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**Planning & Urban Development Department**  
Penny St. Louis Littell, Director

**Planning Division**  
Alexander Jaegerman, Director

March 29, 2010

Tod Dana  
Dana Fisher, LLC  
PO Box 169  
Portland ME 04112

**Re: Minor Site Plan Review: 231 York Street; Demolition of existing building and construction of new building for restaurant use**

**Site Plan Application # 09-79900017**  
**CBL: 044-E-003-001**

Dear Mr. Dana,

Thank you for the letter of March 9, 2010 and the revised proposals that address my letter of November 30, 2009.

The revisions largely address our previous concerns but there are a few further review comments that require resolution:

1. Survey:  
Sheet 2 shows an existing street line M Monument to be reset. The City suggests that the note be changed to set a new monument at the street line with a three foot offset corner as per City of Portland Technical Standard Detail for Granite Survey Monuments (see detail in Attachment 1). The Department of Public Services will supply a 5/8" copper bolt and brass survey washer to the surveyor who will mark the new monument. It is also suggested that survey pins be set at the property corners; this may be a condition of approval.
2. Zoning:  
Information regarding the rated noise levels and compliance with noise allowances is awaited.
3. Mechanical Plant:  
The set of plans submitted March 9<sup>th</sup>, 2010 are the first to show the proposed roof and porch mechanical plant (understood to be 4 vents and 2 HVAC units on the roof (all facing towards the residential neighbors) plus 2 condensers and some compressors on the rear-facing equipment porch. The City's ordinance is the context for the review and the B1 zone has a purpose statement that includes:

*"...to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment."*

In summary, there are two issues related to the location, size and number of these units:

- a. **Noise:** The number of noise-generating roof and porch plant on the rear side of this building raises questions of the noise generated by each unit, the cumulative noise and the period of time over which they will be making a noise; and
- b. **Compatibility:** The B1 design standards require *"...commercial buildings shall be designed to be compatible with their residential and commercial neighbors... building scale, roof pitch, and fenestration shall be designed to complement surrounding residential structures."*

While we appreciate that this use does require some mechanicals, given that this is limited to 1000 sq ft we would like information/clarification regarding why so many are needed, why they need to be at this scale, and whether any could be relocated within the envelope of the building or on the side of the building. As requested, I confirm a meeting has been arranged to discuss these questions on **Monday April 5<sup>th</sup>, 2pm.**

4. Storm Water Drainage and Sidewalks/Curbing:

- a. The proposal to run a 6" foundation drain to the sanitary sewer on York Street is acceptable, but a backflow preventer is advised and you are requested to install the 6" foundation drain at an elevation where it may be extended over the top of the existing sewer if the City chooses to install a separate stormwater sewer on the easterly side of York Street in the future.
- b. It is the City's desire to inspect the granite vault on the corner of Brackett and York Streets. If after approval this structure is found to be in need or repair, the City will facilitate.

5. Landscape and Screening:

The City Arborist has reviewed the proposed landscape plan and has the following recommendations and comments:

**a) The 'backyard' area** - preserves the existing lilac shrubs and proposes the planting of 10 Arborvitae as a screen. Selecting 'Techney' Arborvitae as a cultivar which is slow-growing and range to a height of 10-15' vs. the 20-30' height for the 'Pyramidalis' might work best for this site.

**b) Sideyard area on York Street** - Additional screening between the proposed project and the adjacent property near the dumpster pad might be achieved by narrowing up the pavement and adding landscape treatment and or fencing. Creating a 4' wide 'green-space' could greatly improve this area. There could be a wide array of plants that could fit into the site without overwhelming it.

**c) Street-trees** - The project calls out for one street tree on Brackett Street, this is consistent with our earlier discussions. York Street frontage could have a 'tree option', in the past an open view was desired and the Harbor View Memorial Park across the street was the landscape focus. Recent tree planting nearby on York Street at Tate Street have added nicely into the street-scape without effecting harbor views. Adding one or two street-trees on York Street would be an 'option' if the project had interest in this effort.

6. Lighting:  
Please submit the specifications (catalog cut sheets) for lights "G" "L" and "M" (Plan ES-100); this documentation is required to confirm that all external fixtures are full cut off type as required by the City's Technical Standards.
7. Sewer and Water Services:  
Letters are required from the sewer and water service providers confirming that there is adequate capacity to serve this development.
8. Traffic:  
You may wish to consider some type of off-street parking arrangement for employees of this development within a reasonable proximity to the project site.

Please note that the following anticipated conditions of approval shall be included in any Site Plan approval, in addition to any that may arise from consideration of the issues mentioned in this letter:

- a. Revisions to the survey (item 1 above) may be the subject of a condition of approval;
- b. Conditions prohibiting public seating on the second floor and to limits on the hours of opening to between 6am and 11pm each day;
- c. A Demolition Permit (through Building Inspections Division) and a Seal Drain permit will be required prior to demolition; and
- d. Separate permits are required for any new signage, even if it is located on the site of an existing sign. Building permits are required for all structural additions and changes.

Please do not hesitate to contact me if you have any questions; I can be reached on (207) 874 8728 or at [jf@portlandmaine.gov](mailto:jf@portlandmaine.gov).

Sincerely,



Jean Fraser  
Planner

Attachments: 1. Detail for Granite Street Monument

Electronic CC:

Barbara Barhydt, Development Review Manager  
Marge Schmuckal, Zoning Administrator  
David Margolis-Pineo, Deputy City Engineer  
Tom Errico, Traffic Engineering Reviewer  
Jeff Tarling, City Arborist

