

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E. & Ashley Auger, E.I.T.
DATE: December 2, 2013
RE: 118 on Munjoy Hill, Level III Site Plan Review

Woodard & Curran has reviewed the Level III Site Plan Application for the development project located at 118 Congress Street in Portland, Maine. The project will involve the construction of a new four story mixed-use building consisting of residential units and retail space.

Documents Reviewed by Woodard & Curran

- Level III Site Plan Application and attachments, dated November 13, 2013, prepared by Pinkham & Greer Consulting Engineers on behalf of 118 Condominiums, LLC.
- Engineering Plans, Sheets C1.0, C1.1, C1.2, C1.3, C1.4, C1.5, C1.6, C1.7, & C1.8, dated November 13, 2013, prepared by Pinkham & Greer Consulting Engineers on behalf of 118 Condominiums, LLC.

Comments

- 1) Additional documents will need to be submitted with the final application, including letters from utilities confirming capacity to serve the proposed development and a construction management plan.
- 2) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards:
 - a) Basic Standards: The Applicant has provided a plan, notes, and details to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500. The plan should include a note stating that the street Right-of-Way shall be kept clean from dust, tracked soil/mud, and construction debris and swept as necessary or as requested by the City of Portland to minimize dust and sediment originating from the site.
 - b) General Standard: The project will result in a de minimis increase in impervious area of approximately 383 square feet. As such, the project is not required to include any specific stormwater management features for stormwater quality control.
 - c) Flooding Standard: The project will result in a de minimis increase in impervious area of approximately 383 square feet. As such, the project is not required to include any specific stormwater management features to control the rate or quantity of stormwater runoff from the site to meet the Flooding Standard; however, the project proposes direct connections for the roof drains and foundation drains to the combined sewer system in St. Lawrence Street. In accordance with Technical Standard 2.1.1., introduction of non-contaminated water such as rain water and groundwater from foundation drains shall not be allowed to discharge to the sewer unless approved by the City Engineer. The Applicant should explore a means of eliminating these connections to the City's combined sewer system. DPS would allow surface discharge of roof water.
- 3) The following details should be added for work within the City Right-of-Way in accordance with the City of Portland Technical Manual:
 - a) Brick Sidewalk
 - b) Pavement Repair Cross Section

Jean Fraser - 118 Congress Street

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 12/12/2013 3:25 PM
Subject: 118 Congress Street
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>

Jean – I have reviewed the current plan and offer the following preliminary comments.

- The project will be providing in excess of one parking space per residential unit and therefore meets City standards.
- I find the proposed driveway condition to be acceptable. The project will be eliminating two curb cuts on Congress Street and providing one driveway on St. Lawrence Street.
- Some of the parking spaces on site do not meet City standards (reduced size – but larger than compact size spaces) and a waiver will be required. A formal waiver and supporting information shall be provided by the applicant.
- In my professional opinion the proposed project will not generate a significant amount of traffic and is not expected to have a negative impact on traffic safety and operations in the study area.
- Historically a crosswalk has been provided on Congress Street at the easterly side of the St. Lawrence Street intersection. The City's Crosswalk Committee shall review the subject location and identify recommendations for installing a crosswalk. If deemed appropriate by the Crosswalk Committee the applicant will be responsible for installing the crosswalk and all supporting features.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
TYLININTERNATIONAL
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"One Vision, One Company"

Please consider the environment before printing.

MEMORANDUM

To: FILE

From: Jean Fraser

Subject: Application ID: 2013-255

Date: 12/9/2013

Comments Submitted by: Ann Machado/Zoning on 12/9/2013

Looked at revised plans submitted 12-6-13. A1.1 shows that the proposed building now meets the 20' rear setback behind 25 Monument Street. The overall footprint of the structure has been reduced to 8,981 sf. Parking spaces 15-18 have been reduced to 8.5' by 18'. A1.02 shows that the length of the deck & enclosed glass bumpout has been reduced to 19.5' on the western elevation towards the rear of the building. The enclosed (glass) living areas and the decks on floors two through four still encroach 2.5' over the property line on the west and north sides of the building and still extend 3' off the principal structure. The two blade signs shown on A1.01 are not being approved at this time.

Attachment 4

December 12, 2013

Memo To: Jean Fraser
Barbara Barhydt
From: David Margolis-Pineo
RE: Development Review Comments for 118 Congress St.

