

CITY OF PORTLAND, MAINE
PLANNING BOARD

Janice E. Tevanian, Chair
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February 12, 2008

Wally Geyer
Casco Bay Ventures
233 Woodville Road
Falmouth, ME 04105

Scott Teas
TFH Architects
100 Commercial Street
Portland, ME 04101

RE: The Estates at Longfellow Inn. 130 Eastern Promenade
Chart: 3 **Block:** C **Lots:** 1 and 2
Application ID: 2007-0123

Dear Mr. Geyer and Mr. Teas:

On January 22, 2008 the Portland Planning Board voted unanimously (7-0) on the following motions regarding the Estates at Longfellow Inn subdivision proposed at 130 Eastern Promenade:

1. That the plan was in conformance with the Subdivision Review Ordinance of the City Land Use Code with the following condition(s):
 - i. The final recording plat meeting the requirements of Portland's Subdivision Ordinance and listing conditions imposed by the Planning Board will be submitted for the Planning Board's Signature.
 - ii. The applicant will provide written evidence that the owners of the title to 130 Eastern Promenade are the same as the applicant, Casco Bay Ventures. This evidence must be reviewed and approved by the Planning Authority prior to recording of the recording plat.
 - iii. The City of Portland Zoning Administrator shall determine that the development proposal meets the open space requirements of Section 14-139(h)(1) of the City Code prior to recording of the recording plat.

2. That the plan is in conformance with the site plan standards of the land use code with the following condition(s):

- i. The revised boundary survey submitted by the applicant must be reviewed and approved by Public Works prior to the issuance of a building permit.
- ii. All final plan sheets must stamped and signed by a professional engineer.
- iii. All comments submitted by Public Works in their memorandum dated January 16, 2008 (attached) must be addressed and approved by Public Works prior to the issuance of a building permit.
- iv. All comments submitted by Jeff Tarling, City Arborist pertaining to the submitted landscaping plan and identified in his review letter dated January 18, 2008 (attached) must be addressed and approved by Jeff prior to the issuance of a building permit.
- v. The proposed street tree along the Eastern Promenade shall be revised to show an Autumn Blaze Maple (*Acer freemanii*). This change to the plans must be reviewed and approved by Jeff Tarling, City Arborist prior to the issuance of a building permit.
- vi. The proposed trash bins as depicted on the site plans, which are to be located within a stockade fence area, shall be further enclosed including the back, sides and top of the area to be encompassed by the trash bins. The applicant shall submit a plan depicting the enclosure to the Planning Authority for their review and approval prior to the issuance of a building permit.
- vii. The Planning Board finds that Section 14-526(28) of the Land Use Code does not apply to this R-6 property because it is not a vacant lot.

Further, the Planning Board finds that, with respect to any zoning determinations that have been made by the City Zoning Administrator, that those are decisions that she has to make with respect to the zoning ordinance and it is not within the Planning Board's purview to second guess or revisit those zoning determinations.

Further, the Planning Board finds that site plan standard 526(a)(15) of the City Code requires the Board to determine that the design of the proposed building, including architecture style, façade materials, roof pitch, building form and height, are designed to provide positive visual interest and to compliment and enhance the nearest residential neighborhood. Site plan standards also require the Board to look at, among other things, buffering, open space, ample light and air, off-street parking and traffic and pedestrian circulation.

The Board finds that the applicant has done a careful job at fashioning a design that is consistent and compliments the nearest residential neighborhood. The Board finds that the submitted landscape plan demonstrates a fair amount of screening.

These findings are based on the submitted plans, Planning Board Report #05-08 and the presentation boards that have been presented to the Planning Board by the applicant and the Planning Authority.

3. The Planning Board finds that the plan is in conformance with Division 29 – Preservation and Replacement of Housing Units by meeting criteria (6) of the criteria for exemption based on evidence submitted by the applicant that the building, built in 1903, originally contained three (3) dwelling units.

The approval is based on the submitted plan and the findings related to site plan review standards, as contained in Planning Board Report # 05-08 (attached).

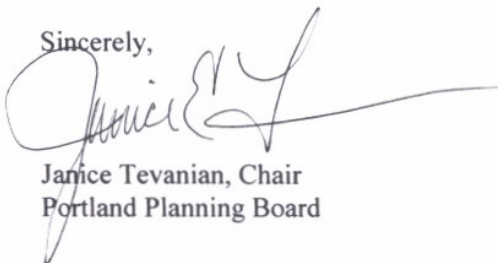
Please note the following provisions and requirements for all site plan and subdivision approvals:

1. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
2. 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 prior to the release of the subdivision plat for recording at the Registry of Deeds or 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 subdivision or site plan application for staff review and approval.
3. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
4. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
5. Mylar copies of the construction drawing for the subdivision must be submitted to the Public Works Department prior to the release of the plat.
6. The subdivision approval is valid for three (3) years.
7. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
8. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
9. 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.)

