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Planning & Urban Development Department
Penny St. Louis Littell, Director

Planning Division
Alexander Jaegerman, Director

July 28, 2009

Fred R. Panico R.L.A.
Planning/Design Associates
9 Alexander Drive
Windham, ME 04062-5814

Rumen Shopov
Shopov Properties LLC
3 Cherry Street
Portland, ME 04102-2713

RE: **72 Walnut Street, 2 unit residence**

CBL: 012 Q017 001

Application ID: 2006-0230

Dear Mr Panico and Mr Shopov:

On July 28, 2009, the Portland Planning Authority approved a minor site plan for a duplex residence at 72 Walnut Street as proposed by Shopov Properties LLC. The approval is given on the basis of the application, plans, reports and other information submitted by the applicant, and the findings and recommendations contained in the Planning Authority staff review comments (listed below and attached) which found that the proposals meet Zoning requirements, Land Use Ordinance 14-526 (a) 1- 11 and 15, R-6 Infill Development Design Principles and Standards, and the City's Technical Standards in respect of traffic, storm water management and erosion control.

The approval is based on the proposals as shown on the approved plans (Sheet SP-1: Site, Utilities, Landscape, Grading & Drainage Plan Rev dated 6.10.2009; Sheets SP-2, SP-3, A-1 and A-2 all Rev dated 6.7.2009) prepared by Planning /Design Associates, with the following conditions:

- i. That the applicant shall submit for review and approval prior to the issuance of a building permit, revised plans that correct the 1.25 foot discrepancy in scaling of the elevations; and
- ii. That all parking shall take place within the interior garage on the lowest level of the building. If any exterior parking is found to be located on the site of the building after construction the applicant must submit a site plan amendment and remove any exterior parking until or if the site plan amendment is approved; and
- iii. That the applicant may request a change in the sidewalk material to be concrete if the slope of the sidewalk is 10% or greater. If brick is installed for the sidewalk, the brick shall be installed using current city standards including the driveway cut; and
- iv. That the applicant construct the building and associated infrastructure fully in accordance with the approved site plans, including all engineering plans and details, and no work of any kind shall be carried out on any abutter's property; and
- v. That the applicant submit, for review and approval by the Planning Authority and the City Arborist prior to the issuance of a building permit, a revised Landscape Plan that addresses the comments of the City Arborist (Jeff Tarling) as set out in an e-mail dated June 24, 2009.

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

Please note the following provisions and requirements for all site plan approvals:

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 this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.
2. The above approvals do 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 sets of plans must be submitted to and approved by the Planning Division and Public Services Dept. 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.
5. The site plan approval will be deemed to have expired unless work in the development 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. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 Jean Fraser at 874- 8728.

Sincerely,



Alexander Jaegerman
Planning Division Director

Attachments:

A. Staff Review Comments

1. Fire Department sign off in Urban Insight, June 2008 and June 2009
2. Zoning Administrator (Marge Schmuckal), Memo dated June 17, 2009
3. Public Services (David Margolis-Pineo, Deputy Engineer), Memo dated July 10, 2009
4. Engineering Reviewer (Dan Goyette of Woodard & Curran) Memo dated July 13, 2009
5. Traffic Engineering Reviewer (Tom Errico, Traffic Consultant), e-mail dated July 7, 2009
6. City Arborist (Jeff Tarling), Review Comments in e-mail dated July 24, 2009
7. Design Review Memo dated July 28, 2009



B. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File

Hard Copy: Project File

Attachment A1
to Approval letter
72 Walnut St.

Application ID Number: 2006-0230			
Distribution: 04/09/2008	<input type="button" value="Add Review"/>		
Current Status: Approved	Reviewer: Greg Cass	Approval Date:	
Department: Fire	Expiration Date:	Extension Date:	
<input type="checkbox"/> OK to Issue Permit	Name:	Date:	Date 2:
Comments			
Status:	Date:		
Comment:	Greg approved this a year ago and I still approve of his decision. Access and water are both good. Keith G.		
 Memo			
Status: Approved	Date: 05/30/2008		
Comment:	Greg Cass confirmed this OK to JF at Dev Rev. On 5.21.08		
 Memo			
Create Date: 11/30/2006	By: jmy	Update Date: 12/22/2008	By: CASSG

June
2009 →

Attachment A2
to Approval letter
72 without st

MEMORANDUM

To: FILE

From: Marge Schmuckal

Dept: Zoning

Subject: Application ID: 2006-0230

Date: 6/17/2009

I have reviewed the most current plans received on 6/17/09 - There still is about 1.25' discrepancy in scaling the elevations. Certainly that is more accurate than before. The height limits are being met. The landscaping stairs to the patio are meeting the ordinance.

