



December 4, 2013

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

**RE: 130 Eastern Promenade
Level 2 Site Plan Amendment
Response to Staff Review**

Dear Helen,

Thank you and the rest of the Staff for your review of the proposed condominium conversion and renovation of the residential structure located at 130 Eastern Promenade. We have reviewed the comments from Staff regarding the Level 2 Site Plan Amendment, and have attached a memorandum that addresses all comments raised to this point.

Please review the attached items and revised plans. We look forward to final comments from your Department and are hopeful to begin work this winter.

Enclosed you will find the following items:

- Response to Staff Comments Letter
- Revised Site Drawings:
 - L-1.0 Site Preparation Plan
 - L-2.0 Site Layout & Materials Plan
 - L-3.0 Site Grading Plan
 - L-4.0 Landscape Plan
 - L-5.0 Site Details
 - L-5.1 Site Details
 - D-1.0 Drainage Plan
 - A-2.1 Elevations
 - A-2.2 Elevations

You'll note that we have provided one hard copy, as well as an electronic copy of each, which can be found on the enclosed CD. Please feel free to contact our office if you have any questions or concerns. We look forward to working closely with you during the review and approval of this project.

With Regards,
CARROLL ASSOCIATES

Patrick J. Carroll, Principal

CC: 130 Eastern Promenade, LLC
Mark Mueller

Project Memo: 130 Eastern Promenade

To: Helen Donaldson

From: Patrick Carroll

Date: December 4, 2013

RE: Response to Staff Comments

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.

Response: As part of the original approval, dated June 30, 2011, it was requested that one of the open air parking stalls near the trash enclosure be eliminated to improve circulation and egress movements. Due to the limited parking on site all the spaces are absolutely necessary and the loss of even one does not work. This request has been worked out with staff to keep the third stall by relocating it and the trash enclosure to provide necessary circulation and egress movements. This condition is still applicable for this application and is reflected in the current plan set.

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.

Response: No response required.

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

Response: No new or modifications to the original request for waivers are part of this application. The waiver requests approved in the original application are still relevant for the amendment.

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 tip-downs as proposed.

Response: The existing granite bugs will be salvaged and reused to define the new driveway. The plans and details have been revised to reflect this request.

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

Response: Expansion joints will be installed between the existing concrete sidewalk and the proposed infill, as well as between the proposed infill and the existing retaining wall. A note stating this has been added to the plans.

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.

Response: The plans have been updated and a note added; indicating that the existing trees on the Eastern Promenade are 'Armstrong' Red Maples that were planted in the spring of 2013 as part of the original Site Plan Approval.

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.

Response: The selection of the second street tree back from the Eastern Promenade has been changed to a Japanese Tree Lilac so not to interfere with the overhead utility lines as it matures. The selection of the cultivar called "Ivory Silk" will eventually obtain a mature canopy size of 18-20' tall and 12-15' wide.

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.

Response: Discussions with the City Arborist resulted in the recommendation of using a 3'x5' tree grate over the proposed tree pits. We feel that the tree grate is not a good option for a few reasons. First, due to the grass esplanade along Wilson Street there is no foundation or base for half the tree grate to rest on or attach to. It would require the pouring of a concrete lip/collar and the installation of gravel subbase thus greatly reducing the available soil volume for the tree to grow in. Secondly, there is not a precedent of using tree grates on the Eastern Promenade thus not matching the consistent feel of the neighborhood. Most existing street trees are just cut outs in the side walk; many instances where the existing sidewalk is very narrow. Lastly we feel that tree grates can become a maintenance issue for the City in the future. For those reasons we feel that a tree grate is unnecessary and not applicable for this application. We are instead proposing a 3.75'x6' tree pit cut out that will be flush to the adjacent grade.

The existing concrete sidewalk along Wilson Street averages about 4'-8" in width. Adjacent to the sidewalk is a ±12" grass strip that runs along the entire face of the adjacent stone wall; it is being proposed to be removed and infilled with concrete to widen the sidewalk and eliminate the maintenance aspect of it. This will provide a minimum of 4'-0" of sidewalk clearance between the tree pit and the existing stone wall for universal access.

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

Response: The plant schedule has been revised to specify the proposed size of the 'Gro-Low' Sumac has been increased to a 3 gallon pot and the cultivar of ornamental crabapple has been specified as 'Adirondack'.

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.

