

# CITY OF PORTLAND, MAINE

---

## PLANNING BOARD

Elizabeth Boepple, Chair  
Sean Dundon, Vice Chair  
Carol Morrissette  
David Eaton  
Kristien Nichols  
Lisa Whited  
Maggie Stanley

April 3, 2017

York Street Redevelopment, LLC  
Attention: Michael Cianchette  
42 Market Street  
Portland, ME 04107

William Savage  
Acorn Engineering  
158 Danforth Street  
Portland, ME 04101

Project Name: Eleven-Unit Condominium  
Address: 161 York Street  
Applicant: York Street Redevelopment, LLC  
Planner: Shukria Wiar

Project ID: 2016-261  
CBL: 044 B006001

Dear Mr. Cianchette:

On March 28<sup>th</sup>, 2017, the Planning Board considered an eleven-unit urban infill development at 161 York Street near the Casco Bay Bridge and State Street. The proposed 11,046 SF development includes a five-story multifamily building with parking at two different levels, as well as surface parking spaces. The Planning Board reviewed the proposal for conformance with the standards of the Conditional Use Review for Inclusionary Zoning, Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted 4-3 (Boepple, Morrissette, Stanley opposed) to approve the application with the following waivers and conditions as presented below.

### A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings to the Ensure Workforce Housing and recommendations contained in the Planning Board Report, relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board voted unanimously (7-0) to find the proposed conditional use for workforce housing does meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall pay a contribution of \$110,000 into the City's Housing Trust Fund prior to the issuance of a certificate of occupancy.

### B. WAIVERS

1. The Planning Board voted unanimously (7-0) to waive the *Technical Manual* standard (*Section 1.14*) to allow a 23.39-foot-wide aisle in the lower-level parking garage;

2. The Planning Board voted 5-2 (Boepple and Stanley opposed) to waive the *Technical Manual* standard (Technical Manual Section 1.7.2.7) to allow a separation of 54 feet between the new driveway and the existing driveway on the westerly side of the parcel.

#### **C. SUBDIVISION REVIEW**

The Planning Board voted 6-1 (Boepple opposed) to find that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

1. Requiring that the draft Condominium Association documents address staff comments and be finalized to the satisfaction of the Associate Corporation Counsel; and
2. The applicant shall initiate the formation of a Road Association pursuant to 23 MRS section 3101 to establish a statutory all season maintenance plan for Guilford Court, or a similar shared maintenance agreement, or a commitment to provide the above maintenance by the applicant until such Road Association or agreement is formally established prior to the issuance of a building permit, each to be reviewed and approved by the Planning Authority and Corporation Counsel.
3. The applicant will close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to Technical Manual, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.

#### **D. SITE PLAN REVIEW**

The Planning Board voted 4-3 (Boepple, Morrissette, Stanley opposed) to find that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

1. The applicant shall provide a revised construction management plan, including the details regarding safe pedestrian detours and ADA compliance sidewalk as requested by the city's consulting traffic engineer;
2. That the applicant shall provide a stormwater maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.
3. The applicant shall close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to Technical Manual, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.
4. The applicant shall initiate the formation of a Road Association pursuant to 23 MRS section 3101 to establish a statutory all season maintenance plan for Guilford Court, or a similar shared maintenance agreement, or a commitment to provide the above maintenance by the applicant until such Road Association or agreement is formally established prior to the issuance of a building permit, each to be reviewed and approved by the Planning Authority and Corporation Counsel.

5. The applicant shall work with the City Arborist to address the comments in his memo dated 2.24.2017.
6. A photometric plan shall be reviewed and approved by the Planning Authority.
7. The applicant has demonstrated that site constraints prevent the planting of all required one street tree per unit for multi-family development in the right-of-way, therefore the applicant shall contribute \$800 for four street trees to Portland's tree fund.

The approval is based on the submitted plans and the findings related to site plan and subdivision review standards as contained in Planning Report for application 2016-261 which is attached.

#### **STANDARD CONDITIONS OF APPROVAL**

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

1. **Subdivision Recording Plat** A revised recording plat listing all conditions of subdivision approval must be submitted for review and signature prior to the issuance of a performance guarantee. The performance guarantee must be issued prior to the release of the recording plat for recording at the Cumberland County Registry of Deeds.
2. **Subdivision Waivers** Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice and the plan or notice must be recorded in the Cumberland County Registry of Deeds within 90 days of the final subdivision approval).
3. **Develop Site According to Plan** The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Modification of any approved site plan or alteration of a parcel which was the subject of site plan approval after May 20, 1974, shall require the prior approval of a revised site plan by the Planning Board or the Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.
4. **Separate Building Permits Are Required** This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Inspection Division.
5. **Site Plan Expiration** The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.
6. **Subdivision Plan Expiration** The subdivision approval is valid for up to three years from the date of Planning Board approval.
7. **Performance Guarantee and Inspection Fees** A performance guarantee covering the site improvements as well as an inspection fee payment of 2.0% of the guarantee amount and 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 subdivision plat for recording at the Cumberland County of Deeds, and prior to the release of a building permit, street opening permit or certificate of occupancy for site plans. If you need to make any modifications to the approved plans, you must submit a revised site plan application for staff review and approval.

8. **Defect Guarantee** A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.
9. **Preconstruction Meeting** Prior to the release of a building permit or site construction, a pre-construction meeting shall be held at the project site. This meeting will be held with the contractor, Development Review Coordinator, Public Service's representative and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan. The site/building contractor shall provide three (3) copies of a detailed construction schedule to the attending City representatives. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.
10. **Department of Public Works Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
11. **As-Built Final Plans** Final sets of as-built plans shall be submitted digitally to the Planning Division, on a CD or DVD, in AutoCAD format (\*.dwg), release AutoCAD 2005 or greater.
12. **Mylar Copies** Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to the Public Services Dept. prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to date required for final site inspection. The Development Review Coordinator can be reached at the Planning Division at 874-8632. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Shukria Wiar at 756-8083 or email at [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov)

Sincerely,



Elizabeth Boepple, Chair  
Portland Planning Board

**Attachments:**

1. City Arborist memorandum, Jeff Taring dated 2.24.2017
2. Planning Board Report
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

**Electronic Distribution:**

cc: Jeff Levine, AICP, Director of Planning and Urban Development  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
Philip DiPierro, Development Review Coordinator, Planning

C:\Users\JMY\Favorites\Downloads\Approval Letters to be signed\York St. - 161 (PB) 3-28-17.doc

Mike Russell, Director of Permitting and Inspections  
Ann Machado, Zoning Administrator, Inspections Division  
Jonathan Rioux, Inspections Division Deputy Director  
Jeanie Bourke, Plan Reviewer/CEO, Inspections Division  
Chris Branch, Director of Public Works  
Katherine Earley, Engineering Services Manager, Public Works  
Bill Clark, Project Engineer, Public Works  
Doug Roncarati, Stormwater Coordinator, Public Works  
Greg Vining, Associate Engineer, Public Works  
Michelle Sweeney, Associate Engineer, Public Works  
John Low, Associate Engineer, Public Works  
Jane Ward, Administration, Public Services  
Rhonda Zazzara, Field Inspection Coordinator, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Public Works  
Keith Gautreau, Fire Department  
Victoria Morales, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Christopher Huff, Assessor  
Approval Letter File



Shukria Wiar &lt;shukriaw@portlandmaine.gov&gt;

---

## 161 York Street

---

Jeff Tarling &lt;jst@portlandmaine.gov&gt;

Fri, Feb 24, 2017 at 12:54 PM

To: Shukria Wiar &lt;shukriaw@portlandmaine.gov&gt;

Hi Shukria -

161 York Street Landscape Review -

The revised landscape plan for this project has been improved from the original concept plan.

