

CITY OF PORTLAND, MAINE
PLANNING BOARD

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January 21, 2016

Chris Thompson
Parallax Partners (dba Forefront Partners I, LP)
501 Danforth Street
Portland, ME 04102

Bo E. Kennedy, P.E.
Stantec (formerly FST)
778 Main Street, Suite 8, South
Portland, ME 04106

Project Name: The Forefront at Thompson's Point Project Level III Site Plan and Subdivision Application

ID: 2015-133 & 2015-159

Address: 1 Thompson's Point, Portland, Maine 04102 CBL: 201 A 005001
Applicant: Chris Thompson
Planner: Christine Grimando

Dear Mr. Thompson:

On January 12, 2016, the Planning Board considered a Level III Site Plan and Subdivision application for an amended subdivision plan consisting of 19 lots, an amended Site Location of Development Act approval, a Level III site plan for the renovation of an existing building (Brick South) for use as a flexible 2,500 person event/assembly space with associated parking, utilities and stormwater management within the 34,000 square foot building. Included in this site plan is coordination with a previous approval of Brick North and adjacent site work. Both the site plan and subdivision application are applications towards fulfillment of the previously approved Master Development Plan for this site. The Planning Board reviewed the proposal for conformance with the standards of the: Shoreland Zoning Regulations, Floodplain Management Regulations, Traffic Movement Permit, Subdivision Ordinance and Site Plan Ordinance, including the Site Development of Location Act. The Planning Board voted 5-0 (Elizabeth Boepple absent) to approve the application with the following waivers and condition(s) as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the public hearing on January 12, 2015 for applications #2015-133 and #2015-159 relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 5-0 (Boepple absent) to waive the following Technical Manual standards regarding City street design:

1. 1.7.2.1, requiring a perpendicular driveway connection to the street, to allow for an alternative angle for the proposed Parking Garage Entrance (Lot 14/Building F1).
2. 1.7.2.9, requiring that vehicular circulation to be contained off-site and to not utilize the adjacent street system, to allow for anticipated delivery truck maneuvers.
3. 10.8, requiring a minimum aggregate base course thickness of 3 inches for collector roads, to allow for alternative road design specifications as noted on Sheet C7-0. .
4. Figure I-2 (Collector Street Cross-Section), requiring continuous sidewalks on both sides of the collector road to allow for sidewalk not to be built on an easterly portion of the road, as shown on the Site Layout Plan, sheet C-3.0, for the purposes of the Level III site plan (2015-159) subject to a condition of approval for completion of full sidewalk design as shown on Sheet C-3.0, *Overall Site Plan* is (2015-133) at a future phase.
5. Figure I-2 (Collector Street Cross-Section), requiring a minimum roadway width of 40 feet for collector roads, to allow for a variable width of 30-39 feet.
6. Figure I-2 (Collector Street Cross-Section), requiring a minimum esplanade width of 5 feet for collector roads, to allow for a 4ft wide esplanade.

SUBDIVISION REVIEW

The Planning Board voted 5-0 (Boepple absent) that the plan is in conformance with the subdivision standards of the Land Use Code and the Site Location of Development Act, subject to the following condition(s) of approval:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority. The subdivision plats shall note all conditions of public access, all relevant easements including any for city vehicle access and turning, language regarding rights of lot ingress/egress/regress, and final street turnaround easement location and design in accordance with City of Portland Technical Manual section 1.3.
2. Prior to the issuance of certificates of occupancy, the applicant shall provide a revised Declaration of Easements, Covenants and Restrictions document for review and approval by Corporation Counsel;

3. **Street Lighting:** The proposed street lights on the 1st segment of the public portion of the Sewell Street extension are to be privately owned, metered and maintained by the Forefront at Thompson's Point. The City shall grant a license for such a purpose at the time of street acceptance.

SITE PLAN REVIEW

The Planning Board voted 5-0 (Boepple absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition(s) of approval:

1. Future phases of work in the vicinity of the outfall associated with "Stormwater Management Zone F" (as depicted on sheet C-4.1 of the Subdivision Application) shall incorporate water quality treatment measures that provide adequate treatment capacity for runoff from the untreated parking lot south of the Brick North Building in accordance with the General Standards. If no future work occurs on the site, the Applicant will not be held to completing this measure;
2. The applicant shall provide a full construction management plan for review and approval by the Public Works Department.
3. Sidewalks and Road Improvements: At the time a Site Plan application is submitted for Buildings F1/H (or alternate Level III proposal for Lots 14 & 15 as depicted on Sheet C-2.0, *Subdivision Plan*), the portion of roadway included in Sheet C-3.0, *Site Layout Plan*, including the easterly sidewalk and all remaining road improvements, shall include provisions for conformity with the road design depicted on Sheet C-3.0, *Overall Site Plan*.
4. Final landscape plan shall incorporate 2" caliper trees in 4 foot-wide esplanade.
5. The 8'x20' Concrete Pad for the storage of CO2 tanks and chiller equipment on the North Side of Brick North, as shown on Sheet C-3.0, *Site Layout Plan*, will be subject to review by the Inspections Division, and any associated life safety reviews, before construction.

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 2015-133 & 2015-159 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** Revised recording plats listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of corresponding performance guarantees. Performance guarantees must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **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.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Note on Stormwater Management Inspection and Monitoring** The applicant and all assigns must comply with the conditions of Chapter 32 Storm Water including Article III, Post-Construction Storm Water Management, which specifies the annual inspections and reporting requirements. The developer/contractor/sub-contractor must comply with conditions of the construction storm water management plan and sediment & erosion control plan based on the applicant's submitted materials and applicable city standards and state guidelines. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted and signed prior to the issuance of a building permit with a copy to the Department of Public Works.
6. **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.
7. **Subdivision Plan Expiration** The first section of the subdivision plat shall be recorded within three years of 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.
8. **Performance Guarantee and Inspection Fees** 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 Works Department prior to the release of each sectional subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

9. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
10. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held 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 Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.
11. **Department of Public Works 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.)
12. **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.
13. **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 Department of Public Works 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 Christine Grimando at 874-8608.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. City Code, Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Christine Grimando, Planner/Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Works
Bill Clark, Project Engineer, Public Works
David Margolis-Pineo, Deputy City Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Mike Farmer, Project Engineer, Public Works
Jane Ward, Administration, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

The Forefront at Thompson's Point
Level III Site Plan and Subdivision Review
2015-133 (Subdivision) & 2015-159 (Level III Site Plan)
Chris Thompson, Forefront Partners I LP

Submitted to: Portland Planning Board Date: January 8, 2016 Public Hearing Date: January 12, 2016	Prepared by: Christine Grimando, Senior Planner CBL: 201 A005001 Project #: 2015-133 (Subdivision) & 2015-159 (Level III Site Plan)
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I. INTRODUCTION

Forefront Partners I LP has requested a Level III site plan and subdivision review for a 19 lot subdivision, and a Level III site plan for the renovation of an existing building (Brick South) for use as a flexible 2,500 person event/assembly space with associated parking, utilities and stormwater management within the 34,000 square foot building. The application includes a summary of the proposed modifications to the approved master development plan and incorporation of another existing building (Brick North), and its associated site improvements. A time line of the multiple prior approvals for this site is below as background information.

The total development area consists of over 30 acres. The site's approved master development plan is for a mixed-use development including an event center, hotel, sports medicine facility, parking structure, educational facility, residential units, restaurants, and office uses. The current Site Plan and Subdivision application includes a 19 lot subdivision, and a Level III site plan for assembly/event space and related infrastructure. This application represents the first to be submitted to the Planning Board towards fulfillment of the master development plan, approved in March 2014. The application also folds in a prior approval for Brick North— this was approved, and amended under the 2012 subdivision approval that preceded the 2014 plan for this property. It is included in this application as a means to facilitate superseding the pre-Master Development Plan approvals, and begin to fulfill build-out of the site under one, consolidated program. A previous Planning Board workshop was held for this application on October 13, 2015.



1, Brick South

This development is being referred to the Planning Board for compliance with the site plan and subdivision standards. A total of 288 notices were sent to property owners within 500 feet of the site and a legal ad ran in the Portland Press Herald on December 28 and December 29, 2015.

A Neighborhood Meeting was held on Friday, October 9th. A notice dated September 29, 2015 was sent to property owners within 500 feet of the property. Notes from that meeting are included in Attachment O. Questions and comments from the Neighborhood Meeting regarded questions about bike parking, redevelopment aesthetics, and support for the current appearance of the site and recent uses.

