

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

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September 28, 2016

Redfern Properties, LLC  
Attention: Jonathan Culley  
PO BOX 8816  
Portland, ME 04104

Acorn Engineering  
Attention: Will Savage  
158 Danforth Street  
Portland, ME 04102

Ryan Senatore Architecture  
Attention: Ryan Senatore  
565 Congress St., Suite 304  
Portland, ME 04101

Project Name:	Ten Unit Townhouses	Project ID:	2016-099
Address:	70 Anderson Street	CBL:	023 B021001
Applicant:	Redfern Properties, LLC		
Planner:	Shukria Wiar		

Dear Mr. Culley:

On September 27, 2016, the Planning Board considered a Level III Site Plan and Subdivision application, as well as a Conditional Use application to Ensure Workforce Housing for a ten-unit townhouses urban infill development at the corner of East Lancaster and Anderson Streets in East Bayside. The Planning Board reviewed the proposal for conformance with the standards of the Ensure Workforce Housing Conditional Use Review, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 7-0 to approve the application with the following waivers and conditions as presented below.

### CONDITIONAL USE

The Planning Board voted unanimously 7-0 that the proposed plans are in conformance with the 14-484 of the Land Use Code, subject to the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

### WAIVERS

The Planning Board unanimously voted 7-0 to grant the following waivers:

1. The Planning Board found, based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*. The Planning Board waives the *Technical Manual* standard (*Section 1.14*) to allow a 20 foot wide aisle in the parking area at the interior of the site;

2. The Planning Board found, based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) limiting compact spaces to 20% of total parking supply. The Planning Board waives the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) to allow 85% compact spaces;
3. The Planning Board found that the applicant has demonstrated that site constraints prevent the planting of all required trees in the parking area due to the area's size and configuration. The Planning Board waives the site plan standard (*Section 14-526(b)2.b(ii)*); and
4. The Planning Board found that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The Planning Board waives the site plan standard (*Section 14-526 (b) (iii)*) requiring one street tree per unit for multi-family development and concludes that the applicant shall either plant the four trees on the Portland Housing Authority properties, subject to an agreement, or contribute \$800 for four street trees to Portland's tree fund.

#### **SUBDIVISION REVIEW**

The Planning Board voted unanimously voted 7-0 that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

1. The applicant shall finalize the subdivision plat and shall provide evidence right, title, and interest in Anderson Lane, for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. The final plat shall include setting the property corners and proposed granite monument, and a stamp of the Professional Land Surveyor.

#### **SITE PLAN REVIEW**

The Planning Board voted unanimously voted 7-0 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 applicant shall provide a revised construction management plan, including the details regarding pedestrian detours, ADA compliance, and contractor parking as requested by the city's consulting traffic engineer;
2. The applicant shall submit a revised plan set, including modifications to ramps, sidewalks extensions, and documentation of ADA accessibility, as requested by the city's consulting traffic engineer (*Attachment 1*) for review and approval by the Planning Authority and Department of Public Services; and
3. That the applicant shall provide a signed and recorded maintenance agreement for the stormwater drainage system 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 2016-099 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](mailto: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:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
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  
Rhonda Zazzara, Field Inspection Coordinator, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Public Works  
Keith Gautreau, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department



# PLANNING BOARD REPORT PORTLAND, MAINE

Ten Unit Townhouses  
70 Anderson Street  
Level III Subdivision and Site Plan Review  
2016-099  
Redfern Properties, LLC, Applicant

Submitted to: Portland Planning Board: Public Hearing Date: September 27, 2016	Prepared by: Shukria Wiar Date: September 23, 2016
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## I. INTRODUCTION

Redfern Properties, LLC has requested a preliminary Level III site plan and subdivision review of a ten-unit townhouse urban infill development at the corner of East Lancaster and Anderson Streets in East Bayside. The proposed 12,312 SF development includes two buildings containing the ten (10) townhouses. The proposal also includes seven surface parking spaces, and sidewalk and landscaping improvements. The site is currently occupied by a residential single-family house, garage and shed.

The Planning Board held a workshop on this project on July 27, 2016. Overall the Board supported the project. The Board has concern with the massing and color scheme of the building. The Board also encouraged the applicant to work with neighbors on addressing concerns. The Planning Board will review the application for compliance with the site plan and subdivision standards. A total of one hundred and thirty-eight (138) notices were sent to property owners within 500 feet of the site and a legal ad ran on September 19<sup>th</sup> and 20<sup>th</sup>, 2016.

