



June 21, 2011

Ms. Shukria Wiar, Planner  
Planning and Urban Development Department  
City of Portland  
389 Congress Street  
Portland, ME 04101

**RE: 130 Eastern Promenade, Project ID 2011-258**

Dear Shukria,

Thanks to you and the City Staff for their favorable review of the proposed Condominium Conversion at 130 Eastern Promenade. We have reviewed the Preliminary Comments from Staff regarding the Level 2 Development Review, and have attached a memorandum that addresses all comments raised to this point.

In reviewing the Stormwater Comments, we took a closer look at the extent of impervious cover on the project (existing and proposed) and have determined that the increase is significantly less than we originally had calculated (512 SF increase). We have therefore updated the Application Project Data to reflect these quantities. Correspondingly, we have revised the Stormwater Management Plan resulting in a post development condition that treats some portion of the increased runoff through use of a small rain garden to treat the roof runoff from the deck and small addition to the building. This is described in detail in the Stormwater Management Plan and the rain garden is indicated on the revised site plans that are being submitted with this application.

As noted in the review, there are also several waivers to the Technical Standards are required, and so we formally request waivers to the following standards:

**1.14. PARKING LOT AND PARKING SPACE DESIGN.**

This Section indicates that any parking lot less than 10 spaces should contain all standard sized parking spaces. In the R-6 District 1 PS/DU is required. We are providing 2PS/DU on the proposed Site Plan, of which the required (3) are standard spaces and the other 3 are proposed to be compact spaces. We request a waiver to the Standards to allow the three compact spaces.

Also in this section the Standard Parking Space is defined to be 9 ft wide x 18 ft long. Because we are proposing the standard parking spaces as parallel parking, we have modified the dimensions to 8 ft wide x 20 ft long. This dimension allows for a longer space to parallel park into, and the 8 ft width is justified because there are no cars parking adjacent to the spaces restricting door access. This is a standard dimension utilized in much of the City where parallel parking occurs. We are requesting a waiver to the Standards to allow the modified dimensions for the standard parking spaces.

Parking Lot Aisle widths are indicated in Figures I-28 thru I-31. The proposed parking is a combination of parallel and perpendicular parking and does not meet the criteria indicated in the Figures. We are providing a 12 foot aisle width in the front part of the lot where there are 2 parallel spaces, which meet the criteria for one-way circulation. We are providing an aisle width of 23 feet in the rear where the 3 compact spaces are parked perpendicular to the aisle, with one parallel space on the other side. We believe that for the most part the users will be backing out onto Wilson Street. Given the low volume of use we believe this configuration of parking and aisle width provides adequate maneuvering room for the vehicles. We request a waiver to the aisle width standards to allow this proposed parking arrangement.

We also request a waiver from the Water Quality, Stormwater Management and Erosion Control Standard of the Land Use Ordinance, Section 14-526 (b) (3) (a).

*(iii) Any increase in volume or rate of stormwater draining from the lot onto City property following the improvement can be handled without creating ponding, flooding or other drainage problems and that the owner of the lot being improved has the legal right to increase the flow of stormwater onto the City's property.*

The very small increases in stormwater volume and rate as described in the enclosed stormwater report will not create any significant issues on City property. We request a waiver for the legal right to increase the flow of stormwater onto the City's property.

*(iv) Any increase in volume or rate of stormwater draining from the lot into the City's separate storm sewer system can be accommodated in the system without creating downstream problems or exceeding the capacity of the storm sewer system.*

We request a waiver from this standard for the very small increase we will be making to the City's stormwater system.

Please review the attached Response to Staff Comments, with attachments and revised plans. We look forward to final comments from your Department and are hopeful to begin work this summer. Please contact me if you have any further questions or need additional information.

