

CITY OF PORTLAND, MAINE

PLANNING BOARD

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May 23, 2018

Tom Watson
188 State Street, 3rd Floor
Portland, ME 04101

Project Name:	82 Hanover Street Redevelopment	Project ID:	2018-042
Address:	82 Hanover Street	CBL:	34-G-1, 2, 3, 4, & 5
Applicant:	Tom Watson & Co, LLC		
Planner:	Nell Donaldson		

Dear Mr. Watson:

On May 17, 2018, the Planning Board considered your redevelopment project at 82 Hanover Street. The Planning Board reviewed the proposal for conformance with the site plan standards of the land use code. The Planning Board approved the application with the following waivers and conditions:

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 May 17, 2018 for application 2018-042 relevant to Portland's site plan ordinance, technical and design standards, and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.7*) which requires that along local streets, access driveways to corner lots shall be located a minimum of 35' from the intersection of the projection of the right-of-way lines to the centerline of the driveway, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board voted 6-0 (Whited absent) to **waive** the *Technical Manual* standard (*Section 1.7.2.7*) to allow the driveway cut approximately 30' from the corners of Parris and Kennebec and Hanover and Kennebec as shown on the final plans.

2. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.7.2.8*) which states that no more than two driveways shall be permitted for ingress and egress purposes to any commercial site, that substantial justice and the public interest are secured with the proposed variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board voted 6-0 (Whited absent) to **waive** the *Technical Manual* standard (*Section 1.7.2.8*) to allow four curb cuts as shown on the final plans.
3. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) limiting compact spaces to 20% of total parking supply, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board voted 6-0 (Whited absent) to **waive** the *Technical Manual* standard (*Section 1.14*) to allow no greater than 49% compact spaces.
4. The Planning Board found, based upon the consulting transportation engineer's review, that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) that requires that parking lot layout conform to Figures I-28 to I-32, that substantial justice and the public interest are secured with the variation in this standard, and that the variation is consistent with the intent of the ordinance. The Planning Board voted 6-0 (Whited absent) to **waive** *Technical Manual* standard (*Section 1.14*) to allow the parking lot layout as shown on the final site plan.

Traffic Movement Permit

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 May 17, 2018 for application 2018-042 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 (Whited absent) to find that the proposed plan is in conformance with 23 MRSA 704-A and Chapter 305 Rules and Regulations pertaining to Traffic Movement Permits:

1. Outside the immediate project area, Marginal Way intersections experience capacity, multi-modal and safety challenges. Pursuant Chapter 305 of the MaineDOT Rules and Regulations Pertaining to the Traffic Movement Permit, the Applicant shall make a \$23,000 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic and pedestrian issues at the Marginal Way intersections with Preble Street/Elm Street, Hanover Street and Forest Avenue.

Site Plan 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 May 17, 2018 for application 2018-042 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted 5-1 (Silk opposed, Whited absent) to find that the plan is 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 evidence of sewer capacity from the Department of Public Works and water capacity from the Portland Water District for review and approval by the Planning Authority;

2. The applicant shall provide a revised construction management plan including details on the treatment of sidewalk transitions and the Kennebec Street frontage in the interim condition, prior to the realignment of Kennebec Street, for review and approval by the Department of Public Works;
3. Approval of all site plan improvements shown in the Lancaster Street right-of-way, including design, lighting, and material treatments which shall be shown in the right-of-way, are conditioned upon the City Council formally discontinuing the existing public easement in this right-of-way and the applicant providing a 10' wide public pedestrian easement as shown on the site plan between Parris Street and Hanover Street in the vicinity of the Lancaster Street right-of-way for review and approval by Corporation Counsel, the Department of Public Works, and the Planning Authority;
4. Prior to each certificate of occupancy for each leased space, the applicant shall provide:
 - a. Documentation on the adequacy of parking supply on-site and at the location of proposed off-site parking, and
 - b. A lease for off-site parking complying with the requirements of Division 20 of the land use code for review and approval by Corporation Counsel and the Planning Authority. At time of building permit application for each tenant fit-up, the applicant shall provide an updated analysis of parking demand and supply for review and approval by the Planning Authority. Any additional supply required shall be provided per the provisions of Division 20 for review and approval by the Planning Authority;
5. The applicant shall provide a contribution for five street trees for review and approval by the City Arborist;
6. Within one year of the issuance of a certificate of occupancy, the applicant shall provide revised plans showing a final location of the proposed transformer outside of the existing Lancaster utility easement, including screening in accordance with the site plan standards of the land use code, for review and approval by the Department of Public Works and the Planning Authority. This approval by the Planning Board of the temporary location of the transformer does not constitute a waiver by the City of Portland to any objections it may have to interference with its sewer easement. At all times during which the proposed transformer is located within the sewer easement area, the City reserves its right to access the sewer as needed, including its right to insist that the applicant, its successors, and assigns move the transformer at applicant's sole expense. The applicant shall be solely responsible for any impacts to the transformer associated with the City's use of the Lancaster utility easement area, including, without limitation, maintenance, repair, or replacement of the existing 44-inch diameter brick sewer; and
7. The applicant shall provide a final detail for the proposed Kennebec Street parking screen that prevents encroachment of parked cars into the right-of-way and meets the design standards of the B-7 zone for review and approval by the Planning Authority.

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 2018-042, which is attached.

Standard Conditions of Approval

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

1. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of

a revised site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

2. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.
3. 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.
4. 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.
5. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
6. 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.
7. 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.
8. 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.)
9. 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.

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 and Urban Development Department at 874-8719. 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 Nell Donaldson at (207) 874-8723.

Sincerely,

A handwritten signature in black ink that reads "Sean T. Dundon". The signature is written in a cursive, slightly slanted style.

Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet