

Jeanie Bourke - 645 Congress Street Permit Review

From: "Ben Walter" <BenWalter@cwsarch.com>
To: <JMB@portlandmaine.gov>
Date: 7/2/2009 8:58:48 AM
Subject: 645 Congress Street Permit Review
CC: "Greg Shinberg" <gls@shinbergconsulting.com>, <pricestructural@maine.rr.com>, "Dave Douglass" <ddouglass@cwsarch.com>

Hi Jeannie,

Greg Shinberg has asked that I work with you to get any of your concerns answered. I am available all day today, but I am taking Friday off. I will be back on Monday and then I am taking Tuesday, Wed. and Thurs. off, back on Friday.

Greg mentioned the following items that you had relayed to him on the telephone, which I can address now.

1. **Fill in a few missing lines of Certificate of Design Application.** These were inadvertently omitted. As per the Code Analysis in the specification, the Use Group Classifications are Residential R-2, Mercantile M and Storage S-1; the Structure will have a Fire suppression system in accordance with 903.3.1, the type of construction is Type IIIB. See attached updated certificate
2. *Condition of Approval* **Provide a 2006 Structural Waiver Request.** On behalf of our structural design consultant (Price Structural Engineers), CWS Architects requests a waiver from using the structural design requirements in Chapters 16 through 18 of IBC 2003 and instead use Chapters 16 through 18 of IBC 2006.
3. *Greg's* **Require Quality Assurance Plan 1706.3** - The Basic Requirements of the specifications require the contractor to comply with the requirements of all applicable codes. Greg Shinberg will issue an addendum that will include the following language: "Prior to commencing work, the contractor shall provide to the local building official a written statement of responsibility as stipulated in IBC 2003, Section 1706.3 Contractor responsibility."
4. *IEBC - 812.4.3.3 (3) sprinklers* **How do West Elevation Windows meet Code** - All of the windows on the west elevation (9.5% of the overall building elevation) are "existing" and have been for more than 100 years. It is assumed, that since there is no change of use (R-2 to R-2), that the existing aluminum window openings are grandfathered and can remain and be maintained. It is proposed that these old, drafty windows be replaced with new, energy efficient windows. If these were new windows on a zero-lot-line, the windows would not be permitted unless the wall was not required to be fire rated - which would allow unlimited unprotected openings. Note that with the brick arches over the openings, the actual opening is not a part of the exterior bearing wall and thus would not be required to be rated. In addition, and as was mentioned at our initial meeting several months ago, there are other parts of the code that would not allow windows within 10 of the roof below which again we have assumed is grandfathered and would only apply to the third floor windows.
5. **Code Summary - separation between parking?** - Greg mentioned that you saw something in the code study suggesting a separation between parking. I have reviewed this twice and can not find the reference. If it is in there, it is not intended and could be removed.
6. *Existing* **Maximum Building Height** - As previously mentioned, this building (the sixth floor, specifically) is one story higher than allowed by the current code but assume it did meet the code requirements at the time of construction. There are many other taller buildings of the same construction type and use in Portland that have been recently renovated (Congress Square Plaza, for example). We have assumed that since the renovations do not constitute a change of use, the existing 6th floor can remain as is.

Please call me if you would like to discuss these items further and any other items you might have.



Certificate of Design Application

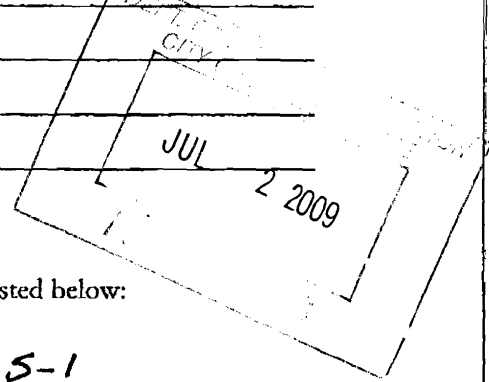
(Architectural & Structural shell only)

From Designer: David A. Price, PE / Ben Walter, AIA

Date: 6/6/09

Job Name: Renovations to 645 Congress Street

Address of Construction: 645 Congress St., Portland, ME 04101



Walter

2003 International Building Code

Construction project was designed to the building code criteria listed below:

Building Code & Year 2006 IBC Use Group Classification (s) R-2, M, S-1

Type of Construction Steel Beams/Cast-Iron Columns/Wood Joists & Deck III B

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC YES

Is the Structure mixed use? yes If yes, separated or non separated or non separated (section 302.3) separated

Supervisory alarm System? yes Geotechnical/Soils report required? (See Section 1802.2) see attached

Structural Design Calculations

Submitted for all structural members (106.1 - 106.11)

Design Loads on Construction Documents (1603)

Uniformly distributed floor live loads (7603.11, 1807)

Floor Area Use no changes made to structure at related floors except at ground floor walls - south side only

Loads Shown

Wind loads (1603.1.4, 1609)

ASCE 7 Design option utilized (1609.1.1, 1609.6)

100 Basic wind speed (1809.3)

1.0 Building category and wind importance Factor, I_w table 1604.5, 1609.5)

B Wind exposure category (1609.4)

±0.18 Internal pressure coefficient (ASCE 7)

52 psf (max) Component and cladding pressures (1609.1.1, 1609.6.2.2)

26 psf (max) Main force wind pressures (7603.1.1, 1609.6.2.1)

Earth design data (1603.1.5, 1614-1623)

ASCE 7.05 Design option utilized (1614.1)

I Seismic use group ("Category")

.214, .052 Spectral response coefficients, S_D & S_{D1} (1615.1)

B Site class (1615.1.5)

per code

1607.11 Live load reduction

1608 Roof live loads (1603.1.2, 1607.11)

50 psf Roof snow loads (1603.7.3, 1608)

35 psf Ground snow load, P_g (1608.2)

1.0 If $P_g > 10$ psf, flat-roof snow load p_f

1.0 If $P_g > 10$ psf, snow exposure factor, C_e

1.0 If $P_g > 10$ psf, snow load importance factor, I_s

1.0 Roof thermal factor, C_t (1608.4)

1.0 Sloped roof snowload, p_s (1608.4)

B Seismic design category (1616.3)

shear wall Basic seismic force resisting system (1617.6.2)

1.5 Response modification coefficient, R_d and deflection amplification factor, C_d (1617.6.2)

ASCE 7.05 Analysis procedure (1616.6, 1617.5)

211 kips Design base shear (1617.4, 1617.5.1)

Flood loads (1803.1.6, 1612)

- Flood Hazard area (1612.3)

- Elevation of structure

Other loads

- Concentrated loads (1607.4)

shear walls Partition loads (1607.5)

entrance canopy Misc. loads (Table 1607.8, 1607.6.1, 1607.7, 1607.12, 1607.13, 1610, 1611, 2404)

Statement of Structural Special Inspections

Project: *Renovations to 645 Congress Street*
Location: *645 Congress Street; Portland Maine*
Owner: *Bayside Maine. LLC*

Structural Design Professional in
Responsible Charge: *David A. Price, PE*

This *Statement of Structural Special Inspections* is submitted as a condition for permit issuance in accordance with the Special Inspection and Structural Testing requirements of the Building Code. It includes a schedule of Structural Special Inspection services applicable to this project as well as the name of the Structural Special Inspection Coordinator and the identity of other approved agencies to be retained for conducting these inspections and tests. This *Statement of Structural Special Inspections* encompass the following disciplines:

Structural Mechanical/Electrical/Plumbing
 Architectural Other: _____

The Structural Special Inspection Coordinator shall keep records of inspections and shall furnish inspection reports to the Building Official and the Registered Design Professional in Responsible Charge. Discovered discrepancies shall be brought to the immediate attention of the Contractor for correction. If such discrepancies are not corrected, the discrepancies shall be brought to the attention of the Building Official and the Registered Structural Design Professional in Responsible Charge. The Special Inspection program does not relieve the Contractor of his or her responsibilities.

Interim reports shall be submitted to the Building Official and the Registered Structural Design Professional in Responsible Charge.

A *Final Report of Structural Special Inspections* documenting completion of required inspections, testing and correction of discrepancies noted in the inspections shall be submitted prior to issuance of a Certificate of Use and Occupancy.

Job site safety and means and methods of construction are solely the responsibility of the Contractor.

Interim Report Frequency: *As requested by building official* or per attached schedule.

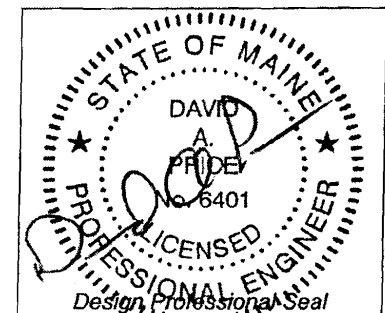
Prepared by:

David A. Price, PE

(type or print name)

David A. Price
Signature

June 2009
Date



Owner's Authorization:

Building Official's Acceptance:

Signature

Date

Signature

Date

Schedule of Structural Inspection and Testing Agencies

This Statement of Special Inspections / Quality Assurance Plan includes the following building systems:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Soils and Foundations
<input checked="" type="checkbox"/> Cast-in-Place Concrete
<input type="checkbox"/> Precast Concrete
<input checked="" type="checkbox"/> Masonry
<input checked="" type="checkbox"/> Structural Steel
<input type="checkbox"/> Cold-Formed Steel Framing | <input type="checkbox"/> Spray Fire Resistant Material
<input checked="" type="checkbox"/> Wood Construction
<input type="checkbox"/> Exterior Insulation and Finish System
<input type="checkbox"/> Mechanical & Electrical Systems
<input type="checkbox"/> Architectural Systems
<input type="checkbox"/> Special Cases |
|---|---|

Special Inspection Agencies	Firm	Address, Telephone, e-mail
1. Structural Special Inspector	<i>Price Structural Engineers, Inc.</i>	<i>75 Farms Edge Road North Yarmouth, ME 04097 Tel : (207) 846-0099</i>
2. Inspection / Testing	<i>S.W. Cole Engineering</i>	<i>286 Portland Road Gray, ME 04039 Tel : (207) 657.2866</i>
3. Inspection / Testing	<i>Quality Assurance Labs Inc.</i>	<i>80 Pleasant Ave. South Portland, ME 04106 Tel : (207) 799-8911</i>

Note: The inspectors and testing agencies shall be engaged by the Owner or the Owner's Agent, and not by the Contractor or Subcontractor whose work is to be inspected or tested. Any conflict of interest must be disclosed to the Building Official, prior to commencing work.

Quality Assurance Plan

Quality Assurance for Seismic Resistance

Seismic Design Category	B
Quality Assurance Plan Required (Y/N)	No

Description of seismic force resisting system and designated seismic systems:

The main building structure is braced using existing solid brick exterior shearwalls and existing plaster interior shear walls on existing wood framing. Shear walls occur in each orthogonal direction. The existing building is constructed with cast iron columns, steel beams, wood framed joists and a wood diaphragm. New structural steel braced frames are added at the ground floor level only, at the south wall only. A new concrete masonry shear-wall will be constructed in the basement below the new braced frame at the east end of the building.

Inspections and tests for the seismic resisting components are as indicated within the attached schedule and summarized as follows:

1. *Test compaction of foundation backfill below shearwalls.*
2. *Visually inspect reinforcement and test concrete at concrete foundations.*
3. *Visually Inspect reinforcement and test masonry at masonry shear walls.*
4. *Visually inspect structural steel member sizes, welding and bolting at structural steel framing.*
5. *Visually inspect fastener spacing and supports at wood framed areas adjacent to new steel bracing.*
6. *Visually inspect adhesive anchors at existing brick piers*

Quality Assurance for Wind Requirements

Basic Wind Speed (3 second gust)	100 mph
Wind Exposure Category	C
Quality Assurance Plan Required (Y/N)	Yes

Description of wind force resisting system and designated wind resisting components:

The main building structure is braced using existing solid brick exterior shearwalls and existing plaster interior shear walls on existing wood framing. Shear walls occur in each orthogonal direction. New structural steel braced frames are added at the ground floor level only, at the south wall only. A new concrete masonry shear-wall will be constructed in the basement below the new braced frame at the east end of the building.

Inspections and tests for the wind resisting components are as indicated within the attached schedule and summarized as follows:

1. *Test compaction of foundation backfill below shearwalls.*
2. *Visually inspect reinforcement and test concrete at concrete foundations.*
3. *Visually Inspect reinforcement and test masonry at masonry shear walls.*
4. *Visually inspect structural steel member sizes, welding and bolting at structural steel framing.*
5. *Visually inspect fastener spacing and supports at wood framed areas adjacent to new steel bracing.*
6. *Visually inspect adhesive anchors at existing brick piers*

Qualifications of Inspectors and Testing Technicians

The qualifications of all personnel performing Special Inspection and testing activities are subject to the approval of the Building Official. The credentials of all Inspectors and testing technicians shall be provided if requested.

Key for Minimum Qualifications of Inspection Agents:

When the Registered Design Professional in Responsible Charge deems it appropriate that the individual performing a stipulated test or inspection have a specific certification or license as indicated below, such designation shall appear below the *Agency Number* on the Schedule.

PE/SE	Structural Engineer – a licensed SE or PE specializing in the design of building structures
PE/GE	Geotechnical Engineer – a licensed PE specializing in soil mechanics and foundations
EIT	Engineer-In-Training – a graduate engineer who has passed the Fundamentals of Engineering examination

American Concrete Institute (ACI) Certification

ACI-CFTT	Concrete Field Testing Technician – Grade 1
ACI-CCI	Concrete Construction Inspector
ACI-LTT	Laboratory Testing Technician – Grade 1&2
ACI-STT	Strength Testing Technician

American Welding Society (AWS) Certification

AWS-CWI	Certified Welding Inspector
AWS – ACWI	Associate Certified Welding Inspector
AWS/AISC-SSI	Certified Structural Steel Inspector

American Society of Non-Destructive Testing (ASNT) Certification

ASNT	Non-Destructive Testing Technician – Level II or III.
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International Code Council (ICC) Certification

ICC-SMSI	Structural Masonry Special Inspector
ICC-SWSI	Structural Steel and Welding Special Inspector
ICC-SFSI	Spray-Applied Fireproofing Special Inspector
ICC-PCSI	Prestressed Concrete Special Inspector
ICC-RCSI	Reinforced Concrete Special Inspector

National Institute for Certification in Engineering Technologies (NICET)

NICET-CT	Concrete Technician – Levels I, II, III & IV
NICET-ST	Soils Technician - Levels I, II, III & IV
NICET-GET	Geotechnical Engineering Technician - Levels I, II, III & IV

Soils and Foundations

Note: Where "periodic inspections" are performed and deficient items are located, additional inspections shall be performed so that extent of deficient areas can be determined and corrected.

Item	Agency # (Qualif.)	Scope
1. Shallow Foundations	<i>Agency #2 (PE/GE or Qualified Technician supervised by PE/GE)</i>	<i>Inspect soils below footings for adequate bearing capacity and consistency with geotechnical report. Inspect removal of unsuitable material and preparation of subgrade prior to placement of controlled fill</i>
2. Structural Fill	<i>Agency #2 (PE/GE or Qualified Technician supervised by PE/GE)</i>	<i>Verify material properties of crushed stone and structural fill adjacent to foundations and below footings Inspect placement, lift thickness and compaction of structural fill. Test density of each lift of fill by nuclear methods (ASTM D2922). Perform sieve tests (ASTM D422 & D1140) and modified Proctor tests (ASTM D1557 adjacent to foundations and below footings. Verify extent and slope of fill placement.</i>

Cast-in-Place Concrete

Note: Where "periodic inspections" are performed and deficient items are located, additional inspections shall be performed so that extent of deficient areas can be determined and corrected.

Item	Agency # (Qualif.)	Scope
1. (a) Mix Design – Before Construction (b) Reinforcement Submittal	Agency #1 (PE/SE)	Review cement certificate of compliance as part of mix design submittal review. Review steel reinforcement submittal
2. Concrete Mix – During Construction	Agency #2 (ACI-CCI)	Review concrete batch tickets and verify compliance with approved mix design. Verify that water added at the site does not exceed that allowed by the mix design.
3. Reinforcement Installation	Agency #2 (ACI- CCI)	Inspect size, spacing, cover, positioning and grade of all reinforcing steel, including dowels for masonry walls. Reinforcement shall conform to stamped structural drawings in addition to what is indicated on reinforcement shop drawings. Verify that reinforcing bars are free of form oil or other deleterious materials. Inspect bar laps and mechanical splices. Verify that bars are adequately tied and supported on chairs or bolsters
4. Formwork	Agency #2 (ACI- CCI)	Inspect formwork dimensions for compliance with foundation drawings. Verify that formwork does not contain debris or ice. Verify foundation wall control joint bondouts conform to G2/S3.0
5. Anchor Rods & Anchor Bolts & Adhesive Anchors	Agency #2 (ACI- CCI)	Inspect size, positioning and embedment of anchor rods/bolts and reinforcement anchorage dowels Inspect concrete placement and consolidation around anchors.
6. Concrete Placement	Agency #2 (ACI- CCI)	Inspect placement of concrete. Verify that concrete conveyance and depositing avoids segregation or contamination. Verify that concrete is properly consolidated.
7. Sampling and Testing of Concrete	Agency #2 (ACI- CFTT)	Test concrete compressive strength (ASTM C31 & C39), slump (ASTM C143), air-content (ASTM C231 or C173) and temperature (ASTM C1064).
8. Curing and Protection	Agency #2 (ACI- CCI)	Inspect curing, cold weather protection and hot weather protection procedures.
9. Beam Pockets (F1/S5.2)	Agency #2 (ACI- CCI)	Inspect formwork, bolt layout and reinforcement per detail F1/S5.2 for beam pockets.

Structural Masonry

Note: Where "periodic inspections" are performed and deficient items are located, additional inspections shall be performed so that extent of deficient areas can be determined and corrected.

Item	Agency # (Qualif.)	Scope
1. (a) Grout Mix Design – Before Construction (b) Reinforcement Submittal	Agency #1 (PE/SE)	Review cement certificate of compliance as part of mix design submittal review. Review steel reinforcement submittal
2. Grout Mix – During Construction	Agency #2 (ACI- CFTT)	Review grout batch tickets and verify compliance with approved mix design. Verify that water added at the site does not exceed that allowed by the mix design.
3. Reinforcement Installation	Agency #2 (ACI- CCI)	Inspect reinforcing steel including both wire joint reinforcement and also deformed bar reinforcement. Inspect lap splices and dowels at wall intersections. Inspect size, spacing, positioning and grade of reinforcing steel. Verify that reinforcing bars are free of form oil or other deleterious materials. Inspect bar lap splices. Verify that bars are adequately tied.
4. Concrete Block	Agency #2 (ACI- CCI)	Inspect masonry cores to be sure that hardened mortar does not block cells to be grouted. Verify inspection ports at bottom of vertically grouted cells Perform at least one prism test early in masonry installation to verify concrete block strength
5. Mortar	Agency #2 (ACI- CFTT)	Inspect field preparation of mortar including mortar components, mixing procedures and water content Inspect mortar installation procedure
6. Anchor Bolts and Adhesive Anchors	Agency #2 (ACI- CCI)	Inspect size, positioning and embedment of anchor rods/bolts and reinforcement anchorage dowels
7. Grout Placement	Agency #2 (ACI- CFTT)	Inspect placement of grout. Verify that grout conveyance and depositing avoids segregation or contamination. Verify that grout is properly consolidated. Inspect concrete placement and consolidation around anchors.
7. Sampling and Testing of Grout	Agency #2 (ACI-LTT)	Test grout compressive strength, slump, air-content, and temperature
8. Curing and Protection	Agency #2 (ACI- CCI)	Inspect curing, cold weather protection and hot weather protection procedures.
9. Grout all cores solid where masonry is below grade	Agency #2 (ACI- CCI)	Periodic inspections

Structural Steel

Note: Where "periodic inspections" are performed and deficient items are located, additional inspections shall be performed so that extent of deficient areas can be determined and corrected.

