

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrissette
David Eaton
Brandon Mazer
Lisa Whited
Maggie Stanley

April 13, 2017

Denovo LLC
Attention: Joe Delois
47 Waites Landing Road
Falmouth, ME 04105

Federle Law
Attention: Thomas Federle
254 Commercial Street
Portland, ME 04101

Project Name:	Townhouses Units and Hotel/Restaurant	Project ID:	2017-056
Address:	749 Congress Street	CBL:	047 A020001
Applicant:	Denovo, LLC		
Planner:	Shukria Wiar		

Dear Mr. Delois:

On April 13, 2017, the Planning Board considered an amended Level III site plan and subdivision application to phase the approved at 749 Congress Street. The original Level III application was approved on July 12, 2016 for a boutique hotel with fifteen (15) rooms and a full-service restaurant and seven townhouses. The 2016 approval remains valid. Phase One of the amended plan is for the Francis Hotel and the Carriage House, which has two existing dwelling units and construction work on the hotel is underway. Phase Two would be the construction of the seven townhouses and the associated parking. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 6-0 (Mazer absent) to approve the application with the following condition as presented below.

SUBDIVISION AND SITEPLAN REVIEW

The Planning Board voted unanimously 6-0 (Mazer absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition of approval:

1. The handicapped parking space shall be included as part of Phase One of the project.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2017-056 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Subdivision Recording Plat** 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. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.

2. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
3. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
4. **Subdivision Plan Expiration** The subdivision approval granted on July 12, 2016 for the original application is valid for up to three years from the date of Planning Board approval and the amended plan for the Phase Two is valid for five years from the original approval date.
5. **Department of Public Services Permits** 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.)
6. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
7. **Mylar Copies** 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.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. 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 via shukriaw@portlandmaine.gov

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections

Ann Machado, Zoning Administrator, Inspections Division
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Jane Ward, Administration, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Victoria Morales, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor



PLANNING BOARD REPORT PORTLAND, MAINE

SUBDIVISION AND SITE PLAN PHASING PLAN
749 Congress Street
Subdivision Plan and Level III Site Plan Amendment
Project ID #2017-056
Denovo, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: April 13, 2017	Prepared by: Shukria Wiar, Planner Date: April 7, 2017
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I. INTRODUCTION

On behalf of Denovo, LLC, Tom Federle of Federle Law, has submitted a Level III site plan and subdivision amendment application for the approved property at 749 Congress Street. The project was approved by the Planning Board on July 12, 2016 to convert the former Hay Peabody Funeral Home into a boutique hotel with fifteen (15) rooms and a full-service restaurant, and construct seven townhouses behind the historic building. The renovation for the hotel is underway. The applicant would like to phase the approved project into two phases.

The 30,528 SF property is bordered by Congress Street and Mellen Street. The site is within the Business Community (B-2b) and in Residential R-6 zone, with the majority of the site in the B-2b zone. The existing building (former funeral home) is being renovated into a hotel with 15 rooms and a full-service restaurant. Seven residential townhouses with parking within each unit are proposed behind the existing building (proposed hotel). The townhouses are not under construction yet. The existing carriage house at the rear of the site remains with the two existing residential units. The proposed project will provide a total of eighteen parking spaces (18). The property is within the Congress Street Historic District (at the front of the property) and the Deering Street Historic District (at the rear of the property).

A notice of this public hearing was sent to two hundred and seventy-four (274) property owners within 500 feet and interested citizens, and appeared in the April 3rd and 4th, 2017 editions of the *Portland Press-Herald*. At the time of preparing this report the Planning Division had received no written comment.

Applicant Name	Denovo, LLC
Consultants	
Attorney	Tom Federle of Federle Law
Engineer	Tom Greer of Pinkham and Greer

Project Review

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491
Historic Preservation	14-601

II. PROJECT DATA

Existing Zoning	Business Community B-2b; Residential R6
Tax Map	CBL: 047 C020 001, 047 C028, A30 and A32

Existing Use	Former Funeral Home (offices on upper floors); Residential; Surface parking
Proposed Use	Market-rate Condominiums with Parking
Parcel Size	30,928 SF: Lot 1 6,947.59 and Lot 2 20,832.41 SF
Number of Units to be Demolished	None
Number of Affordable Units	The proposed units will be market rate.
Proposed Bedroom Mix	Seven 3-bedroom Condos
Building Footprint	Hotel and Restaurant- 4,558 SF; Carriage House- 1,430 SF; New Building- 4,597 SF
Building Floor Area	Hotel and Restaurant- 12,979 SF; Carriage House- 4,290 SF; New Building- 16,856 SF for a total of 34,125 SF
Building Height	Approximately 41 feet
Impervious Surface Area	22,542 SF
Parking Spaces	18 spaces: 7 under the Townhouses and 11 surface parking
Bicycle Parking Spaces	Two bicycle racks being proposed therefor four spaces provided; three are required
Estimated Cost of Project	\$3,800,000

III. PROPOSED DEVELOPMENT

The construction work on the hotel is underway. As part of the approved project, the applicant subdivided the lot into two different lots. Lot One was the existing funeral home building on it, whereas Lot Two will encompass the condominiums (rear lot). Lot Two will have frontage on Congress Street and will share driveway and utilities easement with Lot One. The recorded plat reflects all of the easements that relate to the subdivision plan, including the access and utilities easements.

