

CITY OF PORTLAND, MAINE

PLANNING BOARD

Sean Dundon, Chair
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May 1, 2018

Sam Reiche
415 CA, LLC.
25 Edgehill Road
Brookline, MA 02445

Thomas Greer
Walsh Engineering Associates
1 Karen Drive
Westbrook, ME 04092

Project Name: Building Conversion
Address: 415 Cumberland Ave.
Applicant: Sam Reiche
Planner: Christian Roadman

Project ID: 2018-011
CBL: 36-G-33

Mr. Reiche,

On April 24, 2018, the Planning Board considered your proposed project at 415 Cumberland Avenue. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan and Subdivision ordinances of Portland's Land Use Code. The Planning Board voted six to zero (David Eaton absent) to approve the application with the conditions presented below:

Site Plan Review

The Planning Board voted six to zero (David Eaton absent) that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. Proposed window specifications and the proposed metal canopy detail shall be submitted for review and approval by historic preservation staff.
2. The applicant shall submit additional information pertaining to construction management, including:
 - Pedestrian detour plan minimizing sidewalk impact; construction material delivery and truck plan minimizing sidewalk and vehicle lane impact; and, information on contractor parking such that public on-street parking is not impacted.

3. The applicant shall submit for review by the Planning Authority and the Department of Public Works data documenting the condition of the existing sidewalk and driveway, including: physical condition; elevation changes (back of sidewalk and driveway to street); and, calculated cross-slopes (including any grade-breaks for specific widths). The applicant shall document that better or full ADA-compliance is or is not feasible. The Planning Authority and Department of Public Works may grant a partial waiver of the technical manual standards, if there are detailed data documenting that better or full compliance is not feasible.
4. The applicant shall ensure ADA accessibility compliance, to be reviewed and accepted by staff in the building and permitting department. Any required modifications to the site plan shall be reviewed and approved by the Planning Authority.
5. The applicant shall pay into the City's street tree fund, at a cost of \$400 per tree, to account for each of the four trees not provided per the City's Technical Standards.
6. The applicant shall secure a license from the city for the canopy.

The approval is based on the submitted plans and the findings related to site plan review standards as contained in the Planning Report for application 2018-011, which is attached.

Subdivision Review

The Planning Board voted six to zero (David Eaton absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following condition of approval:

1. Confirmation of adequate wastewater capacity shall be provided to and reviewed by City staff.

The approval is based on the submitted plans and the findings related to subdivision review standards as contained in Planning Report for application 2018-011, which is attached.

Standard Conditions of Approval

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

1. Subdivision Recording Plat A revised recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board 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. The plan or notice must be recorded in the Cumberland County Registry of Deeds within two (2) years 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 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 Permitting and Inspections Department.
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 Expiration The subdivision approval is valid for up to three (3) years from the date of Planning Board approval.
7. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements, inspection fee payment of 2.0% of the guarantee amount and seven (7) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.
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 Works representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed

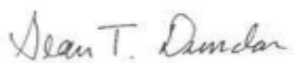
construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

10. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.
11. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permit(s) is required for your site. Please contact the Department of Public Works Permit Clerk at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
12. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (*.dwg), release AutoCAD 2005 or greater.
13. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at 874-8719. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Christian Roadman at (207) 874-8984.

Sincerely,



Sean Dundon, Chair
Portland Planning Board

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

Electronic Distribution:

cc: Jeff Levine, AICP, Director of Planning and Urban Development
Stuart G. O'Brien, City Planning Director, Planning and Urban Development
Barbara Barhydt, Development Review Services Manager, Planning and Urban Development
Christian Roadman, Planner, Planning and Urban Development
Philip DiPierro, DRC, Planning and Urban Development
Mike Russell, Director of Permitting and Inspections
Ann Machado, Zoning Administrator, Permitting and Inspections
Jonathan Rioux, Deputy Director, Permitting and Inspections
Jeanie Bourke, Plan Reviewer/CEO, Permitting and Inspections
Chris Branch, Director of Public Works
Keith Gray, Senior Engineer, Public Works
Doug Roncarati, Stormwater Coordinator, Public Works
Jane Ward, Engineering, Public Works
Rhonda Zazzara, Construction Engineering Coordinator, Public Works
Jeff Tarling, City Arborist, Public Works
Jeremiah Bartlett, Transportation Systems Engineer, Public Works
William Scott, Chief Surveyor, Public Works
Mike Thompson, Fire
Danielle West-Chuhta, Corporation Counsel
Jennifer Thompson, Corporation Counsel
Victoria Volent, Housing Program Manager, Housing and Community Development
Thomas Errico, P.E., TY Lin Associates
Lauren Swett, P.E., Woodard and Curran
Christopher Huff, Assessor



PLANNING BOARD REPORT PORTLAND, MAINE

415 Cumberland Avenue
 Building Renovation: Commercial & Residential
 Level III Site Plan and Subdivision Plan
 2018-011
 Applicant: 415 CA, LLC.

