

CITY OF PORTLAND, MAINE

PLANNING BOARD

Sean Dundon, Chair
Brandon Mazer, Vice Chair
David Eaton
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April 18, 2018

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

Bill Hopkins
Archetype Architects
48 Union Wharf
Portland, ME 04101

Project Name: Westerlea View Lofts (Amendment to 2016/2017 Approval)
Project ID: #2018-046
Address: 75 Chestnut Street, Portland
CBL: 026 E010
Applicant: A & M Partners, Inc Lou Woods
Planner: Jean Fraser

Dear Mr. Woods:

On April 17, 2018, the Planning Board considered the Level III Subdivision and Site Plan application for an amendment to the proposals approved on December 13, 2016 and February 14, 2017 (design condition) (#2016-184). The amended proposal includes a new 7 story building comprising 52 residential apartments (rental), and one commercial unit, totaling approximately 75,350 sq ft, located at 75 Chestnut Street. The amendments comprise primarily design and footprint modifications to the approved proposals that reduce the unit count by two 1-BR units and alter way the design relates to the ROW.

The Planning Board reviewed the proposed amendments for conformance with the standards of the Subdivision, Site Plan and B-7 Zone ordinances in the land use code. The approved Waivers and Inclusionary Zoning conditions approved by the Planning Board on December 13, 2016 (#2016-184) remain in force. The approved motions outlined below are largely the same as the previous conditions of approval with respect to the Subdivision and Site Plan ordinances, with one previous condition removed (met in the revised plans) and two conditions added or revised.

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 April 17, 2018 for application 2018-046 relevant to Portland's site plan and subdivision ordinances, technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted unanimously 6-0 (Silk absent) to approve the application with the following conditions as presented below:

Subdivision

The Planning Board voted unanimously (6-0 Silk absent) that the plan is 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 unless otherwise stated:

- 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, addressing the staff comments and reflecting the subdivision and site plan conditions of approval;
- ii. That a lease agreement for the required parking, as contemplated by the submitted Reciprocal Agreement, be submitted for review and approval by the Corporation Counsel, the Department of Public Works, and the Planning Authority, and executed prior to the issuance of a building permit. Such lease to include the term, number, location and accessibility of handicapped spots and other details to meet the City's parking requirements. The rules and regulations governing the use of the parking spaces, as referenced in Article 6 of the Reciprocal Agreement, shall be submitted prior to the approval of the aforementioned lease; and
- iii. 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;
 - a. Easement(s) for the deck extensions above the existing parking garage structures (air rights); and
 - c. Access easement for sidewalks that are on the site property; 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.

Development Review

The Planning Board voted unanimously (6-0 Silk absent) that the plan is in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. 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;
- ii. That the ROW plans along the Chestnut Street frontage be revised, for review and approval prior to the issuance of a building permit, to:
 - a. Provide a relatively straight 5 foot wide ADA clear sidewalk with no impediments (excepting tree grates in limited locations) within an overall width of a minimum of 8 feet sidewalk;
 - b. Provide at least 4 street trees in front of the building on Chestnut Street and 1 additional street tree nearby, taking into account the options suggested by the City Arborist dated 4.12.18; and
 - c. Show the locations and revised specifications for the four new street lamps to be installed by the applicant, to be coordinated with the street tree spacing.

- 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;
- 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;
- 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 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;
- vii. That the applicant address the Fire Department comments dated 9.7.2016; and
- viii. That the proposed building mounted wall sconces shall be installed so that the light is directed downward.

The approval is based on the submitted plans and the findings related to subdivision and site plan review standards contained in the Planning Board Report for application #2018-046, which is attached.

STANDARD CONDITIONS OF APPROVAL

Please Note: The following standard conditions of approval and requirements apply to all approved site plans:

1. Subdivision Recording Plat A revised recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board 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.

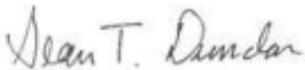
2. Subdivision Waivers Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval.
3. Develop Site According to 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 Inspections Department.
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 Expiration The subdivision approval is valid for up to three (3) 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 seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department 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 Works 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. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
11. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit (s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
12. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
13. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works 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. please contact the Planning and Urban Development Department at 874-8719 or 874-8721 to arrange inspections. 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, Planner, at (207) 874-8728 or jf@portlandmaine.gov

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Traffic Engineering reviewer Tom Errico comments dated 12.9.2016
2. City Arborist comments dated 4.12.18
3. Fire Department comments dated 9.7.2016
4. Planning Board Report
5. Portland City Code: Chapter 32
6. Sample Stormwater Maintenance Agreement
7. Performance Guarantee Packet

Electronic Distribution:

Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Jean Fraser, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works
Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor

75 Chestnut Street - Final Traffic Comments

1 message

Tom Errico <thomas.errico@tylin.com>

Fri, Dec 9, 2016 at 8:00 AM

To: Jean Fraser <jf@portlandmaine.gov>

Cc: Katherine Earley <kas@portlandmaine.gov>, Jeremiah Bartlett <JBartlett@portlandmaine.gov>, Lauren Swett <lswett@woodardcurran.com>, Jeff Tarling <jst@portlandmaine.gov>

Jean – The following is a status update of my previous comments and represents my final traffic comments.