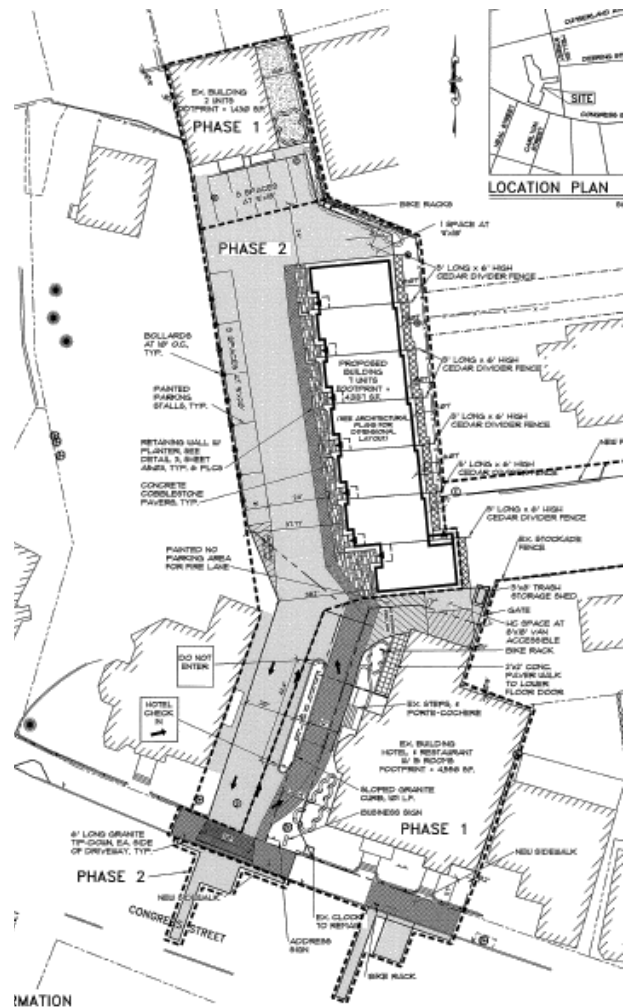
The proposal is to create a phased development under the subdivision and site plan ordinances, in the subsequent order of the two lots. The proposed Phase One of the project will include the Francis Hotel and the Carriage House that has two dwelling units. The construction work on the hotel is underway. Phase Two would be the construction of the seven townhouses and the associated parking. The applicant is not requesting any other change or amendment to the approved project at this time. The applicant has posted a performance guarantee for the entire project.

IV. DEVELOPMENT REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland’s Subdivision Ordinance, Site Plan, and applicable regulations.

A. SUBDIVISION (Section 14-495)

Section 14-495 (h) Sectional recordings states:



Following subdivision plat approval, the Planning Board may permit the subdivision to be divided into two (2) or more sections for recording purposes subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of and record a sectional recording plat with the county registry of deeds only if the section constitutes at least twenty (20) percent of the total number of lots contained in the approval plat and, in addition, shows the entire tract or parcel. In these circumstances, if the first section of the plat has been recorded within three (3) years after Planning Board approval, subdivision plat approval of the remaining sections of the plat shall remain in effect for five (5) years after Planning Board approval.

The phase one includes the hotel renovations, as well as the carriage house; therefore the 20% threshold of this standard is met.

B. SITE PLAN STANDARDS (Section 14-532)

Section 14-532 (b) 2, Approved site plan:

If at any time before or during development the applicant requests minor amendments to an approved plan for Level III development, the Planning Authority may approve such minor amendments under the procedures for minor development, provided that they do not amount to a waiver or substantial alteration of the site plan, and do not affect any condition or requirement of the Planning Board. The applicant shall supply an application and written statement of the proposed amendment(s) and proposed amended plans to the Planning Authority, whose decision as to whether the amendment is minor shall be final. The Planning Authority shall determine if a notice of amendment shall be required and the extent of such notice based on the extent and nature of the proposed amendment to plan and the demonstrated public interest related thereto.

The applicant is not proposing any changes to the approved site plan other than to have this project into two phases. The Planning Authority does ask that the handicapped spaces be provided as part of phase one rather than phase two.

V. PROPOSED MOTIONS

On the basis of the application (2017-056), plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report relevant to the Subdivision Ordinance and Site Plan, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan (**is/is not**) in conformance with the subdivision and site plan standards of the land use code, subject to the following conditions:

1. The handicapped parking spaces shall be included as part of Phase One of the project.

VI. ATTACHMENTS

APPLICANT'S SUBMITTAL

- A. Level III Site Plan Amendment Application
- B. Site Plan Amendment

PLANS

- Plan 1. C1.1-SUBDIVISION
- Plan 2. C1.2-SITE
- Plan 3. C7.1-LOT 1 PHASE 1

PROJECT NAME:

Townhouse Units and Hotel/Restaurant

PROPOSED DEVELOPMENT ADDRESS:

749 Congress Street

PROJECT DESCRIPTION:

Amendment to approved plan for 7 townhouse units plus 2 existing "carriage house" units + the Francis Hotel and Restaurant

CHART/BLOCK/LOT: 047 A020001

PRELIMINARY PLAN _____ (date)
FINAL PLAN Approved 7/12/16 (date)
Amendment

CONTACT INFORMATION:

<p>Applicant – must be owner, Lessee or Buyer</p> <p>Name: <u>Joe Delois</u></p> <p>Business Name, if applicable: <u>Denovo, LLC</u></p> <p>Address: <u>c/o 254 Commercial St., 3</u></p> <p>City/State: <u>Portland</u> Zip Code: <u>04101</u></p>	<p>Applicant Contact Information</p> <p>Work #: <u>899-0155</u></p> <p>Home #:</p> <p>Cell #: <u>841-4092</u> Fax#:</p> <p>e-mail: <u>c/o tom@federlelawmaine.com</u></p>
<p>Owner – (if different from Applicant)</p> <p>Name:</p> <p>Address:</p> <p>City/State: Zip Code:</p>	<p>Owner Contact Information</p> <p>Work #:</p> <p>Home #:</p> <p>Cell #: Fax#:</p> <p>e-mail:</p>
<p>Agent/ Representative</p> <p>Name:</p> <p>Address:</p> <p>City/State: Zip Code:</p>	<p>Agent/Representative Contact information</p> <p>Work #:</p> <p>Home #:</p> <p>Cell #: Fax#:</p> <p>e-mail:</p>
<p>Billing Information</p> <p>Name: <u>Joe Delois</u></p> <p>Address:</p> <p>City/State: Zip Code:</p>	<p>Billing Contact Information</p> <p>Work #: <u>899-0155</u></p> <p>Home #:</p> <p>Cell #: <u>841-4092</u> Fax#:</p> <p>e-mail: <u>c/o tom@federlelawmaine.com</u></p>

Engineer Name: Tom Greer Address: 28 Vannah Ave. City/State: Portland Zip Code: 04103	Engineer Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Surveyor Name: Titcomb Address: City/State: Zip Code:	Surveyor Contact Information Home #: Work #: Cell #: Fax#: e-mail:
Architect Name: David Lloyd Address: 48 Union Wharf City/State: Portland Zip Code: 04101	Architect Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Attorney Name: Tom Federle Address: City/State: Zip Code:	Attorney Contact Information Work #: Home #: Cell #: Fax#: e-mail:
Designated person/person(s) for uploading to e-Plan: Name: Tom Federle e-mail: tom@federlelawmaine.com Name: Tom Greer e-mail: tgreer@pinkhamandgreer.com Name: e-mail:	

APPLICATION FEES:

<p>Level III Development (check applicable reviews)</p> <p><input type="checkbox"/> Less than 50,000 sq. ft. (\$750.00)</p> <p><input type="checkbox"/> 50,000 - 100,000 sq. ft. (\$1,000)</p> <p><input type="checkbox"/> 100,000 – 200,000 sq. ft. (\$2,000)</p> <p><input type="checkbox"/> 200,000 – 300,000 sq. ft. (\$3,000)</p> <p><input type="checkbox"/> over 300,000 sq. ft. (\$5,000)</p> <p><input type="checkbox"/> Parking lots over 11 spaces (\$1,000)</p> <p><input type="checkbox"/> After-the-fact Review (\$1,000.00 plus applicable application fee)</p> <p>Plan Amendments (check applicable reviews)</p> <p><input checked="" type="checkbox"/> Planning Staff Review (\$250)</p> <p><input type="checkbox"/> Planning Board Review (\$500)</p> <hr/> <p>The City invoices separately for the following:</p> <ul style="list-style-type: none"> • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$50.00 hour) • Legal Review (\$75.00 hour) <p>Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.</p>	<p>Other Reviews (check applicable reviews)</p> <p><input type="checkbox"/> Traffic Movement (\$1,500)</p> <p><input type="checkbox"/> Stormwater Quality (\$250)</p> <p><input type="checkbox"/> Subdivisions (\$500 + \$25/lot)</p> <p><input type="checkbox"/> # of Lots <input type="text"/> x \$25/lot = <input type="text"/></p> <p><input type="checkbox"/> Site Location (\$3,500, except for residential projects which shall be \$200/lot)</p> <p><input type="checkbox"/> # of Lots <input type="text"/> x \$200/lot = <input type="text"/></p> <p><input type="checkbox"/> Other <input type="text"/></p> <p><input type="checkbox"/> Change of Use</p> <p><input type="checkbox"/> Flood Plain</p> <p><input type="checkbox"/> Shoreland</p> <p><input type="checkbox"/> Design Review</p> <p><input type="checkbox"/> Housing Replacement</p> <p><input type="checkbox"/> Historic Preservation</p>
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INSTRUCTIONS FOR ELECTRONIC SUBMISSION:

Please refer to the application checklist (attached) for a detailed list of submission requirements.

1. Fill out the application completely and e-mail the **application only** to planning@portlandmaine.gov (Please be sure to designate a person who will be responsible for uploading documents and drawings.) This step will generate the project ID number for your project.
2. An invoice for the application fee will be e-mail to you. Payments can be made on-line at [Pay Your Invoice](#) , by mail or in person at City Hall, 4th Floor. Please reference the Application Number when submitting your payment which is located in the upper left hand corner of the invoice.
3. The designated person responsible for uploading documents and drawings will receive an email from eplan@portlandmaine.gov with an invitation into the project. At this time, you will upload all corresponding documents and plans into the project. For first time users you will receive a temporary password which you must change on entry. Make note of your username and password for any future projects.

Reminder: Before the project can move forward, the application fee shall be paid in full and all required documents and drawings shall be uploaded into e-plan correctly.

4. Follow the link below (Applying Online Instructions) for step by step instructions on how to do the following:
 - Tab 1 - Setting up the appropriate compatibility settings for your PC and getting started in e-plan.
 - Tab 2 - Preparing your drawings, documents and photos for uploading using the correct naming conventions
 - Tab 3 - Preparing and uploading revised drawings and documents

[Applying Online Instructions](#)

5. When ready, upload your files and documents into the following folders:
 - "Application Submittal – Drawings"
 - "Application Submittal – Documents"

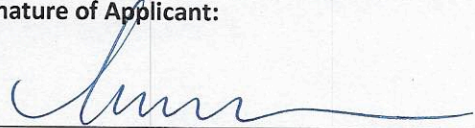
6. Once a preliminary check has been made of the submittal documents and drawings, staff will move them to permanent folders labeled Drawings and Documents. As the process evolves you will be able to log in and see markups, comments and upload revisions as requested into these folders.

APPLICANT SIGNATURE:

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a *legal signature* per Maine state law.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level III Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 3/13/16
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Thomas B. Federle
Duly Authorized

To: Shukria Wiar, Barbara Barhydt and Stuart O'Brien
From: Tom Federle, o.b.o. Denovo, LLC and 747 Congress, LLC
Date: March 1, 2017

RE: 749 Congress Street Minor Amendment of Approved Site Plan and Subdivision

- **Request to the Planning Board to authorize a sectional recording of an approved subdivision plat [14-495(2)(h)]; and**
- **Request to the Planning Authority for a minor amendment of an approved site plan to allow the development to proceed in two phases [14-532(2)(b)(2)].**

.....

On July 12, 2016, Denovo, LLC received final site plan and subdivision approval from the Portland Planning Board for a project encompassing 1) the renovation of two existing structures (a Francis Fassett designed building most recently used as a funeral home and a two family residential "Carriage House"); and 2) development of a new 7-unit residential townhouse (the "Townhouses") which in conjunction with the carriage house would create a 9-unit residential condominium¹.

The applicant has submitted a performance guarantee covering the entire project. The conditions of approval for site plan and subdivision require development pursuant to the approved plans. The applicant has begun renovation of the former funeral home into the Francis Hotel pursuant to its building permit. It is anticipated that the Francis Hotel and the Carriage House projects will be completed ahead of the construction of the Townhouses. The applicant will be seeking certificates of occupancy for the Francis Hotel and the Carriage House upon completion of those projects which will precede completion of the Townhouses and its associated site improvements. Accordingly, the applicant is now applying to amend its approved plans to allow the development to proceed in two phases—first the Hotel and Carriage House with associated site improvements, and second the Townhouses with its associated site improvements.

I. Sectional Recording of the Approved Subdivision Plat [14-495(2)(h)].

Section 14-495(2)(h) states that:

"Following subdivision plat approval, the Planning Board may permit the subdivision to be divided into two (2) or more sections for recording purposes

¹ 747 Congress, LLC joins in this request. 747 Congress, LLC acquired the front lot that houses the Francis Hotel.

subject to any conditions that the board deems necessary in order to insure the orderly development of the plan. The applicant may seek approval of and record a sectional recording plat with the County registry of deeds only if the section constitutes at least twenty (20) percent of the total number of lots contained in the approval plat, and in addition shows the entire tract or parcel.”

The proposed phase 1 of the project includes the Francis Hotel which is on one of the two lots created in the subdivision and the Carriage House which consists of two of the nine dwellings approved in the subdivision. As such, this proposed Sectional Recording meets the 20% threshold in the Ordinance. Attached is a Sectional Recording plat that shows the entire tract of land and depicts the development components of the first and second phase of development.