Regards,



Patrick J. Carroll, Principal

Att. Revised Application Project Data Sheet  
Fence Detail  
Capacity Letter from City of Portland Department of Public Services  
Letter of Financial Capacity  
Lighting Cut Sheets and Photometrics  
Roof Mounted Condenser Cut Sheet  
Existing Conditions Photographs  
Revised Stormwater Management Plan  
Erosion and Sedimentation Control Plan and Narrative  
Revised Site Plans

CC: Peter Wellin, Fish House Realty  
Shannon Richards, Fish House Realty  
Mark Mueller, MMA

**Project Memo: 130 Eastern Promenade**

**To: Shukria Wiar**

**From: Patrick Carroll**

**Date: June 21, 2011**

**RE: Response to Staff Comments**

A. Zoning

Marge Schmuckal, Zoning Administrator. This property has had a long history and a couple of owners. There have been previous approvals, but court cases have disturbed the finality of the work.

The current owner, Fish House Realty, is requesting to convert the legal use of the existing building from 11 vacant units (3 years) to 3 residential condominiums. The garage in the rear will be removed. The side addition will be removed and replaced within the same footprint, maintaining the legal nonconforming side setback. The rear setback will now be increased to 30' with the removal of the garage on the rear property line.

Parking requires a minimum of 3 parking spaces. 6 parking spaces are being shown. The lot coverage and open space ratios are being met.

Separate permits shall be required for the work and the condominium conversion. The replacement one-story addition shall begin within 1 year after the previous addition is demoed in order to maintain the legal nonconforming side setback.

**Response: No response required.**

B. Planning

1. Per 14-526 (3) (a), all development must demonstrate that the proposed site improvements are designed to minimize the amount of stormwater leaving the site. This must include consideration of the design and location of improvements to minimize the total area of impervious surface on the site and stormwater management techniques to minimize both the volume and rate of runoff from the lot. The stormwater management plan must demonstrate the four requirements (please refer to the stand for more details).

**Response: The proposed development at 130 Eastern Promenade has been carefully designed to minimize the amount of stormwater leaving the site. The majority of site development occurs within the footprint of existing structure that is being removed. The low density of development which is proposed was designed to insure that the existing garden/ greenspace area is preserved as a key element of the site. The majority of increase in impervious cover from the existing conditions is located such that their respective runoff is directed in sheet flow across a landscaped area prior to discharge at the property line. Proposed collection/ infiltration of runoff from the deck and roof addition minimize the flows from runoff on the site. The Stormwater management Plan has been developed which meets the four requirements in Section 14-526(b).3. (a) of the Site Plan Standards as described below:**

- i. This project will not impede or redirect pre-development stormwater flows that would create ponding or flooding on adjacent lots.
- ii. This project will not cause increase in stormwater volume or rate onto adjacent lots.
- iii. The very small increases in stormwater volume and rate as described in the enclosed stormwater report will not create any significant issues on City property. We are requesting a waiver for the legal right to increase the flow of stormwater onto the City's property.

- iv. We are requesting a waiver from this standard for the very small increase we will be making to the City's stormwater system.
2. Retaining walls over four feet will need to have engineered details on the site plan.  
Response: Proposed retaining walls do not exceed 3'-8" in height.
3. Provide more information on the proposed fence, i.e. color, material, typical, etc.  
Response: The fencing is proposed to be Northern White Cedar, vertical board fence, 6 ft height, transitioning to 4 ft height within 20 feet of Wilson Street. See attached Fence detail.
4. Please submit utilities approved capacity letters.  
Response: Letters from the Portland Water District and Unutil were submitted with the application. A letter from the City of Portland regarding Wastewater capacity is attached to this memo.
5. For the Final Application, please submit financial capacity letter. The applicant will be financing this project using private funds; we will still need a letter from their bank that they have the sufficient funds to cover the cost of the project.  
Response: A letter from Mr. Wellin's Financial Management Company is attached to this response memo.
6. Submit photometric plans for review. We will need the catalog cuts for all proposed fixtures.  
Response: Catalog cuts and photometrics for all proposed lighting are attached to this response m
7. The site plan shows two up-lights at the entrance of the building on Eastern Promenade, up-lighting is prohibited, please refer to 14-526 (d) (6) (b):  
Up-lighting by any method is prohibited except for public buildings and parklands, clock towers and steeples, landscape features, designated historic landmarks, flags of state, federal or national jurisdictions, and public art. Such light fixtures, brackets, conduits and all other components shall be designed by a lighting professional and shall be scaled and placed to minimize their visibility and installed in accordance with the standards contained in Section 12 of the Technical Manual.  
Response: We agree and the uplight has been removed from the proposal.
8. Show bike and motorcycle parking on the site plans.  
Response: Bicycle storage is proposed to be located within the enclosed portion of the carport in front of the 3 parking spaces. It is identified as #17 on sheet A-1. No scooter parking is proposed for this project.
9. Noise levels for the mechanical equipment to be submitted for review.  
Response: The Applicant is proposing roof mounted condensing units. They will be located on the roof in an area approximately 7'-6" x 23'-0" and 30 feet above the ground. Typical noise range for these units is 74-79dB. Given its location and the type of units proposed we believe the noise level has been effectively minimized for this project. A cut sheet of a typical cooling condenser unit is attached to this response memo.
10. Any proposed signage will need separate permits.  
Response: The Applicant will be submitting a separate application for signage once it has been determined.