No parking is shown to be on the exterior of the building to the right of the building. All approved parking is interior. It was my understanding that trees or other landscaping would be located in that area to prevent future parking. There should be a condition on the final plans that if parking is found to be located on the side of the building after construction that a site plan amendment be filed with the removal of the parking until or if approved by staff.

All other R-6 Small Lot infill requirements are being met.

Marge Schmuckal
Zoning Administrator

Attachment 43
to Approval letter
72 Walnut St

July 10, 2009

To: Jean Fraser
From: David Margolis-Pineo
Re: Public Services Review Comments – 72 Walnut Street

1. The site drainage is shown as sheet flow to the street. This department is agreeable with this design.
2. The current sidewalk material in front of this lot is concrete. The applicant is indicating installing a brick sidewalk. The Safety Committee has since recommended and the Council has agreed that if the slope of the sidewalk is 10% or greater that the applicant may request a change in sidewalk material to concrete.
If brick is installed for the sidewalk, the brick shall be installed using current city standards including the driveway cut.

This department has no further comments.

COMMITMENT & INTEGRITY
DRIVE RESULTS

41 Hutchins Drive
Portland, Maine 04102
www.woodardcurran.com

T 800 626 4262
T 207 774 2112
F 207 774 6935

Attachment A4
no Approval letter
72 Walnut St

MEMORANDUM



TO: Jean Fraser
FROM: Dan Goyette, PE
DATE: July 13, 2009
RE: 72 Walnut Street Residence

Woodard & Curran has reviewed the Minor Site Plan submissions for the Shopov Residence at 72 Walnut Street. The construction of a residential building is proposed for the site along with associated site improvements and utility connections.

Documents Reviewed

- Additional information dated June 12, 2009 by Fred Panico and Christopher Ray.

Comments

- The applicant has submitted plans that have been prepared and stamped by a professional engineer. The grade beam required as part of the reinforced stone embankment has been designed and stamped by a professional engineer.
- The applicant has met all the requirements for stormwater management as outlined in Section 5 of the City's Technical and Design Standards and Guidelines.
- The site work required to construct the project appears to be limited to the City ROW and the applicant's property. No work is being proposed on adjacent parcels. The City may require a detailed construction plan at the time of a building permit issuance to insure that all work will take place on the applicant's property.
- The proposed location of the applicant's building does not appear to prohibit an abutter from completing any maintenance to any existing retaining wall or to existing structures.
- The applicant has proposed to install and maintain appropriate erosion control measures during construction.

Please contact our office if you have any questions.

DRG
203943.83

Attachments A 5
to Approval letter
72 Walnut St.

From: Thomas Errico <Thomas.Errico@tylin.com>
To: <tjef@portlandmaine.gov>
Date: 7/7/2009 3:49:04 PM
Subject: 72 Walnut Street

Jean --

I have reviewed the plans provided by Planning/Design Associates dated June 10, 2009 (stamped June 12, 2009 by the Planning Department) and find them acceptable from a traffic perspective.

If you have any questions, please contact me.

Best regards,

Tom Errico, P.E.
City of Portland Traffic Consultant

CC: <kas@portlandmaine.gov>

Attachment A to
to Approval letter
72 Walnut St.

From: Jeff Tarling
To: Jean Fraser
Date: 7/24/2009 4:39:56 PM
Subject: Walnut Street Duplex

Hi Jean -

I have reviewed the landscape plan for the proposed Walnut Street duplex and offer the following comments & conditions:

a) Street-trees - the proposed project triggers the planting of 4 street-trees (2-trees per unit) the proposed planting along Walnut Street covers 2 of the 4 trees needed. We would ask that the project either contribute funds to cover planting two trees along Walnut Street or general area or actual plant the two trees. Either way we would work with the project team to determine the location for the two additional trees. The two trees along Walnut Street are shown as 1 crabapple, we would suggest 'Donald Wyman' or similar size crabapple. And the the second tree on the rights side should be an upright shade or ornamental tree, we would suggest either a Ginkgo or columnar English Oak. There are a number of alternative species & cultivars and we would be willing to suggest or approve with the project team.

b) Landscaping - The landscape plan shows a bed of 'Bar Harbor' Juniper containing 20 pots, the plant size should be 5 gallon pot minimum size. Additional landscape plantings could be planted along the base of the existing retaining wall and along the fence line of the adjacent Portland Water District site to add some interest and provide some buffering from within the proposed project. This could be accomplished by planting 2 groups of 3-5 shrubs along the fence line & wall. Suggested species could be 'Miss Kim' or 'Korean' lilac, or Viburnum, 2.5' in height. These plantings would be similar to the typical foundation plantings that traditional duplex might have as a standard. I would be willing to review, recommend planting types & locations and would agree with the project team input of their locations along the property line.

Jeff Tarling
City Arborist

Attachment A7
to Approval letter
72 Walnut St

Planning Division Memorandum



Date: July 28, 2009

RE: 72 Walnut Street (duplex)
Shopov Residence
Final Design Review Comments (Administrative Review)

NOTE OF CONCLUSIONS FROM DESIGN REVIEW MEETINGS

Contributors: Alex Jaegerman; Bill Needelman, Deb Andrews; Jean Fraser

I. Introduction

The proposed duplex at 72 Walnut Street was reviewed for conformance with the general "II. DESIGN PRINCIPLES AND STANDARDS" of the City's *R-6 Infill Development Design Principles and Standards* (2007). The applicant is not eligible for a review under "IV. ALTERNATIVE DESIGN REVIEW" of these standards.

II. Discussion

The proposed building is of similar or smaller scale to those nearby; on the downhill side there is open sloped land associated with the former Portland Water District Pumping Station (now privately owned) (Deb Andrews also reviewed and approved this proposal as it is located within 100 feet of a historic landmark). Staff determined in early 2009 that the *Design Principles and Standards* do not apply to the "left" (uphill) elevation and the rear elevation as they "are not readily visible from the public way" (see page 1 of the *Standards*).

In April, 2008 the applicant was informed:

- *The main entrance is on the side of the building, rather than oriented to the street, and therefore the project does not meet Standards A-2, A-3, C-1, and F-6. The Design Standards (Section C and F-6) do suggest ways that this standard may be met while retaining the side entrance ie by linking it to a front door that faces directly onto Walnut Street (and that meets the design standards).*
- *Please provide a sidewalk profile so that the proposal may be assessed in relation to the Standard C-2.*
- *Please clarify the proposed materials for all elements of the structure, including details and material of the porches so that the proposal may be assessed in relation to Standards in Sections F and G.*

In response, the applicant proposed a side porch along the downhill elevation accessed from Walnut Street; soon after the applicant revised the proposal to include a front door directly onto Walnut Street on the front elevation (accessed by stairs at the front) which clearly met the standards. They also supplied the requested information regarding the sidewalk profile and most of the materials. At that time the applicant was advised:

- *The revised building addresses most of the issues raised in relation to the earlier submissions. The main outstanding issue is the fenestration on the front elevation which does not meet Standards D-1, F-2, and G-4. As discussed, the two kitchen windows need to be revised and another window should be introduced over the porch, either to align with the main entrance door or centered on the porch roof.*
- *Thank you for the samples of materials, which are acceptable. Please specify on the plans (we do not need to see samples) the porch and balcony finishing details.*

The final plans (received June 12, 2009) provided the remaining few details, introduced another door over the porch, and revised the windows on the front elevation (similar to those on the other elevations; also balanced and stacked within the front elevation). The final plans also address Deb Andrews (HP) request that the doors on the front elevation have glazing bars and that the porch supports be reduced in scale.

Staff did not find any benefits associated with the alternative front elevation (submitted at the same time), so Plan A1 (dated 4.20.09 rev.6.7.09) is the basis for this final review. Staff considers that, with the revisions made by the applicant over the last few months, the proposals in the 6.7.09 Plan Set now meet the *Design Principles and Standards*.