

CITY OF PORTLAND, MAINE

PLANNING BOARD

David Silk, Chair
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David Matero
DayMatero Studios
100 Front Street
Bath, ME 04530

Dale Akeley
Project Resources
PO Box 661
Yarmouth, ME 04096

Re: BOWL PORTLAND
Address: 58 ALDER STREET CBL: 034-H-002-001
Project ID: 09-79900009
Applicant: JUSTIN ALFOND AND CHARLES MITCHELL

November 10, 2009

Dear Applicants,

On October 27, 2009, the Portland Planning Board considered a site plan application for change of use and building renovation for Bowl Portland at 58 Alder Street. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review and Site Plan Ordinance. The Planning Board voted 6-0 (Hall absent) to approve the application with the following motion(s) and condition(s) as presented below.

CONDITIONAL USE

The Planning Board voted 6-0 (Hall absent) that the proposed plans are in conformance with Section 14-474 and Section 14-296(3) of the Land Use Code, subject to the following conditions:

1. That the applicant shall submit, for the City's Associate Corporation Counsel review and approval prior to the issuance of a building permit, an addendum to the lease that stipulates that the developer reserves the right to relocate said parking or convert surface parking to structured parking as long as the replacement parking is located within a reasonable distance from the associated use and the parking lease shall remain in effect for the full term of use; and
2. The applicant shall maintain seven (7) onsite parking spaces and the two twenty-six (26) shared offsite parking lots for the duration of the use.

WAIVERS

The Planning Board voted 2-4 (Lowery, Tevanian, Patterson and Silk opposed; Hall absent) to waive the requirement of Standard B-11 of the Bayside B7 Design Standards and Guidelines which requires street lighting along public streets. Thus the waiver **failed**.

SITE PLAN REVIEW

- A. The Planning Board voted 6-0 (Hall absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. Per Bayside B7 Design Standards and Guidelines, the applicant shall submit a signage plan to be review and approval by the Planning Authority;
2. The brick sidewalk and curb on Hanover Street shall be rebuilt in kind along the frontage of the property per Department of Public Services;
3. That the site plan be revised per David Margolis- Pineo memorandum dated 10.15.2009 and be submitted for review and approval before the issuance of a building permit [as modified in section B below];
4. That the site plan be revised per Tom Errico memorandum dated 10.16.2009 and be submitted for review and approval before the issuance of a building permit [as modified in section B below];
5. That the Landscape Plan be revised per the City Arborist recommendations per memorandum dated 09.14.2009 and be submitted for review and approval before the issuance of a building permit;
6. That the applicant address Captain Keith Gautreau memorandum of 10.23.2009 and be submitted for review and approval before the issuance of a building permit;
7. The applicant shall revise the site plan to meet the B7 Design Guideline Standard B-11 for street lighting; and
8. The midblock crosswalk at Alder Street to be reviewed by the Crosswalk Review Committee.

B. The following conditions of approval failed:

1. That the applicant shall remove five hundred (500) sq ft of the asphalt pavement along the frontage of the building on Alder Street and replace it with landscaping. A landscaping shall be submitted for review and approval by the Planning Authority and City Arborist before the issuance of a building permit (2-4, Lowery, Tevanian, Lewis and Morrissette opposed; Hall absent);
2. That the applicant shall provide a sidewalk connection along Alder Street between the applicant's site and Kennebec Street. In addition, a crosswalk and a handicapped ramp shall also be added at the intersection of Alder Street and Kennebec Street, and be submitted for review and approval by Department of Public Services and the Planning Authority (0-6, Hall absent).

Please note the following provisions and requirements for all site plan and subdivision approvals:

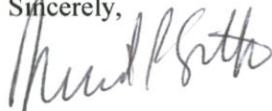
1. The site shall be developed and maintained as depicted in the site plan and the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the planning authority pursuant to the terms of this article. Any such parcel lawfully altered prior to the enactment date of these revisions shall not be further altered without approval as provided herein. Modification or alteration shall mean and include any deviations from the approved site plan including, but not limited to, topography, vegetation and impervious surfaces shown on the site plan. No action, other than an amendment approved by the planning authority or Planning Board, and field changes approved by the Public Services authority as provided herein, by any authority or department shall authorize any such modification or alteration.

2. The above approvals do not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
3. 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 Dept. prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.
4. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
5. Final sets of plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
6. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
7. Prior to construction, a pre-construction meeting shall be held at the project site 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 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.
8. 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.)