Item	Agency # (Qualif.)	Scope
1. Fabricator Certification	Agency #3 (AWS-CWI)	Review documentation that shop fabricator is an AISC certified plant.
2. Steel Shop Drawings and Material Certification	Agency #1 (PE/SE)	Review Structural steel shop drawings and certificates of compliance as part of structural steel submittal.
3. Leveling Plates below columns	Agency #3 (AWS-ACWI)	Verify that Leveling plates have been grouted as specified prior to placing beams or columns
4. Anchor Rods and Bolts	Agency #3 (AWS-ACWI)	Verify that washers are in place as specified and that nuts are tight at all anchor bolts.
5. Structural Steel components	Agency #3 (AWS-ACWI)	Verify beams and columns have been placed at correct locations based on identification markings and beam depth (or column depth) dimensions.
6. Bolting	Agency #3 (AWS-ACWI)	<p>Inspect high strength bolt material markings for correct bolt type, diameter, storage in lubricated containers and installation / tightening of high-strength bolt.</p> <p>Verify that splines have separated from tension control bolts. Periodically verify proper tightening sequence.</p> <p>Continuously inspect placement of slip critical bolts and faying surfaces prior to bolt placement.</p>
8. Welding	Agency #3 (AWS-CWI)	<ul style="list-style-type: none"> • Visually inspect storage procedures of welding rods. • Review welding certificates of certified welders. • Verify MG-600 rods used at existing steel where specified • Continuously inspect field welding to existing steel with MG-600 electrodes for the first 4 hours(min) and periodic inspections thereafter provided contractor demonstrates adequate understanding of specified welding procedure requirements. • Visually inspect 100% of field welds at structural steel • Periodically pre-heat, post-heat and surface preparation between passes. • Field fillet welds larger than 5/16" or multi-pass welds shall be continuously inspected during weld placement.
8. Metal Deck	Agency #3 (AWS-CWI)	<p>Periodic weld inspection and side-lap fastening of floor deck.</p> <p>Periodic testing of welds.</p>

Rough Carpentry

Note: Where "periodic inspections" are performed and deficient items are located, additional inspections shall be performed so that extent of deficient areas can be determined and corrected.

Item	Agency # (Qualif.)	Scope
1. Framing size, spacing, alignment with truss centerlines, grade	Agency #1 (PE/SE)	Periodic Structural Observations
2. Simpson Hangers- gap distance at hangers, nails (diameter, quantity), ZMAX finish at PT members,	Agency #1 (PE/SE)	Periodic Structural Observations
3. Misc. Framing Details	Agency #1 (PE/SE)	Periodic Structural Observation
4. Diaphragm Connections <ul style="list-style-type: none">• Anchors• Sheathing thickness• Fastener Size / Spacing• Framing @ Sheathing Edges• Stud Spacing• Sheathing material	Agency #1 (PE/SE)	Periodic Structural Observations

From: Marge Schmuckal
To: Shukria Wiar
Date: 6/9/2009 9:50:21 AM
Subject: 645 Congress Street

Shukria,
I don't see any comments in UI. I have received a building permit for Greg Shinberg to begin work on the 56 new units at 645 Congress Street. Can we issue the building permit? can I get a stamped approved site plan?
Marge



General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 645 Congress Street, Portland, ME 04101		
Total Square Footage of Proposed Structure/Area 51,461	Square Footage of Lot 72,569	
Tax Assessor's Chart, Block & Lot Chart# <u>46</u> Block# <u>D</u> Lot# <u>22</u>	Applicant * must be owner, Lessee or Buyer * Name <u>BAYSIDE MAINE LLC</u> Address <u>477 CONGRESS SUITE 1012</u> City, State & Zip <u>PORTLAND ME 04101</u>	Telephone: <u>207</u> <u>772</u> <u>7070</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>1,490,000</u> C of O Fee: \$ <u>75</u> Total Fee: \$ <u>14,995</u>
Current legal use (i.e. single family) <u>Dormatory (multi-family)</u> If vacant, what was the previous use? <u>Dormatory (multi-family)</u> Proposed Specific use: <u>Multi-Family/Merchandise</u> Is property part of a subdivision? <u>no</u> If yes, please name _____ Project description: <u>Renovation of existing 6 story structure to 56 apartments and first floor retail</u> <u>to be covered under separate permits</u> JUN - 1 2009		
Contractor's name: <u>To be determined by competitive bid permits</u>		
Address: <u>Application made by Shinberg Consulting</u>		
City, State & Zip: _____ Telephone: _____		
Who should we contact when the permit is ready: <u>GREG SHINBERG</u> Telephone: <u>207-772-7070</u>		
Mailing address: <u>477 Congress st., Suite 1012, Portland, ME 04101</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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 Code Official'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.

Signature: [Signature] Date: 6/4/09

This is not a permit; you may not commence ANY work until the permit is issue



Certificate of Design

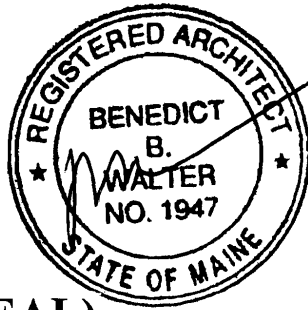
Date: 6/5/09

From: Ben Walter - CWS Architects


These plans and / or specifications covering construction work on:

645 Congress Street - Architectural and Structural shell only

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the *2003 International Building Code* and local amendments.



(SEAL)

Signature: 

Title: President

Firm: CWS Architects

Address: 434 Cumberland Ave.
Portland, ME 04101

Phone: 207-774-4441

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov



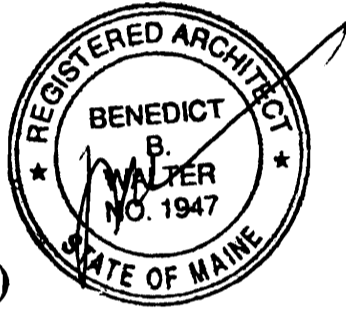
Accessibility Building Code Certificate

Designer: CWS Architects (Architectural Shell Only)

Address of Project: 645 Congress St.

Nature of Project: Renovations of existing structure into 56
apartments and merchantile.

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act. Residential Buildings with 4 units or more must conform to the Federal Fair Housing Accessibility Standards. Please provide proof of compliance if applicable.



(SEAL)

Signature: *BW*

Title: President

Firm: CWS Architects

Address: 434 Cumberland Ave.
Portland, ME 04101

Phone: 207-774-4441

For more information or to download this form and other permit applications visit the Inspections Division on our website at www.portlandmaine.gov

Applicant: Greg Shimberg
Bayside Maine LLC

Date: 1/12/09

Address: 645 Congress St

C-B-L: 046-D-022

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - B-3 & R-6 Zones

All in B-3 Zone

Interior or corner lot -

Proposed Use/Work -

To change the use of the main Bldg from Dormitory to 58-62 D.U. & to demolish the 3 separate wings and to create surface parking

Sevage Disposal -

Lot Street Frontage -

B-3 → 15' min

Front Yard -

15' bldg - max street build to setback - 15' + shown

Rear Yard -

Existing Bldg setback - on or over the line

Side Yard -

Projections -

Width of Lot -

N/A

Height -

35' min height - is over (6 stories)

Lot Area -

No min - 72,796 sq ft per assessors

Lot Coverage/ Impervious Surface -

100%

Area per Family -

N/A

Off-street Parking -

change of use does NOT require any parking to be shown

Loading Bays -

N/A

Site Plan -

2008-0184

Shoreland Zoning/ Stream Protection -

N/A

Flood Plains -

Panel B - Zone C

to ZBA -

14-137(C)

R-6 Park

is a conditional use

APPENDIX

14-218(B)5

B-3

Surface parking

conditional use to PB.

if NOT ACCESSORY if further res. used 35' from any street except driveway

2008-0184

determination of need by the director of the department of health and human services.

- b. The facility shall be registered with the city of Portland department of health and human services.

(5) Surface parking provided that:

- a. In the case of lot undergoing minor site plan review, no new surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;
- b. In the case of a lot undergoing major site plan review, no new or existing surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site; and
- c. No surface parking spaces shall be encumbered by lease or other use commitment exceeding twenty-four (24) month term.

(Ord. No. 241-91, 3-11-91; Ord. No. 36-93, 7-7-93; Ord. No. 46-97, § 4, 8-4-97; Ord. No. 51-00, § 3, 8-7-00; Ord. No. 205-06/07, 6-4-07)

***Editor's Note:** Section 14-218(b)(5), subparagraphs a-c shall apply to all applications filed on or after February 13, 2007.

Sec. 14-219. Prohibited uses.

Uses not enumerated in sections 14-217 and 14-218 as either permitted uses or conditional uses are prohibited.
(Ord. No. 241-91, 3-11-91)

Sec. 14-220. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the B-3, B-3b and B-3c zones shall meet the following requirements:

- (a) *Minimum lot size:* None.
- (b) *Minimum street frontage:* Fifteen (15) feet.

