

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