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. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Molly Casto at 874-8901

Sincerely,



Janice Tevanian, Chair
Portland Planning Board

Attachments:

1. Applicable staff memo's
2. Planning Board Report # 05-08

Electronic Distribution:

cc: Lee D. Urban, Planning and Development Department Director
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Molly Casto, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Michael Bobinsky, Public Works Director
Jeanie Bourke, Inspections Division
Kathi Earley, Public Works
Bill Clark, Public Works
Jim Carmody, City Transportation Engineer
Michael Farmer, Public Works
Jeff Tarling, City Arborist
Captain Greg Cass, Fire Prevention
Assessor's Office
Approval Letter File

MEMORANDUM



TO: Molly Casto
FROM: Dan Goyette, PE, and Lauren Swett, EIT
DATE: January 16, 2008
RE: Estates of Longfellow Inn

Woodard & Curran has reviewed the response to comments provided for The Estates of Longfellow Inn. The project proposes to renovate and add to an existing multifamily residential building located at 130 Eastern Promenade in Portland. The garage for the existing building will be demolished and replaced with paved parking, and an expansion will be added to the building to provide room for seven units.

Documents Reviewed

- Response to Comments Letter and additional information for 130 Eastern Promenade, Portland, Maine, prepared by Land Consulting Engineers, PA, on behalf of Casco Bay Ventures, dated January 2, 2008.
- Plan Sheets for The Estates of Longfellow Inn, including C1.2, C1.4, and D3 prepared by TFH Architects and Land Consulting Engineers on behalf of Casco Bay Ventures, dated January 2, 2008.

Comments

- All plan sheets must be stamped and signed by a professional engineer.
- An engineering details sheet was not included with this submission. The response letter from Land Consulting Engineers references a TFH detail sheet, however this has not been included. Woodard & Curran sent a review memo on August 13, 2007 with comments regarding details, however updated and additional details have never been reviewed.
- The utilities detail sheet includes catch basin and casco trap details. The casco trap should also be included on the catch basin detail to show proper installation.
- The PVC line directing surface and roof drainage to the combined sewer line should connect directly into the combined sewer line and not into the existing sewer manhole.

Please contact our office if you have any questions.

DRG/LJS
203943

From: Jeff Tarling
To: Molly Casto
Date: 1/18/2008 2:00:49 PM
Subject: 130 Eastern Prom Landscape Plan Review

Hi Molly -

I reviewed the landscape plan for the 130 Eastern Prom Project and offer the following review & comment:

The proposed plan shows 2 new street-trees to be planted along Wilson Street. (The tree locations can be adjusted due to window spacing etc within the building footprint along the Wilson Street frontage.) An additional street-tree on the Eastern Prom side, following the recent species recommendation of the Eastern Prom master plan recommendations. This would complete the specified number of trees and spacing along the Eastern Prom frontage of the project. On the project property one additional ornamental crabapple is proposed on the South side of the project near the addition. Overall the landscape treatment of ornamental shrubs and landscape beds fits into the character of the nearby residential landscape.

Recommendations / Conditions -

1) To meet the 2-trees per residential unit guidelines a contribution for 10 additional trees to be planted in the project vicinity is recommended. The project unit calculations would require 14 trees and the project is placing four with the project area. The new trees would help fill gaps or replace missing trees in the surrounding neighborhood of the project.

2) That impact to the Eastern Prom lawn area be limited during construction. This would include: no storage of trucks, equipment, materials on the lawn area. All damaged areas to be repaired in a timely manor, the sidewalk pedestrian way along the Eastern Prom be maintained in good condition during construction work.

The project team or contractor shall contact Parks & Recreation concerning construction activities that might effect the Eastern Prom and park areas.

CC: Barbara Barhydt

**THE ESTATES AT LONGFELLOW INN
130 EASTERN PROMENADE**

CASCO BAY VENTURES, APPLICANT

SITE PLAN AND SUBDIVISION REVIEW

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Molly Casto, Planner

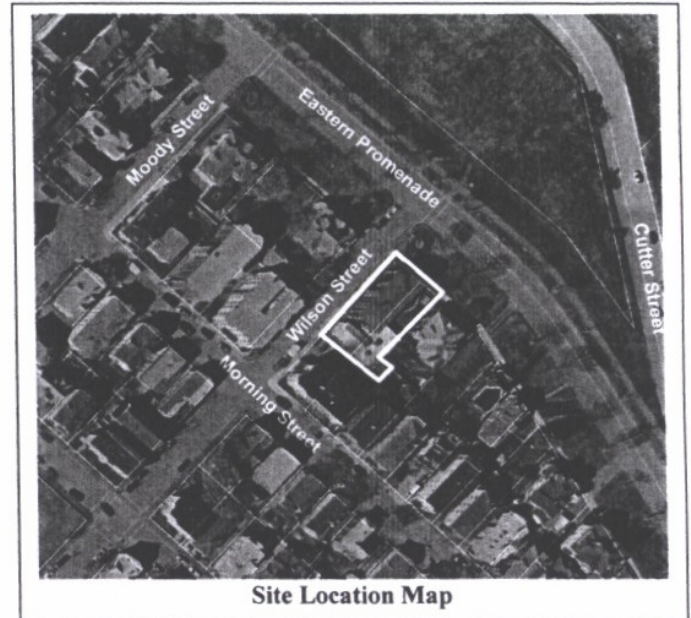
Prepared on: January 18, 2008
Meeting Date: January 22, 2008

I. INTRODUCTION

Casco Bay Ventures has requested subdivision and site plan review and approval for their proposal to renovate and add a three-story addition to the existing building at 130 Eastern Promenade. The project is to be reviewed according to the City of Portland standards for subdivision and for major site plan. The site is located within an R-6 Residential zone.

Notice of the public hearing was sent to 111 area property owners and was advertised in the Portland Press Herald and on the City website.

Representatives for the applicant include TFH Architects and Back Bay Boundary, Inc., both of Portland, Maine.



II. FINDINGS FOR 130 EASTERN PROMENADE

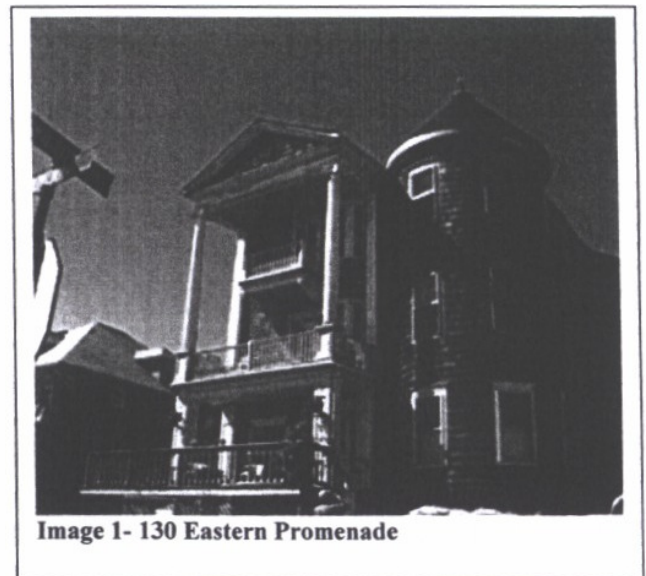
Total Land area:	7,905.9 square feet (.18 acres)
Tax Map:	Tax Map 3-C Lots 1 and 2
Zone:	R-6 Residential
Existing Use:	11-unit apartment building with 2-car garage.
Proposed Use:	7-unit apartment building with paved 7-car parking lot.
Parking:	Proposal to remove garage and construct a seven-car parking lot on site.

III. SITE DESCRIPTION

The site, located at the corner of Eastern Promenade and Wilson Street contains a vacant, eleven (11) unit residential structure composed of a three-story frame building containing nine (9) units, with a single story addition containing two (2) units and a two-car garage.

IV. PROPOSED DEVELOPMENT

The applicant proposes to renovate the existing three-story frame building, demolish the one-story addition and add a three story, three-unit addition on the southeast side. The proposed building will contain seven (7) apartments ranging in size from 1,123 to 1,442 gross sq. ft (excluding porches, decks and balconies). The



applicant proposes to demolish the existing garage in order to accommodate a seven (7) car parking lot including covered parking for five (5) full-size cars and two (2) additional outside parking spaces for compact size vehicles (see submitted plans- Attachment 14(e)).

The total square footage of the proposed building footprint is 3,891 sq. ft. The total gross square footage of the proposed development is 10,534 gross sq. ft. The proposal includes a remaining 2,006 sq. ft of landscaped open space.

V. WAIVER REQUEST- SECTION 14-483

The applicant has submitted a letter to the Planning and Inspections Divisions requesting that the Planning Board grant an exemption from the requirements of Section 14-483- Preservation and Replacement of Housing Units (see Attachment 13). Section 14-483 requires the review and approval of the Planning Authority. The applicant is seeking to reduce the number of units in this building from eleven (11) to seven (7).

Section 14-483 is intended to limit the net loss of housing units caused by the demolition, consolidation or conversion of residential property. The provisions of this section apply in all zoning districts in cases where three or more lawfully existing dwellings, including dwelling units within multi-family buildings, are demolished, converted to non-residential uses, or eliminated through the reduction or consolidation of units within a residential property within a five (5) year period. The applicant has submitted documentary evidence that they meet exemption criteria (6) as outlined in this section of the Ordinance. Criteria 6 states:

(6) Existing residential structure which, exclusive of additions thereto, contain more dwelling units than they were originally designed and built to accommodate and which are being modified to contain fewer dwelling units, subject to the condition that the number of dwelling units originally intended to be accommodated in such structures can be established by documentary evidence.