Applicant: Chris Thompson, Forefront Partners I LP

Consultants: Bo Kennedy, P.E., Fay, Spofford & Thorndike; Lawrence E. Bartlett, P.E., Bartlett Design; Charles D. Marchese, Surveyor, Sebago Technics



2, Thompson's Point in 2014

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
1.3; 1.7.2.1; 1.7.2.9; 1.10.8; I-2	Requirement for turnaround on dead-end streets; Requirement for perpendicular driveway connection to street; Requirement for vehicular circulation to be contained off-site and not use adjacent street system; Requirement for a minimum aggregate base course thickness of 3 inches for collector roads; Requirement for continuous sidewalks on both sides of the collector road; Requirement for a minimum roadway width of 40 feet for collector roads; Requirement for a minimum esplanade width of 5 feet for collector roads
<i>Review</i>	<i>Applicable Standards</i>
Site Plan	Section 14-526
Subdivision	Section 14-497

III. PROJECT DATA

Existing Zoning	B-5
Existing Use	Industrial
Proposed Use	Event/Assembly

Proposed Development Program	App. 2,500 SF mixed use assembly/event space		
Parcel Size	32.67 acres		
	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	34,600 SF	34,600 SF	N/A
Building Floor Area	34,600 SF	34,600 SF	N/A
Impervious Surface Area	725,710 SF	687,813 SF	-37,897 sf site-wide total, +2.2 ac. this development phase
Parking Spaces (on site)	Unknown	118 (8 handicapped spaces)	118 delineated
Bicycle Parking Spaces	0	16	16
Estimated Cost of Project	\$3,000,000		

IV. BACKGROUND & EXISTING CONDITIONS

Thompson’s Point consists of 30+ acres immediately adjacent to the Portland Transportation Center, on a peninsula of land that extends into the Fore River. It has been a continuously occupied industrial site, and in recent years has begun its transition to a mixed-use destination, hosting events at the southern tip of the peninsula and securing new tenants to support the redevelopment of the property. Bound by railroad tracks to the north, surrounded by the Fore River on three sides, it is currently occupied by existing buildings, and a mixture of long term and temporary uses. The site also includes an extension of the Fore River trail. In recognition of its unusual potential to be a new destination in the City, and its proximity to existing public transit, it was made a Tax Increment Financing District, towards further transit improvements. Zoned B-5 (urban commercial mixed-use zone), it is immediately adjacent to residential, industrial, business and resource protection zones. Its size, proximity to both the natural resource of the Fore River and the transit resources of the Portland Transportation Center, and its location at the intersection of a variety of urban contexts make this a unique development site in Portland.

Applications Timeline

In June 2012 this site was approved for 600,000 sf of office, hotel, restaurant and event center uses. The original site plan and subdivision approval was amended in June 2013, to reflect an altered development program, as well as retention of modified existing brick buildings on the site.

In late 2013, a Level III site plan application was submitted for a portion of the site, specifically a segment of road, infrastructure, and site work supporting the re-use of Brick North (Phase 1A). This site plan was submitted under the still valid 2013 approval. Approved in January 2014, it was intended to allow development to proceed while the development program for the overall site was being considered in a newly envisioned master development program, submitted for planning board review on an overlapping time frame with the 1A application. In December of 2014 the 1A application was amended to bring the proposal into greater alignment with the master development plan, including road layout.

In January and February 2014 a master development plan application was reviewed by the Planning Board, and approved in March of that year. A master development plan is a tool that establishes a cohesive development program on larger parcels (one+ acre), allowing for multiple phases over an extended time frame of six years. An approval of a master development plan then requires subsequent site plan and subdivision applications with specific construction proposals towards fulfillment of the overarching master development plan approval.

In June 2014 the applicant received a Level II approval for site work at the southern end of the Thompson’s Point peninsula, in the area of the open air “Depot” structure (formerly the Barnstormers building), to allow for seasonal events. This application was amended in February 2015 to allow for additional site work and an extension of the seasonal event approval.

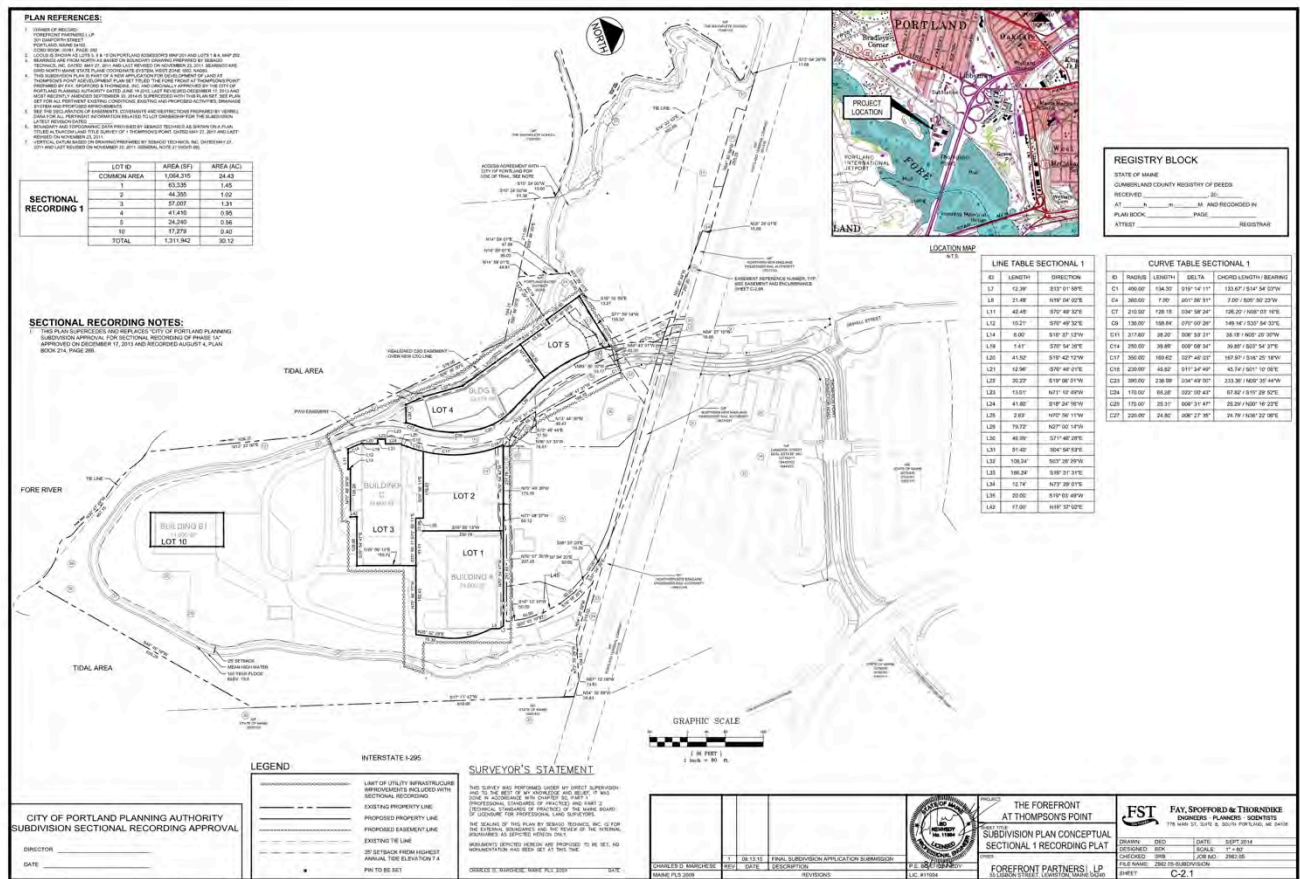
This application was originally scheduled for November 24th, and was postponed until January 12th. New information received since November is summarized in sections XVIII and XIV below.

