



Memorandum

Planning and Urban Development Department

Planning Division

To: Chair Morrissette and Members of the Portland Planning Board

From: Jean Fraser, Planner

Date: September 6, 2013

Re: **September 10th Planning Board Workshop**
 Level III Site Plan and Subdivision:
 6 unit condominium, 133 York Street
 133 York, LLC (Joe Flynn), Applicant

I. INTRODUCTION

133 York, LLC has submitted a Level III Site Plan and Subdivision application for the construction of a 6 unit residential building on a 7,483 sq ft “urban infill” site at 133 York Street. The site is currently occupied by a dilapidated 2-unit residential structure. The site is located behind the existing brick 12-unit apartment building at 129 York Street and adjacent to the recently constructed Harborview Townhouse condominium development.

The parcel has an existing narrow pedestrian access from York Street, immediately to the west of the brick apartment building. The proposed building is located on the backland part of the site about 100 feet from York Street, and comprises 3 stories over parking.

The site is within the R-6 zone but can not apply reduced lot dimensions under the R-6 “small residential lot development” as the lot is not vacant. It is subject to the R-6 design review.

The applicant has held two Neighborhood Meetings in May and August where neighbors raised concerns about the loss of the large tree in one corner, loss of privacy and views, and the increase in height over the existing building (Notes in [Attachment I](#)). The Planning Division has not received any public comments as of the completion of the Memo.

This Workshop was noticed to 169 neighbors and interested parties, and the public notice appeared in the *Portland Press-Herald* on Sept. 2 & 3, 2013.

Required reviews and requested waivers (note that waivers re parking aisle width and bicycle parking were not requested but may be needed):

Applicant’s Proposal	Applicable Standards
New structure of 6 dwelling units	Subdivision Review
Multifamily building of 9424 square feet	Level III Site Plan Review and R-6 Design Review
Proposed building is less than 100 feet from the Historic Preservation District to the north (other side of Harborview Terrace)	Ordinance 14-526 (d) 5 b requires that it be generally compatible with the major character-defining elements of the portion of the district nearest the proposed development.
Waiver requested for the six street trees required, due to limited right of way space.	Ordinance Subdivision 14- 499 <i>Required Improvements</i> and Technical Standard 4.6.1- requiring 1 tree per unit to be located in the Right of Way.



II. PROJECT DATA

<i>SUBJECT</i>	<i>DATA</i>
Existing Zoning	R-6
Existing Use	2-unit residential building
Proposed Use	6-unit new building
Parcel Size	7483 sq ft
Impervious Surface Area	
--Existing	1918 sq ft
--Proposed	5570 sq ft
--Net Change	3652 sq ft
Total Disturbed Area	Approx. 7400 sq ft
Building Footprint	
--Existing	1918 sq ft
--Proposed	2335 sq ft
--Net Change	417 sq ft
Building Floor Area	
--Existing	Not known
--Proposed	9424 sq ft
Parking Spaces	6, under dwellings
Bicycle parking Spaces	2
Proposed Paved Area	3235 sq ft

III. EXISTING CONDITIONS

The proposal site is located on the north side of York Street between Park and High Streets, approximately 500 feet east of the Casco Bay Bridge intersection and approximately 250 feet west of the intersection of York Street and High Street. The buildable part of the site is set back behind the adjacent 3 story apartment building that fronts onto York Street, and about 5 feet above the amenity area associated with this apartment building (see Survey and Existing conditions, in Plans 1 & 3).

There are 4 upper rear decks on the apartment building that face towards the site.



Existing building on the site



As viewed from York Street



Within site, towards York Street

To the north the site abuts the parking area for the McCormick Place (5 unit) condominiums, which is about 5 feet above the level of the proposal site. Immediately to the west there is a large single family house (see photo right) with no windows facing the proposal site.



Looking west from within the site (tree to be removed)

To the east is the recently completed Harborview Townhouse (7 unit) condominium development (see photos below). This project is between the site and the historic district boundary to the east.



Within Harborview Townhouses towards site



Harborview Townhouses western side

IV. PROPOSED DEVELOPMENT

The proposals, including floor plans and elevations, are shown in the Plan set. The proposed building has 4 levels, with parking on the lowest level and sunk about 5 feet below grade (so it will be at about the same level as the rear amenity space for the brick apartment building). The absolute overall height is approximately 30-41 feet, 6-8.5 feet higher than the existing building at the west end and about 10 feet higher at the east end.

The new structure is set back 5 feet from the west and north boundaries, 11 feet from the east boundary (Harborview) and 16 feet from the south boundary.

Vehicle access is proposed from York Street via a new 16 foot wide drive with 4 foot sidewalk alongside (flush). As the drive gets near the building it will below the existing grade to give access to the sunken parking area and remove the existing vegetated grade change along the south boundary.