November 3, 2016 Comments

- The City adopted a revised sidewalk materials policy and 75 Chestnut Street has two options for sidewalk material at this time:
 - Option 1: Continue to propose brick sidewalks and retain the bituminous material parking garage driveway aprons with required adjustments to provide a minimum 4-foot wide accessible route (maximum 2% cross slope) on the driveways.
 - Option 2: Provide concrete material sidewalks and continue the concrete material through the parking garage driveway aprons with provision of an accessible route as defined in Option 1.

Status: The applicant has revised the plans to concrete material or Option 2. Thus ALL site driveways (Lancaster and Oxford shall be included) shall be modified to concrete material according current City Policy.

Final Status: The applicant shall provide design details for 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.

- The plans should be revised to account for the following site plan street lighting requirements:

- The applicant is proposing four (4) street lights on Chestnut Street along the property frontage. It is suggested that the northern most light be located near the Lancaster Street corner and the remaining middle two (2) lights be spaced equidistant to all lights. It is also suggested that a greater separation between the light at the corner of Oxford Street and the tree box be provided.

Status: The plans have been revised and the light nearest Oxford Street shall be located as close to the corner as possible taking into account the corner sidewalk ramp.

Final Status: Jeff Tarling should confirm that adequate separation to the nearby tree is provided.

- Given the City's initiative to provide enhanced street illumination along Oxford Street, the applicant is not required to install lighting.

Status: I was incorrect in making my original comment. While standards require installation of street lights along the property frontage, the City is requesting that only underground conduit be installed for future light fixture installation due to reconstruction of the sidewalk by the applicant.

Final Status: The current plans do not include the requested conduit. A condition of approval shall be included noting that the applicant shall revise the plans to include lighting conduit for review and approval by the City.

- The applicant shall install street lights along the Lancaster Street property frontage. Given the likelihood of redevelopment on the opposite side of Lancaster Street, it is suggested that a staggered pattern be provided with 150-200 foot on center spacing.

Status: The plans propose one light near the Chestnut Street intersection. A second light fixture shall be installed on Lancaster Street near the easterly boundary.

Final Status: The plans have been revised and I have no further comment.

- The applicant shall conduct a traffic and safety assessment of the Chestnut Street/Lancaster Street intersection. The assessment shall consist of conducting intersection turning movement counts during the weekday AM and PM peak periods and evaluating crash information. The assessment should determine the appropriateness of the current two-way STOP configuration (which may cause confusion given other area intersection control conditions) and whether a four-way STOP condition is warranted.

Status: I reviewed the traffic data submitted and concur that no action is required of the applicant. I have no further comment.

Final Status: I have no further comment.

- The City Ordinance notes the following; *Where construction is proposed of new structures having a total floor area in excess of fifty thousand (50,000) square feet, the planning board shall establish the parking requirement for such structures. The parking requirement shall be determined based upon a parking analysis submitted by the applicant and upon the recommendation of the city transportation engineer.* Accordingly, A parking demand and management study shall be conducted that documents the projects expected parking demand according to ITE and/or local accepted data. The study shall also document how garage parking spaces will be managed including but not limited to: will spaces be specifically designated for the proposed tenants; will tenant parking spaces be bundled with each residential unit or an additional amenity; who currently uses the garage and are any users associated with an approved site plan. I would note that I do not expect any issues related to providing a sufficient off-street parking supply.

Status: The applicant shall provide the specific number of parking spaces being allocated to this project; specifically how many spaces are currently available for use in the garage; and if current parking leases are being terminated, documenting that none are associated with an approved site plan. As noted above, the applicant should provide details on how the parking garage will be managed at the point of project occupancy and in future time periods when parking demand may increase with tenant changes. The applicant has provided a TDM Plan and I generally find it to be acceptable. I would note that the annual monitoring shall also include information on parking demand for the project and where tenant parking occurs (in the garage or on-street). I'll provide additional direction on the monitoring program in advance of the public hearing.

