of the existing sewer if the city chooses to install a separate stormwater sewer on the easterly side of York St in the future.**

4. The existing water and gas service on Brackett Street are not shown on the utility plan. Will they be reused or abandoned.

**The applicant has addressed this issue.**

5. Since the proposed sanitary sewer connection into York Street will connect to a combined sewer system, the applicant is advised to install a backflow preventer on the sewer lateral.

**The applicant has addressed this issue.**

6. The applicant shall obtain a seal drain permit and demolition permit before commencing.

**The applicant has not addressed this issue. This issue should be added as a condition of approval.**

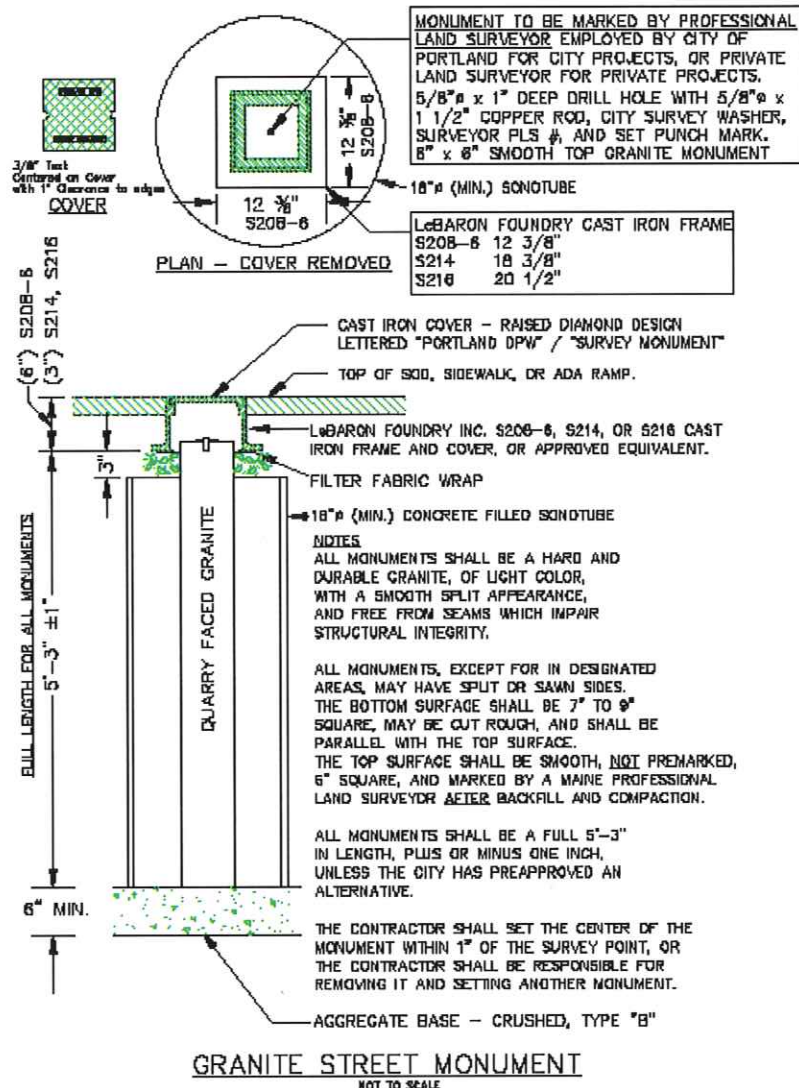
7. It is the City's desire to inspect the granite vault on the corner of Brackett and York Streets. If the structure is in a failure condition, the City will coordinate with the applicant.



**If after approval this structure is found to be in need of repair, the city will complete all necessary repairs prior to the installation of the new brick sidewalk.**

Additional Comments

8. Survey pins should be set at the property corners.
9. Sheet 2 shows an existing street line M Monument to be reset. The City suggest that the note be changed to set a new monument at the street line with a three foot offset corner as per City of Portland Technical Standard Detail for Granite Survey Monuments. This department will supply a 5/8" copper bolt and brass survey washer to the surveyor who will mark the new monument.
- 10. It is has now been established that the Department of Public Services is scheduled to install new curbing and brick sidewalk on Brackett Street this summer. Therefore the applicant is relived from that requirement and Items 7 and 9 above are no longer valid. The City will be responsible for completing those items. In lieu of construction this brick walk, the applicant is request to submit a cash contribution to install park and street trees in the area of York and Brackett Streets.***



DATE: AUGUST 2009 REVISION: 	CITY OF PORTLAND, MAINE TECHNICAL STANDARDS MANUAL 	TRANSPORTATION SYSTEMS AND STREET DESIGN SECTION I 	FIGURE:  <b>I-8</b>
<b>GRANITE STREET MONUMENT</b>			

4-5-10.

231 York Street

Meeting to discuss HVAC/Vents + any other issues  
from 3/29 <sup>review</sup> letter

Bob Dana - applicant

Lee Hulst - Arch.

Marge Schmuckal - Zoning Administrator

Jean Fraser, Planner

### ① HVAC

Bob Mitchell (supplier + expert) advises this arrangement most efficient; provides heating (an exch) + cooling + cumulatively meets noise stds.

- ② Vents - 2 w/ fan for cooking + ~~no fan cooking~~  
1 steam from dishwasher  
+ intake air vent (large)

Tod + Lee both concerned at scale + impact and had explored other options for type + location; side venting causes problems of smell; they satisfied that all these would be relatively "neutral" because color will <sup>poss. condition</sup> \* match roof color and are below ridge line.

After discussion, if requested they explore relocation of dishwasher vent (maybe side not near windows of adj residence) as this most prominent and least constrained by functional requirements

PTO.



## Jean Fraser - Re: 231 York Street -

---

**From:** Jean Fraser  
**To:** asiawest@aol.com  
**Date:** 3/26/2010 5:03 PM  
**Subject:** Re: 231 York Street -

---

Tod,

What about **Monday April 5th afternoon?**

Marge Schmuckal is unavailable on tuesday and Wed of that week so the next possible date would be **Thursday April 8th.**

I'm leaving the office now so will follow up on Monday- I should have a "review" letter by then and will send to you by pdf.

Jean

>>> <asiawest@aol.com> 3/24/2010 9:43 AM >>>  
Sounds great Jean. Thank you.

Tod

-----Original Message-----

From: Jean Fraser <JF@portlandmaine.gov>  
To: asiawest@aol.com  
Sent: Wed, Mar 24, 2010 9:16 am  
Subject: Re: 231 York Street -

Tod,

I will check the availability of my colleagues (particularly Marge Schmuckal) and get back to you re dates as from April 3.

The vents and HVAC on the roof are a visual issue too re compatibility and I am wondering if some of those could be removed or relocated.

I will send a more "formal" review letter this week so that you have all of the outstanding issues in one place and then we can discuss these at the same time.

Thank you

Jean

>>> <asiawest@aol.com> 3/24/2010 7:26 AM >>>

Hi Jean. I am out of the country on business until April 1st, but would very much like to set up a meeting in early April to discuss our compliance with the noise standards. Please suggest some dates and times that work for you after after April 3rd.

Thank you Jean.

Tod Dana

-----Original Message-----

From: Jean Fraser <JF@portlandmaine.gov>

To: Tod Dana <asiawest@aol.com>

Cc: lhulst@maine.rr.com

Sent: Mon, Mar 22, 2010 1:42 pm

Subject: 231 York Street -

Tod,

We are progressing the review and as mentioned in my earlier e-mail the issue of the location, size and number of mechanical plant (compressors, condensers, vents and roof HVAC) is of concern, given that this is a conditional use and adjacent to substantial residential buildings that overlook the site.

The set of plans submitted March 9th are the first to show the proposed roof and porch vents etc in any detail. I believe there are 4 vents on the roof and 2 HVAC units on the roof (all facing towards the residential neighbors) plus 2 condensers and some compressors on the rear-facing equipment porch.

The City's ordinance is the context for the review and the B1 zone has a purpose statement that includes: "provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment."

In addition the B1 design standards require "...commercial buildings shall be designed to be compatible with their residential and commercial neighbors..."

While we appreciate this use does require some mechanicals, given that this is limited to 1000 sq ft we would like the following information:

1. Please confirm total numbers and types of plant (roof mounted and on the equipment porch);
2. Please clarify why so many are needed and why such large ones (especially on the roof)?

All of these units cumulatively must meet the noise standard for this site- which is a maximum of 55 dBA at all lot property lines. So it is not just a question of each unit being below 55 dBA but cumulatively they must be below this level as measured at the boundary line.

Please let me know if you think a meeting would be the best way to clarify re this aspect of the proposals.

Thank you

Jean

Jean Fraser, Planner  
City of Portland  
874 8728





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[www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

March 29, 2010

Tod Dana  
Dana Fisher, LLC  
PO Box 169  
Portland ME 04112

**Re: Minor Site Plan Review: 231 York Street; Demolition of existing building and construction of new building for restaurant use**

**Site Plan Application # 09-79900017**  
**CBL: 044-E-003-001**

Dear Mr. Dana,

Thank you for the letter of March 9, 2010 and the revised proposals that address my letter of November 30, 2009.

The revisions largely address our previous concerns but there are a few further review comments that require resolution:

1. Survey:  
Sheet 2 shows an existing street line M Monument to be reset. The City suggests that the note be changed to set a new monument at the street line with a three foot offset corner as per City of Portland Technical Standard Detail for Granite Survey Monuments (see detail in Attachment 1). The Department of Public Services will supply a 5/8" copper bolt and brass survey washer to the surveyor who will mark the new monument. It is also suggested that survey pins be set at the property corners; this may be a condition of approval.
2. Zoning:  
Information regarding the rated noise levels and compliance with noise allowances is awaited.
3. Mechanical Plant:  
The set of plans submitted March 9<sup>th</sup>, 2010 are the first to show the proposed roof and porch mechanical plant (understood to be 4 vents and 2 HVAC units on the roof (all facing towards the residential neighbors) plus 2 condensers and some compressors on the rear-facing equipment porch. The City's ordinance is the context for the review and the B1 zone has a purpose statement that includes:

6. Lighting:  
Please submit the specifications (catalog cut sheets) for lights "G" "L" and "M" (Plan ES-100); this documentation is required to confirm that all external fixtures are full cut off type as required by the City's Technical Standards.
7. Sewer and Water Services:  
Letters are required from the sewer and water service providers confirming that there is adequate capacity to serve this development.
8. Traffic:  
You may wish to consider some type of off-street parking arrangement for employees of this development within a reasonable proximity to the project site.