Small scale landscaping is proposed along the east and north sides of the new building and three trees are proposed along the new driveway (Plan 5).

V. STAFF REVIEW

A. ZONING ASSESSMENT

The proposed subdivision is within the R-6 Residential Zone.

Marge Schmuckal, Zoning Administrator, has provided a determination regarding the required setbacks and reviewed the project for conformity with the R-6 zoning requirements (Attachment 4):

This project is to demolish an existing (abandoned) two family dwelling and to replace it with a 6 residential condominium. The project is in the R-6 zone and uses the regular R-6 zone dimensional requirements. However, because the existing building is on the existing rear property line, the rebuild is able to be moved forward and use section 14-433 to allow building additions to be within 5' of the side and rear line for buildings existing as of July 19, 1988. The existing building was present well before that date. The required front setback is being met.

The building height is being met (under 45'). However, the dimensions are being shown to the joist bering and not to the top of the joist as required by definition. I would like to see revised drawing that show the building height from grade (or average grade) to the top of the roof beam.

The open space ratio of 20% is being met at 25.56% per the information given. The 50% lot coverage is being met. 6 parking spaces are being met.

Separate permits are required for the demolition and new construction.

It is noted that the minimum 40' street frontage requirement is not being met at 27.2 feet. However, this lot is already developed and is legally nonconforming for the street frontage. They will not lose that street frontage legal nonconformity unless the present building is demolished and then no work to rebuild begins after one year.

The architect has recently submitted detailed height information (Attachment O) but there has not been an opportunity for the Zoning Administrator to review these.

B. SUBDIVISION STANDARDS

14-496. Subdivision Plat Requirements

The site plan in Plan 2 is also the draft subdivision plat. It should be noted that the final subdivision plat will need to be stamped by a professional surveyor and address the DPS survey comments in Attachment 6.

14-497. General Requirements (a) Review Criteria

Water, Air Pollution and Soil Erosion

An Erosion Control Plan has been submitted (Plan 5) and is acceptable (Attachment 3).

Traffic

The proposals originally included a new 20 foot wide driveway to access the parking beneath the new building. The proposals have been revised to address the comments from Tom Errico (Attachment 2) that requested a pedestrian way between the York Street sidewalk and the new building. The current proposals provide a 16 foot vehicle way and an abutting and distinct 4 foot pedestrian way. The two are flush to provide a 20 foot wide paved access route for fire apparatus.

Parking

There are 6 parking spaces to meet zoning requirements and these are located in the “sunken” level underneath the units. The Traffic Engineering Reviewer Tom Errico has questioned the adequacy of the parking aisle provided between the parking level and the south site boundary, where 16 feet is proposed (without snow conditions) (Attachment 2). He requested turning templates to illustrate the feasibility of access/maneuvering, and at the time of completing this Memo these had not yet been received. As proposed, the 16 feet comprises a paved area up to the neighbors fence (rear of the brick apartment building).

Sanitary Sewer/Soils

The application has been reviewed by the consulting Civil Engineer and DPS and is acceptable (Attachments 3 and 6).

Storm water

The proposals propose to manage stormwater impacts by collecting the stormwater and directing it to a tree filter system, which also allows for some quality treatment. The engineering reviewer provided detailed comments on 8.27.2013 (Attachment 3) and the applicant has revised the plans to address these comments (Plan 4). The engineering reviewer has reviewed the revised plans and there are a few residual comments but the proposals are generally acceptable (Attachment 3). The Department of Public Services considers the storm drain system in York Street is adequate to handle the proposed project drainage.

Scenic Beauty

The impact on trees in the vicinity of the development is explained in Attachment M and shown on Plan 3. The loss of two existing substantial trees within this dense urban area is undesirable. The City Arborist, Jeff Tarling, has reviewed the plans and his comments are attached (Attachment 8).

Street Trees

The subdivision requirement would be one tree per unit, or 6 street trees, in or near the ROW. The applicant has requested a waiver citing the limited space in the ROW. In this case the recommended alternative is that the applicant make an equivalent contribution to the City's Street Tree fund.

Comprehensive Plan

The applicant has referred to the Comprehensive Plan as related to housing policies (Attachment B) and the project is compatible with Comprehensive Plan goals and policies.

C. SITE PLAN STANDARDS

14-526 Requirements for approval

Traffic - as discussed above under Subdivision Review

Bicycle Parking

The proposals include 2 bicycle parking spaces at the rear of the existing building, which meets the ordinance standard of 2 bicycle spaces per 5 vehicle spaces.

