

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrissette
David Eaton
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Lisa Whited
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April 10, 2017

Hay Runner, LLC
c/o Caleb Johnson
110 Exchange Street, Floors 2 and 3
Portland, ME 04101

Blais Civil Engineers
c/o Steve Blais
27 Gorham Road suite 207
Scarborough, ME 04074

Project Name: Hay Runner Block
Address: 221 Congress Street
Applicant: Hay Runner, LLC
Planner: Caitlin Cameron

Project ID: 2016-260 and 2016-283
CBL: 13G012, 13G007, 13G005

Dear Mr. Johnson:

On April 6, 2017, the Planning Board considered the Hay Runner Block project for a mixed-use building with 17 residential units. The Planning Board reviewed the proposal for conformance with the standards of the Level III Subdivision Review and for Conditional Use Review to Ensure Workforce Housing. The Planning Board voted 5-0 to approve the Subdivision application and 5-0 to approve the Conditional Use application with the following waivers and condition(s) as presented below.

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on April 6, 2017 for application 2016-260 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. Driveway Separation

The Planning Board voted 5-0, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance of *Technical Manual* standard (*Section 1.7.2.7*) which requires a minimum separation of 100 feet between driveways on an arterial or collector street, to waive the driveway separation requirement to allow a separation of 26 feet between driveways as shown on the Layout and Materials Plan.

2. *Driveway Distance from Intersection*

The Planning Board voted 5-0, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance of *Technical Manual* standard (*Section 1.7.2.7*) which requires a corner clearance of 150, to waive the corner clearance standard to allow a separation of 87 feet between the driveway and the corner as shown on the Layout and Materials Plan.

SUBDIVISION REVIEW

The Planning Board voted 5-0 that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval to be met prior to the signing of the plat and issuance of a building permit, unless otherwise stated:

1. The applicant shall submit a final subdivision plat reflecting the approved Level II Site Plan, including the final engineered details for the grades and transitions at the proposed driveway and the ramps and crosswalk on the eastbound Congress approach as approved by the Department of Public Works and the Planning Authority;
2. The applicant shall submit a final subdivision plat listing conditions of approval for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
3. Prior to Certificate of Occupancy, the applicant shall provide condominium documents for review and approval by Corporation Counsel;
4. That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. 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. A Maintenance Agreement for the stormwater drainage system and green roof as described in Attachment I of this report, shall be approved by Corporation Counsel and the Department of Public Works, and submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works;
5. The applicant shall pay \$5,600 as a fee-in-lieu of 14 street trees not provided on site prior to the issuance of a building permit;
6. The applicant shall obtain Level II Site Plan approval; and
7. The applicant shall provide drafts of all necessary easements, including but not limited to:
 - a. License to the City of Portland from Hay Runner, LLC for public sidewalk access on Washington Avenue and Congress Street rights-of-way;for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.

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 2016-260 which is attached.

CONDITIONAL USE REVIEW

The Planning Board voted 5-0 that the plan is in conformance with Division 30, Section 14-487 Ensuring Workforce Housing of the Land Use Code, subject to the following condition(s) of approval to be met prior to the issuing of the Certificate of Occupancy:

1. Provided the Applicant pays a fee in full of \$170,000 into the City's Housing Trust Fund based on the 17 units being created as part of the project before a Certificate of Occupancy may be issued.

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 2016-283 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

1. **Mylar 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. **Recording of Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. **Subdivision Expiration** The subdivision approval is valid for three (3) years.
4. **Modifications to an Approved Subdivision:** The subdivision shall be constructed in accordance with the approved plans. Modification of an approved subdivision plan requires the prior review and approval of an amended subdivision plan by the Planning Board or Planning Authority.
5. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements, 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 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.

6. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. **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.
8. **Separate Building Permits Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
9. **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.)
10. **As- Built Final Plans** 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.
11. **Mylar As-Built Final Plans** 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 Department 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 Caitlin Cameron at 874-8901.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report with staff memos
2. City Code, Chapter 32
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Barbara Barhydt, Development Review Services Manager
Caitlin Cameron, Urban Designer
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
Bill Clark, Project 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
Victoria Morales, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor
Approval Letter File

PLANNING BOARD REPORT PORTLAND, MAINE



221 Congress Street
Subdivision & Conditional Use Review
2016-260 and 2016-283
Hay Runner, LLC

Submitted to: Portland Planning Board Date: March 10, 2017 Public Hearing Date: March 14, 2017	Prepared by: Caitlin Cameron, Urban Designer CBLs: 013G012001 Project #: 2016-260 and 2016-283
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I. INTRODUCTION

Hay Runner, LLC has requested a final subdivision and conditional use review for a five-story residential development at 221 Congress Street at Washington Avenue at the edge of the India Street neighborhood. The proposed 27,636 SF development includes structured parking below ground and 17 market rate condominiums, commercial retail space, and roof access/a green roof. The project includes a parking structure has 16 spaces, sidewalk and landscaping improvements, and stormwater treatment facilities in the form of a green roof. The green roof qualifies the project for a height bonus of a fifth floor. The site is currently occupied by surface parking and is vacant.

This development is in the process of a staff level site plan approval for compliance with the standards of the India Street Form Based Code. The Planning Board is only reviewing the subdivision and compliance with Division 30 (inclusionary zoning).

A total of 169 notices were sent to property owners within 500 feet of the site and a legal ad ran in the *Portland Press Herald* on March 6 and March 7, 2017.

Applicant: Caleb Johnson, Hay Runner, LLC

Consultants: Steve Blais, PE, Blais Civil Engineers, Civil Engineers; Caleb Johnson Architects; Sebago Technics

II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Location and spacing of driveways – to allow a curb cut closer than 150’ from an intersection. In this case the separation is approximately 86 feet as shown on the Layout and Materials Plan. <i>Supported by Traffic Engineer</i>	Technical Manual, <i>Section 1.7.2.7</i> . Along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below: Speed limit (mph) 25 or less = 100’ minimum separation
Location and spacing of driveways – to allow a curb cut closer than 150’ from an intersection. In this case the separation is approximately 86 feet as shown on the Layout and Materials Plan. <i>Supported by Traffic Engineer</i>	Technical Manual, <i>Section 1.7.2.7</i> . The location and spacing of driveways shall be determined as follows: Along arterial a collector streets, access driveways to corner lots shall be located a minimum of one hundred fifty (150) feet from the intersection of the projection of right-of-way lines to the center line of the driveway except as provided hereafter.
<i>Review</i>	<i>Applicable Standards</i>
Site Plan Level II (staff level review/approval) Subdivision	<i>Section 14-526</i> , including IS-FBC Building Design Standards <i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	IS-FBC UA
Existing Use	Vacant
Proposed Use	Residential, Commercial

Proposed Development Program	17 condominium units (5 1-bedroom, 11 2-bedroom, 1 3-bedroom)
Parcel Size	7,171 SF

	Existing	Proposed	Net Change
Building Footprint	n/a	4,283 SF	4,283 SF
Building Floor Area	n/a	27,636 SF	27,636 SF
Impervious Surface Area	7,171 SF	3,585 SF (50%)	3,586 SF
Parking Spaces (on-site)	0	16 structured	16
Bicycle Parking Spaces	none	8	8
Estimated Cost of Project		\$6,000,000	



Figure 1

IV. BACKGROUND & EXISTING CONDITIONS

221 Congress Street lies at the corner of Congress Street and Washington Avenue. The parcels are currently vacant. The City proposes intersection improvements at this location and coordinated with the applicant the appropriate sidewalk design. The site is zoned India Street Form-based Code Zone with an Urban Active (UA) subdistrict, but borders the B-2b. The site is not in the India Street Historic District and the 100’ rule does not apply here. The site is an important gateway location into the neighborhood from Washington Avenue and Munjoy Hill.

V. PROPOSED DEVELOPMENT

The applicant proposes to combine three existing lots in order to create a single contiguous lot for purposes of this development (*Plan 2*). The development would consist of a five-story mixed-use building with approximately 20

feet of frontage on Congress Street and 110 feet of frontage on Washington Avenue. A commercial space and residential lobby will be on the ground floor with 17 residential apartments would occupy the upper four floors, with principal access from Washington Avenue and commercial access from Congress Street. Structured parking will be underground with garage access occupying part of the ground floor, with a driveway and pedestrian entrance facing Washington Avenue. Vehicular parking for 16 cars would be provided in a two-level automated structure situated under the proposed building.