Please note that the following anticipated conditions of approval shall be included in any Site Plan approval, in addition to any that may arise from consideration of the issues mentioned in this letter:

- a. Revisions to the survey (item 1 above) may be the subject of a condition of approval;
- b. Conditions prohibiting public seating on the second floor and to limits on the hours of opening to between 6am and 11pm each day;
- c. A Demolition Permit (through Building Inspections Division) and a Seal Drain permit will be required prior to demolition; and
- d. Separate permits are required for any new signage, even if it is located on the site of an existing sign. Building permits are required for all structural additions and changes.

Please do not hesitate to contact me if you have any questions; I can be reached on (207) 874 8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

Attachments: 1. Detail for Granite Street Monument

Electronic CC:

Barbara Barhydt, Development Review Manager  
Marge Schmuckal, Zoning Administrator  
David Margolis-Pineo, Deputy City Engineer  
Tom Errico, Traffic Engineering Reviewer  
Jeff Tarling, City Arborist

## Jean Fraser - Re: 231 York Restaurant- comments

---

**From:** Jeff Tarling  
**To:** Jean Fraser  
**Date:** 3/26/2010 8:08 PM  
**Subject:** Re: 231 York Restaurant- comments

---

Hi Jean -

I have reviewed the proposed landscape plan for 231 York Street and offer the following recommendations & comments:

**a) The 'backyard' area** - preserves the existing lilac shrubs and proposes the planting of 10 Arborvitae as a screen. Selecting 'Techney' Arborvitae as a cultivar which is slow-growing and range to a height of 10-15' vs. the 20-30' height for the 'Pyramidalis' might work best for this site. The backyard area also contains a small lawn area.

**b) Sideyard area on York Street** - Additional screening between the proposed project and the adjacent property near the dumpster pad might be achieved by narrowing up the pavement and adding landscape treatment & or fencing. Creating a 4' wide 'green-space' could greatly improve this area. There could be a wide array of plants that could fit into the site without overwhelming it.

**c) Street-trees** - The project calls out for one street tree on Brackett Street, this has been consistent with our earlier discussions. York Street frontage could have a 'tree option', in the past an open view was desired and the Harbor View Memorial Park across the street was the landscape focus. Recent tree planting nearby on York Street at Tate Street have added nicely into the street-scape without effecting harbor views.

Adding one or two street-trees on York Street would be an 'option' if the project had interest in this effort.

Overall, the proposed restaurant landscape is an improvement over past & existing conditions.

Jeff

Jeff Tarling  
Portland Public Services - City Arborist  
55 Portland Street  
Portland, ME. 04101  
(207) 874.8820  
[jst@portlandmaine.gov](mailto:jst@portlandmaine.gov)



November 17, 2009

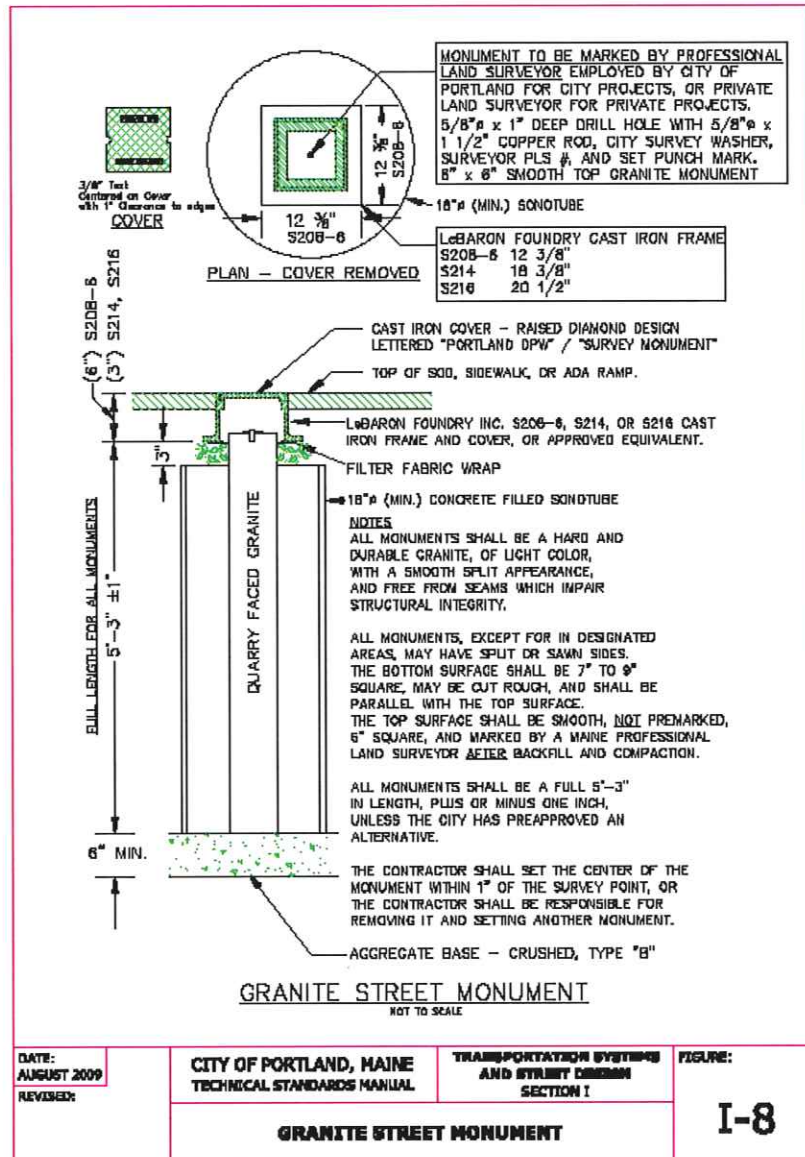
**March 25, 2010**

To: Jean Fraser  
Barbara Barhydt  
From: David Margolis-Pineo  
Re: 231 York Street - Public Services Review Comments

1. The applicant is asked to close the curb cut on Brackett Street with raised granite curbing and a new brick sidewalk. The brick sidewalk on Brackett Street is currently in poor condition whereas the brick sidewalk on York Street is in very good condition. Therefore the applicant is asked to replace the entire brick sidewalk on Brackett Street from the street right of way to curb from the York Street sidewalk to the property line on Brackett Street with the Pinehall Paver bricks now specified by the City.  
**The applicant has agreed to do so.**
2. The plans are not stamped.  
**The plans are now stamped**
3. The applicant is asked to evaluate an alternative to discharging the proposed foundation drain to the City's sanitary sewer. Is it possible to discharge to catch basin where future stormwater separation would remove this water from the sanitary system?  
**The applicant is requesting to run a 6" foundation drain to the sanitary sewer on York St. Since no separated stormwater and sanitary system exists, this request is allowed. Again, a backflow preventer is advised and the applicant is requested to install the 6" foundation drain at an elevation where it may be extended over the top of the existing sewer if the city chooses to install a separate stormwater sewer on the easterly side of York St in the future.**
4. The existing water and gas service on Brackett Street are not shown on the utility plan. Will they be reused or abandoned.  
**The applicant has addressed this issue.**
5. Since the proposed sanitary sewer connection into York Street will connect to a combined sewer system, the applicant is advised to install a backflow preventer on the sewer lateral.  
**The applicant has addressed this issue.**
6. The applicant shall obtain a seal drain permit and demolition permit before commencing.  
**The applicant has not addressed this issue. This issue should be added as a condition of approval.**
7. It is the City's desire to inspect the granite vault on the corner of Brackett and York Streets. If the structure is in a failure condition, the City will coordinate with the applicant.  
**If after approval this structure is found to be in need of repair, the city will facilitate.**

Additional Comments

8. Survey pins should be set at the property corners.
9. Sheet 2 shows an existing street line M Monument to be reset. The City suggest that the note be changed to set a new monument at the street line with a three foot offset corner as per City of Portland Technical Standard Detail for Granite Survey Monuments. This department will supply a 5/8" copper bolt and brass survey washer to the surveyor who will mark the new monument. See attached detail.



## Jean Fraser - 231 York Street -

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**From:** Jean Fraser  
**To:** Dana, Tod  
**Date:** 3/22/2010 1:42 PM  
**Subject:** 231 York Street -  
**CC:** Hulst, Lee

---

Tod,

We are progressing the review and as mentioned in my earlier e-mail the issue of the location, size and number of mechanical plant (compressors, condensers, vents and roof HVAC) is of concern, given that this is a conditional use and adjacent to substantial residential buildings that overlook the site.

The set of plans submitted March 9th are the first to show the proposed roof and porch vents etc in any detail. I believe there are 4 vents on the roof and 2 HVAC units on the roof (all facing towards the residential neighbors) plus 2 condensers and some compressors on the rear-facing equipment porch.

The City's ordinance is the context for the review and the B1 zone has a purpose statement that includes: "provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment."

In addition the B1 design standards require "...commercial buildings shall be designed to be compatible with their residential and commercial neighbors..."

While we appreciate this use does require some mechanicals, given that this is limited to 1000 sq ft we would like the following information:

1. Please confirm total numbers and types of plant (roof mounted and on the equipment porch);
2. Please clarify why so many are needed and why such large ones (especially on the roof)?

All of these units cumulatively must meet the noise standard for this site- which is a maximum of 55 dBA at all lot property lines. So it is not just a question of each unit being below 55 dBA but cumulatively they must be below this level as measured at the boundary line.

Please let me know if you think a meeting would be the best way to clarify re this aspect of the proposals.

Thank you



Jean

Jean Fraser, Planner  
City of Portland  
874 8728

## **Jean Fraser - Re: Site plan new restaurant 231 York Street - excessive plant????**

---

**From:** Jeanie Bourke  
**To:** Jean Fraser; Tammy Munson  
**Date:** 3/23/2010 8:50 AM  
**Subject:** Re: Site plan new restaurant 231 York Street - excessive plant????  
**CC:** Barbara Barhydt; Marge Schmuckal

---

Hi Jean,

Wow, quite a large building for such a small area for the restaurant! So are they limited to 1000 SF for actual public access? Does that include the porch and all potential outside dining areas? My issue is the number of bathrooms for the public....1 toilet for women and a poorly located urinal and toilet for men. Depending on occupant load we are looking at a min. of 2 each, possibly 3.

The vent stacks are appropriate for a washroom steam hood, kitchen cook hood and, it's hard to say, they may have a wood fired grill. The HVAC may be a bit excessive, but they do have 3 floors to service. They have plenty of room in the basement or 2nd floor to house these systems in lieu of rooftop units. I'm no expert, but I would think there are some options here.

Let us know how things are going...  
Jeanie

>>> Jean Fraser 3/22/2010 2:13 PM >>>  
Hello Jeanie and Tammy,

I am following up on some internal discussions we have had re the scale and number of the mechanicals being proposed for this small new restaurant. You will see below I have asked the applicant and his architect some questions but it would be useful to know if the proposed plant seems excessive based on your experience.