**Applicant:** Jonathan Culley, Redfern Properties

**Consultants:** Will Savage, Acorn Engineering; Ryan Senatore, Ryan Senatore Architecture; Nick Elliston, Titcom Associates

## II. REQUIRED REVIEWS

<i>Waiver Requests</i>	<i>Applicable Standards</i>
Aisle width – To allow a 20 foot aisle in the parking area <i>Supported by consulting traffic engineer</i>	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24 feet per Figure I-27
Compact parking spaces and parking dimensions – To allow six compact spaces at 8.5 X 18’ to be acceptable alternatives to the standard 9’ X 18’ space; the one remaining parking space will be a standard size, therefore it is 85% is compact spaces. <i>Supported by consulting traffic engineer</i>	Technical Manual, <i>Section 1.14 and Figures I-27 to I-29</i> . Parking lots with greater than 10 spaces may be comprised of up to 20% compact spaces. <i>7 proposed = 1 compact permitted by right</i>
Parking lot landscaping – <i>Applicant to provide additional detail in final submittal</i>	Site Plan Standard, <i>Section 14-526(b)2.b(ii)</i> . Developments with 5+ parking spaces shall include at least 2 trees (or 1 tree and 3 shrubs) per 5 parking spaces planted in landscaped islands. Waiver permitted where site constraints prevent it. <i>7 parking spaces proposed = 2 trees or 1 trees &amp; 3 shrubs required</i>
Street trees – Applicant is proposing to plant 6 street trees on-site and the remaining 4 trees will be planted on the abutting Portland Housing Authority properties subject to a formal agreement.	Site Plan Standard, <i>Section 14-526(b)2.b(iii)</i> and Technical Manual, <i>Section 4.6.1</i> . All multi-family development shall provide one street tree per unit. Waiver permitted where site constraints prevent it. <i>10 units = 10 street trees required</i>

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	Section 14-526
Subdivision	Section 14-497
Workforce Housing Inclusionary Zoning	14-484 (Applicant is required to have one unit, which is being proposed)

**III. PROJECT DATA**

Existing Zoning	Residential R-6
Existing Use	Residential
Proposed Use	Residential
Proposed Development Program	10 residential units in two building: 6 unit and 4 units
Parcel Size	9,064 SF

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	1,054 SF	4,104 SF	3,050 SF
Building Floor Area	1,054 SF	12,312 SF	11,258 SF
Impervious Surface Area	4,376 SF	7,370 SF	-2,994 SF
Parking Spaces (on site)	Two	Seven (zoning req. 7)	Five
Bicycle Parking Spaces	0	4 internal and 2 in ROW (meets standard)	6
Estimated Cost of Project	\$1,800,000		

**IV. BACKGROUND & EXISTING CONDITIONS**

The site of the proposed project lies at the southeast corner of E. Lancaster and Anderson Streets in East Bayside. The site is currently occupied by a single-family house with a detached garage and shed. About half of the property is currently covered by impervious surfaces including two bituminous driveways from Anderson and East Lancaster Streets.

The uses surrounding the site are mostly residential uses, including some large three-story multi-family housing. Most of the adjacent housing is of a smaller scale, with a mix of single and two-family buildings characteristic of the city’s East End. The Portland Housing Authority multifamily housing directly abuts the property on the west side and also is adjacent to site. The Kennedy Park basketball courts and the Fox Street recreational field, sites a couple of parcels to the northwest at the corner of Anderson and Fox Streets.