V. PROPOSED DEVELOPMENT

Subdivision

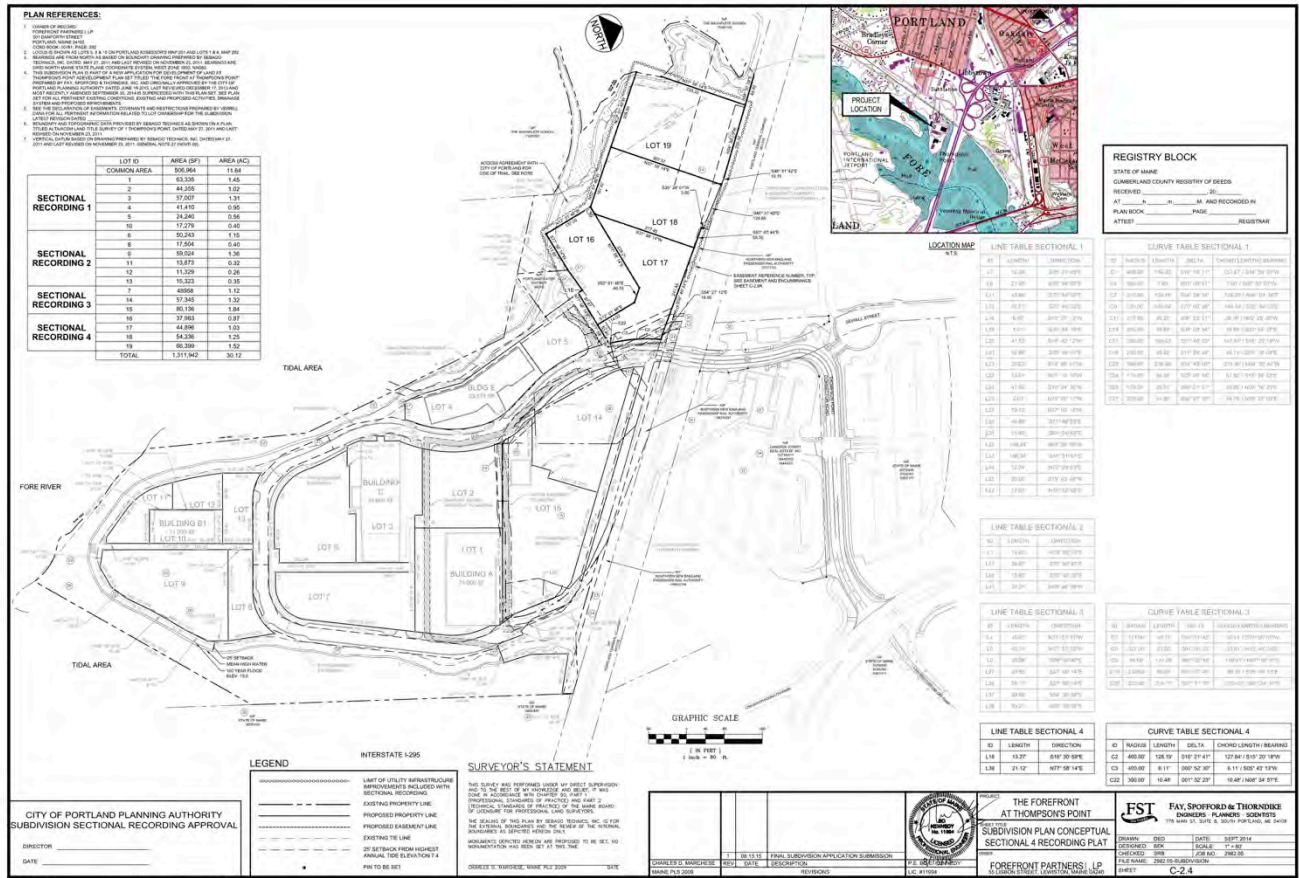
A new, site-wide subdivision plan has been submitted for review, consisting of nineteen lots. It will supersede the 2012/2013 subdivision approval. It reflects the most up to date, integrated development plan for the site, consisting of nineteen lots plus common area, and four sectional recordings. It includes detailed road geometries, grading, drainage, landscape design, and utility infrastructure details. The four proposed sectional recordings consist of the following:

Sectional 1: This encompasses six lots, two of which include Brick North and Brick South, as well as the Depot area, and two lots to the west of the access road. It incorporates redevelopment of the existing Brick North building for mixed uses, and supersedes a previously recorded sectional recording for this area. This plat encompasses the development area of the current Level III site plan application.



3, Sectional Recording 1

Sectional 4: This is anticipated to be the last recording of the full subdivision plan, and includes lots 16-19 in the northwestern "Panhandle" portion of the site. It's intended for use as office space and residential units.



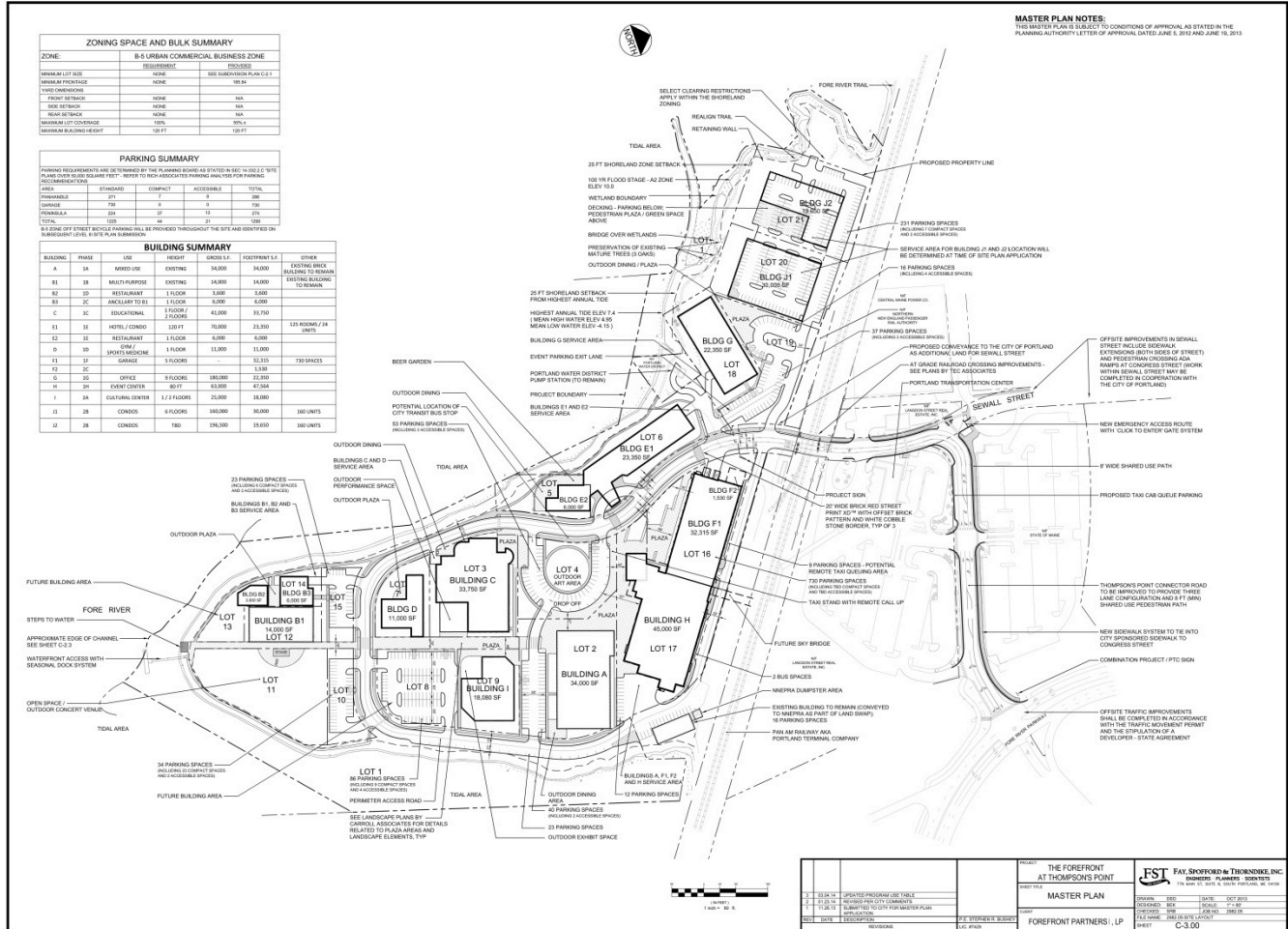
6, Sectional Recording 4

Master Plan

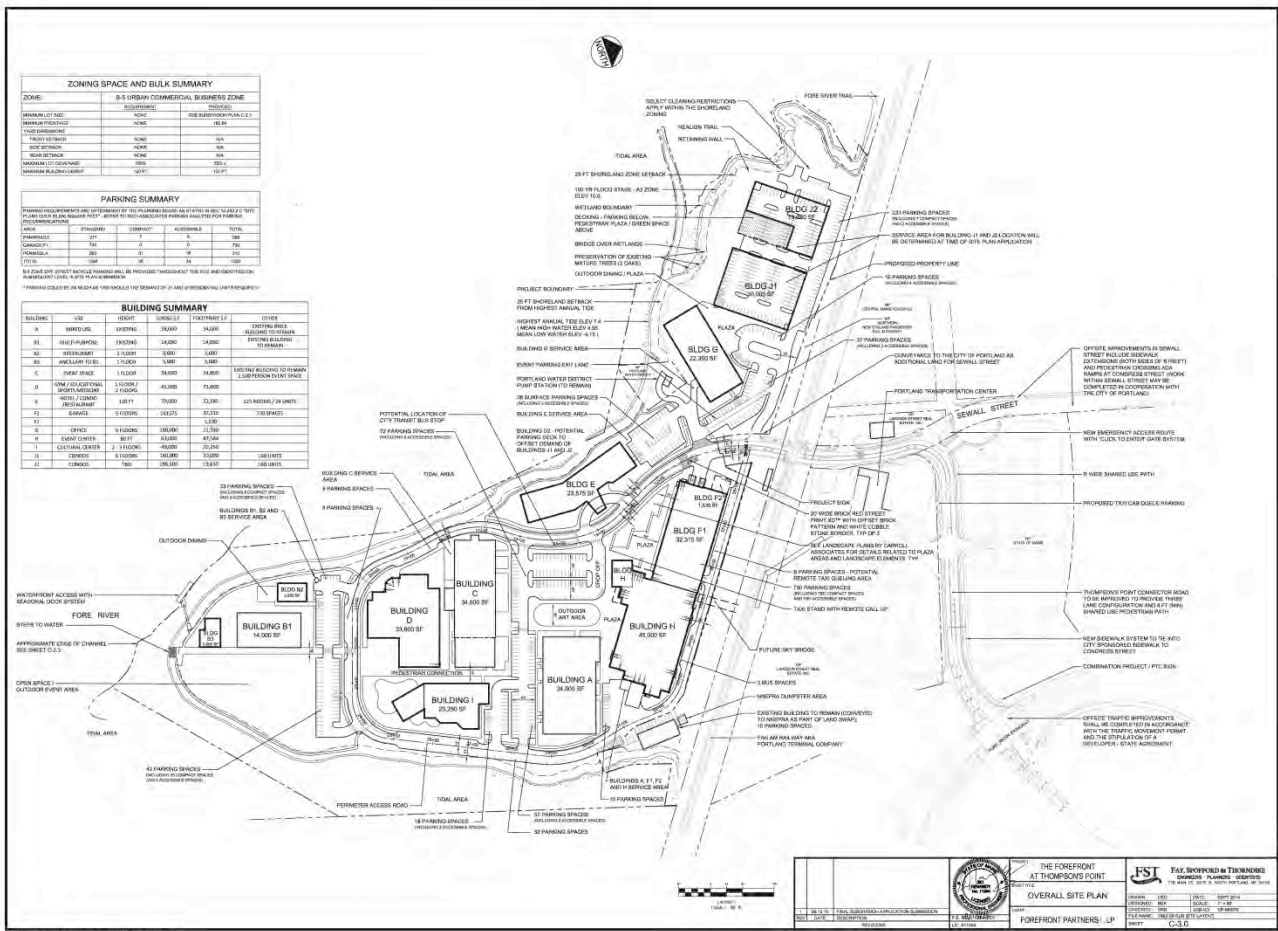
The application outlines changes to the master development plan. The subdivision application (Attachment M) cover letter gives an overview of these changes, which result in similar layout, parking, total square footage and anticipated uses as the approved master development plan. Some elements of the development that were outlined in the original master development plan application have shifted location on the site. In the original, 2012 subdivision approval the existing brick buildings were to be removed; however subsequent applications, including the 2014 master development plan have shown these as retained with some significant modifications. The current application depicts Brick South retained in its entirety. The applicant summarizes the master development plan changes as follows:

- At the heart of the layout adjustments, is Forefront’s decision to retain and renovate the existing brick building referred to as Brick South in its entirety. Brick South shown as Building C on the enclosed plans will be used as assembly event space. The event space is meant to complement the proposed event center, the outdoor event area held at the Depot and the southern portion of the site, and is not intended to increase the overall size of events, or number of people at the site at one time. Brick South will be renovated to accommodate 2,500 people and support space such as a kitchen, meeting space, storage and bathrooms, and related ancillary services for the event space.
- The restaurant space (E2) has been incorporated into the hotel’s ground floor. This allows space for additional surface parking next to the hotel.

- The educational building (Circus Conservatory) will be divided into their primary space in the new Building (D) and their current leased space in a portion of the Brick North Building (Building A). There is no change in total office space proposed for the overall site.
- The Cultural Center (Building I) has grown in gross square footage and building footprint; however, the program has remained the same.



7, Approved master development plan layout



8, Current proposed site layout

The modifications to the revised site layout are consistent with the overall master development plan approval – it is generally consistent with the approved layout of buildings, circulation infrastructure, open spaces, and uses, cumulative lot coverage, parking and circulation. The area west of Brick North (Lot 2/Building A) shows a modified interior circulation and parking area, the circular drive and art space being modified in shape and parking configuration. The overall proposed site circulation remains closely aligned to the originally approved master development plan.

The revised master development plan use program follows:

TABLE 1 MASTER PLAN PROGRAM		
Building Master Plan		Master Plan - August 2015 Gross Size
Building A: Mixed Use: Cellar Door Winery (5,840 SF) Circus Program (6,799 SF; 400 People) Big Room Studios (3,461 SF) Café (1377 SF) Brewery (10,068 SF) Distillery (5,284 SF) Color Me Mine (2,136 SF) Common (741 SF)		34,800 SF +/-
Building B1: Multi-Purpose (Assume Live Theater)		4,800 Seats
Building B2: Ancillary to B1 and Seasonal Dock		3,600 SF
Building B3: Restaurant		3,600 SF
Building C: Event/Assembly Space (2,500 People)		34,600 SF
Building D: Educational/Gym/Sports Medicine		41,600 SF
Building E: Hotel & Restaurant Condominiums		125 Rooms 24 Units
Buildings F1/F2: Parking Garage <i>*(see next page)</i>		730 Spaces
Building G: Office		180,000 SF
Building H: Event Center		63,000 SF
Building I: Cultural Center		40,000 SF
Building J1: Condominiums (Assumed)		160,000 SF/160 Units
Building J2: Condominiums (Assumed)		196,500 SF/160 Units
Total Non-Garage		814,300 SF

** Depending on the timing of garage construction which will follow the relocation of Suburban Propane and the commencement of the phase two buildings, it is conceivable that by the time the garage is ready to begin construction we may actually elect to add floors taking advantage of the 120' height limit to increase structured parking capacity. It may also be desirable to build the garage structure to provide for the possibility of adding floors in the future after the initial 730 spaces are built. We are continuing to assess these options now, but would suggest that the Master Plan retains the ability to plan for a dynamic future outcome without compromising the needs of the first phase of development.*

2014 master development plan square foot calculations are as follows, and show slightly higher square feet totals across the proposed use categories.

PROJECT DATA JUSTIFICATION BUILDING AREA TABLE			
Building	Height	Floor Area	Footprint
Building A: Office, Café, Retail	Existing	34,000	34,000
Building B1: Multi-Purpose (Live Theater)	Existing	14,000	14,000
Building B2: Restaurant	1 Floor	3,600	3,600
Building B3: Restaurant	1 Floor	6,000	6,000
Building C: Educational	1-2 Floors	41,000	33,750
Building D: Gym & Medical Office	1 Floor	11,000	11,000
Building E1: Hotel & Condominiums	120 ft	70,000	23,350
Building E2: Restaurant	1 Floor	6,000	6,000
Building F1: Parking Garage	5 Floors	161,575	32,315
Building F2: Parking Garage		1,530	1,530
Building G: Office	9 Floors	180,000	22,350
Building H: Event Center	80 ft	63,000	47,564
Building I: Cultural Center	1-2 Floors	25,000	18,080
Building J1: Office	6 Floors	160,000	30,000
Building J2: Condominiums	Assume 10 Floors (TBD)	196,500	19,650
TOTAL		973,205	303,189



10, Renovated Brick South

VI. PUBLIC COMMENT

No comments have been received to date.

VII. RIGHT, TITLE, & INTEREST

The applicant has provided evidence of Right, Title & Interest in Attachment J of the subdivision application. Included is a trail easement, a quitclaim deed with covenant for the property, a letter from Suburban Propane, Inc. and the Northern New England Passenger Rail Authority indicating that purchase and sale agreements have been signed for those adjacent parcels and that the applicant is authorized to seek entitlements for the redevelopment of the parcels.

VIII. FINANCIAL & TECHNICAL CAPACITY

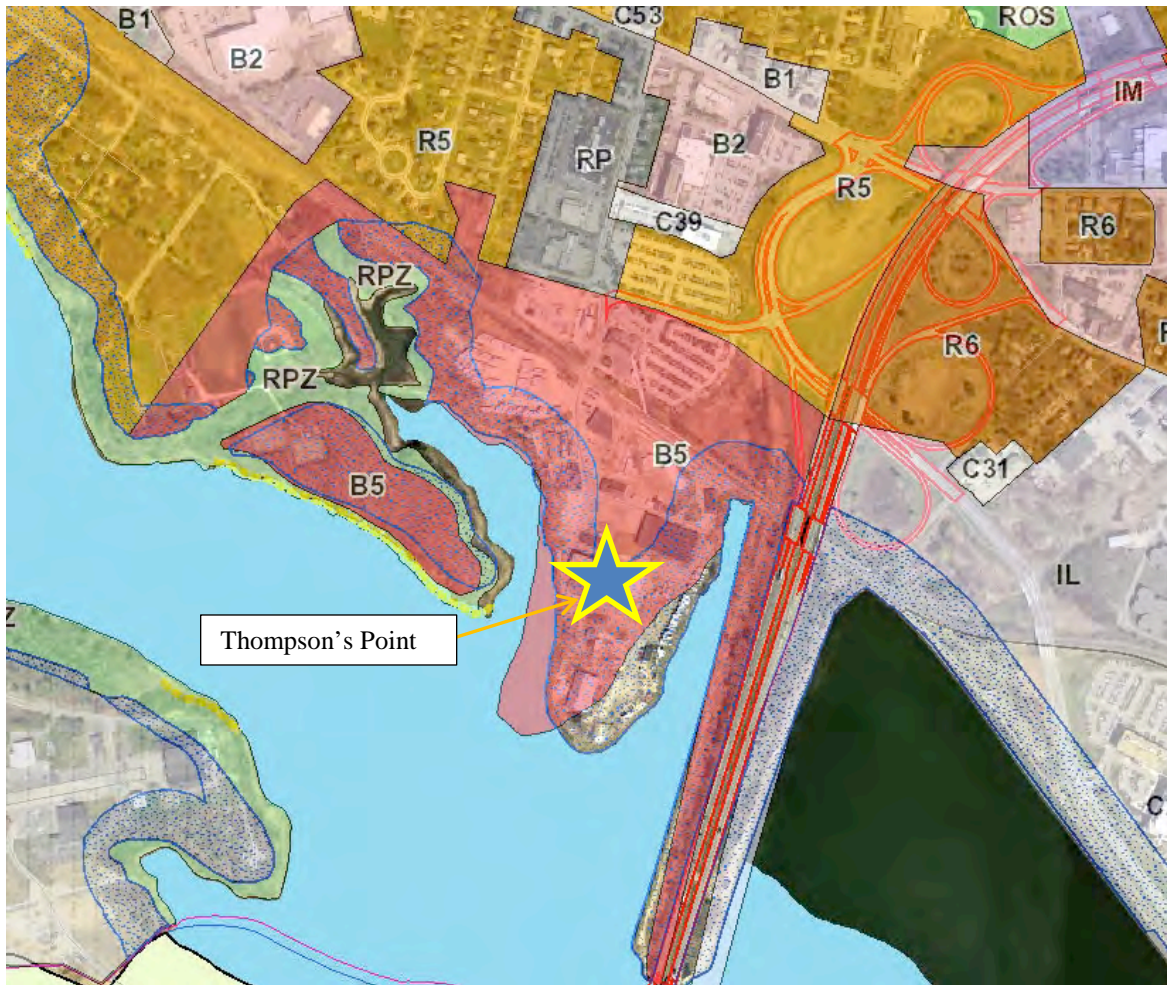
The October workshop comments included a request for updated indication of financial capacity. On file is a letter from TD Bank from 2011 attesting to the Thompson's Point Development Company's ability to complete the project and "see that it operates effectively over the long term". The applicant has supplied a letter dated October 13, 2015, from Androscoggin Bank attesting to Forefront Partners I, LP's financial capacity.