Philip DiPierro, 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 874-8632. Please make allowances for completion of site plan requirements determined to be incomplete or defective during the inspection. This is essential as 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 (207) 756-8083 or by email at shukriaw@portlandmaine.gov

Sincerely,



David Silk, Chair
Portland Planning Board

Attachments:

1. Memorandum, Capt. Keith Gautreau, 10.23.2009
2. Memorandum, Jeff Tarling, 09.14.2009
3. Memorandum, David Margolis-Pineo, Revised 10.15.2009
4. Memorandum, Tom Errico, 10.16.2009
5. Performance Guarantee Packet

Electronic Distribution:

Penny St. Louis Littell, Director of Planning and Urban Development
Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Shukria Wiar, Planner/Senior Planner
Philip DiPierro, Development Review Coordinator
Marge Schmuckal, Zoning Administrator
Tammy Munson, Inspections Division Director
Gayle Guertin, Inspections Division
Lisa Danforth, Inspections Division
Lannie Dobson, Inspections Division
Michael Bobinsky, Public Services Director
Kathi Earley, Public Services
Bill Clark, Public Services
David Margolis-Pineo, Deputy City Engineer
Todd Merkle, Public Services
Greg Vining, Public Services
John Low, Public Services
Jane Ward, Public Services
Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, Wilbur Smith Consulting Engineers
Dan Goyette, Woodard & Curran
Assessor's Office
Approval Letter File
Hard Copy: Project File

Fire Prevention Captain Keith Gautreau

09/09/09 Access is ok to the building. I would like to see the proposed occupant load and any proposed fire detection systems. Please complete the fire department check sheet and submit to me. Keith Gautreau

10/23/2009

I have reviewed the revised plans and access and hydrants look good.

The occupancy (assembly - 300) will require a full fire alarm system with voice evacuation. Also, please show justification for the single means of egress from second floor level (second exit shows leading onto the roof top).

Captain Keith Gautreau

City Arborist Jeff Tarling

September 14, 2009

Send via email on 09.11.2009:

Hi Shukria -

I have reviewed the proposed Bowl Portland project, while the project does add more green space & trees than exists, additional landscape & tree planting would be recommended.

Here is a list of proposed landscape treatment recommendations -

a) **Alder Street** - Add one additional 'street-tree' in the large center island between the two shown. Also a question on the L-2 plan is the note 'existing asphalt to remain' - would there be an option to soften this space with landscape plants or turf for the large paved area behind the sidewalk & at the corner? This space could benefit from a reduction in impervious surface.

b) **Kennebec Street** - the landscape plan shows a group of three trees near the Hanover Street frontage, would like to see if additional trees & landscape plantings be included between Alder Street & Hanover Street. All trees & landscape plantings should be placed in a mulched bed. Lawn / landscape areas should be protected from vehicles parking on the grass by curbing. Curbing should meet any standards that apply. Granite or concrete curbing is best followed by bituminous 'Cape Cod' style curbing.

c) **Parking lot / adjacent gravel lot separation** - could not determine what type of separation or definition features were to be used to separate the proposed parking lot from the adjacent gravel parking lot on Kennebec Street. Suggestion would be wooden guardrail or other type of fencing or barrier.

General Landscape notes - The proposed tree sizes - Green Ash listed at 3-3.5" could be downsized to 2.5" caliper. This might be suggested so that the root ball fit into the proposed tree-wells along Alder Street. Tree-well spec should be rectangular in shape 4'x7' ideal, minimal width is 3.5'. If the pavement is to remain along Alder Street the tree well should be framed with either granite or timbers to protect the trees from damage & deicing salts. Tree sizes for the remaining plants, Pin Oak & Turkish Filbert should be increased to meet standards of 2-2.5" vs. the proposed 1.5-2".

I would be available to meet with the Project Team and Planning staff to review these recommendations.

Thanks,

Jeff Tarling
City Arborist

October 15, 2009

To: Shukria Wiar
From: David Margolis-Pineo
Re: Review Comments – Public Services
59 Alder Street – Bowl Portland
Final Comments

1. The sidewalk detail should show 19.5 mm and not 12.5 mm asphalt under the brick sidewalk. The detail should show the pavement being cut 24" into the street from the face of the proposed curb to facilitate installation.
The plan detail now shows this.
2. It appears that two curb cuts are proposed along Alder Street but the plans are not clear. Unless the applicant can explain a need for drive cuts in this area, this section shall be all granite curbing with a seven inch reveal.
I believe it is the applicant's intent to show raised granite curbing along the entire property on Alder St. Sheet L.2 shows a double line for curbing but for only a portion of the property.
3. Applicant will need to submit an application for the ability to serve the proposed sanitary waste generated.
Applicant has now submitted this application.
4. The detail sheet shows pipe installation detail. Are there pipes to be installed for this project?
The pipe detail has been removed from the plans.
5. There does not appear to be a formal engineers stamp on these plans. This department can not sign off on these plans until they are stamped.
All plans are now stamped.
6. Plans in the vault of Public Services indicate that the floor drains of this structure are connected to the stormwater system in Alder Street. **This is in violation of current sewer codes.** Dye test should be conducted and if this is the case, the floor drains should be redirected to the stormwater **sanitary** system. The discharge of the roof drains should also be verified and redirected to stormwater system **or ground** if necessary. The utilities in Alder should be sized and shown correctly.
This requirement should be a condition for approval. City staff will assist the applicant when possible.
7. Since the applicant is proposing to serve food, a grease trap must be sized correctly and proposed with the plans.
This requirement should be a condition for approval.
8. It is understood this area has a history of flooding. Elevation 10.00 is the flood stage for this area. Please show the finish floor elevation.
The elevation has not been shown. It must be recognized that this site is prone to flooding to elevation 10.00'. Several street elevations shown are below that elevation.