The applicant is seeking to reduce the number of units from eleven (11) to seven (7). The applicant has submitted documentation to support their determination that the building at 130 Eastern Promenade was originally built and occupied as a building with three (3) dwelling units in 1903 (see Attachment 13). The number of dwelling units subsequently increased when the building was converted to hotel use as the *Ye Longfellow Inn* in 1916.

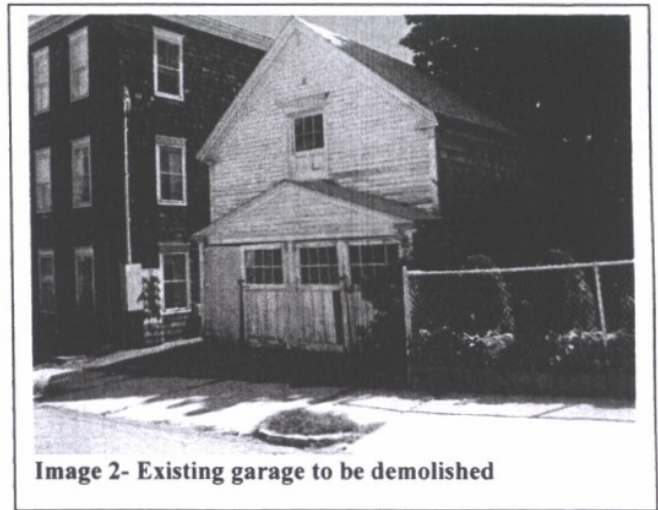


Image 2- Existing garage to be demolished

VI. ZONING

Marge Schmuckal, Zoning Administrator, has reviewed this project for compliance with the City's zoning requirements. Her memo is attached as Attachment 9 and contains the following conclusions:

- The seven (7) requested dwelling units would meet the land area per dwelling unit requirements of the R-6 zone.
- The seven (7) units would require a minimum lot size of 7,800 sq ft of land area. Currently the lot is 7,905.9 square feet, which is in excess of the minimum lot size required.
- The applicant is not prohibited from enlarging the building under section 14-388.
- The enlargement can meet the R-6 zone setbacks as currently shown.

Two abutters to the project have raised concerns about Marge's interpretation of Section 14-382(d) of the City Code with the Planning Board. Those concerns, including a request that the Board table this matter, are included as Attachment 13 (Public Comment). Corporation Counsel's Office indicated at the December 11, 2007 workshop that the Planning Board does not have the authority to make zoning determinations. Such determinations are exclusively within the purview of the Zoning Administrator and the Zoning Board of Appeals.

Parking requirements:

The applicant is not required by zoning (Section 14-332) to incorporate additional parking into their proposal because the proposal does not increase the number of units. The only requirement is that they not reduce off-street parking to less than what exists currently. At present, the property can accommodate approximately two parking spaces in the existing garage. The applicant proposes to increase off-street parking to seven (7) parking spaces, providing one parking space for each unit.

The following chart compares the dimensional requirements of the R-6 zone to the proposed development:

Standard	R-6 Requirements	Proposed Development
Min. Lot Size	4,500 sq. ft	7,905.9 sq. ft.
Min, Area per Unit	1000 sq. ft/DU for existing building. 1,200 sq. ft. after first 3 DU's = <u>7,800</u> sq. ft minimum for 7 units	7,905.9 sq. ft.
Min, Street Frontage	40 ft	Approx. 65 ft
Min. Front Yard	10 ft	5 ft- existing bldg / <u>15 ft</u> – bldg addition
Min. Side Yard	10 ft	Approx. 2.5 ft- existing bldg/ <u>10 ft</u> - bldg addition
Min. Rear Yard	20 ft	20 ft
Max. Lot Coverage	50%	49.20%
Min. Lot Width	50 ft	Approx. 65 ft
Min. Structure Height	Min. of 2 stories of living space	3 stories of living space
Max. Structure Height	45 ft	Approx. 39 ft.
Open Space Req.	Min width/length = min. 15 ft and slope = <10%.	Approx. (15.7 x 29.3 ft.) + 18.6 x 10 ft.) Open space (25.4%). Slope = < 10%

VII. RIGHT, TITLE OR INTEREST

The applicant submitted a warranty deed as appropriate evidence of ownership of the property (see Attachment 2).

VIII. FINANCIAL CAPACITY

Casco Bay Ventures submitted a letter from Bangor Savings Bank, dated January 2, 2008 stating that the applicant has the financial capacity to complete the project (see Attachment 3).

