

CITY OF PORTLAND, MAINE

PLANNING BOARD

Elizabeth Boepple, Chair
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February 1, 2016

Senator Justin Alfond
BoPo, L.L.C.
58 Alder Street
Portland, Maine 04101

Robert Metcalf
Mitchell & Associates
70 Center Street
Portland, Maine 04101

Project Name:	Bayside Bowl	Project ID:	#2015-230
Address:	71 Hanover Street	CBL:	34-H-5
Applicant:	BOPO, LLC		
Planner:	Richard Knowland		

Dear Senator Alfond:

On January 26, 2016, the Planning Board considered an expansion to Bayside Bowl. The expansion includes 36 on-site permanent parking spaces and a building addition of about 16,000 SF which accommodates an increase in the number of bowling lanes from 12 to 20 and larger restaurant and bar related space. The Planning Board reviewed the proposal for conformance with the standards of a Traffic Movement Permit and Site Plan Ordinance. The Planning Board voted to approve the application with the following condition(s) as presented below.

TRAFFIC MOVEMENT PERMIT

Based upon the City of Portland's Delegated Review Authority, the Planning Board voted 5 to 0 (Boepple absent) to approve the Traffic Movement Permit application for Bayside Bowl subject to the following conditions of approval to be met prior to the issuance of a building permit unless otherwise stated:

1. The applicant shall make a \$2,300 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble and Forest and general multi-global improvements along the corridor.
2. The applicant shall make a \$6,600 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street and Franklin Street.

SITE PLAN REVIEW

The Planning Board voted 5 to 0 (Boepple absent) that the plan is in conformance with the site plan standards of the Land Use Code, DEP Stormwater Permit and B-7 Design Standards, subject to the following conditions of approval to be met prior to the issuance of a building permit unless otherwise stated:

1. The applicant shall submit documentation of control of off-site parking spaces either by ownership or lease with a term of not less than five (5) years with an option to renew for a minimum of 57 spaces. Evidence of such control shall be required by showing for review and approval by Corporation Counsel, at a minimum, a signed letter of intent, purchase and sale agreement, or option for sale or lease prior to the issuance of a building permit, and an executed deed or lease prior to issuance of any certificate of occupancy.
2. The plan shall be revised reflecting a wood guard rail, curb stop or other acceptable barrier along the Kennebec Street side of the parking lot for Planning Staff review and approval.
3. As part of the pre-construction meeting process, applicant shall develop strategies and a plan for Public Works review and approval, to minimize impacts on on-street parking conditions during site construction.
4. Applicant shall be responsible for providing materials in support of TS&E and City Council packets regarding a proposal to add on-street parking along the applicant's Hanover Street frontage which requires a change to the City's Traffic Schedule.
5. The plan shall be revised for City Staff review and approval reflecting a brick sidewalk from the Alder Street driveway to Kennebec Street and a Bayside street light on Alder Street near the Kennebec Street intersection.
6. Applicant shall forward to the Planning Department a copy of the filed Notice of Intent to Comply with the Maine DEP Maine Construction General Permit for the site.
7. That a final signage plan shall be submitted for Planning Staff review and approval prior to the issuance of a building permit.
8. That a more detailed site plan be developed for the landscaped strip between the parking lot and Kennebec Street detailing the relationship of proposed plantings with the stone infiltration trench for City Staff review and approval.
9. The final plans shall be submitted for review and approval by the Fire Dept. prior to the issuance of a building permit and that meet the review comments of Deputy Chief, Keith Gautreau (memo dated 1-22-16).

The approval is based on the submitted plans and the findings related to site plan review standards as contained in Planning Report for application #2015-230 which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for 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 Inspection Division.
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 Division and Public Services 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 Service'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. (If applicable)
7. **Department of Public Services 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.)
8. **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.

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 Richard Knowland (207) 874-8725.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Tom Errico, Traffic Review Consultant, Memo dated 1-20-2016
2. Keith Gautreau, Deputy Fire Chief, Memo dated 1-22-2016
3. Planning Board Report
4. City Code: Chapter 32
5. Sample Stormwater Maintenance Agreement [if applicable]
6. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director
Barbara Barhydt, Development Review Services Manager
Richard Knowland, Senior Planner
Philip DiPierro, Development Review Coordinator, Planning
Ann Machado, Zoning Administrator, Inspections Division
Tammy Munson, Inspections Division Director
Jonathan Rioux, Inspections Division Deputy Director
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division
Brad Saucier, Administration, Inspections Division
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John Low, Associate Engineer, Public Services
Rhonda Zazzara, Field Inspection Coordinator, Public Services
Mike Farmer, Project Engineer, Public Services
Jane Ward, Administration, Public Services
Jeff Tarling, City Arborist, Public Services
Jeremiah Bartlett, Public Services
Keith Gautreau, Fire Department
Jennifer Thompson, Corporation Counsel
Thomas Errico, P.E., TY Lin Associates
David Senus, P.E., Woodard and Curran
Rick Blackburn, Assessor's Department
Approval Letter File

Rick Knowland - Bayside Bowl - Final Traffic Comments

From: Tom Errico <thomas.errico@tylin.com>
To: Rick Knowland <RWK@portlandmaine.gov>
Date: 1/20/2016 3:55 PM
Subject: Bayside Bowl - Final Traffic Comments
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, "Earley, Katherine" <KAS@p...

Hi Rick – I have reviewed the December 2015 application materials for the project and offer the following final comments as it relates to comments I provided in June 2015.

- The applicant has requested a waiver for providing a construction management plan at this time. It would be my suggestion that the applicant provide some general guiding principles as it relates to how construction will impact existing parking and traffic with the intent of providing a more detailed construction plan as a condition of approval.

June 2015 Status: I have reviewed the construction management plan and I generally find it to be acceptable. I would note that the width of Lancaster Street will be significantly narrowed during construction and activities shall be coordinated with the City, given that it is used for DPS vehicle parking and circulation. Given the information provided, it is likely that contractor vehicles will utilize on-street parking in the area. The applicant has noted that carpooling and other vehicle reduction strategies will be suggested. I would recommend that this issue be discussed at the Pre-Construction meeting and strategies formalized to minimize impacts to on-street parking conditions. Construction will reduce the existing parking supply for the project. The applicant should provide a plan for addressing this temporary parking issue.

Current Plan Status: The above comment remains valid.

- Based upon discussions with DPS staff it is my understanding that a portion of the proposed parking lot could be paved or implemented in its final form without disturbance from the Somerset Street Extension project. Accordingly, the applicant should investigate construction of a portion of the parking lot in final form.

June 2015 Status: It is my understanding that you are providing a condition that addresses this issue and therefore I have no further comment.

Current Plan Status: It is my understanding the parking lot will be paved and therefore I have no further comment.

- I have reviewed the traffic study prepared by Gorrill-Palmer Consulting Engineers, Inc. and do not support the methods used in estimating trip generation. Approval of the assumptions will require supporting documentation. Specific concerns include:
 - 30% reduction in restaurant trips associated with shared use.
 - Use of ITE Land Use Code 439 for a Bowling Alley when only one site was sampled for estimating traffic.
 - I would expect overlap for use of the Squash Court time slots and therefore traffic and parking generation needs to account for this.
 - The study assumed an occupancy of two per vehicle.

- 15% will utilize transit.
- A 20% reduction in trip levels based upon assumptions that the site will not be fully utilized.

The traffic study concluded that taking into account the above assumptions, the project would generate 99 trips during the peak hour and therefore would not trigger the threshold of 100 trips needed to file a Traffic Movement Permit. In addition to above concerns, the project should also include the trips associated with the initial Bayside Bowl project. Based upon these factors it is my opinion that the project requires a Traffic Movement Permit. I would note that based upon the capacity analysis conducted by the applicant I do not expect the project to have significant traffic impacts in the area.

June 2015 Status: The applicant has submitted requirements for a Traffic Movement Permit. A Traffic Movement Permit Application has been submitted and a Traffic Study scoping meeting was held on May 15, 2015. A traffic study supplement has been submitted that complies with discussions at the scoping meeting. The supplement notes that the full-build project will generate 147 trips during the PM peak hour. A capacity analysis was conducted at the Kennebec Street intersections with Hanover Street and Preble Street. Both locations are estimated to work at excellent levels of service following project completion. I find the project complies with MaineDOT Traffic Movement Permit requirements, with the Off-Site mitigation contributions noted below.

Current Plan Status: The above comment remains valid.

- Additional information is requested in quantifying the parking demand for the project. I would suggest the applicant survey existing users as part of understanding existing parking demand and use that information to predict future supply needs. If the applicant conducts such a survey, methods should be coordinated with City staff.

