



# PORTLAND MAINE

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## **Planning & Urban Development Department**

Jeff Levine, AICP, Director

## **Planning Division**

Stuart O'Brien, Director

February 18, 2016

Matthew Murrell & Katherine Howe  
2 Tanner Street  
Portland, ME 04106

Project Name: 3 Story, 2- Family Home  
Project ID: BP 2015-02404  
Address: 40 Quebec Street  
CBL: 014 H 003 001  
Applicant: Matthew Murrell and Katherine Howe  
Planner: Philip DiPierro

Dear Mr. Murrell and Ms. Howe:

On February 18, 2016, the Planning Authority approved with conditions a Level I: Minor Residential application for a 3 story, 2 family home at 40 Quebec Street. This approval is based on the review of the site plan submitted by Gologic plan sheet A1.1 with a current issue date of 2/10/16. The site plan consists of a 3 story 2-family structure with carport for two vehicles and a garage that has parking for one vehicle. To address stormwater on site, the applicant has proposed to construct a stormwater infiltration trench on the west side of the structure that receives roof drainage from a scupper and downspout system. The infiltration trench drains into a rain garden that wraps around the south and east sides of the structure. The rain garden infiltrates stormwater into the soils, and will include an overflow device (as a condition of approval) that drains excess stormwater into a crushed rock filter that drains through the retaining wall along the site's street frontage, onto and across the sidewalk. The stormwater management system has been designed to avoid negative drainage impacts to abutting neighbors. This method of stormwater management has been reviewed and approved by both the City's consulting stormwater review engineer, and the Deputy City Engineer.

The site is located in the residential R-6 zone and therefore was reviewed against the City's Design Manual for Small Residential Lot Development in the R-6 zone. The project as proposed meets the standards of the design manual. The Planning Authority also reviewed the proposal for conformance with the standards of the Site Plan Ordinance.

The Planning Authority approved the application with the following waivers and conditions as presented below.

## **WAIVERS**

Section 1.7.1. of the City of Portland's Technical Manual requires ".....a minimum distance of twenty (20) ft. spacing between adjacent driveways." The applicant is requesting a waiver of this standard and proposing a driveway separation of nine feet. The standard for granting a waiver of this requirement appears at Section 526(f) of Chapter 14 of the City Code. Under that section, a waiver may be granted upon a showing of extraordinary or undue hardship and that the grant of the waiver would be in the public interest.

After thorough review and having consulted with both the Deputy City Engineer, and the City's consulting traffic engineer, the Planning Authority does not find that an undue hardship sufficient to justify such a substantial waiver from the usual requirement exists in this case. Unlike some properties in other areas of the City, the City's Code does not require that this property provide any off-street parking. Therefore, there is no hardship created by the 20-foot standard nor is there any reason from regulatory or land use perspective why the usual standard cannot be met – no driveway is required. Additionally, granting the waiver as requested would result in the loss of an existing on-street parking space, something that is contrary to the public interest. However, out of recognition of some hardship created by the existence of a utility pole on the western side of the proposed driveway, such that the proposed driveway cannot be shifted to fully accommodate the 20-foot separation requirement, and because an 18-foot separation would continue to preserve the existing on-street parking space, Public Works is supportive of a partial, more-modest 2-foot waiver of the usual standard. Therefore, a partial waiver is granted to allow an 18-foot (rather than a 20-foot) driveway separation. As a condition of the waiver approval, the applicant must submit a revised site plan that meets the driveway separation requirements outlined below by Assistant City Engineer, David Margolis-Pineo.

Following are the review comments of David Margolis-Pineo, Assistant City Engineer;

At the direction of the Public Works Department, "the applicant is to close the proposed driveway cut width to 12 feet, increasing the separation between driveways to 18 feet, and offer a waiver from the required 20 feet of separation between driveways to 18 feet, resulting in a waiver of 2 feet."

#### **SITE PLAN REVIEW**

Level I: Minor Residential site plan applications are subject to the following site plan standards (Except as provided in Article III of the City Code, or to conditions imposed under Section 14-526 (e) only, or to those submission requirements set forth in section 14-527 as relate solely thereto), as contained in section 14-526 of Article V, Site Plan.

- 14-526 (a) Transportation Standards:
  - 2.a Site Access and circulation (i) and (ii); - **Standard Met subject to meeting condition of approval**
  - 2.c Sidewalks: (if the site plan is a two-family or multi-family building only); Standard Met
  - 4.a Location and required number of vehicle parking spaces: (i) and (iv); Standard Met
- 14-526 (b) Environmental Quality Standards:
  - 1. Preservation of significant natural features; - Standard Met
  - 2.a. Landscape and landscape preservation; - Standard Met
  - 2.b Site landscaping (iii); - **Standard Met subject to meeting condition of approval**
  - 3.a Water quality, stormwater management and erosion control; a., d., e., and f., - **Standard Met subject to meeting condition of approval**
- 14-526 (c) Public Infrastructure and Community Safety Standards:
  - 1. Consistency with Master Plan; - Standard Met
  - 2. Public safety and fire prevention; - Standard Met
  - 3. Availability and adequate capacity of public utilities; a., c., d., and e.; - Standard Met
- 14-526 (d) Site Design Standards:
  - Historic Resources, - Standard Met
  - Zoning related design standards, - Standard Met

The Planning Authority found the plan is in conformance with the Site Plan Standards of the Land Use Code subject to the following conditions of approval:

1. Prior to the issuance of the building permit the applicant shall revise the site plan so that it meets the partial waiver criteria outlined above for the curb cut and driveway spacing as follows; - the applicant is to close the proposed driveway cut width to 12 feet, increasing the separation distance between driveways to 18 feet,

2. Prior to planting the street trees, the applicant shall meet with the city arborist to field locate the proposed street trees,
3. Prior to the issuance of the building permit the applicant shall revise the site plan and include a detail of the stormwater overflow device that is to be constructed between the rain garden and the retaining wall. The detail is to be submitted, reviewed and approved by the Planning Authority.

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

#### **STANDARD CONDITIONS OF APPROVAL**

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

1. **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 Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
2. **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.
3. **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.)
4. **The Development Review Coordinator (874-8632)** must be notified five (5) working days prior to date required for final site inspection. 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.
5. **All damage to sidewalk, curb, street, or public utilities** shall be repaired to City of Portland standards prior to issuance of a certificate of occupancy.
6. **A sewer permit is required for your project.** Please contact Carol Merritt at 874-8300, ext . 8822. The Wastewater and Drainage section of Public Services must be notified five (5) working days prior to sewer connection to schedule an inspector for your site.
7. **A street opening permit(s) is required for your site.** Please contact Carol Merritt ay 874-8300, ext. 8822. (Only excavators licensed by the City of Portland are eligible.)
8. **All Site work (final grading, landscaping, loam and seed) must be completed prior to issuance of a certificate of occupancy.** A performance guarantee will be required to cover the cost of site work not completed due to seasonal conditions ie., finish grading, loaming, seeding, mulching, installation of street trees, etc. The performance guarantee must be reviewed, approved, and accepted by the Planning Authority prior to the release of a Temporary Certificate of Occupancy.
9. **The Development Review Coordinator reserves the right to require additional lot grading or other drainage improvements as necessary due to field conditions.**
10. **Erosion and Sedimentation control shall be established and inspected by the Development Review Coordinator prior to soil disturbance, and shall be done in accordance with Best Management Practices, Maine Department**

of Environmental Protection Technical and Design Standards and Guidelines. All Erosion and Sedimentation control measures must be inspected and maintained daily.

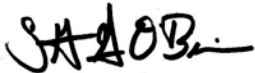
11. The applicant shall have a licensed surveyor install, prior to the issuance of any Certificate of Occupancy, permanent mounumentation/pins identifying property corners.

The Development Review Coordinator must be notified five (5) working days prior to the 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.

**You have the right to appeal this decision to the Planning Board pursuant to Section 14-529 of the Portland City Code. If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, this decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.**

If there are any questions, please contact Philip DiPierro at (207) 874-8632 or via email at [pd@portlandmaine.gov](mailto:pd@portlandmaine.gov)

Sincerely,



Stuart O'Brien  
Planning Division Director

**Electronic Distribution:**

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