IX. NEIGHBORHOOD MEETING

Casco Bay Ventures held a neighborhood meeting, a required by City ordinance, on December 27, 2007. Documentation from that meeting is included as Attachment 6

X. SUBDIVISION AND SITE PLAN REVIEW

The proposed development has been reviewed by Planning staff for conformance with the relevant review standards of the subdivision and site plan ordinances. Staff comments are highlighted in this report.

Subdivision Recording Plat

The proposed 3-story addition contains three dwelling units and is therefore defined as a subdivision.

According to Section 14-493 of the City Code of Ordinances - Definitions, a subdivision is defined as:

... The division of a lot, tract or parcel of land into three (3) or more lots, including lots of forty (40) acres or more, within any five-year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in 30-A M.R.S.A. Section 4401. The term subdivision shall also include the division of a new structure or structures on a tract or parcel of land into three (3) or more dwelling units within a five-year period and the division of an existing structure or structures previously used for commercial or industrial use into three (3) or more dwelling units within a five-year period. The area included in the expansion of an existing structure is deemed to be a new structure for the purposes of this paragraph. A dwelling unit shall include any part of a structure, which, through sale or lease, is intended for human habitation, including single-family and multifamily housing condominiums, time-share units and apartments.

The recording plat is included as Attachments 14-d. Any conditions of approval that the Board places on the subdivision must be shown on the plat. A revised plat meeting these requirements must be submitted pending the Planning Board's decision.

Boundary Survey

Public Works submitted comments on December 4, 2007 addressing two notes, which should be included on the boundary survey stating that, the project survey coincides with approved City standard. The applicant has submitted a revised boundary survey, however, this has not yet been reviewed and approved by Public Works.

Planning staff recommends including review and approval of the revised boundary survey by Public Works as a condition of approval.

1. Water and Air Pollution

The project will not result in undue water or air pollution. The site is not within a flood plain and the project will be served by public water and public sewers.

2. Water

The project has sufficient water available and will not cause an unreasonable burden on the existing water supply. Water for domestic use and fire suppression will be provided by a six inch cast iron water main on the east side of Wilson Street. The applicant has submitted a letter from Portland Water District (PWD) dated August 1, 2007 stating that they have adequate capacity to serve the development (see Attachment 4-c). While the letter from PWD refers to a nine-unit development, which had been proposed in earlier versions of the proposal, the proposed reduction to seven units does not impact their ability to service the project.

3. Soil Erosion

The applicant proposes to erect silt fencing as a soil and sedimentation control measure prior to commencing work. Erosion control details have been provided on sheet C1-3 of the submitted plans (Attachment 14). Dan Goyette, Consulting Engineer to the Department of Public Works, has reviewed and approved the proposed erosion control measures.

4. Traffic, Parking and Pedestrian Circulation

As stated in the zoning section of this memorandum, the applicant is not required to increase the number of off- street parking spaces due to an overall reduction in the number of units. The applicant, however, has chosen to incorporate seven (7) parking spaces into their proposal. Five (5) of these are standard sized spaces (approx. 9' x 19') located under a building overhang. The remaining two (2) are compact -sized surface parking spaces (7'6" x 15').

Jim Carmody, Traffic Engineer, has reviewed parking and circulation and submitted the following comments:

I have reviewed the plan showing the parking layout. The layout is sufficient in dimensions of the parking spaces including 2 compact spaces, and the aisle width meets city standards. There is adequate width for vehicles to maneuver and able to exit the parking area going forward.

A buffer of arborvitae has been proposed around the parking area. The two existing cedar trees and two existing elms between the proposed lot and the abutter's parking lot at 14 Wilson Street will be preserved, providing additional screening (see submitted landscape plan. Sheet C1.4- Attachment 14(g)).



Image 4 - Existing sidewalk on Wilson Street

Continuation of the Wilson Street Sidewalk:

Section 14-498- *Technical and Design Standards*, of the Subdivision Ordinance grants Public Works the authority to promulgate technical and design standards for subdivisions and site plans. Section 14-498 (8) – *sidewalks and curbs* states:

Sidewalks shall be constructed on each side of each street in accordance with article III of chapter 25. Sidewalks to be used by pedestrians are to be so located as to minimize contacts with normal automotive traffic, with preference given to interior walks away from streets in common open space in block interiors.

Section 14-499 of the Subdivision Ordinance lists required improvements for all subdivisions. 14-499 (d) states:

Sidewalks and curbs shall be constructed as required in section 14-498.