Intersection improvements are planned by the City and the applicant worked with City staff to determine the appropriate level of site and sidewalk improvements to be made. The sidewalk will be widened, street trees and street lights introduced on Washington Avenue, and the intersection will be made ADA accessible. New brick sidewalks proposed on both streets. Street trees, curb cut, and site lighting shall be provided on Washington Avenue with new street lights and additional lighting is added by the building lighting. The landscape plan (*Attachment 7*) also includes low landscaping along the building sides and rear. Stormwater treatment is proposed as a green roof on the 4th and 5th floors (see Plans).



Figure 2

VI. PUBLIC COMMENT

No public comments have been received.

The applicant hosted a neighborhood meeting on January 13, 2017 in conformance with the subdivision ordinance. There were four attendees. The meeting minutes show that neighbors raised questions about project timeline and process, the parking system, stormwater management and green roof, and generally were supportive of project and design (*Attachment K*).

VII. RIGHT, TITLE, & INTEREST

The applicant’s submittal includes a purchase and sale agreement and amendment as evidence of right, title, and interest. The applicant has proposed to reconfigure three lots to create a development site on what will be one newly defined parcel (*Attachment D*).

VIII. FINANCIAL & TECHNICAL CAPACITY

The estimated cost of the development is approximately \$6 million. The applicant has submitted a letter from Bangor Savings Bank indicating that their intent to consider financing for the project. The applicant has also provided documents attesting to the technical capacity of Caleb Johnson Architects and Blais Engineers (*Attachment E*).

