

CITY OF PORTLAND, MAINE
PLANNING BOARD

RECEIVED

FEB 25 2013

Dept. of Building Inspections
City of Portland Maine

Carol Morrisette, Chair
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Timothy Dean
Bill Hall
David Silk
Elizabeth Boepple
Sean Dundon

February 12, 2013

Rufus Deering Lumber Company
Attention: Dan Labrie
383 Commercial Street
Portland, ME 04101

Sebago Technics, Inc.
Attention: James Seymour, P.E.
75 John Roberts Road, Suite 1A
South Portland, ME 04106

Project Name: Baxter Academy for Technology and Science Project ID: 2012-519
Address: 54 York Street CBL: 042 A 007
Applicant: Rufus Deering Lumber Company
Planner: Shukria Wiar

Dear Mr. Labrie:

On January 22, 2013, the Planning Board considered a Level II and Traffic Movement Permit application for Baxter Academy for Technology and Science to convert the building at 54 York Street to a charter high school, which is an institutional use. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan and Traffic Movement Permit. The Planning Board voted 6-0 (Silk absent) to approve the application with the following waivers and conditions as presented below:

WAIVERS

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report # 05-2013 for application # 2012-519 relevant to the Portland Technical and Design Standards and Guidelines and other regulations and the testimony presented at the Planning Board hearing:

- i. The Planning Board voted 5-1 (Morrisette opposed, Silk absent) to waive the requirement of Section 14-526 (a) (2) (c) of the Site Plan Ordinance that all development shall provide sidewalk and curbing along all frontages, to allow no sidewalk and curbing on the east side of the York Street (Attachment Plan 3 to Planning Board Report# 05.2013).
- ii. The Planning Board voted 0-6 (Silk absent) on the motion to waive the requirement of Section 14-526 (a) (2) (c) of the Site Plan Ordinance that all development shall provide sidewalk and curbing along all frontages, to allow no sidewalk and curbing on the lower east side on Maple Street (Attachment Plan 3 to Planning Board Report # 05.2013). Thus, the waiver **failed** to pass and the applicant shall install a sidewalk and reuse the existing cobblestones per the requirement of Historic Preservation.

TRAFFIC MOVEMENT PERMIT

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #05-2013 for application # 2012-519 relevant to the Traffic Movement Permit and the testimony presented at the Planning Board hearing, the Planning Board voted 6-0 (Silk absent)

the plan is in conformance with the standards for Traffic Movement Permit application for Baxter Academy for Technology and Science and grants a permit subject to the following condition:

- i. The applicant shall contribute \$2,200.00 towards future improvements at the Commercial Street/High Street intersection;

SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report #05-2013 for application # 2012-519 relevant to the Site Plan and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board Planning Board voted 6-0 (Silk absent) that the plan is in conformance with the site plan standards of the Land Use, subject to the following conditions to be met prior to the issuance of a building permit unless otherwise stated:

- i. The applicant shall submit a financial capacity letter for review and approval by the Planning Authority;
- ii. The bus and parent loading/unloading conditions shall be monitored within three months following the opening of the school and a report shall be provided to the City summarizing existing conditions. Adjustments to the Plan may be required following this monitoring exercise. Additional annual monitoring shall be required in conjunction with the TDM Plan;
- iii. As presented in the application, the applicant proposes to lease fifteen (15) off-site parking spaces at the Spring Street garage. As part of the TDM plan, the parking demand evaluation shall be conducted and in consultation with the City and that any revisions, if any, to the number of off-site parking spaces needed, shall be identified. The parking evaluation shall be conducted one year after the school is fully occupied and then annually;
- iv. It shall be the responsibility of the applicant for all snow removal on site, so to have pedestrian pathways clear for the use of the students and staff;
- v. A final site plan must be submitted for review that incorporates Jeff Tarling, City Arborist review comments from his memo dated July 12, 2012;
- vi. A final lighting plan, including a photometric plan and catalogue cuts for the proposed exterior lighting fixture meeting the City's technical standards, shall be submitted for review and approval by the Planning Authority prior to the issuance of a building permit;
- vii. Specific details on implementation of traffic signage shall be coordinated and approved by the Planning Authority before installation.
- viii. The applicant shall submit the plans for the Maple Streets sidewalk for review and approval prior to the release of a building permit.

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 #2012-519 which is attached.

STANDARD CONDITIONS OF APPROVAL

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

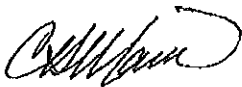
1. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require 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.
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 Shukria Wiar at (207) 756-8083 or via shukriaw@portlandmaine.gov

Sincerely,



Carol Morrissette, Chair
Portland Planning Board

Marge Schmuckal - 54 York Street

From: Marge Schmuckal
To: Shukria Wiar
Date: 1/16/2013 3:57 PM
Subject: 54 York Street

Hi Shukria,

I do not have any zoning concerns for this project. My comments and requirements for HVAC and signs are still in force. Inspection Services will require a change of use permit prior to use.