The Department of Public Services has the following comments for the proposed project located at 118 Congress Street.

1. It is understood that all sidewalks will be rebuilt and curbing reset abutting the applicant's property with this proposed project.
2. Add State Plane Coordinates for the four property corners.
3. Provide survey pins to all property corners once construction is completed.
4. It is expected that the foundation footing will encroach the street right of way. A city license will be required for this.
5. A city license will also be required for all proposed portions of the building overhanging the street right of way. The proposed areas encroaching into the Congress and St Lawrence St right of way are excessive and should be scaled back or the building should be set back to accommodate these features. Falling ice and snow is a pedestrian safety issue.
6. The proposed back deck encroaches the required set back.
7. The proposed curb cut currently shows a brick apron. The City's Technical Manual requires asphalt drive aprons.
8. The tree at the corner of Congress and St Lawrence is a mature tree and should be protected.
9. Congress St is currently under a paving moratorium and will remain so until 2017. Any pavement cuts will require a moratorium repair until that time.
10. Please add general note stating that all work within the street right of way shall meet the conditions of the City of Portland's Technical Manual.
11. Roof drainage shall sheet flow to the street and not be hard piped to the sanitary sewer.

We have no further comments at this time.

Jean Fraser - Fwd: RE: 118 Congress overhangs over ROW

From: Jeff Tarling
To: David Margolis-Pineo; Jean Fraser
Date: 12/12/2013 4:56 PM
Subject: Fwd: RE: 118 Congress overhangs over ROW
CC: Barbara Barhydt

Jean -

Tree & Landscape review comments for the proposed 118 Congress Street project:

The size and mass of the proposed development with overhangs obscures significant streetscape and overwhelms the historic views of traditional Congress Street. The lack of any landscape greening, planters, and removing available space for street trees is like no other project in recent memory.

- * The existing mature street-trees have high value, especially on the Waterville Street side. Continuing the street tree canopy along Congress Street is a high priority. The project as proposed severely reduces the street tree value along Congress Street & Waterville Street. Reducing tree space is counter to over 20 years of greening efforts and street tree planting in the Munjoy Hill, CDBG area.
- * Proposed building overhang over the sidewalk seriously effect street-tree growth and are strongly opposed as shown. The building overhang eliminates ALL future shade tree / street tree possibilities and is unacceptable as it changes the character of Congress Street and the Eastern Promenade.
- * Historic views on Congress Street that include tree canopy, along with views to the Eastern Promenade and to the Portland Observatory are interrupted by the proposed development as presented.
- * The proposed development should include additional street-view landscape treatment as typical on most of Congress Street. The proposed development scale and lack of greenery changes the existing residential character of this important Munjoy Hill landscape. This includes planters, pockets of vegetation & greenery for pedestrian view point.

Jean Fraser - B1 comments revised - 118 Congress

From: Caitlin Cameron
To: Fraser, Jean
Date: 12/13/2013 11:56 AM
Subject: B1 comments revised - 118 Congress
CC: Barhydt, Barbara

Building Location and Form - As part of a recent policy discussion regarding allowable heights on Congress Street, the Planning Board found Congress Street is an appropriate location for a taller building however, being located on a topographic high point adds to the perceived height of the project. The project does exceed the recommended ratio of 1:2 building height to street width but Congress Street, as a major mixed-use corridor with transit, should be viewed as an exception from urban residential streets when it comes to determining appropriate scale and height. On Congress and St. Lawrence Streets the building does a good job of breaking the mass into proportions found in the neighborhood (through change in material and articulation).

Building Function - The standard is met with a mix of retail and residential uses.

Orientation of Buildings and their Entrances to the Street - The building entrances, retail and residential, are on the main pedestrian path of Congress Street and add to the street activity. The canopy and materiality call attention to the residential entrance with appropriate storefront and entrances for the retail segments. The bicycle storage entrance seems to have undue prominence on Congress Street.

Windows - The project makes good use of storefront windows.

