

Comments 5/2/14

City of Portland  
Development Review Application  
Planning Division Transmittal Form

**Application Number:** 2014-036                      **Application Date:** 04/07/2014  
**CBL:** 411 A007001                      **Application Type:** Zoning Contract/Conditional Rezon  
416-A-6-7-21  
**Project Name:** Casco Heights Condominium (Graves Hill)  
**Address:** 802- OCEAN AVE  
**Project Description:** Amendment to existing conditional rezoning agreement

**Distribution List:**

<b>Planner</b>	Barbara Barhydt	<b>Parking</b>	John Peverada
<b>Zoning</b>	Marge Schmuckal	<b>Design Review</b>	Alex Jaegerman
<b>Traffic Engineer</b>	Tom Errico	<b>Corporation Counsel</b>	Danielle West-Chuhta
<b>Civil Engineer</b>	David Sensus	<b>Sanitary Sewer</b>	John Emerson
<b>Fire Department</b>	Chris Pirone	<b>Inspections</b>	Tammy Munson
<b>City Arborist</b>	Jeff Tarling	<b>Historic Preservation</b>	Deb Andrews
<b>Engineering</b>	David Margolis-Pineo	<b>DRC Coordinator</b>	Phil DiPierro
		<b>Outside Agency</b>	

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**MEMORANDUM**

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**To:** FILE  
**From:** Barbara Barhydt  
**Subject:** Application ID: 2014-036  
**Date:** 6/4/2014

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**Comments Submitted by: Marge Schmuckal/Zoning on 6/4/2014**

A review of the newest plan layout input into e-plan on 5/28 and labeled "Overall Site Plan" was reviewed because of the shifting of the main buildings (which are both over 300' long). Using the scaling on e-plan the minimum 35 foot side set back is being met (71.28' on the right side & 38.97' on the left side). But there is confusion on this labeling of this plan. The minimum setback line shown on the left side of the plan is labeled "25' Setback". However the scaling of the plan shows it to be 35'. I would like confirmation that the minimum setback is 35' as required under the C-34 conditional/contract.

Marge Schmuckal  
Zoning Administrator

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**MEMORANDUM**

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**To:** FILE

**From:** Barbara Barhydt

**Subject:** Application ID: 2014-036

**Date:** 6/4/2014

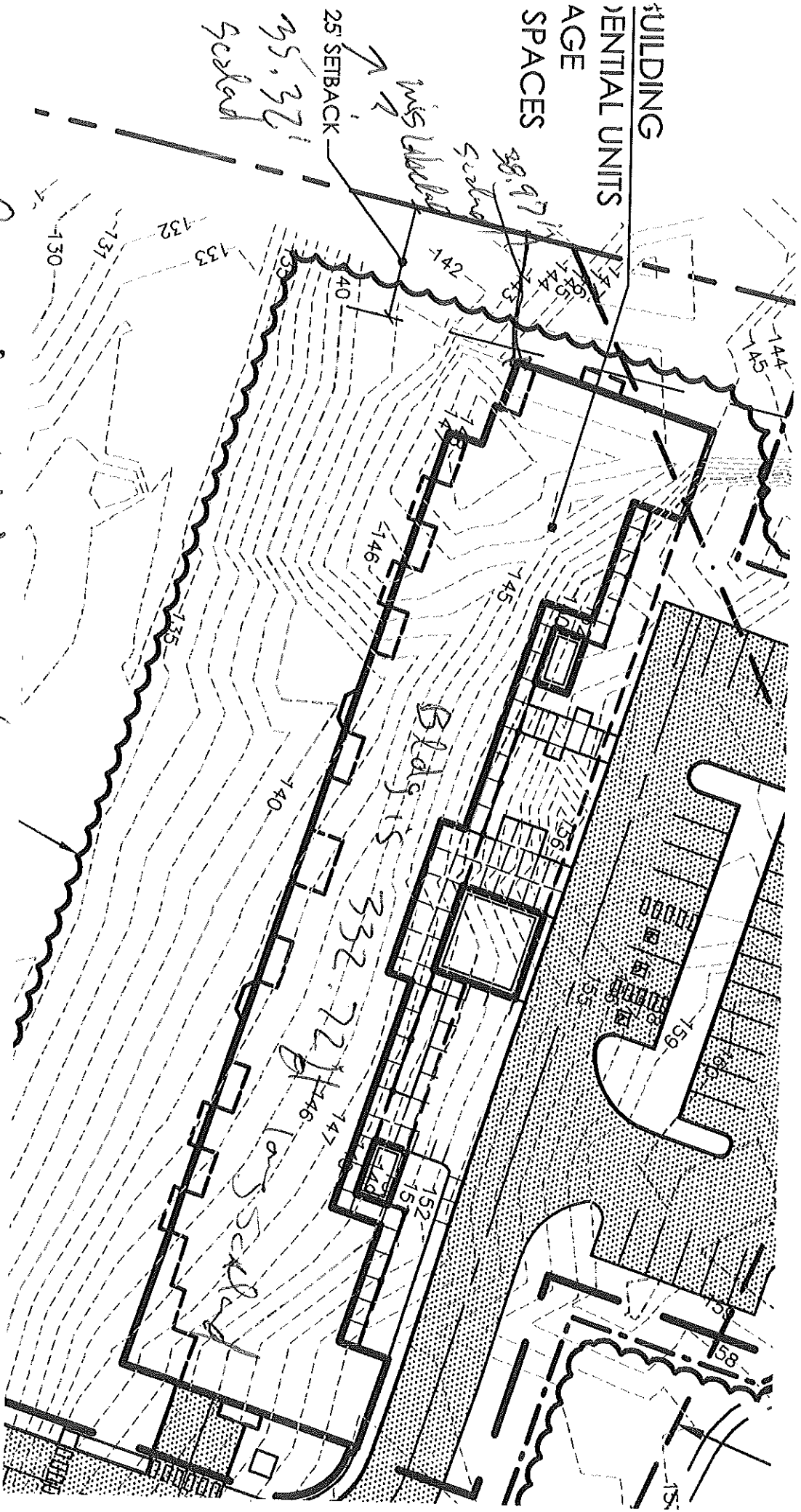
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**Comments Submitted by: Marge Schmuckal/Zoning on 6/4/2014**

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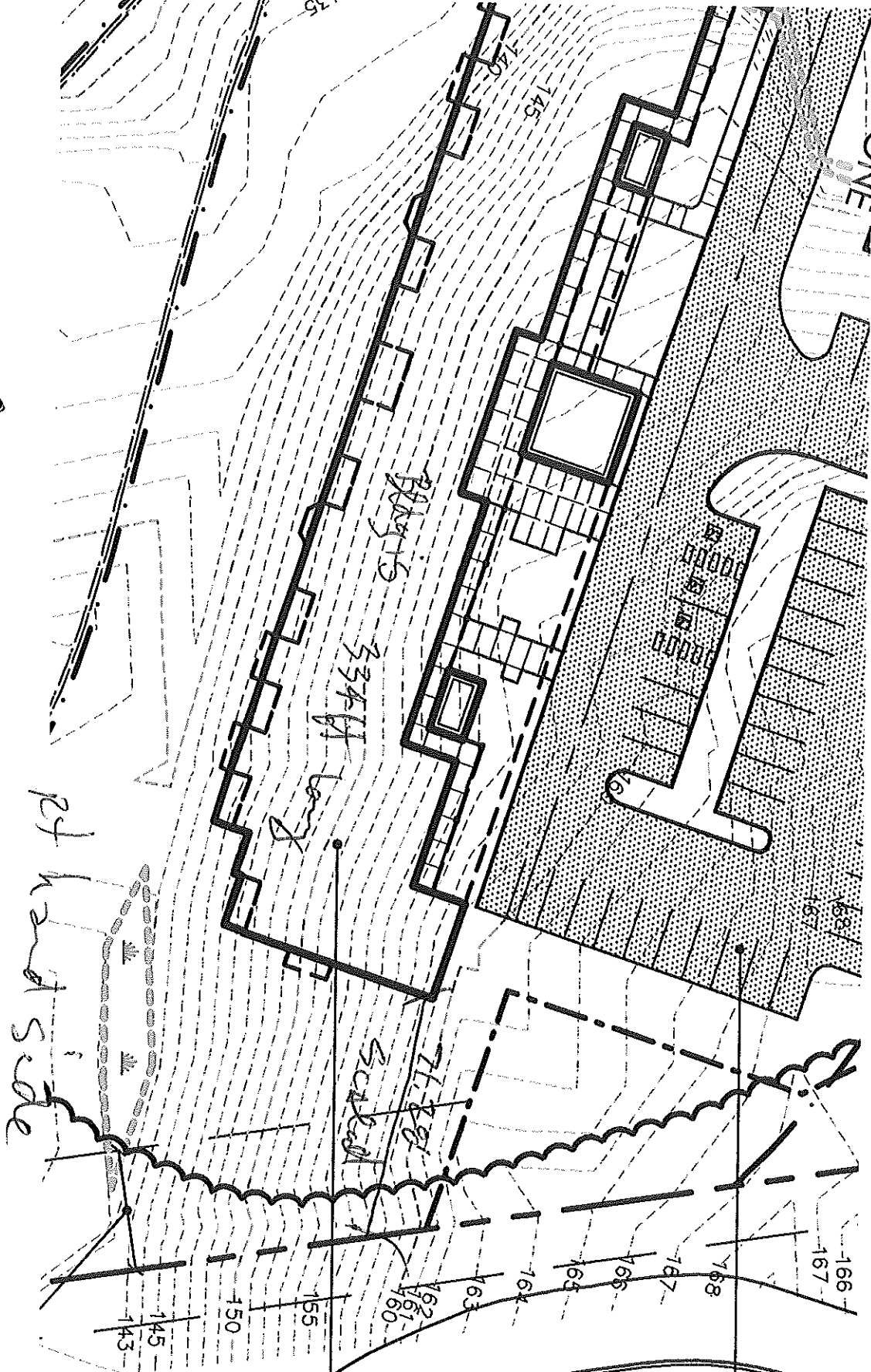
Marge Schmuckal  
Zoning Administrator

BUILDING  
DENTIAL UNITS  
AGE  
SPACES



from plan dated 5/29/2014  
on pdf

from overall site plan



from plan dated 5/28/2014  
 map  
 pt hand side

Overall site plan

PHASE I BL  
 (48) RESIDI  
 (50) GARAGE  
 PARKING

PHASE I P2  
 (52) RESIDI  
 (14) VISITC

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**MEMORANDUM**

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**To:** FILE  
**From:** Barbara Barhydt  
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**Date:** 5/2/2014

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**Comments Submitted by: Marge Schmuckal/Zoning on 5/2/2014**

This amendment to the previous conditional/contract zone is reducing several of the dimensional criteria. The numbers of dwelling units is reduced from a total of 98 to 94 with 47 units in two buildings. The height is being reduced from 100' to 75'. The building elevations give an average grade of 1555'-5 5/128" (which I would like confirmed as to how that was determined). The height given on those elevations is 60', well within the 75' height proposed.

If parking was determined using current zoning, two parking spaces per dwelling unit is required along with 1 extra space per each 6 dwelling units. Therefore a total of 204 parking spaces are required. Per their text, 204 parking spaces are provided. However, well over 50,000 sq feet is being proposed, so the Planning Board is the authority for determining the number of parking spaces under section 14-332.2©.

All other R-5A dimensional requirements are being met.

Marge Schmuckal  
Zoning Administrator

Applicant: (Graves Hill) Casco Heights <sup>Ridge?</sup> Date: 4/17/14

Address: 802 Ocean Ave C-B-L: 411-A-007

CHECK-LIST AGAINST ZONING ORDINANCE

Date - WAS C34 ✓ to R-5A

Zone Location - Conditional Contract Amendment

Interior or corner lot - 98-794 Res. units (reduced)  
2 Bldgs -> 47 units each

Proposed Use/Work -

Sewage Disposal -

Lot Street Frontage - 427 ft frontage

Front Yard -

Rear Yard - 35' min req per contract - 5/20 plan message  
Side Yard - ~~Left ~ 30.25' & Right ~ 32.5'~~ 30.97' on left & 71.20' on the right  
question about the labeling

Projections -

Width of Lot -

Height - NO taller than 75' (100' previous) - 60' being shown

Lot Area - 18 Acres - 8 Acres - 10 Acres  
18.32 Acres \* 43,560 = 798,019.2 sq ft + 91 DU = 8489.57 # per DU.