Figure 1: 70 Anderson Street Site



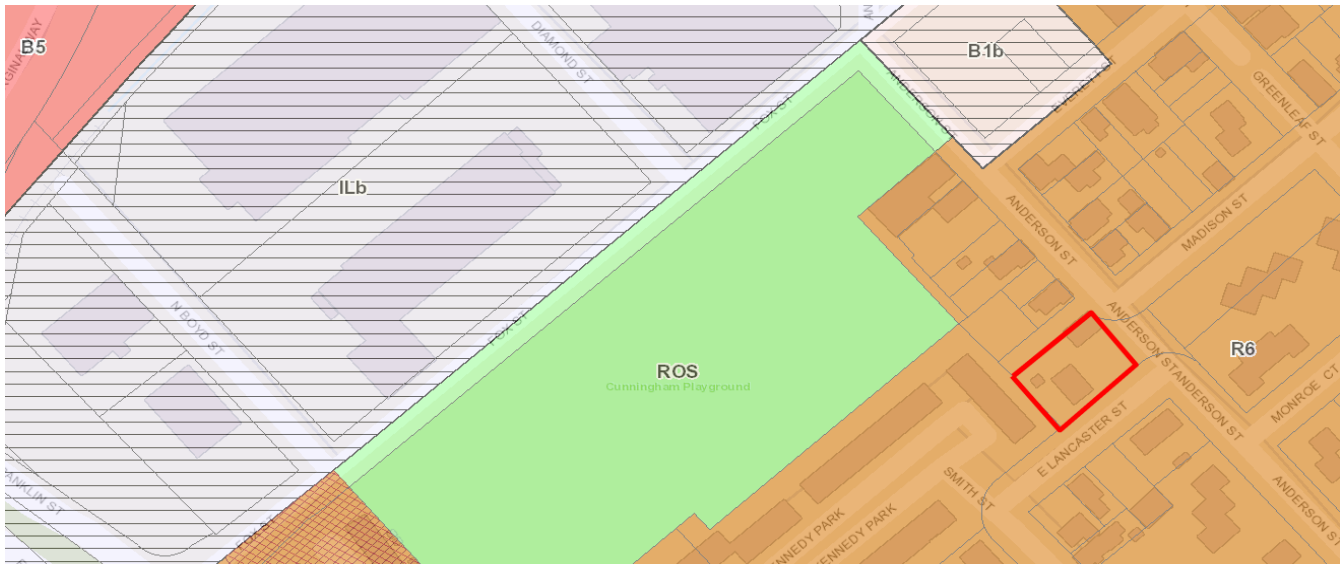


Figure 2: 70 Anderson Street; zoning context

### V. PROPOSED DEVELOPMENT

The development is proposed as a residential project with frontages on Anderson and E. Lancaster Streets. The project will consist of two townhouse buildings, one with six units and the other with four units. The new ten units will be orientated as such to create a courtyard and central walking space through the property. Within the courtyard, a rain garden is proposed as a central focus on stormwater mitigation on site and will be landscaped with perennials and other plantings. The courtyard will be visible from Anderson Street. All ten townhouses are three-bedroom, 1,254 square foot units. The interior fit out for each unit is identical; the proposed workforce unit does not differ in size or standard from the market-rate units. The market strategy for the workforce unit will also mimic the strategy of the market-rate units and is proposed to be approached in the same fashion.

Tenant parking is to be provided on-site with a driveway access from East Lancaster Street. There will be seven surface parking spaces as part of the project. New brick sidewalks and street trees are proposed on Anderson and E. Lancaster Streets. The development is also proposed with landscaping between the building and proposing a green wall on both frontages.

