

40-F-11 Sept. 1995 Site Plan

THE CANNERY PARKING LOT  
J.B. BROWN, APPLICANT  
SITE PLAN REVIEW

Submitted to:

Portland Planning Board  
Portland, Maine

September 12, 1995

## I. INTRODUCTION

J.B. Brown requests site plan review for a 55 space parking lot adjacent to the Cannery project in the vicinity of 30-50 York Street. See Attachment A for site plan.

The applicant is also requesting a waiver from chapter 25 of the municipal code requiring curbing and sidewalks along Maple Street.

The Board will also review the surface material treatment of Foundry Lane, a previous Planning Board condition of approval for the Cannery project.

140 notices were sent to area residents.

## II. FINDINGS

Zoning:	B-5 Business
Land Area:	1.56 Acres
Parking Spaces:	55

The proposed 55 space parking lot is located adjacent to the Cannery on the westerly side of Foundry Lane and is intended to provide parking for this project. The parking lot has frontage on York Street and Maple Street. The parking lot is set back 15 feet from York Street. Vehicle access to the parking lot is limited to Maple Street. Existing curb openings along York Street will be eliminated. A sidewalk leads from the parking lot across Foundry Lane to the Cannery. J.B. Brown owns the entire block bounded by York Street - Maple Street - Commercial Street - Foundry Lane. The lower half of the property will remain a gravel parking lot for tractor trailers.

## III. STAFF REVIEW

The proposed development has been reviewed by staff for conformance with the review criteria of the site plan ordinance.

### 1/2. Traffic

The proposed parking lot will provide parking for the Cannery which is adjacent to Foundry Lane. Vehicle access to the parking lot will be limited to one driveway on Maple Street. Existing curb openings along Fore Street will be eliminated. The outer perimeter and interior islands of the parking lot will be defined by curbing. A sidewalk will connect the parking lot to Foundry Lane and the Cannery.

Mary Conroy, Principal Traffic Engineer, has reviewed the site plan and finds it acceptable.

The plan indicates that granite curbing along York Street will be reset/replaced. The sidewalk will be rebuilt in brick. Curbing will be continued to the Maple Street driveway. The applicant is not proposing to extend new curbing nor a sidewalk along the remainder of Maple Street.

3. Location of Proposed Use Impact on Light, Air

The proposed parking lot will not cause any known health or safety problems.

4. Structure, Diminution in the Value or Utility to Neighboring Structures

There are no structures proposed on the site.

5. Sewers, Sanitary, Stormdrains, Water, Solid Waste Disposal

Stormwater from the parking lot will flow into two proposed catchbasins. A stormdrain will connect these to an existing catch basin on the lower end of the site which is connected to the Commercial Street sewer. Curbing will be installed long the entire edge of the parking lot.

Comments from the Development Review Coordinator are shown as Attachment B.

6/7. Landscaping

Landscaping is important for this site since it is an integral part of the Gorham's Corner gateway to the Downtown. Twelve Shademaster Honeylocusts (2 1/2 inch caliper) will be planted along York Street and Maple Street, 30 feet on center. This is to be supplemented by Rosa Rogosa and Sea Green Junipers. A landscaped island within the parking lot will feature six additional Shademaster Honeylocust and other understory plantings. Areas on the site not landscaped or paved will be loomed and seeded.

A dumpster will be placed within the parking lot next to Foundry Lane near York Street. It will be screened by a wood enclosure (see Attachment A-3). The four foot grade change between York Street and the parking lot will help to screen its view from York Street.

The site is void of any existing significant vegetation.

The applicant will be installing a timber guardrail adjacent to the tractor trailer parking area and Foundry Lane. J.B. Brown will be installing six street trees along the upper half of Foundry Lane.

8. Soil and Drainage

Soil stabilization concerns are addressed by paving the parking lot and landscaping the remainder of the site.

9. Exterior Lighting

Exterior lighting for the parking lot will be mounted on six poles fifteen feet high. The light fixture will be a "Mariner III" (see Attachment A-1). These are the same type of light fixtures proposed for the Cannery. Three of the poles will have two (2) lamps mounted on it while the remainder will have one. Staff has requested that the photometrics of the fixture be shown on the plan.

