

# CITY OF PORTLAND, MAINE

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## PLANNING BOARD

Elizabeth Boepple, Chair  
Sean Dundon, Vice Chair  
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July 14, 2016

Denovo LLC  
Attention: Joe Delois  
47 Waites Landing Road  
Falmouth, ME 04105

Pinkham and Greer  
Attention: Tom Greer  
28 Vannah Avenue  
Portland, ME 04103

Archetype  
Attention: David Lloyd  
48 Union Wharf  
Portland, ME 04101

Project Name: Townhouses Units and Hotel/Restaurant  
Address: 749 Congress Street  
Applicant: Denovo, LLC  
Planner: Shukria Wiar

Project ID: 2016-040  
CBL: 047 A020001

Dear Mr. Delois:

On July 12, 2016, the Planning Board considered a Level III site plan and subdivision application to convert the former Hay Peabody Funeral Home into a boutique hotel with fifteen (15) rooms and a full service restaurant at 749 Congress Street. Seven townhouses are proposed behind the historic building. The Planning Board reviewed the proposal for conformance with the standards of the Subdivision Ordinance and Site Plan Ordinance. The Planning Board voted unanimously 5-0 (Morrissette and Stanley absent) to approve the application with the following waivers and conditions as presented below.

### WAIVERS

1. The Planning Board voted unanimously 5-0 (Morrissette and Stanley absent) to waive the Technical Standard, Section 14-526 (b) (2) (b) (iii) *Street Trees* to allow for a contribution of \$1000 to the City's Street Tree Fund to be substituted for the provision of five of the required street trees.
2. The Planning Board voted unanimously 5-0 (Morrissette and Stanley absent) to waive the Technical Standard, Section 14-526 (b) (2) (b) (i) *Landscaped Buffers* to allow no understory landscaping due to site constraints and the fully developed site.

### SUBDIVISION REVIEW

The Planning Board voted unanimously 5-0 (Morrissette and Stanley absent) that the plan is in conformance with the subdivision standards of the Land Use Code, subject to the following conditions of approval:

1. The plat shall reflect any easements that relate to the subdivision plan, including the access and utilities easements, to be reviewed and approved by Corporation Counsel prior to the issuance of certificate of occupancy; and

2. The Subdivision Plat shall be stamped by a Professional Land Surveyor and finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel; and
3. Declaration of Condominium and associated documents shall be reviewed and approved by Corporation Counsel prior to the issuance of certificate of occupancy; and
4. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

#### **SITE PLAN REVIEW**

The Planning Board voted unanimously 5-0 (Morrissette and Stanley absent) 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 Fire Department has requested that the area between the proposed townhouse building and the hotel building shall be striped and/or marked as the designated "Fire Lane" and shall remain open for emergency uses at all time. This shall be shown on the final site plan; and
2. The utility work in Mellen Street shall be completed by December 1, 2016 or upon the approval of Department of Public Works. The City of Portland shall complete final milling and overlay of Mellen Street in the spring of 2017; and
3. The proposed bicycle racks shall be relocated to the entrance of the hotel and restaurant building and shall be shown of the final site plan; and
4. The construction management plan shall be revised to show the sidewalk closure detail plan during construction, which shall be reviewed and approved by the Department of Public Works and Planning Authority prior to the issuance of a building permit; and
5. The construction management plan notes use of the abutting driveway for access to the rear residential property. A temporary access easement shall be submitted prior to the issuance of a building permit; and
6. Adequate stabilization (i.e. rip rap) shall be provided at the end of stormdrain pipe at the northern end of the hotel building; and
7. The driveway apron on Congress Street shall be in brick. The Applicant shall modify the plan and provide a detail for brick driveway apron in conformance with the technical standards, prior to the issuance of a building permit; and
8. A copy of the Notice of Intent shall be provided to the City upon submittal to MaineDEP; and
9. The Applicant shall contact Rachel Smith (874-8833) of the Public Works Department prior to installation to verify property sizing of the proposed internal grease trap; and

10. The drop-off space shall be designed as a shared-use space for vehicles dropping off hotel/restaurant guests and to serve pedestrians walking to and from the townhouses. This shared space could be raised slightly to ensure slow vehicle speeds and use materials that visually support the shared use activity. Final details of these options shall be reviewed and approved by the Planning Authority and Department of Public Works.