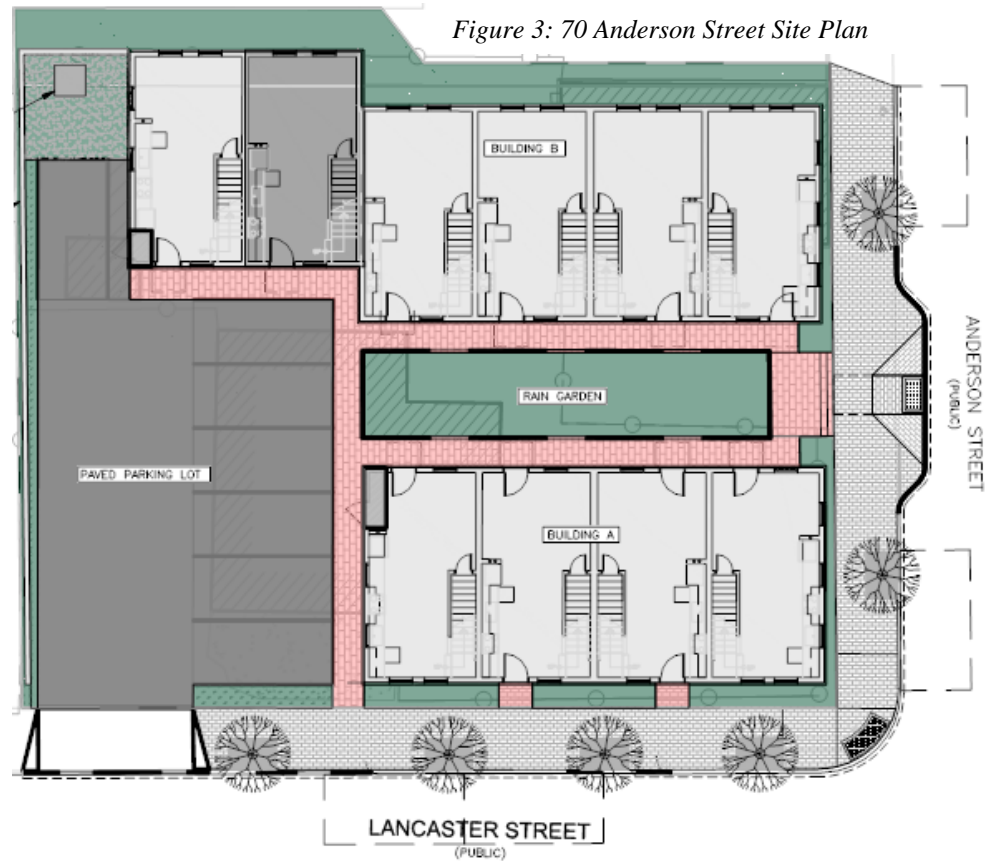


Figure 3: 70 Anderson Street Site Plan

Tenant parking is to be provided on-site with a driveway access from East Lancaster Street. There will be seven surface parking spaces as part of the project. New brick sidewalks and street trees are proposed on Anderson and E. Lancaster Streets. The development is also proposed with landscaping between the building and proposing a green wall on both frontages.



Figure 4: 70 Anderson Street Rendering Looking East on Anderson Street



Figure 5: 70 Anderson Street Rendering Looking West on Anderson Street

**VI. PUBLIC COMMENT**

The applicant hosted a neighborhood meeting on August 3, 2016. Eleven attendees signed in at the meeting. Questions generally focused on the design of the building and vehicular parking, pedestrian safety at surrounding intersections, as well as landscaping, see Attachment Y for the Neighborhood Meeting minutes. In addition, staff received correspondence from four neighbors via email (Attachments 8a-d). This neighbors reiterated concerns about the building design, the number of proposed parking, and the parking circulation. As of the writing of this report, public comments have been received by the Planning Authority and are included as Attachment Y.

**VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY**

a. The owner of the property is Redfern Properties LLC. The applicant has provided a copy of a warranty deed, recorded at the Cumberland County Registry of Deeds (Book 32559 Page 282), which demonstrates their right, title and interest in the property.

Bill Clark, City Surveyor, conducted a review of the plat and had concerns about a note on the proposed plat. He states that “the Survey Note #5 states that Fee Interest in Anderson Lane apparently lies with the heirs of Moses Gould as described in a deed recorded in Book 290, Page 310. The unrecorded release deed from Portland Housing Authority to Redfern Properties does not state that the Portland Housing Authority acquired title from the



*heirs of Moses Gould*". The applicant has submitted an unrecorded release deed from Portland Housing Authority (PHA); staff has requested the applicant to provide PHA source of title for Anderson Lane. Staff will work with the applicant to provide the appropriate documentation prior to the signing of the plat. Accordingly, review and approval of the final plat has been included as a condition of approval.

b. The estimated cost of the development is \$1.8 Million. The applicant has submitted a letter from NBT Bank, dated April 21, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

## **VIII. ZONING ANALYSIS**

The proposed residential ten unit townhouses are a permitted use in the Residential R-6 which allows multi-family dwellings. Under the R-6 zone all of the dimensional requirements are being met, except for maximum lot coverage. The applicant will need to show documentation that they meet this standard. For off street parking, Division 20 requires one parking space per unit for residential uses on the peninsula, except in the R-6 zone, the first three spaces are exempt. A total of seven parking spaces are shown which meets the zoning requirement. Under external effects, section 14-167(b), the maximum noise requirement of 55 decibels at lot boundaries shall be maintained.

## **IX. ENSURE WORKFORCE HOUSING CONDITIONAL USE- Tyler Norod, Housing Planner**

*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 70 Anderson Street proposes the creation of 10 three-bedroom townhouse units. Based on the total number of units the project will be required to provide at least one (1) workforce unit with a minimum of three bedrooms affordable to households earning up to 100% of area median income (AMI). By providing one (1) three-bedroom unit on-site, the project has met the minimum requirements set forth in Section 14-487.*

*Staff recommends the Board Approve this Conditional Use provided the Applicant and the City enter into an Affordable Housing Agreement (AHA) before a Building Permit may be issued. The Affordable Housing Agreement will outline the details of the affordability restrictions placed on the workforce units based on the City's Inclusionary Zoning Implementation Regulations and will be filed as covenant to the property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.*

## **X. DEVELOPMENT REVIEW**

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

In accordance with the city's land use ordinance, the applicant provided a draft plat in the final plan submittal. Due to the timing of the revised submittal, Corporation Counsel and DPS have not had the full opportunity to review the revisions. The review and approval of the final plat has been included as a condition of approval. The final plat shall 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.

### **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)*

Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and states the applicant has provided plans, notes, and details have been that erosion and sediment control requirements and inspection and maintenance requirements, in accordance with the Basic Standard.