10. Fire

Lt. McDougall of the Fire Department has approved the plan.

11. Infrastructure

The proposed development is designed to be consistent with off-premises infrastructure, existing or planned by the City.

12. Natural Resources

The site is located in an urban location on a previously developed site. There are no known natural resources on this site that would be adversely effected by the proposal.

**IV. SIDEWALK AND CURB WAIVER REQUEST - CHAPTER 25**

Chapter 25 of the municipal code requires that curbs and sidewalks be installed along the entire street frontage of a property undergoing site plan review. If the condition of existing curbs and sidewalks is not satisfactory, they must be replaced unless a waiver is granted by the Planning Board.

The applicant is requesting a waiver of this requirement for a sidewalk, along the entire length of Maple Street. See Attachment C. A curb waiver is requested running from the parking lot entrance along Maple Street to Commercial Street. Curbing will however be installed by the applicant from York Street to the parking lot entrance, a distance of about 80 feet. Curbing and sidewalks along Commercial Street are in acceptable condition.

The original sidewalk along Maple Street is virtually nonexistent. The curbing along the applicant's street frontage is in poor condition. Public Works does not support the waiver request (see Attachment D).

(Sec. 14-506(b))

The criteria for a waiver requested is shown below

(b) Where the Planning Board finds that extraordinary conditions exist or that undue hardship may result from strict compliance with the requirements set forth in sections 14-498 and 14-499 pertaining to the provision and construction of curbs and sidewalks, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of creating potentially hazardous vehicle and pedestrian conflict or nullifying the intent and purpose of the land development plan and the regulations of this article. For purposes of this subsection, the Planning Board may, but need not, consider such circumstances as where a street is a dead-end street, or where an alternative walking route is reasonable available, or where a street is scheduled for major reconstruction, or where the development of abutting land is substantially restricted.

At the last workshop there was discussion on the possibility of a temporary waiver since J.B. Brown has long term plans to redevelop the lower end of the parcel. Natalie Burns, Associate Corporation Counsel, indicates the Board should only grant the waiver (or a partial waiver) only if it intends for such waiver to be permanent (see Attachment E). Once the Board has made the necessary findings for a waiver, an applicant may be able to successfully argue that the finding estops the City from a future decision to require curb and sidewalk as part of a future development. An acceptable alternative may be to phase the installation of curb and sidewalk along Maple Street to reflect the actual development of the site under site plan review.

**V. FOUNDRY LANE SURFACE MATERIAL REVIEW**

A condition of the site plan approval for the Cannery/Baxter Place site revisions stated:

"That the applicant submit a site plan to the Planning Board for review and approval showing all materials and finishes for construction of Foundry Lane with surfaces that are appropriate for pedestrians. The site plan shall show no vehicle parking and traffic circulation in Foundry Lane."

When the Board reviewed the Cannery site plan, J.B. Brown and Baxter Place Associates were co-applicants since there were also minor revisions to the Baxter Place site plan. J.B. Brown is submitting a plan for the upper half of the right-of-way while Baxter Place Associates is submitting a plan for the lower half. In reviewing Foundry Lane, the Board will be examining the entire right-of-way but J.B. Brown and Baxter Place will be responsible for separate sections of the street. Although we are dealing with separate applicants, the goal in this review is to achieve a cohesive and integrated design treatment along the entire right-of-way.

The submitted plan by J.B. Brown shows a 16 foot wide "hard" surface walkway on the upper half of Foundry Lane. This dimension includes an eight foot wide brick surface in the middle with a four foot wide cobblestone gutter along both sides of the street (see Attachment A-2). Granite curbing defines the outer edges of the streetline. Grass will be planted on both sides of the street. Six street trees will be planted along the westerly edge of the right-of-way. Bollards will be placed at the York Street end to prevent vehicles from entering the site. A second set will be placed at the lower end of Foundry Lane at the J.B. Brown property line.

Unfortunately there remains very few cobblestones on the upper part of the street. The applicant's intentions are to provide a hard surface treatment that is easy for pedestrians to walk on consistent with the historic materials of the area.