Although the applicant has posted a performance guarantee for the entire project, the applicant requests that a condition of approval of the Sectional Recording specify that completion of the site improvements associated with the first phase of development will constitute completion of the first phase such that Certificates of Occupancy can issue for both the Francis Hotel and Carriage House. The performance guarantee will remain to ensure that the phase two Townhouse development will not be complete until the site improvements associated with the Townhouse are complete.

II. Minor Amendment to the Site Plan to allow the development to proceed in two phases consistent with the Sectional Recording of the Plat [14-532(2)(b)(2)].

Consistent with the above Sectional Recording, the applicant seeks a minor amendment of its site plan authorizing the development to proceed in two phases.

Section 14-532(2)(b)(2) states that:

“If at any time before or during development the applicant requests minor amendments to an approved plan for Level III development, the Planning Authority may approve such minor amendments under the procedures for minor development, provided that they do not amount to a waiver or substantial alteration of the site plan, and do not affect any condition or requirement of the Planning Board. The applicant shall supply an application and written statement of the proposed amendment and proposed amended plans to the Planning Authority, whose decision as to the whether the amendment is minor shall be final. The Planning Authority shall determine if a notice of amendment shall be required and the extent of such notice based on the extent and nature of the proposed amendment to plan and the demonstrated public interest related thereto.

The application for the development to proceed in two phases rather than a single phase does not amount to a waiver or substantial alteration of the plan. In fact, the application does not alter the plan at all other than to break it out into two steps. Moreover, the application for minor amendment is not contrary to any conditions of the Planning Board. Rather, the application for the minor amendment is precisely for the purpose of being consistent with the Sectional Recording authority being requested of the Planning Board above.

The applicant respectfully requests that the Planning Authority approve the request for the minor amendment and put the application for the Sectional Recording before the Planning Board at the earliest possible meeting of the Planning Board. The Ordinance makes notice of the amendment discretionary. The applicant urges that the processing of this amendment not be slowed down by notice requirements due to the fact that: 1) notice was given when the original site plan application was submitted; 2) the plan itself is not changing from the originally approved plan; 3) there has not been a significant amount of public interest in this project; and 4) the applicant worked with abutters to such an extent that abutters supported the project. Nothing in this application changes the nature or scale of the approved site plan—it just seeks to bring the approved plan into alignment with the sequence of the development that is happening on the ground.

Section 14-532(2)(b)(2) states that “*the Planning Authority may approve such minor amendments under the procedures for minor development.*” As such, this minor amendment requires compliance with Level I review. The applicant can demonstrate compliance with the required Transportation Standards, Environmental Quality Standards, Public Infrastructure and Community Safety Standards, and Site Design Standards by reference to its prior Site Plan application and approval as this minor amendment does not affect this development’s compliance with those standards.

To meet the minor amendment submission required by section 14-527(a), the applicant points to its prior Site Plan application for its Project Description, Evidence of RTI, Evidence of State or Federal Permits, Written assessment of zoning compliance, Summary of easements, Requests for Waivers, and for the Boundary Survey of the site. Additionally, to meet the submission requirements of section 14-527(b), the applicant refers to its site plan application.

In summary, the applicant is applying for this amendment in order to strictly adhere with Ordinance requirements and its existing Site Plan and Subdivision approvals. On the ground, nothing is changing. This request simply addresses the reality that the work of renovating the existing buildings on the site is going to be completed ahead of the completion of the work on the Townhouses. As such, a Sectional Recording and acknowledgement of the sequencing of this development is warranted and is being requested.

**CITY OF PORTLAND
SITE PLAN AND SUBDIVISION NOTES**

- LANDSCAPING SHALL MEET THE "ARBOCULTURAL SPECIFICATIONS AND STANDARDS OF PRACTICE AND LANDSCAPE GUIDELINES" OF THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- THE SITE SHALL BE DEVELOPED AND/OR MAINTAINED AS DEPICTED ON THE SITE PLAN SEQUENTIALLY. PHASE 1 INCLUDES RENOVATION OF THE FRANCIS HOTEL AND THE EXISTING CARRIAGE HOUSE, TOGETHER WITH THE SITE IMPROVEMENTS. PHASE 2 CONSISTS OF THE 1 TOWNHOUSE TOGETHER WITH REMAINING SITE WORK. APPROVAL OF THE PLANNING AUTHORITY OR PLANNING BOARD SHALL BE REQUIRED FOR ANY ALTERATION TO OR DEVIATION FROM THE APPROVED SITE PLAN, INCLUDING, WITHOUT LIMITATION, TOPOGRAPHY, DRAINAGE, LANDSCAPING, RETENTION OF WOODED OR LAWN AREAS, ACCESS, SIZE, LOCATION, AND SURFACING OF PARKING AREAS AND LOCATION AND SIZE OF BUILDINGS.
- ALL POWERLINE UTILITIES SHALL BE UNDERGROUND.
- SIDEWALKS AND CURBING SHALL BE DESIGNED AND BUILT WITH TIPDOWN RAMPS AT ALL STREET CORNERS, CROSSWALKS AND DRIVEWAYS IN CONFORMANCE WITH THE CITY OF PORTLAND TECHNICAL AND DESIGN STANDARDS AND GUIDELINES.
- ALL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE MAINE EROSION AND SEDIMENT CONTROL BMPs PUBLISHED BY THE BUREAU OF LAND AND QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, MARCH 2003.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO ANY SITE EXCAVATION OR REGRADING.
- ALL DISTURBED AREAS ON THE SITE NOT COVERED BY BUILDINGS OR PAVED AREAS SHALL BE STABILIZED WITH LOAM AND SEED OR OTHER METHODS AS REQUIRED BY BEST MANAGEMENT PRACTICES (SEE ABOVE).
- PRIOR TO CONSTRUCTION OF PHASE 1 AND PHASE 2, A PRECONSTRUCTION MEETING SHALL BE HELD AT THE PROJECT SITE WITH THE CONTRACTOR, DEVELOPMENT REVIEW COORDINATOR, PUBLIC WORKS 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 REPRESENTATIVE. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ARRANGE A MUTUALLY AGREEABLE TIME FOR THE PRECONSTRUCTION MEETING.
- EXISTING VEGETATION SHALL BE CONSERVED IN AREAS SHOWN ON THIS SITE. FENCING OR OTHER PROTECTIVE BARRIERS SHALL BE ERECTED OUTSIDE THE DRIP-LINE OF INDIVIDUAL GROUPINGS OF TREES DESIGNATED FOR PRESERVATION PRIOR TO THE ONSET OF CONSTRUCTION. REGRADING SHALL NOT TAKE PLACE WITHIN THE DRIP-LINE OF TREES DESIGNATED FOR PRESERVATION. NO STORAGE OR CONSTRUCTION MATERIALS SHALL BE PERMITTED WITHIN THE DRIP-LINE OF TREES TO BE PRESERVED.
- SUBDIVISION AT THE TIME OF APPROVAL IS DEFINED AS "SUBDIVISION SHALL MEAN THE DIVISION OF A LOT, TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE LOTS, INCLUDING LOTS OF FORTY (40) ACRES OR MORE, WITHIN ANY FIVE-YEAR PERIOD WHETHER ACCOMPLISHED BY SALE, LEASE, DEVELOPMENT, BUILDINGS OR OTHERWISE AND AS FURTHER DEFINED IN 30-A M.R.S.A. SECTION 4401. THE TERM SUBDIVISION SHALL ALSO INCLUDE THE DIVISION OF A NEW STRUCTURE OR STRUCTURES ON A TRACT OR PARCEL OF LAND INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD AND THE DIVISION OF AN EXISTING STRUCTURE OR STRUCTURES PREVIOUSLY USED FOR COMMERCIAL OR INDUSTRIAL USE INTO THREE (3) OR MORE DWELLING UNITS WITHIN A FIVE-YEAR PERIOD. THE AREA INCLUDED IN THE EXPANSION OF AN EXISTING STRUCTURE IS DEEMED TO BE A NEW STRUCTURE FOR THE PURPOSE OF THIS PARAGRAPH. A DWELLING UNIT SHALL INCLUDE ANY PART OF A STRUCTURE WHICH, THROUGH SALE OR LEASE, IS INTENDED FOR HUMAN HABITATION, INCLUDING SINGLE-FAMILY AND MULTIFAMILY HOUSING CONDOMINIUMS, TIME-SHARE UNITS AND APARTMENTS."