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0184

Date: 1/13/2009

This property is within two separate zones. The main structure along Congress Street is wholly in the B-3 Zone with a PAD overlay. Two other wings are also wholly within the B-3 Zone. The third wing called the "Yankee Clipper" wing is abutting Deering Street and Henry Street and is split between the B-3 Zone toward the Congress Street side and the R-6 Zone along Deering Street. The three wings (including the "Yankee Clipper" wing) and the associated parking beneath those wings are proposed to be demolished.

The main structure along Congress Street is proposed to be changed from university dormitories to 58 - 62 dwelling units with retail directly along the Street line. A change of use in the B-3 business zone does not require a minimum lot area per dwelling unit. A change of use in the B-3 Zone does not have parking requirements, section 14-221(b). The proposed residential dwelling units do require a subdivision review under State and City regulations.

After the demolition of the three, rear building wings, surface parking is being proposed in its place. This parking is straddled between the B-3 zone and the R-6 Zone (which is also within a Historic District). Surface parking in the B-3 Zone is a conditional use appeal to the Planning Board (section 14-219(b)5). That section requires surface parking to be located at least 35' from any street except for driveways. The submitted plans show that section to be in violation. Parking in the B-3 Zone is located within 35' of street lines (Henry Street). The R-6 zone also has regulations regarding parking. Accessory parking may be located on the lot without appeal. However, parking other than accessory is limited and considered a conditional use appeal (14-137(c)5) to the Zoning Board of Appeals. Such other parking in the R-6 Zone must only be for passenger cars for uses permitted in the R-6 Zone. It can not be for commercial uses that are not permitted in the R-6 zone. The applicant needs to submit further information explaining more specifically who and what the extra provided parking is for so that a further determination can be made as to what kind of review it would fall under.

Parking in the R-6 Zone is not permitted within the required front yard (10'). The submitted plans show parking within the 10 foot front yard setback along Deering Street.

All other B-3 and R-6 Zone requirements are being met.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0184

Date: 2/12/2009

I have reviewed the newly submitted plans received on January 5, 2009. There still are some zoning issues related to the project that are not resolved. The parking in the B-3 Zone is still not meeting the 35 foot setback from the street as required. Basically, 35' was extended forward of the street (Henry St). The wording of the ordinance leads me to believe that an arc needs to be made. It is that area of the B-3 parking area that is not meeting the conditional use standards.

I also reviewed a letter from the applicant's attorney, Gary Vogel. I generally agree with the statements Attorney Vogel expresses in his letter. However, I am lacking the parking information I previously requested concerning the parking in the R-6 zone. I asked the applicant "to submit further information explaining more specifically who and what the extra provided parking is for so that a further determination can be made as to what kind of review" would be required. Who does the applicant intend to lease the R-6 parking spaces to? Are the spaces all intended as accessory to the residential uses on site? Who else would the spaces be leased to? Other residential uses in the neighborhood? Professional offices as permitted in the R-6 zone? How is the parking to be managed to insure that the uses given will be maintained in good faith? Are the parking spaces numbered which the leasee receive a specific parking space number? I need this information to determine whether the applicant is required to go before the Zoning Board of Appeals for a conditional use for parking. I can not make that determination at this time.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0184

Date: 2/17/2009

Today I received an e-mail document from Greg Shinberg who states that all of the parking in the parking lot that is located in the R-6 Zone (approximately 28 spaces) will be leased only to residential tenants in the building that is part of this project. The spaces will be numbered and car stickers will be given out. The lot will be patrolled and violators will be towed.

With this information, the parking in the R-6 Zone for the residential tenants is considered accessory and would not require a conditional use appeal under section 14-137(c)5.

I am still awaiting changes in the plans for the parking within the B-3 Zone's 35 foot setback area.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0184

Date: 4/1/2009

I have reviewed the latest plans received on March 25, 2009. The latest proposal is for 55 residential apartments plus approximately 12,000 square feet of retail space.

The rear parking in the B-3 Zone has been revised from what was originally submitted. And the number of parking areas have been reduced and openings have been changed. However, I do not think that section 14-218(b)(5) has been met with the most current plan. The ordinance states: "In the case of lot undergoing major site plan review, no new or existing surface parking spaces, parking aisles, or vehicle lanes shall be allowed within thirty-five (35) feet of any street, except for driveway(s) located perpendicular to the street and providing access to the site;" I am still seeing vehicle lanes parallel to Henry Street and Avon Street within the 35 foot restricted area. This will need to be corrected.

The written materials talk about an outside dumpster which I was not able to locate on the plans. At what times will the dumpster be emptied. With 55 apartments in the building early morning pick-ups are an automatic complaint to City Hall. There should be restricted, but reasonable times for pick-ups.

There is also a compactor shown on the plans. How often will this be used and emptied? Times for pick up should also be restricted for the compactor right next to the building. Are all kinds of trash (foods and paper goods) being used? What is the noise from the compactor?

Noise levels for any new HVAC system(s) would need to be submitted to be sure that those units do not exceed the maximum allowed under the B-3 Zone.

Marge Schmuckal
Zoning Administrator

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2008-0184

Date: 4/28/2009

Now the latest plans submitted state that there will be 56 residential apartments plus approximately 12, 000 sq ft of retail space. The parking has been reduced to 75 spaces. Section 14-218(b)(5) has been met concerning the 35' no parking within the street line in the B-3 Zone.

I am still not seeing any information concerning sound generated by the compactor no when rubbish will be picked up.

Marge Schmuckal
Zoning Administrator

Comments Submitted

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM
Zoning Copy

2008-0184
Application I. D. Number

Bayside Maine Llc
Applicant

12/23/2008
Application Date

477 Congress St Ste 1012 , Portland , ME 04101
Applicant's Mailing Address

Portland Hall
Project Name/Description

Consultant/Agent

645 - 645 Congress St, Portland, Maine
Address of Proposed Site

Applicant Ph: (207) 772-7070 Agent Fax:
Applicant or Agent Daytime Telephone, Fax

046 D022001
Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): New Building Building Addition Change Of Use Residential Office Retail
 Manufacturing Warehouse/Distribution Parking Lot Apt 0 Condo 0 Other (specify)

Proposed Building square Feet or # of Units 72569 Acreage of Site 0 Proposed Total Disturbed Area of the Site 0 Zoning B3 and R6

Check Review Required:

- Site Plan (major/minor) Zoning Conditional - PB Subdivision # of lots 58 Design Review
- Amendment to Plan - Board Review Zoning Conditional - ZBA Shoreland Historic Preservation DEP Local Certification
- Amendment to Plan - Staff Review Zoning Variance Flood Hazard Site Location
- After the Fact - Major Stormwater Traffic Movement Housing Replacement
- After the Fact - Minor PAD Review 14-403 Streets Review Other

Fees Paid: Site Plan \$2,317.50 Subdivision Engineer Review Date 12/24/2008

Zoning Approval Status:

Reviewer *Marge S.*

- Approved Approved w/Conditions See Attached Denied

Approval Date Approval Expiration Extension to Additional Sheets Attached
signature date

Performance Guarantee Required* Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

<input type="checkbox"/> Performance Guarantee Accepted	date	amount	expiration date
<input type="checkbox"/> Inspection Fee Paid	date	amount	
<input type="checkbox"/> Building Permit Issue	date		
<input type="checkbox"/> Performance Guarantee Reduced	date	remaining balance	signature
<input type="checkbox"/> Temporary Certificate of Occupancy	date	<input type="checkbox"/> Conditions (See Attached)	expiration date
<input type="checkbox"/> Final Inspection	date	signature	
<input type="checkbox"/> Certificate Of Occupancy	date		
Performance Guarantee Released	date	signature	
Defect Guarantee Submitted	submitted date	amount	expiration date
Defect Guarantee Released	date	signature	

DEC 24 2008

Comments
Submitted



To: Marge Schmuckal
Dan Goyette
Tom Errico
Capt. Keith Gautreau
Jeff Tarling
David Margolis-Pineo

2/25/09

From: Shukria Wiar

Date: March 25, 2009

Additional information submitted for the following project:

Application ID #: 2008-184

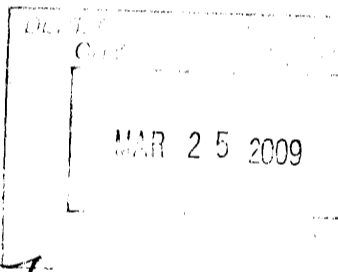
Project Name: Renovation of Portland Hall

Project Address: 645 Congress Street

Final Comments needed by: PB Workshop Hearing on this item is on April 14, 2008, please submit your comments by March 31st.

Thank you.

Appl date 12/23/08 - BIG meeting
 1/12/09 -
 BIG meeting? 1/13/09 - B-3 parking spelled out
 2/12/09 B-3 parking elaborated
 2/17/09 AWA of B-3 changes
 4/1/09 - still not meeting B-3



CITY OF PORTLAND, MAINE
PLANNING BOARD

David Silk, Chair
Shalom Odokara, Vice Chair
Bill Hall
Joe Lewis
Lee Lowry, III
Janice Tevanian
Michael J. Patterson

June 3, 2009

Mr. Greg Shinberg
Bayside Maine, LLC
477 Congress Street ste 1012
Portland, ME 04101

RE: 645 Congress Street

CBL: 046-D022001
Application ID: 2008-0184

Dear Mr. Shinberg,

On May 12, 2009 the Portland Planning Board considered the proposed project at 645 Congress Street, which seeks to convert the existing main building (i.e. Portland Hall) on Congress Street that was previously used as a dormitory with cafeteria and offices by the University of Southern Maine (USM), to residential apartments. The Planning Board reviewed the proposal for conformance with the standards of Conditional Use Review, Subdivision Ordinance and Site Plan Ordinance, B-3 Zone Design Standards, and Incentives for Affordable Housing. The Planning Board voted 4-0 (Hall, Patterson and Odokara absent) to approve the application with the following motions and waivers, and conditions as presented below.