9. The applicant is asked to complete the Alder Street sidewalk to Kennebec St. (approx. 75 more feet) and to install a sidewalk ramp at that corner as recommended by Tom Errico. Handicap ramps must be ADA compliant. ~~In lieu of installing a sidewalk along Kennebec Street, the applicant is asked to contribute $205' \times 5'9''$ per sq yd \times \$120/sy = \$13,670 for the construction of sidewalks in the vicinity of Kennebec St once road re-alignments are completed.~~
The applicant is still asked to complete the sidewalk and ramp on Alder St. to the corner of Kennebec. The request for compensation to build the Kennebec is deleted.
10. The section of brick sidewalk and curb on Hanover Street adjacent to the applicant's property is in extremely poor condition. The applicant is asked to reset the curbing and replace the brick sidewalk in kind.
11. Applicant now shows a crosswalk at mid-block with sidewalk ramp. This crossing should be deleted.
12. It is the applicant's intent to keep the paved area to the north of the building which extends from Alder St. to the new proposed parking area. There is concern that once the fence is removed that vehicle will have access to this area. The applicant needs to indicate how vehicles will be restricted from this area by using bollards or some other acceptable means.
13. All ADA sidewalk ramp design should be reviewed by Tom Errico before construction.

This department has no further comments.

Shukria Wiar - Bowl Portland

From: "Tom Errico" <thomas.errico@tylin.com>
To: "Shukria Wiar" <SHUKRIAW@portlandmaine.gov>
Date: 10/16/2009 4:22 PM
Subject: Bowl Portland
CC: "Katherine Earley" <KAS@portlandmaine.gov>, "David Margolis-Pineo" <DMP@portlandmaine.gov>

Shukria – the following presents a status report on my September 2009 comments.

September 16, 2009 Comments

I have reviewed the September 1, 2009 submittal prepared by DayMatero Studio and offer the following traffic comments.

- The applicant shall provide a trip generation analysis that documents the anticipated increase in traffic volumes following construction of the project. Following a review of this information the need for a traffic study will be determined. I would also note that the City has been collecting funds from developments in the Bayside area for improvements to Marginal Way and other roadways. A contribution amount will also be determined following a review of the trip generation estimate.

Status: The applicant has provided some information on traffic generation. I will review this information and provide an estimate for a contribution amount for implementation of the Marginal Way Master Plan.

- When the two handicapped parking spaces are occupied in the new parking lot, vehicles will not be able to turn around and therefore will have to back out into Hanover Street. This condition is not acceptable. It is suggested that the handicapped space to the east be eliminated such that a turnaround can be provided.

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

- It appears that a driveway will remain off Alder Street. The applicant should provide a summary of use for the driveway and provide information on whether it meets city standards for width.

Status: It appears that the driveway will be closed. I would recommend that treatment be provided that prevents access to the side of the building by vehicles (e.g. bollards).

- The plans should note where handicapped ramps are proposed.

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

- While parking supply is not required per zoning, I do believe a significant impact to the neighborhood can be expected during peak usage periods. The applicant should provide information on anticipated parking demand for the project and how this demand will be accommodated.

Status: Refer to comment below.

- The applicant should provide a pedestrian routing plan for those who park in the proposed parking lot and are destined to the site.

Status: The applicant should construct a sidewalk along Alder Street between their site and Kennebec Street. A crosswalk should be added across Alder Street at Kennebec Street. The midblock crosswalk on Alder Street should be removed. Parallel lines should be used for all crosswalks.

September 18, 2009 Comments

I have reviewed the parking information provided in the September 14, 2009 letter prepared by DayMatero Studio and offer the following comments. As noted in the letter, while zoning does not require on-site parking, demand for parking will occur and impact the area.

- It has not been the practice of the Planning Authority to use on-street parking spaces for parking needs and requirements. As the Bayside area develops, on-street parking competition will increase. I would note that initially it does appear that sufficient on-street parking will be available to accommodate demand.

Status: The applicant is providing off-street parking spaces and I have no further comment.

- The parking demand analysis was based upon zoning parking rates and in my professional opinion may underestimate peak parking demand.

Status: The applicant has provided a parking analysis supporting their parking needs and I have no further comment.

- As noted in the letter, because GR Dimillos has similar parking usage needs there will be periods when parking supply will not be available for Bowl Portland.

Status: I have no further comment.

- The letter notes that use of the 27 space parking lot on Kennebec Street will be allowed. The applicant should provide information on existing pedestrian accommodations and whether any facility enhancements are needed for safe use.

Status: My comment above addresses this issue, and I have no further comment.

New Comments

- The applicant and I have communicated about the submission requirements of a TDM plan. It is my understanding that the applicant will be submitting a plan next week for review and comment.
- The on-site parking lot illustrates 20-foot long parking spaces. The City standard is 19 feet.
- The applicant should provide a sidewalk connection between the 27 space joint use parking lot and the sidewalk on Preble Street.