



PORTLAND MAINE

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Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

April 12, 2013

Glenn Morse
P.O. Box 1466
Scarborough, ME 04070

John Shields
216 Range Rd.
Cumberland, ME

Re: 220 Washington Avenue – Curb Cut request

Dear Glenn and John:

Application:

An administrative authorization application for a proposed curb cut at 220 Washington Avenue (CBL 010 A0010001) was submitted by John Shields, consultant/agent on behalf of the owner/applicant Glenn Morse on March 5, 2013. The application states the following:

220 Washington Avenue is vacant land (CBL 010 A010001) owned by Glenn Morse (under Morgan Gavin, LLC) who also owns the adjacent property at 218 Washington Avenue. Mr. Morse envisions developing 220 Washington Avenue for residential occupancy as indicated on the Site Plan attached. The plan shows a single building housing four (4) apartment units. Each unit includes a one car garage reached from the street by an automobile access court; a curb cut connects Washington Avenue to the access court. On the Site Plan the curb cut is indicated by keyed note 6 and the access court by note 8. There are two additional parking spaces included at the east end of the access court. Mr. Morse's development concept is similar to that of his neighbor at 202 Washington Avenue.

In addition, it is stated that Mr. Morse plans to convert the existing building at 218 Washington Avenue into two dwelling units. The parking requirement is one space per unit and the application states that, "the two additional spaces at 220 Washington Avenue could meet this requirement if necessary." As noted in the cover letter, the City of Portland is planning improvements on Washington Avenue in the vicinity of the site and the applicant is seeking to expand the proposed bicycle path curb cut to 24 feet to accommodate Mr. Morse's future plans for the site. According to Mr. Shields in a follow-up phone conversation, the applicant is not prepared to submit a Level III site plan for the proposal outlined above at this time.

Curb Cut Request:

The granting of a curb cut is under the jurisdiction of the Department of Public Services. David Margolis-Pineo, Deputy City Engineer, reviewed the curb cut request and is recommending denial of the request (Attachment 1). He states within his review:

The location does look favorable for a curb cut but as currently proposed this cut does not serve any purpose.

If and when the applicant comes forward with a full site plan application for review, this department will re-evaluation this curb cut request.

Portland's Technical Manual limits residential development with nine (9) parking spaces or less to no more than one driveway (Section 1.7.1) (<http://www.portlandmaine.gov/planning/sections/section1.pdf>). As stated in the application, the parking for all of the proposed units (total of 6 units) could be provided at 220 Washington Avenue, which would meet this standard provided that the existing curb cut at 218 Washington Avenue is closed off.

In my follow-up phone conversation with Mr. Shields regarding the proposal and the limit of one curb cut per lot, he requested additional information on why 218 and 220 Washington Avenue are considered as one lot and under what authority does the City look for improvements on the entire site. Marge Schmuckal, Zoning Administrator, states the following regarding the zoning ordinance:

The State considers a "tract or parcel of land" as "All contiguous land in the same ownership" under section 4401(6). The State interpretation stands unless local authority has different definitions. The City of Portland does not have different definitions.

The administrative authorization lists Glenn Morse (under Morgan Gavin, LLC) as the owner of both 218 and 220 Washington Avenue, so the entire property is considered one site under the zoning ordinance. In addition, the definition of a site in the site plan ordinance (<http://www.portlandmaine.gov/citycode/chapter014.pdf>) is as follows:

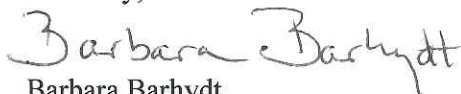
Site: All contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

Thus, when a proposal triggers site plan review, the entire site is evaluated under the current Site Plan Standards and Technical Regulations.

Curb Cut Decision:

Based upon the review of Mr. David Margolis-Pineo, the request for a curb cut at 220 Washington Avenue is denied. As stated in Mr. Margolis-Pineo's review, a curb cut in this location could be considered as part of a pending development review application. All requests to waive the City's standards for curb cuts would go to Michael Bobinsky, Director of Public Services, 55 Portland Street, Portland, ME 04101.