IX. ZONING ANALYSIS

Thompson's Point lies in the B-5 zone, and is also subject to shoreland and floodplain regulations under the city's land use code. The application complies with floodplain and shoreland requirements. The buildings included in the current Level III application are not in the floodplain. Shoreland setbacks are a required minimum 25' for structures from the annual mean high tide line. There are areas on the site layout plan where the road hugs the 25' line, on the allowable side of that boundary; the proposed activity meets shoreland requirements.

The project meets the requirements of the B-5 zone use and dimensional standards. The B-5 zone allows for a wide range of commercial and mixed uses, and encourages urban patterns of development. There are no lot coverage limits or applicable setbacks in the B-5, and there is a height limit of 120 feet.

There are also B-5 standards in the City's Design Manual, concerned with shared infrastructure, the location of buildings to the street, and location of parking lots, none of which is applicable to a lot of this size, particular geography, or internal circulation pattern.



11, Thompson's Point Zoning Context

X. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The overall subdivision plan and the four sectional recording plats have been reviewed by the Department of Public Services for conformance with 14-496, and the applicant has already incorporated initial comments. The final versions of the plats, post-approval, will need to be reviewed by the Department of Public Services and Corporation Counsel before they can be finalized, signed by the Planning Board, and recorded.

With a subdivision of this size, with 19 lots, proposed to be developed in phases, and not all with frontage on the proposed road (not required in the B-5 zone), language is needed to secure ingress and egress and access to the proposed infrastructure. The Declaration of Easements, Covenants and Restrictions (Attachment L) includes provisions for this, that Corporation Counsel has suggested some changes to in the final, recorded version:

7.2. Ingress, Egress and Regress. Each Lot Owner, and the clients, customers, guests, employees, tenants, subtenants, invitees, agents, contractors and licensees of Lot Owners shall have an easement, subject to any rules and regulations established by the Board of Directors, in common with all other Lot Owners to use the entrances, exits, corridors and other Common Area roadways as a means of ingress, egress and regress to and from the Property and the adjoining public streets. ~~The Board of Directors shall not and cannot establish any rules and regulations depriving any Lot Owner of reasonable ingress, egress and regress to and from its Lot, the Property and Common Areas and the adjoining public streets. Notwithstanding the foregoing~~The Lot Owners' use of the entrances, exits, corridors and roadways as a means of ingress, egress and regress to and from the Property and the adjoining public streets, and to parking spaces and areas located on the Property shall be subject to the Event Management Plan generally described in Schedule D attached hereto and the Transportation Demand

Management Program generally described in Schedule E attached hereto, which Event Management Plan and Transportation Demand Management Program shall be incorporated into the Rules and Regulations as adopted by, and amended from time to time, by the Board of Directors. Notwithstanding the foregoing, the Board of Directors shall not and cannot establish any rules and regulations depriving any Lot Owner of reasonable ingress, egress and regress to and from its Lot, the Property and Common Areas and the adjoining public streets.

Similar language will be required on the final recording plat, to be reviewed and approved by Corporation Counsel before final signatures and recording of the plat.

XI. SUBDIVISION REVIEW (14-497(a). Review Criteria)

The proposed amendments have been reviewed by staff for conformance with the relevant review standards of the City of Portland's subdivision ordinance.

1. Water, Air Pollution

The site plan, grading and utility plans are designed to adequately address stormwater quality and to minimize pollution from the site. No detrimental water or air quality impacts are anticipated. Stormwater review comments are included in the Site Plan Review section, below.

2 & 3. Adequacy of Water Supply

The applicant has provided evidence of capacity from the Portland Water District (Attachment H).

4. Soil Erosion

The erosion and sedimentation control plans (Plans 21, 56, 65, 66) have been reviewed and found to adequately meet the standards of avoiding soil erosion impacts.

5. Impacts on Existing or Proposed Highways and Public Roads

This project is subject to a MDOT Traffic Movement Permit, issued in 2012 (Attachment H). Efforts have been made over the course of this project's multiple reviews to coordinate this project with the surrounding neighborhood and the transportation system it abuts, and to safely plan for anticipated road impacts. To that end the project developed events management and transportation demand management (TDM) plans that were reviewed in the course of the master development plan approval. Tom Errico, the City's consulting Transportation engineer, reviews all modifications and submissions in relation to conformity with that program and related city standards. Mr. Errico's preliminary comments are included below, as well as his updated assessments of where the issues he previously raised stand in bold. Additional comments on transportation and parking follow under XII, Site Plan Review, below.

- *In general I find the overall Subdivision Plan layout to be acceptable with specific site issues addressed during the site plan review process. The applicant should be specific about what triggers the full construction of the circulatory roadway or how it is being phased. Additionally, it is unclear where the public right-of-way terminates for the phasing of the circulation road given that EDA funding is extending the public roadway system.*

Status: The applicant has provided information responding to this comment and DPW has been coordinating directly with the applicant on the roadway design and maintenance elements. I have no further comment.

Previous staff comments indicated the need for more information regarding phasing of the subdivision. Additional annotation on infrastructure required for each subdivision section has been added to revised plan sheets, as well as color utility plan sheets submitted for the November 24th public hearing, as well

Mr. Errico offers the following additional comments regarding trip generation and traffic management, requesting more detailed trip estimates for the Level III site plan application.

- *I have reviewed the updated traffic generation estimate conducted by the applicant and request that the applicant provide back-up information for the noted AM and PM peak hour trip estimate. Additionally, the applicant should provide supporting documentation for each specific use. An example is the Brewery where 8 entering and exiting vehicles were assumed in a peak hour, when occupancy of a tasting room may be indicative of greater trip activity during the PM peak hour. The applicant does note that the project is anticipated to exceed the trip threshold established by the current Traffic Movement Permit (TMP) during the AM peak hour while the PM peak hour is projected to be under the threshold. In an attempt to understanding specific project phasing traffic impacts, the applicant should also provide the trip estimate for the Level III Site Plan application.*

Status: *Given that the full-build out of the project has been permitted under the TMP, I concur that the current application is well below the trip threshold established by the TMP. I would note that I do not endorse the trip generation methods contained in the application (e.g. Brewery Trip activity) and will require future site plan review phases to quantify actual trip activity for buildings already occupied (to ensure the trip threshold dis not exceeded).*

- *The applicant has provided a general approach to managing event traffic volumes as part of the Master Plan. I would note that a detailed traffic management plan was developed in conjunction with the original application and that plan should continue to be used (if the applicant suggests deviating from the Plan, those details should be provided). I would note that the Traffic Management Plan is a live plan and will be reviewed and adjusted over time as conditions in the area are monitored.*

Status: *I have no further comment.*

Mr. Errico found the Master Plan materials sufficient, but has specific Level III Site Plan comments in XII., below.

6. Sanitary Sewer/Stormwater Disposal

A wastewater capacity letter from the Portland Water District, dated March 14, 2014 (Attachment H), indicated a capacity to serve. *The application’s stormwater management plan has been reviewed by the City’s consulting engineer, David Senus, who had the following comment (in addition to one Site Plan-specific comment addressed below in XII):*

The Applicant has presented revisions to the previously approved stormwater management plan to include technologies now considered acceptable by MaineDEP as of January 2015, specifically Filterra units without an isolator row and Jellyfish Filter Units. The approach presented by the Applicant provides an acceptable means of meeting the General Standards as outlined in MaineDEP Chapter 500 and by the City of Portland Technical Manual Section 5 for both the Subdivision Application and the Brick South Level III Site Plan Application.