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 2016-040 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 Services Permits** If work will occur within the public right-of-way such as utilities, curb, sidewalk and driveway construction, a street opening permit(s) is required for your site. Please contact Carol Merritt at 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)
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 via [shukriaw@portlandmaine.gov](mailto:shukriaw@portlandmaine.gov)

Sincerely,



Elizabeth Boepple, Chair  
Portland Planning Board

Attachments:

1. Planning Board Report
2. Performance Guarantee Packet

**Electronic Distribution:**

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Jeff Levine, AICP, Director of Planning and Urban Development  
Barbara Barhydt, Development Review Services Manager  
Shukria Wiar, Planner  
Philip DiPierro, Development Review Coordinator, Planning  
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  
Rhonda Zazzara, Field Inspection Coordinator, Public Works  
Jeff Tarling, City Arborist, Public Works  
Jeremiah Bartlett, Public Works  
Keith Gautreau, Fire Department  
Danielle West-Chuhta, Corporation Counsel  
Thomas Errico, P.E., TY Lin Associates  
Lauren Swett, P.E., Woodard and Curran  
Rick Blackburn, Assessor's Department  
Approval Letter File



# PLANNING BOARD REPORT PORTLAND, MAINE

**TOWNHOUSES UNITS AND HOTEL/ RESTAURANT**  
749 Congress Street  
Subdivision Plan and Level III Site Plan  
Project ID #2016-040  
Denovo, LLC, Applicant

Submitted to: Portland Planning Board Public Hearing Date: July 12, 2016	Prepared by: Shukria Wiar, Planner Date: July 8, 2016
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## I. INTRODUCTION

On behalf of Denovo, LLC, Tom Greer of Pinkham and Greer, has submitted a Level III site plan and subdivision application for the property at 749 Congress Street. The property is bordered by Congress Street and Mellen Street. The site is within the Business Community (B-2b) and in Residential R-6 zone, with the majority of the site in the B-2b zone. The existing building (former funeral home) will be renovated into a hotel with 15 rooms and a full service restaurant. Seven residential townhouses with parking underneath each unit are proposed behind the existing building (proposed hotel). The existing carriage house at the rear of the site remains with the two existing residential units. The proposed project will provide a total of eighteen parking spaces (18).

The property has approximately 30,928 square feet with frontages on Congress and Mellen Streets. The property is within the Congress Street Historic District (at the front of the property) and the Deering Street Historic District (at the rear of the property).

The Planning Board had a workshop on April 26, 2016 on this item. Since the workshop, there have been changes to the proposed application. Some of the major changes in regard to the site as well as the building; the following are some changes:

### Site Plan:

- The applicant has worked with their neighbors, specifically the owners of 24 and 30 Mellon Street, to have some of the utilities cross the 24 Mellon Street property. The Prices, of 24 Mellon Street, has given the applicant an easement to have the electricity, sanitary sewer, and stormwater on their land. Serenity House at 30 Mellon Street also has given an easement for construction and maintenance. Since all utility lines have been removed from this area, allowing the wooded buffer to remain unchanged.
- The existing storm drain will no longer used and the stormwater will be piped out to the separated stormwater drains in Mellen Street.

### Architectural Changes:

- French balconies at the rear of the proposed townhouses (east elevation) have been eliminated and a more traditional window pattern is incorporated.
- The townhouse units now step back which help in breaking up the building massing.
- A brick pedestrian circulation from the proposed building to Congress Street is incorporated into the site.
- The townhouse building now has a brick base with clapboard on the upper floors.
- The front decks of the townhouses are now aligned over the garage door and the entry ways are now recessed with granite trim.

- The Planning Board, as well as the Historic Preservation Board, had questioned the exterior staircase on the west side of the hotel, which now has been removed; a guest room was eliminated due to alteration.

A notice of this public hearing was sent to two hundred and fifty-seven (257) property owners within 500 feet and interested citizens, and appeared in the July 4<sup>th</sup> and July 5<sup>th</sup>, 2016 editions of the *Portland Press-Herald*.