Sincerely,



Barbara Barhydt
Development Review Services Manager

Attachments:

1. David Margolis-Pineo, e-mail memo, March 15, 2013
2. Marge Schmuckal, e-mail, April 9, 2013
3. S-1 Site Plan, 220 Washington Avenue, dated 2.28/13

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Alexander Jaegerman, FAICP, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Marge Schmuckal, Zoning Administrator, Inspections Division
Michael Bobinsky, Public Services Director
Katherine Earley, Engineering Services Manager, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Bruce Hyman, Bicycle and Pedestrian Coordinator
Jeremiah Bartlett, Public Services

March 15, 2013

Memo To: Barbara Barhydt
From: David Margolis-Pineo
Re: Development Review Comments – 220 Washington Avenue – Request for
Curb Cut

After review of the applicant's request to install a curb cut at 220 Washington Ave. and with Department of Public Services being the authority to issue curb cuts, we are recommending a denial of this curb cut at this time.

The location does look favorable for a curb cut but as currently proposed this cut does not serve any purpose.

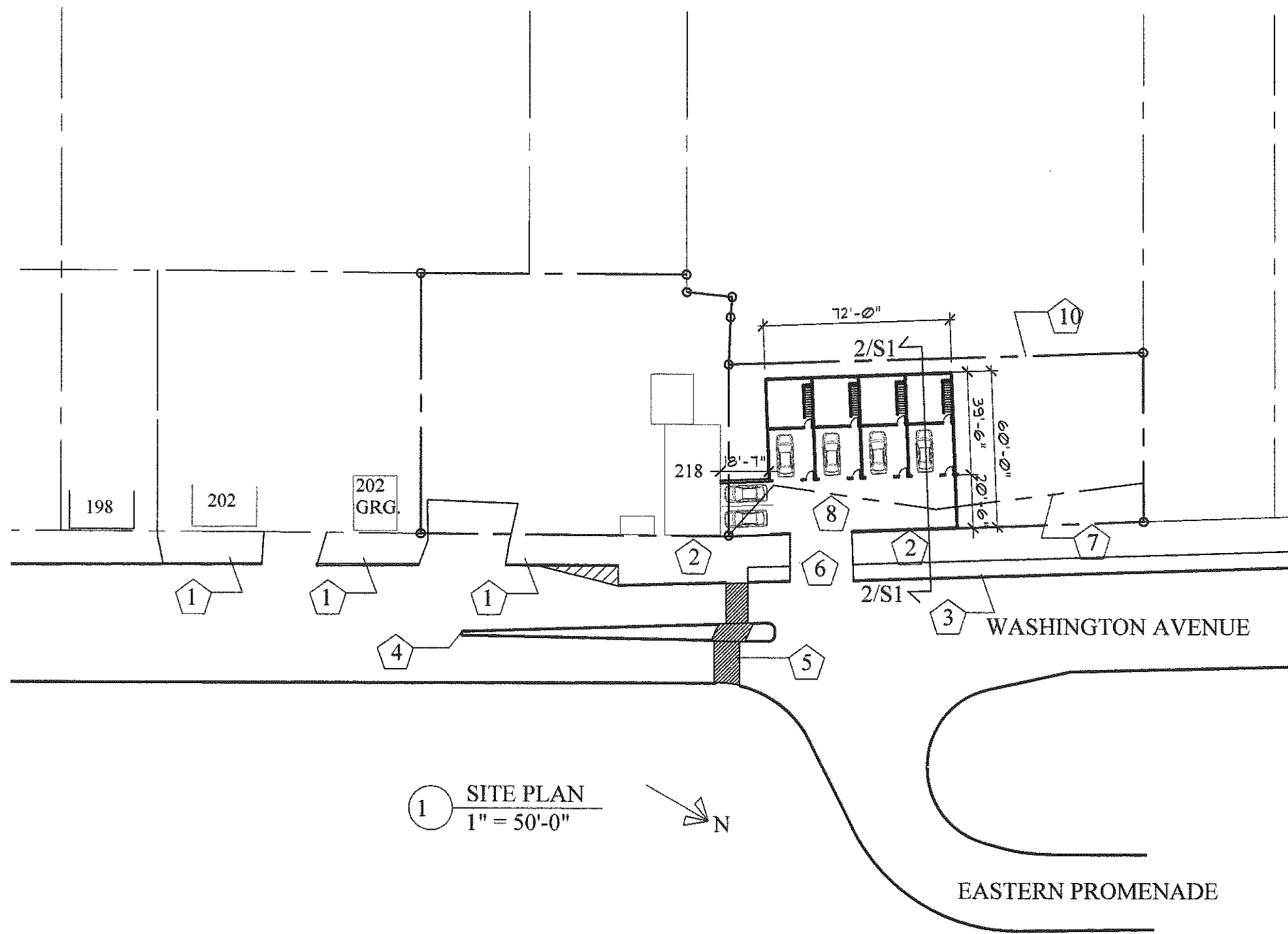
If and when the applicant comes forward with a full site plan application for review, this department will re-evaluate this curb cut request.