CONDITIONAL USE

The Planning Board voted 4-0 (Hall, Patterson and Odokara absent) that the proposed plans are in conformance with the standards of Section 14-218 (b) (5) of the Land Use Code, subject to the following condition:

- i. The parking spaces will not be encumbered by lease or other use commitment to third-party entities for more than twenty-four (24) months. This note shall be added to the subdivision plan prior to recording.

WAIVERS

The Planning Board waives with regard to Avon, Deering and Henry Streets as specified in the Sidewalk Memorandum of Agreement (which is subject to the review and approval of Danielle West-Chuhta, Associate Corporate Counsel), Zoning Ordinance Section 14-498 (b) (8) (a and b), which requires that sidewalks and curbing shall be constructed on each side of each street in accordance with article III and IV of chapter 25 and curbs shall be constructed on each side of each street. The sidewalk improvements along Avon Street, Henry Street and Deering Street shall be completed upon the earlier of (a) a certificate of occupancy issued by the City as part of the project approval for the future development of the Property in the vicinity of and abutting

Avon Street, Henry Street and Deering Street or (b) five (5) years from the date of the first certificate of occupancy for the current redevelopment plan with regard to Portland Hall. Bayside shall utilize brick in its reconstruction of the aforementioned sidewalks and shall utilize granite curbing and granite tip downs for handicap accessibility. For purposes of clarification and the avoidance of doubt, Bayside shall not be immediately required to reconstruct the sidewalks and curbing along Avon Street, Henry Street and Deering Street in connection with the rehabilitation of Portland Hall as shown on the Site Plan. Notwithstanding the previous sentence, Bayside shall be required to repair and replace the sidewalks and/or curbing along Avon Street, Henry Street and Deering Street if said sidewalks and/or curbing are damaged during the construction and rehabilitation of Portland Hall.

The Planning Board does not waive Zoning Ordinance, Section 14-499 (f), which requires a minimum of two (2) street trees per residential lot.

The Planning Board waives Lighting Standards (Section XV) of the Technical and Design Standards and Guidelines to allow the foot candle, on the southwest corner of the property to be a maximum of 0.3 foot candle.

SITE PLAN REVIEW

The Planning Board voted 4-0 (Hall, Patterson and Odokara absent) that the plan is in conformance with the site plan standards of the Land Use Code [*and the Site Location of Development Act, if applicable*], subject to the following condition(s) of approval:

- a. The applicant is required to provide a total of one-hundred and twelve (112) street trees. The applicant has provided ten (10) street trees and twenty (20) trees on-site. The applicant shall therefore contribute \$16,400 to the City's Tree Fund for the remaining eighty-two (82) trees, with preference for locations on the peninsula.
- b. The applicant shall submit information on the potential noise levels, any proposed noise attenuation and the pick-up schedule for the external compactor prior to the issuance of building permit.

SUBDIVISION REVIEW

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

- a. The applicant shall obtain a license from the City for the building overhangs on Congress Street prior to obtaining a certificate of occupancy.
- b. The proposed bump out will be monitored for one year after the final certificate of occupancy. If the review of field condition warrants warning signs, the applicant shall work with City's traffic engineer to install such signs. The installation will be the responsibility of the applicant.
- c. Note #4 on the revised site plan, submitted 05.05.2009, shall be changed to indicate that any future grease trap will be required to be installed by the applicant with a separate drainage line from the kitchen only. This shall be reviewed and approved by the Department of Public Services prior to the issuance of a building permit.
- d. The applicant shall work with the Planning Authority to meet the Site Lighting Standards (Section XV) of the Technical and Design Standards and Guidelines prior to the issuance of a building permit.

- c. Prior to the issuance of a building permit the applicant shall submit fire flows for the hydrant on Deering Street to Captain Gautreau for review and approval.
- f. The applicant shall submit revised plans for review and approval that meet the requirement set forth in David Margolis-Pineo's, Deputy Engineer, memo dated 05.07.2009 prior the issuance of a building permit.
- g. Window replacement on the rear and west side of the building is subject to review and approval by the Planning Authority.
- h. Prior to the issuance of a final certificate of occupancy, including the retail use, the Planning Authority shall establish a minimum parking requirement for uses on the site and that lease of parking for not more than twenty-four (24) months to third party entities shall be secondary to the requirement of Portland Hall (56 residential spaces) and retail tenants.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report # 20-09, which is attached.

Please note the following provisions and requirements for all site plan and subdivision approvals:

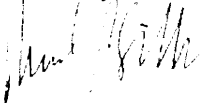
1. A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee.
2. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
3. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
4. Pursuant to 30-A MRSA section 4406, notice of any waiver(s) must be recorded in the Cumberland County Registry of Deeds within 90 days of the granting of said waiver(s).
5. 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, street opening permit or certificate of occupancy for site plans.
6. 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

7. The subdivision approval is valid for three (3) years.
8. 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 prior to the issuance of a building permit and the final as-builts shall be submitted digitally prior to the issuance of a certificate of occupancy.
9. Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.
10. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
11. 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.
12. If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

Philip DiPierro, Development Review Coordinator, must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as all site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or shukriaw@portlandmaine.gov

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. David Margolis-Pineo memorandum dated 05.07.2009
2. 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
Shukria Wiar, Planner/Senior Planner
Philip DiPierro, Development Review Coordinator

O:\PLAN\officeprocedures\FORMS\PB Letterhead with David Silk as chair.doc

Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Lisa Danforth, Administrative Assistant
Michael Bobinsky, Public Services Director
Kathi Farley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Earling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

May 7, 2009

To: Shukria Wiar
From: David Margolis-Pineo
Re: Portland Hall - 645 Congress St.
Public Services Review Comments

1. The applicant has shown two sewers, one proposed stormwater and one existing combined, extending from the site to Henry Street. However the waste streams have not been separated as requested. I spoke with Robert Metcalf to discuss the layout on Sheet C-1. I believe this issue is being addressed and Sheet C-1 is being revised to reflect my request. The intent is to have one sewer convey strictly sanitary waste and the other sewer strictly stormwater.

This issue has still not been resolved. The current design is not acceptable to this department.

2. The sanitary sewer laterals for the buildings being demolished shall be sealed at the sewer main or manhole after obtaining a sealed drain Permit from Public Services. They may be sealed outside of the foundation as an interim measure.

A note has been added to request this condition be met.

3. All stormwater leads which currently enter what will be exclusively a sanitary sewer line shall be plugged.

There is not indication on the plans that this condition will be met.

3. The applicant has shown a location and provided a note for a proposed grease trap in the event a grease trap may be required in the future. Note 4 should be changed to indicate that any future grease trap will be required to be installed with a separate drainage line from the kitchen only. No sanitary waste is allowed through the grease trap.

4. A sewer capacity letter will be submitted shortly.

A sewer capacity letter has been issued by Frank Brancely of this office.

I find the inclusion of an unsigned letter by Frank Bransley, modified by Mr. Shinberg and included as part of the Planning submittal package as misleading and disturbing. This unsigned letter has no place in this package and I would request that it be removed before going to the Planning Board.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into this ____ day of _____, 2009, by and between BAYSIDE MAINE, LLC, a Maine limited liability company with a mailing address of 477 Congress Street, Suite 1012, Portland, Maine 04101 (“Bayside”) and the CITY OF PORTLAND, a body politic and corporate with a mailing address of 389 Congress Street, Portland, Maine 04101 (the “City”).

WHEREAS, Bayside is the owner of a certain parcel of land and the improvements thereon located at 645 Congress Street (the (“Property”), which Property is more particularly described in a deed recorded in the Cumberland County Registry of Deeds in Book 26422, Page 49 and on a certain plan entitled “645 Congress Street Existing Conditions and Demolition Plan” dated December 15, 2008 prepared by Mitchell & Associates Landscape Architects (the “Plan”); and

WHEREAS, Bayside plans to redevelop the Property in multiple phases the first phase of which will include the rehabilitation of the building located on Congress Street (“Portland Hall”) and the demolition of three additional buildings located on the Property; and

WHEREAS, Bayside has applied to the City of Portland Planning Board for Site Plan approval to redevelop the Property; and

WHEREAS, the City has requested that Bayside construct certain sidewalk and curbing improvements in those areas of Congress Street, Avon Street, Henry Street and Deering Street that abut the Property; and

WHEREAS, as part of its first phase of development, Bayside has agreed to construct certain sidewalk and curbing improvements on the portion of Congress Street that abuts the Property; and

WHEREAS, Bayside has agreed to construct the sidewalk and curbing improvements on Avon Street, Henry Street and Deering Street in connection with its future development of the Property;

WHEREAS, the parties desire to enter into this agreement to clarify Bayside’s obligations to reconstruct the sidewalks and curbing in connection with the future development of the Property;

NOW, THEREFORE, in consideration of the foregoing recitals and other good and valuable consideration, the parties agree as follows:

1. Upon the earlier of (a) such time as Bayside receives a certificate of occupancy for any new structures constructed on the Property abutting Avon Street, Henry Street and Deering Street Bayside or (b) ten (10) years from the date that the City

grants Site Plan approval for the current redevelopment plan, Bayside shall have completed the reconstruction of the sidewalks and curbing along the portions of Avon Street, Henry Street and Deering Street abutting the Property and shown on the Plan. Bayside shall utilize brick in its reconstruction of the sidewalks and shall utilize granite curbing and granite tip downs for handicap accessibility. For purposes of clarification and the avoidance of doubt, Bayside shall not be required reconstruct the sidewalks and curbing along Avon Street, Henry Street and Deering Street in connection with the rehabilitation of Portland Hall or in connection with any site improvements made on the Property abutting said streets including but not limited to landscaping improvements, parking improvements or the installation of fencing.

2. This Agreement may not be amended at any time except by written agreement of Bayside and the City.
3. This Agreement shall be binding upon and inure to the benefit of Bayside, the City and their successors and assigns
4. This Agreement shall be governed by the laws of the State of Maine.