11. The responses to the R-6 Design Standards are not included in the application submittal. Please submit for review.

**Response:** This project is not an infill project and therefore the R-6 Infill Project Design Standards do not apply to this project...

12. The cover letter refers to photos of the site, but is not included in the application.

**Response:** Photos of the site are attached with this response letter.

### C. Engineering

David Margolis-Pineo, Deputy Engineer. No comments.

**Response:** No response required.

### D. Stormwater

1. The cover letter references Site Location of Development (SLOD) review under the City's The final site plans will need to be stamped by a professional engineer licensed to practice in the State of Maine (Section 14-527, sub-section (d) of the City of Portland Land Use Ordinance)

**Response:** Final Site Plans will be stamped by Steve Blais, the Project Civil Engineer.

2. In accordance with Section 5 of the City of Portland Technical Manual, Level II Site Plans are required to submit a stormwater management plan pursuant to Maine Department of Environmental Protection Chapter 500 Stormwater Management Rules addressing the Basic, General, and Flooding Standards:

- a. Basic Standards: The submittal package does not address erosion and sediment controls, maintenance and inspection plans, and housekeeping measures required under the Basic Standards.

**Response:** Enclosed is a written erosion and sedimentation control plan, and inspection and maintenance of stormwater facilities plan which includes housekeeping measures required under the Maine Department of Environmental Protection (MDEP) Chapter 500 basic standards.

- b. General Standards: The submittal package does not address stormwater quality measures required under the General Standards. Because of the nature of the site, it may be challenging to manage stormwater generated solely from new impervious surfaces. If the applicant is not able to manage stormwater generated from new impervious surfaces, we recommend evaluating the use of landscaped areas for bio-retention or potentially storage/reuse of roof water with rain barrels to manage an equivalent impervious surface area in lieu of direct treatment of new impervious areas, or the applicant may propose other stormwater management options for consideration.

**Response:** We have added a rain garden to treat the more impervious area than this project adds.

- c. Flooding Standard: The applicant has included a Stormwater Management Report prepared by Blais Civil Engineers. The Stormwater Management Report indicates an increase in peak flow rate from the proposed site in the 2, 10 and 25 year storm events. If the applicant proposes to increase peak flow rate from the site, they will need to request a waiver from the flooding standard. This waiver will be evaluated by Department of Public Services, as runoff generated from the site will enter City Streets and the City's combined sewer infrastructure.

**Response:** We have requested a waiver from this standard for the very small increases in the rate of stormwater flow that are described in the enclosed stormwater report.

3. The HydroCAD model uses incorrect rainfall amounts for the 2, 10, and 25-year, 24 hour storm events. Refer to the MaineDEP Stormwater Best Practices Manual, Volume III, Chapter 2 – Hydrology, Table 2-1.

**Response:** We have updated the rainfall depths per the latest Portland standards, which are now in line with the MDEP standards. We have updated peak flow rates accordingly in the attached stormwater report.

4. A new 4” water service for fire suppression is proposed within the City ROW. The applicant should include a typical pipe trench detail and pavement repair detail for work within the City Street in accordance with PWD and City Standard Details.

**Response:** A detail for Typical Pipe Trench and Pavement repair is attached to this Response Memo.

#### E. Traffic

1. The applicant should submit documentation that supports the needs for a 30-foot wide. The driveway width is proposed to be 12-feet wide and meets City standards.