GENERAL NOTES

- OWNER: MARTIN B. DASSA & ALYSSA J. DASSA TRUSTEES, 3 COTTONWOOD LANE, FALMOUTH, MAINE 04105. DEEDS RECORDED IN CUMBERLAND COUNTY REGISTRY OF DEEDS BK 28907, PG. 208, DATE 11/15/06.
- DEVELOPER: DENOVO, LLC, 41 WAITES LANDING ROAD, FALMOUTH, MAINE 04105.
- ENGINEER: PINKHAM & GREER CIVIL ENGINEERS, 28 VANNAH AVENUE, PORTLAND, MAINE, 04103.
- ARCHITECT: ARCHETYPE ARCHITECTS, 48 UNION WHARF, PORTLAND, MAINE 04101.
- TOPOGRAPHIC AND BOUNDARY: TITCOMB ASSOCIATES, 133 GRAY ROAD, FALMOUTH, MAINE, 04105.
- UNDERLYING SOILS MAPPING TAKEN FROM SOIL CONSERVATION STUDY OF CUMBERLAND COUNTY AND CLASSIFIED HINCKLEY (H1B). THE SURFACE OF THE SITE IS CURRENT URBAN LAND.
- TAX MAP REFERENCE: MAP 47 / BLOCK A / LOT 20, 28, 30, 32.
- TOTAL PARCEL = 0.11 acres
- UNITS TO BE SERVICED BY PUBLIC WATER FROM CONGRESS STREET AND PUBLIC SEWER, AND GAS FROM MELLEN STREET. THESE SERVICES, INCLUDING HYDRANTS, ARE AS SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
- POWER, TELEPHONE AND CABLE SERVICES ARE TO BE UNDERGROUND FROM A NEW POLE ON THE SUBJECT PARCEL ADJACENT TO MELLEN STREET. THESE SERVICES ARE SHOWN ON SHEET C14, GRADING AND UTILITIES PLAN.
- CALL DIG-SAFE PRIOR TO COMMENCING WORK, 1-800-DIG-SAFE.
- ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL MEET CITY OF PORTLAND TECHNICAL MANUAL STANDARDS.
- PROPOSED PARKING SPACES: 12-OUTDOOR, 1-INDOOR
- THE SUBJECT PARCEL SHOWN AS 749 CONGRESS STREET RECEIVED ITS SITE PLAN AND SUBDIVISION APPROVALS FROM THE CITY OF PORTLAND ON JULY 12, 2016.
- FLOODPLAIN: THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL 2300251 0014 B, EFFECTIVE DATE JULY 17, 1986. IT IS NOT IN A SPECIAL FLOOD HAZARD ZONE.
- NEW PROPERTY PINS TO BE SET AT THE EXPENSE OF THE DEVELOPER AT THE END OF CONSTRUCTION.
- ALL CONSTRUCTION AND SITE ALTERATIONS SHALL BE DONE IN ACCORDANCE WITH THE "MAINE EROSION AND SEDIMENT CONTROL BMPs" PUBLISHED BY THE BUREAU OF LAND AND WATER QUALITY, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION, LATEST EDITION, MARCH 2003.

ZONE INFORMATION

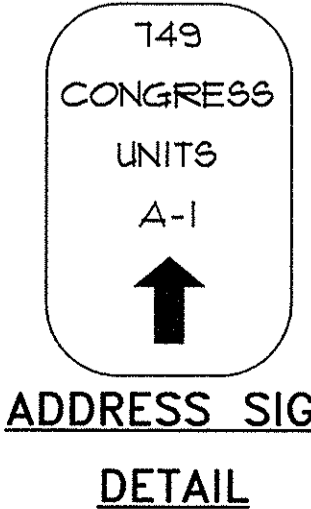
B2b - COMMUNITY BUSINESS ZONE
R6 - RESIDENTIAL ZONE

PERMITTED USES: MULTI-FAMILY DWELLING, RESTAURANTS, HOTELS & MOTELS LESS THAN 150 ROOMS

PROJECT DRAWINGS

- C11 COVER SHEET
- C12 SUBDIVISION RECORDING PLAT
- C13 SITE PLAN
- C14 EXISTING CONDITIONS AND DEMOLITION PLAN
- C15 GRADING AND UTILITIES PLAN
- C16 EROSION CONTROL PLAN, NOTES AND DETAILS
- C17 LANDSCAPE PLAN, NOTES AND DETAILS
- C21 SITE DETAILS
- C22 SITE DETAILS