Marge

Marge Schmuckal - 54 York St - Baxter Academy

From: Marge Schmuckal
To: Shukria Wiar
Date: 6/18/2012 3:20 PM
Subject: 54 York St - Baxter Academy

54 York Street - 042-A-7 & 8 - B-5b Zone & Historic Overlay
2012-519 Level II site plan review
June 18, 2012

I have reviewed the most current submission. The applicant wants to change the use from offices to a new school (a public charter high school). The property is located in a B-5b zone which allows the proposed use under, "Public or private schools of any type". There is no proposed addition to the building with the exception of an ADA ramp into the City's ROW along York Street. All changes would be interior to the existing building. There are two floors and a basement.

The B-5b zone has no minimum setbacks required. The 10' maximum setback along street lines is currently being met. There are no changes to change this existing condition.

The maximum building height of 65' is more than being met with the two story and daylight basement in the existing building.

Section 14-332.1(g) exempts the B-5 & B-5b zones from providing off-street parking requirements in the zone.

All HVAC equipment shall meet the sound level requirements listed under 14-230.5(b). Separate permits are required through Inspection Services for HVAC systems. Such application(s) shall provide HVAC dBA equipment levels.

Separate permits are required for any new exterior signs. Signs are also subject to Historic review before issuance.

Marge Schmuckal
Zoning Administrator



PORTLAND MAINE

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Planning & Urban Development Department
Gregory A. Mitchell, Acting Director

Planning Division
Alexander Jaegerman, Director

July 5, 2012

Dan Labrie
Rufus Deering Lumber Company
383 Commercial Street
Portland, ME 04101

Sebago Technics, Inc
James Seymour, PE
75 John Roberts Road, Suite 1A
South Portland, ME 04106

RE: Staff Review Comments for Level II Preliminary Site Plan

Project Name: Baxter Academy for Technology & Science Project ID: 2012-519
Address: 54 York Street CBL: 042-A-007
Applicant: Rufus Deering Lumber Company
Planner: Shukria Wiar

Dear Mr. Labrie;

Thank you for submitting an application for change of use for offices to Charter school at 54 York Street. The project consists of converting the existing Rufus Deering Lumber Milling Display Store into the Baxter Academy for Technology and Science; no building additions are proposed. This proposal is being reviewed as a preliminary plan for administrative review subject to the Site Plan Ordinance, Article V of Land Use Code provisions.

Zoning: Marge Schmuckal

I have reviewed the most current submission. The applicant wants to change the use from offices to a new school (a public charter high school). The property is located in a B-5b zone which allows the proposed use under, "Public or private schools of any type". There is no proposed addition to the building with the exception of an ADA ramp into the City's ROW along York Street. All changes would be interior to the existing building. There are two floors and a basement.

The B-5b zone has no minimum setbacks required. The 10' maximum setback along street lines is currently being met. There are no changes to change this existing condition. The maximum building height of 65' is more than being met with the two story and daylight basement in the existing building.

Section 14-332.1(g) exempts the B-5 & B-5b zones from providing off-street parking requirements in the zone. All HVAC equipment shall meet the sound level requirements listed under 14-230.5(b). Separate permits are required through Inspection Services for HVAC systems. Such application(s) shall provide HVAC dBA equipment levels.

Separate permits are required for any new exterior signs. Signs are also subject to Historic review before issuance.

Staff Review Comments for Level II Preliminary Plan:

1. Transportation Standards

- a. I would suggest that the traffic generation estimate be conducted for the full build-out of the school. Based upon the results of the trip generation estimate provided by the applicant, the project may require a Traffic Movement Permit. The applicant should provide all back-up survey information for review and approval. At this time I do not approve the results of the survey. As I noted previously to the applicant (at our meeting in Room 24 at City Hall), an actual traffic survey at a similar school is suggested.
- b. The applicant should base parking demand for the school on other similar sites. A demand for ten parking spaces does not seem to be sufficient for future full build-out conditions. The applicant should also provide parking options given the proposal for a development on the JB Brown parking lot identified for use by the school.
- c. The City does not support the provision of sidewalk ramps at the proposed handicap parking spaces on York Street. The applicant should document the need for these spaces. In general public curb side parking is not typically used for meeting handicapped parking requirements.
- d. The applicant should specify how pick-up and drop-off activity will occur for both students and buses.
- e. It is suggested that the applicant construct a sidewalk along the south side of York Street between High Street and the site, so students can safely walk to the school.
- f. The existing sidewalk infrastructure abutting the building should be reviewed for being ADA compliant and whether it meets City standards. I'm not sure if DPS staff has conducted this evaluation.