This has been given a Cond Use Permit by the ZBA but Marge has not received any details re the noise levels of the various units. In my mind its both noise and visual "compatibility" that are at issue; alot of residents will be looking down at/ living near this roof.

The total proposed floorspace is 4044 sq ft but of that 1000 sq ft (max) is for public access; approx 580 sq ft is offices. I attach the elevations and floor plans and would appreciate your thoughts on whether the number of roof vents (4 large) and HVAC (2 large) and "equipment porch" compressors (looks like bank 9 ft long) and condensers (2) seem consistent with this scale of restaurant use.

Many thanks....if you would prefer a quick chat just give me a call as I don't want to take up much of your time...

thank you

Jean  
Ext 8728

>>> Jean Fraser 3/22/2010 1:42 PM >>>  
Tod,

We are progressing the review and as mentioned in my earlier e-mail the issue of the location, size and number of mechanical plant (compressors, condensers, vents and roof

HVAC) is of concern, given that this is a conditional use and adjacent to substantial residential buildings that overlook the site.

The set of plans submitted March 9th are the first to show the proposed roof and porch vents etc in any detail. I believe there are 4 vents on the roof and 2 HVAC units on the roof (all facing towards the residential neighbors) plus 2 condensers and some compressors on the rear-facing equipment porch.

The City's ordinance is the context for the review and the B1 zone has a purpose statement that includes: "provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment."

In addition the B1 design standards require "...commercial buildings shall be designed to be compatible with their residential and commercial neighbors..."

While we appreciate this use does require some mechanicals, given that this is limited to 1000 sq ft we would like the following information:

1. Please confirm total numbers and types of plant (roof mounted and on the equipment porch);
2. Please clarify why so many are needed and why such large ones (especially on the roof)?

All of these units cumulatively must meet the noise standard for this site- which is a maximum of 55 dBA at all lot property lines. So it is not just a question of each unit being below 55 dBA but cumulatively they must be below this level as measured at the boundary line.

Please let me know if you think a meeting would be the best way to clarify re this aspect of the proposals.

Thank you

Jean

Jean Fraser, Planner  
City of Portland  
874 8728



## Jean Fraser - Site Plan Review 231 York St - Restaurant

---

**From:** Jean Fraser  
**To:** Dana, Tod  
**Date:** 3/17/2010 5:22 PM  
**Subject:** Site Plan Review 231 York St - Restaurant

---

Tod,

As promised I am sending this update re the Site Plan Review.

Although I don't have all the "final" formal comments from all reviewers, I think the revisions generally look good - although the number/size of vents and HVAC protruding from the roof may be a concern (its under discussion).

A couple of specific concerns have been identified:

1. Re the servicing alley at the side. This is 10 feet wide and the "dumpster" will take up several feet of this and I anticipate that the deliveries to the door near the end will be by cart/trolley from trucks parked in the street (ie no vehicle will try to back up this paved area). In that case we wonder if it needs to be fully paved over the 10 ft - could there be a narrower paved walkway for the carts/trolley deliveries and planting to the sides- this planting is desirable to mitigate noise and soften that "canyon" between the 2 buildings.
2. The arborvitae planting around the rear yard is welcomed to help screen the site from the adjacent residential property. However, I understand from the City Arborist that the proposed arborvitae can grow high and in that case would block views of the harbor from windows in that building. Our City Arborist would like to suggest a different tree that would provide the buffer/screening but not grow too high.

I should be able to get back to you early next week.

Jean

Jean Fraser, Planner  
City of Portland  
874 8728

**Zoning Administrator Marge Schmuckal**  
**November 24, 2009**

This project is in a B-1 Zone. The applicant has received a variance for on site parking (none required). That variance approval will expire on February 7, 2010. The Conditional Use appeal for the Restaurant use expired on November 13, 2009. However, before that date, the applicant filed for a six month extension of the approved restaurant Use. That appeal will be heard on December 3, 2009. Extensions are usually granted by the Board.

The submitted project appears to meet all of the B-1 Zone requirements. Setbacks, building height and the impervious surface ratio of the B-1 Zone are being met. The current submitted floor plans are substantially the same as what the Zoning Board of Appeals reviewed. There shall be no public seating on the second floor.

HVAC equipment shall meet the B-1 Zone maximum noise allowances. Information shall be submitted showing compliance at this time.

Separate permits shall be required for any new signage.

**Zoning Administrator Marge Schmuckal**  
**March 10, 2010**

On March 10, 2010 I received revised plans for review. All the dimensional requirements of the B-1 Zone are still being met (no changes). There still shall be no public seating on the second floor due to B-1 size limitations under the conditional use standards. The applicant has responded to my previous comment concerning noise emanating from the HVAC. Apparently equipment is still being decided upon which is not unusual at this time. I would like a condition of approval that when the final equipment is decided upon, this office shall receive information on the rated noise levels to determine noise compliance.

Separate permits shall be required for any new signage.

FIVE



**To:** Marge Schmuckal; PS - David Margolis-Pineo; Dan Goyette; Tom Errico; Keith Gautreau; Jeff Tarling

**From:** Jean Fraser

**Date:** March 10, 2010

---

Additional information – REVISIONS TO ADDRESS REVIEW LETTER -submitted for the following project:

**Application ID #:** HTE 09-79900017

**Project Name:** New Restaurant (Tod Dana)

**Project Address:** 231 York Street

**Preliminary Comments needed by:** March 17, 2010

**Final Written Comments (into HTE where poss) needed by:** March 24, 2010

The applicant has addressed the comments from you contained in my review letter of 11.30.2010 (e-mailed to you but let me know if you need another copy sent).

New info:     Landscape and boundary treatment  
                  Details of condensers and vents/stacks/roof appurtenances  
                  Copy of capacity request letters and details  
                  Expanded survey

Otherwise the revisions clarify and add details and stamps; slight redesign of the "side alley"..

I understand that the Fire Dept Checklist has been sent directly to Keith Gautreau.

Thanks  
Jean



## **Dana/Fisher LLC**

P.O. Box 169 \* Portland, Maine 04112  
Phone: 207-671-5566 \* Fax: 207-775-0022  
[asiawest@aol.com](mailto:asiawest@aol.com)

Jean Fraser  
Portland Planning Department  
389 Congress Street  
Portland, Maine 04101

RECEIVED

March 9, 2010

MAR - 9 2010

**Re: Site Plan Review Letter for 231 York Street**

City of Portland  
Planning Division

Dear Jean,

The following is a response to the Site Plan Review comments in your letter dated November 30, 2009. I have also included updated drawings. Please let me know if the corrections, amendments, and clarifications put forth satisfy the City's requirements:

### **Survey:**

The three-story residential building abutting 231 York Street has been added to the Site Plan.

### **Zoning:**

- B. Attached are letters indicating that The Conditional Use Permit has been extended as well as the On-Site Parking Variance.
- C. The HVAC compressors will be located on the "equipment porch" on the west side of the building. Our updated drawings show the equipment porch labeled and the addition of a 42" guard railing with balusters to code, which will shield the compressors from view. We are currently pricing different HVAC options, but all the equipment being considered complies with the B-1 noise allowances.

### **Traffic Generation and Access:**

- B. The updated Site Plan shows the curb cut on Brackett Street being removed.
- D. The updated Site Plan incorporates bike hitches.

### **Storm Water Drainage & Sidewalks/Curing**

1. The updated drawings now indicate the removal of the curb cut. The applicant understands that the sidewalk on Brackett street (from York Street intersection to applicant's property line) will be replaced using Pinehall Paver bricks.
2. The updated plans have all been stamped.
3. Because the elevation of the proposed foundation drain is below the storm water basin in the street, a sump pump would be required to discharge this drain to the storm water basin. The applicant is hoping to avoid this because of the expense and maintenance issue associated with a sump pump.
4. The updated plans show the existing water line on Brackett Street and gas line on York Street. We intend to reuse both of these lines.
5. The applicant intends to install a backflow preventer on the sewer lateral.

### **Landscaping and Screening:**

- A. The update Site Plan incorporates a Landscape Plan that shows our proposed gate on York Street (screening the dumpster area), a fence and planting detail for the western boundary, and a planting detail that will replace the existing deck off the abutter's house. A 2<sup>nd</sup> fence (about 8' west of the alley and parallel to the boundary fence) will shield the abutter's view of the service alley.
- B. Please accept the curved wood gate that is detailed in the Sebago design (detail sheet 4).

### **Fire:**

The fire suppression system being proposed has not been selected yet. However, we will ensure that the bidding contractors understand exactly what is required per state and city codes.

A completed copy of the Fire Department Site Plan Checklist has been forwarded to Keith Gautreau. The applicant has also spoken with Mr. Gautreau about the project.

### **Lighting:**

- A. The updated plans identify the location of proposed exterior light fixtures.
- B. The updated plans bring the light trespass within city limits.
- C. The updated plans provide the specifications for proposed light fixtures.

### **Impacts on Abutters:**

- A. The abutter to the north with a deck on the applicant's property has agreed to remove the deck whenever he is asked to do so. The abutter has no legal arrangement or easement from the applicant and it appears the deck was never permitted. The abutter claims that the previous owner at 231 York (Popeye's) did not mind that he constructed the deck on his property. The abutter understands he

has no legal rights to have the deck on applicant's property and has agreed to remove it without contest.

- B. The updated architectural plans show the external vents for the ventilation system.
- C. The west facing "equipment porch" will house 3 compressors and 2 condensers. A 42" high guard railing with balusters per City code will screen the equipment.
- D. The noise from the washing area will be mitigated by the fence and plantings on the western property line, as well as a 2<sup>nd</sup> fence blocking the abutter's view of the service alley.

**Other Information Required:**

- A. Letters of service capacity of the existing water and sewer supply are attached.
- B. Applicant plans to use an architectural grade asphalt roof shingle and clear white cedar shingles for siding. Siding on the northern exposure will be a Hardy plank cement clapboard siding because of the additional fire protection required near the dumpster.

Please let me know if you have any questions or require additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Tod Dana", with a stylized flourish at the end.

Tod Dana



January 29, 2010  
09313

Mr. Rico Spugnardi  
Portland Water District  
P.O. Box 3553  
225 Douglass St.  
Portland, ME 04102

**New Utility Service Assessment**  
**Proposed Restaurant, 231 York Street, Portland, Maine**

Dear Mr. Spugnardi:

I am writing to request your assessment of the Portland Water District's ability to provide the water service requirements for a proposed restaurant located at 231 York Street in Portland. The site occupies about 4,100 square feet and is located at the corner of York Street and Brackett Street in Portland.

The project will include the demolition of the existing Ice House building on the site. A small residential structure on Brackett Street will remain and will be incorporated into the new structure. The proposed building will occupy most of the lot.

The proposed domestic water usage for this development is based on the following calculations.