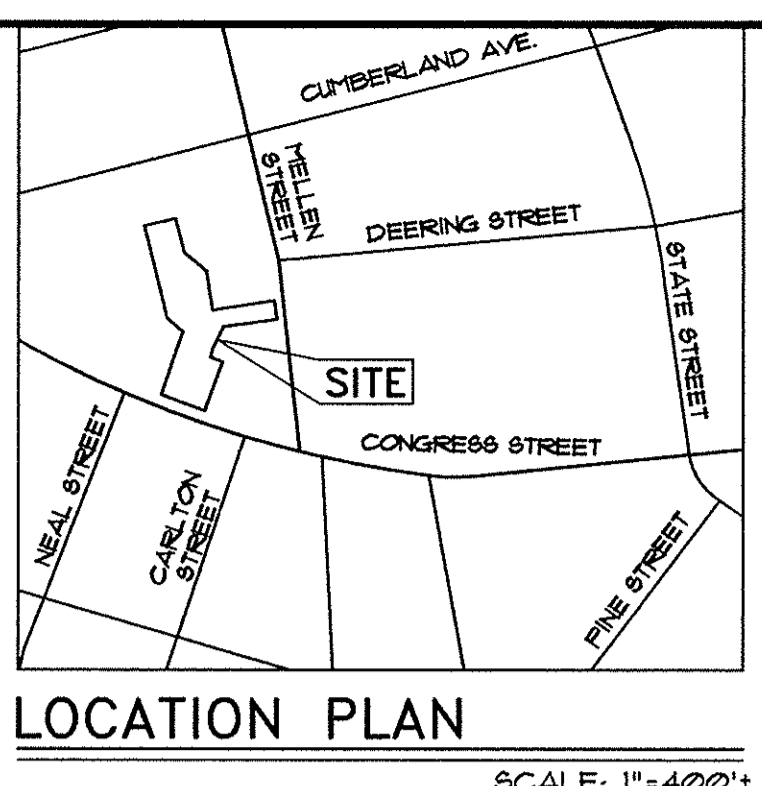
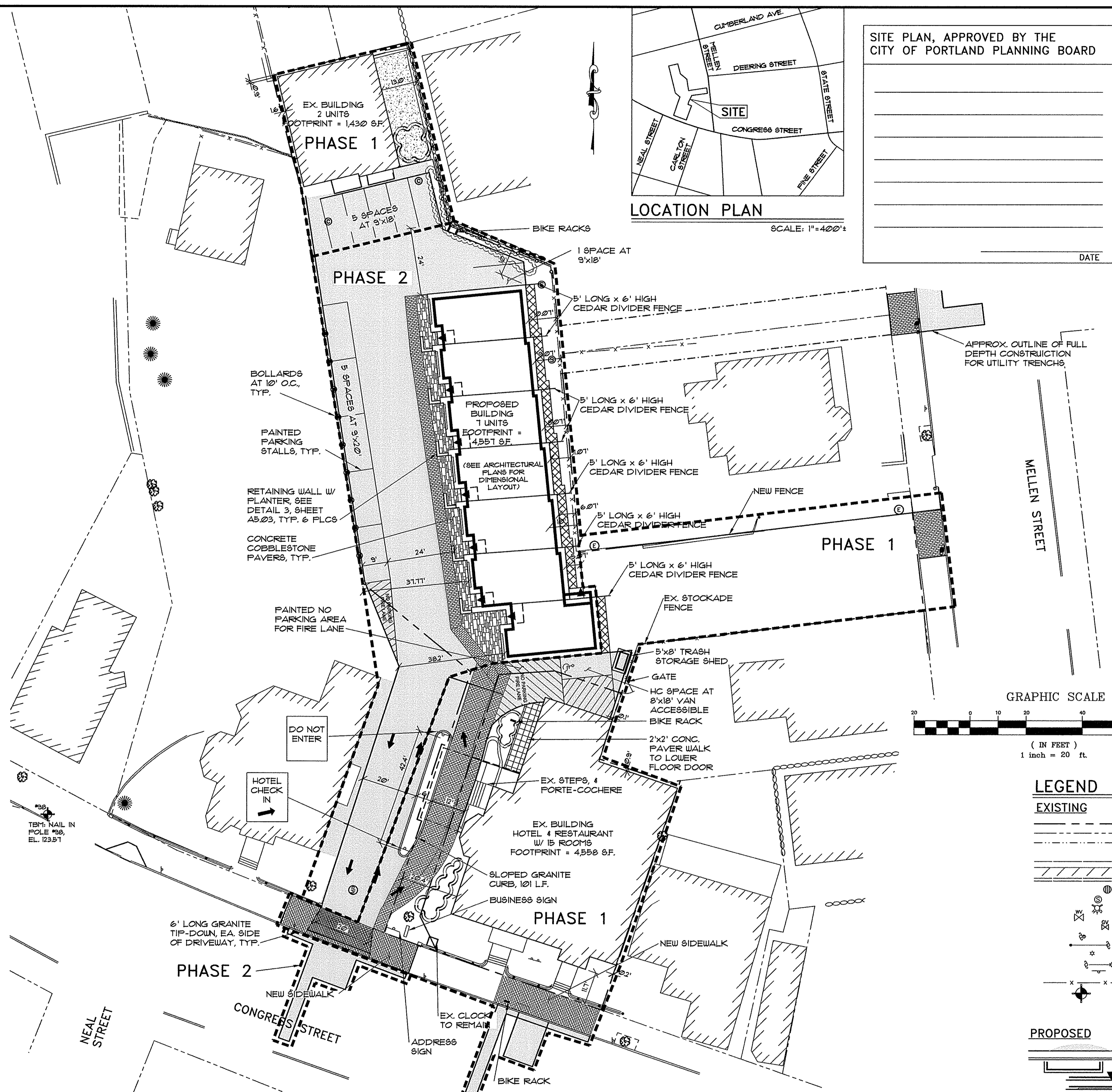
PLAN OF EXISTING CONDITIONS SURVEY



ADDRESS SIGN
DETAIL

PARKING INFORMATION

15 HOTEL ROOMS	4 SPACES
35 SEAT RESTAURANT	5 SPACES
9 RESIDENTIAL UNITS	9 SPACES
TOTAL REQUIRED	18 SPACES
PROVIDED	19 SPACES



SCALE: 1"=400'