There have been inquires from three abutters. At the time of preparing this report the Planning Division had received one written comment ([Attachment 6a](#)).

<b>Applicant Name</b>	Denovo, LLC
<b>Consultants</b>	
<b>Agent Representative</b>	Tom Greer of Pinkham and Greer
<b>Engineer</b>	Tom Greer of Pinkham and Greer
<b>Surveyor</b>	Rex Croteau of Titcomb Associates
<b>Architect</b>	David Lloyd of Archetype

**Project Review**

<i>Review</i>	<i>Applicable Standards</i>
Site Plan	14-526
Subdivision	14-491
Historic Preservation	14-601

**II. PROJECT DATA**

Existing Zoning	Business Community B-2b; Residential R6
Tax Map	CBL: 047 C020 001, 047 C028, A30 and A32
Existing Use	Former Funeral Home (offices on upper floors); Residential; Surface parking
Proposed Use	Market-rate Condominiums with Parking
Parcel Size	30,928 SF: Lot 1 6,947.59 and Lot 2 20,832.41 SF
Number of Units to be Demolished	None
Number of Affordable Units	The proposed units will be market rate.
Proposed Bedroom Mix	Seven 3-bedroom Condos
Building Footprint	Hotel and Restaurant- 4,558 SF; Carriage House- 1,430 SF; New Building- 4,597 SF
Building Floor Area	Hotel and Restaurant- 12,979 SF; Carriage House- 4,290 SF; New Building- 16,856 SF for a total of 34,125 SF
Building Height	Approximately 41 feet
Impervious Surface Area	22,542 SF
Parking Spaces	18 spaces: 7 under the Townhouses and 11 surface parking
Bicycle Parking Spaces	Two bicycle racks being proposed therefor four spaces provided; three are required
Estimated Cost of Project	\$3,800,000



### III. EXISTING CONDITIONS AND ZONING

The proposed site currently has frontage along Congress and Mellen Streets. The property has two existing buildings, the former funeral home at Congress Street and a carriage house at the rear of the site which had been converted to two residential units. The rest of the site is a surface parking lot. The main entrance is from Congress Street through an existing curb cut. The existing surface parking area is shared with the abutter at 757 Congress Street.

The property is located within the Congress Street Historic District and abuts the Deering Street Historic District, and is generally characterized by small – to medium scale residential development of a historic nature. The properties in the vicinity of Congress Street are marked by residential multi-family development and commercial businesses. The existing building along Congress Street is considered contributing to the Congress Street Historic District and cannot therefore be demolished.



Figure 1: Aerial of the Proposed Site



Figure 2: Existing Structure on Congress Street



Figure 3: Site Frontage on Mellen Street



Figures 4: 1924 tax photos showing 749 Congress Street.

Historic photographs of the subject parcels generally show residential and business development of the type characteristic of Congress Street today. A funeral parlor occupied the proposed site at the time of the 1924 tax records and listed Hay and Peabody as the owner.



#### **IV. PROPOSED DEVELOPMENT**

The applicant is proposing to renovate the existing building into a fifteen-room hotel with a full service restaurant on the first floor. The project includes a proposal to construct a four-story building with seven townhouses and parking underneath. The townhouses will be located behind the hotel. Given the sloping grade, the roof steps down from one unit to another. The top floor of each unit is set back from the front façade to reduce the apparent height, and provide space for a deck at the top floor level. This also creates a “mansard roof-like” element. Tall sliding glass doors provide access to the deck and tall vertical panels separate each of the contiguous decks. The ground floor of each unit accommodates a parking garage and the main building entrance. The second floor elevation features a large sliding glass door with access to a projecting balcony. The third floor features more traditional punched window openings.

The townhouse unit closest to Congress Street is set back from the front plane of the other townhouses, so as not to visually crowd the historic existing building as viewed from Congress Street.