Number of Employees	x	Gallons/day	
10	15	=	150 g/day
Number of Seats			
50	20	=	1,000 g/day
TOTAL			1,150 g/day

We are proposing to provide service to the project via the 6" water main located in Brackett Street. We anticipate a 6" fire service and a 1" domestic service will be required for the project.

If acceptable, please provide us with a letter confirming the ability of the existing public water supply system to provide the necessary flow at an appropriate pressure. If you have any questions regarding this project, please contact me at 856-0277, Ext. 258. I look forward to hearing from you.

Sincerely,

SEBAGO TECHNICS, INC.



Anthony P. Panciocco, P.E.  
Senior Project Engineer

APP:app/kn

cc: Tod Dana, Dana Fisher, LLC

# 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: January 29, 2010

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

Site Address: 231 York Street  
(Regarding addressing, please contact Leslie Kaynor, either at 756-8346, or at  
LMK@portlandmaine.gov)

Chart Block Lot Number: Map 44 Lot E3

Proposed Use: Restaurant  
Previous Use: Bar (Icehouse Building)  
Existing Sanitary Flows: n/a GPD  
Existing Process Flows: n/a GPD  
Description and location of City sewer, at proposed building  
sewer lateral connection:

Site Category

Commercial \_\_\_\_\_  
Industrial (complete part 4 below) \_\_\_\_\_  
Governmental \_\_\_\_\_  
Residential \_\_\_\_\_  
Other (specify) X

Proposed connection to York Street  
Sewer line per attached plans  
Clearly, indicate the proposed connection, on the submitted plans.

Restaurant use

## 2. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 1,150 GPD  
Peaking Factor/ Peak Times: peak factor=5, 95.8 gph x 5 = 479 gal / peak hour  
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)  
Maine Subsurface Disposal Rules

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: Tod Dana c/o Dana Fisher, LLC  
Owner/Developer Address: P.O. Box 169, Portland, ME 04112  
Phone: 207-671-5566 Fax: 207-775-0022 E-mail: asiawest@aol.com  
Engineering Consultant Name: Tony Panciocco c/o Sebago Technics  
Engineering Consultant Address: One Chabot Street Westbrook, Maine  
Phone: 207-856-0277 x 258 Fax: 207-856-2206 E-mail: tpanciocco@sebagotechnic  
City Planner's Name: Jean Fraser Phone: 874-8728

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: 750 GPD  
Do you currently hold Federal or State discharge permits? Yes \_\_\_\_\_ No X  
Is the process wastewater termed categorical under CFR 40? Yes \_\_\_\_\_ No X  
OSHA Standard Industrial Code (SIC): \_\_\_\_\_  
Peaking Factor/Peak Process Times: \_\_\_\_\_  
(<http://www.osha.gov/oshstats/sicser.html>)

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:

Restaurant use serving 2 meals per day,

10 employees @ 15 gpd/employee = 150 gpd

50 seats @ 20 gpd/seat = 1,000 gpd

Total = 1,150 gpd = 95.8 gph for 12 hours



# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

B-1 Neighborhood Business Zone (Restaurant):

**Conditional Use Permit Extension**

### DECISION

Date of public hearing: December 3, 2009

Name and address of applicant: Dana/Fisher LLC  
PO Box 169  
Portland, ME 04112

Location of property under appeal: 231 York Street

### For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Tod Dena  
PO Box 169  
Portland, ME 04112

Exhibits admitted (e.g. renderings, reports, etc.):

Site Plan

Findings of Fact and Conclusions of Law:

The applicant, Dana/Fisher LLC, is requesting an extension of the conditional use permit that was granted on November 13, 2008, and extended for six months on May 21, 2009, for a property located within the B-1 zone that allows the property to be used as a restaurant. The applicant has requested an additional extension as they continue to pursue their construction plans, which include site plan review and initiation of the building permit process in December. The conditional use permit extension period recently expired on November 13th, after the property owner applied for the extension. As the permit has been extended to a total of one year, the Board may grant a maximum one year extension.

Standards for an extension granted pursuant to Portland City Code § 14-474(f):

- 5-0 1. The facts constituting the basis of the decision to grant the Conditional Use permit have not materially changed.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Testimony

2. If the one year extension is granted, the total time period for the permit does not exceed two years.

the extension is granted to 11/13/10.

5-0 Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Time-Line Document

**Conclusion:** (check one)

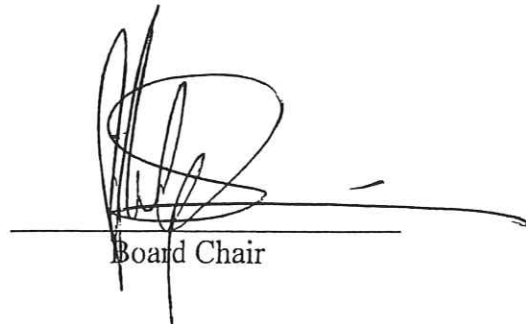
5-0 ☒ Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS a one year extension.

☐ Option 2: The Board finds that the all of the standards described above have been satisfied, and that certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS a one year extension SUBJECT TO THE FOLLOWING CONDITIONS:

☐ Option 3: The Board finds that the standards described above have NOT all been satisfied, and therefore DENIES the extension.

Dated:

12/3/09

  
Board Chair






## CITY OF PORTLAND

### CERTIFICATE OF VARIANCE APPROVAL 2<sup>ND</sup> UPDATE

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 18th day of February, 2010, the following variance extension was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

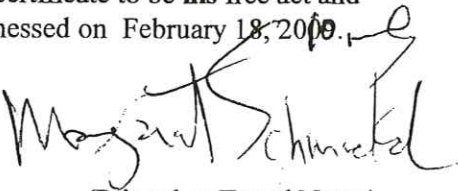
1. **Current Property Owner: Dana Fisher LLC**
2. **Property: 231 York Street, Portland, ME CBL: 044-E-3**  
Cumberland County Registry of Deeds, Book 26271 Page 194  
Last recorded deed in chain of Title: 08/13/2008
3. **Variance and Conditions of Variance:**  
To grant relief from section 14-166(c) and 14-332(i) of the Zoning Ordinance to allow no off-street parking spaces for a proposed restaurant instead of the seven (7) off-street parking required.  
To grant a six month extension of the original variance which was originally approved for one year on August 7, 2008 with another six month extension granted on May 21, 2009. This extension will expire on August 7, 2010 which results in a full two year variance approval from the Zoning Board.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 18th day of February, 2010

  
Chair of  
City of Portland Zoning Board  
Philip Saucier  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named **Philip Saucier** and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on February 18, 2010.

  
(Printed or Typed Name)  
Notary Public  
Margaret Schmuckal  
My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

**From:** Frank Brancely  
**To:** Tony Panciocco  
**Date:** 2/3/2010 1:12 PM  
**Subject:** 231 York Street

Good Morning Mr. Panciocco,

I am in receipt of the Wastewater Capacity Application, the four sheet plan set, and your Letter of Transmittal. Thank you.

**Regarding the Wastewater Capacity Application:**

1. Contact the Portland Water District, for the "existing" wastewater usage records, of the former owners, for two, or three years. Submit a copy of those records, along with your calculations, of the "existing" sanitary flows.

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, from all projects, in order to offset any increase in sanitary flows.

2. Please tell me, in a paragraph perhaps, what is your stormwater management plan, for the 231 York Street project?

3. Quantify your remarks, by providing the average stormwater runoff, for a two-year design storm, in cubic feet per second, for the 231 York Street project.

**Regarding the Plan Sheets:**

4. The grease trap detail shown, on Sheet 4 ("Details") is unacceptable. Please replace it with the City approved grease trap detail (see attached Figure II-19).

5. Size the grease trap according to your estimated process wastewater flows, of 750 GPD. You show a 1,000 gallon grease trap, on Sheet 2 ("Grading & Utility Plan"). This 1,000 gallon grease trap is undersized, for anticipated 1125 gallons of process wastewater flows [i.e. 750 (estimated process flows) + 375 (the "polishing" third, of the trap)].

6. The City approved grease trap will discharge to a City of Portland Standard manhole, with channel. Show this manhole detail, on Sheet 4 ("Details"). See Figure II-1, "Precast Concrete Manhole;" Figure II-4, "General Notes...;" as well as Figure II-5, "Cast Iron Manhole Cover and Frame."

7. Show the "Control Manhole," receiving process wastewater flows, from the grease trap, on Sheet 2 ("Grading & Utility Plan")

Frank Brancely,  
Senior Engineering Technician,  
Department of Public Services,  
55 Portland Street,  
Portland, Maine 04101-2991  
(207) 874-8832 (phone),  
(207) 874-8852 (fax),  
<fjb@portlandmaine.gov>

**CC:** Fraser, Jean; Margolis-Pineo, David; Tod Dana

**DESIGN NOTES:**  
1. CONCRETE 5000 PSI AT 28 DAYS.

- THIS STRUCTURE MUST DISCHARGE TO A CITY OF PORTLAND STANDARD MANHOLE WITH CHANNEL (CONTROL/SAMPLING MANHOLE).

CHAMBER "A"

S.S. BRACKET W/SUPPORT

24" Ø OPENINGS TYP.

6" SDR-35 COUPLING CAST INTO BAFFLE

6"

6'-0"

5'-0"

4"

4"

6"

10'-0"

11'-0"

REMOTE VENT OR  
CONNECT INTERNALLY

TOP VIEW

SECONDARY PLASTIC COVERS  
FOR ODOR CONTROL  
(ALL THREE OPENINGS)

24" FRAME &  
GREASE TRAP COVER

TBD

8"

3'-6"

4'-8"

3'-0"

6"

6'-8"

3'-4"

6"

CHAMBER "A"

2'-6"

S.S. BRACKET  
W/SUPPORT

1'-0" TYP.