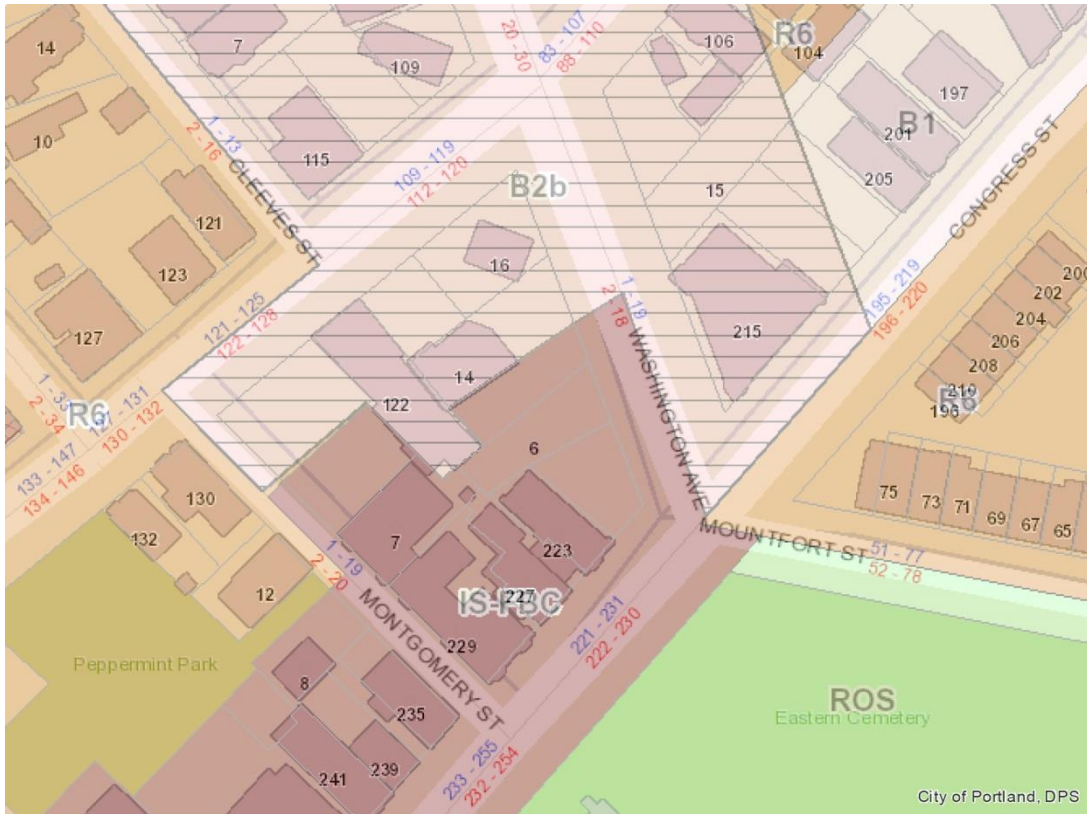


Figure 3

IX. ZONING & LEVEL II SITE PLAN

The project is in the India Street Form-based Code zone and faces two Urban Active subdistrict streets (Congress Street and Washington Avenue). The total project area is under 50,000 square feet and is therefore subject to Level II Site Plan review which is an staff level review and approval. Site Plan review includes review of zoning, design, and site design such as landscape, traffic, stormwater, and parking. The project is currently in review and Level II Site Plan approval is included as a Subdivision condition of approval.

X. SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (*Section 14-496*)

The applicant has provided a subdivision plat for review by the city’s surveyor. Finalizing this plat per *Section 14-496* has been included as a condition of approval. In addition, the project includes condominium units. As such, condominium documents have also been included as a condition of approval.

In the submittal, the applicant proposes the following easements and licenses:

- License to the City of Portland from Hay Runner, LLC for public sidewalk access on Washington Avenue and Congress Street rights-of-way;

If any construction easements are necessary from the City of Portland, they should also be noted on the construction

management plans. Final construction management plans shall be required as part of Site Plan Level II.

All of these easements have been suggested as conditions of approval.

XI. SUBDIVISION REVIEW

(14-497(a). Review Criteria)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland’s subdivision ordinance. Staff comments are below and in *Attachments 1-3*.

1. Water, Air Pollution

The project is not anticipated to result in undue air or water pollution (*Attachment 1*).

2 & 3. Adequacy of Water Supply

The plans show water service from a main in Washington Avenue. The applicant has provided evidence of capacity from the Portland Water District with conditions (*Attachment F*).

4. Soil Erosion

No unreasonable soil erosion or reduction in the capacity of the land to hold water is anticipated. An approved construction management plan including erosion control plan required as a condition of approval.

5. Impacts on Existing or Proposed Highways and Public Roads

The applicant has provided a traffic and transportation analysis (*Attachment J*). Tom Errico, the city’s consulting traffic engineer, has reviewed the study and provided comments (*Attachment 2*), which states the project is not expected to cause unreasonable highway or public road congestion or unsafe conditions.

There are two waiver requests for the proposed driveway. The first request is waive the 100 foot separation between the existing gas station driveway and the proposed drive to allow a distance of roughly 26 feet. The second request seeks a waiver of the corner clearance requirement of 150 feet to allow roughly 87 feet as shown on the site plan. Tom Errico, PE, has reviewed the waiver requests and supports the waivers as follows:

Driveway Waiver

· The proposed driveway does not meet City standards as it relates to Intersection Corner Clearance and Driveway Separation. The project locates the driveway the maximum distance possible along Washington Avenue from Congress Street (which I view as the most critical design standard) and thus I support waivers for the previously noted standards. I would note that as discussed above the project will need to provide details on managing waiting vehicles and that will be addressed through the site plan review process.

6. Sanitary Sewer/Stormwater Disposal

A 6-inch sewer line are proposed to service the building and would outlet to Newbury Street. A grease trap is proposed for the commercial use on the ground floor. The applicant has submitted a wastewater capacity application to the Department of Public Works with an approval letter granted 12/20/17 (*Attachment G*).

The applicant has provided stormwater management and utility plans as well as information for the green roof. The proposed stormwater management agreement has been submitted for review and is included as an attachment. Lauren Swett, the city’s consulting civil engineer has provided comment that this subdivision s is met and will

review these plans further as part of the Site Plan review (*Attachments 1*).

7. Solid Waste

The applicant has proposed a trash and recycling room adjacent to the residential entrance and has indicated in the condominium documents that residents are responsible for engaging a waste management contractor to provide waste removal service. The correspondence from March 8th confirms that the trash will be picked up from the trash room next to the garage entry twice a week. Trojano has confirmed the serviceability via either roll away bins or 2-4 cu yd dumpsters. The project is not anticipated to cause an unreasonable burden on the ability of the city to dispose of solid waste.

