



Jeff Levine, AICP  
Director, Planning & Urban Development Department

January 4, 2015

Avesta 72 Bishop, LLC  
307 Cumberland Avenue  
Portland, ME 04101

Mitchell & Associates  
70 Center Street  
Portland, ME 04101

Project Name: Bishop Street Apartments  
Project ID: 2015-060  
Address: 72 Bishop Street CBL: 293-C-002  
Applicant: Avesta 72 Bishop, LLC  
Planner: Nell Donaldson

Dear Bob:

On July 14<sup>th</sup>, 2015, the Portland Planning Board approved with conditions a proposal to construct a 30-unit housing development at 72 Bishop Street, the Bishop Street Apartments. As provided in Section 14-532, this letter serves as written permission from the Planning Authority to commence site work on this project prior to the issuance of a building permit. The advance site work is limited to the actions outlined in your letter dated December 28<sup>th</sup>, 2015 and listed below:

1. Removal of trees in compliance with the demolition plan dated 11/25/15 and attached, subject to the conditions that, prior to site clearing,
  - o The limit of clearance work shall be clearly marked on the site to identify tree saves and trees to be protected during construction;
  - o The limit of clearance work shall be reviewed on site by Phil DiPierro, Development Review Coordinator, and Jeff Tarling, city arborist, prior to the commencement of any site work; and
  - o There will be no stump removal and no earth disturbance associated with the tree clearance. Thus, erosion and sedimentation control is not required. However, if, upon inspection, the Development Review Coordinator determines that such measures are necessary, there applicant shall install erosion and sedimentation control in accordance with the Maine Department of Environmental Protection's best management practices.

Please contact Philip DiPierro, Development Review Coordinator at 874-8632 and Jeff Tarling at 874-8820 to schedule a pre-clearance inspection. If you have any further questions, please contact Nell Donaldson at 874-8723.

Sincerely,

Jeff Levine, AICP  
Director of Planning and Urban Development

Attachments:

1. Request letter from Bob Metcalf, dated December 28, 2015
2. Site plan approval letter

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Stuart O'Brien, Chair  
Elizabeth Boepple, Vice Chair  
Sean Dundon  
Bill Hall  
Carol Morrissette  
Jack Soley  
Dave Eaton

July 15, 2015

Avesta 72 Bishop, LLC  
307 Cumberland Avenue  
Portland, ME 04101

Mitchell & Associates  
70 Center Street  
Portland, ME 04101

Project Name:	Bishop Street Apartments		
Project ID:	2015-060		
Address:	72 Bishop Street	CBL:	293-C-002
Applicant:	Avesta 72 Bishop, LLC		
Planner:	Nell Donaldson		

Dear Mr. Moore:

On July 14, 2015, the Planning Board considered your application for a 30-unit housing development at 72 Bishop Street, the Bishop Street Apartments. The Planning Board reviewed the proposal for conformance with the standards of the subdivision and site plan ordinances of the Land Use Code. The Planning Board voted 5-0 (Morrissette and Soley absent) to approve the application with the following waivers and conditions.

### WAIVERS

The Planning Board voted 5-0 (Morrissette and Soley absent) to grant the following waivers:

1. The Planning Board finds that the applicant has demonstrated that site constraints prevent the planting of all required street trees. The planning board waives the site plan standard (*Section 14-526(b)(iii)*) requiring one street tree per unit for multi-family development and concludes that the applicant shall make a financial contribution of \$4,800 for 24 trees to Portland's tree fund.

### SUBDIVISION REVIEW

The Planning Board voted 5-0 (Morrissette and Soley absent) that the plan is 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.

## **SITE PLAN REVIEW**

The Planning Board voted 5-0 (Morrissette and Soley absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval, which must be met prior to the issuance of a building permit, unless otherwise stated:

1. Beginning one year following certificate of occupancy, the applicant shall submit an annual report documenting tenant automobile ownership and parking demand, as well as measures to manage parking conditions as necessary, for review and approval by the Planning Authority;
2. The applicant shall submit a revised survey for review and approval by the city's Department of Public Services;
3. The applicant shall submit a revised grading plan for review and approval by the city's Department of Public Services;
4. The applicant shall submit a revised construction management plan which addresses the installation of the proposed sidewalk on the south side of Bishop Street to Stevens Avenue for review and approval by the Department of Public Services;
5. Prior to final submittal, the applicant shall allow for abutter review of the design of the sidewalk on the south side of Bishop Street from 72 Bishop Street to Forest Avenue/Stevens Avenue. The applicant shall submit plans for, obtain all necessary easements related to, and construct this sidewalk, including the easternmost section abutting 2-10 Bishop Street, for review and approval by the Department of Public Services;
6. The applicant shall provide copies of associated permits from Maine DEP and the Army Corps of Engineers for review and approval by the Planning Authority;
7. The applicant shall submit a revised landscaping plan which addresses the treatment of the western side of the building for review and approval by the city arborist;
8. As this development falls within the watershed of an urban impaired stream, the Capisic Brook, the applicant shall make an in-lieu compensation fee payment of \$1,927 for review and approval by the Planning Authority; and
9. The applicant shall obtain a utility easement from the Masonic Lodge or pursue alternate utility access for review and approval by the Department of Public Services and the Planning Authority.

