



# PORTLAND MAINE

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**EXECUTIVE DEPARTMENT**

Patricia A. Finnigan, Acting City Manager

June 9, 2011

Senator Justin Alford  
134 Sheridan Street  
Portland ME 04101

**Project Name:** Outdoor Patio, Bowl Portland      **Project ID:** 2011-204  
**Address:** 58 Alder Street

Dear Senator Alford:

You have requested a permit to create a seasonal outdoor patio adjacent to Bayside Bowl located at 58 Alder Street. The proposed project is located in the B-7 zone and requires a Level 1, site alteration permit.

We have reviewed the plans prepared by David Matero of DayMatero Studio. You propose to pave approximately 2,757 sq ft on the site for use as an outdoor seating space and outdoor game area (such as horseshoes and cornhole toss). The total patio area will measure 4,140 sq ft. You also propose to place a metal interlocking fence around the perimeter which will be removed when the patio closes for the season.

## **Background**

The ordinance requires several site improvements in order to build the patio. As you know, the City plans to do extensive construction work adjacent to 58 Alder Street. That infrastructure project will involve extending Somerset Street, as well as the discontinuance and realignment of the section of Kennebec Street adjacent to Bayside Bowl. If the City required you to complete the site improvements as required by the ordinance, the Somerset/Kennebec Streets construction work would undoubtedly necessitate ripping out and redoing much of your site improvement work. In addition, the exact design and engineering requirements for your site improvements are not known at this time and will not be known until the final design and construction of the Somerset/Kennebec Street project is completed.

In recognition of the extensive planned road construction work which will be taking place adjacent to Bayside Bowl, we are taking a practical approach to your request which meets the objectives of the ordinance and will facilitate the coordination of the street improvement work with your business expansion plans including building the patio project.

### **A. Immediate Requirements**

In order to meet the objectives of the ordinance in the near term while the Somerset/Kennebec Street construction project is underway, you will be required to do the preliminary site improvements described below.

**1. Performance Bond.** In recognition of the impending Somerset Street improvements, and in order to coordinate improvements to public ways and sidewalks, you will need to post a performance bond. The bond will guarantee the costs of constructing the sidewalk improvements on Alder Street adjacent to the area of the proposed patio/outdoor seating area. The bond will cover the cost of installing a sidewalk and curbing which meets the City's technical specifications ( granite curb and brick sidewalk), based on plans and cost estimate you have provided. The sidewalk will need to be installed within 5 years or upon completion of the Somerset/Kennebec Street construction project.

**2. Fencing and Landscaping.** Given the seasonal nature of the project, the proposed removable fencing is permitted, just as one would use temporary barriers at a sidewalk café to provide separation between pedestrians and the patrons. If the applicant decides in the future to install permanent fencing, the City's technical specifications will apply.

Landscaping, including trees, will be required to be planted as part of the permanent site work. In the meantime, at a minimum, planters with flowers and/or plants are expected to be included as part of the project.

**3. Property survey and property pins.** A property survey is on file; property pins need to be set at all property corners.

### **C. Future Improvements**

Within 5 years of receiving the Level 1, site alteration permit, or upon completion of the Somerset/Kennebec Street construction project, you will be expected to make the permanent site improvements as required in the zone at that time. These include:

**1. Sidewalks.** Install the curb and sidewalk work along Alder Street which was guaranteed through the performance bond. In addition, based upon the actual location and construction of Somerset and Kennebec Streets, you will need to submit curb and sidewalk plans along the newly constructed Somerset Street, which meet the City's technical specifications (Technical Manual 1.8.1).

**2. Drainage.** A drainage plan will need to be submitted which accounts for the changes in grade due to street and sidewalk elevations. (Technical Manual, Section 5).

**3. Landscaping.** The site plan ordinance requires street trees for all development sites (Section 14-526 (b) (2) (e) (iii)). You will need to submit a landscaping plan which meets this design standard (Technical Manual Section 4.6.3).

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**4. Fences.** The B-7 Design Standard E-11 requires fences or walls along public streets, trails, alleys, or public spaces to be of high quality, durable and weather resistant materials such as brick, stone, wood and high grade metals.

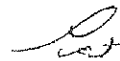
**5. Traffic Impact Analysis.** The applicant will be required to provide a traffic impact analysis that reflects the use of the outdoor space to determine if additional parking or traffic improvements are necessary to meet the ordinance.

We appreciate your patience as we considered and worked through the issues presented by your proposal. Due to its timing and the fact that it is located adjacent to the planned major street construction project, we want to ensure the projects are coordinated and neither you nor the City are in the position of wasting time and money by constructing infrastructure which would needlessly be replaced in the future.

Thank you for your commitment to Bayside, creating jobs, and expanding what is proving to be an exciting entertainment destination in Portland.

In order to complete the permit process please contact Barbara Barhydt at 874-8719

Sincerely,



Patricia A. Finnigan  
Acting City Manager

cc: Penny St. Louis, Director, Planning & Urban Development Dept.  
Barbara Barhydt, Development Review Manager