Response: As requested, we have revised the plans to show the tree pit cut outs at 3.75' x 6'. This will provide a minimum of 4'-0" of sidewalk clearance between the tree pit and the existing stone wall for universal access.

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.

Response: A six foot tall, solid, wood, privacy fence is shown on the plans along the west and south property lines; as the fence approaches Wilson Street it steps down to four feet tall. This fence will do an adequate job in screening the cars and providing privacy.

We feel the driveway and sidewalk along the building face cannot be moved or reduced in width for many reasons, thus the planter along the property line cannot be expanded in width. We feel the fence does an adequate job in screening the cars.

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?

Response: The trash enclosure location was previously approved for this location (by staff), we feel it is in the most appropriate spot and do not feel a relocation of it is necessary.

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

Response: The plans have been revised to show overall dimensions of the trash enclosure, distance to the property lines, details regarding the installation, and elevations have been included for review. Additional landscaping is not possible in this area as there is no additional space to convert to planting beds.

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.

Response: The plans have been revised to show the proposed location of the condenser units within the carport.

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.

Response: The retaining wall detail has been revised as it was determined that the underdrain at the base of the wall could be eliminated. Please refer to the attached letter, dated November 21, 2013, from Blais Civil Engineers for additional responses to the review comments.

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.

Response: Please refer to the attached letter, dated November 21, 2013, from Blais Civil Engineers for additional responses to the review comments.

3. Public Infrastructure and Community Safety Standards

No comments at this time.

Response: No response necessary.

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.

Response: Please refer to the attached letter, dated December 3, 2013, from Mark Mueller Architects for responses to the review comment.

Exterior Lighting

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

Response: The only change to the site lighting is minor in nature. The number of path lights within the courtyard has been reduced from five to two (one at top of steps and one at carport door). The other change is the addition of one path light at the landing at the northern set of stairs. The four bollard lights along the driveway have not changed.

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.

Response: A stormwater maintenance agreement is part of this submission.
All property corners will be set by a Professional Land Surveyor.
The plans have been revised with a note indicating that any work within the right-of-way will need to be coordinated with DPS.

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.

Response: The accompanying set of plans have been stamped and signed by a Maine Licensed, Professional Engineer.

End of Response Memo.



November 21, 2013
BCE File: 11109

Nell Donaldson, Planner
Planning & Urban Development Department, City of Portland
389 Congress Street
Portland, ME 04101

**Re: Response to Review Comments
130 Eastern Promenade, Portland Review**

Dear Nell:

The following responses address comments received from David Senus of Woodard & Curran in regards to the above-referenced project.

Comments

- *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.*

Response: The rain garden detail has been revised. The rain garden underdrain layer was replaced with 18" of crushed stone to provide water storage below the elevation of the proposed weep holes thru the existing wall. These weep holes and 12" of crushed stone behind the existing wall will provide drainage and eliminate any hydrostatic pressure behind the wall. Infiltration is not anticipated to be a problem, given that well-draining soils are common on the peninsula.

- *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.*

Response: All site plans have been stamped and signed by a Maine Licensed Professional Engineer.

- *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.*

Response: The attached *Inspection and Maintenance Plan for Stormwater Management Facilities* now refers to annual reporting requirement in Chapter 32 of the City's Code of Ordinances. A draft *Stormwater Drainage System Maintenance Agreement* form is also attached.

We trust that we have sufficiently addressed the concerns and comments for the aforementioned review. If you have any further questions or concerns, please contact me at your convenience.

Sincerely,

BLAIS CIVIL ENGINEERS



Steve G. Blais, PE
President

Enclosures:

Site Plans, dated 11/20/13

Inspection and Maintenance Plan for Stormwater Management Facilities

Stormwater Drainage System Maintenance Agreement

Cc:

David Senus, Woodard & Curran

Matt Phillips, Carroll Associates

/

Inspection and Maintenance Plan For Stormwater Management Facilities

**130 Eastern Prom
Portland, Maine**

November 2013

Stormwater management facilities include paved surfaces and the rain garden. During construction activities, the maintenance of all stormwater measures will be the direct responsibility of the Contractor. After acceptance by the Owner, the maintenance of all stormwater management facilities, the establishment of any contract services required for implementing the program, and the keeping of records and maintenance log book will be the responsibility of the owner at 130 Eastern Prom. At a minimum, the following maintenance activities for each stormwater management system shall be performed on the prescribed schedule.