Status:

- **The applicant has noted that the proposed project will require a need for 54 parking spaces and I find this estimate to be reasonable. I have no further comment.**

- **The applicant has provided sufficient documentation that under current conditions the existing garage has excess capacity for the additional 54 parked vehicles. I have no further comment.**
- **The annual monitoring study shall include a survey of existing tenants on automobile ownership and where they park their vehicles. The methods of the survey shall be reviewed and approved by the City's Planning Department. Other information related to the TDM plan shall also be included in the survey. The intent of the survey is to inform the TDM Plan and adjust action items for implementation. The applicant shall identify a target trip reduction goal for use in assessing TDM strategies. A factor to be determined from the survey is whether tenants of the development are using the garage (the goal is not to use on-street parking spaces), and if so what strategies should be considered to direct tenants with vehicles to the garage.**
- Sidewalks along the entire frontage of a project site shall meet City standards. The proposed project is currently proposing full sidewalk upgrades along Chestnut Street where the residential building is being constructed and disturbing the existing sidewalk. Existing sidewalks along the property frontage on Lancaster Street and Oxford Street do not meet the City sidewalk material policy. I would further note that during my field investigation the sidewalk on Lancaster Street is in poor condition with a uneven surface that creates ponding during rain events. DPW continues to review sidewalk conditions and requirements such that the project meets City standards.

Status: Refer to the above comments.

Final Status: Refer to previous comments for final status. I would also note that in conjunction with sidewalk ramp construction at the corner of Chestnut Street and Lancaster Street, the applicant shall incorporate grading adjustments to address the ponding of water that currently impacts the pedestrian walking route.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE

Senior Associate

Traffic Engineering Director

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Fwd: URGENT 75 Chestnut Street trees

1 message

Jean Fraser <jf@portlandmaine.gov>
To: "Fraser, Jean" <jf@portlandmaine.gov>

Thu, Apr 12, 2018 at 6:52 PM

From: **Jeff Tarling** <jst@portlandmaine.gov>
Date: Thu, Apr 12, 2018 at 5:08 PM
Subject: Re: URGENT 75 Chestnut Street trees
To: Jean Fraser <jf@portlandmaine.gov>

Jean -

We would like to see city sidewalks where possible accommodate our standard sidewalk plow which is 51" wide and 150" long. Currently this section of sidewalk is not cleared by the city but we like to build all future sidewalks to the standard in case someday we need to.

The proposed building angle with columns appears that it could be challenging for snow clearing and pedestrian travel. We note in the downtown that while tree grates are accessible ped traffic seems to avoid walking on them. Truly - the columns appear to pose the biggest challenge to an open, navigable with the closeness of the street trees.

Options include:

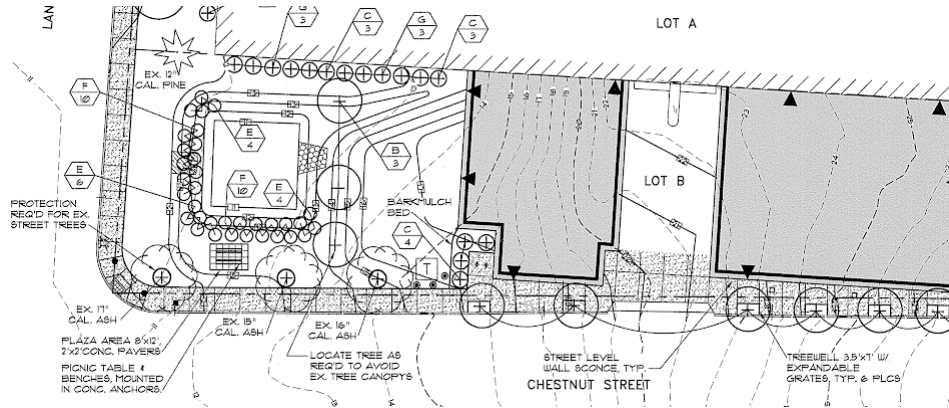
- a) Adjust the spacing of the trees on the uphill side of Chestnut. Shown as H 6, by moving the second tree down from Oxford Street slightly uphill away from the nearby column. The concrete scoring joint marks could be adjusted to fit the new alignment.
- b) Remove (1) tree closest to the column and replant a new tree near the corner of Lancaster Street below the stormwater feature, on the lawn area. This would be between the F-10 & E-6 plant tags on the landscape plan, see below.

My preference would be the later as that space would provide a larger root zone to help the tree establish. From experience the street trees in the sidewalk cutouts have limitations due to lack for root space, (I am thinking the long term view from the tree perspective)

Thanks,

Jeff

See landscape plan:



Jeff Tarling
City Arborist - City of Portland Maine
Parks, Recreation & Facilities Department
Forestry & Horticulture
[212 Canco Road](https://www.portlandmaine.gov/212-Canco-Road)
[Portland, ME. 04103](https://www.portlandmaine.gov/Portland-ME-04103)
(207) 808-5446
jst@portlandmaine.gov

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2016-184
Date: 12/9/2016

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

I would like to see a letter from the Portland Water District of their ability to serve domestic and fire protection demand for the proposed high rise building.