Snow Storage

An “Off-Site Snow Removal Plan” is included on Plan 4 and staff consider this is acceptable. It may be recommended to be a condition of approval, depending on the final vehicle access evaluation.

Site Landscaping and Screening

The Demolition Plan (Plan 3) indicates the removal of 2 large trees on site and the smaller vegetation along the south boundary. The Landscaping Plan (Plan 5) proposes the planting of 7 trees: 4 at the eastern side of the building and 3 along the access drive. In a meeting with neighbors, attended by the City Arborist, nearby residents requested that the twin trunk 30 in tree in the NE corner (see Attachment 8) be retained but it appears this would not be possible given the proposed building location. Two replacement trees are proposed as allowed by the City Ordinance waiver provisions.

The City Arborist, Jeff Tarling, has reviewed the proposals and met with the applicant and neighbors on site. In addition to some recommendations regarding the species of new trees, he is concerned that measures are in place to save the two remaining large trees (Attachment 8).

Screening planting has been proposed on the north and east boundaries. On the west side there is a rip rap slope and no proposed planting, but that is similar to the existing condition with the existing building. To the south (along the boundary with the brick 12 unit apartment building) there is no scope for screening planting as that part of the drive will operate as a parking aisle and is already very constrained at 16 feet wide with paving right to the boundary. The Traffic Engineering Reviewer has questioned whether that 16 feet is adequate and turning templates have been requested.

Jeff Tarling, the City Arborist, has commented (Attachment 8):

Landscape & Buffering:

Due to the lot shape & size the 133 York Street site is unusually "challenged" in regards for 'green space', buffering and landscape improvements, particularly for an established residential neighborhood.

Recommendations: Additional buffering between the proposed project and brick residential property next door should be a requirement condition. The proposed projects driveway and parking is next to their backyard living space, patio & green space. Additional screening in the form of a 'green wall' and / or two to three columnar trees to be planted on the adjacent property would improve.

See green-wall examples: <http://www.greenscreen.com/home.html>

A 'green-wall' in the patio area near the corner and two trees in the lawn? Understanding the proposed project is limited in space and need to be in agreement with the neighboring property to be successful in the tree planting aspect of this condition.

Additional buffering / landscape treatment condition #2 - the left side of the driveway at York Street for the first 40' (area of hash marks on plan) landscape planting or fencing to screen the side yard of the existing residential property next door. The landscape planting should provide screening or buffering as not to adversely affect the existing use next door. (I noted a small seating area on the lawn existing currently)

Water quality, Stormwater Management and Erosion Control

As discussed above under *Subdivision Review*.

Public Infrastructure and community safety standards

Sidewalk and ROW

The Department of Public Services has commented that a note needs to be added to the plans requiring that work in the ROW meets City standards, and that according to the City's materials policy the driveway apron should be asphalt and not brick as proposed (Attachment 6). There are cobbles at this location and staff suggest further discussion should take place on how the cobbles might be incorporated into the new drive entrance design.



A Construction Plan has been submitted ([Attachment K](#)) and is broadly acceptable, although a more detailed Traffic management plan will be required when a street opening permit is applied for.

Public Safety

The Crime Prevention through Environmental Design (CPTED) standards in the site plan ordinance address the principles of natural surveillance, access control and territorial reinforcement so that the design of developments enhance the security of public and private spaces and reduce the potential for crime.

The backland nature of the site reduces the natural surveillance from the street but allows for some surveillance from nearby upper floor dwellings. The drive and pedestrian walkway are not lit between York Street and the “parking aisle” section (approx. 90 feet) and there should be some low level lighting long this walkway.

Fire Prevention

As with Harborview Townhouses, the Fire Department is concerned that the NRPA 1 Fire Code requirements regarding access and hydrants is clearly met. The applicant has not provided a full analysis of this Code but Captain Pirone has indicated that the combined vehicle/pedestrian way of 20 feet width is acceptable for access, and that an additional fire hydrant will be required ([Attachment 7](#)).

Public Utilities

The water and sewer service come from York Street and the gas, electric and cable will be from Park Street. The “Grading and Utility Plan” ([Plan 4](#)) has recently been revised to show the electric line as overhead to address reflect the Engineering comments about inconsistency ([Attachment 3](#)). The original submission showed the connection as being underground and that proposal should be re-instated to comply with the Subdivision ordinance which requires all utilities to be underground. The Engineering Reviewers ([Attachments 3 and 6](#)) point out that an easement from the McCormick Place condominiums appears to be necessary to achieve this connection, and may also be necessary regarding the gas and cable feed.

Capacity letters have been received for water, sewer and gas- see [Attachment J](#).

