

CITY OF PORTLAND, MAINE
PLANNING BOARD

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrissette
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

February 15, 2017

Lou Woods
A&M Partners Inc
120 Exchange Street
Portland ME 04101

Thomas S Greer, P.E.
Pinkham & Greer, Civil Engineers
28 Vannah Avenue
Portland ME 04103

Project Name: **Site Plan Condition i: Westerlea View Lofts: 54 unit residential development plus 1 commercial space**
Project ID: #2016-184 (Subdivision & Site Plan) and #2016-185 (Conditional Use Inclusionary Zoning)
Address: 75 Chestnut Street CBL: 26/E/10
Applicant: A&M Partners Inc
Planner: Jean Fraser

Dear Sirs:

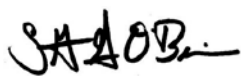
On February 14, 2017 the Planning Board voted unanimously that the applicant has met Site Plan condition of approval (i) from the approval letter dated December 16, 2016, requiring that the final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly addressing: a. Articulated roofline; b. Massing and scale to transition and integrate with the residential context on Chestnut Street; c. Pedestrian experience on Chestnut Street; and d. Materiality; To be reviewed and approved by the Planning Board.

The Board also voted unanimously that a revised Landscape Plan shall be submitted for review and approval by the Planning Authority that shows a replacement street tree. Please address this condition prior to the issuance of a building permit.

Please note that the conditions of approval and requirements for your approved Subdivision, Site Plan, and Inclusionary Zoning enumerated in your original approval letter dated December 16, 2016, still apply. This letter is attached for reference.

If there are any questions, please contact Jean Fraser at (207) 874-8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments: 1. Original Approval Letter (12/16/16)

cc. *Archetype* (attn. Bill Hopkins), 48 Union Wharf, Portland, ME 04101

Electronic Distribution:

cc.

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, 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
Approval Letter File

Elizabeth Boepple, Chair
Sean Dundon, Vice Chair
Carol Morrisette
David Eaton
Kristien Nichols
Lisa Whited
Maggie Stanley

December 16, 2016

Lou Woods
A&M Partners Inc
120 Exchange Street
Portland ME 04101

Thomas S Greer, P.E.
Pinkham & Greer, Civil Engineers
28 Vannah Avenue
Portland ME 04103

Project Name: **Westerlea View Lofts: 54 unit residential development plus 1 commercial space**
Project ID: #2016-184 (Subdivision & Site Plan) and
#2016-185 (Conditional Use Inclusionary Zoning)
Address: 75 Chestnut Street CBL: 26/E/10
Applicant: A&M Partners Inc
Planner: Jean Fraser

Dear Sirs:

On December 13, 2016, the Planning Board considered a proposal for a new 7 story building comprising 54 residential apartments (rental), and one commercial unit, totaling approximately 75,800 sq ft, located at 75 Chestnut Street. One parking space per residential unit is proposed to be located in the existing abutting parking garage for the tenants of the new building, and the project also includes a landscaped amenity area. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision, Site Plan, B-7 Zone and Inclusionary Zoning.

The Planning Board voted 7-0 to approve the application with the following waiver and conditions as presented below:

A. WAIVER

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 December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to Portland's technical and design standards and other regulations; and the testimony presented at the planning board hearing:

1. The planning board voted 7-0 that it finds 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 contribute \$6,400 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 December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the subdivision regulations; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the plan is in conformance with the subdivision standards of the land use code and approves the application, subject to the following conditions of approval, which must be met prior to the signing of the plat:

- i. The applicant shall submit a final subdivision plat for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
- ii. The applicant shall provide drafts of all necessary easements, including but not limited to:
 - a. Temporary construction easement from the City of Portland to Westerlea View Lofts;
 - b. License from the City of Portland to Westerlea View Lofts for building footings;
 - c. Easement(s) for the deck extensions above the existing parking garage structures (air rights);
 - d. Access easement for sidewalks that are on the site property;
 - e. Easement or other legal document to secure required parking for the residential units; for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority, with evidence of executed easements to be submitted prior to the issuance of a building permit.