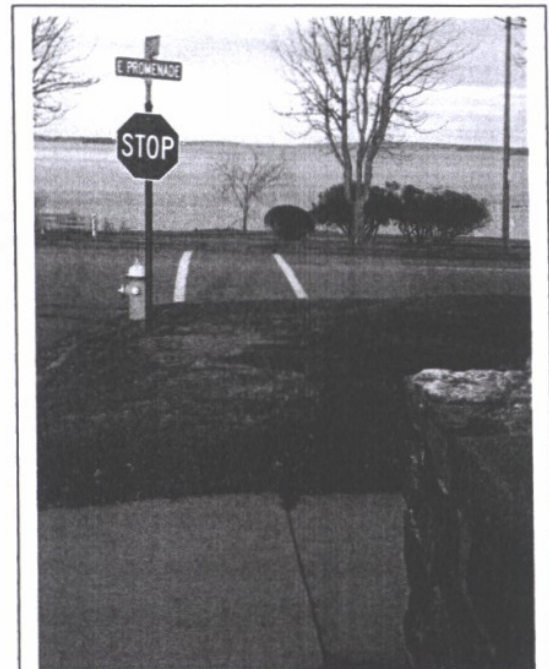


Image 5- Esplanade at intersection of Wilson and Eastern Promenade.

The applicant proposes to repair a portion of and to add street trees to the existing concrete sidewalk along Wilson Street. Currently, there is concrete sidewalk on both sides of Wilson Street and along the frontage on the Eastern Promenade. There is a crosswalk across the E. Prom on the right east side of Wilson Street, however there is no sidewalk linking to it across the Prom's grass esplanade. With the exception of the intersection at Moody Street and Eastern Prom, which has a similarly disconnected pedestrian system, all remaining intersections along the Prom (Congress; Turner; Quebec; Melbourne; Montreal and Walnut) include sidewalks along the edge of curb on the esplanade connecting to at least one crosswalk across the Prom (Congress Street has crosswalks on both sides).

The 2004 Eastern Promenade Master Plan states, under *Priority One* in the introduction to the *Implementation* section:

On Eastern Promenade, it is recommended to expand the walk and crosswalk system.

The Report's Summary Recommendations section addresses appropriate pavement materials. It states that sidewalks on both sides of the Eastern Promenade should be replaced with brick as required for consistency with the City's sidewalk material policy for historic parks (Eastern Promenade Master Plan (2004) pp. 4). The City's Sidewalk Replacement Material Policy map from District 1 corresponds to this, indicating that brick sidewalks should be used in this area.

Based on the above information, the applicant has revised their proposal to include new brick sidewalk connecting the sidewalk at Wilson Street to the crosswalk along Eastern Promenade. Public Works has reviewed the proposal to leave the existing sidewalk as concrete and determined that, so long as any disturbance is less than 10 feet and kept within two sections of concrete sidewalk, the disturbed area may be repaired with concrete. For a larger disturbance, the applicant must replace disturbed sections with brick sidewalk (see Attachment 8). This could apply for the proposed sewer connection on the Eastern Promenade side. The applicant proposes to dig pits on both sides and jack a pipe under the existing retaining wall and concrete sidewalk. The depth of the wall footing and the pipe elevation, however, remain uncertain until they actually dig into the ground.

The applicant has included this requirement as a note on the plans.

5. Stormwater-

The submitted stormwater plan is included as Attachment 5. Engineering review comments from Dan Goyette, Consulting Development Review Engineer, are included as Attachment 7. Dan recommends minor revisions to the site plans pertaining to stormwater management. City Technical Standards stipulate that the rate of runoff of stormwater leaving the site after development shall not exceed the pre development rate. The City recognizes the difficulties that on-site detention poses to urban development. As the amount of impervious coverage increases, the quantity of water leaving the site will inevitably increase with it. The rate and quality of runoff, however, must be regulated. The submitted stormwater report shows that there will be a slight increase in flow for the post development site conditions. The capacity of the existing combined sewer system and the effect of the proposal's stormwater and sanitary sewer flows on the system must be verified and taken into account in the design prior to approval. The applicant submitted revisions addressing Dan's comments on January 2, 2008 (see Attachments 16 and 17). These revisions have been submitted to but have not yet been approved by Public Works.

Planning staff recommends including a condition of approval that revisions to the stormwater management plan must be reviewed and approved by Public Works prior to the issuance of a building permit.

6. Public Utilities

The applicant has submitted a letter, dated September 18th, from Public Works stating that they have adequate capacity to handle wastewater flows from the proposed development. The applicant has also submitted a letter from Portland Water District (PWD) dated August 1, 2007 stating that they have adequate capacity to serve the development. The applicant has also submitted letters from both Central Maine Power (CMP), dated August 17, 2007 and Northern Utilities dated August 7, 2007 indicating that there is both sufficient electrical capacity and availability of natural gas in that location to service the proposed project. These letters have been included as Attachment 4. The applicant proposes to install all electric utility connections underground.

7. Solid Waste Disposal

The applicant proposes locating trash bins with wheels at the rear of the proposed parking area enclosed behind a gated stockade fence. There will be a row of arborvitae along three sides of the trash storage area, providing additional screening.