**Street trees** - the project proposes to plant 5 'Armstrong' Red Maple trees along or near the York Street frontage. This selection is consistent with the same species planted nearby and has an upright shape to fit into the tight vertical space. Alternative tree types would include: "Bowhall" Red Maple, 'Regal Prince' Upright Oak, The placement of two center trees could impact the balconies that slightly project out from the building just above the tree location. The project may consider a lower growing upright tree like European Hornbeam or Magnolia in these two locations to perhaps reduce future tree topping of the taller 'Armstrong' Red Maple. There are two additional "Armstrong" Red Maple located on the left side of the York Street frontage.

**Condition recommendation** - a raised boarder should be installed to protect the four trees and landscape area along York Street, this could be granite, concrete - something that can protect the planting space from winter snowplowing and deicing materials along with discouraging foot traffic.

**Landscape Areas** - the project site boarder on the Northwest side corner includes a 6' stockade fence which will help define the property edge and provide screening and privacy for the site. Within the sidelines landscape ornamental switch grass is proposed which will add seasonal interest and low maintenance approach. The back parking area is screened also with a fence and 6 Red Cedar trees, these are shown as 5 gallon size but should be up-sized to 4-5' height size to be effective screening in the near future. The landscape plan shows an additional five Red Cedar trees closer to the building near the parking area, while this could work as additional screening, there are other varieties of plants like Dogwood, Stewartia, Magnolia, 'Little King' River Birch that would provide greater ornamental characteristics. It might be nice for future residents to enjoy something that might have flowers or interesting bark to add interest to the site. 'Cape Cod' type bituminous curbing, or similar, is recommended to provide definition between the paved surface and landscape area. Tree sizes on the "Armstrong" Red Maple are shown at 3" caliper, in tight conditions like this project a slightly smaller 2", or 2 - 2.5" tree with a smaller root ball might work to an advantage with adapting to the site and fitting the rootball into the planting space.

**Existing Veg** - The project shows "6" unknown plantings to remain. These plants should be protected by construction fencing and if lost during site work, replaced with similar plant mass. Existing Norway Maple trees at the Northwest or back edge are shown to be removed. Due to the species type (invasive) and location this is a recommended treatment.

Overall the revised landscape treatment for the 161 York Street project is improved, a few tree types adjustments or improvements could add greater interest.

Jeff Tarling

Jeff Tarling  
City Arborist - City of Portland Maine  
Parks, Recreation & Facilities Dept  
212 Canco Road  
Portland, ME. 04103  
(207) 808-5446  
[jst@portlandmaine.gov](mailto:jst@portlandmaine.gov)

[Quoted text hidden]



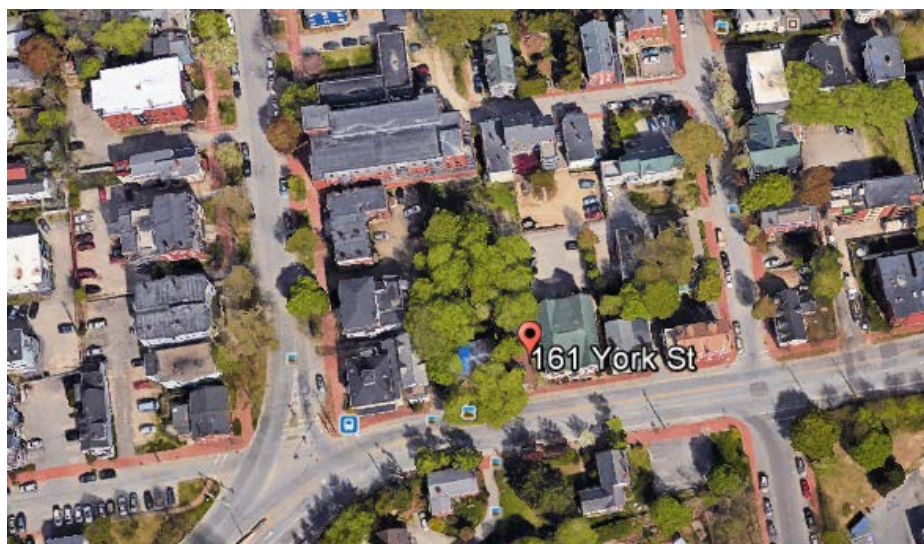
## PLANNING BOARD REPORT Amended for March 28th Hearing PORTLAND, MAINE

Eleven-Unit Condominium Building  
161 York Street  
Subdivision and Level III Site Plan  
2016-261  
York Street Development LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: Tabled to March 28, 2017	Prepared by: Shukria Wiar, Planner Date: March 24, 2017
--	--

### I. INTRODUCTION

York Street Development LLC has requested a preliminary Level III site plan and subdivision review of an eleven-unit urban infill development at 161 York Street near the Casco Bay Bridge and State Street. The proposed 11,046 SF development includes a five-story multifamily building with parking at two different levels, as well as surface parking spaces. The site will be accessed from York Street and Guilford Court. The vacant lot was previously occupied by two 2-story residential buildings that have recently been demolished. The site is within the R-6 zone and within 100 feet of the West End Historic District.



The applicant requested a review and the Planning Board considered the preliminary submission at a Workshop on January 17, 2017. The Board held a public hearing on this item on February 28, 2017 and tabled it to a date certain to address their concerns. The project is subject to review for conformance with the Subdivision and Site Plan ordinances of the Land Use Code. Since the project is over ten units, it will have to meet the standards of Inclusionary Zoning. The developer intends to meet the inclusionary requirements by paying the required workforce contribution to the City.

A total of 193 notices were sent to property owners within 500 feet of the site and a legal ad ran on February 20<sup>th</sup> and 21<sup>st</sup>, 2017. There were four public comments that have been received by the Planning Office, see [Attachment 5](#).