**Response:** Based on communication with Shukria, no response is required for this comment.

2. Acceptable sight distances will be provided from the proposed driveway.

**Response:** No response required.

3. Adequate driveway separation will be provided.

**Response:** No response required.

4. The use of compact parking spaces for the proposed lot does not meet City standards. The applicant should formally request a waiver. I support use of compact spaces.

**Response:** The zoning requires 1 space per DU; the applicant is proposing 2 spaces per DU, 1 of which will be a compact space. As the compact spaces are in addition to the required parking spaces, we believe no waiver is required, but have requested one in the cover letter.

5. The standard parking spaces proposed for the site do not meet City standards. The spaces are proposed to be 8’x20’. The applicant should formally request a waiver and note why the standard can’t be met.

**Response:** The proposed parking space is 8 ft x 20 ft are proposed as parallel spaces along the side of the driveway. The proposed dimensions allows for a full 12 ft driveway width as well as a 2 foot landscaped zone between the parking and property line, which accommodates a wooden fence and bollard lighting. The dimensions indicated are standard dimensions for parallel parking. A formal waiver request is noted in the cover letter.

6. The proposed parking circulation aisle width does not meet City standards. The applicant should formally request a waiver.

7. **Response:** The driveway aisle is 12 feet wide with parallel spaces as it enters the property and extends past the proposed building entrance. At the carport the aisle width widens to 23 feet. We believe the drive and aisle provides adequate maneuvering room given the small number of vehicles it accommodates. A formal waiver request is noted in the cover letter.

8. Access into and out of the parking space near the trash enclosure will be very difficult. The applicant should provide information that the noted space is reasonably accessible.

**Response:** We have revised the location of the Trash Enclosure to provide additional maneuvering space around the end parking space, which now allows approximately 25 feet of length to pull up and back the vehicle into the space. We believe this provides a reasonably accessible parking arrangement and also makes the trash enclosure more accessible for residents. We will follow up with a turning diagram if desired by Staff.

9. The applicant should provide information noting how vehicles will circulate from parking spaces. Is it the intent that vehicles will back onto Wilson Street?

**Response:** The intent is that the parallel spaces will back onto Wilson Street, and the Compact spaces may either back out or be able to turn around if space allows. Given the limited use of this lot and the low volume of traffic on Wilson Street, we do not anticipate issues either on-site or onto Wilson Street.

#### F. City Arborist

Jeff Tarling, City Arborist.

1. I have reviewed the proposed 130 Eastern Promenade Conversion project, overall the landscape plan is acceptable as shown with the following conditions / recommendations: that the two 'Cleveland Pears' shown as street-trees on Wilson Street be changed to a different species, perhaps Amelanchier x grandiflora 'Princess Diana', single-stem, upright tree form or Malus x 'Adirondack', flowering Crabapple or similar type tree. We have had issues with all Callery Pears due to storm damage, especially on or near the Eastern Prom area.

**Response:** We agree that Cleveland Pear may be susceptible to storm damage and will modify the plan. We are proposing substituting Armstrong Red Maples to match trees planted along the Eastern Promenade (see response below)

2. The Eastern Promenade Master Plan specifies that an "Armstrong" Red Maple be planted along the Eastern Prom sidewalk across from, or near the corner of the existing building. The EP 'Street Tree Plan' acknowledges the balance between the historic alley of trees and desire for vistas. Thus tree selection for this area is "Armstrong" Red Maple that would have a narrow, upright form. The tree plan also considers the removal of existing Norway maple and replacement if desired. This could be worked out after the approval process.

**Response:** The Applicant would propose removing the existing Norway Maple and installing two Armstrong Red Maples along the Eastern Promenade, as recommended above by Mt. Tarling. Additionally, the Applicant would be amenable to replacing the next adjacent Red Norway Maple to the east, providing a total of 3 trees in the Promenade. This would provide a massing of new trees that gives some prominence and continuity to this corner.

#### G. Fire Department

Capt. Keith Gautreau has reviewed the site plan and is satisfied with the project as proposed.

**Response:** No response required.

End of Response Memo.