June 2015 Status: The applicant has identified an approximate parking demand estimate of 134 parking spaces for the full-build project. Given the complexities of estimating parking generation for the project, this estimate seems reasonable (a significant effort was undertaken by the applicant to estimate traffic volumes for the project according to project site use and operations. The PM peak hour traffic volume generation entering volume was used as the basis for the parking demand estimate).

Current Plan Status: The applicant currently estimates a parking demand of 93 parking spaces for the site with 36 spaces provided on-site. In my understanding the Planning Department will be providing a condition of approval regarding off-site parking requirements.

- The applicant has requested a waiver from City standards for parking lot aisle width based upon the need for added buffer space. I would prefer that the City standard (24 feet) be met, unless Jeff Tarling determines the added buffer width is critically important.

June 2015 Status: The applicant has not provided any information in support of a waiver from the City's Technical Standards and therefore the plans should be revised to provide a parking aisle width of 24 feet.

Current Plan Status: The plans propose a 24-foot aisle width and I find conditions to be acceptable.

- A detectible warning panel shall be installed on the Hanover Street sidewalk ramp at Lancaster Street.

June 2015 Status: The plans have been revised and I have no further comment.

Current Plan Status: The plans include the requested panel and I have no further comment.

- It is suggested that on-street parking be provided on the east side of Hanover Street along the property frontage. This action will require changes to the City's Traffic Schedule and will need to be approved by the TS&E Committee and City Council. The applicant shall be responsible for provide materials in support of the TS&E and City Council packets.

June 2015 Status: No added response necessary.

Current Plan Status: This condition continues to remain valid.

- Upon determination of the final parking supply number, the corresponding bicycle parking spaces should be provided on-site per City Standards.

June 2015 Status: It is my understanding that you are providing the bicycle parking requirement and therefore I have no further comment.

Current Plan Status: The project exceeds City standards for bicycle parking spaces and accordingly I find conditions to be acceptable.

- Projects in the Bayside area have been required to make monetary contributions towards implementation of the Marginal Way Master Plan and the Somerset Street Extension Project. I will assess this requirement, in coordination with DPS and Planning staff, following approval of final trip generation and assignment information.

June 2015 Status: Based upon the traffic study provided by the applicant and the "new" traffic added to the local street system the following contributions are required in conjunction with the MaineDOT TMP.

- Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$3,400 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-modal improvements along the corridor.
- Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$9,750 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street, and Franklin Street.

Current Plan Status: Based upon the traffic study provided by the applicant and the "new" traffic added to the local street system the following contributions are required in conjunction with the MaineDOT TMP.

- Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$2,300 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-modal improvements along the corridor.
- Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$6,600 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street, and Franklin Street.

June 2015 Status: The short sidewalk section between the project driveway and Kennebec Street needs to be ADA compliant and therefore should not be gravel. I have spoken to DPS about this and they concur. Given the uncertainty of the reconstruction of Kennebec Street, I would suggest that it be bituminous asphalt.

Current Plan Status: The plan includes a bituminous sidewalk and therefore I find conditions to be acceptable. I would note that a detectible warning panel shall be included at Kennebec Street.

New Comments

- The plans note parking spaces with dimensions of 8'x18' that do not meet City standards for compact spaces. I support a waiver from City standards given that the size exceeds City standards.
- I have reviewed the TDM plan and find the program to be acceptable.
- The City is currently finalizing the Bayside Transportation Master Plan. That document seeks to improve transportation accessibility and connectivity with one of the recommendations consisting of a Lancaster Street that provides two-way flow between Franklin Street and Brattle Street. That study recognized the constraints of Lancaster Street between Preble Street and Hanover Street, where public access rights do not exist on the Bayside Bowl half of the former street. The Master Plan concept for Lancaster Street between Alder Street and Hanover Street is a "shared street" design that would allow for all transportation users (e.g. vehicles, delivery trucks, pedestrians, bicyclists) to coexist. The City is in the process of selling the property that will have rights to the southerly half of Lancaster Street in this area. The agreement included the following use rights:

And a clarification of the portion of Lancaster Street abutting the property. This portion of Lancaster Street has been discontinued by the City, but the City maintains a public easement in that portion of Lancaster Street for all purposes, including, without limitation, utility maintenance and passage for pedestrians and motor vehicles.

It is suggested that the applicant consider providing a similar use agreement, so that the vision of the Master Plan can be realized.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director

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"One Vision, One Company"

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MEMORANDUM

To: FILE
From: Richard Knowland
Subject: Application ID: 2015-049
Date: 1/22/2016

Comments Submitted by: Keith Gautreau/Fire on 4/1/2015

Building

The new building shall not affect the egress or required Fire Department access for the neighboring building.

Hydrants

2009 NFPA 1 18.3 Water Supplies and Fire Hydrants

-Fire Department Connections shall not be located where large diameter hose may block egress.

1. Hydrants

1.) 2009 NFPA 1 18.3 Water Supplies and Fire Hydrants

2.) Fire Department Connections shall not be located where large diameter hose may block egress.

2. Fire Vehicle Access

1.) Largest Fire Department Vehicle must be able to navigate through the parking lot to access building.

2.) Fire Department Access shall have an unobstructed vertical clearance of not less than 13 ft 6 in.

3.) Vertical clearance shall be permitted to be reduced, provided such reduction does not impair access by fire apparatus, and approved signs are installed and maintained indicating the established vertical clearance when approved.

Construction Management Plan

Streets must maintain a 20' width for Fire Department access at all times.

Fire Hydrants shall not be blocked or enclosed by fencing. A 3' foot clearance must be kept at all times around the fire hydrant.

If gates are locked, a Portland Fire Department Knox padlock must be purchased by the applicant to allow access for the Fire Department.

The Construction Company' emergency contact information shall be posted on the property in case of an after hours emergency.

All construction shall comply with 2009 NFPA 1 Chapter 16 Safeguards During Building Construction, Alteration, and Demolition Operations.

Any cutting and welding done will require a Hot Work Permit from Fire Department.

Comments Submitted by: Keith Gautreau/Fire on 4/1/2015

It's look as though access will be good, at least two sides possibly three depending on Lancaster.

Fire Comments:

All construction and installation shall comply with 2009 NFPA 1, 2009 NFPA 101.

All construction and installation shall comply with City of Portland Fire Department Building Regulations.

<http://www.portlandmaine.gov/fireprevention/fdrulesandregulations.pdf>

All construction and installation shall comply with City Code Chapter 10.

<http://www.portlandmaine.gov/citycode/chapter010.pdf>

Street addresses shall be marked on the structure and shall be as approved by the City E-911 Addressing Officer. Contact Michelle Sweeney at 874-8682 for further information.

2009 NFPA 101, Life Safety Code
 101:12.1.7.3 Life Safety Evaluation



PLANNING BOARD REPORT PORTLAND, MAINE

Bayside Bowl Expansion
138 Kennebec Street
Level III Site Plan
Project ID #2015-230
BOPPO, LLC., Applicant.

Submitted to: Portland Planning Board Public Hearing Date: January 26, 2016	Prepared by: Rick Knowland, Senior Planner Date: January 22, 2016
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I. INTRODUCTION

A public hearing has been scheduled to consider an amendment to the Bayside Bowl site plan approved by the Planning Board on June 9, 2015. The address of the site is 58 Alder Street, which occupies the entire block defined by Alder-Hanover- Kennebec-Lancaster Streets. The applicant is BoPo, LLC. The development previously received approvals for Site Plan Review including Traffic Movement Permit and B-7 Design Standards. Certain waivers from the Technical and Design Manual were also granted.

The primary changes in the site plan is a reduction in the scope of the proposed building size and conversion of a gravel area to permanent parking.



View of site from corner of Alder St. and Kennebec St.



View of site from corner of Hanover St. and Lancaster St.

Notice of the public hearing includes notices sent to 88 area property owners, as well as those on the Interested Parties List. A notice appeared in the January 18, 2016 and January 19, 2016 editions of the Portland Press Herald.

II. PROJECT DATA

	Previous Proposal	Proposed
Zoning	B-7	B-7
Land Area	55,290 SF	55,290 SF
Proposed Use	Bowling Alley; Restaurant; Squash Courts	Bowling Alley; Restaurant
Existing Building Footprint	13,600 SF	13,600 SF
Proposed Building Footprint	29,823 SF	30,148 SF
Proposed Building Floor Area	48,857 SF	33,550 SF
Building Height	45 FT	34 FT
Parking Spaces	36 on-site; 98 off-site leased	36 on-site; 57 off-site leased
Project Cost	\$2,400,000	\$2,480,000

III. BACKGROUND

A. Recent Site Plan Approval

On June 9, 2015 the Planning Board approved an expansion for the Bayside Bowl facility with a number of conditions. See attached approval letter (Attachment A). Since the approval, the applicant has modified the building program by eliminating squash courts which has reduced the height and floor area of the building addition. The earlier planned expansion from 12 to 20 bowling lanes remains unchanged.