Submitted to Portland Planning Board Public Hearing Date: April 24, 2018	Prepared by: Christian Roadman Date: April 20, 2018
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I. INTRODUCTION

The owner of 415 Cumberland Avenue seeks to renovate the property's existing building to include two commercial and eight residential units. The Planning Board previously approved property renovations / building conversion for this site in 2016 and 2015, but neither previous project came to fruition.

The current proposed project includes some exterior work, such as window infill, installation, replacement, and refurbishment; installation of cement board siding; installation of a metal side entrance canopy; and creation of a small rooftop deck. However, most of the proposed work will impact the interior of the building.

The property is not within a historic district, nor the downtown pedestrian overlay district, but it is within 100 feet of the Congress Street historic district. As such, this project's review process includes historic preservation advisory review. The Planning Department sent 189 notices of this agenda item to property owners within 500 feet of the site. Notice of this item also appeared in legal advertisements on April 16 and April 17, 2018.

Applicant: Sam Reiche, 415 CA, LLC

Consultants: Walsh Engineering Associates (Thomas Greer, P.E.); Downeast Surveying & Development (Elwood Ellis); Archetype Architects (Barry Yudaken)

II. REQUIRED REVIEWS

Waiver Requests	Applicable Standards
None	n.a.
Review	Relevant Code
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>

III. PROJECT DATA

Existing Zoning	B-3c Downtown Business, R-6 Residential		
Existing Use	Commercial		
Proposed Use	Commercial and Residential		
Proposed Development Program	2 Commercial Units, 8 Residential Units		
- Bedroom Mix	One Studio, Four 1-Bedroom, Three 2-Bedroom		
Parcel Size	6,098 sq. ft.		

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint (sq. ft.)	4,929	4,929	○
Building Floor Area (sq. ft.)	15,820	15,820	○

Impervious Surface Area (sq. ft.)	5,762	5,786	24
Parking Spaces	6	6	0
Bicycle Parking Spaces	0	4	4
Estimated Cost of Project	\$800,000		

IV. EXISTING CONDITIONS

Located at the corner of Forest and Cumberland Avenues, the property includes one existing building. Property records list the building as constructed in 1900, but it includes a more recent, wooden clapboard addition. Within that addition, a garage holds sufficient space for six tandem-parked cars.

415 Cumberland is immediately surrounded by buildings of a variety of styles and uses, including two apartment buildings, a parking garage, and the YMCA. The YMCA shares access, as well as an easement to, a pedestrian way between that building and 415 Cumberland.

The existing building is located on a slope, providing the basement level with frontage on Forest Avenue and the first floor with frontage on Cumberland Avenue.

V. PROPOSED DEVELOPMENT

The applicant intends to establish two commercial spaces, one on the basement level (with Forest Avenue frontage) and one on the first floor (with Cumberland Avenue frontage). Plans include two residential units on the first floor, five on the second floor, and one unit at the penthouse level. The penthouse unit will include access to a new, fenced roof deck.

The proposed renovations include window infill, installation, and replacement, new cement-board siding, and installation of a metal canopy over the side entrance. No proposed changes impact the existing building’s footprint. A fence and code-entry gate will block public access to the space between the building at 415 Cumberland and the YMCA. The applicant proposes to provide this code to the YMCA in order to facilitate access by that organization.

Commercial tenants are not specified in the application, and the residential units are intended for rental. There is no elevator in the building, nor will one be installed. The six tandem parking spaces inside the garage will be retained, and four bicycle parking spaces will be provided via two bicycle racks.

VI. PUBLIC COMMENT / NEIGHBORHOOD MEETING

The applicant team held a neighborhood meeting for the project on March 14, 2018 at 415 Cumberland Street, which four people attended. Submitted notes represent feedback as positive, and reflect desire for the project to proceed (in contrast with the previous two development efforts).

