

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Bill Hall
Carol Morrissette
Jack Soley
Dave Eaton

March 10, 2016

Legacy 18 Development Corporation
Attention: David Klenicki
233 Smith Road
Windham, ME 04062

Sevee and Maher Engineers, Inc.
Attention: Dan Diffin
4 Blanchard Road
Cumberland, ME 04021

Project Name:	Romasco Lane Subdivision: 4-Unit Condos	Project ID:	2016-023
Address:	5-9 Romasco Lane	CBL:	013 J024001
Applicant:	Legacy 18 Development Corporation		
Planner:	Shukria Wiar		

Dear Mr. Klenicki:

On March 8, 2016, the Planning Board considered a Level III Site Plan and Subdivision Application for the proposed construction of a four-unit condominium building with ground level parking on the first floor at 5 - 9 Romasco Lane. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) to approve the application with the following waivers and conditions as presented below.

WAIVERS

The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) to grant the following waivers:

1. The Planning Board finds that the applicant has demonstrated that extraordinary conditions unique to this property exist that limit the ability to meet the aisle width standard of 24 feet and the parking stall width standard of nine feet and Mr. Errico has found that the proposed widths provide safe on-site circulation; and the Board finds that the public interest and purposes of the land development plan are secured. The Planning Board therefore waives *Technical Manual 1.7.2.3. Minimum driveway width (two-way)* and *1.14. Parking Lot and Parking Space Design* to allow a varied aisle width of 18 to 24 feet and parking space width of nine and half in the garage.
2. The Planning Board finds that the applicant has demonstrated that due to the site constraints preventing the planting of required street trees along Romasco Lane, thus the Planning Board waives Section 14-526 (b) (2) (b) (iii) *Street Trees* to allow for a contribution of \$800 to the City's Street Tree Fund to be substituted for the provision on site of three of the required street trees.

SUBDIVISION REVIEW

The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition(s) of approval:

1. The Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Works and Corporation Counsel; and
2. That the final survey, site plan and subdivision plat shall correctly illustrate the sanitary sewer in Romasco Lane.
3. That the Declaration of Condominium and associated documents shall be submitted for review and approval by Corporation Counsel prior to the issuance of certificate of occupancy; and
4. That the recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

LEVEL III SITE PLAN REVIEW

The Planning Board voted unanimously 4-0 (Dundon and Morrissette absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. The structural design of the retaining wall shall be submitted for review and approval to the Planning Authority prior to the issuance of a building permit; and
2. That the final construction easement shall be submitted prior to the issuance of certificate of a building permit; and
3. 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 Services.

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 2016-023 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).

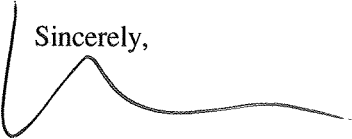
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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 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.
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 Services 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 756-8083 or via shukriaw@portlandmaine.gov.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. City Code, Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jenice Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File



PLANNING BOARD REPORT PORTLAND, MAINE

Romasco Lane Subdivision: Four Units Condominium
5-9 Romasco Lane
Level III Subdivision and Site Plan Review
2016-023
Legacy 18 Development, Inc., Applicant

Submitted to: Portland Planning Board: Public Hearing Date: March 8, 2016	Prepared by: Shukria Wiar, Planner Date: March 4, 2016
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I. INTRODUCTION

Dan Diffin of Sevee and Maher Engineers on behalf of Legacy 18 Development, Inc. has submitted a Level III Site Plan and Subdivision application for the construction of a four-unit condominium building at 5-9 Romasco in the East End. The project involves the construction of a 4-unit condominium building with ground level parking below the units on a vacant lot on Romasco Lane. The site is currently a surface parking area. It is surrounded by single and multifamily houses. The site is in the Residential R-6 zone.



This proposal is being reviewed as a final plan and subject to the Site Plan and Subdivision Ordinance of Land Use Code. The project will also be reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual) and the *Two-Family, Special Needs*

Independent Living Units, Multiple-Family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters Standards (Sections (d) and (I), and Appendix 2 of the Design Manual).

Notices were sent upon receipt of the application and two hundred and twenty-six (226) notices were sent to area residents within 500 feet of the site and the interested party list for the public hearing. A notice also appeared in the February 29th and March 1st editions of the *Portland Press Herald*.