Note that the June 9, 2015 approval included the following condition:

“The proposed on-site parking lot is approved as a temporary parking lot for a period of one year to June 9, 2016. Applicant shall submit a final site plan for a permanent parking lot for Administrative site plan review and approval no later than February 1, 2016 or until Somerset Street plans are finalized. The final site plan shall incorporate all permanent infrastructure improvements such as pavement surfaces, landscaping, drainage improvements, guard rails or curb along the parking lot perimeter, lighting, sidewalks and other related improvements. Note that the plan shall provide an appropriate separation of vegetation from underdrain system...”

B. Site History

On October 27, 2009, the Planning Board approved a site plan to establish the Bayside Bowl within the former Skillful Vending building at 58 Alder Street. The approval letter is shown as Attachment C. The proposal at that time included 12 bowling lanes, 60 seat restaurant space, 33 parking spaces (7 onsite and 26 shared offsite) as well as various site improvements.

Applicant acquired a 23,450 sf vacant lot in 2011 adjacent to Bayside Bowl which extended the applicant’s landholdings to Kennebec Street. That same year the applicant received administrative site plan approval for an outdoor seasonal patio for this parcel. With the prospect of the Somerset Street extension looming in the future, certain improvements such as landscaping, sidewalks and drainage were deferred to the future. See Attachment B. The present submission proposes this area as a parking lot.

On March 17, 2015, the applicant completed a transaction with the City of Portland to purchase the “salt shed” parcel at 71 Hanover Street. This acquisition is intended to facilitate an expansion of the Bayside Bowl which abuts this property. With this property purchase the applicant now controls the entire Alder-Hanover-Kennebec- Lancaster block.

Lancaster Street between Alder and Hanover was discontinued by the City Council on May 1, 1995 to facilitate Public Services operations in this area. Based on that action, the applicant owns to the middle of the street although a public easement was retained. The Bayside Bowl expansion does not encroach within the right of way. The City owns the other half of the street which abuts the City’s Traffic Division building. By way of background, the City evaluated a proposal last year by AVESTA to purchase the Traffic Division property for a housing development.

The Somerset Street Extension Study has a direct impact on the Bayside Bowl site. The study is comprised of two components. The first part focuses on the design and construction of extending Somerset Street from Elm to Hanover Street while the second part evaluates various alignments of extending Somerset Street (Kennebec Street) and the Bayside Trail to Forest Avenue.

The submitted Bayside Bowl site plan incorporates the projected street alignment on the plan which crosses their property near the corner of Kennebec and Hanover. The proposed parking lot has been designed outside the projected alignment footprint. Engineering plans for the Elm Street to Hanover Street section are expected to be completed later in 2016. Construction of the Elm to

Preble section is likely to be initiated in 2016 with the Preble and Hanover section likely to be completed a year or so later.

IV. DEVELOPMENT PROPOSAL

The primary change in the revised site plan is a reduction in building height and floor area reflecting elimination of the squash court space. The existing gravel area will be converted into a permanent parking lot. Applicant proposes to construct a two story addition to the existing bowling alley. See site plan on following page of this memo. The expansion includes additional bowling alleys, a second floor mezzanine level and a rooftop bar. The addition increases the net floor area of the facility by 16,000 SF resulting in a total building floor area of 33,550 SF. The building addition will be 34 feet high rather the previous proposal of 45 feet.

The project expands the number of bowling alleys from 12 to 20. Restaurant space will be increased from 60 seats to 210 seats. The mezzanine level has a 171 person capacity but application indicates that it is “not expected to be fully occupied”. A partially covered 136 seat rooftop deck is proposed.

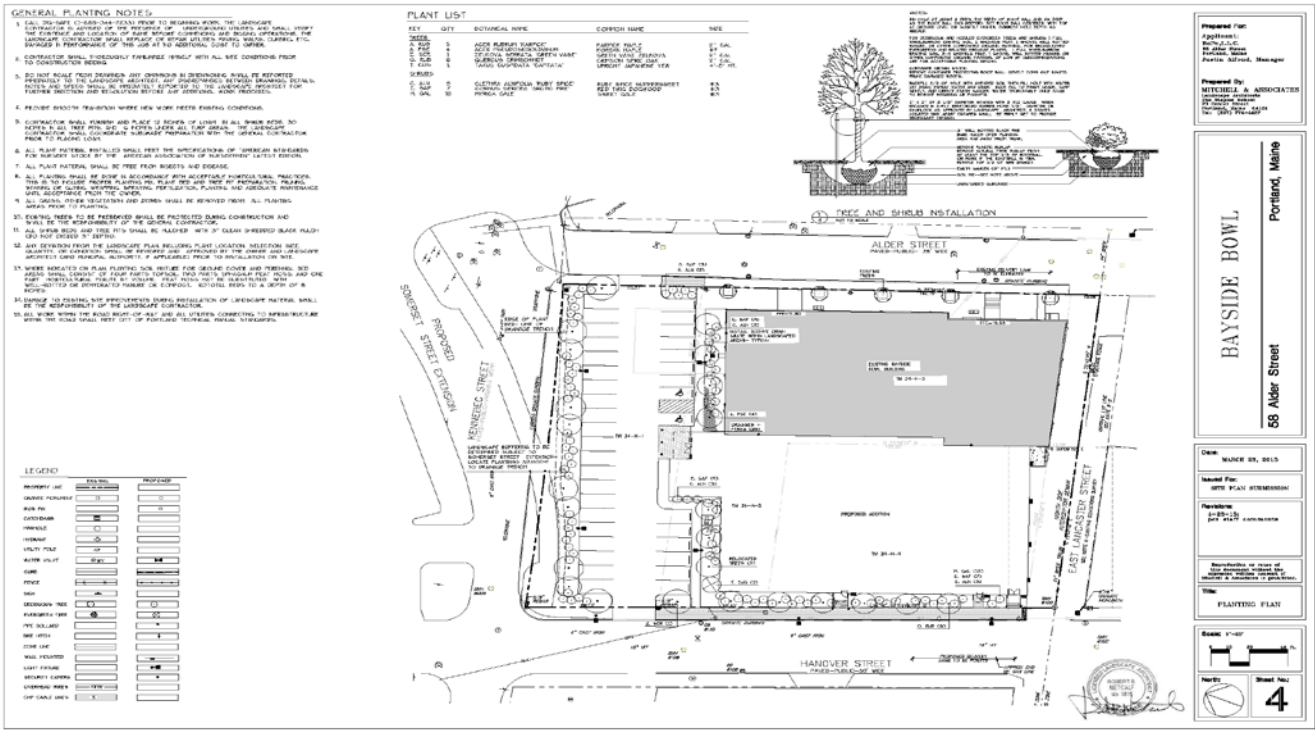
The existing public entrance on Alder Street remains and a second public entrance (facing Kennebec Street) will be incorporated into the addition.

The proposal fills in about two-thirds of the Alder-Hanover-Kennebec- Lancaster block except for the parking area along Kennebec Street.