PAVED SURFACES

Accumulations of sediment, wood debris, and winter sand along paved surfaces shall be cleared at least once a month, and periodically during the year on an as-needed basis, to minimize transportation of sediment during rainfall events. Accumulations on pavement may be removed by pavement sweeping or vacuuming. Accumulations of sand along road shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader. Grading of gravel roads, or grading of the gravel shoulders of gravel or paved roads, must be routinely performed to ensure that stormwater drains immediately off the road surface to adjacent buffer areas or stable ditches, and is not impeded by accumulations of graded material on the road shoulder or by excavation of false ditches in the shoulder.

RAIN GARDEN

The rain garden should be inspected after every major storm in the first few months to ensure proper function. Thereafter, the filter should be inspected at least once every six months to ensure that it is draining within 48 hours. The top several inches of the surface shall be replaced with fresh material when water ponds on the surface of the bed for more than 72 hours. The removed sediments should be disposed of in an acceptable manner.

Fertilization of rain garden area should be avoided unless absolutely necessary to establish vegetation. Harvesting and pruning of excessive growth will need to be done occasionally. Weeding to control unwanted or invasive plants may also be necessary.

HOUSEKEEPING

As part of the construction and post-construction controls, the following housekeeping general procedures will apply:

Spill Prevention

A. Material Management Practices:

The following are the material management practices that will be used to reduce the risk of spills or other accidental exposure of materials and substances to storm water runoff:

- Good Housekeeping - The following good housekeeping practices will be followed onsite during the construction project:
 - An effort will be made to store only enough product required to do the job;
 - All materials stored onsite will be sorted in a neat orderly manner in their appropriate containers and, if possible, under a roof, plastic or other weatherproof enclosure;
 - Products will be kept in their original containers with the original manufacturer's label;
 - Substances will not be mixed with one another unless recommended by the manufacturer's;
 - Whenever possible, all of a product will be used up before disposing of the container;
 - Manufacturer's recommendations for proper use and disposal will be followed; and
 - The contractor will inspect daily to ensure proper use and disposal of materials.

- Hazardous Products – These practices are used to reduce the risks associated with hazardous materials:
 - Products will be kept in original containers unless they are not re-sealable;
 - Original labels and material safety data will be retained; they contain important product information; and
 - If surplus product must be disposed of, follow manufacturer, State or Federal recommended methods for proper disposal (whichever is most stringent)

B. Product Specific Practices

The following product specific practices will be followed onsite:

- Petroleum Products: All onsite vehicles will be monitored for leaks and receive regular preventative maintenance to reduce the chance of leakage. Petroleum products will be stored in tightly sealed containers which are clearly labeled. Any asphalt substances used onsite will be applied according to the manufacturer's recommendations.
 - Fertilizers: Fertilizers used will be applied in the amounts as required by the project specifications. Once applied, fertilizer will be worked into the soil to limit exposure to stormwater. Onsite storage will be under plastic or weatherproof enclosure. The contents of any partially used bags of fertilizer will be transferred to a sealable container to avoid spills.
 - Paints: All containers will be tightly sealed and stored when not required for use. Excess paint will not be discharged to the ground, ditches or storm sewer system but will be properly disposed of according to manufacturer's instructions in compliance with federal, state and local regulations.
- C. Spill Control Practices - In addition to the good housekeeping and material management practices discussed in the previous sections of this plan, the following practices will be followed for spill prevention and cleanup:
- Manufacturer's recommended methods for spill cleanup will be clearly posted and site personnel will be made aware of the procedures and the location of the information and cleanup supplies;
 - Materials and equipment necessary for spill cleanup will be kept in the material storage area onsite. Equipment and materials will also include but not limited brooms, dust pans, mops, rags, gloves, goggles, kitty litter, sand, sawdust, and plastic and metal trash containers specifically for this purpose;
 - All spills will be cleaned up immediately after discovered;
 - The spill area will be kept well ventilated and personnel wear appropriate protective clothing to prevent injury from contact with a hazardous substance;
 - The spill prevention plan will be adjusted to include measures to prevent this type of spill from reoccurring and how to clean up the spill if there is another one. A description of the spill, what caused it, and the cleanup measures will also be included; and
 - The Contractor's Superintendent will act as spill prevention and cleanup coordinator. He/she will designate at least personnel who will receive spill prevention and cleanup training. These individuals will each become responsible for a particular phase of prevention and cleanup. The names and responsible spill personnel will be posted in the office trailer onsite.