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 2015-060 which is attached.

## **STANDARD CONDITIONS OF APPROVAL**

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

1. **Storm Water Management Condition of Approval**  
The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines.

The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

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, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.

2. **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.
3. **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).
4. **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.
5. **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.
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 subdivision approval is valid for up to three years from the date of Planning Board approval.
8. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, an inspection fee payment of 2.0% of the guarantee amount, seven (7) final sets of plans, and one digital copy of the final plan set must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a 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

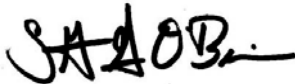
the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

11. **Department of Public 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.)
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 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 Nell Donaldson at 874-8723.

Sincerely,



Stuart O'Brien, Chair  
Portland Planning Board

**Attachments:**

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

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Alexander Jaegerman, FAICP, Planning Division Director  
Barbara Barhydt, Development Review Services Manager  
Nell Donaldson, Planner/Senior Planner  
Philip DiPierro, Development Review Coordinator, Planning  
Ann Machado, Acting Zoning Administrator, Inspections Division  
Tammy Munson, Inspections Division Director  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Lannie Dobson, Administration, Inspections Division  
Brad Saucier, Administration, Inspections Division  
Michael Bobinsky, Public Services Director

Katherine Earley, Engineering Services Manager, Public Services  
Bill Clark, Project Engineer, Public Services  
David Margolis-Pineo, Deputy City Engineer, Public Services  
Doug Roncarati, Stormwater Coordinator, Public Services  
Greg Vining, Associate Engineer, Public Services  
Michelle Sweeney, Associate Engineer  
John Low, Associate Engineer, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Services  
Mike Farmer, Project Engineer, Public Services  
Jane Ward, Administration, Public Services  
Jeff Tarling, City Arborist, Public Services  
Jeremiah Bartlett, Public Services  
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

December 28, 2015

Ms. Nell Donaldson, Planner  
City of Portland Planning Design  
389 Congress Street  
Portland, ME 04101

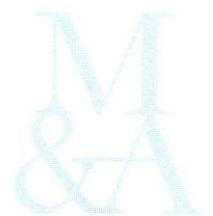
**RE: 72 Bishop Street Apartments**

Dear Nell:

The following request is to allow clearing of trees for the 72 Bishop Street apartment project as previously discussed. As a result of recent U.S. Fish & Wildlife Regulations concerning the threatened Northern Long Eared Bat, removal of trees in areas of potential habitat has to occur between October 12<sup>th</sup> and April 12<sup>th</sup>, during the hibernation period. Projects that have Federal funding or permits are required to follow this process; in this case there is HUD funding.

Avesta is requesting to permit removal of trees as shown on the approval drawings. There will be no earth disturbance associated with tree removal. Stump removal shall not occur until issuance of a building permit. Clearing must occur within this time frame to avoid a significant delay in the project. Construction of the project is not expected to start before May 2016.

To establish limit of clearing required for construction of site improvements, Avesta will have the project surveyor locate limits of tree removal and provide fixed markers to clarify limits of removal. Once limits are established, trees to be removed will be painted to further clarify tree removal.



Enclosed are the following plan sheets:

- L 1 Existing Conditions and Demolition Plan
- L 1.1 Construction Management Plan
- L 2 Layout & Lighting Plan
- L3 Grading, Drainage and Utilities Plan

Coordination with Jeff Tarling will occur prior to clearing activity. Should you have any questions, please do not hesitate to call me.