In terms of design and building form, the site is located within the Congress Street Historic District and is subject for review under the Historic Preservation Ordinance and is therefore exempt from review under the B-2b Design Guidelines. The Historic Preservation Board has had two workshops on this item. The last workshop was held on July 6<sup>th</sup> and the Board had some recommendations that pertain to site plan:

- A concern expressed by several Board members was the lack of relationship and physical connection of the townhouses to the street. Board members observed that the siting of the townhouses appeared very suburban in that the units could only be entered off of a parking lot with no sidewalk or public amenities. They noted that pedestrian access from the public way is one of the defining characteristics of urban development and recommended that some way be found to provide a direct pedestrian link to and from the street. The applicant has a 4' wide continuous brick walkway in front of the townhouses. Note that the walkway is stepped, with the steps corresponding to the frontage of each unit. From the townhouse closest to the proposed hotel, the walkway continues toward Congress Street, passing under the porte cochere that serves the inn and immediately abutting the west side of the historic structure. The Board questioned the provision of a walkway where owners and guests of privately-owned townhouses must pass through an area that clearly reads as part of another use and property. The applicant was questioned if it is possible to design a shared road/walkway solution that could further separate the walkway from the hotel. Perhaps the walkway could cross the pavement and run through the landscaped median west of the porte cochere toward the street. This treatment would be akin to a shared “woonerf” treatment where the roadway and walkway are shared and at the same grade.
- Board members also noted that the introduction of a row of parallel parking spaces in the middle of what is a one large open paved parking area appeared very random and forced. Although the parking spaces ran along the applicant’s western property line, this property delineation is not evident. The applicant has added bollards at this location but the Board members recommended that some physical boundary or definition be considered like adding a landscaped island which will soften the area.

#### **V. PUBLIC COMMENT**

Since the workshop hearing, no public comments have been submitted as of the writing of this report; the Planning Division has been contacted by an abutter and two attorneys representing abutters.

A Neighborhood Meeting is required for this project and the applicant has confirmed that the neighborhood meeting was held on March 23, 2016, see Attachment Y.

#### **VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY**

a. The owner of the property is Martin and Alyssa Dassa. The applicant has provided a copy of a deed of sale personal representative, recorded at the Cumberland County Registry of Deeds (Book 32458 Page 30720), which demonstrates their right, title and interest in the property.

b. The estimated cost of the development is \$3,800,000. The applicant has submitted a letter from Saco and Biddeford Savings Institution, dated February 18, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

## VII. DEVELOPMENT REVIEW

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

The applicant has submitted a recording plat. The final plat will need to be reviewed and approved by staff. As part of the project, the applicant will subdivide the lot into two different lots. Lot One will have the existing funeral home building on it, whereas Lot Two will encompass the condominiums (rear lot). Lot Two will have frontage on Congress Street and will share driveway and utilities easement with Lot One. The plat will need to reflect any easements that relate to the subdivision plan, including the access and utilities easements.

There are instances of text conflicting with hatch patterns. When the Registry of Deeds scans the plans for public viewing via the internet often the text is not legible hatch patterns. The plat will have to be prepared so this does not happen.

### 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)  
Lauren Swett, P.E. with Woodard and Curran Engineering, has reviewed the erosion and sediment control plan and is satisfied with the proposed plans.
2. Sufficient Water Available (Section 14-497 (a) 2 and 3)  
The project will be served by the utility services located in Congress Street. Separate services are proposed for the commercial property and the residential units. Confirmation of ability to serve letter from PWD must be submitted prior to the final review.
3. Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)  
Tom Errico, P.E. Ty Lin reviewed the proposal's details including the access, parking, and vehicle circulation (Attachment 1). Mr. Errico finds the project to be acceptable. The proposed project is not anticipated to cause unreasonable traffic congestion.
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 development is anticipated to have 4,804 (3,610 for residential and 1,194 for restaurant) gallons per day of wastewater flow. A wastewater capacity application has been submitted and approved by the Department of Public Works.
5. Scenic Beauty, Natural, Historic, Habitat and other Resources (Section 14-497 (a) 8)  
The proposal site is in an urban neighborhood surrounded by a variety of residential building types. It is within an historic district and will need to receive a certificate of appropriateness for the proposed building from the Historic Preservation Board. The applicant has submitted their application on April 15, 2016 to the Historic Preservation and has had two workshops with them.

The proposed building and any exterior changes to the existing structure 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.

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.

**Portland Housing Goal: Maintain and enhance the livability of Portland's neighborhoods as the City grows and evolves through careful land use regulations, design and public participation that respect neighborhood integrity.**

Policies

- Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of each individual residential neighborhood.
- Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.
- Ensure the integrity and economic value of Portland's neighborhoods.

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

The estimated cost of the development is \$3,800,000. The applicant has submitted a letter from Saco and Biddeford Savings Institution, dated February 18, 2016, as demonstration of their financial and technical capacity to complete the proposed development.

8. Easements

Lot Two will have frontage on Congress Street and will share a driveway and utilities easement with Lot One. The plat will need to reflect any easements that relate to the subdivision plan, including the access, utilities, and any other existing easements. In order to save the vegetation on the Mellen Street strip, the applicant is now proposing to bring in utilities on an abutting lot; the applicant has been given easements for the utilities as well as to do this work. The plat will need to reflect any easements that relate to the subdivision plan, including the access, utilities, and any other existing easements.

**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. Sidewalk and Driveway

The applicant will be closing one of the two curb cuts on Congress Street and will be replaced with a brick sidewalk. The driveway apron will also need to be in brick since it is in the Historic District.

The Historic Preservation Board has recommended that the applicant provide a direct pedestrian link from the street to the townhouses. The applicant has a 4' wide continuous brick walkway in front of the townhouses. Note that the walkway is stepped, with the steps corresponding to the frontage of each unit. From the townhouse closest to the proposed hotel, the walkway continues toward Congress Street, passing under the porte cochere that serves the inn and immediately abutting the west side of the historic structure. The applicant was questioned by the Board if it is possible to design a shared road/walkway solution that could further separate the walkway from the hotel.

Mr. Errico has reviewed the revised site plan and the Historic Preservation Board's concerns. He has the following recommendation:

*Based upon comments from the Historic Preservation Board, consideration of modifying pedestrian facilities between Congress Street and the rear of the site is suggested. One suggestion is to provide a 4-foot wide flush brick walkway along the townhouse buildings on the easterly edge of the travel way. I find this suggestion to be acceptable. A second suggestion is providing a separate walkway from Congress Street between the main driveway and the drop-off lane. It is my suggestion that the drop-off space be designed as a shared-use space for vehicles dropping off hotel/restaurant guests and serve pedestrians walking to and from the townhouses. This shared space could be raised slightly to ensure slow vehicle speeds and use materials that visually support the shared use activity. Final details of these options will need to be reviewed and approved.*

c. Parking

*On-Site Parking*

Currently there are twenty-eight (28) spaces on this site. The site is an open surface parking that is contiguous with the abutter's surface parking lot. It is understood that this site is being used as parking for tenants from other properties. As explained by the consultant, the spaces are not being leased or rented out, but the neighbors have been using as parking since the funeral home has been closed.

A total of 18 parking spaces are proposed: seven spaces are within the townhouse building, two spaces are for the existing two residential units in the carriage house, and eight for the hotel and restaurant. In addition, four exterior bicycle parking spaces are provided but will need to be placed along Congress Street. Per zoning ordinance, seventeen parking spaces are required, thus the proposal meets the zoning standards.

A handicapped parking space is proposed on site between the existing building and the new building. The Fire Department has requested that this area be designated as a "Fire Lane" and must remain open for emergency uses at all time. The van handicapped space is proposed at this location. Captain Keith Gautreau of the Fire Department has reviewed the revised site plan and states:

*I am still not seeing any proposed striping or designated "Fire Lane" markings at the turnaround point in between the two buildings where the handi-cap parking is located. I am okay with the proposed width and length of the turnaround plus having the handi-cap parking but I will need to see proposed striping / marking before AHJ approval.*

The parking lot is laid out so that some spaces are along the shared property boundary. Tom Errico, Consultant Traffic Engineer, has recommended that there be a physical barrier between the parking lots, which the revised plans now show.