SITE PLAN, APPROVED BY THE CITY OF PORTLAND PLANNING BOARD

DATE _____

Plan 2

**PINKHAM & GREER
CIVIL ENGINEERS**
28 VANNAH AVE. PORTLAND, ME 04103
TEL: 207.781.5242 FAX: 207.781.4245

REV.	DATE	DESCRIPTION
10		ADDED PHASE LINES
9	3/31/17	REVISED HANDICAP PARKING & AREA FOR FIRE LAND
8	12/15/16	CLARIFY RETAINING WALL PLANTERS & CONCRETE PAVERS
7	11/18/16	ADDED SPRINKLER ROOM
6	9/5/16	ADDED TRANSFORMER, REVISED HC PARKING SPACE
5	7/8/16	ADDED CEDAR DIVIDER FENCES
4	6/29/16	ADDED EASEMENTS AND STAFF COMMENTS

APPLICANT: DENOVO, LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

SCALE: AS SHOWN
DATE: FEBRUARY 22, 2016
PROJECT: 15156

DRM BY: JDC
DESIGN BY: TSG
CHK BY: PL

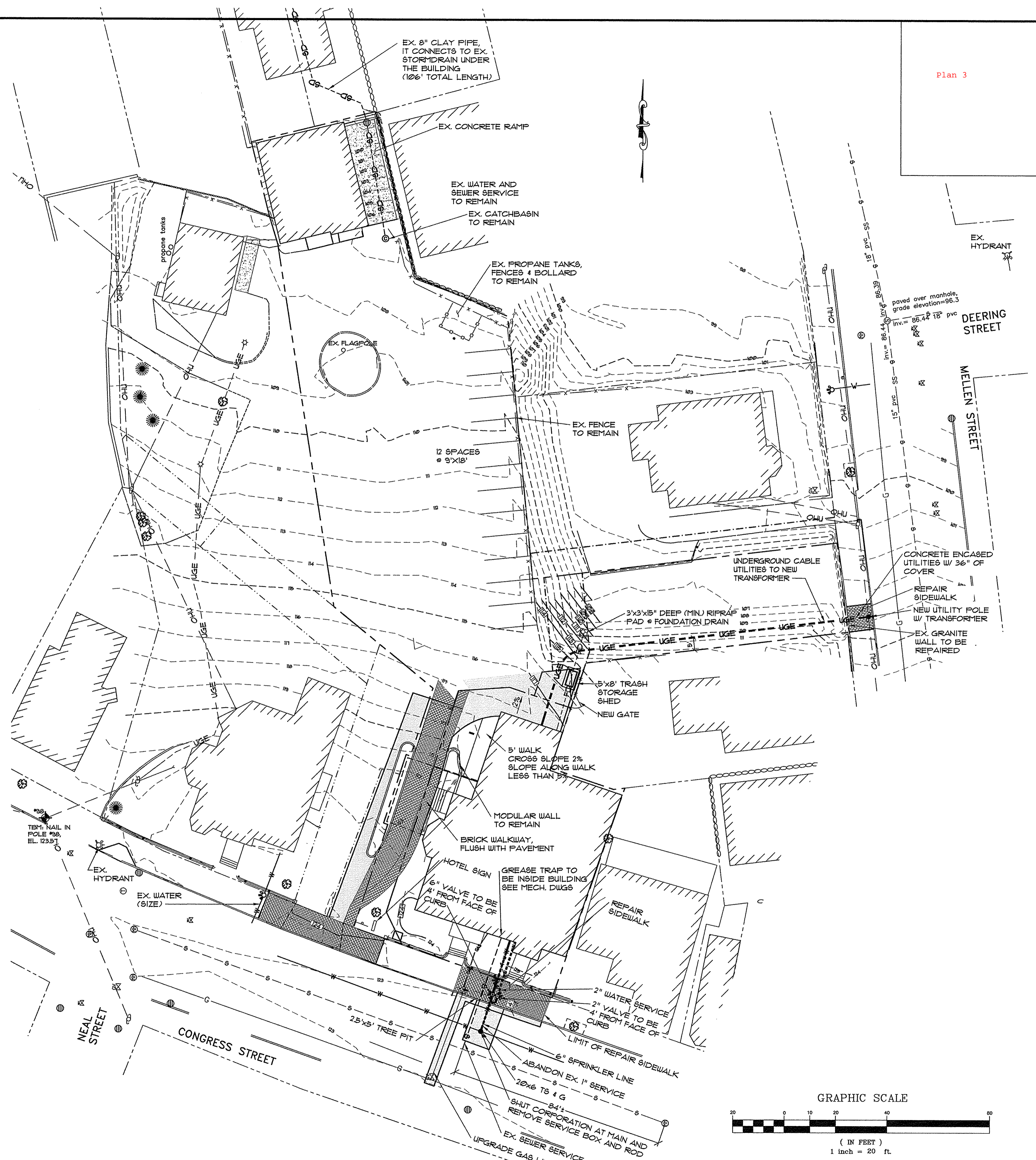
749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

PHASE 1 & PHASE 2
SITE PLAN

C1.2

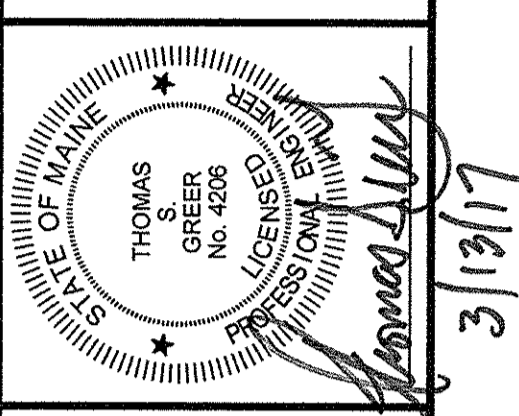
LEGEND

EXISTING		PROPOSED	
---	PROPERTY LINE	---	EDGE OF PAVEMENT
---	ABUTTER'S PROPERTY EASEMENT	---	VERTICAL GRANITE CURB
---	EDGE OF PAVEMENT	---	BUILDING
---	CONTOURS	---	BUILDING ENTRY/EGRESS
---	BUILDING	---	BUILDING OVERHEAD DOOR
---	CURB	---	CONTOURS
---	GAS LINE	---	GAS LINE
---	SANITARY SEWER	---	SANITARY SEWER
---	STORMDRAIN	---	STORMDRAIN
---	OVERHEAD UTILITY	---	OVERHEAD UTILITY
---	UNDERGROUND UTILITY	---	UNDERGROUND UTILITY
---	WATER LINE	---	WATER LINE
---	FOUNDATION DRAIN	---	FOUNDATION DRAIN
---	DRIPSTRIP W/ UNDERDRAIN	---	DRIPSTRIP W/ UNDERDRAIN
---	CATCH BASIN	---	SPOT GRADE CATCH BASIN
---	SEWER MANHOLE	---	DRAIN MANHOLE
---	HYDRANT	---	SANITARY MANHOLE
---	WATER VALVE	---	TRANSFORMER
---	GAS VALVE	---	UTILITY POLE
---	POLE MOUNTED TRANSFORMER	---	SURFACE DRAINAGE
---	UTILITY POLE W/ GUY WIRE	---	WATER SHUT OFF
---	LIGHT POLE	---	STOCKADE FENCE
---	AREA LIGHT ON POLE	---	BOLLARD
---	SIGN	---	FULL DEPTH BITUMINOUS PAVT
---	FENCE	---	BRICK PAVERS
---	BENCHMARK	---	CONCRETE PAVERS
		---	GREASE TRAP
		---	PHONE PEDESTAL
		---	RIFRAP PAD