Site Design Standards

Massing, Ventilation and Wind Impact

The proposed new building is 26 feet wide by 89 feet long and rises a total of approximately 40 feet. The architect has compared the proposed absolute heights with those of the existing building in a letter ([Attachment O](#)). The footprint is 20% larger than existing and the height ranges from 6-8.5 feet higher than the existing building at the west end. The east end is a new structure and has been designed to be about 10 feet higher ([Attachment O](#)).

The proposed building is 12.5 feet from the single family brick dwelling (no windows) to the west; 20 feet from the side elevation of Harborview Townhomes (decks and windows-to the east); and 43 feet (closest point) from the main wall of the 12 unit brick building to the south (decks and windows).

The applicable site plan standard is (14-526 (d) (1) b):

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 and not subject to a legal servitude in favor of the site being developed.

Historic Resources

The Site Plan ordinance includes a requirement for projects to be compatible with the character-defining elements of the portion of the historic district nearest the proposal. The proposal is about 65 feet from the West End Historic District, measured across the Harborview Townhomes site. The Historic Preservation Program Manager considered the proposals and notes that between this site and the core of the historic district there are relatively recent developments that are more modern in design and therefore this proposal is generally compatible.

Exterior Lighting

The proposal includes 4 ceiling lights with the parking area on the lowest level; the specification and resulting photometrics have been submitted in Attachment P. While this solution is preferable to pole lights, the photometrics show excessive light levels in the drive area located between the proposed building and the abutting lot. Some modification is required to bring the light levels into compliance with the Technical Standards.

No lighting has been proposed for the 90 foot long drive leading to York Street, and staff consider some lighting should be provided to address CPTED concerns while avoiding impacts on the adjacent apartment building.

D. DESIGN STANDARDS IN THE SITE PLAN ORDINANCE

R-6 Infill Development Design Principles and Standards

The applicant has submitted a narrative outlining how the proposed design addresses the R-6 design standards (Attachment E). Staff reviewed the narrative and the project and advised the applicant that:

Alex Jaegerman, Caitlin Cameron (Urban Designer) and I have reviewed the Narrative you submitted regarding the R-6 Design Principles and Standards. We generally consider that the proposals meet the principles and standards except regarding C-1 and F-6 (main entrance), where we recommend the central entrance at ground level be more strongly emphasized through the introduction of features such as transome windows, wider door, more robust canopy articulation. We would also like to know why one half of the building is higher than the other? (Attachment 1)

The applicant responded on 9.5.2013 and staff have not had an opportunity to consider the response, which includes:

“The entrance is deliberately understated. The design takes a minimal approach to this feature for it occupies no particular significance to a streetscape and acknowledges the rather private nature of these owner units and the structure’s juxtaposition to the surrounding buildings. The client’s intention is to create a more “loft” like environment. So, in keeping with the design theme, unnecessary embellishments run counter to the design intent” (Attachment O)

Multi-family and Other Housing Types Design Standard

This design standard also applies to this proposal is outlined in sections below with associated staff review comments:

(i) TWO-FAMILY, SPECIAL NEEDS INDEPENDENT LIVING UNITS, MULTIPLE-FAMILY, LODGING HOUSES, BED AND BREAKFASTS, AND EMERGENCY SHELTERS:

(1) STANDARDS. Two-family, special needs independent living units, multiple-family, lodging houses, bed and breakfasts, and emergency shelters shall meet the following standards:

a. Proposed structures and related site improvements shall meet the following standards:

1. The exterior design of the proposed structures, including architectural style, facade materials, roof pitch, building form and height, window pattern and spacing, porches and entryways, cornerboard and trim details, and facade variation in projecting or recessed

building elements, shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements;

Staff comment: The neighborhood is characterized by a variety of architectural styles and the proposed modern style is acceptable in principle.

2. The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements;

Staff comment: The proposal effectively is an enlargement of an existing building with some improvement to setbacks and an increase in bulk. It is not well integrated in terms of landscaping, particularly on the south side where the paved area abuts the neighbors fence.

3. Open space on the site for all two-family, special needs independent living unit, bed and breakfast and multiple-family development shall be integrated into the development site. Such open space in a special needs independent living unit or a multiple-family development shall be designed to complement and enhance the building form and development proposed on the site. Open space functions may include but are not limited to buffers and screening from streets and neighboring properties, yard space for residents, play areas, and planting strips along the perimeter of proposed buildings;

Staff comment: All 6 of the new units will have balconies.

4. The design of proposed dwellings shall provide ample windows to enhance opportunities for sunlight and air in each dwelling in principal living areas and shall also provide sufficient storage areas;

Staff comment: This standard appears to be met.