**Applicant:** Michael Cianchette of York Street Development LLC

**Consultants:** Will Savage, Acorn Engineering; Mark Mueller, Mark Mueller Architects; James Mullen, Spurwink Surveying LLC

### II. REQUIRED REVIEWS

<b>Waiver Requests</b>	<b>Applicable Standards</b>
Drive Aisle width – To allow a 23.39’ foot aisle in the parking area. <u>Staff Comments:</u> The review staff recommends waiving this standard.	Technical Manual, <i>Section 1.14</i> , requiring that aisle width for right-angle parking be 24 feet per Figure I-27
Location and spacing of driveways- To allow driveway spacing of 54 feet.  <u>Staff Comments:</u> Staff supports a waiver for driveway separation between the proposed driveway and the driveway to the west, given site parking characteristics and that backing maneuvers are not required.	Technical Manual <i>Section 1.7.2.7</i> Location and spacing of driveways <i>shall be determined as follows: Along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria of 100 feet for 25 mph</i>
<b>Review</b>	<b>Applicable Standards</b>
Site Plan	<i>Section 14-526</i>
Subdivision	<i>Section 14-497</i>
Workforce Housing Inclusionary Zoning	<i>14-484 (Applicant is required to have one unit; applicant will make a contribution)</i>

**III. PROJECT DATA**

Existing Zoning	Residential R-6
Existing Use	Residential
Proposed Use	Residential
Proposed Development Program	11 residential units
- Bedroom Mix	9 two-bedroom units, 2 three-bedroom units
Parcel Size	11,064 SF
Proposed Parking	22 spaces

	<i>Existing</i>	<i>Proposed</i>	<i>Net Change</i>
Building Footprint	2,039 SF	4,104 SF	3,050 SF
Building Floor Area	4,038 SF	12,312 SF	11,258 SF
Impervious Surface Area	3,271 SF	7,370 SF	-2,994 SF
Parking Spaces (on site)	3	20 (eight required)	19
Bicycle Parking Spaces	0	4 internal	4
Estimated Cost of Project	\$4,900,000		

**IV. BACKGROUND & EXISTING CONDITIONS**

The proposed project site is located on York Street in proximity to State Street and the Casco Bay Bridge. The site was occupied by two structures, a single family and two-family house, which were demolished in early 2016.

The uses surrounding the site are mostly residential, including large three to four-story multifamily housing. To the north of the site is Harborside Apartments, which is a twenty-seven unit residential development; to the south, across York Street, is the historic landmark

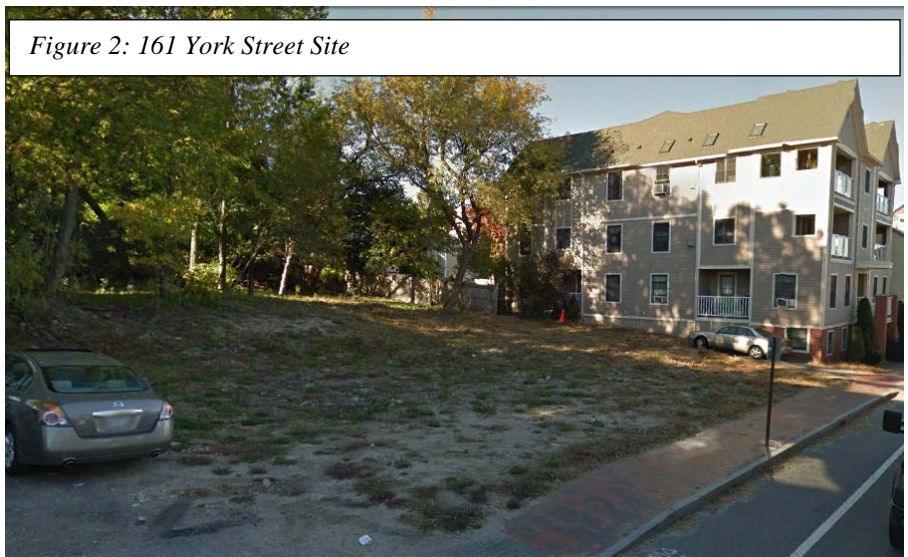


Figure 2: 161 York Street Site



Nathaniel Dyer House. To the west of the property is a three-story multifamily structure, which is where the West End historical district starts. This site is not in the Historic District, but it is within 100 feet, therefore the Historic Preservation staff provides an advisory review of the project. The site is separated by two properties from State Street on the west. To the east of the property is an eight unit multifamily development that is accessed at the rear of the property through Guilford Court.

The Planning Board members at the February public hearing supported the proposed location of the new building but noted there were a number of concerns listed below and staff has worked with the applicant to address these concerns:

- **Condominium Documents:** The Board wanted the condominium documents to be revised to clarify the responsibility for maintenance of Guilford Court, snow removal, trash removal, and maintenance of stormwater management plan. The Board also wanted the applicant to prepare a neighborhood maintenance agreement for Guilford Court, possibly working with the adjoining neighbors on a mutual agreement;

**Staff Comments:** The applicant has revised the condominium declaration to reflect and clarify the responsibility for maintenance of Guilford Court, snow removal, trash removal, and maintenance of the stormwater management facilities. In regard to a neighborhood maintenance agreement for Guilford Court, the applicant has brought to the City's attention that a new Maine road association statute was passed in October 2016. The applicant wants to utilize this law to establish a road association for the private street. In order to create the association, three or more owners of parcels that access the street are needed to participate in the association. According to the applicant, he has been working with the parcel owners who access the private way. Victoria Morales, Corporation Counsel, has recommended a condition of approval:

*The applicant shall participate in any Road Association formed pursuant to 23 MRS § 3101 to establish a statutory all season maintenance plan for Guilford Court and prior to the Certificate of Occupancy shall confirm with the Planning Division the status of the Road Association.*

- **Exterior Design:** The Board recommended that the applicant revise the design details i.e. changing material of the pergola to metal and the balcony reveal to be 12" of the proposed building;

**Staff Comments:** The applicant has now proposed a 12" recess at the middle of the front façade. According to the applicant's architecture, the reveal with the balconies need to stay at 4" given the structural components to support the deck. The pergola material at the main building entrance has changes to metal. Caitlin Cameron, Urban Designer, reviewed the changes and finds them acceptable, [Attachment 4](#).

- **Curb Cut on York Street:** The Planning Board and traffic engineer sought eliminate all potential backing maneuvers from York Street due to safety concerns. The Board sought to have the applicant close the existing curb cut on York Street to the east of the site and to reduce the parking spaces on the lower level garage by at least by two spaces to enable vehicles to turn and go forward from the garage;

**Staff Comments:** Two of the parking spaces in the lower level garage have been eliminated, so vehicles can now maneuver within the garage and do not have to back onto York Street. The site plan now shows the curb cut on the east side closed and replaced with brick sidewalk and granite curbing. Tom Errico, Consultant Traffic Engineer has reviewed the revised plans and finds them acceptable.

Victoria Morales, Corporation Counsel, has recommended a condition of approval pertaining to the curb cut:

*The applicant will close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to Technical Manual, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.*

- Re-adjust the fence location on the site plan.

Staff Comments: The revised site plan shows a fence at the rear property that wraps around the westerly corner of the property and up to the building.