Plan 3

PINKHAM & GREER
CIVIL ENGINEERS
28 WINDHAM AVE. PORTLAND, ME. 04103
TEL. 207.781.5242 FAX. 207.781.4245



3/13/17

REV.	DATE	DESCRIPTION
1	3/13/17	RELOCATED ELECTRICAL

APPLICANT: DENOVO LLC
47 WAITES LANDING ROAD
FALMOUTH, MAINE

SCALE: AS SHOWN
DATE: MARCH 3, 2017
PROJECT: 15156

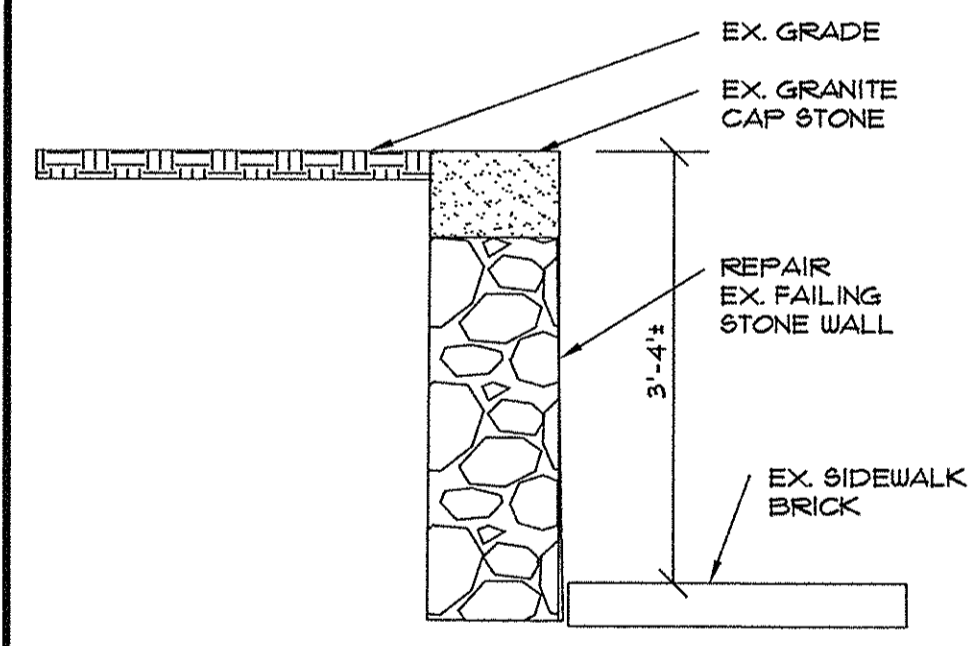
DRN BY: JDC/RS
DES BY: TSG
CHK BY: *TSG*

749 CONGRESS STREET
749 CONGRESS STREET
PORTLAND, MAINE

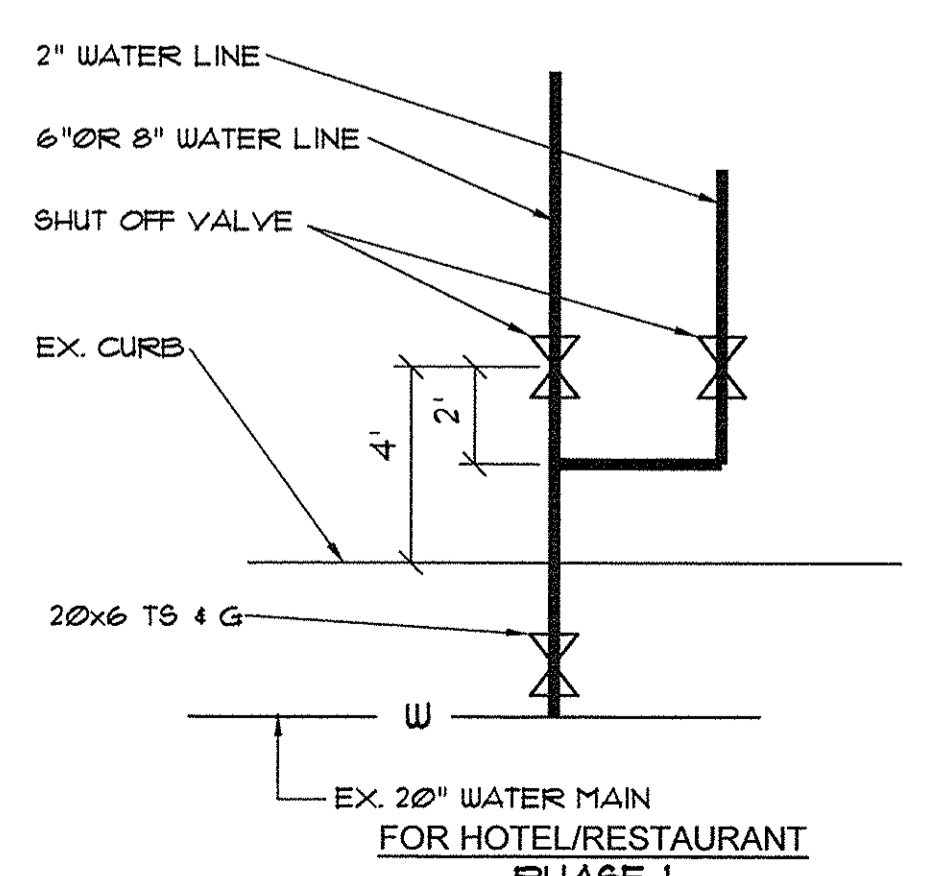
LOT 1 - PHASE 1, ST. FRANCIS
HOTEL & CARRIAGE HOUSE
GRADING & UTILITIES PLAN

C7.1

MAP/LOT 47.1 / A / 20, 30, 28, 32



STONE WALL REPAIR
N.T.S.



WATERMAIN TAP
N.T.S.