Applicant Name	David Klenicki of Legacy 18 Development, Inc.
Consultants	
Engineer	Dan Diffin, Seveee and Maher Engineers, Inc.
Surveyor	Owen Haskell, Owen Haskell, Inc.
Architect	David Lloyd, Archetype Architects

Project Review

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491
Design Manual	R-6 Small Infill Development Design Principles & Standards (Appendix 7 of the Design Manual) and the Two-Family, Special Needs Independent Living Units, Multiple-Family, Lodging Houses, Bed and Breakfasts, and Emergency Shelters Standards (Sections (d) and (I), and Appendix 2 of the Design Manual)

Requests for Waivers

<i>Waiver Request</i>	<i>Applicable Standards</i>
<p><i>Street tree Requirement – Sec. 14-526 2.b.iii. a</i> The street tree requirement is one tree per unit. The waiver request is for the four trees. The total contribution would be \$800.</p>	<p><i>Sec. 14-526 2.b.iii (b) Waiver.</i> Where the applicant can demonstrate that site constraints prevent the planting of required street trees in the City right of way, the Reviewing Authority may permit the planting of street trees in the front yard, within ten feet of the property line. Existing preserved healthy trees that are six (6) inches or more in caliper and are on the site within ten (10) feet of the property line may be counted towards this requirement. If planting street trees is neither feasible in the City right of way nor within the site, the applicant shall contribute to the City of Portland Tree Fund an amount proportionate to the cost of required street trees.</p>

II. PROJECT DATA

Existing Zoning	R-6 Residential
Tax Map	CBL: 013 J024 001
Existing Use	Vacant Lot/ surface parking lot
Proposed Use	Condominium
Parcel Size	3,496 SF
Number of Units to be Demolished	None
Number of Affordable Units	The proposed units will be market rate.
Proposed Bedroom Mix	Two one-bedroom unit on second floor, two two-bedroom on 2 nd and 3 rd floors
Building Footprint	1,955 SF
Building Floor Area	8,020 SF
Impervious Surface Area	2,095 SF
Parking Spaces	3 spaces on the first level
Bicycle Parking Spaces	2 spaces
Estimated Cost of Project	\$900,000

III. EXISTING CONDITIONS

The property is currently developed with a 639-square-foot paved surface parking area along the street frontage and a lawn area to the rear of the property.

The proposed building, vehicle maneuvering area, and patios will increase the on-site impervious area to approximately 2,095 square feet.

The site has an existing curb cut but may be shifted slightly to line up with the new garage.

No on-street parking space will be lost.



IV. PROPOSED DEVELOPMENT

The proposal, including floor plans and elevations, are included in the final plan set and have been revised to address staff concerns. The development project is proposed as new construction of a four-unit condominium building with one- to two-bedroom units. The building will be four stories high with a building height of 41 feet and 1,955 SF footprint. At four stories high, the scale of this apartment building will be in balance with the residential uses of the street and neighborhood. The building will include a three car garage on the first floor, two one-bedroom units on the second floor and two two-bedroom units on the third and fourth floors. The building design also includes four private roof decks for access by each unit.

The R-6 zone does not require parking spaces for the first three units. However, the applicant is proposing three parking spaces. The parking spaces will be under the building on the first floor. The main entrance to the building is at the front along the sidewalk. Vehicle access is proposed from Romasco Lane. The garage include door in the back wall as well to maneuver vehicles within the garage. Two bicycle parking spaces are also proposed as part of this project; these spaces will be in the building on the first floor. A designated area for snow storage is located adjacent to the proposed building (on the south west corner of the property).



V. PUBLIC COMMENT

As of the writing of this report, there has been no public comment submitted.

The applicant was not required to hold a neighborhood meeting since the subdivision is for four units only; project developments that have five or greater units or lots are required to hold a neighborhood meeting.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

a. The owner of the property is Legacy 18 Development, Inc. The applicant has provided a copy of a warranty deed of sale, recorded at the Cumberland County Registry of Deeds (Book 31728 Page 266), which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$900,000. The applicant has submitted a letter from Saco and Biddeford Savings Institution, dated January 20, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

VII. ZONING ASSESSMENT

The proposed project is to build a four-story four unit condominium building. The property is located in the R-6 Residential Zone. The proposed residential building is a permitted use in the Residential R-6 zone. Under the R-6 zone all of the dimensional requirements are being met. For off street parking, Division 20 requires no parking for the first three units and one parking space per unit for residential uses after the first three in the R-6 zone. Even though parking is not required, the applicant is proposing three parking spaces as shown on the site plan.

VIII. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a recording plat. The final plat will need to be revised to reflect any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within 90 days of a Planning Board decision. As writing of this report, there are three waiver requests.