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The project will be served by new water service located in E. Lancaster Street. The Applicant will have to contact the City Department of Public Services requesting ability to serve water and sewer demand. Confirmation of ability to serve sewer from DPS should be forwarded to the Planning Authority upon receipt. The applicant is proposing a central rain garden and a roof dripline drain system for stormwater management.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The site will be accessed by an existing curb cut on E. Lancaster Street. The circulation for the site will consist of vehicles pulling in and backing out onto E. Lancaster Street. After reviewing the site plan, there may be opportunity for the first three parking spaces along the street, to maneuver so they can pull out of the parking lot instead of backing out. Tom Errico, P.E. Ty Lin reviewed this detail and also reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1). The proposed project is not anticipated to cause unreasonable traffic congestion. Mr. Errico finds the project to be acceptable and states:

- *Given low trip generation estimates for the project, a traffic impact study is not required. The project would not be expected to have a significant impact on traffic mobility and safety.*
- *The parking layout will likely require vehicles to back out into East Lancaster Street. Given low traffic volumes on East Lancaster Street and low trip generation from the site, I find this condition to be acceptable.*

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)

There is an existing sewer lateral that will be abandoned in Anderson Street. The project will be served by new sewer line located in E. Lancaster Street. Ms. Swett has reviewed the plans and finds the plans acceptable.

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.

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

The estimated cost of the development is \$1.8 Million. The applicant has submitted a letter from NBT Bank, dated April 21, 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 construction management plan has been submitted by the applicant for review. All the construction is proposed within the limits of the property lines. Tom Errico has reviewed the plan and notes that the applicant "*The applicant has provided a plan that notes full closure of the existing sidewalk along the property frontage, with sidewalk detours and temporary crosswalks. I generally find the plan to be acceptable, although final details will need to be provided for review and approval. I would note that I would prefer a barrier protected temporary sidewalk on Anderson Street, if space permits. In my professional opinion most pedestrians will not follow the detour routing*".

This has been included as a condition of approval.

c. Sidewalks

The applicant is proposing to install new brick sidewalk along their frontage on both streets, as well as internal brick walkways. Pedestrian access to the site will be provided off of Anderson Street into the central courtyard and via East Lancaster Street along the parking area.

As part of the infrastructure improvements, Mr. Errico has reviewed the plans and recommends the following:

- *A crosswalk on Anderson Street (to Madison Street) may be a requirement for this project. I am coordinating this item with other City staff and will provide feedback in the future.*
- *I continue to review and coordinate the design of the proposed sidewalk ramp on the project corner. I am coordinating with other City staff on the ramp design. Additionally, the crosswalk on East Lancaster Street shall include a fully compliant ramp on the south corner of the intersection.*

The applicant's plans also include the addition of a curb extension and a crosswalk at the intersection of Anderson Street and Madison Street. The City staff has reviewed the proposed plans and would recommend that the proposed crosswalk be perpendicular with ADA complaint curb ramps. In doing this, the pedestrian crossing may or may not consist of curb extensions on one or both sides of Anderson Street. City staff will work with the Applicant to get a final design for this area and have these changes be formalized on the plans. Mr. Errico states:

*The details of the subject crosswalk needs further design development given site conditions on both the property frontage and on the corner of Madison Street. Bruce Hyman will be providing some general design criteria for the crosswalk. In general it is seeking a fully ADA compliant crossing that has a perpendicular alignment. The applicant shall be responsible for developing concept designs for the crosswalk inclusive of ramp configurations on both sides of the street. Upon receipt of the concept plans, City staff (Planning/DPW/Fire) will review and provide comments on a preferred design. The applicant will be responsible for construction of the ultimate design along their property frontage only.*

The applicant is also proposing a sidewalk ramp at E. Lancaster and Anderson Street intersection. This ramp will have to be a fully ADA complaint. In regard to this ramp, Mr. Errico has stated *“Adjustment to the ramp design is suggested given that a crossing of Anderson Street is not formalized. The applicant shall provide a revised layout for review and approval. The applicant is only responsible for improvements on their corner of the intersection”*.

