

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
David Eaton
Brandon Mazer
Carol Morrisette
Maggie Stanley
Lisa Whited

August 2, 2017

JP Sheridan LLC
Attention: Jake Edwards
PO Box 715
So. Freeport, ME 04078

Whipple Callender Architects
Attention: Anne Callender
PO Box 1276
Portland, ME 04104

Project Name: Three-family Apartments
Address: 88 Walnut Street
Applicant: JP Sheridan LLC
Planner: Shukria Wiar

Project ID: 2017-099
CBL: 012 P003 001

Dear Mr. Edwards:

On July 25, 2017, the Planning Board approved the construction of a three-unit residential building at 88 Walnut Street in the East End. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance, as well as reviewed against the B-2 and B-2b Commercial Business Zone Standards and the Two-Family, Special Needs Independent Living Units, Multiple-Family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters Standards. The Planning Board unanimously 6-0 (Boepple absent) to approve the application with the following waivers and conditions as presented below.

WAIVERS

The Planning Board voted unanimously 6-0 (Boepple absent) to waive the Section 14-498 8(a) Sidewalks and Curbs to allow no sidewalk along the parcel on Sheridan Street subject to that the applicant shall contribute to a sidewalk along the Fort Sumner Park frontage for the sidewalk gap with a monetary contribution of, not to exceed, \$9,400 (for 104 feet).

The Planning Board voted unanimously 6-0 (Boepple absent) to waive the Technical Manual Section 1.7.1, to allow a separation of 2 feet between the existing driveways.

SUBDIVISION REVIEW

The Planning Board voted unanimously 6-0 (Boepple absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

1. The applicant shall finalize the subdivision plat for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority.

SITE PLAN REVIEW

The Planning Board voted unanimously 6-0 (Boepple absent) that the plan is in conformance with the site plan standards of the Land Use, subject to the following conditions of approval¹:

1. The applicant shall submit a construction management plan for review and approval by the Department of Public Works and the Planning Authority, and
2. The applicant shall address Lauren Swett's memorandum dated 07.20.2017 comments.
3. Confirmation of ability to serve sewer from DPS should be forwarded to the Planning Authority.
4. That the developer/contractor/subcontractor must comply with conditions of the construction stormwater management plan and sediment and erosion control plan based on City standards and state guidelines. The owner/operator of the approved stormwater management system and all assigns shall comply with the conditions of Chapter 32 Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements. A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form with any changes to be approved by Corporation Counsel, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Works.
5. The applicant shall provide additional documentation on the extent of utility work and disturbance of the sidewalk along Walnut Street. Final plans meeting the sidewalk materials policy will be submitted for review and approval by the Department of Public Works.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2017-099 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in 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

¹ City Staff Note: The City reserves the right to construct a sidewalk along the frontage of this parcel on Sheridan Street in the future.

require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

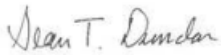
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and 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 site plan application for staff review and approval.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held 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 Development Review Coordinator will confirm that the contractor is working from the approved site plan. 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.
10. **Department of Public Works Permits** 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.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.

12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

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 207.756.8083 or via shukriaw@portlandmaine.gov

Sincerely,



Sean Dundon, Vice Chair
Portland Planning Board

Attachments:

1. Lauren Swett Memorandum dated 07.20.2017
2. Planning Board Report
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Inspections Division
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Chris Branch, Director of Public Works
Katherine Earley, Engineering Services Manager, Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Greg Vining, Associate Engineer, Public Works
Michelle Sweeney, Associate Engineer, Public Works
John Low, Associate Engineer, Public Works
Jane Ward, Administration, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Public Works
Keith Gautreau, Fire Department
Daniele West-Chuhta, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor

MEMORANDUM



TO: Shukria Wiar, Planner
FROM: Lauren Swett, P.E.
DATE: July 30, 2017
RE: J.P. Sheridan, LLC Apartments , Level III Site Plan Application Response to Comments

Woodard & Curran has reviewed the Level III Site Plan Application Response to Comments for the proposed development located at 88 Walnut Street in Portland, Maine. The project involves the construction of a two-story apartment building with a three car garage on the ground floor and three (3) units above.

Documents Reviewed by Woodard & Curran

- Level III Site Plan Response to Comments and attachments, dated June 20, 2017 prepared by Casco Bay Engineering , on behalf of J.P. Sheridan, LLC Apartments.
- Engineering Plans, dated June 20, 2017 prepared by Casco Bay Engineering , on behalf of J.P. Sheridan, LLC Apartments.

Comments *Comments from prior memos are included in italics*

- 1) *Per Section 12 of the City's Technical Manual, the Applicant is required to submit a photometric plan demonstrating minimal light trespass from the site. Applicant has noted that they are working on providing a photometric plan.*
- 2) *In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We offer the following comments:*
 - a) *Basic Standards: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in accordance with Appendix A, B, & C of MaineDEP Chapter 500.*
 - b) *General Standards: The project will result in an increase in impervious surface. The Applicant is proposing to install a rain garden that will provide adequate treatment for the proposed project. We have the following comments:*
 - i) *The Applicant should provide sizing calculations showing that the rain garden has been sized per MaineDEP Stormwater Best Management Practices manual. The Applicant had noted that sizing calculations were provided, but we do not see sizing calculations for the rain garden in the current submission. The calculations should show that the system has been sized per MaineDEP standards, including water quality volume and area requirements.*
 - c) *Flooding Standards: The project will result in an increase in impervious surface. The model indicates that peak flows will be reduced in the post-development condition in accordance with the requirements of the Flooding Standard. Note that prior to this project, stormwater was not discharged directly to the City's stormwater infrastructure. The proposed flow is very small, but the City will need to verify capacity, and the Applicant will also be required to provide additional information on how the proposed stormwater connection will be made. The Applicant has noted that they are coordinating with the City to verify stormwater capacity requirements.*
- 3) *The Stormwater Management Plan should include a stormwater inspection and maintenance plan developed in accordance with and in reference to MaineDEP Chapter 500 guidelines and Chapter 32 of the City of Portland Code of Ordinances. The Applicant has included some information in their stormwater management plan with regards to inspection and maintenance. A detailed plan including*



required inspection and maintenance tasks should be developed for the project. The Applicant will be required to execute a stormwater agreement with the City in accordance with the requirements of Chapter 32.