8. Scenic Beauty

This proposal is not deemed to have an adverse impact on the scenic beauty of the area. The project is within 100’ of a historic landscape – Historic Program Manager Deb Andrews determined the project is not subject to advisory historic preservation review given the historic resource is a landscape rather than a landmark and the project has no direct impact on that historic resource.

9. Comprehensive Plan

India Street Sustainable Neighborhood Plan

The neighborhood plan includes the following goals and principles which are met by this proposal:

Goal – Vitality – the project adds 17 new units bringing more people to the neighborhood

Principle 7: Guided Growth – the project provides dense residential development on the Congress Street corridor, one of the areas identified as potential growth and infill development sites.

Principle 8: Form of Development – High residential density, maintaining the pedestrian-scale blocks, continuous sidewalks, and street-oriented buildings – these concepts are all included in the project.

Principle 13: Responsive to Climate Change – this will be the second project in the neighborhood to have a green roof and aggressively address stormwater runoff.

Incentives for Affordable Housing and Housing – Sustaining Portland’s Future

The city believes that it is in the public interest to promote an adequate supply of affordable housing for its residents. The proposed project is required under the newly adopted Division 30, Section 14-487, Ensuring Workforce Housing to provide at least 10% workforce housing units. As described below and in (*Attachment 3*), the project will pay a fee-in-lieu into the Housing Trust Fund. The new housing stock is placed in a multi-modal neighborhood with good connections to several neighborhoods, offices, and services.

10. Financial and Technical Capacity

As noted above, the applicant has provided evidence of financial and technical capacity (*Attachment E*).

11. Wetland/Water Body Impacts

Project is not located within a watershed of any pond or lake or within 250 feet of any wetland, great pond or river.

12. Groundwater Impacts

There are no anticipated impacts to groundwater supplies (*Attachment 1*).

13. Flood-Prone Area

Per the FEMA flood maps, the site is not located in a flood zone.

14. Wetland/Water Body Impacts

No potential wetlands within the proposed subdivision.

15. Wetland/Water Body Impacts

No river, stream or brook within or abutting the proposed subdivision.

(14-497(c) Conformity with Code) Any proposed subdivision shall be in conformity with all relevant provisions of this Code. Project has not completed Level II Site Plan approval at the time of this public hearing to determine conformity with all relevant provisions of the Code. Staff proposes a condition of approval that the project shall receive Level II Site Plan Approval.

(14-499 Required improvements)

(a) Street Grading: Not applicable

(b) Street Materials: Not applicable

(c) Water, gas, sanitary sewer: Not applicable

(d) Sidewalk and Curb: Replacement sidewalk and curb will be designed as required in section 14-498, according to the Technical Manual, and in coordination with staff. The applicant submitted revised plans on March 8th, which have been reviewed by Bruce Hyman and Jeremiah Bartlett. The staff found the plans to be closer to meeting requirements, but are seeking more detail about the grades and transitions at the proposed driveway and asking if the ramps and crosswalk on the eastbound Congress approach can be slightly adjusted toward the intersection. A condition of approval regarding the submission of detailed improvements for review and approval is proposed.

(e) Storm Drains: Not applicable

(f) Street Trees: 17 trees are required, 3 are provided as part of the project. The remaining 14 trees will be accommodated through a fee-in-lieu to the amount of \$5,600 (\$400 per tree).

(g) Permanent markers: As described in the approved subdivision plat.

(h) Utility Lines: The project will underground utility lines from the public right-of-way to their building.

(i) Street Lighting: Project will include street lights as specified by the Technical Manual and staff to be placed on Washington Avenue.

(j) Water Supply: Portland Water District has approved water supply for the project.

(k) Erosion Control: An approved construction management plan including erosion control plan required as a condition of approval.