The lower half of Foundry Lane (by Baxter Place) has a cobblestone surface except for patches of black top. There is a gap of about 30 feet (gravel surfaces) between the J.B. Brown improvements and the existing cobblestone surface which Baxter Place proposes to install new brick pavers. This is a good transition between the lower and upper half of the right-of-way.

The plan indicates that the patches of asphalt will be removed to expose the cobblestones. Missing cobblestones would be replaced as necessary. Cobblestones would be reset to provide an even surface if they are recessed.

A brick surface would be introduced along the edge of the Baxter Place building. This would provide a smooth walking surface for pedestrians and relates to the material proposed by J.B. Brown on the upper half. Staff suggests that it would be more appropriate to install the brick surface in the middle of Foundry Lane since J.B. Brown's walkway is also in the middle.

The applicant indicates that six trees (the same tree species and sizes as proposed by J.B. Brown) will be planted along the westerly edge of Foundry Lane.

Baxter Place Associates has submitted an outline of improvements and a concept site plan for Foundry Lane (see Attachment F). The applicant is in the process of preparing a final plan for submission.

#### **VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and material submitted by the applicant and on the basis of information contained in Planning Report #40-95 relevant to the standards for site plan review [and/or other findings as follows:]

1. That the plan is in conformance with the site plan standards of the land use code.

Potential Conditions of Approval:

- i. That the site plan shall be revised showing the photometric patterns of the exterior lighting which shall be submitted for City staff review and approval.
  - ii. The applicant shall verify that the existing 8 inch cast iron pipe from catchbasin (elevation 10.77) at the southern end of the truck parking lot along Commercial Street is working and connected to the City of Portland stormdrain system.
2. The Planning Board [finds/or does not find] that extraordinary conditions exist and/or that undue hardship may result from strict compliance with the curb and sidewalk requirements of Chapter 25 and therefore, approves a sidewalk waiver along the applicant's Maple Street frontage except for curbing from the parking lot entrance to York Street.

OR

The Planning Board approves a phasing plan for the installation of a sidewalk along Maple Street and curbing along Maple Street (from the driveway entrance to Commercial Street) which shall be completed by (date).

3. That the revised plan for the surface treatment of Foundry Lane, meets the condition of approval set by the Board in its April 11, 1995 site plan approval of this project.

A. J.B. Brown portion

B. Baxter Place Associates portion

Potential Condition of Approval:

i. That a revised site plan for Foundry Lane be submitted for staff review and approval.

Attachments:

- A. Site Plan and Plan Details
- B. Memo from Development Review Coordinator
- C. Sidewalk Waiver Request
- D. Memo From City Engineer
- E. Memo from Associate Corporation Counsel
- F. Baxter Place Plan for Foundry Lane
- G. City Foundry Lane Agreement

**VI. MOTIONS FOR THE BOARD TO CONSIDER**

On the basis of plans and materials submitted by the applicant and on the basis of information contained in Planning Report #40-95 relevant to the standards for site plan review [and/or other findings as follows:]

1. The Planning Board [finds/or does not find] that extraordinary conditions exist and/or that undue hardship may result from strict compliance with the curb and sidewalk requirements of Chapter 25 and therefore, [approves/or does not approve] a sidewalk waiver along the applicant's Maple Street frontage except for curbing from the parking lot entrance to York Street.
2. That the plan is in conformance with the site plan standards of the land use code.

Potential Conditions of Approval:

- i. That the site plan shall be revised showing the photometric patterns of the exterior lighting which shall be submitted for City staff review and approval.
- ii. The applicant shall verify that the existing 8 inch cast iron pipe from catchbasin (elevation 10.77) at the southern end of the truck parking lot along Commercial Street is working and connected to the City of Portland stormdrain system.
- iii. [If the Board did not approve a curb/sidewalk waiver under #1, this condition is appropriate]

The Planning Board approves a phasing plan for the installation of a sidewalk along Maple Street and curbing along Maple Street (from the driveway entrance to Commercial Street) which shall be completed by (date).

3. That the revised plan for the surface treatment of Foundry Lane, meets the condition of approval set by the Board in its April 11, 1995 site plan approval of this project.
  - A. J.B. Brown portion
  - B. Baxter Place Associates portion

Potential Condition of Approval:

- i. That a revised site plan for Foundry Lane be submitted for staff review and approval.