8. Groundwater

This proposed development will be served by public water and sewer, thus it will not adversely affect the quality or quantity of ground water.

9. Flood Hazard/Shoreland

The proposed development is not located within a flood plain zone or a shoreland zone.

10. Wetlands

No wetlands have been identified on this proposed site.

11. Comprehensive Plan

The components of the Comprehensive Plan relevant to this residential subdivision include:

- Eastern Promenade Master Plan – Adopted November 2003
- Housing: Sustaining Portland's Future – Adopted November 2002

The above two elements of Portland's Comprehensive Plan encourage housing to be created in Portland near neighborhood assets and to develop in a way that supports goals related to landscape character and public infrastructure along the Eastern Promenade. The Estates at Longfellow Inn is an infill redevelopment project located near businesses, services, mass transit and open space (Eastern Promenade park).

12. Exterior Lighting

The applicant has submitted a detailed lighting plan showing 3 exterior lighting fixtures (Sheet C-1.5- Attachment 14(h)). Proposed lighting is positioned to illuminate the parking area and entrance on the Wilson Street-side of the building. The Portland Technical and Design Standards and Guidelines stipulate that exterior lighting shall be adequate for the safety of users of the site but shall not cause glare or direct spillover to adjacent properties or create visual distraction to motorists on adjacent streets. According to the submitted photometric plan, the illumination

levels of the proposed lighting meet the standards of the Portland Technical and Design Standards, Section XV (4).

13. Fire Safety

The applicant submitted a life safety plan (Sheet G-1.2- Attachment 14(b)) and fire department checklist for review. Captain Greg Cass of the Portland Fire Department has reviewed and approved these materials.

14. Landscaping

The applicant has submitted a revised landscaping plan for review (Sheet C1.4- Attachment 14(g)). The applicant proposes to add assorted perennials and a weeping cherry (*prunus snowfozam*) above the retaining wall along Eastern Promenade. The plans include measures to both enhance and preserve the existing planting beds along the Eastern Prom and Wilson Street frontages with summer annuals and perennial species. As previously stated, the applicant proposes to plant forty five (45) arborvitae around the parking area as screening. In addition there are two mature cedar and two mature elm trees along the southwest property boundary, between the proposed parking area and an abutter's existing parking lot. The submitted landscaping plan identifies measures to preserve these trees during construction.

The applicant proposes two street trees along Wilson Street as required by Section VI .5.B (1) of the Technical and Design Standards (see submitted landscape plan - Attachment 14(g)). In addition, the applicant has met with Jeff Tarling, City Arborist concerning proposed landscaping along the Eastern Promenade frontage and has designed their landscaping to coincide with landscaping improvements currently being designed and implemented along the Eastern Promenade

Jeff submitted review comments for the most recent plans (see Attachment 10). In summary, Jeff notes that the landscape treatment of ornamental shrubs and landscape beds fits into the character of the nearby residential landscape. Jeff noted that the proposed Elm tree along the Eastern Promenade should be revised to an Autumn Blaze Maple in order to reflect revisions to the Eastern Promenade Street Tree Plan, Atlantic Street to Wilson Street segment, as designed by Regina S. Leonard, Landscape Architect and submitted by Woodard and Curran for the Eastern Promenade Master Plan Improvements. Jeff also suggests the following conditions of approval:

1. To meet the 2-trees per residential unit guidelines as required by the Technical and Design Standards, a contribution for 10 additional trees to the City Tree Fund is recommended. The project unit calculations would require 14 trees and the project is placing four with the project area. The new trees would help fill gaps or replace missing trees in the surrounding neighborhood of the project.
2. That impact to the Eastern Prom lawn area be limited during construction. This would include: no storage of trucks, equipment, or materials on the lawn area. All damaged areas to be repaired in a timely manner, the sidewalk pedestrian way along the Eastern Prom be maintained in good condition during construction work.
3. The project team or contractor shall contact Parks & Recreation concerning construction activities that might affect the Eastern Prom and park areas.

15. Relationship to existing development

The proposed building is shown in context with the surrounding structures on the submitted site plan. In terms of preservation of views, the applicable Site Plan Standard reads as follows:

View corridors: The placement and massing of proposed development shall not substantially obstruct those public views to landmarks and natural features from those locations identified on the View Corridor Protection Plan, a copy of which is on file in the department of planning and urban development;

The proposed development is not located in an area identified in the View Corridor Protection Plan. As requested by the Board at the December workshop, Corporation Counsel has provided a memorandum advising the Board on their review of potential view diminution (see Attachment 15).