5. The scale and surface area of parking, driveways and paved areas are arranged and landscaped to properly screen vehicles from adjacent properties and streets;

Staff comment: The parking is located underneath the units and partially screened, although there are no “garage doors”. The interior lighting over the parked cars will highlight this area, and headlights from vehicles maneuvering in the drive/parking aisle will be visible for properties on three of the boundaries. Solid fencing (possibly just for the lower part of the fence) and buffer planting or additional screening (eg “green wall”) is considered necessary (see City Arborist comments in Attachment 8) and requires further consideration.

VI NEXT STEPS

The final submission will need to include:

- Subdivision Plat with revisions to address staff comments
- Provision of turning templates to allow assessment of adequacy of parking space access/circulation
- Increased screening of parking lot area and landscaping along boundaries
- Modified and additional lighting to address technical and CPTED standards
- Revisions to address the all review comments
- Further discussion regarding design review
- Clarification regarding necessary easements

[Attachments next page]

ATTACHMENTS:

Attachments to Memorandum

1. Staff e-mail prelim review comments 8.22.2013
2. Traffic Engineering Review comments 8.23.2013
3. Engineering Review comments 8.27.2013 as updated 9.6.2013
4. Zoning comments 8.30.2013
5. Staff e-mail update 8.30.2013
6. DPS (David Margolis-Pineo) comments 9.5.2013
7. Fire Department comments 9.6.2013
8. City Arborist comments 9.6.2013

Applicant's Submittal

- A. Cover Letter and Application 7.24.2013
- B. Project Description
- C. Right, title and Interest
- D. Draft condominium documents
- E. Narrative re Design Principals and Standards
- F. Building code summary
- G. Financial Capability letter
- H. Technical Capability information
- I. Neighborhood meeting Information
 - a. May 17, 2013 meeting
 - b. August 30, 2013
- J. Utility letters of capacity
- K. Construction Plan
- L. Stormwater management Report June 19, 2013
- M. Letter Pinkham and Greer re trees and Fire code 8.22.2013
- N. Letter Pinkham and Greer response to staff comments 9.3.2013
- O. Letter HKTA architects re design and height 9.5.2013
- P. Lighting specifications and photometrics

Plans

1. Boundary Survey
2. Site Plan
3. Existing Conditions and Demolition Plan
4. Grading and Utilities Plan
5. Erosion Control and Landscape Plan
6. Neighborhood Plan
7. Details
8. Details
9. Details
10. Tree Filter Detail
11. Drainage analysis
12. To 16. Floor plans
17. To 19. Elevations

Jean Fraser - 133 York Street- Site Plan review update

From: Jean Fraser
To: Tom Greer
Date: 8/22/2013 5:35 PM
Subject: 133 York Street- Site Plan review update
CC: Barhydt, Barbara

Tom

I have not received all of the formal review comments and decided that a formal review letter would not be very helpful at this stage. Therefore I am writing to highlight several issues that have been raised and which will be discussed in more detail at the Development Review meeting next week.

Zoning: This project is subject to site plan review under the R-6 zoning requirements and is not considered a "small residential lot development" for the purposes of the zoning review. It is subject to the R-6 Design Principles and Standards as it is a "Multiple family and multiplex development in the R6 zone on lots of 10,000 square feet or less" (14-526) and a subdivision in respect of the six residential units and will be reviewed by the Planning Board.

Under the R-6 zoning there is an open space requirement and I am not sure if the project meets this; Marge Schmuckal is making a determination on this and Barbara Barhydt will forward her comments when they are available.

Design Review: Alex Jaegerman, Caitlin Cameron (Urban Designer) and I have reviewed the Narrative you submitted regarding the R-6 Design Principles and Standards. We generally consider that the proposals meet the principles and standards except regarding C-1 and F-6 (main entrance), where we recommend the central entrance at ground level be more strongly emphasized through the introduction of features such as transome windows, wider door, more robust canopy articulation. We would also like to know why one half of the building is higher than the other?

Access: Preliminary concerns from Tom Errico, the Traffic Engineering Reviewer (which covers pedestrian safety and parking) are (he may have further comments):

- There needs to be a dedicated pedestrian walkway from the York Street sidewalk to the front entrance;
- He would like to see turning templates to show that cars can get in and out of the parking spaces so they can exit going forward (ie the parking spaces at the north east end).

Landscaping & Fire: Thank you for the information you sent today which has been forwarded for review to Jeff Tarling and Chris Pirone respectively.

Stormwater: I have received confirmation that the approach you have taken is OK and there will be a few minor comments.

I will return to the office on Sept 3 (tuesday) and in my absence please contact Barbara Barhydt (874 8699) who will be coordinating in my absence.

Jean Fraser - 133 York Street

From: Tom Errico <thomas.errico@tylin.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 8/23/2013 10:27 AM
Subject: 133 York Street
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>

Jean – I have reviewed the application materials and offer the following preliminary comments.

