



August 25, 2015

Ms. Shukria Wiar, Planner  
Planning and Urban Development Department  
389 Congress Street, 4<sup>th</sup> Floor  
Portland, ME 04101

**RE: 130 Eastern Promenade  
Level II - Amendment to Site Plan  
City Project ID: 2014-050  
CBL: 003 C001001**

Dear Shukria,

On behalf of 130 Eastern Promenade, LLC, Carroll Associates is pleased to submit this Site Plan Amendment for your review and approval. The most recent approval was an Administrative Authorization approval by you, dated 11/12/2014. Since then construction has been underway and things are just about complete. Recently Phil DiPierro was on site to do a Site Plan Compliance Inspection in an effort to have the Certificate of Occupancy issued and he identified a number of site related items that were different from the approved plans or incomplete which need to be reviewed/documentated before he can sign off. Below is a list of his comments (*in italics*) and the applicant's responses (**in bold**). Changes to the plan set have been identified with a revision cloud.

- 1. the concrete curb in the parking lot was not installed according to the approved site plan.*  
**Response: The curb and slope along the western property line was eliminated and replaced with a small retaining wall instead. The mutual decision to build the small retaining wall was made in conjunction with the neighbor to the west. As previously approved (and a condition that had been occurring for decades) the runoff from the adjacent/upper parking area was sheet flowing onto the subject property and adding a lot of unwanted stormwater and debris to the applicant's parking lot. This condition was not known at the time of approval as there was an existing garage/barn structure backed up to the property line in this location. In an effort to mitigate the situation, while also improving ease of vehicular access/maneuvering, ease of maintenance, and overall aesthetics; a small wall was proposed to be built. This eliminates the slope and keeps runoff from sheeting across the property line.**
- 2. the 4 foot high wood privacy fence was not installed according to the approved site plan.*  
**Response: During construction a decision between the applicant and the adjacent neighbors was made that the fences were not necessary and actually not desired. By eliminating the fences it allows for more sunlight into the area (which will help with melting in winter months), provides a more open feeling, and eliminates snow plowing, parking, and associated maintenance issues. The applicant has worked with the westerly abutter and installed wheel stop in the adjacent parking lot to keep cars properly parked.**

**An existing chain link fence remains at the end and southeast side of the driveway, much of it is covered with an attractive deciduous vine.**

3. *the 6 foot high wood privacy fence was not installed according to the approved site plan.*

**Response:** See response in #2 as it also applies here.

4. *the bollard lights and path lights have not been installed according to the approved site plan.*

**Response:** At the rear of the building, the four bollard site lights were removed because of the lack of room between the retaining wall and driveway. The rear of the subject building will have three building mounted lights. It was felt that between these three, all the other adjacent property lights, and the street light on Wilson Street there was sufficient light for the rear of the project without impacting abutter further.

At the front of the building we are proposing two small path/down lights on each side of the two front stairs. The previous plan only called for a total of two (one at each stair) but the applicant would like to located one on each side of the steps for safety. Small residential porch lights will be located at the porch doors.

No lights have been installed yet but all the electrical wiring is installed and waiting for the fixtures to be connect. This will be completed soon.

5. *the bike hitch has not yet been installed.*

**Response:** The location of the bike racks has been relocated to either side of the main rear door, parallel to the building, along the sidewalk. We are now proposing two bike hitches; each located close to the building and accommodating only one bike. They will be located approximately 18" off the building to accommodate one bike per rack, to allow for clearance along the sidewalk. It will be completed in the near future.

6. *the trash enclosure has not yet been installed.*

**Response:** The fencing and posts have been ordered and it is anticipated that it will be installed/completed this week.

7. *the parking spaces need to be striped according to the approved site plan.*

**Response:** The parking spaces will be striped and completed in the near future.

8. *the walkway leading from the sidewalk to the parking lot was not installed flush according to the approved site plan.*

**Response:** The sidewalk between the parking lot and the building was not built flush as shown on the approved plans but instead was modified to provide a 4" curb for protection against runoff entering the building. The parking lot was slightly re-graded to accommodate this change. The 4" curb will provide some freeboard for the ground/lower lever units from flooding should the parking area ever back up due to ice damns at the street or other unforeseen events. The curb also provides an additional level of safety to pedestrians on the sidewalk and the building from vehicles maneuvering in the driveway.