7. Solid Waste

The applicant has proposed trash enclosures in association with the site plan application, to be privately managed, as well as provided evidence of sewer capacity from the Portland Water District, and full utility plans to address waste disposal. In addition, in response to previous Public Works comments, updated sewer flow estimates have been submitted in the November 10, 2015 cover letter accompanying the new submission materials (Attachment N).

8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the department of inland fisheries and wildlife or by the city, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

The new subdivision application is not anticipated to affect original assessments related to historic sites, significant wildlife habitat, or irreplaceable natural areas. The property has been extensively evaluated on each of these measures over the course of prior reviews. The site is largely developed with pavement, gravel lots, and existing

buildings. The project has provided an extensive landscaping plan that the City's Arborist, Jeff Tarling, has approved:

I have reviewed the proposed landscape plans and find them acceptable as shown. To date we have refined the landscape goals and plans a number of times to a point where the current plan meets the objective of a site on the Fore River.

The City Arborist submitted additional comments specifically regarding the area proposed as public ROW. Though the overall landscape plan has been approved, he notes that the esplanade in this area needs to be a minimum of 4 feet if trees are to be planted there. The esplanade width is 4 feet. He also recommends smaller trees than shown on the plan (see Attachment 7 for full comments). His planting suggestions are noted in the approval conditions.

In regard to historic sites, Brick North and Brick South were found eligible for National Register but are not included in the City of Portland Historic Preservation program. However, they will be retained and repurposed as part of this proposal.

Significant Wildlife/Natural Areas: The applicant has retained a Natural Resources Protection Act (NRPA) permit from the Department of Environmental Protection (Attachment G), that protects feeding and roosting areas for migratory shore birds along the westerly shore. The need to protect this habitat resulted in prior changes to the trail alignment and to the landscaping plan, both reflected in the current application.

Shoreline Access: The shoreline of the Thompson's Point peninsula is currently ringed with an unimproved trail, which is part of the Portland Trails network. The trail is now proposed to transition from a rustic unimproved path to a perimeter paved walkway along the primary access drive. A seasonal dock providing access to the Fore River with a kayak/small boat launch ramp has been previously approved. Terms and access to the water is included in the subdivisions Declaration of Easements, Covenants and Restrictions (Attachment L) and have been referenced on the revised plan set.

9. Is in conformance with the land development plan or its successor

The B-5 zone itself is in compliance with the Comprehensive Plan, and this project that complies to the B-5 zone it is also consistent. The application is also generally consistent with long range planning goals in the areas of transportation and economic development, such as the following goals of the Comprehensive Plan, Volume 1:

- Encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities (p21);
- Create local multi-modal centers for the city's commuters and mass transit passengers, building on the presence of existing centers of activity, connected with each other and with regional transportation centers (p. 24);
- Create a variety of job opportunities for the full spectrum of the labor pool which are appropriate to our current and potential skills, provide good pay and benefits, are rewarding/satisfying (p. 37); and
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation (p. 44)

10. Financial and Technical Capacity

See VIII above.

11. Wetland/Water Body Impacts

With the exception of necessary stormwater discharges, all structures and paved surfaces will be set 25 feet back from high water at the shoreline, as consistent with Shoreland Zoning regulations. There is a full stormwater management plan that has been reviewed and approved for the site as a whole, with comments on revisions and specific proposals for the Level III stormwater plan addressed in the Site Plan Standards, below. The site is currently almost entirely impervious, with no stormwater treatment – proposed stormwater management techniques

post-redevelopment will benefit water quality leaving the site.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies.

13. Flood-Prone Area

The perimeter of the peninsula is located with the flood plain. Buildings in the current site plan application are not in the flood plain.

XII. SITE PLAN REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s site plan ordinance. Staff comments are below.

Transportation Standards

1. Impact on Surrounding Street Systems

The applicant has obtained a traffic movement permit to address impacts on the surrounding street systems. The project has provided off-site improvements through an EDA Grant Program towards this end. The project also has an approved Transportation Demand Management Plan (TDM) for managing and reducing traffic trips and parking demand.

2. Access and Circulation

a. Site Access and Circulation.

Thompson’s Point’s relatively isolated peninsula geography has provided access challenges for this site, off-set by its access to multiple forms of transit served at the Portland Transportation Center. There has been extensive coordination on the part of the applicant and the City of Portland to establish a safe and efficient system for all users. Served by Thompson’s Point Connector Road, the approved master plan provides for vehicle, transit, bicycle and pedestrian access. As individual project phases are brought forward for review, each will have to be evaluated for compliance with the approved master development plan, and for the appropriateness of each stand-alone phase. Mr. Errico’s review speaks to this issue, finding the current application generally acceptable, but needing some further refinement both at the level of subdivision phasing and Level III site plan detail:

The applicant has provided the TDM Plan that was developed in 2011 and approved as part of the original approval. In concept I find the TDM Plan to be acceptable but want to emphasize the importance of the measures included in the Plan and how the traffic study and parking analyses assume some level of TDM success. Accordingly, the applicant should provide an update of the TDM Plan for the Level III Site Plan application to reflect the proposed implementation schedule (including what specific strategies are being implemented, implementation dates, and specific monitoring activities).

Status: The applicant should identify if there are any TDM strategies that can be implemented as part of the Level III Site Plan buildings in conjunction with a typical non-event day.

I find the Level III Site plan to be acceptable, although further review is required. I would note that the applicant should provide details on construction activities and how current parking and traffic will be managed.

Status: I have reviewed the construction management plan and site plans and find them to be acceptable. I would note that specific traffic control plans will be required for the project and that information will be reviewed in conjunction with the pre-construction meeting. Given that the site only impacts Thompson’s Point traffic and pedestrians activity (not the general public), I’m confident safe conditions can be detailed.

Since the workshop the applicant was asked to speak to accessibility and safe access for all users on the site (as referenced in Sec. 14-526.a.2) in greater detail than the preliminary application materials had provided. New application materials (Attachment N, which addresses issues raised in regard to Site Plan and Subdivision applications) include additional information summarizing ADA compliance:

The previously submitted Site Layout Plan C-3.0 shows the site vehicular and pedestrian circulation. All sidewalks represented on the plan have been designed to meet the 2010 ADA Standards for Accessible Design. An accessible route has been provided from the public street to all main entrances as well as from designated parking stalls to the main entrances. The plan proposes a total of 118 parking spaces of which 8 have been designed to meet the ADA standards. The design provides for ADA stalls in each separate parking facility and as a result the total number of provided ADA stalls exceeds both the required number of ADA spaces if computed holistically (5 required) or the required number of spaces when tallied up per parking area (7 required).

b. Loading and Servicing

Formal loading docks have not been proposed for the Level III site plan, but a service area has been designated on the southerly side of the Brick South Building, and large doors have been retained to allow for movement of event support equipment, delivery vehicles, etc.

c. Sidewalks

Sidewalks are proposed to both Brick North and Brick South (Plan 52). Overall site circulation (Plan 15) includes sidewalks, crosswalks and trail connections throughout the site.

3. Public Transit Access

The development is served by the existing transit service at Portland Transportation Center. The Level III site plan does not include additional transit facilities, though the project at full build-out will include a bus stop and shelter.

4. Parking

a. Location and number of parking spaces

The overall site layout contains an adequate number of parking spaces, meeting the City's dimensional requirements. Mr. Errico's traffic and parking review provided the following commentary on the parking analysis that accompanied the site plan application, requesting more detail regarding demand/supply allocation for the overall site, and for the Level III site plan application:

According to the parking analysis conducted by Gorrill-Palmer, a parking demand of 1790 parking spaces is estimated. The applicant should provide specific detail on parking demand/supply allocation for the entire Master Plan and for the Level III Site Plan application plan.

Status: From an overall parking generation perspective, I find the applicant estimate to be reasonable with the understanding that updated analyses will be needed as future project phases are implemented. The applicant has not provided information as it relates to the parking demand/supply adequacy for the Level III Site Plan application. My general sense is that sufficient parking will be provided for typical day-to-day activity at the Level III buildings following occupancy. The applicant should provide documentation that a sufficient parking supply will be provided.

The applicant has sufficiently answered site-wide parking supply questions, but should directly address the sufficiency of the parking proposed for the uses and space included in this Level III site plan application by the November 24th public hearing.

- b. *Location and number of bicycle parking*
Fifteen parking spaces are required at this stage, with sixteen provided on the western face of Brick North.
- c. *Motorcycle and scooter parking*
There is no required amount of motorcycle or scooter parking, only that the project provide access for these vehicles, which the site plan does through the provision of conventional parking spaces.
- d. *Snow Storage*
On-site snow storage will be accommodated along the perimeter of the site.
- e. *TDM*
As noted, the applicant has an approved Transportation Demand Management. Comments on the TDM in relation to this Level III application are in 2.a, above.