Lot Coverage/ Impervious Surface -

Area per Family - Showing 94 x 2 = 188 + 16 = 204 units

Offstreet Parking - Amend # of parking spaces - ask for 204 SPCS  
94 ÷ 6 = 15.66 or 16 extra

Loading Bays -

Site Plan - 2014-036

Shoreland Zoning/ Stream Protection - WA

Flood Plains - m Hill

contour  
give  
grade  
Dona  
cont  
The plan

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information:**

**Services**

[Applications](#)

[Doing Business](#)

[Maps](#)

[Tax Relief](#)

[Tax Roll](#)

[Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



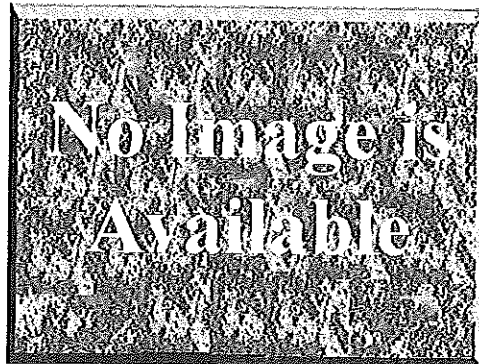
Best viewed at 800x600, with Internet Explorer

**CBL** 411 A007001  
**Land Use Type** VACANT LAND  
verify legal use with Inspections Division  
**Property Location** 802 OCEAN AVE  
**Owner Information** GRAVES HILL LAND COMPANY LLC  
 16 TIFFANY LN  
 SACO ME 04072  
**Book and Page** 21500/269  
**Legal Description** 411-A-7 416-A-6-7-21  
 OCEAN AVE 802-838  
 798150 CA  
**Acres** 18.323

**Current Assessed Valuation:**

<b>TAX ACCT NO.</b>	42614	<b>OWNER OF RECORD AS OF APRIL 2013</b>
<b>LAND VALUE</b>	\$637,800.00	GRAVES HILL LAND COMPANY LLC
<b>BUILDING VALUE</b>	\$0.00	16 TIFFANY LN
<b>NET TAXABLE - REAL ESTATE</b>	\$637,800.00	SACO ME 04072
<b>TAX AMOUNT</b>	\$12,379.70	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).



2014-036

[View Map](#)

[View Map](#)

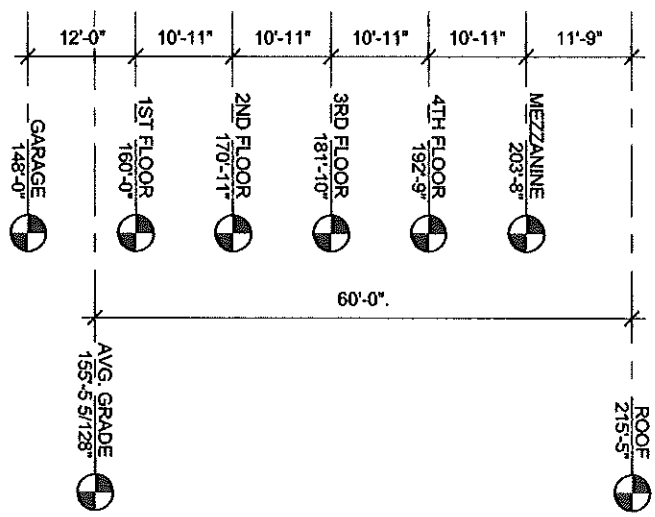
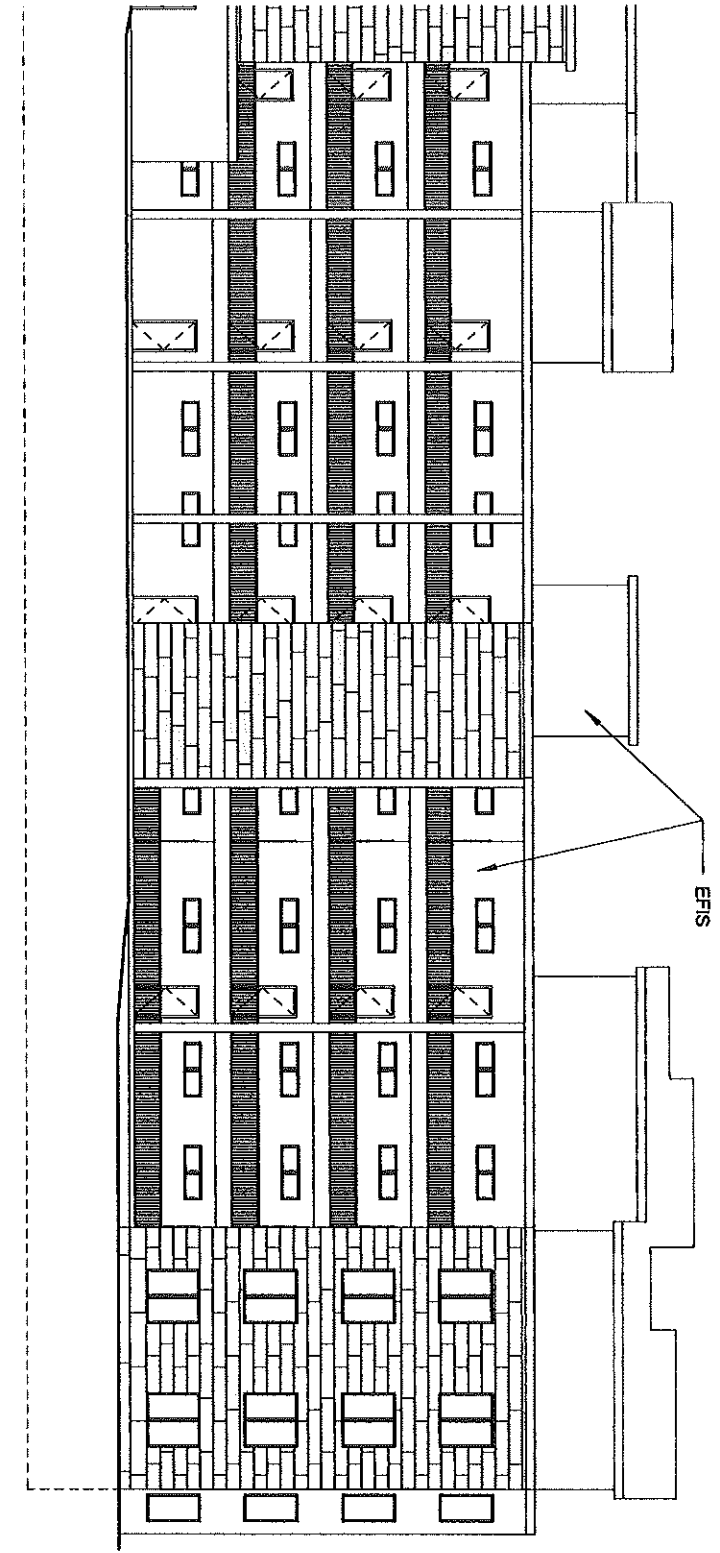
[View Map](#)

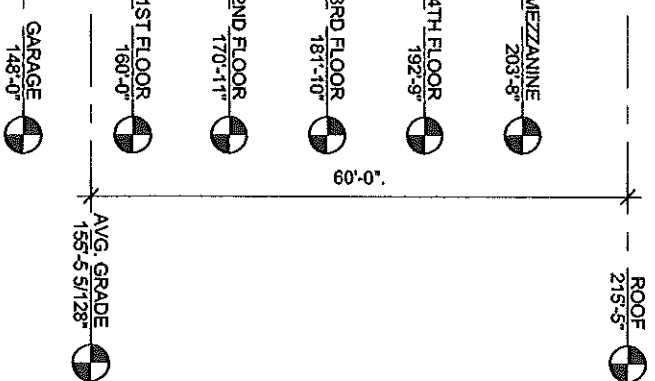
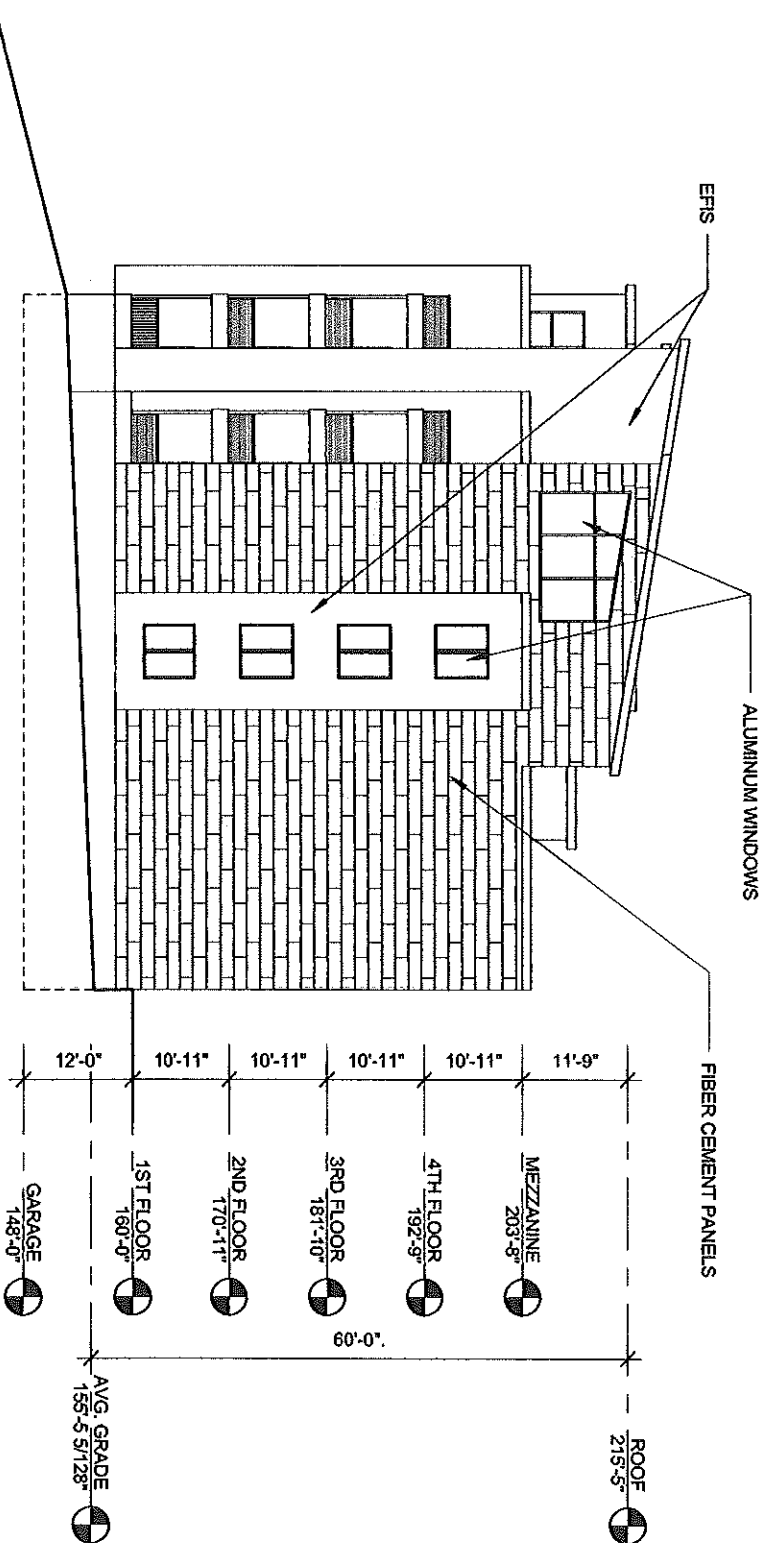
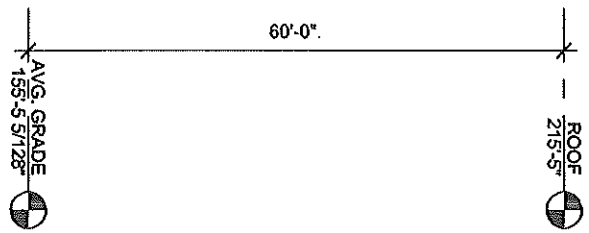
**Sales Information:**

Sale Date	Type	Price	Book/Page
7/2/2004	LAND	\$850,000.00	21500/269
8/14/1992	LAND	\$60,000.00	10226/236
6/28/1991	LAND	\$0.00	9719/22

[New Search](#)







215.5  
 - 148.0  
 -----  
 67.5  
 Still under 75'

## **CONTRACT/CONDITIONAL ZONE IN R-5A:**

The R-5A zone allows multiple-family attached dwelling units ("planned residential unit developments" or PRUDs) as a permitted use. However, rather than attempting to impose fixed requirements for what may be very divergent types of housing, it provides for each proposed PRUD to be reviewed and implemented through conditional or contract zoning (hereinafter "contract zoning").

The Planning Board and the City Council have significant discretion in recommending and/or approving a contract zone. The state enabling legislation requires that a contract zone be consistent with the municipality's growth management program, establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and only include conditions and restrictions that relate to the physical development or operation of the property. (30A M.R.S.A Sec. 4352) Portland's Land Use Ordinance directs that a contract zone may be granted where the City Council finds it necessary or appropriate to impose, by agreement with the property owner, certain conditions or restrictions to ensure that the rezoning is consistent with the city's comprehensive plan. The conditions imposed must relate only to the physical development and operation of the property, and may address the number of units and types of uses permitted, the scale and density of development, the design and layout of buildings, schedules for completion, performance guarantees, open space, buffers, protection of natural areas, and contributions toward the provision of municipal services. (Division 1.5, Conditional or Contract Zoning, Sec. 14-60 to -62)

In addition to these general principals, some of Portland's zones anticipate contract zone requests and incorporate more specific guidance into that section of the ordinance. For example, there are very detailed standards for the review of any proposed contract zone in the Waterfront Central Zone. Similarly, the R-5A zone sets some minimum standards for PRUDs applying for a contract zone, as follows:

- Minimum lot size: three acres gross area;
- Minimum land area per dwelling unit: 1,600 square feet of net land area;
- Minimum street frontage: Fifty (50) feet;
- Minimum building setback from external property lines: 35 feet if building length is greater than 100 feet;
- Minimum recreation open space area (PRUD): Two hundred (200) square feet per dwelling unit of common area designated on the site for recreational purposes, with additional standards addressing features of the area;
- No open outside stairways or fire escapes above the ground floor; and
- All land shall be owned and used in common and governed and maintained through condominium documents or similar instruments.