# CITY OF PORTLAND, MAINE

## PLANNING BOARD

Kenneth M. Cole III, Chair  
Cyrus Hagge, Vice Chair  
Joseph R. DeCoursey  
John H. Carroll  
Donna Williams  
Jaimey Caron  
Kevin McQuinn

September 13, 1995

Mr. Steven Reynolds  
J.B. Brown and Sons  
482 Congress Street  
Portland, ME 04112

RE: The Cannery Parking Lot (York Street) and Foundry Lane

Dear Mr. Reynolds:

On September 12, 1995 the Portland Planning Board voted on the following motion regarding the Cannery project.

The Planning Board voted 5-0 (Cole, Carroll absent) that the proposed 55 space parking lot in the vicinity of York Street is in conformance with the site plan standards of the land use code with the following conditions:

- i. That the site plan shall be revised showing the photometric patterns of the exterior lighting which shall be submitted for City Staff review and approval.
- ii. The applicant shall verify that the existing 8 inch cast iron pipe from catchbasin (elevation 10.77) at the southern end of the truck parking lot along Commercial Street is working and connected to the City of Portland stormdrain system.
- iii. The Planning Board approves a phasing plan for the installation of a sidewalk and curbing along Maple Street (from the driveway entrance to Commercial Street) which shall be completed within three years (September 12, 1998). The site plan shall be revised to include curbing and sidewalk along Maple Street.

The Planning Board also voted 4-1 (Williams opposed; Cole and Carroll absent) that the revised plan for the surface treatment of Foundry Lane (J.B. Brown portion), meets the condition of approval set by the Board in its April 11, 1995 site plan approval of this project.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #40-95, which is attached.

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

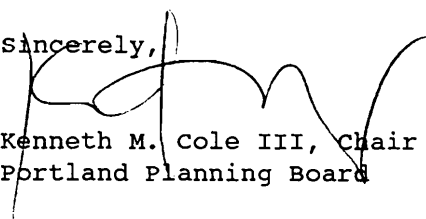
1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building

permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
4. Prior to construction, a preconstruction meeting shall be held at the project site with the contractor, development review coordinator, Public Work's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the preconstruction meeting.
5. 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 Poliskey at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

If there are any questions, please contact the Planning Staff.

Sincerely,



Kenneth M. Cole III, Chair  
Portland Planning Board

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
Richard Knowland, Senior Planner  
P. Samuel Hoffses, Chief of Building Inspections  
Marge Schmuckal, Zoning Administrator  
George Flaherty, Director of Environmental/Intergovernmental Services  
Kathi Staples PE, City Engineer  
Michael O'Sullivan, Development Review Coordinator  
William Bray, Deputy Director of Public Works  
Jeff Tarling, City Arborist  
Paul Niehoff, Materials Engineer  
Natalie Burns, Associate Corporation Counsel  
Lt. Gaylen McDougall, Fire Prevention  
Mary Gresik, Building Permit Secretary  
Kathleen Brown, Assistant Director of Economic Development  
Approval Letter File  
Ken Astor, Baxter Place Assoc, 305 Commercial St., Portland, ME 04101

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Kevin McQuinn

September 15, 1995

Mr. Ken Astor  
Baxter Place Associates  
305 Commercial Street  
Portland, ME 04101

RE: Foundry Lane

Dear Mr. Astor:

On September 13, 1995 the Portland Planning Board voted 4-1 (Williams opposed, Cole and Carroll absent) that the revised plan for the surface treatment of Foundry Lane (Baxter Place Associates portion), meets the condition set by the Board in its April 11, 1995 site plan approval of this project, with the following conditions:

- i. That a revised site plan for Foundry Lane be submitted for City Staff review and approval.
- ii. The applicant shall revise the site plan showing signage subject to staff review and approval indicating no vehicle access from Commercial Street and no parking on the Foundry Lane right-of-way.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #40-95, which is attached.

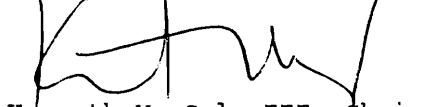
Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and 7 final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.

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Approval Letter File  
Steve Reynolds, J.B. Brown, 482 Congress Street, Portland, ME 04112