B. SUBDIVISION (Section 14-497)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. *Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)*
David Senus, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and is satisfied with the proposed plans. Confirmation of ability to serve from PWD for water has been submitted as part of the application. The staff finds the project is in conformance with this standard.
2. *Sufficient Water Available (Section 14-497 (a) 2 and 3)*
The project will be served by the existing utility services located in Romasco Lane. The applicant has submitted ability to serve letters for water and sewer demand from Portland Water District and the City Department of Public Services, respectively. The staff finds the project is in conformance with this standard.
3. *Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)*
Tom Errico, P.E. Ty Lin reviewed the proposal's details in regard to access and finds the project to be

acceptable.

The proposed project is not anticipated to cause unreasonable traffic congestion. The staff finds the proposed project is in conformance with this standard.

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

The site survey incorrectly shows the sewer utilities in the street. The applicant is working with the City Surveyor to accurately identify the sewer utilities. A potential condition of approval:

The final survey, site plan and subdivision plat shall correctly illustrate the sanitary sewer in Romasco Lane.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

The proposal site is not within an historic district. It is in an urban neighborhood surrounded by a variety of residential building types. The proposed building does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline. The staff finds the proposal in conformance with this standard.

6. Comprehensive Plan (Section 14-497 (a) 9)

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
 - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland's rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respect neighborhood integrity.

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

- Ensure the integrity and economic value of Portland's neighborhoods.

7. Financial Capability (Section 14-497 (a) 10)

The estimated cost of the development is \$900,000. The applicant has submitted a letter from Saco and Biddeford Savings Institution, dated January 20, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph VIII (B) (3), above.

b. Construction Management Plan

A description of the construction management plan has been submitted by the applicant. A site plan has also been submitted that shows the construction management on the site. All of the construction is proposed within the limits of the property lines.

c. Sidewalks

Currently the sidewalk along the property is concrete, however the applicant is proposing to install new brick sidewalk along their frontage on Romasco Lane. This site is in the brick district.

d. Public Transit Access

The public transit requirements do not apply to this project.

e. Parking

There are three parking spaces and these are located inside the garage of the building and away from the street view. The parking stalls are slightly wider than the nine feet wide standard. To meet the required zoning setback, the building will be angled on the southeast side. Due to this, the aisle width in the garage varies from 18 to 24 feet and the City standard is 24 feet. Tom Errico has reviewed this and supports waivers on both standards, see below:

The average parking stall width will be slightly wider than the City standard of 9 feet. I find this condition to be acceptable and support a waiver from City standards.

The parking aisle width for circulation purposes will range from 18 to 24 feet (24 feet is the City standard). Given that the project will be providing a rear garage door to assist with vehicle circulation, and that Romasco Lane has very low traffic volumes and speeds (I find backing maneuvers from the site to be reasonable), I find conditions to be acceptable and support a waiver from City standards.

f. Bicycle Parking

The proposals include 2 bicycle parking spaces in the garage of the building, which meets the ordinance standard of 2 bicycle spaces per 5 vehicle spaces.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

The applicant is not proposing street tree on Romasco Lane due to site restrictions. The applicant has agreed to contribute to the City's Tree Fund for the four trees in order to meet the standard. The site will have landscaping along the front of the building.

c. Water Quality, Storm Water Management and Erosion Control

The proposed development disturbs approximately 3,500 square feet (approximately 0.1 acres). According to Section 4 of the City of Portland Technical Manual any site disturbing less than one acre is exempt from complying with the Basic and General Standards, and acquiring a Stormwater Permit.

The applicant proposes capturing and infiltrating the runoff from the roof of the new building and north portion of the property in a shallow infiltration basin in the back of the property. David Senus, Consultant Engineer has reviewed the stormwater information and states that the applicant has adequately addressed all comments.

3. *Public Infrastructure and Community Safety Standards*

a. Consistency with Master Plans

See Subdivision, Paragraph VIII (B)6 above.

b. Public Safety and Fire Prevention

The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime.

The applicant has introduced wall mounted lighting at all entrance ways. Wall mounted lighting will also be provided for the area by the parking garage. The entrances to the building will be well-lit and visible from the street to provide natural surveillance.

c. Availability and Adequate Capacity of Public Utilities

The project will be served by the existing utility services located in Romasco Lane. Capacity letters for water and wastewater has been provided from Portland Water District and Department of Public Works, respectively.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant is proposing on-site snow storage; the area for storage is not labeled on the site plan. Snow storage will be provided on site and hauled away as necessary.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The site is outside the 100 foot setback of the West End historic district, therefore the project does not have to be reviewed by Historic Preservation.

d. Exterior Lighting

The proposal has noted wall mounted lighting along all the entrances. According to the applicant, any proposed lighting will be full cutoffs.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These mechanical equipment should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof. This information will have to be submitted for review as part of the building permit.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a four-family dwelling at 5-9 Romasco Lane. The review was performed by Caitlin Cameron, Urban Designer, Nell Donaldson, Planner, and Shukria Wiar, Planner, all within the Planning Division of the Department of Planning & Urban Development. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual).