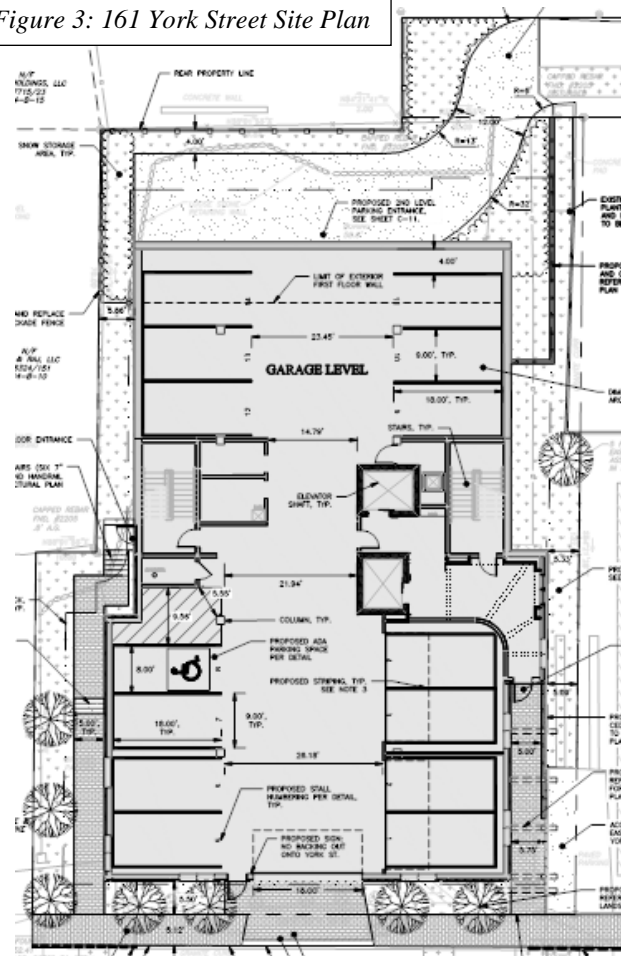
**V. PROPOSED DEVELOPMENT**

The development is proposed as a residential project with frontage on York Street. The lot abuts Guilford Court at the rear of the site. The project will consist of a five-story multifamily building. The new eleven units will be orientated to York Street, with vehicular accesses from York Street and Guilford Court. Nine of the units will be two-bedroom and two will be three-bedroom.

Parking for twenty (20) vehicles is to be proposed on-site with a total of two driveway accesses from York Street and Guildford Street, which is a private street. The five-story building will feature a two-level parking garage: sixteen spaces on the lower level (basement, which will have access via a new curb cut off of York Street; and four spaces on the first-floor garage, which will have access from Guilford Street. Two surface parking spaces are proposed off Guilford Court. The existing curb cut off York Street, on the westerly side of the parcel, will be eliminated. The applicant is proposing landscaping and a brick walkway to the secondary access to the building at this area.

Pedestrian access to the site will be provided off York Street with two internal walkways to a main and side entrance. The main entrance to the building is now set back approximately 35 feet (in the preliminary plan, it was 45') from the front property line and the second entrance is about 55 feet. New brick sidewalks and street trees are proposed on York Street.

Figure 3: 161 York Street Site Plan



**VI. PUBLIC COMMENT**

As of the writing of this report, one additional written public comments have submitted since the workshop. The main concern of these comments was building height, snow removal and the utilization of the private way, Guilford Court.

A Neighborhood Meeting is required for this project and the applicant has confirmed that the neighborhood meeting was held on December 12, 2016, see Attachment S.

**VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY**

a. The owner of the property is York Street Redevelopment LLC. The applicant has provided a copy of a warranty deed, recorded at the Cumberland County Registry of Deeds (Book 32580 Page 187), which demonstrates their right, title and interest in the property.

The applicant is proposing to utilize a private way, Guilford Court, as a second means of access to the site. Guilford Court is considered by the City of Portland DPW Engineering Archives to be private way; thus, it is not an accepted city street. The applicant is required to submit right, title, and interest in the street and has submitted a warrants deed as evidence. These documents have been reviewed by the City’s Corporation Counsel and the shows that the applicant has right, title, and interest in the street. The Planning Board asked the applicant to prepare agreements

and/or revisions to the condominium documents that address the long-term maintenance of the private alley. The applicant has proposed creating a road association under new legislation. A condition of approval is proposed to address the agreement.

b. The estimated cost of the development is \$4.9 Million. The applicant has submitted a letter from Bangor Savings Bank, dated October 26, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

### **VIII. ZONING ANALYSIS**

The proposed residential eleven-unit building is a permitted use in the Residential R-6 which allows multifamily dwellings. Under the R-6 zone all of the dimensional requirements are being met.

### **IX. ENSURE WORKFORCE HOUSING CONDITIONAL USE- Tyler Norod, Housing Planner**

Housing Planner Tyler Norod reviewed the Conditional Use for Affordable Housing application at 161 York Street as required by Division 30, Section 14-487, Ensuring Workforce Housing. The ordinance requires a minimum of 10% of a project with 10 or more units to be restricted for Workforce Households and that the number of bedrooms required under Section 14-487(e)3 be at least 10% of the total number of bedrooms made available as part of the project. The project located at 161 York Street proposes the creation of eleven residential rental units. Rather than providing an on-site unit, the applicant will pay a workforce contribution to the City. The required contribution is \$110,0000 as confirmed by Tyler Norod is Attachment 5

### **X. DEVELOPMENT REVIEW**

#### **A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)**

The applicant has submitted draft Subdivision Plat (Attachment Plan 29) which has been reviewed by the Department of Public Works and found to be missing a few key items of information and greater clarity on the plat in the vicinity of the new building.

The applicant has also submitted draft Condominium Association documents and the Stormwater Maintenance Agreement and the Stormwater Maintenance and Inspection Plan (Attachment Y and Z). The condominium declaration, clarifies responsibilities for trash removal, snow removal, maintenance of Guilford Court and maintenance of the stormwater drainage infrastructure. The staff is also recommending a condition of approval related to the existing York Street curb cut. Three potential conditions of approval are suggested:

- 1) *Requiring that the draft Condominium Association documents address staff comments and be finalized to the satisfaction of the Associate Corporation Counsel;*
- 2) *The applicant shall participate in any Road Association formed pursuant to 23 MRS § 3101 to establish a statutory all season maintenance plan for Guilford Court and prior to the Certificate of Occupancy shall confirm with the Planning Division the status of the Road Association; and*
- 3) *The applicant will close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to Technical Manual, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.*

#### **B. SUBDIVISION (Section 14-497)**

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. *Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)*

The project is not anticipated to result in any water or air pollution. A final Sedimentation and Erosion Plan has been submitted and has been found to be acceptable by the consulting civil engineer Lauren Swett, P.E. with Woodard and Curran Engineering (Attachment 2).

2. Sufficient Water Available (Section 14-497 (a) 2 and 3)

The project will be served by a new water service located in York Street. Confirmation of ability to serve letter from Portland Water District has been submitted.

3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)

The applicant is proposing access to the site from a new curb cut on York Street, as well as from Guilford Court, for a total of two access points to the site. The two surface parking spaces at the existing curb cut on York has been removed and replaced with a brick walkway and landscaping.

Tom Errico, P.E. Ty Lin reviewed the proposal’s details including the access, parking, and vehicle circulation (Attachment 1) and states the following regarding the shared driveway on the westerly side of the parcel:

*The site plan has been revised and I find conditions to be acceptable. I have no further comment.*

Existing Curb Cut between 159 and 161 York Street

There is a third curb cut on the easterly side of the property shared by 159 and 161 York Street, which the applicant is now proposing to close. This is the curb cut that Planning Board and traffic engineer sought to close in order to eliminate vehicles backing into York Street, which is considered an unsafe maneuver. In addition, the City’s driveway separation standards are not met between the existing and proposed curb cut.