VII. RIGHT, TITLE, INTEREST AND FINANCIAL / TECHNICAL CAPACITY

The applicant submitted a quitclaim deed evidencing ownership of the property in question, as well as documentation of easements granted both to and from the YMCA next door. The proposed project maintains the YMCA’s emergency exit into and away from the space between the two buildings.

A letter signed by Roger C. Levesque, Executive Vice President at Gorham Savings Bank, attests to the applicant’s “experience and financial capacity to successfully finance and complete the proposed property improvements.” The estimated project cost is \$800,000.

VIII. ZONING ANALYSIS

The majority of the property at 415 Cumberland Avenue is located within the B-3c downtown business zone, while approximately 20 feet of the property’s northwest area is located in the R-6 residential zone (this area includes proposed apartments, but not the proposed commercial spaces). No additional parking is required for the project in either zone, and the six tandem-parked garage spaces will remain. Staff find the proposed project in conformance with zoning requirements.

IX. DEVELOPMENT REVIEW

A. SUBDIVISION (Section 14-497)

The proposed development prompts review for conformance with relevant standards of Portland’s subdivision ordinance and applicable regulations.

Will Not Result in Undue Water and Air Pollution; Will Not Result in Undue Soil Erosion

Staff find the proposed project in conformance with this standard.

Sufficient Water Available

The applicant provided a capacity to serve letter from the Portland Water District.

Will Not Cause Unreasonable Traffic Congestion

Staff find the proposed project in conformance with this standard.

Will Provide for Adequate Sanitary Sewer and Stormwater Disposal; Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage

The applicant provided a wastewater capacity application, but no response from the Department of Public Works. Staff recommends that confirmation of adequate capacity be included as a condition of approval.

Scenic Beauty, Natural, Historic, Habitat and other Resources

Staff find the proposed project will not have an adverse effect on the scenic or natural beauty of the area.

Comprehensive Plan

Staff find the proposed project compatible with the Comprehensive Plan, which includes the following applicable goals:

- “create economic prosperity by growing Portland’s tax and employment base”
- “encourage additional contextually appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods”

B. SITE PLAN (Section 14-526)

The proposed development prompts review for conformance with relevant standards of Portland’s site plan ordinance and applicable regulations.

Transportation Standards

Traffic Impacts; Parking; Construction Management Plan

As mentioned above, neither the B-3c zone nor the R-6 zone require one parking space per dwelling unit in this instance. The proposed project is not anticipated to significantly impact surrounding street systems, access, or circulation. Tom Errico, consulting traffic engineer, provided comments regarding parking and construction management intended to minimize any impact.

- Tandem parking spaces shall be designated for the residential units only (or low turnover use) to minimize backing maneuvers onto Forest Avenue.
- The applicant submitted a general construction management plan, but a condition of approval shall require greater detail, including:
 - Pedestrian detour plan minimizing sidewalk impact
 - Construction material delivery / truck plan minimizing sidewalk and vehicle lane impact
 - Information on contractor parking such that public on-street parking is not impacted.

ADA Access

Bruce Hyman, the City’s transportation program manager, expressed concern regarding the condition and grade of the sidewalk and driveway along Forest Avenue. As a condition of approval, existing and proposed grades shall be submitted for review and approval by the Planning Authority.

The applicant submitted an accessibility review finding that a range of accessibility measures were not required for this project. Staff shared this document with the Permitting and Inspections Department for review and input. Code Enforcement Officer Jeanie Bourke flagged the following statement for confirmation by the applicant: “complete change in occupancy does not apply as the entire building is not changing to Residential. Therefore an accessible entrance, and accessible route, and accessible parking is not required.” Additionally, the most recent set of plans were not yet available. Staff suggests review and acceptance of ADA compliance by the Permitting and Inspections Department as a condition of approval, and that any required modifications to the site plan shall be reviewed and approved by the Planning Authority.

Environmental Quality Standards

The proposed project is not anticipated to significantly impact natural features or water quality. As it is located on a fully developed site, the project was not subject to additional stormwater controls.

Two existing street trees are to be maintained, and two new street trees are proposed.

Because the project proposes eight residential units, four street trees required under the City’s Technical Standards are required. Applicant payment of the fee-in-lieu for four street trees is suggested as a condition of approval.