XII. INCLUSIONARY ZONING CONDITIONAL USE

Housing Planner Tyler Norod reviewed the Conditional Use for Affordable Housing application at 221 Congress Street. Conditional Use is authorized by Division 30, Section 14-487, Ensuring Workforce Housing, to secure the creation of Workforce Housing Units as part of new residential projects that propose 10 or more units. The ordinance requires a minimum of 10% of the project to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 221 Congress Street proposes the creation of 17 condominium units. Based on the total number of units the project will be required to provide at least one (1) workforce unit.

The project has proposed to pay a fee-in-lieu of \$170,000 into the City's Housing Trust Fund meet the requirements of this ordinance.

Please refer to the memo from the Housing Planner for the complete analysis (*Attachment 3*).

XIII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the planning board approve the Subdivision and Conditional Use for the proposed residential development at 221 Congress Street.

XIV. PROPOSED MOTIONS

A. WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on March 22, 2016 for application 2016-021 relevant to Portland’s technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The planning board **finds/does not find**, based upon the consulting transportation engineer’s review, that extraordinary conditions exist or undue hardship may result from strict compliance of *Technical Manual* standard (*Section 1.7.2.7*) which requires a minimum separation of 100 feet between driveways on an arterial or collector street. The Planning Board [**waives/does not waives**] the driveway separation requirement to allow a separation of 26 feet between driveways as shown on the Layout and Materials Plan.
2. The planning board **finds/does not find**, based upon the consulting transportation engineer’s review, that extraordinary conditions exist or undue hardship may result from strict compliance of *Technical Manual* standard (*Section 1.7.2.7*) which requires a corner clearance of 150 feet. The Planning Board [**waives/does not waive**] the corner clearance standard to allow a separation of 87 feet between the driveway and the corner as shown on the Layout and Materials Plan.

C. SUBDIVISION

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the planning board report for the public hearing on March 14, 2017 for application 2016-260 relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board finds that the plan **is/is not** in conformance with the subdivision standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall submit a final subdivision plat reflecting the approved Level II Site Plan, including the final engineered details for the grades and transitions at the proposed driveway and the ramps and crosswalk on the eastbound Congress approach as approved by the Department of Public Works and the Planning Authority.
2. The applicant shall submit a final subdivision plat listing conditions of approval for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
3. Prior to Certificate of Occupancy, the applicant shall provide condominium documents for review and approval by Corporation Counsel;
4. That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. 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. A Maintenance Agreement for the stormwater drainage system and green roof as described in Attachment I of this report, shall be approved by Corporation Counsel and the Department of Public Works, and submitted and signed prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works;

5. Prior to Building Permit, the applicant shall pay \$5,600 as fee-in-lieu of 14 street trees not provided on-site;
6. The applicant shall obtain Level II Site Plan approval; and
7. The applicant shall provide drafts of all necessary easements, including but not limited to:
 - a. License to the City of Portland from Hay Runner, LLC for public sidewalk access on Washington Avenue and Congress Street rights-of-way;

for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.

D. INCLUSIONARY ZONING CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on March 14, 2017 for application 2016-283 relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the planning board hearing, the planning board finds that the Conditional Use **is/is not** in conformance with the standards of the land use code and **approves/does not approve** the application, subject to the following conditions of approval:

- a. Provided the Applicant pays a fee in full of \$170,000 into the City’s Housing Trust Fund based on the 17 units being created as part of the project before a Certificate of Occupancy may be issued.

XV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Civil Engineer review (memo from Lauren Swett, 2/28/17)
2. Traffic Engineer review (memo from Thomas Errico, 3/28/17)
3. Housing Planner review (memo from Tyler Norod, 1/4/17)

APPLICANT’S SUBMITTALS

- A. Level III Subdivision application
- B. Conditional Use application
- C. Project Description
- D. Evidence of Right, Title, and Interest
- E. Financial and Technical Capacity
- F. Water Capacity Letter
- G. Wastewater Capacity Letter
- H. Stormwater Management Report
- I. Stormwater Maintenance Plan
- J. Traffic and Transportation Analysis