However, none of the other dimensional requirements contained in Sec. 14-130 (e.g., minimum yard dimensions, maximum lot coverage) or height limits apply to PRUDs, so the Planning Board and City Council retain discretion to determine appropriate limits for

those components, informed by the comprehensive plan, site plan and subdivision standards.

Casco Heights clearly meets or exceeds all of the minimum standards for PRUDs established in the R-5A zone. The applicant is requesting that those ordinance minima be supplemented by establishing the density and dimensional requirements listed in Paragraph 10 of the proposed contract zone (e.g., maximum units per building, 49; maximum number of buildings, 2; maximum building height, 100 feet (per ordinance definition); minimum parking of 2 spaces per unit plus 28 visitor spaces; recreation open space of not less than 3,207 linear feet of pedestrian trails). Similarly, consistent with City Code, the proposed contract zone addresses map changes, number and types of uses, protection of natural areas, design and layout of buildings, phasing, performance guarantees, and enforcement.

residents and the public, it can appropriately accommodate a more intensive use of the land.

**COMPARISON OF DENSITY:**

Land in the R-1 and R-2 zones, designated as "low" density, is probably unlikely to be rezoned to R-5A because that land is located in outlying areas and/or in areas with limited additional traffic capacity. Thus, it is most likely that R-5A rezoning request will involve land zoned R-3 or R-5. The ordinance describes R-3 and R-5 as "medium" density, requiring a minimum net land area of 6,500 and 3,000 square feet per dwelling unit, respectively. R-6, applicable to most peninsula residential neighborhoods, is designated as "high" density, requiring a minimum of 1,000 square feet per dwelling unit. R-5A, designated as a "moderate" density, falls in the middle, requiring a minimum of 1,600 square feet of net land area per dwelling unit.

Zone	Density Designation	Minimum Lot Area Per Dwelling Unit (sq. ft.)
R-1	Lower	15,000 (gross)
R-2	Low	10,000 (gross)
R-3	Medium	6,500 (net)*
R-5	Medium	3,000 (net)*
R-5A	Moderate	1,600 (net)*
R-6	High	1,000 (gross)

\*Net land area, as defined in Sec. 14-47 deducts all unbuildable and "inaccessible" areas plus 20% of the remaining area, per formula.

Casco Heights significantly exceeds these lot area minimum requirements. Looking at the entire parcel, the gross area per dwelling unit is 8,144 sq. ft. and the net area is 4,435 sq. ft., almost triple the R-5A required minimum of 1,600 square feet. If Graves Hill Land Company conveys the R-OS portion of the site to Portland Trails in fee, the remaining R-5A portion of the site continues to meet the density requirements by itself, with a gross area of 4,519 sq. ft. and a net area of 3,249 sq. ft. per unit, still double the required 1,600 sq. ft. minimum.

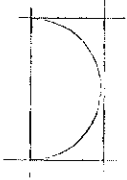
**Casco Heights Density Calculations**

Land Area	Lot Area Per Dwelling Unit, Gross, Sq. Ft.	Lot Area Per Dwelling Unit, Net, Sq. Ft.
Entire parcel (R-5A and R-OS)	8,144	4,435
R-5A only	4,519	3,249

## PROJECT DATA

The following information is required where applicable, in order to complete the application.

Total Area of Site	10.32 Ac sq-ft.
Proposed Total Disturbed Area of the Site	5.86 Ac sq-ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
<b>Impervious Surface Area</b>	
Impervious Area (Total Existing)	0 sq-ft.
Impervious Area (Total Proposed)	2.78 Ac sq-ft.
<b>Building Ground Floor Area and Total Floor Area</b>	
Building Footprint (Total Existing)	0 sq-ft.
Building Footprint (Total Proposed)	46,640 sq-ft.
Building Floor Area (Total Existing)	0 sq-ft.
Building Floor Area (Total Proposed)	25,438 sq-ft.
<b>Zoning</b>	
Existing	R5A / R05
Proposed, if applicable	R5A / R05
<b>Land Use</b>	
Existing	UNDEVELOPED
Proposed	RESIDENTIAL
<b>Residential, if applicable</b>	
# of Residential Units (Total Existing)	0
# of Residential Units (Total Proposed)	94
# of Lots (Total Proposed)	1
# of Affordable Housing Units (Total Proposed)	0
<b>Proposed Bedroom Mix</b>	
# of Efficiency Units (Total Proposed)	0
# of One-Bedroom Units (Total Proposed)	12
# of Two-Bedroom Units (Total Proposed)	34
# of Three-Bedroom Units (Total Proposed)	48
<b>Parking Spaces</b>	
# of Parking Spaces (Total Existing)	0
# of Parking Spaces (Total Proposed)	204
# of Handcapped Spaces (Total Proposed)	5
<b>Bicycle Parking Spaces</b>	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	20
<b>Estimated Cost of Project</b>	



d o y l e  
e n t e r p r i s e s

## CASCO HEIGHTS

April 2014

Dear Members,

On October 18, 2004 the Portland City Council approved the Contract Zone Agreement to Graves Hill, LLC, which allowed the 18 acre vacant property, overlooking Casco Bay, located at 802 Ocean Avenue to be rezoned from R-3 to 8 acres of R-OS and 10 acres of R-5A. Working with Portland Trails, the open space was to be developed into a trail system that would connect with the Ocean Avenue Recreation Area. (At that time it was The Ocean Avenue Landfill.) The R-5A portion would allow two 100 foot buildings containing a total of 98 units. The 2004 project was called Graves Hill and was designed as large luxury condominiums. The Contract Zone Agreement specified that there would be two parking spaces per unit along with 28 visitor spaces and that each building would contain a community room, an office, a fitness and special events room and a cross country ski room.

The project got bogged down in stormwater issues and the final planning board approval was not received until 2006. Then 2007 came along and due to the instability of the economy, the project was not built. I own the property and was the developer for the Graves Hill project. I have entered into an agreement to sell the property to Ridge Development, LLC. They have hired me to advise them and present the new plan.

The new project will be called Casco Ridge and the buildings are an improvement over the approved 2006 project. The approved 100 foot height limit was controversial, Casco Heights will be no taller than 75 feet. Graves Hill was entirely large luxury units. Casco Heights is a mix of one, two and three bedroom, market rate condominiums along with top floor penthouses.

Although the Graves Hill buildings may have been controversial, the preservation of open space and the careful consideration of the land to be developed, was always supported by the boards and neighbors. That concept has not changed. Eight Acres will still be rezoned as R-OS and Portland Trails will participate in the development of a trail system that will run from Ocean Avenue through the R5-A zone to the R-OS and then connect to the Ocean Avenue Recreation Area.

We are asking that the Planning Board recommend to the Portland City Council the following changes to the 2004 approved Conditional Rezoning Amendment:

1. The name shall be changed from Graves Hill Land Company, LLC to Ridge Development, LLC
2. The maximum number of total allowed units shall be reduced from 98 to 94
3. The R-5A zone shall be changed from 10.17 acres to 10.4 acres and the R-OS shall be changed from 8.15 acres to 7.92 acres
4. The requirement for each building to contain a community room, office, fitness room, special events room and cross country ski center shall be removed
5. The amount of required parking shall be changed from two spaces per unit to two spaces for multi bedroom units and one space per single bedroom unit. The 28 visitor spaces remain unchanged.

Thank you for your consideration. We look forward to working with you on the new project.

Sincerely,

Diane Doyle



1/24/14

12:00



Memorandum  
Department of Planning and Urban Development  
Pre-Application Meeting Request

To request a pre-application meeting please fill out the form below with as much detail as possible. Return the form along with any electronic drawings or supporting documentation via e-mail to Desiree Kelly, [dmk@portlandmaine.gov](mailto:dmk@portlandmaine.gov). Two 30 minute meetings will be scheduled each Wednesday from 12:00-1:00 p.m. in Room 209, 2<sup>nd</sup> Floor of City Hall. These meetings are by appointment only and can be scheduled by Desiree Kelly at the e-mail address above or by telephone 207-874-8720.

Now Rich Dev.

Ocean Ave → Monument St 7 - Dave will check

Contact Information	
Name:	WILLIAM CONWAY Shaun - Sebago Technics
E-Mail Address:	wconway@sebagotechnics.com
Phone:	200.2055 Diane Doyle
Proposed Project Information	
Chart, Block, Lot (s)	41 - A - 7 41b - A - 6, 7, 21
Address	802 ~ 828 OCEAN AVENUE
Current Use	UNDEVELOPED
Proposed Use	RESIDENTIAL
Lot Size	10.17 AC
New Building or Addition Sq. Ft.	(2) New - 190,000 SF
New impervious surface area	3.5 AC ±
Brief description of proposed project:	
REVISION TO CONDITIONAL REZONING AGREEMENT	
SUBDIVISION + SITE PLAN OF GRAVES HILL	
CONDOMINIUM PROJECT.	
For Office Use Only	Date: _____ Time: _____

contract zone

Sebago Technics

PAT TINSMAN

16 - 1 BDRM units -

More green area -

wavier for sidewalk was ok \$62/ft

**Marge Schmuckal - Fwd: Casco Heights. (Previously Graves Hill)**

**From:** Barbara Barhydt  
**To:** Kelly, Desiree  
**Date:** 1/27/2014 9:52 AM  
**Subject:** Fwd: Casco Heights. (Previously Graves Hill)  
**CC:** Jaegerman, Alex

Please add this to the information for this pre-app meeting.

>>> Diane Doyle <ddoyleco@gmail.com> Monday, January 27, 2014 9:36 AM >>>

Hello,

I look forward to meeting with you on Wednesday. I wanted to give you a synopsis of the changes we are requesting to the contract zone as well as the changes to the site plan and buildings.

The contract zone changes we are requesting are:

1. The name of the owner will be changed to Ridge Development, LLC and the project will be called Casco Heights.
2. The maximum height will be reduced from 100 feet to 90 feet.
3. The community room, office, special events room and fitness center and cross country ski room will be eliminated and an outdoor gathering area added.
4. The eight one bedroom units per building will only have one covered parking space rather than two.

The site plan changes are:

1. The amount of impervious has been greatly reduced due to approximately 750 less feet of roadway.
2. The new site plan shows an easement to the Ocean Ridge utilities. We are investigating the capacity and feasibility of the utility connection.
3. Instead of the sidewalk meandering through the woods, it is now adjacent to the entry road.

The building changes are:

1. The approved buildings were 100 feet high, the proposed will be between 80-90 feet.
2. There still are a total of 98 units but rather than high end large units, Casco Heights units will be smaller and more reasonably priced.

*Same footprint smaller*

I will see you Wednesday.

Diane Doyle

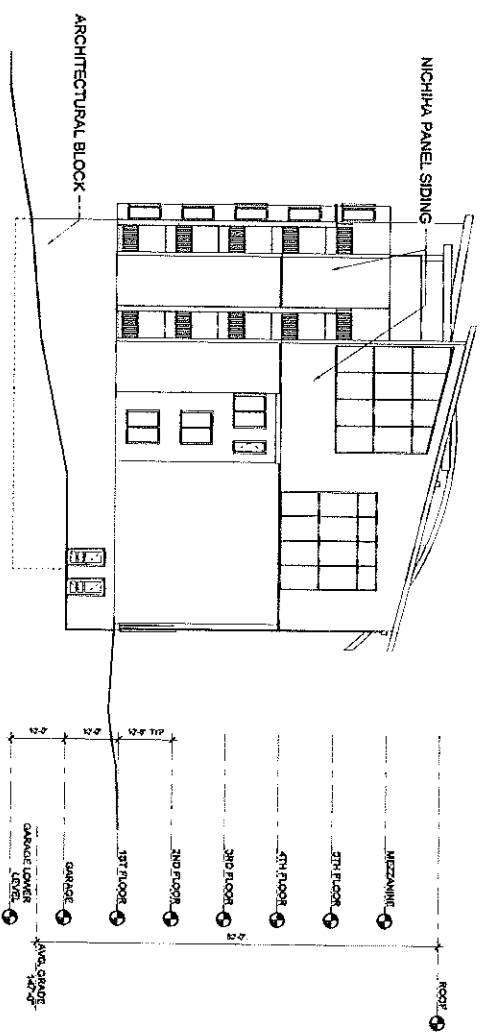
*Parking going Down -- modify the zone for*