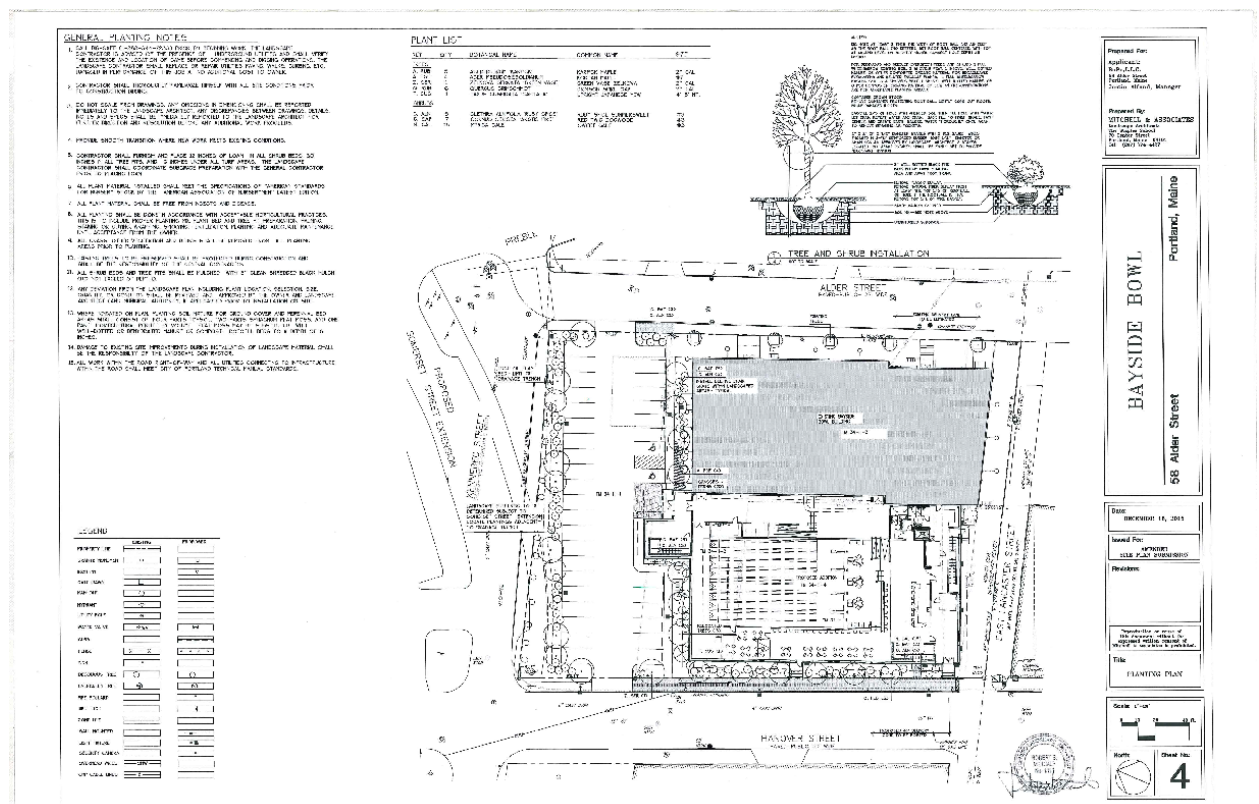
Parking includes a permanent 36 space lot on-site, as well as references to a number of off-site parking spaces although no agreement(s) documenting permission from applicable property owners has been provided. The 36 space parking lot was originally approved by the Board in 2015 as a gravel temporary parking lot pending enactment of a B-7 zoning amendment which allowed flexible parking lot setbacks. The amendment was approved by the City Council enabling Bayside Bowl (like the recently approved Schlotterbeck Foss site plan) to pursue a parking lot closer to the street line than otherwise permitted.

The 7 existing parking spaces on the Hanover Street side of the property are eliminated to accommodate the building addition footprint.

An 8 foot wide brick sidewalk is proposed along Hanover Street, while the existing brick sidewalk along Alder Street is being extended about 22 feet. Both sidewalks stop at the parking lot driveway in deference to the future alignment of Somerset Street, which will likely be constructed within the next two years. The proposed alignment is shown on the plan below. Three Bayside street light fixtures are proposed along Hanover Street.



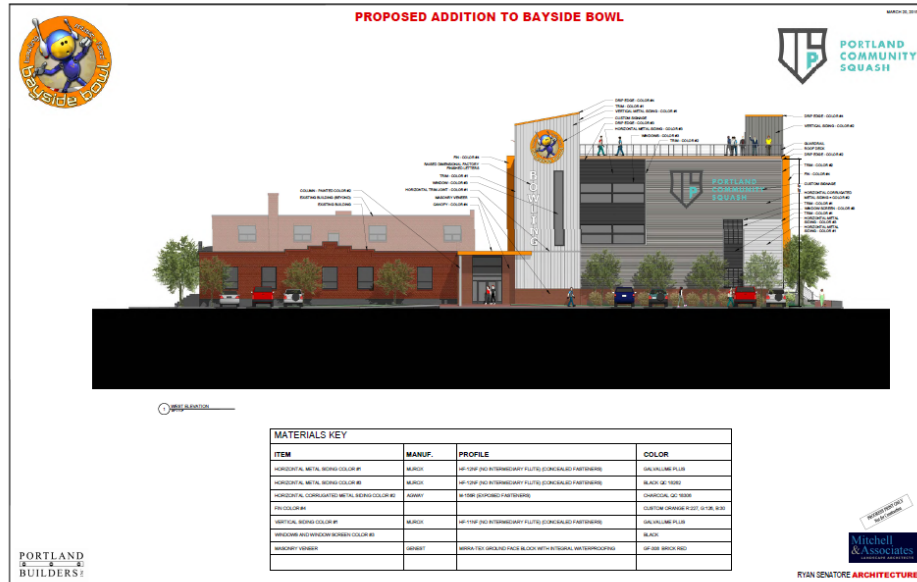
2015 Approved Site Plan



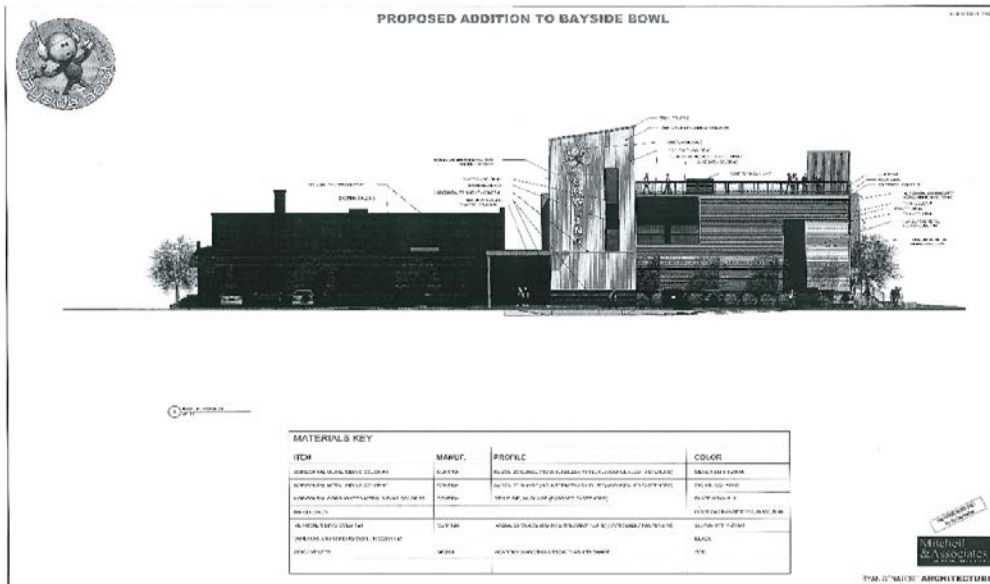
Proposed 2016 Site Plan

Building Elevations

The original building elevations were approved without conditions. The updated building elevations look virtually identical to the original elevations except the building is about 11 feet shorter. See Attachment Plans. Exterior building treatment and materials appear consistent with the previous submission. Kennebec Street and Hanover Street views are shown below. The proposed addition makes a major statement in overall building mass on the site. While the building has only one full floor plus a mezzanine level, it reads as a taller building with its 34 foot height. The building is surrounded by 4 streets so the building is viewed by the public from all 4 streets.