Sincerely,  
Mitchell & Associates

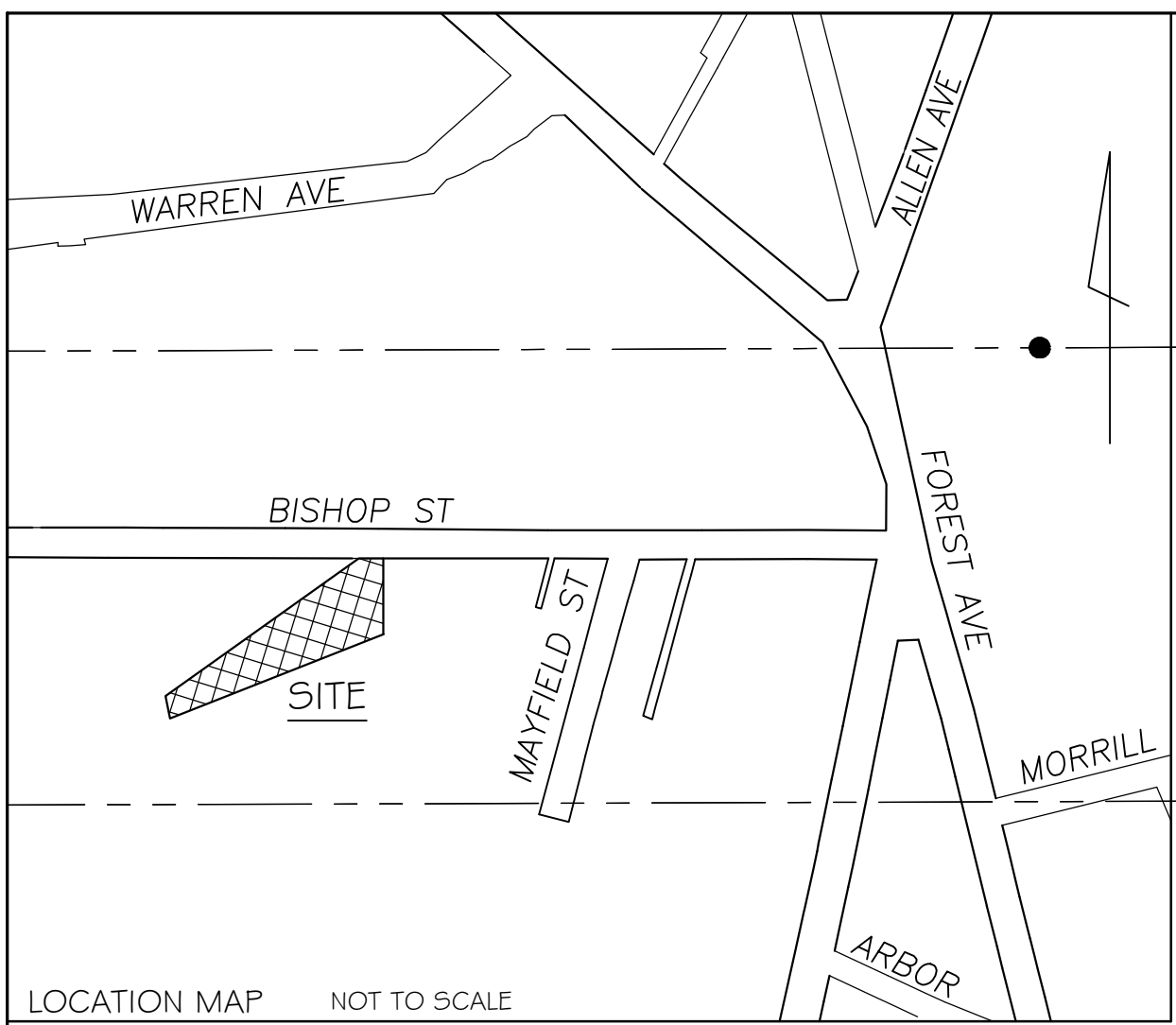
A handwritten signature in black ink, appearing to read "R. B. Metcalf", is written over a light gray rectangular background.