Building Character, Detail, Scale, and Graphic Qualities - In general the building character fits the context. The composition of the balconies in relation to the window towers are not convincing to my eye. If the balconies are not to intentionally align with the window towers adjacent, I would like to see that slippage played up with an exaggerated gesture. Otherwise, I would prefer to see the balconies detailed so that they align visually with some of the lines of the window tower. I appreciate the variation of color and material to break the mass of the building into visually more vertical elements which is in tune with the proportions of neighboring buildings. Whereas, elevations 1 and 4 (the most visible elevations) are very successful in terms of articulation and variation I question whether elevations 2 and 3 are too flat. Typically in the neighborhood context, side and back facades are relatively minimal and flat, however, in the case of this building, these facades are more visible with 30 feet between it and the neighboring house on Congress Street, and 50 feet between it and the neighboring house on St. Lawrence.

In regards to the architectural elements proposed to overhang the public right of way, unlike other exceptions where this kind of easement over the right of way was granted, this project is not limited by site constraints, existing structure, or by maintaining historical character. When weighing the impact of this aspect of the project on the public realm the following conclusions were reached. The articulation of the facade is a benefit to the streetscape and produces a good design that meets the design standards. However, the size of the lot would not preclude the articulation from occurring within the property line. In fact, the neighboring houses appear to be set back from the property line a foot or two to accommodate bay windows and/or porch steps. Stepping the retail facades back a foot or two would not negatively affect the street wall. Another possible detriment to the public includes the drip line of the overhangs onto the pedestrian path which could result in safety and comfort concerns. The protruding bays and balconies will also interfere with the growth and placement of street

trees, and therefore reduce the quality and benefit of the right of way to the public. And finally, there is some concern about the affect on the public views to the Observatory. I would request renderings that look straight up and down Congress Street to understand how far into the view corridor the balconies project and how it affects view corridors.

Signage and Building Entrances - I am concerned that the proposed locations for the retail signage will be obfuscated by projecting architectural elements such as the bays and balconies and canopy.

Development Relationship to Street - The project is successful in keeping the street wall established on Congress Street.

Parking Lots - This standard is not applicable as the parking for this proposal is provided in a garage to the rear of the project. The location of the garage entrance is not on Congress Street which is preferred.

Caitlin Cameron, LEED AP, Associate AIA
Urban Designer | Planning & Urban Development Department
City of Portland, Maine
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Subscribe to our quarterly newsletter, Under the Clock Tower:
<http://www.portlandmaine.gov/planning/undertheclocktower.asp>

Attachment 8a
Public comment

From: Linda Tyler <ltyler8@gmail.com>
To: <JF@portlandmaine.gov>
CC: A Pete <pwalch@walch.com>, Susan Ingalls <singalls@maine.rr.com>, Franci...
Date: 12/11/2013 9:31 AM
Subject: condos 118 Congress

Hi Jean.

I live at 52 Saint Lawrence Street on Munjoy Hill.

I'm okay with the idea of condos at 118 Congress if they will be green, well-designed, and within the current height restriction.

I'm NOT okay with awarding the developers a variance to go up an additional five feet; the building would then be out-of-scale and overpowering to its surroundings.

It surprises me that Jed Rathban is insensitive to the aesthetic and traditions of the neighborhood; it does sadden me when profit trumps all else.

With enough space left around the building and the height kept at the current restriction, we would hope to see a pleasant physical addition to the neighborhood. That said, luxury condos at the center of our "village" will begin to erode the diversity of our area--a major reason that many of us live here.

Isn't it amazing how the investment of one small group can change a whole neighborhood?

Thank you so much for your attention to this.

Linda P. Tyler
52 Saint Lawrence St.
Portland, ME 04101

8 b
Public Comment**Jean Fraser - Fwd: condos 118 Congress**

From: Francine O'Donnell <maineviews@gmail.com>
To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>
Date: 12/11/2013 9:58 AM
Subject: Fwd: condos 118 Congress
CC: Linda Tyler <ltyler8@gmail.com>

Jean-

I live at 90-92 St Lawrence on the same block as the proposed development. I called and left a VM for you a couple of weeks ago. I echo the sentiment that Linda Tyler puts forth. While I am not opposed to thoughtful development, I am strongly opposed to allow ANY variance to the existing building ordinances.

Furthermore I have a major concern with the parking issues that will be created with the addition of commercial/retail space. As you know the Cummings Center (on the opposite corner) was built to serve as a community center although it has absolutely NO parking. This has always posed a huge problem to those of us who live in close proximity...including having our driveways blocked so people can attend an event at the center. During the winter months most streets on Munjoy Hill are virtually 'single file' only. It's not just an inconvenience for those of us who live here but it's a safety concern for all. There have been many occasions when the fire trucks can't maneuver the streets. Adding an extra parking burden to this already exceedingly congested area is just not feasible & requires the city officials to carefully consider the impacts.