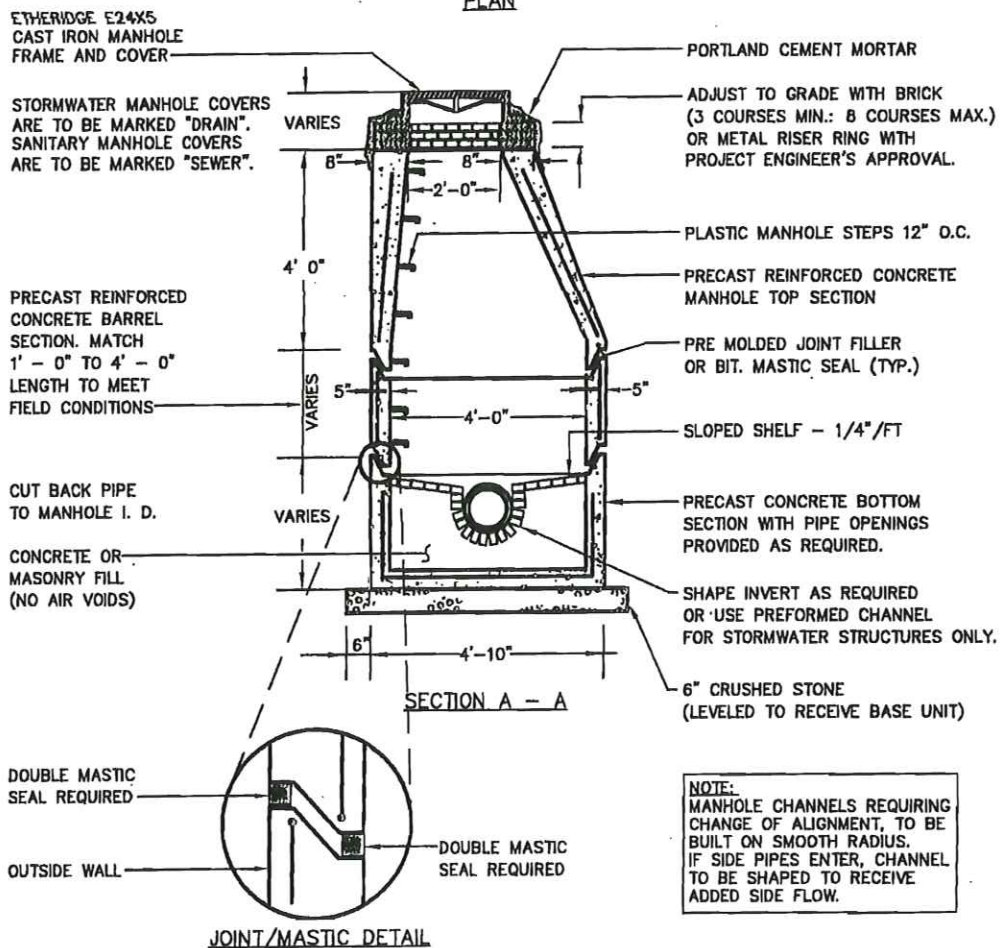
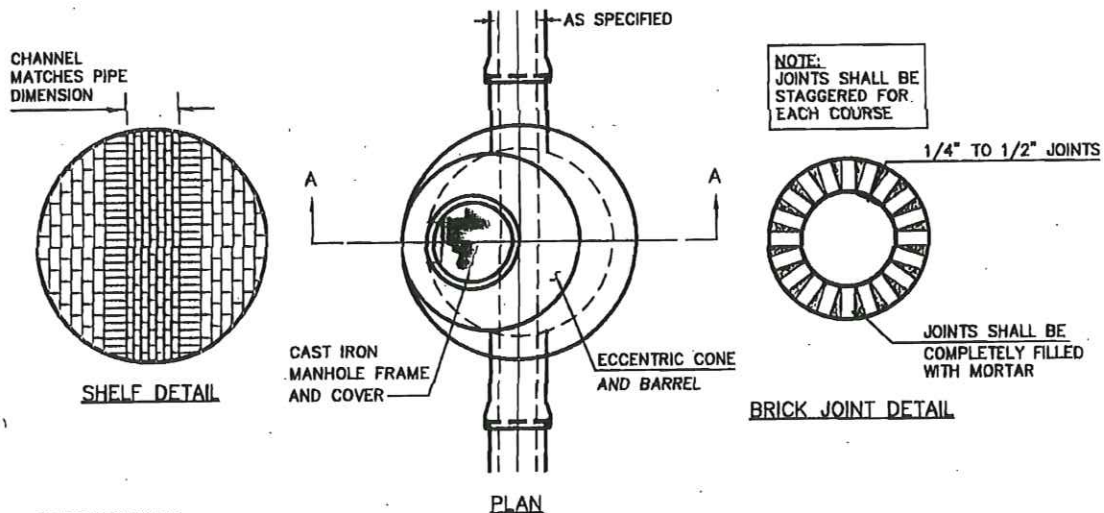
6" SDR-35 PIPE  
WITH 8" HOLE  
FOR 8B BOOTS

6"

FIGURE:

II-19





**PRECAST CONCRETE MANHOLE**  
NOT TO SCALE

DATE:  
DEC. 2009  
REVISED:

CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

**SANITARY SEWER AND STORM  
DRAIN DESIGN STANDARDS**  
SECTION II

FIGURE:

**PRECAST CONCRETE MANHOLE**

**II-1**

## GENERAL NOTES FOR MANHOLES AND CATCH BASINS

1. ALL CONCRETE SHALL HAVE A MINIMUM ULTIMATE COMPRESSIVE STRENGTH OF 4000 lbs. PER SQ. INCH AT THE END OF 28 DAYS, UNLESS OTHERWISE NOTED.
2. MANHOLES MAY BE CONSTRUCTED OF PRECAST REINFORCED CONCRETE, OR CAST-IN-PLACE.
3. PRECAST REINFORCED CONE BARREL MANUFACTURED PER ASTM SPEC. C-478.
4. ALL STORM AND SEWER MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PICK HOLE LOCATED 8" FROM THE CENTER OF THE COVER.
5. ALL SANITARY MANHOLE COVERS SHALL HAVE "SEWER" CAST INTO THE COVER. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.
6. ALL MANHOLE RISERS SHALL BE ETHERIDGE 24" OR APPROVED EQUAL.
7. SEWER BRICK SHALL CONFORM TO ASTM SPEC. DESIGNATE ON C-32-63, GRADE MA AND SA.
8. ALL SANITARY MANHOLES SHALL HAVE A WATERPROOFING COATING APPLIED TO THE EXTERIOR SURFACE.
9. CATCH BASIN FRAMES FOR TYPE A4 CATCH BASIN CURB INLETS SHALL BE ETHERIDGE DR5A OR APPROVED EQUAL.
10. CASTINGS SHALL CONFORM TO ASTM DESIGNATION A48-CLASS 35.
11. EXISTING MANHOLES, CATCH BASINS, FRAMES, AND COVERS SHALL BE SALVAGED BY THE CONTRACTOR, AND SHALL REMAIN THE PROPERTY OF THE CITY OF PORTLAND.
12. ALL CATCH BASIN OUTLETS SHALL BE INSTALLED WITH A CASCO TRAP. SEE FIGURE II-09.

DATE:  
DEC. 2009

REVISED:

CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

SANITARY SEWER AND STORM  
DRAIN DESIGN STANDARDS  
SECTION II

FIGURE:

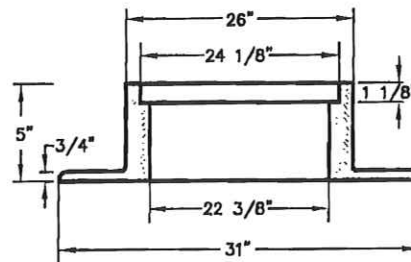
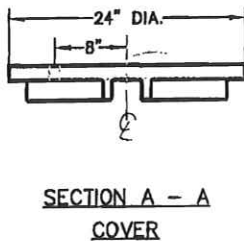
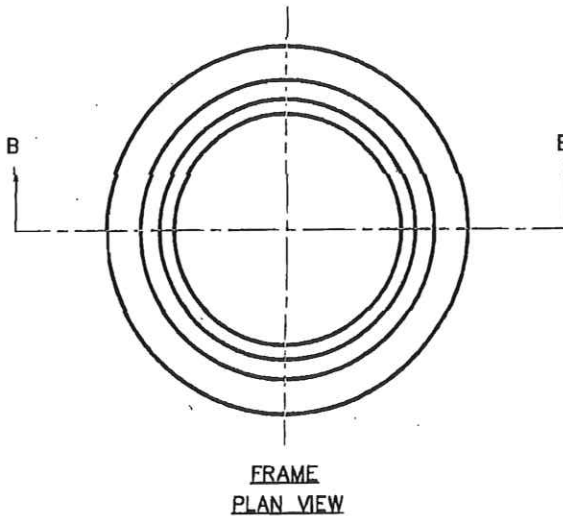
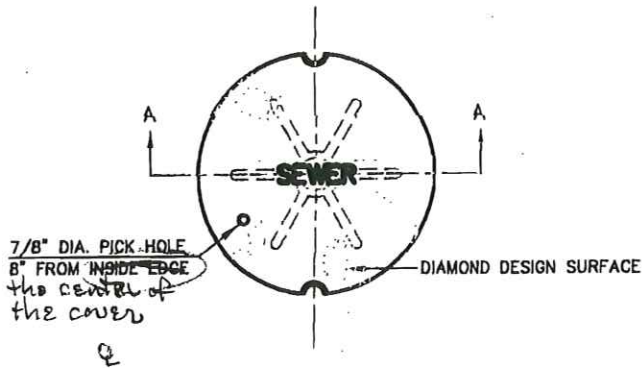
**GENERAL NOTES FOR  
MANHOLES AND CATCH BASINS**

**II-4**

**NOTE:**

ALL MANHOLE COVERS SHALL BE SOLID AND SHALL HAVE ONE 7/8" DIAMETER DRILLED PICK HOLE, LOCATED 8" FROM THE CENTER OF THE COVER.

ALL SANITARY MANHOLE COVERS SHALL HAVE "SEWER" CAST INTO THE COVER. ALL STORMWATER/DRAIN MANHOLE COVERS SHALL HAVE "DRAIN" CAST INTO THE COVER.



MIN. WGT. 320 LBS.

**CAST IRON MANHOLE COVER AND FRAME**

NOT TO SCALE

DATE:  
AUGUST 2009  
REVISED:

CITY OF PORTLAND, MAINE  
TECHNICAL STANDARDS MANUAL

SANITARY SEWER AND STORM  
DRAIN DESIGN STANDARDS  
SECTION II

FIGURE:

**CAST IRON MANHOLE COVER AND FRAME**

**II-5**



**From:** <asiawest@aol.com>  
**To:** <JF@portlandmaine.gov>  
**Date:** 12/10/2009 2:48:12 PM  
**Subject:** Re: 231 York Street- Site Plan Review

Hi Jean. Thank you for your letter. I am working with my team to amend the drawings and gather all the information you have requested. I will be in touch soon with a few questions.

Thank you.

Tod Dana

-----Original Message-----

From: Jean Fraser <JF@portlandmaine.gov>  
 To: asiawest@aol.com  
 Sent: Thu, Dec 10, 2009 2:42 pm  
 Subject: 231 York Street- Site Plan Review

Tod,

I am following up my letter and e-mails of late Nov/early Dec. Regarding the e-plan system, as I think Barbara mentioned to you we are till "breaking in" that system and at the moment I don't believe you re able to get into the system to see the more detailed comments [our -plan consultants are trouble shooting re that].