*Need Amended*

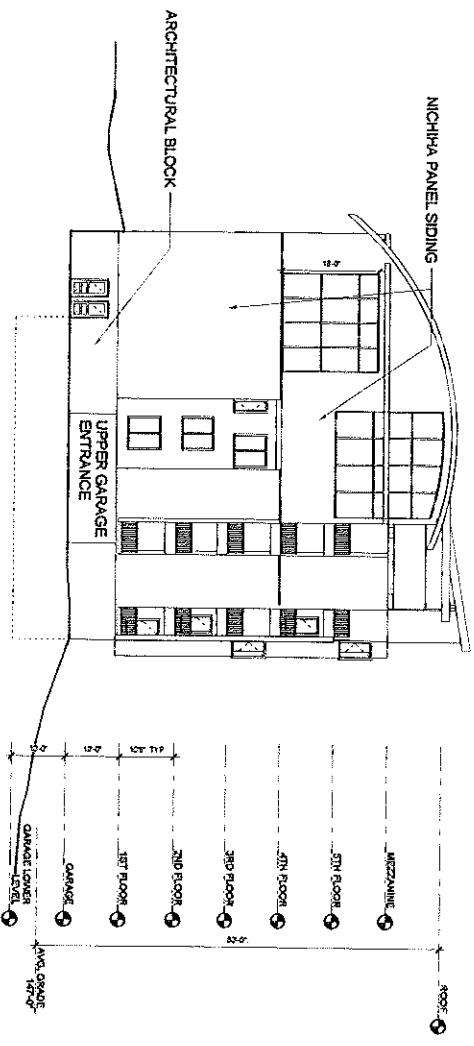
*750' linear*

Sent from my iPad



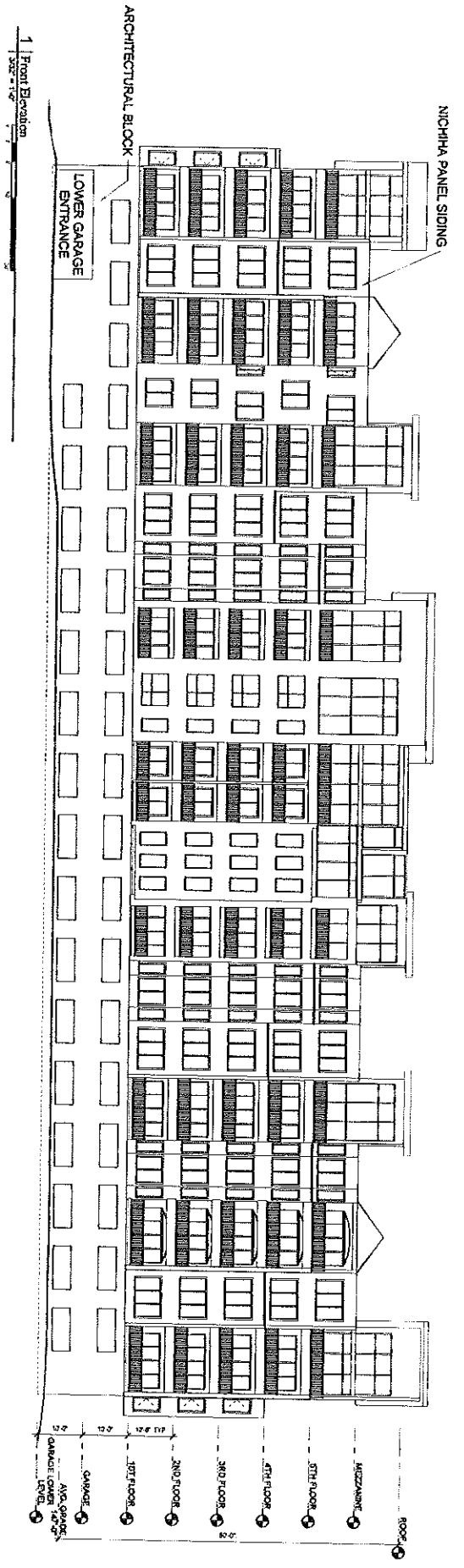


2 | Side Elevation 2  
Scale: 1/8" = 1'-0"

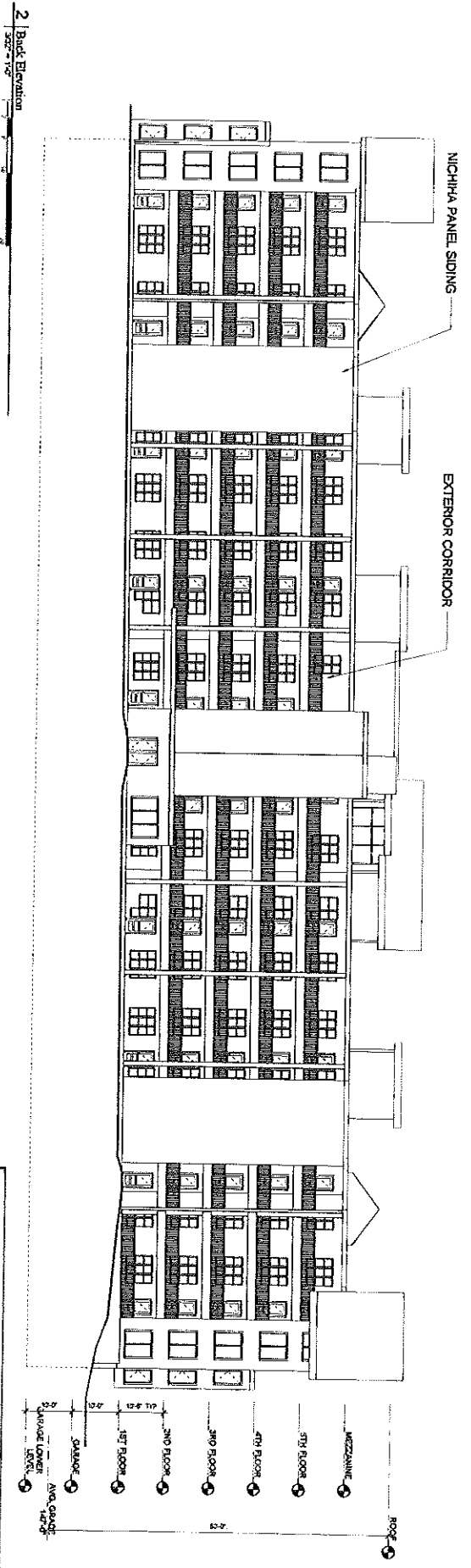


1 | Side Elevation 1  
Scale: 1/8" = 1'-0"

Date: Jan 24th, 2014		Scale: 3/32" = 1'-0"	
Building Elevations		 48 Union Street, Portland, Maine 04101 (207) 725-8222 Fax: (207) 775-2825	
CASCO HEIGHTS			
		A2.02	



1 Front Elevation  
1/8" = 1'-0"



2 Back Elevation  
1/8" = 1'-0"

<b>CASCO HEIGHTS</b>	
Date: Jan 24th, 2014	Scale: 3/32" = 1'-0"
<b>SCHEFFELPE ARCHITECTS</b>	
Building Elevations	
<b>A2.01</b>	

## Marge Schmuckal - Fwd: Graves Hill/ Now Casco Heights

**From:** Barbara Barhydt  
**To:** Kelly, Desiree  
**Date:** 1/24/2014 3:04 PM  
**Subject:** Fwd: Graves Hill/ Now Casco Heights  
**Attachments:** 13450SK1.PDF; A1.0 - Floor Plans.pdf; A2.01 - Building Elevations.pdf; A2.02 - Building Elevations.pdf; Casco Heights - Perspective.pdf

for this week's meeting

>>> Will Conway <wconway@sebagotechnics.com> Friday, January 24, 2014 2:06 PM >>>

Hi Barbara, our team is looking forward to our pre - application meeting next Wednesday 1/29. If its helpful for staff who will be attending the meeting to review in advance , attached is the revised site concept and preliminary architectural design drawings. The building design is different but the unit count remains at 98. The site is quite different and creates far less impervious area and site disturbance. We are hopeful for feedback on this concept and the required content of future submissions as we move closer to a formal submittal, thank you,

Will

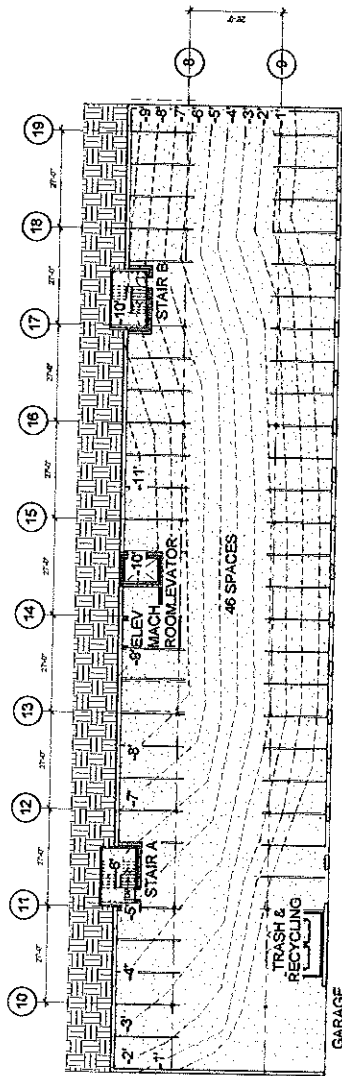
**William T. Conway, RLA, LEED-AP**  
Vice President, Landscape Architecture

**SEBAGO**  
TECHNICS

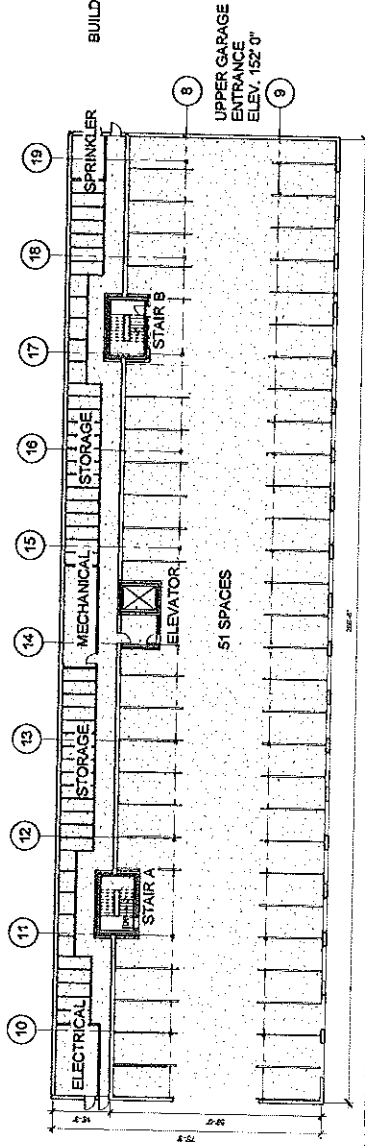
[www.sebagotechnics.com](http://www.sebagotechnics.com)  
An Employee Owned Company

Office: 207.200.2100  
Fax: 207.856.2206

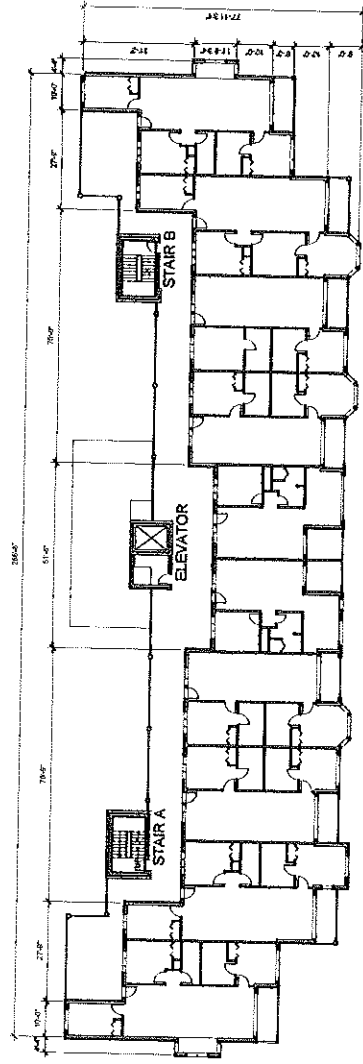
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2 | GARAGE LOWER LEVEL PLAN  
1/8" = 1'-0"



3 | GARAGE PLAN  
1/8" = 1'-0"



1 | TYPICAL FLOOR PLAN  
1/8" = 1'-0"

BUILDING FOOTPRINT = 20,562 SF

CASCO HEIGHTS		 <b>ARCHETYPE</b> ARCHITECTS, P.C. 48 Union Street, Portland, Maine 04101 (603) 775-4422 Fax: (603) 775-2636	<h1 style="font-size: 2em;">A1.1</h1>
Date: Jan 24th, 2014 Scale: 1/16" = 1'-0"	<b>FLOOR PLANS</b>		

12:30 11/20/13



Memorandum  
 Department of Planning and Urban Development  
 Pre-Application Meeting Request

To request a pre-application meeting please fill out the form below with as much detail as possible. Return the form along with any electronic drawings or supporting documentation via e-mail to Desiree Kelly, [dmk@portlandmaine.gov](mailto:dmk@portlandmaine.gov). Two 30 minute meetings will be scheduled each Wednesday from 12:00-1:00 p.m. in Room 209, 2<sup>nd</sup> Floor of City Hall. These meetings are by appointment only and can be scheduled by Desiree Kelly at the e-mail address above or by telephone 207-874-8720.