Accordingly, review and approval of the final design has been included as a condition of approval.

d. Public Transit Access

The proposed development is not located along a public transit route. As such, no provisions for transit access are required.

e. Parking

Division 20 of the land use ordinance requires one parking space/unit for residential development located on the peninsula (*Section 14-332(a)3*) and Section 14-332.1 (k) states *“for residential development on the peninsula and in the R-6 and R-6A Zones, including new construction, the parking requirement is one space per dwelling unit, the first three units are exempt from providing parking”*. Therefore applicant is proposing seven surface parking spaces to meet zoning requirements and these spaces are located on the rear of the property. Six of the seven parking spaces do not meet technical standards for dimensions. The dimension of a standard parking space is 9’x18’, the standard for compact space is 8’x15’, and the applicant is proposed 8.5’x 18’. The technical manual goes on to state *“Any parking lot with 10 or fewer spaces shall contain standard sized parking spaces. Parking lots with greater than 10 spaces may be comprised of up to 20% compact parking spaces”*; according to the applicant’s submittal, 85%, or 6, of the proposed on-site parking spaces are designed as compact spaces. Mr. Errico addresses this in his memo, Attachment 1:

The surface parking lot will have a twenty foot (20’) parking aisle width that does not meet standard of twenty-four feet (24’); therefore the applicant has requested a waiver of this standard. An auto-turn analysis has been provided documenting adequate vehicle circulation and the information has been reviewed by the City’s traffic engineer, who states that *“the applicant has provided an Auto-turn analysis and I support a waiver from City standards given site characteristics”*.

f. Bicycle Parking

The applicant’s proposal includes bicycle parking spaces at the northwest corner of the site. The ordinance standard is two bicycle spaces per five vehicle spaces. The proposed area is not located near the entrances to the townhouses.

2. *Environmental Quality Standards*

a. Preservation of Significant Natural Features

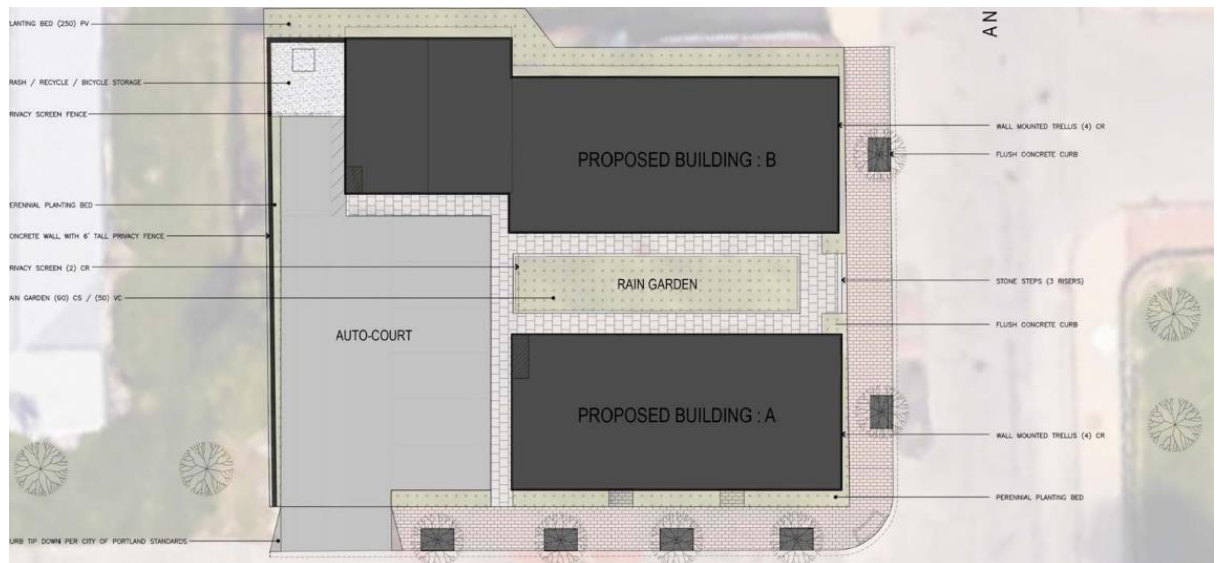
There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

The site will have a green wall along the front of the buildings as well as a rain garden in the middle of two building, visible along Anderson Street. There is a fence at the westerly side of the property; staff had recommended a screening at the northerly side as well but the applicant has stated that the neighbor does not want a fence at this location. The street tree requirement would be one tree per unit, or ten street trees, in or near the ROW. Applicant is proposing to plant six street trees, Armstrong Maples, on-site: two on Anderson Street and four on E. Lancaster Street. The remaining four trees will be planted on the abutting Portland Housing Authority properties subject to a formal agreement with the Authority. According to the applicant, if no such agreement is reached, then a contribution to the Portland Tree Fund will be made per City requirement.

Trellises and screens are proposed at the courtyard and along the Anderson Street to enhance visual interest. The central courtyard area is composed of a densely planted rain garden, where stormwater is managed, as a focal design piece.

The applicant is proposing a transformer and a solid waste storage at the rear of the property: according to the site plan, both the solid waste and transformer will be screened by a four foot fence.