A. Background Information

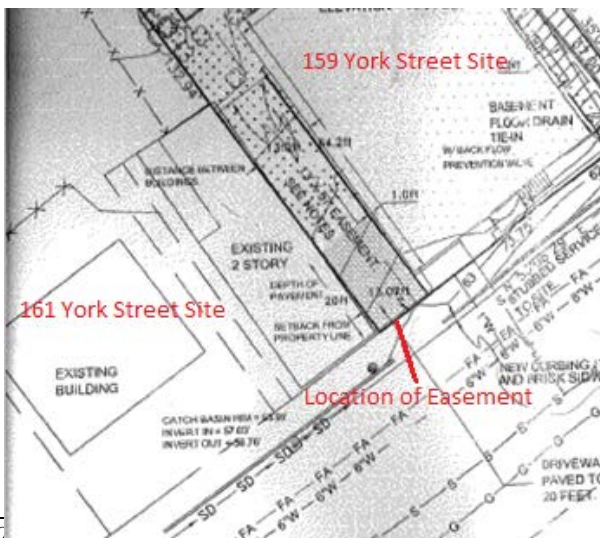
There is shared driveway between 161 York Street and 159 York Street. The subdivision and site plan for the adjoining property at 159 York Street was approved July 27, 2004. There was a condition of approval that stated that allowed a driveway for a depth of 20 feet at this location, see the condition language below:

*That the site plan be revised for Planning Staff review and approval reflecting a paved surface for the York Street driveway to a depth of 20 feet, and a surface treatment of loam and seed for the balance of the driveway easement.*

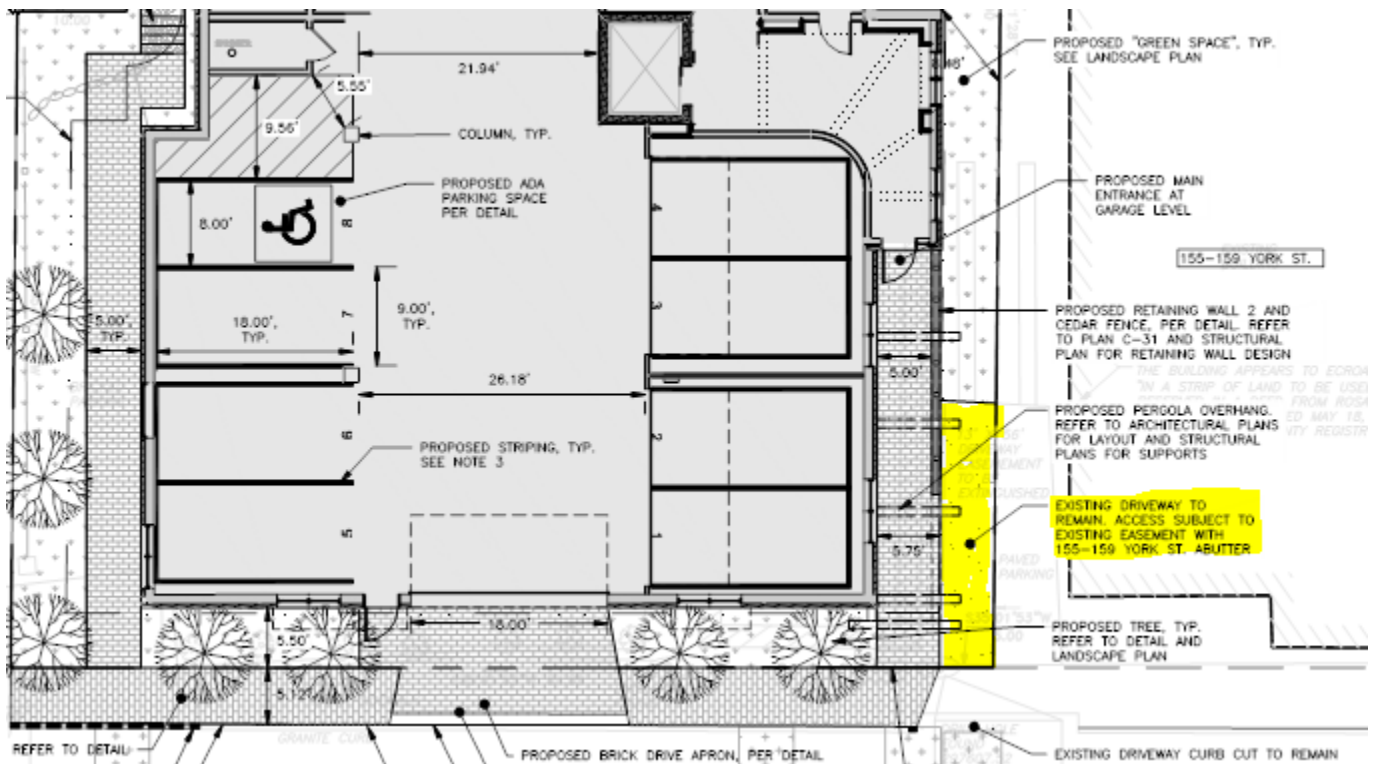
The recorded subdivision plat goes on to state that the intention of this driveway was for existing house on 161 York Street:

9. THE EASEMENT SHOWN AS 13' X 57' AND MENTIONED IN THE SUBJECT PARCELS DEEDS IS INTENDED AS A DRIVEWAY EASEMENT ONLY, FOR THE ABUTTING LOT. THE PLANNED PORCHES DO NOT PROJECT INTO THE EASEMENT.

Below is except from the recorded subdivision plat showing the above intention:



Since the purchase of the property at 161 York Street, the property line between the two properties have been realigned to give five feet by one hundred and thirty-two (132) strip of land to 161 York Street and in return the applicant gave 159 York Street an easement to utilize the strip of the driveway on their property, see below:



The proposed easement language is as written below:

**RESERVING to Grantor an Easement to use the Land for utility, vehicular, and pedestrian access to land of the Grantor, inclusive of parking as may be permitted by the City of Portland or other competent authority from time-to-time, and storage of household refuse and recycling, provided any such storage shall be in covered containers designed for such purposes and maintained in good order and repair.**

**B. Driveway Separation Requirement**

The applicant is proposing a new curb cut on York Street. Mr. Errico had requested more information on the driveways separation and states that “the applicant shall document that City driveway spacing standards along York Street are met”. Technical Manual Section 1.7.2.7 Location and spacing of driveways shall be determined as follows:

- Along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria below:

Speed Limit (mph)	Minimum Separation* (feet)
25 or less	100
30	125
35	150
40	185
45	230

*\*Spacing of driveways shall be measured from center of driveway to center of driveway and shall include driveways on both sides of the street.*

Mr. Errico reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1) and states:

- *A driveway is provided along the easterly property boundary and I find conditions to be undesirable. This driveway should be eliminated (It is my understanding that this was a condition of approval for the abutting property).*

*Final Status: The subject driveway does not meet City of Portland driveway separation standards. City Technical standards require driveway separation of 100 feet given the regulatory speed limit. The proposed driveway and the subject driveway to the east do not comply with this standard. Accordingly, the plans shall be revised to eliminate the easterly driveway. I would further note that I support a waiver for driveway separation between the proposed driveway and the driveway to the west, given site parking characteristics and that backing maneuvers are not required.*

*Revised Final Status: It is my understanding that the applicant has agreed to close the driveway to the east and thus I find conditions to be acceptable. See above for driveway separation waiver approval.*

The Planning Staff and Tom Errico discussed closing the curb cut with the applicant's representative on Feb. 24, 2017. According to Mr. Savage, the applicant is willing to close the curb cut and do the required work in the right-of-way. Victoria Morales, Associate Corporation Counsel, has recommended the following condition of approval to address the closing of this curb cut:

*The applicant will close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to Technical Manual, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.*

4. Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)

The project will be served by new sewer line located in York Street. The Department of Public Works has submitted a Wastewater Capacity Authorization letter that determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

The unit owners, or their property management company, will be responsible for relocating the solid waste and recyclable material to the space allocated for solid waste storage as necessary, noted on the First-Floor Site Plan (C-11). There will be no burden on the municipal solid waste.

5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)

The site is not within an historic district, but it is within 100 feet. Thus, an advisory review of the building was conducted by the Historic Preservation staff. It is in an urban neighborhood surrounded by a variety of residential building types. The proposed building does not impact the natural beauty of the area or adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline. The staff finds the proposal in conformance with this standard, see Attachment 7.

6. Comprehensive Plan (Section 14-497 (a) 9)

The staff has identified the following goals and policies which are relevant to the proposed housing development and finds the proposal in conformance with the Comprehensive Plan:

**Portland Housing Goal: Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.**

Policies

- Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels, which are both renter and owner-occupied, including but not limited to the following:
  - ii. Housing units for decreasing household size, such as young professionals, empty nesters, single-parent households, and senior citizens.
- Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
- Increase Portland’s rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.
- Identify vacant land and redevelopment opportunities throughout the City to facilitate the construction of new housing.

7. *Financial Capability (Section 14-497 (a) 10)*

The estimated cost of the development is \$4.9 Million. The applicant has submitted a letter from Bangor Savings Bank, dated October 26, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

**C. SITE PLAN STANDARDS** (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland’s site plan ordinance and applicable regulations. Staff comments are listed below.

1. *Transportation Standards*

a. Impact on Surrounding Street Systems and Access and Circulation- see Subdivision, Paragraph VIII (B) (3), above.

b. Construction Management Plan

A construction management plan has been submitted by the applicant for review. All the construction is proposed within the limits of the property lines. Tom Errico has reviewed the plan and requests the following:

- *The existing sidewalk or a temporary sidewalk shall be provided along the property frontage during construction.*
- *The applicant should provide details on construction activity that would impact traffic on York Street and how traffic will be managed.*

*Final Status: The applicant has provided a plan the notes a sidewalk to remain if feasible. Approval of the construction management is contingent on maintaining a safe and ADA compliant pedestrian sidewalk along the property frontage. The applicant shall coordinate with DPW on construction activity in York Street that would impact traffic mobility. No construction activity is to occur without approval of an approved traffic control plan.*

c. Sidewalks

The applicant is proposing to install new brick sidewalk along their frontage, as well as internal brick walkway from the street to front door that is located to the east side of the building. Mr. Errico has reviewed the plans and recommends the following:

- *Curbing and sidewalk along York Street shall be extended to the limits of the westerly property boundary. Backing maneuvers onto York Street will not be permitted.*

*Final Status: The site plan has been revised and I find conditions to be acceptable. I have no further comment.*

d. Public Transit Access

The public transit requirements do not apply to this project.

e. Parking

Section 14-332.1 (k) – For residential development on the peninsula, including new construction, the parking requirement is one space per dwelling unit. In the R-6 zone, parking spaces are not required from the first three units, thus, a total of eight spaces are required for the development. The applicant is now proposing a total of twenty (20) parking spaces, which still exceeds zoning requirements. Section 14-526 (a) 4 (iii) states

*Developments proposing to exceed minimum parking requirements by 10% or more must demonstrate through a parking analysis that the amount of parking is appropriate for the proposed use of the site.*

The proposed amount of spaces exceeds the zoning requirement by 12 spaces now rather than 14. Three of the units will be three-bedrooms which would mean families will occupy these units. The parking demand for these units will require two parking spaces per unit. The Applicant states that “based upon the applicant’s research there is a demand for market rate condominiums that include two parking spaces per unit that is presently not being met. As documented within the neighborhood meeting minutes’ attendees voiced support of the number of onsite parking spaces given the limited availability off on street parking and current demand”.

Mr. Errico reviewed the information submitted and states:

*The parking supply proposed by the applicant exceeds City of Portland requirements and thus requires the applicant to provide documentation that supports the number of parking spaces. The applicant has provided details on the type and size of the residential units and the tenant characteristics of the units. Based upon the information provided, I find the parking supply to be reasonable.*

Six of these spaces are accessed from the rear of the property on Guildford Court. The right, title and interest to use Guildford Court has been reviewed by Corporation Counsel and the applicant has demonstrated that they have the right to utilize the private way. The parking within the building will have a little over twenty-three feet (23.39’) aisle width that does not meet standard of twenty-four feet (24’), therefore, the applicant has requested a waiver. Mr. Errico states “I support a waiver for parking aisle width given that it is less than a foot narrower than City standards, vehicle turnover is expected to be minimal, and vehicle circulation appears to be accommodated on-site”.

The proposed parking has decreased from twenty-two (22) to twenty (20) spaces. According to the applicant:

*The subsurface wall has been relocated closer to York Street, reducing the overall size of the structure while allowing the two end spaces to maneuver more easily. Ninety percent of the parking is covered and resides within the structure as opposed to surface parking. The revisions eliminated the need for the four compact parking spaces while providing a four feet driveway end space for vehicles to back into thereby improving the overall circulation of the parking garage. The plans also require signage within the garage directing users not to back into York St.*

Mr. Errico reviewed the revised plans states:

*Plans have been revised and I find the layout to be acceptable. I would note that parking aisle widths are slight less than City standards. I support waivers given low parking turnover and that the plans nearly complies with City standards.*



f. Bicycle Parking

The proposals include four bicycle parking spaces inside the building, which does meet the ordinance standard of two bicycle parking spaces for every five dwelling units.

2. *Environmental Quality Standards*

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

A landscaping plan was submitted as part of the application. Overall the revised landscape treatment for the 161 York Street project is improved. The plan shows seven red maple street trees. The applicant is now proposing landscaping along the frontage, as well as on the westerly side of the property. The plans also show landscaping at the rear entrance of the property; six junipers and eighteen ornamental grasses.

Jeff Tarling, the City Arborist, has reviewed the landscaping plan and recommends the following, refer to Attachment 4 for his complete analysis:

***Street trees** - the project proposes to plant 5 'Armstrong' Red Maple trees along or near the York Street frontage. This selection is consistent with the same species planted nearby and has an upright shape to fit into the tight vertical space. Alternative tree types would include: "Bowhall" Red Maple, 'Regal Prince" Upright Oak, The placement of two center trees could impact the balconies that slightly project out from the building just above the tree location. The project may consider a lower growing upright tree like European Hornbeam or Magnolia in these two locations to perhaps reduce future tree topping of the taller 'Armstrong" Red Maple. There are two additional "Armstrong" Red Maple located on the left side of the York Street frontage.*

***Condition recommendation** - a raised boarder should be installed to protect the four trees and landscape area along York Street, this could be granite, concrete - something that can protect the planting space from winter snowplowing and deicing materials along with discouraging foot traffic.*