While the review letter of 11.30.09 included references to the e-plan arkups, I am sending pdf's of the actual markups (only 2 reviewers have one markups but I think that is because the other reviewers had omments that did not relate directly to the plans) so you can see the ore detailed and location-specific comments that fed into the letter. WHEN YOU OPEN THE PDF, PUT THE CURSOR OVER THE COLORED BOX that sits on he plan AND THE TEXT COMMENT ("MARKUP") WILL APPEAR; the comments are Iso listed at the end (for if the markups are printed out) but its asier to read them "on" the plan on the computer. Its a special kind of df created by the system.

Perhaps you could confirm receipt of the letter, as it was around hanksgiving and the mail was a bit crazy.

Please note that the overall design and approach of the proposal looks ood but we need more info etc to complete the review and confirm that t meets all of the relevant site plan standards; once we receive nfo/revisions we will review as quickly as possible.

Thank you

Jean

Jean Fraser, Planner  
 ity of Portland  
 74 8728

**CC:** <lhlst@maine.rr.com>

attachments to mine were

① O: \PLAN\Dev Rev\York Street -231 (Popeye's demolition)  
 e-plan\ Site Plan eplan Markups Nov 09  
 231 York St  
 ② " \ Elevation eplan markups  
 Nov 09 231 York St

mine was formatted.

**From:** Jean Fraser  
**To:** Tarling , Jeff  
**Date:** 12/2/2009 1:21:13 PM  
**Subject:** Re: 231 York St- new restaurant- review letter

Jeff,

I'm not sure we could ask for street trees anyway as its not a subdivision.....its a restaurant with the new building right up to the back edge of the sidewalk and a porch facing York....

Theres some vegetation already (along boundary to the rear) but the rear of the restaurant (with windows along where the dishwashing will take place, an "equipment porch" above it faces the neighbors, plus servicing is via an alley to a door near the rear) is potentially noisy and ugly.

ZBA has already determined the use is OK so .... we need to determine how it can be made more acceptable. I imagine the large house next door is rented so those neighbors will have no idea this is likely to be built.

Jean

>>> Jeff Tarling 12/2/2009 12:52:25 PM >>>  
Hi Jean -

This is one of the rare cases where we won't be looking for street-trees along York Street, due to the park across the street and views of Portland Harbor, will check for other landscape potentials.

Thanks

Jeff

>>> Jean Fraser 12/2/2009 11:50:21 AM >>>  
Jeff,

Attached please find the review letter that just went to the applicant (last one below- in WORD).

This is the one I was hoping to discuss with you after Dev Rev today but its not all that urgent right now and its a minor site plan (no planning board, unless it is appealed)

There was no submitted Landscape Plan and you have not given me comments- the letter had to go out and you will see I quoted the ordinance and asked for more landscape. (the plans are in e-plan and were distributed to you on Nov 4, 2009)

**When you have a moment (near future) could you look at the plans and visit the site - I attach my photos of the site and you will see that residential is very near and buffering/screening will be important.**

I anticipate that the applicant will ask "what do you want"? and I would like to discuss with you before I/we answer that.

Many thanks  
Jean

**From:** Jean Fraser  
**To:** Dana, Tod  
**Date:** 12/1/2009 12:33:22 PM  
**Subject:** Fwd: 231 York Street - Review Letter

Hello Tod,

Just to follow up; the letter is in the mail and I hope you received the fax.

The letter did not clarify that if you are submitting revised or additional PLANS, we need 7 copies of each in addition to uploading into e-plan; if its other information or a letter, can be fewer copies as necessary (depends on if in color or large etc and who will be reviewing- we can discuss).

Also, I would be happy to meet with you if you think that would be useful.

Jean

Jean Fraser, Planner  
City of Portland  
874 8728

>>> Jean Fraser 11/30/2009 4:10:16 PM >>>  
Hello Tod,

This review letter is completed and will be going out in the mail tomorrow.

I am faxing it in a few minutes to the fax number shown on the application (775 0022).

Please let me know if you would like it sent by pdf (we don't automatically send that).

At this stage staff comments as marked on the plans in e-plan (which are the same as in the letter but linked to particular locations on particular plans) are not yet viewable by you as the e-plan program is not behaving as anticipated; Barbara Barhydt or I will call you once that is resolved but the letter is the formal review correspondence in any case.

Please do not hesitate to call me if there are any questions.

Jean

Jean Fraser, Planner  
City of Portland  
874 8728





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[www.portlandmaine.gov](http://www.portlandmaine.gov)

**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

November 30, 2009

Tod Dana  
Dana Fisher, LLC  
PO Box 169  
Portland ME 04112

**Re: Minor Site Plan Review: 231 York Street; Demolition of existing building and construction of new building for restaurant use**

**Site Plan Application # 09-79900017**  
**CBL: 044-E-003-001**

Dear Mr. Dana,

I refer to your letter and submissions received November 2, 2009 and confirm that this proposal is being reviewed as a Minor Site Plan.

Staff has completed a review of the proposals and has the following comments:

1. Survey:  
Please show the footprint location of the adjacent (west side) three story residential building on the Survey/ Site Plan as required in the Land Use Ordinance 14-525 (b) (2) d.
2. Zoning:
  - a. Ms Schmuckal (Zoning Administrator) has confirmed that the submitted project appears to meet all of the B-1 Zone requirements: setbacks, building height and the impervious surface ratio of the B-1 Zone are being met. The current submitted floor plans are substantially the same as what the Zoning Board of Appeals reviewed. There shall be no public seating on the second floor.
  - b. It is noted that the ZBA granted a variance for on site parking (none required) which expires on February 7, 2010 and that a request for an extension of the Conditional Use appeal for the Restaurant use will be considered by the ZBA on December 3, 2009.
  - c. HVAC equipment shall meet the B-1 Zone maximum noise allowances. Please confirm the location of compressors and submit information from the manufacturer that confirms that the compressor noise levels are in compliance.

6. Fire:

Please clarify the fire suppression system being proposed and ensure that Keith Gautreau (874 8400 or [KNG@portlandmaine.gov](mailto:KNG@portlandmaine.gov)) of the Fire Department has all of the information listed on the Fire Department Site Plan Checklist (copy attached) so that he is able to complete his review. Of particular concern are the location and flows of the nearby hydrants and whether they are adequate.

7. Lighting:

- a. Please identify the location of fixtures "A" and "B" (referenced in Luminaire Schedule on submitted Plan ES-100) on the photometric plan.
- b. Please bring the light trespass within the city standards (0.1 foot candles on the property line) on the north and west boundaries of the site.
- c. Please submit the specifications for lights "A" and "B" (Plan ES-100); the specification submitted on Plan EL-100 was for the internal light fixtures.

8. Impacts on abutters:

The proposed building is in close proximity to residential properties, several of which have windows facing directly into the site. Please submit the following information so that the potential impacts on abutters can be assessed:

- a. Details of the legal arrangements between you and the neighbor to the north regarding the removal of the deck and the introduction of a stairway in front of their door; what accommodations will be made when the existing deck and access from abutting lot are removed?
- b. Details of the ventilation system for the kitchen, particularly the external vents/stacks etc.
- c. Details of the equipment that will be located on the west-facing porch and how this will be screened from abutting properties?
- d. How noise from the washing area windows and servicing door area (and possibly from the porch) will be mitigated?

9. Other information required:

In order to complete the review the following information is requested:

- a. Submission of letters of service capacity in respect of sewer and water supply; copies of the applications to the City of Portland and PWD were not included in the application and evidence of adequate capacity is a Site Plan application requirement.
- b. Submission of the description/details of the cladding and roofing materials of the retained and proposed buildings.

10. Other information:

- a. Please note that any Site Plan approval would be subject to conditions prohibiting public seating on the second floor and to limits on the hours of opening to between 6am and 11pm each day.

November 17, 2009

To: Jean Fraser  
From: David Margolis-Pineo - Public Services Review Comments  
Re: 231 York Street  
November 17, 2009

To: Jean Fraser  
From: David Margolis-Pineo - Public Services Review Comments  
Re: 231 York Street

1. The applicant is asked to close the curb cut on Brackett Street with raised granite curbing and a new brick sidewalk. The brick sidewalk on Brackett Street is currently in poor condition whereas the brick sidewalk on York Street is in very good condition. Therefore the applicant is asked to replace the entire brick sidewalk on Brackett Street from the street right of way to curb from the York Street sidewalk to the property line on Brackett Street with the Pinehall Paver bricks now specified by the City.
2. The plans are not stamped.
3. The applicant is asked to evaluate an alternative to discharging the proposed foundation drain to the City's sanitary sewer. Is it possible to discharge to catch basin where future stormwater separation would remove this water from the sanitary system?
4. The existing water and gas service on Brackett Street are not shown on the utility plan. Will they be reused or abandoned.
5. Since the proposed sanitary sewer connection into York Street will connect to a combined sewer system, the applicant is advised to install a backflow preventer on the sewer lateral.
6. The applicant shall obtain a seal drain permit and demolition permit before commencing.
7. It is the City's desire to inspect the granite vault on the corner of Brackett and York Streets. If the structure is in a failure condition, the City will coordinate with the applicant.



MODE = MEMORY TRANSMISSION

START=NOV-30 15:47

END=NOV-30 15:50

FILE NO.=994

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
001	OK	2	97750022	007/007	00:02:24

-CITY OF PORTLAND -

\*\*\*\*\* -PLANNING DEPT. - \*\*\*\*\* 2077568258- \*\*\*\*\*

City of Portland  
Department of Planning and Development  
Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258



FAX

To:

Tod Dana

Company:

Dana Fisher LLC

Fax #:

775-0022

Date:

Nov 30, 2009

From:

Jean Fraser, Planner

You should receive 7 page(s) including this cover sheet.

Comments:

Review letter attached; will be mailed tomorrow. Please also see my e-mail.  
Jean

City of Portland  
Department of Planning and Development  
Planning Division  
389 Congress Street, 4<sup>th</sup> Floor  
Portland ME 04101  
(207)874-8721 or (207)874-8719  
Fax: (207)756-8258



FAX

---

To:

Bd Dana

Company:

Dana Fisher LLC

Fax #:

775-0022

Date:

Nov 30, 2009

From:

Jean Fraser, Planner

You should receive 7 page(s) including this cover sheet.

---

**Comments:**

Review letter attached; will be mailed tomorrow. Please also see my e-mail.  
Jean

**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 11/30/2009 9:48:13 AM  
**Subject:** 231 York Street

Jean - My final comments on the above noted project are provided below.

. Based upon the zoning variance ruling that off-street parking is not required, I find the project to be acceptable from a parking perspective. I would note that the applicant may want to consider some type of off-street parking arrangement that could be used for their employees within a reasonable proximity to the project site.