Jeff Tarling, City Arborist, previous recommendations were addressed on the revised plans.

c. Water Quality, Storm Water Management and Erosion Control

Currently the stormwater runoff is directed to the westernmost corner of the site and eventually enters the Fox Street municipal stormwater system. The site as a whole is relatively flat with an average grade of approximately 3% sloping to the rear of the property. The project will result in a net increase of impervious area above 1,000 sf, as such, is required to include stormwater management features for stormwater quality & quantity control.

The applicant will provide water quality treatment to the stormwater through filtration by utilizing a rain garden and roof dripline filtration. These treatments will provide water quality treatment for no less than 95% of the new impervious area and 80% of the developed area. The remainder of the stormwater will be transported to the municipal stormwater system within Anderson Street via a perforated distribution pipe.

Under 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 MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the drainage plan and stormwater report, and states that the revised plans meet the standards of the General and Flooding Standards.

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 provided a catalogue cuts indicating one type of full cutoff fixture in accordance with the city's Technical Manual. The applicant has not submitted an accompanying photometric plan, but the proposed lighting fixtures are proposed internally to the project and along E. Lancaster Street. As such there will not be spillage onto neighboring properties, which conforms to the Technical Manual standards. In the revised submittal, the applicant has also depicted two Bayside Medium LED street light fixtures on each of the frontages as requested by staff.

c. Availability and Adequate Capacity of Public Utilities

The project will be served by the Portland Water District, City Department of Public Works, and underground power /cable/communications. The Applicant has submitted a capacity letter from Portland Water District. The applicant shall submit ability to serve letter from the Department of Public Services requesting sewer demand and be forwarded to the Planning Authority upon receipt.

4. *Site Design Standards*

a. Snow and Ice Loading

Snow storage plans have been provided Attachment Plan 4. In their revised submittal, he applicant has indicated that, in heavy storm events, snow will be removed from the site.

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 not in any historic district; therefore the project does not have to be reviewed by Historic Preservation.

d. Exterior Lighting

The applicant has provided a catalogue cuts indicating one type of full cutoff fixture in accordance with the city's Technical Manual. The applicant has not submitted an accompanying photometric plan, but the proposed lighting fixtures are proposed internally to the project and along E. Lancaster Street. As such there will not be spillage onto neighboring properties, which conforms to the Technical Manual standards. In the revised submittal, the applicant has also depicted two Bayside Medium LED street light fixtures on each of the frontages as requested by staff.

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.

f. Signage and Wayfinding

No signage or wayfinding is proposed at this time.

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 multi-family dwelling at 70 Anderson Street. The review was performed by Caitlin Cameron, Urban Designer, Nell Donaldson, Planner, and Shukria Wiar, Planner. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards*. The original design did not pass all of the criteria; some of the outstanding comments from original review include lack of relationship to the street, the roof pitch and height of the gable roofs do not reflect and reinforce the traditional building character of the neighborhood, and lack of façade articulation (no bays, gables/dormers, recessed entry, balconies are proposed). The applicant had met with staff and has submitted revised plans based on staff recommendation. The new concept now meets the design guidelines of the R-6 zone. Ms. Cameron comments are included at Attachment 5.

## XI. PROPOSED MOTIONS

### A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings to the Ensure Workforce Housing and recommendations contained in the Planning Board Report, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for workforce housing [**does** or **does not**] meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) prior to the issuance of a building permit. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the Workforce Units; and
2. That the Affordable Housing Agreement shall be filed as covenant to the property's deed with the Cumberland County Registry of Deeds prior to the issuance of a Certificate of Occupancy.

### B. 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 September 27, 2016 for application 2016-099 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 (Attachment 1), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*. The Planning Board [**waives/does not waive**] the *Technical Manual* standard (*Section 1.14*) to allow a 20 foot wide aisle in the parking area at the interior of the site;

2. The Planning Board **[finds/does not find]**, based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) limiting compact spaces to 20% of total parking supply. The Planning Board **[waives/does not waive]** the *Technical Manual* standard (*Section 1.14 and Figures I-27 to I-29*) to allow 85% compact spaces;
3. The Planning Board **[finds/does not find]** that the applicant has demonstrated that site constraints prevent the planting of all required trees in the parking area due to the area's size and configuration. The Planning Board **[waives/does not waive]** the site plan standard (*Section 14-526(b)2.b(ii)*); and
4. The Planning Board **[finds/does not find]** that the applicant has demonstrated that site constraints prevent the planting of all required street trees in the right-of-way. The Planning Board **[waives/does not waive]** the site plan standard (*Section 14-526 (b) (iii)*) requiring one street tree per unit for multi-family development and concludes that the applicant shall either plant the four trees on the Portland Housing Authority properties, subject to an agreement, or contribute \$800 for four street trees to Portland's tree fund.