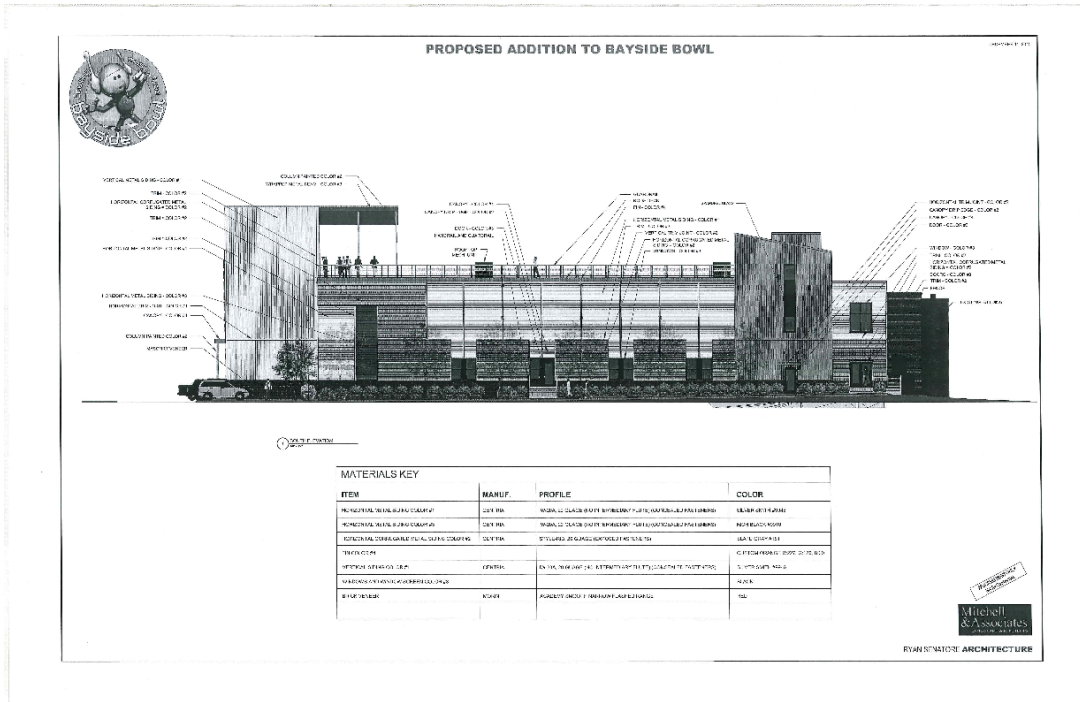
2015 Kennebec St. Approved Elevation



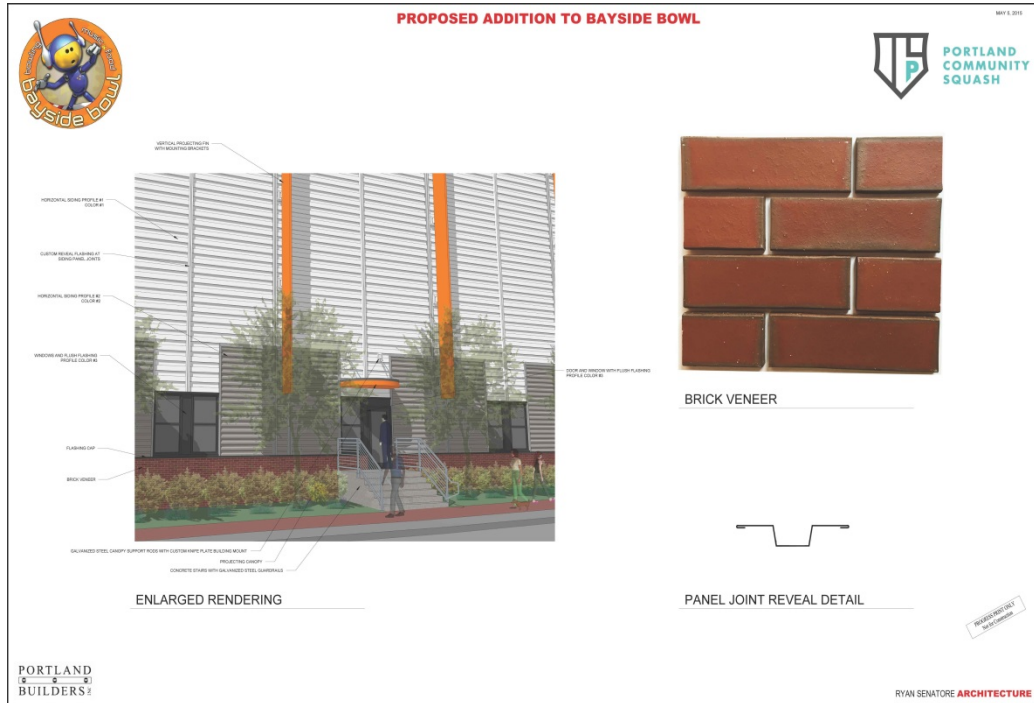
Proposed 2016 Kennebec St. Elevation



2015 Hanover St. Approved Elevation



Proposed 2016 Hanover St. Elevation



2015 Enlarged Rendering

V. STAFF DEVELOPMENT REVIEW

The proposed development has been reviewed for conformance with the applicable review standards of Site Plan Ordinance, Traffic Movement Permit and B-7 Design Standards.

(1) B-7 Zoning

The site is located in the B-7 zone. Significant zoning review issues are highlighted below.

Height... The project site is located in District B of the Bayside Height Overlay Zone which requires a minimum height of 3 floors and a maximum height of 105 feet. The Bayside Bowl addition is 34 feet high down from the previous proposed 45 feet. The present proposal has a first floor with a second floor mezzanine (equivalent to about 24 percent of a normal floor area) plus a roof deck bar which is short of the minimum height of 3 floors. Assuming the project does not meet the minimum height standard, sec. 14-298 (h)(5) provides for an exception to the minimum height requirement - “such restriction shall not apply to those portions of the building addition(s) that are closer to the street line than the building footprint existing as (March 9, 2005)”. The proposed addition will be built closer to the street. Based on this exception the proposal does meet the standard for minimum building height.

Surface Parking Setback... The B-7 zone requires new surface parking be located a minimum of 35 feet from the street [Sec. 14-295 (a)(25)]. The purpose of the language is to encourage buildings near the street line in creating an urban building edge along streets. The City Council

approved an amendment, which provides for flexibility from the 35-foot setback for converting small gravel parking areas to permanent parking that supports a significant level of building development as exemplified by the Schlotterbeck Foss and Bayside Bowl site plans. The 2015 Bayside Bowl site plan could not meet the 35 foot setback, thus the 36 space gravel lot was approved as a temporary parking lot pending City Council approval of the amendment.

The enacted amendment is shown below with a response on Bayside Bowl's compliance with the standards.

Sec. 14-295 (a) (26) Notwithstanding Sections 14-295 (a) (24) and (25) above, surface parking that does not meet the 35-foot parking setback, provided that:

- a. All or a portion of the 35-foot setback area had a gravel surface on September 29, 2015;

Comment: The parking area had a gravel surface on September 29, 2015

- b. The total gravel surface area on the lot and any contiguous lots did not exceed 15,000 square feet on September 29, 2015;

Comment: The gravel surface was less than 15,000 square feet on September 29, 2015.

- c. The parking spaces provide parking to a principle building on the same lot or a principle building on a contiguous lot:

Comment: The parking spaces provide parking to a principle building on the lot.

- d. One of the buildings described in paragraph c above meets the minimum height requirements of the Bayside Height Overlay Map and/or a building on the site has a floor area of 25,000 square feet or greater;

Comment: Bayside Bowl has a total floor area of over 30,000 square feet.

- e. The total number of spaces within the 35-foot setback in combination with other spaces on the lot does not exceed the minimum parking spaces required in Sec. 14-526 (a) (4) (a) (1);

Comment: The documented parking requirement for Bayside Bowl is 93 spaces. The number of spaces within the 35 feet is well below that number.

- f. The proposed parking spaces meet the landscape and buffer requirements of 14-299 (f); and:

Comment: The proposed parking lot does meet the landscape and buffer requirements of this section.

- g. Parking spaces within the 35-foot setback shall provide stormwater quality treatment if required by the City of Portland Stormwater Management Standards. If not required, an alternative low impact development treatment system approved by the Planning Board shall be provided.

Comment: An alternative low impact development treatment system has been provided, since this project is not required to provide stormwater treatment under the City of Portland Stormwater Management Standards. David Senus, Development Review Engineer, indicates the proposed alternative treatment system is acceptable. See Attachment F.

Signs...A formal signage plan needs to be submitted.

(2) Site Plan Review Standards, Sec 14-526

The site plan standards language is summarized below in *italics*, with Planning Staff comment and analysis in regular font.

(A) Transportation

Impact on Surrounding Street Systems:

The development qualifies for a Traffic Movement Permit which was previously approved. The removal of the squash program from the development has reduced peak hour traffic demand from 147 trips to 100 trips. The parking study initially prepared by Gorrill-Palmer has been updated reflecting the downsizing of the project. See Attachment 9. Comments from Tom Errico, Traffic Review Consultant, are highlighted below and on Attachment E in their entirety. These comments incorporate relevant comments from his previous review as well as comments on the most recent submission.

- **Construction Management Plan:** The construction management plan is generally acceptable. I would note that the width of Lancaster Street will be significantly narrowed during construction and activities shall be coordinated with the City, given that it is used for DPS vehicle parking and circulation. Given the information provided, it is likely that contractor vehicles will utilize on-street parking in the area. The applicant has noted that carpooling and other vehicle reduction strategies will be suggested. I would recommended that this issue be discussed at the Pre-Construction meeting and strategies formalized to minimize impacts to on-street parking conditions. Construction will reduce the existing parking supply for the project. The applicant should provide a plan for addressing this temporary parking issue.
- **Traffic Movement Permit:** A Traffic Movement Permit Application had been submitted as part of the 2015 submission and a Traffic Study scoping meeting was held on May 15, 2015. A traffic study supplement was submitted that complies with discussions at the scoping meeting. The supplement notes that the full-build project will generate 147 trips during the PM peak hour. [An updated traffic demand analysis

indicates a peak hour demand of 100 trips reflecting the elimination of the squash program from the development.] A capacity analysis was conducted at the Kennebec Street intersections with Hanover Street and Preble Street. Both locations are estimated to work at excellent levels of service following project completion. I find the project complies with MaineDOT Traffic Movement Permit requirements, with the Off-Site mitigation contributions noted below.