9. *the landscaping is incomplete and not installed according to the approved site plan.*

**Response:** When the inspection occurred there were some areas that may not have been fully planted. The site landscaping is now complete. One area slated for planting, along the south face of the front porch, facing into the courtyard, cannot be planted per the approved plan; because that facade of the deck serves as an access point for the condenser units which are located under the porch. Those plants were incorporated into the site elsewhere.



Several shrub species have been substituted with a different plant species and a few planting areas have been slightly adjusted from the approved plan, but in general the planting areas meet the design intent of the approved plan.

10. *the plant beds with curbing and lighting (in the parking lot near the south and west property lines) were not installed according to the approved site plan.*

**Response:** As a result of the removal of the parking lot curbing and the installation of the small retaining wall, the small landscape areas along the western and southern property lines were eliminated. The elimination of these two areas removed approximately 168 sf of open space from the project bringing the open space total to 20.38% which still meets the Zoning Standards

11. *the retaining wall that was constructed on the west side of the parking lot was never approved on the site plan.*

**Response:** As previously noted, the curb and slope along the western property line was eliminated and replaced with a small retaining wall instead. The mutual decision to build the small retaining wall was made in conjunction with the neighbor to the west. As previously approved (and a condition that had been occurring for decades) the runoff from the adjacent/upper parking area was sheet flowing onto the subject property and adding a lot of unwanted stormwater and debris to the applicant's parking lot. This condition was not known at the time of approval as there was an existing garage/barn structure backed up to the property line in this location. In an effort to mitigate the situation, while also improving ease of vehicular access/maneuvering, ease of maintenance, and overall aesthetics; a small wall was proposed to be built. This eliminates the slope and keeps runoff from sheeting across the property line.

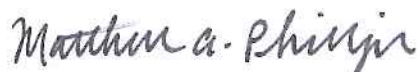
Enclosed you will find the following items:

- Application Fee (\$250)
- City of Portland – Level II Site Plan Amendment
- Drawings:

<u>PDF Title</u>	<u>Drawing Title</u>
C3	L-2.0 Site Layout & Materials Plan
C4	L-3.0 Site Grading Plan

Please note that we have provided an electronic copy of the cover letter, application, and plans (via email) as requested by City Staff as well as one paper copy and one 11x17" plan set. 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



Matthew A. Phillips

CC: 130 Eastern Promenade, LLC  
Philip DiPierro, Development Review Coordinator  
Barbara Barhydt, Development Review Services Manager



## Level II – Preliminary and Final Site Plans Development Review Application Portland, Maine

Planning and Urban Development Department  
Planning Division

Portland's Planning and Urban Development Department coordinates the development review process for site plan, subdivision and other applications under the City's Land Use Code. Attached is the application form for a Level II: Preliminary or Final Site Plan. Please note that Portland has delegated review from the State of Maine for reviews under the Site Location of Development Act, Chapter 500 Stormwater Permits, and Traffic Movement Permits.

### Level II: Site Plan Development includes:

- New construction of structures with a total floor area of less than 10,000 sq. ft. in all zones, except in Industrial Zones.
- New construction of structures with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Any new temporary or permanent parking area, paving of an existing unpaved surface parking area in excess of 7,500 sq. ft. and serving less than 75 vehicles, or creation of other impervious surface area greater than 7,500 sq. ft.
- Building addition(s) with a total floor area of less than 10,000 sq. ft. (cumulatively within a 3 year period) in any zone, except in Industrial Zones.
- Building addition(s) with a total floor area of less than 20,000 sq. ft. in Industrial Zones.
- Park improvements: New structures or buildings with a total floor area of less than 10,000 sq. ft., facilities encompassing an area of greater than 7,500 sq. ft. and less than 20,000 sq. ft. (excludes rehabilitation or replacement of existing facilities).
- New construction of piers, docks, wharves, bridges, retaining walls, and other structures within the Shoreland Zone.
- Land disturbance between 1 and 3 acres that are stripped, graded, grubbed, filled or excavated.
- A change in the use of a total floor area between 10,000 and 20,000 sq. ft. in any existing building (cumulatively within a 3 year period).
- Lodging house, bed and breakfast facility, emergency shelter or special needs independent living unit.
- Signage subject to approval pursuant to Section 14-526 (d) 8.a. of the Land Use Code.
- Any new major or minor auto service station with less than 10,000 sq. ft. of building area in any permitted zone other than the B-2 or B-5 zones.
- The creation of day care or home babysitting facilities to serve more than 12 children in a residential zone (not permitted as a home occupation under section 14-410) in any principal structure that has not been used as a residence within the 5 years preceding the application.
- Any drive-through facility that is not otherwise reviewed as a conditional use under Article III.