Environmental Quality Standards

- 1. *Preservation of Significant Natural Features*
Preservation of significant natural features is being met through maintaining a 25' buffer from the annual mean high tide, as required by shoreland regulations, as well as adhering to the MaineDEP NRPA permit regarding protection of the western shore.
- 2. *Landscaping and Landscape Preservation*
The existing tree population is concentrated in the northwest corner of the site, and received some protection within the shoreland zone. The current Level III application does not have bearing on this portion of the property. The City Arborist has given extensive feedback on the proposed landscape plan (Plans 42, 43, 78), and is satisfied with the landscaping for this application (Attachment 3).
- 3. *Water Quality/Storm Water Management/Erosion Control*
The applicant has submitted a stormwater management and erosion control plan for the overall site, and for the specific needs of the Level III site plan. It has previously met City of Portland standards as outlined in Section 5 of the Technical Manual, as well as the standards required by the MaineDEP Site Location and Development Permit. David Senus, the consulting Civil Engineer, commented in his peer review of the revisions, and the specific proposal for the Level III application that the revisions presented are acceptable, with the following additional comments:
 - *The Applicant has presented revisions to the previously approved stormwater management plan to include technologies now considered acceptable by MaineDEP as of January 2015, specifically Filterra units without an isolator row and Jellyfish Filter Units. The approach presented by the Applicant provides an acceptable means of meeting the General Standards as outlined in MaineDEP Chapter 500 and by the City of Portland Technical Manual Section 5 for both the Subdivision Application and the Brick South Level III Site Plan Application.*
 - *Consistent with the previous approval for the Brick North Level III Site Plan Application, Woodard & Curran recommends including a condition of approval for the Brick South Level III Site Plan Application requiring that future phases of work in the vicinity of the outfall associated with "Stormwater Management Zone F" (as depicted on sheet C-4.1 of the Subdivision Application) incorporate water quality treatment measures that provide adequate treatment capacity for runoff from the untreated parking lot south of the Brick North Building*

in accordance with the General Standards. This condition does not need to be contingent upon future phases of work occurring on the site; if no future work occurs on the site, the Applicant will not be held to completing this measure.

Public Infrastructure and Community Safety Standards

a. Consistency with Related Master Plans

The only area currently needing clarification in regard to consistency with City standards as they relate to public infrastructure is an extension of the public portion of the access road that is being supported by EDA funding. The applicant has indicated that this section will be public roadway with the applicant providing maintenance – the pertinent road segment, ownership status, and maintenance agreements should be indicated on the final plan set.

b. Public Safety and Fire Prevention

The proposal has been reviewed for public safety and fire prevention, and has been found to allow for emergency response vehicles to move around all areas of the site. It provides for new and existing fire hydrants. A Fire Safety Compliance Plan (Plan 69) and Attachment E, a review of fire protection provisions for the site, have been submitted towards meeting the public safety requirements for the site.

c. Availability and Capacity of Public Utilities

The applicant has provided letters indicating the capacity to serve for water, sewer, gas, and power. All utility work has been reviewed with conformance with the city's Technical Manual, including all stormwater management standards. Trash will be stored in dumpsters, eventually to be served by a contracted waste management company.

Site Design Standards

1. Massing, Ventilation, and Wind Impact

These standards are concerned primarily with bulk, location, or height of buildings incurring health, safety, unsafe wind conditions, and direct impact of buildings on abutters. As the proposed buildings do not have direct abutters, these standards are not applicable to this site.

2. Shadows

As in the massing standards in 1, above, these standards are concerned with impacts on direct abutters, and are not applicable.

3. Snow and Ice Loading

This standard is concerned with snow and ice loading as it impacts neighboring properties and public ways, and is not applicable.

4. View Corridors

This standard is in regard to impacts on public view corridors, and is not applicable.

5. Historic Resources

The property is not in an historic district, and contains no designated landmarks. It has, however, received state review regarding the historic integrity of the brick existing buildings, and correspondence regarding this is included in Attachment G.

There are no known archeological resources on site.

6. Exterior Lighting

Lighting and photometric information has been submitted in Plans 37 and 76.

7. Noise and Vibration

The proposal does not anticipate exceeding current noise levels for the permanent uses on the site, or overall permitted noise levels.

8. *Signage and Wayfinding*

Signage and wayfinding is proposed to be submitted under a separate application, and is not included in this submission.

9. *Zoning-Related Design Standards*

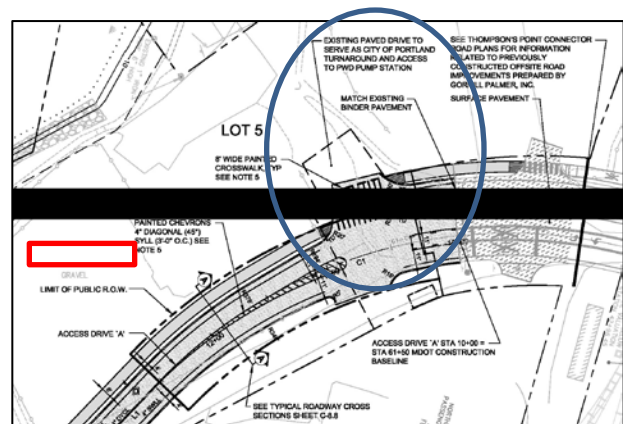
Zoning-related design standards encourage dense, mixed-use development, and attractive pedestrian environments. The Design Manual standards for the B-5 zone encourages shared circulation, parking and transportation infrastructure wherever possible, and several standards for building orientation towards public streets, not applicable to this site.

XIII. EDA ROAD EXTENSION

A portion of the roadway system, approximately 400 feet, will be funded by an EDA grant. The previous subdivision review for this site included 150 linear feet of roadway on the Thompson's Point side of the new railroad crossing. Recently the EDA-funded portion of the roadway was extended another 250 feet. The terms of the EDA contract require that such rights of way be publicly owned. The revised submission materials show the limits of this extension in Plan 83 and Plan 87. DPW, through discussions with the applicant, have concurred the proposed road design specifications are acceptable. An itemized list of how these specifications diverge from the City's Technical Manual has been included as Attachment Q. The road layout, sidewalk design, site circulation, and stormwater management specifications are unchanged. The City and the applicant have agreed there will be ongoing general maintenance expectations for the applicant, including snow plowing, sanding, salting, and street sweeping.

Variations from the Technical Manual are bundled into one general waiver. An explanation of each item follows. All section references are to the City of Portland Technical Manual.

- 1.3. Requirement for turnaround on dead-end streets. This is in reference to the City street terminating without a turnaround at the end – the street itself continues, and does not physically dead-end. Since the applicant will be assuming general maintenance responsibilities beyond where the existing City turnaround currently sits on the plan, it is not being requested for this to be moved to the end of the area delineated as the Limit of Public ROW (see Figure 12).
- 1.7.2.1. This is a requirement for a perpendicular driveway connection to street. Tom Errico, consulting traffic engineer, reviewed this with the following comment: *The applicant is requesting a waiver as it relates to the angle of the Parking Garage Entrance. Given the direction of most traffic movements, the proposed design would be expected to operate adequately and therefore I support a waiver.*
- 1.7.2.9. A requirement for vehicular circulation to be contained off-site and not use the adjacent street system. The designation of a portion of the development's road as a public right of way results in some of the anticipated deliveries using a public rather than a private street, triggering this standard. Mr. Errico's comments: *The applicant is requesting a waiver for use of the public street for delivery truck maneuvers. Given that few large truck deliveries are anticipated for the proposed office building, I support a waiver.*
- 1.10.8. A requirement for a minimum aggregate base course thickness of 3 inches for collector roads. The application meets MaineDOT material standards which do not meet City standards, but exceed City's materials standard.



12, Turnaround, ROW limits

- Figure I-2. A requirement for continuous sidewalks on both sides of the collector road. There is a sidewalk planned for full length of the western side of the road, and a facing sidewalk that begins partway in to the first lot on the eastern side (suburban propane/Lots 14 & 15/location of Building F1/H on the overall site plan). The Level III site plan does not include the eastern sidewalk. Mr. Errico’s comments: *The current Level III Site Plan for the Brick North/South phase does not include a sidewalk on the east side of Thompson’s Point Road Extension. I support a waiver for building this sidewalk under this phase with the condition that the applicant will be responsible for construction of a sidewalk (and any necessary improvements to the Thompson’s Point Road Extension) during the construction of Building H/F1, as depicted on the overall site plan.*
- Figure I-2. A requirement for a minimum roadway width of 40 feet for collector roads. The road design shows a range of 30-39 feet. Mr. Errico notes in his comments that he is comfortable with the proposed roadway cross-section.
- Figure I-2. Requirement for a minimum esplanade width of 5 feet for collector roads. Plan depicts a 4 foot esplanade.