- **Parking Demand:** Applicant originally identified a demand estimate of 134 parking spaces for the full-build project. Given the complexities of estimating parking generation for the project, this estimate seems reasonable (a significant effort was undertaken by the applicant to estimate traffic volumes for the project according to project site use and operations. The PM peak hour traffic volume generation entering volume was used as the basis for the parking demand estimate).

The updated submission estimates a parking demand of 93 spaces for the site with 36 spaces provided on-site which is acceptable given the smaller floor area of the new project.

- **Parking Aisle Width:** Plans propose a 24 foot wide aisle which is acceptable.
- **On-street parking:** It is suggested that on-street parking be provided on the east side of Hanover Street along the property frontage. This action will require changes to the City's Traffic Schedule and will need to be approved by the TS&E Committee and City Council. The applicant shall be responsible for providing materials in support of the TS&E and City Council packets.
- **Monetary Contributions:** Projects in the Bayside area have been required to make monetary contributions towards implementation of the Marginal Way Master Plan and the Somerset Street Extension Project. Based upon the traffic study provided by the applicant and the "new" traffic added to the local street system the following contributions are required in conjunction with the MaineDOT TMP.
- Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$2,300 (down from \$3,400) contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-modal improvements along the corridor.
- Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$6,600 (down from \$9,750) contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street, and Franklin Street.

- Sidewalk: The short sidewalk section between the project driveway and Kennebec Street (on Hanover St.) is bituminous and therefore I find conditions to be acceptable. I would note that a detectible warning panel shall be included at Kennebec Street.
- The City is currently finalizing the Bayside Transportation Master Plan. That document seeks to improve transportation accessibility and connectivity with one of the recommendations consisting of Lancaster Street between Alder and Hanover Street is a “shared street” design that would allow for all transportation users (e.g. vehicles, delivery trucks, pedestrians bicyclists) to coexist. The City is in the process of selling the property that will have rights to the southerly half of Lancaster Street in this area but will retain a public easement for utility maintenance and passage for pedestrians and motor vehicles. It is suggested that the applicant consider providing a similar use agreement, so that the vision of the Master Plan can be realized.

The project is forecast to generate a total of 100 PM peak hour trip ends (85 entering/15 exiting). The study area for completing capacity analysis was identified early in the review process and included the intersections of Hanover Street/Kennebec Street and Preble Street/Kennebec Street. The capacity analysis completed for these intersections was adjusted to reflect the redistribution of generated traffic due to the use of area parking spaces vs. all traffic assumed on-site. This analysis was completed and the PM pre versus PM post level of service remained unchanged at level of service A. The report states “ the proposed project is forecast to have minimal effect on the surrounding roadway network, and the surrounding roadway network is forecast to operate at a high level of service”.

Site Access and Circulation:

On-site vehicle circulation is limited to the proposed 36 space parking lot between Bayside Bowl and Kennebec Street. The parking lot has access on Alder Street and Hanover Street. Both driveway openings are 24 feet wide and the internal driveway aisle is 24 feet as well. Both dimensions were increased from the original plan to address concerns expressed by the traffic and fire review staff.

Staff is recommending the applicant install a guard rail, curb, or other physical barrier to prevent cars from entering and exiting the parking lot from Kennebec Street since the street curb reveal is presently negligible.

Loading and Servicing:

Truck deliveries will take place near the corner of Lancaster Street and Hanover Street where an internal loading door is located.

Sidewalks:

An 8 feet-wide brick sidewalk is proposed along Hanover Street. The existing brick sidewalk along Alder Street is being extended about 22 feet, but both sidewalks stop at the parking lot driveway entrance rather than continuing along the lot frontage to Kennebec Street. This was in

deference to the future alignment of Somerset Street which will likely be constructed within the next two years. Staff is recommending that the Alder Street brick sidewalk be extended a distance of about 55 feet to the Kennebec Street right-of-way. The Hanover Street sidewalk north of the driveway is shown as black top, which Staff finds acceptable since some adjustments will need to be made when Somerset Street Extension is built.

A brick sidewalk was installed along the frontage of the Alder Street building as part of the previous review.

A sidewalk is shown along the face of the building (Kennebec side) and the parking lot which connects to Alder Street and Hanover Street.

Vehicle Parking:

Application is proposing a 36 on-site spaces as well as 57 off-site shared use spaces to meet the projected demand. In the B-7 zone, the Planning Board determines the appropriate number of required parking based upon the applicant's parking study and recommendation from the City Transportation Engineer. The updated submission documents a need for a total of 93 spaces.

A parking location map in the original submission indicated there are 260 private spaces in the vicinity of Bayside Bowl and suggests that these spaces could be available for Bayside Bowl use. If these spaces are to be credited toward Bayside Bowl's parking supply, documentation of off-site parking leases needs to be submitted. The original application stated that "this project is fortunate to have its peak hour starting when most other surrounding uses are leaving for the day, leaving their parking areas vacant".

Staff anticipates that on-street parking will be established along the Hanover Street side of the property.

Bicycle parking:

The site has two existing bike racks with capacity for 14 bikes. A 7 bike capacity rack will be added near the Kennebec Street building entrance. Based on the required number of vehicle parking spaces (93), the 21 spaces proposed by the applicant exceeds the site plan standard.

Public Transit:

The site is not located along a public transit route.

Snow storage:

Potential snow storage areas include the landscaped area between the northerly edge of the parking lot and the Kennebec Street right of way.

TDM:

All development qualifying for Planning Board site plan review in the B-7 zone is required to submit a Transportation Demand Management plan. In the 2015 review a TDM was not submitted but in the most recent submission a TDM was submitted. Staff comments were not available as of the writing of this report so the review of this document will remain a condition of approval.

B. Environmental Quality Standards

Preservation of Significant Natural Features:

The site is located on an urban infill site, which was disturbed many years ago and has no significant vegetation or wildlife as contemplated by this standard.

Landscaping:

A review of the plan indicates that 8 trees will be planted along the Hanover Street side of the property while 9 trees (of which 3 are relocated) will be planted along the edge of the building (Kennebec Street side). A variety of understory plantings are proposed. The plan indicates there are 5 existing trees along Alder Street that were planted as part of an earlier review.

A dumpster is proposed along the Lancaster Street side of the addition. The dumpster will be screened by a solid fence (non-stockade).

Note that the location and species of the trees along Kennebec Street will need to be carefully considered since a storm drain swale is proposed near the landscape area for stormwater treatment.

Jeff Tarling, City Arborist, has reviewed the plan and finds it acceptable. See Attachment H.

Water Quality, Stormwater Management and Erosion Control:

A stormwater management plan was previously submitted and approved for the site. The site's impervious surface has been reduced by 7,702 sf or 14 percent with the introduction of landscaped areas on the site as calculated from the 2015 submission. As such, the project is not required to include any specific stormwater management features for stormwater quantity or quality. In general, water quality is improved by the introduction of an underdrain vegetated swale proposed adjacent to Kennebec Street. Most of the site's stormwater will find its way to Alder Street, which has a separated sewer system.

Currently, the salt shed portion of the site drains into Hanover Street, which has a combined system. The development eliminates this source of contamination and reduces the amount of stormwater flowing into the combined system in Hanover Street.

The 2015 submission stated that with a reduction in impervious area, stormwater runoff has been reduced by 6% to 36% depending on the storm event. The 1 inch storm (the most frequent storm event) has been reduced by 36%.

An erosion and sedimentation control plan is shown on sheet 7 of the site plan.

David Senus, Development Review Engineer, finds that stormwater related issues have been addressed with the following conditions of approval. See Attachment F for his review memo.

- The Applicant is considering installing a roof runoff treatment system, and given that the treatment of roof runoff is not a requirement for their approval, is requesting that design information for this system be allowed to be provided prior to receiving a certificate of occupancy. We would consider this to be an acceptable approach, and would recommend including a condition of approval that states that if the Applicant elects to install a roof runoff treatment system, that design details and maintenance requirements for the system be submitted for review prior to granting a certificate of occupancy. If the system is external to the building and requires changes to the site design, then design information shall be submitted in advance of performing the work.
- The Applicant has stated that they will file for a Notice of Intent to Comply with the Maine Construction General Permit and will file a copy with the City. The Applicant is requesting that receipt to of this Notice be made as a condition of approval.
- Project will result in no net change in impervious area. As such, the project is not required to control the rate or quantity of stormwater runoff from the site. Project is therefore compliant with the Flooding Standard.
- Because the overall project will result in no new impervious area, treatment under the Maine DEP Chapter 500 Stormwater Management Standards is not required. We consider the “Stone Infiltration Trench” as depicted in Sheet 6 to suffice as an acceptable low impact development treatment system, as this detail includes a loam and sand filter system.

David Margolis-Pineo, Deputy City Engineer, has expressed a concern that the landscape plan for the green strip along Kennebec Street poses a potential conflict with the proposed infiltration under drain system. Landscaping needs to be setback from the underdrain otherwise the vegetation may clog the underdrain.

C. Public Infrastructure and Community Safety Standards

Consistency with City Master Plans:

Proposal appears consistent with applicable approved master plans. The parking lot has been designed to avoid the proposed new alignment for Somerset Street extension. The project is compatible with the goal of extending the Bayside Trail to Deering Oaks as expressed in A New

Vision for Bayside.

Public Safety and Fire Prevention:

Natural surveillance that promotes visibility of public spaces and areas.

The site is surrounded by 4 streets which promotes visibility of outdoor spaces.

Access control that promotes authorized and/or appropriate access to the site.

The interior circulation of the building provides for designated public entrances and service (non-public) doorways. Walkways are provided to public entrances and on-site parking provides for customer parking.

Territorial reinforcement that promotes a sense of ownership and responsibility through environmental design.

The design promotes territorial reinforcement through the use of site improvements that demarcate the edge of public spaces and private property.

Provide adequate emergency vehicle access to the site in accordance with City standards for street widths and turning radii, as described in Section 1 of the Technical Manual.

Access to the site for fire vehicles is acceptable according to Keith Gautreau of the Fire Department provided that the driveway width is 24 feet. The site plan has been revised accordingly.

Be consistent with City public safety standards, Section 3 of the City of Portland Technical Manual, including but not limited to availability and adequacy of water supply and proximity of fire hydrants to structures.

An existing fire hydrant is located at the corner of Preble Street and Kennebec Street. The Portland Water District indicates there is sufficient water flow for fire protection services. Full comments of Keith Gautreau are shown as Attachment I.

Availability and Adequate Capacity of Public Utilities:

A letter received from the Portland Water District in the 2015 review confirmed their ability to serve this project. The District indicates that a recent test of a hydrant in the area indicated static pressure of 106 psi, residual pressure of 80 psi and water flow of 978 gpm which is adequate pressure and volume of water to serve domestic and fire protection water needs. The project will utilize an existing 6 inch water main in Alder Street that presently serves the site.

Letters previously submitted in the 2015 review from Unitil (gas) and CMP (power) indicate their ability to serve the project. The project intends to use existing utility lines from Alder Street that presently service the project.

Public Services confirms there is adequate wastewater capacity to serve the development. See Attachment G.

D. Site Design Standards

Massing, Ventilation and Wind Impact:

The bulk, location or height of proposed buildings and structures shall not result in health or safety problems from a reduction in ventilation to abutting structures or changes to existing wind climate that would result in unsafe wind conditions for users of the site and/or adjacent public spaces.

The nearest abutting structure is a minimum 50 feet away so ventilation issues should not be a concern. The building is 34 feet high which is unlikely to result in unsafe wind conditions.

The bulk, location or height of proposed buildings and structure shall minimize, to the extent feasible, any substantial diminution in the value or utility to neighboring structures under different ownership.

The proposed infill project replaces a salt storage shed with a 2.4 million dollar building investment, improves the urban streetscape of this block which should result in a positive contribution toward the property values of neighboring properties. The project does not appear to impact the utility of any neighboring properties.

Development shall locate all HVAC venting mechanisms to direct exhaust way from public spaces and residential properties.

HVAV units are proposed on the roof of the building and “are not visible from the street nor near any residential use.” Development locates all HVAC venting mechanisms to direct exhaust away from public spaces and residential properties directly adjacent to the site. HVAV units are proposed

Shadows: N/A

Snow and Ice Loading:

The development appears to be designed to prevent significant amounts of accumulated snow and ice from falling onto adjacent properties or public ways. Snow storage areas are available along the Kennebec Street side of the property.

View corridors:

The site is not located within a city designated view corridor.

Historic Resources:

The site and any adjacent buildings are not designated as historic landmarks nor located within a designated historic district or within designated landscape districts.

Exterior Lighting:

Site lighting consists of new pole mounted fixtures (four) in the parking lot, wall mounted fixtures located at egress locations and wall pac fixtures along the former Lancaster Street side of the addition. The site lighting plan has not changed since the 2015 approval. The existing building has small wall wash fixtures located along the Alder Street and Kennebec Street façade.

The Beacon Viper (small) pole mounted fixture and the Beacon Traverse (wall mounted) appear to have a cut-off feature. Four pole mounted light fixtures are proposed for the parking lot which will be mounted on 18 foot high poles. Nine wall mounted fixtures are proposed along the perimeter of the building addition.

A photometric plan was submitted in the original submission. For purposes of calculating photometric values, the plan divides the site into 4 sub areas. The maximum photometric value (3 fc) for these areas is well below the allowable maximum of 5 fc. The parking lot value is slightly elevated at 1.26 fc but the site in general appears to be well below the maximum average standard of 1.25 fc.

Three Bayside street light fixtures are proposed along Hanover Street. The applicant previously installed street lights along Alder Street but a third light is needed north of the parking lot driveway near the Kennebec Street right-of-way. Staff is recommending installation of this light fixture as a condition of approval.

Noise and Vibration:

HVAC units are located on the roof of the building.

Signage and Wayfinding:

A concept signage plan has been submitted. We are recommending that the final site plan be submitted to Planning staff for review and approval.

Zoning Related Design Standards: NA

Financial and Technical capacity:

The 2015 submission included a letter from BNY Mellon Wealth Management regarding applicant's financial capacity to undertake this project. Technical capacity is referenced as the following consultants that participated in preparing the application: Mitchell & Associates (landscape architects and site planners), Ryan Senatore (architecture), Ransom Consulting (engineers).

(3) B-7 Design Standards

Caitlin Cameron, Urban Designer, conducted a design review of the project using the B-7 Mixed Use Urban District Zone Design Principles & Standards (Appendix 4 of the City of Portland Design Manual). The comments that follow below are from her 2015 review. The design review indicates the proposed design does pass the design standards. These are the most significant standards for review in this project and the staff's recommendations for findings are incorporated under each standard below.

Principle A: Urban Design

A-5: Pedestrian Environment – *Development on public streets or public spaces shall . . . enhance the pedestrian environment through the use of elements at the first floor such as fully functioning entries oriented to the street; active windows and storefronts; awnings and weather protection; appropriately scaled streetlights; trees and landscaping; . . .*

- The Planning Board finds the entrances as proposed are adequate and meet the requirement.

A-7: Building Orientation – *The primary facades and entrances of buildings shall be oriented to streets, major pedestrian routes, or open spaces in order to enhance the pedestrian-oriented environment. The primary facades and entrances of buildings shall not be oriented toward parking lots.*

- The Planning Board finds the entrances as proposed are adequate and meet the requirement.

Principle B: Access and Circulation

B-6: Multi-modality – *New development shall create a functional and safe environment that provides a continuous travel corridor for pedestrians and bicycles which serves the same major destinations as automobiles.*

- The Planning Board finds the sidewalks as proposed are adequate and meet the requirement.

B-9: Streetscape Design – *New development in the public realm shall utilize the City's streetscape standards for Bayside which include specifications for sidewalks, streetlights, street furniture, fencing and walls, landscaping and signage in order to create a unified image of the neighborhood.*

- The Planning Board finds the sidewalks as proposed are adequate and meet the requirement.

Principle C: Parking, Loading and Service Areas

C-7: Bike Racks – *Bike racks shall be provided in a convenient location, proximate to the entry or entries of the building(s), either immediately adjacent to or no further than the associated motor vehicle parking, and shall be visible from the street or provided with prominent directional signage visible from the street as detailed in the Technical and Design Standards and Guidelines Manual and in compliance with the City's Off-street bicycle parking standards*

- Bike racks appear to be on private property. If any bike racks are proposed in the public right-of-way, they must conform to the Technical Manual in placement as well as type specification (Dero). The Planning Board finds the bike racks as proposed are adequate and meet the requirement, subject to a condition that a site plan shall be revised for Planning Staff review and approval reflecting a minimum of 21 bike parking spaces on the site.