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

Emergency vehicle access is two sides only, Chestnut and Oxford. This is acceptable to the Fire Dept. although because of the arrangement and height of the building I would like to require the overhead power line on Chestnut Street going to the transformer to be underground. This will drastically restrict the Aerial Ladder trucks operation at this proposed site.

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

Fire Department Access shall have an unobstructed vertical clearance of not less than 13 ft 6 in. We will NOT be requiring this vertical clearance as emergency vehicles will not be entering the parking garage.

Comments Submitted by: Keith Gautreau/Fire on 9/7/2016

Premises Identification

The main entrance of the building must be the address for the property. This should be consistent with 911, tax assessor, Inspections Division and future mailing address.

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer.

If the building entry faces a different street, both the street name and number should be large enough to read from the street.

Address numbers must be a minimum of 4 inches high.

The number should be in Arabic numerals rather than spelled out (for example, "130" instead of "One Hundred and Thirty").

Color: Addresses should be in a color that contrasts with the background.

Whenever possible, should be illuminated.

Provide additional address signs at entrances to the property when the building address is not legible from the public street.



PLANNING BOARD REPORT PORTLAND, MAINE

Westerlea View Lofts: Amendment to previous approval for 54 unit residential development and commercial space

75 Chestnut Street

Amendment to Level III Subdivision and Site Plan

#2018-046 (Amendment to #2016-184)

CBL: 026 E010002

A&M Partners Inc, Applicant

Submitted to Portland Planning Board Public Hearing Date: April 17 th , 2018	Prepared by: Jean Fraser Date: April 13 th , 2018
--------------------------------------------------------------------------------------------	-----------------------------------------------------------------

I. INTRODUCTION

The applicant received approval for this project on December 13, 2016, subject to a condition of approval that the design be revised and reviewed by the Planning Board ([Attachment 1](#)). The Planning Board considered revised architectural plans on February 14, 2017 and approved the project based on the final designs ([Attachment 2](#)). The applicant submitted an amendment to the project that involves relatively substantial revisions to the design, along with some minor site plan amendments. The design amendments were considered by the Board on March 22, 2018 and were generally supported.

The previously approved project comprises a new 7 story building of 54 units at the corner of Oxford and Chestnut Streets, located over the Chestnut Street garage access and abutting the garage. The site will be divided into two condos, one for the parking garage and one for the proposed residential building. Parking for the new residential units is proposed to be located in the garage, and the approved proposals include a raingarden and amenity area to the north of the building. The site is located in the B7 zone which has extensive design standards both in the Zoning ordinance and in the Design Standards.



The site abuts the R6 zone along Chestnut and Oxford Streets and is currently an amenity area comprising 10 mature locust street trees and an access drive to the middle level of the parking garage.

In addition to the design amendments, the proposed amendments reduce the unit count by two 1-BR units and alter the footprint and the way the design relates to the ROW.



This Report includes a review of the elements that have changed, and where not specifically referenced the Report and associated Planning Board approval from December 2016 remains applicable.

Applicant: Lou Wood, A & M Partners, Inc
Agent and Engineer: Tom Greer, Walsh Engineering Associates, Inc
Architect: William Hopkins, Archetype

Required reviews for the Amendments:

Applicant's Proposal	Applicable Standards
New structure of 54 dwelling units	Subdivision Review
Multifamily building of 75,800 sq ft	Level III Site Plan Review and B-7 Design Review

II. PROJECT DATA (As amended)

SUBJECT	DATA
Existing Zoning	B-7
Existing Use	Parking garage and open, landscaped surrounds
Proposed Use	52 residential units & 1 commercial unit
Parcel Size	92,202 sq ft
Impervious Surface Area	
--Existing	53,832 sq ft
--Proposed	64,796 sq ft
--Net Change	10,964 sq ft
Total Disturbed Area	22,309 sq ft
Building Footprint	
--Existing	49,326 sq ft
--Proposed	59,089 sq ft
--Net Change	9,763 sq ft
Building Floor Area	
--Existing	147,978 sq ft (existing garage)
--Proposed	223,328 sq ft
-Net Change	75,350 sq ft
Residential	
- # of Existing Res. Units	0
- # of proposed Res. Units	52
- # of lots	2
- # of affordable housing units	6
Proposed Bedroom Mix	
-Efficiency Units	2
One-Bedroom Units	12
Two-Bedroom Units	38
Three-Bedroom Units	0
Parking Spaces	446 available in garage, of which 52 (1:1) committed to tenants
Handicapped Spaces	3
Bicycle parking Spaces	44 (36 inside; 8 outside) (none existing)
Estimated Cost of the project:	\$5,850,000

III. PLANNING BOARD AND WORKSHOP COMMENTS

Planning Board

At the March Planning Board the applicant was requested to make one design revision: to move the screen at the garage entrance to be closer to the street. The Board also requested, in response to public comments, an additional rendering showing the Chestnut Street elevation in context (submitted as *Plan P25* and at right).