*tely on a update*

Contact Information	
Name:	Bill Hopkins <i>Bonny Myer / Patterson</i>
E-Mail Address:	<a href="mailto:hopkins@archetypepa.com">hopkins@archetypepa.com</a>
Phone:	772-6022 <i>C 3A &amp; ROS</i>
Proposed Project Information	
Chart, Block, Lot (s)	map 411 block A lot 7 <i>18 - 1 Bdr</i>
Address	Ocean avenue <i>30 - 3 Bdr 42 - 2 Bdr</i>
Current Use	vacant <i>planning Board would determine</i>
Proposed Use	Housing
Lot Size	18+/- acres <i>might be a moratorium</i>
New Building or Addition Sq. Ft.	195,000+/-
New impervious surface area	TBD <i>fratage on Ocean</i>
Brief description of proposed project:	
Project permitted around 2005. Permit lapsed. Propose 98 residential units in 2 buildings	
For Office Use Only	Date:
	Time:

*St - DUMB will check*

*mentioned side walks under 100 T-PS threshold - some sort of updated traffic - stormwater management study - site distances etc -*



# GRAVES HILL, A CONDOMINIUM

OCEAN AVENUE  
PORTLAND, MAINE

A 98 UNIT CONDOMINIUM PROJECT

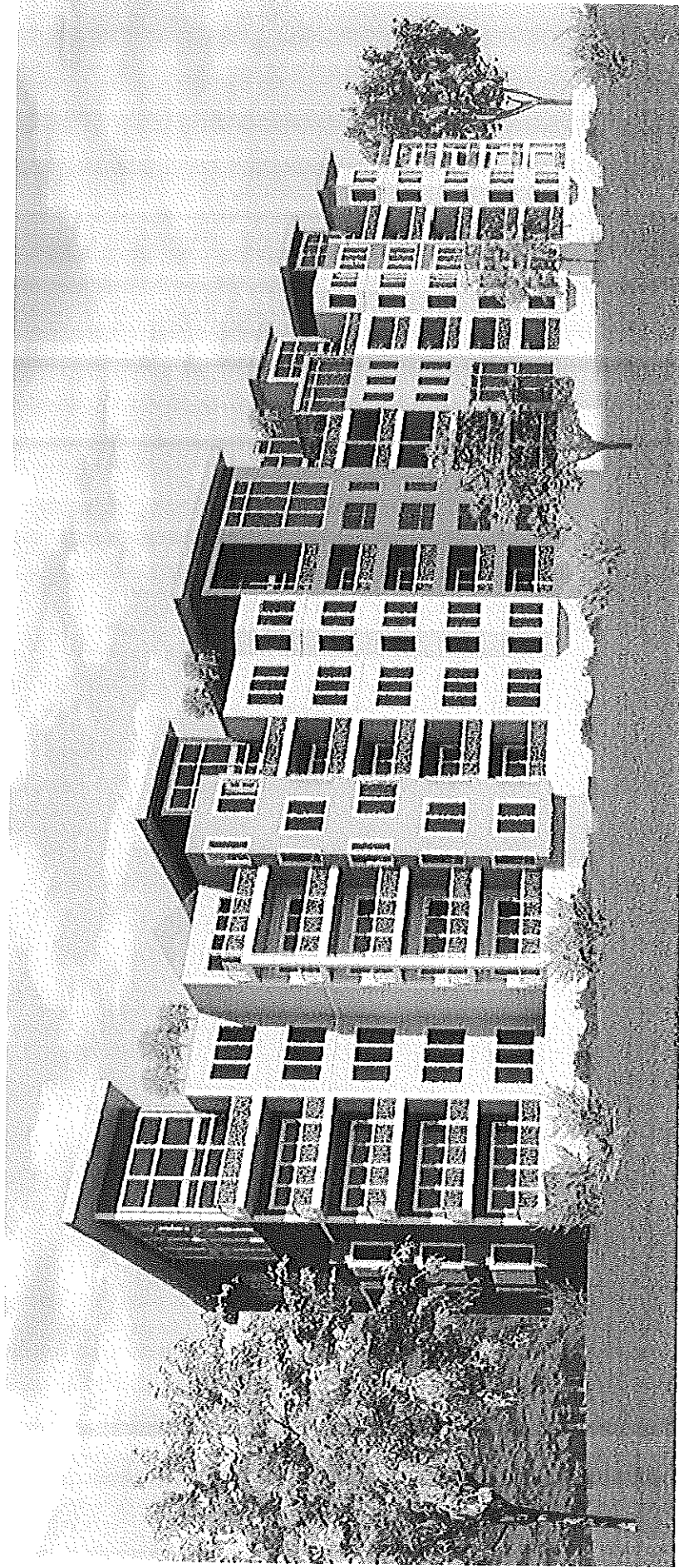
For  
GRAVES HILL LAND COMPANY, LLC  
16 TIFFANY LANE  
SACO, MAINE

## PLAN INDEX

C-1	PROJECT INFORMATION
C-2	EXISTING CONDITIONS
C-3	SUBDIVISION PLAN
C-3A	PHASE I PLAN
C-3B	PHASE II PLAN
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C-5	GRADING PLAN
C-6	UTILITY PLAN
C-7	PLAN & PROFILE SHEET- ROAD A STA. 0+00 TO 6+00
C-8	PLAN & PROFILE SHEET- ROAD A STA. 6+00 TO 14+79.48
C-9	PLAN & PROFILE SHEET- ROAD A STA. 6+00 TO 4+50
C-10	PLAN & PROFILE SHEET- ROAD B STA. 4+50 TO 9+00.70
C-11	EROSION CONTROL AND STORMDRAIN DETAILS
C-12	SITE DETAILS
C-13	PREDEVELOPMENT DRAINAGE PLAN
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C-15	OCEAN AVENUE DRAINAGE
C-16	BRIARWOOD CONDO DRAINAGE ALTERATIONS

**BH2M**

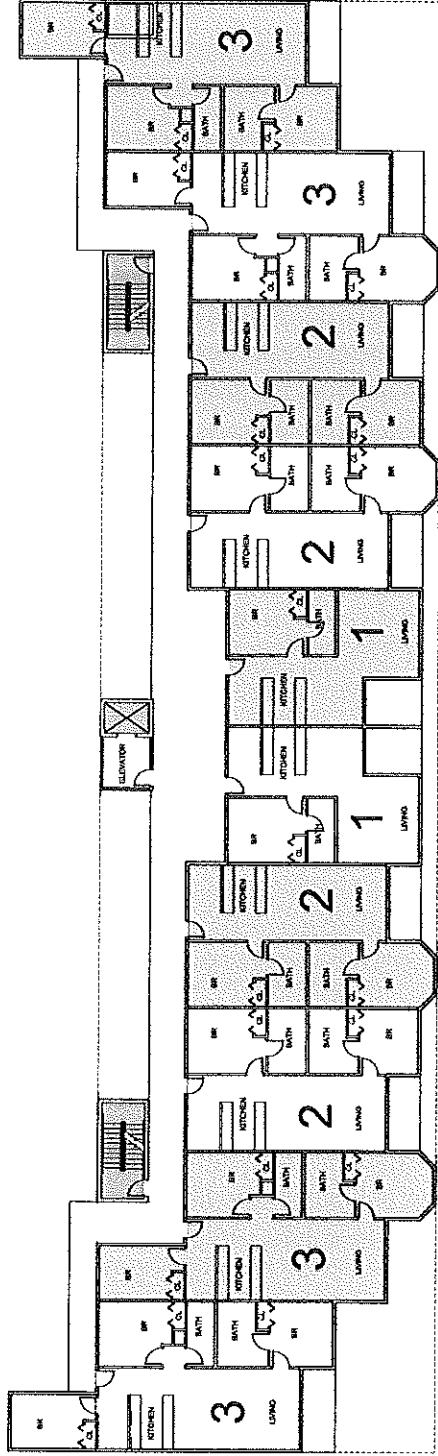
Berry • Nutt • McDonald • Urquhart Inc.  
ENGINEERS • SURVEYORS • PLANNERS  
25 North Street, Saco, Maine 04073 (207) 638-8771



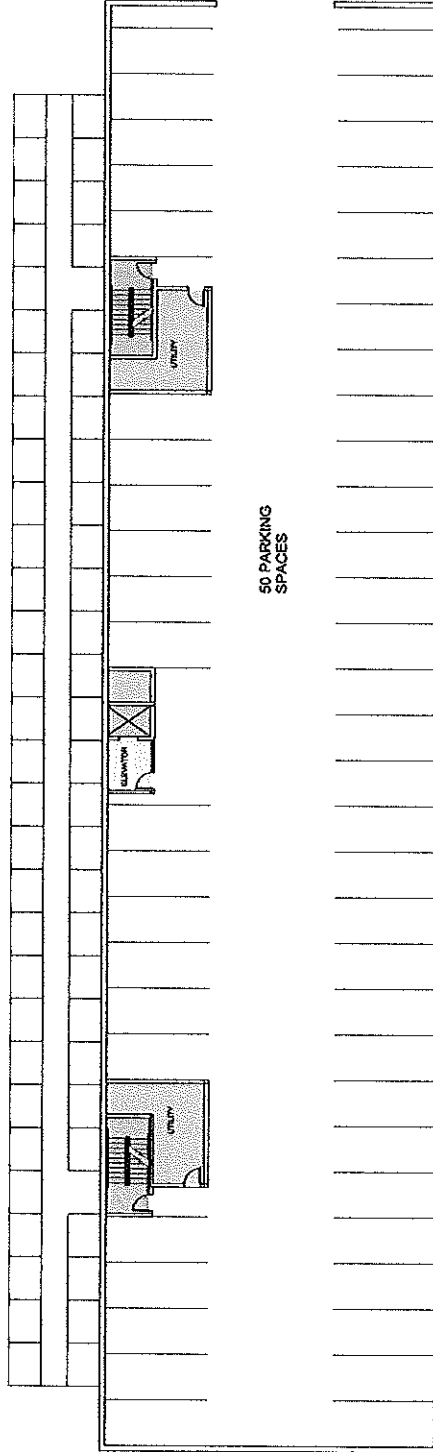
GRAVES HILL | OCEAN AVENUE PORTLAND MAINE



OCTOBER 25, 2013 48 Union Wharf Portland, Maine 04101



1 | FLOOR PLAN  
SCALE 1/8" = 1'-0"

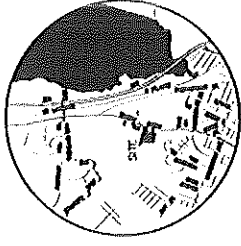


2 | GARAGE PLAN  
SCALE 1/8" = 1'-0"

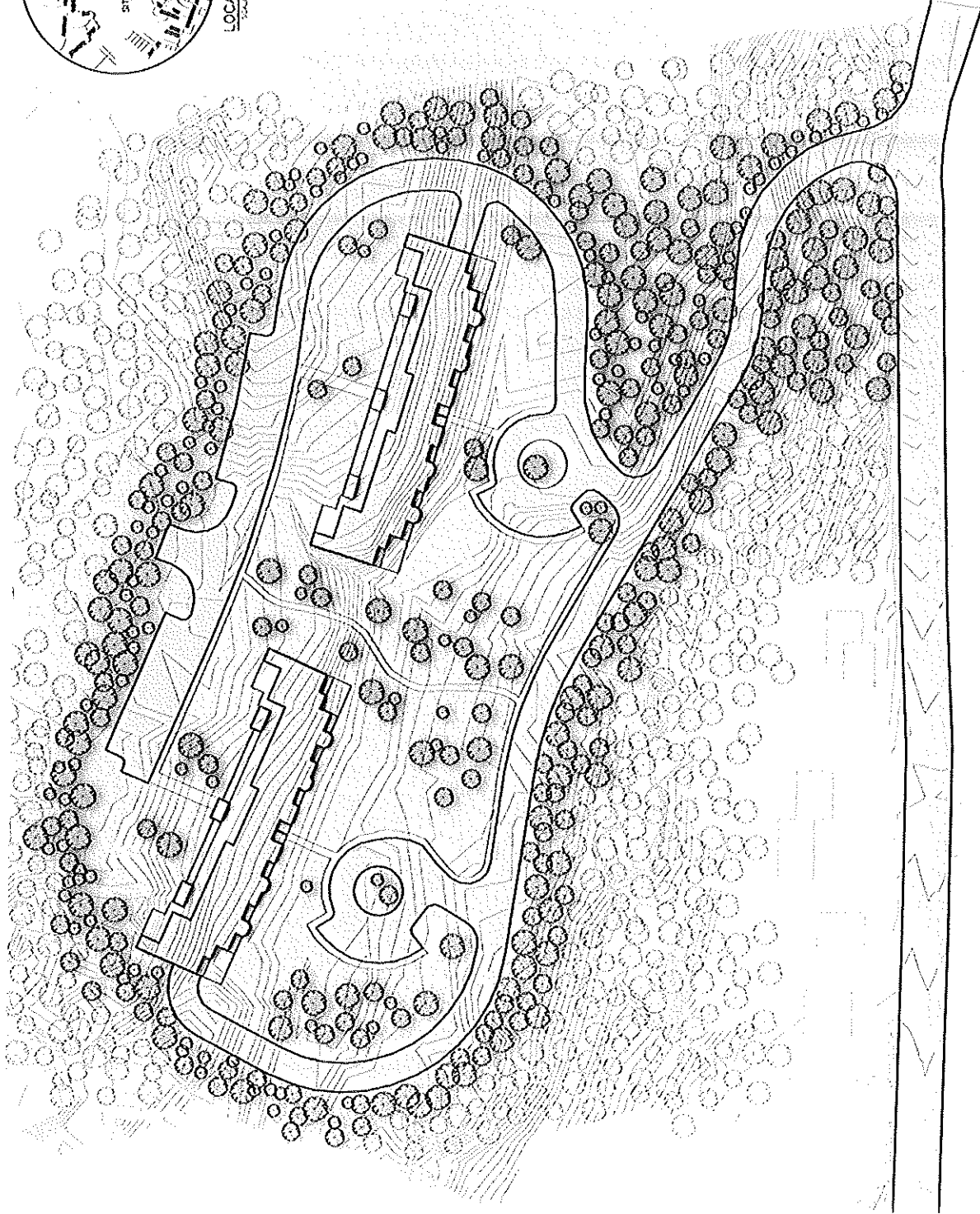
1 BR UNIT = 850 S.F. (x10 = 8500 S.F.)	TYPICAL FLOOR	GARAGE LEVEL	BLDG GROSS SF = 95,470S.F.
2 BR UNIT = 1,090 S.F. (x20 = 21,800 S.F.)	2 x 1BR UNIT = 1,700 S.F.	GARAGE = 16,990 S.F.	
3 BR UNIT = 1,335 S.F. (x20 = 26,400 S.F.)	4 x 2BR UNIT = 4,360 S.F.	STORAGE UNITS = 4,080 S.F.	
	4 x 3BR UNIT = 5,340 S.F.		
	BALCONIES = 2,900 S.F.		
	CIRCULATION = 520 S.F.		
	GROSS SF PER FLOOR = 14,880S.F.	GROSS SF = 21,070S.F.	

50 PARKING SPACES





LOCATION MAP  
SCALE: 1" = 50' N.E.



GRAVES HILL | OCEAN AVENUE PORTLAND MAINE  
SITE PLAN



OCTOBER 25, 2013

48 Union Wharf Portland, Maine 04101

DATE	12/27/74
BY	W.C.
CHECKED	W.C.
APPROVED	W.C.

**SITE GRADING**

GRAVES HILL, A CONDOMINIUM

CONDOMINIUM

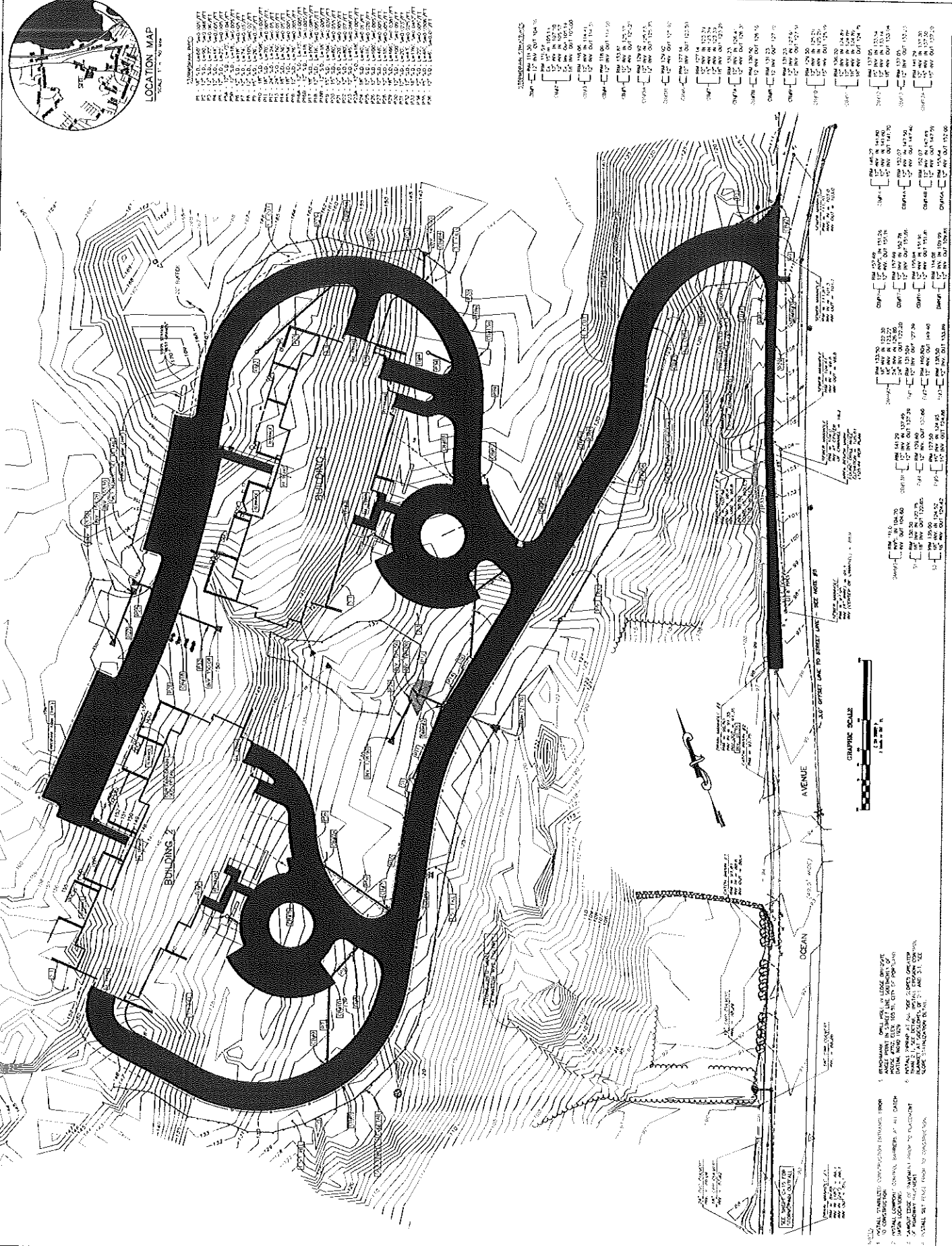
From Land Engineering, Inc.  
 2800 West 10th Street  
 Anchorage, Alaska 99507

**BH2M**

ENGINEERS & SURVEYORS

2800 West 10th Street, Anchorage, Alaska 99507

NO.	DATE	DESCRIPTION
1	12/27/74	FINAL
2	12/27/74	FOR PERMITS
3	12/27/74	FOR RECORD
4	12/27/74	FOR RECORD
5	12/27/74	FOR RECORD





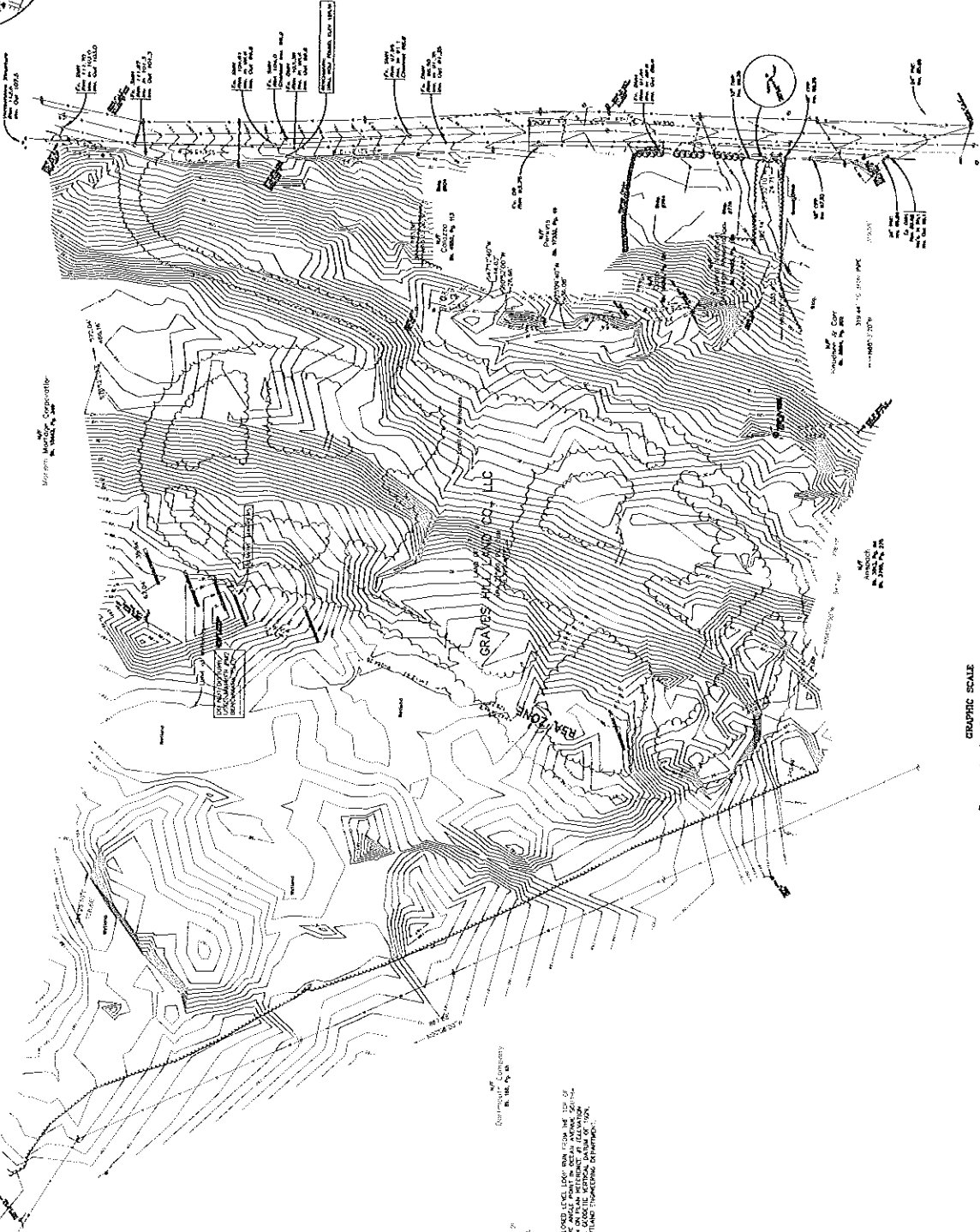
DATE	DESCRIPTION
10/1/03	ISSUED FOR PERMITS
10/1/03	ISSUED FOR PERMITS
10/1/03	ISSUED FOR PERMITS
10/1/03	ISSUED FOR PERMITS
10/1/03	ISSUED FOR PERMITS

EXISTING CONDITIONS  
GRAVES HILL, A CONDOMINIUM  
DEVELOPMENT

THE HILLTOP GROUP, LLC  
10000 W. 10TH AVE.  
DENVER, CO 80202

**BH2M**  
BERRY & HUNT ENGINEERS & ARCHITECTS  
10000 W. 10TH AVE., SUITE 200  
DENVER, CO 80202

NO.	DATE	DESCRIPTION
1	10/1/03	ISSUED FOR PERMITS
2	10/1/03	ISSUED FOR PERMITS
3	10/1/03	ISSUED FOR PERMITS
4	10/1/03	ISSUED FOR PERMITS
5	10/1/03	ISSUED FOR PERMITS
6	10/1/03	ISSUED FOR PERMITS
7	10/1/03	ISSUED FOR PERMITS
8	10/1/03	ISSUED FOR PERMITS
9	10/1/03	ISSUED FOR PERMITS
10	10/1/03	ISSUED FOR PERMITS



- NOTES:
1. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  2. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  3. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  4. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  5. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  6. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  7. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  8. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  9. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.
  10. EXISTING CONDITIONS AS SHOWN ON THE ATTACHED PLANS.

GRAVES HILL, A CONDOMINIUM DEVELOPMENT  
GRAVES HILL, LLC  
10000 W. 10TH AVE., SUITE 200  
DENVER, CO 80202

C34

Order 302-04/05

ATTACHMENT 1

Given first reading on 6/20/05

Public hearing, amended & Passed 8-0 7/6/05 (O'Donnell absent)

JILL C. DUSON (MAYOR)(A/L)  
PETER O'DONNELL (A/L)  
JAMES F. CLOUTIER(A/L)  
NICHOLAS M. MAVODONES (A/L)

**CITY OF PORTLAND  
IN THE CITY COUNCIL**

WILLIAM R. GORHAM (1)  
KAREN A. GERAGHTY (2)  
DONNA J. CARR (3)  
CHERYL A. LEBMAN (4)  
JAMES I. COHEN (5)

**ORDER AMENDING COUNCIL ORDER NO. 67 -04/05  
RE: CONDITIONAL REZONING FOR  
802-828 Ocean Avenue  
GRAVES HILL LAND COMPANY, LLC**

**ORDERED**, that the language contained within the Conditional Rezoning at 802-828 Ocean Avenue be amended and superceded by the following language.

**AMENDED  
CONDITIONAL REZONING AGREEMENT**

**CONDITIONAL ZONE AGREEMENT  
GRAVES HILL LAND COMPANY, LLC**

This Agreement made this 8th day of November, 2004 by **GRAVES HILL LAND COMPANY, LLC**, a Maine limited liability company with an office in Saco, Maine (hereinafter "**GRAVES HILL** ").

WITNESSETH:

**WHEREAS, GRAVES HILL** owns a parcel of land consisting of approximately 18.32 acres located at 802-828 Ocean Avenue in Portland, consisting of parcels shown on City of Portland Tax Map 411, Block A, Lot 7 and Tax Map 416, Block A, Lots 6, 7 and 21, and more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 21500, Page 269 (collectively the "Property"); and

*propose* **WHEREAS, GRAVES HILL** proposes to construct upon a portion of the Property a maximum of 98 condominium units in two mid-rise buildings in a Planned Residential Unit Development ("PRUD") while preserving and protecting a portion of the Property as open space, by utilizing a pattern of development designed to minimize the clearing of natural vegetation, to minimize the area to be blasted, to provide a unique residential living experience with a high degree of natural site amenities, and to promote public recreational use of trails which integrate with a larger trail system; and

**WHEREAS, GRAVES HILL** has requested the rezoning of 10.167 acres of the Property from R-3 to R-5A Residential Zone and the simultaneous approval of a contract zone to im-



plement a planned residential unit development (PRUD) for dwelling units on that portion of the property, and the rezoning of 8.155 acres of the Property from R-3 to Recreation and Open Space Zone (R-OS) ; and

**WHEREAS**, the Planning Board of the **CITY OF PORTLAND** (hereinafter "**CITY**"), pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "**Code**") §§ 14-60 to 14-62 and 14-127, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however, to certain conditions; and

**WHEREAS**, the **CITY**, by and through its City Council has determined that because of the bold and innovative design which:

- promotes efficient land use and conservation of natural resources,
- protects the natural environment by locating the development so as to reduce the impact on environmentally sensitive areas,
- utilizes one of the last large undeveloped tracts of residentially-zoned land to provide housing of a type not currently available in Portland,
- reduces the impact on surrounding properties by minimizing the area to be blasted, preserving natural site amenities, and providing substantial buffers, and
- enhances the recreational trail system in Portland,

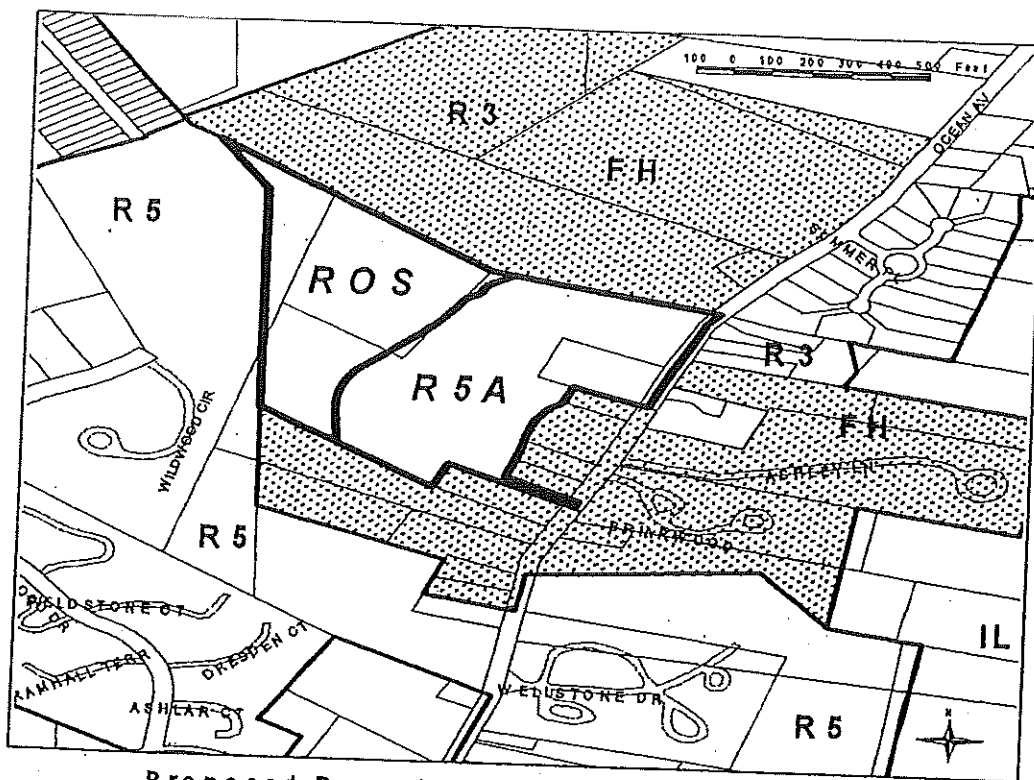
it is necessary and appropriate to impose with **GRAVES HILL**'s agreement the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the **CITY'S** comprehensive land use plan; and

**WHEREAS**, the City Council of the **CITY** authorized the execution of this Agreement on October 18, 2004, by City Council Order No.67-04/05, a true copy of which is attached hereto as Attachment 1; and

**WHEREAS**, **GRAVES HILL** has agreed to enter into this contract, with its concomitant terms and conditions, which shall hereinafter bind **GRAVES HILL**, its successors or assigns;

**NOW, THEREFORE**, in consideration of the rezoning of the Property, **GRAVES HILL** contracts to be bound by the following terms and conditions:

1. The **CITY** hereby amends the Zoning Map of the City of Portland dated December 2000, as amended from time to time and on file in the Department of Planning and Development, and incorporated by reference into the Zoning Ordinance by Section 14-49 of the Code, by adopting the map change amendment shown below (rezoning to R-5A and R-OS). If this Agreement is not recorded within thirty (30) days of the City Counsel's approval of said rezoning, then the rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing R-3 zone.



Proposed Rezoning for 802 Ocean Avenue  
from R 3 and Flexible Housing Overlay to R 5A and ROS  
July 2004

Map prepared by the City of Portland's Department of Planning & Development and the GIS Workgroup

2. **GRAVES HILL** is authorized to establish and maintain the following uses on the R-5A portion of the property:

- a. Up to 98 residential units located in two buildings, each building containing up to 49 units, which may be sold as condominium units, resulting in a maximum total of ninety-eight (98) residential units within the Property; and
- b. a community room in each building available for use by the residents of the PRUD; and
- c. a small office in each building to be used by employees of the condominium owners' association or its agents, only for on-site property management and concierge services for 802 Ocean Avenue, if determined necessary by the condominium owners' association; and
- d. a fitness and special events room in each building available for use by the residents of the PRUD; and
- e. a cross-country ski center/locker room individual storage rooms and/or lockers in each building available for use by the residents of the PRUD; and

- f. parking in an amount of not less than 2 spaces per residential unit, plus at least 28 additional surface visitor parking spaces; and
- g. a trail system traversing the site, extending from Ocean Avenue to connect with the trail system on the R-OS portion of the site; and
- h. a lap swimming pool in one building for use by the residents.

The uses specified herein supersede the otherwise permitted uses contained within the underlying R-3 and R-5A zones.

3. The use of the R-5A portion of the property, by virtue of this Conditional contract Rezoning Agreement, shall be limited to that of a residential PRUD with the accessory uses described in paragraph 2. The Property may be developed in two phases as approved by the Planning Board, Phase I to consist of all necessary blasting for both buildings, one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, and provided that all necessary blasting for both buildings, the construction of one structure containing up to forty-nine (49) dwelling units plus all accessory uses associated with that structure, the construction of all detention ponds shown on the site plan and associated amenities (i.e. benches, landscaping) and the installation of the entire trail system in both the R-5A and R-OS portions of the Property (excluding only the portion of the trail accessing the building to be constructed in Phase II) and Phase II to consist of the second structure, containing up to forty-nine (49) dwelling units plus all accessory uses associated therewith and trail sections and roads serving only that structure, all as more fully set forth in the Site Plans. shall be built included in Phase I.

4. Separate performance guarantees shall be issued for Phases I and II. The amounts and terms of such performance guarantees shall be determined by the Planning Authority at the time of Site Plan and Subdivision approval for each Phase, but each Phase must provide minimum financial guarantees such that each Phase constitutes a separate and complete project. Surface stabilization of any portions of the project area located in Phase II that have been affected by blasting performed during Phase I shall be accomplished prior to the issuance of a Certificate of Occupancy for Phase I, unless construction of Phase II has commenced. The intent of this condition is to ensure a complete site in the event Phase II is never built.

5. **GRAVES HILL** is authorized, and is hereby required pursuant to this Conditional Retract Zoning Agreement, to establish and maintain the following use on the R-OS portion of the Property:

a trail system, for pedestrian, bicycle and/or other non-motorized use, together with associated benches, bridges, raised walkways, or similar improvements as necessary to facilitate access.

Except for the installation of improvements related to drainage detention and management (i.e. necessary detention ponds, spillways, etc.) as may be approved by the Planning Board

The R-OS portion of the Property not used as aforesaid shall be left in its natural state, and natural features, mature trees and natural surface drainageways, shall be preserved to the greatest possible extent consistent with the uses of the property.

6. **GRAVES HILL** shall grant to **Portland Trails**, a Maine nonprofit corporation, a recreational trail easement at least five feet in width for trails on the R-5A portion of the Property and ten feet in width for trails on the R-OS portion of the property, extending for a distance of not less than 3,207 linear feet, to allow for passive recreational use by the general public. The easement may impose reasonable restrictions upon the trail use, including the following: Permitted uses are limited to low-impact recreational uses, including, without limitation, walking, hiking, nature viewing, photography, mountain biking, cross-country skiing, snowshoeing, walking dogs on leashes as long as dog owners pick up after their dogs, and educational programs. Prohibited uses include, but are not necessarily limited to, motorized vehicles (except for authorized trail construction, repair or maintenance), camping, fires, horses, removing, cutting, or otherwise altering trees, branches, and other vegetation (except for the installation of improvements (i.e.necessary detention ponds and their associated amenities) related to drainage detention and management as may be approved by the Planning Board and the authorized trail construction, repair and maintenance, to restore native flora and fauna, or to remove invasive or dangerous flora and fauna), any filling, excavation or alteration of the surface of the earth other than for except for the installation of improvements (i.e.necessary detention ponds and their associated amenities) related to drainage detention and management as may be approved by the Planning Board and the authorized trail construction, repair or maintenance purposes, any disposal of rubbish, garbage or other waste material, hunting, trapping, wildlife collecting, any loud activities which disturb others, all overnight uses, and other activities which have a high impact by degrading or destroying the natural resource values of the property or which conflict with the rights of other users for a quiet, peaceful and contemplative experience in a natural area. In no event shall any of the above prohibited uses interfere with the right to construct, repair and maintain a recreational trail and associated recreational structures. The hours of use may be strictly limited to daylight hours. The easement may authorize **GRAVES HILL**, its successors and assigns, **Graves Hill Condominium Owners' Association**, and **Portland Trails** to enforce those restrictions. In the alternative, instead of granting a trail easement on the R-OS portion of the Property, **GRAVES HILL** may opt to convey the R-OS portion of the Property to **Portland Trails** in fee, with such conveyance made subject to use conditions and reserved rights of enforcement as aforesaid. The form of such easement and/or deeds shall be reviewed and approved by Corporation Counsel in connection with the Site Plan approval process for Phase I. If a conveyance, by easement or in fee, is to be made to **Portland Trails**, the certificate of occupancy for the residential units shall not be delayed due to the status of completion of the trail system on the R-OS portion of the site so long as **GRAVES HILL** has made the required conveyance, by easement and/or in fee, to **Portland Trails** and funds sufficient to complete construction the trails on the R-OS portion of the site have been placed in escrow. If, for any reason, **Portland Trails** declines to accept said trail easements and/or conveyances upon the terms offered, **GRAVES HILL** may satisfy this contract zone requirement by constructing the trails pursuant to the approved site plan and granting trail easements to the City of Portland, upon the same terms and conditions stated above, granting the City of Portland (rather than **Portland Trails**) the right to enforce the restrictions, with the form of the easement subject to review and approval by Corporation Counsel.

7. The Property will be developed substantially in accordance with the Preliminary Preliminary Site Plans, Zone Identification and Phasing Identification submitted by Richardson and Associates (last revised August 16, 2004 ~~August 16, 2004~~) except as may be modified or as otherwise approved, by the Planning Board during subdivision and site plan review, with regard to drainage and detention ponds as shown on "Subdivision Plan, 98 Unit Condominium, Graves Hill" dated April 2005 prepared by Berry Huff McDonald Milligan Inc. and as shown on the Proposed Building Design site sections, building sections and floor plans submitted by Scott Simons Architects (last revised July 8, 2004) and the preliminary elevation from Mackworth Island (undated, submitted August 17, 2004), attached hereto. The Graves Hill entrance on Ocean Avenue shall be at the location shown on said Site Plan and the City hereby grants such waivers as may be necessary to permit the entrance in that proximity to adjacent driveways; provided, however, that at the request of **GRAVES HILL**, with the approval of the Planning Board, the location of the entrance may be moved up to 20 feet southerly of the location shown on the attached site plan without any further amendment to this Contract Zone Agreement. So long as the two residential structures include an approved fire sprinkler system, the required fire access shall be satisfied by the provision of one access road, as shown on the site plan. **GRAVES HILL** shall provide sidewalk and granite curb along the property's frontage on Ocean Avenue and also as along the frontage of the four intervening residential parcels, or, at the option of the Planning Board, **GRAVES HILL** shall instead contribute funds equal to the cost of installing sidewalk and granite curbs as aforesaid to the **CITY** for the **CITY** to apply toward installing granite curbs and sidewalk in the vicinity of the **PROPERTY**.