Robert B. Metcalf  
Maine Licensed Landscape Architect

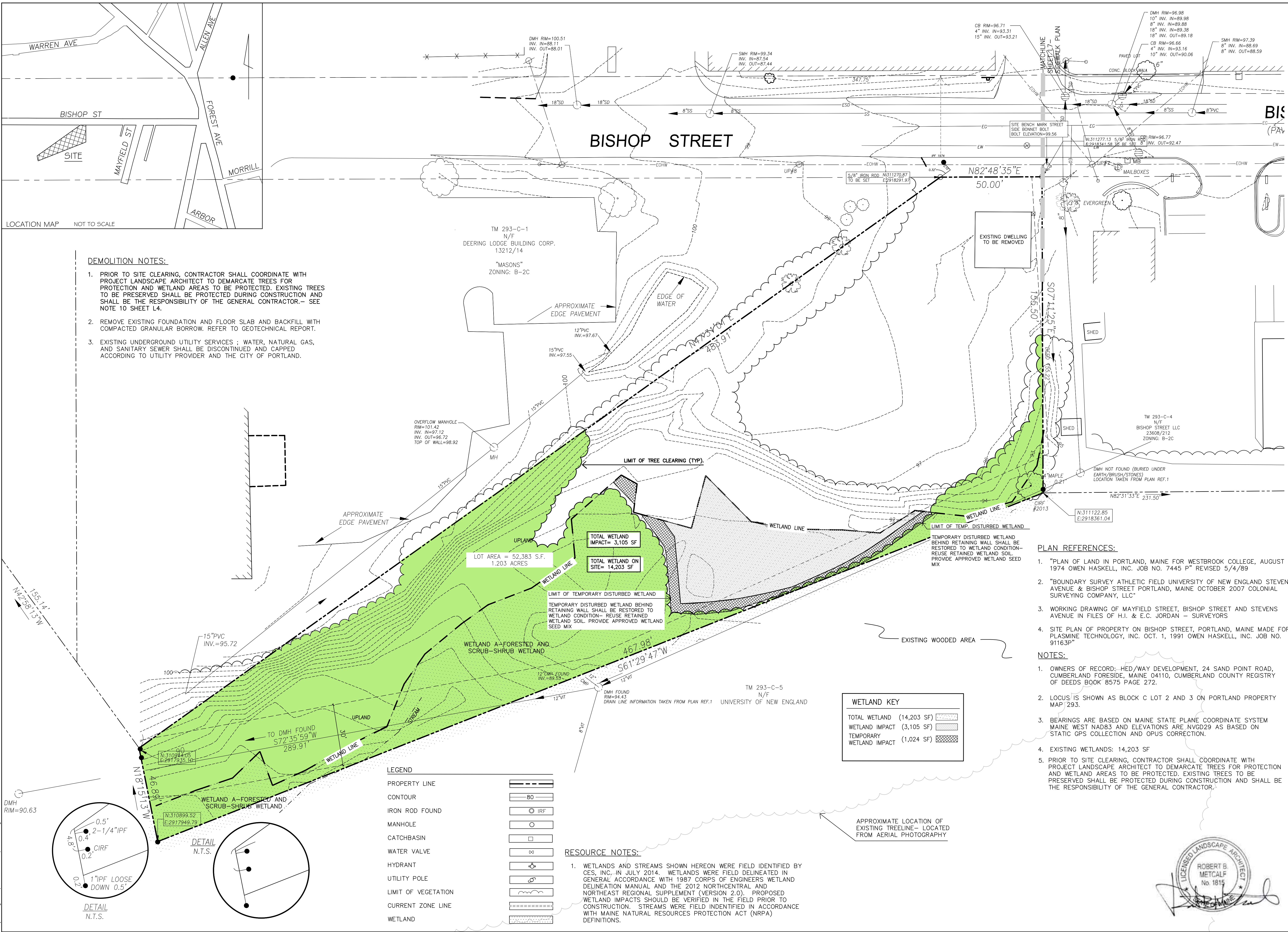
Enclosure

cc: Greg Payne  
Ben Walter





- DEMOLITION NOTES:**
- PRIOR TO SITE CLEARING, CONTRACTOR SHALL COORDINATE WITH PROJECT LANDSCAPE ARCHITECT TO DEMARCATTE TREES FOR PROTECTION AND WETLAND AREAS TO BE PROTECTED. EXISTING TREES TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.— SEE NOTE 10 SHEET L4.
  - REMOVE EXISTING FOUNDATION AND FLOOR SLAB AND BACKFILL WITH COMPACTED GRANULAR BORROW. REFER TO GEOTECHNICAL REPORT.
  - EXISTING UNDERGROUND UTILITY SERVICES ; WATER, NATURAL GAS, AND SANITARY SEWER SHALL BE DISCONTINUED AND CAPPED ACCORDING TO UTILITY PROVIDER AND THE CITY OF PORTLAND.



TM 293-C-1  
N/F  
DEERING LODGE BUILDING CORP.  
13212/14  
"MASONS"  
ZONING: B-2C

TM 293-C-4  
N/F  
BISHOP STREET LLC  
23505/212  
ZONING: B-2C

TM 293-C-5  
N/F  
UNIVERSITY OF NEW ENGLAND

**WETLAND KEY**

TOTAL WETLAND (14,203 SF)	
WETLAND IMPACT (3,105 SF)	
TEMPORARY WETLAND IMPACT (1,024 SF)	

**LEGEND**

PROPERTY LINE	
CONTOUR	
IRON ROD FOUND	
MANHOLE	
CATCHBASIN	
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIMIT OF VEGETATION	
CURRENT ZONE LINE	
WETLAND	