C. 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 the public hearing on December 13, 2016 for application 2016-184 (75 Chestnut Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing:

The Planning Board voted 7-0 that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1 and E-3, particularly addressing:
 - a. Articulated roofline;
 - b. Massing and scale to transition and integrate with the residential context on Chestnut Street;
 - c. Pedestrian experience on Chestnut Street; and
 - d. Materiality;to be reviewed and approved by the Planning Board.
- ii. That the project is subject to the submitted Transportation Demand Management Plan dated October 2016, to include annual monitoring studies that comply with the requirements set out in the comments of the Traffic Engineering reviewer Tom Errico dated 12.9.2016; and
- iii. That the applicant submit a revised and more detailed plan for the amenity area between the building and Lancaster Street that demonstrates that the safety and security of the area meets CPTED standards eg re lighting, visual surveillance and similar issues including landscape features; and

- iv. That the applicant and all assigns shall comply with the conditions of Chapter 32 stormwater including Article III, post-construction storm water management, which specifies the annual inspections and reporting requirements. The developer/contractor/subcontractor must comply with conditions of the submitted construction stormwater management plan and sediment and erosion control plan dated 9.30.2016 based on City standards and State guidelines. A Maintenance Agreement for the stormwater drainage system shall be approved by Corporation Counsel and the Department of Public Works, and submitted, signed and recorded prior to the issuance of a Certificate of Occupancy with a copy to the Department of Public Works; and
- v. That plans showing details for the areas listed below shall be submitted to the Planning Authority for review and approval prior to the issuance of a building permit:
 - a. Patio/entrances on Oxford Street
 - b. Doors for entrance to parking garage on Chestnut Street
 - c. Decks over parking lot
 - d. Live-work unit
 - e. Parking layout (dimensioned) for ADA spaces and demonstration that it meets applicable state and federal standards regarding ADA van parking.
- vi. That the applicant shall revise plans and provide design details for the following elements in the City's Right of Way, for review and approval prior to the issuance of a building permit:
 - a. Driveway aprons on Oxford Street and Lancaster Street, noting a pedestrian accessibility route with a maximum 2% cross-slope, and whether full or partial adjustment to the grade of the driveway apron is required;
 - b. Grading adjustments for the sidewalk ramp construction at the corner of Chestnut Street and Lancaster Street to address the ponding of water that currently impacts the pedestrian walking route; and
 - c. The provision of an underground lighting conduit as part of the sidewalk reconstruction along the lot frontage on Oxford Street.
- vii. That the applicant shall submit details of the location, design and screening of façade and rooftop external heating, ventilation and other mechanical equipment, and associated information to document the sound levels meet the City's Site Plan, Zoning and Technical Standards, for review and approval by the Planning Authority; and
- viii. That the applicant address the Fire Department comments dated 9.7.2016; and
- ix. That the proposed building mounted wall sconces shall be installed so that the light is directed downward.

D. INCLUSIONARY ZONING CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 13, 2016 for application 2016-185 (75 Chestnut Street) relevant to the Conditional Use as authorized by Division 30, Section 14-487 Ensuring Workforce Housing; and the testimony presented at the planning board hearing, the planning board voted 7-0 that the Conditional Use is in conformance with the standards of the land use code and approves the application, subject to the following conditions of approval: *(continued)*

- i. Provided the Applicant and the City enter into an Affordable Housing Agreement (AHA) before a Building Permit may be issued.
- ii. The AHA will outline the details of the affordability restrictions placed on the workforce units and will be filed as a covenant to the 75 Chestnut Street property's deed with the Cumberland County Registry of Deeds before a Certificate of Occupancy may be issued.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application #2016-184 and #2016-185, 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 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 Permitting and 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, inspection fee payment of 2.0% of the guarantee amount and six (6) final sets of plans must be submitted to and approved by the Planning Division and Public Works Department prior to the release of a subdivision plat for recording at the Cumberland County Registry 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 Work'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 Works Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
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 Works Department prior to the issuance of a certificate of occupancy.

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.

If there are any questions, please contact Jean Fraser at (207) 874- 8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Final B7 Design Review comments dated December 5, 2016
2. Fire Department comments dated December 13, 2016
3. Planning Board Report
4. City Code, Chapter 32
5. Sample Stormwater Maintenance Agreement
6. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, 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
Approval Letter File