BAYSIDE MAINE, LLC

By: Greg L. Shinberg
Its: Manager

THE CITY OF PORTLAND

By:
Its:

BAYSIDE MAINE, LLC

AFFORDABILITY COVENANTS

The rental housing project being developed by Bayside Maine, LLC at 645 Congress Street (the "Project") will contain 5 (five) "Affordable Housing Units for Rent," as defined in Sec. 14-485 of the Portland Code of Ordinances (the "Code"), in consideration of the receipt by the Project of certain incentives for affordable housing as provided in Division 30 entitled "Incentives for Affordable Housing" of Chapter 14 (Land Use) of the Code.

In order to preserve the long term affordability of the 5 (five) Affordable Housing Units for Rent (the "Affordable Units"), the developer will enter into and record in the Cumberland County Registry of Deeds a Declaration of Affordable Housing Covenants in accordance with 33 M.R.S.A. §§ 121-126. The Declaration of Affordable Housing Covenants will provide for the continued restrictions on rents for the Affordable Units and will require that the Affordable Units are rented only to individuals or households that qualify under the applicable income guidelines. The Declaration of Affordable Housing Covenants will provide that the City or another suitable organization acceptable to the City, such as Portland Housing Authority or PROP, be the holder of the Affordable Housing Covenants and entitled to enforce the covenants. The Affordable Housing Covenants will remain in place so long as the Project remains a residential rental property, provided, however, that in the event that the Project is converted to residential condominium or cooperative units, the Affordable Units shall be sold as "Affordable Housing Units for Sale" as defined in Sec. 14-485 of the Code. The Declaration of Affordable Housing Covenants will be submitted to corporation counsel for review and approval.

From: Marge Schmuckal
To: ALEX JAEGERMAN
Date: 1/11/2008 9:33:44 AM
Subject: Fwd: 645 Congress St - USM

Handwritten signature

Alex,
Just a reminder of what I sent last month. Craig Hutchinson is looking for a written response. He may call you soon.
Marge

CC: Barbara Barhydt ; Lee Urban; PENNY LITTELL

Portland Hall

From: Marge Schmuckal
To: ALEX JAEGERMAN; Barbara Barhydt ; PENNY LITTELL; T. J. Martzial
Date: 12/21/2007 10:08:15 AM
Subject: 645 Congress St - USM

Yesterday I spoke with Craig Hutchinson who is the VP of student and university life and who oversees Portland Hall. I questioned him about Portland Hall.

The only clients or renters are thru the University system. There is a contractual relationship with SMCC, although they work directly with the students when placing them. They used to have a contractual relationship with MECCA until MECCA bought the old Everett Hotel on Oak Street several years ago.

When I asked, can a non-student lease from them, he said "no". But he qualified that answer. It is not a lease, it is better termed a "license" per Mr. Hutchinson. The students have a contract to live within the described walls - the students sign a room and board type agreement. per semester.

When asked to describe the criteria for leasing (my term) the units, he stated that they have a "policy" to house only full time students - for undergrads they need to be carrying 12 credits or more - and for grad students 9 credits or more. However, not many grad students stay there.

There are two basic semesters and a summer semester. During the summer semester typically ½ of the building is occupied.

If this information precipitates any further questions, Mr. Hutchinson would be willing to discuss this further. I will be glad to call him back.

I keyed in on the word "license" which indicates a different type of unit - more like a hotel - motel where State laws allow different criteria for eviction etc. Is that right, Penny?

Mr. Hutchinson would like to get something in writing from the Planning Authority concerning the Replacement Housing Ordinance and how Portland Hall may or may not be affected by it.

Marge

CC: Lee Urban

From: Robert Caswell <caswell@usm.maine.edu>
To: Alex Jaegerman <AQJ@portlandmaine.gov>
Date: 12/17/2007 3:09:59 PM
Subject: Re: Portland Hall

Hi Alex and Marge:

I was out of town Thursday and Friday, so apologize for taking so long in getting back to you.

In the interest of time, please contact Craig Hutchinson, our VP of student and university life, who is overseeing the Portland Hall issue. Craig can be reached at 780-4035 (o); 650-3523 (cell) or craigh@usm.maine.edu.

If you need help, please feel free to contact me at 780-4200 (o) 939-2377 (cell).

Sincerely,
Bob

Bob Caswell
Executive Director, Public Affairs
USM
P.O. Box 9300
Portland, Me. 04104-9300
(207) 780-4200
caswell@usm.maine.edu

On Dec 13, 2007, at 5:49 PM, Alex Jaegerman wrote:

- > Bob:
- >
- > Marge Schmuckal will be calling you with some questions about Portland
- > Hall related to establishing whether or not this dormitory is
- > subject to
- > the Housing Replacement provisions of the ordinance. This is in
- > response
- > to an inquiry from John Schwartz, doing an appraisal for USM some time
- > ago. It looks like dormitory use is not subject to this provision,
- > but
- > Marge would like to confirm our understanding of the current use.
- >
- > I said I would provide your phone number, but I only have your email.
- > Could you reply with phone number so Marge can call you?
- >
- > Thanks
- > Alex.
- >
- > Alexander Jaegerman, AICP
- > Planning Division Director
- > 389 Congress Street, Suite 400
- > Portland, ME 04101

Portland
645 Congress St
12/20/07
892-1060 (h) - Home by
- 12/20/07



PORTLAND MAINE

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Lee Urban - Director of Planning and Development
Marge Schmuckal, Zoning Administrator

Meeting Information

Clay Wilson

ED Anderson
New HR. DATE: 12/13/07

LOCATION: 645 Congress St - USM - Dormitory

PEOPLE PRESENT: Lee - Alex - BARBARA - TJ - Marge
Casswell - USM Penny

Bob Policy
only house ZONE: B-3 who lives in there

NEXT STEPS: 30 units have kitchens & Stoves

Dormitory vs. Rooming unit - Not rent to the general public

Where will the students go?

clients ONLY thru the university system? how does that work i.e. MECCA (contractual relationship?)

can a non student lease from the uni? WHAT ARE THE CRITERIA for leasing units?

How do you they pay, by semester? under grants credit for work

Do students have to leave at the end of semester?

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at www.portlandmaine.gov.

M An
1st & 2nd Semesters
C. J. Wilson
2/10





From: Greg Shinberg, Manager Bayside Maine, LLC
To: Marge Schmuckal, Zoning Administrator, Shukria Wiar, Planner City of Portland,
Maine
Date: February 16, 2009
Re: Parking Plan for 645 Congress Street

The following is the plan to provide parking for the proposed residential apartments to be located at 645 Congress Street in Portland Maine.

The proposed parking spaces will be located in the northwest part of the property as shown on the plan by Mitchell Associates noted as Sheet no. 2 Layout, Lighting and Landscaping Plan dated December 15, 2008 revised February 2, 2009.

The 28 spaces located all or partly within the R6 zone will be numbered and assigned to residential tenants of the building at 645 Congress Street. Residential Tenants of 645 Congress Street will be provided with a decal or sticker that will entitle them to park in this portion of the property located within the R6 Zone.. The Property Management Company will check the parking lot each day to warn or tow any violators and to assure that only those persons allowed to park in that portion of the lot will remain.

Please let me know if you have any questions or concerns.

Greg

DrummondWoodsum

Gary D. Vogel

(207) 772-1941
(207) 772-3627 Fax
(800) 727-1941

gvogel@dwmlaw.com

84 Marginal Way, Suite 600
Portland, ME 04101-2480

Admitted in ME only
www.dwmlaw.com

February 11, 2009

Marge Schmuckal
Zoning Administrator
City Of Portland
City Hall - Room 315,
389 Congress Street
Portland, ME 04101

RE: 645 Congress Street – Parking issues in R-6 Zone

Dear Marge:

At the request of Greg Shinberg, Manager of Bayside Maine, LLC, owner of the former USM Portland Hall property at 645 Congress Street, in Portland, I am writing to set forth our opinion as to the lawfulness of the use of those portions of the property at 645 Congress Street located in the R-6 residential zone. Bayside Maine, LLC proposes to improve the portions of the existing property located in the R-6 residential zone with 20 landscaped parking spaces to replace the 39 spaces currently located in the R-6 residential zone. Those 39 spaces are surface parking spaces that are not part of any parking structure. There is a building that will be removed constructed on piers, over the existing surface parking. The building is constructed in a manner so that removal of the building will not affect the surface parking over which the building is constructed. Bayside Maine, LLC could remove the building and leave the existing 39 spaces in their present condition and use, but prefers to improve the parking to conform with the construction requirements for parking for more than 6 vehicles under the current land use ordinances.

Off-Street Parking is permitted as an accessory use in the R-6 Zone

Under Sec. 14-136 (b) of the City Land Use Ordinance (the "Code"), accessory uses customarily incidental and subordinate to the location, function and operation of the principal uses are permitted as permitted uses. The Accessory use provisions of the Code set forth in Sec. 14-404 make it clear that Off-Street Parking is an Accessory Use, when serving conforming uses located in any zone, but not more than one motor vehicle may be parked or stored per dwelling unit. Accordingly, in our opinion, parking on the R-6 portions of the property may be used as an accessory use to the principal use on the lot, subject to the limitation on the number of cars per dwelling unit.