C-8: Service, Utility and Mechanical Infrastructure – *Areas for outdoor storage and trash collection or compaction shall not be visible from public rights-of-way, or located within 20 feet of any public street, sidewalk, or open space.*

- Materials for screening trash storage were revised to be a corresponding material choice to the rest of the building materials. The Planning Board finds the screening as proposed is adequate and meets the requirement.

Principle E: Architectural Design

E-6: Entrances – *Buildings along public streets shall have the primary entrances oriented to the street. Primary entrances shall not be oriented to a parking lot or structure. . . . Commercial and mixed use buildings shall be permeable and accessible on all sides from the public way, unless the building program precludes such design.*

- The Planning Board finds the entrances as proposed are adequate and meet the requirement.

E-7: Windows – *Windows shall be located on all facades visible from public rights of way. . . . The first floor transparency (minimum visible transmittance (VT) of .7 or greater) along public streets and the trail shall be equal to at least 50% of the wall area between the height of 2 and 9 feet.*

- Applicant chose not to add fenestration to the Dining/Lounge along Hanover Street area to increase the visibility of the active uses on the street. The Planning Board finds that the revised exterior treatment along the facades visible from the public ways provides architectural interest and waives the standard for window transparency.

E-12: Materials – *Materials such as thin gauge metal panels . . . shall not be used on facades visible from public rights-of-way.*

- Submission was revised according to Planning Board comments. Refer to the enlarged rendering in the applicant submission regarding material choices. The Planning Board finds that the revised exterior treatment along the facades visible from the public ways provides architectural interest and that the materials are adequate and meet the requirement.

E-13: Transparency – *Windows that have daylighting application on all levels of the façade shall use glass with a visible transmittance (VT) value of .7 or greater, which looks clear. . . . Opaque, heavily tinted or reflective glass shall not be used at the pedestrian level unless it can be demonstrated that the building program precludes the use of transparent glass.*

- VT of .7 or greater is required by the standard. The Planning Board finds that the intended uses require walls and the revised exterior treatment along the facades visible from the public ways provides architectural interest and thus, waives the standard for transparency.

E-16: Signage – *Each building may have one sign per storefront tenant at the pedestrian level, one sign board at each entrance with a tenant roster, and a street number sign at entrances as necessary.*

- Applicant will work with staff on the final placement of building signage. Staff recommends signage to the East-facing (Alder-facing) side of the primary building entry stair tower/vestibule to provide a strong presence and orientation to the street. The Planning Board finds the proposed signage concept is adequate and meet the requirement, subject to a condition a final signage plan be submitted for Planning Authority review.

VI. APPLICANT'S WAIVER REQUESTS

Applicant received a number of waivers during the 2015 review. These included parking lot travel aisle width, parking lot surface of gravel rather than blacktop, parking lot landscape buffer, number of street trees, among others. These waivers were granted primarily because of the temporary nature of the gravel parking lot. A number of these waivers are no longer applicable since the parking lot is permanent and now meets these design standards.

VII. MOTIONS FOR THE BOARD TO CONSIDER

A. 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 application #2015-230) relevant to the Traffic Movement Permit, Site Plan reviews and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

That the plan (**is/is not**) in conformance with the standards of the Traffic Movement Permit, as reviewed by Thomas Errico, P.E. and comments submitted on January 20, 2016, subject to the following conditions of approval to be met prior to the issuance of a building permit unless otherwise stated:

1. The applicant shall make a \$2,300 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-global improvements along the corridor.
2. The applicant shall make a \$6,600 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street and Franklin Street.

B. Site Plan Review

On the basis of the application (#2015-230), plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for application #2015-049 relevant to the Site Plan Ordinance, the MaineDEP Chapter 500 Stormwater Management Standards, the B-7 Design Standards as presented in the report, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing, the Planning Board finds the following:

That the plan (**is/is not**) in conformance with the site plan standards of the Land Use Code and DEP Stormwater Permit and (**approve, does not approve**) the site plan, subject to the following conditions of approval to be met prior to the issuance of a building permit unless otherwise stated:

1. The applicant shall submit documentation of control of off-site parking spaces either by ownership or lease with a term of not less than five (5) years with an option to renew for a minimum of 57 spaces. Evidence of such control shall be required by showing for review and approval by Corporation Counsel, at a minimum, a signed letter of intent, purchase and sale agreement, or option for sale or lease prior to the issuance of a building permit, and an executed deed or lease prior to issuance of any certificate of occupancy.
2. The plan shall be revised reflecting a wood guard rail, curb stop or other acceptable barrier along the Kennebec Street side of the parking lot for Planning Staff review and approval.
3. As part of the pre-construction meeting process, applicant shall develop strategies and a plan for Public Works review and approval, to minimize impacts on on-street parking conditions during site construction.
4. Applicant shall be responsible for providing materials in support of TS&E and City Council packets regarding a proposal to add on-street parking along the applicant's Hanover Street frontage which requires a change to the City's Traffic Schedule.
5. Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$2,300 contribution towards implementation of the Marginal Way Master Plan. This requirement is to address traffic issues at the Marginal Way intersections with Preble Street and Forest Avenue and general multi-global improvements along the corridor.
6. Pursuant to Chapter 305, of the MDOT Rules and Regulations Pertaining to Traffic Movement Permits, the applicant shall make a \$6,600 contribution towards the implementation of the Somerset Street extension project. This requirement is to address traffic issues along Marginal Way, particularly at Forest Avenue, Preble Street and Franklin Street.
7. If Applicant elects to install a roof runoff treatment system, then design details and maintenance requirements for the system be submitted for review and approval by David Senus (Development Review Engineer) prior to issuance of a certificate of occupancy. If the system is external to the building and requires changes to the site design, then design information shall be submitted for review and approval in advance of performing the work.
8. The plan shall be revised for City Staff review and approval reflecting a brick sidewalk from the Alder Street driveway to Kennebec Street and a Bayside street light on Alder Street near the Kennebec Street intersection.
9. Applicant shall forward to the Planning Department a copy of the filed Notice of Intent to Comply with the Maine DEP Maine Construction General Permit for the site.

10. Applicant shall revise the plan reflecting a Great Basin 250 which could be installed in the basement or to install an appropriately sized external grease interceptor for Public Services review and approval.
11. Applicant shall be responsible for the costs of all public improvements along project frontage of Alder Street and Hanover Street to Somerset/Kennebec Street.
12. The Transportation Demand Management Plan (TDM) shall be subject to City Staff review and approval.
13. That a final signage plan shall be submitted for Planning Staff review and approval prior to the issuance of a building permit.
14. That a more detailed site plan be developed for the landscaped strip between the parking lot and Kennebec Street detailing the relationship of proposed plantings with the stone infiltration trench for City Staff review and approval.
15. The final plans shall be submitted for review and approval by the fire Dept. prior to the issuance of a building permit and that meet the review comments of Deputy Chief, Keith Gautreau (memo dated 1-22-16).

ATTACHMENT LIST:

Staff Attachments

- A. Bayside Bowl Planning Board Approval Letter (dated June 15, 2015)
- B. Bayside Bowl Planning Board Approval Letter (dated 10-27-09)
- C. Bayside Bowl Administrative Approval Letter (dated 6-11-11)
- D. Memo from Caitlin Cameron, Urban Designer (dated 5-29-15)
- E. Memo from Tom Errico, Traffic Review Consultant (dated 1-20-16)
- F. Memo from David Senus, Development Review Consultant (1-21-16)
- G. Memo from David Margolis-Pineo, Deputy City Engineer (1-19-16)
- H. Memo from Jeff Tarling, City Arborist, (1-21-16)
- I. Memo from Keith Gautreau, Fire Prevention (1-22-16)
- J. Planning Board Report for Bayside Bowl (4-28-15)

I. Applicant Submissions (Dec. 18, 2015)

1. Application and Checklist
2. Compliance with Applicable Zoning
3. Financial Capability
4. Fire Department Check List
5. Letter of Authorization
6. Project Description and Project Data
7. Right Title and Interest
8. TDM Plan

9. Traffic and Parking Study

II Applicant Site Plan and Building Elevation Submissions (Dec. 18, 2015)

- P1. Existing Conditions
- P2. Existing Conditions (S1)
- P3. Layout and Lighting Plan (S2)
- P4. Grading and Drainage Plan (S3)
- P5. Planting Plan (S4)
- P6. Site Details (S5)
- P7. Site Detail (S6)
- P8. Erosion and Sedimentation Control (S-7)
- P9. Building Interior Layout (1st floor)
- P10. Building Interior Layout (2nd floor)
- P11. Building Interior Layout (3rd floor)
- P12. West Building Elevation
- P13. South Building Elevation
- P14. East Building Elevation
- P15. North Building Elevation
- P16. Construction Management Plan