## B. 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 September 27, 2016 for application 2016-099 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, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. The applicant shall finalize the subdivision plat and confirm right, title, and interest in Anderson Lane, for review and approval by Corporation Counsel, the Department of Public Services, and the Planning Authority; and
2. The final plat shall include setting the property corners and proposed granite monument, and a stamp of the Professional Land Surveyor.

## C. DEVELOPMENT REVIEW

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 September 27, 2016 for application 2016-099 relevant to the site plan regulations; and the testimony presented at the planning board hearing, the Planning Board finds that the plan **[is/is not]** in conformance with the site plan standards of the land use code, subject to the following conditions of approval that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a revised construction management plan, including the details regarding pedestrian detours, ADA compliance, and contractor parking as requested by the city's consulting traffic engineer;
2. The applicant shall submit a revised plan set, including modifications to ramps, sidewalks extensions, and documentation of ADA accessibility, as requested by the city's consulting traffic engineer (*Attachment 1*) for review and approval by the Planning Authority and Department of Public Services; and

3. That the applicant shall provide a maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.

## **XII. ATTACHMENTS**

### **PLANNING BOARD REPORT ATTACHMENTS**

1. Traffic Engineer review (memo from Thomas Errico, 9.22.2016)
2. Civil Engineer and Department of Public Services review (memo from Lauren Swett, 9.22.2016)
3. City Arborist review (memo from Jeff Tarling, 7.21.2016)
4. Fire Prevention Department review (memo from Keith Gautreau, 9.19.2016)
5. Design review (memo from Caitlin Cameron, 9.16.2016)
6. Housing Planner (memo from Tyler Norod, 9.19.2016)
7. City Surveyor, (memo from William Clark, 9.23.2016)
8. Public Comments
  - a. Public Comment- Christian MilNeil
  - b. Public Comment- Karen Snyder 1
  - c. Public Comment- Karen Snyder 2
  - d. Public Comment- Peter Monro
  - e. Public Comment- Steve Davis

### **APPLICANT'S SUBMITTALS**

- A. Cover Letter (from Will Savage of Acorn Engineering , Inc., 8.23.16)
- B. Level III Site Plan application
- C. Evidence of Right, Title, and Interest
- D. Zoning Analysis
- E. Summary of Easements
- F. Written Request for Waivers
- G. Evidence of Financial Capacity
- H. Stormwater Report
- I. Erosion and Sedimentation Control Report
- J. Fire Department Letter
- K. Solid Waste
- L. Utility Cover
- M. Construction Management Plan
- N. Architectural Design Narrative
- O. Cover Letter (from Will Savage of Acorn Engineering , Inc., 6.28.16- IZ)
- P. Conditional Use IZ Application
- Q. Conformity with Conditional Use Standards
- R. Comment Response Letter
- S. Architectural Narrative
- T. Landscaping Narrative
- U. Stormwater Drainage System Maintenance Agreement
- V. Photometric Specifications Sheet
- W. Impervious Surface Exhibit
- X. Autoturn Analysis
- Y. Aug 3 neighborhood meeting package

### **PLANS**

- Plan 1. Cover Sheet & Legend
- Plan 2. General Notes
- Plan 3. Existing Conditions Plan
- Plan 4. Site Plan
- Plan 5. Utility Plan

- Plan 6. Grading, Drainage, & Erosion Control Plan
- Plan 7. Site Details - 1
- Plan 8. Site Details - 2
- Plan 9. Utility Details
- Plan 10. Drainage Details
- Plan 11. Erosion Control Details & Notes
- Plan 12. Demolition and Construction Management Plan
- Plan 13. Landscape Schematic Design
- Plan 14. First Floor Plan
- Plan 15. Second Floor Plan
- Plan 16. Third Floor Plan
- Plan 17. Roof Plan
- Plan 18. First Floor Plan
- Plan 19. Second Floor Plan
- Plan 20. NE and SE Elevation- Building A
- Plan 21. Plan 21 NW and SE Elevation- Building
- Plan 22. SE and NE Elevation- Building B
- Plan 23. SW and NW Elevations
- Plan 24. Looking East from Anderson
- Plan 25. Looking West from Anderson
- Plan 26. Looking South on Madison
- Plan 27. Looking North on E. Lancaster
- Plan 28. Landscaping NE View from E Lancaster
- Plan 29. Landscaping NW View
- Plan 30. Landscaping\_SE View
- Plan 31. Landscaping\_SW View from Madison
- Plan 32. Landscaping\_SW View
- Plan 33. Subdivision Plat