16. Urban Design

The proposal shall be evaluated in terms of Section 14-526 (15) of the Site Plan standards. This section states:

Two-family, special needs independent living unit, multiple-family development, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

- 1. (a) The exterior design of the proposed two-family structures, lodging houses and emergency shelters, including architectural style, facade materials, roof pitch, building form and height, shall be designed to complement and enhance the nearest residential neighborhood;*

Carrie Marsh, Urban Designer for the City of Portland reviewed the submitted site plan and elevation drawings and has submitted the following comments (see Carrie's email- Attachment 11)

The building design is consistent with the nearest residential neighborhood in terms of architectural style, facade materials, roof pitch, building form and height. The elevations indicate a building that is similar in scale to the structure across Wilson Street, and other buildings along the Prom. The design therefore appears to be consistent with the Site Plan Standards.

XI. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the Estates at Longfellow Inn subdivision and site plan with the proposed waivers and conditions of approval.

XII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of plans and materials submitted by the applicant, public comment received at the public hearing and the information contained in Planning Report # 05-08 relevant to standards for subdivision and site plan regulations, and the Portland Planning Board finds:

1. That the subdivision plan The Estates at Longfellow Inn at 130 Eastern Promenade **[is / is not]** in conformance with the subdivision standards of the land use code, **subject to the following conditions:**

Potential Conditions of Approval

1. The final recording plat meeting the requirements of Portland's Subdivision Ordinance and listing conditions imposed by the Planning Board will be submitted for the Planning Board's Signature.
2. That the plan **[is / is not]** in conformance with the site plan standards of the land use code, **subject to the following waivers and conditions:**
 1. That the revised boundary survey submitted by the applicant be reviewed and approved by Public Works prior to the issuance of a building permit.
 2. All final plan sheets must stamped and signed by a professional engineer.
 3. All comments submitted by Public Works in their memorandum dated January 16, 2008 must be addressed and approved by Public Works prior to the issuance of a building permit.
 4. All comments submitted by Jeff Tarling, City Arborist pertaining to the submitted landscaping plan and identified in his review letter dated January 18, 2008 must be addressed and approved by him prior to the issuance of a building permit.
 5. The proposed street tree along the Eastern Promenade should be revised to show an Autumn Blaze Maple (*Acer freemanii*). This change to the plans must be reviewed and approved by Jeff Tarling, City Arborist prior to the issuance of a building permit.

XIII. ATTACHMENTS:

1. Site Plan application and cover letter
2. Evidence of Right, Title or Interest- Warranty Deed
3. Letter from Bangor Savings Bank - dated January 2, 2008
4. Utility Capacity Letters
 - a. Letter from Central Maine Power - dated August 17, 2007
 - b. Letter from Northern Utilities - dated August 7, 2007
 - c. Letter from Portland Water District - dated August 1, 2007
 - d. Letter from Portland Public Works - dated September 18, 2007
5. Revised Stormwater management report - dated November 19, 2007
6. Evidence of Neighborhood Meeting
7. Memorandum from Dan Goyette, Consulting Engineer from Woodard and Curran - dated December 4, 2007

8. Memorandum from Dan Goyette dated December 19, 2007
9. Memorandum from Marge Schmuckal - dated November 2, 2007
10. Memorandum from Jeff Tarling, City Arborist – dated January 18, 2008
11. Memorandum from Carrie Marsh – dated January 18, 2008
12. Zoning determination addressed to Wally Geyer and Anthony Salem of Casco Bay Ventures from Marge Schmuckal- dated September 26, 2007
13. Letter from Wally Geyer, Casco Bay Ventures requesting exemption from Section 14-483 of the City Code - dated October 22, 2007
14. Revised Plans with cover sheet - dated November 20, 2007
 - a. General Notes- Sheet G-1.1
 - b. Life Safety Plan- Sheet G-1.2
 - c. Boundary Survey
 - d. Subdivision Plan – Sheet C-1.1
 - e. Site Plan – Sheet C-1.2
 - f. Details – Sheet C-1.3
 - g. Landscaping Plan – Sheet C-1.4
 - h. Lighting Plan – Sheet C-1.5
 - i. Basement and Roof Plan – Sheet A-1.1
 - j. First Floor Plan – Sheet A-1.2
 - k. Second Floor Plan – Sheet A-1.3
 - l. Third Floor Plan – Sheet A-1.4
 - m. Exterior Elevations – Sheet A-2.1
15. Memorandum from Penny Littell, Associate Corporation Counsel re: property rights in view preservation. – Dated January 16, 2008
16. Letter of response to Public Works comments, from LCE, PA dated January 2, 2008
17. Revised drainage plan and pipe calculations- January 2, 2008
18. Public Comment
 - a. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated September 4, 2007
 - b. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated December 6, 2007
 - c. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated December 17, 2007
 - d. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated January 8, 2008
 - e. Letter from Bruce McGlaflin, Esq. Petrucelli, Martin & Haddow, LLP. Dated January 17, 2008