2. Environmental Quality Standards

- a. A landscaping plans needs to be submitted for review. Street trees are a requirement of site plan review and need to be proposed as part of the project. The site is reuse of an existing building and any opportunity to add landscaping should be considered.
- b. Water Quality, Storm Water Management and Erosion Control

3. Public Infrastructure and Community Safety Standards

- a. A boundary survey will need to be submitted for review.
- b. Availability and Adequate Capacity of Public Utilities- the final capacity letters will need to be submitted.
- c. Financial and technical letters will need to be submitted.
- d. The Brick Sidewalk Detail and Vertical Granite Curb Detail indicate an esplanade, which doesn't appear on the site plan. Please clarify.
- e. The Brick Sidewalk Detail should be modified to reflect the gravel depth requirements of Figure I-10 of the City of Portland Technical Manual.

4. Site Design Standards

- a. Snow and Ice Loading area will be to be shown on the site plan. If snow is to be removed, a detail plan will need to be submitted as how it will be handles.
- b. Historic Resources - this site is located in West End Historic District. Any exterior improvements and alteration, and signs will need to be reviewed by the Historic Preservation.
- c. Exterior Lighting- any lighting being proposed on the site or building? We will need to see a photometric plan, catalogue cuts, and specification on all proposed lighting.
- d. Noise and Vibration- Any HVAC and mechanical equipment being proposed need to be shown on the site plan and specification to be submitted.
- e. Signage and Wayfinding- a traffic signage plan needs to be submitted for review.

The Planning Authority may request additional information during the continued review of the proposal according to applicable laws, ordinances and regulations.

Please submit one (1) complete paper set of revised final plans and upload the digital plans and documents to address staff comments. Upon receipt of the revised material, the City of Portland will review the additional plans and information for conformance with applicable ordinances. Please be aware that an application expires within 120 days of the date upon which this written request for additional information was made.

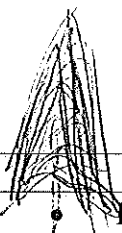
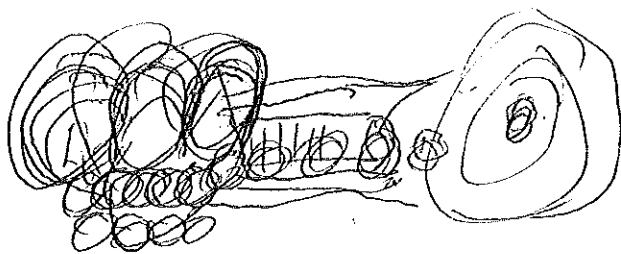
If you have any questions, feel free to contact me at 756-8083 or by email at shukriaw@portlandmaine.gov

Sincerely,

Shukria Wiar
Planner

Electronic Distribution:

Alexander Jaegerman, Planning Division Director
Barbara Barhydt, Development Review Services Manager
Danielle West-Chuhta, Associate Corporation Counsel
Marge Schmuckal, Zoning Administrator
Katherine Earley, City Engineer, Public Services
David Margolis-Pineo, Deputy City Engineer
Captain Keith Gautreau, Fire
Jeff Tarling, City Arborist
Tom Errico, P.E., TY Lin Associates
Dan Goyette, P.E., Woodard & Curran



June 26, 2012 - Room 209

Workshop - 7:00 p.m.	India Street Building Height Evaluation - Discussion of site walk	WN
Public Hearing 7:00 p.m.	Humbolt Street Subdivision UNE - Patient Care Center Food Truck Amendments	JF SW ND/BB
July 10, 2012		
Public Hearing: 3:30 p.m.	HP Appeal - J. Soley Deering Street, Great Diamond Island - Discontinuance	DA ND
Workshop: 4:30		
Public Hearing 7:00 p.m.	Opechee - Fore Street (Jordan's Meats Site) Civic Center	JF RK

PROJECTS FOR ADMINISTRATIVE AND BOARD REVIEW

A. Preliminary Plans

- 1. great diamond island street disco...rk
- 2. UNE...sw
- 3. Pomeroy Street single family.....nd/bb
- 4. Moody's Collision - 475 Presumpscot....nd/bb

Discontinuance
lickman property - Deering Street 90 Acres of Land
Seabreeze generating all the park on Bishop

B. Final Plans

- 1. civic center updated plan has been submitted...rk
- 2. Giobbis 4 lot subdivision (comments for Hearing Rpt pl).....jf - New

C. Issues, Administrative Authorizations, Curb Cuts

- 1. 38 Preble Street amendments.....jf in e-plm
- 2. Harborview Townhomes "privacy" fence.....jf
- 3. Administrative Authorizations.....bb
- 4. Thompson's Point...issues as they come....bn
- 5. Hampshire Street....check in...any new issues?...sidewalk update from DPS...bn

8:00am - to 2:00pm
status Sept 10th

arrange walk bike
John Jakes - Don LaBrie - Jim Seymour
City Staff: Barbara - Tom Ericeo - Capt Christine - Alex - Marge
John P - Shukria - Jeff T.
no student park not provided
25% students from Portland
Norlan Bus starts in Thompson in
West - Wundhan in
Southern - starts in Kennebec
No Sports Teams
Robotic Team
Blended learning -> Computers & brick in motor
may need ATM P -
Council Needs to approve Handicap park