- K. Neighborhood Meeting Minutes
- L. Stormwater Maintenance Agreement

PLANS

- Plan 1. Cover Sheet
- Plan 2. Boundary Survey
- Plan 3. Subdivision Plan
- Plan 4. Existing Conditions and Demolition Plan
- Plan 5. Site Plan
- Plan 6. Grading and Utilities Plan
- Plan 7. Landscape Plan
- Plan 8. Pre-Development Drainage Plan
- Plan 9. Post-Development Drainage Plan
- Plan 10. Site Details 1
- Plan 11. Site Details 2
- Plan 12. Site Details 3
- Plan 13. Site Details 4
- Plan 14. A1.1 Floor Plans Subgrade and 1st Floor
- Plan 15. A1.2 Floor Plans 2nd, 3rd, 4th Floor
- Plan 16. A1.3 5th Floor and Roof Plan
- Plan 17. Elevations
- Plan 18. Traffic Improvements – revised
- Plan 19. Layout & Materials – revised
- Plan 20. Grade & Utility Plan- revised

221 Congress - looking for subdivision comments

Lauren Swett <lswett@woodardcurran.com>

Mon, Feb 27, 2017 at 7:11 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>, "thomas.errico@tylin.com" <thomas.errico@tylin.com>

Hi Caitlin,

Based on my review:

1. The project will not result in undue water or air pollution. It is not located in the flood plain; there is no plan for subsurface waste disposal; the site is graded adequately to manage stormwater; there are no streams or natural resources in the vicinity; and it is in conformance with water resource regulations.

4. An erosion and sedimentation control plan is in place such that it will not cause unreasonable soil erosion. The existing and proposed site is primarily impervious so there will be no reduction in the capacity of the land to hold water.

6. The project provides for adequate sanitary waste and stormwater disposal.

12. The existing and proposed site is impervious, and as such, the project will not adversely affect the quality or quantity of groundwater. The proposed green roof will serve to decrease site impervious surface, improving stormwater quality and helping to manage stormwater quantity.

Let me know if you have any other questions, or need any additional info for the Subdivision report. I had a voicemail this afternoon from the applicant with some questions on green roof comments. I haven't been able to reach them, but will give them a call in the morning.

Thanks,

Lauren

From: Caitlin Cameron [mailto:ccameron@portlandmaine.gov]

Sent: Monday, February 27, 2017 10:57 AM

To: thomas.errico@tylin.com; Lauren Swett <lswett@woodardcurran.com>

Subject: 221 Congress - looking for subdivision comments

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

221 Congress Street - Subdivision Traffic Comments

Tom Errico <thomas.errico@tylin.com>

Mon, Feb 27, 2017 at 3:34 PM

To: Caitlin Cameron <ccameron@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Lauren Swett <lswett@woodardcurran.com>, Jeff Tarling <jst@portlandmaine.gov>

Hi Caitlin – I have reviewed the project according to City Subdivision standards, specifically traffic impacts to the surrounding public roadways. Based upon the traffic study prepared for the project and the estimated additional traffic to be added to area streets, the project would not be expected to create unreasonable congestion or unsafe conditions.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLIN INTERNATIONAL

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Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

To: Caitlin Cameron, Urban Designer, Planning & Urban Development Department

From: Tyler Norod, Housing Planner, Housing & Community Development Division

Date: January 4, 2017

Subject: 221 Congress Street – Inclusionary Zoning Conditional Use

Conditional Use is authorized by Division 30, Section 14-487, Ensuring Workforce Housing, to secure the creation of Workforce Housing Units as part of new residential projects that propose 10 or more units. The ordinance requires a minimum of 10% of the project to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 221 Congress Street proposes the creation of 17 units of for-sale housing. The Applicant has chosen to fulfill the inclusionary zoning requirements by paying a fee-in lieu equivalent to today's rate of \$100,000 per owed workforce unit. The proposed project would thus be required to pay a total fee of \$170,000 into the City's Housing Trust Fund in lieu of the creation of actual housing units for workforce households. Should at a later date any change in total unit count be considered, a revised proportional fee-in lieu payment will also be required. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff recommends the Board Approve this Conditional Use provided the Applicant pays a fee in full of \$170,000 into the City's Housing Trust Fund based on the 17 units being created as part of the project before a Certificate of Occupancy may be issued. The Applicant and the City may enter into a written agreement to codify this requirement and a Certificate of Compliance may be issued by the Planning Authority at the Applicant's request once the full payment has been received by the City.

Sincerely,

Tyler Norod
Housing Planner