. Considering the characteristics of the area and the inability to provide off-street loading accommodations, I find the proposal to have deliveries and pick-ups from the street to be acceptable.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive  
Building A, Suite One  
Falmouth, ME 04105

207.347.4354 (Direct)  
207.781.4721 (Main)  
207.781.4753 (Fax)  
207.400.0719 (Mobile)

**CC:** Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo  
<DMP@portlandmaine.gov>



11-25-09

Dev Rev Review Discussion

① Re Parking.

Alex/Tom/John discussed options including availability of city-owned lot nearby. Tom to recast his comment.

② Agreed require 2 bike hitches

③ Need info re vents etc for kitchen along with HVAC.

**Zoning Administrator Marge Schmuckal**  
**November 24, 2009**

This project is in a B-1 Zone. The applicant has received a variance for on site parking (none required). That variance approval will expire on February 7, 2010. The Conditional Use appeal for the Restaurant use expired on November 13, 2009. However, before that date, the applicant filed for a six month extension of the approved restaurant Use. That appeal will be heard on December 3, 2009. Extensions are usually granted by the Board.

The submitted project appears to meet all of the B-1 Zone requirements. Setbacks, building height and the impervious surface ratio of the B-1 Zone are being met. The current submitted floor plans are substantially the same as what the Zoning Board of Appeals reviewed. There shall be no public seating on the second floor.

HVAC equipment shall meet the B-1 Zone maximum noise allowances. Information shall be submitted showing compliance at this time.

Separate permits shall be required for any new signage.

Ch: 14-166 Other requirements  
14-167 Ext. effects  
(a) Enclosed structure  
(d) fumes - vents?  
Smoke - kitchen

do we need condition re  
6am to 11 pm (14-163(i)(b))

**Fire Prevention Captain Keith Gautreau**

MM/DD/YY INSERT COMMENTS HERE

11/20/09 Must apply for Demo Permit through Building Inspections prior to demolition. Is there any proposed fire suppression system and if so location of hydrants and their flows? Access looks good to structure on corner of York and Brackett. KG



**From:** Thomas Errico <Thomas.Errico@tylin.com>  
**To:** Jean Fraser <JF@portlandmaine.gov>  
**Date:** 11/18/2009 4:39:49 PM  
**Subject:** 231 York Street

Jean -- I have reviewed the project information and offer the following comments.

. Based upon prior City approvals for restaurants within the downtown district, where providing off-street parking is not possible or practical, I would suggest that the applicant provide parking arrangements for their employees within a reasonable proximity to the project site.

. Considering the characteristics of the area and the inability to provide off-street loading accommodations, I find the proposal to have deliveries and pick-ups from the street to be acceptable.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, P.E.

T.Y. Lin International

12 Northbrook Drive  
Building A, Suite One  
Falmouth, ME 04105

207.347.4354 (Direct)  
207.781.4721 (Main)  
207.781.4753 (Fax)  
207.400.0719 (Mobile)

Lot 5.2 4.111

3500

2711 <sup>sq</sup> foot print  
4044 - total

1523

**CC:** Katherine Earley <KAS@portlandmaine.gov>, David Margolis-Pineo  
<DMP@portlandmaine.gov>

November 17, 2009

To: Jean Fraser  
From: David Margolis-Pineo - Public Services Review Comments  
Re: 231 York Street  
November 17, 2009

To: Jean Fraser  
From: David Margolis-Pineo - Public Services Review Comments  
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1. The applicant is asked to close the curb cut on Brackett Street with raised granite curbing and a new brick sidewalk. The brick sidewalk on Brackett Street is currently in poor condition whereas the brick sidewalk on York Street is in very good condition. Therefore the applicant is asked to replace the entire brick sidewalk on Brackett Street from the street right of way to curb from the York Street sidewalk to the property line on Brackett Street with the Pinehall Paver bricks now specified by the City.
2. The plans are not stamped.
3. The applicant is asked to evaluate an alternative to discharging the proposed foundation drain to the City's sanitary sewer. Is it possible to discharge to catch basin where future stormwater separation would remove this water from the sanitary system?
4. The existing water and gas service on Brackett Street are not shown on the utility plan. Will they be reused or abandoned.
5. Since the proposed sanitary sewer connection into York Street will connect to a combined sewer system, the applicant is advised to install a backflow preventer on the sewer lateral.
6. The applicant shall obtain a seal drain permit and demolition permit before commencing.
7. It is the City's desire to inspect the granite vault on the corner of Brackett and York Streets. If the structure is in a failure condition, the City will coordinate with the applicant.

DM-P has discussed  
these w/ Tod Dana;

Tod OK with all

+ Conf Hrus to DF 11-18-09

**Deputy City Engineer**  
**David Margolis-Pineo**

November 17, 2009

To: Jean Fraser  
From: David Margolis-Pineo - Public Services Review Comments  
Re: 231 York Street

1. The applicant is asked to close the curb cut on Brackett Street with raised granite curbing and a new brick sidewalk. The brick sidewalk on Brackett Street is currently in poor condition whereas the brick sidewalk on York Street is in very good condition. Therefore the applicant is asked to replace the entire brick sidewalk on Brackett Street from the street right of way to curb from the York Street sidewalk to the property line on Brackett Street with the Pinehall Paver bricks now specified by the City.
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4. The existing water and gas service on Brackett Street are not shown on the utility plan. Will they be reused or abandoned.
5. Since the proposed sanitary sewer connection into York Street will connect to a combined sewer system, the applicant is advised to install a backflow preventer on the sewer lateral.

6. + ref to vault at corner  
on emailed version



**From:** Jean Fraser  
**To:** asiawest@aol.com  
**Date:** 11/5/2009 4:18:43 PM  
**Subject:** 231 York Street Site Plan Application

Hello Tod,

I am the planner assigned by Barbara Barhydt to coordinate the review of this application and I am writing to confirm:

1. The application has been circulated to reviewers and I should have some preliminary comments mid week next week;
2. The Plans and documents that you provided in 2 CDs to Barbara Barhydt have been uploaded into the E-Plan system.

I will contact you next week once a more detailed review is underway.

Thank you  
Jean

Jean Fraser, Planner  
City of Portland  
874 8728



# PORTLAND MAINE

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Penny St. Louis Littell- Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator

August 18, 2010

Dana Fisher LLC  
P.O. Box 169  
Portland, ME 04112

Attn: Tod Dana

RE: 231 York Street – 044-E-003 – B-1 Zone

Dear Tod,


I am writing you regarding your restaurant project located at 231 York Street. As you know the Zoning Board of Appeals granted a variance from the off-street parking requirements on August 7, 2008. That variance was extended to the full two (2) year term allowed by Ordinance. Your variance expired on August 7, 2010. The Ordinance [section 14-473(e)] states, "No variance permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, or such other time as may be fixed at the time granted not to exceed two (2) years, *unless a building permit for such erection or alteration is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.*"

I am concerned that you are not meeting the requirements of the Ordinance relating to beginning construction and diligently pursuing the project to completion. Recent inspections show no activity on the site.

On August 2, 2010 a demolition permit for the existing building was issued (#10-0773). On August 5, 2010 a foundation-only permit for the new restaurant was issued (#10-0943). As of a site visit on August 16, 2010, an excavation for the new foundation has not been completed. A footing has not been formed. Concrete for the foundation has not been placed or poured. Construction activity on the site appears to have ceased.

Please respond in writing explaining as to how you are meeting the requirements set forth in the Ordinance regarding the diligent pursuit of construction to completion. You must respond within 1 week of the receipt of this letter.

Sincerely,

  
Marge Schmuckal  
Zoning Administrator

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, February 18, 2010 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

#### 1. New Business:

##### A. Variance Appeal:

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone:

On August 7, 2008, the Zoning Board of Appeals granted a Variance Appeal to Dana Fishman, LLC to waive the required off street parking requirements for their restaurant [section 14-332(i)]. On May 21, 2009, the Board granted a six month extension (from August 21, 2009 to February 7, 2010) for the Variance Appeal to waive the required off street parking requirement. The appellant is requesting a six month extension of the Variance Appeal Approval that was granted on May 21, 2009 to finalize the construction plans and secure a building permit. Representing the appeal is Cheryl Lewis.

##### B. Conditional Use Appeal:

18-20 Thomas Street, James Ohannes and Elizabeth McGrady, buyers, Tax Map 062, Block E, Lot 013, R-4 Residential Zone: The appellants are seeking a Conditional Use Appeal under section 14-103(a)(2) to alter an existing structure to accommodate two dwelling units. Representing the appeal are the applicants James Ohannes and Elizabeth McGrady and their agent Thomas Blackburn.

##### C. Conditional Use Appeal:

250 Brackett Avenue (Trott Littlejohn Park), Peaks Island, Samuel S. Saltonstall, Peaks Environmental Action Team, lessee, Tax Map 088, Block K, Lot 001 & Tax Map 089, Block E, Lot 004, ROS Zone: On September 3, 2009, the Zoning Board of Appeals granted a Conditional Use Appeal to Sam S. Saltonstall and Peaks Environmental Action Team to install a temporary wind anemometer tower at Trott Littlejohn Park, Peaks Island [section 14-155(d)]. The appellant is requesting a year extension of the Conditional Use Appeal approval that was granted on September 3, 2009 in order to have time to get the tower installed. Representing the appeal is Samuel S. Saltonstall from Peaks Environmental Action Team.

#### 2. Adjournment:



**From:** Marge Schmuckal  
**To:** Barbara Barhydt; Jean Fraser  
**Date:** 1/19/2010 2:02 PM  
**Subject:** Re: 231 York St

*Marge spoke to  
Tod + he is going  
to req. an extension  
re: variance  
JF*

I guess the basic question is whether his project is approvable at this point, if not, then he needs to be notified what he needs to do.

Marge

>>> Barbara Barhydt 1/19/2010 1:15 PM >>>

So if he asks for his final 6 month extension on the parking, then he would need to get final site plan approval and begin construction (demolition or construction) prior to August 7 2010, correct? I prefer making sure he gets his final extension rather than seeking to grant some work prior to site plan approval. What do you think?

Barbara

>>> Marge Schmuckal Tuesday, January 19, 2010 1:00 PM >>>

There were two appeals

VARIANCE FOR PARKING:

Original appeal: August 7, 2008 to August 7, 2009 (1 year)  
August 7, 2009 to Feb 7, 2010 (6 month extension)  
May only request 6 mo. extension (2 year is max)

CONDITIONAL USE APPEAL:

Original appeal November 13, 2008 to May 13, 2009 (6 months)  
May 13, 2009 to November 13, 2009 (6 mo extension)  
November 13, 2009 to Nov 13, 2010 (1 year & final ext)

The conditional use appeal standards state:

"...the conditional use has been commenced or is issued and construction is actually begun within that period and is thereafter diligently pursued to completion;"

Can you allow them to begin demolition and then commence work on the new building????