Design Review Criteria:

The project was reviewed with the Alternative Design Review which has the following criteria:

- a. Proposed design is consistent with all of the Principle Statements
- b. The majority of the Standards within each Principle are met
- c. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two-block radius in terms of size, scale, materials, and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- d. The design plan is prepared by an architect registered in the State of Maine.

Findings of the Design Review: The project meets all of the criteria above and **passes** the design review.

Comments for the specific standards are provided in Attachment 4.

The building has four units and therefore Fair Housing applies and the Maine Human Rights Act applies (4582-C, 1.c. (1) & (2)). Only the ground floor unit must comply to meet these standards. According to the Applicant's consultants, the front door into the building is designed to meet the requirement of both codes, see Attachment L.

IX. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed development.

X. PROPOSED MOTIONS

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 proposed site plan and subdivision (application 2016-023), including but not limited to the report and the staff reviews relevant to Portland's Technical and Design Standards and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing.

1. The Planning Board (*finds/does not find*) that the applicant has demonstrated that extraordinary conditions unique to this property exist that limit the ability to meet the aisle width standard of 24 feet and the parking stall width standard of nine feet, and Mr. Errico has found that the proposed widths provide safe on-site circulation; and the Board (*finds/does not find*) that the public interest and purposes of the land development plan are secured. The Planning Board therefore (*waives/does not waive*) *Technical Manual 1.7.2.3. Minimum driveway width* (two-way) and *1.14. Parking Lot and Parking Space Design* to allow a varied aisle width of 18 to 24 feet and parking space width of nine and half in the garage.
2. The Planning Board (*finds/does not find*) that the applicant has demonstrated that due to the site constraints preventing the planting of required street trees along Romasco Lane, thus the Planning Board (*waives/does not waive*) Section 14-526 (b) (2) (b) (iii) *Street Trees* to allow for a contribution of \$800 to the City's Street Tree Fund to be substituted for the provision on site of three of the required street trees.

SUBDIVISION PLAT

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application #2016-023 relevant to the Subdivision Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan (**is/is not**) in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. The Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Department of Public Works and Corporation Counsel; and
2. That the final survey, site plan and subdivision plat shall correctly illustrate the sanitary sewer in Romasco Lane.
3. That the Declaration of Condominium and associated documents shall be submitted for review and approval by Corporation Counsel prior to the issuance of certificate of occupancy; and
4. That the recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

LEVEL III SITE PLAN

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application #2016-023 relevant to the Site Plan Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan (**is/is not**) in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions:

1. The structural design of the retaining wall shall be submitted for review and approval to the Planning Authority prior to the issuance of a building permit.
2. That the final construction easement shall be submitted prior to the issuance of certificate of a building permit; and
3. 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 Services.

ATTACHMENTS:

Staff Review Comments

1. Traffic Engineering Review (Tom Errico, T Y Lin), comments dated 03.03.2016
2. Department of Public Services Review, David Margolis-Pineo, dated 02.19.2016 and 03.02.2016
3. Civic Engineer Review, David Senus, dated 03.02.2016
4. Urban Designer Review, Caitlin Cameron, dated 03.02.2016
5. DPW Wastwater Capacity Letter

Applicant's Submittal

- A. Cover Letter and Application Dated 01.27.2016
- B. Project Description
- C. Site Location Map
- D. Title, Right and Interest
- E. Financial Capacity
- F. City of Portland GIS Map
- G. FEMA Floodplain Map
- H. Stormwater Management Report
- I. City Wastewater Capacity Application
- J. Portland Water District Capacity to Serve Letter
- K. Construction Management Plan
- L. Comments Response Letter Dated 03.01.2016

Plans

Plan1 Title Sheet

Plan2	Existing Conditions and Demolition Plan
Plan3	Site, Utility, Grading and Erosions Control Plans
Plan4	Erosion Control Notes and Details
Plan5	Sections and Details
Plan6	Boundary and Topo Survey
Plan7	Subdivision Recording Plat
Plan8	Landscaping Plan
Plan9	Post Development Conditions
Plan10	Pre Development Conditions
Plan11	A1.1- First Floor Plan
Plan12	A1.2- Second Floor Plan
Plan13	A1.3- Second and Third Floor Plan
Plan14	A1.4- Fourth Floor Plan
Plan15	A1.5- Roof Plans
Plan16	A2.1- Front Elevations
Plan17	A2.2- Left Elevations
Plan18	A2.3- Rear Elevations
Plan19	A2.4- Right Elevations
Plan20	Color Rendering