Attachment 2

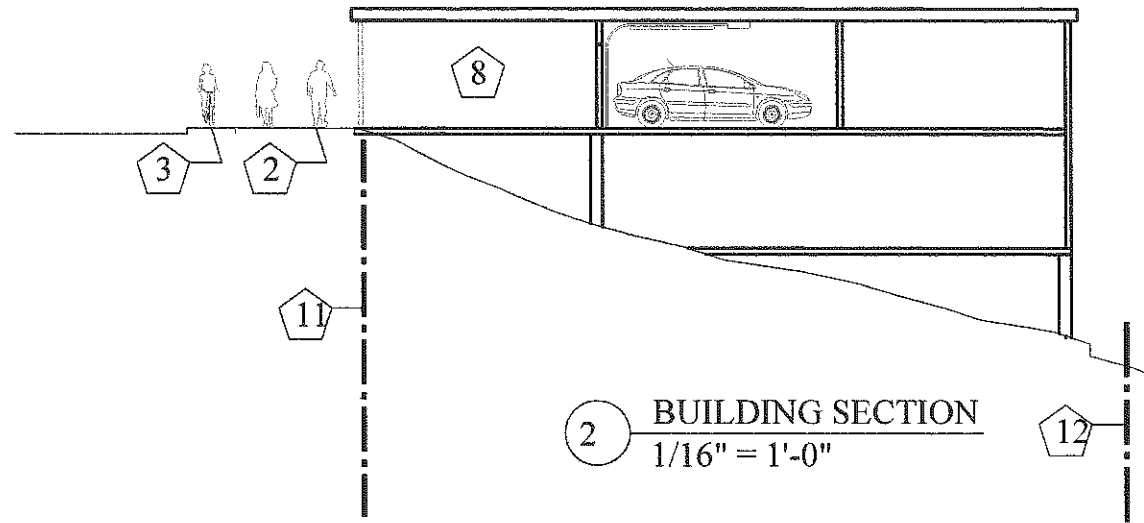
From: Marge Schmuckal
To: Barbara Barhydt
Date: Tuesday, April 09, 2013 11:01 AM
Subject: State Law

Hi Barbara,

The State considers a "tract or parcel of land" as "All contiguous land in the same ownership" under section 4401(6). The State interpretation stands unless local authority has different definitions. The City of Portland does not have different definitions.
Marge



1 SITE PLAN
1" = 50'-0"



2 BUILDING SECTION
1/16" = 1'-0"

KEYED NOTES:

- 1 EXISTING SIDEWALK
- 2 NEW SIDEWALK
- 3 NEW BIKE PATH
- 4 NEW PEDESTRIAN REFUGE ISLAND
- 5 NEW CROSSWALK
- 6 NEW 24' DRIVEWAY OPENING
- 7 DASHED LINE INDICATES SLOPE EASEMENT.
- 8 AUTOMOBILE ACCESS COURT.
- 9 NOT USED.
- 10 220 WASHINGTON AVE. PROPERTY LINE.
- 11 220 WASHINGTON AVE. NORTH PROPERTY LINE.
- 12 220 WASHINGTON AVE. SOUTH PROPERTY LINE.

S-1	Drawing	Date 2/28/13	Scale As Noted	Project: 220 WASHINGTON AVENUE PORTLAND, MAINE	Owner: MORGAN GAVIN, LLC	Architect: SHIELDS ARCHITECTURE CUMBERLAND, MAINE
	SITE PLAN					