- Access and egress movements into the garages appear difficult given the narrow pavement area. The applicant shall provide turning template graphics for a standard passenger car illustrating the ability of vehicles to adequately circulate on-site.
- Pedestrian movements between the proposed building and York Street should be considered. I would note that I am flexible in the width of the driveway given the size of the development and accordingly a reduction would be acceptable. The City's Technical Standards permit a driveway width of between 10 and 20 feet (it is preferred that the width allow for two vehicles to pass each other particularly at York Street – so I would suggest 16 feet is the minimum width).

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"

Please consider the environment before printing.

Attachment 3.1

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E.
DATE: August 27, 2013
RE: 133 York Street – 6 Unit Residential Building, Level III Site Plan

first review comments

Woodard & Curran has reviewed the Level III Site Plan Application for the proposed 6 unit residential building located at 133 York Street in Portland, Maine. The project consists of replacing an existing 2 unit building with a 6 unit building, along with associated site improvements, landscaping, and utility connections. The project will result in a net increase in impervious area of 3,652 SF.

Documents Provided By Applicant

- Final Level III Site Plan Application and attachments dated July 24, 2013, prepared by Pinkham & Greer Consulting Engineers.
- Engineering Plans, Sheets C1.1 – 1.5, C2.1 - 2.4, and D1.1, dated July 24, 2013, prepared by Pinkham & Greer Consulting Engineers.

Comments

- 1) In accordance with Section 5 of the City of Portland Technical Manual, a Level III development project is required to submit a stormwater management plan pursuant to the regulations of Maine DEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. We have reviewed these standards relative to the proposed project and offer the following comments:
 - a) Basic Standard: Plans, notes, and details have been provided to address erosion and sediment control requirements, inspection and maintenance requirements, and good housekeeping practices in general accordance with Appendix A, B, & C of MaineDEP Chapter 500. In addition to the notes and details contained on the plans, consider adding a temporary stabilization measure within the shallow swale on the east edge of the driveway.
 - b) General Standard: The Applicant has proposed a stormwater tree well to treat runoff from an impervious area in excess of the proposed new impervious area; the approach meets the intent of the General Standards. The Applicant should provide calculations on the sizing and design of the tree filter system, and clarify the system dimensions on Tree Filter detail sheet.
 - c) Flooding Standard: The project will result in a net increase in impervious area of 3,652 SF, resulting in an increase in the volume and rate of stormwater discharge from the site. The Applicant proposes to collect and route much of the stormwater from the site (and from uphill areas that drain onto the site) into the City's closed drainage system in York Street. As such, the project will result in a net reduction of stormwater runoff onto the neighboring properties. The Applicant should confirm with DPS that the existing storm drain system in York Street has adequate capacity to accept drainage from the site. If acceptable to DPS, the Applicant must request a waiver from the Flooding Standard for the current design. A waiver from the Flooding Standard appears to be appropriate for this project, as the increase in impervious area is relatively insignificant and the project will provide an improved drainage condition for the neighboring downhill properties.
- 2) Please confirm that POA#2 on the "Proposed Conditions" depicted on D1.1 is not intended to indicate runoff onto the Harborview Development parcel.
- 3) Storm drain and sewer pipe in the City Right of Way must conform to City Standards (refer to Section 2.5.2 of the City of Portland Technical Manual).



- 4) Provide additional information related to the roof drain connection to the treewell filter and the treewell filter connection to the site's storm drain system (provide pipe sizes, invert elevations, and detail the connections to the tree filter).
- 5) Proposed topography on C1.3 indicates that a portion of the drainage from uphill lots will be routed directly along the west building wall, please review the grading in this area.
- 6) Note 3 on C1.1 states that "All Powerline Utilities Shall Be Overhead"; however, a note on C1.3 indicates an underground connection from the utility pole at the rear of the building; please clarify. In addition, it appears that an easement will be required from McCormick Place Condominium for this underground utility connection.
- 7) A modular block retaining wall system is proposed along the property line on the west side of the site. It appears that an easement or temporary construction access agreement will be required from the Gilman-Flint and the Wallingford properties. The wall should be designed by a professional engineer. If the stamped design of the retaining wall system will be performed by the retaining wall manufacturer, a note should be added to the detail indicating this requirement.
- 8) The Stormwater Management Plan should include a stormwater inspection and maintenance plan developed in accordance with and in reference to Chapter 32 of the City of Portland Code of Ordinances.