Catherine D. Alexander*
Daniel Amory*
David J. Backer*
S. Campbell Badger*
Melissa L. O'Leary*
Jerrol A. Croutler*
Jessica M. Ermons*
Peter C. Feimly*
Jonathan M. Goodman*
Abigail Greene Goldman*
Sara S. Helstedt*
Eric R. Herlan**
Melissa A. Heway†
Michael E. High*
John S. Kaminski*
Edward J. Kelleher*
Jeanne M. Kincaid††
John Lisnik, Jr.*†
Benjamin E. Marcus*
Branne M. Martin*
Jordan D. McColman*
Elizabeth D. McEvoy*
Robert P. Nadeau*
Daine J. Nathanson*
Jeffrey T. Pampiano*
William L. Plouffe*
Aaron M. Pratt††
Harry R. Pringle*
Daniel J. Rose††
Gregory W. Sample*
James C. Schwellenbach††
David S. Sherman, Jr.*
Richard A. Shirey*
Richard A. Spencer*
Kaignn Smith, Jr.*
Bruce W. Smith*
Chris G. Stevenson*
E. William Stockmeyer*
Amy K. Tchao††
Amy J. Visentin*
Gary D. Vogel*
Ronald N. Ward*
Brian D. Wilking*
Gerald M. Zohrt†

Consultants

Ann S. Chapman
Policy & Labor Relations

Roger P. Kelley
Labor Relations &
Conflict Management

Christopher P. O'Neil
Governmental Affairs

Michael J. Opuda Ph.D.
Special Education

Of Counsel

Joseph L. DeLafield III*
Robert L. Claps*
Donald A. Kopp*
Hugh G. E. MacMahon*
Harold E. Woodsum, Jr.*

* Admitted in Maine
† Admitted in New
Hampshire
‡ Admitted in Missouri

MERITAS

February 11, 2009
Page 2

Off-Street Parking is also permitted as a conditional use in the R-6 Zone

Under Sec. 14-137(c)(5) of the Code, off-street parking for passenger cars for uses permitted in the R-6 zone is permitted as a conditional use. Accordingly, provided that the conditional use standards are met, the use of a portion of the land area for parking is permitted, so long as the use is for uses permitted in the R-6 Zone. Uses permitted in the R-6 Zone include multifamily housing, such as the Apartment building being renovated from the former Portland Hall on the property, single-family and multi-family housing, such as housing existing on Deering Street, that could contract to park on this property, and professional offices that may be located on nearby parcels in the R-6 and B-3 Zones. There is no requirement in the Code that the permitted uses in the R-6 Zone for which parking is permitted as a conditional use are actually located in the R-6 zone. In this case, many of those uses are located on portions of this property zoned B-3, or on nearby properties in the R-6 zone.

not accessory
to the
prime

Other Requirements

Sec. 14-337 through Sec. 14-441 of the Code contain additional requirements for Off-Street parking for more than 6 vehicles in residence zones, including setback requirements, construction requirements and aisle requirements. We understand that Bayside Maine has designed the parking areas located within the R-6 portions of the property to comply with each of these requirements.

B-3 zone
Doesn't

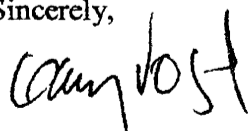
Conclusion

In summary, in our opinion, parking is permitted in the R-6 portions of the 645 Congress Street property, either as a permitted accessory use, or as a conditional use, or both, subject to certain setback, design and construction requirements set forth in Division 20, governing Off-Street Parking uses under the Code. Furthermore, we believe that the developer could remove the building constructed over the existing surface parking in the R-6 residential zone and enable the existing 39 spaces to remain, were it to choose to do so.

yes

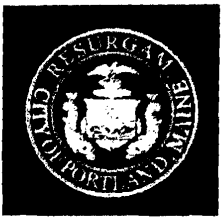
Please feel free to contact me if you have any questions.

Sincerely,



Gary D. Vogel

Cc: Bayside Maine, LLC
GDV/



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

Meeting Information

DATE: 3/9/09 ZONE: B-3 / R-6

LOCATION: 645 Congress St

PEOPLE PRESENT: Alex - Marge - Barbara - Shukria - DAVID M-P -

TODD Merkle - DAN Gogette - Ben Walter - Greg Shamburg - Mitchell
Penny - ERIC -> Debra Stormwater - Deb A. Bob M. e. Assoc.

DISCUSSION:

Mike Bobinski e-mail - made copies
Storm water - sidewalks -
we will get back to the spec
All sidewalks shall be bricks - Greg understands, but New curbing not
→ curbs less than 3" usually needs to be reset required -
Needs to replace sidewalk along Deering St.
went thru Feb 20, 2009 memo from DAVID M-P - (Att. 6)
Bob M. dealt with Linda Kukulma concerning chapter 500 -
Reducing 20' impervious at this time
Zone B-3 zone 35' setback - will be revised - we
will get a New plan -

Please note: this meeting is not an pre-approval of any ordinances. No project can be approved without going thru the appropriate reviews. This meeting is only to outline the City processes to go through based on the information given at this meeting. Any changes to that information may change the process requirements. Please check ordinances that are on-line for further information at www.portlandmaine.gov.

Att. 6

February 20, 2009

To: Shukria Wiar
From: David Margolis-Pineo
Re: Portland Hall, 645 Congress St.
Public Services Review Comments

- ✓ 1. The sidewalk on Avon St. is required to be five foot wide brick. In addition, the sidewalk along the property frontage on Deering St. requires brick replacement. The west side of Henry St. requires a brick sidewalk.
- ✓ 2. The granite curb radius on Avon St at the driveway entrance shall be replaced with straight granite curb with six foot tip-downs a 28 foot opening; 24' wide at the property line with a two foot flares on each side. Only one curb cut will be allowed on Avon St. I curb cut near Deering St shall be eliminated.
- ✓ 3. Handicap ramps need to be installed at Avon St. and Deering St. both sides and at Henry St. and Deering Place both sides using seven foot radius granite tip-downs. *Henry St is mountain St 20' in both directions*
- ✓ 4. All demo debris needs to be taken to Riverside recycling.
- ✓ 5. Demo construction traffic shall be restricted to right turn only from the site at Congress St. and on Deering St.
- ✓ 6. A suitably sized grease trap and control manhole will be required on the proposed restaurant process wastes, separate from the domestic sanitary wastes. *will remove what's there*
- ✓ 7. All stormwater drainage from this site will continue to discharge into the sanitary sewer system contributing to overflow volumes into Back Cove. If proposed code changes are adopted, discharging of stormwater to the sanitary sewer will not be permitted unless a waiver is granted. Until that time we are asking developers to voluntarily try to contain and infiltrate the first one inch of stormwater runoff. Runoff in excess of one inch may be conveyed to the sewer system. *No plans for a separate sewer off Deering St right now*
- 8. The applicant is proposing approximately a 50% increase in parking from what the proposed intend use of this property requires. To help meet the request presented in item seven above, the applicant is requested to only provide the number of parking spaces required for the proposed intended use. The remaining area should be landscaped. The installation of a rain garden to provide stormwater treatment, though not required would be appreciated. *Bio retention in rain gardens absolute 5-10-15 yrs*
- 9. The granite curb up Henry Street shall be extended to the end of the right of way on both sides. The sidewalk shall be extended to meet the proposed sidewalk. *on both sides*
- 10. There is no P.E. stamp on the plans. *There will be on the final plans - stamped at submissions*
- 11. Casco traps from Ethridge Foundry are to be in all CB's. *31 sumps - install immediately*
- 12. The sanitary sewer laterals for the buildings being demolished shall be sealed at the sewer main after obtaining a sealed drain Permit from Public Services. They may be sealed outside of the foundation as an interim measure. *Banking capacity of water (was 110 hotel lines)*
- 13. All catch basins are required to have a three foot sump. All catchbasins shall be maintained during and cleaned after construction.
- 14. Handicap ramps will need to be provided at all driveways. *i.e. curb cuts*
- 15. The sidewalk detail should show 10" of type "A" gravel under walks.
- 16. "Lean Concrete" is not allowed to backfill curbing. See typical curb installation detail for gravel placement including depths and locations. *Dug up lean concrete not allowed*
- 17. The sidewalk on Congress St. shall be replaced with brick. *cracked, chipped or broken needs to be replaced*

Stamped Not for Construction

Rain shadow on that side of Congress

Slopes: handicap - truncated domes
no tree wells -

**COMMITMENT & INTEGRITY
DRIVE RESULTS**

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800.426.4262
T 207.774.2112
F 207.774.6635

Att 1

MEMORANDUM

TO: Shukria Wiar
FROM: Dan Goyette, PE
DATE: February 17, 2009
RE: Portland Hall



Woodard & Curran has reviewed the Site Plan Application for the Portland Hall Project located at 645 Congress Street. The Applicant proposes to convert the existing Main Building on Congress Street, previously used as a dormitory with cafeteria and offices by the University of Southern Maine, to 58 residential apartments plus approximately 10,000 square feet of retail space.

Documents Reviewed

- Site Plan Application prepared by Greg Shinberg of Bayside Maine, LLC, dated December 22, 2008.
- Existing Conditions, Layout and Lighting plan sheets 1 and 2, prepared by Mitchell & Associates, dated February 2, 2009. Engineering plan sheets C1-C4 dated February 3, 2009.

Comments

- Notes should be added to the plans that state that the existing sewer lines that are to be abandoned will need to be sealed at the main and plugged at the building and that all demolition material from the project site will need to go to the Riverside Recycling Facility.
- The existing concrete island at the Congress Street entrance is shown as both being removed and retained.
- The catch basin shown in the Northeast corner of the landscaping area adjacent to Deering Street should be demolished as it does not serve a purpose.
- The stormwater management plan appears adequate.
- The details should indicate a 3 foot sump in all catch basins.

Please contact our office if you have any questions.

DRG
203939.38

3/9/09

February 18, 2009

Mr. Greg Shinberg
Bayside Maine, LLC
477 Congress Street ste 1012
Portland, ME 04101

Project: Portland Hall, 645 Congress Street
Application: 2008-0184
CBL: 046-D022001

Dear Mr. Shinberg:

Thank you for your application for a major site plan and subdivision review of 645 Congress Street, which was re-submitted on February 4, 2009. This letter offers preliminary review comments and identifies additional information needed for your subdivision and site plan application. According to your application, you are seeking to dedicate some of the units for as affordable units under the City's Incentives for Affordable Housing. The application for this project is scheduled for a second workshop with the Planning Board on February 24, 2009 at 3:30 p.m.