#### *Off-Site Parking*

At the Planning Board workshop, a couple of members questioned the amount of parking spaces for the use of the restaurant on the site. The applicant has responded by providing six parking spaces across Congress Street located at Tandem Bakery between the hours of 6:00 PM and 6:00 AM daily; the bakery closes at 6:00 PM. Mr. Errico states that the “*applicant is providing evening restaurant parking at Tandem Bakery. I find this provision to be acceptable. A crosswalk on Congress Street at Carleton Street is provided and accordingly a safe walking route is provided*”.

#### *On-Street Parking*

Currently there are three on-street parking spaces on Congress Street in front of the existing building. The applicant has requested that the parking schedule be changed for these spaces from one-hour parking to 15 minutes parking.

d. Construction Management Plan

A construction management plan has been submitted by the applicant and has been reviewed by Mr. Errico with the following comments:

*I have reviewed the construction management plan and I generally find it to be acceptable given that work will generally be self-contained. I would note that I do not support closure of sidewalks at this time and the applicant would be required to avoid sidewalk detours. Final details will be determined at the pre-construction meeting. I would note that closure of the Congress Street sidewalk is not likely to be accepted. The plan notes use of the abutting driveway for access to the rear residential property. A temporary access easement will be required.*

e. Bicycle Parking

The proposals include two bicycle racks being proposed on-site, a total of 4 parking spaces. The standard requires three spaces, so this has been met. The racks are located at the rear of Lot 2 property and not near any entrances; this does not meet standards. The bicycle racks will need to be relocated to the front of the Lot 1 property, closer to the entrance of the hotel building. According to the applicant, there is bike storage in the garages of each of the residential unit. The proposed racks will be utilized by the hotel and restaurant.

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

The applicant is not proposing to plant street trees along Congress Street. The City standards requires one street tree per unit, therefore with seven units, a total of seven street trees are required. Due to

site restrictions, the remaining trees cannot be planted on the site. The applicant has asked for a waiver of this standard, in order to contribute \$200 per tree to the City's Tree Fund for the trees.

The applicant is proposing landscaping along the front of the existing building. Besides this planting, no other landscaping is being proposed on site. The Mellen Street frontage has developed trees and shrubs. Since the proposed utilities are now coming in onto an abutter's property, this area will not be developed and the existing vegetation will be preserved.

c. Water Quality, Storm Water Management and Erosion Control

The existing site area is a single paved and gravel parking area with an existing building. The current surface runoff from the site flows into an existing outlet pipe located in the northeast corner of the property. This site currently has 21,542 sq. ft. of impervious surface. The proposed site will have 22,292 sq. ft. of impervious surface. The increase is less than 1,000 sq. ft. The majority of runoff will flow from the existing building, parking lot, to the new outlet pipe that will be drained to the Mellen Street infrastructure.

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 MaineDEP Chapter 500 Stormwater Management Rules, including conformance with the Basic, General, and Flooding Standards. Since this project will result in a de minimis increase in impervious area of approximately 750 square feet, it is not required to include any specific stormwater management features for stormwater quality control or to control the rate or quantity of stormwater runoff from the site.

A stormdrain pipe is shown exiting the northern end of the hotel building. It is assumed that this pipe is provided for roof and/or foundation drainage. The end of the pipe is obscured by contour labels, so the end condition of the pipe is unclear; however, adequate stabilization (i.e. rip rap) should be provided at the end of the pipe.

The Project Data Sheet notes that the proposed project will disturb more than one acre; as noted on the form, a Notice of Intent to Comply with the Maine Construction General Permit. The applicant will be required to be submitted to submittal to MaineDEP.

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. The main entry to the existing building is from Congress Street. The new townhouse building sits back and the entrances are along the surface parking area.

A lighting and photometric plan has been submitted and meets standards. The proposed lighting fixtures were reviewed by the Historic Preservation Board and they felt the fixtures are appropriate.

c. Availability and Adequate Capacity of Public Utilities

*Water/ Sanitary Sewer/ Natural Gas/Electricity:*

The proposed project is anticipated to add a net water usage from the development of approximately 4,804 gallons per day (GPD). Separate services are proposed for the commercial property and the residential units. For the residential units, the developer has proposed a new 6-inch fire line service for the development that would tie into the existing water main in Congress Street, as well as a four-inch domestic service in Congress Street. The developer is also proposing an individual two-inch service for the commercial property. Since a restaurant is being proposed, an internal grease trap is proposed.