3.3

MEMORANDUM



TO: Jean Fraser, Planner
FROM: David Senus, P.E.
DATE: September 6, 2013
RE: 133 York Street – 6 Unit Residential Building, Level III Site Plan; Response to Comments

*second review comments
on plans in memo.*

Woodard & Curran has reviewed the response to comments letter from Pinkham & Greer dated September 3, 2013, along with the associated attachments. The following comments are listed in the order of our original memorandum, dated August 27, 2013, and in response to the letter from Pinkham & Greer dated September 3, 2013.

Documents Provided By Applicant

- Response to Comments Letter dated September 3, 2013, prepared by Pinkham & Greer Consulting Engineers.
- Engineering Plans, Sheets C1.1, C1.3, C1.4, C2.2, REV dated September 3, 2013, prepared by Pinkham & Greer Consulting Engineers.

Comments

- 1) Basic General and Flooding Standards:
 - a. Comment adequately addressed.
 - b. Please provide design calculations or verification from the manufacturer confirming that the 4x6 tree filter unit, as proposed, is sized and designed to accommodate the water quality storm event for the contributing land area.
 - c. No additional comments; DPS to confirm that storm drain in York Street has adequate capacity to serve the project drainage.
- 2) Comment adequately addressed.
- 3) It appears that PE N12 pipe is still proposed for the storm drain connection within the City ROW. This is not a City Standard pipe material; please revise to meet City Standards as listed under 2.5.2 of the City of Portland Technical Manual.
- 4) Comment adequately addressed.
- 5) Comment adequately addressed.
- 6) Power and telecommunications connections to the building are required to be underground; we anticipated that an easement will be required from McCormick Place Condominium for this underground utility connection.
- 7) Comment adequately addressed.
- 8) We will review when additional information is submitted.

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2013-187
Date: 9/5/2013

Comments Submitted by: Marge Schmuckal/Zoning on 8/30/2013

This project is to demolish an existing (abandoned) two family dwelling and to replace it with a 6 residential condominium. The project is in the R-6 zone and uses the regular R-6 zone dimensional requirements. However, because the existing building is on the existing rear property line, the rebuild is able to be moved forward and use section 14-433 to allow building additions to be within 5' of the side and rear line for buildings existing as of July 19, 1988. The existing building was present well before that date. The required front setback is being met.

The building height is being met (under 45'). However, the dimensions are being shown to the joist bering and not to the top of the joist as required by definition. I would like to see revised drawing that show the building height from grade (or average grade) to the top of the roof beam.

The open space ratio of 20% is being met at 25.56% per the information given. The 50% lot coverage is being met. 6 parking spaces are being met.

Separate permits are required for the demolition and new construction.

It is noted that the minimum 40' street frontage requirement is not being met at 27.2 feet. However, this lot is already developed and is legally nonconforming for the street frontage. They will not lose that street frontage legal nonconformity unless the present building is demolished and then no work to rebuild begins after one year.

Marge Schmuckal
Zoning Administrator

Jean Fraser - RE: FW: 13105-133 York Street

From: Barbara Barhydt
To: Greer, Tom
Date: 8/30/2013 1:22 PM
Subject: RE: FW: 13105-133 York Street
CC: Benn, Jeremy; Flynn, Joe; Fraser, Jean

Hi Tom:

I just received Marge Schmuckal's comments as follows:

This project is to demolish an existing (abandoned) two family dwelling and to replace it with a 6 residential condominium. The project is in the R-6 zone and uses the regular R-6 zone dimensional requirements. However, because the existing building is on the existing rear property line, the rebuild is able to be moved forward and use section 14-433 to allow building additions to be within 5' of the side and rear line for buildings existing as of July 19, 1988. The existing building was present well before that date. The required front setback is being met.

The building height is being met (under 45'). However, the dimensions are being shown to the joist bering and not to the top of the joist as required by definition. I would like to see revised drawing that show the building height from grade (or average grade) to the top of the roof beam.

The open space ratio of 20% is being met at 25.56% per the information given. The 50% lot coverage is being met. 6 parking spaces are being met.

Separate permits are required for the demolition and new construction.

It is noted that the minimum 40' street frontage requirement is not being met at 27.2 feet. However, this lot is already developed and is legally nonconforming for the street frontage. They will not lose that street frontage legal nonconformity unless the present building is demolished and then no work to rebuild begins after one year.

Marge Schmuckal
Zoning Administrator

>>> "Tom Greer" <TGreer@pinkhamandgreer.com> Friday, August 30, 2013 9:37 AM >>>

Hi Barbra,

Thanks for the review comments. I'll coordinate with Jean next week with a response. Have a great weekend.

Tom Greer

Pinkham and Greer, Consulting Engineers
207-781-5242 voice, 207-781-4245 fax
tgreer@pinkhamandgreer.com

From: Barbara Barhydt [mailto:BAB@portlandmaine.gov]
Sent: Friday, August 30, 2013 9:04 AM
To: Tom Greer

Date: September 5, 2013

Memo To: Jean Fraser
Barbara Barhydt
From: David Margolis-Pineo
Re: Development Review Comments for 133 York St.