DISPOSAL

Any sediment or debris removed during maintenance of the stormwater system must be disposed of in accordance with the Maine Solid Waste Disposal Rules.

RECORDKEEPING

The owner of 130 Eastern Prom will keep a written maintenance log that summarizes inspections, maintenance, and any corrective actions taken. The log shall include the date on which each inspection or maintenance task was performed, a description of the inspection findings or maintenance completed, and the name of the inspector or maintenance personnel performing the task. If a maintenance task requires the clean-out of any sediment or debris, the location where the sediment or debris was disposed after removal will be indicated. This log shall be submitted to the Portland Department of Public Services (DPS) by June 30 of each year with a filing fee, established by DPS.

Maintenance Log
Sample Inspection Report:

130 EASTERN PROM
STORMWATER FACILITIES INSPECTION REPORT

NAME: _____ SIGNATURE: _____

TITLE: _____ COMPANY: _____

DATE: _____

OBSERVATIONS:

<u>BMP</u>	<u>Defects</u>	<u>Location(s)</u>	<u>Repair/Action Needed</u>	<u>Date/Action taken</u>
Paved Surfaces	Yes/no			
Rain Garden	Yes/no			

**STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT AND
RELEASE FROM LIABILITY**

IN CONSIDERATION OF site plan approval granted by the Planning Board of the City of Portland to a plan entitled __D 1.0 Drainage Plan__ prepared for Eileen Simko-Minte of 110 Marginal Way #212 (applicant and address) by Carroll Associates and Blais Civil Engineers (agents/engineers) dated 11 20, 2013 recorded in the Cumberland County Registry of Deeds in Plan Book 4, Page 18 (the "Plan") and pursuant to a condition thereof, Eileen Simko-Minte (owner) having a mailing address of 110 Marginal Way #212, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

Maintenance Agreement

That it will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the stormwater drainage system, as shown on said plan, including but not limited to the Rain Garden, piping, etc. in strict compliance with the Maintenance of Facilities as described in the Inspection and Maintenance Plan for Stormwater Management Facilities, dated November 2013 and Chapter 32 of the Portland City Code. Owner of the subject premises further agrees to keep a Stormwater Maintenance Log that will be made available for inspection by the City of Portland upon reasonable notice and request.

This Agreement is for the benefit of the said City of Portland and all persons in lawful possession of the property; further, that the said City of Portland may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice as described in this Agreement, and a stated time to perform, that the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon the property in question to maintain, repair, or replace said stormwater drainage system, including but not limited to the Rain Garden thereon in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear. The Owner agrees to provide a copy of this

Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions.

For the purpose of this Agreement the real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the Owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by this Agreement shall be complete on the date the notice is mailed to the owner of record as shown on the tax roles on file in the City Assessor's Office. If the property has more than one owner on said tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this Agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 20____.

By: _____
Its: _____

STATE OF MAINE
CUMBERLAND, ss.

Date: _____

Personally appeared the above-named _____, and acknowledged the foregoing instrument to be his/his free act and deed in his/her said capacity, and the free act and deed of said _____.

Before me,

Notary Public/Attorney at Law

Print name: _____



December 3, 2013

Nell Donaldson
City of Portland, Division of Planning
389 Congress Street
Portland, Maine 04101

Dear Nell,

We are writing in response to comments forwarded us by the project landscape architect, Pat Carroll.

Item 4.
Site Design Standards

Historical Resources

As the project evolves with new owners and the intention of preserving more of the original building, our recent submission is reflecting a traditional approach to the building facades.

The 1924 photo referenced in the letter has been made available to us by Sutherland Consulting, an Augusta Maine preservation firm.

Enclosed drawings portray the recalling the original handrail design of the lower levels. To maintain a compliance with current building codes, the diagonal handrail will require the design be coordinated to limit the openings or the inclusion of a glass barrier set to the inside of the deck. The upper level deck handrail design facing the promenade and the handrails on the new addition maintain the original simpler approach of vertical balusters as seen in the photograph. Thereby, with these restraints in the upper limits of the building the presence of diagonal handrail below becomes a stronger element in the overall composition.

The revised window head lintels are detailed on the drawings. A lintel trim profile has been included in the project.



At this time, dentil moulding has been removed from the exterior trim palette.

All other proposed work will remain as outlined in our most recent submission.

Feel free to contact us should you have additional comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Mueller', written in a cursive style.

Mark Mueller
RA