Marge

>>> Barbara Barhydt 1/19/2010 12:37 PM >>>

Marge:

In order to maintain their approval, what do they need to do? Can they ask for an extension or do they have to go through a re-approval? If the site plan is approved, is that sufficient or do they need to start construction?

Thanks.

Barbara

>>> Jean Fraser Tuesday, January 19, 2010 12:06 PM >>>

Marge,

They applied for Site Plan Review on Nov 2, 2009 and I wrote the attached review letter to them on Nov 30, 2009.

On Dec 10 I followed up with Tod Dana and he sent an e-mail that day saying "I am working with my team to amend the drawings and gather all the information you have requested. I will be in touch soon with a

# **CITY OF PORTLAND, MAINE**

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## **ZONING BOARD OF APPEALS**

### **APPEAL AGENDA**

**The Board of Appeals will hold a public hearing on Thursday, December 3, 2009 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:**

#### **1. New Business:**

##### **A. Interpretation Appeal:**

8 Ryefield Street, Peaks Island, Philip H. Morgan, owner, Tax Map 084, Block E, Lot 005, IR-2 Island Residential Zone: The appellant is seeking an interpretation of section 14-427 as it relates to the enclosure of an open porch with a roof that existed as of June 5, 1957 which does not meet the required setbacks. The appellant is also seeking an interpretation of the definition of a structure (section 14-47) as it applies to a "tent shed". Representing the appeal is Jonathan Goldberg, Esq.

##### **B. Variance Appeal:**

8 Ryefield Street, Peaks Island, Philip H. Morgan, owner, Tax Map 084, Block E, Lot 005, IR-2 Island Residential Zone: The appellant is seeking a variance to keep the 8' x 20' deck and steps that were built without a permit. The appellant is requesting a variance for the right side setback from a required 20' to 11.5' [section 14-145.11(c)(3)] and for the rear setback from a required 25' to 6'8" [section 14-145.11(c)(2)]. The appellant is also requesting a variance for the maximum allowable lot coverage from 20% of the lot to 38.4% of the lot [section 14-145.11(d)]. Finally, the appellant is requesting a variance for the setback for a structure in a Shoreland Zone from the required 75' to 26'6" [section 14-449(a)(1)]. Representing the appeal is Jonathan Goldberg, Esq.

##### **C. Conditional Use Appeal:**

231 York Street, Dana Fisher, LLC, owner, Tax Map 044, Block E, Lot 003, B-1 Zone: The Zoning Board of Appeals granted a Conditional Use Appeal on November 13, 2008 to Dana Fishman, LLC to have a restaurant at 231 York Street [section 14-163(a)]. The Zoning Board of Appeals granted a six month extension for the Conditional Use Appeal on May 21, 2009. The appellant is requesting another six month extension of the Conditional Use Appeal. Representing the appeal is the applicant, Tod Dana.

#### **2. Adjournment:**

**From:** Marge Schmuckal  
**To:** Jean Fraser  
**Date:** 12/3/2009 7:06:41 PM  
**Subject:** ZBA - 231 York St

Jean,  
The conditional use appea extenstionl for 231 York Street has be approved for 1 year. It expires  
November 13, 2010.  
Marge





# PORTLAND MAINE

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**Public Services Department**  
**Michael J. Bobinsky, Director**

30 March 2010

Mr. Anthony Panciocco,  
Sebago Technics, Inc.,  
One Chabot Street,  
Westbrook, Maine 04098-1339

**RE: The Capacity to Handle Anticipated Wastewater  
Flows, from a Proposed Retail Reuse, at 231 York Street.**

Dear Mr. Panciocco:

The existing ten-inch diameter, vitrified clay, sanitary sewer pipe, located in York 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 wastewater flows of **1,151 GPD**, from this proposed project.

**Anticipated Wastewater Flows from This Proposed Bank Project:**

10 Proposed Employees @ 15 GPD/Employee	= 150 GPD
50 Proposed Restaurant Seats @ 30 GPD/Seat	= 1,500 GPD
Less Wastewater Flow, from Previous Owners:	= <u>499 GPD</u>
<b>Total Net Wastewater Flows, for this Project</b>	<b>= 1,151 GPD</b>

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

CC: Penny Littell, 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, Planning Division, 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  
Stephen K. Harris, Assistant Engineer, City of Portland  
John Emerson, Wastewater Coordinator, City of Portland




**CITY OF PORTLAND**

**CERTIFICATE OF VARIANCE APPROVAL  
2<sup>ND</sup> UPDATE**

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 18th day of February, 2010, the following variance extension was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

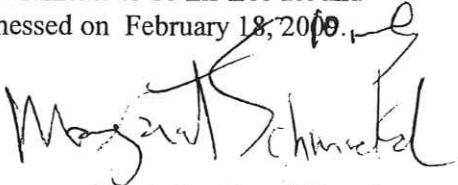
1. **Current Property Owner: Dana Fisher LLC**
2. **Property: 231 York Street, Portland, ME CBL: 044-E-3**  
Cumberland County Registry of Deeds, Book 26271 Page 194  
Last recorded deed in chain of Title: 08/13/2008
3. **Variance and Conditions of Variance:**  
To grant relief from section 14-166(c) and 14-332(i) of the Zoning Ordinance to allow no off-street parking spaces for a proposed restaurant instead of the seven (7) off-street parking required.  
To grant a six month extension of the original variance which was originally approved for one year on August 7, 2008 with another six month extension granted on May 21, 2009. This extension will expire on August 7, 2010 which results in a full two year variance approval from the Zoning Board.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 18th day of February, 2010

  
Chair of  
City of Portland Zoning Board  
Philip Saucier  
(Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named **Philip Saucier** and acknowledged the above certificate to be his free act and deed in his capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on February 18, 2010.

  
(Printed or Typed Name)  
Notary Public  
Margaret Schmuckal  
My term expires June 28, 2012

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

DANFORTH STREET

new

2 storeys  
12 windows

EXISTING	DESCRIPTION	PROPOSED
---	BOUNDARY LINE/ROW	---
---	ABUTTER LINE/ROW	---
---	SETBACK	---
□	MONUMENT	---
C1/L1	CURVE/LINE NO.	---
	BENCHMARK	---
	BUILDING	---
---	EDGE PAVEMENT	---
---	EDGE CONCRETE	---
---	PAVEMENT PAINT	---
---	CURB/LINE	---
---122---120---	CONTIGUOUS	124
x30 20	SPOT GRADE	+ 3670
---	CHAIN LINK FENCE	---
---	RETAINING WALL	---
C	GAS	G
M	GAS GATE VALVE	M
W	WATER	W
W	WATER GATE VALVE	W
S	SEWER	S
5	SEWER MH	5
SD	STORM DRAIN	SD
	CATCH BASIN	---
	DRAINAGE MH	---
---	OVERHEAD UTILITY	---
UGU	UNDERGROUND UTILITY	---
U	UTILITY POLE	---
GUT	GUT	---

LIMIT OF SIDEWALK  
RECONSTRUCTION

NEW OVER-HEAD \_\_\_\_\_  
ELECTRICAL SERVICE  
COORDINATE CONNECTION  
WITH CENTRAL MAINE  
POWER PRIOR TO  
CONSTRUCTION

NEW DOMESTIC AND FIRE PROTECTION SERVICES FOR PORTLAND WATER DISTRICT STANDARDS COORDINATE CONNECTIONS WITH PORTLAND WATER DISTRICT PRIOR TO CONSTRUCTION

REMOVE AND REINSTALL  
EXISTING PARKING SIGN

REMOVE EXISTING SANITARY SEWER  
SERVICE CONNECTION AT MAIN IN  
ACCORDANCE WITH CITY OF PORTLAND  
REQUIREMENTS THE EXISTING SEWER  
SERVICE LOCATION SHOWN IS  
APPROXIMATE THE CONTRACTOR SHALL  
CONFIRM THE EXISTING SERVICE  
LOCATION PRIOR TO CONSTRUCTION

CONTRACTOR TO COORDINATE ALL  
WORK WITHIN 10 FEET OF EXISTING  
OVERHEAD ELECTRICAL LINES WITH  
CENTRAL MAIN POWER PRIOR TO  
CONSTRUCTION

POLICE/FIRE

MAINTAIN EXISTING \_\_\_\_\_  
POLICE/FIRE BOX DURING  
CONSTRUCTION DO NOT  
DISCONNECT

LIMIT OF SIDEWALK RECONSTRUCTION ———

### REBET EXISTING GRANITE MONUMENT AFTER CONSTRUCTION

SMH \_\_\_\_\_  
R-M=74.94  
INV.IN=65.54  
INV.OUT=65.39

TBM  
PKS UP 27  
EL=75.27

COORDINATE REMOVAL OF EXISTING  
OVERHEAD ELECTRIC SERVICES WITH CMP TELEPHONE & FIRE ALARM  
PRIOR TO DEMOLITION UGU

CONNECT GREASE TRAP SEWER TO  
DOMESTIC SEWER LINE INV. +6430

CONNECT NEW SANITARY SEWER SERVICE  
TO EXISTING SANITARY LINE COORDINATE  
CONNECTION WITH PORTLAND PUBLIC  
WORKS PRIOR TO CONSTRUCTION

YORK STREET  
PAVED - PUBLIC 66' WIDE

not correct

Dolly  
Peter's  
3 st

TELEPHONE - 3 DUCT

10° C.I. CAS

6° W

## GRAPHIC

( IN FY  
1 inch =





# PORTLAND MAINE

*Strengthening a Remarkable City. Building a Community for Life* [www.portlandmaine.gov](http://www.portlandmaine.gov)

**Public Services Department**  
**Michael J. Bobinsky, Director**

30 March 2010

Mr. Anthony Panciocco,  
Sebago Technics, Inc.,  
One Chabot Street,  
Westbrook, Maine 04098-1339

**RE: The Capacity to Handle Anticipated Wastewater  
Flows, from a Proposed Retail Reuse, at 231 York Street.**

Dear Mr. Panciocco:

The existing ten-inch diameter, vitrified clay, sanitary sewer pipe, located in York 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 wastewater flows of **1,151 GPD**, from this proposed project.

**Anticipated Wastewater Flows from This Proposed Bank Project:**

10 Proposed Employees @ 15 GPD/Employee	= 150 GPD
50 Proposed Restaurant Seats @ 30 GPD/Seat	= 1,500 GPD
Less Wastewater Flow, from Previous Owners:	= <u>499 GPD</u>
<b>Total Net Wastewater Flows, for this Project</b>	<b>= 1,151 GPD</b>

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

CC: Penny Littell, 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, Planning Division, 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  
Stephen K. Harris, Assistant Engineer, City of Portland  
John Emerson, Wastewater Coordinator, City of Portland



231 York Street

<Double-click here to enter text>

Planning Division Photo





Nov 2009









Nov 2009





Nov 2009