The Department of Public Services has the following comments.

1. Add general note to plans the "All work within the road right of way shall meet City of Portland Technical Manual standards." N-12 drain pipe is not a pipe material which the City allows within the road right of way. SDR-35 is allowed.
2. Survey Comments:
 - a. Please provide State Plane Coordinates and pins, if not present, at all corners
 - b. Survey plan is required to be stamped by a registered land surveyor
 - c. Provide bearing on lines along York St to monument.
3. This location is not in the Historic District therefore the driveway apron material is required to be asphalt and not brick as proposed.
4. Electrical feed is required underground to the site. Current electrical, gas and cable feeds come from Park St. Do easements exist? What are the limits of the underground electric feed? From Park St?

We have no further comments at this time.

Attachment 7

Jean Fraser - Re: 133 York- need comments today please

From: Chris Pirone
To: Jean Fraser
Date: 9/6/2013 8:42 AM
Subject: Re: 133 York- need comments today please

Presently, it is work in progress.

The Design Professional is appears to be accommodating to meet all applicable fire codes.

Fire needs

1. 20' access for fire fighting operations to and in front of the sprinkled structure.
2. FDC on York St. due to structure being set more than 100' from nearest hydrant.

Captain Chris Pirone
Portland Fire Department
Fire Prevention Bureau
380 Congress Street
Portland, ME 04101
(t) 207.874.8405
(f) 207.874.8410

 Please consider the environment before printing this email.

>>> Jean Fraser 9/5/2013 2:25 PM >>>

Hi

I am completing the PB memo on this project today and would be grateful if you could send me any comments as soon as possible.

thanks
Jean

Jean Fraser - Re: 133 York comments needed urgently please

From: Jeff Tarling
To: Jean Fraser
Date: 9/6/2013 1:56 PM
Subject: Re: 133 York comments needed urgently please
CC: David Margolis-Pineo
Attachments: Portland Recm. Tree List.xls

Hi Jean -

I have reviewed the landscape plans for 133 York Street and offer the following review comments:

Landscape & Buffering:

Due to the lot shape & size the 133 York Street site is unusually "challenged" in regards for 'green space', buffering and landscape improvements, particularly for an established residential neighborhood.

Recommendations: Additional buffering between the proposed project and brick residential property next door should be a requirement condition. The proposed projects driveway and parking is next to their backyard living space, patio & green space. Additional screening in the form of a 'green wall' and / or two to three columnar trees to be planted on the adjacent property would improve.

See green-wall examples: <http://www.greenscreen.com/home.html>

A 'green-wall' in the patio area near the corner and two trees in the lawn? Understanding the proposed project

is limited in space and need to be in agreement with the neighboring property to be successful in the tree planting aspect of this condition.

Additional buffering / landscape treatment condition #2 - the left side of the driveway at York Street for the first

40' (area of hash marks on plan) landscape planting or fencing to screen the side yard of the existing residential property next door. The landscape planting should provide screening or buffering as not to adversely affect the existing use next door. (I noted a small seating area on the lawn existing currently)

Tree Types - ALL trees should be from the City of Portland recommended list, (Little-leaf Linden is no longer on our recommended list). Suggestions might include: 'Karpick' or 'Red Point' Red Maple, 'Armstrong' Red Maple, the first two are a little less columnar the Armstrong, European

Hornbeam, upright Pin Oak also would work, this is the same for the lawn area trees above if needed.

Tree Saves - Tree protection measures should be included in the final plan and in the field as part of the preconstruction meeting. 'Tree Save' / protection for the root zone of the large Willow tree off site might include fencing if needed, see: http://www.treesaregood.com/treecare/avoiding_construction.aspx

The existing American Elm near the SW corner is next to a large Norway Maple - unknown if this can be saved.

It appears to be near the property line and would need to be limbed up for construction. Elm trees should only be pruned during the dormant season to reduce Dutch Elm Disease as fresh cuts attract Elm Bark Beetles.

Relocated Plants - While it is great to try to save existing plants 99% of the time it is unsuccessful due to timing, transplant shock, storage etc during project time line. Thus, all plants shown as to be relocated must be included as new plants and included into the performance guarantees in case the transplants are not successful.

Cobblestone or granite paver driveway & sidewalk - These existing features could add some historic interest to the site and should be considered for saving & reuse. Our HP office & Public Services can offer suggestions.

With some creativity and attention to these suggestions the landscape plan could help the project fit into the existing residential neighborhood with reduced impact.

Jeff Tarling