***Landscape Areas** - the project site boarder on the Northwest side corner includes a 6' stockade fence which will help define the property edge and provide screening and privacy for the site. Within the sidelines landscape ornamental switch grass is proposed which will add seasonal interest and low maintenance approach. The back parking area is screened also with a fence and 6 Red Cedar trees, these are shown as 5 gallon size but should be up-sized to 4-5' height size to be effective screening in the near future. The landscape plan shows an additional five Red Cedar trees closer to the building near the parking area, while this could work as additional screening, there are other varieties of plants like Dogwood, Stewartia, Magnolia, 'Little King' River Birch that would provide greater ornamental characteristics. It might be nice for future residents to enjoy something that might have flowers or interesting bark to add interest to the site. 'Cape Cod' type bituminous curbing, or similar, is recommended to provide definition between the paved surface and landscape area. Tree sizes on the "Armstrong" Red Maple are shown at 3" caliper, in tight conditions like this project a slightly smaller 2", or 2 - 2.5" tree with a smaller root ball might work to an advantage with adapting to the site and fitting the rootball into the planting space.*

***Existing Veg** - The project shows "6" unknown plantings to remain. These plants should be protected by construction fencing and if lost during site work, replaced with similar plant mass. Existing Norway Maple trees at the Northwest or back edge are shown to be removed. Due to the species type (invasive) and location this is a recommended treatment.*

c. Water Quality, Storm Water Management and Erosion Control

Prior to the demolition of structures, about a quarter of the property was covered by impervious surfaces including a bituminous driveway and two, two-story dwellings. Currently the site slopes at approximately 10% towards York Street. The rest of the site was mature tree growth, vegetation, and exposed soil. The project will result in a net increase of impervious area above 1,000 sf, as such, is required to include stormwater management features for stormwater quality & quantity control.

The applicant will provide water quality treatment to the stormwater through underdrained subsurface sand filter to be installed beneath the upper driveway entrance from Guilford Court. These treatments will provide water quality treatment for no less than 95% of the new impervious area and 80% of the developed area. Stormwater runoff generated by the roof and driveway is to be redirected into the system and then outlet into the existing municipal system within York Street. The remainder of the stormwater generated from the driveway and sidewalks will flow into York Street.

Under 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 MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the drainage plan and stormwater report and all comments has been met.

Refer to Attachment 2 for a Ms. Swett's complete analysis of the stormwater standards.

3. *Public Infrastructure and Community Safety Standards*

a. Consistency with Master Plans

See Subdivision, Paragraph VIII (B)6 above.

b. Public Safety and Fire Prevention

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. Two entrances are being proposed at part the development. The main entrance is now set back approximately 35 feet from the front property line and the second entrance is about 55 feet.

The applicant is proposing lighting at the entrances as well as at the walkways. The applicant has not submitted a photometric plan; this will be a condition of approval.

c. Availability and Adequate Capacity of Public Utilities

The project will be served by the Portland Water District, City Department of Public Works, and underground/power/cable/communications. Confirmation letters have been submitted as part of the final review.

4. *Site Design Standards*

a. Snow and Ice Loading

Given the limited parking the driveway entrance was reduced from 18 feet to 12 feet at the end of Guilford Court to provide more snow storage both on the subject property and at the end of Guilford Court. The site and grading plans have been revised to reflect this. The Condominium Association documents has addressed and clarify the details of responsibilities for trash removal, snow removal, and maintenance of Guilford Court.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The site is not in an historic district, but is within 100 feet of the West End Historic District. The project was reviewed by Historic Preservation staff and Deb Andrew's review is included as Attachment 7.

d. Exterior Lighting

The applicant is proposing lighting at the entrances as well as at the walkways. The applicant has not submitted a photometric plan; this will be a condition of approval. All exterior site lighting including lighting of building entrances will be cutoff with no light emitted above the horizontal plane or spilled onto adjacent properties or streets. Illumination levels will be adequate but not excessive for the safety, comfort and convenience of occupants and user of the site and will conform to all applicable standards of Section 12 of the Technical Manual. The lowest wattage possible will need to be used for the LED lighting fixtures.

e. Noise and Vibration

All heating, ventilation and air conditioning equipment (HVAC), air handling units (AHU), emergency generators, and similar equipment will have to be shown on the plans and meet state and federal emissions requirements. These should be located to the interior of the site, away from abutting residential properties and be screened from view from any public street and from adjacent sites by structure walls, evergreen landscaping, fencing, masonry wall or a combination thereof. This information will have to be submitted for final review.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

A design review according to the *City of Portland Design Manual* Standards was performed for the proposed new construction of a multi-family dwelling at 161 York Street. The review was performed by Caitlin Cameron, Urban Designer, Deb Andrews, Historic Preservation Program Manager, and myself. The project was reviewed against the *R-6 Small Infill Development Design Principles & Standards* (Appendix 7 of the Design Manual) and is within 100' of a historic district.

*Findings of the Design Review:*

The Planning Authority under an Alternative Design Review may approve a design not meeting one or more of the individual standards provided that all of the conditions listed below are met:

- A. The proposed design is consistent with all of the Principle Statements.
- B. The majority of the Standards within each Principle are met.
- C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two-block radius in terms of size, scale, materials, and siting, as well as the general character of the established neighborhood, thus Standards A-1 through A-3 shall be met.
- D. The design plan is prepared by an architect registered in the State of Maine.

The proposed design passes all of the criteria. Ms. Cameron has found the proposal to be in general compliance, however, there are recommended improvements under a few of the standards have not been met. Excerpt from Ms. Cameron memo is below:

*Principle B Massing – Met – Buildings in the neighborhood with similar massing and proportion that are wider at the street use changes in massing, like the roof form and bays, to mitigate the scale and provide a pedestrian-friendly, visually interesting street presence.*

- *B-5 Façade Articulation*

*Staff Comments- The project employs only one of the articulation elements required – covered entry. The balconies are too small to meet the required square footage.*

*Principle C Orientation to the Street – Met – The mass of the building is oriented to the street.*

- *C-1 Entrances*

*Staff Comments-* The entry is set too far back to be adequately emphasized from the street. The standard calls for a side entry to be accessed by a covered entry in the form of an arcade, porch, portico. Revision is needed to meet the standard. The entrance lobby could also be extended towards the street like an enclosed porch.

*Principle D Proportion and Scale – The façade elements are proportionate and scaled to the overall building.*

- *D-3 Porches*

*Staff Comments-* The balconies included in this project are less than 48 sf and do not meet this standard. The project uses a pergola rather than a porch.

*Principle F Articulation – Met – The front façade added 4” reveals to create some façade plane changes as an articulation method.*

- *F-2 Window Types*

*Staff Comments-* Three window types at street façade. The ground floor windows imply living spaces – revise to reflect garage (smaller, higher windows, or use of grates).

- *F-6 Main Entries*

*Staff Comments-* The main entry was moved closer to the street, uses building address, lighting, and pergola to provide emphasis and legibility. To better integrate the design, pergola material should use metal to be consistent with other building details.

- *F-7 Articulation Elements*

*Staff Comments-* A cornice is provided at the fourth floor, is pronounced, and appear to be at least 6”; recesses are provided on the street façade but are less than the 12” required by the standard (4” reveals).

***Final Staff Comments – the building reveal in the center of the front facade is at least 12” deep. The balcony reveals remain 4”. Caitlin Cameron has review the change and finds them acceptable.***

*Principle G Materials – The material choices are placed according to their nature.*

- *G-2 Material and Façade Design*

*Staff Comments-* The materials are appropriately placed according to their nature. The pergola at the entry introduces wood – metal would be more appropriate given the material palette for the rest of the building.