Public Comments

This Hearing was noticed to 154 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on April 9th and 10th, 2018. As of the completion of this PB Report the Planning Division has not received any written public comments. There were two public comments at the March PB workshop.

IV. BACKGROUND

The December 13, 2016 Planning Board Report includes a comprehensive description of the existing conditions, zoning and site plan and height/design analysis - it can be found at:

https://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_12132016-1879?html=true.

The February 14, 2017 Planning Board Report that reviewed the final design in the context of Condition 1 of the December 2016 approval can be found at:

https://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_02142017-1950?html=true

The site is located within the B7 zone and abuts the R6 zone along Chestnut and Oxford Streets. It is currently a grassed amenity area comprising 10 mature locust street trees and an access drive to the middle level of the parking garage. The proposed building would be constructed over the garage access.

The recent PB Workshop to consider the design amendments held on March 22, 2018 includes the design evolution of the building and can be found at:

https://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_03222018-2356?html=true



Looking north from corner Oxford and Chestnut Streets

V. PROPOSED AMENDMENTS

The amendment application includes the following revisions to the approved project; staff understand most of these are proposed at the request of a potential buyer:

- Reduction in the unit count to 52 dwellings, resulting from the omission of two one-BR units;
- Design changes as summarized in the cover letter from the architects (*Attachment B*), which include:
 - Smaller window openings
 - Modifications to the Oxford Street elevation (placement of balconies, massing)
 - Revisions to the garage opening
 - Revised entrance locations and design
- Revisions to the site plan, as partially identified in the cover letter from the civil engineers (*Attachment C*):
 - Revised footprint
 - Relocation of street trees (with one added) to take account of support columns in the sidewalk and the enlarged building along Chestnut Street
 - Revised patio, accesses and some utilities to accommodate revised architecture
 - Changes in the ROW, including some to address conditions of approval from the 2016 review.

VI. ZONING ASSESSMENT

The proposed amended building height is lower than that of the approved project and continues to meet the dimensional requirement of the B7 zone. The B7 ordinance includes extensive *Design Standards* which are discussed below.

VII. DESIGN AMENDMENTS

The Planning Board Memorandum considered on March 22, 2018 included a chronological analysis of the design review as a context for considering the amendments. The applicant has revised the screen at the garage opening as illustrated below:

Rendering of view from Lancaster Street looking south up Chestnut Street:

MARCH 2018 WORKSHOP:



APRIL 2018 HEARING:



The design review discussions in 2016/2017 centered on the integration of the building at street level, the roof line and compatibility with the surrounding residential area. Some neighbors considered the building too high. At the December 2016 Hearing the Board added the following condition to allow for further revision of the design:

That final proposals shall comply with the B7 Design Standards A-2, A-5, C-2, E-1, E-3 particularly:

- 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 Workshop Memorandum reviewed the design amendments as included in *Plan Set B*; these can be compared to the approved design in *Plan Set A*. The City's Urban Designer, Caitlin Cameron, provided a detailed comment for the Workshop (*Attachment 4*) and has confirmed that staff finds the proposal submitted February 27, 2018 (as amended in

respect of the garage screen) meets the B-7 design standards as well as the Planning Board comments and areas of concern covered by the condition of approval.

VIII. SUBDIVISION AMENDMENTS

Further review of the amendments in respect of the Subdivision standards has been undertaken regarding the following where the amendments result in revisions:

Subdivision Plat

The applicant submitted a draft 2-sheet subdivision plat (*Plan P18*) and staff provided comments in March, 2018 (*Attachment 5*). A suggested condition of approval requires that the plat be finalized to address the staff comments and to reflect all of the easements, parking arrangements and other relevant conditions of any approval.

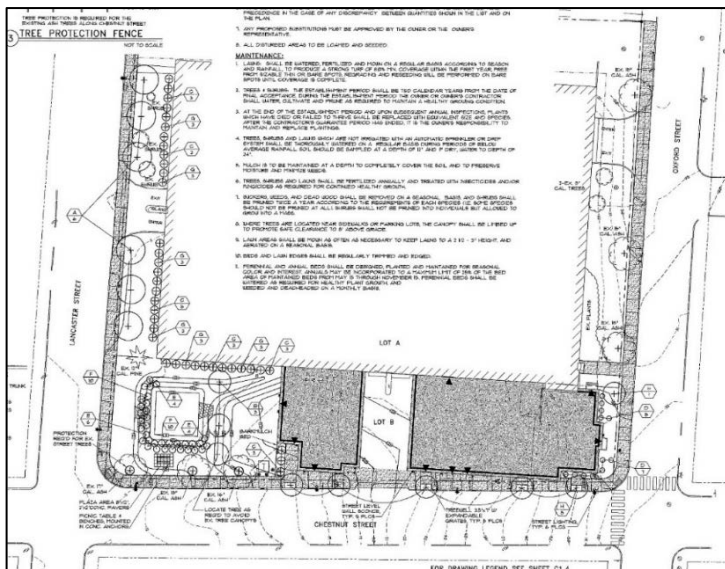
Scenic Beauty and Street Trees

The proposal results in the removal of 7 of the 10 mature trees at the back of the sidewalk on Chestnut Street (*Plan P10*). The approved Landscape Plan included 5 new maple street trees along Chestnut Street and 10 new trees elsewhere on the site, and at the time of the Landscape Plan approval the building columns were not part of the proposals. The amended Landscape Plan proposes 6 new trees along Chestnut Street but this number may not be possible due to conflicts with the building columns associated with the amended design and the need to provide a safe wide sidewalk. The options for meeting the site plan street tree requirement are discussed further under the Site Plan review below.

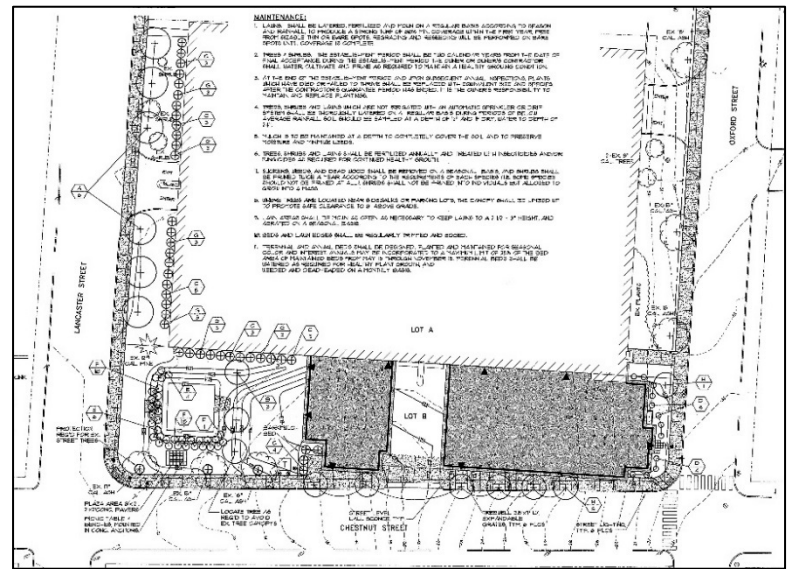
IX. SITE PLAN AMENDMENTS

Further review of the amendments in respect of the Site Plan standards has been undertaken regarding the following where the amendments result in revisions. It should be noted that the civil plans (see *Plans P9 and P10*) were originally approved in 2016 before the final design was approved which included columns on the Chestnut Street frontage. The amendments are generally minor, with the main impacts being on the ROW:

As Approved (2016):



As Amended (2018):