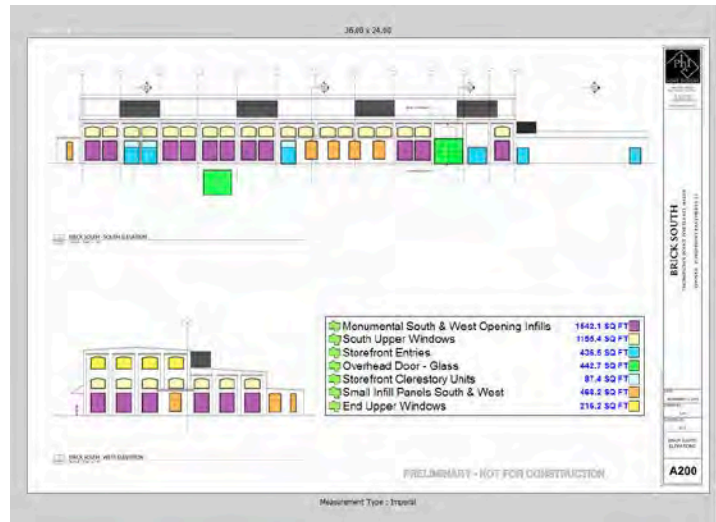
XIV. SUPPLEMENTAL MATERIALS

On January 6th supplemental materials were submitted that included the following changes: the Level III site plan has been revised to include an 8’x20’ Concrete Pad for the storage of CO2 tanks and chiller equipment on the North Side of Brick North to serve the brewery tenant in the Brick North building (Plan 87); updated Brick South Building elevations showing window openings with faux glass infill intended to replicate glass windows but eliminate the need for most event users having to cover the windows with large shades (Plan 88 & 89). There are no transparency standards in the B-5 zone that would prohibit this change. The concrete pad is a minor change, but one that will require Inspections review, and any associated life safety review before construction.

XV. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the planning board approve the proposed

subdivision and site plan for The Forefront at Thompson’s Point.



13, Brick South Elevation, Plan 88

XVI. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on January 12, 2016 for applications 2015-133 and 2015-159 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The planning board **finds/does not find**, based upon the Department of Public Works and City Engineer review (*Attachments 5 & 6*), that extraordinary conditions exist or undue hardship may result from strict compliance with the Technical Manual standards (*Sections 1.3; 1.7.2.1; 1.7.2.9; 1.10.8; I-2*), that substantial justice and the public interest are secured with the variation from these standards, and that the variation is consistent with the intent of the

ordinance. The planning board **waives/does not waive** the Technical Manual standards (*Sections 1.3; 1.7.2.1; 1.7.2.9; 1.10.8; I-2*), applicable to the extension of the public ROW.

B. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on January 12, 2016 for application 2015-133 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code, subject to the following condition of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority. The subdivision plats shall note all conditions of public access, all relevant easements including any for city vehicle for access and turning, language regarding rights of lot ingress/egress/regress, and any applicable road maintenance limits and agreements;
2. Prior to the issuance of certificates of occupancy, the applicant shall provide a revised Declaration of Easements, Covenants and Restrictions document for review and approval by Corporation Counsel;
3. Street Lighting: The proposed street lights on the 1st segment of the public portion of the Sewell Street extension are to be privately owned, metered and maintained by the Forefront at Thompson’s Point. The City shall grant a license for such a purpose at the time of street acceptance.

C. DEVELOPMENT REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on January 12, 2016 for application 2015-159 relevant to the site plan regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. Future phases of work in the vicinity of the outfall associated with “Stormwater Management Zone F” (as depicted on sheet C-4.1 of the Subdivision Application) shall incorporate water quality treatment measures that provide adequate treatment capacity for runoff from the untreated parking lot south of the Brick North Building in accordance with the General Standards. If no future work occurs on the site, the Applicant will not be held to completing this measure;
2. The applicant shall provide a full construction management plan for review and approval by the Public Works Department.
4. Sidewalks and Road Improvements: At the time a Site Plan application is submitted for Buildings F1/H (or alternate Level III proposal for Lots 14 & 15 as depicted on Sheet C-2.0, *Subdivision Plan*), the portion of roadway included in Sheet C-3.0, *Site Layout Plan*, including the easterly sidewalk and all remaining road improvements, shall include provisions for conformity with the road design depicted on Sheet C-3.0, *Overall Site Plan*.

5. Final landscape plan shall incorporate 2" caliper trees in 4 foot-wide esplanade.
6. The 8'x20' Concrete Pad for the storage of CO2 tanks and chiller equipment on the North Side of Brick North, as shown on Sheet C-3.0, Site Layout Plan, will be subject to review by the Inspections Division, and any associated life safety reviews, before construction.

XVII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Civil Engineer review (10/5/2015)
2. Traffic Engineer reviews (10/8/2015 & 11/19/2015)
3. City Arborist review (10/8/2015)
4. Corporation Counsel (11/19/2015)

APPLICANT'S SUBMITTALS

Subdivision Application:

- A. Supporting Narrative (August 13, 2015)
- B. AutoTurn
- C. Traffic Study Information
- D. SWM Report
- E. Life Safety Plan
- F. Photometric
- G. Permits
- H. Utility Capacity
- I. Conformity to Applicable Design Standards
- J. Title Right
- K. Financial Capacity
- L. Declaration
- M. Cover Letter
- N. Narrative (November 10, 2015)
- O. Neighborhood Meeting Materials

PLANS

- Plan 1. Cover Sheet
- Plan 2. General Notes and Legend
- Plan 3. Subdivision Plan (revised)
- Plan 4. Subdivision Sectional 1 (revised)
- Plan 5. Subdivision Sectional 2 (revised)
- Plan 6. Subdivision Sectional 3 (revised)
- Plan 7. Subdivision Sectional 4 (revised)
- Plan 8. Land Title Survey 1
- Plan 9. Land Title Survey 2
- Plan 10. Land Title Survey 3
- Plan 11. Land Title Survey 4
- Plan 12. Existing Conditions Plan
- Plan 13. Environmental Remediation 1
- Plan 14. Environmental Remediation 2
- Plan 15. Overall Site Plan
- Plan 16. Site Plan East
- Plan 17. Site Plan West

- Plan 18. Overall Grading and Drainage
- Plan 19. Overall Stormwater Management
- Plan 20. Water Quality Design Summary
- Plan 21. Overall Erosion and Sedimentation Control
- Plan 22. Overall Utility Plan
- Plan 23. Utility Plan East
- Plan 24. Utility Plan West
- Plan 25. Pavement Sections and Sidewalk Detail
- Plan 26. Curbing and Sidewalk Details
- Plan 27. Parking and Traffic Control Details
- Plan 28. Stormwater Details
- Plan 29. Stormwater and Sanitary Sewer Details
- Plan 30. Erosion and Sedimentation Control Details 1
- Plan 31. Erosion and Sedimentation Control Details 2
- Plan 32. Water and Gas Service Details
- Plan 33. Typical Roadway Cross Sections 1
- Plan 34. Typical Roadway Cross Sections 2
- Plan 35. Access Drive Profile
- Plan 36. Sanitary Sewer Profiles
- Plan 37. Photometrics Plan
- Plan 38. Electrical Master Plan 1
- Plan 39. Electrical Master Plan 2
- Plan 40. Electrical Master Plan 3
- Plan 41. Electrical Master Plan Details
- Plan 42. Landscape East
- Plan 43. Landscape West
- Plan 44. Conceptual Utility 1
- Plan 45. Conceptual Utility 2
- Plan 46. Conceptual Utility 3
- Plan 47. Easements and Encumbrances

Site Plan Application:

- P. Cover Letter and Application Narrative (August 13, 2015)

PLANS

- Plan 48. Brick South Floor Plan
- Plan 49. Brick South Elevations 1
- Plan 50. Brick South Elevations 2
- Plan 51. Cover Sheet
- Plan 52. Subdivision Plat Sectional Recording 1
- Plan 53. General Notes and Legend
- Plan 54. Existing Conditions Plan
- Plan 55. Demolition and Removals Plan
- Plan 56. Site Layout Plan
- Plan 57. Utility Plan (revised)
- Plan 58. Grading Plan
- Plan 59. Stormwater Management Plan
- Plan 60. Erosion Control & Construction Management Plan (revised)
- Plan 61. Stormwater Details 1
- Plan 62. Stormwater Details 2
- Plan 63. Stormwater Details 3

- Plan 64. Pavement Sections and Sidewalk Details
- Plan 65. Curbing and Sidewalk Details
- Plan 66. Parking and Traffic Control Details
- Plan 67. Stormwater Details
- Plan 68. Stormwater and Sanitary Sewer Details
- Plan 69. Erosion and Sediment Control Details 1
- Plan 70. Erosion and Sediment Control Details 2
- Plan 71. Water and Gas Service Details
- Plan 72. Typical Roadway Cross Sections
- Plan 73. Fire Safety Compliance Plan
- Plan 74. Sanitary Sewer Profiles
- Plan 75. Water Profiles
- Plan 76. Storm Drain Profiles Zone D
- Plan 77. Storm Drain Profiles Zone D and F
- Plan 78. Site Sections
- Plan 79. Access Drive Profiles
- Plan 80. Photometric Lighting Plan
- Plan 81. Site Lighting Plan
- Plan 82. Landscape Plan

Supplemental Materials for January Public Hearing:

Review Comments

- 5. DPW Review (Jan 8)
- 6. Traffic Engineer Review (Jan 7)
- 7. Arborist Review (Jan 6)

Documents

- Q. December 23, 2015 Cover letter Re: Road Technical Specifications
- R. January 6, 2016 Cover letter Re: Minor Revisions

Plans

- Plan 83. Overall Site Plan
- Plan 84. Site Plan East
- Plan 85. Typical Roadway Cross Sections I
- Plan 86. Typical Roadway Cross Sections II
- Plan 87. Site Layout Plan Level III
- Plan 88. Brick South Elevations I
- Plan 89. Brick South Elevations II