The Land Use Code (including Article V), the Technical Manual, and the Design Manual are available on the City's web site at <http://www.portlandmaine.gov/planning/default.asp>

**Planning Division**  
Fourth Floor, City Hall  
389 Congress Street  
(207) 874-8721 or 874-8719

**Office Hours**  
Monday thru Friday  
8:00 a.m. – 4:30 p.m.



**PROJECT NAME:** 130 Eastern Promenade AMENDMENT

**PROPOSED DEVELOPMENT ADDRESS:** 130 Eastern Promenade

**PROJECT DESCRIPTION:**

Summary of site modifications and field changes to an approved site plan

**CHART/BLOCK/LOT:** Map 3-C, Lots 1 & 2

**PRELIMINARY  
PLAN FINAL PLAN**

\_\_\_\_\_ (date)  
11/12/2014  
Administrative  
Authorization

**CONTACT INFORMATION:**

<b>Applicant – must be owner, Lessee or</b> Buyer Name: <b>Geoffrey Minte</b> Business Name, if applicable: <b>130 Eastern Promenade, LLC</b> Address: <b>110 Marginal Way #212</b> City/State : <b>Portland, ME</b> Zip Code: <b>04101</b>	<b>Applicant Contact Information</b> E-mail: <b>gminte@greatlocal.com</b> Home #: Work #: <b>207-775-5300</b> Cell #: Fax#:
<b>Owner – (if different from Applicant)</b> Name: <b>Same as above</b> Address: City/State : Zip Code:	<b>Owner Contact Information</b> E-mail: <b>Same as above</b> Home #: Work #: Cell #: Fax#:
<b>Agent/ Representative</b> Name: <b>Patrick Carroll, Carroll Associates</b> Address: <b>217 Commerical Street, Suite 200</b> City/State : <b>Portland, ME</b> Zip Code: <b>04101</b>	<b>Agent/Representative Contact information</b> E-mail: <b>pcarroll@carroll-associates.com</b> Home #: Work #: <b>207-772-1552</b> Cell #: Fax#:
<b>Billing Information</b> Name: <b>Same as applicant / owner</b> Address: City/State : Zip Code:	<b>Billing Information</b> E-mail: <b>Same as applicant / owner</b> Home #: Work #: Cell #: Fax#:

<b>Engineer</b> Name: <b>Steve Blais, Blais Civil Engineers</b> Address: <b>780 Broadway</b> City/State: <b>South Portland, ME</b> Zip Code: <b>04106</b>	<b>Engineer Contact Information</b> E-mail: <b>sblais@blaisce.com</b> Home #: Work #: <b>207-767-7300</b> Cell #:                      Fax#:
<b>Surveyor</b> Name: <b>Robert Greenlaw</b> Address: <b>174 Portland Avenue</b> City/State: <b>Old Orchard Beach, ME</b> Zip Code: <b>04064</b>	<b>Surveyor Contact Information</b> E-mail: <b>bgreenlaw@myfairpoint.net</b> Home #: Work #: Cell #: <b>207-749-9471</b> Fax#:
<b>Architect</b> Name: <b>Mark Mueller</b> <b>Mark Mueller Architects</b> Address: <b>100 Commercial Street</b> City/State: <b>Portland, ME</b> Zip Code: <b>04101</b>	<b>Architect Contact Information</b> E-mail: <b>mark@muellerarchitects.com</b> Home #: Work #: <b>207-774-9057</b> Cell #:                      Fax#:
<b>Attorney</b> Name: Address: City/State :                      Zip Code:	<b>Attorney Contact Information</b> E-mail: Home #: Work #: Cell #:                      Fax#:

**APPLICATION FEES:**

Check all reviews that apply. (Payment may be made by Cash or Check payable to the City of

<b>Public Development (check applicable reviews)</b> ___ Less than 10,000 sq. ft. (\$400) ___ After-the-fact Review (\$1,000 plus applicable application fee) <b>X Plan Amendment (Staff Review) \$250</b> The City invoices separately for the following: <ul style="list-style-type: none"> <li>• Notices (\$.75 each)</li> <li>• Legal Ad (% of total Ad)</li> <li>• Planning Review (\$40.00 hour)</li> <li>• Legal Review (\$75.00 hour)</li> </ul> Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.	<b>Other Reviews (check applicable reviews)</b> ___ Traffic Movement (\$1,000) ___ Stormwater Quality (\$250) ___ Site Location (\$3,000, except for residential projects which shall be \$200/lot) # of Lots ___ x \$200/lot = ___ ___ Other _____ ___ Change of Use ___ Flood Plain ___ Shoreland ___ Design Review ___ Housing Replacement ___ Historic Preservation
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**APPLICATION SUBMISSION:**

1. All site plans and written application materials must be submitted electronically on a CD or DVD with each plan submitted as separate files, with individual file names (see submittal requirements document attached).
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Planning Division Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
  - a. Application form that is completed and signed.
  - b. Cover letter stating the nature of the project.
  - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.


**Refer to the application checklist for a detailed list of submission requirements.**

Portland's development review process and requirements are outlined in the Land Use Code (Chapter 14), which includes the Subdivision Ordinance (Section 14-491) and the Site Plan Ordinance (Section 14-521). Portland's Land Use Code is on the City's web site <http://www.portlandmaine.gov/citycode/chapter014.pdf>

**APPLICANT SIGNATURE:**

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

**This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.**

Signature of Applicant:  <b>Patrick J. Carroll, Agent</b>	Date: <b>August 25, 2015</b>
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## PROJECT DATA

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

<b>Total Area of Site</b>	7,906 sq. ft.
<b>Proposed Total Disturbed Area of the Site</b>	7,906 sq. ft.
If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with DEP and a Stormwater Management Permit, Chapter 500, with the City of Portland	
<b>Impervious Surface Area</b>	
Impervious Area (Total Existing)	5,639 sq. ft.
Impervious Area (Total Proposed)	6,294 sq. ft.
<b>Building Ground Floor Area and Total Floor Area</b>	
Building Footprint (Total Existing)	4,149 sq. ft.
Building Footprint (Total Proposed)	3,370 sq. ft.
Building Floor Area (Total Existing)	8,349 sq. ft.
Building Floor Area (Total Proposed)	7,372 sq. ft.
<b>Zoning</b>	
Existing	R-6
Proposed, if applicable	Same
<b>Land Use</b>	
Existing	residential apts
Proposed	residential condos
<b>Residential, if applicable</b>	
# of Residential Units (Total Existing)	11 apts
# of Residential Units (Total Proposed)	4 condos
# of Lots (Total Proposed)	1 lot
# of Affordable Housing Units (Total Proposed)	N/A
<b>Proposed Bedroom Mix</b>	
# of Efficiency Units (Total Proposed)	N/A
# of One-Bedroom Units (Total Proposed)	1
# of Two-Bedroom Units (Total Proposed)	3
# of Three-Bedroom Units (Total Proposed)	0
<b>Parking Spaces</b>	
# of Parking Spaces (Total Existing)	0 spaces
# of Parking Spaces (Total Proposed)	4 spaces
# of Handicapped Spaces (Total Proposed)	0 spaces
<b>Bicycle Parking Spaces</b>	
# of Bicycle Spaces (Total Existing)	0
# of Bicycle Spaces (Total Proposed)	2
<b>Estimated Cost of Project</b>	<b>\$ 1,000,000</b>