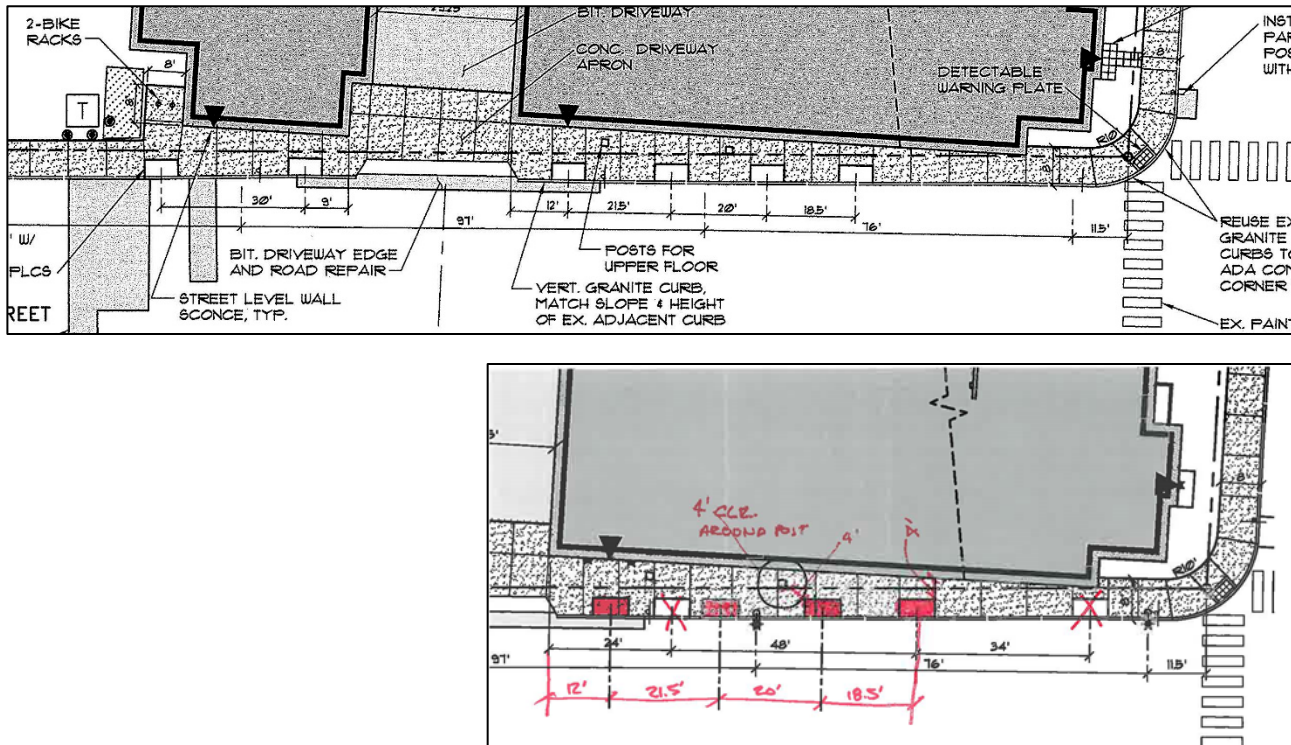
Right of Way – sidewalk, columns and street trees

The applicant is proposing to reconstruct the sidewalk and at the 2016 Hearing this was confirmed to be at least 8 feet in width and in concrete along the Chestnut, Oxford and Lancaster Streets in accordance with the Council's materials policy. At that time staff identified detailed revisions to meet Technical Standards and the amended site plans have addressed some of the conditions.

The 8 feet sidewalk incorporated in the original approved plans was a commitment from the applicant during the review and was welcomed as it is expected that this stretch of sidewalk will become a well-used pedestrian link between

Bayside and Congress Street as Bayside is further developed. The approved site plan did not include any columns to support the building within the 8 foot width, but the amended plan has two columns, the nearest being 5-6 feet from the curb.

The combination of the columns and the revised layout of the street trees creates a situation where the path of walking must keep changing direction to avoid the trees and the columns, as illustrated in these “amendment” plans submitted by the applicant (*Plan P19 & Attachment D*):



The City’s Transportation Program Manager has commented (*Attachment 7*):

“...Site Plan sheet C1.2 should be revised to show a direct, intuitive and non-meandering clear width of no less than 5 ‘ of width of sidewalk without having to avoid obstacles”

The City Arborist has noted that there are a number of options for adjusting the street trees and also notes that in the future snowclearing machinery would also require a relatively straight and wide “path” (*Attachment 8*). It should be noted that the previous 2016 approval required a contribution of \$6400 into the city’s Tree Fund.

The provision of an adequate sidewalk walking space, while also providing street trees, is a challenge and the suggested condition of approval anticipates further revisions that would include the requirement for the sidewalk area to include a 5 feet wide relatively straight walking path within the 8 foot wide sidewalk.

Right-of-Way - Details including street lighting

The staff comments (*Attachment 7*) also include comments regarding the sidewalk ramp details and street lighting specifications and these are referenced in a suggested condition of approval. Due to a technical error the plans reviewed by staff did not include the street light locations; the plans in the packet do show the locations but these need further review to ensure they are coordinated with the street tree locations.

Parking/TDM/ADA accessibility

The previous approval included conditions that relate to the parking provision being tied to the development, the TDM Plan and the location and accessibility of ADA parking—all as based on the 2016 recommendations of the City’s

consultant Traffic Engineering Reviewer Tom Errico. Mr Errico has confirmed that the amendments do not alter the need for these conditions and recommend that the conditions be reiterated as part of this review (*Attachment 6*).

The proposed amendments have altered the access points between the new building and the parking garage, with some of the exits appearing to open into a parking space and with the ADA parking provision unclear (see the First Floor Plan (*Plan P15*)). A suggested condition of approval includes the requirement for further details of these aspects and related parking layout.

The applicant has submitted the signed *Reciprocal Agreement* between the condo unit that includes the parking garage, and the unit that include the proposed new housing (*Attachment F*). The city's Legal Advisor has commented that there should be a condition of approval that ensures that the final version of the parking lease agreement confirms the parking layout and access as well as the legal responsibilities and management/allocation (*Att. 8*).

X. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning Division staff recommends that the Planning Board approve the proposed amendments to the Westerlea View Lofts development at 75 Chestnut Street. Where staff do not consider that the amended proposals provide enough detail to address the previous conditions of approval, those conditions have been re- included in the Subdivision and Site Plan parts of the proposed Motion. One of the previous 2016 conditions has been removed as it has been met.

XI. PROPOSED MOTIONS FOR THE BOARD TO CONSIDER

EDITORS NOTE: The approved Waivers and Inclusionary Zoning conditions approved by the Planning Board on December 13, 2016 (#2016-184) remain in force. The following motions are largely the same as the previous conditions of approval with respect to the Subdivision and Site Plan ordinances, with one condition removed (met in the revised plans) and the underlined wording added or revised.

A. 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 April 17, 2018 for application 2018-046 (75 Chestnut Street) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the amended 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 unless otherwise noted:

- 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, addressing the staff comments and reflecting the subdivision and site plan conditions of approval;
- ii. That a lease agreement for the required parking, as contemplated by the submitted Reciprocal Agreement, be submitted for review and approval by the Corporation Counsel, the Department of Public Works, and the Planning Authority, and executed prior to the issuance of a building permit. Such lease to include the term, number, location and accessibility of handicapped spots and other details to meet the City's parking requirements. The rules and regulations governing the use of the parking spaces, as referenced in Article 6 of the Reciprocal Agreement, shall be submitted prior to the approval of the aforementioned lease; and
- iii. 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); and
 - d. Access easement for sidewalks that are on the site property,

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.

B. 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 April 17, 2018 for application 2018-046 (75 Chestnut Street) relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the amended plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. 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;
- ii. That the ROW plans along the Chestnut Street frontage be revised, for review and approval prior to the issuance of a building permit, to:
 - a. Provide a relatively straight 5 foot wide ADA clear sidewalk with no impediments (excepting tree grates in limited locations) within an overall width of a minimum of 8 feet sidewalk;
 - b. Provide at least 4 street trees in front of the building on Chestnut Street and 1 additional street tree nearby, taking into account the options suggested by the City Arborist dated 4.12.18;
 - c. Show the locations and revised specifications for the four new street lamps to be installed by the applicant, to be coordinated with the street tree spacing;
- 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;
- 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;
- 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 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;
- vii. That the applicant address the Fire Department comments dated 9.7.2016; and

- viii. That the proposed building mounted wall sconces shall be installed so that the light is directed downward.

ATTACHMENTS

Attachments to the Report

1. Approval letter dated 12.16.2016 (except Design)
2. Approval letter 2.14.2017 (RE Cond 1 Design)
3. Design Review Workshop comments on Amendments
4. Final Design Review comments
5. Staff comments on draft Subdivision Plats
6. Final Traffic Engineering Review Comments
7. Final Transportation Program Manager comments
8. Legal comments regarding Reciprocal Agreement
9. Final City Arborist Comments

Public Comments (none received at the time report was prepared)

Applicants Amendment Submittal

- A. Amendment Applications
- B. Cover letter describing design amendments (Archetype)
- C. Cover letter describing Site Plan amendments (Walsh Engineering)
- D. Street Tree amendments
- E. Parking information (as for 2016)
- F. Signed Reciprocal Agreement

A. Plans/Renderings as approved 2016/2017

- P1. Approved 2017 Elevations
- P2. Approved 2017 Elevations Rendered
- P3. Approved 2017 Lancaster/Chestnut revised rendering
- P4. Approved 2017 Oxford /Chestnut revised rendering
- P5. Approved 2017 Upper Chestnut rendering
- P6. Approved 2017 Street View of Chestnut Street revised
- P7. Approved 2017 Massing
- P8. Approved subject to Conditions Draft Subdivision Plan
- P9. Approved subject to Conditions 2016 Site Plan
- P10. Approved subject to conditions 2016 Landscape Plan
- P11. Line Axon of approved - two views

B. Plans/Renderings as amended 2018

- P12. Amended Elevations
- P13. Amended Lancaster/Chestnut Rendering
- P14. Amended Upper Chestnut Rendering
- P15. Amended Floor Plans
- P16. Exterior Details
- P17. Existing Conds & Demolition
- P18. Amended Draft Subdivision Plan
- P19. Amended Site Plan
- P20. Amended Landscape Plan
- P21. Amended Grading and Utilities Plan
- P22. Amended Erosion Control Plan
- P23. Line Axon Upper Chestnut
- P24. Final Line Axon Lancaster
- P25. Rendering from Chestnut in context