The developer plans to serve the proposed building with a gas service; the new service be established from the existing underground line within Congress Street. Sanitary sewer, stormwater, and electricity will also be from Mellen Street.

*Waste Management:*

The solid waste will be collected and stored in a room on the lower floor for the residential buildings and a dumpster is provided for the hotel and restaurant. A private waste hauler will be used for removal. The removal schedule will be based on the generation rate.

4. *Site Design Standards*

a. Snow and Ice Loading

The applicant is proposing on-site snow storage; the area for storage is to the north and west of the parking lot (Attachment Plan2).

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 within the Congress Street and Deering Street Historic Districts. This project is undergoing review by Historic Preservation Board.

d. Exterior Lighting

A lighting and photometric plan been reviewed and meets the lighting standards. The proposed lighting fixtures were reviewed by the Historic Preservation Board and they found the fixtures are appropriate.

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 mechanical equipment 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 review as part of the building permit.

f. Signage and Wayfinding

This standard does not apply to the proposal.

g. Zoning Related Design Standards

Since the property is located in the Congress Street and Deering Street Historic Districts, the Historic Preservation Board will review the design of the building.



## VIII. PROPOSED MOTIONS

### 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 proposed townhouses site plan and subdivision (application 2016-040), including but not limited to the report and the staff reviews relevant to Portland's Technical and Design Standards and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearing.

1. The Planning Board (finds/does not find) that the applicant has demonstrated that due to the site constraints preventing the planting of required street trees along Congress Street, thus the Planning Board **(waives/does not waive)** Section 14-526 (b) (2) (b) (iii) *Street Trees* to allow for a contribution of \$1000 to the City's Street Tree Fund to be substituted for the provision on site of one of the required street trees.
2. The Planning Board [**waives** or **does not waive**] Section 14-526 (b) (2) (b) (i) Landscaped Buffers to allow no understory landscaping due to site constraints and the fully developed site.

### SUBDIVISION

On the basis of the application (2016-040), plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2014-149 relevant to the Subdivision Ordinance, the MaineDEP Chapter 500 Stormwater Management Standards relative to Stormwater Permits under delegated review, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan **(is/is not)** in conformance with the subdivision standards of the land use code, subject to the following conditions:

1. The plat shall reflect any easements that relate to the subdivision plan, including the access and utilities easements, to be reviewed and approved by Corporation Counsel prior to the issuance of certificate of occupancy; and
2. The Subdivision Plat shall be stamped by a Professional Land Surveyor and finalized to the satisfaction of the Planning Authority, Department of Public Services and Corporation Counsel; and
3. The recording plat shall be revised noting all waivers and conditions for review and approval by the Planning Authority prior to recording. All waivers shall be recorded within 90 days of the Planning Board approval.

### SITE PLAN

On the basis of the application, plans, reports, and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for application 2016-040 relevant to the Site Plan Ordinance, and other regulations, as well as the Planning Board deliberations and the testimony presented at the Planning Board hearings, the Planning Board finds the following:

That the plan **(is/is not)** in conformance with the site plan standards and all other applicable provisions of the land use code, subject to the following conditions:

1. The Fire Department has requested that the area between the proposed townhouse building and

- the hotel building shall be striped and/or marked as the designated “Fire Lane” and shall remain open for emergency uses at all time. This shall be shown on the final site plan; and
2. The utility work in Mellen Street shall be completed by December 1, 2016. The City of Portland shall complete final milling and overlay of Mellen Street in the spring of 2017; and
  3. The proposed bicycle racks shall be relocated to the entrance of the hotel and restaurant building and shall be shown on the final site plan; and
  4. The construction management plan shall be revised to show the sidewalk closure detail plan during construction, which shall be reviewed and approved by the Department of Public Works and Planning Authority prior to the issuance of a building permit; and
  5. The construction management plan notes use of the abutting driveway for access to the rear residential property. A temporary access easement shall be submitted prior to the issuance of a building permit; and
  6. Adequate stabilization (i.e. rip rap) shall be provided at the end of stormdrain pipe at the northern end of the hotel building; and
  7. The driveway apron on Congress Street shall be in brick. The Applicant shall modify the plan and provide a detail for brick driveway apron in conformance with the technical standards, prior to the issuance of a building permit; and
  8. A copy of the Notice of Intent shall be provided to the City upon submittal to MaineDEP; and
  9. The Applicant shall contact Rachel Smith (874-8833) of the Public Works Department prior to installation to verify property sizing of the proposed internal grease trap; and
  10. The drop-off space shall be designed as a shared-use space for vehicles dropping off hotel/restaurant guests and to serve pedestrians walking to and from the townhouses. This shared space could be raised slightly to ensure slow vehicle speeds and use materials that visually support the shared use activity. Final details of these options shall be reviewed and approved by the Planning Authority and Department of Public Works.

