



November 18, 2013

Eileen Simko-Minte
130 Eastern Promenad LLC
110 Marginal Way #212
Portland, ME 04101

Patrick Carroll
Carroll Associates
217 Commercial Street #200
Portland, ME 04101

RE: Staff Review Comments for Amendments to Approved Plans for 130 Eastern Promenade

Project Name: 130 Eastern Promenade Plan Amendments
Address: 130 Eastern Promenade
Applicant: Eileen Simko-Minte
Planner: Nell Donaldson

Project ID: 2013-236
CBL: 003 C001001

Dear Ms. Simko-Minte:

Thank you for submitting an application for amendments to the approved Level II site plan for renovation and conversion of the existing three-story residential structure at 130 Eastern Promenade. For reference, the original approval letter, dated June 30, 2011, is attached. The amendments have been reviewed subject to the Site Plan Ordinance, Article V of the Land Use Code.

Staff Review Comments

1. Transportation Standards

It is noted that the parking configuration in the amended plans differs substantially from the approved plans and does not comply with the original conditions of approval. However, Thomas Errico, consulting traffic engineer, writes of the amended parking configuration,

I have reviewed the details of the proposed project and I find conditions to be acceptable from a traffic perspective. I would note that I support waivers from our technical standards for parking stall and aisle width dimensions. It is my professional opinion that the majority of site circulation maneuvers can occur on-site and if backing maneuvers do occur, Wilson Street is a very low volume and speed roadway.

Formal requests for waivers from the technical standards should be submitted with the revised submittal.

David Margolis-Pineo, of the city's Department of Public Services, comments,

To stay in character with the neighborhood, the applicant is requested to reuse the granite curb "Bugs" to define the driveway cut and not granite tipdowns as proposed.



Please score a defined joint between the proposed concrete walk infill and the existing concrete walk.

2. Environmental Quality Standards

Landscaping and Landscape Preservation

As noted in prior correspondence, landscaping plans should be updated to reflect changes to the existing street tree configuration on the Eastern Promenade.

Jeff Tarling, the city's arborist, has reviewed the amended plans, which relocate the rain garden, remove terrace area, and remove trees, among other landscaping changes. He writes,

The project proposes two new street trees along Wilson Street. Due to overhead utility lines overhead on the second tree (away from E Prom) that tree should be a smaller tree such as Sargent Cherry, Japanese Tree Lilac vs the 'Armstrong' Red Maple as shown. The maple is good for the tree closest the prom with no overhead wires.

The project should review tree planter width recommended at 3.5' min and ideal at 4'. Sidewalk needs to comply with ADA standards on width. This may require a cut-out in the sidewalk and tree grate.

Review and increase plant sizes for the 1 gallon plant sizes to 3 gallon size on 'Grow-low sumac, the crab-apple recommendation would be "Adirondack". Options for the proposed Japanese Tree Lilac could also be dogwood or crab-apple.

Of the tree well size, Mr. Margolis-Pineo adds,

Please extend the proposed tree planter cut out to 3.75' wide from inside face of curb to be consistent with cut outs up the street.

Mr. Tarling also suggests,

The back property line near the proposed parking should include a low wood fence to screen car parking along with a complement of landscape treatment. The landscape treatment or planting should include shrub planting to help as a screen. The ideal height would be 5 - 6', perhaps 'Korean' Lilac size... the available planter width along the property line should be widened to perhaps 3' if possible to accommodate this planting space. Narrowing the proposed paved walk space between the drive and building could be reduced perhaps to find space.

Could the trash dumpster be moved up toward the street equal to the car parking area, approximately 6 - 8' to provide landscape space in the corner?

As previously noted regarding the trash area, which appears to have moved closer to the adjacent



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property, additional details should be provided in revised plans. These details should indicate how the proposal for the trash and recycling area has changed, how the area is now proposed to be enclosed, if at all, and proposed dimensions (including distance to the property line). Additional landscaping in this area should also be considered, in order to enhance screening.

Likewise, please indicate the location of the condenser units, which are now proposed to be located inside a "full height architectural shingled element" in the carport, on the amended plans.

Water Quality, Storm Water Management and Erosion Control

David Senus, the city's consulting civil engineer, provides the following comments on the amended plans,

The rain garden details on sheet D-1.0 and the retaining wall detail on L-5.1 indicate that an underdrain will exist below the rain garden and at the base of the retaining wall; however, no underdrains are depicted on the site plans. If an underdrain is required for these systems, we encourage day-lighting the underdrain(s) in lieu of a direct connection to the combined sewer; clarification should be provided on the plans and/or details.

The Inspection and Maintenance Plan for Stormwater Management Facilities should include reference to annual reporting requirements in accordance with and in reference to Chapter 32 of the City of Portland Code of Ordinances.

3. Public Infrastructure and Community Safety Standards

No comments at this time.

4. Site Design Standards***Historic Resources***

As the project lies adjacent to the Eastern Promenade Historic Landscape District, Deb Andrews, Historic Preservation Manager, has reviewed the revised elevations. She has suggested that the architect consider retaining more of the building's original details, as shown on the 1924 tax photo (and which appear to be omitted in the amended plans), such as the window lintel detail, the first floor entry details, and the dentil course on the pediment. Direct discussion with Ms. Andrews on this matter is suggested. She can be reached at 874-8726.

Exterior Lighting

Please confirm that no lighting changes have been made to the original, approved plans.

Additional Submittals Required

It should be noted that, in accordance with the original conditions of approval, a stormwater maintenance agreement will be required and property corners will need to be set. In addition, a note should be added to the site plan indicating that work within the right-of-way will be coordinated with the Department of Public Services.



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Mr. Senus and Mr. Margolis-Pineo both note that the final submittal must include plans stamped and signed by a Maine Licensed Professional Engineer,

The Applicant has noted that, in accordance with the Site Plan Review Conditions of Approval, all site plans will be stamped and signed by a Maine Licensed Professional Engineer; at this time, the plans have not be stamped and signed.

Note that the Planning Authority may request additional information during the continued review of the proposal according to applicable laws, ordinances and regulations.

Planning Staff Recommendation

Based upon the staff review of the amended site plan, I recommend that the applicant proceed with submission of a final plan for staff review. Please submit one (1) complete paper set and one (1) digital set of plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made.

If you have any questions, feel free to contact me at 874-8723 or by email at hcd@portlandmaine.gov.

Sincerely,

Neil Donaldson
Planner

Attachments

1. 130 Eastern Promenade Approval Letter to Fish House Realty, June 30, 2011

Electronic Distribution

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Danielle West-Chuhta, Associate Corporation Counsel
Marge Schmuckal, Zoning Administrator
Katherine Earley, City Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer
Captain Chris Pirone, Fire
Jeff Tarling, City Arborist
Tom Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard & Curran



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Planning and Urban Development Department
Penny St. Louis, Director

Planning Division
Alexander Jaegerman, Director

JUNE 30, 2011

PETER WELLIN
FISH HOUSE REALTY, LLC
PO BOX 15400
PORTLAND, ME 04112

PATRICK CARROLL
CARROLL ASSOCIATES
217 COMMERCIAL STREET #200
PORTLAND, ME 04101

Project Name: CONDOMINIUM CONVERSION
Address: 130 EASTERN PROMENADE
Applicant: FISH HOUSE REALTY, LLC
Planner: SHUKRIA WIAR

Project ID: 2011-258
CBL: 003-C-001

Dear Mr. Wellin:

On June 30, 2011, the Portland Planning Authority approved a Level II Site Plan Application for renovation and conversion of the existing three story residential structure from eleven (11) apartments into a three (3) unit condominium located at 130 Eastern Promenade. The project will include demolition of an existing one story structure on the rear and side of the main building, and the construction of an addition to the south side of the building and of an open-air attached carport for three compact cars. Additional site improvements include relocating the existing driveway, additional surface parking behind the building, and landscaping improvements. The approval was based upon the applicant's submittal, including but not limited to the site survey by Robert Greenlaw of Ocean Park Land Surveying, LLC, and the approved site plan prepared by Carroll Associates and dated 06.21.2011, with the following waivers and conditions as presented below:

WAIVERS

The Planning Authority waives the Water Quality, Stormwater Management and Erosion Control Standard, Section 14-526 (b)(3)(a) of the Zoning Ordinance. The total runoff from the site in the 2, 10, and 25 year storm events is small, and the increase in runoff due to this project will be minor. The Applicant's request meets the waiver criteria outlined in the Land Use Ordinances referenced above and under the stormwater standards contained in the City's Technical Manual, specifically Chapter 500, Section 4, E. Flooding Standard, (2) Waiver of the flooding standard, (b) Insignificant increases in peak flow rates from a project site.

The Planning Authority waives the Technical Standard, Section 1.14 for the following modifications:

- a. To allow the two parallel parking spaces to be 8' x 20' along the driveway instead of standard parking size of 9' x 18'.
- b. To allow compact parking spaces under the canopy.
- c. To allow a reduced aisle widths of 12' and 23' instead of the required width of 24' for two-way traffic.

SITE PLAN REVIEW

1. That the applicant must comply with the conditions of Chapter 32 Stormwater including Article III, Post-Construction Stormwater Management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment & erosion control plan based on our standards and state guidelines. A maintenance agreement for the rain gardens acceptable to Corporation Counsel must be submitted and signed prior to the issuance of a certificate of occupancy.
2. That all comments submitted by David Senus in his memorandum dated 06.27.2011 must be addressed and approved prior to the issuance of a building permit.
3. That the parking space near the trash enclosure shall be eliminated for improved on-site circulation and egress movements.
4. The proposed condensing units and any roof top mechanicals shall be screened by an architectural structure wall and shall have noise suppression mechanism. The applicant shall provide documentation of the projected noise levels at the property line and any mitigation measures prior to building permit issuance.
5. That the applicant shall coordinate their work in the right-of-way with the City's Department of Public Services.
6. The applicant shall submit an approved capacity letter from Portland Water District before the issuance of the building permit.
7. That all property corner pins shall be set prior to the issuance of building permit.
8. That all final plan sheets must stamped and signed by a professional engineer.

The approval is based on the submitted site plan. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

STANDARD CONDITIONS OF APPROVAL

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

1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14 of the Portland City Code.
2. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

3. 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.
4. 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 paper sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. 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.
5. The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site with the contractor, development review coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the 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.
8. 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. 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 Shukria Wiar at 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

1. David Senus memorandum dated 06.27.2011
2. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis, Director of Planning and Urban Development

Alexander Jaegerman, Planning Division Director

Barbara Barhydt, Development Review Services Manager

Shukria Wiar, Planner

Philip DiPierro, Development Review Coordinator

Marge Schmuckal, Zoning Administrator

Tammy Munson, Inspections Division

Lannie Dobson, Administrative Assistant

Michael Bobinsky, Public Services Director

Katherine Earley, Public Services

Bill Clark, Public Services

David Margolis-Pineo, Deputy City Engineer

Jane Ward, Public Services

Keith Gautreau, Fire

Jeff Tarling, City Arborist

Tom Errico, TY Lin International

David Senus, Woodard & Curran

Assessor's Office

Approval Letter File

Hard Copy: Project File