Public Infrastructure and Community Safety Standards

Division Chief Mike Thompson noted that the Fire Department has adequate capacity in the area for this project. During the application process, the applicant communicated with staff in the Permitting and Inspections Department to facilitate compliance with relevant standards.

Site Design Standards

The proposed project is not anticipated to create significant issues related to snow and ice loading, exterior lighting, noise and vibration. Waste/recycling materials are proposed to be screened by a new fence, and stored in the space between 415 Cumberland and the YMCA (while still allowing passage).

Proposed site changes are consistent with B-3c and multifamily design standards, subject to approval by Deb Andrews, the City’s historic preservation program manager. Due to its location within 100 feet of the Congress Street historic district, the project prompted advisory historic preservation design review.

Ms. Andrews commented that new windows should match the existing windows in material, muntin configuration and profile, color, and operation. This is of particular importance on elevations in which new and existing windows will be present.

Additionally, Ms. Andrews requested a detail of the metal canopy proposed over the Forest Avenue entrance. Proposed window details, as well as the proposed metal canopy detail, should be submitted for review and approval by Ms. Andrews as a condition of approval.

XII. PROPOSED MOTIONS

A. SUBDIVISION

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 April 24, 2018 for application 2017-011 (415 Cumberland Avenue) relevant to the subdivision regulations; and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **[is / is not]** in conformance with the subdivision standards of the land use code, subject to the following conditions of approval, which must be met prior to the signing of the plat:

1. Confirmation of adequate wastewater capacity shall be provided to and reviewed by City staff.

B. DEVELOPMENT 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 April 24, 2018 for application 2017-011 (415 Cumberland Avenue) relevant to the site plan regulations; and the testimony presented at the Planning

Board hearing, the Planning Board finds that the plan [is / is not] in conformance with the site plan standards of the land use code, subject to the following conditions of approval, which must be met prior to issuance of a building permit:

1. Proposed window specifications and the proposed metal canopy detail shall be submitted for review and approval by historic preservation staff.
2. The applicant shall submit additional information pertaining to construction management, including: Pedestrian detour plan minimizing sidewalk impact; construction material delivery and truck plan minimizing sidewalk and vehicle lane impact; and, information on contractor parking such that public on-street parking is not impacted.
3. Existing and proposed grades of the property’s sidewalk and driveway along Forest Avenue shall be submitted for review and approval by the Planning Authority.
4. The applicant shall ensure ADA accessibility compliance, to be reviewed and accepted by staff in the building and permitting department. Any required modifications to the site plan shall be reviewed and approved by the Planning Authority.
5. The applicant shall pay into the City’s street tree, at a cost of \$400 per tree, to account for each of the four trees not provided per the City’s Technical Standards.

XIII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

- A. NEIGHBORHOOD MEETING MATERIALS
- B. CONSULTING TRAFFIC ENGINEER COMMENTS 4-19-18
- C. CONSULTING CIVIL ENGINEER EMAIL COMMENTS 3-1-18
- D. HISTORIC PRESERVATION REVIEW COMMENTS 3-20-18
- E. FIRE STAFF COMMENTS 3-7-18
- F. DPW COMMENT 4-20-18
- G. CODE ENFORCEMENT OFFICER COMMENT 4-2-18
- H. TRANSPORTATION PROGRAM MANAGER COMMENTS 3-30-18

APPLICANT’S SUBMITTALS

1. COVER LETTER
2. LEVEL III APPLICATION
3. WASTEWATER APPLICATION
4. LAND USE CONFORMANCE NARRATIVE
5. FINANCIAL CAPABILITY
6. DEED
7. EMAIL TO CITY WASTEWATER FOR ABILITY TO SERVE
8. EMAIL TO PWD – REQUEST FOR ABILITY TO SURVE
9. PWD ABILITY TO SERVE DETERMINATION
10. UPDATED COVER LETTER
11. ACCESSIBILITY EVALUATION
12. ADA RAMP PHOTO
13. EASEMENT INFORMATION
14. EXTERIOR LIGHT CUTSHEETS

PLANS

- A. FLOOR PLANS
- B. ELEVATIONS
- C. LANDSCAPE PLAN
- D. SITE PLAN
- E. DEMOLITION PLAN & DETAILS
- F. CONSTRUCTION MANAGEMENT PLAN NARRATIVE

- G. SUBDIVISION PLAN
- H. SURVEY PLAN