***Final Staff Comments – the trellis material at the main building entrance has been changed to metal, making the material selection consistent with the material palette of the rest of the project. Caitlin Cameron has review the change and finds them acceptable.***

- *G-4 Window Types*

*Staff Comments-* Three window types on street façade.

## **XI. PROPOSED MOTIONS**

### **A. CONDITIONAL USE**

On the basis of the application, plans, reports and other information submitted by the applicant, findings to the Ensure Workforce Housing and recommendations contained in the Planning Board Report, relevant to Portland’s Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds the proposed conditional use for workforce housing **[does or does not]** meet the standards of Section 14-484 with the following conditions:

1. That the Applicant and the City shall pay a contribution of \$110,000 into the City's Housing Trust Fund prior to the issuance of a certificate of occupancy.

## B. 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 for the public hearing on March 28, 2017 for application 2016-261 relevant to Portland's technical and design standards and other regulations; and the testimony presented at the Planning Board hearing:

1. The Planning Board **[finds/does not find]**, based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* standard (*Section 1.14*) which requires that aisle width for right-angle parking be 24 feet per *Figure I-27*. The Planning Board **[waives/does not waive]** the *Technical Manual* standard (*Section 1.14*) to allow a 23.39-foot-wide aisle in the lower-level parking garage;
2. The Planning Board **[finds/does not find]**, based upon the consulting transportation engineer's review (*Attachment 1*), that extraordinary conditions exist or undue hardship may result from strict compliance with the *Technical Manual* Section 1.7.2.7 Location and spacing of driveways *shall be determined as follows: Along arterial, collector and local streets, minimum acceptable spacing between double or multiple driveways for driveways on adjacent lots or on the same parcel shall meet the criteria of 100 feet for 25 mph*. The Planning Board **[waives/does not waive]** the *Technical Manual* standard (*Technical Manual* Section 1.7.2.7) to allow a separation of 54 feet between the new driveway and the existing driveway on the westerly side of the parcel.

## B. 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 March 28, 2017 for application 2016-261 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. Requiring that the draft Condominium Association documents address staff comments and be finalized to the satisfaction of the Associate Corporation Counsel; and
2. The applicant shall participate in any Road Association formed pursuant to 23 MRS § 3101 to establish a statutory all season maintenance plan for Guilford Court and prior to the Certificate of Occupancy shall confirm with the Planning Division the status of the Road Association.
3. The applicant will close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to *Technical Manual*, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.

## C. 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 March 28, 2017 for application 2016-261 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 that must be met prior to the issuance of a building permit, unless otherwise stated:

1. The applicant shall provide a revised construction management plan, including the details regarding safe pedestrian detours and ADA compliance sidewalk as requested by the city's consulting traffic engineer;
2. That the applicant shall provide a stormwater maintenance agreement for the stormwater drainage system, shall be submitted, signed, and recorded prior to the issuance of a building permit with a copy to the Department of Public Services.
3. The applicant shall close the curb cut at the easterly end of the property on York Street and reconstruct the sidewalk, pursuant to Technical Manual, extending to the existing sidewalk along 161 York Street. The City will provide the applicant with a license to perform the work in the City's right-of-way that extends beyond the easterly property line.
4. The applicant shall participate in any Road Association formed pursuant to 23 MRS § 3101 to establish a statutory all season maintenance plan for Guilford Court and prior to the Certificate of Occupancy shall confirm with the Planning Division the status of the Road Association.
5. The applicant shall work with the City Arborist to address the comments in his memo dated 2.24.2017.
6. A photometric plan shall be reviewed and approved by the Planning Authority.
7. The applicant has demonstrated that site constraints prevent the planting of all required one street tree per unit for multi-family development in the right-of-way, therefore the applicant shall contribute \$800 for four street trees to Portland's tree fund.

### **XIII. ATTACHMENTS**

#### **PLANNING BOARD REPORT ATTACHMENTS**

1. Traffic Engineer review (memo from Thomas Errico, 03.23.2017)
2. Civil Engineer and Department of Public Services review (memo from Lauren Swett, 02.24.2017)
3. City Arborist review (memo from Jeff Tarling, 02.24.2017)
4. Design review (email from Caitlin Cameron, 03.17.2017)
5. Planning Board Conditional Use Memo- Tyler Norod
6. Wastewater Capacity Authorization Letter
7. Deb Andrews, Historic Preservation Program Manager 02.24.2017
8. Public Comments
  - PC1 Katherine Searles
  - PC 2 Margaret M Busby
  - PC 3 Lynn Miller

#### **APPLICANT'S SUBMITTALS**

- A. Cover Letter (from Will Savage of Acorn Engineering, Inc., 11.08.2016)
- B. Preliminary Site Plan Application
- C. Evidence of Right, Title, and Interest
- D. Conformity with Applicable Zoning Standards
- E. Summary of Written Easements
- F. Request for Waivers
- G. Technical and Financial Capacity
- H. Stormwater Management Report
- I. Erosion and Sedimentation Control Report
- J. Fire Department Letter

- K. Solid Waste
- L. Utility Cover
- M. Construction Management Plan
- N. Architectural Design Narrative
- O. Workforce Cover Letter
- P. Conditional Use Application
- Q. Right, Title, and Interest
- R. Conformity with Conditional Use Standards
- S. Neighborhood Meeting and Minutes
- T. Final Application Cover
- U. Comment Response Letter
- V. Lighting Cut Sheets
- W. Geotechnical Report
- X. Geotechnical Report
- Y. Condominium Declaration Draft
- Z. Stormwater Maintenance Agreement
- AA. Parking Demand\_2-24-17
- BB. Revisions Letter
- CC. Title 23 Chap 305 Construction, Maintenance, Repairs

**PLANS**

- Plan 1. Cover Sheet & Legend
- Plan 2. General Notes
- Plan 3. Existing Conditions Plan
- Plan 4. Construction Management Plan
- Plan 5. Site Plan – Garage Level
- Plan 6. Site Plan – First Level
- Plan 7. Landscaping Plan
- Plan 8. Utility Plan
- Plan 9. Internal Grading Plan - Garage & First Floor
- Plan 10. Perimeter Grading & Drainage Plan
- Plan 11. Site Details - 1
- Plan 12. Site Details - 2
- Plan 13. Utility Details – 1
- Plan 14. Utility Details - 2
- Plan 15. Drainage Details
- Plan 16. Underdrained Subsurface Sand Filter Details
- Plan 17. Erosion & Sedimentation Control Details
- Plan 18. Lower Level Detail
- Plan 19. First Floor Plan
- Plan 20. Second Floor Plan
- Plan 21. Third Floor Plan
- Plan 22. Fourth Floor Plan
- Plan 23. Roof Plan
- Plan 24. Building Elevation - Front Elevation
- Plan 25. Building Elevation - Left Elevation
- Plan 26. Building Elevation - Right Elevation
- Plan 27. Building Elevation - Rear Elevation
- Plan 28. Building Section
- Plan 29. Subplat
- Plan 30. Building Section – 2
- Plan 31. Main Entrance Section
- Plan 32. Building Renderings