Subdivision Plan and Recording Plat

- a. The application states that 58 dwelling units are proposed, thus the project must be reviewed under the City's Site Plan and Subdivision Ordinances. All required material for subdivision review, including a recording plat prepared by a surveyor, must be submitted prior to a second workshop. A copy of the subdivision ordinance with the review standards and requirements may be found on the City's web site:
<http://www.portlandmaine.gov/planning/default.asp>.

Zoning

- a. Marge Schmuckal, Zoning Administrator, has reviewed the revised site plan offers the following:

I have reviewed the newly submitted plans received on January 5, 2009. There still are some zoning issues related to the project that are not resolved. The parking in the B-3 Zone is still not meeting the 35 foot setback from the street as required. Basically, 35' was extended forward of the street (Henry St). The wording of the ordinance leads me to believe that an arc needs to be made. It is that area of the B-3 parking area that is not meeting the conditional use standards.

I also reviewed a letter from the applicant's attorney, Gary Vogel. I generally agree with the statements Attorney Vogel expresses in his letter. However, I am lacking the parking information I previously requested concerning the parking in the R-6 zone. I asked the applicant "to submit further information explaining more specifically who and what the extra provided parking is for so that a further determination can be made as to what kind of review" would be required. Who does the applicant intend to lease the R-6 parking spaces to? Are the spaces all intended as accessory to the residential uses on site? Who else would the spaces be leased to? Other residential uses in the neighborhood? Professional offices as permitted in the R-6 zone? How is the parking to be managed to insure that the uses given will be maintained in good faith? Are the parking spaces numbered which the leasee receive a specific parking space number? I need this information to determine whether the applicant is required to go before the Zoning Board of Appeals for a conditional use for parking. I can not make that determination at this time.

Boundary Survey and Easements

- a. The application states that the plans are based upon a survey. The boundary survey with a stamped surveyor seal on it must be submitted. The applicant should confirm that the survey for the project coincides with approved City standards. The survey needs to be tied to the vertical datum of NGVD 1929. Also, the project needs to be tied to the Maine State Plane Coordinate System (2-zone projection), West Zone using the NAD 1983 (HARN) Datum and the U.S. Survey Foot as the unit of measure. This information should be indicated on the survey.

Stormwater Management

- a. Dan Goyette, P.E., Woodard and Curran, is conducting the review of the stormwater management plan and comments will be forwarded to you.
- b. Construction Management Plan must be submitted for review.

Traffic

- a. A traffic analysis has been submitted and this information will be reviewed by the Traffic Engineer.

Fire Department

- a. Please complete the fire dept. checklist.

Exterior Lighting

- a. A revised photometric plan listing the fixtures should be submitted. The maximum illumination level at a property line shall not exceed 0.1 foot candle. All residential uses and natural resource protection areas are to be considered sensitive to light trespass. The photometric plan submitted does not meet this standard.
- b. The catalogue cuts for the Small Archtype (SAR) fixture needs to be submitted.

Solid Waste

- a. It is noted in the application that the solid waste and recycling will be handled in the building. The floor plans do not show a room designated for this purpose. Please provide more information on the quantity, handling and location of the proposed solid waste facilities.

Exterior Elevations

- a. The project is located within the B-3 zone, so the site plan standards for B-3 and the B-3 Design Guidelines apply to the proposal. Please address how the project meets the site plan standards and design guidelines. The Planning Staff will be reviewing the plans, building elevations, exterior materials and your assessment of the applicable standards/
- b. Although details of the material to be used in the project have been submitted, the samples of the proposed exterior materials shall be submitted for review.

Landscape Plan

- a. Jeff Tarling, City Arborist, is conducting the review of the landscape plan and comments will be forwarded to you.

Miscellaneous Comments:

- a. Documentation regarding how the affordable units will be maintained as affordable in perpetuity under the City's Incentives for Affordable Housing must be submitted for review.
- b. Provide capacity letters from utility companies.
- c. Will the existing concrete island on Congress Street side, remain?
- d. A license will need to be obtained for the overhang and any other structure in the City's right-of-way.
- e. The revised site plan shows three bike racks being proposed; one of the racks is located at the back entry to the building and the other two are in the proposed outdoor gathering space. According to Chap. 14-526 (a) (2c) (3), the locations of bikes racks needs to be in a convenient location, proximate to the entry or entries of the buildings. Please address how the site plan is meeting this standard.

If you have any questions please do not hesitate to call me on (207) 756-8083 or at shukriaw@portlandmaine.gov.

Sincerely,

Shukria Wiar
Planner

cc: Barbara Barhydt, Development Review Manager

From: Michael Bobinsky
To: Greg Mitchell; Greg Shinberg; Penny Littell
Date: 3/6/2009 11:40:24 PM
Subject: Re: Follow up to our meeting held on March 2, 2009

Thank you Greg. I appreciate meeting with you to discuss your observations about the City's development review process. Our staff from both Planning and Urban Development and Public Services, have worked hard at improving the development review process for the City over the past 2 years.

Following review and on site evaluation, I feel that the staff recommendation for sidewalk replacement or upgrades along the front of the property on Congress Street, Avon and portions of Deering St and Henry St as documented in the January 7 and 13th and the most recent summary of public improvements listed by memorandum from David Margolis- Pineo to Planner, Shukria Wiar, are all consistent with City standards and practice for development review and therefore should be incorporated in with the development approval application for final approval.

I took time to inspect the sidewalks located on site with staff. The Congress St sidewalk reflect a mix of concrete along the front and backside of the sidewalk, and brick in the center; the concrete is spalling and cracked at key locations, the tree wells need to be removed and the material needs to be updated to reflect the material policy. I viewed the sidewalk along Avon St, Deering St and Henry Street as well. Following that review, I am supporting staffs recommendation for the sidewalk replacement work as noted in these areas. It is in fact integral to your development and consistent with City standards to replace sidewalks that require replacement during development. Curbing is not to be called out for replacement by members of my staff and I am in agreement that curbing along Congress St is not needed for this project.

As you know the City material policy for the Peninsula requires that all sidewalk upgrades or replacement, use brick. My decision does not deviate from that position.

Any questions or need for further information can be addressed at your development review meeting set up by Checkrow for next week.

Regards,

Mike Bobinsky
Director of Public Services
City of Portland
207-874-8801

>>> "Greg Shinberg" <gls@shinbergconsulting.com> 3/3/2009 11:18 AM >>>
Mike:

Thank you for taking the time to meet with us yesterday to discuss the City's desire to improve the Site Plan Application process and the many site issues raised in the memo by David M Pineo regarding our proposal for 645 Congress Street.

It is our intent to submit materials to the Planning Department by Tuesday March 10 for the upcoming Planning Board Workshop scheduled for the 24th.

As soon as possible, we would like to schedule a meeting with Mr. Margolis-Pineo and any other staff member you deem appropriate to discuss his 2/18/09 memo - primarily to discuss the part of his memo related to the storm water management. We are available tomorrow 3/4 most anytime except 4PM and Thursday 3/5 most anytime. As discussed at the meeting, in order to submit to the City by Tuesday of next week it is important to get feedback this week so that we can prepare our submission.

It is also relevant to mention that when I prepared my estimate for the sidewalk replacement on Congress Street, it did not include any cost for rebuilding the pan and steel structure that is present under the concrete part of the sidewalk for approximately 50 lineal feet where it adjoins the eastern part of the existing building. This work could add up to \$20,000 in additional costs to repair and rebuild the areas to accommodate removal and rebuilding of the sidewalk. As is the case with many old buildings downtown, part of the cellar actually extends under the sidewalk for approximately

three feet - I believe that these were the old coal chutes and street access to the old cellars from the early 1900s that were sealed and covered many years ago.

We look forward to your review of all the sidewalk issues and hope that we can be effective partners together as we move forward in the approval and construction process.

Sincerely,

Greg Shinberg, Manager Bayside Maine, LLC and

Shinberg Consulting, LLC
477 Congress Street, Suite 1012
Portland, Maine 04101
Office 207 772 7070
Fax 207 772 7080
Cell 207 653 7510
gls@shinbergconsulting.com

Low-Rise Height Overlay Portland, Maine

Prepared by the City of Portland's Department of
Planning and Economic Development
in cooperation with the Portland Planning Board
and the Portland City Council
June 2011



LEGEND

- Height Overlay**
- 100 Feet - Maximum building height
 - 85 Feet - Maximum building height
 - 125 Feet - Maximum building height
- Other**
- 100 Feet - Maximum building height
 - 85 Feet - Maximum building height
 - 125 Feet - Maximum building height
 - 150 Feet - Maximum building height
 - 200 Feet - Maximum building height
 - 250 Feet - Maximum building height
 - 300 Feet - Maximum building height
 - 350 Feet - Maximum building height
 - 400 Feet - Maximum building height
 - 450 Feet - Maximum building height
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 - 750 Feet - Maximum building height
 - 800 Feet - Maximum building height
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 - 900 Feet - Maximum building height
 - 950 Feet - Maximum building height
 - 1000 Feet - Maximum building height
- Other**
- 100 Feet - Maximum building height
 - 85 Feet - Maximum building height
 - 125 Feet - Maximum building height
 - 150 Feet - Maximum building height
 - 200 Feet - Maximum building height
 - 250 Feet - Maximum building height
 - 300 Feet - Maximum building height
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 - 800 Feet - Maximum building height
 - 850 Feet - Maximum building height
 - 900 Feet - Maximum building height
 - 950 Feet - Maximum building height
 - 1000 Feet - Maximum building height