- RESOURCE NOTES:**
- WETLANDS AND STREAMS SHOWN HEREON WERE FIELD IDENTIFIED BY CES, INC. IN JULY 2014. WETLANDS WERE FIELD DELINEATED IN GENERAL ACCORDANCE WITH 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND THE 2012 NORTHCENTRAL AND NORTHEAST REGIONAL SUPPLEMENT (VERSION 2.0). PROPOSED WETLAND IMPACTS SHOULD BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION. STREAMS WERE FIELD IDENTIFIED IN ACCORDANCE WITH MAINE NATURAL RESOURCES PROTECTION ACT (NRPA) DEFINITIONS.

- PLAN REFERENCES:**
- "PLAN OF LAND IN PORTLAND, MAINE FOR WESTBROOK COLLEGE, AUGUST 20 1974 OWEN HASKELL, INC. JOB NO. 7445 P" REVISED 5/4/89
  - "BOUNDARY SURVEY ATHLETIC FIELD UNIVERSITY OF NEW ENGLAND STEVENS AVENUE & BISHOP STREET PORTLAND, MAINE OCTOBER 2007 COLONIAL SURVEYING COMPANY, LLC"
  - WORKING DRAWING OF MAYFIELD STREET, BISHOP STREET AND STEVENS AVENUE IN FILES OF H.I. & E.C. JORDAN - SURVEYORS
  - SITE PLAN OF PROPERTY ON BISHOP STREET, PORTLAND, MAINE MADE FOR PLASMINE TECHNOLOGY, INC. OCT. 1, 1991 OWEN HASKELL, INC. JOB NO. 91163P"
- NOTES:**
- OWNERS OF RECORD: HED/WAY DEVELOPMENT, 24 SAND POINT ROAD, CUMBERLAND FORESIDE, MAINE 04110, CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 8575 PAGE 272.
  - LOCUS IS SHOWN AS BLOCK C LOT 2 AND 3 ON PORTLAND PROPERTY MAP 293.
  - BEARINGS ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM MAINE WEST NAD83 AND ELEVATIONS ARE NVGD29 AS BASED ON STATIC GPS COLLECTION AND OPUS CORRECTION.
  - EXISTING WETLANDS: 14,203 SF
  - PRIOR TO SITE CLEARING, CONTRACTOR SHALL COORDINATE WITH PROJECT LANDSCAPE ARCHITECT TO DEMARCATTE TREES FOR PROTECTION AND WETLAND AREAS TO BE PROTECTED. EXISTING TREES TO BE PRESERVED SHALL BE PROTECTED DURING CONSTRUCTION AND SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR.

**Prepared For:**  
OWNER:  
AVESTA BISHOP STREET LP  
307 Cumberland Avenue  
Portland, Maine 04101  
Tel.: 207-553-7777

**Prepared By:**  
MITCHELL & ASSOCIATES  
Landscape Architects  
The Staples School  
70 Center Street  
Portland, Maine 04101  
Tel.: 207-774-4427

**72 BISHOP STREET**  
Portland, Maine  
Bishop Street

**Date:** SEPTEMBER 9, 2015

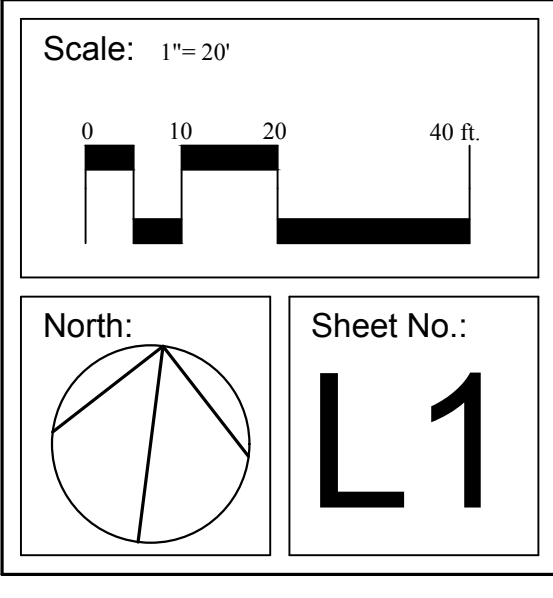
**Issued For:** SITE PLAN AND SUBDIVISION PLAN REVIEW

**Revisions:**  
Revised: 5-22-15  
Revised: 6-22-15

**Issued for:** 90% MAINE HOUSING SUBMISSION 11/25/15

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**Title:** EXISTING CONDITIONS & DEMOLITION PLAN



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