

CITY OF PORTLAND, MAINE

PLANNING BOARD

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October 29th, 2015

Patrick Ducas
17 Chestnut Street
Portland ME 04101

Project Name: Subdivision and Change of Use/Renovation of existing building to create Ten Residential Units
Project #: #2015-162; Level III Subdivision and Site Plan
Address: 415 Cumberland Avenue, Portland
CBL: 036 G033 001
Applicant: Patrick Ducas
Planner: Jean Fraser

Dear Mr. Ducas:

On October 27th, 2015, the Planning Board considered the Level III Subdivision and Site Plan application for the subdivision and change of use of the 3 - 4 story existing building at 415 Cumberland Avenue, along with associated renovations and minor site improvements. The conversion creates ten residential units on the upper floors, served by storage and parking facilities (6 parking spaces) on the lowest floor, totaling approximately 12,500 sq ft. A 1300 sq ft commercial space remains on the lowest floor with a separate access. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision and Site Plan Ordinances, and approved the application with the following waiver and conditions as presented below.

A. WAIVER

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations, contained in the Planning Board Report for the public hearing on October 27, 2015 for application #2015-162 (415 Cumberland Avenue) relevant to Portland's Technical and Design Standards and other regulations, and the testimony presented at the Planning Board hearing:

1. **Street Trees:** The Planning Board voted 4-0 (Hall and Soley absent) to waive *Section 14-526 (b) (2) (b) (iii) Street Trees*, in respect of 6 of the 10 required street trees due to the lack of space, subject to the applicant making a contribution of \$1200 to the City of Portland Tree Fund (prior to the issuance of a building permit) towards the installation and maintenance of urban street trees in the vicinity of the site.

B. SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on October 27, 2015 for application #2015-162 (415 Cumberland Avenue) relevant to the Subdivision regulations, and the testimony presented at the Planning Board hearing, the Planning Board voted 4-0 (Hall and Soley absent) that it finds that the plan is in conformance with the subdivision standards of the land use code subject to the following conditions of approval:

- i. That the Subdivision Plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel, and Department of Public Services, and include confirmation regarding the street tree requirements, clarification of easements, and other information along with relevant notes and conditions prior to submission for Planning Board signature; and
- ii. That in the event the property is converted to a condominium, that the recorded condominium documents shall be copied to the Planning Authority.

C. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on October 27, 2015 for application #2015-162 (415 Cumberland Avenue) relevant to the site plan regulations; and the testimony presented at the planning board hearing, the Planning Board voted 4-0 (Hall and Soley absent) that it finds the plan is in conformance with the site plan standards of the land use code, subject to the following conditions of approval:

- i. That the applicant shall submit a revised site plan/plat that shows the location and design of the 4 bicycle parking spaces, the proposed planting in the front garden area including 2 street trees on the site, and the replacement ADA ramp panel in the ROW at the corner of Forest Avenue and Cumberland Avenue (to meet the City's Technical Standards for any work in the ROW), for review and approval by the Planning Authority prior to the issuance of a building permit; and
- ii. That the applicant shall submit plans showing the proposals for: A) Any modifications to the roof drainage to meet the Wastewater Capacity Letter conditions (that all roof drainage be directed to the sidewalk or street level); and B) All upgrades to the existing water and sewer utilities at the existing locations, including restoration of the sidewalk (to meet the City's Technical Standards for any work in the ROW); both for review and approval prior to the issuance of a building permit; and
- iii. That the applicant shall submit the capacity letter in respect of water supply prior to the issuance of a building permit; and
- iv. That any exterior lighting shall meet the City's Site Lighting Standards in Section 12 of the Technical Manual, and the trash storage area shall meet the B3c *External Effects* standards; and
- v. That the applicant shall address the comments of the Fire Department dated 10.7.15 regarding the development of street addresses and their marking on the structure prior to the issuance of a certificate of occupancy; and
- vi. That a separate "change of use" permit shall be obtained from the Inspections Division.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application #2015-162, which is attached.

STANDARD CONDITIONS OF APPROVAL

Please note the following standard conditions of approval and requirements for all approved site plans:

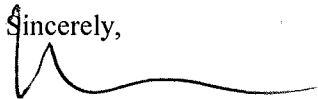
1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.

5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and six (6) final sets of plans must be submitted to and approved by the Planning Division and Public Services Department prior to the release of a subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public 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.
10. **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.)
11. **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.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The 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 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 Jean Fraser at 874-8728.

Sincerely,



Elizabeth Boepple, Chair
Portland Planning Board

Attachments:

1. Fire Department comments dated 10.7.2015
2. Planning Board Report for #2015-162 415 Cumberland Avenue
3. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart O'Brien, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Jean Fraser, 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
Katherine Earley, Engineering Services Manager, Public Services
Bill Clark, Project Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer, Public Services
Doug Roncarati, Stormwater Coordinator, Public Services
Greg Vining, Associate Engineer, Public Services
Michelle Sweeney, Associate Engineer
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
Deborah Andrews, Historic Preservation Program Manager
Rick Blackburn, Assessor's Department
Approval Letter File

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2015-162
Date: 10/22/2015 (*date of printing*)

Comments Submitted by: Keith Gautreau/Fire on 10/7/2015

Life Safety requirements for the change of use will be addressed in the Building Permit process.

Comments Submitted by: Keith Gautreau/Fire on 10/7/2015**Premises Identification**

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

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

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

Address numbers must be a minimum of 4 inches high.

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

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

Whenever possible, should be illuminated.

Comments Submitted by: Keith Gautreau/Fire on 10/7/2015

There are two hydrants within 200' from the propose site which is more than adequate.

Comments Submitted by: Keith Gautreau/Fire on 10/7/2015

Access to the site is good at it sits on the corner of Forest Ave. & Cumberland Ave.