**ATTACHMENTS:**

**Memo Attachments**

1. Traffic Engineering Review (Tom Errico, T Y Lin), comments dated 07.08.2016
2. Department of Public Services Review, David Margolis-Pineo, dated 03.24.2016
3. Fire Department Review, Capt. Keith Gautreau, dated 06.29.2016
4. Public Comments
  - a. James and Jacqueline Price at 24 Mellen Street

**Applicant's Submittal**

- A. (0a) 15156,AppCover,022216
- B. (0b) 15156,TABLE OF CONTENTS
- C. (1) 15156,tsg,ltr,Barhydt,022216
- D. (2a) Site Plan Application-Tier III-SIGNED

- E. (2b) 15156,AuthorizationLetter,DENOVA LLC,021716
- F. (3a) Project Information
- G. (3b) Bank Financial Capacity Letter,2016-02-18
- H. (4) Zone Narrative
- I. (5) Waiver Request
- J. (6a) Executed Contract\_Redacted
- K. (6b) Deed,Bk28907Pg208,2011-08-18
- L. (7) 15156,tsg,ltr,PWD,022216
- M. (8) Sewer Application
- N. (9a) USGS Map,w-Project Location
- O. (9b) Tax Map 47,E8NE w-Project Location
- P. (10) Soils Map w\_Project Location
- Q. (11) FM2300510013B,w-Project Location
- R. (12a) 749 CONGRESS ST - A1.0 - TYPICAL TOWNHOUSE
- S. (12b) 749 CONGRESS ST - A2.0 - TOWNHOUSE ELEVATIONS
- T. (12c) 2016-02-19 749 Congress Inn Plans and Elevations
- U. Application 04-08-2016
- V. April 8, 2016 Response to Staff Comments
- W. City of Portland Wastewater Capacity Application
- X. Lighting Plan And Fixture Data Sheets
- Y. Summary of Public Informational Meeting
- Z. (1) 15156,tsg,ltr,Wiar,062916
- AA. Landscape Narrative\
- BB. Maintenance Easement DeNovo LLC & YCSP
- CC. Utility Agreement DeNovo LLC & Price
- DD. Restaurant Traffic & Parking Letter
- EE. Wastewater Capacity Approval

### Plans

- Plan1 749 Congress Street Architectural Floor Plans
- Plan2 A1.00 Francis Inn Ground Floor Plan
- Plan3 A1.01 Francis Inn 1st Floor Plan
- Plan4 A1.02 Francis Inn 2nd Floor Plan
- Plan5 A1.03 Francis Inn 3rd Floor Plan
- Plan6 A1.04 Francis Inn Roof Plan
- Plan7 A2.0 Bramhall Row Elevations
- Plan8 A2.02 Francis Inn Building Elevations
- Plan9 C0-COVER
- Plan10 C1.1-SUBDIVISION
- Plan11 C1.2-SITE
- Plan12 C1.3-EX. & DEMO
- Plan13 C1.4-GRADING & UTILITIES
- Plan14 C1.5-EROSION CONTROL
- Plan15 C1.6-LANDSCAPE
- Plan16 C2.1,-SITE DETAILS
- Plan17 C2.2-SITE DETAILS
- Plan18 Construction Management Plan
- Plan19 Lighting Plan And Fixture Data Sheets
- Plan20 SURVEY SIGNED