Thank you, in advance, for your attention to the points raised.

Sincerely

Francine O'Donnell
 90-92 St Lawrence
 207.730.1379

Begin forwarded message:

From: Linda Tyler <ltyler8@gmail.com>
Date: December 11, 2013, 9:30:45 AM EST
To: JF@portlandmaine.gov
Cc: A Pete <pwalch@walch.com>, Susan Ingalls <singalls@maine.rr.com>, Francine O'Donnell <maineviews@gmail.com>, Linda Tyler <ltyler8@gmail.com>, Susan Baker-Kaplan <suegdi@earthlink.net>
Subject: condos 118 Congress

8c

Public Comment**Jean Fraser - Fwd: condos 118 Congress**

From: Linda Tyler <ltyler8@gmail.com>
To: <JF@portlandmaine.gov>
Date: 12/11/2013 11:03 AM
Subject: Fwd: condos 118 Congress
CC: Susan Baker-Kaplan <suegdi@earthlink.net>, Susan Ingalls <singalls@maine...>

Jean,

I had not even thought of Francine's concerns about parking issues. Of course it poses potential hazards. I absolutely echo those concerns. As it is up here, the city, I believe, quietly takes the lack of parking into consideration instead of marking some spaces "no parking" where they would be that in other parts of the city--close to corners, for example. This I heard at a neighborhood/city council meeting a few weeks ago. Thank you again for your attention.

Linda

Begin forwarded message:

From: Francine O'Donnell <maineviews@gmail.com>
Subject: Fwd: condos 118 Congress
Date: December 11, 2013 9:58:30 AM EST
To: "jf@portlandmaine.gov" <jf@portlandmaine.gov>
Cc: Linda Tyler <ltyler8@gmail.com>

Jean-

I live at 90-92 St Lawrence on the same block as the proposed development. I called and left a VM for you a couple of weeks ago. I echo the sentiment that Linda Tyler puts forth. While I am not opposed to thoughtful development, I am strongly opposed to allow ANY variance to the existing building ordinances.

Furthermore I have a major concern with the parking issues that will be created with the addition of commercial/retail space. As you know the Cummings Center (on the opposite corner) was built to serve as a community center although it has absolutely NO parking. This has always posed a huge problem to those of us who live in close proximity...including having our driveways blocked so people can attend an event at the center. During the winter months most streets on Munjoy Hill are virtually 'single file' only. It's not just an inconvenience for those of us who live here but it's a safety

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Public Comment

From: Susan Baker-Kaplan <suegdi@earthlink.net>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 12/11/2013 1:04 PM
Subject: 118 Congress

Dear Jean,

Thank you for sending the plans for the building proposal at 118 Congress St.

I own buildings on both Congress and St Lawrence Streets and have lived (on and off) on the Hill since the 1980s.

I love the Hill and have been mostly pleased with the restorations and development to date.

However, I am opposed to several pieces of this particular project.

I had not realized the enormity of this project and the resulting effect it will have on the neighborhood, the sky-scape and the sunlight

on both Congress and St Lawrence streets.

This building proposal is HUGE. I am opposed to something this large.

The project's footprint uses every inch of the lot space PLUS encroachments in the air and on the sidewalks.

There are proposed overhangs and awnings that are pushing all kinds of limits.

Parking is another major problem. There are 18 spaces pencilled in on the blueprints. 18 spaces for 12 multi bedroomed condo units hardly seems like enough

parking. What about the proposed parking for the retail shops at street level? There is already trouble parking for residents and shoppers alike.

What kind of retail shop are the developers hoping to attract? I think they will need parking.

Where are the guardians and keepers of the regulations in effect to protect our neighborhood?

Are there no setback requirements? Are there no height requirements?

Why bother to have any rules in place at all if they are to be overlooked?

Please rethink this whole project. It is way TOO large for the size of the lot.

This is a busy corner already. I am not opposed to development there.

We used to have an active green grocery store on this site!

I am opposed to the enormity of the project. It needs to be greatly scaled down and it needs to conform to existing standards.

Thank you for the opportunity to voice my concerns and I would appreciate your forwarding my letter to the planners and decision makers.

Thanks again... Most sincerely,

Susan Baker-Kaplan
PO Box 7308
Portland, Me 04112

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