**GRAVES HILL** shall provide a planted buffer as shown on the site plan in the vicinity of the rear lot lines of the abutters whose lots front on Ocean Avenue, with precise specifications subject to final site plan review. Such planted buffer, in addition to the areas on the site plan designated as "preserve existing trees" and "no cut area" shall remain in perpetuity and shall not be eliminated by **GRAVES HILL** or its successors, provided that, to the extent applicable, the planted buffer may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Provided, however, that this requirement for a planted buffer may be modified or eliminated by the Planning Board during final site plan review if the detention pond proposed to be located near the rear lot lines of the abutters is reduced in size or eliminated so as to retain a natural buffer which the Planning Board deems to be adequate. Other than for the installation of improvements (i.e. necessary detention ponds, a plunge pool, and their associated amenities) related to drainage detention and management and the creation of a less steep, meandering trail from Ocean Avenue to the buildings as may be approved by the Planning Board, **GRAVES HILL** shall maintain in a natural vegetative all areas on the plan labeled "preserve existing trees" and "no cut area" provided that these areas may be maintained according to standards contained within the *National Arborist Association, Inc. Standards for Tree Care Operations*. Improvements related to drainage detention and management shall be subject to Planning Board review, but they shall be deemed to be substantially in accordance with this Conditional Zone Agreement if they are substantially the same as shown on the "Post Development Drainage Plan" prepared by BH2M dated March 2005, or if they utilize a plunge pool and/or smaller and/or fewer detention ponds than shown on that Plan. Furthermore, while **GRAVES HILL** shall provide at least 3,207 linear feet of pedestrian trails in the general configuration shown on the plans, it is stipulated that the pedestrian trails shown on the attached plans and the trail from Ocean Avenue are for diagrammatic purposes only, and actual proposed

trail locations will be submitted to and reviewed by the Planning Board as part of the site plan process.

8. The Planning Board shall review and approve Phase I and Phase II of this development according to the subdivision and site plan provisions of the Portland Land Use Code.

9. Any change in ownership shall be brought to the Planning Board for its review and approval, but this requirement shall not apply to the granting of mortgages by ~~GRAVES HILL~~ or any successor in interest, or to the enforcement by the mortgagees of their rights under such mortgages, or to the assignment or conveyance of the ownership to an entity in which GRAVES HILL and/or Diane Doyle holds at least a 30% interest, nor shall this requirement apply to the conveyance of individual condominium units or to the granting of mortgages upon individual condominium units. Similarly, GRAVES HILL or any successor in interest may convey the R-OS portion of the Property to Portland Trails in fee simple and/or may grant trail easements and conservation easements to Portland Trails and/or to the City of Portland as provided above without any further review of the change in ownership by the Planning Board.

10. For the portion of the Property rezoned R-5A, the dimensional requirements and other zoning requirements for the Property shall be those of the underlying R-5A zone with respect to PRUDs except as follows:

**Maximum number of units per building:** 49

**Maximum number of buildings containing residential dwelling units:** 2

**Maximum building height:** 100 feet, as measured per zoning ordinance, and in accordance with the plans attached hereto and in accordance with the location on the site plan

**Parking:** Minimum of 2 spaces per unit plus 28 visitor spaces, half in Phase I and half in Phase II

**Minimum recreation open space area:** Outdoor passive recreation in the form of pedestrian trails of not less than 3,207 linear feet shall be provided on the Property, generally as shown on the Preliminary Site Plans, Zone Identification. Such trails shall be composed of stone dust, asphalt or similar materials, and, if environmentally necessary or advisable, shall include bridges, raised walkways, or similar improvements as necessary to facilitate access, together with a reasonable number of wooden benches. The non-trail portion of the Property located in the R-OS zone shall otherwise remain in its natural vegetative state except for the installation of improvements (i.e. necessary detention ponds and their associated amenities) related to drainage detention and management as may be approved by the Planning Board. A public recreational trail easement over the trails on the Property shall be conveyed to **Portland Trails** or, in the alternative, to the **City of Portland** granting the public the right to use the trails subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. In the alternative, **GRAVES HILL** may convey an easement over the recreational trails on the R-5A portion

of the Property and convey the R-OS portion of the Property to **Portland Trails** in fee, both subject to such restrictions on hours, manner and intensity of use outlined in Paragraph 6, above. So long as at least the minimum passive recreational open space is provided as specified above, no additional active recreational open space is required. However, the developer may provide more than the minimum required, at its option, and subject to site plan review.

Except as set forth above, all provisions in Sections 14-126 through 14-131 of the **CITY's** zoning ordinance shall apply to the portion of the Property rezoned R-5A.

11. For the portion of the Property rezoned R-OS, the dimensional requirements and other zoning requirements of the R-OS zone shall apply, except as follows: despite any requirement to the contrary in § 14-158 (g), due to the linkage of the trail system to publicly-owned property which will provide public parking, no off-street parking need be provided on any portion of the Property for visitors projected to use the R-OS portion of the Property and **GRAVES HILL** need not submit any parking needs projections.

12. The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit **GRAVES HILL**, its successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit and be enforceable by the **CITY**, by and through its duly authorized representatives.

13. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed as a separate, distinct and independent provision and such determinations shall not affect the validity of the remaining portions thereof.

14. In the event **GRAVES HILL** or its successors should fail to utilize the **PROPERTY** in accordance with this Agreement, or in the event of **GRAVES HILL'S** breach of any condition(s) set forth in this Agreement which differs from the provisions of Portland's Land Use Code which would otherwise be applicable to property situated in the R-5A or ROS zone, the **CITY** may prosecute such violations in accordance with 30-A M.R.S.A. §4452, M.R.Civ.P. 80K, or in any other manner available by law.

In addition, if such an enforcement action should result in a finding that **GRAVES HILL** has breached the Agreement, then either the Portland Planning Board on its own initiative, or at the request of the Planning Authority, may make a recommendation to the City Council that the Conditional Rezoning be modified or the **PROPERTY** rezoned.

15. **GRAVES HILL** shall file a counterpart original of this Agreement in the Cumberland County-Registry of Deeds.

16. Except as expressly modified herein, the development, use and occupancy of the Property shall be governed by and comply with the applicable provisions of the Portland City Code and any applicable amendments thereto or replacements thereof.

WITNESS:

GRAVES HILL LAND COMPANY, LLC

\_\_\_\_\_

By: \_\_\_\_\_  
Diane Doyle  
Its Manager

STATE OF MAINE  
CUMBERLAND, SS.

\_\_\_\_\_, 200\_

Then personally appeared the above-named Diane Doyle, Manager of GRAVES HILL LAND COMPANY, LLC as aforesaid, and acknowledged the foregoing instrument to be her

free act and deed in her said capacity and the free act and deed of said limited liability company.

Before me,

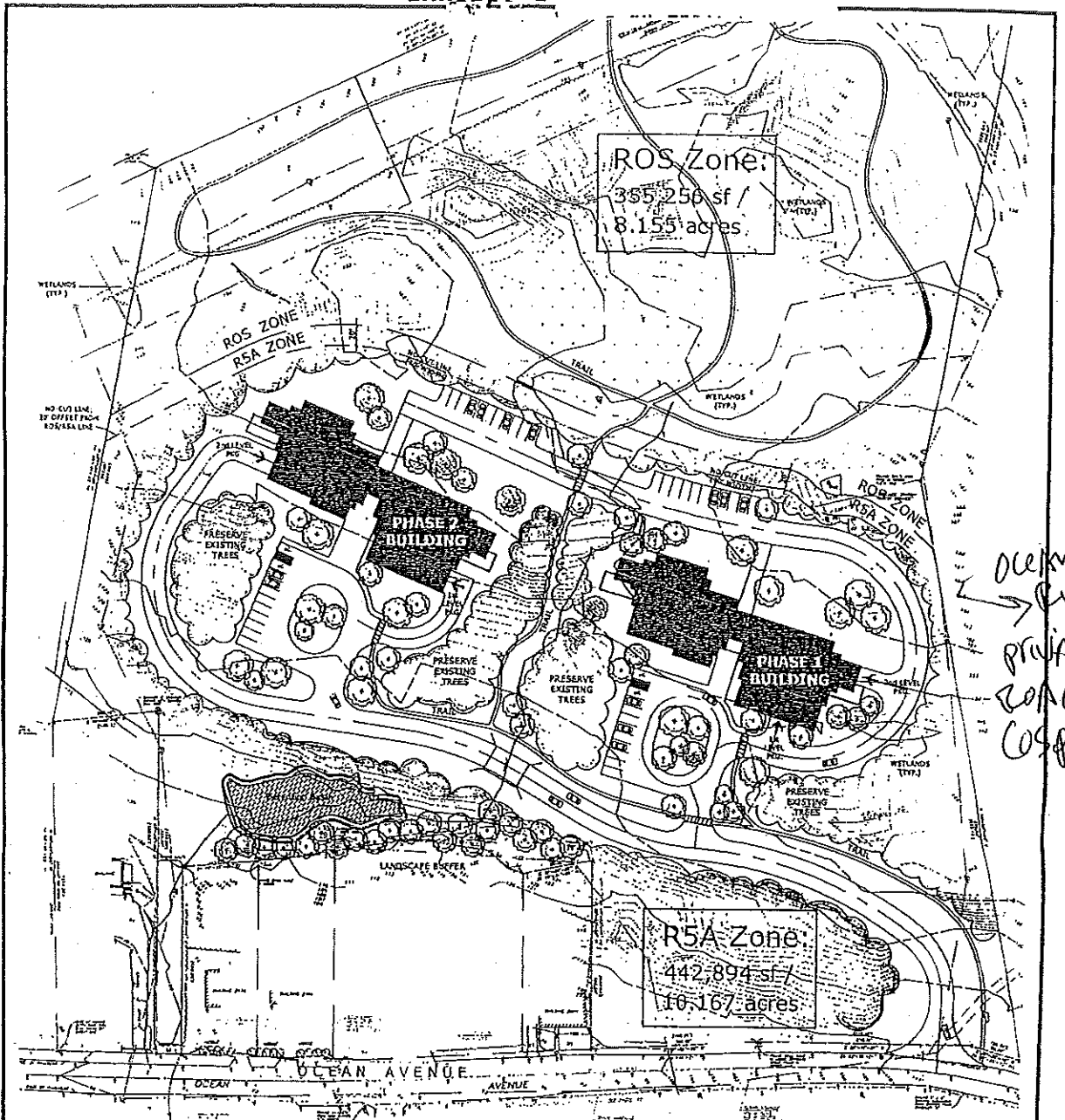
\_\_\_\_\_  
Notary Public/Attorney-at-Law

Printed name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



EXHIBIT 1



NOTES:

1. ALL TOPOGRAPHIC INFORMATION AND EXISTING BASE INFORMATION EXCEPT WETLANDS BOUNDARIES PROVIDED BY DDW & COULOMBE SURVEYORS.
2. UTILITY INFORMATION SHOWN IS APPROXIMATE ONLY.
3. PROPOSED ELEVATIONS AND PERCENT SLOPES INDICATED ON PLAN ARE TO PROVIDE GENERAL INFORMATION REGARDING
4. EXISTING AND PROPOSED CONDITIONS AND RELATIONSHIPS.
5. WETLANDS BOUNDARIES SHOWN ARE FOR PLANNING PURPOSES ONLY AND WILL REQUIRE FIELD VERIFICATION.

SITE STATISTICS:

Site Site: Gross Area: 798,150 s.f. / 18.323 acres  
 Zone ROS: 355,256 s.f. / 8.155 acres  
 Zone RSA: 442,894 s.f. / 10.167 acres  
 Net Land Area: 434,622 s.f. / 9.978 acres  
 Frontage: 445.1 ft  
 Impervious Surface Ratio: 0.16

Number of Units:  
 Phase 1: 43  
 Phase 2: 49  
 Gross Density: 5.3 Units/Acre  
 Net Density: 9.8 Units/Acre

Roadway Ownership: Private  
 Linear Feet of Roadway: 2,656 L.F.  
 Roadway Width: 24 feet

Total Number of Parking Spaces: 224 spaces  
 Phase 1: 112 spaces  
 Phase 2: 112 spaces

Parking Spaces within Parking Structure:  
 Phase 1: 80 spaces  
 Phase 2: 30 spaces

Surface Parking Spaces:  
 Phase 1: 22 spaces  
 Phase 2: 22 spaces

Projected Wetlands Disturbance: 2,230 s.f.  
 Projected Site Disturbance: 3.4 Acres

Trees:  
 Zone ROS: 2,855 #  
 Zone RSA: 1,170 #  
 Total Trees: 4,025 #



Preliminary Site Plan: Zone Identification  
**GRAVES HILL**  
 Portland, Maine

Developer: **GRAVES HILL LAND COMPANY**  
 110 Main Street  
 Scarborough, ME 04074  
 Tel: 207.215.4151

Architect: **Scott Simons Architects**  
 75 Park Street  
 Portland, Maine 04101  
 Tel: 207.251.5155

Landscape Architect: **Richardson & Associates**  
 Landscape Architects  
 40 Main Street  
 110 Main Street  
 Scarborough, ME 04074  
 Tel: 207.251.5155

Civil Engineer: **BH2M**  
 Consulting Engineers  
 25 State Street  
 Portland, ME 04101  
 Tel: 207.475.2711

MARCH 25 2004  
 REVISED MAY 14 2004  
 REVISED JUNE 1 2004  
 REVISED JUNE 14 2004  
 REVISED JULY 6 2004  
 REVISED AUGUST 16 2004